
Statement to the Human Rights Committee on Italy

BY MS. CORALLINA LOPEZ CURZI, CILD

Madam Chairperson,
Distinguished Members of the Committee,
Distinguished Delegates,
Ladies and Gentlemen,

Allow me first to express my organization's deep appreciation to the Committee for giving us the opportunity to present our observations on Italy. I would like to draw your attention to 5 priorities.

Immigration detention and forced returns

The new law decree on immigration requires specific scrutiny as it further restricts human rights provisions for those affected. In fact, it quadruplicates the capacity of the immigration detention system; further strengthens the identification obligation, with the possibility of detention for those who refuse to be fingerprinted; and eliminates the appeal against the denial of asylum requests. Furthermore, concerns remain over forced returns in violation of the principle of non-refoulement. A case against Italy for the forced mass return of Sudanese nationals is now at the attention of the European Court of Human Rights.

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CILD therefore asks Italy to refrain from expanding the system of administrative detention of third-country nationals, using detention of third-country nationals only in extrema ratio. It is also necessary to ensure that bilateral and multilateral agreements with countries of origin or transit guarantee the full respect of human rights as well as strict compliance with the principle of non-refoulement. Any bilateral agreement lacking adequate human rights protection should be immediately suspended.

— The criminalization of torture

Torture is still not a crime under Italian law, despite the fact that the Italian government has repeatedly pledged to finally fill the vacuum. CILD therefore demands that Italy incorporate without any further delay the crime of torture into the Italian Criminal Code in compliance with Art. 1 of the UN Convention against Torture.

— Equality

A milestone in the struggle towards the legal recognition of same sex-couples was set in 2016 with the long-overdue adoption of a civil unions bill. However, its restrictive adoption provisions for same-sex couples still deny children the legal protection and security they deserve. CILD thus calls on Italy to adopt legislation allowing so-called “stepchild adoption”.

— Anti-discrimination and hate speech

The current Italian anti-discrimination framework does not provide for effective measures to tackle this deep-rooted and widespread phenomenon, which especially targets the Roma, non-citizens and the LGBTQ community. A new law has been stuck in Parliament for more than three years.

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In addition, the impact of the National Office Against Racial Discrimination (UNAR) has so far been limited due to its lack of independence and power to impose sanctions.

CILD asks the Italian government to adopt the law on homophobia as well as to take all the necessary measures to guarantee the independence of the National Office Against Racial Discrimination (UNAR).

— Treatment of persons deprived of their liberty

While saluting the functioning of the National Preventive Mechanism, a number of critical issues remain with regard to the treatment of persons deprived of their liberty. Furthermore, pretrial detention and solitary confinement remain widespread and problematic. CILD thus asks Italy to finally reform its penitentiary law, in particular considering the need to guarantee specific rules and rights for foreigners, to limit the use of solitary confinement for adults while banning it altogether for juveniles, and to reduce the use of pre-trial detention.

In conclusion, Madam Chairperson, I once again would like to thank the distinguished members of the Committee for including us in the dialogue. I thank you all for your kind attention.