



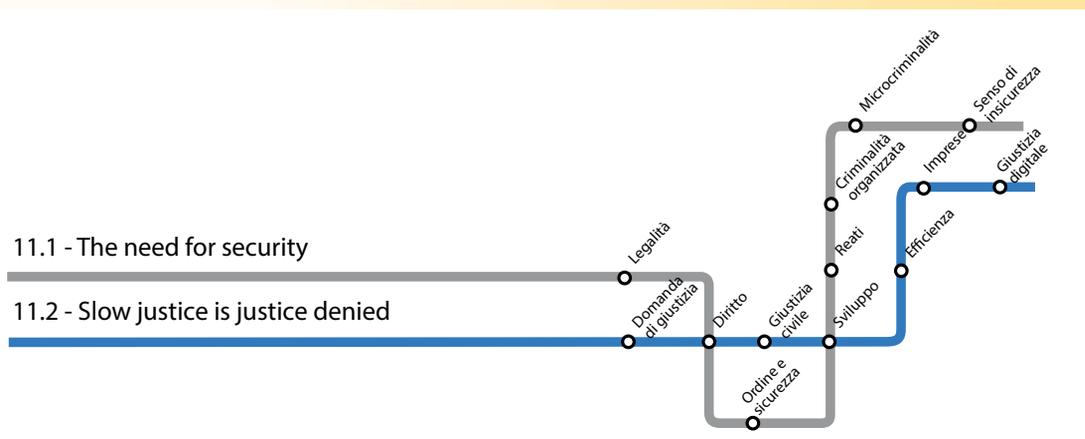
Justice, freedom and security: the fabric of all rights

In order for there to be true social inclusion, a precondition for the growth of the Country, it is necessary to ensure everyone the major social and civil rights. In this sense, justice, legality and security are the essential weft for the enjoyment of all other rights. In an international comparison, Italy displays important limitations: the most critical aspects are the lack of transparency, corruption, order and security, the inefficiency of the judicial system; the situation is better when it comes to defending fundamental rights.

A need for security is predominant in today's society: the situation of international stability causes worry, as well as the occurrence of new social conflicts and acts of violence in everyday life. The economic crisis has brought with it an increase in petty crime and, although in a less noticeable way, the growth of activities of criminal organizations also in regions commonly considered not at risk.

Access to an efficient judicial system is one of the founding principles of European democracies. Not only that, it helps to strengthen the confidence of citizens and businesses, triggering positive growth mechanisms. The European Union reiterates the need to improve national judicial systems as a way to simplify business operating conditions. Civil justice the Italy attracts strong criticism for the excessively long proceedings. Locally, the activity of the District of Venice is more efficient than most other districts in proceedings of first instance, less in the appeals process.

The performance of the judicial system would improve significantly if we invested more in digitalization, leading to a reduction of costs and process time, as well as a greater availability of information. But Italy still does too little.



**Justice, freedom
and security:
the fabric of
all rights**





11. Justice, freedom and security: the fabric of all rights

Legality and justice deeply impact on everyday life. A system of clear and efficient rules is essential to ensure civil cohabitation, resolve conflicts, improve the level of public services, promote greater equality and protect the people, especially those most vulnerable to injustice. It is also an important to favor the growth and economic recovery of society. The corruption or inefficiency of the judicial system can, instead, be a deterrent to foreign investors.

There are many dimensions that contribute to define the level of legality, security and civility of a society. The presence of guarantees for a correct and responsible exercise of the powers of the State, compliance with the law for the common good and transparent criteria; fighting corruption; protection of basic human rights; the level of crime, conflict and protection of public order; accessibility of justice; sustainability, efficiency and independence of the judicial system.

These are some of the aspects analyzed in the research “WJP Rule of Law Index 2014”, carried out by the World Justice Project¹, which compares the state of law in 99 Countries around the world, highlighting their strengths and weaknesses by using summarized performance indicators that show increasing values with higher levels of legality. In the international comparison, Italy presents some important limitations: with 63 points out of 100, it is in 29th place in the general ranking of the 99 Countries examined and, most importantly, displays delays and inefficiency compared to the 30 most industrialized and high-income Countries (27th out of 30). At the top of the rank are the northern European Countries, respectively Denmark, Norway, Sweden, Finland and the Netherlands, which are the first five. Slovenia, Portugal, Spain, Poland, the Czech Republic and Estonia also fare better.

The most problematic aspects that weigh down on the Italian system concern the lack of transparency (29th place among the 30 most industrialized Countries), order and security, the ineffectiveness of civil justice

(28th), corruption (26th); the situation, instead, is better when it comes to the recognition and defense of basic human rights (21st).

In terms of transparency, we should note the project Compass of transparency developed by the Ministry of Public Service, which, in line with the principles of Open Government, provides the administrations with operational tools to strengthen the transparency, participation and accountability of institutional websites, as well as the guidelines of the minimum content of their websites and the automatic and systematic monitoring of the adopted implementations. Every citizen can report or suggest specific situations and the findings of monitoring activity are available on-line, even in the form of a ranking. The website of Regione del Veneto is in third place in the majority of indicators, including that concerning payment transparency of the public administration.

11.1 The need for security

Ever since the Declaration of the rights of man and of the citizen of 1789, the right to security has been valued among the natural and inalienable rights, next to freedom, property, and resistance to oppression (art. 2).

Security is to be understood as doubly important, both as a responsibility of the State to protect citizens from risks and social dangers and as the individual's right to a secure existence, indispensable to exercise freedom and for the enjoyment of his other rights. As a right of the citizen, it must be viewed along with the other rights that define the conditions and limits within which security can be achieved: the State cannot pursue security at the expense of a person's life and freedoms, nor justify the violation of fundamental rights. Not surprisingly, the right to security is always associated to freedom, because the one is constitutionally viewed as the natural development of the other. In article 3 of the Universal Declaration of human rights (1948), for example, we read: “Everyone has the right to life, liberty and security of person”, echoed in the Charter of basic human rights of the European Union (art. 6). Security, rather than being an end in itself, therefore, becomes an instrument to foster freedom.

¹ World Justice Project is an independent international organization that aims to help to advance the judicial systems in various Countries.



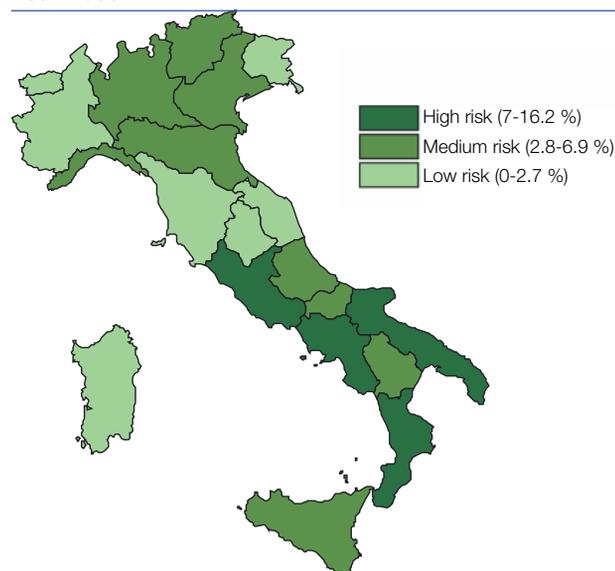
But not only: besides being a condition to exercising other rights or do other things, the right to security appears increasingly as essential value of the quality of life, which is vindicated and enjoyed per se; it is an inalienable value, an inseparable asset tied to human welfare and the dignity of the person. A need for security that is also predominant in today's society: the situation of international stability causes worry, as well as the occurrence of new intolerances and social conflicts or acts of violence in everyday life, which contribute to feeding a collective sense of insecurity. Even the most heinous crimes, once due mainly to organized crime, today often are committed in areas of everyday life, to the extent of breaching, in the most extreme cases, in the privacy of our home.

Moreover, the economic crisis also brings with it an increase in petty crime and, although in a less apparent way, a growth in the activity of criminal organizations, able to adapt their business to the new situation of economic difficulty of companies and people, which are suffering from lack of liquidity.

A survey by Censis-Confindustria conducted nationwide in 2013 points to the strong conviction among the entrepreneurs interviewed that the persisting of the economic crisis is fueling corruption and lawlessness at various levels: 19% say they have been victim of a crime in the past two years, 57% reports cases of usury and extortion of entrepreneurs in their area, especially from organized crime, and 52% report suspicious situations, where legal and illegal often intertwine, as frequent changes in the ownership of entrepreneurial activities that may be traced to money laundering or circumvention of laws. The infiltration of organized crime by now invests in a diversified way in many areas of the manufacturing system and is no longer just a problem of southern Italy. Already in 2008, the survey on the victimization of companies conducted by Transcrime³ on behalf of the Ministry of Internal Affairs denounced the presence of crimes related to organized crime, to the detriment of companies in regions not commonly considered at risk: Lazio is particularly exposed and, among the regions of the North, mainly Veneto, Lombardia and Emilia Romagna displaying medium to high risk values. 4.5% of the companies surveyed in Italy claims to have been a victim in the previous year of at least one offense potentially connected to organized crime, such as bribery, extortion, threats and intimidations.

The percentage for the South rose to 9.1%, is 4.2% in Central Italy and 3.6% in the Northeast, while the situation is more favorable for companies in the Northwest, with a risk of 2.7%.

Fig. 11.1.1 - Percentage of companies that claim to have suffered at least one offense of organized crime in the 12 months preceding the interview. Italy - Year 2008



Source: Regione Veneto Data Processing - Regional Statistical System Section on data of the Ministry of Interior, Transcrime

Definitely distant from other regional realities, even Veneto sees growing reports of extortion (312 in 2012, 252 in the previous year) and in a minimum part of those concerning usury (18 in 2012, 15 in 2011); this is certainly an underestimate, since this type of crime often remains underground due to the generalized difficulty to report it. In addition, 282 assets were seized/confiscated from organized crime in the last year⁴, while in the period 2008-2012 they were 147. From an analysis of the crimes reported by the Police to judicial authorities, it is clear that both in Veneto and Italy, there is an increase in the number organized

In 2012 in Veneto nearly 10,000 more crimes were reported

crime, starting from 2011, a turnaround compared to the downward trend that had

characterized the previous period 2008-2010. The crime rate in Veneto in 2012 is 4,131 crimes reported for every 100,000 inhabitants, corresponding in absolute terms to 201,102 reports, an increase of 5%

² Censis-Confindustria. Censis-Confindustria Survey on the economic crisis and legality. March 2013.

³ Transcrime, Università Cattolica del Sacro Cuore di Milano, Università degli Studi di Trento. Businesses that have been victims of organized crime in Italy. Report no. 16. July 2012. Transcrime - Joint Research Centre on Transnational Crime is the inter-university research Center on transnational organized crime of Università Cattolica del Sacro Cuore di Milano and Università degli Studi di Trento.

⁴ Ministry of Internal Affairs, data referred to August 2012-July 2013.



compared to the previous year; the rate, however, is still lower than that for Italy (4,734).

On a European level, the crime rate is higher, although displaying a steadily downward trend. The comparison, however, should be taken with caution, as the data is of the synthesis of rather diversified situations, of Countries with very different judicial systems and practices of reporting information about crime that are not always consistent.

Among the most common crimes in Veneto are theft (more than 117 000 reports, 58% of the total) and vandalism (23 thousand cases, 12% of reports), minor offenses, but precisely because they are particularly widespread, significantly affect the sensitivity of citizens and their perception of security.

Increasingly connected through the Internet, we're more vulnerable and exposed to new risks: the fast development and application of information technologies has created new forms of crime and violence, often to the detriment of the weakest. Internet scams and frauds are the third most reported type of offense (7,464 cases); if we consider also other digital

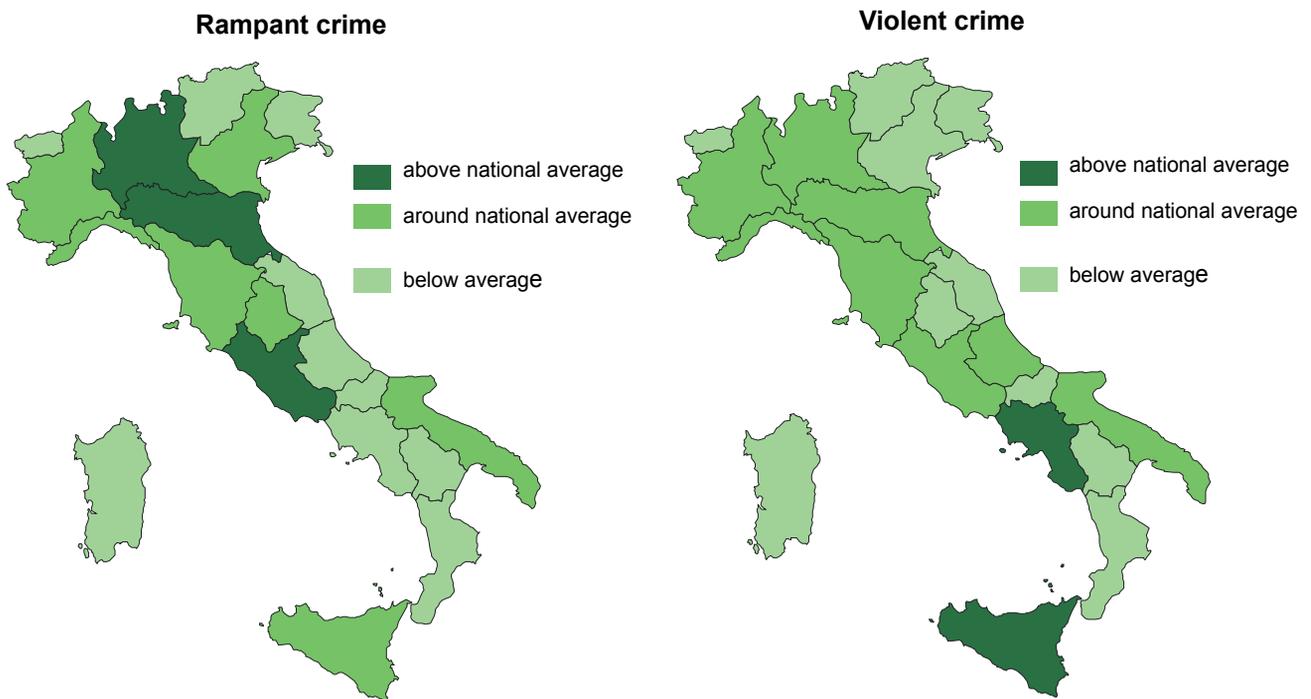
crimes (553), the whole sector records a growth of 18% in reports in a single year.

Violent crimes against the person are more severe, i.e. manslaughter, intentional injury and sexual violence. and against private property, such as robberies, which globally account for slightly more than 3%.

Compared to the previous year, violent crime is substantially stable, while petty crime (muggings, pickpocketing, car theft), theft in shops (+12%) and theft and robberies in homes (+19) are on the rise. The figures are 20,191 thefts and 185 robberies in homes, i.e. more than two thefts/robberies per hour.

The growth of street crimes is partly due to the difficult economic situation we are facing, which leads people to commit a crime driven by desperation because exhausted by poverty and social distress. But the growth of crime is also due to the greater difficulties faced by law enforcement officers in patrolling the territory, in light of the recent spending cuts to public order and security, in an attempt at streamlining processes.

Fig. 11.1.2 - Rampant and violent crime: rates per 100,000 inhabitants – Year 2012 (*)



(*) For the definition of violent and rampant crime, see Notes 5 and 6.

Source: Regione Veneto Data Processing - Regional Statistical System Section on data of the Ministry of Interior and Istat



The regional comparison indicates a strong concentration of violent crime⁵ in Campania and Sicily, partly attributable to organized crime, while rampant crime⁶ reports higher rates than the national average in regions where the large metropolitan areas are concentrated: Lombardia, Veneto and Emilia Romagna. Predatory offenses against private homes seem to involve especially Central-Northern Italy, presumably because of the greater economic wealth and the different lifestyles of families: higher employment rates, even for women, offer more opportunities to commit burglaries in homes, most often left unattended. Veneto, like the rest of the Northeast, belongs to the cluster of regions with very low crime rates, while for rampant crime, the rate is substantially in line with the national average.

Within Veneto, we notice a certain variability in the levels of crime, although all provinces share an increase in the phenomenon in the last year.

Venice and Padua, the provinces most at risk

The provinces most at risk, especially compared to rampant crime, are Venice

and Padua: notably in Venice the incidence rate of burglaries and robberies in homes exceeds the regional rate by more than 30% (Padua +20%). Belluno and Treviso, instead, are the less criminal areas, with crime rates also far below the regional average. In the face of increased levels of crime, also the sense of insecurity

The sense of insecurity among families and businesses is growing

and concern rises. Citizens think of crime as a when it comes to the critical issues

of the Country and it is something they sense daily, to the extent that is obviously greater for those who have been a victim, because the trauma for the offense suffered does not end with the episode, but lasts over time, generating the percentage of families in Veneto who believe that their home area is very much or rather exposed to the risk of a crime rises to 32% in 2013 (31% in Italy), when it was 25% two years earlier. Even businesses are affected by this concern and in Veneto, more than 30% considers the area in which it operates to be unsafe, especially if it is in an industrial area and not in an urban center, with the highest value among the regions of the North.

The presence of social and physical disorder affects the perception of a crime risk. Almost 40% of people

Tab. 11.1.1 - Violent and rampant crime rates (per 100,000 inhabitants). Italy, Veneto and Venetian provinces - Year 2012 (*)

	Total crime rate	2012/11	Violent crime	Rampant crime
Verona	4.379	7,2	156	2.582
Vicenza	3.551	4,5	123	2.110
Belluno	2.499	8,0	97	928
Treviso	2.966	11,4	91	1.785
Venice	5.207	3,6	169	3.165
Padua	5.038	8,9	156	2.914
Rovigo	3.568	4,5	132	1.860
Veneto	4.131	6,7	137	2.413
Italy	4.734	4,1	203	2.560

(*) For the definition of violent and rampant crime, see Notes 5 and 6.

Source: Regione Veneto Data Processing - Regional Statistical System Section on data of the Ministry of Interior and Istat

claims to see vagrants or degenerates roam around their home or to be the witnesses of acts of vandalism against public property. We then have cases of people running into drug-addicts (22%), drug dealers (13%) or prostitutes (13%), and finally 18% declares to live in proximity of degraded areas, near abandoned buildings, untidy green areas and dirty or neglected roads.

The concern reaches very high levels when it comes to the fear of a serious risk of being the victim of a crime: almost 78% of people fear they will be victims of a burglary in the home or of violent acts, such as purse-snatching, pickpocketing, aggressions, robbery, sexual violence. The concern is obviously greater for those who have been a victim, because the trauma for the offense suffered does not end with the episode, but lasts over time, generating fear and inducing a heightened perception of the risk of a crime for themselves and for others (87% of the victims claim to be worried of suffering another crime).

11.2 Slow justice is justice denied

Access to an efficient judicial system is one of the founding principles of European democracies and is established by the constitutional traditions common to member States. The European Convention on

5 The definition of "violent" crime includes, according to the information system of the Ministry of the Interior, massacres, manslaughter, attempted murders, infanticide, unintentional murder, intentional injuries, sexual violence, kidnappings, robberies and bomb attacks.

6 The definition of rampant crime includes all kinds of thefts and robberies in homes.



human rights establishes that “everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal”, recognizing the absolute and inviolable right to a fair trial (art. 6). For the Italian Constitution, the principle of impartiality of the court and the reasonable time of the hearing, along with the principle of opposition, are the key principles of a fair trial (art. 111). Not only that, an independent and efficient judicial system helps to strengthen the confidence of citizens and businesses in judicial institutions, triggering positive mechanisms of economic growth.

In defining the strategic priorities for action to relaunch growth, the European Union calls for investments in the modernization of the public administration to promote better services for citizens and businesses and adapt them to the needs of an increasingly digital economy. In this context, the European Union reiterates the need to improve national judicial systems as a way to simplify business operating conditions. In their investment decisions, in fact, companies also calculate the risk of being involved in commercial, labor and fiscal disputes, or in insolvency proceedings and, hence, the efficiency and timeliness of the judicial system in resolving disputes, the ability to administer justice in a definite time and with lower costs are decisive factors when choosing to invest in a certain Country. In the Oecd Report “Civil justice: how to promote efficiency?” of 2013 7, Italy presents critical issues

In Italy, it also takes eight years to issue a final verdict

for the unnecessarily long proceedings and the high number of pending cases.

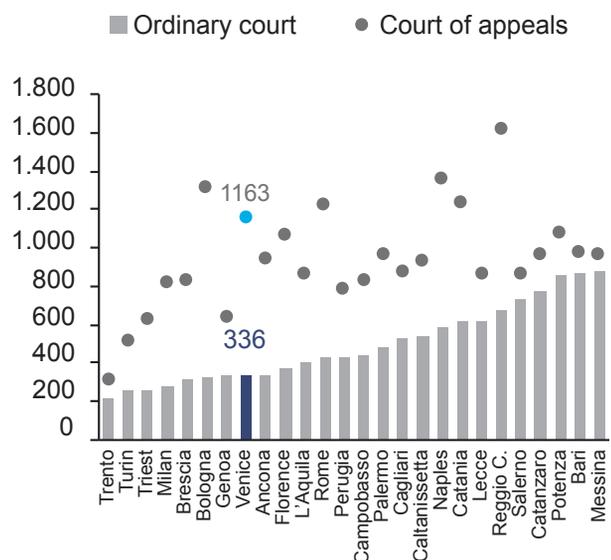
In 2010, in Oecd Countries it takes on average about 240 days to reach a verdict of first instance, an intermediate value between Japan’s best performance, which requires 107 days, and the longest waiting time (564 days) in Italy. The quality and efficiency of a judicial system should establish itself already in the first instance, an obligatory passage for anyone who appeals to a court.

Italy is at the bottom of the league in terms of the lengthiness of civil proceedings, also in the other two instances: 1,113 days for an appeal and 1,188 for the Court of Cassation, for a total of 2,866 days to come to a final verdict, almost 8 years.

The European Commission on Civil and administrative justice reaches the same conclusions in its latest framework assessment released in March of this year with updated data to 2012⁸. Compared to 2010, the situation in Italy is overall quite unchanged; the ability of the courts to cope with the demand for justice is stagnant, the time to come to a verdict of first instance continues to be too long and above all, the number of pending cases piles up, which are then difficult to handle. The shortcomings are, therefore, systems which would require urgent structural, corrective actions. In the European comparison, particularly critical is the length of proceedings for commercial lawsuits: about 600 days to arrive to a first-instance verdict, against the less than 200 in Germany or 300 in France.

Locally, the efficiency of the judicial system is quite varied. According to the latest data published by the Ministry of Justice referred to 2012, before the reorganization of the courts established by Leg. Decree no. 155 of September 2012, in the district⁹ of Venice, it takes 336 days to issue a verdict of first instance, better than in most of the other districts; second instance verdicts are not as efficient: in the case of an

Fig. 11.2.1 - Average duration in days of civil proceedings by district. Italy - Year 2012 (*)



(*) For the definition of Court of appeals district, see Note 9. Source: Regione Veneto Data Processing - Regional Statistical System Section on data of the Ministry of Justice

⁷ OECD (2013). Civil justice: how to promote efficiency?. OECD Economics Department Policy Notes, no. 18 June 2013.

⁸ European Commission. The 2014 EU justice scoreboard. March 2014.

⁹ A Court of appeals district is defined as the place of jurisdiction in the area of justice. The territorial organization in the districts of the Court of appeals does not always coincide with the regional constituencies: some districts include, in addition to the respective regional municipalities, some towns of a neighboring region. In 2012, the Venice Court of appeals had jurisdiction on the entire region of Veneto and the municipality of Erto and Casso (PN).



Tab. 11.2.1 - Civil justice in the courts: some indicators. Municipalities of the district of Venice - Year 2012 (*)

	Demand for civil justice (proceedings filed for 100,000 inhabitants. (a))	Processing index (b)	Average permanence in days (c)	Var.% 2012/08 in pending proceedings
Bassano del Grappa	2.996	50,3	353	4,4
Belluno	2.588	50,2	412	-9,0
Padua	3.506	52,2	353	-4,9
Rovigo	3.056	47,0	379	12,0
Treviso	3.905	56,2	276	6,5
Venice	2.910	42,9	389	-9,0
Verona	4.048	54,5	297	10,4
Vicenza	3.357	47,4	390	16,6
Totale district of Venezia	3.473	50,9	336	2,7
National total	4.487	45,1	459	-3,9
<i>(a) number of new proceedings over the year in civil affairs per 100,000 inhabitants</i>				
<i>(b) Processing index = (closed proceedings/ pending proceedings at beginning of year + new proceedings)*100</i>				
<i>(c) average time in days = (initial pending proceedings + final pending)/(Filed + Defined)*365</i>				
<i>(*) For the definition of the municipalities of a district, see Note 9. Source: Regione Veneto Data Processing - Regional Statistical System Section on data of the Ministry of Justice and Istat</i>				

appeal, another 1,163 days pass, overall more than 4 years, when in the district of Trento it takes only a year and a half.

Owing also to the increased presence of businesses, the demand for civil justice is higher in Verona, with 4,048 new cases of first instance submitted to courts in 2012 per 100,000 inhabitants whereas the regional average is 3,473, in Treviso (3,905) and Padua (3,506). Nevertheless, the response of the courts, in terms of lawsuits they can process and the duration of proceedings, is better than the regional average. The statistics in Vicenza and Rovigo are worse, where in the last five years the demand for justice dissatisfied has increased: the number of pending cases respectively grew by 17% and 12%.

Italy invests in digital justice only 1.9% of the budget

The performance of the judicial system is better in Countries

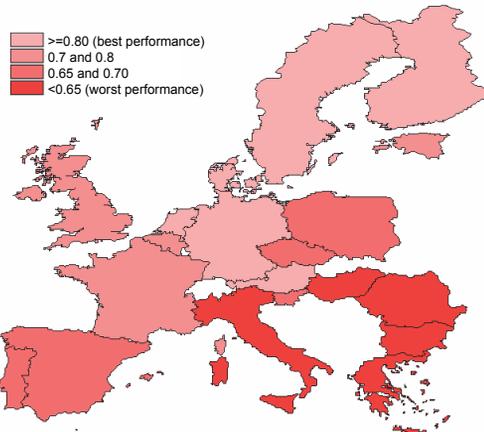
that invest more in digitalization, as the use of digital tools and technologies makes it possible to speed up the procedures, reduce costs and working time, ensuring more and better availability of information. For example, filing appeals electronically, considerably reduces the waiting time and costs for citizens and businesses, thus facilitating access to justice. Digitalized system also play an increasingly important role in cross-border cooperation between law enforcement authorities and thus facilitate the implementation of European Union regulations. In this area, Italy still invests little: to make things worse, in the total public budget allocated to legal justice, the share reserved for digitalization is 1.9%, one of the lowest worldwide. The relationship between digitalization and productivity is even stronger when users are more familiar with information and communication technology. That is also why digitalizing the judicial system and public administration in general must go hand in hand with policies designed to increase the level of digital skills in the population.



THE STATE OF HEALTH OF LEGALITY

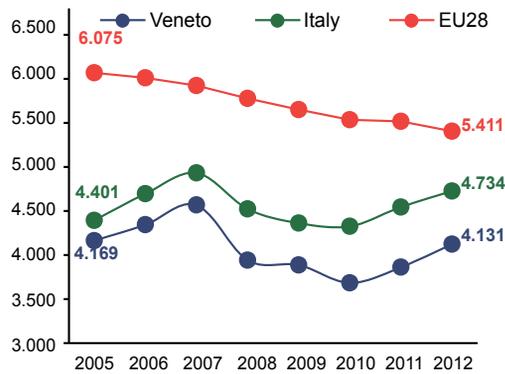
LACK OF TRANSPARENCY, CORRUPTION AND INEFFICIENCIES, THE PATHOLOGIES OF ITALY

Global Rule of Law Index 2014: synthetic indicator score for the rule of law in some Countries of EU27



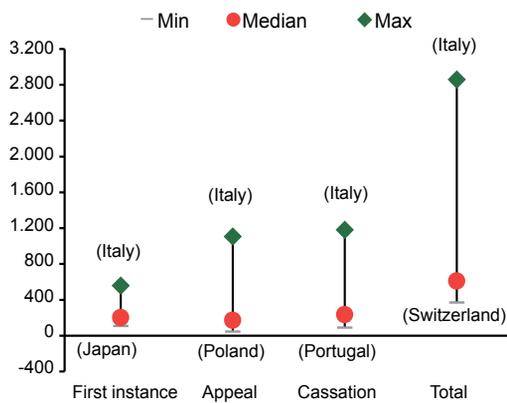
IN TIMES OF CRISIS, CRIME SOARS

Crimes reported by the police to the judicial authorities for every 100,000 inhabitants. Veneto, Italy and EU28 - Years 2005:2012 (*)



SEVERE SYMPTOMS IN CIVIL JUSTICE

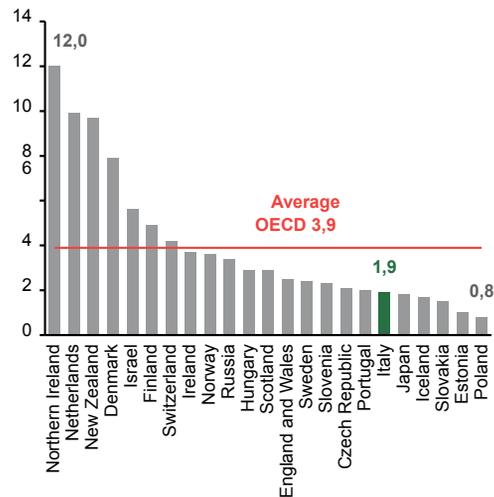
Duration in days of civil proceedings by instance in OECD Countries. Maximum, minimum and median values – Year 2010



In Veneto, in 2012, 336 days for a verdict of first instance, 1,163 days for an appeal.

... INVESTING MORE IN DIGITAL AMONG THE POSSIBLE CURES

Percentage of the public budget destined to justice invested in digitalization in OECD Countries - Year 2010



(*) The crime rate at a European level is calculated by comparing the crimes recorded by police in the 28 Countries of the European Union, except for Ireland (in 2007:2012) and France (in 2010:2012) because not available, with the reference population, multiplied by 100,000.

Has crime increased in recent years?

Starting in 2011, in both Veneto and Italy, a rise in crime has been reported, a turnaround compared to the downward trend that has characterized the previous period 2008-2010. The crime rate in Veneto in 2012 is of 4,131 crimes reported for every 100,000 inhabitants, corresponding in absolute value to

201,102 reports, an increase of 5% compared to the previous year, while remaining however lower than the national crime rate (4,734).

Among the most frequent crimes in Veneto are theft (more than 117,000 reports, 58% of the total) and vandalism (23 thousand cases, 12% of reports), minor offenses, but precisely because they are particularly widespread, significantly affect the sensitivity of citizens and their perception of security. In third place, Internet scams and frauds.

Compared to the previous year, violent crime is substantially stable: i.e. serious crimes against persons, including murder, intentional injury and sexual violence, and against private property (robberies), while petty crime (muggings, pickpocketing, car theft), theft in shops (+12%) and theft and burglaries in homes (+19) are on the rise. The figures are 20,191 thefts and 185 robberies in homes, i.e. more than two thefts/robberies per hour.

Is our judicial system efficient?

Access to an efficient judicial system is one of the founding principles of European democracies and is established by the constitutional traditions common to member States. Not only that, an independent and efficient judicial system helps to strengthen the confidence of citizens and businesses in judicial institutions, triggering positive mechanisms of economic growth. In civil justice, Italy presents critical issues for the unnecessary lengthiness of proceedings and the large number of pending cases: more than 500 days to reach a verdict of first instance (against an average in OECD Countries of 240 days), 1,113 days for an appeal and 1,188 days for a verdict of the Court of Cassation, for a total of 2,866 days to reach a final verdict, almost 8 years.

Locally, according to the latest data published by the Ministry of Justice referred to 2012, a civil lawsuit in the district of Venice takes an average of 336 days to reach a verdict of first instance, better than in most other districts; the second instance is not as efficient: in case of an appeal another 1,163 days pass, overall more than 4 years, when in the district of Trento it takes just a year and a half. The performance of the judicial system could improve significantly if we invested more in digitalization, because using digital tools and technologies would allow to speed up the procedures, reduce costs and working times, ensuring more and better availability of information. In this area, Italy still invests too little: to make things worse, in the total public budget allocated to legal justice, the share reserved for digitalization is 1.9%, one of the lowest worldwide.



Justice, freedom and security: the fabric of all rights

*At what point is the law in Italy?
29th out of 99
Countries in the world for the rule of law*

In Veneto, in 2012 reported offenses increase: +5% compared with the year before

House rats are growing in numbers: over 2 burglaries/ robberies in homes every hour

Venice and Padua the provinces most at risk

The percentage of those who think: "Crime is an issue for the Country, "I am afraid of being the victim of a crime, to stay only at home or go out at night" is increasing

Snail-pace proceedings: Italy at the bottom of the league in civil justice. Almost 8 years for a final verdict