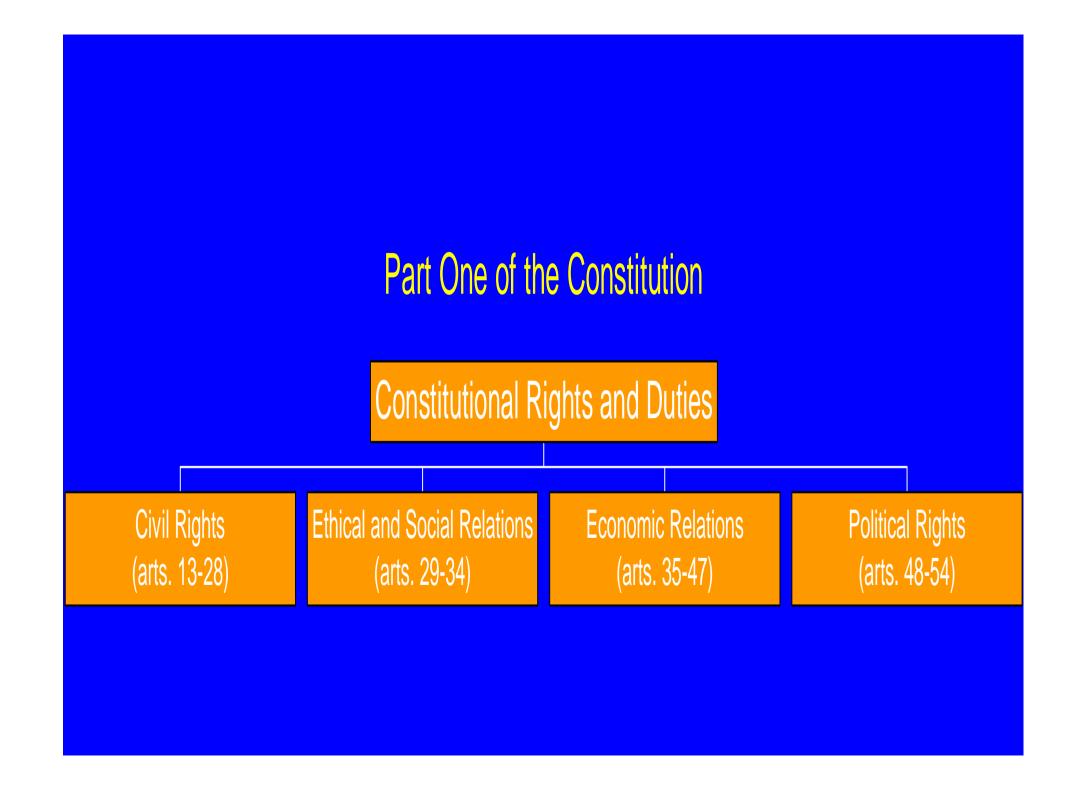
The Italian Constitution

- Fundamental Principles (The first 12 articles)
- Part one (articles 13-54)
 Constitutional Rights and Duties
- Part Two (articles 55-139)
 Organization of the Republic



Who is entitled to constitutional rights?

Not only the individual, but also "the social group" is entitled to constitutional rights, according to the Constitution

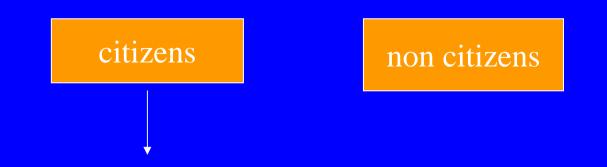
"The Republic recognizes and guarantees the inviolable rights of man, both as an individual and as a member of the social groups in which one's personality finds expression (Art.2)"

Social groups

• The family as "a natural association founded on marriage (art. 29)

- Local governments (art. 5)
- Linguistic minorities (art. 6)
- The Catholic Church and other Churches (arts. 7 and 8)
- •Trade unions (art. 39)
- •Political parties (art. 49)

The Constitution deals with individuals



Ius sanguinis (requires that a person must be the son or daughter of an Italian citizen) *Ius soli* (requires regular residence in Italy for five or ten years)

Some rights are given to all persons (i.e. health and education). Other rights (political rights and some welfare rights) are limited to citizens

Who is bound by rights afforded under the Constitution?

Is it only the State (in the broader sense of all the public bodies) or does this responsibility also extend to private corporations, where such corporations represent the so-called "private powers? The problem of the interpretation of constitutional rights

Can they be expanded by the Constitutional Court or is it necessary to adhere to the original meaning of the constitutional wording?

The Constitutional Court has held that no entity, public or private, shall abridge an individual's constitutional rights (decision no. 122 of 1970)

The interpretation of constitutional rights

The question is whether the "inviolable rights of man" mentioned in article 2 are only those analytically described and protected in the subsequent articles of Part One of the Constitution, or whether article 2 is "an open formula", "allowing for the discovery of new fundamental rights by the Constitutional Court"

Civil rights

They are referred to as negative rights (diritti negativi), because they prohibit the State from regulating or intervening in certain areas of private life.

Freedom of religion

Article 19 of the Constitution "All shall be entitled to profess their religious beliefs freely in any form, individually or in associations with others, to promote them, and to celebrate their rites in public or in private; provided that they are not offensive to public morality"

Article 1 of the Statuto Albertino "The Catholic, Apostolic, Roman Religion is the only Religion of the State. Other religions presently existing are tolerated according to the Law"

Freedom of expression

Article 21 protects the freedom of expression of everyone's thoughts, by any means of communications. It also provides that the freedom of the press can be limited only by subsequent seizure, and not by prior restraints like authorization or censorship. These limitations may be imposed by judicial order and only in cases expressly provided for by the law regulating the press or for offences to public morality

The Constitutional Court

The jurisprudence of the Constitutional Court has expanded the substantial limitations of the freedom of the press based on the principle of balancing constitutional rights. If a law in conflict with the principle of freedom of the press is rooted in another constitutional value and the balance weighs in favour of the latter, that law can be upheld, notwithstanding the limitation imposed on the press. The most common countervailing constitutional value is that of a person's reputation and privacy.

Welfare rights

The constitutional foundation of welfare rights is to be found in art. 3, par.2:

"it is the duty of the Republic to remove all economic and social obstacles which, by limiting the freedom and equality of citizens, prevent the full development of the individual and the participation of all workers in the political, economic ad social organization of the Country"

Social assistance

Social assistance is twofold: it consists of social security payments to people who are unable to work or who, for some reason, cannot make a living on their own; it also consists of mandatory insurance for workers in order to pay for their retirement pensions, accidents, healthcare and so on.

Constitutional duties

The main duties provided for in the Italian Constitution are:

- 1. The duty to participate in public expenditures through the payment of taxes (art. 53)
- 2. The duty to be faithful to the Republic art. 54)
- 3. The sacred duty to defend the Republic (art. 52)



Committine per 1 la Costotujime. Atumpa til 20 ligti 1945: anne le prenderse il decens su Porsis: Junge de preparie l'au Potti. Il Ciridente, mohre l'appello monicole des presente, de communisione vontre un momeno Plack. Si procede alla votassini per la comi uf del Previdente, Vatoro i 61 presento. The sequiles alle scrutimes resulte as aver enerts role Ruine 3.7 Infine 1 Calemonshert. Mostiofanni # Zaccomin " Selade his in Is Generic water of our Minim. Je preside akre volasioni pri il crevesier di 3 Vice Provolent Ju seguito alla servitario multino averanto voto: Cupini 27 Consissio 18 Ghadini 21 Calamansher Surfero 7 Brecoui 1 Zuccomin 2 June C Echanici à dussie i quitaini l'Entrois 1 Jelevie paule 1. Votenti Rigultano electi gle ou tupini, Ghichini Consense Se procede gaude alle volasioni per l'atessue d' 3 reglitan: dello scribino monitano over proti not: Reveni 50 Moli 12 Manuero 10 Chitto 7 Gartini 2 Bothi 1. Juchomi 1 Zuccarini 1 Festiti 1 La Rous ? La Cina 1. Borni 1. Clitto 7 Juchosmi 1

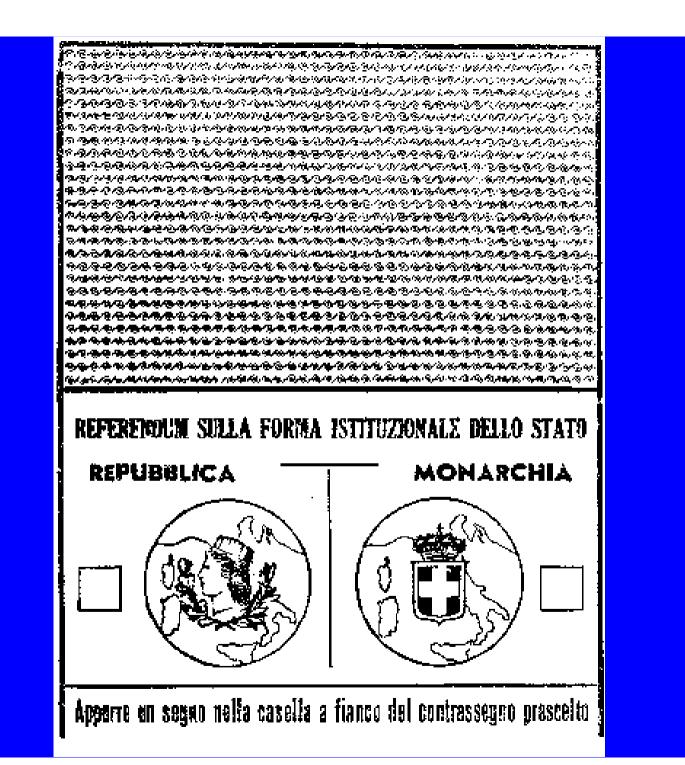
400 ASSEMBLEA COSTITUENTE AL. 1 All art. 4 fosti tuiliel sequente : * L'Italia rinuncia alla querra come strumento di politica nazionale ofin implications i ofin adesione a blocchi imperialitici. Accetta e propugua, a condicione ti reciprocità e di equagianza, qualsiasi limitacione de sovranita che sia necessaria at un orinamento in Ternacionale di pace, li giustizia e di mine Tra i popoli. te Valiani

REFERENDUM SULLA FORMA ISTITUZIONALE DELLO STATO

SCHEDA PER LA VOTAZIONE

FIRMA DELLO SCRUTATORE





	003	er supera i					· · ·	·
	≞ ≈ , ====						1.	
			0==				•	
							• :	
							• :	.
								:
		VERB	L Ï. E				· · · ·	-
relativo	alla proc	lamazione de	i cisultat:	1 (el "REPH	SRENDUM.	sulla		÷
	ſ	orma istituz	ionale dell	lc Stato			:	
		·	· ·					
:			- · · · · ·				· . j	- +
	· · .		. :				!]	
I.'onr	no milleney	ecentoquaren	tesel, add	1. Alle.	. dəl =	eee d1	siu-	
yna, in kome	., elle arc	· . /	. nol Pela	sso del Por	riscento	- Sela	101-	
La Luga			· . ·					
La.d	orte surrem	A DI CASSAZI	. 6, La EXC	iunite in ;	pubblica	adurane	4.	
		zesioni di o					· · . i	
		2 aprile 194	(1) (1) (1) (2) (2)			·	1	
aran Yungori	nnetiziais A	- ebiero (de	ор <u>м</u> е- 2196 			. : :		·
Sono	presenti i	SIGNON :		· · ·				•••
AGANC	Dott.	Сіпнарры		- Frimo J	Freeident	a .		
ERIGANTE	N	Saverio		- Trepil	ento di B	osiono		
MILFIORE	н	Carmelo		4		н		: .
nare served	н	Francesdo		1	11	ч.		
DATO .		Giuseppe		· · · · ·			• •	••••
COLAGROSSC	1) 1)	Enrico		· · _ · · · · · ·			•	
		FINICONCO						· · · ·
CURCIO	· <u> </u> ·			· · · ·	· · · · · · · · · · · · · · · · · · ·	•		
VIZALI	n	Giovanni	• • • • :	Consig	liere			•••
PIACENTINI	" P J	Merianc						۰.
ARTORANA	" Vert.	Michela						· · .
ZAPPULLI	4	Osrio	: . *	•		. * :		:
FASQUALE	. " .	RCCCC	· · · ·		• • •	•	•	.]
CEISPPA	•••••••••••••••••••••••••••••••••••••••	Fasquele			· · ·			
GABRIELI	" Prof.	Francesco	Pantalet	· · ·				
PASQUERA		Filippo		. н				
FIERINONTE	п	Giuseppe		д ч				
MANCINI	•	Rodolfo		- 1				
CHIEPPA	r.	Vincenzo		- +		•		: •
	<u>.</u>					. :	, ·	1.1
D'AFOLITO	л	Giuseppe					•	i į l
		•	•					: : ;
		•			•/ •			1

Preseie guindi alla soume dei veti su ripertati ettriouiti alle REPURENCA. Bi quelli attrivuiti alle MORARCHIA in tutti i Scilegi, e proclama i seguenti risultet! del "REFERENDIN, secondo quanto attestado i veriali sigusi. (Dodicinilionissicentosettunicdumilasettecentosecontsastta eeeeeeee *************** MONARCHIA : totale del voti 10.088.90 Riggimilioniselestottantettomilanovacertoeingra -----in Uarte, a norme cell'art. 19 fel D.T.T. 23 aprile 1946, mamaro 219,exettorà in altre adunanza il giudisis fefinilivo sulle contestazioni, le proteste e . i reclami presentati agli uffici delle sirgola sestioni o agli uffici controli ofreoscrizionali o alla stessa corte concernanti lo svolginonto della operazioni relativa . al "REFERENCIAL", integrare i rigeltati coi dell' delle segioni specce hencasti, ed ladicherà il munero conglessivo degli electori votanti e quello del voti nulli. Da cha è varbela. IL TRIMO PRESIDENTE a galat TL CARONALLINER CAPO SLEV AND CONSTRUCTION 1.06 13201344244

Seduta del 22 di cumbre 1947

VERBALE DI SCRUTINIO

URNA BIANCA: Palline bianche N. 455 » nore . » 62

URNA NERA:

Palline nore . N. <u>453</u> bianche » 6**2** »

I SEGRETARI moli





A. Eaterina Villaruna 23-1-19h8 Le invio un bozzetto per l'emblema della Republicar Ve lo spriego: 1 Come & sfalido le alpi el 1' Italia , la donna, con la fiaccola della civiltà, indica: 8) l'albero di ulivo : la paces b) il libro e la mazza , all'omtro fillolo: Varle tiquificare che la mora Italia repubblicana potra continuare ad essere creatrice di cioita solo nel lavoro, intellettuale e materiale, Visento e sublimato sella pace. Mariano frattallonos L'étérina Villarmora (Prov. laltanissetta)