

## ITALY 2019 HUMAN RIGHTS REPORT

### EXECUTIVE SUMMARY

The Italian Republic 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 a prime minister whose official title is president of the Council of Ministers. The president of the Republic is the head of state and nominates the prime minister after consulting with political party leaders in parliament. Parliamentary elections in March 2018 were considered free and fair.

The National Police and Carabinieri (Gendarmerie or Military Police) maintain internal security. The Carabinieri report to the Ministry of Defense but are also under the coordination of the Ministry of Interior. They are primarily a domestic police force organized along military lines, with some overseas responsibilities. The National Police reports to the Ministry of Interior. The army is responsible for external security, but also has specific domestic security responsibilities such as guarding public buildings. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included: violence or threats of violence targeting members of national/racial/ethnic minorities, including violence and threats of violence; refoulement; and the use of forced or compulsory or child labor.

The government investigated, prosecuted, and punished officials who committed human rights abuses.

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

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports that the government or its agents committed arbitrary or unlawful killings.

#### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution and law prohibit such practices, and there were no reports that government officials employed them.

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

Prison and detention center conditions met international standards overall, but some prisons were severely overcrowded and antiquated.

Physical Conditions: Prison populations at the Como, Brescia, Larino, and Taranto prisons were at 200 percent of capacity. While the law requires the separation of pretrial detainees from convicted prisoners, the nongovernmental organization (NGO) Associazione Antigone reported authorities at those prisons held them in the same section.

According to a report in July by Associazione Antigone, lack of activity offered by prisons for inmates contributed at times to self-inflicted violence. In 2018, for example, 63 prisoners committed suicide--four of them incarcerated in Poggioreale, Naples. In several cases, health care, including diagnosis, treatment, and psychiatric support, was deemed insufficient. In several prisons, authorities did not implement suicide prevention or health-promotion programs for inmates.

Administration: Authorities investigated credible allegations of mistreatment.

Independent Monitoring: The government permitted independent human rights organizations, parliamentarians, and the media to visit prisons and detention centers. The government also provided representatives of the Office of the UN High Commissioner for Refugees (UNHCR) and NGOs access to migrant and refugee detention centers, in accordance with UNHCR's standard procedures. A delegation from the Council of Europe's Committee for the Prevention of Torture visited the country on March 12-22. As of year's end, the delegation's report had not been published.

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

The constitution prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

### **Arrest Procedures and Treatment of Detainees**

To detain an individual, police must have a warrant issued by a public prosecutor, unless a perpetrator is caught in the act or there is a specific and immediate danger to which a police officer is responding. The law requires authorities to inform a detainee of the reason for arrest. If authorities detain a person without a warrant, an examining prosecutor must decide within 24 hours of detention whether there is enough evidence to validate the arrest. An investigating judge then has 48 hours to affirm the arrest and recommend prosecution. In cases of alleged terrorist activity, authorities may hold suspects up to 48 hours before bringing the case to a magistrate. These rights and processes were generally respected.

There is no provision for bail, but judges may grant detainees provisional liberty while awaiting trial. The government provides a lawyer at its expense to indigent persons. The law requires authorities to allow a detainee to see an attorney within 24 hours of his or her arrest, or within 48 hours for cases of suspected terrorist activities. However, attorney access can take up to five days under exceptional circumstances if the investigating judge needs to interrogate the accused concerning organized crime or if the judge foresees a risk the attorney may attempt to tamper with the evidence.

Detained foreign nationals did not systematically receive information on their rights in a language they understood, as required by law. Associazione Antigone reported almost one-fourth of foreigners arrested in 2017 could not consult a lawyer before authorities interrogated them due to language barriers and a lack of interpreters.

Pretrial Detention: Pretrial detention that exceeded the legal time limit of two to six years and trial delays caused problems. Authorities normally adhered to the maximum term for pretrial detention. As of September 30, approximately 32 percent of all detainees were in pretrial detention, but in no cases did it equal or exceed the maximum sentence for the alleged crime. According to independent analysts and magistrates, the large number of drug and immigration cases awaiting trial, the lack of judicial remedies, the presence of more foreign detainees, and insufficient digitalization of trial records resulted in delays. In some cases detainees could not be placed under house arrest because they had no legal residence or because there was a shortage of resources, including officers, judges, and administrative staff.

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

The constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality. There were isolated reports that judicial corruption and politically motivated investigations by magistrates impeded justice. Several court cases involved long trial delays.

#### **Trial Procedures**

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

Defendants are presumed innocent and have the right to be informed promptly and in detail of the charges against them. Trials are fair and public, but they can be delayed due to the insufficient number of judges and administrative clerks and legal maneuvering. Defendants have the right to be present at their trials.

The law provides for defendants to have access to an attorney of their choice in a timely manner, or to have one provided at public expense if they are unable to pay. Defendants had adequate time to discuss and prepare cases with their lawyers in appropriate facilities available in all prisons. Judiciary experts reported foreign detainees were unable to access needed interpretation or translation services in a timely manner. A defendant has the right to confront and question opposing witnesses and to present his or her own witnesses and evidence. Defendants may not be forced to testify or confess guilt, and they have a right to appeal verdicts.

Domestic and European institutions criticized the slow pace of the judicial process. The Ministry of Justice reported the time to come to the first trial for penal cases in 2018 averaged 396 days, and 861 if the case was appealed. The time to adjudicate an appeal in the Court of Cassation (Supreme Court) was 1,299 days on average. The country's "prescription laws" (statutes of limitations) in criminal proceedings require that a trial end by a certain date. Courts determine when the statute of limitations applies. Defendants sometimes took advantage of delays in order to exceed the statute of limitations, which allowed them to avoid a guilty sentence at trial or be released pending an appeal. The percentage of detainees who received a final sentence or a sentence that could not be appealed has risen over the previous 10 years. As of September 30, 67 percent of detainees received a final sentence compared with 51 percent in 2009.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

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

By law individuals and organizations may seek civil remedies for human rights violations through domestic courts. Individuals may bring cases of alleged human rights violations by the government to the European Court of Human Rights (ECHR) once they exhaust all avenues for a remedy in the domestic court system.

### **Property Restitution**

The government is generally committed to the Terezin Declaration and has complied with the majority of its goals and objectives. The Jewish community has no outstanding restitution claims with the government. The Anselmi Commission, a technical body whose mandate was to investigate the confiscation of Jewish assets during the Holocaust and the restitution of them after the Holocaust, reported in 2002 that, in general, deported survivors who claimed assets received them back, but those survivors or heirs who did not claim assets remained uncompensated. According to the Union of Jewish communities, national and local authorities have not been fully effective in seeking out potential claimants for communal and heirless property, but it characterized the government as cooperative and responsive to community concerns in the area of protection and restoration of communal property. The Rome Jewish Community continued to seek international assistance in restoring the contents of the Jewish communal library of Rome looted by the Nazis in 1943.

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

The law prohibits such actions, but there were some reports the government failed to respect these prohibitions.

The Supreme Court's lead prosecutor may authorize wiretaps of terrorism suspects at the request of the prime minister. In 2018 the national authority for the protection of privacy registered 707 violations of privacy laws generally and imposed fines of 8.1 million euros (\$8.9 million). The law allows magistrates to destroy illegal wiretaps discovered by police and to seize transcripts of recordings irrelevant to the judicial case.

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

### **a. Freedom of Expression, Including for the Press**

The constitution provides for freedom of expression, including for the press, and the government usually respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Freedom of Expression: Detention is legitimate only in case of serious violation of fundamental rights and hate crimes. Speech based on racial, ethnic, national, or religious discrimination is a crime punishable by up to 18 months in prison. Holocaust denial is an aggravating circumstance carrying additional penalties in judicial proceedings.

The law criminalizes insults against any divinity as blasphemy and penalizes offenders with fines from 51 to 309 euros (\$56 to \$340). There were no reports of enforcement of this law, or of convictions under it, during the year. On July 26, the municipal authorities of Saonara, near Padua, adopted rules penalizing public blasphemy with a 400-euro (\$440) fine.

Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views without restriction.

Violence and Harassment: The 2019 World Press Freedom Index, compiled by the NGO Reporters without Borders (RSF), characterized the level of violence against reporters, including verbal and physical intimidation, by private actors as “alarming,” particularly in Campania, Calabria, Apulia, Sicily, Rome, Latium, and Lazio.

The RSF reported journalists increasingly self-censored due to pressure from politicians and organized crime networks. In January, Paolo Borrometi, a journalist collaborating with the newswire *Agenzia Giornalistica Italia* received a threatening letter, likely from an organized crime syndicate. Borrometi had previous around-the-clock police protection, because prosecutors believed an organized crime cell was planning to kill him for his investigations into its illicit business.

The 2019 report of the Partner Organizations to the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists (PJSJ) voiced concerns over physical and verbal attacks on journalists by neo-fascist groups.

Although authorities generally did not participate in or condone violence or harassment against journalists, the RSF and the PJSJ condemned the former deputy prime minister for his hostile social media rhetoric about the media and journalists. On May 23, a group of riot police officers beat Stefano Origone, a reporter for the daily *La Repubblica*, with batons and kicked him while the journalist was covering clashes among demonstrators near a rally staged by far-right party CasaPound in Genoa. Origone suffered two broken fingers and one broken rib before another police officer stopped the beating, shouting “stop, stop, he’s a journalist.” Police opened an investigation into the incident and expressed regret.

On August 1, the National Federation of the Italian Press (FNSI) denounced the hostility towards journalists who questioned public officials. Valerio Muzio, a journalist for a leading daily *La Repubblica*, videotaped police intimidating him after they noticed he was filming former deputy prime minister Matteo Salvini’s son riding on a police jet ski, against regulations. On August 5, Chief of Police Franco Gabrielli opened an investigation into possible limitations on freedom of the press stemming from the incident. On August 4, the FNSI expressed solidarity for journalist Sandro Ruotolo, who criticized Salvini in a tweet and subsequently received threats via Twitter from other users.

Libel/Slander Laws: Libel and defamation are criminal offenses punishable by up to three years of imprisonment, which may be increased if directed against a politician or government official. Public officials brought cases against journalists under libel laws. Criminal penalties for libel were seldom carried out. On September 22, the Court of Cassation (Supreme Court) ruled, based on the European Convention on Human Rights, that journalists convicted of libel cannot be punished with imprisonment. Detention is legitimate only in case of serious violation of fundamental rights and hate crimes. In August former prime minister Matteo Renzi sued Antonio Padellaro, former editor of independent daily *Fatto Quotidiano*, for defamation based on his likening Renzi to the former deputy prime minister during a talk show.

On March 7, the ECHR condemned the country for the jail term given to former deputy editor of the daily *Liberio* Alessandro Sallusti for the publication of some articles in 2007. In 2012 the Court of Cassation had upheld a conviction to 14

months in prison, considered incompatible with the EU Convention on Human Rights, and a 5,000-euro (\$5,500) fine.

On June 11, the weekly magazine *L'Espresso* reported a Milan judge acquitted journalist Emiliano Fittipaldi of defamation charges filed by the former deputy prime minister for having stated during a television show that it was impossible “to deploy Navy ships and shoot at anybody who gets closer, as proposed by the former deputy prime minister in some instances.”

Nongovernmental Impact: The RSF noted many journalists from Rome and the south claimed the mafia and local criminal gangs pressured them. On August 15 in Sulmona, unidentified individuals burned the car of Claudio Lattanzio, a photojournalist for local daily *Il Centro*. The FNSI also reported threats from organized crime syndicates against journalists. During the year, according to an RSF report, approximately 20 journalists received around-the-clock police protection due to threats from organized crime, while 200 others received occasional protection in 2018. In February a journalist was attacked by a group while filming an investigative story on mafia clans in Abruzzo. The same journalist was previously attacked in late 2017 while he was investigating a different mafia clan’s alleged support for radical group Casa Pound in the Roman coastal town of Ostia.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. The National Center for the Fight against Child Pornography, part of the National Police, monitored websites for crimes involving child pornography.

### **Academic Freedom and Cultural Events**

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

### **b. Freedoms of Peaceful Assembly and Association**

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.



**c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

**d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

**e. Internally Displaced Persons**

Not applicable.

**f. Protection of Refugees**

Abuse of Migrants, Refugees, and Stateless Persons: International humanitarian organizations accused the government of endangering migrants by encouraging Libyan authorities, through cooperation and resources, to rescue migrants at sea and return them to reception centers in Libya. Aid groups and international organizations deemed Libyan centers to have inhuman living conditions. On January 18, 117 persons drowned when the Italian Coast Guard referred their boat's distress call to the Libyan Coast Guard, which did not respond. The boat was approximately 50 miles off the Libyan coast, which would have placed it in the Libyan search and rescue zone, when it sunk. Italian prosecutors investigated the Italian Coast Guard's culpability in the incident and on February 7 determined that the Coast Guard acted in accordance with the law, and in line with its search and rescue procedures.

Media outlets reported some cases of violence against refugees. In July unknown attackers threw rocks at, and seriously injured, nine migrant farm workers on their way to work in fields near Foggia.

The International Organization for Migration (IOM), UNHCR, and NGOs reported labor exploitation of asylum seekers, especially in the agriculture and service sectors (see section 7.b.), and sexual exploitation of unaccompanied migrant minors (see section 6, Children).

The government uncovered corruption and organized crime in resources allotted for asylum seekers and refugees. On July 2, police arrested 11 members of four

NGOs for alleged fraud and money laundering in the mismanagement of migration centers.

The government cooperated with UNHCR and other international and humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. The uncertainty of EU member states' willingness to accept a share of migrant arrivals affected the willingness of authorities to protect migrants and asylum seekers brought to the country by rescue vessels.

Refoulement: Amnesty International and other NGOs accused the government of encouraging refoulement by pressuring NGOs to limit rescues of migrants in the Mediterranean Sea and encouraging the Libyan coast guard to take rescued migrants back to Libya. UNHCR did not classify this as refoulement but stated it was looking into the legality of the country's actions. UNHCR did not consider Libya a "safe port" because it has not signed the applicable UN refugee conventions.

Access to Asylum: In December 2018 the previous government enacted a law sponsored by the interior minister at the time which was designed in part to reduce irregular migration to Italy and to remove humanitarian protection status for migrants. The passage of the law resulted in a higher percentage of denials of any form of protection for migrants. The law also closed the country's ports to rescue ships the government suspected of communicating and coordinating maritime rescues off the coast of Libya with Libya-based traffickers. On January 31, a rescue ship flying the Dutch flag docked in Lampedusa without the government's permission. Authorities arrested the ship's captain, Carola Rackete, but released her and the ship when other EU countries agreed to relocate some of the asylum seekers. On May 20, six UN experts sent a letter to the government expressing concern for the security decree's incompatibility with the right to life and the principle of nonrefoulement. On August 5, parliament approved a migration and security decree that empowers the Ministry of Interior to prohibit NGO migrant rescue ships suspected of collaborating with traffickers from entering the country's territorial waters. With the formation of a new government coalition in September and Salvini's departure from government, some security decrees were under review, and most NGO rescue ships were again allowed to dock in Italian ports. From January to November 7, authorities registered 9,944 new seaborne arrivals. Between August 2018 and July 2019, the Ministry of Interior expelled 6,862 illegal migrants.

NGOs and independent observers identified difficulties in asylum procedures, including inconsistency of standards applied in reception centers and insufficient referral rates of trafficking victims and unaccompanied minors to adequate services.

Regional adjudication committees took an average of six months to process asylum claims. If a case was legally appealed, the process could last up to two years. Authorities closed the largest migration centers in Sicily and Lazio, where service provided to asylum seekers was not always adequate. On July 31, migration centers hosted 105,000 migrants, a 34-percent decrease from the previous year. From January to June, the government received 16,865 asylum requests.

Safe Country of Origin/Transit: The country is party to the EU's Dublin III Regulation and its subsequent revisions, which identifies the member state responsible for examining an asylum application based primarily on the first point of irregular entry.

Freedom of Movement: The law permits authorities to detain migrants and asylum seekers in identification and expulsion centers for up to 180 days if authorities decide they pose a threat to public order or if they may flee from an expulsion order or pre-expulsion jail sentence. The government paired efforts to reduce migrant flows through the Mediterranean Sea on smuggler vessels with restrictions on freedom of movement for up to 72 hours after migrants arrived in reception centers.

Employment: According to the Federation of Agroindustrial Workers--an affiliate of the Italian General Labor Confederation (CGIL)--and other labor unions and NGOs, employers continued to discriminate against refugees in the labor market, taking advantage of weak enforcement of legal protections against exploitation of noncitizens. High unemployment in the country also made it difficult for refugees to find legal employment.

Access to Basic Services: Authorities set up temporary housing for refugees, including high-quality centers run by local authorities, although many were in larger centers of varying quality, including repurposed facilities such as old schools, military barracks, and residential apartments. UNHCR, the IOM, and other humanitarian organizations and NGOs reported thousands of legal and irregular foreigners, including refugees, were living in abandoned, inadequate, or overcrowded facilities in Rome and other major cities. They also reported refugees

had limited access to health care, legal counseling, basic education, and other public services.

Some refugees working in the informal economy could not afford to rent apartments, especially in large cities. They often lived in makeshift shacks in rural areas or squatted in buildings where they lived in substandard conditions. On July 30, police forcibly evicted 400 persons, including refugees, squatting in a building in the outskirts of Turin originally built to host Olympic athletes. NGOs and advocacy groups alleged the Rome municipal government failed to provide alternative public housing for evicted persons, including refugees with legal status.

On June 6, hosted refugees and other migrants in Frosinone staged a demonstration against the reduction of the daily allowance provided by the government to asylum seekers in which two police were injured. On September 2, refugees and other migrants joined Italians in Foggia, Puglia, to organize a sit-in inside the building where the territorial committee meets to adjudicate asylum. Protesters drew attention to the lack of services and asked for greater scrutiny of labor exploitation in southern Italy.

Durable Solutions: The government's limited attempts to integrate refugees into society produced mixed results. The government offered refugees whose asylum was granted resettlement services. The government and the IOM assisted migrants and refugees who opted to return to their home countries.

Temporary Protection: Between January and September, the government provided humanitarian protection to 16,761 persons and subsidiary protection to 2,614 persons.

#### **g. Stateless Persons**

Not applicable.

### **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

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

Recent Elections: National and international observers considered the March 2018 national elections free and fair. The observation mission to the elections from the Organization for Security and Cooperation in Europe reported they were competitive and pluralistic and provided voters with a wide range of candidates. The mission noted that while the campaign was conducted with respect for fundamental freedoms, it was confrontational and at times characterized by discriminatory stereotyping and intolerant rhetoric targeting immigrants, including on social media.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate.

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

The law provides criminal penalties for corruption by officials, and the government sometimes implemented the law effectively. Officials sometimes engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year.

Corruption: On February 25, a Rome court sentenced former Rome mayor Gianni Alemanno to six years in prison and a lifetime ban on holding public office for corruption and for accepting illegal funds from an organized crime clan that obtained lucrative public contracts.

Financial Disclosure: The law requires members of parliament to disclose their assets and incomes. The two parliamentary chambers publish a bulletin containing parliamentarians' information (if agreed to by each member of parliament) on their public websites. The law stipulates that the president of each chamber may order noncompliant members to submit their statements within 15 days of their request but provides for no other penalties. Ministers must disclose their information online.

#### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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. While government officials were generally cooperative and responsive to their views, former minister Salvini alleged some foreign NGOs

conducting search and rescue activities in the central Mediterranean coordinated their activities with human traffickers.

Government Human Rights Bodies: The Ministry of Foreign Affairs' Interministerial Committee for Human Rights and the Senate's Human Rights Committee focused on international and high-profile domestic cases. The National Office to Combat Racial Discrimination under the Department of Equal Opportunity in the Prime Minister's Office assisted victims of discrimination.

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

### **Women**

Rape and Domestic Violence: A new violence against women law adopted on July 17 imposes harsher penalties for crimes of domestic and gender-based violence. The law penalizes rape, including spousal rape, with six to 12 years in prison. The law criminalizes the physical abuse of women (including by family members), provides for the prosecution of perpetrators of violence against women, and helps shield abused women from publicity. Judicial protective measures for violence occurring within a family allow for an ex parte application to a civil court judge in urgent cases. A specific law on stalking includes mandatory detention for acts of sexual violence, including by partners. Police officers and judicial authorities prosecuted perpetrators of violence against women, but survivors frequently declined to press charges due to fear, shame, or ignorance of the law.

Between January and June, 39 women were killed by domestic partners. On March 15, a man killed his wife and then committed suicide in Castelvetro after she asked for a divorce.

Two sentences in March in cases of violence against women were considered too lenient because they were based on crimes of passion. In Bologna the court of appeal reduced a sentence from 30 years to 16 because the person convicted appeared to have acted in "strong emotional and passionate turmoil." In a second case, magistrates in Genoa also reduced from 30 years to 16 the sentence for a man who killed his wife because they considered he had a "strong sense of anger, disappointment, and resentment."

The Department of Equal Opportunity operated a hotline for victims of violence seeking immediate assistance and temporary shelter. It also operated a hotline for stalking victims.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C and it is punishable by up to 12 years' imprisonment, even if the crime is committed abroad. Cases of FGM/C occurred in some immigrant communities. Experts estimated that between 60,000 and 80,000 women were victims of genital mutilation and that most mutilations were performed outside the country. The European Institute for Gender Equality estimated that 15 to 24 percent of girls originating from countries where FGM/C is practiced were at risk of FGM/C in the Italy. Prosecutors often depended on coverage by NGOs and self-reporting from the migrant community to identify and prosecute FGM/C.

Sexual Harassment: Minor cases of verbal sexual harassment in public are punishable by up to six months' incarceration and a fine of up to 516 euros (\$568). By law, gender-based emotional abuse is a crime. The government effectively enforced the law. Police investigated reports of harassment.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Women have the same legal status and rights as men, and the government enforced laws prohibiting discrimination in all sectors. Women nonetheless experienced widespread discrimination, particularly with respect to employment (also see section 7.d. regarding pay disparities between genders).

## **Children**

Birth Registration: A child acquires citizenship automatically when one of the parents is a citizen, when the parents of children born in the country are unknown or stateless, when parents are foreigners from countries of origin that do not give citizenship to their children born abroad, when a child is abandoned in the country, and when the child is adopted. Local authorities require registration immediately after birth.

Child Abuse: Sexual abuse of minors is punishable by six to 24 years in prison, depending on the age of the child. The NGO Telefono Azzurro reported 4,210 cases of child abuse and 66 missing children cases in 2018. Approximately 5,700 persons, mostly teenagers, contacted its help center through social media. The government implemented prevention programs in schools, promptly investigated complaints, and punished perpetrators.

Early and Forced Marriage: The minimum age for marriage is 18, but juvenile courts may authorize marriages for individuals as young as 16. Forced marriage is punishable by up to five years in prison, or six years if it involves a minor under the age of 18. Forced marriage even for religious reasons is also penalized. In a report released in February, the NGO ECPAT International estimated the rate of illegal child marriages (within the community, but not recognized by law) in the shantytowns of Rome to be as high as 77 percent.

Sexual Exploitation of Children: Authorities enforced laws prohibiting sexual exploitation, the sale of children, offering or procuring a child for prostitution, and practices related to child pornography. Independent observers and the government estimated at least 5,000 foreign minors were victims of sexual exploitation. On April 3, a Bari court convicted two men respectively to six year and six months and five years and six months in prison for exploiting at least four minors as sex workers between 2010 and 2017. According to the Department of Equal Opportunity, the number of assisted minor victims of trafficking increased from 199 in 2017 to 215 in 2018.

There were reports of child pornography. On June 21, the Postal Police (under the National Police) announced an operation conducted in 10 regions to dismantle a network responsible for exchanging and selling pornographic material showing minors online and using two WhatsApp groups to entice new victims. Authorities investigated 51 persons. In 2018 Postal Police reported 532 persons allegedly involved in child sexual abuse or sexual exploitation, of whom 43 were arrested.

Save the Children Italy reported 263 minors were victims of labor exploitation and approximately 2,210 minors were victims of child trafficking, mostly for sexual exploitation, in five of the country's 20 regions.

The minimum age for consensual sex is 14 or 13 if the partner is under the age of 18 and the age gap is less than three years.

Displaced Children: The Ministry of the Interior reported 1,335 unaccompanied minors arrived in the country between January and November 4. As of June 30, the Ministry of Labor and Social Policies reported 7,272 unaccompanied minors, of whom 93 percent were boys, present in the country. It also reported approximately 5,314 minors previously registered at reception centers were reported missing in 2018, putting them at risk of labor and sexual exploitation.



International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### **Anti-Semitism**

There were approximately 28,000 Jews in the country. The law criminalizes the public display of the fascist stiff-armed Roman salute and the sale or display of fascist or Nazi memorabilia. Violations can result in six months' to two years' imprisonment, with an additional eight months if fascist or Nazi memorabilia are sold online. On July 9, police arrested Fabio Carlo D'Allio, leader of the far-right group Legio Subalpina, for possession of weapons of war and seized knives and other weapons after raiding the homes of 10 other rightist militants.

Anti-Semitic societal prejudices persisted. Some extremist fringe groups were responsible for anti-Semitic remarks and actions, including vandalism and publication of anti-Semitic material on the internet. The Observatory on Anti-Semitism of the Foundation Jewish Contemporary Documentation Center (the Center) reported 158 anti-Semitic incidents between January and August 7, but no violent assaults.

Internet hate speech and bullying were the most common forms of anti-Semitic attacks, according to the center. On August 7, the center reported 105 cases of insults on the internet and 181 cases of graffiti or vandalism against Jewish residents. Most episodes occurred during Jewish holidays or celebrations. Anti-Semitic slogans and graffiti appeared in some cities, including Rome, Forli, and Livorno.

On October 30, the Senate approved a proposal from Senator for Life and Holocaust survivor Liliana Segre to establish an extraordinary committee to fight intolerance, anti-Semitism and hate crimes; however, 98 center-right senators abstained in the vote. Segre, who was expelled from school for her religion in 1938 and sent to the Nazi Auschwitz camp in 1943, noted that, "there is a mounting wave of racism and intolerance that should be stopped in all possible ways." Subsequently, in November, the Milan prefect gave Segre a police escort after she received a wave of threats and was the target of anti-Semitic hate speech on social media culminating in a few days when Segre and her family received more than 200 hate messages per day, including statements denying the Holocaust.

On February 13, in northwestern Italy, a man insulted a Jew walking with his son and stole his kippah. When the victim reacted, the man slapped him twice and shouted anti-Semitic remarks at him.

More than 2,000 police officers guarded synagogues and other Jewish community sites in the country.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

The law protects the rights of persons with disabilities. The government enforced these provisions, but there were incidents of societal and employment discrimination. Although the law mandates access to government buildings and public transportation for persons with disabilities, physical barriers continued to pose challenges.

On June 20, police arrested 13 persons accused of mistreating a group of persons with disabilities in a rehabilitation center in Novi Ligure.

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

Governmental and societal violence and discrimination against ethnic minorities, including Roma, Sinti, and the nomadic Caminanti, remained a problem. There were reports of discrimination based on race or ethnicity in employment (see section 7.d.).

The press and NGOs reported cases of incitement to hatred, violent attacks, forced evictions from unauthorized camps, and mistreatment by municipal authorities. In February the press reported that the country's intelligence agency warned parliament that racism and xenophobia were threats the country could face and that attacks on migrants and minorities could rise ahead of European elections in May.

On May 10, national and local police forcibly evacuated a former fireworks production facility hosting a Romani camp near Naples. More than 450 persons had illegally occupied the facility since 2016 in the absence of alternative housing.

On May 21, the ECHR, after hearing a complaint by some of those affected with the support of the NGO Associazione 21 Luglio and the European Roma Rights Center, ordered the national government to provide temporary housing to 10 families; on June 5, the ECHR determined that the government had complied.

In June then-interior minister Salvini announced he planned to conduct a “census” of the Romani community and to take steps to expel noncitizen Roma. According to the Associazione 21 Luglio, housing remained a serious concern for the country’s 25,000 Roma, most of whom came from Balkan countries. A total of 15,000 persons lived in 127 authorized camps, and another 9,600, mainly Romanians and Bulgarians, lived in informal encampments primarily in Lazio and Campania.

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

The law prohibits discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons in housing, employment, nationality laws, and access to government services and the government enforced the law effectively. NGOs advocating for LGBTI rights reported instances of societal violence, discrimination, and hate speech.

The press reported isolated cases of violence against gay and lesbian couples during the year. On June 23, a man assaulted and injured two Brazilian gay men in Pescara. When LGBTI persons reported crimes, the government investigated, but in some cases failed to identify the perpetrators.

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

In March media reported that a Muslim woman wearing a hijab was riding a public bus in Turin when a local woman verbally and physically attacked her, including violently ripping the hijab off her head.

## **Section 7. Worker Rights**

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

The law provides for the right of workers to establish and join independent unions, bargain collectively, and conduct legal strikes. Antiunion discrimination is illegal, and employees fired for union activity have the right to request reinstatement,

provided their employer has more than 15 workers in a unit or more than 60 workers in the country.

The law prohibits union organization of the armed forces. The law mandates that strikes affecting essential public services (such as transport, sanitation, and health services) require longer advance notification than in other sectors and prohibits multiple strikes within days of each other in those services. The law only allows unions that represent at least half of the transit workforce to call a transit strike.

The government effectively enforced these laws. Employers who violate the law are subject to fines, imprisonment, or both. These penalties were generally sufficient to deter violations, although administrative and judicial procedures were sometimes subject to lengthy delays. Judges effectively sanctioned the few cases of violations.

The government and employers generally respected freedom of association and the right to bargain collectively, although there were instances in which employers unilaterally annulled bargaining agreements. Employers continued to use short-term contracts and subcontracting to avoid hiring workers with bargaining rights.

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

The law prohibits all forms of forced or compulsory labor, and the government effectively enforced the law. Penalties for violations were sufficiently stringent to deter violations. The actual sentences given by courts for forced and compulsory labor, however, were significantly lower than those provided by law. The law provides stiff penalties for illicit intermediaries and businesses that exploit agricultural workers, particularly in the case of forced labor but also in cases of general exploitation. It identifies the conditions under which laborers may be considered exploited and includes special programs in support of seasonal agricultural workers. The law punishes illegal recruitment of vulnerable workers and forced laborers (the so-called *caporalato*). Penalties range from fines to the suspension of a company's license to conduct commercial activities. In 2018, the most recent year for which data were available, the Ministry of Labor and Social Policies dedicated an increased amount of attention to this problem. Government labor inspectors and the Carabinieri carried out 7,160 inspections of agricultural companies, and identified 5,114 irregular workers, of which 3,349 were undeclared workers (off the books) and 263 were foreign workers without residence permits. These irregularities remained substantially in line with 2016 and 2017 figures.

Forced labor occurred. According to NGO reporting, workers were subjected to debt bondage in construction, domestic service, hotels, restaurants, and agriculture, especially in the south. There continued to be anecdotal evidence that limited numbers of Chinese nationals were forced to work in textile factories, and that criminal groups coerced persons with disabilities from Romania and Albania into begging. A migrant encampment outside of San Ferdinando in Reggio Calabria province hosted approximately 2,000 migrants earning approximately 0.50 euros (\$0.55) per crate of picked oranges. There were also limited reports that children were subjected to forced labor (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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

The law prohibits employment of children under the age of 16. There are specific restrictions on employment in hazardous or unhealthy occupations for minors, such as activities involving potential exposure to hazardous substances, mining, excavation, and working with power equipment. Government enforcement was generally effective, and penalties were sufficient to deter violations in the formal economy. Enforcement was not effective in the relatively extensive informal economy, particularly in the south and in family-run agricultural businesses.

There were some limited reports of child labor during the year, primarily in migrant or Romani communities. In 2018 labor inspectors and Carabinieri officers identified 263 underage laborers, compared with 220 in 2017. The number of irregular migrants between the ages of 15 and 18 entering the country by sea from North Africa decreased. According to the Ministry of the Interior, the number of unaccompanied minors arriving by sea dropped from 3,536 in 2018 to 1,335 between January and November 4. Most of these minors were from Sub-Saharan Africa. The majority arrived in Sicily, and many remained there in shelters, while others moved to other parts of the country or elsewhere in Europe.

The law provides for the protection of unaccompanied foreign minors and creates a system of protection that manages minors from the time they arrive in the country until they reach the age 21 and can support themselves. As of June the Ministry of Labor and Social Policies had identified 7,272 unaccompanied minors, of whom 4,736 had left the shelters assigned to them. Of those assisted, 93 percent were boys and 86 percent were 16 or 17 years old. Girls were 7 percent of the total, of

which 32 percent came from Nigeria. This group was especially vulnerable to sexual abuse and violence.

The Ministry of Labor and Social Policies recognized that unaccompanied minors were more vulnerable to becoming child laborers in agriculture, bars, shops, and construction and worked to prevent exploitation by placing them in protected communities that provided education and other services. The law also created a roster of vetted and trained voluntary guardians at the juvenile court-level to help protect unaccompanied minors. According to a report by Save the Children, elements of the law have yet to be fully implemented across the country, although significant progress was made. More than 4,000 volunteers became guardians and supported migrants integrating into local communities.

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

The law prohibits discrimination with respect to employment and occupation. There were some media reports of employment discrimination based on race or ethnicity. Unions criticized the government for providing insufficient resources to the National Anti-Racial Discrimination Office to intervene in discrimination cases, and for the lack of adequate legal measures to address new types of discrimination. Penalties were generally sufficient to deter violations but the number of inspections was insufficient to guarantee adequate implementation.

Discrimination based on gender, religion, disability, sexual orientation, and gender identity also occurred. The government implemented some information campaigns, promoting diversity and tolerance, including in the workplace.

In many cases victims of discrimination were unwilling to request the forms of protection provided by employment laws or collective contracts, according to labor unions. According to Eurostat, in 2017 women's gross hourly earnings were on average 5 percent lower than those of men performing the same job.

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

The law does not provide for a minimum wage. Instead, collective bargaining contracts negotiated between unions and employers set minimum wage levels for different sectors of the economy.

Unless limited by a collective bargaining agreement, the law sets maximum overtime hours in industrial firms at no more than 80 hours per quarter and 250

hours annually. The law prohibits compulsory overtime and provides for paid annual holidays. It requires rest periods of one day per week and 11 hours per day. The law sets occupational safety and health standards and guidelines for compensation for on-the-job injuries. Responsibility for identifying unsafe situations remains with occupational safety and health experts.

The Ministry of Labor and Social Policies is responsible for enforcement and, with regular union input, effectively enforced standards in the formal sector of the economy. Labor standards were partially enforced in the informal sector, especially in agriculture, construction, and services, which employed an estimated 16 percent of the country's workers.

Resources, inspections, and remediation were generally adequate to ensure compliance in the formal sector only. Penalties were not enough to deter all violations.

In 2018 labor inspectors and Carabinieri officers inspected 144,163 companies (including agricultural companies), identifying 162,932 individual workers whose terms of employment were in violation of labor laws. Of these, 42,306 were undeclared (off the books), and 1,332 were irregular migrants. The National Labor Inspectorate found 15,641 violations of regulations on working hours and suspended 8,789 companies for the specific violation of employing more than 20 percent of their workers without a formal contract, compared with 6,932 companies in 2017.

Informal workers were often exploited and underpaid, worked in unhygienic conditions, or were exposed to safety hazards. According to the CGIL, such practices occurred in the service, construction, and agricultural sectors.

In 2018 the Association of Artisans and Small Businesses of Mestre estimated there were approximately three million irregular workers in the country, 40 percent of whom were based in southern regions. Some areas of Calabria, Puglia, Campania, and Sicily reported significant numbers of informal foreign workers living and working in substandard or unsafe conditions.