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## **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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