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Italy

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the documents referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.

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I. Background and framework

A. Scope of international obligations¹

International human rights treaties²

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (1976)	OP-CAT (2013)	ICRMW
	ICESCR (1978)		CPED (signature, 2007)
	ICCPR (1978)		
	ICCPR-OP 2 (1995)		
	CEDAW (1985)		
	CAT (1989)		
	CRC (1991)		
	OP-CRC-AC (2002)		
	OP-CRC-SC (2002)		
	CRPD (2009)		
	CPED (signature, 2007)		
<i>Reservations and/or declarations</i>	ICERD (declarations, arts. 4 and 6, 1976)		
	ICCPR (reservations, art. 15, para. 1, and art. 19, para. 3, 1978)		
	ICCPR-OP 1 (declaration, art. 5, para. 2, 1978)		
	CEDAW (general reservation upon signature, 1980)		
	OP-CRC-AC (declaration, art. 3, para. 2, minimum age of recruitment, 17 years, 2002)		
<i>Complaints procedures, inquiries and urgent action³</i>	ICERD, art. 14 (1978)	OP-CRC-IC (signature, 2012)	OP-ICESCR (signature, 2009)
	OP-ICESCR (signature, 2009)		OP-CRC-IC (signature, 2012)
	ICCPR, art. 41 (1978)		ICRMW
	ICCPR-OP 1 (1978)		CPED (signature, 2007)
	OP-CEDAW, art. 8 (2000)		
	CAT, arts. 20, 21 and 22 (1989)		
	OP-CRPD, art. 6 (2009)		
	CPED (signature, 2007)		

Other main relevant international instruments⁴

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Convention on the Prevention and Punishment of the Crime of Genocide Rome Statute of the International Criminal Court Palermo Protocol ⁵ Conventions on refugees and stateless persons except 1961 Stateless Convention ⁶ Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁷ ILO fundamental conventions ⁸ UNESCO Convention against Discrimination in Education	ILO Convention No. 189 ⁹	ILO Convention No. 169 ¹⁰ 1961 Stateless Convention ¹¹

1. Several treaty bodies and special rapporteurs recommended that Italy ratify ICRMW.¹² The Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on the Rights of the Child (CRC) recommended that Italy ratify CPED.¹³ Additionally, CRC recommended that Italy ratify OP-ICESCR.¹⁴

2. CRC and UNHCR recommended that Italy ratify the 1961 Convention on the Reduction of Statelessness.¹⁵

3. CRC encouraged Italy to ratify the Additional Protocol to the Convention on cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems,¹⁶ the European Convention on the Legal Status of Children Born out of Wedlock, and the European Charter for Regional or Minority Languages.¹⁷

4. The Special Rapporteur on violence against women, its causes and consequences recommended the ratification and implementation of the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children and the European Convention on the Compensation of Victims of Violent Crimes.¹⁸

5. CRC urged Italy to amend its declaration under OP-CRC-AC on the minimum age for recruitment to conform with national legislation of a minimum age of 18 years.¹⁹

B. Constitutional and legislative framework

6. CERD welcomed the legislative measures reversing the burden of proof imposed on the defendant in civil cases of racial discrimination.²⁰

7. In 2014, the Working Group on Arbitrary Detention (WGAD) welcomed the recent ratification of OP-CAT and the establishment of the National Guarantor of the Rights of Detainees. It encouraged Italy to promptly adopt the bill on the specific crime of torture.²¹

8. The Special Rapporteur on violence against women, its causes and consequences urged Italy to adopt a specific law on violence against women to address the fragmentation

due to the interpretation and implementation of the Civil, Criminal and Procedural Codes. The Special Rapporteur also recommended that Italy address the legal gaps in the area of child custody and include relevant provisions relating to protection of women who are the victims of domestic violence.²²

9. WGAD welcomed the recent abolition of migration as an aggravating circumstance in criminal law and the steps taken by Parliament to abrogate the crime of “illegal entry and stay”. However, it noted with concern that the latter remained an administrative offence.²³

10. The Special Rapporteur on violence against women, its causes and consequences requested amendment of the “security package” laws generally, and specifically in order to ensure access by migrant women in irregular situations to the judiciary and law enforcement agencies without fear of detention and deportation.²⁴ CEDAW was concerned that the “security package” had seriously prevented law enforcement authorities from adequately identifying potential victims of trafficking.²⁵

11. WGAD noted that the special detention regime for mafia offenders, under article 41 bis of the Law on the Penitentiary System, had not been brought into compliance with international human rights requirements. While welcoming the Constitutional Court judgement on access to defence counsel, WGAD regretted that Italy had not taken any measures sufficiently to strengthen and expedite the judicial review of orders imposing or extending that form of detention. It indicated that such restrictive measures must be reviewed on a regular basis in order to ensure their compliance with the principles of necessity and proportionality.²⁶

12. CRC welcomed the adoption of Act No. 62/2011 on the protection of the relationship between mothers in prison and their minor children, and Act No. 112/2011 on the establishment of the National Ombudsperson for Children and Adolescents.²⁷

13. CRC strongly recommended that Italy fully harmonize national legislation with OP-CRC-SC, in particular by introducing a definition of child pornography into the Criminal Code, and that it develop a strategy for the prevention of sexual exploitation and abuse.²⁸

C. Institutional and human rights infrastructure and policy measures

14. Several treaty bodies recommended that Italy establish a consultation and coordination mechanism with local authorities so as to ensure effective and consistent application of the conventions.²⁹

15. WGAD regretted that Italy had not yet established an independent national human rights institution in accordance with the Paris Principles. Noting bills currently before Parliament, WGAD urged Italy to prioritize the establishment of such an institution, with a broad human rights mandate and the necessary human and financial resources for its effective functioning.³⁰

16. The Special Rapporteur on the human rights of migrants recommended the establishment of a national human rights institution (NHRI) in line with the Paris Principles, ensuring that it was both functionally and financially independent of the State and was vested with the authority to investigate all issues relating to human rights, including those of migrants, regardless of their administrative status.³¹ The Special Rapporteur on violence against women, its causes and consequences recommended that the creation of an independent national human rights institution be expedited, with a section dedicated to women’s rights.³²

17. In August 2013, CERD welcomed the Senate’s adoption in July 2012 of Bill No. 2720 to establish an independent NHRI, and reiterated its previous recommendation that

Italy actively involve civil society actors in the process of its establishment in order to ensure its legitimacy and credibility.³³

18. The Special Rapporteur on violence against women, its causes and consequences recommended that Italy strengthen the capacity of the National Office against Racial Discrimination (UNAR) to bring about change in society's perception of women from marginalized communities.³⁴ CERD recommended that Italy take the necessary measures to guarantee the independence of UNAR.³⁵

19. CERD welcomed the 2012 National Strategy for the Inclusion of Roma, Sinti and Camminanti Communities, which was part of the European Union Framework and which covered relevant key sectors such as education, employment, health and housing.³⁶

20. CERD encouraged Italy to adopt a global and comprehensive human rights action plan.³⁷

21. The Special Rapporteur on the human rights of migrants recommended the development of a comprehensive national system of data collection, analysis and dissemination regarding immigration policies and practices to be used as a foundation for rights-based policymaking on migration. The data collection should include migrants in detention and deportations.³⁸

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies³⁹

1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	March 2008	2011	March 2012	Nineteenth and twentieth reports due in 2015
CESCR	November 2004	2012	–	Fifth report pending consideration
HR Committee	November 2005	–	–	Sixth report overdue since 2009
CEDAW	January 2005	2009	July 2011	Seventh report due in 2015
CAT	May 2007	–	–	Sixth report overdue since 2011
CRC	January 2003/June 2006 (OP-CRC-AC and OP-CRC-SC)	2009	October 2011	Fifth and sixth reports due in 2017
CRPD	–	2013	–	Initial report pending consideration

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
CERD	2009	Establishment of a NHRI; conditions in centres for refugees and asylum seekers; and Roma and Sinti communities. ⁴⁰	2009. ⁴¹ Further information requested. ⁴²
	2013	Establishment of NHRI; forced evictions of Roma and Sinti communities. ⁴³	2013. ⁴⁴ Further information requested. ⁴⁵
CEDAW	2013	Stereotypes and harmful practices; and violence against women. ⁴⁶	2013. ⁴⁷ Follow up ongoing. ⁴⁸
CAT	2008	Fundamental safeguards; non-refoulement; conditions of detention; and compensation and rehabilitation. ⁴⁹	2008. ⁵⁰ Additional information requested. ⁵¹

B. Cooperation with special procedures⁵²

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	Yes	Yes
<i>Visits undertaken</i>	Freedom of expression (2004) Migrants (2004) Racism (2006) Arbitrary detention (2008)	Violence against women (2012) Migrants (2012) Trafficking (2013) Freedom of expression (2013) Arbitrary detention (2014)
<i>Visits agreed to in principle</i>	Slavery	Extreme poverty
<i>Visits requested</i>		Independence of judges and lawyers (2013)
<i>Responses to letters of allegation and urgent appeals</i>	In the period under review, 15 communications were sent. The Government replied to 11 of them.	

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

22. The United Nations High Commissioner for Human Rights visited Italy in March 2010.⁵³

23. Italy contributed financially to OHCHR in 2009,⁵⁴ 2011,⁵⁵ 2012,⁵⁶ 2013⁵⁷ (including to the United Nations Voluntary Fund for Victims of Torture)⁵⁸ and 2014.⁵⁹

III. Implementation of international human rights obligations

A. Equality and non-discrimination

24. CEDAW urged Italy to take measures to prevent discrimination against women belonging to disadvantaged groups.⁶⁰

25. CEDAW called upon Italy to put in place a comprehensive policy to end the portrayal of women as sex objects and to end stereotypical attitudes relating to women's roles and responsibilities in society and in the family.⁶¹ CRC raised similar concerns.⁶²

26. CRC urged Italy to eliminate any remaining discrimination between children born in marriage and children born outside marriage.⁶³

27. CERD urged Italy to ensure that non-citizens enjoyed equal protection and recognition before the law. CERD recommended that Italy ensure that its legislation and policies did not discriminate, in purpose or effect, on the grounds of race, colour, descent, or national or ethnic origin.⁶⁴

28. CERD and CRC recommended that Italy amend article 61 of the Criminal Code so that racist motivation in the commission of an offence constituted an aggravating circumstance, including in cases where there were mixed motives.⁶⁵

29. The United Nations High Commissioner for Human Rights expressed alarm at the negative portrayal of migrants and Roma by some parts of the media and some politicians and other authorities. She urged Italy's politicians, media and public officials to avoid vilification and deliberate negative stereotyping of any group of people and to publicly campaign against such behaviour by others.⁶⁶ CERD raised similar issues.⁶⁷

30. CERD regretted the persistence of stereotypes associating ethnic minorities and non-citizens with criminality, and Islam with terrorism. CERD recommended that Italy increase its efforts to prevent and combat racial discrimination against Muslims and foster dialogue with Muslim communities.⁶⁸

31. CERD and CEDAW recommended that Italy remove obstacles hindering the enjoyment of economic, social and cultural rights by non-citizens, in particular their rights to education, adequate housing, employment and health.⁶⁹

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

32. CERD was deeply concerned at several cases of racist violence involving destruction of property and the murders of a number of migrants. CERD recommended that Italy ensure the security and integrity of non-citizens and of Roma and Sinti, and that it make sure that perpetrators did not enjoy de jure or de facto impunity.⁷⁰

33. WGAD urged Italy to take extraordinary steps, such as alternative measures to detention, to end over-incarceration and to protect the rights of migrants. It also called on Italy to comply with its recommendations on over-incarceration and with the *Torreggiani* judgement of the European Court of Human Rights.⁷¹

34. WGAD remained concerned at the high number of pretrial detainees and stated that there was a need to monitor and remedy the disproportionate application of pretrial detention in the case of foreign nationals and Roma, including minors.⁷²

35. WGAD remained concerned at the length of the administrative detention and the conditions of detention in the Identification and Expulsion Centres (CIEs).⁷³

36. WGAD noted that a significant number of detainees in CIEs were foreign nationals convicted of criminal offences who were subsequently remanded into CIEs, and called on Italy to avoid the transfer to CIEs of convicted migrants who should be identified during their detention in prison.⁷⁴

37. The Special Rapporteur on violence against women, its causes and consequences recommended that Italy promote existing alternative forms of detention, including house arrest and low-security establishments, for women with children, having due regard to the largely non-violent nature of the crimes for which they were incarcerated and the best interests of the children.⁷⁵

38. The Special Rapporteur on the human rights of migrants stressed that migrants should be detained only because they presented a danger to themselves or others, or would abscond before future proceedings, and always for the shortest time possible, and that non-custodial measures should always be considered first as alternatives to detention.⁷⁶ Italy should systematically inform detained migrants in writing, in a language they understand, of the reason for their detention, its duration, their right to have access to a lawyer, their right to promptly challenge their detention and their right to seek asylum.⁷⁷ Italy should ensure that all migrants deprived of their liberty were able promptly to contact their family, consular services and a lawyer, which should be free of charge.⁷⁸

39. CEDAW remained concerned about the high number of women murdered by their partners or ex-partners. CEDAW urged Italy to put emphasis on comprehensive measures to address violence against women and to ensure that victims had immediate protection, including expulsion of the perpetrator from the home.⁷⁹

40. The Special Rapporteur on violence against women, its causes and consequences recommended that Italy continue to take necessary measures, including financial, to maintain existing and/or set up new anti-violence shelters to assist and protect women victims of violence, that it ensure that shelters operated according to international and national human rights standards and that accountability mechanisms were put in place to monitor the support provided to women victims of violence. She also stressed the need to enhance coordination and exchange of information among the judiciary, the police and the psychosocial and health operators dealing with violence against women.⁸⁰

41. CRC recommended that Italy prioritize the elimination of all forms of violence against children.⁸¹

42. CRC recommended that Italy reform domestic legislation to ensure the inclusion of an explicit prohibition on all forms of corporal punishment in all settings, including in the home.⁸²

43. The Special Rapporteur on trafficking in persons, especially women and children urged Italy to expedite the preparation of a national action plan that identified objectives, delineated responsibilities, provided sufficient funding and set out clear indicators to measure the progress and impact of policy response, in consultation with all stakeholders.⁸³

44. On training and capacity-building, the Special Rapporteur on trafficking in persons, especially women and children stressed the need to consistently implement the existing identification system and allocate adequate resources to it throughout the country. She added that training should be provided for relevant law enforcement agents, especially the police, immigration officials, labour inspectors and social workers, that should seek to enhance the capacity of those officials to identify trafficked persons quickly and accurately and to make referrals to appropriate services, particularly when minors were involved.⁸⁴

45. The Special Rapporteur on trafficking in persons, especially women and children emphasized that the recovery and reintegration of victims of trafficking should be given continuous and adequate State funding and recommended that Italy strengthen partnerships

with source countries, including bilateral and multilateral agreements, and extend cooperation for the exchange of information and for mutual legal and investigation assistance.⁸⁵

C. Administration of justice and the rule of law

46. CERD recommended that UNAR continue its collaboration with non-governmental organizations (NGOs) in assisting victims of racism, and encouraged Italy to review the system of registration of NGOs so as to allow them to initiate legal proceedings on behalf of victims. CERD also recommended that Italy raise awareness among the population about legal and administrative remedies and that it increase free legal services for the most vulnerable social groups.⁸⁶

47. CERD recommended that Italy ensure that claims of racial discrimination were thoroughly investigated and subject to independent inspection. CERD invited Italy to encourage the recruitment of persons belonging to ethnic groups into the police or other law enforcement agencies.⁸⁷

48. The Special Rapporteur on the human rights of migrants recommended the introduction of training for Justices of the Peace on international human rights law and international refugee law.⁸⁸

49. The Special Rapporteur on violence against women, its causes and consequences highlighted the need to provide education and training to judges to address effectively cases of violence against women. She also stressed the need to ensure the provision of quality, State-sponsored legal aid to women victims of violence.⁸⁹

50. CRC expressed deep concern over reports that foreign children had been placed in juvenile correctional institutions and reception centres solely because they lacked documents.⁹⁰ CRC recommended that Italy bring its juvenile justice system fully into line with the Convention and other relevant standards.⁹¹

D. Right to privacy, marriage and family life

51. CEDAW recommended that Italy reduce the length of divorce proceedings to one year and continue protecting and enhancing the rights, in particular the economic rights, of women living in de facto unions.⁹²

52. CRC was concerned that Act No. 94/2009 on public security made it compulsory for all non-Italians to show their residence permit in order to obtain civil records.⁹³ Recalling Italy's acceptance of universal periodic review (UPR) recommendation No. 40 to implement Act No. 91/1992 on Italian citizenship, CRC recommended that Italy ensure by law the obligation of, and facilitate in practice, the birth registration of all children born in and living in Italy.⁹⁴

53. CRC recommended that Italy undertake a study on the situation regarding the right to a family environment for children with parents in prison.⁹⁵

E. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

54. CRC called upon Italy to ensure in practice that religious instruction was truly optional, and study good practices of alternatives to Catholic religious instruction and consider making them available in the national curricula.⁹⁶

55. In 2013, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression urged the legislature to completely decriminalize defamation and to transform it from a criminal to a civil action, in order not to discourage freedom of expression.⁹⁷ UNESCO made a similar recommendation.⁹⁸

56. UNESCO stated that Italy lacked media pluralism due to the concentration of media ownership with a small group of individuals.⁹⁹ The Special Rapporteur on the right to freedom of opinion and expression urged Italy to promote and protect media diversity and pluralism by preventing cross-ownership of print and broadcast media.¹⁰⁰ He recommended that the Frattini Law, No. 215 of 2004, be amended to introduce the principle of incompatibility between holding elected or government office and ownership and control of the media.¹⁰¹

57. The Special Rapporteur on the right to freedom of opinion and expression stressed that all acts of intimidation and violence against journalists needed to be fully investigated, and that legal measures combating hate speech should be complemented by a broad set of non-legal measures to bring about genuine changes in mindsets.¹⁰² Attention should be paid to the working conditions of journalists; and standards should be set, including tariffs for fair remuneration.¹⁰³

58. Regarding communications regulatory authorities, the Special Rapporteur on the right to freedom of opinion and expression recommended that Parliament should establish a mechanism that would ensure the transparency of the election processes for members of the boards of regulatory bodies and publish the selection criteria for the Communications Regulatory Authority (Autorità per le Garanzie nelle Comunicazioni), an independent body that was established under the Maccanico Law No. 249 in 1997.¹⁰⁴

59. CEDAW urged Italy to strengthen women's representation in leadership roles and decision-making positions in political bodies, public administration and the private sector, and to consider taking additional legislative measures to ensure adequate representation of Roma women and migrant women, and women from the south of the country.¹⁰⁵

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

60. CEDAW remained concerned at the persistent high rate of female unemployment.¹⁰⁶ It urged Italy to take concrete measures to ensure de facto equal opportunities for women and men in the labour market and to eliminate occupational segregation.¹⁰⁷

61. CEDAW recommended that Italy take targeted measures to ensure that women working in rural areas had real possibilities to benefit from economic empowerment and equal opportunities with men.¹⁰⁸

62. CEDAW and the International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations expressed concern at the practice of having the worker sign an undated letter of resignation at the time of hiring, for future use by the employer. Noting the high number of resignations by women aged between 26 and 35, the Committee of Experts requested Italy to take additional concrete measures to address the issue of resignation without cause by pregnant women and working mothers.¹⁰⁹

63. CEDAW called upon Italy to mainstream the issues of immigrant women and women with disabilities into its employment policies and programmes.¹¹⁰

64. The Special Rapporteur on the human rights of migrants requested that Italy fully implement the European Union's Employer Sanctions Directive, including by developing comprehensive measures to sanction Italian employers who abused the vulnerability of migrants.¹¹¹ CERD recommended that Italy amend its legislation to allow undocumented

migrants to claim rights arising out of previous employment and to file complaints irrespective of immigration status.¹¹²

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

65. CRC was deeply concerned at the high number of children living in poverty and the disproportionate concentration of child poverty in southern Italy.¹¹³

H. Right to health

66. CEDAW urged Italy to ensure equal access to health services to women throughout its territory.¹¹⁴

67. CEDAW recommended that Italy take preventive measures and provide health-care services and treatment to immigrant women infected with HIV/AIDS.¹¹⁵

68. CRC noted with concern discrepancies in the quality and efficiency of the health-care system between southern and northern regions.¹¹⁶

I. Right to education

69. CRC strongly recommended that Italy refrain from further budget cuts in the education sector, introduce educational support mechanisms for children from economically disadvantaged families, take action to pass legislation on access to vocational training, and develop programmes to improve the integration of foreigners and minority children in schools.¹¹⁷

70. CRC was concerned at the very limited number of Roma children enrolled in primary and especially secondary school.¹¹⁸ CEDAW called upon Italy to implement measures to decrease dropout rates among Roma and Sinti girls.¹¹⁹ CERD encouraged Italy to ensure effective access to education by Roma and Sinti children and other vulnerable groups.¹²⁰ UNESCO made similar recommendations.¹²¹

J. Persons with disabilities

71. CRC was concerned that disability was still conceptualized as a “handicap”, rather than approached with the aim of ensuring the social inclusion of children with disabilities.¹²² It recommended that Italy ensure a rights-based approach in relation to children with disabilities.¹²³

K. Minorities

72. The United Nations High Commissioner for Human Rights expressed concern at the policy of treating migrants and Roma as a security problem rather than as one of social inclusion.¹²⁴

73. CERD was extremely concerned about the census that had taken place subsequent to the state of emergency imposed in May 2008 and the “Nomad Emergency Decree” regarding the settlements of nomad communities. CERD was concerned at the information that, in the course of that census, fingerprints and photographs of Roma and Sinti residents of camps, including children, had been collected. CERD strongly recommended that Italy inform the communities concerned that data had been destroyed and that it refrain from

conducting emergency censuses targeted at minority groups.¹²⁵ CRC made related recommendations.¹²⁶

74. CERD encouraged Italy to take the necessary measures to avoid forced evictions of Roma and Sinti communities and recommended that Italy provide effective remedies for all the negative effects that followed the implementation of the Nomad Emergency Decree.¹²⁷ In its follow-up letter of 30 August 2013, however, CERD regretted the lack of information concerning the provision of effective remedies to them and requested that Italy provide concrete information in that regard.¹²⁸

75. CERD was concerned that the already lamentable situation of Roma and Sinti communities might be worse for women belonging to those communities.¹²⁹

76. CRC was seriously concerned about the poor health of Roma children. CRC noted with utmost concern the death of six children in 2010 in “illegal” Roma camps with very poor conditions, as well as evictions, deportations, and government efforts to remove Roma children from their parents for their protection.¹³⁰ CRC recommended that Italy adopt a national action plan for their genuine social integration into Italian society, allocate adequate resources to ensure sustainable improvement in the socioeconomic conditions of Roma children, and address harmful practices such as early marriage.¹³¹

L. Migrants, refugees and asylum seekers

77. The United Nations High Commissioner for Human Rights expressed her concern at many of the provisions in the “security package” and at the fact that women, children and men, who, under international law, had not committed any crime, were sometimes spending more time in detention than genuine convicted criminals.¹³²

78. UNHCR noted Italy’s far-reaching and commendable efforts to save lives at sea. Following the shipwreck tragedies in October 2013, Italy had launched the Mare Nostrum operation, which had contributed, until the end of February 2014, to rescuing more than 10,000 migrants.¹³³

79. However, UNHCR stated that the emergency plan put in place in response to the “North Africa immigration emergency” had highlighted long-standing flaws in the reception system. This illustrated the need for a consolidated national reception system.¹³⁴

80. CERD was concerned about breaches of international norms regarding protection of refugees or asylum seekers, as demonstrated by the judgement of the European Court of Human Rights of 23 February 2012 against Italy on the collective expulsion of 24 persons.¹³⁵ CERD recommended to Italy to ensure that conditions in centres for refugees and asylum seekers met international standards.¹³⁶ UNHCR made similar recommendations.¹³⁷

81. The Special Rapporteur on the human rights of migrants noted the importance of taking all necessary measures to execute the judgement of the European Court of Human Rights in the *Hirsi* case.¹³⁸

82. UNHCR was concerned that hundreds of migrants from North Africa had been repatriated pursuant to bilateral readmission agreements with their countries of origin. Furthermore, persons who had arrived in an irregular manner in Adriatic ports, including children as young as 13, had reportedly been returned to a third country without their protection needs being properly assessed, in accordance with the readmission agreement signed in 1999.¹³⁹

83. The Special Rapporteur on the human rights of migrants recommended that Italy fully respect the human rights of migrants in relation to the implementation of all

readmission agreements, and ensure that those agreements included safeguards to fully respect the human rights of migrants, including asylum seekers and refugees, in particular with regard to the principle of non-refoulement.¹⁴⁰ UNHCR made similar recommendations.¹⁴¹

84. UNHCR indicated that Italy still lacked an adequate multidisciplinary age determination procedure.¹⁴² The Special Rapporteur on the human rights of migrants recommended that Italy establish a comprehensive mechanism for the identification of unaccompanied minors that included not only medical examinations but also a psychosocial and cultural approach, in order to best identify specific protection measures in the best interests of each child.¹⁴³ CRC also recommended that Italy introduce comprehensive legislation ensuring assistance and protection for unaccompanied children.¹⁴⁴

85. WGAD was concerned at reports of the summary return of individuals, including, in some cases, unaccompanied minors who had sought asylum, in the context of bilateral readmission agreements, mainly due to inadequate or non-existent screening that had failed to determine their age or to inform them of their rights.¹⁴⁵

86. CRC recommended that Italy ensure that each child under its jurisdiction, whether on the high seas or on its territory, who sought to enter Italy, had the right to an individual examination of his or her circumstances and was provided with prompt access to asylum procedures and other relevant national and international protection procedures; and that it review its domestic law to ensure that it prohibited the expulsion of persons under the age of 18, even for reasons of public order and State security, where there were substantial grounds for believing that there was a real risk of irreparable harm to the child.¹⁴⁶

87. CRC was concerned that Italy lacked a framework law on political asylum.¹⁴⁷ UNHCR stated that the fragmentation of the legislative framework on asylum corresponded to a division of competence among various institutions, where different actors often operated without adequate coordination.¹⁴⁸

88. CEDAW recommended that Italy fully integrate a gender-sensitive approach throughout the process of granting asylum/refugee status, including in the application stage, and that it recognize gender persecution as a ground for recognition of refugee status.¹⁴⁹

89. CRC urged Italy to include the recruitment and use of children in armed conflict as a ground for refugee status in domestic legislation.¹⁵⁰

90. The Special Rapporteur on the human rights of migrants stressed that all detained persons who claimed protection concerns should be adequately informed of their right to seek asylum, have access to the registration of their asylum claim and be able to communicate with UNHCR, lawyers and civil society organizations. He also urged that all decision-makers within the Territorial Commission be adequately trained in asylum and human rights law in order to appropriately determine asylum claims.¹⁵¹

91. UNHCR indicated that de facto stateless persons could be found among the Roma and Sinti communities originating from abroad and having lived in Italy for many years.¹⁵² CERD recommended that Italy take measures to reduce statelessness, in particular among Roma and Sinti children born in Italy, and to facilitate access to citizenship for stateless Roma, Sinti and non-citizens who had lived in Italy for many years.¹⁵³

M. Right to development

92. CRC encouraged Italy to strive to redress the fall in official development assistance and recover its growth path in order to meet the internationally agreed target of 0.7 per cent of gross national product by 2015.¹⁵⁴

Notes

¹ Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Italy from the previous cycle (A/HRC/WG.6/7/ITA/2).

² The following abbreviations have been used in the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance

³ Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31; Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13; Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12; Urgent action: CPED, art. 30.

⁴ Information relating to other relevant international human rights instruments, including regional instruments, may be found in the pledges and commitments undertaken by Italy before the Human Rights Council, as contained in the note verbale dated 11 February 2011 and sent by the Permanent Mission of Italy to the United Nations, addressed to the Secretariat: A/65/733.

⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁶ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and 1954 Convention relating to the Status of Stateless Persons.

⁷ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications,

- see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.
- ⁸ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ⁹ International Labour Organization Convention No. 189 concerning Decent Work for Domestic Workers.
- ¹⁰ International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.
- ¹¹ 1961 Convention on the Reduction of Statelessness.
- ¹² CERD/C/ITA/CO/16-18, para. 28, CEDAW/C/ITA/CO/6, para. 58, CRC/C/ITA/CO/3-4, para. 81, A/HRC/23/46/Add.3, para. 94, A/HRC/26/37/Add.4, para. 89 (a), and A/HRC/20/16/Add.2, para. 94 (n).
- ¹³ CEDAW/C/ITA/CO/6, para. 58, and CRC/C/ITA/CO/3-4, para. 81.
- ¹⁴ CRC/C/ITA/CO/3-4, para. 81.
- ¹⁵ UNHCR submission to the UPR on Italy, p. 12, and CRC/C/ITA/CO/3-4, para. 81.
- ¹⁶ CERD/C/ITA/CO/16-18, para. 17 (b).
- ¹⁷ CRC/C/ITA/CO/3-4, para. 25 (f), and CRC/C/ITA/CO/3-4, para. 80 (f).
- ¹⁸ A/HRC/20/16/Add.2, para. 94 (n).
- ¹⁹ CRC/C/ITA/CO/3-4, para. 72 (a).
- ²⁰ CERD/C/ITA/CO/16-18, para. 5.
- ²¹ Italy/Arbitrary Detention: UN expert body calls for action to end over-incarceration and to protect rights of migrants. News release, 11 July 2014, OHCHR. Available from <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14853&>
- ²² A/HRC/20/16/Add.2, para. 94 (c) and (d).
- ²³ Italy/Arbitrary Detention: UN expert body calls for action to end over-incarceration and to protect rights of migrants. News release, 11 July 2014, OHCHR. Available from <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14853&>
- ²⁴ A/HRC/20/16/Add.2, para. 94 (k).
- ²⁵ CEDAW/C/ITA/CO/6, para. 28.
- ²⁶ Italy/Arbitrary Detention: UN expert body calls for action to end over-incarceration and to protect rights of migrants. News release, 11 July 2014, OHCHR. Available from <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14853&>
- ²⁷ CRC/C/ITA/CO/3-4, para. 3.
- ²⁸ *Ibid.*, para. 75 (a) and (b).
- ²⁹ CERD/C/ITA/CO/16-18, para. 27, CEDAW/C/ITA/CO/6, para. 17, and CRC/C/ITA/CO/3-4, para. 9 (b).
- ³⁰ Italy/Arbitrary Detention: UN expert body calls for action to end over-incarceration and to protect rights of migrants. News release, 11 July 2014, OHCHR. Available from <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14853&>
- ³¹ A/HRC/23/46/Add.3, para. 92.
- ³² A/HRC/20/16/Add.2, para. 94 (b).
- ³³ Letter from CERD to the Permanent Mission of Italy to the United Nations and other international organizations in Geneva, dated 28 September 2009, available from http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ITA/INT_CERD_FUL_ITA_11807_E.pdf, accessed on 30 June 2014.
- ³⁴ A/HRC/20/16/Add.2, para. 95 (b).
- ³⁵ CERD/C/ITA/CO/16-18, para. 14.
- ³⁶ *Ibid.*, para. 8.
- ³⁷ *Ibid.*, para. 27.

- ³⁸ A/HRC/23/46/Add.3, para. 91.
- ³⁹ The following abbreviations have been used in the present document:
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| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child |
| CRPD | Committee on the Rights of Persons with Disabilities |
- ⁴⁰ CERD/C/ITA/CO/15, para. 28.
- ⁴¹ CERD/C/ITA/CO/15/Add.1.
- ⁴² Letter from CERD to the Permanent Mission of Italy to the United Nations and other international organizations in Geneva, dated 28 September 2009, available from http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ITA/INT_CERD_FUL_ITA_11807_E.pdf, accessed on 30 June 2014.
- ⁴³ CERD/C/ITA/CO/16-18, para. 34.
- ⁴⁴ CERD/C/ITA/CO/16-18/Add.1.
- ⁴⁵ Letter from CERD to the Permanent Mission of Italy to the United Nations and other international organizations in Geneva, dated 30 August 2013, available from http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ITA/INT_CERD_FUL_ITA_15704_E.pdf, accessed on 30 June 2014.
- ⁴⁶ CEDAW/C/ITA/CO/6, para. 60.
- ⁴⁷ CEDAW/C/ITA/CO/6/Add.1.
- ⁴⁸ Letter from CEDAW to the Permanent Mission of Italy to the United Nations and other international organizations in Geneva, dated 8 April 2014, available from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/ITA/INT_CEDAW_FUL_ITA_16991_E.pdf, accessed on 30 June 2014.
- ⁴⁹ CAT/C/ITA/CO/4, para. 29.
- ⁵⁰ CAT/C/ITA/CO/4/Add.1.
- ⁵¹ Letter from CAT to the Permanent Mission of Italy to the United Nations and other international organizations in Geneva, dated 17 November 2009, available from http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/ITA/INT_CAT_FUF_ITA_12083_E.pdf, accessed on 30 June 2014.
- ⁵² For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
- ⁵³ High Commissioner's mission to Italy, 10 and 11 March 2010. Final press conference, opening statement, available from <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=9901&LangID=E>
- ⁵⁴ OHCHR Report 2009, p. 208.
- ⁵⁵ OHCHR Report 2011, p. 169.
- ⁵⁶ OHCHR Report 2012, p. 162.
- ⁵⁷ OHCHR Report 2013, p. 178.
- ⁵⁸ *Ibid.*, p. 169.
- ⁵⁹ Voluntary contributions to OHCHR in 2014 as at 30 July, available from <http://www.ohchr.org/Documents/AboutUs/FundingBudget/VoluntaryContributions2014.pdf>
- ⁶⁰ CEDAW/C/ITA/CO/6, para. 53.
- ⁶¹ *Ibid.*, para. 23 (a).
- ⁶² CRC/C/ITA/CO/3-4, para. 32.
- ⁶³ *Ibid.*, para. 25 (e).
- ⁶⁴ CERD/C/ITA/CO/16-18, para. 12.
- ⁶⁵ *Ibid.*, para. 16, and CRC/C/ITA/CO/3-4, para. 25 (d).
- ⁶⁶ High Commissioner's mission to Italy, 10 and 11 March 2010. Final press conference, opening statement, available from <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=9901&LangID=E>
- ⁶⁷ CERD/C/ITA/CO/16-18, para. 17.
- ⁶⁸ *Ibid.*, para. 19.

- 69 Ibid., para. 23, and CEDAW/C/ITA/CO/6, para. 53 (a).
- 70 CERD/C/ITA/CO/16-18, para. 18.
- 71 Italy/Arbitrary Detention: UN expert body calls for action to end over-incarceration and to protect rights of migrants. News release, 11 July 2014, OHCHR. Available from <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14853&>
- 72 Ibid.
- 73 Ibid.
- 74 Ibid.
- 75 A/HRC/20/16/Add.2, para. 94 (g).
- 76 A/HRC/23/46/Add.3, para. 105.
- 77 Ibid., para. 108.
- 78 Ibid., para. 110.
- 79 CEDAW/C/ITA/CO/6, paras. 26 and 27 (b).
- 80 A/HRC/20/16/Add.2, para. 96.
- 81 CRC/C/ITA/CO/3-4, para. 44 (a).
- 82 Ibid., para. 35.
- 83 A/HRC/26/37/Add.4, para. 89 (b).
- 84 Ibid., para. 90.
- 85 Ibid., para. 93.
- 86 CERD/C/ITA/CO/16-18, para. 25.
- 87 Ibid., para. 26.
- 88 A/HRC/23/46/Add.3, para. 118.
- 89 A/HRC/20/16/Add.2, para. 94.
- 90 CRC/C/ITA/CO/3-4, para. 77.
- 91 Ibid., para. 78.
- 92 CEDAW/C/ITA/CO/6, para. 49.
- 93 CRC/C/ITA/CO/3-4, para. 28.
- 94 Ibid., para. 29.
- 95 Ibid., para. 56.
- 96 Ibid., para. 31.
- 97 A/HRC/26/30/Add.3, para. 74.
- 98 UNESCO submission to the UPR on Italy, para. 30.
- 99 Ibid., para. 19.
- 100 A/HRC/26/30/Add.3, para. 77.
- 101 Ibid., para. 78.
- 102 Ibid., paras. 85 and 88.
- 103 Ibid., para. 86.
- 104 Ibid., paras. 42 and 83.
- 105 CEDAW/C/ITA/CO/6, para. 33 (a) and (c).
- 106 Ibid., para. 36.
- 107 Ibid., para. 37 (a) and (b).
- 108 Ibid., para. 47.
- 109 ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), adopted 2013, published 103rd ILC session (2014), available from http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3149526, and CEDAW/C/ITA/CO/6, para. 39.
- 110 CEDAW/C/ITA/CO/6, para. 41.
- 111 A/HRC/23/46/Add.3, para. 122.
- 112 CERD/C/ITA/CO/16-18, para. 23.
- 113 CRC/C/ITA/CO/3-4, para. 57.
- 114 CEDAW/C/ITA/CO/6, para. 43.
- 115 Ibid., para. 45 (b).
- 116 CRC/C/ITA/CO/3-4, para. 47.
- 117 Ibid., para. 61.
- 118 Ibid., para. 79.
- 119 CEDAW/C/ITA/CO/6, para. 35 (a).

- ¹²⁰ CERD/C/ITA/CO/16-18, para. 20.
- ¹²¹ UNESCO submission to the UPR on Italy, para. 28.
- ¹²² CRC/C/ITA/CO/3-4, para. 45.
- ¹²³ *Ibid.*, para. 46.
- ¹²⁴ High Commissioner's mission to Italy, 10 and 11 March 2010. Final press conference, opening statement, available from <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=9901&LangID=E>
- ¹²⁵ CERD/C/ITA/CO/16-18, para. 11.
- ¹²⁶ CRC/C/ITA/CO/3-4, para. 80.
- ¹²⁷ CERD/C/ITA/CO/16-18, para. 15.
- ¹²⁸ Letter from CERD to the Permanent Mission of Italy to the United Nations and other international organizations in Geneva, dated 30 August 2013, available from http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ITA/INT_CERD_FUL_ITA_15704_E.pdf, accessed on 30 June 2014.
- ¹²⁹ CERD/C/ITA/CO/16-18, para. 21.
- ¹³⁰ CRC/C/ITA/CO/3-4, para. 79.
- ¹³¹ *Ibid.*, para. 80 (b), (c) and (d).
- ¹³² High Commissioner's mission to Italy, 10 and 11 March 2010. Final press conference, opening statement, available from <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=9901&LangID=E>
- ¹³³ UNHCR submission to the UPR on Italy, p. 2.
- ¹³⁴ *Ibid.*, p. 8.
- ¹³⁵ CERD/C/ITA/CO/16-18, para. 22.
- ¹³⁶ *Ibid.*, para. 22.
- ¹³⁷ UNHCR submission to the UPR on Italy, p. 9.
- ¹³⁸ A/HRC/23/46/Add.3, para. 121.
- ¹³⁹ UNHCR submission to the UPR on Italy, p. 4.
- ¹⁴⁰ A/HRC/23/46/Add.3, paras. 95 and 96.
- ¹⁴¹ UNHCR submission to the UPR on Italy, p. 5.
- ¹⁴² *Ibid.*, pp. 11 and 12.
- ¹⁴³ A/HRC/23/46/Add.3, para. 97.
- ¹⁴⁴ CRC/C/ITA/CO/3-4, para. 67.
- ¹⁴⁵ Italy/Arbitrary Detention: UN expert body calls for action to end over-incarceration and to protect rights of migrants. News release, 11 July 2014, OHCHR. Available from <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14853&>
- ¹⁴⁶ CRC/C/ITA/CO/3-4, para. 65 (a) and (b).
- ¹⁴⁷ *Ibid.*, para. 64.
- ¹⁴⁸ UNHCR submission to the UPR on Italy, p. 3.
- ¹⁴⁹ CEDAW/C/ITA/CO/6, para. 55.
- ¹⁵⁰ CRC/C/ITA/CO/3-4, para. 72 (d).
- ¹⁵¹ A/HRC/23/46/Add.3, paras. 117 and 118.
- ¹⁵² UNHCR submission to the UPR on Italy, p. 12.
- ¹⁵³ CERD/C/ITA/CO/16-18, para. 24.
- ¹⁵⁴ CRC/C/ITA/CO/3-4, para. 23.
-