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Best of 2025



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Foreword

The *Italian Yearbook of Human Rights* and the Human Rights Centre ‘Antonio Papisca’ of the University of Padova are delighted to present this special compilation, a selection of contributions originally published in the online edition of the *Italian Yearbook* throughout the year 2025. This publication is designed to serve as a complement to the online journal, offering readers a tool for a comprehensive and reflective reconstruction of the pivotal events that shaped the year 2025 for Italian institutions and society, all examined through the analytical lens of human rights.

The year 2025 was once again characterized by warfare and atrocities across the globe. The inauguration of the 47th President of the United States, Donald Trump, introduced a further element of instability and adventurism into an international environment already marked by conflict and widespread unrest. The scenario, in the subsequent months up to current 2026, has regrettably not shown improvement. The core mission of the *Italian Yearbook* is to concentrate on the national implications of global human rights challenges. This may be perceived as a limitation in an era witnessing widespread assaults on the fundamental tenets of human rights. Nevertheless, even within the constrained scope of an analysis focused on the Italian context, the repercussions of the tragic global events and trends shaping the world are clearly discernible. Indeed, across all the topics presented in this 'Best of' compilation, the ominous specter of wars, genocides, persecutions, and inequalities remains prominently evident.

This physical compilation is more than just an archive; it serves a crucial function: to intentionally mark, consolidate, and preserve our understanding of events and issues that, regrettably, risk being diluted and losing their intrinsic significance within the incessant, tumultuous, and often overwhelming flow of news and data that characterises our contemporary information landscape. It is a risk that the inherently fleeting and continuous nature of the online format of the *Italian Yearbook* may, by its very design, inadvertently reinforce. By presenting this focused compilation, we aim to counteract this trend of ephemerality.

This 2025 compilation, closed for press in March 2026, encourages the dedicated readership of the *Italian Yearbook of Human Rights* to deliberately pause, engage in critical reflection, and look retrospectively over the preceding twelve months. It is an invitation to acknowledge, with clear-eyed objectivity, the collective successes achieved in upholding human rights principles, alongside the setbacks and persistent challenges encountered.

The selection of the ‘best’ stories published in 2025 was guided by two central criteria, designed to provide a cohesive and illuminating narrative for the year.

The first criterion was to identify and analyse recurring patterns in the ways Italian institutions, at all levels of governance, and civil society actors, comply with and respond to their human rights obligations, responsibilities and challenges. This involved an examination of their actions - or notable failures to act - manifested through the enactment of new normative instruments, the development and implementation of public policies, and the reporting on existing situations concerning human rights enjoyment and violation. We hope this analysis can help uncover systemic strengths and vulnerabilities.

The second criterion focused on identifying and shedding critical light on novel features, emerging trends, and areas of concern that either newly arose or significantly intensified during the course of the year 2025. This ensures the *Yearbook* remains at the cutting edge of human rights monitoring, anticipating future challenges and documenting their initial appearance in the Italian context.

In undertaking this exercise of selection and analysis, we were simultaneously able to test and reaffirm the assumption that underpins the entire *Italian Yearbook* project. This core tenet is the belief that human rights continue to constitute a meaningful, robust, and articulated framework

not only for understanding the complexities of the contemporary world but—and perhaps more importantly—serving as an ideal blueprint for actively transforming it towards greater justice and equality.

Finally, this ‘best of’ edition serves as a sincere expression of gratitude and tribute to the dedicated team of collaborators who worked on the project in 2025. This group is primarily composed of students enrolled in the Master’s degree in Human Rights and Multi-level Governance at the University of Padova. These individuals have committed their time, energy, and intellect, whether for extended or shorter periods, to the demanding work of the journal's editorial board. Their invaluable contributions have been essential in pursuing the ambitious goal of making the Italian Yearbook of Human Rights an online publication that is fresh, curious, incisive, and accurate.

PART I - Adapting to Human Rights International Law

Part I of this Yearbook is dedicated to a comprehensive overview of the significant legislative measures adopted by Italy in the field of human rights to incorporate, transpose, and implement international treaties and European Union (EU) legislation concerning fundamental human rights and freedoms.

Italy has consistently cultivated a legal and political posture favourable to the incorporation of international law principles and norms and has fully participated in international organisations and multilateral platforms. Any instance that contradicts this openness to the shared values of the international community, namely the standards in the domain of human rights, must be seen as a potential threat to the stability and effectiveness of democracy and the rule of law.

In addition to legislation ratifying international treaties and transposing European Union instruments, national plans of action, which are developed by the competent governmental agencies with the participation of non-governmental stakeholders under the oversight of the Interministerial Committee on Human Rights (CIDU) within the Ministry of Foreign Affairs, constitute a potential focus for this section. In 2025, the CIDU released the Fifth National Plan of Action on Women, Peace and Security (2025-2029), which implements the United Nations Security Council Resolution 1325 (2000) and subsequent resolutions. Consequently, a presentation of this Plan is incorporated into this ‘Best of’ compilation.

1. The transposition of European human rights standards in Italy in 2025: Law 91/2025

8 August 2025.

<https://unipd-centrodirittiumani.it/en/topics/the-transposition-of-european-human-rights-standards-in-italy-in-2025-law-912025>.

Alicia Arozi Grunmann, Rafaela Maria Barbara Paiva Francisco Sipressi
Perugini

Introduction

On 13 June 2025, the Italian Parliament approved Law No. 91/2025, entitled “Delegation to the Government for the transposition of European directives and the implementation of other European Union acts”, commonly referred to as the 2024 European Delegation Act. The law was published in the Official Gazette No. 145 on 25 June 2025 and entered into force on 10 July 2025. The European Delegation Act is the annual legislative instrument through which Parliament delegates to the Government the authority to transpose EU directives and implement other EU legislation. Its primary objective is to overcome existing delays and prevent new ones in the incorporation of EU law. The 2024 European Delegation Act covers a wide range of

subject areas, from criminal judicial cooperation to labour law, environmental protection, financial markets, and social inclusion.

The Delegation Mechanism

Article 1 establishes the general framework of the delegation. The Government is empowered to adopt legislative decrees for the implementation and transposition of EU acts, in accordance with the procedures, principles, and criteria already set out in Articles 31 and 32 of Law No. 234/2012. Under Article 31 of that law, legislative decrees must be adopted within specific timeframes, linked to the transposition deadlines of the directives. Draft decrees are transmitted to the Chamber of Deputies and the Senate, allowing parliamentary committees to express their opinion before final adoption. Article 32 of Law No. 234/2012 lists the general guiding principles, which include simplification of administrative procedures, avoidance of overregulation, coordination among state and regional competences, and the provision of proportionate sanctions where necessary. This system ensures that while Parliament delegates the power to the Government, the legislative power still maintains control over the process.

Legislative decrees may provide for expenditures only where necessary to fulfil EU obligations and only within the resources already available to the competent administrations. Where this is not possible, financing must come from the Fund for the transposition of European legislation, established under Article 41-bis of Law No. 234/2012. If the fund is insufficient, new decrees that would generate additional costs can only be issued after the adoption of separate legislative measures allocating the necessary resources, in accordance with Article 17(2) of Law No. 196/2009. This ensures that implementation of EU acts remains financially sustainable and tied to prior authorisation of expenditure.

The transposed Directives most relevant for human rights

The law is divided into three chapters:

1. general provisions: they include the delegation to the Government, the procedures for adopting legislative decrees, and the rules concerning penalties;
2. transposition of European directives: this chapter delegates the Government to transpose a range of directives across different policy areas;
3. implementation of European regulations: the Government is granted the power to adopt implementing provisions for certain EU regulations (EU regulations are immediately effective in all EU countries).

Overall, the law enables Italy to implement 41 directives (21 listed in the annexe and 20 others specified in the Articles) and to ensure compliance with 21 EU regulations requiring implementing measures.

Here are some directives that are more closely connected to human rights matters.

In the field of criminal judicial cooperation, the act provides for the transposition of [Directive 2024/1226](#) on offences and penalties for violations of EU restrictive measures, and [Directive 2023/1544](#) on the acquisition of electronic evidence in criminal proceedings. It also provides for the transposition of [Regulation 2023/1543](#) on European production and preservation orders for electronic evidence in criminal proceedings and the execution of custodial sentences following criminal proceedings.

In the labour market, it covers [Directive 2024/2831](#) on working conditions in digital platforms.

With regard to environmental protection, it includes [Directive 2024/1203](#) on the protection of the environment through criminal law, and [Directive 2024/1785](#) on industrial emissions and waste landfills.

The law also addresses financial issues, with provisions concerning money laundering, markets in financial instruments, and the single European access point, as well as measures relating to social inclusion. Particularly relevant in this domain is the legislation introducing the European Disability Card ([directive 2024/2841](#)).

Finally, in the area of consumer protection, Law 91/2025 transposes [Directive 2023/2225](#) on consumer credit agreements.

Relationship with EU Judicial Decisions

The law also addresses the need to align domestic law with judgments of the Court of Justice of the European Union (CJEU). Article 3 establishes a technical committee to deal with the implications of the CJEU judgment of 3 March 2022 (Case C-590/20), concerning the remuneration of medical specialists who began their training before 1982 and continued it after 1 January 1983. This reflects the recognition that compliance with EU law extends not only to directives and regulations but also to the interpretive authority of the Court of Justice.

General Principles for Transposition

While the 2024 Delegation Act sets out specific delegations, its implementation remains framed by the broader general principles of Law No. 234/2012. These include:

- Use of existing administrative structures and maximum simplification of procedures;
- Adjustment of existing regulations for coherence with EU acts;
- Avoidance of introducing stricter standards than those required by EU directives;
- Provision of sanctions where necessary, within proportional limits;
- Respect for the division of competences between the State and the regions;
- Ensuring equal treatment between Italian and other EU citizens.

These principles provide continuity and ensure that the exercise of delegated power is consistent across successive European Delegation Acts.

Conclusion

The European Delegation Act 2024 (Law No. 91/2025) represents a comprehensive tool for ensuring Italy's compliance with EU law across diverse sectors.

Its structure ensures clarity, while its financial safeguards guarantee that new measures remain tied to available resources. The reference to CJEU case law underlines that compliance involves not only legislative acts but also judicial interpretations at the EU level.

2. Interministerial Committee for Human Rights (CIDU): the Fifth National Action Plan on Women, Peace and Security (2025–2029)

5 November 2025.

<https://unipd-centrodirittiumani.it/en/topics/interministerial-committee-for-human-rights-cidu-the-fifth-national-action-plan-on-women-peace-and-security-2025-2029>.

Ilaria Vavalà

The Fifth National Action Plan on Women, Peace and Security (2025-2029) marks the continuation of Italy's commitment to [UNSCR 1325 \(2000\)](#), coordinated by the [Inter-Ministerial Committee for Human Rights \(CIDU\)](#) under the [Ministry of Foreign Affairs and International Cooperation \(MAECI\)](#). The Plan reflects twenty-five years of policy evolution aimed at protecting and empowering women and girls in situations of conflict, post-conflict, contribution to a durable and sustainable peace.

In a world marked by global instability, the Plan recognizes that women, girls, and children continue to bear the heaviest consequences of war, displacement, and humanitarian crises. The Plan opens with two contributions. In the first Letter, the Deputy Prime Minister and Minister of Foreign Affairs, Antonio Tajani, affirms that the Plan places women “at the center of inclusive and lasting responses” of global challenges, including climate change, food insecurity and forced migration.

The second Letter, by the President of the [Inter-Ministerial Committee for Human Rights](#), Giovanni Iannuzzi, underscores that in a time marked by armed violence and global polarization, the WPS Agenda must be carried out through the three UN pillars, which are peace and security, development, and human rights. He highlights the essential role of cooperation among institutions, civil society, and international partners to ensure coordinated and effective implementation of the Fifth Plan at both national and global levels.

Legal Framework

The Fifth National Action Plan is grounded in UNSCR 1325 (2000) and its subsequent Resolutions, which together define the normative framework of the Women, Peace and Security (WPS) Agenda.

The Plan also incorporates related UN frameworks, including the [Youth, Peace, and Security Agenda](#) and Resolutions on civilian protection, peacebuilding, and peacekeeping operations.

At the international level, the Plan reflects Italy’s commitments under [CEDAW](#), the [Beijing Declaration and Platform for Action](#), the [Convention on the Rights of the Child](#), the [Istanbul Convention](#), and the [2030 Agenda](#) (SDGs 5 and 16), reflecting an integrated approach that links peace and security, humanitarian aid, and sustainable development.

Regionally, it supports the [EU Strategic Approach to WPS \(2018\)](#), [EU Gender Action Plan III \(2021-2025\)](#), [EU Council Conclusions on WPS \(2022\)](#), as well as [NATO’s WPS Policy \(2024\)](#) and the [Council of Europe’s Reykjavik Principles \(2023\)](#).

Furthermore, national strategies on gender equality, the prevention of male violence, trafficking, and business and human rights ensure coherence between Italy’s international obligations and domestic policies.

Italy’s commitment

The Fifth National Action Plan builds on the achievements of the four previous National Action Plans (NAPs). While the First and Second Plans focused primarily on military participation, and the Third and Fourth Plans introduced a multi-stakeholder, integrated, human-rights-based approach, the Fifth Plan consolidates these achievements through a comprehensive framework, building on the participatory and monitoring practices which were examined in the [In-depth study - The Third National Action Plan for the Implementation of the Women, Peace and Security Agenda \(2016–2020\)](#).

The Fifth NAP emphasizes the centrality of women’s leadership in responses to complex crises, recognizing that armed conflict, climate change, food insecurity, and migration disproportionately affect women, girls, and children.

Coordinated by MAECI and the CIDU, the Fifth Plan was developed through extensive consultations with public administrations, UN agencies, civil society, academic institutions, and trade unions, reflecting principles of dialogue, transparency, and multi-stakeholder collaboration. Civil society remains a key partner in implementation. The Plan reinforces Italy’s multilateral engagement, advancing the triple nexus approach and promoting women’s leadership in DDR (Disarmament, Demobilization and Reintegration) processes. It strengthens cooperation within the UN, NATO, EU, and OSCE, and builds on Italy’s 2024 G7 Presidency, which promoted gender equality through the [WPS and Humanitarian Action Compact](#).

Ultimately, the Final Objectives of this Plan are to reduce the impact of conflicts on women and girls by promoting their full, effective, meaningful, and safe participation, in leadership and

decision-making processes, while strengthening institutions and education on the WPS Agenda and related issues.

Overall, the Fifth NAP represents a strategic and systemic step, linking national policies with international commitments to advance gender equality and achieve a transformative peacebuilding.

The Fifth Plan and its operative characteristics

The Fifth National Action Plan (2025–2029) was developed through a holistic and participatory approach, coordinated by MAECI and CIDU with the involvement of public administrations, universities, trade unions, UN agencies, and civil society organizations. Specifically, the process included a public consultation (June–July 2024), a national seminar at Sapienza University of Rome, and collaboration within the Open-Ended Working Group 1325 (OEWG), therefore confirming the participatory model recognised as a best practice in the Third NAP.

The Plan is structured around four thematic objectives, among which, the first three align with the pillars of the International WPS Agenda:

1. Strengthen women’s participation in peace processes and in decision-making at all levels, fostering synergies with civil society. It promotes the full, equal, and meaningful involvement of women and girls in peace, security, and development. It supports their role in mediation and international policy areas such as disarmament, climate change, and digital security (1.1), post-conflict reconstruction and transitional justice (1.2), and leadership and training for prevention and peacebuilding (1.3). The Plan encourages structured dialogue with women’s and Women Associations (1.4), strengthens the [Mediterranean Women Mediators Network \(MWMN\)](#) and the Italian Network for International Mediation (RIMI) (1.5), facilitate the cooperation and sustain local and women Associations, and human rights defenders in combating violence (including online violence) and fostering peace (1.6). Finally, it promotes the safe and meaningful participation of women and girls in peacebuilding through development and humanitarian programs, which is consistent with the humanitarian-development-peace nexus (1.7).
2. Promote a gender perspective in peace operations and enhance women’s presence in the Armed and Police Forces. It strengthens the gender-responsive implementation of UNSCR 1325 and related Resolutions in development cooperation and in the Armed Forces, including NATO and EU initiatives, and post-conflict capacity-building and training (2.1). Policies and planning in peace operations prioritize the empowerment of women, safe participation, and protection from gender-based violence (2.2). The Plan includes the training of Gender Advisors and Focal Points, including through national/international military education programs (2.3), and promotes women’s meaningful participation in deployment and peace missions, particularly within NATO, EU, and OSCE operations (2.4). It reinforces the organizational structures supporting gender policies in the military (2.5), enhances women’s representation in Armed and Police Forces through targeted measures and stereotype reduction (2.6), and strengthens the Interforce Gender Perspective Council to ensure equal opportunities and prevent gender-based violence (2.7). Finally, it fosters joint MAECI-Ministry of Defense initiatives to protect children in conflict zones (2.8).
3. Strengthen the promotion of gender equality, empowerment, and protection of women and girls, particularly in conflict and post-conflict settings. It focuses on preventing and responding to all forms of discrimination and violence, enhancing the capacity of police, security forces, and judicial institutions, and addressing online and gender-based violence, including against refugees and asylum seekers (3.1-3.2). The Plan strengthens [AICS](#)’s foreign offices to integrate gender perspectives, conduct training, and monitor impacts on women and girls (3.3), while supporting international diplomatic and political processes to ensure accountability for sexual and other forms of violence (3.4). It reinforces national social protection systems for women and minors, including

survivors of trafficking (3.5), promotes cooperation with local and women's Associations and human rights defenders (3.6), and encourages male engagement in advancing gender equality and preventing gender-based violence (3.7).

4. Consolidate communication, training, and advocacy to raise awareness and coordinate Italy's action in relevant international fora. It promotes strategic communication campaigns with civil society, academia, and the private sector, including through social media, conferences, and local initiatives (4.1), and strengthens education on Women, Peace, and Security, gender equality, and women's human rights in university curricula (4.2). The Plan develops sector-specific gender-sensitive communication strategies and encourages private sector engagement (4.3). It ensures WPS issues are integrated into UN peacekeeping mandates and peacebuilding funding (4.4) and strengthens multilateral dialogue with partners such as the UN, NATO, EU, OSCE, and Council of Europe (4.5). It expands training on WPS, international humanitarian and human rights law, gender equality, and protection from sexual and online violence for civilian, military, and police personnel (4.6), continues funding WPS projects for local NGOs (4.7), and reinforces training support for Italian CSOs, engaging academia and sector stakeholders (4.8).

Each of the thematic objectives includes measurable actions and specific stakeholders, therefore ensuring quantitative and qualitative monitoring through SMART indicators. This focus on measurable outcomes is a direct consequence of the previous critiques regarding the lack of effective monitoring mechanisms. A comprehensive list of indicators related to women participation is included in Annex 1.

Monitoring and assessment

The monitoring and evaluation framework of the Fifth National Action Plan ensures transparency, accountability, and continuous improvement throughout its five-year duration.

Annually, the CIDU will issue a progress report, prepared in close collaboration with civil society organizations and other key stakeholders. Moreover, to ensure coordination among the different actors involved, the OEWG will reunite at least 3 times per year, with the objective to provide recommendations to CIDU. The progress made will be tracked through the aforementioned indicators. Findings and recommendations derived from this analysis will be submitted regularly to the political Authority and Parliament, ensuring alignment with national priorities. The NAP will also be shared across Italy's diplomatic and consular network, therefore reinforcing consistency between domestic and international implementation.

Furthermore, on an annual basis, the OEWG will update the objectives and indicators considering the lessons learned, emerging challenges, and new policy directions in the WPS framework. This process supports the Plan to adapt to evolving realities.

Conclusion

The Fifth National Action Plan on Women, Peace and Security (2025-2029) reaffirms Italy's commitment to integrating gender perspectives across peace, security, and development policies.

While the Plan introduces stronger monitoring and evaluation mechanisms, its real impact will depend on sustained political will, effective coordination across institutions, and the meaningful engagement of civil society.

Its ultimate success will depend on the continuous collaboration of all stakeholders and the capacity to adapt strategies to emerging challenges, ensuring that the principles of Women, Peace and Security translate into tangible improvements in the lives of women and communities affected by conflict. The Plan stands as both a national strategy and a diplomatic commitment, underscoring Italy's position that peace cannot be sustainable without the full, equal, and meaningful participation of women.

PART II - The Italian Human Rights Infrastructure

Contributions in Part II comprise summaries and analyses of reports produced by State agencies, independent bodies, or highly authoritative civil society organisations and research centres, focusing on critical aspects of human rights policies in Italy.

In 2025, the Italian Yearbook featured summaries and commentary on reports concerning suicides and deaths in prison, the State of the World's Human Rights in 2024 report by Amnesty International, the Antigone report on the adult penitentiary system, characterised by overcrowding and denied rights, the FRA Report's chapter on Italy, the Civicus Monitor Report on obstructed civic space in Italy, and the Save the Children Atlas of Childhood, dedicated to children and AI.

1. Suicides and Deaths in Prison: National Report on the Rights of Persons Deprived of their Personal Liberty 2025

20 march 2025.

<https://unipd-centrodirittiumani.it/en/news/suicides-and-deaths-in-prison-national-report-on-the-rights-of-persons-deprived-of-their-personal-liberty-2025>

The phenomenon of suicides and deaths in prison is one of the most important problems in the Italian penitentiary system. By its nature, detention entails a deprivation of liberty which can have profoundly destabilising effects on the psyche of prisoners. When this is added to conditions of overcrowding, lack of psychological support and difficulties in managing the prison population, the risk of tragic episodes increases considerably. [The 2025 report of the GNPL Penitentiary Observatory](#), based on data from the Department of Prison Administration (DAP), provides a detailed picture of the situation in the first months of the year, highlighting risk factors and possible intervention strategies.

In the first two and a half months of 2025, the total number of deaths in Italian prisons reached 57. This is extremely worrying not only for their number, but also for the type of events recorded. Of these, 13 were classified as suicides, 11 as deaths from causes yet to be determined, and 33 as a consequence of natural causes. This suggests the need for an in-depth investigation into living conditions within penal institutions and the effectiveness of prevention mechanisms.

The number of suicides recorded in the first months of 2025 does not follow a uniform pattern throughout the country. Some regions are particularly affected, with Lombardy having the highest number of cases (3), followed by Calabria, Lazio, Sardinia and Tuscany (2 each). Individual events also occurred in Abruzzo and Emilia-Romagna.

Among the penitentiaries most affected by these tragic events, we find the Case Circondariali of Florence "Sollicciano", and of Paola and Cagliari, which have recorded two suicides each. This could suggest a particular discomfort in these institutions, linked to structural problems, personnel management, or a more vulnerable population.

A more detailed analysis of the victims' profile shows that 11 out of 13 were men, with an average age of 41. Nationality shows an almost equal division between Italians (6) and foreigners (7) from Egypt, Tunisia, Romania and Algeria. These data indicate that psychological frailty has no national boundaries and that the population detained, regardless of their origin, can find themselves in conditions of extreme discomfort leading to extreme gestures.

The legal situation of suicidal prisoners varies considerably. Six of them had been sentenced, while five were awaiting trial. This underlines a particularly sensitive aspect: a significant percentage of those who took their own lives had not yet received a final sentence.

Concerning crimes attributed to victims, a distinction is made between offences against the person, including murder, attempted murder and sexual assault, and property offences, such as robbery and theft. These data could suggest that the nature of the crime affects the psychological state of the detainee, with those who have committed more serious crimes, who may experience a sense of guilt or a perception of a future without hope.

The suicide patterns follow a rather recurring pattern: most of the victims took their own lives by hanging, using rudimentary ropes, shoelaces, sheets or belts. This highlights a control and monitoring problem, as these objects continue to be easily accessible despite security protocols.

In terms of location, 11 suicides occurred in closed custody sections, while two occurred in open custody sections. In addition, some inmates were in isolation or under special supervision for suicidal risk, a sign that the preventive measures taken may not be sufficient or properly implemented.

In addition to suicides, the report highlights 11 deaths whose causes have not yet been determined with certainty. This type of event is particularly worrying, as it raises questions about the quality of health care provided to prisoners and security conditions within penal institutions.

The institutions with the highest number of deaths from unknown causes include Modena, Avellino, Bologna and Napoli Poggioreale. The victims are between 27 and 68 years old, suggesting that both young and older prisoners may be at risk.

During the first months of 2025, 33 deaths were attributed to natural causes. However, the high number of such events raises questions about the actual health status of the population in detention and the quality of medical care available.

One of the main risk factors highlighted by the report is prison overcrowding. Data show that in institutions such as Regina Coeli (184.74% overcrowding), Modena (156.64%) and Pescara (156.79%), the number of inmates far exceeds the regulatory capacity of the facilities. This overcrowding not only worsens living conditions but also affects the level of stress and psychological distress, increasing the risk of suicide and critical episodes.

To address the issue of suicide and deaths in prison, a comprehensive approach is needed that includes:

- An enhancement of psychological support, with the increase in the number of psychologists and specialised personnel within the structures;
- A reduction of overcrowding, through alternative measures to detention for minor offences;
- Targeted training for prison staff to improve early detection of signs of discomfort;
- Increased monitoring of detention conditions, with frequent inspections and the implementation of preventive measures to reduce the risk of self-harm.

The GNPL 2025 report highlights a critical situation within the Italian prison system. The number of suicides, deaths from causes to be ascertained, and natural deaths indicates the need for urgent action to improve the quality of life of prisoners and ensure a detention system that respects human dignity. Effective strategies and greater involvement of institutions and civil society will be essential to reduce the number of tragedies in Italian prisons.

2. Was Italy struggling to protect the most vulnerable in 2024? Amnesty International's 2025 Report on the State of the World's Human Rights

28 April 2025.

<https://unipd-centrodirittiumani.it/en/news/was-italy-struggling-to-protect-the-most-vulnerable-in-2024-amnesty-internationals-2025-report-on-the-state-of-the-worlds-human-rights>

In April 2025, Amnesty International released an annual report entitled “The State of the World’s Human Rights” covering human rights concerns during 2024 in 150 countries over the world. At first, the paper broadly touches on global problems of violations of human rights. Important topics of global relevance highlighted in the report include: violations of international humanitarian law during armed conflicts, repression of dissent, violations of refugees’ and migrants’ rights, racial discrimination, gender-based violence, economic and climate injustices, and the misuse of technology to infringe on human rights. Then, the document is divided into reports on human rights conditions in different continents and countries.

The report also covers the state of human rights in Italy. The first of the mentioned violations concern torture and ill-treatment in prisons and detention centers. Amnesty International points out the situation at Cesare Beccaria Juvenile Detention Center in Milan, where a few prison officers had been arrested or prosecuted on terms of allegations of torture against children. The concerns also include the rising number of suicides among detainees in Italian prisons.

Amnesty International calls attention to discrimination and gender-based violence in Italy, noting that there were 95 killings of women in domestic violence incidents, with 59 killed by their partners or former partners. Women also face the high number of doctors and other healthcare providers refusing to provide abortion care. In 2024, according to international bodies of UN and CoE, women, Roma people, Africans and people of African descent, migrants and LGBTI people continued to be subjected to racism and discrimination, also by state officials. The European Committee of Social Rights found that Italy had violated the European Social Charter with respect to the right to housing of Roma.

The situation of refugees and migrants in Italy is also one of the concerns of Amnesty International. The scale of the problem is huge, considering that in 2024 over 1700 people died at sea, trying to reach Europe. The report also mentions the coastguards and officers of custom police, who were found guilty of failing to prevent a shipwreck that cost the lives of more than 90 people. The situation of refugees is not better, when they reach Italy. There were cases of unlawful administrative detention by repatriation centers. Amnesty International brings attention to Italy’s cooperation with countries such as Albania, Tunisia and Libya, which has its consequences. The rights of asylum seekers and migrants are often violated by those countries.

3. National Guarantor for the Rights of Persons Deprived of Personal Liberty: published Analytical Report on Adult Penitentiary System

6 June 2025.

<https://unipd-centrodirittiumani.it/en/news/national-guarantor-for-the-rights-of-persons-deprived-of-personal-liberty-published-analytical-report-on-adult-penitentiary-system>

The National Guarantor for the Rights of Persons Deprived of Liberty (Garante Nazionale dei diritti delle persone private della libertà personale) has published its latest Analytical Report of the Adult Penitentiary Observatory, with an updated statistical overview of Italy's prison system as of 30 May, 2025. The report relies on official data from the Department of Penitentiary Administration (DAP) and offers a detailed analysis of detention conditions across the country.

Prison Population and Capacity

As of 30 May 2025, there were 62,722 detainees in the Italian prisons system. The system's regular capacity stood at 51,285, but only 46,706 places were actually usable due to non-operational sections or cells. This results in a national overcrowding rate of 134.29% when measured against available spaces, and 122.27% when compared to the regular capacity. The issue of overcrowding remains a widespread structural condition in the Italian penitentiary system.

Institutional and Regional Disparities

Out of 189 penitentiary institutions, 156 (83%) exceeded the overcrowding threshold of 100%, while 63 facilities (33%) had rates equal or exceeding 150%. The Lucca prison recorded the highest overcrowding, at 236.84%, followed by Foggia prison (218.06%) and San Vittore in Milan (208.90%). At the regional level, Puglia had the highest rate (170.72%), with Lombardy, Molise, and Friuli Venezia Giulia all above 150%. Only Valle d'Aosta, Sardinia, and Trentino-Alto Adige stayed below 100%.

Legal Status and Sentence Distribution

Among the detainees, 68.60% were serving a final judgement. Others were held in pre-trial detention: 15.04% awaiting first-instance judgement, 5.24% pending appeal, and 3.58% awaiting final judgment. Approximately 31.56% of the overall population were foreign nationals. Regarding prison terms 23,995 detainees had three years or less remaining, which could qualify for alternative measures. In total, 1,450 people were in semi-liberty, and 19,575 exited prison under alternative measures in the period considered.

Personal Living Space and Detention Conditions

The report highlighted concerns over detainees' personal space: 10 individuals were confined to less than 3 square meters each, while 15,314 had between 3 and 4 square meters. These measurements fall below critical thresholds established by the European Court of Human Rights, which sets standards to ensure compliance with Article 3 of the European Convention on Human Rights, prohibiting torture and inhumane or degrading treatment.

Entry, Exit, and Trends Over Time

The number of entries of new inmates during the monitored period was 42,289 against 30,317 exits, leading to a net increase of 11,972 detainees. Among foreign nationals, the negative

balance was 3,390. Since 2020, the prison population has grown by 10,449 individuals, while the number of available places decreased by 1,193, intensifying systemic overcrowding.

Purpose of the Report

The report supports the Guarantor’s institutional role in promoting, monitoring, ensuring transparency and compliance with legal and human rights standards in places of detention. It is intended as a technical tool for public authorities, aimed at improving prison policies through accurate and current data.

4. Antigone Association: Mid-year report presented “The emergency is now” - Italian prisons between overcrowding and denied rights

20 September 2025.

<https://unipd-centrodirittiumani.it/en/topics/antigone-association-mid-year-report-presented-the-emergency-is-now-italian-prisons-between-overcrowding-and-denied-rights>

Julie Pivetta

Introduction

The Antigone Association, active since 1991, plays a central role in monitoring detention conditions and protecting human rights within the Italian criminal and penitentiary system. With the publication of the mid-year 2025 report, Antigone seeks to denounce and confirm the seriousness of the situation in prisons, already widely documented in the annual report [Senza respiro](#), published in the same year.

This report aims to provide an updated summary of the most significant data and emerging critical issues just a few months after the annual report, with particular focus on structural problems: chronic overcrowding, degrading living conditions, deficiencies in healthcare and psychiatric services, the crisis in the juvenile justice system, the increase in suicides and self-harming behaviour, and the ineffectiveness of government measures adopted to address these emergencies. Through the mid-year report, Antigone reiterates the need for urgent and structural intervention that restores centrality to fundamental rights and the dignity of detainees, essential elements for a penitentiary system compliant with the principles of a democracy.

Living Conditions in Prisons

In June 2025, there were 62,728 people in detention, of whom 4.4% were women and 31.6% were foreign nationals. The actual capacity, net of temporarily unavailable places, was 46,717, resulting in a national overcrowding rate of 134.3%. In 62 penitentiary institutions, overcrowding exceeded 150%, and in 8 cases even reached 190%, while only 31 institutions were not overcrowded. Among the most severe situations, the female section of Milan San Vittore remains particularly critical, with an overcrowding rate of 236%, up from 220% recorded in the 2025 annual report. Other highly overcrowded institutions include Foggia (214%), the male section of Milan San Vittore (213%), Lodi (205%), Brescia Canton Monbello (203%), Lucca (200%), Udine (194%) and Rome Regina Coeli (191%).

Regarding official detention places, on 30 June 2024 there were 51,234 places, which increased to 51,276 a year later, an increase of just 42 units. However, over the same period, unavailable places rose from 4,123 (17 June 2024) to 4,559 (30 June 2025), effectively resulting in a net reduction of 394 places.

A further critical element emerges from the 86 visits carried out by Antigone over the past 12 months: in 35.3% of institutions, the minimum standard of 3 square metres of usable space per detainee was not respected, up from 28.3% in 2023. However, there is a significant discrepancy in the data: according to the National Ombudsman, as of 30 May 2025 only 10 people were housed in less than 3 square metres each, calculating space using the Department of Prison Administration's Information Application on Space/Prisoners (ASD), which excludes only bathrooms from the calculation. The European Court of Human Rights and the Italian Court of Cassation ([SSUU 6551/2021](#)), however, take a different view, holding that fixed furniture, such as bunk beds and lockers, must also be deducted when assessing space.

Extreme heat has further exacerbated difficulties: in Milan, where temperatures reached very high levels, detainees could purchase a fan at their own expense, with a maximum of two fans per cell allowed. Similar situations occurred in Padua and Rome, where at the Regina Coeli prison fans were installed in the corridors of some wings: a solution that only marginally alleviated the problem. At the same institution, running water is available only at certain times of the day, worsening already precarious hygiene conditions. Outdoor time, which could provide some relief, is often ineffective. Article 10 of the Prison Regulations provides for four hours outdoors, but in practice these hours are granted during the hottest part of the day and not to all detainees. As of 30 May 2025, 60.3% of the prison population was under closed custody, spending most of their time in overcrowded cells with inadequate ventilation.

The Juvenile Penitentiary System

As of 15 June 2025, there were 586 young detainees in the 17 Juvenile Detention Centres in Italy, of whom 23 were girls, in addition to the juvenile section within the adult prison of Dozza in Bologna. This represents a significant increase compared to 2022, when the number of minor and young adult detainees was 392.

Overcrowding affects 8 out of the 17 Juvenile Detention Centres. Visits conducted by Antigone revealed extremely degraded conditions: mattresses on the floor, cells locked for most of the day, a lack of meaningful activities – including educational programmes – and frequent violations of the legally mandated hours of outdoor time. Particularly concerning is the high use of psychotropic medication.

The increase in detained minors is closely linked to the implementation of the [Caivano Decree](#). The actual numbers would be even higher if many young offenders, who could remain in Juvenile Detention Centres until the age of 25, were not transferred to adult prisons upon reaching adulthood, interrupting already fragile educational pathways.

Of the 586 young detainees, 355 (over 60%) are minors: 53 are under 15 years old, and 302 are aged 16 to 17. 63.5% of detainees are still awaiting a final court verdict. Foreign nationals number 275, accounting for 46.9% of the total; of these, 76% come from North Africa, mainly unaccompanied minors.

The severity of the situation has prompted numerous organisations and several Ombudsmen for the rights of detainees to support an [urgent appeal](#) promoted by Antigone, together with Libera and Defence for Children Italy, to denounce the alarming conditions in juvenile detention centres.

Protests, Self-Harm, and Suicide

As of 25 July 2025, 45 suicides had been recorded in Italian penitentiary institutions since the beginning of the year: among the deceased, two were women and 22 were foreign nationals. Many of these incidents occurred during particularly vulnerable periods, such as entry into prison or at the end of a sentence.

At least five of those who took their own lives suffered from mental disorders, three had a history of substance abuse, and twelve were homeless. The institution with the highest number of deaths is the Cagliari Prison, with three cases since the start of the year. Following this, the

prisons in Barcellona Pozzo di Gotto (ME), Florence Sollicciano, Frosinone, Modena, Naples Poggioreale, Paola (CS), and Verona each recorded two suicides.

According to Antigone’s data, almost 70% of suicides occurred within closed-security sections, confirming the severe negative impact of restrictions on outdoor time. In at least four cases, individuals were in solitary confinement, in another four they were in the “new arrivals” section, and three suicides occurred in sections regulated by Article 32 of the Executive Regulations of the Penitentiary System, reserved for prisoners considered the most difficult to manage. Two other cases involved units dedicated to mental health care, and one involved a section for “mentally disabled” inmates.

In addition to suicides, self-harm is also on the rise: over the past year, Antigone’s Observatory recorded an average of 22.3 self-harming acts per 100 detainees (compared to 17.4 in 2024) and 3.2 suicide attempts per 100 detainees (up from 2.3 the previous year). This is accompanied by a worrying increase in the use of the disciplinary sanction of isolation, which has risen by 5.5 points per 100 detainees.

During the 86 visits carried out over the last twelve months, Antigone also observed a rise in psychiatric problems and the use of medication. 14.2% of detainees have a severe psychiatric diagnosis, 21.7% regularly take mood stabilisers, antipsychotics, or antidepressants, and 45.1% use sedatives or hypnotics. All of these percentages have increased compared to previous years. Finally, people with substance addictions represent approximately 22% of the prison population.

Prison Staff

As of 31 May 2025, the personnel of the Penitentiary Police showed a shortfall of 8.7% compared to the number of positions planned. The current ratio of detainees to officers stands at 2 detainees per officer, higher than the expected 1.5. At the regional level, this ratio varies between 1.2 and 2.5 detainees per officer, highlighting significant territorial disparities.

Regarding educators, according to the Ministry’s transparency records updated to 31 May 2025, there were 935 staff members present (28 fewer than reported in the 2025 Report), against 1,040 positions planned in the organisational chart. The national average number of detainees assigned to each educator is 66.7.

The managerial staff, as of 29 May 2025, consists of 246 members out of a planned 350, with a shortfall of 104 directors or deputy directors.

Psychiatric and psychological staff are available for 7.4 and 20.4 hours per week per 100 detainees, respectively – a level clearly insufficient to meet the needs of the prison population.

Finally, there is a critical shortage in healthcare provision: daily medical coverage is not guaranteed in 29 of the 86 prisons visited by Antigone over the past year, highlighting serious gaps in continuous care for detainees.

Judicial Appeals and Alternatives to Detention

As of 15 June 2025, the Offices for External Penal Execution were responsible for 100,639 people, approximately 10,000 more than in 2024. Of these, 49,736 were serving an alternative to detention, the most common being probation under social services supervision.

Despite the growth of community and alternative measures, their application remains significantly underutilised compared to their potential. As of 30 June 2025, there were 23,970 detainees with less than three years of remaining sentence, confirming that the use of alternatives is still limited. According to data from the National Council for Economics and Labour, the recidivism rate is estimated at 68.7%, but it can drop to 2% for prisoners who have had opportunities for professional reintegration, highlighting the importance of rehabilitation measures. As of 31 December 2021, the latest available data, only 38% of detainees were serving their first sentence, while the remaining 62% had prior experiences of incarceration, with 18% having served five or more prison terms.

Government Policies and Institutional Responses

Antigone notes that the problem of prison overcrowding is closely linked to the introduction of government measures that have toughened sentences, including the recent Security Decree, the Caivano Decree, the Cutro Decree, and the Rave Decree.

Another significant measure was approved by the Council of Ministers on 22 July, with the presentation of a draft law introducing home detention in therapeutic communities for prisoners with drug or alcohol dependencies and a remaining sentence of up to eight years. This measure complements the already existing probation system for the same categories of detainees, which is, however, limited to sentences with less than six years remaining. Antigone emphasises, however, that the only real solution to the large number of substance-dependent prisoners remains the decriminalisation of drug use.

Regarding the expansion of phone calls allowed to detainees, the association points out that this is not a new initiative. Finally, the Prison Decree, designed to counter overcrowding, improve living conditions, and strengthen social reintegration pathways, has proven slow in its implementation. The decree provides for the establishment, within the Ministry of Justice, of a list of residential facilities suitable for reception and social reintegration, to be adopted within six months of the law's enactment. By July 2025, however, this list had not yet been approved. Similarly, the prison construction project, entrusted to the Special Commissioner established by the same conversion law, is proceeding at a notably slow pace.

Conclusions

In light of the data on overcrowding, staff shortages, and the difficulties in applying alternative measures, Antigone urgently calls for structural interventions and more effective strategies to improve conditions in the Italian penitentiary system. Key requests include:

- Greater opportunities for telephone and video contact with the outside world, to support family and social ties;
- Increased use of digital technologies to support education, training, and work activities for detainees;
- A drastic reduction in the use of isolation as a disciplinary tool, ensuring less punitive and more humane treatment;
- Prevention of abuse, with effective mechanisms for oversight and transparency;
- Promotion of dynamic surveillance and a penitentiary system centred on respect for human dignity, fostering reintegration pathways and reducing recidivism.

5. Italy in the FRA Fundamental Rights Report 2025: Emerging Issues, Progress, and Persistent Challenges

5 October 2025.

<https://unipd-centrodirittiumani.it/en/topics/italy-in-the-fra-fundamental-rights-report-2025-emerging-issues-progress-and-persistent-challenges>

Michał Zmudatrzebiatowski

Introduction

The European Union Agency for Fundamental Rights (FRA) published its annual Fundamental Rights Report 2025, based on primary research and contributions from its Franet network. This edition reflects on developments in 2024, a year marked by geopolitical upheavals, democratic challenges, and social inequalities. While the report covers all Member States, this article

concentrates on Italy's position in three central spheres: the protection of electoral rights, safeguarding women victims of violence, and the national implementation of the EU Charter of Fundamental Rights.

Italy stands at a crossroads between democratic commitments and socio-political pressures. The European elections of 2024 and the domestic debates around disinformation and inclusion highlighted both strengths and vulnerabilities in Italian democracy. At the same time, persistent challenges in combating gender-based violence drew attention to the adequacy of Italian institutions and their alignment with new EU-wide standards. Finally, in the realm of Charter implementation, Italy was singled out for promising practices and projects designed to embed the Charter more deeply in litigation and civil society activism.

Respect for Fundamental Rights in the Electoral Process

Free and fair elections are the backbone of democratic life. FRA stresses that electoral processes must not only guarantee the formal right to vote but also safeguard transparency, inclusiveness, and protection against manipulation. In Italy, the 2024 European elections provided a practical test of these principles.

One of the major themes was the regulation of the online sphere. As campaigns increasingly migrate to digital platforms, Italy faced the challenge of countering disinformation, political advertising opacity, and risks of foreign interference. FRA underlined that governments must balance freedom of expression with the need to secure the integrity of the electoral debate. Italian electoral authorities, alongside EU-wide networks such as the European Cooperation Network on Elections, engaged in risk assessments and public campaigns to enhance media literacy and resilience to online manipulation.

Inclusion remains another crucial element. Italy belongs to a group of Member States with legal quotas requiring gender parity on electoral lists for European elections. The Italian legislation mandates that party lists must include 50% women, placing the country at the forefront of formal gender equality in representation. However, quotas do not always translate into real power, as women may be placed in less electable positions. This raises questions about the gap between legal guarantees and substantive equality.

Beyond gender, accessibility for persons with disabilities and youth engagement continue to be pressing issues. FRA highlights that in many Member States, including Italy, persons with disabilities still face barriers in exercising their electoral rights, whether due to inadequate physical accessibility at polling stations or insufficient provision of information in accessible formats. Italy has made incremental progress, but civil society organisations stress that universal design in electoral participation is still lacking.

The Italian electoral process also intersects with wider debates about political speech. FRA observed cases where journalists and civil society actors faced legal pressures, particularly in politically sensitive contexts. Ensuring that elections remain spaces for free contestation, unhampered by disproportionate legal threats, remains essential for the credibility of democracy in Italy.

Effectively Protecting Women Victims of Violence

Gender-based violence is one of the most persistent violations of fundamental rights across the EU. FRA's 2025 report emphasises that around one in three women in Europe have experienced violence, whether at home, in the workplace, or in public spaces. Italy is no exception, and the country has faced intense scrutiny in recent years regarding the adequacy of its response mechanisms.

The newly adopted EU directive on combating violence against women and domestic violence (2024) requires harmonised definitions of offences, minimum standards for victim protection, and effective reporting mechanisms. Italy, already bound by the Istanbul Convention, has begun adapting its legislation accordingly. Notably, in 2024 Italy introduced a new offence of violating restraining orders, expanding protection for women at risk. This development aims to close

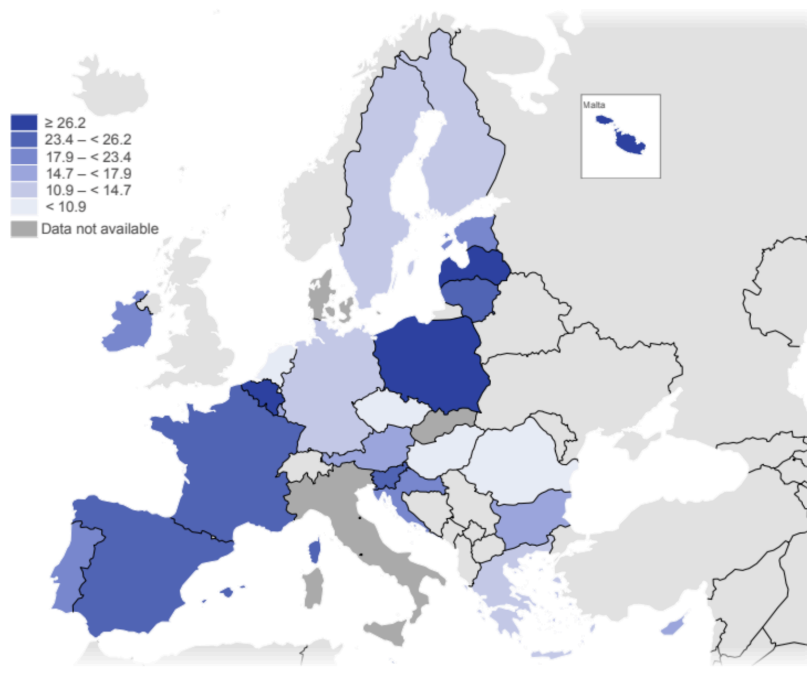
loopholes where perpetrators repeatedly breached court orders without facing adequate sanctions.

Victims' rights have also been reinforced. Italian law now grants victims the right to be promptly informed about the release or escape of perpetrators from detention. This addresses a long-standing concern voiced by victim support organisations about gaps in information that left women vulnerable to re-victimisation.

Italy has also been highlighted for innovative digital measures. The Data Protection Authority launched an online reporting tool specifically designed to combat non-consensual dissemination of intimate images (so-called "revenge porn"). Through this platform, victims can notify authorities directly, who then alert the relevant online providers to remove harmful content. This is regarded as a promising practice, showcasing how data protection mechanisms can intersect with violence prevention in the digital sphere.

Yet, despite these advances, under-reporting remains a critical problem. According to EU-wide figures, only 13.9% of women who experienced physical or sexual violence reported the incident to the police. Italian NGOs stress that stigma, fear of reprisal, and lack of trust in law enforcement continue to deter many women from seeking help. Moreover, specialised shelters and services are unevenly distributed across the country, with southern regions often lacking adequate facilities.

FIGURE 2.1: WOMEN WHO REPORTED TO THE POLICE THEIR EXPERIENCE OF PHYSICAL VIOLENCE OR THREATS, AND/OR SEXUAL VIOLENCE, BY AN INTIMATE PARTNER DURING THEIR LIFETIME (%)



In [X v Greece](#) (No 38588/21), European Court of Human Rights (ECtHR) holds that the failure of the investigative and judicial authorities to adequately respond to the allegations of rapeamounts to a violation of the positive obligations of the State under Articles 3 and 8 of the European Convention on Human Rights.

In [Z. v the Czech Republic](#) (No 37782/21), ECtHR finds a violation of the respondent State's positive obligations under Articles 3 and 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms due to the lack of effective application by Czechia's national authorities of their criminal law system capable of punishing the non-consensual sexual relations alleged by a vulnerable victim who had not objected to them as they were happening.

Intersectional vulnerabilities compound these issues. Migrant women, Roma women, and women with disabilities face additional barriers in Italy. Effective policies must address these specific vulnerabilities, ensuring that protection systems do not reproduce structural inequalities.

Implementation and Application of the Charter of Fundamental Rights of the European Union

The Charter of Fundamental Rights is the EU's primary legal instrument enshrining rights of dignity, equality, freedom, and justice. FRA devotes a full chapter of its 2025 report to examining how Member States use and apply the Charter in practice.

In Italy, several initiatives stand out. First, the SCUDI project, funded by the EU's Citizens, Equality, Rights and Values (CERV) programme, was launched to strengthen strategic litigation capacity around Charter rights. SCUDI focuses particularly on civil society organisations engaged in sea rescue operations, offering training, a legal database, and knowledge-sharing platforms. This initiative illustrates how the Charter can be mobilised in highly contentious areas such as migration and asylum, where Italy plays a frontline role.

National courts in Italy have also engaged with the Charter. Recent constitutional jurisprudence invoked Articles 7 and 20 of the Charter (privacy, family life, and equality before the law) to annul provisions that discriminated between EU citizens and legally resident third-country nationals in the field of judicial cooperation. This reflects an increasing willingness of Italian judges to treat the Charter not as a symbolic instrument but as a directly enforceable legal standard.

Awareness-raising remains a key challenge. FRA emphasises that knowledge of the Charter is still limited among legal practitioners, civil servants, and the general public. To address this, Italy participates in cross-border projects such as FAIR and Stellar, which aim to integrate Charter rights into climate litigation and EU fund management. Moreover, training sessions for lawyers and human rights activists in Italy explicitly emphasise the Charter as a litigation tool, bridging gaps between EU law and national practice.

Nevertheless, Italy continues to face obstacles. The fragmented nature of human rights education means that knowledge of the Charter is concentrated in academic and judicial circles, while local administrations often lack the resources to integrate Charter standards into day-to-day governance. FRA therefore insists on further institutionalisation of Charter focal points within Italy's regional and municipal structures.

Conclusions and Recommendations

The 2025 FRA report paints a complex picture of Italy's performance in protecting fundamental rights. On the one hand, Italy demonstrates strong formal commitments: gender quotas in electoral law, criminalisation of restraining order violations, and leadership in digital tools to counter revenge porn. On the other hand, persistent structural problems remain: under-representation of women in political power despite quotas, chronic under-reporting of gender-based violence, and uneven integration of the Charter into everyday governance.

The following recommendations emerge from the analysis:

- Strengthen inclusive electoral participation. Italy should go beyond formal quotas and ensure that women, persons with disabilities, and youth are substantively represented. Electoral authorities must further improve accessibility and tackle subtle practices that marginalise candidates from protected groups.
- Address under-reporting of violence. The Italian government should invest in awareness campaigns, strengthen trust in law enforcement, and expand shelters and services nationwide. Special attention must be given to intersectional vulnerabilities, particularly migrant and Roma women.
- Consolidate Charter implementation. Italy should institutionalise Charter focal points in local administrations, promote consistent judicial training, and embed Charter

compliance checks in EU-funded projects. The SCUDI project should be expanded to other sensitive fields beyond migration.

- Leverage digital innovation responsibly. Initiatives such as the Data Protection Authority's revenge-porn reporting tool should be complemented by broader measures addressing cyberviolence, including mandatory training for police and prosecutors on digital evidence.
- Safeguard press freedom in elections. Italy must ensure that journalists and civil society actors can criticise government rhetoric without fear of disproportionate defamation charges, thereby strengthening the pluralism of electoral debate.

Ultimately, Italy's trajectory in 2024-2025 illustrates the delicate balance between progress and persistent gaps. Fundamental rights protection cannot be an afterthought; it must guide legislative, judicial, and administrative action at every level. Italy, as a pivotal Member State at the crossroads of migration flows, democratic contestation, and social change, bears a particular responsibility to demonstrate that rights are not just proclaimed but effectively protected in practice.

6. The Analytical Report "Respect for the Dignity of Persons Deprived of Personal Liberty" of the Adult Penitentiary Observatory (GNPL)

5 December 2025.

<https://unipd-centrodirittiumani.it/en/topics/analysis-of-the-analytical-report-respect-for-the-dignity-of-persons-deprived-of-personal-liberty-of-the-adult-penitentiary-observatory-gnpl>

Benedetta Rose Artolli

Introduction

The National Guarantor for the Rights of Persons Deprived of Personal Liberty (GNPL), established by the Ministry of Justice in 2013, is the Italian state body responsible for monitoring places of deprivation of liberty (prisons, police facilities, immigration centers, Residences for Security Measures -REMS, psychiatric wards, etc.) carrying out, among other things, on-site visits. These visits aim to verify any critical issues within detention facilities, improve penitentiary policies and propose solutions, in collaboration with the responsible authorities.

The latest Analytical Report of the Adult Penitentiary Observatory, updated as of July 31, 2025, offers a statistical update on the Italian prison system. The report, based on official data from the Department of Penitentiary Administration (DAP), proposes a detailed analysis of detention conditions throughout the national territory and supports the institutional role of the Guarantor in promoting and monitoring compliance with and/or violation of legal norms and human rights in places of detention.

General Overview of the Population in Penitentiary Institutions

As of July 31, 2025, the total number of inmates present in the Italian penitentiary system was 62,522, of which 1.73% in Attenuated Custody Sections (Open), 37.96% in Ordinary Sections with Intensified Treatment (Open), 44.15% in Ordinary Sections (Closed), 1.16% in 41 bis Sections and 14.99% in High Security Sections.

The regions with the highest number of persons deprived of personal liberty are Lombardy (with 8,914 people), Campania (with 7,493), Sicily (with 6,986) and Lazio (with 6,756).

An analysis of the population of individuals deprived of personal liberty, differentiated by citizenship, reveals that 68.46% are Italian citizens, while 31.54% are foreign nationals. Notably, non-EU citizens constitute 27.08% of the foreign population housed within the facilities. The Report further underscores that the proportion of foreign nationals deprived of personal liberty is substantially higher than the percentage (8-9%) of foreigners residing in Italian territory. According to the analysed Report, the likely factors contributing to the elevated number of foreign persons, particularly non-EU citizens, include heightened socio-economic vulnerability, disparities in access to non-custodial alternative measures, difficulties in obtaining penitentiary benefits due to the absence of stable territorial ties, and specific typologies of crime more prevalent among the foreign population. The regions exhibiting the highest percentages of foreigners relative to the total population of individuals deprived of personal liberty are Valle d'Aosta (57.82%), Trentino Alto Adige (62.99%), Liguria (53.91%), Veneto (52.13%), and Emilia Romagna (51.80%). Conversely, the regions with the lowest numbers of foreign nationals are Basilicata (10.40%), Puglia (10.60%), and Campania (12.42%). Moreover, the Report highlights that a significant majority of foreign nationals deprived of their personal liberty (85.80%) are held under the "ordinary" detention regime, while only four foreign individuals are subjected to special regimes such as 41-bis.

The Report then proceeds with an analysis of the population of persons deprived of personal liberty based on gender: men (Italian and foreign) constitute 95.7% of the total population, while women (Italian and foreign) 4.3%.

Furthermore, the section of the Report dedicated to the general overview of the population in penitentiary institutions presents an analysis of the number of mothers deprived of personal liberty with children in tow (13) and children living in prison with their mothers (17).

Concerning the duration of custodial sentences ("sentences imposed" for definitively convicted inmates) within the Italian judicial system, the Report indicates that short sentences (ranging from 0 to 3 years) constitute 19.66% of the total, medium sentences (ranging from 3 to 10 years) account for 53.41% of the total, and long sentences (exceeding 10 years) comprise the remaining 26.93% of the total.

TABELLA N. 8
DURATA DELLA PENA INFLITTA
RILEVAZIONE 31 LUGLIO 2025

Durata della Pena	Durata della Pena Inflitta	% Persone	Di cui Persone Straniere	% Di cui Persone Straniere
Da 0 a 1	1.322	2,80	586	4,13
Da 1 a 2	2.924	6,18	1.154	8,12
Da 2 a 3	5.050	10,68	2.042	14,38
<i>Subtotale 0-3</i>	<i>9.296</i>	<i>19,66</i>	<i>3.782</i>	<i>26,63</i>
Da 3 a 5	10.918	23,09	4.031	28,38
Da 5 a 10	14.338	30,32	4.271	30,07
<i>Subtotale 3-10</i>	<i>25.256</i>	<i>53,41</i>	<i>8.302</i>	<i>58,45</i>
Da 10 a 20	7.921	16,75	1.608	11,32
Da 20 in poi	2.913	6,16	369	2,60
Ergastolo	1.903	4,02	143	1,01
<i>Subtotale 10 +</i>	<i>12.737</i>	<i>26,93</i>	<i>2.120</i>	<i>14,93</i>
Totale persone	47.289	100,00	14.204	100,00

The subsequent analysis of the general distribution for residual sentences demonstrates an important turnover of the penitentiary system, in which persons deprived of personal liberty serve relatively short sentences. In fact, 50.52% of persons deprived of personal liberty have a residual sentence between 0 and 3 years, 38.29% between 3 and 10 years and 11.19% have residual sentences exceeding 10 years (including life imprisonment at 4.02%). These data

demonstrate the turnover mentioned above and, through an "estimate of the potential for alternative sentences for a residual sentence from 0 to 3 years and not on 4 years", show that almost a third of the population currently in penitentiary institutions could benefit from alternative measures, alleviating prison overcrowding.

TABELLA N. 9
DURATA DELLA PENA RESIDUA
RILEVAZIONE 31 LUGLIO 2025

Durata della Pena	Totale Persone con "Pena Residua"	% Persone con "Pena Residua"	Di cui Persone Straniere con "Pena Residua"	% Di cui Persone Straniere con "Pena Residua"
Da 0 a 1	7.956	16,82	3.211	22,61
Da 1 a 2	8.470	17,92	3.138	22,09%
Da 2 a 3	7.463	15,78	2.470	17,39%
Subtotale 0-3	23.889	50,52	8.819	62,08
Da 3 a 5	10.106	21,37	2.873	20,23
Da 5 a 10	8.002	16,92	1.850	13,02%
Subtotale 3-10	18.108	38,29	4.723	33,25
Da 10 a 20	2.920	6,17	444	3,13
Da 20 in poi	469	0,99	75	0,53
Ergastolo	1.903	4,02	143	1,01
Subtotale 10 +	5.292	11,19	662	4,67
Totale	47.289	100,00	14.204	100,00

An analysis of the flow of entries from freedom (individuals entering prison from a free condition) totaling 41,779, and exits to freedom, totaling 29,723, reveals that the only regions with a positive balance (more exits than entries) are Valle d'Aosta and Trentino Alto Adige. All other regions exhibit deficits (more entries than exits), with five (Lombardy, Sicily, Lazio, Puglia, and Campania) accounting for over 60% of the national deficit (12,056 individuals). These data underscore a system subjected to intense pressure. The Report highlights a spiral effect linked to overcrowding, whereby the annual accumulation of approximately 12,000 people progressively saturates detention facilities, compromises the efficacy of re-educational programs, diminishes opportunities for social reintegration, and perpetuates the cycle of overcrowding.

Regarding the semi-liberty regime, the Italian penitentiary system presents a peculiarity: out of 1,493 people in semi-liberty throughout the territory, only 339 are foreigners (22.7%). In addition, the phenomenon also presents a strong territorial disparity. The regions with the highest number of people in semi-liberty are Campania (with 186 people, 10 of whom are foreigners), Tuscany (with 153 people, of which 69 are foreigners), Sicily (152 people, of which 8 are foreigners) and Puglia (159 people, of which 8 are foreigners). A comparative analysis of the number of people in semi-liberty in the different Italian regions shows that in the northern regions there are the highest percentages of foreigners in semi-liberty compared to the southern regions, which present very low percentages. Calabria, Basilicata and Valle d'Aosta do not register any foreigners in semi-liberty, due to possible application criticalities or a minimal presence of foreign population within the penitentiary institutions.

Between July 2024 and July 2025, people who left alternative measures were 19,406 (4,727 of whom were foreigners). Lombardy presents the best data, with 2,923 exits, of which 1,201 are foreigners. Campania presents 2,656, of which only 192 are foreigners; Sicily 2,336, of which 184 are foreigners and Puglia 1,965, of which 139 are foreigners. While southern regions present high absolute volumes of exits, the data show very low percentages of foreigners who left. On the other hand, central-northern regions present the highest percentage of foreigners who left in alternative measures.

The data show that alternative measures represent a powerful and effective deflation tool in managing prison overcrowding. However, important territorial disparities and substantial differences in the management of the foreign population remain.

Analyzing the crimes committed in Italy, crimes against property represent the most numerous category among persons deprived of personal liberty by type of crime, with a total of 35,885 persons deprived of personal liberty (23.74% of the total). This type of crime is the most widespread both among Italian citizens and among foreigners (10,445 foreign individuals, representing 26.50% of property crimes). This high number of crimes against property by foreigners can be attributed to socio-economic dynamics. Foreign overrepresentation can also be found in crimes against public administration, specific immigration crimes and prostitution. On the other hand, crimes with foreign underrepresentation include mafia association, weapons-related crimes and crimes against the administration of justice.

Prison Overcrowding

In the analysis of prison overcrowding in Italy, the Report distinguishes between "people present in the archive" (number of inmates present in the facilities at the time of writing the report), "regulatory capacity" (theoretical maximum capacity of the penitentiary institution according to technical and architectural standards) and "regularly available places" (how many places of the regulatory capacity are actually usable at a given time). Comparing a series of collected data, the analysis identifies a total national overcrowding index of 133.68%. The number of persons deprived of personal liberty as of July 31, 2025 was 62,522, with 51,300 places of regulatory capacity and 46,769 regularly available places.

The regions with the highest overcrowding indices are Puglia with 169.97%, Friuli Venezia-Giulia with 156.3% and Molise with 156.05%. The regions that do not present overcrowding are Valle d'Aosta, Trentino Alto Adige and Sardinia.

The difference between "regulatory capacity" and "regularly available places" of about 4,531 at the national level reflects the more stringent European standards on the rights of persons deprived of personal liberty, which require better spaces and conditions compared to traditional Italian parameters, together with structural problems of the institutions (maintenance, usability and safety). The data show that in 2025, the housing density per room was 2.14 per available room, with an average of 6.5 square meters per person (below European standards). However, as of July 31, 2025, 5 inmates were found to be living in spaces smaller than 3 square meters. This represents a violation of Article 3 on the prohibition of torture of the European Convention on Human Rights.

Based on a historical analysis of the trend of the overcrowding index in Italy from 2013 to 2025, it is evident that in the post-COVID emergency phase (2023-2025) there is a new sustained growth, reaching pre-pandemic levels. Within the Report, it is emphasised that reductions in the population in penitentiary institutions linked to external events (Torreggiani judgment of the European Court of Human Rights in 2013 and the COVID-19 pandemic: 2020-2022) tend to be reabsorbed in the medium term (about 3 years), suggesting structural problems in the penitentiary system. The Report suggests that changes in penal policies, variations in crime rates, modifications in access mechanisms to alternative measures and slowdowns in judicial proceedings are among the drivers of the generalised growth of the population in penitentiary institutions at the national level. It highlights the urgent need for interventions to adapt structures, develop alternative measures to detention and immediate interventions to slow down the worrying acceleration of the crime rate to end the alarming cyclical trend of overcrowding.

Critical Events and Risk Factors in Penitentiary Institutions

An analysis of critical events provides a detailed picture of social tension within the penitentiary system. From January 1, 2025 to July 31, 2025, 94,421 critical events occurred, underlining the constant tension with the presence of multiple daily events.

The critical events analysed include acts of aggression, containment, self-harm, disciplinary infractions, isolation, collective protest manifestation, individual protest manifestation, beatings

reported at the time of arrest, extraordinary searches, attempted suicides, violation of criminal norms and riots. The Report excludes deaths in prison from the analysis of critical events, which are instead published in the specific "Deaths in Prison" report.

Acts of violence and aggression between persons deprived of personal liberty remained relatively constant between 2024 and 2025, while aggressions against Prison Staff increased significantly, demonstrating a critical trend.

Data related to self-harm and attempted suicides demonstrate extreme psychological distress within the prison population, with an average of 20 episodes of self-harm and 3 attempted suicides per day.

Regarding disciplinary infractions, a worsening of inmate behavior is evident (2.5% increase in disciplinary proceedings) and a deterioration of discipline (3.5% increase in non-compliance with obligations).

Data related to collective manifestations show a sharp decrease in 2025 compared to 2024 regarding the so-called "battitura" (noisy percussion of gates/bars) and refusal of food and/or therapies, while there is a worrying increase in acts disturbing order and security (+29%). These 3 elements are instead all decreasing for individual manifestations.

Other worrying data concern containment acts in unspecified places (+13.4%), violations of criminal norms (9.6%), extraordinary searches (54.3%) and hospital admissions with and/or without hospitalization, with an average of 24 health emergencies per day.

Prison Staff: Staffing, Shortages and Needs in Penitentiary Institutions

Data related to prison staff reveal a significant shortage of personnel in the Penitentiary Police operating within prison structures, with a gap of 3,103 units between the planned staff and those actually employed. The data report that the planned staff is 34,149 units, the administered staff is 32,674 units (-4.3% compared to planned) and employed staff is 31,046 units (-9.1% compared to planned). The difference between administered and employed personnel demonstrates problems in the management and allocation of available human resources. The regions with the greatest shortages are Lazio, Lombardy and Piedmont. The Center-North presents a greater shortage of personnel, probably due to the high number of persons deprived of personal liberty.

The gap of 3,103 units concerns only the Penitentiary Police personnel operating within prison structures. Considering the general total of Penitentiary Police personnel, there is a gap of 1,036 units. The difference between 3,103 and 1,036 indicates the number of people working in other services or offices of the DAP. The above analysis highlights a massive presence of personnel employed in central services, administrative offices and non-detention structures.

Conducting an analysis on administrative personnel in Penitentiary Institutions, there is a gap between planned and employed staff totaling 834 units (20.2% of the planned staff). It is evident that a critical situation characterizes the entire territory and seriously compromises the operational efficiency of the penitentiary system. The regions with the largest deficit are Lombardy (deficit of 150 units), Piedmont (102 units) and Tuscany (with 90 units). These serious deficits compromise operational efficiency, create differences between regions creating a "two-speed" system and strong pressure on staff.

The shortage of personnel within penitentiary institutions is particularly critical and can lead to serious consequences. The shortage of personnel creates serious problems regarding shift rotation and 24/7 coverage of institutions, management of internal security, treatment and reintegration activities and work stress of staff on duty. All these elements derive from and contribute to the structural crisis and fuel a tense environment and make re-education processes difficult.

Conclusion

The 2025 Analytical Report of the Adult Penitentiary Observatory presents a complex and articulated picture of the Italian penitentiary system. The Italian penitentiary system, as a whole,

reveals a reality still strongly characterised by structural, organizational and social criticalities. The data reported in the Report show how situations such as overcrowding, staff shortages and unequal management of alternative measures to detention continue to represent obstacles that prevent full respect for the dignity and fundamental rights of persons deprived of personal liberty.

The important comparison made within the Report between individuals of Italian citizenship and individuals of foreign citizenship underlines a persistent imbalance in treatment. In particular, it highlights the diversity in the possibility of access to alternative sentences to detention and criticalities in penal execution policies. Alternative measures to detention represent an important alternative to detention and a deflation tool, which would help reduce pressure on the prison system and favor social reintegration paths.

Moreover, from the picture presented by the Report, a strong territorial disparity emerges. Regarding the penitentiary system, the use of resources and deficit of prison personnel, Italy is extremely inhomogeneous and seems to travel at "two speeds", where the effectiveness of institution management varies significantly from region to region.

The persistent imbalance between regulatory capacity and places actually available, with an average national overcrowding index of 133.68%, highlights a condition of systemic pressure that translates into material living conditions often in contrast with European standards and with the principles enshrined in the European Convention on Human Rights. The data, updated to July 31, 2025, report the presence of five inmates who were living in spaces less than 3 square meters. This represents a violation of Article 3 on the prohibition of torture, and inhuman or degrading treatment of the European Convention on Human Rights, which adds to the convictions of the European Court of Human Rights for Italy's violations of the same Article, highlighting the existence of serious gaps in the Italian penitentiary system. The annual accumulation of about 12,000 people has led to the saturation of detention facilities, compromising the effectiveness of re-educational programs, reducing the possibility of social reintegration and perpetuating the cycle of overcrowding. It is evident that the system's capacity for self-regulation in the face of variations in inflow and outflow is insufficient, requiring targeted and urgent interventions.

In parallel, the general shortage of prison staff, particularly within the institutions, constitutes a further element of fragility. The difference between planned staff and staff actually employed compromises the daily functionality of the structures and strongly affects the quality of life of both staff and individuals deprived of personal liberty, increasing the possibility and risk of tensions and critical events.

Overall, the data from the Report reveals a picture of the Italian penitentiary system that requires a renewed and coordinated commitment between institutions, particularly between the judiciary and the penitentiary administration, and civil society. We must ensure justice and security for all while at the same time guaranteeing the re-educational function of the detention sentence, a fundamental principle of our constitution. This result requires a systemic approach that integrates the strengthening of structures, the enhancement of personnel, the reduction of territorial inequalities and the promotion of alternative paths of justice.

7. Civicus Monitor Report 2025: civic space is obstructed in Italy

9 December 2025.

<https://unipd-centrodiritiumani.it/en/topics/civicus-monitor-report-2025-democratic-freedoms-at-risk-in-italy>

In the new [2025 annual report by CIVICUS Monitor](#), Italy has been officially downgraded to a country with “obstructed civic space.” This assessment confirms the structural deterioration of democratic freedoms and places our country among those where civic space is subject to significant restrictions, on the same level as Orban's Hungary.

The Civicus Monitor uses a methodology based on the collection and analysis of data from multiple sources, including civil society organizations, human rights observers, independent monitoring platforms, and legal analysis, assessing respect for freedom of expression, demonstration, and association.

The “**obstructed**” rating indicates that these freedoms are subject to recurrent violations, intimidation, arbitrary restrictions, and the distorted use of regulatory instruments. The arguments behind Italy's downgrade relate in particular to the approval of the Security Decree and the use of spyware against journalists and activists.

While civil society's commitment to the protection of fundamental rights is growing, Italian political authorities are closing down any space for democratic dialogue, showing a lack of interest in debate and a growing propensity to silence critical voices.

In Italy, the deterioration of civic space has been accelerated by the approval of the Security Decree, which introduces harsher penalties and repressive tools against peaceful dissent and, in general, against the exercise of freedom of peaceful assembly and association, in violation of the principles of legality, equality, and non-discrimination. Added to this is the use of Graphite spyware, produced by Paragon Solutions, which is used for illegal surveillance of journalists and activists, demonstrating a growing undermining of the right to criticism and free information.

All this is part of a general trend of criminalizing protest, which has mainly affected climate and environmental activism, NGOs engaged in sea rescue of migrants, and activists in movements defending the Palestinian people.

This is not an isolated phenomenon: France and Germany have also been downgraded, signaling a general decline in civic space in Europe. The growing climate of war and the progressive militarization of public policies are eroding democratic spaces, increasingly distancing citizens from decision-making processes. In this scenario, security often becomes a pretext for reducing fundamental freedoms and rights, fueling a repressive atmosphere.

On December 19 at 11:30 a.m., the results of the monitoring and the initiatives to protect civic space adopted by the Network in Defense and civil society organizations will be presented at a press conference in the Chamber of Deputies.

In a context where press freedom and the autonomy of the judiciary are being called into question, with journalists facing reckless actions and trials for their work, the defense of civic space becomes an essential condition for ensuring pluralism, social justice, and the protection of human rights.

8. Save the Children: Atlas of Childhood’s 16th edition describes adolescence between loneliness, inequalities and AI in Italy

22 December 2025.

<https://unipd-centrodirittiumani.it/en/news/save-the-children-atlas-of-childhood-s-16th-edition-describes-adolescence-between-loneliness-inequalities-and-ai-in-italy>

Rome, 19 November 2024, Italian adolescents are turning to artificial intelligence for emotional and practical support at unprecedented levels, according to [Save the Children’s 16th Atlante dell’Infanzia a Rischio, titled “Senza filtri”](#). The report reveals a generation navigating hyper connection, psychological fragility and growing social inequalities.

A new national survey shows that 41.8% of 15–19-year-olds have asked AI tools for help when feeling sad, lonely or anxious, and 42.8% have used them to seek advice about important decisions, from relationships to school and work. Overall, 92.5% of adolescents use AI, more than twice the percentage of adults and almost one in three uses it daily or nearly daily. Adolescents say they appreciate AI because it is “always available,” “non-judgmental” and “understanding”, with 63.5% reporting they sometimes find it more satisfying to talk to AI than to a real person.

The Atlas describes young people living in an environment where the boundary between digital and physical worlds is blurred. 13% show signs of problematic internet use, 38% practice phubbing, and 27% feel nervous without their phone. Cyberbullying has sharply increased: 47.1% of 15–19-year-olds have experienced online harassment, up from 31.1% in 2018. 30% have engaged in ghosting, and 37% access adult pornography sites, with much higher rates among boys.

Despite the emotional refuge offered by AI, the psychological well-being of adolescents remains fragile. Less than half (49.6%) of 15–16-year-olds report feeling mentally well in the previous two weeks. The gender gap is the largest in Europe: only 34% of girls show good psychological balance compared to 66% of boys. Nearly one in ten has voluntarily isolated themselves due to psychological difficulties, and 12% have taken psychiatric drugs without a prescription, with girls again more affected.

The report highlights deep and persistent inequalities. More than one in four adolescents aged 11–15 is at risk of poverty or social exclusion, a figure that rises above 40% in Southern Italy. Many teenagers have limited access to cultural and recreational opportunities: in 2024, half of 13–17-year-olds did not visit a museum or exhibition, 21.2% never went to the cinema and 46.2% did not read a single book beyond school material. 18.1% did no physical activity at all, with much higher rates in the South.

At the same time, Italy’s mental-health care system for adolescents appears severely under-resourced. The country has just over 400 specialised hospital beds in Child and Adolescent Neuropsychiatry units, with several regions lacking any dedicated beds or residential services.

Presenting the report, Raffaella Milano, Director of Save the Children’s Research Unit, warned that economic and social inequalities are “heavily impacting this crucial phase of growth” for a generation that now represents only 6.86% of Italy’s population. She called for stronger mental health services, inclusive schools and more spaces where adolescents can meet, express themselves and find support.

PART III - Italy in Dialogue with International Institutions

Part III addresses several themes that characterized the interaction between Italy and international human rights bodies throughout 2025.

It does not purport to offer a systematic reconstruction of the political, diplomatic, or technical engagement between the State and all relevant global or regional human rights institutions; rather, it concentrates on specific situations, procedures, and subjects deemed illustrative of the tenor of the dialogue established during the year in question. This section traditionally accommodates the majority of articles published in the online Italian Yearbook. The selection criteria employed for this 'best of' collection have considered the political and institutional relevance of the various events, alongside their impact on the media and public opinion in Italy, including among the organizations and communities most involved in the protection and promotion of human rights.

The initial section of this Part III is dedicated to the Universal Periodic Review, which Italy underwent as a State under review in January-February 2025, as well as to the subsequent first follow-up. The ensuing sections pertain to Italian voting behaviour within the United Nations and, more specifically, the UN Human Rights Council. A separate section is designated to elucidate certain exchanges that transpired between some European governments, including the Italian one, and the Council of Europe about the jurisprudence of the European Court of Human Rights in the field of migration.

An extended coverage was dedicated to the Elmasri case, concerning an arrest warrant for alleged crimes against humanity issued by the International Criminal Court against a Libyan national. The Italian authorities failed to execute the ICC order, creating an unprecedented friction between Italy and the ICC.

The concluding sections address several egregious human rights issues persistently evident within the Italian context: the repression of environmental protests; the treatment of irregular migrants and the establishment of extra-territorial detention facilities; the right to housing; and the instances of attacks directed against an Italian Special Rapporteur, Francesca Albanese, and an Italian judge at the ICC, Rosario Salvatore Aitala, engaged in sensitive human rights reporting and investigations. This final topic also encompasses references to the repression of the Sumud Flotilla initiative, which involved several Italian activists. These cases transpired against the backdrop of the conflict and alleged genocide in Gaza and the Russian invasion of Ukraine's Donbass.

Most of these stories were instigated by the issuance of communications to the Italian government by UN special rapporteurs or by the adoption of views by the UN Treaty Bodies on Italian cases. The contributions present the contentious cases, reporting the perspectives and stances of the involved actors and stakeholders, and occasionally furnishing comments and remarks that endeavour to underscore the fundamental human rights dimensions of the distinct issues.

1. The 2025 Italian UPR

1.1 UPR Session 48: Italy under Review

6 February 2025.

<https://unipd-centrodirittiumani.it/en/topics/upr-session-48-italy-under-review>

Anurada Sen, Larisa Khakimova

As the 48th Session of the UPR draws to a close on 31st January 2025, the Italian state under review agrees to adopt over 300 recommendations, pending confirmation of the Troika report by mid February 2025. Over 123 countries listed many recommendations, concerns and commendations of the persistent challenges and efforts in the context of the Italian human rights situation.

As noted in the earlier news update, H.E. Mr. Vincenzo Grassi, Ambassador, Permanent Representative of Italy to UNOG and H.E. Mr. Giorgio Silli, Undersecretary of State for Foreign Affairs, led the Italian delegation on 20th January 2025 for its fourth cycle as State under review at the 48th session of the UN Universal Periodic Review. These proceedings were held at the Human Rights and Alliance of Civilizations Room (formerly Room XX) of the Palais des Nations, Geneva. During the session, 123 States presented over 300 recommendations, commendations and observations of the Human Rights situation in the state of Italy.

The Pre-Session

In the lead up to the Session, INGOs, NGOs and other stakeholders submitted their observations, assessments and recommendations. These recommendations are collated in a comprehensive document [A/HRC/WG.6/48/ITA/3] published on the UPR document database and available for perusal. This document is organised effectively by laying out the scope of international obligations and cooperation with human rights mechanisms as perceived in the context of Italian Human Rights commitments, their National Human Rights framework observations followed by a comprehensive list of 90 observations and concerns that the stakeholder organisations presented in their submissions.

The UPR pre-sessions, set up since the beginning of the second cycle in 2012 by the NGO ‘UPR Info’, allow the civil society organizations (CSOs) and other stakeholders to have an international platform through which they can follow up on previous commitments by the State and inform the representatives of the recommending States about the human rights situation in the State under review (SuR) before the UPR. The concerns presented by the CSOs highlight issues regarding Equality and non-discrimination violations; lapses in the administration of justice, including impunity, and the rule of law; undue restrictions of the right to freedom of peaceful assembly and participation in public and political life; challenges in upholding privacy safeguards in the collection of data; concerns about growing labour exploitations and lack of just and favourable conditions of work especially for minority and the Group of Experts on Action against Trafficking in Human Beings raised concerns about the rise in trafficking challenges faced by migrant populations.

While many of these observations have been weathered with the observation of COVID-19 restrictions and challenges, the stakeholders report list the right to an adequate standard of housing as being one of the human rights concerns that are seen as being gravely affected. Some of the other concerns raised by the stakeholders include challenges of people in accessing their right to education, health, and the rights of specific groups, namely, the Roma and Sinti minorities. The alarming rise in violations of women's and children's rights especially in the rise

of incidences of violence against women in all walks of life. The recalled violations of the rights of migrants, refugees, asylum seekers and minority groups such as the Roma and Sinti populations remain issues not addressed, if not exacerbated, since Italy's latest UPR review.

The National Report on the status of Human Rights in Italy, as submitted by the state representatives prior to the 48th Session of UPR is available for general perusal at A/HRC/WG.6/48/ITA/1. This document outlines the steps taken and the progress made by the Italian government and civil society in promoting human rights in the state and it also outlines the progress made in addressing the recommendations and commitments accepted from the third cycle of UPR. For an extensive review of the persistent themes and challenges of human rights in Italy, this article provides an expert review of the Italian case up to the third cycle of the UPR.

Italy presents the National Report

The Italian delegation was presented by H.E. Mr. Vincenzo Grassi, Ambassador, Permanent Representative of Italy to UNOG. The national report was presented by H.E. Mr. Giorgio Silli, Under Secretary of State for Foreign Affairs. During the presentation of the report Italy revised the changes that accrued to the country and internationally in the field of human rights since the interactive dialogue of the 3d cycle, held in November 2019. The delegation put their primary focus on family as it is the center of Italy's budget policies to support large families, promote women's employment.

In particular, Italy presented two voluntary national reviews to the UN forum on sustainable development 2024 with active participation of its institutions.

In regard to promoting and protecting the rights of elderly the legislative reform to promote dignity and autonomy, social participation, active aging and prevention of fragility of elderly was adopted. The national fund for family policies was established to promote measures on active aging. Legislative decree 29 of 2024 entrusted the department for family policies with the primary role including contribution to the elaboration of the plan for active aging.

Regarding persons with disabilities Italy has begun an important reform based on the 2006 Convention ensuring participation of persons with disabilities and introducing a new definition of people with disabilities.

Italy has developed a 2021-2030 national strategy for equality and inclusive participation of the Roma and Sintis through a broad consultation process, focusing on housing, healthcare and work.

In response to observations of gender based violence, the Italian delegation mentioned existing national guidelines supporting women. Italy's department of equal opportunities devising a new strategic plan on violence against women and domestic violence. On the rights of LGBT delegations mention the drafting strategy 2022-2025 which includes a dialogue with 66 associations through the consultation table. Law 77 of 2020 provides for creating centers against discrimination based on sexual orientation. To promote women's rights, Italy has been developing a gender equality strategy 2021-2027 to lead governmental actions in gender mainstreaming.

On protection of refugees international protection laws are missing but they claim that Italian law allows grand specific consultation and non-refoulement to the refugees. Special protection with support by NGOs Italy is engaged in fighting with trafficking through partnerships and allowed to reduce immediate departures by sea by 60 percent and invested to develop safe pathways for migration. Decree law 145 of 2024 introduced special residence permits for foreign workers that are the victims of illicit intermediation. On foreign policy, Italy introduced the Mattei plan to establish partnership with African countries on economic, social and cultural levels.

About media freedom, the delegation noted the Article 21 of the Italian constitution which promotes media independence and protects journalists. The 2024 budget law fund for pluralism digital innovation; adopted legislation for establishing an NHRI as an ongoing effort and

highlighted that five draft laws are in progress in this regard. Meanwhile the Comitato Interministeriale per i Diritti Umani (CIDU) acts as a coordinating body gathering central and local authorities.

Observations on Human Rights in Italy

During the session of UPR Italy received 340 recommendations. The most notable recommendations were concerning women's rights, delegations recommended Italy to include the definition of femicide and rape in its legislation and develop new strategic plan to eliminate gender based violence (Norway, Paraguay, Gabon, Moldova) and promote same sex marriage rights (France, The Netherlands, Portugal, Iceland). Several countries recommended to ensure women have access to sexual, reproductive services (Iceland, Portugal, Norway). To ensure human rights protection it was recommended to expedite efforts to establish NHRI (Greece, India, Iraq, Malaysia, Gambia). On the protection of refugees rights several delegations recommended to improve the condition for the reception treatment and integration of migrants and refugees, ensuring that all refugees have access to effective anti discrimination measures in particular in the areas of housing (New Zealand, Pakistan, Kenya). Roma and Sinti minority rights were only mentioned by delegates from Iran and India. The most repeated recommendation concerned the investigation of the trafficking of human beings (Indonesia, Kazakhstan, Lebanon, Mongolia, Peru, Morocco, Nigeria).

1.2 Italy and the Fourth Cycle of the Universal Periodic Review (UPR): Commitments, Concerns, and the Path Forward

3 September 2025.

<https://unipd-centrodirittiumani.it/en/topics/italy-and-the-fourth-cycle-of-the-universal-periodic-review-upr-commitments-concerns-and-the-path-forward>

Pegah Mostajeran

On 20-31 January 2025, during the 48th session of the Working Group on the Universal Periodic Review (UPR), Italy underwent its fourth UPR cycle, along with other countries including Brazil, Egypt and Iran. This review followed the previous ones carried out in February 2010 (first cycle), October 2014 (second cycle), and November 2019 (third cycle).

Introduction

In an era of global upheaval, this review unfolded against a backdrop of unprecedented challenges. The years 2020 to 2024 were marked by a series of crises that reshaped international priorities and domestic policies alike. Nations grappled with the complexities of migration governance, the escalating threats of climate change, the evolving landscape of digital rights, and the persistent socio-economic aftershocks of the COVID-19 pandemic.

During the Working Group interactive dialogue of January 20, the Italian delegation, led by the Undersecretary of State for Foreign Affairs and International Cooperation, Giorgio Silli, reiterated its national and international commitment to the promotion and protection of human rights. The session was facilitated by a troika composed of Switzerland, North Macedonia, and the Democratic Republic of Congo.

As in previous cycles, the review was based on specific documents and information, namely:

- The [National Report](#) submitted by the Italian Government - In this document, the state under review assesses the progress made and the impact of the recommendations received during previous cycles.

- The [Compilation of UN Information](#), prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) - This document consists of a summary of inputs from various international entities, such as special procedures' reports and treaty bodies' recommendations.
- The [Summary of Stakeholders' Submissions](#), prepared by OHCHR - The document provides an overview of contributions received from National Human Rights Institutions (where operating), NGOs, human rights defenders, academic institutions, and research centres.

Some States prepared some [advance questions](#) that were transmitted to Italy through the troika. Advance questions were submitted by Belgium, the core group of sponsors of the resolutions on the human right to a clean, healthy and sustainable environment (Costa Rica, Maldives and Slovenia), Germany, Portugal (on behalf of the Group of Friends on national mechanisms for implementation, reporting and follow-up), Slovenia, Spain, Sweden, the United Kingdom and the USA.

At its 49th session, held in June-July 2025, the United Nations Human Rights Council (HRC) approved the Outcome of the Working Group on Italy's UPR. The outcome consists of the [Report of the Working Group](#) on the UPR, summarising the dialogue between the state delegations and containing the complete list of recommendations addressed to the State under review, and an [Addendum](#), containing Italy's responses and views on the recommendations.

These documents highlighted Italy's human rights landscape and efforts since the third cycle, with attention to anti-discrimination policies, strengthening the protection of vulnerable groups, women's empowerment, and enhancing institutional coordination on human rights issues.

General Outcome and Statistics

Italy received 340 recommendations from 123 UN Member States, ranking third in terms of volume among the session's reviewed countries, after Iran and Egypt. According to [Italy's official response](#) submitted in March and April 2025, 295 recommendations were fully accepted, 41 were noted, and 4 were partially noted.

These figures reflect the country's willingness and engagement with the UPR process and the interest of the international community in the Italian situation. However, they also suggest a more conservative stance compared to the previous cycle, in which 292 out of 306 recommendations were accepted. Indeed, the percentage of noted recommendations increased from 4.5% to 13.2%. Italy has further declared its intention to submit a voluntary mid-term report by January 2027, continuing a practice it had also adopted during the third UPR cycle.

A quantitative overview of the recommendations received by Italy in this cycle reveals important insights into international concerns regarding the country's human rights framework. A large portion of these recommendations clustered around specific thematic areas:

- The rights of migrants, refugees, and asylum seekers constitute one of the most significant areas of concern, accounting for approximately 15% of all recommendations, which underscores continued scrutiny over Italy's migration governance policies.
- Anti-discrimination measures in all their forms represent the second largest category, with 11.4% of the recommendations. This broad cluster includes calls to address structural racism, xenophobia, hate speech, and intersectional discrimination, particularly targeting racialised groups such as Roma, Sinti and Caminanti, and people of African descent.
- Women's rights and gender equality are highlighted in 25% of recommendations, which rose notably compared to the previous review (10.5%). Recommendations in this category often focus on tackling femicide, strengthening anti-violence services, and promoting gender equality in political and economic spheres.
- Recommendations addressing the establishment of a National Human Rights Institution (NHRI) in accordance with the UN Paris Principles make up nearly 15% of the total.

Italy has received such recommendations since its first UPR cycle, indicating persistent concern over the lack of a fully independent monitoring body at the national level.

- Children’s rights and access to education comprise over 10% of the total, representing a cross-cutting theme. Recommendations in this field concern the protection of unaccompanied migrant minors, access to inclusive education, child labour, and protection from violence.
- The rights of persons with disabilities feature approximately 4.7% of all recommendations. Compared to previous cycles, Italy has made modest yet noteworthy progress in this area. While in 2019, recommendations centred largely on legislative alignment and institutional coordination, the current cycle calls for a more structured response.
- LGBTQ+ rights are a significant focus, with almost 15% of the total recommendations specifically addressing this area. These proposals particularly emphasize the need for enacting legal protections for the LGBTQ+ community, recognising same-sex parenthood, and banning conversion therapies.

This distribution of recommendations points out the multidimensional nature of the international community’s concerns and provides Italy with a roadmap for prioritising policy reforms.

Key Thematic Priorities and Challenges

Building upon the quantitative overview of the recommendations, this analysis delves into the substantive human rights concerns that emerged most prominently from the 2025 UPR. These concerns not only signal the international community's normative expectations but also illuminate long-standing structural gaps and evolving challenges within Italy's domestic framework.

Migration and Non-Refoulement

Member States urged Italy to strengthen protection mechanisms for migrants, refugees, and asylum seekers, and to address the need for individualised assessments of asylum claims. Many recommendations (34.10, 83, 300, etc.) focused on ensuring compliance with the principle of non-refoulement, the protection of vulnerable individuals in transit, and the legal recognition of humanitarian grounds for residence. In its response, Italy reaffirmed its adherence to non-refoulement, expressing the role of territorial commissions and judicial oversight in assessing international protection requests. Nonetheless, several stakeholders, including civil society organisations, have stressed that these procedural safeguards are often undermined by inconsistent implementation, prolonged detention practices, and insufficient access to legal aid.

Discrimination and Hate Speech

Italy received a considerable number of recommendations, in which the delegations emphasised concerns over the rise of racially motivated violence, online hate speech, and all forms of discrimination, including those based on gender (e.g. recommendations 34.66, advanced by the Republic of Korea, and 34.71, raised by Uzbekistan). Recommendations called for more robust legislation against hate crimes, the effective implementation of anti-racism strategies, and the promotion of inclusive education. Namibia recommended a prohibition on racial profiling and adopting a guideline for police officers aimed at preventing any racial discrimination during checks and other policing measures. Also, countries such as Bangladesh and the United States of America insisted on the importance of inclusive public services, education, and housing. The Italian delegation referred to the adoption of the National Action Plan Against Racism (NAPAR) 2023–2027, which outlines strategic goals across public institutions, media, and the private sector.

Women’s Rights and Gender-Based Violence

Recommendations related to women’s rights and gender equality reflect ongoing international concerns over structural gender disparities, underrepresentation of women in decision-making roles, and the persistence of gender-based violence, including femicide, domestic abuse and sexual harassment (see recommendations 34.159, 214, 229, 235, etc.). In addition, some States

called on the country to strengthen its national response to gender based violence against women by improving access to shelters and psychological support, ensuring effective prosecution of gender-based crimes, and addressing gender pay gaps and workplace discrimination. Several recommendations emphasised the importance of collecting gender-disaggregated data, particularly in the justice and health systems. As Iceland recommended, sexual and reproductive health rights need to be promoted and protected. Although Italy highlighted the 2023 Law on Comprehensive Protection Against Gender-Based Violence and new funding for anti-violence centres (Law No. 168/2023), civil society submissions stressed that the implementation of such frameworks remains uneven across regions, and Italy is encouraged to ensure effective implementations of existing laws and policies alongside strengthening gender-based equality.

National Human Rights Institution (NHRI)

The repeated recommendations articulated by 28 Member States, such as Qatar, Estonia, Sri Lanka, for the establishment of an independent NHRI (34.22, 23, 24, etc.) underscore the centrality of this institutional gap in Italy's human rights system. The Government reaffirmed its commitment in the 2025 review, just as it had done in 2010, 2015, and 2019. However, a notable shift occurred with the submission of a draft law to the Parliament in late 2024, a development that, if effectively implemented, could lead to an institutional step forward for the country to fulfil its international human rights obligations.

Children's Rights and Education Access

Ensuring accessibility to inclusive education for all, reinforcing the child protection system, and addressing the specific needs of unaccompanied minors in the migration context were among the key concerns raised by delegations with regard to children's rights (34.175, 177, 178, etc.). Italy responded by referring to existing policies and national guidelines designed to address these gaps.

Rights of Persons with Disabilities

Recommendations concerning disability rights underscored the necessity for tangible measures to ensure accessibility within public infrastructure, foster inclusion in both education and employment, and improve disability assessments. Italy's response cited its 2022–2024 National Strategy on Disability and newly issued guidelines for inclusive education, thereby indicating national priorities consistent with the UN Convention on the Rights of Persons with Disabilities (CRPD). The Democratic Republic of Congo, in recommendation 34.152, advocated for the adoption of additional incentives for companies to promote the employment of persons with disabilities.

Rejected or Partially Noted Recommendations

Italy noted or partially accepted 45 recommendations and justified these rejections based on European alignment, constitutional constraints, and national security considerations.

Key examples of non-accepted recommendations include:

- Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Italy noted recommendations 34.1, 2, 3, 4, 5, 9, and maintained that its legal framework already protects the rights of both regular and irregular migrants. Consistent with the EU common position, its member states have not signed the mentioned convention, but through the ratification of ILO Conventions 143 and 189, Italy is bound to protect migrant workers and remains subject to periodic review on the domestic implementation of both conventions.
- Broader LGBTQ+ parental rights and legal marriage equality Italy noted recommendations 34.117, 118, 119, etc., asserting that the rights of same-sex couples are regulated under Law 76/2016, which recognises domestic partnerships, granting largely equivalent rights and obligations to same-sex couples. However, Italy does not

allow joint adoption by unmarried or same-sex couples, but in special cases. Legislative reforms in this area remain under the competence of Parliament.

- Endorsement of the Treaty on the Prohibition of Nuclear Weapons. While Italy reaffirmed its commitment to the goal of a world free of nuclear weapons, it considers the Nuclear Non-Proliferation Treaty (NPT) as the cornerstone of the disarmament regime, and therefore does not deem new treaties necessary. Recommendation 34.14 was noted partially: the part on the Treaty on the Prohibition of Nuclear Weapons (TPNW) was not accepted, while the other elements were endorsed.
- Amendments to the definition of consent in sexual crimes. Recommendations 34.86, 87, 235, 243 were noted, noting that, under Art. 609-bis of the Criminal Code as interpreted by the Supreme Court of Cassation, sexual violence is already characterised by the absence of consent, not by the use of violence. However, Italy partially accepted recommendations 34.220, 221, and agreed on the criminalisation of femicide.

Conclusion

Italy's fourth UPR cycle reflects continuity in key areas of international concern: migration governance, racial discrimination, gender-based violence, and the long-awaited NHRI. The increase in recommendations related to climate and digital rights signals a shift in the global human rights discourse that Italy must integrate into its domestic framework. The government's relatively high acceptance rate indicates openness to international scrutiny, but implementation and follow-through remain the ultimate benchmarks of credibility.

2. The Elmasry Italy-ICC Case

2.1 The International Criminal Court calls on Italy to fully cooperate after failing to arrest Libyan General Osama Elmasry Njeem

22 January 2025.

<https://unipd-centrodiritiumani.it/en/topics/the-international-criminal-court-calls-on-italy-to-fully-cooperate-after-failing-to-arrest-libyan-general-osama-elmasry-njeem>

Paolo De Stefani

The accusations against Almasri

On 18 January 2025, the Pre-Trial Chamber I of the International Criminal Court issued an international arrest warrant for Libyan General Osama Elmasry Njeem, also known as Almasri. The charges the Court wants to investigate relate to his role, as head of the Special Deterrence Forces operating in Tripoli, in the commission of international crimes since 15 February 2015, particularly against detainees in the Mitiga prison. According to the charges, the prison has held and continues to hold people arrested for their religious beliefs (Christians or atheists), for violating moral police rules (for example, for homosexuality), for belonging to armed groups in conflict with the Tripoli government, but also for the purpose of extortion. Many of the detainees are migrants in transit. The charges relate to the war crimes of inhumane treatment, torture, rape and sexual violence, murder, as well as the crimes against humanity of imprisonment, torture, rape, murder and persecution.

Italy's cooperation with the International Criminal Court

On the same 18 January, the request for arrest was submitted to six European countries (and a request for cooperation was also sent to Interpol), after investigators had learned that Almasri could be in Europe. The Court consulted with the competent authorities of the various countries and acted in coordination with the respective bodies, sharing information about the suspect's movements in real time. The arrest took place in Turin (Italy) on the morning of Sunday, 19 January.

The procedure Italy must follow to cooperate with the Court is regulated by [Law No. 237 of 20 December 2012](#). The Law establishes that cooperation with the Court, including in matters of surrender of the wanted person, always takes place through the Minister of Justice, whose responsibility it is "to receive requests from the Court and follow them up", possibly with the collaboration of other ministers (in particular, in the case of a request for arrest and surrender of a wanted person, the Minister of the Interior). The precautionary measure against the wanted person is requested by the Prosecutor General at the Court of Appeal of Rome and decided by the latter by order, subject to appeal to the Court of Cassation.

Arrest and release

[According to its press release of January 22, 2025](#), on 19 and 20 January, at Italy's request, the Court did not issue any statement regarding Almasri's arrest, evidently confident in his swift transfer to The Hague. On Monday 21 January, without receiving any communication from the Italian authorities, the Court learned (presumably with considerable disappointment) that the wanted person had been released and returned to Libya in the evening on a flight provided by the Italian state. The plane, which departed around 11 am from Rome Ciampino Airport, landed at Turin Airport, picked up the wanted person and then returned him to Tripoli, where he landed around 9:45 pm.

[In the press release of 22 January](#), the Court stated that it had requested an official report from the Italian authorities regarding the facts, but had not received any. From press reports, it is known that the Rome Court of Appeal would have deemed the arrest carried out by the Turin police to be unlawful, as it was carried out without having previously agreed on the operation with the Minister of Justice. The Minister would have been informed of the precautionary measure only on Monday 21 January presumably when the operation for Almasri's return to his home country was already underway.

Reaffirming the seriousness of Italy's commitment

The incident is very serious and highlights either a serious lack of coordination between the state bodies responsible for ensuring cooperation with the International Criminal Court, or a deliberate choice, made at the political level, not to follow through on the request for surrender. In either case, this would be a very worrying circumstance, also because the crimes ascribed to Osama Elmasry Njeem have a direct connection with issues that affect Italy, given that the torture and rape taking place in the Mitiga prison and carried out by the police under the command of the Libyan General are linked at least in part to the human trafficking flows that Italy has committed to combating in every way and in every place. Not to mention the country's diplomatic commitment against religious persecution, including that which affects Christians in the world. It is significant to recall that, in 2022, the Prosecutor of the International Criminal Court [commented with satisfaction](#) on the collaboration between the Court's investigators and the Italian authorities that had led to the extradition from Ethiopia to Italy of an Eritrean citizen wanted by Italy for human trafficking through Libya.

Almasri does not enjoy any international immunity. There is no apparent justification for a choice of non-cooperation with the Court. Nor can an explanation of what happened centred on the culpable negligence of some official who failed to inform the Minister of Justice of the imminent arrest be considered acceptable, given that consultations and exchanges of

information "in real time" between Rome and The Hague had been active at least since 18 January.

The seriousness of Italy's commitment to honouring its obligations arising from the ratification of the Rome Statute of the International Criminal Court risks being compromised, at a historical moment when the need to make international criminal justice work is felt with increasing urgency, but obstacles to its functioning are multiplying in direct proportion.

2.2 The Prosecutor of the International Criminal Court requests referring Italy to the Assembly of States Parties and the Security Council for failure to cooperate in the Elmasry case

22 February 2025.

<https://unipd-centrodirittiumani.it/en/topics/the-prosecutor-of-the-international-criminal-court-requests-referring-italy-to-the-assembly-of-states-parties-and-the-security-council-for-failure-to-cooperate-in-the-almasri-case>

Paolo De Stefani

On 21 February 2025, the Prosecutor of the International Criminal Court (ICC), Karim Khan, requested the Pre-Trial Chamber of the Court to issue a formal finding of non-compliance by Italy with its duty to cooperate with the ICC, in relation to the failure to arrest the wanted Osama Elmasri (or Almasri) Njeem, a high-ranking Libyan official accused of war crimes and crimes against humanity. Such a decision could imply referring the State to the Assembly of States Parties to the ICC or to the United Nations Security Council, which would then have to potentially take censure measures against Italy.

Almasri's Arrest Warrant and its contentious execution in Italy

Article 87.7 of the Rome Statute establishing the ICC states that '[w]here a State Party fails to comply with a request to cooperate by the Court contrary to the provisions of this Statute, thereby preventing the Court from exercising its functions and powers under this Statute, the Court may make a finding to that effect and refer the matter to the Assembly of States Parties or, where the Security Council referred the matter to the Court, to the Security Council.

In his request, the Prosecutor points out a series of facts from which it can be inferred that the Italian authorities failed to cooperate with the ICC in the arrest of Almasri.

Firstly, the document recalls that the request to arrest Almasri was submitted to the ICC judges (Pre-Trial Chamber I, Presiding Judge Julia Motoc) on 2 October 2024 and updated on 9 October. The request was not made public so as not to advantage the suspect. With it, authorization was requested for the search and seizure of the Libyan citizen, as well as for the 'identification, tracing and freezing or seizure of his property and assets'. The arrest warrant, together with an order for 'search and seizure of any evidence or device that may contain evidence and its transmission to the Court ("Search and Seizure Order")' regarding, for example, mobile phones, computers or similar items held by the suspect, was issued by the Pre-Trial Chamber on 18 January 2025. On the same day, the Registry of the ICC sent two emails to the Italian Government, one to the official formally responsible for managing communications between the state and the ICC, namely the Italian Embassy in The Hague. The notified document in one of the official languages of the ICC (English and French) also included texts in Arabic to be communicated to the person to be arrested. Almasri's arrest was carried out, as is known, in Turin, on 19 January.

Release and Expulsion to Libya

In its submission to the ICC Pre-Trial Chamber the Prosecutor recalls a series of contacts that took place between the ICC and the Italian authorities between 19 and 21 January, whose details, however, are redacted in the publicly available text, since there is an ongoing dispute with the Italian government on this point. The Prosecutor mentions the press release issued by the Ministry of Justice at 16:04 on 21 January, according to which the Ministry was considering transmitting the arrest warrant to the Public Prosecutor's Office in Rome (as required by Law 327/2012 on cooperation between the Italian state and the ICC). The ICC Prosecutor notes however that, according to the information provided on the X platform by journalist Sergio Scandura, the state flight that would have taken Almasri from Turin to Tripoli had already departed that same day from Rome Ciampino airport at 11:14. In the meantime, at the request of Almasri's lawyer, the Rome Court of Appeal ordered Almasri's release, since the arrest had been carried out without the 'mediation' (interlocuzione) between the Minister of Justice and the Public Prosecutor's Office at the Court of Appeal of Rome, as allegedly required by Law 237/2012. Since no other activity had been carried out by the Ministry to execute the international arrest warrant, despite the solicitation to do so made by the Court itself on 20 January, that is, immediately after being informed by the Turin Police Headquarters of the arrest of the suspect, the Court ordered Almasri's release. In the evening of the same day, shortly after 9 pm, Almasri disembarked from the Italian Air Force's Falcon900 at Tripoli airport. His immediate expulsion from Italy had in fact been ordered on the basis of Article 13.1 of the Consolidated Immigration Act. This provision states that '[f]or reasons of public order or national security, the Minister of the Interior may order the expulsion of a foreigner even if not resident in the territory of the State, giving prior notice to the President of the Council of Ministers and the Minister of Foreign Affairs'.

Since the arrest warrant communicated to the Italian authorities on 18 January contained some errors, a new version was issued by Pre-Trial Chamber I of the ICC on 24 January and immediately made public. On 17 January, the Chamber, noticing that the matter could constitute a failure of cooperation between Italy and the ICC, as provided for in Article 87.7 of the Rome Statute, invited the Italian state to provide its observations, as provided for in Article 109 of the ICC Rules of Procedure, setting a deadline of thirty days.

Italy's Failure to Comply with the Obligation to Cooperate with the ICC

After reconstructing the facts in these terms, the Prosecutor asks the three judges of the Pre-Trial Chamber to refer the Italian case to the Assembly of States Parties to the ICC Convention and/or to the Security Council, considering that the Italian government has failed to comply with its obligation to cooperate with the ICC and, in doing so, has prevented the ICC from exercising its functions and powers. Italy indeed ratified the Rome Statute in 1999 and is therefore required to observe the obligations of cooperation with the ICC established, among others, by Article 87. The possible role of the UN Security Council is linked to the fact that the ICC's investigations into international crimes committed in Libya, including those for which Almasri is wanted, are related to the situation referred to the ICC's jurisdiction by the Security Council with Resolution 1970/2011.

On the first argument, namely that there has been no adequate implementation of the obligation to cooperate, the Prosecutor notes that the transmission of the arrest warrant to the Italian authorities took place, in accordance with the pertinent procedures, on 18 January. If, as stated by the Italian Ministry of Justice, the information only reached the Minister on 20 January, this may have been due to some lack of coordination, but it certainly cannot exclude a violation of the international norm. The Prosecutor does not comment on whether the decision of the Rome Court of Appeal not to uphold Almasri's arrest by the Turin police was correct or not (although he cites the opinions of numerous scholars who disagree with the interpretation of Law 237/2012 given by the Italian Court), but he emphasizes that in the hours and days following Almasri's (deemed unlawful) arrest, there would have been the possibility to implement Article 4 of Law 237/2012, according to which '[t]he Minister of Justice shall give effect to requests

made by the International Criminal Court, transmitting them to the Prosecutor General at the Court of Appeal of Rome for execution.’ However, no transmission of documents took place from the Ministry to the Prosecutor General's Office at the Rome Court of Appeal.

The Prosecutor also recalls some passages from the statements made by the Minister of Justice in his hearing before the Italian Parliament on 5 February, in which reference is made to some ‘perplexities’ relating to the contents of the arrest warrant received on 18 January (but examined only on 20 January). Doubts concerned the failure to precisely indicate the moment when the crimes imputed to Almasri were allegedly committed and echoed the arguments of Judge María del Socorro Flores Liera, who had voted against the issuance of the arrest warrant itself. Although considering the doubts raised by the Minister to be irrelevant, the Prosecutor notes that, in various occasions between 20 and 21 January, the ICC contacted the Italian authorities (the contacts are duly reported, but redacted in the published version of the document, as noticed above). However, the latter neither raised nor sought to resolve through consultations the problems subsequently highlighted, despite the fact that Article 97 of the Rome Statute expressly provides that ‘[w]here a State Party receives a request under this Part in relation to which it identifies problems which may impede or prevent the execution of the request, that State shall consult with the Court without delay in order to resolve the matter.’

Finally, the Prosecutor stigmatizes the Italian Government's choice to immediately repatriate the wanted person, justified by the extreme dangerousness of the individual. The expulsion was carried out, once again, without any consultation with the ICC. If, as the Minister of the Interior stated during the parliamentary hearing on 5 February, ‘The preparation of the [aircraft that would have repatriated Almasri in the evening of the same day] in the morning of 21 January falls within [the] risk preventive measures, and therefore open to any scenario’ that a State must take when dealing with exceptional situations, the ICC Prosecutor wonders why, among the actions ‘open to any scenario’, the option of consulting with the ICC was not considered.

A Serious Impediment to the Exercise of the ICC's Functions and Powers

As for the second condition required by Article 87.7 of the Rome Statute, namely that the failure to cooperate by the State has resulted in a serious obstacle to the ICC's action, the Prosecutor observes that Almasri's repatriation to Libya has made his arrest very difficult, given the network of protection he enjoys at all levels in his home country. It should also be noted that, in addition to not arresting the suspect, the Italian authorities did not even adopt the prescribed measures of personal search and seizure of devices available to the accused (as had happened in the Abedini case, the Iranian citizen arrested on an American warrant and repatriated, as a means to obtain the release of the Italian journalist Cecilia Sala). The possibility of acquiring evidence that could have been used in other cases relating to the Libyan situation was therefore also lost. In addition to making Almasri's arrest highly unlikely, his return to his home country puts at risk the safety and lives of those who, in the past months and years, have collaborated in gathering information on the crimes he is accused of: witnesses and victims of the murders and torture committed from 2015 onwards in the Mitiga prison, including members of their families.

On other issues raised on various occasions by members of the Italian Government, the Prosecutor reserves the right to argue elsewhere. This applies in particular to the claim by the Italian Minister of Justice to subject the contents of the arrest warrant to his own substantive assessment; to the statement that the execution of the arrest warrant required a ‘mediation’ activity between the Minister himself and the Italian judicial authority for its execution; as well as the statement, again by the Minister of Justice, that the second version of the arrest warrant was substantially different from that of 18 January (a circumstance strongly denied: the version of 24 January just corrected some material errors in the previous one and provided the full text of the dissenting opinion of Judge Flores Liera, whose arguments moreover hypothesised a possible defect in the ICC's jurisdiction regarding all arrest warrants issued from October 2024 in the framework of the Libyan situation investigations: no specific reference was made to the merits of the charges brought against Almasri).

Encouraging Italy to Respect Its Obligations towards the ICC

In conclusion, the Prosecutor believes that the Court should refer Italy to the Assembly of States Parties or the Security Council not only because of the seriousness of the repeated refusals to cooperate with the ICC – and the consequences of such conduct for the prosecution and for the survivors and witnesses who have contributed to the investigations—but also because of the ‘apparent political nature of Italy's decision to release and transfer [Almasri] to Libya’. In fact, the Prosecutor emphasizes that Italy's failure to cooperate involved the highest levels of government (in particular the Ministers of Justice, Interior and Foreign Affairs), as well as staff of these administrations at various hierarchical levels. Moreover, ‘Italy failed to provide key information – or provided erroneous information – to the Court along the process in what appeared to be a concerted effort to ensure [Almasri] quick release and transfer to Libya’. After the wanted person's repatriation, Italy did not acknowledge its non-compliance and even attempted to shift responsibility for the failure to arrest onto the ICC. Referral to the Assembly of States Parties or the Security Council is considered the most appropriate instrument to ‘encourage Italy’s compliance with its international obligations towards the Court in the future’.

2.3 The Italian government presents its submissions on the Elmasry case. Brief analysis of the arguments

26 June 2025.

<https://unipd-centrodirittiumani.it/en/topics/the-italian-government-presents-its-submissions-on-the-elmasry-case-brief-analysis-of-the-arguments>

Carlotta Rossato

The Elmasry (or Almasri or Njeem) affair, [as previously discussed in the Yearbook](#), proceeds. Following the International Criminal Court’s (ICC, Pre-Trial Chamber I) invitation, dated 17 February 2025, to Italy to provide explanations regarding the failure to surrender the Libyan citizen subject to an arrest warrant for war crimes and crimes against humanity, the Italian government twice requested an extension of the time limit for submitting its response. [The latter](#) was finally issued on 30 April and sent to the ICC Registry on 6 May.

The main arguments put forward by the Italian government in support of its action are listed and briefly commented on below:

The Court of Appeal of Rome correctly detected procedural violations

The case was brought before the Court of Appeal of Rome as the judicial body competent in matters of cooperation with the ICC and, specifically, of the validation of Elmasry’s arrest. In its ruling, the Italian Court, adopting a restrictive reading of the law on cooperation with the ICC (Law No. 237/2012), excluded the provision of proprio motu emergency arrest by the judicial police in the surrender procedure of a suspect in execution of an arrest warrant of the ICC, imposing the necessary prior dialogue with the Minister of Justice. Therefore, the judicial authority affirmed the existence of a procedural error in the arrest of Elmasry by the police on the basis of the Interpol red notice, and pronounced his release.

The Italian Government emphasises that it has no power to intervene in the contents of the decision, but only to acknowledge it.

[As already noted](#), the interpretation adopted by the Court of Appeal is not exempt from criticism. Concerns about the incompleteness of the legislation had already been raised at the time of the adoption of Law No. 237/2012 and, on the occasion of the ruling in question (the first concerning the application of this law), it was highlighted how the special legislation refers

to the ordinary one in matters of extradition insofar as not otherwise provided for (Art. 3). Therefore, in this case, one can argue for the application of the ordinary code of procedure where it regulates arrest in cases of urgency by the judicial police (Art. 716 of the Code of Criminal Procedure – c.p.p.), thus avoiding a procedural blockade which is paradoxical considering the seriousness of the crimes under examination. Moreover, in the face of the Government’s supposedly obligatory passive position, it can be contested how the Minister of Justice could instead have proceeded to the timely transmission of the request for arrest received from the ICC to the Attorney General, thus allowing the latter to execute it (as provided for by Art. 4 of Law No. 237/2012). In fact, it emerges from the files that the Attorney General’s Office did not receive this request as required, a fact which contributed to his application for release.

(a) The competing request for extradition made by the Libyan authorities for the same facts

Having received, on 18 January 2025, the request for the arrest and surrender of Elmasry by the ICC and, on 20 January (following the arrest), the request for the extradition of the suspect by the Libyan authorities, the Minister of Justice found himself in the position of establishing their order of precedence (Art. 2.2 Law No. 237/2012; Art. 90, 93 Rome Statute). The Libyan extradition request claimed the violation of the principle of complementarity by the ICC, asserting the existence at the national level of an ongoing investigation against Elmasry for the same facts for the crimes of torture, enforced disappearance and discrimination. Assuming that this context raises doubts as to the admissibility of the case before the ICC - a circumstance considered by the Statute to exonerate the need to give priority to the request to the Court - the Italian Government states how this has contributed to the assessment made as to the priority to be given to the requests received. In addition, the governmental authority states that the national legislation ‘requires assessing whether the offended individuals include an Italian citizen, the Italian Court having jurisdiction in such case’ (Art. 10.1-bis c.p.p.).

(b) Discrepancies in the documents supporting the request for cooperation submitted by the ICC

The Government asserts the existence of inconsistencies regarding the time frame of the crimes attributed to Elmasry, i.e. between what is indicated in the arrest warrant (from 2011 onwards) and what was presented by the Prosecutor of the ICC in the request for the issuance of that warrant (from 2015 onwards). Moreover, the Italian authorities complain about the initial absence of the annex consisting of the dissenting opinion of Judge Socorro Flores Liera. This led to a correction of the warrant by the Pre-Trial Chamber I in the following days.

The Italian Government claims that both the presence of competing requests and the complexity of the evaluations entrusted to the Minister of Justice created an incompatibility with the assumption of an immediate obligation to transmit the documents to the Attorney General.

Regarding the first point (a), it is necessary to recall that the principle of complementarity that governs relations between the ICC and the Member States prescribes the intervention of the former (and thus the admissibility of the case before it) provided that the State having jurisdiction ‘is unwilling or unable genuinely to carry out the investigation or prosecution’ (Art. 17.1(a) Rome Statute). Several doubts arise as to the genuineness of the investigation reported by the Libyan authorities against Elmasry. Firstly, it emerges from the [documents transmitted by the Libyan Attorney General’s Office](#) that the investigation was initiated in 2016. Given the serious social dangerousness attributed to the subject by the Italian government - which, in fact, motivated the adoption of an immediate expulsion order - it appears significant that, after nine years of investigation, no measures have been issued against him. The fact that the suspect still holds the position of Head of the Libyan judicial police, despite the serious charges pending, raises doubts as to the Libyan authorities’ actual willingness to pursue the case against him. (Moreover, it is relevant to mention that a few months after the incident, the fragile political balance in Libya has led to a split between the government in Tripoli and Elmasry. In fact, although the general was enthusiastically welcomed upon his repatriation to Libya, [the](#)

[escalation of clashes in May 2025 between the militias](#), and in particular between pro-presidential forces and the group of which Elmasry is one of the leaders - Special Deterrence Force, RADA - seems to have made the intentions to take legal action against him more concrete, both nationally and through his potential surrender to the ICC). It should also be recalled that handing over a suspect to the ICC does not deprive him of the right of defence and thus of the possibility of lodging before it an application for inadmissibility of the case on the basis of the ongoing proceedings at national level (Art. 19.2 Statute). The latter forum appears, indeed, the most appropriate for a thorough and impartial assessment of the matter, without the need to undermine the progression of the case before the court in The Hague by removing the suspect from its jurisdiction. It should also be noted that the exhaustive assessment of the admissibility of the case before the Court is still awaited, and is therefore far from being precluded (as underlined by the Pre-Trial Chamber itself, paragraphs 12-13 of the [arrest warrant](#)). Lastly, on the subject of the Italian jurisdiction raised, the reference to Article 10.1 bis of the Code of Criminal Procedure, which regulates the territorial competence over the case (indicating, in paragraph 1 bis, the hypothesis that the crime was committed abroad and to the detriment of an Italian citizen) does not appear clear. Italian courts have already ruled on serious offences committed abroad by foreign citizens against foreigners, and in particular on [acts of torture committed in detention centres in Libya](#) (Art. 10 of the Criminal Code).

As to the second sub-argument (point b), [it can be verified](#) that the ICC corrected the reference to the date 2011, included in its conclusions, with 2015, and attached the dissenting opinion. It is therefore acknowledged that the warrant initially transmitted was inaccurate and that this may have caused confusion in reading. Nevertheless, the gravity of the crimes under examination should have motivated the Italian authorities to consult the ICC for clarification, thereby avoiding frustrating the course of the proceedings. In fact, given that the existence of the ICC's investigation was publicly disclosed with the arrest, the Italian Government's failure to consult with the Court and the consequent release of the suspect actually undermined the future chances of arrest, even once the drafting error had been corrected.

For the sake of clarity, it is possible to illustrate the relationship between the different dates indicated in the arrest warrant as well as the content of the dissenting opinion. The reference to the year 2011 is explained by Resolution 1970 adopted by the UN Security Council in that year and which activated the jurisdiction of the ICC over the Libyan situation. As already expressed on the occasion of the previous arrest warrants issued in relation to the Libya investigation, Judge Socorro Flores Liera of Pre-Trial Chamber I, through her dissenting opinion - which is a minority compared to the majority of the panel of judges that led to the adoption of the warrant - stated her opposition to the issuance of the warrant against Elmasry, arguing that the crimes of which the suspect is accused (dating from the period between February 2015 and October 2024) are not sufficiently linked to the conflict that erupted in 2011, which, under Resolution 1970, grounds the Court's jurisdiction. On the other hand, the Pre-Trial Chamber I has already in the past affirmed the existence of a sufficient connection between the situation covered by Resolution 1970 and acts committed in subsequent years (specifically, between 2016 and 2017) by virtue of the involvement of persons already active in the conflict since 2011 ([Al-Werfalli case](#)). Consequently, the temporal discrepancy between the facts that are the object of the indictment against Elmasry and those founding the jurisdiction of the ICC is not as such a factor necessarily excluding the jurisdiction of the International Court.

Finally, it should be pointed out that the legislation on cooperation with the ICC (Law No. 237/2012) does not invest the Minister of Justice with any discretionary power as regards the transmission of the acts to the Attorney General (Art. 4.1: 'The Minister of Justice shall give effect to the requests made by the International Criminal Court, transmitting them to the Attorney General at the Court of Appeal in Rome for execution [...]'). Therefore, the assessment made by the Minister in this sense (allegedly 'entrusted to' him) appears unjustified.

Legitimacy of the expulsion decree issued by the Italian Minister of the Interior

In order to refute the criticism of having obstructed the work of the ICC by repatriating a wanted person, the government focuses on the reason for the expulsion, namely the protection of public order and national security. It is emphasised that the subject's social dangerousness was evidenced by what was found in his hotel room at the time of his arrest, i.e. a large sum of cash and a rifle optic, as well as by the seriousness of the charges in the arrest warrant. This reportedly motivated the urgency and necessity of the measure. The Government refers to national case law (Regional Administrative Court and Council of State) which affirms that the Minister of the Interior has the power to issue an expulsion order, that he enjoys administrative discretion and that he can adopt it on grounds of mere suspicion if motivated by the protection of national security. European legislation (Council Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents) is also cited in support of this choice.

Regardless of the legitimacy of the measure issued by the Viminale, what raises questions is the short-sightedness shown by the authority in exercising administrative discretion. The expulsion, in fact, meant that the suspect of war crimes and crimes against humanity (among others, torture, sexual violence, rape, murder and persecution) was sent back to the very territory where the alleged crimes were committed, namely the place where his social dangerousness is highest.

The action undertaken by the Italian government has always been respectful of the law. The government reported that Elmasry's release is attributable to the procedural errors identified by the Court of Appeal, which could not be remedied immediately by virtue of the problems arising from the formulation of the arrest warrant by the ICC and the presence of a competing extradition request issued by the Libyan authorities for the same facts. It was argued that once the release order had been issued, the expulsion decree was the swiftest course of action to be taken in the interest of national security.

In its assessments, the Italian government did not take into account its international obligations other than the cooperation with the Court in The Hague. Italy is, in fact, a party to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). This convention prescribes the obligation to hand over to the prosecuting authority a suspect for such crimes who is found on its territory or alternatively prosecute him for such crimes (*aut dedere aut judicare*, Art. 7.1 CAT). Considering that Elmasry is accused by the ICC of committing (among others) acts of torture, and in light of the concerns raised by the ongoing investigation in Libya (the verification of which, as mentioned, may nevertheless find its way into the proceedings before the ICC), this convention provides a further legal basis for validating Elmasry's arrest and handing him over to the ICC.

Finally, the Government admits that it did not consult the ICC during the events and attributes this failure to the particularity of the circumstances. It asserts that it nevertheless acted in full compliance with national legislation, in particular Law No. 237/2012 (applied for the first time on this occasion); the decision issued by the Court of Appeal of Rome; the competing request for extradition; and the safeguard of national security interests, the determination of which is the sole responsibility of the governmental authority. The Government reaffirms its full respect of the Rome Statute, 'with due regard to balancing of security interests linked to the State and its citizens'. On the basis of the above, the Government therefore requests the ICC to:

1. Establish that Italy has not failed to fulfil its own obligation to cooperate, having instead had to safeguard its national security interests;
2. Consequently, refrain from referring the matter to the Assembly of States Parties or the Security Council (as provided by Art. 87.7 of the Statute).

The procedure whereby the Government has to justify itself before the ICC was initiated by the Pre-Trial Chamber I, [which found that](#) Italy's arrest and subsequent release of Elmasry, as well as his transfer to Libya, 'warrants a determination on the part of the Chamber of whether it is appropriate to make a formal finding of non-compliance' under Article 87.7 of the Rome Statute, and invited Italy to provide submissions under Rule 109 of the Rules of Court. Subsequently, [the ICC Prosecutor requested](#) the Pre-Trial Chamber I to declare Italy's

non-compliance and to transmit the documents to the Assembly of States Parties and/or the UN Security Council.

As much as the critical aspects of the arguments put forward by the Italian government have here been pointed out, it is now awaited the Hague Court's assessment of the merits of the submissions made by both parties and the decision as to whether to refer the matter to the aforementioned bodies.

The Government's actions also led a victim of the atrocities committed in Libya - already heard in the course of the ICC's investigation into the Situation - to lodge [a complaint](#) in The Hague against Prime Minister Giorgia Meloni, Minister of Justice Carlo Nordio and Minister of the Interior Matteo Piantedosi alleging obstruction of the administration of justice under Article 70 of the Rome Statute.

Finally, it is worth recalling that the affair exposes the Italian authorities also on the domestic front, as the Rome Public Prosecutor's Office has opened a file against Meloni, Piantedosi, Nordio and the undersecretary to the Presidency of the Council, Alfredo Mantovano, for the offences of embezzlement and aiding and abetting (Articles 314 and 378 of the Criminal Code). [A victim of the offences](#) attributed to Elmasry also filed a second complaint against the same authorities, accusing them of the crime of aiding and abetting (Article 378 of the Criminal Code).

2.4 International Criminal Court: the Prosecutor maintains that Italy is to be referred to the Assembly of States Parties and/or the Security Council for not complying with the Court's order to arrest Osama Elmasri Njeem

28 July 2025.

<https://unipd-centrodirittiumani.it/en/topics/international-criminal-court-the-prosecutor-maintains-that-italy-is-to-be-referred-to-the-assembly-of-states-parties-and-or-the-security-council-for-not-complying-with-the-courts-order-to-arrest-osama-el-masri-njeem>

Julie Pivetta , Paolo de Stefani

Introduction

On 26 June 2025, the Deputy Prosecutor of the International Criminal Court (ICC), Nazhat Shameem Khan, presented the Office of the Prosecutor's (OTP) response to the [Italian government's submission](#) providing an account of the failure to arrest Osama Elmasry Njeem (also known as Almasri), dated 30 April 2025 (see a critical comment [here](#)). The OTP confirms its intention to request Italy's referral to the ICC Assembly of States Parties and/or the United Nations Security Council pursuant to Article 87.7 of the ICC Statute, for failing to comply with its obligation to cooperate with the ICC as set out in Article 90 of the same Statute, by not arresting Njeem and instead handing him over as a free person to Libyan authorities.

El Masri/Njeem was subject to an ICC arrest warrant for war crimes and crimes against humanity, including murder, torture, sexual violence, cruel and inhuman treatment, persecution and arbitrary detention, committed from 15 February 2015 onwards in the management of Mitiga prison in Tripoli. The ICC is investigating the conduct of various Libyan authorities implicated in human trafficking within the situation referred to its jurisdiction by the Security Council in Resolution 1970 (2011). It is significant to note that on 12 May 2025, the Libyan government accepted the ICC's jurisdiction over its territory from 2011 until the end of 2027.

Background

On 18 January 2025, Pre-Trial Chamber I of the ICC issued, by majority, an arrest warrant for Almasri. Concurrently with the issuance of the warrant, the Court Registry, in coordination with the OTP, sent formal execution requests to six States Parties to the Rome Statute, including Italy. The following day, 19 January 2025, Almasri was identified and arrested in Turin. However, [as already highlighted in this Yearbook](#), Almasri's arrest in Turin was not confirmed by the Court of Appeal of Rome, which is competent in the matter according to Law 237/2012 on judicial cooperation between Italy and the ICC. Accordingly, the Court ordered Almasri's release. Based on Article 13, paragraph 1, of Legislative Decree No. 286 of 25 July 1998 (Immigration Consolidated Act), which allows for administrative expulsion for reasons of public order and state security, Almasri was repatriated to Tripoli via a state flight.

The Prosecutor's observations

The Office of the Prosecutor first notes that, in its 30 April note, the Italian State informed for the first time (three months after the events) that one of the reasons that slowed down and thus made it impossible to execute the ICC arrest warrant was the notification by Libya of an extradition request for Almasri himself. The OTP responds that there is no evidence of any Libyan document containing such an extradition request (the Italian authorities themselves have not produced it) and that, in any case, not even the hypothetical Libyan request was executed by Italy, given that Almasri was repatriated as a free man.

The arguments put forward by Italy to justify its actions were as follows. Firstly, the police who had carried out Almasri's arrest in Turin had, according to the independent and indisputable assessment of the Rome Court of Appeal, incurred some procedural flaws that had led to the non-validation of the arrest and the release of the arrestee. Secondly, the Minister of Justice was unable to remedy the procedural flaws (as the Court of Appeal itself invited him to do), as a second arrest request had been received from Libya, requiring careful evaluation, and due to some irregularities allegedly present in the act received from the ICC. Finally, regardless of the ongoing procedure, the Minister of the Interior had independently decided to expel Almasri for reasons of national security urgently.

The OTP notes that the carefully described articulation of roles and responsibilities cannot obscure the fact that, in substance, Italy has executed neither the ICC arrest warrant nor the extradition requested by Libya. Interpretative disputes concerning national legislation, moreover, do not affect the State's responsibility for breaching an international obligation.

The OTP contests the interpretation given by the Rome Court of Appeal as well as by the Minister of Justice, according to which an ICC arrest warrant cannot be directly executed even without a request to that effect being issued by the Minister himself. Even if Law 237/2012 does not mention it, the rationale of the norm on state cooperation requires that the police of any ICC State Party can arrest a suspect without necessarily waiting for input, as otherwise any arrest order would be left to the discretionary assessment of the State. In any case, the Italian Minister of Justice could have intervened in time to prevent the release of the arrestee. The reasons given to justify the lack of intervention do not appear convincing, also because any doubts could have been resolved by contacting the ICC Registry, which, however, was not consulted.

Regarding the concurrent extradition request received from Libya, the OTP believes that Italy has not correctly applied Article 90 of the ICC Statute. In addition to not notifying the ICC of the extradition request, the Italian government behaved as if it were its task to decide which request should have priority, whether that of the ICC (which the OTP does not doubt) or that of the Libyan State. Now, the principle of complementarity theoretically gives priority to the jurisdiction of the State over that of the ICC, if the charges coincide and the State's judicial initiative is "genuine". The priority of state jurisdiction, which makes the case before the ICC inadmissible, must, however, be examined by the ICC, not by the State requested to arrest the suspect. Moreover, neither the Italian nor the Libyan authorities had the tools to assess whether the facts imputed to Almasri by the ICC coincided with those for which Libya issued the alleged extradition request, given that the charges were made public by the ICC only on 24 January,

when Almasri had already returned to Libya. As for the inconsistencies that the Italian government claims to have found in the arrest warrant, according to the OTP, except for a typo that had swapped the year 2011 with 2014, the information provided was clear, and any doubts could have been clarified with the ICC.

Finally, the OTP contests the arguments used by Italy to justify Almasri's expulsion to Libya. Several factors raise doubts about whether the national security reasons cited by the State are sufficient to legitimise the Government's actions under the ICC Statute. Almasri was not extradited, but returned free, on an aircraft provided by the Italian State, to Libyan territory, where he was welcomed festively by his followers; it also seems established that the repatriation operation started before the Court of Appeal ordered the release of the accused and before the Minister of the Interior issued the expulsion order.

The OTP therefore confirms that, in its opinion, Italy has not cooperated with the ICC and has obstructed it in the exercise of its functions and powers. It thus asks the three judges of the ICC Pre-Trial Chamber to refer Italy to the Assembly of States Parties and/or the Security Council for violation of Article 87.7 of the ICC Statute.

Conclusion

The Preliminary Chamber I of the ICC will address the issue and decide on the referral of the state party and/or to the Security Council in the following months. The Conference or the Security Council may take measures to stigmatise the conduct of the state. Considering the delicate situation in which the ICC is currently operating, the outcome of this controversy may be very relevant for the future of the ICC.

2.5 International Criminal Court: issued a decision on Italy's non-compliance with a request for cooperation on the Elmasry case

27 ottobre 2025.

<https://unipd-centrodirittiumani.it/en/news/international-criminal-court-issued-a-decision-on-italys-non-compliance-with-a-request-for-cooperation-on-the-elmasry-case>

On 17 October, 2025, [Pre-Trial Chamber I](#) of the International Criminal Court (ICC) issued a [decision](#) on Italy's non-compliance with a request for cooperation in relation to Italy's failure to surrender the [Libyan general](#) Osama Elmasry Njeem to the Court.

In January 2025, the ICC had issued an arrest warrant for [Njeem](#) and requested cooperation from states to apprehend him. Italian authorities arrested Njeem in Turin on 19 January. However, despite multiple inquiries and requests from the ICC to the Italian Ministry of Justice, Italy returned Njeem to Libya on 21 January without surrendering him to the Court. The Italian Ministry later claimed that Njeem's release and return were not within its jurisdiction, citing the Minister of the Interior's authority. The ICC Chamber subsequently invited Italy to explain its failure to surrender Njeem, and the Prosecution requested a finding of non-compliance against Italy under the Rome Statute.

In its decision, the ICC found that Italy failed to comply with its obligations under the Rome Statute by not properly executing the request for arrest and surrender of Mr. Njeem while he was on Italian territory. [As already highlighted in the Yearbook](#), Italy did not provide any valid legal reason or reasonable justification for immediately transferring Mr. Njeem back to Libya and the ICC also noted Italy's failure to communicate and cooperate in resolving any problems

arising from the Arrest Warrant or national surrender procedures. As a result, [as already highlighted](#), the Chamber concluded that Italy's non-compliance prevented the Court from exercising its functions and powers under the Rome Statute. However, before deciding whether to refer Italy's non-compliance to the Assembly of States Parties or the UN Security Council, the majority of the Pre-Trial Chamber I requested Italy to provide information on any relevant domestic proceedings and their potential impact on future cooperation with the Court regarding arrest and surrender requests by October 31, 2025.

3. Italy in the UN bodies

3.1 Meloni's speech at the United Nations General Assembly

1 October 2025.

<https://unipd-centrodirittiumani.it/en/news/melonis-speech-at-the-united-nation-general-assembly>

On September 25, 2025, Giorgia Meloni spoke in front of the United Nations General Assembly in New York. Among the key points of her [speech](#), the most important ones are the emphasis she put on global conflicts, with a specific reference to the Russia-Ukraine conflict and the Hamas-Israel one, and the need of a UN reform to improve the effectiveness of the Organisation.

At the beginning of her speech, Meloni emphasised the current state of global unrest, citing the [Global Peace Index 2024](#), which reports 56 ongoing armed conflicts worldwide, the highest number since World War II. Among the major conflicts underway Meloni highlighted the large-scale war of aggression by the Russian Federation against Ukraine, and the Hamas-Israel conflict. Especially in regard to the second one, she condemned the disproportionate response that Israel had after the October 7, 2023, Hamas attacks, a response which, in her words, violated humanitarian norms and caused a massacre among civilians. This response led Italy to vote in favour of some of the sanctions proposed by the European Commission against Israel. She underlined that Italy's historic position on the Palestinian question has always been the two-state solution and that the country is ready to recognise Palestine, but only under two conditions: the release of all Israeli hostages and Hamas's renunciation of any role in the government of Palestine. In this regard Italy is ready to work on a serious plan for the release of hostages, a permanent ceasefire, the exclusion of Hamas from any governance dynamic in Palestine, the gradual withdrawal of Israel from Gaza, and the realization of the two-state perspective.

Going back to her starting point, Meloni remarked that all these conflicts are a sign of the non-effectiveness of the UN, whose purpose when it was created 80 years ago was to prevent war. Instead right now peace, dialogue and diplomacy seem no longer able to prevail over the use of force. She remarked that the architecture of the UN as it is now is not up to the task in front of today's challenges. In her opinion it is important to recognise that a profound reform of the United Nations is necessary and urgent, with the aim of creating an agile, efficient institution which must respect the principles of equality, democracy, representativeness, and accountability and which is able to respond quickly to crises, transparent in its mission and costs, capable of minimizing bureaucracy, waste and duplications.

Other important points that Giorgia Meloni touched in her speech are the criticism of unsustainable environmentalism and its economic impacts, calling for more balanced approaches to climate change; the introduction of [Italy's Mattei Plan for Africa](#), a cooperation initiative with 14 African nations focused on sustainable development rather than resource exploitation; and the debt relief efforts, in which Italy plans to convert over €235 million of debt from economically “least developed” and lower-middle-income nations into local development projects over the next decade.

3.2 Italy re-elected to the United Nations Human Rights Council for the 2026–2028 term

20 October 2025.

<https://unipd-centrodirittiumani.it/en/news/italy-re-elected-to-the-united-nations-human-rights-council-for-the-2026-2028-term>

On October 14, 2025, the UN General Assembly confirmed Italy's candidacy for the Human Rights Council for the 2026-2028 term with 179 votes. Italy was the most voted country in the Western Group.

Angola, Chile, Ecuador, Egypt, Estonia, India, Iraq, Mauritius, Pakistan, Slovenia, South Africa, the United Kingdom, and Vietnam were also elected alongside Italy.

This will be Italy's fourth term on the Human Rights Council, having previously served from 2019 to 2021, from 2011 to 2014, and from 2007 to 2010.

As mentioned in Italy's candidature, key priorities during this term will be: fighting against all forms of discrimination; the protection of the rights of children, older persons and persons with disabilities; the defence of freedom of expression and religion or belief; and the preservation of cultural and religious heritage. Added to these is a historic battle for Italian diplomacy: the universal moratorium on the death penalty, the first step towards its complete abolition.

The Human Rights Council is a subsidiary body of the General Assembly, based in Geneva, with the task of promoting universal respect for and protection of human rights. It is composed of 47 member states (13 from Asia-Pacific, 13 from Africa, 8 from Latin America, 7 from the Western European Group, and 6 from Eastern Europe), elected by rotation by the General Assembly for a period of three years, renewable no more than twice consecutively.

To carry out its mandate, the Council has several “mechanisms” at its disposal, in particular the Universal Periodic Review (UPR) and Special Procedures (Special Rapporteurs, Independent Experts). In addition, the Council has established an individual complaints procedure and numerous subsidiary bodies, including the Advisory Committee, composed of independent experts.

The Council is open to the participation of NGOs with consultative status with ECOSOC, which may attend meetings and submit written documents.

3.3 UN Social Forum 2025: Italy reaffirms Education as the foundation of Human Rights

7 November 2025.

<https://unipd-centrodirittiumani.it/en/news/un-social-forum-2025-italy-reaffirms-education-as-the-foundation-of-human-rights>

On the 30th and 31st of October, Italy actively participated in the [United Nations Social Forum 2025](#), where it joined other high-level representatives and members of the civil society in reaffirming education as the foundation of human rights. The Forum placed education at the centre of human dignity, equality and peace, reaffirming it as both a fundamental right and a transformative force for sustainable societies.

UN High Commissioner for Human Rights Volker Türk described education as a long-term investment, specifying that every dollar invested in education yields ten to fifteen in economic growth. He warned that education is under attack worldwide, citing figures from Gaza, Sudan, Afghanistan, Haiti and Ukraine, where millions of children are denied schooling due to conflict and instability. Education is heeding the voice of reason, he said.

The Forum convened high-level representatives, academics and activists who explored how learning enables all other human rights, from equality and culture to health, work and environmental justice.

Farida Shaheed, UN Special Rapporteur on the Right to Education, reminded participants that education is an empowering and transformative right under strain due to underfunding, attacks on schools and the commodification of learning. She stressed the need to preserve academic freedom and promote comprehensive education on human rights, sexuality, democracy and mental health, while ensuring teachers are fairly compensated and supported.

Al Massot Thompson Flores, speaking on behalf of UNESCO, highlighted that where education thrives, societies prosper, yet 272 million children and youth remain out of school and attacks on education have risen by 44% between 2023 and 2024. She called for action across three key areas: political commitment, normative advancement and networking among civil society, universities and States.

Whitney Mélinard, President of Kopounoule Inc., linked education to environmental and climate justice, arguing that “every right comes with a responsibility”. She urged the decolonization of education systems to make learning relevant, relational and actionable - teaching empathy, accountability and respect for the planet.

From the perspective of education in emergencies, Petra Heusser of the Geneva Hub stressed that learning can be life-saving. In many crises, she noted, education is undervalued compared to food or water, yet teachers act as frontline workers protecting children’s lives, dignity and hope.

Camilla Croso, Executive Director of the Coalition for Academic Freedom in the Americas, addressed the link between the right to education and the right to science. She warned of growing harassment against researchers, specifically one in five scientists reporting intimidation related to COVID-19 research, and one in four on climate issues - and called on States to reaffirm academic freedom and strengthen cooperation between scientists, policymakers and the public.

Italy’s Commitment

Representing Italy, the delegation reaffirmed the country’s constitutional protection of the right to education and its role as a tool to form active and global citizens. Civic education is now a

mandatory curriculum component from preschool through adult learning, encompassing constitutional values, sustainability, digital citizenship and human rights.

Italy also promotes inclusive education for Roma, Sinti and foreign-born students, and co-sponsored with Brazil, Costa Rica, Morocco, the Philippines, Senegal, Slovenia and Thailand the [Human Rights Council Resolution A/HRC/59/9](#) on the Right to Education and Training, adopted in October 2024. The resolution launched the fifth phase of the [World Programme for Human Rights Education](#), focused on reaching vulnerable youth and strengthening links with the [2030 Agenda for Sustainable Development](#).

The Italian statement reaffirmed support for the [Safe Schools Declaration](#), an international commitment to protect students and teachers in conflict, and for the mandate of Special Rapporteur Farida Shaheed. Italy also led a joint statement on cultural rights of persons with disabilities, signed by 144 States, promoting inclusive education and awareness-raising through accessible curricula and teacher training.

Throughout the Forum, speakers agreed on a single message:- education empowers individuals to act, think critically and participate meaningfully in society, making it not only a human right, but the path toward peace and justice.

4. Italy and the Human Rights Council

4.1 Italy's role, priorities, interests and challenges during the 58th session of the UN Human Rights Council

15 May 2025.

<https://unipd-centrodirittiumani.it/en/topics/italys-role-priorities-interests-and-challenges-during-the-58th-session-of-the-un-human-rights-council>

Sediqe Heydari

The article examines Italy's engagement during the 58th session of the UN Human Rights Council, focusing on its diplomatic positioning, thematic priorities and the ways in which it navigated a dense and politically diverse agenda within the multilateral human rights system.

Introduction

The fifty-eighth session of the Human Rights Council (HRC58), held in Geneva from 24 February to 4 April 2025, reflected the growing complexity of the international human rights agenda. The session addressed a wide range of issues, combining long-standing country situations with an expanding set of thematic concerns. Throughout its program of work, the Council devoted attention to situations requiring urgent international scrutiny, while also engaging with broader questions related to cultural rights, the death penalty, technological change and the protection of vulnerable groups. The density of the agenda highlighted both the persistence of global human rights crises and the Council's effort to adapt its work to evolving political, social and technological contexts.

Within this framework, Italy participated actively in the work of the Council. Its engagement was visible across different segments of the session, including high-level meetings, interactive dialogues and thematic discussions. Examining Italy's role during HRC58 offers insight into how a European State navigates a crowded and politically diverse agenda while contributing to

both country-specific debates and cross-cutting thematic discussions within the UN human rights system.

Context of the 58th session: main dynamics and agenda density

HRC58 unfolded within a particularly dense institutional framework. Over six weeks, the Council held numerous meetings covering organizational matters, thematic debates, country situations and the adoption of resolutions. This structure reflects the Council's dual function: responding to immediate human rights crises while advancing longer-term normative and institutional processes.

A defining feature of the session was the wide range of issues on its agenda. The program included a high-level segment with the participation of senior political representatives, followed by interactive dialogues with the High Commissioner for Human Rights, special procedure mandate holders and investigative mechanisms. Alongside these exchanges, the Council engaged in general debates and panel discussions on issues such as cultural rights, racism and discrimination, the death penalty, environmental protection and the human rights implications of new and emerging technologies. The coexistence of these diverse formats illustrates the increasing complexity of the Council's work and the competition for limited institutional time.

Country situations remained central to the session's dynamics. The Council devoted substantial attention to contexts including Ukraine, the Occupied Palestinian Territory, the Islamic Republic of Iran, Myanmar, Sudan and Nicaragua. These discussions were often marked by political polarization and contrasting narratives among States. Their recurrence on the agenda underscored the persistence of unresolved conflicts and structural human rights violations requiring sustained international engagement.

Italy's diplomatic positioning and institutional presence

Italy's participation during HRC58 reflected a pattern of steady and institutionally embedded engagement rather than isolated or symbolic interventions. Italy appeared across multiple segments of the session, positioning itself as a consistent participant within the Council's formal structures and working methods.

At the high-level segment, Italy was represented by senior political leadership, notably through the participation of the Minister for Disabilities. High-level participation plays both a symbolic and practical role, signaling political priorities and reinforcing national visibility within the Council's diplomatic environment.

Beyond this segment, Italy's diplomatic positioning was shaped by frequent alignment with collective European and cross-regional statements. In several interactive dialogues and general debates, Italy intervened as part of broader groupings, reflecting a preference for coordinated multilateral action. This approach strengthens coherence and amplifies collective influence, while situating Italy within a shared normative discourse that emphasizes accountability, cooperation with UN mechanisms and support for international human rights standards.

Italy's institutional presence was further evident through its engagement with the Council's core mechanisms, particularly interactive dialogues with mandate holders and investigative bodies. By participating in discussions on both country situations and thematic reports, Italy contributed to the Council's core monitoring and review work.

Italy's thematic priorities

Italy's engagement during HRC58 revealed a degree of thematic coherence across different agenda items. Rather than dispersing its interventions across a wide range of issues, Italy's participation clustered around a set of recurring themes reflecting both established commitments and emerging concerns.

One key thematic area concerned the protection of vulnerable groups in contexts of heightened risk. Italy engaged in discussions addressing the human rights impact of armed conflict, including dialogues related to children affected by conflict and the broader humanitarian

consequences of violence. These interventions aligned with the Council's emphasis on civilian protection and reinforced a rights-based framing linking humanitarian concerns with accountability and international legal obligations.

A second thematic priority focused on cultural rights and the protection of cultural heritage. During HRC58, the Council adopted resolutions addressing cultural participation and the safeguarding of heritage. Italy's involvement echoed its broader diplomatic attention to culture as an integral component of human dignity, social inclusion and identity.

Italy also engaged with debates on the implications of new and emerging technologies for human rights. Discussions addressed digital environments, technological development and the protection of human rights defenders in the digital age. Italy's participation signaled an awareness of the evolving nature of human rights challenges and the need for the Council to adapt its normative tools accordingly.

Italy and country situations addressed during the session

Country-specific situations constituted a central dimension of the Council's work during HRC58, and Italy's engagement unfolded within this broader landscape of international scrutiny. Rather than focusing on a single context, Italy participated across multiple country-related dialogues, reflecting a multilateral and procedurally embedded approach.

Among the most prominent situations addressed was Ukraine, where the Council devoted extensive attention to the human rights consequences of the ongoing conflict. Discussions emphasized accountability, the protection of civilians and humanitarian impact. Italy participated within this collective framework, contributing to debates shaped by significant political polarization.

The situation in the Occupied Palestinian Territory also featured prominently, with dialogues focused on accountability and justice. These discussions highlighted long-standing human rights concerns and deep divisions among States. Italy's engagement formed part of a wider pattern of interventions addressing persistent and unresolved challenges.

Beyond these cases, the Council examined situations in the Islamic Republic of Iran, Myanmar, Sudan and Nicaragua. Italy participated in these discussions as part of a collective review process, reinforcing the principle that international scrutiny should be applied consistently across contexts.

Italy's forward-looking agenda: norm-setting and coalition-building

Beyond immediate country situations, Italy used HRC58 to engage in the Council's longer-term normative work. This forward-looking dimension was visible through its involvement in thematic initiatives and support for resolutions addressing structural and emerging human rights challenges.

Italy's engagement in areas such as cultural rights and technological change reflects an effort to contribute to norm development capable of attracting broad cross-regional support. Participation in coalition-based initiatives and co-sponsorships illustrates a diplomatic preference for consensus-oriented approaches and collective action.

Through this engagement, Italy contributed to shaping discussions that extend beyond individual sessions and influence the evolution of the Council's agenda. This forward-looking approach complements its involvement in country-specific debates and reinforces its positioning as a State attentive to both present challenges and future directions of the international human rights system.

Interests behind Italy's engagement

Italy's sustained engagement during HRC58 can be understood as reflecting both normative commitment and strategic interests. One key interest relates to international visibility and credibility within the UN human rights system. Participation across multiple segments of the session reinforced Italy's profile as a consistent and reliable actor.

A second interest concerns Italy's positioning within European and multilateral frameworks. Alignment with collective statements strengthened cohesion and amplified influence, while participation in cross-regional initiatives allowed Italy to engage beyond narrow regional alignments.

Finally, Italy's involvement in coalition-based initiatives facilitated the cultivation of cross-regional diplomatic relationships. This approach supports Italy's broader foreign policy tradition of dialogue-oriented engagement within a polarized multilateral environment.

Challenges and limitations

Italy's engagement during HRC58 operated within significant structural and political constraints. One major challenge was the high level of polarization characterizing several country-specific debates, which limited the space for consensus-oriented diplomacy.

A further limitation caused by the density of the session's agenda. The large number of dialogues and resolutions constrained the depth of engagement on individual issues and required strategic prioritization.

Finally, Italy's frequent alignment with collective positions, while strengthening coherence, reduced the visibility of its individual voice. This reflects a broader tension between multilateral coordination and national distinctiveness within highly institutionalized forums.

Conclusion

Italy's participation in the fifty-eighth session of the Human Rights Council illustrates a coherent and institutionally grounded approach to multilateral human rights diplomacy. Through sustained involvement in high-level discussions, thematic debates and country-specific dialogues, Italy contributed to the Council's monitoring, accountability and norm-development functions.

At the same time, the session highlighted the limits within which Italy's diplomacy operates, shaped by polarization, agenda density and reliance on collective frameworks. Within these constraints, Italy's engagement during HRC58 demonstrates how a European State navigates the tensions between normative commitment, strategic interest and political realism in the contemporary human rights system.

4.2 Italy's role, priorities and challenges during the 59th session of the UN Human Rights Council

30 July 2025.

<https://unipd-centrodirittiumani.it/en/topics/italys-role-priorities-and-challenges-during-the-59th-session-of-the-un-human-rights-council>

Sediqe Heydari

This article examines Italy's engagement during the fifty-ninth session of the UN Human Rights Council, focusing on its diplomatic role, thematic priorities, underlying interests and the institutional constraints shaping its participation.

Introduction

The Human Rights Council (HRC) is the United Nations' principal intergovernmental body responsible for the promotion and protection of human rights worldwide. Since its establishment in 2006, the Council has provided a permanent forum for dialogue, monitoring and cooperation among States, United Nations bodies and civil society. Through mechanisms such as interactive

dialogues, panel discussions and the Universal Periodic Review (UPR), the HRC addresses both persistent human rights violations and emerging global challenges within a multilateral framework.

The fifty-ninth session of the Human Rights Council (HRC59), held in Geneva from 16 June to 8 July 2025, took place in a context marked by ongoing armed conflicts, humanitarian crises and increasing pressure on the international human rights system. Situations such as Afghanistan, Myanmar and Ukraine remained prominent on the Council's agenda, while thematic discussions addressed issues including women's rights, climate change, civic space and the human rights implications of digital technologies. The session was also shaped by procedural constraints linked to financial limitations, resulting in shortened speaking times and compressed formats for debates and interactive dialogues.

Within this institutional and political context, Italy participated actively throughout HRC59. Through interventions in interactive dialogues, panel discussions and thematic debates under multiple agenda items, the Italian delegation engaged with both country-specific situations and cross-cutting human rights issues. Italy's participation was characterized by a combination of national interventions and alignment with European Union positions, reflecting its dual role as an individual State actor and as part of coordinated European diplomacy. Examining Italy's engagement during HRC59 offers insight into how a European middle power operates within the procedural boundaries of the Council while maintaining a consistent presence in multilateral human rights processes.

Italy's diplomatic role during the 59th HRC session

During the fifty-ninth session of the Human Rights Council, Italy engaged regularly across a wide range of agenda items and interactive formats. Its diplomatic role was primarily exercised through participation in interactive dialogues, panel discussions and thematic debates, reflecting an approach grounded in multilateral cooperation and institutional continuity. Italy intervened both independently and within collective European Union frameworks, illustrating its positioning within coordinated EU human rights diplomacy while retaining national representation.

Italy's participation was particularly visible in interactive dialogues addressing country situations of concern. The Italian delegation intervened as an observer State during the enhanced interactive dialogue on the situation of human rights in Afghanistan, alongside other European and non-European States. This participation situated Italy within multilateral exchanges addressing accountability, protection of civilians and the role of international monitoring mechanisms. Italy's engagement followed the procedural and political parameters of the Council, emphasizing participation rather than leadership in agenda-setting.

In addition to country-specific dialogues, Italy contributed to several thematic discussions held during HRC59. The Italian delegation participated in panel discussions on the human rights of women, including debates on gender-based violence in conflict and humanitarian settings and on women's leadership in peace processes. Italy was also listed among the States intervening in discussions related to climate change and human rights, as well as interactive dialogues with Special Procedure mandate holders addressing freedom of expression and peaceful assembly.

Overall, Italy's diplomatic role during HRC59 was characterized by consistent participation rather than high-profile leadership. By engaging across multiple agenda items and formats, Italy positioned itself as a cooperative and reliable participant within the Council's institutional framework, contributing to the continuity of its work while reinforcing its presence in the UN human rights system.

Italy's thematic priorities at HRC59

Italy's engagement during HRC59 reflects a set of thematic priorities closely aligned with the structure and substance of the Council's agenda. Rather than concentrating on a single issue area, Italy intervened across multiple thematic discussions, demonstrating broad engagement with the Council's core human rights mandates.

One of the most visible areas of Italy's participation concerned the promotion and protection of women's rights. Italy took part in the annual full-day discussion on the human rights of women, which addressed gender-based violence in conflict and humanitarian settings and examined barriers to women's leadership in peace processes. These discussions were accompanied by the adoption of several resolutions on women's rights, reflecting the centrality of this theme during HRC59.

Italy also engaged with country situations requiring sustained international attention. During the enhanced interactive dialogue on the situation of human rights in Afghanistan, Italy participated alongside other observer States in discussions addressing severe human rights concerns, including the situation of women and girls and access to education. While Afghanistan received particular attention, the Council also addressed other country situations during the session, including Myanmar, Ukraine and Palestine, situating Italy's engagement within a broader set of international human rights crises.

In addition, Italy participated in thematic dialogues with Special Procedure mandate holders addressing civil and political rights, including freedom of opinion and expression and the rights to freedom of peaceful assembly and association. Italy was further listed among the States intervening in discussions on climate change and human rights, which examined the adverse impacts of climate change on the enjoyment of human rights and the need for just transitions. Several of these discussions resulted in the adoption of thematic resolutions, reinforcing the normative dimension of the Council's work during HRC59.

Italy's forward-looking and normative engagement

Beyond responding to country situations and established thematic debates, Italy's participation during HRC59 also extended to forward-looking and normative dimensions of the Council's work. This engagement did not take the form of agenda-setting leadership, but reflected Italy's involvement in discussions addressing evolving global challenges.

Italy participated in the panel discussion commemorating the International Day of Women in Diplomacy, which focused on overcoming barriers to women's leadership in peace processes. This discussion highlighted structural obstacles limiting women's participation in decision-making and conflict resolution. Italy's engagement aligned with broader Council efforts to link gender equality with inclusive governance and sustainable peace.

Italy also contributed to debates on the human rights implications of climate change. During the panel discussion on the adverse impacts of climate change on human rights, States examined transitions and the responsibilities of governments in ensuring that environmental policies do not exacerbate inequalities. Italy's participation situates it within discussions increasingly connecting environmental governance and human rights protection.

In addition, Italy engaged in interactive dialogues with Special Procedure mandate holders addressing fundamental freedoms, including freedom of expression and freedom of peaceful assembly. Through these contributions, Italy supported the ongoing reinforcement of international standards related to civic space and democratic participation within the Council's normative framework.

Interests behind Italy's engagement

Italy's engagement during HRC59 can be understood through a set of underlying interests connected to its position within multilateral diplomacy. A first interest relates to maintaining visibility and credibility within the Human Rights Council. By participating consistently across dialogues and panel discussions, Italy ensured a regular presence throughout the session, reinforcing its profile as an active participant in multilateral human rights processes.

A second interest concerns Italy's positioning within the European Union framework. Italy frequently appeared among States intervening alongside or within EU-coordinated formats, particularly in thematic discussions and dialogues with Special Procedure mandate holders. This

alignment reflects an interest in contributing to a coherent European human rights voice while maintaining national representation.

A third interest relates to Italy's dual role during HRC59 as both an observer State engaging in debates and a State under review, following the adoption of the outcome of Italy's Universal Periodic Review during the session. This dual positioning highlights the mutual nature of participation and scrutiny within the Human Rights Council framework.

Challenges and limitations

Italy's participation during HRC59 was shaped by several institutional and procedural constraints. The session was conducted under exceptional modalities linked to financial limitations, including reduced speaking times and compressed interactive formats. These constraints limited opportunities for extended national interventions and affected the visibility of individual States.

The density of the Council's agenda also constrained sustained engagement on specific issues. While Italy participated across a broad range of agenda items, the crowded program limited the depth of individual interventions. Italy's frequent alignment with European Union statements further reinforced coherence but reduced distinct national visibility.

Moreover, Italy's status as an observer State rather than a Council member shaped the boundaries of its influence. While Italy participated actively in discussions, it did not engage in agenda-setting or formal decision-making, reflecting structural limitations inherent in observer participation.

Conclusion

Italy's engagement during the fifty-ninth session of the Human Rights Council reflects a pattern of consistent and cooperative participation within the Council's institutional framework. Through interventions across interactive dialogues, panel discussions and thematic debates, Italy addressed both country-specific situations and cross-cutting human rights issues, reinforcing its commitment to multilateral human rights processes.

At the same time, Italy's role was shaped by procedural constraints, a dense agenda and its alignment with European Union positions. As an observer State and as a State subject to review, Italy's influence remained primarily discursive rather than decisional. Taken together, Italy's participation during HRC59 illustrates how sustained engagement and cooperative diplomacy contribute to the functioning and legitimacy of the Human Rights Council as a forum for dialogue, monitoring and normative development.

4.3 Italy's role, challenges and interests during the 60th session of the UN Human Rights Council

19 November 2025.

<https://unipd-centrodirittiumani.it/en/topics/italys-role-challenges-and-interests-during-the-60th-session-of-the-un-human-rights-council>

Ilaria Vavalà

The article examines Italy's engagement in the 60th UN Human Rights Council, focusing on its diplomatic approach, thematic priorities and the balance between international commitments and domestic realities.

Introduction

The Human Rights Council (HRC) is the United Nations' principal intergovernmental body responsible for the promotion and protection of human rights. Established in 2006 to replace the former Commission on Human Rights, it serves as a permanent forum for dialogue, monitoring and cooperation among states, international institutions and civil society. The Council's mandate extends from the adoption of thematic resolutions to the examination of specific country situations through mechanisms such as the Universal Periodic Review (UPR) and the system of Special Procedures.

The 60th session of the Council (HRC60), held in Geneva from 8 September to 8 October 2025, captured how the UN human rights agenda continues to evolve, maintaining its core priorities while responding to new global challenges. While ongoing conflicts and humanitarian crises, particularly those in Ukraine, Afghanistan and Myanmar, demanded sustained attention, the session also addressed new and cross-cutting issues related to social inclusion, demographic change, digital transformation and cultural rights. Member and observer states presented a broad spectrum of initiatives combining traditional concerns, such as arbitrary detentions and the death penalty, with emerging themes linked to technology, ageing and disability.

Within this framework, Italy played an active role. The Italian delegation, led by Ambassador Vincenzo Grassi, Permanent Representative to the United Nations in Geneva, and Minister Stefano Pisotti, Deputy Permanent Representative, engaged through national statements, side events and multilateral initiatives. Italy stood to reaffirm its long-standing commitment to human rights, accountability and multilateral cooperation, while also contributing to the Council's agenda on inclusion, cultural rights and technological ethics. Italy's engagement during the session illustrates how a European middle power employs diplomacy to advance both normative objectives and strategic interests, such as strengthening international partnerships and consolidating its candidacy for Council membership for the 2026–2028 term.

Italy's Diplomatic Identity and Role within the Council

Italy's engagement in Geneva reflects a consistent approach to multilateral diplomacy, combining adherence to international norms with pragmatic negotiations. Three dimensions of this approach were particularly visible during the 60th session.

Italy within the European human rights framework

Italy acts as a stabilizing participant within the European Union external human rights policy. Eight Italian statements opened with the formula "Italy aligns itself with the EU statement", therefore reaffirming cohesion with the European Union while adding specific national elements. This practice reinforces both EU unity and Italy's reputation as a reliable partner in collective diplomacy. At the same time, Italy often intervenes independently to highlight issues with particular resonance for its foreign policy, thereby maintaining a distinct voice within the European framework.

Italy's normative discourse in multilateral settings

Italy continues to use legal and moral language as tools of persuasion. In its interventions on the Interactive Dialogues (IDs) on the situations in Ukraine, Afghanistan, Myanmar, Nicaragua, and Haiti, for example, Italy's statements explicitly linked human rights protection with international peace and security, rejecting narratives that frame rights as secondary to stability.

Most notably, in the ID on Ukraine (3 October 2025), Ambassador Grassi condemned "Russia's most recent airstrikes on Kyiv" and emphasized the devastating impact of the war on children and persons with disabilities, reaffirming that accountability for war crimes is "essential to any just and durable peace".

Similarly, in the dialogue on Afghanistan (8 September), Minister Pisotti deplored the systematic repression of women and girls under the Taliban, while invoking the Doha Process as the necessary framework for coordinated international engagement. In the statement on Nicaragua (19 September), he expressed deep concern for the "backsliding of the rule of law"

following constitutional reforms and the persecution of religious communities, particularly the Catholic Church - which is an unusually explicit reference for a European delegation, illustrating Italy's readiness to address sensitive issues linked to freedom of religion.

Italy as a bridge-builder

Italy's most distinctive function remains its capacity for cross-regional coalition-building. By co-sponsoring initiatives with Latin American, Arab, African, and Asian states, Italy positions itself as a connector rather than a partisan actor. This diplomatic posture stems from its historical position as a "middle power" situated in the middle of the Mediterranean Sea and from its constitutional commitment to dialogue and mediation, rather than war, as a means for the settlement of international disputes. Ambassador Grassi summarized this ethos during a side event marking the centenary of the birth of Father Oreste Benzi: "Italian diplomacy strives to be a bridge: a bridge between peoples, between faiths, between institutions and civil society". Peace must be organized, not improvised.

Italy's thematic priorities in the HRC

Italy's thematic consistency across country-specific debates is notable. Its interventions converged on a few core principles, these are: accountability for human rights violations, protection of vulnerable populations and support for international mechanisms.

In the ID on Ukraine, Italy highlighted the humanitarian impact of Russian attacks on infrastructure and called for "a just, durable, and comprehensive peace grounded in the UN Charter and international Law". In the ID related to the Russian Federation, Italy condemned the "systematic dismantling of civic space" and the persecution of dissent, urging the release of political prisoners and access for independent monitors to detention facilities.

On Myanmar, Italy reiterated support for the Independent Investigative Mechanism for Myanmar (IIMM) and insisted that "accountability cannot be postponed". On Haiti, it expressed concern for the control of armed gangs and the use of sexual violence against women and children.

Through these statements, Italy stood for the principle that peace and justice are interdependent, and that violations of human rights undermine stability rather than preserve it. This discourse aligns with the broader EU human rights narrative, but Italy's interventions stand out for their humanitarian tone and legal precision, often referencing the UN Charter, international humanitarian law and the principle of accountability.

Italy's forward-looking Agenda in the Council

Beyond responding to crises, Italy used the session to expand the normative scope of the Council through cross-cutting initiatives that connect human rights with demographic, cultural and technological transformations.

Cultural rights of persons with Disabilities

Perhaps the most significant outcome of Italy's participation in HRC60 was the presentation of the Declaration on the Cultural Rights of Persons with Disabilities, together with Cyprus, Iraq and Mexico. Endorsed by the record number of 144 States across all regions of the world, the declaration is one of the most widely supported initiatives in the Council's recent history. The Statement reaffirms that persons with disabilities have the right to participate in cultural life and maintain their linguistic and cultural identity, while calling for accessible digitalization of cultural heritage.

Ambassador Grassi described the initiative as a step toward harmonizing legal frameworks and integrating cultural rights into educational systems, linking it to the UN commitment to "leave no one behind". The declaration also reflects Italy's domestic policy priorities on inclusion and cultural accessibility, transforming national experience into international soft power.

Rights of older persons

Italy's side event Active Ageing: Ensuring the Full Enjoyment of Economic, Social and Cultural Rights of Older Persons - organized with Slovenia, Ecuador, and Thailand - highlighted a demographic issue often neglected in human rights discourse. Ambassador Grassi cited projections that by 2050 the world population over 65 will double, surpassing the number of minors under 18. The event built on Italy's leadership in the UNECE Rome Ministerial Declaration (2022) and reiterated its support for developing a binding international instrument on the rights of older persons. The initiative reinforced Italy's long-standing emphasis on social inclusion as a dimension of human dignity.

Abolition of the death penalty and child rights At another side event, The Death Penalty and the Rights of the Child, co-organized with Switzerland, France, Belgium, Zambia and Chile, Italy reaffirmed its role as a global abolitionist leader. The discussion exposed the often-overlooked consequences of capital punishment for the children of those sentenced to death, these are social stigma, economic hardship and trauma. Ambassador Grassi framed abolition as both a human rights and child protection issue, aligning moral conviction with pragmatic coalition-building across continents.

New technologies and children in armed conflict

Italy's collaboration with Slovenia and the Universities Network for Children in Armed Conflicts (UNETCHAC) on New Technologies and Children in Armed Conflicts represented an innovative linkage between human rights, technology and humanitarian law. Participants - including international jurists Fausto Pocar and Laura Guercio, former UN Special Representative Virginia Gamba, European Court of Human Rights Judge Vasilka Sancin, and lawyer Mikiko Otani, international children's rights expert - examined the ethical and legal implications of AI and autonomous weapons. Ambassador Vincenzo Grassi underscored Italy's commitment to promoting international dialogue on responsibility, ethical standards, and legal frameworks governing the use of new technologies in warfare. As a candidate for the Human Rights Council for the 2026–2028 term, Italy will continue to advance the protection of children's rights in armed conflict, both within the Council and in cooperation with relevant UN agencies.

Taken all together, these initiatives demonstrate Italy's ability to combine traditional advocacy with forward-looking diplomacy. By focusing on universal yet non-divisive issues - aging, disability, cultural rights, children rights - Italy positions itself as a State capable of producing consensus in an era of polarization and confrontation.

Interests behind Italy's engagement

Behind Italy's visible activism lies a set of interrelated strategic interests. First, participation serves to enhance international visibility. Italy's candidacy for the 2026-2028 Council term depends on being perceived as a credible, consistent and innovative actor and the leadership on inclusive initiatives strengthens this profile.

Second, engagement reinforces European influence within the UN system. By taking the lead on non-contentious yet normatively rich topics, Italy contributes to the EU's reputation as a constructive and human-rights centered partner, while retaining flexibility for national diplomacy.

Finally, Italy uses human rights engagement to cultivate cross-regional relationships. Co-sponsorships with countries from Latin America, Africa, and the Middle East broaden its diplomatic reach and mitigate the perceptions of Western exclusivity. This approach reflects Italy's foreign policy tradition of promoting dialogue between North and South, which is grounded in its Mediterranean and transatlantic ties.

Challenges

Italy's model of human rights diplomacy faces significant constraints. The polarization of the Council reduces the effectiveness of consensus-based strategies. Specifically, the Italian

bridge-building action presupposes a minimal level of trust among parties, which nowadays is increasingly scarce. Moreover, Italy's alignment with EU statements, though essential for coherence, can limit its individual visibility. Another persistent challenge concerns domestic implementation. Italy's credibility depends on demonstrating consistency between external commitments and internal practice. Issues such as migration management, detention conditions, and socio-economic rights remain sensitive areas that could expose discrepancies between Italy's international rhetoric and domestic realities.

Conclusion

Italy's participation in the 60th session of the HRC reveals a coherent and evolving model of multilateral engagement grounded in legal precision and cross-regional diplomacy.

In its interventions and initiatives, Italy reaffirmed its long-standing commitment to the universality of human rights while expanding its normative agenda toward new global challenges linked to culture, technology and demographic change.

The initiatives promoted or co-sponsored by Italy, notably the Declaration on the Cultural Rights of Persons with Disabilities and dialogues on ageing, abolition of the death penalty and technological ethics, exemplify its ability to advance consensus on themes that transcend political polarization. In doing so, Italy positions itself as a credible middle power, translating domestic experiences into international leadership and contributing to bridging divides within the Council's fragmented landscape.

Yet, this model of diplomacy is not without limits. The erosion of multilateral trust constrains Italy's bridge-building capacity, while the alignment with European Union positions, though reinforcing coherence, can opacify its individual visibility. Moreover, Italy's external advocacy must continually be matched by domestic consistency, particularly in areas such as migration governance and socio-economic rights, where international scrutiny remains high. Ultimately, Italy's engagement at the HRC demonstrates how a medium-sized state can influence the development of norms through dialogue, legal reasoning and coalition-building. By articulating human rights as both a universal value and a pragmatic instrument of international stability, Italy contributes to reaffirming the Council's relevance as a forum where moral responsibility and political realism can coexist.

4.4 Human Rights Council: Italy's diplomatic behaviour in 2025

20 November 2025.

<https://unipd-centrodirittiumani.it/en/topics/human-rights-council-italys-diplomatic-behaviour-in-2025>

Ilaria Vavalà

In 2025, the Council held three ordinary sessions: the 58th session (24 February - 4 April), the 59th session (16 June - 8 July) and the 60th session (8 September - 8 October). During this period, Italy participated in its capacity as an Observer State. Previously, Italy was a member of the Council during the 2019-2021 term and will be again during the term 2026-2028.

Throughout the year, the HRC adopted a total of 92 resolutions, distributed across the three sessions: 32 during the 58th session, 25 during the 59th session and 35 during the 60th session. Of these, 68 were adopted without a vote, while 24 required a recorded vote by the Council.

Italy was directly involved in slightly more than half (53%) of the resolutions adopted in 2025, either through direct participation (sponsoring) or diplomatic support (co-sponsoring).

Indeed, of the 92 resolutions adopted, Italy sponsored 2 and co-sponsored 47. The resolutions sponsored by Italy addressed both thematic and country-specific issues. In particular, Italy promoted initiatives related to the protection of cultural rights and cultural heritage, as well as the monitoring of the human rights situation in the Russian Federation.

Through its co-sponsorship activity, Italy supported a broad range of thematic and country-specific resolutions. These included initiatives aimed at strengthening the protection of civil and political rights, promoting economic, social and cultural rights, addressing emerging technological challenges such as neurotechnology and digital technologies and reinforcing the mandates of several special procedures. Italy also supported resolutions addressing critical human rights situations in various countries, including Belarus, Eritrea, Afghanistan, Sudan, Burundi and Ukraine.

The 75% of the resolutions sponsored or co-sponsored by Italy were adopted without a vote, while 25% required a recorded vote by the Council.

5. Italy and the Council of Europe

5.1 Council of Europe: the Secretary General replies to Italy and other eight countries criticizing the European Court of Human Rights' rulings on migration

26 May 2025.

<https://unipd-centrodirittiumani.it/en/news/council-of-europe-the-secretary-general-replies-to-italy-and-other-eight-countries-criticizing-the-european-court-of-human-rights-rulings-on-migration>

On 24 May Alain Berset, Secretary General of the Council of Europe, replied on to an open letter signed a few days before by the Italian Prime Minister Giorgia Meloni and other eight heads of government who criticised the European Court's rulings that blocked their deporting and surveilling of foreigners they considered dangerous. These governments demanded that security matters be given precedence over human rights considerations when it comes to managing migration and called for a "new and open-minded conversation" about how the Court's judges interpret the European Convention on Human Rights in cases related to migration.

In his reply, the Secretary General, reminded that those nine countries are "bound by a Convention they have freely signed and ratified". "It exists to protect the rights and values they committed to defend" he then continued. According to Berset "Upholding the independence and impartiality of the Court is our bedrock". He agreed that "democracies must always remain open to reflection" and "debate is healthy, but politicizing the Court is not". He then concluded by saying that "As we face today's complex challenges, our task is not to weaken the Convention, but to keep it strong and relevant".

5.2 Council of Europe Anti-Racism Commission (ECRI): Italian Government reacts to criticism of discriminatory stop-and-search practices by police

29 May 2025.

<https://unipd-centrodirittiumani.it/en/news/council-of-europe-anti-racism-commission-ecri-italian-government-reacts-to-criticism-of-discriminatory-stop-and-search-practices-by-police>

The [2024 Annual Report](#) of the European Commission against Racism and Intolerance (ECRI), published on 28 May 2025, focuses on four main concerns affecting all members of the Council of Europe: combating racial profiling by law enforcement officials, addressing school segregation of Roma children, ensuring equal rights and dignity for transgender and intersex people, and strengthening national equality bodies.

In particular, ECRI notes with concern the frequent use in certain States of stop-and-search practices by law enforcement officers, based on national or ethnic origin, skin colour, religion or citizenship. ECRI has identified such practices during visits to several countries in 2024, in the context of border controls, in the fight against terrorism or extremism, or in policing specific geographical areas.

The Annual Report does not refer to any particular state, but the Italian Government, mindful of the same observations contained in the [ECRI report on Italy of 2024](#), has rejected with particular emphasis the criticisms addressed by ECRI to the police forces and the invitation to study the phenomenon of discriminatory practices of the police in order to remedy them. The Prime Minister, Giorgia Meloni, in a [message on social media](#) defined such criticisms as "simply shameful", based on "unfounded judgements, the result of an ideological approach and evident prejudices". In the recent past, the Italian authorities have already rejected the findings of the Council of Europe several times, going so far as to question the function and usefulness of the Organisation to the point of defining it as "harmful" in the words of the Minister of the Interior on the occasion of this latest ECRI report.

5.3 Council of Europe: meeting of Ministers of Justice to discuss shared solutions within the Human Rights framework on migration challenges

15 December 2025.

<https://unipd-centrodirittiumani.it/en/news/council-of-europe-meeting-of-ministers-of-justice-to-discuss-shared-solutions-within-the-human-rights-framework-on-migration-challenges>

Issues related to migration – including the relationship between the protection of Human Rights and national measures to control migration – have become the subject of intense political debate in Europe and elsewhere. In this context, Italy, together with eight other member States of the Council of Europe, raised its concerns in an [open letter](#) dated 22 May 2025 regarding the European Court of Human Rights' rulings on migration. They argued that a number of these rulings undermine national sovereignty and fail to adequately consider security risks.

As a follow-up to the above-mentioned open letter, the Council of Europe convened an informal Ministerial Conference in Strasbourg on 10 December 2025. The outcome of this meeting was the decision to prepare a draft political declaration reaffirming the obligation to ensure the effective enjoyment of the rights and freedoms guaranteed by the Convention to everyone within the jurisdiction of member states, in the context of migration. Moreover, the Ministers of Justice of the 46 Member States of the Council [supported](#) the elaboration of a new recommendation on deterring and combating the smuggling of migrants, with full respect for their human rights.

This move by the Council of Europe brings the matter of international conventions and their ability to address the challenges of irregular migration into the political dialogue among member states, thus preserving the European Court's independence from undue pressure. The Court will remain the sole guardian of the Convention.

6. Environmental Protests and Freedom of Peaceful Assembly and Manifestation - The Valentina Corona case

6.1 Communication from six UN Special Rapporteurs on human rights to the Italian Government: Concerns over the "Security Package" Bill

18 January 2025.

<https://unipd-centrodirittiumani.it/en/topics/communication-from-six-un-special-rapporteurs-on-human-rights-to-the-italian-government-concerns-over-the-security-package-bill>

Paolo De Stefani

Introduction

After the [Commissioner for Human Rights of the Council of Europe](#), six Special Rapporteurs of the United Nations Human Rights Council [have also written to the Italian State](#) to request a review of the text of Bill No. 1660, approved by the Chamber of Deputies in September 2024 - now Bill 1236, under discussion in the Senate - which introduces various criminal measures potentially suitable for restricting freedom of expression and peaceful assembly.

The Special Rapporteurs who have written to the Italian Government are those on: the freedom of peaceful assembly and association, the promotion and protection of the right to freedom of opinion and expression, the human rights defenders, the human rights of migrants, contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and the promotion and protection of human rights and fundamental freedoms while countering terrorism.

Some human rights at risk from the possible adoption of the Security Bill

The United Nations experts point out that some of the provisions under discussion may violate a series of norms of the International Covenant on Civil and Political Rights (ratified by Italy in 1977), particularly Articles 9 (personal liberty and security), 12 (freedom of movement), 14 (fair trial), 17 (privacy), 19 (freedom of opinion and expression), 21 (freedom of peaceful assembly), and 22 (freedom of association). There is also a risk that the norms under discussion in the Senate may give rise to discrimination on ethnic or racial grounds or against migrants, in contrast with Article 2 of the Covenant and in breach of the Convention on the Elimination of

All Forms of Racial Discrimination. In particular, since some of the activities targeted by the repressive action would be linked to environmental protests, the independent United Nations experts point out a possible violation of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, which Italy ratified in 2001. Extensive reference is made to the recent adoption by the United Nations General Assembly of the [Model Protocol for Law Enforcement Officials on the Promotion and Protection of Human Rights in the Context of Peaceful Protests](#).

Counter-terrorism measures and possible revocation of Italian citizenship

The provisions of the bill that the experts consider not in line with human rights norms are numerous. The norms aimed at modifying Articles 270 and 435 of the Criminal Code (terrorism offenses), punishing as a crime the act of procuring or disseminating manuals and instructions on the use of explosives or how to sabotage essential public services "with the purpose of terrorism," risk being politically exploited, since the purposes of terrorism are not precisely defined, in addition to potentially affecting those who detain or share these documents for research purposes or journalism.

Another debatable norm is the one that provides for the revocation of Italian citizenship for individuals convicted of serious terrorism offenses, not only for those who already possess another nationality, but also for those who "may acquire another citizenship". It is therefore admitted that the consequence of the conviction may be the reduction of the person to a stateless status. The Special Rapporteurs invite the utmost caution in considering this measure, which should be applied only in extreme cases.

Risk of restricting the civic space

The provision that punishes "Anyone who, through violence or threat, occupies or holds without title a property intended for the dwelling of others" (occupation of houses by homeless people) is also potentially contrary to fundamental rights. As are the provisions that prohibit access to infrastructures, railway lines, roads, or similar (typically, the places where environmental protest actions take place). The bill aims to increase penalties for damage to property or violence committed during public demonstrations, but without, according to the experts, precisely defining what is meant by damage or violence; it also reintroduces the offense of obstructing road or rail traffic with one's body, provided for by a 1948 law and which had been decriminalised in 1999. All these measures, according to the Special Rapporteurs, contrast with the broad freedom to express one's opinions in the most varied forms (marches, pickets, flash mobs, acts of civil disobedience, etc.) guaranteed by Article 21 of the International Covenant on Civil and Political Rights. According to [General Comment 37 \(2020\) of the Human Rights Committee](#), dedicated precisely to the freedom of assembly, state authorities must presume the peaceful character of these demonstrations and they should be able to take place in any public space, except in exceptional circumstances. Also criticised are some norms that would aggravate the penalty for violence or threats or resistance to a public official, including "If the violence or threat is committed in order to prevent the realization of a public work or strategic infrastructure" and which provide that the forces in service for the maintenance of public order may carry video recording devices. All these measures are considered potentially contrary to the freedom to demonstrate and the right to privacy, and lend themselves to discriminatory and disproportionate use. The Aarhus Convention, in particular, attaches particular value to the right of citizens to know about and participate in the community's choices that have an impact on the environment, including by organising manifestations and public gatherings.

Demonstrations in places of detention

Finally, the experts dwell on some provisions of the bill that severely punish acts of revolt within a penitentiary institution. Among the acts of revolt are also included passive resistance conducts that affect the performance of official acts or services of the institution. Similar rules also apply to revolts in migrant detention and reception facilities. In this case too, the envisaged measures lend themselves to a use that contrasts with the right of detainees and migrants to demonstrate and protest peacefully, including through forms of civil disobedience, the exercise

of which must also be considered functional to maintaining conditions of dialogue and democracy in places of detention.

Next steps

The letter from the six Special Rapporteurs requesting clarification from the Italian Government on the points indicated is dated December 19, 2024 and was made public on January 16, 2025.

6.2 Human Rights and Climate Activism: The Case of Valentina Corona and the G7 Protest

12 February 2025.

<https://unipd-centrodirittiumani.it/en/topics/human-rights-and-climate-activism-the-case-of-valentina-corona-and-the-g7-protest>

Alexandra Ivanenko

The protection of human rights defenders, including climate activists, is a state obligation under international law. The UN Special Rapporteur (SR) on Human Rights Defenders and other SRs raised the issue in a Communication notified to the Italian government concerning the alleged arbitrary detention and degrading treatment of climate activist Valentina Corona and twenty other demonstrators during a peaceful protest on 9 July 2024 in Bologna.

The incident coincided with the G7 Ministerial Meeting on Science and Technology. On 6 December 2024, the UN Special Rapporteur on Human Rights Defenders, along with other UN experts, formally addressed the Government of Italy regarding the treatment of the detained activists, requesting clarification on the events. According to this communication, members of an international movement, Extinction Rebellion, staged a peaceful demonstration outside Bologna's municipality, advocating for urgent climate action in response to climate change and the environmental crisis through non-violent civil disobedience manifestation. Despite their peaceful approach, law enforcement officers intervened, taking the activists to the police station, detaining and holding them in custody for seven to eight hours without formal arrest.

According to the SRs. This practice appears to contravene procedural safeguards under Italian law, particularly Article 13 of the Italian Constitution, which prohibits arbitrary detention, and Article 386 of the Italian Code of Criminal Procedure, which mandates that detainees be informed of the reasons for their detention and granted immediate access to legal counsel.

Concerns Regarding the Treatment of Detainees

Specific concerns have been raised regarding the treatment of Ms. Valentina Corona, who did not participate in the protest itself but was present as a mediator between the activists and the authorities, engaging in a dialogue with the police to de-escalate tensions. Reports indicate that she was separated from the group, reportedly obliged to undress completely in a bathroom, ordered to bend over for an inspection conducted by a female officer and denied access to legal representation. These allegations raise serious concerns under international human rights law. The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988), adopted by the UN General Assembly, establishes that searches must respect human dignity and must not be conducted in a manner that is degrading or humiliating. Additionally, the confiscation of personal belongings and the reported denial of access to legal counsel raise potential violations of Italy's obligations under the Article 9 of the International Covenant on Civil and Political Rights (ICCPR), which prohibits arbitrary detention, and under Article 14 ICCPR, which guarantees the right to legal assistance and due process. Furthermore,

the denial of access to legal representation may also contravene Article 24 of the Italian Constitution, which ensures the right to defence in all judicial and administrative proceedings.

Freedom of Assembly and the Criminalisation of Climate Activism

The detained activists now face charges under Article 18 of the Consolidated Law on Public Security (TULPS), which governs public demonstrations, and Article 610 of the Italian Penal Code, which criminalises "private violence" (*violenza privata*), defined as coercing individuals through force or threats. The latter offence carries a penalty of up to four years in prison.

The UN Special Rapporteurs have emphasised that these charges were brought against individuals engaged in peaceful protest whose actions posed no threat to public safety or individual security. Their activism was driven solely by legitimate and well-founded concerns about climate change and its impact on human rights. The application of these charges raises worries about Italy's compliance with international human rights obligations, particularly regarding Article 19 of the Universal Declaration of Human Rights (UDHR) and Article 19 ICCPR, which guarantee the right to freedom of expression, as well as Article 20 UDHR and Article 21 ICCPR, which safeguard the right to peaceful assembly. The UN Human Rights Committee, in its General Comment No. 37 (2020), has reaffirmed that restrictions on peaceful assembly must meet strict legality, necessity, and proportionality criteria. The charges against the detained activists raise concerns about whether these principles have been upheld.

Italy's International Human Rights Obligations

As a state party to the ICCPR, Italy is legally obligated to protect individuals exercising their rights to freedom of expression, association, and peaceful assembly, ensuring their protection from undue restrictions or reprisals. UN Special Rapporteurs have repeatedly stressed that states must take effective measures to safeguard climate activists from intimidation, criminalisation, and violence. The suppression of climate activism through prolonged detention and criminal prosecution not only undermines democratic principles but also contravenes the rule of law. It is also important to highlight that the failure of current climate measures to meet the 2030 targets, combined with the targeting of activists, raises serious concerns about Italy's commitment to upholding human rights in the context of the climate crisis.

The increasing restrictions on civic space, including the repression and criminalisation of climate activism, have been identified as matters of serious concern by various UN human rights mechanisms. The right to a clean, healthy, and sustainable environment, recognised in UN General Assembly Resolution 76/300 and Human Rights Council Resolution 48/13, underscores the legitimacy of environmental activism. Furthermore, under the UN Framework Principles on Human Rights and the Environment, states must ensure safe conditions for human rights defenders advocating for environmental protection, shielding them from threats, harassment, and violence.

In response to the events in Bologna, the UN Special Rapporteurs have urged the Italian government to provide a detailed explanation of the legal basis for the detention of climate activists and demonstrate its compliance with international human rights standards. They have also called for concrete measures to ensure that climate activists and human rights defenders can operate freely and safely without fear of retaliation, criminalisation, or intimidation. The experts emphasised Italy's obligations under international law and stressed the need to protect the right to peaceful assembly and expression. Additionally, they have requested an independent investigation into allegations of degrading treatment and procedural violations during detention.

Conclusion and Recommendations

The case of Ms. Valentina Corona and her fellow activists highlights the growing risks climate defenders face in Italy and worldwide. The UN human rights experts have urged the Italian authorities to uphold their international human rights commitments by ensuring that climate activists can operate freely without fear of persecution, intimidation, or unlawful detention. They have further emphasised the need for impartial investigations into reported abuses and accountability in cases of misconduct by law enforcement authorities.

The UN Special Rapporteurs have underscored the need for an independent investigation into allegations of degrading treatment and procedural violations. Such an investigation is crucial to ensure accountability and prevent future violations. Suppressing climate activism through legal prosecution and administrative measures is inconsistent with democratic principles and human rights protections. The Italian Government failed to respond to the UN Special Rapporteurs within the 60-day confidential period, after which the communication was made public on 12 February 2025. After the UN's intervention, the Public Prosecutor requested the dismissal of Ms. Corona's complaint regarding her alleged mistreatment. The UN Special Rapporteur has expressed deep concern over this development, stressing the importance of ensuring accountability for any human rights violations that may have occurred.

These events are unfolding against a backdrop characterised by the discussion at the Italian Parliament (namely at the Senate) of a public security bill that may favour recourse to force to curb climate activists. The repression of peaceful climate activism poses a direct challenge to democracy and fundamental freedoms. As the climate crisis escalates, the protection of environmental defenders must remain a priority to ensure accountability and urgent action on climate justice. Governments must guarantee the fundamental rights of individuals advocating for urgent climate action, ensuring they are not subjected to punitive measures to silencing dissent, and shape policies that promote ecological sustainability and human rights protection.

6.3 Warning Silence: no update on Valentina Corona Case as Italy debates anti-climate protest measures

10 May 2025.

<https://unipd-centrodirittiumani.it/en/news/warning-silence-no-update-on-valentina-corona-case-as-italy-debates-anti-climate-protest-measures>

To this day (May 2025), Italian authorities have provided no official response regarding the case of Valentina Corona, a climate justice activist and mediator who was detained on 9 July 2024 during a peaceful "Extinction Rebellion" protest in Bologna, which took place during the G7 Ministerial Meeting on Science and Technology.

Ms Corona, who did not participate in the protest but was present to mediate between activists and police, was reportedly separated from the group, forced to fully undress for a search, and denied access to a lawyer. She and more than 20 others were held at a police station for seven to eight hours without being formally arrested, raising serious concerns about violations of Italian law and internationally recognised human rights.

Despite a formal communication from UN Special Rapporteurs in December 2024 requesting clarification, the Italian government failed to respond within the 60-day confidential period. The communication was published on the UN Human Rights Special Procedures website on 12 February 2025. In it, the UN experts expressed deep concern over the alleged arbitrary detention and degrading treatment, and called for an independent investigation. They warned that Valentina Corona's case could have a chilling effect on human rights defenders and climate activists, discouraging them from exercising their rights to freedom of expression, association, and peaceful assembly. The experts reminded Italy of its obligations under the International Covenant on Civil and Political Rights (ICCPR) to protect these rights and to shield activists from reprisals, including arrests, lawsuits, or prosecutions aimed at silencing dissent. No developments have been reported since February 2025, the Italian government adopted a new Security Decree without whole debate in Parliament (see [this article in Yearbook 2025](#)). According to UN experts, the decree introduces vague and overly broad measures that could allow authorities to limit protests, use force against demonstrators, and restrict civil society

activities. There are particular concerns that these new powers could be used to target peaceful climate activists, human rights defenders, and other groups advocating for social and environmental justice.

Valentina Corona's case highlights the growing risks climate activists face in Italy. It raises serious doubts about the government's willingness to uphold human rights, freedom of expression, and the right to peaceful assembly at a time when defending these values is more important than ever.

6.4 Police Detention of Climate and Human Rights Defenders in Brescia: Allegations and Government Reply

29 May 2025.

<https://unipd-centrodirittiumani.it/en/topics/police-detention-of-climate-and-human-rights-defenders-in-brescia-allegations-and-government-reply>

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Introduction

On 13 January 2025, 22 climate and human rights defenders were arrested in Brescia, Italy, following a non-violent protest at the premises of the weapons manufacturer Leonardo SpA. The demonstrators, linked to the Italian branch of Extinction Rebellion and to the groups 'Ultima Generazione' and 'Palestina Libera' had gathered to denounce Italy's arms exports to Israel, which they argue are enabling the ongoing genocide of the Palestinian people in Gaza. Their subsequent arrest and degrading treatment in police custody have triggered strong criticism from United Nations Special Rapporteurs, who view the episode as part of a growing pattern of repression of activism in Italy.

The protest involved a symbolic action at Leonardo's facility, a major Italian defence and aerospace company whose weapons and components have allegedly been exported to countries involved in armed conflicts, including Israel. According to the activists, Leonardo's business ties with the Israeli military industry make it complicit in human rights violations in Gaza, particularly amid the intensification of Israeli attacks since late 2023.

Although the protest was peaceful and intended to draw public attention to Italy's military exports, law enforcement responded by provisionally arresting and detaining the participants. Of the 16 protesters identified, several were prominent activists affiliated with national or local environmental and human rights movements.

Degrading Treatment in Police Custody

It has been reported that the activists were detained for approximately seven hours at the Brescia Police Headquarters (Questura). According to the government, the individuals were taken in for identification and standard procedural checks, after which they were released. However, in a series of videos posted online, the detained women claim the police officers forced them to undress, remove their underwear, and perform three squats. This procedure was reportedly not applied to their male counterparts, raising serious concerns of gender-based discrimination.

Such searches are typically reserved for individuals suspected of drug trafficking. They were reportedly carried out without individualised justification and in the absence of legal representatives, raising serious concerns about potential violations of their rights to dignity, privacy, and body integrity.

According to international human rights law, body searches must comply with principles of legality, necessity, and proportionality. These strip searches may violate Articles 7 and 10 of the International Covenant on Civil and Political Rights (ICCPR), which protect individuals from degrading treatment and ensure respect for human dignity. Furthermore, the UN Committee Against Torture has repeatedly expressed concern over the use of such invasive procedures on peaceful protesters, particularly when applied in a gender-discriminatory manner. Italy's obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) further require that all law enforcement practices be free from gender-based humiliation or intimidation.

The activists also reported being denied access to legal counsel and subjected to verbal intimidation. Phones were confiscated, and some were threatened with criminal charges. These accounts have been documented by human rights organisations, including Front Line Defenders, and formed the basis of a formal complaint filed with the Brescia public prosecutor on 7 April 2025. The complaint alleges that law enforcement has arbitrarily deprived individuals of their liberty and subjected them to degrading treatment, in violation of both Italian procedural law and international human rights standards.

UN Special Rapporteurs' Communication

These allegations prompted the intervention of multiple United Nations Special Rapporteurs, who issued a joint communication to the Italian government ([AL ITA 3/2025](#)). The experts included mandate holders on the situation of human rights defenders, freedom of peaceful assembly, counter-terrorism and human rights, right to privacy, and the promotion of a democratic and equitable international order. These independent experts operate under the United Nations Human Rights Council (UNHRC) and are tasked with monitoring and reporting on specific human rights issues or country situations. Although their communications are not legally binding, they serve as critical tools for accountability and international pressure.

The communication expressed deep concern over the allegedly arbitrary arrest and degrading treatment in detention of peaceful demonstrators, and emphasised that the conduct of the Italian police may amount to a violation of the ICCPR, to which Italy is a party. The experts called on the government to provide detailed information about the legal basis for the arrests, the treatment of detainees, and the safeguards in place to ensure the rights of protestors are respected.

They also expressed concerns that these actions may reflect a broader pattern of repression against individuals and groups engaging in peaceful protest on issues such as climate justice and Palestinian rights. The communications situates the Brescia incident within an escalating context of criminalisation of protest in Italy, drawing attention to previous communications, including the case of Valentina Corona, whose case has become emblematic of escalating legal and administrative pressure on environmental human rights defenders.

Italy's Reply

In a formal response dated 28 May 2025, the Italian government defended the actions of the police, asserting that the arrests were carried out in accordance with Italian law and that the protest had been unauthorised and potentially posed risks to public order. The government also stated that the search procedures conducted at the Questura were standard and implemented to prevent the introduction of dangerous objects.

Italy acknowledged that the demonstrators were held in custody for approximately seven hours but denied that their rights were violated. It emphasised that the activists were released without charges, although some are still facing administrative fines for organising an unauthorised demonstration. Notably, Italy's reply did not directly address the gender-specific allegations raised by the female activists, nor did it clarify why the squat and the strip search were applied exclusively to women.

Conclusion

As of June 2025, the legal complaint filed in April remains under review by the Brescia prosecutor's office. No disciplinary actions have been announced against the officers involved, and no formal inquiry has been launched to determine whether the search procedures were justified or proportionate. The activists continue to campaign for justice, arguing that their treatment exemplifies the increasing use of law enforcement to stifle peaceful dissent.

6.5 Human Rights and Climate Activism: Italy's response to Communication AL ITA 6/2024 from the special rapporteurs on the case of Valentina Corona

10 November 2025.

<https://unipd-centrodirittiumani.it/en/topics/human-rights-and-climate-activism-italys-response-to-communication-al-ita-62024-from-the-special-rapporteurs-on-the-case-of-valentina-corona>

Ilaria Vavalà

Background

On 6 December 2024, six UN Special Rapporteurs transmitted a Joint Communication (AL ITA 6/2024) to the Government of Italy. The communication was prepared under the Special Procedures of the Human Rights Council, which allow independent experts to request clarifications from states regarding alleged violations.

The letter addressed events that took place on 9 July 2024 during the G7 Ministerial Meeting on Science and Technology in Bologna where members of “Extinction Rebellion” carried out a non-violent demonstration in Piazza Maggiore, chaining themselves to block the access to Palazzo d’Accursio, while others unrolled protesting banners on the facade of the building.

According to information submitted to the UN, 21 activists were taken to police headquarters, held for seven to eight hours, identified, photographed and charged. Among them, Valentina Corona, described not as an active protester but as a mediator between activists and police, allegedly suffered degrading treatment, including being forced to undress fully, bend over, and being denied access to a lawyer.

The UN experts warned that these events could violate [ICCPR](#) Articles 9, 14, 19 and 21, which protect liberty, fair trial rights, freedom of expression, and freedom of assembly, as well as Articles 13 and 24 of the [Italian Constitution](#) on personal liberty and the right to a fair trial. Therefore, they requested a reply from Italy within 60 days, in line with the confidential procedure for communications, but since no reply was submitted by the deadline, the communication was made public on 12 February 2025.

The reply of Italy

Italy provided its formal reply in March 2025, several months after the original communication (AL ITA 6/2024) had been issued by the UN Special Rapporteurs. The document was transmitted by the Permanent Mission of Italy to the United Nations Office and other International Organisations in Geneva. The Italian intent that emerges from the reply is to reframe the Bologna protest as an issue of public safety, with the objective of showing that national legal procedures were respected, and, finally, to reiterate Italy's international credibility as a state committed to human rights.

Operational Justification

The first element of the reply is the operational narrative. Specifically, Italy does not describe the facts as an act of symbolic protest but rather as a situation of concrete risk. Moreover, the text insists that the police intervention was triggered not by the content of the activists' message, but by the strategies used in the protest, which allegedly posed a threat to public safety and order.

Furthermore, the reply constructs a picture in which intervention was indispensable, necessary and proportionate, by stressing that activists chained themselves together, refusing to move; the obstruction of the entrance of Palazzo d'Accursio and the need for the intervention of firefighters to prevent injuries of protesters hanging from the façade of the building. The government underscores that the police aimed to guarantee the smooth functioning of the G7 ministerial meeting, to ensure the safety of the activists, and to protect historic property.

Legal Framing

The second relevant element of the reply is the legal framing. Italy insists that none of the 21 protesters was subjected to arrest, instead, all were “denunciati in stato di libertà” (reported while remaining free), which is the legal procedure in Italy when individuals are charged with offences, but not deprived of liberty pending trial.

The reply reports that demonstrators were charged with Unannounced demonstration; Private violence; Interruption of public service; Unlawful occupation of property and Attempted aggravated damage to a historic building. In addition, the text clarifies that individuals were held only for the time required to perform the judicial police functions of identification, photographing, and filing of charges. It also stresses that judicial authorities were promptly informed, therefore reinforcing the argument that due process was respected. By highlighting the absence of any “arrest” procedure, Italy aims to deny the UN's concern of “arbitrary detention”. In the government's narrative, what occurred in Bologna was not a deprivation of liberty, but rather a procedural activity that was consistent with national law.

The Case of Valentina Corona

The third component of the reply addresses the case of Valentina Corona. The allegations against the police included degrading treatment, forced undressing, and denial of access to counsel.

Italy rejects these accusations directly. More to the point, the reply states that Ms. Corona was searched “by female staff in suitable premises and in a manner that did not harm, at all, her dignity”. She was not arrested, but, like the others, she was identified, subjected to a search, and then reported in a state of freedom.

The reply adds that Ms. Corona is also a “persona offesa” (injured party) in another proceeding linked to the same protest, in which she filed a complaint. According to the government, however, the prosecutor's office has already requested the dismissal of her complaint, and the decision has been notified to her.

Policy on Human Rights Defenders

Finally, the reply moves beyond the Bologna protest to reaffirm Italy's broader commitments to the protection of Human Rights Defenders. Specifically, Italy recognises: the central role of civil society in democratic life; strong support for women human rights defenders, particularly in the fight against gender inequality; the maintenance of regular dialogue with civil society organisations; active cooperation with the UN Special Rapporteur on human rights defenders and support for media freedom, demonstrated by Italy's membership in the [Media Freedom Coalition](#). By underlining these aspects, Italy portrays itself as a partner and promoter of human rights at the international and national levels.

Shortcomings of the Italian reply

The Italian reply is carefully structured and it offers a detailed reconstruction of the protest and the subsequent police intervention, but there are several limitations related to the legal technicalities, degrading treatment allegations, timing and the shrinking space of civic society.

Legal technicalities

A central element of the reply is its reliance on a legal distinction between a formal arrest and a “denuncia in stato di libertà”. The implication is that, since no “arrest” occurred, there can be no “arbitrary detention”. However, the risk of this framing is obscuring the concern raised by the UN experts that the individuals were in practice deprived of their liberty for many hours, in a closed environment, under the control of the police, and without guaranteed access to legal support.

Degrading treatment allegations

On the allegations concerning Ms. Corona, the reply denies that any degrading treatment occurred, stating that the search was performed “in a manner that did not harm her dignity”, but there is no evidence supporting the facts stated.

Timing

Italy’s decision not to submit its response within the 60-day confidential period meant that the UN communication was published before the government’s version was available and this delay has consequences on the credibility of the reply in terms of reduced transparency.

Shrinking civic space

Finally, the reply is almost silent in the broader context. By presenting the Bologna protest as an isolated issue, it avoids mentioning the structural concern raised by UN experts and civil society for the progressive narrowing of civic space in Italy. While the Security Decree was adopted only in April 2025 and formally approved by the Parliament in June - therefore, after the Bologna protest - its introduction reinforces the concerns raised by UN experts and civil society. Yet, this context is precisely what makes the case of Valentina Corona particularly relevant in a broader framework; more to the point, it is not only about one activist, but about the climate in which climate protests, human rights defenders and civil society actors are operating.

Contrasting Narratives

A further element to take into account is the diverging narratives between Italy’s Reply and the UN Experts concerns. As a matter of fact, it is possible to affirm that Italy presents the events as lawful, proportionate, and procedurally correct; while UN experts, by contrast, highlight potential violations of international and constitutional norms, raising the possibility of arbitrary detention and degrading treatment.

Furthermore, civil society reports emphasise the seven to eight hours of holding without arrest, the denial of legal counsel, and the forced undressing of Ms. Corona. As mentioned above, these claims are not supported by evidence in Italy’s reply, but only by a categorical denial. In addition, the adoption of the Security Decree 2025 heightens concern, as it introduces broader powers to restrict protests and manifestations.

Conclusion

The case of Valentina Corona illustrates the tension between two contrasting perspectives. On the one hand, the Italian Government has presented a reply that emphasises legality, procedural precision, and a broader commitment to the protection of human rights defenders. On the other hand, UN experts and civil society reports highlight concerns about the effective deprivation of liberty, allegations of degrading treatment, and broader restrictions on civic space.

Italy’s response has strengths in specifying the offences applied, and underlining the distinction between arrest and reporting “in a state of freedom”. Moreover, it explains the events in the context of public safety and reiterates national policies supportive of civil society.

However, questions remain regarding the timeliness of the reply, the absence of independent verification of the allegations and the silence on recent legislative developments affecting the right to protest (Security Decree 2025).

Concluding, this case shows the difficulty of balancing domestic security considerations with international human rights standards and the way in which this balance is carried out shapes perceptions of Italy's credibility, both at the national and international level.

7. Irregular Migration and Italian Detention Centres in Albania

7.1 EU-Tunisia Agreement: Human Rights Concerns Persist from 2023 to 2025

1 March 2025.

<https://unipd-centrodirittiumani.it/en/news/eu-tunisia-agreement-human-rights-concerns-persist-from-2023-to-2025>

As migrants on metal boats continue to embark on the perilous journey from Sfax to Italy, the European Union's migration policies with Tunisia have faced persistent scrutiny since their inception. In July 2023, the then Council of Europe Commissioner for Human Rights, Dunja Mijatović, raised [initial concerns](#) about the Memorandum of Understanding between the European Union and Tunisia, warning that it had "very general language on human rights" without any clear concrete safeguards for Human Rights.

"Comprehensive human rights safeguards must be an integral part of any migration co-operation activity between Council of Europe member states and third countries," Mijatović had emphasised at the time. She called on EU member states to press for "immediate clarification of the human rights safeguards" and to halt implementation of migration-related aspects until adequate protections were established.

Eighteen months later, a February 2025 [FRONTEX report](#) indicates a 22% decrease in overall irregular border crossings to the EU through Mediterranean routes compared to January 2024. Despite this overall decline, activity along the Central Mediterranean route has continued, and the number of [shipwrecks is unchanged](#)—indicating that the human cost of informal migration attempts remains unabated.

More troubling is a January 2025 [investigation report](#) by The Guardian that reveals evidence of Mijatović's early concerns. According to the report, tens of thousands of sub-Saharan refugees and migrants are living in "horrific" conditions in makeshift camps near El Amra, north of Sfax, where humanitarian organisations, aid agencies, and even UNHCR officials are unable to access. Though UNHCR has registered over 12,000 refugees or asylum seekers in Tunisia, UNHCR officials acknowledge that this represents only a fraction of migrants in the area.

The Guardian's investigation further alleges that EU funding seems to indirectly support Tunisian security forces who are accused of widespread sexual violence and abuse against vulnerable migrants, particularly women. Internal documents suggest Tunisian national guard officers are simultaneously facilitating illegitimate boat trips while engaging in abuses—robbing, beating, and abandoning migrants, including women and children, in the desert without provisions.

Senior EU sources have made no assessments despite reportedly admitting that Brussels is "aware" of these claims. As Europe continues its efforts to manage migration and development through regional Mediterranean partnerships, balancing border security and human rights protection remains a critical challenge that demands greater transparency and accountability.

[IOM report to the Italian Ministro of Foreign Affairs](#) provides an interim report of the findings regarding the EU-Tunisia project related developments addressing the impact on vulnerable migrants in Tunisia in the period from 1 September 2023 to 29 February 2024.

7.2 The United Sections of the Italian Supreme Court of Cassation state that in the Diciotti case, Italy illegally detained migrants and must compensate them for non-pecuniary damages

8 March 2025.

<https://unipd-centrodirittiumani.it/en/topics/the-united-sections-of-the-italian-supreme-court-of-cassation-state-that-in-the-diciotti-case-italy-illegally-detained-migrants-and-must-compensate-them-for-non-pecuniary-damages>

Paolo De Stefani

On March 6, 2025, the United Sections of the Italian Supreme Court of Cassation (civil division) issued an order (R.G.N. 17687/2024) upholding the application filed by M.G.K., an Eritrean citizen, against the judgment of the Rome Court of Appeal no. 1803 of March 13, 2024, which had rejected his claim, submitted along with other Eritrean nationals rescued at sea, for non-pecuniary damages arising from his detention on board the Italian Coast Guard vessel "Diciotti" between August 16 and 25, 2018. According to the Cassation Court, the appellant is entitled to compensation, the amount of which will have to be determined by the Rome Court of Appeal in a different composition.

The decision of the United Sections of the Cassation Court intervened in a dispute that also involved, in separate proceedings, members of the Italian government who, in August 2018, had imposed a ban on access to Italian ports for irregular migrants rescued by state vessels or humanitarian NGO boats. Indeed, former Interior Minister Matteo Salvini faced criminal charges of kidnapping and abuse of power in the "Diciotti" incident. While the tribunal in Catania with jurisdiction over ministerial crimes had requested that Salvini stand trial, on March 19, 2019, the Senate (where Salvini was elected) voted to uphold his immunity.

Related cases: the "Gregoretti" and "Open Arms" criminal cases concerning Minister Salvini

It is helpful to recall that the "Diciotti" case is linked to other instances in which the Italian government prevented the disembarkation of migrants rescued at sea in implementation of rules adopted between 2018 and 2019 ("Security Decree I and II, supported by the Conte cabinet). In particular, this occurred for the Italian Coast Guard vessel "Gregoretti", which embarked around 60 migrants on July 25, 2019, and for a vessel operated by the Spanish NGO "Proactiva Open Arms", which had to keep around 150 migrants on board between August 1 and 20, 2019, as they were denied access to Italian territory on orders from government officials. In the "Gregoretti" case, the competent "tribunal of ministers" in Catania had requested that Minister Salvini stand trial, obtaining authorisation from the Senate to proceed in February 2020; however, the preliminary hearing judge in Catania later issued a judgment of no grounds to proceed, on the basis that "the fact did not exist". Even in the case arising from the rescue operations of the NGO vessel "Open Arms," the Senate had denied immunity to the government member (vote on July 30, 2020); in April 2021, the preliminary hearing judge had ordered Minister Salvini to stand trial for the crimes of kidnapping and abuse of power. Salvini was

subsequently acquitted at first instance by the Palermo court on December 20, 2024, again with the formula "because the fact did not exist".

The appeal against the rulings of the Rome District Court and Court of Appeal

In 2018, M.G.K. and other Eritrean citizens on board the "Diciotti" filed a lawsuit in the Rome District Court seeking compensation from the Italian government for the damages suffered due to their forced detention on the vessel between August 16 and 25, 2019. The Court dismissed the claim, stating that the government's decision to delay indicating a safe place for the migrants to disembark and then not allowing disembarkation at the chosen port of Catania for a few more days should be considered a "political act", motivated by the need to manage tensions between Italy and Malta regarding their respective search and rescue (SAR) obligations in international waters and to review European Union rules on sharing the burden of hosting irregular migrants arriving in Europe. According to the Court, the Italian judiciary had no jurisdiction over such a political choice.

The first instance judgment was appealed to the Rome Court of Appeal. In its judgment No. 1803 of March 13, 2024, the Court of Appeal ruled that the Government's decision to deny disembarkation to the migrants on the "Diciotti" could not be considered an unquestionable "political act", but rather an act of high administration required by international norms on maritime safety (the SOLAS and SAR Conventions). However, the Court found no fault in the conduct of the Italian Government and, therefore, rejected the claim for damages.

M.G.K. appealed this decision, alleging violations of Articles 13 (personal freedom), 24 (access to justice), 111 (fair trial), and 117.1 (compliance with international treaties) of the Italian Constitution, Article 5 of the European Convention on Human Rights (personal freedom), Article 6 of the EU Charter of Fundamental Rights (individual freedom and security), as well as Articles 7 and 14 of Directive 2008/115/EC (the Returns Directive). The fact that the appellants were deprived of their freedom for several days without legal justification is sufficient grounds for awarding them compensation. For its part, the Italian State asked the Cassation Court to reaffirm that the decision of the then-government (particularly the Interior Minister) not to promptly indicate the "place of safety" (POS) for disembarking the rescued migrants, as well as the subsequent prohibition of disembarkation after designating the port of Catania as the POS, should be considered a non-justiciable political act, from which no compensable damage can arise. The waiting period for migrants on board the Italian military vessel was justified by the need to reach a political clarification with the Maltese authorities and EU partners regarding the management of SAR operations and the "redistribution" of irregular migrants among various European countries.

Prohibiting disembarkation is not an act of State

The first point addressed by the United Sections of the Cassation Court is, therefore, to determine whether the Italian Government's decision to prevent the disembarkation of migrants can be considered a "political act". According to the Cassation Court, for an act to be considered strictly political, it must possess specific subjective and objective characteristics, and its nature must be exceptional. From a subjective standpoint, it must emanate from a body entrusted with the highest-level direction and management of public affairs. Objectively, it must be a free act in terms of its purpose and concern the life of the State's public powers. Qualifying an act as "political" must be understood as exceptional. In fact, most government measures are subject to some legal norm, mainly when they affect individual rights. They are, therefore, generally subject to judicial review. The Cassation Court thus concludes that the refusal to indicate the POS and the subsequent prohibition of disembarkation imposed on the migrants cannot be considered political acts in an objective sense, shielded from judicial review, because, although attributable to the highest levels of government and specifically to the Interior Minister, they do not pertain "to the supreme general direction of the State considered in its unity and fundamental institutions". They are administrative acts, albeit inspired by political aims, and cannot be exempted from a legitimacy test carried out by a competent Court. In this case, the civil courts ensure the review since the measure affects subjective rights of constitutional value.

The inexcusable error of the state administration

The next step concerns the determination of "fault" on the part of the state institution that acted. According to the Court of Appeal, the State was not at fault because, on the one hand, the international regulations regarding the indication of the POS are complex and not unambiguous, so the days taken to make this determination cannot be considered unreasonable; on the other hand, the current regulations do not impose a deadline for defining the POS and proceeding with disembarkation operations. Apart from cases of imminent danger to life, individuals rescued at sea do not have a "right of disembarkation". The State must have time to balance all relevant factors (international dynamics and potential bilateral agreements, combating illegal immigration, protecting public order, etc.), in addition to technical and logistical considerations, while still being required to minimise the inconvenience for the individuals involved as much as possible. The Court of Appeal concluded that, despite causing considerable hardship to the migrants, their detention on the "Diciotti" did not give rise to liability for unjust damage.

However, according to the United Sections of the Cassation Court, this approach is incorrect. The starting point should not be the POS assignment and subsequent disembarkation but rather the obligation of rescue at sea, established by international customary law and reiterated in international and domestic legislation. In particular, the SAR Convention requires states intervening in the rescue of individuals at sea to indicate a POS. For the Italian legal system, this responsibility falls on the Interior Minister. A POS is a place where, among other things, the right to seek international protection can be exercised, and the identification procedures set forth in Article 10-ter of the Consolidated Immigration Act (Legislative Decree 286/1998) can be carried out. A ship, even if it is a Coast Guard vessel, cannot be considered a POS (in line with it, cf. Supreme Court of Cassation, criminal section, judgment 6626/2020, on the "Sea Watch" case - see 2021 Yearbook 2021, p. 200-1). The indication of a POS is an administrative act that the Ministry is required to perform without delay; the identification of the disembarkation location falls within the discretion of the government authorities, who may indicate a different but more plausible location, such as the one closest to the rescue operation, taking into account multiple "technical" needs. It is, therefore, incorrect to say that the rules in this area are unclear and ambiguous: they are clear insofar as political considerations, such as the control of migratory flows or national or European migration policies, must not condition them. These political considerations delayed the disembarkation in Catania of the approximately 150 migrants rescued for several days. These very political considerations should have remained extraneous to the decision-making scope in this case. Here lies the inexcusable error that the Italian authorities committed.

A violation of personal freedom. The Khlaifia case before the European Court of Human Rights

These considerations assume particular relevance in light of the specific value that the prohibition of disembarkation violated. Indeed, personal freedom was compressed, and it is the violation of this fundamental right – a theme almost absent from the judgment of the Rome Court of Appeal – that matters most, according to the Cassation Court, in concluding that the damage caused to the appellant entitles him to compensation under Article 2043 of the Civil Code (non-contractual liability for unjust damage).

The detention of migrants on the "Diciotti" vessel constituted an infringement of the right protected by Article 13 of the Constitution, as well as Articles 5 ECHR, 6 of the EU Charter of Fundamental Rights, 3 of the Universal Declaration of Human Rights, and 9 of the International Covenant on Civil and Political Rights.

Article 5 ECHR is particularly relevant in this case, as the judgments *Khlaifia and Others v. Italy* (Chamber, *Khlaifia and Others v. Italy*, no. 16483/12, September 1 2015, and Grand Chamber, *Khlaifia and Others v. Italy* [GC], no. 16483/12, December 15 2016; respectively 2016 Yearbook, p. 207 and 2017 Yearbook, p. 242) have already clarified how the "de facto" detention of migrants in reception facilities (assistance centres in Lampedusa or ships anchored in the port of Palermo) does not meet the strict requirements of legality and legitimacy set forth

in Article 5 ECHR for limitations on personal freedom. According to the Cassation Court, "the absence of a judicial order or subsequent validation of the government's choices is sufficient in itself to affirm the arbitrariness of the detention of migrants under Article 5 ECHR" and therefore its contrariety to Article 13 of the Constitution. It is indeed excluded that the detention of migrants on the "Diciotti" can be understood as "lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition". (Article 5, paragraph f) ECHR). The arbitrary nature of the measure, not based on formal acts, constitutes a violation of Article 5 ECHR also from a procedural standpoint, as the chosen methods render the restrictive measure on personal freedom not subject to judicial review (Article 5.4 ECHR: "Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful").

The Court of Cassation disapproves the conclusion of the Rome Court of Appeal, which did not find any negligence or inexcusable error in the conduct of the state administration (Ministry of the Interior) that for ten days left the appellants waiting to disembark in a state of de facto detention and in conditions incompatible with respect for individual dignity, despite the clear obligation, deriving from explicit international norms, to promptly take charge of them in a safe place (whether this was the port of Catania, where the "Diciotti" remained for five days, or any other Italian port).

It is true that, in 2020, the Senate voted to uphold the criminal immunity of Interior Minister Salvini, a senator, for the crimes related to the "Diciotti" incident, including kidnapping. However, this decision, which is not subject to judicial review, concerns only Minister Salvini's criminal liability. It cannot extend to the liability of the public administration for unjust damage caused to the individuals who were the object of the wrongful act, especially if the damage suffered relates to the violation of an inviolable right such as personal freedom. On this point, too, the judgment of the Rome Court of Appeal is censured, as instead of focusing on the distinction between criminal liability (of the Minister) and civil liability (of the state administration), it seems to create a (dubious) separation between the Minister's civil liability and that of the State administrative apparatus.

The damage resulting from the deprivation of personal freedom and the right to compensation

The non-pecuniary damage arising from the approximately ten-day detention, not justified by any legally appreciable reason and attributable to an administration error, lies in the personal and social consequences of the administration's lack of respect for the right to individual freedom. Such damage does not require a high threshold of proof, as the sense of humiliation and psychological suffering connected to having to endure unjust coercion of one's freedom of movement is a common experience and easily inferable from the facts.

The final paragraphs of the judgment address a second defence raised by the State, whose representatives pointed out that the Court of Appeal had not discussed the objection challenging whether some of the appellants were truly shipwrecked individuals from the "Diciotti." The Cassation Court does not consider this point relevant, as the appealed judgment resolved the dispute on other grounds. In any case, the identity of the person to whom compensation may eventually be paid can be raised before the Court handling the remanded case.

Conclusions: Separating political dialectics from measures affecting human rights

The Cassation Court's judgment reaffirms a point that the Court of Appeal had also resolved in the same way: the decision not to grant the "Diciotti" a port of entry and the prohibition of disembarkation imposed on the migrants it had rescued are not political acts, but rather administrative acts. These measures are part of a procedure clearly and sufficiently regulated by international and domestic law, having as its guiding principle the protection of the lives of individuals rescued at sea and their fundamental rights. It departs from the Court of Appeal's approach by adopting a more rigorous stance in assessing the obligations of government

authorities to follow through on their international commitments towards individuals holding fundamental rights, including the right to personal freedom.

Pursuing migration policy objectives at the national or international level cannot justify measures that result in unlawful restrictions on individual rights. If such measures are taken, the State is obliged to compensate the victims for the unjust damage they have suffered. The Cassation Court's decision relies on the European Court of Human Rights judgment in the *Khlaifia and Others v. Italy* case.

On that occasion, the just satisfaction awarded by the Strasbourg Court to individuals subjected to a de facto detention for a few days in violation of Article 5 ECHR was € 2,500 per person. It can be assumed that the court handling the remanded case, should it rule in favour of M.G.K., may order the State to pay a similar amount.

7.3 UN Human Rights Committee: concerns over the Italy-Albania Agreement in the Concluding Observations on the Third Periodic Report of Albania 2025

30 aprile 2025.

<https://unipd-centrodirittiumani.it/en/news/un-human-rights-committee-concern-s-over-the-italy-albania-agreement-in-the-concluding-observations-on-the-third-periodic-report-of-albania-2025>

In its recently published concluding observations on Albania's third periodic Report, the UN Human Rights Committee has expressed serious concerns about the bilateral agreement between Albania and Italy concerning migration cooperation — the 2023 protocol that allows Italy to process asylum seekers in facilities located on Albanian territory. The Committee warned that key aspects of the Italy–Albania Protocol (concluded in 2023 and suspended from February 2025 due to the pending decision by the ECJ) may contravene core obligations under the International Covenant on Civil and Political Rights (ICCPR).

At the center of the Committee's concern is the risk that the agreement could undermine the rights of migrants and asylum seekers, particularly regarding automatic detention, prolonged confinement, and limited access to individualised asylum procedures. The Committee reminded Albania that any extraterritorial cooperation in managing asylum claims must fully comply with the Covenant, especially the principle of non-refoulement, which prohibits returning individuals to countries where they may face serious harm.

It emphasised that detention must only be used as a last resort and must be reasonable, necessary and proportionate, in accordance with the Committee's general comment No. 35 (2014) on liberty and security of persons. The Committee further stressed that Albania should guarantee unfettered access to its territory for individuals seeking international protection, along with fair and efficient refugee status determination procedures and access to legal aid. Additionally, the Committee noted that Albania's 2023 Asylum Law raises broader concerns that may intersect with the implementation of the protocol, including insufficient safeguards for vulnerable individuals such as children and unaccompanied minors. These concerns are particularly relevant given the likelihood that such groups could be affected by cross-border asylum arrangements. Since Italy would be transferring asylum seekers to Albanian jurisdiction under the protocol, the adequacy of Albania's asylum framework directly affects Italy's compliance with its own international obligations.

The Human Rights Committee's warning underscores the importance of ensuring that migration agreements uphold fundamental rights standards. By singling out this agreement in its official report, the Committee sends a strong signal about the legal and ethical risks of such

arrangements. Its conclusion is clear: bilateral deals on migration must not come at the expense of fundamental human rights obligations.

7.4 UN Experts Raise Concerns Over Italy's Role in Libya Migrant Return Policy

29 May 2025.

<https://unipd-centrodirittiumani.it/en/topics/un-experts-raise-concerns-over-italy-s-role-in-libya-migrant-return-policy>

Alicia Arozi Grunman, Rafaela Maria Barbara Paiva Francisco Sipressi Perugini

Introduction

On 30 April 2025, the Special Rapporteur on trafficking in persons, especially women and children, the Working Group on Arbitrary Detention, and the Special Rapporteur on the human rights of migrants issued a joint communication to the Government of Italy regarding concerns over serious human rights violations associated with the implementation of Voluntary Humanitarian Return (VHR) programs in Libya. These programs are operated under the framework of the Multi-Sectoral Support for Vulnerable Migrants in Libya Project, implemented by the International Organisation for Migration (IOM) and financially supported by Italy.

Background

Since 2017, the Government of Italy has allocated more than €56.5 million in funding for migration-related interventions in Libya through the Fund for extraordinary interventions to boost dialogue and cooperation with African countries and other countries of priority importance for migratory movement (the "Migration Fund"). On 13 June 2024, a new agreement was signed between Italy's Directorate General for Italian Citizens Abroad and Migration Policies and IOM to support the Multi-Sectoral Support Project, with an implementation period from 1 July 2024 to 30 June 2026.

Under this arrangement, €7 million was allocated, of which €2.48 million was dedicated to VHR and reintegration activities. Approximately €1 million was specifically allocated to support the return of 820 migrants, refugees, and asylum seekers stranded or detained in Libya.

Concerns raised

The UN experts expressed concerns over the voluntariness and lawfulness of the returns conducted under the VHR framework, particularly for vulnerable individuals, including women, children, victims of trafficking, and persons with medical needs. Reports indicate that a significant portion of individuals repatriated through VHR were held in Libyan detention centres, with 76.5% of beneficiaries reportedly detained prior to repatriation. The experts noted that the project documentation itself acknowledges that 43% of 2023 beneficiaries were identified in detention and 7% were trafficking victims.

The communication raises issues surrounding the lack of due process, absence of informed consent, potential exposure to non-refoulement violations, collective expulsions, and re-trafficking. There is also concern that returns may be accepted under coercive conditions, given the lack of alternatives to indefinite detention in unsafe environments.

The criminalisation of irregular migration in Libyan law is also noted, which permits detention without legal recourse, increasing the risk of exposure to inhuman and degrading treatment. In

such conditions, VHR may function less as a voluntary solution and more as a last resort for detained migrants.

Reintegration Support and Limitations

The project's reintegration component was assessed as limited in scope and insufficiently adapted to individual contexts. Reintegration outcomes are measured primarily by the number of returnees receiving support and by the percentage of beneficiaries employed or in training within six months. These indicators assume the availability of opportunities in countries of origin, without addressing structural barriers such as discrimination, inadequate public services, or social instability.

While individual reintegration plans are to be developed and uploaded into IOM's case management system, the communication notes a lack of preventive mechanisms, durable solutions, and transparent oversight. Migrants returning under such programs may face economic precarity, re-victimisation, or be compelled to undertake riskier migration routes.

Externalisation and Migration Management

The communication highlights the externalisation of migration controls as a point of concern. Technical and operational support is being provided to Libyan authorities, including the Coast Guard, Border Guard, and Department of Combating Illegal Migration, for specialised Search and Rescue (SAR) operations and infrastructure at border points. While these measures may improve operational capacity, the communication warns that such support may also lead to increased interceptions and unlawful returns to Libya, a country not considered a safe port under international standards.

The experts caution that such arrangements could amount to the outsourcing of migration responsibilities and risk breaching international obligations, particularly when protection assessments are not conducted or safeguards are lacking.

Data Collection and Privacy

Concerns were also raised about the collection, analysis, and sharing of personal data of migrants under Output 4.1 of the project, which involves the use of IOM's Displacement Tracking Matrix. The lack of anonymisation or clear protection measures was flagged as potentially exposing migrants to discrimination, targeting, or exploitation.

Additionally, the use of data to assess migration trends and publish profiles may reinforce stigmatisation and influence restrictive migration policies. Without informed consent or ethical data governance, such practices may compromise migrants' rights.

Legal and Judicial Developments

In November 2024, a joint appeal was filed by seven Italian human rights associations and NGOs (including ActionAid, ASGI, Differenza Donna) before the Administrative Court (TAR Lazio) seeking to annul part of the funding (specifically €970,000) allocated to the VHR component and reallocate it to humanitarian measures. Italy's Court of Cassation, in a February 2024 ruling, declared that transferring migrants to Libya was unlawful, given that Libya does not qualify as a safe harbour. The Supreme Court (judgment No. 4557/2024) ruled that enabling the interception and return of migrants by Libyan authorities may constitute a criminal offence of abandonment in a state of danger and violate the European Convention on Human Rights, particularly the prohibition of collective expulsion.

Requests to the government of Italy

The communication includes formal requests to the Government of Italy to:

1. Provide information on the allegations described.
2. Clarify the administration and oversight of funds provided to Libyan authorities and related safeguards.

3. Explain measures taken to ensure compliance with international human rights and refugee law in return and reintegration processes.
4. Share any strategic evaluations of the human rights impacts of migration management programmes carried out in partnership with IOM and Libyan authorities.

A reply from the Government of Italy was received on 21 July 2025 and is currently being processed. Once finalised, the response will also be made public in accordance with applicable protocols.

7.5 The Constitutional Court Rules on Detention in the Repatriation Detention Centres (CPR)

1 August 2025.

<https://unipd-centrodirittiumani.it/en/topics/the-constitutional-court-rules-on-detention-in-the-repatriation-detention-centres-cpr>

Alessandra Salerno

Introduction

In its [judgment No. 96 of 3 July 2025](#), the Constitutional Court declared inadmissible the constitutional legitimacy challenges concerning Article 14.2 of [Legislative Decree No. 286 of 1998 \(commonly referred to as the Consolidated Immigration Act\)](#), raised with reference to Articles [13.2](#), [117.1](#), and Articles [2](#), [3](#), [10.2](#), [24](#), [25.1](#), [32](#), and [111.1](#) of the Italian Constitution. Although the challenges were ruled inadmissible, the Court considered the current legislation on detention in CPRs to be in violation of the absolute legal reservation in matters of personal liberty, as prescribed by Article 13 of the Constitution, and urged the legislator to intervene.

This judgment brings attention to the conditions of individuals detained in CPRs in Italy. The Constitutional Court found the existing regulation insufficient in governing the deprivation of liberty for those subjected to expulsion orders, even though it did not find the relevant legal provision to be unconstitutional.

Repatriation Detention Centres in Italy: Establishment and Operation

Judgment No. 96 is part of the broader legislative evolution concerning the establishment and operation of CPRs, underlining the presence of a regulatory gap regarding the “modes” of detention within these centres.

[Repatriation Detention Centres](#) are administrative detention facilities where individuals subject to expulsion or rejection orders are held due to the lack of regular permits to remain on Italian soil. There are currently ten active CPRs in Italy, located throughout the country:

- Bari Palese (Apulia)
- Brindisi, Restinco (Apulia)
- Caltanissetta, Pian del Lago (Sicily)
- Gorizia, Gradisca d'Isonzo (Friuli Venezia Giulia)
- Macomer, Nuoro (Sardinia)
- Via Corelli, Milan (Lombardy)
- Palazzo San Gervasio, Potenza (Basilicata)
- Ponte Galeria, Rome (Lazio)
- Corso Brunelleschi, Turin (Piedmont)
- Milo, Trapani (Sicily)

According to Article 14 of the Consolidated Immigration Act, CPRs hold individuals who entered Italy irregularly and did not apply for international protection or do not qualify for it, or who reside in Italy without a valid residence permit. Their detention is intended to facilitate enforcement of the expulsion order by the authorities. CPRs have been subject to various legislative amendments aimed at streamlining repatriation and expulsion procedures.

Detention in the nearest CPR is ordered by the Chief of Police (questore) when immediate removal is not possible and only for the time necessary to carry out the expulsion. The measure must be validated by the Justice of the Peace within 48 hours, whose role is to verify the legitimacy of the personal liberty restriction. The centres are managed by the local Prefectures, which assign service provision to third parties (including private entities) through public tenders.

CPRs were originally established by [Article 12 of Law No. 40 of 6 March 1998](#) (the so-called Turco-Napolitano Law). This law provided for the detention of foreigners when immediate expulsion was not feasible due to the need for identity verification, obtaining travel documents, providing medical care, or awaiting available transportation. Initially, detention could last up to 20 days, extendable by an additional 10 upon request of the questore and decision by the judge.

The centres were later renamed Identification and Expulsion Centres by [Law No. 189 of 30 July 2002 \(the so-called Bossi-Fini Law\)](#), which extended the detention period to 60 days. [Law No. 94 of 15 July 2009 \(Public Security Provisions\)](#) further extended the maximum duration to 180 days.

With [Decree-Law No. 13 of 17 February 2017 \(Minniti-Orlando Decree\)](#), the centres assumed their current name, CPRs, and a plan for expansion and territorial distribution was introduced. Subsequent legislative measures, including [Decree-Law No. 113 of 4 October 2018 \(the Salvini Decree\)](#) and [Decree-Law No. 130 of 21 October 2020 \(the Lamorgese Decree\)](#), set a base detention limit of 90 days, extendable by 30-day periods up to a maximum of 180 days.

The latest modifications stem from [Decree-Law No. 20 of 10 March 2023 \(“Urgent provisions on legal entry flows of foreign workers and on preventing and combating irregular immigration”\)](#), which extended the possible prolongation of detention from 30 to 45 days for nationals of countries with which Italy has repatriation agreements.

The Constitutional Court’s Inadmissibility Ruling

On 3 July 2025, with judgment No. 96, the Constitutional Court declared inadmissible the constitutional legitimacy questions concerning Article 14.2 of the Consolidated Immigration Act, raised with reference to Articles 13.2, 117.1, and Articles 2, 3, 10.2, 24, 25.1, 32, and 111.1 of the Constitution.

The Justice of the Peace of Rome, Foreigners Section, raised the constitutional issues during a validation proceeding for the detention of an individual in a CPR, as ordered by the questore under the challenged provision.

According to the judge, Article 14.2 raises constitutional concerns because the “modes” of detention are regulated through subordinate sources, whereas Article 13 of the Constitution requires that restrictions on personal liberty be defined by law. Thus, the judge considered herself unable to validate the detention order due to the “obvious relevance” of the constitutional issues.

The order submitted to the Court is divided into two parts. The first finds a constitutional conflict with Article 13.2 and Article 117.1 of the Constitution, the latter being related to [Article 5 of the European Convention on Human Rights \(ECHR\) \(Right to liberty and security\)](#). Article 13.2 of the Constitution states that deprivation of personal liberty must be ordered by a judicial authority and provided by law. The judge argued that Article 14.2 fails to meet the absolute legal reservation, as it does not precisely regulate the procedures for detaining individuals in CPRs or safeguard the detainees’ rights and protections.

Instead, Article 14.2 refers to [Article 21.8 of Presidential Decree No. 394 of 31 August 1999](#), which is a sub-legislative source. Article 117.1 requires all Italian laws to comply with international obligations, including the ECHR, which permits deprivation of liberty only “in accordance with a procedure prescribed by law”.

In the second part, the judge contends that Article 14.2 is inconsistent with Articles 2, 3, 10.2, 24, 25.1, 32, and 111.1 of the Constitution because the conditions of detention in CPRs should be aligned with those for penal detention in prisons. However, CPR detainees have fewer protections regarding fundamental rights such as health care and access to legal remedies, even though both situations involve deprivation of liberty.

In conclusion, the judge believes she cannot validate the detention due to a legal void that, under the Constitution, must be filled by a primary law, currently absent, since the existing provision refers to a presidential decree.

Several organizations participated in the case as amici curiae before the Constitutional Court, including: [Antigone Onlus](#), the [Academy of Law and Migration \(ADiM\)](#), the [National Guarantor for the Rights of Persons Deprived of Liberty](#), the [Guarantor for Persons Subject to Restrictive Measures of the Lazio Region and of the City of Rome](#), the [Italian Society of Migration Medicine \(SIMM\)](#), [Arci APS](#), the [Italian Coalition for Civil Liberties and Rights \(CILD\)](#), and the [Association for Juridical Studies on Immigration \(ASGI\)](#). All expressed support for a finding of unconstitutionality.

They raised concerns about the detention methods in CPRs, as governed “only by sub-legislative provisions” (ASGI), and highlighted discrepancies between the rights afforded to prison inmates and those detained in CPRs. They also noted the absence of a designated judge to assess potential human rights violations. All agreed on the need for a primary law ensuring that the absolute legal reservation under Article 13 of the Constitution is respected, with legislation clearly defining “the modalities of exercise and protection, both administrative and judicial, of fundamental rights” (Antigone Onlus).

Finally, the Court examined Article 14.2 of the Consolidated Immigration Act and Article 21.8 of Presidential Decree No. 394 of 1999, which authorizes the Prefect to adopt “strictly necessary measures to ensure the safety of persons and provide basic services”. These are executed according to directives from the Ministry of the Interior.

The Court found this legislative framework generally legitimate and therefore dismissed the constitutional questions as inadmissible. In other words, the Constitutional Court, in the position of having to assess whether the provisions brought to its attention were in conformity with the Constitution, deemed the questions inadmissible in the sense that the challenged norms do not, in themselves, violate the Constitution.

Nevertheless, the Court acknowledged that there is indeed a shortfall regarding the absolute legal reservation set by Article 13.2. The current provisions rely on sub-legislative and administrative acts to define how personal liberty is restricted, something only Parliament can lawfully establish.

The Court emphasised that deprivation of liberty constitutes a “physical subjugation to the power of another”, and the law must define not only the cases but also the methods of such restriction. Article 21.8 of the Decree does not comply with the constitutional requirement, as it delegates this regulation to lower-level administrative norms.

The Constitutional Court cannot address this legislative gap itself; it is up to the Parliament to enact a law that clearly regulates the modes of detention and the associated fundamental rights protections in CPRs.

Moreover, the Court referred to ECtHR case law (e.g. [Khlaifia and Others v. Italy](#)), stressing the need for clarity in domestic legal provisions regarding detention conditions and the right of detainees to seek compensation for unlawful detention ([Mansouri v. Italy](#)), citing Articles [2043 of the Civil Code](#) and [700 of the Code of Civil Procedure](#). Thus, the constitutional references also extend to Articles 24 and 111.

Finally, the Court urged the legislator to adopt proper legislation on detention modalities within CPRs, to guarantee an “immediate and effective procedural safeguard” and judicial access for detainees seeking to protect their rights.

CPRs: Growing Concerns

With judgment No. 96 of 3 July 2025, the Constitutional Court addressed a highly significant issue within the legal framework for managing migration in Italy. The questions of constitutional legitimacy were declared inadmissible because the Court, by mandate, cannot legislate, that power lies exclusively with Parliament as an expression of the people’s will.

Nonetheless, the Court clearly intended to urge the legislator to fill the serious legal void that currently makes the detention of migrants in CPRs inconsistent with both the Constitution and the ECHR.

Numerous reports from associations and independent bodies have denounced the grave violations of fundamental rights occurring within CPRs and criticised the inadequacy of the current legal framework in providing effective protection for detainees.

On 13 December 2024, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment (CPT) published a [report](#) following an ad hoc visit that year to the CPRs in Milan, Gradisca, Potenza, and Rome. The Committee found serious shortcomings concerning legal safeguards, medical care (delegated to private companies), architectural conditions, and management transparency, concluding that the CPR system is wholly inadequate to meet the needs of detainees.

Although the ruling had no direct impact on the constitutionality of Article 14(2) of the Consolidated Immigration Act, it may affect future validation decisions and should especially serve as a stimulus for Parliament to legislate in this area. Civil society, which has long mobilised against the current detention regime for migrants, now has another strong basis to increase pressure on the competent authorities.

7.6 The Court of Justice of the EU puts the brakes on the externalisation (in Albania) of asylum procedures by imposing a judicial control on the "safe state of origin" designation. The C-758/24 and C-759/24 judgment, 1 August 2025

4 August 2025.

<https://unipd-centrodirittiumani.it/en/topics/the-court-of-justice-of-the-eu-puts-t-he-breaks-on-the-externalisation-in-albania-of-asylum-procedures-by-imposing-a-judicial-control-on-the-safe-state-of-origin-designation-the-c-75824-and-c-75924-judgment-1-august-2025>

Paolo De Stefani

Introduction

A long-awaited decision in Italy was published on the 1st of August 2025 by the Court of Justice of the European Union (CJEU) on the thorny issue of determining certain non-European states as "safe countries" for the purposes of applying international protection rules. At the end of 2024, the Tribunal of Rome raised two preliminary appeals to the CJEU within a few weeks of each other, concerning the processing of cases involving two Bangladeshi citizens. Their application for international protection had been rejected by the competent Territorial Commission essentially on the basis that Italian law (Decree-Law 158 of 23 October 2024,

which amended Article 2-bis of Legislative Decree 25/2008 regulating the international protection procedure) qualified Bangladesh as a "safe third country". The other "safe" countries were: Albania, Algeria, Bosnia and Herzegovina, Cape Verde, Côte d'Ivoire, Egypt, Gambia, Georgia, Ghana, Kosovo, North Macedonia, Morocco, Montenegro, Peru, Senegal, Serbia, Sri Lanka and Tunisia. Cameroon, Colombia and Nigeria had been excluded because in some areas "security" was not guaranteed. (It should be noted that in December 2024, Law 187/2024 entirely repealed the entire Decree-Law 158/2024 and therefore, as of 11 December 2024, this list no longer has any effect; the acts adopted up to that date and the related rights and obligations remain valid and effective).

The Rome Court, to which the two asylum seekers had turned to reform the decision, doubted the compliance of that law with some articles of Directive 2013/32 on the European procedure for granting international protection, read in the light of Article 47 of the Charter of Fundamental Rights of the European Union (EUCFR), which affirms the right of every individual to an effective remedy when fundamental rights, including asylum, are at stake. In addition to European Union law, the application of the Italian legislation in question would also highlight a violation of Articles 6 (due process) and 13 (right to an effective remedy) of the European Convention on Human Rights (ECHR).

The judgment in Joined Cases [C-758/24 \(Alace\)](#) and [C-759/24 \(Canpelli\)](#) (both names are fictional) was adopted by the Grand Chamber of the CJEU at the end of an accelerated procedure, but not as a matter of urgency, as had been requested by the Italian State. In addition to Italy, many other EU member states also contributed with their observations to the discussion.

The cases from which the CJEU judgment originates

The two Bangladeshis had been intercepted on a boat that, from Libya, was transporting them to Italy, without valid documents to enter the European country. In application of the Protocol stipulated between Italy and Albania on the management of migrants, as well as of Law 14/2024, that provides for the ratification and execution of the same Protocol, the two migrants were transported to the administrative detention centre of Gjadër, located within Albanian territory. For them, in fact, given the ascertained origin from a "safe country" and given that they did not present "vulnerability" profiles, the accelerated procedure for determining the status of international protection by the Territorial Commission of Rome – section at border II, at the newly inaugurated structure in Albanian territory, was applicable. The Commission rejected their applications and, given the impossibility of holding them in Albania (the validation of their administrative detention was rejected by the judge precisely because of doubts about the legitimacy of the accelerated procedure motivated by the "safe" nature of the applicants' country of origin), the authorities disposed their transfer to Italy, where the applicants challenged the measure before the Court of Rome. The main argument opposed to the rejection decision of the Territorial Commission focused on the fact that, despite the Italian authorities and Decree-Law 158/2024 stating that Bangladesh was a safe country of origin, the applicants maintained that, in their case, the country was not at all safe, as they had reasons to fear inhuman treatment.

The decision of the CJEU was therefore expected not only for its general consequences on the Italian legislation on asylum seekers who are nationals of countries qualified as "safe", but also for its impact on the operation of the structures created in Albania within the framework of the Italy-Albania Protocol of 2023. The functions of these facilities are, in fact, closely linked to the possibility of managing in an accelerated manner and in the territory of a foreign country the status determination procedures for migrants (intercepted in the Mediterranean by the Italian Navy) holding the nationality of "safe" third countries. It is worth remembering that the Court of Rome is not the sole reference for preliminary rulings addressed to the CJEU by Italian judges regarding various provisions of national law on accelerated procedure, particularly as applied in the extraterritorial structures established in Albania. Some of these doubts were also expressed by the [Court of Cassation, Section I, interlocutory order No. 34898, 30 December 2024](#). The Cassation Court suspended any further intervention pending the ruling of the CJEU.

The question referred to the Court for a preliminary ruling

The Italian courts referred a four-point question to the CJEU for a preliminary ruling.

In the first place, they ask whether a state can determine with a law (Decree-Law 158/2024) the "safe country" nature of a migrant's state of origin or whether this conduct is incompatible with Articles 36, 37 and 46 of [Directive 2013/32](#), to be interpreted in the light of Article 47 EUCFR. The fact that this qualification is made with an act of law would seem to suggest that it excludes any discretion for a judge invested with the question of deviating from this determination. This would be contrary to EU law, which only allows for a rebuttable presumption of groundlessness of the application submitted by citizens of a "safe country", which the asylum seeker can challenge by proving the existence in the country of origin of a risk of persecution, torture, etc.

Secondly, the Court of Rome notes that Decree-Law 158/2024 bases its list of safe countries, including Bangladesh, on "findings found from the sources of information provided by the competent international organisations": a very generic reference that does not allow the interested parties to challenge the validity of such information. Linked to this problem is the third question: the Italian judge wonders whether it is permitted for Italian courts under European rules – even in the silence of Italian law – to use any reliable source from which it can be inferred that the state designated as safe by law is actually not. Without this possibility to prove otherwise, the right to challenge the rejection of the application for international protection before the Court would be ineffective.

Finally, the referring Court wonders whether Article 2-bis of Legislative Decree 25/2008 on the asylum procedure, as reformed in 2024, that expressly recognises that it is not possible to consider as safe countries in which a portion of the territory is not safe (and therefore does not include Cameroon, Colombia and Nigeria in the list of safe countries), but admits that states in which there are risks for certain categories of people can be considered "safe", complies with Article 37 of Directive 2013/32 and with Annex 1 to the same Directive. According to the EU provisions, it is "safe" the state in which "there is generally and consistently no persecution [...], no torture or inhuman or degrading treatment or punishment and no threat because of indiscriminate violence in situations of international or internal armed conflict". The doubt raised by the Italian Court about the legitimacy of the provision also arises in light of the content of Article 61.2 of [Regulation 2024/1348](#), which in 2026 will replace, repealing it, Directive 2013/32. Article 61.2 states that "The designation of a third country as a safe country of origin both at Union and national level may be made with exceptions for specific parts of its territory or clearly identifiable categories of persons". There is therefore a contradiction between Directive 2013/32, which links the "safe" nature of a state to the "general and consistent" lack of persecution, torture, etc., and Regulation 2024/1348, somewhat anticipated by the Italian law, which provides for territorial exceptions and exceptions for categories of people.

The answer of the Court of Justice of the EU

The CJEU ruling largely echoes the case law previously formed on the special procedure provided for in Directive 2013/32 for migrants from countries designated as "safe". The specialty of this procedure consists, among other things, in the fact of providing for reduced time for the processing of cases (according to the legislation in force in Italy, the Territorial Commission in some cases must rule within a maximum period of seven days) and to be conducted at the border of the country or in transit areas – or, as provided for by the Italian-Albanian Protocol, in an offshore structure, managed by the state on foreign territory. This accelerated status determination procedure is therefore carried out in derogation of the ordinary provisions. The exception concerns not only the timing, but also the fact that the asylum seekers who have not granted the "passport or other equivalent document" or who have not provided "adequate financial security", can be deprived of their liberty during the accelerated procedure, "for the sole purpose of ascertaining the right to enter the territory of the State".

The issue of accelerated procedures has been addressed in various CJEU rulings, notably in Case [C-406/22](#) of 4 October 2024, which led to multiple rulings by Italian judges that de facto

have blocked the implementation of the Italy-Albania Protocol, and motivated Decree-Law 158/2024. The ruling of 1 August 2025 of the Grand Chamber essentially reiterates the contents of the decision of October 2024.

On the first point raised by the Court of Rome, the CJEU states that nothing in Directive 2013/32 and in the CFEU prevents a state from designating, with a legislative act, a list of "safe" third states of origin, provided that this does not limit in any way the right of the nationals of one of those states who have filed an application for international protection to challenge before a court the legitimacy of such determination, including in the framework of an accelerated procedure of status determination.

The determination of a state as falling within the "safe" countries list pursuant to national legislation cannot be made, as was the case with Decree-Law 158/2024, based on generic references to information in the state's possession. The state must indicate the sources used and ensure adequate access to them. Article 37 of Directive 2013/32, in particular, mentions information provided by other Member States, the Asylum Agency, UNHCR, the Council of Europe and other international organisations. Without this measure of transparency, the citizen would not be in a position to rebut the presumption of "safe country of origin" advanced by the state – the asylum seeker could not even assess whether it is appropriate to challenge in Court the Commission's rejection. In addition, the judge must be able to collect any other evidence to verify the existence or not, at present (*ex nunc*), of elements that justify the designation of a state as a safe country, excluding the risk of persecution, torture, inhuman treatment or indiscriminate violence on which recognition or denial of the right to international protection depends. In this regard, the Courts must respect the principle of adversarial proceedings between the parties and rely on trustworthy sources of information.

Finally, in light of Article 37 of Directive 2013/32, as the hypothesis that a state could qualify as a "safe" state in which there are unsafe portions of territory (this was one of the points decided in judgment C-406/22 of 4 October 2024) must be excluded, in the same way the country of origin of a migrant who guarantees security only to a portion of its citizens cannot be considered safe. To conclude otherwise would lead to extending to a broader category of asylum seekers a rule (that on the accelerated procedure) conceived as a derogation from the ordinary procedure. Indeed, territorial limitations and for categories of people are explicitly introduced in the new Regulation 2024/1348, intended to replace Directive 2013/32 (and the Italian government has somehow anticipated this rule, which in fact risks making the accelerated procedure the rule, rather than the exception, as the Directive meant). However, although the Commission has presented a proposal to anticipate the entry into force of the articles of Regulation 2024/1348 concerning safe third countries of origin ([COM/2025/186 Final](#)), for now, the date of entry into force of the Regulation remains 12 June 2026. Therefore, for now, it is Directive 2013/32 that provides the EU legal parameter that national legislations must comply with.

Conclusion

The judgment of the CJEU in cases C-758/24 and C-759/24 reiterates that the accelerated procedure provided for asylum seekers coming from countries for which a presumption of sufficient guarantee of human rights is valid remains an exception to the rule and that states are not allowed to construct regulatory shortcuts that extend beyond the current limits the scope of the derogatory rules provided for by EU law. The decision of the CJEU therefore puts the brakes on the plans of the Italian government to massively outsource the management of irregular migratory flows from the North African coast. It does so using arguments that appear even more rigorous than those prefigured by the interlocutory order of the Court of Cassation cited above, since the latter was willing to consider compatible with Directive 2013/32 the Italian rule that maintained the "safe" character of the applicant's state of origin even in the presence of cases of persecution, provided that they were limited to "categories" of individuals.

The structures for irregular migrants built in Albania, were presented as suitable to accommodate, once put into operation, up to 3,000 people at the same time. They commit a volume of expenditure [estimated at about 650 million](#) between 2024 and 2028; a few dozen

people were hosted for a few days between 2024 and 2025, even in the face of the numerous decisions of the judges not to validate the detention in those facilities of people whose applications for international protection had been rejected.

In light of the impossibility of using the facilities in Albania for the intended purposes, the Italian Government has opted for a partial change of their destination, making them a centre for repatriation (CPR), under Decree-Law 37 of 25 March 2025, which amended Article 3 of Law 14/2024 to this effect. By so doing, Italy crossed another line, making it the first extraterritorial centre for repatriation.

It is possible that, with the entry into force (perhaps earlier than June 2026) of the regulatory instruments of the European Pact on Immigration and Asylum, the normative system created by recent Italian legislation will eventually be healed, given that European regulations also seem oriented towards normalising the use of accelerated procedures (that tend to become the rule, rather than the exception), leveraging on the concept of the "safe" country of origin (or even transit) as a lockpick to break the system of rights and guarantees. For the moment, however, the manoeuvre attempted by the Italian State has crashed into the dam of EU law.

7.7 Compatibility between European directives and the detention of irregular foreign nationals in CPRs in Albania: the Court of Cassation requests a preliminary ruling from the Court of Justice of the European Union

8 August 2025.

<https://unipd-centrodirittiumani.it/en/news/compatibility-between-european-directives-and-the-detention-of-irregular-foreign-nationals-in-cprs-in-albania-the-court-of-cassation-requests-a-preliminary-ruling-from-the-court-of-justice-of-the-european-union>

On June 20, 2025, the First Criminal Section of the Court of Cassation referred, for a preliminary ruling, two questions to the Court of Justice of the European Union (CJEU) concerning the detention of two asylum seekers in the Return Center (CPR) in Gjader, Albania (order No. 23105). The preliminary question follows on from the recent ruling by the CJEU in cases C-758/24 and C-759/24, concerning the compatibility of Italian legislation on the management of applications for international protection lodged by third-country nationals and indirectly affecting the operation of facilities for irregular migrants set up by the Italian government in Albania.

The order was issued by joining two proceedings with common features, concerning two irregular foreign nationals who had been ordered to be expelled and subsequently transferred to the Gjader Repatriation Center, where they applied for international protection. In both cases, the request for detention in the CPR in Albania had not been validated by the Court of Appeal of Rome due to possible incompatibility with European regulations on return and international protection. Specifically, the Court referred to the right of asylum seekers to remain on Italian territory until a decision on their application has been taken and the deadline for any appeal has expired, as established by [Directive 2013/32/EU](#). The Ministry of the Interior had appealed to the Court of Cassation against the Court's decision, arguing that the Gjader center is legally equivalent to an Italian CPR under Article 3.4 of Law No. 14 of 2024, which implemented [the bilateral agreement between Italy and Albania on migration \(Italy-Albania Protocol\)](#). This was later changed by Decree-Law 37/2025. So, the Italian rules on detention would apply there,

which say that if an asylum application is seen as a way to avoid expulsion, they can stay in the center, which in this case is the CPR in Gjader.

The Court of Cassation, on the basis of Article 267 of the Treaty on the Functioning of the European Union, has requested a preliminary ruling from the CJEU on two points:

- Compatibility between [Directive 2008/115/EC](#) and the Italy-Albania Protocol (Article 3(2) of Law No. 14/2024). The Court raises doubts as to the lawfulness of the detention in Albania of third-country nationals who are the subject of validated or extended measures, where there is no real prospect of return. Under EU law, detention must be aimed at return and limited in time to the judicial review of the conditions. Transfer to a third country, which is neither the country of origin nor the country of transit, could be incompatible with those principles.
- Compatibility between Article 9 of Directive 2013/32/EU and the Italy-Albania Protocol. The question arises as to whether the detention in Albania of irregular migrants who have submitted an application for international protection that has been assessed as ‘instrumental’ and therefore subject to detention is compatible with EU law. The doubt concerns the possible violation of the right to remain in the territory of the Member State (and therefore not in a CPR located in Albania) until the substantive examination of the asylum application, as required by European law.

The CJEU will therefore be called upon to define the limits of compatibility between national law and European law, in an assessment that goes beyond the individual cases examined and which could have significant implications for the operation of the Italy-Albania Protocol.

7.8 Italy Responds to UN Concerns on Voluntary Humanitarian Return from Libya

12 September 2025.

<https://unipd-centrodirittiumani.it/en/news/italy-responds-to-un-concerns-on-voluntary-humanitarian-return-from-libya>

In April 2025, UN Special Rapporteurs and the Working Group on Arbitrary Detention addressed a joint communication to the Government of Italy (AL ITA 4/2025), raising serious concerns about Italy’s financial support for Voluntary Humanitarian Return (VHR) programmes in Libya. These initiatives, implemented by the International Organisation for Migration (IOM), are part of the broader Assisted Voluntary Return and Reintegration (AVRR) framework and aim to assist migrants, refugees, and asylum seekers in returning to their countries of origin.

The experts highlighted issues such as lack of due process, questionable voluntariness of returns, potential exposure to human rights violations, and insufficient reintegration support. They also raised alarms about externalisation of migration control, cooperation with Libyan authorities who reportedly do not respect fundamental rights, data protection, and compliance with the principle of non-refoulement. For further details on the original communication, [click here](#).

On 21 July 2025, Italy submitted its formal reply, now publicly available. The response outlines the Government’s position on the concern raised, providing explanations regarding VHR programmes, their implementation, and related oversight and safeguards.

Nature of VHR and AVRR Programmes

Italy explains that VHR is an adaptation of the IOM’s AVRR model designed for complex and insecure contexts such as Libya. The reply distinguishes between forced returns, which result

from a deportation order, and VHR, which it describes as voluntary. According to the response, VHR is offered to migrants who wish to return but are unable to do so independently. IOM assumes all logistical and financial responsibilities, including documentation, transportation, and reintegration support. These reintegration measures, such as financial assistance, vocational training, and microcredit, are consistent with AVRR principles to promote sustainable reintegration.

Safeguards and Voluntariness

The reply emphasises that both AVRR and VHR procedures follow IOM's rights-based approach, which includes free, prior, and informed consent. Migrants may withdraw at any stage, even immediately before departure. The process involves multilingual counselling, vulnerability screening, and mental health support to ensure informed decision-making. Italy also notes the use of the UN Principled Framework for Interventions in Detention Centres and the inter-agency feedback mechanism for transparency and accountability.

Monitoring and Evaluation

Italy explains that before funding the "Multisectoral Support for Vulnerable Migrants in Libya" project, its Directorate-General for Italian Citizens Abroad and Migration Policies conducted in-depth reviews of IOM's procedures. IOM is required to submit six-monthly progress reports and a final narrative and financial report. Monitoring includes field visits, interviews, and stakeholder feedback to improve implementation and reduce risk.

Data Protection

Responding to concerns about data collection, Italy states that IOM's Displacement Tracking Matrix (DTM) does not collect personal identifiers and complies with IOM's Data Protection Principles and the Do No Harm approach. Information gathered is aggregated and used for humanitarian purposes only.

Search and Rescue Compliance

Italy reaffirms that its search and rescue (SAR) operations comply with international maritime law, including the International Convention on Maritime Search and Rescue. Operations are coordinated by the Italian Maritime Rescue Coordination Centre within the national SAR region and are carried out without discrimination, in line with international standards.

7.9 The ActionAid - University of Bari Report on the Gjader Detention Center: An Example of Outsourcing Migration Control

20 October 2025.

<https://unipd-centrodirittiumani.it/en/topics/the-actionaid-university-of-bari-report-on-the-gjader-detention-center-an-example-of-outsourcing-migration-control>

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Caterina Rigo

Introduction

The Gjader Detention Center in Albania is a prime example of the growing outsourcing of migration control in Europe. This approach, which involves collaborating with third countries to manage migration flows and repatriations, has raised crucial questions about respect for human rights and international law. The ActionAid-University of Bari (UniBA) report documents how detention conditions in Gjader are seriously inadequate and do not meet international standards, with documented violations of the fundamental rights of detained migrants, particularly with

regard to the right to asylum and protection against return to countries where they may face persecution.

The Gjader model as a tool for outsourcing migration policies

The Gjader model is a prime example of Italy's growing trend towards outsourcing migration policies. The Italian government is working with the Albanian government to manage the treatment of migrants bound for Italy on Albanian territory. This practice, which involves entrusting the management of European borders to countries outside the European Union (EU), has raised serious concerns both legally and in terms of migrants' human rights.

The Gjader detention center was created as part of a bilateral agreement between Italy and Albania aimed at decongesting the "Centri di Permanenza per il Rimpatrio" (CPR, or Repatriation Centers) in Italy, where migrants awaiting expulsion are held in often critical conditions. The decision to transfer migrants present or bound for Italy to a detention center in Albania has raised concerns about the legitimacy of such agreements, as they may violate key principles of international law, including the right to asylum and the principle of non-refoulement, enshrined in the 1951 Geneva Convention on Refugees and the Charter of Fundamental Rights of the European Union. According to the ActionAid-UniBA report, the detention of migrants in Albania significantly reduces their access to the protections provided by European law, in particular the asylum procedure. In Italy, migrants have the opportunity to apply for asylum and benefit from the protections provided for in Directive 2013/32/EU on asylum procedures and the Dublin Regulation (Regulation (EU) No. 604/2013), which establishes the criteria for determining which EU Member State is responsible for examining asylum applications. These provisions ensure that migrants are not exposed to persecution or treatment contrary to the European Convention on Human Rights (ECHR), in particular Article 3, which prohibits torture and inhuman or degrading treatment.

In Albania, a non-EU member state, migrants transferred to the Gjader detention center do not have the same access to legal protection as they do in Italy. Although Albania is a signatory to the Geneva Convention and the ECHR, it has limited capacity to offer asylum procedures that comply with European standards. The Italy-Albania agreement provides that Italian law applies in full to migrants in the center, but this provision is not considered a sufficient guarantee.

Violation of the principle of non-refoulement

Another crucial issue concerns the principle of non-refoulement, which prohibits the return of migrants to countries where they risk torture or inhuman treatment. In the case of Gjader, migrants detained in the Albanian center could be returned to countries such as Syria or Egypt, where their lives and physical integrity are at risk. Violations of this fundamental principle have also been documented in Italy's externalization operations with Libya, as reported, among others, in the [2024 Report by Mediterranea Saving Humans](#), which highlighted the risk of torture and abuse in Libyan detention centers.

Criticism of the Gjader model focuses mainly on the fact that, by transferring migrants to a third country such as Albania, Italy evades legal scrutiny by European institutions, reducing transparency and monitoring of detention conditions. In this context, the Council of Europe's Committee for the Prevention of Torture (CPT) has repeatedly emphasised that the lack of access to an adequate legal protection system exposes migrants to violations of their fundamental rights, including the right not to be subjected to cruel, inhuman, or degrading treatment (CPT, 2023).

Systemic violations and gaps in protection in the context of outsourcing

The ActionAid – University of Bari report on the Gjadër Detention Center analyzes the facility as an emblematic case of outsourcing migration control, highlighting how the management of the center, established through a bilateral agreement and entrusted to the external entity Medihospes, reflects the Italian dynamics of outsourcing border policies (ActionAid, 2023). The document is divided into an initial summary, a legal and historical overview, a methodological section based on monitoring missions, FOIA requests, and field interviews, an analysis of data

on flows and costs, and chapters dedicated to structural and health issues and fundamental rights (University of Bari, Department of Political Science, 2023). The report was produced by a team of university researchers and ActionAid analysts through archival work, direct visits to the center, and systematic collection of testimonies, and was presented as part of the initiatives of the Asylum and Immigration Roundtable (TAI, 2023).

The ActionAid report documented serious human rights violations in Gjader, describing living conditions in the center as inhumane and degrading. Detained migrants face shortages of food and drinking water, and insufficient access to medical care, including psychiatric care (Mediterranea Saving Humans, 2024).

Human rights organizations such as Melting Pot Europa and Mediterranea Saving Humans have repeatedly denounced these practices, considering the lack of adequate legal protections for migrants detained in Albania (Melting Pot, 2024).

Comparison with other models of externalization of migration policies in Europe

The Gjader model is not unique in Europe. Other countries have undertaken similar policies of externalization of migration policies, focused on transferring the management of migrants to third countries.

Italy and Libya: Italy has signed an agreement with Libya to stop migrants before they reach the Italian coast, transferring them to Libyan detention centers. Human rights violations in Libyan centers have been repeatedly documented, with thousands of migrants facing torture, physical violence, and human trafficking. The United Nations [has repeatedly denounced Libya](#) as an “unsafe country” for the return of migrants.

Spain and Morocco: Spain has signed agreements with Morocco to prevent migrants from reaching the Canary Islands and the Spanish enclaves of Ceuta and Melilla. Migrants detained in Morocco are frequently victims of abuse by the Moroccan police, as reported by [Melting Pot Europa](#), among others.

United Kingdom and Rwanda: The [UK has entered into a controversial agreement with Rwanda](#) to deport asylum seekers to the African country, which is supposed to process their applications. Human rights organizations have raised concerns about whether Rwanda can guarantee adequate legal protections for migrants, raising doubts about the international protection offered in the country. Ultimately, the agreement did not become operational, but there have been repeated proposals to reinstate it.

These examples highlight how the externalization of migration policies can seriously compromise the human rights of migrants and raise concerns about compliance with international standards on asylum and refugee protection.

Conclusions

The Gjader Detention Center poses a threat to human rights and international law. As an example of the externalization of migration control, its existence and management raise serious doubts about compliance with international standards. It is essential that the international community intervene to ensure that migrants are not traded in negotiations between countries on migration policies, but that their right to live in dignity, safety, and respect for fundamental human rights are protected.

8. Italy, the UN, and the right to housing

8.1 UN Special Rapporteurs criticize again the "security package": the right to housing jeopardised

24 January 2025.

<https://unipd-centrodirittiumani.it/en/topics/un-special-rapporteurs-criticize-again-the-security-package-the-right-to-housing-jeopardised>

Paolo De Stefani

Another [communication, dated January 20, 2025](#), was sent by two special rapporteurs of the United Nations Human Rights Council to the Italian government about bill no. 1660 approved by the Chamber of Deputies in September 2024 - now bill 1236, the so-called "security package". The communication is in addition to a [previous one dated 19 December 2024 \(already commented\)](#) made by six Special Rapporteurs and which raised as the main reason for concern the potential limitation of freedom of assembly, as well as the presence of discriminatory measures against migrants and detainees.

The Communication of the Special Rapporteurs on adequate housing and extreme poverty

In this new document, Balakrishnan Rajagopal, Special Rapporteur on "adequate housing as a component of the right to an adequate standard of living and the right to non-discrimination in this context", and Olivier De Schutter, Special Rapporteur on "extreme poverty and human rights", focus on some passages of the bill that affect housing occupations and forced evictions. If adopted, the law under discussion in the Senate would criminalize the condition of those who are unable to pay for the rent of the house and would reduce the guarantees provided by the law in the event of an eviction, causing an increase in the number of homeless.

A new crime of arbitrary occupation of residential property?

The criticisms of the special rapporteurs focus on Art. 10 of the bill, which would introduce Art. 634-bis of the Criminal Code to punish with imprisonment from two to seven years anyone who, using violence or threats, illegally occupies someone else's home or prevents access to the owner or those who legally possess it. The law also punishes with the same severity "anyone who interferes or cooperates in the occupation of the property, or receives or pays money or other utility for the occupation itself". The occupant who collaborates with the authorities in vacating the property is not punishable, and proceedings are carried out ex officio if the property belongs to a person incapacitated due to age or illness. The bill also provides for amendments to the Code of Criminal Procedure, providing that the judicial police, if the owner requests the house as his or her only home, can order the immediate release of the house that appears to be arbitrarily occupied. In the event of an objection, the police may order the forced release of the occupied house and the public prosecutor must confirm the measure within 48 hours, unless he considers the police's actions to be unlawful; the court must then validate the release of the property within another 48 hours.

The new Article 634-bis would supplement Art. 633 (invasion of land and buildings punishable with imprisonment from one to three years (penalty aggravated if the invasion involves danger to public health or public safety) and Art. 634 (violent disturbance of the possession of real estate, punishable by imprisonment up to two years).

A rule that also affects deprivation-based squatting

The UN Experts' Communication expresses concern that the law specifically condemns acts of violence or threats committed in connection with the eviction of occupied buildings, as if the general criminal rules on such acts were not sufficiently strict. Even the shortened methods of expulsion raise perplexities, in particular, because they do not allow the search for alternative housing solutions for those who are expelled from the house they lived in with or without a legal title. Art. 634-bis, if adopted, would not allow for a distinction between different situations. The measure, in fact, would apply to squatters of necessity, such as people who cannot pay for alternative housing to the one illegally occupied, people who cannot prove the title that gave them the right to live in a certain housing (oral agreements, housing in exchange for services, etc.), or people who have settled in abandoned buildings or who live in camps or informal settlements. Their condition would be equated with that of criminals who do not act out of necessity, but for profit. In the current situation of widespread wage and housing precariousness and with 150,000 pending executive evictions and as many housing foreclosures awaiting execution, adopting such legislation would lead to a series of possible violations of international standards on economic and social rights. The experts refer to Art. 11 of the Covenant on Economic, Social and Cultural Rights, particularly the right to adequate housing.

A rule that can affect human rights defenders

The Communication criticizes, first of all, the provisions that provide for criminal sanctions also for those who "interfere or cooperate in the occupation of the property" or otherwise oppose evictions, noting that these activities are also typical of "civil society organizations defending human rights, such as tenant unions or organizations supporting persons in precarity, who assist persons living in informality without a proper legal title. They often interfere in conflicts with homeowners on behalf of persons living in their properties without official legal title to achieve the regularization of their tenancy status, to prevent homelessness or to find suitable housing alternatives".

A bill that does not protect the poor and takes retrogressive measures

Criminalizing the typical practices of squatters and homeless people, who have no alternative ways of accessing the right to housing, imposing heavy criminal penalties due to their state of poverty or for not having a valid housing title, disproportionately impacts the right to personal freedom and personal security (protected by the Covenant on Civil and Political Rights, in particular, Art. 9) and may in some cases result in cruel, inhuman or degrading treatment or punishment (contrary to the Convention against Torture). The Committee on Economic, Social and Cultural Rights has repeatedly recalled in its General Comments that respect for the right to housing implies that persons cannot be deprived of the home in which they live – whatever the title in their possession, or even in the absence of any title – if there is no alternative solution that preserves them from homelessness. An offence such as the one provided for in the security package would multiply the cases of homelessness without national policies having provided for social measures to remedy this phenomenon, not to mention that individuals and families without resources would continue to illegally occupy housing, leaving local authorities and the third sector (charities) alone to deal with the emergency. Furthermore, the measure could constitute a step backwards by the state with respect to the enjoyment of social rights, only legitimate if there are compelling reasons and a complete lack of resources.

Open questions and reiterated submissions

The communication concludes by asking the Italian state for further information on the analysis of the possible impact of the law on the living conditions of the homeless, people in situations of extreme poverty, migrants, minorities, and Roma communities; measures taken to offer alternative solutions to evicted people; measures to prevent or contain the phenomenon of blameless evictions, i.e. due to objective supervening inability to pay; measures to address housing shortages and tenant support. It should be noted - as indeed also does the commented Communication - that the same two Special Rapporteurs, Rajagopal and De Schutter, had sent Italy [a communication on similar issues](#) in October 2023, on the occasion of the discussion of a

previous bill that later merged into the "security package" always aimed at introducing the crime of occupying someone else's home. The Italian Government's [concise response](#) of December 2023 mentioned the fact that two measures (the national rent support fund and the Tenant in Delinquent Housing Fund) came to compensate for any negative impact of the legislation under discussion. In 2025, however, the Special Rapporteurs note that, unfortunately, both funds were suspended in 2024 (the second was reinstated by the government in 2025), while other income support measures (including the so-called "citizenship income") had also undergone substantial reductions.

8.2 UN Special Rapporteurs' Communication to Italy on Forced Evictions of Vulnerable Groups

27 February 2025.

<https://unipd-centrodirittiumani.it/en/topics/un-special-rapporteurs-communicati-on-to-italy-on-forced-evictions-of-vulnerable-groups>

Anastasiia Zadiraka

Introduction and Main Focus

On 27 February 2025, Balakrishnan Rajagopal, Special Rapporteur on adequate housing; Heba Hagrass, Special Rapporteur on the rights of persons with disabilities; Margaret Satterthwaite, Special Rapporteur on the independence of judges and lawyers; Claudia Mahler, Independent Expert on the enjoyment of all human rights by older persons and Olivier De Schutter, Special Rapporteur on extreme poverty and human rights issued a Communication ([AL ITA 2/2025](#)) to the Italian government concerning its violation of the right to adequate housing for people in vulnerable situations and the right to redress through the practice of forced evictions. The experts stated that the Italian Government disregards the interim measures, fails to provide genuine consultations with affected persons, and lacks adequate housing alternatives to protect them from homelessness and/or forced separation from their families.

The Rapporteurs also expressed serious concern that these forced evictions were carried out during or in the aftermath of the COVID-19 pandemic, a period when many individuals and households faced severe economic difficulties.

Furthermore, the communication also criticises Italy's worrying trend of the financialization of housing, which consists of an unregulated housing market built on economic imbalance and the exclusion of significant sections of society.

The main target of the Communication is a document issued in March 2022 by the Italian Attorney General (Avvocatura dello Stato) on the request of the Rome tribunal in the Ruggieri case (Rome Tribunal, section III, judgement, 18 July 2022), and representing the position of the Council of Ministers. The document stated, among other things, that 'the determinations of the High Commissioner [for Human Rights] and the Committee on economic, social and cultural rights (CESCR) must be considered as recommendations to the states parties and are not binding for the latter, according to Articles 7 and 9 of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights ([OP-ICESCR](#)) as they are not jurisdictional bodies by nature'.

This document was used in the Ruggieri case and in several other cases pending before the CESCR to dismiss the request to take provisional measures aimed at avoiding possible irreparable damage and consisting of the suspension of the eviction.

The Communication summarises some of the Individual cases that have been handled by Italian judges according to the instruction adopted in the Ruggieri case.

Individual Cases of denied suspension of the eviction despite the interim measures requested by the Committee

Ms. Rossana Letizi, an Italian citizen, is 90 years old. Her discounted rental fee was increased due to a chain of transfers of the property from one real estate company to another, and was allegedly in breach of the initial rental agreement between the building company and the Municipality of Rome. The CESCR requested Italy to take interim measures, such as suspension of the eviction order or providing Ms. Letizi with an adequate alternative housing solution. The request was denied, as the CESCR's views "do not have the juridical value to the point of influencing internal juridical procedures". Although the eviction was not carried out, the case remains active, causing Ms. Letizi psychological and emotional distress.

Another case involved Mr. Carlo Cusatelli, a 71-year-old Italian, who was unable to pay the rental fee due to the increased price. On 11 September 2018, the Court of Rome issued an eviction order against Mr. Cusatelli and his family, consisting of his unemployed wife and his 25-year-old son suffering from psychiatric problems. This eviction was suspended by the Italian Government due to the COVID-19 pandemic. In 2022, the eviction was scheduled for 16 May 2022. The CESCR granted interim measures to him and his family. However, the eviction was carried out, and he was relocated to a tiny garage with his wife and mentally ill son.

Mr. Ashraf El Rakwaby, an Egyptian chef, who lost his job due to COVID-19, was evicted and relocated to a one-room of an overcrowded emergency shelter with his wife and three sons, where conditions were inadequate and restrictive. Even though the CESCR granted him interim measures, the judge of execution rejected the application of the interim measures, reiterating the non-binding nature of CESCR's views. To date, Mr. Ashraf El Rakwaby is unable to work due to a stroke.

Ms. Begum Rabeya Bakul, Bangladeshi, a caregiver to her disabled brother and psychologically traumatised son, lost her income and could not pay rent. On 12 June 2023, the CESCR granted her interim measures. On 16 June 2023, the judge of execution rejected the request for interim measures. Therefore, she was evicted and relocated to an emergency shelter, while her brother and son were at another facility, without necessary support. After a few months, she was physically assaulted near her accommodation.

Ms. Salima El Alawi Hafidi, a Moroccan, and her husband were evicted after losing their jobs. On 16 October 2022, the judge of execution rejected the interim measures. Only Ms. Hafidi and her daughter received alternative housing; her husband became homeless. This eventually led them to seek temporary refuge in another town. Since the family was unable to register as residents, their children were denied access to school and healthcare.

Mr. Hamid Saydawi, Moroccan, is 62 years old. He was evicted from a building that had been purchased by a railway company. The city council did not offer any public housing solution. On 26 October 2021, the judge of execution suspended the eviction, in compliance with the request for interim measures granted by the CESCR. On 14 June 2022, the judge of execution revoked the suspension, citing the Government's interpretation of the non-binding nature of the CESCR's recommendations. He and his wife were left in unstable living conditions.

Lastly, Emiliano Piccioni, an Italian, was scammed into purchasing a home. After losing his job, the family was unable to pay the mortgage. On 1 October 2019, Mr. Piccioni was notified of an eviction order. On 28 July 2021, the CESCR granted him interim measures, but despite this, he was evicted with his family. Mr. Piccioni had to relocate to France, resulting in separation from his family.

UN Special Rapporteurs' Legal and Human Rights Concerns

The Rapporteurs stated that the International Covenant on Economic, Social and Cultural Rights ([ICESCR](#)) and its Optional Protocol ([OP-ICESCR](#)) are binding for the State parties, including

Italy, that ratified them (Article 26 of [the Vienna Convention on the Law of Treaties](#)), and must be complied with in good faith. Therefore, the dismissal of the interim measures granted by the CESCR, under Article 5 of the [OP-ICESCR](#), claiming that the CESCR's decisions have a non-binding nature for the State, undermines the effectiveness of the mechanism for protecting [ICESCR](#) rights when there is a risk of irreparable damage.

The Rapporteurs stated that Italy, as a party to the OP-ICESCR, by failing to implement the suggested interim measures, violates its obligation to comply in good faith with the procedure for individual communications established in the [OP-ICESCR](#). Moreover, it also deprives the CESCR of its ability to provide an effective remedy to the persons alleging to be victims of a violation of the [ICESCR](#).

The Rapporteurs underlined the fact that forced evictions affected vulnerable groups, including low-income and marginalised families with older people, children, and persons with disabilities.

The practice of forced evictions constitutes a gross violation of human rights, in particular the right to adequate housing under Article 11 of the [ICESCR](#), interpreted in the light of [General Comment No. 7 of the CESCR](#), due to Italy's failure to provide them with adequate housing and to deny them access to basic goods and services. Forced evictions of older individuals also violate the [United Nations Principles for Older Persons](#).

Moreover, the Rapporteurs underscored the violation of the rights to adequate and accessible housing and to be part of a community covered by Article 19 of the [Convention on the Rights of Persons with Disabilities](#). The separation of persons with disabilities from their family members, as illustrated, for example, in the Bakul case, increased their isolation and social exclusion.

With regard to forced evictions against children, the Rapporteurs stated that Italy failed to comply with Article 16 of the [Convention on the Rights of the Child](#), which establishes the right of every child to be protected from interference with their privacy, family, and home, and Article 27, providing the right of every child to a standard of living adequate for his or her physical, mental, spiritual, moral and social development.

The Rapporteurs urged Italy to adopt measures aimed at preventing housing from becoming a mere commodity, to ensure that all domestic institutions recognise its social value, and apply laws and policies in this domain with full respect for the human right to adequate housing.

Recommendations and Concluding Remarks

The Communication asked Italy to:

- Provide information on the allegations mentioned;
- Clarify the status of international human rights treaties in its domestic legal system;
- Explain the justification for the decision of the Presidency of the Council of Ministers, instructing courts on the application of interim measure requests by CESCR, in light of the principles of the separation of powers and the independence of the judiciary;
- Submit eviction data from 2020 onward.

The Communication asked Italy to provide information on any measures taken to:

- guarantee security of tenure, to protect against forced evictions and, should evictions be allowed, ensure they do not lead to the tenants facing homelessness but are instead provided with alternative and adequate housing;
- prevent people from falling into homelessness, as a result of the inability to pay rent;
- eradicate the economic barriers preventing people experiencing financial hardships from accessing justice.

The Rapporteurs further called for all necessary interim measures to be taken to stop the alleged violations and prevent their recurrence, and, if the investigation confirms or indicates that the allegations are correct, to ensure that any person(s) responsible for the alleged violations are held accountable.

8.3 Italy's response to the Special Rapporteurs communication on the right to housing: "The Italian legal system aims to protect the fundamental rights of the individual"

1 April 2025.

<https://unipd-centrodirittiumani.it/en/topics/italys-response-to-the-sr-communication-on-the-right-to-housing-the-italian-legal-system-aims-to-protect-the-fundamental-rights-of-the-individual>

Agata Witkowska, Karolina Zbroińska

The 1/2025 Communication on adequate housing conditions and extreme poverty in Italy

In response to a letter from two Special Rapporteurs (OL ITA 1/2025, dated 20 January - see [comment here](#)), Italy has expressed its stance on Deputies Chamber bill no. 1660, approved by the Chamber of Deputies in September 2024, then Senate bill 1236 (the so-called "security package"), eventually adopted by the Government as a Decree-law and entered into force in April 2025. The Communication results from an analysis of potential limits to the freedom of assembly and discriminatory measures against migrants and detainees enshrined in the Act. Balakrishnan Rajagopal, Special Rapporteur on "adequate housing as part of the right to an adequate standard of living and the right to non-discrimination in this context", and Olivier De Schutter, Special Rapporteur on "extreme poverty and human rights", authored the Communication.

Possibility of breaking the rights in question

The Communication focused its requests for additional information on the provisions of Article 10 of the Bill, eventually included in Article 10 of the [Decree-law 48/2025](#), introducing amendments to the criminal code and code of criminal procedure 'to combat the arbitrary occupation of property used for housing'. Among the many issues raised, the SRs' attention was drawn to the likely consequences resulting from the criminalisation of people living in occupied houses and facing forced eviction. Measures affecting them under this law, leading to prison sentences and an increase in the number of homeless people, may be discriminatory and target the poor, migrants and human rights defenders.

The reply of the Italian Government

In its response, the Italian Government recalls that the Italian legal system aims to ensure the effective protection of the fundamental rights of the individual, one of the pillars of the Italian Constitution. In accordance with international law, the Constitution provides for the protection of all rights and fundamental freedoms contained in global standards, such as the European Convention on Human Rights and Fundamental Freedoms, the Human Rights Universal Declaration or the International Covenant on Civil and Political Rights. The resulting internal provisions for protecting and promoting individual rights are also the basis of domestic and foreign policies.

The document illustrates national actions and policies to provide housing and social support to people in vulnerable situations.

The introduction explains that Italy bases its actions on the principles enshrined in the Constitution, such as: democracy (Article 1), protection of human rights and dignity of the individual (Article 2), social pluralism and solidarity, equality (Article 3), territorial integrity (Article 5), the right to work as a fundamental value of the community (Articles 1 and 4), the rule of law, and respect for freedom and human rights.

The Italian legal system is intended to ensure full protection of individual rights, in accordance with international law.

In response to the comments made by the UN Special Rapporteurs, Italy referred to concrete measures to protect the right to housing and to support people in economic hardship. The housing issue has been an important element of the socio-political debate in Italy for years. The Ministry of Infrastructure runs a number of programs related to the revitalisation of urban spaces, including the construction, renovation and purchase of apartments, with an emphasis on improving energy efficiency. As part of the projects currently implemented, the government plans to make over 105 thousand apartments available, of which over 35 thousand have already been completed. For the period 2025-2027, the implementation of the ‘Piano casa Italia’ – a national plan for public and social housing - is intended to serve the long-term reorganisation of the housing system, in cooperation with local authorities.

For people unable to pay rent on their own, the 2025 Budget Law provides for the renewal of the fund for tenants in arrears with their rent for reasons not attributable to their fault. The total amount is 30 million Euros. In addition, the ‘Decreto Salva-Casa’ adopted in 2024 allows for the legalisation of previously excluded residential units, which is conducive to increasing the availability of apartments on the market and counteracts further consumption of green areas.

The Italian Government is also implementing solutions that support public-private partnerships. Amendments to the Public Contracts Code and the Consolidated Building Code allow regional authorities to support regeneration initiatives, build social housing, and develop housing agencies. Other key programs include The National Housing Plan, The Programme for the revitalisation of housing owned by Municipalities and former Independent Institute for Public Housing (IACP), and funds related to the National Recovery and Resilience Plan (PNRR – Piano nazionale di ripresa e resilienza), such as “Safe, green and social: redevelopment of public housing”. The response also mentions the National Innovative Programme for the Quality of Living, which aims to modernise and develop the housing stock intended for social purposes. The programme, based on the principles of sustainable development and smart urban management (Smart Cities), supports 159 projects across the country with a budget of around 3 billion Euros.

Over the past decade, total expenditure on housing policy has totalled around 11 billion Euros. In the face of deepening social and economic inequalities, the Italian Government is taking numerous measures to support people in difficult situations. In February 2022, the Director General for the fight against poverty and social programming at the Ministry of Labour adopted Ministerial Decree No. 5, under which local territorial units were empowered to submit proposals for assistance measures. The main objective of this initiative is to expand the scope and quality of services provided to people in critical situations, with particular emphasis on homeless people. Two programmes play a key role here: ‘Housing First’ and ‘Service-Centres’.

The Housing First program incorporates a modern approach to helping homeless and extremely marginalised people. To receive housing support, it is not necessary to meet the usually required conditions, such as participation in therapy, addiction treatment or professional activity. Indeed, housing is a basic human right, and by only providing it, the community creates space for further improvement of the quality of life, including physical, mental and social health. This approach focuses on people who have been severely disadvantaged by life events and who have often lived on the street for years and struggled with mental, physical or emotional disorders. The programme finances renovation and adaptation projects for flats for individuals, small groups, and families who are in extremely difficult situations. Temporary housing assistance for up to 24 months is also offered, aimed at those who do not have access to public housing and require constant care. Each project must include at least two apartments and support 10-15 beneficiaries.

The Service Centres programme is being implemented in easily accessible locations to offer social and health counselling, assistance in professional activation and social integration.

Service Centres are intended to be a point of contact for people living in poverty, helping them navigate the system of public benefits and services.

In 2023, a law was also passed introducing the ‘Assegno di Inclusione (ADI)’, or integration allowance. This benefit is addressed to households with children, the elderly or people with disabilities. The allowance depends on your income and family structure – it can be up to €6,500 per year (or €8,190 for seniors and dependents), and you are also entitled to a housing allowance of up to €3,640 per year. The allowance not only provides financial support but also triggers an individualised social and professional activation plan, aimed at returning the beneficiaries to independent functioning in society.

Conclusion

In its response, Italy reaffirms its commitment to the protection of human rights, in particular the right to housing, and support for people in vulnerable situations. A range of actions are mentioned at the national level, including investment in social housing, assistance to tenants, legalisation of the housing stock and programmes to support homeless people. The key assumption of these activities is to treat housing as a basic right, not a reward for meeting some requirements. However, little information seems to be provided addressing the specific criticisms raised by the SRs. Italy declares that it will continue to cooperate with UN mechanisms and implement policies conducive to social inclusion and the fight against poverty.

8.4 The Right to Housing and the "Security Decree": A Difficult Dialogue between the Italian Government and the UN Special Rapporteur

24 June 2025.

<https://unipd-centrodirittiumani.it/en/topics/the-right-to-housing-and-the-security-decree-a-difficult-dialogue-between-the-italian-government-and-the-un-special-rapporteurs>

Paolo De Stefani

Introduction

The bill and then the decree-law that introduced a new "security package" into the Italian legal system were the subject of three communications to the Italian government from various Special Rapporteurs of the UN Human Rights Council between 2023 and 2025, plus a joint statement on the occasion of the sudden transformation of the bill into Decree-Law 48/2025, which came into force on 12 April 2015. The final transformation into law took place on 9 June 2025 (Law 80/2025).

It is a rather exceptional treatment, which is only partly justified by the duration of the process of drafting what later became Decree-Law 48/2025 and the variety of criminal issues it deals with. The attention aroused by this set of rules was due to the particular nature of the reforms contained therein, whose very repressive contents and potential threat to democratic freedoms (which also prompted the intervention of the Italian President of the Republic in moral suasion) particularly concerned international observers. In December 2024, the Commissioner for Human Rights of the Council of Europe had sent an open letter to the President of the Senate, inviting him to point out to the senators the many inconsistencies that the then bill (ddl.) 1236 presented in light of the European Convention on Human Rights. The bill became a decree-law and then a law, with no substantial changes.

These lines summarise the main criticisms that the UN Special Rapporteurs have highlighted over the years regarding the contents of the "security package", with particular reference, of course, to those that continue to appear relevant after the adoption of Law 80/2025

The Special Rapporteurs and their Communications

The Special Rapporteurs (SRs) are independent experts elected by the United Nations Human Rights Council to carry out study, monitoring and information gathering tasks, including through direct contact with human rights defenders and local NGOs, receiving complaints from victims, conducting field visits and fact-finding activities. The SRs operate individually or in working groups of five members.

Their work results in one or more annual reports submitted to the Council and the UN General Assembly. The reports form the basis for the development and adoption of resolutions by the respective bodies. The SR mandates may relate to specific or cross-cutting human rights issues (e.g. torture, extrajudicial or arbitrary executions, the right to development, freedom of religion and belief, etc.), or individual countries. Established since the early 1980s, in recent years around 50 mandate holders have been active at the same time, about ten of whom have a country mandate, the others on themes.

The Communications of the SRs are letters that the experts can send to governments and other entities (e.g. transnational corporations) through the Office of the UN High Commissioner for Human Rights. In the case of communications addressed to governments, transmission takes place through diplomatic channels, namely the state's Permanent Mission to the United Nations in Geneva.

The Communications may consist of urgent appeals, or report violations of international norms, or draw attention to and request additional information on current issues. In the case of urgent appeals and reports of violations, the Communications remain confidential for a period of two months, to allow the state to resolve the case without publicity; after two months they are still published on a [dedicated website](#) of the High Commissioner's Office. If they relate to other matters - for example, concerns about bills or government measures under discussion -, the letters are made public on the same website two days after being sent to the government. Periodically, a collection of such Communications is submitted to the Human Rights Council.

It is up to individual governments reached by such Communications to assess whether and how to respond. The response is transmitted to the High Commissioner through the permanent missions.

The Communication of 19 October 2023 - Occupation of Another's Property

The issues that emerged in the context of the "security package" were first highlighted in October 2023 by two SRs: the one on the Right to Housing as a Component of the Right to an Adequate Standard of Living and Non-discrimination in this Area, and the one on Human Rights and Extreme Poverty. The first is Balakrishnan Rajagopal, a jurist from the University of Chicago; the other is Olivier de Schutter, a professor at Louvain ([JOL ITA 5/2023, 23 October 2023](#)).

In this first document, the draft introducing Article 624-bis of the Criminal Code (cp.), subsequently incorporated into the security bill and then transposed into Article 10 of Decree-Law 48/2025, introducing Article 634-bis of the Criminal Code, was commented on. The subject matter is therefore the new crime committed by a person who through violence, artifice or deception takes possession, occupies or defends (...) property destined for the domicile of others.

Some of the critical observations of the October 2023 Communication concerned rules that were fortunately removed from the final version of the decree-law. For example, the current Article 634-bis is limited to criminalizing the arbitrary occupation of a property intended as another's domicile, but the previous version to which the Communication referred considered the occupation of any property belonging to another person or entity. The original bill also provided

for the immediate reinstatement of the owner and the immediate arrest of the occupant, as well as the suspension without exception of water, electricity, gas, etc. supplies to the occupied dwellings. These provisions have at least partially lapsed. However, even in the current text, some of the criticisms raised in 2023 remain relevant.

First of all, the SRs lament the legislator's inability to discriminate between the different situations that lead to the occupation of other people's homes.

To use the words of the SRs, The proposed law “would apply ... both to private and public properties. It would include persons staying in rented housing after a rental agreement has ended, persons in situations of homelessness who have no access to adequate housing and are living in abandoned properties ... [The norm] seems to fail to distinguish between irregular occupation caused by a state of necessity (resulting from the corresponding failure of the State to provide access to everyone present in its territory to adequate housing that is affordable, habitable and provides safety, privacy and protection from the elements of nature), on the one hand, and illegal occupation of property, land and housing occupied by organised criminal groups, on the other hand”.

In addition to the claim of unreasonableness, another sore point is the severity of the criminal penalty.

Imprisonment from two to seven years appears disproportionate and incompatible with the right to personal liberty. According to international parameters on freedom and personal security (e.g. Article 9 of the International Covenant on Civil and Political Rights, ratified by Italy and entered into force in 1978) the law providing for restrictions on liberty must respect criteria of necessity, proportionality and reasonableness, and these do not appear evident in the case of the rule in question.

The provision on the crime of arbitrary occupation of property contrasts in a particularly stark way with the commitment that states have made to avoid criminalizing the status of homelessness.

In the opinion of the SRs, the rule not only remains silent on the state's obligation to guarantee access to housing, a component of the right to a dignified standard of living affirmed by Article 11 of the International Covenant on Economic, Social and Cultural Rights (also entered into force for Italy in 1978), but seems to envisage prison as the state's response to people who cannot afford adequate housing.

In short, the communication stigmatises the failure to take into account, in the context of the bill, the socio-economic vulnerability that may characterise people who illegally occupy other people's dwellings.

It is true that the occasion and target of the Communication were some amendments to the bill that provided, among other things, for the extension of criminal protection to any real estate property, including those not intended for housing, changes not present in Decree-Law 48/2025. However, in light of the law now in force, it is difficult not to agree with the SRs in observing that overall the law is not designed to provide a social and public policy response to the housing problem in Italy, and rather constitutes a step backwards on the front of protecting the right to housing for the most socially disadvantaged subjects. While it is true that the right to housing is conceived by the international covenant on economic, social and cultural rights as a “progressive realization” right, it is also true that the same Covenant considers it a violation of international obligations for the state party to deliberately adopt retrogressive measures, in the absence of rigorously founded justifications. The decree-law and the explanatory report introducing it do not seem to acknowledge a particular need to carry out this crackdown, nor indeed do they elaborate on the necessity and urgency of the measure.

Finally, the SRs attack the provisions relating to the reinstatement of the owner in the occupied property and the eviction, including forced eviction, of the occupant.

The current Article 10, second paragraph, of Decree-Law 48/2025 and Law 80/2025, provides for an accelerated eviction procedure limited to situations in which the occupied house is "the only actual domicile of the complainant" (the hypothesis is therefore more specific than the case in which the irregularly occupied property is "intended for housing", as provided for in the first paragraph of Article 10 of Decree-Law 48/2025 and Article 634-bis of the Criminal Code). In this case, once the police have found "sound reasons to believe the occupation was arbitrary", they can force the occupant to vacate the property by availing themselves of an authorisation from the public prosecutor that is not prior but concurrent, since it can be given orally or electronically in writing. Only in the following 48 hours must the eviction report be transmitted to the public prosecutor, who may request its validation from the judge within the next 48 hours (as provided for in the new Article 321-bis of the Code of Criminal Procedure (cpp.) introduced by Decree-Law 48/2025).

The compression of the procedural guarantees that must preside over operations that affect the right to housing is harshly criticised by the SRs. In particular, General Comment No. 7 (1997) of the Committee on Economic, Social and Cultural Rights (established by the homonymous Covenant with the task of monitoring state parties' compliance) is recalled. The General Comment, with regard to evictions, requires that they be genuinely negotiated, communicated in advance and, above all, that they provide for the preparation of the irregular occupant for alternative housing to the one they occupy without title. All of this - and in particular the prior identification of adequate alternative housing solutions - was not provided for in the original bill and is not present even in Decree-Law 48/2025 or Law 80/2025.

These remarks on procedural guarantees are even more significant in light of a subsequent Communication addressed to the Italian government by the SR on the right to housing together with the SRs on human rights and extreme poverty, on the rights of persons with disabilities, on the independence of judges and lawyers, and the Independent Expert on the Rights of Older Persons ([JOL ITA 2/2025](#), February 27, 2025). This latest Communication comments with particular concern and severity on a document dated 25 May 2025 adopted by the General Attorney at the Council of Ministers and forwarded to the judicial authority in which the government instructed "the judiciary to dismiss, as non-binding, interim measures issued by the Committee on Economic, Social and Cultural Rights (CESCR) requesting to suspend evictions against individuals who filed individual complaints under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR)". Presumably based on this document, in at least six cases of forced evictions that resulted in communications to the CESCR, the applicants witnessed the request for suspension issued by the CESCR being rejected by the competent Italian court. All this in the face of a post-pandemic situation that sees at least 18 families on the waiting list for the assignment of a social housing house in the city of Rome alone. The Communication summarises some cases relating to Italy and submitted to the CESCR by Italian and non-Italian citizens, including very elderly people, families with minor children, and persons with disabilities, who would have been denied the request for suspension of eviction on the basis of the disputed instruction document. The SRs reiterate that nothing authorised the State Attorney's Office, as an organ of the Presidency of the Council of Ministers, to propose an interpretation of the Optional Protocol that seems to deny the obligation of the State Party to cooperate in good faith with the Committee in the handling of individual cases. By instructing the national courts not to implement the interim measures requested by the Committee, the governing authority not only failed to cooperate with the international body, but also provided the domestic courts with an interpretation of international law that renders the proceedings to which the State itself had agreed to submit to be ineffective, and this cannot fall within the national margin of discretion rule.

In 2023, the SRs recommended that the lawmakers avoid the unintended consequence of punishing the poor and homeless for being homeless and poor. Some particularly odious aspects of the original bill were eliminated in the current Article 10 of Decree-Law 48/2025 (and therefore do not appear in Articles 634-bis of the Criminal Code and 321-bis of the Code of Criminal Procedure), but the impression remains that the legislator (or rather the government)

intended to exploit the rightful indignation at some occupation episodes that affected "fragile" owners (in particular elderly people with only one domicile) to justify a crackdown on equally fragile individuals and families, according to a pattern that evokes a perverse taste for fomenting war among the poor.

The Italian government's response to the SRs' requests for information consisted of a twenty-line statement which, with the exception of the courtesy formulas, was limited to recalling the existence of the National Fund for Support for Access to Rental Housing and the Tenants in Delinquent Housing Fund, which was not funded at the time (it would be by the 2025 budget law, after several years of suspension).

Communication of 20 January 2025 - Again on the Crime of Arbitrary Occupation of Property

In January 2025, the same two SRs returned to the subject with [Communication JOL ITA 1/2025](#), commenting on what had in the meantime become Article 10 of Bill 1236. The new Communication, therefore, refers to a text that is completely overlapping with the one currently in force after the adoption of Decree-Law 48/2025 and its conversion into law.

The SRs acknowledge some changes that have taken place, but reiterate that the rule in question ends up criminalising particularly vulnerable people and families, namely:

- persons who occupy a property out of necessity without housing title (squatters);
- persons who fail to comply with an enforceable eviction order because they are unable to pay rent or to pay mortgage, or after the expiration of a lease;
- persons who are unable to demonstrate a valid contract, including tenants with a verbal contract, persons who occupy a dwelling based on unauthorised subletting or in exchange for services, persons housed without a contract or victims of a false lease;
- persons experiencing homelessness who resort to living in abandoned properties;
- persons residing in camps and informal settlements [which constitute appurtenances of residential properties].

The concern reiterated by the SRs is that this rule punishes the poor and does not make any progress in the field of the housing emergency in Italy, being rather functional to facilitate the execution of the 150,000 evictions and 170,000 foreclosures that have accumulated over time.

In addition to the observations already made previously, the SRs add some further critical points.

The first concerns homelessness. The condition of the homeless continues to spread and worsen in Italy and elsewhere. The criminalisation of such status represents a further violation of their rights. In fact, with the new rule, in addition to the right to housing and an adequate standard of living, their personal freedom and security are also affected, given the risk of extremely severe criminal sanctions to which they are exposed.

This condition of double vulnerability can also result in inhuman and degrading treatments, contrary to Article 16 of the Convention against Torture (CAT). This would therefore represent a third violation of their dignity as human beings.

The use of new incriminating rules to regulate conduct already substantially punished by other criminal provisions is also criticised. There are already, of course, rules in national law that punish personal violence, injury or threats; and the criminal code already provided for the illegal occupation of land or buildings belonging to others as a crime (and in 2022 the controversial offense of occupying land to hold rave parties was added: Article 633-bis). The new rule, therefore, appears redundant.

With regard to the provisions that make eviction operations more expeditious, it is reiterated that "it would not be acceptable for forced evictions to be carried out if there is no legal guarantee that those affected have access to housing that meets basic adequacy standards and is affordable".

The SRs made some suggestions to the national legislator (unfortunately made futile by the government's choice to transform the bill into a decree-law). The SRs wondered whether, before adopting the new legislative instrument, the state could assess the impact of the rule on the most vulnerable individuals and families: persons experiencing homelessness, people in extreme poverty, migrants, or members of the Roma minority; collect data to understand the extent to which people subject to eviction have access to alternative adequate housing; concurrently with the criminal law, take measures to prevent evictions caused by the inability to cover housing costs or, more generally, to allow people living in poverty in Italy to access rental housing or some other suitable contract to guarantee stability and legal security or tenure.

The Italian government's response came on 24 March 2025. On the specific issues relating to the content of the then Bill 1236, the government entrenches itself behind the autonomy of Parliament (in reality, a few days later, the parliamentary debate would be abruptly interrupted with the enactment of the decree-law). The rest of the response contains references to the fundamental principles of the Constitution and the inviolable rights recognised therein (perhaps a way to remind that there is no explicit recognition of the right to housing among them?). The recent refinancing for 2025 and 2026 of the fund for delinquent housing is mentioned (with an allocation that is lower even in nominal terms, let alone real terms, than that of 2015-16), the adoption of the "save the house" decree (for the regularization of building irregularities, here also intended as a measure that could increase the availability of housing), the "Housing First" measures and other inclusion provisions contained in the EU-financed Recovery and Resilience Facility (PNRR), and the "inclusion allowance" replacing the "citizenship income" instrument.

Communication of 19 December 2024 - An Overall Criticism of the Security Package

The third Communication to the Italian government from the UN SRs ([JOL ITA 7/2024](#)) is dated 19 December 2024 and is signed by a group of SRs whose respective mandates are significant to recall: Gina Romero, SR on the right to freedom of peaceful assembly and association; Irene Khan, SR on the promotion and protection of the right to freedom of opinion and expression; Mary Lawlor, SR on the situation of human rights defenders; Gehad Madi, SR on the human rights of migrants; K.P. Ashwini, SR on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; and Ben Saul, SR on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

The subject of the communication was Bill 1660, i.e. the version of the security package approved by the Chamber in September 2024.

The critical observations focus first on the counter-terrorism provisions. The new Article 270-quinquies-3 of the Criminal Code (which punishes the conduct of procuring and possessing instructions on the preparation and use of weapons, chemical substances or techniques and methods of violence and sabotage "for the purposes of terrorism"), appears too imprecise, as does the new provision added to Article 435 of the Criminal Code, which punishes the distribution, dissemination and advertising of materials such as dynamite, explosives and other materials or techniques used to carry out attacks or sabotage. The penalties range from 2 to 6 years' imprisonment and from six months to 4 years' imprisonment, respectively. The SRs fear that these provisions may have a disproportionate impact on freedom of opinion and expression and on the freedom of the press, since the link between possessing or disseminating instructions on the use of weapons and methods of violence and sabotage and the purposes of terrorism or the commission of crimes such as railway disaster, attack on the safety of transport or shipwreck does not appear sufficiently detailed. The criminal provisions may have a chilling effect on social actions and forms of struggle that are not of a terrorist nature or aimed at committing the aforementioned crimes.

Related to this issue is also the observation that the SRs make regarding Article 7 of the bill, now Article 9, Decree-Law 48 and Law 80/2025, which amends Article 10-bis of the Citizenship Law. Conviction for serious crimes, including terrorism-related offences, may result in the loss of Italian citizenship even if the perpetrator does not hold a second citizenship but "may acquire it". This rule opens the way to a potential multiplication of cases of statelessness.

A series of comments concerned Article 10 of the new law which, as we have seen above, was vehemently contested also by the SRs on the right to housing and extreme poverty, as well as Articles 12 (damage on the occasion of demonstrations with violence and threat to the person), 13 (amendments to the 2017 "security decree" and Article 165 of the Criminal Code on the prohibition of access to transport infrastructures) and 14 (the very controversial rule on "road blocking" which transforms into a crime the administrative offence of impeding free circulation on the road with one's body). These provisions are seen as potentially in conflict with the freedom of peaceful assembly. The Human Rights Committee (which monitors the implementation of the International Covenant on Civil and Political Rights) stated in its [General Comment 37](#) of 2020 that "Article 21 of the Covenant protects peaceful assemblies wherever they take place [...]. Such assemblies may take many forms, including demonstrations, protests, meetings, processions, rallies, sit-ins, candlelit vigils and flash mobs. They are protected under Article 21 whether they are stationary, such as pickets, or mobile, such as processions or marches [...]. The freedom of assembly also includes acts of civil disobedience carried out by one or more persons and it is specified that, in the context of a demonstration, "violence" means the use by participants of physical force likely to cause injury or death to others or serious damage to the property of others, while mere pushing and shoving or disruption of vehicular or pedestrian movement or daily activities do not constitute "violence".

It follows that the rules that allow for absolute restrictions on peacefully demonstrating near transport infrastructures potentially conflict with Article 21 of the Covenant. It does not escape the SRs' notice that many of these provisions are in fact aimed at striking demonstrations promoted by human rights defenders and environmental activists. The right of the former to peaceful assembly is specifically protected by the [1998 Declaration on Human Rights Defenders](#); that of the latter is based, among other things, on the [Aarhus Convention](#), which protects the right to freedom of information and participation in environmental decision-making.

Even Chapter III of Decree-Law 48 - Law 80/2025 does not escape the critical scrutiny of the SRs. The increase in the penalty for crimes of violence, threat or resistance against a public official or the crime of injury, if committed against a law enforcement officer, linked to the circumstance of taking place near transport or energy infrastructures, is considered a further element aimed at curtailing the freedom to demonstrate. These provisions in fact reverse the rule whereby free demonstrations must be presumed peaceful. The fact that demonstrators are subjected to violence by external agents or by participants in counter-demonstrations, or that violent actions are carried out by agent provocateurs, does not negate the intrinsically peaceful character of the demonstration itself.

Similarly, the SRs are concerned about the rule that allows the police to wear video cameras during public order maintenance operations, territorial control, and surveillance of stations and sensitive sites. These are measures that extend the possibilities of digital surveillance of demonstrators, on which the state's attention must be maximum, in order to avoid an excessive reduction of the spaces of freedom of assembly and expression for citizens.

Finally, particular concern is raised by the provisions of Article 26 of Decree-Law 48 - Law 80/2025, which introduces the crime of riot within a prison (Article 415-bis of the Criminal Code), including juvenile and female institutions, namely the norm that specifically punishes even forms of passive resistance; as well as those of Article 27, which provide for similar provisions for riots in migrant detention centres. Such measures, in addition to being generally disproportionate with respect to the right of assembly of detainees, as well as of their right to free opinion and expression, specifically affect groups that are already experiencing a situation of vulnerability.

8.5 Italian Government response to Communication 2/2025 from the Special Rapporteurs on the right to housing, extreme poverty, disability, independence of judges and the rights of older persons in relation to forced evictions

1 September 2025.

<https://unipd-centrodiritiumani.it/en/topics/italian-government-response-to-communication-22025-from-the-special-rapporteurs-on-the-right-to-housing-extreme-poverty-disability-independence-of-judges-and-the-rights-of-older-persons-in-relation-to-forced-evictions>

Paolo De Stefani

Communication JOL ITA 2/2025 of February 2025

On August 12, 2025, the Italian government presented its response to the Urgent Communication [JOL ITA 2/2025](#), February 27, 2025, submitted to it by the Special Rapporteur (SR) of the Human Rights Council on the right to housing together with the SRs on human rights and extreme poverty, on the rights of persons with disabilities, on the independence of judges and lawyers, and the independent expert on the rights of older persons. The Communication concerned some cases of evictions of vulnerable people brought to the attention of the Committee on Economic, Social and Cultural Rights (CtESCR) through individual communications between 2022 and 2023, some of which were carried out by the Italian authorities despite requests for suspension and urgent measures in support of the evicted persons made by the CtESCR under Article 5 of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR). The SR Communication particularly stigmatised the fact that the Italian government, though a note from the State Attorney's Office, had invited the country's judicial authorities who might have to assess similar requests for interim measures advanced by the CtESCR not to comply with them, given their alleged non-legally binding character.

Measures adopted by Italy to support the right to adequate housing

The Italian government's response begins by recalling the State's commitment to addressing housing hardship and the related issue of evictions. In this context, it cites the approval, with the 2025 budget law, of the so-called "Casa Italia Plan", a medium-to-long-term programmatic instrument to be implemented by the Ministry of Infrastructure and Transport with the participation of regions and local authorities. The 2025 budget law also refinanced the fund for non-culpable defaulting tenants (Fondo inquilini morosi incolpevoli) with 30 million euros. The response also cites Decree-Law 69/2024, which simplifies construction and urban planning procedures, indirectly allowing broader access to housing. Other legislative reforms (of the public procurement code and the consolidated text on construction) aimed at reviving both public and private residential construction are also mentioned, as well as projects and initiatives promoted at the regional level. Finally, the response mentions the social housing initiatives envisaged in the National Recovery and Resilience Plan (to be completed by 2026) and the funding of the Innovative National Program for Quality Housing, also managed by the Ministry of Infrastructure and Transport (the latter, according to the response, would have mobilised 11 billion euros over the last ten years).

Communication 2/2025 took stock of seven individual communications submitted to the CESCR in which requests for interim measures made by the international body (essentially, the suspension of the execution of the eviction until the CtESCR's pronouncement or the provision of adequate alternative housing solutions to the evicted persons to protect their fundamental

rights) had been expressly rejected or not taken into consideration by the enforcement judge. The cases involved older people or caregivers of severely ill or disabled family members; in four cases, they involved immigrant families. The events summarised in the Communication referred to situations of extreme economic and social precariousness and also raised possible issues of discrimination based on ethnic or national origin. For example, one of the cases cited was the communication Saydawi and Farah v. Italy (in 2024, the CtESCR issued a view on the merits recognising the violation by Italy of Article 11 of the International Covenant on Economic, Social and Cultural Rights - ICESCR - see a summary in the 2024 Yearbook [here](#)). The request for interim measures had first been approved and then rejected by the Italian judges. In the Communication 2/2025, the SRs observe that, according to updated information dated early in 2025, one of the families that had filed the petition, of Moroccan origin, continues to face difficulties in finding accommodation in Rome and its surroundings, not only due to the state of economic precariousness in which it lives but presumably also because of ethnic-religious biases.

The Letizi case and the controversy over the binding nature of the CESCR's interim measures

The Italian response issued in August 2025 does not go into the merits of all the cases cited, but instead dwells on the central issue raised by the Special Rapporteurs, namely document CT 16061/2022 in which, about Communication 256/2022 to the CtESCR (Rossana Letizi v. Italy), the State Attorney's Office affirmed the non-binding character of requests for interim measures under Article 5 of the Optional Protocol to the ICESCR (OP-ICESCR). This note from the government was used in court as an argument in favour of rejecting requests for interim measures from the CtESCR in other cases as well. The SRs suggest an undue interference by the executive in proceedings that should be autonomously decided by judges based on applicable national and international norms.

The government's reply first points out that the Italian legal system provides many support mechanisms for tenants who, through no fault of their own, are unable to pay rent. The Law on rents (Law 392/1978) allows a 90-day deferral of payment; an 18-month suspension is provided by Law 9/2007 for tenants over 65 years of age (Ms. Letizi was born in 1935), terminally ill patients or persons with disabilities over 66 per cent, in case they do not have alternative housing. The legislation concerning people affected by the 2016 earthquake, the National Fund for Supporting Access to Rental Housing, introduced by Law 431/1998 and managed at the regional level, as well as the eviction freeze between 2020 and the end of 2021, motivated by the COVID-19 emergency, are also mentioned. Finally, the response points out that municipalities (in this specific case, the city of Rome) have additional mediation and welfare tools at their disposal and can also rely on the contribution of private entities and volunteers. In fact, Ms. Letizi had been offered various alternative housing options to the apartment from which she had to be evicted and in which she had lived since 1995, also in collaboration with the Community of Sant'Egidio. All the offers had been rejected because they were considered incompatible with the lady's stability and psychological well-being. Moreover, no accommodation was found to be viable between the applicant and the company that owned the apartment (to which the applicant attributed an undue increase in rent). The government also dwells on the introduction, by Law 48/2023, of the Inclusion Allowance, a measure to support people with particularly low incomes. As for the possibility for individuals in difficult financial conditions to access judicial protection tools in case of eviction (another issue raised by Communication 2/2025), the government replies by recalling that Presidential Decree 115/2002 provides for free legal aid for people with an annual income below 12,838 euros.

In conclusion, according to this response, the judicial procedure that led to the eviction order (which had not yet been carried out in 2025) against Ms. Letizi was fair, conducted with the participation of the tenant, and sought to provide alternative solutions to the person directly concerned. The other individual situations cited by the SRs are not explicitly examined.

On the specific point of the legal force of the interim measures requested by the CDESCR, the Letizi case is particularly interesting, since on February 17, 2022, recalling the CtDESCR's request, the Italian judge had suspended the execution of the eviction, but at the same time requested an opinion from the State Attorney's Office on whether the CtDESCR's measure was binding or not. It was precisely by referring to this opinion of the State Attorney's Office that the judge subsequently proceeded to resume the eviction procedure, assuming the non-binding character of the CDESCR's measure.

Document CT 16061/2022, issued by the State Attorney's Office on May 25, 2022, expressing the position of the Presidency of the Council of Ministers, states that the application by the Italian judge of the interim measures requested by the CDESCR in the proceedings concerning Ms. Letizi would have been incompatible with national legislation. The response points out that concluding differently would violate the Italian constitutional norms on the rights of defence and due process (Articles 24 and 111 of the Constitution). In fact, the CtDESCR's interim measure was issued in the context of a proceeding in which the counterparty to the applicant, i.e. the owner of the apartment, did not participate nor was consulted in any way, as the principle of adversarial proceedings would require.

Lacking a national law to give effect to the CtDESCR interim measures, the direct application by the Italian judge of the interim measures requested by the CDESCR (i.e. the suspension of the execution of the eviction until the settlement of the dispute before the international body) would illegitimately compress the property right of the landlord (protected by Article 42 of the Constitution). It may also have adverse effects on the real estate market as a whole.

The response specifies that the document from the State Attorney's Office intervenes within the framework of a particular proceeding and that, in any case, the decision not to comply with the CtDESCR's requests was made by the enforcement judge in total autonomy and in full respect of the rule of law principle. All the more so, by issuing such a note, the executive power has not interfered with the judiciary in the handling of any other similar cases.

The Italian Government's response to the SRs' Communication concludes by reaffirming Italy's commitment to the protection and promotion of all human rights and its intention to continue the dialogue with the United Nations human rights mechanisms.

Final Remarks

[According to data from the CtDESCR](#), there are currently (September 2025) 48 individual communications pending before the CtDESCR concerning Italy, submitted between 2021 and 2025, mainly concerning cases of evictions ordered or carried out without providing the tenant and their family with an adequate alternative solution, i.e. one that respects the right to housing as defined by Article 11 of the ICDESCR. Italy and Spain (the latter with as many as 138 pending communications) are the two countries from which the largest number of communications originate. It is clear, then, that the issue of evictions carried out without effective protection of the right to adequate housing (i.e. legally secure, economically accessible and suitable in terms of location and essential services) is a very pressing problem in the country. The right to adequate housing must also apply to the poorest people, as well as to children, persons with disabilities, the elderly and, in general, persons in a state of vulnerability and precariousness. Eviction procedures must provide for the meaningful participation of those concerned and should not be such as to increase the number of homeless people. The fact of not having sufficient money to pay the rent should not be a reason to deprive an individual of a vital right, such as that to adequate housing, and this entails a particular responsibility for states in countering the extreme financialization of the real estate market.

The Italian government's response does not seem to address these issues in a specific way. With reference to the Letizi case, it articulates a denial of the binding nature of the interim measures ordered by the CtDESCR, centred on the autonomy of the judge in assessing the binding force of the acts of the CDESCR and on the need to safeguard the adversarial principle. Still, it does not address the issue of the state's international responsibility for failing to protect the individuals who undergo evictions in cases where the effectively accessible social protection measures

(including placements that break up the family unit) prove inadequate to guarantee the right to adequate housing. The response does, in fact, leave various other points uncovered on which Communication 2/2025 requested information and clarification, for example, measures to prevent evictions from resulting in loss of housing, measures to prevent homelessness, the annual number of evictions carried out, and measures taken to facilitate effective access to justice for people in extreme poverty to guarantee their right to housing.

9. Italian Activists, an Italian judge and an Italian Special Rapporteur under attack in relation to the conflicts in Gaza and Ukraine, While and Italian Company Controlled by the State is Suspected of Complicity in International Crimes

9.1 U.S. Sanctions UN Special Rapporteur Francesca Albanese Over ICC Engagement

11 July 2025.

<https://unipd-centrodirittiumani.it/en/news/us-sanctions-un-special-rapporteur-francesca-albanese-over-icc-engagement>

On July 9, the United States Secretary of State Marco Rubio announced sanctions on Francesca Paola Albanese, the UN Human Rights Council's Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 under Executive Order 14203. The U.S. justified this action as a response to Albanese's alleged collaboration with the International Criminal Court (ICC) in targeting U.S. and Israeli nationals, an act the U.S. considers a violation of both its own and Israel's sovereignty, given that neither country is a signatory to the Rome Statute.

The U.S. government has cited what it describes as longstanding bias, including antisemitic remarks and hostility toward the U.S. and its allies. It also criticizes her recommendation that the ICC issue arrest warrants for Israeli Prime Minister Benjamin Netanyahu and former Defense Minister Yoav Gallant, and her recent letters to global companies urging ICC investigations, which the U.S. characterizes as unfounded and potentially harmful to national interests, leading the U.S. to deem her unfit for service as a Special Rapporteur.

That same day, [Albanese criticised Italy, France, and Greece](#), States Parties to the ICC, for violating their legal obligations by allowing Israeli President Benjamin Netanyahu to use their airspace, instead of arresting and surrendering him as required under the Rome Statute. The sanctions against Albanese are part of a broader effort by the U.S. and Israel to restrict independent investigations into Israel's actions in Gaza. The sanctions follow earlier U.S. measures against ICC Prosecutor Karim Khan and several ICC judges in 2025.

UN Spokesperson Stéphane Dujarric warned that imposing sanctions on Special Rapporteurs sets a dangerous precedent, stating that "the use of unilateral sanctions against Special Rapporteurs or any other UN expert or official is unacceptable." He emphasised that while Member States have every right to express their views and disagree with the experts' reports, such actions must respect UN processes.

These concerns were echoed by UN High Commissioner for Human Rights Volker Türk, who advised Member States to respond constructively, even in cases of strong disagreement. He called for the “prompt reversal” of the sanctions imposed on the Human Rights Council-appointed Special Rapporteur, stressing that she was carrying out duties assigned under her official mandate.

ICJ Middle East and North Africa Programme Director, Saïd Benarbia, noted that if the sanctions against Albanese remain in place without being challenged, they could have a chilling effect that poses an existential threat to the mandates of all UN Special Procedures and to the broader UN human rights system. He emphasised that the integrity of the international legal order depends on allowing ICC judges, prosecutors, and UN Special Procedures to carry out their duties independently and without fear of retaliation.

Liz Evenson, international justice director at Human Rights Watch, stated that the U.S. government’s decision is ultimately aimed at silencing a UN expert for carrying out her mandate. She argued that the U.S. is undermining the institutions survivors of serious abuses rely on. Evenson called on UN and ICC member states to firmly oppose the U.S. government’s efforts to obstruct accountability for grave international crimes and to denounce the sanctions imposed on Albanese as outrageous.

The U.S. sanctions on Francesca Albanese reflect a broader effort to shield its allies, particularly Israel, from international legal scrutiny it views as politically motivated. By targeting UN and ICC officials, the U.S. risks setting a precedent that could undermine the impartiality and credibility of global institutions commissioned with investigating serious human rights abuses.

9.2 The Global Sumud Flotilla and the Involvement of Italian Citizens in the Mission

22 October 2025.

<https://unipd-centrodirittiumani.it/en/topics/the-global-sumud-flotilla-and-the-involvement-of-italian-citizens-in-the-mission>

Sofia Vanzan

The [Global Sumud Flotilla](#) has been described as the largest civilian maritime mission ever organised to break the Israeli-imposed blockade of Gaza. The flotilla is a grassroots movement that unites doctors, nurses, sailors, artists, and activists from more than 40 countries. Its objective is to deliver humanitarian aid to Gaza amidst the ongoing genocide, through a volunteer crew and the use of civilian vessels. Founded on the principles of peace and non-violence, the mission represents a humanitarian response to the crimes committed by Israel, in the name of justice, dignity, and respect for life.

The first expedition: the Global Sumud Flotilla mission

The first vessels bound for Gaza set sail on 30 August 2025 from the port of Genoa and on [31 August 2025](#) from Barcelona. The mission was delayed due to weather conditions, but between late August and mid-September, the ships gathered in Tunisian territorial waters. During this period, the mission suffered two attacks: on the [night of 8 September](#), the boat Family was hit by a military drone of unknown origin, and on 9 September, the [Alma was also attacked](#) under similar circumstances.

[Between 13 and 15 September](#), the mission resumed from Catania (Italy), Tunisia, and Greece, and a fleet of 42 ships assembled in international waters with the aim of completing the humanitarian mission.

While the Israeli government identified the mission as a security threat, the Geneva Conventions and their Additional Protocols oblige states to guarantee the protection of civilians engaged in humanitarian operations. Furthermore, on 26 January 2024, the [International Court of Justice, in its order on provisional measures in the case of South Africa v. Israel](#), required the State of Israel to immediately adopt measures to enable the delivery of humanitarian assistance to Gaza.

To ensure assistance and support for the humanitarian mission, the [Italian Minister of Defence, Crosetto](#), authorised the deployment of the military vessel Fasan, later replaced by the Alpino, specifying that the ship would not act as an escort and would not sail beyond international waters.

Between 1 and 3 October 2025, [42 vessels of the Global Sumud Flotilla](#) were intercepted in international waters, less than 150 miles from the Palestinian coast, and the 462 people on board were unlawfully detained. [During the boarding](#), activists were subjected to [humiliating treatment](#). They were later placed in isolation, denied communication channels, and subjected to [mistreatment also during their detention in Ketziot prison](#).

In Italy, the mission and the subsequent Israeli interception generated intense media attention and widespread mobilisation among the public. This was also due to the extensive Italian participation in the mission, whose steering committee included the Italian representative Maria Elena Delia, a member of the International Solidarity Movement. In total, 48 Italian citizens were on board the ships, 44 of whom were intercepted and detained by Israel. Other Italian citizens, such as [Manolo Luppichini and Meri Calvelli from the NGO ACS](#), were aboard other vessels that, for technical and security reasons, did not set sail for Gaza.

Below is the list of the Italian participants who were intercepted, divided according to their respective vessels:

Alma:

Antonio La Piccirella, skipper and activist, aged 35

Simone Zambrin, activist, aged 26

Aurora:

Sara Masi, artist and Greenpeace activist, aged 39

Federica Frascà, Greenpeace activist

Marco Orefice, activist, aged 47

Irene Soldati, member of Médecins Sans Frontières and Greenpeace activist, aged 40

Gonzalo Nestor Fabian Di Pretoro, Italian-Argentinian

Otaria:

Adriano Veneziani, activist

Alessandro Mantovani, journalist, aged 54

Cesare Tofani, skipper, aged 71

Dario Crippa, student, aged 25

Giorgio Patti, aged 25

Manuel Pietrangeli, activist

Grande Blu:

Emanuela Pala, journalist

Luca Poggi, logistic head

Hio:

Lorenzo d'Agostino, journalist

Morgana:

Barbara Schiavulli, journalist, aged 34

Benedetta Scuderi, Member of the European Parliament

Carlo Alberto Biasoli, skipper and cultural worker, aged 39

Jose Nivoi, dockworker from CALP Genoa

Marco Croatti, Member of Parliament, aged 53

Seulle:

Fabrizio De Luca, geologist, aged 63

Paolo De Montis, trade unionist, aged 65

Ruggero Zeni, philosopher and activist, aged 69

Silvia Severini, employee, aged 54

Sirius:

Nicolas Calabrese, teacher, Italian-Argentinian

All In:

Pietro Queirolo Palmas, sailor, aged 23

Jeannot III:

Andrea Sebastiano Tribulato

Mango:

Roberto Ventrella, jeweller, aged 86

Karma:

Annalisa Corrado, Member of the European Parliament, aged 52

Arturo Scotto, Member of Parliament, aged 47

Michele Saponara

Margherita Cioppi, rescuer and Mediterranean mission leader, aged 33

Tommaso Ferdinando Nogara Notarianni, journalist and president of ARCI Milano, aged 59

Paolo Romano, politician, aged 41

Saverio Tommasi, journalist, aged 46

Wahoo:

Susanna Bargauan, student and artist, aged 32

Maria Cristina:

Andrea Canazza, retired, aged 68

Tommaso Bortolazzi, skipper, aged 42

Estrella y Manuel:

Michela Monte, journalist, aged 49

Selvaggia:

Gessica Lastrucci

Luca Viani, chef

Paola I:

Abderrahmane Amajou, president of ActionAid Italy, aged 39

Ahed Tamimi:

Giuseppina Branca, nurse, aged 78

Second expedition: the Thousand Madleens to Gaza and Freedom Flotilla missions

While the Italian activists were being repatriated, the movement for Gaza did not stop. [The missions Thousand Madleens to Gaza and Freedom Flotilla](#) set sail for Gaza carrying further humanitarian aid aboard nine vessels.

The second wave of aid, consisting of the Freedom Flotilla and Thousand Madleens, was intercepted in the early hours of 8 October 2025, and the activists were transferred to Ketziot prison. [Following their detention, activists were deported to the Jordan border](#). Among the 150 activists from 20 countries, 10 were Italian citizens:

Freedom Flotilla:

Riccardo Corradini, doctor, aged 31

Stefano Argenio, nurse, aged 41

Francesco Prinetti, doctor, aged 28

Elisabeth Di Luca, activist and international aid worker, aged 40

Claudio Torrero, lecturer, aged 69
Vincenzo Fullone, aged 53

Thousand Madleens to Gaza:
Lorenzo Mollicone, journalist, aged 26
Lorenzo Bresciani, doctor
Beatrice Lio, activist and legal expert, aged 30
Laura Cardile, film director and documentary maker, Italian-French

Thanks to the strong Italian participation in the humanitarian mission and the commitment of civil society and grassroots movements, public debate on international solidarity and human rights, particularly concerning the complicity of the Italian government towards the genocide of the Palestinian population of the Gaza Strip through [arms transfer to Israel](#), has been reignited.

9.3 "Gaza Genocide: a collective crime" - Italy's involvement highlighted by Francesca Albanese's new report and the Italian authorities' reactions

20 November 2025.

<https://unipd-centrodirittiumani.it/en/topics/gaza-genocide-a-collective-crime-it-aly-s-involvement-highlighted-by-francesca-albaneses-new-report-and-the-italian-authorities-reactions>

Danagul Alimova

Francesca Albanese, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, has been a pivotal figure in advocating for justice for Palestinian populations, who have lived for years under Israeli occupation.

On 20 October 2025, the United Nations Office of the High Commissioner for Human Rights [published a country report titled Gaza Genocide: A Collective Crime](#), delivered by Albanese to the General Assembly at its 80th Session, calling for the immediate prevention of human rights violations and the restoration of international law.

Her report highlights how Third states have been complicit in the mass atrocities in Gaza and have enabled the longstanding, systematic violation of international law by Israel through direct involvement, material aid, and diplomatic protection, among other forms of support.

She contends that the mass atrocities in Gaza are not solely the responsibility of Israel. Instead, she argues that, under international criminal law, particularly the doctrine of joint criminal enterprise, any state that performs a wrongful act or contributes to a constituent element of the crime bears responsibility. She openly criticises Western states' involvement in violations of international law across several categories: military, diplomatic, and economic support.

The United States, Germany, and Italy are among the largest suppliers of military aid to Israel. For instance, the United States has provided financial support to Israel since its establishment and continues to do so. After October 7, 2023, both the Biden and Trump administrations have contributed financially to framing Israel's actions as self-defence against alleged terrorist threats in Gaza. Furthermore, Germany has been the second-largest arms exporter to Israel during the mass atrocities and alleged genocide, justifying its support as a post-Holocaust obligation. Other Western countries, such as the United Kingdom, Australia, and Canada, have also been major contributors to military aid.

Additionally, many Western countries openly overlook Israel's violations of fundamental human rights under the pretext of national security and counterterrorism, rather than pursuing accountability through legal mechanisms. During the same period, Israel enjoyed substantial diplomatic support from Western powers. For example, the United States used its veto power in the UN Security Council seven times and played a central role in controlling ceasefire negotiations. When the ICJ and ICC acknowledged the possibility of a genocide in Gaza, the United States sanctioned the courts, effectively granting immunity to Israeli authorities by restricting legal accountability. The United Kingdom threatened to withdraw funding from these courts, and Hungary withdrew from the Rome Statute in April 2025.

Furthermore, Albanese condemns Western powers for applying double standards in their economic relations with Israel. The European Union is Israel's largest trading partner, and despite the ongoing genocidal actions, economic investment has increased. Albanese calls for the suspension of economic relations with Israel, similar to the measures imposed on Russia following its invasion of Ukraine.

Nevertheless, she also emphasises that several countries, such as South Africa, Turkey, Chile, Jordan, Bolivia, Honduras, Bahrain, and Chad, have terminated their relations with Israel and other countries, such as Belize, Bolivia, Colombia, and Nicaragua, have suspended their diplomatic relations with Israel.

Francesca Albanese has been sanctioned by the United States formally as "directly engaged with the International Criminal Court (ICC) in efforts to investigate, arrest, detain, or prosecute nationals of the United States or Israel, without the consent of those two countries". The Coordination Committee of the Special Procedures of the Human Rights Council has expressed its solidarity with Ms Albanese. In general, sanctioning a Special Rapporteur for fulfilling the responsibility of protecting human rights, as mandated by the Human Rights Council, constitutes a direct attack on the integrity of the UN human rights system, as well as on its accountability and transparency. Moreover, the sanctions imposed by the United States violate international law, including the 1946 Convention on the Privileges and Immunities of the United Nations, which grants appointed experts privileges and immunities to enable them to exercise their functions independently. Violating this Convention threatens the independence of the Special Procedures system, which is responsible for advocating for and investigating human rights violations.

Italy did not remain silent in the case concerning Albanese. The Italian authorities formally criticised Albanese's conduct, characterising the report as lacking credibility and impartiality. Italy argued that the report clearly exceeds the scope of the Special Rapporteur's mandate, which does not extend to investigating alleged violations committed by other States or organisations, nor to evaluating cooperation between third countries and the International Criminal Court. Moreover, Italy underscored the importance of adherence to the Code of Conduct for Special Rapporteurs, stressing the obligation to ensure that personal political views do not influence the execution of the mandate and to exercise restraint, moderation, and prudence so as to preserve the perception of the mandate's independence and integrity.

Nevertheless, Ms Albanese's contributions to investigating human rights violations in Gaza have not been met only with sanctions and criticisms. European Parliament lawmakers have also nominated her, through a formal submission to the Norwegian Nobel Committee, for the 2026 Nobel Peace Prize. According to them, this nomination represents recognition of the courage, commitment, and perseverance of an individual who has defended fundamental human rights values under extremely challenging circumstances.

9.4 International Criminal Court: Italian judge of the Court sentenced in absentia to 15 years in prison by a Moscow court

16 December 2025.

<https://unipd-centrodirittiumani.it/en/news/international-criminal-court-italian-judge-of-the-court-sentenced-in-absentia-to-15-years-in-prison-by-a-moscow-court>

A Moscow court issued on 12 December 2025 in absentia verdicts against the International Criminal Court (ICC) Chief Prosecutor, Karim Khan, and eight judges of the ICC, including its Vice-President, the Italian judge Salvatore Aitala.

All nine individuals were found guilty of “prosecuting innocent persons, illegal detention and attempted violence against persons who enjoy international protection”, and have now been placed on an international wanted list by Russian authorities.

In March 2023 the ICC issued an arrest warrant for Vladimir Putin and the Russian Federation Children's Rights Commissioner, Maria Lvova-Belova, for illegally deporting Ukrainian children. The warrant was considered by the Russian Federation as “null and void” and the Judicial Authority opened a criminal case into the ICC Prosecutor and eight judges, which now ended with prison sentences.

In a statement, the [National Magistrates Association](#) expressed its hope “that the Italian government would immediately ask the Russian government for an explanation of the circumstances that led to Judge Aitala being convicted in absentia by the Moscow court”.

PART IV - National and International Case Law

Part IV presents a selection of judicial decisions drawn from the jurisprudence of the European Court of Human Rights and the Court of Justice of the European Union during 2025. It also incorporates a limited number of cases originating from Italian domestic courts, including the Constitutional Court, where human rights considerations were particularly salient.

The objective is not to provide an exhaustive survey, but rather to highlight specific tendencies and recurring themes within the judicial practice of both national and international tribunals that characterized the year 2025. The inclusion of Italian jurisprudence serves a representative function within this publication; more extensive material is accessible in the online version of the *Italian Yearbook*.

Following the articulation of fundamental rights as developed by the Strasbourg Court, this Part addresses cases concerning the right to life and the right not to undergo inhuman and degrading treatment in Italian prisons. Detention facilities are also places in which the right to health is violated, as evidenced by the case law of the Strasbourg Court. Another section covers judicial decisions that protect the environment as a condition for the enjoyment of the right to life, health, and personal and family life. In this connection, the 'pilot judgment' of the European Court of Human Rights in the *Cannavacciuolo et Al.* case (concerning the 'Land of Fires') is mentioned, as well as the historic judgment of the Vicenza Court on the massive PFAS contamination of waters in the Veneto region. Furthermore, the right to privacy and the non-discrimination rights of persons with disability, including their right to access to education, are examined, presenting a judgment of the EU Court of Justice. The concluding sections are dedicated to two pronouncements of the European Court of Human Rights regarding domestic violence, and to a significant ruling of the Italian Constitutional Court on the right to 'double maternity' for a same-sex couple.

1. Right to life

4.1 Judgments of the European Court of Human Rights regarding Italy in February and March 2025

11 April 2025

<https://unipd-centrodirittiumani.it/en/news/judgments-of-the-european-court-of-human-rights-regarding-italy-in-february-and-march-2025>

In February and March 2025, the European Court of Human Rights (the Court) delivered four judgments against Italy, concerning the right to life, the prohibition of ill-treatment, and the right to respect for private life.

On 27 March 2025, in the case of [Laterza and D'Errico v. Italy](#) (no. 30336/22), the Court found that Italy had violated Article 2 of the European Convention on Human Rights (ECHR) due to its ineffective investigation into a work-related death, allegedly caused by exposure to toxic

substances. The Court held that the investigation was not conducted properly and the decision to discontinue the criminal proceedings was not reasoned adequately, thereby failing to ensure an effective remedy for the applicant.

On the same day, in the case of [Niort v. Italy](#) (no. 4217/23), the Court ruled that the continued detention of a mentally ill offender, despite his psychiatric condition, and the fact that decisions regarding access to medical care had not been implemented at all or not within a reasonable time violated Articles 3, 6.1, and 38 of the ECHR.

On 13 February 2025, in [P.P. v. Italy](#) (no. 64066/19), the Court found that Italy had failed to properly investigate and respond to the applicant's prolonged experience of domestic violence and harassment, in violation of prohibition of torture and inhuman or degrading treatment under Article 3 of the ECHR.

Earlier, on 6 February 2025, in [Italgomme Pneumatici S.R.L. and Others v. Italy](#) (no. 36617/18), the Court held that inspections conducted by tax authorities had violated the applicants' right to respect for private life under Article 8 of the ECHR.

These rulings underscore the Court's continued emphasis on the respect by the State of procedural obligations for the effective protection of the rights and freedoms of the ECHR, such as the protection from inhuman and degrading treatment, the safeguarding of the rights to life and fair trial, as well as the respect for private life in Italy.

2. Torture and prison conditions

2.1 The Protection of Human Dignity in Detention: The Case of Niort v. Italy and the Application of Article 3 ECHR

27 March 2025

<https://unipd-centrodirittiumani.it/en/topics/the-protection-of-human-dignity-in-detention-the-case-of-niort-v-italy-and-the-application-of-article-3-echr>

Alexandra Ivanenko, Larisa Khakimova

In the case of [Niort v. Italy](#) (application no. 4217/23), on 27 March 2025, the European Court of Human Rights (ECtHR) examined whether Italy violated Simone Niort's rights under Article 3 of the European Convention on Human Rights (ECHR). The applicant, who suffers from severe mental health disorders, argued that his detention in an Italian prison, where he was not provided with appropriate psychiatric care, led to the worsening of his condition and amounted to inhuman or degrading treatment.

Background of the Case

The applicant, Simone Niort, is an Italian national born in 1997 and was detained in Sassari Prison at the time of the judgment. He has been suffering from significant mental health issues, including borderline personality disorder, antisocial personality disorder, and substance abuse, for which he has received treatment from the mental health services since childhood. He is certified as 100% disabled and receives a disability allowance. He is also a drug addict. Despite the applicant's disability, he remained detained in prison, where his mental health has been a central issue.

Niort has faced multiple criminal proceedings, resulting in convictions for serious offences including manslaughter, bodily harm, and kidnapping. In certain cases, the domestic courts acknowledged that he acted under diminished responsibility, finding his mental capacity partially impaired (*vizio parziale di mente*). In other instances, he was acquitted due to insanity.

Since 2016, Niort has been detained in various prisons almost continuously. On 7 June 2023, he was transferred from Cagliari Prison to Turin Prison. His mental health struggles have been evident throughout this period, with multiple suicide attempts, the latest occurring on 28 December 2022, alongside repeated self-harming and aggressive behaviours.

Reports from the prison medical service indicated that Niort received regular psychiatric support and pharmacological treatment. However, a 2019 court-appointed expert found that his mental disorder had worsened due to his incarceration. Similarly, a 2020 report from prison educators concluded that Niort's mental condition was incompatible with continued detention.

Despite these assessments, the domestic courts have rejected all of Niort's requests for alternative measures and complaints regarding inadequate medical treatment. Notably, on 22 November 2022, the Cagliari Court for the execution of sentences (*Tribunale di sorveglianza*) described his current detention as "absolutely inadequate and incompatible" with his mental health and recommended his transfer to a more appropriate facility. This position was reiterated on 18 January 2023 by the judge responsible for sentence execution (*magistrato di sorveglianza*).

Niort alleged violations of his rights under Articles 3 and 8 of the European Convention on Human Rights (ECHR), arguing that his mental health is incompatible with prison detention and that he is not receiving appropriate treatment. He further claimed a violation of Article 5.1, asserting that his continued detention lacks a lawful basis given his inability to understand the aims of the penalty, and a violation of Article 5.5, citing the absence of compensation for his allegedly unlawful detention. Additionally, Niort argues under Article 6 that the non-execution of the decisions to transfer him to a more suitable facility constitutes a denial of his rights.

Violation of Article 3

Article 3 of the ECHR states: "No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

This provision plays a fundamental role in protecting human dignity. It prohibits any treatment that lowers a person's dignity and ensures that no one is exposed to inhuman or degrading treatment in any circumstances, including during detention. For prisoners, this includes ensuring that their basic needs, such as mental and physical health, are properly cared for, especially if they are vulnerable.

In this case, Niort's health problems were made worse by his prison environment. The ECtHR had to assess whether the conditions of his detention, given his severe mental health issues, violated Article 3. The ECtHR has consistently emphasised that prisoners with mental health disorders have specific rights under Article 3, which require states to ensure that conditions do not make their condition worse or cause further harm. This includes providing appropriate medical care and ensuring that prison conditions suit individuals with specific health needs.

In Niort's case, the ECtHR found that Italy had failed to meet these obligations. Despite multiple reports showing that his mental health was worsening in prison, he was not transferred to a specialised psychiatric facility. The ECtHR concluded that this lack of adequate care amounted to inhuman and degrading treatment under Article 3.

International Standards on Mental Health Care in Detention

The Committee for the Prevention of Torture (CPT), as part of the Council of Europe, has long emphasised the need for appropriate care for prisoners with mental health issues. According to the CPT's standards, prisoners suffering from severe mental health conditions should be transferred to suitable medical environments, such as civil psychiatric hospitals or specialised psychiatric units within the prison system. This ensures that their mental health needs are met

and their condition does not worsen due to inadequate treatment. The CPT stresses that prison conditions should be adapted to the specific needs of vulnerable detainees, ensuring that their care is in line with the medical standards found in the community. In *Niort v. Italy*, the ECtHR's ruling reflected these guidelines, finding that Italy failed to provide Niort with the necessary psychiatric care in prison, and that his mental health condition should have been treated in a more appropriate facility.

Court's Ruling and Compensation

The ECtHR examined whether Italy violated Article 3 by not ensuring adequate medical care for Simone Niort, whose mental health was deteriorating in prison. It found that despite multiple medical reports showing Niort's worsening condition, Italy had failed to provide the required psychiatric care and did not transfer him to a specialised psychiatric facility, which would have been more suitable for his needs.

The ECtHR emphasised that states have a responsibility to provide care in line with human dignity, especially for vulnerable detainees like those with mental health disorders. In this case, "Italy's failure to act quickly and move Niort to a more suitable medical facility, even though there was clear evidence his health was getting worse, was found to be a violation of Article 3." The ECtHR further noted that mental health care in prison should be of a level comparable to that available in public health services, as per the standards set by the Committee for the Prevention of Torture (CPT).

For these reasons, the ECtHR, unanimously, rejected the Government's unilateral declaration. It declares the complaints under Articles 3 and 8 of the ECHR admissible for the period following 17 March 2017, but inadmissible for the remainder. It also declares the complaints under Article 5.1 and 5.5 ECHR inadmissible, while the complaint under Article 6.1 is admissible. The Court finds that there has been a violation of Articles 3 and 6.1 ECHR. However, it concludes that no separate issue arises under Article 8 ECHR. The Court also holds that there has been a failure to comply with Article 38 ECHR, as the Government has not submitted the documents and information requested by the ECtHR.

The ECtHR orders that the respondent State is to pay the applicant, within three months from the date on which the judgment becomes final in accordance with Article 44.2 ECHR, the following amounts: 9,000 euros, plus any applicable taxes, for non-pecuniary damage; and 8,000 euros, plus any applicable taxes, for costs and expenses, to be paid directly to the applicant's representatives.

The ECtHR rejects the remainder of the claim for just satisfaction.

Conclusion

The case of *Niort v. Italy* highlights the important role of Article 3 ECHR in protecting the rights and dignity of individuals in detention, particularly those with mental health issues. The Court's decision highlights that states must act quickly to ensure that their prison systems are equipped to care for vulnerable detainees, especially those with severe mental health problems. This case serves as a reminder that when detention is incompatible with an individual's health needs, authorities must provide alternative care and ensure the conditions do not worsen the individual's situation.

In Italy's case, the failure to ensure proper care for Niort's mental health demonstrates the need for improvements in the country's prison healthcare system, ensuring that the rights of vulnerable detainees are respected and protected. The ruling underscores the necessity for systemic changes to better address the needs of mentally ill prisoners and prevent similar violations in the future.

2.2 The Court of Cassation reiterates that in order to execute a European Arrest Warrant, it is necessary to obtain concrete guarantees that the person to be transferred will not be subject to inhuman or degrading treatment

30 May 2025

<https://unipd-centrodirittiumani.it/en/news/the-court-of-cassation-reiterates-that-in-order-to-execute-a-european-arrest-warrant-it-is-necessary-to-obtain-concrete-guarantees-that-the-person-to-be-delivered-will-not-be-subject-to-inhuman-or-degrading-treatment>

The judgment of the Criminal Court of Cassation, sez. 4, filed on 10 April 2025, no. 14191, concerning the execution of the European Arrest Warrant (EAW), reaffirms a key point of the system, namely that, in the presence of credible signs of inhuman or degrading prison conditions, the executing State cannot simply without further verification.

The decision concerns the case of A.A., a Hungarian national, for whom extradition to Hungary was ordered to serve a final sentence. The defence raised a crucial objection: the conditions in Hungarian prisons, citing reports from the Council of Europe's Committee for the Prevention of Torture (CPT) and other information produced by international organisations that highlighted serious problems. This is nothing new; often, the conditions of detention in some European countries have been subject to complaints and convictions by bodies such as the European Court of Human Rights (ECHR).

The Cassation Court overturning the decision of the Court of Appeal of Messina, has reiterated that even after the innovations introduced in 2021 in the law governing the EAW in Italy (Law No., 69/2005), when there are "reliable and substantiated sources" (such as reports from NGOs, European bodies or judgments of the European Court of Human Rights) indicating risks of inhuman or degrading treatment, the state required to execute the EAW has an "obligation to request additional information".

But this is not generic information. The Supreme Court has specified that requests must cover:

- the concrete conditions of the detention facility in which the person will be detained.
- specific cell details (size, number of inmates per cell, toilets, access to natural light).
- the availability of medical care and the possibility of contact with the outside.
- any other information that can ensure that the detention does not violate Article 3 of the European Convention on Human Rights (prohibition of torture and inhuman or degrading treatment or punishment).

At the heart of the ruling is the need to offer citizens an "individualised guarantee". This means that the judicial authority of the executing State cannot simply assume that the requesting State complies with European standards. It must obtain concrete and individual-specific reassurance, based on recent data relevant to the particular detention situation that awaits it.

The Court of Cassation has recognised that "if the prison problems are known and official, because they result from open sources internationally accredited (such as convictions of the ECHR; Reports to the UN and other international bodies) it is the responsibility of the Court of the executing State to request integration of information to the issuing State to specify in concrete what will be the penitentiary treatment reserved for the requested person (in which prison, and what are the conditions of crowding or solutions adopted for other reported problems by the CPT of the Council of Europe)".

Only if this additional information is satisfactory and dissipates the "real risk" of inhuman treatment can the extradition proceed. If not, the EAW execution decision must be rejected.

This ruling confirms an interpretation that both the Italian Court of Cassation and the European Court of Justice (ECJ) had developed in the years 2015-2016, but on which the reforms made on Law No. 69/2021 had raised some doubts.

The indication from the Court of Cassation should lead to an increased exchange of information between Member States and a greater focus on prison conditions across Europe.

2.3 European Court of Human Rights: case *Morabito v. Italy*, violation of art 3 CEDU

25 September 2025

<https://unipd-centrodirittiumani.it/en/topics/european-court-of-human-rights-case-morabito-v-italy-violation-of-art-3-cedu>

Michał Zmudatrzebiatowski

In *Morabito v. Italy* (Application No. 4953/22), the European Court of Human Rights (ECtHR) delivered its judgment on 10 April 2025, finding that the prolonged application of an exceptional detention regime to an elderly and cognitively impaired prisoner constituted a violation of Article 3 of the European Convention on Human Rights, which prohibits torture and inhuman or degrading treatment or punishment.

Facts of the Case

The applicant, Giuseppe Morabito, born in 1934, was a prominent figure in the Calabrian 'Ndrangheta and convicted of being one of its leaders. He was arrested in 2004 and placed under the 41-bis regime, a special security measure under the Italian Penitentiary Act designed to prevent high-ranking mafia members from exercising influence over criminal organisations from behind bars. This regime is one of the strictest forms of detention in Europe. It severely restricts contacts with the outside world, visits, correspondence, access to communal activities, and even social interactions with other prisoners. The regime, while lawful in principle, is subject to strict judicial review and must be periodically renewed with updated evidence demonstrating its necessity.

For nearly twenty years, the Italian Ministry of Justice repeatedly renewed the application of section 41-bis to Morabito. During this period, his health deteriorated sharply. He suffered from multiple chronic conditions, including hypertension, prostate problems, arthritis, and hernias. Most importantly, he developed progressive cognitive decline, medically diagnosed as Alzheimer's disease. His capacity for memory, reasoning, and communication deteriorated significantly, limiting his ability to function independently in daily life.

Despite numerous medical reports and repeated applications by the defence, domestic courts consistently rejected requests for a relaxation of detention measures, such as home detention, and continued to uphold the 41-bis regime. Their reasoning largely relied on Morabito's historic criminal role and the generalised risk posed by mafia-type organisations, rather than on an individualised risk assessment.

In 2022, Morabito lodged an application with the ECtHR, alleging that his continued subjection to the 41-bis regime amounted to inhuman and degrading treatment, in breach of Article 3 of the Convention. His case echoed earlier ECtHR judgments such as [Enea v. Italy](#) (2009) and [Provenzano v. Italy](#) (2018), both of which scrutinised the compatibility of 41-bis detention with the Convention.

The Court's Findings on the Merits

The Court structured its analysis around two central questions. The first was whether the applicant's overall state of health was compatible with his continued detention. The second was whether the maintenance of the 41-bis regime, in light of his advanced age and cognitive impairment, constituted inhuman or degrading treatment.

On the first question, the Court found no violation of Article 3. It acknowledged that Morabito was a vulnerable detainee due to his age and illnesses. However, it noted that he received regular and adequate medical care while in prison. He had access to medical specialists, treatment was adapted to his condition, and there was no evidence that the authorities had neglected his health needs. In the Court's assessment, although detention inevitably imposed strain, the threshold of Article 3 had not been crossed regarding his general medical treatment.

The second question proved decisive. By six votes to one, the Court held that there had been a violation of Article 3 in relation to the prolonged application of the 41-bis regime. The judges emphasised that while the regime was not unlawful per se, its continued imposition requires compelling, current, and individualised justification. In Morabito's case, the Italian authorities relied almost exclusively on his past criminal role and the abstract dangers of mafia criminality. They failed to demonstrate concretely how, given his advanced cognitive decline, he could still maintain operational or symbolic control within his criminal network.

The Court stressed that Alzheimer's disease is degenerative, profoundly impairing memory, communication, and decision-making capacity. In such circumstances, it was doubtful whether Morabito retained the agency necessary to pose a real threat. By neglecting to reassess this in light of medical evidence, the domestic authorities did not meet the high standards required under Article 3.

Furthermore, the Court considered the duration of the measure. Morabito had been held under 41-bis for nearly twenty years. The cumulative effect of such prolonged isolation, particularly on a prisoner with serious cognitive decline, constituted inhuman and degrading treatment. This reasoning echoed the Court's earlier findings in [Provenzano v. Italy](#), where the extended application of 41-bis to a terminally ill detainee was also found disproportionate.

As a remedy, the Court considered that the declaration of a violation was in itself sufficient just satisfaction for the moral harm suffered. No monetary compensation was awarded.

Dissenting Opinion of Judge Balsamo in Part

Judge Balsamo, sitting as an ad hoc judge, issued a separate opinion agreeing in part and dissenting in part. He concurred with the majority that there had been no violation concerning the adequacy of medical care in detention. However, he disagreed with the finding that the continued application of the 41-bis regime violated Article 3.

In his view, cognitive impairment does not automatically neutralise the capacity for influence within mafia-type organisations. He argued that mafia groups often operate through symbolic authority and hierarchical loyalty. Even a figure with diminished cognitive capacity might continue to inspire or direct subordinates, whether explicitly or implicitly. Thus, preventive measures such as 41-bis could remain justified.

Judge Balsamo further warned against an overly medicalised approach to dangerousness. He stressed that the assessment of risk must include criminological and sociological considerations, not only neurological evaluations. In his opinion, the Italian authorities acted within their margin of appreciation in continuing to apply the 41-bis regime, given the enduring threat posed by organised crime in Italy.

He therefore concluded that the continuation of the 41-bis regime, even in the specific circumstances of Morabito's case, did not exceed the threshold of inhuman or degrading treatment. His dissent illustrates the persistent tension between security concerns and human rights protections in the Court's jurisprudence.

Significance of the Judgment

The Morabito judgment represents a milestone in the ECtHR's case law concerning the treatment of elderly and cognitively impaired detainees. It builds on earlier rulings such as *Enea v. Italy* and *Provenzano v. Italy*, but introduces a new dimension by directly engaging with the impact of neurodegenerative conditions on the justification for exceptional regimes.

The Court reaffirmed that Article 3 imposes an absolute obligation. States must ensure that detention conditions are compatible with human dignity, regardless of the seriousness of the crime. The ruling highlights three key principles:

1. Vulnerability as a legally relevant factor: Advanced age and cognitive decline increase the level of protection required under Article 3.
2. Necessity and proportionality of exceptional regimes: States must show, through updated and individualised evidence, that restrictions such as 41-bis remain indispensable.
3. Cumulative effects of prolonged isolation: Long-term imposition of restrictive regimes may in itself constitute inhuman or degrading treatment, particularly for vulnerable detainees.

The case also underscores the importance of judicial review. Italian courts repeatedly relied on generic reasoning rather than engaging with the applicant's current medical state. This failure reflects a broader risk of mechanical renewals of exceptional regimes, a practice the Court explicitly condemned.

From a comparative perspective, the judgment aligns with a growing body of international human rights law recognising that deprivation of liberty must never result in deprivation of dignity. It echoes themes found in UN treaty body jurisprudence on the treatment of vulnerable prisoners and highlights the need for dynamic, evidence-based decision-making in detention contexts.

Conclusions

[Morabito v. Italy](#) reinforces the principle that security considerations cannot justify indefinite, automatic restrictions without rigorous and individualised justification. Even detainees convicted of the most serious offences retain their fundamental rights under Article 3.

The ruling confirms that Italy, and by extension all Council of Europe member States, must carefully review the necessity of special detention regimes, particularly when applied to elderly or cognitively impaired detainees. Past criminal conduct cannot indefinitely substitute for current risk assessments.

The judgment also highlights the role of the ECtHR in setting human rights standards for prison systems, pushing States to reconcile crime control policies with obligations under the Convention. For Italy, it will prompt reforms in how renewals of 41-bis are justified, requiring closer integration of medical expertise and human rights standards into judicial reasoning.

In broader terms, the decision illustrates the ECtHR's increasing willingness to engage with issues of ageing, disability, and detention. It signals that conditions of detention must evolve in line with a prisoner's health, and that human dignity remains the core standard by which all detention practices are measured.

3. Environment and Human Rights

3.1 In the Land of Fires, Italy has violated the right to life: a pilot judgment of the European Court of Human Rights found

1 February 2025

<https://unipd-centrodirittiumani.it/en/topics/in-the-land-of-fires-italy-has-violated-the-right-to-life-a-pilot-judgment-of-the-european-court-of-human-rights-said>

Paolo De Stefani

On 30 January 2025, the European Court of Human Rights (ECtHR) issued a pilot judgment in the case of Cannavacciuolo and Others v. Italy (application no. 51767/14 and others), concerning the environmental pollution situation that has affected the area between the provinces of Naples and Caserta known as the "Land of Fires". The ECtHR found that Italy had violated Article 2 (right to life) of the European Convention on Human Rights (ECHR) and requested the Italian authorities to implement appropriate environmental rehabilitation measures in the affected territories. The Court reserved the right to verify the impact of these measures two years from the publication of the judgment.

The waste crisis in Campania and the Land of Fires phenomenon

The Cannavacciuolo and Others v. Italy case originates from a series of applications submitted between 2014 and 2015 by 34 individuals residing in 90 Campanian municipalities. Three Italian government decrees, issued between 2013 and 2015, classified these areas as exposed to risks associated with the illegal dumping, burial, and burning of waste in the area known as the "Land of Fires". Approximately three million people live in this territory.

The ECtHR judgment is over 170 pages long. It follows some previous rulings that addressed similar issues, particularly the Di Sarno and Others v. Italy judgment (application no. 39765/08) of 2012, which dealt with the waste emergency in Campania between 1994 and 2009 related to the inability to manage urban waste collection and storage. In that case, the ECtHR found that Italy had violated Article 8 of the ECHR (right to private and family life) due to the discomfort and health risks for residents related to the waste emergency. The Locascia and Others v. Italy case (application no. 35648/10), decided in 2023, had a similar subject and outcome. The supervision of the execution of both judgments by the Committee of Ministers of the Council of Europe is still ongoing (in 2025, a meeting on this matter is scheduled for March to examine [the Italian government's updated document](#)). Also relevant is the Cordella and Others v. Italy case (applications no. 54414/13 and no. 54264/15, judgment of 24 January 2019), which deals with pollution related to the former Ilva steel plant in Taranto. Supervision of this and some other similar cases concerning pollution caused by Ilva [is still ongoing](#).

The Di Sarno case did not address the specific issue of pollution related to illegal landfills and waste treatment, but only the shortcomings of public administration in managing urban waste in the region, particularly in the regional capital, Naples. The Cannavacciuolo judgment is, therefore, highly significant because it concerns a separate and particularly serious and disturbing aspect of the environmental emergency affecting Campania.

The facts: 40 years of illegal dumping, burying, and burning of hazardous waste

The first part of the judgment provides a careful and accurate reconstruction of the events that have led over the years, and particularly since 2013, to discover and counter the complex situation known as the "Land of Fires". In particular, in 2013, Parliament declassified the statements of a "justice collaborator" who, in 1997, disclosed information about illegal waste

trafficking and hazardous materials that had been buried and burned in the area since the 1980s (in fact, the first parliamentary commission of inquiry into the phenomenon of illegal toxic waste trafficking to Campania was established in 1996). In the same year (2013), a decree-law introduced urgent and extraordinary measures to protect the health of inhabitants and decontaminate the soil and water of the vast area affected by the phenomenon.

The applicants alleged a violation of Article 8 of the ECHR, with reference to the health risk to which they have been exposed since at least the 1990s, and Article 2 of the ECHR (right to life). They alleged a causal link between soil, water, and air pollution and the increase in mortality due to certain pathologies, including various forms of cancer, observed among the population of the affected territories.

Admissibility: associations and late applicants excluded from the case

The Court, discussing the admissibility of applications lodged by direct or indirect victims of the alleged violation of Articles 2 and 8 of the ECHR, decides to exclude from the case, as lacking victim status, some associations representing inhabitants of Campania. The complaints of individual applicants are, however, admissible. The ECtHR finds that there are no available remedies in the Italian legal system to obtain from the state the adoption of measures to prevent pollution and contain the consequences of ongoing contamination. The only remedy the Italian legal system provides is an action for damages, which does not represent an effective remedy in situations such as the one in question. However, only applications filed within the first months of 2014 are admissible. Article 35 of the ECHR provides that applications to the ECtHR must be submitted within a six-month time limit (reduced to four months from 2022), which, according to the ECtHR, starts running in this case from December 2013, identified as the moment from which the emergency became universally and officially known.

In the Land of Fires, the right to life of inhabitants has been violated

Coming to the merits of the case, the ECtHR, after summarising the position of the applicants, the state, and various third parties who intervened with their own observations, essentially in support of the applicants, focuses on the applicability of Article 2 of the ECHR. Protecting the right to life implies that the state takes all appropriate positive measures to intervene in cases where there is a real and imminent risk to the life of persons subject to its jurisdiction, particularly concerning inherently dangerous activities - such as waste treatment. The case in question refers to activities that have endangered not a limited number of people in relation to a circumscribed situation, but millions of individuals and for decades. Moreover, the facts do not concern the dangerous consequences of a regulated activity, but the effects of illegal actions carried out by criminal organisations. The state does not contest the serious pathological consequences, including fatal ones, of exposure to dioxin, heavy metals, and other pollutants present in the environment of the territory in question, merely contesting their relevance in relation to certain applicants. Accordingly, the ECtHR, also in light of the precautionary principle, considers that there is a sufficiently serious, genuine, and ascertainable risk to life and that this risk is imminent for anyone residing in the 90 municipalities identified from 2013 onwards. Article 2 of the ECHR is therefore applicable. The question is whether Italy has acted adequately to mitigate the risk.

Slow decontamination, inadequate criminal sanctions, insufficient screening, lack of information

The analysis is conducted along multiple lines. First, the ECtHR assesses whether the state has effectively identified the health risks to citizens. While actions to map the areas exposed to risk and screen the population have been adopted since 2013, the ECtHR declares itself surprised by the lack of initiatives in this regard during the approximately twenty previous years in which the phenomenon had been reported in various scientific, institutional, and judicial fora. From 2013 to the present day, the mapping and testing of the soil, water, and air in the Land of Fires is still partial and concerns only agricultural areas, while new toxic waste dumps continue to be discovered, as demonstrated by reports from 2021.

Secondly, the ECtHR assesses the effectiveness of the decontamination measures adopted since 2013. It concludes that they have been incomplete and, in many cases, still in the preliminary stage.

A third aspect concerns epidemiological research to determine the link between pollution and the onset of lethal pathologies in the population. While progress has been made since 2012, the documentation that the ECtHR examined shows that research was below the standard of diligence required by the circumstances until 2016.

The state should also have monitored and repressed the illegal conduct that is at the root of the Land of Fires phenomenon. Regarding monitoring, the state has taken significant and effective measures, including establishing a special "delegated official for the phenomenon of waste burning in the Campania Region", but only since 2012. In terms of criminal repression, the ECtHR notes that adequate criminal legislation to counter toxic waste trafficking and its illegal disposal was only introduced from 2015, which inserted Articles 452-bis to 452-terdecies in the penal code: until then, Italian criminal legislation was fragmented and not sufficiently integrated into the general legal framework. Even the information provided by the state on investigations and trials carried out for the most serious environmental crimes related to the Land of Fires (the state mentioned seven) did not show a particular effectiveness of the judicial instrument. Some trials have been closed due to the statute of limitations; convictions so far amount to three.

The ECtHR, while reiterating the different contexts in which the waste emergency that affected Campania between 1994 and 2009 and the Land of Fires phenomenon are situated, does not exclude a link between the two issues, recognising that the poor management of waste collection and treatment by institutions may have favoured the intruding of organised crime in this business. On the other hand, however, the ECtHR observes that even on the first front, Italy cannot be said to have wholly overcome the crisis since the execution supervision of the Di Sarno judgment is still open and only in 2019 did Italy finish paying the fine of 120,000 euros per day imposed by the Court of Justice of the European Union (CJEU) at the end of the infringement procedure initiated for non-compliance with the EU waste directive (judgment C-297/08).

Finally, the ECtHR considers inadequate the information provided on the Land of Fires phenomenon by Italian authorities to the public. Although epidemiological data and other scientific studies were made public in a timely manner, there was a lack of an adequate strategy to inform the population about such a serious problem that simultaneously affected soil, water, and air quality. Particularly worrying is the fact that the statement of a justice collaborator from the Camorra who denounced the spread of criminal environmental pollution practices since the 1980s was covered by state secrecy for fifteen years.

In conclusion, the ECtHR declares that the link between the Land of Fires phenomenon and the violation or risk of violation of the applicant's right to life enshrined in Article 2 of the ECHR can be considered proven and that, therefore, Italy has violated Article 2 of the ECHR. This conclusion makes it unnecessary to investigate the possible violation of Article 8 of the ECHR regarding the failure to protect the applicants' right to health and well-being.

A pilot case: two years to comply with the Court's general measures

An important aspect of the Cannavacciuolo judgment is that the ECtHR has decided to attribute it to the character of a pilot judgment. The ECtHR has considered that the decades-long duration of the described situation of violation of Article 2 of the ECHR, which the state has countered in a slow and incomplete manner, combined with the fact that there are 72 pending applications concerning the same issue, of which 36 involve over 4,700 citizens, justifies the adoption of such a procedure.

Consequently, the Italian state must prepare an overall strategy, to be defined in collaboration with the Campania Region, local authorities, and civil society, to map the phenomenon and proceed with the decontamination of at-risk sites. The state must also establish an independent mechanism to monitor the progress of the adopted strategy and measure its impact. Finally, the

state must create an accessible and updated information platform. These general measures must be adopted and operationalised within two years, thus by 2027. In the meantime, all pending applications relating to the Land of Fires situation remain suspended and will be reviewed in 2027. Also, in 2027, the claims for just satisfaction submitted by some applicants will be considered with a further judgment.

3.2 Private Life and the Right to Life at Risk: Environmental Justice and State Obligations. The European Court of Human Rights Judgment in *L.F. and Others v. Italy*, 6 May 2025

20 May 2025

<https://unipd-centrodirittiumani.it/en/topics/private-life-and-right-to-life-at-risk-environmental-justice-and-state-obligations-the-european-court-of-human-rights-judgement-in-lf-and-others-v-italy-6-may-2025>

Anurada Sen, Paolo De Stefani

Introduction

On 6 May 2025, the European Court of Human Rights (ECtHR) ruled in the case of [L.F. and Others v. Italy \(application no. 52854/18\)](#). The case concerned 153 Italian applicants who accused the State of failing to protect the environment and their health from pollution caused by the Pisano Foundry near Salerno, in the Irno River valley, Campania. The Court found a violation of Article 8 of the European Convention on Human Rights (ECHR) (right to respect for private and family life) for 151 of them, residing within a six-kilometre radius of the foundry. However, the ECtHR rejected the claims regarding violations of Articles 2 (right to life) and 13 (right to an effective remedy). The conclusion highlights the current limitations of human rights judicial guarantee systems in addressing environmental damage affecting communities and related regulatory issues.

The Facts: Industrial Legacy and Urbanistic Disorder

The harmful environmental effects of the Pisano Foundry's activities had been known for decades. The industrial plant for ferrous metal smelting, which produces up to 300 tonnes of material per day, was established in 1960 in an area that was initially reserved for productive activities but where residential housing has multiplied over the years. The 2006 Municipal Urban Plan (PUC) recognised this fact, classifying it as a residential area and requiring the foundry to drastically limit its emissions or relocate production elsewhere whilst maintaining employment levels. Despite this, over the years, the industrial activity was regularly authorised, including in 2012 when the Campania Region issued the integrated environmental authorisation accompanied by a periodic monitoring plan and guidelines to improve the environmental impact of operations. Between 2015 and 2018, various inspections by the regional environmental agency (ARPAC) found deficiencies, but after some suspensions and multiple appeals to administrative justice, the environmental authorisation was nevertheless confirmed in 2020. Residents' associations (notably the Health and Life Association) challenged the Region's decision. Still, both the Regional Administrative Court and, in 2022, the Council of State rejected the request to revoke the company's authorisation. An epidemiological study conducted by regional health authorities, including the Experimental Zooprophyllactic Institute of Southern Italy, the National Institute for Cancer Research and Treatment "G. Pascale", and the National Institute of Health, analysed data from 400 individuals aged 20 to 49 out of approximately 9,000 residents. The results of the 2021 analysis revealed that the human body contained heavy metals at levels above average, potentially due to the company's emissions. The Council of State,

however, in its judgment, observed that the link between the epidemiological data and the foundry's emissions was not definitively proven. As for the intense presence of housing in what should have been an industrial zone, the administrative judge merely considered it "quite surprising". In subsequent years, ARPAC continued to monitor the foundry's activity, finding various deficiencies, but not sufficient to justify a new suspension of production or to impose the relocation of the facilities.

Since the early 2000s, residents have repeatedly filed criminal complaints against the company for deficiencies in the treatment of special waste and harmful and foul-smelling emissions. The complaints resulted in modest monetary fines. A new criminal investigation, initiated in 2014, led to the acquittal of the company's executives due to a lack of irrefutable evidence of the foundry's polluting activity, finding that methodological errors had flawed ARPAC's analyses. A new criminal case was initiated in 2019. An initial expert report in 2021, which found air and water pollution, did not establish the foundry's responsibility. In the same year, another expert report analysed, among other things, the results of a longitudinal epidemiological study conducted between 2011 and 2017 on residents. The data showed that the population suffered from various diseases related to pollution. Still, it was difficult to distinguish which, among the various polluting sources present in the area (industrial emissions from various companies, traffic, presence of quarries, in a densely populated area), was the direct cause of the observed pathologies. The expert report noted that recent monitoring and judicial initiatives may have reduced the foundry's polluting emissions, but that the population continued to suffer from the cumulative effects of years of exposure to pollutants, with even fatal outcomes. Based on these conclusions, the Salerno prosecutor's office, in 2024, asked the preliminary investigations judge to dismiss the case. At the time of the ECtHR judgement, the judge had not yet decided.

The Court's Decision

The applicants asked the ECtHR to rule that, by allowing residential settlements in the foundry area and failing to define effective rules to prevent the release of harmful substances into the air and water, as well as failing to adopt adequate measures to reduce or eliminate the effects of such pollution on humans, the state had violated Articles 2 (right to life) and 8 (right to private and family life) of the ECHR.

The ECtHR, recalling its case law on pollution confined to a restricted area or caused by a single agent (among others, the cases of [Guerra and Others v. Italy, no. 14967/89](#), 19 February 1998; [Locascia and Others v. Italy, no. 35648/10](#), 19 October 2023, and [Cordella and Others v. Italy, 54414/13](#) and [54264/15](#), 24 January 2019), decided not to address the alleged violation of the right to life, but to limit its analysis to Article 8 ECHR alone. The applicants also requested recognition of a breach of Article 13 ECHR (right to an effective remedy), but the ECtHR declared this claim manifestly unfounded.

Before addressing the merits of the case, the ECtHR rejected the inadmissibility issue raised by the State, which denied that the applicants could be considered victims of the ECHR violation and therefore considered the application a form of *actio popularis*, not allowed by the ECHR. The ECtHR held that, in cases of this nature, the existence of a precise link between polluting emissions and pathologies affecting the applicants is the controversial issue on which the ECtHR is called to rule. Therefore, the uncertainty about the victim status does not transform the claim into an *actio popularis*. In any case, it is an undisputed fact that living within a six-kilometre radius of the foundry constitutes a risk to the quality of life and health of the applicants. Therefore, the application is admissible for all applicants, except two who reside beyond the six-kilometre zone identified by the expert reports. The government also contested the non-exhaustion of domestic remedies, stating that the Health and Life Association promoted the administrative proceedings initiated and concluded. However, individual residents can still initiate similar procedures. However, the ECtHR considered that, especially on environmental matters affecting diffuse interests, individuals generally protect themselves in court through associations and committees, and, indeed, the Italian courts had ascertained the Life and Health

right to stand in court. Since the effective domestic remedies for the Health and Life Association have been exhausted, the application to the ECtHR is admissible.

On the merits, the ECtHR highlights the fact that since the 1960s, the area where the Pisano foundry operated has been affected by residential settlements, which should not have been allowed. In 2006, the municipality of Salerno recognised this situation and requested, among other things, the relocation of the company to another site. In reality, residential settlements did not stop, and the foundry was not relocated. As for the judicial decisions that do not recognise the causal link between polluting and malodorous emissions and the discomfort complained of by the applicants, on which the repeated operating authorisations issued by regional authorities in favour of the foundry were based, the ECtHR is struck by the fact that the cumulative impact, over several decades, of such emissions on the population of the Irno valley was never taken into consideration. The fact that the authorities considered the existence of unpleasant and potentially harmful emissions "physiological", given the proximity of the industry to houses and the obsolescence of the facilities, seems to prove, according to the ECtHR, that the State did not sufficiently consider the health and quality of life of the applicants and their families. The ECtHR therefore concludes that there has been a violation of Article 8 ECHR.

The applicants, in addition to a symbolic compensation of 20,000 euros each for non-pecuniary damage, asked the ECtHR to impose detailed measures on the State to remedy the situation recognised as contrary to the ECHR, issuing a pilot judgement, similarly to what had been done for the situation of the "Land of Fires" with the Cannavacciuolo judgment (Cannavacciuolo and Others v. Italy, Applications nos. [51567/14](#) and 3 others). However, the ECtHR rejects these requests and considers that the State maintains its discretion in choosing the means to respond to the situation that has arisen, always under the supervision of the Committee of Ministers of the Council of Europe, as provided for in Article 46 ECHR. As for compensation, the ECtHR considers that the recognition of the violation of Article 8 ECHR constitutes sufficient satisfaction for the applicants.

Judge Serghides added a partially dissenting opinion to the judgment. The judge agrees in finding a violation of Article 8 ECHR but believes that the ECtHR erred in rejecting as "inadmissible" the claim based on the violation of Article 2 ECHR. The two Articles cannot be considered as relating to the same subject matter and deserve separate treatment. In this case, in particular, the available scientific data would probably have justified the recognition of the State's responsibility also for violation of Article 2. Judge Serghides also criticises the choice not to have granted the applicants compensation for the non-pecuniary damage they suffered, especially after having rightly highlighted in the judgement the long duration of their exposure to pollutants and the feelings of anxiety and concern with which they have lived for many years.

Conclusions

The Court's judgment seems to mark a distancing from the recent cases of Verein Klimaseniorinnen Schweiz e altri c. Svizzera (application no. [53600/20](#)) and Cannavacciuolo and Others v. Italy, justified by the fact that the environmental issue appeared, in this case, more circumscribed both geographically and in terms of affected population, as well as for the subjects identified as polluters. However, the case brings to light not only significant regulatory deficiencies and failures on the part of the Italian authorities concerning the effective guarantee of the right to live in a healthy environment and urban management that avoids serious risks to residents' health, but also the lack of adequate sensitivity to these types of issues within the judicial apparatus, particularly in instances of administrative justice. The decisions made in this case have largely overlooked the profound dysfunctions of the local context, which are rooted in years of neglect for the environment and public health, underscoring a lack of attention to corporate social responsibility. The ECtHR, however, has also missed an opportunity to advance human rights jurisprudence on environmental health in Italy, as highlighted by Judge Serghides' partially dissenting opinion.

3.3 PFAS Contamination Case in Veneto: Vicenza Court Delivers Historic Judgement in Pollution Trial

27 June 2025

<https://unipd-centrodirittiumani.it/en/news/pfas-contamination-case-in-veneto-v-icenza-court-delivers-historic-judgement-in-pollution-trial>

On 26 June 2025, the Court of Assise in Vicenza delivered a landmark judgment in the long-running case concerning PFAS contamination across the provinces of Vicenza, Padua, and Verona. Eleven of fifteen former managers of the chemical company Miteni S.p.A., based in Trissino (Vicenza), were convicted in the first instance for serious environmental offences, including intentional water poisoning and deliberate environmental disaster. The total prison sentences amount to 141 years, with individual sentences ranging from 2 years and 8 months to 17 years and 6 months.

Background of the case

The case centred around the industrial production of PFAS at the Miteni plant in Trissino. PFAS (per- and poly-fluoroalkyl substances) are synthetic chemicals used in various industrial applications because of their extreme resistance to heat, fats, and water. They are known as “forever chemicals” because they are highly persistent, bioaccumulative, and linked to serious health risks, including cancer, liver damage, reproductive issues, and thyroid disease.

Miteni and its predecessors had been producing PFAS since the late 1960s, however the contamination was first officially detected in 2013, when investigations by the regional environmental protection agency (ARPAV) revealed widespread contamination of groundwater and drinking water in the area, affecting an estimated 350.000 residents.

According to prosecutors, the company had been aware of the pollution risks and the harmful effects of PFAS but continued operations without adequate environmental protections. The court ruled that managers had knowingly discharged toxic substances into the environment over a period of decades.

Court findings and reparations

The Vicenza Court found the defendants guilty on multiple counts, including intentional water poisoning, unclassified environmental disaster, illegal waste management, and environmental pollution, although the last charge, related to improper waste handling, was dismissed due to statute limitations.

Compensation was also awarded to over 300 civil parties, including individuals, municipalities, water authorities, and environmental agencies. The Ministry of Environment will receive €58 million, the Region of Veneto €6.5 million, and ARPAV approximately €800,000. Private claimants, such as affected residents and community groups are to receive between €15,000 and €20,000 each. However, former Miteni workers were excluded from compensation, a decision the court reserved for full justification in its forthcoming detailed motives.

Separate work-related ruling

On 13 May 2025, a separate labour tribunal in Vicenza awarded a survivor’s pension to heirs from a former Miteni worker who died of a pelvic renal tumor in 2014, [ruling for the first time in Italy that such a death was occupationally linked to PFAS exposure](#). The deceased had worked at the Trissino plant between 1979 and 1992.

Broader implications

PFAS are dubbed “forever chemicals” due to their long-term environmental persistence and health implications. The recognition of criminal accountability of top executives and the first-ever judicial recognition of a link between exposure to PFAS and an occupational disease mark a major breakthrough in environmental law in Italy.

The trial lasted approximately four years, encompassing over 140 hearings, and received crucial scientific support from ARPAV, which carried out more than 50,000 environmental samples since 2013. For the Province of Vicenza, the government of Veneto, and local citizen groups, this decision represents a long-awaited victory in the struggle for environmental justice.

3.4 Climate change: the ICJ and the Italian Cassation mark a shift in climate justice

28 July 2025

<https://unipd-centrodirittiumani.it/en/topics/climate-change-the-icj-and-the-italian-cassation-mark-a-shift-in-climate-justice>

Paolo De Stefani

The Advisory Opinion of the ICJ

On 23 July 2025, the ICJ published the long-awaited advisory opinion on States' obligations regarding climate change and the legal consequences arising from the violation of such obligations. The issue had been referred to the Court by the United Nations General Assembly in 2023, on the initiative of a broad coalition of states led by Vanuatu, one of the micro-states of the Pacific threatened with survival due to rising sea levels, a consequence of human-induced climate change. The initiative, which was started years earlier by a group of university students, had gradually gained the support of numerous countries, as well as the backing of NGOs and scientists from around the world, until it reached the General Assembly. More than a hundred states appeared before the Court to present their views, and the judges examined the opinions of numerous scientific bodies, primarily the Intergovernmental Panel on Climate Change (IPCC).

The Court issued a highly articulated opinion, spanning 140 pages, to which are added the individual or joint separate opinions of various judges. While agreeing with the final text (all points were decided unanimously), these judges wanted to emphasise aspects that appeared less prominently in the text on which the general consensus crystallised.

Specific and general international obligations

Probably, the most crucial point of the opinion lies in the recognition that the international norms that deal directly with the issue of climate change (namely, the 1992 United Nations Framework Convention on Climate Change and its Protocols, in particular the Kyoto Protocol and the 2015 Paris Agreement on limiting greenhouse gases to a level that does not lead to a global temperature increase of more than 1.5 degrees above the pre-industrial level) are not a separate sector of international law (*lex specialis*), but an integral part of it, and must therefore be applied in light of other relevant principles, customs and conventions. Such principles and norms include the principle of equity, also towards future generations, the principle of good faith cooperation between States, the prohibition of causing significant damage to the natural environment, the prohibition of causing damage in the territory of another State, the sustainable development principle, the principle whereby states have common but differentiated responsibilities and respective capabilities, the precautionary principle and the rules on state responsibility for wrongful acts. The Court also highlighted that climate change is addressed

also in a set of treaties on environmental issues (for example the treaty against desertification or those to counter the destruction of the ozone layer), in the Convention on the law of the sea (which requires states not to pollute the oceans, including the seabed), in human rights treaties (in particular in the provisions on the right to life, health, housing and a healthy, clean and sustainable environment). This position implies that even states that have not acceded to the Framework Convention on Climate Change and the Paris Agreement – one above all, the United States – are required to comply with this set of rules and are internationally liable for their violation in the event that failure to comply with their obligations causes significant damage to the environment, or results in a significant increase in greenhouse gas emissions.

The general obligation of due diligence

The advisory opinion affirms in a clear and unequivocal manner the binding nature of the mitigation and adaptation obligations derived from this set of principles, customs, and treaties. Whether they are obligations of result, obligations of conduct, or "programmatic" obligations, the commitment of States must be rigorously assessed. Governments do not enjoy any discretion in this area, with a strict principle of "due diligence" applying. In other words, states must take their commitments to mitigate climate change-related risks (by reducing their emissions) and adapt to its consequences very seriously, in particular by adopting their respective national greenhouse gas reduction plans (Nationally Determined Contributions - NDCs), which must be progressively ambitious and effectively monitored, and by taking all legislative, administrative, budgetary and other measures dictated by the best science and derived from international commitments. Even states that are not parties to the Paris Agreement, for example, in order to comply with their duty of due diligence, must duly consider the decisions of the Conferences of the Parties (COPs) to the Framework Convention on Climate Change and the Paris Agreement. Other criteria that complement the due diligence parameter are prior consultation with other States before undertaking activities that may cause an increase in emissions or impact the efforts of other countries, the obligation to conduct serious environmental impact analyses, and respect for the precautionary principle whereby, States should not refrain from or delay taking actions of prevention in the face of scientific uncertainty.

Protecting marine ecosystems and safeguarding human rights

The opinion addresses the obligations of states to protect the marine environment, given the importance of the oceans in mitigating the consequences of the greenhouse effect and its impact on marine ecosystems. Particular obligations are owed to states that risk losing parts of their territory due to rising sea levels - another consequence of global warming. The Court also states that the possible submersion of the territory does not necessarily entail the extinction of the state.

Of particular importance is the section of the opinion relating to the relationship between climate change and human rights, where it highlights the duty of states to protect "climate refugees" and underlines how the right to the environment is a "precondition" for the enjoyment of human rights and "inherent" to them (although judges Bhandari and Aurescu observe that the Court could have gone further and recognised that the right to a healthy, clean and sustainable environment has become part of customary law). The obligation to combat climate change through mitigation and adaptation measures is therefore an integral part of the obligations that states have undertaken to protect human rights.

State responsibility in the event of wrongdoing

After clarifying the binding nature at various levels for all States in the fight against human-induced climate change, the Court rules on the responsibility of states under international law and the obligation of reparation incumbent upon them in the event of non-compliance. Here too, in its opinion the Court rejects the idea that only states parties to certain specific conventions (in particular, the Paris Agreement) can be held responsible for not having done enough to reduce greenhouse gas emissions causing the greenhouse effect and contain the effects of climate change: the duty to prevent, mitigate and adapt to this global phenomenon derives from customary norms and conventional obligations involving all states.

The specific obligations and forms of responsibility referred to in the Paris Agreement do not exclude the possibility that the general rules of international law on state responsibility for wrongful acts may apply in relation to other violations of their international obligations or that other specific accountability régimes may apply. The Court, of course, recognises the complexity of the analysis required to attribute responsibility to one state or groups of states for a phenomenon as complex as anthropogenic climate change; moreover, anthropogenic factors have accumulated over the decades. However, scientific observations are now sufficiently precise to allow, on a case-by-case basis, a detailed reconstruction of which behaviours of state or private actors have contributed to causing damage linked to global warming and thus to establish their international responsibility on a legal basis, while excluding forms of strict liability. Moreover, some of these violations, relating to obligations that states have towards the entire international community (for example, the obligation to avoid significant damage to the environment by limiting greenhouse gas emissions), lend themselves to being addressed on the initiative of any state, not just the states most directly harmed by such conduct (or lack of conduct) (*erga omnes* obligations). A wide range of reparation measures is therefore envisaged, which, depending on the circumstances, may require the cessation of unlawful conduct and the guarantee of non-repetition, the restoration of the situation to its previous state or monetary compensation for the damage caused, or other forms of reparation for non-material damage.

An opinion in line with recent regional decisions: the Advisory Opinion 32/2025 of the Inter-American Court of Human Rights...

The Court's opinion, although not binding, marks a historic shift in the way international law addresses the threat of global warming, as it moves from considering state mitigation and adaptation policies as essentially optional and based on voluntary commitments, to considering them a fundamental obligation, enforceable at the initiative of any other international actor.

The Court has likely exceeded what many states expected. The subject is indeed dense with political, economic, industrial and strategic implications. There was a risk that the Court would take an ambiguous path between affirming international legality and recognising the economic and geopolitical interests of the most influential states. Despite some shortcomings (highlighted by some judges in their separate opinions), the judges unanimously chose a path of great clarity on the legal level, radically changing the status of international environmental law, which had been hitherto considered a field of predominantly soft law.

The opinion aligns with some recent judgments and opinions of the main regional human rights courts. In particular, in 2024 the European Court of Human Rights (ECtHR) had ruled that for a contracting state (Switzerland), the failure to implement commitments on greenhouse gas reduction constituted a violation of the right to private life of certain categories of people ([Verein KlimaSeniorinnen Schweiz and Others v. Switzerland](#), Grand Chamber, judgment of 9 April 2024, application no. 53600/20). In 2023, the Inter-American Court of Human Rights (IACtHR) extensively dealt with the importance of the right to a healthy environment in the case of [La Oroya Population v. Peru](#), judgment of 27 November 2023, Series C No. 511. Above all, in 2025, the Inter-American Court issued an important opinion (at the request of Chile and Colombia) on the climate emergency and human rights ([AO 32/25, 29 May 2025](#)). In addition to affirming the existence, at a global level, of a veritable environmental emergency linked to global warming, the Court identified an "enhanced due diligence" as the response that states must give to this situation. The right to the environment (connected to Article 26 of the American Convention on Human Rights) is linked, according to the IACtHR, to the states' peremptory obligation (*jus cogens*) of not causing irreversible damage to the climate and the natural environment. To protect nature and its ecosystems from the multiple threats caused by humans and, in particular, by global warming, it is necessary to recognise the legal subjectivity of Nature and its components (including human populations). The rights to environmental democracy, science, and information (on environmental and climate issues), as well as consultation and participation in environmental decisions, and the rights of environmental defenders, must also be recognised.

... And the Italian Court of Cassation confirms that even in Italy, companies can be held accountable for failure to comply with climate commitments

In 2023, Greenpeace Italy and the Recommon association, along with other individuals living in areas particularly vulnerable to climate change risks, sued ENI, the Ministry of Economy and Finance, and Cassa Depositi e Prestiti (the latter two as reference shareholders of ENI). In their view, they had failed to meet their obligations regarding the achievement of internationally recognised climate objectives. In particular, ENI, an energy multinational based in Italy, according to the applicants, despite having committed itself in its code of ethics to respecting human rights and the objectives of the Paris Agreement, had pursued a strategy not in line with the IPCC's recommendations. Its decarbonization plan for 2050, in addition to not providing for the total abandonment of fossil fuels, envisages a reduction in emissions of only 35% by 2030 and foresees an increase in hydrocarbon production in the coming years. In addition, ENI, like other oil companies, would finance media campaigns and lobbying actions aimed at minimising the climate emergency.

The Court of Rome had previously been involved in a similar dispute, but one directly concerning the Italian government. On that occasion, it found its absolute lack of jurisdiction: the Italian judiciary did not have the power to scrutinise the laws of Parliament and the other measures taken by the government, even if incompatible with its international commitments, since this would have involved undue interference by the judiciary with the executive and parliamentary powers. Referring to this precedent, ENI and the other defendants were preparing to challenge, among other things, the jurisdiction of the Italian judiciary. To settle this point, the applicants filed an appeal for regulation of jurisdiction before the Court of Cassation. The Court of Cassation essentially had to determine whether, in this case, the claim for compensation should be excluded due to a lack of jurisdiction.

[The response from the Court of Cassation, adopted on 18 February 2025, was published on 21 July 2025.](#) According to the United Sections of the Court of Cassation, civil division, the case against ENI is different from the one previously brought against the Presidency of the Council of Ministers, since the request for ascertainment of the tort and compensation for damage concerns a private entity (ENI and its main shareholders), not political bodies. The claim is, in fact, based on Article 2043 of the Italian Civil Code (liability for tort - Articles 2050 and 2051 of the same code, relating to non-contractual liability caused by dangerous activities or by things in custody, are also cited). The alleged tort consists of ENI's failure to comply with the commitments it undertook regarding the reduction of climate change emissions, which responded to the obligation introduced by the 2015 Paris Agreement.

This Agreement is binding not only on States, but also on private entities operating within them, so there is no point for ENI in appealing to its corporate autonomy. Failure to comply with these commitments constitutes a violation of the European Convention on Human Rights (ECHR), Articles 2 (right to life) and 8 (right to private and family life), as can be inferred from the case law of the ECtHR in the case of [Verein KlimaSeniorinnen Schweiz and Others v. Switzerland](#), as well as Articles 9 and 41 of the Italian Constitution, which enshrine the protection of the environment with prevalence, if necessary, over the business choices of economic operators, or even Articles 2 and 7 of the EU Charter of Fundamental Rights (CFREU).

The Court of Cassation has therefore resolved the jurisdictional issue preliminarily raised by Greenpeace and the other applicants, stating that the court can proceed on the merits of the dispute, since it is not being asked to rule on political or legislative choices of the state, but rather to ascertain whether a private company (albeit largely owned by public shareholders) has failed to comply with its legal obligations. It will be up to the tribunal to determine whether the obligations on climate-altering emissions set by the Paris Agreement also apply to private parties and whether there has been an actual violation of Articles 2 and 8 ECHR or 2 and 7 CFREU, and also whether the claim for compensation for tort damage brought by the applicants deserves to be upheld.

The order of the Supreme Court also confirms the territorial competence of the Italian judge to deal with the dispute. In fact, not only are the applicants claiming a violation of their right to life and private and family life (which includes health, quality of life, personal relationships, etc.) have their domicile in Italy, but also the company accused of causing such damage with its policies has its main headquarters in the Country. It is therefore irrelevant to oppose that the emissions are produced mostly in foreign states, since the legal links identified are sufficient to establish the jurisdiction of the Italian judge.

Conclusions

Thanks to the Court of Cassation's decision, even in Italy, climate change litigation can gain momentum, which in other European countries has already led to significant results, compelling governments and companies to revise their policies to combat greenhouse gas emissions in a more ambitious manner. This approach receives further impetus from the ICJ's opinion, which, a few days after the publication of the Court of Cassation's order, confirms the binding value that the Court attaches to international environmental law to combat climate change, whose norms take on a "structuring" value with respect to the international legal order.

4. Right to private and family life

4.1 Case of Gullotti v. Italy – Violation of Article 8 CEDU

10 July 2025

<https://unipd-centrodirittiumani.it/en/news/european-court-of-human-rights-case-of-gullotti-v-italy-violation-of-article-8-cedu>

On 10 July 2025, the European Court of Human Rights (ECtHR) published the ruling in the case of Gullotti v. Italy ([application no. 64753/14](#)). The judgment was pronounced unanimously in favour of the applicant: Italy was found guilty of violating Article 8 of the European Convention on Human Rights (ECHR).

The aforementioned Article of the Convention secures the right to respect of one's private and family life, home and correspondence. Above this, it states that interference in this particular sphere by the public authority would be considered lawful in a democratic society, only if it is deemed necessary to uphold the interests of national security; public safety; economic well-being of the country; the protection of health and morals; as well as the protection of the rights and freedoms of others. The leading case of the ECtHR in this domain is the [Provenzano v. Italy judgment](#) (§§ 83-90, 25 October 2018 - See Yearbook 2019, p. 356 - Annuario 2019, p. 246).

In 1998, the applicant, Giuseppe Gullotti, was convicted of mafia-type offences, including murder, extortion and unlawful possession of weapons. He is currently detained in the Parma prison under the special regime regulated by Art. 41-bis of Law no. 354 of 26 July 1975 ("the Prison Administration Act"). Art. 41-bis detention regime is designed essentially to cut ties and further prevent detainees from any contact with their criminal environment. In doing so, it holds restrictions on visitation (limited only to family members), usage of the telephone, and provides for the police monitoring any outgoing and incoming correspondence. Worth of note is the fact that Mr Gullotti had applied before the ECtHR also in the past in reference to Article 8 of the ECHR.

Art. 18-ter of the Prison Administration Act, introduced after many ECtHR decisions found that the previous regulation was too general and not “according to the law”, states that the judicial authority can limit by order the right to correspondence only in some circumstances and for a determined time period, to the close relatives admitted to family visits. This measure was applied to the applicant in December 2012, and renewed in January the following year for a period of three more months. The decision was justified on the basis that Mr Gullotti maintained his prominent role in the mafia-type organisation, Cosa Nostra, and was therefore detained under Art. 41-bis conditions. Subsequently, the measure was systematically extended until the end of 2013 on the same legal ground, although in November the Bologna court eventually stated they were not adequately reasoned. In March 2014, the January 2013 restriction order was unsuccessfully challenged by the applicant before the Court of Cassation, which ruled that the case was inadmissible.

The ECtHR found that Mr Gullotti’s right to correspondence under Article 8 of the ECHR had been violated. The Court stated that such interference, limiting the right to correspondence to a narrow number of relatives, ought to be grounded in a specific justification, and cannot generically be granted based on the persistence of the Art. 41-bis special treatment, as the two are separate issues.

Disposing under Article 41 of the ECHR, the Court stated that the recognition of the violation constituted in itself just satisfaction for any non-pecuniary damage sustained by the applicant.

5. Right to health

5.1 European Court of Human Rights Rules Against Italy in "Ciccone v. Italy" Case

5 June 2025

<https://unipd-centrodirittiumani.it/en/news/european-court-of-human-rights-rule-s-against-italy-in-ciccone-v-italy-case>

On 5 of June 2025, the European Court of Human Rights (ECtHR) ruled against Italy in the case of Ciccone v. Italy ([application o. 21492/17](#)) finding that Italy violated Article 6 of the European Convention on Human Rights (ECHR), which guarantees the right to a fair trial.

The applicant, a radiologist, was charged with involuntary manslaughter after failing to diagnose a femur fracture on a patient admitted to hospital on 9 November 2008. He was discharged the same day but was later readmitted to another hospital on 27 November and underwent an operation. The patient died the next day.

During the first instance proceedings before the Court of Catanzaro, expert witnesses’ opinions were presented and concluded that the cause of death could be either neurological or pulmonary. The Court acknowledged the diagnosis error but found no conclusive evidence that could establish a link between the missed diagnosis and the patient’s death. The applicant was acquitted.

Following this, appeal proceedings were initiated by the prosecution to challenge the previous ruling. After a re-evaluation of the medical report, the appellate court concluded that the delayed diagnosis likely contributed to the development of the pulmonary condition (a possible cause of death). After the ruling, the applicant appealed to the Court of Cassation, claiming that the

appellate court had not reheard the expert witnesses who were presented during the first trial. The Court rejected the appeal, stating that the appellate court had no obligation to hold a re-hearing of expert witnesses and no new hearing was needed.

By using the customary method of reviewing applicable domestic law and relevant case law, the ECtHR recalled several principles established by the Italian Court of Cassation, in particular that the appellate judge may not overturn an acquittal without re-hearing witnesses whose statements were decisive at the first instance ([Article 603, paragraph 3-bis, Italian Code of Criminal Procedure](#)).

The ECtHR rejected the stance of the Italian Government that the re-hearing of testimonies applied only to the witnesses, not the experts. The Court emphasised that the term “witness” under Article 6 of the ECHR should be interpreted broadly so as to also include experts, especially when oral statements explain or supplement written expert reports. Because expert witness testimonies were critical to the acquittal of the applicant and not merely a restatement of written evidence, the ECtHR concluded that Italy violated Article 6 of the Convention.

The ECtHR held that the finding of a violation constituted in itself sufficient just satisfaction and ordered the responding State to pay 5,001.17 euros for costs and expenses.

This judgment emphasises the importance of procedural fairness in criminal appeals, with particular attention to cases where an acquittal is overturned. Besides this, the ECtHR highlights the need for a broad interpretation of the term “witness” by Member States.

5.2 The Court of Cassation orders a review in a case of inhuman and degrading detention conditions at Padova prison

15 July 2025

<https://unipd-centrodirtiumani.it/en/news/the-court-of-cassation-orders-a-review-in-a-case-of-inhuman-and-degrading-detention-conditions-at-padua-prison>

Judgment no. 12849 of 3 April 2025, issued by the first criminal section of the Italian Court of Cassation, addresses a very sensitive issue: detention conditions and compliance with Article 3 of the [European Convention on Human Rights \(ECHR\)](#), which prohibits torture and any inhuman or degrading punishment or treatment.

The Court ruled on the case of an inmate at Padua prison who had filed a complaint for “inhuman and degrading detention”, mentioning the small size of the cell, mold on the walls, heating issues and rainwater infiltration.

In October 2023, the complaint and the related compensation request were initially rejected by the supervisor judge of Padua, who found no grounds for applying the remedy provided under Article 35-ter of the Penitentiary Act. This provision regulates compensation for prisoners subjected to inhuman or degrading treatment in violation of Article 3 of the ECHR, such as detention in a cell with a usable floor space per inmate that is inferior to 3 square meters.

On 26 June 2024, the Supervisory Court of Florence rejected the complaint, arguing that the cells at Padua prison, excluding the bathroom, measured 9.28 square meters, which was considered sufficient to ensure freedom of movement for two inmates. The assessment considered the presence of movable and stackable single beds, which could be rearranged by the inmates to gain additional space. The recognition of dignified detention conditions was also based on the open-regime system, separate sanitary facilities, running water, daily hot showers, heating and educational activities. However, no reference was made to the presence of mold, heating deficiencies or rainwater infiltration.

In the subsequent appeal before the Court of Cassation, the evaluation was different and led to the annulment of the previous ruling. Referring to recent jurisprudence, the Court reaffirmed the need to calculate cell space excluding the area occupied by beds, even if they are not fixed on the floor, as they are furnishings not easily movable, therefore hindering free movement. Excluding the beds, the available space in the cell amounted to 5.90 square meters for two inmates, representing a potential violation of Article 3 of the ECHR. The United Criminal Sections, in judgment no. 6551 of 19 February 2021, had previously ruled that bunk beds or single beds fixed to the floor must be excluded from the calculation. However, this rule does not prevent the exclusion of non-fixed single beds if they effectively obstruct movement and reduce usable space.

The case was remanded to the Supervisory Court of Venice for a new judgment.

This ruling strengthens the protection of fundamental rights of prisoners, clarifying that the actual and not theoretical usable space must be considered and reiterating the importance of freedom of movement in assessing the dignity of detention. This case is part of a broader issue concerning prison overcrowding and [related human rights violations in the Italian penitentiary system](#).

6. Disability and Human Rights

6.1 Court of Justice of the European Union: indirect discrimination and reasonable accommodation for parents of children with disabilities in the Bervidi judgment (C-38/24)

1 October 2025

<https://unipd-centrodirittiumani.it/en/topics/court-of-justice-of-the-european-union-indirect-discrimination-and-reasonable-accommodation-for-parents-of-children-with-disabilities-in-the-bervidi-judgment-c3824>

Pegah Mostajeran

Introduction

[Case C-38/24](#) (Bervidi), G. L. v. AB SpA, was decided on 11 September 2025 by the first chamber of the Court of Justice of the European Union (CJEU), highlighting significant intersections between social policy and legal obligations. The Court examined Articles 2, 5, and 7 of the United Nations Convention on the Rights of Persons with Disabilities ([CRPD](#)), alongside Articles 21, 24, and 26 of the [Charter of Fundamental Rights of the European Union](#), as well as [Directive 2000/78/EC](#), to address issues of indirect discrimination. G.L., the employee in question, does not have a disability herself but is seeking reasonable accommodation at work to care for her son with a disability.

The interpretation of Article 2(1) and (2)(b) within Directive 2000/78 is particularly relevant, as it pertains to differing treatment of employees with caregiving responsibilities. The Court's ruling will clarify the legal responsibilities of employers in ensuring that their policies do not inadvertently discriminate against employees based on their caregiving status. Throughout the proceedings, various parties contributed observations, including legal representatives for G.L. and AB SpA, as well as government agents from Italy and Greece, and representatives from the European Commission.

This judgment is set against the backdrop of the legal context established by the Directive and international obligations under the Convention, potentially reshaping future interpretations of non-discrimination laws in employment across the EU. The decision marks a pivotal moment in confirming the rights of caregivers within the legal frameworks that protect against discrimination on grounds of disability, emphasizing the need for accommodation (Art. 2 of CRPD: Necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.) in workplace settings. The main question on the Court's agenda was whether the anti-discrimination protections provided by Directive 2000/78/EC, as considered in the context of the Charter and CRPD, apply to parents and other caregivers of disabled children in addition to people with disabilities.

Background of the case

The applicant G.L. was employed as a station operator at AB SpA, responsible for supervising the activities of a metro station. Given her child's severe disability and the need for afternoon care, she repeatedly requested a fixed morning schedule. In 2019 G.L. filed a case before the Rome Tribunal, requesting compensation, a permanent schedule, and recognition of discrimination. Both the Tribunal and the Rome Court of Appeal rejected her claim, arguing that the temporary arrangements already amounted to adequate accommodation.

Alongside Legislative [Decree No. 216](#) of 9 July 2003, which transposed Directive 2000/78 into the national legal system by emphasizing on "principle of equal treatment", specific measures are provided by Italian law to protect employees with family responsibilities. Employees who assist family members with serious disabilities are entitled special rights under Law No. 104 of 5 February 1992, granting them certain leave benefits and flexibility in working arrangements.

The case then reached to the Italian Supreme Court (Corte suprema di cassazione) and these national provisions formed the basis of the three preliminary questions referred to the CJEU after acknowledging the implication for EU Law:

1. Does the prohibition of indirect discrimination on grounds of disability apply to an employee who is not disabled but suffers disadvantage because of the need to care for a disabled child?
2. If so, does the employer have a duty to make reasonable accommodation for such an employee?
3. How should the term caregiver be defined? Are parents the only family member who provide long term, unpaid care, or are other family members also included?

The Reasoning of the Court

The Court brought up its previous ruling in [Coleman \(C-303/06\)](#), which recognised that direct discrimination protections extend to parents of disabled children, and the novelty of this case is whether the same principles apply to indirect discrimination.

Also, the Court held that Article 2 of Directive 2000/78, which forbids any discrimination, must be read broadly, and excluding parents from protection against indirect discrimination would undermine the Directive's purpose of ensuring equal treatment in employment. In addition, the Court noted that the promotion of equality and the prevention of all forms of discrimination within the EU system are the common goals and structures of Directives 2000/78 and [2000/43/EC](#) of 29 June 2000, since both directives are based on the same core idea of equal treatment enshrined in EU law defining similar legal concepts, such as indirect discrimination.

The Court further relied on Article 21 of the Charter and Articles 2 and 5 of the CRPD, pointing out that support for disabled children inevitably necessitates support for their parents. The European Court of Human Rights' case law was also cited, particularly [Guberina v. Croatia](#), where discrimination against a parent due to a child's disability was recognised. Therefore, for the first question the Court concluded that the prohibition of indirect discrimination includes situations where a neutral workplace rule disproportionately disadvantages parents of children with disabilities.

Turning to the second question, the Court examined Article 5 of Directive 2000/78. While this provision refers explicitly to persons with disabilities, the Court stated that, in the light of the CRPD (Art. 2 and 7), it must be interpreted as extending to parents where necessary to guarantee equal treatment. Also the preamble of the CRPD obliges States to assist families in fulfilling their supportive role.

As a result, employers must make reasonable accommodations for parents of disabled children as well as for disabled employees. Examples include, reassignment to different posts, fixed shifts, or flexible work hours. The Court emphasised, however, that such measures must not impose a disproportionate burden on employers, taking into account the size and resources of the undertaking and the possibility of external support.

As for the third question, since the Italian Supreme Court had not adequately explained its relevance to the dispute, CJEU ruled it inadmissible. Consequently, the definition of “caregiver” remains a matter for national law, provided that the general principles of EU Law are respected.

Conclusion

The judgment in Case C-38/24 clarified and expanded the scope of EU equality law in three significant ways:

1. Recognition of indirect discrimination by association
2. Extension of the duty of reasonable accommodation
3. Integration of disability and family rights

In sum, the mentioned Case represents a decisive step toward social justice within the EU legal system, striking a balance between the right to employment and the responsibilities of family care and ensuring that the best interest of children with disabilities are effectively safeguarded.

6.2 Council of Europe: Italy Violates the Right to Inclusive Education for Students with Disabilities

23 December 2025

<https://unipd-centrodirittiumani.it/en/news/council-of-europe-italy-violates-the-right-to-inclusive-education-for-students-with-disabilities>

The European Committee of Social Rights (the Committee) of the Council of Europe has found Italy in violation of the revised European Social Charter, concerning Articles 1 paragraphs 1 and 2 (right to work) and Article 15 (right of persons with disabilities to independence, social integration and participation in the life of the community).

The decision of the Committee was published on 22 December 2025 and was based on a complaint filed by ANIEF, an Italian teachers' union, back in June 2021. The Committee found that the precarious employment situation of still a significant number of support teachers in Italy, combined with the lack of specialised training for one in three of such teachers, hinders the access of students with disabilities to inclusive education.

ANIEF complaint to the Committee was based on the following key findings : over 56% of support teachers in Italy worked on precarious temporary contracts, leading to frequent turnover that disrupts the educational continuity for students with disabilities. Moreover, for 25 years until 2017, Italy failed to implement training requirements for support teachers specified in its 1992 law on inclusive education.

The Italian authorities argued that use of temporary contracts is necessary for flexibility, and that procedures are in place to ensure continuity of support despite staff turnover. It also

highlighted recent efforts to increase specialised training opportunities. However, as of the 2022-2023 school year 30% of support teachers still lacked specialised training on inclusive education.

The Committee in the end, while acknowledging recent efforts by Italy, found that the employment insecurity and lack of specialised training "strongly contributes to a lack of educational continuity" and "hinders access of pupils with disabilities to inclusive education" in violation of Article 15§1 of the Charter.

The Committee urged Italy to take measures to ensure sufficient numbers of qualified and permanently employed support teachers to facilitate true inclusive education for students with disabilities.

The decision is binding on Italy, which must report on actions taken to address the violation.

7. Domestic violence

7.1 European Court of Human Rights: Italy Condemned for Lately and Ineffectively Addressing a Case of Domestic Violence

13 May 2025

<https://unipd-centrodirittiumani.it/en/topics/european-court-of-human-rights-italy-condemned-for-lately-and-ineffectively-addressing-a-case-of-domestic-violence>

Izabela Szymańska, Nikola Kieresińska

On 21 January 2025, the European Court of Human Rights (ECtHR) issued a judgment on a case involving allegations of domestic violence. The applicant, a woman identified as Ms. P.P. from Pisa, lodged her complaint (application no. 64066/19) on repeated incidents of violence, harassment, and coercive control suffered between 2007 and 2009 at the hands of her former partner, A.B. The Court found procedural issues under Article 3 to be central to the applicant's claims and found the respondent state responsible for breaching the procedural obligations under Article 3 ECHR.

A Timeline of Violence and Systemic Failures

The application concerns Articles 3 and 8 of the European Convention on Human Rights (ECHR) in the context of gender violence and harassment. According to the complaint, Ms. P.P. endured severe emotional and physical abuse over several years. She reported three major incidents, including being physically assaulted and thrown off her bicycle in March 2008, forcefully dragged into a car in October 2008, which resulted in visible physical injuries and shock, and another assault in November 2008 in which A.B. grabbed her by the hair in public. These events were compounded by continuous harassment, such as stalking, excessive messaging (over 2,500 messages), surveillance, and coercive control.

Despite filing a criminal complaint in December 2009 and providing detailed evidence and witnesses, law enforcement and judicial authorities took minimal immediate action. Notably, the public prosecutor did not even interview the applicant, and no substantive evidence, such as phone records or messages, was collected. The investigation was registered only in March 2010. She complained that the criminal investigation had been ineffective and that the procedural

safeguards had not been observed. Since the offences had been declared time-barred, the authorities had not acted with the requisite promptness and diligence.

It was only in May 2013 – more than three years after the facts were reported – that the prosecutor ordered A.B. to stand trial under Article 612 bis of the Italian Criminal Code, which covers harassment. Importantly, since this provision was not enacted until February 2009, earlier offences could not legally qualify as harassment.

Court Proceedings

The domestic criminal trial, beginning in November 2013, culminated in a January 2016 verdict by the Court of Pisa, which acquitted A.B. The court controversially reasoned that the relationship between the applicant and A.B. had been “toxic and tormented,” asserting that the applicant's continued interaction with A.B. weakened her claims of sustained harassment. It concluded that the psychological elements of the offence had not been proven.

In 2017, on appeal, the Florence Court of Appeal partially upheld the acquittal, citing statute of limitations. It determined that only acts committed after February 2009 were prosecutable and that even those were now time-barred. Nevertheless, the court did acknowledge A.B.'s responsibility to compensate the applicant, transferring the matter to a civil court.

The Supreme Court, in 2019 – nearly a decade after the original complaint – reiterated the statute of limitations and remanded the civil liability decision to the lower court for proper reasoning. This led to a separate civil action brought by Ms. P.P. in 2019, seeking damages for psychological and financial harm, lost income, medical expenses, and harm to her dignity and personal data.

In a 2024 judgment, the Florence Civil Court of Appeal awarded her €268,403.26 in damages. The court recognised that A.B.'s behaviour had inflicted both temporary and permanent psychological damage due to sustained intimidation and emotional abuse. However, this judgment is not final and is still open to appeal.

Legal and Institutional Context: A System Under Reform

At the core of the case is a broader critique of the Italian legal framework for domestic violence. The ECtHR referenced previous rulings (e.g., *Landi v. Italy*, *M.S. v. Italy* - cf. topic in [Yearbook 2022](#)) and noted legislative efforts since 2021 to reform Italy's approach to limitation periods in criminal proceedings, particularly involving serious offences like domestic violence.

Key changes include proposals to extend statute limitations after first-instance convictions, the inclusion of “code rouge” offences in extended limitation lists, and heightened penalties for acts committed in the context of intimate partner abuse.

Internationally, the Istanbul Convention, effective in Italy since August 2014, mandates the timely and adequate investigation and prosecution of domestic violence cases. In its assessment, the Court emphasised that civil remedies, though providing financial compensation, do not substitute the State's obligation to effectively prosecute and prevent impunity in serious human rights violations such as domestic violence.

Alleged Violation of Article 3 of the Convention

The applicant complained that the authorities had failed to conduct an effective and timely criminal investigation into domestic violence allegations against her ex-partner. She argued that the delay led to the offences being time-barred and her former partner escaping punishment, constituting a breach of procedural obligations under Article 3 ECHR. While Italy may argue that civil redress was ultimately provided, the ECtHR stressed that such remedies do not absolve the State from its procedural obligations under Article 3. The government claimed domestic remedies were not exhausted, but the Court found that civil proceedings could not replace the need for a proper criminal investigation. Therefore, the Court declared the application admissible.

The ECtHR recognised the physical, as well as psychological consequences of violence aimed at Ms. P.P. Referring to similar cases, the Court clearly stated that domestic violence can also include harassment, threats, and fear of further aggression. The ECtHR assessed the situation taking into consideration the case of *M.S. v. Italy* (cf. [Yearbook 2022](#)). In similar circumstances, it is very important for domestic courts to intervene as quickly as possible. The Italian authorities did not act promptly when it came to Ms. P.P.. It took 6 years to issue the first instance judgment. After a year, A.B. was acquitted for acts committed before February 2009, and the offences allegedly committed after that date became time-barred.

All that reveals a lack of willingness of the state authorities to hold the offender accountable for his actions. The Italian authorities did not act with sufficient promptitude and reasonable diligence, failing to provide a proportionate response in this serious matter. The ECtHR is very clear about the state's duties to prevent such actions. The Court stresses that a State must organise its judicial system so that it can meet its obligations under Article 3 ECHR and not tolerate acts of violence. Taking this into account, the Court concluded that there was a violation of Article 3 ECHR in its procedural aspect.

The applicant also made a claim for an award of a sum for non-pecuniary damage suffered. Due to the fact that Ms. P.P. did not receive any sum yet, the Court decided to award her 10,000 EUR, which should be paid within 3 months from the final judgment.

7.2 European Court of Human Rights: case *Scuderoni v. Italy*, violation of Art 3 and 8 CEDU

16 October 2025

<https://unipd-centrodirittiumani.it/en/topics/european-court-of-human-rights-cas-e-scuderoni-v-italy-violation-of-art-3-and-8-cedu>

Danagul Alimova

Background of the Case

The applicant, Valentina Scuderoni, born in 1982, separated from her partner, G.C., in 2017. However, she continued to live in the same residence as her former partner, along with their son. During this period, the applicant endured psychological abuse, including being forced to stay awake at night by having a light shone on her, being restricted from using certain parts of the house and her personal belongings, and experiencing the kidnapping of their son. She also accused her former partner of illegally accessing her personal and work messaging accounts, reading her private conversations with her lawyers, and using physical violence, such as grabbing her by her hair.

As a result of this abusive treatment, she sustained injuries to her neck and scalp and was unable to work for several days. Subsequently, she initiated civil proceedings, complaining of the ill treatment by her former partner and seeking the right to use the family residence for herself and the child, as well as establishing a contact arrangement for her former partner.

Initially, the court scheduled the hearing for nine months after the submission of her application. The applicant requested an earlier hearing date, citing psychological and physical abuse, and submitted medical reports as supportive evidence. Additionally, she filed another application requesting a protective order, submitting criminal complaints and evidence from an ongoing criminal investigation.

Although the court denied her request for a protective order, it granted her the right to use the family house with the child and established contact rights for her former partner.

Subsequently, the prosecutor referred the case to the trial on charges of ill-treatment in the family, harassment, and assault in the presence of the child. However, after four years, the criminal proceedings concluded with an acquittal. The Court reasoned that the accused's behaviour was motivated by the end of the relationship, issues concerning the child's residence, and the fact that they were forced to live together. Moreover, the prosecutor rejected the applicant's request to appeal the judgment without any clarification.

Complaints under the European Convention on Human Rights

- The applicant relied on two Articles: Article 3, which prohibits ill-treatment, and Article 8, which guarantees the right to respect for private life and correspondence.
- The submission to the Court included several complaints:
- The abusive treatment she suffered at the hands of her former partner;
- The failure of the national court to act promptly.
- The refusal to issue a protection order despite the evidence provided.
- An inadequate criminal investigation into her allegations.
- The domestic court's failure to assess the risk of physical and psychological abuse; and
- A complaint against the judge's decision to acquit her former partner.

Decision of the Court

The Court observed, in accordance with international human rights instruments, particularly the Istanbul Convention, that domestic violence constitutes a serious violation of women's rights. In this case, the European Court of Human Rights found that the Italian authorities failed in their positive obligation under Article 3 (Prohibition of ill treatment) and Article 8 (Right to respect for private life and correspondence) of the Convention.

The European Court identified several shortcomings in the authorities' response, including:

- The late scheduling of the hearing appointment,
- The refusal of a protection order without sufficient assessment, and
- A two-month delay of the criminal investigation.

It further noted that, due to the lack of due diligence by the Italian authorities, there was a risk that the applicant could have been subjected to further violence. The European Court emphasised that, under the Istanbul Convention (The Council of Europe Convention on preventing and combating violence against women and domestic violence), special diligence is required when handling cases of domestic violence to prevent future harm.

Additionally, the European Court of Human Rights shared concerns raised in the most recent GREVIO (The Council of Europe Convention on preventing and combating violence against women and domestic violence) monitoring report on Italy, that the Italian judicial system tends to require evidence of systematic violence to recognise the crime of domestic violence under Article 572 of the Criminal Code. The court condemned this practice, which often excludes systematic behaviour in cases where:

- The violent acts occurred over a short period of time.
- The acts occurred at the end of a relationship in which there had been no previous complaints and were seen as isolated outbursts, or
- The victim actively resisted, which led the domestic courts to interpret this as a mutual and couple conflict rather than domestic violence.

As a result, the Court found that domestic violence in Italy may be interpreted inconsistently.

In the Scuderoni case, the Italian authorities failed to recognise the seriousness of the domestic violence, particularly during the criminal investigation.

The European Court stated that the primary obligation of the Italian authorities was to carry out a comprehensive assessment, including an analysis of G.C.'s behaviour as a whole.

This encompassed allegations of psychological and physical abuse, violation of the applicant's right to communicate with her child, economic abuse and unauthorised access to her digital

communications. Although the applicant provided sufficient evidence, the national authorities interpreted her experience as a manifestation of conflict and isolated offence rather than recognising it as systematic ill-treatment. The Court noted that the applicant had not been considered to be in a state of psychological subjugation, and criticised the inefficiency of the criminal proceedings, which lasted four years and involved four different judges. As a result, the domestic organs failed to fulfil their obligation to respond appropriately to the severity of the applicant's allegations. Moreover, the applicant was denied the opportunity to challenge the acquittal, as the prosecutor rejected the request to appeal. The European Court stressed that violence against women must be addressed with effective and dissuasive measures. Therefore, the Court concluded that the State had failed to meet its procedural obligation to ensure that complaints of violence should be properly investigated and the state organs had violated Articles 3 and 8 of the European Convention on Human Rights.

Conclusion

The Scuderoni v. Italy case highlights how women's rights, in particular in case of domestic violence are not adequately protected by the domestic judicial system. The failure of the state authorities to protect the applicant from abuse raises concerns about the inadequacies of its criminal law framework.

The Italian organs failed to act promptly and disregarded the principle of special diligence, which is the fundamental procedural obligation in legal practice, especially under the Istanbul Convention. Furthermore, the Court noted the shortcomings of Article 572 of the Criminal Code, which tends to exclude systematic abusive behaviour, particularly in cases characterised by mutual and couple conflicts. This provision allows perpetrators to avoid accountability for domestic violence by framing the abuse as mutual conflict, potentially even leading to the woman being accused of violence.

As a result, the Court found that the Italian authorities had violated Articles 3 and 8 of the European Convention on Human Rights. Under these provisions, the authorities had a duty, in its response to the applicant's complaint, to adequately discharge its procedural obligation to ensure appropriate treatment of the violence suffered by Mrs Scuderoni, take immediate and effective action to protect her and to ensure that her claims were addressed with the required level of special diligence.

8. LGBTQI+ Rights

8.1 The Italian Constitutional Court recognizes the right to double maternity in cases of Medically Assisted Reproduction abroad

29 May 2025

<https://unipd-centrodirittiumani.it/en/news/the-italian-constitutional-court-recognizes-the-right-to-double-maternity-in-cases-of-medically-assisted-reproduction-abroad>

With ruling no. 68 of 22 May 2025, the Constitutional Court declared the constitutional illegitimacy of [Article 8 of Law number 40 of 2004](#) insofar as it does not provide that the non-biological mother - in a couple of two women - can be legally recognised as the parent of a child born in Italy following medically assisted procreation carried out abroad, in compliance with the laws of the foreign country. The Court's decision establishes that it is discriminatory to

deny this recognition when the intentional mother has expressed clear and conscious consent to the procedure and the consequent assumption of parental responsibility.

This is a decision of great importance, which strongly affirms the principle that the child's right to have both parents recognised prevails over rigid regulatory limitations that are no longer in line with current social and family realities. The Court also based its ruling on international norms that protect the identity, dignity, and well-being of the child: Articles 8 and 14 of the European Convention on Human Rights, Article 24 of the Charter of Fundamental Rights of the European Union, and Articles 2, 3, 4, 5, 7, 8, 9 and 18 of the UN Convention on the Rights of the Child, which guarantee the child's right to non-discrimination and affective and family continuity.

The issue had been raised by the Ordinary Court of Lucca, which had questioned the constitutional legitimacy of Articles 8 and 9 [of Law number 40 of 2004](#) and [Article 250 of the Civil Code](#), insofar as they prevented the legal recognition of the intentional mother, even in the presence of a clear shared parental project.

With this ruling, the Court invites the legislator to fill this regulatory gap and recognizes that the best interests of the child must be at the center of family law, even when this means overcoming traditional models. The child born through assisted reproduction techniques, if desired by both mothers, has the right to be recognised as the child of both.

This decision marks an important step towards the full recognition of same-sex parent families in Italy.

This publication is designed to serve as a complement to the online journal, offering readers a tool for a comprehensive and reflective reconstruction of the pivotal events that shaped the year 2025 for Italian institutions and society, all examined through the analytical lens of human rights.

This physical compilation is more than just an archive; it serves a crucial function: to intentionally mark, consolidate, and preserve our understanding of events and issues that, regrettably, risk being diluted and losing their intrinsic significance within the incessant, tumultuous, and often overwhelming flow of news and data that characterises our contemporary information landscape. It is a risk that the inherently fleeting and continuous nature of the online format of the Italian Yearbook may, by its very design, inadvertently reinforce. By presenting this focused compilation, we aim to counteract this trend of ephemerality.

PART I: ADAPTING TO HUMAN RIGHTS INTERNATIONAL LAW

PART II: THE ITALIAN HUMAN RIGHTS INFRASTRUCTURE

PART III: ITALY IN DIALOGUE WITH INTERNATIONAL INSTITUTIONS

PART IV: NATIONAL AND INTERNATIONAL CASE LAW

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