



# Comitato per la promozione e protezione dei diritti umani

**Member of the FRA Fundamental Rights Platform**

**Member EU Civil Society Platform Against Trafficking in Human Beings**

**Accredited Observer to WIPO Intergovernmental Committee on**

**Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)**

## ITALY FOUR YEARS AFTER HUMAN RIGHTS COUNCIL RECOMMENDATIONS



**Follow Up Monitoring Report of  
NGOs and Associations of the  
Comitato per la Promozione e Protezione dei Diritti Umani**

**2011-2014**

**OCTOBER 2014**

A.GE., AGEDO, AGENZIA DELLA PACE, AGESCI, ANFAA, ANOLF, ANTIGONE, ARCHIVIO DISARMO, ARCHIVIO IMMIGRAZIONE, ARCI, ARCIGAY, ARTICOLO 21, ASGI-ASSOCIAZIONE STUDI GIURIDICI SULL'IMMIGRAZIONE, ASSOCIAZIONE CAMPANARI D'ARRONE, ASSOCIAZIONE ELEONORA PIMENTEL, ASSOCIAZIONE ASTRO NASCENTE, ASSOPACE, ASSOCIAZIONE SENZA CONFINI, ATD-QUARTO MONDO, AUCI, AUSER, BANCA ETICA, BE FREE, CASA DEI DIRITTI SOCIALI, CGIL, CHIAMALAFRICA, CIAI, CIPAX, CIPSI - COORDINAMENTO DI INIZIATIVE POPOLARI DI SOLIDARIETÀ INTERNAZIONALE, CIR-CONSIGLIO ITALIANO RIFUGIATI, CISL DIPARTIMENTO POLITICHE MIGRATORIE, CISMAI, CISP-COMITATO INTERNAZIONALE SVILUPPO DEI POPOLI, CITTADINANZATTIVA, COMITATO PER I DIRITTI UMANI, COMITATO SINGH MOHINDER, COMITATO UNRWA ITALIA, DISABLED PEOPLES' INTERNATIONAL (DPI) ITALIA, DONNE IN NERO, EMA, FEDERAZIONE CHIESE EVANGELICHE, FEDERAZIONE ITALIANA PER IL SUPERAMENTO DELL'HANDICAP (FISH), FONDAZIONE CENTRO ASTALLI, FONDAZIONE INTERNAZIONALE DON LUIGI DI LIEGRO, FONDAZIONE BASSO-SEZIONE INTERNAZIONALE, FONDAZIONE LABOS, FVGS, GIOVANI PER UN MONDO UNITO, GRUPPO MARTIN BUBER, ICS-CONSORZIO ITALIANO DI SOLIDARIETÀ, IISMAS-ISTITUTO INTERNAZIONALE SCIENZE MEDICHE ANTROPOLOGICHE E SOCIALI, IMS -INTERNATIONAL MEDICINE SOCIETY, INTERSOS, INTERVITA, IRMA, ISTITUTO COOPERAZIONE ECONOMICA INTERNAZIONALE, ISTITUTO DI MEDICINA DEL SOCCORSO, LABORATORIO DIRITTI UMANI, LA GABBIANELLA, LAW-LEGAL AID WORLDWIDE, LEGAMBIENTE, LEGA INTERNAZIONALE PER I DIRITTI E LA LIBERAZIONE DEI POPOLI, LIBERA, MED.EA, MEDICI CONTRO LA TORTURA, MEDICI PER I DIRITTI UMANI, MOVIMONDO, OLTRE BABELE, OSSIGENO PER L'INFORMAZIONE, PAXCHRISTI, PONTE DELLA MEMORIA, PRO.DO.C.S., PROGETTO CONTINENTI, RETE EDUCARE AI DIRITTI UMANI, SAVE THE CHILDREN ITALIA, TERRE DES HOMMES, UBI MINOR, UDI-UNIONE DONNE IN ITALIA, UIL, UNICEF ITALIA, UNIONE FORENSE PER LA TUTELA DEI DIRITTI UMANI, UNITS, VIDES INTERNAZIONALE, VIS-VOLONTARIATO INTERNAZIONALE PER LO SVILUPPO, WILPF-WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM, AND WITH THE COLLABORATION OF AMNESTY INTERNATIONAL, FOCIV, MANI TESE, MEDICI SENZA FRONTIERE



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# Comitato per la promozione e protezione dei diritti umani

The Comitato per la Promozione e Protezione dei Diritti Umani, a network of 90 Italian nongovernmental organizations working in the field of human rights promotion and protection, was established in January 2002, through the initiative of Fondazione Basso-Sezione Internazionale, by a group of NGOs in the field of human rights, with the support of a team of human rights experts.

## Objectives

To promote and sustain the legislative process for the creation in Italy of a "*National Independent Commission for Human Rights*", in line with the standards promoted by the UN General Assembly endorsed in its resolution no. 48/134 December 20, 1993 and the Paris Principles.

In addition: it implements "cultural activities for the dissemination of information on human rights issues with particular attention to the Italian and European situation with the aim of raising public awareness on violations that can take place also in countries with a consolidated democracy".

## Structure

- a) the Assembly of member organizations of the Comitato;
- b) the Spokesperson;
- c) the Coordinator coordinating the Executive Secretariat and the Coordinating Group.

The Coordinating Group deals with the operative management of activities of the Comitato and includes focal points for the various working groups coordinated by the Coordinator.

From January 2006 to January 2014, Carola Carazzone, from VIS-Volontariato Internazionale per lo Sviluppo, has been appointed Spokesperson. Since 2005 Barbara Terenzi from Fondazione Basso-Sezione Internazionale, has been appointed Coordinator and has been member of the Advisory Panel of the FRA Platform from 2010 to 2012. Presently, she is also Spokesperson *ad interim*, as Carola Carazzone has resigned due to a new appointment, awaiting for the new Spokesperson to be elected by the coming Assembly of the Comitato.

## Draft Bill for the creation in Italy of an independent national human rights institution

In 2002, the "Juridical Working Group" of the Comitato, composed of experts, prepared a proposal for a draft bill for the creation of a national independent institution, presented in Rome at the conference: "*Human rights promotion and protection: a national independent and effective institution*". This elaboration was backed by a "Contact Working Group" who integrated the juridical activity through systematic advocacy at parliamentary level based on a pluralist and traversal approach.

**From 2004 to 2006**, during the XIV Legislature, the draft was transformed into Draft Bill no. 3300, "Istituzione della Commissione italiana per la promozione e la tutela dei diritti umani in attuazione alla Risoluzione n. 48/134 dell'Assemblea Generale delle Nazioni Unite

del 20 dicembre 1993" (*Creation of the Italian Commission for the promotion and protection of human rights as per Resolution no. 48/134 UN General Assembly of December 20, 1993*)- first undersigner Senator Antonio Iovene and undersigned by other 28 senators. Notwithstanding specific UN Recommendations (2.11.2005; 26.11.2004; 18.3.2003) and pressure on behalf of the civil society, it remained blocked in the Senate, never proceeding in its legislative *iter*.

In June 2006, at the beginning of the XV Legislature, the Draft Bill with no. 247 was again presented to the Senate, first undersigner Sen. Antonio Iovene, undersigned by other 32 senators- and assigned to the Senate Constitutional Affairs and Justice Commissions.

In December 2006, the Draft Bill was also presented to the Chamber of Deputies - first undersigner Honorable Tana de Zulueta.

While on December 5, 2006, the *Comitato*, and the *National Institutions Unit of the Office of the High Commissioner for Human Rights of the United Nations*, co-organized an International Workshop, held in Rome at the Chamber of Deputies, in which a UN experts delegation participated together with institutional representatives, parliamentarians, academic experts, media and representatives of the civil society and NGOs. Due to the strong impact of the workshop, the Draft Bill presented at the Chamber of Deputies was unified with the Draft Bill for an Ombudperson for the Rights of Detainees and of Persons Deprived of their Personal Liberty.

On April 5, 2007, after a long exam and debate, the Chamber of Deputies approved Draft Bill no. 1463: "Commissione Nazionale per la promozione e la protezione dei diritti umani e la tutela dei diritti delle persone detenute o private della libertà personale" (*National Commission for the Promotion and Protection of Human Rights and the Safeguard of the Rights of Detainees and Persons Deprived of Their Personal Liberty*), output of the unification of Draft Bills presented by various political forces : Hon. Mazzoni (no. 626); Hon. Mascia, Hon. Forgione, Hon. Farina, Hon. Frias and Hon. Russo (no. 1090); Hon. Boato and Hon. Mellano (no. 1441) and Hon. De Zulueta (no. 2018). However, again it remains blocked in the Senate.

With regard to its *iter* for Parliamentary discussion, notwithstanding specific Recommendations of CESCR no. 32 and CCPR no. 7, even then no consultative procedure, inclusive, transparent and participatory, taking into account and involving civil society, was applied.

In May 2007, Draft Bill no. 1463 was approved by the Chamber of Deputies and, as foreseen by the Italian juridical system, past in the Senate and in September assigned jointly by the President of the Senate to the Commissions Constitutional Affairs and Justice. Nevertheless, it was never included on the agenda, and therefore, with no date for examination, never discussed in the Senate.

In June 2008, at the very beginning of present the XVI Legislature, new Draft Laws were again presented to the Senate (Sen. Marcenaro DDL 1223) and to the Chamber of Deputies (Hon. Maran DDL 1918 and Hon. Giulietti DDL 1720). The text was finally consolidated by the Senate into the Draft Law 4534 on **July 20, 2011**: "Istituzione della Commissione nazionale per la promozione e la protezione dei diritti umani" (*Establishment of a National Commission for the promotion and protection of human rights*). However, also this effort never managed to complete its legislative *iter* as it did not succeed in having the second approval on behalf of the Chamber of Deputies (by the Italian legislation the two Chambers must express their consent for a draft law to become a binding Law), despite the fact it underwent various changes.

The entire process from **2007 to 2012**, never included in any passage the civil society, notwithstanding the continuous work carried out by the organizations that have been monitoring and contributing through information and knowledge on this matter as requested by international standards and the Paris Principles nor by the recommendations

of all human rights mechanisms. However, the work carried out by the Comitato, since 2002, was quoted by the rapporteurs in the debate at governmental level, hoping that soon the envisaged mechanism could become a reality also in Italy.

On May 20, 2013, Draft Bill n. 1004: "Istituzione della Commissione nazionale per la promozione e la protezione dei diritti umani" (*Establishment of the National Commission for the Promotion and Protection of Human Rights*), first undersigner Honorable Kjalid Chaouki and 82 parliamentarians, was presented to Chamber of Deputies. The Draft is based on the previous DDL with some small changes and still waiting to be included on the agenda.

On June 21, 2013, Draft Bill n. 865: "Istituzione della Commissione nazionale per la promozione e la tutela dei diritti umani" (*Establishment of the National Commission for the Promotion and Safeguard of Human Rights*), first undersigner Senator Fattorini and other 12 senators, was presented to the Senate and still awaiting to be examine.

On May 29, 2014, Draft Bill n. 2424 "Istituzione della Commissione nazionale indipendente per la promozione e la tutela dei diritti umani e delle libertà fondamentali" (*Establishment of the National Independent Commission for the Promotion and Safeguard of Human Rights and Fundamental Liberties*) was presented by Movimento 5 Stelle to the Chamber of Deputies, first undersigner Honorable Scagliusi and other 6 parliamentarians.

Nevertheless, Italy, notwithstanding the International formal pledges of establishing such mechanism, till today is still lacking this participatory democracy means.

### **Integrating Activities**

On December 5, 2006, in Rome, with the aim of contributing concretely to the institutional procedures for the establishment of national independent institution in Italy, the Comitato in collaboration with the NHRI Office of the UN Office of the High Commissioner for Human Rights, organized an International workshop with high level institutional representatives at the Chamber of Deputies. The event was mainly targeted at Italian parliamentarians and media and saw the United Nations, the Italian institutional representatives, CSO representatives, including experts from the Universities, and media, working together.

In 2008, within the framework of the 60<sup>th</sup> Anniversary of the Declaration of Human Rights, the Comitato launched a national on line petition for the establishment of the independent national institution for human rights in Italy and has participated in and given its sponsorship to the no profit film *All Human Rights for All*.

Since 2008 has been participating in informal meetings of the civil society and the Human Rights Commissioner of the Council of Europe, Mr. Thomas Hammamberg and Nils Muižnieks.

Since 2008 is member of the Italian FRA table, European Fundamental Rights Agency, and has become member of the FRA Fundamental Rights Platform in Vienna.

In 2009, the Comitato had an official Hearing at the Commissione Straordinaria Diritti Umani del Senato (Extraordinary Commission for Human Rights of the Senate) with Senator Pietro Marcenaro President. In such occasion the activities implemented by the Comitato, in line with its statute, have been illustrated together with an in depth and detailed presentation and analysis of the National independent institution for the promotion and protection of human rights as envisaged by Paris Principles and International standards. Italy, formally committed herself at International level, nevertheless up to now this mechanism has not yet been realized.

In 2009 special hearing with the Defensor del Pueblo del Ecuador, during his official visit to Italy, for exchange and comparison in relation to best practices and the Italian context regarding the National independent institutions for the promotion and protection of human

rights.

On 17th June 2009 has collaborated in the organization with CIDU for the meeting with the civil society of Mr. Morten Kjaerum, director of FRA, the European Fundamental Rights Agency.

In addition the Comitato has participated in the same year in the Workshop nazionale sul Rapporto italiano sulla lotta alle discriminazioni per ragioni di razza, origini etniche, religione o credo, età, disabilità, orientamento sessuale organized on 29th September in Rome at the Fondazione Giacomo Brodolini.

On March 11, 2010, on the occasion of the official visit of the visit of the UN High Commissioner for Human Rights, Ms. Navi Pillay, the Comitato organized a meeting with the representatives of the Italian civil society at the Fondazione Basso, in Rome, in which more than 40 NGOs participated, members and external to the Comitato. In such occasion specific recommendations were presented on behalf of the participating organizations.

On March 15-16, 2010, the Comitato participated as Italian member of the FRA Platform in the international conference "Paure del "diverso". L'Europa e i diritti fondamentali", organized within the Week against Racism, by the Università degli Studi di Milano Bicocca in collaboration with FRA. The conference aimed at presenting in Italy for the first time, within the University, the European Agency for Fundamental Rights with the scope of highlighting the fight against discrimination, racism and xenophobia. In such domain, the Comitato since years participates in FRA Platform and is focal point for the Italian table of the CSOs.

In 2010, the Comitato had an official Hearing at the Commissione Straordinaria Diritti Umani del Senato (Extraordinary Commission for Human Rights of the Senate) with Senator Pietro Marcenaro President and Hon. Vincenzo Scotti, Undersecretary of State for Foreign Affairs. In such occasion the activities implemented by the Comitato, in line with its statute, have been illustrated together with an in depth and detailed presentation and analysis of the National independent institution for the promotion and protection of human rights as envisaged by Paris Principles and International standards.

On 9th June 2010, in Geneva, the spokesperson, Carola Carazzone (VIS), presented a speech at the Plenary Session of the Council for the Human Rights of the United Nations, at the final session for the examination of Italy, highlighting the existing lack still today in Italy of such national independent institution for human rights.

In 2011, official Hearing at the Quirinale with the President of the Italian Republic, Hon. Giorgio Napolitano to illustrate the situation of the national independent institution for human rights in Italy and update on the draft law presently under discussion at the Chamber of Deputies.

Cycle of training seminars: "*La promozione dei diritti umani: dalla teoria alla pratica*" a.a. 2012-2013, in collaboration with the Comitato Interministeriale per i Diritti Umani of the Foreign Ministry and the Universities of Rome: Roma Tre, Sapienza, LUISS, LUMSA, LUSPIO, Tor Vergata and SIOI.

On December 12, 2012, the Comitato organizes in collaboration with the Ministry of Foreign Affairs and the UN Office for the High Commissioner for Human Rights the International conference, marking the conclusion of the cycle of training seminars: "*Centralità della persona e tutela dei diritti umani nel mondo contemporaneo*".

In 2013, the Comitato organizes in Rome the informal meeting of the new Commissioner for Human Rights of the Council of Europe, Mr. Nils Muižnieks, and representatives of the Italian CSOs.

On April 2014, elaboration and presentation the UN Human Rights Council of a *Submission*



of Information in preparation of the UPR second session that will consider Italy in 2014.

On May 12, 2014, the Comitato organizes in Rome the informal meeting of the Mr. Morten Kjaerum, FRA Director, with representatives of the Italian CSOs in preparation of the coming Italian European Semester Presidency.

## **Monitoring**

Parallel to the main activities connected with the establishment of a national institution and following the positive feedback to the Supplementary Report presented in 2004 to the IV CESCR Governmental Report, the Comitato developed and carried out a systematic monitoring process on civil, cultural, economic, political and social human rights in Italy, using as legal framework the ICESCR and ICCPR in an integrated perspective.

On **June 20, 2007**, the results of this monitoring process were launched, the same day Italy became formally Member State of the Human Rights Council, through the report entitled "*NGOs Monitoring Report of the Concluding Observations of CESCR (26 November 2004) and CCPR (2 November 2005) to the Italian Government*". This work is considered by the United Nations a best practice.

In 2010 a second major Monitoring exercise was started and has been launched with the aim of providing a first assessment of actions implemented by the Italian Government following the recommendations emerged from the UPR final session in Geneva in June.

An ad hoc monitoring group was set up of 60 NGOs and associations, coordinated by VIS with the support of Fondazione Basso. The first phase of the exercise concentrated on developing, testing and application of technical instruments including a framework for data collection, 45 thematic forms, a synoptic table with an integrated definition of human rights as per ICESCR and ICCPR, divided by topic and sub-topic with international and national sources and all pertaining literature available.

On **June 9, 2011** after completing a year after the end of the UN UPR when Italy was examined, the Comitato officially launched its First UPR Monitoring Report with the title *L'Italia ad un anno dalle raccomandazioni del Consiglio ONU per i diritti umani. Primo Rapporto di monitoraggio delle Organizzazioni Non Governative e Associazioni del Comitato per la Promozione e Protezione dei Diritti Umani*.

The launching intended to mark the event and highlight measures adopted in order to answer to the recommendations received.

The First Monitoring Report of the NGOs and associations members of the Comitato marked a first step of the initiative to be carried on in the following four years in preparation of the next appointment Italy has with the United Nations for the next UPR Session.

The Report, besides being launched at a press conference in the Italian National Press Headquarters, was the topic of a hearing in the Senate with the participation of Hon. Scotti at the Commissione Straordinaria Diritti Umani del Senato with Sen. Pietro Marcenaro, President.

On **June 9, 2012**, after completing the second year after the end of the UN UPR when Italy was examined, the Comitato officially launched its Second UPR Monitoring Report with the title *L'Italia a due anni dalle raccomandazioni del Consiglio ONU per i diritti umani. Secondo Rapporto di monitoraggio delle Organizzazioni Non Governative e Associazioni del Comitato per la Promozione e Protezione dei Diritti Umani*.

This second output aimed at highlighting strongly the even and analysing the implementation of the actions in response to the recommendations made after two years from the UPR.

In reality the first two reports – 2011 and 2012 – represent the only Mid-Term Review made in Italy. This intermediate report is a praxis Italy is compelled to officially satisfy in front of the UN and of which no indication has ever been made.

In **September 2014**, after completing the four years stretch between the first and second UPR sessions revising Italy, the Comitato has completed and officially launched its Final UPR Monitoring Report with the title *L'Italia a quattro anni dalle raccomandazioni del Consiglio ONU per i diritti umani. Rapporto di monitoraggio delle Organizzazioni Non Governative e Associazioni del Comitato per la Promozione e Protezione dei Diritti Umani 2010-2014*. This final report summarizes the output of the four years research and data collection made by the member organizations and external organizations of the Comitato.

### **Activities at international level**

Since 2008 member of the Fundamental Rights Platform of the European Union Agency for Fundamental Rights, Vienna

Since 2011 accredited observer to WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), Geneva.

Since 2013 member of the EU Civil Society Platform Against Trafficking of Human Beings, Brussels.

Since 2003, the Comitato has participated ad international level in:

- International NGO Coalition for the approval of the "Optional Protocol" to the International Covenant on Economic, Social and Cultural Rights (since November 2003);
- Elaboration of a non-governmental Supplementary Report to the IV Governmental Report presented by Italy on the implementation of the International Covenant on Economic, Social and Cultural Rights (Nov.2004);
- Delegation to Geneva for the examination of this report ( 8-26 November 2004);
- Elaboration of a submission of information to CCPR before the adoption of the list of issues (January 2005);
- Lisbon Forum 2007, Annual Forum of the North-South Centre in co-operation with the Venice Commission and the Office of the Commissioner for Human Rights of the Council of Europe, Lisbon, 16-17 November 2007;
- FRA Consultative Conference with the Civil Society on the Setting Up of the Fundamental Rights Platform, Brussels, 10-11 December 2007;
- Joint elaboration with the Gruppo di Lavoro for the CRC of three Submissions of Information on three specific components of the ICERD based on the List of Issues presented to the Italian Government to its 72<sup>nd</sup> Session in connection with the consideration of the 14<sup>th</sup> and 15<sup>th</sup> Periodic Reports of Italy, Geneva, 18 February-7 March 2008;
- Joint delegation with the Gruppo di Lavoro for the CRC (11 persons) to Geneva for the Session concerning the 14<sup>th</sup> and 15<sup>th</sup> Periodic Reports of Italy, 2008;
- 5<sup>th</sup> Roundtable of European National Human Rights Institution and the Council of Europe Commissioner for Human Rights "Domestic Protection of Human Rights. Strengthening Independent National Structures", Dublin, 16-17 September 2008;
- First meeting of the FRA Fundamental Rights Platform, Vienna, 7-8 October 2008;
- Second meeting of the FRA Fundamental Rights Platform, Vienna, 5-6 May 2009;
- 2<sup>nd</sup> Fundamental Rights Conference "Making a Reality for All", Stockholm 10-11 December 2009;
- Delegation to Geneva to the UN Human Rights Council 7<sup>th</sup> Session of the UPR Working Group on the Universal Periodic Review – Italy, 8-19 February, 2010.
- 3<sup>rd</sup> meeting of the FRA Fundamental Rights Platform, Vienna, 15-16 April 2010.
- Election of Barbara Terenzi, as expert, in the Advisory Panel, of FRA, Vienna, May 2010.

- Barbara Terenzi, panelist to the FRA Symposium "Strengthening the fundamental rights architecture in the EU", Vienna, May 7, 2010
- Delegation and speech in plenary to Geneva to the UN Human Rights Council for Universal Periodic Review – Italy, June 2010.
- Oral statement in Plenary of the Spokesperson, Carola Carazzone (VIS), in the UPR Session in Geneva at the UN Human Rights Council considering Italy, June 2010.
- EU Fundamental Rights Agency's Meeting on Access to Justice, 10-11 February 2011, Vienna;
- 4th meeting of the FRA Fundamental Rights Platform, Vienna, 14-15 April 2011
- Fundamental Rights Conference "Dignity and rights of irregular migrants", Warsaw, 21-22 November 2011.
- Joint elaboration with the CRC Working Group of a Submission of Information on specific components of the ICERD based on the List of Issues presented by the Italian Government at the CERD 80<sup>th</sup> Session considering the XVI and XVII reports presented by Italy, 13 February-9 March 2012;
- Interactive dialogue in Plenary and Lunch Time Briefing on specific components of the ICERD based on the List of Issues presented by the Italian Government at the CERD 80<sup>th</sup> Session considering the XVI and XVII reports presented by Italy, 13 February-9 March 2012;
- International Experts Conference *Pauvreté et inégalité dans les sociétés de droits humains – le paradoxe des démocraties*, organized by the Council of Europe, Strasbourg, 22-23 February 2012 ;
- 5th meeting of the FRA Fundamental Rights Platform, Vienna, 14-15 April 2012;
- Set of Seminars for University students of Rome "Human Rights Promotion from Theory to Praxis", 2011-2012, co-organized and tutored with Italian Foreign Ministry and Universities of Rome;
- International Conference "Centrality of the Human Being and Protection of Fundamental Rights in the contemporary World", co-organization with Italian Foreign Ministry, OHCHR, CERD and Universities of Rome, Rome, 12<sup>th</sup> December 2012;
- 6th meeting of the FRA Fundamental Rights Platform, Vienna, 24-26 April 2013;
- Launch of the EU Civil Society Platform, Brussels, 31 May 2013;
- Hearing on the future of migration and asylum in Europe, organized by the Social Platform and the EU Commission, DG Home Affairs, Brussels, 3<sup>rd</sup> December 2013;
- II Meeting della EU Civil Society Platform against Trafficking in Human Beings, Brussels, 9-10 December 2013;
- Conference internationale La Valeur de l'Europe. Croissance, employ et droits: l'Union européenne à l'épreuve, organized by the Italian and Greek Governments in preparation of the Italian European Semester Presidency, Camera dei Deputati, 13-14 March 2014;
- OSCE Civil Society Forum, Vienna, 7-9 April, 2014;
- 7th meeting del FRA Fundamental Rights Platform, Vienna, 9-10 April 2014;
- III Meeting della EU Civil Society Platform against Trafficking in Human Beings, Brussels, 7-8 May 2014.

Based on the consensus met by the first report presented to CESCR, the Assembly decided:

- To continue preparing information and data on human rights in Italy to support and integrate advocacy implemented at institutional level through field data collection, with particular attention to the establishment of the National independent institution for the promotion and protection of human rights, to human rights education and monitoring of human rights violations. Human rights are approached as a horizontal unicum where civil, economic, cultural, social and political rights are taken into consideration

as a whole transversal and interdependent that cannot be separated or fragmented. With this approach, the Comitato intends to prepare informative reports to be utilized in the international sessions of the human rights architecture at the EU, Council of Europe and United Nations.

- In line with above, to monitor the Concluding Observations to Italy in terms of human rights protection made by UN Treaty Bodies.
- To complete a systematic monitoring exercise of 4 years of UPR recommendations to Italy made by the UN Human Rights Council, first revision ended in June 2010 and second revision to be undergone in 2014.

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Rome, September 2014

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ARCI  
ARCIGAY  
ARTICOLO 21  
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SULL'IMMIGRAZIONE  
ASSOCIAZIONE CAMPANARI D'ARRONE  
ASSOCIAZIONE ELEONORA PIMENTEL  
ASSOCIAZIONE ASTRO NASCENTE  
ASSOPACE  
ASSOCIAZIONE SENZA CONFINI  
ATD-QUARTO MONDO  
AUCI  
AUSER  
BANCA ETICA  
BE FREE  
CASA DEI DIRITTI SOCIALI  
CGIL  
CHIAMALAFRICA  
CIAI  
CIPAX  
CIPSI - COORDINAMENTO DI INIZIATIVE POPOLARI DI  
SOLIDARIETÀ INTERNAZIONALE  
CIR-CONSIGLIO ITALIANO RIFUGIATI  
CISL DIPARTIMENTO POLITICHE MIGRATORIE  
CISMAI  
CISP-COMITATO INTERNAZIONALE SVILUPPO DEI  
POPOLI  
CITTADINANZATTIVA  
COMITATO PER I DIRITTI UMANI  
COMITATO SINGH MOHINDER  
COMITATO UNRWA ITALIA  
DISABLE PEOPLES' INTERNATIONAL (DPI) Italia Onlus  
DONNE IN NERO  
EMA  
FEDERAZIONE CHIESE EVANGELICHE  
FEDERAZIONE ITALIANA PER IL SUPERAMENTO  
DELL'HANDICAP - FISH  
FONDAZIONE CENTRO ASTALLI  
FONDAZIONE INTERNAZIONALE DON LUIGI DI LIEGRO  
FONDAZIONE BASSO-SEZIONE INTERNAZIONALE  
FONDAZIONE LABOS

FVGS  
GIOVANI PER UN MONDO UNITO  
GRUPPO MARTIN BUBER  
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IISMAS-ISTITUTO INTERNAZIONALE SCIENZE MEDICHE  
ANTROPOLOGICHE E SOCIALI -  
IMS -INTERNATIONAL MEDICINE SOCIETY  
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INTERNAZIONALE  
ISTITUTO DI MEDICINA DEL SOCCORSO  
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LEGAMBIENTE  
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LIBERAZIONE DEI POPOLI  
LIBERA  
MED.EA  
MEDICI CONTRO LA TORTURA  
MEDICI PER I DIRITTI UMANI  
MOVIMONDO  
OLTRE BABELE  
OSSIGENO INFORMAZIONE  
PAXCHRISTI  
PONTE DELLA MEMORIA  
PRO.DO.C.S.  
PROGETTO CONTINENTI  
RETE EDUCARE AI DIRITTI UMANI  
SAVE THE CHILDREN ITALIA ONLUS  
TERRE DES HOMMES  
UBI MINOR  
UDI-UNIONE DONNE IN ITALIA  
UIL  
UNICEF ITALIA  
UNIONE FORENSE PER LA TUTELA DEI DIRITTI UMANI  
UNITS  
VIDES INTERNAZIONALE  
VIS-VOLONTARIATO INTERNAZIONALE PER LO SVILUPPO  
WILPF-WOMEN'S INTERNATIONAL LEAGUE FOR PEACE  
AND FREEDOM.

*And with the collaboration of*

AMNESTY INTERNATIONAL  
FOCSIV  
MANI TESE  
MEDICI SENZA FRONTIERE



## FOREWORD

With the final four-year report "*Italy four years from the recommendations of the UN Human Rights Council: Follow-Up Monitoring Report of the NGOs and Associations of the Comitato per la Promozione e Protezione dei diritti umani, 2011-2014*," concluding and containing data collected by the follow-up monitoring carried out during these four years, starting from the UPR Recommendations to Italy, the NGOs and associations members of the **Comitato** intend to emphasize with a concrete and positive contribution the significant anniversary of 9th June 2010, date of the conclusion of the first UPR session undergone by Italy, also in view of the lack in our country of a human rights national independent institution in line with UN resolutions of 1993, of the Council of Europe of 1997 and the so-called Paris Principles.

For correct information, we would like to highlight that data collection, started in June 2010 has ended in March 2014. Therefore, while bringing the results to the public in October 2014, data refer **up to the end of March 2014**.

Four years after the adoption, on 9th June 2010, of the recommendations to Italy made by the UN Human Rights Council in the context of the Universal Periodic Review (UPR) and after accepting, from 2007, for two consecutive terms, the engagement as one of the 47 Member States of the UN Human Rights Council, the network of 90 Italian organizations and associations of the **Comitato** intends to contribute concretely to a new awareness of the human rights centrality, to the dissemination of a widespread culture and the development of a systematic policy, coherent, transparent and participatory for the realization of all human rights for all.

In June 2011, at the end of the first year systematic follow-up monitoring of the **Comitato**, the First Follow-Up Monitoring Report was officially launched at the Italian National Press Federation.

In June 2012, the Second Follow-Up Monitoring Report was produced and again officially presented at the Italian National Press Federation. The only exercise until then carried out with regard to the UPR recommendations. The intention was also to urge the Government to prepare, following the example other EU countries, a *Mid-Term Follow-Up Report*, to make it public by sending it to the Office of the UN High Commissioner for Human Rights and to promote the dissemination in Italy with particular focus to the content of the recommendations and the mechanism of the Universal Periodic Review (UPR).

The process of the UPR is a unique opportunity for reflection and sharing. This report together with the previous two, far from being a mere denunciation of the shortcomings and failings of our country in the field of human rights, aims at contributing to a dialogue, timely and constructive, with the institutions and to encourage and cooperate in the development of strategies, policies and actions to strengthen the promotion and protection of human rights in Italy.

The three reports altogether want to set an example, that perhaps can be improved, of a follow-up monitoring project on an annual basis within the four-year cycle of the UPR, that is the out of a process of research, discussion, participation and growth of the Italian civil society, which can be seen as a good bottom-up practice, that can be replicated even in the absence of significant financial resources.

It is the result of a joint effort of the member organizations of the **Comitato** made - as in the past - with the participation of organizations external to the network and independent experts. Thus, it expresses a position shared by many NGOs and experts, different in origin, background and expertise, combined and working together with the same target of utilizing as tools for awareness raising, *advocacy* and dialogue the mechanisms that the UN human rights system - and here, in particular, the UPR - provides with the civil society.

The UN Human Rights Council has asked<sup>1</sup>the Italian government "*To establish an effective and inclusive process to follow-up on UPR recommendations, bearing in mind that the active participation of civil society is essential to a meaningful review process; and to consult with and involve civil society in the follow-up to the UPR including in the implementation of recommendations.*"

In this sense, we felt, alongside the work of monitoring, that the translation into Italian of the fundamental documents of the UPR constituted an important contribution to the UPR process, and, therefore, this has been a major component of the First and Second Follow-Up Monitoring Reports.

In fact, the **Comitato** considers the translation into Italian a *conditio sine qua non* for the dissemination of the UPR contents among the Italian public opinion in order to trigger a participatory and inclusive process of follow-up, monitoring and implementation of the UN Human Rights Council recommendations. Hence, during these four years, it has engaged in translating unofficially the documentation and making it available free to everyone.

Unfortunately, however, in offering its own unofficial translations, the **Comitato** notes with regret that still an official translation or publication and dissemination of the recommendations received from various UN Human Rights bodies made by the Government is lacking.

As an already established good practice of the **Comitato** for the Concluding Observations and Recommendations to the Italian Government made by the Treaty Bodies, during these years we have been translating into Italian, as part of the Follow-Up monitoring exercise, the fundamental documents of the UPR in detail:

Report prepared by the Office of the High Commissioner for Human Rights;

- Summary Report of the stakeholders, prepared by the Office of the High Commissioner for Human Rights;
- Report of the UPR Working Group (Summary of the proceedings of the review process: A. Report of the State under review; B. Interactive dialogue and responses of the State under review; Conclusions and recommendations);
- *Addendum* with the views on the Conclusions and Recommendations, Voluntary Commitments and Replies presented by the State under review;
- Concluding Observations of the UN Committees: CEDAW 2011, CERD 2012 and CRC 2011.

*What is the Universal Periodic Review (UPR)?*

The UPR is one of the most important human rights monitoring mechanisms at the country level of the UN human rights promotion and protection system.

Established in 2008 within a set of reforms of the system, it is one of the prerogatives of the new UN Human Rights Council in Geneva and has the aim of assessing periodically (every 4 years) the advancements made with regard to human rights of all UN Member States.

It is a *Peer Review*, cooperative and intergovernmental, that is part of the prerogatives of the UN Human Rights Council which is the intergovernmental body comprising the 47 Member States elected for 3 years which in 2006 has replaced the former Human Rights Commission.

*Which countries are concerned?*

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<sup>1</sup> UPR Working Group Report –UPR (A/HRC/14/4 18 March 2010), adopted by the Human Rights Council , 9 June 2010, with decision 14/103, recommendation n.92.



The mechanism periodically examines each of the 192 UN Member States, regardless of the ratification of international treaties, on the basis of the *Voluntary Pledges* made. The first cycle began in 2008; it examined 48 States per year and has ended in October 2011<sup>2</sup>.

*How does this work?*

To simplify it, the inquiry is based on 3 synthetic documents:

- 1) The State report;
- 2) The compiled-report, prepared by the Office of the High Commissioner for Human Rights, summarizing all the recommendations received by the State under review from UN bodies during the last 4 years;
- 3) The summary report, prepared by the Office of the High Commissioner for Human Rights, summarizing all the information provided by NGOs, UN Agencies and international organizations on the human rights situation in the country.

The "cross-examination" takes place in two stages.

A UPR Working Group Session of the duration of 3 hours with all 47 Human Rights Council Member States and all UN Member States concerned. The 3 hours are divided into a maximum of 40 minutes for the State under Review (SUR) to present its report; 2 hours of constructive dialogue in which Council Member States and UN Member States may request the floor for questions and recommendations; 20 minutes for concluding comments by the SUR.

At the end of the UPR Working Group Session a report with specific recommendations for the SUR is adopted. The country has time until the next Plenary Session of the Council (normally 2-3 months later) to express which recommendations are accepted and which not, in this case, with motivation which can be done in writing before the Plenary Session takes place or orally during the Plenary itself.

During the Plenary Session, the Council devotes, under item 6 of the agenda, an hour of debate to the SUR at the end of which it adopts the report of the Working Group specifying the acceptance or non acceptance of the recommendations by the SUR. The hour debate in Plenary is divided in 20 minutes to the SUR, 20 to other Member States as recommending States and 20 minutes to human rights independent national institutions and NGOs in consultative status with ECOSOC.

Italy was examined during the Seventh Session of the UPR Working Group (8 to 19 February 2010) and then in the Fourteenth Human Rights Council Plenary Session, Agenda item 6, 9 June 2010. The Italian Government opportunely decided to respond in writing - with the Addendum dated 31 May - to the recommendations received through the UPR Working Group Report.

The *Comitato per la promozione e protezione dei diritti umani* participated in Geneva with a delegation both in the Working Group Session and in the Plenary Session, in which it had the opportunity to present an oral Statement<sup>3</sup>, one of the only ten allowed.

An added value of the UPR process is the conciseness of the set of documents produced and the transparency and rebound of the procedure. All documents are available in the UN official languages on the Office of the High Commissioner for Human Rights website and all sessions

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<sup>2</sup> See UN OHCHR web site [www.ohchr.org](http://www.ohchr.org) and [www.upr-info.org](http://www.upr-info.org) of a NGO in Geneva that in April 2010 launched an updated database where it is possible to cross check States Under Review (SUR) and Recommending State both by topic and review session.

<sup>3</sup> Intervention at the Fourteenth UN Human Rights Council Plenary Session of Carola Carazzone, VIS, Spokesperson for the Comitato per la promozione e protezione dei diritti umani, Geneva, June 9, 2010.

are videotaped and the recordings available on <http://www.un.org/webcast/unhrc/index.asp>

#### *NGO participation in the UPR*

The UPR provides an important platform for dialogue and *advocacy* to NGOs and associations at all levels: local, national and international.

All NGOs can participate by submitting alternative information that will be taken into account in the preparation of the Summary Report by the Office of the High Commissioner. NGOs in consultative status with ECOSOC, in addition, may attend both the UPR Working Group Session and the Human Rights Plenary Session, and in the latter, have the opportunity of speaking about what has been presented by their national governments with *oral statements* that are retained and videotaped.

#### *UPR Follow-Up in other countries*

Most of the SURs during 2008 produced a *Mid-Term Follow-Up Report*, certifying the progress made in the implementation of the UN Human Rights Council recommendations after 2 years from the UPR: Argentina, Bahrain, Bolivia, Chile, Colombia, Ecuador, Finland, France, Japan, Mauritius, Netherlands, Romania, Ukraine, and United Kingdom. The end of the two-year period has been considered, in the national governments praxis, a sufficient time for taking stock of the adjustment to the Human Rights Council recommendations.

The *Mid-Term Report* has seen countries produce comprehensive reports in which, beside the mere listing of legislative advancements in compliance with the recommendations received and accepted, also the adoption of governmental action plans for the promotion and protection of human rights can be found. As the case of Bahrain, who produced a *Mid-Term Report* with the tripartite involvement of the government, the human rights independent national institution and CSOs.

Other examples of excellence can be found in the *Mid-Term Reports* of Norway, France, Poland, Great Britain and Switzerland. In the latter case, moreover, the involvement of the civil society is presented as a cornerstone in the elaboration of the follow-up monitoring. The Great Britain and France examples, furthermore, show how the presence of an independent national institution for the promotion and protection of human rights in line with the Paris Principles can be crucial in drafting the report (as per the British *Equality and Human Rights Commission*) or for *advocacy* and supervision of governmental actions (as per the *Commission nationale consultative des droits de l'homme* in France).

From the structural point of view, finally, it should be noted that the enhancement of the performance of governments goes hand in hand with the degree of completeness boasted by the reports.

Many EU countries have produced documents that show both the full text of the Recommendations received and the reference whether they have been accepted – also partially – or not accepted, hence, adding a third intervention on the updating in the domain of human rights concluded in two-year period taken as a reference.

The shape and setting of the format of these *Mid-Term Follow-Up Reports* is an additional element to take into consideration for the effectiveness of the intermediate monitoring exercises.

*At the end of this long four years journey, we want to share the results of the great effort made by all of us, NGOs and associations members of the **Comitato per la promozione e protezione dei diritti umani**, NGOs and associations external to the Comitato but who generously contributed to the work, independent experts, and finally friends who have supported us in the long run and have appreciated the work however carried out.*

*To all, a big thanks. Also an encouragement not to be dismayed by the endeavour. In any case, it is worth it and it is especially important for those who will come, with the intention of safeguarding the participatory democracy in which we all believe and that is expressed at its maximum in the promotion and protection of the human rights for everyone, wherever you are and in any situation.*

*Finally, this work also intends to be a hope: that also our country may carry on with pride and satisfaction a rich and generous policy for the promotion and protection of human rights, hence, building up a reality that is truly pluralistic, democratic and aware of the importance of developing and nurturing our human and material resources for a better and equitable tomorrow for all.*

## METHODOLOGY

Based on the previous experience developed in 2007 by the **Comitato** through the Monitoring Report of the recommendations of the UN CESCR and of the CCPR, the working group in 2010, at the beginning of the follow-up monitoring exercise, proceeded through the identification and study of the existing literature on *follow-up* experiences of Member States that had already undergone the UPR, with the aim of identifying best practices and concrete examples to be utilized.

The selection of countries examined has followed both geographic and chronological criteria, awaiting to broaden the sample in a next step of the monitoring exercise.

Besides the identification of the countries, the study has focused on the existence of monitoring exercises done by Member States, on the methodology applied, on the stakeholders involved and the time span taken into consideration.

The first phase of the comparative study has been integrated with a second step through a careful analysis of the 92 recommendations to Italy based on the Mac Mahon classification<sup>4</sup>.

According to this classification, Human Rights Council recommendations can be ranged along a decreasing order from a maximum to a minimum engagement required by the SUR: specific action (5), generic action (4), action to be considered (3), action to be continued (2), minimum action (1).

The analysis based on Mac Mahon rating has been then integrated with a further elaboration of a first clustering proposal that could function as a framework within which to start the concrete monitoring of Italy's fulfillment and the definition of the *de facto* situation with regard to the various recommendations received.

Once the methodological framework was completed, where all the elaborated information could be fitted, a synoptic table was built with the Human Rights Council recommendations, and the replies of the Italian government; the 92 recommendations have been analyzed by the experts of the NGOs and associations of the **Comitato** following an approach based on the specific expertise of each organization in order to implement a technical deepening of the matter examined.

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<sup>4</sup> See: UPR-INFO.ORG PROMOTING AND STRENGTHENING THE UNIVERSAL PERIODIC REVIEW [www.upr-info.org](http://www.upr-info.org) e in particolare UPR-INFO.ORG "Analytical assessment of the UPR 2008-2010" e Edward McMahon, "Herding Cats and Sheep: Assessing State and regional behavior in the Universal Periodic Review Mechanism of the United Nations Human Rights Council", July 2010.

CAT	Committee Against Torture
CCPR	Human Rights Committee
CEDAW	Committee on Elimination of Discrimination Against Women
CEDU	European Convention on Human Rights
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Social, Economic and Cultural Rights
CIDU	Interministerial Committee for Human Rights
CMW	Committee on Migrant Workers
CRC	Committee on the Rights of the Child
ECOSOC	United Nations Economic and Social Council
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
OHCHR	Office of the High Commissioner for Human Rights
SUR	State under review
UPR	Universal Periodic Review

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# THIRD MONITORING OF THE FOLLOW-UP TO THE RECOMMENDATIONS OF THE HUMAN RIGHTS COUNCIL IN RELATION TO THE PERIODIC UNIVERSAL REVISION (UPR) – closed March 2014

## 1. Civil and Political Rights and International Instruments, Rec. 1-10

### *Recommendations 1 and 3*

On 18 January 1967, Italy has signed the *International Covenant on Civil and Political Rights*, ratifying it on 15 September 1978. In 2005 the Italian government has lifted reserves pertaining to a series of articles, such as: art. 9, para. 5; art. 12, para. 4; art. 14, para. 5. Nevertheless, reserves still remain on a series of articles, such as: art. 14, para. 3; art. 15, para. 1 and art. 19, para. 3.<sup>5</sup>

### *Recommendation 2*

Notwithstanding the specific requests contained in the recommendation, Italy still hasn't signed nor ratified the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*. If in the near future EU and Italy's immigrant policies will not undergo significant changes, the implementation of said Recommendation will become ever more uncertain: at European level States still haven't agreed on the signing and ratification of the Convention, and at the Italian national level a difference between irregular and regular migrant workers persists, a distinction that is not instead present within the Convention thus making its signing and ratification virtually impossible.

### *Recommendation 4 and first point of Recommendation 6*

The Italian government, on 3 April 2013<sup>6</sup>, has ratified the *Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*. Although within the Protocol it is specified that a Member States must implement "within a year of the adoption of the present Protocol or from the moment of its ratification or adhesion, one or more independent national mechanisms for the prevention of torture" (art. 17), Italy still hasn't managed to create such mechanism. This means that currently in Italy no independent entity exists that can inspect places of detention, including centres for migrants and asylum seekers or those created for accommodating ethnic minorities and persons with disability, to verify that no practice of torture or cruel, degrading and inhuman treatment is present. Furthermore, it is necessary to add that, although Italy has signed the *Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* on 4 February 1985, and has ratified it on 12 January, 1989, our government still hasn't introduced the crime of torture, as it is defined by article 1 of the Convention, in the Italian Penal Code – thus breaching the requests demanded in *Recommendation 8*. In *Replies of the Italian Government to the Recommendations*, the failed introduction of the crime of torture has been justified with this statement: "*Both the juridical and constitutional framework already punish acts of physical and moral violence on people submitted to restrictions of personal freedom*". In the present day such a statement is deplorable: not only does the Italian legislation seem to show indifference towards the most recent juridical developments, but also seems to turn a blind eye towards the Italian social situation of the last recent years. Altogether this causes a substantial stagnation in the matter of prevention and sentencing of any form of torture, inhuman and degrading treatment in our country.

### *Recommendation 5 and second point of Recommendation 6*

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<sup>5</sup> "VII Relazione al Parlamento sull'attività svolta dal Comitato Interministeriale dei Diritti Umani nonché sulla tutela e rispetto dei Diritti Umani in Italia per l'anno 2005", Ministry for Foreign Affairs - Comitato Interministeriale dei Diritti Umani, Rome, 2006

<sup>6</sup> [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-9-b&chapter=4&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-9-b&chapter=4&lang=en)

Italy still hasn't ratified the *International Convention for the Protection of All Persons from Enforced Disappearance*. Notwithstanding the fact that the Convention has been signed by the Italian government on 3 July 2007<sup>7</sup>, the law proposal "ratification and execution of the UN Convention for the protection of all persons from enforced disappearance, adopted in New York on 20 December 2006" (Act of the Chamber of Deputies 1374) was only presented on 18 July 2013, and is, to this day, still in the phase of being assigned for examination. Furthermore, if we consider that enforced disappearance violates a series of human rights<sup>8</sup>, including the right not to be subjected to torture or other cruel, inhuman or degrading treatment, and the right for human conditions during detention, the non-ratification of said Convention implies that *Recommendation 4 and 8* are also not followed.

Italy has approved law no. 108/10 on 2 July 2010, pertaining to the "ratification and execution of the Convention of the Council of Europe on Action against Trafficking in Human Beings, adopted in Warsaw on 16 May 2005". Such a proceeding has come into force on 30 July 2010, and has been posted on the G.U. no. 163 of 15 July 2010<sup>9</sup>.

### *Recommendations 9 and 10*

In relation to the amendments on the law on immigration, referred to in the *Recommendation 9* and on the proceedings contained within the security package, referred to in *Recommendation 10*, Italy has recently taken a step forward by finalising the approval of a law reform<sup>10</sup> (2 April 2014) that allows for the adoption of alternative penalties to prison, decriminalising<sup>11</sup> the crime of illegal immigration. Nonetheless, Italy still has much work to do in order to fully implement the existing obligations relating to immigration policies, particularly in relation to the "International Pact on Civil and Political Rights" and to International Law.

## **2. National Legislation, Rec. 67-82**

Unfortunately there have been few positive innovations introduced in the Italian regulatory system since the previous Follow Up monitoring. Basically, there have been a set of legislative decrees implementing EU Directives. Government and Parliament, in transposing the European regulations have not taken into consideration some precise indications made by associations and experts of the field.

The stagnation of the legislative system, as well as the continuing and worsening of the economic and job crisis has increased discriminations both in labour (migrant unemployment stands at 14% on a European average of 12%) and social fields with the regression of the integration indexes (CNEL 2013 Report).

In relation to the acquisition of Italian citizenship by birth (*ius soli*), law no. 91 of 1992 has yet to be modified, notwithstanding the presence of various law reform proposals, and, furthermore, there continues to be a increase in the time required for the acquisition of citizenship through naturalization.

The "crime of illegal immigration" has been finally abolished by the legislation. A law which delegates to the government the transformation into administrative illicit the crime of illegal stay, introduced by law no. 94/1999, has been approved.

Nonetheless, the duration of detainment in CIE (Centres for Expulsion and Identification) has yet to be modified and the inhumane and degrading conditions and treatment suffered by

<sup>7</sup> [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-16&chapter=4&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-16&chapter=4&lang=en)

<sup>8</sup> <http://www.amnesty.org/en/enforced-disappearances>

<sup>9</sup> <http://www.senato.it/leg/16/BGT/Schede/Ddliter/35028.htm>

<sup>10</sup> "Nella seduta del 2 aprile 2014, la Camera ha approvato in via definitiva un testo unificato, già esaminato in prima lettura e poi modificato dal Senato, che si propone quattro obiettivi: 1) delegare al Governo la disciplina di pene detentive non carcerarie, ovvero da eseguire presso il domicilio; 2) delegare il Governo a realizzare una depenalizzazione; 3) introdurre la messa alla prova nel processo penale; 4) disciplinare in modo innovativo il processo a carico di imputati irreperibili." <http://www.camera.it/leg17/465?tema=886&Messa+alla+prova>

<sup>11</sup> <http://www.internazionale.it/news/italia/2014/04/02/soppresso-il-reato-di-clandestinita/>

detainees, with unsustainable economic costs for the national economy, are in the public domain. Nowadays, following visits to CIEs, associations, NGOs, journalists, parliamentarians, lawyers, and doctors have made plenty complaints. The appeal for the closure and abolition of CIEs is growing stronger. The detainees, punished solely for having committed an administrative offence, are deprived of their liberty and often also of their right to receive basic medical assistance.

With regard to the **recognition of refugee status**, legislation has remained substantially unchanged. A comprehensive legislation is still lacking. The territorial Commissions for the recognition of international protection continue still to reject applications, obliging the applicants to request a jurisdictional appeal in order to be granted their status. A very serious point to be highlighted is the right to free legal assistance, often denied by some Italian Bar associations (e.g. in Rome). This practice is absolutely illegal and discriminatory and even though it is not diffused at national level, it is very serious because of the extended range of action of the Court of Rome. To justify the rejection of the requests the Bar Association of Rome maintains that the applicant's **Consular certificate** of the country of origin **on property and income** (art. 79.2 DPR 115/02) is missing. It is well known, though, that the **asylum seekers cannot have any contact with the authorities of their country of origin**, as stated by European, international, and national regulations. As a matter of fact, it was the same Bar Association that, coherently with **internal and international regulations**, accepted a **self-declaration by the applicant** substituting the consular certificate. But, as of March 2012, without a clear explanation, **now since more than two years** this procedure has been radically changed and still continues to be applied, with serious violation of the "**right to defence**". Even though art. 16 of d.lgs 25/08 insists on the possibility to replace the consular certificate with a self-declaration ("*In the case of an appeal of the decisions in the court, the third-country national must be assisted by a lawyer and should be allowed free patronage as per the conditions stated in the Decree of the President of the Republic 30 May 2002, no. 115. In any case for the verification of income in the country of origin, article no. 94 of the same decree is applied [on the impossibility to refer to the foreign consular authorities of the applicant's home country n.d.r.]*").

Although Italy is affected by an increasing number of refugee arrivals, the general accommodation in shelter system continues to follow an emergency approach, thus acting below the minimum European standards. Persons arrive and are settled in improvised structures, totally inadequate, overcrowded and precarious, or in hotels, where they are left without any kind of assistance and at the mercy of private.

In some cases immigrants are even transferred from one city to another and left without the least assistance, creating such serious and complex situations that mayors have often made public appeals asking for a solution to the problem. The last in this order was the Mayor of Rome, Ignazio Marino, who, in an open letter to the Ministers of Internal Affairs and Health, expressed his concern for the sanitary and hygienic conditions of migrants arriving in Italy and in Rome in these hours, and for the lack of control and assistance to them. He suggested the creation of territorial institutions to perform medical screenings in order to reassure migrants of their health conditions, and at the same time, reassure the community receiving them.

A structural programming of receiving immigrants is not only possible but dutiful.

The European Court of Justice recently clarified that member states have the **obligation** to guarantee sheltering of asylum seekers from the moment of their application for international protection, also supporting them economically, as long as the minimum regulations of European Law in terms of concrete shelter conditions are respected.

Civil society has been requesting for quite some time, the definition of a structured and coordinated shelter plan at national level, with the intent of reinforcing the **Sprar** system (Service for the Protection of Asylum Seekers), which although much debated, at the moment it is the only alternative for sheltering on the entire national territory. It is organised in small centres, thus allowing the realization of a socio-economic integration program, at low impact for the areas concerned and for the asylum seekers.

These are the innovations introduced by the legislative decrees implementing EU directives:

**Legislative Decree of 21 February 2014, no. 18** (G.U. no. 55 of 7 March 2014) for the implementation of Directive 2011/95/EU containing rules for the attribution to third-country nationals or stateless persons of the qualification of beneficiary of international protection, based on a standard status for refugees or persons having the right to request subsidiary protection, as well as on the content of the recognized protection. Many provisions of the d.lgs no. 251/2007 and art. 29 of the T.U. on immigration have been modified. The rules for the recognition of the qualification of the status of refugee and the subsidiary protection have improved, and the treatment of beneficiaries of both categories has become uniform bringing to five years the length of the resident permit for subsidiary protection.

Measures of social integration for beneficiaries of international protection will be dealt with in a future national plan. Such a plan will be realised by a specific working group in which regional, local and national administrations, as well as private social bodies will be part of, and it will have as limit the economic resources already available as defined by the state budget. Although not all eliminated, some parts of the national rules contrasting with EU ones are diminished.

**Legislative decree 13 February 2014, no. 12**, for the implementation of the Directive 2011/51/EU, modifying Directive 2003/109/EC of the Council for the extension of the application to beneficiaries of international protection. It modifies art. 9 of the T.U. on immigration thus allowing for the release of the EU residence permits to long-term residents, even to those having international protection (with refugee or subsidiary protection status) that has to be indicated on the EU residence permits for long-term residents and that can be issued at facilitated conditions.

**Legislative decree 4 March 2014, no. 24** for the implementation of Directive 2011/36/EU, concerning prevention and repression of trafficking in human beings and protecting victims, replacing the framework decision 2001/629/GAI (G.U.: General Series no. 60 of 13 March 2014). Different articles of the Penal and Administrative Code have been modified with regard to trafficking in human beings. Although partially, as per art. 18 of T.U. on immigration and d.lgs. no. 25/2008 the procedures for examining asylum applications have been modified. Art. 4 envisions a procedure for the identification of unaccompanied minors victims of trafficking, containing general principles in the best interest of the minor. A multidisciplinary procedure in order to determine the age will be regulated through a ministerial decree to be issued.

**Legislative decree no. 40/2014** published on the G.U. (General Series no. 68 of 22 March 2014) for the implementation of Directive 2011/98/EU concerning a single procedure for the release of a single permit allowing third-country nationals to reside and work in the territory of a member State, and a common set of rights for third-country workers that reside regularly in a member State.

Overall, however, the transposition of the Directive 2011/98 appears largely unsatisfactory, especially with reference to the rules concerning the principle of equal treatment.

The lack of a law envisioning a specific financial coverage for new expenditures hampers all changes to the current restrictive rules, regarding the provisional economic and social security treatment to third-country nationals.

In relation to the fruition of social benefits envisioned by the Italian rules and regulations with regard to family income support, parental role or care of family members the following innovations are highlighted:

On 4 September 2013, the Law 6 August 2013 no. 96 ("Delega al Governo per il recepimento delle direttive europee e l'attuazione di altri atti dell'Unione europea – Legge europea 2013"<sup>12</sup>) and the Law 6 August 2013, no. 96 ("Disposizioni per l'adempimento degli obblighi derivanti dall'appartenenza dell'Italia all'Unione Europea – Legge europea 2013"<sup>13</sup>), published on the G.U. no. 194 of 20 August 2013.

These constitute the new means for the adaptation to the EU legislation as per Law no. 234, of 24 December 2012, which has introduced an organic reform of the rules regulating Italy

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<sup>12</sup> Delegation to the Government for the transposition of European directives and implementation of other EU acts – European Law 2013.

<sup>13</sup> Provisions for the implementation of the obligations deriving from Italy's EU membership – European Law 2013,

participation in drafting and execution of EU rules and policies.

The annual communitarian law envisioned by the Law no. 11 of 2005 has been replaced by two different proceedings: the European Delegation Law, whose content is limited to the provisions of delegation necessary for the transposition of EU directives and other acts, and the European law, containing rules for the direct execution aimed at guaranteeing the transposition of the national legislation to the European legislation, with an eye to cases of non correct transposition of European rules and regulations.

With art. 13 of law no. 97/2013 the right of third-country nationals holders of EC long-term residence permits to access to INPS funds for large families has been granted.

The regulation contained in law no. 97/2013 should not be intended as *constitutive* of the right for a third-country national holder of EC long-term residence permit, as this right existed before the coming into force of the rule of equal treatment contained in the EU Directive no.109/2003, that, as confirmed by various national Courts, was of immediate and direct execution in our legislation.

A new social card called "**Carta acquisti sperimentale** (Experimental Purchase Card)" has been introduced for low-income families. The implementation modalities of the new social benefit have been defined by a decree of the Ministry of Labour and Social Policy on 10 January 2013, with reference to the identification criteria of beneficiaries on behalf of the Municipalities; the budget of the card; benefit implementation modalities and information flux pertaining to the relationship between Municipalities, INPS (as a "implementing party") and Italian Postal Service (in the role of "service provider").

The third-country nationals holders of EC long-term residence permits, refugees and those having the right to subsidiary protection can access this service.

All third-country nationals holders of ordinary residence permits are **excluded**.

The "European Law 2013" contains also provisions on access of third country nationals to work in the public administration. It establishes also in the rules and regulations pertaining to public offices, the right for family members of EU citizens, of third-country nationals holders of long-term EC residence permits, refugees and holders of subsidiary protection, to access public functions, with the same conditions and limitations envisioned for EU citizens. The EU internal rules and regulations for public offices and access to competitions and public selections thus adapts to those obligations deriving from EU legislation, hence, avoiding EU legislation breach proceedings the European Commission would otherwise bring with reference to EU Treaty. The transposition, though, is still partial and unsatisfactory, as the regulation of the sector has not yet been reformed, also with reference to two more categories of non EU third-country nationals not belonging to the EU. To them also access to public offices should be granted as per European legislation, more specifically EU Blue Card holders, based on Directive 2009/50, and executed in Italy with the d.lgs. no. 108/2012 (art. 12 c. 3 Directive 2009/50). In addition access should be granted also to EC long-term residence permits holders, released by another member State, who have acquired the right to reside in Italy for working reasons (art. 21 Directive 109/2003).

### **3. National Human Rights Institution, Rec. 11-15**

Italy is one of few states ([www.nhri.net](http://www.nhri.net)) without a national independent institution for human rights in line with the Paris Principles, UN Resolution 48/134 of 20 December 1993, and the Council of Europe Resolution (97) of 30 September 1997. The Universal Periodic Review of the UN Human Rights Council with the A/HRC/14/4/Add. of 20 May 2010, recommendations 11-15, together with all UN Treaty Bodies specific recommendations that have examined the Italian context in the last decade (CRC/C/15/Add198 of 18 March 2003; CESCR/ITA/04 of 26 November 2004; CCPR/C/ITA/CO/05 of 2 November 2005; CEDAW, 2005 A/60/38 (SUPP); CAT/C/ITA/CO/4 of 18 May 2007, CERD/C/ITA/CO/15 of 16 May 2008, CERD/C/ITA/CO/16-18 of 9 March 2012), have highlighted this Italian shortfall. In addition, the lack of such a commission is worsened by the failed effort in fulfilling the commitment deriving from the ratification of the Convention on Persons with disabilities (2006) with law 18/2009, envisioning that Member States, such as Italy " *in accordance with their legal and administrative systems,*

*maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights."*

Italy's delay on this matter has no excuses. On 8 May 2007, the Italian government, in presenting its first candidature to the new UN Human Rights Council (elected for the period ranging from 2007 to 2010), formally committed itself in front of the UN General Assembly "... to create an independent national Commission for the promotion and protection of human rights and fundamental liberties..."

Although not having fulfilled this official commitment, in presenting its second candidature for the Human Rights Council in 2011, Italy once again formally promised with a voluntary pledge that it would create, during its second term 2011-2014 (elected on 20 May, with formal effect from 19 June 2011) "an independent national Commission for the promotion and the protection of human rights in conformity with the Paris Principles..."

In May 2013 a new Draft Law TU no. 1004 "Establishment of the national Commission for the promotion and protection of human rights", on parliamentary initiative with no involvement of the civil society, signed by 84 deputies, was presented at the Chamber of Deputies, and assigned to the 1<sup>st</sup> permanent Commission (Constitutional Affairs) on 29 July 2013. The examination of which never started.

In June of the same year, Draft Law no. 865: "Creation of a national Commission for the promotion and the protection of human rights", on parliamentary initiative with no involvement of the civil society, signed by 13 senators, was presented to the Italian Senate.

In June 2014 a Draft Law "Creation of an independent national Commission for the promotion and protection of human right and fundamental freedoms" on the initiative of seven deputies of the 5 Stelle (5 Stars) Party was announced.

Concerning the process for the parliamentary discussion, it can be noted that, setting aside the awareness of certain parliamentarians, in the years, from 2003 to 2013 there has been no consultative, transparent, or participatory process for the inclusion of civil society. When the Paris Principles specifically request that a national independent institution for human rights be created through a transparent and participatory process inclusive of all social forces of civil society in its most general definition (art. 1 of the Composition and guarantees for independence and pluralism Section), with its active participation in at least three vital phases of the institution: creation, composition/appointment of the members of the Commission and mechanisms and methods of cooperation between the national human rights institution and the civil society. Participation and active involvement also highlighted by the recommendations formally expressed by the UN Office of the High Authority for Human Rights, Office of National Institutions.

#### **4. Human Rights Education, Rec. 30,31,32<sup>14</sup>**

While the rest of Europe continues to adjust school curricula integrating traditional subjects with the so-called new generation ones, till today Italy remains unchanging even in light of the recommendations received at international level – both from the UN<sup>15</sup> as well as from the Council of Europe<sup>16</sup> – that urge the inclusion of human rights education in school curricula.

Even if the efforts of the last twenty years are appreciated, up to now resources devoted to human rights promotion and education have been scarce. As a matter of fact to this day

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<sup>14</sup> This Section has been excerpted from the 6° *Rapporto di aggiornamento dell'applicazione della Convenzione Onu sui diritti dell'infanzia e dell'adolescenza in Italia*, [www.gruppocrc.net](http://www.gruppocrc.net).

<sup>15</sup> CESCR/ ITA/ 04 of 26 November 2004, n. 13, 29, 31

<sup>16</sup> Recommendation CM/Rec (2010)7 of the Committee of Ministers to Member States on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education, adopted by the Committee of Ministers on 11 May 2010 during its 120th Session.

human rights promotion and protection is not a mandatory subject in teachers training, nor has it been horizontally added to the new training plans offered for primary, middle and high school, nor is it studied at university level, if not as an elective, at the Faculty of law.

The **UN Declaration on Human Rights Education and Training**, approved by the UN General Assembly on 19 December 2011, after a decade of elaboration and much resistance, specifies both the contents in the matter of human rights but also the learning methodology.

The respect of all fundamental freedoms and of civil, cultural, economic, political, and social rights of both teachers and those who learn is the foundation for a correct learning methodology (as is explained in art. 29 of the UN Convention on the Rights of the Child).

Education to and for human rights is an interdisciplinary subject that should be re-elaborated and transmitted through a multidisciplinary and mainstreaming approach within all subjects, even through non formal and informal education.

The education to and for human rights, does not only include the transmission of information relating to the content of treatises on human rights; children and youth should also learn the meaning of such rights seeing them applied in practice, both at home and at school, or within the community. This is a complete and permanent process and the values expressed from such rights should be concretely reflected in the daily experiences of children and young people.

The concrete realization of the principles of the Declaration (referring in particular to art. 7, 8, and 10), should coordinate human rights education with the knowledge of the mechanisms and of the underlying rules to the functioning of the juvenile justice, with the purpose of avoiding the continuous disinformation of the majority of the teachers about the role, principles and finalities of the Juvenile Court, as well as the inexistence of regular contact between juvenile justice and teachers of the deviant child at risk.

**The World Program for Human Rights Education, launched on 10 December 2004** by the UN General Assembly – Resolution 59/113 – currently at its second phase, foresees that every Member State promotes the human rights education for higher education and in training programs for teachers, public workers, police forces, and military personnel. To this day we have no “national” feedback about the implementation of the provisions contained in the **“Action Plan for Phase Two (2010-2014)”** of the World Program for Human Rights Education” (A/HRC/15/28) regarding specific actions directed towards different components of the educational process: adequate national policies, international cooperation, coordination and evaluation.

In the past years, significant evolutions in the area of citizenship and human rights education have taken place thanks to the Council of Europe. In particular, on 11 May 2010 – during the follow-up of the High Level International Conference on the Future of the European Court of Human Rights held at Interlaken on 18-19 February 2010 – the Ministers of Foreign Affairs of 47 Council of Europe Member States adopted, in occasion of the 120<sup>th</sup> Session of the Committee of Ministers, with Recommendation CM/Rec (2010) 7 of the Council of Europe, the Charter on Education for Democratic Citizenship and Human Rights Education. The Charter, in its role of reinforcing the credibility and the effectiveness of the European Convention for Human Rights, represents an important landmark for all European countries and an incredibly useful tool for the Council of Europe in the development of an education for a democratic citizenship and human rights.

In fact, it is the education to human rights and to a democratic citizenship that is responsible for providing children, young people, and students with knowledge and capabilities such as to allow them to develop a civic consciousness favouring the promotion and protection of human rights and fundamental freedoms.

Human rights education transforms schools and non formal and informal educational spaces into places where it is possible to realize concrete experiences of democracy and participation.

The introduction of the reform of the Italian school system through the implementation of **Law**



**169/2008, has favoured the inclusion, in our school system, of a new subject: "Citizenship and Constitution",** which has been introduced since 2009-2010 for a total amount of 33 hours per year taken from the hours initially devoted to geography and history. The non-recognition of this new subject as a discipline per se leaves it to the discretion of the teacher, depending on his cultural and civic awareness, to promote within the time assigned a new culture of human rights education. In addition, "Citizenship and Constitution" is not a subject with a specific evaluation in the report card, therefore, with the risk of lessening its educational value<sup>17</sup>.

In addition, funds devoted to Third Sector, which constantly works on human rights training with teachers and trainers, both in non formal and informal settings, in substitution of the education institution, are missing. This should be more recognized and sustained from all points of view in order to strengthen the training impact and guarantee the continuity of the interventions.

## **5. Migrants and Asylum Seekers**

### **5.1 Rights of Migrants and National Legislation, Rec. 2, 9, 10, 27, 28, 63, 72, 73, 74, 75, 79, 80, 81, 82**

Refer to paragraph "2. National Legislation"

### **5.2 Forced Evictions, Rec. 61, 62**

Refer to paragraph "2. National Legislation"

### **5.3 Rights of Refugees and of Asylum Seekers, Rec. 67, 68, 69, 70, 71, 76, 77, 78**

Refer to paragraph "2. National Legislation"

## **6. Racism and Xenophobia, Rec. 16, 22, 23, 24, 26, 28, 29, 32, 33**

### *Recommendation 16*

For what concerns the independence of the Ufficio per la promozione della parità di trattamento e la rimozione delle discriminazioni fondate sulla razza e sull'origine etnica - UNAR (Office for the promotion of equal treatment and the removal of discrimination founded on race and ethnic origin), the current shape of the institution remains of dependence from the government.

In the 2011 report to the parliament on the effective application of the principle of equal treatment and on the effectiveness of protection mechanisms of UNAR it is stated: "it should be highlighted that since 2009, the Office (UNAR), also in order to comply with the observations made in the past by UN, Council of Europe, and European Union within the periodic monitoring carried out by the independent commission CERD (UN), by ECRI (CoE) and by FRA (EU), in arrears of the definition on behalf of the competent institutions of normative or regulatory changes that can juridically reinforce the mandate conferred to UNAR in line with Directive 43/2000, has deployed a **concrete autonomy and impartiality** activity evinced in particular through:

a) the opening of investigations on **discriminatory events and cases perpetrated by other central administrations of the state** and of the same Prime Minister's office (such as the "Buoni vacanze (vacation vouchers)" of the Department of Tourism, the "Bando Mecenati (Mecenati call)" of the Department for Youth, and the opening of the civil service to third-country young nationals born and legally residing in Italy);

b) the opening of investigations on **discriminatory events and cases perpetrated by other**

<sup>17</sup> 5° Rapporto CRC, available on <http://www.gruppocrc.net/Educazione-ai-diritti-umani>

**regional administrations and local bodies managed and/or composed of political parties belonging to the governmental coalition** (refer to the numerous cases concerning the phenomenon of the so-called "ordinances" concentrated especially in Lombardia and Veneto, as well as to certain regional laws released by Friuli Venezia-Giulia and Veneto Regions that place access to fundamental services in subordination of the possession of long period residence in the regional territory etc.);

c) the elaboration and dissemination of specific "**recommendations**" on thematic fields of significant importance, issued by the Office (UNAR) because of the repeated occurrence of continuing discriminatory cases, as per discriminations in accessing social services etc. Such recommendations have the primary aim, through their opportune dissemination within the system of local autonomies, of preventing the adoption on behalf of the competent public bodies of acts and proceedings that are even slightly discriminatory;

d) the opening of **investigations pertaining to declarations of political representatives, including those belonging to the Government majority parties**, as well as propaganda materials used by them, during electoral competitions (which in some cases have reached the transmission by the Office (UNAR) of crime reports to the competent Prosecutor's offices);

e) the **reorganization of the UNAR Call, transformed into contact centre and interconnected, through the signing of agreements and operational protocols with Regions and other local bodies, with centre networks and territorial antennas** working against any form and cause for discrimination already autonomously created or to be created with the same local bodies and all social components and key no profit organisations (NGO, volunteer associations, communities for the representation of widespread interests etc.), so to make **the management of investigations always more transparent and shared, and separate them, in their daily definition, from whichever evaluation of a political-institutional type** which is alien to normative expectations;

f) the creation of a series of negotiation tables and settings, co-planning and sharing of UNAR activities such as the "cabina di regia UNAR - Parti sociali (control room UNAR – Social components)" created in May 2010 and to which all organizations of national importance have acceded, the national Working Group with the associations, to which more than 20 of the main national associations operating on all forms of discrimination etc. have acceded.

As for what concerns the creation of an integrated system of prevention and contrast to racial discrimination, in fulfilment of the observations and recommendations formulated by the **UN Committee on the Elimination of Racial Discrimination (CERD) and by the European Commission against Racism and Intolerance (ECRI) of the Council of Europe**, in Rome on 30 July 2013 the at the time Minister for Integration Cecile Kyenge, in an open debate between among Ministers, associations and local bodies, presented the **Piano Nazionale d'azione contro il razzismo, la xenofobia e l'intolleranza** (National Action Plan against Racism, Xenophobia, and Intolerance). This issue falls within the context of the **Law Decree 215/2003 and art. 13 Law 40/1998**.

The Plan represents the first national scale example of a dynamic and coordinated response by institutions and civil society to the fresh outbreak of the phenomenon of racism to which we are assisting to not only in our country but in all the European context.

This is a work that in the next few weeks will need the necessary collaboration and sharing, not only of the associations of this specific sector, but also of the central and territorial institutions involved, in order to concert a strategy that can support national and local policies in preventing and fighting racism, xenophobia, and intolerance, with the final objective of valorising a multi-ethnic, multicultural, open and democratic society.

As foreseen by the D.lgs 215/2003 and by art. 43 of Law 40/1998, the Plan aims at offering a clear and unitary definition of what should be intended for fighting racism, xenophobia, and intolerance. For this reason, it is immediately made clear that the plan of action concerns discriminations based on race, skin colour, ancestry, national or ethnic origin, and on religious beliefs and principles. The Plan obviously refers and suggests further means linked with the

different impact that the same forms of discrimination may have on men and women, based on a gender approach, as well as the existence of forms of racism linked to the cultural context. The outline of the plan has been developed by UNAR following an integrate and multidisciplinary approach on the basis of the collaboration of the Minister of Integration and the Vice Minister for Labour and Social Policies with the responsibility for equal opportunities.

The following priorities for action, towards which measures and positive actions need to be identified to be immediately made available, have been proposed to the national working group: **Employment, Housing, Education, Mass Media and Sport, Security.**

Every priority shall be developed through strategic areas, operational objectives, and positive measures concretely feasible upon the existing legislation. The innovative element offered by the Plan consists in its multi-segmentation, i.e. in the increase of the recipients' target. The Plan in fact, will not only concentrate on third-country nationals living in Italy, but also Italian citizens of foreign descent, including second and third generations, with a specific focus on the second generations that have acquired Italian citizenship after 18 years. Furthermore, a study will be dedicated to discriminations based on skin colour. Several studies have highlighted as a matter of fact how skin colour is one of the specific elements for discrimination, in particular in school and at work.

These studies will be analysed throughout the statistical analysis giving specific importance to the theme of discrimination based on skin colour. It will take into account also foreign children living in Italy, and, as an evolutionary progression, also data relative to birth and presence in schools of foreign children in the last 3-5 years. Lastly, the Plan will include also people belonging to religious and ethno-linguistic minorities.

For the definition and implementation of the Plan it will be necessary to have a *multilevel governance* system including all actors for various reasons interested in the policies in the field of prevention and fight against discrimination for racial or ethnic reasons. It is, therefore, an articulated and integrated model that foresees synergy of local and central institutions, civil society, social components and of all involved stakeholders.

### *Recommendation 24-28*

In the Italian legal system, the general concept of minority is linked to the linguistic peculiarities and finds its foundations in art. 6 of the Constitution: "The Republic protects linguistic minorities with ad-hoc rules". Following an uneasy parliamentary debate, Law no. 482 of 15 December 1999, containing "Rules for the protection of historical-linguistic minorities" recognizes and protects 12 linguistic minorities: Albanian, Catalan, Germanic, Greek, Slovenian, Croatian, French, Franco-Provencal, Friulan, Ladino, Occitan, and Sardinian (keeping in mind the historical-linguistic criteria, but mostly the permanence/territorial criteria – understood as the *localization in a given territory*). In the interpretation of art. 6, the principle of "territoriality" has prevailed, thus *de facto* excluding from the provision of the law, the Roma minority, as "widespread minority" i.e. devoid of a sedentary recognizable territorial concentration.

An attempt at making changes has only been made recently with the proposal of Law no. 2825, presented to the Chamber of Deputies in July 2007. The proposal, which ended with the anticipated end of the legislature, proposed the extension of protection provisions to historical-linguistic minorities, envisioned by Law no. 482/99, to Roma and Sinti minorities, thus adopting the principles of the "European Charter for Regional or Minority Languages", which recognises "non-territorial languages" such as *Yiddish* and *Romanè*. The last legislatures have been and are characterized by an intense debate on the opportunity to include Roma, Sinti, and Travellers communities within the national linguistic minorities, on the basis of the Law no. 482/99, or rather adopt *ad hoc* or *omnibus* national legislative measures. Most recent draft laws and bills introduced during the course of the XVI legislature have been:

- **A.S. 2558** "Modifiche alla legge 20 luglio 2000, n. 211 (Changes to law no. 211, 20 July 2000), regarding the "Estensione del Giorno della Memoria al popolo dei Rom e dei Sinti (Extension of the Day of Memory to Roma and Sinti)";

• **A.S. 2562** "Modifiche alla legge 15 dicembre 1999, n. 482 in materia di riconoscimento e di tutela della minoranza linguistica storica dei Rom e dei Sinti (regarding the recognition and protection of Roma and Sinti as historical-linguistic minorities)" presented by the Democratic Party parliamentarian Maria Letizia De Torre on 22 June 2011 and still to be reviewed;

• **P. d. L. no. 4446**, for: "L'integrazione scolastica dei giovani Rom (The scholastic integration of young Roma)".

**In Italy the central question remains, hence, tied to the lack of recognition of Roma, Sinti, and Travellers as minorities through a national omnibus law, as, of today, Roma, Sinti, and Travellers acquire rights *de jure* only as individuals; they do not have rights as a "minority" because they are not legally disciplined in that sense yet.<sup>18</sup>**

### *Recommendation 32*

A positive note has been the creation of a Ministry for Integration, deliberated by the Letta government, headed from 28 April 2013 by Minister Cecile Kyenge. In this context the hope is that an updated and general normative framework on all factors of discrimination and in particular those linked to citizenship, in order to suggest further legal changes to the Italian legislation on citizenship (Law no. 91/92) will be available.

### *Recommendation 33*

- Lack of a penal law on hate speech, in line with the legislation established by the EU;
- Lack of a complete training program for police forces (including police officers and prosecutors) on the juridical foundations connected with hate speech and hate crimes in order to promote effective *ex officio* prosecution of such criminal acts;
- It is necessary to implement and promote a civil legislation always more effective against racial and xenophobic discrimination;
- There is an urgent need to adopt appropriate legal measures against the dissemination of ideas that deny the Holocaust, existing in many other European states.

## **7. Women's Rights, Rec. 24, 34, 35, 36, 42, 43, 44**

It is clear that under a proclamation of the principle in Italy of Equal Opportunities, these have found full legitimacy at institutional level, but in the field of the labour market, *strong discriminations* persist, and what worries more, is the concrete execution of this.

Currently, based on ISTAT statistics for September 2013, the **female unemployment rate** is around 13.2%, suggesting an increase of 1.3% if compared to September 2012. Female unemployment exceeds by 1.2% that of men. The inactivity rate remains substantially stable, around 46.3%, as does the activity rate, around 53.7%. The employment rate is in slight drop (46.5% in September 2013, compared to 47.3% in September 2012).

A disaggregated reading of such data confirms the critical elements existing in the labour market for women in a context of a complex and progressive polarization of employment dynamics.

From the labour market report 2012-2013 it is clear that female employment is in a position of disadvantage: women represent over half of the temporary workers with an instability rate of employment higher than 15%. A similar reasoning could be highlighted with reference to the average length of unemployment and to the rates of exit from unemployment towards employment.

Even in the low-salary employment statistics, as for example part-time volunteers, a higher

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<sup>18</sup> See also "Strategia Nazionale d'inclusione dei Rom, dei Sinti e dei Camminanti 2012-2020" (28.02.2012) *Ufficio per la promozione della parità di trattamento e la rimozione delle discriminazioni fondate sulla razza o sull'origine etnica*

incidence of the female component can be noted, as per the use of involuntary part-time.

In a context of progressive and general weakening of our labour market, however, a unbalanced picture of the employment dynamics surfaces.

In such a field it is interesting to note that women with disabilities, who represent only 40% of the total employment, are subjected to specific multi-discrimination. Amongst people with disabilities, **only 2% of the employed are women**, contrasting with the 7.7% of men (art. 6 of the CRPD).

The continued economic and financial crisis strongly impacts this sector and has not allowed for an improvement to the condition noticed in the past years monitoring.

In Northern and Southern Italy, the lack of investment on kindergartens and pre-schools, because of cuts in welfare made by the Regions and local bodies, makes "care" work fall always more on women.

For the "Piano Italia 2020" no changes have been registered and for this reason observations made in the past are still valid.

### *Recommendation 35*

The year 2013 has seen still a **horrifying number of women victims of violence**.

Violence on women, in particular within the family context, in every Region seems to be increasing. **In 2013, up to October, in Italy there have been 127 women killed, and 47 murder attempts all over the peninsula.** Femicide victims are prevalently killed in their home (63%) and are often not the only targets: in 2012 eight people, including also the children of the couple, have been killed during a homicidal folly.

The majority of these crimes occur in the Northern regions: the establishment of gender equality often is the triggering motivation. The Regions with the majority of femicides are Lombardia, Campania, and Emilia Romagna. Among the domestic violence victims many are foreigners: 31%, but 73% of the murderers are Italian.

Following the frequency of murders of women, the term "femicide" has emerged during the last year. In Autumn 2012 many women's associations have disseminated the "NO MORE" Convention containing a series of intervention requests to the government that can be synthesized in *more investments for prevention, starting from anti-violence shelters, to education in schools, and respect of women privacy and dignity on behalf of police during interrogations*.

In this context it is important to note that women with disabilities are not included in prevention and listening policies and how their stories rarely enter in statistical data even though they are perceived as an "easy target" and thus exposed two-fold to the risk of suffering physical and sexual violence compared to women not living the same situation. From 39% to 68% of girls and 16% to 30% of boys with delayed mental development will be sexually abused before they turn 18<sup>19</sup>. The risk of suffering violence or abuses becomes concrete for people, especially women, with intellectual and psychological disabilities, or who live in *ad hoc* institutions: this is a category of people that has to rely on other people for their every need, exposing them to the risk of suffering violence. And even when they manage to escape such violence, they cannot find protection services tailored to them. Operators of consulting services and emergency in this context often ignore the risks that these women run because they do not know the condition they are in or they do not recognize mistreatment as violent and associated to disability. This risk is considered much lower when operators have been *ad hoc* specifically trained.

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<sup>19</sup> Sobsey, 1994, as reported in Reynolds, 1997 cited in Rousso 2000. Rousso, Harilyn: Girls and women with disabilities: An international overview and summary of research", Disability Unlimited Consulting Services, New York 2000 (Background paper for the Beijing +5 Conference in New York, June 2000)

At the same time operators with the task of collecting the complaint of violence cases should be trained on the appropriate approaches to women with disabilities when these report violence, mistreatment and abuse. From the statistics it is evidenced that of the many cases taken to court, only a few result being perpetrated against women with disabilities. The data indicates that the violence could be denied or that a woman with disability is not believed or listen to because incapable of clearly reporting the facts.

There exists no reference to women with disabilities in any law passed in favour of women in Italy. More so, although women with disabilities are those most often exposed to sexual, physical, and psychological violence, there is no reference to them in Law no. 66 of 15 February 1996 "Norme contro la violenza sessuale (Rules against sexual violence)". We can hypothesize that the lack of legal reference is at the basis of a complete lack of data concerning to women with disabilities in Italy. Even in the last report "Violenza e maltrattamenti contro le donne (Violence and mistreatment against women)"<sup>20</sup> there is no data regarding women with disabilities.

**ANTI-VIOLENCE SHELTERS** have surely witnessed during 2013 an increased effort on behalf of institutions. Compared to the 60 shelters active in 2012, in 2013 they have become 115, 90 of which managed by women's associations. But a small part of these is managed now by public staff employed by the Provinces. There are 56 SHELTER HOMES, but almost all are in Northern and Central Italy. This number is surely totally insufficient.

A positive aspect has been the funding of different types of public or private services (women centres, listening centres, anti-violence counters) besides from those already managed by women associations. The level of accessibility and usability of these aid structures and their respective services by women with physical, emotional, and intellectual disabilities still has to be verified.

## **7.1 Legislative Initiatives against Sexual Violence**

In October 2013 the Law 193/2013 was passed "in materia di sicurezza e per il contrasto alla violenza di genere (in relation to security and fight against gender violence)", with main objective – but not exclusive, as critically pointed out – of fighting the phenomenon of violence against women and femicide. Penalties will be more severe, the complaint becomes irrevocable, and aggravating factors for spouses and companions have been introduced.

The law foresees the arrest on flagrance for mistreatment and stalking. Courts will be able to adopt "preference paths" for examining the cases regarding mistreatments. Furthermore, the free legal aid for victims of stalking or mistreatment, for those who cannot afford the assistance of a lawyer, is envisioned. Police have been given the possibility of sending away the violent spouse from households if there is a risk of physical violence for the woman. Violent partners or spouses are prevented from roaming about the places frequented by the woman.

A rule regards immigrants: a work permit on humanitarian grounds will be granted to third-country nationals that have suffered violence in Italy.

The victim of violence has to be informed constantly of the juridical condition of the accused. The law, in addition, increases the punishment by one third if the violence has been perpetrated in front of a minor and foresees an increase if the violence was perpetrated toward a pregnant woman or was committed by the spouse, even if separated, or the partner, even if non cohabitant. The same conditions apply also for stalking.

The measure represents the recognition of the gravity of the situation and the need for concrete actions to oppose and fight the phenomenon of violence against women, but during the hearings held in front of the Commission for Constitutional Affairs and Justice of the Chamber of Deputies that preceded the transformation of the decree into law, an appeal was

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<sup>20</sup> Report of the Ministero per i Diritti e le Pari Opportunità, made by Istat, based on the outputs of the survey on women's safety, carried out between January and October 2007.

launched to the government in order for the phenomenon of gender violence to be tackled in a more organic and structural way; an adequate financial coverage be envisioned allowing for the realization of the objectives of the national plan; the involvement of all interested stakeholders, as well as the social components of the CSOs.

A positive judgement thus on a law highlighting the importance of repressive measures and of protection actions of victims of violence, but it is worrying that no funding has been envisioned for prevention, in terms of education, training, structural data collection, forms of victims assistance, support and protection, while in the text public order issues are foreseen that have nothing to do with gender violence; so much so that it has been indicated as an "omnibus" law.

*One would have expected a law organic and financed that would deal with all the aspects connected to gender violence and not only to penal aspects, because without an adequate effort on prevention, strengthening of anti-violence shelters and assistance services, of training of social workers, of adequate cultural, educational, and social interventions, there is a risk of baffling a legislative intervention and women's trust of being adequately protected.*

Furthermore, the Justice Commission of the Chamber of Deputies has begun to examine a draft law seeking to extend free access to free legal aid also for covering the expenditures of hearings abroad for sexual violence committed against Italian citizens abroad.

## **7.2 NATIONAL PLAN AGAINST GENDER-BASED VIOLENCE**

Already in 2012, Rashida Manjoo, UN Special Rapporteur for Violence against Women, its Causes and Consequences, following her mission to Italy, presented a report to the Human Rights Council in which after examining the situation concerning violence against women in our country and analysed the causes and consequences, she debated on the "State reply" in terms of prevention of the phenomenon, protection of victims and identification of necessary remedies to fight the phenomenon and punish those guilty.

The Commission for Equal Opportunities at the Prime Ministers' Office has foreseen a "reinforcement of the national anti-violence network and of the hotline, 1522 – a free public telephone number – created in 2009 in order to support women victims of violence and stalking", in the respect of the Istanbul Convention recently ratified by our Parliament (see previous comment on accessibility to monitoring means).

The new **NATIONAL ANTI-VIOLENCE PLAN (NAP) (2013-14-15)** on 9 November 2013 envisioned a government financing in Euro of 10 million euro for 2013, 7 million euro for 2014, and 10 million for 2015.

One third of the funds is tied to the launching of new services, the launching of initiatives for prevention, mapping, action plans, and division of resources...

These funds are completely insufficient for such an ambitious project, just consider solely that the Italian State, for 2014, has given private recognized schools 494 million euro!!

More concretely, local level public institutions have promoted operational protocols with volunteer associations for the management of funds (Municipalities of Venice, of Forli) and for the supply of services, as was stated previously.

Also the regional laws of the last decade need to be mentioned that have tried – at least as set out – to favour settling the gap between household and working hours of women.

For what concerns equal participation of women in the decision-making sectors of public life, with regard to peace and security issues, envisioned by specific UN Resolutions (starting from the famous UNSCR 1325 and arriving at the more recent 2122), the reference is in a specific National Plan of Action (NAP), adopted by Italy on 23 December 2010.

The text of this Plan offers a very limited space to the objectives of *Human Rights of women in conflict and post-conflict situations and participation in peace negotiations* that are integral parts of resolution 1325. Furthermore main programmatic aspects and indications on implementation timing, dedicated resources, and responsibilities are lacking.

After its expiry on December 2013, its revision expected with the hope that current gaps in the structure and implementation will be filled.

### **7.3 FEMALE GENITAL MUTILATION (FGM)<sup>21</sup>**

Although the exact number of women and girls that live in Europe with the consequences deriving from FGM is still unknown, until some years ago the European Parliament assessed that the number was around the 500.000 units with other 180.000 women and girls at risk of undergoing the practice every year.<sup>22</sup>

In Italy, the most recent official statistics fall around the 39,000 women/girls who have suffered some sort of FGM.

Italy in 2006 has approved the Law no.7 that sets the necessary measures to prevent, fight and repress the practice of FGM as the violation of the fundamental rights to integrity of the person and health of women and girls (art. 1).

In particular, the law has introduced within the Penal Code an autonomous crime that is punished with a 4-12 year detention anyone who, in absence of clear medical necessities, causes a mutilation to female genital organs (clitoridectomy, excision, infibulation, and other similar practices); furthermore the law envisions that anyone, in absence of medical necessities, who provokes, with the aim of mutilating sexual functions, injuries to female genital organs different from those cited above, in turn provoking a physical or mental illness, is punished with detention from 3 to 7 years: in this case it is also envisioned the aggravation of the penalty if the crime was committed on a minor or for profit.

The Law 7/2006 envisions moreover the punishment of a legal person or entity in whose structure the crime was committed, as well as the prevision of extraterritoriality every time the crime is committed abroad by an Italian citizen or by a third-country national residing in Italy, i.e. against an Italian citizen or to a foreigner residing in Italy (Penal Code art. 583-bis and ter).

In September 2012 Italy has ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (so-called Lanzarote Convention): the treaty introduces common measures and criteria, among the State Parties, both for the prevention of the phenomenon, and for the prosecution of offenders, as well as protection of victims, introducing tougher penalties for a series of crimes and new offences within the Penal Code. In particular, in relation to the crime of FGM, the Lanzarote Convention has introduced the accessory penalty of loss of parent rights and perpetual interdiction from whatever office pertaining to protection, curatorship, or support administration.

In December 2012 the Italian government has signed a Memorandum of Understanding with the Regions and the autonomous provinces of Trento and Bolzano for the prevention and contrast to FGM, for the identification of criteria for the redistribution of resources, objectives, implementation modalities, and monitoring of the intervention system to be developed on the national territory in order to prevent and fight the phenomenon.<sup>23</sup> It will thus be the Regions, as custodians of the allotted resources, to implement the various projects in virtue of their in-depth knowledge of the territory, while the Department for Equal Opportunities will be in charge of their coordination and monitoring.

In September 2013 Italy has ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) in force on 1 August 2014.

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<sup>21</sup>Information contained in this paragraph have been excerpted from the thematic card "Mutilazioni genitali femminili" edited by Comitato Italiano per l'UNICEF Onlus and available at: <http://www.unicef.it/doc/5301/mutilazioni-genitali-femminili-30-milioni-da-salvare.htm>

<sup>22</sup> Amnesty International, "Ending Female Genital Mutilation. A Strategy for the European Union Institutions" Executive Summary, 2010.

<sup>23</sup> "Intesa concernente il sistema da sviluppare per la prevenzione ed il contrasto del fenomeno delle mutilazioni genitali femminili": <http://www.pariopportunita.gov.it/index.php/component/content/article/87-attivita/2257-intesa-per-la-promozione-di-interventi-contro-le-mutilazioni-genitali-femminili>



The Istanbul Convention is the first legally binding international treaty to create a legal framework all-encompassing for the prevention of violence against women, giving protection to victims and putting an end to the impunity of persecutors. It is believed that it represents the highest international standard both in the prevention as well as in the fight against all possible forms of violence against women (including FGM, forced marriages, stalking, and psychological, physical and sexual violence).

## **8. Discrimination, Rec. 36**

### **8.1 Discrimination based on sexual orientation**

From the way the indications contained in *Recommendation no. 36* were implemented it is evidenced how in this country the approval of a legislative measures against acts of discrimination, aggression and violence against lesbian, gay, bisexual or transgender, as well as a legal adjustment ensuring equal access to all citizens, meet with a systematic and adamant opposition from a consistent part of the government and national Parliament members.

After endless electoral promises, long and useless debates, and, even, the approval of a prejudice of unconstitutionality on a law proposal against homophobia and trans phobia, the parliamentary discussion is to this day stuck on the approval of an aggravating factor for the crimes against the person committed in reason of sexual orientation or gender identity of the victim as an integration to the Mancino Law, a regulation considered by the most important national associations, as well as by the CGIL the most appropriate instrument (necessary, but not enough) not only for the sanctioning but also for the prevention, from a cultural standpoint, the phenomenon of homophobia and trans phobia present in our country in a worryingly and growing measure and proportion.

In light of this, it appears that in Italy any possibility of a real international adjustment in recognizing the marriage between persons of the same sex, sole guarantee of people's equality in accessing human rights, is still far.

Furthermore, our country provides a humanitarian protection for foreign students discriminated or haunted in their home-countries for their sexual orientation or expression of their gender identity, as envisioned by the laws that regulate migration and asylum seeking requests.

The European Directive 2000/78 against the discrimination in work settings has been transposed in a insufficient and problematic way with the DI. 216/2003, so much so that it results of difficult and scarce application.

Recently an Osservatorio della Polizia di Stato, OSCAD, (National Police Observatory), to monitor and protect victims of discrimination crimes, including homophobia and trans phobia, has been established. Last year, the Ministry for Equal Opportunities has started an awareness raising campaign to fight homophobia and trans phobia, and UNAR is implementing an explicit intervention policy in collaboration with associations and stakeholders.

In Europe, laws protecting victims of homophobia are present in Austria, Belgium, Cyprus, Denmark, Finland, France, Germany, Greece, Ireland, Iceland, Luxembourg, Norway, Holland, Romania, Slovenia, Spain, Switzerland, Sweden, Hungary, England, Serbia, Montenegro, and the Czech Republic.

Italy has an urgent need to catch up on a rather guilty delay and to adjust its legislation on the protection of a specific segment of the population particularly exposed to discrimination and violence. Every delay in this regard is an act of moral complicity. The approval of a horizontal directive on discrimination presented to the European Parliament will make the need for member states to update their legislation on these themes more pressing.

In our country there exist exclusively two legislative measure.

The first, contained in the Bossi-Fini law, is relative to humanitarian protection of foreign citizens discriminated and persecuted in their own countries due to their sexual orientation or their gender identity.

The second is the transposition of the European Directive 2000/78 against discrimination in work settings, which, however, not having reversed the burden of the proof which is thus in the hands of the discriminated person, remains of scarce application.

After the approval of a prejudice of unconstitutionality passed last year on an anti homophobia law, today we are assisting to a similar positioning of right wing political forces on a new proposal presented by Hon. Concia (PD) concerning the institution of aggravating factors for crimes committed in reason of sexual orientation and gender identity.

## **8.2 Discrimination of vulnerable groups**

As already underlined by our Follow-Up Monitoring Report of 2012, populations living in precarious economic and social conditions are one of the groups classified as vulnerable. The accumulation of precariousness brings women and men who experience it, to social exclusion and discrimination.

On September 2012, the UN Human Rights Council approved by consent a set of Guiding Principles on Extreme Poverty and Human Rights<sup>24</sup>. Given that Italy has played an important role as co-sponsor of this resolution, on an initiative of the Human Rights Commission of the Senate of Italy, the text of the guiding principles was translated into Italian<sup>25</sup>. It is therefore expected that in the coming next months and years, such principles will inspire a global policy coherent also in the future of fighting against poverty. A policy founded on human rights and on the respect of human dignity, that is still lacking in our country and that recognises poverty as source for social discrimination.

Following that direction and as an example, in France, during 2013, after the statements by HALDE<sup>26</sup>, by CNCDH<sup>27</sup>, and by the Défenseur des droits, a law proposal was deposited immediately at the French national assembly.

We hope, hence, that even our country will implement an opening of UNAR mandate including social poverty and discrimination, and at the same time establishing as soon as possible an independent national institution for the protection of human rights.

Discrimination based on disability finds no concrete reference within Italian legislation, as should be expected by art 5. of the CRPD. Only recently an addition was made with reference to work settings (law 99/2013), following an infraction procedure by the European Commission based on the lack of transposing the European Directive 78/2000. To this day, Italian legislation does not include discrimination based on disability (Law 67/200).

## **9. Children Rights, Rec. 37, 38, 39, 40, 41, 42, 43, 44**

Within the UPR specific recommendations have been directed to Italy with regard to rights of the children living in our country.

The domain of children's rights is an area to which the UN Human Right Council has expressed itself by specifically addressing Italy with numerous *Recommendations*, precisely from no. 37 to 44, and 84, 85, 86. While many more are the recommendations in which the issue of children rights is recalled more or less indirectly.

Principles recalled by the *Recommendations* are:

- Prevention of all forms of discrimination against children; protection of all children born and present in Italy (right to citizenship).

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<sup>24</sup> [http://ap.ohchr.org/documents/dpage\\_f.aspx?si=A/HRC/RES/21/11](http://ap.ohchr.org/documents/dpage_f.aspx?si=A/HRC/RES/21/11)

<sup>25</sup> <http://www.atd-quartomondo.it/?p=1615>

<sup>26</sup> Haute autorité de lutte contre les discriminations et pour l'égalité.

<sup>27</sup> Commission nationale consultative des droits de l'homme

- National Action Plan for Children and national Ombudsperson for children.
- Children right to education.
- Reinforcement of all measures to contrast specific crimes against children, victims recovery and the issue of minors reception, and the fight against all forms of violence against children.

Other than the monitoring done by the UN Council for Human Rights, also the **UN Committee on the Elimination of Racial Discrimination (CERD)** has expressed attention towards some of the themes attaining to particular groups of minors, among which Roma, Sinti, and Travellers children can be highlighted. CERD, in a document published on 9 March 2012<sup>28</sup>, has recommended Italy to intensify efforts to:

- i. guarantee effective access to education for Roma, Sinti and other vulnerable groups children, through the adoption of all necessary measures in order to facilitate the inclusion of all Roma and Sinti children in the scholastic system (item 20);
- ii. ensure that the administrative provision that limits to 30% the number of children of non-Italian nationalities in every class, does not negatively influence the enrolment of the children from the most vulnerable (item 20);
- iii. adopt measures to facilitate access to citizenship of stateless Roma, Sinti, and for all the non-citizens that have lived in Italy for a number of years, and
- iv. adopt measures to reduce statelessness.

Finally, it has expressed particular preoccupation for the highly decentralised Italian system, that can arise differences among decisions and policies adopted at regional and provincial level (item 27)<sup>29</sup>.

It is believed that in Italy currently there are between 120,000 – 180,000 Roma, Sinti, and Travellers people. This makes up for the 0,25% of the Italian population, one of the smallest percentages in Europe; the 60% of the total is less than 18 years old. Around half are Italian citizens; 20-25% arrives from EU member states (mainly Romania), while the rest from non-EU member states (mainly from former Yugoslavia). The majority of the ones who do not have a residence permit are *de facto* stateless: many Roma children, although born and raised in Italy (numbering almost 15.000) are not Italian citizens; but at the same time, exactly because they were born and raised in Italy, they hardly obtain the citizen status from their parents' country of origin.

**Very few of Roma and Sinti have a formal education**, especially those who are foreigners. According to a recent survey, almost 20.000 Roma under the age of 12, mostly Romanian or former-Yugoslavian, evade compulsory school attendance, and it is estimated that "the rest of Roma and Sinti of the same age have a general educational arrearage of at least three years".

Compared to the previous school year 2012/2013, **Roma and Sinti pupils have further diminished**, falling around 11.481 registered students, the lowest number of the last six years.

This depends also on a set of objective conditions, such as the physical distance between their "camps" from the schools, the connection entrusted to "special" school buses for Roma children, that, in order to reach all the camps, often bring the children to school with great delay and pick them up much in advance, as well as the discriminations to which Roma and Sinti children suffer at school.

Notwithstanding some good practices, Italy is still much criticised by international institutions. The "nomad camps" policy, with few exceptions, does not exist in other European states. **The precariousness of housing conditions and the physical and social marginalisation preclude the full enjoyment of rights for Roma and Sinti children, including education and health**<sup>30</sup>.

In 2011, at the UN in Geneva Italy was examined on the implementation of the **UN**

<sup>28</sup> *Concluding observations of the Committee on the Elimination of Racial Discrimination 2012.*

<sup>29</sup> <http://www.gruppocrc.net/120-Non-discriminazione-pubblicate>.

<sup>30</sup> "I Diritti dell'infanzia e dell'adolescenza in Italia. 6° Rapporto di monitoraggio dell'attuazione della Convenzione ONU sui diritti dell'infanzia e dell'adolescenza in Italia. 2011-2012", edited by Gruppo CRC ([www.gruppocrc.net](http://www.gruppocrc.net)). Published on 6 June 2012. Available on : [http://www.gruppocrc.net/IMG/pdf/Cap\\_7\\_par\\_10\\_Minori\\_di\\_minoranza\\_etiche.pdf](http://www.gruppocrc.net/IMG/pdf/Cap_7_par_10_Minori_di_minoranza_etiche.pdf).

**Convention on the Rights of the Child (CRC)**, following which, the UN Committee on the Rights of the Child published its Concluding Observations (October 2011)<sup>31</sup>.

Many of the issues raised within the UPR, that specifically refer to children, have been taken and confirmed also by the above mentioned international mechanisms.

## 9.1 Financial Resources<sup>32</sup>

In Italy the problem of diminishing resources dedicated to children and specific funds dedicated to minors living in our country with their family persists. Furthermore, it continues to be very difficult to understand how and where resources dedicated to children are allocated, as well as what are the effects of laws, national economic measures and interventions at regional level and of local bodies.

For the three years 2013/2015 the Stability Law does not foresee funds for early childhood. The funds envisioned by the former Law 285/1997, 39,35 million Euro in 2014 and 38,8 million Euro in 2015, are maintained. It should be noted that there has been a decrease in the devoted share, from 43,9 million in 2009 to 39,35 million Euro in 2013.

The **Servizio per la Prima Infanzia** (Service for the early childhood) has been practically reset, 100 million Euro have been allocated for 2009 and 2010; from 2010 to today there has been no further funding.

The **Fondo per le Politiche per la Famiglia** (Fund for family policies) has gone from 186.600 million Euro in 2009 to 70 million Euro in 2012. Furthermore, the Fund has been dedicated to the services for early childhood, for families, for elderly and home care.

For the years 2014 and 2015, the Stability Law 2013/2015 allocates 21,184 million in 2014, and 21,389 million in 2015 for the Family Fund. For the Fondo pari opportunità (fund for equal opportunities) 11,550 million in 2014, and 11,679 in 2015; for the Fondo per le politiche giovanili (fund for youth policies) 6,8 million in 2014 and 6,7 million in 2015.

Furthermore, as was highlighted in the previous Follow-Up Monitoring Report, the National Action Plan for Children 2010/2011, published with seven years delay in January 2011, does not provide for financial coverage.

Setting aside the strong preoccupation for the constant contraction of direct and indirect resources for children, a **preoccupation also for the absence of national equalization instruments foreseeing the implementation of the fiscal federalism** (being them LIVEAS or Essential Levels of Performance) is here expressed. The lack of a definition for the Essential Levels of Performance, increases the inequality of services, performance, and thus life conditions and development of children living in different parts of our country.

## 9.2 Juvenile Law Reform<sup>33</sup>

As occurred during the last Follow-Up Monitoring Report, even this year the lack of an organic legislation reform pertaining to families and children, as well as the lack of a juvenile law reform can be highlighted.

In particular, the adoption of a law pertaining to juvenile detention, long requested also by the UN Committee on the Rights of the Child, the Council of Europe, and the Italian Constitutional Court, appear to be unpostponable. At the moment none of the elaborated reform projects could be adopted.

Nor have there been any efforts in creating a national observatory on the condition of juvenile detainees that sees the collaboration of institutional actors, NGOs, and research institutes. However the effort made by the Department of Juvenile Justice (Dipartimento della Giustizia Minorile - DGM) to make available on its website an always more increasing amount of data and statistics must be positively evaluated.

<sup>31</sup> <http://www.gruppocrc.net/Osservazioni-Conclusive-del-Comitato-ONU>.

<sup>32</sup> Data extrapolated from the paragraph "Risorse destinate all'infanzia e all'adolescenza in Italia" of the 6° Rapporto CRC, available on [http://www.gruppocrc.net/IMG/pdf/Cap-1\\_par-2-Le\\_risorse.pdf](http://www.gruppocrc.net/IMG/pdf/Cap-1_par-2-Le_risorse.pdf).

<sup>33</sup> Data extrapolated from the paragraph "I minori in stato di detenzione o sottoposti a misure detentive" of the 6° Rapporto CRC, available on: [http://www.gruppocrc.net/IMG/pdf/Cap-7\\_par-3-Minori\\_in\\_stato\\_di\\_detenzione.pdf](http://www.gruppocrc.net/IMG/pdf/Cap-7_par-3-Minori_in_stato_di_detenzione.pdf).

A “global” approach to juvenile detention is lacking, although the same institutions are aware that only a similar approach can tackle “factors of multiple discrimination”, concerning youth entering in the criminal circuit, “among which the younger age, legal status of offender, exposure to the risk of psychological and social hardship”.

### 9.3 Data Collection<sup>34</sup>

The lack in the Italian system for data collection, also disaggregated, concerning children and youth, underlined also in the previous Follow Up Monitoring Report, has been broadly highlighted also by the UN Committee in its recommendations to the Italian government. Such a gap in our system does not allow to measure the incidence of phenomena, and constitutes an obstacle for the planning and realization of adequate and qualified policies and interventions.

On a general basis, the lack of data, and consequently of monitoring, on public expenditures for children and youth both at central and local level, is confirmed.

Particular critical issues are highlighted especially for what concerns **children outside of the families** –data collection modalities remain fragmented and not homogenous at national level; a **database regarding children sexual abuse** is still not operational, and a national monitoring system for cases of abuse is still lacking.

Complete data are missing with regard to **school inclusion of students with disability**, this because of a national system for evaluation and auto-evaluation non inclusive of this aspect, as well as the presence of support teachers, and the fact that data of the Register for School Buildings, concerning the structural condition *et alia*, of all the Italian public school buildings are not public and available.

Finally, there is still a lack of **statistical data for children with disabilities in the age group 0-6**.

### 9.4 Violence against children<sup>35</sup>

The implementation of effective strategies contrasting all forms of violence and abuse against children cannot disregard a knowledge of the phenomenon grounded on reliable quantitative and qualitative data. Lacking still a national monitoring system of cases of abuse, only partial statistics are available, based on judiciary data. **From 2006 to 2010 denounced case of sexual violence against children have increased of 6%, while sexual acts with children of 25%.** In 2011 10,985 children were victims of sexual violence, prostitution, beating and threatening. It is surely an undervalued data, since the cases denounced are less than 10%. Regarding the **treatment and rehabilitation of victims**, interventions of care and psycho-therapeutical recovery are include entirely among the health services guaranteed by SSN in terms of local, hospital and home assistance (DPCM, 14 February 2001). Furthermore, another form of violence against children is present in Italy, which concerns all forms of involvement and recruitment of children in criminal organisations, often by mafia.

Last year an innovative step forward has been achieved in the knowledge of the phenomenon, thanks to the qualitative and quantitative research carried out in 2013 by two organisations members since the beginning of the Working Group for the CRC, a research which **for the first**

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<sup>34</sup> Data extrapolated from the paragraph “Raccolta dati” of the 6° Rapporto CRC, available on: [http://www.gruppocrc.net/IMG/pdf/Cap\\_1-\\_par\\_7-\\_La\\_raccolta\\_dati.pdf](http://www.gruppocrc.net/IMG/pdf/Cap_1-_par_7-_La_raccolta_dati.pdf).

<sup>35</sup> Data extrapolated from the paragraph “Abuso, sfruttamento sessuale e maltrattamento dei minori” of the 6° Rapporto CRC, available on: [http://www.gruppocrc.net/IMG/pdf/Cap\\_7\\_par\\_9\\_Abuso\\_sfruttamento\\_sessuale.pdf](http://www.gruppocrc.net/IMG/pdf/Cap_7_par_9_Abuso_sfruttamento_sessuale.pdf)

**time furnishes a picture on the incidence of ill-treatment in Italy**<sup>36</sup>.

The results of the study have confirmed that **100,000 children are under the responsibility of Italian Social Service every year exclusively for ill-treatment and sexual abuse**: therefore 0.98% of the child population. If we add the cases of children given in custody for other reasons, the figure rises to 150,000 children.

For its scope highly innovative and in order to concretely impact on the national policies to contrast abuse and ill-treatment, the project was reactivated in 2014 on a national scale, involving 250 Municipalities, thanks to the specific mandate and contribution of the Ombudsperson for the Child, and in cooperation with ANCI and ISTAT. The objective of the project is the systematisation of this innovative tool for monitoring the incidence of ill-treatment and abuse on a national scale, in a permanent manner, sharing with Ministries, ANCI and ISTAT the results and means **adopted by the research**<sup>37</sup>.

It is worth pointing out a systematic research, concerning the phenomenon of sexual abuse on 14-year old children emerging by the judicial action of the Penal Court in Rome, in the period 2000-2003, recently published by Giuliana Olzai, a first systematic study on this matter<sup>38</sup>.

Although physical and humiliating punishment<sup>39</sup> in all contexts, including the family, is a phenomenon opposed by the principles and the rights contained in the CRC, nevertheless it is still widely diffused and tolerated, both at global level and in our country.

Our legal system foresees an explicit prohibition to the use of physical punishment solely in schools<sup>40</sup> and prisons<sup>41</sup>.

It is necessary, hence, to intervene with greater clarity on the national legislation introducing a prohibition for corporal punishment. And this not only to conform the legislative text to jurisprudence and to the constitutional principles and to the norms and regulations referred to. Also because until the practice of corporal punishment is accepted as a means for imposing discipline, any possible violation of children's physical integrity could be actually tolerated or, rather, not actively contrasted on the legal, cultural, social and family basis. Normative change, although, should definitely have a strong impact on these forms of behaviour<sup>42</sup>, it must also be accompanied by awareness raising activities capable of obtaining a cultural change in order to protect children and youth from any form of violence.

Therefore, in order to achieve a concrete cultural change it is necessary to promote examples of positive parenthood<sup>43</sup>.

In any case, Italy's ratification of the Lanzarote Convention is a positive note: today, finally, sex tourism and on-line enticement are considered offences.

On the other hand, there is a total absence of data regarding violence on children with disability (CRPD, art.7).

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<sup>36</sup> "Maltrattamento sui bambini: quante le vittime in Italia?". The study made by CISMAI and Terre des Hommes has involved about 50 Italian Municipalities. For details: <http://terredeshommes.it/cosa-facciamo/progetti-italia/>.

<sup>37</sup> For further information see also, [www.gruppocrc.net](http://www.gruppocrc.net).

<sup>38</sup> Olzai G., *Abuso sessuale sui minori. Scenari, dinamiche, testimonianze*, Antigone Edizioni, Torino, 2014

<sup>39</sup> See 6° Rapporto CRC e 7° Rapporto CRC, available on [www.gruppocrc.net](http://www.gruppocrc.net).

<sup>40</sup> Regolamento Scolastico 1928; Cass. Sez. I, ord. 2876 del 29/03/1971: "...*gli ordinamenti scolastici escludono in maniera assoluta le punizioni consistenti in atti di violenza fisica*".

<sup>41</sup> Legge n. 354/1975 - Norme sull'ordinamento Penitenziario, "*non consente l'impiego della forza fisica nei confronti dei detenuti*".

<sup>42</sup> For example in Sweden 14,1% of parents declare they have slapped their children, while in France, where corporal punishments are prohibited, 71,5% of parents still do it. Data extrapolated from the research: *The Effect of Banning Corporal Punishment in Europe: A Five-Nation Comparison*, October 2009.

<sup>43</sup> It is highlighted that in 2011 Save the Children Italia has launched an awareness raising campaign "A MANI FERME. Per dire NO alle punizioni fisiche contro i bambini", within which IEC materials have been prepared among which a *Guida pratica alla genitorialità positiva. Come costruire un buon rapporto genitori-figli* a leaflet for parents. All materials are available on [www.savethechildren.it/amaniferme](http://www.savethechildren.it/amaniferme). The campaign has been realized within the Project "Educate, do not punish", financed by the European Commission within the Daphne III Program.

## 9.5 Unaccompanied Minors<sup>44</sup>

### *Recommendation no.34,*

Concerning to **shelter unaccompanied foreign minors**, it must be evidenced that the issue regarding the right to protection and shelter is still open.

**In 2013** almost 43,000 migrants came in **by sea** in Italy, of which about 5,200 unaccompanied minors (UM)<sup>45</sup> and 3,000 minors travelling with their families. Although the number of adults has almost tripled compared with arrivals in 2012, the number of MNAs has less than doubled, but the number of minors arriving with their families has exponentially increased: figures for 2013 show their number has increased ten-fold if compared with the previous year. Even the origin of children has changed: almost all of the accompanied minors come from Syria (2,240), instead the most of the UMs are from Syria (1,224), Egypt (1,144), Somalia (820) and Eritrea (685)<sup>46</sup>.

Although the number of arrivals by sea has increased, the number of MNAs in Italy has remained almost constant if compared to the previous year.

As of 31 January 2014, **7,824 are the MNAs reported by the communities** to the Ministry of Labour and Social Policies - Gen. Direction for Immigration and Social Integration - 1,872 of which came out untraceable at the same date. The majority of the reported UMs (6,150) are young boys aged between 16 (1,962), and 17 (4,238). Regarding nationalities, an increase in the number of Egyptians (1,697) and Albanians (915) is noticed, while are slightly decreasing UMs from Bangladesh (1,026)<sup>47</sup>.

Although the number of arrivals and presence of UMs has decreased and in spite of the commitments officially undertaken by the Ministry of Labour and Social Policies, **no reform of the shelter system for unaccompanied foreign minors has been passed in 2013.**

During 2013 there has been no change concerning **age-checking** techniques. The failed adoption on a national scale of the so-called Ascone 23 Protocol, as well as the systematic and diffused use of wrist X-rays to determine the age of minors, are elements of grave concern.

### *Recommendation no. 40*

Regarding the **Right to Citizenship**<sup>48</sup>, formally accepted by our Government, the Recommendation in our opinion is still non accepted.

Concerning the right to citizenship of foreign minors born in Italy or arrived in the country as children, the inspiring principle of the current Law regarding citizenship 91/1992 is the *jus sanguinis*, or, the right to acquire Italian nationality if one of the parents is Italian. This rule states that the minor born in Italy from foreign nationals can become an Italian citizen, provided that he has legally resided in Italy with no interruptions up to the age of 18, and provided that he claims Italian nationality within a year from that date (art.4,co.2). It can

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<sup>44</sup> Data extrapolated from the paragraph "Minori stranieri non accompagnati. Il diritto alla protezione e all'accoglienza nel 6° Rapporto CRC e 7° Rapporto CRC, disponibile al link, [http://www.gruppocrc.net/IMG/pdf/Cap\\_7\\_par\\_1\\_Minori\\_stranieri\\_non\\_accompagnati.pdf](http://www.gruppocrc.net/IMG/pdf/Cap_7_par_1_Minori_stranieri_non_accompagnati.pdf)

<sup>45</sup> With "unaccompanied minors" we intend to refer to minors in Italy without assistance and representation by parents or other adults legally responsible for them.

<sup>46</sup> Data provided by the Interior Ministry to Save the Children - partner of the Progetto Praesidium. For more information regarding the profile of children arriving by sea: Save the Children, *Dossier minori migranti in arrivo via mare 2013*, dicembre 2013, available on: [http://risorse.savethechildren.it/files/comunicazione/Ufficio%20Stampa/I%20MINORI%20IN%20ARRIVO%20VIA%20MARE\\_2013.pdf](http://risorse.savethechildren.it/files/comunicazione/Ufficio%20Stampa/I%20MINORI%20IN%20ARRIVO%20VIA%20MARE_2013.pdf).

<sup>47</sup> Source: Report Nazionale Minori Stranieri non Accompagnati al 31/01/2014, Ministero del Lavoro e delle Politiche Sociali - D.G. dell'Immigrazione e delle Politiche di Integrazione - Divisione IV. Available on: [http://www.lavoro.gov.it/AreaSociale/Immigrazione/minori\\_stranieri/Documents/Report%20MSNA31012014.pdf](http://www.lavoro.gov.it/AreaSociale/Immigrazione/minori_stranieri/Documents/Report%20MSNA31012014.pdf). Updated data are published on a monthly/two months basis.

<sup>48</sup> Data extrapolated from the paragraph "Diritto di registrazione e di cittadinanza" nel 6° Rapporto CRC e 7° Rapporto CRC, disponibile al link, [http://www.gruppocrc.net/IMG/pdf/Cap\\_3\\_par\\_1-Diritto.pdf](http://www.gruppocrc.net/IMG/pdf/Cap_3_par_1-Diritto.pdf)

often occur, though, that the new adults of foreign origin, not aware of the above mentioned temporal restriction, do not apply for citizenship in time, thus losing the opportunity to the recognition of such right. The excessive strictness of this rule, only in part mitigated by two subsequent Circulars of the Ministry of Internal Affairs of 2002 and 2007, prevents *de facto* many 2nd generation minors, born and raised in Italy but lacking the specific characteristics of legal and ongoing residence, from the possibility of acquiring citizenship.

Furthermore, the Law 91/1992 does not contemplate any provision for the acquisition of citizenship for minors, born from third-country national parents, arrived in Italy as infants. Once reached the age of 18, no possibility of acquiring the citizenship is contemplated, except for the official procedures already foreseen for adults (10-year residence or marriage).

A last critical point of the Law 91/1992 is obstacle deriving from the impossibility of performing the oath required for obtaining the citizenship on behalf of minors with any kind of pathology limiting their capacity of discernment.

**If, on one side, current legislation reveals all its problems above indicated, on the other hand, and this makes even more urgent a legislative reform of the matter,** statistical data show a well-established presence of minors born in Italy from foreign parents.

ISMU Foundation estimated that 294,000 foreigners didn't have a legal residence permit as of 1 January 2013, equal to the 6% of foreign presence in Italy<sup>49</sup>.

According to the latest ISTAT figures, foreign residents in Italy have been 4,387,721 as of 1 January 2013, 334,000 more than the previous year (+8.2%). The latest census registers an increase in the number of third-country nationals, out of the total residents (Italians and foreigners), from 6.8% on 1 January 2012 to 7.4% on 1 January 2013. Foreign new-born children in 2012 represent 15% out of the total of new-born children in Italy. Compared to 2011, the increase in the number of foreign children is 1%, while in 2010 it was 1.3%.

Minors of foreign origin born in Italy, the so-called "second generation", are nowadays more than 500,000, a bit less than 60% out of the total of foreign resident minors.

## **9.6 National Ombudsperson for Children and Adolescents<sup>50</sup>**

In 2011 a law establishing a National Authority was passed, and in November of the same year the first National Authority for Children and Adolescents was appointed. 2012 has been however the first year that in Italy this institution was present even if its operative guidelines were approved solely in September 2012. The Stability Law 2013/2015, has nevertheless confirmed for 2013 a funding of 1,000,000 Euro for the Office of the National Ombudsperson for Children and Adolescents. In its bylaws the rules for the activities of the Ombudsperson are specified.

In particular the premises, the composition and organization of the Office (art. 4,5), as well as the organisation of the National Convention for the Protection of the Rights of Children and Adolescents (art.8).

On 10 April 2014, the Third Annual Report was presented in Parliament<sup>51</sup>.

The **National Convention for the Protection of the Rights of Children and Adolescents**<sup>52</sup>, has become operational since 2013, chaired by the Ombudsperson and composed by the Regional Ombudspersons (from Calabria, Campania, Emilia Romagna, Lazio, Liguria, Marche, Molise, Puglia, Tuscany, Umbria, Veneto and the Ombudspersons from the Autonomous Provinces of Bolzano and Trento). The Convention met three times in 2013. It is foreseen the appointment of as Ombudsperson Coordinator, who will be the Ombudsperson of the Regione Lazio.

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<sup>49</sup> Fondazione ISMU, *Diciannovesimo rapporto sulle Migrazioni 2013*, Franco Angeli, Milano 2014.

<sup>50</sup> Data extrapolated from the paragraph "Istituti di garanzia e tutela dell'infanzia e dell'adolescenza" nel 6° Rapporto CRC, disponibile al link, [http://www.gruppocrc.net/IMG/pdf/Cap\\_1\\_par\\_5-Istituti\\_di\\_Garanzia.pdf](http://www.gruppocrc.net/IMG/pdf/Cap_1_par_5-Istituti_di_Garanzia.pdf)

<sup>51</sup> Available on: <http://www.garanteinfanzia.org>.

<sup>52</sup> Art. 8 of Bylaws.



With reference to the functioning of the management structure of the Authority a serious difficulty is registered due to the halving of the funds allotted, and 'the prohibition of employing experts'<sup>53</sup>.

The **Consulta Nazionale delle associazioni e delle organizzazioni** (national board of associations and organisations) has been established since December 2013, as stated in the bylaws of the Authority.

Regarding the **Regional Ombudspersons for the Protection of the Rights of the Children and Adolescents**, only Valle d'Aosta and Abruzzo<sup>54</sup> didn't approve a law for the creation of such a mechanism. Nevertheless, laws concerning Authorities present great differences as for tasks, duties and resources, creating thus a further difference in the access to rights. With regard to the appointment, currently when preparing this report, only **10 Regional Authorities are active**, plus the **two** from the Autonomous Provinces of Trento and Bolzano, even if two of them do not have an exclusive mandate<sup>55</sup>.

Considering the present Bill to be passed in Parliament, concerning the establishment of a National Independent Human Rights Institution, a special attention should be put in the final definition of such law, giving particular attention to the junction with the National Authority for Children and Adolescents, in order to implement an approach including fully the rights of children within a strengthened framework of national reference on human rights.

## **10. Prison Overcrowding, Rec. 45, 46.**

### *Recommendations 45 and 46*

Both accepted, claim initiatives aiming to reduce Italian prison overcrowding, by suggesting the adoption of alternative measures to seclusion and the possibility of reintegration of foreign detainees.

In May 2013, the European Court of Human Rights condemned Italy to solve the problem of prison overcrowding and the reimbursements to detainees victims of this problem within a year, that is, by May 2014. On 8 January 2014, the European Court has actually sentenced Italy for the inhuman and humiliating conditions suffered by seven detainees in the prisons of Busto Arsizio and Piacenza: they shared a single cell of 9 m<sup>2</sup> with two more inmates and did not have always access to the showers, often with no hot water. The European Court, rejecting Italy's appeal, sentenced Italy to refund them with almost 90,000 Euro and gave the Italian government a year in order to solve the problem of prison overcrowding and introduce in its rules measures aiming to improve the detainees' conditions, as well as a refund for the suffered damages. Furthermore, it raised doubts on the measures adopted since 2010, in particular the so-called "Piano Carceri (Prison Plan)", inviting the Italian government to put in place alternative measures to imprisonment and reduce to the minimum the practice of preventive detention.

In relation to this, the Legislative Decree n.78, 2013 has meant to give a new impetus to the "Prison Plan" thanks to a series of measures concerning the execution of the sentence aimed at solving overcrowding. The Minister of Justice, Mrs Cancellieri, declared, hence, that within May 2014, other 4,000 new detention places are foreseen, while the completion of the 'Prison Plan' will result in almost 10,000 places before the end of 2015. These numbers should be reached through the creation of new places in buildings currently used as judicial psychiatric hospitals and the reopening of detention spaces in the Isle of Pianosa, the reduction of the preventive detention while awaiting for the trial, and the increase of social useful work.

However, such an increase of prison capacity and its timing in terms of overall increase seems to be insufficient with reference to carrying out the objective of responding promptly and in a

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<sup>53</sup> [http://www.repubblica.it/solidarieta/diritti-](http://www.repubblica.it/solidarieta/diritti-umani/2014/06/18/news/crisi_la_povert_riguarda_oltre_300_mila_bambini_in_italia-89370105/)

[umani/2014/06/18/news/crisi\\_la\\_povert\\_riguarda\\_oltre\\_300\\_mila\\_bambini\\_in\\_italia-89370105/](http://www.repubblica.it/solidarieta/diritti-umani/2014/06/18/news/crisi_la_povert_riguarda_oltre_300_mila_bambini_in_italia-89370105/)

<sup>54</sup> Abruzzo, with Regional Law n. 46 of 2 June 1988, has appointed through a convention the function and role of "Difensore dell'infanzia" to the Comitato Italiano per l'UNICEF.

<sup>55</sup> In Marche, the Ombudsperson deals with adults and children; in Trento, the ombudsperson is the Authority for the promotion and protection of children rights.

complete way to the sentence of the Strasbourg Court.

As of 30 September 2013, 12,109 detainees have been released from national prisons, 3,478 of which foreigners, thanks to the Law 199/2010, the so-called "sfolla carceri (evacuate prisons)".

As of 31 October 2013, according to the figures by the Department of Prison Administration (DPA), the 205 Italian detention institutions count 64,323 detainees, out of 47,668 places as per regulations (2,800 of which are women).

About the problem of lack of staff, the DPA states that only 416 managers are employed, when the number forecast should be of 534 units, with a gap of 22.1%. 1,002 legal-pedagogical officers are active (called 'educators' in the past), while they should be 1,376, with a gap of 27.2% and officers for the social service are only 1,058 instead of the foreseen 1,630, with a gap of 35.1%.

The prison guards should be 41,281 units, but only 37,590 of them are active, with a gap of 8.9%: this apparently seems to be just a slight shortage, but in reality it does not take into consideration the massive number of operators are not employed in prisons, instead are displaced elsewhere, in offices external to the DPA and the Ministry of Justice, such as Parliament, non-judicial offices of the Ministry of Justice, judicial and non judicial offices of Rome or other cities with no detention structures, Presidency of Council of Ministers and "bodies of constitutional level" such as President of the Republic, Government, Parliament, Constitutional Court and others.

Furthermore, the foreseen implementation of the staff of the prison guards on behalf of the Government hasn't been effected. The staff is therefore insufficient, and besides having to face this *per se* difficult management, it must cope with a number of detainees higher than the regulatory capacity in a disproportion that is to the detriment of both the staff and the inmates themselves. Therefore the relation always closer between overcrowding and suicides rate remains constant, favoured also by the horrible living conditions in the structures.

To this purpose, the Sindacato Autonomo Polizia penitenziaria (Sappe) (Autonomous Penal Police Trade Union), in August 2013, appealed to the Government in order to solve as soon as possible "the critical and tragic situation of Penal Police staff". Due to the fact that there are 20,000 more inmates than the 43,000 effective bed places in the Italian detention structures, with all factors of danger and mistreatment considered, the members of the Penal Police staff are decreasing every year by 800-1,000 units, for physiological reasons, without being appropriately replaced. From 2008 to 2013 almost 7,5000 units have been lost, which have not been compensated.

Overcrowding is also to be considered in terms of social costs: since 2007 detainees increased by 50% and the resources from the DAP have decreased by 10%.

In 2012, the standard daily cost per inmate was 124,73 Euro. As of 30 June 2013, the situation seems to be have slightly improved, decreasing to 123,78 Euro, but for final data it will be necessary to wait for the end of the year.

#### *Recommendation 46*

Suggested "the adoption of alternative measures to the deprivation of liberty... and the possibility of reintegration of foreign prisoners".

The "Prison Plan" foresees to this purpose the broadening of the detention model, called "open", where all the rooms where detainees sleep are places considered only for resting and not for the unfolding of almost the entire day activities. This administrative measure will be tuned up by a special Commission and addressed mainly to detainees classified as needy of low-medium security measures. This involves almost the totality of the detained population, that is more than 50,000 inmates. "Open" detention is already in effect, and it implies to remain out of the rooms for the night and out of the section of 29% of the detainees and according to the Government plan, in April 2014 79% of inmates will benefit from this

condition. The possibility for open detention will be accompanied by other interventions, such as the extension of working activities inside the reorganisation of the detention system. Fund management foresees to re-allocate resources according to a national plan of elaboration of the spaces internal to detention structures adequate to accommodate working activities.

Regarding the possibility for professional reintegration of detainees, in 2012 those working in prison were 13,808, that is, 21.02% of the detained population, 11,557 of which employed directly by the Prison Administration and 2,251 by external employers (non-profit organisations and cooperative associations). As of 30 June 2013, detainees working in prisons were 13,727, that is 20.79% of the of the detained population, 11,579 of which employed directly by the Prison Administration and 2,148 by external employers. These percentages have thus remained almost unchanged.

As per the new Directives, the companies employing working detainees will benefit of the tax credit until 31 August 2013 and the tax reliefs until 31 December 2013. This legal provision should make available the sum of 16 million Euro for the implementation of the so-called "Smuraglia Law". This fund had been foreseen by the 2013 Stability Law (no.228/2012) and provides to boost alternative measures, such as a job after detention: a rehabilitation element which reduces recurrence in almost 98% of the cases.

As for rehabilitation of detainees, for treatment activities (educational, cultural, leisure, sports) daily 0,23 Euro pro capita are spent, amount which hampers the implementation of rehabilitation.

Foreign detainees were 23,492 in 2012, and have decreased to 22,586 as of 31 October 2013, 1,109 of which women. The slight decrease registered in 2013 can be explained with the effect of the "evacuate prisons" law, and in part with the sentence of the European Court of Justice, which in April 2011 sanctioned the Italian judges the duty of disapplying the rules contained in the Bossi-Fini Law which provided for the arrest of the non-EU person with irregular documents. Many foreigner detainees have committed violations connected with the use or possession of drugs. At least 36% of the detained population is in prison for violations to the Fini-Giovanardi Law on drugs. Alternative measures to detention, when applied, gave good results, with a recurrence of 0.46%. It would be useful, thus, to revise penalties and the alternative measures to detention and their applicability, especially for foreigners.

## **11. Torture, Rec. 4, 6, 8**

Refer to paragraph "1. *Civil and Political Rights and International Instruments*"

## **12. Human trafficking, Rec. 83, 84, 85, 86, 87, 88**

On 15 April 2013, the European Commission presented the first Report on trafficking in human beings, where the role of Italy emerges as the first country to have this sad record: 1,624 cases in 2008, 2,421 in 2009 and 2.381 in 2010. Victims under the age of 18 are mostly girls, exploited mainly through prostitution and arriving from Eastern Europe or Nigeria. However, also there is starting to be evidence of boys exploitation (Egyptians, Chinese), while trafficking and serious exploitation concern also children coming mainly from Romania, in particular Roma, involved in cases of prostitution, begging, and illegal activities.

At risk of exploitation and trafficking are also other unaccompanied minors "in transit" in our country, such as the Afghans. It is estimated that 30,000 children in Italy are involved in hazardous work with danger for their health, security or moral integrity. Among them there are both Italian and minors of foreign origin, above all Egyptians; minors aged between 13 and 16, are mainly exploited in commerce (groceries, bars, restaurants, bakeries, wholesale markets).

On 30 May 2013, the European Commission opened an infringement procedure (no. 2013/0228), sending to Italy a letter of formal notice of default (ex. art. 258 TFUE) for failing to transpose the Directive 2011/36/UE of 5 April 2011, on preventing and fighting trafficking in human beings and protecting its victims, replacing the decision framework of the Commission 2002/629/GAI.

Then, Italy with the European law of delegation of 12 July 2013, art.5 of the provision, has dictated specific proxy criteria for the transposition of the above-mentioned directive on trafficking of human beings and protection of victims.

These guiding criteria foresee that the implementation of the Directive must be applied with no prejudice on rights, obligations, responsibilities (both of individuals and of the State), enforced by the international humanitarian law; they insist on the coordination for the protection, care and the right for asylum for the victims of trafficking in human beings; on the necessity of adopting effective procedures to facilitate the identification of unaccompanied minors, and to inform the minors themselves of their rights, with particular reference to international protection, and on the decisions undertaken towards them, taking into pre-eminent account the superior interest of the child.

The Italian system of social protection for the victims of trafficking is based on three action pillars: emersion, identification and first aid, socio-occupational integration or their attended return.

These pillars are completed by the following interventions:

**National anti-trafficking dedicated hotline (800.290.290);**

**First Aid Program**, based on **art. 13** "Institution of a special program of assistance for the victims of crimes mentioned in art. 600 and 601 of the Penal Code" of the Law 228/2003 ("Measures against trafficking in human beings");

**Program of Assistance and Social Integration** based on **art.18** "Stay for social protection reasons" of d.lgs. 286/98, "Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero (Collection of measures concerning immigration and norms on the condition of foreigners".

Since 2006 projects ex art.13 grant assistance to supposed victims of trafficking and to those already identified as such for a minimum period of three months, which, if possible, can be extended for another three months. During this period, the people taken in charge from the State or private social bodies have the right to appropriate boarding and housing, health and legal care. In many cases, once concluded the individual project ex art. 13, the persons continue to receive assistance within other projects ex art. 18.

**From 1999 to 2012, the Department for Equal Opportunities has co-financed 665 projects ex art.18.** For more than a decade, hence, through these projects, trafficked people can access the following services and activities aimed at the socio-occupational integration and, therefore, achieve personal independence; **from 2006 to 2012, 166 projects ex art. 13 have been funded.**

At the bottom of the "critical approach" in facing the phenomenon of trafficking in Italy, there is the poor political will of implementing a "national anti-trafficking plan of action"; as well as "the late transposition of the European Directive 36/2011"; but also "the lack of a *National Rapporteur*", and, therefore, the non-compliance with European and international rules and guidelines that Italy has supported, transposed or ratified during the latest 15 years (e.g. the above mentioned European Directive 36/2011 on prevention and repression of trafficking in human beings and protecting its victims; Convention on Action against Trafficking in Human Beings of the Council of Europe, 2005; OSCE Action Plan against Trafficking in Human Beings, 2003; ILO).

Uncertainty, shortage of resources and progressive cuts to funding of programs ex art.13 and 18 condition and penalize anti-trafficking interventions and, then, victims' protection notwithstanding the, albeit flawless, provision of law that the Italian legislator has envisaged

### **13. Independence of Information, Rec. 50, 51, 52, 53, 54**

As already noted, on the occasion of the launching of the UPR Follow-Up Monitoring by the Comitato in July 2011, the *Recommendations 50-54* on media freedom addressed to Italy, even if formally accepted, have actually been widely rejected by the Italian government (A/HRC/14/4/Add.1, 31 May 2010), opposing to each observation the validity of the current

legislation, including the request for decriminalisation for the offence of defamation. The Report of the Italian Government accepts with no reserve *Recommendation 54* concerning the protection of journalists threatened by organised crime, also because it is thought that it "has already been implemented or is in the course of implementation". Today's report of "*Ossigeno per l'Informazione* (Oxygen for Information)", represents, hence, a timely disclosure on the implementation of the above Recommendation as per what concerns journalists subject to threats by the crime, but also for what concerns the limitations to the freedom of the press, due to the current legislation on the offence of defamation. The only field of reform of media in which a reform process has been started by the current legislature.

As for what concerns the other recommendations made by the Member States and the international organisations participating in the UPR mechanism, and in particular those on media concentration, lack of independence of public media and the conflict of interest, Italy has continued to oppose the current legislation, the so-called 'Gasparri Law' (n. 112, 2004), and 'Frattoni Law' (n. 215, 2004), stating their efficacy in guaranteeing media freedom. The Italian government has reaffirmed this position, quoting its own report presented during Italy's UPR revision, and when discussing CERD report on Italy (CERD/ITA/16-18) on February 2012. In this last occasion, the Italian government has claimed the adequacy of its own legislation in terms of broadcasting with the aim of guaranteeing pluralistic and non-discriminatory public service.

The Italian position, adopted up to now, has avoided taking into any account the critical observations and the recommendations of the international mechanisms, e.g. the Report on Italy by the *Special Rapporteur on the promotion and protection of the right to freedom of opinion*, by the UN Human Rights Council<sup>56</sup>, who refers to previous negative evaluations about the Italian current legislation about media, on behalf in particular of the OSCE High Representative for Media and of the Venice Commission of the Council of Europe, recommending the revision of the current legislation on media: "*The Special Rapporteur strongly recommends that the Government revisits its legislation*".

### **13.1 Intimidations**

The Law on the press no. 47 of 1948 and the articles of the Penal Code in the matter of defamation and professional secrecy of media have not yet been reformed. These norms allow for intimidating acts that determine the darkening of news and opinions always more extensive. Violence, often unpunished, malicious complaints, judicial abuses, unfavourable judicial proceedings, funds in exchange for giving up pluralism allow the realization of that form of "camouflaged censorship" as the Council of Europe Commissioner for Human Rights, Nils Muiznieks, described the Italian case<sup>57</sup>.

Every year hundreds of Italian journalists are victims of this form of censorship. Despite the phenomenon is evident, the public authorities and media give it no attention. Even the detailed investigation conducted by the Commissione Parlamentare Antimafia (Antimafia Parliamentary Commission) in 2012, had little political and media impact. It comprised the dramatic witness of ten journalists, of three different regions (Calabria, Campania, and Sicily), threatened because their work. On the basis of the collected evidence, the Commission has addressed urgent recommendations to the Parliament and to the government, which have yet to be accepted. Amongst other things, the Commission has requested: more protection for journalists; an investigation of the effective ownership of media suspected of mafia infiltrations; the full acknowledgment of the professional secrecy of reporters.

The Parliamentary investigation enlightened strongly the difficulties of the media professionals in the regions where organised crime is historically rooted. The same type of intimidations, as

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<sup>56</sup> Who in his report Addendum A/HRC/26/20/Add. 3 published on 29 April 2014 underlines the importance of establishing in Italy a national human rights institution in line with the Paris Principles also for what concerns these issues..

<sup>57</sup> <http://www.ossigenoinformazione.it/2012/06/troppi-giornalisti-minacciati-commissario-diritti-umani-consiglio-europa-cita-litalia-8682/>

other data reveal, occurs in all areas of the country, with the exception of the centre of metropolitan areas, where the presence of a high number of journalists and newspapers, in competition between each other, makes it impossible to hide relevant information. But this effect, though, is already not present in suburbs of metropolitan areas. Many journalists submit to impositions, are forced to self-censorship, or suffer censorship imposed through threats. Others rebel and are subjected to reprisals. For these reasons, Italy, from 1960 to 1993, has witnessed 11 murders of journalists working on mafia and terrorism investigations. From 2007 to 2013 many journalists have received death threats because of their work, and at least ten of them live under permanent armed protection. Hundreds of journalists receive similar threats and intimidations. Some of them have suffered such threats as to oblige police forces to systematically protect them with weapons. Other hundreds of journalists have to defend themselves in court from malicious allegations, covering their own legal expenses, which are often much higher than their salaries. Only a few journalists denounce intimidations. The others do not have the strength to do so.

A great part of intimidations is carried out through the abuse of defamation norms, of judicial procedures, and of other current laws allowing for the intimidation of journalists and newspapers that have published unpleasant information. The possibility for the accuser of claiming damages with unlimited refunds, forces many journalists into self-censorship.

The official statistics do not show specific data on the phenomenon. The government does not supply information in its possession to Parliament members who have requested them with repeated parliamentary questions. The Anti-mafia Commission has initiated its investigation based on data from the independent observatory "Ossigeno per l'Informazione", who continuously monitors the phenomenon and publishes the names of threatened journalists and victims of abuses, through a classification of 30 different types of intimidations. According to data the journalists threatened in Italy from January 2006 to June 2013 are 1900. From January to October 2013, they have been 306. In the first five months an increase of 50%, with respect to the previous year, has been registered. The experts of the Observatory have declared to the Anti-mafia Commission that the observatory is informed of many other episodes which cannot be made public as required by the victims or because there is not sufficient documentation. According to these considerations, Ossigeno estimates that for each case made public by the observatory there at least ten more. In 2012, the at the time Anti-Mafia Prosecutor General, Pietro Grasso, currently President of the Senate has quoted the data reported by Ossigeno stating that "they cannot but cause concern".

### **13.2 Defamation**

Defamation continues to be regulated by the legislation that has provoked the Recommendations contained in the report presented in Geneva on 3 March 2005. In 2013, the Parliament initiated the discussion of a new law proposal that has been approved on 17 October 2013, by the Chamber of Deputies and transmitted to the Senate, where, at the date when this report has been written, it still has to be examined. The text at the Senate doesn't fully uniform Italian legislation to international standards, it does not prevent the malicious advocating of the right to protect ones own reputation in order to limit freedom of expression and information.

The main novelty concerning the proposal of law is the elimination of the possibility for detainment foreseen for journalists, up to six years, expected for journalists incurring in the offence of defamation. Parliament hesitates to promote this step in spite of the repeated calls of the President of the Republic and notwithstanding the arrest of the journalist Alessandro Sallusti (2012) and the journalist Francesco Cagemi (2013) have aroused clamor and indignation. The European Court of Justice in recent years has accepted several appeals by Italian journalists sentenced to prison.

The law proposal envisions other positive novelties: the judge will be able to impose an economic sanction (albeit limited) to those presenting malicious complaints; the aggravating factor applicable will fall when the victim of defamation is member of the higher institutions or one of these institutions; the deadline within which any civil action for damages to the reputation will be reduced from ten to two years.

Instead, the main recommendation of the international institutions, i.e. the request to penalize defamation, has not been taken into consideration by the Parliament. Other

disappointing aspects are the following: the reform doesn't put on the same level judicial needs and professional secrecy of journalists; it doesn't forecast swift timing for rejecting lawsuits and civil actions unfounded; it doesn't reduce the duration of trials for defamation which last for many years; it doesn't place a ceiling to the amount of damages that can be requested to a journalist.

Furthermore, the law currently under discussion, doesn't fix the economic penalty to the economic capacity of the accused; it allows economic penalties so high as to induce a journalist to interrupt his career; it leaves the judge the faculty to inflict the suspension of the journalist activity; rectification becomes the cause of non-punishment, only on the condition that it is published without comments, without distinguishing between the correction of the judgements and opinions; broadcasting media and web information are assimilated considered in part to the rigid rules foreseen for the press.

### **13.3 Discrimination and gender stereotypes disseminated through information**

Starting from 2012 and during 2013, in front of dramatic cases of "femicide", and in front of the defaults of the Italian State disclosed by the 2011 UN Recommendations to Italy, the Special Rapporteur Rashida Manjoo carried out a cognitive mission to Italy. With the Report she presented in Geneva on 25 June 2013, she put into evidence her concern about the representation of the woman as a sexual object and about the stereotypes on the roles and responsibility of men and women in the family and in society.

The Report calls for Italy to commit "to eliminate all stereotypical attitudes about the roles and responsibilities of women and men in the family, the society and in working places". It also confirms this way what is since long time subject of complaint in Italy on behalf of women's and journalists' associations: the bad quality of information and communication in gender representation and its being a vehicle for conveying stereotypical opinions, habits and attitudes that discriminate the woman and to not contribute in the creation of a culture of respect in the relationship between sexes, aimed also at preventing the "femicide". A form even this of discrimination.

Due to women's mobilization, to an increasing number in society and on the web of contributions denouncing and analysing the way information represents women, or offends them, especially on the web, all this has contributed to make information take a leading role in the worries and expectations of the civil society on gender issues. An information constantly examined and criticized because of the enduring stereotypes, starting from those hiding the real nature of "femicide" under the veil of "passion". The repeated use in the daily news on domestic violence and in the titration of sentences such as "killed in a raptus of insanity", "blinded by jealousy", "he killed her because he loved her too much", does not help understand that the woman is killed solely for being a woman, it hides the data referring to her freedom, thus perpetuating the stereotype of the woman as an object of male possession.

In civil society and among women, there is a growing awareness, that the information is using a constantly discriminating language when it gives only the masculine declination of professions of women on top of professions and institutions, as a neutral form is not available in the Italian language. This is a critical field of action entrusted only to a cultural change, inside the editorial team, which also institutions should promote through education and training.

In the past few years, shy progress has been taking place (starting from the use of the term "femicide" always more frequent in mass media), but in general a woman's discriminating representation still persists. This is even more evident in the use of language that, in front of the rise of women at the top levels of institutions, in politics or in professions, it continues to define them mainly in masculine denominations.

The image of the woman as a sexual object is still widely diffused in television, in advertisement, in web sites and in on line magazines, despite the repeated claims for a correct

gender representation, both among journalists, CSOs, and high levels of the public institutions starting from the President of the Republic.

The web has distinguished itself with real and effective campaigns with insults and intimidations to women engaged and exposed, politicians and journalists included. Generally information, even the press, is scarcely interested and informs about issues regarding women's health, the implementation of laws concerning women (even on their reproductive liberty), and discriminations at work.

More awareness is present among journalists, as an effect of their mobilisation on the journalists. This is obvious both from the selection of training as privileged field of action, as well as the showcasing of two examples of deontological violation in news concerning women, committed by Alessandro Sallusti, director of Il Giornale, who was fined with a disciplinary action by the Association of Journalists.

Some change for a more correct image of the woman has been registered in the public broadcasting, thanks to the obligations included in the service contract, and as an effect of the decisions of the top management, led by the President, Ms Tarantola, who has adopted a Policy (presented on 25 October 2013), with regard to gender for the promotion of equal opportunities and a correct representation of the image of the woman. RAI has interrupted the "Miss Italia" program, but, on the other hand, in the news there still is a prevalence of male commentators and women are still relegated in traditional roles such as 'victims' or 'showgirls'. It is quite uncommon to have women who are scientist, economists, and political experts... among the commentators. In television, female politicians are still widely underrepresented. During the electoral campaign, norms promoting 'gender par condicio' have often been violated in television political debates.

Thus, noting all these forms of discrimination, we still consider insufficient the Government claim to constitutional principles relating to the information provided by RAITV, a public service.'

### **13.4 Media campaign against counterfeiting persons with disabilities**

For years now, people with disabilities who receive a pension or compensation are at the center of media campaigns rather impressive, sometimes verbally violent<sup>58</sup>. In conjunction with the start of the financial and economic crisis, public institutions have launched yet another campaign in search of the "false disabled", quickly picked up by newspapers that have connoted it as offensive and discriminatory<sup>59</sup>. The start of special controls by INPS obtained some savings, but only 0.67% of the annual expenditure for pensions and allowances. In front of such weak numbers, there are the hardships suffered by person with disabilities, often called to medical visits despite serious health conditions, and the blockade of the ordinary activities for the recognition of performance. The Court of Auditors noted in its most recent inspection control that persons with disabilities are waiting an average of 299 days from the date of the application, the blind 338. Even worse for the deaf: 399 days.

Even the sentence of the TAR Lazio following the appeals of ANFFAS and FISH have highlighted the modalities adopted by INPS for special verifications unlawful and in violation of the rights of the real people with disabilities, disavowing data provided by the Institute on this matter<sup>60</sup>  
<sup>61</sup>.

## **14. State of the Official Development Assistance (ODA), Rec. 90, 91**

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<sup>58</sup> "Due milioni e settecentomila invalidi in Italia pongono la questione se un Paese così può essere competitivo". Words of the ex Minister Tremonti during the conference to introduce the corrective action, 26 May 2010.

<sup>59</sup> In 2001 the magazine Panorama published in its cover the picture of Pinocchio on a wheel chair with the words "scrocconi (scroungers)" ([http://www.disablog.it/wp-content/uploads/2011/03/pa\\_pre.jpg](http://www.disablog.it/wp-content/uploads/2011/03/pa_pre.jpg))

<sup>60</sup> Ecco finalmente la verità sui cosiddetti "falsi invalidi", del 4 giugno 2014 sul portale [www.superando.it](http://www.superando.it) (link <http://www.superando.it/2014/06/04/ecco-finalmente-la-verita-sui-cosiddetti-falsi-invalidi/>)

<sup>61</sup> Sentenza Tar Lazio [http://www.giustizia-amministrativa.it/DocumentiGA/Roma/Sezione%203Q/2011/201105186/Provvedimenti/201403851\\_01.XML](http://www.giustizia-amministrativa.it/DocumentiGA/Roma/Sezione%203Q/2011/201105186/Provvedimenti/201403851_01.XML)



The Government Letta and the Government Renzi have both confirmed the intention of raising the international development cooperation both establishing first and confirming after the position of Deputy Minister for Cooperation, and presenting a new DDL for the comprehensive reform of the Italian official cooperation system. Currently (April 2014) the DDL is pending for approval in the Foreign Affairs Committee of the Senate and provides a series of important innovations that go in the direction since years desired by the CSOs of cooperation.

Compared to the volume of resources devoted to cooperation, preliminary data OECD/DAC for the official development assistance (ODA) in 2013 register a reversal in the upward trend compared to 2012 with an increase of resources in real terms by about 12 %. However, the Italy's result is still restrained, with only 0.16% of the gross national income (GNI) dedicated to ODA, compared to an average ODA/GNI OECD and EU respectively 0.30% and 0.42%.

In 2013, the Italian Cooperation has been able to hit that goal that the DEF of the Letta Government had established (0.15%-0.16%), increasing with regard to the 0.14% in 2012. It was not a foregone output, given that in the past the calendars for gradual increases in development aid provided in the documents of economic planning have not always been respected.

The Stability Law of Letta government has increased by 10% the resources for development cooperation managed by the Ministry of Foreign Affairs for 2014 but we will have to wait until April 2015 to see if the goal of 0.17 % -0.19% of the DEF of Letta has been fulfilled or the eventual goal that the first DEF of Renzi may have updated today.

Finally, the fact that there is a section of the DEF dedicated to development cooperation is a sign of attention to the issue on behalf of the executive and can reassure with respect to possible increases in resources at least in the next stability law, however, it would be highly desirable to establish a real Single Fund for cooperation, capable of ensuring unity and consistency of policies.





# **ANNEXES**

- 1. Synoptic Table of Human Rights Council UPR Recommendations and Replies of the Italian Government**
- 2. II Follow Up Monitoring Report 2012**
- 3. I Follow Up Monitoring Report 2011**

**Synoptic Table**  
**of**  
**Human Rights Council**  
**UPR**  
**Recommendations**  
**and**

**Replies**  
**of the**  
**Italian Government**



No.	Topic	Text of recommendation (A/HRC/14/4 - 18 March 2010, adopted by the Human Rights Council on 23 June 2010 with decision 14/103)	Recommending State/s	Mac Mahon Index	Status: Accepted/ Non Accepted/ Partially Accepted	Italian government replies to recommendation  /HRC/14/4/Add.1, 31 May 2010)
1	<b>Civil &amp; Political Rights</b>  <b>International Instruments</b>	To become a party to remaining human rights instruments and consider withdrawing its reservations, in particular to International Covenant on Civil and Political Right	Pakistan Asia OIG Commonwealth	5	<b>NA</b>	To establish an effective and inclusive process to follow-up on universal periodic review recommendations, bearing in mind that the active participation of civil society is essential to a meaningful review process (Norway); and to consult with and involve civil society in the follow-up to the universal periodic review, including in the implementation of recommendations
2	<b>Rights of Migrants</b>  <b>International Instruments</b>	To consider, possibly within the framework of a desirable re-orientation of European policy, ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, even if initially with reservations; to consider ratification of the International Convention	Algeria Africa AU, OIC, AL  Azerbaijan EEG OIG, CIS  Chile GRULAC OAS, OEI  Egypt Africa AU, OIC, AL, OIF  Islamic Republic of Iran Asia OIC	3	<b>NA</b>	The Italian legislation already guarantees most of the rights contained in the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. However Italy is not in a position to ratify this instrument because it does not draw any distinctions between regular and irregular migrant workers and the signature and ratification could only be planned jointly with the other European Union partners as many provisions of the Convention fall within the European Union domain.



			<p>Mexico GRULAC OAS, OEI, ACS</p> <p>Philippines Asia ASEAN</p>			
3	<p><b>Civil &amp; Political Rights</b></p> <p><b>International Instruments</b></p>	<p>To ratify the International Covenant on Civil and Political Rights</p>	<p>Bosnia and Herzegovina EEG</p> <p>Kyrgyzstan Asia OIC, CIS</p> <p>Nicaragua GRULAC OAS, OEI, ACS</p>	5	A	<p>Italy accepts the recommendation, considering it already implemented or under implementation.</p>
4	<p><b>Torture and Other Inhuman and Degrading Treatment</b></p> <p><b>International Instruments</b></p>	<p>To ratify the Optional Protocol to the Convention against Torture, in order to permit the Subcommittee for Prevention to conduct visits to places of detention, including reclusion centres for migrants and asylum-seekers, as well as those with the populations originating in national minorities in order to help the Government improve conditions in these centres; to ratify the Optional Protocol to the Convention against Torture; to ratify the Optional Protocol to the Convention against Torture and take the measures necessary to comply with its provisions</p>	<p>Mexico GRULAC OAS, OEI, ACS</p> <p>Azerbaijan EEG OIG, CIS</p> <p>Czech Republic Ceca EEG, EU</p> <p>United Kingdom of Great Britain and Northern Ireland WEOG, EU, Commonwealth</p>	5	A	<p>Italy is committed to ratifying the Optional Protocol to the Convention against Torture once a relevant independent national preventive mechanism will be put in place.</p>

5	<b>Enforced Disappearances</b> <b>International Instruments</b>	To ratify the International Convention for the Protection of All Persons from Enforced Disappearance;	France WEOG, EU, OIF	5	A	Italy accepts the recommendation, considering it already implemented or under implementation.
6	<b>Torture and Other Inhuman and Degrading Treatment</b> <b>Enforced Disappearances</b> <b>International Instruments</b>	To consider ratifying the Optional Protocol to the Convention against Torture and the International Convention for the Protection of All Persons from Enforced Disappearance;	Chile GRULAC OAS, OEI	3	A	Italy accepts the recommendation, considering it already implemented or under implementation.
7	<b>Trafficking of Human Beings</b>	To ratify the Council of Europe Convention on Action against Trafficking in Human Beings;	Kyrgyzstan Asia OIC, CIS	5	A	Italy accepts the recommendation, considering it already implemented or under implementation.
8	<b>Treaty Bodies</b> <b>Torture and Other Inhuman and Degrading Treatment</b> <b>International Instruments</b>	To incorporate the crime of torture into domestic law, as recommended by the Committee against Torture; to incorporate in its national law the crime of torture corresponding to the definition of torture in article 1 of the Convention against Torture; to take steps to incorporate the crime of torture as defined by article 1 of the Convention against Torture into domestic law;	Netherlands WEOG, EU  Czech Republic Ceca EEG, EU  New Zealand WEOG, PIF, Commonwealth	5	<b>NA</b>	In Italy, torture is punishable under various offences and aggravating circumstances, which trigger a wider application of such crime. Even though this is not typified as one specific offence under the Italian criminal code, both the constitutional and legal framework already punish acts of physical and moral violence against persons subject to restrictions of their personal liberty. Both provide sanctions for all criminal conducts covered by the definition of torture, as set forth in Article 1 of the relevant Convention.
9	<b>Rights of Migrants</b>	To ensure that amendments to the immigration law are in accordance	Spain WEOG, EU, OEI	4	A	Italy accepts the recommendation, considering it already implemented or

	<b>International Instruments</b>	with existing obligations under the International Covenant for Civil and Political Rights;				under implementation.
10	<b>Public Safety</b>	To ensure that provisions in the security package are in full compliance with its obligations under international law;	Austria WEOG, EU	4	A	Italy accepts the recommendation, considering it already implemented or under implementation.
11	<b>NHRI</b>	To consider establishing, at the earliest, a national human rights institution that is compliant with the Paris Principles; to continue its efforts to establish a national human rights institution, with a mandate to promote and protect human rights in conformity with the Paris Principles; to continue its efforts on the draft law to set up an independent human rights institution that would function in an independent manner, in accordance with the Paris Principles;	India Asia Commonwealth  Burkina Faso Africa AU, OIC, OIF  Kuwait Asia OIC, AL	3	A	Italy accepts the recommendation, considering it already implemented or under implementation.
12	<b>NHRI</b>	To take steps to accelerate the existing efforts to establish an independent human rights institution; to expedite the process towards the establishment of an independent national human rights institution in conformity with the Paris Principles; to speed up efforts towards the establishment of an independent national human rights institution in conformity with the Paris Principles;	Algeria Africa AU, OIC, AL  Philippines Asia ASEAN  Malaysia Asia ASEAN, OIC, Commonwealth	4	A	Italy accepts the recommendation, considering it already implemented or under implementation.
13	<b>NHRI</b>	To establish its national human rights institution, on priority, in	Pakistan Asia	5	A	Italy accepts the recommendation, considering it already implemented or

		accordance with the Paris Principles; to establish an independent national institution for human rights; to establish an independent national human rights institution in accordance with the Paris Principles; to adopt the draft law on an independent national human rights institution in accordance with the Paris Principles, as soon as possible; to finalize the establishment procedure for the national human rights institution according to the Paris Principles; to create an autonomous and independent national human rights institution in conformity with the Paris Principles and with the technical assistance of OHCHR;	OIG Commonwealth  Islamic Republic of Iran Asia OIC  Azerbaijan EEG OIG, CIS  Bosnia and Herzegovina EEG  France WEOG, EU, OIF  Chile GRULAC OAS, OEI			under implementation.
14	<b>NHRI</b>	To establish its national human rights institution in accordance with the Paris Principles before the end of 2010;	Denmark WEOG, EU	5	<b>NA</b>	A Bill on the establishment of a National Human Rights Institution will be submitted to the Parliament as soon as the required budgetary resources are made available. However, in accordance with the principle of the separation of powers, the Government is not in a position to commit the Parliament to act within a specific deadline.
15	<b>Rights of the Child</b>  <b>NHRI</b>	To continue efforts to establish an independent institution for the promotion and protection of human rights and fundamental freedoms, as well as an independent national body for the	Russian Federation, EEG, CIS  Norway WEOG	2  5	A	Italy accepts the recommendation, considering it already implemented or under implementation.

		promotion of the rights of the child; to establish an ombudsperson for children according to the Paris Principle				
16	<b>Racial Discrimination</b>	To strengthen the National Office against Racial Discrimination in terms of its capacity to provide assistance to victims and raise awareness; to strengthen the mandate of the National Office against Racial Discrimination; to strengthen the mandate and independence of the National Office against Racial Discrimination in line with the Paris Principles; to reinforce the action of the National Office against Racial Discrimination to ensure that it offers victims of acts of discrimination and intolerance in all its forms the most effective protection possible;	Philippines Asia ASEAN  Bosnia and Herzegovina EEG  Pakistan Asia OIG Commonwealth  Algeria Africa AU, OIC, AL	4	A	The review of the organization of the National Office against Racial Discrimination (UNAR) has been launched in January 2010, in order to improve its efficiency and effectiveness. With regard to the strengthening of the measures of protection for victims of discrimination, the UNAR is testing new forms of direct support, including the enhancement of the legal advisory services and the establishment of a solidarity fund for litigation costs, to be borne by victims and/or relevant associations.
17	<b>National Action Plan</b>	To develop a national integrated human rights plan in accordance with the Vienna Declaration and Programme of Action;	Islamic Republic of Iran Asia OIC	5	NA	Over the years, with the aim of promoting and protecting human rights and fundamental freedoms Italy has been developing several ad hoc strategies in specific relevant areas. Thus the elaboration of a comprehensive strategic document at the national level has not been considered necessary for the fulfilment of its obligations and commitments in the field of human rights.
18	<b>National Action Plan</b>	To update and make more comprehensive its National Action	Canada WEOG, OAS, OIF,	4	A	There are already several wide-ranging legislative and practical

	<b>Racial Discrimination</b>	Plan against Racism, in consultation with civil society and concerned communities;	Commonwealth			measures to combat racism, racial discrimination and related forms of intolerance and xenophobia. Within this framework, an inter-ministerial Working Group will be soon established, in order to elaborate a Plan of Action to prevent racism.
19	<b>National Plan of Action</b> <b>Racial Discrimination</b>	To publicize broadly its National Action Plan against Racism and promote its full implementation;	Canada WEOG, OAS, OIF, Commonwealth	5	A	There are already several wide-ranging legislative and practical measures to combat racism, racial discrimination and related forms of intolerance and xenophobia. Within this framework, an inter-ministerial Working Group will be soon established, in order to elaborate a Plan of Action to prevent racism.
20	<b>Minority Rights</b> <b>Racial Discrimination</b>	To update the national action plan and initiate further concrete measures to stimulate tolerance and prevent discrimination and xenophobia, and especially taking into account the situation of the Roma and the Sinti;	Netherlands WEOG, EU	4	A	There are already several wide-ranging legislative and practical measures to combat racism, racial discrimination and related forms of intolerance and xenophobia. Within this framework, an inter-ministerial Working Group will be soon established, in order to elaborate a Plan of Action to prevent racism.
21	<b>Minority Rights</b> <b>Racial Discrimination</b>	To take measures to eliminate discrimination against vulnerable groups of the population, taking into account the content of the Durban Declaration and Programme of Action of 2001 and the outcome document of the Durban Review Conference in 2009; to continue its efforts to strengthen a culture of tolerance to eliminate all forms of discrimination against vulnerable	Belgium WEOG, EU  India Asia Commonwealth		<b>PA</b>	Within the framework of the pertinent mechanisms and instruments, Italy strongly reiterates its continued commitment to actively contribute to the eradication of any forms of racism, in particular against vulnerable groups. However, it should be recalled that together with other countries, Italy decided not to participate in the 2009 Durban Review Conference and therefore is not in a position to adopt or endorse

		group;				its Outcome Document.
22	<b>Racial Discrimination</b>	To continue its efforts to fight against discriminatory and racist behaviour and trends; to continue the steps in its policy to combat discrimination, especially in view of the increased number of racist acts;	Yemen Asia OIC, AL  Lebanon Asia OIC, AL, OIF	2	A	Fighting racism, racial discrimination, xenophobia and related intolerance has been and remains a priority for Italy. However it should be noted that collected statistical data on this issue do not confirm increasing racist phenomena at the national level.
23	<b>Racial Discrimination</b>	To take a comprehensive set of measures to tackle racism and racial discrimination and to combat more resolutely all its forms and manifestations, particularly racist and xenophobic political platforms;	Islamic Republic of Iran Asia OIC	4	A	Italy accepts the recommendation, considering it already implemented or under implementation.
24	<b>Rights of Migrants</b> <b>Minority Rights</b> <b>Women's Rights</b> <b>Racial Discrimination</b>	To take more effective measures to combat racial discrimination, in particular against vulnerable groups of women, especially Roma and migrant women, as well as measures to reinforce the respect of their human rights by all available means;	Chile GRULAC OAS, OEI	4	A	Italy accepts the recommendation, considering it already implemented or under implementation.
25	<b>Minority Rights</b> <b>Racial Discrimination</b>	To eliminate all forms of discrimination against the Roma community, religious minorities, and migrants, and ensure equal opportunities for the enjoyment of economic, social and cultural rights, including education, health and housing;	Bangladesh Asia OIC, Commonwealth	4	A	Italy accepts the recommendation, considering it already implemented or under implementation.
26	<b>Rights of Migrants</b>	To take the measures necessary to prevent discrimination against minorities, as well as to contribute	Uzbekistan Asia OIC, CIS	4	A	Italy accepts the recommendation, considering it already implemented or under implementation.

	<b>Minority Rights</b>	to the positive image of migrants in the country;				
27	<b>Rights of Migrants</b>  <b>Right to Work</b>	To take more effective measures to eliminate discrimination against non- citizens in relation to working conditions and work requirements, to adopt legislation prohibiting discrimination in employment, and to take further measures to reduce unemployment among immigrants;	Egypt Africa AU, OIC, AL, OIF	4	A	In 2003 Italy adopted a comprehensive labour legislation, inspired by the principle of non discrimination in labour market and focused on: access to employment, occupation, membership to trade unions, social protection, guidance, education and vocational training, and healthcare. Within this framework, regular migrant workers, being under employment contract, enjoy equal rights. Accordingly, in the event of unemployment, all those who lose their job have equal access to relevant services and benefits. In order to eradicate informal market, in particular in the agriculture and building sectors – being areas with the highest percentage of migrants –, Italy has recently adopted an ad hoc inspection plan.
28	<b>Racial Discrimination</b>  <b>Freedom of Belief and Thought</b>  <b>Minority Rights</b>	To take administrative and legal measures against perpetrators of racially motivated acts, targeting the Roma, Sinti, migrants and Muslims;  to condemn strongly the attacks on migrants, Roma and other ethnic minorities, ensuring that the attacks are investigated fully by the police and that those responsible are brought to justice;  to ensure that attacks on migrants,	Bangladesh Asia OIC, Commonwealth  Norway WEOG  Pakistan Asia OIG Commonwealth	4	A	Italy accepts the recommendation, considering it already implemented or under implementation.



		Roma and other ethnic minorities are thoroughly investigated and those responsible are brought to justice; to ensure that attacks with xenophobic or racist background are promptly investigated by the police, and that those responsible be brought to justice	Austria WEOG, EU			
29	<b>Racial Discrimination</b>	To strengthen further authorities' efforts to combat racism in the field of sports, including through legislative measures;	Austria WEOG, EU	4	A	Italy accepts the recommendation, considering it already implemented or under implementation.
30	<b>Racial Discrimination</b>  <b>Human Rights Education and Training</b>	To take necessary measures, including public campaigns and training of teachers and other teaching staff, to raise awareness of the value of intercultural integration and combat all forms of racism and xenophobia; to continue its good practices in human rights education, and enhance programmes on human rights education for the general public and public officials aimed at combating racism, discrimination and xenophobia; to strengthen further its measures, including human rights education and training for public officials and at school, to promote tolerance, respect diversity, equality and combat discrimination; to step up efforts to strengthen	Uruguay GRULAC, OAS, OEI  Philippines Asia ASEAN  Viet Nam Asia ASEAN, OIF	4	A	Italy accepts the recommendation, considering it already implemented or under implementation.

		public education, awareness-raising programmes and skill training at all levels, particularly aimed at preventing negative attitudes and behaviours, and to promote tolerance and respect for diversity				
31	<b>Human Rights Education and Training</b>	To provide obligatory human rights education and training to police, prison and detention staff and judiciary, and ensure their accountability for any human rights violations;	Czech Republic EEG, EU	5	A	Italy confirms that the utmost importance is attached to human rights education. Within Public Administration, permanent and ad hoc courses are tailored for civil servants. Relevant training and refresher courses for law enforcement officials and the judiciary include international human rights law and humanitarian law. Along these lines, it is also worthy of mention the inclusion of relevant subjects in the school and academic curricula. Italy actively promotes human rights education in the UN system and is a member of the "Platform for Human Rights Education and Training", established in 2007 within the Human Rights Council.
32	<b>Freedom of Religion and of Belief</b>	To strengthen initiatives aimed at intercultural and inter-religious dialogue that promote mutual understanding between different communities, and adopt projects that contribute to integration;  to ensure a climate of constructive and transparent interaction between different cultures and	Lebanon Africa OIC, AL, OIF  Yemen Asia OIC, AL	4	A	Italy accepts the recommendation, considering it already implemented or under implementation.

		religions				
33	<b>Racial Discrimination</b>  <b>Freedom of Religion and of Belief</b>  <b>Human Rights Education and Training</b>  <b>Freedom of Expression and of Opinion</b>  <b>Minority Rights</b>	To take measures to raise awareness of existing legal provisions against hate speech, and to take prompt action to bring those responsible for breaking the law to justice;	Canada WEOG, OAS, OIF, Commonwealth	4	A	Italy accepts the recommendation, considering it already implemented or under implementation.
		to condemn all racist and xenophobic statements, especially by public and elected officials, and make it clear that racist discourse has no place in Italian society;	Norway WEOG	5		
		to denounce hate speech and prosecute actively in the justice system those responsible for racist and violent acts;	Belgium WEOG, EU, OIF	4		
		to take regular action to prevent hate speech and to take appropriate and prompt legal measures against those who incite discrimination or violence motivated by racial, ethnic or religious reasons;	Brasil GRULAC, OAS, OEI	2		
		to continue efforts to ensure that speech and comments made in the media that incite discrimination do not remain unpunished;	Spain WEOG, EU, OEI	5		
		to apply criminal provisions on hate speech and hate crimes strictly, and conduct public awareness-raising campaigns to promote tolerance;	Czech Republic EG, EU	4		
			Pakistan Asia OIC, Commonwealth	5		
			Malaysia Asia ASEAN, OIC, Commonwealth			

		<p>to condemn forcefully and consistently, at the highest level, all racist and xenophobic statements, especially by public and elected officials;</p> <p>to intensify efforts to combat racial discrimination and intolerance targeting foreign nationals and minority groups, including by investigating promptly and taking action against the perpetrators of racist and xeno;</p>				
34	<b>Women's Rights</b>	To ensure real equality of opportunities for women in the labour market, and consolidate the principle of equal pay for equal work;	Cuba GRULAC, OAS, OEI, ACS	4	A	Italy accepts the recommendation, considering it already implemented or under implementation.
35	<b>Women's Rights</b>	To promote initiatives to protect women from violence, such as the national network on violence against women, and the national observatory against sexual and gender-based violence, and elaborate the national plan to combat all forms of violence, including domestic violence;	Israel WEOG	4	A	Italy accepts the recommendation, considering it already implemented or under implementation.
36	<b>Discrimination Based on Sexual Orientation</b>	<p>To strengthen measures to prohibit discrimination based on sexual orientation and gender identity and combat hate crimes on these grounds;</p> <p>to undertake further campaigns against homophobia;</p>	<p>Netherlands WEOG, EU</p> <p>Norway WEOG</p> <p>Spain WEOG, EU, OEI</p>	<p>4</p> <p>5</p> <p>4</p>	A	Italy is committed to promoting LGBT rights, combating discrimination on the ground of sexual orientation and guaranteeing the implementation of relevant legislation already in force, to ensure gender equality, including the prevention and removal of discriminatory conducts for reasons directly or indirectly based on sex,

		<p>to ensure adequate protection of LGBT people, not only through police forces on the streets, but legally via anti-discrimination law;</p> <p>to give special attention to cases of possible discrimination for reason of sexual identity or orientation, and ensure that cases of violence against such persons are appropriately investigated and prosecuted;</p>		4		racial or ethnic origin, religion or belief, age or sexual orientation.
37	<b>Rights of the Child</b>	To make efforts aimed at preventing and eliminating all forms of discrimination and abuse vis-à-vis children;	Uzbekistan Asia OIC, CIS	4	A	Italy accepts the recommendation, considering it already implemented or under implementation.
38	<b>Torture and Other Inhuman and Degrading Treatment</b>  <b>Rights of the Child</b>	To incorporate in its legislation the 1996 Supreme Court judgement that corporal punishment was not a legitimate method of discipline in the home, and criminalize corporal punishment in all cases, including in education;	Spain WEOG, EU, OEI	5	<b>NR</b>	Since 1928 corporal punishment has been unlawful in the Italian school system. Along these lines this practice does not apply either as a penalty or as a disciplinary measure into the juvenile penal institutions. Similarly, corporal punishment is unlawful in the private sphere. In 1996 the Supreme Court ruled that the legislation in force already prohibits any forms of violence in child-rearing and confirmed that this is no longer a legitimate method of discipline nor defensible under the right to correction ("jus corrigendi"). Therefore Italy deems that there is no need to adopt a specific supplementary law.
39	<b>Rights of the Child</b>	To take effective measures to develop alternatives to	Azerbaijan EEG, OIC, CIS	4	A	By Act No. 149/2001, it was scheduled for December 31, 2006 the

		institutionalization and place children in institutions only as a measure of last resort;				closing down of the shelter institutes for children and adolescents, which have been replaced by alternative measures, including new methodologies for the listening, care and protection of children and their socio-family context.
40	<b>Rights of the Child</b>	To implement existing Law 91/1992 on Italian citizenship in a manner that preserves the rights of all children born in Italy;	Chile GRULAC, OAS, OEI	5	A	Children's right to citizenship is duly considered within the normative framework introduced by Act No. 91/1992.
41	<b>Minority Rights</b>  <b>Right to Education</b>  <b>Rights of the Child</b>	To take necessary measures, including administrative measures, to facilitate access to education to children who are not of Italian origin;	Uruguay GRULAC, OAS, OEI	4	A	Italy accepts the recommendation, considering it already implemented or under implementation.
42	<b>Rights of the Child</b>  <b>National Action Plan</b>  <b>Civil Society</b>  <b>Treaty Bodies</b>	To adopt and implement a national plan of action for children;  to strengthen efforts to finalize, adopt and implement, in consultation and cooperation with relevant stakeholders, including civil society, a national plan of action for children, as recommended by the Committee on the Rights of the Child;  to adopt a national plan for children as soon as possible;	Islamic Republic of Iran Asia OIC  Israel WEOG  Uruguay GRULAC, OAS, OEI	5  4  5	A	Italy accepts the recommendation, considering it already implemented or under implementation.
43	<b>Rights of</b>	To increase its efforts and adopt a	Spain	4	A	L'Italia accetta la seguente

	<b>Persons with Disabilities</b> <b>Rights of the Child</b> <b>National Action Plan</b>	new national plan of action for children, ensuring specialized training for teachers and persons in the field of education of children with disabilities;	WEOG, EU, OEI			raccomandazione, considerandola già attuata o in corso di attuazione
44	<b>Rights of Refugees</b> <b>Rights of the Child</b>	To adopt special procedures to ensure the effective protection of the rights of unaccompanied children in their access to asylum procedures;	Czech Republic EEG, EU	4	A	Aware of the fragile situation of unaccompanied foreign minors, Italy is fully committed to ensuring that these children are protected, regardless of their status. Special measures have been adopted to avoid that unaccompanied minors become victims of exploitation.
45	<b>Rights of Detainees</b>	To continue efforts to solve problems related to the penitentiary system, in particular overcrowding in prisons;	Russian Federation EEG, CIS	2	A	To solve the problem of prison overcrowding, a governmental Plan of Action has been recently adopted to delineate a new framework concerning the prison system in Italy, which will cover several issues, such as prison building, staff members of the Penitentiary Police, and deflationary measures of prison population.
46	<b>Rights of Detainees</b> <b>Justice</b>	To encourage the adoption of alternatives to the deprivation of liberty, and of agreements allowing sentences to be served in countries of origin and the possibility of reintegration of foreign prisoners;	Nicaragua GRULAC, OAS, OEI, ACS	4	A	The Italian legislation already envisages relevant measures, including for those foreign prisoners who are not subjected to an expulsion order.
47	<b>Treaty Bodies</b> <b>Justice</b>	To take steps to address issues raised by both the Special Rapporteur on the independence of judges and lawyers and the Human	United Kingdom WEOG, EU Commonwealth	4	A	It should be noted that, particularly in the judicial field, any legislative reforms shall comply with the relevant constitutional principles.

	<b>Special Procedures</b>	Rights Committee regarding the independence of the judiciary and the administration of justice;				Please refer also to the answer to recommendation No. 49.
48	<b>Racial Discrimination</b>	To ensure that legislative reforms do not infringe the independence of the judiciary;	Austria WEOG, EU	4	A	It should be noted that, particularly in the judicial field, any legislative reforms shall comply with the relevant constitutional principles. Please refer also to the answer to recommendation No. 49.
49	<b>Justice</b>	strengthen the independence of the judiciary;	Islamic Republic of Iran Asia OIC	4	<b>NA</b>	As far as the judiciary system is concerned, it should be stressed that the principle of the independence of the judiciary is already enshrined in the Constitution. Any constitutional reform can be adopted only by a special parliamentary procedure, which envisages reinforced parliamentary voting majorities and ultimately a popular referendum (the so-called constitutional aggravating procedure). Therefore Italy cannot support the recommendation to further strengthen the independence of the judiciary.
50	<b>Freedom of the Media</b>  <b>Treaty Bodies</b>  <b>Special Procedures</b>	To continue to ensure that the freedom of the media is guaranteed and, in this regard, to take into account the recommendations of the Special Rapporteur on the right to freedom of expression and the Human Rights Committee;  to adopt further measures and safeguards to ensure the independent functioning of the	Netherlands WEOG, EU  Czech Republic EEG, EU		A	Italy abides by its commitment towards the implementation of the constitutional principle of the right to freedom of opinion and expression, including in the press and media sectors, by ensuring pluralism, the widest variety of information and views, including by national, regional and local newspapers, magazines, radio and TV channels, web-based information, and more generally the independence of the media. With



		media without the influence of the State;		2		regard to the "Radio-TV broadcasting system", the 2004 relevant legislation envisages that any action has to be guided by the principles of pluralism, impartiality, freedom of opinion and expression. By such provisions, the legislator has also set ceilings to guarantee pluralism in the media sectors. To this end, it has been established an ad hoc Parliamentary Commission that supervises RAI broadcasting services. An independent Authority monitors the communication sector and ensures the respect of legal and regulatory provisions regarding non discriminatory access to the media sector. This Authority, together with the anti-trust Authority, may inter alia inflict sanctions when the above principles are violated (both Authorities are accountable only to the Parliament). Italy launched in 2008 the switch from analogical to digital broadcasting with the aim of further increasing the number of TV channels and enabling the access of new voices to information. Anti-trust provisions are aimed at helping the entry of new broadcasters into the market also through a new open regime of general authorization for broadcasting.
				4		Within this framework, relevant legislation details the rules for the resolution of the conflict between public duties and public interests, inter alia by identifying the incompatibilities with public offices,

						namely the prime minister, ministers, under- secretaries of state and commissioners of government. To this end, among others the above-mentioned anti-trust Authority monitors the relevant situation. As for the libel cases, relevant penalties – to be confirmed by a definitive verdict – are enforced only when the legal requirements of the right to chronicle and the right to criticism, respectively, have been overcome.
51	<p><b>Freedom of the Media</b></p> <p><b>Freedom of Expression and of Opinion</b></p>	<p>To take and publicize measures to strengthen media independence, and to address concerns over media concentration;</p> <p>to ensure that the freedom of expression is implemented fully, especially in publicly owned media;</p>	<p>Canada WEOG, OAS, OIF, Commonwealth</p> <p>Finland WEOG, EU</p>	4	A	<p>Italy abides by its commitment towards the implementation of the constitutional principle of the right to freedom of opinion and expression, including in the press and media sectors, by ensuring pluralism, the widest variety of information and views, including by national, regional and local newspapers, magazines, radio and TV channels, web-based information, and more generally the independence of the media. With regard to the "Radio-TV broadcasting system", the 2004 relevant legislation envisages that any action has to be guided by the principles of pluralism, impartiality, freedom of opinion and expression. By such provisions, the legislator has also set ceilings to guarantee pluralism in the media sectors. To this end, it has been established an ad hoc Parliamentary Commission that supervises RAI broadcasting services. An independent Authority monitors the communication sector and ensures</p>

					<p>the respect of legal and regulatory provisions regarding non discriminatory access to the media sector. This Authority, together with the anti-trust Authority, may inter alia inflict sanctions when the above principles are violated (both Authorities are accountable only to the Parliament). Italy launched in 2008 the switch from analogical to digital broadcasting with the aim of further increasing the number of TV channels and enabling the access of new voices to information. Anti-trust provisions are aimed at helping the entry of new broadcasters into the market also through a new open regime of general authorization for broadcasting.</p> <p>Within this framework, relevant legislation details the rules for the resolution of the conflict between public duties and public interests, inter alia by identifying the incompatibilities with public offices, namely the prime minister, ministers, under- secretaries of state and commissioners of government. To this end, among others the above-mentioned anti-trust Authority monitors the relevant situation. As for the libel cases, relevant penalties – to be confirmed by a definitive verdict – are enforced only when the legal requirements of the right to chronicle and the right to criticism, respectively, have been overcome.</p>
52	<b>Freedom of the</b>	To ensure the use of objective,	Canada	A	Italy abides by its commitment

	<b>Media</b>	transparent and non-discriminatory selection criteria in the allocation of broadcast licences, and to avoid bringing defamation cases against media outlets;	WEOG, OAS, OIF, Commonwealth	4	towards the implementation of the constitutional principle of the right to freedom of opinion and expression, including in the press and media sectors, by ensuring pluralism, the widest variety of information and views, including by national, regional and local newspapers, magazines, radio and TV channels, web-based information, and more generally the independence of the media. With regard to the "Radio-TV broadcasting system", the 2004 relevant legislation envisages that any action has to be guided by the principles of pluralism, impartiality, freedom of opinion and expression. By such provisions, the legislator has also set ceilings to guarantee pluralism in the media sectors. To this end, it has been established an ad hoc Parliamentary Commission that supervises RAI broadcasting services. An independent Authority monitors the communication sector and ensures the respect of legal and regulatory provisions regarding non discriminatory access to the media sector. This Authority, together with the anti-trust Authority, may inter alia inflict sanctions when the above principles are violated (both Authorities are accountable only to the Parliament). Italy launched in 2008 the switch from analogical to digital broadcasting with the aim of further increasing the number of TV channels and enabling the access of new voices to information. Anti-trust
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provisions are aimed at helping the entry of new broadcasters into the market also through a new open regime of general authorization for broadcasting.

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						<p>provisions are aimed at helping the entry of new broadcasters into the market also through a new open regime of general authorization for broadcasting.</p> <p>Within this framework, relevant legislation details the rules for the resolution of the conflict between public duties and public interests, inter alia by identifying the incompatibilities with public offices, namely the prime minister, ministers, under- secretaries of state and commissioners of government. To this end, among others the above-mentioned anti-trust Authority monitors the relevant situation. As for the libel cases, relevant penalties – to be confirmed by a definitive verdict – are enforced only when the legal requirements of the right to chronicle and the right to criticism, respectively, have been overcome.</p>
53	<b>Freedom of the Media</b>	To take further measures to protect press freedom, including the protection of journalists from threats by criminal groups;	Norway WEOG	4	A	Italy accepts the recommendation, considering it already implemented or under implementation.
54	<b>Freedom of the Media</b>	To review its legislation to ensure pluralism in the television industry;	Nicaragua GRULAC, OAS, OEI, ACS	3	A	Italy abides by its commitment towards the implementation of the constitutional principle of the right to freedom of opinion and expression, including in the press and media sectors, by ensuring pluralism, the widest variety of information and views, including by national, regional and local newspapers, magazines, radio and TV channels, web-based information, and more generally the

					<p>independence of the media. With regard to the "Radio-TV broadcasting system", the 2004 relevant legislation envisages that any action has to be guided by the principles of pluralism, impartiality, freedom of opinion and expression. By such provisions, the legislator has also set ceilings to guarantee pluralism in the media sectors. To this end, it has been established an ad hoc Parliamentary Commission that supervises RAI broadcasting services. An independent Authority monitors the communication sector and ensures the respect of legal and regulatory provisions regarding non discriminatory access to the media sector. This Authority, together with the anti-trust Authority, may inter alia inflict sanctions when the above principles are violated (both Authorities are accountable only to the Parliament). Italy launched in 2008 the switch from analogical to digital broadcasting with the aim of further increasing the number of TV channels and enabling the access of new voices to information. Anti-trust provisions are aimed at helping the entry of new broadcasters into the market also through a new open regime of general authorization for broadcasting. Within this framework, relevant legislation details the rules for the resolution of the conflict between public duties and public interests, inter alia by identifying the</p>
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						incompatibilities with public offices, namely the prime minister, ministers, under- secretaries of state and commissioners of government. To this end, among others the above-mentioned anti-trust Authority monitors the relevant situation. As for the libel cases, relevant penalties – to be confirmed by a definitive verdict – are enforced only when the legal requirements of the right to chronicle and the right to criticism, respectively, have been overcome.
55	<b>Freedom of Religion and Belief</b>	To continue to implement constitutional principles relating to freedom of religion and the need to respect religions and their symbols;	Kuwait Asia OIC, AL	2	A	Italy accepts the recommendation, considering it already implemented or under implementation.
56	<b>Minority Rights</b>	To increase efforts to reach out to and ensure the rights of members of minorities, particularly the Romani community;  to protect the Roma and the Sinti as national minorities, and to ensure that they are not the object of discrimination, including through the media	United States WEOG, OAS  Cuba GRULAC, OAS, OEI, ACS	4	<b>NA</b>	Constitutional principles and specific legislative measures provide for the protection of national linguistic minorities at all levels: at school, in the public administration, in the media sector, even in the municipal topography. Such legislation envisages the basic legal requirements of stability and duration of the settlement, for national linguistic minorities, in a given area of the Country. Since Roma and Sinti Communities do not meet said criteria, they cannot be included in the national list of historic linguistic minorities. At present, the above list includes twelve linguistic minorities and remains open to new members.

57	<p><b>Minority Rights</b></p> <p><b>Right to Education</b></p>	<p>To strengthen efforts to integrate Roma and Sinti communities through positive action in the areas of education, employment, housing and social services;</p> <p>to continue contribute to the integration of the Roma and the Sinti into local communities, and to give them access to housing, work, education and professional training;</p> <p>to continue efforts to tackle discrimination against Roma people in all sectors of society;</p> <p>to seek to ensure the effective participation of Roma people in the process of assuring their equal and non-discriminatory treatment;</p> <p>to ensure equal rights for members of the Roma and Sinti minorities, to ensure that all Roma and Sinti children are enrolled in school, and to make efforts to encourage regular school attendance by these children;</p> <p>to adopt a comprehensive anti-discrimination law to ensure that the Roma enjoy equal access to employment, education and health care;</p>	<p>Australia WEOG, PIF, Commonwealth</p> <p>Russian Federation EEG, CIS</p> <p>Finland WEOG, EU</p> <p>Sweden WEOG, EU</p> <p>United States WEOG, OAS</p>	<p>4</p> <p>2</p> <p>2,4</p> <p>4</p> <p>5</p>	A	<p>Italy accepts the recommendation, considering it already implemented or under implementation.</p>
58	<p><b>International Instruments</b></p>	<p>To take all measures necessary to ensure the rights of the Roma people under article 27 of the</p>	<p>Denmark WEOG, EU</p>	4	NA	<p>Constitutional principles and specific legislative measures provide for the protection of national linguistic</p>



	<b>Minority Rights</b>	International Covenant on Civil and Political Rights, specifically by amending the 1999 Act, which lays down this creation of connection with a specific territory;				minorities at all levels: at school, in the public administration, in the media sector, even in the municipal topography. Such legislation envisages the basic legal requirements of stability and duration of the settlement, for national linguistic minorities, in a given area of the Country. Since Roma and Sinti Communities do not meet said criteria, they cannot be included in the national list of historic linguistic minorities. At present, the above list includes twelve linguistic minorities and remains open to new members.
59	<b>Minority Rights</b>	To pay special attention to the preparation, implementation and evaluation of the pilot project for the repatriation of a number of Roma, originally from Serbia, currently living in camps located in central and southern Italy, in order to facilitate the most appropriate remedies for the Roma population in a dignified and efficient manner;	Serbia EEG	4	A	An ad hoc working group of Italian and Serbian representatives has been established to elaborate a MoU detailing return measures, in compliance with bilateral agreements.
60	<b>Minority Rights</b>	To continue to work to end intolerance and social discrimination against Roma and, in this regard, ensure that police and local authorities are trained to respond appropriately to allegations of crimes involving Roma and avoid inappropriate ethnic profiling;	United States WEOG, OAS	2	A	Italy accepts the recommendation, considering it already implemented or under implementation.
61	<b>Right to Adequate</b>	To ensure full compliance with international law with regard to	Sweden WEOG, UE	4	A	Forced eviction operations carried out by the Police forces often had the

	<b>Housing</b>	forced eviction;				ultimate goal to provide a more appropriate accommodation for Roma families. An unauthorized settlement for its very nature cannot ensure appropriate living conditions. Within the national legal framework, restoring good living conditions is in the interest of the society as a whole, including Roma, Sinti and Travellers communities, being among the most exposed to the risk of abuse and exploitation.
62	<b>Minority Rights</b>	To investigate all alternatives to forced evictions of Roma and Sinti people, including through thorough consultation with those directly affected;	Australia WEOG, PIF, Commonwealth	5	A	Forced eviction operations carried out by the Police forces often had the ultimate goal to provide a more appropriate accommodation for Roma families. An unauthorized settlement for its very nature cannot ensure appropriate living conditions. Within the national legal framework, restoring good living conditions is in the interest of the society as a whole, including Roma, Sinti and Travellers communities, being among the most exposed to the risk of abuse and exploitation.
63	<b>Right to Equality</b>	To take new measures to ensure effective access to identification documents for all citizens;	Czech Republic EEG, EU	4	A	By law Italy already provides identity cards for all citizens.
64	<b>Minority Rights</b>	To implement fully law No. 38/01 on the protection of the Slovenian minority in Italy, and Law No. 482/99 (Slovenia); and to respect the institutions of the Slovenian minority by special treatment and	Slovenia EEG, EU	5	A	On equal footing with other linguistic minorities, the rights of the Slovenian minority and the valuable role of this minority in strengthening the bilateral relations between Italy and Slovenia have been recently reaffirmed by the

		inclusion in decision-making processes (kindergartens, schools and theatres;				Joint Declaration, issued at the end of the second Slovenian-Italian Coordination Committee of Ministers, held in Ljubljana, on November 9th 2009. Within this framework, Italy has confirmed in 2010 its considerable financial commitments for cultural, educational and economic activities, particularly for the media sector and reiterated its support to the work of an ad hoc Committee – which is currently examining inter alia the issue of the municipal topography -, in accordance with Act No. 38/01.
65	<b>Minority Rights</b>	To implement fully the visible bilingual topography in the Friuli-Venezia Giulia autonomous region populated by the Slovenian minority (Slovenia); and to restore Slovenian names to road signs in villages in the Resia/Rezija community;	Slovenia EEG, EU	5	A	On equal footing with other linguistic minorities, the rights of the Slovenian minority and the valuable role of this minority in strengthening the bilateral relations between Italy and Slovenia have been recently reaffirmed by the Joint Declaration, issued at the end of the second Slovenian-Italian Coordination Committee of Ministers, held in Ljubljana, on November 9th 2009. Within this framework, Italy has confirmed in 2010 its considerable financial commitments for cultural, educational and economic activities, particularly for the media sector and reiterated its support to the work of an ad hoc Committee – which is currently examining inter alia the issue of the municipal topography -, in accordance with Act No. 38/01.
66	<b>Minority Rights</b>	To increase the visibility of Slovenian television programmes	Slovenia EEG, EU	4	A	On equal footing with other linguistic minorities, the rights of the Slovenian

		throughout the Friuli-Venezia Giulia autonomous region, as stipulated in article 19 of law No. 103/75;				minority and the valuable role of this minority in strengthening the bilateral relations between Italy and Slovenia have been recently reaffirmed by the Joint Declaration, issued at the end of the second Slovenian-Italian Coordination Committee of Ministers, held in Ljubljana, on November 9th 2009. Within this framework, Italy has confirmed in 2010 its considerable financial commitments for cultural, educational and economic activities, particularly for the media sector and reiterated its support to the work of an ad hoc Committee – which is currently examining inter alia the issue of the municipal topography -, in accordance with Act No. 38/01.
67	<p><b>Rights of Refugees</b></p> <p><b>Rights of Migrants</b></p>	<p>To strengthen efforts to protect asylum-seekers and refugees;</p> <p>to continue the implementation of laws on migration and amendments, to ensure that the laws are always fully in line with international standards;</p> <p>to make additional efforts in work with refugees and migrants;</p> <p>and to take further steps to ensure the full respect of the fundamental rights of migrants, asylum-seekers and refugees;</p>	<p>Yemen Asia OIC, AL</p> <p>Kyrgyzstan Asia OIC, CIS</p> <p>Sweden WEOG, EU</p>	<p>4</p> <p>2</p> <p>4</p>	A	Italy accepts the recommendation, considering it already implemented or under implementation.
68	<b>Freedom of Movement</b>	To strengthen cooperation with UNHCR in order to guarantee access to a just procedure in	Mexico GRULAC, OAS, OEI, ACS	4	A	Italy accepts the recommendation, considering it already implemented or under implementation.

		identifying the protection needs of those travelling to or are in Italian territory;				
69	<b>Rights of Migrants</b>	With regard to the concerns expressed in the Italian-Libyan agreement to prevent ships with immigrants from sailing to Italy, to ensure that intercepted persons have access to proper assessment of their asylum claims in accordance with international human rights standard;	Netherlands WEOG, EU	4	A	National legislation, case law and practices show the compliance with the principle of non refoulement and with relevant international legal instruments. In particular, when a migrant rescued at sea expresses the intention to apply for asylum or other forms of international protection on board an Italian vessel, s/he is not returned to the country of origin or transit but taken to Italy.
70	<b>Rights of Refugees</b>	To ensure satisfactory asylum procedures for all migrants and asylum- seekers rescued at sea;	Denmark WEOG, EU	4	A	National legislation, case law and practices show the compliance with the principle of non refoulement and with relevant international legal instruments. In particular, when a migrant rescued at sea expresses the intention to apply for asylum or other forms of international protection on board an Italian vessel, s/he is not returned to the country of origin or transit but taken to Italy.
71	<b>Rights of Refugees</b>	To review its legislation and practices, ensuring that they comply fully with the principle of non-refoulement, and to ensure the accountability of persons responsible for any violation thereof;	Czech Republic EEG, EU	3	A	National legislation, case law and practices show the compliance with the principle of non refoulement and with relevant international legal instruments. In particular, when a migrant rescued at sea expresses the intention to apply for asylum or other forms of international protection on board an Italian vessel, s/he is not returned to the country of origin or transit but taken to Italy.
72	<b>Rights of</b>	To take appropriate legislative	Brasil	4	<b>NA</b>	The management of large migration

	<p><b>Migrants</b></p> <p><b>Rights of Refugees</b></p>	<p>measures to decriminalize irregular entry and stay in Italy;</p> <p>to eliminate the provision criminalizing irregular entry and stay on Italian territory as contained in law No. 94 of 2009, as well as those provisions that regard non-documented status as an aggravating circumstance in the commission of criminal offence, and the creation of vigilante groups, as contained in law No. 125 of 2008;</p>	<p>GRULAC, OAS, OEI</p> <p>Mexico GRULAC, OAS, OEI, ACS</p>	5		<p>flows remains a very serious challenge for any State. In this context, it is crucial to put in place the necessary tools to fight against human trafficking and promote regular migration. The 2009 legislation has the two-fold aim: of ensuring that migrants - those who are not entitled to any forms of protection - are effectively returned to their Country of origin; and of preventing their involvement in organized crime networks. These measures are meant to curb criminal behaviours of individuals and no provision at all is envisaged against any community, group or class nor is linked to any form of discrimination and xenophobia. Along these lines, the aggravating circumstance under reference is solely meant to prevent the involvement of illegal migrants in organized crime.</p>
73	<p><b>Rights of Migrants</b></p>	<p>To take appropriate legislative measures to exclude undocumented stay in Italy as an aggravating circumstance for the purposes of sentencing following a criminal conviction;</p>	<p>Brasil GRULAC, OAS, OEI</p>	4	NA	<p>The management of large migration flows remains a very serious challenge for any State. In this context, it is crucial to put in place the necessary tools to fight against human trafficking and promote regular migration. The 2009 legislation has the two-fold aim: of ensuring that migrants - those who are not entitled to any forms of protection - are effectively returned to their Country of origin; and of preventing their involvement in organized crime networks. These measures are meant to curb criminal</p>

						behaviours of individuals and no provision at all is envisaged against any community, group or class nor is linked to any form of discrimination and xenophobia. Along these lines, the aggravating circumstance under reference is solely meant to prevent the involvement of illegal migrants in organized crime.
74	<b>Rights of Migrants</b>	To take appropriate measures to exempt public health and education officials of the obligation to report undocumented migrants seeking medical attention or educational services;	Brasil GRULAC, OAS, OEI	4	A	As for the access to health-care services and education, the new legislation has not introduced any limitations. The law does not oblige either physicians or school principals to denounce undocumented migrants.
75	<b>Rights of Migrants</b>	To guarantee access to basic social services, including lodgings, hygiene, health and education, to all migrants and members of their families and, to that end, adhere immediately to the principles of the International Convention on the Rights of All Migrant Workers and Members of their Families, and consider its ratification in a favourable light;	Mexico GRULAC, OAS, OEI, ACS	4	<b>PA</b>	The opportunity to fully participate in the social, economic and cultural life represents the key pillar for a successful integration. Italy remains fully committed to promoting effective measures for the social integration of regular migrants. As for the ratification of the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, please refer to the answer to recommendation No. 2.
76	<b>Minority Rights</b> <b>Rights of Migrants</b> <b>Rights of Refugees</b>	To take further measures to protect and integrate immigrants, asylum-seekers and persons belonging to minorities, including by carrying out investigations into violent attacks against such individuals;	United Kingdom WEOG, EU, Commonwealth	4	A	Italy accepts the recommendation, considering it already implemented or under implementation.
77	<b>Rights of Migrants</b>	To increase the transparency of arrival and return procedures concerning immigrants and	Japan Asia	4	A	Italy accepts the recommendation, considering it already implemented or under implementation.

	<b>Rights of Refugees</b>	refugees;				
78	<b>Rights of Refugees</b>	To intensify efforts in the resettlement of refugees, especially with regard to the protracted refugee situations identified by UNHCR;	Morocco Africa OIC, AL, OIF	4	A	Italy accepts the recommendation, considering it already implemented or under implementation.
79	<b>Rights of Migrants</b>	To ensure the full enjoyment of human rights for those hoping to find a better life in Italy, especially by strengthening structures to guarantee the rights of migrants:	Burkhina Faso Africa, AU, OIC, OIF	4	A	Italy accepts the recommendation, considering it already implemented or under implementation.
80	<b>Rights of Migrants</b>	To strengthen respect for the human rights of migrants, including those in detention centres;	Cuba GRULAC, OAS, OEI, ACS	4	A	Italy accepts the recommendation, considering it already implemented or under implementation.
81	<b>Human Rights Violations by state agents</b>  <b>Rights of Migrants</b>	To repeal all discriminatory laws against irregular migrants and take action to investigate and prosecute discriminatory acts by public and security officials, in particular where racial and religious motives are aggravating factors;	Pakistan Asia, OIC, Commonwealth	5	<b>NA</b>	The management of large migration flows remains a very serious challenge for any State. In this context, it is crucial to put in place the necessary tools to fight against human trafficking and promote regular migration. The 2009 legislation has the two-fold aim: of ensuring that migrants – those who are not entitled to any forms of protection - are effectively returned to their Country of origin; and of preventing their involvement in organized crime networks. These measures are meant to curb criminal behaviours of individuals and no provision at all is envisaged against any community, group or class nor is linked to any form of discrimination and xenophobia. Along these lines, the aggravating circumstance under



						reference is solely meant to prevent the involvement of illegal migrants in organized crime.
82	<b>Rights of Migrants</b>	To continue close cooperation with countries of origin and transit in finding an effective solution to the problem of illegal immigration;	Viet Nam Asia ASEAN, OIF	2	A	Italy accepts the recommendation, considering it already implemented or under implementation.
83	<b>Combating Human Trafficking</b> <b>Rights of the Child</b> <b>Women's Rights</b>	To continue measures to end trafficking in human beings;  and to strengthen further its efforts to end trafficking in women and children, and to take effective measures to prosecute and punish trafficking in persons;	Yemen Asia OIC, AL  Canada WEOG, OAS, OIF, Commonwealth	2  4	A	Italy accepts the recommendation, considering it already implemented or under implementation.
84	<b>Combating Human Trafficking</b> <b>Rights of the Child</b> <b>Women's Rights</b>	To increase measures to identify women and child victims of trafficking effectively in order to provide them with adequate assistance, and to consider not penalizing them for crimes committed as a direct result of being trafficked;	Philippines Asia ASEAN	4	A	Italy accepts the recommendation, considering it already implemented or under implementation.
85	<b>Treaty Bodies</b> <b>Combating Human Trafficking</b> <b>Rights of the Child</b> <b>Women's Rights</b>	To strengthen efforts to combat trafficking in women and children, and to take effective measures to prosecute and punish trafficking in persons, as raised by the Committee on the Rights of the Child and the Committee against Torture;  and to take effective measures to prosecute and punish trafficking and the exploitation of persons, as recommended by the Committee	Japan Asia  Israel WEOG	4	A	Italy accepts the recommendation, considering it already implemented or under implementation.

		against Torture;				
86	<b>Rights of Migrants</b> <b>Combating Human Trafficking</b> <b>Rights of the Child</b> <b>Women's Rights</b>	To extend outreach and identification efforts to women and children in prostitution, to ensure that trafficking victims are identified, given care and not penalized for crimes committed as a direct result of being trafficked; to identify proactively potential trafficking victims among its undocumented immigrants; to continue to investigate and prosecute allegations of trafficking-related complicity; and to expand public awareness campaigns aimed at reducing domestic demand for commercial sex acts;	United States WEOG, OAS	4	A	Italy accepts the recommendation, considering it already implemented or under implementation.
87	<b>Combating Human Trafficking</b>	To continue efforts in combating trafficking in persons, and in particular consider the possibility of elaborating comprehensive measures to reduce the demand for services of trafficked persons;	Belarus EEG, CIS	2	A	Italy accepts the recommendation, considering it already implemented or under implementation.
88	<b>Combating Human Trafficking</b> <b>Right to Food</b> <b>Right to Adequate Housing</b>	To continue to allocate resources necessary for the implementation of projects to provide housing, food and temporary social assistance to victims of trafficking;	Colombia GRULAC, OAS, OEI, ACS	2	A	Italy accepts the recommendation, considering it already implemented or under implementation.
89	<b>Right to Health Environment</b>	To assess the situation and take measures to reduce pollution emissions from the Cerano coal power plant in Puglia and the Taranto metallurgical plant to	Israel WEOG	3	A	Relevant actions have been already taken at the national and local levels, in compliance with existing legislation. Within a renewed planning framework, additional environmental

		ensure an adequate standard of living and health in those areas;				permits will be released to effectively reduce waste emissions, as appropriate.
90	<b>Development</b>	To increase official development assistance to the United Nations target of 0.7 per cent of GDP;	Bangladesh Asia OIC, COMonwealth	5	A	Backed by the Parliament and civil society at large, Italy has reconfirmed its commitment towards the achievement of the Monterrey 0,7%, objective. Despite the international juncture and severe constraints posed to Italy by its high public debt, a portion of the new State Budget resources is usually allocated for ODA.
91	<b>Development</b>	To continue to intensify development aid programmes with the objective of reaching 0.7 per cent of GDP as established by the United Nations;	Algeria AU, OIC, AL	2	A	Backed by the Parliament and civil society at large, Italy has reconfirmed its commitment towards the achievement of the Monterrey 0,7%, objective. Despite the international juncture and severe constraints posed to Italy by its high public debt, a portion of the new State Budget resources is usually allocated for ODA.
92	<b>Civil Society</b>  <b>UPR</b>	To establish an effective and inclusive process to follow-up on universal periodic review recommendations, bearing in mind that the active participation of civil society is essential to a meaningful review process;  and to consult with and involve civil society in the follow-up to the universal periodic review, including in the implementation of recommendations;	Norway WEOG  United Kingdom WEOG, EU, Commonwealth	5	A	Italy accepts the recommendation, considering it already implemented or under implementation.

