

EN
E-002129/2024
Answer given by Mr McGrath
on behalf of the European Commission
(9.1.2025)

The Commission attaches great importance to the protection of fundamental rights. The freedom of access to information and the respect of the procedural rights for suspects and accused persons in criminal proceedings to be presumed innocent until proved guilty according to law are enshrined in the Charter of Fundamental Rights of the EU.

Directive (EU) 2016/343 requires Member States to ensure that public statements made by public authorities, and judicial decisions, other than those on guilt, do not refer to suspects and accused persons as being guilty.

The Directive does not require specific limitations as to the publication by the press of procedural documents relating to the pre-trial stage of the proceedings. Without prejudice to national law protecting the freedom of press and other media, the Directive only requires that the dissemination of any information by public authorities to the media must respect the presumption of innocence and not create the impression that the person is guilty before his or her guilt has been proven according to law.

The 2024 Rule of Law report for Italy¹ notes that legislative initiatives regulating the access to, and publication of certain judicial information, are a source of concern for journalists. The report also notes that the Italian Government considers these initiatives to be justified to guarantee the right to privacy and the presumption of innocence. The Commission will continue monitoring the developments in this respect in the framework of the Rule of Law cycle.

¹ 2024 Rule of Law Report, 'Country Chapter on the rule of law situation in Italy' (SWD(2024) 812 final): https://commission.europa.eu/document/download/60d79a4f-49cd-4061-a18f-d3a4495d6485_en?filename=29_1_58066_coun_chap_italy_en.pdf