



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the sixth periodic report of Italy*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. With reference to the Committee's previous concluding observations (see CCPR/C/ITA/CO/5, para. 6), please indicate the steps taken by the State party to withdraw its reservations to articles 15 (1) and 19 (3) of the Covenant and explain what has prevented it from withdrawing those reservations to date.
2. Please provide information on the steps taken to establish a national human rights institution that is in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and explain the reasons for the long delay in adopting legislation in Parliament to establish such an institution. Please explain whether the concerns about the limited participation of civil society in the formulation of the legislation have been addressed.

Non-discrimination, equality between men and women, rights of minorities and prohibition of advocacy of national, racial or religious hatred (arts. 2, 3, 20, 23, 25, 26 and 27)

3. Please clarify whether the anti-discrimination provisions of article 3 of the Constitution cover all the prohibited grounds of discrimination in articles 2 (1), 3 and 26 of the Covenant. Please indicate what legislation has been put in place to ensure that non-citizens enjoy equal protection and recognition before the law. Please also indicate what measures the State party plans to take to recognize the adoption rights of same-sex couples and to protect the rights of children living in same-sex parent families, which are not covered by the recently adopted civil unions law. Please indicate whether steps have been or are being taken to adopt comprehensive anti-discrimination legislation that, inter alia, addresses discrimination in the private sphere; prohibits all direct, indirect and multiple forms of discrimination; contains a comprehensive list of prohibited grounds of discrimination, including sexual orientation and gender identity; and provides for effective remedies in judicial and administrative proceedings.
4. With reference to the Committee's previous concluding observations (see CCPR/C/ITA/CO/5, para. 8), please provide statistical data on complaints alleging gender-based discrimination and on the outcome of any subsequent legal proceedings.

* Adopted by the Committee at its 117th session (20 June-15 July 2016).



5. Please provide information on the measures taken to increase the proportion of women in positions of responsibility in both the public and the private sectors, and include relevant statistical data on women in decision-making positions in political bodies, including regional councils, in the judiciary, in public administration, including in the diplomatic services, and in senior managerial positions in private corporations.

6. Please provide information on the measures taken to combat the persistent stigmatization, stereotyping and racially pejorative discourse against Roma, Sinti, *Caminanti* and non-citizens, including asylum seekers, by politicians and public officials, as well as in the media. Please indicate the steps taken to increase convictions and prosecutions for racially motivated crimes, including racist hate speech, racial discrimination and hate crimes on grounds of sexual orientation and gender identity, and provide information on the number of cases investigated and the number of prosecutions and convictions, particularly in cases involving politicians and public officials, including police officers. Please clarify whether article 3 of Act No. 205/1993, which provides for racial motives to be considered aggravating circumstances for ordinary crimes, is applied to all hate crimes, either as the sole motivation or not, and whether the provision is applied by courts of all levels in a consistent manner.

7. Please provide information on the steps taken to enhance the independence of the National Office against Racial Discrimination and to extend its powers and role, in law and in practice. Please also provide information on the human and financial resources allocated to the Office in the past five years.

8. Please indicate what steps have been taken to adopt a legislative framework to recognize Roma, Sinti and *Caminanti* as national minorities. Please provide information on the implementation of the National Strategy for the Inclusion of Roma, Sinti and Travellers 2012-2020, particularly regarding the allocation of financial resources for implementation, protection of children against discrimination, adoption of a plan of action with specific timelines at both the local and national levels, and participation of the communities concerned in the formulation and implementation of the strategy.

9. Please indicate what measures have been taken to address the human rights violations of the Roma community under the Nomad Emergency Decree and the reparation provided to the community. Please comment on reports that forced evictions of Roma and Sinti families have continued to be carried out in major Italian municipalities, including the reported forced eviction of over 600 persons in Rome and Cosenza in 2015 and the forced eviction of over 2,000 persons in Milan in 2014. Please indicate the procedural safeguards afforded when carrying out those evictions and the alternative accommodation provided to the evicted families. Please also indicate the current status of draft law No. 770 on measures for the protection of and equal opportunities for the Roma minority. Please provide information on the measures taken or planned to end the segregation of the Roma living in poor conditions in remote and inaccessible Roma camps, including “La Barbuta”, on which the Civil Court of Rome ruled in May 2015, and “Masseria del Pozzo”.

Right to life, violence against women, including domestic violence, and prohibition of torture and cruel, inhuman or degrading treatment (arts. 2, 3, 6, 7 and 26)

10. Please indicate the measures taken to address the growing number of cases of domestic violence and the high number of women murdered by their current or former partners, or family members. Please provide information on the measures taken to ensure that such acts of violence are effectively reported, investigated and prosecuted, particularly those committed against migrant, Roma and Sinti women and girls. Please also provide information on the steps taken to raise women’s and girls’ awareness of their rights and available remedies, as well as assistance provided to victims. Please include information on

legal aid and medical and psychological treatment available to victims, and statistical data on the number of safe shelters and the number of women in girls living in them.

11. Please provide information in response to reports that, despite the adoption of Act No. 194 in 1978, which provides that all abortion are legal up to the first 90 days of pregnancy, women continue to face significant difficulties in obtaining an abortion owing to an overwhelmingly large number of gynaecologists refusing to perform abortions for reasons of conscientious objection. Please also provide information on the legal framework, including national directives, regarding the provision of non-invasive abortions in the State party.

12. With regard to the events that took place in Genoa and Naples in 2001, please indicate what measures were taken to implement the Committee's previous recommendation (see CCPR/C/ITA/CO/5, para. 10) and the judgment of the European Court of Human Rights in the case of *Cestaro v. Italy* in April 2015. Please comment on reports of continued use of excessive force by the police, particularly during migrant identification procedures. Please also comment on concerns about the inability, under article 582 of the Criminal Code, to prosecute police officers whose conduct results in slight injuries, in the absence of a formal complaint from the victim. Please indicate what measures have been taken to limit the amount of force used by law enforcement officers, and provide statistical data for the past five years on the number of investigations opened against police officers who have resorted to excessive force or violence, and the outcome of the investigations.

13. Please indicate the steps taken to incorporate into domestic law the international crime of torture, and provide information on measures taken to put an end to impunity for police and law enforcement officials involved in torture and ill-treatment. Please include information on the number of investigations, prosecutions and convictions in cases of torture and ill-treatment, as well as on sanctions imposed on perpetrators, in the past five years. Please provide additional information on any preventive measures that have been taken, particularly the adoption of a code of conduct for law enforcement officials, the introduction of identification tags on the uniform of law enforcement officers and training for law enforcement officials.

Treatment of aliens and protection of children (arts. 2, 7, 9, 10, 13, 24 and 26)

14. Please provide information on the measures taken to facilitate the birth registration of children of foreign origin who were born in Italy. Please indicate the legislative, administrative and other measures taken to recognize the de facto statelessness of persons belonging to the Roma, Sinti and *Caminanti* communities and to facilitate their access to citizenship.

15. Please comment on reports of continued arbitrary detention and the collective expulsion of migrants to countries of origin or transit despite a number of judgments handed down by the European Court of Human Rights on the issue. Please indicate the measures taken to eliminate the practice of automatic collective expulsion of migrants, including in the course of interceptions at sea. Please also indicate the steps taken to ensure that bilateral and multilateral agreements on migration guarantee the full respect of the human rights of migrants, particularly children and vulnerable groups, as well as strict compliance with the principle of non-refoulement. Please clarify whether the State party has suspended any bilateral agreements owing to the lack of adequate human rights protections. Please provide information on the measures taken or planned to be taken in order to ensure that the human rights of migrants are fully respected in applying the so-called "hotspot approach".

16. Please indicate the steps taken to standardize the management of reception centres and identification and expulsion centres so as to improve living conditions in the centres and the assistance provided by the staff of the centres across the country. Please include information on the outcome of the work of the national working group tasked, under Legislative Decree No. 18/2014, with improving the national reception system and establishing an integration plan for the beneficiaries of international protection, and on the results of the commission of inquiry established by the Chamber of Deputies in November 2014. Please provide information on the measures taken to facilitate the access of irregular migrants and asylum seekers to reception centres and to prevent the proliferation of self-organized accommodation in precarious conditions. Please also provide information on the measures taken to ensure that persons granted international protection, including families, have adequate access in practice to housing, health care and other social services to which they are entitled under domestic law. Please include statistical data on the number of migrants in the reception system and on the financial resources allocated to the system in the past five years.

17. Please address concerns about delays in the process of appointing guardians for unaccompanied minors, about unaccompanied minors' access to social workers, and about inadequacies in the age determination process for unaccompanied minors. Please explain the legal framework governing the stay of children in identification and expulsion centres (*Centri di Identificazione ed Espulsione*).

18. Please clarify whether the State party has abolished the criminal offence of irregular entry into or stay on Italian territory, as stipulated by Act No. 67/2014 of 28 April 2014. Please also clarify whether appeals against expulsion orders have an automatic suspensive effect. Please indicate what measures have been taken to provide migrants detained in identification and expulsion centres with sufficient information and assistance to enable them to access the asylum application procedure or the appeal procedure against expulsion orders, including access to legal aid where necessary, and to ensure that they are not expelled while waiting for the result of these procedures. Please provide information on the number of migrants detained in those centres and on the duration of their detention; the number of migrants in those centres who have served their prison term, and the duration of their detention; and the number of migrants deported while waiting for the outcome of the asylum procedure.

Trafficking in persons (art. 8)

19. Please clarify whether a comprehensive national action plan against trafficking in persons has been adopted, as stipulated in Legislative Decree No. 24/2014. Please indicate the measures taken to prevent trafficking in persons and to investigate cases of trafficking in persons, as well as to address the complicity of public officials, particularly those in the police, judiciary and diplomatic services, in human trafficking. Please include statistical data on the number of investigations, convictions and sentences imposed on persons who have been involved in human trafficking in the past five years, indicating the cases involving public officials. Please address concerns about the inadequate application of criminal law against victims of trafficking in connection with their illegal entry into the country.

20. Please clarify whether the State party is considering introducing a national referral mechanism for the identification of and assistance to victims of trafficking. Please indicate the progress made in providing specialized shelters and specific assistance for child victims of human trafficking. Please provide information on the budget allocated in the past five years to social assistance and rehabilitation programmes for victims of trafficking under article 13 of the national law on trafficking in human beings (Act No. 228/2003) and article 18 of the national immigration law (Legislative Decree No. 286/1998). Please provide

statistical data on the number of residence permits issued under article 18 of that law, and indicate the measures taken or planned to be taken in order to prevent the victims from returning to situations of further exploitation upon expiration of their residence permits.

21. Please provide information on the legal framework and the measures taken by the State party to protect migrant workers against abusive working conditions and labour exploitation, especially in the agricultural sector. In particular, please provide information on how the legal framework and measures ensure: (a) effective procedures and mechanisms for migrant workers to receive back pay, even when they have returned to their country of origin; (b) a mechanism for irregular migrant workers to bring complaints without fear of reprisals; and (c) administrative sanctions against employers of irregular migrant workers. Please identify the measures taken by the State party to enforce its laws prohibiting employment of children under the age of 16 and restrict the employment, in hazardous or unhealthy occupations, of boys under the age of 18 and women under the age of 21, specifically in relation to irregular migrant children.

Right to liberty and security of person, treatment of persons deprived of their liberty and right to a fair trial (arts. 9, 10 and 14)

22. Please provide information on the measures being taken or planned to further reduce overcrowding in prisons. Please explain the high percentage of foreigners among detainees in prison. Please comment on reports: (a) criticizing the poor health conditions of detainees and the poor health care provided in prison, including the high rate of sickness, especially infectious diseases and psychiatric disorders; (b) alleging denial of adequate health-care services for detainees; and (c) alleging massive use by prisoners of psychotropic drugs, particularly among those awaiting trial, and prescription drugs offered without medical examination. Please indicate what measures are being taken to address these issues. Please also indicate the measures being taken to improve conditions of detention in prison and to facilitate the payment of the compensation provided for under Act No. 117/2014 for inhuman and degrading living conditions. Please provide information on the measures being taken to lower the number of suicides in prison.

23. Please indicate what measures are being taken to strengthen the functional and institutional independence of the National Authority (*Garante nazionale*) for the Rights of Persons Detained or Deprived of Personal Liberty, established as a national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Please provide information on the human and financial resources that have been allocated to the National Authority since its establishment. Please indicate which public authorities are mandated to deal with complaints made by detainees and include information on the complaints, including the number of complaints filed, investigated and resolved, as well as on the main areas of complaints, in the past five years.

24. Please provide information on the measures taken to bring the special regime for persons involved in organized crime (mafia offenders) under article 41 bis of the penitentiary system law, in accordance with the provisions of the Covenant. Please indicate what measures have been taken to close judicial psychiatric hospitals and to transfer their competence to regional substitute health-care institutions.

25. With reference to the Committee's previous concluding observations (see CCPR/C/ITA/CO/5, para. 17), please provide information on the measures taken to ensure the independence of the judiciary from the executive power. Please also provide information on the measures taken to reduce the length of court proceedings and on the implementation of Acts Nos. 11/2014 and 132/2014. Please provide statistical data on the average disposition time for a civil and criminal case at different levels of court, in the past five years. Please indicate the measures taken to improve the domestic remedy for

excessively long proceedings (the so-called “Pinto” remedy), and provide information on the number of cases in which compensation has been awarded, the level of compensation and the annual budget allocated to the remedy, in the past five years.

26. Please explain the compatibility with the Covenant of the arrangement under article 104 (3) and (4) of the Criminal Procedure Code allowing for delay in the access of persons detained on a criminal charge to a lawyer for up to five days from the time of arrest, and provide information on the frequency with which those provisions are invoked and the reasons underlying their invocation.

Right to freedom of opinion and expression (art. 19)

27. Please clarify whether the State party is considering completely decriminalizing the offences of defamation and insult of public officials. Please provide information on criminal cases of defamation adjudicated in the past five years, including the numbers of cases filed, charged and dropped upon paying compensation to the victim, as well as on penalties imposed on persons found guilty.

28. Please provide information on the legislative measures taken to resolve the conflict of interest between ownership and control of companies and discharge of public office. Please indicate the measures taken to put an end to the prevailing practice of political interference in the media.

29. Please provide information on the steps taken to prevent cross-ownership of print and broadcast media and explain the reason for the removal of the ban on cross-ownership of broadcast and print media through the amendment to the Gasparri Law. Please indicate what measures have been taken or are planned to make it mandatory for all media corporations to disclose information on the structure of ownership, composition of the governing body and sources of revenue. Please provide information on the legislative and regulative measures in place to prevent the emergence of dominant positions in the relevant media markets within the Integrated Communications System (SIC). Please indicate specifically whether steps have been taken to address the impact of the duopoly by RAI (Radiotelevisione Italiana S.p.A) and Mediaset on the broadcast media market.

30. Please provide information on the measures taken to protect journalists from intimidation, threats and attacks and to strengthen the investigation of such cases and sanctions against perpetrators. Please include statistical data on the number of such cases that have been reported, investigated and prosecuted and the sanctions imposed on the perpetrators in the past five years.
