

ITALY 2017 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, who is the head of state, nominates the prime minister after consulting with political party leaders in parliament. International observers considered the national parliamentary elections in 2013 to be free and fair.

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues included criminalization of libel; and instances of violence against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons authorities generally investigated, and where appropriate prosecuted, such cases.

The government investigated, prosecuted, and punished officials who committed abuses including officials in the security forces or elsewhere in the government.

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 security forces committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated 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. On July 4, parliament approved a law introducing the crime of torture into the penal code. Some nongovernmental

organizations (NGOs) were concerned that the new crime can be proven only if violence or serious threats occur multiple times.

On May 18, a judge in Messina indicted two prison guards, Sebastiano Torre and Mario Pante, for the alleged assault on two detainees.

On August 24, during a police operation to evict squatters from a building in central Rome (see section 2.d.), the NGO Doctors without Borders-Italy stated that it treated 13 persons injured in the operation and had to call ambulances to take four women to a hospital.

On June 14, a prosecutor in Massa Carrara detained one Carabinieri officer and placed three more under house arrest as part of an investigation into alleged abuses of foreign and Italian arrestees, including the alleged rape of a sex worker. The officers were also accused of filing inaccurate reports of the crimes committed by their victims.

Prison and Detention Center Conditions

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

Physical Conditions: In some prisons overcrowding was severe: prisons in Como, Brescia, and Larino in the province of Campobasso were at 174 to 176 percent of capacity. The law requires the separation of pretrial detainees from convicted prisoners, but authorities sometimes held both in the same sections of prisons. The Council of Europe's Committee for the Prevention of Torture (CPT) expressed concern about the living conditions in some overcrowded facilities. It also reported mistreatment, mainly punches, slaps, kicks, and blows with batons, of detainees by prison guards.

All the prisons the CPT visited suffered from structural and material deficiencies. There were problems of water supply at Sassari Prison and evening meals to inmates on Sundays in the Marassi and Turin Prisons in Genoa. The CPT noted the range of purposeful activities remained limited (e.g., on average less than 20 percent of inmates were involved in a remunerated activity), and inmates often spent out-of-cell time circulating in wing corridors and communal rooms.

Administration: On July 4, the Ministry of Justice reported that 732 prisoners, mostly serving sentences related to organized crime or terrorism, were subject to

special limitations on their interactions with other prisoners, as well as their own relatives.

Independent Monitoring: The government permitted independent human rights organizations, parliamentarians, and the media to visit prisons and detention centers. The government also provided representatives of the Office of the UN High Commissioner for Refugees (UNHCR) and NGOs access to detention centers for migrants and refugees in accordance with UNHCR's standard procedures. On June 7-13, a delegation from the CPT investigated the situation of detained migrants. As of year's end, no report on this visit had been published.

Improvements: On February 22, the government announced the closure of the last judiciary psychiatric hospital and the establishment of 30 special centers hosting 569 patients with psychiatric disorders, of whom 245 were pretrial detainees.

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/her arrest or detention in court. The government generally observed these prohibitions.

Role of the Police and Security Apparatus

The National Police and the Carabinieri national military police maintain internal security. Although it is also one of the five branches of the armed forces, the Carabinieri carry out certain civilian law enforcement duties. The Ministry of Interior coordinates between the National Police and nonmilitary units of the Carabinieri. The army is responsible for external security but also has specific domestic security responsibilities, such as guarding public buildings. The three other police forces are the Prison Police, which operates the prison system; the National Forestry Corps, which enforces the law in parks and forests; and the Financial Police, the customs agency under the Ministry of Economy.

Civilian authorities maintained effective control over the National Police and the Carabinieri, and the government has effective mechanisms to investigate and punish abuse. There were no reports of impunity involving the security forces during the year, although long delays by prosecutors and other authorities in completing some investigations reduced the effectiveness of mechanisms to investigate and punish police abuses.

Arrest Procedures and Treatment of Detainees

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

There is no provision for bail, but judges may grant provisional liberty to detainees awaiting trial. The government provides a lawyer at government expense to indigent persons. The law requires authorities to allow a detainee to see an attorney within 24 hours, or within 48 hours in cases of suspected terrorist activities. In exceptional circumstances, usually in cases of organized crime or when there is a risk that attorneys may attempt to tamper with evidence, the investigating judge may take up to five days to interrogate the accused before allowing access to an attorney. The law permits family members access to detainees.

According to the CPT report, several persons alleged delays in notifying a third party of their detention and in obtaining access to a lawyer prior to their court hearing. Detained foreign nationals did not systematically receive information on their rights in a language they understood. The confidentiality of medical examinations of detainees was not guaranteed.

Pretrial Detention: Lengthy pretrial detention and trial delays were a problem. The maximum term of pretrial detention is two to six years, depending on the severity of the alleged crime. As of September, 34 percent of all prisoners were in either pretrial detention or awaiting a final sentence. According to independent analysts and magistrates, delays resulted from the large number of drug and immigration cases awaiting trial, the lack of judicial remedies, and the presence of more than 18,000 foreign detainees. In some cases these detainees could not be placed under house arrest because they had no legal residence, and there was an insufficient distribution of offices and resources, including shortages of judges and staff.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Persons who have been arrested or detained are entitled to challenge before a judge the legal basis or arbitrary nature of their detention. If the grounds on which they were arrested are found insufficient, they are granted prompt release. Persons found to have been unlawfully detained are able to request compensation. As a safeguard against unjustified detention, detainees may request a panel of judges (a liberty tribunal) to review their cases on a regular basis to determine whether to continue the detention.

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. A significant number of court cases involved long trial delays.

Trial Procedures

The constitution provides for the right to a fair public trial, and an independent judiciary generally enforced this right. Defendants have the right to the presumption of innocence and to be informed promptly and in detail of the charges against them. Trials are fair and public, but they can be delayed. 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 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 as well as access to interpretation or translation services as needed. All defendants have the right to confront and question witnesses against them and to present witnesses and evidence on their own behalf. Defendants may not be forced to testify or confess guilt, and they have a right to appeal verdicts.

Domestic and European institutions continued to criticize the slow pace of the judicial process. On May 3, the Ministry of Justice reported that the first trial of civil cases lasted an average of 367 days. The country's "prescription laws" (statutes of limitations) in criminal proceedings require that a trial must end by a certain date. Courts determine when the statute of limitations should apply. Defendants often took advantage of delays in proceedings in order to exceed the

statute of limitations. By doing so they could avoid a guilty sentence at trial or gain release pending an appeal.

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 a case of alleged human rights violations by the government to the European Court of Human Rights once they exhaust all avenues for a remedy in the country's court system. According to the Ministry of Justice, in 2016 the average length of civil judicial proceedings, including appeals, was 981 days. In the case of appeals to the Court of Cassation (Supreme Court), they lasted more than eight years on average.

Property Restitution

Holocaust-era restitution is no longer a significant issue. The government has laws and mechanisms in place and is a signatory of the Terezin Declaration of 2009. The 2001 Anselmi report commissioned by the government found that private property had generally been returned, and that significant progress had been made in dealing with restitution of communal and heirless property, but did not give an exhaustive accounting of efforts regarding these latter two categories. NGOs and advocacy groups reported no significant outstanding Holocaust-era claims, including for foreign citizens, and characterized the government as cooperative and responsive to community concerns in the area of protection and restoration of communal property. The government has not yet responded to the 2016 European Shoah Legacy Institute's Immoveable Property Restitution Study Questionnaire covering past and present restitution regimes.

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

The law prohibits such actions, but there were some reports that 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. According to independent observers, prosecutors did not always limit the use of wiretaps to cases of absolute necessity as the Supreme Court required. The law

allows magistrates to destroy illegal wiretaps that police discover or to seize transcripts of recordings that are irrelevant to the judicial case.

The Ministry of Justice reported that authorities wiretapped 330,327 persons in 2016.

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 generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to provide for freedom of expression, including for the press.

Freedom of Expression: Speech inciting violence 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 in judicial proceedings against such speech. No convictions were reported during the year.

The law considers insults against any divinity to be blasphemy, a crime punishable by a fine ranging from 51 to 309 euros (\$61 to \$371). There were no reports regarding enforcement of this law during the year.

Press and Media Freedom: Laws that restrict freedom of speech apply to the print media as well. The independent media were active and expressed a wide variety of views. There was frequent political debate over the threat posed by bias and partisanship on the part of some of the country's leading media outlets. Through his family holding company, Fininvest, former prime minister Silvio Berlusconi held a controlling share in the country's largest private television company, Mediaset; its largest magazine publisher, Mondadori; and its largest advertising company, Publitalia. Berlusconi's brother owned one of the country's nationwide daily newspapers, *Il Giornale*. Media organizations tended to reflect the point of view of their proprietors or backers, whether a business entity or a political group.

Violence and Harassment: The NGO Reporters without Borders (RSF) characterized the level of violence against reporters (including verbal and physical intimidation and threats) as "alarming." The organization also claimed that journalists felt pressured by politicians and increasingly opt to censor themselves.

Libel/Slander Laws: Journalists face prison sentences of up to six years if convicted of libel. Public officials continued to bring cases against journalists under libel laws.

Nongovernmental Impact: The RSF noted that many journalists, especially in Rome and the south of the country, claimed they were still subjected to pressure from mafia groups and local criminal gangs, and the National Federation of the Italian Press reported some instances of threats against journalists by members of criminal organizations. The RSF stated that six journalists were under round-the-clock police protection because of death threats, mostly from the mafia or fundamentalist groups. On February 12, police arrested Gionbattista Ventura, boss of an organized crime clan, for repeatedly threatening Paolo Borrometi, a reporter who had written articles on the Ventura clan's activities in the province of Ragusa.

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, a special unit of the postal and communications division of the National Police, monitored websites for crimes involving child pornography. According to International Telecommunication Union statistics, 69 percent of the population used the internet in 2016.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

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

c. Freedom of Religion

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

d. Freedom of Movement

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

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, or other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: Representatives of international humanitarian organizations condemned mistreatment of minors who were seeking asylum, prolonged periods of their detention, and their inadequate access to cultural mediators and lawyers. Mixed populations of refugees and migrants often remained in reception centers longer than the 35-day limit set by law. NGOs, including Parsec, On the Road, and Save the Children, claimed that some of the Nigerian women detained in expulsion centers were victims of trafficking. Amnesty International (AI) reported isolated incidents of alleged abuse of migrants and refugees who refused to submit to identification procedures at ports of entry.

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

On May 15, nearly 200 migrants and refugees occupied several streets in the center of Modena to protest long delays in processing asylum claims and mistreatment by the leaders of migration camps. During the year asylum seekers also staged protests against substandard living conditions and protracted asylum processes at shelters for asylum seekers in Genova, Arezzo, and Trento.

In December 2016 the CPT expressed concern over the treatment of foreigners during removal operations and criticized the practice of expelling asylum seekers whose appeal of the rejection of their asylum requests were still pending. The CPT also expressed concern regarding the government decision to inform rejected asylum seekers of their pending expulsion only one day in advance, thereby preventing them from undergoing medical screening before boarding the expulsion flight.

Corruption and organized crime caused resources to be diverted away from asylum seekers and refugees. For example, in April a court sentenced Luca Odevaine to six months in prison for embezzling funds from the Mineo reception center. On

July 17, authorities arrested 68 persons from the ‘Ndrangheta criminal organization for embezzling funds from the Capo Rizzuto reception center in Calabria.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. NGOs and independent observers identified difficulties in asylum procedures, including inconsistency of standards applied in reception centers and insufficient rates of referral of trafficking victims and unaccompanied minors to adequate services.

During the year large numbers of migrants and refugees arrived in the country, mostly across the central Mediterranean Sea from Libya, overwhelming the asylum system. Between January and September, the government received 95,419 asylum requests and granted asylum or other forms of legal protection to 15,500 persons.

Between January 1 and December 1, a total of 15,540 unaccompanied minors arrived in the country (see section 6, Children and section 7.c.).

Safe Country of Origin/Transit: The country is party to the EU’s Dublin III Regulation and its subsequent revisions, whereby members generally transferred asylum applications to the first EU member country in which the applicant arrived or returned applicants to safe countries of origin.

Freedom of Movement: The law permits authorities to detain migrants and asylum seekers in centers for identification and expulsion for up to 90 days if authorities decide they pose a threat to public order or may try to flee an expulsion order or pre-expulsion jail sentence. In 2015 approximately 400 foreigners were held in nine centers; more than 25 percent of these requested asylum.

Employment: Asylum seekers may work legally two months after submitting an asylum request. Employers continued to discriminate against noncitizens in the labor market, taking advantage of insufficient enforcement of legal protection for noncitizens against exploitation. In addition, high unemployment limited the possibility of legal employment for large numbers of refugees.

Access to Basic Services: Authorities set up temporary centers to house mixed-migrant populations, including refugees and asylum seekers, but could not keep pace with the high number of arrivals and the increased number of asylum claims.

The government's system of reception centers and shelters for asylum seekers continued to be stretched beyond capacity. In December an estimated 201,000 persons were housed in sites throughout the country. A small percentage were housed in centers run directly by local authorities, generally considered of high quality, while the rest were in centers whose quality varied greatly and included many repurposed facilities, such as old schools, military barracks, and apartments in residential buildings. Representatives of UNHCR, the IOM, and other humanitarian organizations and NGOs reported thousands of legal and irregular foreigners, including migrants and refugees, living in abandoned buildings and in inadequate and overcrowded facilities in Rome and other major cities and having limited access to health care, legal counseling, basic education, and other public services.

In some instances, refugees and asylum seekers who worked in the informal economy were not able to rent apartments, especially in large cities. They often squatted in buildings where they lived in substandard conditions with their children. On August 19 and 24, police forcibly evicted hundreds of migrants and refugees who had squatted in a building in the center of Rome. AI, Human Rights Watch, and other NGOs alleged that the Rome municipal government failed to provide alternative public housing to those in the group who qualified for it, including minors and refugees with legal status.

Durable Solutions: The government made limited attempts to integrate refugees into the country's society with mixed results. The government distributed asylum seekers throughout the country and provided shelter and services while their requests were processed as well as some resettlement services after granting asylum. In cooperation with the IOM, the government assisted migrants and refugees who opted to return to their home countries. Regional adjudication committees took from six to 15 months to process asylum claims, depending on the region. When legal appeals were taken into account, the process could last up to two years.

Temporary Protection: The government also provided protection to individuals who may not qualify as refugees. Between January and June 30, the government provided humanitarian protection to 8,957 persons and subsidiary protection to 3,243 persons.

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 parliamentary elections in 2013 to be free and fair.

Participation of Women and Minorities: No laws limit participation of women and 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. The government usually implemented these laws effectively, but officials sometimes engaged in corrupt practices with impunity. Corruption was a problem, and there were incidents of government corruption during the year.

Corruption: According to the National Anticorruption Authority, in 2016 citizens reported approximately 4,000 cases of corruption to the authority. Authorities registered 2,028 violations of codes of conduct of public offices and 1,241 cases of crimes or other felonies of public employees; they issued 935 sanctions, including 212 layoffs. In 2015 the Financial Police arrested 241 persons and investigated approximately another 3,700 for abuse of power, corruption, and fraud.

On August 8, the Court of Cassation sentenced the former prosecutor of Taranto, Matteo Di Giorgio, to eight years in jail for corruption, embezzlement, and fraud. Authorities accused Di Giorgio of abusing his authority to coerce local city councilmembers to resign in order to isolate and to force the resignation of a rival mayor.

Financial Disclosure: The law requires members of parliament to disclose their assets and incomes. The two chambers created a publicly accessible bulletin on each of their websites containing information on each parliamentarian, but only if the parliamentarian agreed to the online posting. The law stipulates that the presidents of the two chambers may order noncompliant members to submit their statements in 15 days but provides for no other sanctions. Ministers' disclosures must be posted 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. Government officials were cooperative and responsive to their views.

Government Human Rights Bodies: The Interministerial Committee for Human Rights at the Ministry of Foreign Affairs and the Senate's Human Rights Committee focused on international and high-profile domestic cases. The National Office to Combat Racial Discrimination (UNAR), a part of the Department of Equal Opportunity of the Presidency of the Council of Ministers (the Prime Minister's Office), assisted victims of discrimination.

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

Women

Rape and Domestic Violence: The prescribed penalty for rape, including spousal rape, is five 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. 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. A specific law on stalking includes mandatory detention for acts of sexual violence, including by partners.

Between January and July, police received 2,333 reports of cases of sexual violence and arrested 2,438 alleged perpetrators. According to a 2016 study by the national statistical agency, ISTAT, 31.5 percent of women between the ages of 16 and 70 were victims of physical or sexual violence. Between January and July, 50 women were killed by their partners.

The Department of Equal Opportunity operated a hotline for victims of violence seeking immediate assistance and temporary shelter. The department also operated a hotline for victims of stalking. From January to November 31, the hotline received 29,939 calls.

Female Genital Mutilation/Cutting (FGM/C): FGM/C was a problem in some immigrant communities. It is a crime punishable by up to 12 years' imprisonment. Most of the mutilations were performed outside the country. The Department for Equal Opportunities operated a hotline for victims and other affected parties who requested the support of authorities and NGOs.

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 (\$619). The government effectively enforced the law. By government decree emotional abuse based on gender discrimination is a crime. Police investigated reports of harassment that were submitted to authorities.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: Women have the same legal status and rights as men. The government enforced laws prohibiting every form of discrimination in all sectors.

Children

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

Child Abuse: In 2016 Telefono Azzurro, an NGO that advocates for children's rights, received approximately 4,000 reports of child abuse.

Early and Forced Marriage: The minimum age for marriage is 18, but juvenile courts may authorize marriages for individuals as young as 16. According to NGOs, hundreds of women were victims of forced marriages. On April 8, local media reported a case in which family members, all of Moroccan origin, allegedly

forced their minor daughter to marry an older man. Authorities intervened and brought the alleged victim to a protected community.

Sexual Exploitation of Children: Authorities enforced the 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 3,500 foreign minors were victims of sexual exploitation. According to the Ministry of Justice, through September 15, authorities arrested 174 persons (159 citizens and 15 foreigners) for exploiting minors for prostitution.

In 2016 the National Center for the Fight against Child Pornography, a special unit within the postal and communications division of the National Police, monitored more than 410,000 websites and reported 449 persons to prosecutors. Authorities arrested 51 persons for crimes involving online child pornography.

The minimum age for consensual sex varies from 13 to 16, based on the relationship between partners.

Displaced Children: The Ministry of Interior reported that, between January and December 1, approximately 15,540 unaccompanied minors arrived in the country. As of August 31, approximately 8,900 children were hosted in protected communities.

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 travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

There were approximately 30,000 Jews in the country. 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.

On June 14, the Observatory on Anti-Semitism of the Foundation Jewish Contemporary Documentation Center reported that there were 130 anti-Semitic incidents in 2016 but no violent assaults. The center reported a growing number of insults on the internet. Most episodes occurred during Jewish holidays or celebrations.

On April 12, in Bologna, when police confronted a man shouting curses in Arabic, he took out a knife and threatened, “You are Jews. I will kill you all.” He injured two police officers while being arrested.

On February 7, a Rome court acquitted two football fans who supported the S.S. Lazio team and were filmed in 2013 chanting anti-Semitic slurs “yellow-red Jew” and “Jewish Roma supporter” in Rome. The court examined the case and determined that the chants did not rise to the level of a crime as they were made “in the context of a sports rivalry.” Jewish community leader Ruth Dureghello, in a letter protesting the dismissal, stated that it was a “dangerous precedent for justice” since it “lends legitimacy to using the word ‘Jew’ in its most negative form” for racist mockery in sports events.

On October 22, fans of the Lazio soccer team left in a section of the Olympic Stadium of Rome stickers depicting Anne Frank wearing the jersey of the rival AS Roma team and anti-Semitic slogans such as “Roma fans are Jews.” The government and soccer authorities unanimously condemned the act. President Sergio Mattarella characterized the episode as “inhuman and alarming for our country” while Prime Minister Paolo Gentiloni stated that the stickers were “unbelievable, unacceptable and not to be minimized.” The president of the Lazio team, Claudio Lotito, visited the main synagogue in Rome to place a wreath and to affirm the team’s desire to tackle the problem of anti-Semitism among its fans. He announced that the team would bring groups of young fans to visit concentration camps every year in order to ensure that they understand the history of the Holocaust. On October 24, police announced that some 20 fans responsible for the incident had been identified, including two minors. The Italian soccer federation began all games that week with a reading of a passage from *The Diary of Anne Frank*, and players gave to the children who accompanied the teams onto the field copies of both the diary and Primo Levi’s *Survival at Auschwitz*.

Anti-Semitic slogans and graffiti appeared in some cities, including Rome and Viareggio. On September 3, authorities discovered a swastika and graffiti reading “no to Jews” at a bus stop near a Jewish school and shops owned by Jews in Milan. Other examples of vandalism included damage to a flagstone commemorating victims of the Holocaust in Milan on January 27.

Internet hate speech and bullying were the most common forms of anti-Semitic attacks, according to the Foundation Jewish Contemporary Documentation Center.

In September the lower house of parliament criminalized fascist fanaticism. The measure provides for imprisonment for the public display of the stiff-armed Roman salute commonly used by fascists and Nazis. Those who display or sell fascist or Nazi memorabilia could also face prison terms of six months to two years, which would increase by eight months if those goods are sold online.

In January the archbishop of Palermo, Corrado Lorefice, transferred to the Jewish community a church-owned facility built atop the ruins of the Great Synagogue of Palermo.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental 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.

National/Racial/Ethnic Minorities

Societal violence and discrimination against Roma, Sinti, Caminanti, and other ethnic minorities remained a problem. There were reports of discrimination in occupation and employment based on race or ethnicity.

The press and NGOs reported cases of incitement to hatred, violent attacks, forced evictions from unauthorized camps, and mistreatment by municipal authorities. According to the NGO Associazione 21 Luglio, housing remained a serious concern for 29,000 Roma, most of whom were foreigners. A total of 19,000 persons lived in authorized camps, and another 10,000 lived in informal encampments in Rome and elsewhere, where authorities conducted more than 100 evictions between January and August. Local authorities did not always provide adequate alternative housing. On August 27, unknown arsonists set fire to a Romani camp in Naples, destroying shacks and trailers where several families lived.

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

Under the law there is no provision for a victims sexual orientation or gender identity to be considered an aggravating circumstance in hate crime cases. Instances of violence, discrimination, and hate speech were reported during the year by credible NGOs.

The press reported isolated cases of violence against gay and lesbian couples during the year. The Gay Help Line, an NGO that operated a hotline providing support to LGBTI persons, received on average 20,000 calls per year. Approximately 70 percent of callers reported cases of discrimination and homophobia, 13 percent blackmail and threats, and 11 percent violence and physical abuses. Some 300 persons between the ages of 12 and 25 reported episodes of violence at home.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, including related regulations and statutes, provides for the right of workers to establish and join independent unions, bargain collectively, and conduct legal strikes. 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 and precludes multiple strikes within days of each other. The law allows only 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 and 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 few cases of violations.

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

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, and the government effectively enforced the law. Penalties for violations were sufficiently stringent. 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 middlemen and businesses that exploit agricultural workers. 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 work (the so-called *caporalato*).

Forced labor occurred during the year. Workers were subjected to debt bondage in construction, domestic service, hotels, restaurants, and agriculture, especially in the south. Chinese men and women were forced to work in textile factories, and persons with disabilities from Romania and Albania were coerced into begging. In one example, on June 27, authorities arrested two brothers, owners of a farm in the province of Ragusa, on charges of exploitation of farm laborers. The brothers were suspected of having hired 26 laborers, including 19 asylum seekers, five Romanians, and two Tunisians, and paying them 25 euros (\$30) for at least 8 hours of work per day, including weekends and holidays, without paid leave. Seven of them lived in a crumbling apartment on the farm.

There were reports that children were also subjected to forced labor (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

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 and gas, mining, excavations, and working with power-driven hoisting apparatus. Penalties for employing child labor include heavy fines or the suspension of a company's commercial activities. Government enforcement was generally effective in the formal economy. Enforcement was not effective in the relatively extensive informal economy, particularly in the south, where family-run businesses were common.

There were reports of child labor during the year. The number of irregular migrants between the ages of 15 and 18 entering the country from Libya and Egypt increased. Those that entered the informal labor market worked primarily in the manufacturing and service industries.

In 2016 labor inspectors reported 236 cases of minors working illegally, 71 percent of whom worked in the service sector. The interior ministry reported that during the year approximately 15,540 unaccompanied minors, mostly from Sub-Saharan Africa, arrived in the country after fleeing wars and poverty in conditions of particular vulnerability and fragility.

A law enacted on March 29 provides for the protection of unaccompanied foreign minors, creating a system of protection that manages minors from the time they land in the country until they reach the age of majority and can support themselves. As of April, the Ministry of Labor had identified 15,939 unaccompanied minors, of whom 5,271 had escaped from shelters. Of those assisted, 93 percent were boys and 82 percent were 16 or 17 years of age.

The Ministry of Labor recognized that unaccompanied minors were more vulnerable to becoming child laborers and worked to prevent exploitation by placing them in protected communities that provided education and other services. The March 29 law on unaccompanied minors also created a roster of vetted and trained voluntary guardians at the juvenile court-level to help protect unaccompanied minors.

d. Discrimination with Respect to Employment and Occupation

There were reports of employment discrimination based on race or ethnicity. Unions criticized the government for providing insufficient resources to UNAR to intervene in all cases of discrimination and for the lack of adequate legal measures to address new types of discrimination.

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. Women were underrepresented among chief judges and prosecutors. Women were mayors in only 14 percent of all cities and towns. The national authority monitoring the Milan stock market reported that during the year approximately 30 percent of the board members of listed companies were women compared with 6 percent in 2008. According to Eurostat, in 2015 women's gross hourly earnings were on average 5.5 percent lower than those of men. The employment rate of women also remained relatively low in the country.

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. In 2016 the government set the official poverty line at 1,061.35 euros (\$1,274) per month for a family of two.

The legal workweek is 40 hours. Overtime work may not exceed two hours per day or an average of 12 hours per week. Unless limited by a collective bargaining agreement, the law sets maximum overtime hours in industrial firms at no more than 80 hours per quarter and 250 hours annually. The law prohibits compulsory overtime and provides for paid annual holidays. It requires rest periods of one day per week and 11 hours per day. Premium pay is required for overtime.

The law sets basic health and safety standards and guidelines for compensation for on-the-job injuries. According to the National Institute for Insurance against Accidents at Work, workers were generally able to remove themselves from dangerous health or safety conditions without jeopardizing their employment, and authorities protected employees in these situations.

The Ministry of Labor is responsible for enforcement and, with regular union input, effectively enforced standards in the formal sector of the economy. Labor standards were only partially enforced in the informal sector, 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 for violations include incarceration and fines but were not sufficient to deter violations.

In 2016 labor inspectors and Carabinieri officers effectively inspected 141,920 companies, identifying 62,106 undeclared workers, 1,357 illegal migrants, and 236 underage laborers. Inspectors found 12,800 violations of regulations on working hours and suspended approximately 7,000 companies employing at least 20 percent of workers without a formal contract.

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

In November 2016 an independent research center, the CGIA, estimated that there were 3.1 million irregular workers in the country, of whom 40 percent 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.