

ITALY



MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION

INTER-MINISTERIAL COMMITTEE FOR HUMAN RIGHTS

**ITALY'S REMARKS,
IN RESPONSE TO THE JOINT COMMUNICATION (AL ITA 6/2019)**

October 11, 2019

ITALY'S REMARKS

Further to letter, dated July 12, 2019 (AL ITA6/2019), sent by five UN Special Procedures (Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers; Independent Expert on human rights and international solidarity; Special Rapporteur on the human rights of migrants; and Special Rapporteur on violence against women, its causes and consequences), Italian Authorities are in a position to provide the following remarks:

Introductory remarks

1. The Italian (rigid) Constitution determines the political framework for action and organization of the State. The fundamental elements or structural principles of the constitutional law governing the organization of the State are as follows: Democracy, as laid down in Article 1; the so-called *personalistic* principle, as laid down in Article 2, which guarantees the full and effective respect for human rights; the pluralist principle, within the framework of the value of democracy (Articles 2 and 5); the importance of work, as a central value of the Italian community (Articles 1 and 4); the principle of solidarity (Article 2); the principle of equality, as laid down in Article 3 (it is also the fundamental criterion applied in the judiciary system when bringing in a verdict); the principles of unity and territorial integrity (Article 5); and, above all, the relevant principles, including the social state, the rule of law and the respect for human rights and fundamental freedoms, such as freedom of correspondence, freedom of movement, freedom of religion or belief, and freedom of opinion and expression.

2. The Italian legal system aims at ensuring an effective framework of guarantees, to fully and extensively protect the fundamental rights of the individual. Indeed, we rely on a solid framework of rules, primarily of a constitutional nature, by which the respect for human rights is one of the main pillars.

3. The basic rule guiding modern democracies in the protection of human rights is the effective implementation of the principles of equality and non-discrimination. It is, indeed, one of the main pillars of our constitutional code, upon which the domestic legislative system is based: *“All citizens have equal social status and are equal before the law, regardless of sex, race, language, religion, political opinion, and personal or social conditions. It is the duty of the republic to remove all economic and social obstacles that, by limiting the freedom and equality of citizens, prevent full individual development and the participation of all workers in the political, economic, and social organization of the country (Article 3)”*.

Turning to the issues at stake

4. The Common Core Document of Italy forming part of reports to Treaty Bodies (UN Doc. HRI/CORE/ITA/2016, dated July 25, 2016) provides a comprehensive overview on the domestic system, including safeguards and guarantees (as a way of examples, please kindly refer to paras.74 - 75, 102 -120, 187-191, 256-258).

5. As for the questions put forward concerning judicial-related developments, it should be considered that relevant proceedings are currently on-going, and no information can be thus provided in this respect, at present.

Conclusion

Italian Authorities will provide information about all relevant proceedings, including the one before the Supreme Court as well as the one initiated by the Superior Council of the Judiciary, once available.