



Universal Periodic Review of Italy

UPR Info pre-session for Italy - 11th October 2019

ACAT Italy and FIACAT's presentation – Ilaria Bracaglia (ACAT Italy volunteer)

ACAT Italy – Presentation

ACAT Italy (Action by Christians for the Abolition of Torture) was created in 1987, and is a member of FIACAT (International Federation of ACATs).

ACAT Italy is an ecumenical and interfaith non governmental organization based in Rome, but active throughout Italy for the defense of human rights.

- ACAT Italy's main activities concern the human rights education of young people: ACAT edits a magazine, organizes an award rewarding graduation thesis on the issue of torture and the death penalty “A degree to stop torture and migrants' rights” and conducts courses in schools such as “Unknown Human Rights” dedicated to teenager students.
- ACAT Italy's other actions include petitions, international appeals and advocacy.



Detention - Situation in Italy

- **2nd cycle of UPR** : Recommendations by Switzerland (145.49), Liechtenstein (145.50), Morocco (145.51), France (145.100), Hungary (145.101 and 145.129), Australia (145.102), the Russian Federation (145.103) and Thailand (145.104).
- **Current situation** :
 - Increase of the prison population on 30/09/2019: 60 881 detainees for 50 472 places (occupancy rate 121%)
 - Decrees introducing “preventive” and compensatory measures in 2013 and 2014.
 - Law No. 2013 of 23 June 2017 (Law Orlando) to reform the penal system – Document suggesting changes amended then approved by LD No 123/2018
 - Suicides in prison : between January 2000 and February 2019 : 1059 detainees committed suicide
 - Limited access to special home detention and Institution with attenuated custody for imprisoned mothers for women with their children.
 - Appointment of 1st National Guarantor for the rights of the persons detained but not all local guarantors in place.

Detention - Recommendations

➤ Recommendations:

- Pursue its efforts to reform the criminal justice in particular by increasing access to alternative measures of detention, the protection and reparation of detainees who have suffered a violation of their fundamental rights and the protection of children imprisoned with their mothers.
- Provide adequate care to the most vulnerable detainees in order to reduce the number of suicides, suicide attempt and self-mutilation in prison and shed the light on all cases of suspicious deaths in detention.
- Ensure the effective independence of the National Guarantor and provide the necessary funds for its functioning.

Fight against torture and other ill-treatments – Situation in Italy



- 2nd cycle of UPR : Recommendations by Australia (145.99)
- Current situation:
 - DL No. 110 14 July 2017 criminalizing torture – Art 613 bis of the Criminal Code BUT the definition is not in conformity with the Convention against torture.
 - Does not include the purpose of the conduct
 - Does not require the involvement (passive or active) of a public official
 - Sets a higher threshold for acts of violence to be qualified as torture
 - Cases of torture or excessive use of force by law enforcement officers in particular during the G8 summit or the Cucchi Case : many authors unpunished or not proportionally to the gravity of the acts or lengthy proceedings
 - Still no measure for the identification of law enforcement officers when carrying out their functions.



Fight against torture and other ill-treatments

– Recommendations



➤ Recommendations:

- Amend article 613-bis of the Criminal Code to bring the criminalization of torture in conformity with article 1 of the Convention against torture and ensure that the crime of torture is not subject to any statute of limitation;
- Ensure that all allegations of torture, ill-treatment and excessive use of force by law enforcement officers are properly investigated and prosecuted and punish perpetrators of such acts with appropriate penalties taking into account the gravity of those acts;
- Adopt a legislation that requires that all law enforcement officers on duty be equipped with visible identification number on their uniform or helmet and that provides sanction if the obligation is not enforced.



Priority recommendations

- ▶ Pursue its efforts to reform the criminal justice in particular by increasing access to alternative measures of detention, the protection and reparation of detainees who have suffered a violation of their fundamental rights and the protection of children imprisoned with their mothers.
- ▶ Ensure the effective independence of the National Guarantor and provide the necessary funds for its functioning.
- ▶ Amend article 613-bis of the Criminal Code to bring the criminalization of torture in conformity with article 1 of the Convention against torture and ensure that the crime of torture is not subject to any statute of limitation.
- ▶ Ensure that all allegations of torture, ill-treatment and excessive use of force by law enforcement officials are properly investigated and prosecute and punish perpetrators of such acts with appropriate penalties taking into account the gravity of those acts.

GRAZIE

THANK YOU

