



## **Diritti umani: Usa, in Italia emergenza carceri e centri immigrati**

**Agi, 28 febbraio 2014**

Il sovraffollamento delle carceri, le condizioni dei “centri di detenzione” per gli immigrati e la corruzione sono tra i “principali problemi” dell’Italia per quanto riguarda le violazioni dei diritti umani. È quanto sottolinea il Dipartimento di Stato americano nel Rapporto 2013 sulle “Human Rights Practices”.

Tra i “principali problemi” ci sono “le condizioni di vita nei centri di detenzione per i migranti privi di documenti, la corruzione, il pregiudizio sociale e le politiche delle amministrazioni locali che consentono il maltrattamento dei rom e che hanno esacerbato la loro esclusione sociale e limitato il loro accesso all’istruzione, all’assistenza sanitaria, all’occupazione e ad altri servizi sociali”, si legge nella parte dedicata all’Italia.

Il bureau per la Democrazia, i Diritti Umani e il Lavoro del Dipartimento di Stato Usa pone l’accento su “altri problemi” tra cui, “in alcuni casi, l’uso eccessivo e illegale della forza da parte della polizia, le carceri sovraffollate, la detenzione per persone in attesa di giudizio assieme ai criminali condannati, un sistema giudiziario inefficiente che non sempre assicura una giustizia rapida, la violenza e le molestie sessuali nei confronti delle donne, lo sfruttamento dei bambini e il vandalismo anti-semita”.

Nel sommario si evidenzia inoltre come si sia verificato “il traffico di esseri umani ai fini dello sfruttamento sessuale e del lavoro (nero)”. “Osservatori”, prosegue il rapporto, “hanno inoltre riferito di casi di violenza contro lesbiche, gay, bisessuali e transgender e la discriminazione sul lavoro basata sull’orientamento sessuale”.

Infine, si sottolinea lo sfruttamento del lavoro minorile e di “lavoratori irregolari, soprattutto nel settore dei servizi e nell’agricoltura nel sud Italia”. “Il governo”, riconosce comunque il rapporto, “ha perseguito e punito i funzionari che hanno commesso crimini e abusi”.

# ITALY 2013 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Italy is a multi-party 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 a prime minister, whose official title is 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 parties in parliament. International observers considered the national parliamentary elections February 24-25 free and fair. The law requires the government maintain civilian control over all security forces. Civilian authorities failed at times to maintain effective control over the security forces, and there were some reports security forces committed human rights abuses.

Principal human rights problems included substandard living conditions in detention centers for undocumented mixed migrant populations, governmental corruption, societal prejudice, and municipal government policies permitting the 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 excessive and abusive use of force by police in some cases, overcrowded prisons, the continued incarceration of pretrial detainees with convicted criminals, an inefficient judicial system that did not always provide speedy justice, 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 service sector and the southern agricultural region.

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 some reports security forces committed arbitrary or unlawful killings. Prosecutors examined cases and opened investigations when they suspected security forces committed unlawful killings. On June 5, a Tunisian, Bohli Kaies, died of cerebral asphyxia while in custody in a Carabinieri police office in Riva Ligure, Imperia, after he was arrested for drug trafficking. Prosecutors subsequently placed three police officers under investigation for manslaughter. On October 8, a judge ordered prosecutors to reopen an investigation into the use of deadly force by eight police officers against Giuseppe Uva, after his arrest in Verona in June 2008. Uva was in police custody for one night before dying in a hospital. A prosecutor in a previous investigation cleared the officers of all charges.

### **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. There were reports, however, that police occasionally used excessive force against individuals, particularly immigrants detained in connection with common criminal offenses or in the course of identity checks.

Nongovernmental organizations (NGOs) and international organizations highlighted the lack of a law criminalizing torture as a loophole in the judicial system. While courts may find perpetrators guilty of violence against a person under the law, prosecution may only occur if the victim comes forward to denounce the perpetrator.

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

Some prisons were significantly overcrowded and antiquated.

Physical Conditions: On October 31, the Ministry of Justice reported 64,323 inmates held in 206 prisons designed to hold 47,668 persons. Approximately 60 percent of inmates were convicted criminals serving sentences, while 40 percent were primarily pretrial detainees. Female prisoners (2,800) occupied separate prison sections. Uneven distribution of prisoners exacerbated overcrowding in

certain institutions. In 2012, the last year for which data are available, prisons held 1,252 minors. The law requires the separation of pretrial detainees from convicted prisoners, but authorities sometimes held both in the same sections of prison facilities.

On January 23, the European Court of Human Rights (ECHR) issued a preliminary judgment against the country for the state of living conditions in the prisons of Busto Arsizio and Piacenza. In June 2012 the court, after reviewing several appeals from inmates held in overcrowded facilities, ordered the government to improve its prison system and to comply with minimum standards.

In May and July detainees organized peaceful demonstrations in some prisons and staged hunger strikes to protest overcrowding and inhumane living conditions. All detainees had access to potable water. Older facilities lacked outdoor or exercise space, and some prisons lacked adequate medical care. In some cases detainees in need of dental treatment waited for an entire month, since nonresident medical teams visited prisons on a monthly basis. Finding outside care involved bureaucratic delays that routinely ended with a similarly long wait for medical care due to routine backlogs in the public health system.

According to the NGO Ristretti Orizzonti, between January 1 and June 21, of the 93 prisoners who died in custody from all causes, 26 were suicides.

Administration: Recordkeeping on prisoners was adequate. Authorities used alternatives to incarceration for nonviolent offenders, such as house arrest and community service. As of June 18, 25 municipalities, eight provinces, and 12 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 infiltration of organized crime into prisons, and examine alternatives to incarceration. The magistrates also made decisions on parole and eligibility for work release. Authorities allowed prisoners access to visitors and religious observance and allowed prisoners to submit complaints to judicial authorities, who generally investigated credible allegations.

Independent Monitoring: 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 2012. The government also provided representatives of the Office of the UN High

Commissioner for Refugees (UNHCR) and NGOs access to detention centers for undocumented migrants in accordance with the UNHCR's standard modalities.

Improvements: On February 13, parliament passed a prison decree subsequently enacted by the government aimed at easing overcrowding in the prison system. The new legislation abolished pretrial detention for most crimes punishable with five years or less in prison and reduced prison terms for offenders with three years or less remaining in their sentences or, in the case of crimes linked to drug trafficking, six years or less remaining. Other provisions included house arrest or reduced sentences extended to recidivists, new social services, and fiscal incentives for companies that hired former detainees.

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

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

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

The national police and the Carabinieri maintain internal security. The Carabinieri is the national military police of Italy and one of the four branches of the armed forces but also carries out certain civilian law enforcement duties. The army is responsible for external security but also has specific domestic security responsibilities, such as guarding public buildings. The Ministry of Interior coordinates between the national police and nonmilitary units of the Carabinieri, and the Ministry of Economy maintains control over the financial police (Guardia di Finanza). 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 of Detainees**

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 the police officers must respond. The law requires authorities to inform a detainee of the reason for arrest. If 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. As a safeguard against unjustified detention, detainees may request that a panel of judges (a liberty tribunal) review their cases on a regular basis to determine whether to continue the detention.

There is no provision for bail, but judges may grant provisional liberty to detainees awaiting trial. The government provides a lawyer at government expense to indigent persons. The law requires authorities allow a detainee to see an attorney within 24 hours, or within 48 hours in cases of suspected terrorist activities. In exceptional circumstances, usually in cases of organized crime or when 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 allowing access to an attorney. The law permits family members access to detainees.

Arbitrary Arrest: Authorities may detain a person without a criminal charge 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 the age of three, persons more than 70 years old, and the seriously ill.

Pretrial Detention: Lengthy pretrial detention and trial delays were a problem. In October 40 percent of all prisoners were in either pretrial detention or awaiting a final sentence. The maximum term of pretrial detention is 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 especially for improper drug use and illegal immigration, 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 expulsion centers for a maximum of 18 months. The Ministry of Interior may increase this maximum detention time if there are a high number of asylum requests.

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

The constitution provides for an independent judiciary, and the government generally respected judicial independence. Isolated reports of judicial corruption

impeded justice. 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 the judiciary generally enforced this right. Defendants have the right to presumption of innocence and to be informed promptly and in detail of the charges, as well as access to interpretation or translation services, as needed. Trials are public.

Domestic and European institutions continued to criticize the slow pace of the judicial process. According to the Council of Europe's commissioner for human rights, the large caseload in the judicial system and the high number of hearings per case resulted in excessively long court proceedings. In addition there was a lack of appropriate rules to grant compensation in cases of long trials. 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 took advantage of delays in proceedings in order to exceed the statute. By doing so, they could avoid a guilty sentence at trial or gain release pending an appeal.

The courts of assizes, which have jurisdiction over the most serious crimes, consist of two professional judges and six laypersons chosen at random among citizens aged 30 to 65 years. Although the law provides for defendants to have access to an attorney in a timely manner, authorities did not always respect this right. 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 may not be forced to testify or confess guilt and they have a right to appeal verdicts.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

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

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 bring a case of alleged human rights violations by

the government to the ECHR once they have exhausted all avenues for a remedy in the country's court system.

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

The government is subject to the jurisdiction of the ECHR and complied with the court's final decisions.

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

The law prohibits such actions, and the government generally respected these prohibitions. Searches and electronic monitoring generally are permissible with judicial warrants and in carefully defined circumstances. The Supreme Court's lead prosecutor may 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 the Supreme Court required.

On March 7, a Milan court convicted former Prime Minister Silvio Berlusconi, himself the subject of many wiretaps by authorities, to one year in prison for his involvement in the 2005 publication of an illegally obtained transcript of a personal call between Piero Fassino, former leader of the center-left, and Giovanni Consorte, former chairman of an insurance company. The conversation, wiretapped by prosecutors in the context of another investigation, had been secret until the national daily *Il Giornale*, owned by Berlusconi's brother Paolo, published it. On March 16, a national newspaper, *La Repubblica*, published transcripts of telephone calls between former Lombardy governor Roberto Formigoni and his political contacts and family.

The law allows magistrates to destroy illegal wiretaps that police discover or seize.

### **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 in most cases respected these rights. 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. Repeated calls to incite violence and the use of racial slurs and racist imagery by politicians against Integration Minister Cecile Kyenge resulted in one conviction (see section 6). Insults against any divinity are considered blasphemy, a crime punishable by a fine ranging from 51 euros (\$69) to 309 euros (\$417). There were no reports regarding enforcement of this law during the year.

Press Freedoms: 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*. 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 (FNSI) criticized instances of what it described as excessive restrictions on freedom of expression. On September 9, police searched the office in Reggio Calabria of *L'Ora della Calabria* journalist Consolato Minniti, who published secret details on an investigation into organized crime. Police seized his computer. The FNSI protested the search.

Libel Laws/National Security: Public officials continued to bring cases against journalists under the country's libel laws. According to the NGO Ossigeno per l'Informazione, 19 journalists were sued for libel between January 1 and August 14. On May 26, a court sentenced the editor of a national magazine, *Panorama*, Giorgio Mule, and a journalist, Andrea Marcenaro, to prison terms of eight months and 12 months, respectively, for the 2010 publication of an article considered defamatory to a Palermo prosecutor. According to most observers, the risk of such suits did not adversely affect the willingness of the press to report on politically sensitive subjects.

Nongovernmental Impact: Reporters without Borders reported that some journalists investigating organized crime received threats and risked their lives, especially in the south.

## **Internet Freedom**

There were neither government restrictions on access to the internet nor 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 websites for crimes involving child pornography. According to International Telecommunication Union statistics, approximately 58 percent of the population used the internet in 2012.

According to Freedom House, the government policed various categories of websites, especially those offering gambling or child pornography. Its 2013 Freedom of the Net report graded Italy as “free.”

### **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.

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

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Between August 2012 and July, the government examined 11,068 requests for

asylum. During the same period authorities granted approximately 1,600 persons asylum. While the flows of migrants arriving by boat from Greece and Turkey decreased, the number of arrivals originating from East Africa and Syria markedly increased. The Ministry of Interior reported 35,085 arrivals from January 1 through October 14, 26 percent of whom were Syrian and 22 percent Eritrean, the two largest nationalities of arrivals. Site visits as well as credible reports from government organizations and NGOs revealed most Syrian arrivals came by boat from Egypt. NGOs reported on shortcomings in asylum procedures, including inconsistency of standards applied in reception centers, and difficulties in accessing information.

In October a boat carrying primarily Eritrean migrants capsized off the coast of Lampedusa. Reportedly more than 350 persons died, and 156 persons survived, including two suspected smugglers of Tunisian and Somali origin. The situation underscored the dangerous efforts of many migrants from Africa and Asia to reach Europe by sea and invoked the country's criticism of Europe's asylum and border security policies.

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

Between January and May the government repatriated 13,304 migrants, primarily to Tunisia. NGOs reported they did not have prompt access to migrants repatriated to Egypt and Tunisia.

Refoulement: Under normal circumstances 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. Some NGOs and international organizations asserted, however, that because of deficiencies in the due process aspects of the terrorism law, the government occasionally deported without due process alien suspects or returned them to countries where they had reason to fear abuse.

On May 31, the government expelled Alma Shalabayeva (the wife of Kazakh dissident and former oligarch Mukhtar Ablyazov) and her daughter on the grounds that Shalabayeva's passport was irregular. The Kazakh Embassy in Rome provided a private aircraft to return them to Kazakhstan. Amnesty International criticized the decision since Shalabayeva was sent to a country where she was

allegedly at risk of repression. On July 12, the government of Italy revoked the order of expulsion for Shalabayeva and her daughter, but neither of them returned to the country.

Refugee Abuse: Independent experts and the press noted the following shortcomings of centers that housed mixed migrant populations, including refugees and asylum seekers: deficient health care; isolation; inadequate and overcrowded facilities; and a lack of access to legal counseling and basic education. Representatives of the UNHCR, the International Organization for Migration, and other humanitarian organizations denounced inhumane living conditions and, in particular, sexual abuse of minors, overcrowding, prolonged periods of detention, and inadequate access to cultural mediators and lawyers. According to the Italian Council of Refugees, asylum seekers lived in poor conditions and rarely had access to counseling and basic education. Authorities sometimes placed asylum seekers in expulsion centers instead of reception centers because of overcrowding stemming from the dramatic increase in arrivals from Syria and East Africa in the summer. Mixed migratory populations often remained in the centers longer than the 35-day limit set by law.

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.

On July 3, an ethnic Kurd died and three other persons were injured in the Bari Palese reception center during a fight between a group of Kurds and a group of Pakistanis and Afghans. On August 19, the government announced the closure of the Isola Capo Rizzuto expulsion center, near Crotona, after a violent protest by migrants damaged it. The protest followed the death of a Moroccan at the center August 10. The Ministry of Interior stated the person died of a stroke, but an investigation into the incident was not concluded. Disturbances were also widely reported in the media in several centers in Rome, Modena, Turin, Gorizia, Catania, and other cities.

In some cases authorities gave asylum seekers a stipend to live outside the facilities. In June the Ministry of Interior sent asylum seekers to a 4,500-bed center jointly run by local authorities and an NGO where asylum seekers could remain up to one year.

Employment: Discrimination against noncitizens in the labor market and the lack of appropriate legal protection against exploitation or abusive working conditions

persisted. NGOs and immigrant communities denounced the lack of counseling and training programs that limited refugees' access to jobs.

Access to Basic Services: NGOs reported that hundreds of legal and illegal foreigners, including asylum seekers and refugees, lived in seven abandoned buildings in Rome and had limited access to public services.

Temporary Protection: In the one-year period from August 2012 through July, the government provided temporary protection to approximately 5,600 migrants who may not qualify as refugees. Statistics for cases of subsidiary protection were not available.

### **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 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 parliamentary elections February 24-25 free and fair.

Participation of Women and Minorities: There were 92 women in the 321-seat Senate and 197 women in the 630-seat Chamber of Deputies, including the president of the chamber. Women held six of 21 positions in the Council of Ministers, including the minister of foreign affairs and the minister for integration. The latter, a woman of Congolese origin, was the country's first black minister.

Two legally defined minority groups had representatives in parliament; the French-speaking Valdostani and the German-speaking Altoatesini/Suedtiroler had a total of three senators and five deputies. Immigrants represented approximately 7.5 percent of the population, and fewer than half of these qualified as ethnic and racial minorities. A member of the Chamber of Deputies was of Moroccan origin.

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

The law provides criminal penalties for corruption by officials, and the government generally implemented these laws effectively. There were incidents of government corruption during the year. The World Bank considered corruption to be a problem in the country.

Corruption: On July 22, a Pescara court convicted former Abruzzo governor Ottaviano Del Turco to nine years and six months in prison for establishing a criminal association, corruption, and embezzlement in the public health sector between 2003 and 2008. Another eight persons in the case were given prison terms ranging from two to nine years. The National Anticorruption and Transparency Office in the Ministry of Public Administration and Simplification is the government's watchdog on corruption.

There were instances of judges allegedly colluding with organized crime. On March 11, Milan prosecutors requested the indictment for vote buying of a former councilor of the Lombardy regional administration, Domenico Zambetti. He was suspected of having reached an agreement with the 'Ndrangheta crime syndicate that allowed him to obtain 4,000 votes in exchange for public contracts, jobs for some clan affiliates, and 200,000 euros (\$270,000).

Whistleblower Protection: The law provides for the protection of public employees who report workplace misconduct to judicial authorities, the Court of Auditors, or their supervisors. Employees may not be punished, dismissed, or subject to discriminatory measures, direct or indirect, that affect their working conditions. Authorities may not reveal the whistleblower's identity during disciplinary proceedings without explicit consent, unless it is indispensable for the defense of the persons accused.

Financial Disclosure: 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.

Public Access to Information: 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 for citizens, noncitizens, and the foreign press. The law mandates publication of all information available to public administration officials and includes the right to free access and free use, with some exceptions for protection of state secrets, personal data, and judiciary proceedings. An appeal mechanism

allows for review of denied requests. Authorities must publish data within five years. In general public offices did not collect processing fees, but typically there were long delays in responding to requests.

### **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 National Office to Combat Racial 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. While the government generally enforced these prohibitions, some societal discrimination continued against women, persons with disabilities, immigrants, Roma and Sinti, and LGBT persons.

#### **Women**

Rape and Domestic Violence: Rape, including spousal rape, is a criminal offense. 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. 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 2012 the UN Special Rapporteur on Violence against Women stated 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.

On August 9, the Council of Ministers passed a decree prohibiting victims who reported crimes to authorities from withdrawing their accusations as victims often did previously due to intimidation. Police may arrest those responsible for violence against women or, in minor cases, oblige their partners to leave the house. The decree also increased sentences by one-third in cases in which violence against a woman is committed in front of a minor or during pregnancy, and in cases in which the perpetrator is a husband, former husband, or partner. A specific law on stalking includes mandatory detention for acts of sexual violence, including by partners. The law leaves responsibility for the provision of shelter to victims with local municipalities, but they generally did not provide sufficient funds for shelters. The government enforced the law effectively, but authorities only prosecuted if a victim filed charges.

The NGO SOS Stalking reported that between January and September 113 women were killed by their relatives, of whom 75 had been victims of stalking and 38 victims of other forms of violence. In 2012 the NGO Telefono Rosa assisted 1,562 victims of violence; in 83 percent of cases, partners and spouses committed the violence. Children witnessed the abuse in 82 percent of the cases.

The Ministry of Equal Opportunity operated a hotline for victims of violence seeking immediate assistance and temporary shelter. Between January and May the hotline received approximately 23,800 calls. Of the 6,100 calls received in May, 6 percent came from foreigners, 20 percent were requests for help from victims of violence, and 10 percent were requests for information on shelters. Of reported abuse cases, 55 percent involved physical violence, and 29 percent involved psychological violence. Husbands were responsible for 44 percent of the cases of violence. The ministry also operated a hotline for victims of stalking. Between August 2012 and July, police received 7,085 stalking complaints.

Harmful Traditional Practices: In contrast with prior years, there were no reports of “honor killings.”

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 have 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 have the same legal status and rights as men, including rights under family law, labor law, property law, and inheritance law.

The law prohibits any form of gender discrimination and provides for fines or imprisonment of employers who of unequal pay between men and women. In many cases, however, victims of discrimination did not base their complaints on protections provided by employment laws or collective contracts. According to Eurostat the overall gap between salaries for men and women increased from 5.5 percent in 2010 to 5.8 percent in 2011, the last year for which statistics are available. Women continued to be underrepresented in many fields, including management, entrepreneurial business, and other professions. In 2012, 29 percent of managers were women. Data released during the year revealed that women made up approximately 11 percent of board members of public companies (April) and 17 percent of board members of parastatals (October). The law requires that 20 percent of the members of all companies' boards be women by the end of the year.

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 immediate birth registration.

Child Abuse: According to the latest data available, from January to August 2012 Telefono Azzurro, an NGO that advocates children's rights, received 921 requests for assistance. In 48 percent of the cases, the victims were girls; 11 percent of the reported episodes involved physical violence, 7 percent physiological violence, and three percent sexual abuse. Information on trials and convictions was not available.

Forced and Early Marriage: The minimum age for marriage is 18, but the tribunal court for minors may authorize marriages for couples as young as 16. According to the National Institute for Statistics (ISTAT), four men and 52 women under the age of 18 were married in 2011, the last year for which data was available.

Harmful Traditional Practices: Female genital mutilation/cutting (FGM/C) is a crime punishable by up to 12 years' imprisonment. According to the NGO Albero della Vita, in 2012 approximately 7,700 girls were at risk of FGM/C. Some of them were subject to infibulation by relatives or senior members of immigrant communities, very often without anesthesia or with rudimentary scalpels. An interagency committee headed by the Ministry of Equal Opportunity was in charge of combating FGM/C.

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 2012 a special police unit monitored 30,204 websites and reported 335 persons to authorities for crimes involving child pornography online, and 78 persons were arrested. On March 7, police in nine regions arrested four persons accused of downloading and disseminating child pornographic material and seized digital materials and devices during searches.

Save the Children estimated that in 2010, 2,400 minors were victims of trafficking. Of these, 62 percent were trafficked for sexual exploitation. While few children with Italian citizenship engaged in prostitution for survival, the independent research center Parsec reported that a sustained flow of underage migrants from Eastern Europe did so. More current information was not available.

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 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 and prominent individuals and extremist fringe groups were responsible for anti-Semitic remarks and actions, including vandalism and anti-Semitic material on the internet.

In November the European Union's Fundamental Rights Agency released a survey on discrimination and hate crime against Jews in eight EU member states, including Italy. Of the country's Jews, 26 percent stated they had experienced anti-Semitic harassment in the past 12 months, while 33 percent stated they had experienced this in the past five years.

On April 8, a Rome judge convicted four members of the anti-Semitic group Stormfront to 30 months to three years in prison for publishing lists of Jews and businesses run by Jews on a neo-Nazi website. On April 18, Bolzano prosecutors shut down two websites of the association Holywar, which posted anti-Semitic material produced in Norway. Prosecutors charged some organizers with hate crimes. On June 2, authorities in Verona discovered anti-Semitic graffiti and swastikas on the walls of the city synagogue on the day of a celebration of the local Jewish community.

The Ministry of Education, Universities, and Research funded training courses for teachers designed to prevent anti-Semitism on social media. In November Sapienza University opened the country's first-ever anti-Semitism course at a university.

### **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 access to public buildings and facilities was not guaranteed, and there were incidents of societal discrimination.

Although the law mandates access to government buildings for persons with disabilities, mechanical barriers, particularly in public transit, 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 is responsible for protecting

the rights of persons with disabilities. According to ISTAT, during the 2011-12 school year, the most recent available data, 145,000 persons with disabilities attended schools, of whom 81,000 were pupils in elementary schools assisted by 65,000 specifically assigned and specially trained instructors. In March, 1,214 persons were confined in six psychiatric prisons, often with inadequate facilities and limited access to psychiatric services.

Persons with disabilities generally were able to participate in political and public life. The government provided voting assistance at polling stations, in hospitals, and in homes to persons with serious impediments. In many instances municipalities provided free transportation to persons with disabilities who requested it. The law provided fiscal incentives to employers with more than 15 employees to hire workers with disabilities.

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

In 2012 the European Committee against Racism and Intolerance (ECRI) criticized the government for narrowing the scope of the law against hate crimes, making the initiation of complaints more complicated and reducing the penalties for violation. As a result, the ECRI reported, few victims brought complaints of mistreatment.

Societal violence and discrimination against the Roma, Sinti, Caminanti, and other ethnic minorities remained a problem. In 2012 UNAR's hotline received information on 1,283 cases of alleged discrimination, 51 percent of which were based on race and ethnicity. UNAR provided legal assistance and helped mediate disputes.

On June 17, a court in Padua sentenced Dolores Velandro, a city counselor from the Northern League party, to 13 months in prison and a three-year ban on holding public office for instigating sexual violence for racial reasons against the Congolese-Italian Minister of Integration, Cecile Kyenge. Velandro wrote on an anti-immigrant Facebook page, "Why doesn't anyone rape her, that way she will understand the experience of the victim of this bloody crime?" Northern League representatives and supporters repeatedly targeted Minister Kyenge with racial slurs.

No data were available on the ethnic composition of the Romani 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. The press and NGOs reported cases of demagoguery, violent

attacks, forced evictions from unauthorized camps, deportations, municipal mistreatment, and government efforts to remove Romani children from their parents. By July the Observatory for the Security against Discrimination received 130 reports regarding 56 crimes against Roma. Police arrested 11 persons and opened investigations of another 33. UNAR reported 549 unconfirmed cases of discrimination against Roma, 24 cases of confirmed discrimination, 28 cases of hate speech, and 117 cases of incitement to discrimination between January 1 and June 10. During the same period UNAR also promoted 47 initiatives to remove sources of discrimination. On June 10, it shut down two blogs called “Stop Gypsies in Italy” and “Roma go away! Let’s expel gypsies from Italy.”

Government officials at the national and local levels, including those from the Ministry of Interior and UNAR, met periodically with Roma and their representatives. In February 2012 UNAR released the National Strategy for the Inclusion of the Roma, Sinti, and Caminanti Communities as recommended by the EU’s Framework Convention for the Protection of National Minorities. Amnesty International reported that during the year the government had not yet implemented the national strategy. The country is not a member of the Decade of Roma Inclusion.

On May 2, the Supreme Court upheld the Council of State’s 2011 ruling that declared unlawful the Nomad Plan, which permitted the Ministry of Interior to move Roma from illegal encampments to new, legal camps. In 2009 the plan envisaged closing some 100 informal settlements and relocating their Roma inhabitants to 13 formal camps, but during the year there were only eight formal camps, and informal settlements quintupled to more than 500, despite 536 forced evictions. According to the NGO Associazione 12 Luglio, overcrowding and isolation in the formal camps resulted in a worsening education situation for children, did nothing to reduce poverty, and increased the social marginalization of Roma.

On August 12, the European Roma Rights Center reported that the Turin municipality suspended the water supply of a public fountain used by 300 Roma living in an unauthorized camp. The municipality made the decision at the request of citizens living in the same area who complained that Romani families lined up throughout the day to get drinking water and wash clothes.

Parents of all 15 non-Sinti children in a school in Landiona, Novara, transferred their children to a school in neighboring Vicoluno, leaving behind 20 Sinti students. The parents of the Sinti children learned of this only on September 10,

the first day of school, but the parents of the non-Sinti children had planned the separation of students before the summer recess over the objections of municipal leaders.

On September 12, authorities forcibly evicted an estimated 250 Serbian-Roma from the Via Salviati camp in Rome and moved them into the 1,100-person Castel Romano camp populated by Bosniak-Roma and others. This camp had already experienced interethnic fighting in June when unknown arsonists set a fire destroying the containers provided by local authorities as homes for Romani families there. NGOs claimed that the eviction did not meet international standards because there was no genuine consultation with the Roma concerned and no alternative adequate housing provided.

According to NGOs the regularization of Roma living in camps was not possible under current laws, particularly for Romani children born to unregistered or stateless parents. Romani children whose parents were from the former Yugoslavia were not recognized officially as stateless, if their birth and status certificates from the former Yugoslavia were unavailable. In February a new local statute in Rome penalized Roma seeking social housing because their camps qualified them as already having “permanent housing.”

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

Antidiscrimination laws exist and apply to LGBT victims of homophobic and transphobic offenses specifically. AGEDO, an Italian NGO that provides counseling to parents of LGBT youth in Palermo, described cases in which teenagers were sexually abused by relatives, confined to their homes, banished from their homes, or referred to “sorcerers” to help them “fix” their sexual orientation or gender identity.

On June 21, UNAR adopted the National Strategy to Prevent and Contrast Discrimination on Grounds of Sexual Orientation and Gender Identity.

The press reported cases of violence against gay and lesbian couples during the year. According to the results of a survey conducted by the LGBT NGO Gay Center released in May, 49 percent of homosexual students stated that they were targets of discrimination or victims of prejudice at school, 42 percent at home, 33 percent in restaurants and bars, and 30 percent on the internet or in the mass media.

On August 10, an 11-year-old boy committed suicide in Rome because he had been discriminated against and insulted for his sexual orientation. During the year three men in Rome committed suicide and attributed their deaths to bullying or harassment because of their sexual orientation.

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

There were no reports of violence or discrimination against persons with HIV/AIDS. 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 of the armed forces. The law allows company and territorial level agreements to deviate from the sectoral national collective agreements that regulate the working rights and conditions in the country. Violations of freedom of association or collective bargaining rights were possible when employers chose to negotiate and sign agreements with a union that did not represent the majority of employees. 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 transit 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 reinstatement if their employer has more than 15 workers in a unit or more than 60 workers in the country. 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 may order the employer to correct the violation immediately. An employer who does not comply with such an order is liable to fines and imprisonment of up to three months. The government effectively enforced the law; however, according to an ISTAT survey from 2007, trials on labor conditions lasted an average of 949 days.

Workers exercised these rights, including union formation and participation and legal strikes. Workers organized and bargained collectively.

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

The law prohibits all forms of forced or compulsory labor. The law prohibits labor exploitation and illicit mediation. Penalties include fines and imprisonment of up to eight years.

The government effectively enforced such laws. Between January and July, the financial police identified 19,250 irregular workers, of whom some, especially undocumented migrants, were victims of exploitation. They were underpaid, worked in unhygienic conditions, or were exposed to safety hazards. Such practices occurred in the service, construction, and agriculture sectors.

Approximately 55 percent of the employees of 2,570 companies suspended for irregularities by the Ministry of Labor between January and April were improperly employed. In 2012 the Ministry of Labor deployed 3,600 inspectors, including 450 Carabinieri, to verify the labor conditions of 140,000 companies. Of the 163,000 irregular workers, 62 percent worked in the service sector, 18 percent in construction, 16 percent in the industrial sector, and 4 percent in agriculture.

On July 27, the Carabinieri filed charges against two persons and fined four companies near Caserta for illegally employing 10 migrants from Romania, Ukraine, and North Africa as agricultural laborers. Intermediaries recruited the migrants who then worked 12 hours a day for a total of 25 euros (\$33.75) without a labor contract.

According to union sources, between 70 percent 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. In 2012 the union Federation of Agro-Industrial Workers--Italian General Confederation of Labor estimated that up to 43 percent of agricultural workers (400,000) worked irregularly and one-quarter of the total, mainly foreigners, worked an average of 10 to 12 hours a day for 25 euros to 30 euros (\$34 to \$41). In August 2012 the Ministry of Labor and Social Policies conducted inspections in 86 farms in Foggia, Latina, Lecce, and Salerno and discovered that 74 percent of the 486 Italian workers and 21 percent of the 124 foreign workers were illegally employed.

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 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 service industries. In 2012 labor inspectors identified 897 minors working illegally, the majority of whom (78 percent) worked in the service sector.

Romani adults continued to use Romani children of all ages for begging and, in some instances, for sex trafficking and theft. 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 provided education and other services in order to prevent exploitation. According to the Ministry of Welfare, in January it assisted 5,538 unaccompanied minors, but another 1,465 ran away from shelters. Of the total, 94 percent were male and 59 percent were age 17 and under. The top three countries of origin for child laborers were Bangladesh, Egypt, and Afghanistan.

### **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 2012 the official poverty line was set at 991

euros (\$1,338) 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 government, with regular union input, effectively enforced standards related to hours of work 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 hours per quarter and 250 hours 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 independent research center CGIA estimated that in 2012 approximately three million workers in the informal sector produced 6.5 percent of the GDP. They worked primarily in the south, in the agricultural and service sectors.

According to the Workmen's Compensation Institute, there were 820 work-related deaths in 2012, including traffic deaths traveling to and from work.