

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Italy: Human rights concerns over a new law on public security

Background

Amnesty International is deeply concerned about a law on public security recently adopted by the Italian authorities that contains provisions that are at odds with Italy's obligations under international human rights law, in particular the right to liberty and security of person,¹ the right to freedom of movement,² the right to a fair trial,³ right to privacy,⁴ right to freedom of expression and opinion,⁵ freedom of peaceful assembly,⁶ freedom of association⁷ and non-discrimination.⁸

Decree-Law No. 23/26⁹ on "provisions concerning public security" was initially adopted by the Government on 24 February 2026 and entered immediately into force. The two chambers of the Italian parliament had 60 successive days to convert the decree into law and make its provisions permanent, otherwise it would have lapsed. On 17 April, the Senate approved the conversion law with few amendments, rejecting most of the over one thousand amendments presented by the opposition. On 24 April, the Chamber of Deputies eventually passed, converting the decree-law to form part of the regular national legal framework. In line with the previous Law on public safety No. 80 of 2025¹⁰, adopted in June 2025, the new one significantly expands the powers of law enforcement authorities, reducing the oversight of judicial authorities, and weakens the fundamental guarantees of the rule of law. Vague provisions in Law 54/26 could result in disproportionate and arbitrary prosecutions and harsh penalties with unduly severe consequences for people exercising their human rights, including freedom of peaceful assembly and freedom of expression.

The new law is indicative of a trend by the current Italian authorities towards public security measures which seem to be aimed at being 'preventative', a troubling trend that has been increasingly manifest in number of security reforms. Rather than focusing solely on the prosecution of offences already committed, it seeks to extend state intervention to an earlier, perceived "pre-offence" stage, expanding administrative prevention powers and raising concerns regarding its harmful implications for proportionality, legal certainty, non-discrimination and the protection of other human rights.

Since their adoption in February, with decree-law 23/26 (then converted in Law 54/26), the new security provisions sparked deep criticism among civil society organizations and human rights groups. In March 2026, Amnesty International Italy provided a detailed account of the law's shortcomings during a hearing before the Senate Committee on Constitutional Affairs and urged Parliament not to give final approval to the bill or to substantially revise its provisions in order to safeguard constitutional freedoms and Italy's international obligations.

On 15 April, the Superior Council of the Judiciary (CSM) issued a critical assessment of the decree-law. In a very detailed opinion addressed to the Ministry of Justice, the CSM noted that the decree raised serious questions regarding its compatibility with constitutional principles and with Article 5 of the European Convention on Human Rights, which protects the right to liberty and security.

A report published on 13 May 2026 by the Court of Cassation provides a critical assessment of several provisions of the new law and raises concerns regarding its compliance with the constitutional requirements of necessity and urgency (Article

¹ Article 9 of the International Covenant on Civil and Political Rights (ICCPR); Article 5 of the European Convention on Human Rights (ECHR)

² Article 12 of the ICCPR; Article 2 of Protocol No. 4 of the ECHR

³ Article 14 of the ICCPR; Article 6 of the ECHR

⁴ Article 17 of the ICCPR; Article 8 of the ECHR

⁵ Article 19 of the ICCPR; Article 10 of the ECHR

⁶ Article 21 of the ICCPR; Article 11 of the ECHR

⁷ Article 22 of the ICCPR; Article 11 of the ECHR

⁸ Article 26 of the ICCPR; Article 14 of the ECHR

⁹ "Conversion into law of Decree-Law No. 23 of February 24, 2026, containing urgent provisions regarding public safety, investigative activities by judicial authorities in cases where there are grounds for justification, the operations of the police forces and the Ministry of the Interior, as well as immigration and international protection" (A.S. 1818)

¹⁰ The bill 80/25 was strongly criticized by several international human rights bodies, including OSCE Office – ODIHR, the Commissioner for Human Rights of the Council of Europe, a joint communication of six Special Rapporteurs of the UN Human Rights Council

77 of the Constitution), as well as the inclusion within the legislative text of issues which are distinct and unrelated to each other.¹¹

In this public statement, Amnesty International offers an overview of its main concerns regarding Law 54/26, both regarding the way in which it was adopted as well as its content.

The by-passing of normal law making and abuse of emergency decrees

Amnesty International expresses serious concern regarding how the Italian government once again used the exceptional means of the emergency decree to introduce far reaching amendments that profoundly affect the exercise of the freedoms of expression, peaceful assembly, and so the ability to dissent in the area of public security, thereby bypassing the possibility of parliamentary scrutiny of the legal provisions and their potential implications.

Legislative practice in recent years reveals the worrying normalization of the use of decrees as a standard mode of regulatory action increasingly by several Italian governments from across the political spectrum.¹² Between October 2022 and December 2025, the Meloni government adopted 117 decree-laws, an average of roughly one every ten days, illustrating the marked tendency towards using the emergency legislative mechanism for law creation.¹³

According to Article 77 of the Constitution, the Government can issue emergency decrees only “in extraordinary cases of necessity and urgency.” Data released by the Ministry of the Interior referring to the year 2024–2025 indicates that the adoption of Decree-Law No. 23/2026 did not occur in an emergency situation context.¹⁴

Already in 2025, in the period leading to the adoption of Law 80/2025, several national and international bodies expressed deep concerns regarding the absence of the grounds necessary to justify the use of emergency decrees. Among them, the Italian Supreme Court raised serious concerns about the compliance of the legislative practice with constitutional requirements. Several UN special rapporteurs also criticized the government’s decision to circumvent parliamentary procedures to avoid scrutiny of provisions not aligned with international law, with regard to legislation which introduced new offences and harsher penalties to disproportionately restrict civil disobedience and protests.

Chapter I of the law: Urgent Provisions on Public Security (Sections 1–11, Articles 4, 7, 9, 10)

In the next paragraphs, Amnesty International offers an overview highlighting the most concerning provisions contained in Law 54/26 chapter I (“Urgent provisions on public security”), notably articles 4, 7, 9, and 10, that are likely to have a severe detrimental effect on the exercise of freedom of expression and peaceful assembly, civic participation, and the expression of dissent in the broader sense.¹⁵

Preventive detention and stop and search in the context of demonstrations (art. 7)

Provisions contained under article 7 modify rules originally introduced under the emergency legislation of the 1970s and significantly expand the powers of law enforcement agencies to carry out preventive detentions and searches during public demonstrations or events open to the public.

Preventive detention in the context of demonstrations (Art. 7, paragraph 2)

Article 7, paragraph 2, modifies the Decree-Law 59/1978 (the so-called Moro Decree), introducing a “preventive detention”, which extends the authority of police officers to forcibly escort to a police station and detain individuals for up to twelve hours, solely for the purpose of identifying them or preventing crimes, provided that there are “reasonable grounds” to believe that the individual may engage in acts that threatens the peaceful conduct of a demonstration. The measure may be applied without judicial oversight, in the context of public order and security operations carried out during demonstrations held in public places or in venues open to the public.¹⁶

¹¹ The requirement of homogeneity is expressly set out in Article 15 of Law No. 400 of 1988, which implements and elaborates upon the prescription contained in Article 77(2) of the Constitution, providing that the content of a decree-law “must be specific, homogeneous, and consistent with its title.”

¹² https://parlamento19.openpolis.it/attivita_legislativa/decreti_legge

¹³ Italian Chamber of Deputies, Research Service, *Legislative Production as of 31 December 2025: Figures and Characteristics*, 19th Legislature, 31 December 2025, available on the official website of the Chamber of Deputies.

¹⁴ Ministry of the Interior, “Viminale Dossier,” August 15, 2025, p. 4, available on the Ministry’s website:

https://www.interno.gov.it/sites/default/files/2025-08/dossier_viminale_ferragosto_2025_1.pdf

¹⁵ In this statement, we will present our concerns not by following the sequence of articles in Law 54/26, but by grouping together provisions that address similar issues

¹⁶ According to Article 17 of the Constitution, the right of assembly is characterized by different legal regimes: 1. Assemblies *in public places*, which take place in spaces freely accessible to anyone (such as squares or streets) and for which prior notice must be given to the competent authorities, who may prohibit them only for “proven reasons of public safety or security” (Article 17, paragraph 3, of the Constitution); 2. Assemblies *in places open to the public*, which take place in locations accessible to the general public but subject to conditions established by the entity holding legal control over them

How Article 7, paragraph 2, of the law breaches Italy's human rights obligations

The provision conflicts with several human rights standards, including the right to liberty and security, and prohibition of arbitrary detentions, freedom of peaceful assembly, and the principles of legality, specificity, necessity and proportionality and risks creating a chilling effect on the exercise of the right to freedom of peaceful assembly.

Article 7 raises serious concerns, primarily due to the vagueness of the broad and flexible legal categories used ("threat to public order and security"), which grant law enforcement officials a wide margin of discretion in assessing the likelihood of a danger which unduly interferes with human rights.

The right to liberty and security is protected by international human rights law. A person may be lawfully deprived of their liberty through police custody only where there are reasonable grounds to suspect that a person has committed a criminal offence or poses a concrete risk to others and where custody is necessary and proportionate.¹⁷ The measure must last no longer than strictly necessary and must never be used solely to stop someone from exercising the right to peaceful assembly.

The European Court of Human Rights has consistently held that even a short-term police detention may constitute a *de facto* deprivation of liberty if it involves compulsory escort and confinement within police premises.¹⁸ While the European Court of Human Rights does allow for administrative detention in limited circumstances, Amnesty International opposes administrative detention because it is used by states to circumvent the fair trial safeguards of criminal proceedings.

States are required to ensure that participation in a peaceful assembly does not serve, in law or in practice, as a reason to conduct an identity check, and that such checks are not conducted simply for the purpose of collecting information about peaceful assemblies or protesters.¹⁹ Arresting and preventively detaining individuals without a valid justification to prevent them from participating in peaceful assemblies constitutes an arbitrary deprivation of liberty and should never be used against peaceful protesters.

The UN Working Group on Arbitrary Detention has stated that a deprivation of liberty may be considered arbitrary where the legal basis for arrest is vaguely worded, overly broad, or where it conflicts with other core protections, including the rights to freedom of expression, peaceful assembly, and freedom of thought or belief.²⁰

Furthermore, the new article does not clarify the purpose of "subsequent police inquiries following the detention"²¹ with the risk that detention could become a measure with an open-ended purpose, lacking clear limits in terms of its subject matter and scope, and thus in violation of the principle of legality.

Secondly, the criteria behind the assessment of the so-called "dangerousness" of the person in relation to the demonstration include not only past criminal records, but also simple police reports concerning alleged offences involving violence against persons or property committed in the context of public demonstrations over the preceding five years. Reliance on such non-judicial information effectively establishes presumptions of dangerousness grounded in administrative policing practices, undermining the presumption of innocence, jeopardizing human rights and bypassing judicial scrutiny and safeguards. It also harbors the high risk of being used in a discriminatory manner.

Finally, the "judicial oversight" is confined to an ex-post communication to the public prosecutor, who needs to be merely informed of the preventive detention. This limited safeguard risks hollowing out effective judicial control over restrictions of personal liberty and reinforces a model in which police assessments prevail over judicial authority.

In conclusion, the provision does not clearly regulate the procedure for imposing preventive detention, nor does it guarantee the person concerned or their lawyer timely access to the reasons for the measure and the supporting documentation, providing only for immediate notification to the public prosecutor.

(e.g., movie theaters or theaters), for which no prior notice to the public safety authority is required (Art. 17, para. 2, Constitution). Against this backdrop, the extension of the scope of preventive detention to gatherings in venues open to the public is of particular concern, because assemblies held in places open to the public fall under a regime of greater freedom, precisely because their conduct does not involve the occupation of public space and does not justify forms of preventive control by public security authorities

¹⁷ Note though that international law does allow for detention for other reasons outside of the criminal justice context, see Article 5(1)(a)-(f)

¹⁸ European Court of Human Rights, See *Shimovolos v. Russia*, no. 30194/09, 21 June 2011

[https://hudoc.echr.coe.int/fre#\(itemid%22:%22001-105217%22\)](https://hudoc.echr.coe.int/fre#(itemid%22:%22001-105217%22))

¹⁹ UN Human Rights Committee, *General Comment No. 37*, CCPR/C/GC/37 (2020), para. 33

²⁰ Working Group on Arbitrary Detention: Opinion No. 25/2004, *Al Faleh and Others v. Saudi Arabia*, UN doc. E/CN.4/2006/7/Add.1, pp. 16–20, paras. 13–20; Report, UN doc. E/CN.4/2001/14, 2000, paras. 93–94. Human Rights Committee: *Concluding Observations, Canada*, UN doc. CCPR/C/CAN/CO/5, 2005, para. 20; *Uzbekistan*, UN doc. CCPR/CO/83/UZB, 2005, para. 22; see *Jung and Others v. Republic of Korea*, UN doc. CCPR/C/98/D/1593–1603/2007, 2010, para. 7.4

²¹ Article 9 of Law 54/26

First application by police of article 7, paragraph 2, to protestors

The new provision was first applied on March 29 during a memorial vigil organized at Parco degli Acquadotti in Rome which had been unlawfully preventively banned by the local police.²² Ninety-one people who had gathered peacefully at the site were stopped at the park entrance and detained at the local Questura for more than 8 hours, in accordance with the new provision set forth in Article 7. According to the Legal Resistance Network, a national coalition of lawyers defending the right to dissent, “The detention was applied indiscriminately to all participants, without evaluation of the requirements of Article 7 (...). the grounds for the detention appear to be based exclusively on the participants’ (alleged) ideological adherence to anarchism and on the violation of an unlawful ban issued by the Police Commissioner in contradiction with the constitutional principles of freedom of thought. (...) Even the requirement of criminal or police records, necessary for the application of the measure enshrined in Article 7, does not appear to have been verified (nor verifiable) at the time of the detention, as it would have required individual investigations incompatible with an indiscriminate and immediate mass intervention.”

The ninety-one people identified were eventually released. A few days later, some of them received a notice from the police (Questura) that they would be issued with a “mandatory order to leave” (*foglio di via obbligatorio*),²³ an administrative measure banning an individual from a municipality other than their place of residence for a period of up to three years, a far reaching and punitive restriction on freedom of movement that, additionally concerning, can be issued with no safeguard, such as judicial validation.²⁴

The use of the preventive detention appears to have lacked a legitimate aim and to have been used exclusively to prevent the vigil, resulting in a generalized and improper application of the measure that is incompatible with the requirements of legality, necessity and proportionality for a legitimate objective under Article 5 of the European Convention on Human Rights and Article 9 of the ICCPR. Mass detention, particularly in the context of peaceful demonstrations, carries a heightened risk of being arbitrary under international standards.

Police stop and search in the context of demonstrations (art. 7, paragraph 1)

Article 7, paragraph 1, significantly expands the scope of on-site stop and searches provided for under Law No. 152/1975 (the so-called Reale Law) without prior judicial authorization. While Law 152/1975 limited the powers of stop and searches to exceptional circumstances of necessity and urgency during “police operations”, the new provision allows law enforcement authorities to conduct police searches also in the context of demonstrations in public places, meetings open to the public (assemblies, cultural events, gatherings, etc.), general locations with a “substantial influx of people,” and to the means of transportation used to reach the location.

While maintaining a system of ex-post judicial oversight, the provision expands search powers to include vaguely defined “instruments or objects capable of causing harm”, when they present a generic “current danger to public safety or to public or individual security.”

How Article 7, paragraph 1, of the law breaches Italy’s human rights obligations

Article 7 conflicts with several human rights standards, including the right to privacy and the principles of legality, necessity and proportionality and carries the risk of discriminatory application. Moreover, broad powers of police search in the framework of public demonstration are overly intrusive and can have a chilling effect on those who wish to exercise their right to freedom of peaceful assembly.

The use of police powers to stop and search a person must always comply with the principles of legality, necessity and proportionality and it should not be carried out with a view to harass people or to dissuade them from participating in an assembly. Law enforcement officials may only stop a person and search them in a non-discriminatory manner if they have reasonable grounds to suspect the commission or threat of a serious offence.²⁵ In practice, the lower threshold could allow

²² The commemorative vigil had been organized at the venue where two individuals affiliated with the anarchist groups lost their lives on 18 March, allegedly while engaged (on the basis of preliminary investigative evidence) in activities involving the assembly of a non-conventional explosive device. The initiative was considered by the Questura to be “in conflict with the values of civil and democratic coexistence, in light of anarchism’s ideological opposition to the established constitutional order and the “celebratory” character by which the initiative was allegedly motivated.”

²³ Phone interview with one of the lawyer, 11 June 2026

²⁴ While the “mandatory orders to leave” were originally conceived as preventive measures targeting individuals deemed “dangerous to public security,” they are now increasingly being used as a tool of retaliation against activists to prevent them from exercising their right to peaceful assembly. Amnesty International has previously expressed concern that, in recent years, these measures have been used with increasing frequency against activists from a range of social movements, grassroots trade union representatives, and, with the aim of obstructing their activities and silencing peaceful dissent, Amnesty International Italia, Fogli di via: strumento di prevenzione o di repressione?, <https://www.amnesty.it/fogli-divia-strumento-di-prevenzione-o-di-repressione/>; Amnesty International, Statement expressing concern over the human rights violations committed by the authorities on 5 October in Rome, before and during the “National Demonstration for Palestine,” including violations of the rights to freedom of expression and peaceful assembly: <https://www.amnesty.org/en/documents/eur30/8713/2024/en/>

²⁵ CCPR, GC 37, Peaceful Assembly, CCPR/GC/37, para. 83; ECtHR, Gillan and Quinton v. UK, App. 4158/05, 12 Jan. 2010, paras 76-87

authorities to carry out searches based on generalized assessments of dangerousness, public order concerns, prior conduct, or participation in protests, rather than on concrete indicators linking an individual to a specific criminal offence.

Mere participation of people in a peaceful protest is not a reasonable ground to apply “stop-and-search” powers to them. Law enforcement agencies must have clear protocols in place indicating when conducting “stop-and-search” is appropriate and lawful, how it should be conducted, and how to deal with individuals following their arrest.²⁶

Alongside the preventive detention provided for in article 7, this provision lacks specificity and effectively grants the police exceptional powers and broad discretion in carrying out identity checks and searches in ordinary contexts of collective participation and urban social life, effectively transforming public demonstrations, gatherings open to the public, and spaces of social interaction into environments structurally exposed to preventive control and discretionary intervention by public security authorities.

First application by police of article 7, paragraph 1, to protestors

On 16 March, two activists from the *No Food No Science* collective were stopped and searched inside a bar located in Piazza Sorbello in Mantova, the place where the group had intended to organize a protest against the *Food and Science* festival. The local police headquarters (*Questura*), however, had ordered that the demonstration should instead take place in a peripheral area of the city, namely Piazza dei Mille.

In the report drafted by the Mantua police headquarters and reviewed by Amnesty International, the preventive stop and search was justified on the basis of an alleged “current threat to public order and security”, referring, among the indicative elements, to the presence of a megaphone and a keffiyeh in the backpack of one of the activists, considered as “evidence” of an intention to stage a protest.

The two activists were held at the police station for approximately five hours and were subsequently released with notification of an administrative fine ranging from €1,000 to €12,000 for “violation of the ban on demonstration”, despite the fact that the demonstration ultimately did not take place, and their megaphone were seized.²⁷ In the meantime, local *Digos* officers had identified and stopped numerous individuals who were heading towards the square. According to a statement by the police headquarters, 340 people were subjected to identity checks and 27 animal rights activists were intercepted because they had allegedly “attempted to enter Piazza Sordello with the clear intention of protesting, including against the ban imposed by the Questore”.

“Daspos from public squares” (Articles 4, letter b and Article 10): prohibitions on participating in gatherings in public places

“Daspo issued by the Questura”

Article 4, letter b, amends the provisions governing the “urban Daspo” (ban on freedom of movement), an administrative measure issued by the local head of police (Questore) and prohibiting an individual from entering a specific place or location for reasons of public order. The preventive measure had been introduced by the Decree law 14/2017, converted into Law 48/2017 on urgent provisions regarding the security of cities²⁸ and already extensively expanded by Law 80/25²⁹ on public security.

Law 54/26 further extends its scope of application to include individuals who have been charged or convicted, even without final sentence, in the past five years, for a broad category of offences committed during demonstrations in public places or places open to the public, including for instance: damage to property during demonstrations (the damage is considered “aggravated” because committed during demonstrations); the use of protective helmets or any other means to conceal one’s identity and make it difficult to identify the person; the use of signal flares, fireworks or devices designed to emit smoke or visible gas. The preventive measure, lasting up to one year, is adopted by the local chief of police (Questore) based on a prognostic assessment of “danger to public security” and is not subject to judicial oversight, so as per Article 7, is also both problematic in and of itself and lacks any potential for review.

In case of violation of the ban, regardless of the outcome of the original complaint, the individual can incur an up to one year prison term.

²⁶ OSCE-ODIHR, HR Handbook on Policing Assemblies, p. 110

²⁷ Phone interview with one of the activists from the group No food no Science, 11 June 2026

²⁸ DECRETO-LEGGE 20 febbraio 2017, n. 14 - Normattiva

²⁹ Law 80/25 granted the police commissioner the authority to restrict access to public transportation infrastructure and related facilities for individuals who have been convicted or also merely reported during the previous five years for specific minor offenses against persons or property or for roadblock, without judicial supervision

How Article 4, letter b, of the law breaches Italy's human rights obligations

Article 4, letter b, conflicts with human rights laws and standards, including significantly eroding the freedom of movement through a preventive exclusion from the public space imposed without judicial review, as well as with the principles of legality, specificity, and proportionality.

The prohibition of an individual from entering a specific place or location for reasons of public order interferes with the right to freedom of movement within the territory of the state, as protected by Article 12 of the ICCPR and Article 2(1) of Protocol No. 4 to the ECHR. Restrictions to this right must pursue one of the legitimate aims mentioned in international instruments,³⁰ be prescribed by law, be necessary in a democratic society for the protection of these purposes, while being consistent with other rights recognized in international instruments.³¹ In addition, when used to prevent participation in protest this provision will also violate the right to freedom of peaceful assembly, in contravention of Article 21 ICCPR and Article 11 ECHR. There is a significant scope for this power to be used in an arbitrary and discriminatory manner in that it is likely to be used on certain political groups and demographics more than others.

Article 4, letter b, of the law does not seek to circumscribe the scope of the restriction. The absence of clear conditions and safeguards exacerbates concerns over the necessity and proportionality of the restriction. In these circumstances, the provision grants high discretion to local enforcement authorities in evaluating the individual's dangerousness and in defining the locations to which the ban applies. In addition, it significantly expands the range of cases in which a preventive order may be issued, considering even mere allegations and non-final convictions.

The Italian legal system envisages several types of preventive measures that can be applied on the basis of an assessment by a mandated authority that a person will commit future crimes ("social dangerousness") in a phase prior to (and regardless of) the commission of a crime. Amnesty International has long denounced the abusive use of administrative preventive measures³² based on vague and discretionary grounds, imposed by administrative authorities without prior judicial authorization and without the safeguards of a criminal trial. Such administrative measures violate the principles of legality and the presumption of innocence, conflict with the guarantees of a fair trial, and may also violate the rights to personal liberty and freedom of movement. Recent research has also shown how preventive administrative measures are increasingly employed as a deterrent tool to prevent the exercise of the right to peaceful assembly or to discourage active participation.³³

Finally, the provision of a criminal penalty in the event of the violation of the administrative measure can further create a spiral of secondary criminalization where a mere prior complaint can trigger further restrictive and punitive measures.

"Judicial Daspo" (Art. 10)

Provision under article 10 establishes an additional ban prohibiting participation in public gatherings and assemblies that can be added by the judicial authority to a conviction judgment as an accessory criminal punishment. The ban may last from 1 to 3 years and up to 10 years for individuals with final sentences exceeding 3 years. The measure can be applied to individuals convicted for a wide range of crimes, including assaults against public officials. The provision also provides that, where there are specific grounds for generic "concerns regarding the individual's dangerousness", the Questore may add an accessory penalty requiring the convicted person to report in person to police stations or headquarters on the days when the prohibited gatherings take place, as well as impose harsher penalties in the event of a violation of the prohibition of this requirement.

How Article 10 of the law breaches Italy's human rights obligations

The imposition of an additional penalty that prevents the convicted person from participating in public life and collective gatherings extends the individual's social and political exclusion beyond the custodial sentence. Moreover, the provision, in addition to imposing a disproportionate administrative restriction on personal liberty, applicable even after the sentence has been served, conflicts with the rehabilitative purpose set forth in Article 27, paragraph 3 of the Constitution, due to the effect

³⁰ Article 12 (3) of the ICCPR refers to the protection of national security, public order (ordre public), public health or morals and the rights and freedoms of others; Article 2 (3) of Protocol No. 4 to the ECHR refers to "national security or public safety, for the maintenance of ordre public, for the prevention of crime, for the protection of health or morals, or for the protection of the rights and freedoms of others"

³¹ See also General Comment No. 27, "the Right to Freedom of Movement", United Nations, UN Human Rights Committee 1999, paras. 11-17.

³² Amnesty International: *"I fogli di via: strumento di prevenzione o di repressione?"*, available here: <https://www.amnesty.it/fogli-divia-strumento-di-prevenzione-o-di-repressione/>; Amnesty International, "A Udine il 14 ottobre commesse violazioni dei diritti umani", available here: <https://www.amnesty.it/a-udine-il-14-ottobre-commesse-violazioni-dei-diritti-umani/>

³³ Amnesty International, "Statement expressing concern about the human rights violations committed by the authorities on 5 October in Rome, before and during the 'National Demonstration for Palestine', including the rights to freedom of expression and peaceful assembly", 28 November 2024, available at: <https://www.amnesty.org/en/documents/eur30/8713/2024/en/>

of prolonged social and political exclusion. It is also a disproportionate interference with the right to freedom of peaceful assembly.

“Red zones” issued by the Prefect (Article 4, letter a):

Article 4, letter a, amends Article 9 of Decree-Law No. 14/2017 converted into law 48/2017 on urban security, granting the Prefect the authority to identify specific urban areas of “enhanced surveillance”, where they can issue removal orders from six to eighteen months against individuals who have been convicted or even merely reported within the preceding five years for a wide range of offences, including crimes against persons and property. A removal order is an administrative and preventive measure that allows authorities to order a person to leave (and temporarily stay away from) a specific urban area or public place because the person is deemed to “threat public security”.

How Article 4, letter a, of the law breaches Italy’s human rights obligations

The provision conflicts with the rights to movement, freedom of peaceful assembly, and association.

The removal orders can be issued based solely on the basis of prior complaints to the police, thereby further expanding the scope of administrative preventive measures based on a discretionary assessment of the so-called social “dangerousness”.

In addition, the provision grants the Prefect and law enforcement agencies a very broad margin of discretion in selecting the targets and defining the urban areas subject to enhanced surveillance, in the absence of precise and mandatory criteria for the lawfulness of the measures nor the specific conducts that would justify the removal orders. Thus, this article presents a real risk of resulting in a disproportionate restriction on freedom of movement without judicial protection.

The extension of the possibility of *deferred arrest in flagrante delicto* for property damage during public demonstrations (Art. 4, paragraph 1, letter b):

Article 4, para 1, letter b, introduces the possibility of *deferred arrest in flagrante delicto* (or deferred flagrancy), a legal mechanism that allows law enforcement authorities to arrest a suspect without a warrant within the following 48 hours, based on video and photographic evidence, for the crime of aggravated property damage during demonstrations³⁴ in a public place or a place open to the public.

How Article 4, paragraph 1, letter b, of the law breaches Italy’s human rights obligations

This provision risks eroding important safeguards protecting dissent, as it establishes an exceptional arrest regime (*deferred arrest in flagrante delicto*) for the crime of aggravated property damage precisely because the offence is committed during a demonstration.

This provision consolidates the law’s broader tendency toward constructing public demonstrations as a “state of exception,” in which ordinary standards of legality and judicial protection are systematically weakened.

In Italy, real-time facial recognition is subject to strict prohibition. Italy was one of the first EU Member States to introduce a moratorium on biometric surveillance in December 2021, explicitly exempting only *ex post* facial recognition by law enforcement and judicial authorities in the context of a judicial investigation. The moratorium has been recently extended to December 2027.

Ex post biometric surveillance is formally permitted in the framework of a judicial investigation, but at the same time it still lacks specific regulation.

On 10 June 2026, the Council of Ministers approved the package of draft legislative decrees implementing Law No. 132/2025, first Italian law on AI adopted in October 2025 and regulating the application of the European Regulation within the national context.

The Digital Human Rights Network, of which Amnesty International is a member, has consistently reiterated its position in favour of a total ban on the use of biometric recognition systems, both in “real time” and *ex post*. The Network considers that such technologies raise serious concerns regarding their unreliability and lack of transparency and may consequently lead to injustices, violations of fundamental rights, and the enabling of indiscriminate surveillance practices.

³⁴ The offence of property damage under Article 635(3) of the Criminal Code was established as a distinct aggravated offence by Decree-Law No. 53/2019 solely on the basis that it is committed “during demonstrations taking place in a public place or in a place open to the public.”

The potential use of biometric surveillance, particularly in the context of public demonstrations, raises serious concerns regarding its legality, proportionality, and the risk of arbitrary interference with human rights, risks of discrimination, lack of transparency, and unlawful processing of personal data. The National Privacy Authority has repeatedly stressed that *ex post* biometric identification requires a clear legal basis, strict necessity and proportionality and robust safeguards and judicial oversight, to avoid the risk of violation of human rights, as well as the risk of mass surveillance.

Law enforcement agencies should have clear and publicly available guidelines on the use of digital recording in assemblies in line with international standards on privacy to prevent an unlawful interference with the right to privacy and the right to freedom of peaceful assembly and without creating a chilling effect on participation in assemblies.³⁵ Therefore, authorities must ensure that surveillance is only carried out for legitimate purposes such as the detection of crime³⁶ and its use must be strictly in line with the principles of legality, necessity, and proportionality.³⁷

Amendments regarding legislation regulating public gatherings (Art. 9)

Article 9 of Law 54/26 amends Article 18 of the TULPS³⁸, which provided for a criminal penalty for anyone who failed to give prior notice of a public gathering. As extensively clarified in Italian domestic case law,³⁹ the notice does not constitute a request for authorization, and its absence does not affect the legality of the gathering; at most, it may give rise to liability solely for the organizers.

The new provision introduced by Article 9 removes the penalty of imprisonment for up to six months for organizers who fail to give advance notice of a gathering, replacing it with an administrative fine ranging from €1,000 to €10,000. It also decriminalizes the breach of prohibitory order, substituting the criminal sanction with a fine of between €1,000 and €12,000.

It further extends the same sanction to those who promote a public gathering without prior notification by using digital networks, platforms, or electronic communication services, including private channels and closed user groups such as WhatsApp, thereby significantly broadening the scope of liability.

The sixth paragraph introduces a new administrative offence, subject to fines between €1,000 and €10,000, sanctioning the non-compliance with circulation restrictions or designated routes during public gatherings, where this may give rise to a generic “risk to public security”.

Finally, Article 9(1)(b) also amends Article 24(3) of the TULPS which concerns failure to comply with an order to disperse a gathering. Under the previous framework, such conduct was punishable by arrest for a period ranging from one month to one year and by a fine of between €30 and €413. The amendment replaces this provision with an administrative pecuniary sanction ranging from €2,000 to €20,000, and also excludes the possibility of payment at a reduced rate.⁴⁰

How Article 9 of the law breaches Italy’s human rights obligations

Based on the internationally recognized principle⁴¹ of the state’s negative obligation not to interfere with the exercise of the right to peaceful assembly, many assemblies should not be subject to the requirement of prior notification to the authorities. In any case, failure to submit prior notification or to comply with other administrative requirements should not result in the imposition of criminal penalties or other undue sanctions on the organizers of peaceful assemblies.⁴² Notification should never be an end in itself but should be required only where necessary and proportionate to the pursuit of a legitimate aim. Rather than imposing penalties for failure to notify, state authorities should always seek to facilitate peaceful assemblies.

As part of its international “Protect the Protest” campaign, Amnesty International is calling for states to decriminalize the organizing and participating in unauthorized public demonstrations, in accordance with constitutional norms and international human rights law.

³⁵ CCPR, GC 37, Peaceful Assembly, CCPR/C/GC/37, para. 94; African Commission on Human and Peoples’ Rights (ACHPR), Policing Assemblies Guidelines, para. 15.5

³⁶ NHCHR, Impact of New Tech on HR in Assemblies, A/HRC/44/24, para. 26; ACHPR, Policing Assemblies Guidelines, para. 15.5

³⁷ HRC, SR on Freedom of Opinion/Expression, A/HRC/41/35, para. 24; ACHPR, Policing Assemblies Guidelines, paras 15.1. and 15.2

³⁸ Regulation for the execution of the Consolidated Law on Public Security Laws (TULPS), Royal Decree No. 635/1940, cornerstone of Italy’s public-order and policing legislation

³⁹ Judgments No. 90/1970 and No. 11/1979 of the Constitutional Court

⁴⁰ In the context of administrative sanctions, payment at a reduced rate allows the alleged offender to settle the violation by paying a reduced amount within a specified time limit (typically 60 days), thereby avoiding further proceedings

⁴¹ Notification requirements should exclude assemblies where “it can reasonably be expected that the impact of a gathering on others will be minimal, due to the nature, location, or limited size or duration of the assembly.” Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions, Joint report on the proper management of assemblies (A/HRC/31/66), February 4, 2016

⁴² CCPR, GC 37, Peaceful Assembly, CCPR/C/GC/37, para. 71

The new provision under article 9 of the new law, however, while formally “decriminalizing” conducts related to gatherings in public places (failure to provide advance notice, violation of prohibitions and requirements regarding the route, the failure to disperse), shifts and intensifies the state response based on administrative penalties imposing much higher fines and creating new, broadly defined administrative offences. Shifting from the criminal to the administrative process characterized by fewer safeguards than criminal proceedings, reinforces the authority of local police authorities (Questura and Prefects), with the risk of further accentuating the repressive scope and deterrent effect on the exercise of dissent.

This formalistic decriminalization significantly increases the economic cost of the offense, removing it from the safeguards of the criminal justice system. The European Court of Human Rights⁴³ has repeatedly held that substantial administrative monetary sanctions may, by virtue of their severity and deterrent purpose, be criminal in nature and more punitive in effect than minor criminal penalties. When such sanctions are imposed in response to protest-related conduct, they constitute a serious interference with the right to freedom of peaceful assembly under Article 11 ECHR. Presenting these measures as “decriminalization” does not diminish their chilling effect on assemblies.

Moreover, the fine of 1,000 to 10,000 euros applied to those who organize gatherings in public places through online channels or closed user groups or chats risks a preventive restriction of digital spaces for organizing dissent and a violation of the rights to freedom of expression and peaceful assembly.

First applications of article 9

From the analysis of the cases examined and the assessments provided by defense lawyers, it emerges that the new provisions introduced by Article 9 risk becoming one of the main deterrent tools against the exercise of the right to peaceful assembly. While criminal proceedings under Article 18 of the TULPS rarely resulted in a final judicial determination, the new administrative regime has a broader scope of application and a greater potential to directly affect the exercise of fundamental rights and freedoms.

Only three days after the adoption of the decree-law 23/26, four trade unionists from “Si Cobas” in Piemonte were sanctioned with an administrative fine after they were identified as organisers of “unnotified demonstration” for strikes accompanied by pickets in front of warehouses carried out in the context of a trade union dispute over the stabilization of certain workers in the logistics sector. For the same actions, three of them were also subjected to a three-year “mandatory order to leave” (*foglio di via obbligatorio*), a measure that will prevent them from carrying out trade union activities in that area, including providing assistance to workers.⁴⁴

On 9 March, three activists from the feminist group *Non Una di Meno* Torino were sanctioned on the basis of Article 9, because a public demonstration that had been announced as a static gathering later became a march.

On 25 March 2026, at least five people were charged with “unnotified demonstration” under Article 9 of the new law, following a peaceful sit-in organized in front of the juvenile detention center in Torino.

Also in Torino, the Questura notified five organizers of the 25 April march, Italy’s National Resistance Day, because they did not respect the prescription of the Questor regarding the route to be followed during the demonstration

In all cases reviewed by Amnesty International, the official reports of the Questura, mentioned that the correct amount of the fine will be determined by the Prefect at a later stage.

Numerous appeals have been lodged by lawyers against the administrative sanctions imposed under the new Article 9, also raising concerns regarding their constitutionality and compatibility with international human rights standards. In at least one case, in June 2026, the Justice of the Peace of Bologna suspended an administrative sanction imposed on an individual who had been deemed a “promoter” of a demonstration solely on the basis of having played an active role during the march. The appeal argued that the measure was unlawful due to the vagueness of the notion of “promoter”, which allows liability to be imposed on the basis of ex post assessments, thereby undermining the principles of legality and foreseeability of sanctions. It also raised a constitutional challenge to the new legal framework⁴⁵.

Additional information

These new powers, penalties and processes introduced by Law No. 23/2026 add to already highly problematic provisions established by earlier security laws. In particular, to Law No. 80/2025, which has been widely criticized by Amnesty

⁴³ *Öztürk v. Germany*, no. 8544/79, 21 February 1984; *Jussila v. Finland* [GC], no. 73053/01, 23 November 2006; *Grande Stevens and Others v. Italy*, nos. 18640/10 et al., 4 March 2014.

⁴⁴ Phone interview with a trade unionist in Piemonte who was among the four individuals affected by the administrative sanction, 17 June 2026.

⁴⁵ Phone interview with one of the legal team members, 23 June 2026

International and international bodies, as noted at the beginning of this statement because they strengthened the criminal relevance and the deterrent function against peaceful protests.

Of specific concern is how law 80/2025 has significantly affected the treatment of road blockades, a tool increasingly being used in the context of strikes or protest demonstrations, as well as by some activists as a form of civil disobedience. Notably, it amended article 1 of the legislative decree 66/1948, which addresses the regulations regarding roads. Under the new article 14, the use of one's own body to block or obstruct the free flow of traffic on regular roads, which previously constituted an administrative offence⁴⁶, became a criminal offence punishable by imprisonment of one month. Additionally, it introduced an aggravating factor for cases involving several individuals who are found to have blocked the road, potentially resulting in a penalty of imprisonment for between six months to up to two years. This framework was also extended to instances of individuals obstructing railway lines. According to the Explanatory Note, the provision aimed to "deter such conduct by increasing the severity of punishment "and making such criminal offences instead of administrative offences.

Acts of civil disobedience also fall within the scope of the right to peaceful assembly, as recognized under international law and in recent European case law. The case law of the European Court of Human Rights (ECtHR) has affirmed that a peaceful demonstration should not, in principle, be subject to the threat of criminal sanctions, and in particular to deprivation of liberty, even where it involves disruption to services or interference with public order, provided that it is carried out peacefully and without intent to engage in violent conduct.⁴⁷ The Inter-American Commission on Human Rights (IACHR) Special Rapporteur on Freedom of Expression's report, stresses that "States should stop applying criminal definitions that characterize conduct commonly observed in protests as criminal acts, such as roadblocks or disorderly acts that, in themselves, do not affect interests such as the life, safety, or freedom of persons; in the context of protests, these acts constitute forms of exercising the rights to freedom of expression, assembly, and association."⁴⁸

During the last months, Italian public prosecutors across the country have issued numerous notices of conclusion of investigations, complaints, and precautionary measures against participants and organizers of Palestinian solidarity demonstrations held between 2025 and 2026. Among the offences charged, in addition to that of "failure to give prior notice of a demonstration", lawyers report a very high number of cases involving road blockade offences related to the peaceful occupation of railway stations, motorway junctions and ports' entrances.

For instance, on 10 January 2026, the Public Prosecutor's Office of Massa notified 37 individuals that the investigation into the peaceful protest held on 3 October 2025 as part of the general strike for Palestine had been concluded. The protest followed a large and well-attended demonstration through the city, during which a sizeable student march joined the demonstration called by the CGIL and USB trade unions. Subsequently, the march spontaneously diverted towards Massa Centro railway station to carry out a peaceful blockade of railway traffic, in line with the national slogan "Blocchiamo tutto" ("Let's block everything"). The individuals under investigation - including trade unionists, political and social organisations, collectives and grassroots group - are accused, among other offences, of disrupting a public railway service and obstructing train traffic.⁴⁹

In a separate case, 39 activists and trade unionists received summary criminal conviction orders in connection with the demonstration of 22 September 2025,⁵⁰ which blocked access to the Port of Marina di Carrara for several hours. They were accused of "obstructing the free circulation of traffic on Viale Da Verrazzano for approximately seven hours by blocking it with their bodies," with the additional aggravating circumstance of "having committed the offence while acting as part of a group of several persons gathered together."⁵¹

In Pisa, at the beginning of June, the Public Prosecutor's Office issued notices of conclusion of investigations against 54 activists (including students, researchers, and workers) in relation to a series of Palestinian solidarity protests, anti-war demonstrations and non-violent direct actions, including the blocking of the A1 motorway, between 24 July 2025 and 3

⁴⁶ It should be noted that legislation on road blockades, introduced in 1948 by Minister Scelba, has been widely contested and has seen several amnesties granted over the years to students and workers who had been convicted, eventually leading to its decriminalization in 1999. Decree-Law No. 113/2018 subsequently reinstated the offence, providing for a penalty of 2 to 12 years' imprisonment for road blockades carried out using objects, particularly where committed by multiple persons; Article 14 of law 80/25 further tightened this framework by expanding the offence so that road blockades are criminalized even when carried out solely with the body

⁴⁷ Judgment of *Akgöl and Gül v Turkey*, Application nos. 28495/06 and 28516/06, judgment of 17 May 2011. Para. 43 mentions that "(...) where demonstrators do not engage in acts of violence, as was the case in the present application, it is important for the public authorities to show a certain degree of tolerance towards peaceful gatherings if the freedom of assembly guaranteed by Article 11 of the Convention is not to be deprived of all substance. (...) a peaceful demonstration should not, in principle, be made subject to the threat of a penal sanction."

⁴⁸ IACHR's Special Rapporteur on Freedom of Expression's report, *Protest and Human Rights*, 2019, Paragraph 208, available here: <https://www.oas.org/en/iachr/expression/publications/Protesta/ProtestHumanRights.pdf>

⁴⁹ Phone interview with one of the lawyers, 23 June 2026

⁵⁰ <https://www.controradio.it/protesta-pro-pal-blocco-porto-carrara-39-decreti-penal/>

⁵¹ Phone interview with one of the lawyers, 23 June 2026

October 2025. The 54 activists are facing more than 140 charges including offences such as unnotified demonstration, road and railway blockade and disruption of public services.⁵²

On 18 June 2026, the Public Prosecutor's Office in Bologna served a notice of conclusion of investigations on six individuals in relation to the demonstration held on 2 October 2025 in solidarity with the Palestinian people and the Global Sumud Flotilla. Five of these individuals have also been charged with road blockade for having occupied, together with other protesters, the Bologna ring road and the carriageway of the A14 motorway.⁵³

Similar proceedings targeting activists and groups engaged in demonstrations and non-violent direct actions in other cities are currently pending, including in Cagliari,⁵⁴ Taranto, Torino, Palermo.

Recommendations

Amnesty International calls on Italian authorities to bring domestic laws fully in line with international human rights law and standards by repealing or substantially amending provisions of Law 54/26 prohibiting or criminalizing conducts that must be protected under international standards on the right to freedom of expression, association and to peaceful assembly.

Preventive detention and administrative measures, police stop and search in the context of demonstrations

Italian authorities should:

- Repeal Article 7, paragraphs 1 and 2, of Law 54/26 establishing police's powers of preventive detention and stop and search in the context of demonstrations.
- Abolish administrative/preventive detention and in particular refrain from using such methods to curtail people's rights to freedom of peaceful assembly and expression.
- Ensure that participation in a peaceful assembly does not serve, in law or in practice, as a reason to conduct an identity check, and that such checks are not conducted simply for the purpose of collecting information about peaceful assemblies or protesters. Such checks can be considered justifiable only if necessary to protect the rights and freedoms of others, for example if there is reasonable suspicion that the individual may engage in violence or other criminal behaviour, or other grounds for limitations contained in international instruments. Otherwise, such checks can be discriminatory and could have a chilling effect on participation in assemblies. As a minimum, Italian authorities should, through legislation and in practice:
 1. Clarify that such checks may not be carried out prior to, during and after peaceful assemblies, unless there is a reasonable suspicion of a sufficiently serious criminal offence based on individualized and objectively verifiable criteria.
 2. Eliminate police powers that are not based on the standards of reasonable suspicion, and otherwise not compliant with international human rights law, and ensure that police actions can only be exercised based on a suspicion that is founded on objective criteria.
 3. Ensure that stop, search and arrest protocols clearly define and prohibit racial profiling.
 4. Ensure that effective remedies are available and accessible for persons subjected to unlawful identity checks and related unlawful arrests and detentions.

Monitoring, collection, analysis and storing of protesters' data

Italian authorities should:

- Adequately regulate the permissible and legitimate purpose and specific conditions for law enforcement taking photos and/or video footage at public assemblies in full compliance with international human rights obligations and standards including to data protection, guarantees of privacy and non-discrimination.
- Ensure that the collection and processing of personal information of protesters (or people in the vicinity of protests) through recording devices, undercover policing, and other methods is conducted in compliance with the right to privacy, and that the use, retention and processing of such data is done in accordance with data protection and

⁵² Phone interview with one of the lawyers, 17 June 2026.

⁵³ Phone interview with one member of the legal team, 25 June 2026

⁵⁴ <https://www.ilfattoquotidiano.it/2026/02/24/manifestazioni-palestina-cagliari-indagati-blocchi-notizie/8302345/>

human rights standards and is publicly available.

- Put in place necessary measures - legislative or otherwise -to end the use of mass or otherwise unlawful surveillance.
- Make available to the public all relevant information, including the overall legal framework concerning surveillance of protests; the entities authorized to conduct surveillance; the procedures to be followed for authorizing surveillance, and for the use, sharing, storage, and destruction of data acquired through surveillance; and statistics about the use of such surveillance, including the number and type of investigations for which the use of surveillance tools was requested, approved or denied. Authorities should guarantee the collection of comprehensive disaggregated data to ensure that Black people, Arab people, Roma and people belonging to other racialized groups are not specifically or disproportionately affected by these technologies, particularly given the barriers marginalized groups experience to enjoy their rights to peaceful assembly and freedom of expression, including patterns of institutionalized racism and other forms of discrimination.

Legislation regulating public gatherings

Italian authorities should:

- Repeal provisions imposing sanctions on organizers for failure to notify an assembly (Article 18 TULPS as modified by Article 9 of law 54/26) or to comply with the designated route (Article 9 of law 54/26). The lack of official notification must not be used as a ground to determine that an assembly is unlawful (such that liability would arise for participation).
- Seek to expand the range of assemblies that are subject only to a voluntary notification scheme.
- Ensure that activities related to peaceful protests are not criminalized; for example, the dissemination of information regarding assemblies on social media should not be brought as evidence to assert protesters' liability as organizers.

Legislation regulating roadblocks

Italian authorities should:

- Repeal Article 14 of law 80/2025, ensuring that no penalty of imprisonment is provided for rail and roadblock cases and reconsider the increase of the sanctions and comply with regional human rights standards which require urge states to refrain from criminalization and criminal sanctioning of behaviour that is peaceful in nature even when the action taken may cause some disruption or obstruction of road traffic and railway lines.