



Last update: 06/06/2019

Italy

Membership to the Council of Europe	5 May 1949
Entry into force of the European Convention on Human Rights	26 October 1955
First case under supervision of execution	Artico (6694/74) Judgment final on 13 May 1980
Total number of cases transmitted for supervision since the entry into force of the Convention	4203
Total number of cases closed by final resolution	3964

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION*

> Actions of security forces

Inhuman and degrading treatment by police forces against demonstrators during G8 summit; inadequate criminal legislation to prevent and punish torture and ill-treatment.

Cestaro (6884/11)
Judgment final on 07/07/2015

Status of execution
Enhanced supervision

> Protection against ill-treatment - specific situations

"Extraordinary rendition" operation: abduction of an Egyptian national suspected of terrorist acts with a refugee status in Italy; his handing over to CIA agents and subsequent transfer to Egypt where he was secretly detained and subjected to violent interrogation.

Impunity of five Italian SISMI agents following the Italian Government's decision, upheld by the Constitutional Court, to apply the State secrecy leading to subsequent quashing of their convictions.

Impunity of 26 convicted United States' agents because of absence or non-conclusive extradition requests by the Italian authorities and the Presidential pardon granted to three of them.

Nasr and Ghali (44883/09)
Judgment final on 23/05/2016

Status of execution
Enhanced supervision

> Detention conditions – medical care

Inhuman and degrading treatment at the prison of Foggia: inadequacy of the medical care provided (lack of regular physiotherapy session for a detainee suffering from paralysis), notably because of the overcrowding prevailing in the facility.

Cirillo group (36276/10)
Judgment final on 29/04/2013

Status of execution
Enhanced supervision

* Detailed information concerning the Committee of Ministers' supervision of the execution of judgments and decisions of the European Court of Human Rights, notably the distinction between enhanced and standard supervision, are available on [the website of the Department for the Execution of Judgments](#).

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION*

Inhuman and degrading treatment in prisons on account of continuous imprisonment and impossibility to provide to detainees presenting serious pathologies the required medical care; inadequacy of the material detention conditions given the illnesses of detainees.

Scoppola group (50550/06)
Judgment final on 26/01/2009

Status of execution
Enhanced supervision

> Migration issues – lawfulness of detention and reception conditions

Detention without legal basis of irregular migrants following the “Arab Spring” events in a reception centre on the island of Lampedusa then on ships in Palermo harbour, and their subsequent removal to Tunisia without informing them about the reasons of their detention and without prompt examination of the lawfulness of detention.

Khlaifia and Others (16483/12)
Judgment final on 16/12/2016

Status of execution
Enhanced supervision

> Length of judicial proceedings and effective remedies

Excessive length of civil, criminal and administrative proceedings¹:

- administrative courts;
- criminal courts;

Abenavoli group (25587/94+)
Judgment final on 02/09/1997

Status of execution
Enhanced supervision

Ledonne No.1 (35742/97)
Judgment final on 12/08/1999

Status of execution
Enhanced supervision

> Protection of private and family life

Failure to ensure proper functioning of waste collection, treatment and disposal service in the Campania region and lack of effective remedy in this respect.

Di Sarno and Others (30765/08)
Judgment final on 10/04/2012

Status of execution
Enhanced supervision

Domestic violence

Failure to comply with the positive obligation to assess risk to life in time in domestic-violence case, and to ensure effective protection in this regard.

Talpis (41237/14)
Judgment final on 18/09/2017

Status of execution
Enhanced supervision

> Protection of property rights – retrospective application of legislation

Unjustified retrospective application of legislation to on-going judicial proceedings dealing with the calculation of the length of service of school staff and the pecuniary rights deriving therefrom, thus interfering with the right to peaceful enjoyment of possessions.

Agrati and Others (43549/08)
Judgment final on 28/11/2011

Status of execution
Enhanced supervision

Legislative provision retroactively cancelling the annual adjustment of the supplementary part of an indemnity for accidental contamination by the HIV during blood transfusions.

M.C and Others (5376/11)
Judgment final on 03/12/2013

Status of execution
Enhanced supervision

¹ As regards status of execution and progress made, see also the final resolutions in **A.C.** group, **Andreoletti** group and the **Di Bonaventura** group.

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION*

> No punishment without law

Application of a more stringent jurisprudential definition of crime than the one developed at the time of events.

Contrada No. 3 (66655/13)
Judgment final on 14/09/2015

Status of execution
Standard supervision

> Freedom of expression - defamation

Imposition of prison sentence on journalists and editors for defamation notwithstanding the absence of any incitation to violence or hatred.

Belpietro (43612/10)
Judgment final on 24/12/2013

Status of execution
Standard supervision

Ricci (30210/06)
Judgment final on 08/01/2014

Status of execution
Standard supervision

> Freedom of movement

Lack of foreseeability of the Italian legislation regulating the imposition of special preventive measures (compulsory residence order) on persons deemed to pose a danger for security or public moral (notably individuals who may be regarded as habitual offenders or who, on account of their behaviour and lifestyle, may be regarded as habitually living, even in part, on the proceeds of crime) and lack of public hearing in the relevant proceedings.

De Tommaso (43395/09)
Judgment final on 23/02/2017

Status of execution
Enhanced supervision

SUPERVISION CLOSED - MAIN REFORMS ADOPTED**

> Detention and other rights

Adoption of a new legislative framework for the monitoring of prisoners' correspondence, including clearer time-limits and exemptions, notably a prohibition to monitor correspondence with the defence counsel or the European Convention organs, and improved remedies allowing judicial review of decisions imposing monitoring or restrictions.

Calogero Diana (15211/89)
Judgment final on 21/10/1996

Final Resolution
ResDH(2005)55

Labita and Indelicato (26772/95+)
Judgment final on 06/04/2000

Final Resolution
CM/ResDH(2009)83

Substantive reform measures comprised increased use of alternatives to imprisonment by removing mandatory imprisonment for a number of minor offences, additional early release possibilities and increased use of electronic tagging, house arrest, and more lenient penalties for minor drug-related offences. A new preventive remedy can provide redress for detention in overcrowded conditions conferring the judge the power to order the transfer of the complainant. A new compensatory remedy, allows the judge the reduction of the remaining sentence.

Torreggiani and Others group
(43517/09+)
Judgment final on 27/05/2013

Final Resolution
CM/ResDH(2016)28

> Migration issues - protection against collective expulsion

Operations to intercept the vessels on the high seas and to push the migrants back to Libya were suspended. Guarantees contained in Italian laws and regulations as regards the treatment of refugees and asylum seekers, in particular as regards the latter's access to relevant domestic procedures, are consistently applied in all circumstances, including during military and coast guard operations on the high seas.

Hirsi Jaama and Others (27765/09)
Judgment final on 23/02/2012

Final Resolution
CM/ResDH(2016)221

> Cooperation with the European Court of Human Rights

Evolution of the jurisprudence with regard to the obligation to respect of indications under Rule 39 of the Court Rules, guided by the Court of Cassation in 2010 and a circular of the Ministry of Justice. At the same time, the Court of Cassation also stressed the obligation for peace judges to assess the concrete risks to which migrants would be exposed in their countries of origin before an expulsion order can be executed.

Ben Khemais group (246/07)
Judgment final on 06/07/2009

Final Resolution
CM/ResDH(2015)204

> Length of judicial proceedings and effective remedies

Reduction at first instance of the average length of civil proceedings and of the backlog of civil cases pending for more than three years before first instance courts. Results have to be consolidated in the context of the general efforts to tackle the excessive length of proceedings before the civil courts (see *Ceteroni* group above) and through the resolution of outstanding issues relating to the compensatory remedy introduced by the "Pinto" law in 2001 (see the *Giuseppe Mostacciolo* group above).

A.C. group (27985/95+)
Judgment final on 16/04/1996

Final Resolution
CM/ResDH(2015)247

** This section may also include certain major reforms already implemented in the context of cases still pending.

For a thorough overview of reforms adopted since the entry into force of Protocol No. 11 in 1998 see the [Annual Report 2015](#), Part IV "Main achievements". As regards the period 1959-1998, see the overview provided by the European Court in its special publication "Survey : 40 years of activity", section IV "Effects of judgments and decisions" – both documents, together with a number of additional ones, are available also on the website of the Department for the Execution of Judgments of the European Court of Human Rights.

SUPERVISION CLOSED - MAIN REFORMS ADOPTED**

Reduction of the average length of divorce and legal separation proceedings before first instance Courts and Courts of Appeals, notably with the introduction in 2014 of an alternative dispute resolution mechanism.

Andreoletti (29155/95+)
Judgment final on 02/07/1996

Final Resolution
CM/ResDH(2015)246

Following an administrative procedure reform 2011, the backlog of administrative proceedings decreased by 42% and the average length of certain types of administrative proceedings, in particular before the Council of State, could be reduced. 90% of the Regional Administrative Tribunals' decisions are not appealed against.

Bonaventura group (14147/88+)
Judgment final on 02/09/1997

Final Resolution
CM/ResDH(2016)358

Reduction of number of civil cases pending before civil courts since 2011. Other shortcomings found are examined within the framework of the case *Trapani and Muso (No. 1)*.

Ceteroni group (22461/93+)
Judgment final on 15/11/1996

Final Resolution
CM/ResDH(2017)423

Removal of restrictions imposed on the applicant's rights pursuant to Legislative Decree No. 5/2006. Other shortcomings found are examined within the framework of the *Collarile and Others* case.

Luordo group (32190/96+)
Judgment final on 17/10/2003

Final Resolution
CM/ResDH(2017)424

General improvement of the system of compensatory remedy for unreasonably lengthy proceedings (the "Pinto" Law): removal of the limits in budgets available, allocation of supplementary funds and reduction of the delays in payment of awards.

Mostacciolo group (64705/01+)
Judgment final on 29/03/2006

Final Resolution
CM/ResDH(2017)289

> Access to a court to assert property rights

Implementation of reforms for a better enforcement of judicial decisions ordering eviction of tenants after the expiry of their leases:

- the power to deal with eviction orders no longer belong to prefects but to courts, which can also set the date of eviction;
- the Constitutional Court in 2004, while validating previous law suspending the enforcement of eviction orders, found this practice unconstitutional for the future;
- under the new law, police assistance in eviction proceedings must be provided with immediate effect; if the police fails to provide assistance, a remedy is available to seek damages;
- a right to compensation for owners in case of excessive length of the enforcement is provided by the new legislation.

Immobiliare Saffi group (22774/93+)
Judgment final on 28/07/1999

Final Resolution
CM/ResDH(2007)84

> Fairness of judicial proceedings – criminal charges

Constitutional reform in 1999 confers constitutional rank to a number of requirements of Article 6 of the Convention (fair trial, adversarial process, equality of arms...).

Additional safeguards in 2001 for persons who made pre-trial statements and subsequently availed themselves of their right to remain silent; the use of such statements require the consent of all interested parties. Besides, it is no longer possible for someone to be convicted on the sole basis of

Craxi No. 2 (34896/97)
Judgment final on 11/10/2001

Final Resolution
ResDH(2005)28

SUPERVISION CLOSED - MAIN REFORMS ADOPTED**

statements he/she was unable to cross-examine.

Introduction in the Code of Criminal Procedure of the possibility to file appeals against judgments rendered in *absentia* (without the presence of the accused) at first instance, even if the normal deadlines had expired. Two exceptions: if the accused knew about the proceedings against him or the judgment; if the accused willingly decided not to appear or to appeal.

F.C.B. group (12151/86+)
Judgment final on 28/08/1991

Final Resolution
CM/ResDH(2011)122

> Placement of children in public care

The supervision of care measures was strengthened in 2003 through a new law on adoption and state guardianship, notably:

- **placement orders** must indicate the duration of the placement, how the person given responsibility over a child is to exercise it, and how the members of the nuclear family are to maintain their links with the minor;
- **the social service department** dealing with the placement must inform the judge of any event, and must facilitate the minor's relations with, and return to its family of origin.

Scozzari and Giunta (39221/98+)
Judgment final on 13/07/2000

Final Resolution
CM/ResDH(2008)53

> Filiation

New legislative framework of 2007 governs the adoption of minors, including the "declaration of adoptability" procedure: greater involvement of parents from the outset of the procedure, whose different steps are clearly regulated.

Todorova (33932/06)
Judgment final on 13/04/2009

Final Resolution
CM/ResDH(2010)172

Possibility for minors to be heard by the judge in procedures concerning them, including those relating to the "declaration of adoptability"; new provisions of the Civil Code govern relations between the biological parents and the child in proceedings relating to divorce, physical separation and interruption of cohabitation; these last reasons must not alter the ties between children and parents.

Roda and Bonfatti group (10427/02+)
Judgment final on 26/03/2007

Final Resolution
CM/ResDH(2016)27

The provisions of the law on medically assisted procreation were declared unconstitutional in 2015 as they did not allow fertile couples, who were carriers of a transmissible genetic disease, to have access to the procedure of medically assisted procreation.

Costa and Pavan (54270/10)
Judgment final on 11/02/2013

Final Resolution
CM/ResDH(2016)276

The provision preventing children abandoned at birth from gaining access to information on their birth mother, without granting the judge the possibility to verify the current mother's will, was declared unconstitutional in 2013.

Godelli (33783/09)
Judgment final on 18/03/2013

Final Resolution
CM/ResDH(2015)176

> Private and family life – same-sex partnership

Adoption in May 2016 of a specific legislative framework allowing for the recognition and protection, in the form of a civil union, of same-sex partnership.

Oliari and Others (18766/11)
Judgment final on 21/10/2015

Final Resolution
CM/ResDH(2017)182

SUPERVISION CLOSED - MAIN REFORMS ADOPTED**

> Freedom of expression – broadcasting licence

Introduction of a legislative and regulatory framework defining the conditions for the allocation of a broadcasting license, the transfer and the cession of ownership of television broadcasting companies, in accordance with the requirement of informative pluralism and the right to competition.

Centro Europa 7 S.R.L and Di Stefano
(38433/09)

Judgment final on 07/06/2012

Final Resolution
CM/ResDH(2017)104

> Electoral rights

Abrogation of the provision providing for the suspension of electoral rights for five years following the declaration of bankruptcy and the limitation on the personal capacity of the bankrupt to exercise certain professional activities by legislative decree in 2006.

Albanese (77924/01)

Judgment final on 03/07/2006

Final Resolution
CM/ResDH(2008)45

Abbateello (39638/04+)

Judgment final on 20/12/2007

Final Resolution
CM/ResDH(2008)75

> Discrimination

Family allowance is to be paid to foreign long-term residents from third countries equally as to EU nationals since 2013.

Dhahbi (17120/09)

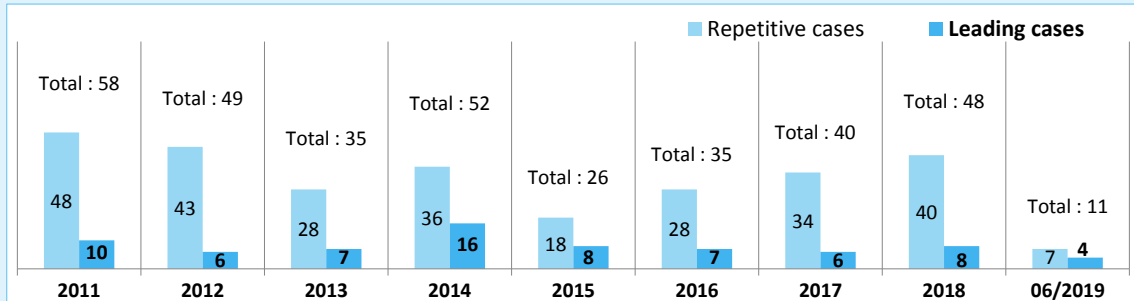
Judgment final on 08/07/2014

Final Resolution
CM/ResDH(2015)203

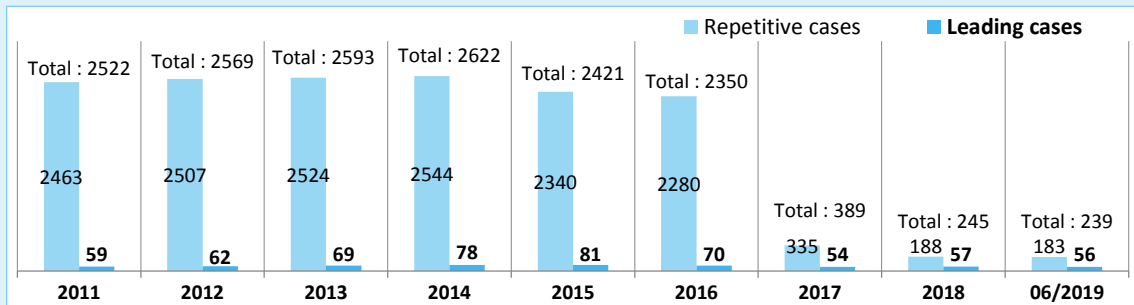
STATISTICS***

New cases

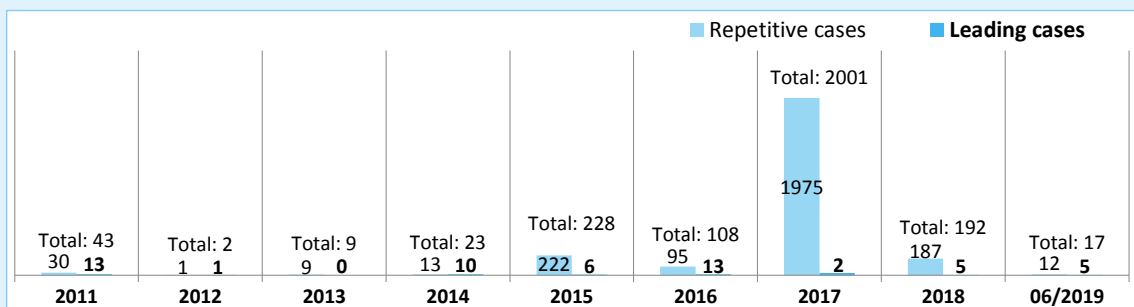
(judgments transmitted for supervision of their execution during the year)



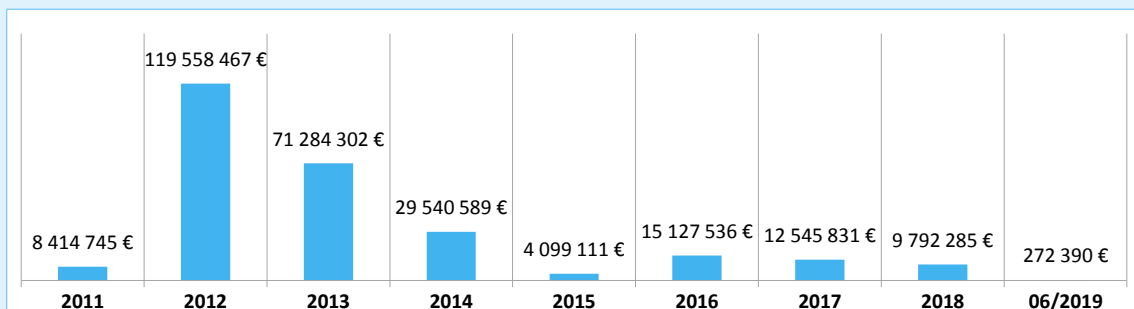
Pending cases



Cases closed by final resolution



Just satisfaction awarded by the European Court



*** Detailed statistics are available in the [annual reports](#) of the Committee of Ministers. Figures are reported as they appear in the annual report for each year.