

Scirocco - Kurzinfo aus Italien

13.03.2026: What is the Justice Referendum on 22/23 March about?

Against the backdrop of recent developments at the EU level and increasingly tense political dynamics in Italy, a decision within an area of tension is approaching in the near future: between a reform that the government presents as a necessary modernization of the justice system, and what could ultimately result in an erosion of the separation of powers.

Previous reforms in Meloni's migration policy

As early as one year ago, we reported on [the far-reaching interventions](#) of the Meloni government at the intersection of migration and justice. One key instrument in this context has been the increased use of decree-laws, which bypass the regular legislative process and concentrate greater power in the hands of the executive. In this framework, responsibility in the field of migration was, among other things, shifted from the specialized sections of the migration courts to the [courts of appeal](#) — a step that, according to critics, weakens professional specialization and makes judicial oversight as well as the possibility of challenging government decisions more difficult. In addition, the already existing "[Cartabia reform](#)" (2022) significantly restricted movement between the functions of public prosecutors and judges: such a switch is currently allowed only once, and only within the first ten years of service.

Potential key changes brought by the referendum

Against this background, the constitutional referendum on 22 and 23 March 2026 is now coming into focus. It is regarded as the culmination of a longer-term political strategy aimed at fundamentally reshaping the structure of the Italian judiciary. Voters are being asked to decide on a far-reaching constitutional reform that would introduce several major changes:

- [Complete separation of career paths](#): public prosecutors and judges would be organized into two strictly separate career tracks, with different training and administration. A switch between the two roles would become impossible once the initial choice at the beginning of one's career has been made.
- [Restructuring of the CSM](#): the current High Council of the Judiciary (CSM: Consiglio Superiore della Magistratura) would be abolished and replaced by two separate committees — one for judges and one for public prosecutors.
- [Introduction of a lottery system](#): members of these committees would in future be selected by lot, with the stated aim of reducing the influence of so-called "ideological currents" within the judiciary.
- [High Court for disciplinary measures](#): an "Alta Corte" would be established as a separate high court for disciplinary proceedings against judicial professionals. One major point of criticism is that its decisions would reportedly not be subject to appeal before the Court of Cassation.

Criticism and public debate

The Meloni government presents the referendum as an opportunity to make the justice system more efficient and more accountable. Arguing that a judge must be “third-party and impartial,” and that a lottery system could free the judiciary from the power of [“politicized currents,”](#) the government seeks to frame the proposal to the public as a modernizing reform rather than an institutional encroachment. Yet this is precisely where the central point of conflict lies: many judges, prosecutors, and opposition parties reject the reform for exactly this reason, because they fear it would endanger the [institutional independence of the judiciary](#). Experts such as former prosecutor [Gherardo Colombo](#) warn that the lottery system would not only devalue the institution, but also increase the risk that the public prosecution service could come more strongly under the influence of the executive. Organizations such as [Pianeta Migranti](#) have likewise expressed concern that a weakened judiciary may no longer be able to effectively defend the rights of minors and migrants against unlawful government measures.

Meloni's argumentation is based (among other) on the assumption that in the current system careers are decided by figures [elected by parliament](#) and by ideological factions, and that the reform is designed precisely to counter this influence. Critics, however, argue that [judicial independence](#) rests precisely on the fact that access to judicial office and professional advancement should not be decided by the government or the administration. Self-governing bodies with strong participation by members of the judiciary are seen as a central protective mechanism in this regard. The point that runs counter to Meloni's argument, therefore, is not that the current system is perfect, but rather that the answer to its shortcomings should not lie in weakening representative self-government. In committees meant to safeguard judicial independence, legitimacy derives precisely from the fact that members are [consciously elected](#) rather than randomly selected. A lottery system also raises the question of how one is to prevent individuals without sufficient qualifications from entering key self-governing institutions. The legal online magazine [Questione Giustizia](#) therefore argues that such a system may claim to break the power of factions within the CSM, while at the same time it could lower the institutional quality of the council without actually eliminating the underlying networks.

As we have already reported in previous Scirocco updates, these narratives can be situated within a recurring pattern: the alleged politicization of certain institutions — such as the judiciary or the healthcare system — is used as a pretext for spreading populist narratives, while in reality this very strategy puts the separation of powers under pressure. In doing so, the Italian government seeks to instrumentalize socio-political actors to expand its spheres of power and influence. This is currently especially evident in the conflict over transfers to the Albanian centers (see Scirocco, 9 March 2026). After courts blocked several government decisions concerning migrants in the [centers in Albania](#), Meloni sharply attacked Italian judges this week, accusing them of endangering Italy's security by ordering the release of migrants. Such claims illustrate an attempt to politically delegitimize judicial oversight. At the same time, the case exemplifies the political climate in which the referendum is being debated: court decisions ordering returns to Italy or limiting the government's actions are publicly staged by Meloni and her camp as [proof of an allegedly politicized judiciary](#).



How the vote on 22 and 23 March 2026 will turn out remains to be seen. What is already becoming clear, however, is that the referendum goes far beyond a merely technical judicial reform, as it touches on fundamental questions of judicial independence, the separation of powers, and the rule-of-law limits on executive authority.

This makes it all the more important to recognize clearly that this is not simply a minor legislative adjustment, but an intervention that requires a constitutional amendment. For that very reason, the vote carries particular political and democratic significance. It is therefore crucial to go to the polls and take a clear stand against this reform. Across Italy, and in Palermo as well, groups and initiatives are already mobilizing to inform the public about the referendum, campaign for a No vote, and thereby prevent the far-right government from undermining the independence of the Italian judiciary.