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# Member States' best practices on the Charter

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Italy



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Use and awareness of the Charter in your country.

## Government policies that promote the use and awareness of the Charter among the legislator, the administration, law enforcement bodies and the judiciary

### 1. The Judicial College (*Scuola Superiore della Magistratura*)

The Judicial College, established by Legislative Decree No 26 of 30 January 2006, is assigned a central role in judicial training, namely that of ensuring the implementation of the law and the enforcement of the obligation for members of the judiciary to be professionally trained. However, the College also targets its training schemes at bar associations, by organising shared courses.

The College's goal is an important one, namely to provide training and lifelong learning for magistrates in order to improve international cooperation and increase familiarity with legal systems.

The College has exclusive jurisdiction in the field of lifelong learning and training for magistrates. It is responsible for the following in particular:

- organising lifelong professional learning and training seminars for magistrates and other legal practitioners (as required);
- providing initial training and lifelong learning for honorary magistrates;
- organising training courses for judges and prosecutors seeking appointment to senior positions in courts of first or second instance;
- providing training for magistrates holding senior and semi-senior positions in judicial offices;
- providing training for magistrates entrusted with training duties;
- carrying out decentralised training activities;
- collaborating in activities associated with the internship for ordinary magistrates within the framework of the guidelines issued by the Superior Council of the Judiciary (*Consiglio superiore della magistratura*) and taking into account proposals from the judicial councils;
- organising, at the request of the competent government authority, training for foreign magistrates in Italy or participants in training activities conducted within the framework of the European Judicial Training Network or within the framework of projects of the European Union and other States or international institutions, or implementing programmes for the Ministry of Foreign Affairs and coordinating training activities intended for Italian magistrates and provided by other States or international institutions concerning the organisation and functioning of the justice system;
- collaborating, at the request of the competent government authority, in activities concerning the organisation and functioning of the justice system in other countries;
- implementing training programmes in cooperation with similar departments within other institutional or

- professional bodies;
- publishing research and studies relating to the subjects covered by the training activities;
- organising cultural initiatives and exchanges, study meetings and research in connection with the training activities;
- holding seminars, including on the basis of specific agreements or conventions governing the associated fees, for legal practitioners or those enrolled in specialist legal colleges.

The College organises annual ‘lifelong’ learning courses on European law and, in particular, the ‘rights set out in the Charter’ that are open to all magistrates and, for some courses, lawyers as well. These relate to both substantive and linguistic aspects.

This method is appropriate, in that training on the Charter and its application at national level is provided whenever enhancements are made to the protection of a fundamental right provided for therein. Therefore, best practice is specifically to highlight the reference to the right included in the EU Charter, with a discussion of how it integrates into national law.

The Nice Charter will be a topic of lifelong learning for 2022 in connection with courses on the protection of personal data, on the system of sources of law, on digitisation, justice, rights, on fundamental rights and European law, on defamation and hate speech, and on artificial intelligence and the law.

## 2. National Contact Point for the EU Charter

In line with the wishes of the European Commission and the European Agency for Fundamental Rights, the current Minister for Justice, Marta Cartabia, has appointed Professor Palmira Tanzarella as Italy’s contact point for the Charter. One of her tasks is to promote the Charter, raising awareness of it and, as a result, ensuring it is applied more effectively. The choice was for someone operating within the public administration benefiting from specific internal coordination with the Ministry of Justice and the academic world.

The contact point is and will be a new dimension to promoting and enhancing knowledge of the Charter through a regular programme of initiatives. To this end, the contact point is supported by the Staff Unit for the coordination of international affairs relating to human rights (*Coordinamento dell’attività internazionale in tema di diritti umani*; AIDU), which was set up within the Department for Justice (*Dipartimento per gli affari di giustizia*; DAG) of the Ministry of Justice in December 2021. [This initiative](#) is without precedent and has also been carried out with the aim of implementing the objectives of the European Strategy to strengthen the application of the Charter of Fundamental Rights in the EU. The unit will focus – within the remit of the Ministry of Justice – on European subject areas concerning fundamental rights, citizens’ rights and the free movement of persons.

## 3. University courses

The protection of fundamental rights as a force for European integration is now an essential part of legal courses at universities, particularly as regards advances in constitutional and EU law. In order to ensure multilevel protection for rights, it is important that future legal and economic practitioners receive training on the Nice Charter and its interpretation by national courts and the Court of Justice. For this reason, there has been a sharp increase in specialised courses in recent years.

In particular, according to the latest survey provided by the Ministry of Universities and Research (*Ministero dell’Università e della Ricerca*; MUR), there were around 550 courses being offered by the law, political science and economics departments of both public and private universities, including some in English, in December 2021.

Most of these courses broadly address the issue of the protection of fundamental rights, highlighting the dialogue between the constitutional and supranational European courts as they implement their own charters. Case studies provide students with the tools they need to understand how charters and case-law intersect. In this way, serious consideration can be given to the Nice Charter of Fundamental Rights and the implications of its application.

The Charter is also studied in courses on subjects such as immigration, information and communication law, environmental law, European criminal and procedural law, European administrative law, religious pluralism, European tax law and European labour law.

#### 4. Best practices for effective cooperation between national authorities and civil society to encourage victims of discrimination to come forward and to provide them with support

Given that a cornerstone of the Nice Charter is the prohibition of discrimination, it is also promoted by the work of national bodies that are committed to this issue.

Attention should be drawn to the [National Office against Racial Discrimination](#) (*Ufficio Nazionale Antidiscriminazioni Razziali*; UNAR), established within the Prime Minister's Office by Legislative Decree No 215 of 9 July 2003 (implementing Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin).

The Office is tasked with guaranteeing the right to equal treatment for all persons, regardless of their ethnic or racial origin, age, religious belief, sexual orientation, gender identity or whether or not they have a disability. It operates autonomously and impartially and has for several years now also been closely monitoring the effects of discriminatory hate speech, including online, as well as efforts to combat it.

The tasks assigned to the Office by law are as follows:

- to provide assistance in judicial or administrative proceedings to persons who consider themselves wronged by discriminatory conduct, such assistance taking the forms set out in Article 425 of the Italian Code of Civil Procedure;
- with due respect to the prerogatives and functions of the judicial authority, to carry out investigations to determine whether or not discrimination exists;
- to encourage public and private bodies, in particular associations and bodies active in the field of tackling discrimination, to adopt specific measures, including projects for positive action, aimed at preventing or compensating for discrimination on grounds of racial or ethnic origin;
- to increase awareness as much as possible of the instruments providing protection in force, including by raising public awareness of the principle of equality of treatment and carrying out information and communication campaigns;
- to issue recommendations and opinions on issues related to discrimination on grounds of racial or ethnic origin, as well as proposals for amendments to existing legislation;
- to prepare an annual report to Parliament on the effective application of the principle of equal treatment and the effectiveness of protection mechanisms, as well as an annual report to the Prime Minister on the work carried out;
- to promote studies, research, training courses and exchanges of experience, including in cooperation with associations and bodies active in the field of tackling discrimination, with other non-governmental organisations active in the field and with specialised statistical survey institutes, including with a view to developing guidelines to combat discrimination.

A register of associations and bodies carrying out activities in the field of tackling discrimination and the promotion of equal treatment has also been established at the Department for Equal Opportunities within the Prime Minister's Office (Article 6 of Legislative Decree No 215/2003).

The Ministry of Justice has participated and is currently participating in a number of analytical and operational projects, coordinated by UNAR, with the specific aim of updating and developing practices and tools to prevent and combat effectively racism, xenophobia and other forms of intolerance spread through hate speech, including *online*. These projects include the following:

- the CO.N.T.R.O. project – '*CO*unter *N*arratives *a*gainst *R*acism *O*nline' (2018-2020) – developed and coordinated by UNAR in partnership with the Institute for Social Research (*Istituto per la Ricerca Sociale*; IRS) and supported and funded by the European Commission, which promoted a targeted communication and awareness-raising campaign against racism online and put in place the conditions to establish UNAR's Media and Internet Observatory, with the involvement of the key institutional and non-institutional players

- working to combat this issue;
- the REASON project - '*REAct in the Struggle against ONline hate speech*' (ongoing since 2020), which formally establishes a National Control Booth (*Cabina di Regia Nazionale*) to combat hate crimes and hate speech online, with the aim of helping to coordinate actions and exchange experiences in collaboration with the Observatory against Acts of Discrimination (*Osservatorio per la sicurezza contro gli atti discriminatori*; OSCAD), the Ministry of the Interior, the Ministry of Justice, the Ministry of Education, the Authority for Communications Guarantees (*Autorità per le Garanzie nelle Comunicazioni*; AGCOM) and voluntary associations, including: Carta Di Roma, Lunaria, Arci, Amnesty Italia, Cospe and Arcigay.

The main task of the Control Booth is to develop a National Strategic Plan to combat hate crimes and hate speech.

## 5. Policies targeting schools. In general: education

Mindful that raising awareness of the Charter is beneficial and necessary in order to encourage younger generations to reflect carefully on common values, placing people and human dignity at the heart of the process of building an inclusive society, there are a number of initiatives that have been carried out in schools. These include:

*La Carta europea dei diritti a un milione di studenti* (The European Charter of Fundamental Rights for one million students) was a project carried out jointly by the European Parliament, the European Commission and the Italian Government, in collaboration with the Ministry of Education, University and Research and the Italian post office (*Poste Italiane*), that saw copies of the Charter of Fundamental Rights of the European Union delivered to one million students at Italian high schools over the last two years;

*La Carta di Nizza fra diritti umani e cittadinanza* (The Nice Charter: between human rights and citizenship) was a competition promoted by the Ministry of Education with the primary aim of encouraging children to read and reflect on the practical applications of the Charter of Fundamental Rights of the European Union. In particular, the content of the Charter was discussed through comparisons with the texts of international human rights conventions and treaties, such as the Universal Declaration of Human Rights.

## Tools that help better understand the Charter and when it applies

In 2019, the Ministry of Justice launched the EJNita «*EJNita*» project (EJN - Italian Network: Building Bridges) with partial funding from the European Commission (Grant Agreement No 831373), the aim of which was to reinforce and streamline the European Judicial Network (EJN) for civil and commercial matters. This project came in response to the need to improve knowledge of the tools for judicial cooperation in civil and commercial matters in the legal or professional sphere.

This project resulted in the [ALDRICUS portal](#) being published, which brings together information and materials of interest (standards, domestic, international and supranational case-law, links to sites of interest) as part of a blog. The Aldricus portal is also a tool for promoting and raising awareness of the Charter, which is achieved, in particular, by publicising targeted training events. For example, the training event *La protezione transfrontaliera degli adulti con disabilità cognitive in Italia e Spagna* (Cross-border protection for adults with cognitive disabilities in Italy and Spain) was promoted on 22 February 2021.

The Ministry of Justice has a [dedicated page](#) for promoting the Charter, which provides access to the Italian version of the text as well as a link to the European Commission website for an explanation of the Charter.

## Use and promotion of Charter tools developed by other EU countries or by other stakeholders in the EU

There are numerous training and learning initiatives targeted towards judicial staff in Italy that are offered by training institutions in cooperation with European partners (European institutions, for example the Agency for Fundamental Rights (FRA) or other European states). In 2021, for example, the Judicial College published several calls for tenders in this respect, which were born out of initiatives with EU stakeholders - the European Law

Academy (*Europäische Rechtsakademie*, ERA), a German institution; the French National School for the Judiciary (*Ecole Nationale de la Magistrature*; ENM); and the EJTN.

Cooperation with stakeholders to promote the use and awareness of the EU Charter of Fundamental Rights

## Examples of cooperation between rights defenders and national authorities that contribute to a better awareness and use of the Charter

Institutions tasked with defending human rights are entitled to draw from a fund allocated for the purpose of funding activities to publicise the contents of the Nice Charter by the 2001 Italian Budget Law (Article 1, paragraph 573 of Law No 178 of 2001). The fund, which is managed by the Ministry of Justice, amounts to EUR 2 million for each of the years 2021 and 2022 and is earmarked for high-quality training projects that promote judicial culture in matters of international criminal law and human rights. The criteria for accessing the resources of the fund were established by a decree of the Minister for Justice, in consultation with the Minister for Economic Affairs and Finance, with evidence of long-term collaboration, consultation and cooperation with international bodies and institutions being a priority requirement.

## Examples of cooperation between national authorities and academia that contribute to a better awareness and use of the Charter

The national authorities have a close relationship with three of Italy's highest courts in particular: the Constitutional Court (*Corte costituzionale*), the Supreme Court of Cassation (*Corte Suprema di Cassazione*) and the Council of State (*Consiglio di Stato*).

The research department of the Constitutional Court publishes an annual report that compiles and explains interpretations of the European Charter of Fundamental Rights as they relate to constitutional principles. The [latest edition of the report](#) was published in June 2021 with the title *L'applicazione della Carta dei diritti fondamentali dell'Unione europea nella giurisprudenza della Corte costituzionale* (Applying the Charter of Fundamental Rights of the European Union to the case-law of the Constitutional Court), June 2021.

The [research department of the Supreme Court of Cassation](#) provides access to the most important rulings, including international and European case-law.

## Examples of non-governmental initiatives that promote the use and awareness of the Charter in your country

The National Bar Association (*Associazione Nazionale Forense*; ANF) is a member of the European partnership that is headed by the Bulgarian Lawyers for Human Rights Foundation and brings together other parties such as Confprofessioni (a confederation of which ANF is a member), the Milan Bar Association, the University of Burgos and Spain's General Bar Council (*Consejo General de la Abogacía Española*). The lead party and its partners won the European call for tenders to support transnational projects on judicial training covering civil law, criminal law or fundamental rights (JUST-JTRA-EJTR-AG-2017).

The Lawyers4Rights project aimed to achieve the following objectives: to promote knowledge of the origin, purpose and scope of the EU Charter of Fundamental Rights, to reinforce their role of responding to questions of protection arising from the issues of migration and terrorism, to raise awareness among beneficiaries of how the EU Charter applies at national level, to improve cooperation between legal professions, and to develop an understanding of the essential elements of applicable EU law in every national context.

The final conference was held on 24 June 2022 to present the results of the project and the main conclusions made on the level of awareness of lawyers and the application of the Charter of Fundamental Rights.

The project content can be found at: <https://lawyers4rights.eu/>

A number of other spontaneous initiatives, such as the organisation of training events and in-depth seminars by academics, focus pieces published in legal journals and newspapers, and exchanges of views on various mailing lists to which legal practitioners subscribe have also helped to publicise and raise awareness of the content of

the Charter.

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