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Human rights in Italy in the rulings of the Supreme Court, the Constitutional Court and Supranational Courts (Part II)

Summary

According to the multilevel system of the protection of human rights, the Italian constitutional order has established principles pertaining to the protection of rights and fundamental liberties. The entire Part I of the Constitution, divided in four chapters, has been dedicated to the recognition of fundamental principles as well as guarantees of the political, economic, social and cultural rights. Furthermore, the system of recognition of rights and freedoms has been complemented with the individualization of duties of the Italian citizens and other members of the society.

By virtue of the provisions contained in Title V of Part II of the Constitution, the regional and local self-governing bodies have been, accordingly, endowed with the functions and powers relating to the protection of human rights. The decisions of the Constitutional Court and the Supreme Court made in matters regarding the protection of human rights have also been of significance. Updating the catalogue of rights in a constant dialogue with the Court of Justice of the European Union and with the European Court of Human Rights, the Constitutional Court and the Supreme Court have contributed to the integration and development of the rights originally recognized in the text of the Constitution. Further, by making use of the opening clauses of the Constitution, such as these of Art. 2 and Art. 117 para. 1, which allow implementation within the domestic legal order of rights and freedoms set forth in international instruments, the Constitutional Court and the Supreme Court of Cassation have played an important role in the extension of the catalogue of constitutional rights in Italy. In other words, both Courts have developed the potential contained in the original provisions of the Constitution to make it possible for the new rights to be incorporated into the Italian constitutional order pursuant to the liberties recognized by the international community in positive law and the judicial decisions of supranational courts.

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