



## 2008 Human Rights Report: Italy

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Italy is a multiparty parliamentary democracy with a population of approximately 59.1 million. The bicameral parliament consists of the Chamber of Deputies and the Senate. International observers considered the April 14 national parliamentary elections free and fair. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, although there were problems in some areas notably lengthy pretrial detention, excessively long court proceedings, violence against women, trafficking in persons, and abuse of Roma.

### RESPECT FOR HUMAN RIGHTS

#### Section 1 Respect for the Integrity of the Person, Including Freedom From:

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

The government or its agents did not commit any politically motivated killings during the year.

An investigation continued into the shooting death of Gabriele Sandri in November 2007 by a police officer attempting to break up a fight in Arezzo. The first hearing was scheduled for January 2009.

There were no reports that authorities were investigating, or were likely to investigate, the July 2007 killing by a police officer in Verona of Susanna Venturini, who was attempting to flee a crime scene.

The trial continued in Ferrara of four police officers charged with involuntary manslaughter for the 2005 death in custody of Federico Aldovrandi.

##### b. Disappearance

There were no reports of politically motivated disappearances.

##### 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 persons, particularly Roma and immigrants detained in connection with common criminal offenses or in the course of identity checks.

Judicial activity related to police actions during protest demonstrations at the G-8 summit in Genoa in 2001 continued. On March 29, Genoa prosecutors requested the indictment of Gianni De Gennaro, then head of the National Police, for inducing police officers to give false testimony regarding police behavior toward the protesters. (On May 23, the government appointed De Gennaro to be head of the Department for Information and Security, coordinating intelligence.)

On July 15, a court sentenced 14 police officers to prison terms of five months to five years for the "inhuman or degrading treatment," including assault, of some protesters whom they were detaining. On November 13, a Genoa court sentenced 13 police officers convicted of perjury, conspiracy, or assault during a police raid on a building used by the protesters to two- to four-year prison terms. In the final ruling, the Genoa court noted that certain degrading treatment of protesters might be considered torture under international conventions. Nongovernmental organizations (NGOs) repeatedly have criticized the country for not having a specific crime of torture in its criminal code.

On February 28, the European Court for Human Rights (ECHR) ruled that the country would violate its obligations under the European Convention on Human Rights if it deported Tunisian terror suspect Nassim Saadi. He was in prison awaiting a decision at year's end. In 2003 the country signed an agreement with Tunisia on repatriation, trafficking, and illegal immigration.

On June 3, the Interior Ministry deported a Tunisian, Essid Sami Ben Kemais, after he completed a sentence for involvement in international terrorism. The deportation took place despite a March 29 request by the ECHR that it be suspended pending their review of the case, including of the possibility that Ben Kemais risked torture and mistreatment in his home country.

The ECHR reviewed 30 deportation orders issued by the interior minister from July 2006 through March 2007 and blocked the deportation of five individuals whom the authorities considered terrorists, citing the need to prevent violation of their rights in their home countries. During the year authorities successfully deported nine immigrants suspected of links to terrorist networks.

#### Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards, although some prisons remained overcrowded and antiquated. The government permitted visits by independent human rights observers.

On July 15, there were 54,600 inmates in a prison system designed to hold 42,900; however, the uneven distribution of prisoners left a few institutions particularly overcrowded. Older facilities lacked outdoor or exercise space, and some prisons lacked adequate medical care. In June approximately 67 percent of inmates were serving sentences; the other 33 percent were mainly detainees awaiting trial.

According to an independent research center, from January through October, 105 prisoners died in custody, 40 of them by suicide. There were no reports that any of these deaths were the result of abuse or negligence on the part of prison officials.

Some of the 17 temporary detention centers for illegal immigrants continued to be overcrowded at times, particularly in the summer, when the inflow of aliens from northern Africa increased. According to Amnesty International (AI), children often were held together with adults at these facilities. The law does not require that pretrial detainees be held separately from convicted prisoners, and they are held together in some smaller prisons.

The government permitted visits to detention facilities by independent human rights organizations, parliamentarians, and the media. In September the Committee for the Prevention of Torture (CPT) of the Council of Europe (COE) assessed the country's prison systems and delivered a classified report to the government. In November the UN Working Group on Arbitrary Detention visited some facilities in Milan, Rome, Naples, and Sicily and expressed concerns about detention conditions of prisoners condemned for Mafia-related crimes. Several municipalities had permanent independent ombudsmen to promote the rights of detainees and facilitate access to health care and other services. The government provided access to detention centers for representatives of the UN High Commissioner for Refugees (UNHCR), and these visits were in accordance with UNHCR's standard modalities.

On August 3, a lawyer alleged that in 2006 a young inmate in Catania was raped by other prisoners because of his perceived sexual orientation; there were no reports of an investigation in this case.

#### d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibition

#### Role of the Police and Security Apparatus

Civilian authorities maintained effective control over the Carabinieri, the national police, the financial police, and municipal police forces. The government has mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year; however, long delays by prosecutors and authorities in completing investigations of some cases of alleged abuse undercut the effectiveness of mechanisms to investigate and punish police abuses.

Campobasso (Molise) prosecutors continued their investigation of the Carabinieri station commander, seven police and Carabinieri officers, and the former chief of the municipal police force of Termoli, who were arrested in May 2007 on charges of creating a criminal organization, fraud, perjury, disclosure of confidential information, and embezzlement.

The cases of three of eight Carabinieri arrested in Milan for graft and evidence tampering in 2006 remained unresolved. One of the remaining three officers was indicted and a hearing for the other two was delayed. The eight reportedly used false evidence to extort money from a number of previous offenders. Five other officers received either prison sentences or fines.

#### Arrest and Detention

To detain an individual, police require warrants 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 terrorism cases, authorities may hold suspects 48 hours before bringing the case before a magistrate.

Authorities generally respected the right to a prompt judicial determination. The law entitles detainees to prompt and regular access to lawyers of their choosing and to family members. The state provides a lawyer to indigent persons. In exceptional circumstances, usually in cases of organized crime figures, where 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 the accused is allowed to contact an attorney. Some human rights organizations asserted that the terrorism law is deficient in due process and in some cases resulted in the deportation or return of alien suspects to countries where they had reason to fear persecution. The law allows for increased surveillance and enhanced police powers to gather evidence in terrorism cases, for example DNA for purposes of identification (see Section 2 d.)

Despite restrictions on lengthy pretrial detention, it remained a serious problem. During the first half of the year, 3 percent of all prisoners were in pretrial detention and 18 percent were awaiting a final sentence. The maximum term of pretrial incarceration is two years for a crime with a maximum penalty of six years in prison, four years for a crime with a maximum penalty of 20 years, and six years for a crime with a maximum penalty of more than 20 years. According to some judicial experts, a few prosecutors used the prospect of lengthy pretrial detention as pressure to obtain confessions.

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

Authorities may impose preventive detention as a last resort, if there is clear and convincing evidence of a serious felony or the crime is associated with the Mafia or terrorism. Except in the most extraordinary situations, preventiv

detention is prohibited for pregnant women, single parents of children under age three, persons over age 70, and those who are seriously ill.

#### e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected this provision in practice; however, most court cases involved long trial delays.

There were some reports of judicial corruption. On July 18, authorities arrested a judge in Caltanissetta and charged him with corruption. On June 10, prosecutors requested a trial for two magistrates of the Court of Cassation (the final court of appeals) and the Supreme Administrative Court, Lanfranco Balucani and Vincenzo Maccarrone, arrested in 2007 by financial police for corruption in Perugia. Prosecutors accused them of multiple violations of rules of procedure, including jury tampering, in an attempt to unduly influence the investigations of two entrepreneurs who rewarded them with gifts. There were no further reports on the status of these prosecutions.

Pressure on the judicial system, primarily in the form of intimidation of judges by organized crime groups, further complicated the judicial process. For example, on August 6, unknown arsonists set fire to the door of the house of Sicilian prosecutor, Serafina Cannata, who tried Mafia cases.

There are three levels of courts. At the first level, either a single judge or a court, which may be a panel of judges or include a jury, hears cases. At the second level, separate courts with juries hear civil and criminal appeals. Both sides may appeal decisions of the court of appeals to the highest court, the Court of Cassation in Rome. Prosecutors may in some instances challenge acquittals by appealing directly to the Court of Cassation, bypassing the intermediary appellate level. Such appeals may be based on the court's application of the law or, in some cases, on the evidence. A separate Constitutional Court hears cases involving conflicts between laws and the constitution or over the duties or powers of different units of government.

Nine military tribunals and nine prosecutors' offices are in charge of military crimes committed by members of the armed forces, such as treason, unauthorized release of state secrets, and espionage. An appeals court reviews challenges brought by defendants or prosecutors.

#### Trial Procedures

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public. Defendants have access to an attorney in a timely manner to prepare a defense. Defendants may confront and question witnesses against them and may present witnesses and evidence on their own behalf. Prosecutors must make evidence available to defendants and their attorneys upon request. The law grants defendants the presumption of innocence. Defendants have the right to appeal verdicts.

Domestic and European institutions continued to criticize the slow pace of justice in the country. At the end of 2007, 2,900 petitions seeking compensation from the government for excessively long proceedings were pending with the ECHR. In addition, according to the Court of Cassation, about 21,000 new cases were initiated at the national level in 2006, and in 2007 the Court of Cassation rendered 5,014 judgments against the government for excessively protracted proceedings. Observers cited several reasons for delays, including the absence of effective limits on the length of pretrial investigations; the large number of minor offenses covered by the penal code; unclear and contradictory legal provisions; insufficient resources, including an inadequate number of judges; and strikes by judges and lawyers.

In 2006 the chief prosecutor of the Court of Cassation estimated that a criminal trial took an average of 300 to 400 days and an appeal took 900 days. There has been some slow progress; the average length of time between the scheduling of a defendant's first court appearance to completion of the case was 902 days in 2006, compared with 966 days in 2005.

Courts had significant leeway to determine when the statute of limitations should apply, and defendants often took advantage of the slow pace of justice to delay trials through extensive pleas and appeals.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

The constitution provides for an independent and impartial judiciary in civil matters. Administrative remedies are determined by law, and arbitration is allowed and regulated by contracts. Often citizens and companies turned to arbitration because of trial delays. In 2006 the average time required to complete a civil trial was 887 days, with 1,020 days required to complete an initial appeal and another 719 days to appeal to the Court of Cassation.

#### 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 were generally permissible with judicial warrants and in carefully defined circumstances. The Court of Cassation's lead prosecutor may authorize wiretaps of terrorism suspects at the request of the prime minister.

The media published leaked transcripts of both legal and illegal government wiretaps during the year. For example on June 26, the weekly magazine *L'Espresso* published wiretaps of a telephone conversation between Prime Minister Berlusconi and an executive of public broadcast television. In 2006 parliament enacted a decree allowing magistrates to destroy illegal wiretaps discovered by police. On July 2, the Chamber of Deputies denied authorization to enter wiretaps of one of its members into evidence in a corruption investigation. In the course of investigations, prosecutors eavesdropped on the telephone calls of politicians and their advisors, including Prime Minister Berlusconi, former prime minister Romano Prodi, and other national leaders.

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

##### a. Freedom of Speech and Press

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

The independent media were active and expressed a wide variety of views. However, disputes over partisanship or the airwaves continued to prompt frequent political debate, and NGOs contended that media ownership was concentrated in too few hands. The prime minister is the major shareholder of the country's largest private television company, Mediaset, its largest magazine publisher, Mondadori, and its largest advertising company, Publitalia. His brother owns one of the country's nationwide dailies, *Il Giornale*.

The NGO Reporters without Borders and the journalists' union criticized several judicial actions against journalists who refused to name confidential sources during the year.

On October 21, police searched the office, home, and car of journalist Ilaria Cavo, of the national television broadcaster Mediaset, who had published wiretaps of a suspected murderer. In December 2007 police searched the home of journalist Giuseppe d'Avanzo of the daily newspaper *La Repubblica* after he revealed that prosecutors were opening a corruption investigation into then opposition leader Silvio Berlusconi.

Prosecutors continued to investigate two journalists suspected of having disclosed confidential information in the

case of a senator suspected of money laundering. The offices and homes of the journalists were searched in June 2007. The National Federation of the Italian Press condemned what they described as excessive restrictions on freedom of expression.

During the year public officials continued to bring cases against journalists under the country's libel laws. On May 12, the president of the Senate, Renato Schifani, sued journalist Marco Travaglio for libel after he hinted at ties between Schifani and criminals during a program aired by the public television network, Radiotelevisione Italiana (RAI). On September 5, a Milan court acquitted the British weekly journal *The Economist* in a suit brought by Prime Minister Berlusconi after the publication in 2001 of an article that characterized Berlusconi as unfit to lead the country. Suits filed in 2007 by Deputy Prime Minister Francesco Rutelli against the weekly magazine *L'Espresso* and by parliamentarian Ferdinando Adornato against the national newspaper *Il Giornale* were in the courts at year's end. In the view of most observers, the risk of such suits did not affect adversely the willingness of the press to report on politically sensitive subjects.

#### Internet Freedom

There were no government restrictions on access to the Internet; however, a special unit of the police monitored Web sites for crimes involving child pornography online. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail; however, the government could request other governments to block foreign-based Internet sites if they contravened national laws. As an antiterrorism measure, authorities required that Internet cafe operators obtain licenses. In January a survey conducted by ISTAT, the official government statistical agency, found that 43 percent of citizens had access to the Internet and 29 percent used broadband connections.

#### Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

#### 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

The constitution provides for freedom of religion, and the government generally respected this right in practice.

There is no state religion; however, an accord between the Roman Catholic Church and the government gives the Catholic Church certain privileges. For example, it may select Catholic religion teachers, whose earnings were paid by the government. In accordance with the law, government had understandings with organizations representing non-Catholic religions pursuant to accords that allow the government to give them support (including financial); some non-Catholic confessions have such accords. In April 2007 authorities signed accords with several others, including the Buddhist Union, Jehovah's Witnesses, the Church of Jesus Christ of Latter-day Saints, the Apostolic Church, the Orthodox Church of the Constantinople Patriarchate, and the Hindu community. These accords were submitted to parliament for ratification, but no action was taken by the end of the year. Divisions among the country's Muslim organizations, as well as the large number of Muslim immigrant groups, hindered the Muslim community's efforts to conclude an accord with the government, although some Muslims attributed the lack of an accord to a lack of political will.

On August 18, police arrested and subsequently deported Abdelmajid Zergout, the imam of a mosque in Varese, at the request of Moroccan authorities, who sought him on charges of "participating in acts of terrorism," including suicide bombings in Casablanca in 2003.

Muslims in some locations continued to encounter difficulties in getting permission to construct mosques and other community buildings. In Milan local officials stated in July that the Viale Jenner Mosque would be closed and offered a local stadium to Muslims to use four times a week provided they paid upon entry, a proposal rejected by the mosque. Opposition to the construction of mosques was not limited to urban communities; Muslims in rural Tuscany also were having difficulties getting permission to build a mosque. Although local officials usually cited other grounds for refusing building permits, some Muslims asserted that hostility toward their religion underlay the difficulties. The efforts of Northern League members of parliament to seek legislation to restrict further building of mosques furthered a hostile attitude toward Muslims.

There were occasional reports that government officials or the public objected to women wearing garments that completely cover the face and body. On August 25, a woman wearing a headscarf that covered her face was refused entrance to a museum in Venice. The director of the museum later apologized and stated that a guard had erred in barring her.

The presence of Catholic symbols, such as crucifixes, in courtrooms, schools, and other public buildings continued to be a source of criticism and lawsuits.

#### Societal Abuses and Discrimination

The country's approximately 30,000 Jews maintained synagogues in 21 cities. No violent anti-Semitic attacks were reported during the year, but societal prejudices persisted, manifested largely by anti-Semitic graffiti in a number of cities, and small extremist fringe groups were responsible for anti-Semitic acts.

On November 11, police arrested a person accused of displaying banners containing anti-Semitic writing and denying the Holocaust during the celebration of the 65th anniversary of the raid in the ghetto of Rome and in a separate location. The far-right group "Militia" claimed responsibility for both episodes.

On July 31, graffiti with the text "Jewish people are revolting dogs, the Shoah (the Hebrew word for the Holocaust) doesn't exist" was written on a wall in front of a prison in Milan.

Denial of the Holocaust is a crime punishable by up to four years in prison. Officials confiscated materials that displayed symbols associated with Nazi Germany. For example, on October 1, officials in the north seized wine bottles whose labels depicted Adolf Hitler and other Nazis.

During the year, the government continued to host meetings to increase educational awareness of the Holocaust and to combat anti-Semitism.

There were also instances of discrimination and violence against Muslims. On February 1, a hand-made bomb injured two persons when it was thrown into a mosque in Battipaglia, Campania. Police subsequently arrested and deported one of the injured men, citing his lack of residence papers. There were no reports of progress in the investigation of the attack. In June, two hand-made bombs were thrown at the Milan Islamic Center, damaging the main gate. This was the latest in a series of attacks against Islamic centers in the Milan area during the past two years. Some Muslims expressed fear of using public transportation and reported a hostile atmosphere in schools, and non-Muslims feared walking near illegal immigrants' encampments, or taking buses at night.

For a more detailed discussion, see the *2008 Report on International Religious Freedom* at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

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

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation and the government generally respected these rights in practice.

The government cooperated with the UNHCR and other humanitarian organizations to give protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the government did not employ it.

#### Protection of Refugees

The laws provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. The country is a party to the Dublin II Instruction, whose adherents generally transfer asylum applications to the first member country in which the applicant was present. In practice, the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol, providing it to 5,920 persons in 2007. The top three countries of origin of persons granted temporary protection were Eritrea, Cote d'Ivoire, and Somalia.

The government provided temporary protection to refugees fleeing hostilities or natural disasters. The government granted such refugees temporary residence permits, which had to be renewed periodically and did not ensure future permanent residence.

Between January and July, authorities identified 15,400 individuals who came ashore illegally from North Africa, compared to 12,400 in 2006. Those who were apprehended were sent to temporary detention centers for processing, and a magistrate determined whether they would be deported (if their identity could be ascertained), issued an order to depart (if their identity could not be ascertained), or accepted for asylum processing.

According to AI, approximately 10 percent of migrants who came ashore in 2007 were minors. The Interior Ministry equipped special sections of identification centers to host minors. In a June 2007 report, AI stated that the government improved the treatment of minors, i.e., reducing the length of detention of unaccompanied minors and applying better identification procedures.

On May 21, as part of a security package, the government adopted an emergency decree that increased the penalties for crimes perpetrated by illegal immigrants by one-third and provided for the expulsion of foreigners sentenced to two years or more. On May 30, the government issued an order requiring the prefects of Milan, Rome, and Naples to identify and collect biometric data from persons living in encampments, including minors. The measure was widely understood to target Roma. Following criticism from the COE's commissioner for human rights, the media, and NGOs, the government decided to fingerprint only those without identification documents, and persons who were at least 14 years old.

In November 2007 Human Rights Watch claimed that the government's targeting of Romanians, and particularly those of Romani origin, for expulsion violated its international human rights obligations. Although the May security package covered the citizens of any member state of the European Union (EU), the political debate and official action in the country focused almost exclusively on Romanians, and in particular Roma from that country. Romanians were the country's largest immigrant group, estimated at approximately 600,000 persons, or 1 percent of the population. An estimated 60,000 of these were Roma.

Following the adoption of the security package, police and local authorities evacuated and bulldozed some illegal Romani encampments in Rome, Milan, and Naples.

In June the COE's commissioner for human rights visited some camps in Rome and expressed concerns about the living conditions of Roma and the general climate of intolerance toward Roma, Romanians, and illegal immigrants.



The 20 temporary detention centers for illegal immigrants continued to be overcrowded.

### 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 held on the basis of universal suffrage.

#### Elections and Political Participation

Executive authority is vested in the Council of Ministers, headed by the president of the council (the prime minister). The president, who is the head of state, nominates the prime minister after consulting with the leaders of all political forces in parliament. National and international experts, including the Organization for Security and Cooperation in Europe, considered the April national parliamentary elections free and fair.

There were numerous political parties, which functioned without government restrictions or outside interference.

There were 58 women in the 322-seat Senate and 134 women in the 630-seat Chamber of Deputies. Women held four of 22 positions in the Council of Ministers.

The only legally defined minorities are linguistic: the French-speaking Valdostani and the German-speaking Altoatesini/Suedtiroler. There were four members of these groups in the 322-seat Senate and three in the 630-seat Chamber of Deputies. In a largely monolithic society, immigrants represented approximately 5 percent of the population, and fewer than half of these qualified as ethnic/racial minorities. Two members of immigrant groups (of Moroccan and Congolese origin) were elected to the Chamber of Deputies.

#### Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively.

On August 22, the government abolished the independent Task Force on Corruption and transferred its powers to the Ministry of Public Administration. From January through April, financial police arrested 93 persons charged with such crimes as corruption, graft, abuse of power, and embezzlement. In 2006 authorities referred 6,200 crimes to prosecutors and arrested 250 persons; the value of seized assets was 150 million euros (approximately \$210 million).

There continued to be isolated reports of government corruption during the year. According to the ministries of Interior and Justice, in 2006 prosecutors charged 925 individuals with corruption; courts convicted 130 persons of corruption. Prosecutors charged 2,725 persons with abuse of authority; courts convicted 45 persons of abuse of authority, prosecutors charged 2,725 with embezzlement. From December 2005 through November 2006, a special tribunal dealing with financial matters reported 193 cases of corruption, bribery, or graft in public administration. There was no information on the number of cases referred to a prosecutor for further action.

On September 27, a Milan court temporarily suspended the trial of Prime Minister Berlusconi on charges of corruption for paying allegedly a lawyer to falsify his testimony in two other cases. Judges have questioned the constitutionality of legislation that grants immunity from prosecution to the four highest government officials: the president, prime minister, and the presidents of the Senate and Chamber of Deputies. Parliament enacted the legislation on July 22.

On March 8, nine public officers of the prefecture of Milan were sentenced to 32 to 36 months' imprisonment and fined for visa fraud and facilitating illegal immigration. They had illegally issued 120 residence permits and allowed the unlawful entry of more than 300 aliens.

On July 14, authorities arrested Abruzzo governor Ottaviano Del Turco and a number of other local officials and charged them with corruption, embezzlement, fraud, and abuse of power in a case allegedly involving 12.8 million euros (approximately \$18 million) in the health care sector.

In July 2007 the Court of Cassation sentenced parliamentarian Cesare Previti, previously Prime Minister Berlusconi lawyer and later minister of defense, to 18 months in prison and barred him from holding public office in a case that involved the possible corruption of a judge.

The law gives citizens the right to access government documents and to be informed of administrative processes. With some exceptions, described as security-related, the government and local authorities respected this right in practice for citizens, noncitizens, and the foreign press.

#### Section 4 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.

#### Section 5 Discrimination, Societal Abuse, and Trafficking in Persons

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

##### Women

Rape, including spousal rape, is illegal, and the government enforced the law effectively. In 2005, 4,020 cases of rape were reported, and 1,344 individuals were convicted.

Violence against women, including spousal abuse, remained a problem. In 2007 ISTAT reported that 6.7 million women aged 16 to 70, or 31.9 percent of all women, had been victims of violence at least once in their lives. Five million women were victims of sexual violence, one million of them of rape or attempted rape. ISTAT estimated that in 2006 there were 74,000 cases of rape or attempted rape, of which 4,500 were reported to the police. Partners reportedly committed approximately 23 percent of sexual abuses.

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. Law enforcement 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 2006 the Ministry of Equal Opportunity established a hot line for victims of violence seeking immediate assistance and temporary shelter. From March 2006 through 2007, 16,700 women reported episodes of violence to this hot line, and half of them requested assistance. The NGO ACMID-Donna established a toll-free number for abused Muslim women and received 3,600 calls from November 2007 through May. Approximately 56 percent of those cases involved violence or other mistreatment by husbands or relatives, including unwillingly being in a polygamous marriage, a situation affecting an estimated 14,000 women.

On April 10, authorities arrested a Moroccan man in Turin and charged him with kidnapping, raping, and using other forms of violence against his 17-year-old wife, whom he had sequestered at home since March 10. He had asked her parents for a ransom of 3,000 euros (approximately \$4,200). In September 2007 a 20-year-old Moroccan woman escaped from the apartment in Genoa where she had been confined by her husband and mother-in-law for almost three years. In September 2007 an immigrant Indian woman, age 31, committed suicide allegedly to avoid an arranged marriage.

There were occasional reports of "honor crimes" and forced marriage.

The government created an interagency committee to combat female genital mutilation, and the Department of Equal Opportunity, in cooperation with local authorities, implemented a prevention program that included an awareness campaign for immigrants, an analysis of risks, and training of cultural mediators.

Prostitution is legal in private residences; the law prohibits pimping, brothels, and similar commercial enterprises. The trafficking of women for sexual exploitation remained a problem.

The law permits domestic courts to try citizens and permanent residents who engage in sex tourism outside of the country, even if the offense is not a crime in the country in which it occurred. The NGO ECPAT Italy estimated that in 2006, 80,000 to 100,000 Italian men traveled to Kenya, Thailand, Brazil, and other Latin American countries for sex tourism. According to a 2006 report by the UN Children's Fund (UNICEF), 18 percent of the clients of Kenyan sex workers were Italian.

The country has a code of conduct for tourist agencies to help combat sex tourism. In June the Ministry of Foreign Affairs and ECPATG Italy organized a training course for diplomats on preventing sex tourism and on relevant domestic and international criminal law.

Sexual harassment is illegal, and the government effectively enforced the law. By government decree, emotional abuse based on gender discrimination is a crime. From November 2007 to May 2008, ACMID-Donna received about 3,600 calls from immigrant women who reported episodes of violence.

The law gives women the same rights as men, including rights under family law, property law, and in the judicial system.

According to the European Commission, the overall gap between salaries for men and women was 7 percent. Women were underrepresented in many fields, including management, entrepreneurial business, and the professions. Only 10 percent of hospital department heads and 5 percent of deans of faculties of medicine were women.

A number of government offices worked to ensure 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 Welfare has a similar commission that focuses on women's rights and discrimination in the workplace. Many NGOs, most of them affiliated with labor unions or political parties, actively and effectively promoted women's rights.

## Children

The government demonstrated a commitment to children's rights and welfare.

There were incidents of child abuse. From January 1 through September 6, Telefono Azzurro, an NGO that advocates for children's rights, received approximately 3,500 calls and 923 requests for assistance. Of these, approximately 12 percent involved sexual abuse, 32 percent physical violence, and 34 percent psychological exploitation. In 55 percent of the cases, the victims were female; 57 percent of the victims were younger than 11. In 2006 authorities registered approximately 170 reports of sexual intercourse with minors, 290 reports of production of child pornography, and 180 reports of possession of child pornography.

NGOs estimated that approximately 10 percent of persons engaged in prostitution were minors. In 2007 an independent research center estimated that approximately 2,000 minors engaged in this activity on the streets, three-fourths of them trafficked into the country and forced into prostitution.

On July 9, police in Rome freed three Romanian girls and arrested three Romanian men who had seized the girls'

documents, held them prisoner for a month, and forced them into prostitution. The men were charged with enslavement, kidnapping, and the forced prostitution of minors.

On July 24, seven persons charged with coercing children into having sexual intercourse with adults in exchange for small gifts were sentenced to imprisonment of seven to fifteen years.

In 2007 four persons accused of organizing tours to Brazil that included the sexual services of 12- to 17-year-old girls were put on trial; the trials were ongoing at year's end. The first case applying extraterritoriality in cases of sex tourism concluded on March 8, when a court sentenced a man to 14 years in prison for pornography and the exploitation of minors, based on acts he committed in Thailand from 2003 through 2005.

In April 2007 four Italians and three Romanians were sentenced to three to 12 years for the forced prostitution and exploitation of 200 Roma minors from 2004 through 2006.

Illegal immigrant child laborers from northern Africa, the Philippines, Albania, and China continued to enter the country.

A special unit of the police monitored 20,000 Web sites from May 15, 2007 through June 2008; they investigated 372 persons for crimes involving child pornography online, arrested 20, and closed down 22 websites.

#### Trafficking in Persons

The law prohibits all forms of trafficking in persons; however, trafficking in persons was a problem. Persons were trafficked to, from, and within the country. According to NGO sources, approximately 2,800 new victims were trafficked in 2007.

Between one-quarter and one-third of women trafficked for prostitution came from Romania, according to the Ministry for Equal Opportunity. NGOs estimated that the large majority of persons engaged in prostitution were immigrants, primarily from Romania, Nigeria, Bulgaria, Ukraine, China, and Moldova. A large number of women entered the country voluntarily and were subsequently obliged to engage in prostitution in order to repay smugglers. The average age of victims declined, and an increasing number of victims were trafficked for labor outside the sex industry, particularly in the agriculture and service sectors. Immigrants, mostly from Nigeria, North Africa, China, and Eastern Europe, played a major role in trafficking for the purpose of sexual exploitation, both as traffickers and as victims, although citizens were also involved.

In January the national anti-Mafia prosecutor announced the results of "Operation Viola," which led to the arrest of 66 Nigerians accused of trafficking in drugs and persons. They were affiliated with a criminal ring based in the Netherlands that had approximately 300 members working in various European countries.

After the accession of Bulgaria and Romania to the EU, individual, unaffiliated, smugglers from those countries began to traffic women one at a time, replacing some of the trafficking organizations that had been easier to target because of their larger size. After the smuggler makes his initial profit, he often sells the victims to domestic pimps. Women from Romania and Bulgaria do not need residence permits and frequently did not cooperate with police investigators. On August 27, police disrupted a ring of Romanians who were exploiting at least 100 women and arrested six of them in Rome and three in Romania. The victims had been obliged to pay the gang half their daily earnings plus a fee for occupying a parcel of sidewalk they controlled; the gang "fined" the most reluctant or threatened them with death.

The law provides prison sentences of eight to 20 years for trafficking or enslavement. If the victims are minors, sentences increase by one-third to one-half. The law mandates special prison conditions for traffickers that limit their ability to continue their operations while incarcerated.

According to the Ministry of Justice, authorities investigated 2,296 persons for trafficking in 2007 and arrested 513

trial courts convicted 178 persons and appeal courts convicted 104.

The government cooperated with foreign governments, including those of Romania, Nigeria, Ukraine, Bulgaria, and Moldova, to investigate and prosecute trafficking cases. Because in some trafficking cases it was difficult for police to meet the law's evidentiary standards, authorities relied on enforcement of immigration law to stop trafficking.

There were no reports during the year that government officials participated in, facilitated, or condoned trafficking.

The law provides temporary residence or work permits to trafficked persons seeking to escape their exploiters. Authorities and NGOs encouraged trafficking victims to file complaints, and there were no legal impediments to their doing so. Unlike most other illegal immigrants, who face deportation if apprehended, persons who qualify as trafficking victims under the law receive benefits, including legal residence, whether or not they file a complaint. However, NGOs alleged that the government did not always allow enough time between apprehension and deportation of illegal immigrants to screen them for trafficking victims.

The government provided legal and medical assistance, access to shelters, and job training to persons identified by authorities as victims of trafficking. In 2006 the government assisted 7,300 women. There were also assistance and incentive programs for those willing to return to their native countries; in 2006, 62 victims who chose to return to their home countries were repatriated. The domestic NGO Social Service International assisted in repatriating unaccompanied immigrant minors.

The law empowers magistrates to seize convicted traffickers' assets to finance legal assistance, vocational training and other social integration assistance for trafficking victims.

The government worked with foreign governments and NGOs to organize trafficking awareness campaigns. The law directs the Foreign Ministry, working with the Ministry of Equal Opportunity, to conclude anti-trafficking agreements with trafficking source countries.

The State Department's annual *Trafficking in Persons Report* can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services. The government effectively enforced these provisions, but there was some societal discrimination.

Although the law mandates access to government buildings for persons with disabilities, mechanical barriers, particularly in public transport, left such persons at a disadvantage. The Ministry of Labor and Welfare was responsible for protecting the rights of persons with disabilities.

ISTAT estimated that there were approximately three million persons with disabilities. The governmental research center Isfol reported that their employment rate (of those between the ages of 15 to 64) was about 45 percent in 2007, while 35 percent received social benefits. Of the 712,000 workers with disabilities registered at public employment centers during the year, only 4.4 percent found work in 2007. At the same time, 65,000 positions reserved for them by law remained vacant.

#### National/Racial/Ethnic Minorities

There continued to be reports that police mistreated Roma. The NGOs Opera Nomadi and the Community of Sant'Egidio reported cases of discrimination, particularly in housing and evictions, deportations, and government efforts to remove Romani children from their parents for their protection. Government officials at the national and local levels, including those from the Interior Ministry and the Ministry of Equal Opportunity, met periodically with Roma and their representatives.

In May the Interior Ministry initiated a campaign to crack down on illegal immigration and to close down illegal encampments, based on an emergency decree on security and immigration approved on May 21. Authorities arrested or expelled several hundred foreigners and took the names of others who lived in encampments near major cities. Other measures aimed at cracking down on street prostitution, begging, and selling counterfeit goods also focused in practice largely on illegal immigrants.

There were a number of violent attacks against Roma, and some camps were set afire. On July 29, the commissioner for human rights of the COE expressed concern about violence against Roma and for the unacceptable living conditions observed in some camps. On June 6, a 16-year-old pregnant Romani girl was attacked while she was begging in Rimini. On June 9, unknown persons attacked and burned a settlement of approximately 100 Romanian Roma in Catania.

On May 10, a woman from the Naples suburb of Ponticelli discovered a 16-year-old Roma girl in her home holding the woman's six-month-old baby. When the girl attempted to flee, a mob surrounded her and threatened to lynch her. The girl was arrested. Anti-Roma reactions in Ponticelli were immediate. Several hours after the alleged attempted kidnapping, a group of about 20 individuals attacked a Romanian laborer, who was beaten and stabbed once. On May 12, three individuals doused the entrance to a Ponticelli Roma camp with gasoline and set it on fire. Several other isolated shacks that were home to Roma were set on fire in the evenings of May 12 and 13. On May 13, 300 to 400 local residents assaulted one of the largest Roma camps in the area, home to 48 families. Hooded men armed with metal bars pulled down a fence, shouted insults and threats, threw stones, and overturned some cars. Authorities evacuated encampments and relocated former residents to a larger camp protected by police. On May 14, two abandoned groups of shacks were set afire, presumably by the same group of vandals, and with the approval of some local residents, who heckled firefighters when they arrived. By May 15, all Roma in the area had been forced to leave the Ponticelli camps to go to camps and a school in other districts. On December 1, police arrested two individuals in connection with the Ponticelli attacks.

In 2006 the European Committee of Social Rights ruled that the country systematically violated the right to adequate housing for Roma by not providing sufficient camping sites, not providing permanent housing, and evicting Roma from housing. In 2007 the cities of Rome and Milan created some equipped camps, but they proved to be insufficient.

There were no accurate statistics on the number of Roma in the country. NGOs estimated that there were approximately 150,000, including 75,000 citizens, concentrated on the fringes of urban areas in the central and southern parts of the country. Roma live in camps characterized by poor housing, unhygienic sanitary conditions, limited employment prospects, inadequate educational facilities, and inconsistent police presence.

There were also instances of discrimination and violence against African immigrants and residents of African descent. On August 18, unknown assailants opened fire on the home of Teddy Egonwman, the president of the Nigerian Association in Campania, severely wounding him, his wife, and three friends. On September 19, suspected mobsters killed six African immigrants in a drive-by shooting in the Naples suburb of Castel Volturno. Despite conjecture that the killings were related to drug-trade rivalries, officials stated there was no evidence the victims were criminals and that racism may have been a motive. Hundreds of Africans rioted the next day, claiming that the murders were hate crimes. Less than a week later, African residents of another Naples suburb who claimed they were being illegally forced out of their housing found threatening racist graffiti on walls around the town.

The government's Office to Combat Racial and Ethnic Discrimination in the Ministry of Equal Opportunity assisted victims of discrimination. In 2007 the office received about 8,000 calls on its national hot line. The majority of complaints related to labor conditions, wages, and discrimination in the provision of public services. The office provided legal assistance and helped mediate disputes.

#### Other Societal Abuses and Discrimination

There were reports of societal discrimination based on sexual orientation. On September 15, an NGO reported that

unknown persons painted swastikas and graffiti saying "gays in ovens" in a Rome neighborhood popular with gays. On July 7, a gay couple was insulted and beaten by a group of youths near Naples.

On July 12, a court ordered the ministries of Transportation and Defense to pay 100,000 euros (approximately \$140,000) in compensation for having requested the revocation of a person's driver's license based on his sexual orientation.

There were no reports of violence or discrimination against persons with HIV/AIDSs.

## Section 6 Worker Rights

### a. The Right of Association

The law provides for the right to establish, join, and carry out union activities in the workplace without previous authorization or excessive requirements, and workers exercised these rights in practice. The law prohibits union organization in the armed forces. Unions claimed to represent between 35 and 40 percent of the workforce.

The law provides for the right to strike, and workers exercised this right by conducting legal strikes. The law restricts strikes affecting essential public services (such as transport, sanitation, and health), requiring longer advance notification and precluding multiple strikes within days of each other.

### b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for the right of workers to organize and bargain collectively, and workers exercised this right. Employers and unions concluded more than 300 collective agreements, which also covered nonunionized workers. Approximately 35 percent of the workforce worked under collective bargaining agreements.

Antiunion discrimination is illegal and the government effectively enforced labor laws; employees fired for union activity have the right to request their reinstatement. There were no reported cases of discrimination.

There are no export processing zones.

### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, and the government enforced such laws; however, there were reports such practices occurred. Women were trafficked for sexual exploitation, children for sexual exploitation and begging, and workers for agricultural labor or to work in sweatshops manufacturing counterfeit products.

An independent research center, PARSEC, estimated that in 2007 approximately 500 victims of labor trafficking worked outside the sex industry, mainly in domestic or agricultural labor and in the service sector. Forced labor occurred primarily in the agricultural sector and mostly in the south where, according to the NGO Doctors without Borders, 90 percent of the foreign seasonal workers were unregistered and about two-thirds of them did not hold residence permits. The top five source countries for agricultural workers were Poland, Romania, Pakistan, Albania, and Cote d'Ivoire.

Trafficking victims in the Tuscany region who worked in sweatshops may have been exposed to dangerous chemicals in the leather industry.

On March 10, authorities arrested a Chinese entrepreneur and charged him with abetting illegal immigration and exploiting unregistered workers. Police found 47 Chinese victims of forced labor, including six minors and two

pregnant women, working and living in a sweatshop near Reggio Emilia.

On February 22, 17 Poles, Ukrainians, Algerians, and Italians who were arrested in July 2006 received sentences of four to 10 years for trafficking up to 1,000 Poles over several years for forced agricultural labor. The traffickers hired the workers out to local farmers. Victims reportedly responded to an advertisement for migrant workers, paid a travel fee, received three euros (\$4.20) per hour, and were kept in penury by the traffickers, who charged them for food, water, and squalid sleeping quarters.

#### d. Prohibition of Child Labor and Minimum Age for Employment

The government sought to enforce laws and policies designed to protect children from exploitation in the workplace; however, there were a number of reports of child labor.

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. Enforcement was generally effective in the formal economy; however, it was difficult in the extensive informal economy. In 2006 an independent research center, Censis, estimated that over 400,000 children between the ages of seven and 14 worked at least occasionally and that 147,000 of them were exploited. Many of these children worked in family-owned farms and businesses, which is illegal if it interferes with education.

Illegal immigrant child laborers, mostly from 15 to 18 years old, continued to enter the country from northern Africa, the Philippines, Albania, and China. They worked primarily in the manufacturing and services industries. Most arrived with their parents; however, there were significant numbers of unaccompanied minors.

Children were trafficked for sexual exploitation and begging. Minors represented about 15 percent of the total victims of trafficking and smuggling from Romania; most were engaged in prostitution. In 2007 about 300 minors were trafficking victims, according to the Ministry for Equal Opportunity. National and local authorities provide minor victims automatic residency permits (valid until age 18) and access to education and other assistance programs. In 2006, 266 minors entered social protection programs.

The government, employers' associations, and unions continued their tripartite cooperation to combat child labor. The Ministry of Labor and Welfare, working with police and Carabinieri, is responsible for enforcement of child labor laws, but their efforts were often ineffective.

#### e. Acceptable Conditions of Work

The law does not specify the amount of the minimum wage; it provides for it to be set through collective bargaining agreements on a sector-by-sector basis. The minimum wage in most industries provided a decent standard of living for a worker and family. Courts effectively enforced the wages set through collective bargaining agreements, but workers in the informal sector often worked for less than the minimum wage.

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 requires rest periods of one day per week and 11 hours per day. Premium pay is required for overtime. These standards were effectively enforced.

The law sets basic health and safety standards and guidelines for compensation for on-the-job injuries. There were labor inspectors in both the public health service and the Ministry of Labor and Welfare, but their numbers were insufficient to ensure adequate enforcement of health and safety standards. The standards were not enforced in the informal economy. According to the Workmen's Compensation Institute, there were 779 work-related deaths from January through September. Workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment, and the government effectively enforced this right.