**ITALY**



***MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION***

***inter-ministerial committee for human rights***

 **ITALY’S REPLY**

*January 30, 2021*

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Further to your query, we are in position to provide, **for your information only**, as follows:

**Introduction**

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

2. From a constitutional standpoint, the general principle of equality enshrined in Article 3 of the Constitution stipulates as follows: “*All citizens have equal social dignity and are equal before the law without distinction of sex, race, language, religion, political opinion, personal and social conditions. It is the duty of the Republic to remove those obstacles of an economic or social nature which constrain the freedom and equality of citizens, thereby impeding the full development of the human person and the effective participation of all workers in the political, economic and social organization of the country*”. Within our national system of protection of human rights, mention has to be made, among others, of the Italian Constitutional Court[[1]](#footnote-1). This Court exercises its duty as one of the highest guardian of the Constitution in various ways. It becomes active when it is called on. For example, it supervises the preliminary stages of referenda and is competent in the event of presidential impeachment.

* Complaints of unconstitutionality may be submitted to the Italian Constitutional Court by central and local Authorities claiming that a state or a regional Act may be unconstitutional. Therefore, the Court monitors Authorities to see whether they have observed the Constitution in their actions. It also arbitrates in cases of disagreements between the highest State’s organs and decides in proceedings between central and local Authorities.
* Procedurally, the Court must examine *ex officio* (the prosecutor) or upon request of the plaintiff/defendant whether the provisions to be applied are in compliance with the Basic Law. When the Court considers that an act is unconstitutional, such evaluation brings to a suspension of the *a quo* proceeding. Accordingly, a decision is made by the Court itself, pursuant to Article 134 of the Italian Constitution.
* The Constitutional Court decides (and its decisions cannot be appealed) disputes: 1. concerning the constitutionality of laws and acts with the force of law adopted by state or regions; 2. arising over the allocation of powers between branches of government, within the state, between the state and the regions, and between regions; 3. on accusations raised against the head of State in accordance with the Constitution. More generally, this Court decides on the validity of legislation, its interpretation and if its implementation, in form and substance, is in line with the Constitution. Thus, when the Court declares a law or an act with the force of law unconstitutional, this norm ceases its force by the day after the publication of this Court’s decision.
* For further details, and a more specific overview of the Constitution, the powers of State, and the constitutional and non-constitutional guarantees, please kindly refer to the Common Core Document of Italy forming part of the reports of States parties (UN Doc. HRI/CORE/ITA/2016, dated July 25, 2016).

**Turning to specific issues**

Italy has accepted simplified reporting procedures for reporting and fully complies with the word-limit and relevant indications as contained in UNGA resolution 68/268.

**Conclusion**

The Italian Authorities take this opportunity to reaffirm their firm commitment to fully cooperating with UN HR machinery

1. The constitutional court consists of fifteen judges; one-third being appointed by the Head of State, one-third by the Parliament in joint session, and one-third by ordinary and administrative supreme court. [↑](#footnote-ref-1)