Constitution of the Italian Republic

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Art. 4 - «The Constituent Assembly shall have its first meeting in Rome, at the Palace of Montecitorio, on the twenty-second day after election day. The Assembly is legally dissolved on the date of entry into force of the new Constitution and however within the eighth month from its first meeting. It may extend this term to a period not over four months. Until it has not resolved on its own internal rules and regulations, the Constituent Assembly shall apply the internal regulations of the Chamber of Deputies of 1° July 1900 and subsequent amendments until 1922».

Art. 5 - «Until the new Constitution has not entered into force, the attributions of the Head of State are regulated by the current regulations, if applicable». 

Art. 6 - «The legislative procedures which are not the responsibility of the Constituent Assembly pursuant to the first paragraph of Art. 3, resolved in the period indicated therein, must be submitted for ratification by the new Parliament within one year from their commencement». 

Art. 7 - «Within the term of thirty days from the date of the «decreto legge luogotenenziale», (pre-republican monarchic law or legislative decree of the Lieutenant of the Realm) which indicates the election of the Constituent Assembly, the civil and military employees of the State must commit, on their honour, to comply and enforce compliance in the fulfilment of their duties with the results of the institutional referendum and the related decisions of the Constituent Assembly. 

None of the commitments previously undertaken by them, even if under oath, limits the freedom of opinion and of vote of the civil and military employees of the State».

Art. 8 - «With decree of the President of the Council of Ministers, having heard the opinion of the Council of Ministers, shall be enacted the regulations related to the development of the referendum, the proclamation of its results and the final judgement on the challenges, complaints and claims related to the operations of the referendum, with the power to modify and add, to this purpose, the provisions of the «decreto legge luogotenenziale», (pre-republican monarchic law or legislative decree of the Lieutenant of the Realm) No. 74 of 10 March 1946 for the election of deputies of the Constituent Assembly and to order that to the State ballot paper, provided for in the aforementioned decree, are made any potential necessary amendments. For the answer to the referendum, two distinct marks must be indicated». 

Art. 9 - «This decree enters into force on the date of its publication in the Official Gazette of the Kingdom. We order that this decree, bearing the State seal, is inserted in the official File of laws and decrees of the Kingdom of Italy, ordering anyone concerned to comply with it and enforce compliance as law of the State».
The oath of members of the Government and power
«Assembly for the new Constitution of the State, taking
(pre-republican monarchic law or legislative decree of
Decree No. 151, issued as «decreto legge luogotenenziale»
[52] (Note to XV of the transitory and final provision).

The text of the «decreto legge luogotenenziale», (pre-
republican monarchic law or legislative decree of
the Lieutenant of the Realm) of 25 June 1944, was called
«Assembly for the new Constitution of the State, taking
the oath of members of the Government and power
of the Government to issue legal regulations» (Official
Gazette No. 39 of 8 July 1944, special series), contained
the following provisions:

LEGISLATIVE DECREES No. 151 OF 25 JUNE 1944

Art. 1 - «After the liberation of the national territory,
the institutional forms shall be chosen by the Italian
people who shall, to this purpose, elect through direct,
secret and universal suffrage, a Constituent Assembly
to resolve the new Constitution of the State.

The forms and the procedures shall be established with
a subsequent provision».

Art. 2 - «The provision concerning the election of a new
Chamber of Deputies and its convening within four
months from the cessation of the current state of war,
contained in the third paragraph of sole article of Royal
Decree-Law No. 175 of 2 August 1943, with which the
Parliamentary Session is adjourned and the Chamber of
the Fasci and Corporations is dissolved is repealed ».

Art. 3 - «The State Ministers and Undersecretaries swear
under their honour to exercise their functions in the
supreme interest of the National and not to undertake,
until the convening of the Constituent Assembly, acts
which may in any way compromise the solution of the
institutional matters».

Art. 4 - «Until the new Parliament is not operational, the
provisions having the force of law are resolved by the
Council of Ministers.

Such legislative decrees provided for in the previous
paragraph were sanctioned and enacted by the
Lieutenant General of the Realm with the formula:
«We have sanctioned and proclaim the following: ...».

«Having regard to the resolution of the Council of
Ministers;

«By the proposal of ...»

«We have sanctioned and proclaim the following: ...».

Art. 5 - «Until the time when the provision of Art. 2, first
paragraph of Royal Decree-Law No. 2/B of 30 October
1943 is still in force, the decrees related to the matter
indicated in Art. 1 of Law No. 100 of 31 January 1926 are
issued by the Lieutenant General of the Realm with the
formula:

«Having heard the opinion of the Council of Ministers;

«By the proposal of...»

«We have enacted and enact...».

Art. 6 - «This decree comes into force on the same date
of its publication in the Official Gazette of the Kingdom-
special series – and shall be presented to the Legislative
Assembly for its conversion into law.

The President of the Council of Ministers, proposer and
authorised to present the relative bill.

It is ordered, to whom this decree applies, to comply
with it and enforce it as law of the State».

[53] (Note to XVI transitory and final provision).
The text of the Italian Constitution with the subsequent constitutional amendments, hereby reproduced, is all in accordance with that published in the Official Gazette (of 1947 and of subsequent years).

This edition with the following notes was edited by the Research Services of the Constitutional Court.

THE PROVISIONAL HEAD OF STATE

Having regard to the resolution of the Constituent Assembly, in its session of 22 December 1947, approved the Constitution of the Republic of Italy; having regard to the XVIII final provision of the Constitution;

PROMULGATES

The Constitution of the Republic of Italy in the following text:

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.

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 individually 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 General 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 referenda on the laws and administrative measures of the Region as well as the publication of laws and regional regulations. The statute is drafted and approved by the Regional Council through an absolute majority of its members and is further approved by a law of the Republic.


With Art. 9, paragraph 2, of Constitutional Law No. 3 of 2001, cited above.

The repealed text read as follows:

Art. 124
«A Government Commissioner, resident in the Regional seat, oversees the administrative functions exercised by the central government and coordinates them with those exercised by the Regions».

[31] (Note to Art. 125).
First paragraph of Art. 125 was repealed with Art. 9, paragraph 2, of Constitutional Law No. 3 of 2001, cited above.

The repealed text was the following:

Art. 125
«Control of legitimacy of administrative decisions in the Region is exercised, in a decentralized manner, by a State body, in the manner and within the limits established by the laws of the Republic. The law may in specific cases admit re-examination of the merits of the case, but only to the extent of promoting, through a motivated request, the re-examination of a controversial decision by the Regional Council».

[32] (Note to Art. 126).
Article resulting from the substitution carried out with Art. 8 of Constitutional Law No. 3 of 2001, cited above.

The original text of the article was the following:

Art. 126
«The Regional Council may be dissolved when it performs by the Regional Council».

[33] (Note to Art. 127).
Article resulting by the substitution carried out with Art. 6 of Constitutional Law No. 3 of 2001, cited above. The original text of the article was the following:

Art. 127
«Every law approved by the Regional Council shall be communicated to the Government Commissioner, who, except in the case of opposition by the Government, must approve it within a period of thirty days from its submission. The law is promulgated within ten days from the date of approval and becomes effective not earlier than fifteen days from its publication. If a law is considered urgent by the Regional Council, and the Government of the Republic approves it, then its promulgation and date of effect are not subject to the aforementioned terms. When the Government of the Republic deems that a law approved by the Regional Council exceeds the competence of the Region or is in conflict with national interests or with those of other Regions, it sends it back to the Regional Council within the period established for approval. When the Regional Council approves it again by an absolute majority of its members, the Government of the Republic may, within fifteen days of communication of the fact, submit the question of its legitimacy to the Constitutional Court or a lower court due to conflict of interests before the Chambers. In case of doubt, the Constitutional Court shall decide on the competent body».

[34] (Note to Art. 128).
With Art. 9, paragraph 2, of Constitutional Law No. 3 of 2001, cited above.

The text of the repealed article was the following:

Art. 128
«Provinces and Municipalities are autonomous entities within the principles laid down by the general laws of the Republic, which determine their functions».
the freedom of movement of persons and goods between Regions. It may not limit the right of citizens to exercise in any part of the national territory their profession, employment or work.

[27] (Note to Art. 121). Article amended as such, in the second and fourth paragraph, with Constitutional Law No. 1 of 22 November 1999 (Official Gazette No. 299 of 22 December 1999). The previous text read as follows: Art. 121 «The bodies of the Region are: the Regional Council, the Regional Executive and its President». The Regional Council shall exercise the legislative powers attributed to the Region as well as the other functions conferred by the Constitution and the laws. It may submit bills to Parliament. The Regional Executive is the executive body of the Region. The President of the Executive represents the Region; he promotes regional laws and regulations and directs the administrative functions delegated to the Region by the State, in accordance with the instructions of the Government of the Republic.

[28] (Note to Art. 122). Article resulting by the substitution carried out with Art. 2 of Constitutional Law No. 1 of 22 November 1999 (Official Gazette No. 299 of 22 December 1999). To Art. 5, including «transitory provisions», the same Constitutional Law has established the following: «1. Until the date of entry into force of the new regional statutes and of the new electoral laws pursuant to the first paragraph of Art. 122 of the Constitution, as substituted by Art. 2 of this Constitutional Law, the election of the President of the Regional Executive is simultaneous to the renovation of the respective Regional Councils and is made with the methods provided for by current ordinary legal provisions in matters of election of Regional Councils. Candidates to the Presidency of the Regional Councils the front-runners of the regional lists. The candidate who obtains the highest number of valid votes within the regional scope is proclaimed as elected President of the Regional Executive. The President of the Regional Executive is part of the Regional Council. Elected to the appointment of councillor is the candidate to the appointment of President of the Regional Executive who has obtained a number of valid votes immediately under that of the candidate who has been proclaimed as elected President. The Central Regional Office reserves, for this purpose, the last of the seats potentially entitled to the electoral lists associated with the front-runner of the regional list proclaimed to the appointment of councillor, in the cases provided for in number 3) of the thirteenth paragraph of Art. 15 of Law No. 108 of 17 February 1968, introduced by paragraph 2 of Art. 3 of Law No. 43 of 23 February 1995; or, otherwise, the seat [is] attributed with the rest or with the lower electoral figure, among those of the same list, during the session of the sole Regional Council for the distribution of the highest remainder electoral seats. If all the seats entitled to the list associated have been assigned with whole shares during the electoral district session, the Central Regional Office proceeds to attribute an additional seat, which must be taken into account for the determination of the consequent percentage share of seats entitled to the majority lists within the Regional Council. 2. The following provisions must be respected until the date of entry into force of the new regional statutes: a) Within ten days from the proclamation, the President of the Regional Executive appoints the members of the same, among which a Vice President, and may subsequently remove them; b) In the event in which the Regional Council approves by absolute majority a no confidence vote against the President of the Regional Executive, presented by at least one fifth of its members and entered for discussion not before three days from the presentation, the lists for new election of candidates for the Council and for President of the Executive shall be drawn up within three months. New elections are also called for Council and President of the Executive in the events of voluntary resignations, permanent impediments or death of a President.» In the original text, Art. 122 read as follows: Art. 122. «The electoral system, the number and the cases of ineligibility and incompatibility of the Regional Counsellors shall be established by laws of the Republic. No one may belong at the same time to a Regional Council and to one of the Houses of Parliament or to any other Regional Council. The Council shall elect a President and a Bureau from amongst its members for its own duties. Regional Counsellors are unaccountable for the opinions expressed and votes cast in the exercise of their functions. The President and the members of the Regional Executive shall be elected by the Regional Council amongst its members». [29] (Note to Art. 123). Article resulting from the substitution of the previous text carried out by Art. 3 of Constitutional Law No. 1 of 22 November 1999 (Official Gazette No. 299 of 22 December 1999) and by the addition of the last paragraph established with Art. 7 of Constitutional Law No. 3 of 2001, cited above. In the previous text, Art. 123 read as follows: Art. 123 «Each Region shall have a statute which, in harmony with the Constitution and with the Laws of the Republic, shall lay down the basic principles for the internal organisation of the Region. The regional statute shall regulate the right to initiate legislation and promote the freedom of movement of persons and goods between Regions. It may not limit the right of citizens to exercise in any part of the national territory their profession, employment or work.» 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 defendant is not considered guilty until the final determination of paternity. The law determines the conditions and the means for the redress of judicial errors. Art. 25 No one may be witheld 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 wartime 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 maternity. 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 public schools 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,
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 agreements 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. 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 co-ordinated 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 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.
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of Parliament may be submitted to penal proceedings; nor may he be arrested or otherwise deprived of his personal freedom, or submitted to personal or home search, except when the Member is apprehended in the act of committing an offence for which the arrest warrant is mandatory.

Such an authorization shall also be required for arresting or holding in detention a member of Parliament in execution of a judgement even if irrecoverable. For immunity of the Judges of the Constitutional Court, cf. Art. 3 of Constitutional Law No. 1 of 9 February 1948.


The original text of Art. 79 read as follows:

Art. 79

Amnesty and pardon are granted by the President of the Republic by a law under delegation of the Chambers. In no instance may amnesty or pardon be extended to offences committed after the bill has been introduced.


In the old text, the second paragraph of Art. 88 read as follows:

«May not exercise such right during the final six months of the presidential term».

[16] (Note to Art. 96) Article constituted as such with Art. 1 of Constitutional Law No. 1 of 16 January 1989. See also, Law No. 219 of 6 June 1989.

The original text of Art. 96 read as follows:

Art. 96

«The President of the Council of Ministers and the Ministers are subject impeachment by the Parliament in common session for crimes committed in the exercise of their duties».


[18] (Note to Art. 111). The first five paragraphs were introduced with Art. 1 of Constitutional Law No. 2 of 23 November 1999 (Official Gazette No. 300 of 23 December 1999).

In Art. 2, the same Constitutional Law thus establishes:

«1. The Law regulates the application of principles contained in this Constitutional Law to the penal proceedings in course at the date of its entry into force».

[19] (Note to Title V). This title was amended by Constitutional Law No. 3 of 18 October 2001 (Amendments to Title V of the second part of the Constitution), in the Official Gazette No. 248 of 24 October 2001. Hereinafter are reported the provisions inserted by the amendments and in the note, the texts previously in force. Herein are also reproduced the final provisions contained in Articles 10 and 11 of such laws.

«Art. 10.

1. Until conformity of the respective statutes, the provisions of this Constitutional Law are applied also to the Regions with special status and to the autonomous provinces of Trento and of Bolzano for the parts in which it provides for broader forms of autonomy as regards the one already attributed.

«Art. 11.

1. Until the revision of the rules of Title I of the second part of the Constitution, the regulations of the Chamber of Deputies and of the Senate of the Republic may provide for the participation of representatives from the Regions, from the autonomous Provinces and from the local entities to the Parliamentary Commission for regional matters.

2. When a bill regarding the matters in relation the third paragraph of Art. 117 and Art. 119 of the Constitution contains provisions on which the Parliamentary Commission for regional matters, integrated pursuant to paragraph 1, has expressed a different opinion or favourable opinion conditioned to the introduction of specifically formulated amendments, and the relevant Parliamentary Commission which carried out the examination is not the appropriate one, the Assembly resolves by absolute majority of its members on the corresponding parts of the bill.»

[20] (Note to Art. 114). Article resulting from the substitution of the previous text carried out with Art. 1 of Constitutional Law No. 3 of 18 October 2001 (Official Gazette No. 248 of 24 October 2001).

The original text was the following:

Art. 114

«The Republic is divided into Regions, Provinces and Municipalities.»

[21] (Note to Art. 115). With Art. 9, paragraph 2 of Constitutional Law No. 3 of 2001, cited above.

The repealed text read as follows:

Art. 115

«The Regions are constituted by autonomous entities having their own powers and functions in accordance with the principles laid down in the Constitution»,
Art. 55
Parliament consists of the Chamber of Deputies and the Senate of the Republic. Parliament meets in joint session of the members of both Houses only in those cases established in the Constitution.

Art. 56
The Chamber of Deputies is elected by direct and universal suffrage. The number of Deputies is six hundred and thirty, twelve of which are elected in the Overseas Constituency. All voters who have attained the age of twenty-five on the day of elections are eligible to be Deputies. The division of seats among the electoral districts, with the exception of the number of seats assigned to the Overseas Constituency, is obtained by dividing the number of inhabitants of the Republic, as shown by the latest general census of the population, by six hundred and distributing the seats in proportion to the population in every electoral district, on the basis of whole shares and the highest remainders.

Art. 57
The Senate of the Republic is elected on a regional basis, with the exception of the seats assigned to the Overseas Constituency. The number of Senators to be elected is four hundred and fifteen, six of which are elected in the Overseas Constituency. No Region may have fewer than seven Senators; Molise shall have two, Valle d’Aosta one. The division of seats among the Regions, with the exception of the number of seats assigned to the Overseas Constituency, in accordance with the provisions of the preceding Article, is made in proportion to the population of the Regions as revealed in the most recent general census, on the basis of whole shares and the highest remainders.

Art. 58
Senators are elected by universal and direct suffrage by voters who are twenty-five years of age. Voters who have attained the age of forty are eligible to be elected to the Senate.
NOTES

[1] (Note to Art. 7, second paragraph).
The Lateran Pacts were modified by the Concordat of 18 February 1984, which came into force with Law No. 121 of 25 March 1985 (Official Gazette No. 85 of 10 April 1985, supplement).

[2] (Note to Art. 8, third paragraph).
To regulate such relations were established Laws No. 449 of 11 August 1984, No. 516 of 22 November 1988, No. 517 and 8 March 1989, No. 101 (Official Gazette No. 222 of 13 August 1984, No. 283 of 2 December 1988, No. 69 of 23 March 1989), issued on the basis of prior existing «agreements» respectively, with the Waldensian Evangelical Church, the Advent Christian Church, the Assemblies of God and the Jewish Communities, and more recently the Laws No. 409 of 5 October 1993, (Official Gazette, No. 239 of 11 October 1993), No. 116 of 12 April 1995 (Official Gazette No. 94 of 22 April 1995), No. 520 of 29 November 1995 (Official Gazette No. 286 of 7 December 1995), No. 637 and 638 of 20 December 1996 (Official Gazette No. 299 of 21 December 1996), for the regulation of relations with other denominations or for the modification of prior agreements.

[3] (Note to Art. 10, fourth paragraph).
By the application of the sole article of Constitutional Law No. 1 of 21 June 1967, «the last paragraph of Article 10 of the Constitution is not applied to crimes of genocide».

By the application of the sole article of Constitutional Law No. 1 of 21 June 1967, «the last paragraph of Article 26 of the Constitution is not applied to crimes of genocide». Cf. Art. 10.

[5] (Note to Art. 27, fourth paragraph).

[6] (Note to Art. 40).
See Law No. 146 of 12 June 1990 including «Regulations on the exercise of the right to strike in the sector of essential public services» (Official Gazette No. 137 of 14 June 1990).

[7] (Note to Art. 48, third paragraph).

Section II

Legislative process

Art. 70
The legislative function is exercised collectively by both Houses.

Art. 71
Legislation is initiated by the Government, by each Member of Parliament and by those entities and bodies so empowered by constitutional law.

Members of the Government, even when not members of the Houses, have the right, and, when requested, the obligation to attend the sittings. They shall be heard every time they so request.

Art. 65
The law determines the cases of non-eligibility and incompatibility with the office of Deputy or Senator. No one may be a member of both Houses at the same time.

Art. 66
Each House verifies the credentials of its members and the causes of ineligibility and incompatibility that may arise at a later stage.

Art. 67
Each Member of Parliament represents the Nation and carries out his/her duties without a binding mandate.

Art. 68
Members of Parliament cannot be held accountable for the opinions expressed or votes cast in the performance of their functions.

Without the authorisation of their respective House, Members of Parliament may not be submitted to the obligations to attend the sittings.


The people may initiate legislation by proposing a bill drawn up in sections and signed by at least fifty thousand voters.

Art. 72
Every bill submitted to one of the Houses is, in accordance with its Rules, considered by a Committee and then by the House itself, which approves it section by section and with a final vote.

The Rules establish shortened procedures for draft legislation that has been declared urgent. They may also establish in which cases and in what manner the consideration and approval of bills is referred to Committees, including Standing Committees, composed so as to reflect the proportion of the Parliamentary Groups.

Even in such cases, until the moment of its final approval, the bill may be referred back to the House, if the Government or one tenth of the members of the House or one-fifth of the Committee request that it be debated and voted on by the House itself or that it be submitted to the House for final approval, with only explanations of vote.

The Rules establish the ways in which the proceedings of Committees are made public.

The regular procedure for consideration and direct approval by the House is always followed in the case of bills on constitutional and electoral matters, enabling legislation, the ratification of international treaties and the approval of budgets and accounts.

Art. 73
Laws are promulgated by the President of the Republic within one month of their approval.

If the Houses, each by an absolute majority of its members, declare a law to be urgent, the law is promulgated within the deadline established therein.

Laws are published immediately after promulgation and come into force on the fifteenth day following publication, unless the laws themselves establish a different deadline.

Art. 74
The President of the Republic, before promulgating a law, may request the Houses, with a reasoned message, to deliberate again.

If the Houses once more pass the bill once again, then the law must be promulgated.

Art. 75
A popular referendum shall be held to abrogate, totally or partially, a law or a measure having the force of law, when requested by five hundred thousand voters or five Regional Councils.

Referenda are not admissible in the case of tax, budget, amnesty and pardon laws, or laws authorising the ratification of international treaties.
CONSTITUTION OF THE ITALIAN REPUBLIC

VII

VII

All citizens eligible to vote for the Chamber of Deputies have the right to participate in referenda. The proposal subjected to a referendum is approved if the majority of those with voting rights have participated in the vote and a majority of votes validly cast has been reached. The procedures for conducting a referendum shall be established by law.

Art. 76

The exercise of the legislative function may not be delegated to the Government unless principles and criteria have been established and then only for a limited time and for specified purposes.

Art. 77

The President of the Republic enjoys civil and political rights. A President of the Chamber of Deputies shall be elected and shall convene within three days. The President shall serve as part of the name.

Title II

THE PRESIDENT OF THE REPUBLIC

Art. 83

The President of the Republic is elected by the Chamber of Deputies, which shall act in joint session of its members. There shall be three delegates from each Region elected by the Regional Council so as to ensure that minorities are represented and shall participate in the election. The President of the Republic is secret ballot with a majority of two thirds of the assembly. After the third ballot an absolute majority shall suffice.

Art. 84

Any citizen who has attained fifty years of age and enjoys civil and political rights can be elected President of the Republic. The office of President of the Republic is incompatible with any other office. Compensation and endowments of the President are established by law.

Art. 85

The President of the Republic is elected for seven years. Thirty days before the expiration of the term, the President of the Chamber of Deputies shall summon a joint session of Parliament and the regional delegates to elect the new President of the Republic. If the President is dissolved, or there are less than three months from their dissolution, the election shall take place within fifteen days of the meeting of the new Houses. In the intervening time, the powers of the incumbent President are extended.

Art. 86

The functions of the President of the Republic, in all expenditures in the law approving the budget. Any other law involving new or increased expenditures must specify the resources to meet these expenditures.

Art. 82

Each House may conduct inquiries on matters of public interest. For such purposes, it appoints a Committee so composed as to reflect the proportional representation of the Parliamentary Groups. The Committee of inquiry conducts its investigations and examinations with the same powers and the same limitations as a judicial authority.

Art. 87

The functions of the President of the Republic, in all and for periods not exceeding a total of four months.

Art. 88

The members and descendants of the House of Savoy shall not be voters and they shall not hold public office or elected offices. To the ex-kings of the House of Savoy, to their consorts and to their male descendants shall be forbidden access and sojourn in the national territory. The assets, existing on national territory, of the former kings of the House of Savoy, of their consorts and of their male descendants shall revert to the State. Transfers and the establishment of royal rights on said patrimony which took place after 2 June 1946, shall be null and void.

Art. 89

Titles of nobility shall not be recognised. The predicates of those existing before 28 October 1922 shall serve as part of the name. The Order of Saint Mauritius shall be preserved as a hospital corporation and shall function in the ways established by law. The law shall regulate the suppression of the Hereditary Council.

Art. 90

VIII

XIV

XV

XVI

XVII

The Committee of inquiry conducts its investigations and examinations with the same powers and the same limitations as a judicial authority.

XV

The functions of the President of the Republic, in all and for periods not exceeding a total of four months.

Art. 87

The exercise of the legislative function may not be delegated to the Government unless principles and criteria have been established and then only for a limited time and for specified purposes.

Art. 77

The Government may not, without an enabling act from the Houses, issue decrees having the force of ordinary law. When in extraordinary cases of necessity and urgency the Government adopts provisional measures having the force of law, it must on the same day present said measures for confirmation to the Houses which, even if dissolved, shall be summoned especially for this purpose and shall convene within five days. The decree loses effect from its inception if they are not confirmed within sixty days from their publication. The Houses may however regulate by law legal relationships arising out of not confirmed decrees.

Art. 78

The Houses deliberate the state of war and confer the necessary powers on the Government.

Art. 79

Amnesty and pardon are granted with a law approved by a two-thirds majority in both Houses, for each section and in the final vote. The law granting an amnesty or pardon establishes the deadline for its implementation. Amnesty and pardon cannot in any case apply to offences committed following the introduction of the bill in Parliament.

Art. 80

The Houses authorise by law the ratification of international treaties which are of a political nature, or which call for arbitration or legal settlements, or which entail changes to the national territory or financial burdens or changes to legislation.

Art. 81

The Houses approve every year the budgets and accounts submitted by the Government. The provisional budget cannot be granted unless by law and for periods not exceeding a total of four months. It is not possible to introduce new taxes and new
the Republic, apart from the ordinary judges of the Court, there shall also be sixteen members chosen by lot from among a list of citizens having the qualification necessary for election to the Senate, which the Parliament prepares every nine years through election using the same procedures as those followed in appointing ordinary judges.

Art. 136
When the Court declares the constitutional illegitimacy of a law or enactment having the force of law, the law ceases to have effect from the day following the publication of the decision. The decision of the Court shall be published and communicated to the Houses and to the Regional Councils concerned, so that, wherever they deem it necessary, they shall act in conformity with constitutional procedures.

Art. 137
A constitutional law shall establish the conditions, the forms, the terms for proposing judgements on constitutional legitimacy, and the guarantees of the independence of the constitutional judges. Ordinary laws shall establish the other provisions necessary for the constitution and the functioning of the Court. Against the decision of the Constitutional Court no appeals are allowed.

Section II
Amendments to the Constitution.
Constitutional Laws

Art. 138
Laws amending the Constitution and other constitutional laws shall be adopted by each House after two successive debates at intervals of not less than three months, and shall be approved by an absolute majority of the members of each House in the second voting. Said laws are submitted to a popular referendum when, within three months of their publication, such request is made by one-fifth of the members of a House or five hundred thousand voters or five Regional Councils. The law submitted to referendum shall not be promulgated if not approved by a majority of valid votes. A referendum shall not be held if the law has been approved in the second voting by each of the Houses by a majority of two-thirds of the members.

Art. 139
The form of Republic shall not be a matter for constitutional amendment.

TRANSITIONAL AND FINAL PROVISIONS

I
With the implementation of the Constitution the provisional Head of the State shall exercise the functions of President of the Republic and assume that title.

II
If, at the date of the election of the President of the Republic, all the Regional Councils have not been set up, only members of the two Houses shall participate in the election.

III
For the first composition of the Senate of the Republic, Deputies to the Constituent Assembly who possess all the requisites by law to be Senators and who: had been Presidents of the Council of Ministers or of legislative Assemblies; had been members of the dissolved Senate; had been elected at least three times including to the Constituent Assembly; had been dismissed at the sitting of the Chamber of Deputies of 9 November 1926; had been imprisoned for not less than five years by a sentence of the special Fascist tribunal for the defence of the State; shall be appointed Senators. Those also shall be appointed Senators, by decree of the President of the Republic, who had been members of the dissolved Senate and who had been part of the Consulta Nazionale. The right to be appointed Senator may be renounced before the signing of the decree of appointment. Acceptance of candidacy in political elections shall constitute renunciation of the right to be appointed Senator.

IV
For the first election of the Senate Molise shall be considered a Region in itself, having the due number of Senators on the basis of its population.

V
The provisions of Article 80 of the Constitution on the question of international treaties which involve budget expenditures or changes in the law, shall become effective as from the date of convocation of Parliament.

VI
Within five years after the Constitution has come into effect the special jurisdictional bodies still in existence shall be revised, excluding the jurisdiction of the Council of State, the Court of Auditors, and the military tribunals. Within a year of the same date, a law shall provide for the re-organisation of the Supreme Military Tribunal according to Article 111.

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cases in which the President cannot perform them, shall be exercised by the President of the Senate. In the case of permanent incapacity or death or resignation of the President of the Republic, the President of the Chamber of Deputies shall call an election of a new President of the Republic within fifteen days, except in the case of the longer term which is provided for when the Houses are dissolved and are within less than three months to their dissolution.

Art. 87
The President of the Republic is the Head of the State and represents national unity. The President may send messages to the Houses. The President shall:
• authorise the introduction to the Houses of bills initiated by the Government.
• promulgate the laws and issue decrees having the force of law as well as regulations.
• call popular referenda in the cases provided for by the Constitution.
• appoint State officials in the cases provided for by law.
• accredit and receive diplomatic representatives, and ratify international treaties which have, where required, been authorised by the Houses. The President is the commander of the armed forces, shall preside over the Supreme Council of Defence established by law, and shall make declarations of war which have been decided by the Chambers. The President shall preside over the High Council of the Judiciary. The President may grant pardons and commute punishments. The President shall confer the honorary distinctions of the Republic.

Art. 88
The President of the Republic, having heard the Presidents of the Houses, may dissolve Parliament or even only one House. The President of the Republic cannot exercise said right during the last six months of the presidential mandate, unless said period coincides in full or in part with the last six months of Parliament.

Art. 89
No act of the President of the Republic is valid if it is not signed by the proposing Ministers, who assume responsibility for it. The acts which have legislative strength and those laid down by law shall be countersigned also by the President of the Council of Ministers.

Art. 90
The President of the Republic is not responsible for the actions performed in the exercise of the presidential duties, except in the case of high treason or attempt against the Constitution. In such cases, the President may be impeached by Parliament in joint session, with an absolute majority of its members.

Art. 91
The President of the Republic, before taking office, shall take an oath of allegiance to the Republic and swear to uphold the Constitution before Parliament in joint session.

Title III
The Government

Section I
The Council of Ministers

Art. 92
The Government of the Republic is made up of the President of the Council and the Ministers who together form the Council of Ministers. The President of the Republic appoints the President of the Council of Ministers and, on his/her proposal, the Ministers.

Art. 93
The President of the Council of Ministers and the Ministers, before taking office, shall be sworn in by the President of the Republic.

Art. 94
The Government must have the confidence of both Houses. Each House grants or withdraws its confidence through a reasoned motion and which is voted on by roll-call. Within ten days of its formation the Government shall come before the Houses to obtain their confidence. An opposing vote by one or both the Houses against a Government proposal does not entail the obligation to resign. A motion of no-confidence must be signed by at least one-tenth of the members of the House and cannot be debated earlier than three days from its presentation.

Art. 95
The President of the Council conducts and holds responsibility for the general policy of the Government. The President of the Council ensures the coherence of political and administrative policies, by promoting and coordinating the activity of the Ministers. The Ministers are collectively responsible for the acts of
Section II
Public Administration

Art. 97
Public offices are organised according to the provisions of law, so as to ensure the efficiency and impartiality of administration. The regulations of the offices lay down the areas of competence, the duties and the responsibilities of the officials. Employment in public administration is accessed through competitive examinations, except in the cases established by law.

Art. 98
Civil servants are exclusively at the service of the Nation. If they are Members of Parliament, they may not be promoted in their services, except through seniority. The law may set limitations on the right to become members of political parties in the case of magistrates, career military staff in active service, law enforcement officers, and overseas diplomatic and consular representatives.

Title IV
THE JUDICIAL BRANCH

Section I
The Organisation of the Judiciary

Art. 101
Justice is administered in the name of the people. Judges are subject only to the law.

Art. 102
Judicial proceedings are exercised by ordinary magistrates empowered and regulated by the provisions concerning the Judiciary. Extraordinary or special judges may not be established. Only specialised sections for specific matters within the ordinary judicial bodies may be established, and these sections may include the participation of qualified citizens who are not members of the Judiciary. The law regulates the cases and forms of the direct participation of the people in the administration of justice.

Art. 99
The National Council for Economics and Labour is composed, as set out by law, of experts and representatives of the economic categories, in such a proportion as to take account of their numerical and qualitative importance. It serves as a consultative body for the Houses and the Government for those matters and those functions attributed to it by law. It can initiate legislation and may contribute to drafting economic and social legislation according to the principles and within the limitations laid out by law.

Art. 100
The Council of State is a legal-administrative consultative body and it oversees the administration of justice. The Court of Auditors exercises preventive control over the legitimacy of Government measures, and also post auditing of the administration of the State Budget. It participates, in the cases and ways established by law, in auditing the financial management of the entities receiving regular budgetary support from the State. It reports directly to the Houses on the results of audits performed. The law ensures the independence from the Government of the two bodies and of their members.

Art. 127
The Government may submit the constitutional legitimacy of a regional law to the Constitutional Court within sixty days from its publication, when it deems that the regional law exceeds the competence of the Region. A Region may submit the constitutional legitimacy of a State or regional law or measure having the force of law to the Constitutional Court within sixty days from its publication, when it deems that said law or measure infringes upon its competence.

Art. 128
The Government may initiate legislation and may contribute to drafting legislation. Judges are subject only to the law.

Title VI
CONSTITUTIONAL GUARANTEES

Section I
The Constitutional Court

Art. 134
The Constitutional Court shall pass judgement on: controversies on the constitutional legitimacy of laws and enactments having the force of law issued by the State and the Regions; conflicts arising from allocation of powers of the State and those powers allocated to State and Regions, and between Regions; accusations made against the President of the Republic and the Ministers, according to the provisions of the Constitution.

Art. 135
The Constitutional Court shall be composed of fifteen judges, a third nominated by the President of the Republic, a third by Parliament in joint sitting and a third by the ordinary and administrative supreme Courts. The judges of the Constitutional Courts shall be chosen from among judges, including those retired, of the ordinary and administrative higher Courts, from full university professors of law and lawyers with at least twenty years practice. Judges of the Constitutional Court shall be nominated for nine years, beginning in each case from the day of their swearing in, and they may not be re-appointed. At the expiry of their term, the constitutional judges shall leave office and the exercise of the functions thereof. The Court shall elect from among its members, in accordance with the rules established by law, a President, who shall remain in office for three years and may be re-elected, respecting in all cases the expiry term for constitutional judges. The office of constitutional judge shall be incompatible with membership of Parliament, of a Regional Council, the practice of the legal profession, and with every appointment and office indicated by law. In impeachment procedures against the President of
Constitution of the Italian Republic

They may resort to indebtedness only as a means of financing investment expenditure.

State guarantees on loans contracted for this purpose are not admissible.

Art. 120
The Regions may not levy import or export or transit duties between Regions or adopt measures that in any way obstruct the freedom of movement of persons or goods between the Regions. Regions may not limit the right of citizens to work in any part whatsoever of the national territory.

The Government can act for bodies of the regions, metropolitan cities, provinces and municipalities if the latter fail to comply with international rules and treaties or EU legislation, or in the case of grave danger for public safety and security, or whenever such action is necessary to preserve legal or economic unity and in particular to guarantee the basic level of benefits relating to civil and social entitlements, regardless of the geographic borders of local authorities.

The law shall lay down the procedures to ensure that subsidiary powers are exercised in compliance with the principles of subsidiarity and of loyal co-operation.

Art. 121
The organs of the Region are: the Regional Council, the Regional Executive and its President. The Regional Council shall exercise the legislative powers attributed to the Region as well as other functions conferred by the Constitution and the laws. It may submit bills to Parliament.

The Regional Executive is the executive body of the Region. The President of the Executive represents the Region, directs the policymaking of the Executive and is responsible for it, promulgates laws and regional statutes, directs the administrative functions delegated to the Region by the State, in conformity with the instructions of the Government of the Republic.

Art. 122
The electoral system and the cases of inelegibility and incompatibility of the President, the other members of the Regional Executive and the Regional councillors shall be established by a regional law in accordance with the fundamental principles established by a law of the Republic, which also establishes the term of elective offices.

No one may belong at the same time to a Regional Council or to a Regional Executive and to one of the Houses of Parliament, to another Regional Council, or to the European Parliament. The Council shall elect a President amongst its members and a Bureau.

Regional councillors are not answerable for the opinions expressed and votes cast in the exercise of their functions. The President of the Regional Executive shall be elected by universal and direct suffrage, unless the regional statute provides otherwise. The elected President shall appoint and dismiss the members of the Executive.

Art. 123
Each Region shall have a statute which, in harmony with the Constitution, shall lay down the form of government and basic principles for the organisation of the Region and the conduct of its business. The statute shall regulate the right to initiate legislation and promote referenda on the laws and administrative measures of the Region as well as the publication of laws and of regional regulations. Regional statutes are adopted and amended by the Regional Council with a law approved by an absolute majority of its members, with two subsequent deliberations at an interval of not less than two months. This law does not require the vote of the Government commissioner.

The Government of the Republic may submit the constitutional legitimacy of the regional statutes to the Constitutional Court within thirty days from their publication.

The statute is submitted to popular referendum if one fifth of the electors of the Region or one fifth of the members of the Regional Council so request within three months from its publication.

The statute that is submitted to referendum is not promulgated if it is not approved by the majority of valid votes. In each Region, statutes regulate the activity of the Council of local authorities as a consultative body on relations between the Regions and local authorities.

Art. 124
(Repealed)

Art. 125
Administrative tribunals of the first instance shall be established in the Region, in accordance with the rules established by the law of the Republic. Sections may be established in places other than the regional capital.

Art. 126
The Regional Council may be dissolved and the President of the Executive may be removed with a reasoned decree of the President of the Republic in the case of acts in contrast with the Constitution or grave violations of the law. The dissolution or removal may also be decided for reasons of national security.

The aforementioned decree is adopted after consultation with a committee of Deputies and Senators for regional affairs which is set up in the manner established by a law of the Republic.

The Regional Council may adopt a reasoned motion of

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Art. 103
The Council of State and the other organs of judicial administration have jurisdiction over the protection of legitimate rights before the public administration and, in particular matters laid out by law, also of subjective rights.

The Court of Auditors has jurisdiction in matters of public accounts and in other matters laid out by law. Military tribunals in times of war have the jurisdiction established by law.

In times of peace they have jurisdiction only for military crimes committed by members of the armed forces.

Art. 104
The Judiciary is a branch that is autonomous and independent of all other powers.

The High Council of the Judiciary is presided over by the President of the Republic.

The first president and the general prosecutor of the Court of Cassation are members by right. Two thirds of the members are elected by all the ordinary judges belonging to the various categories, and one third are elected by Parliament in joint session from among full university professors of law and lawyers with fifteen years of practice.

The Council elects a vice-president from among those members designated by Parliament. Elected members of the Council remain in office for four years and cannot be immediately re-elected.

They may not, while in office, be registered in professional rolls, nor serve in Parliament or on a Regional Council.

Art. 105
The High Council of the Judiciary, in accordance with the regulations of the Judiciary, has jurisdiction for employment, assignments and transfers, promotions and disciplinary measures of judges.

Art. 106
Judges are appointed by means of competitive examinations.

The law on the regulations of the Judiciary allows the appointment, even by election, of honorary judges for all the functions performed by single judges.

Following a proposal by the High Council of the Judiciary, full university professors of law and lawyers with fifteen years of practice and registered in the special professional rolls for the higher courts may be appointed for their outstanding merits as Cassation councillors.

Art. 107
Judges may not be removed from office; they may not be dismissed or suspended from office or assigned to other courts or functions unless by a decision of the High Council of the Judiciary, taken either for the reasons and with the guarantees of defence established by the provisions concerning the organisation of the Judiciary or with the consent of the judges themselves.

The Minister of Justice has the power to originate disciplinary action.

Judges are distinguished only by their different functions.

The state prosecutor enjoys the guarantees established in the prosecutor’s favour by the provisions concerning the organisation of the Judiciary.

Art. 108
The provisions concerning the organisation of the Judiciary and the judges are laid out by law.

The law ensures the independence of judges of special courts, of state prosecutors of those courts, and of other persons participating in the administration of justice.

Art. 109
The legal authorities have direct use of the judicial police.

Art. 110
Without prejudice to the authority of the High Council of the Judiciary, the Minister of Justice has responsibility for the organisation and functioning of those services involved with justice.

Section II
Rules on Jurisdiction

Art. 111
Jurisdiction is implemented through due process regulated by law.

All court trials are conducted with adversary proceedings and the parties are entitled to equal conditions before an impartial judge in third party position. The law provides for the reasonable duration of trials. In criminal law trials, the law provides that the alleged offender shall be promptly informed confidentially of the nature and reasons for the charges that are brought and shall have adequate time and conditions to prepare a defence.

The defendant shall have the right to cross-examine or to have cross-examined before a judge the persons making accusations and to summon and examine persons for the defence in the same conditions as the prosecution, as well as the right to produce all other evidence in favour of the defence.

The defendant is entitled to the assistance of an interpreter in the case that he or she does not speak or understand the language in which the court proceedings are conducted.

In criminal law proceedings, the formation of evidence
is based on the principle of adversary hearings. The guilt of the defendant cannot be established on the basis of statements by persons who, out of their own free choice, have always voluntarily avoided undergoing cross-examination by the defendant or the defence counsel. The law regulates the cases in which the formation of evidence does not occur in an adversary proceeding with the consent of the defendant or owing to the assertion of ascertained objective impossibility or proven illicit conduct. All judicial decisions shall include a statement of reasons. Appeals to the Court of Cassation in cases of violations of the law are always allowed against sentences and against measures affecting personal freedom pronounced by ordinary and special courts. This rule can only be waived in cases of sentences by military tribunals in time of war. Appeals to the Court of Cassation against decisions of the Council of State and the Court of Auditors are permitted only for reasons of jurisdiction.

Art. 112 The public prosecutor has the obligation to institute criminal proceedings.

Art. 113 The judicial safeguarding of rights and legitimate interests before the organs of ordinary or administrative justice is always permitted against acts of the public administration. Such judicial protection may not be excluded or limited to particular kinds of appeal or for particular categories of acts. The law determines which judicial bodies are empowered to annul acts of public administration in the cases and with the consequences provided for by the law itself.

Title V REGIONS - PROVINCES - MUNICIPALITIES

Art. 114 The Republic is composed of the Municipalities, the Provinces, the Metropolitan Cities, the Regions and the State. Municipalities, provinces, metropolitan cities and regions are autonomous entities having their own statutes, powers and functions in accordance with the principles laid down in the Constitution. Rome is the capital of the Republic. Its status is regulated by State Law.

Art. 115 (Repealed)

Art. 116 Friuli-Venezia Giulia, Sardinia, Sicily, Trento-Altto Adige/Südtirol and Valle d’Aosta/Valle d’Aoste have special forms and conditions of autonomy pursuant to the special statutes adopted by constitutional law. The Trentino-Alto Adige/Südtirol Region is composed of the autonomous provinces of Trent and Bolzano. Additional special forms and conditions of autonomy, related to the areas specified in art. 117, paragraph three and paragraph two, letter i) – limited to the organisational requirements of the Justice of the Peace - and letters n) and s), may be attributed to other Regions by State Law, upon the initiative of the Region concerned, after consultation with the local authorities, in compliance with the principles set forth in art. 119. Said Law is approved by both Houses of Parliament with the absolute majority of their members, on the basis of an agreement between the State and the Region concerned.

Art. 117 Legislative powers shall be vested in the State and the Regions in compliance with the Constitution and with the constraints deriving from EU legislation and international obligations. The State has exclusive legislative powers in the following subject matters:
- foreign policy and international relations of the State; relations between the State and the European Union; common and legal status of non-EU citizens; immigration; relations between the Republic and religious denominations; defence and armed forces; State security; armaments, ammunition and explosives; the currency, savings protection and financial markets; competition protection; foreign exchange system; state taxation and accounting systems; equalisation of financial resources; state bodies and relevant electoral laws; state referenda; elections to the European Parliament; legal and administrative organisation of the State and of national public agencies; public order and security, with the exception of local administrative police; citizenship, civil status and register offices; jurisdiction and procedural law; civil and criminal law; administrative judicial system; determination of the basic level of benefits relating to civil and social entitlements to be guaranteed throughout the national territory; general provisions on education; social security; electoral legislation, governing bodies and fundamental functions of the Municipalities, Provinces and Metropolitan Cities; customs, protection of national borders and international prophylaxis; weights and measures; standard time; statistical and computerised coordination of data of state, regional and local administrations; works of the intellect; protection of the environment, the ecosystem and cultural heritage.
Concurring legislation applies to the following subject matters:
- international and EU relations of the Regions; foreign trade; job protection and safety; education, subject to the autonomy of educational institutions and with the exception of vocational education and training; professions; scientific and technological research and innovation support for productive sectors; health protection; nutrition; sports; disaster relief; land-use planning; civil ports and airports; large transport and navigation networks; communications; national production, transport and distribution of energy; complementary and supplementary social security; harmonisation of public accounts and coordination of public finance and the taxation system; enhancement of cultural and environmental assets, including the promotion and organisation of cultural activities; savings banks, rural banks, regional credit institutions; regional land and agricultural credit institutions. In the subject matters covered by concurring legislation, legislative powers are vested in the Regions, except for the determination of the fundamental principles, which are laid down in State legislation. The Regions have legislative powers in all subject matters that are not expressly covered by State legislation. The Regions and the autonomous provinces of Trent and Bolzano take part in preparatory decision making process of EU legislative acts in the areas that fall within their responsibilities. They are also responsible for the implementation of international agreements and EU measures, subject to the rules set out in State law which regulate the exercise of subsidiary powers by the State in the case of non-performance by the Regions and autonomous provinces.
Regulatory powers shall be vested in the State with respect to the subject matters of exclusive legislation, subject to any delegations of such powers to the Regions. Regulatory powers shall be vested in the Regions in all other subject matters. Municipalities, provinces and metropolitan cities have regulatory powers as to the organisation and implementation of the functions attributed to them. Regional laws shall remove any hindrances to the full equality of men and women in social, cultural and economic life and promote equal access to elected offices for men and women. Agreements between a Region and other Regions that aim at improving the performance of regional functions and that may also envisage the establishment of joint bodies shall be ratified by regional law. In the areas falling within their responsibilities, Regions may enter into agreements with foreign States and with local authorities of other States in the cases and according to the forms laid down by State legislation.

Art. 118 Administrative functions are attributed to the Municipalities, unless they are attributed to the provinces, metropolitan cities and regions or to the State, pursuant to the principles of subsidiarity, differentiation and proportionality, to ensure their uniform implementation. Municipalities, provinces and metropolitan cities carry out administrative functions of their own as well as the functions assigned to them by State or by regional legislation, according to their respective competences. State legislation shall provide for co-ordinated action between the State and the Regions in the subject matters as per Article 117, paragraph two, letters b) and h), and also provide for agreements and co-ordinated action in the field of cultural heritage preservation. The State, regions, metropolitan cities, provinces and municipalities shall promote the autonomous initiatives of citizens, both as individuals and as members of associations, relating to activities of general interest, on the basis of the principle of subsidiarity.

Art. 119 Municipalities, provinces, metropolitan cities and regions shall have revenue and expenditure autonomy. Municipalities, provinces, metropolitan cities and regions shall have independent financial resources. They set and levy taxes and collect revenues of their own, in compliance with the Constitution and according to the principles of coordination of State finances and the tax system. They shall fix the tax revenues related to their respective territories. State legislation shall provide for an equalisation fund - with no allocation constraints - for the territories having lower per capita taxable capacity. Revenues raised from the above-mentioned sources shall enable municipalities, provinces, metropolitan cities and regions to fully finance the public functions attributed to them. The State shall allocate supplementary resources and adopt special measures in favour of specific municipalities, provinces, metropolitan cities and regions to promote economic development along with social cohesion and solidarity, to reduce economic and social imbalances, to foster the exercise of the rights of the Regions or to achieve goals otherwise pursued in the ordinary implementation of their functions. Municipalities, provinces, metropolitan cities and regions have their own assets, which are allocated to them pursuant to general principles laid down in State legislation.