

costituzione italiana

Principi fondamentali
e
Parte prima, *Diritti e doveri dei cittadini.*

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THE CONSTITUTION OF THE ITALIAN REPUBLIC

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Fundamental Principles

Art. 1. Italy is a Democratic Republic, founded on work.

Sovereignty belongs to the people and is exercised by the people in the forms and within the limits of the Constitution.

Art. 2. The Republic recognises and guarantees the inviolable rights of the person, as an individual and in the social groups where human personality is expressed. The Republic expects that the fundamental duties of political, economic and social solidarity be fulfilled.

Art. 3. All citizens have equal social dignity and are equal before the law, without distinction of sex, race, language, religion, political opinion, personal and social conditions.

It is the duty of the Republic to remove those obstacles of an economic or social nature which constrain the freedom and equality of citizens, thereby impeding the full development of the human person and the effective participation of all workers in the political, economic and social organisation of the country.

Art. 4. The Republic recognises the right of all citizens to work and promotes those conditions which render this right effective.

Every citizen has the duty, according to personal potential and individual choice, to perform an activity or a function that contributes to the material or spiritual progress of society.

Art. 5. The Republic, one and indivisible, recognises and promotes local autonomies, and implements the fullest measure of administrative decentralisation in those services which depend on the State. The Republic accords the principles and methods of its legislation to the requirements of autonomy and decentralisation.

Art. 6. The Republic safeguards linguistic minorities by means of appropriate measures.

Art. 7. The State and the Catholic Church are independent and sovereign, each within its own sphere. Their relations are governed by the Lateran Pacts. Changes to the Pacts that are accepted by both parties do not require the procedure for constitutional amendment.

Art. 8. All religious confessions are equally free before the law.

Religious confessions other than the Catholic one have the right to organise themselves in accordance with their own statutes, provided that these statutes are not in conflict with Italian law. Their relations with the State are regulated by law on the basis of accords between the State and the respective representatives.

Art. 9. The Republic promotes the development of culture and of scientific and technical research. It safeguards natural landscape and the historical and artistic heritage of the Nation.

Art. 10. The Italian legal system conforms to the generally recognised rules of international law. The legal status of foreigners is regulated by law in conformity with international provisions and treaties.

A foreigner who is denied the effective exercise of the democratic liberties guaranteed by the Italian Constitution in his or her own country has the right of asylum in the territory of the Italian Republic, in accordance with the conditions established by law.

Extradition of a foreigner for political offences is not admitted.

Art. 11. Italy rejects war as an instrument of aggression against the freedom of other peoples and as a means for the settlement of international

disputes. Italy agrees, on conditions of equality with other States, to the limitations of sovereignty that may be necessary to a world order ensuring peace and justice among the Nations. Italy promotes and encourages international organisations having such ends.

Art. 12. The flag of the Republic is the Italian tricolour: green, white and red, in three vertical bands of equal size.

PART I RIGHTS AND DUTIES OF CITIZENS

TITLE I Civil Rights and Duties

Art. 13. Personal liberty is inviolable. No form of detention, inspection or personal search nor any other restriction on personal freedom is admitted, except by a reasoned warrant issued by a judicial authority, and only in the cases and the manner provided for by law.

In exceptional cases of necessity and urgency, strictly defined by the law, law-enforcement authorities may adopt temporary measures that must be communicated to the judicial authorities within forty-eight hours. Should such measures not be confirmed by the judicial authorities within the next forty-eight hours, they are revoked and become null and void.

All acts of physical or moral violence against individuals subject in any way to limitations of freedom shall be punished.

The law establishes the maximum period of preventive detention.

Art. 14. The home is inviolable. Inspections, searches or seizures may not be carried out except in the cases and in the manner set out by law and in accordance with the guarantees

prescribed for the safeguard of personal freedom. Controls and inspections for reasons of public health and safety or for economic and taxation purposes are regulated by special laws.

Art. 15. The freedom and confidentiality of correspondence and of every other form of communication is inviolable.

Restrictions thereto may be imposed only by a reasoned warrant issued by a judicial authority with the guarantees established by law.

Art. 16. All citizens may travel or sojourn freely in any part of the national territory, except for general limitations which the law establishes for reasons of health and security. No restrictions may be made for political reasons.

All citizens are free to leave and re-enter the territory of the Republic, provided all legal obligations are fulfilled.

Art. 17. Citizens have the right to assemble peacefully and unarmed.

No previous notice is required for meetings, even when the meetings occur in places that are open to the public.

For meetings in public places, previous notice must be given to the authorities, who may only forbid them for proven reasons of security and public safety.

Art. 18. Citizens have the right to form associations freely, without authorisation, for ends that are not forbidden to individuals by criminal law. Secret associations and those associations that, even indirectly, pursue political ends by means of organisations having a military character, are prohibited.

Art. 19. All persons have the right to profess freely their own religious faith in any form, individually or in association, to disseminate it and to

worship in private or public, provided that the religious rites are not contrary to public morality.

Art. 20. The ecclesiastical nature and the religious or ritual purposes of an association or institution may not constitute a cause for special limitations under the law, nor for special taxation with respect to its establishment, legal status or any of its activities.

Art. 21. All persons have the right to express freely their ideas by word, in writing and by all other means of communication.

The press may not be subjected to authorisation or censorship.

Seizure is permitted only by a reasoned warrant, issued by the judicial authority, in the case of offences for which the law governing the press gives express authorisation, or in the case of violation of its provisions concerning the disclosure of the identity of those holding responsibility.

In such cases, when there is absolute urgency and when timely intervention of the judicial authority is not possible, periodical publications may be seized by officers of the judicial police, who must promptly, and in any case within twenty-four hours, report the matter to the judicial authority. If the latter does not confirm the seizure order within the following twenty-four hours, the seizure is understood to be withdrawn and null and void.

The law may establish, by means of provisions of a general nature, that the financial sources of the periodical press be disclosed.

Printed publications, public performances and events contrary to public morality are forbidden. The law establishes appropriate means for the prevention and repression of all violations.

Art. 22. No person may be deprived for political reasons of legal capacity, citizenship or name.

Art. 23. No obligations of a personal or a financial nature may be imposed on any person except by law.

Art. 24. All persons are entitled to take judicial action to protect their individual rights and legitimate interests.

The right of defence is inviolable at every stage and level of the proceedings.

The indigent are assured, by appropriate measures, the means for legal action and defence in all levels of jurisdiction.

The law determines the conditions and the means for the redress of judicial errors.

Art. 25. No one may be withheld from the jurisdiction of the judge previously ascertained by law.

No one may be punished except on the basis of a law in force prior to the time when the offence was committed.

No one may be subjected to restrictive measures except in those cases provided for by the law.

Art. 26. Extradition of a citizen is permitted only in the cases expressly provided for in international conventions.

In no case may extradition be permitted for political offences.

Art. 27. Criminal responsibility is personal.

The defendant is not considered guilty until the final judgement is passed.

Punishment cannot consist in inhuman treatment and must aim at the rehabilitation of the convicted person.

The death penalty is not permitted, except in cases provided for under war-time military law.

Art. 28. Officials and employees of the State and public entities are directly answerable, under criminal, civil and administrative law, for actions

committed in violation of rights. In such cases, civil liability extends to the State and the public entities.

TITLE II

Ethical and Social Rights and Duties

Art. 29. The Republic recognises the rights of the family as a natural society founded on matrimony.

Matrimony is based on the moral and legal equality of the spouses within the limits laid down by law to guarantee the unity of the family.

Art. 30. It is the duty and right of parents to support, raise and educate their children, even if born out of wedlock.

In the case of incapacity of the parents, the law provides for the fulfilment of their duties.

The law ensures to children born out of wedlock every form of legal and social protection, that is compatible with the rights of members of the legitimate family.

The law lays down the rules and limitations for the determination of paternity.

Art. 31. The Republic assists the formation of the family and the fulfilment of its duties, with particular consideration for large families, through economic measures and other benefits.

The Republic protects mothers, children and the young by adopting the necessary provisions.

Art. 32. The Republic safeguards health as a fundamental right of the individual and as a collective interest, and guarantees free medical care to the indigent.

No one may be obliged to undergo any given health treatment except under the provisions of the law. The law cannot under any circumstances violate the limits imposed by respect for the human person.

Art. 33. The Republic guarantees the freedom of the arts and sciences, which may be freely taught. The Republic lays down general rules for education and establishes state schools for all branches and grades.

Entities and private persons have the right to establish schools and institutions of education, at no cost to the State.

The law, when setting out the rights and obligations for the non-state schools which request parity, shall ensure that these schools enjoy full liberty and offer their pupils an education and qualifications of the same standards as those afforded to pupils in state schools.

State examinations are prescribed for admission to and graduation from the various branches and grades of schools and for qualification to exercise a profession.

Institutions of higher learning, universities and academies, have the right to establish their own regulations within the limits laid down by the laws of the State.

Art. 34. Schools are open to everyone.

Primary education, which is imparted for at least eight years, is compulsory and free.

Capable and deserving pupils, including those without adequate finances, have the right to attain the highest levels of education.

The Republic renders this right effective through scholarships, allowances to families and other benefits, which shall be assigned through competitive examinations.

TITLE III

Economic Rights and Duties

Art. 35. The Republic protects work in all its forms and practices.

It provides for the training and professional advancement of workers.

It promotes and encourages international agree-

ments and organisations which have the aim of establishing and regulating labour rights.

It recognises the freedom to emigrate, subject to the obligations set out by law in the general interest, and protects Italian workers abroad.

Art. 36. Workers have the right to a remuneration commensurate to the quantity and quality of their work and in all cases to an adequate remuneration ensuring them and their families a free and dignified existence.

Maximum daily working hours are established by law.

Workers have the right to a weekly rest day and paid annual holidays. They cannot waive this right.

Art. 37. Working women have the same rights and are entitled to equal pay for equal work. Working conditions must allow women to fulfil their essential role in the family and ensure special appropriate protection for the mother and child.

The law establishes the minimum age for paid work.

The Republic protects the work of minors by means of special provisions and guarantees them the right to equal pay for equal work.

Art. 38. Every citizen unable to work and without the necessary means of subsistence has a right to welfare support.

Workers have the right to be assured adequate means for their needs and necessities in the case of accidents, illness, disability, old age and involuntary unemployment.

Disabled and handicapped persons have the right to education and vocational training.

The duties laid down in this article are provided for by entities and institutions established by or supported by the State.

Private-sector assistance may be freely provided.

Art. 39. Trade unions have the right to organise themselves freely.

No obligations can be imposed on trade unions other than registration at local or central offices, according to the provisions of the law.

A condition for registration is that the statutes of the trade unions establish their internal organisation on a democratic basis.

Registered trade unions are legal persons. They may, through a unified representation that is proportional to their membership, enter into collective labour agreements that have a mandatory effect for all persons belonging to the categories referred to in the agreement.

Art. 40. The right to industrial action shall be exercised in compliance with the law.

Art. 41. Private-sector economic initiative is freely exercised.

It cannot be conducted in conflict with social usefulness or in such a manner that could damage safety, liberty and human dignity.

The law shall provide for appropriate programmes and controls so that public and private-sector economic activity may be oriented and coordinated for social purposes.

Art. 42. Property is publicly or privately owned. Economic assets belong to the State, to entities or to private persons. Private property is recognised and guaranteed by the law, which prescribes the ways it is acquired, enjoyed and its limitations so as to ensure its social function and make it accessible to all.

Private property may, in the cases provided for by the law and with provisions for compensation, be expropriated for reasons of general interest.

The law establishes the regulations and limits of legitimate and testamentary inheritance and the rights of the State in matters of inheritance.

Art. 43. For purposes of general interest, specific enterprises or categories of enterprises related to essential public services, energy sources or monopolistic situations and which have a primary public interest, may be reserved from the outset to the State, public entities or communities of workers or users, or may be transferred to them by means of expropriation and payment of compensation.

Art. 44. For the purpose of ensuring the rational exploitation of land and equitable social relationships, the law imposes obligations and constraints on the private ownership of land; it sets limitations to the size of holdings according to the region and agricultural zone; encourages and imposes land reclamation, the conversion of latifundia and the reorganisation of farm units; and assists small and medium-sized holdings.

The law makes provisions in favour of mountainous areas.

Art. 45. The Republic recognises the social function of co-operation of a mutualistic, non-speculative nature. The law promotes and encourages co-operation through appropriate means and ensures its character and purposes through adequate controls.

The law safeguards and promotes artisanal work.

Art. 46. For the economic and social betterment of workers and in harmony with the needs of production, the Republic recognises the rights of workers to collaborate in the management of enterprises, in the ways and within the limits established by law.

Art. 47. The Republic encourages and safeguards savings in all forms. It regulates, co-ordinates and oversees the operation of credit.

The Republic promotes the access through citi-

zens' mutual savings to the ownership of housing and of directly cultivated land, as well as to direct and indirect investment in the equity of the large production complexes of the country.

TITLE IV

Political Rights and Duties

Art. 48. All citizens, male and female, who have attained their majority, are voters.

The vote is personal and equal, free and secret. The exercise thereof is a civic duty.

The law lays down the requirements and modalities for citizens residing abroad to exercise their right to vote and guarantees that this right is effective. A constituency of Italians abroad shall be established for elections to the Houses of Parliament; the number of seats of such constituency is set forth in a constitutional provision according to criteria established by law.

The right to vote cannot be restricted except for civil incapacity or as a consequence of an irrevocable penal sentence or in cases of moral unworthiness as laid down by law.

Art. 49. All citizens have the right to freely associate in parties to contribute to determining national policies through democratic processes.

Art. 50. All citizens may present petitions to both Houses to request legislative measures or to express collective needs.

Art. 51. All citizens of either sex are eligible for public office and for elected positions on equal terms, according to the conditions established by law.

The law may grant Italians who are not resident in the Republic the same rights as citizens for the purposes of access to public offices and elected positions.

Whoever is elected to a public function is entitled to the time needed to perform that function and to retain previously held employment.

Art. 52. The defence of the Fatherland is a sacred duty for every citizen.

Military service is obligatory within the limits and in the manner set by law. Fulfilment thereof shall not prejudice a citizen's employment, nor the exercise of political rights.

The organisation of the armed forces shall be based on the democratic spirit of the Republic.

Art. 53. Every person shall contribute to public expenditure in accordance with his/her tax-payer capacity.

The taxation system shall be based on criteria of progression.

Art. 54. All citizens have the duty to be loyal to the Republic and to uphold its Constitution and laws.

Those citizens to whom public functions are entrusted have the duty to fulfil such functions with discipline and honour, taking an oath in those cases established by law.



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