

# Contribution to European Commission's Rule of Law report

2025



UNITED NATIONS  
**HUMAN RIGHTS**  
Regional Office Europe

## RULE OF LAW & HUMAN RIGHTS

The 'rule of law' is a concept at the heart of the United Nations' mission. It refers to a principle of governance which is consistent with international human rights standards ([S/2004/616](#)). There is no rule of law within societies if human rights are not protected and human rights cannot be protected in societies without a strong rule of law. This interlinkage is reiterated by the UN Secretary-General in his [New Vision for the Rule of Law](#): *"Human rights and the rule of law are mutually reinforcing – the advancement of the rule of law is essential for the protection of all human rights, and human rights are central to the rule of law."*

The Office of the UN High Commissioner for Human Rights (OHCHR), also known as UN Human Rights Office, is mandated by the UN General Assembly to promote and protect the enjoyment and full realization, by all people, of all human rights. As part of its mandate, OHCHR works to mainstream human rights to strengthen the rule of law ([Management Plan 2024 - 2027](#)).

Established in 2009, OHCHR Regional Office for Europe (ROE) aims to advance the protection and promotion of human rights in the European Union and its member States. ROE works to mainstream international human rights standards to strengthen the rule of law in the EU by engaging in and contributing to the European Commission's Rule of Law Report. ROE furthermore promotes the UN human rights mechanisms and processes by giving their work visibility at the regional level.

## OHCHR ROE'S CONTRIBUTION

The contribution by OHCHR Regional Office for Europe (ROE) is grounded in the Universal Declaration of Human Rights and nine international human rights treaties:

- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child (CAT)
- Convention on the Rights of Persons with Disabilities (CERD)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW)
- International Convention for the Protection of All Persons from Enforced Disappearance (CPED)

The current submission consists of a compilation of findings and recommendations contained in reports of UN international human rights mechanisms including human rights treaty bodies, special procedures and the Universal Periodic Review of the UN Human Rights Council. It also includes statements and reports by the UN High Commissioner for Human Rights and his Office.

# UN HUMAN RIGHTS MECHANISM

Each of the nine international human rights treaties creates a **human rights treaty body or committee of independent experts** to monitor the implementation of the provisions of the treaty. With the support from OHCHR, the treaty bodies:

- consider reports submitted by State parties detailing how they are implementing the treaty;
- adopt general comments interpreting the treaty provisions, and organize discussions on themes related to the treaties; and
- consider complaints (communications) from individuals alleging that their rights have been violated by a State party, provided that the State has accepted the complaints procedure.

The **UN Human Rights Council (HRC)** is a subsidiary body of the UN General Assembly and the main intergovernmental body within the UN responsible for human rights. It meets at the UN Office at Geneva in three regular sessions each year, and may convene special sessions to respond to urgent human rights situations. The HRC benefits from substantive, technical, and secretariat support from OHCHR.

The **special procedures of the UN Human Rights Council** are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. As of November 2024, there are 46 thematic and 14 country mandates. With the support of OHCHR, special procedures undertake country visits, act on individual cases of alleged violations and concerns of a broader nature by sending communications (letters of allegation) to States and other entities; contribute to the development of international human rights standards; and engage in advocacy.

The **Universal Periodic Review (UPR) of the UN Human Rights Council** is a State-led mechanism that conducts a peer review of the human rights situation of each UN Member State once every 4.5 years. It is carried out by the UPR Working Group of the Human Rights Council. In each review, the State under review reports on the actions it has taken to improve its human rights situation and overcome challenges to the enjoyment of human rights. It also receives recommendations from UN Member States for improvement. In addition to the national reports of States under review, the UPR is informed by compilations of stakeholder information and UN system reports.

In recent years, States have established **National Mechanisms for Implementation, Reporting and Follow-up (NMIRF)**, some of whom with the technical assistance of UN Office of the High Commissioner for Human Rights (OHCHR). This mechanism, which is often based within the ministry of foreign affairs, has a mandate which includes following-up on all treaty body obligations, UPR recommendations, as well as recommendations from other international and regional human rights mechanisms, and generally works closely with government ministries, national human rights institutions and civil society organizations. (See: [National Mechanisms for Reporting and Follow-up: A Study of State engagement with International Human Rights Mechanisms](#); [A Practical Guide to Effective State Engagement with International Human Rights Mechanisms](#))

The **Office of the UN High Commissioner for Human Rights (OHCHR)** also known as **UN Human Rights Office** is the main human rights entity of the UN to protect and promote all human rights for everyone everywhere. The High Commissioner for Human Rights leads OHCHR. He is the principal human rights official of the United Nations.

# INSIDE THE CONTRIBUTION ITALY

- Period of contribution: January - December 2024
- Contents of contribution:
  - The Committee on the Elimination of Discrimination against Women (CEDAW) adopted its concluding observation on Italy on 1 February 2024 and the report ([CEDAW/C/ITA/CO/8](#)) was published on 27 February 2024.
  - The International Independent Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement visited from 2 to 10 May 2024 and presented its report ([A/HRC/57/71/Add.2](#)) to the 57th session of the UN Human Rights Council (9 September - 9 October 2024).
- Forthcoming relevant information (January - May 2025):
  - The Working Group on the Universal Periodic Review will review Italy at its Fourth cycle, 48th session (20 - 31 January 2025).
- Resources:
  - [Rule of Law in Europe | OHCHR](#)
  - OHCHR country page - [Italy](#)
  - [Universal Human Rights Index \(UHRI\)](#) allows you to explore over 230.000 observations and recommendations made by the international human rights protection system (treaty bodies, special procedures and the Universal Periodic Review)

## Pillar I: JUSTICE SYSTEM

There is no true respect for the rule of law without a judicial power guaranteeing compliance therewith. Judges guarantee compliance with laws and with it the reality of democratic coexistence. The duty to promote equality among all persons, especially to ensure that everyone has the right to access justice on an equal basis with others, rests with the judiciary. Guaranteeing access to justice is indispensable to democratic governance and the rule of law, as well as to combating inequality and exclusion.

Respecting the rule of law through fostering the separation of powers and the independence of justice ensures protection of human rights. The judiciary is the ultimate guarantors of human rights. However, at the same time, judges, prosecutors and lawyers are subject to attacks and violations of their rights, including threats, intimidation, external interference in conducting their professional activities, arbitrary detention, prosecution, and killings. These attacks threaten the impartiality and independence of the judiciary and the legal profession and in turn, deter their role as guarantors of human rights and the rule of law.

For more info:

- [Basic Principles on the Independence of the Judiciary](#)
- [Human rights in the administration of justice: a manual on human rights for judges, prosecutors and lawyers](#)
- [International principles and guidelines on access to justice for persons with disabilities](#)

- [General Recommendation No. 33 on women's access to justice \(CEDAW/C/GC/33\)](#)
- [Special Rapporteur on the independence of judges and lawyers](#)

### **Quality of justice – accessibility of courts**

- The Committee on the Elimination of Discrimination against Women is concerned about:
  - (a) The limited access to free legal aid for women without sufficient means, especially those belonging to disadvantaged groups, including rural women, women with disabilities, migrant, asylum-seeking and refugee women and Roma, Sinti and Caminanti women;
  - (b) The use of discriminatory language and the secondary victimization in legal proceedings. ([CEDAW/C/ITA/CO/8, para. 15](#))
- The Committee on the Elimination of Discrimination against Women recommends that the State party:
  - (a) Expand and adequately fund public legal aid services to ensure access to free legal aid to women without sufficient means, in particular rural women, women with disabilities, migrant, asylum-seeking and refugee women and Roma, Sinti and Caminanti women, in criminal, civil and administrative proceedings relating to gender-based violence and discrimination against women;
  - (b) Strengthen capacity-building programmes for judges, prosecutors, lawyers and other legal professionals on the Convention, the Optional Protocol and the Committee's general recommendations, its views on individual communications and its inquiry reports under the Optional Protocol, address judicial gender bias and prevent the secondary victimization of women. ([CEDAW/C/ITA/CO/8, para. 16](#))

## Pillar II: ANTI-CORRUPTION

Corruption has a destructive effect on State institutions and it undermines the functioning and legitimacy of institutions and processes, the rule of law and ultimately the State itself. In particular, corruption effects on the capacity of States to respect, protect and fulfil human rights particularly of those persons and groups in situation of vulnerability and marginalization.

Corruption pose a major challenge to many societies as they divert public revenues and cripple public budgets that should provide healthcare, housing, education, and other essential services, they undermine States' ability to meet their minimum core obligations and their pre-existing legal obligations to maximize all available resources to respect, protect and fulfil human rights.

For more info:

- [Corruption and human rights | OHCHR](#)
- [OHCHR Key messages on the negative impact of corruption in the enjoyment of human rights](#)

There is no relevant information under this pillar for the coverage period.

## Pillar III: MEDIA FREEDOM

Free, independent, plural and diverse media are a core component of the right to freedom of expression, a cornerstone of democratic societies and plays an essential role in strengthening the rule of law. Journalists and the media are crucial to ensure transparency and accountability for public and governmental authorities.

For more info:

- [OHCHR and the safety of journalists and the issue of impunity](#)
- [Special Rapporteur on freedom of opinion and expression](#)
- [General comment No.34 on Article 19: Freedoms of opinion and expression \(CCPR/C/GC/34\)](#)

There is no relevant information under this pillar for the coverage period.

## Pillar IV: CHECKS AND BALANCES

Civic space is the environment that enables civil society to play a role in the political, economic and social life of our societies. In particular, civic space allows individuals and groups to contribute to policy-making that affects their lives, including by: (1) accessing information; (2) engaging in dialogue; (3) expressing dissent or disagreement, and (4) joining together to express their views. An open and pluralistic civic space that guarantees freedom of expression and opinion as well as freedom of assembly and association, is a prerequisite for making development and peace sustainable.

For more info:

- [OHCHR and protecting and expanding civic space](#)
- [Special Rapporteur on human rights defenders](#)
- [The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#)

### ***Independent authorities – national human rights institution***

- The Committee on the Elimination of Discrimination against Women takes note of the information provided by the State party on the progress made towards the adoption of the draft law for the establishment of a national human rights institution with the mandate to protect, promote and address human rights, including women's rights. It remains concerned, however, about the long delay in the adoption of the draft law. ([CEDAW/C/ITA/CO/8, para. 21](#))
- The Committee on the Elimination of Discrimination against Women recommends that the State party expedite the establishment of an independent national human rights institution, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), with a strong mandate to protect and promote human rights, including women's rights, and provide it with adequate human, technical and financial resources to enable it to effectively discharge its mandate. ([CEDAW/C/ITA/CO/8, para. 22](#))

- The International Independent Expert Mechanism is concerned about the absence of a National Human Rights Institution (NHRI) compliant with the Paris Principles and dedicated to safeguarding and advancing all human rights. An NHRI can play a key role in combating racism and protecting groups subject to particular vulnerabilities, marginalization or intersecting forms of discrimination, including in law enforcement and the criminal justice system. Its absence is a challenge to independent monitoring and implementation of international and regional human rights standards at the national level, as well as to civil society engagement. ([A/HRC/57/71/Add.2, para. 28](#))

### ***Independent authorities – the Observatory for Security against Acts of Discrimination (OSCAD)***

- Systemic racism also hampers the effective functioning of public bodies, as discriminatory practices often result in biased decision-making and unequal enforcement of laws. Regarding discrimination and hate crimes, the Mechanism learned about the work of OSCAD, including its training to law enforcement institutions. Various stakeholders met during the visit raised concerns about OSCAD’s lack of impartiality and independence to follow up on investigations of hate crimes by police officers. ([A/HRC/57/71/Add.2, para. 24](#))
- The International Independent Expert Mechanism was further informed that OSCAD faces challenges given the underreporting and under-recording of cases, and its lack of sufficient personnel. It is constrained by insufficient adequately trained personnel capable of identifying both the occurrence of hate crimes and their discriminatory nature. OSCAD may have a mandate to identify violations of anti-discrimination norms but has no enforcement powers and its follow-up actions are of limited reach. In this regard, the Mechanism sees as a good practice the introduction in the criminal code of the “aggravating circumstance” when crimes are committed for purposes of discrimination or ethnic, national, racial or religious hatred. However, the Mechanism was informed that judges do not consistently consider this aggravating circumstance, depriving victims of the rights established in the law. ([A/HRC/57/71/Add.2, para. 25](#))

### ***Independent authorities – equality body (UNAR)***

- The International Independent Expert Mechanism also heard about the work undertaken by UNAR, Italy’s equality body, mandated to ensure equality amongst all people. While stakeholders highlighted many positive aspects of UNAR’s work, civil society acknowledged the limitations imposed by its lack of independence. UNAR serves dual roles, functioning as both an equality body and the implementing body for national anti-discrimination strategies. The Mechanism welcomes the initiative of designating local officers against discrimination, who will be placed in different regions and metropolitan cities across the country. It also received information that UNAR’s lack of independence and, in some cases, lack of impartiality, hinder its effectiveness as an equality body, contributing to underreporting and discouraging engagement by victims and civil society. ([A/HRC/57/71/Add.2, para. 26](#))
- Like OSCAD, UNAR also lacks enforcement powers for the solutions it recommends. The Mechanism emphasizes that equality bodies need to be independent. The impartiality and independence of equality bodies, such as UNAR and OSCAD, are compromised by insufficient resources and political interference, limiting their ability to tackle systemic racism and racial discrimination effectively. This not only erodes public trust in these institutions but also perpetuates ongoing cycles of inequality and exclusion. ([A/HRC/57/71/Add.2, para. 27](#))

## SPECIAL THEME - Law enforcement

In his [New Vision for the Rule of Law](#), the UN Secretary-General noted that we need to move urgently and collectively towards more transparent, inclusive and responsive justice systems. Individuals and groups facing systemic prejudice, bias and stereotypes must be afforded fair treatment in criminal and civil justice systems. As part of the criminal justice system, law enforcement enforces laws and maintains order. In doing so, law enforcement officials have the authority to use force to maintain public order, and to ensure human rights and the rule of law. However, this force can be misused. To prevent the abusive use of force and violation of human rights in law enforcement, States should follow a legislative framework, combined with guidance and training. International human rights law is the international legal framework regulating the use of force by law enforcement, and is designed to prevent arbitrary, excessive or discriminatory uses of force, and to ensure accountability in cases of abuse.

For more info:

- [Law enforcement and human rights | OHCHR](#)
- [General recommendation No. 36 \(2020\) on preventing and combating racial profiling by law enforcement officials \(CERD/C/GC/36\)](#)

### **Internal policy oversight body**

- The International Independent Expert Mechanism regrets the absence of a non-judicial internal police oversight body in Italy to investigate complaints against law enforcement officials. According to information received, Italy is the only country in the European Union without such a mechanism. The Mechanism also notes with concern that there is no independent civilian oversight body with a mandate to examine complaints against law enforcement officials. As a result, complainants are left with pursuing judicial avenues as their sole recourse. While the National Guarantor of the Rights of Persons Detained or Deprived of their Liberty plays an important preventive role, its mandate remains limited to that of a national preventive mechanism established under the Optional Protocol to the UN Convention against Torture (OPCAT). ([A/HRC/57/71/Add.2, para 57](#))

### **Law enforcement wellbeing**

- During meetings with law enforcement, the International Independent Expert Mechanism discussed available services for supporting the mental health and well-being of law enforcement officers. The information received indicates that psychologists are available on a voluntary basis to those who seek their support. However, mandatory psychological support is limited to serious incidents, typically involving the use of weapons. The Mechanism spoke with officers who expressed a need for more comprehensive support services for themselves and their families. ([A/HRC/57/71/Add.2, para 73](#))
- The lack of material and human resources adds significant strain to the mental health of officers. During visits to two detention facilities in Milan, the juvenile correctional facility “Cesare Beccaria” and the correctional facility “San Vittore”, the management reported being understaffed. Additionally, during a visit to a correctional facility in Milan, concerns were raised about the young age and inexperience of some penitentiary officers, calling for increased mentorship and support from senior staff to help them develop their skills, gain expertise, and understand diverse cultural values. ([A/HRC/57/71/Add.2, para 74](#))
- The International Independent Expert Mechanism recognizes the challenging and stressful nature of law enforcement work. The mental health and well-being of officers directly affect the way they perform their duty and their interactions with the communities they are mandated to protect. Law enforcement agencies should foster a culture of respect and well-being, where officers feel valued, and implement comprehensive mental health and wellness programs for the staff and their families. ([A/HRC/57/71/Add.2, para 75](#))

