



International Federation of Action by Christians for the Abolition of Torture

Action by Christians for the Abolition of Torture in Italia



Joint alternative report by FIACAT and ACAT Italy on the
implementation by Italy of the International Covenant on Civil
and Political Rights

Human Rights Committee

119th session, March 2017

Table of Contents

Authors of the report	3
I. FIACAT	3
II. ACAT Italy	3
Summary of recommendations.....	4
Implementation of the International Covenant on civil and political rights.....	8
I. Prohibition of torture and other cruel, inhuman or degrading treatments or punishments (article 7)	8
A. Criminalization of torture.....	8
B. Ill-treatment and excessive use of force by police officers.....	8
C. Domestic violence and violence against women	11
II. Detention conditions (article 10)	15
A. Prison overcrowding.....	15
B. Foreign detainees.....	16
C. Minors	16
D. Alimentation and healthcare.....	17
E. Deaths in prison.....	18
F. National preventive mechanism	19
G. Derogatory regime for organised crime.....	20
H. Psychiatric hospitals	22
I. Hotspots, reception centres and identification and expulsion centres	23
III. Expulsion of alien (article 13)	34
A. Expulsion of migrants	34
B. Unaccompanied minors	35
C. Procedure	36
D. Statelessness of persons belonging to the Roma, Sinti and Caminanti communities	38
IV. Right to a fair trial (Article 14).....	39
A. Good administration of justice.....	39
B. Access to a lawyer (article 104 of the Criminal Procedure Code)	42
V. Rights of children (Article 24).....	42

Authors of the report

I. FIACAT

The International Federation of Action by Christians for the Abolition of Torture, FIACAT, is an international non-governmental human rights organisation, set up in 1987, which works towards the abolition of torture and the death penalty. The Federation brings together some thirty national associations, the ACATs, present in four continents.

FIACAT – representing its members in international and regional organisations

It enjoys Consultative Status with the United Nations (UN), Participative Status with the Council of Europe and Observer Status with the African Commission on Human and Peoples' Rights (ACHPR). FIACAT is also accredited to the International Organisation of *la Francophonie* (OIF).

By referring the concerns of its members working on the ground to international bodies, FIACAT's aim is to encourage the adoption of relevant recommendations and their implementation by governments. FIACAT works towards the application of international human rights conventions, the prevention of torture in places of detention, and an end to enforced disappearances and impunity. It also takes part in the campaign against the death penalty by calling on states to abolish capital punishment in their legal systems.

To give added impact to these efforts, FIACAT is a founding member of several campaigning coalitions, in particular the World Coalition against the Death Penalty (WCADP), the International Coalition against Enforced Disappearances (ICAED) and the Human Rights and Democracy Network (HRDN).

FIACAT – building up the capacities of the ACAT network in thirty countries

FIACAT assists its member associations in organising themselves, supporting them so that they can become important players in civil society, capable of raising public awareness and having an impact on the authorities in their country.

It coordinates the network by promoting exchanges, proposing regional and international training events and joint campaigns, thus supporting the activities of the ACATs and providing them with exposure on the international scene.

FIACAT – an independent network of Christians united in fighting torture and the death penalty

FIACAT's mission is to awaken Churches and Christian organisations to the scandal of torture and the death penalty and convince them to act.

II. ACAT Italy

Azione dei Cristiani per l'Abolizione della Tortura (ACAT Italia) is an association founded in 1987 and is one of the first national ACATs born in Europe; ACAT Italia is also one of the founding associations of the International Federation FIACAT. It works for the abolition of torture and the death penalty. ACAT Italia works in network with other Associations and NGOs, and it focuses on youth education on human rights. In this field ACAT Italia launches every year a prize for university graduation thesis on torture or death penalty.

Summary of recommendations

I. Prohibition of torture and other cruel, inhuman or degrading treatments or punishments (article 7)

A. Criminalization of torture

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- *Proceeds without further delay to incorporate into domestic law the crime of torture and adopts a definition of torture in line with the definition by the article 1 of the Convention against torture.*

B. Ill-treatment and excessive use of force by police officers

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- *Ensures that all allegations of torture, ill-treatment and excessive use of force by law enforcement officials are properly investigated and prosecuted and punishes perpetrators of such acts with appropriate penalties taking into account the gravity of those acts;*
- *Makes sure that all law enforcement officials on duty be equipped with visible identification number on their uniform or helmet;*
- *Adopts a code of conduct for all law enforcement officials.*

C. Domestic violence and violence against women

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- *Increases its efforts to prevent, combat and punish domestic violence and violence against women and to protect the victims of such crimes and pays a specific attention to the situation of migrant women victims of violence;*
- *Ensures the transparency on the allocation of funds to centres for women victims of violence;*
- *Increases the measure taken to raise awareness on the issue of domestic violence and violence against women.*

II. Detention conditions (article 10)

A. Prison overcrowding

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- *Continues its efforts to reduce prison overcrowding especially through the application of alternatives measures to imprisonment and by reducing the application of pre-trial detention.*

B. Foreign detainees

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- *Conducts a study on discrimination against foreigners in terms of sentencing and takes measure to address the high number of foreigner among detainees*

C. Minors

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- *Prioritises alternative measures to detention for minors.*

D. Alimentation and healthcare

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- *Improves the quality and quantity of food provided to detainees taking into account the special needs of some of them related to their medical condition;*
- *Regulates the use of psychotropic drugs on detainees and addresses the issue of illness and diseases caught in detention.*

E. Deaths in prison

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- *Takes the measure necessary to reduce the number of suicide, suicide attempt and self-mutilation in prison.*

F. National preventive mechanism

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- *Takes all measures necessary to ensure the effective independence of the National Guarantor and allocates it the necessary funds for its functioning.*
- *Ensures that local Guarantors are established without delay in all regions.*

G. Derogatory regime for organised crime

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- *Pursues its efforts to put the 41-bis regime in line with the rights set out in the Covenant especially by addressing the issue of the renewal of application of this special regime.*

H. Psychiatric hospitals

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- *Accelerates the process of closing the judicial psychiatric hospitals and ensures that the new structures (REMS) are established in conformity with the Law 9/2012.*

I. Hotspots, reception centres and identification and expulsion centres

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- *Improves the conditions in the hotspots, reception centres and identification and expulsion centres and ensures the security of migrants in such structures;*

- *Investigates the allegations of excessive use of force for the collection of fingerprints of migrants by police forces and prosecutes the ones responsible for such acts;*
- *Ensures the effective application of the Legislative Decree 142/2015;*
- *Guarantees the access to adequate housing to migrants.*

III. Expulsion of alien (article 13)

A. Expulsion of migrants

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- *Investigates the allegations according to which asylum seekers have been expelled from Italy during a collective expulsion that took place on the 24th August 2016 and takes all necessary measures to ensure that such incident does not occur again.*

B. Unaccompanied minors

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- *Ensures that unaccompanied minors are given the appropriate care and attention in particular by ensuring that are placed in adequate structures and that all necessary measures are taken to ensure their safety.*

C. Procedure

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- *Abolishes the criminal offence of irregular entry into or stay on Italian territories;*
- *Takes all necessary measure to guarantee in practice that legal aid is provided to migrants in Identification and Expulsion Centres.*

D. Statelessness of persons belonging to the Roma, Sinti and Caminanti communities

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- *Collects statistics on the number of de facto stateless people from the Roma, Sinti and Caminanti communities;*
- *Take all necessary measures to address the issue of stateless people from the Roma, Sinti and Caminanti communities, in particular by revising the conditions to obtain the statelessness status and to raise public awareness on this issue.*

IV. Right to a fair trial (Article 14)

A. Good administration of justice

B. Access to a lawyer (article 104 of the Criminal Procedure Code)

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- *Pursues its efforts to reduce the length of trial and compensate the damages suffered by the main parties of a lengthy trial;*
- *Ensures that the provisions of article 104 (3) and (4) of the Criminal Procedure Code are strictly apply in situation where it is necessary and that a control on the use of such provisions is carried.*

V. Rights of children (Article 24)

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- *Pursues its efforts to improve the situation of foreign minors in particular by accelerating the adoption process of the Law of 5th February 1992 No. 91.*

Implementation of the International Covenant on civil and political rights

I. Prohibition of torture and other cruel, inhuman or degrading treatments or punishments (article 7)

A. Criminalization of torture

Please indicate the steps taken to incorporate into domestic law the international crime of torture¹

1. The process to include into Italian domestic law the crime of torture is one of the hardest the Italian Parliament has had to face. This issue is dividing the Italian politicians and it seems they can't reach an agreement on this important issue.

2. The Decree No. 362, that was supposed to introduce an article defining and criminalizing torture in the Italian criminal code, was still pending before the Parliament in April 2016. If the definition of torture given by this Bill was not completely in conformity with the definition provided by the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, especially because it was not defined as a specific offence relating solely to public officials, it still represented an important step for the Italian legal system.² In early summer, after a long series of controversies, the parliamentary groups decided to set aside the Bill. In fact, in July 2016, political confrontation has reached its highest level. Part of the centre-right party objected strongly to the Bill, decrying potential hazards for law enforcement officers. Thus, Angelino Alfano, Minister of the Interior during the Renzi government and member of the centre right party asked for a better definition of various terms of the Bill such as what is intended by psychological torture or what is considered as reiteration. It is important that the Parliament focus its attention on the finalization of this law.³

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- ***Proceeds without further delay to incorporate into domestic law the crime of torture and adopts a definition of torture in line with the definition by the article 1 of the Convention against torture.***

B. Ill-treatment and excessive use of force by police officers

provide information on measures taken to put an end to impunity for police and law enforcement officials involved in torture and ill-treatment. Please include information on the number of investigations, prosecutions and convictions in cases of torture and ill-treatment, as well as on sanctions imposed on perpetrators, in the past five years. Please provide additional information on any preventive measures that have been taken, particularly the adoption of a code of conduct for law enforcement officials, the introduction of identification tags on the uniform of law enforcement officers and training for law enforcement officials.⁴

¹ Human Rights Committee, *List of issues in relation to the sixth periodic report of Italy*, July 2016, para 13

² FIACAT and ACAT Italy's contribution to the list of issues for the review of the sixth periodic report of Italy, April 2016, para.

³ Linkiesta, *Il Parlamento riapre. Cannabis, tortura, legge elettorale: dove eravamo rimasti?* In Linkiesta, 1st September 2016 available on <http://www.linkiesta.it/article/2016/09/01/il-parlamento-riapre-cannabis-tortura-legge-elettorale-dove-eravamo-ri/31638/>

⁴ Human Rights Committee, *List of issues in relation to the sixth periodic report of Italy*, July 2016, para 13

3. In 2005, the Human Right Committee recommended to Italy to “*increase its efforts to ensure that prompt and impartial investigations are carried out wherever there is reasonable ground to believe that an act of ill-treatment has been committed by one of its agents*”.⁵ However, Italy has not implemented this recommendation despite its attempt to criminalize torture still ongoing (see paragraphs 1 and 2) and the implementation of a national preventive mechanism (see paragraphs 33 to 35)

4. FIACAT and ACAT Italy note that in recent years there have been frequent cases of abuse by law enforcement officers denounced by various human rights groups in Italy, many of which have had a strong media response and have become the subject of complex legal proceedings which are only partly completed so far.

7. The Italian legal framework should be modified especially the offences related to acts of violence committed by police officers. For example, article 582 of the Criminal Code makes it impossible to prosecute police officers whose conduct resulted in slight injuries if there hasn't been a formal complaint from the victim. This provision is highly problematic since police officers should be held responsible for illegal acts of violence whether or not the victim has brought a complaint. Otherwise, it contributes to create a sense of impunity for the offences committed by law enforcement officers because it makes it increasingly difficult to prosecute the offences committed by public officials.

8. Regarding the events that occurred in Genoa and Naples in 2001, they have still not reached a final sentence. Last year the European Court of Human Rights delivered a judgment on those cases that could also contribute significantly to the final approval by the Italian Parliament of the Bill criminalising torture, or at least accelerate the process. The case *Cestaro v Italy* concerned the events which occurred at the end of the G8 summit in Genoa in July 2001, in a school made available by the municipal authorities to be used as a night shelter by demonstrators. An anti-riot police unit entered the building around midnight to carry out a search, leading to acts of violence. In this emblematic case, “*the Court found that there had been a violation of Article 3 of the Convention on account of ill-treatment sustained by Mr Cestaro and of inadequate criminal legislation concerning the punishment of acts of torture which was not an effective deterrent to prevent the repetition of such acts. After emphasising the structural nature of the problem, the Court pointed out that, as regards the remedial measures to be taken, the State's positive obligations under Article 3 might include the duty to introduce a properly adapted legal framework, including, in particular, effective criminal-law provisions.*” In this judgment Italy was condemned not only because of the beating suffered by one of the protesters during the G8 summit in Genoa, but also because it does not have adequate legislation to punish the crime of torture; a legislative gap that allowed the perpetrators to go unpunished. According to the European judges, “*This result is not attributable to delay or negligence of the judiciary, but the Italian criminal law that does not allow to sanction acts of torture and prevent others*”.⁶ The action initiated by Cestaro is of particular importance as it is intended to act as a precedent for a group of outstanding appeals. Italy will have to pay to Cestaro a compensation of 45 000 euros. “*The money does not compensate the evil that has been done. It's true, is a first step to today, but I'll feel really compensated only when the state will introduce the crime of torture*”, was the comment of Cestaro after the verdict⁷.

⁵ Human Rights Committee, *Concluding observations on Italy*, CCPR/C/ITA/CO/5, para. 10

⁶ See European Court of Human Rights, Sentence No. 6884/11, 07/04/7th April 2015

⁷ Repubblica, *G8 Genova, Corte Strasburgo condanna l'Italia: "Alla Diaz fu tortura, ma colpevoli impuniti*, 7 April 2015 available on http://www.repubblica.it/politica/2015/04/07/news/diaz_corte_strasburgo_condanna_l_italia_per_tortura-111347188/

- ***Investigations, prosecutions and convictions in cases of torture and ill-treatment in the past five years***

5. It should be noted that cases about acts of torture, ill-treatment or excessive use of force by police officers often give rise to very lengthy trials. The prosecutions are very long and judges have difficulties to issue a final verdict even after many years. Moreover, when authors have been convicted, some of them benefit from pardon and therefore serve a sentence much lower than the one decided by the judge. In all cases, the lack of the criminalization of torture does not permit to condemn the authors for such crime⁸. As an example, several important cases can be mentioned.

6. Case Cucchi: There have been recent developments on this case. The case concerns a young man, Stefano Cucchi, arrested in 2009 for possession of drugs who died after only a week in custody in a hospital in Rome. The cause of the death of Stefano Cucchi remains unclear. In fact, during his detention, Stefano Cucchi was examined by doctors three times. During these examinations, several signs of beatings were found including several fractures. According to the experts, his death was probably due to a crisis of epilepsy however it could also be due, even if less likely, to the fractures he suffered.⁹ The case has finally come to a final judgment. On 15th December 2015, the Supreme Court overturned the acquittal of five doctors and convicted them for manslaughter. However, three prison officers, the doctor who first visited Cucchi and the three nurses who came under trial were acquitted.¹⁰

7. The case Uva: is about a boy arrested in 2008 who died the day after his arrest. During his detention the boy was visited once by a doctor who required a mandatory medical treatment due to allegedly self-inflicted injuries. The trial has lasted for a very long time due to countless delays, omissions and irregularities in the investigation. The case is still pending. The 8 defendants in this case were prosecuted for manslaughter but acquitted by the Court of Assizes. However, the Attorney general appealed this decision.¹¹

8. The case Aldrovandi: deserves to be mentioned as it is one of the few most serious cases in recent years, involving the Italian police for abuse and torture, to have reached a final conviction of the accused. In this case, a young man, Federico Aldrovandi, died during an arrest after being severely beaten. On 21 June 2012, the Court of Cassation issued a verdict condemning one of the four policemen accused to 3 years of prison, for which he received pardon, and the three others to 6 months of prisons for manslaughter. The Fourth Criminal Division rejected the appeal filed by the defence of the four agents against their conviction which had already been delivered by the Court of Appeal of Bologna. The policemen, however, benefited from mercy for 36 of the 42 months of imprisonment provided for by the sentence. The last officer, a woman, was admitted

⁸ FIACAT and ACAT Italia's concerns in prevision of the periodic visit of the CPT in Italy, March 2016, p. 15, available on <http://www.acatitalia.it/newsite/sites/default/files/FIACAT%20-%20ACAT%20Italy%20-rapporto%20-cpt-2016.pdf>

⁹ Medici per I diritti umani, *Il caso Cucchi, un'indagine medica indipendente*, October 2015, available on http://www.mediciperidirittiumani.org/pdf/RAPPORTO_CUCCHI.pdf

¹⁰ La Repubblica, *Caso Cucchi, la Cassazione: annullata assoluzione medici, nuovo appello*, 15th December 2015, available on http://roma.repubblica.it/cronaca/2015/12/15/news/il_caso_cucchi_arriva_in_cassazione-129476239/?refresh_ce

¹¹ Il Fatto Quotidiano, *Caso Uva, procura Varese: Rinvio a giudizio per 8 tra carabinieri e poliziotti*, 24th March 2014, available on: <http://www.ilfattoquotidiano.it/2014/03/24/caso-uva-procura-varese-chiede-rinvio-a-giudizio-per-agenti/924456/> and Milano Online, *Caso Uva, La procura generale impugna l'assoluzione di 6 agenti e di 2 carabinieri*, 28 September 2016, available on http://milano.corriere.it/notizie/cronaca/16_settembre_28/caso-uva-procura-generale-impugna-l-assoluzione-6-agenti-2-carabinieri-fotostoria-b99acefc-8545-11e6-be66-7ada332d8493.shtml?refresh_ce-cp

the house arrest regime after a month of detention. After the implementation of these convictions, disciplinary measures were taken.¹²

- ***The adoption of a code of conduct for law enforcement officials, the introduction of identification tags on the uniform of law enforcement officials and training of law enforcement officials.***

9. Italy has not adopted, unlike many Member States of the European Union, a system of identification of police officers through identification codes on their uniform. It is not required for the agents in service to wear an ID number on their uniform or helmet. These regulatory gaps are one of the reasons of the persistence of ill-treatment and abuse by law enforcement agents which continue to go unpunished because it is impossible or at least more difficult to identify the agent who commits the crime.¹³

10. In addition, in Italy there is no Code of Conduct for police forces, but only guidelines and the "Code of Conduct for employees of the Public Administration" applicable to police officers¹⁴. This Code does not include any reference to the prohibition of torture and other cruel, inhuman or degrading treatment or punishment. It mainly states that employees of the Public administration should perform their functions in accordance with the law and without abusing his/her position or powers under this Code.

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- ***Ensures that all allegations of torture, ill-treatment and excessive use of force by law enforcement officials are properly investigated and prosecutes and punishes perpetrators of such acts with appropriate penalties taking into account the gravity of those acts;***
- ***Makes sure that all law enforcement officials on duty be equipped with visible identification number on their uniform or helmet;***
- ***Adopts a code of conduct for all law enforcement officials.***

C. Domestic violence and violence against women

Please indicate the measures taken to address the growing number of cases of domestic violence and the high number of women murdered by their current or former partners, or family members. Please provide information on the measures taken to ensure that such acts of violence are effectively reported, investigated and prosecuted, particularly those committed against migrant, Roma and Sinti women and girls. Please also provide information on the steps taken to raise women's and girls' awareness of their rights and available remedies, as well as assistance provided to victims. Please include information on legal aid and medical and psychological treatment available to victims, and statistical data on the number of safe shelters and the number of women in girls living in them.¹⁵

¹² La Stampa, *Caso Aldrovandi: La Cassazione conferma: 3 anni e 6 mesi di carcere ai poliziotti*, 21st June 2012, available on <http://www.lastampa.it/2012/06/21/italia/cronache/aldrovandi-la-cassazione-conferma-anni-e-mesi-di-carcere-ai-poliziotti-RvTlhtMinGH4iChzqjezM/pagina.html>

¹³ FIACAT and ACAT Italy's concerns in prevision of the periodic visit of the CPT in Italy, March 2016, p.14, available on <http://www.acatitalia.it/newsite/sites/default/files/FIACAT%20-%20ACAT%20Italy%20-rapporto%20-cpt-2016.pdf>

¹⁴ Ministero dell' Interno, Codice di comportamento dei dipendenti del Ministero dell'Interno, available on http://interno.usb.it/fileadmin/archivio/interno/fotografie_e_disegni/schema_codice_comportamento_Ministero_Interno_2015.pdf

¹⁵ Human Rights Committee, *List of issues in relation to the sixth periodic report of Italy*, July 2016, para 10

11. According to a report published by the World Health Organisation, violence against women is a global health issue of large proportion. In fact, physical and sexual abuse is a health issue that affects over 35% of women around the world and the perpetrator of such abuse is an intimate partner in 30% of cases.¹⁶ In Italy, according to ISTAT data for June 2015, 6 million 788 thousand women have suffered physical or sexual violence throughout their lives. This represents 31.5% of women between 16 and 70 years, almost one out three. This number has slightly decreased over the last five years. On the contrary the percentage of children witnessing such acts has increased.¹⁷

12. According to Catrina Madaghiele, President of the Female Gender Association: “*Nowadays, there is a greater awareness from women but many acts of violence are still not reported because of fear or lack of awareness. Domestic violence is far more widespread than you think. It remains in the private sphere largely invisible and under-reported*”.¹⁸

- ***The legal framework***

13. The first significant legislative step on the topic of sexual violence in Italy was the approval of Law 15th February 1996 n. 66, which started considering violence against women as a crime against personal freedom, amending the previous legislation, which considered it as a crime against public morality and decency. With the Law of 4th April 2001 n. 154 new measures were introduced to address cases of domestic violence.¹⁹ In particular, this Law introduced several measures that could be decided by the judge such as the precautionary removal from the family home or the intervention of the local social services or a family mediation centre. A law adopted in 2009²⁰ increased the sanctions for sexual violence²¹ and introduced the crime of persecution or stalking²². Italy has taken an important step in the fight against gender violence with the Law No. 77 of 27 June 2013 authorizing the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence.²³

14. The laws combatting violence against women were further strengthened in Italy by the Decree No. 93 of 14th August 2013 on gender violence, converted into the Law No. 119 of 15th October 2013, on urgent provisions on security and to combat gender-based violence.²⁴ This law sets out mandatory arrest in case of flagrante delicto of domestic violence and stalking. According to this law, the police can also be authorised by the prosecutor to apply precautionary measure such as the removal from the family home and the restriction of access to places where the victim goes. Those measures can be controlled through the use of an electronic bracelet or other electronic devices or

¹⁶ WHO, *Global and regional estimates of violence against women Prevalence and health effects of intimate partner violence and non-partner sexual violence*, 2013, available on

<http://www.who.int/reproductivehealth/publications/violence/9789241564625/en/>

¹⁷ ANSA, *Giornata contro la violenza sulle donne LO SPECIALE*, 29th June 2016, available on

<http://www.ansa.it/sito/notizie/speciali/editoriali/2015/11/23/giornata-contro-la-violenza-sulle-donne-d0664078-a748-47d1-b81c-c3bd70c4dab1.html>

¹⁸ Ibid.

¹⁹ Law No. 154, 4th April 2001, available on <http://www.camera.it/parlam/leggi/01154l.htm>

²⁰ Law No. 38, 23rd April 2009, available on <http://www.camera.it/parlam/leggi/09038l.htm>

²¹ With this law, the author of a murder perpetrated on the occasion of sexual violence, sexual acts with a minor or group sexual assault can be sentenced to life imprisonment. Also, this law provides mandatory custody when there are serious indication of guilt to an important number of offenses including sexual assault, sexual acts with a minor and group sexual assault.

²² This Law introduced a new article 612 bis in the Criminal Code which states that : shall be punished with imprisonment from six months to four years anyone who repeatedly threatened or harassed anybody so as to cause a continuing and serious state of anxiety or fear for their integrity or for the integrity of a close relative or forcing them to alter their living habits

²³ Law No. 77, 27th June 2013, available on <http://www.gazzettaufficiale.it/eli/id/2013/07/01/13G00122/sg>

²⁴ Decree No.93, 14th August 2013, available on <http://www.gazzettaufficiale.it/eli/id/2013/08/16/13G00141/sg>

telephone tapping (for cases of stalking). Other measures were also introduced related to the protection of the victim to comply with the European Directive on the protection of victims of a crime.

- ***Legal aid and medical and psychological centres***

15. The Italian health care system provides all women, Italian and foreign, a network of services across the country, inpatient and outpatient. It is at the ER that it is the easiest to engage with women victims of violence. There, the victims, sometimes unaware of their condition, receive a first medical intervention. Some first aid centres are testing a special procedure for women victims of violence. The victims are identified by a pink code, and placed in a protected space, called pink room, where they are offered physical and psychological as well as legal information, while respecting their need for confidentiality.²⁵

16. Also, the Anti-violence centres play an important role to reduce the phenomenon of violence against women. The use of the funds allocated by the government to these structures for women victims of violence is unfortunately not always clear as it is shown by a map presented by DonneCheContano, an open data platform created by ActionAid in collaboration with Dataninja, during the meeting "On Violence I want to see clearly" organized by Wister (Women for Intelligent and Smart Territories) and D.i.re (Donne in rete contro la violenza - Women in Network Against Violence).²⁶ According to this map, only seven local authorities (Veneto, Piedmont, Puglia, Sardinia and Sicily, Florence and Pistoia) let know in a clear and transparent way how they are using the funds. For other local authorities, the data is either fragmentary or unavailable. In some localities, information can be guessed from other administrative acts (as in Abruzzo), or because of the small number of structures (Valle d'Aosta and Basilicata). However, for the rest of the regions it is impossible to find any data.²⁷

17. According to the latest report of DI.RE, the national association coordinating all anti-violence centres in our country, there have been 13.048 new women accepted (those who have been in contact for the first time with an anti-violence centre) in 2014 that is 7.9% less than in 2013 when they were 14.161 (30% more than in 2012 when they were 10.230). However, it should be noted that each year, there are more centres participating to the survey.²⁸

- ***Violence against migrants and foreign women***

18. There are no official statistics, but the testimonies collected reveal that migrant women are often victims of forced marriages, rapes and violence perpetrated by other migrants and refugees, smugglers and even by police officers.²⁹

²⁵ Ministero della Salute, *Violenza sulle donne*, 21/04/2016, available on <http://www.salute.gov.it/portale/donna/dettaglioContenutiDonna.jsp?lingua=italiano&id=4498&area=Salute%20donna&menu=societa>

²⁶ ActionAid, Diritti delle donne, *ActionAid : sui fondi antiviolenza dati parziali e poco trasparenti*, available on <https://www.actionaid.it/informati/press-area/diritti-delle-donne-actionaid-sui-fondi-antiviolenza-dati-parziali-e-poco-trasparenti>

²⁷ Ansa, *Giornata contro la violenza sulle donne LO SPECIALE*, 29 June 2016, available on http://www.ansa.it/sito/notizie/speciali/editoriali/2015/11/23/gi...-sulle-donne-_d0664078-a748-47d1-b81c-c3bd70c4dab1.html

²⁸ Donne in rete contro la violenza, *Rapporto 2014*, available on http://www.direcontrolaviolenza.it/wp-content/uploads/2015/11/Report_dati-2014.pdf

²⁹ Left, *Non solo Colonia. Quelle terribili storie di viaggio e violenza sulle donne in fuga verso la Germania*, 13th January 2016, available on <https://www.left.it/2016/01/13/colonia-germania-molestie-sessuali-migranti/>

19. According to Istat 2015 report, foreign women have suffered physical or sexual violence to an extent similar to the Italian in their lifetime (31.3% and 31.5%). Physical violence is more common among foreign women (25.7% versus 19.6%), while sexual violence is more common among Italian women (21.5% versus 16.2%). However, foreign women are much more subject to rapes and attempted rapes (7.7% vs. 5.1%). Women from Moldova (37.3%), Romania (33.9%) and Ukraine (33.2%) were the ones found to have suffered the most violence.³⁰

20. Nearly 2.2 million foreign women were registered at anagrafe in Italy at the beginning of 2010. The figures are lacking, denounces the CNR researcher Misiti Maura, who was in the Iris project. In the already sketchy records of violence against women, data on migrants are a chasm. The facilities for foreigners have meticulously collected data and raised the alarm. Among all, Trama di Terre, in Imola (Bologna), is considered a model. *"In discussions with women who come to us for other types of problems - explains the president, Tiziana Dal Pra – one out of two recounts incidents of domestic violence."* The problem in this case is to recognize the abuse, then find a language to name it and ask for help. There is a need to go meet the communities. In fact, the better advisement for women comes from word of mouth. Meetings are organized with groups of different nationalities. There are more and more foreign women arriving in the flow of migrants. Despite this reality, the Italian government has not taken any specific legislative measures to fight violence against foreign or migrant women. To face this problem the authorities must apply the laws No. 77 of 27th June 2013 and No. 119 of 15 October 2013 and take effective measures, including urgent measures, at national level to prevent and combat this phenomenon.

- **Raising public awareness**

21. Last year, on the International Day Against Violence Against Women (25th November), the Department for Equal Opportunities of the Presidency of the Council of Ministers, in collaboration with RAI, has realized a video to raise public awareness on violence against women in Italy. The video aims to show the true dimensions of violence against women in Italy and to raise awareness on the different aspects of this phenomenon. The movie offers images of the daily lives of women, overlaid by some real data from ISTAT survey *"Violence and abuse against women inside and outside the family."* A voice accompanies the images and the data saying the sentences usually used by the authors of violence.³¹ Even though this video is significant of the efforts made by the government, this measure is too weak to raise awareness among the public opinion.

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- ***Increases its efforts to prevent, combat and punish domestic violence and violence against women and to protect the victims of such crimes and pays a specific attention to the situation of migrant women victims of violence;***
- ***Ensures the transparency on the allocation of funds to centres for women victims of violence;***
- ***Increases the measure taken to raise awareness on the issue of domestic violence and violence against women.***

³⁰ ISTAT, *La violenza contro le donne dentro e fuori la famiglia*, 2014 available on http://www.istat.it/files/2015/06/Violenze_contro_le_donne.pdf?title=Violenza+contro+le+donne+-+05%2Fgiu%2F2015+-+Testo+integrale.pdf

³¹ Campagna informativa 100% contro la violenza sulle donne, 14 November 2015, more information on <http://www.governo.it/media/campagna-informativa-100-contro-la-violenza-sulle-donne/3017>

II. Detention conditions (article 10)

A. Prison overcrowding

22. Prison overcrowding remains a persistent problem in Italy despite some improvements since 2010.³² On 31 October 2016, the prison population was of 54912 for an overall capacity of Italian prisons of 50062 that is a rate of occupation of 109.6% (for comparison, on 1st January 2015, the prison population was of 53623 for an overall capacity of 49943, that is a rate of occupation of 107.4%)³³.

23. If there has been an improvement between 2012 and 2015, the number of detainees has started to increase again in 2016. The association Antigone explains that this is the outcome of the strategy used by the police and the judiciary to use detention as the first restrictive measure.³⁴ Lombardy is among the worst regions on this issue, hosting 7,866 inmates for an official capacity of only 6,120 places.³⁵ According to the same data, only 8 of the 20 Italian regions have enough beds for the detainees their prisons are hosting.

Region	Capacity	Occupancy	Rate of occupancy
Abruzzo	1587	1771	112%
Basilicata	425	512	120%
Calabria	2659	2652	99%
Campania	6104	6858	112%
Emilia Romagna	2797	3212	115%
Friuli Venezia Giulia	476	619	130%
Lazio	5238	6042	115%
Liguria	1109	1409	127%
Lombardia	6120	7866	129%
Marche	852	823	97%
Molise	263	344	131%
Piemonte	3838	3715	97%
Puglia	2347	3211	137%
Sardegna	2633	2127	81%
Sicilia	6095	5930	97%
Toscana	3385	3254	96%
Trentino Alto Adige	506	422	83%
Umbria	1336	1400	105%
Valle d'Aosta	181	155	86%
Veneto	1845	2143	116%

24. The number of people in pre-trial detention is particularly high even though the number of

³² FLACAT and ACAT Italy's contribution to the list of issues for the review of the sixth periodic report of Italy, April 2016 available on

http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/ITA/INT_CCPR_ICO_ITA_23522_E.pdf

³³ See Annexe 1 – Prison statistics on 31 October 2016

³⁴ Antigone, *I detenuti hanno ricominciato a crescere. Pre-rapporto 2016 di Antigone*, available on

<http://www.associazioneantigone.it/news/antigone-news/2972-i-detenuti-hanno-ricominciato-a-crescere-il-pre-rapporto-2016-di-antigone>

³⁵ Ministero della Giustizia, *Detenuti presenti e capienza regolamentare degli istituti penitenziari per regione di detenzione al 30 settembre 2016*, available on

https://www.giustizia.it/giustizia/it/mg_1_14_1.page;jsessionid=AJDR1H9WcDE+WpQmYYYYdqgkB?contentId=SST1279548&previousPage=mg_1_14

complaints registered by judicial authorities has not increased. On 30th June 2016 there were 9 120 pre-trial detainees (8 878 on 30 June 2015).

25. The Ministry of Justice has started a discussion to dismiss 12 of the most infamously known prisons, among which San Vittore (Milan), Regina Coeli (Rome) and Poggioreale (Naples), in order to acquire new penitentiaries, allegedly to avoid that the conditions in these places become a further burden for the inmates, particularly given the overcrowding.³⁶

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- *Continues its efforts to reduce prison overcrowding especially through the application of alternatives measures to imprisonment and by reducing the application of pre-trial detention.*

B. Foreign detainees

26. According to the latest report of Antigone Onlus, the number of foreign detainees has increased in the last 12 months, as of 30 June 2016, they were 18,166, i.e. 33,5% of the whole number of detainees, compared to 32,6% last year. Comparing the data with the number of new Italian detainees, the foreign ones have increased three times more over the past year.

Inmates: foreign nationalities. Comparison 2015-2016 (30 June)³⁷

Country of origin	Percentage compared to the total of foreign detainees	
	2016	2015
Morocco	17%	16,5%
Romania	15,6%	16,8%
Albania	13,7%	13,8%
Tunisia	11,1%	10,8%
Nigeria	4,2%	4%

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- *Conducts a study on discrimination against foreigners in terms of sentencing and takes measure to address the high number of foreigner among detainees*

C. Minors

³⁶ Repubblica, *Piano carceri, il governo vende Regina Coeli, San Vittore e Poggioreale*, 28 May 2016, available on http://www.repubblica.it/cronaca/2016/05/28/news/piano_carceri_il_governo_vende_regina_coeli_san_vittore_e_poggioreale-140776930/

³⁷ Antigone, *Antigone nelle carceri italiane, pre-rapporto 2016*, July 2016, available on <http://www.associazioneantigone.it/upload2/uploads/docs/cartellastampaprerapporto2016.pdf>

27. According to the association Antigone, there were 407 detainees in juvenile prisons among which 168 foreigners (41,3%). The same data also shows that 43% of these inmates have not received a final judgment yet. It also appears from the Antigone's report that foreign minors are more strictly condemned than Italian minors for equal offences (longer time in jail, no alternative measures to detention ...)

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- *Prioritises alternative measures to detention for minors.*

D. Alimentation and healthcare

28. ACAT Italy and FIACAT would also like to highlight the inadequacy of the food provided by the prison canteens: many detainees are forced to cover the cost of their meals, even though this is not always possible, but not all detainees may face charges of canteens fees. For example, people in solitary confinement have access to a kitchen. Prison canteens do not always serve the adequate regime to the inmates. For example, an elderly inmate from the Sulmona prison wrote: *"I have not eaten [for 2 days], not because I do not like the food but because I am suffering from cholesterol, so I cannot eat it."*³⁸

29. Italian prisons are not in the best conditions regarding healthcare, as it is shown in various reports. In the Scarceranda report published by Radio Onda Rossa, it is reported that many detainees testify each year of the lack of healthcare in prison. They report cases of healthcare denied and prescription of drugs allocated without previous medical examinations. The report also denounces the high use of psychotropic drugs in prison and shares the testimony of the spokesman of OSAPP (Autonomous Trade Union Organization of the Penitentiary Police) who said in 2012 that *"in Italian prisons there are at least 16,000 detainees in chemical containment because of the massive use of psychotropic drugs. It is more than 40% of prisoners awaiting trial"*.³⁹ The report of Antigone Onlus⁴⁰ states also on this topic that: *"One inmate out of two is suffering from an infectious disease, nearly one out of three of a psychiatric disorder. [...] the reform of the prison health should pursue the fundamental goal of ensuring that the right of detainees to protect their health is the same as for free citizens. But, after seven years there are too many cases of healthcare denied. In fact, the relations between the medical department and some of the detainees are often conflicting. The law provides that the doctor is a member of the disciplinary board. The same doctor is called to make judgments of compatibility with the penitentiary environment. It is thus undermining the relationship of trust which should bind the doctor with each of his patient"*. The report also criticises the fact that prison inmates can only seek the assistance of a doctor from outside at their own expenses creating a risk of disparity in the healthcare received by the detainees based on their resources and that the wait for an authorization is often very long.

30. Moreover, according to a recent news article from "Il Fatto quotidiano", in 2015 around 100,000 detainees passed through Italian prisons, out of them: one out of three was a drug addict, 5,000 had contracted HIV and 31,500 hepatitis. Between 60 and 80% of inmates have contracted at least one disease, in 48% of cases a contagious one. 32% of inmates suffer from psychiatric

³⁸ Carmelo musumeci, *Giuseppe Zagari dopo l'arrivo a Sulmona...*, May 2015, available on

<https://urladalsilenzio.wordpress.com/2015/04/28/giuseppe-zagari-dopo-larrivo-a-sulmona-di-carmelo-musumeci/>

³⁹ Radio Onda Rossa, *Scarceranda 2015 Quaderno 10*, p. 26-30, available on

<http://scarceranda.ondarossa.info/sites/default/files/testi/04-SaluteESuicidiInCondizioniDiDetenzione.pdf>

⁴⁰ Antigone XI *Rapporto Nazionale sulle Condizioni di Detenzione. Oltre i tre metri quadri*, p.15, 2015 available on

http://www.osservatorioantigone.it/upload2/uploads/docs/cartella_stampa_Rapporto.pdf

troubles – and an Italian law would impose to these detainees to be helped by specialized psychiatric helpers, but it is not always the case.⁴¹

31. However, some improvements can be noted on this issue but also the huge gap between the regions that come with it. The region of Emilia Romagna has the most advanced system. It has a professional, called prison health promoter, who is working alongside the healthcare team and who promotes healthcare through information session, orientation, support and education, to foster healthy lifestyles among detainees. Moreover, Emilia Romagna has also adopted in 2015 the “Guidelines for the clinic management of medicines in prisons”⁴². These guidelines aim at governing the following points: continuity of care; supply, demand and management of medication, preparation of medication, administration of medication, adherence to treatment, disposal of expired or unused medicines and reporting.

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- *Improves the quality and quantity of food provided to detainees taking into account the special needs of some of them related to their medical condition;*
- *Regulates the use of psychotropic drugs on detainees and addresses the issue of illness and diseases caught in detention.*

E. Deaths in prison

32. The number of people who died in prison has decreased since 2010. According to the prison population, the number of deaths is average for European prisons. The data for the first nine months of 2016 is in line with the previous years.

Years	Total number of deaths in penal institutions	Suicides	% suicides
2010	184	66	35,9%
2011	186	66	35,5%
2012	154	60	39,0%
2013	153	49	32,0%
2014	132	44	33,3%
2015	120	42	35,0%
2016 (as of 19 November 2016) ⁴³	96	33	34,4%

33. The number of suicide attempts is worrying, as it is very high. In the first six months of 2016, in the establishments of the Piedmont region only, there have been 294 acts of self-mutilation, 38 suicide attempts, which have been caught on time by the prison officers. The situation in the

⁴¹ il Fatto quotidiano *Carceri: sovraffollamento, suicidi e Hiv. L'inferno quotidiano per 56mila detenuti*, 24th September 2016, available on <http://www.ilfattoquotidiano.it/2016/09/24/carceri-sovraffollamento-suicidi-e-hiv-linferno-quotidiano-per-56mila-detenuti/3053018/>

⁴²Emilia Romagna, *Assistenza sanitaria in carcere*, October 2016, available on <http://salute.regione.emilia-romagna.it/carcere>

⁴³ Ristretti orizzonti, *Morire di carcere*, available on <http://www.ristretti.it/arcstudio/disagio/ricerca/>

Tuscany region is even worse, there have been 543 acts of self-mutilation and 63 suicide attempts.⁴⁴

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- *Takes the measure necessary to reduce the number of suicide, suicide attempt and self-mutilation in prison.*

F. National preventive mechanism

Please indicate what measures are being taken to strengthen the functional and institutional independence of the National Authority (Garante nazionale) for the Rights of Persons Detained or Deprived of Personal Liberty, established as a national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Please provide information on the human and financial resources that have been allocated to the National Authority since its establishment. Please indicate which public authorities are mandated to deal with complaints made by detainees and include information on the complaints, including the number of complaints filed, investigated and resolved, as well as on the main areas of complaints, in the past five years.⁴⁵

34. In February 2016, Mauro Palma was appointed as the first "National Guarantor for the rights of persons detained or deprived of personal liberty" (hereinafter National Guarantor) as required by the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), that Italy has ratified on 9 November 2012 (Law n. 195). The National Guarantor has been established by the Law Decree 23rd December 2013 No. 146 (art. 7) and Act No. 10, of 21st February 2014⁴⁶. The Ministerial Decree of 11th March 2015 No. 35 established the office internal rules. He will deal with all forms of deprivation of liberty, including, police custody, identification and expulsion centres and psychiatric institutions.

35. The National Guarantor coordinates also a network of local Guarantors, which are institutions already in place or to be set up at regional and city levels.⁴⁷ The office of the National Guarantor includes the president, Mauro Palma, and two other members: Ms. Daniela de Robert (professional journalist) and Avv. Emilia Rossi (criminal lawyer).⁴⁸ They are appointed for a non-renewable mandate of 5 years. They are conferred a fixed annual allowance equal to 40% of the members of parliament's fixed allowance for the President, and 30% of the same for the two members. For the functioning of the National Guarantor 200 000 euros were allocated in 2016 per year. The Ministry of Justice, in which the National Guarantor's office is established, allocates the space and offices necessary to its functioning, and 25 civil servants of its staff,⁴⁹ which are under the direct

⁴⁴ Curiosando, *Suicidio in carcere a Lucca, la denuncia del sindacato Sappe*, 23rd September 2016, available on <http://www.curiosandoonline.net/2016/09/suicidio-in-carcere-a-lucca-la-denuncia-del-sindacato-sappe/>

⁴⁵ Human Rights Committee, *List of issues in relation to the sixth periodic report of Italy*, July 2016, para 23

⁴⁶ Law n° 10, 21st February 2014, art. 7, available on <http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legge:2013-12-23:146!vig=>

⁴⁷ Regional Guarantors existed already before the National office was established. In 3 out of the 20 Italian regions, e.g. Calabria, Liguria and Basilicata, there is not yet a specific law establishing the regional offices. In Abruzzo region, notwithstanding the specific law from 2011, there is still no regional Guarantor, and for this reason the National Guarantor has recently addressed an appeal to the Regional Council of Abruzzo (see <http://www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/7cbfd5cc7d158467e53a0bf0f4d9ae.pdf>.) There are also 9 provincial guarantors, and 41 city guarantors established as of July 2016, latest update, https://www.giustizia.it/giustizia/it/mg_3_8_16.page;jsessionid=qKNXH4naAy-2I3WX3sxECUuH?tab=w

⁴⁸ Ministero della Giustizia, *Garante nazionale diritti persone detenute o private della libertà personale*, 20th July 2016, available on https://www.giustizia.it/giustizia/it/mg_2_21_2.page

⁴⁹ Ministerial Decree 3 August 2016 available on <http://www.polpenul.it/attachments/article/7252/03.08.2016%20->

supervision and management of the National Guarantor.⁵⁰

36. According to the Law No. 354, 26 July 1975 (Norms on the penitentiary system and the execution of measures of deprivation or limitation of Liberty), article 35: “*detainees may raise a complaint before the: 1) the prison warden; 2) supervisory judges; 3) judicial and sanitary authorities visiting the prison; 4) president of the Region; 5) President of the Italian Republic*”. Since the establishment of the National Guarantor, detainees can also raise a complaint before him in order to have specific recommendations formulated to the involved administration, if violations of the penitentiary law are found.⁵¹ The Ministerial Circular of 18th May 2016 (internal to the Ministry of Justice, Dpa), recalls the independence of the National Guarantor vis-à-vis the State administration and powers, in particular regarding the authority’s power to visit and access all places of detention in the territory of the Republic and the possibility to conduct individual and confidential interviews with the detainees.⁵² However, some academics still consider the new National Guarantor to be between an independent authority and a ministerial office with larger autonomy (given the strong link with the Ministry of Justice who provides its civil servants and allocates its offices to the National Guarantor).⁵³

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- ***Takes all measures necessary to ensure the effective independence of the National Guarantor and allocates it the necessary funds for its functioning.***
- ***Ensures that local Guarantors are established without delay in all regions.***

G. Derogatory regime for organised crime

Please provide information on the measures taken to bring the special regime for persons involved in organized crime (mafia offenders) under article 41 bis of the penitentiary system law, in accordance with the provisions of the Covenant. Please indicate what measures have been taken to close judicial psychiatric hospitals and to transfer their competence to regional substitute health-care institutions.⁵⁴

37. Article 41-bis of the Act. No. 354 of 26th July 1975, applies to criminals being part of: organized criminal organizations (such as Mafia siciliana, Camorra, etc.), terrorist organizations or who do not cooperate with the judicial authorities. This article sets out a derogatory regime for those persons. For instance, these detainees have several of their rights restricted such as the right to have contact with the outside world or the right to exercise outside. Moreover, they cannot benefit from alternative measures to imprisonment. The European Court of Human Rights has already rejected an abstract incompatibility between the regime under art. 41-bis and art. 3 ECHR,

[%20Decreto%20Ministro%20Giustizia%20e%20Garante%20Naz.le%20Diritti%20Detenuti.pdf](#); Moreover, a first call for applications to appoint 15 officers, has been recently closed and received 249 applications (see more on <http://www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/b76563f318c781ae30005a0f7c991562.pdf>)

⁵⁰ Ministerial decree n° 35, 11 March 2015, art. 3-4 available on <http://www.gazzettaufficiale.it/eli/id/2015/03/31/15G00050/sg>

⁵¹ The Italian Constitutional Court, in its decision of 8-11 February 1999, n° 26 declared the unconstitutionality of art. 35 of the Law No. 354 as it does not include judicial safeguards against acts of the penitentiary administration that violate the rights of the detainees.

⁵² Ministerial Circular, 18 May 2016, available on:

https://www.giustizia.it/giustizia/it/mg_1_8_1.page?contentId=SDC1240387&previousPage=mg_2_21_2

⁵³ Il Sole 24 ore, *Il Garante trascurato anti-tortura*, 5th September 2016, available on

http://www.ilsole24ore.com/art/commenti-e-idee/2016-09-05/il-garante-trascurato-anti-tortura-063536.shtml?uuid=ADYSG5EB&refresh_ce=1

⁵⁴ Human Rights Committee, *List of issues in relation to the sixth periodic report of Italy*, July 2016, para 24

e.g. prohibition of torture. In fact, only the complete sensorial and social isolation is forbidden, but not the application of such high-security penitentiary regime.⁵⁵

38. Since then, the discussion has moved to evaluate the particular conditions necessary to enforce this regime and its renewal. In 2008, CPT visiting Italy, underlined that: “*It was evident that, for a considerable number of “41-bis” prisoners – if not for virtually all of them – application of this detention regime had been renewed automatically; consequently, the prisoners concerned had for years been subject to a prison regime characterised by an accumulation of restrictions, a situation which could even be tantamount to a denial of the concept of penitentiary treatment, which is an essential factor in rehabilitation*”.⁵⁶ Thus, the renewal of this regime is problematic since it is automatic in most cases and the appeals often end up being rejected. This contravenes the principles of proportionality and necessity. Consequently, what was set up as a regime to be enforced only in exceptional cases has been applied to over 700 detainees.⁵⁷

39. On 10th June 2015, the UN Working Group on Arbitrary Detention (hereinafter WG) published its report related to its follow-up mission to Italy.⁵⁸ In the summary, the WG notes that “*the special detention regime for mafia offenders under article 41-bis of the Law on the Penitentiary System has not yet been brought into compliance with international human rights requirements. The judicial review of the orders imposing or extending this form of detention would need to be sufficiently strengthened and expedited*”. According to the Working group, the most relevant change to the regime is the Law No. 94 of 2009 “22. [...] *which strengthened the special detention regime, and new circulars were subsequently issued by the Department of Prison Administration. During the visit, the Working Group was informed that approximately 700 detainees had been subjected to this regime. 23. [...] the regime] has a duration of four years and can be extended for an additional period of two years. Complaints can be lodged within 20 days from the date of the communication of the provision, and the decision shall be made by the Supervisory Court of Rome. The restrictions of the Section 41-bis regime cannot be modified either by the administrative authority or by the judicial authority, since they are provided by the Penitentiary Law*”.

40. Furthermore, the Italian Constitutional Court issued a decision, No. 143 of 17th June 2013, in which it sanctioned the unconstitutionality of the provision limiting interviews with defence counsels and obliged the Head of the Department of the Penitentiary Administration to prepare an amendment “25. [...] *in order to allow prisoners to have interviews with their defence counsels, even prisoners, without any authorization nor limitation of the number and duration of interviews, without the possibility to check the actual need or the reasons for the interviews [...]*”.⁵⁹

⁵⁵ See European Court of Human Rights’ decisions: - 9 January 2001, Natoli c. Italia, §§ 35 ss; - 8 June 1999, Messina c. Italia; - 22 June 1999, Rinzivillo c. Italia; - 31 August 1999, Di Giovine c. Italia; - 25 November 1999, Marincola c. Italia; - 1 February 2000, Vincenti c. Italia; - 28 June 2005, Gallico c. Italia; - 10 November 2005, Argenti c. Italia; - 29 June 2006, Viola c. Italia; - 11 July 2006, Campisi c. Italia; - 15 January 2008, Bagarella c. Italia, quoted by E. NICOSIA, “Il c.d. 41-bis è una forma di tortura”, pp. 1265-1266.

⁵⁶ 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/Inf (2010) 12 (Italia), § 82 available on <http://www.cpt.coe.int/documents/ita/2010-12-inf-eng.pdf>

⁵⁷ Giulia Zaccheroni, *La tortura: profili di diritto internazionale e repressione penale*, 2010-2011 available on <http://www.penalecontemporaneo.it/upload/Tesi%20Zaccheroni.pdf>

⁵⁸ Report of the Working Group on Arbitrary Detention (Follow-up mission to Italy), Human Rights Council, 13th Session, A/HRC/30/36/Add.3, available on <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/154/49/PDF/G1515449.pdf?OpenElement>

⁵⁹ Corte Costituzionale, sentence 143/2013, available on <http://www.cortecostituzionale.it/actionSchedaPronuncia.do?anno=2013&numero=143>

41. The debate across the Italian civil society, the Senate and the Ministry of Justice has not come to halt. Last June an article was published with this headline “Sepolti vivi” (*Buried alive*)⁶⁰ reporting on a 2012 research of the Permanent Observatory of deaths in prison which found out that the frequency of suicides for detainees kept under the 41-bis regime is 3,5 times higher than for other detainees.⁶¹ The article also mentions the recent death of two detainees under the security regime in April and May 2015. One of the detainee suffered a lung cancer and a kidney failure but was still kept in detention under the special regime conditions. He died in the penitentiary cell of the hospital San Salvatore in Aquila. The second detainee committed suicide. The journalist underlines that the number of detainees under article 41-bis regime has increased from 543 in 1993 to 729 in December 2015, and that they are kept in 13 different prisons across the Italian territory.

42. In April 2016, a report of the Human Rights Commission of the Senate was published⁶² and the President of this Commission, Sen. Luigi Manconi, declared that “*Any type of reasoning about the regime of 41-bis has to make clear that the aim of this special regime is not to make the punishment more troubling, but to interrupt the ties between the detainee and the criminal organization*”. Between the most powerful recommendations given by the Commission, there are the following: “*Rec. 1: A more accurate investigation from the competent authorities concerning the renewal of the application of the special regime [...]; Rec. 8: removal of limitations concerning the possibility to keep all means related to reading, studying and development of artistic activities*” [...]; *Rec. 11: to facilitate meetings with relatives of detainees*”.

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- ***Pursues its efforts to put the 41-bis regime in line with the rights set out in the Covenant especially by addressing the issue of the renewal of application of this special regime.***

H. Psychiatric hospitals

43. In 2008, the Commission of Inquiry into the Health Service, headed by Mr. Igazio Marino, denounced the reality in judicial psychiatric hospitals (OPG): ill treatments, abuses and neglect. The report also criticised the state of the buildings which were completely degraded and unsanitary (with the exception of the one in Castiglione and Naples). The lack of medical staff was also denounced. In 2010, a Parliamentary Commission visited the psychiatric hospital of Barcellona Pozzo di Gotto and witnessed that there was only one doctor present in the facility that was hosting 329 patients. As a result, several decrees and agreements were taken until the Law 9/2012 making it compulsory for the regions to develop specific programs to create therapeutic rehabilitation paths by 1st April 2014. According to this, each region is requested to take care of its own prisoner through the creation of appropriate structures, the Residence for the implementation of health security measure (REMS).

⁶⁰ Gregorio Romeo, *Sepolti vivi: luci e ombre del 41-bis, il più duro regime carcerario italiano*, 29 June 2016, available on <https://news.vice.com/it/article/41-bis-carcere-duro-italia>

⁶¹ Osservatorio permanente sulle morti in carcere, *Detenuto del 41bis si impicca nel carcere di Opera, sesto suicidio in cella da inizio mese*, available on http://www.ristretti.it/commenti/2013/maggio/pdf4/suicidi_41bis.pdf

⁶² Commissione straordinaria per la tutela e la promozione dei diritti umani, *Rapporto sul regime detentivo speciale indagine conoscitiva sul 41-bis*, April 2016, available on https://www.senato.it/application/xmanager/projects/leg17/file/repository/commissioni/dirittiumaniXVII/allegati/Rapporto_41bis_aprile_2016.pdf

44. These new structures, the REMS, are health facilities managed by the Territorial Health Service in collaboration with the Ministry of Justice. They are here to combine the implementation of security and therapeutic measures. Each structure should have no more than 20 beds and there should be doctors and medical staff, depending on the intensity of care needed, present. Security safeguards and supervision should only take place within the perimeter of the buildings. In other terms, those structures should be more comparable to hospitals rather than prisons contrarily to the previous OPG.⁶³

45. The Working group on Arbitrary Detention regretted the long time needed by Italy to close the old OPG and noted that “51. [...] *On 31 March 2015, judicial psychiatric hospitals were closed, in compliance with the deadline established by Law No. 81/2014. Since 1 April 2015, their competence has been transferred to regional health-care structures and the patients are now under the supervision of the community Mental Health Department, which provides an individual care programme*”.⁶⁴

46. In February 2016, the Italian Government appointed Franco Corleone as the new National Commissioner for the closing of judicial psychiatric hospitals.⁶⁵ In November 2016, there were still 2 of those structures open: Montelupo Fiorentino (Tuscany) housing 8 people and Barcellona Pozzo di Gotto (Sicily) housing 18 people, which should be closed by the end of January 2017.⁶⁶ In addition, at least 6 regions: Abruzzo, Calabria, Piedmont, Apulia, Tuscany and Veneto have been put under compulsory administration by the State for not being able to establish the new Rems.⁶⁷ It has also been noted by some civil society organizations that some of the functioning Rems have been following the same logic as the former judicial psychiatric hospitals, adding to these new structures: barbed wire, few options for outdoor activities, armed guards... A new coalition of NGOs, *StopOpg*, is monitoring what is happening to the remaining people in the judicial psychiatric hospitals and lobbying the government to apply alternative measures of security to these people.⁶⁸

47. An amendment to the article 12 of the draft Law no 2067 is currently being discussed by the Parliament. If adopted this amendment would reinstate the old legislation. Thus, the newly established REMS would be comparable to the old OPGs. In fact, they would not be considered as a residuary measure.

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- ***Accelerates the process of closing the judicial psychiatric hospitals and ensures that the new structures (REMS) are established in conformity with the Law 9/2012.***

I. Hotspots, reception centres and identification and expulsion centres

⁶³ Salviamo il Lascito Stellini, *Cosa sono le Rems ?*, available on <http://www.salviamoillascitostellini.it/rem-s-cosa-sono/>

⁶⁴ Report of the Working Group on Arbitrary Detention (Follow-up mission to Italy), Human Rights Council, 13th Session, A/HRC/30/36/Add.3, available on <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/154/49/PDF/G1515449.pdf?OpenElement>

⁶⁵ The initial mandate expired after 6 months, 19 August 2016, but was extended until 19 February 2017 given the presence of yet two OPG. See page 9, Seconda relazione trimestrale sull'attività svolta dal Commissario unico per il superamento degli Ospedali Psichiatrici Giudiziari, http://www.stopopg.it/system/files/2016_12_II_Relazione_Trim-COMMISSARIO.pdf

⁶⁶ Una breve riflessione: senza OPG, dopo un successo quali prospettive?, first para., page 1, http://www.stopopg.it/system/files/2016_12_PELLEGRINI_senza-OPG-PROSPETTIVE.pdf

⁶⁷ Sara de Carli, *Un anno dopo la chiusura degli ospedali psichiatrici giudiziari: ancora 90 internati*, 31 March 2016, available on <http://www.vita.it/it/article/2016/03/31/un-anno-dopo-la-chiusura-degli-ospedali-psichiatrici-giudiziari-ancora/138839/>

⁶⁸ More information can be found at: <http://www.stopopg.it/node/915>

Please indicate the steps taken to standardize the management of reception centres and identification and expulsion centres so as to improve living conditions in the centres and the assistance provided by the staff of the centres across the country. Please include information on the outcome of the work of the national working group tasked, under Legislative Decree No. 18/2014, with improving the national reception system and establishing an integration plan for the beneficiaries of international protection, and on the results of the commission of inquiry established by the Chamber of Deputies in November 2014. Please provide information on the measures taken to facilitate the access of irregular migrants and asylum seekers to reception centres and to prevent the proliferation of self-organized accommodation in precarious conditions. Please also provide information on the measures taken to ensure that persons granted international protection, including families, have adequate access in practice to housing, health care and other social services to which they are entitled under domestic law. Please include statistical data on the number of migrants in the reception system and on the financial resources allocated to the system in the past five years.⁶⁹

- **Living conditions**

48. First, it should be noted that the Italian migrants' reception system is composed of 2 steps. The first reception structures are managed by local prefectures with the control of the Ministry of Interior. They are the hotspots and the regional hubs (created from the conversion of the First aid and reception centres (Centri di primo soccorso e accoglienza - CPSA), the Reception centres (Centri di accoglienza - CDA) and Reception centres for asylum seekers (Centri di accoglienza per richiedenti asilo - CARA)). The second reception structures are the Protection System for Asylum Seekers and Refugees (SPRAR). They are managed by private associations in agreement with the concerned municipality. Upon their arrival in Italy migrants are placed in the hotspots. There, they are identified and they should indicate the reason of their migration and more precisely if they are seeking international protection. Migrants seeking international protection are relocated to regional hubs whereas the others are placed inside an Identification and Expulsion Centre (Centri di identificazione ed espulsione – CIE). Migrants relocated to regional hubs should stay there for a maximum period of 30 days, after this they should be hosted in a SPRAR.

- **Hotspots conditions**

49. In Italy there are four hotspot centres: Pozzallo, Porto Empedocle, Trapani and Lampedusa. All of these hot-spots are managed by Catania offices (Sicily). The initial reception facilities of the hot-spots can host 1.500 migrants overall: Pozzallo 300 people; Porto Empedocle 300 people; Trapani 400 people; Lampedusa 500 people.

50. The association Melting Pot expresses serious concerns about this approach from a judicial and administrative point of view. *“It seems like summary and discretionary methods are used in the hot-spots to distinguish asylum seekers from so-called “economic migrants”: the consequence of this approach is the increase of immediate refoulement (at the time of the landing in Italy). Foreigners often receive the order to leave Italy in seven days, without any consideration of their personal conditions and without facilities and means (in contrast with the law) to afford the journey; in this way their right to seek asylum is highly violated”*. Melting Pot and ASGI (Associazione per gli Studi Giuridici sull'Immigrazione) are concerned about the use of violent methods to overcome passive resistance of migrants who refuse to be identified. According to the standards, migrants can leave the hot-spot only after the photo-reporting.

51. During the month of June, the campaign LasciateCIEntrare organised an inquiry dedicated to more than 60 centres (CIE, CARA, HUB, CAS) but the visits of the hotspot were forbidden.

⁶⁹ Human Rights Committee, *List of issues in relation to the sixth periodic report of Italy*, July 2016, para 16

Journalists were only allowed by the Ministry of the Interior to visit hotspots on 14th July 2016 after only a 12 hours' notice.

52. Alessandra Ballerini (lawyer and member of the associations Terres des Hommes and LasciateCIEntrare) and Elly Schlein (European Parliament) took part to the inspections to Trapani and Lampedusa Hot-spots from 20th to 22nd July 2016⁷⁰. Here is a summary of their findings:

Trapani Hotspot. 20th July 2016: Trapani Hotspot is considered like the "jewel" of the hotspot system. Delegations of NGOs and MPs are often invited to visit it instead of other structures which are generally inaccessible to the outside world. Ms. Ballerini and Schlein underline that the hotspot system is not ruled by a specific law, so this structures "do not respect the article 10 of the Constitution nor the freedom and guarantees provided for by art. 13 of the Constitution". Ballerini and Schlein explain that Trapani hotspot host migrants already identified who have been rejected from the Ventimiglia border.

- Population: At the time of their visit, there were 180 migrants for an overall capacity of 400.

- Length of stay: According to the operators of the hotspot, the average stay is of 5 days. It can go up to 13 days when encountering difficulties to find a place in a regional centre. If the migrants are supposed to be allowed to go outside, it seemed difficult since the centre is isolated and there is nothing outside not even buses.

- Staff: The staff working inside the centre gather people from the Badia Grande cooperative (3 psychologists, 2 social workers, 2 legal advisers, one doctor and mediators), from the High Commissioner for Refugees, the International Organisation for Migration, Frontex (16 people divided into teams with a head of each team Italian) from the European Asylum Support Office - EASO - (4 operators) and since April 2 doctors from the National Institute for Health, Migration and Poverty (a dermatologist and a specialist in infectious disease) present 9 hours and a half per day.

- Women and minors: There are many families in this centre, often with very young child including babies. The number of unaccompanied minors is quite important (around 30%) and they are often very young (under 10 years old). The number of women has also increased.

- Arrival kit: Upon arrival, each migrant, receives a travel bag containing: 3 phonecards of 5 euros each, 2 bed sheets, 1 pillowcase, 1 comb, 3 towels, 4 socks, a pair of slippers, pyjamas, 1 roll of toilet paper, 4 small shower gel and shampoo, a pair of shoes, 4 pairs of underwear, a toothpaste and a toothbrush, 4 shirts and 2 tracksuits. Women also receive a bra and a pack of sanitary pads. There is no public phone, so the refugees have to use their mobile phone.

- Procedure: Each migrant is submitted to pre-identification, is given initial legal information and undergoes a medical examination, more detailed than the one made at the landing, at their arrival at the hotspot. It is only the day after that they are properly identified with their fingerprints and photo. This identification takes place in presence of police officers and Frontex and EASO's staff. When they are doubts about the age of unaccompanied minors they undergo a test at the hospital using wrist X-ray. However, this method is criticised since it is very invasive and has an important margin of error.

It should be noted that inside the hotspot, migrants can only fill in application for asylum and not the C3 form for international protection. This creates a risk of refoulement.

⁷⁰ Elly Schlein, *Report delle visite agli Hotspot di Trapani e Lampedusa, 20-22 Luglio 2016*, 6th August 2016, available on <http://www.ellyschlein.it/report-delle-visite-agli-hotspot-di-trapani-e-lampedusa-20-22-luglio-2016.html>

- Vulnerability: According to the psychologists, almost all the migrants have experienced traumas (torture, rape ...). When the person is particularly vulnerable, a report is established and given to the concerned person with the rest of his/her medical files.

- Structures: The centre is made of several offices and dormitories (each of the dormitory having 12 beds, 3 showers and toilets) and a big refectory (120 seats) in which there is a small room used as a mosque and a room with toys.

- Landing: During their visit, Alessandra Ballerini and Elly Schlein were able to be present during the landing of 378 people. Many people were involved in the landing: the Italian Red Cross, the civil protection at regional and municipal level, Save the Children, the HCR, Frontex, EASO, hospital staff, doctors and police officers. It seemed that the landing respected the procedure in place and that the actions of all actors were coordinated.

Lampedusa hotspot 21st July 2016:

- Population: Lampedusa hotspot was supposed to host 500 people however its capacity is only of 381 places. On 19th May 2016, a fire destroyed one of the buildings of the centre, reducing its capacity to 140 places. However, officially the hotspot can still host 381 people. At the time of the visit, the hotspot hosted 350 migrants, including twenty women and several families including six small children, and ten unaccompanied minors.

- Length of stay : Some people have been staying in the hotspot for almost a month. Some staff testified that some people could even stay there for up to 3 months and a half.

- Staff: The medical staff of the centre is made of one doctor and one nurse available 24h per day. Turns are supposed to be organised every week or every other week. Two psychologists are available 6 hours per day. Members from the National Institute for Health, Migration and Poverty are also present in the centre (a specialist in infectious disease, a dermatologist, a paediatrician , a psychologist and a mediator).

- Minors: Some minors are present in the hotspot even though they should be directed to specialised centre. They stay there for an average of 25 days often in close promiscuity with adults.

- Arrival Kit: each of the migrant receive a kit upon arrival. Those kits are often inadequate and insufficient given the very long time migrants can stay in the hotspot for. Moreover, migrants don't have the possibility to do their laundry. One month the water had been cut off several times without notice and for few hours. Each migrant should be given 2,50 euros per day. However, sometimes they don't receive any money but only a pack of biscuits. Some migrants try to save up the money they receive each day to buy phone cards since the 35 euros phonecards given at the beginning of their stay is not enough in case of prolonged stay.

Procedure: After a landing that took place during the visit, migrants arrived at the hotspot were pre-identified. There, despite the presence of the migration police it appeared impossible for migrants to fill in the C3 form to testify of their willingness to apply for international protection. This is problematic since once transferred migrants will not be recognised as asylum seekers and might be requested to leave the territory in 7 days. The migrants were only informed on their rights and the procedure during the landing when they were quite confused and shocked from the journey. They had to fill in the information paper in which the motive of the trip to Italy is asked. If the migrants don't fill in the form properly they risk to be qualified as economic migrants and be expelled.

- *Structure*: The buildings contain 7 rooms with 12 beds each. However, bunk beds were put in some of the room to increase the number of places of these rooms to 24 places or even 36 places. There are 8 showers and 12 squat toilets in bad conditions. In the area reserved for unaccompanied minors (who sometimes represent over 30% of admissions) the showers do not exist at all and the toilets have been out of service for months. In the area for women and families with children there are 6 rooms with 6 beds. There is no canteen, so the refugees must have their meals in their room or outside. The buildings are in very bad conditions: it is very hot in summer and very cold in winter. The cleaning is not properly done.

There is another special area reserved for people suffering from scabies or other diseases. It is particularly hot in this part of the centre, it smells very strongly and the toilets are very dirty. Many mattresses are not covered with bed sheets and are not replaced. Consequently, disease can be easily transmitted.

- *Landing*: During their visit, Alessandra Ballerini and Elly Schlein were able to be present during the landing of 126 people. This landing took place in presence of the managing bodies, the police, the Guardia di Finanza, agents from Frontex (a dozen) and from EASO, a doctor and an ambulance. Some volunteers from Lampedusa solidarity forum are also present a bit further away to provide migrants with hot beverage, food and blankets.

53. Concerning the hotspot of Pozzallo in Sicilia, the journalist Damiano Aliprandi reported a worrying situation in September 2016. He explains that the centre was built to host 180 people but that it hosted around 400/500 people including 182 minors and that there were only 5 toilets.

o **Condition of reception centres and identification and expulsion centres**

54. The organisation LasciateCIEntrare conducted a campaign on various structures for migrants. At the end of the campaign, Yasmine Accardo⁷¹ highlighted the divergence between the Interior Ministry statements and what emerged from the monitoring carried out during the campaign. She expressed concerns about the high promiscuity between children and adults and about women trafficking. She was also concerned by the “criminalization of migrants” whose permit is revoked. She concluded “*We report a considerable increase of the ghettoization of the structures [...] and we are also concerned about the handling of migration by the media, which sometimes is instrumental and superficial in front of such complex issues*”.

55. Here is an overview of the situation in several centres:

Castelnuovo Di Porto, Roma (CARA)⁷²: Castelnuovo di Porto is located at about 40 km from Rome. The structure has been used as a CARA since 2008. The management has been handled by a cooperative called Auxilium since 7th April 2014. The location of the centre is isolated, there is nothing nearby and the only way to get there is to get the bus specifically organised by the cooperative from the station.

The capacity of the centre is of 650 places, but it currently houses 844 people: 661 men, 157 women, 26 children. The kit for personal hygiene and the disposable sheets are provided every three days. Every day people receive pocket money of 2.50 euros, not in money but in goods.

The structure is divided into three groups: people who are going to be transferred to extraordinary reception centres (CAS) or SPRAR; people who have stayed in the CARA from many months

⁷¹ Current secretary of the Association Garibaldi 101 and regional and local coordinator of the LasciateCIEntrare campaign at the time.

⁷² Serena Chiodo, *Dobbiamo andara via da qui Visita al Cara di Castelnuovo*, 24th June 2016, available on <http://www.cartadiroma.org/news/36415/>

(some of them have sought international protection several times); people, mostly Eritrean, asking for relocation to another country. The author of the report comments that the concrete implementation of relocation shows several problems: "*Asylum seekers may express their preference about the country of destination. But the possibility of their request depends on the availability of the various countries. [...] The announcement of the transfer can also take place the night before the relocation. [...] People, from one day to another, can be moved to countries of which they know nothing, neither the language nor the geography, and where they have no contacts. [...] As the Ministry of Interior's document states, it is not possible to choose the country of the relocation. [...] If migrants refuse the transfer they stay inside the CARA for an unlimited time*".

The activists of *LasciateCIEntrare* met two couples of migrants who landed in Lampedusa on 4th December 2015. They protested against the obligation to leave their fingerprints. In fact, many migrants, try to avoid seeking asylum in Italy because of the slow bureaucracy ("*We did not want to leave our fingerprints, because we do not want to be forced to stay in Italy*" they said). One of them explained: "*They promised that, if we left the fingerprints, they would immediately transfer us to the country we chose. We stopped the protest. We have been in the CARA from six months. [...] We have to get out of here*".

Cona Migrants Centre (Venice)⁷³

Cona Migrants Centre is built in an isolated area, which doesn't help the social inclusion of the migrants hosted. The Centre hosts 620 people whereas its capacity is of 540 places according to the managing body. It should be noted that this centre does not fall within the above-mentioned categories but is a temporary emergency place set up to overcome the lack of reception centres in this region. In fact, many municipalities of Veneto refused to plan any kind of reception system for asylum seekers.

The management of the structure is handled by the cooperative Ecofficina. It was established in 2011 as a waste management group and was transformed into a reception cooperative in 2014. Ecofficina cooperative manages also Bagnoli HUB, Prandina HUB (both in Padova) and some SPRAR centres. Currently Ecofficina leaders are investigated by prosecutors in Padova for aggravated fraud and forgery offences in the reception of asylum seekers.

The structure is seriously overcrowded and there is a total lack of privacy. During the visit of the delegation, some of the mediators were discouraging migrants to talk to the delegation or to criticise the Centre. One of the migrants the delegation could talk to said that he was very ill and waiting for medicines but that the only answer he gets each time is that he will have them the day after. He was still waiting for his medicine at the time of the visit. Other migrants explained to the delegation that they have been in the structure for almost a year and they defined it as a "terrible place".

It is not clear whether there is legal aid inside the structure: the delegation that visited the Centre received different and conflicting answers. It is a very important issue, because the presence of an adequate legal team allows to complete the form to seek asylum adequately and not to be expelled as "economic migrants".

A tragic event was recently reported by the Italian medias about a young woman from Côte d'Ivoire who died in the Centre on 2nd January 2017. This death led to an important demonstration by the asylum seekers present in the Centre to denounce the late arrival of the ambulance and the

⁷³ Report della visita della Campagna *LasciateCIEntrare e Melting Pot Europa*, delegation made of Yasmine Accardo, Stefano Bleggi, Davide Carnemolla, Samanta di Fazio, Sara Monaci, available on http://www.meltingpot.org/Centro-per-migranti-di-Cona-Ve-620-persone-in-mezzo-al.html#.WDgOK_nhDIU

conditions in the Centre. According to them, the Centre hosted around 1300 asylum seekers at the time of the event.⁷⁴

Ex barracks Bisconte Temporary Reception Centre and Pala Nebiolo Tent City (Messina)⁷⁵

Both structures are managed by the cooperative L'Arca.

Migrants should remain maximum 72 hours in those two centres, instead they stay, in average, for about 15 days or even 3 months in winter time. At their arrival at both centres, migrants receive one hygiene kits and one welcome kit, both renewed every month or when needed.

Bisconte Temporary Reception Centre (CPA):

Bisconte Temporary Reception Centre only hosts migrants coming from the centre for minor migrants "House Ahmed" after they became adults, and some cooperating witnesses. The sleeping-quarters are overcrowded: there are 188 people in three rooms, with bunk beds so close that there is no space left to move, half-hidden and piled mattresses are also in the ways and there is a very strong smell in the rooms. Concerning the hygiene of the migrants, there are 20 -24 showers, in some containers placed in open space at the entrance.

Some migrants complained about force being used against them to collect their fingerprints even though none of them seems to have sought asylum.

Pala Nebiolo Tent City:

There are 155 people in Pala Nebiolo Tent-city, among which 22 women and 4 families with young children. The place hosts many witnesses of human trafficking. They remain in the structure for months without any news about the trial; many of them have never been summoned to court. The authors of the report remind that *"according to Article 18 of the Testo Unico per l'Immigrazione, the witnesses against alleged smugglers should be kept in a protected place [...] Justice witnesses are totally disoriented: they know nothing about their rights and their role as witness. They are scared because they think they are sentenced and are aware that they have no future. They do not have adequate legal information from anyone"*.

The delegation of LasciateCIEntrare arrived there after a morning of intense rains. *"Everything was flooded. It was possible to walk only in some places around the tents, thanks to wooden walkways"*. The delegation was particularly concerned with the issue of trafficking especially of Nigerian women, but the direction of Tend-city *"does not seem to know the existence of the national anti-trafficking plan. Everything is solved with a visit to the clinic of Messina"*.

The delegation met a group of nine men and one woman (seven month pregnant), who claimed to be Eritreans: they explain that they were registered as Ethiopian and (one of them) as Sudanese by the policemen at the moment of landing, even though they declared themselves as Eritrean. They also complained about excessive use of force (even against pregnant woman) during the collect of the fingerprints. The woman has only been visited by a doctor once. After the reading of the report,

⁷⁴ Internazionale, *Il centro per migranti di Conetta doveva essere già chiuso*, 4 January 2017, available on <http://www.internazionale.it/notizie/2017/01/04/conetta-migranti-veneziana-cona>

⁷⁵ UNA TENDOPOLI E' PER SEMPRE - Visite ai Centri di Accoglienza Temporanei Ex Caserma di Bisconte - Tendopoli Pala Nebiolo, the delegation made of Tania Pogusch, Elio Tozzi, Fulvio Vassallo, Yasmine Accardo, Agata Ronsivalle. 21st May 2016 – 3rd June 2016, available on <http://www.lasciatecientrare.it/j25/italia/news-italia/213-una-tendopoli-e-per-sempre-visite-ai-centri-di-accoglienza-temporanei-ex-caserma-di-bisconte-tendopoli-pala-nebiolo>

Senator Luigi Manconi obtained the transfer of the pregnant woman to a safer place. In June, the delegation met other women: three young Senegalese girls. One of them suffered from severe burns (in the journey several migrants are burned by petrol).

In conclusion, the authors of the Report underline “*the general feeling of confusion, due to the lack of adequate legal information. The legal notice is explained collectively in the hours following the landing, when people are not really in conditions to understand so many details*”.

Restinco, Brindisi (CIE and CARA)⁷⁶

On 13 July 2016 the CIE hosted 48 migrants whereas the CARA hosted 220 (despite an official capacity of 128 places).

CIE:

The CIE is made of 3 dormitories for around 7 people each, a closed outside space and a common room with tables, some benches and a television where detainees can spend their days. In the dormitories, there are only beds with foam mattress and bed sheets but no tables, chairs or any other type of furniture. One of the dormitories has big damp patches on the wall.

The delegation that visited the centre received several testimonies from the migrants detained in the CIE:

- A. is a 28 years old South American man who has been in Italy for 13 years with his whole family. He has served six years in prison. He explained to the LasciateCIEEntrare delegation that even prison conditions were better than the conditions in the CIE. He had been in the CIE for twenty-two days because he had received an expulsion order as a consequence of being convicted to a prison sentence. He didn't know what was going to happen to him.

The story was the same in each block the delegation visited: loss and uncertainty. All migrants are waiting for the end of the 90 days hoping not to receive a repatriation order. Migrants who are seeking asylum (about 25% of inmates) wait up to twelve months, with no certainty about the outcome of their application.

- C. is a twenty-two years old Moldavian boy. He arrived in the CIE fifteen days before the visit took place, from Rimini where he lived with his pregnant girlfriend. He was arrested for a trivial argument with the police while he was skating with some friends. He complains about the mistreatments received by policemen before the arrival in the CIE.

- A. is a thirty-eight years old Nigerian who does not speak Italian. He looked heavily sedated. He arrived by boat from Libya, where he had spent 3 years in prison, five years ago. He served a two year and six month sentence in Pavia prison, Italy. He arrived at CIE three months ago. He said he received medicines every morning and evening.

Many migrants complained about the poor quality of the food and told the delegation it stank and had a bad taste. In the CIE, it is forbidden to cook, so people have no choice but to eat the food provided by the Centre, sometimes – when they can afford it – they buy some snack with the money they receive each day.

⁷⁶ Internazionale Antonio Esposito, *La doppia prigione dei migranti: visita al Cie e al Cara di Brindisi*, 13th July 2016, available on <http://www.internazionale.it/reportage/antonio-esposito/2016/07/13/cara-cie-brindisi-visita>

CARA:

The CARA hosts 220 people. Because of overcrowding there were six people in each of the two small rooms of each container. There is only one bathroom with a Turkish toilet, sink and shower. Many migrants complained of being treated like animals especially regarding the food and showed with disgust the meal they had received. They opened the box with their portion of vegetables and it did smell bad. They also complained about the lack of drinking water: a single bottle of water for the whole day. Most of all, migrants denounced the absence of any activity and the isolation and forced idleness. Outside the Cara there is no public transportation. This condition of semi-detention may go on more than one year, waiting for the examination of the asylum request.

Borgo Mezzanone, Foggia (CARA)⁷⁷:

The journalist Fabrizio Gatti entered, clandestinely, in the CARA of Borgo Mezzane (Foggia) and spent a week inside the Centre (15th to 21st August 2016). He wrote a diary to testify of the life of people inside of what he called “a State Ghetto”.

The CARA is handled by Sisyphus consortium in cooperation with Senis Hospes consortium. The centre is overcrowded. The Centre was built to host 636 persons but it hosts more than a thousand persons.

On top of this overcrowding, it should be noted that no protection is offered to the people staying in the CARA. The journalist witnessed Nigerian criminals entering the CARA to withdraw girls and force them to prostitute nearby the CARA; he also saw Afghan human traffickers offering trips to England and witnessed the illegal recruitment of agricultural workers for very low wages and without any right or protection (this practice is called Caporalato). During the night of April 18th Nigerian criminals kidnapped a migrant staying in the CARA and dragged him out. They blinded him by spilling diesel fuel in his eyes. They beat him until he fainted. A few days before they had wounded a Nigerian migrant with a machete. In June, the police arrested some of them.

Sometimes, stray dogs get inside the structure, urinate in the showers or on the mattresses, and even attack migrants. The journalist also reports the presence of rats and snakes.

There is no canteen, so migrants have to cook on the floor. There are electric cables on the floor, near to sheets and mattresses. It is very dangerous and could lead to a fire. According to the journalist, if a fire breaks out the migrant would be stuck in the Centre since there is no emergency exits.

During his stay, the journalist met some migrants who have been inside the CARA from months in terrible conditions. According to him, one of the reason for the “failure” of this CARA is the price cut made by the Sisyphus consortium in order to get the contract. In fact, instead of the 30 euros per diem per migrant, Sisyphus consortium only counts 22 euros per diem per migrant. Furthermore, the Ministry of the Interior keeps asking for an increase, of several hundreds, in the number of migrant hosted.

⁷⁷ L'Espresso, *Sette giorni all'inferno : diario di un finto rifugiato nel ghetto di Stato*, 12th September 2016, available on <http://espresso.repubblica.it/inchieste/2016/09/12/news/sette-giorni-all-inferno-diario-di-un-finto-rifugiato-nel-ghetto-di-stato-1.282517> ou <http://www.osservatoriorepressione.info/sette-giorni-allinferno-diario-un-finto-rifugiato-nel-ghetto/>

- ***Commission of Inquiry established by the Chamber of Deputies on 27th November 2014***

56. The Legislative Decree No. 18/2014 implements the Resolution 2011/95/UE. It includes in the definition of "international protection" political asylum and subsidiary protection. Both migrants and stateless people can apply to seek international protection.

57. The Legislative Decree established some measures to implement this change. In particular, a Commission of inquiry was established by the Chamber of Deputies on 27th November 2014. The resolution of 27th November 2014, created the Commission for a year at the end of which it should produce a report on the inquiry carried out. The main aims of the Inquiry were: the assessment of migrants condition and the efficiency of the structures, as well as eventual illegal and disrespectful of human rights behaviours; the verification of the procedures for the award of the management contracts of the centres for migrants; the evaluation of enforcement authorities' work and the verification of the economical sustainability of the current system. The financial means given to the Commission were the following: 10.000 Euros for 2014 and 90.000 Euros for 2015.

58. On 4th March 2016, the Commission of Inquiry presented a document (XXII Document N° 62) to amend the Resolution of 17th November 2014 to extend the duration of the inquiry until the end of the current XVII legislature (i.e.: Renzi Government), and the insertion of new issues as a consequence of the changes introduced by Legal Decree 18/2014. The main new issues inserted in the mandate of the inquiry were the following: the drafting of statistics on migration costs and migrants presences; observations on social effects of migrants' presence in Italy; the verification of identification measures, verification of the international protection system also in relation to unaccompanied minors and national health-care system; the assessment of CIE detention conditions; an evaluation to improve repatriation and expulsion measures; the verification of the amount of resources used in migrants reception system. This document also created a new requirement of yearly reporting and provided additional resources which are now of 90 000 euros per year.

59. In its final section the document underlines that any reference to CIE, CDA, or CARA will be deleted. In fact, the reception system was modified by the Legislative Decree 142/2015. The DL 142/2015 transposes the new UE instructions and converts those centres in temporary hubs. According to this new system migrants' reception is divided in two steps. The first one precedes the actual reception and consists in rescue and first aid to migrants. The actual reception is also divided into two steps: the first one inside the new first reception centres established by the Legislative Decree 142/2015. In these centres migrants are identified and asylum seekers can submit their application. If these centres are totally full, migrants can be hosted in temporary emergency centres. This Legislative decree also states that asylum seekers can only be held in CIE if they represent a danger for public order and security. The second step of the reception phase takes place in SPRAR Centres where asylum seekers waiting for their asylum documents are hosted. Even though those measures have already been implemented the situation is unclear. In fact, some of the ancient structures still exist but their purpose and the difference between the structures is not clear.

60. The concerns expressed by the Senate Extraordinary Committee on Protection and Promotion of Human Rights in its report on CIE in 2016⁷⁸ should also be mentioned. The Committee was

⁷⁸ Commissione straordinaria per la tutela e la promozione dei diritti umani, *Rapporto sui centri di identificazione ed espulsione in Italia*, February 2016, available on http://www.asylumineurope.org/sites/default/files/resources/senato_cie_report_2016.pdf

preoccupied by the use of a pre-identification system according to which migrants who have just landed are pre-identified as irregular migrants and can only raise their application for asylum at a later stage.

- ***Access to housing***

61. The Baobab experience, an association for the reception of migrants created in Rome by volunteers after hundreds of migrants were evicted from a Ponte Mammolo squat, gives an oversight of the housing situation of migrants in Italy, and in Rome particularly. The Baobab experience is composed of common citizens who wanted to help the migrants who were left to themselves. It received the support of several human rights and humanitarian organisations such as Medu (Medici per I Diritti Umani), Save the Children, Amnesty International, a buan diritto, the Italian Council for Refugees (CIR), Doctors without borders and InterSOS.⁷⁹ However, the Baobab centre was evacuated by the police on 30th September 2016. According to one of the volunteers, the policemen arrived with armoured vehicles around 7pm and took all migrants to the immigration office for identification and more and forced the volunteers to get away. After a few hours, the policemen started to throw away the tents that were on the site and access to the site was blocked by armoured vehicle. No housing alternatives were offered to the migrants.

62. Following this evacuation, several organisations wrote an appeal against it and underlined the dramatic consequences that this evacuation will have on the migrant (including on the pregnant women and children among them). The appeal highlighted the fact that for months this initiative had welcomed and provided legal assistance to a great number of migrants who had received no information on the procedure to get international protection and relocation. Furthermore, the initiative had discovered that the Rome police's headquarters was not accepting asylum applications until 21st October 2016.

63. One of the first consequences of the eviction of the migrants from the Baobab centre was that many of them had to sleep in the streets where they have no protection and are exposed to all kinds of violence including human traffickers and drug dealers. After the eviction, the Baobab volunteers and associations have continued to distribute meals, medical and legal assistance to migrants who are sleeping in the streets, but the situation is critical.⁸⁰ One of the volunteers of the Baobab experience testified that she had to accompany a Somali boy to the emergency room after he got beaten up while he was sleeping under a bridge near the Tiburtina station.

64. On 11th October 2016, Baobab volunteers met with members of the Rome City Council but no solutions were found. Migrants are still sleeping on the streets while fearing to be attacked by policemen if they stay in groups. A volunteer testifies that one night some migrants had gathered in park to sleep (around 20 of them, including one pregnant woman), but that the police arrived at 8pm and started identifying and taking away all migrants including the pregnant woman.

- ***Statistics***

65. We collected incomplete information from different sources.

2012: 12,6 billion Euros (Fondazione Leone Moressa Study)

2014: 197.499.225,63 Euros (Repubblica Vladimiro Polchi)

⁷⁹ Internazionale, Nicola Lagioia, *Il centro Baobab a Roma è un antidoto contro il razzismo*, 27th July 2016 available on

⁸⁰ Internazionale, Annalisa Camilli, *Lo sgombero dei migrant al Baobab rispecchia lo stallo politico di Roma*, 6th October 2016, available on <http://www.internazionale.it/opinione/annalisa-camilli/2016/10/06/baobab-roma-sgombero>

2015: 885 millions Euros (www.ibtimes.com Vittoria Patanè, quoting OCSE data).

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- *Improves the conditions in the hotspots, reception centres and identification and expulsion centres and ensures the security of migrants in such structures;*
- *Investigates the allegations of excessive use of force for the collection of fingerprints of migrants by police forces and prosecutes the ones responsible for such acts;*
- *Ensures the effective application of the Legislative Decree 142/2015;*
- *Guarantees the access to adequate housing to migrants.*

III. Expulsion of alien (article 13)

A. Expulsion of migrants

Please comment on reports of continued arbitrary detention and the collective expulsion of migrants to countries of origin or transit despite a number of judgements handed down by the European Court of Human Rights on the issue. Please indicate the measures taken to eliminate the practice of automatic collective expulsion of migrants, including the course of interceptions at sea. Please also indicate the steps taken to ensure that bilateral and multilateral agreements on migration guarantee the full respect of the human rights of migrants, particularly children and vulnerable groups, as well as strict compliance with the principle of non-refoulement. Please clarify whether the State party has suspended any bilateral agreements owing to the lack of adequate human rights protections. Please provide information on the measure taken or planned to be taken in order to ensure that the human rights of migrants are fully respect in applying the so-called "hotspot approach".⁸¹

- ***Arbitrary detention and collective expulsion***

66. Several articles reported the expulsion of a group of 48 Sudanese migrants who were stopped at Ventimiglia border on 24th August 2016⁸². Some activists were able to share with a journalist the stories of some of these migrants: "*Yesterday they were at the Red Cross centre, they felt safe and they were preparing to seek asylum*". This expulsion is also criticised because of the lack of official explanation for it and the lack of information on bilateral agreements. According to some humanitarian associations, this expulsion could be the result of a memorandum signed on 4th August with Sudan. In fact, a memorandum of understanding was signed by Italy and Sudan on 4th August 2016. This memorandum is about cooperation regarding migration and border control. The memorandum also contains articles on the repatriation of irregular migrants. This memorandum was signed by Franco Gabrielli (chief of the Italian police). The journalist Pietro Barabino explained that in August 2016, the Sudanese Minister of Foreign Affairs agreed to send a delegation of agents to Ventimiglia to identify the migrants and initiate their repatriation. According to Pietro Barabino, this visit already took place. However, no official information about this event can be found.

67. According to an activist from Italians for Darfur some of the Sudanese repatriated were asylum seekers. One of them explained to Pietro Barabino: "*Policemen told me they would bring me to the Commissariat to make photos and identification.[...] I discovered I was with approximately 40 compatriots. Policemen seized our mobile phones and bags; they forced us to give them our fingerprints for the umpteenth time, by beating and undressing us. [...] During the flight we had to stay handcuffed*".

⁸¹ Human Rights Committee, *List of issues in relation to the sixth periodic report of Italy*, July 2016, para 15

⁸² Il Fatto Quotidiano, *Migranti, prima espulsione di gruppo: 48 presi a Ventimiglia e rispediti in Sudan. « Ma Khartoum viola diritti umani »*, 24th August 2016, available on <http://www.ilfattoquotidiano.it/2016/08/24/migranti-prima-espulsione-di-gruppo-48-presi-a-ventimiglia-e-rispediti-in-sudan-ma-khartoum-viola-diritti-umani/2993664/>

68. Several activists and organisations asked for clarification about this event but their request remained unanswered. According to Fulvio Vassallo Paleologo, lawyer and Professor at Palermo University, this is not the first forced repatriation. He explains that “*forced expulsions and repatriations have affected Nigerian, Egyptian, Tunisian and also Sudanese migrants even before August 24*”.⁸³

69. Another concern raised by Ventimiglia No Borders was about the excessive use of force by police officers to collect photographs and fingerprints, including the use of mechanical tools. In July and August 2016 the Italian activist from the association Ventimiglia No Borders who gave this testimony received the order to leave Ventimiglia.

- ***Bilateral agreements***

70. The website of Labour and Social Policy Ministry shows current bilateral agreements with the following nations: Mauritius, Moldavia, Albania, Sri Lanka, Morocco, Egypt.

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- ***Investigates the allegations according to which asylum seekers have been expelled from Italy during a collective expulsion that took place on the 24th August 2016 and takes all necessary measures to ensure that such incident does not occur again.***

B. Unaccompanied minors

*Please address concerns about delays in the process of appointing guardians for unaccompanied minors, about unaccompanied minors' access to social workers, and about inadequacies in the age determination process for unaccompanied minors. Please explain the legal framework governing the stay of children in identification and expulsion centres (CIE)*⁸⁴

71. The situation of unaccompanied minors in the Trapani and Lampedusa hotspots has already been evoked in the above paragraphs. Regarding the Pozzallo hotspot, the journalist Damiano Aliprandi expressed similar concerns to the ones formulated regarding minors in the hotspots of Trapani and Lampedusa. In fact, the hotspot hosts many unaccompanied minors who sometimes stay there for weeks instead of being transferred to a safe structure.

72. During a visit in the Cona Migrant Centre, members from the campaign LasciateCIEntrare identified 5 minors present in the centre (including 2 very young ones). According to the information they collected, every week about 25 young people undergo a wrist radiography in order to assess their age.

73. Members of associations who visited Pala Nebiolo Tent city on 3rd June 2016 also said that there were some young migrants (from Mali, Gambia and Senegal) there who explained them that they were minors but they didn't want to declare their true age.

74. A delegation from the Association of Legal studies on migration (ASGI) was able to visit the Restinco reception centre in Brindisi where they were able to verify the presence of minors in situation of promiscuity with adults. Some of those minors were considered as adults despite the fact that they had declared being minors. When the delegation from LasciateCIEntrare visited the

⁸³ Il Fatto Quotidiano, *Migranti « Notte in cella e legati in aereo »*. Parlano gli espulsi dall'Italia al Sudan E il Viminale Tace, 31st August 2016, available on <http://www.ilfattoquotidiano.it/2016/08/31/migranti-notte-in-cella-e-legati-in-aereo-parlano-gli-espulsi-dallitalia-al-sudan-e-il-viminale-tace/3003577/>

⁸⁴ Human Rights Committee, *List of issues in relation to the sixth periodic report of Italy*, July 2016, para 17

CARA in Brindisi on 13th June 2016, they also met some minors, a group of thirty Eritreans unaccompanied minors who had landed the night before.⁸⁵

75. In conclusion of this issue, attention should be paid to the concerns raised by the journalist Floriana Buflon. She wrote an article about the dangerous and worrying conditions of unaccompanied minors and Roma minors living in Termini Station in Rome. The journalist followed a group of young teenager migrants. They are homeless, very poor and alone. Those conditions make them vulnerable to paedophiles. As one of them told the journalist, they have to sell their body to survive. They would like to work, but when they find a job they are exploited. Therefore, they survive by committing little theft (like bag-snatch) or selling the so-called "smart drugs" or false cocaine.

In a video made by the journalist, a young boy testifies that once a man came to him to offer him money in exchange of sexual relations. The young boy explains that he took the money and run. The same boy further explains that he previously sold false cocaine: "*Once a guy asked me for two hundred euros worth of cocaine. I said ok. I took two medicines and I made them look like cocaine, but after police came saying I stole the money to him. I just sold cocaine. False cocaine*". For that theft and other ones, A. has already spent several months in Casal del Marmo juvenile prison. He comments: "*Better the prison than the family home. [...] You eat, you have a bed, you play soccer game and you learn Italian*". A. escapes continuously from the family home, where he is supposed to serve the rest of his sentence as an alternative measure. He says: "*I don't want to stay, they beat me*".⁸⁶

76. PD Deputy Sandra Zampa submitted a proposal aiming at creating a single system for the reception of unaccompanied minors which would be part of the SPRAR. It also aims at improving the measures for the identification of the age of the migrants and imposes for a tutor to be identified for each minor. Moreover, the proposal states at its article 1 that: "unaccompanied foreign minors have the same rights of protection as Italian or European minors" while considering the higher vulnerability of unaccompanied foreign minors. On 25 October 2016, the proposal of Sandra Zampa was approved by Parliament, it is now awaiting to be discussed by the Senate.

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- ***Ensures that unaccompanied minors are given the appropriate care and attention in particular by ensuring that are placed in adequate structures and that all necessary measures are taken to ensure their safety.***

C. Procedure

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

⁸⁵ Internazionale, Antonio Esposito, Dario Stefano Dell'Aquila, *La doppia prigione dei migranti : visita al Cie e al Cara di Brindisi*, 18th July 2016, available on <http://www.internazionale.it/reportage/antonio-esposito/2016/07/13/cara-cie-brindisi-visita>

⁸⁶ It should be noted that this testimony shouldn't be interpreted as evidence that family home are never appropriate for unaccompanied minors, It only intends at showing the reality of these minors' life.

information on the number of migrants detained in those centres and on the duration of their detention; the number of migrants in those centres who have served their prison term, and the duration of their detention; and the number of migrants deported while waiting for the outcome of the asylum procedure.⁸⁷

- **Offence of irregular entry into or stay on Italian territory**

77. The crime of irregular entry and stay remained in force in Italy despite the instructions passed by the Parliament in April 2014.⁸⁸

- **Legal aid for migrants in CIE**

78. On 10th March 2016 the association MEDU (Medici per I Diritti Umani) visited the CIE in Turin. The delegation met the director of the Centre, some members of the staff and some policemen. However, they were not allowed to visit the places where migrants are detained. Consequently, dialogues took place through the metal bars surrounding the housing units and for very short time. Because of these conditions, dialogues were confused. Someone is specially in charge of the legal assistance of the detainees in the CIE, that person ensured that all detainees had a lawyer. However, some lawyers informed MEDU of difficulties to meet and speak with the detainees. They also mentioned obstacles when they requested information (medical information included) about the detainees.

79. During its visit to the CIE in Brindisi, the LasciareCIEEntrare delegation discovered that even though each detainee should have a lawyer none of them seems to know why they are there and only few of them met with their lawyer more than once.

- **Statistics on migrants in detention⁸⁹**

80. Migrants in CIE as of January 20, 2016:

	MANAGING BODY	THEORETICAL CAPACITY	ACTUAL CAPACITY	PRESENCE
BARI	Connecting People	122	72	71
BOLOGNA		95	0	0
BRINDISI	Cultural Association Acuarinto	83	48	46
CALTANISSE TTA	Auxilium	96	96	64
CROTONE	Misericordie d'Italia	124	30	29
GORIZIA	Connecting People	248	0	0
MILANO	Italian Red	132	0	0

⁸⁷ Human Rights Committee, List of issues in relation to the sixth periodic report of Italy, July 2016, para 18

⁸⁸ Amnesty International, Report 2015/16, p. 205 available on <https://www.aivl.be/sites/default/files/bijlagen/pol1025522016english.pdf>

⁸⁹ Report on CIE compiled by the Senate Extraordinary Committee on Protection and Promotion of Human Rights, president Senator Luigi Manconi.

	Cross			
ROMA	Gepsa Cooperative	125	125	34
TORINO	RTI – Gepsa and Acuarinto	180	42	40
	TOTALE	1.195	413	284

During 2015, 397 migrants were transferred from Lampedusa hotspot into CIE structures.

81. People who have been in CIEs between 1st January – 20th December 2015:

	Occupancy	Migrants who seek international protection inside the CIE
CALTANISSETTA	1.659	183
CROTONE	40	26
BRINDISI	60	22
ROMA	1.665	635
BARI	613	261
TORINO	738	116
TRAPANI	467	113

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- *Abolishes the criminal offence of irregular entry into or stay on Italian territories;*
- *Takes all necessary measure to guarantee in practice that legal aid is provided to migrants in Identification and Expulsion Centres.*

D. Statelessness of persons belonging to the Roma, Sinti and Caminanti communities

Please indicate the legislative, administrative and other measures taken to recognize the de facto statelessness of persons belonging to the Roma, Sinti and Caminanti communities and to facilitate their access to citizenship.⁹⁰

82. The situation of persons belonging to the Roma, Sinti and Caminanti (RSC) communities has not changed since the previous years. A report on this issue was drafted in 2014 by a group of organisations⁹¹. According to this report, the issue regarding the lack of documents is common to many Roms including stateless Roms (whose status of statelessness has not been recognised by Italy). The organisations further reported that there was no data on the de facto stateless Roms. A working group was established, composed by representatives from the UNHCR, the UNAR⁹², the

⁹⁰ Human Rights Committee, *List of issues in relation to the sixth periodic report of Italy*, July 2016, para 14

⁹¹ La tela di Penelope, Monitoraggio della società civile sull'attuazione della Strategia Nazionale d'Inclusione dei Rom, dei Sinti e dei Caminanti in Italia, 2012-2013, available on http://www.21luglio.org/wp-content/uploads/2014/10/9773_file10_it_civil-society-monitoring-report_it.pdf

⁹² Ufficio per la promozione della parità di trattamento e la rimozione delle discriminazioni fondate sulla razza e l'origine etnica

Ministry of the Interior and the Ministry of Foreign Affairs. In 2013, this working group consulted representative of several organisations from civil society (Amnesty International, Save the Children, Federazione Romani, Federazione Rom e Sinti Insieme, Unirsi and Opera Nomadi). Following this consultation, it became clear that this issue would only be resolved through the legal path. However, this issue has been facing many obstacles over the last few years: instability of Italian politics, the absence of data on the issue and the fact that such law might not be welcomed by the public opinion.

83. In conclusion, the report underlined that Italian national laws made it extremely difficult for the statelessness status to be recognised. Administratively, statelessness can be recognized by the Ministry of the Interior only if the person loses his/her own nationality while he resided legally in Italy. Moreover, for such status to be recognised the person should present the following documents: birth certificate, proof of residence in Italy and residence permit. RCS people are often not able to produce these documents, because of misunderstanding of the administrative procedures and because of their very poor and precarious life conditions. Consequently, a “chain of statelessness” can be witnessed in Italy: children of de facto stateless parents become stateless themselves.

84. It should also be noted that procedure to acquire the Italian citizenship also has a cost. In fact, the person should pay a 200 euros’ tax and 16 euros worth of stamps.

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- *Collects statistics on the number of de facto stateless people from the Roma, Sinti and Caminanti communities;*
- *Take all necessary measures to address the issue of stateless people from the Roma, Sinti and Caminanti communities, in particular by revising the conditions to obtain the statelessness status and to raise public awareness on this issue.*

IV. Right to a fair trial (Article 14)

A. Good administration of justice

With reference to the Committee’s previous concluding observations (see CCPR/C/ITA/CO/5, para. 17), please provide information on the measures taken to ensure the independence of the judiciary from the executive power. Please also provide information on the measures taken to reduce the length of court proceedings and on the implementation of Acts Nos. 11/2014 and 132/2014. Please provide statistical data on the average disposition time for a civil and criminal case at different levels of court, in the past five years. Please indicate the measures taken to improve the domestic remedy for excessively long proceedings (the so-called “Pinto” remedy), and provide information on the number of cases in which compensation has been awarded, the level of compensation and the annual budget allocated to the remedy, in the past five years.⁹³

85. Article 101 paragraph 2 of the Italian Constitution states: “Judges are subject only to the law” and article 104 paragraph 1: “The Judiciary is a branch that is autonomous and independent of all other powers.”. The independence of the judiciary is ensured by an autonomous organ called the ‘Consiglio Superiore della Magistratura’ (High Council of the Judiciary). This supervisory organ is presided by the President of the Republic and the General Prosecutor and the President of the Court of Cassation are members by right. The remaining members of this supervisory organ are elected. 2/3 of the members are elected by all ordinary judges and one third of the member are elected by

⁹³ Human Rights Committee, *List of issues in relation to the sixth periodic report of Italy*, July 2016, para 25

Parliament amongst lawyers or university law professors. According to article 105 of the Constitution, the Consiglio Superiore della Magistratura also has jurisdiction for employment, assignments and transfers, promotions and disciplinary measures of judges⁹⁴.

86. Italy is, as most other European countries, recruiting judges through competitive examinations, and the Ministry of Justice included in the recruitment process. As for the prosecutors, the recruitment is again managed through competitive examination and they are, as per the information provided by the country itself, deemed as independent.⁹⁵ The independence of prosecutors is guaranteed by article 107 paragraph 4 and by article 108 paragraph 2 of the Constitution which provide the same safeguards for the Prosecutor's office as for the judiciary Acts Nos. 11/2014 and 132/2014 have been introduced to reduce the length of court proceedings. The enactment of the law introduced a series of measures to fasten civil proceedings. In particular, there are measures concerning new procedures for divorces, arbitration and assisted negotiation. If requested by the parties, civil proceedings still pending in first or second instance can be transferred, if their value is below 100.000 euro, to an arbitrator – the former being identified among the barristers with more than 5 years of experience. Their decisions, "lodo", produce the same effects as a judicial decision. Arbitration cannot be used for work-related proceedings and inalienable rights. Another instrument is the agreement found by the lawyers of the main parties, which if agreed in no more than 3 months becomes an enforcement order.⁹⁶

87. When it comes to measuring the performances of Italian tribunals regarding civil and criminal proceedings, there are always many statistical data fluctuating. According to the Ministry of Justice, the number of cases pending in criminal proceedings since 2003 until the 3rd quarter of 2016 is the following⁹⁷:

Year	Court of Cassation	Court of Appeal	Ordinary Courts	Juvenile Courts	Total of cases pending at the national level	Variation from the previous year
2003	31.140	130.395	1.140.564	36.061	1.338.160	
2004	30.953	135.322	1.185.467	39.847	1.391.589	4,0%
2005	32.862	140.822	1.166.217	38.671	1.378.572	-0,9%
2006	37.439	154.844	1.207.088	40.408	1.439.779	4,4%
2007	33.177	157.996	1.216.655	38.620	1.446.448	0,5%
2008	28.340	170.308	1.195.300	34.445	1.428.393	-1,2%
2009	25.560	199.470	1.183.586	35.939	1.444.555	1,1%
2010	29.381	219.392	1.224.623	37.673	1.511.069	4,6%
2011	30.563	238.008	1.240.291	39.553	1.548.415	2,5%
2012	31.289	249.319	1.294.695	42.768	1.618.071	4,5%

⁹⁴ Article 105 of the Italian Constitution, available on <https://www.senato.it/documenti/repository/istituzione/costituzione.pdf>

⁹⁵ CEPEJ, *Judicial Systems of the European Union countries*, Chapter 5, June 2013, available on <http://www.canestrinilex.com/assets/Uploads/en/CEPEJ-report-2013.pdf>

⁹⁶ For the full review of the new measures adopted: http://www.ilfoglio.it/articoli/2014/11/06/riforma-processo-civile-legge-ecco-cosa-cambia_1-v-122624-rubriche_c767.htm and <http://www.gazzettaufficiale.it/eli/id/2014/09/12/14G00147/sg>

⁹⁷ Ministero della Giustizia, *Monitoraggio della giustizia penale terzo trimestre 2016*, 14th November 2016, available on https://www.giustizia.it/giustizia/it/mg_1_14_1.page?contentId=SST1288006&previousPage=mg_1_14

2013	31.871	266.475	1.314.511	43.126	1.655.983	2,3%
2014	34.143	260.748	1.304.886	43.040	1.642.817	-0,8%
2015	35.980	255.552	1.327.406	44.453	1.663.391	1,3%
II quarter 2016	32.012	255.815	1.312.252	43.527	1.643.606	
III quarter 2016	33.870	268.356	1.241.175	40.631	1.584.032	

88. Moreover, regarding the average length of criminal proceedings (in days) before the court of appeal, the Ministry of Justice gives the following number:

Court of Appeal	2014	2015	I sem. 2016*
Ordinary session	898	911	920

89. The Act No. 89/2001 provides for a jurisdictional remedy against the excessive duration of trials and ensures a fair compensation for damages undergone by the main parties of the lengthy proceeding. As per the so-called “Pinto” remedies, the maximum length for civil cases proceedings should be 1095 days (3 years) for the proceedings before the courts of first instance, 730 days (2 years) for the proceedings before the Court of Appeal and 365 days (1 year) for the decisions of the Supreme Court (after being amended in 2012). After the amendments made to Act No. 89/2001 in 2012 the amount of compensation that should be given for lengthy trials was set out between 500 and 1500 euros per year. In 2015, the Financial Law has amended again the original Act. No. 89/2001 (“Pinto law”)⁹⁸, by reducing the conditions for admissibility to request a compensation (by introducing the concept of preventive remedy) and reducing the amount of compensation to a sum comprised between 400 and 800 euro per year. According to the concept of preventive remedy, from now on, to be entitled to a compensation under the Pinto Law, the parties to the trial should demonstrate that they have taken the shortest track to obtain the ruling.⁹⁹

90. According to the Ministry of Justice, the average lengths of civil proceedings are in reality of 844 days before courts of first instance, 1061 days before courts of appeal and 1222 days before the Court of Cassation. Based on the same data, this would mean that approximately 600 000 cases before the jurisdiction of first instance, 120 000 cases before the Court of Appeal and 25 000 before the Court of Cassation have exceeded the time limits set out in the Pinto Act. In 2013, the Italian government had already paid 316 million euros to victims of lengthy proceedings but still had to pay 416 million euros to other victims who had not yet been compensated.¹⁰⁰ It should be noted that the Act No.89/2001 has been amended several times since it came into force.

91. In a declaration made on the 3rd May 2016, the Minister of Justice affirmed that the length of civil proceedings has reduced over the last three years. Today the average length of civil proceedings

⁹⁸ Available on <http://people.unica.it/annamariamancaloni/files/2016/05/Legge-Di-Pinto.pdf>

⁹⁹ Professione Giustizia, *Modifiche alla Legge Pito : ancora restrizioni all'equa riparazione*, 31/21/2015, available on <http://www.professionegiustizia.it/notizie/notizia.php?id=857>

¹⁰⁰ *Misurare la performance dei tribunali*, p. 12 available on https://www.giustizia.it/resources/cms/documents/Performance_tribunali_italiani_settore_civile.pdf

would be of 367 days before jurisdictions of first instance¹⁰¹. However, this number was criticised, some people alleging that it was not representative of the reality¹⁰².

92. It should be noted that the new law has only imposed compensation without tackling the systemic causes of such delays.

B. Access to a lawyer (article 104 of the Criminal Procedure Code)

Please explain the compatibility with the Covenant of the arrangement under article 104 (3) and (4) of the Criminal Procedure Code allowing for delay in the access of persons detained on a criminal charge to a lawyer for up to five days from the time of arrest, and provide information on the frequency with which those provisions are invoked and the reasons underlying their invocation.¹⁰³

93. A few precisions given by the Court of cassation in its jurisprudence should be added to the information given by the State party in its national report.¹⁰⁴ The Supreme Court in its decision 44932/2012 and 4960/2009 clarified that the decree of the judge that delays the right of the accused to talk to his/her counsel cannot be appealed nor re-examined but can only be challenged during the proceeding if it infringes the rights of the defence of the suspect. Also, the court explained in its decision 5401/2001, that this decision to delay access to a lawyer does not have to be notified but must only be shown if required by the accused.

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- *Pursues its efforts to reduce the length of trial and compensate the damages suffered by the main parties of a lengthy trial;*
- *Ensures that the provisions of article 104 (3) and (4) of the Criminal Procedure Code are strictly apply in situation where it is necessary and that a control on the use of such provisions is carried.*

V. Rights of children (Article 24)

94. In 2012, the campaign “L’Italia sono anch’io” collected 200 000 signatures for the law on citizenship to be reformed.

95. An amendment on the Law of 5th February 1992 No. 91 on citizenship was adopted by the Parliament’s Committee on Constitutional Affairs on 24 September 2015. This text focused on the status of foreign minors. The main changes introduced by this text were on ways to acquire the Italian nationality, in particular it introduced 3 new ways:

- soft ius soli: for minors born in Italy with at least one parent holding an EU long term residency permit or foreigners born in Italy who have lived in Italy continuously.
- ius culturae: for foreign minors born in Italy or have arrived in Italy before they were 12 and who have completed their studies or a training course.

¹⁰¹ La Presse, *Orlando: Oggi primo grado dei processi civili in un anno*, 3rd May 2016, <http://www.lapresse.it/orlando-oggi-primo-grado-dei-processi-civili-in-un-anno.html>

¹⁰² Il Fatto quotidiano, Marcello Mazzola, *Orlando: ‘Primo grado in un anno’? Caro ministro, ecco quanto dura davvero una causa in Italia*, 4 May 2016, available on <http://www.ilfattoquotidiano.it/2016/05/04/orlando-primo-grado-in-un-anno-caro-ministro-ecco-quanto-dura-davvero-una-causa-in-italia/2694517/>

¹⁰³ Human Rights Committee, *List of issues in relation to the sixth periodic report of Italy*, July 2016, para 26

¹⁰⁴ *Sixth Periodic report of Italy*, CCPR/C/ITA/6, para. 60, available on <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/261/98/PDF/G1526198.pdf?OpenElement>

- Naturalization: for foreigners who have arrived in Italy before their majority, who have been legal resident in Italy for 6 years and who have completed their studies or a training course.

96. The amendment from 2015 also abolished the 200 euro fees and clarified that the registry office must inform foreigners about steps to be taken to obtain Italian citizenship.

97. This law approved by Parliament on 24 September 2015 is now awaiting to be approved by the Senate. However, the process before the Commission on institutional affairs of the Senate has been slowed by the 8000 amendments presented by the Lega Nord Party. In fact, the Senate has to go over each amendment which delayed the adoption of the Law.

98. On 14th January 2016, the sports ius soli Decree (DDL 1871) has been approved. This text introduced arrangements to improve social integration of foreign minors in Italy in particular through their admission in sports clubs attached to national federations. With this Decree, foreigner minors residing legally in Italy can register in sports federation under the same procedure as Italian citizens.

FIACAT and ACAT Italy invite the Human Rights Committee to recommend that the State party:

- **Pursues its efforts to improve the situation of foreign minors in particular by accelerating the adoption process of the Law of 5th February 1992 No. 91.**

Annexe 1 – Prison statistics on 31st October 2016¹⁰⁵

Establishment	Capacity	Prisoners		
		<i>Total</i>	<i>Women</i>	<i>Foreigners</i>
Avezzano	53	49		13
L'Aquila	232	179	7	14
Sulmona	304	443		8
Chieti	72	120	22	16
Lanciano	204	232		20
Vasto	197	161		13
Pescara	270	289		53
Teramo	255	337	40	87
Matera	132	157		27
Melfi	126	169		
Potenza "Antonio Santoro"	158	200	15	67
Castrovillari "Rosa Sisca"	122	126	20	32
Cosenza "Sergio Cosmai"	218	278		56
Paola	182	218		84
Rossano "N.C."	215	220		63
Catanzari "Ugo Caridi"	632	508		84
Crotone	120	129		64
Laureana Di Borrello "L. Daga"	34	21		3
Locri	89	88		5
Palmi "Filippo Salsone"	152	183		18
Reggio Calabria "Arghilla"	302	331		82
Reggio Calabria "Giuseppe Panzera"	186	258	29	9
Vibo Valentia "N.C."	407	329		52
Ariano Irpino	253	279		47
Avellino "Antimo Graziano" Bellizi	501	544	27	74
Lauro	38			
Sant'Angelo Dei Lombardi "L. Famiglietti R. Forgetta G. Bartolo"	122	187		13
Benevento	254	325	33	37
Arienzo	52	87		11
Aversa "F. Saporito"	272	103		4
Carinola "G.B. Novelli"	581	393		64
Santa Maria Capua Vetere "F. Uccella"	833	928	71	178
Napoli "Giuseppe Salvia" Poggioreale	1.611	2.059		300

¹⁰⁵ Ministero della Giustizia, *Detenuti italiani e stranieri presenti e capienze per istituto – Aggiornamento al 31 ottobre 2016*, available on https://www.giustizia.it/giustizia/it/mg_1_14_1.page?contentId=SST1284627&previousPage=mg_1_14

Napoli "Pasquale Mandato" Secondigliano	1.029	1.291		62
Pozzuoli	105	164	164	35
Eboli	54	45		
Salerno "Antonio Caputo"	367	469	49	77
Vallo Della Lucania	40	45		9
Bologna Rocco D'amato	501	768	67	391
Ferrara "Costantino Satta"	252	349		138
Forlì	144	124	16	50
Castelfranco Emilia	182	77		13
Modena	372	447	30	295
Piacenza "San Lazzaro"	399	419	16	267
Parma	468	587		194
Ravenna	49	64		26
Reggio Emilia	222	256	5	132
Reggio Emilia (Ex Op)	82	47		14
Rimini	126	135		63
Gorizia	57	45		16
Pordenone	38	55		22
Trieste	139	195	16	102
Tolmezzo	149	189		32
Udine	93	135		66
Cassino	203	299		138
Frosinone "Giuseppe Paglieri"	506	548		166
Paliano	143	77	4	9
Latina	76	112	33	30
Rieti "N.C."	295	350		230
Civitavecchia "Giuseppe Passerini"	144	101		36
Civitavecchia "N.C."	345	385	31	232
Roma "Germana Stefanini" Rebibbia Femminile	266	351	351	195
Roma "Raffaele Cinotti" Rebibbia N.C.1	1.175	1.367		510
Roma "Rebibbia Terza Casa"	172	77		11
Roma "Rebibbia"	446	323		74
Roma "Regina Coeli"	624	915		482
Velletri	411	569		240
Viterbo "N.C."	432	590		345
Chiavari	46	48		18
Genova "Marassi"	541	675		350
Genova "Pontedecimo"	96	125	67	61
Imperia	62	97		53
San Remo "N.C."	214	248		123
La Spezia	150	217		126
Bergamo	320	548	34	291

Brescia "Nerio Fischione" Canton Monbello	189	332		204
Brescia "Verziano"	72	128	45	55
Como	221	400	55	218
Cremona	393	446		265
Lecco	53	65		37
Lodi	45	72		31
Bollate "I C.R."	1.242	1.131	99	408
Milano "Francesco Di Cataldo" San Vittore	750	971	86	584
Monza	403	607		287
Opera "I C.R."	905	1.231		336
Mantova	104	132	7	79
Pavia	524	585		286
Vigevano	239	376	85	193
Voghera "N.C."	339	355		40
Sondrio	29	32		13
Busto Arsizio	238	372		202
Varese	54	73		32
Ancona	212	101		36
Ancona "Barcaglione"	100	102		42
Ascoli Piceno	104	123		24
Fermo	41	57		24
Camerino	41			
Fossombrone	201	163		27
Pesaro	153	217	13	95
Campobasso	106	100		42
Larino	107	190		25
Isernia	50	53		16
Alessandria "G. Cantiello S. Gaeta"	237	277		160
Alessandria "San Michele"	267	323		150
Asti	207	242		16
Biella	394	337		204
Alba "Giuseppe Montalto"	140			
Cuneo	424	224		148
Fossano	133	98		51
Saluzzo "Rodolfo Morandi"	262	259		104
Novara	158	183		58
Ivrea	192	236		85
Torino "G. Lorusso L. Cutugno" Le Vallette	1.137	1.312	104	603
Verbania	53	60		17
Vercelli	231	285	23	160
Altamura	52	79		1
Bari "Francesco Rucci"	299	342		54
Turi	105	149		6
Brindisi	114	181		42
Trani	227	314		36

Trani	42	24	24	3
Foggia	368	528	27	84
Lucera	145	153		32
San Severo	65	101		15
Lecce "N.C."	617	935	80	156
Taranto	306	427	25	54
Arbus "Is Arenas"	176	76		55
Cagliari "Ettore Scaldas"	567	584	19	86
Isili	154	108		33
Lanusei "San Daniele"	33	48		3
Lode' "Mamonelode"	392	142		109
Nuoro	272	162	8	17
Oristano "Salvatore Soro"	260	276		22
Alghero "Giuseppe Tomasiello"	156	129		49
Sassari "Giovanni Bacchiddu"	455	433	21	127
Tempio Pausania "Paolo Pittalis"	167	172		5
Agrigento	276	383	34	104
Sciacca	81	58		26
Caltanissetta	181	254		43
Gela	48	83		26
San Cataldo	113	105		18
Caltagirone	335	341		117
Catania "Bicocca"	138	221		11
Catania "Piazza Lanza"	313	384	29	139
Giarre	58	89		22
Enna "Luigi Bodenza"	166	166		66
Piazza Armerina	46	40		14
Barcellona Pozzo Di Gotto	435	195	8	51
Messina	292	235	4	30
Palermo "Pagliarelli"	1.178	1.263	48	193
Palermo "Ucciardone"	572	323		41
Termini Imerese	87	95		24
Ragusa	196	134		64
Augusta	372	454		53
Noto	182	207		32
Siracusa	530	464		129
Castelvetrano	44	64		22
Favignana "Giuseppe Barraco"	94	84		16
Trapani	558	383		91
Arezzo	101	28		9
Firenze "Mario Gozzini"	90	92		36
Firenze "Sollicciano"	495	737	84	498
Montelupo Fiorentino	175	21		6
Grosseto	15	23		7
Massa Marittima	48	47		18

Livorno	385	206		54
Livorno "Gorgona"	87	74		37
Porto Azzurro "Pasquale De Santis"	363	228		108
Lucca	70	90		50
Massa	170	207		77
Pisa	217	270	25	151
Volterra	187	159		52
Prato	592	664		352
Pistoia	57	18		5
San Gimignano	235	333		44
Siena	58	59		29
Bolzano	91	96		74
Trento "Spini Di Gardolo"	417	329	18	219
Perugia "Nuovo Complesso Penitenziario Capanne"	364	382	53	228
Spoletto	458	490		91
Orvieto	103	71		23
Terni	411	457		122
Brissogne "Aosta"	181	155		107
Belluno	89	98		65
Padova	173	194		137
Padova "N.C."	438	597		255
Rovigo	213	112		86
Treviso	143	188		86
Venezia "Giudecca"	122	71	71	30
Venezia "Santa Maria Maggiore"	161	229		150
Vicenza	286	222		101
Verona "Montorio"	33			
Total	50.062	54.912	2.300	18.578