

## ITALY

Italy is a multiparty parliamentary democracy with a population of approximately 60 million. The bicameral parliament consists of the Chamber of Deputies and the Senate. The constitution vests executive authority in the Council of Ministers, headed by the president of the council (the prime minister). The president, who is the head of state, nominates the prime minister after consulting with the leaders of all political forces in the parliament. International observers considered the 2008 national parliamentary elections free and fair. Security forces reported to civilian authorities.

Principal human rights problems were lengthy pretrial detention; excessively long court proceedings; violence against women; trafficking in persons; and reports of negative attitudes and harassment of gays, lesbians, Roma, and other minorities.

### RESPECT FOR HUMAN RIGHTS

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

a.    Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings, however, during the year security forces were involved in several controversial killings.

On February 6, police in Bergamo shot and killed a Moroccan immigrant, Aziz Amiri. Press reports state that the decedent's car rammed a military vehicle when it was subjected to a traffic stop. Prosecutors opened an investigation for disproportionate use of force by police as they attempted to arrest Amiri.

On October 9, the parents of Federico Aldrovandi agreed to a two-million-euro (\$2.7 million) settlement with the Ministry of the Interior over the death of their son from a beating by four police officers in 2005. In July 2009 the court in Ferrara sentenced the four police officers to 42 months in prison for manslaughter. On March 5, three of the officers were found guilty of dereliction of duty and abetting dereliction. On December 10, the trial against the fourth officer began.

On October 14, a court in Rome sentenced a police inspector, Paolo Morra, to 10 years in prison and three years in a psychiatric hospital for the killing of his

neighbor, Cheikh Diouf, a Senegalese immigrant. The incident, which took place in Civitavecchia in January 2009, was the result of a minor dispute.

On December 1, the Appeals Court of Florence sentenced a police officer, Luigi Spaccarotella, to nine years and four months' imprisonment for the murder of Gabriele Sandri during a fight between rival soccer fans in Arezzo in 2007. Spaccarotella had been sentenced to six years in jail for manslaughter in July 2009, but the appeals court ruled that the killing was voluntary.

Doctors who performed the autopsy in the March 2009 case of the Algerian man who died in a center for identification and expulsion in Rome determined that his death was the result of a heart attack. Other detainees had claimed that police officers had beaten him. The results of an internal investigation by the Ministry of the Interior have not been released.

In September 2009 a trial against two police officers charged with the murder of Giuseppe Turrisi, a man who was living in a homeless shelter, began in Milan. A final ruling on the case was not reported as of year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices; however, there were reports that police occasionally used excessive force against persons, particularly Roma and immigrants, detained in connection with common criminal offenses or in the course of identity checks.

On October 19, two police officers were indicted for having restrained and beaten a man who had stolen a car in Milan in August 2009. Another officer was put on trial for aiding and abetting his two colleagues.

On December 7, a trial began against eight Parma police officers charged with assaulting Emmanuel Bonsu Foster while arresting him in 2008 on drug charges.

On April 4, the Council of Europe's Committee for the Prevention of Torture (CPT) published the report of its 2008 visit to the country's prisons and detention

facilities. The CPT reported that in general detained persons were correctly treated and that overall conditions were satisfactory, but that the country's prisons and detention facilities nevertheless had significant problems.

While most detained persons that the CPT interviewed reported that police treated them correctly in custody, the CPT did receive a number of allegations of physical mistreatment and excessive use of force by police and Carabinieri officers and, to a lesser extent, by officers of the financial police. The alleged mistreatment consisted in the main of punches, kicks, or blows with batons at the time of apprehension and, on occasion, during custody in a law enforcement establishment. Most of the allegations related to police and Carabinieri officers in the Brescia area. In a number of cases, the CPT found medical evidence consistent with the allegations.

On June 17, the Appeals Court of Genoa sentenced Gianni De Gennaro, who was head of the National Police during protest demonstrations at the 2001 G-8 Summit, to 16 months' imprisonment for having induced police officers to give false testimony regarding police behavior toward the protesters. However, De Gennaro retained his position as the director of the department responsible for oversight of Italy's two main intelligence agencies. His lawyers planned to appeal the case to the Supreme Court, but a date for the final ruling on the case has not been set.

On March 5, an appeals court sentenced seven police officers to prison terms of 12 to 38 months for the "inhuman or degrading treatment," including assault, on some detained 2001 G-8 Summit protesters. Originally 44 police officers were put on trial. The other 37 were not sentenced because the statute of limitations had run out. The court ordered all 44 defendants to pay compensation to the victims. On May 18, the Genoa Appeals Court sentenced 25 police officers to prison terms of 44 to 48 months for perjury, conspiracy, or assault stemming from their raid on a building used by the protesters.

In its report released on April 4, the CPT noted that, in addition to violating the principal of refoulement, authorities carrying out government's policy known as "push-back," which involves intercepting migrants at sea and returning them to non-European countries, used disproportionate appropriate force (see section 2.d.).

On June 7, the Ministerial Committee of the Council of Europe called on Italy to avoid deportations that would violate European Court of Human Rights (ECHR) rulings. The Ministry of Interior expelled four Tunisians, including Toumi Ali Ben Sassi in 2009 and Ben Khemais in 2008, who were suspected of terrorism. The ECHR ruled that the deportations violated the European Convention on Human

Rights on the grounds that the returned men risked torture and mistreatment in their home country.

### Prison and Detention Center Conditions

Many prison and detention centers met international standards, although some prisons were seriously overcrowded and antiquated. The government permitted visits by independent human rights observers.

On July 15, a Rome prosecutor requested the indictment of 13 physicians, nurses, and agents charged with violence, perjury, abuse of power, and abetting in the death of Stefano Cucchi, who was under arrest for drug possession. While he was in custody, police transferred him to Rebibbia prison and then to a hospital, where he died in October 2009. The judge's ruling was pending at year's end.

As of November 30, according to the Ministry of Justice, 69,155 inmates were in a prison system designed to hold 44,066; however, the uneven distribution of prisoners left a few institutions particularly overcrowded. Older facilities lacked outdoor or exercise space, and some prisons lacked adequate medical care. In September approximately 54 percent of inmates were serving sentences; 43 percent were mainly detainees awaiting trial. Prisoners had access to visitors and attorneys and were allowed to submit complaints to judicial authorities, who generally investigate credible allegations. The government and nongovernmental organizations (NGOs) regularly monitored the prison system.

According to an independent research center, between January and November, 160 prisoners died in custody, 61 of them by suicide. There were allegations that a small number of these deaths were the result of abuse or negligence on the part of prison officials.

In its April 4 report, the CPT noted that conditions were generally acceptable in the country's prisons, but many prisons were seriously overcrowded, and in some cases prisoners lacked basic hygiene items. The CPT also noted that, in some cases, corrections officers used excessive or disproportionate force to restrain prisoners, which at times resulted in injuries. The CPT found that in some prisons, prisoners sentenced to long terms did not have sufficient access to family visits or telephone calls.

In December an officer from the Via Corelli Identification Center was sentenced to seven years and two months in prison for the 2009 rape of a Brazilian transsexual inmate.

Some groups, including the NGO Doctors without Borders, claimed that conditions in detention centers were poor and that there was evidence of overcrowding. There were reports of disturbances at detention centers for immigrants throughout the year. For example, on August 28, 30 detainees staged a protest at Gradisca d'Isonzo, while nine other detainees used the disturbance for an escape attempt. The next day detainees continued to try to escape, injuring soldiers who were attempting to restore order. On December 12, detainees protested at the Via Corelli detention center in Milan. A week later detainees caused additional property damage at the detention center.

The law does not require pretrial detainees to be held separately from convicted prisoners; they were held together in smaller prisons.

The government permitted visits to detention facilities by independent human rights organizations, parliamentarians, and the media.

Several municipalities and the NGO Antigone had permanent independent ombudsmen to promote the rights of detainees and facilitate access to health care and other services. The central government assigned magistrates to every prison in the country to provide for prisoners' rights, to apply measures to prevent infiltration of organized crime amongst inmates, and to examine alternatives to incarceration. The magistrates also made decisions on eligibility for parole and work release.

The government provided access to detention centers for representatives of the Office of the UN High Commissioner for Refugees (UNHCR), and these visits were in accordance with the UNHCR's standard modalities.

On January 14, the government adopted a prison plan designed to establish 18 new facilities from 2011 and to hire 2,000 additional prison guards. In September the government approved a decree enabling citizens of other EU countries serving prison sentences in Italy to be transferred to, and serve out their sentences in, their countries of origin.

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

Civilian authorities maintained effective control over the Carabinieri, the national police, the financial police, and municipal police forces. The government has effective mechanisms to investigate and punish abuse. There were no reports of impunity involving the security forces during the year; however, long delays by prosecutors and other authorities in completing some investigations undercut the effectiveness of mechanisms to investigate and punish police abuses. Police have proven effective at enforcing laws, conducting investigations, and seizing assets of criminal organizations, taking into account the resources dedicated to such activities.

### Arrest Procedures and Treatment While in Detention

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

Authorities generally respected the right to a prompt judicial determination. Although the law entitles detainees to prompt and regular access to lawyers of their choosing, authorities did not always respect that right in practice. In its April 4 report, the CPT found that in some cases police effectively denied detained persons the right to an attorney, which can be invoked only at the time of arrest, by engaging them in "informal chats" before a formal arrest was made.

The law permits detainees access to family members. The state provides a lawyer to indigent persons. In exceptional circumstances, usually in cases of organized crime figures where there is danger that attorneys may attempt to tamper with evidence, the investigating judge may take up to five days to interrogate the accused before access to an attorney is permitted. Some NGOs and international organizations asserted that the terrorism law is deficient in due process and in some cases resulted in the deportation or return of alien suspects to countries where they

had reason to fear persecution. The law allows increased surveillance and enhanced police powers in terrorism cases to gather evidence, for example, DNA for purposes of identification (see section 2.d.).

Lengthy pretrial detention and trial delays were significant problems. During the first half of the year, 43 percent of all prisoners were either in 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 were due to the large number of trials, the lack of nonjudicial remedies, and insufficient and inadequate distribution of offices and resources, including judges and staff.

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

Authorities may impose preventive detention as a last resort if there is evidence of a serious felony or if the crime is associated with the Mafia or terrorism. Except in the most extraordinary situations, the law prohibits preventive detention for pregnant women, single parents of children under age three, persons more than 70 years of age, and those who are seriously ill.

#### e. Denial of Fair Public Trial

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

There were some reports of judicial corruption. On July 12, the Supreme Council of the Magistracy initiated a disciplinary action against Alfonso Marra, the president of the Milan Court of Appeals. Several regional politicians, a former judge, and others with possible links to an organized group pressured members of the council to secure Marra's appointment to the Milan court. After his appointment there were allegations that the same group pressured Marra to rule in favor of recertifying candidates previously barred from running in regional elections. In March the court had initially denied those candidates' petitions and other paperwork due to alleged irregularities in signatures.

#### Trial Procedures

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public. Although the law provides that defendants have access to an attorney in a timely manner, authorities did not always respect this right in practice. Defendants may confront and question witnesses against them and may present witnesses and evidence on their own behalf. Prosecutors must make evidence available to defendants and their attorneys upon request. Defendants have a presumption of innocence and the right to appeal verdicts.

On July 27, an appeals court in Milan ruled that a man arrested in 2002 and convicted of rape, but found to be innocent of the crime in 2005 and January 2009, should receive 58,000 euros (\$78,000) in compensation for his 247 days of incarceration, his loss of work, and the eight years he lived under a false accusation of pedophilia.

Domestic and European institutions continued to criticize the slow pace of justice. The Court of Cassation estimated that 18,000 new cases were initiated at the national level during the first six months of 2009, compared with 14,000 in the same period of 2008. Also in 2009 courts rendered 6,800 judgments against the government for excessively protracted proceedings.

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

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Regional Human Rights Court Decisions

All citizens have the right to appeal their cases to the ECHR. The government complied with the ECHR's final decisions on such appeals. In 2009 the ECHR found that the country violated the European Convention on Human Rights in 69 cases, compared with 83 in 2008.

On April 13, the ECHR found that the government violated the European Convention on Human Rights in expelling a Tunisian national, Mourad Travelsi, suspected of terrorism. The court ordered the authorities to pay 21,000 euros



(\$28,000) in damages, court costs, and compensation. In 2008 the Ministry of Interior deported Travelsi to Tunisia despite a previous court ruling that suspended his expulsion from Italy.

### Civil Judicial Procedures and Remedies

The constitution provides for an independent and impartial judiciary in civil matters. Civil remedies are determined by law. Arbitration is allowed and regulated by contracts. Often citizens and companies turned to arbitration because of trial delays.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice. Searches and electronic monitoring were generally permissible with judicial warrants and in carefully defined circumstances. The Court of Cassation's lead prosecutor may authorize wiretaps of terrorism suspects at the request of the prime minister.

The media published leaked transcripts of government wiretaps authorized as part of continuing investigations. Between February and May, two leading national newspapers, *Corriere della Sera* and *La Repubblica*, published transcripts of telephone calls, including personal details, between various persons who were under investigation for their possible involvement with irregularities in the awarding of contracts by the government.

The law allows magistrates to destroy illegal wiretaps discovered by police.

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

#### a. Freedom of Speech and Press

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

The independent media were active and expressed a wide variety of views. However, disputes over partisanship continued to prompt frequent political debate.

The two main opposition parties and NGOs contended that media ownership was concentrated in too few hands. Prime Minister Silvio 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. His brother owned one of the country's nationwide dailies, *Il Giornale*. Italian media organizations tended to reflect the point of view of their proprietors, whether a political party or a business entity.

Freedom House's 2010 report noted "increased government attempts to interfere with editorial policy at state-run broadcast outlets."

During the year, the National Federation of the Italian Press criticized some instances of what it described as excessive restrictions on freedom of expression.

On July 14, police in Chiavari searched the newsroom of the daily *Secolo XIX*, which had published details and wiretap transcripts obtained from a police investigation into organized crime. The regional association of journalists protested the newsroom search.

Public officials continued to bring cases against journalists under the country's libel laws.

On August 2, the president of the Chamber of Deputies, Gianfranco Fini, announced that he had filed suit against the newspaper *Il Giornale* for publishing defamatory articles alleging that the brother of his girlfriend improperly acquired an apartment that was originally donated to the political party founded by Fini.

On June 19, journalist Marco Travaglio was fined 16,000 euros (\$21,000) for making defamatory comments about the president of the senate, Renato Schifani, during a nationally broadcast RAI television talk show that aired in 2008.

On October 21, Prime Minister Berlusconi filed a libel suit against television journalist Milena Gabatelli of the national broadcaster RAI. She dedicated part of her weekly show to investigating Berlusconi's real estate investments in Antigua. Gabatelli suggested that the prime minister might have been involved in money laundering.

There was no update during the year on Prime Minister Berlusconi's libel suit against the daily *La Repubblica* for the publication of a list of leading questions

including some that concerned matters which became public when Berlusconi's wife asked for a divorce

There was no update during the year on Prime Minister Berlusconi's libel suit against the daily *L'Unita* for printing two unfavorable articles on his private life in July and August. Berlusconi sought three million euros (\$4 million) in damages.

In the view of most observers the risk of such suits did not affect adversely the willingness of the press to report on politically sensitive subjects.

### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

There were no reports of government attempts to collect, request, obtain, or disclose the personally identifiable information of a person in connection with that person's peaceful expression of political, religious, or ideological opinion or belief.

A special unit of the police monitored Web sites for crimes involving child pornography online. The government could request other governments to block foreign-based Internet sites if they contravened national laws. As an antiterrorism measure, authorities required that Internet cafe operators obtain licenses and that those utilizing wireless Internet areas register personal information before logging on. According to Eurostat, in 2009 approximately 53 percent of citizens had access to the Internet at home.

On February 25, a Milan court convicted three Google executives for privacy violations, but acquitted them of criminal defamation charges, related to a video clip that was uploaded to Google Video in 2006 that showed an autistic student being bullied by other students. The three executives received suspended six-month sentences. Google stated that it was unaware of the video and removed it within two and one-half hours after police notified the company of the objectionable content. Google appealed the verdict. The case sparked considerable international debate over Internet freedom and the balance between privacy, intellectual property rights, and combating criminal behavior.

### Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

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

c. Freedom of Religion

For a description of religious freedom, see the *2010 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

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

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

The government cooperated with the Office of the UNHCR and other humanitarian organizations to protect and assist refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the government did not use forced exile in practice.

Protection of Refugees

The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The country is a party to the EU's Dublin II Instruction, whose partners generally transfer asylum applications to the first EU member country in which the applicant arrived. In practice 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.

In 2009, 17,600 persons applied for asylum, compared to 30,500 in 2008. According to the UNHCR, the dramatic decrease in asylum requests was the result

of the country's controversial repatriation of persons aboard boats intercepted in the Strait of Sicily in international waters before they reached land. In 2009, 2,230 immigrants were granted asylum status. The government issued temporary residence permits which had to be renewed periodically. While not a guarantee, these temporary permits could lead to future permanent residence. According to the UNHCR, the top three countries of origin of asylum seekers were Nigeria, Somalia, and Pakistan. Turkey and Greece often served as part of the transit corridor for asylum seekers from Pakistan and other countries of that region.

The government also provided temporary protection to individuals who may not qualify as refugees. In 2009, 5,194 persons received temporary protection, and 2,149 obtained humanitarian protection.

In practice the government provided protection against the expulsion or return of persons with refugee status 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.

Between August 2009 and July 2010, the Ministry of the Interior identified 3,500 individuals who came ashore illegally from North Africa, compared to 29,000 in the previous 12 months. Those who were apprehended were sent to temporary detention centers for processing, and a magistrate determined whether to deport them (if their identity could be ascertained), issue them an order to depart (if their identity could not be ascertained), or accept them for asylum processing.

According to the government, 6,600 unaccompanied minors lived in the country in September 2009, 77 percent of them undocumented. Their top countries of origin were Morocco, Egypt, Albania, and Afghanistan. The Interior Ministry equipped special sections of identification centers to host minors.

During the year the government continued to implement its 2008 agreement with Libya that included provisions for patrolling the Libyan coast by Italian and Libyan officers using Italian boats. The controversial agreement allows all immigrants departing from the Libyan coast, not only Libyan nationals, to be turned back before they reach Italy.

Amnesty International's annual report, released in May, criticized Italy for "expelling immigrants to countries that don't guarantee the respect of their rights"; fail to screen foreigners; and fail to identify refugees, unaccompanied minors, and victims of trafficking. The report also accused the Italian and Maltese governments

of stopping boats in international waters without providing basic assistance to migrants on board. According to the Ministry of Interior, during the year, no boats were sent back to Libya by Italian authorities. Between January and March, only 52 intending immigrants made it to shore in Sicily compared to 4,450 during the same period in 2009. From January to July, an estimated 1,000 migrants coming from Turkey and Greece reached Puglia.

On April 24, the director of the police department for immigration, Rodolfo Ronconi, and the head of the financial police, Vincenzo Carrarini, were indicted in Siracusa for ordering the interception and return to Libya of a boat carrying 75 persons (including some minors) in August 2009. The charges alleged that those on the boat were returned against their will and were not allowed access to procedures for the protection of refugees.

In the report on its 2009 visit to the country that was released in April, the CPT described the government's "push-back" policy of intercepting migrants seeking to reach the country by sea before they can reach the country's territorial waters. According to the report, "the policy, in its present form, of intercepting migrants at sea and obliging them to return to Libya or other non-European countries, violates the principle of nonrefoulement." It noted that, while authorities screened these migrants for serious medical conditions, they did not provide them the opportunity for an individual assessment of their possible asylum claims and did not screen them for relevant documentation such as documents from the UNHCR, but instead transferred them wholesale into Libyan custody. The report also claimed that the country's authorities did not provide assistance in the form of water and food to those aboard boats intercepted in international waters.

The CPT report stated that the country's authorities acknowledged officially that they did not formally identify migrants who were intercepted at sea and "pushed back" and that the UNHCR had informed the CPT that, among the migrants pushed back, there were persons who were registered with the UNHCR and to whom it had previously issued temporary documents. According to the CPT, other migrants, including persons from Somalia and Eritrea, were later interviewed by the UNHCR and immediately found to be seeking, and possibly qualifying for, international protection. Between May and July 2009, 97 of the 632 boat returnees screened by the UNHCR were found to be seeking international protection.

The CPT noted that the procedures in place did not appear to provide scope for a determination of whether the migrants included persons in need of international protection and that it appeared that Italian authorities had issued clear guidelines

that migrants who were intercepted at sea were to be "pushed back," to the extent possible, provided they had not reached the country's territorial waters. Between May and July 2009, there was only one occasion when persons intercepted by the country's authorities in international waters were assessed as requiring urgent hospital care and transferred to Italian territory to receive such care. All other intercepted persons were transported to either Libya or Algeria, including persons who, according to health-care professionals aboard the Italian vessels, were scarcely in sufficiently good health to face the sea journey. The CPT report stated that "there would appear to be a real risk, in the Committee's view, that persons detained in Libya, including migrants, may be subjected to severe mistreatment and/or be sent to a country where they are at risk of such treatment."

On April 28, the government responded that migrants were repatriated in conformity with international treaties and in cooperation with Libyan authorities. Italian authorities asserted that all migrants intercepted at sea received water and food and were not improperly detained; those who were in need of medical treatment or intended to apply for protected status were brought to Italy. Between July and November 2009, the period covered by the CPT report, six Nigerians were hospitalized and 523 asylum seekers were brought to temporary shelters.

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

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

#### Elections and Political Participation

National and international experts, including observers from the Organization for Security and Cooperation in Europe, considered the 2008 parliamentary elections free and fair. In June 2009 the country held elections to the European Parliament that were considered free and fair.

Numerous political parties functioned without government restrictions or outside interference.

There were 59 women in the 322-seat Senate and 133 women in the 630-seat Chamber of Deputies. Women held five of 23 positions in the Council of Ministers.

The only legally defined minorities were linguistic: the French-speaking Valdostani and the German-speaking Altoatesini/Suedtiroler. There were four members of these groups in the Senate and three in the Chamber of Deputies. In a largely monolithic society, immigrants represented approximately 6.5 percent of the population, and fewer than half of them qualified as ethnic/racial minorities. Two members of immigrant groups (of Moroccan and Congolese origin) were elected to the Chamber of Deputies.

#### Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There continued to be isolated reports of government corruption during the year.

According to the president of the National Audit Court (Corte dei Conti), 221 persons were accused of corruption, 219 of embezzlement, and 1,714 of abuse of power in 2009. The National Audit Court convicted 126 persons of corruption in 2009.

Between January and June 2009, public authorities found sufficient cause to refer to prosecutors 5,574 persons suspected of such crimes as corruption (104 cases in 2009), abuse of power (948 cases in 2009), graft (121 cases in 2009), fraud (435 cases between January and June 2009), and embezzlement (133 cases between January and June 2009).

- On February 11, prosecutors opened an investigation to determine whether Undersecretary for Civil Protection Guido Bertolaso accepted bribes in exchange for awarding construction contracts for the planned 2009 G8 Summit headquarters in La Maddalena.
- On February 19, authorities indicted Governor Ottaviano Del Turco and 32 other local officials in Abruzzo for corruption, embezzlement, fraud, and abuse of power in a case allegedly involving 12.8 million euros (\$17.2 million) in the health care sector. The preliminary hearing began on June 14 and the main trial was scheduled to begin on April 15, 2011.
- On July 12, a court sentenced General Giampaolo Ganzer, head of an elite Carabinieri unit, to 14 years in jail for drug smuggling and embezzlement in



Milan. At year's end Ganzer remained in his position, but, at the end of December, authorities were considering transferring him to a training unit.

Members of parliament are subject to financial disclosure laws. The Ministry of Public Administration encouraged adherence to voluntary guidelines for financial disclosure on the part of the leadership of all ministries. The anticorruption and transparency office in the Ministry of Public Administration acts as the government watchdog on corruption.

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

#### 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.

An interministerial commission on human rights and a parliamentary committee on human rights focus on international and high-profile domestic cases.

#### Section 6 Discrimination, Societal Abuse, and Trafficking in Persons

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

##### Women

Rape, including spousal rape, is illegal, and the government enforced the law effectively. According to Italian National Institute of Statistics (ISTAT), in 2008, 4,893 cases of rape and 1,484 cases of sexual exploitation were reported to the police.

Violence against women, including spousal abuse, remained a problem. In September, ISTAT reported that almost 10.5 million women aged 16 to 65, or 51.8 percent of all women, had been victims of violence or harassment at least once in their lives. Between 2008 and 2010, 3.9 million women were involved in situations involving violence or harassment. Of these 3.9 million cases, 27 percent were verbal assault, 22 percent were stalking, 20 percent were indecent exposure, and 19 percent were physical violence. Women who lived in big cities were more at risk; 64.9 percent of such women reported experiencing violence or stalking at least once over their lifetime. An estimated 8.5 percent of women in the study reported sexual harassment at work.

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. In July, ISTAT estimated that 100 women had been killed by their partners or former partners over the previous 12 months. 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. According to the Ministry of Justice, of the five million assault victims, only 7.3 percent reported crimes to police.

On March 13, in Bergamo, a Moroccan man was sentenced to three years' imprisonment for several episodes of violence, including death threats, against his Italian wife. He accused her of violating Islamic moral values.

In 2009 the Ministry of Equal Opportunity established a hotline for victims of stalking in addition to the hotline for victims of violence seeking immediate assistance and temporary shelter. In 2009 the Ministry of Equal Opportunity hotline received 17,600 calls, 10 percent of them from foreigners. Between January and March police received 1,592 stalking complaints, 79 percent of them from women, and made 293 arrests, compared to 923 arrests between February 23 and December 2009. The NGO Telefono Rosa assisted 1,744 victims of violence, 287 of whom were foreigners. The NGO ACMID-Donna established a toll-free number for abused Muslim women and received 5,500 calls between November 2008 and August 2009. Approximately 82 percent of those cases involved violence or other mistreatment by husbands or relatives, including unwillingly participation in a polygamous marriage. No official statistics have been gathered on polygamous marriages in Italy, and estimates of women affected vary wildly from hundreds to tens of thousands.

There were occasional reports of "honor crimes."

- On August 14, in Pordenone, El Ketaoui Dafani, a 45-year-old Moroccan man, received a sentence of life imprisonment for the September 2009 murder of his 18-year-old daughter, Saana Dafani, because of her relationship with a 31-year-old Italian man.
- On April 29, police arrested an Egyptian man on charges of kidnapping, domestic assault, and sexual assault in Andria. The arrest followed escalating tensions between the man and his wife as she refused to cover her face when her husband's male friends visited their house. The man kidnapped their son and left him in Egypt to be raised by his paternal grandparents. Police arrested the man after he returned to Italy. The child was later reunited with his mother.

Female genital mutilation is a crime punishable by up to 10 years' imprisonment. The Ministry of Equal Opportunity estimated that 35,000 immigrant women were victims of genital mutilation. The vast majority of the women, 1,100 of whom were age 17 and younger, were victimized in their countries of origin. Most of the women lived in Lombardy, Veneto, Emilia Romagna, and Lazio. An interagency committee of the Department of Equal Opportunity in charge of combating female genital mutilation implemented a prevention program that included an awareness campaign for immigrants, an analysis of risks, and training of cultural mediators. In November 2009 the Ministry of Equal Opportunity inaugurated a hotline dedicated to victims of such mutilation.

The law permits domestic courts to try citizens and permanent residents who engage in sex tourism outside of the country, even if the offense is not a crime in the country in which it occurred. According to the domestic branch of End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Purposes, in recent years sex tourists from the country chose Thailand, Cambodia, Vietnam, the Czech Republic, northern Russia, and Brazil as preferred destinations.

The country has a code of conduct for tourist agencies to help combat sex tourism.

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

Couples and individuals had the right to decide the number, spacing, and timing of their children, and had the information and means to do so free from discrimination, coercion, and violence. Access to information on contraception,

and skilled attendance at delivery and in postpartum care were widely available. The maternal mortality rate was 5 per 100,000 live births in 2008. Women and men had equal access to diagnostic services and treatment for sexually transmitted infections, including HIV.

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

According to an independent research center, the overall gap between salaries for men and women was 16 percent, although a study released in July estimated the gap between men and women with the same jobs and qualifications was 2 percent. Women were underrepresented in many fields, including management, entrepreneurial business, and other professions. According to a report released by an independent research center in October, Italian women account for only 12 percent of all managers, compared to the European average of 33 percent. Only 3.2 percent of board members of Italian companies listed on the stock market were women.

On June 10, the government enacted a decree that would eliminate discrimination in the minimum retirement age of men and women in the public sector beginning in 2012. It would end women's entitlement to retire at 60, five years earlier than men. The European Commission found the rule illegal in 2008, and the country enacted the new law to be in compliance.

A number of government offices worked to promote women's rights, including the Ministry for Equal Opportunity and the Equal Opportunity Commission in the Prime Minister's Office. The Ministry of Labor and Welfare has a similar commission that focuses on women's rights and discrimination in the workplace. Many NGOs, most of them affiliated with labor unions or political parties, actively and effectively promoted women's rights.

## Children

Citizenship is derived from one's parents. Local authorities registered all births immediately.

In the first six months of the year, Telefono Azzurro, an NGO that advocates for children's rights, received 882 requests for assistance. An estimated 5 percent of these involved sexual abuse, 12.5 percent physical violence, and 6 percent psychological abuse. In 53 percent of the cases, the victims were female; 62

percent of the victims were younger than 10. In 2006 authorities registered approximately 170 reports of sexual intercourse with minors, 290 reports of production of child pornography, and 180 reports of possession of child pornography.

According to ISTAT, in 2008, police received 474 cases of sexual intercourse with minors and 537 cases of pedophilia.

NGOs estimated that 10 percent of persons engaged in prostitution were minors. In the regions of Sicily, Puglia, and Marche, between January and August, the NGO Save the Children identified 778 minors who had entered the country illegally. An estimated 380 of them were unaccompanied by adults.

On August 6, at the Bologna airport, police arrested a Cameroonian man for trafficking minors. He was found with a boy and a girl, both between 5 and 7 years old, traveling on stolen passports. The children were in protective custody pending their identification.

On May 24, the Ministry of the Interior announced the establishment of a new hotline run by Telefono Azzurro dedicated to helping find minors who disappeared and assisting those who ran away. In 2008 there were 1,330 runaways, of whom 998 were not citizens of the country.

Illegal immigrant child laborers from North Africa, West Africa, the Philippines, and China continued to enter the country. The flow of children from Albania continued to drop, possibly due to improved economic conditions in Albania and increased police cooperation between the country and Albania.

Few of the country's children engaged in prostitution for survival. However, the independent research center Parsec reported that thousands of minors from Eastern Europe engaged in prostitution for survival. Prostitution under the age of 18 is against the law, but no penalty is specified.

Romani adults deploy Romani children of all ages for prostitution, begging, and theft. Such practices are common throughout the country, and, as a matter of practice, police do not intervene to prevent Romani children from being used in these activities.

The country, which has a statutory rape law, is not a destination for sex tourism. The minimum age for consensual sex varies from 13 to 16, based on the

relationship between partners. The penalty for child pornography ranges from six to 12 years in prison, and the penalty for violation of the law regarding the minimum age for consensual sex ranges from two to 10 years in prison. A special unit of the police monitored 26,600 Web sites during the year; the unit investigated 1,155 persons for crimes involving child pornography online and arrested 51 persons. According to the NGO Telefono Arcobaleno, during the year 4.7 percent of persons accessing pornographic materials involving minors worldwide were from the country. Between January and November, Telefono Arcobaleno received 2,580 reports of online pedophilia. These reports could come from Internet users who came across child pornography online or from persons who reported suspected activity involving exploitation of minors.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

### Anti-Semitism

The country's estimated 30,000 Jews maintained synagogues in 21 cities.

No violent anti-Semitic attacks were reported during the year. Instances of anti-Semitic graffiti occurred in a number of cities. Small extremist fringe groups were responsible for anti-Semitic acts.

On March 17, a 75-year-old rabbi of Moroccan origin was insulted on a bus in Milan by a group of persons yelling, "Jews go away! We will kill you all." No one on the bus, including the driver, intervened to defend the man.

On January 28, anti-Semitic graffiti containing threats against the president of Rome's Jewish community appeared in the center of the city. On March 28, commemorative stone markers in Rome for a family deported to Auschwitz during World War II were vandalized.

On May 21, police searched the homes of four activists of the fascist group Militia who were organizing a summit with other radical associations to create a national network. Authorities believe the group was responsible for anti-Semitic graffiti, hate crimes, and vandalism committed in Rome and other cities.

The government strongly criticized the acts of anti-Semitic vandalism. Prime Minister Berlusconi, Foreign Minister Franco Frattini, and other politicians across the political spectrum expressed solidarity with the victims. The government continued to host annual meetings to increase public awareness of the Holocaust and to combat anti-Semitism.

On October 4, Prime Minister Berlusconi, while talking with supporters in front of his residence, told an anti-Semitic joke that was subsequently made public.

On December 28, a Rome municipal employee and former member of a defunct neo-fascist terrorist group was suspended after he used his office computer for a social networking conversation that included an anti-Semitic remark.

### Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

### Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other state services. The government effectively enforced these provisions, but there was some societal discrimination. The NGO Antigone claimed there was a pattern of abuse in prisons and mental health facilities, highlighting some cases of death possibly resulting from poor treatment of those detained in such facilities. On June 11, a parliamentary committee visited the largest criminal detention center for those with psychiatric problems, which is in Aversa. The committee criticized the lack of adequate treatment for inmates, whom they described as neglected.

On September 9, a woman in a wheelchair claimed that the driver of a water taxi in Venice refused to transport her because of her disability. The municipality opened an investigation.

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

(such as elevators at subway and funicular stations and ramps on sidewalks) for persons with limited mobility and those in wheelchairs.

ISTAT estimated there were 2.6 million persons with disabilities in 2004, based on a sample survey of the population. Using a different methodology, an independent research center, Censis, estimated that during the year there were 4.1 million persons with disabilities.

#### National/Racial/Ethnic Minorities

There continued to be reports that authorities mistreated Roma. The press and NGOs reported cases of discrimination, particularly in access to housing, evictions, deportations, and government efforts to remove Romani children from their parents for their protection.

On September 1, in Livorno, an estimated 200 persons threatened two Romanians and threw stones at them before police intervened. According to the press, the two men had beaten two Italians who had previously criticized them for leaving an old washing machine on the street.

On June 25, a Brescia court sentenced Stefano Rizzi to 21 years' imprisonment for the 2008 "hate crime" killing of Mohamed Chamrani, a Moroccan who had been beaten and thrown into Lake Garda. Four minors also involved in the crime were placed under the supervision of the social services department.

There were no accurate statistics on the number of Roma in the country. NGOs estimated that 140,000, including 75,000 citizens, were concentrated on the fringes of urban areas in the central and southern parts of the country. Local officials and NGOs acknowledged that Romani camps were characterized by poor housing, unhygienic sanitary conditions, limited employment prospects, inadequate educational facilities, inconsistent police presence, and school-age children who are not attending school.

During the year the Interior Ministry continued a campaign to curb illegal immigration based on a 2008 emergency decree on security and immigration. Authorities arrested or ordered the expulsion of several hundred foreigners (mainly Roma) and took the names of others who lived in encampments near major cities. Between January and September, more than 9,000 foreigners were repatriated to their non-EU countries of origin, compared to 18,000 in 2009. An estimated 290 persons illegally in the country participated in a voluntary repatriation program.



On August 27, a child died and another one was seriously injured in an accidental fire that occurred in an illegal Romani encampment in the outskirts of Rome. The incident spurred Rome Mayor Alemanno to vow that the city would continue its efforts to tear down all unauthorized Romani settlements, including more than 200 illegal shanty towns that he stated remained around Rome. He added that persons who have arrived in Rome must be able to support and house themselves adequately; otherwise, they would have to leave.

The city of Rome continued efforts on its Nomad Plan through which the estimated 7,200 Romani inhabitants of the greater Rome area would be transferred out of unauthorized camps into authorized settlements built by the government. In February the city closed the Casilino 900 camp, formerly one of the largest Romani camps in Europe, and moved inhabitants to one of 10 authorized camps in operation during the year.

Government officials at the national and local levels, including those from the Ministry of the Interior and the Ministry of Equal Opportunity, met periodically with Roma and their representatives. In July the city of Rome appointed a Romani person to be an unofficial spokesperson for his community.

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

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

There are no laws criminalizing homosexuality. The press reported several cases of violence against gay and lesbian couples during the year. On May 24, several persons assaulted a gay man in Rome in a neighborhood where members of the gay community often met in bars and restaurants.

On January 24, a court sentenced Alessandro Sardelli to seven years in prison for assaulting a gay couple during a gay festival in Rome in August 2009.

The Rome police department has created a special unit to investigate reports of crimes based on sexual orientation.

The Arcigay reported two killings and 29 nonlethal attacks against lesbian, gay, bisexual, or transgender (LGBT) persons between January and August, compared with eight killings and 52 other attacks in 2009. Several of the crimes were described as domestic disputes. Some acts of vandalism were committed against bars and discos catering mainly to LGBT clientele.

On November 4, the LGBT-rights group Arcigay criticized Prime Minister Berlusconi's comment that "It's better to look at nice girls than to be gay," which was his response to allegations of improper involvement with a female minor. In the midst of the controversy over the remark, Minister for Equal Opportunity Carfagna noted that the government had promoted a number of initiatives to fight discrimination against gays and lesbians.

#### Other Societal Violence or Discrimination

There were no reports of violence or discrimination against persons with HIV/AIDs. No underlying pattern of discrimination/abuse was detectable based on verifiable incidents.

#### Section 7 Worker Rights

##### a. The Right of Association

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

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

In February 2009 the government approved a bill to restrict transport strikes. Only those unions representing at least half the workforce can call transport strikes.

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

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for the right of workers to organize and bargain collectively, and workers exercised this right. According to ISTAT about 8.1 million employees (47 percent of all employees) worked under national collective bargaining agreements. Trade unions estimated that 3.2 million employees were covered by a national collective bargaining agreement. These employees were also covered by a second contract negotiated at the company or territory-wide level.

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

There are no export processing zones.

The law relating to free-trade zones allows a company of any nationality to employ workers of the same nationality under that country's labor laws and social security systems.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, and the government enforced such laws; however, there were reports such practices occurred.

Women were trafficked for sexual exploitation, Romani children for sexual exploitation and begging, and workers for agricultural labor or to work in sweatshops manufacturing counterfeit products. For information on forced labor, please see the Department of State's annual *Trafficking in Persons Report* at <http://www.state.gov/g/tip>.

Parsec estimated that approximately 700 victims of labor trafficking worked outside the sex industry, mainly in domestic, agricultural, or service labor. Forced labor occurred primarily in the agricultural sector and mostly in the south where, according to Doctors without Borders, a large majority of the foreign seasonal workers were unregistered and did not hold residence permits.

Chinese men and women were trafficked to the country for forced labor. On May 31, police arrested the Chinese owner of a textile factory and charged him with

exploiting 15 Chinese illegal laborers. Police found the laborers working and living in poor conditions at the textile factory near Perugia.

d. Prohibition of Child Labor and Minimum Age for Employment

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

The law prohibits employment of children under age 15 with some limited exceptions, and there are specific restrictions on employment in hazardous or unhealthy occupations for boys under the age of 18 and girls under the age of 21. Enforcement was generally effective in the formal economy; however, enforcement was difficult in the extensive informal economy.

Illegal immigrant child laborers, mostly between 15 and 18 years of age, continued to enter the country from North Africa, the Philippines, and China. They worked primarily in the manufacturing and services industries.

Children were trafficked for sexual exploitation and begging. Please see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

On September 30, according to the Ministry of Welfare, 6,587 unaccompanied minors were registered, 74 percent of whom were hosted in protected communities.

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

e. Acceptable Conditions of Work

Minimum wages, set on a sector-by-sector basis, provided a decent standard of living for a worker and family. However, workers in the informal sector often worked for less than the minimum wage in the corresponding formal sector. The estimated 2.6 million workers in the informal sector accounted for 11.3 percent of the total workforce in 2009 according to ISTAT.

The legal workweek is 40 hours. Overtime work may not exceed two hours per day or an average of 12 hours per week. Unless modified by a collective bargaining

agreement, the law sets maximum overtime in industrial sector firms at 80 hours per quarter and 250 annually. The law requires rest periods of one day per week and 11 hours per day. Premium pay is required for overtime. These standards were effectively enforced.

The law sets basic health and safety standards and guidelines for compensation for on-the-job injuries. There were labor inspectors in both the public health service and the Ministry of Labor and Welfare, but their numbers were insufficient to provide for adequate enforcement of health and safety standards. The standards were not enforced in the informal economy. According to the Workmen's Compensation Institute, in 2009 there were 1,050 work-related deaths. Workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment, and the government effectively enforced this right.