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Italy

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I. METHODOLOGY AND CONSULTATION PROCESS

1. The preparation of the Italian State Report within Universal Periodic Review has been coordinated by the Inter-ministerial Committee on Human Rights at the Ministry of Foreign Affairs, by involving all the competent administrations that provided their respective contributions, (particularly Prime Minister's Office, Ministry of Justice, Ministry of the Interior, Ministry of Defence, Ministry for Equal Opportunities, Ministry of Labour, Health and Social Policies, Ministry of Education).
2. Moreover the draft scheme of the Report was presented and discussed on July, 21st 2009 at a consultative session with civil society as organized by the above mentioned Committee. Such event resulted in a fruitful interactive dialogue, involving NGOs and institutional actors. Afterwards a second meeting was organised on October, 14th 2009 at the Ministry of Foreign Affairs to present the report under reference.

II. NORMATIVE AND INSTITUTIONAL FRAMEWORK

A. The Italian Constitution and fundamental rights

3. The institutional structures of the Italian State are set up according to the Republican Constitution, which went into effect on January, 1st 1948. The Constitution is rigid, i.e. its provisions cannot be changed by ordinary law. To amend the Constitution a reinforced procedure is required, with special majorities that is different from the approval process for ordinary laws.
4. The 1948 Italian Constitution includes all basic and fundamental rights. It consists of 139 Articles and 18 transitory provisions. It is made up of two Parts. The first Part (Arts. 1-55) is mainly devoted to basic rights and freedoms, while the second Part concerns institutional and organizational aspects. The text has been amended several times to include, e.g., women participation in public offices, the prohibition to extradite a foreigner for political offences, devolution of (additional) responsibilities to Regions, a more effective application of the principle of the due process of law and an effective recognition of the right to a fair trial.
5. The death penalty is prohibited in the Italian legal system, both in time of peace and war. The abolition is a culmination of a process initiated in the 18th century when the Grand Duchy of Tuscany was the first sovereign State in Europe to legally eliminate the capital punishment. In 1889 the death penalty was abolished in the Kingdom of Italy but it was reintroduced in 1926 during the Fascist regime. The last execution took place in 1947. The Constitution of 1948 confirmed the abolition.

B. Fundamental rights: obligations and remedies

6. The Constitution determines the political framework for action and organization of the State. The fundamental elements or structural principles of the Constitution governing the organization of the State are the following: democracy, as laid down in Art. 1; the so-called *personalistic* principle, as laid down in Art. 2, which guarantees the full and effective protection of human rights; the pluralist principle, within the framework of democracy (Arts. 2 and 5); the importance of labour as a central value of the Italian community (Arts. 1 and 4); the principle of social solidarity (Art. 2); the principle

of non discrimination and equality before the law, as laid down in Art. 3; the principles of national unity and territorial integrity (Art. 5); and, above all, the principle of the state based on the rule of law.

C. Legislative framework, popular sovereignty and concurrent powers

7. The Italian Constitution is based on the principle of popular sovereignty (Art. 1). In accordance with legal traditions of constitutional democracies, the Constitution defines and develops an evolving form of the principle of the division of powers, based on the separation of the executive, legislative and judicial branches, and recognizing various levels of territorial (regional) and local (provincial and municipal) autonomy. The State and the Regions have legislative power. Regions can exercise it either exclusively or concurrently with the State, except for matters which the Constitution expressly reserves to the State.

D. Head of State, Parliament, executive power

8. The Italian President of the Republic is the Head of State. He/she represents the unity of the Nation and is entrusted to guarantee and oversee the compliance with and the respect for the Constitution as stated in Art. 87.1. He/she is elected for seven years by an electoral assembly consisting of all the members of the Parliament and 58 delegates from Regions. He/she appoints the Prime Minister and, upon the latter's proposal, the Ministers.

9. The Parliament has approximately 960 members and comprises the Senate (Senato della Repubblica) and the Chamber of Deputies (Camera dei Deputati). Members of both Chambers serve five-year terms. The term of each Chamber can be extended only by law and only in case of war (Art. 60.2).

10. The Constitution confers legislative powers upon the Parliament. The Parliament controls the policies and activities of the Prime Minister and his/her cabinet, while draft legislation may originate in either Chambers and must be passed by a majority in both.

11. The Italian Government consists of the Prime Minister and of the Ministers who jointly compose the Council of Ministers (Art. 92.1). The Head of Government or Prime Minister (referred to in Italy as the "President of the Council of Ministers") conducts and is responsible for the general policy of the Government.

E. Local institutional framework

12. The territorial organization of the Italian Republic consists of municipalities, provinces, metropolitan cities, Regions (20) and State. Local authorities are autonomous entities with their own statutes, powers and functions (Arts. 5 and 114). In accordance with their special Statutes, adopted by constitutional law, particular forms and conditions of autonomy are granted to five Regions (Friuli-Venezia Giulia, Sardinia, Sicily, Trentino Alto Adige and Valle d'Aosta).

F. Judicial power, independence of the judiciary, High Council for the Judiciary

13. The judicial power is entrusted to judges who are independent and subject only to the law (Art. 101). The judiciary constitutes an autonomous and independent branch not subject to any other, as laid down in Art. 104. The judicial power is exclusively exercised by ordinary and special courts, the latter including the Council of State, the Court of Auditors and military tribunals. They are all regulated by law.

14. In order to exercise disciplinary jurisdiction over the Judiciary, the Constitution provides for the High Council for the Judiciary, which is chaired by the President of the Republic and deals with infringements of duty by judges. Besides, the Council has the exclusive competence to appoint (the appointment to the judiciary being based on competitive examinations), assign, remove, promote and sanction members of the judiciary.

G. The Constitutional Court: competences and functions

15. The Constitutional Court is composed of fifteen judges, one-third being appointed by the President of the Republic, one-third by the Parliament in joint session, and one-third by ordinary and administrative courts. It exercises its duty as the highest guardian of the Constitution.

16. The Constitutional Court decides over (and its decisions may not be appealed): 1. disputes concerning the constitutionality of laws and other acts with the force of law adopted by the State or the Regions; 2. conflicts over the allocation of powers between branches of Government, between State and Regions and between Regions; 3. accusations raised against the President of the Republic, in accordance with the Constitution.

17. Complaints of unconstitutionality may be submitted to the Constitutional Court by central and local authorities claiming that a national or regional law is unconstitutional. The Court then decides on the validity of the legislation, its interpretation and whether its implementation, in form and substance, is in line with the Constitution. It is worth mentioning the procedure by which courts are called to examine *ex officio* (i.e. upon the prosecutor's initiative) or upon request of the plaintiff/defendant whether the provisions which they have to apply are in compliance with the Constitution. If the courts consider that an act on whose validity the court's decision depends is unconstitutional, pursuant to Art. 134, they suspend the proceedings and request a decision by the Constitutional Court. In this regard, it should be noted that human rights and fundamental freedoms are often at the core of the pronouncements by the Constitutional Court.

H. Italy as EC/EU founding member

18. As one of the founding members of the European Community, now the European Union, over the last decades Italy has been one of the main driving forces behind European integration and continues to be fully involved in the process of institutional reform and expansion of the Union, including the elaboration of the European Union Charter of Fundamental Rights, which sets out in a single text, for the first time in the European Union's history, the whole range of civil, political, economic and social rights of European citizens and all persons resident in the EU. With the entry into force of the Lisbon Treaty, the EU Charter of Fundamental Rights will become legally binding.

I. Institutional framework: bodies competent for human rights' protection

1. Parliamentary human rights Committees

19. Special Committee for the protection and promotion of human rights within the Senate, entrusted with analysis and research tasks on mechanisms for the protection of human rights in Italy as well as abroad, through meetings on general and specific issues with representatives of the civil society, governmental authorities or International Organizations.

20. Permanent Committee on Human Rights within the Chamber of Deputies – Commission for Foreign and EU Affairs, aimed at analysing bills and debating on human rights issues at the national, regional and international levels, also through public hearings.

21. Parliamentary Committee for Childhood, entrusted with supervisory and policy-making tasks related to the actual enforcement of international agreements and laws on children's rights and childhood development.

22. Gender Equality Committee within the Senate, aimed at promoting concrete equality among men and women especially in the world of work.

2. Other bodies competent for human rights' protection

23. The Inter-ministerial Committee on Human Rights (CIDU): established in 1978 at the Ministry of Foreign Affairs (MFA). The Committee's tasks are the following: a) coordination and drafting of all reports, including those on the implementation of international human rights conventions, that Italy is requested to submit to the UN and other multilateral bodies; b) monitoring of all laws, regulations and administrative acts in view of international human rights obligations; c) advisory activity on the adoption of provisions in line with international human rights obligations.

24. National Observatory on childhood and adolescence: established in 1997, it promotes coordination among central, regional and local authorities, associations and NGOs working on this subject and works in plenary session or by working groups. The Observatory prepares every two years a National Plan of Action for the protection of children's rights as well as the draft scheme of the periodic report on the implementation of the International Convention on the Rights of the Child.

25. National Centre for Documentation and Analysis on Childhood and Adolescence: established in 1997, it supports the work of the National Observatory on childhood and adolescence.

26. National Observatory on Family: created in 2009 to give technical support in the definition and implementation of national policies on this matter.

27. Commission for Equal Opportunities between men and women: established in 1984, it is now an advisory body to the Minister for Equal Opportunities for the elaboration and implementation of gender policies.

28. Commission for the prevention and the fight against female genital mutilations: established in 2006 to prevent female genital mutilation as a violation of the right to personal integrity and to health of women and girl children.
29. Observatory for the fight against paedophilia and child pornography: established in 2006 with the task to acquire and monitor data and information to prevent and repress children abuse and sexual exploitation at national and international level.
30. Inter-ministerial Commission to support victims of trafficking, violence and serious exploitation - Prime Minister's Office: in charge of coordinating assistance programs, carried out by local authorities or private entities and co-financed by the State, to support victims of trafficking and serious exploitation.
31. Advisory Committee for Religious Freedom: established in 1997, to study, research and make proposals on the implementation of constitutional principles and laws related to freedom of religion or belief.

3. Bodies against discrimination in all its forms

32. UNAR, National Office against Racial Discrimination, was established by Legislative Decree No. 215/2003 on Anti-discrimination and works for the promotion of equal treatment and the fight against all forms of discrimination based on race or ethnic origin. Its main activities concern: the prevention of racial and ethnic discrimination, the promotion of projects and positive actions, the legal assistance to victims and monitoring the implementation of equal treatments principles. The Office has created a Register of associations working against discrimination and cooperates with them in providing legal assistance and support to victims. A Free Call Center is available in different languages in order to offer support to victims who often have difficulties to afford the costs of legal assistance. It also supplies during the proceedings oral or written information, advices and observations regarding discriminatory acts or behaviours, and encourages informal conciliatory activity, providing solutions for the eradication of discriminatory situations, also through the creation of a network of Territorial Anti-discrimination Points.

4. Independent human rights institutions

33. Italy continues to be engaged in the domestic process aimed at establishing a National Independent Commission for the Promotion and Protection of Human Rights and Fundamental Freedoms in accordance with the Paris Principles. An inter-ministerial working group is currently drafting a governmental bill to this end. The Government has recently reaffirmed before the Parliament its intention to establish a National Human Rights Institution.
34. As far as the establishment of an independent national authority for the protection and promotion of children's right, a governmental bill has been recently introduced and is now under examination by the Chamber of Deputies.
35. Within this framework, it is also worth-mentioning the Independent Authority on data protection, which controls and supervises the processing of personal data and the implementation of the right to access to and rectify personal data.

36. Moreover, some Regions have created bodies at the local level that are competent in specific human rights' areas, e.g. the rights of the child and the protection of rights of people in detention.

J. Fulfilment of international obligations; individual complaints mechanisms

37. To date, Italy has ratified all main human rights conventions thus accepting extensive international obligations related to the protection and promotion of human rights. In particular, Italy has ratified the following Treaties: Convention on the Prevention and Punishment of the Crime of Genocide (ratified on 11 March 1952); Convention relating to the Status of Refugees and related Protocol (ratified, respectively, on 24 July 1954 and 26 January 1972); International Covenant on Economic, Social and Cultural Rights (ratified on 15 September 1978); International Covenant on Civil and Political Rights (ratified on 15 September 1978); Optional Protocol to ICCPR (ratified on 15 September 1978); Second Optional Protocol to ICCPR (ratified on 14 February 1995); International Convention Against All Forms of Racial Discrimination (ratified on 5 January 1976); International Convention Against All Forms of Discrimination Against Women and related Optional Protocol (ratified, respectively, on 10 June 1985 and 22 September 2000); International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (ratified on 12 January 1989); International Convention on the Rights of the Child and related Optional Protocols on the sale of children and on children in armed conflict (ratified, respectively, on 5 September 1991 and 9 May 2002); ICC Rome Statute (ratified on 26 July 1999); Convention on the Rights of Persons with Disabilities and related Protocol (ratified on 15 May 2009).

38. It is worth recalling that Italy accepted individual complaints mechanism as stipulated in CERD and CAT Conventions and in the Optional Protocol to ICCPR (ratified on 15 September 1978), the Optional Protocol to CEDAW (ratified on 22 September 2000) and the Optional Protocol of the Convention of the Rights of Persons with Disabilities (ratified on 15 May 2009).

39. Moreover, Italy signed the Optional Protocol to the Convention against Torture in 2003, the International Convention for the Protection of All Persons from Enforced Disappearance in 2007 and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in 2009. In line with Italy's pledges as member of the UN Human Rights Council, the domestic procedures for the ratification of the first two Treaties have been initiated in order to draft the required governmental bills to be submitted to the Parliament.

40. Italy has also ratified the 1949 Geneva Conventions (and their Additional Protocols). At the regional level, Italy has ratified several human rights treaties, such as the European Convention for the Protection of Human Rights and Fundamental Freedoms (on 26 October 1955) and its Additional Protocols, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and its Protocols, the European Convention on the Rights of Child and the European Social Charter dated 18 October 1961 and revised in 1996. As State Party of the European Convention, Italy recognizes the jurisdiction of the European Court of Human Rights to receive individual complaints. Italy has also accepted the responsibility of the European Committee for Social Rights to monitor the compliance of State Parties to the European Social Charter.

41. Italian authorities regularly review Italy's reservations and declarations regarding international human rights instruments in order to evaluate whether they should be withdrawn or amended.

K. Reporting and ‘standing invitation’ policy

42. Italy submits regularly periodic reports to Treaty Bodies of the United Nations concerning the implementation of its obligations under human rights core treaties.
43. Italy fully cooperates with the Special Procedures of the Human Rights Council and has issued a standing invitation to them.
44. In maintaining its full cooperation with special procedures of the Human Rights Council, Italy ensured the necessary arrangements for the following visits that took place in Italy in recent years by mandate-holders of special procedures: 2002, independence of judges and lawyers; 2004, human rights of migrants; 2004, freedom of expression; 2006, racism; 2008, arbitrary detention.
45. Italy also received visits from independent institutions of regional organisations such as: the Council of Europe Commissioner for Human Rights (2004, 2008, 2009), the Council of Europe Committee for the Prevention of Torture (2004, 2006, 2008, 2009), the Council of Europe Committee Against Racism and Intolerance (2005), the OSCE Representative on Freedom of the Media (2005), ODHIR and the OSCE High Commissioner on National Minorities (2008), OSCE - ODHIR Election Assessment Mission (2006, 2008).

III. PROTECTION AND PROMOTION OF HUMAN RIGHTS IN ITALY

A. Preliminary remarks

46. The fundamental rights contained in the Italian Constitution are primarily rights and liberties protecting the individual from State's interference. At the same time, they refer to individuals who can develop freely within society and whose individuality, independence, self-determination and responsibility are to be respected by the State.
47. Within the constitutional framework, individuals are not considered as isolated entities but as part of their community and bound to it, without infringement on their human dignity. The Republic recognizes and guarantees human rights of individuals and promotes political, economic, and social solidarity (Art. 2).
48. Along these premises, the following issues which were raised during the consultative meetings involving the civil society will be carefully examined.

B. Civil and political rights in a democratic system

49. Under the Italian Constitution, State authority emanates from the people and is subject to control by the people, thus the Republic of Italy is designed as a parliamentary democracy.
50. The democratic system provides for petitions to the Parliament by groups of citizens demanding legislative measures or presenting general needs. Citizens may also introduce initiatives in the form of draft laws (Art. 71) and promote referenda to repeal the legislation in force (Art. 75).

51. The list of basic rights contained in the Constitution is headed by the obligation placed on the State to respect and protect human dignity (Arts. 2 and 3). Within this framework, basic rights are the right to life and to physical integrity, as well as to individual freedom (Art. 13), the right to equal treatment, including equal rights of men and women in all areas (Art. 3), the right to freedom of movement (Art. 16) and the rights to freedom of conscience, and worship (Art. 19), as well as the right to freely express and disseminate opinions, which includes the freedom of the press (Art. 21), the freedom of assembly and association (Arts. 17 and 18), supplemented by the right to form political parties (Art. 39). Special guarantees for families, as well as for access to education and to labour market, are enlisted and provided for in the first part of the Constitution. Art. 15 ensure the inviolability of correspondence and other forms of private communication, and Art. 14 focuses on the inviolability of domicile. The right to property enjoys specific protection under Art. 42.

52. With regard to the right to freely express and disseminate opinions, which includes the freedom of the press (Art. 21), it can be noted that there are in Italy 149 daily press titles with a daily circulation of 5.5 million copies, 1541 magazines, 14 national radio stations and 10 national television channels. The on-going digitalization process will expand the offer up to around 3000 television channels. At the local level, there are over 1000 radio stations and 550 televisions.

1. Policy on asylum and immigration; trafficking; integration policy

a) Evolution of the Italian society

53. For a long time Italy has been a country of emigration. In one century (1876-1976), 24 millions of Italian migrated to other countries in Europe, the Americas, Asia and Oceania. In the last three decades Italy has progressively become a country of immigration. Over the last ten years (1998-2008) the foreign population has soared at an accelerated pace until the current figure of 3.89 millions, i.e. 6.5per cent of the Italian population. In the last few years the rate of growth of foreigners legally residing in Italy has been significantly sustained (16.8per cent from 2007 to 2008 and 13.4per cent from 2008 to 2009).

54. Migrants are indeed an important resource for Italy's economy and society and contribute to Italy's national progress in all its components.

55. At the same time the serious dimension of the flow of irregular foreigners entering the Country is a matter of growing concern. For geographical reasons, Italy remains one of the countries of transit and destination most exposed to such irregular immigration flows. Aware of that, Italy has been engaging in the implementation of its legislation on immigration, and the amendments to the immigration law have been always in full compliance with the constitutional principles and, in particular, with the value of the certainty of law. The management of large migration flows represents a very serious challenge for any State and, in this context, agreements for the forced return of the illegal migrants not entitled to international protection are a useful tool to fight human trafficking and promote regular migration. An effective and sustainable return policy is an essential element also to ensure that legal guarantees related to asylum systems are not abused.

b) Asylum policy; refugee integration within the Italian society

56. Foreigners in Italy enjoy the same fundamental rights recognized to Italian citizens, including those rights that international treaties provide for and extend to non-citizens.

57. At the domestic level the principle of *non refoulement* has been translated in the Consolidated Act on Immigration (Art. 19.1): even in the case of the lack of requisites for the recognition of the status of refugee “no individual may be expelled when facing an effective risk of being subject to serious damage if he is returned to his/her country of origin”.

58. Other subsidiary protection measures translating EU Directives have been envisaged concerning asylum-seekers and more generally the status of refugees in order to promote the enhancement of the guarantees for the applicants. In the last few years Italy has become a resettlement country and is dealing with this issue with the main relevant UN bodies and competent international organisations.

59. Ten Territorial Commissions, composed of representatives from the Ministry of the Interior, local authorities and the UNHCR are currently processing asylum-seekers applications. Moreover, in October 2008, five Sections were added in order to speed up this process and to deliberate on demands within three months (currently, on average, application are processed in less than two months). Asylum applications have substantially increased over the last years; in the period 1998-2008 they were 173,000 while in 2008 alone, they passed from 14,053 to 30,324. About 40per cent of the applicants were granted the status of refugee or humanitarian/subsidiary protection.

60. Within the framework of reception and integration measures provided by Italy, it is worth mentioning the System of Protection for Asylum Seekers and Refugees (SPRAR). The SPRAR is based on a joint effort by central and local authorities, also involving civil society organizations. According to the Consolidated Act on Immigration, it is financed through the National Fund for asylum services and policies, whose resources are devoted to the reception of asylum seekers and their families, as well as the protection of refugees and of those who are entitled to subsidiary international protection. The amount of these resources for 2009 is about €30 million, in addition to other resources from the European Fund for Refugees (EFR).

61. Another relevant phenomenon in Italy concerns unaccompanied foreign children. Consolidated Act on Immigration (Arts. 19, 32 and 33) prohibits their expulsion, provides for the establishment of a Committee for foreign children and defines the requirements for the release of a residence permit. The Committee, among its main tasks, assesses the status of unaccompanied foreign children, searches for their relatives in the Country of origin, adopts measures of assisted repatriation, whenever favorable conditions are in place, and supports the reunification with families through programs of reinsertion in Countries of origin. According to the legislation in force, unaccompanied foreign children when they reach the age of 18 have the right to obtain a residence permit if they can prove they have resided in Italy for at least three years and have participated in integration programs for at least two years. In July 2009 the Committee reported the presence of about 7.000 unaccompanied foreign children in Italy, of whom only 23per cent were identified through identity documents. In order to establish a national decentralized network to take into care and to integrate unaccompanied foreign children, a National Program for the protection of unaccompanied foreign children was started in 2008 in cooperation with the National Association of Italian Municipalities (ANCI), with a €10 million financing from the Fund for the social inclusion of migrants.

c) Legislative framework: recent amendments

62. In 2008 new measures on immigration were included in the so-called “security package” together with other provisions concerning a broader range of security-related issues. This “package” aims at efficiently ensuring the implementation of the principle of legality and at addressing more effectively the situation of illegal immigration as well as its relationship with ordinary and organized crime and its negative consequences over the society. These measures are meant to curb criminal behaviours of individuals and none of them can be interpreted as being against any community, racial or ethnic group nor are they inspired by any form of discrimination or xenophobia.

63. Foreigners illegally entering or staying in Italy may be *refouled*, returned under escort to the frontier, expelled, or being the recipient of an expulsion order.

64. These measures have always been characterized by a strict compliance with the law and the careful evaluation of each individual case. It is worth recalling that national legislation envisages judicial control over any order of expulsion issued by an administrative authority.

d) Cooperation with Countries of origin and transit; rescue operations at sea

65. Italy is fully aware of the tragedies occurring in the Mediterranean Sea, where countries on both Northern and Southern shore are facing unprecedented challenges. The efforts made by Italian authorities in their ordinary activities as well as in emergency situations are evident and widely recognized. Over the last years, thousands of people have been and still are being rescued at sea by Italian Naval Forces: from January 2007 through August 2009, more than 52.000 migrants were recovered.

66. The return of migrants has also been promoted through 31 bilateral re-admission agreements signed between Italy and Countries of origin and transit. To this end, cooperation with the Countries of origin and transit remains essential to fight against human trafficking.

67. Geography makes Italy particularly exposed to migratory flows whose final destination is elsewhere, mainly in Northern Europe. Hence, together with other European Mediterranean Countries, Italy looks forward to a real strengthening of a common EU migration policy, both in terms of border control and financial burden-sharing, including different categories of migrants and asylum seekers.

2. Trafficking in human beings

68. As other European countries, Italy is deeply concerned at the trafficking of human beings, which should be considered as one of the most shameful crimes of our times, putting women, children and young people at particular risk. It remains one of the most serious challenges to be addressed. Italy’s commitment in this field, including new forms of slavery, was confirmed *inter alia* by the ratification of the UN Convention against transnational organized crime and its related Protocols in 2006.

69. To combat this phenomenon, two areas of intervention have been developed: the action by Police forces and the judiciary and the protection and assistance of victims as guaranteed by Prefectures, public and private social services. From 2000 to 2009, approximately 600 projects involving about

15.000 victims were financed in order to supply temporarily accommodation, food and social assistance.

70. A comprehensive new legislation against human trafficking was adopted in 2003, introducing new crimes (reduction to slavery, trafficking of human beings and slave trade) and defining a new legal framework which is victim and human rights oriented and gender and child sensitive, focused on the legal protection of victims. A “Special Fund” was established to finance programs to assist and to temporarily take into care the victims of the crimes of slavery and trafficking of human beings sexually exploited or exploited at work. Through this Fund, from 2006 to 2009, 72 projects were realized involving more than 1000 victims of trafficking.

71. As far as child trafficking is concerned, Italian legislation severely punishes “tourism initiatives aimed at exploiting child prostitution” by “whoever organizes or promotes such journey”. Recent legislative amendments confirmed the obligation by tour operators to include in their advertising materials a statement recalling that such offences are punishable under the Italian law, also when committed abroad by both Italian citizens or by foreigners jointly with an Italian citizen, in accordance with the principle of extraterritoriality.

3. Integration policies

72. The opportunity to fully participate in the social, economic and cultural life represents the key pillar to a successful integration. It is crucial to facilitate this process by promoting a comprehensive integration policy. To this end a relevant instrument was the establishment in 1999 of Territorial Councils for Immigration in each province, composed of representatives of local authorities, Chambers of commerce and financial institutions active at the local level in helping immigrants, organizations of workers and employers. These Councils are essential to monitor the presence and the situation of migrant workers across the country as well as the ability of local communities to absorb them.

73. Also it is worth mentioning the Council for the problems of foreign immigrants and their families, established in 1998 and composed of representatives of domestic NGOs, migrants’ associations and national trade unions that actively contribute for the integration of immigrants.

74. Concerning economic and social rights, such as access to public housing and other social benefits for migrants, recent legislative measures are mainly based on criteria related to the duration of residence of the applicant. In this context it should also be mentioned that Italy is the only industrialized Country with relevant immigration flows that has ratified ILO Convention No. 143 on Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers.

Dialogue with religious communities

75. The phenomenon of migration involves the presence in Italy of people manifesting different religions or beliefs and/or with different customs and traditions. For this reason intercultural and interreligious dialogue as well as other various initiatives to improve a mutual and comprehensive understanding between different religions are strongly encouraged at all levels. For example, the Observatory on religious policies at the Ministry of the Interior is in charge of studying and evaluating the religious phenomenon in all its components.

76. In order to implement the constitutional principles concerning the right to freedom of religion, the Government can stipulate ad hoc agreements with religious communities and denominations. For that purpose the Prime Minister's Office established the Commission for Agreements with Religious Denominations with the task to study and evaluate the requests from the religious communities and denominations and draft the agreements which regulate issues such as the recognition of civil effects of marriages celebrated before ministers of the respective religious denomination and the spiritual assistance in collective institutions like the armed forces, hospitals and prisons. Furthermore the important role played by the Advisory Committee for religious freedom cannot be overlooked.

4. Protection from torture

77. Art. 13 of the Italian Constitution stipulates, *inter alia*, that "acts of physical and moral violence against persons subject to restrictions of their personal liberty shall be punished". Accordingly, the Italian legal system provides sanctions for all conducts that can be considered as falling within the definition of torture, as defined in Article 1 of the relevant UN Convention, and that these sanctions are ensured through a system of incriminating facts and aggravating circumstances. Thus, torture is punishable even if it is not typified as a specific offence in the Italian criminal code.

78. The Italian legal system considers the concept of torture within a wide range of criminal conducts (such as illegal arrest, undue restriction of personal liberty, abuse of office against detainees and prisoners, illegal inspections and personal searches). These crimes are supplemented by other provisions of the criminal code to which general aggravating circumstances apply, such as abuse of power and violation of public duties. It should also be noted that the crime of torture has been introduced in 2002 in the Military Criminal Code in Time of War (Art. 185 bis).

5. Racism and xenophobia

79. The Italian Government acknowledges that prejudice and racist attitudes persist in some sectors of the Italian society to various extents and that a sustained effort is required to eradicate them. Obviously, in order to prevent and eliminate prejudices, as well as to combat discriminatory attitudes and behaviours, legal instruments are not enough: it is equally important to work on the ground for a successful interaction among cultures and beliefs.

80. As above mentioned, the non-discrimination principle is one of the main pillars of the Italian Constitution, upon which domestic legislation is based when referring to different categories of people, such as women, minorities and other vulnerable groups. In this field the Italian Government, following EU Directive 2000/43 on Anti-discrimination, adopted in 2003 a comprehensive legislation based on the principle of equal treatment in the public and private sectors, with respect to access to employment, occupation, guidance and vocational training, membership of workers' or employers' organisations, social protection, healthcare, social benefits, education, goods and services. Judicial protection of victims is guaranteed by civil actions against discrimination, including presumptive proof in favour of the victim and awarding compensation for damage.

81. The Italian legal system includes specific provisions to combat racist and xenophobic speech, including those actions directed to spread ideas founded on racial or ethnic hatred and the incitement to commit acts of violence on racial, ethnic or religious grounds. The legislation in force punishes the

constitution of organizations, associations, movements or groups which have, among their aims, the incitement to discrimination or to violence motivated by racial, ethnic or religious reasons. It also provides for a special aggravating circumstance for all the crimes committed on the ground of discrimination or racial hatred. As to the use of racist or xenophobic language in politics, by law it is laid down that the judicial authorities are entrusted and have to verify the existence of criminal contents in documents, speeches and programs made by political representatives.

82. A National Action Plan against Racism (NAP) was adopted in 2006 in order to meet the requirements set by the 2001 Durban World Conference against Racism. It illustrates all the actions and measures taken, within the legislative and institutional framework, in order to eradicate racist, xenophobic and discriminatory practices at the national and local levels, by also detailing relevant experiences and good practices.

83. A significant example in this context is represented by the initiatives on Holocaust remembrance, including those related to the Memory Day, celebrated on the 27th January of each year, which are coordinated by a national committee with the participation of relevant institutions.

6. Minorities; Roma and Sinti Communities

84. With regard to national linguistic minorities, Art. 6 of the Italian Constitution states that “the Republic protects linguistic minorities by means of ad hoc legislation”. A specific law adopted in 1999 identifies twelve linguistic minorities, taking into account the historical process of their settlement, and provides for protection of their languages at school, in the public administrations and in the media.

85. In conformity with the above mentioned Act, the basic criterion for the recognition of a “linguistic minority” is its stability as well as the duration of its settlement in a specific area of the country. According to this legislation, Roma and Sinti Communities cannot be considered as “linguistic minorities”.

86. A census was carried out in 2008 in three Italian Regions in order to assess the presence of persons living in settlements, regardless of their nationality or ethnic origin. It represented a preliminary and fundamental stage to ensure the adoption by the Italian authorities of social, welfare and integration measures, aimed at improving the living conditions of these persons, including Roma people. A total of 167 settlements have been counted, of which 124 unauthorized and 43 authorized, as well as 12,300 persons, of whom 5,400 were children. The census procedure was carried out by the State Police forces, in close cooperation with the Italian Red Cross and the municipal Police forces.

87. The Italian Government adopted several measures in order to provide economic and social support for the integration of Roma and Sinti Communities. The most urgent priorities include housing, employment, education and vocational training, which are to be considered as essential elements for a real integration into the Italian society.

88. About €7 million were allocated in 2007-2008 to the National Fund for Social Policies and the Fund for migrants’ social inclusion, in order to reduce housing problems, to support integration and participation of Roma children in school as well as for awareness-raising campaigns. Additional financial resources from the EU may be devoted to the integration of Roma and Sinti Communities and to the fight against discrimination. A national network for Roma inclusion, bringing together

central and local administrations, has been established with the aim of gathering and comparing data concerning Roma people experiences as collected throughout the national territory, so as to harmonise actions and to better use relevant resources.

89. Specific policies have been promoted and implemented in Regions and Municipalities where the Roma presence is particularly high. Measures, such as apprenticeship and internships programs, information desks, guidance and employment support as well as the training of Roma cultural mediators have been developed.

90. With regard to the right to education of Roma and Sinti Communities, 12,838 students were enrolled in 2008-2009 school year. Several actions to support their integration in the school system have been put in place by involving teachers, providing for adequate spaces and financial resources. Previous central models have been integrated through a decentralized strategy implemented by local administrations and schools. To this end, specific agreements have been signed by the Ministry of Education and the “Opera Nomadi” association. Other similar measures are going to be taken in cooperation with other Roma, Sinti and Travellers (“Camminanti”) associations.

7. Gender equality; violence against women

91. Gender equality is a fundamental right, a common value of Italian population, and a necessary condition for the achievement of national and international development benchmarks of social and economic growth, employment and social cohesion. In order to meet this challenge and address existing gaps, Italy is sparing no efforts to achieve gender equality by adopting and implementing specific gender legislation and measures, such as programmes of action, monitoring mechanisms and social awareness campaigns.

92. According to the main principles set out in Arts. 3, 35, and 37 of the Italian Constitution, several laws provide for preventive measures and sanctions as well as the support for the victims of gender discrimination, such as the 2006 Code on gender equality. In 2003, Art. 51 of the Italian Constitution was amended in such a way that the Republic will promote “equal rights between men and women by means of appropriate provisions” and it reaffirms the human right of women to have access to public offices under legal and effective conditions of equality.

93. The Italian Government has both carried out studies and researches and created specific bodies to monitor gender based and domestic violence, in order to elaborate specific norms and measures, such as Act No. 38/2009 entitled “Urgent measures in the field of public security and the fight against sexual violence and stalking”. By such Act, *stalking* is today a crime in Italy, which is aggravated if committed by the former partner or by the victim’s husband or when it involves children.

94. Many other initiatives, projects and awareness-raising and information campaigns to fight against gender-based violence and to protect victims are being realized. The most relevant project in this field concerns a National Network on violence against women, aimed at activating a free call center, available full-time in many languages, for women victims of violence promoting joint actions by central and local authorities in cooperation with relevant associations.

95. Another significant initiative is the on-going establishment of a “National Observatory against sexual and gender based violence” with the task to coordinate local authorities, centers against

violence and other entities, to monitor all the activities carried out by public administrations to eradicate sexual violence, and to elaborate a National Plan to combat any form of violence, including domestic violence.

8. Human rights and fight against terrorism

96. Italy condemns terrorism in all its forms and considers the fight against it as a national priority. This fight can and must be carried out in full compliance to human rights, international humanitarian law and refugee law. Counter-terrorism action has to be considered as a strong commitment of the Italian authorities entailing a vigorous effort to protect human rights and to guarantee people security against terrorist attacks.

97. With regard to victims of terrorism, Italy has adopted a legislation aimed at protecting all victims of terrorism and their families, as well as those who are affected by terrorism or mafia-type criminal organizations (and suffer from the consequences of grave or deadly injuries), by providing benefits, including financial support. An *ad hoc* Fund for victims of organized crime was established in 1999 to this end.

98. Specific measures were adopted to combat international terrorism, in order to update the existing anti-terrorism legislation. The legal framework was also integrated by including a specific circumstance under which administrative expulsion measures can be applied in order to prevent acts of domestic or international terrorism (Art. 13.1 of the Consolidated Act on Immigration).

99. Italy has not established any special jurisdiction or procedure for terrorism cases. The jurisdiction of military tribunals is in fact limited to the trial of members of the military accused of military offences, as recommended by the Human Rights Committee. Only ordinary courts may judge and convict a person for terrorist offence. Furthermore, no derogation from the obligations taken under the International Covenant on Civil and Political Rights is provided for terrorist cases (Art. 4 of the Covenant). Therefore, all ordinary procedures and principles on presumption of innocence, legal assistance, exam of evidence, information etc. are ensured in trials and investigations, when dealing with terrorist cases.

100. On this issue, there have been various interventions by the Constitutional Court, to emphasize primarily that the Italian legal system aims at ensuring an effective framework of guarantees, so as to fully and extensively protect the fundamental rights of the individual.

101. With reference to the National System of Security, including security and intelligence services, it is worth recalling that it has been reformed in 2007 and placed under the scrutiny of a parliamentary committee. It should be noted that this reform was adopted by a very wide parliamentary majority.

9. Judicial system and penitentiary administration

102. The Italian judicial system is based on the principle of the “due process of law”. This has been developed by Act No. 2/1999 in accordance with Art. 111 of the Constitution and aims at enhancing the accusatory model as follows: a procedural system regulated only by statute (“due process of law”); impartiality of judges; collection of evidence after hearing both parties to the proceedings, including the admissibility of derogation when the defendant provides his/her consent, when it is impossible to

take evidence by hearing both parties or when there is evidence of illicit conduct; the “equality of arms” between the prosecution and the defence; the reasonable duration of the process; the right to be promptly informed.

103. As to the ordinary civil and criminal justice, the Italian system provides for three main stages: the first instance judgment, in which any dispute is decided by the competent territorial court of first instance. Its decision can be appealed before a second judge, to avoid the risk of judicial error. A third judicial control is exercised by the Court of Cassation: when a judgment is finally confirmed at this stage, the sentence is to be considered as definitive.

104. With regard to the duration of judicial proceedings, taking into account recommendations from international bodies in this respect, Italy is planning to review some formal procedures that slow down justice in comparison with European standards, such as the reduction of access to claim, in particular to the third degree of trial, and the enhancement of alternative proceedings. Some measures have been already adopted in 2008 and 2009 even though challenges remain high in this field.

105. Specific attention is paid to the Italian Juvenile Justice system, in order to address children’s needs. It is a priority to ensure better and more appropriate living conditions and to intensify social reintegration, rehabilitation and reparation. A bill has been recently introduced to further diversify and customize the responses of the judicial system in relation to the type of crime and to children’s conditions, thus increasing the chances of total rehabilitation and social reintegration of children conflicting with law.

106. As to the penitentiary administration, the legislation in force provides for an articulated system, which includes detention as well as many different alternative measures. Persons deprived of their liberty fully enjoy the right to health, in line with the UN Rules on detainees’ treatment, the right to education, including training, to facilitate social and professional reintegration. Specific attention is also paid to women in prison, who are allowed to live with their children until the age of 3 and have access to nursery within detention centres. Alternative measures are developed according to agreements between the detainee and the penitentiary administration (the so called ‘treatment programme’). Along these lines a plan of action concerning Italian prisons, to be implemented by 2012, has been recently introduced at the governmental level and is under current examination by the Parliament.

10. Economic, social and cultural rights

107. The Italian Constitution ensures an equitable promotion and protection of civil and political rights as well as economic, social and cultural rights. The Italian Constitution envisages economic rights such as the right to property, the freedom to undertake economic initiatives, the right to work and to freely choose one’s work, the right to form trade unions (Art. 39), the right to equal and favourable conditions of work (Art. 36), equal work treatment (Art. 37) and social security (Art. 38).

108. Besides, the Constitution envisages that the State implements social and welfare policies and promotes social justice. In this context the following rights must be guaranteed: the right to health and to the highest standards of physical and mental health, also by ensuring free medical care to all (Art. 32), a minimum standard of living to those who are in need (Art. 38), the protection of the family, in particular mothers and children (Arts. 29-31).

109. The fight against poverty is carried out through different measures, including the promotion of job opportunities, specific instruments for orientation and access to work, a retributive system that encourages economic development, and support measures for families living in poverty. Moreover, due to the international financial and economic crisis, in 2008 extraordinary measures were adopted, in order to increase the purchasing power of families, workers, retirees and low income persons.

110. According to Arts. 3, 30, 33 and 34 of the Constitution, social inclusion and integration are fundamental principles of Italy's public educational system. Several measures have been introduced to guarantee the right to education as well as to ensure effective school attendance and to respond to individual and collective needs, including students with disabilities or special needs, vulnerable groups, migrants and Roma children. Adequate financial resources have been allocated at the local and national levels, above all in areas where the high rate of school dropping-out has been recorded. Free compulsory school is envisaged for the primary and secondary school. In 2007 such obligation has been extended up to the age of 18. Textbooks are free in the primary school and in other school cycles specific measures are envisaged to grant scholarships to children belonging to disadvantage families.

111. The inclusion of foreign pupils – in particular those involved in recent migration flows - has always been at the core of the Italian school system, in order to ensure their prompt integration in accordance with their age and knowledge. In the last five years the number of foreign pupils has grown by about 140 per cent: in school year 2007-2008 Italian schools registered approximately 575,000 foreign students.

IV. ACHIEVEMENTS AND BEST PRACTICES

A. Dialogue and cooperation with civil society

112. Within central and local institutions several permanent consultative mechanisms (i.e. committees, working groups etc.) have been created to promote an open and constant dialogue with civil society organizations that are engaged in the promotion and protection of human rights.

113. In drafting governmental periodic reports to UN and other multilateral bodies, the Inter-ministerial Committee on Human Rights requests and receives observations from civil society organizations in order to gather their views on the implementation of human rights treaties and on the contents of the reports. For example, representatives of NGO's working on the rights of the child were involved in the preparation of last Italy's periodic report on the implementation of the Convention on the rights of the child.

B. Human rights education and training

114. Italy attaches the utmost importance to human rights education at all levels and in all its forms. No right can be effective without knowledge and awareness. Human rights education is essential to the realisation of human rights and fundamental freedoms and contributes significantly to promoting equality and to preventing human rights violations. It is also a key element to prevent and contrast attitudes and behaviours based on racism, discrimination and xenophobia, and to promote tolerance and respect for diversity.

115. Human rights education is included in school programs at all levels, starting from the primary schools, in accordance with international commitments taken by Italy in this field, including the World Programme for Human Rights Education.

116. Permanent training for judges concerning – *inter alia* - the judicial protection of human rights and fundamental freedoms as far as the effectiveness and related guarantees within proceedings, also in relation with multicultural and immigration aspects, is promoted through specific courses under the responsibility of the High Council for the Judiciary.

117. With regard to the training of Police forces, human rights law and international humanitarian law are included in the training curricula for police staff at all ranks. On a more general note, law enforcement personnel is routinely trained in order to face a changing reality. Training courses usually focus on developing cultural mediation skills and on facilitating mediation in cultural conflicts management.

C. Accountability of public officials

118. The assessment of responsibilities of public officials in case of an alleged violation of human rights and/or individual freedoms can be requested either by a citizen or during an inquiry conducted by a superior. In the former case, the request is transmitted to the judicial authority through a complaint so that a criminal proceeding can be initiated. Moreover, such control system is strengthened by several internal inquiring mechanisms, to assure that, in ordinary activities, public officials do not commit abuses or exceed in the use of their power.

D. International development cooperation

119. Italy strongly supports the principle that any international development program must be based upon the respect for human rights and the strengthening of the social, economic and democratic governance. This is particularly true in fragile and post conflict situations where effective coordination with States, international actors and civil society is essential to provide the basic functions needed for poverty reduction, development, security and human rights protection. Consequently, Italy recognizes the important role played by non-governmental organizations towards the promotion of development, good governance and processes of democratization. Thus, international development programs are carried out as much as possible in close coordination with beneficiaries, civil society, local authorities and all other relevant stakeholders. Capacity building is considered a key component of all activities in order to foster ownership and sustainability, reduce risks of failure and provide the necessary training and technical assistance to developing countries.

120. In general, the Italian Cooperation has a long-standing tradition of programmes and projects aimed at strengthening institutional capacities in partner countries. In fact, almost all programmes, regardless of their core sectors of activity, are conceived so as to entail a capacity-building component. Overall, when identifying activities, the utmost attention is paid to the fact that development needs are demand-driven. Nevertheless, Italy is aware that improvements are still required with respect to other issues, in particular in fragile states and post-conflict situations.

121. In the framework of the *Guidelines of the Italian Cooperation*, several initiatives promoted by the Italian Cooperation link the protection of human rights with development cooperation policies. Italy supports, through its development cooperation programme, several projects focused, for example, on women's empowerment, violence against women, children involved in armed conflicts, disabled children, children in prison and in conflict with law, children victims of trafficking and sexually exploited for commercial purposes, child labour etc.

V. NATIONAL PRIORITIES

A. Policy against discrimination

122. The National Office Against Racial Discriminations (UNAR- see paragraph 32 above) is starting a new program of actions to be implemented at the national level, thank to a joint effort of Regions and local authorities, in order to create an integrated system to prevent and contrast racial discriminations.

123. The first main action concerns the transformation of the existing Call center service into a web-based Contact Center with access for potential victims or witnesses of discriminations, who will compile a form in their own language which will be immediately processed.

124. A second line of intervention refers to the conversion of the current UNAR Office in UNA, National Office against Discriminations (i.e. not only discrimination on racial or ethnic grounds) is currently under consideration.

B. Policy for migrants' integration in Italian society

125. Integration policy for migrants (see paragraphs 72-74 above) is promoted in Italy also through the European Fund for Integration, established by the European Commission. About €91 million of its resources have been allocated to Italy over the period 2007-2013, in order to realize: basic training on key elements of the Italian integration system; professional inclusion, consisting of training and specific interventions for migrants; communication, i.e. awareness-raising campaigns and interventions by cultural mediators; development of a multi-language website; definition of efficiency/effectiveness parameters to evaluate integration policies; exchange of experiences, good practices and information. More than 750 projects have been presented to support local integration activities; of these 62 have been financed and are currently being implemented.

C. Policy for persons with disabilities

126. Within a legislative framework that already assures high standards in this field and in line with its pledges at the UN Human Rights Council, Italy ratified the UN Convention on the rights of persons with disabilities in March 2009. The ratification act provides for the institution of a National Observatory on the condition of the persons with disabilities, a public body that can constantly guarantee the interaction among several actors (institutions, persons with disabilities and their families, associations), in charge to elaborate and implement policies supporting persons with disabilities.

127. In particular, the Observatory has among its main tasks the elaboration of a biennial program of action for the promotion of the rights and the integration of persons with disabilities, the collection of

statistics in accordance with Art. 31 of the Convention, the formulation and implementation of measures in support to persons with disabilities as well as the promotion of studies and researches that can contribute to define priority areas in which these actions will be carried out.

D. Promotion of international initiatives

128. Italy represents a long-standing tradition of promoting and safeguarding human rights, at home and abroad and believes that protection of human rights plays a crucial role in guaranteeing peace, preventing conflicts and fostering the growth of stable democratic societies worldwide.

129. Italy's democratic tradition is at the base of its engagement in the common effort in favour of peace, security, sustainable development, and transparent and efficient governance. However, none of these objectives can be met without an effective protection of human rights and fundamental freedoms. For this reason Italy, in its national capacity and as a member of the EU, continues to pay the utmost attention to the promotion of human rights worldwide.

130. Italy advocates for the defence of human rights through dialogue and co-operation in multilateral fora, and particularly within the United Nations system, consistently with the principles of universality, impartiality and objectivity.

131. As a member of the Human Rights Council, and consistently with the pledges undertaken when it put forward its candidacy, Italy has worked to strengthen the United Nations human rights system in close cooperation with Treaty Bodies, Special Procedures and United Nations Agencies and Offices. Italy is also committed to fostering the protection of human rights in the regional framework and it actively supports the work of the Council of Europe and of the European Union in this field.

132. Italy has devoted efforts to improve the effectiveness and credibility of the Human Rights Council; in this regard, special attention has been paid to the UPR process, where Italy has been particularly active, in a spirit of constructive engagement and has addressed several recommendations to the various States under review.

133. Particular attention and resources have been dedicated to the priority issues that have been identified in its pledges. Italy has been at the forefront of the fight against the death penalty, inspiring the trans-regional initiative that has led to the approval of a universal moratorium on executions by the General Assembly in 2007.

134. As far as the rights of children involved in armed conflicts are concerned, Italy has been extremely active, during its term as a member of the Security Council, in ensuring that this issue is constantly and effectively addressed within the relevant working group. Moreover, Italy has recently (June 2009) organized an international conference in Rome, aimed at raising awareness on the issue also in our country: SG's Representative for children and armed conflict and representatives of a network of former child soldiers (created under the auspices of the Italian Government in the fall of 2008) have taken part in the event.

135. Italy is deeply engaged in promoting the issue of human rights education within the Human Rights Council's agenda, in coordination with the other Countries that integrate the Platform for Human Rights Education, and looks forward to the effective implementation of the World Programme

in this field as well as to the adoption of a UN Declaration on Human Rights Education in a reasonable time framework.

136. Italy is strongly committed to guarantee the respect of freedom of religion and to put an end to violence and persecutions nourished by ethnic and religious fundamentalism in all countries or crisis areas around the world. Consequently, Italy will continue - in close coordination with the European Union - to actively participate in all discussions and initiatives within the UN system, with a view to promoting and strengthening the protection of religious freedom around the world.

137. As to the rights of women, Italy has actively contributed to the approval of the Security Council Resolution 1820 on sexual violence in conflict situations and is elaborating its National Action Plan on Security Council resolution 1325, to enhance coordination and consistency of all activities related to Women, Peace and Security. In addition, in the framework of its Presidency of the G8, Italy recently (September 2009) organized an international Conference on violence against women, to bring the issue for the first time to the attention of the G8. The Conference has tackled the various forms and manifestations of violence against women (female genital mutilation, domestic violence, rape, stalking, etc) and contributed to raise awareness of these grave human rights violations.

138. During its term as G8 President, Italy also promoted the adoption of an a Declaration on Counter terrorism by the Heads of State and Government, whereby special attention has to be paid to the protection of human rights, refugee law and rule of law while countering terrorism.
