

# ITALY

## EXECUTIVE SUMMARY

Italy is a multiparty parliamentary democracy with a bicameral parliament consisting of the Chamber of Deputies and the Senate. The constitution vests executive authority in the Council of Ministers, headed by the prime minister, who is the president of the council. The president, 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 included the continued incarceration of pretrial detainees with convicted criminals; substandard living conditions in overcrowded prisons and detention centers for undocumented migrants; and societal prejudice and some municipal mistreatment of Roma, which exacerbated their social exclusion and restricted their access to education, health care, employment, and other social services.

Other human rights problems included an inefficient judicial system that did not always provide speedy access to justice, government corruption, harassment and violence against women, sexual exploitation of children, and anti-Semitic vandalism. Trafficking for sexual and labor exploitation occurred, but the government prosecuted traffickers and assisted victims. A few cases of violence against gay men and lesbians and labor discrimination based on sexual orientation were also reported.

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

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

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

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 April 7, detainee Carlo Saturno was found hanged in a Bari prison cell. Saturno had been charged with assault after clashing with prison guards. The

public hospital physicians who examined him expressed doubts over the cause of death, and authorities opened an investigation.

On July 14, a judge ordered an extension of the investigation into the death of Moroccan immigrant Aziz Amiri, who police shot and killed as they attempted to arrest him in Bergamo in February 2010. Press reports stated that Amiri attempted to evade police during a routine traffic stop and was shot after he drove into an official vehicle.

### **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 individuals, particularly immigrants detained in connection with common criminal offenses or in the course of identity checks. There were also reports of abuse and poor care of inmates with psychological disabilities in prisons and mental health facilities (see section 6, Persons with Disabilities).

On March 4, a woman accused three Carabinieri (national gendarmerie) and local police officers of raping her on February 23 while she was in police custody in Rome. Prosecutors opened an investigation.

On November 22, the Court of Cassation cleared Gianni De Gennaro, former head of the National Police during protest demonstrations at the G-8 Summit in 2001, of charges of having induced police officers to give false testimony regarding police behavior toward the protesters. In June 2010 the appeals court of Genoa had sentenced De Gennaro to 16 months' imprisonment.

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

Some prisons were significantly overcrowded and antiquated. According to the Ministry of Justice, at year's end there were 66,897 inmates being held in 206 prisons designed to hold 45,700. Female prisoners (2,808 as of December) were held in separate prison sections. Uneven distribution of prisoners exacerbated overcrowding in certain institutions. In addition, as of June 30, a total of 479

minors were detained. All detainees had access to potable water. Older facilities lacked outdoor or exercise space, and some prisons lacked adequate medical care.

On January 3, the nongovernmental organization (NGO) Antigone submitted a complaint to prosecutors regarding the case of a minor, Carmelo Castro, who was found dead while under detention in the Catania prison in 2009. According to prison guards, Castro committed suicide, but the family and Antigone believed the guards submitted an inconsistent report on his death.

On July 14, a trial of five prison officers suspected of having beaten a Tunisian prisoner, Ismail Ltaief, began in Velletri. The detainee had reported to prison authorities that the guards were stealing foodstuffs from prison storage.

The law does not require the separation of pretrial detainees from convicted prisoners. At year's end approximately 59 percent of inmates were convicted criminals serving sentences, while the other 41 percent were primarily detainees awaiting trial.

On December 16, the government approved a prison decree aimed at easing the overcrowded prison system. According to the new legislation, pretrial detainees can now be held in special "police cells" for up to 48 hours in order to avoid being temporarily held in prisons together with convicted criminals. In addition detainees convicted for minor offenses are allowed to serve sentences of less than 18 months (or the remaining 18 months of a longer sentence) at home under house arrest.

Prisoners had access to visitors and attorneys and were allowed to submit complaints to judicial authorities, who generally investigate credible allegations. The government and NGOs regularly monitor the prison system.

From January to July the Ministry of Justice registered 24 cases of beatings, three reports of sexual violence, and 31 cases of personal injuries committed in prison. There was no evidence that women were disproportionately impacted by violence in prisons.

According to an independent research center, 186 prisoners died in custody during the year, 66 of them by suicide. There were allegations that a small number of these deaths were the result of prison official abuse or negligence.

On June 11, Antigone reported that detainees protested in the Viterbo prison and other detention centers and staged hunger strikes to protest overcrowding and inhuman living conditions.

On July 28, the president of the parliamentary Committee on Public Health Care, Ignazio Marino, said he found inadequate living conditions and lack of necessary patient treatment in several judicial psychiatric hospitals. The committee ordered the upgrading and partial closure of two facilities in Tuscany and Sicily.

The government permitted visits to prisons and detention facilities by independent human rights organizations, parliamentarians, and the media. Seventeen municipalities, six provinces, eight regions, and Antigone had permanent independent ombudsmen to promote the rights of detainees and facilitate access to health care and other services. The government assigned magistrates to every prison in the country to protect prisoner rights, implement measures to prevent organized crime infiltration into prisons, and examine alternatives to incarceration. The magistrates also made decisions on parole and eligibility for work release.

The Committee for the Prevention of Torture (CPT) of the Council of Europe (COE) periodically visited prisons and detention facilities, most recently in June 2010. The government also provided representatives of the Office of the UN High Commissioner for Refugees (UNHCR) access to detention centers for undocumented migrants in accordance with the UNHCR's standard modalities.

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

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

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

The ministries of interior and defense maintained effective control over the Carabinieri, national police, financial police, and municipal police forces. The army is responsible for external security but also has specific domestic security responsibilities. The government has mechanisms to investigate and punish abuse, and although there were no reports of impunity involving security forces during the year, long delays by prosecutors and authorities in completing some investigations reduced the effectiveness of mechanisms to investigate and punish police abuses. Police were effective at enforcing laws, conducting investigations, and seizing

assets of criminal organizations relative to the amount of 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 up to 48 hours before bringing the case to 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 a 2010 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 detainees in “informal chats” before formally arresting them.

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

Lengthy pretrial detention and trial delays were a significant concern. 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 from two to six years depending on the severity of the crime. According to independent analysts and magistrates, delays resulted from the large number of trials, the lack of nonjudicial remedies, and insufficient and inadequate distribution of offices and resources, including shortages of judges and staff.

There were instances of judges allegedly colluding with organized crime. On November 30, Milan prosecutors requested the arrest of Vincenzo Giglio, former president of the Reggio Calabria court of preventive measures, for corruption and aiding and abetting an organized crime family.

There is no provision for bail; however, judges may grant provisional liberty to detainees awaiting trial. As a safeguard against unjustified detention, detainees may request that a panel of judges (liberty tribunal) review their cases on a regular basis 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 organized crime or terrorism. Except in the most extraordinary situations, the law prohibits preventive detention for pregnant women, single parents of children under age three, persons more than 70 years of age, and the 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, a significant number of court cases reportedly involved long trial delays.

There were isolated reports of judicial corruption. For example, on January 18, Turin prosecutors opened an investigation on Imperia Court President Gianfranco Boccalatte for corruption in favor of organized crime.

#### **Trial Procedures**

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public. The Courts of Assizes, which have jurisdiction over the most serious crimes, are composed of two professional judges and six laypersons chosen at random among citizens 30 to 65 years old. Although the law provides that defendants have access to an attorney in a timely manner, authorities did not always respect this right in practice. 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.

Domestic and European institutions continued to criticize the slow pace of the judicial process.

Courts could determine when the statute of limitations should apply, and defendants who had been granted provisional liberty 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**

Individuals may appeal alleged human rights violations by the state to the European Court of Human Rights (ECHR) once all avenues for a remedy in the Italian court system have been exhausted. The government complied with the ECHR's final decisions on such appeals.

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

The constitution provides for an independent and impartial judiciary in civil matters. Civil remedies are determined by law. Contracts allow for and regulate arbitration. Individuals and organizations may seek civil remedies for human rights violations.

#### **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. According to independent observers prosecutors did not always limit the use of wiretaps to cases of absolute necessity as requested by the Supreme Court. On September 15, Bari prosecutors announced that they had ordered the recording of more than 100,000 telephone calls in a case regarding an entrepreneur and other business executives who allegedly blackmailed then prime minister Silvio Berlusconi.

The media published leaked transcripts of government wiretaps authorized as part of ongoing investigations. In June two leading national newspapers, *Corriere della*

*Sera* and *La Repubblica*, published transcripts of telephone calls between certain members of parliament and the ministries. Some of these government officials were under investigation for corruption and conspiracy to obtain confidential information regarding judicial proceedings.

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

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

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

#### **Status of Freedom of Speech and Press**

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

Freedom of 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. Former prime minister Berlusconi's family holding company, Fininvest, held a controlling share in the country's largest private television company, Mediaset; its largest magazine publisher, Mondadori; and its largest advertising company, Publitalia. Berlusconi's brother owned one of the country's nationwide dailies, *Il Giornale*. Italian media organizations tended to reflect the point of view of their proprietors, whether a political party or a business entity.

Violence and Harassment: On July 19, Rome prosecutors opened an investigation on then prime minister Silvio Berlusconi for abuse of power. In 2009 Berlusconi allegedly pressured the Italian public television network RAI to stop broadcasting *Annozero*, a political program hosted by Michele Santoro, who often criticized the government.

In its 2011 rankings, Reporters Without Borders indicated diminished press freedom in the country because of a long-standing conflict of interest that "bears the marks of the old government" led by media magnate and former prime minister Berlusconi.

The National Federation of the Italian Press criticized instances of what it described as excessive restrictions on freedom of expression. On February 1, police searched the apartment of *Il Giornale* journalist Anna Maria Greco, who had written an article on a Milan prosecutor. Some journalism associations protested the search.

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

### **Internet Freedom**

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

A special unit of the police monitored Web sites for crimes involving child pornography. As an antiterrorism measure, authorities required that Internet cafe operators obtain licenses and that those using wireless Internet areas register personal information before logging on.

### **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**

See the annual *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 UNHCR and other humanitarian organizations to provide protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

### **Protection of Refugees**

Access to Asylum: The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Following the Arab Spring, the flows of migrants arriving by boat dramatically increased. Unrest in Tunisia resulted in the suspension of the Tunisian agreement with Italy between January and April 5, after which Tunisia and Italy signed a new pact providing for enhanced border protection and repatriation of economic migrants. Most Tunisian migrants who arrived after April 5 were deported. Those who arrived before that date obtained temporary residence permits.

In March the Libyan government suspended the implementation of the friendship treaty with Italy, prompting a large number of sub-Saharan African migrants to leave Libya by boat, mainly for the Italian island of Lampedusa. Most of them qualified for asylum.

According to the government, between January and September, 4,012 foreign minors arrived in the country, 3,739 of whom were unaccompanied. Approximately 2,700 unaccompanied minors landed in Lampedusa. Those who were apprehended were sent to temporary detention centers for processing. A magistrate then determined whether migrants would be deported (if their identity could be ascertained), ordered to depart (if their identity could not be ascertained), or accepted for asylum processing. Between January and July, the government repatriated 13,700 migrants primarily to Tunisia. The Ministry of Interior, in cooperation with the International Organization for Migration, assisted the safe return of migrants to their home countries.

On January 20, there were 7,540 unaccompanied minors in the country, of whom 1,137 were Afghani. The Ministry of Interior equipped special sections of temporary detention centers to host minors.

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

Nonrefoulement: 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.

Refugee Abuse: There were reports of disturbances at detention centers for immigrants throughout the year. The large flows of Tunisians and African refugees fleeing Libya between January and September aggravated the already poor living conditions of temporary centers, especially in Lampedusa.

On June 6, detainees in the Bari detention center were responsible for disturbances that culminated in a mass attempt to escape by sawing through bars. The detainees injured several police officers, who arrested two Moroccans and nine Tunisians in connection with the incident.

On September 20, detained Tunisians at Lampedusa destroyed by arson the reception facilities on the island, resulting in the evacuation of migrants held there. According to a September 30 report by the Parliamentary Assembly of the COE after a May 23-24 visit, the government held Tunisians on Lampedusa for prolonged periods of time without access to a judge. The report also noted insufficient separation of minors, overcrowding, prolonged periods of detention, and inadequate sanitary facilities. Finally, the report criticized the government's slow response to the initial influx of migrants, noting the confusion and unsanitary conditions arising out of an early lack of action. Following the fire, Lampedusa's detention center closed for repairs.

Access to Basic Services: The government issued temporary residence permits that the Ministry of Interior could periodically renew. While not a guarantee, these temporary permits can lead to future permanent residence.

Temporary Protection: The government also provided temporary protection to individuals who may not qualify as refugees. Between January and June, 10,900 persons submitted asylum requests to authorities, compared to 5,400 in the same period of 2010. The top four countries of origin of 4,900 persons assisted between January and September were Afghanistan (14 percent), Somalia (13 percent), Eritrea (11 percent), and Nigeria (8 percent).

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

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

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

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

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

Two legally defined minority groups had representatives in parliament; the French-speaking Valdostani and the German-speaking Altoatesini/Suedtiroler had a total of four senators and three deputies. In a predominantly ethnically homogenous society, immigrants represented approximately 6.5 percent of the population, and fewer than half of these qualified as ethnic/racial minorities. Two representatives of ethnically diverse groups (of Moroccan and Congolese origin) were members of 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. Media continued to report on isolated incidents of government corruption during the year.

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

In 2010 the regional sections of the National Audit Court found sufficient cause to charge 227 persons with corruption and graft (40 cases), abuse of power (17 cases), fraud (95 cases), embezzlement (50 cases), and other crimes (25 cases).

All parliamentary arrests must be approved by the parliament. On July 20, police arrested parliamentarian Alfonso Papa for abetting criminals, breaching confidentiality, and accepting bribes during an investigation of a secret association. While the parliament approved Papa's highly politicized arrest, during the year it nevertheless blocked the arrests of several other parliamentarians, including Deputy Marco Milanese and Senator Alberto Tedesco.

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

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

### **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. The government's Office to Combat Racial and Ethnic Discrimination in the Ministry of Equal Opportunity (UNAR) assists victims of discrimination.

Government Human Rights Bodies: An interministerial commission on human rights and a parliamentary committee on human rights focused on international and high-profile domestic cases.

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

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

## Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal, and the government enforced the law effectively. According to the Italian National Institute of Statistics (ISTAT), in 2009 there were 4,963 cases of rape reported to the police.

Violence against women, including spousal abuse, remained a problem. In September 2010 ISTAT reported that approximately 10.5 million women aged 16 to 65, or 51.8 percent of all women, were victims of violence or harassment at least once in their lives. Between 2008 and 2010, 3.9 million women were involved in cases of violence or harassment. Of these 3.9 million cases, 27 percent were verbal assaults, 22 percent were stalking, 20 percent were indecent exposure, and 19 percent involved physical violence. Women who lived in big cities were more at risk; 64.9 percent of urban-dwelling women reported a case of violence or stalking at least once in their lifetime. An estimated 8.5 percent of women in the study reported sexual harassment at work. In 2010 police reported to prosecutors 4,813 cases of sexual violence, most of which occurred against women. Updated data were not available.

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. Police officers and judicial authorities prosecuted perpetrators of violence against women, but victims frequently declined to press charges due to fear, shame, or ignorance of the law.

In 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. Local authorities fund shelters and protected communities usually run by NGOs. These initiatives improved awareness of rights and remedies, and women were more inclined to denounce their abusers. Between mid-September 2010 and March 17, 2011, the Ministry of Equal Opportunity's hotline received 11,900 calls. Of the 4,500 calls received between January 10 and March 17, 2011, 10 percent were from foreigners, 35 percent regarded cases of psychological violence, 25 percent involved physical violence, and 6 percent involved stalking. In 2010 police received 5,739 stalking complaints, 87 percent of which were reported by women. Updated data were not available.

In 2010 the NGO Telefono Rosa assisted 1,749 victims of violence, 40 percent of whom were victims of physical violence, 38 percent of psychological violence, and

9 percent of stalking. Between September and December 2010 the NGO ACMID-Donna, which ran a hotline for abused Muslim women, received 1,376 calls, 970 of which were requests for help. Of those who called, 74 were victims of forced marriage; 23 were subsequently sheltered in protected communities.

Harmful Traditional Practices: The media occasionally reported on “honor crimes.” On December 22, a Modena court sentenced to life imprisonment a Pakistani, Khan Ahamad Butt, for the murder of his wife, Shanaz Begum. His son, Umair, was sentenced to 20 years in jail for the attempted murder of Butt’s daughter, Nosheen Butt. Shanaz Begum had defended her daughter against her husband and son after the daughter had refused an arranged marriage with an older man.

On January 28, a court of appeals sentenced 45-year-old Moroccan El Ketaoui Dafani to life imprisonment for the murder of his 18-year-old daughter, Saana Dafani, in 2009. El Ketaoui killed his daughter for having a relationship with a 31-year-old Italian man. His lawyers appealed the decision to the Supreme Court.

Female Genital Mutilation (FGM): FGM is a crime punishable by up to 10 years’ imprisonment. According to the National Institute for the Health of Migrants, which assisted close to 5,000 FGM victims over the previous 10 years, as many as 3,000 additional girls were at risk of genital mutilation. In 2009 the Ministry of Equal Opportunity estimated that 35,000 immigrant women (1,100 of whom were age 17 and younger) were victims of genital mutilation. In the vast majority of cases the mutilation occurred in the victims’ countries of origin. Most of the women lived in Lombardy, Veneto, Emilia Romagna, and Lazio. A Ministry of Equal Opportunity interagency committee in charge of combating FGM implemented a prevention program that included an awareness campaign for immigrants, risk analysis, cultural mediator training, and a hotline dedicated to FGM victims.

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

Reproductive Rights: Couples and individuals had the right to decide the number, spacing, and timing of their children and had the information and means to do so free from discrimination, coercion, or violence. Access to information on contraception and skilled attendance at delivery and in postpartum care were

widely available. Women and men received equal access to diagnostic services and treatment for sexually transmitted infections.

Discrimination: The law gives women the same rights as men, including rights under family law, inheritance law, property law, and the judicial process.

According to Eurostat the overall gap between salaries for men and women in 2009 was 5.5 percent. Women continued to be underrepresented in many fields, including management, entrepreneurial business, and other professions. In 2009, 63 percent of public health employees were women, but women accounted for only 18 percent of all public health executives. In 2010 women represented only 6 percent of board members of companies listed on the stock market. On June 29, the parliament approved legislation which requires companies listed on the stock market to appoint women to at least one-fifth of executive board positions by 2012 and at least one-third by 2015.

On December 22, the parliament approved legislation raising the retirement age for women and ending discrimination between men and women in the private sector by 2018.

A number of government offices worked to provide for 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 workplace discrimination. Many NGOs, most of them affiliated with labor unions or political parties, actively and effectively promoted women's rights.

## **Children**

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

Child Abuse: In the first six months of the year, Telefono Azzurro, an NGO that advocates children's rights, received 882 requests for assistance. Of these, an estimated 5 percent involved sexual abuse, 12.5 percent physical violence, and 6 percent psychological abuse. In 53 percent of cases the victims were female; 62 percent of the victims were younger than 10.

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 child pornography ranges from six to 12 years in prison, and the penalty for violating the minimum age for consensual sex ranges from two to 10 years in prison. Between January and September a special police unit monitored 16,100 Web sites; 685 persons were reported to authorities for crimes involving child pornography online, and 39 persons were arrested. Between January and March, Telefono Arcobaleno detected more than 18,000 Web sites used by pedophiles.

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

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

On June 28, police arrested 16 persons accused of sexually exploiting underage Italian girls in the province of Cosenza. Recruiters enticed and then forced their victims into prostitution.

On July 4, authorities arrested 11 persons for recruiting and forcing Romanian girls in Massa Carrara into prostitution. The girls' pimps threatened and beat them.

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

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

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

In October the Italian Chamber of Deputies' Committee for the Inquiry into Anti-Semitism released a new report on anti-Semitism in the country. The report cited a

2008 study by Italy's Center of Contemporary Jewish Documentation that estimates that 44 percent of Italians express attitudes and opinions "in some way hostile to Jews" and that 12 percent are "fully fledged anti-Semites." The report also documented the proliferation of anti-Semitic Web sites and the tendency for criticism of Israel to become anti-Semitic.

On January 27, anti-Semitic graffiti was discovered by local authorities on city walls, streets, and grave headstones in Stradella.

According to the Center of Contemporary Jewish Documentation, in 2010 there were more than 40 anti-Semitic Web sites. On January 18, a right-wing Web site published a list of names of Jewish university professors it accused of proselytizing for the "Zionist cause." Postal police promptly shut down the Web site. In December a Web site targeted several well-known Italian Jews by posting their photos alongside hateful messages. The photos were taken down after the Rome Jewish Community reported the incident to the police. In addition the Web site contained several anti-Semitic cartoons, conspiracy theories, and the text of *The Protocols of the Elders of Zion* "Zionist cause." Postal police promptly shut down the Web site.

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

### **Trafficking in Persons**

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

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in the areas of employment, education, access to health care, and the provision of other state services. The government effectively enforced these provisions, but there were incidents of societal discrimination. Antigone claimed there was a pattern of abuse in prisons and mental health facilities, highlighting a number of deaths that may have resulted from poor care for persons with disabilities. On March 16, a parliamentary committee released a report on six criminal detention centers for inmates with psychiatric problems. The committee found that several of the centers had poor living conditions and did not provide adequate patient treatment. On July 27,

police shut down 49 cells in two psychiatric facilities visited by the committee and arrested two Aversa hospital prison guards after charging them with sexually abusing a transsexual detainee on March 10.

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

A government agency, the Institute for the Development of Vocational Training for Workers, estimated there were three million persons with disabilities in the country, of whom 93 percent lived with their families.

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

There were no accurate statistics on the number of Roma in the country. NGOs estimated that between 120,000 and 170,000 Roma, including 75,000 citizens, were concentrated on the fringes of urban areas in the central and southern parts of the country.

During the year the Romani population continued to be subject to some municipal mistreatment, societal discrimination, and violent attacks against unauthorized camps. Some political discourse continued to contribute to municipal and societal discrimination against the Romani population, especially mob violence and individual attacks targeting Roma.

On December 10, a protest organized by residents of the Vallette suburb in Turin turned violent when some protesters attacked and burned a Romani camp by setting fire to caravans and makeshift shelters that housed approximately 150 Roma. The protest was organized after a 16-year-old girl reported to police that she had been raped by two Roma. The girl stated later to police that her accusations were false and publicly apologized. Amnesty International reported that, the day before the protest, leaflets were circulated inciting the inhabitants of the suburb to “clean up” the area where the settlement was located. Approximately 500 persons took part in the march; of those, approximately 30 were reported to have been involved in the raid against the settlement. There were no injuries since the police had evacuated the area before the protest began.

National and local government officials made racist comments against Roma and other members of minorities during the year. In May then prime minister Berlusconi warned that Milan was at risk of becoming “an Islamic city, a Gypsy town full of camps and besieged by foreigners.” The press and NGOs reported cases of discrimination, particularly in housing and evictions, deportations, and government efforts to remove Romani children from their parents for their protection.

According to the report on September 7 by the COE after the visit on May 26-27 by COE commissioner for human rights Thomas Hammarberg, the state of emergency in force in five regions “provided the bedrock for widespread evictions of Roma and Sinti from settlements throughout the country, often in manners that are at variance with human rights standards.” Unauthorized camps lacked electricity, access to water and sanitation, adequate shelter, and pest control. The report attributed the segregation of Roma in camps to the “local and national housing policies which assume Roma to be nomads” and which failed “to meet their needs.” Evictions had a negative impact on children’s right to education.

Amnesty International reported that during March and May authorities conducted 154 targeted evictions in Rome affecting 1,800 Roma. The European Roma Rights Center asserted that these evictions violated international laws and standards under domestic law regulating forced evictions. They charged that Rome municipal authorities did not provide prior notice in advance of the eviction, did not offer proper alternative accommodation, and destroyed personal property during the evictions.

In November the Council of State ruled that the state of emergency was not lawful and constituted discrimination. It stated that there was no evidence of a causal link between the existence of nomadic settlements and the extraordinary and exceptional disruption of order and public security in the affected areas. Despite the ruling, municipal governments defended the state of emergency, highlighting the “absolute incompatibility” between the camp conditions and the protection of human rights.

On January 6, four Romani children died in their sleep after a fire broke out in an illegal encampment on the outskirts of Rome. Mayor Gianni Alemanno reiterated his intention to implement the 2009 Nomad Plan, which calls for closing down illegal camps and transferring the Roma to legal settlements.

Government officials at the national and local levels, including those from the Ministry of Interior and UNAR, met periodically with Roma and their representatives. On June 17, groups of Roma living in Milan established a council to facilitate dialogue with the local government. By July the Observatory for the Security against Discrimination had received 130 reports regarding 56 crimes against Roma; police arrested 11 persons and opened investigations on another 33.

In 2010 UNAR received approximately 1,000 calls on its national hotline and 10,000 requests through its Web site. UNAR received information on 500 cases of discrimination, 28 percent of which were related to labor conditions, 20 percent to housing, and 10 percent to discrimination in the provision of public services. UNAR provided legal assistance and helped mediate disputes.

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

The press reported a few cases of violence against gay and lesbian couples during the year. According to a poll of gay men and lesbians conducted by the association Arcigay released on October 13, 5 percent of those interviewed had been fired for their sexual orientation, and 19 percent had been victims of other forms of labor discrimination.

On January 27, police arrested Gianluca Costantino, Stefano Merighi, and Diego Fosco on charges of savagely beating and raping a foreign gay man in Canazei near Trento in April 2010.

On April 11, a Rome court of appeals found the ministries of defense and transport guilty of discrimination for revoking the driver's license of a gay man, Danilo Giuffrida, in Catania in 2005 and ordered the ministries to pay 20,000 euros (approximately \$26,000) as compensation.

On July 27, police arrested two Aversa hospital prison guards after charging them with sexually abusing a transsexual detainee on March 10 (see Persons with Disabilities).

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

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

## **Section 7. Worker Rights**

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

The law provides for the right to establish, join, and carry out union activities in the workplace without previous authorization or excessive requirements. Unions are independent of government and political parties. The law prohibits union organization in the armed forces. The law provides for the right to strike but restricts strikes affecting essential public services (such as transport, sanitation, and health) by requiring longer advance notification and precluding multiple strikes within days of each other. The law restricts transport strikes, allowing only those unions representing at least half of the workforce to call a strike. Unions are allowed to conduct their activities without interference, and the right to organize and bargain collectively is instilled in the law. In 2010 ISTAT estimated that 78 national collective bargaining agreements covered a total of 13 million public and private employees. Secondary contracts negotiated at the company or territory-wide level also covered about 30 percent of employees. Antiunion discrimination is illegal. Employees fired for union activity have the right to request their reinstatement.

The government protected the rights of workers and enforced the law. In practice workers exercised these rights, including union formation and participation and legal strikes. Workers organized and bargained collectively. There were no reported cases of discrimination.

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

### **b. 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 that such practices occurred.

Parsec, an NGO that assists victims of trafficking in persons and conducts research on trafficking trends, estimated that approximately 500 victims of labor trafficking worked mainly in domestic, agricultural, and service sectors. Forced labor occurred primarily in the construction and agriculture sectors.

According to research conducted by independent experts on 291 victims of forced labor who received assistance from NGOs between 2005 and 2009, the top countries of origin were Romania, Morocco, Egypt, and India. Approximately 71 percent of the victims were male. Most of the victims left their countries voluntarily to escape poor living conditions (68 percent) and to find a better job (72 percent). Two-thirds of female victims of labor trafficking and 48 percent of male victims received deceptive employment offers; 25 percent worked in the construction sector, 17 percent as caregivers, and 14 percent in agriculture.

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

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

The 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 relatively extensive informal economy.

Illegal migrant child laborers, mostly between 15 and 18 years of age, continued to enter the country from North African and Asian countries. They worked primarily in the manufacturing and services industries. Labor inspectors found that, between January and August 2010, 190 minors worked as illegal employees.

On June 30, the Ministry of Welfare said it had identified 5,806 unaccompanied minors as eligible to receive government assistance and services. The top three countries of origin were Afghanistan, Tunisia, and Egypt.

The government, employer 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 its efforts produced limited results.

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

The law does not provide for a minimum wage. Instead, collective bargaining labor contracts negotiated by unions set minimum wage levels for different sectors of employment. The official poverty line was set at 992 euros (\$1,290) per month for a family of two. Workers in the informal sector often worked for less than the comparable minimum wage in the formal sector. The estimated three million workers in the informal sector accounted for 11.3 percent of the total workforce and worked primarily in the south in the agricultural and service sectors during the year, 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 limited by a collective bargaining agreement, the law sets maximum overtime hours in industrial sector firms at no more than 80 per quarter and 250 annually. The law requires rest periods of one day per week and 11 hours per day. Premium pay is required for overtime. The government, with regular union input, effectively enforced these standards.

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 government and employers did not enforce these standards in the informal economy. According to the Workmen's Compensation Institute, there were 980 work-related deaths in 2010.