



**STATEMENT UPR Pre-session on Italy
Geneva, 22 November 2024
Delivered by Amnesty International**

1. Presentation of the Organisation

This statement is delivered on behalf of Amnesty International, a global movement of more than 10 million people who are committed to creating a future where human rights are enjoyed by everyone.

2. National consultations for the drafting of the national report

Amnesty International has been part of the national consultative process, as well as submitting an individual stakeholder report.

Plan of the Statement

This statement addresses the following issues with regard to the human rights situation on the ground:

- 1) refugees' and migrants' rights
- 2) right to assembly/protest
- 3) torture and National Human Rights Institution (NHRI)

4. Statement

Issue 1. Rights of migrants, refugees and asylum seekers

A. Implementation from previous recommendations

The protection of migrants', asylum-seekers' and refugees' rights has suffered a further setback, after the regression Amnesty International noted already in the submission for the 3rd UPR. Italy also continued to obstruct the work of Human Rights Defenders (HRDs) rescuing people at sea, notwithstanding having accepted a recommendation not to do so. Italy continues to support Libyan authorities to contain people in that country, including by renewing the Memorandum of Understanding with Libya.

B. New developments

Italy passed new measures to further restrict opportunities to be granted international protection and a regular status for foreign nationals and to facilitate expulsions. It also introduced accelerated border procedures to examine asylum applications from people coming from countries regarded as "safe". The accelerated border procedures provide for the use of administrative detention. Amnesty International documented several cases of people arbitrarily detained in repatriation detention centres, including asylum-seekers from countries deemed "safe" who are subjected to accelerated



border procedures; people whose personal circumstances make them non-removable; and people for whom the use of detention is unnecessary and/or disproportionate.

In 2023, Italy and Albania agreed the creation of two detention facilities on Albanian territory but under Italian jurisdiction, for asylum-seekers and migrants rescued at sea by Italian ships. The centres became operational in October 2024. The first 12 asylum seekers from Egypt and Bangladesh had their claims rejected in an accelerated procedure but had to be brought to Italy after their detention was deemed unlawful because the notion of “safe country” was not in line with international and EU law. This test case prompted further legislation from the government to ensure that asylum-seekers from so-called “safe countries” could be detained after rejection of their asylum claim. The accelerated border procedures to examine asylum applications from people coming from countries regarded as “safe” by Italy continues to be challenged in courts at national and EU level.

Italy continued to support Libya to contain people in that country, despite evidence of grave human rights violations there. Italy has further obstructed the NGOs’ lifesaving work and undermined the search and rescue system by subjecting NGOs rescuing people at sea to unnecessary requirements, including by assigning them distant ports of disembarkation when closer suitable ports would be available.

C. Recommendations

- Stop the implementation of the Italy-Albania agreement.
- Ensure the right of personal liberty of asylum-seekers and migrants and limit the adoption of detention measures to the most exceptional circumstances.
- Abolish the Memorandum of Understanding with Libya and end all support for the Libyan authorities and the Libyan Coast Guard.
- End any measures that hinder the work of NGOs engaged in sea rescues.

Issue 2. Right to freedom of assembly

A. Implementation of previous recommendations

There were no previous recommendations on this theme. This is a new development which Amnesty International would like to flag given its extended research on the topic and a repressive trend in the country under review.

B. New developments

The new Italian government which took office in October 2022 is increasingly taking measures to unduly restrict the right to freedom of peaceful assembly, especially targeting climate activists engaging in civil disobedience. It has also misused administrative measures to obstruct protesters’ freedom of movement. It is in the course of adopting a “security bill” which risks significantly limiting the enjoyment of the right to express dissent, activism and peaceful protest. The “security bill” aims to introduce unnecessary and vaguely formulated offences, to increase sanctions and criminalize peaceful behaviours and is informed by a strong punitive intent towards acts of protest.



C. Recommendations

- Repeal or substantially amend domestic laws prohibiting or criminalizing conduct that is protected under the right to freedom of peaceful assembly.
- Refrain from adopting legislation which criminalises peaceful protest and legitimate acts of civil disobedience.

Issue 3. Torture and other inhuman or degrading treatment and NHRI

Torture and other inhuman or degrading treatment

A. Implementation of previous recommendations

There were no measures to strengthen the fight against torture while new legislative proposals were advanced to abolish the crime of torture. Italy continues to fail to ensure that law enforcement officers can be effectively identified when carrying out their functions, including during the policing of protests, undermining efforts towards accountability of law enforcement.

B. New developments

There were dozens of cases, which is a low estimate, of documented and suspected cases of torture and other ill-treatment by prison and police officers. For instance, in April 2024, prosecutors revealed that 13 prison officers had been arrested and eight suspended on allegations of torture and other abuses against children, including vulnerable ones, detained in the juvenile prison “Cesare Beccaria” in Milan. Victims and their families continue to face challenges to obtain thorough and impartial investigations to bring perpetrators to justice. Such challenges are aggravated by attempts to undermine the prohibition of torture in domestic legislation. A new “security bill” about to be adopted also raises concern in relation to the prohibition of torture and ill-treatment.

C. Recommendations

- Refrain from removing the crime of torture from the criminal code and allocate adequate resources to ensure the full implementation of Italy’s obligations under the Convention against Torture.
- Ensure that members of the police and other law enforcement officers can be effectively identified at all times when carrying out their functions.
- Ensure prompt, impartial and effective investigations by an independent authority into cases of deaths in custody and into all allegations of torture, ill-treatment and excessive use of force by police and other law enforcement officers. Individuals suspected of criminal responsibility should be brought to justice in fair trials, in a manner commensurate with the gravity of their actions, and victims should be adequately compensated.

NHRI

A. Implementation of previous recommendations

Despite accepting recommendations to do so in the 2nd and 3rd UPR cycles, Italy has yet to establish an NHRI in line with the Paris Principles.

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B. New developments

Several bills have been tabled to follow up on the commitment to establish a NHRI, but there has been no will to prioritise the issue and start an examination of the various proposals in the Parliament. Some proposals seek to extend the mandate of the privacy authority and would not meet the requirements of the Paris Principles.

C. Recommendation

- Establish without delay a NHRI in line with the Paris Principles.