United Nations A/HRC/WG.6/7/ITA/3

General Assembly

Distr.: General
17 November 2009
English
Original: English/French

Human Rights Council
Working Group on the Universal Periodic Review
Seventh session
Geneva, 8–19 February 2010

Summary prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1

Italy*

The present report is a summary of 13 stakeholders' submissions[1] to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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

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I. Background and framework

A. Scope of international obligations

1. The European Commission against Racism and Intolerance (CoE ECRI) and Franciscans International (FI) recommended that Italy ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.[2] The International Commission of Jurists (ICJ) recommended ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.[3] The Italian NGO Group for the Convention on the Rights of the Child (GLCDIA), a coalition of 86 organizations, recommended ratifying the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.[4]

2. The Commissioner for Human Rights of the Council of Europe (CoE Commissioner) urged Italy to ratify promptly the Council of Europe Convention on Action against Trafficking in Human Beings.[5] CoE ECRI recommended the ratification of Protocol No. 12 to the European Convention on Human Rights without delay, as well as the European Charter for Regional or Minority Languages, the European Convention on Nationality and the Additional Protocol to the Convention on Cybercrime.[6]

3. GLCDIA recommended that Italy modify the statement made when the European Convention on the Exercise of Children's Rights was ratified so that it can be applied to all proceedings involving children.[7]

B. Constitutional and legislative framework

4. Amnesty International (AI) recommended that Italy require by law that oil companies headquartered or domiciled in Italy undertake human rights due diligence measures in respect of all their overseas operations and ensure that people whose human rights are harmed by these companies can access effective remedy in Italy. In this regard, AI reported on a subsidiary of the Italian oil company ENI, which operated in a third country. Serious human rights violations were associated with oil industry operations in this country, including environmental damage and pollution, which had undermined the rights to food, clean water and livelihood. While ENI had put in place some measures to prevent these violations, they were insufficient and did not meet international human rights standards in several cases, according to AI.[8]

C. Institutional and human rights infrastructure

5. Comitato per la promozione e protezione dei diritti umani (CPPDU), which submitted a joint submission on behalf of 73 organizations and in collaboration with four other organizations, reported that, in addition to various draft laws for the establishment of a national human rights institution, there were also draft laws for the establishment of an Ombudsperson for children and one for detainees. However, it highlighted that the drafts did not respect the Principles relating to the status of national institutions (Paris principles) and that the proliferation of initiatives for sectoral human rights mechanisms would postpone or even put aside the establishment of an independent national human rights institution.[9] CPPDU recommended that Italy implement its voluntary pledge made for its membership to the Human Rights Council, and start a transparent, participatory and inclusive process, including consultations with civil society, in order to establish an independent national human rights institution in line with the Paris Principles.[10] It also

recommended that Italy seek technical advice from OHCHR in this regard.[11] The CoE Commissioner also urged Italy to proceed promptly with the establishment of an effective national human rights institution.[12] GLCDIA recommended the establishment of an Ombudsman for children acting either alone or as part of a national independent body.[13]

6. CoE ECRI welcomed the establishment of the National Office against Racial Discrimination (UNAR) and invited Italy to keep the status, powers and duties of UNAR under review, in order to ensure that this Office provide victims of racial discrimination with the most effective protection possible. CoE ECRI drew the attention of Italy to the need for such a body to be independent and to the guidelines it formulated on how to guarantee such independence.[14] HRW (Human Rights Watch) made similar recommendations.[15]

D. Policy measures

7. The CoE Commissioner recommended the establishment of a concrete and comprehensive national human right action plan that would include sustained action aimed at eliminating racial discrimination.[16]

8. GLCDIA reported on the lack of a National Plan for Childhood for the last five years and recommended passing a new National Plan for Childhood as soon as possible.[17] It also recommended that Italy take action to eliminate the shortcomings in data collection in order to establish a global data collection system, centred on children.[18] Special emphasis was placed on the lack of reliable data relating to children with disabilities.[19]

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

9. The Open Society Justice Initiative and the Unione Forense per la Tutela dei Diritti dell'Uomo (OSJI/UFTDU) recommended that Italy respect and implement decisions of international and regional human rights monitoring bodies.[20]

B. Implementation of international human rights obligations

1. Equality and non-discrimination

10. In 2009, the CoE Commissioner noted with satisfaction certain positive measures adopted by Italy in order to fight racism and xenophobia, such as the 2008 Law shifting the burden of proof and the education programmes of the Ministry of Education marked by an intercultural approach. However, he remained worried by consistent reports that continued to evidence a trend of racism and xenophobia in Italy, occasionally supported by actions of local authorities, which had led also to violent acts against migrants, Roma and Sinti or Italian citizens of migrant descent.[21] HRW provided similar information[22] and recalled that a 2006 law reduced sentences for instigation to discrimination or violence on racial, ethnic, national or religious grounds.[23]

11. The CoE Commissioner reiterated his recommendation that the authorities ensure that there was a prompt reaction to, and strong condemnation of, all racist or intolerant manifestations and to reinforce the anti-discrimination legislation. He also recommended that the authorities promote further systematic human rights education and awareness-raising of the police and judicial authorities and pay particular attention to combating

racism in the fields of sports and on the internet.[24] CoE ECRI made similar recommendations relating to sports and the internet.[25]

12. In 2005, CoE ECRI strongly recommended that Italy take steps to counter the use of racist and xenophobic discourse in politics, notably through an effective implementation of the existing legislation against incitement to racial discrimination and violence.[26] European Roma Rights Centre, osservAzione and Amalipé Romanò (ERRC/oA/AR) also expressed serious concerns about the use of anti-Romani hate speech by politicians and other public figures in Italy.[27]

13. According to ERRC/oA/AR, commencing at the end of 2006 and intensifying in 2007, 2008 and 2009, Italian officials adopted a series of laws, decrees and policies which clearly targeted or had a discriminatory impact on Roma and Sinti living in Italy, and appeared to be aimed at pressuring or otherwise forcing a segment of the immigrant Romani community to leave Italy. The first amongst these measures are the so-called "Pacts for Security", adopted in various cities around the country. Beginning in December 2006 various towns, cities, provinces and regions throughout Italy began to develop and adopt such Pacts, which planned the forced eviction of more than 10,000 Roma from their homes in Rome alone. The Pacts were signed in the midst of racist media statements by the authorities, apparently intended to fuel anti-Romani attitudes in Italy and secure broad support for the impending actions. Making special reference to the most controversial Pacts signed in Rome and Milan, ERRC/oA/AR added that following the adoption of the Pacts, Italian authorities in 34 cities around the country had undertaken a systematic and targeted campaign of recurrent raids on Romani camps, checks of personal documents, arbitrary destruction of homes and property owned by Roma and forced eviction of Roma.[28]

14. ERRC/oA/AR stated that, since May 2008, a new series of legal and policy measures which were explicitly discriminatory against Roma and Sinti had been adopted, citing in particular the Government's adoption of a "Declaration of the state of emergency with regard to settlements of nomad communities in the territories of Campania, Lazio and Lombardia regions" ("Nomad Emergency Decree"), defining the presence of "nomads" in these regions as the cause of great social alarm with potentially grave consequences for public order and security, and declaring a state of emergency until 31 May 2009.[29] The large-scale operation of the census in Roma and Sinti settlements, which were managed by the police and linked to such state of emergency, was a matter of deep concern for the CoE Commissioner.[30] OSJI/UFTDU expressed similar concern and reported on the extension of the state of emergency to new regions in May 2009.[31] According to ERRC/oA/AR, the census undertaken is ethnically motivated and solely directly at Roma and Sinti.[32] ERRC/oA/AR stated that there were clear violations of data protection and that in some cases both Italian and non-Italian Roma and Sinti were subjected to the census under explicitly forceful and intimidating circumstances.[33] ERRC/oA/AR recommended that Italy cease collecting and processing personal data of Roma and Sinti, including fingerprints and photographs, and destroy those which had already been gathered.[34]

15. ERRC/oA/AR also mentioned Law No. 94 "Provisions on public security" of 15 July 2009, on which Roma and Sinti groups have raised concerns, as several of the measures provided in the law will negatively affect them, such as the legalisation of vigilante groups and measures that will prevent those living in caravans from obtaining identification documents.[35] AI also expressed concern about such law, which was part of the so-called "security package", in particular with regards to the establishment and empowering of associations of citizens to patrol municipalities.[36] OSJI/UFTDU expressed similar concerns.[37] According to HRW in particular, given the climate of hostility against migrants and Roma, the authorization of vigilante groups creates a real risk of what would be state-sanctioned violence against migrants and Roma.[38] AI recommended Italy to amend or withdraw the provisions of the "security package" that may result in discrimination

against minorities.[39] ICJ,[40] ERRC/oA/AR[41] and HRW[42] made similar recommendations. HRW recommended that Italy dissolve the existing citizen's groups.[43]

16. In 2005, CoE ECRI recommended that Italy establish a comprehensive policy at national level to address the situation of marginalization and disadvantage of and discrimination against the Roma and Sinti populations.[44] Coe ECRI also recommended as also underlined by ERRC/oA/AR[45] that Italy should not base its policies concerning Roma and Sinti on the assumption that the members of these groups live a nomadic lifestyle.[46]

17. CoE ECRI highlighted manifestations of prejudice, discrimination and violence directed against members of Muslim communities. It recommended that Italy take steps to counter them[47] and monitor manifestations of anti-Semitism.[48]

18. Sexual Rights Initiative (SRI) stated that the fundamental principles of equal opportunities were enshrined in the Constitution and made reference to the Commission for Equality and Equal Opportunities between Men and Women and the appointment of the first woman as Minister for Equal Opportunities in 1996.[49] SRI reported, however, on the persistence of rigid gender stereotypes associated with the sharing of roles between spouses/couples, which resulted in women often being forced to leave the labour market.[50] Women predominate in lower valued and lower paid occupations and gender based discrimination persist in political participation.[51] SRI also reported that women migrants in Italy were often victims of exploitation and required support not only as immigrants, but due to the relevant gender aspects of their condition.[52]

19. As indicated by the European Region of the International Lesbian and Gay Federation, in a joint submission with Arcilesbica, Arcigay, Crisalide Azione Trans, International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA Europe and others), legal protection for lesbian, gay and bisexual persons in Italy exists only in the areas of employment and persecution based on sexual orientation is considered as grounds for asylum.[53] ILGA Europe and others recommended that Italy ensure that the outputs of media is pluralistic and non-discriminatory in respect of issues of sexual orientation and gender identity and that speech motivated by homophobia and phobia against transexuals does not remain unpunished.[54]

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

20. AI and ICJ recommended that Italy incorporate into domestic law the crime of torture in line with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.[55] ICJ also recommended that Italy criminalize the act of enforced disappearance.[56]

21. AI reported that the lives and safety of migrants and asylum-seekers had been recently placed at risk by a dispute between Italy and a third country over their obligations to respond to distress calls under maritime conventions. In addition, AI and ICJ reported on the decision on several occasions to transfer migrants and asylum-seekers rescued at sea to another country without proper assessment of their need for refuge and other international protection.[57] OSJI/UFTDU provided details on the bilateral agreement signed between Italy and the aforementioned third country and its implementation. OSJI/UFTDU also referred to the reaction of international and regional organisations, notably, as this agreement violated the principle of *non-refoulement*.[58] HRW reported that there were credible reports that Italian officials used undue force while barring boat migrants, as well as confiscating, and not returning, the personal property of migrants.[59]

22. AI recommended that Italy ensure full respect of the fundamental rights of asylum-seekers, migrants and refugees; cooperate closely with other countries in order to ensure that those rescued at sea are immediately brought to a place of safety, while fully respecting the principle of *non-refoulement,* and ensuring their access to a fair and satisfactory asylum

procedure; and to end immediately the policy of transporting third country nationals to another country after intercepting them in international waters.[60] CoE ECRI and ICJ made a similar recommendation relating to the principle of *non-refoulement.*[61] HRW recommended that Italy launch an investigation into allegations of the use of undue force and confiscation of personal property.[62]

23. CoE ECRI recommended that Italy ensure that living conditions in all Temporary Stay and Assistance Centres (CPTAs) meet adequate standards.[63] In 2006 the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the Council of Europe (CoE CPT) described such conditions at three centres in particular and issued related recommendations specifically with a view to continuing the improvements under way.[64] GLCDIA highlighted the situation of migrant minors in the CPTA in Lampedusa, where they stay on average more than 20 days.[65] CoE CPT recommended that Italy make permanent the project ensuring the present at the Lampedusa centre of representatives of the United Nations Office of the High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) and the Italian Red Cross, as it properly addressed certain difficulties (access to information on the asylum procedure and immigration law, accommodation of unaccompanied minors, etc.). It recommended that the project be extended to other centres.[66]

24. ICJ and OSJI/UFTDU underlined that the maximum length of administrative detention for irregular migrants was extended from 60 days to six months, with according to the ICJ consequent serious implications for the right to liberty.[67]

25. HRW reported on acts of violence which characterized racism and xenophobia towards migrants, Roma and Sinti. Hostility against migrants and Roma has been sparked in part by several high profile crimes attributed to foreigners or Roma. The response has been a wave of attacks targeting those communities. OSJI/UFTDU also reported on such attacks and stated that some Italian officials had publicly condoned them.[68] HRW recommended that Italy ensure that attacks on migrants, Roma and other ethnic minorities be promptly investigated by the police and those responsible be brought to justice.[69] OSJI/UFTDU made similar recommendations.[70]

26. FI reported concerns at the alleged brutality against detainees that had sometimes resulted in their deaths and at the apparent unwillingness of the authorities to investigate thoroughly and to bring to justice those responsible in certain cases.[71] FI recommended that Italy take steps to strengthen the independent investigation and prosecution, where appropriate, of those State officials accused of abuse of detainees.[72]

27. According to OSJI/UFTDU, the 2009 Security Package will worsen overcrowding and related conditions in Italian prisons and detention centres. It recalled that in July 2009, the European Court of Human Rights had already found Italy in breach of the prohibition of inhuman and degrading treatment due to poor detention conditions.[73] CoE ECRI recommended that Italy monitor the disproportionate representation of non-citizens in Italian prisons.[74] GLCDIA also noted the over-representation in juvenile correctional institutions of migrant children, the Roma and Sinti, and Italians from the deprived areas of southern Italy.[75]

28. ILGA Europe and others reported on an increase over the past three years in the number of attacks against lesbian, gay and transgender persons, or those who were perceived as having a different sexual orientation or gender identity. It recommended that Italy impose appropriate criminal penalties for such violence, take the necessary measures to prevent it, and ensure that these cases are investigated.[76]

29. The Global Initiative to End All Corporal Punishment of Children (GIECPC) reported that corporal punishment was unlawful in schools, the penal system and alternative care settings. However, a 1996 Supreme Court judgment which ruled that corporal

punishment was not a legitimate method of discipline in home has not been enshrined in legislation. GIECPC recommended that Italy introduce legislation clearly prohibiting all corporal punishment in childrearing.[77]

30. CoE ECRI encouraged Italy to pursue efforts to protect victims of trafficking, including by issuing special residence permits and funding social protection projects.[78] SRI raised the difficulties encountered by victims of trafficking in getting their residence permits, granted on humanitarian grounds, converted into work or a study permit.[79] SRI reported that Italy was a destination and transit country for women, children and men trafficked internationally for the purpose of commercial sexual exploitation. Trafficking has shifted into more private, hidden sectors, causing the identification of trafficking victims to become more difficult and complex.[80]

3. Administration of justice and the rule of law

31. ICJ was concerned that, three years after they began, criminal investigations concerning the reported surveillance carried out by the Italian Military Secret Services (SISMI) on members of the judiciary in Italy and in 12 European countries from 2001 to 2006 had still not been concluded and that no disciplinary or parliamentary investigations into the role of the intelligence services and/or of the Government in these activities appeared to have taken place. ICJ recommended that Italy take all necessary measures to ensure and guarantee the effective administration of justice by an independent and impartial judiciary; including a thorough and independent investigation into the abovementioned facts.[81]

32. ICJ expressed concern at the verbal attacks by the Government against judges and magistrates and recommended that these should cease.[82]

33. GLCDIA recommended that Italy proceed with the reform of the juvenile justice system, creating a single specialized body with exclusive jurisdiction, in accordance with the Court of Cassation ruling 8362/2007.[83] GLCDIA also recommended the formulation of a draft bill for the reform of the juvenile prison rules.[84] GLCDIA also noted the high percentage of children in pre-trial detention in juvenile correctional institutions and recommended that Italy allocate greater financial resources to the juvenile criminal justice system, the social services and the communities, and ensure that human resources in these sectors were better trained.[85]

4. Right to privacy, marriage and family life

34. ILGA Europe and others stated that the Italian legal system did not recognize same-sex marriage or any other form of same-sex partnership, which resulted in discrimination in a number of areas, such as family reunification.[86] In addition, ILGA Europe and others recommended that Italy take all necessary legislative, administrative and other measures to respect fully and legally recognize each person's self-defined gender identity.[87]

5. Freedom of expression, association and peaceful assembly

35. According to OSJI/UFTDU, the 2004 Gasparri Law did not guarantee the independence of the Radio Televisione Italiana (RAI).[88] Index of Censorship (IoC) reported on several documented examples of direct governmental, political or economic influence that overtly undermined the independence, objectivity and openness required of the RAI networks by law and constitutional obligation.[89] IoC also stated that the aggressive actions of the Italian government against its critics were disproportionate and unnecessary, unconstitutional and deliberately using intimidation.[90] IoC added that State-owned RAI and the Mediaset group owned by the Prime Minister, together control about 80–85 percent of the Italian market for viewers and television advertising, overshadowing competitors, such

as Europa 7 TV, which had not been allowed to broadcast.[91] OSJI/UFTDU also expressed concerns at the implementation of the anti-trust provisions of the Gasparri Law and at the *de facto* duopoly of the public broadcaster RAI and Mediaset group.[92] OSJI/UFTDU reported on the provision included in the 2009 Security Package, which reintroduced, with some modifications, the crime of insult (*oltraggio*) of a public official, which had been repealed in 1999.[93]

36. IoC recommended that Italy take steps to reassert both the lawful mandate and independence of the Commissione di Vigilanza, created by Law No 103/1975; employ objective, transparent, non-discriminatory and proportionate selection criteria in the allocation of broadcast licences and desist from bringing defamation cases against media outlets.[94] OSJI/UFTDU recommended that Italy define dominant positions in the broadcasting market in function of (among other factors) the operators' advertising and audience shares in line with European best practice.[95]

37. CPPDU expressed concern at the low coverage given by national media to human rights issues.[96]

38. According to ILGA Europe and others, recent legislation requires that marches, parades and other events with a religious aspect or that could be against public morals, do not pass near certain buildings. This includes governmental buildings and churches or other important religious buildings. Local authorities have the autonomy to define which buildings are relevant in the context of this legislation. This may represent a significant obstacle to the possibility of having Gay Pride marches and similar events, as demonstrated by the ban of the 2009 Pride march in Rome.[97]

6. Right to work and to just and favourable conditions of work

39. CoE ECRI recommended that Italy take further measures to reduce discrimination between citizens and non-citizens in the labour market and ensure that anti-discrimination legislation applicable in the field of employment is adequate and thoroughly applied.[98]

7. Right to social security and to an adequate standard of living

40. GLCDIA referred to the poverty affecting children and recommended that Italy identify minimum standards at the national level in order to reduce child poverty.[99] Also noting regional differences in the implementation of social policies, it recommended that Italy determine the Essential Levels of Social Services (LIVEAS) as provided by Law 328/2000 and in this way guarantee a uniform application of children's rights throughout the country.[100] In this regard, GLCDIA noticed that two-thirds of the poor families in Italy were living in the south (even though only 32 per cent of the total number of families lived there).[101]

41. FI reported about the polluting effect of notably the Cerano coal power plant in Puglia and the metallurgical plant in Taranto, where there was a high concentration of polluting emissions.[102] It recommended that Italy assess the situation and take concrete steps to reduce the levels of pollution and consequent health-related problems suffered by the population in the area.[103]

42. Noting that the provision of water services was allocated to private companies, which implied notably a rise in prices and the absence of social tariff,[104] FI recommended that Italy clarify the "right to water" in law to ensure that it is not regarded as a private commodity.[105]

43. According to ERRC/oA/AR, many Roma in Italy live in officially sanctioned ghetto communities with extremely substandard conditions and inadequate public infrastructure or services.[106] The CoE Commissioner also regretted the unacceptably low standard of living

in a number of Roma settlements, especially those inhabited by migrants and their families.[107] ERRC/oA/AR reported that the substandard conditions prevailing in Romani camps have contributed to the deaths of at least nine Romani youths since December 2006 alone.[108]

44. AI reported that forced evictions of Roma and Sinti communities have been routinely carried out by the authorities; their frequency and impact seemed to have increased since 2007. Affected communities include both those who live in unauthorized settlements and those who have a legal title to live in authorized settlements. The lack of formal order and the short notices have an effect on the right to work and the right to education and lead to repeated forced evictions.[109] ERRC/oA/AR and OSJI/UFTDU reported that forced evictions had been accompanied by the total destruction of property.[110] AI recommended ensuring that evictions are carried out only after all feasible alternatives have been explored, to provide adequate and reasonable prior notification; to ensure adequate alternative accommodation; and to guarantee the right to legal redress.[111] The CoE Commissioner and ERRC/oA/AR made similar recommendations.[112]

45. CoE ECRI recommended that Italy pay greater attention to problems of direct and indirect discrimination in housing faced by minority groups, both in the private and in the public sectors.[113] It recommended that Italy pursue and strengthen its efforts to ensure better provision of health care and better access to health care for minority groups.[114]

8. Right to education and to participate in the cultural life of the community

46. CoE ECRI recommended that Italy increase its efforts to provide non-Italian school pupils with the additional support necessary for them to enjoy genuinely equal opportunities in education.[115]

47. CoE ECRI recommended that Italy ensure that all Roma and Sinti children are enrolled in school and to strengthen efforts, in collaboration with the communities concerned, to favour regular school attendance by these children.[116]

48. Noting the inadequate training of teachers and other relevant personnel involved in the education of children with disabilities, GLCDIA recommended that Italy introduce specialized educational approaches, starting from curricular teachers and all the other relevant personnel.[117]

9. Minorities and indigenous peoples

49. GLCDIA recommended that Italy recognize the Roma, Sinti and Camminanti as national minorities and introduce policies for social inclusion and the safeguarding of children's rights.[118]

50. The CoE Commissioner welcomed the Italian government's commitment to continuing to pay due attention to the issues and recommendations made in his Memorandum of July 2008, as well as a number of measures towards Roma and Sinti but reported on the lack of an institutionalized dialogue between the authorities and Roma and Sinti.[119]

10. Migrants, refugees and asylum-seekers

51. AI was concerned that the Law No. 94 on public security could heavily impinge on the rights of migrants and asylum-seekers, referring in particular to the establishment of the offence of "irregular migration".[120] HRW and OSJI/UFTDU expressed similar concern.[121] In addition, as indicated by ICJ and OSJI/UFTDU, a 2008 law imposed an aggravated sentence for all crimes, even those unrelated to immigration status, solely on the basis of illegal presence in the State.[122]

52. While recognizing the serious challenges that migratory flows present to State mechanisms, the CoE Commissioner remained very concerned about new legislative measures on immigration and asylum which had been adopted or were under consideration, such as those criminalizing the letting of accommodation to irregular migrants and the decision to lift the ban on doctors to report to the authorities irregular migrants who access the health system.[123]

53. CoE ECRI recommended that Italy ensure that the provisions which regulate the granting of residence permits do not render the situations of immigrants more precarious. It also recommended the retention of the quota system and the practice of issuing work permits under review in order to guard against such policies and practices resulting in direct or indirect discrimination against individuals.[124] It also recommended taking steps to ensure that non-citizens obtain residence permits in reasonable time and that access to services is not affected by any delays in the granting of such permits.[125]

54. The CoE Commissioner urged Italy to pay particular attention to the needs of minor migrants.[126] In particular, GLCDIA recommended that Italy adopt measures aimed at removing all major obstacles that children living with families without a residence permit face with regard to their fundamental rights.[127] OSJI/UFTDU made a specific reference to the right to education.[128]

55. GLCDIA recommended that Italy ensure that asylum-seeking minors are allowed into Italy and guaranteed access to asylum procedures.[129] GLCDIA also recommended that Italy introduce legislation for unaccompanied foreign minors which adequately safeguards their rights, in particular with regard to their age assessment, the renewal of their residence permits when they become adults and assisted repatriation.[130]

56. CoE ECRI recommended that Italy grant easier access to Italian citizenship to children born or raised in Italy and long-term residents and ensure that the provisions on naturalization are applied in all cases in a non-discriminatory manner.[131]

57. OSJI/UFTDU reported on the case of thousands of Roma, who were stateless. In addition, large numbers of other *de facto* stateless persons, and rejected asylum seekers who cannot be returned to their country of origin, linger in a perpetual state of citizenship limbo without clear rights to political participation.[132]

11. Human rights and counter-terrorism

58. AI documented several cases of the Italian authorities forcibly returning individuals to countries where they face a real risk of being subjected to torture or other ill-treatment, in violation of the prohibition of *refoulement* enshrined in article 3 of CAT. In some cases, terrorist suspects were sent back to a third country in violation of the European Court of Human Rights' orders to suspend such expulsions.[133] HRW reported that, since 2008, the Court had ruled against Italy in twelve cases and that Italy ignored on three occasions binding requests from the European Court of Human Rights to stay expulsions.[134] AI recommended that Italy bring all counter-terrorism legislation, including the so-called 2005 Pisanu Law, which provides for expulsion orders for foreign terrorist suspects, into compliance with Italy's international human rights obligation and do not forcibly return anyone to a country where they could be at risk of torture or other ill-treatment.[135] ICJ, the CoE Commissioner and FI expressed similar concerns.[136] HRW, while also expressing similar concerns, underlined that the appeal against an expulsion order under the Pisanu Law did not have suspensive effect even where the possibility of torture or other abuses on return were raised.[137]

59. ICJ reported on the use of state secret privilege by the Italian authorities in the case of the rendition of a foreigner, Abu Omar, to a third country, who was allegedly subjected to torture and other cruel, inhuman or degrading treatment or punishment and to arbitrary

detention. The ICJ recommended that Italy modify its Secret of State Law to prohibit the use of the state secret privilege where it would prevent the effective investigation of and accountability for serious human rights violations, and ensure an effective prosecution in the Abu Omar case.[138]

III. Achievements, best practices, challenges and constraints

N/A

IV. Key national priorities, initiatives and commitments

N/A

V. Capacity-building and technical assistance

N/A

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: http://www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council).

Civil society

AI	Amnesty International, London, United Kingdom*;
CPPDU	Comitato per la promozione e protezione dei diritti umani, a coalition composed of: Agenzia della Pace, Associazione Italiana Genitori (A.Ge.), Associazione Genitori di Omosessuali (AGEDO), Associazione Guide e Scout Cattolici Italiani (AGESCI), Associazione Nazionale Famiglie Adottive e Affidatarie (Anfaa), Associazione Nazionale Oltre le Frontiere (Anolf), Antigone, Archivio Disarmo, Archivio Immigrazione, Associazione ARCI, Arcigay, Articolo 21, Associazione Giuristi per l'Immigrazione (ASGI), Associazione Eleonora Pimentel, Assopace, Associazione degli amici di ATD/Quarto Mondo in Italia, Associazione Universitaria per la Cooperazione Internazionale (AUCI), Associazione per l'Autogestione dei Servizi e la Solidarietà (AUSER), Banca Etica, Be Free, Casa dei Diritti Sociali, Confederazione Generale Italiana del Lavoro (CGIL)*, Chiamalafrica, Centro Italiano Aiuti all'Infanzia (CIAI), Centro Interconfessionale per la Pace (CIPAX), Coordinamento di Iniziative Popolari di Solidarietà Internazionale (CIPSI), Consiglio Italiano Rifugiati (CIR), Dipartimento Politiche Migratorie (CISL), Coordinamento Italiano dei Servizi contro il Maltrattamento e l'Abuso all'Infanzia (CISMAI), Comitato Internazionale Sviluppo dei Popoli (CISP), Cittadinanzattiva, Consiglio Nazionale sulla Disabilità (CND), Comitato per i Diritti Umani, Comitato Singh Mohinder, Donne in Nero, European Medical Association (EMA), Federazione Chiese Evangeliche, Fondazione Centro Astalli, Fondazione Internazionale Don Luigi Di Liegro, Fondazione Basso-Sezione Internazionale, Fondazione Labos, Fondazione Volontariato Giovani e Solidarietà Onlus (FVGS), Giovani per un Mondo Unito, Gruppo Martin Buber, Consorzio Italiano di Solidarietà (ICS), Istituto Internazionale Scienze Mediche Antropologiche e Sociali (IISMAS), Istituto Medicina del Soccorso (IMS), INTERSOS Humanitarian Aid Organization*, International Rescue Medicine Association (IRMA), Istituto Cooperazione Economica Internazionale, La Gabbanella, Legal Aid Worldwide (LAW), Legambiente,

	Lega internazionale per i Diritti e la Liberazione dei Popoli, Libera, Mediare e Attivarsi per i Diritti e le Opportunità dei Migranti (Med.eA), Medici contro la Tortura, Medici del Mondo, Movimondo, Oltre Babele, PaxChristi Italia, Ponte della Memoria, Progetto Continenti, Rete Educare ai Diritti Umani, Save the Children Italia, Terre des Hommes Italia, Ubi Minor, Unione Donne in Italia (UDI), Unione Italiana Lavoro (UIL), Comitato Italiano per l'UNICEF, Unione Forense per la Tutela dei Diritti dell'Uomo, Università del Terzo Settore (UniTs), Vides Internazionale*, Volontariato Internazionale per lo Sviluppo (VIS)*, Women's International League for Peace and Freedom (WILPF) and with the collaboration of Amnesty International Italia, Federazione Organismi Cristiani Servizio Internazionale Volontario (FOCSIV)*, Mani Tese*, Medici senza Frontiere Italia; Italy, joint submission;
ERRC/oA/AR	European Roma Rights Centre*, osservAzione, Amalipé Romanò; Budapest, Hungary, joint submission;
FI	Franciscans international, Geneva, Switzerland*;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom;
GLCDIA	Gruppo di Lavoro per la Convenzione sui Diritti dell'Infanzia e dell'Adolescenza, a coalition composed of 86 organizations, Italy, joint submission;
HRW	Human Rights Watch, New York, United States of America*;
ICJ	International Commission of Jurists, Geneva, Switzerland*;
IoC	Index of Censorship, London, United Kingdom;
ILGA Europe and others	European Region of the International Lesbian and Gay Federation (ILGA Europe)*, Arcilesbica; Arcigay, Crisalide Azione Trans, International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA); Italy, joint submission;
OSJI/UFTDU	Open Society Justice Initiative, Unione Forense per la Tutela dei Diritti dell'Uomo; Italy, joint submission;
SRI	Sexual Rights Initiative, a coalition including Mulabi-Latin American Space for Sexualities and Rights; Action Canada for Population and Development*; Creating Resources for Empowerment and Action-India, the Polish Federation for Women and Family Planning, Buenos Aires, Argentina.

Regional intergovernmental organization

CoE Council of Europe, Strasbourg, France

- European Commission against Racism and Intolerance (ECRI); Report on Italy (third monitoring cycle) Adopted on 16 December 2005, Published on 16 May 2006; CRI (2006) 19
- Rapport au Gouvernement de l'Italie relatif à la visite effectuée en Italie par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants (CPT) du 16 au 23 juin 2006, CPT/Inf (2007) 26
- Response of the Italian Government to the Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Italy from 16 to 23 June 2006, CPT/Inf (2007) 27
- Memorandum by the Commissioner for Human Rights of the Council of Europe, 28 July 2008, CommDH (2008) 18
- Report by the Commissioner for Human Rights of the Council of Europe, 16 April 2009, CommDH (2009) 16

[2] CoE ECRI, para. 3; FI, para. 12.
[3] ICJ, p. 6.
[4] GLCDIA, p. 1.
[5] CoE Commissioner, Report, p. 3 and para. 92.
[6] CoE ECRI, para. 3.

[7] GLCDIA; p. 1.
[8] AI, pp. 7–8.
[9] CPPDU, paras. 5–7; see also GLCDIA, pp. 2–3.
[10] Ibid., para. 15.
[11] Ibid., para. 17.
[12] CoE Commissioner, Report, para. 27, the Government of Italy replied in its comments on the report, para. 24; see also OSJI/UFTDU, p. 11.
[13] GLCDIA, p. 3.
[14] CoE ECRI, paras. 25–27, The Government of Italy made comments in its remarks to the report, pp. 50–51.
[15] HRW, pp. 5–6.
[16] CoE Commissioner, Report, para. 28.
[17] GLCDIA, p. 3.
[18] Ibid., p. 4.
[19] Ibid., pp. 4–5.
[20] OSJI/UFTDU, p. 11.
[21] CoE Commissioner, Report, p. 2; paras. 9–30. The Government of Italy replied in its comments on the report, paras.7–24.
[22] HRW, pp. 3–4.
[23] Ibid., p. 5.
[24] CoE Commissioner, Report, p. 2; paras. 9–30. the Government of Italy replied in its comments on the report, paras. 7–24.
[25] CoE ECRI, paras. 65–66. The Government of Italy made comments in its remarks to the report, pp. 59–60.
[26] CoE ECRI, para. 91. The Government of Italy made comments in its remarks to the report, pp. 66–68.
[27] ERRC/oA/AR, pp. 8–9.
[28] ERRC/oA/AR, p. 3.
[29] ERRC/aO/AR, p. 4.
[30] CoE Commissioner, Report, p. 2, paras. 31–60, the Government of Italy replied in its comments on the report, paras. 25–48; see also GLCDIA, pp. 5–6; HRW, p. 4.
[31] OSJI/UFTDU, paras. 8–10 and paras. 21–23.
[32] ERRC/aO/AR, p. 5.
[33] Ibid., p. 6; see also OSJI/UFTDU, para. 22.
[34] ERRC/aO/AR, p. 10; see also OSJI/UFTDU, p. 10.
[35] ERRC/aO/AR, p. 5.
[36] AI, p. 3–4.
[37] OSJI/UFTDU, para. 13.
[38] HRW, pp. 4–5.
[39] AI, p. 7.
[40] ICJ, p. 1.
[41] ERRC/oA/AR, p. 9.
[42] HRW, p. 5.
[43] Ibid., p. 5.
[44] CoE ECRI, para. 98. The Government of Italy made comments in its remarks to the report, pp. 69–73.
[45] ERRC/oA/AR, p. 2.
[46] CoE ECRI, para. 100. The Government of Italy made comments in its remarks to the report, pp. 69–73.
[47] CoE ECRI, para. 71.
[48] Ibid., para. 77. The Government of Italy made comments in its remarks to the report, pp. 62–64.
[49] SRI, para. 4.
[50] Ibid., paras. 9–12.
[51] Ibid., paras. 14–16.
[52] Ibid., paras. 22–23.
[53] ILGA Europe and others, pp. 1–2.
[54] Ibid., p. 4.
[55] AI, pp. 3–7; ICJ, p. 6.

[56] ICJ, p. 6.
[57] AI, pp. 4–5; ICJ, pp. 2–3.
[58] OSJI/UFTDU, paras. 29–31.
[59] HRW. p. 3.
[60] AI, p. 7.
[61] ICJ, p. 3; CoE ECRI, para. 119. The Government of Italy made comments in its remarks to the report, pp. 79–88.
[62] HRW, p. 5.
[63] CoE ECRI, para. 120. The Government of Italy made comments in its remarks to the report, pp. 79–88.
[64] CoE CPT, pp. 11–12; 18–23, the Government of Italy replied in its response CPT/Inf (2007)27, pp. 7–8.
[65] GLCDIA, pp. 8–9.
[66] CoE CPT, para. 11. The Government of Italy replied in its response CPT/Inf (2007) 27, p. 7.
[67] ICJ, p. 1; OSJI/UFTDU, para. 13.
[68] OSJI/UFTDU, paras. 26–28.
[69] HRW, pp. 3–4 and 6.
[70] OSJI/UFTDU, p. 10.
[71] FI, para. 6.
[72] Ibid., para. 13.
[73] OSJI/UFTDU, para. 25.
[74] CoE ECRI, para. 22. The Government of Italy made comments in its remarks to the report, pp. 48–50.
[75] GLCDIA, p. 6.
[76] ILGA Europe and others, p. 3.
[77] GIECPC, pp. 1–2.
[78] CoE ECRI, para. 74. The Government of Italy made comments in its remarks to the report, p. 62.
[79] SRI, para. 21.
[80] Ibid., paras. 19–20.
[81] ICJ, pp. 3–4.
[82] Ibid., pp.4–5.
[83] GLCDIA, pp. 1–2.
[84] Ibid., p. 2.
[85] Ibid., p. 6.
[86] ILGA Europe and others, p. 6.
[87] Ibid., p. 6.
[88] OSJI/UFTDU, para. 18.
[89] IoC, pp. 2–3.
[90] Ibid., pp. 3–4.
[91] Ibid., pp. 4–5; see also OSJI/UFTDU, para. 34.
[92] OSJI/UFTDU, paras. 19 and 35–36.
[93] Ibid., para. 20.
[94] IoC, p. 5.
[95] OSJI/UFTDU, p. 11.
[96] CPPDU, paras. 12–13.
[97] ILGA Europe and others, p. 2.
[98] CoE ECRI, para. 59. The Government of Italy made comments in its remarks to the report, pp. 58–59.
[99] GLCDIA, pp. 6–7.
[100] Ibid., p. 4.
[101] Ibid., p. 6.
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[103] Ibid., para. 15.
[104] Ibid., para. 9.
[105] Ibid., para. 15.
[106] ERRC/oA/AR, p. 2.
[107] CoE Commissioner, Report, p. 2 and para. 37. The Government of Italy replied in its comments on the report, paras. 25–48.

[108] ERRC/aO/AR, p. 7.
[109] AI, pp. 5–6.
[110] ERRC/aO/AR, pp. 7–8; OSJI/UFTDU, para. 23.
[111] AI, pp. 7–8; see also CoE Commissioner, Report, p. 2. The Government of Italy replied in its comments on the report, paras. 25–48; ERRC/aO/AR, p. 7.
[112] CoE Commissioner, Report, para. 52, the Government of Italy replied in its comments on the report, paras. 25–48; ERRC/aO/AR, p. 10.
[113] CoE ECRI, para. 50. The Government of Italy made comments in its remarks to the report, p. 56.
[114] CoE ECRI, para. 54. The Government of Italy made comments in its remarks to the report, pp. 57–58.
[115] CoE ECRI, para. 47. The Government of Italy made comments in its remarks to the report, pp. 55–56. See also GLCDIA, p. 7.
[116] CoE ECRI, para. 102. The Government of Italy made comments in its remarks to the report, pp. 69–72.
[117] GLCDIA, p. 7.
[118] Ibid., pp. 5–6.
[119] CoE Commissioner, Report, p. 2. The Government of Italy replied in its comments on the report, paras. 25–48.
[120] AI, pp. 3–4.
[121] HRW, pp.4–5; OSJI/UFTDU, para. 13.
[122] ICJ, p. 1; OSJI/UFTDU, para. 12.
[123] CoE Commissioner, Report, p. 2. and paras. 61–93. The Government of Italy replied in its comments on the report, paras. 49–68; see also SRI, para. 24.
[124] CoE ECRI, paras. 39–40. The Government of Italy made comments in its remarks to the report, pp. 53–54.
[125] CoE ECRI, para. 41. The Government of Italy made comments in its remarks to the report, p. 53–54.
[126] CoE Commissioner, Report, p. 3. The Government of Italy replied in its comments on the report, paras. 59–66.
[127] GLCDIA, pp. 9–10.
[128] OSJI/UFTDU, para. 24.
[129] GLCDIA, p. 9.
[130] Ibid., p. 10.
[131] CoE ECRI, paras. 6–7. The Government of Italy made comments in its remarks to the report, pp. 40–41.
[132] OSJI/UFTDU, paras. 32–33.
[133] AI, p. 3 and 6; see also OSJI/UFTDU, para. 38.
[134] HRW, p. 2.
[135] AI, p. 8.
[136] ICJ, p. 2–3; CoE, CHR, p. 3 and paras. 94–119; FI, para. 5.
[137] HRW, p. 2.
[138] ICJ, pp. 5–6.