



WILPF Report:
UPR Italy
7th Universal Periodic Review

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1. Summary :

The Italian Delegation, represented by Vincenzo Scotti, Deputy Minister of Foreign Affairs, began his presentation by underlining the importance of the UPR as a unique instrument which allows for an open and inclusive dialogue between countries and for the strengthening of cooperation to improve human rights. Mr. Scotti made a thorough presentation, in which he answered the submitted written questions from States. The main topics raised during the review concerned discrimination against minorities, irregular immigration and the conditions of migrant workers, the ratification of OP-CAT (Optional Protocol to the Convention Against Torture) and the ratification of the Council of Europe Convention Against Trafficking in Human Beings. Not all states were given the chance to speak due to lack of time and the Italian delegation promised to answer further questions after the session.

2. Italian Delegation Presentation :

(Hon. Vincenzo Scotti, Deputy Minister of Foreign Affairs)

In his presentation, Mr. Scotti focused on the following critical areas:

Civil society participation

Italy expressed its appreciation for the contributions made by civil society organizations to the national report and mentioned previous consultations held in 2009 and follow up consultations which will take place in the coming weeks. Italy also thanked the delegations of Australia, Denmark, Norway, Sweden and the United Kingdom for their contributions.

Optional Protocol Convention Against Torture (OP-CAT)

Italy intends to ratify the optional protocol to the convention against torture once a relevant independent national preventive mechanism is put in place in connection with the establishment of a national human rights institution.

The Council of Europe Convention Against Trafficking in Human Beings

The government has approved the bill to ratify the Council of Europe Convention Against Trafficking in Human Beings that will now be submitted to the parliament.

The United Nations Convention on the Rights of All Migrant Workers

The Italian government remains particularly attentive to the protection of all migrant workers; however Mr. Scotti said that Italy is not in a position to ratify the relevant United Nations Convention on the Rights of all Migrant Workers because the convention does not draw any distinction between regular and irregular migrant workers and the ratification could only be implemented together with the European Union partners as many provisions of the convention fall within the European Union domain. In any case, it should be noted that most of the rights mentioned in the convention are already provided for by the Italian and European legislations.

Discrimination of minorities

The Deputy Minister of Foreign Affairs mentioned the longstanding presence of Roma and Sinti populations in Italy which counts for about 160 000 inhabitants, however only approximately 70 000 are Italian citizens. During the last 10-15 years, immigrants from South Eastern Europe have been a cause of concern because of the difficulties in their integration.

The forced evictions of Romans from authorized camps were said to be a necessity to ensure appropriate and legal living conditions and the Deputy Minister emphasized that whenever possible, the involved people are previously consulted. They are allowed to collect their personal belongings and during the removals they are dually assisted and offered temporary accommodation. Housing, employment, education and adequate training are prioritized, as they form the essential prerequisite for real integration in society. Mr. Scotti also stressed the fact that in many cases, these operations are conducted within the framework of integration projects financed by central and local authorities with special attention for the needs of women and children.

Mr. Scotti expressed the authorities' concern for the stigmatization of any minority and underscored that all Italian political forces condemn the recent episodes of violence against Roma communities.

3. Questions / Recommendations:

Member and Observer States each took the floor for two minutes and mostly focused on providing recommendations to the Italian Delegation and posing questions. The following categories of recommendations could be identified, followed by the States which made the recommendations:

Racism and discrimination against migrants and minorities

(Kuwait, Algeria, Cuba, Pakistan, Slovenia, Yemen, Lebanon, Philippines, Turkey, Canada, Iran, Uzbekistan, Kyrgyzstan, Egypt, Hungary, UK, Norway, Australia, Viet Nam, Russia, Belgium, Finland, Sweden, Netherlands, Brazil, Nepal, Spain, Morocco, Bosnia and Herzegovina, Chile, Bangladesh, Czech Republic, USA, India, Denmark, Austria, Uruguay, Japan, New Zealand, Burkina Faso, Albania)

- More should be done to prevent racism and protection should be offered to victims of discrimination.
- Address racism, racial discrimination and xenophobia in the country.

- Continue to eradicate the trends of racism.
- Strengthen the legislation against racial discrimination.
- Recommendation to update and make more comprehensive its action plan against racism, publicize it and promote its full implementation.
- Protect Roma and Sinti minorities and ensure that they are not discriminated against, including in the media.
- Ensure that the acts towards the Roma, Sinti and other ethnic minorities are thoroughly investigated and those responsible are brought to justice.
- Extend the mandate of the independent and national office against racial discrimination in line with the Paris principles.
- Condemn all racist and xenophobic statements, especially by public and elected officials.
- Repeal all discriminatory laws against irregular migrants.
- In compliance with the mentioned laws and treaties, the Italian government is obliged to support preservation of the Slovenian language, culture and identity. Also from the financial point of view, the financial support has not increased since 1992, which means that in the last 18 years it has decreased by 50% due to the inflation. What does the government intend to do about these trends?
- Implement the laws concerning the protection of the Slovenian minority in Italy.
- Respect institutions of the Slovenian minority by special treatment and inclusion in decision making processes, for example kindergartens, schools and theatres.
- Fully implement visible bilingual topography in the areas of the three autonomous regions populated by the Slovenian minority.
- Restore Slovenian names on road signs and villages in these regions.
- Raise the visibility of Slovenian television programmes in the entire autonomous region.
- Take measures to raise awareness of existing legal provisions against hate speech and take prompt action to bring those responsible for breaking the law to justice.
- Continue implementation in line with the international principles of various laws related to immigration.
- What are the results of the focus on education of Roma and Sinti children?
- Address the systematic photographing and fingerprinting of Roma children, which singles out members of these groups and may contribute to the stigmatization of these groups.

Ratification of the Convention on the rights of migrants

(Algeria, Cuba, Pakistan, Philippines, Iran, Kyrgyzstan, Egypt, Mexico, UK, Nicaragua, Belgium, Azerbaijan, Sweden, Netherlands, Brazil, Nepal, Spain, Colombia, Morocco, Bosnia and Herzegovina, Chile, Serbia, USA, Denmark, Japan, Burkina Faso, Albania)

- Improve conditions of migrants
- Move towards reorientation of the European Policy of ratifying the Convention on the Rights of Migrants and their families despite the reservation made by the Deputy Minister.
- Respect the human rights of migrants including those who are in detention.
- Withdraw the reservations, in particular those concerning the ICCPR.

National Independent Commission for the protection and promotion of human rights

(Kuwait, Algeria, Pakistan, Philippines, Turkey, UK, Viet Nam, Russia, Azerbaijan, Netherlands, Brazil, Nepal, France, Morocco, Bosnia and Herzegovina, Chile, India, Denmark, Burkina Faso, Albania)

- Accelerate steps to institute an independent human rights institution.
- Continue efforts to draw up a draft law to setup an independent human rights commission that work in accordance with the Paris Principles.
- Continue the good practice of human rights education on all levels and enhance programmes of human rights education for the general public and public officials.
- Request additional information on the establishment of a National Independent Commission for the protection and promotion of human rights and its action plan
- Request information on results of human rights education training.
- What are the causes of the delay on the National Human Rights institutions?
- What timescale are you looking at for this to be completed and adopted into law?
- Has there been given any thought to the expulsion of foreign terrorist suspects to third countries where their human rights cannot be guaranteed?

Freedom of religion

(Kuwait, Pakistan, Lebanon, Morocco)

- Implement constitutional principles relating to freedom of religion and the need to respect religions and their symbols.
- What specific recommendation has the Advisory Committee on Religious Freedom made so far and what actions, if any, have been taken to implement these recommendations?
- Strengthen efforts in the field of interracial and interreligious dialogues.

Freedom of the media

(Canada, Norway, Finland, Netherlands, Czech Republic)

- Adopt and publicize measures to strengthen media independence and address concerns of media concentration.
- Encourage the use of objective, transparent and non-discriminatory selection criteria in the allocation of broadcast licenses.
- Further measures to protect press freedom, including the protection of journalists from threats by criminal groups.
- Focus on the increasing threat to the freedom of opinion and expression due to concentration of media and audiovisual market together with conflict of interest.
- Address the high level of political influence on the media.

Rights of the child

(Cuba, Iran, Uzbekistan, Norway, Russia, Azerbaijan, Israel, Sweden, Nepal, Spain, Chile, Czech Republic, Uruguay)

- Address the mistreatment by the forces of law and order against foreign children.
- Measures should be taken to children victims of human trafficking.
- Implement a national plan of action for children.
- Install an ombudsperson for children.
- Avoid institutionalization of children. It should be considered as a last resort.
- Facilitate access to education for immigrant children.

Women's rights

(Cuba, Iran, Israel, Nepal, Spain, Colombia, France, Belarus, Chile, New Zealand)

- Ensure a real equal opportunity for women in the labour market and consolidate the principle for equal salary for equal work.
- Take measures against violence against women.
- Advance initiatives to protect women from violence, such as the National Observatory against sexual and gender based violence.
- Elaborate Italy's national plan to combat any form of violence, including domestic violence.
- Provide more information on the Italian experience in implementing free telephone hotlines.
- Combat discrimination against women, especially Roma women.
- Which measures have been taken in order to remedy the situation of underrepresentation of women in political and public posts in line with the recommendations of CEDAW?
- Italy received encouragement from the ILO to promote a more equal division of family responsibilities between male and female workers and raise awareness of the problem within companies, especially in the south. How does Italy intend to respond to these concerns?
- Is Italy taking any measures to increase the number of women in the parliament, as they at the moment only make up for less than 15% of the seats in the parliament?

Asylum seekers and refugees

(Yemen, UK, Nicaragua, Belgium, Sweden, Netherlands, Brazil, Nepal, Morocco, Belarus, Czech Republic, Denmark, New Zealand)

- Strengthen the efforts in protecting asylum seekers and refugees.
- Address the lack of institutional organization which directly affects immigrants, weaknesses in the safeguards of procedures in the case of the detention of asylum seekers
- Address the criminalization of irregular migrants.

Trafficking in human beings

(Yemen, Philippines, Canada, Kyrgyzstan, Israel, Brazil, Colombia, Belarus, USA)

- Continue measures to put an end to trafficking in human beings.
- Increase measures to identify women and children victims of trafficking in order to provide them with adequate assistance and consider not criminalizing them for crimes committed as a direct result of being trafficked.
- Punish the people responsible for trafficking of women and children.
- Ratify the Convention to combat Trafficking in Human Beings.

Legislation on torture

(Hungary, Mexico, UK, Azerbaijan, Netherlands, France, Chile, Czech Republic, New Zealand)

- Implement legislation on torture in the national legislation.
- Can you provide a timetable which shows when Italy will become part of the OP-CAT?
- Are there plans for a reintroduction of a new bill to make torture a specific offense within its ordinary criminal legislation?

Intolerance against LGBT people
(Norway, Netherlands, Spain)

- Investigate preventive measures to ensure the protection of LGBT people.
- Further campaigns against homophobia.
- Ensure anti-discrimination laws to protect LGBT people.
- Combat hate crimes against LGBT people.

Juvenile justice system
(Germany)

- Address deficiencies regarding the capacities of the juvenile justice system. Only a small number of all minors who are charged with offenses actually end up in juvenile prisons. How does the Italian government ensure that the juvenile justice system is provided with the necessary means to function in accordance with the principles inscribed in the juvenile justice legislation?

4. Human Rights Framework

Instrument:	Countries:	Action:
Convention on the Protection of All Migrant Workers and their families	Algeria, Cuba, Pakistan, Philippines, Iran, Kyrgyzstan, Egypt, Mexico, UK, Nicaragua, Belgium, Azerbaijan, Sweden, Netherlands, Brazil, Nepal, Spain, Colombia, Morocco, Bosnia and Herzegovina, Chile, Serbia, USA, Denmark, Japan, Burkina Faso, Albania	Ratification
Optional Protocol to the Convention against Torture	Hungary, Mexico, UK, Azerbaijan, Netherlands, France, Chile, Czech Republic, New Zealand	Ratification
Council of Europe Convention on Action against Trafficking in Human Beings	Yemen, Philippines, Canada, Kyrgyzstan, Israel, Brazil, Colombia, Belarus, USA	Ratification
National Independent Commission for the protection and promotion of human rights	Kuwait, Algeria, Pakistan, Philippines, Turkey, UK, Viet Nam, Russia, Azerbaijan, Netherlands, Brazil, Nepal, France, Morocco, Bosnia and Herzegovina, Chile, India, Denmark, Burkina Faso,	Implementation

	Albania	
National Plan of Action for Children	Cuba, Iran, Uzbekistan, Norway, Russia, Azerbaijan, Israel, Sweden, Nepal, Spain, Chile, Czech Republic, Uruguay	Implementation

5. Italian Delegation Answers

(Mr. Valentino Simonetti)

National Independent Human Rights Institution

An inter-ministerial working group is finalizing a draft, which will be discussed by the government in the next few months. This institution provides a full compliance with the Paris Principles. A very similar institution has already been approved by the government, so within the next months there will be an accelerating debate.

Independent authority for the protection and promotion of children rights

The bill has been introduced before the parliament and the institution will be in the form of an ombudsman.

All the children in Italy enjoy the right to education, even if their parents do not have a residents permit.

Racism

We are all aware that the legal instruments are not enough and it is important to work on the grounds of a successful interaction of cultures and beliefs. The legal framework is quite clear in Italy and the no discrimination principle is one of the main pillars of the Italian constitution. The judicial protection is guaranteed by civil action against discrimination, including presumptive proof in favour of the victim and awarding compensation for them.

The Italian legal system includes specific provisions on the combat of racist and xenophobic speech. As for the use of language in politics, by law it is laid down by the judicial authorities and trusted to verify the existence of criminal content.

The National Office Against Racial Discrimination work for the promotion of equal treatment and against all forms of discrimination. It also functions as a support structure for people who claim to be victims of racial discrimination, thanks to a special contact centre reachable on a toll free number. The school education is also marked by an intercultural approach.

Media

The Italian Journalist Association and the Italian Nation Press Federation have elaborated a code ethics, named the Charter of Rome, providing guidelines for correct information on new issues such as immigration, asylum and trafficking. Moreover, violations of the guidelines should be reported.

There is a specific section of the state police to search and combat racism through the internet.

The 2004 law on the Conflict of Interest which deals with property related issues, considering the protection against personal and private interests by defining compatibilities. It should be noted that within the framework of the Council of Europe in 2006 we found that there is a considerate diversity on content in the countries' use and

in other media, including the derive at this stage in the EU system that is submitted to the Parliamentary Committee that has passed to monitor the activity, the content and the freedom of media.

Migrants and asylum seekers

The system of asylum in Italy is a compliance system and in every port of entry in Italy, there are specific provisions to inform people of the rights of international protection, meaning asylum and other forms of international protection. The system of application for this kind of protection consists of 15 commissions that will process all the applications for asylum or international protection. There have been 17500 applications last year and they may decide on the full status of refugees, a subsidiary protection or a humanitarian protection. In 2008, 48,2% of the applications in Italy received a positive response of which 8,9% received the full status of refugees, 31,2% received subsidiary protection and 8% received humanitarian protection, while the European Union average is a total of 28,3% so the Italian system is quite open to all forms of protection.

Roma and Sinti community

The situation is very in the country differentiated; we do not have a uniformed nation party of presence so it has been underlined the problems that we are facing but I would like to recall that there are many good practices in Italy in this field and in the citizen regions where the phenomenon has been less present in recent years. For example in Bologna, there is an excellent programme that has allowed the Roma and Sinti communities to move from unauthorized settlements to authorized and organized ones and then finally to regular housing. We have similar examples in small and medium sized cities in Italy.

The problems that have been pointed out are concentrated in the surroundings of the major Italian cities, like Rome, Milano and Naples where there also have been incidents. While the incidents are dually and thoroughly investigated by the judicial authorities and in the search for those responsible of recent attacks against those communities, the government has set up a special procedure to try and solve all the underlined problems of those communities and to that effect, there have been named five commissioners for the three main cities that I have mentioned. With all the necessary powers, to make a difference, national and local authorities are to work in synergy towards the same goal. To that effect, and for all the integration activities of these communities, the Italian authorities have allocated 80,5 million Euros today to ensure all the efforts necessary for housing first of all and for increasing the participation in school of Roma children and to have better access essential services like health facilities.

In a more general aspect, the Equal Opportunity Department has developed plans for structural conventional impacting on Roma communities, finding specific projects providing legal and administrative support to eliminate social exclusion.

Human trafficking

Italy is deeply concerned by this issue and it should be considered one of the most traitorous crimes of all times. Italy has ratified the United Nations Convention and all its protocols and the government has approved the bill to ratify the Council of Europe's Convention against Trafficking in Human Beings.

Italy has a comprehensive legislation against human trafficking that has been adopted in 2003, introducing new specific crimes to combat this phenomenon. There have been many projects to assist victims and facilitate their integration. We have also a special legislative provision to grant the state permit of victims of trafficking.

The Slovenian minority in Italy

Italy and Slovenia share the same EU principles and values and we also share the same priorities. A further priority has been shared as for the respective territory of the Slovenian-Italian minority which plays a valuable role in the bilateral relation between Italy and Slovenia. Italy remains of course fully committed to the respect of the Slovenian minority as well as of all other minorities living in Italy and to the preservation of their language, culture and identity.

Torture

The Italian legal system provides sanctions for all criminal conducts covered by the definition of torture even if the crime of torture is not typically in our quote. On the parliamentary level, a number of draft laws about the introduction of specific crimes of torture are currently being debated.

As far as corporal punishment is concerned, it has been unlawful in schools since 1928 and is unlawful as a sentence for crime and disciplinary measuring in penal institutions. Corporal punishment is also unlawful at home and in this regard, the Supreme Court judge of law all violence against children.

Identification of persons in the Roma community

There has been no systematic fingerprinting. Fingerprinting is a last resort measure when it was not possible to attain the identity of an individual by any other means.

Gender equality

In article 51 of the Italian constitution, the principle has been to ensure gender equality in access of public offices and just to provide an example; recently there has been an introduction to employers who implement practice policies in favour of organizing flexibility in reconciling work and family life.

In the forthcoming regional elections, in some regions there will be a necessity to give just two preferences in the vote and one of these preferences should be given to a woman.

Human rights education for police forces

We have extensive programmes of human rights education in every sort of police forces.

Juvenile justice system

There has been a significant decrease in the number of foreign minors imprisonment and implementation of alternative penalty measures.