



**Dr. Guido Casavecchia**  
***COVID-19 and The Italian Constitutional Court***  
**MPIL Agora**  
**10 April 2024, 14:00-15:00, Room 014**

This presentation investigates the role played by the Italian Constitutional Court during the COVID-19 pandemic, analyzing its positioning in the system of powers in an emergency situation, when it judged the legitimacy of the intense regulatory activity of the Parliament and the Government, as well as to study certain traditional topics regarding constitutional rights.

The first issue to be analyzed is innovations of the constitutional process to continue the Court's activity during the emergency (suspension of cases, remote hearings, electronic files). Although there are doubts about the Decrees used to exceptionally introduce these measures (of the President of the Court, not of the entire College), it seems that the Court has managed to renew itself during the pandemic, making good use of its own procedural rules, and incorporating some of these measures into its future judgment through recent reforms.

The second issue analyzed is the content and the form of the most important decisions of the Constitutional Court, on legislative choices to deal with the emergency: on the relationship between the State and the Regions; on the Decrees of the President of the Council of Ministers; on the postponement of a constitutional referendum; on postponements of hearings and suspension of the criminal statute of limitations; on freedom of movement; and on the right to health, both in the introduction of the green pass and vaccination obligations.

Overall the Court has well balanced all the rights involved in the pandemic, despite some doubts remaining about some motivations. Furthermore, from this jurisprudence emerges a different position of the Court, in comparison with its last years, in which a lot of new decisions' techniques were invented: COVID-19 jurisprudence was more self-restrained, never censoring political decisions.



**About the Speaker**

Guido Casavecchia is a PhD graduate of “Diritti e Istituzioni”, University of Turin, Italy. He was a previous Visiting PhD student at IJ-UNAM and attended postgraduate diplomas in constitutional law at the Universities of Novara, Pisa and Castilla-La Mancha. Guido has attended summer and winter law schools at the Universities of Prague, Nice, Aosta, Naples. He is currently writing a doctoral thesis on the influence of the Coronavirus pandemic over the ICC.