



Contribution by Office of the UN High Commissioner for Human Rights (OHCHR) to the 2026 Rule of Law Report - European Commission

Rule of law and 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."

Office of the UN High Commissioner for Human Rights (OHCHR)

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.

OHCHR 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's contribution

The current submission consists of a compilation of findings and recommendations contained in reports of UN human rights monitoring mechanisms including treaty-based mechanism (international human rights treaties), and Charter-based mechanism (special procedures and the Universal Periodic Review of the UN Human Rights Council). It further draws on statements and reports by the UN High Commissioner for Human Rights and the High Commissioner's office (see diagram on the next page).

In line with the scope of the European Commission's Rule of Law Report, this contribution covers 27 Member States of the European Union and four candidate States, namely, Albania, Montenegro, North Macedonia and Serbia.

UN human rights monitoring mechanisms

The below human rights bodies review the following nine core United Nations human rights treaties:

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

Treaty-based mechanism

Treaty monitoring bodies

- Committee on the Elimination of Racial Discrimination (CERD)
- Committee on Economic, Social and Cultural Rights (CESRC)
- Human Rights Committee (CCPR)
- Committee on the Elimination of Discrimination against Women (CEDAW)
- Committee Against Torture (CAT)
- Committee on the Rights of the Child (CRC)
- Committee on Migrant Workers (CMW)
- Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT)
- Committee on the Rights of Persons with Disabilities (CRPD)
- Committee on Enforced Disappearances (CED)

UN Charter-based mechanism

UN Human Rights Council

A subsidiary body of the UN General Assembly and the main intergovernmental body in the UN responsible for human rights.

Special Procedures

Independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective.

Universal Periodic Review

State-led mechanism that conducts a peer review of the human rights situation of each UN Member State

Human Rights Council-mandated Investigative Bodies

The Office of the UN High Commissioner for Human Rights (OHCHR) provides expertise and support to all of the different human rights bodies.

Human rights and rule of law (4 pillars of Rule of Law Report)

Pillar 1: 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](#)

Pillar 3: 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 \(CCPR/C/GC/34\)](#)

Pillar 2: 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](#)

Pillar 4: 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](#)



Italy: Inside the contribution

- **Period of contribution: January – December 2025**
- **Contents of contribution and additional information:**
 - The Universal Periodic Review of Italy was held at its 48th session (20 - 31 January 2025) and the outcome report was adopted ([A/HRC/59/4](#)) at the 59th session of the UN Human Rights Council (16 June –11 July 2025). See [matrix of recommendations](#).
 - The special procedures of the UN Human Rights Council sent a communication letter to Italy ([ITA 7/2025](#), 23 October 2025) on the proposed amendments to Italian Constitution regarding the autonomy and organisation of the judiciary.
 - The special procedures of the UN Human Rights Council sent a communication letter to Italy ([ITA 3/2025](#), 26 March 2025) on the allegedly arbitrary arrest and degrading treatment in detention of 22 climate activists and human rights defenders. A [response](#) was received (28 May 2025).
 - The special procedures of the UN Human Rights Council issued a [press release](#) (14 April 2025) to call on the Italian Government to rescind the decree adopted abruptly on 4 April to enact a security bill. Previously, the experts have sent a communication letter to Italy ([ITA 7/2024](#), 19 December 2024) on this matter.
- **Summary of information which could be of particular relevance to the Rule of Law report:**
 - Under pillar 1, relevant findings and recommendations (independence, efficiency of the justice system) were issued by UN human rights mechanisms.
 - Under pillar 2, relevant findings and recommendations (the institutional framework capacity to fight against corruption) were issued by UN human rights mechanisms.
 - Under pillar 3, relevant findings and recommendations (framework for journalists' protection, transparency and access to documents) were issued by UN human rights mechanisms.
 - Under pillar 4, relevant findings and recommendations (independent authorities, the enabling framework for civil society, other - the right to vote) were issued by UN human rights mechanisms.
- **Forthcoming relevant information (January – May 2026):**
 - The UN Committee against Torture will consider the State Party report from Italy in a future session [\(date to be confirmed\)](#).
 - The UN Committee on Enforced Disappearances will consider the State Party report from Italy in a future session [\(date to be confirmed\)](#).
- **Resources:**
 - Rule of Law in Europe | [OHCHR](#)
 - Country page on [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).

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](#)
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Independence - appointment and selection of judges, prosecutors and court presidents; Promotion of judges and prosecutors

The special procedures of the UN Human Rights Council sent a communication letter to Italy ([ITA 7/2025](#), 23 October 2025) on the proposed amendments to Italian Constitution regarding the autonomy and organisation of the judiciary, in particular, on career separation and dual high council:

- The bill introduces a formal separation between the careers of judges and public prosecutors, creating two distinct professional paths. This would end the current practice whereby judges may become prosecutors and vice versa. The stated objective is to ensure that those who adjudicate cases have not previously served as accusers, thereby reducing the risk of bias or undue influence. The reform further proposes the creation of two separate High Councils – one for judges and one for public prosecutors – while maintaining the institutional safeguard of the President of the Republic presiding over both. These bodies would oversee appointments, career progression, and disciplinary matters.
- Proposals to amend the structure of the judiciary, and the procedures that govern the judicial and prosecutorial appointments, career and discipline, should be carefully assessed to ensure they comply with international standards. This reform proposal introduces a fundamental change in the structure of the Italian judiciary and may deprive the public prosecution service of the status and guarantee of external independence that the Constitution currently ensures by the principle of the unity of the judiciary, which implies a common set of guarantees for judges and prosecutors and a common Superior Council. Article 14 of the International Covenant on Civil and Political Rights and the Basic Principles on the Independence of the Judiciary, establish that States must ensure that those who exercise a judicial function are free from interference, intimidation, hindrance or harassment.

- A fundamental principle of judicial independence is that judges should not be subjected to threats or put at risk of harm due to their work or the content of their independent decisions and judgments. As it relates to prosecutors, international standards in this area emphasize that “prosecutors play a fundamental role in the administration of justice, and that the rules governing the performance of their important functions should [...] contribute to a fair and equitable criminal justice system and to the effective protection of citizens against crime”.

Independence - accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges

The special procedures of the UN Human Rights Council sent a communication letter to Italy ([ITA 7/2025](#), 23 October 2025) on the proposed amendments to Italian Constitution regarding the autonomy and organisation of the judiciary, in particular, on High Disciplinary Court:

- The proposed nomination procedures risk undermining the democratic legitimacy of the Councils by reducing the role of judges and prosecutors in selecting their own representatives. According to European standards, at least half of the members of judicial councils should be judges elected by their peers. While the aim of random selection is to ensure objectivity, the proposed procedure does not guarantee peer election and therefore raises serious questions. Independent review of decisions taken in disciplinary proceedings involving suspension or removal from judicial office is a guarantee of judicial independence recognized in international and regional standards. Principle 20 of the Basic Principles on the Independence of the Judiciary explicitly requires that judges have the opportunity to appeal against disciplinary decisions or decisions to remove them from office. At the regional level, the Council of Europe has recognized the right of judges to appeal decisions made in disciplinary proceedings.
- Disciplinary proceedings against prosecutors must be conducted in full compliance with current international norms and standards. Guidelines on the Role of Prosecutors (“Guidelines”) 21 states that “Disciplinary offences committed by prosecutors shall be provided for by law or regulations. Complaints against prosecutors alleging that they have acted clearly outside the scope of professional standards shall be dealt with promptly and impartially in accordance with the relevant procedure. Prosecutors shall have the right to a fair hearing. Decisions shall be subject to independent review.” Guideline 22 states that “Disciplinary proceedings against prosecutors shall ensure an objective assessment and decision. They shall be determined in accordance with the law, the code of professional conduct and other established ethical rules and standards and bearing in mind these Guidelines”.

Efficiency of the justice system

During its Fourth Universal Periodic Review ([A/HRC/59/4](#)), Italy supported a recommendation on efficiency of justice system:

- 34.98 Continue to enhance the efficiency of criminal trials and improve the justice system (Oman);

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](#)

The institutional framework capacity to fight against corruption

During its Fourth Universal Periodic Review ([A/HRC/59/4](#)), Italy supported recommendations on anti-corruption:

- 34.96 Allocate sufficient resources to anti-corruption institutions and ensure effective implementation of anti-corruption legislation (North Macedonia)
- 34.97 Continue efforts to combat corruption (Dominican Republic)

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.

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Framework for journalists' protection, transparency and access to documents

During its Fourth Universal Periodic Review ([A/HRC/59/4](#)), Italy supported recommendations on media freedom:

- 34.110 Strengthen further media freedom by accelerating the reforms of the legal regimes governing defamation and the protection of professional secrecy and journalistic sources in line with international human rights standards (Kingdom of the Netherlands)
- 34.111 Follow up on the proposal of the European Union to reform the press defamation regime while avoiding any negative impacts on press freedom and ensure European standards on the protection of journalists (Germany)
- 34.112 Ensure decriminalization of journalistic defamation through legislative means (Czechia)
- 34.113 Ensure the protection of freedom of expression, including by repealing criminal penalties for defamation and blasphemy (United States of America)
- 34.114 Ensure mechanisms to provide sufficient funding for public service media, enabling it to fulfil its mission and maintain its independence (Czechia);
- 34.105 Ensure the safety of journalists, including by ensuring that perpetrators of violence and threats against journalists are prosecuted and held accountable (Sweden)
- 34.106 Investigate effectively cases of threats and attacks against journalists (Russian Federation)

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.

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Independent authorities - Independence, resources, capacity and powers of national human rights institutions ('NHRIs')

During its Fourth Universal Periodic Review ([A/HRC/59/4](#)), Italy supported recommendations on National Human Rights Institutions:

- 34.22 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) and provide it with the necessary resources to carry out its work effectively (Qatar)
- 34.23 Accelerate the establishment of a national human rights institution in line with the Paris Principles (Côte d'Ivoire) (Estonia)
- 34.24 Accelerate the establishment of the national human rights institution (Sri Lanka)
- 34.25 Continue legislative and executive procedures to establish a national human rights institution in accordance with the Paris Principles (Iraq)
- 34.26 Work to establish a national human rights institution in accordance with the Paris Principles (Libya)
- 34.27 Establish an independent national human rights institution in compliance with the Paris Principles (Gambia)
- 34.28 Expedite the establishment of an independent national human rights institution in line with the Paris Principles (Armenia) (Mongolia) (Thailand)
- 34.29 Expedite the establishment of an independent national human rights institution (India)
- 34.30 Redouble efforts to establish an independent national human rights institution (Ecuador)
- 34.31 Expedite processes to establish a national human rights institution in accordance with the Paris Principles (Republic of Korea)
- 34.32 Conclude the process of establishing a national human rights institution in full compliance with the Paris Principles (Portugal)
- 34.33 Encourage the Government to work towards establishing a national human rights institution and a national commission for the promotion and protection of human rights (Jordan)
- 34.34 Develop a clear timeline for the establishment of an independent national human rights institution in conformity with the Paris Principles (Malaysia)
- 34.35 Accelerate efforts towards the establishment of a national human rights institution aligned with the Paris Principles (Cyprus)
- 34.36 Strengthen efforts to establish an independent national human rights institution in conformity with the Paris principles (Slovenia)

- 34.37 Prioritize the process of the establishment of a national human rights institution to ensure compliance with the Paris Principles and strengthen Italy's human rights infrastructure (Kenya)
- 34.38 Accelerate the establishment of an independent national human rights institution in accordance with the Paris Principles (New Zealand)
- 34.39 Expedite the establishment of a national human rights institution in line with the Paris Principles (Montenegro)
- 34.40 Establish a national human rights institution in accordance with the Paris Principles (Colombia)
- 34.41 Establish an independent national human rights institution, in line with the Paris Principles (Uruguay)
- 34.42 Consider the establishment of a national human rights institution (Kazakhstan)
- 34.43 Expedite efforts to establish an independent human rights institution (Greece)
- 34.44 Continue efforts to establish an independent national human rights institution in the near future, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (Bahrain)
- 34.45 Adopt the draft law for the establishment of a national human rights institution in compliance with the Paris Principles (North Macedonia)
- 34.46 Establish an independent national human rights institution compliant with the Paris Principles (Australia)
- 34.47 Continue with its commitment to establish the national commission for the promotion and protection of human rights (Serbia)
- 34.48 Establish without delay an independent national human rights institution, in full compliance with Paris Principles (Finland)
- 34.49 Step up measures further strengthening the legislation governing the functioning of national human rights institutions (Uzbekistan)
- 34.50 Intensify efforts to establish an autonomous national institution to monitor the promotion and protection of human rights, in accordance with the Paris Principles (Chile)
- 34.51 Accelerate the establishment of a national human rights institution aligned with Paris Principles (Malawi)

The enabling framework for civil society - rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders

During its Fourth Universal Periodic Review ([A/HRC/59/4](#)), Italy supported a recommendation on freedom of expression and assembly:

- 34.108 Protect the right to freedom of expression and assembly by refraining from adopting legislation that criminalizes peaceful protest and legitimate acts of civil disobedience (Norway)

The enabling framework for civil society - measures regarding the framework for civil society organisations and human rights defenders

The special procedures of the UN Human Rights Council sent a communication letter to Italy ([ITA 3/2025](#), 26 March 2025) concerning the allegedly arbitrary arrest and degrading treatment in detention of 22 climate activists and human rights defenders from the Italian branches of Extinction Rebellion, Last Generation (Ultima Generazione) and Palestina Libera, in connection with a non-violent direct action at the premises of the company Leonardo S.p.A. in Brescia:

- The special procedures experts expressed concerns regarding the allegedly arbitrary arrest and detention of 22 human rights defenders and climate activists, including Elisa Francescatti, Marta Maroglio, Laura Lofaro, Beatrice Ravarotto, Arianna Carpinella, Francesco Baccinetti, Matteo Galliano, Michele Ghidini, Massimiliano Croce, Riccardo Rocchi, Davide Giorgio Scianca, Samuele Righetto and Yuri Pietro Tacconi. The Experts are concerned that they appear to have been arrested for exercising their rights to freedom of assembly, to freedom of expression and to promote and protect human rights, in a non-violent manner that seemingly did not pose a threat to the public. If this is the case, which the information received would indicate, it would render their arrest and detention arbitrary.
- The Experts underscored that direct action campaigns and collective civil disobedience can be covered by article 21 of the ICCPR, “provided that they are non-violent”, with “violence” in this context being taken to mean “the use by participants of physical force against others that is likely to result in injury or death or serious damage to property”. Given that the paint used as part of this direct action was washable, it would appear to not meet the threshold of “serious damage”, with the response by the authorities seemingly thus disproportionate. We also wish to underscore that by virtue of their nature and purpose, peaceful assemblies may be inherently or deliberately disruptive and require a significant degree of toleration.

During its Fourth Universal Periodic Review ([A/HRC/59/4](#)), Italy supported recommendations on human rights defenders:

- 34.91 Strengthen efforts to protect human rights defenders and humanitarian workers, ensuring that they can carry out their work freely (Peru)
- 34.101 Take the necessary measures for the effective protection of human rights defenders (Spain)
- 34.102 Take measures to protect human rights defenders from threats and attacks (Chile)
- 34.103 Ensure effective protection for journalists, human rights defenders and other activists (Dominican Republic)

Other – the right to vote

During its Fourth Universal Periodic Review ([A/HRC/59/4](#)), Italy supported a recommendation on the right to vote:

- 34.284 Adopt appropriate measures to ensure full implementation of the articles of the law on facilitation of the election of candidates belonging to the Slovenian minority to Italian representative bodies at national and regional levels (Slovenia)