



Human Rights Watch Statement

UPR outcome report of Italy

9 June 2010

Human Rights Watch welcomes the UPR report on Italy, which includes important recommendations concerning improving state response to racist and xenophobic violence; strengthening the mandate of the National Office Against Racism; improving human rights education and training of law enforcement and judiciary personnel; taking consistent and concerted action against hate speech; ensuring access to asylum procedures to migrants intercepted at sea; guaranteeing respect for Italy's nonrefoulement obligations; and eliminating the provision criminalizing irregular entry and stay on Italian territory as well as the provision making irregular status an aggravating circumstance in the commission of a criminal offense.

During Italy's review, numerous delegations expressed concern about intolerance and xenophobia against migrants and minorities, including Roma and Sinti, in Italy. Human Rights Watch shares this concern. Racism and xenophobia characterized by violence as well as offensive political discourse, is a serious problem in Italy. The targeted attacks on African seasonal migrant workers in Rosarno, southern Italy, in January 2010 provide a dramatic demonstration of the phenomenon. The response of the Italian government has at best minimized the problem and at worst exacerbated the climate of intolerance. Elected officials, both at the local and national level, have used inflammatory rhetoric, while policy and legislative action has reinforced a linkage between crime and persons deemed to be "foreigners." Human Rights Watch welcomes that Italy accepted a number of important related recommendations and urges the Government to take the necessary steps for their implementation without delay.

In response to criticisms during the UPR review, Italy reiterated its commitment to rescue operations at sea. But it has thus far failed to publicly renounce its policy of interdicting boat migrants on the high seas and returning them summarily to Libya. Summary push-backs without screening for those in need of protection violate Italy's duty to ensure the right to seek asylum under the 1951 Refugee Convention, as well as the nonrefoulement obligations under the Refugee Convention, the Convention against Torture, the European Convention on Human Rights and the International Covenant on Civil and Political Rights. Numerous international and regional human rights bodies, including most recently the European

Committee for the Prevention of Torture (April 2010) have condemned the interdictions. The European Court of Human is examining the admissibility of a case brought against Italy for the pushback of eleven Somalis and thirteen Eritreans. The public prosecutor in Syracuse has ordered the trial of the head of the border police and the head of the financial guard for abuses committed during one interdiction.

The UPR report contains a clear recommendation to Italy to ensure that its legislation and practices comply with the principle of nonrefoulement and we welcome that Italy accepted it. However Italy's returns of terrorism suspects to Tunisia demonstrate a disturbing willingness to undermine the global ban on torture as well as contempt for the European system of human rights protection. On April 15, 2010, the European Court of Human Rights condemned Italy once again for expelling a terrorism suspect to Tunisia despite a credible risk of torture and ill-treatment, and despite a request from the Court to stay the expulsion. Two weeks later, on May 1, Italian authorities expelled another Tunisia in violation of European Court interim measures. It is vital that Italy end such practices.

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