



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2013

Country: Italy

National correspondent

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## 1. Demographic and economic data

### 1. 1. General information

#### 1. 1. 1. Inhabitants and economic information

##### 1) Number of inhabitants (if possible on 1 January 2013)

59 685 227

##### 2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP).

	Amount
State or federal level	535 003 616 032
Regional / federal entity level (total for all regions / federal entities)	NAP

##### 3) Per capita GDP (in €)

25 729

##### 4) Average gross annual salary (in €)

28 619

##### 5) Exchange rate of national currency (non-Euro zone) to € on 1 January 2013

1

##### A1. Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

As far as Q.4 is concerned please consider that the current figure (28619 €) comes from a new survey developed and conducted by the Italian National Statistical Institute (ISTAT). Such data differs from what we provided during the last cycles. For this reason in order to get a more reliable trend we suggest to update your database with the following values:

year 2006: 25339 €

year 2008: 26784 €

year 2010: 28041 €

Sources for all questions: Italian National Statistical Institute (ISTAT)

#### 1. 1. 2. Budgetary data concerning judicial system

##### 6) Annual approved public budget allocated to the functioning of all courts, in € (if possible without the budget of the public prosecution services and without the budget of legal aid):

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	2 986 521 397
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	2 319 976 073
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	64 830 009
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	<input checked="" type="checkbox"/> Yes	324 337 299
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	182 503 436
5. Annual public budget allocated to investments in new (court) buildings		NA
6. Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	229 971

7. Other (please specify):

 Yes

94 644 609

**7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:**

"Other" includes for instance compensation, reimbursement, document issuing, luncheon vouchers, etc.

**8) Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:** for criminal cases? for other than criminal cases?

If yes, are there exceptions to the rule to pay court a tax or fee? Please provide comments on those exceptions:

Except for cases concerning employment, agriculture, family matters and other specific cases as per law DPR 115/2002.

**8.1) Please briefly present the methodology of calculation of courts fees?**Courts fees depend on the value of the dispute. See this table for more information [http://www.professionegiustizia.it/tabella\\_contributo\\_unificato.php](http://www.professionegiustizia.it/tabella_contributo_unificato.php)**8.2) Please indicate, if possible, the amount of court fees to commence an action for 3000€ debt recovery?**

To commence a case whose value is 3.000€ the court fee is 85€. The fee to appeal for the same case is 127,50€ whilst the cassation fee is 170€.

**9) Annual income of court taxes or fees received by the State (in €)**

465 147 222

**12) Annual approved public budget allocated to legal aid, in €. - If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. (Question modified)****If your system enables to be granted legal aid for cases which are non litigious or not brought to court, please specify:**

	Amount (in €)
Total annual approved public budget allocated to legal aid (12.1 + 12.2)	153454322
12.1 Annual public budget allocated to legal aid for cases brought to court	153454322
12.1.1 in criminal law cases	99665697
12.1.2 in other than criminal law cases	53788625
12.2 Annual public budget allocated to legal aid for non litigious cases or cases not brought to court (legal consultation, ADR, etc)	NA

Comment :

**13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided .** Amount

1 435 025 477

Comment :

Due to the structure of the Italian judicial system, the ministry of justice has one single budget which does not distinguish between the budget allocated to the courts, the budget allocated to the public prosecution services and the one allocated to the administration. However an effort was made in order to provide the most reasonable figure for the budget of the prosecution service. The calculation was made taking into account several criteria (e.g. the number of staff allocated to the public prosecution service).

**14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :**

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level
Ministry of Justice	Yes	No	Yes	Yes
Other ministry	Yes	No	No	Yes
Parliament	No	Yes	No	No
Supreme Court	No	No	No	No
High Judicial Council	No	No	No	No
Courts	No	No	No	No
Inspection body	No	No	No	No
Other	No	No	No	Yes

**14.1) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):**

Other Ministry = Ministry of Economy and Finance

**A.2 You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available, an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

Due to the structure of the Italian judicial system, the ministry of justice has one single budget which does not distinguish between the budget allocated to the courts, the budget allocated to the public prosecution services and the one allocated to the administration itself. The figures provided in this chapter are the result of a re-classification of the budget statements which takes into consideration several criteria.

Q.9: The large increase of court fees is part of an overall reform aimed at rebalancing court fees and cost of justice. In addition to that, it is an instrument to reduce litigation as in Italy it has reached very high rates.

mail CN 9/1/14: the economic crisis hugely affected our country and the public sector in particular. The spending review carried out by the Italian Government deeply affected the budgets of all the Italian Ministers. The overall reduction at Q.6 (functioning of all courts) is approx 2%. However a sharp pencil has been used only in specific areas (i.e. maintenance of the buildings, training and education) - in other words- in areas where cuts where possible.

**Please indicate the sources for answering questions 6, 9, 12 and 13.**

Ministry of Justice – Budget and Accounts Department (Direzione Generale del Bilancio) Except for Q.12: Ministry of Justice – (Statistics Department + Criminal Affairs Department)

[1. 1. 3. Budgetary data concerning the whole justice system](#)

**15) The following data would be useful for information**

**15.1) (Former question 10) Annual approved public budget allocated to the whole justice system, in € (this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)**

NA

8038108740

**15.2) (Former question 11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.**

Court (see question 6)	Yes
Legal aid (see question 12)	Yes
Public prosecution services (see question 13)	Yes
Prison system	Yes
Probation services	

	Yes
Council of the judiciary	No
Constitutional court	No
Judicial management body	Yes
State advocacy	No
Enforcement services	No
Notariat	No
Forensic services	No
Judicial protection of juveniles	Yes
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	No
Other	No

Comment :

## 2. Access to justice

### 2. 1. Legal aid

#### 2. 1. 1. Principles

#### 16) Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	No	No

#### 17) Does legal aid include the coverage of or the exemption from court fees?

- Yes  
 No

If yes, please specify:

People granted with legal aid are not required to pay the court fees.

#### 18) Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

- Yes  
 No

If yes, please specify:

Legal aid also covers expenses related to the enforcement of judicial decisions.

#### 19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

Criminal cases	Other than criminal cases
Yes	Yes

Comment :

For instance it can refer to private detectives, interpreters and expert witnesses.

#### 20) Number of cases referred to the court for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

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Please specify in the "comment" box below, when appropriate.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

	Number
Total	191122
in criminal cases	116670
other than criminal cases	74452

Comment :

The higher number of cases for which legal aid has been granted compared to 2010 is due to the fact that the threshold (see Q.23) was slightly increased.

#### 20.1) Number of cases not brought to court (see 12.2 above) for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Number of cases
NA

Comment :

**21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?**

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**Please specify in the "comment" box below.**

Accused individuals	Yes
Victims	Yes

Comment :

**22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system**

Yes

No

**23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.**

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**Please provide in the "comment" box below any information to explain the figures provided.**

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	10766	NAP
for other than criminal cases?	10766	NAP

Comment :

To be eligible for legal aid it is necessary that the applicant annual income is less than 10766 €. If the person is living with a spouse or other relatives, the sum of the incomes of all members of the family has to be taken into account.

The threshold was slightly increased (compared to year 2010) in accordance with the cost-of-living index

**24) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?**

Yes

No

If yes, please explain the exact criteria for denying legal aid:

It is possible to refuse legal aid when the request has none or poor grounds to be initiated.

**25) In other than criminal cases, is the decision to grant or refuse legal aid taken by:**

the court?

an authority external to the court?

a mixed authority (court and external bodies)?

**26) Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?**

Yes



No

If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

In Italy this kind of private systems of legal expense insurance was introduced a few years ago.

**27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:**

criminal cases?	Yes
other than criminal cases?	Yes

**B.1 You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

The Criminal Procedure provides that in case of condemnation the convicted party has to pay all the costs.

**Please indicate the sources for answering questions 20 and 23:**

Ministry of Justice – Statistics Department (Direzione Generale di Statistica)

Ministry of Justice – Criminal Affairs Department (Direzione Generale Affari Penali)

## 2. 2. Users of the courts and victims

### 2. 2. 1. Rights of the users and victims

**28) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for which the general public may have free of charge access to the following:**

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**The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:**

legal texts

(e.g. codes,

laws,

regulations,  Yes <http://www.giustizia.it/> <http://www.normattiva.it/>

etc.)?

Internet

address(es):

case-law of

the higher

court/s?

Yes <http://www.cortedicassazione.it/AreaRiservata/BDGiurisprudenza/BDGiurisprudenza.asp>

Internet

address(es):

other

documents

(e.g.

downloadable  Yes <http://webstat.giustizia.it/default.aspx> <http://pst.giustizia.it>

forms, online

registration)?

Internet

address(es):

Comment :

<http://webstat.giustizia.it>

This is the website of the Statistics Department within the Ministry of Justice. This website is composed of two different areas: one is public and one is restricted. In the public area one can find all the figures related to justice. The restricted area is used by the courts to send their data to the Statistics Department of the Ministry of Justice.

<http://pst.giustizia.it>

This website contains a series of useful tools and applications for different users' profiles (lawyers, judges, citizens etc) within the civil justice framework.

**29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of**

**proceedings?**

- Yes  
 No  
 Yes only in some specific situations

If yes only in some specific situations, please specify:

According to a law issued in 2009 (69/2009 - Art 81-bis - Calendar of the process). In civil proceedings, the judge has to provide the parties with the timetable of the process with an indication of subsequent hearings and obligations to be fulfilled. The terms established in the schedule may be extended when serious reasons occur. The extension must be requested by the parties before the deadline.

**30) Is there a public and free-of-charge specific information system to inform and to help victims of crime?**

- Yes  
 No

If yes, please specify:

There are some public and free-of-charge specific information systems, at both national and local level, which inform and help victims of crime. Often such information systems are specific to a crime or phenomenon (e.g. Stalking, in-house violence, etc.)

**31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.**

**[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]**

	Information mechanism	Special arrangements in court hearings	Other
Victims of sexual violence/rape	No	Yes	No
Victims of terrorism	No	Yes	No
Children (witnesses or victims)	No	Yes	Yes
Victims of domestic violence	No	No	No
Ethnic minorities	No	Yes	No
Disabled persons	No	Yes	No
Juvenile offenders	No	Yes	No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	No	No	No

Comment :

Children victims of crimes are assisted and supported by social workers.  
 In Italy there is a special public fund for victims of human trafficking.

**31.1) Is it possible for minors to be a party to a judicial proceedings :**

- Yes  
 No

If yes, please specify which procedure can be concerned (civil, criminal, administrative/normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.) :

**32) Does your country allocate compensation for victims of crime?**

- Yes  
 No

If yes, for which kind of offences  
 For all kind of offences.

**33) If yes, does this compensation consist in:**

- a public fund?
- damages to be paid by the responsible person (decided by a court decision)?
- a private fund?

**34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?**

- Yes
- No

If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

**35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?**

- Yes
- No

If yes, please specify:

In Italy public prosecutors have specific duties concerning the protection and assistance of victims of crime.

**36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?**

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**Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".**

- Yes
- No
- NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed).

If necessary, please specify:

Public prosecutors cannot decide to discontinue a case on their own. A decision by a judge is always needed.

## 2. 2. 2. Confidence of citizens in their justice system

**37) Is there a system for compensating users in the following circumstances:**

- excessive length of proceedings?
- non execution of court decisions?
- wrongful arrest?
- wrongful condemnation?

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

In Italy there is a compensation system in case of excessive length of proceedings, wrongful arrest and wrongful condemnation.

**38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)**

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at the parties
- (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)

(Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:

The final reports of these surveys can be found on the website of the Statistics Department of the Ministry of Justice: <http://webstat.giustizia.it/default.aspx>

**39) If possible, please specify:**

	Surveys at a regular interval (for example annual)	Occasional surveys
Surveys at national level	No	No
Surveys at court level	Yes	Yes

**40) Is there a national or local procedure for making complaints about the functioning of the judicial system (for example the handling of a case by a judge or the duration of a proceeding)?**

Yes

No

**41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.**

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complaint, etc.)	Time limit for dealing with the complaint
Court concerned	No	No
Higher court	Yes	Yes
Ministry of Justice	No	Yes
High Council of the Judiciary	No	Yes
Other external bodies (e.g. Ombudsman)	No	No

Comment :

Citizens can submit their complaints to the Ministry of Justice. Once the Ministry has received a complain they can ask the "Inspectorate Body" to investigate the issue further.

**41.1) Please indicate the number of complaints that are upheld and the amount of compensation given to users in 2012 for complaints about the functioning of the judicial system**

NA

### 3. Organisation of the court system

#### 3. 1. Functioning

##### 3. 1. 1. Courts

**42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	1231
42.2 First instance specialised Courts (legal entities)	87
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	1378

**43) Number (legal entities) of first instance specialised courts (or specific judicial order). If data is not available, please indicate NA.**

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**If the situation is not applicable in your country, please indicate NAP.**

	Number
Total (must be the same as the data given under question 42.2)	87
Commercial courts (excluded insolvency courts)	NAP
Insolvency courts	NAP
Labour courts	NAP
Family courts	NAP
Rent and tenancies courts	NAP
Enforcement of criminal sanctions courts	58
Fight against terrorism, organised crime and corruption	NAP
Internet related disputes	NAP
Administrative courts	NAP
Insurance and / or social welfare courts	NAP
Military courts	NAP
Other specialised 1st instance courts	29

Comment :

OTHER:

29 Minor (or Juvenile) Courts

NOTE:

There are also specialized first instance courts which are not administered and financed by the Ministry of Justice:

29 Regional administrative courts

21 Regional Audit Commissions

103 Provincial Tax commissions

Military courts

The figures provided at Q. 42-43 only concern courts administrated and financed by the Ministry of Justice.

Moreover, in Italy specific matters (such as Labour, family,...) are dealt by specific divisions within the same Court. There are also 26 divisions called DDA (that is Direzioni Distrettuali Antimafia) which deal specifically with mafia and organized crime.

**44) Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?**

Yes

No

If yes, please specify:

The Italian Ministry of Justice is presently implementing the review of judicial districts according to Law no. 148 of 14 September 2011. In particular a consistent number of courts are now closing:

District courts (Tribunals) 31 out of 166  
 Public prosecutor's offices 31 out of 166  
 Detached local divisions of a district court 220 out of 220  
 Justice of the peace units 667 out of 846

**45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Number
a debt collection for small claims	846
a dismissal	385
a robbery	385

**Please give the definition for small claims and indicate the monetary value of a small claim:**

When the value of the claim is under 5.000 euros the case is heard by the Justice of Peace Courts (846). Dismissal and robbery cases are heard by the Tribunals (ie District courts).

After the implementation of the review of judicial districts, [occured in 2013] the figures will be as follows:

- debt collection for small claims : about 200 Justice of Peace Courts
- dismissal : 135 offices.
- robbery : 135 offices.

**Please indicate the sources for answering questions 42, 43 and 45:**

SOURCE: Ministry of Justice

Figures given at question Q.42 refer to the situation before the implementation of the review of judicial districts [occured in 2013 (mail NC 27/6/2014)].

3. 1. 2. Judges, court staff

**46) Number of professional judges sitting in courts (if possible on 31 December 2012) (please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Please provide in the "comment" box below any useful comment for interpreting the data above.**

\*\*\*\*\*

**[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.**

**Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]**

	Total	Males	Females	NAP
Total number of professional judges (1 + 2 + 3)	6347	3100	3247	
1. Number of first instance professional judges	4929	2259	2670	
2. Number of second instance (court of appeal) professional judges	1118	609	509	
3. Number of supreme court professional judges	300	232	68	

Comment :

**47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

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Total number of court presidents (1 + 2 + 3)	224	176	48	
1. Number of first instance court presidents	199	153	46	
2. Number of second instance (court of appeal) court presidents	24	22	2	
3. Number of supreme court presidents	1	1	0	

**48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2012).**

-----  
Please provide in the "comment" box below any information to explain the answer under question 48.

Gross figure NAP  
If possible, in full-time equivalent NAP

Comment :

There are no professional judges sitting in courts on an occasional basis in the Italian judicial system.

**49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2012) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury):**

-----  
If such non-professional judges exists in your country, please specify it in the "comment" box below:

Gross figure  Yes 3275

Comment :

**50) Does your judicial system include trial by jury with the participation of citizens?**

- Yes  
 No

If yes, for which type of case(s)?

Only for serious criminal offences such as murdering.

**51) Number of citizens who were involved in such juries for the year of reference:**

NA

**52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2012) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.**

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)  Yes (among which women) 23 672

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal NAP

2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars  Yes (among which women) 14 811

3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)  Yes (among which women) 4 542

4. Technical staff  Yes (among which women) 497

5. Other non-judge staff  Yes (among which women) 3 822

Comment :

Other non-judge staff" includes: assistants, receptionists, porters and other judicial staff. The high percentage of "other non judge staff" in Italy is due to a very strict interpretation of the definition of the main categories.

**53) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and duties:**

**54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?**

Yes

No

If yes, please specify:

There is a number of non-core services outsourced to external providers, especially in IT, foreign language training (and not judicial training), cleaning and wire-tapping machinery rental.

**C1 You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

**Please indicate the sources for answering questions 46, 47, 48, 49 and 52**

Ministry of Justice – Magistrates Department (Direzione Generale dei Magistrati) except for Q.52 Ministry of Justice – HR Department

### 3. 1. 3. Public prosecutors and staff

**55) Number of public prosecutors (if possible on 31 December 2012) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.**

	Total	Males	Females	NAP
Total number of prosecutors (1 + 2 + 3)	1 900	1 103	797	
1. Number of prosecutors at first instance level	1 620	891	729	
2. Number of prosecutors at second instance (court of appeal) level	226	162	64	
3. Number of prosecutors at supreme court level	54	50	4	

Comment :

**56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

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Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females	NAP
Total number of heads of prosecution offices (1 + 2 + 3)	201	178	23	
1. Number of heads of prosecution offices at first instance level	176	153	23	
2. Number of heads of prosecution offices at second instance (court of appeal) level	24	24	0	
3. Number of heads of prosecution offices at supreme court level	1	1	0	

Comment :

**57) Do other persons have similar duties to public prosecutors?**

Yes



No NA

Number (full-time equivalent)

1838

**58) If yes, please specify their title and function:**

Their title is "Honorary Deputy Prosecutors" and their functions are regulated by law.

**59) If yes, is their number included in the number of public prosecutors that you have indicated under question 55?** Yes No**59.1) Do all prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?** Yes**60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2012) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).**Number  NA 8964Among which women  NA 5478**C2 You can indicate below:****- Any useful comments for interpreting the data mentioned in this chapter****- The characteristics of your judicial system and the main reforms that have been implemented over the last two years****Please indicate the sources for answering questions 55, 56 and 60.**

Q.55 and Q.60 Ministry of Justice – Magistrates Department (Direzione Generale dei Magistrati). Q.60 Ministry of Justice – HR Department

**3. 1. 4. Management of the court budget****61) Who is entrusted with responsibilities related to the budget within the court?**

-----

**If "other", please specify it in the "comment" box below.**

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	No	No	No	No
Court President	Yes	Yes	Yes	Yes
Court administrative director	Yes	Yes	Yes	Yes
Head of the court clerk office	No	No	No	No
Other	No	No	No	No

Comment :

**3. 1. 5. Use of Technologies in courts****62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?**

| | |

Word processing	100% of courts
Electronic data base of caselaw	100% of courts
Electronic files	100% of courts
E-mail	100% of courts
Internet connection	100% of courts

**63) For administration and management, what are the computer facilities used within the courts?**

Case registration system	100% of courts
Court management information system	+50% of courts
Financial information system	100% of courts
Videoconferencing	+50% of courts

**64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts ?**

-----  
**Si "autres moyens de communication électronique", veuillez le préciser dans la boîte de commentaires ci-dessous.**

Electronic web forms	+50% of courts
Website	+50% of courts
Follow-up of cases online	+50% of courts
Electronic registers	100% of courts
Electronic processing of small claims	+50% of courts
Electronic processing of undisputed debt recovery	+50% of courts
Electronic submission of claims	+50% of courts
Videoconferencing	+50% of courts
Other electronic communication facilities	+50% of courts

Comment :

**65) The use of videoconferencing in the courts (details on question 63).**

-----  
**Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.**

65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses or victims?	Yes
65.2 Can such court hearing be held in the police station and/or in the prison?	Yes
65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	Yes
65.4 Is videoconferencing used in other than criminal cases?	Yes

Comment :

Law 7/1/1998 n°11 - Discipline of participating in criminal proceedings in the trial examination at a distance and collaborators of justice

Video conferencing has gone through a particular focus in the last period. Video conferencing is part of a more general three-year plan (2012-2014) that aims to enhance the technological infrastructure of the Italian Judicial System.

**C3 You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

### 3. 2. Monitoring and evaluation

#### 3. 2. 1. Performance and evaluation

**66) Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?**

Yes

No

If yes, please indicate the name and the address of this institution:

Direzione Generale di Statistica (i.e. Statistics Department) - Via Arenula 70 - Roma

**66.1) Does this institution publish statistics on the functioning of each court on the internet:**

Yes

No, only in an intranet website

No

**67) Are individual courts required to prepare an annual activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?**

Yes

No, only in an intranet website

**68) Do you have, within the courts, a regular monitoring system of court activities concerning:**

-----  
**The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).**

number of incoming cases?

number of decisions delivered?

number of postponed cases?

length of proceedings (timeframes)?

other?

If other, please specify:

**69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?**

-----  
**The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).**

Yes

No

If yes, please specify:

A series of key indicators have been developed in collaboration with the High Judicial Council (CSM) to evaluate the performance of the courts (e.g. the clearance rate and the turn-over ratio).

**70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72)**

Yes

No

**71) Please select the 4 main performance and quality indicators that have been defined:**

- incoming cases
- length of proceedings (timeframes)
- closed cases
- pending cases and backlogs
- productivity of judges and court staff
- percentage of cases that are processed by a single sitting judge
- enforcement of penal decisions
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- judicial quality and organisational quality of the courts
- costs of the judicial procedures
- other:

If other, please specify:

As requested, we selected the key indicators although others of the list are evaluated as well.

**72) Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?**

- Yes
- No

**73) Who is responsible for setting the targets for each judge?**

- executive power (for example the Ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council, Higher Court)
- President of the court
- other

If other, please specify:

**74) Are there performance targets defined at the level of the court (if no please skip to question 77)?**

- Yes
- No

**75) Who is responsible for setting the targets for the courts?:**

- executive power (for example the ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council, Higher Court)
- President of the court
- other

If other, please specify:

Every year, at the beginning of the year, the Ministry of Justice provides new performance targets. For the first time in Italian judiciary system law decree n. 98/2011 has provided for economic bonuses to courts and single magistrates when the number of pending cases is reduced by a certain percentage in a year (civil sector only).

**76) Please specify the main targets applied to the courts:**

The main two targets are: reduction of the pending cases and reduction of costs.

**77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)**

- High Council of judiciary
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other

If other, please specify :

**78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?**

- Yes
- No

If yes, please specify:

**79) Do you have specialised court staff that is entrusted with these quality standards?**

- Yes
- No

**80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for ?**

- in civil law cases
- in criminal law cases
- in administrative law cases

**81) Do you monitor waiting time during court procedures?**

- Yes
- No

If yes, please specify:

**82) Is there a system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?**

-----  
**This question does not concern the specific evaluation of performance indicators.**

- Yes
- No

Please specify the frequency of the evaluation:

Quarterly monitoring, Annual Report, Inspection visits every 3 years for all judicial offices.

**83) Is there a system for monitoring and evaluating the performance of the public prosecution service?**

- Yes
- No

If yes, please give further details:

Quarterly monitoring, Annual Report, Inspection visits every 3 years for all judicial offices.

**C.4 You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your court monitoring and evaluation systems

## 4. Fair trial

### 4. 1. Principles

#### 4. 1. 1. General principles

**84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a lawyer)?**

NAP

**85) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?**

- Yes  
 No

Number of successful challenges (in a year):

NA

**86) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate NA.**

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	5	15	15	0
Civil proceedings - Article 6§1 (non-execution)	0	0	1	0
Criminal proceedings - Article 6§1 (duration)	2	0	0	0

**Please indicate the sources:**

Ministry of Justice – Legal and Human Rights Department (i.e. DG del Contenzioso e dei Diritti Umani)

**D.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter**

### 4. 2. Timeframes of proceedings

#### 4. 2. 1. General information

**87) Are there specific procedures for urgent matters as regards:**

- civil cases?  
 criminal cases?  
 administrative cases?  
 there is no specific procedure

If yes, please specify:

There are specific procedures for urgent matters in both civil and criminal cases. For example there are specific measures when dealing with child protection.

**88) Are there simplified procedures for:**

- civil cases (small disputes)?  
 criminal cases (small offences)?  
 administrative cases?  
 there is no simplified procedure

If yes, please specify:

In Italy there are simplified procedures for both civil and criminal cases. The "Processo per direttissima" is a simplified criminal proceeding and it is applied in cases of red-handed arrest or confession of the accused. An example of simplified procedures for civil cases is the "Rito sommario".

**88.1) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?**

- Yes  
 No

**89) Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?**

- Yes  
 No

If yes, please specify:

This is possible only in a few cases (e.g. company law)

#### 4. 2. 2. Case flow management and timeframes of judicial proceedings

**90) Comment:**

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

**91) First instance courts: number of other than criminal and criminal law cases.**

Number of other than criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

**Note 1:** cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.

**Note 2:** check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should r

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)*	4986193	4010588	4346215	4650566
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	3796202	1559779	2047289	3308692
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	642544	1929572	1787697	784419
3. Non litigious enforcement cases	547447	521237	511229	557455
4. Non litigious land registry cases**	NAP	NAP	NAP	NAP
5. Non litigious business registry cases**	NAP	NAP	NAP	NAP
6. Administrative law cases	NAP	NAP	NAP	NAP
7. Other cases (e.g. insolvency registry cases)	NAP	NAP	NAP	NAP

**92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:**

Separation and divorce by mutual consent, interdiction & incapacitation, protective measures for underage, guardianship & trusteeship etc.

**93) If "other cases", please indicate the case categories included:**

**94) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**



**Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.**

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	1355812	1532809	1434169	1454452
8. Severe criminal cases	1198895	1308942	1218416	1289421
9. Misdemeanour and / or minor criminal cases	156917	223867	215753	165031

**95) To differentiate between misdemeanour / minor offenses and serious offenses and ensure the consistency of the responses between different systems, the CEPEJ invites to classify as misdemeanour / minor all offenses for which it is not possible to pronounce a sentence of privation of liberty. Conversely, should be classified as severe offenses all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment). If you cannot make such a distinction, please indicate the categories of cases reported in the category "serious offenses" and cases reported in the category "minor offenses":**

In Italy there is no formal definition of "Minor criminal cases". For the purposes of this report we have defined "Minor criminal cases" as those proceedings dealt by the Justice of Peace Offices.

**96) Comments on questions 90 to 95 (specific situation in your country e.g. NA-answers and the calculation of the total number of other than criminal law cases, differences in horizontal consistency etc.)**

Please consider that in terms of statistics we have implemented a different classification of civil cases. The result is an improved classification and a better split between litigious and non-litigious cases. For this reason the comparison between 2010 and 2012 data might lead to misinterpretation when one look at litigious and non-litigious cases individually.

**97) Second instance courts: total number of cases**

**Number of "other than criminal law" cases.**

**If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	531 410	160 832	168 276	523 966
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	528 418	156 965	163 967	521 416
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	2 992	3 867	4 309	2 550
3. Non litigious enforcement cases	NA	NA	NA	NA
4. Non litigious land registry cases	NAP	NAP	NAP	NAP
5. Non litigious business registry cases	NAP	NAP	NAP	NAP
6. Administrative law cases	NAP	NAP	NAP	NAP
7. Other cases (e.g. insolvency registry cases)	NAP	NAP	NAP	NAP

**98) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	241207	109903	98438	252672
8. Severe criminal cases	NA	NA	NA	NA
9. Misdemeanour and/or minor criminal cases	NA	NA	NA	NA

Comment :

**99) Highest instance courts: total number of cases**  
**Number of "other than criminal law" cases:**

**If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	95593	29128	25012	99709
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	95124	28766	24637	99253
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	NA	NA	NA	NA
3. Non litigious enforcement cases	NAP	NAP	NAP	NAP
4. Non litigious land registry cases**	NAP	NAP	NAP	NAP
5. Non litigious business registry cases	NAP	NAP	NAP	NAP
6. Administrative law cases	NAP	NAP	NAP	NAP
7. Other cases (e.g. insolvency registry cases)	469	362	375	456

**99.1) At the level of the Higher court, is there a procedure of manifest inadmissibility?**

- Yes. If yes, please indicate the number of cases closed by this procedure?  
 No

Number  
2984

**100) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	30561	52342	51614	31289
8. Ssevere criminal cases	29824	51401	50743	30482
9. Misdemeanour and/or minor criminal cases	737	941	871	807

Comment :

Under "misdemeanour and/or minor criminal cases" are included all those cases coming from the Justice of Peace Courts.

**101) Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 January 2012	Incoming cases	Resolved cases	Pending cases on 31 December 2012
Litigious divorce cases	34114	19287	18174	35227
Employment dismissal cases	NA	NA	NA	NA
Insolvency	85736	12577	11909	86404
Robbery cases	2053	4953	4688	2318
Intentional homicide	275	176	209	243

**102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

-----  
**[The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.]**

	% of decisions subject to appeal	% pending cases more than 3 years	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	NA	NA	676	486	NA	NA
Employment dismissal cases	NA	NA	NA	NA	NA	NA
Insolvency	NA	NA	2566	NA	1071	NA
Robbery cases	NA	NA	NA	NA	191	NA
Intentional homicide	NA	NA	NA	NA	237	NA

**103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):**

The implementation of a different classification of civil cases has affected the number of litigious divorce cases. Therefore the comparison between 2010 and 2012 litigious divorce cases might lead to misinterpretation. Please revise the CEPEJ database with the following figures: Average length in 1st instance (in days)

Year 2004: 573 days

Year 2006: 651 days

Year 2008: 650 days

Year 2010: 654 days

Year 2012: 676 days

**104) How is the length of proceedings calculated for the five case categories? Please give a description of the calculation method.**

Average length (in first and second instance) has been calculated using the following formula:  
 $L = (\text{Initial Pending cases} + \text{Final Pending cases}) / (\text{Incoming cases} + \text{Resolved cases})$

Average length in 3rd instance (in days) is the actual average length of the proceedings.

**105) Role and powers of the public prosecutor in the criminal procedure (multiple options possible):**

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to request investigation measures from the judge
- to charge
- to present the case in the court
- to propose a sentence to the judge
- to appeal
- to supervise the enforcement procedure
- to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers

If "other significant powers", please specify:

**106) Does the public prosecutor also have a role in civil and/or administrative cases?**

- Yes
- No

If yes, please specify:

Public prosecutor is party in civil affairs in which public interest is involved – such as cases related to status and capacity of persons, rights of minors, divorces, bankrupt etc

**106.1) Does the public prosecutor also have a role in insolvency cases?**

- Yes
- No

If yes, please specify:

Public prosecutors have a role in bankruptcy cases when public interest is involved. However public prosecutor is not a party in cases regarding private insolvency.

**107) Case proceedings managed by the public prosecutor****Total number of 1st instance criminal cases.**

If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	3441519	2369825	NA	676795

**107.1) Among cases charged by the public prosecutor before the courts, how many were brought to court under a guilty plea procedure or similar ?**

	Before the court case:	During the court case:
If possible, please distinguish the number of guilty plea procedure:	NA	NA

**108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	2 369 825
1. Discontinued by the public prosecutor because the offender could not be identified	1 450 679
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	908 825
3. Discontinued by the public prosecutor for reasons of opportunity	10 321

**109) Do the figures include traffic offence cases?**

Yes

No

**D.2 You can indicate below:**

**any useful comments for interpreting the data mentioned in this chapter  
the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years**

As far as Q.99 please consider that in Italy "non-litigious enforcement cases" are not heard by the highest instance court. The latter only hears litigious enforcement cases. In the past we have been providing litigious enforcement cases. For your information, in 2012 litigious enforcement cases some as follows:

Initial pending: 1090

Incoming: 221

Resolved: 413

Final pending: 898

A few notes regarding Q.101 and Q.102

Litigious divorce cases:

The implementation of a different classification of civil cases has affected the number of litigious divorce cases. Therefore the comparison between 2010 and 2012 litigious divorce cases might lead to misinterpretation. Please revise the CEPEJ database with the following figures: Average length in 1st instance (in days)

Year 2004: 573 days

Year 2006: 651 days

Year 2008: 650 days

Year 2010: 654 days

Year 2012: 676 days

Employment dismissal cases:

Please note that we can provide figures for "Labour cases" in general but -at the moment- our statistics do not allow to get specific data on employment dismissal cases.

Insolvency:

The Italian system distinguish between "Insolvency applications" and "Insolvency cases". The "Insolvency application" is the litigious part of the proceeding where creditors and debtors have different goals (dispute). On the other hand "Insolvency cases" is the part of the proceeding where the judge has already established the insolvency / bankruptcy

of the debtor and the case is all about the management of the assets and proceeds of the debtor. Figures at Q.101 and Q.102 refer to "Insolvency cases" rather than "Insolvency applications".

#### Robbery cases

The figures provided are an approximation of the real number of robbery cases. Data comes from a certain number of courts and then the sampling data was weighted to the entire number of Italian courts.

#### Intentional homicide

The figures provided are an approximation of the real number of intentional homicide proceedings. Data comes from a certain number of courts and then the sampling data was weighted to the entire number of Italian courts.

#### CN 24/03:

q. 108 : Item 2 and 3 were not available in 2010 but now they are. The thing is that for the last scheme we improved our statistics a bit. We are now able to distinguish between these three categories more clearly. In 2010, however, a few cases were erroneously allocated to "Discontinued by the public prosecutor because the offender could not be identified" but we couldn't do otherwise. By the way if one look at the overall number of discontinued cases there difference is not statistically significant.

#### CN 13/05:

- "Litigious divorce" cases and "Insolvency" we are very likely to be in a position to give you an answer to these two items in the near future. At the moment our statistics are based on aggregate data but we are currently working on a project called "Civil Datawarehouse" which will enable us to look at each single procedure individually.
- "Employment dismissal cases" - we cannot take these specific cases out of the bundle labeled "Labour in general".
- "Robbery cases" and "Intentional homicide". At the moment our criminal statistics are still to be improved. As per our civil statistics, at the moment data is based on aggregate data.

**Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.**

Ministry of Justice – Statistics Department (Direzione Generale di Statistica) + Supreme Court of Cassation

## 5. Career of judges and public prosecutors

### 5. 1. Recruitment and promotion

#### 5. 1. 1. Recruitment and promotion

##### 110) How are judges recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If "other", please specify:

##### 110.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

- Yes
- No

If "yes", please specify:

##### 111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].

- An authority made up of judges only?
- An authority made up of non-judges only?
- An authority made up of judges and non-judges?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

The recruitment process (including examination) is managed by the Ministry of Justice.

##### 112) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, which authority is competent for the promotion of judges ?

The career advancement of both judges and prosecutors falls within the competence of the High Judicial Council (CSM) and it is based on periodic evaluations.

##### 112.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

- Yes
- No

If "yes", please specify:

##### 113) Which procedures and criteria are used for promoting judges? Please specify.

Every four years, the High Judicial Council (CSM) conducts a professional appraisal based on the professional skills of the judge. The criteria applied are: independence, impartiality, balance, professional capacity, hardworkingness, diligence and commitment.

**114) Is there a system of qualitative individual assessment of the judges' activity?**

- Yes  
 No

If yes, please indicate the frequency  
 Every four years.

**115) Is the status of prosecution services:**

- Independent?  
 Under the authority of the Minister of justice ?  
 Other?

Please specify:

Judges and public prosecutors are part of the same judiciary body with same regulation. They are both subject to the High Judicial Council (Consiglio Superiore della Magistratura).

**116) How are public prosecutors recruited?**

- Mainly through a competitive exam (for instance, following a university degree in law)  
 Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)  
 A combination of both (competitive exam and working experience)  
 Other

If "other", please specify:

**117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:**

**[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]**

- An authority composed of public prosecutors only?  
 An authority composed of non-public prosecutors only?  
 An authority composed of public prosecutors and non-public prosecutors?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

The recruitment process (including examination) is managed by the Ministry of Justice.

**117.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?**

- Yes  
 No

If "yes", please specify:

**118) Is the same authority formally responsible for the promotion of public prosecutors?**

- Yes  
 No

If no, please specify which authority is competent for promoting public prosecutors:

The career advancement of both judges and prosecutors falls within the competence of the High Judicial Council (CSM) and it is based on periodic evaluations.

**119) Which procedures and criteria are used for promoting public prosecutors? Please specify:**

Every four years, the High Judicial Council (CSM) conducts a professional appraisal based on the professional skills of the public prosecutor. The criteria applied are: impartiality, balance, professional capacity, hardworkingness, diligence and commitment.

**119.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?**

- Yes
- No

If "yes", please specify:

**120) Is there a system of qualitative individual assessment of the public prosecutors' activity?**

- Yes
- No

**121) Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

-----

**If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below**

Yes. If yes, please indicate the compulsory retirement age	75
No	

Comment :

According to the Italian Constitution, judges are appointed to office for life. However, a judge may be removed from office as a result of a disciplinary proceeding, initiated by the Prosecutor-general of the Court of Cassation or requested by the Minister of Justice according to artt. 107 of the Constitution. If charges are brought, the Disciplinary Section hears and decides the case. The proceeding has a judicial nature, right of defence is guaranteed at all stages, and the code of criminal procedure (as in force before 1989) applies. Against the disciplinary decision, appeal is possible before the Joint Civil Chambers of the Court of Cassation.

Another case of dismissal is on the ground of professional evaluation. If the outcome of the periodical appraisal is negative, judges must undergo another evaluation after two years, if the appraisal is still negative they are dismissed.

Finally, demotion of judges or public prosecutors can be caused by sanitary reasons if they are not physically or mentally fit to fulfil the jurisdictional functions.

mail CN 17/1/14: in Italy the retirement age for "magistrates" (i.e both judges and public prosecutors) is 70 but it can be extended up to 75 years on request.

**121.1) Can a judge be transferred to another court without his consent:**

- For disciplinary reasons
- For organisational reasons
- For other reasons. Please specify modalities and safeguards

Please specify modalities and safeguards

Apart from disciplinary reasons, a judge cannot be transferred to another court without his/her consent.

**122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.**

Yes	
-----	--



No	
NAP	NAP

**123) Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

-----

**If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below:**

Yes. If yes, please indicate the compulsory retirement age	YES
No	

Comment :

In Italy a public prosecutor may be removed from office as a result of a disciplinary proceeding, initiated by the Prosecutor-general of the Court of Cassation or requested by the Minister of Justice according to art. 107 of the Constitution. If charges are brought, the Disciplinary Section hears and decides the case. The proceeding has a judicial nature, right of defence is guaranteed at all stages, and the code of criminal procedure (as in force before 1989) applies. Against the disciplinary decision, appeal is possible before the Joint Civil Chambers of the Court of Cassation.

Another case of dismissal is on the ground of professional evaluation. If the outcome of the periodical appraisal is negative, public prosecutors must undergo another evaluation after two years, if the appraisal is still negative they are dismissed.

Finally, demotion of judges or public prosecutors can be caused by sanitary reasons if they are not physically or mentally fit to fulfil the jurisdictional functions.

**124) Is there a probation period for public prosecutors? If yes, how long is this period? If the situation is not applicable in your country, please indicate NAP.**

	Duration of the probation period (in years)
Yes	
No	
NAP	NAP

**125) If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)? Is it renewable?**

NAP

**126) If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)? Is it renewable?**

NAP

**E.1 You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of the selection and nomination procedure of judges and public prosecutors and the main reforms that have been implemented over the last two years

In order to become judges or public prosecutors, candidates have to pass a competitive public examination. After the examination successful candidates still have to spend 18 months as "Magistrati ordinari in tirocinio". This is a mandatory training rather than a probation period. Moreover this is a period of not less than eighteen months – during which 'appointed magistrates' do not fulfil any judicial function. On completion of the traineeship the High Judicial Council (CSM) appraises whether the newly appointed magistrates are suitable to take up judicial functions. If the outcome of the appraisal is negative they are admitted to a new traineeship of one year. If this new traineeship is followed by a second negative appraisal they are dismissed. If the outcome is positive the newly appointed magistrates take up judicial functions.

## 5. 2. Training

### 5. 2. 1. Training

**127) Training of judges**

Initial training (e.g. attend a judicial school, traineeship in the court)	Compulsory
General in-service training	Optional
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Optional
In-service training for management functions of the court (e.g. court president)	Optional
In-service training for the use of computer facilities in courts	Optional

**128) Frequency of the in-service training of judges:**

General in-service training	Occasional (e.g. at times)
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. court president)	Occasional (e.g. at times)
In-service training for the use of computer facilities in courts	Occasional (e.g. at times)

**129) Training of public prosecutors**

Initial training	Compulsory
General in-service training	Optional
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Optional
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Optional
In-service training for the use of computer facilities in office	Optional

**130) Frequency of the in-service training of public prosecutors**

General in-service training	Occasional (e.g. at times)
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Occasional (e.g. at times)
In-service training for the use of computer facilities in office	Occasional (e.g. at times)

**131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate the budget of such institution(s) in the "comment" box below.**

-----  
**If your judicial training institutions do not correspond to these criteria, please specify it:**

	Initial training only	Continuous training only	Initial and continuous training	2012 budget of the institution, in €
One institution for judges	NAP	NAP	NAP	NAP
One institution for prosecutors	NAP	NAP	NAP	NAP
One single institution for both judges and prosecutors	NAP	NAP	Yes	NA

Comment :

A short introduction to the Italian School for the Judiciary

[http://www.giustizia.it/giustizia/it/contentview.wp?previousPage=mg\\_1\\_28&contentId=ART749202](http://www.giustizia.it/giustizia/it/contentview.wp?previousPage=mg_1_28&contentId=ART749202)

In accordance with the principles of judicial independence, freedom of research and teaching, and good administration of justice - as set out in the Constitution of the Republic of Italy - the School for the Judiciary, established by Legislative Decree 30 January 2006, n. 26, ensures the implementation of the right to, and duty of, professional training of members of the judiciary; the Schools also performs other tasks in the areas of training and research, as provided for by the law and the School's own charter.

The School is an independent entity with legal personality under public and private law, as well as full capacity vis-à-vis organizational, functioning, management, contractual and accounting aspects of its activity. The charter of the School – which represents the expression of its autonomy - was adopted on February 6, 2012.

The School is the sole agency competent with regard to professional training of the judiciary.

It is responsible, in particular, for:

organization of training initiatives for judges and prosecutors and, when required, for other legal practitioners;  
 initial and in-service training of honorary judges and prosecutors;  
 organization of training courses for judges and prosecutors who apply for the conferral of chief positions in first and second instance courts and prosecution offices;  
 the training of judges and prosecutors holding positions as chairs in courts and chambers as well as similar positions in prosecution offices;  
 the training of judges and prosecutors serving as trainers;  
 the decentralized training activities;  
 cooperating in activities connected with initial training of judges and prosecutors, within the guidelines formulated by the High Council for the Judiciary and taking into account proposals by the local judicial councils;  
 the training in Italy, at the request of competent self-government bodies, of foreign judges and prosecutors participating in training initiatives taking place within the European Judicial Training Network, as well as projects of the European Union and other States' or international institutions, and implementation of programmes of the Ministry of Foreign Affairs as well as coordination of training activities aimed at Italian judges and prosecutors organized by other States or international institutions, targeting the organization and functioning of the judicial system;  
 partnerships, at the request of competent self-government bodies, in activities relating to the organization and functioning of the judicial system in other countries;  
 conducting training programmes in collaboration with similar structures of foreign States or professional associations;  
 publication of research and studies in the areas relating to training;  
 organization of activities and cultural exchanges, meetings and research, in relation to training;  
 organization, on the basis of specific agreements or conventions, of seminars for legal practitioners or young lawyers enrolled in lawyers' specialization courses.

In adopting or amending its annual training programme the School takes account of the guidelines regarding judicial training it receives from the High Council for the Judiciary and the Minister of Justice, as well as the proposals it receives from the National Bar Council and the National University Council.

To achieve the above goals, the School may conclude agreements or memoranda of understanding with other public or private entities.

The locations of the School shall be determined by decree of the Minister of Justice, in consultation with the Minister of Economy and Finances.

The organization of the School is governed by its charter as well as regulations that the School itself may adopt.

The organs of the School are: the Board of Directors, the President and the Secretary General.

The Board of Directors is composed of twelve members: seven of these members are chosen from among judges and prosecutors, both in service and retired; three from among university professors, both in service and retired, and two among lawyers who have practiced for at least ten years. The High Council for the Judiciary appoints six judges and prosecutors and one university professor, the Minister of Justice appoints one judge or prosecutor, two lawyers and two university professors. The members of the Board shall hold office for four years and may not be immediately renewed.

The Secretary General is either a judge or prosecutor or a chief executive within State Ministries.

**131.1) If there is no initial training for judges and/or prosecutors in such institutions, please indicate briefly how these judges and/or prosecutors are recruited and trained ?**

**E.2 You can indicate below:**

**any useful comments for interpreting the data mentioned in this chapter**

**comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court**

**the characteristics of your training system for judges and public prosecutors and the main reforms that have been implemented over the last two years**

### 5. 3. Practice of the profession

#### 5. 3. 1. Practice of the profession

**132) Salaries of judges and public prosecutors.**

	Gross annual salary, in €, on 31 December 2012	Net annual salary, in €, on 31 December 2012
First instance professional judge at the beginning of his/her career	54497	33911
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	179747	97833
Public prosecutor at the beginning of his/her career	54497	33911
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)	179747	97833

**Comment :**

As far as Q.132 is concerned, please consider that the salaries of judges and PMs do not depend on the position held but rather on

experience (i.e. years of service). That means that the salary of a Judge working in the lowest courts can be the same as the salary of a Judge working in the Highest Appellate Court.

**133) Do judges and public prosecutors have additional benefits?**

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	No	No
Housing	No	No
Other financial benefit	No	No

**134) If other financial benefit, please specify:**

It might not be a proper benefit but in Italy judges receive a bonus salary if they accept to work in judicial offices with significant lack of personnel ("sedi disagiate").

**135) Can judges combine their work with any of the following other functions ?**

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	No	No
Consultant	No	No
Cultural function	Yes	Yes
Political function	No	No
Other function	No	No

**136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.**

Any function – different from their work – performed by a judge or a public prosecutors is subject to authorisation by the High Judicial Council (CSM). The aim of authorisation is to ensure that the activity doesn't bring the risk of undermining the autonomy and impartiality of the magistrate's image.

**137) Can public prosecutors combine their work with any of the following other functions ?**

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	No	No
Consultant	No	No
Cultural function	Yes	Yes
Political function	No	No
Other function	No	No

**138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:**

Any function – different from their work – performed by a judge or a public prosecutors is subject to authorisation by the High Judicial Council (CSM). The aim of authorisation is to ensure that the activity doesn't bring the risk of undermining the autonomy and impartiality of the magistrate's image.

**139) Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time)?**

- Yes  
 No

If yes, please specify the conditions and possibly the amounts:

For the first time the Italian judiciary system law decree n. 98/2011 has provided for economic bonuses to Court office and single magistrates when the number of pending cases is reduced by 10% in a year . The provision, adopted last July, has not yet been implemented.

**5. 4. Disciplinary procedures****5. 4. 1. Disciplinary procedures****140) Who has been authorised to initiate disciplinary proceedings against judges (multiple options possible)?**

- Citizens  
 Relevant Court or hierarchical superior  
 High Court / Supreme Court  
 High Judicial Council  
 Disciplinary court or body  
 Ombudsman  
 Parliament  
 Executive power  
 Other  
 This is not possible

If "executive power" and/or "other", please specify:

Disciplinary proceeding against judges and public prosecutors can only be initiated by the Prosecutor General of the Corte Suprema di Cassazione (i.e. Supreme court) or by the Minister of Justice.

**141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):**

- Citizens  
 Head of the organisational unit or hierarchical superior public prosecutor  
 Prosecutor General /State public prosecutor  
 Public prosecutorial Council (and Judicial Council)  
 Disciplinary court or body  
 Ombudsman  
 Professional body  
 Executive power  
 Other  
 This is not possible

If "executive power" and/or "other", please specify:

Disciplinary proceeding against judges and public prosecutors can only be initiated by the Prosecutor General of the Corte Suprema di Cassazione (i.e. Supreme court) or by the Minister of Justice.

**142) Which authority has disciplinary power on judges? (multiple options possible):**

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power
- Other

If "executive power" and/or "other", please specify:

High Judicial Council (CSM Consiglio Superiore della Magistratura).

In particular the Disciplinary Section of the High Judicial Council , sitting as a judicial body. If charges are brought, the Disciplinary Section hears and decides the case. The proceeding has a judicial nature, right of defence is guaranteed at all stages, and the code of criminal procedure (as in force before 1989) applies. Against the disciplinary decision, appeal is possible before the Joint Civil Chambers of the Court of Cassation.

**143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):**

- Supreme Court
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power
- Other

If "executive power" and/or "other", please specify:

High Judicial Council (Consiglio Superiore della Magistratura).

**144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

	Judges	Public prosecutors
Total number (1+2+3+4)	99	43
1. Breach of professional ethics	8	7
2. Professional inadequacy	91	36
3. Criminal offence	0	0
4. Other	0	0

Comment :

**145) Number of sanctions pronounced in 2012 against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

	Judges	Public prosecutors

Total number (total 1 to 9)	39	14
1. Reprimand	31	12
2. Suspension	0	0
3. Removal of cases	NAP	NAP
4. Fine	NAP	NAP
5. Temporary reduction of salary	NAP	NAP
6. Position downgrade	5	1
7. Transfer to another geographical (court) location	3	1
8. Resignation	0	0
9. Other	0	0

Comment :

**E.3 You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning disciplinary procedures for judges and public prosecutors and the main reforms that have been implemented over the last two years

**Please indicate the sources for answering questions 144 and 145**

High Judicial Council (CSM Consiglio Superiore della Magistratura).

## 6. Lawyers

### 6. 1. Status of the profession and training

#### 6. 1. 1. Status of the profession and training

**146) Total number of lawyers practising in your country.**

226202

**147) Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?**

Yes

No

**148) Number of legal advisors who cannot represent their clients in court:**

NAP

**149) Do lawyers have a monopoly on legal representation in (multiple options are possible):**

Civil cases?

Criminal cases - Defendant?

Criminal cases - Victim?

Administrative cases?

There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

There are a few exceptions. In civil law cases heard by the Justice of the Peace when the value of the proceeding is less than 1100 € there is no obligation to be represented by a lawyer before the court.

With regard to taxation cases, in first and second instance proceedings legal representation can be offered also by accountants and other professional figures indicated by law.

**150) Is the lawyer profession organised through? (multiple options possible)**

a national bar?

a regional bar?

a local bar?

**151) Is there a specific initial training and/or examination to enter the profession of lawyer?**

Yes

No

If not, please indicate if there are other specific requirements as regards diplomas or university degrees :

**152) Is there a mandatory general system for lawyers requiring in-service professional training?**

Yes

No

**153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?**



Yes No

If yes, please specify:

A recent reform of the legal profession (L. 247/2012) provides new rules about specialization and training. The Ministry of Justice, in consultation with the Lawyer National Bar, is currently setting the minimum standard requirements in terms of professional practice. The Ministry of Justice is also working on the specs of a two-year-specialisation programme in order to obtain the specialisation title.

**Please indicate the sources for answering questions 146 and 148:**

Lawyers National Bar Association (Consiglio Nazionale Forense)

**F1 Comments for interpreting the data mentioned in this chapter:**

## 6. 2. Practising the profession

### 6. 2. 1. Practising the profession

**154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?**

 Yes No

**155) Are lawyers' fees freely negotiated?**

 Yes No

**156) Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?**

 Yes laws provide rules Yes standards of the bar association provide rules No, neither laws nor bar association standards provide rules

**F2 Useful comments for interpreting the data mentioned in this chapter:**

A recent reform of the legal profession (L. 247/2012) provides for a decree of the Ministry of Justice with general provisions addressed to judges, in order to assist them in establishing lawyers' fees while in determining litigation expenses. Those general "parameters" though are not binding. The draft decree is currently under examination of the Parliamentary Commissions (December 2013).

## 6. 3. Quality standards and disciplinary proceedings

### 6. 3. 1. Quality standards and disciplinary proceedings

**157) Have quality standards been determined for lawyers?**

 Yes No

If yes, what are the quality criteria used?

Quality standards (eg independence of the lawyer, integrity and good repute of the lawyer, professional competence) are set out by the rules of the Code of Professional Conduct for lawyers (Codice deontologico forense) approved by the Lawyer National Bar Association (Consiglio Nazionale Forense).

**158) If yes, who is responsible for formulating these quality standards:**

- the bar association?
- the Parliament?
- other?

If "other", please specify:

The Code of Professional Conduct for lawyers is approved by the National Bar Association. A recent reform of the legal profession (L. 247/2012) demanded the National Bar Association to approve a new Code of Professional Conduct, with the clear indication of the sanctions provided for every kind of professional misconduct or breach of professional rules. A draft Code has already been issued to local bars (December 2013) for possible remarks.

**159) Is it possible to file a complaint about :**

- the performance of lawyers?
- the amount of fees?

Please specify:

Clients can file a complaint with local bars which investigate if there has been a breach of the Code of Conduct or if the lawyer's fee appears to be too high. Clients may also submit a claim before a civil court against lawyers' fees.

**160) Which authority is responsible for disciplinary procedures?**

- the judge
- the Ministry of justice
- a professional authority
- other

If other, please specify:

The local bar is responsible for disciplinary proceedings; its decision may be appealed before the Lawyer National Bar Council (Consiglio Nazionale Forense). A recent reform of the legal profession (L. 247/2012) provides for a future different disciplinary competence of a larger (professional) body, elected by members of local bars will operate at the level of District Courts.

**161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.**

-----

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

	Number
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	305
1. Breach of professional ethics	NA
2. Professional inadequacy	NA
3. Criminal offence	NA
4. Other	NA

Comment :

**162) Sanctions pronounced against lawyers.**

-----

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

	number
Total number of sanctions (1 + 2 + 3 + 4 + 5)	

	136
1.Reprimand	61
2. Suspension	58
3. Removal	5
4. Fine	NAP
5. Other (e.g. disbarment)	12

Comment :

Other: 12 proceedings concerned disbarment sanctions.

Out of the 61 reprimand cases, 36 concerned private reprimand, and 25 public censure. Not listed are n. 9 precautionary suspension cases, since it cannot be considered as a sanction, even though it temporarily removes the lawyer's right to practice law.

The difference between the number of initiated disciplinary proceedings (305) and the number of sanctions (136) is due to the fact the proceedings concluded in 2012 were 210 while the others are still pending.

**F3 You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

## 7. Alternative Dispute Resolution

### 7. 1. Mediation and other forms of ADR

#### 7. 1. 1. Mediation and other forms of ADR

**163) Does the judicial system provide for judicial mediation procedures? If no skip to question 168**  
-----

**Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).**

- Yes  
 No

**163.1) In some fields, does the judicial system provide for mandatory mediation procedures?**  
-----

**If there are mandatory mediation procedures, please specify which fields are concerned in the "comment" box below.**

- Before going to court  
 Ordered by a judge in the course of a judicial proceeding

If there are mandatory mediation procedures, please specify which fields are concerned:

In March 2011 mandatory mediation was introduced but in 2012 it was declared unconstitutional. Since then the number of mediations has significantly decreased. However in 2013 a new piece of legislation has re-introduced mandatory mediation. Mediation is now mandatory for some specific matters in both civil and commercial procedures.

**164) Please specify, by type of cases, the organisation of judicial mediation:**

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	No	Yes	No	Yes	No
Family law cases (ex. divorce)	No	No	No	Yes	No
Administrative cases	No	No	No	No	No
Employment dismissals	No	No	Yes	Yes	No
Criminal cases	No	No	No	No	No

**165) Is there a possibility to receive legal aid for judicial mediation procedures?**

- Yes  
 No

If yes, please specify:

Legal aid is provided for those people who declare an income below certain thresholds. These people are excluded from the payment of the mediation fee.

**166) Number of accredited or registered mediators who practice judicial mediation:**

NA

**167) Number of judicial mediation procedures.**  
-----

**Please indicate the source in the "comment" box below:**

Total number of cases (total 1+2+3+4+5)  Yes 154 879  
1. civil cases NA  
2. family cases NA

- |                                |     |
|--------------------------------|-----|
| 3. administrative cases        | NAP |
| 4. employment dismissals cases | NA  |
| 5. criminal cases              | NAP |

Comment :

**168) Does the legal system provide for the following ADR :**

**If "other", please specify it in the "comment" box below:**

Mediation other than judicial mediation?	Yes
Arbitration?	Yes
Conciliation?	Yes
Other alternative dispute resolution?	Yes

Comment :

mail cn 9/1/14:there are other kind of alternative dispute resolution (e.g. "Conciliazione paritetica" and "conciliazione bandacia")

**G.1 You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

The number of accredited / registered mediators is not available. However there were 963 registered mediator organizations on 31 Decembrer 2012.

**Please indicate the source for answering question 166:**

## 8. Enforcement of court decisions

### 8. 1. Execution of decisions in civil matters

#### 8. 1. 1. Functioning

**169) Do you have enforcement agents in your judicial system?**

- Yes  
 No

**170) Number of enforcement agents**

3177

**171) Are enforcement agents (multiple options are possible):**

- judges?  
 bailiffs practising as private professionals under the authority (control) of public authorities?  
 bailiff working in a public institution?  
 other enforcement agents?

Please specify their status and powers:

Enforcement agents carry out specific activities in both civil and criminal procedures and they also have extra-judicial duties.

Within the criminal procedure environment, the enforcement agents provide the notification of legal documents.

Within the civil procedure environment, the enforcement agents are responsible not only for the

notification of legal documents but also for the execution of the judgments. The enforcement agents are therefore part of the executive process, and they can be assisted by the police and/or the public prosecutor.

The extra-judicial activities of the enforcement agents include the preparation of protests, the notification of extrajudicial documents (i.e. warning and injunctions) etc.

In the past, the enforcement agents were also responsible for calling the parties and the witnesses before the judge during the hearing. Nowadays this activity is carried out by other judicial staff.

**172) Is there a specific initial training or examination to become an enforcement agent?**

- Yes  
 No

**173) Is the profession of enforcement agents organised by?**

- a national body?  
 a regional body?  
 a local body?  
 NAP (the profession is not organised)

**174) Are enforcement fees easily established and transparent for the court users?**

- Yes  
 No

**175) Are enforcement fees freely negotiated?**

- Yes  
 No

**176) Do laws provide any rules on enforcement fees (including those freely negotiated)?**

- Yes  
 No

**Please indicate the source for answering question 170:**

Ministry of Justice – HR Department (Direzione Generale del Personale e della Formazione)

8. 1. 2. Efficiency of enforcement services

**177) Is there a body entrusted with supervising and monitoring the enforcement agents' activity?**

- Yes  
 No

**178) Which authority is responsible for supervising and monitoring enforcement agents?**

- a professional body  
 the judge  
 the Ministry of justice  
 the public prosecutor  
 other

If other, please specify:

**179) Have quality standards been determined for enforcement agents?**

- Yes  
 No

If yes, what are the quality criteria used?

**180) If yes, who is responsible for establishing these quality standards?**

- a professional body  
 the judge  
 the Ministry of Justice  
 other

If "other", please specify:

**181) Is there a specific mechanism for executing court decisions rendered against public authorities, including for supervising such execution?**

- Yes  
 No

if yes, please specify

**182) Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?**

Yes No

If yes, please specify

**183) What are the main complaints made by users concerning the enforcement procedure?  
Please indicate a maximum of 3.**

- no execution at all
- non execution of court decisions against public authorities
- lack of information
- excessive length
- unlawful practices
- insufficient supervision
- excessive cost
- other

If "other", please specify:

**184) Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?** Yes No

If yes, please specify:

**185) Is there a system measuring the length of enforcement procedures:**

- for civil cases?
- for administrative cases?

**186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits:**

NA

**187) Number of disciplinary proceedings initiated against enforcement agents.  
If other, please specify it in the "comment" box below.**

-----

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

Total number of initiated disciplinary proceedings (1+2+3+4)	<input checked="" type="checkbox"/> number:	33
1. for breach of professional ethics	<input checked="" type="checkbox"/> number:	11
2. for professional inadequacy	<input checked="" type="checkbox"/> number:	0
3. for criminal offence	<input checked="" type="checkbox"/> number:	22
4. Other	<input checked="" type="checkbox"/> number:	0

Comment :

mail cn 9/1/14: the total number of disciplinary proceedings (initiated) is coherent with the previous cycle. The only difference is in the split amongst the various categories. The categories proposed by the CEPEJ do not completely fit the Italian classification this raised some doubt in the past about where to place some specific kind of disciplinary proceedings. They finally decided to use the option "other". This time we reckon that "breach of professional ethics" fits best our classification.



**188) Number of sanctions pronounced against enforcement agents.**

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings initiated and the number of sanctions exists, please indicate the reasons in the "comment" box below.

Total number of sanctions (1+2+3+4+5)	<input checked="" type="checkbox"/> number:	37
1. Reprimand	<input checked="" type="checkbox"/> number:	13
2. Suspension	<input checked="" type="checkbox"/> number:	16
3. Dismissal	<input checked="" type="checkbox"/> number:	3
4. Fine	<input checked="" type="checkbox"/> number:	5
5. Other	<input checked="" type="checkbox"/> number:	0

Comment :

**H.1 You can indicate below:**

**any useful comments for interpreting the data mentioned in this chapter the characteristics of your enforcement system of decisions in civil matters and the main reforms that have been implemented over the last two years**

A reform of the judicial system was presented in December 2013 . This reform regards both the civil procedure and the execution process. The reform aims to reduce the time needed to obtain the judgment and to have the judgment executed (settlement of the debt, the release of the property, etc. . ).

With regard to the execution process, the aforementioned reform includes a number of measures that will make the winning party more likely to get their credit. In particular the enforcement agents have now access to specific databases where they can find information about the goods of the debtor that usually were protected against distraint (bank accounts, relationship with trust companies , government and standard bonds, etc.).

**Please indicate the sources for answering questions 186, 187 and 188:**

Ministry of Justice – HR Department (Direzione Generale del Personale e della Formazione)

**8. 2. Execution of decisions in criminal matters****8. 2. 1. Functioning****189) Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)**

- Judge  
 Public prosecutor  
 Prison and Probation Services  
 Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

The judge of surveillance monitor and supervise the execution of the sentence respectful of the rights of detainees and inmates. In particular, the judge of surveillance is responsible for: supervising the organization of prisons; approving the individual treatment plan for each prisoner; granting remission in case of mental illness, granting permits and safety measures; managing complaints of prisoners. The judge of surveillance is also responsible for granting and revoking alternative measures to detention (e.g. home detention, conditional release, deferment of execution of sentences).

The prosecutor is responsible, pursuant to art. 655 Code of Criminal Procedure, for criminal enforcement of judgments, by proposing their demands to the judge.

Prison administration (ie Prison and Probation Services) is responsible for the imprisonment and the monitoring of the conduct of the convicted person (inmate). This body is also responsible for the control and monitoring of the convicted person subject to alternative measures to detention.

**190) Are the effective recovery rates of fines decided by a criminal court evaluated by studies?**

- Yes

No

**191) If yes, what is the recovery rate?**

- 80-100%
- 50-79%
- less than 50%
- cannot be estimated

Please indicate the source for answering this question:

**H.2 You can indicate below:**

**any useful comments for interpreting the data mentioned in this chapter  
the characteristics of your enforcement system of decisions in criminal matters and the main reforms  
that have been implemented over the last two years**

## 9. Notaries

### 9. 1. Statute

#### 9. 1. 1. Functioning

**192) Do you have notaries in your country? If no please skip to question 197.**

- Yes  
 No

**193) Are notaries:**

-----

**If other, please specify it in the "comment" box below.**

- |  |  |       |
|--|--|-------|
| private professionals (without control from public authorities)?           | <input type="checkbox"/> number            |       |
| private professionals under the authority (control) of public authorities? | <input checked="" type="checkbox"/> number | 4 750 |
| public agents?   | <input type="checkbox"/> number            |       |
| other?   | <input type="checkbox"/> number            |       |

Comment :

Source: Notaries National Bar Association (Consiglio Nazionale del Notariato)

**194) Do notaries have duties (multiple options possible):**

- within the framework of civil procedure?  
 in the field of legal advice?  
 to certify the authenticity of legal deeds and certificates?  
 other?

If "other", please specify:

Notaries have to explain to the parties the legal consequences and effects of their contracts and statements, also from a fiscal point of view, pointing out the possible risks.

Notaries have also a duty to properly preserve the original deeds in their offices for future consultation or issue of certified copies.

#### 9. 1. 2. Supervision

**195) Is there an authority entrusted with supervising and monitoring the notaries' activity?**

- Yes  
 No

**196) Which authority is responsible for supervising and monitoring notaries:**

- a professional body?  
 the judge?  
 the Ministry of justice?  
 the public prosecutor?  
 other?

If other, please specify:

Notaries are subject to a strict public control. Impartiality is strictly imposed by law and any violation is severely sanctioned.

**I.1 You can indicate below:**

**any useful comments for interpreting the data mentioned in this chapter  
the characteristics of your system of notaries and the main reforms that have been implemented over**

**the last two years**

The Notary as existing in Italy belongs to the "latin (o roman) notarial system". The latin notary is a public officer and a specialized counselor; his expertise must include: estate contracts, loans and mortgages, company law, family law, wills law, the relevant sections of fiscal law. He also performs other judicial duties as a judicial auxiliary/assistant.

To be allowed to practice the notarial profession, notaries must get through a very rigorous and competitive examination and, unlike the solicitors, their number is fixed by the law.

Notaries as public officers are professional who perform "public functions". They are vested by the State with public authority and faith, which allows them to draw "authentic deeds" (or "public deeds").

A notary can be defined as a public officer to whom the State delegates a specific public power, the power to assert (to affirm) the authenticity of a document.

The profession of notary is characterized by the qualities of independence and impartiality. Notaries are subject to a strict public control. Impartiality is strictly imposed by law and any violation is severely sanctioned.

A full description of the responsibilities of the notary can be found at this link:  
<http://www.notariato.it/en/italian-notaries/who-we-are/responsibilities-of-the-notary.html>

**Please indicate the sources for answering question 193:**

Notaries National Bar Association (Consiglio Nazionale del Notariato)

## 10. Court interpreters

### 10. 1. Court interpreters

#### 10. 1. 1. Functioning

**197) Is the title of court interpreters protected?**

- Yes  
 No

**198) Is the function of court interpreters regulated by legal norms?**

- Yes  
 No

**199) Number of accredited or registered court interpreters:**

NA

**200) Are there binding provisions regarding the quality of court interpretation within judicial proceedings?**

- Yes  
 No

If yes, please specify (e.g. having passed a specific exam):

**201) Are the courts responsible for selecting court interpreters?**

-----

**If no, please indicate in the "comment" box below which authority selects court interpreters.**

- Yes  for recruitment and/or appointment for a specific term of office  
Yes  for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings  
No .

Comment :

**J.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

**Please indicate the sources for answering question 199:**

Ministry of Justice

## 11. Judicial experts

### 11. 1. Judicial experts

#### 11. 1. 1. Judicial experts

**202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):**

- "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation,  
 "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal,  
 "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

**203) Is the title of judicial experts protected?**

- Yes  
 No

**204) Is the function of judicial experts regulated by legal norms?**

- Yes  
 No

**205) Number of accredited or registered judicial experts (technical experts)**

NA

**206) Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?**

- Yes  
 No

If yes, please specify, in particular the given time to provide a technical report to the judge:  
 Experts must address their technical report to the judge within 60 days.

**207) Are the courts responsible for selecting judicial experts?**

-----  
**If no, please specify in the "comments" box below which authority selects judicial experts?**

- Yes  for recruitment and/or appointment for a specific term of office  
 Yes  for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings  
 No .

Comment :

**You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

**Please indicate the sources for answering question 205:**

Ministry of Justice

## 12. Foreseen reforms

### 12. 1. Foreseen reforms

#### 12. 1. 1. Foreseen reforms

**208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. If possible, please observe the following categories:**

**1. (Comprehensive) reform plans**

**2. Budget**

**3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)**

**3.1 Access to justice and legal aid**

**4. High Judicial Council**

**5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.**

**6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities**

**6.1 Personal status**

**7. Enforcement of court decisions**

**8. Mediation and other ADR**

**9. Fight against crim**

1. (Comprehensive) reform plans

A set of interventions in the judicial system was presented in December 2013. The interventions involve mainly the civil procedure and the execution process within the civil framework. They aim to reduce the time required to both obtain the judgment and to have the judgment executed (settlement of the debt, the release of the property, etc.). Moreover the Ministry of Justice is presently working on a draft law concerning the reform of the criminal procedure. The key aspect of this reform is the simplification of procedures, with specific reference to appeal and the strengthening of the guarantees of the defense. This reform will also affect the "alternative procedures" with the specific aim to encourage the adoption of simplified (i.e. shorter) procedures and the reduction in the number of appeals.

2. Budget

The Ministry of Justice, like other Italian public administrations, has initiated a plan aimed at reducing costs. Amongst other initiatives the most relevant is the electronic filing of pleadings, which will become mandatory in June 2014 (pursuant to Law 228/2012). This innovative digital technology will generate significant economic savings in terms of money and human resources. Through the electronic filing system, the defendants will have the opportunity to access all the procedural acts by themselves. In the past this task was allocated to the court staff that now, as a positive consequence of the new functionality, will have more time to assist the judges (assistance before and during the hearing).

With regards to the criminal procedures, the rules that are now in the process of being approved are expected to lead to a reasonable reduction of the appeals that represent, in fact, a huge burden for the justice system.

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)

With a bill approved in December 2013, not enacted into law yet, the Italian Government intends:

- to simplify and faster the judicial procedures e.g. the judge, when the case he is treating is simple, can adopt a simplified procedure called "rito sommario";
- to reduce the time required for the delivery of the judgment (first-instance courts can rule a judgment without motivation; parties can still obtain a written motivation later on demand);
- to increase the productivity of the courts of appeal;
- to incentive the debtor to execute the judgment voluntarily;
- to introduce an obligation to appoint a technical expert before the beginning of the proceeding for all cases related to road accident or medical liability damages,
- to facilitate the electronic filing of many type of documentation;
- to simplify the enforcement procedures;
- to allow the judge to effectively monitor the schedule and the expenses of both enforcement and insolvency proceedings;
- to reform the system of notifications (in criminal law).

3.1. Access to justice and legal aid

The so-called financial "stability law" raised the lump sum payable for judicial office communications (from 8 to 27 Euro). In case of legal aid within the criminal procedure, the bill also foresees the reduction of one-third to the fees of lawyers, auxiliaries of the magistrate, technical experts and private investigators. The draft contains provisions to

raise the financial penalties in cases of inadmissibility of appeals.

#### 4. High Judicial Council None

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.

The so-called financial "stability law" for 2014 has introduced a contribution of 50 Euro to be paid by aspiring judges, lawyers and notaries, in order to contribute to the high costs borne by the Ministry of Justice to organize the national exams.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

A new law (Law 98/2013) has introduced the figure of the Auxiliary Judge. Four hundreds honorary judges will help the courts of appeal to dispose pending cases and backlogs. They are demanded to pronounce at least 90 sentences a year per auxiliary judge.

In addition, young law graduates can now spend 18 months of training in both Tribunals and Courts of Appeal. This 18-month period will enable young graduates to complete the course of their education, which is sometimes too theoretical. From another point of view judges will have the opportunity to be helped by people who are motivated and eager to learn.

#### 6.1. Personal status

7. Enforcement of court decisions

With a bill approved in December 2013 but not enacted into law yet, the Italian Government intends to simplify the enforcement procedures and to allow the judge to effectively monitor the schedule and the expenses of both enforcement and insolvency proceedings.

8. Mediation and other ADR

A new law (Law 98/2013) has re-introduced mandatory mediation. Mediation is now mandatory for some specific matters in both civil and commercial procedures (including for example inheritance, family agreements, lease, loan, damages resulting from medical liability, etc).

9. Fight against crime

The higher efficiency of the criminal justice system, due to the reduction of criminal case length which is to be expected from the simplification of criminal procedures, is expected to represent a form of deterrence to criminal acts.

9.1. Prison system

A recent bill regarding criminal matters provides the Government with the opportunity to reform the penitentiary system. The general aim is to simplify the proceedings to value prisoners' rights and to enhance the efficiency of the prison system as form of rehabilitation.

Given the utter importance of these matters, some parts of this bill (e.g. prisoners' rights) have already been introduced by an emergency law (Decree-Law approved by the Council of Ministers on 17 December 2013).

9.2 Child friendly justice

9.3. Violence against partners

As far as violence against partners a recent piece of legislation has increased the penalties for all crimes related to domestic violence. Moreover this recent piece of legislation has enriched the range of emergency measures which can be adopted by the police to prevent the continuation of violent conduct within the family.

10. Other