



**INTERNATIONAL ASSOCIATION OF JUDGES
UNION INTERNATIONALE DES MAGISTRATS
UNIÓN INTERNACIONAL DE MAGISTRADOS
INTERNATIONALE VEREINIGUNG DER RICHTER
UNIONE INTERNAZIONALE DEI MAGISTRATI**

PALAZZO DI GIUSTIZIA - PIAZZA CAVOUR - 00193 ROMA - ITALY

**Resolution
on
Proposed Amendments to the Constitution of the Republic of Italy**

At its annual meeting in Baku, Azerbaijan the Central Council of the International Association of Judges (IAJ) was informed by its Regional Group, the European Association of Judges (EAJ), and its member, the *Associazione Nazionale dei Magistrati* (ANM), of proposed amendments to the Constitution of the Republic of Italy. After carefully examining and debating the proposed amendments, which are still undergoing the parliamentary process, the IAJ endorses the Statements of the EAJ of 26 April 2024 and of 9 May 2025 (annexed to this statement) and shares the concerns expressed therein respecting the proposals. An analysis of the existing constitutional and legal framework with the envisaged amendments clearly shows that the changes will adversely disturb the balance of powers between the state and the judiciary and thereby weaken the protection for the citizen afforded by independent and impartial judicial procedures and decisions. Dismantling important elements of a system which protects the rule of law and the Italian people from misuse of power is a retrograde step.

It is evident that the proposed reforms are directed towards weakening the position of the judiciary and opening the door to possible influence from outside the judiciary.

In particular -

- Replacing the High Council for the Judiciary – il *Consiglio Superiore della Magistratura* (CSM) - which is a common body for all magistrates (judges and prosecutors) by two councils, one for judges and one for prosecutors, and further reducing the ability of individuals to transfer from one to the other of these professions, contradicts the concept that the defence of independence is better safeguarded in a common body and by comparable careers (regardless of the different roles judges and prosecutors have to play). A system of criminal justice can be effective only if both judges and prosecutors are shielded from external influence. After the second world war the Italian people saw the CSM as the best way to shield Italy from fascism and since then the system has proved its effectiveness in the fight against organized crime (e.g. Mafia) and corruption (e.g. mani pulite).
- Depriving the councils proposed in place of the CSM of any jurisdiction over disciplinary matters, in favour of a disciplinary body the members of which are not subject to any requirement that the majority be judges, and moreover excluding the possibility of any remedy by way of application to the Court of Cassation, evidently provides several possibilities for the exercise of undue influence or pressure.
 - The strange and unprecedented proposal to abandon the well- established principle that the judicial members of the council for the judiciary should be elected by their peers in favour of a membership randomly selected by drawing lots not only clearly contradicts European standards but reveals the reform as an attempt to reduce the weight of the judiciary in the balance of constitutional powers. The task of protecting the pillars of an independent judiciary will thus be given to judges who may lack the necessary experience or who may be unwilling to serve as members of the council and, particularly, who may not enjoy the trust of their peers.

The IAJ therefore appeals to the distinguished members of the Italian Senate, with whom now lies the final legislative decision, before the law will be put to a referendum, to refuse to approve the proposed reforms, which will not improve the Italian justice system but which will hamper the independence of the judiciary, adversely distort the balance of powers necessary in a democracy governed by the principle of rule of law, and damage the international reputation which the Italian judiciary has gained in the past.

The IAJ and its member associations in 93 countries worldwide will, in any case, support the Italian judges and prosecutors in their actions in defence of an independent judiciary in Italy by seeking to convince stakeholders, by informing the public and by using its relations with the United Nations and regional human rights bodies to raise their awareness.

Baku, 15 October 2025

ANNEX I

[EAJ Statement of 26 April 2024]

ANNEX II

[EAJ Statement of 9 May 2025]