

Coalizione Italiana Libertà e Diritti Civili (CILD)

Joint Submission to the Universal Periodic Review of Italy¹ *4th cycle, 48th session, July 2024*

Founded in 2014, the Italian Coalition for Civil Liberties and Rights (CILD) is a network of 27 civil society organisations. It defends and promotes the civil liberties and rights guaranteed by the Italian Constitution and international law, and fights against abuses and violations through a combination of advocacy, public education and legal action.

The idea behind CILD is that civil liberties and rights are intertwined, and that through their promotion and protection it is possible to contribute to the establishment of a more cohesive and equal society.

¹ List of the contributors to the Joint Submission that are members of CILD: Associazione Antigone, Associazione 21 luglio, Cittadinanzattiva, Lunaria.

Follow-up to the previous review

During the third Universal Periodic Review of Italy in 2019, reviewing States made recommendations on a number of issues. In total, Italy received 306 recommendations, of which it supported 292 and noted 14.

This submission highlights a number of key areas of concern regarding Italy's compliance with its international human rights obligations, focusing on the pledges that Italy has yet to fulfill with respect to the rights of migrants, asylum seekers and refugees; Roma, Sinti and Travellers; the judiciary and detention system; women's rights; LGBTI rights; transparency and access to information; freedom of the media; privacy; health; and the national human rights framework.

1. Rights of migrants, asylum-seekers and refugees

Migrants, asylum seekers and refugees

1.1 Italy continues to implement policies that violate the human rights of migrants, asylum seekers, and refugees, ignoring numerous recommendations in this respect.² The lack of a long-term approach on migration results in inconsistent standards of treatment, conditions, and access to asylum.

1.2 Law No. 46/2017 amended the asylum application procedure by eliminating the possibility for asylum seekers to appeal a first-instance court decision before the Court of Appeal, limiting appeals to the Supreme Court. This reduced procedural guarantees and raised concerns regarding Article 3 of the Italian Constitution, which enshrines equality before the law. This law also removed the obligation for courts to hear asylum seekers in person, substantially curtailing their right to defense and access to justice.

1.3 Law No. 132/2018 abolished humanitarian protection, which was an additional form of protection beyond refugee status and subsidiary protection. It instead introduced "special protection," which was then expanded by Decree Law 130/2020 (converted into Law No. 173/2020). However, Law Decree No. 20/2023 (converted into Law No. 50/2023) reduced the scope of special protection, now only safeguarding foreigners at risk of persecution for specific reasons, or from being returned to a state where they are unprotected from

² A/HRC/28/4/Add.1 - Para. 1, recommendations 145.161 (Cuba), 145.162 (Djibouti), 145.164 (Japan), 145.169 (Nicaragua), 145.160 (Côte d'Ivoire), 145.163 (Kenya), 145.167 (Qatar).

persecution³ where before it had also allowed access through family links of economic integration.

1.4 Article 8 of Law No. 50/2023 increased penalties for “aiding and abetting illegal immigration”, especially in cases leading to serious injury or death, with penalties ranging from 20 to 30 years' imprisonment, which can sometimes be improperly used to target humanitarian aid workers.

1.5 Decree Law No. 1/2023 (converted into Law No. 15/2023) regulates (and hinders) humanitarian search and rescue activities at sea. There is an obligation for NGOs to immediately request, during the rescue operation, the assignment of a port of disembarkation. An obligation to reach the port of disembarkation "without delay" was introduced, which makes conducting multiple rescues, where practicable, impossible. Finally, according to the law, NGOs should take "timely initiatives to inform persons taken on board of the possibility of applying for international protection and, in case of interest, to collect relevant data to be made available to the authorities."

1.6 An inter-ministerial Decree on September 14, 2023 required a financial guarantee for asylum seekers from safe third countries to avoid detention, which was revised on 10th May 2024⁴, to a range of €2,500 to €5,000, payable by bank or insurance surety, or by family members residing in Italy or another EU Member State.⁵

1.7 A Decree on May 7, 2024, updated the list of safe countries to include Egypt, Nigeria, and Tunisia, despite these countries not guaranteeing fundamental human rights.

1.8 A Memorandum of Understanding was signed in 2017 to stem the flow of migrants through Libya into Italy. Since then, Italy has strengthened the technical, technological and material capacity of the Libyan Coastguard to intercept migrants departing Libya and pull them back to shore. This is the result of the so-called “pushback by proxy” strategy adopted by Italy, through which Italy has repeatedly breached the principle of non-refoulement by indirectly returning migrants to countries where they face well-documented, grave human rights violations, including torture.⁶

³ Zorzella N. “La riforma 2023 della protezione speciale. Eterogenesi dei fini?” in *Questione Giustizia*, 2023, available at: https://www.asgi.it/wp-content/uploads/2023/09/Questione-Giustizia_Zorzella.pdf

⁴ Decree 14th September 2023 No. 221, available at: <https://www.gazzettaufficiale.it/eli/id/2023/09/21/23A05308/sg>

⁵ Decree 10th May 2024 No. 142, available at: https://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2024-06-19 atto.codiceRedazionale=24a 02693 Elenco 30giorni=false

⁶ Clarke, L., “In the hands of the Libyan Coast Guard: pushbacks by proxy”, *Open Migration*, 2018, available at:

Recommendations

- Strengthen protections for migrants, asylum seekers, and refugees, aligning policies with international law and restoring special protection to its original design;
- Abolish the criminal offense of irregular entry and stay;
- Develop a comprehensive national system for immigration data to support rights-based policymaking;
- Ensure all migrants expressing intent to seek asylum are given access to file claims;
- Counter racial profiling by police;⁷
- Ensure access to information (particularly about rights),⁸ legal advice, and representation for migrants, especially in transit and border areas;
- Repeal laws undermining fundamental rights, such as Law No. 132/2018 and Law No. 50/2023;
- Allow conversion of special protection permits into working residence permits;
- Ensure unaccompanied minors have access to proper age determination, guardianship, and best interests determination;
- Maintain high reception standards for unaccompanied minors, avoiding detention in adult facilities;
- Strengthen migrant children's access to education;
- Enhance legal pathways for safe entry for persons in need of protection;
- Ensure Italian authorities do not engage in refoulement of rescued individuals;
- Improve Assisted Voluntary Returns programs;
- Train authorities on international human rights obligations;
- Engage with French counterparts to prevent illegal pushbacks;⁹
- Support, rather than criminalising, NGO search and rescue operations;
- Enhance the presence of Italian Coastguard vessels and ensure prompt NGO vessel access to ports;
- Reform Law No. 286/1998 to include specific visas for job seekers;
- Introduce regularization mechanisms for undocumented migrants; and
- Simplify and expedite visa and residence permit issuance processes.¹⁰

<https://openmigration.org/en/analyses/in-the-hands-of-the-libyan-coast-guard-pushbacks-by-proxy/>.

⁷ CERD/C/ITA/CO/21, para 35 b, page 9.

⁸ CERD/C/ITA/CO/21, para 35 b, page 9.

⁹ Association nationale d'assistance aux frontières pour les étrangers, "Persona non grata, Consequences of security and migration policies at the France–Italy border – Observation report 2017-2018", Summary, 2019, available at: http://www.anafe.org/IMG/pdf/anafe_-_summary_-_persona_non_grata_-_en.pdf.

¹⁰ ASGI, "Manifesto ASGI: per un diritto dell'immigrazione che abbia al centro le persone", 6th July 2023, available at: <https://www.asgi.it/?s=manifesto>.

Reception conditions

1.9 Since 2014, Italy has lacked a unified, coordinated, and consistent reception system for asylum seekers and refugees, amid a hostile political, social, and media climate. Despite increased numbers of international protection seekers, Italian policies remain emergency-focused. Legislative interventions since 2015 have weakened the system, making it unable to ensure uniform quality standards. Key legislative references include Law No. 142/2015 and its amendments through Decree Law 13/2017, Decree Law No. 47/2017, Decree Law No. 220/2017, Decree Law 113/2018, Decree Law 130/2020, Decree Law No. 20/2023, and Decree Law 133/2023.

1.10 Initial reception for asylum seekers occurs mainly in extraordinary facilities, meeting only basic needs during the early application stages.

1.11 Laws No. 132/2018 and 178/2023 have significantly restricted access to the Protection System for Asylum Seekers and Refugees (SPRAR), later renamed SIPROIMI and finally SAI (Reception and Integration System).

1.12 The current reception system is divided into hotspots for first rescue, ordinary and extraordinary government first reception centres, and SAI second reception projects. These are managed by municipalities in collaboration with the third sector. Most asylum seekers, except vulnerable individuals, Afghan nationals evacuated by Italian authorities, and Ukrainian refugees, are housed in government centres and are offered only basic services. The SAI system, which promotes individual autonomy and social inclusion through various services, is reserved for international protection holders, unaccompanied minors, and certain other residence permit holders.

1.13 Decree Law No. 20/2023 (Art. 5-bis) allows for the construction of new hotspots without adhering to most legal provisions, except criminal law and anti-mafia codes. In the absence of available spaces, first reception can be provided in temporary facilities offering basic services. Confining asylum seekers to government or emergency facilities may violate Article 117 of the Italian Constitution and Articles 17 and 18 of EU Directive 2013/33, which outline reception conditions, thus perpetuating the criminalisation of migration, and institutional irresponsibility.

1.14 The lack of state support has led many migrants to occupy abandoned buildings under deplorable conditions. The government's response has often been forcible eviction, leaving migrants to live on the streets.

Recommendations

- Develop a non-emergency, nationally coordinated reception system, with clear roles for the State, Regions, and local authorities;
- Ensure full compliance with Directive 2013/33/EU on reception conditions, especially at the French-Italian border and other transit areas;
- Adopt common standards for procedures and reception to prevent uneven practices and ensure adequate conditions, legal assistance, and mental and physical healthcare, considering gender differences and the needs of vulnerable groups.
- Establish a comprehensive monitoring system for management and reception conditions in all centres, along with a consistent data collection mechanism;
- Support family and individual inclusion paths, based on successful experiences with Ukrainian refugees;
- Amend legislation to allow asylum seekers access to the SAI system and equip all reception centres with necessary services to foster autonomy and social inclusion, including language courses and job orientation.

Immigration detention

1.15 Article 20 of Decree Law No. 20/2023¹¹ increased the maximum detention period in pre-removal centres/repatriation centres (CPRs) to 18 months. This measure, criticised by NGOs¹² and documented in reports like "Black Holes: Detention without charge in Repatriation Centres for Migrants"¹³ are unnecessarily punitive and don't improve repatriation success rates.

1.16 The 2022 "Lamorgese Directive"¹⁴ altered detention standards in CPRs, particularly affecting access to health.¹⁵ The head of the Questura (Questore) requests medical checks, often by doctors hired by the CPR's managing body, instead of the National Health Service.

¹¹Decree Law n. 124/2023, 19th September 2023. Converted with Law n. 162/2023, available at: <https://www.gazzettaufficiale.it/eli/id/2023/09/19/23G00137/sg>.

¹² ASGI, Audizione in Commissione Bilancio sul decreto legge 142/2023, 5th October 2023, available at: <https://www.asgi.it/notizie/cpr-riforma-costi-non-misure-irragionevoli/>.

[https://cild.eu/wp-content/uploads/DECRETO-LEGGE_19 settembre 2023, n. 124loads/2023/10/Antigone-CILD-commento-DL-124-2023.pdf](https://cild.eu/wp-content/uploads/DECRETO-LEGGE_19_settembre_2023_n.124loads/2023/10/Antigone-CILD-commento-DL-124-2023.pdf)

¹³ CILD, Black Holes: Detention without charge in Repatriation Centres for Migrants, 2021, available at: https://cild.eu/wp-content/uploads/2022/07/ReportCPR_En_2vers-1.pdf.

¹⁴ Direttiva Lamorgese, 14th May 2022, available at:

https://www.interno.gov.it/sites/default/files/2022-06/direttiva_ministro_lamorgese_19.5.2022_accessibile.pdf.

¹⁵ CILD, "La nuova direttiva lamorgese sui modi di trattenimento nei CPR, 8th August 2022, available at: <https://cild.eu/blog/2022/08/08/la-nuova-direttiva-lamorgese-sui-modi-del-trattenimento-nei-cpr/>.

This is dangerous, as the managing body is paid based on actual capacity, thus more people in CPRs means more profit for these bodies, who are from the private sector. Medical examinations for fitness are often approximate, merely “ratifying” suitability. Suitability is determined in absolute terms, not relative to the hosting facility's actual capacities. This assessment should particularly consider conditions of vulnerability, in compliance with Article 17.1 d.lgs. n. 142/2015. If found, suitability to restricted community living is directly excluded, as held by the ECtHR on application 17499/24¹⁶. Access to medical records during detention is allowed, but guidelines on record-keeping are unclear. The health form is often filled out sketchily. Implementing recommendations from the CPT in 2017¹⁷ and the National Guarantor in 2021¹⁸ would have been desirable. Psychiatric care, which was supposed to be provided by public health authorities, is left to private contractors, leading to abuses in administering psychotropic drugs without prescriptions.¹⁹

1.17 The Lamorgese Directive tightened control in CPRs, including seizing detainees' phones, hindering their legal defense.²⁰ Despite jurisprudence against this practice, it continues, affecting detainees' ability to consult lawyers before hearings. Severe contraventions of the right to defense also persist due to managing bodies' failure to ensure adequate provision of information on detainee's rights, and brief hearings by honorary judges, usually lasting 5-10 minutes.

1.18 In 2023, the ECtHR condemned Italy for detaining unaccompanied minors in the Taranto hotspot (*A.T. and others v. Italy*), citing violations of Articles 5(1), 5(2), 5(4), 3, and 13

¹⁶ Meltingpot, “Da nove mesi rinchiusa nel CPR di Ponte Galeria”, 5th July 2024, available at: <https://www.meltingpot.org/2024/07/da-9-mesi-rinchiusa-nel-cpr-di-ponte-galeria-la-cedu-ordina-allitalia-di-li-berare-la-donna-il-trattenimento-e-inumano-e-degradante/>.

¹⁷ Council of Europe, “Report to the Italian Government on the visit to Italy carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)”, 2017, available at: <https://rm.coe.int/16807b6d56>.

¹⁸ Garante Nazionale, “Rapporto sulla visita effettuata nel centro di permanenza per i rimpatri (CPR) di Torino il 14 giugno 2021”, 2021, available at: <https://www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/e276136e864d9a7d1df4042e39e5e32a.pdf>.

¹⁹ Figoni, L., Rondi, Luca, “Rinchiusi e sedati: l'abuso quotidiano di psicofarmaci nei CPR italiani”, *Altreconomia*, 1st April 2023, available at: <https://altreconomia.it/rinchiusi-e-sedati-labuso-quotidiano-di-psicofarmaci-nei-cpr-italiani/>.

²⁰ Direttiva Lamorgese, 14th May 2022, Art 4 and 5, available at: https://www.interno.gov.it/sites/default/files/2022-06/direttiva_ministro_lamorgese_19.5.2022_accessibile.pdf.

of the European Convention on Human Rights. The de facto detention of minors in hotspots remains a serious issue.²¹

1.19 Monitoring CPRs is difficult for civil society due to bureaucratic hurdles in obtaining visitation permissions from the Prefecture, Police Headquarters, and the Department for Civil Liberties and Immigration.²² Information on CPRs is scarce, unlike in prisons, making it hard to obtain data on detainee numbers, health protocols, and inspections, due to access requests often being denied or ignored.

1.20 In February 2024, Italy signed a five-year agreement with Albania to externalise immigration procedures and detention.²³ Migrants from "safe third countries" rescued by the Italian Coast Guard will be taken to Albania for accelerated processing. Italy funds the facilities, expected to handle 3,000 migrants monthly²⁴, with the Territorial Commission for Asylum in Rome overseeing applications, exposing applicants to violations of their right to information and defense.²⁵ This protocol, criticised by civil society for potential human rights violations and high costs, denies migrants physical entry to Italy and keeps detention conditions out of public view.²⁶

Recommendations

- Progressively dismantle the CPR system, and refrain from expanding it;
- Guarantee detainee rights and compliance with prohibitions against torture and inhumane treatment;
- Provide unbiased health assessments and access to general health services;

²¹ ASGI, "CEDU: minori stranieri detenuti illegalmente nell'hotspot di Taranto", 28th November 2023, available at:

[https://www.asgi.it/famiglia-minori/minori-stranieri-detenzione-hotspot-taranto/#:~:text=La%20Corte%20Europea%20dei%20Diritti,minori%20stranieri%20non%20accompagnati%20\(art.](https://www.asgi.it/famiglia-minori/minori-stranieri-detenzione-hotspot-taranto/#:~:text=La%20Corte%20Europea%20dei%20Diritti,minori%20stranieri%20non%20accompagnati%20(art.)

²² Direttiva Lamorgese, 14th May 2022, Art 7 par 7-8, available at:

https://www.interno.gov.it/sites/default/files/2022-06/direttiva_ministro_lamorgese_19.5.2022_accessibile.pdf.

²³ Law n. 14/2024, 21st February 2024, available at:

<https://www.gazzettaufficiale.it/eli/id/2024/02/22/24G00028/sg>.

²⁴ ASGI, "Accordo Italia-Albania, ASGI: è incostituzionale sottoporlo al Parlamento" 14th November 2023, available at: <https://www.asgi.it/notizie/accordo-italia-albania-asgi-illegittimo-parlamento/>.

²⁵ Amnesty International, "Ratifica del protocollo Italia Albania. Conseguenze negative sui diritti umani", 19th January 2024, available here:

<https://www.amnesty.it/ratifica-del-protocollo-italia-albania-conseguenze-negative-sui-diritti-umani/>.

²⁶ ASGI, "Analisi giuridica intesa Italia-Albania", 22nd November 2023, available at:

<https://www.asgi.it/allontamento- respulsione/albania-italia-protocollo-analisi-giuridica/>) See also: Open Polis, "Tutti i costi e i dubbi sull'accoglienza dei migranti in Albania", 19th April 2024, available at: <https://www.openpolis.it/tutti-i-costi-e-i-dubbi-dellaccoglienza- dei-migranti-in-albania/>.

- Eliminate restrictions on phone use to protect rights to legal defense and private/family life;
- Enhance the use of alternatives to detention for irregular migrants facing expulsion;
- Ensure access for monitoring, for civil society and the National Guarantor;
- Enforce detainee rights and introduce remedies to challenge detention in hotspots and informal detention sites;
- Reduce private sector control over administrative detention facilities;
- Implement UNHCR recommendations²⁷ to align immigration procedures with domestic laws and the principle of equality.

Migrant workers and trafficked human beings

1.21 Despite having received several recommendations in this regard,²⁸ Italy has not yet ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW).

1.22 Italy did adopt the National Action Plan against trafficking and serious exploitation of human beings 2022-2025,²⁹ aimed to improve victim identification, protection measures, and enhance coordination among national and international stakeholders.³⁰ However, the implementation of anti-trafficking laws remains inconsistent. Law enforcement agencies, prosecutors, and labor inspectors continue to struggle with inadequate resources, hindering effective enforcement. This issue is compounded by limited training and capacity among border law enforcement officers to identify potential trafficking victims. Hence, NGOs play a crucial role in supporting trafficking victims.

²⁷ UNHCR, “Commenti e raccomandazioni dell’UNHCR sul disegno di legge “Ratifica ed esecuzione del Protocollo tra il Governo della Repubblica Italiana e il Consiglio dei Ministri della Repubblica di Albania per il rafforzamento della collaborazione in materia migratoria, fatto a Roma il 6 novembre 2023, nonché norme di coordinamento con l’ordinamento interno”, 9th January 2024, available at: https://www.senato.it/application/xmanager/projects/leg19/attachments/documento_ev ento_procedura_commissione/files/000/429/105/UNHCR_Commenti_e_raccomandazi oni.pdf.

²⁸ A/HRC/43/4/Add.1, recommendations 148.1 (Uganda, Uruguay, Senegal, Sierra Leone, Sri Lanka, Azerbaijan, Bangladesh, Egypt, Seychelles), 148.2 (Honduras), 148.6 (Djibouti), 148.276 (Indonesia).

²⁹ Dipartimento delle Pari Opportunità, “National Action Plan against trafficking and serious exploitation of human beings 2022-2025”, available at: https://www.pariopportunita.gov.it/media/2428/piano-anti-tratta-2022-2025_eng.pdf.

³⁰ Consiglio dei Ministri, “Piano Nazionale d’azione contro la tratta e il grave sfruttamento 2022-2025, Allegato 1: Meccanismo nazionale di referral per le persone trafficate in Italia.”, 19 ottobre 2022, available at: <https://www.pariopportunita.gov.it/media/2424/allto-1-meccanismo- nazionale-referral.pdf>.

1.23 Decree Law No. 20/2023³¹ (converted into Law No. 50/2023) increased penalties for trafficking-related crimes (Art 8) and amended provisions concerning migrant workers rights (Artt. 1-5). Despite legal frameworks, recent dramatic events proved that operational shortcomings persist, leaving migrant workers vulnerable to exploitation, due to the lack of sufficient regularisation mechanisms.³²

Recommendations

- Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- Enhance the effective implementation of anti-trafficking laws, by training law enforcement authorities, in particular at borders;
- Ensure the full implementation of the National Action Plan Against Trafficking 2022-2025 by strengthening mechanisms for victim identification and protection;
- Develop and implement sufficient regularisation mechanisms to protect migrant workers from exploitation;
- Ensure that migrant workers have legal pathways to regularise their status, which would reduce their vulnerability to trafficking and exploitation.

Citizenship and statelessness

1.24 Law No. 91/1992 grants Italian citizenship by *ius sanguinis* to individuals with at least one Italian parent. Foreigners born in Italy can acquire citizenship if they have resided legally and continuously until age 18 and declare their intent within a year. This framework prevents many foreign children born in Italy - who consider themselves Italian and sometimes have no ties with the country of origin of their family - to enjoy all the rights related to the acquisition of Italian citizenship until they reach at least 18 years of age.

1.25 Efforts to reform citizenship laws, such as Bill 2092 and A.C.125 in 2022, aimed at easing citizenship acquisition, have failed.

1.26 Law No. 132/2018 introduced new cases for withdrawing citizenship and extended the acquisition process to 48 months, later reduced by Decree Law 130/2020 (converted into Law No. 173).

³¹ Law Decree No. 20/2023, 10th march 2023, available at:
<https://www.gazzettaufficiale.it/eli/id/2023/05/05/23A02665/sg>.

³² Meltingpot, "Il tritacarne legislativo italiano sulla pelle delle persone migranti", 2nd July 2024, available at:
<https://www.meltingpot.org/2024/07/il-tritacarne-legislativo-italiano-sulla-pelle-delle-persone-migranti/#easy-footnote-bottom-4-502108>.

1.27 Italy ratified the 1961 Convention on the Reduction of Statelessness and has measures to prevent statelessness among children. However, legislative gaps still risk leaving many children stateless.³³ The measures included in Draft Law no. 2148 on the recognition of the status of statelessness would ensure a great improvement through accessible and effective solutions.³⁴

Recommendations

- Amend Law No. 132/2018 to shorten the citizenship acquisition process;
- Amend Law No. 91/1992 to facilitate citizenship for minors born or raised in Italy by foreign parents;
- Reduce the residency requirement for citizenship from 10 to 5 years;
- Abolish the €250 fee for starting citizenship proceedings.

2. Roma, Sinti and Travellers

2.1 Approximately 120,000 to 180,000 Roma and Sinti live in Italy, constituting about 0.25% of the total Italian population.³⁵ About 14,650 of them, including minors (55%), face severe housing emergencies in institutional shantytowns, informal settlements, micro-settlements, and Roma centres.³⁶

Segregated and Substandard Housing

2.2 Italy is known as the "Country of Camps"³⁷ for disregarding international obligations concerning adequate housing and non-discrimination. It allocates substantial resources to maintaining ethnically-based housing, including 109 formal settlements which house 11,800 people, managed by municipal institutions. Approximately 2,500 individuals reside in precarious informal settlements, facing constant eviction threats. Conditions in two Roma

³³ A/HRC/28/4/Add.1 - Para. 1, recommendation 145.18 (Hungary).

³⁴ Senato della Repubblica, Atto Senato n. 2148, available at: <http://www.senato.it/leg/17/BGT/Schede/Ddliter/46242.htm>. It was presented by the Senate Human Rights Commission in collaboration with the United Nations High Committee for Refugees (UNHCR) and the Italian Council for Refugees (CIR). However it has not been discussed yet despite appeals from human rights organisations.

³⁵ In 1995, the Council of Europe established a commission of experts tasked with studying the situation of Roma communities within European States. The figures relating to the Italian situation, ranging between 120,000 and 180,000, do not come from a clear source.

³⁶ See: www.ilpaesedeicampi.com.

³⁷ European Roma Rights Centre, "Campland", 2000, available at: <https://www.errc.org/reports-and-submissions/campland-racial-segregation-of-roma-in-italy>.

Collection Centres fall below national and international standards.³⁸ Efforts by some local administrations in recent years to address Roma settlements lack coordination and support from the central government, resulting in fragmented initiatives with limited impact on improving living conditions for Roma and Sinti in housing emergencies.³⁹

The New National Strategy 2021-2030

2.3 On May 23, 2022, Italy adopted the *National Strategy 2021-2030*⁴⁰. It was criticised for lacking effective reforms, binding commitments, and specific budget allocations. The national contact point responsible for the strategy is indirectly under the government, compromising its independence.⁴¹

Early Marriages and De Facto Statelessness

2.4 Research in 2017 showed high early marriage rates among Roma in Rome, reaching 77% in some communities.⁴² Government interventions are rare and poorly coordinated. A 2020 national report⁴³ identified ongoing de facto statelessness among Roma in formal settlements, spanning multiple generations, without regular documentation. Interventions to resolve their legal status are sporadic and poorly coordinated.

Recommendations

- End the segregation of Roma and Sinti in sub-standard camps, ensuring non-discriminatory, adequate housing, through central government coordination;
- Ensure the independence of the national contact point for the *National Strategy 2021-2030*;
- Create a legal task force to support municipal efforts in addressing statelessness among Roma;

³⁸ For data, see: www.ilpaesedeicampi.org.

³⁹ Associazione 21 luglio, "Oltre il campo", Edizione Tau, Roma, 2021.

⁴⁰ UNAR, "National Roma and Sinti equality, inclusion and participation strategy 2021-2030", 2022, available at: https://www.unar.it/portale/documents/20125/51449/National_Roma_and_Sinti_strategy_2021-2030_EN+16.11+%281%29.pdf/684d9783-45a5-a433-3bb7-ff9454b29dfe?t=1669798250231.

⁴¹ In its interim assessment of January 9th 2023, the European Commission raised numerous criticisms on the document. Along the same lines, in 2023 the "Civil Society Monitoring Report on the Quality of the National Strategic Framework for Equality, Inclusion, and Participation of Roma in Italy" was published as part of the initiative "Preparatory Action – Roma Civil Monitoring – Strengthening Capacity and Involvement of Roma and pro-Roma Civil Society in Policy Monitoring and Review." Report available at: <https://op.europa.eu/s/zMcz>

⁴² Associazione 21 luglio, "Non ho l'età", 2017, available at: https://www.21luglio.org/21luglio/wp-content/uploads/2017/11/report_21_novembre_web_ita.pdf.

⁴³ Associazione 21 luglio, "Fantasmi urbani", 2020, available at: <https://www.21luglio.org/2018/wp-content/uploads/2021/02/fantasmi-urbani-edit.pdf>.

- Implement actions to prevent and combat early marriages within Roma communities.

3. Judiciary and detention system

3.1 Italian prisons face severe overcrowding. As of May 2024, 61,547 individuals were detained in facilities designed for 51,241 people. The national crowding rate sits at 130%. From December 2023 to May 2024, 1,431 new admissions were recorded⁴⁴ with total numbers reaching 63,000, echoing the overcrowding crisis condemned by the ECtHR in 2013 (*Torreggiani v. Italy*).

3.2 Juvenile detention centres also face overcrowding, with a 15% increase in detainees in early 2024, totaling 571 detainees. Seven of seventeen centres are overcrowded.

3.3 Overcrowding worsens detention conditions. In 2023, 28 of 99 prisons failed to meet the 3 square metres per person standard. Violations of Art 3 of the ECHR led Italian courts to reduce sentences for 4,731 detainees due to inhumane conditions.⁴⁵

3.4 Prison suicides are alarming, with 84 in 2022 (amounting to 15.2 cases per 10,000 prisoners⁴⁶) and 52 by mid-2024, risking exceeding the record set in 2022.

3.5 Since 2017, numerous prosecutions for prison torture have occurred. In 2021, officers from the Ferrara and San Gimignano prisons were convicted. Significant ongoing trials include the 2020 Santa Maria Capua Vetere case, involving 100+ officials and alleged torture in Milan's juvenile detention centre between 2022-2024.

3.6 A 2022 circular reorganised the medium-security prison circuit⁴⁷, imposing stricter regimes and limiting time outside cells, turning participation in activities into a reward, rather than standard practice.

⁴⁴All the data on prison population are available on the Ministry of Justice website:

<https://www.giustizia.it/giustizia/page/it/statistiche>

⁴⁵ According to Article 35-ter of the Italian Prison Law, people who have been detained under conditions that violate Article 3 of the ECHR are entitled to apply for a compensatory remedy: reduction of the sentence if they are still serving it or financial compensation if they have finished serving it. In 2023, there were 9,574 applications for the reduction of the sentence due to violation of Article 3, of which 4,731 were granted. Data on financial compensation is lacking.

⁴⁶ Data available at: https://www.giustizia.it/giustizia/it/mg_1_14_1.page?contentId=SST241783

⁴⁷ Ministry of Justice, Department of Prison Administration, Circular No. 3693/6143 of 18 July 2022, "Guidelines for the revitalisation of the prison regime and prison treatment", available at:

<https://www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/2cfc2bb5b71b7ed499ff271d871e13bb.pdf>

3.7 Meloni's government has adopted a policy of criminalisation, increasing offenses and penalties, notably through the "Caivano Decree" (Decree Law 123/2023),⁴⁸ which raises maximum sentences for minor drug offenses from 4 to 5 years, affecting access to probation measures.⁴⁹

3.8 Government Bill No. 1660,⁵⁰ under parliamentary discussion, undermines the right to protest by introducing the crime of "prison riot", applicable to peaceful, nonviolent acts of resistance (with sentences of up to eight years and exclusion from prison benefits), and extends the possibility of protesters (including minors) being forcibly excluded from public spaces. The OSCE highlighted potential threats to criminal justice principles.⁵¹

3.9 In May 2024, the Ministry of Justice created the Operational Intervention Group (G.I.O.), inspired by France's Éris, to manage prison protests, with a national group of 200 officers and smaller regional groups.

Recommendations

- Avoid criminalising dissent and introducing new forms of criminal repression to prevent further overcrowding;
- Preserve the educational-pedagogical approach of the juvenile justice system;
- Implement decriminalisation policies, especially regarding drug legislation, to reduce prison populations;
- Reduce pre-trial detention and expand alternative measures;

⁴⁸ Legislative Decree no. 123 of 13 September 2023 on 'Urgent measures to combating youth discomfort, educational poverty and criminality and juvenile crime, as well as for the safety of minors in the digital environment', converted with amendments by Law No. 159 of 13 November. The so-called Caivano decree testifies to the widespread practice of normative intervention, almost always by means of emergency decrees following dramatic events in the news, with the illusion of pursuing this or that emergency through the tightening of penal instruments.

⁴⁹ The third paragraph of Article 4 of decree law 123/2023 increases the maximum sentence for minor offenses provided for in the fifth paragraph of Article 73 of the Law on Drugs (Presidential Decree No. 309 of 9 October 1990). More than one third of people in Italian prisons are detained for drug law violations (almost twice the European average). More than a quarter of all prison admissions are due to violations of article 73 which therefore have an enormous weight on prison crowding.

⁵⁰ Government Bill No. 1660, 'Provisions on public security, protection of personnel in service, and victims of usury and prison regulations'. Antigone and Asgi summarized the main concerns about the bill in a document, available at:

<https://www.antigone.it/upload2/uploads/docs/traduzione%20inglese.docx.pdf>.

⁵¹ OSCE, Office for Democratic Institutions and Human Rights, 'Opinion on certain articles of the bill no. 1660 relating to countering terrorism, public security, protection of personnel in service and prison regulations', Warsaw, 27th May 2024, available at:

https://legislationline.org/sites/default/files/2024-05/2024-05-27%20-%20Opinion_Italy_Draft%20Law%20on%20Public%20Security%20-%20final.pdf

- Ensure living spaces meet ECtHR standards and increase the use of open-cell regimes;
- Abolish prolonged solitary confinement for life-sentenced detainees;
- Reform special regimes to reduce their harshness;
- Implement Constitutional Court ruling (N. 10/2024) on prisoners' right to affectivity, allowing private meetings with partners and more phone calls;
- Focus on sensitive detention stages, such as entry and exit, to prevent suicides;
- Ensure full access to physical and psychological healthcare;
- Introduce CVV recording in all places of deprivation of liberty and train personnel on torture prevention; and
- Introduce identification numbers for all officers.

4. Women's rights

4.1 Italian women should enjoy equal rights to men, per Article 3 of the Italian Constitution, which ensures equal social dignity and legal equality for all citizens. However, women still face inequality, as shown by the *National Strategy for Gender Equality 2021-2026*.⁵²

4.2 The Italian legal framework lacks measures specifically protecting women. The gender of a victim does not influence the criminal justice system.⁵³ Laws against violence towards women are not always applied effectively. Over 100 femicide victims were recorded in 2023, highlighting the severity of the issue.⁵⁴ ISTAT data shows 31.5% of women have faced physical or sexual violence, mostly by partners⁵⁵. Despite heavy criminal sanctions, preventive measures are needed, as current responses often come post-violence. Lengthy investigations and trials may lead to crimes becoming statute-barred. Policies to prevent violence and raise awareness need improvement to ensure women know their rights and available protections.

⁵² Dipartimento per le Pari Opportunità, "Strategia Nazionale per le pari opportunità 2021-2026", 2021, available at:

<https://www.pariopportunita.gov.it/it/politiche-e-attivita/parita-di-genere-ed-empowerment-femminile/strategia-nazionale-per-la-parita-di-genere-2021-2026/>.

⁵³ The only exception is the crime of female genital mutilation.

⁵⁴ Ministero della Salute, "Salute della donna", available at:

<https://www.salute.gov.it/portale/donna/dettaglioContenutiDonna.jsp?id=4498&area=Salute%20donna&menu=society>

⁵⁵ Ministero della Salute, "Salute della donna", available at:

<https://www.salute.gov.it/portale/donna/dettaglioContenutiDonna.jsp?id=4498&area=Salute%20donna&menu=society>

4.3 Gender-based workplace discrimination persists. In 2023, women earned 4.9% less than men, indicating the need for more effective measures, as highlighted in the *National Strategy for Gender Equality*.⁵⁶

4.4 Access to safe abortions remains critical. Law no. 194/1978 legalised abortions but allowed doctors to object. Consequently, 70-80% of gynecologists in some regions refuse to perform abortions for personal or religious reasons,⁵⁷ making access difficult, and violating women's legal rights.

4.5 The Italian government abstained on two European Parliament resolutions for the EU's accession to the Istanbul Convention⁵⁸ crucial for combating gender-based violence. This abstention suggests a lack of commitment to fighting gender-based violence and promoting gender equality.

4.6 Femicide is not specifically recognised under the Italian Penal Code. There is no institutional public database for femicides, with data scattered in reports by ISTAT and the Ministry of the Interior, using different methodologies.⁵⁹ The UN has highlighted this issue⁶⁰, and ISTAT plans to consider new international indicators for future statistics.⁶¹

Recommendations

- Implement provisions of the Convention on the Elimination of All Forms of Discrimination against Women into national law;
- Adopt specific laws combating men's violence against women and support of victims;
- Close legal gaps in child custody and protection for domestic violence victims;

⁵⁶Dipartimento per le Pari Opportunità, "Strategia Nazionale per le pari opportunità 2021-2026", 2021, available at:

<https://www.pariopportunita.gov.it/it/politiche-e-attivita/parita-di-genere-ed-empowerment-femminile/strategia-nazionale-per-la-parita-di-genere-2021-2026/>.

⁵⁷ Ministero della Salute, "Relazione del Ministero della Salute sulla attuazione della legge contenente norme per la tutela sociale della maternità e per l'interruzione volontaria della gravidanza (legge 194/78), 2021, available at: https://www.salute.gov.it/imgs/C_17_pubblicazioni_3367_allegato.pdf.

⁵⁸ Carboni, K., "Cos'è la Convenzione di Istanbul che Lega e Fratelli d'Italia non hanno voluto sostenere, 15th May 2024, Wired, available at:

<https://www.wired.it/article/convenzione-di-istanbul-violenza-di-genere-lega-fratelli-italia-parlamento-europeo/>.

⁵⁹ Columbro, D., "Come si contano i femminicidi in Italia", 24th November 2023, Internazionale, available at: <https://www.internazionale.it/essenziale/notizie/donata-columbro/2023/11/24/come-si-contano-i-femminicidi-in-italia>.

⁶⁰ UNODC, "Statistical Framework for measuring the gender-related killing of women and girls", 2022, available at: https://www.unodc.org/documents/data-and-analysis/statistics/Statistical_framework_femicide_2022.pdf.

⁶¹ ISTAT, "Le vittime di omicidio 2021", available at:

<https://www.istat.it/comunicato-stampa/le-vittime-di-omicidio-anno-2021/>.

- Establish a national institution to combat gender inequality and workplace discrimination;
- Allocate funds for effective victim protection and focus on education and training on GBV;
- Enhance social reintegration measures for human trafficking victims;
- Strengthen women's representation in leadership and decision-making roles;
- Fully implement and monitor the *National Strategy for Gender Equality 2021-2026*;
- Support European resolutions and the Istanbul Convention to oppose GBV; and
- Establish a standardised, publicly accessible database for femicides, with consistent methodology and timely updates, aligned with international standards.

5. LGBTQIA+ rights

5.1 Italy's Law no. 76/2016 allows civil unions for same-sex couples, providing many rights similar to marriage. However, same-sex couples cannot adopt their partner's biological child or other children, thus lacking full equality with different-sex marriages.

5.2 Despite increasing hate crimes and hate speech against the LGBTQIA+ community, the Italian Parliament has not passed laws addressing homophobia and transphobia, including the unapproved Zan DDL.⁶²

5.3 Comprehensive anti-discrimination legislation for the registry of children of same-sex couples is lacking. Recent court rulings and actions by public prosecutors threaten these children's rights. Prosecutors have acted on a dated Interior Ministry circular, leading to the removal of the "intentional" mother's name from records. Constitutional Court President Augusto Barbera emphasised the need for legislative protection for children's legal recognition by both parents in his 2023 report.⁶³

Recommendations

- Introduce legislation to fully recognise same-sex couples as families with all marriage rights, including adoption;
- Amend legislation to officially recognise same-sex families and regulate parenthood comprehensively;

⁶² Zan Bill, 4th November 2020, available at: <https://www.senato.it/service/PDF/PDFServer/DF/356433.pdf>.

⁶³ Sole24ore, "Barbera: Serve legge sul fine vita e coppie omogenitoriali", 18th March 2024, available at: <https://stream24.ilsole24ore.com/video/italia/barbera-corte-constituzionale-serve-legge-fine-vita-e-figli-coppie-omogenitoriali/AFzIXw5C>.

- Reform Articles 604bis and 604ter of the Italian Penal Code to include sexual orientation and gender identity;
- Take explicit measures to fight homophobia and transphobia;
- Include sexual orientation and gender identity in National Education Programs on sex and health education;
- Simplify gender reassignment procedures, shifting from judicial to administrative, and affirm non-surgical options;
- Guarantee transsexual detainees' rights to continue gender transition during detention and ensure their dignity;
- Introduce guidelines to protect intersex individuals from irreversible body alterations without their informed consent;
- Ensure free access to services and protection against discrimination based on gender identity; and
- Improve educational programs for public officers and civil servants on sexual orientation and gender identity issues.

6. Transparency and access to information

6.1 Italy's audio-visual media is primarily regulated by Law 2021/208, the Consolidated Text of Audio-visual Media Services (TUSMA), which aligns with EU Directive 2018/1808. Ownership transparency and market stability are also governed by Art. 2435 of the Civil Code, Law 2015/139, and Law 1990/287.

6.2 The European Media Freedom Act (EMFA),⁶⁴ effective from May 2024, establishes transparency obligations for government expenditures on media and public advertisements. From 2025, Italy will implement the Euromedia Ownership Monitor⁶⁵, creating a database of media owners. However, in "emergencies", the government can deploy paid messages, raising transparency concerns.

6.3 The "Legge Bavaglio" amends Article 114 of the Criminal Code Procedure, restricting the publication of procedural documents and unverified information, thus hindering access to judiciary information.

Freedom of Expression and Media Freedom

6.4 Concerns about the independence of Italy's national broadcaster, RAI, have been raised due to self-censorship and political pressure on journalists. The resignation of RAI's CEO and

⁶⁴ European Commission, "European Media Freedom Act", 7th May 2024, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022PC0457>.

⁶⁵ Euromedia Ownership Monitor - Italy, available at: <https://media-ownership.eu/findings/countries/italy/>.

several TV hosts, along with a journalist strike in May 2024, highlighted these issues.⁶⁶ High governmental influence in the governance of RAI was introduced in 2015 with Law No. 220/2015⁶⁷. Moreover, the latest Budget Law further threatens RAI's financial autonomy.⁶⁸

6.5 Italy's media freedom has declined, ranking 46th in the latest World Press Freedom Index.⁶⁹ Government attacks on journalists and newspapers have increased, stifling dissent and media independence.⁷⁰ Five bills aimed at reforming defamation laws have been advanced, responding to the Italian Constitutional Court's rulings (No. 132/2020 and No. 150/2021). However, instead of decriminalising defamation and aligning with the EU's anti-SLAPP Directive, there has been a rise in legal actions against government critics.⁷¹

6.6 Bill No. 466 ("*proposta Balboni*"), intended to reform criminal defamation laws, increased pecuniary penalties and imposed disciplinary measures disqualifying journalists, which could deter criticism and hinder press freedom.⁷² This bill risks creating a chilling effect on freedom of expression,⁷³ especially in a climate of increasing SLAPPs against investigative journalists.

6.7 Attacks and intimidation against journalists, both physical and online, are alarming. The Italian Coordination Centre, established to ensure journalists' safety, lacks independence, as it is part of the Ministry of Interior.⁷⁴

6.8 Civil society organisations have been advocating for Italy to implement two relevant

⁶⁶ Goujard, C., "Von der Leyen buries report slamming Italy as she seeks Meloni's vote", Politico, 16th June 2024, available at:

<https://www.politico.eu/article/ursula-von-der-leyen-italy-rome-commission-president-giorgia-meloni-elections/>.

⁶⁷ CILD, "Le narrazioni che il governo vuole cambiare e il ruolo della RAI", 13th June 2024, available at:

<https://cild.eu/blog/2024/06/13/le-narrazioni-che-il-governo-vuole-cambiare-e-il-ruolo-della-rai/>

⁶⁸ USIGRAI, 28th October 2023. Online, available at:

<https://www.usigrai.it/con-il-taglio-delle-risorse-la-rai-rischia-di-essere-smantellata-nel-silenzio-generale-le-dispute-nel-governo-danneggiano-il-servizio-pubblico/>

⁶⁹ Reporters without borders, available at: <https://rsf.org/en/country/italy>.

⁷⁰ IFJ, "Surveillance of journalists", available at:

https://www.ifj.org/actions/working-groups/surveillance?tx_news_pi1%5Baction%5D=detail&tx_news_pi1%5Bcontroller%5D=News&tx_news_pi1%5Bnews%5D=22250&tx_news_pi1%5BoverwriteDemand%5D%5Bcategories%5D=47&cHash=2f9b052d1644d8a54125e39678a025a3 .

⁷¹ ECPMF, "Silencing the Fourth State: Italy's democratic drift", 21st May 2024, available at:

<https://www.ecpmf.eu/italy-media-freedom-coalition-sounds-the-alarm-on-political-meddling-and-legal-threats-to-journalism/>.

⁷² Civil Liberties Union for Europe, Liberties Rule of Law Report - Italy, 2024, available at: <https://www.liberties.eu/en/reports-and-papers>.

⁷³ FNSI, "Ddl diffamazione", 25th October 2023, available at:

<https://www.fnsi.it/ddl-diffamazione-fnsi-e-cnog-senza-modifiche-pronti-a-scendere-in-piazza>.

⁷⁴ Civil Liberties Union for Europe, Liberties Rule of Law Report - Italy, 2024, available at: <https://www.liberties.eu/en/reports-and-papers>.

ECtHR sentences (*Ricci v. Italy*⁷⁵ and *Associazione Politica Nazionale Lista Marco Pannella v. Italy*⁷⁶) on freedom of press and media pluralism.

Recommendations

- Reform legislation regulating public broadcasters in line with the European Media Freedom Act (Art. 5);⁷⁷
- Align defamation laws with EU and international standards, implementing anti-SLAPP legislation;⁷⁸
- Protect public service media from undue interference, ensuring sustainable funding, editorial independence, and public accountability for RAI;⁷⁹
- Implement ECtHR sentences *Ricci v. Italy* and *Associazione Politica Nazionale Lista Marco Pannella v. Italy*.

7. Privacy

7.1 As of 2024, Italy's telecom providers are still required to engage in indiscriminate data retention, retaining telephone and internet data for six years⁸⁰, a regulation criticised for violating EU data protection laws and CJEU rulings.⁸¹

7.2 The Italian Data Protection Authority (Garante) actively issues guidelines and enforces privacy laws, imposing fines and corrective actions for GDPR violations. The Guidelines on

⁷⁵ Global Freedom of Expression, "Ricci v. Italy", available at:
<https://globalfreedomofexpression.columbia.edu/cases/ricci-v-italy/>.

⁷⁶ ECtHR, "Associazione Politica Nazionale Lista Marco Pannella v. Italy", available at:
[https://hudoc.echr.coe.int/eng#%22itemid%22:\[%22001-87726%22\]](https://hudoc.echr.coe.int/eng#%22itemid%22:[%22001-87726%22]).

⁷⁷ECPMF, "Silencing the Fourth State: Italy's democratic drift", 21st may 2024, available at:
<https://www.ecpmf.eu/italy-media-freedom-coalition-sounds-the-alarm-on-political-meddling-and-legal-threat-s-to-journalism/>.

⁷⁸ Ibidem.

⁷⁹ Resource Centre on Media Freedom in Europe, "Italy: International Media freedom groups raise alarm about RAI's independence", 15th June 2023, available at:
<https://www.rcmediafreedom.eu/News/Italy-International-Media-freedom-groups-raise-alarm-about-RAI-s-independence>.

⁸⁰ EDRI, "Italy extends data retention to six years", 29th November 2017, available at:
<https://edri.org/our-work/italy-extends-data-retention-to-six-years/>.

⁸¹ Media Laws, "According to the CJEU, Member States cannot require Electronic Communications Service Providers to transmit to Authorities or retain traffic data and location data on a general and indiscriminate basis", 28th October 2020, available at:
<https://www.medialaws.eu/according-to-the-cjeu-member-states-cannot-require-electronic-communications-service-providers-to-transmit-to-authorities-or-retain-traffic-data-and-location-data-on-a-general-and-indiscriminate-basis/>.

the use of cookies and other tracking tools⁸² came into force on January 9, 2022.⁸³

7.3 With the GDPR's entry into force in May 2018, Italy adjusted its national legislation (Italian Privacy Code) for compliance. The COVID-19 crisis highlighted challenges in balancing health data collection and privacy safeguards.

7.4 The EU's *Digital Services Act (DSA)* and *Digital Market Act (DMA)* have influenced Italian legislation, particularly concerning platform accountability and consumer rights.

Recommendations

- Reform telecom data retention provisions to align with European Data Protection Supervisor and Italian Data Protection Authority recommendations, limiting indiscriminate retention to necessary circumstances;
- Continue aligning national laws with the GDPR, to enhance privacy protections;
- Balance public health needs and privacy rights, learning from the COVID-19 pandemic;
- Discuss the DSA and DMA's impact on privacy protections in Italy; and
- Improve enforcement consistency and public awareness of privacy rights.

8. Health

8.1 We welcome Italy's establishment of a National Guarantor (with Legislative Decree No. 20/2024⁸⁴) in compliance with the United Nations Convention on the Rights of Persons with Disabilities, which will oversee respect of the rights and fundamental freedoms of persons with disabilities from 1st January 2025.

8.2 Bill A.C. 433⁸⁵ on the recognition of basic healthcare for homeless people is still pending after approval in the Chamber of Deputies on 25th June 2024. Thanks to this regulation, basic healthcare can be guaranteed to the most vulnerable individuals, regardless of residence registration and migration status. This affects thousands of people who, due to their precarious living conditions, often have significant physical or mental health issues.

⁸² GPDP, "Guidelines on the use of cookies and other tracking tools", 2021, available at: <https://www.dataguidance.com/legal-research/guidelines-use-cookies-and-other-tracking>.

⁸³ Data Guidance, "Italy- data protection overview", available at: <https://www.dataguidance.com/notes/italy-data-protection-overview>.

⁸⁴ Legislative Decree No. 20/2024, 5th february 2024, available at: <https://www.gazzettaufficiale.it/eli/id/2024/03/05/24G00034/sg>.

⁸⁵ Senato, Bill A.C. 433, available at: Parlamento Italiano - Disegno di legge C. 433 - 19ª Legislatura (senato.it).

8.3 Law No. 193/2023,⁸⁶ the so-called “oncological oblivion law” states the right of people cured of cancer not to provide information about their past illness, nor to undergo investigations for this reason, when the time elapsed and their health conditions make it irrelevant.

8.4 Legislative Decree No. 29/2024,⁸⁷ which ensures the right to assistance for elderly and non-self-sufficient people, are not implemented in an inclusive manner. Reforms are needed considering the rapid aging of Italy’s population.

8.5 Despite political pressure by civil society organisations, the Essential Levels of Assistance guaranteed by the Constitution in health protection are not implemented. Hence, equitable access to health services throughout the national territory is not guaranteed.⁸⁸

8.6 Despite the ongoing discussion in the Parliament on eight different bills,⁸⁹ regulations on caregivers are still lacking, making this category of workers completely invisible.

Recommendations

- Approve Bill A.C. 433;
- Implement Law No. 193/2023 to prevent prejudice against or unequal treatment of people cured of oncological diseases;
- Reform provisions concerning the right to assistance for elderly and non-self-sufficient people;
- Implement Essential Levels of Assistance to ensure equitable access to health services throughout the national territory; and
- Promptly adopt a law on caregivers rights.

⁸⁶ Law No. 193/2023, 7th December 2023, available at:
<https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2023-12-07;193>.

⁸⁷ Legislative Decree No. 29/2024, 15th March 2024, available at:
<https://www.gazzettaufficiale.it/eli/id/2024/03/18/24G00050/sg>.

⁸⁸ OECD, “State of health in the EU - Italy - Country Health Profile 2023”, 2023, available at:
https://health.ec.europa.eu/document/download/67cd0b86-b081-4fa5-84a8-f4487e912320_en?filename=2023_chp_it_english.pdf.

⁸⁹ Senato, Bill A.C. 433, available at: Parlamento Italiano - Disegno di legge C. 433 - 19ª Legislatura (senato.it).

9. National human rights framework

9.1 Serious gaps persist in Italy's human rights framework. Despite accepting recommendations⁹⁰ to establish a National Human Rights Institution (NHRI) in accordance with the Paris Principles, Italy has not done so.

9.2 Italy claims to be committed to combating racism, racial discrimination, xenophobia, intolerance, and all forms of discrimination, as highlighted during its candidacy for the UN Human Rights Council for the 2019-2021 term, but Italy has not effectively addressed racism and discrimination. Individuals report daily discrimination, with racist attacks and discrimination occurring in schools and public institutions.⁹¹ Racism in Italy is structural, with numerous anti-discrimination appeals⁹² targeting discriminatory acts and regulations against foreign nationals by local, regional, and national governments, educational institutions, or employers. Precise and updated figures on racist discrimination are unavailable - the last official statistics date back to 2011.⁹³ The segregation of foreigners remains a significant issue, which could be mitigated through inclusive policies.

9.3 Italy has not strengthened the National Office against Racial Discrimination (UNAR)⁹⁴, whose ability to combat discrimination is limited due to its lack of independence from the government.

9.4 The spread of “fake news” about immigration fuels xenophobia, and hate speech on social media platforms has increased.⁹⁵

⁹⁰ A/HRC/28/4/Add.1 - Para. 1, recommendations 145.34 (Togo), 145.26 (Malaysia), 145.27 (Bulgaria), 145.28 (Chad), 145.29 (Indonesia), 145.30 (Bahrain), 145.31 (Chile), 145.32 (Morocco), 145.33 (Democratic Republic of the Congo), 145.35 (Portugal), 145.36 (Senegal).

⁹¹ UNAR, “Relazione al Parlamento - Anno 2022”, available at: <https://www.unar.it/portale/documents/20125/51622/Relazione+UNAR+al+Parlamento+-+anno+2022+con+all+egati.pdf/0b0c3be0-1b9a-d860-0531-8861ab591eff?t=1704387763269>; OSCAD, “Dati sulle segnalazioni 2010-2022”, 2023, available at: https://www.interno.gov.it/sites/default/files/2024-03/monitoraggio_oscad_1.pdf.

⁹² Information about the antidiscrimination actions promoted by ASGI are available here:

<https://www.asgi.it/tematica/discriminazioni/>

⁹³ Camera dei Deputati, “Relazione finale della Commissione “Jo Cox” sull’intolleranza, la xenofobia, il razzismo e i fenomeni d’odio, 2016, available at:

https://www.camera.it/application/xmanager/projects/leg17/attachments/uploadfile_commissione_intolleranza/files/000/000/001/RELAZIONE_FINALE.pdf.

⁹⁴ A/HRC/28/4/Add.1 - Para. 1, recommendations 145.87 (India), 145.89 (Uruguay), 145.88 (Pakistan), 145.86 (Sierra Leone), 145.85 (Chile).

⁹⁵ Amnesty International, “Conta fino a 10: Barometro dell’odio in campagna elettorale”, 2018, available at: <https://d21zrvtkxtd6ae.cloudfront.net/public/uploads/2018/02/16105254/report-barometro-odio.pdf>.

Recommendations

- Strengthen mechanisms to combat racism, racial discrimination, xenophobia, and intolerance; establish systematic data collection to monitor racist discrimination, violence, and hate speech;⁹⁶
- Strengthen the UNAR's mandate by making it an independent authority;
- Combat racist statements in political discourse to prevent associating migrants with insecurity and unemployment;
- Define a new national plan against discrimination and racism, following the European Action Plan Against Racism (2021),⁹⁷ and allocate sufficient resources;⁹⁸
- Raise awareness among media, especially online, to prevent hate speech and defamatory reporting;⁹⁹
- Enhance education and awareness activities to prevent discrimination and racism, especially targeting youth and schools.
- Incorporate Italy's colonial history into school curricula to address the colonial dimension of racism.
- Ensure effective social and legal protection for discrimination victims by reinforcing national and regional anti-discrimination networks and involving racialized communities.
- Address intersectional discrimination affecting migrants, refugees, and those with immigrant backgrounds;¹⁰⁰ and
- Counter antisemitism and Islamophobia online and offline.

⁹⁶ A/HRC/43/4/ - Conclusions and recommendations 148.86 (Cyprus), 148.88 (Ecuador), 148.90 (Greece).

⁹⁷ European Commission, "EU Anti-racism Plan 2020-2025", available at: https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/eu-anti-racism-action-plan-2020-2025_en.

⁹⁸ A/HRC/43/4/ - Conclusions and recommendations 148.65 (Costa Rica), 148.67 (Bahamas), 148.68 (Bolivia).

⁹⁹ A/HRC/43/4/ - Conclusions and recommendations 148.91 (Guyana), 148.102 (Philippines).

¹⁰⁰ A/HRC/43/4/ - Conclusions and recommendations 148.284 (Netherlands).