

# ITALY 2012 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Italy is a multiparty parliamentary democracy with a bicameral parliament consisting of the Chamber of Deputies and the Senate. The constitution vests executive authority in the Council of Ministers, headed by the prime minister, who is the president of the council. The president of the republic, who is the head of state, nominates the prime minister after consulting with the leaders of all political forces in parliament. International observers considered the 2008 national parliamentary elections free and fair. Security forces reported to civilian authorities.

Principal human rights problems included the continued incarceration of pretrial detainees with convicted criminals, substandard living conditions in overcrowded prisons and detention centers for undocumented migrants, and societal prejudice and some municipal mistreatment of Roma, which exacerbated their social exclusion and restricted their access to education, health care, employment, and other social services.

Other human rights problems included an excessive and abusive use of force by police in some cases, an inefficient judicial system that did not always provide speedy justice, government corruption, violence and harassment against women, sexual exploitation of children, and anti-Semitic vandalism. Trafficking for sexual and labor exploitation occurred. Observers also reported cases of violence against lesbian, gay, bisexual, and transgender (LGBT) persons and labor discrimination based on sexual orientation. Child labor and labor exploitation of irregular workers were also problems, especially in the south.

The government prosecuted and punished officials who committed crimes and abuses.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were several reports that security forces committed arbitrary or unlawful killings.

On October 18, the court sentenced police officer Alessandro Amigoni to 10 years' imprisonment for killing Chilean national Marcello Valentino Gomez Cortes in Milan. Police shot Gomez Cortes, an illegal migrant, while he was trying to escape a routine police check. Another migrant, who reportedly accompanied Gomez Cortes, held a gun on four police officers during the escape attempt.

On June 21, the Cassation Court upheld the conviction of the four police officers to three years and six months' imprisonment for manslaughter in the beating death of Federico Aldrovandi in 2005. On July 9, the appeals court in Genoa sentenced two police officers to three to 10 months in prison for dereliction of duty by failing to denounce the actions of their four colleagues.

### **b. Disappearance**

There were no reports of disappearances or politically motivated abductions or kidnappings.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law prohibits such practices. However, there were reports that police occasionally used excessive force against individuals, particularly immigrants, detained in connection with common criminal offenses or in the course of identity checks. There were also reports of abuse and poor care of inmates with psychological disabilities in prisons and mental health facilities (see section 6, Persons with Disabilities).

NGOs and international organizations highlighted the loophole in the judicial system regarding the lack of a law criminalizing torture. While perpetrators can be found guilty of violence against a person under an article of the criminal code, prosecution under this article can only happen if the victim comes forward to denounce the perpetrator. On January 30, a judge acquitted four guards accused of violence against two detainees in the prison of Asti. One guard was not involved in the case. While the judge recognized the other three as having beaten and tortured the detainees in question, he could not sentence them because no victim had come forward to denounce their acts.

On June 30, authorities arrested two police officers for perjury, slander, and violence against an intoxicated person in connection with an incident that occurred on May 20. The officers, who were off-duty at the time of the incident, accused

the victim of resisting public officers, but a surveillance tape did not show the victim resisting; rather, it showed two police officers beating the man.

### **Prison and Detention Center Conditions**

Some prisons were significantly overcrowded and antiquated.

Physical Conditions: According to the Ministry of Justice, on November 30, there were 66,529 inmates held in 206 prisons designed to hold 47,048. Female prisoners (2,876) occupied separate prison sections. Uneven distribution of prisoners exacerbated overcrowding in certain institutions. For example, Brescia's prison, which had 90 cells built to house 208 prisoners, had 521 detainees in November. Between January and November, prisons detained 1,176 minors. The law requires the separation of pretrial detainees from convicted prisoners, but in practice they were sometimes held in the same sections of prison facilities. In November approximately 58 percent of inmates were convicted criminals serving sentences, while 42 percent were primarily pretrial detainees.

In July and August detainees organized peaceful demonstrations in several prisons and staged hunger strikes to protest overcrowding and inhuman living conditions. All detainees had access to potable water. Older facilities lacked outdoor or exercise space, and some prisons lacked adequate medical care.

According to the independent research center Due Palazzi, 154 prisoners died in custody during the year, 60 of them by suicide.

Administration: Seventeen municipalities, six provinces, and eight regions had permanent independent ombudsmen to promote the rights of detainees and facilitate access to health care and other services. The government assigned magistrates to every prison in the country to protect prisoner rights, implement measures to prevent organized crime infiltration into prisons, and examine alternatives to incarceration. The magistrates also made decisions on parole and eligibility for work release. Prisoners had access to visitors and attorneys and were allowed to submit complaints to judicial authorities, who generally investigated credible allegations.

Monitoring: The government and NGOs regularly monitored the prison system. The government permitted independent human rights organizations, parliamentarians, and the media to visit prisons and detention centers. The Council of Europe's Committee for the Prevention of Torture periodically visited prisons

and detention facilities, most recently in May. The government also provided representatives of the Office of the UN High Commissioner for Refugees (UNHCR) access to detention centers for undocumented migrants in accordance with the UNHCR's standard modalities.

Improvements: On February 17, a prison decree aimed at easing the overcrowding in the prison system entered into force. According to the new legislation, pretrial detainees can be held in special "police cells" for up to 48 hours to avoid being temporarily held in prisons together with convicted criminals. Additionally, detainees convicted for minor offenses are allowed to serve sentences of less than 18 months (or the remaining 18 months of a longer sentence) at home under house arrest.

#### **d. Arbitrary Arrest or Detention**

The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. However, lengthy pretrial detention was a problem.

#### **Role of the Police and Security Apparatus**

The national police and the carabinieri (a national military force charged with police duties among civilian populations) maintain internal security. The army is responsible for external security but also has specific domestic security responsibilities, such as guarding public buildings. The Ministry of Interior maintains control over national police, the Ministry of Defense over the carabinieri, and the Ministry of Economy over the financial police. The government has mechanisms to investigate and punish abuse, and, although there were no reports of impunity involving security forces during the year, long delays by prosecutors and authorities in completing some investigations reduced the effectiveness of mechanisms to investigate and punish police abuses.

#### **Arrest Procedures and Treatment While in Detention**

To detain an individual, police must have a warrant issued by a public prosecutor unless a criminal act is in progress or there is a specific and immediate danger to which they must respond. When authorities detain a person without a warrant, an examining magistrate must decide within 24 hours of the detention whether there is enough evidence to proceed with an arrest. The investigating judge then has 48 hours to confirm the arrest and recommend whether to prosecute. In cases of

alleged terrorist activity, authorities may hold suspects up to 48 hours before bringing the case to a magistrate.

The law permits family members' access to detainees. The government provides a lawyer to indigent persons. In exceptional circumstances, usually in cases of organized crime or in which there is danger that attorneys may attempt to tamper with evidence, the investigating judge may take up to five days to interrogate the accused before access to an attorney is permitted. Some NGOs and international organizations asserted that the terrorism law is deficient in due process. Some cases resulted in the deportation or return of alien suspects to countries where they had reason to fear abuse. The law allows for increased surveillance and enhanced police powers to gather evidence in terrorism cases, for example, in the collection of DNA from detained migrants for purposes of identifying possible terrorists (see section 2.d.).

There is no provision for bail; however, judges may grant provisional liberty to detainees awaiting trial. As a safeguard against unjustified detention, detainees may request that a panel of judges (liberty tribunal) review their cases on a regular basis to determine whether continued detention is warranted.

Arbitrary Arrest: Authorities may detain a person without a criminal charge as a last resort if there is evidence of a serious felony or if the crime is associated with organized crime or terrorism. Except in the most extraordinary situations, the law prohibits preventive detention for pregnant women, single parents of children under age three, persons more than 70 years old, and the seriously ill.

Pretrial Detention: Lengthy pretrial detention and trial delays were a significant concern. In November, 42 percent of all prisoners were in either pretrial detention or awaiting a final sentence. The maximum term of pretrial detention is from two to six years depending on the severity of the crime. According to independent analysts and magistrates, delays resulted from the large number of trials, the lack of judicial remedies, and insufficient and inadequate distribution of offices and resources, including shortages of judges and staff.

Detention of Rejected Asylum Seekers or Stateless Persons: Authorities may detain irregular migrants in identification and deportation centers for a maximum of 18 months. The Ministry of Interior can increase this maximum detention time if the high number of asylum requests results in longer wait times. The commissioner for human rights of the Council of Europe observed the

shortcomings of administrative detention centers with respect to health care and isolation.

### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice; however, there were isolated reports of judicial corruption. A significant number of court cases reportedly involved long trial delays (see section 1.d.).

### **Trial Procedures**

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy the right to presumption of innocence and to be informed promptly and in detail of the charges. Trials are public, but domestic and European institutions continued to criticize the slow pace of the judicial process. The excessive length of court proceedings was linked to the large caseload in the judicial system, a high number of hearings per case, and the malfunctioning of the domestic remedy for excessively lengthy proceedings, according to the commissioner for human rights of the Council of Europe. The country's prescription laws, or statutes of limitations, in criminal proceedings require that a trial must end by a certain time. Courts determine when the statute of limitations should apply. Defendants often take advantage of the delays in proceedings to allow the time limit to expire. By doing so they avoid a guilty sentence at trial or are granted release pending an appeal.

The courts of assizes, which have jurisdiction over the most serious crimes, are composed of two professional judges and six laypersons chosen at random among citizens aged 30 to 65 years old. Although the law provides that defendants have access to an attorney in a timely manner, authorities did not always respect this right in practice. Prosecutors must make evidence available to defendants and their attorneys upon request. Defendants may confront and question witnesses against them and may present witnesses and evidence on their own behalf. Defendants have a right to appeal verdicts.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Civil remedies are determined by law. Individuals and organizations may seek civil remedies for human rights violations. The government complied with domestic court decisions regarding human rights. Individuals may appeal alleged human rights violations by the government to the European Court of Human Rights (ECHR) once all avenues for a remedy in the country's court system have been exhausted.

### **Regional Human Rights Court Decisions**

The government complied with the ECHR's final decisions on such appeals.

#### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such actions, and the government generally respected these prohibitions in practice. Searches and electronic monitoring generally were permissible with judicial warrants and in carefully defined circumstances. The Court of Cassation's lead prosecutor can authorize wiretaps of terrorism suspects at the request of the prime minister. According to independent observers, prosecutors did not always limit the use of wiretaps to cases of absolute necessity as requested by the Supreme Court. According to a report during the year by the independent research center Eurispes, in 2010 wiretapping occurred for almost 180 million telephone conversations of more than 125,000 persons.

On December 4, the Constitutional Court decided that the transcripts of the calls between President Giorgio Napolitano and former interior minister Nicola Mancino, tapped in 2010 and 2011, were unlawfully used by Palermo prosecutors. Prosecutors destroyed the wiretaps after the court so ordered. The wiretaps in question were part of a continuing Palermo-led investigation into alleged negotiations between government officials and organized crime gangs in the 1990s. When Palermo prosecutors discovered that their recent wiretaps included four conversations involving the president, they kept these conversations in the investigation file rather than destroy them.

The media published leaked transcripts of government wiretaps authorized as part of continuing investigations. In March and April national newspapers published transcripts of telephone calls between some leaders of the Northern League party.

The law allows magistrates to destroy illegal wiretaps that are discovered or seized by police.

## Section 2. Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The constitution provides for freedom of speech and press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to provide for freedom of speech and of the press.

Freedom of Speech: Rhetoric inciting violence based on racial, ethnic, national, or religious discrimination is a crime punishable by up to 18 months in prison. Insults against any divinity are considered blasphemy, a crime punishable by a fine ranging from 51 euros (\$67) to 309 euros (\$408). There were no reports regarding enforcement of this law during the year.

Freedom of Press: The independent media were active and expressed a wide variety of views. Disputes over partisanship continued to prompt frequent political debate. Former prime minister Berlusconi's family holding company, Fininvest, held a controlling share in the country's largest private television company, Mediaset; its largest magazine publisher, Mondadori; and its largest advertising company, Publitalia. Berlusconi's brother owned one of the country's nationwide dailies, *Il Giornale*. Italian media organizations tended to reflect the point of view of their proprietors, whether a political party or a business entity.

Violence and Harassment: The National Federation of the Italian Press (NFIP) criticized instances of what it described as excessive restrictions on freedom of expression. On January 23, police once again searched the Potenza office of *LaGazzetta del Mezzogiorno* journalist Fabio Amendolara, who had written articles allegedly revealing facts relevant to a police investigation of a 1993 homicide. Police had previously searched Amendolara's office in January 2011. The NFIP protested the search.

Libel Laws/National Security: Public officials continued to bring cases against journalists under the country's libel laws. According to most observers, the risk of such suits did not adversely affect the willingness of the press to report on politically sensitive subjects.

### Internet Freedom



There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms without appropriate legal authority. Individuals and groups could engage in the expression of views via the Internet, including by e-mail. A special unit of the police monitored Web sites for crimes involving child pornography. According to International Telecommunication Union statistics, approximately 57 percent of the population used the Internet in 2011.

According to Freedom House's Freedom on the Net report, Internet service providers tended to exercise some informal self-censorship regarding content that might prove controversial or that could create friction with powerful entities or individuals, and bloggers exercised caution to avoid libel suits by public officials.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events. However, on October 22, a regional court sentenced six scientists to six years in prison for manslaughter for providing reassuring statements on the low risk of a major earthquake prior to the 2009 L'Aquila earthquake in central Italy. The conviction prompted several members of National Commission for the Forecast and Prevention of Major Risks to resign out of concern that they might be punished if their assessments of unforeseen risks turned out to be inaccurate.

### **b. Freedom of Peaceful Assembly and Association**

The constitution provides for freedom of assembly and association, and the government generally respected these rights in practice.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the UNHCR and other humanitarian

organizations for providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

### **Protection of Refugees**

Access to Asylum: The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Between August 2011 and July 2012, 33,656 persons submitted asylum requests to authorities. During the same period authorities granted approximately 2,200 persons asylum and an additional 8,800 received other forms of protection. The flows of migrants arriving by boat from northern Africa, Greece, and Turkey decreased. The Ministry of Interior reported 17,365 arrivals between August 1, 2011, and July 31, 2012.

NGOs reported on the shortcomings in asylum procedures, including inconsistency of standards in reception centers, remoteness from the community, and difficulties in accessing information.

On February 23, the ECHR issued a judgment against the government for the collective expulsion of North African migrants.

Safe Country of Origin/Transit: The country is party to the EU's Dublin II Regulation, whose parties generally transfer asylum applications to the first EU-member country in which the applicant arrived.

Between April 2011 and April 2012, the government repatriated 22,643 migrants, primarily to Tunisia. According to NGOs and independent experts, Egyptians and Tunisians who illegally entered the country were repatriated in 24 to 48 hours, based on formal and informal agreements with the Egyptian and Tunisian governments. In some cases Egyptian or Tunisian consular authorities allegedly labeled migrants as either Egyptian or Tunisian for quick repatriation, without verifying their identities. NGOs reported they did not have access to migrants quickly repatriated to Egypt and Tunisia.

Refoulement: The government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

On February 23, the ECHR criticized the government for the collective expulsion of North African migrants in violation of the prohibition against inhuman or degrading treatment and collective expulsion. The case involved 13 Eritreans and 11 Somalis intercepted at sea and returned to Libya, their country of embarkation, against their will in 2009 without being properly identified or allowed to request asylum.

On April 3, the government signed with the government of Libya an unpublished agreement to collaborate against illegal migration and increase patrols of the sea off the Libyan coast. Some NGOs criticized the government for not disclosing the terms and provisions in the agreement and speculated that this agreement could result in some cases of migrants' being "pushed back" to Libya.

Refugee Abuse: There were reports of disturbances at detention centers for migrants throughout the year. Migrants protested their living conditions or their deportation to home and transit countries.

On May 24, dozens of detainees in a detention center in Rome were involved in an uprising against four guards, who used tear gas to protect themselves and prevent detainees from escaping. The episode followed protests in the preceding weeks at the Modena and Bologna identification and expulsion centers.

According to a March 6 report by the Senate Human Rights Committee, immigration centers hosted 4,627 asylum seekers in December 2011. The report denounced promiscuity between adults and minors, overcrowding, prolonged periods of detention, and inadequate access to cultural mediators and lawyers.

The UN Committee on the Elimination of Racial Discrimination (CERD) reported several cases of racist violence and killings of migrants, including destruction of their property. On September 6, 10 teenagers yelling racist insults assaulted and robbed an Ecuadorian man. Police arrested six of them. On April 17, a passenger on a flight to Algeria posted online a picture of two Algerians gagged and tied with tape by Italian police officers for the repatriation flight. During a parliamentary hearing on April 20, the interior minister recognized the incident as an abuse of human dignity.

Employment: Discrimination against noncitizens in the labor market and the lack of appropriate legal protection against exploitation or abusive working conditions persisted. The CERD noted that discrimination against noncitizens in the labor market persisted and expressed concern over the lack of appropriate legal

protection for migrants, in particular against exploitation or abusive working conditions.

Access to Basic Services: The CERD reported living situations lacked access to the most basic facilities. On a visit in July the commissioner for human rights of the Council of Europe observed poor living conditions in an abandoned university building occupied by approximately 800 refugees unable to find a fixed accommodation. NGOs reported that hundreds of legal and illegal foreigners, including asylum seekers, lived in seven abandoned buildings in Rome and had limited access to public services.

Temporary Protection: The government also provided temporary protection to individuals who may not qualify as refugees.

### **Stateless Persons**

According to UNHCR statistics, there were 1,176 stateless persons in the country in January. The law makes recognition of the legal stateless status of these communities difficult. To grant stateless status, the government requires a birth certificate and certificate of legal residency in the country, or a certificate from another country attesting to the stateless status. Additionally, the government reported that it destroyed data on the ethnic composition of the population.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

#### **Elections and Political Participation**

Recent Elections: National and international observers, including the Organization for Security and Cooperation in Europe, considered the 2008 parliamentary elections free and fair.

Participation of Women and Minorities: There were 60 women in the 321-seat Senate and 135 women in the 630-seat Chamber of Deputies. Women held five of 23 positions in the Council of Ministers. The proportion of female judges to male judges is approximately 7 percent.

Two legally defined minority groups had representatives in parliament; the French-speaking Valdostani and the German-speaking Altoatesini/Suedtiroler had a total of four senators and three deputies. Immigrants represented approximately 7.5 percent of the population, and fewer than half of these qualified as ethnic and racial minorities. Two representatives of ethnically diverse groups (of Moroccan and Congolese origin) were members of the Chamber of Deputies.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. Media continued to report on isolated incidents of government corruption during the year.

According to the general prosecutor of the National Audit Court, authorities in 2010 accused 709 persons of corruption, 183 of embezzlement, and 2,290 of abuse of power.

The National Audit Court reported that in 2011 authorities, with the exclusion of the national police, denounced 4,046 persons for corruption (184 cases), graft (133 cases), and abuse of power (1,160 cases).

There were instances of judges' allegedly colluding with organized crime. On March 28, Milan prosecutors requested the arrest of Giancarlo Giusti, a preliminary investigation judge in Palmi, for corruption and aiding and abetting an organized crime gang. The Supreme Council of the Magistracy had suspended Giusti in December 2011.

Parliament must approve all arrests of its members. On June 20, the Senate authorized the arrest of Senator Luigi Lusi, treasurer of a former political party, for the personal use of government funds paid to the former party as electoral reimbursement.

On August 28, police arrested a member of the regional council of Calabria, Antonio Rappoccio, and charged him with establishing a criminal association and committing electoral fraud. Police suspected him of having promised employment to at least 850 persons in exchange for the votes of their relatives and friends during the 2010 regional elections.

Members of parliament are subject to financial disclosure laws. The Ministry of Public Administration and Simplification encouraged adherence to voluntary guidelines for financial disclosure by the leaderships of all ministries. The anticorruption and transparency office in the Ministry of Public Administration and Simplification is the government watchdog on corruption.

The law gives citizens the right to access government documents and to be informed of administrative processes. With some security-related exceptions, the government and local authorities respected this right in practice for citizens, noncitizens, and the foreign press. In general public offices do not collect processing fees but typically have long delays in responding to claimants.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Government Human Rights Bodies: An interministerial commission on human rights and a parliamentary committee on human rights focus on international and high profile domestic cases. The government's Office to Combat Racial and Ethnic Discrimination (UNAR) in the Ministry of Equal Opportunity assists victims of discrimination.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The law prohibits discrimination based on race, gender, ethnic background, and political opinion. It provides some protection against discrimination based on disability, language, or social status. The government generally enforced these prohibitions; however, some societal discrimination continued against women, persons with disabilities, immigrants, Roma, and LGBT persons.

#### **Women**

Rape and Domestic Violence: Rape, including spousal rape, is a criminal offense, and is prosecuted when a victim files charges. A specific law on stalking includes mandatory detention for acts of sexual violence, including by partners. The government enforced the law effectively. According to the Italian National

Institute of Statistics (ISTAT), in 2009 courts issued final rulings that sentenced 178 individuals for rape.

Violence against women, including spousal abuse, remained a problem. The law criminalizes the physical abuse of women, including by family members; allows for the prosecution of perpetrators of violence against women; and helps abused women avoid publicity. Judicial protection measures for violence occurring within a family allow for an ex parte application to a civil court judge in urgent cases. In 2010 as many as 127 women were reported killed by men; in 54 percent of those cases, the perpetrator was either a partner or former partner. Police officers and judicial authorities prosecuted perpetrators of violence against women, but victims frequently declined to press charges due to fear, shame, or ignorance of the law.

In January the UN special rapporteur on violence against women observed that a fragmented legal framework, inadequate investigation of incidents and punishment of perpetrators, and poor compensation for female victims of violence contributed to an atmosphere of silence and invisibility surrounding the problem. The special rapporteur noted that violence against women was underreported. In a family-oriented and patriarchal society and in ethnic communities where domestic violence was not always perceived as a crime, women were often economically dependent and perceived the government's response to complaints of violence as neither appropriate nor helpful.

The Ministry of Equal Opportunity operated a hotline for victims of stalking in addition to the hotline for victims of violence seeking immediate assistance and temporary shelter. Local authorities funded 225 shelters and provided protection for 700 female victims. These initiatives improved awareness of rights and remedies, and women were more inclined to report their abusers. From 2009 to July the hotline received approximately 80,000 calls, 10 percent of which came from foreigners. Of the 4,500 calls received during one 10-week period in 2011, 35 percent regarded cases of psychological violence, 25 percent involved physical violence, and 6 percent involved stalking. In 2010 police received 5,739 stalking complaints, 87 percent of which women reported. Updated data were not available.

In 2011 the NGO Telefono Rosa assisted 1,189 victims of violence, including 211 immigrants; in 87 percent of cases, partners and spouses committed the violence. Children witnessed the abuse in 81 percent of the cases.

Harmful Traditional Practices: The media occasionally reported on “honor crimes.” On May 28, an Indian national, Singh Kulbir, confessed to killing his wife, Kaur Balwinde, who Kulbir suspected was pregnant with another man’s child. Families arranged their marriage when he was 30 and she was 21.

Sexual Harassment: Sexual harassment is illegal, and the government effectively enforced the law. By government decree, emotional abuse based on gender discrimination is a crime.

Reproductive Rights: Couples and individuals had the right to decide the number, spacing, and timing of their children and had the information and means to do so free from discrimination, coercion, or violence.

Discrimination: Women enjoy the same legal status and rights as men, including rights under family law, inheritance law, property law, and the judicial process.

The law prohibits any form of gender discrimination and provides for fines or imprisonment of employers as a result of unequal pay between men and women. However, in many cases victims of discrimination did not file a complaint based on employment laws and collective contracts. According to Eurostat the overall gap between salaries for men and women remained stable in 2010 at 5.5 percent. Women continued to be underrepresented in many fields, including management, entrepreneurial business, and other professions. In December 2011 women owned only 23.5 percent of registered companies. The government reported that in August approximately 9 percent of board members of companies listed on the stock market were women, compared to the legal requirement of 20 percent.

A number of government offices promoted women’s rights, including the Ministry for Equal Opportunity and the Equal Opportunity Commission in the Prime Minister’s Office. The Ministry of Labor and Social Policies had a similar commission on women’s rights and workplace discrimination. Many NGOs, most of them affiliated with labor unions or political parties, actively and effectively promoted women’s rights.

## **Children**

Birth Registration: Citizenship is derived from one citizen parent. Local authorities require birth registration immediately.



Child Abuse: From May 2009 to June 30, Telefono Azzurro, an NGO that advocates children's rights, received 32,300 requests for assistance. In 52 percent of the cases, the victims were girls, and of these, 63 percent of the victims were under 10 years of age.

Child Marriage: The minimum age for marriage is 18, but the tribunal court for minors can authorize marriages for couples as young as 16. According to ISTAT, 0.02 percent of the female population under the age of 18 was married in 2011; the rate of men marrying at that age did not register.

Harmful Traditional Practices: Female genital mutilation/cutting (FGM/C) is a crime punishable by up to 12 years' imprisonment. According to the National Institute for the Health of Migrants, which assisted almost 5,000 FGM/C victims during the previous 10 years (including both those victims cut in their countries of origin, and those cut while in Italy), as many as 3,000 additional girls were at risk of FGM/C. An interagency committee headed by the Ministry of Equal Opportunity was in charge of combating FGM/C and implemented a prevention program in 2011 that included an awareness campaign for immigrants, risk analysis, cultural mediator training, and a hotline dedicated to FGM/C victims.

Sexual Exploitation of Children: The country has a statutory rape law. The minimum age for consensual sex varies from 13 to 16 years old, based on the relationship between partners, and the penalty for statutory rape ranges from two to 10 years in prison. The penalty for child pornography ranges from six to 12 years in prison. In 2011 a special police unit monitored 21,132 Web sites and reported 777 persons to authorities for crimes involving child pornography online, and 49 persons were arrested. On January 26, police arrested six persons accused of downloading and disseminating child pornographic material; investigated another 31 persons; and seized computers, cameras, and various digital devices in 13 regions.

Between January and September 2011, the NGO Telefono Arcobaleno detected more than 54,000 Web sites used by pedophiles. The NGO Save the Children found that in 2011, 13 percent of minors exchanged messages regarding sex and 19 percent received those messages from online contacts.

In 2010 authorities registered 582 reports of sexual intercourse with minors, 380 reports of production or possession of child pornography, and 175 reports of minors obliged to assist with sexual intercourse between adults.

Save the Children estimated that minors represented 10 percent of persons in prostitution (constituting between 1,600 and 2,000 minors). While few children of Italian nationality engaged in prostitution for survival, the independent research center Parsec reported that thousands of underage migrants from Eastern Europe did.

In November 2011 police arrested a couple accused of sexually exploiting dozens of underage girls in Alghero. The woman allegedly enticed victims, and the man then forced them into prostitution.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's annual report on compliance at [www.travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://www.travel.state.gov/abduction/resources/congressreport/congressreport_4308.html), as well as country-specific information at [www.travel.state.gov/abduction/country/country\\_3781.html](http://www.travel.state.gov/abduction/country/country_3781.html).

### **Anti-Semitism**

There were approximately 30,000 Jews in the country. Anti-Semitic societal prejudices persisted. Isolated individuals and small extremist fringe groups were responsible for anti-Semitic remarks and actions, including vandalism and anti-Semitic material on the Internet.

On May 29, the anti-Semitic Web site Holywar posted a picture of Education Minister Francesco Profumo with the number 666 written on his forehead and the description of him as a "Nazi Jew" for having ordered a minute of silence for the March 19 killing of three Jewish children in France.

On March 26, local authorities in Rome discovered anti-Semitic graffiti on school walls and an uprooted tree that had been planted to commemorate the Holocaust. At year's end police made no arrests in this case.

In January police in Rome arrested five neo-fascists on charges of plotting violence against the local Jewish community. The accused planned to attack Rome's Jewish community president, the mayor, the president of the Chamber of Deputies, and the president of the Senate. The charges included criminal association to spread racial hatred and incitement to violence and discrimination for racial, ethnic, and religious reasons.

The Ministry of Education, University, and Research funded training courses for teachers designed to prevent anti-Semitism on social media.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in the areas of employment, education, air travel and other transportation, access to health care, and the provision of other government services. The government enforced these provisions, but in some instances accessibility to public buildings and facilities was not guaranteed, and there were incidents of societal discrimination. Following the suicide of an inmate in a psychiatric prison in Messina on July 2, the chairman of a parliamentary committee on health service in prisons, Ignazio Marino, attributed the suicide in part to the poor living conditions, and criticized living conditions in prisons and mental health facilities as unacceptable and jeopardizing efforts to treat and rehabilitate inmates.

Although the law mandates access to government buildings for persons with disabilities, mechanical barriers, particularly in public transport, continued to pose challenges. Many cities lacked infrastructure (such as subway elevators, funicular stations, and ramps on sidewalks) for persons in wheelchairs or with limited mobility. The Ministry of Labor and Social Policies was responsible for protecting the rights of persons with disabilities.

According to ISTAT, during the 2010-11 school year, the most recent available data, there were 4.2 million persons with disabilities, of whom 139,000 were students in elementary and middle schools assisted by 63,000 specifically assigned and specially trained instructors.

### **National/Racial/Ethnic Minorities**

Societal violence and discrimination against the Roma, Sinti, and Camminanti populations, as well as other ethnic minorities, remained a problem.

Between January and July, the UNAR received information on 876 cases of discrimination, 40 percent of which were related to labor conditions, and 13 percent to discrimination in the provision of public services. The UNAR provided legal assistance and helped mediate disputes.

No data was available on the ethnic composition of the population. NGOs estimated that between 120,000 and 170,000 Roma, including 75,000 citizens, were concentrated on the fringes of urban areas in the central and southern parts of the country.

During the year the Romani population continued to be subjected to some municipal mistreatment, societal discrimination, demagogic attacks, violent attacks, and forced evictions from unauthorized camps. On May 6, police dispersed an anti-Roma march of approximately 300 community members angered by the recent arrest of a Rom charged with the killing of another member of the community. The demonstrators chanted “anti-Gypsy” slurs while marching towards a suburb where several Romani families lived.

The press and NGOs reported cases of discrimination, particularly in housing and evictions, deportations, and government efforts to remove Romani children from their parents for their protection.

According to NGOs, the regularization of some Roma living in camps was not possible with current laws, particularly for Romani children born to unregistered parents or of stateless parents. In order to be naturalized, Romani children born in country must be registered at birth. They cannot be registered, however, unless their parents provide proof of legal residence in the country for 18 years. Romani children whose parents were from the former Yugoslavia had the added difficulty of statelessness, and were unable officially to gain that status, since birth and status certificates from former Yugoslavia were often unavailable.

On January 9, police detained and charged 18 members of an organized crime gang with the vandalism of a Romani camp in 2010. The group wanted to prevent Romani children from attending their children’s school.

On February 15, the government appealed the Council of State’s ruling that declared unlawful the “nomad emergency,” a state of emergency that the Ministry of Interior declared in 2009 to enable it to move Roma from certain illegal encampments to new, legal camps. The government’s appeal that the mere

presence of Roma around the main city centers was so dangerous that it amounted to an emergency was pending in the Supreme Court of Cassation at the end of the year.

Government officials at the national and local levels, including those from the Ministry of Interior and the UNAR, met periodically with Roma and their representatives. On February 24, the government adopted a national strategy on Romani integration that included the creation of a committee to resolve legal matters for Roma in the country. This committee met regularly with the integration minister. However, in July the commissioner for human rights of the Council of Europe stated that authorities should give priority to the implementation of the strategy for inclusion.

On May 9, the Council of State suspended the implementation of the city of Rome's "nomad plan" of 2009 for Roma, pending the Supreme Court's decision on whether it was discriminatory. Based on the "nomad emergency," the "nomad plan" was to establish new legal camps for the more than 6,000 Roma living in or around the city in illegal encampments. The council ruled that relocating Roma to segregated camps was a discriminatory practice.

Amnesty International reported that authorities continued to evict informal settlements and to close authorized and tolerated camps. In Rome more than 850 persons were evicted from unauthorized camps, but only 209 were offered emergency shelter.

On September 11, the deputy mayor of Rome, Svevo Belviso, stated that "there are no alternatives to camps," and, "while the Roma are entitled to ask for apartments provided by authorities to low-income families, they cannot expect to be treated differently from other citizens." The majority of evicted Roma were not Italian citizens, and lacked the necessary identity documents to apply for public housing.

On September 28, authorities forcibly evicted an estimated 250 from Tor de' Cenci camp in Rome. A regional court held the eviction lawful for health and safety reasons. The destroyed camp left the Roma at risk of homelessness due to inadequate alternative accommodations.

By July the Observatory for the Security against Discrimination received 130 reports regarding 56 crimes against Roma. Police arrested 11 persons and opened investigations on another 33.

## **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Antidiscrimination laws exist and apply to LGBT individuals.

On March 15, the Cassation Court issued a ruling recognizing the right to equal treatment of same-sex couples and the right to a family life.

The press reported a few cases of violence against gay and lesbian couples during the year. According to the LGBT NGO Gay Center, there was an increase in the number of incidents reported to the gay help line in 2011 compared with 2010. Of the cases, 38 percent involved violence and abuse, and 25 percent involved labor discrimination.

According to a survey of gays and lesbians conducted by the NGO Arcigay and released on October 13, 5 percent of those interviewed reported they had been fired from work because of their sexual orientation and 19 percent reported having been victimized by other forms of labor discrimination. On April 11, a court of appeals in Rome found the Ministries of Defense and Transport guilty of discrimination in revoking the driver's license of a gay man, Danilo Giuffrida, in Catania in 2005. It ordered the ministries to pay 20,000 euros (approximately \$26,000) as compensation.

### **Other Societal Violence or Discrimination**

There were no reports of violence or discrimination against persons with HIV/AIDS. Based on verifiable incidents, there was no detectable underlying pattern of discrimination or abuse.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law, including related regulations and statutes, provides for the right of workers to establish and join unions, carry out union activities in the workplace without previous authorization or excessive requirements, and bargain collectively. The law prohibits union organization in the armed forces. The law provides for the right to strike but restricts strikes affecting essential public services (such as transport, sanitation, and health) by requiring longer advance notification and precluding multiple strikes within days of each other. The law also restricts

transport strikes, allowing only those unions representing at least half of the workforce to call a strike. Antiunion discrimination is illegal and employees fired for union activity have the right to request their reinstatement. According to the law, if an employer violates union rights or the right to conduct legal strikes, unions have the right to appeal to a labor judge. If the judge finds the employer in violation of union rights, the judge orders the employer to correct the violation immediately. An employer who does not comply with such an order is punished with fines and up to three months' imprisonment.

The government effectively enforced the law.

In practice workers exercised these rights, including union formation and participation and legal strikes. Workers organized and bargained collectively. Unions were independent of government and political parties.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. The government effectively enforced such laws.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits employment of children under age 15 with some limited exceptions, and there are specific restrictions on employment in hazardous or unhealthy occupations for boys under the age of 18 and girls under the age of 21. Penalties for child labor include heavy fines levied against the employer or the suspension of companies' commercial activities.

The government, employer associations, and unions continued to work together to identify strategies and priorities for combating child labor. While enforcement was generally effective in the formal economy, it was minimal in the relatively extensive informal economy. The Ministry of Labor and Social Policies, working with police and carabinieri, is responsible for enforcement of child labor laws, but its efforts produced limited results.

There were a number of reports of child labor during the year. Illegal migrant child laborers, mostly between 15 and 18 years of age, continued to enter the

country from North African and Asian countries. They worked primarily in the manufacturing and services industries. In the first half of the year, labor inspectors identified 405 minors working as illegal employees, the majority of whom (82 percent) worked in the service sector.

Romani adults continued to use Romani children of all ages for begging and, in some instances, for prostitution and theft as well. Police did not always intervene to prevent forced begging by Romani children.

The Ministry of Labor and Social Policies recognized that unaccompanied minors were more vulnerable to child labor and worked to place these minors in protected communities that provide education and other services in order to prevent exploitation. As of December 2011, the Ministry of Labor and Social Policies estimated that there were 7,750 unaccompanied minors in the country, of whom 5,959 received government assistance and 1,791 were unaccounted for after running away from identification centers. Approximately 38 percent of these unaccompanied minors were in Sicily. The top three countries of origin for unaccompanied minors in country were Afghanistan, Egypt, and Tunisia.

#### **d. Acceptable Conditions of Work**

The law does not provide for a minimum wage. Instead, collective bargaining labor contracts negotiated by unions and employers set minimum wage levels for different sectors of employment. In 2011 the official poverty line was set at 1,011 euros (\$1,335) per month for a family of two. Workers in the informal sector often worked for less than the comparable minimum wage in the formal sector.

The legal workweek is 40 hours. Overtime work may not exceed two hours per day or an average of 12 hours per week. Unless limited by a collective bargaining agreement, the law sets maximum overtime hours in industrial sector firms at no more than 80 per quarter and 250 annually. The law prohibits compulsory overtime and provides for paid annual holidays. The law requires rest periods of one day per week and 11 hours per day. Premium pay is required for overtime. The law sets basic health and safety standards and guidelines for compensation for on-the-job injuries.

The government, with regular union input, effectively enforced standards related to hours of work in the formal sector. In its annual report on labor inspections, the Ministry of Labor and Social Policies stated that its 3,300 inspectors and 423 carabinieri were insufficient to inspect the more than two million companies that



employed workers in 2011. Between January and June labor inspectors who visited 69,500 companies found that, of 200,100 workers, 75,300 were irregularly employed, including 405 minors and 624 illegal migrants. In 2011 the government inspected 244,170 companies and found approximately 105,000 undeclared workers and 278,000 laborers irregularly employed. The government and employers did not enforce standards in the informal economy.

The law prohibits labor exploitation and illicit mediation. Penalties include fines and imprisonment of up to eight years. Between September 2011 and November 2012, police investigated 42 persons accused of illicit mediation in agriculture.

However, such practices continued to occur in the construction and agriculture sectors. Parsec, an NGO that assists victims of trafficking in persons and conducts research on trafficking trends, estimated that in 2011 approximately 500 victims of labor trafficking worked mainly in domestic, agricultural, and service sectors. In the first half of the year, labor inspectors identified 624 illegal foreigner workers, of whom 36 percent worked in factories, 34 percent in the service sector, and 21 percent in the construction sector.

According to union sources, between 70 and 90 percent of agriculture workers in the south were undeclared or irregular, and they faced harsh working and living conditions. Several companies offered low wages to their workers to remain competitive after profits on traditional crops declined. The union FLAI CGIL estimated that up to 43 percent of agriculture workers (400,000) work irregularly and one-quarter of the total, mainly foreigners, work on average 10 to 12 hours a day for 25 to 30 euros (\$33 to \$37). In August the Ministry of Labor and Social Policies conducted inspections in 86 farms in Foggia, Latina, Lecce, and Salerno and discovered that 74 percent of 486 Italian workers and 21 percent of 124 foreign workers were illegally employed.

ISTAT estimated that 2.5 million workers in the informal sector accounted for 10.2 percent of the total workforce in 2010, the latest year for which data are available. They worked primarily in the south, in the agricultural (37.4 percent) and service (10.6 percent) sectors. Most worked long hours for reduced pay.

According to the Workmen's Compensation Institute, there were 920 work-related deaths in 2011, including traffic deaths traveling to and from work.