

# ITALY 2014 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Italian Republic 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 of Ministers. The president of the republic, who is the head of state, nominates the prime minister after consulting with political party leaders in parliament. International observers considered the national parliamentary elections in February 2013 to be free and fair. Authorities maintained effective control over the security forces.

Principal human rights problems included substandard living conditions in detention centers for undocumented mixed-migrant populations, poor conditions, and overcrowding in prisons, and violence against women, including domestic violence.

Other human rights problems included excessive and abusive use of force by police, incarceration of pretrial detainees with convicted criminals, an inefficient judicial system, governmental corruption, sexual abuse of children, and anti-Semitic vandalism. There was trafficking of persons for both labor and sexual exploitation. Societal prejudice and municipal government policies permitted the mistreatment of minorities, including of Roma, exacerbating their social exclusion and restricting access to education, health care, employment, and other social services. Observers also reported cases of violence against lesbian, gay, bisexual, and transgender (LGBT) persons and labor discrimination based on sexual orientation. Labor exploitation and child labor were problems, especially in the service sector and the southern agricultural region.

The government investigated, 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 placed four Carabinieri police officers under investigation for manslaughter in the death of Riccardo Magherini, who died of a heart attack after

his arrest in Florence on March 2. On July 21, a judge sent to trial eight police officers for abuse of power, illegal arrest, and manslaughter in the death of Giuseppe Uva after his 2008 arrest in Verona. Uva was in police custody for one night before dying in a hospital. A prosecutor in a previous investigation had cleared the officers of all charges.

### **b. Disappearance**

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

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

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

There were reports police occasionally used excessive force against individuals, particularly immigrants detained in connection with common criminal offenses or in the course of identity checks. On June 4, a court convicted nine police officers, Leonardo Mascia, Guido Faggiani, Andrea Serrao, Roberto Marinelli, Adriano Cramerotti, Fabrizio Cola, Leonardo Vinelli, Rossano Bagialemani, and Michele Costanzo, and sentenced them to four years in prison for abuse of power and use of violence against Stefano Gullotta in 2010. The court found the officers beat Gullotta after identifying him as a violent soccer fan and ordered them to pay 40,000 euros (\$50,000) in compensation to Gullotta's family.

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

Some prisons were significantly overcrowded and antiquated. The Council of Europe's Committee for the Prevention of Torture and the European Court of Human Rights (ECHR) noted the poor conditions of prisons and persistent overcrowding but recognized improvements during the year.

Physical Conditions: On October 31, the Ministry of Justice reported 54,207 inmates were held in 203 prisons designed to hold 49,347 persons. Of the adult inmates, 35,864 were convicted criminals serving sentences, while 18,343 adults

were pretrial detainees. The law requires the separation of pretrial detainees from convicted prisoners, but authorities sometimes held both in the same sections of prison facilities. Female prisoners (2,343 at the end of October) occupied separate prison sections. At the end of December 2013, 401 juveniles were incarcerated.

According to Ristretti Orizzonti, an NGO that tracks information on incarceration, between January 1 and October 26, 37 of the 115 prisoners who died in custody were suicides. On April 8, a judge in Milan sentenced a psychologist, Roberta De Simone, to eight months in prison and ordered the Ministry of Justice to pay 530,000 euros (\$660,000) to the family of Luca Campale, a detainee who committed suicide in 2009. He needed special treatment for a mental disorder, but the Milan prison's psychiatric department was over capacity. Campale died in a standard cell with other inmates.

All prisoners and detainees had access to sufficient food of acceptable quality and potable water. Older facilities lacked outdoor or exercise space, and some prisons lacked adequate medical care.

Administration: Recordkeeping on prisoners was adequate. Authorities used alternatives to incarceration for nonviolent offenders, such as house arrest and community service. As of mid-June, 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 prisoners' 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. Prisoners could 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 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. In late March the civil liberties committee of the European Parliament visited two prisons in Naples and Rome.

Improvements: During the year the government finalized agreements with the Romanian and Moroccan governments allowing the repatriation of convicted

prisoners to serve out sentences in their home countries. In May the government held an estimated 3,600 Romanian detainees.

On June 20, the government approved a decree providing eight euros (\$10) per day of confinement for each of the 6,000 already released detainees who had appealed to the ECHR to examine the conditions of cells smaller than the minimum 33 square feet per person required by law. Those who were still in prison were granted a compensation of one day of amnesty for every 10 days spent in inadequate spaces. On September 25, the ECHR rejected complaints concerning inhuman conditions due to prison overcrowding submitted by 19 detainees in 2013 for failing to exhaust domestic remedies. The ECHR ruled government reforms in 2013 and 2014 offered appropriate relief. A 16 percent decrease in inmates helped to improve prison overcrowding during the year.

#### **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**

Two of the country's five national police forces, the National Police and the Carabinieri, maintain internal security. The Carabinieri is the national military police. Although it is also one of the five branches of the armed forces, it carries out certain civilian law enforcement duties. The Ministry of Interior coordinates between the National Police and nonmilitary units of the Carabinieri. The army is responsible for external security but also has specific domestic security responsibilities, such as guarding public buildings. The three other police forces are the Prison Police, which operates the prison system; the National Forestry Corps, which enforces law in parks and forests; and the Financial Police, the customs agency under the Ministry of Economy. Civilian authorities maintained effective control over the National Police and the Carabinieri, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year, although long delays by prosecutors and other 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 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 prosecutor must decide within 24 hours of the detention whether there is enough evidence to request the validation of the 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 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 to 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 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.

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 drug and immigration cases awaiting trial, the lack of judicial remedies, and insufficient 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 is 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. There were isolated reports that judicial

corruption and politically motivated investigations by magistrates impeded justice. A significant number of court cases reportedly involved long trial delays.

### **Trial Procedures**

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants have the right to the 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.

The courts of assizes, which have jurisdiction over the most serious crimes, consist of two professional judges and six laypersons chosen at random from among citizens between the ages of 30 and 65. 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 have adequate time to discuss and prepare cases with their lawyers in appropriate facilities available in all prisons, 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.

Domestic and European institutions continued to criticize the slow pace of the judicial process. The Ministry of Justice reported criminal cases that ended in 2013 and included an appeal to the Supreme Court lasted an average of 1,507 days. The country's "prescription laws" (statutes of limitations) in criminal proceedings require a trial must end by a certain date. Courts determine when the statute of limitations should apply. Defendants often took advantage of delays in proceedings in order to exceed the statute of limitations. By doing so they could avoid a guilty sentence at trial or gain release pending an appeal. In addition there was a lack of appropriate rules to grant compensation in cases of long trials.

### **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 exhaust all avenues for a remedy in the country's court system. According to the European Commission, in 2012 civil trials lasted approximately 600 days.

### **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, but there were reports the government did not always respect this prohibition. Searches and electronic monitoring generally are permissible with judicial warrants and in carefully defined circumstances. The telephone operator Vodafone revealed that in 2013 prosecutors submitted more than 605,000 requests for wiretaps. 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. The law allows magistrates to destroy illegal wiretaps police discover or seize that are irrelevant to the judicial case or are from commercial eavesdropping.

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

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

The constitution provides for freedom of speech and press, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to provide for freedom of speech and 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, but no convictions were reported during the year.

The law considers insults against any divinity to be blasphemy, a crime punishable by a fine ranging from 51 to 309 euros (\$64 to \$386). There were no reports regarding enforcement of these laws during the year.

Press Freedoms: Laws that restricted freedom of speech apply to the print media as well. The independent media were active and expressed a wide variety of views. There was frequent political debate over the threat posed by bias and partisanship on the part of some of the country's leading media outlets. Through his family holding company, Fininvest, former prime minister Silvio Berlusconi 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 daily newspapers, *Il Giornale*. Media organizations tended to reflect the point of view of their proprietors or backers, whether a business entity or a political group.

Violence and Harassment: The National Federation of the Italian Press reported several instances of threats against journalists made by members of organized crime. On July 17, police put Michele Albanese, a reporter of the daily newspaper *Quotidiano del Sud* in Reggio Calabria, under special protection after he received threats and intimidation from organized crime gangs whose illicit activities he had documented in his newspaper.

Libel Laws/National Security: Public officials continued to bring cases against journalists under libel laws. According to the independent observatory Ossigeno per l'Informazione (OPI), 19 journalists were sued for libel between January 1 and August 14. On August 7, a civil court in Milan ordered Giorgio Mule, editor of a national magazine, *Panorama*, to pay 55,000 euros (\$69,000) to Patrizia D'Addario for the 2010 publication of three articles detailing an alleged conspiracy against Berlusconi that the court considered defamatory. 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 some journalists investigating organized crime received threats and risked their lives, especially in the south. The OPI reported that in the first eight months of the year, 290 journalists were victims of intimidation.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. According to International Telecommunication Union statistics, 58 percent of the population used the internet in 2013. The National Center for the Fight against Child

Pornography, a special unit of the postal and communications division of the National Police, monitored websites for crimes involving child pornography.

### **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 the freedoms 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/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **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. In 2013 the government examined 25,838 requests for asylum and granted asylum to 3,144 persons. While the flows of persons arriving by boat from Greece and Turkey decreased, the number of arrivals originating from East Africa and Syria markedly increased. Between January and September a record 139,000 refugees, asylum seekers, and economic migrants reached the country by sea. The Ministry of Interior reported 24 percent of these were Syrian and 23 percent Eritrean, the two most numerous nationalities of arrivals. Among arrivals from Syria were a large number of Palestinians who had lived in camps in that country. In addition there was a surge in Palestinians fleeing conflict in Gaza in late summer. Based on accounts from survivors and rescuers, the UNHCR estimated 1,889 persons died

crossing the Mediterranean between January and August 27, the large majority of them in June. NGOs and independent observers reported on shortcomings in the identification of foreigners and asylum procedures, including inconsistency of standards applied in reception centers and difficulties accessing information.

Safe Country of Origin/Transit: The country is party to the EU's Dublin Regulation and its subsequent revisions, whereby members generally transferred asylum applications to the first EU member country in which the applicant arrived, or returned applicants to safe countries of origin. Between January and May, the government deported or repatriated 13,304 migrants, primarily to Tunisia.

Refoulement: The government generally provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. On July 31, the Cassation Court ruled the expulsion of Alma Shalabayeva (the wife of Kazakh dissident and former oligarch Mukhtar Ablyazov) and her daughter in May 2013 was illegitimate and ordered the Ministry of Interior to pay 5,200 euros (\$6,500) as compensation to the victims. The Kazakh embassy in Rome had provided a private aircraft to return them to Kazakhstan.

Refugee Abuse: Authorities set up temporary centers to house mixed-migrant populations, including refugees and asylum seekers, but they could not keep pace with the increasing number of arrivals. The press reported limited health care, 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 inhuman living conditions and, in particular, abuse of minors, overcrowding, prolonged periods of detention, and inadequate access to cultural mediators and lawyers. Mixed migratory populations often remained in centers longer than the 35-day limit set by law.

In December 2013, 15 irregular migrants awaiting deportation sewed their lips together with wire to protest inadequate living conditions and the long waiting time after having either served prison sentences or been denied asylum. On February 21, a court in London suspended the expulsion to Italy of four asylum seekers registered in Italy on the grounds their return to Italian migration centers would put them at risk of torture, rape, and other violations of human rights. On May 15, approximately 250 asylum seekers protested the poor living conditions of a center

near Rome in which they were housed. During the year asylum seekers also created disturbances in the Foggia, Caltanissetta, and Lamezia Terme centers.

Employment: Employers continued to discriminate against noncitizens in the labor market. Employers and organized criminals also continued to take advantage of the lack of legal protection for noncitizens against exploitation to subject them to abusive working conditions. NGOs and immigrant communities alleged the lack of counseling and training programs limited refugees' access to jobs. The paucity of official protective measures for new immigrants, legal or otherwise, made these communities particularly vulnerable to exploitation by organized crime. In August, Amnesty International alleged undocumented and rejected asylum seekers were working in unsafe conditions for extremely low wages near Foggia (see section 7.e.).

Access to Basic Services: NGOs reported thousands of legal and irregular foreigners, including asylum seekers and refugees, lived in abandoned buildings in Rome and other major cities and had limited access to public services.

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

The constitution provides citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

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

Recent Elections: National and international observers considered the parliamentary elections in February 2013 and the elections for the European parliament on May 25 to be free and fair.

Participation of Women and Minorities: There were 92 women in the 321-seat Senate and 193 women in the 630-seat Chamber of Deputies, including the president of the chamber. Women held eight of 17 positions in the Council of Ministers, including serving as the ministers of defense and health. 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 8 percent of the population. 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. The government generally implemented these laws effectively, but officials sometimes engaged in corrupt practices with impunity. There were incidents of government corruption during the year. The World Bank and the European Commission considered corruption to be a problem and estimated it at 4 percent of GDP.

Corruption: The National Anticorruption and Transparency Office in the Ministry of Public Administration and Simplification is the government's watchdog on corruption. The Financial Police announced that in 2013 corruption by officials resulted in the loss of more than two billion euros (\$2.5 billion) of public funds and fraud accounted for the loss of another 1.4 billion euros (\$1.8 billion). Between January and October 2013 prosecutors opened investigations of 5,073 public employees for corruption. Between January and September the Financial Police and the Court of Audit accused 7,400 public employees of corruption, including 1,200 public health workers, and requested 2.2 million euros (\$2.8 million) in compensation. On May 26, police placed the former minister of the environment, Corrado Clini, under house arrest on charges of graft and misappropriation of 3.4 million euros (\$4.3 million) of the 54 million euros (\$68 million) of public funds earmarked for a water treatment project in Iraq.

There were instances of judges allegedly colluding with organized crime. On July 22, the Chamber of Deputies authorized the arrest of a former governor of Veneto, Giancalo Galan, as part of a corruption probe into contracts to build a flood prevention system for Venice. He was accused of receiving three million euros (\$3.8 million) in kickbacks between 2005 and 2012 from the company contracted to manage the project.

Financial Disclosure: The law requires members of parliament to disclose their assets and incomes. The two chambers create a publicly accessible bulletin on each of their websites containing information on each parliamentarian, but only if the parliamentarian agrees to posting the information online. Ministers' disclosures must be posted online. The Ministry of Simplification and Public Administration encouraged adherence to voluntary guidelines for financial disclosure by the leaderships of all ministries below the ministers.

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 was effectively implemented, 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: The Interministerial Committee for Human Rights at the Ministry of Foreign Affairs and the Senate's Human Rights Committee focused on international and high-profile domestic cases. The National Office to Combat Racial Discrimination (UNAR) in the Department of Equal Opportunity of the Presidency of the Council of Ministers assisted 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, ethnic minorities such as Roma, and LGBT persons.

#### **Women**

Rape and Domestic Violence: The prescribed penalty for the crime of rape, including spousal rape, is five to 12 years in prison. 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. 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 prosecuted only if a victim filed charges.

The National Institute for Statistics (ISTAT) reported 7 percent of women were at least once in their lives victims of physical and sexual violence committed by their partners, and 20 percent were victims of physical violence. Between August 2013 and July 2014, 72 women were killed by their partners, nine by their former partners, and 72 by relatives.

The Department of Equal Opportunity operated a hotline for victims of violence seeking immediate assistance and temporary shelter. Between January and May, the hotline received approximately 35,000 calls. Of the 1,800 calls received in September, 10 percent came from foreigners, 25 percent were requests for help from victims of violence, and 34 percent were requests for information on shelters. Of 560 reported abuse cases, 53 percent involved physical violence, and 37 percent involved psychological violence. Husbands were responsible for 44 percent of the cases of violence. In 2013 the NGO Telefono Rosa assisted 1,504 victims of violence. In 82 percent of cases partners, spouses, and former husbands and partners committed the violence. Approximately 22 percent of the cases involved physical violence.

The Department of Equal Opportunity also operated a hotline for victims of stalking. In 2013 the Ministry of Interior reported 10,700 stalking complaints in which 80 percent of the victims were women. In 5,900 cases perpetrators were given a restraining order, in 1,100 cases perpetrators received a police warning, and in 190 cases perpetrators were forced to move. The Ministry of Justice reported that in 2012 prosecutors investigated 11,436 cases of stalking. In 90 percent of the cases, the victims were women, and 15 percent were foreigners. In 74 percent of the cases, the perpetrators were former partners. The reasons given were the intention to reestablish a relationship (51 percent of cases), jealousy (26 percent), or psychological and sexual obsessions (21 percent).

Female Genital Mutilation/Cutting (FGM/C): FGM/C is a crime punishable by up to 12 years' imprisonment. During the year there were no reports of any incidents of FGM/C.

Sexual Harassment: Sexual harassment is illegal. The law on sexual violence prescribes penalties of five to 12 years in prison. Minor cases of verbal sexual harassment in public are punished with up to six months' incarceration and a fine of up to 516 euros (\$645). The government effectively enforced the law. By

government decree, emotional abuse based on gender discrimination is a crime, but many victims failed to report incidents. Police investigated the reports of harassment submitted to authorities.

Reproductive Rights: The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children; to obtain the information and means to do so; and to attain the highest standard of reproductive health, free from discrimination, coercion, and violence.

Discrimination: Women have the same legal status and rights as men, including rights under family law, labor law, property law, and inheritance law. In many cases victims of discrimination were unwilling to request the forms of protections provided by employment laws or collective contracts. The law requires equal pay for equal work. According to EuroStat's most recent data, the overall gap between salaries for men and women increased from 5.8 percent in 2011 to 6.7 percent in 2012. Women continued to be underrepresented in many fields, including management, entrepreneurial business, and other professions. In 2013, 31 percent of entrepreneurs and independent workers and 15 percent of heads of health departments were women. Data released in June indicated women constituted 21 percent of board members of public companies, 1 percent above the minimum required by law.

A number of government offices promoted women's rights, including the Department for Equal Opportunity and the Equal Opportunity Commission in the Prime Minister's Office. Many NGOs, most of them affiliated with labor unions or political parties, actively and effectively promoted women's rights.

## **Children**

Birth Registration: A child acquires Italian citizenship automatically when the parents are Italian citizens, when the parents of children born on Italian soil are unknown or stateless, or when the parents are foreigners whose countries of origin do not recognize the citizenship of their children born abroad. Citizenship is also granted if a child is abandoned on Italian soil and in cases of adoption. Local authorities required immediate birth registration. Unaccompanied minors entering the country automatically receive a residence permit.

Child Abuse: Between 2010 and 2013 Telefono Azzurro, an NGO that advocates for children's rights, received an average of 1,440 requests for assistance annually.

In 53 percent of the cases, the victims were girls. In 80 percent of the reported cases, the perpetrators were unknown to the victims. In 15 percent of sexual violence cases in 2013, the perpetrators were also minors.

Early and Forced Marriage: The minimum age for marriage is 18, but the tribunal court for minors may authorize marriages for individuals as young as 16. According to ISTAT, four boys and 52 girls under the age of 18 were married in 2011, the most recent year for which data was available.

Female Genital Mutilation/Cutting (FGM/C): FGM/C is a crime punishable by up to 12 years' imprisonment. Experts estimated 20,000 victims of FGM/C lived in the country. Some of them were subjected to infibulation by relatives or senior members of immigrant communities, very often without anesthesia or with rudimentary scalpels. On August 7, police arrested a Nigerian couple resident in the country for having FGM/C performed on their two underage daughters during a trip to Nigeria. An interagency committee headed by the Department 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, based on the relationship between partners. 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 2013 the National Center for the Fight against Child Pornography, a special unit within the postal and communications division of the National Police, monitored approximately 16,000 websites and reported 344 persons to authorities for crimes involving child pornography online. This information led to the arrest of 55 persons. On July 10, Venice police in cooperation with authorities of 11 other countries identified approximately 50 persons accused of downloading and disseminating child pornographic material and seized digital materials and devices during 26 searches conducted in 10 regions of the country.

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 report on compliance at [travel.state.gov/content/childabduction/english/legal/compliance.html](http://travel.state.gov/content/childabduction/english/legal/compliance.html) and country-specific information at [travel.state.gov/content/childabduction/english/country/italy.html](http://travel.state.gov/content/childabduction/english/country/italy.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 July and August, following the Israeli military invasion of Gaza, anti-Semitic graffiti, swastikas, and posters appeared on synagogues and shops owned by Jews across Rome. On August 5, the Ministry of Interior expelled Abd al-Barr al-Rawdhi, a Moroccan imam who prayed God would “kill the Jews to the very last one” during a sermon in San Dona di Piave.

The Ministry of Education, Universities, and Research funded training courses for teachers designed to prevent anti-Semitism on social media. On September 17, the Union of Italian Jewish Communities and the Foundation of Jewish Contemporary Documentation of Milan created the “Anti-Semitism Antenna,” a hotline for victims and witnesses of anti-Semitism to report incidents. In November 2013 Sapienza University offered the country’s first university-level anti-Semitism course.

### **Trafficking in Persons**

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

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in 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 many instances access to public buildings, transit, and facilities was not assured, and there were incidents of societal discrimination.

Although the law mandates access to government buildings for persons with disabilities, physical barriers, particularly in public transit, continued to pose challenges, especially in the south. Many cities lacked infrastructure (such as subway elevators, funicular stations, and ramps on sidewalks) for persons in wheelchairs or with limited mobility. Many municipalities provided free transportation to persons with disabilities who requested it. 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. The law provided fiscal incentives to

employers with more than 15 employees to hire workers with disabilities (see section 7.d.).

In June 2013 the Court of Justice of the European Union condemned the government for having failed to fulfill its obligation to implement a European directive establishing a general framework for equal treatment in employment and occupation. The court found the various measures adopted by the government for access of persons with disabilities to employment did not require all employers to adopt effective and practical measures covering all aspects of work, including advancement and training.

According to ISTAT, during the 2012-13 school year an estimated 149,000 persons with disabilities were students, of whom 84,000 were elementary school pupils. Of the total, 67 percent had physical disabilities.

In March approximately 1,000 persons were confined in six psychiatric prisons, which often had inadequate facilities and limited access to psychiatric services.

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

Societal violence and discrimination against the Roma, Sinti, Caminanti, and other ethnic minorities remained a problem. In 2013 UNAR's hotline received information on 959 cases of alleged discrimination, based on race and ethnicity (see section 7.d. for discrimination in employment). UNAR provided legal assistance and helped mediate disputes. NGOs estimated 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, municipal mistreatment, and government efforts to remove Romani children from their parents. The media reported social media were used also to spread discriminatory messages against Romani communities in some cities. By July the Observatory for 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 promoted 47 initiatives to remove sources of discrimination. Amnesty International reported the government had not implemented most of the National

Strategy for the Inclusion of the Roma, Sinti, and Caminanti Communities, but government officials at the national and local levels, including those from the Ministry of Interior and UNAR, met periodically with Roma and their representatives.

Housing remained a major problem. According to the NGO Associazione 12 Luglio, the municipality of Rome “squandered” the 24 million euros (\$30 million) it spent in 2013 to run Roma camps in cooperation with NGOs; 86 percent of the budget went to camp management and security, 13 percent to education, and 0.4 percent for social inclusion programs. In February the municipal government of Rome adopted a statute that stipulated Romani camps qualified as “permanent housing,” thereby disqualifying Roma living in them from receiving public housing. In March and June, two Romani camps were set on fire in Cosenza and Naples, causing the evacuation of hundreds of Roma. In July authorities expelled 39 persons, including 11 young children, from a settlement of Roma in the Roman suburb of Val D’ala.

On September 11, the mayor of Gattinara, Daniele Baglione, and other officials wore black ribbons to express their grief at the arrival of six Ghanaians housed in a former nursing home.

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

Antidiscrimination laws exist and apply specifically to LGBT victims of homophobic and transphobic offenses, but there was no provision for a victim’s sexual orientation to be considered an aggravating circumstance in hate crimes, nor is incitement to hatred based on sexual orientation prohibited. In 2013 Gay Help Line, an NGO that runs a hotline dedicated to LGBT persons, received 14,000 calls. Approximately 40 percent of callers under the age of 25 reported problems at school and with their families, while most adults (38 percent) reported discrimination at work (see section 7.d.). The press reported cases of violence against gay and lesbian couples during the year. On June 25, a group of adults and minors attacked the office of the association Di Gay Project in Rome with excrement, wooden boxes, and vegetables while members were rehearsing for a theater performance. The group made death threats, but no arrests were reported.

## **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 independent unions, bargain collectively, and conduct legal strikes. The government respected these rights. 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.

The law prohibits union organization of the armed forces and allows company and territorial level agreements to deviate from the sectoral national collective agreements that regulate the working rights and conditions in the country. The law mandates that strikes affecting essential public services (such as transport, sanitation, and health) require longer advance notification and precludes multiple strikes within days of each other. The law allows only those unions representing at least half of the transit workforce to call a transit strike.

The government effectively enforced these laws. Employers who violate the law are liable to fines and imprisonment of up to three months. These penalties were generally sufficient to deter violations. Administrative and judicial procedures were sometimes subject to lengthy delays. Judges effectively sanctioned a few cases of rights violations.

Freedom of association and the right to bargain collectively were generally respected. Worker organizations were usually free to operate independently of government or political party interference. Employers generally respected the rights of workers to organize and bargain collectively, although there were instances in which employers unilaterally annulled bargaining agreements. Employers continued to use short-term contracts and subcontracting to avoid hiring workers with bargaining rights.

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

The law prohibits all forms of forced or compulsory labor, and the government effectively enforced the law. Resources and inspections were generally adequate. Penalties of eight to 20 years' imprisonment were sufficiently stringent. Actual sentences for forced and compulsory labor were significantly lower than those provided by law.

In 2013 the Financial Police identified an estimated 27,000 irregular workers, including 14,000 undeclared workers, of whom some, especially undocumented

migrants, were victims of exploitation. These irregular workers were often underpaid, worked in unhygienic conditions, or were exposed to safety hazards. Such practices occurred in the service, construction, and agriculture sectors.

Forced labor occurred during the year. Workers were subjected to debt bondage in agriculture in the south of the country and in construction, domestic service, hotels, and restaurants in the north. Chinese men and women were forced to work in textile factories, and persons with disabilities from Romania and Albania were subjected to forced begging. On February 3, the NGO February Three criticized the exploitation of hundreds of Bangladeshi nationals, most of whom lacked residence permits, by Italian and Bangladeshi entrepreneurs in textile factories in the province of Naples. The entrepreneurs had allegedly seized their passports and forced them to work seven days a week for up to 14 hours a day. The NGO accused the entrepreneurs of engaging in slavery and assisted migrants with requests for residence permits for humanitarian reasons. Traffickers subjected Nigerian women to debt bondage. Children were also subjected to forced labor (see section 7.c.).

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

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

The law prohibits employment of children under the age of 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 and young women under the age of 21. Penalties for employing child labor include heavy fines or the suspension of a company's commercial activities. Government enforcement was generally effective in the formal economy. Enforcement was not effective in the relatively extensive informal economy, particularly in the south, where family businesses were common.

There were reports of child labor during the year. Irregular migrant child laborers, mostly between the ages of 15 and 18, continued to enter the country from North Africa and Asia. They worked primarily in the manufacturing and service industries. In 2013 labor inspectors identified 526 minors working illegally, 78 percent of whom worked in the service sector.

The Ministry of Labor, working with police and the Carabinieri, is responsible for enforcement of child labor laws, but its efforts produced limited results. As of

August the Ministry of Labor reported there were 11,010 identified unaccompanied minors in the country, of whom 2,771 ran away from shelters. Of those assisted, 7,700 were boys and approximately 80 percent were between the ages of seven and 14. The top three countries of origin for child laborers were Egypt, Eritrea, and Somalia. Romani adults continued to use Romani children of all ages for forced begging and, in some instances, for sexual exploitation and theft (see section 6, Children). Police did not always intervene to prevent forced begging by Romani children.

The Ministry of Labor recognized 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.

#### **d. Discrimination with Respect to Employment or Occupation**

The law prohibits discrimination in employment because of race, sex, gender, disability, language, HIV-positive status or carrying other communicable diseases, or social status. The government effectively enforced the law. Nevertheless, discrimination based on gender, religion, sexual orientation and gender identity occurred (see section 6). For example, on April 28, a Muslim woman reported to online media the owner of a hotel refused to offer her an internship because she wore a hijab. On August 6, a court in Milan ordered Carlo Taormina to pay 10,000 euros (\$12,500) to the LGBT association LGBT-Rete Lenford for having said in a televised interview in 2013 he did not intend to hire homosexuals in his office since “they are against nature.” Taormina was convicted under a law prohibiting discrimination based on sexual orientation in the workplace. Employment discrimination based on pregnancy and maternity occurred.

#### **e. Acceptable Conditions of Work**

The law does not provide for a minimum wage. Instead, collective bargaining contracts negotiated by unions and employers set minimum wage levels for different sectors of the economy. During the year the government set the official poverty line at 1,047 euros (\$1,309) per month for a family of two. 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 firms at no more than 80 hours per quarter and 250 hours annually. The law prohibits compulsory overtime and provides for paid annual holidays. It 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 law prohibits labor exploitation and illicit mediation.

The government, with regular union input, effectively enforced standards in the formal sector. Standards were not enforced in the informal sector. The Ministry of Labor is responsible for enforcement. It employed 3,095 labor inspectors and 366 police officers who conducted an estimated 140,000 inspections of companies in 2013. The National Social Security Institute and the National Institute for Insurance against Accidents at Work conducted approximately 95,000 inspections of companies. Inspectors found irregularities 65 percent of the time. In 2013 the Ministry of Labor found an estimated 33,000 irregularities in the implementation of safety standards. Resources, inspections, and remediation were generally adequate to ensure compliance in the formal sector only. Penalties for violations included up to six months' incarceration and up to 6,400 euros (\$8,000) in fines and were not sufficient in some instances to deter violations.

The independent research center CGIA estimated that during the year approximately 2.8 million workers in the informal sector produced 6 percent of the country's economic output, working primarily in the south (46 percent of total unregistered workers) in the agricultural and service sectors. Of the approximately 116,000 irregular workers identified by inspectors in 2013, 64 percent worked in the service sector, 16 percent in construction, 16 percent in the industrial sector, and 4 percent in agriculture. Workers in the informal sector often worked for less than the comparable minimum wage in the formal sector. They were underpaid, worked in unhygienic conditions, or were exposed to safety hazards. On December 1, seven Chinese workers died in a fire that destroyed a Prato garment factory outside Florence where they worked and lived.

According to union sources, between 60 percent and 80 percent of agricultural workers in the south did not have legal employment agreements and faced harsh working and living conditions. Family members and minors who worked in small, family-owned businesses faced similar conditions. In October the independent research center Eurispes estimated 32 percent of workers in agriculture, mainly foreigners, were irregular, and that employers required them to work for up to 12 hours a day for a daily wage averaging 20 euros (\$25). Between January and August, the Ministry of Labor and Social Policies suspended 4,700 companies for having hired unregistered workers.

According to the Workmen's Compensation Institute, there were 660 work-related deaths in 2013, including traffic deaths while commuting. It also stated workers

were generally able to remove themselves from dangerous health or safety conditions without jeopardizing their employment, and authorities protected employees in these situations.