

# Italy - Constitution

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## [Part 0] Fundamental Principles

### Article 1 [Form of State]

- (1) Italy is a democratic republic based on labor.
- (2) The sovereignty belongs to the people who exercise it in the forms and limits of the constitution.

### Article 2 [Human Rights]

The republic recognizes and guarantees the inviolable human rights, be it as an individual or in social groups expressing their personality, and it ensures the performance of the unalterable duty to political, economic, and social solidarity.

### Article 3 [Equality]

- (1) All citizens have equal social status and are equal before the law, without regard to their sex, race, language, religion, political opinions, and personal or social conditions.
- (2) It is the duty of the republic to remove all economic and social obstacles that, by limiting the freedom and equality of citizens, prevent full individual development and the participation of all workers in the political, economic, and social organization of the country.

### Article 4 [Work]

- (1) The republic recognizes the right of all citizens to work and promotes conditions to fulfill this right.
- (2) According to capability and choice, every citizen has the duty to undertake an activity or a function that will contribute to the material and moral progress of society.

### Article 5 [Local Autonomy]

The republic, one and indivisible, recognizes and promotes local autonomy; it fully applies administrative decentralization of state services and adopts principles and methods of legislation meeting the requirements of autonomy and decentralization.

### Article 6 [Linguistic Minorities]

The republic protects linguistic minorities by special laws.

### Article 7 [Relation between State and Church]

- (1) State and catholic church are, each within their own reign, independent and sovereign.
- (2) Their relationship is regulated by the lateran pacts. Amendments to these pacts which are accepted by both parties do not require the procedure of constitutional amendments.

### Article 8 [Religion]

- (1) Religious denominations are equally free before the law.
- (2) Denominations other than catholicism have the right to organize themselves according to their own by-laws, provided they do not conflict with the italian legal system.
- (3) Their relationship with the state is regulated by law, based on agreements with their representatives.

## Article 9 [Research and Culture]

- (1) The republic promotes cultural development and scientific and technical research.
- (2) It safeguards natural beauty and the historical and artistic heritage of the nation.

## Article 10 [International Law]

- (1) The legal system of Italy conforms to the generally recognized principles of international law.
- (2) Legal regulation of the status of foreigners conforms to international rules and treaties.
- (3) Foreigners who are, in their own country, denied the actual exercise of those democratic freedoms guaranteed by the Italian constitution, are entitled to the right to asylum under those conditions provided by law.
- (4) Foreigners may not be extradited for political offences.

## Article 11 [Repudiation of War]

Italy repudiates war as an instrument offending the liberty of the peoples and as a means for settling international disputes; it agrees to limitations of sovereignty where they are necessary to allow for a legal system of peace and justice between nations, provided the principle of reciprocity is guaranteed; it promotes and encourages international organizations furthering such ends.

## Article 12 [Flag]

The flag of the republic is the Italian tricolor: green, white, and red, in three vertical bands of equal dimensions.

# Part I Rights and Duties of Citizens

## Title I Civil Rights

### Article 13 [Personal Liberty]

- (1) Personal liberty is inviolable.
- (2) No one may be detained, inspected, or searched nor otherwise restricted in personal liberty except by order of the judiciary stating a reason and only in such cases and in such manner as provided by law.
- (3) As an exception, under the conditions of necessity and urgency strictly defined by law, the police may take provisional measures that must be reported within 48 hours to the judiciary and, if they are not ratified within another 48 hours, are considered revoked and remain without effect.
- (4) Acts of physical and moral violence against persons subjected to restrictions of personal liberty are to be punished.
- (5) The law establishes the maximum duration of preventive detention.

### Article 14 [Personal Domicile]

- (1) Personal domicile is inviolable.
- (2) No one's domicile may be inspected, searched, or seized save in cases and in the manner laid down by law conforming to the guarantee of personal liberty.
- (3) Verifications and inspections for public health and safety, or for economic and fiscal purposes are defined by law.

### Article 15 [Freedom of Correspondence]

- (1) Liberty and secrecy of correspondence and other forms of communication are inviolable.
- (2) Limitations may only be imposed by judicial decision stating the reasons and in accordance with guarantees defined by law.

## Article 16 [Freedom of Movement]

(1) Every citizen has the right to reside and travel freely in any part of the national territory except for limitations provided by general laws protecting health or security. No restriction may be imposed for political reasons.

(2) Every citizen is free to leave the territory of the republic and return to it except for obligations defined by law.

## Article 17 [Right of Assembly]

(1) All citizens have the right to assemble peaceably and unarmed.

(2) For meetings, including those held in places to which the general public has access, no previous notice is required.

(3) For meetings held in public places previous notice must be given to the authorities, who may prohibit them only on the ground of proven risks to security or public safety.

## Article 18 [Freedom of Association]

(1) Citizens have the right freely and without authorization to form associations for those aims not forbidden by criminal law.

(2) Secret associations and associations pursuing political aims by military organization, even if only indirectly, are forbidden.

## Article 19 [Freedom of Religion]

Everyone is entitled to freely profess religious beliefs in any form, individually or with others, to promote them, and to celebrate rites in public or in private, provided they are not offensive to public morality.

## Article 20 [Religious Associations]

For associations or institutions, their religious character or religious or confessional aims do not justify special limitations or fiscal burdens regarding their establishment, legal capacity, or activities.

## Article 21 [Freedom of Communication]

(1) Everyone has the right to freely express thoughts in speech, writing, and by other communication.

(2) The press may not be controlled by authorization or submitted to censorship.

(3) Seizure is permitted only by judicial order stating the reason and only for offences expressly determined by the press law or for violation of the obligation to identify the persons responsible for such offences.

(4) In cases of absolute urgency where immediate judicial intervention is impossible, periodicals may be seized by the judicial police, who must immediately and in no case later than 24 hours report the matter to the judiciary. If the measure is not validated by the judiciary within another 24 hours, it is considered revoked and has no effect.

(5) The law may, by general provision, order the disclosure of financial sources of periodical publications.

(6) Publications, performances, and other exhibits offensive to public morality are prohibited. Measures of prevention and repression against violations are provided by law.

## Article 22 [Citizenship and Name]

Nobody may be deprived of legal capacity, citizenship, or name for political reasons.

## Article 23 [Personal Services]

Nobody may be forced to perform personal service or payment without legal provision.

#### Article 24 [Right to be Heard in Court]

- (1) Everyone may bring cases before a court of law in order to protect their rights under civil and administrative law.
- (2) Defense is an inviolable right at every stage and instance of legal proceedings.
- (3) The poor are entitled by law to proper means for action or defense in all courts.
- (4) The law defines the conditions and forms for reparation in the case of judicial errors.

#### Article 25 [Defendant's Rights]

- (1) No case may be removed from a court, but must be heard as provided by law.
- (2) No punishment is allowed except provided by a law already in force when the offence has been committed.
- (3) Security measures against persons are only allowed as provided by law.

#### Article 26 [Extradition]

- (1) A citizen may be extradited only as expressly provided by international conventions.
- (2) In any case, extradition may not be permitted for political offences.

#### Article 27 [Rights of the Accused]

- (1) Criminal responsibility is personal.
- (2) The defendant may not be considered guilty until sentenced.
- (3) Punishments may not contradict humanity and must aim at re-educating the convicted.
- (4) Death penalty is prohibited except by military law in time of war.

#### Article 28 [Responsibility of Public Officials]

State officials and employees of other public bodies are directly responsible under criminal, civil, and administrative law for acts committed in violation of rights. Civil liability extends to the state and public bodies.

## Title II Ethical and Social Relations

#### Article 29 [Marriage]

- (1) The family is recognized by the republic as a natural association founded on marriage.
- (2) Marriage entails moral and legal equality of the spouses within legally defined limits to protect the unity of the family.

#### Article 30 [Parental Duties and Rights]

- (1) Parents have the duty and right to support, instruct, and educate their children, including those born out of wedlock.
- (2) The law provides for the fulfillment of those duties should the parents prove incapable.
- (3) Full legal and social protection for children born out of wedlock is guaranteed by law, consistent with the rights of other family members.
- (4) Rules and limits to determine paternity are set by law.

#### Article 31 [Family]

- (1) The republic furthers family formation and the fulfillment of related tasks by means of economic and other provisions with special regard to large families.

(2) The republic protects maternity, infancy, and youth; it supports and encourages institutions needed for this purpose.

#### Article 32 [Health]

(1) The republic protects individual health as a basic right and in the public interest; it provides free medical care to the poor.

(2) Nobody may be forcefully submitted to medical treatment except as regulated by law. That law may in no case violate the limits imposed by the respect for the human being.

#### Article 33 [Freedom of Arts, Science and Teaching]

(1) The arts and sciences as well as their teaching are free.

(2) The republic adopts general norms for education and establishes public schools of all kinds and grades

(3) Public and private bodies have the right to establish schools and educational institutes without financial obligations to the state.

(4) The law defining rights and obligations of those private schools requesting recognition has to guarantee full liberty to them and equal treatment with pupils of public schools.

(5) Exams are defined for admission to various types and grades of schools, as final course exams, and for professional qualification.

(6) Institutions of higher learning, universities, and academies have the autonomy to establish by-laws within the limits of state law.

#### Article 34 [Education]

(1) Schools are open to everyone.

(2) Primary education, given for at least eight years, is compulsory and free of tuition.

(3) Pupils of ability and merit, even if lacking financial resources, have the right to attain the highest grades of studies.

(4) The republic furthers the realization of this right by scholarships, allowances to families, and other provisions, to be assigned through competitive examinations.

### Title III Economic Relations

#### Article 35 [Labor]

(1) The republic protects labor in all its forms.

(2) It provides for the training and professional enhancement of workers.

(3) It promotes and encourages international treaties and institutions aiming to assert and regulate labor rights.

(4) It recognizes the freedom to emigrate, except for legal limitations for the common good, and protects Italian labor abroad.

#### Article 36 [Wages]

(1) Workers are entitled to remuneration commensurate with the quantity and quality of their work, and in any case sufficient to ensure to them and their families a free and honorable existence.

(2) The law establishes limits to the length of the working day.

(3) Workers are entitled to a weekly day of rest and to annual paid holidays; they cannot relinquish this right.

#### Article 37 [Equality of Women at Work]

- (1) Working women are entitled to equal rights and, for comparable jobs, equal pay as men. Working conditions have to be such as to allow women to fulfill their essential family duties and ensure an adequate protection of mothers and children.
- (2) The law defines a minimal age for paid labor.
- (3) The republic establishes special measures protecting juvenile labor and guarantees equal pay for comparable work.

#### Article 38 [Welfare]

- (1) All citizens unable to work and lacking the resources necessary for their existence are entitled to private and social assistance.
- (2) Workers are entitled to adequate insurance for their needs in case of accident, illness, disability, old age, and involuntary unemployment.
- (3) Disabled and handicapped persons are entitled to education and vocational training.
- (4) These responsibilities are entrusted to public bodies and institutions established or supplemented by the state.
- (5) Private welfare work is free.

#### Article 39 [Trade Unions]

- (1) The organization of trade unions is free.
- (2) No obligation may be imposed on trade unions except the duty to register at local or central offices as provided by law.
- (3) Trade unions are only registered on condition that their by-laws lead to internal organization of democratic character.
- (4) Registered trade unions are legal persons. Being represented in proportion to their registered members, they may jointly enter into collective labor contracts which are mandatory for all who belong to the respective industry of these contracts.

#### Article 40 [Right to Strike]

The right to strike is exercised according to the law.

#### Article 41 [Freedom of Enterprise]

- (1) Private economic enterprise is free.
- (2) It may not be carried out against the common good or in a way that may harm public security, liberty, or human dignity.
- (3) The law determines appropriate planning and controls so that public and private economic activities may be directed and coordinated towards social ends.

#### Article 42 [Property]

- (1) Property is public or private. Economic goods may belong to the state, to public bodies, or to private persons.
- (2) Private ownership is recognized and guaranteed by laws determining the manner of acquisition and enjoyment and its limits, in order to ensure its social function and to make it accessible to all.
- (3) Private property, in cases determined by law and with compensation, may be expropriated for reasons of common interest.
- (4) The law establishes the rules of legitimate and testamentary succession and its limits and the state's right to the heritage.

#### Article 43 [Expropriation]

To the end of the general good, the law may reserve establishment or transfer, by expropriation with compensation, to the state, public bodies, or workers or consumer communities, specific enterprises or categories of enterprises of primary common interest for essential public services or energy sources, or act as monopolies in the preeminate public interest.

#### Article 44 [Land]

(1) For the purpose of ensuring rational utilization of land and establishing equitable social relations, the law imposes obligations on and limitations to private ownership of land, defines its limits depending on the regions and the various agricultural areas, encourages and imposes land cultivation, transformation of large estates, and the reorganization of productive units; it assists small and medium sized farms.

(2) The law favors mountainous areas.

#### Article 45 [Cooperatives and Handicrafts]

(1) The republic recognizes the social function of cooperation for mutual benefit free of private speculation. The law promotes and encourages its implementation with suitable provisions and ensures its character and purposes through proper controls.

(2) The law protects and promotes the development of handicrafts.

#### Article 46 [Workers' Participation]

In order to achieve the economic and social enhancement of labor and in accordance with the requirements of production, the republic recognizes the right of workers to collaborate, within the forms and limits defined by law, in the management of companies.

#### Article 47 [Savings]

(1) The republic encourages and protects savings in all its forms, regulates, coordinates and controls the provision of credit.

(2) It favors access savings for the purchase of homes, for worker-owned farms, and for direct or indirect investment in shares of the country's large productive enterprises.

### Title IV Political Rights

#### Article 48 [Voting Rights]

(1) All citizens, men or women, who have attained their majority are entitled to vote.

(2) Voting is personal, equal, free, and secret. Its exercise is a civic duty.

(3) The law defines the conditions under which the citizens residing abroad effectively exercise their electoral right. To this end, a constituency of italians abroad is established for the election of the Chambers, to which a fixed number of seats is assigned by constitutional law in accordance with criteria determined by law.

(4) The right to vote may not be limited except for incapacity, as a consequence of an irrevocable criminal sentence, or in cases of moral unworthiness established by law.

#### Article 49 [Political Parties]

All citizens have the right to freely associate in political parties in order to contribute by democratic methods to determine national policy.

#### Article 50 [Petitions]

All citizens may address petitions to the Chambers demanding legislative measures or presenting general needs.

#### Article 51 [Public Offices]

(1) Citizens of one or the other sex are eligible for public office and for elective positions under equal conditions, according to the rules established by law. To this end, the republic adopts specific measures in order to promote equal chances for men and women.

- (2) The law may, regarding their right to be selected for public positions and elective offices, grant to those italians who do not belong to the republic the same opportunities as citizens.
- (3) Anyone elected to public office is entitled to the time necessary for the fulfillment of the respective duties while keeping his or her job.

#### Article 52 [Military Service]

- (1) The defense of the fatherland is the sacred duty of every citizen.
- (2) Military service is compulsory within the limits and under the terms of the law. The fulfillment of military duties may not prejudice a citizen's position as an employee, nor the exercise of his political rights.
- (3) The rules about armed forces must conform to the democratic spirit of the republic.

#### Article 53 [Taxation]

- (1) Everyone has to contribute to public expenditure in proportion to their capacity.
- (2) The tax system has to conform to the principle of progression.

#### Article 54 [Loyalty to the Constitution]

- (1) All citizens have the duty to be loyal to the republic and to observe the constitution and the laws.
- (2) Citizens entrusted with public functions must perform them with discipline and honor, and take an oath of office where required by law.

## Part II Organization of the Republic

### Title I Parliament

#### Section I The Two Chambers

#### Article 55 [Parliament]

- (1) The parliament consists of the House of Representatives and the senate.
- (2) The parliament holds joint session only in cases defined by the constitution.

#### Article 56 [The House of Representatives]

- (1) The house of representatives is elected by universal and direct suffrage.
- (2) The number of representatives is six hundred and thirty, of which twelve are elected by the constituency of italians abroad.
- (3) Eligible are voters who have reached the age of twenty-five on election day.
- (4) Having set aside the seats assigned to the constituency of italians abroad, the distribution of seats among the constituencies is calculated by dividing the population of the last general census by six hundred and eighteen, and distributing the seats in proportion to the population of each constituency, based on the quotients and the largest remainders.

#### Article 57 [The Senate]

- (1) The senate is elected on a regional basis except for the seats assigned to the constituency of italians abroad.
- (2) Three hundred and fifteen senators are elected, of which six are elected by the constituency of italians abroad.
- (3) No Region shall have fewer than seven senators; Molise has two senators and the Aosta Valley one.

(4) Having set aside the seats assigned to the constituency of italiens abroad, the distribution of seats among the regions is calculated proportionally to the population of the last general census, based on the quotients and the largest remainders.

#### Article 58 [Elections for the Senate]

- (1) Senators are elected universally and directly by voters older than twenty-five years.
- (2) Voters older than forty years are eligible to the senate.

#### Article 59 [Senators for Life]

- (1) Anyone who was president of the republic is a senator for life unless waiving this privilege.
- (2) The president may appoint as senators for life five citizens who have brought honor to the nation through their exceptional accomplishments in the social, scientific, artistic, and literary fields.

#### Article 60 [Term]

- (1) The house of representatives and the senate are elected for five years.
- (2) The term of each chamber may not be extended except by law and only in the case of war.

#### Article 61 [Reelections]

- (1) The reelection of new chambers must take place within seventy days from the dissolution of the previous ones. The first session has to be take place no later than twenty days after elections.
- (2) The previous chambers retain their powers until the new chambers meet.

#### Article 62 [Sessions]

- (1) Sessions commence on the first days of february and october that are no holidays.
- (2) Each chamber may be summoned in extraordinary session on the initiative of its speaker, the president of the republic, or of one third of its members.
- (3) If a chamber is summoned for an extraordinary session, the other chamber also convenes.

#### Article 63 [Speaker]

- (1) Each chamber elect a speaker and members of the speaker's office from among its members.
- (2) The speaker and the speaker's office of the house of representatives preside when the parliament convenes in joint session.

#### Article 64 [Rules of Procedures]

- (1) Each Chamber adopt its rules of procedure by a majority of its members.
- (2) Sessions are public, but the chambers or the parliament in joint session may decide to sit in private.
- (3) Decisions of the chambers and of the parliament require the presence of a majority of the members and the consent of a majority of those present, notwithstanding special majorities required by the constitution.
- (4) Government members, even if not members of the chambers, have the right to attend sessions and are required to be present if summoned. They have to be heard on their request.

#### Article 65 [Ineligibility and Incompatibility]

- (1) Conditions of ineligibility or incompatibility with the office of deputy or senator are defined by law.
- (2) Nobody may be a member of both chambers at the same time.

Article 66 [Qualifications for Admission]

Each chamber decide about the electoral admissibility of its members and about instances of ineligibility and incompatibility.

Article 67 [Free mandate]

Members of parliament represent the nation; they are free from imperative mandate.

Article 68 [Indemnity, Immunity]

(1) Members of parliament may not be called to answer for opinions expressed or votes cast in the exercise of their office.

(2) Members of parliament may not be subjected to searches of their person or homeshall without prior authorization by their chamber, nor arrested or otherwise deprived of personal freedom, nor kept in a state of detention, except on an irrevocable conviction or caught in the act of a crime for which arrest is mandatory.

(3) The same authorization is required to subject members of parliament to any form of interception of their conversations or communications, and in order to seize their mail or correspondence.

Article 69 [Allowance]

Members of parliament receive an allowance defined by law.

Section II Lawmaking

Article 70 [Legislative Power]

Legislative power is exercised jointly by the chambers.

Article 71 [Initiative]

(1) The right to initiatives belongs to the government, to each member of the chambers, and to those organs and bodies assigned by constitutional law.

(2) The people may introduce public initiatives consisting of a bill drafted in articles and supported by at least 50,000 voters.

Article 72 [Legislative Proceedings]

(1) Every bill introduced to one of the chambers is first examined by a committee as defined by the rules of procedures and then adopted by the chamber article by article and with a final vote.

(2) The rules of procedure establish an abbreviated procedure for bills declared urgent.

(3) They may also establish when and how the examination and approval of bills may be delegated to committees, including standing committees, composed in a way reflecting the relative size of groups in parliament. In such cases, a bill must be submitted to the full chamber if the government, one-tenth of the chamber's members, or one-fifth of the committee so demand, or it must be submitted to the committee for a final vote preceded only by statements of vote. The rules of procedure define the manner in which the committees' deliberation is made public.

(4) The ordinary procedure for the deliberation and decisionmaking by each chamber has to be followed for bills on constitutional or electoral matter and for those delegating legislative power or authorizing the ratification of international treaties or approving the budgets and the final balance.

Article 73 [Promulgation]

(1) Laws are promulgated by the president within a month after having been adopted.

(2) If each chamber declares a bill urgent with a majority of its members, it has to be promulgated within the time set in the bill.

(3) Laws have to be published immediately after they were promulgated; they enter into force on the

fifteenth day after their publication unless the laws establish a different time.

#### Article 74 [Request for New Deliberation]

- (1) Before promulgation, the president may ask for further deliberation by message to the chambers giving the reasons for such request.
- (2) The law has to be promulgated if the chambers adopt the bill once more.

#### Article 75 [Referendum]

- (1) When requested by 500,000 voters or by five regional councils, a popular referendum decides on total or partial repeal of a law or other acts with legal force.
- (2) No such referenda are allowed for tax or budget laws, amnesties, pardons, or ratification of international treaties.
- (3) Citizens entitled to vote for the house of representatives may also participate in a referendum.
- (4) The referendum succeeds if a majority of those eligible have participated and if the proposal has received a majority of the valid votes.
- (5) The law establishes procedures for referenda.

#### Article 76 [Delegation of Legislative Power]

Legislative power may not be delegated to the government unless parliament specifies principles and criteria of guidance, and only for limited time and well-specified subjects.

#### Article 77 [Law Decrees]

- (1) The government may not issue decrees with the force of law unless empowered by a proper delegation of the chambers.
- (2) As an exception by necessity and urgency, government may issue provisional measures with the force of law and submits them on the same day to the chambers for confirmation; if the chambers are not in session, they have to be summoned for that purpose within five days.
- (3) Legal decrees lose effect at the date of issue if they are not confirmed within sixty days of their publication. However, chambers may sanction rights and obligations arising out of decrees are not confirmed.

#### Article 78 [State of War]

Chambers are competent to declare war and assign the necessary powers to government.

#### Article 79 [Amnesty and Pardon]

- (1) Amnesties and pardons may be granted by a law which must be adopted both article by article and in its entirety by two thirds of the members of each chamber.
- (2) A law granting amnesty or pardon has to establish time limits for its enforcement.
- (3) In no instance may amnesty or pardon be extended to offences committed after the bill has been introduced.

#### Article 80 [Ratification of Treaties]

Chambers ratify by law international treaties which are of political nature, provide for arbitration or judicial regulation, imply modifications of the territory, impose financial burdens, or result in modifications of the laws.

#### Article 81 [Budgets]

- (1) For each year, chambers are voting the budget and final balance submitted by the government.
- (2) Temporary execution of the budget may not be granted except by law and for periods of no more than four months altogether.
- (3) In the budget law, no new taxes or expenditures may be adopted.

(4) All other laws implying new or additional expenditures must define the means to cover them.

## Article 82 [Inquiries]

(1) A chamber may start inquiries into matters of public interest.

(2) It therefore appoints a committee composed of its members in proportion to the size of the groups in parliament. The committee of enquiry investigates and examines the matters carrying the same powers and limitations as the judiciary.

## Title II The President of the Republic

### Article 83 [Election of the President]

(1) The president is elected in joint session of parliament.

(2) Three delegates from every region, elected by the regional councils in a way guaranteeing minority representation, participate in the election. The Aosta Valley is represented by one delegate.

(3) Presidential elections, conducted by secret ballot, require a two-thirds majority of the assembly. After the third ballot a majority of the members is sufficient.

### Article 84 [Eligibility, Incompatibility, Allowance]

(1) Any citizen over fifty years enjoying civil and political rights is eligible for president.

(2) The presidency is incompatible with any other office.

(3) Remunerations and endowments of the president are defined by law.

### Article 85 [Presidential Term]

(1) The presidential term is seven years.

(2) For the election of a new president, the speaker of the house of representatives summons parliament in joint session with regional delegates thirty days before the end of term.

(3) If the parliament is dissolved within three months of end of term, the new chambers elect the president within fifteen days of their first meeting. Meanwhile, the former president continues to be in power.

### Article 86 [Substitute of the President]

(1) If the president is unable to perform his duties, they are carried out by the speaker of the senate.

(2) In the case of permanent inability, death, or resignation of the president, the speaker of the house of representatives calls presidential elections within fifteen days unless more time is needed because the chambers are dissolved or their term is expiring within three months.

### Article 87 [Presidential Duties]

(1) The president is head of state and represents the unity of the nation.

(2) The president may send messages to parliament.

(3) He calls parliamentary elections and sets the date of their first meeting.

(4) He authorizes the government's legislative initiatives.

(5) He promulgates laws and issues decrees with the force of law as well as government regulations.

(6) He call a referendum when provided for by the constitution.

(7) He appoints state officials as provided by the laws.

(8) He accredits and receives diplomatic representatives, ratifies international treaties once they are authorized by parliament, provided parliamentary approval is necessary.

(9) He is the commander of the armed forces and chairman of the supreme defense council constituted by law; he declares war according to the decision of the parliament.

- (10) He chairs the superior council of the judiciary.
- (11) He has the power to grant pardons and commute punishments.
- (12) He confers the honors of the republic.

#### Article 88 [Dissolution of the Chambers]

- (1) The president may dissolve one or both chambers after having consulted their speakers.
- (2) He may not exercise this power during the last six months of his term, provided this period does not coincide partly or entirely with the last six months of the term of chambers.

#### Article 89 [Countersignature]

- (1) Acts of the president are void unless countersigned by the ministers who are responsible for and submitting it.
- (2) Acts with the force of law and other acts as defined by law also need to be countersigned by the prime minister.

#### Article 90 [Presidential Indemnity]

- (1) The president may not be held responsible for exercising his duties, except for high treason and attempts to overthrow the constitution.
- (2) In these cases, he must be impeached by parliament in joint session by a majority of its members.

#### Article 91 [Oath of Loyalty]

The president, prior to taking office, has to swear before parliament in joint session an oath of allegiance to the republic and the constitution.

### Title III The Government

#### Section I The Council of Ministers

#### Article 92 [Executive Power]

- (1) The government of the republic consists of the prime minister and the ministers jointly constituting the council of ministers.
- (2) The president appoints the prime minister and, on his advice, the ministers.

#### Article 93 [Oath]

The prime minister and the ministers, prior to taking office, are sworn in by the president.

#### Article 94 [Vote of Confidence]

- (1) Government has to enjoy the confidence of both chambers.
- (2) Confidence is granted or withdrawn by each chamber on a reasoned motion by vote using a roll-call.
- (3) The government has to appear before each chamber no later than ten days after its appointment to get a vote of confidence.
- (4) The rejection of a government proposal by a chamber does not force government resignation.
- (5) The request for a vote of no-confidence requires the signatures of at least one-tenth of the members of either chamber and is not debated until three days after it has been filed.

#### Article 95 [Responsibilities]

(1) The prime minister conducts and is responsible for the general policy of the government. He ensures the unity of general political and administrative policies, promoting and coordinating the activities of the ministers.

(2) The ministers are jointly responsible for decisions of the council of ministers and individually for those of their ministries.

(3) Rules concerning the role of the prime minister and the number, responsibilities and organization of the ministries are determined by law.

#### Article 96 [Ministerial Offences]

The prime minister and ministers, even if no longer in office, are subject to ordinary courts for offences committed in the exercise of their duties only in those cases authorized by the senate or the house of representatives according to procedures defined by constitutional law.

### Section II Public Administration

#### Article 97 [Public Offices]

(1) The organization of public offices is determined by law ensuring the proper and fair operation of public affairs.

(2) Areas of competence, duties, and responsibilities of public officials must be defined in regulations on public offices.

(3) Appointments for public administration are determined by public competition unless otherwise specified by law.

#### Article 98 [Independence of Officials]

(1) The duty of public officials is only to service the Nation.

(2) Officials who are members of parliament may not be promoted except for seniority.

(3) The right to become a registered member of political parties may be limited by law for members of the judiciary, professional members of the armed forces on active duty, police officials and officers, and diplomatic and consular representatives abroad.

### Section III Auxiliary Institutions

#### Article 99 [National Council of Economy and Labor]

(1) As defined by law, the national council of economy and labor is composed of experts and representatives of several trades considering their quantitative and qualitative importance.

(2) The council offers advice to parliament and government for matters and purposes defined by law.

(3) The council has the right to initiate legislation and to contribute to economic and social laws following the principles and observing the limits defined by law.

#### Article 100 [Council of State]

(1) The council of state gives advice on legal-administrative matters and ensures justice in the operation of the public administration.

(2) The office of the state auditor exercises preventive control of the government and subsequent control of the state budget. It participates, in the cases and forms defined by law, in the fiscal control of those bodies to which the state normally contributes. It reports the results of its audits directly to the chambers.

(3) The law ensures the independence of these two institutions and their members from government interference.

## Title IV The Judiciary

### Section I Organization of the Judiciary

#### Article 101 [Administration of Justice]

- (1) The justice is administered in the name of the people.
- (2) Judges are only subject to the law.

#### Article 102 [Judges]

- (1) Judicial functions are exclusively exercised by ordinary courts regulated by norms about the organization of the judiciary.
- (2) There may not exist extraordinary or special judges. Only specialized sections for specific matters may be established within the ordinary courts; qualified citizens who are not members of the judiciary may take part.
- (3) The law regulates the cases and forms of direct participation of the people in the administration of justice.

#### Article 103 [Council of State, Court of Accounts, Military Tribunals]

- (1) The council of state and other administrative courts have jurisdiction over lawful claims under administrative law and over civil-law claims against the public administration in matters defined by law.
- (2) The court of accounts has jurisdiction over public accounts and other matters specified by law.
- (3) Military courts in time of war have jurisdiction according to the law. In time of peace they only have jurisdiction over military offences committed by members of the armed forces.

#### Article 104 [Independent Judiciary, Superior Council of the Judiciary]

- (1) The judiciary constitutes an autonomous and independent branch of government not subject to any other.
- (2) The superior council of the judiciary is chaired by the president.
- (3) The first president and the general public prosecutor of the court of cassation are members by law.
- (4) Other members are elected with two-thirds majority by all ordinary judges belonging to the different categories, and one-third by parliament in joint session, from among full professors of law and lawyers with at least fifteen years of practice.
- (5) The council elects a vice-chairman from among the members designated by parliament.
- (6) The elected members have a term of for four years and may not be immediately re-elected.
- (7) They are not allowed, while in office, to be registered as members of the legal profession, nor become members of parliament or of a regional council.

#### Article 105 [Powers of the Superior Council]

The superior council of the judiciary, as defined by organizational law, has the exclusive competence to appoint, assign, move, promote, and discipline members of the judiciary.

#### Article 106 [Appointment of Members of the Judiciary]

- (1) Appointment to the judiciary is based on competitive examinations.
- (2) The law on the organization of the judiciary may provide for honorary magistrates, possibly by election, to perform the duties of single judges.
- (3) By proposal of the superior council of the judiciary, full professors of law as well as lawyers with at least fifteen years practice and registered for practice in higher courts, may be appointed to the court of cassation for exceptional merits.

## Article 107 [Disciplinary Action]

- (1) Members of the judiciary may not be removed from office. They may not be dismissed, suspended, or moved to other jurisdictions or functions except either by decision of the superior council of the judiciary for reasons and with opportunity of defense as defined by the organizational law, or by their own consent.
- (2) The minister of justice may initiate disciplinary action.
- (3) Judges may only be distinguished by function.
- (4) The public prosecutor enjoys the guarantees defined by the organizational law.

## Article 108 [Laws on the Organization of the Judiciary]

- (1) The organization of the judiciary and every judicial authority are defined by law.
- (2) The law has to protect the independence of judges, of special courts, of the public prosecutors attached to them, and of all those not belonging to the judiciary who participate in the administration of justice.

## Article 109 [Judicial Police]

The judiciary directly commands the judicial police.

## Article 110 [Minister of Justice]

Notwithstanding the powers of the superior council of the judiciary, organization and operation of the administration of justice are vested in the minister of justice.

## Section II Rules on Jurisdiction

### Article 111 [Legal Proceedings]

- (1) Justice must be administered by fair trials defined by law.
- (2) Trials are based on equal confrontation of the parties before an independent and impartial judge. The law has to define reasonable time limits for the proceedings.
- (3) In criminal trials, the law provides for timely and confidential information of the accused regarding the nature and reasons of charges brought against them; they are granted the time and means for their defense; they have the right to question those who testify against them or to have them questioned; those who may testify in favor of the accused must be summoned and examined under the same conditions granted to the prosecution; any evidence in favor of the accused must be acknowledged; the accused may rely on the help of an interpreter if they do not understand or speak the language of the proceedings.
- (4) In criminal trials, evidence may only be established according to the principle of confrontation between parties. No defendant may be proven guilty on the basis of testimony given by witnesses who freely and purposely avoided cross-examination by the defense.
- (5) The law defines in which cases evidence may be established without confrontation between the parties, either by consent of the defendants or as an effect of proven misdemeanor.
- (6) Reasons must be stated for all judicial decisions.
- (7) Against sentences and measures concerning personal freedom delivered by the ordinary or special courts, appeals to the court of cassation are always allowed regarding violations of the law. These provisions may be waived only in the case of sentences pronounced by military courts in time of war.
- (8) Against decisions of the council of state and of the court of accounts, appeals to the court of cassation are only admissible for reasons of jurisdiction.

### Article 112 [Criminal Proceedings]

The public prosecutor has the duty to initiate criminal proceedings.

### Article 113 [Judicial Review]

- (1) Against a decision taken by the public administration before an ordinary or administrative court, legal action is always admissible to protect one's own rights under civil or administrative law.
- (2) Such judicial protection may not be excluded or limited to specific forms of action or to specific categories of claims.
- (3) The law defines which jurisdictional organs may annul decisions of the public administration, in which cases and with which effects.

## Title V Regions, Provinces, Municipalities

### Article 114 [Municipalities, Provinces, Metropolitan Cities, Regions, State]

- (1) The republic consists of municipalities, provinces, metropolitan cities, regions, and the state.
- (2) Municipalities, provinces, metropolitan cities, and regions are autonomous entities with their own statutes, powers, and functions according to the principles defined in the constitution.
- (3) Rome is the capital of the republic. State law regulates its legal status.

### Article 115 [Regions] { abolished }

### Article 116 [Special Forms of Autonomy]

- (1) According to their special statutes adopted by constitutional law, particular forms and conditions of autonomy are enjoyed by Friuli-Venezia Giulia, Sardinia, Sicily, Southern Trentino, and the Aosta Valley.
- (2) The region Southern Trentino consists of the autonomous provinces Trento and Bolzano.
- (3) Upon the initiative of the region concerned, after consultation of local administrations, state law may assign further particular forms and conditions of autonomy to other regions according to the principles laid down in Art. 119; such forms and conditions shall concern the matters specified in Art. 117 (3) as well as the matters listed in paragraph 2 of the same article under the letters l) - with regard to the organization of the offices of the justices of the peace only -, n), and s). The law, based on an agreement between the state and the region concerned, needs the approval of the chambers with a majority of their members.

### Article 117 [State and Regional Legislative Power]

- (1) Legislative power belongs to the state and the regions in accordance with the constitution and within the limits set by European Union law and international obligations.
- (2) The state has exclusive legislative power in the following matters:
  - a) foreign policy and international relations of the state; relations of the state with the European Union; right of asylum and legal status of the citizens of states not belonging to the European Union;
  - b) immigration;
  - c) relations between the republic and religious denominations;
  - d) defense and armed forces; state security; weapons, ammunitions and explosives;
  - e) money, protection of savings, financial markets; protection of competition; currency system; state taxation system and accounting; equalization of regional financial resources;
  - f) state organs and their electoral laws; state referenda; election of the European Parliament;
  - g) organization and administration of the state and of national public bodies;
  - h) law, order and security, aside from the local administrative police;
  - i) citizenship, registry of personal status and registry of residence;
  - l) jurisdiction and procedural laws; civil and criminal law; administrative tribunals;
  - m) determination of the basic standards of welfare related to those civil and social rights that must be guaranteed in the entire national territory;
  - n) general rules on education;
  - o) social security;
  - p) electoral legislation, local government and fundamental functions of municipalities, provinces and

metropolitan cities;

q) customs, protection of national boundaries and international prophylactic measures;

r) weights, units of measurement and time standards; coordination of the informative, statistical and information-technology aspects of the data of the state, regional and local administrations; intellectual property;

s) protection of the environment, of the ecosystem and of the cultural heritage.

(3) The following matters are subject to concurrent legislation of both the state and regions:

international and european union relations of the regions; foreign trade; protection and safety of labor; education, without infringement of the autonomy of schools and other institutions, and with the exception of vocational training; professions; scientific and technological research and support for innovation in the productive sectors; health protection; food; sports regulations; disaster relief service; land-use regulation and planning; harbors and civil airports; major transportation and navigation networks; regulation of media and communication; production, transportation and national distribution of energy; complementary and integrative pensions systems; harmonization of the budgetary rules of the public sector and coordination of the public finance and the taxation system; promotion of the environmental and cultural heritage, and promotion and organization of cultural activities; savings banks, rural co-operative banks, regional banks; regional institutions for credit to agriculture and land development.

In matters of concurrent legislation, the regions have legislative power except for fundamental principles which are reserved to state law.

(4) The regions have exclusive legislative power with respect to any matters not expressly reserved to state law.

(5) Regarding the matters that lie within their field of competence, the regions and the autonomous provinces of Trento and Bolzano participate in any decisions about the formation of community law. The regions and autonomous provinces also provide for the implementation and execution of international obligations and of the acts of the european union in observance of procedures set by state law. state law establishes procedures for the state to act in substitution of the regions whenever those should fail to fulfill their responsibilities in this respect.

(6) The power to issue by-laws is vested in the state regarding all matters where it has exclusive legislative power, insofar as it does not devolve such power to the regions. The power to issue by-laws is vested in the regions in any other matters. Municipalities, provinces and metropolitan cities have regulatory power with respect to the organization and the fulfillment of the functions assigned to them.

(7) Regional laws have to remove all obstacles which prevent the full equality of men and women in social, cultural, and economic life, and promote equal access of men and women to elective offices.

(8) Regional laws has to ratify agreements reached by a region with another region aimed at the better exercise of their functions, including the establishment of joint institutions.

(9) Within its field of competence the region may establish agreements with foreign states and understandings with territorial entities that belong to a foreign state, in the cases and forms provided for by state law.

#### Article 118 [Administrative Functions]

(1) Administrative functions belong to the municipalities except when they are conferred to provinces, metropolitan cities, regions, or the state in order to guarantee uniform practice; the assignment is based on the principles of subsidiarity, differentiation and adequacy.

(2) Municipalities, provinces and metropolitan cities have their own administrative functions and, in addition, those conferred to them by the law of the state or the region according to their respective fields of competence.

(3) State law provides for forms of coordination between the state and the regions in the matters referred to in letters b) and h) of Art. 117 (2); it also provides for forms of understanding and coordination in the matter of the protection of the cultural heritage.

(4) State, regions, metropolitan cities, provinces and municipalities support autonomous initiatives promoted by citizens, individually or in associations, in order to carry out activities of general interest; this is based on the principle of subsidiarity.

#### Article 119 [Financial Autonomy]

(1) Municipalities, provinces, metropolitan cities and regions have financial autonomy regarding revenues and expenditures.

(2) Municipalities, provinces, metropolitan cities and regions have autonomous resources. They establish and implement their own taxes and revenues, in harmony with the constitution and in accordance with the principles of coordination of the public finances and the taxation system. They receive a share of the proceeds of state taxes related to their territory.

(3) The law of the state establishes an equalization fund to the benefit of areas where the fiscal capacity per inhabitant is reduced, with no restrictions as to the allocation of its proceeds, (4) The funds deriving from the sources mentioned in the previous paragraphs have to enable municipalities, provinces, metropolitan cities and regions to finance in full the functions attributed to them.

(5) In order to promote economic development, social cohesion, and solidarity, to remove economic and social inequalities, to foster the actual exercise of human rights, to pursue ends other than those pertaining to the exercise of their ordinary functions, the state may allocate additional resources or carry out special actions to the benefit of certain municipalities, provinces, metropolitan cities and regions.

(6) Municipalities, provinces, metropolitan cities and regions have their own assets, assigned to them according to general principles established by state law. They may only contract loans in order to finance investment expenditure. State guarantees on such loans are excluded.

#### Article 120 [Free Circulation and Substitution Clause]

(1) Regions may not charge import or export duties, nor duties on transit between regions, nor adopt provisions which may hinder in any way the free movements of persons and goods between regions, nor limit the right to work in any part of the national territory.

(2) The Government may act as a substitute for regional, metropolitan city, provincial, or municipal authorities whenever those should violate international rules or treaties or community law, whenever there is a serious danger for the public safety and security, and whenever such substitution is required in order to safeguard the legal or economic unity of the nation, and particularly in order to safeguard the basic standards of welfare related to civil and social rights, irrespective of the boundaries of the local governments. The law defines appropriate procedures in order to guarantee that substitution powers are exercised within the limits set by the principles of subsidiarity and fair cooperation.

#### Article 121 [Regional Organs]

(1) Regional organs are: the regional council, the regional cabinet and its president.

(2) The regional council exercises the legislative powers granted to the region and all other functions conferred on it by the constitution and by law. It may propose bills to the chambers.

(3) The regional cabinet is the executive authority of the region.

(4) The president of the regional cabinet represents the region; he conducts and is responsible for the general policy of the regional cabinet; he promulgates regional laws and regulations; he conducts the administrative functions delegated to the region by the state in accordance with the instructions of central government.

#### Article 122 [Regional Form of Government]

(1) The electoral system, the cases of ineligibility and incompatibility of the president and other members of the regional cabinet and the regional council are defined by the laws of the region within the limits of the fundamental principles determined by a state law also specifying the term of elected organs.

(2) Nobody may be at the same time a member of a regional council or a regional cabinet and of either chamber of parliament or of another regional council or another regional cabinet or of the European parliament.

(3) The regional council elects from its own members a president and a president's office.

(4) Regional councilors may not be made liable for opinions expressed or votes cast in the exercise of their functions.

(5) The president of the regional cabinet, unless provided differently by regional statute, is elected by universal and direct suffrage. The elected president appoints and dismisses the members of the regional cabinet.

#### Article 123 [Regional Statutes]

(1) Every Region must have a statute determining the form of government and the fundamental principles of the organization and the functioning of the region in accordance with the constitution. The statute defines the exercise of initiative and of referendum on regional laws and regional administrative decisions and the publication of regional laws and regulations.

(2) The statute is adopted and amended by the regional council by a law approved twice by a majority of its members; votes being taken within an interval of no less than two months. This law must not be submitted to the government's commissioner. Within thirty days of its publication, the central government may challenge the constitutionality of a regional statute before the constitutional court.

(3) The statute has to be submitted to a popular referendum when, within three months of its publication, a request is made by one fiftieth of the electors of the region or by one fifth of the members of the regional council. The statute submitted to referendum may not be promulgated unless approved by a majority of valid votes.

(4) The statute of every region has to provide for a council of local governments, which function as a body for consultations between the region and local authorities.

Article 124 [Government Commissioner]

{ abolished }

Article 125 [Control of Legitimacy]

{ abolished }

Article 126 [Dissolution of the Regional Council and Dismissal of the president]

(1) By means of a decree of the president stating the reasons for it, the dissolution of the regional council and the dismissal of the president of the regional cabinet may be ordered when they have acted against the constitution or when they have committed serious violations of the law. The dissolution and the dismissal may also be ordered for reasons of national security. The decree is adopted after consulting a commission for regional affairs composed of senators and deputies and formed according to the law of the republic.

(2) The regional council may express its non-confidence in the president of the cabinet by a motion for which reasons must be stated; it must be signed by at least one fifth of its members, voted by roll-call, and approved by a majority of its members. The motion may be debated no earlier than three days after it has been filed.

(3) The vote of no-confidence against the president of the regional cabinet elected by universal and direct suffrage, as well as the removal, the permanent impediment, the death or the resignation of the president entail the resignation of the cabinet and the dissolution of the council. The same consequences follow from simultaneous resignation of a majority of the members of the council.

Article 127 [Constitutionality of Law]

(1) Whenever the government regards a regional law as exceeding the powers of the region, it may raise the question of its constitutionality before the constitutional court within sixty days of the publication of the law.

(2) Whenever a region regards a state law, another act of the state having the force of law, or a law of another region as infringing on its own sphere of powers, it may raise the question of its constitutionality before the constitutional court within sixty days of the publication of said law or act.

Article 128 [Provincial and Municipal Autonomy]

{ abolished }

Article 129 [Decentralization]

{ abolished }

Article 130 [Legitimacy of Provincial and Municipal Decisions]

{ abolished }

#### Article 131 [List of Regions]

The following regions are instituted: Piemonte; Aosta Valley; Lombardia; Southern Trentino; Veneto; Friuli-Venezia Giulia; Liguria; Emilia-Romagna; Toscana; Umbria; Marche; Lazio; Abruzzo; Molise; Campania; Puglia; Basilicata; Calabria; Sicily; Sardinia.

#### Article 132 [Regional Boundaries]

(1) By means of a constitutional act and after consulting the regional councils, existing regions may be merged or new regions created, provided the population of any new region is at least one million, when it is so requested by as many municipal councils as represent at least one third of the population involved, and when the proposal has been approved by the majority of the involved population in a referendum.

(2) With the assent of a majority of the people of the province or provinces concerned, and of the municipality or municipalities concerned, expressed by means of a referendum, after consulting the regional council, a state law may allow provinces and municipalities which request it to be detached from one region and assigned to another.

#### Article 133 [Provincial and Municipal Boundaries]

(1) Provincial boundaries may be changed and new provinces created within the area of a region by laws of the republic following a request of municipalities and after consulting the region.

(2) Each Region, after consulting the population involved, may within its own territory and by its own acts establish new municipalities and modify their boundaries and names.

## Title VI Constitutional Guarantees

### Section I The Constitutional Court

#### Article 134 [Jurisdiction]

The constitutional court decides:

- disputes concerning the constitutionality of laws and acts with the force of law adopted by state or regions;
- conflicts arising over the allocation of powers between branches of government within the state, between the state and the regions, and between regions;
- on accusations raised against the president in accordance with the constitution.

#### Article 135 [Composition]

(1) The constitutional court consists of fifteen justices; one third being appointed by the president, one third by parliament in joint session, and one third by ordinary and administrative supreme courts.

(2) Justices are chosen from among magistrates including those in retirement, from among supreme ordinary and administrative courts, from among university full professors of law, and from among lawyers with at least twenty years of practice.

(3) Justices are appointed for nine years, their term beginning the day they are sworn in and with no re-appointment.

(4) At the end of this term justices have to leave office and may no longer exercise its functions.

(5) The court elects from among its members and according to rules established by law its president who shall remain in office for three years and may be re-elected, but not exceed the ordinary term of justices.

(6) The office of justice is incompatible with membership in parliament or in a regional council, with the exercise of the legal profession, or with any other position and office defined by law.

(7) When sitting to decide on a case of impeachment against the president, the court consists of sixteen additional members, who are drawn by lot from a list of citizens elected by parliament every nine years,

from among those possessing the qualifications for election to the senate, by the same procedures as for the appointment of the ordinary justices.

#### Article 136 [Unconstitutional Laws]

- (1) When the court declares a law or an act with the force of law unconstitutional, the norm ceases to have effect from the day following the publication of the decision.
- (2) The decision of the court is published and reported to parliament and to the regional councils involved for them to take appropriate measures in constitutional forms where necessary.

#### Article 137 [Conditions and Terms]

- (1) A constitutional law establishes the conditions, forms, and terms for challenging the constitutionality of a law and guarantees the independence of the justices.
- (2) An ordinary law defines all other rules necessary for the establishment and functioning of the court.
- (3) Decisions of the constitutional court may not be appealed.

### Section II Amendments to the Constitution. Constitutional Laws

#### Article 138 [Procedure for Constitutional Amendment]

- (1) Law amending the constitution and other constitutional acts are adopted by each of the two chambers twice within no less than three months and need the approval of a majority of the members of each chamber in the second voting.
- (2) Such laws are afterwards submitted to popular referendum when, within three months of their publication, a request is made by one fifth of the members of either chamber, by 500,000 electors, or by five regional councils. The law submitted to referendum is not promulgated if it does not receive the majority of valid votes.
- (3) No referendum may be held if the law has been approved by each chamber in the second vote with a majority of two thirds of its members.

#### Article 139 [Limit to Constitutional Amendments]

The republican form of the state may not be changed by way of constitutional amendment.