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

**Italy\***

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

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



## Information provided by stakeholders

### A. Background and framework

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

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

#### 2. Constitutional and legislative framework

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

## 10. Minorities

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

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

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

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

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

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

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

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

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

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

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

## 11. Migrants, refugees and asylum seekers

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 12. Right to development, and environmental issues

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

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

## Notes

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

## Civil society

## Individual submissions:

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

## Joint submissions:

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

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

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

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

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

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

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

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

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

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

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

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