

# Franet National contribution to the Fundamental Rights Report 2024

Italy

Contractor's name: Fondazione "Giacomo Brodolini"

Author's name: Marta Capesciotti

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# 1. Impact of the cost-of-living crisis and rising poverty in the EU

## 1.1. Legal measures impacting on vulnerabilities of persons affected by the rising costs of living and energy.

In Italy, the Law- Decree No. 48/2023<sup>1</sup> was approved abolishing the so-called Citizenship Income (*Reddito di Cittadinanza* - RDC), an active labour policy measure introduced in 2019 to combat poverty, inequality and social exclusion providing economic support to supplement family incomes. The Law-Decree replaced the Citizenship Income with two welfare measures. The first is the Inclusion Allowance (*Assegno di Inclusione* – ADI) e the Training and Labour Support (*Supporto per la Formazione e il Lavoro* – SFL). ADI is similar to RDC, but its duration is reduced to 18 months extendable by further 12 months (the RDC’s length was 18 months extendable by 18 months); however, it will be accessible only to families with children, people with disabilities or people aged more than 60 (thus excluding employable people aged 18-59). The SFL is a financial allowance of EUR 350 per month to be used to attend training courses; the duration of the SFL cannot be longer than the duration of the course and in any case inferior to 12 months. The “Association for Legal Studies on Immigration” (*Associazione per gli Studi Giuridici sull’Immigrazione*)<sup>2</sup> stressed that the legislation governing these two provisions will discriminate against foreign applicants since – as it was the case of the RDC – beneficiaries are requested to prove 5 years of regular residency in Italy and to show the long-term EU residence permit (this requirement is not applicable to refugees). According to the National Social Security Institute (*Istituto Nazionale della Previdenza Sociale* – INPS)<sup>3</sup>, as of July 2023, families benefiting from RDC were 1,185,186. The

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<sup>1</sup> Italy, Law-Decree No. 48 of 4 May 2023, Urgent Measures for Social Inclusion and Access to the Labour Market ([Decreto-Legge 4 maggio 2023, n. 48](#), “*Misure urgenti per l’inclusione sociale e l’accesso al mondo del lavoro*”).

<sup>2</sup> ASGI (2023), “[Nuove illegittime esclusioni delle persone straniere dopo l’abrogazione del Reddito di cittadinanza](#)” (*New unlawful exclusion of foreign people after the elimination of the Citizenship Income*), 24 May 2023.

<sup>3</sup> INPS (2023), “[Osservatorio sul Reddito e Pensione di Cittadinanza: dati di luglio 2023](#)” (*Observatory on Citizenship Income and Retirement: July 2023 data*), July 2023.

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decision to abolish the RDC resulted into protests and demonstrations of former beneficiaries – in Naples and in the Campania region in particular<sup>4</sup> – that denounced the importance of the provision to sustain themselves and their families. According to estimates of the parliamentary budget office released in June 2023, about 500,000 families will be deprived of the benefit in 2023<sup>5</sup>. Applications for the new ADI were open on 18 December 2023<sup>6</sup>: the contribution will be distributed through the Inclusion Card released by the Italian Post Offices. The Ministry of Labour and Social Policies developed an information campaign on ADI destined to possible beneficiaries, in cooperation with the Italian broadcasting company RAI<sup>7</sup>.

In Italy, the Budget Law 2022 (Law No. 197 of 29 December 2022<sup>8</sup>) envisaged several measures related to poverty and the rising costs of living and energy. It set up a Fund, with an endowment of EUR 1.5 million for 2023 and EUR 2 million from 2024 onwards, aimed at supplying food parcels made from unsold food distribution items in big cities to people living in absolute poverty. Another fund with an endowment of EUR 500 million for 2023 is established in the budget of the Ministry of Agriculture for the purchase of basic foodstuffs for persons with an annual income not exceeding EUR 15,000, to be used through a special enabling system. This system was defined with a Decree of the Ministry of Agriculture adopted in April 2023<sup>9</sup>: the allowance will be paid

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<sup>4</sup> RaiNews (2023), "[Presidio a Napoli contro l'abolizione del Reddito di cittadinanza](#)" (*Demonstration in Naples against the elimination of the citizenship income*), 31 July 2023.

RaiNews (2023), "[Monta la protesta contro lo stop al RdC: traffico in tilt, bloccata la Galleria Vittoria](#)" (*Protests against the RdC stop: traffic jammed, Galleria Vittoria blocked*), 4 September 2023.

<sup>5</sup> Italy, Parliamentary Budget Office (*Ufficio Parlamentare di Bilancio*) (2023), "[Rapporto sulla Politica di Bilancio](#)" (*Report on Budget Policies*), June 2023.

<sup>6</sup> Italy, Ministry of Labour and Social Policies (*Ministero del Lavoro e delle Politiche Sociali*) (2023), "[Dal 18 dicembre 2023 al via le domande per l'Assegno di inclusione](#)" (*Applications for the Inclusion Allowance start on 18 December 2023*), 15 December 2023.

<sup>7</sup> Italy, Ministry of Labour and Social Policies (*Ministero del Lavoro e delle Politiche Sociali*) (2023), "[Assegno di Inclusione](#)" (*Inclusion Allowance*), 12 December 2023.

<sup>8</sup> Italy, Law No. 197 of 29 December 2022, State budget for the financial year 2023 and multiannual budget for the period 2023-2025 ([Legge 29 dicembre 2022, n. 197, "Bilancio di previsione dello Stato per l'anno finanziario 2023 e bilancio pluriennale per il triennio 2023-2025"](#)).

<sup>9</sup> Italy, Ministry of Agriculture, Food Sovereignty and Forestry, Decree of 18 April 2023, Criteria for identifying households in need, beneficiaries of the economic contribution provided for in Article 1, paragraphs 450 and 451, of Law No 197 of 29 December 2022 (*Ministero*

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out through a prepaid electronic payment card worth EUR 382.5. Italian municipalities are responsible for sending a notice to eligible and beneficiary citizens, who can then go to a post office to collect their card, which will already be active and usable. VAT is reduced to 5 per cent for early childhood products such as milk and baby food (powdered or liquid milk, flour-based food preparations), car seats and nappies, as well as for all types of tampons and pads for female intimate hygiene. Eventually, the Budget Law 2022 also introduced an allowance to sustain rental costs of young people: the allowance is destined to people aged less than 31 with an annual income inferior to EUR 15,000 who sign a rental contract, providing them with a deduction from gross tax of EUR 991.60 for the first four years of the contract.

When it comes to measures compensating energy prices, the Budget Law established that as of 2023, the annual income threshold to be eligible for the social bonus for domestic electricity and gas customers in economic hardship is raised to EUR 15,000; the threshold is raised to EUR 30,000 for families with 4 or more children. As clarified by the Budgetary Parliamentary Office report on 2023 Budget Policy<sup>10</sup>, in order to counter the impact of the generalised increase in the prices of consumer goods and, in particular, energy prices, successive governments since 2021 have adopted various measures starting from the second half of 2021, continued and in some cases reinforced during 2022 to cope with the period of major price increases. The composition and extent of mitigation policies then changed in 2023 with the partial easing of the reduction applied to tariffs and the abandonment of the fuel rebate, also in conjunction with the fall in energy prices. Overall, the mitigation of inflationary effects has been allocated resources amounting to EUR 119 billion, of which 5.6 in 2021, 70 in 2022 and 35 in 2023. Moreover, a specific Law-Decree (No. 61/2023<sup>11</sup>) was introduced to cope with the emergency caused by the flooding events occurred in Emilia Romagna in May 2023. The Decree introduced the automatic suspension of payment deadlines for electricity, gas, water and waste bills which expired at the end of August 2023; an extension until 31 October 2023 was possible of those concerned submitted, by 31 August 2023, to the electricity, gas, water and waste management companies, a declaration stating that the

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*dell'Agricoltura, della Sovranità Alimentare e delle Foreste, [Decreto 18 aprile 2023](#), "Criteri di individuazione dei nuclei familiari in stato di bisogno, beneficiari del contributo economico previsto dall'articolo 1, commi 450 e 451, della legge 29 dicembre 2022, n. 197").*

<sup>10</sup> Italy, Parliamentary Budget Office (*Ufficio Parlamentare di Bilancio*) (2023), *Report on Budget Policies ([Rapporto sulla Politica di Bilancio](#))*, June 2023, 179-184.

<sup>11</sup> Italy, Law-Decree No. 61 of 1st June 2023, Urgent measures to cope with the emergency caused by the flooding events that occurred on or after 1 May 2023 ([Decreto-legge n. 61 del 1° giugno 2023](#), "Interventi urgenti per fronteggiare l'emergenza provocata dagli eventi alluvionali verificatisi a partire dal 1° maggio 2023").

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functionality of the utility or supply has been impaired by the flooding events. At the end of the suspension period, electricity and gas sellers, integrated water and waste service operators are obliged to offer those who have applied for suspension an instalment plan over a minimum of 12 months, without discrimination and without interest charged<sup>12</sup>.

In Italy, starting from January 2024 gas supply users who are not deemed vulnerable will undergo the liberalization process of the gas market. They will then have to choose between keeping their current supplier (but with a different contract) or switching to other sellers. More than 6 million households are at stake: this is the number of contracts still under protection for the gas market. The protected gas market was based on prices and contracts decided by the Regulatory Authority for Energy Networks and Environment. From 2024 on, the Authority will only set economic conditions for vulnerable users. This was decided by a Law-Decree on “Urgent provisions for the country's energy security, promotion of the use of renewable energy sources, support for energy-intensive businesses” passed on 28 November 2023<sup>13</sup>.

In Italy, the parliamentary debate on the 2024 Budget Law – to be approved by the end of 2023 – continues. The Draft Law<sup>14</sup> – which was approved by the Italian Senate on 22 December 2023 and by the Italian Chamber of Deputies on 29 December – includes several measures relating to poverty and welfare. Some measures are aimed at fostering the Italian birth rate – which is at the core of the Government’s agenda – introducing de-contribution for female workers with two or more children. In the 2023 Budget Law, there were benefits for companies hiring unemployed women – regardless of children – which have been eliminated; moreover, the de-contribution does not apply to female employees with fixed-term contracts, self-employed workers, domestic workers, and all workers without children or with an only child. The amount of the crèche bonus, in force since 2017, increases but only for families with at least two children under the age of 10. In the Draft Budget Law 2024, the bonus is increased to EUR 3,600 for children born in 2024 with siblings under 10 in households with annual income up to EUR 40,000. Until now it was 3,000 euro with annual income up

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<sup>12</sup> Adiconsum (2023), “[Bollette luce, gas, acqua, rifiuti: come chiedere la proroga della sospensione dei pagamenti per l’alluvione](#)” (*Electricity, gas, water, waste bills: how to apply for an extension of the suspension of payments due to the flooding*), 22 August 2023.

<sup>13</sup> The press release concerning the Law-Decree’s contents is available at the [website](#) of the Italian Government.

<sup>14</sup> Italy, Law No. 213 of 30 December 2023, State budget for the financial year 2024 and multiannual budget for the three-year period 2024-2026 ([Legge 30 dicembre 2023, n. 213, “Bilancio di previsione dello Stato per l’anno finanziario 2024 e bilancio pluriennale per il triennio 2024-2026”](#)).

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to EUR 25,000 and 2,500 for those with annual income between EUR 25,001 and 40,000.

## 1.2. Policy measures impacting on vulnerabilities of persons affected by the rising costs of living and energy.

In Italy, according to the National Institute of Statistics (*Istituto Nazionale di Statistica – ISTAT*)<sup>15</sup> in 2022 absolute poverty concerned just over 2.18 million households (8.3% of the total from 7.7% in 2021) and more than 5.6 million individuals (9.7% up from 9.1% in the previous year). This deterioration is largely attributable to the sharp acceleration in inflation. The incidence of absolute poverty among households with at least one foreigner is 28.9 per cent, it stops at 6.4 per cent for households composed only by Italian citizens. The incidence of relative poverty stands at 10.9% (stable compared to 11.0% in 2021) and there are 2.8 million households below the threshold.

In Italy, the Plan for Poverty Alleviation Services (*Piano per i Servizi di Contrasto alla Povertà*) was introduced in 2021 for the period 2021-2023<sup>16</sup>. The Plan is aimed at identifying the priority actions and interventions in the fight against poverty, defining itself as a national programming act of the resources pertaining to the Poverty Fund, identifying, within the limits of these resources, the development of the necessary interventions and services. For the programming year 2022, the resources were distributed as follows (data for 2023 is not available, yet)<sup>17</sup>:

- EUR 527 million euro for the progressive definition of essential levels of social services to be guaranteed throughout the national territory in favour of the beneficiaries of the Citizenship Income (and for the Social Inclusion Income which replaced the Citizenship Income).
- EUR 20 million for interventions and services in favour of people experiencing extreme poverty and homelessness.

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<sup>15</sup> ISTAT (2023), "[Le statistiche dell'ISTAT sulla povertà. Anno 2022](#)" (*ISTAT's statistics on poverty 2022*), 25 October 2023.

<sup>16</sup> Italy, Ministry of Labour and Social Policies (*Ministero del Lavoro e delle Politiche Sociali*) (2021), Plan of Services Combating Poverty ("[Piano per i Servizi di Contrasto alla Povertà](#)"), 2021.

<sup>17</sup> Italy, Chamber of Deputies (*Camera dei Deputati*) (2023), Social and Family Policies ("[Politiche Sociali e per la Famiglia](#)"), 1<sup>st</sup> May 2023.

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- EUR 5 million to fund interventions, on an experimental basis, in favour of those who, on reaching the age of majority (18 years old), live outside their family of origin on the basis of a court order.

In Italy, the National Fund Tackling Poverty and Social Exclusion (*Fondo Nazionale per la lotta alla povertà e all'esclusione sociale*) – set up in 2016 – is used to finance the Plan for Interventions and Social Services Countering Poverty (2021-2023) approved in July 2021. The Fund's endowment amounts to EUR 619,000,000 in 2021, EUR 552,094,934 in 2022 and EUR 439,000,000 in 2023 to be used to: finance essential levels of public services as defined by the Law (EUR 414 million in 2023), finance interventions and services for people in extreme poverty and homeless (EUR 20 million in 2023), finance interventions in favour of those who, upon reaching the age of majority, live outside their family of origin on the basis of a court order (EUR 5 million in 2023)<sup>18</sup>.

In Italy, policies suspending evictions of tenants in arrears were suspended after the end of the Covid-19 emergency. The suspension was first adopted to cover the period until 30 June 2021<sup>19</sup> and then prolonged until 31 December 2021<sup>20</sup>. The Constitutional Court (Decision No. 213/2021<sup>21</sup>) confirmed the impossibility to further extend the suspension, since it had to be considered a temporary measure to cope with the difficulties caused by the pandemic. In October 2023, one of the Italian trade unions – *Confederazione unitaria di base* (CUB) – also representing tenants, issued data<sup>22</sup> on forced evictions in 2022: the vast majority of evictions are for arrears (more than 80 per cent of new

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<sup>18</sup> Italy, Ministry of Labour and Social Policies (*Ministero del Lavoro e delle Politiche Sociali*) (2023), Poverty Fund (["Fondo Povertà"](#)), 2023.

<sup>19</sup> Italy, Law-Decree No. 18 of 17 March 2020, , Measures to strengthen the National Health Service and provide economic support for families, workers and businesses related to the epidemiological emergency from COVID-19 ([Decreto-legge 17 marzo 2020, n. 18](#) , "Misure di potenziamento del Servizio sanitario nazionale e di sostegno economico per famiglie, lavoratori e imprese connesse all'emergenza epidemiologica da COVID-19").

<sup>20</sup> Italy, Law-Decree No. 183 of 31 December 2020, Urgent provisions on legislative deadlines, the implementation of digital connections, the implementation of Council Decision (EU, EURATOM) 2020/2053 of 14 December 2020 and the withdrawal of the United Kingdom from the European Union ([Decreto-legge 31 dicembre 2020, n. 183](#), "Disposizioni urgenti in materia di termini legislativi, di realizzazione di collegamenti digitali, di esecuzione della decisione (UE, EURATOM) 2020/2053 del Consiglio, del 14 dicembre 2020, nonché' in materia di recesso del Regno Unito dall'Unione europea").

<sup>21</sup> Italy, Constitutional Court, Decision No. 213/2021 (*Corte costituzionale*, [Sentenza n. 213/2021](#)).

<sup>22</sup> Italy, CUB (2023), "[Sfratti: una fotografia del Paese reale](#)" (*Evictions: a picture of the real Country*), 6 October 2023.

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judgments) and only 6.72 per cent of the judgments issued are for landlord necessity. More than 30,000 executions were carried out by public force in 2022 (on average, 150 families) without, in most cases, any public intervention to take care of the economically, socially, and health-wise fragile. In 2022, 100,000 requests for enforced executions were filed, an increase of 200% compared to 2021.

In Italy, on 13 December the Alliance Against Poverty in Italy (*Alleanza contro la Povertà in Italia*) – set in 2013 and gathering several Italian associations committed to inclusion and equality – publicly issued a document<sup>23</sup> providing six policies authorities should implement in the upcoming 10 years to combat poverty in Italy. The proposed measures are: i. A return to the universalist principle of the direct measure against absolute poverty: fragile people are so regardless of their age or ethnicity. ii. The relaunch of a national measure aimed at all families and persons in absolute poverty, including those of citizens of foreign origin who have been resident in Italy for at least one year. iii. Establishment of the Poverty Observatory, headed by the Ministry of Labour and Social Policies, as established by the Law-Decree No. 48/2023; iv. Including in the 2024 Budget Law the amendments proposed by the Alliance; v. the establishment of an inter-parliamentary thematic group on poverty to develop a pact between political forces that goes beyond this legislature and beyond legislatures, to open a new season of confrontation and possible shared solutions; vi. a European minimum income in compliance with the EU Parliament’s Resolution of 15 March 2023.

**Table 1 – Promising practice**

| Promising practice               |                                                                                                                                  |
|----------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| Title (original language)        | Progetto pilota “Futura”                                                                                                         |
| Title (EN)                       | “Futura” pilot project                                                                                                           |
| Organisation (original language) | Save the Children                                                                                                                |
| Organisation (EN)                | Save the Children                                                                                                                |
| Government / Civil society       | Civil Society                                                                                                                    |
| Funding body                     | Save the Children, in partnership with “Forum Disuguaglianze e Diversità”, YOLK™ and Intesa Sanpaolo. No state funding envisaged |

<sup>23</sup> Italy, Alliance Against Poverty in Italy (*Alleanza contro la povertà in Italia*) (2023), “Povertà, 10 anni di Alleanza. 6 proposte per affrontare le sfide future” ([Poverty, 10 years of Alliance. 6 proposals to meet future challenges](#)”, 13 December 2023.

| Promising practice                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Reference (incl. URL, where available)                                                             | <a href="http://www.savethechildren.it/blog-notizie/progetto-futura-contrasto-alla-poverta-educativa-di-genera">www.savethechildren.it/blog-notizie/progetto-futura-contrasto-alla-poverta-educativa-di-genera</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | 2023-2025                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Type of initiative                                                                                 | Initiative to tackle children's education poverty                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Main target group                                                                                  | 300 girls and young women aged between 13 and 24 in three areas characterised by socio-economic disadvantage in the cities of Naples, Rome and Venice.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Indicate level of implementation:<br>Local/Regional/National                                       | Local                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Brief description (max. 1000 chars)                                                                | The project is aimed to provide 300 customised educational dowries and accompaniment paths for girls and young people aged between 13 and 24 (including 50 young mothers) in three areas characterised by socio-economic disadvantage in the cities of Naples, Rome and Venice. Personalised educational plans are defined on the basis of the specific needs, inclinations and aspirations of each person targeted by the intervention. The target age groups include adolescents, aged between 13 and 18, with a focus on obtaining a qualification or re-entering a training pathway, and young people aged between 18 and 24, with reference to the pathway of professionalisation and emancipation. Young mothers, will benefit from "high intensity" accompaniment support with respect to concrete needs related to access to the labour market and childcare services, which also includes workshop activities to reinforce the degree of autonomy and mother-child paths to foster positive parenting. |
| Highlight any element of the actions that is transferable (max. 500 chars)                         | This is a pilot phase of a project that is meant to be replicated in other Italian cities. It can also be extended to other population's groups at risk of educational poverty.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

| Promising practice                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')                                                                             | This project is aimed at tackling educational poverty, fostering school integration, training and access to the labour market. These goals have a long-term positive impact on the wellbeing and the social integration and inclusion of the beneficiaries. Despite the brief duration (2 years), the impact of achieving a qualification and concluding a training path exceeds in time the duration of the project. Beneficiaries will benefit from increased skills and qualifications that they can spend on the labour market or in continuing education and training. |
| Give reasons why you consider the practice as having concrete measurable impact                                                                                            | The impact can be measured considering the results achieved by the 300 girls and young women benefitting from the individualised projects.                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Give reasons why you consider the practice as transferable to other settings and/or Member States?                                                                         | Educational poverty is a crucial challenge hindering social cohesion in each EU Member States. In each State specific areas can be identified where this challenge is particularly striking and where a similar initiative can be replicated, tailoring it to consider the characteristics and features of the locality and of the population.                                                                                                                                                                                                                              |
| Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Explain, if applicable, how the practice provides for review and assessment                                                                                                | This information is not available.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

## 2. Threats to democratic values - Protecting civic space, strengthening meaningful participation and the rights to freedom of association, peaceful assembly and expression

### 2.1. Major threats to democracy as reflected in national legal and political developments and the discourse at national level.

#### Table 2 – Challenges

Based on a scan of legislative and policy and other developments and the public discourse please identify **three major challenges** to democracy emerged in the course of 2023.

| Challenges                                                                                               | Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.                                                                  |
|----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Attacks and threats to the safety of civil society organisations, human rights defenders and journalists |                                                                                                                                                                                                                                                            |
| Legal and administrative constraints, harassment,                                                        | Freedom of press is reported to be increasingly at risk and threatened, especially after the current right-wing coalition led by the far-right party “Brothers of Italy” took office. In March 2023, several media freedom and civil society organisations |

| Challenges                                                                                                                                                          | Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>intimidation, and reprisals against civil society organisations, human rights defenders (including SLAPPs - strategic lawsuits against public participation)</p> | <p>issued a public document<sup>24</sup> condemning the decision of an Italian prosecutor to issue a seizure order for an investigative report by the national newspaper “Domani” following a criminal complaint filed by the Undersecretary at the Ministry of Labour and Social Affairs. The seizure order mentioned that the Undersecretary of Labour had initiated a criminal defamation lawsuit. The contested article, published in January 2023, revealed the politician alleged ties to individuals connected with local criminal organisations. According to the signing organisations, the Italian prosecutor’s decision to order the seizure of a hard copy of the indicted article – despite it being available on the newspaper’s website – represents “an alarming abuse of legal actions at the hands of Italian authorities and public officials. This unnecessary intrusion into the newspaper’s newsroom signals Italian authorities’ increasing recourse to tactics aimed at intimidating and silencing independent voices and media, raising criticism towards public officials”. Freedom of press is mentioned as an issue of concern also by the Freedom in the World Report 2023<sup>25</sup>: according to the report, freedom of the press is constitutionally guaranteed in Italy; however, concentration of ownership of the media remains a major concern; additionally, the frequency of strategic lawsuits against public participation (SLAPPs) poses a threat to investigative journalism. In June 2023<sup>26</sup>, another case of this kind gained international attention and was the focus of a public plea signed by relevant civil society organisations that expressed their solidarity towards an Italian journalist who was subject to a SLAPP initiated by the current Italian Prime Minister when she was a member of Parliament. The charges of aggravated criminal defamation were brought against the journalist for his critical remarks about the politician’s long-standing anti-migrant rhetoric which he had expressed during a TV program. The signing organisations also urged Italian Parliament “to adopt, without further delay, a comprehensive reform of defamation laws in</p> |

<sup>24</sup> Article19 (2023), “[Italy: Press freedom under threat as Domani newspaper faces seizure order](#)”, 14 March 2023.

<sup>25</sup> Freedom House (2023), “[Freedom in the World 2023. Italy](#)”, 2023.

<sup>26</sup> ECPMF (2023), “[Italy: Support for Roberto Saviano in SLAPP case initiated by Giorgia Meloni](#)”, 28 June 2023.

| Challenges | Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <p>line with international freedom of expression standards". Consistently with this recommendation, in March 2023, the national Board of Italian Journalists<sup>27</sup> unanimously voted a document inviting the Italian legislator to adapt national legislation governing defamation through press to the jurisprudence of the Italian Constitutional Court e of the European Court of Human Rights, which exclude detention and disproportionate financial sanctions as penalties for press defamation.</p> <p>In Italy, the civic space for civil society organisations performing SAR operations in the Mediterranean Sea has been gradually reduced in recent years and the situation in 2023 did not improve. The Law-Decree No. 1 of 2 January 2023 on "Urgent dispositions for the management of migration inflows"<sup>28</sup> regulates the activities of the NGOs' vessels which are now requested to collect information on board on the intention of the rescued migrants to lodge an asylum application; promptly inform Italian authorities and respect the disembarking port established by them; avoid performing more than one SAR operation before disembarking the migrants. Violations of such rules entails an administrative financial sanction on the captain amounting to EUR 10,000-50.000; moreover, the vessel is confiscated for a period of two months. The place of safety to disembark the migrants assigned by Italian authorities will not necessarily be the closest one to the location of the SAR operation. Should the vessels, on future missions, carry out other 'multiple' rescues without the authorisation of the Italian Maritime Rescue Coordination Centre, high fines may be imposed, and the ship detained for up to six months. According to the Law-Decree, in case of a repeat offence, the humanitarian ship could be detained indefinitely.</p> <p>In Italy, on 27 November and 15 December 2023, the Minister of Infrastructures and Public Transports decided to officially</p> |

<sup>27</sup> Italy, Association of Journalists (*Ordine dei Giornalisti*) (2023), Defamation, a reform to guarantee freedom of the press, (["Diffamazione, una riforma a garanzia della libertà di stampa"](#)) March 2023.

<sup>28</sup> Italy, Law-Decree No. 1 of 2 January 2023, Urgent provisions for the management of migration flows ([Decreto-legge 2 gennaio 2023, n. 1, "Disposizioni urgenti per la gestione dei flussi migratori"](#)).

| Challenges | Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <p>precept a strike called by public transport unions<sup>2930</sup>. According to the Ministry, the right to strike must be balanced with the citizens' right to move and commute. Both on 27 November and on 15 December, the Ministry decided to reduce the strike from 24 to 4 hours (9 a.m. until 1 p.m.)<sup>31</sup>. Moreover, the Ministry suggested a possible instrumental use of the strike – called on Monday or Friday – as a way to extend the weekend. On 13 December, the grassroots trade union USB decided to disobey the Ministry's decision<sup>32</sup> and called for a 24-hour strike of the public transports: according to the union, the Ministry's decision is illegitimate since public transports are nonetheless guaranteed as usual in specific time slots during the day; moreover, the ministerial decision was communicated too late to lodge a complaint before the competent administrative court. By doing so, the union decided to face the risk of a severe financial sanction for violating a ministerial order.</p> |

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<sup>29</sup> Italy, Ministry of Infrastructures and Public Transports (*Ministero delle Infrastrutture e dei Trasporti*) (2023), Strike, Salvini signs precepts ([Sciopero, Salvini firma la precettazione](#)), 24 November 2023.

<sup>30</sup> IlPost (2023), "[Matteo Salvini ha precettato di nuovo uno sciopero dei trasporti](#)" (*Matteo Salvini has precepted a transport strike again*), 13 December 2023.

<sup>31</sup> Italy, Ministry of Infrastructures and Public Transports (2023), Ordinance of 14 November 2023 No. 196 (*Ministero delle Infrastrutture e dei Trasporti*, [Ordinanza 14 novembre 2023 n. 196](#)). Italy, Ministry of Infrastructures and Public Transports (2023), Ordinance of 12 December 2023, No. 198T (*Ministero delle Infrastrutture e dei Trasporti*, [Ordinanza 12 dicembre 2023, n. 198T](#)).

<sup>32</sup> USB (2023), "[Salvini è senza freni e preannuncia una nuova precettazione per il 15 dicembre. USB disobbedirà per difendere il diritto costituzionale dello sciopero](#)" (*Salvini is unrestrained and announces a new precept for 15 December. USB will disobey to defend the constitutional right to strike*), 6 December 2023.

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| Challenges                                                                                                                                      | Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| Lack of media freedom a/o media pluralism; disinformation (incl. online)                                                                        | In June 2023, the European Centre for Press and Media Freedom (ECPMF), the European Federation of Journalists (EFJ), the International Press Institute (IPI) and the OBC Transeuropa (OBCT) issued a public document <sup>33</sup> expressing their concern for the lack of political independence of the Italian public broadcasting system ( <i>Radiotelevisione Italiana</i> - RAI) following the resignation of the CEO and other major politically-influenced internal management changes occurred after the current Government took office in October 2022. According to the organisations, “the Italian broadcasting service’s governance is heavily affected by RAI’s Board appointment mechanism, which testifies to its lack of independence from the executive. Of a total seven Board members, one is elected by RAI employees, and two each by the government, the chamber of representatives and the senate”. The organisations also urge the Italian Parliament “to initiate a debate aimed at reforming the governance and funding system of RAI and safeguarding its independence”. |
| Foreign interference                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Lack of (processes for) transparent, accountable, democratic and pluralistic participation in law and policymaking; incl. access to information |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Lack of election integrity (incl. electoral process, political campaigning and party financing)                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

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<sup>33</sup> ECPMF (2023), “[Italy: International media freedom groups raise alarm about RAI’s independence](#)”, 15 June 2023.

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| Challenges                                                                                                                                                                                    | Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Disproportionate use of law enforcement measures (surveillance, police violence, unlawful arrest etc.)                                                                                        | In June 2023, the newly appointed Ministry of the Interior announced <sup>34</sup> the Government’s intention to make available to all Italian police headquarters the predictive policing software “Giove”. The software already underwent a pilot phase in 2020 with the use of a similar programme – called KeyCrime – tested in the city of Milan. Giove is a software based on an artificial intelligence algorithm, which uses law enforcement databases of crimes to try to predict where and when similar crimes might occur again (crime linking systems). The Italian Data Protection Authority is currently analysing the software to assess its compliance with data protection regulations and privacy protection. However, in the same June 2023 an Italian MP lodged an interrogation <sup>35</sup> destined to the Ministry of the Interior expressing severe concerns about data protection violations possibly caused by the use of this software by Italian police authorities. |
| Corruption, including misuse of EU funds                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Lack of (effective judicial protection by) independent and impartial courts                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Threats to (the independence of) the fundamental rights institutional landscape (NHRIs, equality bodies, data protection authorities and similar bodies), incl. closure of fundamental rights |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

<sup>34</sup> Wired (2023), [“Cosa sappiamo di Giove, il software italiano di polizia predittiva”](#) (*What we know about 17ive, the Italian predictive policing software*), 6 June 2023.

<sup>35</sup> Italy, Italian Senate (*Senato della Repubblica*) (2023), [19<sup>th</sup> Legislature - Inspection Bill No. 3-00499 \(Legislatura 19<sup>a</sup> – Atto di Sindacato Ispettivo n. 3-00499\)](#), 13 June 2023.

| Challenges                                                                                                                                               | Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references. |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| bodies, legal changes, budget cuts and harassment                                                                                                        |                                                                                                                                                                                           |
| Institutional issues linked to checks and balances (lack of parliamentary oversight, lack of implementation of final court decisions by executive, etc.) |                                                                                                                                                                                           |
| Other major developments threatening democratic values                                                                                                   |                                                                                                                                                                                           |

## 2.2. Legislative and policy measures having an impact on the freedom of assembly/association/expression of civil society actors.

In Italy, the Law No. 199/2022<sup>36</sup> was approved harshly targeting the organisation of rave parties. According to the reformed version of Art. 633-bis of the Italian Criminal Code,

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<sup>36</sup> Italy, Law No. 199 of 30 December 2022, Conversion into law, with amendments, of Decree-Law No 162 of 31 October 2022, on urgent measures concerning the prohibition of the granting of prison benefits to prisoners or inmates who do not cooperate with justice, as well as concerning the entry into force of Legislative Decree No 150 of 10 October 2022, SARS-COV-2 vaccination obligations and the prevention and combating of illegal gatherings (*Legge 30 dicembre 2022, n. 199, "Conversione in legge, con modificazioni del decreto-legge 31 ottobre 2022, n. 162, recante misure urgenti in materia di divieto di concessione dei benefici penitenziari nei confronti dei detenuti o internati che non collaborano con la giustizia, nonché' in materia di entrata in vigore del decreto legislativo 10 ottobre 2022, n.*

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anyone who organises or promotes the arbitrary invasion of other people's land or buildings, public or private, for the purpose of holding a musical or other entertainment gathering shall be punished by imprisonment of three to six years and a fine of between EUR 1,000 and EUR 10,000, when the invasion results in a concrete danger to public health or public safety due to non-compliance with the regulations on drugs or on the safety or hygiene of shows and public entertainment events, also in view of the number of participants or the state of the premises. The seizure of the devices that were used or intended to commit the offence, as well as those used to achieve the purposes of the occupation or those that are the product or profit thereof, shall always be ordered. The original version of the reform<sup>37</sup> – which was envisaged by the Law Decree converted by the Law – aimed to target not only organisers of the event but also participants; and did not adequately specify that the provision concerned music gatherings and rave party, thus being applicable also to other types of gatherings, e.g., demonstrations, as stressed by politicians, experts<sup>38</sup>, students' associations and civil society<sup>39</sup>. However, it will be up to public authorities to determine the number of participants that entail a danger, the meaning and content of the danger; moreover, the decision to impose an imprisonment of up to 6 years will allow prosecutors to make use of wiretapping during the investigations (this instrument according to the Italian legislation cannot be used to prosecute offences which are punished with a maximum penalty which is inferior to 6 years of imprisonment).

In Italy, in July 2023 the Italian Senate approved a Draft Law<sup>40</sup> on Sanction provisions on the destruction, dispersal, deterioration, defacement and unlawful use of cultural and landscape assets, which is now pending the approval of the Chamber of Deputies. The

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*150, di obblighi di vaccinazione anti SARS-COV-2 e di prevenzione e contrasto dei raduni illegali”).*

<sup>37</sup> Altalex (2023), “[In G.U. la legge di conversione anti-rave: \(breve\) riflessioni \(poco\) critiche](#)” (*In the OJ the anti-rave conversion law: (brief) critical (little) reflections*), 5 January 2023.

<sup>38</sup> Coduti, D. (2023), “[Luci e ombre della c.d. norma anti-rave dopo la sua conversione in legge](#)” (*Lights and shadows of the so-called anti-rave regulation after its conversion into Law*), Rivista AIC, Fasc. 2/2023, 4 April 2023.

<sup>39</sup> Dire (2023), “[Il decreto anti-rave fa discutere, il Viminale: “Non lede il diritto di manifestare”](#)” (*The anti-rave decree causes controversy, the Ministry of the Interior: ‘It does not infringe on the right to demonstrate’*), 2 November 2022.

<sup>40</sup> Italy Draft Law No. 693, Sanction provisions on the destruction, dispersal, deterioration, defacement, defacement and unlawful use of cultural and landscape assets ([Disegno di Legge N. 693](#), “*Disposizioni sanzionatorie in materia di distruzione, dispersione, deterioramento, deturpamento, imbrattamento e uso illecito di beni culturali o paesaggistici*”, *Comunicato alla Presidenza l’11 maggio 2023*).

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Draft Law reforms Art. 518-*duodecis* of the Italian Criminal Code relevantly harshening the already envisioned criminal and financial sanctions. More specifically, an administrative penalty is added to the prison sentence already provided for by the criminal code when defacing or defacing is committed at events taking place in a public place or open to the public. Specific sanctions - imprisonment of one to six months or a fine of 300 to 1,000 euro - are also provided for those who deface or deface display cases and other structures used for the exhibition, protection, and preservation of cultural goods in any exhibition place. According to the NGO “Amnesty International Italia<sup>41</sup>”, these regulations have a clear criminalising effect on activism and on those who carry out acts of civil disobedience as a means of individual protest or in collective contexts. In fact, this Draft Law was proposed by the Ministry of Culture after several public demonstrations took place in Italy, organised by group of eco-activists which targeted art exhibitions, museums, and historical palaces in several Italian localities, in line with other groups in other EU Member States. The Draft Law was passed by the Italian Chamber of Deputies on 18 January 2024<sup>42</sup>: the final text of the Law has not been officially published, yet.

In Italy, on 16 November 2023 a Draft Law was approved by the Italian Government on “Provisions on public safety, protection of the police force and victims of usury and mafia-type crimes”. The Draft Law – which is now undergoing parliamentary discussion – includes some legislative provisions relevantly affecting the right to demonstrate in Italy<sup>43</sup>. First, the administrative offence punishing anyone who impedes the free movement of traffic on ordinary roads is extended to the railways, and the transformation of the administrative offence into a criminal offence when the act is committed by several persons united is provided for: this provision will likely affect demonstrations blocking circulation and public transports, which is a method often used by (among others) environmental organisations and activists. Second, in order to strengthen the protection of movable and immovable property used for the exercise of public functions, an aggravated offence is introduced for those who deface such property if the offence is committed with the aim of damaging the honour, prestige or decorum of the institution to which the property belongs, with a heavier sentence in the case of recidivism: this provision, as well, will probably affect environmental activists who are increasingly use this method of demonstration. Third, the penalty for the offence of incitement to disobey the law is aggravated, if it is committed with the aim

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<sup>41</sup> Redattore Sociale (2023), “[Ddl "eco vandali". Amnesty: “Preoccupati per il diritto di protesta”](#) (*Eco vandals’ bill. Amnesty: ‘Concerned about the right to protest*), 12 July 2023.

<sup>42</sup> Information available at the [website](#) of the Italian Senate.

<sup>43</sup> A summary of the contents of the Draft Law is provided by the [website](#) of the Italian Government.

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of causing a riot to take place within a detention facility, by means of writings or communications directed at detained persons. In addition, the offence of prison revolt is introduced, which punishes anyone who promotes, organises, and directs a prison revolt and anyone who participates in it, subject to specific aggravating circumstances. Both these provisions will probably impact demonstrations of detainees and the expression of solidarity from the people outside the prison. Eventually, the Draft Law also provides for an offence punishing, with imprisonment from one to six years, a foreigner who, while detained in detention centres or accommodated in facilities for asylum seekers or other reception facilities, by means of acts of violence or threats or by means of acts of resistance, including passive resistance to the execution of orders given by the authorities, carried out by three or more persons gathered together, promotes, organises, leads a riot. For the mere fact of participating in the riot, the penalty is imprisonment from one to four years.

**Table 3 – Case law**

| Case law                                                                                   |                                                                                                                                                                                                                            |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Deciding body<br>(in original language)                                                    | Tribunale di Milano                                                                                                                                                                                                        |
| Deciding body<br>(in English)                                                              | Milan Ordinary Court                                                                                                                                                                                                       |
| Case number<br>(also European Case Law Identifier <a href="#">ECLI</a> , where applicable) | Decision No. 4/2023 of 10 January 2023                                                                                                                                                                                     |
| Parties                                                                                    | An activist of the environmental movement “Last Generation” ( <i>Ultima Generazione</i> ); the police headquarters of Pavia                                                                                                |
| Decision date                                                                              | 10 January 2023                                                                                                                                                                                                            |
| Web link to the decision (if available)                                                    | <a href="http://www.giustiziainsieme.it/easyarticles/images/users/367/DECRETO-tribunale-prevenzione_compresso.pdf">www.giustiziainsieme.it/easyarticles/images/users/367/DECRETO-tribunale-prevenzione_compresso.pdf</a> . |

| Case law                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Which fundamental freedoms of (peaceful assembly, association and/or expression) were referred to in the case? | Right of demonstration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Key facts of the case (max. 250 words)                                                                         | <p>The activist – as member of the organisation “Last Generation” – took part in several demonstrations to raise awareness on climate change. These mostly consisted in blocking roads and throwing washable paint on public buildings and works of art in Italian cities. All these demonstrations are subject to ongoing judicial proceedings. However, the headquarters of Pavia – the city where the defendant lives – adopted an order of special surveillance against him: special surveillance is a police control measure (governed by the anti-mafia legislation) aimed at controlling individuals involved in judicial investigations and proceedings that are deemed to be a threat to public security and order. The defendant’s lawyer stressed that the use of this measure would be disproportionate if applied to the defendant’s actions and behaviours that must be considered an expression of the constitutional right to demonstrate.</p> |
| The key legal question raised by the Court                                                                     | <p>According to the Court, the defendant’s actions have already led to a prompt and adequate institutional response in terms of prevention, and do not entail a concrete and current aptitude to create a danger to public safety, such as to justify the application of the preventive measure of special surveillance. The Court’s decision further pointed out that the case concerns facts that were put in place by the environmentalist in order to raise public awareness on particular environmental issues: quite different from the crimes linked to organised crime, capable of endangering the interest of the community and public safety, for which the measure of special surveillance is usually envisaged.</p>                                                                                                                                                                                                                                |

| Case law                                                                                                |                                                                                                                                                                      |
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| Result of the case in terms of factual outcome, and in terms of assessment of the legal question raised | Consequently to the above-mentioned reasoning, the Ordinary Court of Milan rejected the request of special surveillance adopted by the police headquarters of Pavia. |

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