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***The importance of democracy in the economic development
of countries and the action of the European Union:
a comparison between Italy and Poland.***

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“To call it happiness, I have to share it with you”.

To Sonia,

the one and only.

SOMMARIO

L'oggetto di questa tesi è l'analisi dell'importanza della democrazia nello sviluppo dei Paesi: in tale contesto mi soffermerò sulla difesa della democrazia da parte dei Paesi europei grazie all'azione dell'Unione europea.

I punti di partenza saranno, da un lato, il modello evolutivo elaborato da Walt Whitman Rostow (1960) e, dall'altro, i principi sviluppati dalla Commissione Europea con riferimento alla difesa dello *stato di diritto* e della *democrazia*.

L'analisi si concentrerà in seguito sul confronto tra Italia e Polonia, i Paesi dove ho studiato per il conseguimento di questa doppia laurea. In particolare, dopo una presentazione iniziale di questi due Stati, attraverso una visione prettamente economica, il confronto procederà attraverso una serie di indici socio-politici che evidenzieranno la qualità delle istituzioni, il grado di libertà e di corruzione, nonché la situazione dello stato di diritto. Questi ultimi concetti mi consentiranno di presentare la parte finale di questa tesi: le azioni messe in atto dalla Commissione Europea contro i Paesi che non hanno rispettato i principi ed i valori democratici e, continuando con il confronto Italia - Polonia, analizzerò la situazione italiana riguardante la corruzione; mentre, riguardo la realtà polacca, mi soffermerò sul “caso Polacco” che ha generato grande scompiglio all’interno dell’Unione.

ABSTRACT

The subject of this thesis is the analysis of the importance of democracy in the development of countries: in this context I will focus on the defense of democracy by European countries thanks to the action of the European Union.

The starting points will be, on the one hand, the Rostow's *stages of growth model* (1960) and, on the other, the principles developed by the European Commission with reference to the defense of the *rule of law* and *democracy*.

The analysis will then focus on the comparison between Italy and Poland, the countries where I studied for the achievement of this double degree. In particular, after an initial presentation of these two states, through a purely economic vision, the comparison will proceed through a series of socio-political indices that will highlight the quality of the institutions, the degree of freedom and corruption, as well as the situation of the rule of law. These last concepts are going to allow me to present the final part of this thesis: the actions implemented by the European Commission against countries that have not respected democratic principles and values and, continuing with the Italy - Poland comparison, I will analyze the Italian situation regarding its corruption; while, with regard to Poland, I will focus on the "Polish case" which caused great turmoil within the Union.

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INTRODUCTION

We live in a world that is a blended mixture of economic, political, and social aspects; a dynamic world in which people evolve and make choices on the face of very incomplete and imperfect information usually with imperfect feedback on the actions that have been undertaken. In general, we can affirm that it is characterized by uncertainty, and, in this regard, we can introduce the role of institutions.¹

Institutions would not exist in a frictionless world where there is no uncertainty, in fact they exist to reduce it in the world. Moreover, institutions are systems that structure human interactions by providing incentives or disincentives for people to behave in certain ways. They thereby not only reduce uncertainty in the world but allow us to get on with everyday business and solve problems effectively. And if they are effective, they also structure economic, political, and social activity. Institutions are made up of formal rules, informal constraints, and their enforcement characteristics. Formal rules, of course, are very straightforward. They are rules put into place; they are laws, constitutions, regulations that have the character of being specific and precisely defined. Informal norms of behavior provide us with more

¹For this introduction I used “The role of institutions in economic development”- Douglass C. North, United Nations Economic Commission for Europe.

problems because informal constraints do not show up in formal terms. They are ways of doing things and are highly important.

I already said that people make choices, but the question is how they are shaped. There are, in fact, a number of factors that influence people's choices. Here, I want to mention the *cultural heritage* and the *political system*. The former is something very specific and we have a very limited ability to change it; it is a set of institutions and beliefs that has been carried forward over generations and it constitutes the basic way we perceive the world; it is "*path dependent*" in the sense that the inheritance we have of rules, norms, beliefs – those that have survived – is deeply embedded. The latter is the formal and informal political processes by which decisions are made concerning the use, production, and distribution of resources in any given society. Formal political institutions can determine the process for electing leaders; the roles and responsibilities of the executive and legislature; the organization of political representation (through political parties); and the accountability and oversight of the state. Informal and customary political systems, norms and rules can operate within or alongside these formal political institutions.

Adam Smith said that the *wealth of nations* was a function of the size of the market. And the size of the market was a function of both the specialization and the division of labor. It is perfectly true, but what neither Adam Smith saw, nor indeed modern economies see, are three fundamental dilemmas. The first is the movement from

personal to impersonal exchange. The second is the specialization of knowledge. In this regard, we live in a world in which we have to integrate at low-cost specialized knowledge by building connections. People have to make those connections, and that requires institutions and organizations that deliberately lower the transaction costs of integrating knowledge in a society. There is finally a third dilemma, equally a Smithian problem. It concerns efficient markets. But, what do we mean by efficient markets? There is no such thing as *laissez-faire* in the world. Any market that works well, whether it is a product market or a factor market, does so because it is structured in such a way that the players compete at some margins that ensure that people pursuing their self-interest also improve the well-being of society. Almost any market that is structured in that way is going to have a mixture of property rights and formal rules underlying it. Additionally, it will have constraints that are usually rules and regulations that go beyond the very general rules and that specify particular margins of the economic activity. The conditions differ between factor and product markets, but they also vary over time. So even if a market is working well in time t , it may work well in time $t+1$ only if its structure is modified to take into account changing information costs, changing technology, and so on.

Thus, because of the high degree of uncertainty in our world which generate problems and influence our choices, what is important is the so-called “*adaptive*

efficiency”, that kicks in when there are flexible institutions that provide a maximum of choices at a given moment of time.

If our society is able to create such an institutional framework, it obviously has the best chance of being successful with respect to survival and continuous performance over time.

The capability for adaptation, based in part on the population’s education and political liberties, may contribute more to economic growth or political stability than the continuation of any particular set of beliefs, rules, or behaviors. The confrontation with a new environment that offers rich opportunities, but in an unfamiliar context, lead to adjustments and innovations in institutions in the interest of economic improvement.²

There are three views of institutions which are not mutually exclusive.³ (1) Institutions are seen as *constraints*: “institutions consist of a set of *constraints* on behavior in the form of rules and regulations; a set of procedures to detect deviations forms the rules and regulations; and, finally, a set of moral, ethical behavioral norms which define the contours that constrain the way in which the rules and regulations are specified, and enforcement is carried out” (North, 1984, p. 8). (2) Institutions as

²“Debating the Role of Institutions in Political and Economic Development: Theory, History, and Findings”, Stanley L. Engerman and Kenneth L. Sokoloff

³ “The Role of Institutions in Economic Change” Ha-Joon Chang, University of Cambridge and Peter Evans, University of California at Berkeley

“*enabling*” devices rather than constraints. (3) Institutions as “*constitutive*”: this is because all institutions have a symbolic dimension and therefore inculcate certain values, or worldview, into the people who live under them. In other words, as we continue to behave under a certain set of institutions, we begin to internalize the values embodied in those institutions, and as a result ourselves begin to change.

If we want to understand how and why particular institutions decay, or what conditions create opportunities for renovating or reinventing institutions, we should begin from a general perspective on how institutions are created and change.

Different authors writing on institutions took different approaches to the origins of them. We can divide these approaches into two groups, namely, *the efficiency-driven approach* and the *interest-based approach*, with sub-approaches in each group, each with very different theoretical and policy implications.

The Efficiency-driven Approaches, Optimality of Institutions: in the most simplistic version of the efficiency-driven view on institutional change, institutions are seen as emerging when the market mechanism fails to allow all the potential efficiency-enhancing transactions to be realized. In this vision, all institutions that exist are efficient. The problem is that institutions are, by definition, not easily malleable. If this is the case, there cannot be any presumption that institutional evolution is moving in an optimal direction (see Chang, 1995, for further discussion).

The Efficiency-driven Approaches, Path Dependency Recognized: in a more sophisticated version of the efficiency-driven approach to institutions, it is admitted that not all institutional changes are of efficiency-enhancing kind and therefore that many of them will not be optimal even in the long run. In this view, certain institutions may be chosen over others, not because of their inherent efficiency but because of certain irreversible “events” in history. The essential problem with this approach is that there is no room for human agency: what people believe does not make any difference to the process of institutional change.

The Efficiency-driven Approaches, The Role of “Culture” Recognized: the most sophisticated version of efficiency-driven approach extends the argument to the “cultural” dimension in the sense that the worldviews possessed by human agents matter. The assumption is that human agents have bounded rationality and institutions make the complex world more intelligible to them by both restricting their behavioral options and confining their attention to a set of possibilities. Actors may prefer a certain institution because it happens to fit their worldview, even when it is not necessarily efficiency-enhancing from an “objective” point of view, and institutions embody certain “moral values”, and by operating under certain institutions for a period of time, it is likely that people begin to internalize those values (this is what is called the “*constitutive*” role of institutions).

Interest-based Approaches, Neoclassical Political Economy: it is the most simplistic of the interest-based approaches to the origins of institutions and institutional change. In this view, institutions are instruments of advancing the sectional interests of groups that are politically organized enough to initiate changes in institutions in a way that suits their interests. In this approach, it is believed that interests are *not* socially-structured but exogenously given at the individual level. Also, the proponents of this view believe that institutions can be quickly changed, as far as there is the political power base to support the change. In this respect, this view is similar to the most simplistic version of the efficiency-driven view of institutional change, because in both views, institutions are seen as infinitely malleable, as far as there is a good reason to change them.

Interest-based Approaches, Structured-Interest-Based Approach: this more sophisticated version of the interest-based view of institutions agrees with the first view that institutions change *not* on the basis of some global efficiency *but* according to sectional interests and are therefore fundamentally “biased” towards certain groups. However, in this version, interests are *not* exogenously given, but “structured” by existing political and social institutions. Moreover, this approach does not see institutions as easily malleable as the latter view does. This is because the proponents of this view see interests as structured by existing institutions, which means that changing the balance of power between existing interests (which is

necessary for an institutional change) is not going to be instantaneous or straightforward but will have to involve changes in deeper institutional structure.

Interest-based Approaches, Culture-Based Structured-Interest Approach: it is the most sophisticated version of the interest-based view on institutional change that is “simultaneously material and symbolic transformations of the world”, which involve “not only shifts in the structure of power and interests, but in the definition of power and interests”. While the proponents of this view agree with those who believe in the most sophisticated version of efficiency-driven view that people internalize the values embodied in institutions, they also point out that “rules and symbols sometimes are resources manipulated by individuals, groups, and organizations” (Friedland & Alford, 1991, p. 254). The proponents of this view see the project of institutional changes not simply as a “material project” but also as a “cultural project” in the sense that changes in institutions require changes in the “worldview” of the agents involved. And once we allow the possibility of “cultural manipulation”, the role of human agency becomes a lot more important. The worldviews of individual agents are nested composites of the immediate culture of communities and organizations, national ideologies, and an increasing pervasive global culture.

1. THE IMPORTANCE OF INSTITUTIONS IN THE DEVELOPMENT OF A COUNTRY AND IN THE DEFENSE OF DEMOCRACY VALUES AND THE RULE OF LAW.

In this first chapter, I firstly want to highlight the role of institutions in the development of countries, and this aspect will be deepened through the *Rostow's stages of growth model*; secondly, in the protection of both democracy values and the rule of law.

I strongly believe in the power of democracy and its role in forecasting country's growth. Democracy is a multilateral regime: it is a regime in which groups of people with conflicting interests process their conflicts according to some rules. To establish democracy, different groups must *agree to disagree*: they must accept a framework of institutions within which they would process their conflicts.

Moreover, some theorists affirm that democracies are more likely to emerge as countries become economically developed. As Lipset (1959: 56) put it, "*the more well-to-do a nation, the greater the chances it will sustain democracy.*" But, while the dynamic paths to democracy are varied, the survival of democratic regimes depends on a few easily identifiable factors. Foremost among them is the *level of development*, as measured by per capita income. *Education*, specifically the years

of schooling of an average member of the labor force, elevates the probability that a democracy would survive. Democracies are more likely to survive when the *Gini coefficient* or the ratio of incomes of top-to-bottom-quintile are lower; this regime is more likely to survive when no political force dominates completely and permanently.⁴

As it is mentioned in “*Democracy and Economic Growth: A Historical Perspective*” John Gerring; Philip Bond; William T Barndt; Carola Moreno, *World Politics*; (Apr 2005): Democracy has some positive and indirect effects such as greater stability and more extensive property rights. If a democratic regime endures, it is likely to foster four types of capital: *physical, human, social and political*. Extant studies indicate that all four types of capital have positive impact on growth performance. Thus, the longer a country remains democratic, the greater will be its physical, human, social and political capital and the better its growth performance. Democracy is successful in redistributing wealth, through a progressive taxation, social policies, land redistribution, opening up markets and institutions in civil society to previously excluded groups and we expect that the longer this regime type is in existence, the greater will be its aggregate effect on the achievement of

⁴ “Democracy and Economic Development” Adam Przeworski, New York University

social equality and hence on growth. In this regard, we can talk about “*long-term*” effects of democracy: the redistribution of wealth and income in a society.

A final product of a successful institutionalization under democratic auspices is the nebulous state of grace known as the *rule of law*. In a state governed by the rule of law: “*the law must be general; laws have to be promulgated; retroactivity is to be avoided, except when necessary for the correction of the legal system; laws have to be clear and understandable; the legal system must be free of contradictions; laws cannot demand the impossible; the law must be constant through time; and congruence must be maintained between official action and declared rules.*”⁵

⁵*Democracy and Economic Growth: A Historical Perspective*” John Gerring; Philip Bond; William T Barndt; Carola Moreno, *World Politics*; Apr 2005, pag 336.

1.1. ROSTOW'S STAGES OF GROWTH MODEL

The stages of economic growth from which the book “The stages of Economic Growth. A non-Communist Manifesto” (Walt Whitman Rostow, 1960) takes its title are five in number⁶. They can be seen as a generalization of the modern economic history. These stages can be traced as follows: *traditional society; preconditions for take-off; take-off; drive to maturity; age of high mass consumption*⁷.

There are three factors that initiate growth. The first is “*a rise in the rate of productive investment*” which has some positive indirect effects like greater stability or more extensive property rights. The second condition is the “*emergence of leading sectors*” in manufacturing. In this regard, the economy can be seen as characterized in terms of its leading sectors and a part of the technical basis for the stages of growth lies in the changing sequence of leading sectors which tend to have a rapid growth phase, early in their life, that makes it possible and useful to regard economic history as a sequence of stages rather than merely as a continuum, within which nature never makes a jump. Leading sectors are determined not merely by the changing flow of technology and the changing willingness of entrepreneurs to

⁶ The Stages of Economic Growth Author(s): A. K. Cairncross Source: The Economic History Review, 1961, New Series, Vol. 13, No. 3 (1961), pp. 450- 458

⁷ The Stages of Economic Growth Author(s): W. W. Rostow Source: The Economic History Review, 1959, New Series, Vol. 12, No. 1 (1959), pp. 1-16

accept available innovations: they are also partially determined by those types of demand which have exhibited high elasticity with respect to price, income, or both. Rostow's third condition for take-off (and thus, for a country's development) is "*the existence or quick emergence of a political social and institutional framework*" which gives to growth an on-going character.

1.1.1. TRADITIONAL SOCIETY

Traditional societies, the first stage of growth mentioned by Rostow, evolved within limited production functions. Both in the more distant past and in recent times the story of traditional societies is a story of endless change, reflected in the scale and patterns of trade, the level of agricultural output and productivity, the scale of manufactures, fluctuations in population and real income. Unchanging technology places a ceiling on the level of attainable output per head beyond which they could not penetrate. Traditional societies do not lack inventiveness and innovations, some of high productivity, they lack a systematic understanding of their physical environment capable of making invention a regular current flow. In such societies, in fact, are grouped both '*the whole pre-Newtonian world*' and those '*post-Newtonian*' societies in which modern science and technology were not regularly and systematically used. Social structures tended to hierarchy and the center of gravity of political power tended to reside in the regions, with the landowners,

despite a fluctuating tension with those who along with their soldiers and civil servants exercised a degree of central authority.

1.1.2. PRECONDITIONS FOR TAKE-OFF

This second stage is one of transition, in which the preconditions for subsequent growth are created. In traditional societies, the most important change required is *“a rise in the rate of investment to a level which regularly, substantially, and perceptibly outstrips population growth”*. But this is only part of the story. Agriculture has to supply more food for the growing towns; and out of the larger incomes that are yielded by increased agricultural productivity must come an expanding market for manufactures and a larger flow of savings. Social overhead capital has to be accumulated, almost always with substantial help from governments. A new elite must emerge, dedicated to modernization and usually resting on nationalist support.

Historically, the initial preconditions for take-off were created in Western Europe out of two characteristics of the post-medieval world which interacted and reinforced each other: the gradual evolution of both the modern science and the modern scientific attitude; and the innovation that came with the discovery of new lands and the rediscovery of “old”, converging with the impulse to create new technology at certain strategic points. The widening of the market -both within

Europe and overseas- brought not only trade, but increased specialization of production, increased inter-regional and international dependence, enlarged institutions of finance, and increased market incentives to create new production functions.

The preconditions for sustained industrialization have generally required radical change in three non-industrial sectors. First, a build-up of *social overhead capital*, notably in transport. This build-up was necessary not merely to permit an economical national market to be created and to allow natural resources to be productively exploited, but also to permit the national government to effectively rule. Second, a *technological revolution* in agriculture; third, an *expansion in imports* financed by the more efficient production and marketing of some natural resources plus, where possible, capital imports.

Framed by these three forms of sectoral development, yielding both new markets and new inputs for industry, the initially small enclaves of modern industrial activity could begin to expand, and then sustain expansion, mainly by the plough-back of profits.

These technical developments required, in turn, prior or concurrent changes in the non-economic dimensions of the traditional society: a willingness of the agricultural community to accept new techniques and to respond to the possibilities of the widened commercial markets; the existence and freedom to operate of a new group of industrial entrepreneurs; and, above all, a national government capable not

only of providing a setting of peaceful order which encouraged the new modernizing activities but also capable and willing to take a degree of direct responsibility for the build-up of social overhead capital (including its finance) and for an appropriate trade policy.

The political dimension of the preconditions deserves a further word, due to the peculiar mixture of positive and negative ways the demonstration effects of industrialization were transmitted from more advanced societies.

A reactive nationalist sentiment rooted in a perception of the link between industrialization and effective power in the world arena came to be an extremely important factor in leading men to take the steps necessary to unhinge and transform the traditional society in such ways to permit growth to become its normal condition.

While a reactive nationalism has been a powerful engine of modernization it also posed problems for economic development; for it did not immediately and directly prepare men to face and handle the homely economic tasks of the preconditions and the take-off. On the contrary, when a new national government was achieved in the face of the colonial power, the traditional society, in combination with its leaders were tempted to go on with the familiar game of politics and power rather than to turn promptly to the domestic tasks of modernization.

In short, time had to pass before men emerged in authority willing to accept the fact that the larger objectives of resurgent nationalism could not be achieved without turning wholeheartedly to the technical tasks of economic growth.

Until a definitive political transformation occurs (which harnesses national energies, talents, and resources around the concrete tasks of economic growth) the take-off is likely to be postponed.

1.1.3. TAKE-OFF

Then follows the take-off: A *decisive break-through* in the course of which “*compound interest gets built into the society's structure*”. On the basis of suggested data for countries that had taken-off by 1914, the period of take-off is said to last for about twenty years.

The take-off consists, in essence, of the achievement of rapid growth in a limited group of sectors, where modern industrial techniques are applied. Historically, the leading sectors in take-off have ranged from cotton textiles (Britain and New England); to railroads (The United States, France, Germany, Canada, Russia); to modern timber-cutting and railroads (Sweden). In addition, agricultural processing, oil, import substitution industries, ship-building, and rapid expansions in military output have helped to provide the initial industrial surge.

This take-off is seen as an interval of about two decades, because of the resilience showed by countries to maintain the key sectors of the preconditions enlarging the

corps of entrepreneurs and technicians. Moreover, the sources of capital must be institutionalized in such a way as to permit the economy to firstly suffer structural shocks, secondly to reallocate its investment resources and, at the end, to resume growth. A result (and one key manifestation) of take-off is the ability of the society to sustain an annual rate of net investment of the order of, at least, ten per cent.

In non-economic terms, the take-off usually witnesses a definitive social, political, and cultural victory of those who would modernize the economy over those who would either cling to the traditional society or seek other goals.

1.1.4. DRIVE TO MATURITY

Maturity is defined as the period when a society has effectively applied the range of modern technology to the bulk of its resources. During the drive to maturity the industrial process is differentiated, with new leading sectors gathering momentum to supplant the older leading sectors of the take-off, where deceleration has increasingly slowed the pace of expansion.

The leading sectors in the drive to maturity will be determined, then, not merely by the pool of technology but by the nature of resource endowments; and it may be shaped to a degree, as well, by the policies of government.

Although income per head -and usually consumption per head- will rise in the drive to maturity, it is evident that there is no fixed connection between technological maturity and any particular level of real consumption per head. The course of these

variables after take-off will depend primarily on the society's population resource balance and on its income distribution policy. The process of growth, by definition, raises income per head, but it does not necessarily lead to uniformity of per capita income among nations or, even, among regions within nations. There are technologically mature societies that are both rich and poor.

As societies move to technological maturity, the structure and quality of the working force change. The proportion of the population in agriculture and rural life decreases; and within the urban population the proportion of semi-skilled and white-collar workers increases.

Further, the new working force, increasingly born to the city rather than transferred from the lower margins of rural life, is likely to perceive that it can bring its weight to bear on the political process in such ways as to make the government increasingly provide measures of social and economic security. Moreover, the character of leadership in industry begins to change as well.

This fourth stage occupies a longer period, continuing until more or less sixty years after the beginning of take-off.

After the technological maturity, a balance has to be struck between three possible objectives: the national pursuit of external power and influence; the welfare state and a less energetic attempt to maximize output; and an expansion of consumption levels, notably through mass consumption of durable goods. Pursuit of the third of

these objectives and the achievement of both technological maturity and a certain level of real income per head, distinguishes the next stage of growth “*the era of high mass-consumption*”. This stage does not necessarily follow immediately on the achievement of maturity.

1.1.5. AGE OF HIGH MASS CONSUMPTION

There have been, essentially, three directions in which the mature economy could be turned once the society ceased to accept the extension of modern technology as a primary, if not over-riding objective: to offer, by public measures, increased security, welfare, and, perhaps, leisure to the working force; to provide enlarged private consumption-including single family homes and durable consumers goods and services-on a mass basis; to seek enlarged power for the mature nation on the world scene.

A final point should be mentioned: in the stages of growth, human behavior is seen not as an act of maximization⁸, but as an act of balancing alternative and often conflicting independent human objectives in the face of the changing range of alternatives men perceive to be open to them. Men seek not merely economic advantage, but personal and national power as well; not merely adventure but security and continuity of social and cultural experience; not merely personal expression, but the joys of family, and a bit of fun down at the local. Applied to

⁸ Like the Marxist theory.

societies, this innately paradoxical view of the human condition -a view which regards human as a complex household rather than a maximizing unit- does not yield rigid, inevitable stages of history. It leads to a succession of patterns of choice made within the framework permitted by the changing setting of society. It follows directly from this view of how individuals act that the performance of societies is not uniquely determined by the locus of property ownership nor by the nature of production techniques. The sectors of society interact: cultural, social, and political forces, reflecting different facets of human aspiration, have their own authentic impact on the evolution of societies, including their economic evolution.

1.2. THE EUROPEAN COMMISSION DEFENSE OF DEMOCRACY AND THE RULE OF LAW

“The rule of law helps to protect people from the rule of the powerful. It is the guarantor of our most basic of everyday rights and freedoms. It allows us to give our opinion and be informed by a free press.”

President Ursula von der Leyen, State of the Union 2020

The European Union is based on a set of shared values, including fundamental rights, democracy, and the rule of law. The latter is enshrined in Article 2 of the Treaty of European Union⁹ and it includes principles, recognized by the European Court of Justice and the European Court of Human Rights, such as legality, implying a transparent, accountable, democratic and pluralistic process for enacting laws; legal certainty; prohibiting the arbitrary exercise of executive power; effective judicial protection by independent and impartial courts, effective judicial review including respect for fundamental rights; separation of powers; equality before the law. Moreover, the Council of Europe has developed standards and issued opinions and recommendations in order to provide a guidance to promote and uphold the rule of law.

⁹ Art. 2 TEU: “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.”

The rule of law is a well-established principle. In fact, while Member States have different national identities, legal systems and traditions, the core meaning of the rule of law is the same across the EU. Moreover, it has a direct impact on the life of every citizen and is a precondition for ensuring equal treatment before the law and for the defense of EU citizens' rights.

Ensuring respect for the rule of law is a primary responsibility of each Member State, but the Union has a shared stake and a role to play in resolving rule of law issues wherever they appear. Respect for the rule of law is also at the core of the functioning of the internal market, of the cooperation in the justice area based on mutual trust and recognition, and of the protection of the financial interests of the Union¹⁰. Upholding the rule of law at global level includes strengthening cooperation on its issues with international and regional organizations, such as the United Nations, the Council of Europe and the Organization for Security and Cooperation in Europe.

In the last decade, the European Union has developed and tested a number of instruments to help enforce the rule of law: in its Communication of July 2019, the Commission proposed that the EU and its Member States should increase efforts to promote a robust political and legal culture supporting the rule of law and should

¹⁰ Recently underlined by the European Council: Conclusions of European Council of 17-21 July 2020: "*The Union's financial interests shall be protected in accordance with the general principles embedded in the Union Treaties, in particular the values of Article 2 TEU [Treaty on European Union]. The European Council underlines the importance of the protection of the Union's financial interests. The European Council underlines the importance of the respect of the rule of law.*"

develop instruments preventing rule of law problems from emerging or deepening. The Political Guidelines of President von der Leyen set out the intention to establish an additional and comprehensive rule of law mechanism as a key building block in the common commitment of the EU and the Member States to reinforce the rule of law. The mechanism is designed as a yearly cycle to promote the rule of law and to prevent problems from emerging or deepening. It focuses on improving understanding and awareness of issues and significant developments in areas with a direct bearing on the respect for the rule of law and identifying the challenges will help Member States to find solutions that protect the rule of law, with cooperation and mutual support from the Commission, other Member States, and stakeholders such as the Venice Commission.

Member States' constitutional, legal and political systems generally reflect high rule of law standards. The key principles of the rule of law – legality, legal certainty, prohibiting the arbitrary exercise of executive power, effective judicial protection by independent and impartial courts, including respect for fundamental rights, separation of powers, and equality before the law– are enshrined in national constitutions and translated in legislation.

Through the “*2020 Rule of Law Report. The Rule of Law situation in the European Union*”¹¹, it is possible to identify four main pillars: the justice system, the anti-

¹¹ 2020 Rule of law report - Communication and country chapters | European Commission (europa.eu) : It is the result of a new dialogue between the Commission and Member States feeding into the country-specific analysis for all the Member

corruption framework, media pluralism, and other institutional checks and balances.

Effective justice systems and robust institutional checks and balances are at the heart of the respect for the rule of law in our democracies. However, laws and strong institutions are not enough. The rule of law requires an enabling ecosystem based on respect for judicial independence, effective anti-corruption policies, free and pluralistic media, a transparent and high-quality public administration, and a free and active civil society.

Looking at the four pillars, *effective justice systems* are essential for upholding the rule of law and in order to define a justice system as “*effective*”, it should be characterized by parameters such as independence, quality and efficiency. The *fight against corruption* is essential for maintaining the rule of law. Corruption undermines the functioning of the state and of public authorities at all levels. Thus, effective anti-corruption frameworks, transparency, and integrity in the exercise of state power can strengthen legal systems and trust in public authorities. The fight against corruption cannot be reduced to a standard ‘*one-size-fits-all*’ set of measures. It also needs to take into account specific risk factors, which may vary between different Member States. A comprehensive approach to fighting corruption

States. This report is an important step towards strengthening a common understanding of the rule of law in the EU and enhancing mutual trust. Moreover, it is seen as the foundation stone for a new and dynamic process, involving a continued dialogue with Member States, the European Parliament, and national parliaments as well as other stakeholders at national and EU level.

must rely on a combination of prevention and repressive measures. This calls for independent and impartial justice systems that effectively enforce anti-corruption legislation by conducting impartial investigations and prosecutions, and effective, proportionate, and dissuasive sanctions including the effective recovery of proceeds of corruption¹². This element, in turn, requires a robust legal and institutional framework, sufficient administrative and judicial capacity, as well as the political will for enforcement measures. Independent and pluralistic media, in particular investigative journalism, and an active civil society, play an important role in the scrutiny of public affairs, detecting possible corruption and integrity breaches, raising awareness and promoting integrity. The fight against corruption also has an important EU dimension as it is linked to the protection of the financial interests of the Union¹³ and the European Public Prosecutor Office will play a crucial role in this regard.¹⁴ A strategic anti-corruption framework offers the opportunity to translate political commitment and vision into concrete actions. National anti-corruption strategies can ensure that individual legislative or institutional loopholes

¹² Council document 14310/19.

¹³ According to Article 325 TFEU, the Union and its Member States have to take appropriate measures to counter fraud and any other illegal activities affecting the financial interests of the Union. While fraud and corruption are distinct legal concepts, fraud cases against the EU budget might involve corruption. At the EU level, the EU's Anti-Fraud Office OLAF conducts internal and external investigations for the purpose of fighting fraud, corruption and other illegal activities affecting the financial interests of the Union.

¹⁴ The European Public Prosecutor's Office, currently being set up, will be an independent prosecution office of the EU, with the competence to investigate, prosecute and bring to judgment crimes against the EU budget, such as fraud, corruption, or serious cross-border VAT fraud. The Member States currently participating in the European Public Prosecutor Office are Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Spain and Slovenia.

are not addressed in isolation and that anti-corruption provisions are mainstreamed in all relevant policy sectors in order to have an effective impact on the ground.

All Member States have legal frameworks in place to *protect media freedom and pluralism* and EU citizens broadly enjoy high standards of media freedom and pluralism. Freedom of expression, media freedom and pluralism and the right of access to information are generally enshrined in the Constitution or in secondary law. Media pluralism and media freedom are key enablers for the rule of law, democratic accountability, and the fight against corruption; media authorities are key actors for enforcing media pluralism. When implementing media specific regulation and media policy decisions, their independence from economic and political interests and the impartiality of their decisions has a direct impact on market plurality and on the political independence of the media environment. Transparency of media ownership is an essential precondition for any reliable analysis on the plurality of a given media market; it is necessary not only to conduct informed regulatory, competition and policy processes, but also to enable the public to evaluate the information and opinions that are disseminated by the media¹⁵.

Institutional checks and balances are at the core of the rule of law. They guarantee the functioning, cooperation, and mutual control of State organs so that power is exercised by one state authority with the scrutiny of others. In addition to an

¹⁵ Recommendation CM/Rec (2018)11 of the Committee of Ministers to member States on media pluralism and transparency of media ownership

effective justice systems, checks and balances rely on a transparent, accountable, democratic, and pluralistic process for enacting laws, the separation of powers, the constitutional and judicial review of laws, a transparent and high-quality public administration as well as effective independent authorities such as ombudsperson institutions or national human rights institutions.

Over the past year, the rule of law has continued to be high on the agenda of the European Union. Respect for the rule of law is a key priority for this Commission as stated in the political guidance of President Ursula von der Leyen, which specifically identified this as a priority portfolio entrusted to a Vice-President and a Commissioner responsible for the rule of law. The actual COVID-19 pandemic has raised important rule of law questions still present in the European debate and the particular circumstances of 2020 have brought additional challenges to citizens' rights, and some restrictions on our freedoms, such as freedom of movement, freedom of assembly or freedom to conduct a business, had to be applied to address the COVID-19 pandemic. Effective national checks and balances upholding respect for the rule of law are key to ensuring that any such restrictions on our rights are limited to what is necessary and proportionate, limited in time and subject to oversight by national parliaments and courts.

Both the European Court of Justice and the European Parliament play a central role in upholding the rule of law. More in depth, the European Parliament plays an

increasingly important role in setting the debate on the rule of law at European level and the Commission recognizes the necessary link to be made with democracy and fundamental rights, which will be addressed in dedicated work strands: the European Democracy Action Plan and the New Strategy for the Implementation of the Charter of Fundamental Rights, both to be adopted later in 2020.

1.2.1. THE EUROPEAN COMMISSION AND POLAND

In order to analyze the four pillars mentioned above for the Polish country, I am going to use the “2020 Rule of Law Report. Country chapter on the Rule of Law in Poland”¹⁶.

Poland spends around EU average per inhabitant on courts. At the same time, Poland has one of the highest general government expenditures for the justice system (including prosecution and legal aid) as a percentage of GDP.¹⁷

The Polish justice system is separated in two main branches, administrative and ordinary judiciary. The *Supreme Administrative Court* and sixteen administrative courts exercise control over public administration, including the lawfulness of measures of bodies of local government and of territorial organs of government administration. The ordinary judiciary, supervised by the Supreme Court, consists of three levels: 11 appeal courts, 46 regional courts and over 300 district courts. Judges are appointed by the President of the Republic at the request of the National Council for the Judiciary. The *National Council for the Judiciary* is tasked by the Constitution to safeguard judicial independence. A particular characteristic of the prosecution system, which is not part of the independent judiciary, is that the

¹⁶ 2020 Rule of law report - Communication and country chapters |European Commission (europa.eu)

¹⁷ The 2020 EU Justice Scoreboard, Figure 33.

Prosecutor General and the Minister of Justice are the same person (aspect which leads to some concerns).

Poland's justice reforms since 2015 have been a major source of controversy, both domestically and at European level, and have raised serious concerns, several of which still persist. The reforms, impacting the Constitutional Tribunal, the Supreme Court, ordinary courts, the National Council for the Judiciary, and the prosecution service, have increased the influence of the executive and legislative powers over the justice system and therefore weakened judicial independence. This led the Commission to launch the procedure under Article 7(1)¹⁸ TEU in 2017, which is still under consideration by the Council. In 2019 and 2020, the Commission launched two new infringement procedures to safeguard judicial independence and the Court of Justice of the EU has granted interim measures to suspend the powers of the Supreme Court's Disciplinary Chamber with regard to disciplinary cases concerning judges. The European Parliament has also raised concerns regarding the rule of law in Poland¹⁹.

¹⁸ On a reasoned proposal by one third of the Member States, by the European Parliament or by the European Commission, the Council, acting by a majority of four fifths of its members after obtaining the consent of the European Parliament, may determine that there is a clear risk of a serious breach by a Member State of the values referred to in Article 2. Before making such a determination, the Council shall hear the Member State in question and may address recommendations to it, acting in accordance with the same procedure. The Council shall regularly verify that the grounds on which such a determination was made continue to apply.

¹⁹ European Parliament resolution of 16 January 2020 on ongoing hearings under Article 7(1) of the TEU regarding Poland and Hungary; resolution of 1 March 2018 on the Commission's decision to activate Article 7(1) TEU as regards the situation in Poland; resolution of 15 November 2017 on the situation of the rule of law and democracy in Poland

As we can read in this country's report, the perception of judicial independence among the general public and companies is low, showing a decreasing trend in recent years, and the reason most often invoked for the perceived lack of judicial independence is related to interference or pressure from the Government and politicians.

Moreover, the two new chambers in the Supreme Court, created under the 2018 reform, have been granted new powers in 2019. The *Disciplinary Chamber* and the *Chamber of Extraordinary Control and Public Affairs* are composed solely of new judges appointed at the request of the newly composed *National Council for the Judiciary* (NCJ). Following the ruling of the Court of Justice of 19th November 2019, the Supreme Court in three rulings found the Disciplinary Chamber not to be an independent court within the meaning of EU and national law. The law of 20th December 2019 granted the new Chamber of Extraordinary Control and Public Affairs the sole power to decide on issues related to judicial independence²⁰. This part of the said law is one of the elements raised in the infringement proceedings initiated by the Commission on 29th April 2020. The new Disciplinary Chamber has also been given the competence to lift the immunity of judges when criminal proceedings are brought against them (a competence previously exercised by

²⁰ This power includes the examination of motions to recuse judges from cases in view of doubts as to their independence or impartiality. Such decisions are de facto immunized from being changed by other Chambers of the Supreme Court. This was explicitly criticized by the Venice Commission.

disciplinary courts of first instance). These new powers granted to the chambers have been criticized by a number of national institutions and the Venice Commission. The law of 20th December 2019 further broadened the notion of disciplinary offence and increased the risk to judicial independence. This issue is an element of the new infringement proceedings launched by the Commission on 29th April 2020.

As a result, the new disciplinary regime and the law of 20th December 2019 have led courts of other Member States, in the context of judicial cooperation within the EU, to question the judicial safeguards of the Polish system²¹. This law also obliges all judges in Poland to disclose personal information, such as their membership in associations, functions in non-profit organizations or their membership and position in political parties prior to 29th December 1989. Such provisions raise concerns as regards the right to respect for private life and the right to protection of personal data as guaranteed by the Charter of Fundamental Rights of the EU and the General Data Protection Regulation. The overall performance of ordinary courts is close to the EU average when it comes to length of proceedings, while the performance of administrative courts is above the EU average.

With regard to corruption, Poland has a developed legal and institutional framework, which is largely in place, to prevent it and promote transparency. The

²¹ on 17 February 2020, the Karlsruhe Higher Regional Court suspended the execution of a European Arrest Warrant concerning a Polish citizen, raising concerns about the possibility of ensuring his right to fair trial

Central Anti-Corruption Bureau (CAB) is the specialized anti-corruption body. The CAB combines intelligence and police functions and can trigger both administrative and criminal proceeding²². The detection of corruption is part of its core functions, and in cases of reasonable suspicion the CAB can conduct criminal investigations. This anti-corruption body also has a preventive role and oversees the coordination of the *Governmental Anticorruption Program* for 2018-2020 whose general objectives include improving anti-corruption regulations and enhancing cooperation and coordination between law enforcement authorities.

The planned law on the *'Transparency of Public Life'* aims to reorganize key preventive provisions into a single legal act. As part of this, certain elements, such as the current asset declaration systems and lobbying regulations will be amended.

In the latest *Corruption Perceptions Index of Transparency International*, Poland scores 56/100 and ranks 12th in the European Union and 45th globally²³. Polish criminal law provides a solid basis for the investigation, prosecution, and adjudication of corruption offences.²⁴ Poland also has a legal framework for preventing corruption, with several legal acts regulating issues of ethics and integrity in the public sector as well as disclosure obligations for assets and conflicts of interest. Nevertheless, a number of concerns have been raised, in particular as regards conflict of interest and asset disclosure. A new law on the *Transparency of*

²² Established by the Law on the Central Anti-Corruption Bureau of 9 June 2006.

²³ <https://www.transparency.org/en/countries/poland>

²⁴ GRECO EU Anti-Corruption Report 2014; GRECO Third Evaluation Round, Evaluation report, recommendation III

Public Life is currently in an advanced preparatory stage, aiming to reinforce existing anti-corruption mechanisms and incorporate transparency principles into one single act.

Issues of ethics and integrity in the public sector, and conflicts of interest are currently regulated by several basic acts. The main legal act promoting integrity is the “*Law on Restrictions on Conduct of Business Activities by Persons Performing Public Functions*”, which prohibits certain activities, and limits business shareholdings and membership in various boards.

The Polish legal framework concerning media pluralism is based both on constitutional safeguards and sectorial legislation. The Constitution guarantees the independence of the national media authority - the *National Broadcasting Council* (KRRiT²⁵) - and the competences of the regulator are further specified by the 1992 Broadcasting Law²⁶. With regard to the framework for journalists’ protection, freedom of expression is constitutionally protected²⁷. At the same time, however, the Criminal Code includes offences of insulting State symbols, senior public officials, and religion. The Constitution also guarantees the right of citizens to be

²⁵ Krajowa Rada Radiofonii I Telewizji, in Polish language

²⁶ The Law of 29 December 1992 on the Broadcasting.

²⁷ Article 54 of the Constitution.

informed about the activities of public authorities²⁸. This right is further specified in the Law of 6th September 2001 on access to public information.

Relevant safeguards for the media regulator, the National Broadcasting Council, appear to be in place, however some concerns regarding its independence have been raised. The role of the regulator has been also reduced by the 2016 reform, which assigned the competences over the management of the Polish public media to a National Media Council (RMN²⁹). The legal framework on media ownership transparency is not equally applicable to all media actors. Regarding the protection of journalists, the criminalization of insulting public officials remains problematic.

Other components of the system of checks and balances are also under pressure. Reforms have been adopted through expedited legislative procedures with limited consultation of stakeholders or opportunities for the opposition to play its role in the law-making process. Poland has a vibrant civil society and strong professional associations of judges and prosecutors, which participate in the public debate. Nevertheless, organizations have been subject to unfavorable statements by politicians. Despite the difficult environment, the Ombudsman has continued to play a key role as a rule of law safeguard. This body regularly intervenes in supporting individuals in cases regarding possible violations of fundamental rights,

²⁸ Article 61 of the Constitution.

²⁹ Mediow Narodowych, in Polish language

and in promoting judicial independence standards and the rule of law.³⁰ Looking at Poland, the Ombudsman has issued a number of opinions on new legislation, including reforms affecting the functioning of the judiciary, and intervened before Polish courts and the Court of Justice of the EU.

³⁰ In 2019, the Ombudsman received 59.524 cases, including 27.113 new cases. In addition, 4.385 people came to the Ombudsman's office in person, and 32.395 persons received individually advices and explanations concerning their situation

1.2.2. THE EUROPEAN COMMISSION AND ITALY

In this section, I am going to analyze the four pillars -justice system, anti-corruption framework, media pluralism and freedom, other institutional checks and balances- for the Italian country, by using the “*2020 Rule of Law Report. Country Chapter of the rule of Law situation in Italy*”³¹

The Italian justice system has a solid legislative framework to safeguard judicial independence, including prosecutors’ independence. In August 2020, a reform regarding the *High Council for the Judiciary* and other aspects of the justice system has been proposed by the Government. It is important that such reform guarantee judicial *independence*, while strengthening transparency and integrity. As regards *efficiency*, the justice system continues to face important challenges. New reforms aiming at streamlining civil and criminal procedures are being discussed in Parliament. These reforms, coupled with an increase in human resources and further digitalization, aim at addressing backlogs. The justice system is set out in the Constitution³² which enshrines its independence and autonomy³³. A solid legislative framework is in place to safeguard judicial independence for both judges

³¹ 2020 Rule of law report - Communication and country chapters | European Commission (europa.eu)

³² Art. 101 - 113, Title IV of the Constitution.

³³ Art. 104 of the Constitution

and prosecutors³⁴. The judiciary is fully separated from other constitutional powers³⁵.

In the Italian country chapter report, it is mentioned that the level of perceived judicial independence in Italy is low. Only 31 percent among the general public and 36 percent among companies consider it to be ‘fairly or very good’ and these percentages have decreased between 2019 and 2020. The main reasons among the general public and companies for the perceived lack of independence are interference or pressure from Government and politicians and from economic or other specific interests. The justice system continues to experience serious challenges relating to the length of proceedings; reforms to address the efficiency challenges of civil and criminal proceedings are under discussion in Parliament.

About corruption, in 2019 Italy continued strengthening its institutional and legislative anti-corruption framework. The *National Anti-Corruption Authority* (ANAC) has reinforced its role in fostering a corruption prevention culture, while continuing its supervising and regulatory role for public contracts. A framework to protect whistleblowers has been adopted. Italy has not yet adopted a comprehensive law regulating lobbying and the conflict-of-interest regime is fragmented. The capacity to detect, investigate and prosecute corruption is very effective and

³⁴ GRECO Fourth Evaluation Round, Italy, Evaluation Report, para. 6: “The judiciary is governed by a very solid legislative framework enshrining its independence, both for judges and prosecutors”.

³⁵ Art. 104 of the Constitution. The Constitution provides for rules as regards recruitment (Art. 106), security of tenure (Art. 107) and disciplinary regime (Art. 105).

benefits from the expertise of the law enforcement authorities in the fight against organized crime. However, the effectiveness of repressive measures is hampered by the excessive length of criminal proceedings. A comprehensive reform to streamline criminal procedure is being discussed in Parliament. The legal and institutional anti-corruption framework is broadly in place. New legislation increasing penalties for corruption offences has entered into force. The prevention and fight against corruption is shared between several authorities.

The National Anti-Corruption Authority (ANAC) is the authority in charge mainly with the prevention of corruption within the public administration, as well as with defining the Anti-corruption strategy and supervising the adoption of the three-year plans. ANAC is an independent authority and its power and capacity have been strengthened as regards its preventive role to fight corruption. The *Anti-corruption Unit of the Financial police*³⁶ is responsible for the investigation and prevention of corruption as a specialized law enforcement body; it is a military police body which provides support to the competent prosecutor's office and cooperates with the National Anti-Corruption Authority. Furthermore, specialized police and prosecution services increase their efforts in order to tackle the infiltration of organized crime into public administration. Italy has an effective asset recovery system, which is key for complementing the sanctioning regime for corruption.

³⁶ Guardia di Finanza, in Italian language

Criminal organizations are increasingly resorting to corruptive practices to achieve their goals. ANAC and the Prosecution service uncovered that mafia-type organized crime groups systematically use corruption and collusive methods towards the public administration, especially in the context of public procurement. As ANAC stressed in its 2020 annual report to the Parliament³⁷, the trend is constantly increasing. In 2019, 633 anti-Mafia interdiction measures were taken, compared to 573 in 2018 (a 10 percent annual increase), and 2,600 since 2015 altogether.

Italy scores 53/100 on the latest Transparency International Corruption Perception Index and ranks 15th in the EU and 51st globally³⁸. A revision of the level of sanctions for corruption related offences has been carried out recently: In May 2019, relevant provisions on the subject of political-mafia exchange voting were amended, with the aim of targeting possible networks of criminal organizations, politicians, entrepreneurs, and administrations.

The Italian Constitution enshrines freedom of expression and information as well as the principle of transparency of media ownership. The Italian regulatory authority for audiovisual media is deemed to be independent and effective. The political independence of the Italian media remains an issue due to the lack of effective provisions on preventing conflicts of interest in particular in the audiovisual media sector. Italy has established a Centre aiming at monitoring threats to

³⁷ Annual report on the activity carried out by the National Anti-Corruption Authority in 2019 (2020).

³⁸ Transparency International, Country data. <https://www.transparency.org/en/countries/italy>.

reporters and developing the necessary protection measures to respond to concerns with regard to the safety of journalists. Prison sentences for defamation have been challenged in courts, drawing on the Constitution and the jurisprudence of the *European Court of Human Rights* on freedom of expression. The matter is currently pending before the Parliament. Freedom of expression and press freedom are enshrined in Article 21 of the Constitution.³⁹ Secondary legislation establishes a robust framework geared at ensuring media pluralism in the country. An independent regulator, the *Authority for guaranteeing the Communications* (AGCOM), is established by law⁴⁰ and entrusted with regulatory, monitoring, enforcement, and sanctioning powers in the media sector. According to the law, AGCOM “operates in full autonomy and is independent in its judgment and assessment”.⁴¹ The principle of transparency of media ownership is enshrined in the Constitution⁴². Rules on administrative transparency and access to public information are in force. The *Freedom of Information Act* (FOIA)⁴³ recognizes the freedom to access information held by the public administration as a fundamental right and establishes the principle that administrations must give precedence to the right of anyone to know and to access information owned by the public

³⁹ Art. 21, para. 1, of the Constitution: “Anyone has the right to freely express their thoughts by means of words, writings and any other means of diffusion. The press cannot be subject to authorization or censorship”.

⁴⁰ Law 31 July 1997 n. 249.

⁴¹ Art. 1 of the Law 249 of 31 July 1997.

⁴² Art. 21 para. 5 of the Constitution, which stipulates that: “The law can request the disclosure of the financial sources of newspapers and printed publications”.

⁴³ Introduced by Legislative Decree 97/2016.

administration without having to prove any qualified interest in the matter. Physical attacks and death threats against journalists are an issue of concern. In 2019 and 2020, the Council of Europe's Platform to promote the protection of journalism and safety of journalists published 12 alerts⁴⁴ from Italy (7 in 2019 and 5 in 2020), including several cases of physical attacks, death threats by mafia groups and verbal attacks originating from Government officials and members of staff.⁴⁵ A Coordination Centre dealing with acts against journalists has been set up. An ad-hoc Parliamentary Committees dedicated to "*Mafia, Journalists and Information*" was entrusted with the task of understanding, monitoring, and evaluating the relationship between the mafia and information

As regards checks and balances, the *Constitutional Court* continues to have an important role, and has recently encouraged an increased participation of civil society and the general public to its proceedings. Establishment of an independent human rights institution is under consideration. Two draft laws proposing the creation of an *Independent National Human Rights Authority* (NHRI) were submitted to Parliament in 2018 and are currently being examined by the Chamber of Deputies.⁴⁶ Both draft laws foresee the autonomy of the NHRI. The swift

⁴⁴ Council of Europe, Platform to promote the protection of journalism and safety of journalists. The Italian state systematically replies to all alerts in a detailed manner

⁴⁵ Information received in the context of the country visit and of the consultation process for the preparation of the report, *Federazione nazionale stampa italiana, Ordine dei giornalisti, Sindacato europeo dei giornalisti, Ossigeno per l'informazione e Articolo21* that referred to high-profile cases of journalists who have received systematic threats and death threats for their work.

⁴⁶ Draft Proposal C. 855 of 3 July 2018 and Draft Proposal C. 1323 of 30 October 2018.

establishment of a NHRI in line with the Paris Principles would respond to recommendations from the United Nations.⁴⁷ It was also recommended that the Authority for Children and Adolescents be fully independent and autonomous and that its resources be increased.⁴⁸

The Constitutional Court has adopted internal rules to encourage an increased participation of civil society and the general public in its proceedings.

⁴⁷ United Nations Committee on the Rights of the Child Concluding observations on the combined fifth and sixth periodic reports of Italy (2019).

⁴⁸ See previous note

2. ITALY AND POLAND BY INDICES

In this section, the analysis concerns the existing situation both in Italy and in Poland, regarding the institutions and their quality and transparency, as well as political and economic freedom, the degree of corruption, democracy, and human rights, analyzed through the use of precise indices. In addition, at the beginning of this section, there is a general overview of the economic situation and inequality existing in these two countries.

2.1. GROSS DOMESTIC PRODUCT AND INEQUALITY

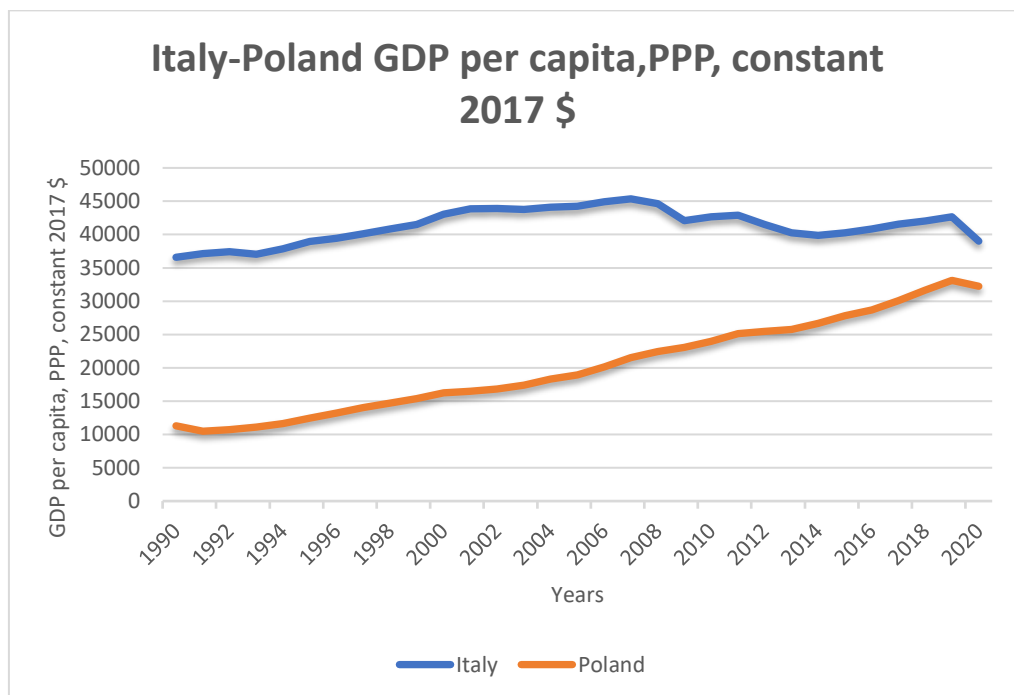
Through the WorldBank, databank, I downloaded data relating to *GDP per capita*, *PPP*, *constant 2017 international \$* for the two countries, Italy and Poland, focusing on the time interval 1990-2020.

The variable “GDP per capita, PPP”⁴⁹ is the gross domestic product converted to international dollars using purchasing power parity rates. An international dollar has the same purchasing power over GDP as the U.S. dollar has in the United States. GDP at purchaser's prices is the sum of gross value added by all resident producers in the country plus any product taxes and minus any subsidies not included in the value of the products. It is calculated without making deductions for depreciation

⁴⁹ The definition is given by the WorldBank, databank

of fabricated assets or for depletion and degradation of natural resources. Data are in constant 2017 international dollars.

The result is reported in the *Graph 1*, in which we can see how Italy has always been above Poland, showing a GDP per capita, PPP values significantly higher. However, Poland shows greater and faster growth which allows us to affirm a certain convergence between the two European countries.



Graph 1

Both countries show, in the years 2019-2020, a decrease in the GDP per capita, PPP, certainly due to the COVID-19 pandemic. In table 1, all values of the variable are shown.

GDP per capita, PPP (constant 2017 international \$)		
	Country	
	Italy	Poland
Years		
1990	36585.6799	11314.96
1991	37122.82193	10483.9
1992	37407.11132	10714.66
1993	37065.43412	11086.96
1994	37855.00774	11649.16
1999	41501.78837	15386.94
2000	43053.93306	16257.65
2001	43869.42794	16466.79
2002	43915.38534	16809.82
2003	43781.21998	17409.64
2004	44118.03664	18287.83
2005	44260.82742	18937.48
2006	44918.17035	20111.3
2007	45356.53672	21543.16
2012	41501.71123	25457.21
2013	40268.11279	25759.34
2014	39898.52646	26649.58
2015	40247.82904	27797.06
2016	40837.73763	28682.69
2017	41581.12079	30064.5
2018	42052.55638	31674.13
2019	42662.52237	33120.52
2020	38992.14838	32238.16

Table 1

However, I would like to give particular attention to the Polish country and its evolution.

In the book *"The end of poverty. Economic possibilities for our time"* by Jeffrey D. Sachs⁵⁰(2005), the author analyzes the radical change that this country has experienced, thanks to the end of the communist regime and the transformation of its economy into a market economy. As we can read in the book (page 111) Poland's political turning point was on June 4th, 1989: on this day, the Polish country held its first partially free elections in a half century. According to the round-table agreement, two things happened: first, an upper chamber of the parliament was added to create a new senate. And second, one third of the seats of the lower chamber, the Sejm, went up for election. Solidarity swept both chambers, winning ninety-nine of the hundred Senate seats, and all 35 percent of the lower chamber up for election. The result was a political earthquake: a partial political opening and a public scream in unison, *"We want the communists out."*

By 2002, Poland was more than 50 percent richer in per capita terms than it had been in 1990, and it had logged the most successful growth record of any post-communist country in Eastern Europe or the former Soviet Union. On May 1st, 2004, fifteen years after the start of democracy, Poland became a member of the European Union.

Its economic reforms have succeeded, even if the country faced many continuing challenges before it closed the income and wealth gaps with its richer neighbors in

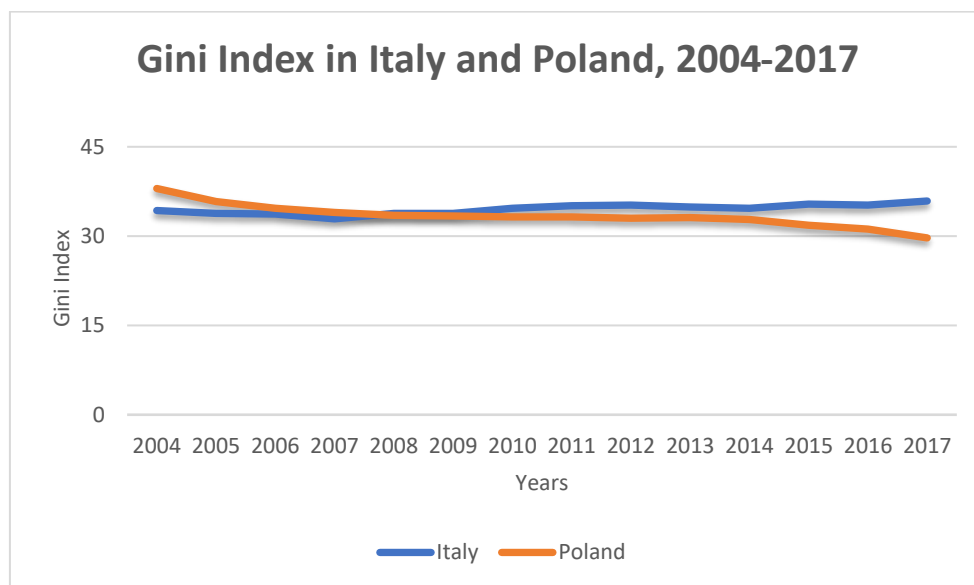
⁵⁰ New York, 2005

Western Europe. The author also states how important it is for a country to have links with the rest of the world. The concept of *openness* is a key concept for the growth of a country and so it was for Poland, a country that, due to its geography, was perhaps the most disadvantaged for two centuries, but also one of the luckiest after 1989. In fact, after 1989, with a boom of trade and foreign investment, ABB, Volkswagen, and dozens of other Western European companies viewed Poland as an enormously convenient base of operations for production for the European market.

With regard of inequality, I measured it by using *the Gini index*. As the WorldBank explains, the Gini index measures the extent to which the distribution of income (or in some cases, variables such as consumption, expenditure) among individuals or households within an economy deviates from a perfectly equal distribution. Graphically, the Gini index measures the area between the Lorenz curve (which plots the cumulative percentages of total income received against the cumulative number of recipients, starting with the poorest individual or household) and a hypothetical line of absolute equality, expressed as a percentage of the maximum area under the line. Thus, a Gini Index of 0 represents perfect equality, while an index of 100 implies perfect inequality.

To analyze the situation existing in the two countries, I focused on the time interval 2004-2017. The result (*graph 2*) shows a growth in the index for the Italian country,

therefore an increase in inequality, while a decrease in the Polish country, an element that underlines a greater equality of income distribution.



Graph 2

We can also analyze the inequality within the two countries, through the Human Development Index (HDI). In particular, the HDI was created to emphasize that people and their skills should be the ultimate criterion for evaluating a country's development, not just economic growth. HDI can also be used to question national policy choices, asking how two countries with the same level of Gross National

Income (GNI) per capita can end up with different human development outcomes. These conflicts can stimulate debate on government policy priorities.

The Human Development Index (HDI) is a summary measure⁵¹ of average achievements in the key dimensions of human development: a long and healthy life, being informed and having a decent standard of living. HDI is the geometric mean of the normalized indices for each of the three dimensions.

More in depth, the health dimension is assessed by life expectancy at birth, the educational dimension is measured by the years of schooling for adults aged 25 and over and the years of schooling for school-age children. The dimension of the standard of living is measured by the gross national income per capita (GNI per capita). HDI uses the log of income to reflect the decrease in the importance of income as GNI increases. The scores for the three HDI dimensional indices are then aggregated into a composite index using the geometric mean.

As for the values of this index, Italy is in 29th place with an HDI of 0.892; while Poland, in 35th place, presenting an HDI value of 0.880. So, a conclusion is that, even if through the Gini Index, the Italian country shows an increase in the inequality, by looking at the HDI, the Italian situation is much better than the Polish one.

⁵¹<http://hdr.undp.org/en/content/human-development-index-hdi>

Furthermore, we can also talk about the *Inequality-adjusted Human Development Index* (IHDI). The IHDI combines a country's average health, education, and income results with how those results are distributed across the country's population by "discounting" the average value of each dimension based on its level of inequality⁵². Therefore, the IHDI is the distribution-sensitive average level of human development. Two countries with different distributions of results may have the same mean HDI value. Under conditions of perfect equality, the IHDI is equal to the HDI, but falls below the HDI as the inequality increases.

The difference between IHDI and HDI is the cost of inequality to human development, also called the overall loss to human development due to inequality. The Inequality-adjusted Human Development Index enables a direct link to inequalities in size, can inform policies towards reducing inequalities and leads to a better understanding of inequalities among the population and their contribution to the overall cost of human development. A recent measure of inequality in HDI, the human inequality coefficient, is computed as an unweighted average of inequality across three dimensions.

Looking at the values of this index for the two countries, Italy has a value of 0.783 while Poland has a value of 0.813. These values strengthen the results already showed by the HDI.

⁵² <http://hdr.undp.org/en/content/inequality-adjusted-human-development-index-ihdi>

2.2.OTHER INDICES

2.2.1. HUMAN RIGHTS, DEMOCRACY VALUES, POLITICAL RIGHTS AND CIVIL LIBERTIES

In order to deeply analyze the situation existing in the two countries, I looked at the *Freedom House*, which works to defend human rights and promote democratic change, with a focus on political rights and civil liberties⁵³, and its reports.

In 2020, Italy scored 89/100 and it was (and it still is) characterized by the status “free”. In particular, by looking at the country’s analysis, political rights are 36/40 and civil liberties, which are generally respected but still show some concerns about rights of migrants and regional inequality, score 54/60. Despite the problematic situation related to the corruption, Italy shows a good situation about both political rights and civil liberties. In fact, it shows a score of 3/4 (or 4/4) in the electoral process, the political participation and pluralism, the functioning of government, the freedom of expression and belief, the associational and organizational rights, the rule of law, the personal autonomy, and individual rights.

Different situation exists in Poland, which score 84/100 in 2020 but it has seen an increase in nationalist and homophobic rhetoric in recent years. Some concerns happened during 2020⁵⁴ which I already and partly mentioned, but they are concepts

⁵³ <https://freedomhouse.org/issues>

⁵⁴ <https://freedomhouse.org/country/poland/freedom-world/2021>

that I want to stress: (1) After the election, in September, an administrative court ruled that the prime minister had violated the constitution and the electoral code in attempting to transfer the election administration to the post office.

(2) In April, the European Court of Justice (ECJ) ordered the suspension of the controversial Disciplinary Chamber of the Supreme Court, citing its potential to restrict judicial independence. The European Commission then launched an infringement procedure against Poland over a new law that expanded disciplinary measures against judges. Judges critical of the government's judicial reforms faced sanctions during the year.

(3) In October, the Constitutional Tribunal (TK⁵⁵) ruled that abortion in cases when the fetus has a congenital disorder is unconstitutional, effectively restricting legal abortion to cases involving rape, incest, or danger to the life or health of the mother. In response, women's rights groups organized mass protests that were attended by hundreds of thousands of people, the largest demonstrations in Poland since the fall of communism in 1989. The government delayed its implementation, and the ruling had not come into effect by the end of the year.

The Freedom House highlights that in Poland political rights score 34/40, with good situation about the electoral process and the political participation and pluralism.

⁵⁵ Trybunał Konstytucyjny, in Polish language

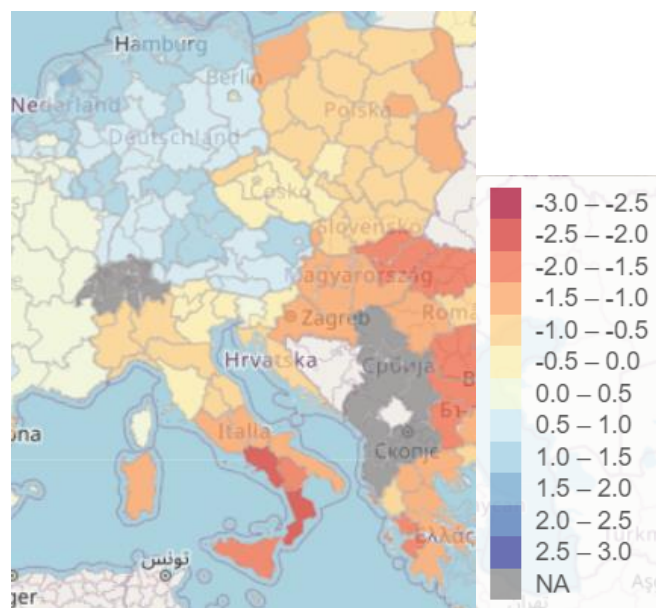
About the functioning of government, it emerges that the Polish government does not operate with openness and transparency. In particular, the current government avoids consulting outside experts or civil society organizations on policy ideas and tends to introduce and pass legislation rapidly, with little opportunity for debate or amendment. In April 2020, the government attempted to pass legislation that would ban abortion and criminalize sexuality education while coronavirus lockdown measures were being enforced. Activists expressed concern that the government was using the lockdown to rush through legislation without public consultation.

A very problematic situation is about the rule of law, which scores 1/4, due to the government motion to assert control over the judiciary and to install progovernment judges on its benches. These facts brought the European Commission to launch an infringement procedure and the European Court of Justice to an interim ruling, after which it confirmed the measures had breached European law. In September 2020, the European Parliament passed a resolution noting that there had been a continuing deterioration of judicial independence and the rule of law in Poland and advocating a resumption of the Article 7 (of the Treaty of the European Union) procedure (first triggered by the Commission in 2017). We examined this aspect in the previous chapter.

2.2.2. QUALITY OF GOVERNMENT AND CORRUPTION

The European Quality of Government Index focuses on both perceptions and experiences with public sector corruption, along with the extent to which citizens believe various public sector services are impartially allocated and of good quality in the EU.⁵⁶

This map ranks countries according to this index.



European Quality of Government Index

⁵⁶<https://www.gu.se/en/quality-government/qog-data/data-downloads/european-quality-of-government-index>

Poland shows a better situation than Italy, related to corruption and quality of institutions. In particular, some Italian regions (the ones characterized by mafia organizations) are red-colored, meaning that the situation is very problematic.

In Italy, endemic problems of corruption and organized crime pose an enduring challenge to the rule of law and economic growth. In fact, as is reported by the freedom house, the public is generally free to make political choices without undue interference. However, organized crime groups retain some ability to intimidate and influence politicians, especially at the local level, and to establish corruption networks abetted by public administrators. In 2020, the government used its authority to dissolve 11 town councils over ties to local mafia-like groups, leaving a total of 39 local governments under special administration as of year's end.⁵⁷ Corruption remains a serious problem despite long-term efforts to combat it, and its impact is exacerbated when officials and members of organized crime networks jointly carry out graft schemes.

Since 2018 Italy has strengthened its anticorruption framework. An anti-corruption law adopted in 2019 tightened sanctions for corruption, reformed statutes of limitation to limit stalling tactics, and extended existing anti-mafia investigative

⁵⁷ <https://freedomhouse.org/country/italy/freedom-world/2021>

tools to include corruption offenses. Despite this increased capacity, many sectors require additional reforms to limit graft, including public procurement.

3. CORRUPTION AND HUMAN RIGHTS:

IS THE DEMOCRACY SAFE?

In this last chapter, I will focus on a more detailed analysis of two elements which, although distant from each other, in my opinion have the same consequences: distrust in institutions and weakening of democracy. In particular, the two concepts under consideration are *corruption*, a corrosive element of Italian society, and *human rights* in the Polish country which have suffered, and continue to suffer, little political recognition.

3.1. THE ITALIAN CORRUPTION

Corruption not only leads to huge losses in terms of tax revenue and investment, but it also weakens trust in the state institutions, causing disenchantment among citizens and destabilizing whole regions.

Using the “*Corruption and Growth: Evidence from the Italian Regions*” from the *European Journal of Government and Economics (EJGE)*, it has emerged that for a long time, scholars have investigated the economic consequences of corruption, drawing an ambivalent picture which highlights that the effect of corruption on growth remains an empirical question. More in depth, on the one hand, corruption promotes investments that would have been otherwise stalled by regulations and

bureaucratic procedures; on the other, it reduces the incentives to invest in productive activities.

In the article, authors contribute to this debate by estimating the effect of corruption on economic growth in a panel dataset for the 20 Italian regions during the period 1980-2004 to verify whether corruption played a role in the differentiated growth path of southern Italy. Italy is an interesting case in this perspective because regional inequalities still persist although different kinds of public policies have tried to reduce the per capita income differentials between the northern and the southern regions since the end of World War II. The distribution of corruption and of social capital across the country is not homogeneous even though the institutions and the policies aimed at punishing and preventing corruption are centralized at the national level, and this may contribute to explain the differences in the economic growth rates of the Italian regions. Del Monte and Papagni⁵⁸ (2001) investigated the link between corruption and economic growth in the Italian regions for the period 1963-1991. They show that the efficiency of public investments is lower in regions where corruption is higher which in turn negatively affects economic growth. The authors re-address this issue for a more recent period of the Italian history (1980-2004) characterized by high variability in both growth rates and corruption crimes.

⁵⁸“*Public expenditure, corruption and economic growth: the case of Italy.*” *European Journal of Political Economy*, 2001, A. Del Monte, E. Papagni

Italy is divided into 20 regions, that represent the upper tier of sub-state government. Five of them, established in the years between 1948 and 1963, enjoy a special statute (Regioni a Statuto Speciale, or RSS) because of their multilingual status and peculiar geographical and economic position. The other 15 regions, featuring an ordinary statute (Regioni a Statuto Ordinario, or RSO), were established in the 1970s. Until mid-1990s, however, the regions heavily depended on the central government. In particular, they have expenditure autonomy but lacked tax autonomy; regional resources were represented by transfers from national taxes and grants from the central government, whose amounts were not modifiable by the regions. Since the 1990s, several legislative and constitutional reforms changed the institutional framework and increased both tax autonomy and expenditure competences. Currently regional governments levy taxes of their own (about 24 percent of total national fiscal revenue), as well as shares of national taxes and transfers (about 53 percent) and are responsible for health care expenditure plus a share of social services, education, environment, local transportation, housing, culture and tourism. As it is reported in the article, overall economic growth decreased in Italy, especially in the early 90s. The growth rates always were under 5 percent after 1997 while corruption crimes increased steadily between the mid-1970s and the first half of the 1990s and slightly decreased after 1993 as a consequence of the so-called “*Mani Pulite*” (Clean Hands) campaign undertaken by the judicial system. The number of corruption crimes decreased in the 1980s; a

significant increase was recorded from 1991 to 1998, where the number of crimes jumped from around 600 to around 2400; finally, after a decrease in 2000, it increased again.

Looking at the reality, Sicily and Campania appear as the most corrupted regions of Italy, followed respectively by the northern, the central and the southern ones. Overall, GDP growth as well as corruption crimes change both over time and across regions.

Table 2 provides a ranking of the regions according to their average GDP and corruption crimes per capita, for time interval 1980-2004.

Region	GDP pc	Region	Associative crimes	Region	Corruption crimes
Valle d'Aosta	21.147	Sicily	42.1	Latium	961
Trentino-Alto Adige	20.159	Calabria	31.1	Molise	901.3
Lombardy	19.715	Campania	30.6	Valle d'Aosta	787.9
Emilia-Romagna	19.030	Apulia	21.4	Liguria	775.1
Piedmont	17.53	Basilicata	18	Calabria	699.8
Veneto	17.22	Liguria	15.6	Sicily	622
Tuscany	16.54	Latium	15.2	Sardinia	617.2
Friuli-Venezia Giulia	16.1875	Abruzzo	13.2	Friuli-Venezia Giulia	607.7
Latium	16.07	Friuli-Venezia Giulia	13.1	Abruzzo	601.2
Liguria	15.79	Emilia-Romagna	12.7	Campania	558.2
Umbria	14.79	Umbria	12.6	Basilicata	494
Marche	14.47	Trentino-Alto Adige	11.7	Tuscany	494
Abruzzo	12.54	Lombardy	11.6	Apulia	483.6
Sardinia	11.44	Valle d'Aosta	11.4	Trentino-Alto Adige	459.8
Molise	11.001	Molise	11.1	Umbria	456.7
Sicily	10.42	Veneto	10.9	Piedmont	426.3
Basilicata	9.68	Tuscany	10.8	Marche	393.8
Apulia	9.61	Piedmont	10	Lombardy	375.3
Campania	9.56	Marche	8	Veneto	374.6
Calabria	8.71	Sardinia	6.8	Emilia-Romagna	349.5

Note: data are reported by descending order; per capita GDP is measured in thousands of euro; per capita crimes are measured per million of inhabitants. Source: Italian Institute of Statistics (ISTAT)

Table 2

Using *prosecution data* as a measure for corruption bumps against the circumstance that in corrupt regions the judicial system is itself corrupt and fewer people will be charged with corrupt practices. The effectiveness of a legal system is rooted not only in the formulation of laws but also in the '*legal culture*', that is the expectations and practices that inform the way they are enforced.

Although the legal system is the same in all the Italian regions, its degree of legitimacy is not. Moreover, such a measure reflects only the 'revealed' corruption, most likely by leaving part of the phenomenon hidden and table 1 highlights this problem. The northern regions are less corrupted than the central and southern regions; however, the ranking is not completely in line with people's common sense about the real distribution of corruption in Italy. Indeed, prosecutions for corrupt practices in the Appeal Court district of Reggio Calabria, one of the major towns of Calabria, in the last twenty years resulted in two convictions only. Nevertheless, similar conditions characterize the districts of other 'perceived' corrupt regions, like Sicily, Campania and Sardinia. To take into account the hidden corruption and avoid potential bias between official statistics and 'true' data, we consider the existing link between corruption and associative crimes (crimes ex art. 416 and 416 bis of the Italian Criminal Law). This implies that, as the so-called "*Mani Pulite*" criminal trials confirmed, corruption emerges not only as corrupt practices but also as associative crimes in the most 'perceived' corrupt regions.

3.1.1 HOW EUROPE AND ITALY CO-WORK

3.1.1.1 OLAF AND ANAC

"Fighting corruption across the European Union is impossible for an organization or country alone," said OLAF Director-General Giovanni Kessler. "Building strong partnerships between law enforcement bodies across Europe is a crucial step in tackling this difficult task," he added.⁵⁹

The *European Anti-Fraud Office* (OLAF) and the *Italian National Anti-Corruption Authority* (ANAC) decided to step up their engagement in protecting the EU's financial interests by concluding an *Administrative Cooperation Arrangement*, signed on 20th April 2016 by OLAF Director-General Giovanni Kessler and ANAC Chairman Raffaele Cantone.

An independent regulatory body set up in 2009 to fight corruption in Italy, ANAC monitors public agencies for transparency compliance and enforces anti-corruption guidelines. It has the power to inspect offices and confiscate documents, as well as to intervene directly in public work contracts under investigation for alleged corruption. As such, OLAF and ANAC could effectively complement each other's work: while ANAC identifies possible wrongdoing linked to public procurement

⁵⁹ press release no 6/ 2016, OLAF and ANAC team up to tackle corruption in Italy and beyond

procedures at national level, OLAF is specialized in investigating instances of fraud and corruption affecting the EU budget.

The Administrative Cooperation Arrangement will enhance the capacity of both organizations to detect and fight fraud and corruption, both within Italy, and in relation to projects implemented beyond Italian borders. The increased cooperation will lead to faster and more efficient investigations to the benefit of EU citizens.

Looking more in depth, OLAF's mission is firstly to detect, investigate and stop fraud with EU funds, by carrying out independent investigations, so as to ensure that all EU taxpayers' money reaches projects that can create jobs and growth in Europe; secondly to contribute to strengthening citizens' trust in the EU Institutions by investigating serious misconduct by EU staff and members of the EU Institutions; and thirdly to develop a sound EU anti-fraud policy.

Moreover, already on 5th June 2012, the European Anti-Fraud Office (OLAF) and the Italian Guardia di Finanza had signed an Administrative Cooperation Arrangement which intended to combat the most dangerous types of fraud.

3.1.1.2 EUROJUST AND THE ITALIAN DESK

The *European Union Agency for Criminal Judicial Cooperation* (Eurojust), created in 2002, supports coordination and judicial cooperation between national administrations in countering terrorism and serious forms of organized crime affecting more than one EU country. More in depth, it helps to resolve conflicts of jurisdiction and facilitates the definition and implementation of EU legal instruments, such as the European arrest warrant or confiscation and freezing orders.

To this end, Eurojust organizes coordination meetings, and funds and provides expertise for joint investigation teams. Its main partners are national administrations.

It also houses the secretariats of the European Judicial Network, the Network of Joint Investigation Teams and the Network for the detection and prosecution of genocide, crimes against humanity and war crimes (Genocide Network).

To better analyze the work of Eurojust, together with that of the Italian desk, I used the *"Report of the national member", operational year 2019, "Eurojust operational desk Giovanni Falcone and Paolo Borsellino"*

The results of Eurojust in 2019 are of particular significance. In fact, in 2019 and more than in previous years, Eurojust recorded a further increase of its operating

activities. The growth in the total number of cases treated, equal to 3643, is evident when compared to previous years (2550 in 2017 and 3148 in 2018). Although this is a collective effort, it cannot be ignored that the Italian Desk contributed significantly to this result, to the extent of more than a fifth. This aspect highlights the growing trust that our national judicial authorities show toward the European body.

Moreover, the unequivocal tendency of crime, especially organized crime, to operate cross-border is also confirmed in terms of law enforcement, to resort to structured forms of information exchange and coordination between judicial authorities in all levels, both national and supranational.

In the overall panorama of the organism's operations, the Italian Desk stands out, as mentioned, with 724 new cases registered during the year, of which 374 active cases, (i.e., generated by requests from their national authorities, as it depicts the continuous leading trend of the National Desk at Eurojust); and 350 passive cases, of which 332 opened by Member States and 18 opened by third States.

From the data processed by Eurojust it emerges that the procedures managed in 2019 by the body concerned for 77 percent forms of crime in priority crimes according to the classification made by the College of Eurojust and 23 percent of other types of offense not included in priority areas.

According to the definitions reported in the Eurojust IT system, the macro-areas corresponding to the types of criminals emerging in 2019 are: fraud, money laundering, drug trafficking, drug trafficking itinerant organized crime (mobility organized crime group-MOCG), trafficking in human beings (THB), cybercrime, terrorism, and migrant smuggling.

The data comparison between 2018 and 2019 shows an evolution of some criminal trends, with a confirmation of the large number of frauds carried out over the Internet. In light of this, the increase in the number of computer fraud represents a constant, widespread, and pervasive threat, for which it is often difficult to organize a structured investigative response, capable of tracing the criminal chain, going beyond the identification of the individuals involved in the final phase of the delinquent scheme. In this sense, the use of joint investigation teams has proved to be a particularly effective tool for collaboration and the various investigations for forms of organized crime and / or mafia have contributed significantly to an increase in the procedures handled by Eurojust.

The Italian office of Eurojust maintains excellent relations with all national correspondents, and in particular with the *National Anti-Mafia and Counter-Terrorism Directorate*, which acts as Eurojust's National Correspondent also in matters of terrorism, as well as acting as a Contact Point for the European Judicial Network.

As reported in the document, below there are some examples of significant cases handled by the Office, concerning both forms of organized crime and, properly speaking, mafia-type associations:

- *Operation SINE FINIBUS* - transnational criminal association active in alcohol trafficking: with a transnational nature, conducted by the *Guardia di Finanza* of Udine which led to the identification of as many as 87 economic operators involved in various capacities and restrictive measures against 60 people, operating in Italy and abroad, dedicated to the smuggling of about 180 million liters of alcohol with a clear evasion of 80 million euros in excise duties.
- *Operation SKY-IPTV* - Criminal association aimed at the illicit reproduction and marketing of IPTV colossal fraud through the pirated distribution of pay TV platforms. The investigation, directed by the Public Prosecutors of Naples and Rome, conducted by the *Guardia di Finanza* and the State Police, made it possible to identify and deactivate the international IPTV (Internet Protocol Television) platform most widespread among cyber pirates, tense to illegally re-transmit and sell pay-per-view products and services, similar to those offered by Sky Italia, Mediaset Premium, Netflix, Dazon, and Infinity.

- *International arms trafficking to supply the Camorra clans of Campania:* the *Carabinieri* of Torre Annunziata, directed by the District Anti-Mafia Directorate of the Naples Public Prosecutor's Office, conducted a complex transnational investigation that allowed the arrest of 22 people and the seizure of 1600 ammunition and 139 weapons intended for various Camorra clans
- *The “Casalesi”* - management of assets with illicit proceeds in Romania: the District Anti-Mafia Directorate (DDA) of the Naples Public Prosecutor's Office directed an articulated investigation of a transnational nature, conducted by the Anti-Mafia Investigative Directorate (DIA) of Naples against dangerous criminal associations of a Camorra style, aimed at identifying the figurehead of the well-known "clan leader of the Casalesi” M. Zagaria and the identification of the illicit proceeds accumulated by the aforementioned clan in Romania.

The operations of the Italian desk are also conducted in the field of terrorism, one of the criminal areas in which the strong Italian commitment increased over time.

During the year 2019, this office assisted national authorities in 26 active procedures and in 10 passives for a total of 36 new cases.

In the context of organized crime cases, the number of judicial cooperation cases concerning groups involved in the trafficking of human beings and migrants

registered in 2019, has undergone a substantial increase compared to the previous year.

In particular, in 2019, data relating to trafficking in human beings amounted to 13 active and 11 passive cases for a total of 24 cases. Even for cases involving migrant smuggling, the 2019 saw an increase in registered cases equal to 23 active and 11 passives, for a total of 24 proceedings.

In the cases managed by the Italian Desk, not only the operations of criminal organizations dedicated to the trafficking of migrants are highlighted, but also of criminal groups of foreign ethnicity (mainly Nigerian) settled permanently in the territory and with branches abroad, mainly dedicated to forms of trafficking in human beings to the point of having assumed, in some cases, the connotations of mafia-type associations, through the systematic use of the force of intimidation deriving from the associative bond.

In the field of human trafficking, the prostitution "market" remains the most lucrative and most recurrent one in the cases dealt with, but more and more often there are cases of exploitation of the labor employed in the harvesting of tomatoes, fruit and pastoralism, particularly in areas in which the control of indigenous organized crime is very strong. In this transnational dimension, judicial cooperation and investigative coordination implemented through Eurojust is of extreme importance, which made it possible to exchange information in real time and

organize a coordination meeting in the specific case, thus, to agree on investigative measures and strategies.

In the immediate future, Eurojust will have to face, above all, three challenges: (1) *globalization*, the European Union must work together and seek partnerships beyond its own borders to help victims of crime, solve and prosecute crimes and protect our borders; (2) *digitization*, which can be faced through the Digital Criminal Justice project, an infrastructural network capable of connecting all judicial actors and European agencies; and (3) *the lack of funding and resources*, which are fundamental to continue with the good performance started in 2019.

3.2. THE WEAKNESSES OF POLAND: THE RULE OF LAW AND HUMAN RIGHTS

“The European Union is not only about parties and politics, rules or regulations, markets or currencies. It is ultimately— and above all else — about people and their aspirations. It is about people standing together. For their liberty, for their values, simply for a better future.”

Commission President von der Leyen, 27 November 2019⁶⁰

As already highlighted in chapter 1, I have pointed out that the Polish country has a problematic situation regarding the rule of law, and this is leading the country to a bad relationship with the European Union and the European Commission.

In particular, to show how problematic and delicate relations between Poland and the European Union are, I want to mention some events that are undermining the relationship between these two entities and worsening, more and more, the presence of the Polish state within the European Union.

⁶⁰ “Communication from the commission to the European parliament, the council, the European economic and social committee and the committee of regions. Strategy to strengthen the application of the Charter of Fundamental Rights in the EU” Brussels, 2/12/2020

3.2.1. THE RULE OF LAW

The rule of law is one of the fundamental values of the European Union. It is enshrined in Article 2 of the Treaty on European Union.⁶¹ It is also essential for the functioning of the EU as a whole, for example, with regard to the Internal Market, cooperation in the area of Justice and Home Affairs, and to ensure that national judges who are also 'EU judges' can fulfil their role in the application of EU law and can properly interact with the Court of Justice of the European Union (CJEU). The European Commission, together with other institutions and the Member States, is responsible under the Treaties for guaranteeing the rule of law as a fundamental value of our Union and making sure that EU law, values and principles are respected.

I mentioned this as a first and important element that is creating great turmoil between Poland and the European Union relations concerning the rule of law. Specifically, as it is mentioned in the document *“Rule of Law: European Commission refers Poland to the European Court of Justice to protect independence of Polish judges and asks for interim measures”*,⁶² on 20th December

⁶¹ Article 2 TEU: “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society characterized by pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men.”

⁶² “Rule of Law: European Commission refers Poland to the European Court of Justice to protect independence of Polish judges and asks for interim measures” Brussels, 31/03/2021

2017 the Commission triggered the Article 7(1) TEU procedure for the first time for Poland. There were already several debates (26th May and 16th October 2018) and three hearings on the rule of law in Poland amongst Member States in the General Affairs Council (26th June, 18th September and 11st December 2018).

The Commission has also frequently made use of its tools as *guardian of the treaties* to address rule of law issues in Poland. On 29th July 2017, the Commission launched an infringement procedure on the Polish Law on Ordinary Courts, on the grounds of its provisions requiring early retirement and their impact on the independence of the judiciary. The Commission referred this case to the Court on 20th December 2017. On 5th November 2019, the Court of Justice of the European Union (CJEU) issued a final judgement in the case, confirming in full the position of the Commission. In addition, on 2nd July 2018, the Commission launched an infringement procedure on the Polish Law on the Supreme Court, on the grounds of its provisions requiring early retirement and their impact on the independence of the Supreme Court. On 24th September 2018, the Commission referred the case to the CJEU. On 17th December 2018, the CJEU issued a final order imposing interim measures to stop the implementation of the Polish law on the Supreme Court and to reinstate the judges forced to retire. On 24th June 2019, the CJEU issued a final judgement in the case, confirming in full the position of the Commission. Both infringement proceedings led the Polish authorities to remove the contested provisions.

On 3rd April 2019, the Commission launched new infringement procedure on the grounds that the disciplinary regime undermines the judicial independence of Polish judges and does not ensure the necessary guarantees to protect judges from political control, as required by the CJEU. On 10th October 2019, the Commission referred this case to the CJEU and on 14th January 2020, the Commission decided to ask the CJEU to impose interim measures on Poland, ordering it to suspend the functioning of the Disciplinary Chamber of the Supreme Court. On 8th April 2020, the CJEU ruled that Poland must immediately suspend the application of the national provisions on the powers of the Disciplinary Chamber of the Supreme Court with regard to disciplinary cases concerning judges, confirming in full the position of the Commission. This order applies until the Court renders its final judgment in the infringement procedure.

A new law of 20th December 2019 amending a series of legislative acts governing the functioning of the justice system in Poland, entered into force on 14th February 2020. On 29th April 2020, the Commission sent a Letter of Formal Notice to Poland regarding this new law on the judiciary. On 30th October, the European Commission, since Poland's reply was not satisfactory, continued with the infringement process by sending a Reasoned Opinion on this matter. Poland replied on 30th December 2020.

In the context of this infringement procedure launched on 29th April 2020, the Commission sent to Poland an additional letter of formal notice adopted on 3rd

December 2020, taking issue with the continued functioning of the Disciplinary Chamber of the Supreme Court as regards other cases concerning judges. On 27th January 2021, in view of a non-satisfactory reply of Poland to the additional letter of formal notice, the Commission adopted an additional Reasoned Opinion. Poland replied on 26th February 2021.

What led the Commission to act in that way, was the fact that it considered that the Polish law on the judiciary undermines the independence of Polish judges and is incompatible with the primacy of EU law. Moreover, the law prevents Polish courts, including by using disciplinary proceedings, from directly applying certain provisions of EU law protecting judicial independence, and from putting references for preliminary rulings on such questions to the Court of Justice.

In addition, the Commission considers that Poland violates EU law by allowing the Disciplinary Chamber of the Supreme Court – the independence of which is not guaranteed – to take decisions which have a direct impact on judges and the way they exercise their function. These matters include cases of the lifting of immunity of judges with a view to bringing criminal proceedings against them or detain them, and the consequent temporary suspension from office and the reduction of their salary. The mere prospect for judges of having to face proceedings before a body whose independence is not guaranteed, creates a '*chilling effect*' for judges and can affect their own independence. The Commission considers that this seriously

undermines judicial independence and the obligation to ensure effective legal protection, and thus the EU legal order.

Looking in more detail, there are five key elements that the commission have considered and still considers against the European law.

- First, the Commission notes that the law on the judiciary prevents Polish courts from assessing, in the context of cases pending before them, the requirements of judicial independence and from requesting a preliminary ruling. This is incompatible with the principle of primacy of EU law, the functioning of the preliminary ruling mechanism and Article 19(1) of the Treaty on European Union read in connection with Article 47 of the Charter of Fundamental Rights of the European Union, which establish a right to an effective remedy before an independent and impartial tribunal previously established by law.
- Second, the Commission notes that the law grants the new Chamber of Extraordinary Control and Public Affairs of the Supreme Court the sole competence to rule on issues regarding judicial independence. This prevents Polish courts from assessing the requirements of judicial independence and from requesting preliminary rulings from the Court of Justice. The law is incompatible with the principle of primacy of EU law, the functioning of the preliminary ruling mechanism as well as with the requirements of judicial independence set out in Article 19(1) TEU.

- Third, the Commission notes that the law broadens the notion of disciplinary offence by allowing the assessment by Polish courts of the requirements of judicial independence, and thus the content of judicial decisions, to be qualified as a disciplinary offence. As a result, the disciplinary regime can be used as a system of political control of the content of judicial decisions. The law is incompatible with the requirements of judicial independence set out in Article 19(1) TEU and the functioning of the preliminary ruling mechanism.
- Fourth, the Commission considers that Poland violates EU law by allowing the Disciplinary Chamber of the Supreme Court – the independence of which is not guaranteed – to take decisions which have a direct impact on judges and the way they exercise their function. These decisions include the lifting of immunity of judges with a view to bringing criminal proceedings against them or to detain them, as well as the consequent temporary suspension from office and the reduction of their salary. The Disciplinary Chamber is also deciding on matters related to labor law, social security, and the retirement of Supreme Court judges. By giving the Disciplinary Chamber powers that directly affect the status of judges and the exercise of their judicial activities, the Polish legislation jeopardizes the ability of the respective courts to adjudicate in full independence and therefore to provide an effective remedy, as required by Article 19(1) TEU.

- Fifth, the Commission notes that the law imposes a disproportionate obligation on judges to provide information for the purposes of publication about specific non-professional activities. This is incompatible with the right to respect for private life and the right to the protection of personal data as guaranteed by the Charter of Fundamental Rights of the EU and the General Data Protection Regulation.

3.2.2. HUMAN RIGHTS: WOMEN AND LGBTIQ

“All human beings are born free and equal in dignity and rights”

The Universal Declaration of Human Rights

Human rights are universal, every human being is entitled to the enjoyment of human rights and fundamental freedoms under international law. The European Union promotes and defends the universality and indivisibility of all human rights within its boundaries and in our partner countries.

Today, human rights and democracy are being challenged and put into question. In this context, the Council⁶³ adopts the EU Action Plan on Human Rights and Democracy 2020 – 2024. The Council welcomes the adoption of a decision identifying the strategic objectives of the Union to be pursued through the EU Action Plan on Human Rights and Democracy 2020-2024, presented by the High Representative of the European Union for Foreign Affairs and Security Policy and the European Commission on 25th March 2020.

With this Action Plan, the Council reaffirms the European Union's strong commitment to further advancing universal values for all. Respect for human

⁶³ “Council Conclusions on the EU Action Plan on Human Rights and Democracy 2020-2024”, Brussels 18/11/2020

dignity, freedom, democracy, equality, the rule of law and respect for human rights will continue to underpin all aspects of the internal and external policies of the European Union.

The global picture on human rights and democracy is mixed. While there have been leaps forward, the pushback against the universality and indivisibility of human rights, the closing of civic space and the backsliding on democracy must be addressed. New opportunities and risks also arise, notably linked to technological developments and global environmental challenges.

Crisis situations are a particular test for the realization of human rights and respect of democratic values. The ongoing COVID-19 pandemic and its socio-economic consequences have a growing negative impact on all human rights, democracy, and rule of law. Moreover, they are deepening pre-existing inequalities and are increasing pressure on persons in vulnerable situations. In light of this, the Council underlines that human rights, democracy, and the rule of law, as well as a gender responsive approach, will remain at the heart of the EU's response to and recovery from the COVID-19 pandemic. The EU undertakes to ensure that our response upholds the dignity and human rights of all without discrimination of any kind.

No one should be left behind, no human right ignored.

The new Action Plan on Human Rights and Democracy 2020-2024 sets out the EU's ambitions and priorities for concrete action for the next five years in the field of external relations.

The EU and its Member States will use the full range of their instruments, in all areas of external actions, to focus and to further strengthen EU global leadership on the following overarching priorities: protecting and empowering individuals; building resilient, inclusive, and democratic societies; promoting a global system for human rights and democracy; harnessing the opportunities and addressing challenges of new technologies; delivering by working together. The European Union and its Member States will promote women's and girls' full enjoyment of human rights, gender equality and the empowerment of women and girls as a priority across all areas of action.

An independent civil society, enabling civic space and the support and protection of human rights defenders are essential elements to achieve these priorities.

The effective implementation of the Action Plan requires the coordinated action of all actors and stakeholders. In this context, the Council welcomes the leadership of the High Representative for Foreign and Security Policy in promoting a consistent and coherent implementation of the EU's human rights and democracy policy. The Council acknowledges the vital work of the EU Special Representative for Human Rights and welcomes his central role in guiding the implementation of the Action Plan 2020 - 2024.

EU Delegations and Offices, together with Member States Embassies, will be at the forefront in attaining the objectives of the Action Plan. The European Union will work in close collaboration with other countries, international and regional

organizations. Civil society organizations will be important partners and will be consulted throughout the implementation of the Action Plan. The Council will ensure effective follow-up and monitor progress on a regular basis. The Council invites all partners to join efforts in contributing to the success of this Action Plan and to promote human rights and democracy around the world.

Just recalling the principles established by Art. 2 of the Treaty on European Union (TEU): *“The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail”*; and Art. 49 TEU whereby any country complying with this set of values could apply to become a member of the EU, we can affirm that, today, the guarantee of these values is sensitive and could deeply shift.

In fact, nowadays, the European Union is facing one of the worst political crises that is shaking the pillars on which it is based. *Authoritarianism* is the new virus that is spreading throughout some Member states, and Poland is an expression of denied rights.

That is the case of Poland and for this reason, EU Council members should apply Art. 7 TEU that suspends certain rights deriving from the EU membership to send a clear message: in the EU there is no place for undemocratic behaviors.

In the next two sections, I will analyze in more detail the Polish situation regarding two fundamental issues: women's rights and LGBTIQ rights.

3.2.2.1. RIGHTS OF WOMEN

“The European Commission and Council must act on the rule of law in Poland to protect the rights of women and all citizens from the whims of the government.

Women's rights are human rights and the right to safe and legal abortion is undoubtedly a matter of human rights”

Sylwia Spurek, Member of Parliament.

After the ruling of the Polish Constitutional Court (by now become a tool in the hands of the governing party) on restrictions on the right to abortion, the squares of Polish cities were swarmed up with people protesting peacefully against that decision. Many associations were born by gathering even more people.

Leading rights campaigner and the member of Parliament Sylwia Spurek have joined others in condemning the Polish Court ruling which effectively bans abortion in Poland. Sylwia Spurek, Greens / EFA Vice Chair of Women's rights and Gender Equality Committee in the European Parliament, said that the decision would strip Polish women of their rights, endanger their health, and would mostly affect the lives of low-income women.

The Polish Constitutional Tribunal ruling is seen as a crackdown on abortion rights in Poland, which already has one of the strictest abortion laws in Europe and the worst access to contraceptives on the continent.

In fact, Polish legislation allows abortion only in three circumstances: (1) if pregnancy is the result of rape or incest; (2) if pregnancy poses a health risk to woman or if her life is endangered by pregnancy; (3) in case of fetal abnormalities. This third cause is the reason for most abortions in Poland, with 1074 out of 1100 abortions performed last year carried out due to serious congenital fetal defects.

Sylvia Spurek said that the Tribunal's decision that carrying out abortion in this third circumstance was (and it is) unlawful, meant that 97.6 percent of abortions would start to be illegal in Poland and this Tribunal's ruling was clearly political and far from legitimate. Banning abortion has been on the political agenda of the PiS Party⁶⁴ for many years. The PiS government has unlawfully stuffed courts, including the Constitutional Tribunal precisely so they can carry out damaging policies with impunity. We already know that the rule of law in Poland is crumbling under the government's attacks on the independence of the judiciary, thus, rulings, such as this, are unlawful and cannot be considered legitimate so long as the judiciary is controlled by the PiS Party.

Protests organized by Women's Strike took place everywhere in Poland, starting with protesters drove in cars around Warsaw. Women all over the world gave their support to Polish women.

⁶⁴ Prawo i Sprawiedliwość, in Polish language

In order to give more power to the protest, social media were also involved: the German politician and member of the European Parliament, Theresa Reintke, in a tweet, said: *“Our bodies, our rights. In Poland. In Europe. Everywhere.”*

3.2.2.2. LGBTIQ RIGHTS

“Europe will never allow parts of our society to be stigmatized: be it because of whom they love, because of their age, their ethnicity, their political opinions, or their religious beliefs.”

President Ursula von der Leyen, European Parliament, 7 July 2021

The European social, political and economic strength comes from our unity in diversity: *equality* and *non-discrimination* are core principles in the European Union, enshrined in its Treaties and in the Charter of Fundamental Rights. Everybody in the EU should be safe and free to be themselves and the European social, political and economic strength comes from our unity in diversity. The European Commission, the Parliament and the Council, together with Member States, all share a responsibility to protect fundamental rights and ensure equal treatment and equality for all.

In recent decades, legislative developments, case law and policy initiatives have improved many people's lives and helped the European Union build more equal and welcoming societies, including for LGBTIQ⁶⁵ people. Still, discrimination against

⁶⁵ It stands for *lesbian, gay, bisexual, transgender, intersex, and questioning*

LGBTIQ people persists throughout the EU, which is why the Union has to be at the forefront of efforts to better protect LGBTIQ people's rights.⁶⁶

In 2015, the Commission presented *the “List of Actions to Advance LGBTIQ Equality”*, the first policy framework specifically combatting discrimination against LGBTIQ people.

Recent research also shows that even when greater social acceptance and support for equal rights is present, it has not always translated into clear improvements in LGBTIQ people’s lives. In a 2019 survey, the *European Union Agency for Fundamental Rights (FRA)* found that discrimination on grounds of sexual orientation, gender identity/expression and sex characteristics was actually increasing in the EU: 43 percent of LGBTIQ people declared that they felt discriminated against in 2019, as compared to 37 percent in 2012.

Discrimination against LGBTIQ people persists throughout the European Union. For several LGBTIQ people in the EU, it is still unsafe to show affection publicly, to be open about their sexual orientation, gender identity, gender expression and sex characteristics (be it at home or at work), to simply be themselves without feeling to be threatened. An important number of LGBTIQ people are also at risk

⁶⁶ “Communication from the commission to the European parliament, the Council, the European Economic and Social Committee and the Committee of the regions” Union of Equality: LGBTIQ Equality Strategy 2020-2025

of poverty and social exclusion. Not all feel safe to report verbal abuses and physical violence to the police.

The European Union has to be at the forefront of efforts to better protect LGBTIQ people's rights. Therefore, the European Commission adopted on 11st November 2020 the LGBTIQ Equality Strategy 2020-2025.⁶⁷ In this regard, I would like to recall what the President of the European Commission, Ursula von der Leyen, said: *"I will not rest when it comes to building a Union of equality. A Union where you can be who you are and love who you want – without fear of recrimination or discrimination. Because being yourself is not your ideology. It's your identity. And no-one can ever take it away."*⁶⁸

This is the first-ever Commission strategy on LGBTIQ equality and delivers on the European Commission's commitment to build a Union of Equality: a Union where diversity is celebrated as part of our collective richness, where all people can be themselves without risk of discrimination, exclusion or violence.

The Strategy marks a new phase in the European efforts to promote equality for LGBTIQ people while continuing to focus on priority areas. It sets out a series of measures to step up actions, to integrate LGBTIQ equality in all policy areas and to

⁶⁷ https://ec.europa.eu/info/sites/default/files/lgbtiq_strategy_2020-2025_en.pdf

⁶⁸ State of Union 16/11/2020, speech of the President Ursula von der Leyen

help lift the voices of LGBTIQ minorities. It aims at bringing together Member States and actors at all levels in a common endeavor to address LGBTIQ discrimination more effectively by 2025.

But some European countries, for instance Poland, seem to behave in an “non-inclusive” way. The Polish country implemented systematic discrimination against LGBTIQ communities by spreading, through television and public debates, the concept that homosexuality is deeply related to pedophilia to the point that local authorities are planning to become “LGBTIQ free”.

From a survey carried out by the European Union Fundamental Rights Agency⁶⁹, in Poland, 19 percent of people say that LGBTIQ prejudice and intolerance has dropped in their country in the last five years; 68 percent affirm that prejudice and intolerance have risen and only 4 percent believe their national government effectively combats prejudice and intolerance against LGBTIQ people.

Moreover, in relation with the Polish country the Commission considers that Polish authorities failed to fully and appropriately respond to its inquiry regarding the nature and impact of the so-called ‘LGBTIQ-ideology free zones’ resolutions adopted in 2019 by several Polish regions and municipalities.

⁶⁹ https://fra.europa.eu/sites/default/files/fra_uploads/lgbti-survey-country-data_poland.pdf

During last year's election campaign, President Andrzej Duda referred to homosexuality as a *“foreign ideology that is worse than communism.”*

The Commission is concerned that these declarations may violate EU law regarding non-discrimination on the grounds of sexual orientation. It is therefore necessary to carry out a detailed analysis of the compatibility of the resolutions with EU law. The European Union is working on potential legal action against Poland over its crackdown on LGBTIQ rights and, to complete this assessment, the Commission needs adequate and comprehensive information from the Polish authorities. Despite a clear call by the Commission in February, to date Polish authorities have failed to provide the requested information, manifestly omitting to answer most of the Commission's requests. Poland is thus hampering the Commission's ability to exercise its powers vested under the Treaties and failing to comply with the principle of sincere cooperation under Article 4(3) TEU⁷⁰, which requires Member States to provide genuine cooperation to the Union's institutions.

Therefore, the Commission has decided to send a letter of formal notice to Poland for its lack of cooperation. Moreover, the Commissioner for equality, Helen Dalli, has previously said that Polish towns that declare themselves “LGBTIQ free” should not receive EU funds.

⁷⁰ Article 4(3) TEU: “Pursuant to the principle of sincere cooperation, the Union and the Member States shall, in full mutual respect, assist each other in carrying out tasks which flow from the Treaties.”

CONCLUSIONS

Through these chapters, I wanted to highlight how important, but also problematic, is the defense of democratic values and the rule of law. We have seen how the role of institutions is central to this defense and how they must evolve and adapt with changes in the surrounding environment, due to political, economic, social, and cultural issues.

In the introduction, we already saw how institutions are a fundamental element for giving order to social systems and human interactions, reducing the uncertainty of the world around us. The heart of this thesis is democracy and, already from the first chapter, the importance of efficient and effective democratic institutions within a society stands out. In particular, through the Rostow's stages theory, we have seen how the development of a society occurs at the same time as the evolution of the institutions themselves, highlighting that *"advanced societies are the most democratic ones"*; and, looking closely at the European Union, I highlighted how our institutions play a central role in defending democratic values and the rule of law. In particular, I focused on the situation of the rule of law and the actions implemented by the European Commission for its defense, in the two states: Italy and Poland.

The analysis of the rule of law focused on its four pillars, namely the justice system, the anticorruption framework, the media pluralism and the system of checks and

balances. At that point, I was able to present the issues that most afflict the two countries under consideration.

We have seen, in fact, how corruption represents the most problematic element of the Italian reality, compromising the role and work of the institutions and the government itself. This situation is also proven by indices which reinforce this problem even more. Problem that requires corrective actions, and that in fact, the European Commission has implemented thanks to the coordinated work with our country and with the institutions that work on the front line to fight Italian corruption: *Guardia di Finanza*, the *National Anti-corruption Authority* (ANAC) and the *National Anti-Mafia and Counter-Terrorism Directorate*.

However, a truly delicate and problematic situation is present within the Polish territory. In fact, in the third chapter, in addition to talking about Italian corruption, the analysis focused extensively on the three elements that are creating great disorder and turmoil in Poland and it is precisely from this double analysis that I asked myself: But is the democracy of our contemporary world safe?

Poland is undermined by problems linked to the rule of law, in particular to the independence of judges for which an infringement procedure has been opened; and human rights, related to those of women and LGBTIQ. They are interdependent elements, and it is not surprising, in fact, that the shortage of one will inevitably spill over into the other.

A society that has no protections suffers; a suffering society creates social unrest.

What I want to underline is that democratic regimes start primarily from society itself, from the citizen. But, in many democracies citizens are not dissatisfied with the idea of democracy itself, rather with the way democratic systems work in practice, and with the perceived difficulty of embodying effectively the democratic ideals of representativity, liberty, diversity and participation.

From an historical point of view, democratic institutions have not emerged spontaneously, and they have always adapted and evolved constantly; democracy and the related laws have been introduced gradually and sometimes modified to reflect changes and evolving preferences in society. Moreover, profound economic and technological transformations, derived from internationalization and then globalization, have also led to the adaptation of democratic infrastructures reshaping the institutional setting within and among countries. In particular, *innovations, economic crisis, and globalization* are making faster and faster this process of transformation.

Nowadays democracies and their institutions are living some problematic situations which are making policy-makers more aware about the fact that institutions need to some changes.

Thus, *flexibility* and *adaptability* are a key strength of the democratic institutional framework.

As it is reported in the *“Democratic institutions and prosperity. The benefits of an open society”*⁷¹, according to the *2019 Democracy Index of the Economist Intelligence Unit*, only 22 countries in the world, home to 430 million people, could be considered full democracies. Fragile political systems, where civil and political rights are not sufficiently deep-rooted, are those at greatest risk of democratic instability. Globally, this means an increasingly uneven distribution of democratic rights across countries and, even more crucially, relative fragility and volatility of some systems compared with others. But, well-established democratic countries are not immune from risk however. New laws going in the direction of less effective democratic functioning, low voter turnouts, and widespread discontent with public institutions are challenging the stability of deep-rooted democratic systems of governance, making the 'democratic recession' one of the most pressing global challenges today.

The ongoing structural transformation and the rapid spread of the technologies of the fourth industrial revolution are challenging current democratic institutions and their established forms of governance and regulation. At the same time, these changes offer vast opportunities to enhance, strengthen and expand the existing democratic framework to reflect a more complex and interdependent world.

⁷¹ *“Democratic institutions and prosperity. The benefits of an open society”*, European Parliament, Think Tank

But, even if democracies have to develop and improve according to the environment among them, they are facing actual problems such as *digitalization, the pandemic crisis, globalization*.

In a world that is always more and more technological, innovation such as digitalization, artificial intelligence, social networks are important and can help to regulate the environment in a more efficient and adaptive way. But, it is also true that they can also led to negative effects. For this reason, as pointed out by the *European Commission's Joint Research Centre (JRC)*, disruptive innovation has the potential to be instrumentalized in the pursuit of purely egoistic and non-ethical goals, bypassing or undermining existing regulatory standards in democratic countries.

Democracy is also corroborated by crisis. Just think to the *coronavirus crisis*, it is exacerbating inequalities and the democratic participation, the civic engagement is becoming more controversial, and mafia-organizations have exploited this crisis to their advantage but to the detriment of citizens.

Another element which is damaging democracies, is *globalization*. The growing interdependence, in fact, could force governments to rethink their policies and organizational forms which will result in new challenges for public institutions, making it difficult for them to tackle regulatory challenges effectively, efficiently and in a timely manner.

Thus, the contemporary public sector institutions need to be swift, and this will happen only through an adaptive, inclusive, and innovative approach.

In particular, we can mention four areas in which democratic decision-makers' attempts to regulate complexity could be further developed. (1) *Strategic foresight*: by technology, policy-makers can crowdsource the 'civic surplus' (ideas and skills) held by individuals and communities, thus bringing smarter solutions to future regulatory challenges. (2) *Collective intelligence*: citizens are collectively capable of providing better solutions to regulatory problems than are public administrations. (3) *Design-thinking*: what makes it extremely interesting in the field of civic engagement is that it portrays a collaborative vision of policy-making taking an empathetic approach to the dynamic relationships between legislators, communities, and technology. (4) *Algorithmic regulation*: in this regard, artificial intelligence is quickly becoming a regulatory tool for policy-makers and algorithms applied to policy-making hold the promise of enabling decision-making to handle complex issues and, while doing so, remain participatory, transparent and inclusive. So, the introduction of a series of promising new tools could offer a potential way to support democratic decision-makers in regulating complexity and tackling ongoing and future challenges.

However, beyond these elements, certainly important for contemporary democracies, we must never forget human rights, which see themselves

increasingly in danger also due to this technological advancement and structural social changes.

Relating human rights to the technological progress that we are living, they apply equally online and offline. Digital technologies must be human-centered and human rights compliant.

New technologies can contribute significantly to the protection and promotion of human rights and democracy, including by making public participation easier and more effective, increasing access to public services, facilitating the documentation of violations and abuses, and supporting online activism. However, these technologies can also have a negative impact, such as spreading disinformation and hate speech, enabling new forms of violence, violations, and abuses of the right to privacy, facilitating access to specific illegal content including child exploitation, widespread surveillance limiting freedom of expression and reducing civil society space, reinforcing discrimination and structural inequalities. This possible negative impact must be prevented and countered.

What is important to understand is that human rights and democracy are interdependent and mutually reinforcing, and they must be always respected. *In every society, countries, and legislations.*

Europe has always been, and certainly always will be, a defender of democratic values and human rights. For this reason, I believe that modern democracies should

see Europe as an example to follow, and all of us citizens should understand that we are mainly Europeans and then Italians, Spaniards, Germans and so on.

This awareness would be a first step towards eliminating the social and cultural divisions and labels we have always been used to.

To conclude, if I had to think of Europe, two elements immediately would come to my mind.

Resilience: from the beginning of its existence, it has always been a particular characteristic of Europe and it has to be its fundamental trait for the rest of its history. Europe is the one and only example of how a democratic society can survive to wars, divisions, crisis, pandemic.

Inclusion: Humans are important as human beings, as citizens. It doesn't matter if you are male or female, gay or lesbian, rich or poor, black or white. Each of us must be able to express ourselves freely and feel protected and safe in the country where we live.

What I would like to bring out from this thesis is that democracy is a value that we must preserve and defend. Past generations have struggled to create what we have today. Now it is up to us, new generations, to ensure that this great wealth is not lost or ruined by national selfishness.

In order to definitely conclude this thesis, I want to mention a short part of the poem “*Our Europe*” of the French writer Laurent Gaudè:

*“The territory is vast
And we don't know each other.
We have to cross it, feel European
for the kilometers traveled.
Look at our great land.
The Europe of the birch and that of
the olive tree,
The Europe of cathedrals and that of
temples.
In the north the brick,
In the south, lime.
The fig and the blueberry,
Everything is vast
And we are side by side,
Countries of beer, countries of wine,
Tea and coffee,
The cow and the goat,
Spilliaert's light
And the Etruscan red.*

*Europe turned towards the Atlantic
And the one that looks at Istanbul,
We are everything.
The territory is vast, and we don't
know each other.
We don't have the same language,
We are mosaics of lights,
From the ash gray of the northern
lands to the sunny whiteness of the
Mediterranean.
From the rains of Ireland to the
Sierra d'Andalusia,
From the Dutch polders to Mount
Pellegrino in Sicily,
We burst with colors, accents, and
stories.
Who are we now?
A vast, diverse nation of nations
Which seeks the common basis on
which it can unite.”*

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Here I am, at the end of these two years which does not only mean the achievement of this degree, but the end of a chapter of my life that has really changed and enriched me.

I started this master's course full of hope and desire to learn, know and deepen new concepts. I started this master, knowing that I was not the same Mara of the previous three years: I wanted to rediscover myself, refocus on myself ... something that in recent years, I had slowly allowed to wane.

I have the feeling that these two years are actually lasting few months. It will be due to the pandemic, it will be that in the last year we have been more looking at computer monitors than looking into each other's eyes, it will be that we have spent more time inside our houses than in the University environment, it will be the succession of events that have overlapped one with the other ... but this master's degree has really flown.

But if “in difficult times, you see who your real friends are”, it is also true that “new experiences always allow you to meet special people”. And so, it was.

In these two years I have had the opportunity to meet and get to know exceptional people, of whom I will always reserve great esteem and affection.

Starting from the University, I met professors who were so passionate about their job that attending their classes was first and foremost an honor and then, a source of great reflections and debates. In fact, I would like to thank the two professors who followed me in this university path and supervised me in this thesis writing: Professor Ewa Lechman and Professor Giancarlo Vilella. Thank you very much for accepting to be my supervisors and thank you very much for the time you have dedicated to me. Dear Professor Ewa Lechman, despite the impossibility of meeting us in person due to the pandemic, thank you for your availability and for being a point of reference during my experience in your country.

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I remember my hesitation in asking you to be my supervisor, since I felt so *small* compared to your greatness and cultural background. Then, when you accepted, only my parents and I know the sense of joy and disbelief I had. Since our first meeting on Teams, talking with you has been a pleasure. You have always guided and advised me, pointing out errors and inaccuracies; you enriched me with notions that have made me more and more passionate about the topic of this thesis; you have been a great example to me and will always continue to be so.

Thank you very much.

But it would not have been the same university path, without the people I will always carry in my heart.

First of all, you, Eleonora. Known during an international economics lesson, in classroom A2, and from that moment “we took hand by hand” and walked together for another three years. You were the color that revitalized a hard dark moment of mine, you were the spark that made me rekindle, dream and hope. Thank you for being close to me and thank you for continuing to be there. I love you.

Ah, I almost forgot! I received a Skype email... we became a video-call Ambassador.

Then there is the group of *crazy people* who gave me smiles, hugs, joy, online aperitifs, days on the terrace, playing the guitar, walks and ...carnival confetti. Yes, from the Fano carnival I still have confetti scattered almost everywhere. Thanks to all of you: Simone, talkative, charismatic, crazy with an immense heart; Lorenzo, “*ogni riccio un capriccio*”, introverted, thoughtful, sweet and empathetic; Ludovica, explosive, cheerful, traveler, romantic; Alessandro, “*Castichic*”, brilliant and hermetic, roommate and... sauna’s mate (how are tachycardia going ?!); Alessandro, “*Pizza Pazza Vota Mazza*” will remain my slogan for life; Nicolò, the guy who made me discover the “*moretta*”, the best at making PowerPoint (next

time, delete "insert title here", please ...) and the guy who most represents the expression "live in the moment".

Thanks to all of you, you are all fantastic and unique.

“Country you go, people you find”: February 2021, Poland. A piece of my heart will stay there forever but, in order to have memory of an experience, it needs special people who share it with and in fact, this happened.

In a problematic period that all the world was living, I was miles and miles away from home, in a new country, alone and without reference points, you were my family: my *Tiramisu Flat*, Lucie, Giuseppe, Lilian, Bogdan and Giovanni. Infinitely thank you! They were six amazing and incredible months in Gdansk and sharing them with special people like you made this experience unforgettable. I will always remember every single moment: Giovanni and "*five almonds and an apple*", Lucie and our conversations (Lucie you are fantastic as you are, never change!), Lilian, the most optimistic guy I have ever met who gave me a smile every day, Bogdan the "good giant" always ready for new adventures and Peppe ... who from the first moment always supported, listened to and heartened me like a brother (I even miss listening to the "*zoo*" during lunch) . I love you all and remember: "*Mama Mara*" will always carry you in the heart!

Then there is her, my Polish sister, Gosia. I have always had the impression of having known you since all my life, it is something unique and special. You are

incredible Gosia, you gave me moments that I will always carry with me, in my mind and especially in my heart. I will always remember the evenings spent together, the dinners, the songs sung out loud, the walks, the conversations, the swim in the Baltic Sea and then... in the Adriatic Sea. I will always remember you, Melissa and me (you know). I will always remember you and me talking until sunset outside my house. I will always remember you and me hugging at the airport. I love you infinitely, even more than the distance that separates us.

But if all these people have represented the "novelty" that has characterized the last few years, there are friendships that have always been fixed points in my life; friendships that, wherever I go, I already know they will always be there.

My *Pernicocche*, Chiara, Martina, Ilaria, Annalisa and Michela. The friends of a lifetime and for a life, the confidants of the heart, my partners of adventures. You are my rainbow of emotions: Chiara, with your intense red ... intense like you, who are like a volcano, a concentrate of passion and madness; Martina, bright yellow... bright like you filling a room with your presence, your smile and your laugh; Ilaria, shining white ... because you are pure and honest but, just as white is the union and balance of all colors, you represent for me the balance between all of us; Annalisa, indigo ... because you are elegant and incisive, determined and lovable; Michela, green... like your simple and genuine being, like the green of the nature around us,

which envelops and surrounds us, you are like that, you keep us all united as in an embrace.

Ilaria, met during our bachelor's degree and then divided. But ours was a "separation" that I never perceived as distancing, on the contrary ... it united us even more, we always followed each other everywhere, celebrating each other's successes, and heartening us after some defeat. Getting together is always beautiful, reliving it is always an emotion I love you.

Chiara, Arianna and Camilla, my high-school friends here in Ancona, who welcomed me and never left me alone. How many memories among those desks, my heart always smiles at the mere thought. But it smiles at me even more, thinking at us growing and each taking their own paths, but with the awareness that we will always be there for each other. You are fantastic.

Then there is her, who is really a piece of me: Angelica. I can hardly imagine myself without you by my side, do you know? A sense of sadness pervades me if I should only think about not talking to you or seeing you again. Ours is an outdated friendship, but we have always liked vintage things ... right? By now you know me flawlessly, you can read me with a single glance, understand my moods in a moment, perceiving even remotely if something is wrong. You have been, you are, and you will be what for me means *true friendship*. You, with your determination conquer everything you decide to obtain; you, with your reflexive and objective

being analyze every situation; you, with your big heart, supported me during all my changes, accepted when I did not accept myself and gathered when I had already touched the bottom. You helped me to make me "shine", giving me strength and courage ... courage that you have always had more than me. As you told me long ago, our friendship is like this: a *house* in which to hole up, with solid foundations to withstand earthquakes and an extended roof to cover every distance. You are my person of the heart, I love you.

But if I had to think about *my safe harbor*, about the people who warm my soul and heart at the very thought of it, it's you: dad, mom and Sonia. All that I have, all that I have achieved so far, the person that I have become... *everything*, it is only thanks to you. You, who have always been my first supporters, who have followed me in all my paths (of study and otherwise); you, who have taught me what the word "love" means and who, exactly with your love, have always been my greatest certainty.

I like to think that I will always remain your "little one of the house", even if a bit older year after year. I like to imagine that one day, I will be able to teach how to love in the same way you did with me.

With all of myself, thank you.

"Always together, like the fingers of a hand"

RINGRAZIAMENTI

Eccomi qui, al termine di questi due anni che non significa solo il conseguimento di questo titolo di studio, ma la chiusura di un capitolo di vita che mi ha davvero cambiata ed arricchita.

Ho iniziato questa magistrale piena di speranza e voglia di imparare, conoscere, approfondire nuove tematiche e concetti. Ho iniziato questa magistrale, sapendo di non essere la stessa Mara dei tre anni precedenti: volevo riscoprimi, ricentrare l'obiettivo su me stessa... cosa che negli ultimi anni, avevo lasciato lentamente scemare.

Ho come la sensazione che questi due anni siano durati, in realtà, pochi mesi. Sarà per la pandemia, sarà che nell'ultimo anno siamo stati più a guardare monitor di computer che a guardarci negli occhi, sarà che abbiamo passato più tempo dentro casa che negli ambienti universitari, sarà il susseguirsi di novità che si sono accavallate l'una dopo l'altra... ma questa magistrale è davvero volata.

Ma se “nei momenti difficili, si vede chi sono gli amici veri”, è anche vero che “le nuove esperienze fanno sempre conoscere persone speciali”. E così è stato.

In questi due anni ho avuto la possibilità di incontrare e conoscere persone eccezionali, di cui riserverò sempre grande stima ed affetto.

A partire dall'ambito Universitario, ho conosciuto docenti così tanto appassionati nel loro lavoro che ascoltare le loro lezioni è stato, in primis, un onore e poi, fonte di grandi riflessioni e dibattiti. Vorrei ringraziare, infatti, i due professori che mi hanno seguita in questo percorso universitario e scrittura di tale tesi: la Professoressa Ewa Lechman ed il Professore Giancarlo Vilella. Grazie infinitamente per aver accettato di essere i miei relatori e grazie infinitamente per il tempo che mi avete dedicato. Cara Professoressa, nonostante l'impossibilità di vederci di persona a causa della pandemia, grazie per la Sua disponibilità e per essere stata un punto di riferimento durante la mia esperienza all'estero.

E Lei, caro Professore. Un semplice "grazie" non potrebbe mai esprimere il mio senso di gratitudine nei Suoi confronti. Ricordo ancora le Sue lezioni, nell'aula D, che tutti noi studenti avevamo rinominato "*il nuovo Olimpo*". Ricordo ancora i numerosi dibattiti e riflessioni che scaturivano durante le Sue ore; ma, ricordo anche la mia titubanza nel chiederLe di farmi da relatore, poiché mi sentivo tanto piccola rispetto la Sua grandezza e bagaglio culturale. Poi, quando ha accettato, solo io ed i miei genitori sappiamo il senso di gioia ed incredulità che avevo. Sin dal nostro primo incontro su Teams, dialogare con Lei è stato un piacere. Mi ha sempre guidata e consigliata, facendomi notare errori ed imprecisioni; mi ha arricchita di nozioni che mi hanno fatta sempre più appassionare alla tematica oggetto di questa tesi; mi è stato di grande esempio e continuerà sempre ad esserlo. Grazie infinite.

Ma non sarebbe stato lo stesso percorso universitario, senza le persone che porterò per sempre nel cuore.

Innanzitutto, lei, Eleonora. Conosciuta durante una lezione di economia internazionale, in aula A2, e da quel momento “*ci siamo prese mano per mano*” ed abbiamo camminato insieme per altri tre anni. Tu sei stata il colore che ha rivitalizzato un mio grande momento buio, sei stata la scintilla che mi ha fatto riaccendere, sognare e sperare. Grazie per essermi stata vicina e grazie per continuare ad esserci. Ti voglio bene.

Ah, quasi dimenticavo! Mi è arrivata una e-mail di Skype... siamo diventate Ambassador di videochiamate.

Poi c'è la banda di matti che mi ha regalato sorrisi, abbracci, gioia, aperitivi online, giornate in terrazza, suonate con la chitarra, passeggiate e... coriandoli. Sì, dal carnevale di Fano ho ancora coriandoli sparsi un po' ovunque. Grazie a tutti voi: Simone, il logorroico, carismatico, matto dal cuore immenso; Lorenzo, *ogni riccio un capriccio*, il taciturno, riflessivo, dolce ed empatico; Ludovica, esplosiva, solare, viaggiatrice, romantica; Alessandro, “*Castichic*”, geniale ed ermetico, compagno di stanza e...di sauna (la tachicardia come va?!); Alessandro, “*Pizza Pazza Vota Mazza*” rimarrà il mio slogan per la vita; Nicolò, il fanese che mi ha fatto scoprire la *moretta*, il migliore nel fare i PowerPoint (la prossima volta però “inserire titolo

qui” cancellalo...) ed il ragazzo che più rappresenta l’espressione “vivi il momento”.

Grazie a tutti voi, siete fantastici ed unici.

“Paese che vai, gente che trovi”: Febbraio 2021, Polonia. Un mio pezzo di cuore rimarrà per sempre lì ma, affinché si abbia memoria di un’esperienza, servono persone speciali con cui condividerla ed infatti, così è stato.

In un periodo di incertezza che tutto il mondo stava vivendo, in cui ero a chilometri e chilometri lontana da casa, in un nuovo paese, sola e senza punti di riferimento, la mia famiglia siete stati voi: il mio Tiramisu Flat, Lucie, Giuseppe, Lilian, Bogdan e Giovanni. Infinitamente grazie! Sono stati dei mesi fantastici a Danzica ed averli condivisi con persone speciali come voi, ha reso questa esperienza indimenticabile. Non dimenticherò mai ogni singolo momento, da Giovanni e “*cinque mandorle ed una mela*”, Lucie e le nostre chiacchierate (Lucie sei fantastica così come sei, non cambiare mai!), Lilian il ragazzo più ottimista che io abbia mai conosciuto e che mi ha regalato ogni giorno un sorriso, Bogdan il “gigante buono” sempre pronto a nuove avventure e Peppe... che sin dal primo momento mi ha sempre sostenuta, ascoltata e rincorata come un fratello (mi manca persino ascoltare lo “zoo” durante il pranzo). Vi voglio un bene infinito e ricordatevi: “*Mama Mara*” vi porterà sempre nel cuore!

Poi c'è lei, la mia sorella polacca, Gosia. Con te ho sempre avuto l'impressione di conoscerti da una vita, è qualcosa di unico e speciale. Sei incredibile Gosia, mi hai regalato momenti che porterò sempre con me, nella mia mente e specialmente nel mio cuore. Ricorderò le serate passate insieme, le cene, le canzoni cantate a squarciagola, le passeggiate, le chiacchierate, i bagni nel mar Baltico e poi... nel mar Adriatico. Ricorderò me, te e Melissa (tu sai). Ricorderò me e te a parlare fino all'alba sotto casa. Ricorderò me e te che ci abbracciamo in aeroporto. Ti voglio un bene immenso, ancora più della distanza che ci separa.

Ma se tutte queste persone hanno rappresentato la "novità" che ha caratterizzato gli ultimi anni, ci sono amicizie che sono ormai punti fissi della mia vita; amicizie che, ovunque andrò, so già che loro ci saranno sempre.

Le mie Pernicocche, Chiara, Martina, Ilaria, Annalisa e Michela. Le amiche di una vita e per una vita, le confidenti del cuore, le compagne di avventure. Siete il mio arcobaleno di emozioni: Chiara, con il tuo rosso intenso... intenso come te, che sei un vulcano, un concentrato di passione e pazzia; Martina, giallo brillante... brillante come te che riempi una stanza con la tua presenza, con il tuo sorriso e con la tua risata; Ilaria, bianco candido... perché tu sei pura ed onesta ma, così come il bianco è l'unione e bilanciamento di tutti i colori, tu rappresenti per me l'equilibrio tra tutte noi sei; Annalisa, indaco... perché sei elegante ed incisiva, determinata ed amabile; Michela, verde... come il tuo essere semplice e genuina, che come il verde della

natura attorno a noi ci avvolge e circonda, tu sei così: ci tieni tutte unite come in un abbraccio.

Ilaria, conosciuta durante la laurea triennale e poi divise. Ma la nostra, è stata una “separazione” che non ho mai percepito come allontanamento, anzi... ci ha unite ancora di più, ci siamo seguite sempre ed ovunque, abbiamo fatto il tifo l’una per l’altra, festeggiando i reciproci successi, e rincorandoci dopo una qualche sconfitta. Ritrovarsi è sempre bello, riviverci è sempre un’emozione. Ti voglio bene.

Chiara, Arianna e Camilla, le amiche del Liceo qui ad Ancona, che mi hanno accolta e mai più lasciata. Quanti ricordi tra quei banchi, mi sorride il cuore al solo pensiero. Ma mi sorride ancora di più, nel vederci crescere e prendere ognuna le proprie strade, sapendo però, che ci saremo sempre l’una per l’altra. Siete fantastiche.

Poi c’è lei, che è davvero un pezzo di me: Angelica. Faccio fatica ad immaginarmi senza te al mio fianco, sai? Mi pervade un senso di malessere se solo dovessi pensare di non parlarti o vederti più. La nostra è un’amicizia ormai datata, ma a noi le cose vintage ci sono sempre piaciute...no? Ormai mi conosci in modo impeccabile, riesci a leggermi con un solo sguardo, a capire i miei stati d’animo in un attimo, a percepire persino a distanza se qualcosa non va. Sei stata, sei e sarai ciò per me vuol dire amicizia vera. Tu, che con la tua determinazione conquistasti tutto ciò che decidi di ottenere; tu che con il tuo essere riflessiva ed obiettiva snoccioli

ogni situazione; tu che con il tuo cuore grande, mi hai sorretta durante tutti i miei cambiamenti, accettata quando io non mi accettavo più e raccolta quando avevo ormai toccato il fondo. Mi hai aiutata a farmi “*risplendere*”, dandomi forza e coraggio... coraggio che tu hai sempre avuto più di me. Come tu mi dicevi tempo fa, la nostra amicizia è così: una *casa* in cui rintanarci, con fondamenta solide da sostenere terremoti ed un tetto esteso da coprire ogni distanza. Sei la mia persona del cuore, ti voglio bene.

Ma se dovessi pensare al mio *porto sicuro*, alle persone che al solo pensiero mi scaldano l’anima ed il cuore, siete voi: papà, mamma e Sonia. Tutto quello che ho, tutto quello che ho raggiunto fino ad ora, la persona che sono diventata...tutto, è solo grazie a voi. Voi che siete sempre stati i miei primi sostenitori, che mi avete accompagnata in ogni mio percorso (di studio e non); voi che mi avete insegnato cosa vuol dire la parola “amore” e che, proprio con il vostro amore, siete da sempre la mia più grande certezza.

Mi piace pensare che rimarrò sempre la vostra “*piccoletta di casa*”, anche se un po' più grande anno dopo anno. Mi piace immaginare che, un giorno, sarò capace di insegnare questo vostro stesso grande amore.

Con tutta me stessa, grazie.

“Sempre uniti, come le dita di una mano”