



# General Assembly

Distr.: General  
7 August 2019

Original: English

---

**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-fourth session**  
4–15 November 2019

## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Italy**

---

\* The present document has been reproduced as received. Its content does not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations.



## Acronyms

<b>ABI</b>	Italian Banking Association
<b>AGCM</b>	Italian Competition Authority
<b>AGCOM</b>	National Regulatory Communications Authority
<b>AGIA</b>	Italian Authority for Children and Adolescents
<b>AMIF</b>	Asylum Migration and Integration Fund
<b>ANCI</b>	National Association of Italian Municipalities
<b>CIDU</b>	Inter-ministerial Committee for Human Rights
<b>CoE</b>	Council of Europe
<b>CPRs</b>	Repatriation Centres
<b>CRC-OP-IC</b>	Optional Protocol 3 to UN Convention on the Rights of the Child
<b>CREA</b>	Council for research in agriculture and analysis of agricultural economy
<b>CSM</b>	Superior Council of Judiciary
<b>CSOs</b>	Civil Society Organizations
<b>DEF</b>	Economic and Financial Document
<b>DEO</b>	Department for Equal Opportunities
<b>ECtHR</b>	European Court of Human Rights
<b>EU</b>	European Union
<b>GBV</b>	Gender-based violence
<b>GNI</b>	Gross National Income
<b>HR</b>	Human Rights
<b>ICC</b>	International Criminal Court
<b>ICPPED</b>	International Convention for the Protection of All Persons from Enforced Disappearance
<b>IHL</b>	International Humanitarian Law
<b>INPS</b>	National Social Security Institute
<b>IPM</b>	Juvenile Detention Facility
<b>ISEE</b>	Equivalent economic status indicator
<b>ISTAT</b>	National Institute of Statistics
<b>IT</b>	Information Technology
<b>LGBTI</b>	Lesbian Gay Bisexual Transgender and Intersex
<b>MAECI</b>	Ministry of Foreign Affairs and International Cooperation
<b>MIPAAFT</b>	Ministry of Agricultural, Food and Forestry and Tourism Policies
<b>MIUR</b>	Ministry of Education, University and Research
<b>MoU</b>	Memorandum of Understanding
<b>MP</b>	Parliament Member
<b>NAP</b>	National Action Plan
<b>NGOs</b>	Non-Governmental Organizations
<b>NHRI</b>	National Human Rights Institution

---

<b>NMRF</b>	National Mechanism for Reporting and Follow-up
<b>NPM</b>	National Preventive Mechanism
<b>ODA</b>	Official Development Aid
<b>OECD</b>	Organization for Economic Cooperation and Development
<b>OSCAD</b>	Observatory for security against acts of discrimination
<b>PCM</b>	Presidency of Council of Ministers
<b>PON</b>	National Operational Programme
<b>PwDs</b>	Persons with Disabilities
<b>RSC</b>	Roma, Sinti and Caminanti
<b>SDGs</b>	Sustainable Development Goals
<b>SIPROIMI</b>	System for Beneficiaries of International Protection and Unaccompanied Minors
<b>SMEs</b>	Small and Medium-sized Enterprises
<b>STEM</b>	Science, Technology, Engineering and Mathematics
<b>UAMs</b>	Unaccompanied Foreign Minors
<b>UNAR</b>	National Office Against Racial Discrimination
<b>UNSCR</b>	United Nations Security Council Resolution
<b>WG</b>	Working Group
<b>WPS</b>	Women, Peace and Security

## I. Process for the preparation of the report

1. The present report is the result of consultation process coordinated by Inter-ministerial Committee for Human Rights (CIDU) at Ministry of Foreign Affairs and International Cooperation, with support from competent administrations: Prime Minister's Office and related Departments, UNAR, Ministry of Interior, OSCAD, Ministry of Justice, Ministry of Defence, Carabinieri Corps, *Guardia di Finanza*, Ministry of Labour and Social Policies, Ministry of Education, University and Research, Ministry of Health, Ministry on Environment, Ministry of Economic Development, Ministry of Cultural Heritage and Activities, Ministry of Agricultural, Food and Forestry, and Tourism Policies, Italian National Institute of Statistics, Superior Council of Judiciary, National Association of Italian Municipalities.

2. Established in 1978, CIDU is the NMRF. Its main tasks are as follows: coordination with regard to domestic compliance with international HR conventions; drafting relevant periodic and *ad hoc* reports; and monitoring progress in national law, in line with relevant commitments. Within this framework, CIDU regularly interacts, including under the present reporting, with all relevant National Independent Authorities, such as AGCOM, AGCM, AGIA, and the NPM.

3. In November 2017, Italy submitted its mid-term Report on the implementation of the recommendations accepted and noted under UPR Cycle 2, as posted on CIDU website, in order to share it with CSOs and to allow them to submit comments by a dedicated email address. CIDU set up a WG to prepare the present Report; held hearings before Italian Parliament, the last of which on July 31, 2019; also organized meetings for a constructive dialogue with CSOs.

## II. Implementation of recommendations from the previous cycles

### Follow-up to the previous review

4. Italy reaffirms its engagement on the full respect for human rights and its broad commitment to cooperating with the Human Rights Council and all other relevant international mechanisms. The Italian Constitution (1948), coeval with UDHR, determines the political framework for action and organization of the State; its Article 11 underpins Italy's participation in International Organizations ensuring peace and justice among Nations (Please kindly refer to Italy's Common Core Document (HRI/CORE/ITA/2016)).

5. Italy implemented 153 out of 176 recommendations accepted under Cycle 2; all the remaining recommendations are in the process of implementation and refer to establishing an independent NHRI (Please kindly refer to paras.93–94 below).

### A. Full implementation of recommendations

#### Recommendations 7–12, 13–14, 15–17, 18, 19, 20, 21–22, 23, 24–25

6. Italy ratified the following: ICPPED, by Act 131/2015; CRC-OP-IC, by Act 199/2015; OP-ICESCR, by Act 152/2014; 1961 Convention on the Reduction of Statelessness, by Act 162/2015. Italy signed the additional Protocol to CoE Convention on Cybercrime - ratification process ongoing. Meanwhile, Italy approved Act 71/2017 to fight cyber-bullying. As for adjustment to ICC Statute, recalling Italy's consideration before UN CED Committee (April 2019), mention shall be made of: Act 237/2012 (Article 3 of which considers relevant procedures, including pre-trial detention and modalities to serve penalties by expressly recalling Italian Code of Criminal Procedure, in particular Book 11, Title II, III, and IV); Act 115/2016 introducing imprisonment penalty from 2 to 6 years when propaganda, instigation and incitement are based "in whole or in part on denial of the Shoah or crimes of genocide, humanity and war crimes" (ICC Statute, Articles 6,7,8).

**Recommendations 49–51**

7. Act 10/2014, supplemented by Ministerial Decree 36/2015, established the National Authority for the protection of persons deprived of their liberty (NPM). The independence of NPM's Panel, appointed by the President of the Republic, is clearly set. It reports to both Presidents of Italian Chamber of Deputies and Senate; its five-year-term mandate cannot be renewed, nor is it removable except for criminal responsibility. NPM has been operational since 25 March 2016. The staff, identified from different areas (legal, pedagogical, administrative, IT, security expertise) of prison, judicial, juvenile and public security administrations, work for this Authority only (functional independence of Office's staff), and cannot be deployed to other offices without NPM's favourable opinion.

**Recommendations 52, 53**

8. Human rights protection is part of basic and advanced training delivered by qualified staff. Since 2009, pre-service and in service training for Italian Army and Carabinieri Corps, by specialized personnel, including from CSO is compulsory in view of pre-deployment and service abroad. As for State Police, several implemented training programmes focus on investigation techniques about child abuse, domestic violence, stalking and GBV, discriminatory acts. Basic training for Carabinieri Corps at all levels (about 6.500 trainees) includes HR, by a multidisciplinary approach. *Guardia di Finanza* training includes several courses on HR and IHL. In 2010, Italian Department of Public Security (Ministry of Interior) set up OSCAD. Training is one of its pillars: over 11.000 officers/cadets from State Police (pre-service and in-service training for all personnel) and Carabinieri Corps (within European/international training framework) have been trained, so far. Modules focus on *inter alia* racial profiling; LGBTI people's rights and police activities; and human rights – the latter, since 2014, in cooperation with Amnesty International-Italy.

9. Italy is gradually including HR indicators in its most recent NAPs on HR. For instance, the 3rd NAP in accordance with UNSCR 1325(2000), consisting of 44 Actions under seven Objectives, includes indicators for each relevant Action. Indicators have been designed with a view to a comprehensive assessment by institutions and CSOs.

**Recommendations 183–186**

10. Italy's ODA has increased steadily in recent years, both in absolute terms and as a percentage of GNI. In 2017, we reached 5.6 billion USD, representing 0.30% of GNI, mainly due to increasing share of in-donor refugee costs (accounting to 30.8% of net ODA in 2017). For the first time since 2013, preliminary data for 2018 shows a decrease in Italy's ODA to 0.24 of GNI. However, such estimates do not entirely reflect a reduction in international development co-operation spending since they are mainly related to the overall reduction in refugee costs registered in all OECD countries. Therefore, 2018 data does not alter Italian firm commitment to achieving the 0.7% target envisaged by UN 2030 Agenda, as reaffirmed by the Government in the 2019 Economic and Financial Document (DEF). Lastly, according to latest OECD data, Italian bilateral ODA to least-developed countries has been increasing in absolute terms, between 2016–2017 (reaching 343 million USD).

**1. Cross-cutting issues****Equality and non-discrimination – Recommendations 61–77, 78-82, 83–85, 86–90, 94–98**

11. UNAR is responsible for the protection of victims against all forms of discrimination, on the ground of race, ethnic origin, religion or belief, age, sexual orientation or gender identity. UNAR's mandate, established by Legislative Decree 215/2003, has been expanded, over the years, by Ministerial Directives dated 2012–2013, and reaffirmed within the NAP against Racism, Xenophobia and Related Intolerance, adopted by Ministerial Decree, dated 7 August 2015. Accordingly, UNAR is engaged in combating all forms of discrimination, including homophobia and trans-phobia, with specific attention to multiple intersecting discrimination.

12. As for UNAR's functions, Italian Legislator spelled them out. By Legislative Decree 215/2003 and Decree of the Presidency of the Council of Ministers, dated 11 December 2003, they may be grouped into four areas: awareness-raising among public opinion and stakeholders by information and communication activities; removal of any situation causing discrimination; promotion of positive actions, studies, research, training, monitoring and verification of the effective application of the principle of equal treatment and of the effectiveness of protection mechanisms. As for UNAR's legal status, by Official Note of Presidency of the Council of Ministers' Secretary-General, dated 1 October 2018, its operational and financial autonomy has been strengthened: the administration of UNAR funds is delegated to its Director/Coordinator. Its annual budget amounts to 2,035,357.00 Euros, by law. Furthermore, resources are made available from within National Operational Programme (PON)-Inclusion, 2014-2020.

13. As National Roma Contact Point for the 2012-2020 National Inclusion Strategy for Roma, Sinti and Caminanti (RSC), UNAR supports public administration, regions, local authorities and associations, to develop comprehensive projects in areas, such as education, labour, health, housing, and fight against discrimination and stereotypes. In order to financially support this Strategy, UNAR signed, as a beneficiary, an agreement with Ministry of Labour and Social Policies, for the implementation of interventions under PON-Inclusion, 2014 – 2020, co-financed by the European Social Fund. In particular, funding has been planned through PON-Inclusion and PON-Metro (Metropolitan Cities) as well as by some Regional Action Plans. UNAR Executive Plan for the inclusion of vulnerable groups, such as Roma, has an allocation of 14,400,000.00 Euros. To counter acts propagating racial and xenophobic intolerance through media, UNAR has been actively engaged in combating hate speech online, through the 2016-established Observatory on Media and the Internet. By extending monitoring already carried out on traditional media, it aims to research, monitor and analyse potentially discriminating content on the main social networks and social media (articles, blogs and forum comments). The narrative to counter hatred on social media platforms led to: the enhancement of communication systems; training of personnel; stronger collaboration with CSOs.

14. At parliamentary level, the Committee on hate, intolerance, xenophobia and racism, established in May 2016, was renamed "Jo Cox Committee" in July 2016, to remember British MP murdered in June 2016. This Committee, chaired by Chamber of Deputies' President, included: one MP from each political group; and representatives from CoE, UN, ISTAT, research centers, and relevant NGOs (<https://www.camera.it/leg17/1264>).

15. Specific attention has been paid to LGBTI people's rights in everyday life, such as access to labour, education (integration; fighting stereotypes and anti-bullying), safety and prisons, health, communication and media. On 20 May 2016, the Parliament approved Act 76/2016 (Regulation of same sex people civil unions and cohabitation). Moreover, in October 2018, an advisory LGBTI National Working Group, consisting of 48 LGBTI NGOs, was established, by Decree of Under-Secretary of State to the Presidency of the Council of Ministers with delegation to equal opportunities, to promote a public debate on the elaboration of an operational NAP on LGBTI people's rights. Under PON-Inclusion, almost 6,000,000.00 Euros have been allocated.

16. Italy discussed its XIX-XX periodic reports to the CERD in December 2016. Italy translated and is fully engaged in the dissemination of the CERD Committee Concluding Observations widely.

## 2. Civil and political rights

### **Right to life, liberty and security of the person – Recommendations 55, 99–103, 104, 105–117**

17. From a legislative standpoint, mention shall be made of: Act 110/2017 introducing the crime of torture in the Criminal Code (Art.613-bis), jointly with incitement to torture by public officials (Art.613-ter); Act 103/2017, entitled "Changes to Criminal Code, Code of Criminal Procedure, and Penitentiary Act", introduces many novelties, inter alia: (a) possibility to extinguish the offense by redress-type conduct; (b) amendments to procedural rules for certain offences; (c) extension of the rights of the injured party; (d) clear timelines

to conclude preliminary investigations by Public Prosecutor; (e) increasing use of financial penalty replacing the fine, considering the defendant's economic situation; (f) reform of the Penitentiary Act by delegation entrusted to the Government to adopt decrees aimed, inter alia, at simplifying procedures before the oversight magistrate, facilitating the use of alternative measures, promoting reparative justice further; Act 47/2015 (to further reduce resort to detention precautionary measures); Act 28/2015 (in case of light conducts). In order to effectively ensure the rights of juveniles conflicting with law and overall to meet their needs, each juvenile penitentiary Institute (IPM) ensures school, professional, cultural, sport and recreational activities. Compulsory vocational training to job activities, delivered by local bodies and cooperatives, is ensured under EU or national, regional Funds or from within regional and local authorities' budget.

18. Italy discussed its last periodic report before UNCAT Committee in November 2017. Delegation was headed by Under-Secretary of State to Justice. Additional information has been provided in the aftermath.

19. Italy discussed its first periodic report to UNCED in April 2019. Italy translated and is fully engaged in the dissemination of the UNCED Committee Concluding Observations widely.

20. In 2015 the Extraordinary NAP against Sexual and Gender-Based Violence was adopted by the Presidency of the Council of Ministers (PCM), with the aim of establishing a multi-level governance system of public policies for combating these phenomena and supporting victims, by a 40-million-euro funding, for four years. Within this framework, the following mechanisms have been established: Inter-institutional Steering Committee, chaired by Under-Secretary of State to the Presidency of Ministers' Council with delegation to equal opportunities; National Observatory on Violence at Department for Equal Opportunities (DEO); specific National Database on GBV, in collaboration with ISTAT. On 25 November 2016, DEO signed five MoUs with ISTAT, *Ferrovie dello Stato Italiane Group*, *Poste Italiane*, Carabinieri Corps, and State Police.

21. This commitment was reiterated within the National Strategic Plan on male violence against women, 2017-2020, in accordance with the Istanbul Convention, to understand causes and consequences of violence against women and to strengthen investigation, data-collection and related monitoring and assessment of this phenomenon nation-wide. This strategic document promotes multilevel governance, based on interaction among and responsibility of each central, regional and local administration. Two main bodies have been entrusted to draft an operational plan of the above-mentioned actions: i) Control Room, to define the governmental strategy; ii) Technical Committee, for preparation of relevant proposals, under Control Room's guidance. The operational Plan, being flexible and dynamic in nature, indicates concrete actions to implement objectives contained in the Strategic Plan. It also indicates financial resources that central and local Administrations have earmarked, thus making them responsible to this end. Ongoing is the assessment about new emergency facilities (shelter houses), for the immediate and timely assistance to women victims of violence.

22. Legislative Decree 121/2018 amended the juvenile penitentiary system, with specific provisions mainly on the sentences' execution, overall by alternative measures to detention, which must include an educational program involving the family of the young person concerned. This reform also concerns juvenile detainees at IPM. In order to ensure that the personal and socio-family relationship, relevant from an educational and social standpoint, are protected, it is guaranteed the territoriality of the execution.

23. As for domestic violence, on December 17, 2017, the Department for Family Policies published, on [www.politichefamiglia.it](http://www.politichefamiglia.it), a Call for proposals to finance innovative projects for the "Support to fragile families" and "Support for children who witness domestic violence, the orphans victims of domestic crimes and for their foster families" (Resources amount to 2,200,000.00 Euros and 1,050,000.00 Euros). Under European Social Fund, a 15-million-euro project aims to provide effective services for families, with specific focus on multi-problematic families, families including children victims of witnessing violence, and for foster families of children orphaned by domestic crimes.

24. Act 232/2016 includes among victims of intentional violent offenses who have the right to be compensated, also “Children of the victim in the event of homicide committed by the spouse, whether separated or divorced, or by a person who is or has been emotionally bound to the victim”. Moreover, Act 4/2018, bearing “Changes in Civil Code, Criminal Code, Code of Criminal Procedure and other provisions for special orphans”, among the new measures guarantees to orphans victims of domestic crimes: appropriate psychological support; access to measures to guarantee the right to education and labor market insertion; free legal aid; prohibition of pension reversibility for the murderer; possibility for the orphan to change his/her last name should it be the same as the parent definitively convicted. The above-mentioned Act amends some rules in Civil Code, Criminal Code and Criminal Procedural Code, defining orphans both those non-self-sufficient children and the children of age, who lost one parent at the hands of the other one.

25. In January 2017, State Police’s “EVA Protocol” was launched as an operational tool, aimed to highlighting domestic violence and detecting/considering apparently lighter episodes within the ill-treatment framework, thus allowing effective prompt measures for victims’ protection. In September 2018, State Police launched “Liana – Interactive Line for National Anti-violence Assistance” Project, aimed to the identification of GBV victims when calling the public emergency number (112 NUE), thus activating an adequate protocol of intervention by the police officers.

26. Within the Coordination and Planning Office of Police Forces, a WG was established to share, between Carabinieri and State Police, the above-mentioned LIANA Project, on prompt intervention and early warning procedures dedicated to GBV victims. Moreover, in July 2019, “Guidelines on preventive measures”, including those dedicated to protecting victims of domestic violence and stalking, was published and disseminated by State Police. It considers relevant case-law and best practices resulting from State Police’s operational experience.

27. Since 2014, at Carabinieri Corps it is operational the “National monitoring network on gender-based violence”, consisting of Warrant Officers that work within the Investigation Units supporting smaller units, to carry out relevant investigations, by connecting them with the Persecutory Acts Section, for a comprehensive case-management. Collaboration with Soroptimist International Association-Italy continues by “A room of one’s own (*Una stanza tutta per sé*)” project, to make protected hearing rooms available at Carabinieri stations, to listen to women and children victims of violence. To date, approximately 100 rooms have been set up nationwide; and video-recording kits for 15 Commands are used when receiving complaints or during relevant enforcement activities.

#### **Administration of justice, including impunity and the rule of law – Recommendations 129, 130–131**

28. Preventive custody in prison can be imposed only as a last resort when there is a clear and convincing evidence of a serious offence (Article 275, para.3, Code of Criminal Procedure), under the strict circumstances set by Article 273 et ff.. In this event, a maximum of two years of preliminary investigation is permitted with the exception of extraordinary situations. Plus, preventive custody is not permitted for pregnant women, single parents of children under the age of 3, persons over the age of 70, or the seriously ill. Article 657 envisages that pre-trial detention must be included when calculating the duration of the penalty; and Article 314 provides for compensation. In order to revoke this measure, the Code envisages an expeditious sub-proceeding (additional relevant measures have been mentioned under right to life-section above).

29. Normative changes designed to limit the use of remand in custody are, as follows: Act 199/2010 to enforce sentences in premises outside prison; as for the access to home detention, following the extension to eighteen months, for the minimum detention penalty, by Law Decree 211/2011, inmates admitted to it have increased significantly. Plus, the arrested person for acts of lesser social alarm can await arrest’s validation under home detention; Act 9/2012, to reduce prison overcrowding; Law-Decree 78/2013, converted into Act 94/2013, with regard to the limit-requirement for the applicability of the precautionary measure of custody in prison, raised from 4 to 5 years. Act 47/2015 introduced several



amendments to the Code and to the Penitentiary Act, as follows: in case of risk of absconding or risk of crime recurrence, the precautionary measures can be applied only when the risk is “current and concrete”, meaning that it cannot be presumed from the gravity or the type of the crime; pre-trial detention can be ordered only when other measures are not adequate; when the judge orders pre-trial detention, the motivation behind the inadequacy of the house arrest and electronic tagging have to be provided; when the accused under house arrest infringes the exit ban, the judge must order the withdrawal of house arrest unless the person is accused of a low gravity crime; strict rules have been adopted regarding both pre-trial detention motivations and the time-limit for taking a decision by the Oversight Tribunal (if such requirements are not met, pre-trial detention will go ineffective).

30. The ECtHR backlog concerning Italy has been dramatically reduced in recent years: from 17,000 pending cases in 2014 to 4,051 in 2018, of which only 1,692 allocated to a judicial formation compared to 1,885, in 2015. Noteworthy reductions were also in friendly settlements (279 (2016); 39 (2017); 243 (2018)) and unilateral declarations (811 (2016); 273(2018)).

### **Fundamental freedoms and participation in public and political life – Recommendations 133–135**

31. Legislative measures to resolve conflict of interest between ownership and control of companies and discharge of public office were adopted. Act 215/2004 entrusts the responsibility of implementing these provisions to two national independent Authorities, AGCM and AGCOM.

32. AGCOM has specific responsibilities to avoid the risk that the holder of governmental position can receive “special support” by the media that s/he (or his/her family’s members within the second degree) owns. AGCOM carries out audits against those companies operating in the Integrated Communications System (“SIC”) and headed by governmental position’s holder (or by the above relatives), so as to ensure that these companies do not undertake any conducts conflicting with the so-called Parameter-Laws, including the *Par Condicio* Law — the compliance of which is overseen by AGCOM.

33. AGCOM established an Observatory on Journalism, with specific focus on intimidation of journalists. Last survey (2017), based on answers received from 2,439 journalists, was presented during the World Press Freedom Day, in collaboration with UNESCO (<https://www.agcom.it/world-press-freedom-day-2018>). This Report indicates that 11% of journalists have been threatened; almost 2% of journalists sustained damage; and more than 1% of journalists suffered physical attacks (<https://www.agcom.it/osservatorio-giornalismo>). This report highlights relevant gender-related issues, in particular economic criticalities. Since 2018, AGCOM has been tasked with monitoring gender-related issues in information and journalism sectors, under Italy’s NAP on Business and Human Rights (BHR). AGCOM is analyzing a new survey (concerning about 2,000 journalists); and a new report will be soon released.

### **Prohibition of all forms of slavery – Recommendations 118–125**

34. The first National Action Plan against Trafficking and Serious Exploitation of Human Beings, 2016 – 2018, was adopted by Council of Ministers, on 26 February 2016. It aims at identifying multiannual and coordinated actions – including a National Referral Mechanism - among all the national and international stakeholders concerned, and measures aimed at raising public awareness and providing for multi-agency training, legal and psychological support to victims. Within this framework a political and institutional Control Room, chaired by the Under-Secretary of State to equal opportunities, was established. It consists of political and technical representatives from key central Administrations, Regions and local Authorities.

35. To support the Control Room, a Technical Committee, established by President of the Council of Ministers’ Decree, dated 10 April 2019, consists of representatives from central and local administrations, law enforcement, relevant third sector bodies and trade

unions. The above Committee will support the Control Room, primarily by collaborating in drafting the new National Anti-Trafficking Action Plan, 2019-2021.

36. The current Government has strengthened its programme by increasing resources: 24 million Euros, as for the projects launched on 1 March 2019, following Call No. 3/2018. The projects selected are 21, of which 11 proposed by Regions and Municipalities and the rest by relevant NGOs.

### **Right to privacy and family life – Recommendation 132**

37. The 2012 National Family Plan promoted support and dissemination of Family Centers as “driving centers within a network of services, interventions, bodies and actions (in social, health and education fields) for policies concerning family and care services”. In 2015, the Department for Family Policies launched national monitoring and data-collection concerning Family Centers. The Family Centers address the following needs: support to couples and parenthood (adoption and work life balance); child protection; transition to adulthood; generational solidarity. Early in 2019, this Department started a specific project on the development of Family Centers nationwide and the coordination of policies on the provision of social protection and inclusion services for families and/or disadvantaged people, financed under European Social Fund, for a total of 15 million Euros.

38. Within this framework, additional measures put in place are, as follows:

- **Birth or Adoption Premium “Mamma Domani”** – 2017 Budget Law states that, “starting from 1 January 2017, a birth or adoption premium of 800 Euros will be granted by INPS in a single *tranche*, following one event (pregnancy, child delivery, adoption or fostering). This is a structural measure in force also for 2019;
- **Birth allowance (also known as “Bonus Bebé”)**, established by 2015 Budget Law, is a monthly family allowance for each child born, adopted or in pre-adoptive foster care. The amounts of the 2019 birth allowance for the second child has changed: the second child's bonus amounts to 192 Euros per month, for families with ISEE up to 7,000.00 Euros; the second child's bonus amounts to 96 Euros per month for families with ISEE up to 25,000.00 Euros;
- **Support Fund for an Higher Birth Rate** – 2017 Budget Law established the Fund aimed at facilitating access to credit for households with one or more children, born or adopted starting from 1 January 2017 up to the age of 3 or within three years from the adoption, through the issuing of direct guarantees and surety agreements to banks and financial intermediaries;
- **National Fund for Family Policies** - Established at the Presidency of Ministers’ Council, to promote and implement actions supporting families, birth, motherhood and fatherhood in order to face the demographic crisis, and measures to support older people in the households;
- **Nursery Voucher** – 2017 Budget Law established this measure in a structural and definitive way from 1 January 2017, to pay the fees related to the attendance of public and private nurseries (granted by INPS). When children cannot attend the nursery because of serious pathological conditions, the benefit is given to the parent with whom the child lives. By 2019 Budget Law, the Nursery Voucher has been increased to 1,500 Euros, for 2019, 2020 and 2021, respectively;
- **Directive on Smart Working** - As for reconciliation measures, Prime Minister issued in June 2017, Directive on Smart Working in Public Administration, to implement smart working arrangements to further support families, as well as work-life balance and promotion of the rights of both sexes. By 2019 Budget Law, amending Act 81/2017, priority shall be given to working women within three years after the end of the mandatory maternity leave, as well as to workers with children with disabilities;
- **Mandatory Paternity Leave** – 2019 Budget Law extends for 2019 the mandatory paternity leave introduced by Act 92/ 2012, thus raising the duration of the leave to five days;

- **Postponed mandatory maternity leave** – 2019 Budget Law introduced the possibility for pregnant women, to use the 5-month mandatory maternity leave after birth event;
- **Family Card** - Introduced by 2016 Budget Law, it allows access to both discounts for the purchase of goods or services and tariff reductions granted by public or private entities participating in the initiative for households with valid ISEE not exceeding 30,000.00 Euros;
- **Support for families with three or more children** – 2019 Budget Law provides that, up to a 50% share of state-held agricultural lands, as well as lands owned by municipalities (municipalities agricultural lands in Abruzzo, Basilicata, Calabria, Campania, Molise, Puglia, Sardinia and Sicily) are given for free, for not less than twenty years, to parents who give birth to a third child or more, between 2019 and 2021. Similarly, companies run by young agricultural entrepreneurs, who reserve for the above-mentioned families, at least 30% of company's share, can receive those lands for free.

### 3. Economic, social and cultural rights

#### **Right to work and to just and favourable conditions of work – Recommendations 136–140**

39. In December 2016, Italy adopted its first National Action Plan (NAP) on BHR, with focus on vulnerable groups (migrants, women, PwDs, children, LGBTI), as well as Human Rights Defenders and SDG 8. Several programs have been undertaken by many Italian enterprises to this end.

40. This Plan refers also to Act 199/2016, to combat undeclared work and labour exploitation in agriculture ("*Legge sul Caporalato*"), which envisages *inter alia* assistance and social integration/protection for the migrants concerned.

41. With regard to internships for the graduates from universities and technical schools, on May 25, 2017, Italian Government approved, in agreement with Italian Regions and Provinces, specific Guidelines, transposed by 17 Regions and the Autonomous Province of Trento. The internship's duration ranges between 6 and 12 months, and 24 months for PwDs, in accordance with the above-mentioned Guidelines.

42. During multi-stakeholder meetings held to review Italy's NAP on BHR in 2018, students' associations actively participated and introduced specific focus on youth.

43. In September 2017, the Ministry of Interior published the first National Plan for the integration of international protection beneficiaries, including both refugees and subsidiary protection holders.

### 4. Rights of specific persons or vulnerable groups

#### **Recommendations 91–93**

44. Several measures and sectoral strategies concerning promotion and protection of vulnerable groups' rights, including their awareness and empowerment, are implemented nationally. From a general standpoint, please kindly refer to the NAP on BHR; the NAP on Women, Peace and Security (WPS); and the National Roma Inclusion Strategy, 2012–2020. Also at international level, particular importance is paid to vulnerable groups, such as Yazidis, Christian minorities, etc.. By Budget Law 2019, Italian Parliament established a Fund at MAECI, to assist persecuted Christian minorities in crisis areas (Article 1, paras.287, 288).

45. In February 2019, Italian Parliament re-established an Enquiry Commission on Femicide (<https://www.senato.it/4731>), and, on July 17, 2019, approved the so-called Red Code, a Bill, entitled "Amendments to Criminal Code, Code of Criminal Procedure and other provisions concerning the protection of victims of domestic and gender-based violence", containing important changes about substantive and procedural criminal law and executions of penal sentences, with reference to crimes against the person. This Act *inter*

*alia* refers to a preferential and urgent judicial pathway, with a view to providing greater protection to the victims, including the right/obligation to be heard by public prosecutor within three days from *notitia criminis* registration. Among novelties, new crimes include as follows: (Article 387*bis*) “Violation of the removal orders from the family home and prohibition of approaching the places frequented by the victim”; Article 588*bis* on forced marriage; Article 583*quinquies* on disfiguring permanently one’s face by acid attack; and (Article 612ter) “Illicit distribution of sexually-explicit images or videos”.

### **Women – Recommendations 56, 57, 58–60**

46. By Act 120/2011 (Golfo-Mosca Law), increased representation of women on boards of publicly-listed and State-owned companies has been recorded. This Act requires that boards (executives and non-executives) of relevant companies include at least 33% of either gender by 2015, besides setting the 20% target for the transitional period. Following Act 120/2011, the percentage of women in publicly-listed companies is currently over 33%. The percentage of women in the Boards of Directors of publicly-listed companies has substantially increased (if compared to 2010 women’s representation in publicly listed companies, which was equal to about 6%). A further substantial increase in women’s representation in the Boards of Directors and Boards of Statutory Auditors of State-owned companies has been recorded with percentage currently equalling to 32.6%.

47. Pursuant to Presidential Decree 251/2012, from 12 February 2013 onwards, President of Ministers’ Council, or the Minister for Equal Opportunities, has the power to give warning to companies under the control of the State, Regions and the local bodies. In the event of non-compliance, a progressive warning system can culminate in the eventual dissolution of the board. Legislative Decree 175/2016 concerning State-owned companies set the appointment of one-third of board membership according to gender ratio.

48. As for representation of women in Parliament, the last elections’ round marked an increase to 35.4%.

49. In compliance with Directive 2010/18/EU, compulsory paternal leave has been introduced in the Italian legal system (Act 92/2012). The 2019 Budget Law (Act 145/2018) increased this leave to five days, for 2019. Compulsory paternity leave must be taken within the first five months of the child’s life. In 2019 it is possible to add one more day of voluntary leave if not used by the mother.

50. By recalling Legislative Decrees 80/2015 and 81/2015 relating to reconciliation measures, Act 124/2015 establishes that public administrations adopt organizational measures for the implementation of teleworking, establish agreements with nurseries and kindergartens, and organize support services for parents to be made available during school closure periods. Within this framework, it was issued "*Directive of the President of the Council of Ministers containing guidelines for the implementation of paragraphs 1 and 2 of Article 14 of Act 124/2015 and guidelines containing rules on the organization of work aimed at promoting the reconciliation of living and working time of employees*" (Directive Madia No. 3/2017). This Directive and relevant guidelines contain indications concerning work’s organization and staff management, to promote both family and work reconciliation and organizational well-being and to ensure workers’ rights. Specific attention is paid to organisational aspects, technological infrastructures, performance evaluation, and health and safety at work-place. Act 81/2017 introduced measures for both the protection of self-employment (excluding entrepreneurship) and the promotion of new flexible working arrangements for employees of the public and private sectors.

51. The Department for Family Policies carried out an awareness-raising campaign for the promotion of paternity leave. Moreover, as for work-life balance, it published, on December 17, 2017, a one-million-euro Call for proposals to finance innovative projects for “Work-life balance”.

52. The ad hoc Decree on Gender Budgeting, signed in June 2017 by the Minister of Economy and the Under-Secretary of State to equal opportunities, aims to assess the impact of public policies on women and men in order to monitor gender inequalities in pay, services, time, and unpaid work. By joint Decree by President of Ministers’ Council and Ministry of Economy and Finance, dated 16 June 2017, “Gender budgeting” was launched,

on an experimental basis, “to evaluate the different impact of budget policies on men and women, in terms of money, services, time and unpaid work”.

53. DEO, over the past years, has undertaken several actions to improve the role of women in the scientific field and to fight against gender-based discrimination in this strategic sector. With the aim of bridging the gap, in 2016 the initiative "In summer we learn STEM – Summer Camps of Science, Mathematics, Informatics and Coding" was launched and implemented by DEO-PCM, in partnership with the Ministry of Education. Given the success marked in 2017, it was replicated in 2018. With a 3-million-euro budget, about 300 schools were financed nationwide, to organize STEM-related summer camps in both 2018 and 2019, for about 18,000 students (of whom girls are at least 60%).

54. Two key measures have been promoted and implemented not only to start up new women’s businesses, but also to extend and consolidate the existing female companies:

(a) A Special Section *Presidenza del Consiglio dei Ministri – Dipartimento per le Pari Opportunità of the Central Guarantee Fund for SMEs* was created as a financial engineering instrument exclusively dedicated to female companies and (since July 2015) to women professionals. It facilitates their access to credit by involving a financial entity already operating in the market: the Guarantee Fund for Small and Medium-Sized Enterprises at Ministry of Economic Development. The initial 10-million-euro budget of this Section financed by DEO has been gradually increased up to 38 million Euros, to cover financial costs of 16,000 operations (between 2014 and 2018).

(b) An MoU for the Development and Promotion of Women’s Entrepreneurship and Self-Employment was signed in June 2014 by DEO, Ministry of Economic Development, ABI, General Confederation of Italian Industry, Italian Confederation of Industry-SMEs, Italian Enterprise Network and Alliance of Italian Cooperatives, providing until 31 December 2019, for a specific plan of interventions to support access to credit, for over 1,400,000 SMEs with prevailing female participation and for self-employed women.

55. Italy discussed its VII periodic report to UNCEDAW in July 2017. Italy translated and is fully engaged in the dissemination of the CEDAW Committee Concluding Observations widely.

#### **Children – Recommendations 54, 128**

56. In compliance with Act 97/2018 concerning the reorganization of competences of ministries, including on family and disabilities, the new Minister for Family and Disabilities exclusively exercises the Government’s functions concerning the National Observatory for Childhood and Adolescence, the National Centre for the Documentation and Analysis for Childhood and Adolescence, the Observatory for the Fight against Pedophilia and Child Pornography.

57. The Observatory for Childhood and Adolescence defines the primary guidelines and programs concerning the national policy for childhood and promotes exchange of views among all public and private stakeholders concerned. For 2014–2016, it has been engaged in the processing and finalization of the IV National Action Plan for childhood and adolescence, aimed to outline governmental actions and priorities in the field of childhood and adolescence-related policies.

58. The above IV National Action Plan has been adopted by Presidential Decree, dated 31 August 2016. The renewed Observatory for 2017–2019 completed the elaboration of the monitoring report relating to the above Action Plan and highlighted the following challenges:

- Need to strengthen: a) actions to combat absolute poverty among children; b) measures to effectively combat and prevent educational poverty;
- Usefulness to further implement the recent legislation on social integration of unaccompanied foreign minors;
- Importance to re-launch family counselling centres, to support and promote parental responsibilities for children's well-being promotion.

59. Act 269/1998, amended by Act 38/2006, established the Observatory for the fight against paedophilia and child pornography at PCM. It also assigns to the Department for Family Policies, the functions to coordinate all Government's activities concerning support, including legal advice, protection and defence of children from sexual exploitation and sexual abuse. It is a strategic body for the analysis and monitoring of the phenomenon, mandated to collecting and monitoring data and information through support from a specific database on activities undertaken by all public administrations to prevent and punish sexual exploitation and child abuse. This Observatory – the new members of which are under current appointment – consists of main Administrations and relevant national NGOs.

60. The National Plan for the Prevention and Fight against Child Sexual Exploitation and Abuse, 2016–2018, approved by National Observatory for Childhood and Adolescence in July 2015 and definitively adopted by Presidential Decree dated 31 August 2016, is the main instrument through which Observatory's coordination activity is carried out. To implement the actions foreseen by the above Plan, 2,500.000.00 Euros have been committed in 2017 by National Budget Law: this is a significant economic commitment on the part of the Government in determining a specific financing for the implementation of the actions stemming from this Plan.

61. Among the numerous further activities to prevent and fight against sexual crimes against children and adolescents, worthy of note is '114 – Children Emergency Number', a toll-free emergency helpline 24/24, to report situations exposing children at risk.

62. In order to guarantee continuity of education for all minors who get sick and are forced to stay long at home and/or in hospital, Decree 461/2019 approved National Guidelines on school in hospital and home education. Legislative Decree 63/2017 guarantees 3,000,000.00 Euros, per year, for this service.

63. Italy discussed its V-VI periodic reports to UN CRC in January 2019. Italy translated (in collaboration with UNICEF-Italia) and is fully engaged in disseminating CRC Committee Concluding Observations widely.

64. The Department for Family Policies represents Italy at Council of Europe as a member of the Committee of the Parties to the Lanzarote Convention.

### **Persons with disabilities – Recommendations 141–143**

65. As mentioned in 2014 Italy's report-Cycle 2, following the CRPD's ratification Italy established the National Observatory on PwDs, "in order to promote the full integration of PwDs, in line with the principles enshrined in the Convention [...] and principles set out in Act 104/1992" (Article 3, para.1).

66. The competences of the relevant National Observatory under current parliamentary term have been transferred from the Minister of Labour and Social Policies to the recently-established Minister for Family and Disability.

67. On 24 January 2019, the above Minister convened the relevant Observatory at Presidency of Ministers' Council. Administrative procedures have also been initiated by involving the Technical Scientific Committee, for the training of relevant working groups and the renewal of their members, to be tasked with monitoring and implementing CRPD-related policies.

68. In October 2017 the Second Biennial Action Program for the Promotion of Rights and Integration of PwDs was adopted. It represents Italy's commitment following the CRPD Convention's ratification and marks definitive transition to a vision of disability based on respect for HR, with the two-fold aim of enhancing human beings' diversity, in terms of gender, sexual orientation, culture, language, psycho-physical condition, and so on, and considering disability not as a result of the subjective qualities of people, but the relationship between people's characteristics and the way in which the society organizes access and enjoyment of rights, goods and services. Italian Government is adopting new legislation to further improve inclusion for pupils and students with disabilities, following Legislative Decree 66/2017. In line with the CRPD, schools are tasked with eliminating environmental barriers hindering full and effective participation of students with

disabilities, on par with others, by a new cultural perspective requiring *inter alia* shared responsibility among all teachers and not only by auxiliary teachers, directors and school staff.

69. In October 2018 the Mission Structure for policies on PwDs was established, ensuring the fulfilment of measures and policies and fostering PwDs full and effective participation and social inclusion, as well as their autonomy, in coherence with the CRPD and EU Charter. This structure:

- (a) Takes care of the management and administrative support for the above Observatory;
- (b) Carries out preliminary analysis of activities related to the adoption of acts, including regulations, in the field of disability;
- (c) Takes care of the programming, management and administrative support for the implementation of disability-related active policies;
- (d) Ensures the presence of the Government in relevant national, European and international bodies;
- (e) Carries out preliminary analysis-related activity to promote understanding at the Unified Conference level pursuant to Article 8 of Legislative Decree 281/1997, with the aim of developing coordinated governance among the various levels of governmental activities and of relevant socio-health care and educational services;
- (f) Promotes and coordinates institutional information and communication on policies for PwDs, including dissemination of positive actions and relevant best practices.

#### **Minorities – Recommendations 144–156, 157**

70. In order to overcome discrimination against Roma, Sinti and Caminanti (RSC) and promote their social inclusion, UNAR launched, on April 8, 2016, the National Roma Platform for dialogue between Institutions and RSC communities, as formally established in 2017 by DEO's Head Decree. The main Platform's goal is to foster participation and co-operation between Institutions, Roma NGOs and other relevant NGOs, with specific regard to Roma youth. Its additional goal is to facilitate the establishment of networks and to promote networking among NGOs and Roma federations. The RSC Platform - following a public call - with participation of 79 NGOs nationwide, has been supplemented by the Roma and Sinti Community Forum, composed of 25 Roma NGOs. Under this Platform, a Roma mediator is available. Between 2017 and 2018, seven plenary meetings were held. In addition, in 2017 and 2018, two specific multi-day training on anti-Gypsyism and on-line hate speech were promoted by UNAR, in cooperation with CoE Youth Department. Furthermore, to reinforce the role and action of the RSC communities, UNAR launched in 2018 the TO.BE.ROMA Project (Towards a Better cooperation and dialogue between stakeholders inside the National Roma Platform), financed by the EU Commission.

71. In February 2017, the ISTAT-ANCI-UNAR Research Report, entitled "Designing a pilot information system for monitoring RSC social inclusion", was presented at ISTAT premises. This anticipated the establishment in 2018 of the Informational and Statistical Working Group envisaged by the relevant National Strategy, with the involvement of State Administrations, ISTAT and representatives from RSC communities. In 2018, UNAR and ISTAT launched an EU-funded quali-quantitative survey with support from the above Statistical WG and a National RSC Platform representative, to define the number and modalities through which RSC people have abandoned and moved from settlements to other dwellings.

72. In 2018, UNAR financed the "Porrajmos, a neglected memory" project, to promote local, national, and international events – organized also in 2019 –, to remember Roma Porrajmos.

73. As for access to justice of RSC women, JUSTROM is an EU-CoE-funded project implemented in Naples and Rome, also to increase synergy and coherence between the CoE-EU institutional frameworks and national Roma integration strategies. In 2018, the P.A.L. (Local Action Plans) project has been launched by UNAR to promote pilot actions

for the establishment of local working groups and networks of stakeholders and RSC representatives, in order to facilitate: coordination and implementation of relevant policies; RSC participation in social, political and economic life; the management of potential urban conflicts, particularly in larger Municipalities (Rome, Cagliari, Milan, Genoa, Naples, Bari, Messina and Catania).

74. As for Slovenian speaking minority, the Permanent Institutional Panel on Issues concerning the Slovenian Speaking Minority in Italy, established by Minister of Interior Decree, dated 4 July 2012, continued its in-depth study on issues concerning the implementation of Act 38/2001, concerning general issues related to the protection of minorities guaranteed and enhanced over the years, as highlighted in the previous national report. This Panel gathers to discuss issues concerning Act 38/2001 implementation and has had positive results on this minority. Representatives from the Joint Institutional Committee for the Slovenian Minority, the Slovenian Cultural Economic Union, and the Confederation of Slovenian Minorities also take part in the meetings as permanent members. The operational branch of the Panel is at the Prefecture of Trieste.

**Migrants, refugees, asylum-seekers and internally displaced persons –  
Recommendations 159–178, 179–181**

75. As for the migratory phenomenon, it cannot be considered of a transitional or temporary nature. Over the years, Italy has demonstrated its ability to deal with this situation, mainly caused by political instability, conflicts, and economic unbalances. No country can tackle this challenge by itself. Italy actively promotes domestically and at EU/international level strengthened partnerships with African countries of origin and transit of migrants. In the three-year period 2017–2019, Italy devoted 230 million Euros from its Africa Fund, to support UN agencies, mostly UNHCR and IOM, working to protect refugees and migrants, particularly the most vulnerable ones. Italy is also the second contributor with 123 million Euros to the EU Trust Fund for Africa, financing activities to foster stability and contribute to better migration. Furthermore, Italy is an active member of both the Rabat and the Khartoum Processes, promoting regional dialogue on migration issues with African countries. During the Italian Presidency of the Khartoum Process in 2018, several initiatives were organized to tackle different aspects of migration management.

76. The situation concerning landings has developed the following trend, from 2016 up to the present days: 181,436 migrants landed in 2016; 119,369, in 2017; 23,370, in 2018 – this represents the lowest figure of irregular arrivals in Italy since 2012; and 3,589, in 2019 (up to July 26, 2019).

77. Worthy of mention are the so-called humanitarian corridor-initiatives aimed at facilitating the arrival of pre-identified groups of refugees. In this context, Italy has actively promoted three types of initiatives: resettlement programs, financed from within EU AMIF Fund (Asylum Migration and Integration Fund); humanitarian corridors, in cooperation with CSOs; several humanitarian evacuations from Libya and Niger, in order to effectively respond to the humanitarian emergencies. Through these initiatives, Italy has welcomed over 5,500 refugees in the past five years.

78. In this context, Law-Decree 13/2017 (“Urgent provision to speed up proceedings in the field of international protection and to fight against illegal immigration”), converted into Act 46/2017, aimed at, inter alia: 1) renaming Expulsion and Identification Centres – now, Repatriation Centres (CPRs); 2) Establishing small-sized Repatriation Centres (CPRs); 3) ensuring full access to the NPM; 4) establishing 26 specialized judicial sections on migration, international protection and freedom of movement of EU citizens, at Italian Tribunals. It also aims at 5) reducing the duration of the asylum-related proceedings, inter alia, by increasing the staff to be devoted to this area.

79. Italy highlights that all Hotspots are regulated by Standard Operational Procedures (S.O.P.), as drafted and fully shared with all stakeholders (Italian Authorities, UNHCR, IOM, EASO, FRONTEX and EUROPOL) involved in the first reception of third country nationals upon disembarkation.



80. As for the Italian reception system, by Legislative Decree 142/2015 Italy has implemented Directive 2013/33/EU, on standards for the reception of applicants for international protection ('recasting' Directive 2003/9/EC), and Directive 2013/32/EU on common procedures for granting and withdrawing international protection status ('recasting' Directive 2005/85/EC) - thus completing the transposition of the main provisions of the common European system of Asylum.

81. Article 8 of Legislative Decree 142/2015 stipulates that the Italian reception System for international protection applicants is based on cooperation between the various levels of government concerned, in accordance with national and regional coordination modalities pursuant to the following Article 16, which establishes and defines the powers and functioning of relevant national and regional working groups. Furthermore, in accordance with Article 10, appropriate measures are undertaken in order to prevent any forms of violence, including gender-based violence, and to guarantee the safety of asylum-seekers and (Article 17) vulnerable people.

82. Ministerial Decree, dated 3 April 2017, on Guidelines on *health-care, rehabilitation and treatment of refugees and those entitled to subsidiary protection, who have been victims of torture, rape, or any other serious form of violence*, including specific training and refresher programs for healthcare personnel, was published, on 24 April 2017. In particular persons suffering mental health problems, including victims of torture, are entitled to health treatment, including specialized services and accommodation.

83. The recent Act 132/2018, which converted Law-Decree 113/2018, amended provisions concerning first and second-line reception system in Italy, as conceived by Legislative Decree 142/2015.

84. In line with the new provisions, asylum-seekers are hosted in the first-line reception centers only, while the second-line reception centers are devoted to: beneficiaries of international protection, foreign unaccompanied minors (UAMs), aliens entitled to stay under special cases (social protection of victims of trafficking activities, domestic violence and labor exploitation), persons with serious health conditions, persons who cannot return their country of origin affected by major disasters, and persons performing acts of great civic value.

85. Second-line reception is ensured under SIPROIMI system (System for Beneficiaries of International Protection and Unaccompanied Minors), characterized by highly qualified inclusion pathways to facilitate individual autonomy and integrations of all the above relevant beneficiaries.

86. In accordance with Article 14 of Act 47/2017, since the outset of UAMs' access to reception system, the educational institutions shall activate the measures necessary to fulfil compulsory education and training, including through specific projects, providing, when possible, cultural mediators, and through agreements aimed at promoting specific apprenticeship programs.

87. The reception system for UAMs is the result of the Agreement signed at the Unified Conference, on 10 July 2014. This system consists of two stages: first reception in highly specialized governmental shelters, followed by second-line reception, within SPRAR (now SIPROIMI).

88. First-line reception (maximum 30 days), financed under EU AMIF Fund, is ensured in shelters activated and managed by the Ministry of Interior, also in agreement with local entities. Following the steady decrease in arrivals by sea, as of May 2019, only 8 AMIF first reception project remain operational in Sicily and Molise, with 25 places, for a total of 200 places. Until December 2018, 27 AMIF first-line reception projects were operating with a reception capacity of 50 places per project, for a total of 1,350 places. As a consequence of the sharp decrease in arrivals by sea, a reduction from 50 to 25 places per project, for a total of 725 places, was decided in December. As of 27 March 2019, 19 out of 27 projects resulted concluded.

89. At second-line reception centers, provided within the SIPROIMI network, with resources from within the National Fund for asylum policies and services, UAMs, including non-asylum seeking children, enroll in individualized integration projects that take into

account their experiences and attitudes. In addition to the SIPROIMI shelters, 24 second-line related reception projects have been activated by AMIF resources, ensuring 413 places for UAMs, 140 of which are for particularly vulnerable children.

90. UAMs benefit from the same rights, in terms of child protection, as European and Italian children. Act 47/2017, so-called Zampa Law, strengthens the safeguards for UAMs. In particular, the expulsion of UAMs is forbidden, except for public order and State security reasons, following a Juvenile Court's decision and if there is no risk of serious harm for the UAM concerned (Article 13, paragraph 1, of Act 286/98, Unified Text on Immigration). Prohibition of refoulement applies (Article 3, Act 47/2017). Only assisted voluntary return adopted by the competent Juvenile Court is envisaged, after hearing the minor and the guardian and considering the results of the family investigations in the country of origin, or in a third country.

91. By recalling practices such as humanitarian corridors and resettlement programmes, Italy continues its strong dialogue and cooperation with the countries of first asylum concerned, such as Libya, Jordan, Lebanon, Turkey, Sudan and, since 2019, Niger.

92. As for statelessness, in the period 2017-2018, 11 persons who had previously been recognized stateless acquired Italian citizenship; in the same period 4 persons obtained administrative recognition of their stateless status by the Ministry of Interior. In our system, the status of statelessness can be certified by administrative means or can be ascertained by the ordinary judge. The two procedures are autonomous and independent.

## **B. Recommendations in the process of implementation**

### **Recommendations 26–48**

93. As for the establishment of an Independent National Human Rights Institution, by recalling that during the XVII parliamentary term one of the texts submitted was widely debated before the Senate (Constitutional Affairs Commission), also under the current Legislature (XVIII) both in the Senate and Chamber of Deputies new Bills have been submitted (A.C. 855, A.C. 1323, A.S. 654). Since last November the Chamber of Deputies (Constitutional Affairs Commission) has started the exam of A.C. 1323 and A.C. 855, jointly.

94. On 5–6 November 2018, an important event took place in Trento on “A National Human Rights Institution for Italy: Challenges And The Way Forward”, jointly organized by CIDU and University of Trento. A significant follow-up took place in Rome on January 31, 2019, at the Chamber of Deputies, with a Seminar organized by the Centre for Studies in International Politics (CeSPI).

## **C. Noted recommendations**

### **Recommendations 1–6**

95. Following ILO Conventions No.143 and No. 189 ratification, Italy accepted to be periodically reviewed with regard to relevant domestic implementation. Italy is committed to implementing the 1st NAP on BHR, launched in December 2016: it contains a specific goal i.e. tackling “*Caporalato*” and other forms of exploitation, forced labour, child labour, slavery and irregular work, with particular focus on migrants and victims of trafficking.

96. By recalling Paragraph 40 above, Act 199 on “*Caporalato*” (Provisions on countering undeclared labour, labour exploitation in agriculture and wages rebalance in agricultural sector) provides measures to improve prosecution, including with regard to the crimes of illicit intermediation and labour exploitation, and illicit capital accumulation by exploiters, and confiscation of the goods and properties acquired through exploitation. This Law also provides for victims' compensation and a specific sectoral plan with Regions' direct involvement.

97. CREA at MIPAAFT created an *ad hoc* database within the National Operational Project, “Safety for Development”, aimed at improving monitoring and control, especially

with regard to workers recruited illegally. This tool collects data geographically (33 specific agricultural areas in about 270 municipalities, for a total of 26 productive divisions employing migrant workers) besides monitoring seasonal work demands.

#### **Recommendations 126–127**

98. In accordance with UN CRC, the protection of children from all forms of violence within the family, including even mild corporal punishment, is enshrined in Arts.2, 3, 29, 30 and 31 of the Italian Constitution. Moreover, Criminal Code firmly provides for the imprisonment penalty for any ill-treatment against children within the family (Article 572).

99. Under Italian law, ill-treatment means “any forms of physical or psychological abuse, any behavior likely to result in a state of physical or psychological exhaustion or any form of subjugation” and “all forms of harassment of a child by an adult or a person belonging to the same household”. The penalties are more severe when the ill-treatment results in physical injury or death, and in the presence of aggravating circumstances. In addition to the criminal sanctions against perpetrators, there is a whole range of measures in civil law to protect children who are victims of abuse. When bringing proceedings under Article 572 of Criminal Code, the Public Prosecutor is required to inform the Juvenile Court that has territorial jurisdiction and to ensure that the child concerned is assisted by social services (Article 609*decies* of Criminal Code). The Juvenile Court may release protection orders, in accordance with Article 342*bis* of Civil Code, or may have the child taken away, if necessary (last paragraph of Article 333 of Civil Code).

100. The Court of Cassation extensively interpreted Article 571 of Criminal Code indicating that the use of any degree of violence may not be regarded as a lawful correctional conduct, but falls within ill-treatment, as explicitly prohibited by Article 572 of Criminal Code. Correctional measures (*jus corrigendi*) are therefore to be intended only as a system of instructions, guidelines and potential orders and advice, as well as prohibitions and very mild penalties - all falling within the sphere of children’s upbringing.

101. Against this background, it is worth mentioning, within the framework of the European project "Educate, do not punish", the collaboration among National Observatory on Childhood and Adolescence, Save the Children-Italia, *Società Italiana di Pediatria* (SIP), and *Associazione Nazionale dei Pedagogisti italiani* (ANPE) that promoted the campaign against corporal punishments, disseminated nationwide.

#### **Recommendations 170 and 182**

102. With regard to relevant migration-related issues, please kindly refer to the information provided above under the present report.

### **III. Status of implementation of voluntary pledges**

103. Italy is firmly engaged in the implementation of relevant pledges, especially those made upon its election to UN HRC (<https://undocs.org/en/A/73/72>). Some of these commitments involve ongoing tasks on which the Italian Government is continuing to work (for further details, please see above Sections).

104. Italy will continue to promote an open and inclusive approach to Human Rights, the ownership by local actors and CSOs. Italy will keep working to support the role of the HRC and its Special Procedures, in line with the principles of universality, impartiality, objectivity, transparency and finally non-selectivity.

### **IV. New and emerging issues, including advances and challenges in that regard**

105. Within the above framework, Italy fully cooperates with HRC Special Procedures, by *inter alia* issuing a standing invitation for their missions and replying to their *ad hoc*

requests; works closely with UN system and its Treaty Bodies, to actively respond to their recommendations; regularly submits periodic reports.

106. Italy strongly support UNSCR 1325(2000) adoption and is among UN Member States that adopted a National Action Plan on WPS, currently at the third edition, in order to strengthen initiatives to reduce the impact of conflict and post-conflict situations on women and children, especially girls, and improving their involvement as ‘agents of change’ in conflict prevention and resolution. This last NAP, focussing *inter alia* on vulnerable groups, women Human Rights Defenders and SDGs 5 and 16, has been recently extended for one more year, to 2020, and has been receiving about 1 million Euros, per year.

107. Following the Support for Active Inclusion (SIA) experience and the further extension of the so-called “experimental social card”, in 2018 it entered into force the first national measure against poverty (called REI – Minimum Income for Inclusion) providing both financial and services support to families in need, covered by the Anti-Poverty Fund.

108. The Financial Law for 2019 establishes the Fund for Income for Citizenship (*Reddito di Cittadinanza*), the new minimum income-related measure replacing the Anti-Poverty Fund, as a measure to combat poverty, inequality and social exclusion. Act 26/2019 (converting Law-Decree 4/2018, “Urgent provisions for *Reddito di Cittadinanza* and pension”) aims to ensure economic support and social inclusion for those people exposed to the risk of social and labour marginalization. It envisages: 5 billion and 906.8 million Euros, for the year 2019; 7 billion and 166.9 million Euros, for the year 2020; 7 billion and 391 million Euros, for the year 2021; 7 billion and 245.9 million Euros, for the year 2022.

109. Starting from April 2019, the above Law provides for the introduction of the new income measure for individuals and households under particular economic and social hardship. It provides mechanisms that guarantee a minimum level of subsistence, and the promotion of conditions making the right to work and training effective.

110. The benefit will range between 480 and 9,360.00 Euros per year, depending on specific parameters, and it is provided for a continuous period up to 18 months (to be renewed after one month’s suspension). The work placement is ensured by: a pathway of service-related activities for the community; professional re-training; completion of studies; other commitments to social inclusion; and integration in labour market.

## V. Challenges which would require the support of the international community

111. Italy has always supported UN Agenda 2030. The National Strategy for Sustainable Development (acronym in Italian, SNSvS), in place since 2018, is the tool to implement Agenda 2030 in Italy. The SNSvS focuses on six areas, in light of the “Five Ps”, namely People, Planet, Peace, Prosperity, Partnership and Sustainability-related vectors. Environmental issues play a key role. Italian civil society is also very active: “ASviS”, established in 2016, gathers about 200 different institutions and organizations and, *inter alia*, organizes the yearly festival on sustainable development, with over 700 events (<http://asvis.it/asvis-italian-alliance-for-sustainable-development>). ISTAT has been mandated to collect and publish relevant data in line with UNSDGs, periodically (<https://www.istat.it/it/archivio/SDGs>).

112. Recalling §39 about the Italian NAP on BHR, Italy wishes to underline that this instrument is a primary vehicle to rebalance the distortions and inefficiencies produced within the economic and productive contexts and such Plans should be widely adopted. Finally, in 2018 Italy, first country to do so, did a mid-term review of the Plan, and shared the outcome at the 2018 UN BHR FORUM.

113. Italy has always been a strong advocate of the abolition of death penalty and still is an active supporter – together with the EU - of the campaign for a universal moratorium on capital punishment. Our engagement with many partners – both Governments and civil society - to raise awareness on true effects of death penalty (including exacerbating

discriminations), hidden costs and alternative measures, was rewarded in December 2018 by a great success: the biannual Resolution on the moratorium was approved by UN General Assembly with the support of 121 States (4 more votes than in 2016). Italy will continue to engage tirelessly to get a positive result also in 2020, when a new resolution on a universal moratorium of the death penalty will be presented to the UN General Assembly.

---