

Ref: CommHR/MOF/sf 042-2026

**The Hon. Ignazio LA RUSSA**

President of the Senate of Italy

**The Hon. Lorenzo FONTANA**

President of the Chamber of Deputies of Italy

Strasbourg, 20 February 2026

Honourable Presidents,

My mandate, established by the Council of Europe in 1999, is to foster the effective observance of human rights in its member states. An important part of my work is to engage in dialogue with the governments and parliaments of member states. My mandate also requires me to facilitate the activities of national ombudsperson or similar institutions in the field of human rights and, where such structures do not exist, to encourage their establishment.

I write in relation to Italy's institutional and legal system for the protection and promotion of human rights, which was one of the topics of my visit to Italy, from 12 to 16 January 2026. The visit offered an opportunity to discuss this matter with several authorities, including members of the Italian Delegation to the Parliamentary Assembly of the Council of Europe, of the Permanent Commissions for Constitutional Affairs of both Chambers of Parliament, and of the Extraordinary Commission for the Protection and Promotion of Human Rights of the Senate, as well as with government, human rights bodies and representatives of civil society.

I observe that the human rights protection architecture in Italy is affected by two principal challenges. The first is that, notwithstanding the dedicated work of numerous bodies, the absence of a broadly mandated and fully independent National Human Rights Institution (NHRI) leaves many sectoral areas uncovered by any human rights institution. The second is that, while existing human rights bodies have been able to take meaningful actions to address human rights violations in their respective areas of competence, their appointment procedures and organisational features have not always been robust enough to ensure their independence and effectiveness.

### The road towards establishing an NHRI

According to international human rights standards, including Recommendation CM/Rec(2021)1 of the Committee of Ministers of the Council of Europe, member states should "take all necessary measures to establish and, when established, maintain and strengthen an independent NHRI in accordance with the Paris Principles". Italy has repeatedly committed to establishing an NHRI, in the context of the Universal Periodic Review before the Human Rights Council (in 2025, 2019, 2014 and 2010), and when presenting its candidacy as a member of the same body for the terms that started in 2011 and 2008. Yet, Italy is still one of few Council of Europe member states without an NHRI accredited with the UN-hosted Global Alliance of NHRIs (GANHRI) in line with the Paris Principles of the United Nations. While several draft laws were introduced before parliament, including five bills presented during the current legislature, none of them has garnered sufficient political support to be adopted.

The establishment of an effective, independent and well-resourced NHRI would represent an important progress in human rights protection. It would not only increase monitoring and reporting capacities, but also foster debate, improve accountability, and provide prompt expertise in areas – from the governance of Artificial Intelligence to that of migration, from violence against women to the policing of public assemblies – where authorities are confronted with complex choices which have significant human rights implications. The establishment of an NHRI would also contribute to protecting the rule of law, as recognised in the Sustainable Development Goals and in the European Commission's Rule of Law reports. Being a domestic institution, an NHRI would be able to engage with human rights issues not

only with technical competency, but also with a granular understanding of the local context and culture. Crucially, its prompt interventions would prevent human rights violations and, in the process, may be able to prevent issues from reaching a level that would attract judicial scrutiny or warrant the intervention of international human rights bodies.

Different models of NHRIs exist, and it is not for me to suggest whether one or the other should be adopted. However, I recall that Council of Europe member states have acknowledged the importance of establishing NHRIs in full compliance with the minimum standards contained in the Paris Principles and in Council of Europe Recommendation CM/Rec(2021)1. I indicate here three aspects in particular: mandate, independence, and resources.

First, member states should provide a firm legal basis for their NHRI, preferably at the constitutional level, and such legislation should provide the NHRI with a mandate that is as broad as possible. The functions should also be comprehensive and include: the monitoring of the human rights situation in the country, including through consultation with civil society; the free consideration of any questions falling within its competence; access to all relevant premises and individuals to obtain any information and documents necessary for assessing situations falling within its competence; the review of existing and draft policies and legislation with human rights implications, in order to advise the State about their impact on human rights; the possibility to hear and consider complaints and petitions concerning individual situations and to propose relevant recommendations to authorities; and the sharing of findings and recommendations with authorities and the public through opinions, reports, and proposals.

Second, it is essential that member states guarantee the independence of NHRIs and adopt procedures which afford all necessary guarantees to ensure the pluralist representation of social forces involved in the protection and promotion of human rights. The selection of the leadership of NHRIs should be carried out through robust mechanisms, which are competence-based, transparent and participatory. Appointments should be based on clear, predetermined, objective and publicly accessible criteria and dismissals should be regulated by a similarly objective process, established in the law and ensuring fairness and impartiality.

Third, to ensure that NHRIs can carry out their mandate effectively, member states should provide them with adequate and sustainable resources, and with an ability to freely determine their priorities and activities. NHRIs should be able to design their own staffing profiles and recruitment processes and to have and retain their own staff. When the function as NHRI is summed to other monitoring duties, NHRIs should be provided with sufficient resources and capacity – including enough personnel with adequate competencies and training to cover the relevant thematic areas in a balanced manner – to effectively discharge their functions.

### Strengthening existing human rights bodies

Over the years, in the absence of a NHRI, several sectoral bodies have been set up in Italy, often to fulfil obligations emerging from international agreements or judicial decisions or EU law. Among them, Italy has established an Equality Body, the National Office Against Racial Discrimination (UNAR), which is under the control of the Presidency of the Council of Ministers. In addition, there are four human rights bodies focusing on specific areas: privacy, rights of the child, rights of people deprived of liberty, and rights of people with disabilities. In parallel, many local authorities instituted local ombudsperson institutions.

While existing human rights bodies have been able to take meaningful actions to address human rights violations in their respective areas of competence, their legal and institutional frameworks vary and may not, in all cases, be conducive to fully ensuring independence and effectiveness, for example by providing for objective and transparent selection procedures for mandate-holders or by enabling bodies to recruit and retain their own staff. Information shared by civil society representatives during my visit points at challenges affecting the independence, effectiveness and public trust of certain human rights bodies. These observations should foster reflection on how to improve the relevant selection procedures and internal organisation, so that independence and effectiveness are maximised and reflected in everyday actions.

Furthermore, I note that the Italian Government has announced it will submit draft legislation to Parliament to transpose EU Directive 2024/1499 on standards for Equality Bodies, including the establishment of a new Equality Body, expected to become operational in January 2027. Although the draft bill has not yet been made public, and recalling that, due to its narrower mandate, an Equality Body cannot be considered as a Paris-Principles compliant NHRI, I welcome the government's commitment to establish this as an independent body.

In conclusion, I respectfully encourage the Italian Parliament to work towards the adoption of the necessary legislative measures to establish an NHRI in conformity with the Paris Principles, and to ensure that the principles of independence and effectiveness are applied with regard also to the sectoral human rights and equality bodies that are addressed in this letter.

I would be grateful if you could consider sharing a copy of this letter with all members of the respective Chambers of Parliament.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Michael O'Flaherty". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael O'Flaherty