

STATEMENT
UPR session on ITALY
Geneva, November 22 2024

Delivered by:
Italian Coalition for Civil Liberties and Rights (CILDR)

1. This statement is delivered on behalf of CILD, an Italian network of civil society organisations that work to defend and promote civil liberties and rights guaranteed to all by the Italian Constitution and international law. CILD fights against abuses and violations through a combination of advocacy, public education and legal action. We has been participating in the UPR processes since 2014.

2. For the development of the National Report, the Interministerial Committee for Human Rights (Comitato Interministeriale per i Diritti Umani - CIDU) led consultations with the competent Ministries, the National Anti-racial Discrimination Office (UNAR), the Conference of Regions and Autonomous Provinces and the National Association of Italian Municipalities (ANCI). Consultations with CSOs occurred on June 13 2024. The Committee last met on September 17 2024 and reported the findings of the consultations to the Parliament (Senate) on September 26 2024.

3. This statement addresses the following issues: migration and immigration detention; civic space and criminalisation of Search and Rescue (SAR) activities and NGOs; freedom of expression and media freedom.

4. Statement

A. Migration and immigration detention

a. Follow-up to the first review

In the 3rd UPR cycle, migration was the Italian policy area most targeted by reviewing countries, with more than 60 recommendations. Yet almost all remain to be substantively implemented.

The lack of a comprehensive and coherent legal framework on migration hinders the right to asylum and results in greater violations of basic human rights. Despite recommendations, insufficient conditions in reception centers persist, as confirmed by ECtHR sentences on the prohibition of torture and inhumane treatment. The lack of cohesive and humane reception facilities results in crowded, substandard accommodations for asylum seekers. Facilities often fall short of European standards, especially at hotspots at the borders and in temporary reception facilities. The immigration detention system is expanding, causing human rights abuses and migrant deaths in detention, while the possibility of appeal in the asylum procedure remains limited, inhibiting procedural guarantees (Law No. 46/2017).

b. New developments since the last review

- The temporary humanitarian visa program - called "special protection" has been further reduced in scope under Law No. 50/2023.3). Special protection is a complementary instrument to asylum and other form of protection which grants a two years permit issued in case of prosecution and severe violations of human rights occurring in the country of origin. This new law abolished protections against deportation that were previously granted on grounds of private and family life considerations.

- The Memorandum of Understanding with Libya, signed in 2017, was renewed in 2022. The Cooperation with Libya endangers migrants by contributing to illegal pushbacks, in breach of non-refoulement obligations;
- The maximum length of immigration detention was increased to 18 months (Art 20 Decree Law No. 124/2023, adopted with Law No. 162/2023). Concerns are raised about the right to health, access to legal defence, and the lack of a systematic monitoring mechanism by human rights observers;
- In November 2023, the Italian government signed a Protocol with Albania to externalise migration management. The reception centres and the administrative detention facility were inaugurated in October 2024. (Protocol ratified with Law No. 14/2024) Yet, legal issues about its compliance with EU law were raised;
- The list of safe countries of origin was updated to 19 countries, despite obvious human rights concerns (Law Decree No. 158/2024).

c. Recommendations

CILD urges Italy to **expand the access to protection**, enhance procedural safeguards and comply with ECtHR sentences on the prohibition of torture and inhumane treatment. We recommend a rights-based reception system, adherence to EU standards, and better support for vulnerable groups, particularly **unaccompanied minors**. We urge safe entry paths for asylum seekers to be provided and the Italy/Libya MoU to be suspended, to end illegal pushbacks. We recommend providing **unbiased health assessments** and **fair access to legal defence** for migrant people detained, advocating for the **progressive dismantling of immigration detention**. We urge the **suspension of the externalisation agreement with Albania**.

B. Civic space and criminalisation of NGOs

a. Follow-up to the first review

Despite recommendations, criminalisation and stigmatisation of NGOs and human rights defenders increased. Moreover, Italy has not established a National Human Rights Institution (NHRI), still lacking compliance with the Paris principles.

b. New developments since the last review

- Law Decree No. 1/2023, adopted by Law No. 15/2023 (so-called Piantedosi Decree) hinders the operation of NGOs engaged in sea rescue activities, by establishing high fees and detention periods for the violation of specific criteria, threatening the survival of SAR organisations. Among those, the decree implicitly prevents vessels from carrying out multiple rescues when at sea. Moreover, authorities further obstruct NGOs by lacking cooperation and appointing far safe ports for disembarkation.
- Bill No. 1660 (the latest security decree) was passed by the Chamber of Deputies on September 18 2024 and it's currently under discussion in the Senate. This bill's provisions harshly undermine the civic space, with grave impact on the right to protest. It introduces the crime of "prison riot", applicable to peaceful, nonviolent

acts of resistance, and extends the possibility of protesters (including minors) being forcibly excluded from public spaces.

c. Recommendations

We recommend Italy to **stop hampering the humanitarian work of NGOs** engaged in sea rescue operations in the Central Mediterranean. Instead, collaboration with the Coast Guard needs to be enhanced to **better coordinate SAR operations**, ensuring a safe port is promptly assigned, as it used to be before the latest policy developments. Moreover, we urge the Parliament **not to pass Bill No. 1660 (security decree) and the establishment of a NHRI**.

C. Freedom of expression and media freedom

a. Follow-up to the first review

Despite recommendations, the independence of journalists is increasingly threatened through legal means and physical attacks. Freedom of expression of journalists investigating sensitive topics such as corruption, mafia and political dynamics remains highly hindered. The independence of the media continues to suffer from threats, recording a worse situation compared to the last review.

b. New developments since the last review

Italy's media freedom has declined, ranking 46th in the World Press Freedom Index. The independence of the public service media is heavily threatened by increased political interference, up to censorship episodes. Journalists face increasing harassment, attacks, and legal threats, sometimes by government officials. Almost journalists are under police protection.

Five bills aimed at reforming defamation laws have been advanced. However, instead of decriminalising defamation & aligning with the EU anti-SLAPP Directive, there has been a rise in legal actions tackling government critics. The government is fostering an hostile environment through new laws against "eco-vandals" and other activists, in order to suppress dissent. Recent international reports (A/HRC/57/71/Add.2 by the UN Human Rights Council, September 27 2024; ECRI report on Italy by the European Commission against Racism and Intolerance, October 22 2024) highlighted the worrying reality of police violence and racial profiling, as demonstrated by police assaults against schoolchildren at pro-Palestine protests.

c. Recommendations

We urge Italy to take action to **tackle police violence and racial profiling, and protecting the right to protest**.

We also call for **aligning defamation laws** with the EU Anti-SLAPP Directive, and end actions and policies targeting dissent by specific categories (e.g. eco-activists, migrants)

Thank you for your attention.