



Press Office of the Constitutional Court

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*Press release of 15 April 2021*

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WHOLE-LIFE TARIFFS ARE UNCONSTITUTIONAL, BUT THE ENACTMENT  
OF LEGISLATION IS REQUIRED. PARLIAMENT HAS ONE YEAR TO  
AMEND THE LAW

The Constitutional Court sat today in chambers to examine questions of constitutionality raised by the Court of Cassation concerning the rules applicable to persons who have received a life sentence for mafia or mafia-related offences where they have not cooperated with the judicial authorities and have subsequently applied for release on parole.

Pending the issue of an order, the Press Office of the Court announces as follows.

The Court noted first and foremost that the legislation currently governing whole-life tariffs imposes an absolute ban on eligibility for parole for those who have not effectively cooperated with the judicial authorities, even if they have expressed genuine remorse.

It therefore observed that, in establishing cooperation as the only means for a convicted person to regain his or her freedom, this absolute ban violates Articles 3 and 27 of the Constitution and Article 3 of the European Convention on Human Rights.

However, if the legislation were to be declared unconstitutional immediately it would risk undermining the current system for combatting organised crime.

The Court therefore decided to defer consideration of the questions until May 2022 in order to enable the legislator to enact legislation that takes account both of the special nature of offences involving mafia-style organised crime, and the related rules on incarceration, as well as the need to maintain the value of cooperation with the judicial authorities in such cases.

The order will be filed over the next few weeks.

Rome, 15 April 2021

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