

**Alternative report**  
**(summary)**  
**for the 6th periodic report of Italy**  
**on fulfilment of obligations under the**  
**International Covenant on Civil and Political**  
**Rights**



## **Right to life, violence against women, including domestic violence, and prohibition of torture and cruel, inhuman or degrading treatment (arts. 2, 3, 6, 7 and 26)**

### **Torture (LOI par. 13)**

The incorporation of the international crime of torture into domestic law has significantly been delayed. Moreover, the draft law text has been weakened by parliamentary scrutiny. We urgently ask the Government to incorporate the crime of torture, as it is stated by the UN Convention against torture.

### **Measures to limit the amount of force used by law enforcement officers (LOI par. 12)**

As the Government in its Replies (par. 33) has provided statistical data concerning the investigations and legal proceedings against Police officers who are suspected to have broken the law, we ask that to make available such data for the public and to publish disaggregated data by police force, type of crime committed, ongoing investigations, charges, disciplinary actions and sentences.

### **Women with disability (LOI par. 10)**

As ISTAT underlines, 36 % of women with disabilities or illness have suffered from physical or sexual abuse. Although the LOI recommended Italy to mainstream gender into disability policies and to take into account art. 6 of the Convention and the Committee's general comment n° 3 (2016) on women and girls with disabilities, no answer about this issue was given.

### **Abortion rights (LOI par. 11)**

Although Italian Government in its Reply to the LOI (par. 23) claimed that the number of non-objector-physicians is adequate, the number of objector physicians is constantly on the rise over the years. Moreover, only 59.5 % of facilities with a maternity or a gynaecology ward practice abortion, and the abortion pill Ru-486 is administered within the 49<sup>th</sup> day of amenorrhea, while in other EU countries it is administered within the 63<sup>th</sup> day.

## **Right to liberty and security of person, treatment of persons deprived of their liberty and right to a fair trial (arts. 9, 10 and 14)**

### **41-bis (LOI par. 24)**

The replies of Government concerning 41-bis regime (par. 63) are inadequate. The rights of the detainees are strongly limited, as the in-depth Report<sup>1</sup> of the Senate Extraordinary Commission for the promotion and protection of human rights shows. We endorse the recommendations that are

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<sup>1</sup>[https://www.senato.it/application/xmanager/projects/leg17/file/repository/commissioni/dirittiumaniXVII/allegati/Rapporto\\_41bis\\_aprile\\_2016.pdf](https://www.senato.it/application/xmanager/projects/leg17/file/repository/commissioni/dirittiumaniXVII/allegati/Rapporto_41bis_aprile_2016.pdf)

provided in the Report, in order to guarantee that individual rights of 41-bis detainees are fully respected.

### **Judicial Psychiatric Hospital (OPGs)**

Two years after the deadline for the closure of OPGs as per the law n. 81/2014, the OPG of Barcellona Pozzo di Gotto is currently still opened, as the Centre for the Enforcement of Security Measures (REMS) where the last 13 detainees should have been transferred has not been opened yet. Moreover, the mandate of Commissioner for overcoming OPGs has ceased last 19<sup>th</sup> of February.

### **Treatment of aliens and protection of children (arts. 2, 7, 9, 10, 13, 24 and 26)**

#### **Citizenship and statelessness (LOI par.14)**

In Italy the administrative procedure to obtain the stateless status is long and difficult, and the draft law aiming to simplify the procedure (DDL S. 2148) is currently bloc at the Parliament. The same can be said for the citizenship law reform (DDL S. 2092), which would grant citizenship to many minors who were born and raised in Italy. We therefore ask the Government to approve these laws by the end of legislature.

#### **Treatment of migrants, expulsions, Identification and expulsion centers (CIE), hotspot approach (LOI par. 15 and 16)**

Italian Government only mentions the legal framework for CIEs, but does not talk about how they operate.

An analysis of the data provided by the Ministry of Interior confirms how difficult it is to execute expulsions in Italy and the ineffectiveness of the entire system of Identification and expulsion centers (CIE). From January 1st 2016, 1,968 persons went through the CIEs, but only 876 have been repatriated (44% of the total). From January 1st to December 20th 2015 5,242 persons went through CIEs, and only 2,746 have been repatriated (52% of the total).

CIEs are going to be converted into CPR (centers for expulsion) but nothing will change about life conditions of detained people and procedures. Expulsion system will not change so fast.

We do not agree about the new law about CPR that Italy (and Europe in general) will introduce: in order to make expulsions work, it would be necessary first to sign new protocols with countries of origins of irregular immigrants. At the same time we ask for a radical change of approach: . Italy has to improve integration opportunities for migrants, and should not punish asylum seekers or who those who have lost the right to be regular. Among these persons, there are a lot of victims of smuggling and care givers without residence. We therefore ask to improve alternative measures to detention.

#### **Hotspot approach (LOI par. 15)**

On balance, the first year of the Hotspot approach is anything but positive and underlines a failure of European plan. The 94% of successful identifications of migrants has not determined a positive result in terms of persons reallocated and repatriated. At the end of 2016, only 2,350 persons were reallocated out of 40,000 as it was anticipated by the European plan. Moreover, reallocation is permitted only for persons coming from Syria, Eritrea and Iraq: it is clear then that most asylum seekers will complete the asylum applications and remain in Italy. It must be added that the outcome of most applications is negative, with a rejection rate of 58% for the 71,117 applications of

2015 (39% of increase compared to 2014 data). In the first semester of 2016, 60 % of asylum application have been rejected, showing a further increase of rejection rate. Asylum seekers whose requests are rejected become illegal migrants, awaiting to be repatriated, with no possibility of becoming legal. Some of these rejected applicants will be housed in CIEs, which currently fail to have an institutional purpose (failing at issuing repatriations, and no longer performing identifications).

### **Vulnerable groups- persons with disability (LOI par. 15)**

The last SPRAR (*Protection system for Asylum Seekers and Refugees*) report “Sprar Atlas 2015” shows that many refugees belonging to vulnerable groups (persons with disabilities, mental distress or in need of home care and specialist care) have been taken in by local projects not aimed at them. As it was pointed by the European Disability Forum and the Committee on the Rights of Persons with Disability (CRPD), adequate medical care and mental health support and rehabilitation for persons with psychosocial disabilities must be granted to migrants arriving in Italy. The Committee also recommended the Government to ratify the International Convention on the Protection of the Rights of All Migrants Workers and Members of their Families as well as the Charter on Inclusion of Persons with Disabilities in Humanitarian Action. We endorse the same requests.

### **Non-discrimination, equality between men and women, rights of minorities and prohibition of advocacy of nationals, racial or religious hatred (arts. 2,3, 20, 23, 25, 26 and 27)**

### **Sexuality related education and Gender Equality (LOI par. 3)**

In its replies the Government makes no mention about education programs aimed at preventing discrimination against LGBT persons. Moreover, its reply related to sexuality related education mirrors the idea that sexuality concerns only heterosexuals and their procreation issues: Education to Gender Equality is far from being implemented. This lack is also in contrast with the strong need for education promoting safe sex: as it was stressed by ISS (Institute for Public Health) Sexually Transmitted Infections are increasing. Reform of Education (Act 107/2015) provides education on gender equality in school curricula, but guidelines are far from being released by the Ministry.

### **Rom, Sinti, Caminanti people**

Despite there have been a few steps forwards, the UNAR appeared not able to guide local administrators towards the implementation of the National Strategy guidelines, especially in the region of Campania. Moreover, no reparations have been issued for the Roma communities affected by the discrimination policies implemented during the “Nomads Emergency” of 2008. Some Italian regions, furthermore, have issued new policies, but still outside of a national coordination.