



**THE CONSTITUTION
OF THE ITALIAN REPUBLIC**

«The assembly has created and drawn up the Constitution as a pact of friendship and fraternity of the entire Italian people, to whom it entrusts this document so that they jealously guard it and execute it in a regulated manner.»

Umberto Terracini

A pact of friendship and fraternity. This was the aim of Umberto Terracini – one of the three with De Gasperi and De Nicola who signed the Constitution. These were the words he used in 1947 to present the most important text of Italian legislation to the Italian population. It was a time in which those emigrating were the Italians. They left for the United States, Germany and Canada. Now, after many years, when so many people arrive every day in Italy from all over the world, to settle and adapt, I believe that this pact is more valid and effective than ever.

Friendship and fraternity. The invitation by Terracini to extend our hand, to become brothers with all, was aimed at a country and population just emerging from a civil war. The two words invited peace and civil union. In fact what is friendship, if not a relationship in which two or more men and women meet, get to know one another, influence one another, transform reciprocally, trying never to impose their views with force? What is fraternity if not a way of seeking, every day, even at cost, peaceful harmony?

We need to consider the context in which the Constitution was launched. Italy was, immediately after fascism and the war, a profoundly divided country, scarred by deep wounds, sharp contrasts, misogyny, and head-on clashes due to diversity of history, geography, class and culture. A remedy was needed for situations of poverty, conflict, abuse of power, exploitation and violence. What was needed was freedom, equality, peace. For this reason, the Italian constitution assigns the Republic – in article 3 – the task of removing, eliminating all these economic and social obstacles that prevent the equality of citizens. Because freedom is impossible without equality. Just as the full human development and effective participation of all, men and women, in the political, economic and social organisation of the country cannot happen without it.

Another aspect of Terracini's discourse that I like to recall. The fate of our constitution, he says, lies with the Italian people. The people must be its executor. The executor and the guardian. What then is an executor? Someone who transforms a written text into practical life, concrete actions, feelings, aspirations, and needs. A law, even the best one, does not come to life unless it becomes the common practice of men and women. It is us, the men and women now living in Italy, Italians and immigrants, who should ensure that no conflict, such as that in the time of fascism and the war, returns. We should be the ones who see to it that racism, exploitation, abuse of power do not reappear or to ensure that they are eliminated where such situations unfortunately exist. Those choosing to live in Italy have the duty to mediate to ensure that the law is adapted to changing realities. What we have before us today is a situation of fragmentation, solitude, social complexity, undergoing rapid and continuous change. Uncertainty, instability, and fear of difference are part of our existence.

Shutting ourselves away, fencing ourselves off and excluding others serve very little to overcome this problem. Instead we should renew the pact of social harmony, the idea propo-

sed by Terracini in 1947. We should see difference as an asset, exchange as a resource. Italy is now larger, made up of women and men born in Italy and those from other countries. All together, these people represent our great opportunity. All these men and women are holders of inviolable rights.

Our constitution states this fact clearly. And this is our precise charter. The inviolable rights apply to all, and are listed one by one. There is the right to freedom of movement, the right of peaceful assembly, the freedom to practise religious faiths, the right to freely express thoughts and not to be submitted to measures of security unless with specific guarantees. All have the right to study, employment, education of their children, organisation in unions, as stated on our charter of rights. A modern and culturally advanced charter of rights. A charter that recognises rights, freedom, equality, as we said. And which requires the fulfilment of duties. By all.

Nothing more is needed for a pact of social harmony. There is no need for a new constitution or special regulations for immigrants. Whoever lives in Italy must thus accept this binding pact of social harmony. And the basis of this pact is right here, just as in 1947, in the Constitution. For a society that respects equal dignity, the fundamental rights of each person, and the binding duties to others and the entire population.

For this reason we wish to and must promote and re-launch the Constitution, to spread the word among immigrants and Italians by birth who still do not know it well. We have to discuss it at the workplace, in schools, public offices, so that, together with the Italian language, it becomes a factor of social integration and cultural diffusion. Those living in Italy for years and those recently arrived need to return to talk of the fundamental principles of our democracy.

The Constitution must not only be respected by all, but belongs to all and is for all those living in Italy. A pact based on the recognition of differences and respect for responsibilities in communal life. On the basis of these principles we need to attempt to build social harmony for all, across the country, in local communities, in municipalities and districts. To build Italy and the Italians of the future; whether born in Italy or elsewhere.

Paolo Ferrero
Ministry of Social Solidarity

THE CONSTITUTION AND COEXISTENCE

Renewing the coexistence pact to reinforce democracy.

A growing number of men and women here are living in multiethnic communities, where different nationalities, languages, cultures and religions coexist, and bring about deep-rooted changes. Immigration is a challenge for our democracy as we run the risk that a distorted representation of the phenomenon will lead society to adopt narrow-minded, apprehensive and diffident attitudes; conversely, immigration might be an opportunity for establishing a new culture of coexistence, starting precisely from the reality and the real problems it brings.

Despite the daily experience of millions of people having contributed to a positive development of relations between Italians and foreigners, immigrants to Italy still endure a prevalently negative image in public opinion and this fosters discrimination and social marginalization that must be defeated in no uncertain terms.

A new social pact is required, founded on an equilibrium of individual rights and obligations, embracing personal freedom and collective responsibilities. We need mechanisms for inclusion that will ensure rights and dignity for all. Above all, we must encourage mutual knowledge, the meeting and exchange of cultures intended in the dynamic, not the static sense, unchanging, promoting frontline roles for migrants, with consequent assumption of responsibility in integration processes, starting with the new generations. The “Città Aperte” [Open Cities] project is putting forward these objectives and pinpoints the Constitution as the compass that will point to the commitment required to achieve these aims.

Our Constitution is the foundation on which the pact for civilized coexistence was built, allowing Italy to grow into a solid democracy, with generous popular participation, pluralism, culture of the “public welfare”. This pact must be reinforced and renewed to face up to the modifications that are affecting society, the arrival of new figures, new needs, new rights in that society. Yet again, however, it is the foresight and equilibrium of our Constitution’s principles that will provide us with the answers we seek.

That is why we decided to translate the Italian Constitution into the ten languages most commonly spoken amongst immigrants living in Italy. We intend to make this the underpinning of a campaign to raise public awareness and consideration, especially amongst Italian and foreign youth. We shall promote encounters and exchanges amongst citizens of different nationalities in municipalities, schools, neighbourhoods and meeting places, so that the reality of these principles in the light of the various cultures that are represented can be discussed and communicated.

We are certain that all this will encourage a process of reciprocal awareness and acknowledgement in our local communities, and offer a solid contribution to the collective and widespread commitment that must be implemented if we are to establish a new culture of coexistence for a multiethnic society.

Rome, 25 May 2007

Paolo Beni
President of ARCI

Do the Italians really know the principles of the Constitution in depth? This question is often posed, and virtually always accompanied by a negative response, alongside the pressing need for more attention to civic education, especially aimed at young people.

To be aware of the foundations of the Italian State, of the ideas that inspired the rules of legislative guidelines at the basis of Italian law, should be a conscientious commitment of every citizen. But we can hardly hide the fact that it is just not so. For this reason, special favour should be given to the initiative of ARCI, with the project <Città aperte> (“Open cities”) with a translation of the constitution into ten languages.

In a society constantly changing both culturally and demographically multicultural, where in some cases the new citizens have lived in Italy for just a few years, the approach to the constitution represents an opportunity to look deeper into this country, helping them and ourselves to understand and refresh our awareness of rights and also our responsibilities.

A time for reflection and for realisation that this initiative can help in extending also to Italian citizens by birth, who as such may underestimate and perhaps take for granted knowledge of certain regulations.

And the greater the awareness and sharing, the less difficult will be cohesion and social harmony of members of the same population with objectives to achieve.

Siena, 28 May 2007

Gabriello Mancini
*President of the Fondazione
Monte dei Paschi di Siena*

FUNDAMENTAL PRINCIPLES

Art. 1 Italy is a Democratic Republic, founded on work. Sovereignty belongs to the people, which exercises it in the forms and within the limits of the Constitution.

Art. 2 The Republic recognizes and guarantees the inviolable rights of man, as an individual, and in the social groups where he expresses his personality, and demands the fulfilment of the intransgressible duties of political, economic, and social solidarity.

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

It is the duty of the Republic to remove those obstacles of an economic and social nature which, really limiting the freedom and equality of citizens, impede the full development of the human person and the effective participation of all workers in the political, economic and social organization of the country.

Art. 4 The Republic recognizes the right of all citizens to work and promotes those conditions which will make this right effective. Every citizen has the duty, according to his possibilities and individual choice, to carry out an activity or a function which contributes to the material or spiritual progress of society.

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

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

Art. 7 The State and the Catholic Church are, each within its own order, independent and sovereign. Their relations are regulated by the Lateran Treaties. Changes to the Treaties 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 Catholic have the right to organize in accordance with their own statutes, in so far as they are not in conflict with Italian laws. Their relations with the State are regulated by law on the basis of an accord between the respective representatives.

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

Art. 10 Italian laws conform to the generally recognized tenets of international law. The legal status of foreigners is regulated by law in conformity with international provisions and treaties. The foreigner who is denied in his own country the real exercise of the democratic liberties guaranteed by the Italian Constitution has the right of asylum in the territory of the Republic, in accordance with the conditions established by law. The extradition of a foreigner for political offences is not admitted.

Art. 11 Italy rejects war as an instrument of aggression against the freedoms of other peoples and as a means for settling international controversies; it agrees, on conditions of equality with other states, to the limitations of sovereignty necessary for an order that ensures peace and justice among Nations; it promotes and encourages international organizations having such ends in view.

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

PART I RIGHTS AND DUTIES OF CITIZENS

TITLE I CIVIL RIGHTS

Art. 13 Personal liberty is inviolable. No form of detention, inspection or personal search is admitted, nor any other restrictions on personal freedom except by warrant which states the reasons from a judicial authority and only in cases and manner provided for by law. In exceptional cases of necessity and urgency, strictly defined by law, the police authorities may adopt temporary measures which must be communicated within

forty-eight hours to the judicial authorities and if they are not ratified by them in the next forty-eight hours, are thereby revoked and become null and void. All acts of physical or moral violence against individuals subjected in any way to limitations of freedom are punished. The law establishes the maximum period of preventative detention.

Art. 14 The home is inviolable. Inspections or searches or seizures may not be carried out except in cases and manner prescribed by law in accordance with the guarantees prescribed for safeguarding personal freedom. Controls and inspections for reasons of public health and safety or for economic and fiscal purposes are regulated by special laws.

Art. 15 The freedom and secrecy of correspondence and of every other form of communication is inviolable. Restriction thereto may be imposed only by warrant which gives the reasons 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 safety. No restrictions may be made for political reasons. All citizens are free to leave and reenter the territory of the Republic, provided the legal obligations are fulfilled.

Art. 17 Citizens have the right to assemble peaceably and unarmed. No previous notice is required for meetings, even when in places open to the public. For meetings in public places previous notice must be given to the authorities, who may forbid them only for proven motives of security and public safety.

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

Art. 19 All have the right to profess freely their own religious faith in whatever form, individual or associate, to propagate it and to exercise it in private or public cult, provided that the rites are not contrary to morality.

Art. 20 The ecclesiastical nature and the purpose of religion or worship of an association or institution may not be a cause for special limitations in law, nor for special fiscal impositions in its setting up, legal capacity and any of its activities.

Art. 21 All have the right to express freely their own thought by word, in writing and by all other means of communication. The press cannot be subjected to authorization or censorship. Seizure is permitted only by a detailed warrant from the judicial authority in the case of offences for which the law governing the press expressly authorizes, or in the case of violation of the provisions prescribed by law for the disclosure of the responsible parties. In such cases, when there is absolute urgency and when the timely intervention of the judicial authority is not possible, periodical publications may be seized by officers of the criminal police, who must immediately, and never after more than twenty-four hours, report the matter to the judicial authority. If the latter does not ratify the act in the twenty-four hours following, the seizure is understood to be withdrawn and null and void. The law may establish, by means of general provisions, that the financial sources of the periodical press be disclosed. Printed publications, shows and other displays contrary to morality are forbidden. The law establishes appropriate means for preventing and suppressing all violations.

Art. 22 No one may be deprived, for political reasons, of legal status, citizenship, name.

Art. 23 No services of a personal or a capital nature may be imposed except on the basis of law.

Art. 24 Everyone can take judicial action to protect individual rights and legitimate interests. The right to defence is inviolable at every stage and moment of the proceedings. The indigent are assured, through appropriate institutions, the means for action and defence before all levels of jurisdiction. The law determines the conditions and the means for the reparation for judicial errors.

Art. 25 No one may be moved from the normal judge preestablished by law. No one may be punished except on the basis of a law already in

force before the offence was committed. No one may be subjected to security measures except in those cases provided for by law.

Art. 26 Extradition of a citizen is permitted only in cases expressly provided for in international conventions. In no case may it be permitted for political offences.

Art. 27 Criminal responsibility is personal. The defendant is not considered guilty until final judgment is passed. Punishment cannot consist in treatment contrary to human dignity and must aim at rehabilitating the condemned. The death penalty is not permitted, except in cases provided for in martial law.

Art. 28 Officials and employees of the State and public entities are directly responsible, according to criminal, civil and administrative laws, for acts committed in violation of rights. In such cases the civil responsibility extends to the State and the public entities.

TITLE II ETHICAL AND SOCIAL RELATIONS

Art. 29 The Republic recognizes 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, instruct and educate their children, even those born outside of matrimony. In cases of the incapacity of the parents, the law provides for the fulfilment of their duties. The law ensures to children born outside of marriage full legal and social protection, compatible with the rights of members of the legitimate family. The law lays down the rules and limitations for ascertaining paternity.

Art. 31 The Republic assists through economic measures and other provisions the formation of the family and the fulfilment of its duties, with particular consideration for large families. It protects maternity, infancy and youth, promoting the institutions necessary thereto.

Art. 32 The Republic safeguards health as a fundamental right of the individual and as a col-

lective interest, and guarantees free medical care to the indigent. No one may be obliged to undergo particular 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 Art and science are free and teaching them is free. The Republic lays down general rules for education and establishes State schools for all kinds and grades. Entities and private persons have the right to establish schools and institutions of education, without impositions for the State. The law, in fixing the rights and obligations on non-state schools which request parity, must ensure to these schools full liberty and to their pupils scholastic treatment equal to that of pupils in State schools. State examinations are prescribed for admission to the various kinds and grades of schools or at their termination and for qualifications 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. Elementary education, imparted for at least eight years, is compulsory and free. Capable and deserving pupils, even without financial resources, have the right to attain the highest levels of education. The Republic makes this right effective through scholarships, payments to families and other provisions, which must be assigned through competitive examination.

TITLE III ECONOMIC RELATIONS

Art. 35 The Republic protects work in all its forms and applications. It provides for the training and professional improvement of workers. It promotes and encourages international agreements and organizations whose aim is to assert and regulate labour rights. It recognizes the freedom to emigrate, safeguarding obligations established by law in the general interest, and protects Italian labour abroad.

Art. 36 Workers have the right to wages in proportion to the quantity and quality of their work and in all cases sufficient to ensure them and their families a free and dignified existen-

ce. The maximum working day is fixed by law. Workers have a right to a weekly rest day and paid annual holidays. They cannot waive this right.

Art. 37 Working women have the same rights and, for equal work, the same wages as working men. Working conditions must allow women to carry out their essential role in the family and ensure special appropriate protection for the mother and the child. The law establishes the minimum age for paid labour.

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

Art. 38 Every citizen unable to work and without the resources necessary to live has a right to social maintenance and assistance. Workers have the right to be provided with and assured adequate means for their needs and necessities in cases of accidents, illness, disability and 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 organs and institutions established by or supplemented by the State. Private assistance is free.

Art. 39 Trade union organization is free. 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 union confirm the democratic basis of the internal organization. Registered trade unions are legal persons. They may, through a representative unit proportional to their members, enter into collective labour agreements having mandatory effect for all persons belonging to the categories referred to in the agreement.

Art. 40 The right to industrial action is exercised within the laws which regulate it.

Art. 41 Private economic initiative is free. It cannot be conducted in conflict with public weal or in such manner that could damage safety, liberty, and human dignity. The law determines appropriate planning and controls so that public and private economic activity is given direction and coordinated to social objectives.

Art. 42 Property is public or private. Economic goods belong to the State, to entities or to private persons. Private property is recognized and guaranteed by law, which prescribes the ways it is acquired, enjoyed and its limits in order to ensure its social function and to make it accessible to all. Private property can, in such cases provided for by law and with provisions for compensation, be expropriated for reasons of the public weal. The law establishes the regulations and limits of legitimate and testamentary inheritance and the rights of the State in questions of inheritance.

Art. 43 For purposes of general utility the law can reserve from the beginning or transfer, by means of expropriation and payment of compensation, to the State, to public entities or to workers communities or users, specific enterprises or categories of enterprises which relate to essential public services or sources of energy or monopolistic situations and which have the nature of primary general interest.

Art. 44 For the purpose of securing a rational exploitation of the soil and to establish equity in social relationships, the law imposes obligations and constraints on private ownership of land, fixes limitations to the extension thereof according to region and agricultural zone, encourages and imposes land reclamation, the transformation of large estates and the reorganization of productive units, assists small and medium-sized holdings. The law makes provisions in favour of mountainous areas.

Art. 45 The Republic recognizes the social function of cooperation of a mutualistic nature and without purposes of private speculation. The law promotes and encourages them through the appropriate means and secures, through appropriate controls, their character and purposes. The law provides measures for safeguarding and promoting handicrafts.

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

Art. 47 The Republic encourages and safeguards savings in all forms; it disciplines, coordinates and controls the exercise of credit.

It promotes the access of popular savings to the ownership of housing, to directly cultivated property and indirect investment in the shares of the large production complexes of the country.

TITLE IV

POLITICAL RIGHTS

Art. 48 All citizens, male and female, who have attained their majority, are electors. The vote is personal and equal, free and secret. The exercise thereof is a civic duty. An Act of Parliament shall establish the conditions and the procedures under which Italian nationals resident abroad may exercise their right to vote in Italian elections, and shall guarantee its effectiveness. For this purpose a 'Foreign Constituency' shall be created to which Members to both Houses of Parliament shall be elected. The number of seats shall be established by a constitutional law and comply with the criteria enacted by Act of Parliament. 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 through democratic processes to determining national policies.

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 called to perform an elected public office has the right to have the needful time to carry out that function and to conserve his place of work.

Art. 52 The defence of the Fatherland is a sacred duty for every citizen. Military service is obligatory within the limits and the ways set by law. Fulfilment thereof shall not prejudice a citizen's employment, nor the exercise of political rights. The regulations of the armed forces are based on the democratic spirit of the Republic.

Art. 53 Everyone shall contribute to public expenditure in accordance with his means. The system of taxation 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.