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**Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21**

**Italy\***

The present report is a summary of 28 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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\* The present document was not edited before being sent to United Nations translation services.



## Information provided by stakeholders

### A. Background and framework

#### 1. Scope of international obligations<sup>2</sup>

1. The Joint Submission 4 (JS4), Joint Submission 9 (JS9) and Unione forense per la tutela dei diritti umani (UFTDU) recommended that Italy ratify ICRMW.<sup>3</sup>
2. Human Rights Watch (HRW) regretted Italy had yet to fulfil its pledges to ratify the CPED.<sup>4</sup>
3. Joint Submission 3 (JS3) recommended that Italy ratify OP-CRC-IC.<sup>5</sup>
4. Association “Comunità Papa Giovanni XXIII” (APGXXIII) recommended that Italy accede to the 1961 Convention on the Reduction of Statelessness.<sup>6</sup>
5. The Council of Europe Group of States against Corruption (CoE-GRECO) underlined the need for Italy to ratify the Criminal Law Convention on Corruption and its Additional Protocol and fully incorporate them into national law.<sup>7</sup>
6. Associazione 21 luglio (ASSO21) stated that Italy had not yet ratified the Additional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.<sup>8</sup>

#### 2. Constitutional and legislative framework

7. The Joint Submission 5 (JS5) and Nonviolent Radical Party Transnational Transparty (NRPTT) noted that, in March 2014, the Senate had passed a bill introducing the crime of torture into Italian legislation.<sup>9</sup> NRPTT stated, however, the text did not adhere to the letter and spirit of CAT as it was not specifically applied to public officers. Furthermore, the law mandated life imprisonment as the ultimate sentence, should the acts provoke the death of the person which was not in line with article 27 of the Constitution.<sup>10</sup>
8. JS9 and JS4 recommended that Italy introduce new penitentiary law only for minors in order to give more space to re-educational programmes and to reduce the impact of disciplinary measures.<sup>11</sup>

#### 3. Institutional and human rights infrastructure and policy measures

9. A number of organizations expressed concerns that Italy had failed to establish a national human rights institution (NHRI) in accordance with the Paris Principles, despite having accepted recommendations to this effect.<sup>12</sup> The Joint Submission 1 (JS1) recommended that Italy implement the voluntary pledges undertaken in 2007<sup>13</sup> and 2011<sup>14</sup> in connection with its membership to the Human Rights Council, and start a participatory process, including the hearing of the civil society, in order to establish an NIHR in line with the Paris Principles.<sup>15</sup>
10. APGXXIII, Defence for Children International Italy (DCI-Italy), and JS3 indicated that, although the National Action Plan for Children was a bi-annual instrument established by law in 1997, only four National Action Plans were approved since. The last from 2011 was not funded.<sup>16</sup>
11. JS3 and JS6 noted that a law for the creation of a National Children’s Ombudsman was approved and the first National Children’s Ombudsman was appointed. However, only

a few regional ombudsmen appeared to have been appointed, with considerable differences in skills, resources and manner of operating.<sup>17</sup>

12. Amnesty International (AI) indicated that Italy had not implemented accepted UPR recommendations to strengthen the National Office against Racial Discrimination (UNAR).<sup>18</sup> According to AI, UNAR's ability to combat discrimination remained limited due to its lack of independence from the Government.<sup>19</sup> The Joint Submission 2 (JS2) stated that the mandate of UNAR had been extended to deal with the elimination of discrimination on grounds of sexual orientation and gender identity, however, this was not included in legislation.<sup>20</sup> The Council for Europe Commissioner for Human Rights (CoE-Commissioner) regretted that the severe downsizing of UNAR might thwart the chances of achieving Roma inclusion.<sup>21</sup> The European Commission against Racism and Intolerance of the Council of Europe (CoE-ECRI) recommended that Italy give UNAR a more prominent role.<sup>22</sup> ASSO21 recommended that Italy effectively address hate speech against Roma and Sinti by reinforcing the mandate of the UNAR.<sup>23</sup>

13. JS4 indicated that Italy had established a national body for the prevention of torture and other forms of ill-treatment in prisons, as required by OP-CAT.<sup>24</sup> JS4 recommended that Italy intensify efforts to appoint its members and ensure the effective exercise of its functions.<sup>25</sup>

14. The Joint Submission 8 (JS8) was concerned that human rights education was not part of school programmes nor of teacher training.<sup>26</sup>

## **B. Implementation of international human rights obligations**

### **1. Equality and non-discrimination**

15. International Center for Advocates against Discrimination (ICAAD) stated that, despite Italy's acceptance of UPR recommendation No. 84.34<sup>27</sup>, the presence of women in the labour market was concentrated in less stable, low-wage sectors, and women remained underrepresented in senior positions. Unemployment was also gender-skewed, especially in the southern regions of the country.<sup>28</sup>

16. JS9 stated that migrant women and those in the Roma and Sinti communities faced multiple forms of discrimination.<sup>29</sup> ICAAD raised similar concerns.<sup>30</sup>

17. ICAAD noted that Law No. 482/1999, prohibiting discrimination against "linguistic minorities," by requiring stability and duration in a particular geographic region excluded Roma, Sinti and Travellers from the definition of "linguistic minorities".<sup>31</sup>

18. CoE-ECRI stated that there was significant room for improvement in combating hate speech and protecting Roma and migrants from violence and discrimination. According to CoE-ECRI, there was racist discourse in politics, and migrants, in particular, were regularly equated with insecurity.<sup>32</sup> The Organization for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights (OSCE/ODIHR) raised similar concerns.<sup>33</sup>

19. ASSO21 and CoE-Commissioner stated that anti-Gypsyism was a deep-rooted and endemic phenomenon, mainly fueled by the media and political discourse at local level.<sup>34</sup>

20. EU-FRA indicated that, in the last few years, there had been violent attacks against Roma and migrants and murders motivated by racism and xenophobia.<sup>35</sup>

21. HRW indicated that prosecutions for racially-motivated attacks were rare, due to a narrowly-drafted hate crime statute and insufficient training of law enforcement and judicial personnel. Incomplete data collection compounded the problem.<sup>36</sup>

22. HRW stated that Italian criminal law provided for enhanced penalties of up to one-half for perpetrators of crimes aggravated by racist motivation. However, the wording of the statute was restrictive, as it spoke of racist “purpose” rather than “motivation”, and failed to acknowledge explicitly the possibility of mixed motives.<sup>37</sup>

23. European Roma Rights Centre (ERRC) recommended that Italy publicly condemn and punish all forms of racist violence and use of racist and xenophobic speech against Roma by public and/or private actors and guarantee Roma physical security and free access to legal aid; re-establish adequate penalties against incitement to racial discrimination and violence; effectively and proactively implement the anti-discrimination law.<sup>38</sup>

24. CoE-ECRI also indicated that anti-Muslim prejudice and anti-semitism persisted.<sup>39</sup>

25. ICAAD and JS4 stated that discriminatory attitudes with respect to sexual orientation and gender identity were prevalent.<sup>40</sup> ICAAD indicated that these attitudes inhibited the access of lesbian, gay, bisexual and transsexual (LGBT) persons to equal employment and led to bias-motivated crimes. Furthermore, same-sex couples were not provided with legal recognition. The absence of a prohibition on discrimination based on sexual orientation or gender identity in the Constitution perpetuated these problems.<sup>41</sup> JS2 raised similar concerns.<sup>42</sup>

26. ICAAD noted that public awareness campaigns launched by the Government did not include information to address transphobia and did not combat discriminatory attitudes against the entire LGBT population.<sup>43</sup>

27. ICAAD indicated that the protection of the LGBT community was gravely impeded by provisions in Italy’s Criminal Code. Prohibitions on hate speech did not cover homophobia.<sup>44</sup> According to JS9, the Government and Parliament had fiercely opposed the approval of a rule against acts of discrimination against LGBT persons.<sup>45</sup> AI, the European Union Agency for Fundamental Rights (EU-FRA), and JS2 raised similar concerns.<sup>46</sup>

## **2. Right to life, liberty and security of the person**

28. AI stated that Italy had taken no measures to increase police accountability at the systemic level despite investigations and judicial proceedings surrounding the Genoa G8 abuses against demonstrators and numerous cases of deaths in custody and ill-treatment by police.<sup>47</sup> International Service for Human Rights (ISHR) recommended that Italy undertake, with civil society, a review of the laws and protocols governing the management of protests and the use of force, including lessons learned from Genoa 2001.<sup>48</sup>

29. JS4 indicated that torture and other practices of ill-treatment were prevalent in the prisons and recalled that, in January 2013, the European Court of Human Rights (ECtHR) had recognized, in the *Torreggiani* case, the systemic and recurring character of the degrading life conditions in the Italian jails.<sup>49</sup> AI raised similar concerns.<sup>50</sup>

30. The Council of Europe’s Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE-CPT) recommended that law enforcement officials throughout Italy be reminded, at regular intervals, that all forms of ill-treatment (including verbal abuse) of persons deprived of their liberty were not acceptable and would be punished accordingly.<sup>51</sup>

31. CoE-CPT recommended that the relevant authorities ensure that, in all law enforcement agencies, persons who have been deprived of their liberty are fully informed of their rights from the very outset of their deprivation of liberty. This should be ensured by provision of clear verbal information from the very outset, to be supplemented by provision of the information sheet on the rights of detained persons immediately upon arrival at a law enforcement establishment. The persons concerned should also be requested to sign a

statement attesting that they have been informed of their rights in a language which they understand.<sup>52</sup>

32. JS4 indicated that the maximum length of remand custody was particularly high. The Criminal Procedural Code provided for cases of compulsory remand custody according to the type of criminal indictment. The Constitutional Court had intervened many times, stating that compulsory remand custody was unlawful for most types of crimes.<sup>53</sup>

33. CoE-CPT recommended that Italy pursue vigorously its endeavours to combat prison overcrowding, including through increased application of non-custodial measures during the period before any imposition of a sentence.<sup>54</sup>

34. JS4 and JS9 indicated that overcrowding was also caused by the revised and stricter penal treatment of drug-trafficking and related crimes, legislative measures recently overturned by the Constitutional Court.<sup>55</sup>

35. APGXXIII stated that some children, whose mothers were incarcerated, lived in prison. It recommended that Italy broaden the protections provided for in the national laws to all children and, choose alternative measures to detain mother and children, for example, in family-like centres.<sup>56</sup>

36. APGXXIII indicated that, according to Law No. 356/92, some crimes were considered so alarming that those who had been convicted would not enjoy extramural treatment<sup>57</sup>, unless they cooperated with the judicial authorities. This was similar to the so-called whole-life orders. Many prisoners serving a life sentence could not enjoy any penitentiary benefits and died in prison, contrary to various international human rights instruments Italy is party to, as well as the Constitution.<sup>58</sup>

37. NRPPT stated that article 41 bis of the Prison Administration Act, which allowed suspension of certain prison regulations<sup>59</sup> against people imprisoned for particular crimes, e.g. mafia involvement, drug-trafficking, homicide, terrorism, etc. violated ICCPR and the Constitution.<sup>60</sup>

38. JS4 stated that the number of non-Italians in comparison to Italians held in custody was high. This high rate of incarceration was the outcome of immigration laws of 2002 (Bossi-Fini law), which forced many migrants into illegality, including potential asylum seekers.<sup>61</sup>

39. EU-FRA, HRW and ICAAD noted that, following a 2011 change, Italian law allowed for immigration detention of up to 18 months in Identification and Expulsion Centers (CIEs), the maximum duration allowed under EU law.<sup>62</sup> HRW reported that these closed facilities were generally not suited for long-term stays, and material conditions and access to recreational activities, healthcare, and legal counsel varied significantly.<sup>63</sup>

40. Several organizations expressed deep concern that violence against women remained a significant problem.<sup>64</sup>

41. ACISJF-IN VIA a constaté que le nombre de femmes tuées en 2013 s'élevait à 128. La violence sur les femmes se déroulait le plus souvent en famille.<sup>65</sup> JS4 indicated that incidents of domestic violence resulting in femicide continued to concern society consistently. JS4 recommended that Italy continue its efforts to curb violence against women and femicide, particularly in the domestic context, and combat impunity.<sup>66</sup>

42. ICAAD indicated that violence against women, in particular sexual violence, persisted at staggering levels and shelters remained overcrowded and underfunded.<sup>67</sup>

43. JS3 indicated that there were many cases of child prostitution involving boys. Male prostitution was particularly prevalent in Roma communities.<sup>68</sup>

44. JS6 recommended that Italy approve a National Plan for the prevention of and fight against, abuse and sexual exploitation of minors; establish a database pertaining to the phenomenon of sexual abuse of minors; and allocate sufficient resources to fight the phenomenon of said abuses.<sup>69</sup> JS3 made similar recommendations.<sup>70</sup>

45. Global Initiative to End All Corporal Punishment of Children (GIEACPC) stated that legislation had not been reformed explicitly to prohibit corporal punishment against children in the home. GIEACPC hoped that the UPR Working Group would make a specific recommendation that legislation be enacted to enshrine the 1996 Supreme Court ruling and explicitly prohibit corporal punishment in the home and all settings.<sup>71</sup> JS3 made a similar recommendation.<sup>72</sup>

46. JS8 expressed its deep concern that, over the last ten years, the number of identified trafficked or exploited victims had increased.<sup>73</sup> ICAAD indicated that initiatives to assist trafficking victims were severely undermined by the “Security Package”.<sup>74</sup>

47. ACISJF-IN VIA a constaté qu’il n’y avait pas toujours une pleine volonté politique de stopper le phénomène de la traite des êtres humains. Les procédures d’assistance aux victimes variaient selon les régions. Les lignes de travail des forces de l’ordre n’étaient pas appliquées sur tout le territoire de la même façon.<sup>75</sup>

48. Associazione studi giuridici sull’immigrazione (ASGI) stated that there was no effective compensation scheme for victims of trafficking and the number of cases in which the victims were compensated was very limited.<sup>76</sup>

### **3. Administration of justice, including impunity and the rule of law**

49. CoE-Commissioner stated that the excessive length of court proceedings was a long-standing human rights problem in Italy.<sup>77</sup> NRPTT reported that there were some three and a half million ongoing criminal proceedings, which had lasted over five years. The situation of civil justice was even worse, with over five million ongoing proceedings with an average duration of seven years.<sup>78</sup>

50. EU-FRA noted that detention decisions were taken by a justice of the peace who, being a non-professional judge, might not have the adequate legal competence and specialized knowledge of the rights of foreigners.<sup>79</sup>

51. ISHR recommended that Italy ensure that due process is followed and no abuse of the judicial system is allowed in cases against human rights defenders and journalists and provide mechanisms for independent review of cases in which such abuses are alleged.<sup>80</sup>

52. DCI-Italy stated that the Italian system did not provide for any form of victim-offender mediation and penal mediation was not regularly practised. Overcrowding in some juvenile detention centres affected the quality of care services.<sup>81</sup>

53. DCI-Italy indicated that foreign children, and to some extent, Italian children from the southern part of the country were disadvantaged by the Italian juvenile justice system.<sup>82</sup> JS3 stated that foreign children were convicted more often than Italian children, spent longer in pre-trial detention, and were less likely to benefit from alternative measures to detention, judicial pardons or parole.<sup>83</sup>

54. ASSO21 stated that Law No. 654/1975 criminalized incitement to racial hatred. However, in practice, Italian politicians found guilty of these crimes were not punished for their conduct. Over the years, the provisions of this law had been progressively weakened, fostering a climate of impunity.<sup>84</sup>

55. JS9 stated that the new anti-corruption law adopted in November 2012 needed to be accompanied by further accountability tools.<sup>85</sup> CoE-GRECO had identified critical shortcomings in Italy’s party funding system. The control performed by public authorities

of political funding was fragmented. CoE-GRECO urged political parties to develop their own internal control systems and subject their accounts to independent audit. CoE-GRECO also recommended more transparency in political finances. Anonymous donations must be banned.<sup>86</sup>

#### **4. Freedom of religion or belief, expression, association and peaceful assembly**

56. The Joint Submission 10 (JS10) indicated that, since 2012, the Council of State, legal administrative consultative body, had recommended that a religious community be comprised of a minimum of 500 members in order for its pastor to be accredited. Non-recognized pastors were not able to carry out certain activities such as celebrating marriages or visiting prisoners and sick people in hospitals. Their churches remained unregistered.<sup>87</sup>

57. The European Commission for Democracy through Law (CoE-Venice Commission) indicated that criminal defamation provisions in force did not fully meet the European standards on freedom of expression.<sup>88</sup> ISHR recommended that Italy decriminalize defamation and reform laws.<sup>89</sup>

58. JS9 stated that Italy still lacked a proper Freedom of Information Act. Requests for access to information that aimed to monitor the work of public authorities were still not admissible.<sup>90</sup>

59. JS9 indicated that the issues of main concern relating to freedom of expression were the persistent failure to address the conflict of interest of senior political figures with vast media holdings and the procedure to appoint the board of directors of the public service broadcaster (RAI) that undermined its independence.<sup>91</sup>

60. ISHR recommended that Italy guarantee the physical integrity of human rights defenders and ensure protection against reprisals for their interacting with regional and international human rights mechanisms.<sup>92</sup>

61. Referring to the Europride of June 2011 and its counter-demonstration, OSCE/ODIHR stated that Italian law enforcement authorities did not adequately facilitate simultaneous assemblies, i. e. when demonstrations and counter-demonstrations are organized in a close proximity of each other. OSCE/ODIHR indicated, although counter-demonstrations might give rise to public safety and security considerations, any restrictions imposed on assemblies should only be based on legitimate grounds and objective evidence under international human rights law.<sup>93</sup>

#### **5. Right to work and to just and favourable conditions of work**

62. ACISJF-IN VIA a constaté que, dans de nombreux lieux de travail privés, il existait encore la coutume de faire signer aux femmes, avant la signature du contrat, une lettre de démission avec la date en blanc, lettre qui pouvait être utilisée par l'employeur en cas de grossesse.<sup>94</sup>

63. JS8 recommended that Italy take measures to combat unemployment and underemployment of young people and women; develop a comprehensive and human rights-based policy for employment-related measures, especially to safeguard the most vulnerable groups; and strengthen efforts to counteract the exploitation of migrants and ensure fair work conditions to all workers, including undocumented migrants.<sup>95</sup>

64. JS4 indicated that the phenomenon of labour exploitation was mainly linked to the absence of effective regular migration channels that could allow migrant workers to emerge from a situation of illegal stay. The "Security Package" had had the effect of facilitating the exploitation of migrant workers by de facto preventing them from access to official channels where they could report a situation of exploitation.<sup>96</sup>

65. ISJ was concerned that a number of Italian factories in a third country did not comply with the core human and labour rights standards and recommended that Italy create database of Italian investors and ensure that all factories owned by Italian investors adhere to such standards.<sup>97</sup>

#### **6. Right to social security and to an adequate standard of living**

66. The Joint Submission 7 (JS7) noted that, with the large increase in rents, the cost of rented housing had become too much for many families to bear and that the vast majority of evictions had resulted from the inability to make rent payments. The absence of a targeted national housing policy had compounded many issues for both low- and middle-income families.<sup>98</sup>

67. JS7 reported that marginalized populations, including those with disabilities, immigrants, refugees, ethnic and racial minorities, female-headed households were particularly affected by homelessness. JS7 recommended that Italy develop a national housing plan that would meet the needs of the population, with specific attention to vulnerable groups.<sup>99</sup>

#### **7. Right to health**

68. JS6 expressed concern about consumption of drugs, alcohol and tobacco among minors and recommended that Italy adopt more restrictive legislation on the advertizing of alcoholic beverages and access to the same by underage children.<sup>100</sup>

69. International Baby Food Action Network (IBFAN) recommended, among others, that Italy implement a national monitoring system for breastfeeding practices; adopt strict regulation over the marketing of complementary and junk foods and beverages; and extend maternity protection legislation to all working mothers, including those in the informal economy.<sup>101</sup>

70. DCI-Italy was concerned that there was a low number of paediatricians across Italy and lengthy waiting lists to receive specialised care for children. Decentralization of health care had led to regional and local differences in supply, which affected the access of undocumented children.<sup>102</sup>

#### **8. Right to education**

71. JS6 stated that Italy was affected by the phenomenon of early school leaving, especially in southern Italy, and particularly in the two years of high school (14-16 years old). In addition, this phenomenon applied in particular to male students.<sup>103</sup>

72. JS3 recommended that the Government refrain from introducing further cuts to spending on education and guarantee all the necessary resources – human, technical and financial – for the integration at school of foreign children and children from minority groups.<sup>104</sup>

#### **9. Persons with disabilities**

73. JS3 noted the establishment of the Observatory on the Condition of Persons with Disabilities and the Action Programme for the promotion of the rights and the integration of persons with disabilities.<sup>105</sup>

74. JS8 remained concerned that children with disabilities and their families continued to experience barriers to inclusion in society. Children with physical or mental disabilities were not provided with the adequate assistance to cope with the formal education system, while integration was adversely affected by architectural and other physical barriers.<sup>106</sup>

75. APGXXIII indicated that Italian law forbade a person with an intellectual disability to complete the procedure to demand for citizenship on the grounds that it was impossible for this person to express his/her will and allow his/her tutor to swear an oath on his/her behalf.<sup>107</sup>

## 10. Minorities

76. In resolution CM/ResCMN(2012)10 on the implementation of the Framework Convention for the Protection of National Minorities, the Council of Europe Committee of Ministers (CoE-CM) recommended that Italy start a formalized dialogue with the Slovenian minority with the aim of examining the implementation of the legislation governing the protection of the Slovenian minority, particularly Law No. 38/01.<sup>108</sup>

77. AI indicated that, in the period since Italy's first UPR, discrimination against Roma and violations of their rights had continued. A "state of emergency" declared in May 2008 had been in force until it was struck down by the courts in November 2011, when the Council of State ruled that the "state of emergency" was unsubstantiated. The Government appealed the ruling, but in April 2013, the Supreme Court upheld the Council of State judgement and confirmed that the "state of emergency" had been unlawful.<sup>109</sup>

78. ICAAD indicated that discrimination against Roma, Sinti and Travellers was extremely pervasive, which was in stark contrast to the protection from discrimination based on language or race enshrined in the Constitution.<sup>110</sup> OSCE/ODIHR stated that Roma and Sinti Italian citizens also faced discrimination.<sup>111</sup>

79. CoE-Commissioner welcomed the adoption of the first National Strategy for the Inclusion of Roma and Sinti (National Strategy) in February 2012 and stated that the policies of segregated camps and forced evictions should be discontinued.<sup>112</sup>

80. JS9 stated that, despite the formal closure of the "Nomad Emergency", and the adoption of the National Strategy, no substantial improvement of the living conditions of Roma and Sinti could be recorded, nor was there any mechanism to provide access to an effective remedy to Roma.<sup>113</sup> CoE-ECRI recommended that Italy provide remedies to all Roma who were evicted from their homes.<sup>114</sup>

81. A number of organizations were deeply concerned about the precarious housing situation of Roma.<sup>115</sup>

82. ASSO21 and JS9 stated that systematic campaigns of forced evictions of Roma and Sinti had been carried out by the authorities throughout Italy and that these campaigns had also been used as a means for electoral gain. In most of the cases, evictions were carried out without a formal notice, impeding the access to a legal remedy.<sup>116</sup>

83. JS9 and ASSO21 indicated that the authorities continued with the practice of officially constructing the so-called "authorised camps" for Roma and Sinti.<sup>117</sup> OSCE/ODIHR indicated that evictions typically led to even worse living conditions, as moving to other locations might place Roma even further away from utilities and services or in housing of even lower quality.<sup>118</sup> JS9 stated that the housing units (mostly containers, trailers or bungalows) had deteriorated hygiene and sanitary conditions.<sup>119</sup>

84. JS8 expressed deep concern at the situation of migrant children, especially those belonging to Roma communities and stated that they faced a wide range of challenges in accessing education, healthcare and housing.<sup>120</sup>

85. ERRC recommended that Italy implement complex housing, employment, education and health projects to promote real inclusion of Roma as the National Strategy prescribed. More concretely, ERRC recommended that Italy end forced evictions, which disrupt children's ability to attend school; improve the conditions of Roma living in temporary

shelters; bring to justice public officials and other actors responsible for forced eviction; ensure family unity and privacy in all offers of alternative accommodation; and conduct outreach campaigns encouraging Roma to access regular primary health services.<sup>121</sup>

## 11. Migrants, refugees and asylum seekers

86. ICAAD stated that the crime of illegal immigration no longer carried a prison sentence except in cases of recidivism.<sup>122</sup>

87. JS4 indicated that the Consolidated Act of measures governing immigration and norms on the condition of foreign citizens (Law No. 286/1998), as amended by the Bossi-Fini Law, Law No. 125/2008, and Law No. 94/2009 (the so-called “Security Package”) still provided the legal framework regulating immigration. These legislative measures, combined with the bilateral agreements to which Italy was party, set the legal basis for the “push-back” of migrant boats found in international waters to their countries of origin.<sup>123</sup> UFTDU raised similar concerns.<sup>124</sup>

88. A number of organizations expressed serious concerns about a bilateral agreement re-entered with a third country in April 2012.<sup>125</sup> NRPTT indicated that, over the years, Italy had also signed bilateral agreements with some other countries for the immediate repatriation of undocumented migrants, which amounted to a violation of the principle of non-refoulement.<sup>126</sup>

89. CoE-ECRI was concerned at excessively rapid returns of migrants and poor reception conditions, following the events in North Africa in early 2011 and recommended that Italy respect the principle of non-refoulement.<sup>127</sup>

90. HRW and UFTDU indicated that, although Italy had renounced its 2009 policy of “push-back”, following a 2012 ruling by the ECtHR (*Hirsi Jamaa and others v. Italy*), there were still two known instances in 2013, in which the Italian authorities had instructed commercial vessels to disembark persons rescued at sea in the third country.<sup>128</sup> UFTDU recalled that, in the *Hirsi* case, Italy had been found in violation of article 3 of the European Convention on Human Rights<sup>129</sup> and recommended that Italy revise the agreement with the third country in light of the 2012 ECtHR ruling.<sup>130</sup>

91. APGXXIII stated that foreign adults and children who had irregularly arrived on Adriatic ports were also sent back to a third country without access to the protection procedure. HRW raised similar concerns. APGXXIII recommended that Italy apply the humanitarian clause and the sovereignty clause of the Dublin II Regulation, avoiding sending asylum-seekers back to unsafe countries.<sup>131</sup>

92. JS5 stated that the system of reception of asylum seekers was deeply deficient and that the authorities often resorted to short-lived “*emergency plans*” that did not guarantee adequate standards of treatment.<sup>132</sup> EU-FRA indicated that, while, in Lampedusa, a number of international organizations and NGOs provide counselling and assistance, in other locations, they had not been systematically granted access to newly arrived migrants.<sup>133</sup> APGXXIII also indicated that CIEs for migrants had often been inaccessible to civil society.<sup>134</sup>

93. EU-FRA noted the late notification of the migrant of a forced return measure. Migrants were not notified of a delayed rejection at the border and of expulsion decisions before the start of the removal operation. In some cases, the written measure would only be delivered to them when boarding the airplane, depriving them of the possibility to seek a review and a possible suspension of the removal.<sup>135</sup>

94. HRW noted that, after over 500 people died in two shipwrecks off Italian coasts in October 2013, Italy launched a naval search and rescue operation called Mare Nostrum; according to official figures, the operation had rescued over 8,000 people by the end of

January 2014.<sup>136</sup> While Italy saved many lives at sea, concerns remained about delayed response due to disputes with a neighbouring country about responsibilities to assist boats in distress and disembarkation.<sup>137</sup>

95. A number of organizations expressed concerns about inadequate age determination procedures for unaccompanied minors and delay in naming a guardian.<sup>138</sup>

96. JS5 recommended that Italy create a single national system for the protection of asylum seekers, articulating on the roles of the State, the Regions and local authorities; and introduce a specific national programme for the reception and rehabilitation of victims of torture and for people in need of psychological support.<sup>139</sup> JS8 and JS6 made similar recommendations.<sup>140</sup>

97. ASGI recommended that Italy redefine the concept of the right of asylum, subsidiary protection, and humanitarian protection to include trafficking in human beings for sexual exploitation among risk factors.<sup>141</sup>

98. APGXXXIII stated that a large group of Roma that had lived in Italy for many years was still without citizenship.<sup>142</sup> JS8 indicated that the number of children born in Italy to foreign parents had continuously increased. However, the recognition of Italian citizenship remained linked to *ius sanguinis*.<sup>143</sup> ICAAD indicated that there was no facilitated route to citizenship for children born of foreign persons living in Italy.<sup>144</sup>

99. A number of organizations recommended that Italy reform the law on citizenship (Law No. 91/1992), taking measures to make it easier to acquire citizenship for: statelessness Roma and Sinti, who had lived in Italy for many years; children born of foreign persons living in Italy; minors entering the country; and adults after five years of permanent residence.<sup>145</sup>

## 12. Right to development, and environmental issues

100. JS4 expressed concern for the impact of ILVA steel plants, situated in Taranto, on the enjoyment of human rights of local population.<sup>146</sup> According to JS4, these steel plants were installed close to the city centre, causing gross environmental damages and jeopardizing the lives of inhabitants.<sup>147</sup>

101. ISJ was concerned that an Italian company in a third country was not observing the rights of local people.<sup>148</sup> ISHR recommended that Italy guarantee free, prior and informed consultation of communities affected by large-scale development projects in order to prevent future conflicts.<sup>149</sup>

## Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org).

## Civil society

## Individual submissions:

ACISJF - IN VIA	Association Catholique Internationale de Services pour la Jeunesse Féminine, Genève, Switzerland;
AI	Amnesty International, London, United Kingdom of Great Britain and Northern Ireland;
APGXXIII	Associazione "Comunità Papa Giovanni XXIII", Rimini, Italy;
ASGI	Associazione studi giuridici sull'immigrazione, Turin, Italy;
ASSO21	Associazione 21 luglio, Rome, Italy;
DCI-Italy	Defence for Children International Italy, Roma, Italy;
ERRC	European Roma Rights Centre, Budapest, Hungary;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom of Great Britain and Northern Ireland;
HRW	Human Rights Watch, Geneva, Switzerland;
IBFAN	International Baby Food Action Network, Geneva, Switzerland;
ICAAD	International Center for Advocates Against Discrimination, New York, United States of America;
ISHR	International Service for Human Rights, Geneva, Switzerland;
ISJ	The Institute for Social Justice (ISJ) Pakistan, Islamabad, Pakistan;
NRPTT	Nonviolent Radical Party, Transnational Transparty, Rome, Italy;
UFTDU	Unione forense per la tutela dei diritti umani, Roma, Italy;

## Joint submissions:

JS1	Joint submission 1 submitted by: CPPDU, Comitato per la promozione e protezione dei diritti umani, Rome, Italy;
JS2	Joint submission 2 submitted by: Certi Diritti, Associazione Radicale Certi Diritti, Rome, Italy; LGBTI Resource Centre, Torino, Italy; Associazione Radicale Certi Diritti, Rome, Italy; Famiglie Arcobaleno; Intesexioni; ILGA-Europe, Brussels, Belgium;
JS3	Joint submission 3 submitted by: Gruppo CRC, Italian NGO Group for the CRC, Rome, Italy (The submission builds on the Sixth Alternative Report to the UN Committee on the Rights of the Child, (6th CRC Report), prepared and approved by the 82 associations that make up the Italian NGO Group for the CRC. To see all associations, <a href="http://www.gruppocrc.net/-associazioni">http://www.gruppocrc.net/-associazioni</a> );
JS4	Joint submission 4 submitted by: FI, Franciscans International (FI), Geneva, Switzerland, and Antigone, Rome Italy;
JS5	Joint submission 5 submitted by: FIACAT, Fédération internationale de l'Action des chrétiens pour l'abolition de la torture, Paris, France, and ACAT Italia, Azione dei Cristiani per l'Abolizione della Tortura, Rome Italy;
JS6	Joint submission 6 submitted by: FMSI, Marist International Solidarity Foundation, Geneva, Switzerland, Acuma Onlus, Genova, Italy, Acuma Onlus Associazione ExAlunni del San Leone Magno, Rome Italy, and LumbeLumbe ONLUS, Rome Italy;
JS7	Joint submission 7 submitted by: HIC, Habitat International Coalition, Santiago, Chile, and Associazioni Inquilini e Abitanti (ASIA), part of the Unione Sindacale di Base (USB), Italy;
JS8	Joint submission 8 submitted by: IIMA, Istituto Internazionale Maria Ausiliatrice, Veyrier, Switzerland; VIDES International - International Volunteerism Organization for Women, Education; Caritas Internationalis (International Confederation of Catholic Charities),

- Vatican City State; OIEC - International Catholic Education Office, Brussels, Belgium; Caritas Italiana, Rome Italy;
- JS9 Joint submission 9 submitted by: CILD, Coalizione Italiana Libertà e Diritti Civili (CILD), Milan, Italy; Associazione per gli Studi Giuridici sull'Immigrazione (ASGI), Turin, Italy; LasciateCIEntrare; Lunaria, Medici per i Diritti Umani (MEDU), Rome Italy; Associazione Antigone, Rome, Italy; Associazione 21 luglio, Rome, Italy; Naga, Milan, Italy; Arcigay, Bologna, Italy; COSPE, Florence, Italy; Associazione Nazionale Stampa Interculturale (ANSI), TILT! Nazionale Onlus, Rome, Italy; Diritto Di Sapere, Milan, Italy; Parsec Consortium, Rome, Italy;
- JS10 Joint submission 10 submitted by: Italian Evangelical Alliance, Florence, Italy; European Evangelical Alliance (EEA), Driebergen, Netherlands; International Institute for Religious Freedom (IIRF), Bonn, Germany; World Evangelical Alliance (WEA), Geneva, Switzerland;
- Regional intergovernmental organization(s):
- CoE Council of Europe, Strasbourg (France):
- Committee of Ministers (CoE-CM), Resolution CM/ResCMN(2012)10, adopted on 4 July 2012;
  - Commissioner for Human Rights (CoE-Commissioner), Report of by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, Following his visit to Italy from 3 to 6 July 2012;
  - Committee for the Prevention of Torture (CoE-CPT), Report to the Italian Government on the visit to Italy carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 25 May 2012;
  - European Commission against Racism and Intolerance (CoE-ECRI), ECRI Report on Italy (fourth monitoring cycle), adopted on 6 December 2011/published on 21 February 2012;
  - Group of States against Corruption (CoE-GRECO), Third Evaluation Round/Evaluation Report on Italy, Transparency of Party Funding (Theme II) Adopted by GRECO at its 54th Plenary Meeting, Strasbourg, 20-23 March 2012;
  - European Commission for Democracy through Law (CoE-Venice Commission), Opinion on the Legislation on Defamation of Italy, adopted at its 97th Plenary Session, Venice, 6-7 December 2013;
- EU-FRA European Union Agency for Fundamental Rights, Vienna, Austria;
- OSCE/ODIHR Office for Democratic Institutions and Human Rights/Organization for Security and Co-operation in Europe, Warsaw, Poland.

<sup>2</sup> The following abbreviations have been used in the present document:

ICCPR	International Covenant on Civil and Political Rights
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CPED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup> JS4, para. 33 a) / JS9, pp. 7 and 17.

<sup>4</sup> HRW, p. 1.

<sup>5</sup> JS3, p. 2.

<sup>6</sup> APGXXXIII, para. 1.2.6) Q).

<sup>7</sup> CoE, p. 3.

- <sup>8</sup> ASSO21, para. 1.2.  
<sup>9</sup> JS5, pp. 7-8 / NRPTT, para. 13.  
<sup>10</sup> NRPTT, para. 13.  
<sup>11</sup> JS4, para. 15 d) / JS9, p. 13.  
<sup>12</sup> AI, pp. 1-2/ JS5, p. 8 / DCI, p. 3. / FMSI, p. 2. / ISHR, p. 2. / JS1, p. 6. / JS9, p. 20.  
<sup>13</sup> A/61/863.  
<sup>14</sup> A/65/733.  
<sup>15</sup> JS1, p. 6.  
<sup>16</sup> APGXXIII, para. 1.2.1) B) / DCI, p. 3 / JS3, p. 4.  
<sup>17</sup> JS3, pp. 3-4 / JS6, para. 11-12.  
<sup>18</sup> Recommendation 84. 16 “Strengthen the National Office against Racial Discrimination in terms of its capacity to provide assistance to victims and raise awareness (Philippines); to strengthen the mandate of the National Office against Racial Discrimination (Bosnia and Herzegovina); to strengthen the mandate and independence of the National Office against Racial Discrimination in line with the Paris Principles (Pakistan); to reinforce the action of the National Office against Racial Discrimination to ensure that it offers victims of acts of discrimination and intolerance in all its forms the most effective protection possible (Algeria).”  
<sup>19</sup> AI, p. 1.  
<sup>20</sup> JS2, p. 2.  
<sup>21</sup> CoE, p. 2 / CoE-Commissioner, para. II.1.  
<sup>22</sup> CoE, p. 6.  
<sup>23</sup> ASSO21, p. 8.  
<sup>24</sup> JS4, para. 9.  
<sup>25</sup> JS4, paras. 15 a) and b).  
<sup>26</sup> JS8, paras. 21-22 e).  
<sup>27</sup> “Ensure real equality of opportunities for women in the labour market and consolidate the principle of equal pay for equal work (Cuba)”. See A/HRC/14/4 and A/HRC/14/4/Add.1.  
<sup>28</sup> ICAAD, para. (3).  
<sup>29</sup> JS9, para. 38.  
<sup>30</sup> ICAAD, para. (12).  
<sup>31</sup> ICAAD, para. (23).  
<sup>32</sup> CoE, p. 5.  
<sup>33</sup> OSCE/ODIHR, p. 3.  
<sup>34</sup> ASSO21, pp. 7-8 / CoE, p. 2.  
<sup>35</sup> EU FRA, p. 12.  
<sup>36</sup> HRW, p. 4.  
<sup>37</sup> HRW, p. 4.  
<sup>38</sup> ERRC, p. 9.  
<sup>39</sup> CoE, p. 5.  
<sup>40</sup> JS4, para. 44.  
<sup>41</sup> ICAAD, para. (26).  
<sup>42</sup> JS2, p. 2.  
<sup>43</sup> ICAAD, paras. (27) and (29).  
<sup>44</sup> ICAAD, para. (30).  
<sup>45</sup> JS9, para. 35.  
<sup>46</sup> AI, p. 1. / EU FRA, p. 32 / JS2, p. 3.  
<sup>47</sup> AI, p. 2.  
<sup>48</sup> ISHR, p. 2.  
<sup>49</sup> JS4, para. 14.  
<sup>50</sup> AI, p. 4.  
<sup>51</sup> CoE-CPT, p. 55.  
<sup>52</sup> CoE-CPT, p. 56.  
<sup>53</sup> JS4, para. 13.  
<sup>54</sup> CoE-CPT, p. 59.  
<sup>55</sup> JS4, para. 11 / JS9, para. 31. 2). and p. 13.  
<sup>56</sup> APGXXIII, para. 1.2.7).

- 57 For example, work outside the prison or parole.  
58 APGXXIII, para. 2.2.  
59 See A/HRC/10/21/Add.5, Section D. Extraordinary measures in the fight against organized crime, p. 11.  
60 NRPTT, para. 11.  
61 JS4, para. 10.  
62 EU FRA, p. 28 / HRW, p. 3 / ICAAD, paras. (34).  
63 HRW, p. 3.  
64 JS8, paras. 30 and 34 / ICAAD, paras. (9) – (11) / JS4, paras. 42 and 45 / JS9, pp. 16-17.  
65 ACISJF-IN VIA, para. 11.  
66 JS4, paras. 42 and 45.  
67 ICAAD, paras. (9) – (11).  
68 JS3, p. 8.  
69 JS6, para. 60.  
70 JS3, p. 10.  
71 GIEACPC, p. 1.  
72 JS3, p. 2.  
73 JS8, paras. 36 and 39.  
74 ICAAD, para. (17).  
75 ACISJF-IN VIA, paras. 19-21.  
76 ASGI, para. 4.  
77 CoE, p. 2 / CoE-Commissioner, paras. 6-44.  
78 NRPTT, para. 9.  
79 EU FRA, p. 37.  
80 ISHR, p. 2.  
81 DCI, p. 8.  
82 DCI, p. 8.  
83 JS3, p. 9.  
84 ASSO21, para. 1.2.  
85 JS9, p. 19.  
86 CoE, p.3.  
87 JS10, p. 2.  
88 CoE-Venice Commission, p. 17.  
89 ISHR, p. 2.  
90 JS9, p. 18.  
91 JS9, p. 18.  
92 ISHR, p. 2.  
93 OSCE/ODIHR, pp. 4-5.  
94 ACISJF-IN VIA, para. 10.  
95 JS8, para. 28.  
96 JS9, para. 32.  
97 ISJ, paras. 12-14.  
98 JS7, paras. 15-18.  
99 JS7, para. 20.  
100 JS6, para. 59.  
101 IBFAN, p. 2.  
102 DCI-Italy, para. 8.  
103 JS6, para. 49.  
104 JS3, p. 6.  
105 JS3, p. 6.  
106 JS8, para. 17.  
107 APGXXIII, para. 3.2.1.  
108 CoE-CM, p.4.  
109 AI, p. 2.  
110 ICAAD, paras. (19) – (21).  
111 OSCE/ODIHR, p. 3.

- 112 CoE, p. 2 / CoE-Commissioner para. 65.  
113 JS9, p. 9.  
114 CoE, p. 6.  
115 ASSO21, para. 1.1 / NRPTT, paras. 34-35.  
116 ASSO21, p. 6 / JS9, pp. 9-10.  
117 ASSO21, p. 5 / JS9, p. 9.  
118 OSCE/ODIHR, p. 3-4.  
119 JS9, p. 9.  
120 JS8, para. 19.  
121 ERRC, pp. 8-9.  
122 ICAAD, para. (33).  
123 JS4, para. 19.  
124 UFTDU, para. 9.  
125 ICAAD, para. (35) / UFTDU, para. 14.  
126 NRPTT, para. 32.  
127 CoE, p. 5.  
128 HRW, p. 2 / UFTDU, para. 17.  
129 “Prohibition of torture: No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”  
130 UFTDU, paras. 16 and 19.1  
131 APGXXIII, para. 3.2.3 / HRW, p. 1.  
132 JS5, p. 4.  
133 EU FRA, p. 17.  
134 APGXXIII, para. 3.2.2.  
135 EU FRA, p. 18.  
136 HRW, P. 2.  
137 HRW, p. 2.  
138 ASGI, para. 2 / ACISJF-IN VIA, para. 18 / DCI, p. 4 JS3, p. 8 / HRW, pp. 1-2.  
139 JS5, p. 5.  
140 JS6, para. 54 / JS8, paras. 10 and 12.  
141 ASGI, para. 3 a).  
142 APGXXIII, paras. 1.2.6 O) and P).  
143 JS8, paras. 14-15.  
144 ICAAD, para. (34).  
145 APGXXIII, p. 3 / ICAAD, para. (34) / JS3, p. 3 / JS6, paras. 15 and 18 / JS8, paras. 14-15 / JS9, p. 7.  
146 JS4, para. 34.  
147 JS4, para. 38.  
148 ISJ, paras. 8-10.  
149 ISHR, p. 2.
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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Twentieth session**  
27 October–7 November 2014

## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Italy**

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## I. Description of the methodology and consultation process for the preparation of the report

1. This report is the result of a consultation process promoted and coordinated by the Inter-ministerial Committee for Human Rights at the Italian Ministry of Foreign Affairs (CIDU), with the support of all competent administrations: Prime Minister's Office and related Departments, UNAR (National Office Against Racial Discrimination), Ministry of the Interior, Ministry of Justice, Ministry of Defence, Ministry of Labour and Social Policies, Ministry of Education, Ministry of Health, Ministry of the Environment, Ministry of Integration, Ministry of Economic Development, Ministry of Cultural Heritage and Activities and Tourism, Italian National Institute of Statistics, Superior Council of Judiciary, National Association of Italian Municipalities.

2. CIDU was established in 1978. Its main tasks are the coordination of all authorities concerned with regard to compliance with key international conventions in force in the field of human rights; the compilation of periodic or *ad hoc* reports which Italy is required to submit to the United Nations bodies and to other regional systems (CoE, EU); monitoring of the development of national law, in compliance with international commitments; advisory activities (formulation of opinions and analytical documents) to improve implementation of existing human rights international legal instruments.

3. The initial stage of the compilation process of this report was introduced by the President of CIDU during a public hearing at the Extraordinary Commission for the protection and promotion of human rights of the Italian Senate on 17 December 2013. Four Working Groups were set up under the direction of CIDU to prepare a preliminary draft of the document. Other hearings were held at the Parliament on 8 April and 8 May 2014. CIDU also organized meetings in Rome and Geneva to promote a constructive dialogue with NGOs and representatives of civil society. In order to implement recommendation 92 accepted in cycle I, a draft of the National report was posted on the CIDU website to offer civil society at large the opportunity to comment on the contents by sending individual contributions to a dedicated email address.

## II. Developments since the UPR cycle I, with particular reference to the legislative and institutional framework for the protection of human rights

4. Italy has provided considerable financial and human resources amounting to over € 17.3 billion for the protection of human rights, as shown below:

Immigration and integration policies € 284.000.000	Special Fund: € 190 million; "Mare Nostrum": € 70 million as of 13/06/14; Piedmont Region € 6 million per year for healthcare
Fight against discrimination in all its forms € 550.000.000	European Integration, 2013: € 219,059,138.94; New Asylum, Migration and Integration Fund, 2014/20: € 310 million; Operational National Programme (PON) for Safety, aimed at welcoming asylum seekers and refugees, 2007/13: € 10,000,000
Roma Sinti and Travellers € 19.830.000	Awareness campaigns: € 930.000 Data collection: €750.000 Social inclusion, training, education and health:

	€ 18.150.000
Women € 75.500.000	Supporting female entrepreneurship: € 20 million; work-life balance, 2010/12: € 40 million; contrast to sexual violence and gender violence: € 15 million; Veneto Region, 2013: € 380,000; Piedmont Region prevention of FGM: € 205,000 yearly
Children € 16.052.000.000	Students with disabilities: € 4 billion annually since 2010; ICF project on disabilities: € 1.7 million; Regional Support Centres (CTS): € 1,159,222 and € 400,000 for training of teachers; 2011/14 school in hospital and home education: € 8,000,000; 2013/14 <i>peer education</i> in multicultural contexts: € 300,000; UAMs in 2014: € 40 million; allowance to families with at least three underage children 2013/14: € 41.1 million
Minorities € 15.500.000	Supporting minorities languages, 2013/14: € 15.500.000
Combating trafficking in human beings € 8.450.000	Supporting victims of trafficking, 2012: € 8,000,000; Umbria Region, 2012/14: € 450,000
Economic rights and poverty alleviation € 257.000.000	Social card: € 257 million for 2012–2016
Environmental Pollution € 50.500.000	Taranto and Statte: € 50.450.000 for 2014–2015
Training human resources, 2010/14: over 25.000	2012–2014: 8700 <i>Carabinieri</i> , police officers and inter-forces personnel. 2010–2013: 16.800 Financial Guard personnel

5. The Italian legislative and institutional framework for the protection of human rights is particularly strong. Since the cycle I several legislative measures have been enacted or are in the process of promulgation, introducing: the access to the labour market (in public administrations) for foreigners (holders of a residence permit, refugees and subsidiary protection holders, family members of European citizens as holders of the right of residence, even on a permanent basis); the allocation of social cards for families with at least three children (eligibility comprises Italian and European Union citizens, and long-term resident third-country nationals); the extension of long term residence permits also to beneficiaries of international protection (Law 97/2013, Law 35/2012); the protection of the relationship between mothers in detention and their children, by limiting the regime of custody in favour of house arrest at protected foster homes (Law 62/2011); the establishment of the National Authority for Children and Adolescents (Law 112/2011); the identification of natural children (Law 219/2012, establishing of the New Born Fund; Law 147/2013); the further extension of the "social card" and the increase of related funding to over € 250 million (Law 147/2013) for 2013/2016; the introduction of a tax credit (up to € 80 monthly) for low income employees (Law 89/2014). Italy has enacted five European directives pertaining to the protection of human rights and signed or ratified three international conventions, implementing recommendations 4, 5 and 7 of cycle I (see paras. 9, 10 and 75).

### **III. Developments since cycle I, with regard to the promotion and protection of human rights**

6. Italy worked closely with the UN system and its Treaty Bodies to actively respond to their recommendations. It regularly submitted periodic reports and is committed to submit by 2014 the reports concerning the implementation of ICCPR and CAT. It fully cooperates with HRC Special Procedures, by issuing a standing invitation for their missions and replying to their *ad hoc* requests.

7. Within the Council of Europe system, Italy has submitted official documents in response to reports after visits by monitoring bodies, such as CPT and ECRI. Since cycle I several Special Procedures have carried out missions to Italy and our Country supported many Special Procedures yearly reports.

### **IV. Developments since cycle I – The implementation of recommendations accepted by Italy**

8. Italy has implemented 74 out of 78 recommendations accepted in cycle I. The four recommendations (11-12-13-15) not implemented refer to the establishment of a national human rights institution according to the Paris Principles (see para. 12). As for the 12 recommendations not accepted: one (referring to the crime of torture) is being implemented (see para. 11); two (on the repeal of the status of illegal immigration as an aggravating circumstance and of the crime of illegal entry and stay) were fulfilled (see paras. 14 and 15). The steps taken are detailed below by thematic issues.

#### **New international obligations, implementation of existing obligations, collaboration with international human rights protection instruments**

##### **Recommendations 4-5-6**

9. Italy ratified the Optional Protocol to the UN Convention against Torture (Law 195/2012). Addressing the issues of prison overcrowding and full respect of fundamental rights of detainees and prisoners, Law 10/2014 has also established the National Authority for the rights of detainees.

10. A draft law for the ratification of the Convention for the protection of All Persons from Enforced Disappearance is currently under evaluation by Parliament.

11. The Senate approved on 5 March 2014 a Bill introducing the specific crime of torture which is currently being examined by the House of Deputies. It is wider and stronger than the international norms in force. It includes: a prison term between 3 to 10 years (from 5 to 12 years for public officials); the increase of the penalty by one third in case of serious personal injuries and by one and a half in case of very serious injury; a prison term of up to 30 years for unintentionally procured death and life imprisonment for intentionally caused death.

##### **Recommendations 11-12-13-15**

12. A Bill was submitted to the Chamber of Deputies on 20 May 2013 to establish a National Commission for the Promotion and Protection of Human Rights, followed by another Bill submitted to the Senate. In 2014 CIDU has promoted a public consultation with civil society, creating an *ad hoc* Working Group. Two additional Bills were submitted in June 2014.

## Immigration and integration policies

### Recommendations 9-10-63-69-70-71-72-73-74-75

13. Constitutional Court judgment 249/2010 removed the status of illegal immigration as an aggravating circumstance of a crime (Criminal Code art. 61, para. 11 bis).

14. In April 2014 Parliament approved Law 67/2014 which provides for the decriminalization of illegal migration, to be considered as an illegal administrative act, except for violations of administrative resolutions, such as expulsion procedures already adopted.

15. Law 129/2011 has enacted EU Directive 2008/115/EC into national legislation creating an *ad hoc* mechanism of progressive expulsion based always on individual (case-by-case) examination of each alien to be repatriated; immediate repatriation is nevertheless envisaged if there is a risk of escape or if the alien is socially dangerous or has applied evidently without foundation or fraudulently for a residence permit. Otherwise, a time limit is granted for the alien who makes such a request to voluntarily leave Italy. Moreover, voluntary and assisted repatriation programmes have been set up. In accordance with this directive, the maximum stay in an Identification and Expulsion Centre (CIE) is up to 18 months. The stay is motivated during the first 6 months by temporary obstacles to repatriation and expulsion, such as supplementary identification or nationality enquiries or finding an appropriate means of transport. During the above mentioned 6 months the detention must be validated by the court as follows: validation of the first 30 days, extendable by additional 30 days; then the possibility of extension of 60 days (if the alien has not cooperated for his repatriation or if there are delays to obtain the necessary authorizations from the third Countries concerned), plus another 60 days (if the above conditions persist and if, notwithstanding any reasonable effort, it has not been possible to carry out the repatriation of the alien). After the 6th month, the detention can exceptionally last up to 18 months, only if, despite all reasonable efforts, the repatriation has not taken place due to the lack of cooperation during the repatriation of the alien in question or delays in obtaining the necessary documentation from his/her country of origin or destination. During these additional 12 months, detention extensions are made from time to time, subject to validation from the judicial authority, for periods not exceeding 60 days for each extension. Furthermore, alternative measures to detention in refugee camps are provided, the penalty of imprisonment with a fine in the event of non-compliance with police orders to leave the country within 7 days is replaced with a fine instead of detention; the forbidden return in Italy of the expelled alien is differently regulated; furthermore special arrangements to repatriate vulnerable persons are provided, and the proceedings for the verification, at a border police Office, of an alien without a legal residence permit, who is exiting from Italy, are regulated. In 2013 an *ad hoc* Committee has prepared a report on the status of CIEs in Italy, suggesting to reduce the maximum present withholding term of 18 months to 12 months, also considering recent case law not validating detention of third-country nationals not identified during the first 12 months. In 2014 the Ministry of the Interior has prioritized the monitoring of all Centres hosting migrants, and a study to improve their management.

16. Italy abandoned the “push-back” practice and is strongly committed in search and rescue activities (SAR) at sea, very often far beyond its area of responsibility, ensuring the rescue of migrants onto the Italian territory. Given Tripoli’s lack of control on the Libyan territory, it is objectively impossible to cooperate with Libya on the improvement of migration policies.

17. Italy conducts daily sea SAR operations (from October 2013 to 13 June 2014 more than 42.000 persons were rescued, most of them outside the Italian SAR area), in close cooperation with FRONTEX, Coastal Guard, Military Navy, Financial Police and with the

support of commercial cargos in transit. As an immediate response to the Lampedusa tragedy, Italy has intensified SAR activities: in October 2013 it launched operation “Mare Nostrum” to deal with the humanitarian emergency deriving from the exceptional arrival of migrants on the Central Mediterranean route. Operation “Mare Nostrum” covers an area reaching 50 miles south of Lampedusa and 100 miles south east of Sicily and involves Italian Military Navy and Aircrafts units (5 naval units, 4 helicopters and 2 aircrafts) as well as about 1.000 military personnel with a financial support of € 45.000.000. As part of this mission, the boats have been provided with the necessary equipment, including personnel of forensic police and immigration officers, for photo-signaling purpose, as well as cultural mediators.

18. The Coastal and Financial Guard naval units operating in the Sicily Channel since 21 March 2014 have conducted an extraordinary and efficient healthcare assistance service with medical and para-medical personnel on board, following an agreement signed by the Ministry of the Interior and CISOM Foundation (Italian Aid Corps of the Order of Malta). Another agreement is about to be finalised between the Defense and Health Ministries to guarantee the same kind of assistance service on naval units of “Mare Nostrum”, with a medical task force of experts of institutional international prophylaxis. About 43.000 people landed in Italy in 2013. From 1st January 2014 to 13th June 2014, 53.763 migrants arrived by sea (5.242 in the same period in 2013). In 2013 25.838 people requested international protection with a total of 28.300 claims (mainly from Nigeria, Pakistan, Afghanistan, Mali, Somalia, Eritrea, Tunisia, Ghana, Senegal and Syria). Italy approved 16.256 requests (63%), granting several forms of international protection (refugee status, subsidiary protection, humanitarian protection).

19. Italy has adopted a strategy in favour of asylum seekers and of those who are entitled to international protection, aimed at giving them the maximum possible autonomy to help them fit in at the local level and at strengthening social cohesion, which is a specific priority of ordinary and extraordinary public investments. Healthcare assistance to non EU citizens not legitimately present in Italy is guaranteed through hospital emergency services and according to regional MoUs, also involving NGOs with specific experience. The law forbids healthcare and administrative personnel to alert police officials of illegal migrants who make use of health structures. In 2011 the Ministry of Health adopted a syndromic alert system for the first assistance of migrants, which was updated in 2012 with the publication of a document titled “Recommendations for the management of healthcare criticalities due to migrant flows to small islands”, sent to all Regional Health Offices and supporting the following projects: with WHO until 2015 – “Public Health Aspects of Migration in Europe”; with the Regional Office of IOM Europe – “EQUI-Health Project”, to protect health conditions of vulnerable migrants (asylum seekers, Roma, ethnic minorities). Furthermore, in 2014 specific training actions have been programmed and funded for healthcare personnel, particularly in Sicily, also to overcome intercultural barriers which greatly limit the effectiveness and efficiency of healthcare services for migrant population. Services have also been provided by the National Institute for Migration and Poverty (an institution within the National Health Service) with financial resources amounting to € 10 million in 2013. From 1st September 2007 to 3rd March 2014 the Institute assisted 46.752 alien patients (70.6 % of patients assisted), of which 5.453 claiming international protection received first aid.

20. Foreign minors present on the Italian territory (more than 800.000) are obliged to attend school. All legislative measures concerning the right to education, the right to access to educational services and to participate to the school system apply to them. They have a right to education independently from the legality of their presence, at the same conditions of Italian children, and are subject to the same obligation to attend school. During the 2012/2013 school year 786.630 foreign children were enrolled (+ 4.1% over the previous year), equal to 8.8% of the total school population). In 2012, 120.000 foreign students have

taken Italian language exams in training schools for adults. On the Ministry of Education website ([www.istruzione.it](http://www.istruzione.it)), in the section "I speak your language", 36 bilingual communication forms are available in Italian and in the main foreign languages of the migrant groups, to encourage communication and understanding of the Italian school system.

#### **Recommendations 76-77-78-79-80-82**

21. The Italian reception system consists at the first level of 14 Reception Centres and Centres of first aid and reception. These structures provide first aid to migrants reaching Italy by boat.

22. After identification, asylum seekers are hosted for an initial period (from 20 to 35 days depending on the influx of migrants) in specific Reception Centres for asylum seekers (CARA). They are open to visitors and may be left by the guests during the day. CARAs also provide legal assistance, Italian language teaching, healthcare, food and other essential goods. Applicants housed in a CARA have the right to receive visits from UNHCR representatives, NGOs and institutions that promote the protection of the rights of asylum seekers, lawyers, family members or Italian nationals who have been authorized by the competent *Prefettura*. The same reception conditions are guaranteed to all applicants, including those moved to Italy following the "Dublin" procedure. At their arrival, specific services are available at the main airports, including placement in Reception Centres. If the EU Country from which they arrive indicates their specific vulnerability, appropriate healthcare measures are made available.

23. After the initial period in CARA Centres, refugees and asylum seekers are hosted in the Asylum seekers and refugees protection system network, directed by local authorities and financed through the National Fund for Asylum Policies and Services (FNPSA), comprising also European Refugees Fund, managed by the Ministry of the Interior. The network relies on facilities (flats, community centres, accommodation), where refugees and asylum seekers are hosted for 6 months (extendable if needed). The network provides as additional services linguistic and cultural mediation, job orientation, multicultural activities and legal aid. In 2013 its capacity increased from 3.000 to 9.500 places. By June 2014 15.000 persons were assisted and the number will increase to 19.000 by the end of the year. A special Fund of € 190 million was established in 2013 to provide for exceptional arrivals of migrants. In 2013 asylum-seekers amounted to 28.300 coming from: Nigeria (3.655); Pakistan (3.353); Somalia (2.828); Eritrea (2.202); Afghanistan (2.155). Territorial Commissions examined 25.838 applications and granted refugee status, subsidiary protection and humanitarian protection respectively to 3.144, 5.654, and 7.458. 20 Territorial Commissions currently work to grant international protection to migrants and to improve the management of international protection applications; the establishment of new Commissions is being considered. In the first 4 months of 2014 15.223 requests were recorded, over twice as many as in 2013 (6.515).

24. The Praesidium project (implemented by UNHCR, IOM Save the Children and the Italian Red Cross, with the support of the Italian Ministry of the Interior) contributes to a protection-sensitive reception system for aliens arriving by sea, in the context of irregular migratory flows to southern Italy. Launched in 2006 Praesidium (operating since 2012 in all Reception Centres) has proved to be an effective operational model and is regarded as a best practice at the EU level. It provides: legal counselling for migrants; information on Italian legislation with regard to irregular migration, trafficking of human beings and enslavement, on regular entry procedures to Italy, on the submission of applications for international protection, on opportunities for voluntary or assisted return. It helps identifying vulnerable groups, reporting them to the competent authorities and monitors reception procedures at the landing spots and at destination Centres. The Italian Red Cross

(IRC) monitors health assistance standards and carries out, together with the health units operating in the facilities, activities and procedures aimed at improving health conditions. The IRC also provides guidance and information on health education distributing material in several languages. Save the Children, involved in this project since 2008, offers legal and cultural mediation services for minors and support and care related activities in the shelters and at dedicated Centres. In cooperation with the Ministry of the Interior, the four organizations focus their activities towards the most vulnerable categories of migrants such as women and UAMs (unaccompanied minors).

25. As of 30 May 2014, 7.182 UAMs were present in Italy, mostly males above the age of 15. They are supported through individual integration paths, including education and vocational training and professional experiences for older minors. UAMs are also given the opportunity to stay in Italy, once they reach the age of 18, by granting them residence permit for study or employment purposes (see para. 60 ff.).

26. The National Programme of Action for the new Fund on Asylum, Migration and Integration 2014-2020 (promoted by the EU within the European Funds framework) is currently being finalized. It focuses on the comprehensive management of migration flows including asylum seekers, legal migration, integration and repatriation of illegal foreign migrants. € 500 million are available (€ 310 million funded by EU). A wide consultative inter-institutional process is currently under way to define global strategies for the inclusion of migrants. 54 multifunctional Centres are to be established drawing on financial resources of the PON Programme – Security for Development 2007-2013, for the integration and inclusion of legal migrants in Calabria, Sicily, Campania and Apulia. The Centres will promote the social inclusion of migrants, improving their basic training and language skills, and provide job and administrative orientation. The same funds enabled the conversion of several public buildings to Reception Centres where asylum seekers and migrants requesting international protection are accommodated for up to 1 year. Since 2011, 28 projects have been implemented (8 in Sicily, 10 in Campania, 10 in Calabria, 5 in Apulia), for a total of €10 million. Since 2007 611 projects (to promote inclusion of legal migrants) have been financed through the European Fund for the Integration of third-country nationals. Within the 2012 EIF annual Programme, the project “Autonomy and integration for young foreign women” was launched in order to support the autonomy of particularly vulnerable migrants: UAMs aged 16-17 and young women under 24 at risk of social exclusion. The project involves 380 young women. Furthermore ESF resources have been allocated to facilitate access to the labour market. The Ministry of Education started implementing the “Emergency Lampedusa” project addressed to all children under 18 on the island. A *peer education* action was promoted in 2013/2014 involving 1.000 teachers and 20 schools with 1.000 foreign (second generation) and Italian students aged between 11 and 18 years acting as tutors for the newly arrived foreign students. The project is funded with € 300.000 per year.

27. Since 2012 the number of non EU foreign long-term residents increased by 126.000, reaching over 2 million. Due to the crisis unemployed foreigners looking for a job increased from 371.000 in July/December 2012 to 511.000 in the same period of 2013. This is the main reason why Italy decided not to renew the ordinary quotas of entry for employment reasons. In 2013 quotas were determined to respond to temporary needs in some sectors such as tourism and agriculture and to convert permits for study, training and research in work permits. The Prime Ministerial Decrees of 15 February 2013, 25 November 2013 and 28 March 2014, have allowed respectively 30.000, 17.850 and 15.000 non EU seasonal workers to enter Italy.

28. In 2012 the EU Directive on sanctions for employers who employ non EU illegal nationals has been enacted into the Italian legislation, contributing to the disclosure of moonlighting. 134.576 declarations were produced on October 2012 (86.17% relating to

domestic work). 82.681 applicants (61%) were granted residence contracts and work permits on 21 February 2014 (77.934 for domestic work). Special permits are issued if the declaration of disclosure is rejected for reasons solely attributable to the employer, or in the case of the termination of an employment relationship which is the object of a declaration of disclosure not yet defined. The Ministry of Agriculture has promoted positive actions in this field: “S.O.F.I.I.A.” (support, orientation, training, entrepreneurship for migrants in agriculture), a project to help non EU young migrants to set up agricultural businesses; “Alla luce del sole” and “AFORIL”, focusing on information and training for non EU nationals.

29. Since January 2013 the multilingual web portal “Integrazione Migranti” has been available in 10 languages (Albanian, Arabic, Chinese, French, English, Punjabi, Russian, Spanish, Tagalog and Ukrainian). It is co-financed by the European Fund and managed by the Ministry of Labour and Social Policies in cooperation with the Ministries of Interior and Education. It is an important tool for the collection and dissemination of information which is recorded in a database offering access to over 13.000 services available nationwide. Data are periodically updated by central and local authorities, international organizations (UNHCR) and over 1.000 no profit associations. It includes a cultural section (developed in cooperation with the Ministry of Cultural Heritage and Activities and Tourism) dedicated to the cultural production of migrants and to migration related cultural projects and activities.

30. Italy has signed agreements to manage migrants flows and readmission procedures with Moldova (2003), Albania (2008), Egypt and Morocco (2005). The agreements also provide for the assignment of yearly quotas of employment permits with the aim to match demand and supply at the national level. In 2011 agreements were renewed or signed with Egypt, Albania, Moldova and Sri Lanka. 31 agreements for the repatriation of migrants have been negotiated with several countries of origin and transit. Italy has concluded several bilateral police cooperation agreements with countries of origin and transit, to fight transnational organized crime, trafficking in human beings and in drugs.

## **Fighting discrimination in all its forms**

### **Recommendation 16**

31. The National Office against Discrimination (UNAR) has been strengthened and its role expanded. Since 2013 it is responsible for the protection against all forms of discrimination, whether by race, ethnic origin, religion, personal opinions, disability, age, sexual orientation or gender identity. UNAR is engaged in contrasting racism, promoting the integration of Roma, Sinti and Travellers and of the most vulnerable social groups (such as the elderly and the disabled), and in fighting homophobia and transphobia, with particular attention to multiple discrimination.

### **Recommendation 21**

32. Significant resources have been devoted to the social integration of Roma Communities, as part of the PON Programme in Campania, Apulia, Calabria and Sicily. The Programme is run by the Ministry of the Interior with more than € 9 million allocated for infrastructure projects, social integration in workplaces and schools, training of human resources.

### **Recommendations 18-19-20-22-23-26**

33. The 2013/2015 National Action Plan on racism, xenophobia and intolerance is aimed at making the principle of equal treatment and non-discrimination systematic and effective (see Section VI).

34. In 2010 the Observatory for Security Against Acts of Discrimination (OSCAD) was established at the Ministry of the Interior. OSCAD is entrusted with: overcoming the phenomenon of under-reporting and encouraging the emergence of discriminatory offences; activating Police and *Carabinieri* operations in the field; intensifying exchanges of investigative information; training and exchanging best practices at the international level, also through INTERPOL; monitoring discrimination; increasing awareness in synergy with other relevant agencies; promoting communication and prevention initiatives.

35. In every *Questura*, specialized units (DIGOS) monitor all incidents of discrimination according to regulations in force. Staff are specifically trained and qualified in this field and work closely with associations and communities concerned, making it often possible to obtain direct information on hate crimes.

36. Several criminal inquiries carried out on websites – in particular: Stormfront (32 people investigated) and Holywar (8 investigated) – proved the existence of associations favouring discrimination and violence for racial, ethnic and religious motives.

## **Roma, Sinti and Travellers**

### **Recommendations 24-25-28-59-61-62**

37. Over the years the adoption of successive measures for the integration and inclusion of the Roma, Sinti and Travellers Communities highlighted the complexity of their situation. Their connotation as “nomads” alone has been definitively overcome. When referring to Roma people, a variety of legal statuses has to be acknowledged: Italian citizens; citizens from other EU Countries; non-EU citizens; foreigners who were granted asylum or subsidiary protection; stateless people, including also those born in Italy from stateless parents.

38. In compliance with EC Communication 173/2011 and other UN Treaty Bodies recommendations, Italian authorities have designated UNAR as the National Contact Point for Roma Integration Strategies, with the task of preparing the “National Strategy for the Inclusion of Roma, Sinti and Travellers Communities in Italy 2012-2020” (see Section V).

39. UNAR also set up in 2012 a special service to provide assistance in all cases of discrimination affecting Roma, Sinti and Travellers; it promotes awareness-raising campaigns, information and education and training activities aimed at their effective integration; it supports CoE initiatives such as Romed2/Romact and “DOSTA (*Basta!*)” and events linked to Porrajmos, the International Roma Day; the week against violence; the week against racism; it has published a Guide on access to funding for local authorities, reports on Roma women, Labour and Housing and an excerpt of the UN Guidelines on Forced Eviction. In the framework of the Operational National Programme (FESR) “Security for Development” – Convergence Target for 2007-2013, UNAR has developed a project to promote Roma inclusion in local contexts by setting up special operational and cultural networks and to improve the skills of all stakeholders.

40. Within the National Strategy, the Ministry of Labour and Social Policies has implemented a project for Roma, Sinti and Travellers child inclusion and integration, funded with € 582.000, with specific regard to children facing serious difficulties and to support adolescents choose their educational path.

41. In 2011 the “Safe Rome Integrated System” was set up with the aim of drawing a “map of urban risk”. The system monitors the phenomenon in statistical terms, with regard to the adoption of decisions, including situations related to squatter settlements and Roma camps.

**Recommendations 29-3-32-33**

42. The statutes of the Olympic Committee (CONI) and of all sport federations explicitly state the pledge to fight all forms of discrimination. Current legislation clearly defines relevant criminal offenses. Since 2007, legislation is in force for football (the most popular sport) increasing and extending sanctions for discriminatory behaviour.

43. DASPO (Prohibition of access to sporting events) is applied against individual supporters. Monitoring of websites by UNAR showed increasing racial attacks against foreign players or players of foreign origin. UNAR has reported the websites concerned to the Postal Police for further investigation and possible deactivation.

44. The National Observatory on Sporting Events, established in 1999 at the Ministry of the Interior, has the task of strengthening the prevention of violence at football matches. It monitors violence and intolerance during sporting events and produces an annual report; it assesses their level of risk and promotes preventative initiatives in co-operation with associations, representatives of clubs, local authorities, government agencies and sets the rules for clubs to ensure public safety. The National Center for Information on Sporting Events (CNIMS) also operates at the Ministry of the Interior, collecting data on hooliganism, weekly examined by the National Observatory on Sporting Events. In 2013 a "Task Force for the safety of sporting events" was established, tasked with identifying new initiatives to counter racism in sport. During the 2012/13 and 2013/14 seasons 18 people (including 3 under arrest) and 15 people were respectively reported. As of 31 January 2014, no episodes of exposure of racist or xenophobic banners occurred (compared to one in 2012/13) while 26 episodes of racist chants have so far been recorded (18 in the last season).

45. As for racist political discourse, in July 2013 Dolores Valandro, a member of the Lega Nord political party, was sentenced to 13 months in jail, disqualification from public offices for three years and the payment of a € 13.000 fine for publishing, on the Internet, an offensive comment against the then Minister for Integration, Cecile Kyenge. The Court of Appeal of Venice confirmed the sentence.

46. A cultural integration training activities programme for teachers and school managers is under way. About € 500.000 have been allocated. In 2013/2014 the National Observatory for the integration of foreign students and for intercultural exchanges was re-established. It comprises academic, social and cultural experts as well as representatives of associations, research institutes and ministries; it analyzes educational policies and develops proposals for the integration of non-Italian students.

47. Inter-religious dialogue is a specific goal of social cohesion policies. Besides the Catholic Church (representing the majority of believers) there are other Christians denominations (Protestant, Orthodox), Islam, Hinduism, Buddhism, other Eastern religions, and Hebraism. The "Council for Islam in Italy" established by the Ministry of the Interior in 2005 has produced the Charter of Values, Citizenship and Integration, approved by Ministerial Decree in 2007. The "Committee for Italian Islam" created in 2010 has adopted several position papers, endorsed by the Ministry of the Interior on "Islamic veil", "places of worship" and "ministers of worship".

**Women****Recommendations 34-35-36**

48. Full inclusion of women in economic and social life is achieved also through access to top management positions. In 2011, the principle of gender balance on the governance boards of listed companies and state owned corporations was introduced. The Department

for Equal Opportunities (DEO), the Ministry of Economic Development and the Ministry of Economy have signed an agreement for the establishment of a Special Section of the Central Guarantee Fund for SMEs, financed with € 20 million. In 2014 DEO and the Ministry of Economic Development signed an MoU with all stakeholders (*ABI, Confindustria, Confapi, Rete Imprese Italia, Alleanza delle Cooperative*) for the development of gender entrepreneurship and self-employment. A credit facility with a State guarantee for new investments and the start-up of new businesses will be made available to 1.400.000 SMEs. In this context, the National Observatory for Women's Entrepreneurship and Employment in Agriculture (ONILFA) was established to promote agricultural and rural gender entrepreneurship.

49. In 2012 DEO signed with the Italian Regions a new agreement for the conciliation of life and flexible working modes (*Intesa 2*) in order to extend and strengthen initiatives to support women and men with children or adults in care, also with the aim of promoting new employment opportunities, focused on care and family/community based services.

50. In 2006 the National Equality Councilor was established. The Councilor is competent for collective gender discrimination and is entitled to take legal action on behalf of female workers. The Councilor also set up an Observatory on national and decentralized employment contract negotiations and on the conciliation of life and flexible working modes – available online – which analyzed and filed 2.682 agreements (861 were selected and published: 59 in the public sector and 503 in the private sector); it also analyzed and published 536 best practices. The database of the Observatory recorded 298 court orders and 161 extrajudicial measures.

51. The CoE Convention on the prevention and the fight against gender and domestic violence was ratified by Italy in 2013. The Italian criminal code now foresees three new types of aggravating circumstances: when violence is against the spouse, also if separated or divorced, or non-cohabiting; for maltreatments, sexual assaults and acts of persecution against pregnant women; for violence against minors. In case of reiteration the law provides the immediate removal from the family, barring proximity to places usually frequented by the victim. Free legal aid is available. € 10 million have been allocated to finance an anti-violence action plan and for shelters. Special residence permits are granted to victims of domestic violence regardless of their immigration status. The residence permit may be issued by the police, on the advice or upon proposal of the judicial authority, in connection with: investigations for family mistreatment, personal lesions, genital mutilation, kidnapping, rape or persecution; acts perpetrated in Italy “in the framework of domestic violence”; “situations of violence or abuse against foreign nationals”, exposed to the risk of revenge for escaping violence or starting criminal proceedings. Permits are valid for one year, renewable, allow access to employment and can be converted into work permits. The law also provides for the annulment of residence permits and for the expulsion of aliens guilty of offences related to domestic violence, even if the proceedings are not complete.

52. Since 2013, on the occasion of the International Day of Violence against Women, DEO has launched the campaign "Recognize violence". It advises women on how to react to violence by inviting them to call the toll-free number "1522" and edited a guide to acquaint women and men with measures contrasting violence against women.

53. In 2012 Italy joined the CoE programme “Combating discrimination on the grounds of sexual orientation and gender identity”, with UNAR acting as the national focal point and tasked with the development the LGBT National Strategy adopted in 2013 (see Section V).

54. In 2013 the UNAR contact center recorded 114 cases of discrimination based on sexual orientation and gender identity (10% of the total), of which 102 of direct discrimination and 12 of indirect discrimination. One third of the reports came from

victims or witnesses and 10% from organizations. Most of the investigations (60%) were initiated by UNAR through media monitoring. The reports were mainly recorded in: public life (44, of which 22 cases of assault), mass media (37, 25 cases on Facebook and blogs), school (12).

## Children

### Recommendation 40

55. A foreigner born and living in Italy up to the age of 18 becomes an Italian citizen if he/she chooses so within one year from coming of age (Law 28/2013). He/she can prove continuous residence by official documentation (access to healthcare services or school attendance) and must be made aware by a formal notice served by the competent officials of the opportunity of becoming Italian 6 months before reaching the age of 18. A Ministerial Order of 2007 provides for flexible interpretation of the precondition of continuous residence in Italy, extending it to minors who can prove that they left Italy for short periods due to study, family or health reasons.

### Recommendations 37-39-41-42-43-44

56. Italy ratified the CoE Convention on the protection of children against exploitation and sexual abuse). Law 172/2012 amended the Criminal Code introducing art. 414-bis (Instigation to pedophilia and pornography practices), increasing sanctions or adding complementary sanctions for offenders. In 2012 a Working Group was established at the Ministry of the Interior to cooperate with the National Authority for Children and Adolescents for the protection of children rights. An MoU, renewed in 2014, was signed to exchange information, assess the condition of minors as authors, victims or witnesses of crimes and improve legislation. It also aims to harmonize police activities with regard to identification of minors and the management of UAMs.

57. The Ministries of Education and Justice signed in 2012 an MoU to implement a learning and professional programme for the access of adult and juvenile detainees to social and work reintegration paths. “The School in the Hospital” programme assists hospitalized children; home assistance is provided for children affected by serious pathologies. In 2011/12 € 2.820.000 were allocated for the two projects, involving 78.407 students – of which 4.564 foreign students and 3.113 with disabilities. In 2012/13 € 2.820.700 were allocated.

58. In 2011 14.991 children were hosted in residential centres, 14.397 in families. To prevent abandonment and support family reunification, since 2010 the Ministry of Labour and Social Policies has financed the P.I.P.P.I. project involving 18 Regions in 2014/15. A nationwide project, “A path for fostering”, was launched to promote knowledge and dissemination of best practices of family fostering in Italy. Guidelines for family foster care were adopted in 2012.

59. The Ministry of Education allocates € 4 billion yearly to assist 220.000 students with disabilities, attending ordinary classes since 1971, employing 110.000 *ad hoc* teachers, educational operators, communication professionals (for the blind, deaf and severely disabled). Monthly transportation allowances (€ 180) are granted and working parents are entitled to permits. Further measures have been recently adopted to support children affected by specific learning problems (350.000) and with special needs (more than 500.000).

60. 7.182 UAMs were present in Italy on 30 May 2014: 517 (7.2%) females, 6.655 (92.8%) males. 89.2% are above the age of fifteen (only 10.8% under 14) and the majority arrived by sea. In 2013: 3.818 (2.503 in Sicily, 632 in Calabria, 665 in Apulia). In 2011–

2012 (because of increased migration from North Africa) UAMs peaked to 4.231. From 1 January to 9 June 2014, 2.389 UAMs arrived by sea, 2.245 in Sicily. To improve data collection and interaction among institutions, an on-line information service is under development to receive and assist UAMs. It is presently tested in 7 areas: Ancona, Bari, Bologna, Crotone, Syracuse, Turin and Venice.

61. Except in particular situations justified by reasons of public order and State security, Italian law (art. 19 of Decree 286 of 25 July 1998) forbids the deportation of a foreigner under the age of 18. UAMs cannot be hosted in a CARA or a CIE. UAMs are entitled to a residence permit, until they reach the age of 18. Moreover, in accordance with the CRC's obligations, UAMs benefit from a wide set of protections: the right to education, to healthcare, accommodation in a safe place, the right to guardianship. Thus, during the minority age, UAMs are housed in Reception Centres for minors or put in family foster care.

62. A special fund (€ 40 million for 2014) has been established for the reception of UAMs. In 2012 the Ministry of Labour and Social Policies sponsored 1.126 individual grants for the social and labour integration of UAMs after they turn 18.

63. In 2013 Guidelines on UAMs (to define the procedures related to census, family tracing, assisted voluntary return and residence permit conversion when coming of age) were adopted.

## **Judiciary and detention system**

### **Recommendations 45-46**

64. Italy has adopted several legislative measures to reduce prison overcrowding. The extension up to 18 months to benefit from house arrest (art. 3 of Decree 211/2011) led to a huge increase of detainees applying for it. Law 94/2013 extended the application of pre-trial detention from 4 to 5 years. Subsequently Law 10/2014 codified house arrest and Law 67/2014 gave the Government the competence to adopt alternative measures to detention. As of today, there are 59.500 inmates of whom 800 under semi-liberty regime; no inmates live in an area of less than 3 square meters; 31.000 persons benefit from measures alternative to detention. After a recent verdict by the Supreme Court (29 May) penalties for drug-trafficking and use-related crimes have been reduced, and drug-addicted inmates are to be transferred to rehab communities (5.000 detainees are estimated to benefit from this provision). By the end of 2014, the prison population is expected to be reduced to 50.000.

65. Law 10/2014 has also introduced special early release (*Liberazione anticipata speciale*). It provides for the reduction from 6 to 3 and a half years of detention for good behavior in prison; it also provides for: a specific hearing in the event of a proceeding allegedly non-compliant with Prison Rules and Regulations (Penitentiary Act) causing a "current and serious prejudice to the exercise of rights"; the power to order the administration to comply with rules and regulations; compensations for damages in the event of non-compliance.

66. Following the ratification of the CAT Protocol (Law 195/2012) Law 10/2014 has also provided for the establishment by the Ministry of Justice of a National Authority for the rights of detainees, tasked with monitoring the treatment of individuals deprived of personal liberty and the implementation of alternative measures to detention in conformity with constitutional, legislative and international standards. It will have the power to visit prisons, to investigate on detention measures, to visit judicial psychiatric hospitals and all institutions, including CIEs, hosting individuals deprived of personal liberty. It can also adopt specific recommendations.

67. In compliance with the ECHR Torreggiani pilot judgment, since June 2014 new legislation (Law Decree 92/2014) provides for compensation for detainees who have suffered a violation of art. 3 of the European Convention of Human Rights for a period of 15 days or more. Pre-trial detention cannot be applied in cases where the judge considers that the defendant, if found guilty, will be sentenced to 3 years or less or given a suspended sentence.

#### **Recommendations 47-48**

68. The Judiciary is autonomous and independent, subject only to the law (arts. 101 and 104 of the Constitution). The Constitution attributed the management of the staff of the Judiciary (transfers, promotions, attribution of functions and disciplinary measures) to an autonomous governing body, the *Consiglio Superiore della Magistratura*, which is the guarantor of the independence of the Judiciary (art. 105 of the Constitution). Within this framework the *Consiglio Superiore della Magistratura* has repeatedly expressed the principle that acts and decisions of judges may be discussed and criticized but cannot be a pretext for statements which undermine single judges or the entire Judiciary.

### **Freedom of expression and freedom of religion**

#### **Recommendations 50-51**

69. Law 215/2004 entrusts National Authority for the Communications (AGCOM) with specific responsibilities in order to avoid the risk that holders of a government position may receive an undue advantage by media owned by themselves or by members of their family within the second degree. AGCOM carries out audits of companies operating in the Integrated Communications System (SIC) and headed by holders of government positions (or by their relatives), in order to ensure compliance with the Parameter-Laws (including the *Par Condicio* Law). As for RAI (the public radio and television broadcast), a parliamentary commission provides guidance in order also to ensure pluralism. AGCOM oversees and ensures the compliance of RAI with relevant legislation concerning pluralism and public service-related obligations. Several bills to reform legislation governing conflicts of interest are currently under discussion in Parliament. A recent Bill (1832/2013) envisages that a blind trust be set up if the overseeing Authority detects a situation of conflict of interest.

#### **Recommendation 52**

70. A Bill is under discussion at the Italian Senate to amend the Criminal Code and the Criminal Procedural Code and to revise the legal definition of defamation (including defamation through the press and any other means of publicity, insult and libel) and related sanctions, excluding any reference to detention. It also covers vexatious litigations, setting a fine between € 1.000 and € 10.000 to be paid into a special fund.

#### **Recommendation 53**

71. The Inter-Forces Central Bureau for Personal Security (UCIS) at the Ministry of the Interior provides guidance to ensure that the most appropriate measures are taken with regard to domestic and foreign dignitaries, or any other person, and their relatives, who because of their duties or for other proven reasons, are exposed to actual or potential danger or threat (Law 133/2002). Situations of actual threat usually concern journalists investigating organized crime. UCIS, with the competent *Prefetto*, assesses the level of risk in relation to the degree of exposure to danger of the person to be protected (from level 1 to 4).

#### **Recommendation 54**

72. Italy has 19 “multiplexes” managed by eight different providers. Three more operators will be added in the near future with a tender procedure open only to new comers and small operators. Two of the existing operators currently managing 4 “multiplexes” have relinquished publishing-related activities and have become "pure" network operators or have entrusted independent publishers with the totality of their broadcasting capacity. Italian television industry numbers 94 free-to-air television programmes of 26 different media groups (including NBC Universal, SKY, Fox International, Feltrinelli, Discovery International, Cairo). Moreover, in order to ensure pluralism, AGCOM constantly monitors fifteen national TV channels belonging to seven different companies (RAI, RTI, La- Effe, LA7, Viacom, L'Espresso Group, SKY Italy srl).

#### **Recommendation 55**

73. In order to ensure the implementation of constitutional principles (arts. 7 and 8) since 2010 5 new Agreements with non-Catholic denominations were approved with: the Holy Orthodox Archdiocese of Italy and Exarchate of Southern Europe (Law 126/12); the Church of Jesus Christ of Latter-day Saints (Law 127/12); the Apostolic Church in Italy (Law 128/12); the Italian Buddhist Union (UBI) (Law 245/12); the Italian Hindu Union (Law 246/12). Agreements with other religious denominations are being finalized. The central government also intervened, in the same period, in order to resolve situations of discrimination and violation of the right to religious freedom by some local governments, in particular concerning the burial of non-Catholics and the construction of places of worship.

### **Minorities**

#### **Recommendations 64-65-66**

74. Minority groups living in border Regions enjoy a special form of autonomy in compliance with the Constitution and Law 482/ 1999 on the protection of historical linguistic minorities. The Slovenian minority of Friuli Venezia Giulia enjoys a particular system of protection arising from international agreements concluded after World War II, completed by Law 38/2001. The latter provides inter alia for the use of the minority languages in joint bodies and in public administration with an allocation of € 7.6 million in 2013. In 2012 RAI produced 4.558 hours of radio and television broadcasts in Slovenian. Regional Law 26/2007 promotes cultural, artistic, scientific, educational, sport, leisure, information and editorial initiatives involving Slovenian institutions and associations. A regional register of Slovenian minority organizations and a regional fund to support the Slovenian minority have been established. In Trieste a network of state schools operates where students study and speak Slovenian. A Permanent Institutional Panel on issues concerning the Slovenian speaking minority in Italy was established in 2012 in order to strengthen cooperation and dialogue with the Slovenian minority and to identify ways to reinforce their rights.

### **Fight against human trafficking**

#### **Recommendations 83-84-85-86-87-88**

75. Italy ratified the CoE Convention on Action against Trafficking in Human Beings (Law 108/2010) and enacted in 2014 EU Directive 2011/36, introducing a specific definition of the crimes of reduction to slavery and trafficking, strengthening inter-institutional cooperation on trafficking and asylum, and encouraging assistance to UAMs requesting international protection.

76. Italian legislation provides for the implementation of social protection programmes for victims of trafficking:

- Short term programmes (Law 228/2003): identification, protection and provision of first aid to presumed foreign and European victims;
- Long term programmes (Legislative Decree 286/1998): assistance and social integration for persons who have suffered from violence and serious exploitation or whose safety is at risk, also granting special residence permits for humanitarian reasons. A H/24 toll-free number for victims of trafficking (800 290 290) is active, with multilingual personnel giving assistance and information about legislation and programmes. 665 long term projects were financed in 2000/12 and 166 short term projects in 2006/12. All together 25.051 victims were assisted in 2000/12 (1399 minors). In 2012 € 8 million were allocated to DEO for this purpose.

77. As to the protection of illegal alien workers victims of labour exploitation, Legislative Decree 109/2012, enacting EU Directive 2009/52, introduced heavier sanctions for the employer and the possibility to grant a permit to foreign nationals, victims of particular forms of labour exploitation (when aged less than 16, exposed to serious danger related to the nature and conditions of work etc.) volunteering to report their employers to the police and cooperate with law enforcement agencies.

78. In 2001 the *Ufficio Stranieri* and the Criminal Investigation Squads were reorganized and "Non-EU Crime and Prostitution Units" were set up within the Criminal Investigation Squads. At the central level, within the Central Anti-crime Directorate of the National Police, the Central Operational Service is operating. It monitors criminal activity and coordinates investigations. Cooperation with NGOs was underpinned in 2010 by an MoU signed between the Department of Public Security and the National Anti-Mafia Directorate in order to quantify the phenomenon, encourage training activities, exchange good practices, promote cooperation among judicial authorities, the police and NGOs.

79. International cooperation initiatives were launched with Romania, Albania and Libya. In particular, positive results were accomplished within the on-going bilateral programme with the Romanian Police Forces (ITA.RO), in order to counter transnational organized crime.

## **Education and training on human rights**

### **Recommendation 31**

80. The State Police has increased and widened the scope of training activities for operators, with specialized courses on investigative techniques, covering crimes against children and sexual offenses and thematic issues have been introduced such as domestic violence, stalking, violence against women as well as the contrast of discriminatory acts.

81. The Human Rights module is compulsory in the *Carabinieri* basic training courses and part of the learning programmes for all ranks. It focuses on cases of violations of rights during police operations and on assistance and support to victims of crime. At CoESPU (Center of Excellence for Stability Police Units) based in Vicenza and run by the *Carabinieri* in cooperation with the U.S. Department of State, training activities are carried out for police officers mainly from African Countries, to be employed in peacekeeping missions. Programmes include the respect for human rights and gender-based violence protection.

82. Since 2012 the Observatory for Security against Acts of Discrimination (OSCAD) has carried out intense training activities for officers and law enforcement officials in the

field of human rights, anti-discrimination and contrast of hate crimes, as well as for secondary schools students.

83. The Financial Guard basic learning training courses include humanitarian law modules providing basic tools to recognize various types of conflict, to assess legal aspects during international humanitarian operations and to ensure respect of human rights. Financial Guard officers wishing to be employed in out of area operational theaters must also attend and pass before selection a specific training course, in order to qualify as “Operations Abroad Expert” (AOFA). Recently more specific residential or e-learning training activities have been planned in relation to immigration controls and SAR activities at sea.

84. The learning modules of the basic vocational training and specialization courses for Prison Police always include human rights thematic issues.

## **Environmental pollution**

### **Recommendation 89**

85. At the ILVA steelworks in Taranto the following actions have been defined: a) monitoring of plant activities in terms of emission caps and related norms to protect environment and health conditions: the permission procedure is set out in special legislation, which states that the plant is “an industrial asset of national strategic interest”; the plant is managed by a Special Commissioner appointed by the Government. The Ministry for Economic Development approves an Industrial Plan balancing productive activity and environmental, health and security prescriptions; b) the Integrated Environmental Authorization provides for health monitoring through an inter-institutional Observatory at the Ministry of Health. A Committee was set up to draft an environmental and health protection plan. € 25 million have been allocated for 2014 and 2015 to implement preliminary and health monitoring examinations for people in Taranto and Statte.

86. At the coal power plant in Cerano (Brindisi) since 2009 the following measures have been implemented: 1) progressive reduction of annual emissions for the most relevant pollution components (Legislative Decree 152/06), with lower limitations compared to other limits prescribed by law; 2) interventions covering the coal area to reduce the risk of diffused dusts; 3) implementation of the biomass co-combustion system on thermoelectric sections instead of the coal system; 4) the improvement of efficiency of mechanisms by substituting electrostatic precipitators with specific filters; 5) *ad hoc* interventions on the beam; 6) progressive annual reduction of coal road transfer.

87. The “Land of fires” covers 57 municipalities of Campania near Naples and Caserta, where illegal waste is moved to and burnt, releasing toxic substances such as dioxin. Law 6/2012 was adopted to deal with this issue and to guarantee food security of goods produced in the area, following the Pact of the “Land of fires” launched in Naples on 11 July 2013 and the Executive Protocol adopted in August 2013 by the Ministries for the Environment and the Interior, the *Prefetti* and the Ecopneus Consortium; the Law introduced the crime of illegal waste combustion and uncontrolled waste transport disposal.

## **Development aid and cooperation**

### **Recommendations 90-91**

88. Italy reiterates its adherence to the 0.7 GDP goal within the United Nations. The context of the global financial and economic crisis, with the consequent need to contain

public expenditure, has led to downsizing the funding of ODA in recent years. In 2008 Italian ODA reached 0.22% of GDP, fluctuating to 0.14% of GDP in 2012. In 2013 the Italian government committed itself to ensure a 10% increase of ODA, with the goal to gradually align our ODA to international standards. According to this commitment to growth, we expect to reach 0.28 / 0.31% of GDP in 2017.

## **V. Description of achievements, of "best practice" as well as of challenges in implementing the recommendations accepted by Italy**

89. The “National Strategy for the Inclusion of Roma, Sinti and Travellers Communities in Italy, 2012–2020”, approved by the European Commission, is focused on four main pillars – Labour, Housing, Health, and Education – to be developed and implemented by national and regional “Working Groups” and “local Plans of social inclusion”. Equality, non-discrimination, human rights, gender perspective and legal status of Roma living in Italy were introduced as relevant issues, adopting a global and multi-sector approach, based on close cooperation with central and local Authorities and civil society organizations (CSOs). In June 2012 a Task Force comprising the Italian National Statistical Institute, the National Association of Italian Municipalities and the European Fundamental Rights Agency was set up by UNAR in order to collect relevant data. Bilateral and multilateral talks were launched with regional and local Authorities. The following National Working Groups, chaired by the competent administrations, have been established: Working Group of the Regions; on Roma Legal Status; Labour and Social Policies; Health; Education; Housing.

90. An extraordinary Action Plan against sexual and gender violence has been developed by DEO with the contribution of CSOs and anti-violence Centres to ensure uniform nationwide actions. In particular it envisages public information and awareness raising campaigns; anti-violence Centres upgrading; support services for victims of gender-based violence and stalking; specialized training of health sector operators; cooperation among institutions; collection and processing of data. The "Inter-Ministerial Task Force on violence against women", established in 2013 at the Presidency of the Council of Ministers and articulated in 7 sub-groups, is responsible for the implementation of the Plan.

91. The LGBT National Strategy was officially adopted by Ministerial Decree in 2013, having UNAR as national focal point. LGBT associations, national, regional and local authorities, social actors and other relevant stakeholders were involved in elaborating the National Strategy. Four main areas of intervention were identified: education and training; employment; security and prisons; media and communication. For each area goals were specified to promote equality and combat discrimination against LGBT persons. The 2011 ISTAT Survey on “Discriminations based on gender, sexual orientation and ethnic origin” is linked to the National Strategy: it helped monitor and evaluate quantitatively discriminatory conducts against several categories of victims (women, migrants, homosexuals and transsexuals) and enabled a first estimate of homosexual population in Italy. On 16 May 2014, the Ministry of Foreign Affairs and UNAR, with the support of FRA and UN, organized a Conference in Rome on the Status of LGBTI people.

92. The two-year programme of action to promote the rights and inclusion of people with disabilities has been adopted in 2013. It was prepared by the National Observatory on the Status of Persons with Disabilities, with the contribution of all organizations of persons with disabilities. The programme sets seven priority lines of action: a review of access system, recognition of certification of disability and socio-medical model of intervention; labour and employment; policies, services and organizational models for independent living

and inclusion in society; promotion and implementation of the principles of accessibility and mobility; educational process and school inclusion; health, right to life, habilitation and rehabilitation; international cooperation.

93. In 2011 the Third National Plan of Action and Measures for the Protection of Human Rights and the Development of Subjects in Children and Adolescents was approved in line with CRC Convention and related Protocols. The Plan provides for four main lines of action: strengthening the network of integrated services and the contrast of social exclusion; strengthening the protection of rights; facilitating intergenerational relationships; promoting migrants integration.

94. Italy supported the adoption of UNSC Resolution 1325 and is among the UN Member States which adopted a second National Action Plan on women, peace and security – 2014/2016, in order to strengthen initiatives to reduce the impact of conflict and post-conflict situations on women and children, improving their involvement as ‘agents of change’ in conflict prevention and resolution.

95. In December 2013 Italy presented to the European Commission “The Foundations of the Italian Action Plan on UN Guiding Principles on Business and Human Rights (UNPGs)”. The document sets priorities to protect and promote human rights within the UN and EU systems, to strengthen the relationship between business and human rights and to raise awareness of Italian companies in line with UNPGs in the ‘global value chains’ perspective.

## **VI. Projects to further improve the human rights situation in Italy**

96. In 2013 the National Action Plan against Racism, Xenophobia and Intolerance was adopted. It is aimed at supporting national and local policies to prevent and combat racism, xenophobia and intolerance and at promoting a multiethnic, multicultural open and democratic society, in compliance with international and European obligations. The Plan addresses discrimination based on race, colour, descent, national or ethnic origin, religious beliefs and practices; it comprises a statistical analysis of potential victims of discrimination, based on specific indicators in line with 2011 ISTAT survey on "Condition and social integration of foreigners".

97. Following the adoption of Legislative Decree 24/2014 implementing Directive 2011/36/EU, the first National Plan to combat trafficking is now being developed with the contribution of public and private stakeholders. The Plan will focus on: prevention, assistance and protection of victims; strengthening judicial cooperation; creating a national referral mechanism and adopting minimum protection and assistance standards; drafting guidelines for the public-private care system supporting victims and for the prosecution of traffickers; improving the compensation system for victims and enhancing training activities.

## **VII. The way forward**

98. Italy is firmly committed to the promotion and protection of human rights and to fully cooperate with international mechanisms such as the UPR aimed at monitoring national progress in this field. As a member of the HRC since its inception, Italy is engaged in fostering dialogue in order to build up consensus on fundamental values within the UN multilateral system. Italy’s priorities during the six month presidency of the EU Council are: to take forward the battle for a universal moratorium on the death penalty by seeking to

increase consensus of UN member states on the issue; to promote women rights and to fight against gender violence; to promote an EU resolution on fighting early and forced marriages; to boost European initiatives in the field of freedom of religion or belief and for the protection of religious minorities.

99. In the current legislature several bills have been submitted for the establishment of a human rights institution according to the Paris Principles.

100. The drafting of the National Report is the result of a wide consultative process which has highlighted the following priority action areas:

- discrimination based on race, gender, age, ethnicity, sexual orientation, faith and language;
- rights of migrants, asylum seekers and unaccompanied minors;
- inclusion of Roma, Sinti and Travellers;
- austerity measures and the protection of the economic, social and cultural rights of vulnerable categories (minors, elderly, persons with disabilities);
- gender violence and equal opportunities in the working life;
- prevention of trafficking in human beings and protection of victims;
- prison system and conditions of detention;
- education and training in human rights, especially for law enforcement officials.

101. CIDU at the Ministry of Foreign Affairs has set up a working group to draft a road map of legislative and executive measures that need to be implemented in the next midterm review with regard to the above mentioned priority action areas.

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# General Assembly

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## Human Rights Council

Working Group on the Universal Periodic Review

Twentieth session

27 October–7 November 2014

### National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21

## Italy

### Corrigendum

#### Paragraph 4

The paragraph should read as follows:

Italy has provided considerable financial and human resources amounting to over €17.3 billion for the protection of human rights, as shown below:

Immigration and integration policies €284.000.000	Special Fund: €190 million; "Mare Nostrum": €70 million as of 13/06/14; Piedmont Region €6 million per year for healthcare
Fight against discrimination in all its forms €550.000.000	European Integration, 2013: €219,059,138.94; New Asylum, Migration and Integration Fund, 2014/20: €310 million; Operational National Programme (PON) for Safety, aimed at welcoming asylum seekers and refugees, 2007/13: €10,000,000
Roma, Sinti and Travellers €19.830.000	Awareness campaigns: €930.000 Data collection: €750.000 Social inclusion, training, education and health: €18.150.000
Women €75.500.000	Supporting female entrepreneurship: €20 million; work-life balance, 2010/12: €40 million; contrast to sexual violence and gender violence: €15 million; Veneto Region, 2013: €380,000;

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	Piedmont Region prevention of FGM: €205,000 yearly
Children €16.052.000.000	Students with disabilities: €4 billion annually since 2010; ICF project on disabilities: €1.7 million; Regional Support Centres (CTS): €1,159,222 and €400,000 for training of teachers; 2011/14 school in hospital and home education: €8,000,000; 2013/14 peer education in multicultural contexts: €300,000; UAMs in 2014: €40 million; allowance to families with at least three underage children 2013/14: €41.1 million
Minorities €15.500.000	Supporting minorities languages, 2013/14: €15.500.000
Combating trafficking in human beings €8.450.000	Supporting victims of trafficking, 2012: €8,000,000; Umbria Region, 2012/14: €450,000
Economic rights and poverty alleviation €257.000.000	Social card: €257 million for 2012–2016
Environmental pollution €50.500.000	Taranto and Statte: €50.450.000 for 2014–2015
Training human resources, 2010/14: over 12,900	2012–2014: 8700 <i>Carabinieri</i> , police officers and inter-forces personnel. 2010–2013: 4.200 Financial Guard personnel

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## Human Rights Council

Working Group on the Universal Periodic Review

Twentieth session

27 October–7 November 2014

### **Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21**

## Italy

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the documents referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.

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## I. Background and framework

### A. Scope of international obligations<sup>1</sup>

#### International human rights treaties<sup>2</sup>

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (1976)	OP-CAT (2013)	ICRMW
	ICESCR (1978)		CPED (signature, 2007)
	ICCPR (1978)		
	ICCPR-OP 2 (1995)		
	CEDAW (1985)		
	CAT (1989)		
	CRC (1991)		
	OP-CRC-AC (2002)		
	OP-CRC-SC (2002)		
	CRPD (2009)		
	CPED (signature, 2007)		
<i>Reservations and/or declarations</i>	ICERD (declarations, arts. 4 and 6, 1976)		
	ICCPR (reservations, art. 15, para. 1, and art. 19, para. 3, 1978)		
	ICCPR-OP 1 (declaration, art. 5, para. 2, 1978)		
	CEDAW (general reservation upon signature, 1980)		
	OP-CRC-AC (declaration, art. 3, para. 2, minimum age of recruitment, 17 years, 2002)		
<i>Complaints procedures, inquiries and urgent action<sup>3</sup></i>	ICERD, art. 14 (1978)	OP-CRC-IC (signature, 2012)	OP-ICESCR (signature, 2009)
	OP-ICESCR (signature, 2009)		
	ICCPR, art. 41 (1978)		OP-CRC-IC (signature, 2012)
	ICCPR-OP 1 (1978)		ICRMW
	OP-CEDAW, art. 8 (2000)		CPED (signature, 2007)
	CAT, arts. 20, 21 and 22 (1989)		
	OP-CRPD, art. 6 (2009)		
	CPED (signature, 2007)		

**Other main relevant international instruments<sup>4</sup>**

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Convention on the Prevention and Punishment of the Crime of Genocide Rome Statute of the International Criminal Court Palermo Protocol <sup>5</sup> Conventions on refugees and stateless persons except 1961 Stateless Convention <sup>6</sup> Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>7</sup> ILO fundamental conventions <sup>8</sup> UNESCO Convention against Discrimination in Education	ILO Convention No. 189 <sup>9</sup>	ILO Convention No. 169 <sup>10</sup> 1961 Stateless Convention <sup>11</sup>

1. Several treaty bodies and special rapporteurs recommended that Italy ratify ICRMW.<sup>12</sup> The Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on the Rights of the Child (CRC) recommended that Italy ratify CPED.<sup>13</sup> Additionally, CRC recommended that Italy ratify OP-ICESCR.<sup>14</sup>

2. CRC and UNHCR recommended that Italy ratify the 1961 Convention on the Reduction of Statelessness.<sup>15</sup>

3. CRC encouraged Italy to ratify the Additional Protocol to the Convention on cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems,<sup>16</sup> the European Convention on the Legal Status of Children Born out of Wedlock, and the European Charter for Regional or Minority Languages.<sup>17</sup>

4. The Special Rapporteur on violence against women, its causes and consequences recommended the ratification and implementation of the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children and the European Convention on the Compensation of Victims of Violent Crimes.<sup>18</sup>

5. CRC urged Italy to amend its declaration under OP-CRC-AC on the minimum age for recruitment to conform with national legislation of a minimum age of 18 years.<sup>19</sup>

**B. Constitutional and legislative framework**

6. CERD welcomed the legislative measures reversing the burden of proof imposed on the defendant in civil cases of racial discrimination.<sup>20</sup>

7. In 2014, the Working Group on Arbitrary Detention (WGAD) welcomed the recent ratification of OP-CAT and the establishment of the National Guarantor of the Rights of Detainees. It encouraged Italy to promptly adopt the bill on the specific crime of torture.<sup>21</sup>

8. The Special Rapporteur on violence against women, its causes and consequences urged Italy to adopt a specific law on violence against women to address the fragmentation

due to the interpretation and implementation of the Civil, Criminal and Procedural Codes. The Special Rapporteur also recommended that Italy address the legal gaps in the area of child custody and include relevant provisions relating to protection of women who are the victims of domestic violence.<sup>22</sup>

9. WGAD welcomed the recent abolition of migration as an aggravating circumstance in criminal law and the steps taken by Parliament to abrogate the crime of “illegal entry and stay”. However, it noted with concern that the latter remained an administrative offence.<sup>23</sup>

10. The Special Rapporteur on violence against women, its causes and consequences requested amendment of the “security package” laws generally, and specifically in order to ensure access by migrant women in irregular situations to the judiciary and law enforcement agencies without fear of detention and deportation.<sup>24</sup> CEDAW was concerned that the “security package” had seriously prevented law enforcement authorities from adequately identifying potential victims of trafficking.<sup>25</sup>

11. WGAD noted that the special detention regime for mafia offenders, under article 41 bis of the Law on the Penitentiary System, had not been brought into compliance with international human rights requirements. While welcoming the Constitutional Court judgement on access to defence counsel, WGAD regretted that Italy had not taken any measures sufficiently to strengthen and expedite the judicial review of orders imposing or extending that form of detention. It indicated that such restrictive measures must be reviewed on a regular basis in order to ensure their compliance with the principles of necessity and proportionality.<sup>26</sup>

12. CRC welcomed the adoption of Act No. 62/2011 on the protection of the relationship between mothers in prison and their minor children, and Act No. 112/2011 on the establishment of the National Ombudsperson for Children and Adolescents.<sup>27</sup>

13. CRC strongly recommended that Italy fully harmonize national legislation with OP-CRC-SC, in particular by introducing a definition of child pornography into the Criminal Code, and that it develop a strategy for the prevention of sexual exploitation and abuse.<sup>28</sup>

### **C. Institutional and human rights infrastructure and policy measures**

14. Several treaty bodies recommended that Italy establish a consultation and coordination mechanism with local authorities so as to ensure effective and consistent application of the conventions.<sup>29</sup>

15. WGAD regretted that Italy had not yet established an independent national human rights institution in accordance with the Paris Principles. Noting bills currently before Parliament, WGAD urged Italy to prioritize the establishment of such an institution, with a broad human rights mandate and the necessary human and financial resources for its effective functioning.<sup>30</sup>

16. The Special Rapporteur on the human rights of migrants recommended the establishment of a national human rights institution (NHRI) in line with the Paris Principles, ensuring that it was both functionally and financially independent of the State and was vested with the authority to investigate all issues relating to human rights, including those of migrants, regardless of their administrative status.<sup>31</sup> The Special Rapporteur on violence against women, its causes and consequences recommended that the creation of an independent national human rights institution be expedited, with a section dedicated to women’s rights.<sup>32</sup>

17. In August 2013, CERD welcomed the Senate’s adoption in July 2012 of Bill No. 2720 to establish an independent NHRI, and reiterated its previous recommendation that

Italy actively involve civil society actors in the process of its establishment in order to ensure its legitimacy and credibility.<sup>33</sup>

18. The Special Rapporteur on violence against women, its causes and consequences recommended that Italy strengthen the capacity of the National Office against Racial Discrimination (UNAR) to bring about change in society's perception of women from marginalized communities.<sup>34</sup> CERD recommended that Italy take the necessary measures to guarantee the independence of UNAR.<sup>35</sup>

19. CERD welcomed the 2012 National Strategy for the Inclusion of Roma, Sinti and Camminanti Communities, which was part of the European Union Framework and which covered relevant key sectors such as education, employment, health and housing.<sup>36</sup>

20. CERD encouraged Italy to adopt a global and comprehensive human rights action plan.<sup>37</sup>

21. The Special Rapporteur on the human rights of migrants recommended the development of a comprehensive national system of data collection, analysis and dissemination regarding immigration policies and practices to be used as a foundation for rights-based policymaking on migration. The data collection should include migrants in detention and deportations.<sup>38</sup>

## II. Cooperation with human rights mechanisms

### A. Cooperation with treaty bodies<sup>39</sup>

#### 1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	March 2008	2011	March 2012	Nineteenth and twentieth reports due in 2015
CESCR	November 2004	2012	–	Fifth report pending consideration
HR Committee	November 2005	–	–	Sixth report overdue since 2009
CEDAW	January 2005	2009	July 2011	Seventh report due in 2015
CAT	May 2007	–	–	Sixth report overdue since 2011
CRC	January 2003/June 2006 (OP-CRC-AC and OP-CRC-SC)	2009	October 2011	Fifth and sixth reports due in 2017
CRPD	–	2013	–	Initial report pending consideration

## 2. Responses to specific follow-up requests by treaty bodies

### *Concluding observations*

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
CERD	2009	Establishment of a NHRI; conditions in centres for refugees and asylum seekers; and Roma and Sinti communities. <sup>40</sup>	2009. <sup>41</sup> Further information requested. <sup>42</sup>
	2013	Establishment of NHRI; forced evictions of Roma and Sinti communities. <sup>43</sup>	2013. <sup>44</sup> Further information requested. <sup>45</sup>
CEDAW	2013	Stereotypes and harmful practices; and violence against women. <sup>46</sup>	2013. <sup>47</sup> Follow up ongoing. <sup>48</sup>
CAT	2008	Fundamental safeguards; non-refoulement; conditions of detention; and compensation and rehabilitation. <sup>49</sup>	2008. <sup>50</sup> Additional information requested. <sup>51</sup>

## B. Cooperation with special procedures<sup>52</sup>

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	Yes	Yes
<i>Visits undertaken</i>	Freedom of expression (2004) Migrants (2004) Racism (2006) Arbitrary detention (2008)	Violence against women (2012) Migrants (2012) Trafficking (2013) Freedom of expression (2013) Arbitrary detention (2014)
<i>Visits agreed to in principle</i>	Slavery	Extreme poverty
<i>Visits requested</i>		Independence of judges and lawyers (2013)
<i>Responses to letters of allegation and urgent appeals</i>	In the period under review, 15 communications were sent. The Government replied to 11 of them.	

## C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

22. The United Nations High Commissioner for Human Rights visited Italy in March 2010.<sup>53</sup>

23. Italy contributed financially to OHCHR in 2009,<sup>54</sup> 2011,<sup>55</sup> 2012,<sup>56</sup> 2013<sup>57</sup> (including to the United Nations Voluntary Fund for Victims of Torture)<sup>58</sup> and 2014.<sup>59</sup>

### III. Implementation of international human rights obligations

#### A. Equality and non-discrimination

24. CEDAW urged Italy to take measures to prevent discrimination against women belonging to disadvantaged groups.<sup>60</sup>

25. CEDAW called upon Italy to put in place a comprehensive policy to end the portrayal of women as sex objects and to end stereotypical attitudes relating to women's roles and responsibilities in society and in the family.<sup>61</sup> CRC raised similar concerns.<sup>62</sup>

26. CRC urged Italy to eliminate any remaining discrimination between children born in marriage and children born outside marriage.<sup>63</sup>

27. CERD urged Italy to ensure that non-citizens enjoyed equal protection and recognition before the law. CERD recommended that Italy ensure that its legislation and policies did not discriminate, in purpose or effect, on the grounds of race, colour, descent, or national or ethnic origin.<sup>64</sup>

28. CERD and CRC recommended that Italy amend article 61 of the Criminal Code so that racist motivation in the commission of an offence constituted an aggravating circumstance, including in cases where there were mixed motives.<sup>65</sup>

29. The United Nations High Commissioner for Human Rights expressed alarm at the negative portrayal of migrants and Roma by some parts of the media and some politicians and other authorities. She urged Italy's politicians, media and public officials to avoid vilification and deliberate negative stereotyping of any group of people and to publicly campaign against such behaviour by others.<sup>66</sup> CERD raised similar issues.<sup>67</sup>

30. CERD regretted the persistence of stereotypes associating ethnic minorities and non-citizens with criminality, and Islam with terrorism. CERD recommended that Italy increase its efforts to prevent and combat racial discrimination against Muslims and foster dialogue with Muslim communities.<sup>68</sup>

31. CERD and CEDAW recommended that Italy remove obstacles hindering the enjoyment of economic, social and cultural rights by non-citizens, in particular their rights to education, adequate housing, employment and health.<sup>69</sup>

#### B. Right to life, liberty and security of the person

32. CERD was deeply concerned at several cases of racist violence involving destruction of property and the murders of a number of migrants. CERD recommended that Italy ensure the security and integrity of non-citizens and of Roma and Sinti, and that it make sure that perpetrators did not enjoy de jure or de facto impunity.<sup>70</sup>

33. WGAD urged Italy to take extraordinary steps, such as alternative measures to detention, to end over-incarceration and to protect the rights of migrants. It also called on Italy to comply with its recommendations on over-incarceration and with the *Torreggiani* judgement of the European Court of Human Rights.<sup>71</sup>

34. WGAD remained concerned at the high number of pretrial detainees and stated that there was a need to monitor and remedy the disproportionate application of pretrial detention in the case of foreign nationals and Roma, including minors.<sup>72</sup>

35. WGAD remained concerned at the length of the administrative detention and the conditions of detention in the Identification and Expulsion Centres (CIEs).<sup>73</sup>

36. WGAD noted that a significant number of detainees in CIEs were foreign nationals convicted of criminal offences who were subsequently remanded into CIEs, and called on Italy to avoid the transfer to CIEs of convicted migrants who should be identified during their detention in prison.<sup>74</sup>

37. The Special Rapporteur on violence against women, its causes and consequences recommended that Italy promote existing alternative forms of detention, including house arrest and low-security establishments, for women with children, having due regard to the largely non-violent nature of the crimes for which they were incarcerated and the best interests of the children.<sup>75</sup>

38. The Special Rapporteur on the human rights of migrants stressed that migrants should be detained only because they presented a danger to themselves or others, or would abscond before future proceedings, and always for the shortest time possible, and that non-custodial measures should always be considered first as alternatives to detention.<sup>76</sup> Italy should systematically inform detained migrants in writing, in a language they understand, of the reason for their detention, its duration, their right to have access to a lawyer, their right to promptly challenge their detention and their right to seek asylum.<sup>77</sup> Italy should ensure that all migrants deprived of their liberty were able promptly to contact their family, consular services and a lawyer, which should be free of charge.<sup>78</sup>

39. CEDAW remained concerned about the high number of women murdered by their partners or ex-partners. CEDAW urged Italy to put emphasis on comprehensive measures to address violence against women and to ensure that victims had immediate protection, including expulsion of the perpetrator from the home.<sup>79</sup>

40. The Special Rapporteur on violence against women, its causes and consequences recommended that Italy continue to take necessary measures, including financial, to maintain existing and/or set up new anti-violence shelters to assist and protect women victims of violence, that it ensure that shelters operated according to international and national human rights standards and that accountability mechanisms were put in place to monitor the support provided to women victims of violence. She also stressed the need to enhance coordination and exchange of information among the judiciary, the police and the psychosocial and health operators dealing with violence against women.<sup>80</sup>

41. CRC recommended that Italy prioritize the elimination of all forms of violence against children.<sup>81</sup>

42. CRC recommended that Italy reform domestic legislation to ensure the inclusion of an explicit prohibition on all forms of corporal punishment in all settings, including in the home.<sup>82</sup>

43. The Special Rapporteur on trafficking in persons, especially women and children urged Italy to expedite the preparation of a national action plan that identified objectives, delineated responsibilities, provided sufficient funding and set out clear indicators to measure the progress and impact of policy response, in consultation with all stakeholders.<sup>83</sup>

44. On training and capacity-building, the Special Rapporteur on trafficking in persons, especially women and children stressed the need to consistently implement the existing identification system and allocate adequate resources to it throughout the country. She added that training should be provided for relevant law enforcement agents, especially the police, immigration officials, labour inspectors and social workers, that should seek to enhance the capacity of those officials to identify trafficked persons quickly and accurately and to make referrals to appropriate services, particularly when minors were involved.<sup>84</sup>

45. The Special Rapporteur on trafficking in persons, especially women and children emphasized that the recovery and reintegration of victims of trafficking should be given continuous and adequate State funding and recommended that Italy strengthen partnerships

with source countries, including bilateral and multilateral agreements, and extend cooperation for the exchange of information and for mutual legal and investigation assistance.<sup>85</sup>

### **C. Administration of justice and the rule of law**

46. CERD recommended that UNAR continue its collaboration with non-governmental organizations (NGOs) in assisting victims of racism, and encouraged Italy to review the system of registration of NGOs so as to allow them to initiate legal proceedings on behalf of victims. CERD also recommended that Italy raise awareness among the population about legal and administrative remedies and that it increase free legal services for the most vulnerable social groups.<sup>86</sup>

47. CERD recommended that Italy ensure that claims of racial discrimination were thoroughly investigated and subject to independent inspection. CERD invited Italy to encourage the recruitment of persons belonging to ethnic groups into the police or other law enforcement agencies.<sup>87</sup>

48. The Special Rapporteur on the human rights of migrants recommended the introduction of training for Justices of the Peace on international human rights law and international refugee law.<sup>88</sup>

49. The Special Rapporteur on violence against women, its causes and consequences highlighted the need to provide education and training to judges to address effectively cases of violence against women. She also stressed the need to ensure the provision of quality, State-sponsored legal aid to women victims of violence.<sup>89</sup>

50. CRC expressed deep concern over reports that foreign children had been placed in juvenile correctional institutions and reception centres solely because they lacked documents.<sup>90</sup> CRC recommended that Italy bring its juvenile justice system fully into line with the Convention and other relevant standards.<sup>91</sup>

### **D. Right to privacy, marriage and family life**

51. CEDAW recommended that Italy reduce the length of divorce proceedings to one year and continue protecting and enhancing the rights, in particular the economic rights, of women living in de facto unions.<sup>92</sup>

52. CRC was concerned that Act No. 94/2009 on public security made it compulsory for all non-Italians to show their residence permit in order to obtain civil records.<sup>93</sup> Recalling Italy's acceptance of universal periodic review (UPR) recommendation No. 40 to implement Act No. 91/1992 on Italian citizenship, CRC recommended that Italy ensure by law the obligation of, and facilitate in practice, the birth registration of all children born in and living in Italy.<sup>94</sup>

53. CRC recommended that Italy undertake a study on the situation regarding the right to a family environment for children with parents in prison.<sup>95</sup>

### **E. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

54. CRC called upon Italy to ensure in practice that religious instruction was truly optional, and study good practices of alternatives to Catholic religious instruction and consider making them available in the national curricula.<sup>96</sup>

55. In 2013, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression urged the legislature to completely decriminalize defamation and to transform it from a criminal to a civil action, in order not to discourage freedom of expression.<sup>97</sup> UNESCO made a similar recommendation.<sup>98</sup>

56. UNESCO stated that Italy lacked media pluralism due to the concentration of media ownership with a small group of individuals.<sup>99</sup> The Special Rapporteur on the right to freedom of opinion and expression urged Italy to promote and protect media diversity and pluralism by preventing cross-ownership of print and broadcast media.<sup>100</sup> He recommended that the Frattini Law, No. 215 of 2004, be amended to introduce the principle of incompatibility between holding elected or government office and ownership and control of the media.<sup>101</sup>

57. The Special Rapporteur on the right to freedom of opinion and expression stressed that all acts of intimidation and violence against journalists needed to be fully investigated, and that legal measures combating hate speech should be complemented by a broad set of non-legal measures to bring about genuine changes in mindsets.<sup>102</sup> Attention should be paid to the working conditions of journalists; and standards should be set, including tariffs for fair remuneration.<sup>103</sup>

58. Regarding communications regulatory authorities, the Special Rapporteur on the right to freedom of opinion and expression recommended that Parliament should establish a mechanism that would ensure the transparency of the election processes for members of the boards of regulatory bodies and publish the selection criteria for the Communications Regulatory Authority (Autorità per le Garanzie nelle Comunicazioni), an independent body that was established under the Maccanico Law No. 249 in 1997.<sup>104</sup>

59. CEDAW urged Italy to strengthen women's representation in leadership roles and decision-making positions in political bodies, public administration and the private sector, and to consider taking additional legislative measures to ensure adequate representation of Roma women and migrant women, and women from the south of the country.<sup>105</sup>

## **F. Right to work and to just and favourable conditions of work**

60. CEDAW remained concerned at the persistent high rate of female unemployment.<sup>106</sup> It urged Italy to take concrete measures to ensure de facto equal opportunities for women and men in the labour market and to eliminate occupational segregation.<sup>107</sup>

61. CEDAW recommended that Italy take targeted measures to ensure that women working in rural areas had real possibilities to benefit from economic empowerment and equal opportunities with men.<sup>108</sup>

62. CEDAW and the International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations expressed concern at the practice of having the worker sign an undated letter of resignation at the time of hiring, for future use by the employer. Noting the high number of resignations by women aged between 26 and 35, the Committee of Experts requested Italy to take additional concrete measures to address the issue of resignation without cause by pregnant women and working mothers.<sup>109</sup>

63. CEDAW called upon Italy to mainstream the issues of immigrant women and women with disabilities into its employment policies and programmes.<sup>110</sup>

64. The Special Rapporteur on the human rights of migrants requested that Italy fully implement the European Union's Employer Sanctions Directive, including by developing comprehensive measures to sanction Italian employers who abused the vulnerability of migrants.<sup>111</sup> CERD recommended that Italy amend its legislation to allow undocumented

migrants to claim rights arising out of previous employment and to file complaints irrespective of immigration status.<sup>112</sup>

### **G. Right to social security and to an adequate standard of living**

65. CRC was deeply concerned at the high number of children living in poverty and the disproportionate concentration of child poverty in southern Italy.<sup>113</sup>

### **H. Right to health**

66. CEDAW urged Italy to ensure equal access to health services to women throughout its territory.<sup>114</sup>

67. CEDAW recommended that Italy take preventive measures and provide health-care services and treatment to immigrant women infected with HIV/AIDS.<sup>115</sup>

68. CRC noted with concern discrepancies in the quality and efficiency of the health-care system between southern and northern regions.<sup>116</sup>

### **I. Right to education**

69. CRC strongly recommended that Italy refrain from further budget cuts in the education sector, introduce educational support mechanisms for children from economically disadvantaged families, take action to pass legislation on access to vocational training, and develop programmes to improve the integration of foreigners and minority children in schools.<sup>117</sup>

70. CRC was concerned at the very limited number of Roma children enrolled in primary and especially secondary school.<sup>118</sup> CEDAW called upon Italy to implement measures to decrease dropout rates among Roma and Sinti girls.<sup>119</sup> CERD encouraged Italy to ensure effective access to education by Roma and Sinti children and other vulnerable groups.<sup>120</sup> UNESCO made similar recommendations.<sup>121</sup>

### **J. Persons with disabilities**

71. CRC was concerned that disability was still conceptualized as a “handicap”, rather than approached with the aim of ensuring the social inclusion of children with disabilities.<sup>122</sup> It recommended that Italy ensure a rights-based approach in relation to children with disabilities.<sup>123</sup>

### **K. Minorities**

72. The United Nations High Commissioner for Human Rights expressed concern at the policy of treating migrants and Roma as a security problem rather than as one of social inclusion.<sup>124</sup>

73. CERD was extremely concerned about the census that had taken place subsequent to the state of emergency imposed in May 2008 and the “Nomad Emergency Decree” regarding the settlements of nomad communities. CERD was concerned at the information that, in the course of that census, fingerprints and photographs of Roma and Sinti residents of camps, including children, had been collected. CERD strongly recommended that Italy inform the communities concerned that data had been destroyed and that it refrain from

conducting emergency censuses targeted at minority groups.<sup>125</sup> CRC made related recommendations.<sup>126</sup>

74. CERD encouraged Italy to take the necessary measures to avoid forced evictions of Roma and Sinti communities and recommended that Italy provide effective remedies for all the negative effects that followed the implementation of the Nomad Emergency Decree.<sup>127</sup> In its follow-up letter of 30 August 2013, however, CERD regretted the lack of information concerning the provision of effective remedies to them and requested that Italy provide concrete information in that regard.<sup>128</sup>

75. CERD was concerned that the already lamentable situation of Roma and Sinti communities might be worse for women belonging to those communities.<sup>129</sup>

76. CRC was seriously concerned about the poor health of Roma children. CRC noted with utmost concern the death of six children in 2010 in “illegal” Roma camps with very poor conditions, as well as evictions, deportations, and government efforts to remove Roma children from their parents for their protection.<sup>130</sup> CRC recommended that Italy adopt a national action plan for their genuine social integration into Italian society, allocate adequate resources to ensure sustainable improvement in the socioeconomic conditions of Roma children, and address harmful practices such as early marriage.<sup>131</sup>

## L. Migrants, refugees and asylum seekers

77. The United Nations High Commissioner for Human Rights expressed her concern at many of the provisions in the “security package” and at the fact that women, children and men, who, under international law, had not committed any crime, were sometimes spending more time in detention than genuine convicted criminals.<sup>132</sup>

78. UNHCR noted Italy’s far-reaching and commendable efforts to save lives at sea. Following the shipwreck tragedies in October 2013, Italy had launched the Mare Nostrum operation, which had contributed, until the end of February 2014, to rescuing more than 10,000 migrants.<sup>133</sup>

79. However, UNHCR stated that the emergency plan put in place in response to the “North Africa immigration emergency” had highlighted long-standing flaws in the reception system. This illustrated the need for a consolidated national reception system.<sup>134</sup>

80. CERD was concerned about breaches of international norms regarding protection of refugees or asylum seekers, as demonstrated by the judgement of the European Court of Human Rights of 23 February 2012 against Italy on the collective expulsion of 24 persons.<sup>135</sup> CERD recommended to Italy to ensure that conditions in centres for refugees and asylum seekers met international standards.<sup>136</sup> UNHCR made similar recommendations.<sup>137</sup>

81. The Special Rapporteur on the human rights of migrants noted the importance of taking all necessary measures to execute the judgement of the European Court of Human Rights in the *Hirsi* case.<sup>138</sup>

82. UNHCR was concerned that hundreds of migrants from North Africa had been repatriated pursuant to bilateral readmission agreements with their countries of origin. Furthermore, persons who had arrived in an irregular manner in Adriatic ports, including children as young as 13, had reportedly been returned to a third country without their protection needs being properly assessed, in accordance with the readmission agreement signed in 1999.<sup>139</sup>

83. The Special Rapporteur on the human rights of migrants recommended that Italy fully respect the human rights of migrants in relation to the implementation of all

readmission agreements, and ensure that those agreements included safeguards to fully respect the human rights of migrants, including asylum seekers and refugees, in particular with regard to the principle of non-refoulement.<sup>140</sup> UNHCR made similar recommendations.<sup>141</sup>

84. UNHCR indicated that Italy still lacked an adequate multidisciplinary age determination procedure.<sup>142</sup> The Special Rapporteur on the human rights of migrants recommended that Italy establish a comprehensive mechanism for the identification of unaccompanied minors that included not only medical examinations but also a psychosocial and cultural approach, in order to best identify specific protection measures in the best interests of each child.<sup>143</sup> CRC also recommended that Italy introduce comprehensive legislation ensuring assistance and protection for unaccompanied children.<sup>144</sup>

85. WGAD was concerned at reports of the summary return of individuals, including, in some cases, unaccompanied minors who had sought asylum, in the context of bilateral readmission agreements, mainly due to inadequate or non-existent screening that had failed to determine their age or to inform them of their rights.<sup>145</sup>

86. CRC recommended that Italy ensure that each child under its jurisdiction, whether on the high seas or on its territory, who sought to enter Italy, had the right to an individual examination of his or her circumstances and was provided with prompt access to asylum procedures and other relevant national and international protection procedures; and that it review its domestic law to ensure that it prohibited the expulsion of persons under the age of 18, even for reasons of public order and State security, where there were substantial grounds for believing that there was a real risk of irreparable harm to the child.<sup>146</sup>

87. CRC was concerned that Italy lacked a framework law on political asylum.<sup>147</sup> UNHCR stated that the fragmentation of the legislative framework on asylum corresponded to a division of competence among various institutions, where different actors often operated without adequate coordination.<sup>148</sup>

88. CEDAW recommended that Italy fully integrate a gender-sensitive approach throughout the process of granting asylum/refugee status, including in the application stage, and that it recognize gender persecution as a ground for recognition of refugee status.<sup>149</sup>

89. CRC urged Italy to include the recruitment and use of children in armed conflict as a ground for refugee status in domestic legislation.<sup>150</sup>

90. The Special Rapporteur on the human rights of migrants stressed that all detained persons who claimed protection concerns should be adequately informed of their right to seek asylum, have access to the registration of their asylum claim and be able to communicate with UNHCR, lawyers and civil society organizations. He also urged that all decision-makers within the Territorial Commission be adequately trained in asylum and human rights law in order to appropriately determine asylum claims.<sup>151</sup>

91. UNHCR indicated that de facto stateless persons could be found among the Roma and Sinti communities originating from abroad and having lived in Italy for many years.<sup>152</sup> CERD recommended that Italy take measures to reduce statelessness, in particular among Roma and Sinti children born in Italy, and to facilitate access to citizenship for stateless Roma, Sinti and non-citizens who had lived in Italy for many years.<sup>153</sup>

## **M. Right to development**

92. CRC encouraged Italy to strive to redress the fall in official development assistance and recover its growth path in order to meet the internationally agreed target of 0.7 per cent of gross national product by 2015.<sup>154</sup>

## Notes

<sup>1</sup> Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Italy from the previous cycle (A/HRC/WG.6/7/ITA/2).

<sup>2</sup> The following abbreviations have been used in the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup> Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31; Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13; Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12; Urgent action: CPED, art. 30.

<sup>4</sup> Information relating to other relevant international human rights instruments, including regional instruments, may be found in the pledges and commitments undertaken by Italy before the Human Rights Council, as contained in the note verbale dated 11 February 2011 and sent by the Permanent Mission of Italy to the United Nations, addressed to the Secretariat: A/65/733.

<sup>5</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>6</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and 1954 Convention relating to the Status of Stateless Persons.

<sup>7</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications,

- see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).
- <sup>8</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- <sup>9</sup> International Labour Organization Convention No. 189 concerning Decent Work for Domestic Workers.
- <sup>10</sup> International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.
- <sup>11</sup> 1961 Convention on the Reduction of Statelessness.
- <sup>12</sup> CERD/C/ITA/CO/16-18, para. 28, CEDAW/C/ITA/CO/6, para. 58, CRC/C/ITA/CO/3-4, para. 81, A/HRC/23/46/Add.3, para. 94, A/HRC/26/37/Add.4, para. 89 (a), and A/HRC/20/16/Add.2, para. 94 (n).
- <sup>13</sup> CEDAW/C/ITA/CO/6, para. 58, and CRC/C/ITA/CO/3-4, para. 81.
- <sup>14</sup> CRC/C/ITA/CO/3-4, para. 81.
- <sup>15</sup> UNHCR submission to the UPR on Italy, p. 12, and CRC/C/ITA/CO/3-4, para. 81.
- <sup>16</sup> CERD/C/ITA/CO/16-18, para. 17 (b).
- <sup>17</sup> CRC/C/ITA/CO/3-4, para. 25 (f), and CRC/C/ITA/CO/3-4, para. 80 (f).
- <sup>18</sup> A/HRC/20/16/Add.2, para. 94 (n).
- <sup>19</sup> CRC/C/ITA/CO/3-4, para. 72 (a).
- <sup>20</sup> CERD/C/ITA/CO/16-18, para. 5.
- <sup>21</sup> Italy/Arbitrary Detention: UN expert body calls for action to end over-incarceration and to protect rights of migrants. News release, 11 July 2014, OHCHR. Available from <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14853&>
- <sup>22</sup> A/HRC/20/16/Add.2, para. 94 (c) and (d).
- <sup>23</sup> Italy/Arbitrary Detention: UN expert body calls for action to end over-incarceration and to protect rights of migrants. News release, 11 July 2014, OHCHR. Available from <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14853&>
- <sup>24</sup> A/HRC/20/16/Add.2, para. 94 (k).
- <sup>25</sup> CEDAW/C/ITA/CO/6, para. 28.
- <sup>26</sup> Italy/Arbitrary Detention: UN expert body calls for action to end over-incarceration and to protect rights of migrants. News release, 11 July 2014, OHCHR. Available from <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14853&>
- <sup>27</sup> CRC/C/ITA/CO/3-4, para. 3.
- <sup>28</sup> *Ibid.*, para. 75 (a) and (b).
- <sup>29</sup> CERD/C/ITA/CO/16-18, para. 27, CEDAW/C/ITA/CO/6, para. 17, and CRC/C/ITA/CO/3-4, para. 9 (b).
- <sup>30</sup> Italy/Arbitrary Detention: UN expert body calls for action to end over-incarceration and to protect rights of migrants. News release, 11 July 2014, OHCHR. Available from <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14853&>
- <sup>31</sup> A/HRC/23/46/Add.3, para. 92.
- <sup>32</sup> A/HRC/20/16/Add.2, para. 94 (b).
- <sup>33</sup> Letter from CERD to the Permanent Mission of Italy to the United Nations and other international organizations in Geneva, dated 28 September 2009, available from [http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ITA/INT\\_CERD\\_FUL\\_ITA\\_11807\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ITA/INT_CERD_FUL_ITA_11807_E.pdf), accessed on 30 June 2014.
- <sup>34</sup> A/HRC/20/16/Add.2, para. 95 (b).
- <sup>35</sup> CERD/C/ITA/CO/16-18, para. 14.
- <sup>36</sup> *Ibid.*, para. 8.
- <sup>37</sup> *Ibid.*, para. 27.

- <sup>38</sup> A/HRC/23/46/Add.3, para. 91.
- <sup>39</sup> The following abbreviations have been used in the present document:
- |              |  |
|--------------|--|
| CERD         | Committee on the Elimination of Racial Discrimination        |
| CESCR        | Committee on Economic, Social and Cultural Rights            |
| HR Committee | Human Rights Committee                                       |
| CEDAW        | Committee on the Elimination of Discrimination against Women |
| CAT          | Committee against Torture                                    |
| CRC          | Committee on the Rights of the Child                         |
| CRPD         | Committee on the Rights of Persons with Disabilities         |
- <sup>40</sup> CERD/C/ITA/CO/15, para. 28.
- <sup>41</sup> CERD/C/ITA/CO/15/Add.1.
- <sup>42</sup> Letter from CERD to the Permanent Mission of Italy to the United Nations and other international organizations in Geneva, dated 28 September 2009, available from [http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ITA/INT\\_CERD\\_FUL\\_ITA\\_11807\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ITA/INT_CERD_FUL_ITA_11807_E.pdf), accessed on 30 June 2014.
- <sup>43</sup> CERD/C/ITA/CO/16-18, para. 34.
- <sup>44</sup> CERD/C/ITA/CO/16-18/Add.1.
- <sup>45</sup> Letter from CERD to the Permanent Mission of Italy to the United Nations and other international organizations in Geneva, dated 30 August 2013, available from [http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ITA/INT\\_CERD\\_FUL\\_ITA\\_15704\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ITA/INT_CERD_FUL_ITA_15704_E.pdf), accessed on 30 June 2014.
- <sup>46</sup> CEDAW/C/ITA/CO/6, para. 60.
- <sup>47</sup> CEDAW/C/ITA/CO/6/Add.1.
- <sup>48</sup> Letter from CEDAW to the Permanent Mission of Italy to the United Nations and other international organizations in Geneva, dated 8 April 2014, available from [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/ITA/INT\\_CEDAW\\_FUL\\_ITA\\_16991\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/ITA/INT_CEDAW_FUL_ITA_16991_E.pdf), accessed on 30 June 2014.
- <sup>49</sup> CAT/C/ITA/CO/4, para. 29.
- <sup>50</sup> CAT/C/ITA/CO/4/Add.1.
- <sup>51</sup> Letter from CAT to the Permanent Mission of Italy to the United Nations and other international organizations in Geneva, dated 17 November 2009, available from [http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/ITA/INT\\_CAT\\_FUF\\_ITA\\_12083\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/ITA/INT_CAT_FUF_ITA_12083_E.pdf), accessed on 30 June 2014.
- <sup>52</sup> For the titles of special procedures, see [www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx) and [www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx).
- <sup>53</sup> High Commissioner's mission to Italy, 10 and 11 March 2010. Final press conference, opening statement, available from <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=9901&LangID=E>
- <sup>54</sup> OHCHR Report 2009, p. 208.
- <sup>55</sup> OHCHR Report 2011, p. 169.
- <sup>56</sup> OHCHR Report 2012, p. 162.
- <sup>57</sup> OHCHR Report 2013, p. 178.
- <sup>58</sup> *Ibid.*, p. 169.
- <sup>59</sup> Voluntary contributions to OHCHR in 2014 as at 30 July, available from <http://www.ohchr.org/Documents/AboutUs/FundingBudget/VoluntaryContributions2014.pdf>
- <sup>60</sup> CEDAW/C/ITA/CO/6, para. 53.
- <sup>61</sup> *Ibid.*, para. 23 (a).
- <sup>62</sup> CRC/C/ITA/CO/3-4, para. 32.
- <sup>63</sup> *Ibid.*, para. 25 (e).
- <sup>64</sup> CERD/C/ITA/CO/16-18, para. 12.
- <sup>65</sup> *Ibid.*, para. 16, and CRC/C/ITA/CO/3-4, para. 25 (d).
- <sup>66</sup> High Commissioner's mission to Italy, 10 and 11 March 2010. Final press conference, opening statement, available from <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=9901&LangID=E>
- <sup>67</sup> CERD/C/ITA/CO/16-18, para. 17.
- <sup>68</sup> *Ibid.*, para. 19.

- <sup>69</sup> Ibid., para. 23, and CEDAW/C/ITA/CO/6, para. 53 (a).
- <sup>70</sup> CERD/C/ITA/CO/16-18, para. 18.
- <sup>71</sup> Italy/Arbitrary Detention: UN expert body calls for action to end over-incarceration and to protect rights of migrants. News release, 11 July 2014, OHCHR. Available from <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14853&>
- <sup>72</sup> Ibid.
- <sup>73</sup> Ibid.
- <sup>74</sup> Ibid.
- <sup>75</sup> A/HRC/20/16/Add.2, para. 94 (g).
- <sup>76</sup> A/HRC/23/46/Add.3, para. 105.
- <sup>77</sup> Ibid., para. 108.
- <sup>78</sup> Ibid., para. 110.
- <sup>79</sup> CEDAW/C/ITA/CO/6, paras. 26 and 27 (b).
- <sup>80</sup> A/HRC/20/16/Add.2, para. 96.
- <sup>81</sup> CRC/C/ITA/CO/3-4, para. 44 (a).
- <sup>82</sup> Ibid., para. 35.
- <sup>83</sup> A/HRC/26/37/Add.4, para. 89 (b).
- <sup>84</sup> Ibid., para. 90.
- <sup>85</sup> Ibid., para. 93.
- <sup>86</sup> CERD/C/ITA/CO/16-18, para. 25.
- <sup>87</sup> Ibid., para. 26.
- <sup>88</sup> A/HRC/23/46/Add.3, para. 118.
- <sup>89</sup> A/HRC/20/16/Add.2, para. 94.
- <sup>90</sup> CRC/C/ITA/CO/3-4, para. 77.
- <sup>91</sup> Ibid., para. 78.
- <sup>92</sup> CEDAW/C/ITA/CO/6, para. 49.
- <sup>93</sup> CRC/C/ITA/CO/3-4, para. 28.
- <sup>94</sup> Ibid., para. 29.
- <sup>95</sup> Ibid., para. 56.
- <sup>96</sup> Ibid., para. 31.
- <sup>97</sup> A/HRC/26/30/Add.3, para. 74.
- <sup>98</sup> UNESCO submission to the UPR on Italy, para. 30.
- <sup>99</sup> Ibid., para. 19.
- <sup>100</sup> A/HRC/26/30/Add.3, para. 77.
- <sup>101</sup> Ibid., para. 78.
- <sup>102</sup> Ibid., paras. 85 and 88.
- <sup>103</sup> Ibid., para. 86.
- <sup>104</sup> Ibid., paras. 42 and 83.
- <sup>105</sup> CEDAW/C/ITA/CO/6, para. 33 (a) and (c).
- <sup>106</sup> Ibid., para. 36.
- <sup>107</sup> Ibid., para. 37 (a) and (b).
- <sup>108</sup> Ibid., para. 47.
- <sup>109</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), adopted 2013, published 103rd ILC session (2014), available from [http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3149526](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3149526), and CEDAW/C/ITA/CO/6, para. 39.
- <sup>110</sup> CEDAW/C/ITA/CO/6, para. 41.
- <sup>111</sup> A/HRC/23/46/Add.3, para. 122.
- <sup>112</sup> CERD/C/ITA/CO/16-18, para. 23.
- <sup>113</sup> CRC/C/ITA/CO/3-4, para. 57.
- <sup>114</sup> CEDAW/C/ITA/CO/6, para. 43.
- <sup>115</sup> Ibid., para. 45 (b).
- <sup>116</sup> CRC/C/ITA/CO/3-4, para. 47.
- <sup>117</sup> Ibid., para. 61.
- <sup>118</sup> Ibid., para. 79.
- <sup>119</sup> CEDAW/C/ITA/CO/6, para. 35 (a).

- <sup>120</sup> CERD/C/ITA/CO/16-18, para. 20.
- <sup>121</sup> UNESCO submission to the UPR on Italy, para. 28.
- <sup>122</sup> CRC/C/ITA/CO/3-4, para. 45.
- <sup>123</sup> *Ibid.*, para. 46.
- <sup>124</sup> High Commissioner's mission to Italy, 10 and 11 March 2010. Final press conference, opening statement, available from <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=9901&LangID=E>
- <sup>125</sup> CERD/C/ITA/CO/16-18, para. 11.
- <sup>126</sup> CRC/C/ITA/CO/3-4, para. 80.
- <sup>127</sup> CERD/C/ITA/CO/16-18, para. 15.
- <sup>128</sup> Letter from CERD to the Permanent Mission of Italy to the United Nations and other international organizations in Geneva, dated 30 August 2013, available from [http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ITA/INT\\_CERD\\_FUL\\_ITA\\_15704\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ITA/INT_CERD_FUL_ITA_15704_E.pdf), accessed on 30 June 2014.
- <sup>129</sup> CERD/C/ITA/CO/16-18, para. 21.
- <sup>130</sup> CRC/C/ITA/CO/3-4, para. 79.
- <sup>131</sup> *Ibid.*, para. 80 (b), (c) and (d).
- <sup>132</sup> High Commissioner's mission to Italy, 10 and 11 March 2010. Final press conference, opening statement, available from <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=9901&LangID=E>
- <sup>133</sup> UNHCR submission to the UPR on Italy, p. 2.
- <sup>134</sup> *Ibid.*, p. 8.
- <sup>135</sup> CERD/C/ITA/CO/16-18, para. 22.
- <sup>136</sup> *Ibid.*, para. 22.
- <sup>137</sup> UNHCR submission to the UPR on Italy, p. 9.
- <sup>138</sup> A/HRC/23/46/Add.3, para. 121.
- <sup>139</sup> UNHCR submission to the UPR on Italy, p. 4.
- <sup>140</sup> A/HRC/23/46/Add.3, paras. 95 and 96.
- <sup>141</sup> UNHCR submission to the UPR on Italy, p. 5.
- <sup>142</sup> *Ibid.*, pp. 11 and 12.
- <sup>143</sup> A/HRC/23/46/Add.3, para. 97.
- <sup>144</sup> CRC/C/ITA/CO/3-4, para. 67.
- <sup>145</sup> Italy/Arbitrary Detention: UN expert body calls for action to end over-incarceration and to protect rights of migrants. News release, 11 July 2014, OHCHR. Available from <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14853&>
- <sup>146</sup> CRC/C/ITA/CO/3-4, para. 65 (a) and (b).
- <sup>147</sup> *Ibid.*, para. 64.
- <sup>148</sup> UNHCR submission to the UPR on Italy, p. 3.
- <sup>149</sup> CEDAW/C/ITA/CO/6, para. 55.
- <sup>150</sup> CRC/C/ITA/CO/3-4, para. 72 (d).
- <sup>151</sup> A/HRC/23/46/Add.3, paras. 117 and 118.
- <sup>152</sup> UNHCR submission to the UPR on Italy, p. 12.
- <sup>153</sup> CERD/C/ITA/CO/16-18, para. 24.
- <sup>154</sup> CRC/C/ITA/CO/3-4, para. 23.
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# General Assembly

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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Twentieth session**  
27 October–7 November 2014

**Compilation prepared by the Office of the High  
Commissioner for Human Rights in accordance with  
paragraph 15 (b) of the annex to Human Rights Council  
resolution 5/1 and paragraph 5 of the annex to Council  
resolution 16/21**

## Italy

### Corrigendum

#### Paragraph 3

For the existing text *substitute*

The Committee on the Elimination of Racial Discrimination (CERD) encouraged Italy to consider ratifying the Additional Protocol to the Convention on cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems,<sup>16</sup> and CRC recommended that Italy ratify the European Convention on the Legal Status of Children Born out of Wedlock and the European Charter for Regional or Minority Languages.<sup>17</sup>

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<sup>16</sup> CERD/C/ITA/CO/16-18, para. 17 (b).

<sup>17</sup> CRC/C/ITA/CO/3-4, paras. 25 (f) and 80 (f).



## ADVANCE QUESTIONS TO ITALY

### **GERMANY**

- In the realm of the recently passed legislation on overcrowding in prisons (“decreto svuota carceri”), which has already led to a decrease in detainees, how does Italy plan to further address the situation of the large percentage of detainees held on remand? What concrete measures are foreseen to guarantee a timely access to a fair trial and to reduce the average length of trials?

### **NETHERLANDS**

- What measures does the government take to counter, among some groups in society, the persistence of stereotypes associating ethnic minorities and non-citizens with criminality, and Islam with terrorism?
- What measures does the government take against the practice, used by some employers, of having a worker sign an undated letter of resignation at the time of hiring, for future use by the employer, causing a relatively high number of resignations without cause, especially regarding pregnant women and working mothers?

### **NORWAY**

- The number of migrants arriving in Italy this year, after crossing the Mediterranean at great peril, is unprecedented. Italy has saved countless lives through its operation Mare Nostrum, which we applaud. However, many of the migrants make their way to and apply for asylum in other countries in Europe without being registered in Italy. Such registration is important in order to ensure that claims for international protection are processed in accordance with EU and international law. What steps are Italian authorities taking to prevent circumvention of registration upon arrival in Italy in accordance with the Dublin and EURODAC regulations?
- We welcome Italy’s decision to increase the number of reception places (SPRAR) to 20 000. However, this may be insufficient if the current trends of arrivals hold. Are there plans to increase the number of reception places further? What is the specific timeframe for the planned increase in places?
- Italy is now the state with the highest number of pending applications, as well as the highest number of judgments from the European Court of Human Rights that are not implemented. How does Italy plan to remedy this situation?

## **UNITED KINGDOM**

- What progress has the Government of Italy made on developing a national action plan to implement the UN Guiding Principles on business and human rights endorsed by the Human Rights Council in 2011?
- What steps have migrant reception centres taken in response to the unprecedented levels of irregular migration from the Mediterranean region and how are they ensuring that adequate living conditions are maintained?
- To what extent is the Government of Italy considering aligning its national legislation with the Rome Statute of the International Criminal Court, particularly provisions to investigate and prosecute genocide, crimes against humanity and war crimes in national courts?
- Please could you provide an update on the steps taken by the Government of Italy to prohibit discrimination on the grounds of sexual orientation and gender identity when accessing goods and services, such as housing tenancies?
- How is the Government of Italy ensuring the consistent implementation of the National Strategy for the Inclusion of Roma? How are local governments being held to account for policies that may violate Roma rights?

## **UNITED STATES OF AMERICA**

- We welcome the progress Italy has made this year to address prison overcrowding. What next steps will Italy take to upgrade the conditions of prisons and reduce overcrowding?
- We commend the efforts by Italy to address anti-Semitism, but there continue to be incidents of anti-Semitism in Europe, especially after the recent conflict in Gaza. What additional steps is Italy taking to combat anti-Semitism