**The Judicial System in Italy: the age of reformation**

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(Berlin, May 30, 2022 – dinner with investors)

**N.B.**: *la Signora Ministra parlerà in piedi, da un podio, di fronte a una platea seduta. Dopo la presentazione, la Signora Ministra si accomoda in un salottino con due poltroncine, insieme a una giornalista della FAZ (il corrispondente economico Christian Schubert) che raccoglierà le domande sollevate dai partecipanti (4-5 domande). A seguire, la serata proseguirà con una cena-buffet offerta dall’Ambasciatore Armando Varricchio, durante la quale potrà continuare, in modo informale, l’interlocuzione fra la Signora Ministra e gli invitati.*

Guten Abend,

I would like first to express my sincere gratitude to our Ambassador Armando Varricchio for organizing and hosting this event.

Also, I would like to thank you all for attending this meeting.

I am very happy to be here in Berlin today. Germany is our strategic ally and friend. Germany is the first partner for Italy, both in terms of investments and trade. Despite all the difficulties, the year 2021 marked a record in our commercial relations: the bilateral trade balance reached the amount of 142.5 billion euros.

At the beginning of my intervention, let me recall that we have just celebrated the 30th anniversary of the Mafia massacres, where judges Falcone, Morvillo and Borsellino lost their lives.

The fight against mafia – and any other form of organized crime - is an issue everywhere, included Germany.

The Sicilian writer Leonardo Sciascia said many decades ago that «the palm tree line» - meaning the border of the land where the palm tree (and mafia as well) flourish - has moved up «*throughout Italy and already passed Rome».* I would add it has crossed all the borders. Therefore, it calls for a global reply.

Moreover, mafia has changed its skin over the years: it makes less use of violence and aims at infiltrating into legitimate business.

In this context, the Italian anti-mafia legislation / adopted after the attacks of '92 / has become a model / replicated in the world. Its focus is on national and cross-border cooperation among judicial authorities / and on freezing and seizing the economic and financial assets of the criminal organizations.

The European prosecutor (EPPO) that started working one year ago can be considered the most recent evolution of the intuitions of our judges.

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Tonight, I would like to give you a flavor of the ongoing judicial reforms in Italy, but I would also like to have an exchange of views with you all, and to listen to your experiences in doing business with my country.

The proper functioning of the justice system is a fundamental pillar in all democratic society. That is why the Italian Government is working on a comprehensive reform of the justice system.

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The reform is following the three basic principles that the EU Commission recommends for all the member states in its Reports on the Rule of Law: independence, quality, and efficiency.

These principles must go hand in hand.

**Independence, quality, and efficiency** are essential parameters of an effective justice system and – more relevant – an effective right to access to justice for everybody.

**Independence**: generally speaking, the Italian judiciary does not suffer from interference from other branches of government, thanks to the provisions set forth by the Constitution of 1948. Also, the prosecutors are fully independent from the executive power and other political branches. Nevertheless, a reform of the Judicial Council and of the laws concerning the functioning of the judicial system is under discussion in the Parliament with two main purposes.

First, we want to draw a sharper line of divide between politics and the judiciary – for example a judge who decide to run for political election cannot go back to the judicial function. It is a one-way choice.

Second, we want to make sure that promotions, assignments of top-level positions and in general the career of judges are based on the merit alone.

We expect this reform to be approved around mid-June.

This brings us to the second basic principle of our reforms: **quality**.

The Italian judiciary is composed of high-level professionals and learned judges.

The recruitment in the judiciary requires a very difficult exam: in the last year exam (which is not yet ended) around 6.000 people took the exam and only 220 of them succeeded in the first part of it.

Moreover, a very important role is played by the High School of the Judiciary.

We – the Government – are working very strictly with the High school in order to provide training in all the most sensitive domains – gender violence, business affairs, family controversies, corruption etc. – and to consolidate a culture of specialization. The more we have specialized judges / in very technical and complex matters / the more the quality of the judicial system will advance.

Yet, in our country the main problem is **efficiency**: we are working hard on this. A timely response to the judicial cases is part of its quality.

The purpose is to reduce – radically reduce – the duration of the judicial procedures, both in criminal and civil matters.

We have a commitment with the European Commission to reduce the average length of civil proceedings by 40% in 5 years; and criminal proceedings by 25% in 5 years.

Indeed, in order to reach this demanding achievement, we have a plan and milestones to comply with.

I am proud to announce that we have completed the milestones for the first year: the final reading in Parliament of the new Civil Procedure Act, as well as the new Criminal Procedure Act.

This goal achieved / did not make us relax / in pursuing our efforts. On the contrary, we continue to work very closely with the European Commission in following the steps forward of the reform process.

At the beginning of April, a delegation of high officials of the European Commission came to Rome and noted that our work-in-progress is in line with the calendar set. Two weeks ago, while launching the *2022 EU Justice Scoreboard*, the European Commissioner for Justice, Didier Reynders, expressed – I quote - “a very positive opinion of the justice reforms in Italy”. I remain in constant contact with Commissioner Reynders to monitor the implementation of the reforms.

An effective justice system is vital for economic actors. It can encourage new businesses, foster innovation, attract foreign direct investment, secure tax revenues, and support economic growth.

Many surveys and studies have shown the evidence that **a healthy judicial system is the backbone for a wealthy social and economic environment.**

Moreover, the reasonable duration of processes and trials is a fundamental right – the right to a speedy trial - according to our national Constitution and to the European Convention of human rights.

In fact, time is not a secondary factor for the defendant – individual or company – whose reputation is affected by the result of a judicial process; nor is it for the victim of the crime, whose claims deserve swift reaction, within a reasonable time.

We are working to render the right to a speedy trial more effective.

We know that big investors systematically and continuously review the rule of law conditions in the countries they invest in. We are therefore confident the effect of our judicial reforms, will positively affect the investment flows from Germany to Italy.

**After all,** Prime Minister Draghi said a few days ago: “The government will continue in every effort to make investments faster, to dismantle and destroy the bureaucratic barriers that prevent investment!”

**This commitment is not only advocated in speeches, but – most important – is supported by facts**.

The Government has decided **to invest** in the justice system as never before. For the first time in a long, long time, reforms are not at zero cost. Quite the contrary. We are investing in **digitalization of the judicial processes** in order to improve the efficiency of justice and to respond to ecological concerns. We are **recruiting new magistrates**; we **have introduced for the first time the “clerks**” – 8.200 clerks took office in February for around 9.000 magistrates; we are **restructuring and constructing new judicial offices**. Personnel, equipment, digitalization, buildings, innovative organizational modules and regulatory efforts: all this in order to achieve the necessary and long-awaited turning point.

Let me draw your attention on two main points.

1.I mentioned the “clerks – In fact, we launched for the first time in Italy the **“office for trial”,** which has implied a massive recruitment of young graduates, acting as clerks or assistants, and has required every court to elaborate a project for the employment of these “clerks” with the aim of reducing the backlog and the disposition time.

This will be a paradigm shift in the work organization of courts.

From the solitary judge, working alone at his desk / to a team of legal experts of different generations working for the Court.

I always like to be cautious but, here, let me say that the administration of justice in Italy has never known such a powerful input of new energy.

2. A second fundamental pillar of the new organization in the justice system is **the monitoring system**. The Ministry of Justice has set up an observatory for the duration of judicial procedures in the Courts. The idea is to *collect data from all judicial offices in the country on a regular basis,* in order to assess the duration of processes in every Court.

The disposition time is very uneven over the country. The efficiency of Courts is very diverse in the different parts of the Country. We are making reforms to give the judicial offices of Southern Italy the best possible working conditions. Justice can also be a push to overcome the country's economic disparities. A theme that Germans too – for quite different historical reasons – are well acquainted with.

Alongside this impressive amount of **investments**, and new forms of **work organization** in Courts, we are undertaking a comprehensive set of **reforms**.

We are reforming a number of chapters of our legislation:

1. The insolvency legislation – to give companies new instruments to prevent bankruptcy after the crisis brough about by the pandemic.
2. Civil procedure act – to encourage the use of Alternative Dispute Resolution (ADR) and to simplify the procedure.
3. Criminal procedure act – to correct the procedure from useless heavy burdens, particularly by favoring alternatives to judgement; we are also reforming the system of punishment: not only prison but also other sanctions and many forms of probation and social work.
4. Tax procedure act – to reduce the back log especially in the supreme court. We have envisaged a new body of specialized judges for this set of cases. The reform is pending in Parliament and is expected to be approved by the end of this year
5. We have also approved a reform of honorary magistrates, in order to ensure appropriate and respectful work condition for this body which amount to some 5.000 people.
6. And indeed, the already mentioned reform of the judicial council and the rules concerning the status of judges (recruitment, career, responsibility, etc.), to enhance their accountability as well as defending their independence.

All this legislative work is expected to be concluded by the end of this year.

**Two final remarks**

First. We know that the challenge is daunting, our plan is demanding, especially for the judges.

When I visit the different Courts in Italy, I meet very motivated people: judges and staff alike. Every major change brings about doubts, resistance, criticism. But it also brings about new energy. And I see that judges are at work **to foster trust** between people and the judiciary. **Trust in the judicial system** is essential for a proper functioning of our democracies (as Breyer has stressed in his recent book).

Second. We live in very polarized societies, where disagreement easily turns into conflict and conflict turns into anger, protest, and unresolvable dissent. War.

Justice can play a major role in peaceful resolution of conflicts.

I deeply believe that both on international and national level we must work to disseminate a new culture of peaceful resolution of conflicts and controversies – in the small scale and in the large.

That is why we are turning our attention to “restorative justice”: restorative justice is a practice that is able to mend the detrimental effect of crime in personal and social relations. .

We all know the experience in South Africa with the “Commission on Truth and Reconciliation”. Experiences of restorative justice have been already practiced in Italy. By former terrorists. And by the families of victims of terrorism. The results are impressive.

During Italy’s chairmanship of the Council of Europe, we have organized in Venice last December, a Conference of the Ministers of Justice of the European countries, entirely dedicated to “restorative justice”.

On a national level, we are introducing in many different sections of our legal systems new instruments to favor “reconciliation” and, above all, restorative justice in criminal law.

We are living in troubled times – conflicts are everywhere, war is at our borders -. Justice administration is strictly related to solving conflicts.

I profoundly believe that learning how to defuse the explosive potential of conflicts – whatever their nature – before it deflagrates, while delivering the appropriate legal tools, is the best contribution that we can hand over to the future generations. In the domain of justice.