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29.04.2026: The instrumentalization of penal power:

Another undemocratic security decree

The government of Giorgia Meloni has once again introduced a new decree-law as part of the broader package of “security decrees” announced in February and March 2026 (see our previous Scirocco analyses: February 23, 2026: Fundamental rights violations pushed through a draft law). This move fits into a wider strategy that increasingly relies on [criminal law as a tool to expand the powers of law enforcement authorities](#). Within this framework, specific groups, particularly people on the move and, more broadly, marginalized communities associated with so-called “deviance”—are implicitly constructed as threats to public order and social decorum. Decree-laws, however, are legislative instruments that the Italian Constitution reserves for “[extraordinary cases of necessity and urgency](#).” Their repeated use in the field of migration policy further underscores the ongoing securitization of this domain.

In parallel with Italy’s promotion of “voluntary return programmes” (see our [latest Scirocco](#) on the topic), the new security decree, recently approved by the Senate, introduces a [controversial provision](#): the Ministry of the Interior will be authorized to enter into agreements with the National Bar Council (CNF), the institutional body representing lawyers, to facilitate so-called “voluntary repatriation” schemes. The idea was to provide [a financial incentive of €615](#) to lawyers who assist foreign nationals opting into such programmes. The Security Decree introduced by the far right seems to be part of their wider strategy on “remigration”¹. [The same amendment](#) also targets deportations following criminal convictions, which may be imposed as an alternative penalty in certain cases. Under the new rules, the supervising judge must prioritize requests for deportation over any other petitions and issue a decision within fifteen days. At the same time, the decree introduces a deeply problematic contradiction: it effectively removes legal aid for migrants who challenge deportation orders in court, while simultaneously offering financial incentives to lawyers who encourage their clients to leave the country. Beyond reinforcing the government’s narrative of reducing migration and facilitating removals, this measure raises serious concerns about the role and [independence of legal defense](#). Lawyers are ethically bound to act exclusively in the best interests of their clients, not to respond to financial incentives that may influence legal advice. These concerns have not gone unnoticed. [The President of the Republic, Sergio Mattarella](#), has already questioned the constitutionality of the decree and signaled that he will refuse to sign it unless the provision on lawyers’ compensation is removed.

¹ The term ‘remigration’ is problematic because it has been ideologically redefined by figures associated with the New Right and is now frequently used as a euphemism for the mass deportation or expulsion of people with a migratory background.

In response, Fratelli d'Italia, Meloni's party, attempted to identify legal and procedural workarounds. [The Prime Minister](#) left the security package unchanged to prevent it from expiring and last Friday passed a separate decree with the amendments shortly after parliament gave final approval to the original text. In short, the government has stipulated that assistance with repatriation does not necessarily have to be provided by a lawyer, but may also be provided by other professionals. [As a result, the bonus will](#) not be paid solely to lawyers, but to all professionals designated to assist with voluntary repatriation procedures. Furthermore, it will be paid upon completion of the administrative procedure and no longer upon the person's actual departure. However, the separate decree has to be approved again which undermines the failure of Meloni's continued securitization strategy and the government's tactic to overturn democratic principles.

To sum up, what emerges is a broader and more troubling pattern: [penal power is no longer constrained by, nor oriented toward, the protection of fundamental rights](#). Instead, it is increasingly instrumentalized to advance an ideology of public order and security, one that risks criminalizing social marginality, silencing dissent, and restricting democratic freedoms. In doing so, it narrows the already limited space for collective political expression and action.