



Comitato per la promozione e protezione dei diritti umani

JOINT SUBMISSION OF INFORMATION

To the UNITED NATIONS

IN CONNECTION WITH THE CONSIDERATION OF

ITALY

Universal Periodic Review 34th Session

A.GE., AGEDO, AGENZIA DELLA PACE, AGESCI, ANANKE, ANFAA, ANOLF, ANTIGONE, ARCHIVIO DISARMO, ARCHIVIO IMMIGRAZIONE, ARCI, ARCIGAY, ARTE PER I DIRITTI UMANI, ARTICOLO 21, ASGI-ASSOCIAZIONE STUDI GIURIDICI SULL'IMMIGRAZIONE, ASSOCIAZIONE CAMPANARI D'ARRONE, ASSOCIAZIONE ELEONORA PIMENTEL, ASSOCIAZIONE ASTRO NASCENTE, , ASSOPACE, ASSOCIAZIONE SENZA CONFINI, ATD-QUARTO MONDO, AUCI, AUSER, BANCA ETICA, BE FREE, CASA DEI DIRITTI SOCIALI, CGIL, CHIAMALAFRICA, CIAI, CIPAX, CIPSI - COORDINAMENTO DI INIZIATIVE POPOLARI DI SOLIDARIETÀ INTERNAZIONALE, CIR-CONSIGLIO ITALIANO RIFUGIATI, CISL DIPARTIMENTO POLITICHE MIGRATORIE, CISMAI, CISP-COMITATO INTERNAZIONALE SVILUPPO DEI POPOLI, CITTADINANZATTIVA, COMITATO PER I DIRITTI UMANI, COMITATO SINGH MOHINDER, COMITATO UNRWA ITALIA, DISABLED PEOPLES' INTERNATIONAL (DPI) ITALIA, DONNE IN NERO, EMA, FEDERAZIONE CHIESE EVANGELICHE, FEDERAZIONE ITALIANA PER IL SUPERAMENTO DELL'HANDICAP (FISH), FONDAZIONE CENTRO ASTALLI, FONDAZIONE INTERNAZIONALE DON LUIGI DI LIEGRO, FONDAZIONE BASSO-SEZIONE INTERNAZIONALE, FONDAZIONE LABOS, FVGS, GIOVANI PER UN MONDO UNITO, GRUPPO MARTIN BUBER, GUARDAVANTI, ICS-CONSORZIO ITALIANO DI SOLIDARIETÀ ', IISMAS-ISTITUTO INTERNAZIONALE SCIENZE MEDICHE ANTROPOLOGICHE E SOCIALI, IMS -INTERNATIONAL MEDICINE SOCIETY, INTERSOS, INTERVITA, IRMA, ISTITUTO COOPERAZIONE ECONOMICA INTERNAZIONALE, ISTITUTO DI MEDICINA DEL SOCCORSO, LABORATORIO DIRITTI UMANI, LA GABBIANELLA, LAW-LEGAL AID WORLDWIDE, LEGAMBIENTE, LEGA INTERNAZIONALE PER I DIRITTI E LA LIBERAZIONE DEI POPOLI, LIBERA, MED.EA, MEDICI CONTRO LA TORTURA, MEDICI PER I DIRITTI UMANI, MOVIMONDO, OLTRE BABELE, OSSIGENO PER L'INFORMAZIONE, PAXCHRISTI, PONTE DELLA MEMORIA, PRO.DO.C.S., PROGETTO CONTINENTI, RETE EDUCARE AI DIRITTI UMANI, SAVE THE CHILDREN ITALIA, TERRE DES HOMMES, UBI MINOR, UDI-UNIONE DONNE IN ITALIA, UIL, UNICEF ITALIA, UNIONE FORENSE PER LA TUTELA DEI DIRITTI UMANI, UNITS, UNRWA ITALIA, VIDES INTERNAZIONALE, VIS-VOLONTARIATO INTERNAZIONALE PER LO SVILUPPO, UNRWA ITALIA, WILPF-WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM,

WITH THE COLLABORATION OF AMNESTY INTERNATIONAL, FOCSIV, MANI TESE, MEDICI SENZA FRONTIERE,

AND THE CONTRIBUTION OF AIDOS, ASSOCIAZIONE 21 LUGLIO, CASA INTERNAZIONALE DELLE DONNE, CINI, DEFENCE FOR CHILDREN INTERNATIONAL ITALIA, GRUPPO DI LAVORO PER LA CONVENZIONE SUI DIRITTI DELL'INFANZIA E DELL'ADOLESCENZA, IN DIFESA DI

Rome, 24 March 2019

The *Comitato per la Promozione e Protezione dei Diritti Umani (CPPDU)*¹, a network of 93 Italian NGOs working in the field of human rights promotion and protection, established in January 2002, by a group of NGOs active in the field of human rights, has as objective to promote and sustain the legislative process for the creation in Italy of a NHRI, in line with the resolution no. 48/134 December 20, 1993 of the UN General Assembly and the Paris Principles. In addition, CPPDU implements “cultural activities for the dissemination of information on human rights issues with regard to the Italian and European situation aimed at raising public awareness on violations that can take place also in countries with a consolidated democracy”. In 2004, it drafted the initial document for the Draft Law no. 3300 *Creation of the Italian Commission for the promotion and protection of human rights as per Resolution no. 48/134 UN General Assembly of December 20, 1993*. In 2006 in collaboration with the National Institutions Unit of the OHCHR of the UN, co-organized an International Workshop on NHRIs for Italian high representatives and the civil society. From then, it has been providing technical support to the attempts of the various Governments, participating in various hearings on the establishment of a NHRI in Italy in the Chamber of Deputies and Senate and with the President of the Republic. CPPDU has been focal point in organizing meetings with the CSOs during the visits to Italy of the UN High Commissioner for Human Rights, the Commissioner for Human Rights of the Council of Europe and the Fundamental Rights Agency Director (2009/2015). It has regularly implemented a systematic monitoring of human rights promotion and protection in Italy preparing various Submission of Information and Monitoring Reports presented both to the Italian Government and to the United Nations human rights machineries.

At the UN it has contributed with Supplementary Reports or Submission of Information to:

- International NGO Coalition for the approval of the “Optional Protocol” to CESCR (since November 2003);
- Elaboration of Supplementary Report to the IV Governmental Report presented by Italy on the implementation of CESCR and delegation to Geneva for session (8-26 November 2004);
- Elaboration of a submission of information to CCPR before the adoption of the list of issues (2005);
- Systematic monitoring process of human rights in Italy, within the legal framework of ICESCR and ICCPR, started in 2005 with final output First Monitoring Report launched in Rome in June 2007 entitled “NGOs Monitoring Report of the Concluding Observations of CESCR (26 November 2004) and CCPR (2 November 2005) to the Italian Government.”;
- Three Joint Submissions of Information with CRC Working Group on ICERD specific components based on List of Issues 72nd Session in consideration of 14th - 15th Periodic Reports of Italy, and delegation to Geneva for session (18 February-7 March 2008);
- Participation to the 7th – 8th Session of the United Nations Human Rights Council, Geneva, 7-28 March 2008 and 2-18 June 2008.
- 5th Roundtable of European National Human Rights Institutions and the Council of Europe Commissioner for Human Right: “Domestic Protection of Human Rights. Strengthening Independent National Structures”, Dublin, 16-17 September 2008;
- Participation, Geneva, UN Human Rights Council 7th Session of the UPR Working Group on the Universal Periodic Review – Italy (8-19 February 2010).
- Participation and Oral Statement in Plenary, Geneva, UN Human Rights Council for Universal Periodic Review – Italy (June 2010).
- Joint elaboration with CRC Working Group of Submission of Information on specific components of the ICERD based on the List of Issues presented by the Italian Government at the CERD 80th Session considering XVI - XVII reports presented by Italy;
- Participation, Interactive dialogue in Plenary and Lunch Time Briefing on specific ICERD components based on List of Issues, CERD 80th Session considering XVI - XVII reports presented by Italy (13 February-9 March 2012).

- International Conference “Centrality of the Human Being and Protection of Fundamental Rights in the contemporary World”, co-organization with Italian Foreign Ministry, OHCHR, CERD and Universities of Rome, Rome, 12th December 2012
- 2011-2014 – Preparation of *Rapporto L’Italia ad un anno dalle raccomandazioni del Consiglio ONU per i diritti umani*. First, Second and Third Reports of the NGOs and Associations of the CPPDU in preparation of the UPR session considering Italy.
- Launching of the 4th Consolidated Monitoring Report to the Follow Up to the recommendations to Italy of the UPR 2010, Rome, December 2014;
- Participation to interactive dialogue for UPR Working Group pre-session and Session at the UN Human Rights Council during the revision of Italy, Geneva, 2014.
- Participation to CERD Meeting in Geneva with CSOs, 25 November 2016
- Preparation of a consolidated Submission of Information to CERD considering Italy, of 65 pages comprising the reports of 11 Italian NGOs and participation to CERD session considering Italy, December 2016.
- Participation to the 37th Session of the Human Rights Council, Geneva, March 2018 and side-event on Circular Migration co-organized with IMADR, VIS and Don Bosco 2000, 2018.
- Translation into Italian of CERD booklet for CSOs, together with IMADR and VIS, published on CERD website, 2018.

The CCPU is member of the Fundamental Rights Platform, EU Civil Society Platform Against Trafficking in Human Beings (till 2017) and is accredited Observer to WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)

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JOINT SUBMISSION OF INFORMATION

Keywords: *Disability, Discrimination, Justice, HR Defenders, Media, Migrants, Minors, NHRI, ODA, Prisons, Poverty, Roma, Trafficking in Human Beings, Women.*

Recommendations: *As per UPR of Italy, “2nd Cycle – 20th Session, A/HRC/28/4/Add.1*

1.VIOLENCE AGAINST WOMEN - RECOMMENDATIONS 145.24, 57-60, 106-119, 139²

Violence continues to affect women severely in Italy. Every 72 hours a woman is killed in gender-related violence, usually at the hands of a partner, former partner or relative.³ According to official data⁴, one in three women has experienced violence in her life.⁵

The current normative framework to counter violence against women (VaW) maintains a prevalent focus on punishment of the offence, rather than effective prevention/protection measures; these two latter are chronically underfunded and addressed unevenly throughout the country.⁶

The third strategic plan to counter VaW for the years 2017-2020 represents the first attempt to set up a consultative framework with CSOs active in countering VaW.⁷ The new plan increased allocations for policies implementation with funds tripled from 2018, earmarking more than Euro 30 million. Although the plan dwells with the migrant, refugee and asylum-seeker women situation, structural conditions expose them to multiple forms of social vulnerability and hinder their fundamental rights, including the right to live free from violence. The plan also mentions harmful practices, such as female genital mutilation. However, a lack of coherence and coordination in policies implementation persists.

Of grave concern is a lack and inadequacy of reception places for women fleeing violence. Although shelters increased from 163 in 2013 to 228 by March 2018 and the number of anti-violence centers also grew from 188 to 285 in the same time span, these resources remain wholly inadequate to meet demand.

Moreover, discriminatory public discourse by the Lega⁸ and draft legislation by some of its affiliates reflect a culture and policies threatening to exacerbate VaW rather than mitigate it. (see below).

In addressing gender-based violence in the domestic context, children’s experience must be considered. In Italy, in five years 427.000 children have witnessed violence against their mother. A legal definition of *witnessed violence*, and adequate protection, recovery/rehabilitation services are still lacking⁹.

Women, in Mafia contexts at family level, are often subjected to threats, domestic violence, liberty deprivation, and mafia methods to reinforce this constant condition of human rights violation¹⁰; the provision of legal and institutional means is fundamental for women who decide to break out. Similarly, important is that significant recognition and support is provided to women convicted of mafia who decide to break with the mafia system¹¹.

JOINT RECOMMENDATIONS

- *Italy should increase funds for anti-violence centers and shelters for victims of violence, women and children;*
- *Italy should upgrade police skills to guarantee in each territory the presence of qualified staff on gender violence;*
- *Italy should enhance protection measures to women who decide to break out Mafia contexts.*

2.WOMEN’S PLACES

The survival of women’s hard-won spaces now under threat is a key issue. The Case delle Donne¹², at risk in Rome, carry nation-wide implications and may set an example for the rest of the country. Placed at the political and geographic center of the country, women’s organizations in the Capital have often played a catalyst role in women’s advancement in Italy. Actions placing them in jeopardy have already reverberated negatively in other parts of the country.

Women's facilities under threat are part of public real estate patrimony or belong to business concerns in which local administrations hold preponderant ownership or a relevant interest. These spaces have been rented out under specific agreements or occupied by women's organizations for the benefit of the communities they serve. Local administration authorities now want to cash in on these facilities failing to recognize their value beyond their financial and real estate aspects.

The outcome of the cases of women's spaces represents a litmus test for how "public interest" is interpreted. At stake is whether Italy and its government institutions have the determination to forego in part their pecuniary claims in order to better enhance citizens' common good, as well as to comply with the substantive implementation of national and international law.

3.DRAFT LAW 735 Four decrees on family life, recently drafted, have raised grave alarm concerning women's rights. The Justice Commission of the Senate received Draft LAW 735¹³ on children of separated/divorced parent. As noted by the Special Rapporteur on violence against women, its causes and consequences and the Working Group on the issue of discrimination against women in law and in practice: "The Decree would introduce provisions that could entail a serious retrogression fuelling gender inequality and gender-based discrimination and depriving survivors of domestic violence of important protections"¹⁴. Specifically it:

- Farms out jurisdiction in a matter complex and delicate as that of family law. In disregard of the Italian Constitution, it confines the figure of the natural judge to a residual and extremely marginal role, bestowing more powers on private, non-specialized actors, often unrelated to the judicial system, such as parenting mediators and coordinators.
- Restores parents' right to be the exclusive decision-makers regarding children's future and regards children as passive right-holders in violation of international law, including the UN CRC.
- Introduces two dangerous presumptions ex lege: falsity of situations of endo-family violence reported by women and existence of parental alienation.
- Supports unquestioningly the principle of bi-parenting (or equal access to children by both parents), effectively ignoring and/or condoning the conduct of the abusive parent.
- Overlooks inequalities and gender discrimination in the labour market and wage earnings, putting an overwhelming burden on the economically weaker parent. The concept of direct and compulsory support by both parents disregards the widespread inequality between the sexes in labour conditions and women's disproportionate responsibilities regarding family care. The decree would also repeal article 570 bis of the Criminal Code which sanctions with a fine or imprisonment the failure to pay for support of the children or the former spouse.¹⁵

JOINT RECOMMENDATIONS

- *Italy should take into consideration observations and concerns of the Special Rapporteur on violence against women and the Working Group on the issue of discrimination against women as well as civil society organizations on the negative impact of draft law 735 on women's and minors' rights.*
- *Italy should improve coordination and gender mainstreaming between national, regional and municipal interventions, including by involving women's associations that provide specialist services; allocate commensurable and sustained human, technical and financial resources to that end ensuring that priority be given to those women NGOs with proven expertise in countering gender violence.*
- *Italy should ensure that challenges and attacks against independently managed woman's spaces cease and that relevant legislation, including that concerning the social sector, is applied as to preserve the viability and sustainability of their operations.*
- *Italy should ensure that well-trained staff who possess a gender perspective be available throughout the migrants' reception processes in order to achieve early identification and protection of women who have survived gender-based violence, including human trafficking.*

- *Italy should ensure that all those authorities involved in processing migrant women's status are fully aware of the legislation enshrined in Article 18-bis of Law 119/2013 which covers the matter of residence permits for victims of domestic violence.*

4.NHRI – RECOMMENDATIONS 145. 26--48

Italy is one of the two European States still lacking an independent NHRI, notwithstanding two voluntary pledges in connection with Italy's membership to the UN Human Rights Council and innumerable pertaining recommendations by each UN Treaty bodies and finally by the 1st and 2nd UPRs¹⁶.

With reference to the reason for which Italy has an urgent need for a NHRI independent and effective:

- Risk for proliferation and fragmentation of sectorial and local mechanisms;
- Lack for a coherent, integrated and effective strategy for human rights promotion and protection including a permanent preventive approach;
- Added value and advantage deriving from the experience and best practices of other countries.

With reference to the political will of the Government to undertake the process to the NHRI establishment, even if there are important formal declarations and attempts on behalf of the various previous and present Governments, up to now no real and concrete action has been implemented in such direction. This is so evident, that also in the candidature to the HRC just entered by Italy for the 3rd time, no pledge was even made in this direction.

JOINT RECOMMENDATIONS

- *Italy should implement its voluntary pledges and a transparent, participatory and inclusive process including civil society to establish a NHRI in line with Paris Principles.*
- *Italy should make any effort to establish a NHRI to be accredited with Status A at the HRC.*
- *The Italian Government should avail itself of the Technical Advice of the National Institutions Unit of the OHCHR in complying with the requirements contained in the UN Resolution 48/134, in creating a NHRI independent and effective.*

5.JUSTICE - RECOMMENDATIONS 145.131-132

The Italian judicial system efficiency has only improved slightly in the past years, proceedings length remains a source of concern, especially at higher instances¹⁷. With reference to the appeals to the European Court of Human Rights, **the initial reduction in applications allocated to a judicial formation (1,885 in 2015, 1,409 in 2016, 1,374 in 2017) has stopped with 1,692 applications in 2018**¹⁸.

6.OVERCROWDING IN PRISONS - RECOMMENDATIONS 145.51, 101-105

The overcrowding situation in prisons is presently a faded topic. The European Court, nevertheless, condemning Italy¹⁹, reiterated detainees right not to be subjected to treatment that inevitably becomes inhumane when restricted in a degrading space.

However, precisely alternative measures to detention can be recognized as an important means to counteract this phenomenon by virtue of its "alternativity" with respect to intramural detention whenever crime and personal past of the convicted person allow it.

To this extent, the XVII Legislature, last year, was characterized by the approval of Law 103 of 2017 containing *changes to the Penal Code, the Code of Criminal Procedure and the penitentiary system*.

This Law foresees²⁰ the **simplification of procedures** for the decisions of the magistrate or of the Surveillance Court; review of access to **measures alternative to detention**; review of access to **benefits for convicted**; increase in the opportunities for both intramural and external paid **work** as well as voluntary activities and other important innovations.

However, the current government²¹ has always maintained not to share the alternative measures approach as an element of progressive gradual flexibility in penalties execution, or an overcrowding in prisons reduction means.

Conte government issued Legislative Decree 123/2018 confirming the decision not to implement the legislative delegation in the section in which it is intended to facilitate access to alternative measures as well as the elimination of automatism and preclusions for access to penitentiary benefits. Presently the alternative proposal of this Government to counter the phenomenon of overcrowding in prisons today, persisting six years after the ruling by the ECHR, is not clear.

7.OP/CRC - RECOMMENDATIONS 145.13-14

In 2015 Italy ratified the third Optional Protocol to the CRC on the involvement of children in armed conflicts (Law 199/2015).

8.MIGRANT CHILDREN - RECOMMENDATIONS 145.54, 174-176, 179-180²²

Italy has made further progress in the attempt to make the national legislative framework on the reception and protection of migrant children compliant with International standards, in particular through the adoption of Law 47/2017 containing "Provisions concerning protection measures of foreign unaccompanied minors" (UAMs), affirming that "UAMs are rights holders concerning children's protection and enjoy equal treatment with minors of Italian or European citizenship", including important developments e.g. a new guardianship system²³.

Nevertheless, after almost 2 years from its entry into force, implementing decrees drafts for the effective application of Law 47 are still under discussion²⁴.

Moreover, in 2018 the Ministry of the Interior introduced a series of administrative and legislative measures concerning the reception of persons applying for asylum or international and humanitarian protection that put at risk Law 47/2017 achievements: Decree Law 113/2018 on Immigration and Security - converted into Law 132/2018 in December 2018 - abolished the measure of "humanitarian protection" replacing it with temporary forms of protection (called "special protection") and modified the protection system for asylum seekers and refugees (the SPRAR reception system) making it available just for adults who had already been granted international protection and for UAMs.

Despite having registered in Italy for the last two years a decline in arrivals, the UAMs represent a very high component of the total arrivals. In 2018 there was a record: 3,536 equaling 15% of all landings, the highest incidence of the last five years. The trend is also confirmed from January 2019, out of 155 about 18% are UAMs. **The humanitarian protection abolition has important consequences for UAMs as they may lose protection as soon as they turn 18 and for nuclear families with children.**

JOINT RECOMMENDATIONS

- *Italy should issue the decrees implementing Law 47/2017;*
- *Italy should ensure reception, assistance and integration paths for all UAMs after the majority age and till 21 years old*

9. RIGHT TO EDUCATION - RECOMMENDATIONS 145.149, 154-156, 182

Over the last years, the Italian education system has been characterized by a constant rise of non-Italian students. At the end of the 2016/2017 school year, according to MIUR data (2018)²⁵, 826.091 students came from an immigrant background: about 9.4% of the total.

According to latest EUROSTAT data, in 2017 the share of early leavers from education and training (aged 18-24) in Italy was estimated at 14%.

Early school leaving was much more significant among foreign citizens than Italians (33.1% against 12.1%) and territorial differences in early school leavers were very pronounced (18.5% in Southern Italy; 10.7% in Central Italy; 11.3% in Northern Italy) and they did not show signs of shrinking. Although in recent years early childhood education enrolment increased, early drop outs remain a problem with a growing proportion of young Roma not in education, employment or training (NEET).

JOINT RECOMMENDATIONS

- *Italy should implement policies counteracting early school leaving, focusing on foreign and Roma children*

10. RIGHT TO PROTECTION - RECOMMENDATION 145.106, 114-115, 126-128²⁶

The repeatedly recommended legislative reform on child protection against violence continues to be postponed. Although no national system exists on this data collection and monitoring, available statistics show an increase in the number of children victims of violence, in particular girls victims of sexual abuse (in 2017 18% more than in 2016). On January 2019 the European Commission opened infringement procedures against Italy, for failing to implement the EU rules on combating sexual abuse and sexual exploitation of children and child pornography.

Moreover, minors from Mafia contexts or families experience a condition of double victims deriving from their family context and the impossibility of being able to grow in a condition of freedom and self-determination. The generational continuity of a culture based on violence and denial of rights curbs the enjoyment of their rights²⁷. At present, judicial institutions can intervene only when situations are already pathological, therefore, interventions should be enacted at educational and preventive level.

JOINT RECOMMENDATIONS

- *Italy should make a more incisive intervention at educational and preventive levels regarding minors from Mafia contexts or families.*

11. MEDIA. CONFLICT OF INTEREST - RECOMMENDATION. 145.133.

Draft Law "Bressa"²⁸, aimed at upgrading Gasparri²⁹ and Frattini Laws³⁰, was not ratified by the Senate not entering into force.

GOVERNANCE RAI RECOMMENDATIONS³¹ - The goal to guarantee a pluralistic and non-discriminatory public broadcasting service is not achieved. Indeed, the reform approved by the Parliament in 2015 further strengthened the influence on RAI of the Executive power compared to the Parliament. Two of the seven Board of Directors members are now appointed by the Government, two by the Chamber, two by the Senate, one by the employees of the company. In addition, the CEO, with extensive powers, is appointed by the Board of Directors, under the Minister for Economy recommendation. Hence, Italy has not accepted the observations/recommendations formulated by the *Special Rapporteur on the promotion and protection of the right to freedom of opinion* at the end of his Mission to Italy from 11 to 18 November 2013³² recalling recall previous remarks made by the UN HRC; the *OSCE Representative of Media*, the *Venice Commission* of the Council of Europe³³ and the *European Parliament*³⁴.

12.IMPUNITY - RECOMMENDATION 145.134. Law and procedures allowing impunity have not been modified and journalists in Italy are victims of many documented human rights violations. Between 2006 and 2018, "Ossigeno per l'Informazione" measured the phenomenon³⁵, **ascertaining over 3700 serious violations, half of which carried out with prosecutable offenses**, while the **impunity rate** is very high and undisputed: **over 90%**.

13.LEGAL PROTECTION - RECOMMENDATION 145.135. Italian journalists suffer frequent intimidations and retaliations. Legal protection is weak and not strengthened. The only improvement was in 2016, when the Parliament decriminalized the crime of insult. The Press Law³⁶ and the articles of the Criminal Code and of Criminal Procedure, allowing to exploit lawsuits for defamation by means of intimidation and retaliation producing a strong chilling effect, were left unchanged. For those guilty of defamation in the press, the Italian law provides for up to six years imprisonment and disproportionate compensation of theoretically unlimited amount, without any documentation of the pecuniary and non-pecuniary damage suffered. From 2013 to 2017, the Parliament discussed this, without taking any measure. In 2016, the Ministry of Justice documented the seriousness of the situation with the following data³⁷: in 2011-2014, every year the Courts of First Instance condemned to imprisonment for the crime of defamation in the press 155 people (mostly journalists). The average sentence was eight months and 90% of the accused - 5904 every year - after 2-4 years of trial, was absolved; legal expenses are often borne by the accused. These proceedings increase each year by 8%. Many specious procedures would be avoided if journalists had a legal status corresponding not only to their ethical duties but also to the protection they need, for their social function in providing evidence-based information: protection from unfounded proceedings for libel and lawsuits for damages and aggravated sanctions for who promotes vexatious defamation proceedings against news reporters.

JOINT RECOMMENDATIONS

- *Italy should ensure to journalists an adequate legal status in order to protect them from unfounded proceedings for libel and lawsuits for damages and introduce aggravated sanctions for whoever promotes vexatious defamation proceedings against journalists*

14.PROTECTION OF THREATENED. Law enforcement forces protect high-risk individuals with armoured cars and armed escorts. According to the Ministry of the Interior, in December 2017 there were 19 journalists strongly protected. Another 167 journalists, targeted by non-fatal threats, are protected by agents monitoring their homes or jobs.³⁸ Thousands of other threatened journalists have no protection³⁹.

JOINT RECOMMENDATIONS

- *Italy should ensure protection to all journalists at risk.*

15.DISCRIMINATION - RECOMMENDATIONS 145.62-70, 77-78, 82, 84-90, 146-155

16.ROMA RIGHTS

As per CoE estimates⁴⁰, about 120.000 and 180.000 people of Roma origin live in Italy, about 0,25% of the Italian population, 60% are under the age of 18⁴¹. According to Associazione 21 luglio mapping⁴² contrary to the provisions of the National Strategy in Italy about 26.000 Roma people still live in housing emergency conditions⁴³. Despite the “Nomad Emergency” formal closure, and adoption in 2012 of the NRIS⁴⁴ for Roma, Sinti and Travelers inclusion covering years 2012—2020 in compliance with the European Commission⁴⁵ no substantial improvement can be recorded, nor the implementation of a mechanism to provide access to an effective human rights violations remedy.

17.Segregated/sub-standard housing. Notwithstanding its international obligations⁴⁶ Italy continued to build “authorised camps”⁴⁷; a parallel sub-standard housing system⁴⁸ with overcrowded housing units⁴⁹, precarious hygiene and sanitary conditions⁵⁰, often in cities outskirts⁵¹. An example, “Via del Riposo” settlement in Naples, opened in April 2017, and the “camp” in Afragola, Naples, the last “authorized camps” built *ex-novo* by the Italian authorities. Some local administrations tried to implement targeted plans⁵² however these have not yet led to significant change⁵³.

18.Forced evictions continue throughout Italy⁵⁴ with human rights violations⁵⁵ and consequences on children⁵⁶. Italian authorities hardly apply international instruments procedural protections⁵⁷, carried out in a discretionary manner, without formal notice and access to legal remedy, advance notification and consultation⁵⁸ or forms of compensation. Evictions have hindered children’s regular school attendance, further marginalizing them and their families. In September 2018 the Ministry of Interior adopted an administrative Circular on “arbitrary occupation of property”⁵⁹ with the declared aim of “*preventing it and give proper procedural indications to those who must proceed with forced evictions*”, without identifying previously alternative housing solutions and proper inclusion paths for children, families with minors and/or other vulnerable persons.

19.Anti-gypsyism and hate speech. A feature of the Italian society⁶⁰ preventing Roma inclusion⁶¹, is directly connected with discriminatory public policies and “hate speech”. Data collected⁶² confirm hate speech targeting Roma an endemic phenomenon in Italy still today, mainly fueled by politicians. From 2013 to 31 December 2018) 1.603 hate speech episodes have been recorded, 794 grave: **2013** – 456 episodes, 255 grave; **2014** – 400, 191 grave; **2015** – 265 episodes, 146 grave; **2016** (1 January – 31 December) – 175 episodes, 57 grave; **2017** – 182 episodes, 57 grave; **2018** – 125 episodes, 38 grave. The current anti-discrimination framework does not provide for effective means – other than criminal law – to address and discourage both. UNAR⁶³ action is considerably limited due to lack of enforceability and/or deterrent means to address and discourage such episodes⁶⁴.

JOINT RECOMMENDATIONS

- *Italy should end Roma/Sinti segregation in “authorized camps”, ensure they are provided with adequate housing without discrimination.*
- *Italy should immediately cease forced evictions affecting Roma/ Sinti communities throughout Italy, adopting forced evictions prohibition by law, setting explicitly essential procedural protections in line with international standards.*
- *Italy should eradicate anti-gypsyism attitudes/feelings from society, addressing hate-speech episodes against Roma/Sinti communities reinforcing UNAR mandate with sanctioning powers.*

20.DISABILITY - RECOMMENDATIONS 145.141-143, 91-92

Law 67/06⁶⁵ establishes a legal protection framework for people with disabilities (victims of direct/indirect discrimination). However, it does not fully meet the obligations arising from the ratification of the UN Convention⁶⁶, lacking the definition of multiple, intersectoral discrimination, reasonable accommodation and not explicitly recognizing the lack of reasonable accommodation as a form of discrimination based on disability. Its cumbersome nature in its concrete application makes it scarcely used, preventing both citizens and recognized bodies from acting in presence of direct and indirect discrimination.

Moreover, in the “Piano Strategico Nazionale sulla Violenza Maschile contro le donne 2017-2020”⁶⁷, no mention is made to women with disabilities in the following sections:

- **Data collection** – last ISTAT survey, May-December 2014 funded by the Equal Opportunities Department, mentioned foreign women, but not women with disabilities;
- The need to reflect on young women and women with disabilities is mentioned, but **no commitment is taken in proceeding accordingly**;
- No reference is made to girls and women with disabilities among the intervention priorities of the **Prevention Strategy**, the **Protection and Support Strategy**, in the **Prosecution and Punishment Strategy** and in the **Aid and Promotion Strategy** and in the **Chapter Plan Commitments**, based on the guidelines for intervention and structure for each Strategy and priority above indicated.
- Italy lacks an inclusive vision of children with disabilities and a data collection system on children with disabilities aged 0-5.

JOINT RECOMMENDATIONS

- *Italy should mainstream people with disabilities rights in all policies, especially in official data collection, with attention to women and girls in institutions and social and health structures.*
- *Italy should introduce a system to collect data on children with disabilities aged 0-5.*

21.POVERTY - RECOMMENDATIONS 145.150, 91, 93

In 2012 with Italy co-sponsorship, the Guiding Principles on Extreme Poverty and Human Rights⁶⁸ were approved, implying the adoption of a global policy coherent with the fight against poverty, based on human rights and the recognition of poverty as a source for social discrimination. The adoption of the “REIS”⁶⁹ in 2017, with its limitations, represents a step ahead in the above policy. The present Government, however, introduced the “Reddito di Cittadinanza”⁷⁰, which appears to be a tool to activate jobless people, but does not consider poverty multidimension and some parts, such as expenditures traceability, raise many questions. The contribution of personalized services/approaches to help families escape from social exclusion has been a very important factor in relation to child poverty, requiring a multidisciplinary approach.

22.MIGRANTS - RECOMMENDATIONS 145.67-73, 82-83, 91, 118-125, 138-139, 160-182

Migrants are among the main organized crime victims. The forms of exploitation against them are harsh and systematic: prostitution⁷¹, labor in para-slavery conditions⁷², etc.; trials aggravated by the adoption of restrictive migration policies at international level⁷³ and adherence to a reception model that is increasingly

excluding⁷⁴. This violence can be found in reception structures, e.g. the case of the CIE and CARA of Gorizia (FVG) currently on trial for fraud against the state⁷⁵, false invoices, etc.

Some evictions in Rome by the police (Via Curtatone, Via Vannina 78) took place with serious violations⁷⁶. Life in the large ghettos has increased alcohol and drugs dependence and mental disorders and prostitution⁷⁷ have become acute.

Following are indicated the major changes introduced with the Law 132/2018 (so-called “Decreto sicurezza”).

23. Abolition of the humanitarian protection status, substituted by a weak set of types of stay permit: for **special protection** (risk of persecution or torture) and **special cases** (health problems, special merit, trafficking, labour exploitation, domestic violence, natural calamity). The “humanitarian protection” was envisaged in the Italian law since twenty years as integral and ineradicable part of the constitutional right to asylum⁷⁸, recognizing the protection also to who, although he/she does not fall within the hypothesis of refugee status and subsidiary protection, is in serious risk of not having those fundamental rights guaranteed in the country of origin which Italy is obliged, under its constitutional or international obligations, to guarantee also to a foreign citizen⁷⁹.

This mainly regards vulnerable individuals: UAMs arriving from countries with serious human rights violations or risk, old people, people with disability, people with chronic diseases. In addition, it would be recognized to those who with a good social and work placement in Italy, in case of return to the country of origin would be at risk of abandonment and mortification of the human dignity⁸⁰. It therefore represented an “open catalogue” of situations, constituting the most recognized form of protection in Italy (21% in 2017)⁸¹.

With the new law there has been a drastic decrease in the protection recognition percentage, with 82% denials⁸². This means that thousands of people per year will become irregular, exposed to the risk of social marginalization, labour or sexual exploitation and commit crimes.

24. Exclusion from access to SPRAR of all the asylum seekers, who must stay in first reception and extraordinary reception centres (so called “CAS”), where, since December 2018, only “essential services” are foreseen, excluding social integration activities and Italian language lessons⁸³. **SPRAR access is now limited only to people entitled to international protection and unaccompanied minors**, while people entitled to humanitarian protection (recognized before the entry in force of the new law) and to “special protection” are excluded. Evictions from SPRARs and other refugee facilities has already started⁸⁴.

According to Medu⁸⁵ data, 90% of people arriving Italy from North Africa have survived serious traumas in their countries of origin and along their migratory routes (e.g. Libya) – these include torture, forced labour and other serious forms of abuse.

A great number of vulnerable asylum seekers - people with mental health disorders and survivors of torture or trafficking - are excluded from the SPRAR and deprived of adequate assistance and early identification, with perilous effects on their future rehabilitation.

Individuals leaving reception circuits without linguistic skills and work have been converging into jobs or ghettos in urban suburbs⁸⁶, also exposed to asbestos⁸⁷ risk. The ghetto phenomenon is also associated with agricultural production areas, characterized by insecurity and abuse⁸⁸.

25. Exclusion of asylum seekers from the civil registry as not being registered with the civil registry, they cannot obtain a legal residence. The illegitimate⁸⁹ request for residence registry certificates to renew residence permits has prevented access to health care, school registration and work placement⁹⁰.

26. Extended duration of detention in return centres (from 90 to 180 days)

It is proven that extending the duration of detention periods in return centres (former CIE renamed CPR) does not bring to a relevant increase in the percentage of foreign citizens repatriated⁹¹. As recognized even by the CIE management, if the foreign citizen’s identification and repatriation does not occur within the first three months of detention it is more unlikely to happen as time goes forward. Moreover, CPR have proven not to ensure the respect of detainees’ dignity and fundamental rights⁹².

JOINT RECOMMENDATIONS

- *Italy should enlarge the asylum seekers' legal protection in order to fully comply to its constitutional and international obligations*

27.HR DEFENDERS

Support to human rights defenders and to the UN Special Rapporteur for Human Rights Defenders is one of the “voluntary pledges” of Italy when applying for UNHRC membership⁹³. In the last two years in Italy an alarming trend in criminalizing the activities of migrant rights defenders, of those offering solidarity, of organizations providing rescue at sea, as already reported by several documents drawn up by the Thematic Special Rapporteurs⁹⁴. It is highlighted that Italy has not yet answered to the communication of November 2018 of the group of UN Special Rapporteurs about migrants, on the “Decreto Sicurezza”, on the criminalization of NGOs and the cases of Juventa, ProActiva OpenArms and SeaWatch⁹⁵. Italy should apply domestically internationally recognized standards and best practices to recognize the role of, respect and protect human rights defenders of people on the move, such as the Guiding Principle 18 of the OHCHR Guiding Principles and practical guidance on the protection of the human rights of migrants in vulnerable situations”⁹⁶. Efforts should be undertaken to ensure that HRDs – particularly those working to rescue and defend the rights of “people on the move” can operate freely, without discrimination, intimidation, criminalization or harassment.

JOINT RECOMMENDATIONS

- *Italy should ensure that HRDs can operate freely, in a secure environment and they are not criminalized or delegitimized for their activities in defense of human rights, and of “people on the move”.*
- *Italy should comply with its international obligations⁹⁷ and take into consideration the reiterated call of the UN High Commissioner for Human Rights upon Libya, the European Union and Italy, to urgently take the steps necessary to ensure that NGOs can safely resume search and rescue operations in the Mediterranean Sea in line with international law⁹⁸.*

28.TRAFFICKING

As for the Anti-Trafficking National Plan, the Council of Europe Group of Experts on Human Trafficking recommended the creation of a dedicated national co-ordination structure which, in partnership with civil society, would strengthen and direct actions⁹⁹. Significantly, the NPA delinks protection of victims of trafficking from their collaboration with judicial authorities.

Given women prevalence among THB victims, stronger coordination should be developed between NPA implementers and those of the National Plan on Violence Against Women.

JOINT RECOMMENDATIONS

- *Italy should pay attention in negotiating readmission protocols with countries where human trafficking is overt and present;*
- *Italy should create a dedicated national coordination structure in order to strengthen and direct the Anti -Trafficking National Plan actions.*

29.ODA - Recommendations 145.183-186

Law n.125/2014¹⁰⁰ approved in 2014, introduced positive institutional changes; however, limitations in its effective implementation still occur¹⁰¹. Italian ODA increased from 0.17% of GDP in 2013 to almost 0.30% in 2017. Budget Law 2019, however, established an opposite trend: from 2020 ODA will enter a decreasing phase, putting Italy's international credibility at risk.

Concerns emerged for aid delivered by Italy at the intersection between development cooperation and migration policies: in some partner countries¹⁰², several ODA-funded interventions seem to reflect Italy's interest in reducing migration flows or promoting its security interests. The reference is to funds channeled

bilaterally through Fondo Africa (FA), and through the EUTF¹⁰³.

A limited but significant part of these development funds appears to be diverted towards border control objectives, with detrimental impact on migrants' human rights: in the case of Libya, FA was used to provide equipment, training and maintenance to the Libyan Coast Guards, despite them having a track record of human rights violations, and returning migrants to widely documented abusive contexts in Libya.¹⁰⁴

Similarly, Italy partners with highly unreliable counterparts involved in the civil conflict: co-funds¹⁰⁵ and implements¹⁰⁶ the project "Support to Integrated border and migration management in Libya - First phase". With a total cost of 46 million Euros, the project aims at: supporting Libyan Coast Guards with training and equipment for maritime surveillance and tackling irregular border crossings; supporting Libyan authorities for the establishment of a Search and Rescue region in the Mediterranean; and supporting Libyan southern border surveillance. The risk assessment contained in the project proposal itself highlighted that "the risk of this action is unusually high", mentioning "concerns of possible collusion between persons among beneficiaries [i.e. Libyan authorities] and smuggling and trafficking"; adding that "Libyan counterparts, notably the Libyan Coast Guards, lack a solid chain of command, which raises concerns over the proper use of the equipment to be provided under the project"; highlighting the "risk of increasing power rivalries among Libyan actors [...]: as Libyan authorities progressively become more effective at tackling trafficking, there could be repercussions from those whose economic interests are affected"; and recognizing that "under the existing Libyan legislation, once rescued, irregular migrants generally end up in detention centres which generate international concerns."¹⁰⁷ The state of implementation of this project is presently not known.

Also, there is no information on forms of robust political dialogue linking the ongoing ODA commitments with the respect of human rights in Libya and Niger.

JOINT RECOMMENDATIONS

- *Italian ODA commitments should be accompanied by clear definition criteria for positive conditionality, including progress in reforms and transparency, especially regarding human rights promotion and protection, and support the development of parliamentary control, national audit capacities, CSO participation in monitoring, increased transparency and public access to information.*

¹ A.GE., AGEDO, AGENZIA DELLA PACE, AGESCI, ANANKE, ANFAA, ANOLF, ANTIGONE, ARCHIVIO DISARMO, ARCHIVIO IMMIGRAZIONE, ARCI, ARCIGAY, ARTE PER I DIRITTI UMANI, ARTICOLO 21, ASGI-ASSOCIAZIONE STUDI GIURIDICI SULL'IMMIGRAZIONE, ASSOCIAZIONE CAMPANARI D'ARRONE, ASSOCIAZIONE ELEONORA PIMENTEL, ASSOCIAZIONE ASTRO NASCENTE, ASSOPACE, ASSOCIAZIONE SENZA CONFINI, ATD-QUARTO MONDO, AUCI, AUSER, BANCA ETICA, BE FREE, CASA DEI DIRITTI SOCIALI, CGIL, CHIAMALAFRICA, CIAI, CIPAX, CIPSI - COORDINAMENTO DI INIZIATIVE POPOLARI DI SOLIDARIETÀ INTERNAZIONALE, CIR-CONSIGLIO ITALIANO RIFUGIATI, CISL DIPARTIMENTO POLITICHE MIGRATORIE, CISMAI, CISP-COMITATO INTERNAZIONALE SVILUPPO DEI POPOLI, CITTADINANZATTIVA, COMITATO PER I DIRITTI UMANI, COMITATO SINGH MOHINDER, COMITATO UNRWA ITALIA, DISABLED PEOPLES' INTERNATIONAL (DPI) ITALIA, DONNE IN NERO, EMA, FEDERAZIONE CHIESE EVANGELICHE, FEDERAZIONE ITALIANA PER IL SUPERAMENTO DELL'HANDICAP (FISH), FONDAZIONE CENTRO ASTALLI, FONDAZIONE INTERNAZIONALE DON LUIGI DI LIEGRO, FONDAZIONE BASSO-SEZIONE INTERNAZIONALE, FONDAZIONE LABOS, FVGS, GIOVANI PER UN MONDO UNITO, GRUPPO MARTIN BUBER, GUARDAVANTI, ICS-CONSORZIO ITALIANO DI SOLIDARIETÀ, IISMAS-ISTITUTO INTERNAZIONALE SCIENZE MEDICHE ANTROPOLOGICHE E SOCIALI, IMS -INTERNATIONAL MEDICINE SOCIETY, INTERSOS, INTERVITA, IRMA, ISTITUTO COOPERAZIONE ECONOMICA INTERNAZIONALE, ISTITUTO DI MEDICINA DEL SOCCORSO, LABORATORIO DIRITTI UMANI, LA GABBIANELLA, LAW-LEGAL AID WORLDWIDE, LEGAMBIENTE, LEGA INTERNAZIONALE PER I DIRITTI E LA LIBERAZIONE DEI POPOLI, LIBERA, MED.EA, MEDICI CONTRO LA TORTURA, MEDICI PER I DIRITTI UMANI, MOVIMONDO, OLTRE BABELLE, OSSIGENO PER L'INFORMAZIONE, PAXCHRISTI, PONTE DELLA MEMORIA, PRO.DO.C.S., PROGETTO CONTINENTI, RETE EDUCARE AI DIRITTI UMANI, SAVE THE CHILDREN ITALIA, TERRE DES HOMMES, UBI MINOR, UDI-UNIONE DONNE IN ITALIA, UIL, UNICEF ITALIA, UNIONE FORENSE PER LA TUTELA DEI DIRITTI UMANI, UNITS, UNRWA ITALIA, VIDES INTERNAZIONALE, VIS-VOLONTARIATO INTERNAZIONALE PER LO SVILUPPO, UNRWA ITALIA, WILPF-WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM, WITH THE COLLABORATION OF AMNESTY INTERNATIONAL, FOCSIV, MANI TESE, MEDICI SENZA FRONTIERE, AND THE CONTRIBUTION OF AIDOS, ASSOCIAZIONE 21 LUGLIO, CASA INTERNAZIONALE DELLE DONNE, CINI, DEFENCE FOR CHILDREN INTERNATIONAL ITALIA, GRUPPO DI LAVORO PER LA CONVENZIONE SUI DIRITTI DELL'INFANZIA E DELL'ADOLESCENZA, IN DIFESA DI

² See 3rd Supplementary Report to the CRC (Chapter IV),

https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/ITA/INT_CRC_NGO_ITA_33354_E.pdf and

Contribution to the UPR Mechanism 34th Session of the Italian Working Group for the Convention on the Rights of the Child (Gruppo CRC).

³ Eures, "Affari Italiani" *Femminicidio ancora in crescita*, <https://www.eures.it/femminicidio-un-fenomeno-ancora-crescita-affari-italiani>

⁴ ISTAT, the institution that collects and analyses statistical data in Italy.

⁵ Istat, Istituto di statistica nazionale, "la gravita' e le conseguenze della violenza", <https://www.istat.it/it/violenza-sulle-donne/il-fenomeno/violenza-dentro-e-fuori-la-famiglia/gravita-e-conseguenze>.

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- ⁶ *Implementation of the Istanbul Convention in Italy*, Shadow Report of women's NGOs. October 2018
<https://www.direcontrolaviolenza.it/wp-content/uploads/2018/11/GREVIO.Report-inglese-finale.pdf>
- ⁷ Dipartimento per le Pari Opportunità, National Strategic Plan to Combat Men's Violence Against Women 2017 -2020 approved in November 2017 by the Unified Conference, <http://www.pariopportunita.gov.it/materiale/piano-dazione-contro-la-violenza-sessuale-e-di-genere-2017-2020/>
- ⁸ A partner in the coalition Italian government.
- ⁹ See 3rd Supplementary Report to the CRC (Chapter IV) available at https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/ITA/INT_CRC_NGO_ITA_33354_E.pdf and see Contribution to the UPR Mechanism 34th Session of the Italian Working Group for the Convention on the Rights of the Child (Gruppo CRC)
- ¹⁰ http://www.libera.it/documenti/schede/ebook_dalla_violenza_all_impegno.pdf - http://www.libera.it/documenti/schede/linee_guida_percorso_dalla_violenza_all_impegno_storie_al_femminile_per_costruire_cambiamento.pdf
- ¹¹ http://www.libera.it/schede-95-contro_i_boss_la_terza_via_delle_donne .
- ¹² Women's houses.
- ¹³ 10 September 2018.
- ¹⁴ Mandates of the Special Rapporteur on violence against women, its causes and consequences and the Working Group on the issue of discrimination against women in law and in practice, letter 28 October 2018, REFERENCE:OL ITA 5/201822October 201, https://www.ohchr.org/Documents/Issues/Women/WG/Communications/OL_ITA_5_2018.pdf
- ¹⁵ *BeFree Cooperativa Sociale "Note Tecniche sui d.d.l. n. 45, 768, 118"*, and *"Note Critiche al d.d.l. n. 735, rel. pillon, 5 february, 2019, respectively*, <http://www.befreecooperativa.org/2019/02/05/note-tecniche-sui-d-d-l-n-45-768-118>; and <http://www.befreecooperativa.org/2019/02/05/note-critiche-al-ddl-pillon/>
- ¹⁶ 23 specific recommendations UPR 2014.
- ¹⁷ According to "COUNCIL RECOMMENDATION on the 2018 National Reform Programme of Italy and delivering a Council opinion on the 2018 Stability Programme of Italy". <https://ec.europa.eu/info/sites/info/files/2018-european-semester-country-specific-recommendation-commission-recommendation-italy-en.pdf>
- ¹⁸ According to "ANNUAL REPORT of European Court of Human Rights" in 2018 the pending cases (by Italy) were 4,051 (7,2%).
- ¹⁹ For violation of Article 3 of the ECHR with sentence of 8 January 2013 (which prohibits torture and inhuman or degrading treatment against individuals).
- ²⁰ Art. 1 para. 85 to 87
- ²¹ XVIII Legislature.
- ²² See Contribution to the UPR Mechanism 34th Session of the Italian Working Group for the Convention on the Rights of the Child (Gruppo CRC).
- ²³ See **FRA Opinion – 3/2019** Update of the 2016 Opinion of the European Union Agency for Fundamental Rights on fundamental rights in the 'hotspots' set up in Greece and Italy, February 2019.
- ²⁴ See 3rd Supplementary Report to the CRC (Chapter VIII) available at https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/ITA/INT_CRC_NGO_ITA_33354_E.pdf
- ²⁵ http://www.miur.gov.it/documents/20182/0/FOCUS+16-17_Studenti+non+italiani/be4e2dc4-d81d-4621-9e5a-848f1f8609b3?version=1.0
- ²⁶ See also the 3rd Supplementary Report on the CRC available at https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/ITA/INT_CRC_NGO_ITA_33354_E.pdf
- ²⁷ <https://www.lavocedineyork.com/news/primo-piano/2017/09/29/anche-i-figli-della-ndrangheta-so-pezzi-a-cuore-della-giustizia/> - <https://www.corriere.it/cronache/17-febbraio-12/giudice-che-salva-figli-boss-sono-madri-chiedermelo-reggio-calabria-c37ee666-f09c-11e6-811e-b69571ccd9d9.shtml> -
- ²⁸ **Proposta di legge**: BRESSA: "Norme in materia di conflitti di interessi dei titolari delle cariche di Governo. Delega al Governo per l'emanazione di norme in materia di conflitti di interessi di amministratori locali, dei presidenti delle regioni e dei membri delle giunte regionali", Camera dei Deputati, C275, 15 marzo 2013.
- ²⁹ Law 112/2004, Norme di principio in materia di assetto del sistema radiotelevisivo e della RAI, nonché delega al Governo per l'emanazione del testo unico della radiotelevisione, 5 maggio 2003.
- ³⁰ Law 215/2004, 20 luglio 2004.
- ³¹ Radiotelevisione Italiana.
- ³² A-HRC-26-30-Add3, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, Addendum, Mission to Italy from 11 to 18 November 2013.
- ³³ Opinion No. 309/2004 Opinion on the compatibility of the laws "GASPARRI" and "FRATTINI" of Italy with the Council of Europe standards in the field of freedom of expression and pluralism of the media. Adopted by the Venice Commission At its 63rd Plenary Session (Venice, 10-11 June 2005)
- ³⁴ Resolution of 25 September 2008 on concentration and pluralism in the media in the European Union, para. 5.
- ³⁵ L'impunità in Italia <https://www.ossigeno.info/giornalisti-aggredditi-colpevoli-impuniti-interventi-integrali-idei-2018/>
- ³⁶ No. 47 of 1948.
- ³⁷ See the dossier "Taci o ti querelo" https://archivio.ossigeno.info/wp-content/uploads/2016/10/DOSSIER_TACI_O_TI_QUERELO.pdf; <http://www.fnsl.it/upload/70/70efdf2ec9b086079795c442636b55fb/5080171d308ac9a4c6efaf35a2eba73c.pdf>
- ³⁸ <http://www.interno.gov.it/it/sala-stampa/comunicati-stampa/insediato-centro-coordinamento-contro-intimidazioni-giornalisti>
- ³⁹ L'impunità in Italia <https://www.ossigeno.info/giornalisti-aggredditi-colpevoli-impuniti-interventi-integrali-idei-2018/>
- ⁴⁰ Council of Europe, Estimates and official numbers of Roma in Europe, July 2012, <https://www.coe.int/en>.

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- ⁴¹ Commissione straordinaria per la tutela e la promozione dei diritti umani of the Italian Senate, Concluding Report of the Investigation on the Conditions of Roma, Sinti and Travelers in Italy, 9 February 2011, p. 19 and p. 45.
- ⁴² Associazione 21 luglio mapping, a constant monitoring action and figures collected through the request of data on Roma and Sinti individuals present in the various local Roma settlements addressed to CSOs and institutional local bodies and offices. <http://www.21luglio.org/21luglio/ricerca/>
- ⁴³ Associazione 21 luglio *Annual Report 2018*, to be launched in 2019, focusing specifically on Roma and Sinti communities' conditions, living in institutional/informal slums, micro settlements, collection centres. <http://www.21luglio.org/21luglio/ricerca/>
- ⁴⁴ Italian National Strategy for the Inclusion of Roma, Sinti and Travelers.
- ⁴⁵ European Commission Communication n.173/2011.
- ⁴⁶ CERD highlighted specific measures to be implemented in order to eradicate discrimination against Roma in its General Recommendation No. 27, Discrimination against Roma, 16 August 2000. HRC Observations adopted on March 23rd 2017, expressed concern in relation to the continuous discrimination and segregation of Roma and Sinti in Italy; Resolution CM/ResCMN (2017) 4 of July 5th 2017 on the implementation of the Framework Convention for the Protection of National Minorities recommended Italy to take action to rectify the shortcomings at national legislative level in the protection of the rights of Roma; Commission of Justice of the European Commission on July 4, 2018 expressed a strong concern regarding the possibility of carrying out ad hoc ethnic censuses for the Roma communities living in Italy.
- ⁴⁷ See Associazione 21 luglio *Annual Report 2018*, to be launched in 2019 <http://www.21luglio.org/21luglio/ricerca/>.
- ⁴⁸ Established by CESCR in the General Comment NO.4.
- ⁴⁹ Mostly containers, trailers or bungalows.
- ⁵⁰ Drinking water, sanitation, adequate heating.
- ⁵¹ Associazione 21 luglio, *Annual Report 2018*, to be launched in 2019, <http://www.21luglio.org/21luglio/ricerca/>.
- ⁵² See the Municipality of Turin Roma Special Project: http://www.comune.torino.it/bandi/pdf/files/avviso_ass_tec_campi_nomadi_2018.pdf and the Municipality of Rome Plan for the Inclusion of Roma, Sinti and Travelers population: https://www.comune.roma.it/web-resources/cms/documents/Del_G_C_105_26_maggio_2017.pdf.pdf. The Roma Plan of the City of Rome was adopted by the City Council on the 26 May 2017, "Guideline Plan of the Rome City Council for the Inclusion of the Roma, Sinti and Travelers Populations" (Resolution No. 105/2017). The *Plan* acts on the four axes envisaged by the "National Inclusion Strategy of Roma, Sinti and Travelers": housing, employment, schooling and health. The *Plan* was first tested on the "closing" of the Camping River formal settlement.
- ⁵³ Camping River Roma settlement, located in the XV District and listed since 2005 as an "equipped village" until the end of September 2017, was considered a private campsite (with an area of 11,151 square meters) for the reception of Roma families, mainly from Bosnia Herzegovina and Romania. At the beginning of 2017 the Municipality of Rome, within this settlement, registered the presence of 420 people. On the 4th of July, the "Special Office for Roma, Sinti and Travelers" sent a letter to each of the Camping River dwellers with the object "Closure of the Camping River Equipped Village on the date of 30/09/2017. Communication of dismissal" During all the process the measures foreseen within the "Roma Plan" were not implemented as well as no social inclusive paths were envisaged. From 1 October 2017 Camping River Roma Village, it has been no longer considered an "equipped village" but a private occupied area, thus is definitively "downgraded" to an informal settlement. On 13 July 2018, Ordinance No. 122 was delivered by the Mayor of the City of Rome with the Object: "Private Area located in Via Tenuta Piccirilli no. 207. Urgent measures for the safeguard of the sanitation, public health and environment" that established the eviction of "all the people located within the settlement by the peremptory time limit of forty-eight (48) hours from the notification of the present Ordinance, in order to prevent the risk for their health". On 19 July 2018, Ordinance No. 122 was notified to the Roma families within Camping River. No alternative and adequate housing solutions are provided by the public authorities as well as no proper solutions are mentioned within the Ordinance. Thus, on 16 July 2018, three dwellers living in a condition of extreme vulnerability within the Camping River settlement and not being provided with an alternative and adequate housing solution following the notification of Ordinance No. 122, appealed to the European Court of Human Rights supported by Associazione 21 luglio in order to adopt interim measures to stop an imminent risk of irreparable damage. On July 26, a day before the European Court of Human Rights, the City of Rome evicted the settlement of Camping River and approximately 300 Roma people remained without an alternative and adequate housing solution.
- ⁵⁴ Forced evictions mainly target Roma and Sinti living in informal settlements, but also inhabitants of "authorized camps" have reportedly been victims of forced evictions. See Associazione 21 luglio *Annual Reports*, <http://www.21luglio.org/21luglio/ricerca/>
- ⁵⁵ UN Commission on Human Rights Resolution 1993/77, para 1. The Commission has recognized eviction constitute gross violations of a range of human rights, the right to adequate housing.
- ⁵⁶ In 2017, Associazione 21 luglio has recorded a total of 230 forced evictions of Roma and Sinti people throughout Italy; in 2018 the *Association* recorded 195 forced evictions of Roma and Sinti living in informal and micro-settlements. See Associazione 21 luglio *Annual Report 2017 and Annual Report 2018*.
- ⁵⁷ Committee on Economic, Social and Cultural Rights, General Comment No. 7, 20 May 1997
- ⁵⁸ An example, 19 Roma people forced eviction, of which 7 minors and three pregnant women, occurred on 6th February 2019 in Rome. The informal slum on Via Collatina Vecchia was removed after damaging the shacks by local police days before the eviction and threats by local officers to the families. Roma did not want to move from the area, local officers told them they would lose custody of their children.
- ⁵⁹ http://www.interno.gov.it/sites/default/files/circolare_2018_0059445.pdf
- ⁶⁰ ECRI, General Policy Recommendation no. 13: On Combating Anti-Gypsyism and Discrimination Against Roma, June 2011.

⁶¹ In September 2018 the UNOCHR, at the opening of the 39th session of the UN Human Rights Council expressed concern about the increase in acts of violence and racism against migrants, people of African descent and Roma.; In October 2018 the European Commission against Racism and Intolerance (ECRI) of the Council of Europe expressed in its General Recommendations concern for the repeated phenomenon of anti-gypsyism in Europe and recommended to the National Authorities to prepare all the necessary instruments in order to avoid the practice of forced evictions of the Roma settlements and, in case of eviction, to guarantee them an adequate alternative accommodation for all those who turn out to be the object of eviction; In November 2018, the Commission on Civil Liberties, Justice and Home Affairs of the European Parliament in its Resolution on Minimum Standards for Minorities in the EU, expressed deep concern about the persistent incidents of discrimination and hate speech towards of the numerous Roma communities residing in Europe.

⁶² Associazione 21 luglio, National Observatory on Hate Speech against Roma, which daily monitors around 120 sources and focuses on hate speech episodes promoted by politicians, elected officials, State officials, private citizens with a certain degree of formal organization (e.g. Committees, Unions, Corporations, etc.). For its categorization the Observatory relies on the relevant international, regional and domestic standards. See: <http://www.21luglio.org/21luglio/osservatorio/>.

⁶³ National Office Against Racial Discrimination.

⁶⁴ In various meetings with Associazione 21 luglio UNAR representatives repeatedly highlighted the lack of available instruments to effectively tackle these kinds of episodes. UNAR can in practice only send "moral suasion" letters to the targeted recipients. For more information about UNAR See <http://www.unar.it/>

⁶⁵ "Measures for judicial protection of persons with disabilities who are victims of discrimination", guidelines for the legal protection of direct/indirect discrimination victims with disabilities.

⁶⁶ UN Convention on the Rights of Persons with Disabilities.

⁶⁷ (National Strategic Plan on male violence against women 2001-2020. Presidency Council of Ministers, Equal Opportunities Department, Rome, 2017, <http://www.camera.it/temiap/t/news/post-OCD15-13076>

⁶⁸ <https://www.ohchr.org/en/issues/poverty/pages/dgpintroduction.aspx>

⁶⁹ *Reddito di inclusione sociale (Social Inclusion Income). DECREE 18 Mayo 2018, Criteri di riparto del Fondo per la lotta alla poverta' e all'esclusione sociale e l'adozione del Piano per gli interventi e i servizi sociali di contrasto alla poverta', ai sensi, rispettivamente, dell'articolo 7, comma 4 e dell'articolo 21, comma 6, lettera b, Legislative Decree 15 September 2017, n. 147. (18A04583) (GU Serie Generale n.155 del 06-07-2018)*

⁷⁰ *Reddito di cittadinanza (Citizenship Income). DECREE LAW 28 January 2019, n. 4 Disposizioni urgenti in materia di reddito di cittadinanza e di pensioni. (19G00008) (GU Serie Generale n.23 del 28-01-2019).*

⁷¹ https://temi.camera.it/leg18/post/pl18_la_tratta_di_esseri_umani__statistiche.html

⁷² Rapporto 2018 di Medici per i Diritti Umani (Medu)

⁷³ <https://www.asgi.it/notizie/le-politiche-migratorie-sempre-piu-restrittive-possono-causa-maltrattamenti-torture/> - https://welcomingeurope.it/news/wp-content/uploads/2018/05/ECI-Testo_proposta_registrata_Commissione_Europea.pdf

⁷⁴ Law n.132 of 2018 <http://www.gazzettaufficiale.it/eli/id/2018/12/03/18G00161/sg>

⁷⁵ http://www.ansa.it/friuliveneziagiulia/notizie/2019/01/12/migranti42-indagati-gestione-cie-gradisca-anche-2-prefetti_7022ac80-06c1-4565-b600-c24397469466.html

⁷⁶ (Idem). Sterpetti P., 2018, *Sgombero bis di Via Vannina: il peggiore degli aggiornamenti*, pp.1-3.

⁷⁷ Registrazione streaming 04/05/2018 audizione associazioni in Commissione Politiche sociali

<https://www.youtube.com/watchu=T9mfTGCSec4> ;

Carriero A., Peca M., 2018, *La clinica mobile di Medu: uno sguardo dalla strada sulle condizioni di vita e di salute dei migranti forzati a Roma*, in *Osservatorio Romano sulle Migrazioni*, XIII Rapporto, Centro Studi e Ricerche IDOS, Roma, pp.215-218.

⁷⁸ Art. 10, par.3, of the Italian Constitution

⁷⁹ See, among the others, Court of Cassation, United Sections, judgments n. 5059/2017 and n. 19393/2009, which state that the humanitarian protection is included in the nucleus of fundamental human rights guaranteed by article 2 Italian Constitution and article 3 of the ECHR.

⁸⁰ According to the jurisprudence (see, among the others, the Court of Cassation judgment n. 4455/2018) humanitarian protection was to be guaranteed in all these situations.

⁸¹ http://www.libertaciviliimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/dati_asilo_2017_.pdf

⁸² http://www.libertaciviliimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/gennaio_2019.pdf.

⁸³ <http://www.interno.gov.it/it/amministrazione-trasparente/bandi-gara-e-contratti/schema-capitolato-gara-appalto-fornitura-beni-e-servizi-relativo-alla-gestione-e-funzionamento-dei-centri-prima-accoglienza>.

⁸⁴ <https://www.theguardian.com/world/2018/dec/10/italian-priests-vow-to-open-church-doors-to-evictees-from-immigration-centres>; <https://www.ilpost.it/2018/12/02/migranti-espulsi-cas-cara/> ;

https://napoli.repubblica.it/cronaca/2018/12/05/news/potenza_decreto_sicurezza_nessun_migrante_e_stato_cacciato_le_associazioni_ospitano_una_famiglia_nigeriana-213444650/ ;

https://rep.repubblica.it/pwa/generale/2018/11/30/news/migranti_via_alla_stretta_fuori_dai_centri_in_40mila-213078221/,

<http://www.ow6.rassegnestampa.it/MinInternoAc/PDF/2018/2018-12-17/2018121740834828.pdf>

⁸⁵ see [webmap Esodi](#)

⁸⁶ Morri R., Rossi M., 2018, *Centri di accoglienza e uso del suolo nel quadrante di Roma Est*, in *Osservatorio Romano sulle Migrazioni*, XIII Rapporto, Centro Studi e Ricerche IDOS, Roma, pp.265-270; Sterpetti P., 2018, *Dalle occupazioni di immigrati alle occupazioni di rifugiati: il caso di Via Vannina*, in *Osservatorio Romano sulle Migrazioni*, XIII Rapporto, Centro Studi e Ricerche IDOS, Roma, pp. 236-241. Sterpetti P., 2019, *Abbandonati*

inoccupati occupano fabbrica abbandonata: il caso della ex fabbrica della penicillina in Via Tiburtina 1040, articolo inedito per Osservatorio Romano sulle Migrazioni, XIV Rapporto.

⁸⁷ Passero M., Turchi A., 2018 *Ispedizione alla ex-LEO penicillina*, pp. 1-27.

⁸⁸ <https://www.giornalettismo.com/Italia/Chi-ha-ucciso-Soumaila-Sacko-e-il-silenzio-di-Matteo-Salvini> di Redazione 4/6/2018;

<https://www.articolo21.org/2018/7/fact-checking-luccisione-di-soumaila-sacko> *Fact-checking: l'uccisione di Soumaila Sacko- Articolo21*

<https://www.ilfattoquotidiano.it/Cronaca/6/8/2018/Foggia-strage-di-braccianti-migranti-Altri-12-morti-in-un-incidente>

<https://corrieredelmezzogiorno.corriere.it/.../incidente-stradale-foggiano-morti-12-braccianti-stranieri>

https://bari.repubblica.it/foggia_scontro_frontale_tra_furgoni_cinque_migranti_morti

www.ilmessaggero.it/.../baraccopoli_san_ferdinando_incendio_baraccopoli_migrante_morto *Nuovo rogo nella baraccopoli di San Ferdinando, muore migrante. Salvini «Sgomberiamo subito»*, 16/2/2019.

⁸⁹ Morozzo della Rocca P., 2019, *Residenza, dimora, domicilio e condizione alloggiativa nella disciplina del permesso di soggiorno*, in *Diritto, Immigrazione e Cittadinanza*, Fascicolo n.1/2019.

⁹⁰ *dal ghetto. Rapporto attività legale, sanitaria e di orientamento lavorativo svolte nello stabile occupato di Via di Vannina 78.*

⁹¹ [see report Arcipelago Cie](#), Medici per i Diritti Umani, 2013

⁹² [see report Arcipelago Cie](#), Medici per i Diritti Umani, 2013

⁹³ Seventy-third session Item 114 (d) of the preliminary list* Elections to fill vacancies in subsidiary organs and other elections: election of members of the Human Rights Council - Note verbale dated 22 February 2018 from the Permanent Mission of Italy to the United Nations addressed to the President of the General Assembly” UNGA 26 February 2018 “Italy will: • Continue to actively support human rights defenders and step up its efforts against all and protection of human rights, involving them in the drafting of actions and policies through permanent consultative mechanisms forms of reprisal with a view to creating a safe and enabling environment in which human rights defenders can operate free from hindrance and insecurity • Support the activities of the Special Rapporteur on the situation of human rights defenders • Promote an ongoing open dialogue with civil society organizations active in the promotion of human rights, involving them in the drafting of actions and policies through permanent consultative mechanisms

⁹⁴ See 2018 Report to UNGA and to UNHRC on defenders of the rights of the “people on the move” of the Special Rapporteur on “Human Rights Defenders” Michel Forst <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/008/51/PDF/G1800851.pdf?OpenElement>

And publication on the situation of human rights defenders in the world of December 2018 <https://www.protecting-defenders.org/pdf.js/web/viewer.html?file=https%3A/www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf>

⁹⁵ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24084>

⁹⁶ http://www.ishr.ch/sites/default/files/article/files/201802_ohchr_principles_and_practical_guidance.pdf

⁹⁷ the 1974 International Convention on for the Safety of Life at Seas (SOLAS); the International Convention on Maritime Research and Rescue (SAR) signed in Hamburg in 1979; the UN Convention on the law of the sea, signed in Montego Bay in 1982. It also violates articles 2, 3 and 4 of the 4th protocol of the EU convention on human rights, because migrants who were rescued and then were not allowed to disembark in the closer safe port were subjected to a treatment which can be considered inhumane and degrading. Finally, if among the migrants there were refugees or asylum seekers, this would also be a violation of article 33 of the 1951 Geneva convention on the rights of refugees and article 4 of the 4th protocol of the EU convention on human rights, which state the principle of non-refoulement

⁹⁸ <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22170>

⁹⁹ GRETA (2018)28m, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Italy, Second Evaluation Round, Adopted 7 December 2018 Published 25 January 2019, para. 33 *passim* <https://rm.coe.int/greta-2018-28-fgr-ita/168091f627>,

¹⁰⁰ Which regulates international cooperation.

¹⁰¹ CINI, AOI and Link 2007, “OECD-DAC Peer Review of Italian development system, 2019”, 2018, <http://www.cininet.org/wp-content/uploads/2019/02/Italian-NGOs-note-to-DAC-final.pdf>

¹⁰² In the case of EUTF we refer particularly to Libya and Niger. See: CINI and Concord, “Partnership or conditionality? Monitoring the Migration Compacts and the EU Trust Fund for Africa”, 2017, <http://www.cininet.org/wp-content/uploads/2018/02/rapporto-completo-EUTF-1.pdf>.

¹⁰³ EU Emergency Trust Fund for Africa, where Italy is the second bilateral donor, and a key implementer.

¹⁰⁴ Action Aid, “Il compromesso impossibile. Gestione e utilizzo delle risorse del Fondo per l’Africa”, 2017, <http://www.cininet.org/wp-content/uploads/2019/02/Italian-NGOs-note-to-DAC-final.pdf>.

¹⁰⁵ 10 million Euro channeled through FA.

¹⁰⁶ Through the Ministry of Home Affairs.

¹⁰⁷ EU Emergency Trust Fund for stability and addressing root causes of irregular migration, “Action fiche of the EU Trust Fund to be used for the decisions of the Operational Committee. Support to Integrated border and migration management in Libya -First phase (T05-EUTF-NOA-LY-04)”, https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/t05-eutf-noa-ly-04_fin_11.pdf