



*Ministero degli Affari Esteri  
e della Cooperazione Internazionale*

# **ITALY**

**ADDRESS**

**BY LAPO PISTELLI,**

**STATE DEPUTY MINISTER FOR FOREIGN AFFAIRS**

**AND INTERNATIONAL COOPERATION,**

**AT THE 20<sup>TH</sup> SESSION OF THE**

**UNIVERSAL PERIODIC REVIEW**

**(GENEVA, 27 OCTOBER 2014)**

*Please check against delivery*

Mr. President, Distinguished Delegates,

It is an honor for me to take the floor, on the occasion of Italy's review under the Human Rights Council's Universal Periodic Review - II cycle.

The **Universal Periodic Review** is a distinctive instrument to review the human rights record of each UN Member State. UPR allows for an open and inclusive dialogue, aimed at strengthening cooperation among States and international mechanisms and bodies, with the contribution of civil society organizations. We believe that this exercise, throughout the II cycle, has substantially contributed and will further push in the future for the improvement of the human rights situation in every country. With this in mind, we have actively participated in the past sessions with questions and recommendations. In the same spirit, we hope that our review will strengthen both the functioning of the UPR and our human rights record.

Our contribution to the UPR can certainly be considered as part of a renewed **commitment to multilateralism and to the promotion and the protection of human rights worldwide**. Italy's action within the UN system as well as in relation to our role in other international and regional organizations has been characterized in recent years by a number of specific issues: the promotion of a moratorium on the death penalty, with a view to its universal abolition; the safeguard and protection of migrants, asylum seekers and refugees, deserving the utmost attention to unaccompanied minors; the promotion of dialogue among cultures and religions; the rights of the child, encouraging their well-being and their development; the eradication of violence against women, and, more specifically, action against any forms of discrimination on the grounds of sex, supporting the enjoyment of LGBTI peoples' rights; the promotion of human rights education and training. This commitment reflects principles which are deeply rooted in Italian society. It is closely linked to our commitment to promote mutual understanding as well as a genuine culture of dialogue and solidarity.

Thanks to input received from the documents prepared by the Office of the High Commissioner for Human Rights and the technical assistance provided for from the Office, as well as from the dialogue with civil society organizations both in Italy and here in Geneva, our "self-examination" has already established the basis for an improvement of the human rights situation. We are confident that today's debate will strengthen these already good foundations.

## **II – Reply to advanced questions**

Mr. President,

Inter-ministerial coordination was essential in preparing for this exercise and the delegation with me here today includes representatives from the ministries and institutions most involved: the Ministry of Foreign Affairs and International Cooperation, the Ministry of Justice, the Ministry of the Interior, Ministry of Public Health, the Department for Equal Opportunities and the Department for European Affairs of the Presidency of the Council of Ministers. Our Delegation also includes a member of our Parliament.

I will now turn to certain specific fields, addressing the advanced questions that we received and responding to them by thematic clusters. I thank the delegations of Germany, Mexico, Netherlands, Norway, Slovenia, Spain, the UK and the US for their contributions.

As for the **participation of civil society organisations** in the development of the national report, the Inter-ministerial Committee for Human Rights held over the last months several consultative meetings with civil society organisations and members of the Italian Parliament to discuss the contents of the National Report. In particular, the implementation of recommendation 92 accepted in first cycle was ensured by means of the publication of the draft National report on the Committee's website to offer civil society at large the opportunity to comment on the contents by sending individual contributions to a dedicated email address. The document has been also presented to the Diplomatic Corps in a meeting held at the Ministry of Foreign Affairs and Development Cooperation on September 10<sup>th</sup> 2014. We have also organized a consultative meeting with civil society this afternoon in order share the outcome of the review and to discuss the follow-up to the recommendations.

I would also like to remark that Italy has implemented 74 out of 78 recommendations accepted in cycle I, including several ones that were not accepted at the conclusion of the Periodic Review in February 2010: the Italian Senate has recently approved a bill introducing the crime of torture which currently is at the Chamber of Deputies. The status of illegal immigration as an aggravating circumstance was removed by the Constitutional Court in 2010. A Proxy Law approved at the end of April 2014 envisages the repealing of the crime of illegal entry and stay within 18 months.

As for the enactment of domestic legislation following our ratification of the **International Criminal Court Statute**, the Italian Parliament is

currently working on legislative measures to adjust our laws to International Humanitarian Law and to the International Criminal Court Statute. Following Proxy Law No. 240/2013, the Senate is examining a Bill for the introduction of the criminal code on military operations abroad.

Let me also go into detail in relation to further steps taken by our Country since the end of the first cycle, recalling some relevant thematic issues.

Italy continues to be engaged in a domestic process aimed at establishing an **Independent National Commission for the Promotion and Protection of Human Rights** in accordance with the Paris Principles. Three Bills have been introduced to the Italian Parliament in the present legislature.

Since last June the Inter-ministerial Committee for Human Rights has promoted a public consultation with civil society, setting up a Working Group with representatives of non governmental organizations and civil society.

The Working Group is currently finalizing a paper containing suggestions about which model of institution could better fit in with the Paris Principles in Italy, with regard to composition, criteria of selection, mandate, organizational support and operational modalities.

The Inter-ministerial Committee for Human rights is also organizing together with the 'Open Society Foundations' and 'Parsec' an event in November -- entitled "Towards a coherent EU framework for fundamental rights and an independent Human Rights institution in Italy" - with the participation of experts from International Organizations, included the Fundamental Rights Agency of the European Union, and representatives of

non governmental organizations and academics. Another event is planned before the end of the year to further discuss the matter in a format which will include parliamentarians.

With regard to the implementation of the **UN Guiding Principles on business and human rights** endorsed by the Human Rights Council in 2011, our Country has presented to the European Commission in December 2013 “The Foundations of the Italian Action Plan on UN Guiding Principles on Business and Human Rights”. Work is now in progress to finalize the Italian Action Plan by the end of 2015.

Because of its geographic situation, Italy has been exposed over the last two years to **massive inflows of migrants**. Italy is at the forefront of an extraordinary effort to save human lives at sea.

The full implementation of the **principle of “non refoulement”** in compliance with international norms has been always granted. Italy is, more than ever, strongly committed in **search and rescue activities (SAR)** at sea, very often far beyond its area of responsibility, ensuring the rescue of migrants onto the Italian territory. After Lampedusa tragedy, our Country has intensified Search and Rescue activities by launching in October 2013 **operation “Mare Nostrum”** to deal with the humanitarian emergency deriving from the exceptional arrival of migrants on the Central Mediterranean route.

The **strategy adopted by Italy in favour of asylum seekers and of those who are entitled to international protection** is aimed at integrating

them at the local level and strengthening social cohesion. This goal is achieved by giving the maximum possible autonomy.

As for the registration of migrants, according to Dublin and EURO-DAC regulations, forensic police and immigration officers are tasked with identification procedures including photo-signaling. Last September the Ministry of Interior has issued guidelines to improve the efficiency of the system.

After the initial period in Reception Centres for asylum seekers, that could last from 20 to 35 days depending on the inflow of migrants, refugees and asylum seekers are hosted in the Asylum seekers and refugees protection system network, managed by local authorities and financed through the **National Fund for Asylum Policies and Services**. Since 2013 its reception capacity increased from 3.000 to over 18.000 persons at an additional cost of over 50 million Euros.

In particular the **Reception System for Asylum/International protection Seekers (SPRAR)** is tasked to manage the allocation of applicants on the basis of burden-sharing among Regions, Provinces and Municipalities. To this regard, in July an Agreement has been signed by the State, Regions and local administrative bodies. A National Coordination Working Group, assisted by Regional Working Groups, has been put in charge of planning all activities connected with mass migratory flows, with a special focus on the optimization of the reception system. According to the Agreement, the National Coordination Group has been charged with drafting a two years Plan to assess reception capacity needs. The Group will



formulate strategies to prepare for, mitigate and respond to pressure on the asylum reception system.

With reference to the allocation and use of the new European Fund on Asylum, Migration and Integration 2014-2020, the National Program of Action focuses on the comprehensive management of migratory flows including asylum seekers, legal migration, integration and repatriation of illegal immigrants. The National Program is financed with 500 million Euros, of which 310 million are funded by the European Union.

As already pointed out in our National Report, in 2013 the Italian government funded 190 million Euros to tackle the extraordinary expenses related to this unprecedented migratory flow. In 2014 a further sum of almost 63 million Euros has been allocated.

Since 2006 the **residence permit** in Italy is issued in the form of a smart card. First and renewal applications are submitted to the Post Office, which issues to the applicant a letter stating the date and the time of the appointment with the competent police station, to be properly identified by photo-signaling and fingerprints. The applicant is informed about the appointment with the police station through a text message to the mobile phone. All applications are entered into a computer system called National Electronic Centre. This system allows to monitor all the foreign regular citizens and to process their applications for the first release and the renewal of the residence permit. When the permit is ready, the applicant is informed through a text message to the mobile phone and can go to the competent police office to withdraw it. According to the law, the stay permit must be issued within 60 days from the date of the application. In case of suspicion

of abuse of authority of criminal relevance, it is possible to file a complaint with the police or the public prosecution office. Against denial of residence permit an Appeal to the administrative judicial authority can be lodged against the denial of a residence permit.

From the 1<sup>st</sup> of January to the 23<sup>rd</sup> October 2014, 151.126 migrants have arrived by sea. 12.164 of them were **unaccompanied minors**. Unaccompanied minors are entitled to a residence permit, until they reach the age of 18. Upon coming of age, they can obtain a residence permit either for study or working reasons. They benefit from a wide set of protections: the right to education, to healthcare, accommodation in a safe place, the right to guardianship. They are housed in Reception Centres for minors or put in family foster care and cannot be hosted in Reception Centres for asylum seekers or Identification and Expulsion Centres. Italian Law forbids the deportation of minors as a general rule.

**The stigmatisation of certain ethnic or social groups** remains a matter of serious concern for the central Government and local Authorities. We are fully aware of the challenge we are facing in this field and we are strongly committed to eradicate racist or xenophobic attitudes within our society.

The Italian legal framework contains a wide range of criminal, civil and administrative law provisions to **combat racism**. Propaganda of racial ideas and instigation to racial hatred are severely punished by the criminal legislation. Relevant cases resulted in the conviction also of local representatives of political parties, entailing their disqualification from public office for three years.

As to the advanced questions regarding anti-Semitism and Islamophobia, the Italian Government is strongly committed in countering all forms of religious discrimination and social prejudices, in promoting educational awareness of inter-religious dialogue and encouraging mutual understanding. In this perspective, new impulse has been given to inter-religious dialogue since 2012 when the Government convened a Committee for Inter-religious Dialogue. The last meeting was held on 30<sup>th</sup> July 2014. Since 2000 the Holocaust Memorial Day is celebrated each year on 27 January.

The Italian Government is committed to gender equality, prevention and removal of discrimination for reasons directly or indirectly grounded on sex, racial or ethnic origin, religion or belief, age or gender identity.

As far as the **so-called blank resignations** are concerned, in compliance with Act No. 92/2012, the resignation becomes effective only after a multistage procedure involving among others local job centers, trade unions and the Ministry of Labor. Fines in cases of violation have been increased to up to 30.000 Euros, in addition to criminal proceedings.

Concerning the promotion of **LGBT people rights**, let me recall here the adoption of the LGBT National Strategy for 2013-2015. LGBTI associations, national, regional and local authorities, social actors and other relevant stakeholders worked together with the National Anti-Discrimination Office to draft the Strategy. Four main areas of intervention were identified: education and training; employment; security and prisons; media and communication. For each area goals were specified to promote equality and combat discrimination against LGBT persons. On the 16<sup>th</sup> of May 2014, the Ministry of Foreign Affairs organized a Conference in Rome on the Status of LGBTI people. Within this framework, training activities for headmasters and high-level officials of the Ministry of Education are to take place by the end of this year.

**Roma, Sinti and Caminanti communities** have been living in Italy for a long time.

With regard to their integration Italy adopted the “National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities 2012-2020” in accordance with European Commission Communication No. 173/2011. The Strategy focuses on four priorities - Labour, Housing, Health, and Education. It also includes a specific focus on human rights education and training as well as on a gender perspective. A meeting is scheduled in Rome for the 4<sup>th</sup> of November with all representatives of national level Roma associations. The following days Italy will host a European meeting of National Roma Contact Points.

No constitutional reforms will affect **Slovenian-speaking community living in Friuli Venezia Giulia**. As pointed out in the national report several measures have been implemented since the enactment of Act No.

38/2001: the use of minority languages in joint bodies and in public administration (with an allocation of 7.6 million Euros in 2013); the establishment of a regional register of Slovenian minority organizations and a regional fund to support the Slovenian minority; the production by State Television in 2012 of over 4.000 hours of radio and television broadcasts in Slovenian; the creation of a network of state schools in Trieste to support students who would like to study and speak Slovenian. At the national level a body was established in 2012 to deal with issues concerning the Slovenian speaking minority in Italy.

A Bill is under discussion at the Italian Parliament to amend the Criminal Code and the Criminal Procedural Code and to revise the legal definition of **defamation** (including defamation through the press and any other means of publicity, insult and libel) and related sanctions, excluding any reference to detention.

**The 17.309 proceedings pending on the 1<sup>st</sup> of October 2014 at the European Court for Human Rights** mainly concern the lengths of trials and the delays in the payment of compensation. Italy has agreed with the European Court on a two-year action plan for the final settlement of about 7000 complaints regarding compensation. A similar solution should be expected also for the remaining 3000 applications regarding excessive length of proceedings, which have not been included in the action plan having been filed at a subsequent time.

Approximately 3500 more complaints concerning living conditions in prison have been filed by prison inmates. Following the pilot judgement of "Stella and Italy" and "Rexepi and Italy" of the 16<sup>th</sup> of September 2014, it can be expected that the European Court will invite the prison inmates to

apply to the domestic courts. The Stella and Rexepi judgement states that the new domestic remedies available to detainees are fully in line with the European Human Rights Convention and with the ruling of the European Court on the Torreggiani case.

As to the **National Action Plan on trafficking in human beings**, **Legislative Decree No. 24/2014** has enforced European Directive 2011/36. Within this framework, the National Action Plan on trafficking in human beings will be adopted by the Council of Ministers by the end of 2014 together with the “Single Program regulation for the assistance and social integration of the victims of trafficking”.

The above mentioned Legislative Decree recognizes the victims’ right to compensation. Such a compensation amounts to 1.500 Euros for each victim and shall be paid in accordance with the terms established by the Decree under the annual Fund for Anti-Trafficking Measures.

In order to reduce **prison overcrowding**, Italy has adopted several measures mainly extending the recourse of house arrest as an alternative to imprisonment. As of today, there are over 54,000 inmates, of whom 771 benefiting of the semi-liberty regime; no inmates live in an area of less than 3 square meters; 21.948 persons benefit from measures alternative to detention.

By Act No. 67/2014 probation has been introduced for crimes committed by adults in cases of offenses punishable by fine or by a four-year maximum detention penalty, and also for crimes such as aggravated burglary, resistance, handling stolen goods. This Law also authorizes the Government to decriminalize several offences; to *de facto* extend the cases of non-punishability. On 29 August 2014, the Council of Ministers approved a

Legislative Decree aimed at further increasing the efficiency of the criminal justice system and the right of defence. Following the ratification of the Optional Protocol to the UN Convention Against Torture in 2012, recent legislation has also provided for the establishment by the Ministry of Justice of a National Authority for the rights of detainees.

In Italy national interventions of **social assistance** are mainly addressed to people out of the labour market, in particular to **elderly people and persons with disabilities**. Poor elderly people can receive a means tested social allowance when they reach the age of 65 years, independently from their contributions record, amounting to about 450 Euros per month, paid for 13 months. Retired people may rely on the minimum pension of about 500 Euros per month. These allowances are increased for people aged 70 years and over.

In 2008 a so called “social card” has been introduced to provide further help to certain categories. Since 2013 the program covers all permanent residents, included extra-EU citizens, and has been funded with 250 million Euros a year. To help payment of rents a National Fund has been set up with a yearly allocation of 30 million Euros for 2014 and 2015.

### III – Conclusion

Mr. President,

in conclusion I do wish to thank all of you for your kind attention, and to extend my best wishes for a successful session. I thank, in advance, all States and distinguished delegates for their participation in this interactive dialogue. We will now listen to a first set of questions and recommendations.

Thank you.