



***MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION***

***Inter-ministerial Committee for Human Rights***

***Italy's contribution pursuant to HRC resolution 24/16 on "The  
role of prevention in the promotion and protection of human  
rights"***

***February 2015***



## **Italy's contribution pursuant to HRC resolution 24/16 on "The role of prevention in the promotion and protection of human rights"**

In relation to HRC resolution 24/16 on "The role of prevention in the promotion and protection of human rights", Italian Authorities are in a position to provide the following information.

1.
  - a. *Please describe legislative, judicial, administrative and other measures aimed at prevention of human rights violations and abuses in place at the domestic level, both with regard to direct prevention (aiming to prevent violations from occurring by reducing the risk factors that cause violations) and indirect prevention (aimed at ensuring non-recurrence through investigation and addressing causes of violations as well as accountability).*
  - b. *Please describe any good practices in the implementation of these measures, as well as any challenges which have been faced.*
  - c. *Please describe how such measures encompass all branches of the State (executive, legislative and judicial) and other public or governmental authorities, at whatever level – national, regional or local.*

Several legislative processes have been promoted and finalized in order to ratify and implement at the domestic level relevant conventions in the field of human rights' protection and promotion.

Just to make an example, a draft law for the ratification of the Convention for the protection of All Persons from Enforced Disappearance is currently under evaluation by Parliament.

Furthermore the Senate approved on 5 March 2014 a Bill introducing the specific crime of torture which is currently being examined by the House of Deputies. It is wider and stronger than the international norms in force. It includes: a prison term between 3 to 10 years (from 5 to 12 years for public officials); the increase of the penalty by one third in case of serious personal injuries and by one and a half in case of very serious injury; a prison term of up to 30 years for unintentionally procured death and life imprisonment for intentionally caused death.

In general terms, as detailed in the UPR II cycle National Report, the Italian legislative and institutional framework for the protection of human rights is particularly strong. Since the cycle I several legislative measures have been enacted or are in the process of promulgation, introducing: the access to the labour market (in public administrations) for foreigners (holders of a residence permit, refugees and subsidiary protection holders, family members of European citizens as holders of the right of residence, even on a permanent basis); the allocation of social cards for families with at least three children (eligibility comprises Italian and European Union citizens, and long-term resident third-country nationals); the extension of long term residence permits also to beneficiaries of international protection (Law 97/2013, Law 35/2012); the protection of the relationship between mothers in detention and their children, by limiting the regime of custody in favour of house arrest at protected foster homes (Law 62/2011); the establishment of the National Authority for Children and Adolescents (Law 112/2011); the identification of natural children (Law 219/2012, establishing of the New Born Fund; Law 147/2013); the further extension of the "social card" and the increase of related funding to over € 250 million (Law 147/2013) for 2013/2016; the introduction of a tax credit (up to € 80 monthly) for low income employees (Law 89/2014). Italy has enacted five

European directives pertaining to the protection of human rights and signed or ratified three international conventions, implementing recommendations 4, 5 and 7 of cycle I (see paras. 9, 10 and 81).

2.
  - a. *What action-oriented policies, practices and strategies to prevent human rights violations and abuses have been put in place at the national level, including the establishment of independent national institutions, national human rights action plans and any early warning mechanisms?*
  - b. *Please describe how national human rights institutions contribute to prevention of human rights violations.*

A Bill was submitted to the Chamber of Deputies on 20 May 2013 to establish a National Commission for the Promotion and Protection of Human Rights, followed by another Bill submitted to the Senate. In 2014 CIDU has promoted a public consultation with civil society, creating an *ad hoc* Working Group. Two additional Bills were submitted in June 2014. Italy accepted the recommendations covering this topic, as formulated during the UPR II cycle interactive dialogue.

- c. *In those States that have established a national preventive mechanism under the Optional Protocol to the Convention against Torture, please provide information on any lessons learnt regarding prevention of torture that may also apply to prevention of other human rights violations.*

Italy ratified the Optional Protocol to the UN Convention against Torture (Law 195/2012). Addressing the issues of prison overcrowding and full respect of fundamental rights of detainees and prisoners, Law 10/2014 has also established the National Authority for the rights of detainees. It will coordinate the net of local Authorities, formed by institutions already in place or to be set up at the regional and municipal level. Local Authorities may put forward recommendations to regional Authorities, while the National Authority will submit recommendations to the central Government. The whole constitutes the National Preventive Mechanism pursuant to CAT Optional Protocol. The text of Law 10/2014 was drafted after several consultation held with civil society, academics, representatives of relevant institutions, and civil society will continue to be involved in the process, also through the access to places of detention. The specific regulation of the Ministry of Justice to implement the aforesaid Law provide measures to guarantee the functional and financial independence of the National Preventive Mechanism and the independence of its personnel. It also ensures the NPM's faculty to accede to all places of detention and relevant information, as well as to have private interviews with persons deprived of their liberty.

3.
  - a. *Please describe what policies and processes are in place at the national level to collect, maintain and analyse statistical records on the situation of human rights in the country, in order to monitor the human rights situation and inform the formulation of prevention strategies and programmes; and please describe any good practices and the main challenges in this regard.*
  - b. *Please describe how statistical collection ensures the inclusion of all persons and groups.*

The elaboration and the implementation of data collection processes is promoted at the national level according to general and comprehensive guidelines of the National Institute of Statistics, even if, for the collection of specific data, each Administration or Ministry provides for proper collections, analysis and reports covering the issues under consideration.

4. *What measures have been taken to promote a human rights culture among the population and increase the level of human rights awareness in your country, including among public officials?*

Over the years Italy has been one of the co-facilitators of the international initiatives on human rights education and training culminated into the 2011 sectoral UN Declaration and, more recently, in the adoption of a new Council's Resolution on the World Programme on Human Rights Education (2015-2019).

As known, training activities, including HRE-related courses, have been introduced for all law enforcement agencies. All Italian Forces pay the utmost attention to international humanitarian and human rights laws, within the framework of the ad hoc training and educational curricula, including in the enhanced framework of activities carried out by OSCAD, the Police-Carabinieri-led Observatory on the monitoring of acts of a discriminatory nature.

The Department of Public Security underlines that the Police staff is periodically sensitized on HR Law, in order to ensure full compliance with legal/judicial safeguards, especially in the event of those people put under arrest or detention.

Likewise, the Prison Administration extensively provides the staff of the prisons with training and continuous refresher courses, including on the respect for the dignity and rights of the person, as well as on the management and treatment of the various people restricted (i.e. collaborators of justice, minors, "41-bis" interned) – as recently reinforced by law-decree No.92/2014 converted into law last August 2014.

Along these lines, the Prison Administration Department provided to inform, in April 2008, all the prison facilities on the Istanbul Protocol, i.e. “Manual for an effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment”, translated into Italian by the *Ufficio Studi Ricerche Legislazione e Rapporti Internazionali del Dipartimento* [Office for Studies Research Legislation and International Relations of the Department]. More recently, the same Ministry proposed the establishment of a National Guarantor of Detainees as later introduced by Act No.10/2014.

Last but not least, renewed focus on HRE and training for personnel to be deployed across the country and abroad has been envisaged in the recently-revised NAP on Women, Peace and Security, in accordance with UNSCR1325 (2000).

5.
  - a. *How have partnerships with civil society been strengthened to harness their experience and expertise to promote and protect human rights?*
  - b. *What roles and action can and do civil society and NGOS take to prevent human rights violations?*

In general terms as for the participation of civil society organisations in the compilation of periodic reports to be submitted to UN Human Rights Treaty Bodies, and as it occurred also for the elaboration of the UPR II cycle National Report, the Inter-ministerial Committee for Human Rights at the Italian MFA organised consultative meetings with civil society organisations and members of the Italian Parliament to debate over the key priorities to be introduced in such documents.

6. *What measures and procedures have been put in place to ensure effective follow-up to recommendations regarding your country issued by international or regional human rights mechanisms, and which may contribute to preventing human rights violations?*

Through the above mentioned involvement of civil society and also by promoting and taking part to relevant international and national initiatives concerning the promotion and protection of human rights, the Inter-ministerial Committee for Human Rights at the Italian MFA contributed for and effective follow-up of the observation and recommendations addressed to Italy within the UN, CoE and EU frameworks. Just to make an example, the establishment of an ad hoc Working Group, composed by representatives from all the Public Administrations concerned has lead to the consideration of the recommendations addressed to Italy during the UPR II cycle in October 2014,

and the elaboration of the Addendum to be submitted in the view of the Outcome has been concluded in this format.

7. *a. What legislative, judicial and administrative and other measures are in place to provide victims of human rights violations by State actors and abuses by non-State actors with an effective remedy?*

*b. What measures are in place to ensure that all can access such remedies in practice?*

Following the ratification of several international and regional legal instruments devoted to the protection of the rights of specific categories of vulnerable groups, the domestic legislations actually provides for ad hoc redress mechanisms in case of violation by State and non-State actors, entailing criminal, civil and administrative sanctions in relation to the nature of the violation itself.

8. *What contribution do international and regional organizations make to the prevention of human rights violations? What additional role could they play?*

The role of international and regional organizations is essential in order to support the reinforcement of national legal frameworks and related operational actions aimed at preventing the violation of all human rights. It could be strengthened by the elaboration of proper guidance and the collection of good practices to this scope.