

ITALY
Last updated: 7 August 2018

RULES/GENERAL LAWS	
General	<p>1. Codice Penale (Penal Code).</p> <p>2. Codice di Procedura Penale (Criminal Procedure Code).</p> <p>3. Military Penal Code (for war and peacetimes).</p> <p>4. Legge Number 145/2016 (Law on Italian participation in international missions).</p> <p>Italian military personnel are not always regarded on duty when deployed in missions, however disciplinary and criminal rules always apply to military personnel deployed in missions.</p> <p>The United Nations rules on prevention of sexual exploitation and abuse are enforced through pre-deployment training, unit orders and awareness raising campaigns as directed by the Chief of Staff Committee.</p>
SEA: military offence?	<p>Sexual exploitation and abuse are offences prosecuted under the Italian national Penal Code during peacetime. See Sezioni prima e seconda, Capo III, Titolo XII, Libro secondo of the penal code.</p> <p>During wartime sexual exploitation and abuse is considered a military offence, prosecuted by the military justice system. See Codice Penal Militare di Guerra (War military penal code).</p> <p>http://www.senato.it/japp/bgt/showdoc/17/DOSSIER/750635/index.html?part=dossier_dossier1-sezione_sezione2-h3_h32</p> <p>http://www.diritto24.ilsole24ore.com/guidaAlDiritto/codici/codicePenale/articolo/734/art-600-bis-prostituzione-minorile.html</p>
Powers of the Commanding Officer (CO)	<p>The Commanding Officer is authorised to promulgate rules and policies.</p> <p>The Commanding Officer also has disciplinary, administrative and criminal investigative powers exclusively regarding military offences.</p> <p>http://www.difesa.it/SMD/CASD/IM/ISSMI/Corsi/Corso_Consigliere_Giuridico/Documents/81190_ADEMP_CCORPO.pdf</p>
INVESTIGATION	
Who can investigate?	<p>Under Italian law investigations officers from the Arma dei Carabinieri who are deployed in the field are authorised to investigate all criminal allegations including those of a sexual</p> <p>http://www.difesa.it/Giustizia_Militare/Legislazione/PeacetimeMilitaryJudicature/Pagine/default.aspx</p>
National Investigation Officer (NIO)	<p>The National Investigations Officers (officers from Arma dei Carabinieri) are deployed together with Italian contingents/units.</p> <p>http://www.carabinieri.it/multilingua/en/as-a-result-of-the-particular-combination-of-member-of-the-armed-forces-and-poli_d030b8e3153548f18d3eb20f7d32b908</p>
PROSECUTION	
Referral	<p>National Investigation Officers refer completed investigations to the Italian Procura della Repubblica (Public prosecutor' office).</p> <p>http://www.difesa.it/SMD/CASD/IM/ISSMI/Corsi/Corso_Consigliere_Giuridico/Documents/81190_ADEMP_CCORPO.pdf</p>
Who can charge?	<p>During peacetime the national prosecutor has the authority to charge any alleged perpetrator. During wartime sexual exploitation and abuse allegations are considered military offences and therefore prosecuted by the military justice system. Hence the military prosecutor shall be authorised to charge an alleged perpetrator.</p>
JUSTICE	
Military justice	<p>Italy has a military justice system, which consist of three military tribunals. See Legge number 180/1981, Amendments to the military peace justice system and Legge 244/2007, Financial law.</p> <p>https://www.difesa.it/Giustizia_Militare/Legislazione/PeacetimeMilitaryJudicature/Pagine/default.aspx</p>
Deployable Court Martial?	<p>Italy has no peacetime deployable court martial system.</p>
DISCLAIMER	
<p><i>While the information contained in the Member State (MS) fact sheet is periodically updated, the United Nations does not guarantee that the information provided is correct, complete or up to date. The fact sheet reproduces content received from the Member State, and therefore, the United Nations is not responsible for the content nor can it guarantee its accuracy.</i></p>	