

Italy

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.

Significant progress: introduction of the crime of torture in the Italian legal system

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

Enhanced supervision
Status of execution

➡ 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

Enhanced supervision
Status of execution

Reducibility of a **whole-life prison sentence** imposed for leadership of a Mafia organisation depending on cooperation with the judicial authorities.

Marcello Viola (No. 2) (77633/16)
Judgment final on 13/06/2019

Enhanced supervision
Status of execution

Detention of applicants with a psychiatric condition in an ordinary prison and failure to protect their right to life.

Sy (11791/20)
Judgment final on 24/04/2022

Enhanced supervision
Status of execution

Citraro and Molino (50988/13)
Judgment final on 04/06/2020

Enhanced supervision
Status of execution

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

Domestic violence

Inertia of the authorities in handling the applicants' complaints of domestic violence due to the absence of a comprehensive risk assessment by prosecutors, the non-adoption of protective measures, the delays in carrying out investigative acts, the lack of investigation into reported episodes of violence, the excessive length of the investigations and the criminal proceedings against the aggressors.

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

Enhanced supervision
Status of execution

Secondary victimisation of the applicant on account of the language and arguments used in the judgment, which acquitted those accused to have raped her, that were guilt-inducing, moralising and conveyed sexist stereotypes.

J.L. (5671/16)
Judgment final on 27/08/2021

Enhanced supervision
Status of execution

Unlawful detention

Continued detention of the applicant in a judicial psychiatric hospital and in a residence for the execution of safety measures ("REMS") beyond the duration provided by domestic law adopted after the implementation of the measure and impossibility of seeking redress for the unlawful detention.

Cramesteter (19358/17)
Judgment final on 06/09/2024

Enhanced supervision
Status of execution

Migration issues – reception conditions

Placement of unaccompanied minor in adult reception centre in inadequate conditions and without being provided with minimum procedural guarantees in age-assessment procedure.

Darboe and Camara (5797/17)
Judgment final on 21/10/2022

Enhanced supervision
Status of execution

Length of judicial proceedings and effective remedies

Excessive length of civil, criminal and administrative proceedings¹:

- Civil courts;
- criminal courts;

Trapani group (45104/98)
Judgment final on 12/01/2001

Enhanced supervision
Status of execution

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

Enhanced supervision
Status of execution

Non-execution of domestic judicial decisions

Infringement of the applicants' rights to peaceful enjoyment of possessions and of access to a court due to the non-implementation or delayed implementation of domestic final judicial decisions and the impossibility for the applicants to obtain their execution through enforcement proceedings.

Croce and Others group (17607/08)
Judgment final on 16/12/2021

Enhanced supervision
Status of execution

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

	<p>Pennino group (43892/04) Judgment final on 24/09/2013</p> <p>Enhanced supervision Status of execution</p>
Protection of private and family life	
<p>Failure to ensure effective protection of applicants in respect of environmental pollution caused by the landfill site of <i>Lo Uttaro</i>.</p>	<p>Locascia and Others (35648/10) Judgment final on 19/01/2024</p> <p>Enhanced supervision Status of execution</p>
<p>Lack of reaction to air pollution by a steelwork, to the detriment of the surrounding population's health.</p>	<p>Cordella and Others (54414/13) Judgment final on 24/06/2019</p> <p>Enhanced supervision Status of execution</p>
<p>Failure to make adequate and sufficient efforts to ensure respect of the applicant's visiting rights.</p>	<p>Terna (21052/18) Judgment final on 14/04/2021</p> <p>Enhanced supervision Status of execution</p>
<p>Childcare measures in respect of the applicant's two children that had been kept in force for over ten years.</p>	<p>R. V. and Others (37748/13) Judgment final on 18/10/2019</p> <p>Enhanced supervision Status of execution</p>
Protection of property rights – retrospective application of legislation	
<p>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.</p>	<p>Agrati and Others (43549/08) Judgment final on 28/11/2011</p> <p>Enhanced supervision Status of execution</p>
No punishment without law	
<p>Application of a more stringent jurisprudential definition of crime than the one developed at the time of events.</p>	<p>Contrada No. 3 (66655/13) Judgment final on 14/09/2015</p> <p>Standard supervision Status of execution</p>
Freedom of expression - defamation	
<p>Imposition of prison sentence on journalists and editors for defamation notwithstanding the absence of any incitation to violence or hatred.</p>	<p>Belpietro (43612/10) Judgment final on 24/12/2013</p> <p>Standard supervision Status of execution</p> <p>Ricci (30210/06) Judgment final on 08/01/2014</p>

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

Standard supervision
Status of execution

➡ **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

Enhanced supervision
Status of execution