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|                                      |   | [PLEASE NOTE: This is a general template which must be integrated with any additional information requested for the Ph.D. Programme you are applying for in Annex A of the Selection Call] |  |
| <b>Curriculum Vitae Europass</b>     |   |  |  |
| <b>Personal information</b>          |   |  |  |
| Name(s) / Surname(s)                 | <b>Allegra Dominici</b>   |  |  |
| Address(esd)                         |   |  |  |
| Telephone(s)                         |   | Mobile:  |  |
| Fax                                  |   |  |  |
| E-mail                               |   |  |  |
| Citizenship                          |   |  |  |
| Date of birth                        |   |  |  |
| Sex                                  |   |  |  |
|                                      |   |  |  |
| <b>Work experience</b>               |   |  |  |
| Dates                                | 18 <sup>th</sup> February 2022  |  |  |
| Occupation or position held          | Forensis practice at the lawyer Paolo Dominici law firm   |  |  |
| Main activities and responsibilities | Assistance during trials, drafting of hearing's judicial documents, and fulfilments at the chancelleries and judicial offices of the district |  |  |
| dates                                | December 2020   |  |  |
| Types of business or sector          | Editor at online newspaper "Sistema Critico", monthly writing of articles regarding the law, politics and current affairs                     |  |  |
| dates                                | July 2019   |  |  |
| Type of business or sector           | Assistant educator at local summer kindergarden camp in Macerata Feltria.   |  |  |
| dates                                | July-august 2017  |  |  |
| Type of business or sector           | Bartender at "Bar pasticceria da Franci" in Macerata Feltria  |  |  |

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|   |   |                      |                 |                |    |  |
| <b>Education and training</b>               |   |                      |                 |                |    |  |
| Dates                                       | 6 <sup>th</sup> July 2022   |                      |                 |                |    |  |
| Title of qualification awarded              | Law degree with a grade of 110/110 cum laude  |                      |                 |                |    |  |
| Main subjects / occupational skills covered | Thesis in Constitutional Law, titled “The Constitutional face of punishment”, primarily describing and analysing recent trends on the constitutionality of sanctions in the Constitutional Jurisprudence fields.  |                      |                 |                |    |  |
| dates                                       | November 2020 / June 2022   |                      |                 |                |    |  |
| Main subject / occupational skills covered  | Students representative in the joint commission of the Law course   |                      |                 |                |    |  |
| dates                                       | May 2020  |                      |                 |                |    |  |
| Main subject/ occupational skills covered   | Writing workshop in criminal trial  |                      |                 |                |    |  |
| Dates                                       | April 2020  |                      |                 |                |    |  |
| Main subject/ occupational skills covered   | Laboratory for drafting administrative documents  |                      |                 |                |    |  |
| Dates                                       | 7 <sup>th</sup> July 2017   |                      |                 |                |    |  |
|   | Scientific High School diploma with a score of 89/100 at the Istituto Omnicomprensivo Montefeltro.  |                      |                 |                |    |  |
| dates                                       | May 2017  |                      |                 |                |    |  |
| Main subject / occupational skills covered  | PET Cambridge Certificate   |                      |                 |                |    |  |
|   |   |                      |                 |                |    |  |
| <b>Personal skills</b>                      |   |                      |                 |                |    |  |
|   |   |                      |                 |                |    |  |
| Mother tongue(s)                            | <b>Italian</b>  |                      |                 |                |    |  |
|   |   |                      |                 |                |    |  |
| Foreign language(s)                         | <b>English</b>  |                      |                 |                |    |  |
| Self-assessment                             |   | <b>Understanding</b> | <b>Speaking</b> | <b>Writing</b> |    |  |
| <i>European level (*)</i>                   |   | C1                   | B2              | B2             | B2 |  |
|   | (*) <a href="#">Common European Framework of Reference for Languages</a>  |                      |                 |                |    |  |
|   |   |                      |                 |                |    |  |
| Communication skills                        | I have always considered myself a very sociable person and I feel comfortable being in group and working together with other people in teams. I mostly developed those skills while I was part of the “A.S.D. Aquateam”, when won the regional competition in 2013. Since I was a child I always liked competing with |                      |                 |                |    |  |

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|                                    | <p>other people. I've been part of sports environments for most of my life, taking part in swimming, skiing, tennis and horse riding competitions.</p> <p>During my youth I've been part of several different activities organized by my local Church, participating as a member at first and as an assistant educator later, taking part in the management and organization of games and activities for children.</p>   |
| Organisational / managerial skills | <p>As a student, my ability to meet deadlines and efficiently organize study schedules while keeping up with other activities has been fundamental for my achievements. In particular, while studying for my Degree, being able to adapt and organize my commitments to the amount of study that are required by some particular courses proved to be extremely useful.</p>  |
| Job-related skills                 | <p>Writing has always fascinated me. During my fourth High School year, in 2016, one of my articles has been selected as a provincial finalist for the "Peace is welcome" competition held by the Marche Region. In November 2020, I was elected on behalf of students as the representative in the Joint Commission for the Law Study Course.</p> <p>The Italian Constitution and, in particular, events concerning Constitutional Jurisprudence of Legislative Institutes is one of my main interests. For this reason, in December 2020, I applied as an editor for the online newspaper "Sistema Critico", (a local ETS in the area of Pesaro that deals with social events and activities). I write monthly articles on law issues, economics, politics and current affairs, trying to make the most out of my competences in making these topics more accessible for everyone.</p> |
| Driving licence                    | Car driving license  |
| Attachments                        | <ol style="list-style-type: none"> <li>1- Abstract of Thesis "The Constitutional face of punishment"</li> <li>2- May's 2021 article for Sistema Critico "Scarcerazione di Brusca: Italia indignata, ma la Costituzione non è d'accordo"</li> </ol>   |

## 1- Attachment: Abstract of thesis "The Constitutional Face of Punishment"

### Abstract

In "*The Constitutional Face of Punishment*" an attempt was made to analyse the judicial review of criminal sanction measures. This constitutional review has always found itself in the delicate position of balancing compliance with the provisions of the Constitution and the need to guarantee observance of institutional balances.

The first chapter of this work contains an analysis of the principles, whether expressed or not, that the Constitution dedicates to criminal sanction and the meaning that these have acquired over the years through the contribution offered by constitutional law.

First among these lies the personality principle of the criminal sanction, first conceived to avoid sanctions for the actions of others, which were typical of the Fascist period. Then, with sentence No. 364 dated 1988, it came to assert itself as a principle aimed at determining the irrelevance of excusable error, to the point of assuming the connotations of a principle requiring a given sanctioning treatment to be structured around the characteristics of the subject to whom it is addressed.

These principles also include the proportionality principle, which has a dual addressee: the Legislator, who is called upon to provide for sanctioning procedures that are proportionate to the injury caused by the criminal act, and the Judge, who must provide proportionate sanctions.

A further principle concerns the re-educative purpose of sanctions, a principle whose importance was concealed in the first years of the constitutionality review. In fact, it was thought that the re-educative purpose was only one of the various purposes ascribable to the sanction; this orientation, which led to the theory of the poly-functionality of the sanction, changed with Judgement No. 313 dated 1990, in which the Judges of the Italian Consulta affirmed the significance of the re-educative principle as the primary purpose of criminal sanctions.

The second chapter provides an analysis of the evolution of the proportionality review. The second paragraph of Article 25 of the Constitution enabled, for a long time, the constitutionality of a sanctioning treatment to emerge in relation to a comparison between two cases, in the same way as a single constitutional parameter, namely Article 3 of the Constitution. This allowed the Consulta to respect the limit of legislative discretion and, at the same time, the case taken as *tertium comparationis* was used to avoid creating protection violations that could follow a declaration of non-constitutionality.

Following the origin of the concept of intrinsic proportionality, with Sentence No. 236 dated 2016, proportionality comes to be a requirement of the sanctioning measure, a necessity for it to be defined as constitutionally oriented. The fact that there is no need to identify a case to be compared to the sanctioning treatment denounced as non-constitutional makes the Court reach the so-called possible rhymes: for the purposes of a declaration of illegitimacy it is sufficient that the system as a whole can provide the Court with precise points of reference to guide its decision.

The third chapter concerns the way in which the jurisprudence of the European Court of Human Rights has contributed to progressively overcoming the limit of legislative discretion, before which the Consulta has often halted its review of sanctioning measures.

With the Engel sentence, the Strasbourg judges established a series of criteria by which to attribute the nature of "penalty" to a sanctioning measure, in order to contrast the issue of label fraud, i.e. the practice whereby the national Legislator, by qualifying a sanction as "non-criminal", bypasses the whole series of constitutional and conventional warranties reserved for penalties per se.

In Sentence No. 196 of 2010, the Constitutional Court aligned itself with this orientation, declaring the unconstitutionality of an administrative sanction insofar as it contrasted with the principle of non-retroactivity that Article 25 of the Constitution reserves for criminal sanctioning measures, due to its purely afflictive purpose that makes such a sanction, although formally administrative, substantially criminal.

The issue of respecting the Legislator's discretion particularly arises in the recent debate on the constitutionality of the institution of ostensive life imprisonment, a term coined by scholars to address that peculiar type of inmates to whom Article 4-bis of the Prison Ordinance reserves particularly rigorous treatment.

Access to prison benefits is made conditional on a presumptive index of ceased social dangerousness, such as cooperation with justice.

This system of preclusions has begun to give in through the operation of Sentence No. 253 dated 2019, with which the Judges of the Consulta ruled the non-constitutionality of the preclusion of access to the bonus permits, by virtue of the absolute presumption of social dangerousness associated with the non-cooperating prisoner.

To make this discipline compliant with the constitutional dictate, one last step is needed: the declaration of non-constitutionality of the preclusion of access to conditional release, this institution being the only one capable of making the discipline of life imprisonment compliant with the Constitution. Although, precisely because of this institution, Italy was condemned by the European Court of Human Rights for a violation of Art. 3 of ECHR, prohibiting any treatment contrary to humanity. Once the matter came before the Judges of the Consulta, they opted for the mechanism of the double ruling, allowing Parliament a period of time within which to rectify a discipline whose non-constitutionality emerges from the suspension order. By doing so, they avoided both invading the sphere of the legislature's powers and creating loopholes of protection following an upheld ruling. However, in this way, many prisoners cannot gain access to conditional release because of a law whose non-constitutionality has already been informally declared by constitutional Judges.

Lastly, a closing aspect concerns the hard prison regime that Article 41-bis of the Penitentiary Ordinance reserves for a particular type of inmate: mainly leading members of criminal organisations. The Court intervened with a series of pronouncements aimed at verifying that any further limitation of personal freedom was justified by the need to ensure the absence of ties with the criminal association from which the prisoner came.

A key conclusion can be drawn from this work: although criminal law is essential to ensure peaceful coexistence, it cannot be accepted as a fact, but rather its ethical foundation must always be sought.

To quote the Minister of Justice Cartabia, *"the safeguard of fundamental rights becomes more pressing when they are placed before the punitive power of the State. If there is an instrument to tackle injustice, that is law. If there is an instrument to ensure respect for the rights enshrined in the Constitution, that is constitutional justice"*.

## **2- Attachment: May's article for Sistema Critico**

### **Scarcerazione di Brusca: Italia indignata, ma la Costituzione non è d'accordo**

Nel Maggio del 2021 si sono succeduti una serie di eventi tra loro connessi. La Corte costituzionale si è trovata a dover decidere su una questione alquanto controversa: la costituzionalità dell'istituto dell'ergastolo ostativo. Nel frattempo, dopo pochi giorni dall'anniversario della strage di Capaci, Brusca è stato scarcerato per aver collaborato con la giustizia, nonostante avesse confessato la sua colpevolezza a riguardo della stessa strage.

#### **l'ergastolo ostativo e la scarcerazione dei mafiosi**

E' chiamato ostativo l'ergastolo inflitto a soggetti condannati per il reato di associazione mafiosa. Di norma, la condanna all'ergastolo ammette diminuzioni di pena per buona condotta: è possibile ottenere la liberazione condizionale dopo aver scontato venticinque anni in carcere con buona condotta. Tuttavia per i mafiosi la possibilità di ottenere questo tipo di beneficio è preclusa, fatta eccezione per quei soggetti che decidano di collaborare con la giustizia, fornendo ai magistrati informazioni rilevanti su altri soggetti indagati per lo stesso tipo di reato secondo la Corte questo tipo di "scambio" di benefici: informazioni rilevanti e libertà; può essere contrastante con ciò che sancisce l'articolo 27 della Costituzione. Secondo questo articolo infatti, [la pena della reclusione in carcere](#) deve avere come obiettivo una finalità risocializzante e rieducatrice. I pentiti che decidono di collaborare possono essere sottoposti ad una grande pressione. La decisione di aiutare i magistrati, per ottenere la libertà, può comportare enormi sacrifici perchè spesso queste persone si trovano ad essere nel mirino degli appartenenti ad associazioni mafiose ancora in circolazione. la Corte si è limitata ad ["avvertire" il Parlamento](#) di questo contrasto tra la legge che impone la collaborazione per ottenere la libertà e la Costituzione.

#### **la scarcerazione di Brusca**

Nel frattempo, l'Italia si è indignata dinnanzi alla scarcerazione di colui che materialmente ha fatto esplodere le tonnellate di tritolo posizionate a Capaci, provocando la morte del magistrato Falcone, la moglie e cinque agenti della scorta.

Per ironia della sorte, se così si può dire, è stato lo stesso Falcone a volere la legge che fornisse questa possibilità per i mafiosi. Falcone riteneva che questa legge potesse essere lo strumento idoneo per consentire una più efficace persecuzione dei delitti tanto spinosi quali quelli di associazione mafiosa. Grazie alle numerose confessioni di Brusca, e alle informazioni fornite dallo stesso, è stato possibile porre fine a numerose indagini che da tempo erano irrisolte.

la popolazione italiana si è però mostrata assolutamente contraria alla concessione della libertà a Brusca. Com'è possibile che dopo aver pianto i magistrati che con la loro vita hanno combattuto la mafia, che dopo quasi trent'anni dai due attentati, colui che ne è responsabile possa tranquillamente tornare alla libertà? Come ci si può sentire tutelati se un criminale tanto pericoloso, che ha confessato crimini inimmaginabili, sia tornato in circolazione proprio per effetto della stessa Legge che dovrebbe salvaguardarci da personaggi del genere?

### **la legge e la Giustizia**

la Costituzione è e dovrebbe essere la carta che sancisce i principi cardine dei cittadini di un Paese. Com'è possibile che la Corte costituzionale possa denunciare l'incostituzionalità di una legge poichè troppo poco garantista alla luce della Costituzione; se per effetto di quella stessa legge è stata permessa la scarcerazione di un pluri-omicida mafioso come Giovanni Brusca?

Secondo Pietro Grasso (ex Presidente del Senato ed ex magistrato antimafia) la questione non ha nulla a che fare con la riprovazione morale. "E' la legge e il suo rispetto che ci permette di distinguerci da chi odia la legalità; è la legge a fondare e distinguere uno Stato di diritto da uno Stato basato sull'istinto".

Avere un ideale di giustizia così forte da permettere di evitare polemiche sulla scarcerazione di Brusca sarebbe inumano. La Giustizia è un ideale, perfetto ed utopico; nelle mani di esseri umani non può che subirne i limiti. E' forse impossibile metterci nelle mani della legge ed affidarci completamente ad essa; ma non ci resta che provare.