



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

**Seventh periodic report submitted by Italy under
article 19 of the Convention pursuant to the
simplified reporting procedure, due in 2021* ****

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* The present document is being issued without formal editing.
** The annexes to the present report may be accessed from the web page of the Committee.



Reply to paragraph 1 of the list of issues (CAT/C/ITA/QPR/7)

1. Negotiation to revise Italo-Libyan MoU, dated February 2017 is underway, in order to define a new framework for migration cooperation with Libya under strengthened adherence to IHRL and IHL, by also promoting a greater role of coordination and intervention of International Organisations, starting with UN and CSOs.
2. For the monitoring of the Centres as well as for cases, please refer to the information below.

Reply to paragraph 2 of the list of issues

3. Law 110/2017 introduces the crime of torture in Articles 613-bis and 613-ter, Criminal Code (c.c.).
4. Compared to Article 1 of UNCAT Convention, the national provision has a broader scope. The commission of the offence by a public official or a person in charge of a public service, precisely because of the greater seriousness of the conduct, is provided for as an aggravating circumstance in paragraph 2, and is punished with a higher penalty: from five to twelve years' imprisonment.
5. Further aggravating circumstances are provided, including life imprisonment if the conduct results in the victim's death as an intended consequence. As for the latter, Article 157, last para., c.c., applies and the statute of limitations does not extinguish the offence. For the other aggravated circumstances, pursuant to Articles 157 and 161 c.c., the maximum limitation period is: when very serious bodily harm results from torture, 22 years and 6 months; when death results as an unintended consequence, 37 years and 6 months. Following the amendment to Article 159, c.c., introduced by Law 3/2019 (in force since 1 January 2020): the statute of limitations remains suspended from the pronouncement of the judgment of first instance until the date of enforceability of the judgment defining the case.
6. Law 110/2017 also introduces the offence of inciting a public official to commit torture. It also provides in Article 4(2) for extradition in cases of torture, besides amending Article 191, of the Criminal Code of Procedure (acronym, c.c.p.) (Please refer to reply 26 below). Moreover, Article 4(1) excludes diplomatic immunity for foreigners subject to criminal proceedings or convicted of torture in another State or by an international court, to be extradited for.

Reply to paragraph 3 of the list of issues

7. As for NHRI's establishment, a lively debate is ongoing in the Parliament. Relevant Bill is under examination at First Committee of the Chamber of Deputies, following the merging of two previous Bills. By recalling the above Text (*Testo Unificato*), Italy's Minister of Foreign Affairs and International Cooperation recently indicated the need to expedite the path leading to a NHRI.
8. At the end of 2020, Italy significantly intervened on the matter enacting a law that considered some observations proposed by the National Guarantor (hereinafter, NPM) pursuant to Article 19(c) OPCAT. This Law defines the National Guarantor as the only NPM for Italy, thus modifying the overall structure of the NPM network as considered in 2014. This designation of the NPM has entailed the definitive exclusion from its composition of the local Guarantors (regional and sub-regional), who have become the recipients of delegated powers on specific issues by the NPM (only on matters related to the deprivation of liberty and migrant persons, and the deprivation of liberty in the field of social and health care assistance), and when particular circumstances occur. Nevertheless, the local Guarantors maintain their characteristic of being institutions spread nationwide, guaranteeing the rights of persons deprived of liberty in cooperation with the NPM.
9. This new arrangement has thus strengthened the functional, structural and financial organisation of the NPM that meanwhile completed the selection of its Office's staff, supplementing it with external experts and further strengthening its accounting autonomy. The above Law, to highlight that the NPM's powers since the outset have covered all de jure and de facto areas of deprivation of liberty, modified the name of the NPM Institution by eliminating the specific reference to criminal detention.

10. The independent control activity of the NPM is based on guidelines, constantly seeking cooperation and dialogue, locally and centrally. The results of this activity are primarily translated into: formal interchange with the Authorities concerned, relevant to the persons deprived of liberty; annual reports to the Parliament; observations on existing or draft legislation - in compliance with Article 19(c) OPCAT; reports on conducted visits, and recommendations, which constitute the established “elementary” standards by the NPM; and the follow-up to reports and complaints received by the NPM. Moreover, the NPM has reflected this approach in courses and training activities; MoUs; European projects, and projects with third sector.

11. Particularly intense was the submission of proposals and observations on existing and draft legislation addressing the NPM’s area of applicability:

(a) The NPM’s consultations on migration and administrative detention, concerning: (1) Decree-Law 113/2018. The Parliament positively considered two observations and consequently amended the text by introducing in the final version, approved by Law 132/2018, the mandatory nature of the judicial validation in case of forced removal of third-country nationals (deferred rejection); and recognising the NPM’s independent monitoring in places where fingerprinting and initial screening of migrants just arrived on Italian territory takes place - i.e. the ‘Hotspots’ - and on the governmental Centres of First Reception. (2) Decree-Law 53/2019 (converted into Law 77/2019) and (3) Decree-Law 130/2020 (converted into Law 173/ 2020);

(b) NPM’s hearings on criminal detention in: Legislative Decrees concerning the reform of the Penitentiary Law. Prior to their passage to the governing body, the outlines of the legislative decrees were forwarded to the NPM that gave opinions on: prison health; simplification of procedures; and prison life. On 2 October 2018, three measures with the force of law were issued, which, although only partially implementing the delegation-law, they contain in their preamble an acknowledgement that NPM was consulted;

(c) NPM’s hearings on deprivation of liberty and Police on the experimental introduction in Italy of the TASER device as ordinary equipment in use by Police. NPM reiterated the absolute prohibition of the use of this device in places and situations where the use of weapons, of any kind, is prohibited, such as penal institutions or administrative detention centres for migrants;

(d) In 2020, NPM inaugurated *amicus curiae*; and had reserved correspondence with Public Prosecutor’s Offices, also by presenting its position as offended person and by requesting information on pending criminal proceedings.

12. Article 3 of the Self-Regulatory Code explicitly states that NPM exercises its mandate freely by conducting unannounced visits to any locations, independently and without any interference from public Authorities.

13. The exchange of views with Authorities, access to all documents as well as the free and private discussion with individuals are established.

14. NPM’s reports, following its visits, sent in first place to competent Administrations and subsequently published on its website - after allowing those Administrations a predetermined period of time, normally corresponding to 30 days to provide a reply - together with the Administrations’ replies, contain observations and recommendations to improve the overall protection of the rights of persons deprived of their liberty, in a cooperative spirit. Moreover, the monitoring of forced returns by NPM is not limited to the verification of the operational phases, but also extends from pre- to post-return.

15. The NPM paid particular attention to possible risks of *refoulement*. On several specific occasions, NPM has reminded Authorities to respect human rights of persons under return order who are exposed to a risk of ill-treatment in the country of return: in many cases, the warning recommendations were accepted and the procedure suspended.

16. The Asylum Migration Integration Fund, AMIF (in Italian, FAMI), National Programme, in line with Directive 2008/115/EC, provides for the implementation of a monitoring system of forced returns.

17. AMIF Responsible Authority identified NPM as the appropriate body for the implementation of a national forced return monitoring system. The project “Implementation of a forced return monitoring system” is in continuity with previous intervention by NPM, always under AMIF 2014-2020, for the years 2017-2020 - given the satisfactory outcome in terms of number of operations monitored (having carried out 1,566 monitoring compared to the originally expected value of 1,000).

18. To reach AMIF target, i.e. 3,000 monitored removal operations, a new NPM’s project, funded on 21 September 2020, was approved and is ongoing. Besides monitoring 1,554 forced return operations, this project also provides training for the staff involved in monitoring. Through the implementation of the monitoring system, the aim is to ensure that forced returns take place by respecting human dignity of those subjected to removal orders and in full compliance with fundamental rights. Project implementation, started on 7 October 2020, will end on 30 September 2022.

19. During the period under consideration, regarding deprivation of liberty in the context of healthcare facilities (Residences for the Execution of Security Measures, in Italian, REMS); healthcare facilities (Psychiatric Service for Diagnosis and Treatment – in Italian, Spdc) where the Compulsory Health Treatments (in Italian, Tso) are practiced; and socio-healthcare and assistance facilities (Rsa, Rsd, Rehabilitation Centres for the elderly/disabled)), NPM issued six reports on periodic visits in six regions; a regional thematic report on ‘health protection’; a report on an ad hoc visit to an Spdc; and a letter-report on a case of death in a Spdc. NPM also published on *strictu sensu* penal sector: two thematic reports on High Security Sections 2 (As2) and the special detention regime pursuant to Article 41-bis of the Penitentiary Law; seven reports on ad hoc visits to penitentiary institutions for adults and juveniles.

20. NPM’s body of recommendations concerning deprivation of liberty within the framework of the Police refers to five reports on periodic visits in five regions. At the end of the visits, NPM formulated specific recommendations concerning the respect for physical and psychological integrity and the guarantee of a dignified stay, even if limited in time, of the person under arrest/apprehended (see NPM’s website). Through the complaints received, NPM further controls the modalities of execution of the measure restricting personal liberty. Over time, these recommendations have enriched the soft law developed by NPM, often making visible a submerged unease, which, although not requiring a purely jurisdictional intervention, reveals significant profiles.

21. Of relevance is Decree-Law 130/2020, introducing the possibility for foreigners in detention to address oral or written requests or complaints, even in sealed envelopes, to the NPM and regional/local Guarantors, concerning the treatment suffered in the places where they are detained.

22. With regard to visits, please refer also to reply 19 below.

Reply to paragraph 4 of the list of issues

23. No updates concerning security rooms’ regulations located in Police’s Offices is to be reported. Circular by Public Security Department (DPS)-Ministry of the Interior, dated 25 June 2001, aimed at giving unitary regulation to the sector, identifies in the Anti-Crime Division, the branch of the Police Headquarters, within which to include the security rooms and the relating management.

24. Subsequent Circulars addressed to the Police Headquarters recalled (most recently in 2016) the strict observance of the regulations on detention or temporary detention in the security rooms, including the levels of security and decorum of the premises, the correct use of the “Register of persons detained in the security rooms”, the delivery of the “Letter of the rights of the person arrested or apprehended” (drafted in several languages), with the recommendation of the strictest compliance with the legislation in force in any Police’s premises.

25. As for vigilance and custody, the aforementioned Department’s Circulars refer to measures of the single Questors to identify the vigilance personnel and recommending the

recourse, only in a purely residual and limited way, to the units that have conducted the relevant investigative police's activities.

26. By recalling previous reporting concerning overview on legal safeguards to prisoners, as per Art.69, para. 2 of the Decree of the President of the Republic 230/2000, at first entry into prison each prisoner or internee is given the Charter of rights and duties of prisoners and internees, containing the indications of rights and duties, facilities and services intended for him/her, as provided also in the most common languages.

27. At first entry into prison, each prisoner is registered at Registration Office where personal and legal status-related data is collected. S/he is also subject to medical examination by the physician of national healthcare service on duty at such prison. Prisoners have the right to inform their family members, whether they come from liberty or are transferred from another prison.

28. The legislator has expressly provided that the accused person in pre-trial detention, the person caught *in flagrante delicto* and the person arrested have the right to speak with a lawyer from the imprisonment's start. Interviews between prisoners and their lawyers are carried out under visual but not audible control of the penitentiary police staff in proper indoor rooms.

29. Imprisoned foreign nationals have the right to be assisted free of charge by an interpreter, to understand the charge against and to follow the completion of the acts in which they participate. Similarly, those not understanding Italian language are entitled to relevant documents' translation into the language known or, failing that, into English, French and Spanish, to ensure full exercise of their right of defence.

30. The assignment of prisoners to a detention wing is carried out according to a risk assessment procedure considering the offence committed, the personal and healthcare data resulting from the first entry interview. Besides, Article 14, para.3 of the Penitentiary Act expressly provides: "The assignment of convicted persons and of internees to single institutions and their grouping into wings of each institution shall be prepared with particular regard to the possibility of carrying out a common rehabilitation programme and the necessity of avoiding mutual bad influences."

31. As regards health-related safeguards, by Decree of the President of Ministers' Council, dated 1 April 2008, all healthcare functions carried out by Ministry of Justice have been transferred to National Healthcare Service. Following such reform, Regions provide healthcare in prisons. Prisoners are also entitled to prevention, diagnosis, care and rehabilitation services provided at the same basic and uniform levels of assistance as nationals in a state of freedom.

Reply to paragraph 5 of the list of issues

32. The National Strategic Plan on Male Violence against Women 2017-2020 aims at a comprehensive and multidisciplinary response to women victims of violence's needs: always ensuring intervention by central, local institutions and third sector besides strengthening the support network to women beneficiaries of assistance (territorial services, anti-violence centers and shelters – see Annex 1), in order to: establish an integrated data-collection and processing system; raise awareness on GBV and educate younger generations; train operators supporting the women concerned.

33. Two bodies have been entrusted to draft an Operational Plan of the above actions: the Control Room, to define the governmental strategy; the Technical Committee, for the preparation of Operational Plan-related proposals, upon Control Room's direction. This Plan, flexible and dynamic, indicates concrete actions to implement the Strategic Plan. It also indicates the financial resources declared by central and local Administrations to this end, making them consistently responsible. It is ongoing the assessment about new emergency facilities and shelters.

34. As for the territorial structures for victims of violence, there are 286 shelters in Italy and 342 anti-violence centres, also mainly located in the Centre-Northern areas.

35. As for the funds to strengthen territorial services' network, the Decree of the President of Ministers' Council, dated 13 November 2020, recently allocated €28million. Additional €6million are allocated in line with the above Operational Plan. Moreover, resources from the Equal Opportunities Fund have been increased by €1million, starting from 2020, to strengthen rehabilitation centres for male perpetrators (Law-Decree 104/2020).

36. Of relevance are the following allocations:

- €4million by Budget Law 160/2019 – “Extraordinary action plan against sexual and gender-based violence”;
- €3million per year, for 2020 and €2million for 2021 and 2022, financed by Law-Decree 4/2020 as amended by Budget Law 178/2020 – “Fund for freedom income for women victims of violence”;
- €2 million per year for the period 2021-2023, by Budget Law 178/2020 – “Fund for operational and management costs of associations that carry out activities against discrimination and gender-based violence”.

37. Due to the pandemic, the Government had already decided to expedite resources' mobilization to Regions by President of Ministers' Council Decree, dated 2 April 2020. As for measures for the better functioning of anti-violence centres and shelters during Covid-19, recent activities, promoted by the Department for Equal Opportunities (hereinafter, DEO), include: (a) awareness-raising campaign concerning anti-violence centres and how to join them; (b) social campaign for women victims of violence during the emergency; (c) A €5.5 million Call for the financing of urgent interventions to support shelters and anti-violence centres in relation to Covid-19 emergency.

38. After an initial meeting with CSOs (March 2021), in April 2021 the Minister for Equal Opportunities and Family convened the above Control Room, to illustrate the roadmap towards a new relevant Plan, also through the launch of technical WGs and focus on resources for anti-violence centres and shelters, for 2021 (30 million Euros).

39. Following the joint report by ISTAT and DEO on GBV during the pandemic, the Control Room started discussion on the above draft Plan, which reflects Istanbul Convention's foundations and will be linked with the National Strategy on Gender Equality, the National Plan for Recovery and Resilience, and with all actions to promote women's empowerment.

40. The intervention strategies on GBV adopted, over the years, by the DPS have been reflected in many initiatives, which have positively impacted on the organisational structure of the State Police. The Inter-Ministerial Decree, dated 19 April 2017, confirms the competences of the Central Anti-Crime Directorate, on coordination of prevention and fight against criminal phenomena, including GBV, as implemented through its internal articulations:

- Central Operational Service, set up in 1989, to combat organised crime and tasked with coordination and support for the investigations by local investigation units, within which there is a Section dedicated to combating VAWC;
- The Territorial Control Service mandated to manage general prevention and territorial control. It coordinates innovative reporting tools, such as the YOUNPOL APP;
- From 27 March 2020, YOUNPOL APP - active since 2017 for bullying and drug dealing - allows direct request for assistance to Police Headquarters for GBV - an alternative communication channel to the traditional, emergency numbers. YOUNPOL APP can be activated on smartphones, tablets and computers and the messages are automatically geo-referenced. For those who do not wish to register and provide their data, reporting anonymously is possible;
- Scientific Police Service supporting investigations thanks to its experts in biology, chemistry, physics, fingerprints, forensic medicine and more. It operates nationwide, through its inter-regional, regional and provincial offices;
- Central Anti-Crime Service, established by Ministerial Decree dated 19 April 2017, is responsible for development of preventive measures and analysis of criminal

phenomena. It is the reference point for Anti-Crime Divisions of Police Headquarters, to return full centrality to the prevention action of the Public Security Authorities, carried out through intervention on the social dangerousness, including of those responsible for GBV. This Service is in charge of inter-institutional and international cooperation on crime prevention and fight against crimes, including GBV and vulnerable victims.

41. By Circular, dated 5 July 2018, by the Chief of Police, indications have been provided on the organization of the Anti-Crime Divisions, to reinforce their strategic-operational support to the Provincial Public Security Authority, by dividing them into “macro-areas” of competence, among which one to be dedicated to “minors and vulnerable victims”.

42. As for prevention, the warning measure (*ammonimento*) that the Police commissioner (*Questore*) can adopt is fundamental. Besides the obligation to inform the victim about anti-violence centres and to put him/her in contact with them, both in the case of stalking and domestic violence, the *Questore* informs the warned person about the possibility of undergoing a prevention programme organised by the local social welfare services. Many Police Headquarters have taken the initiative to guide the warned person towards effective re-education.

43. In 2018, Milan Police Headquarters and CIPM signed Zeus Protocol on Stalking and Maltreatment, to detect conducts at risk. The *Questore*, having warned the subject, ‘formally invites’ him/her to contact CIPM operators to access, on a voluntary basis, a free course of reflection on his/her behaviour. Other similar agreements have led several Police Headquarters (27 throughout Italy) to establish collaborations with specialised Centres for ‘perpetrators’. To spread this good practice, the Central Anti-Crime Directorate is a stakeholder of the European Project “ENABLE - Early Network-based Action against abusive Behaviours to Leverage victim’s Empowerment”, of which CIPM is project leader (started in January 2021, it will end in January 2023). Among the 13 Police HQs. that started the Zeus Protocol, a check of the results obtained confirms its validity: only about 6% of the warned persons who undertook voluntary treatment were found to have reoffended, a percentage that dropped to 4% in Milan.

44. Between May-June 2021, multidisciplinary training seminars were attended by 40 officers from 12 Police Headquarters. 9 Police HQs. signed/renewed the Zeus Protocol with the ENABLE Project partner Centres and Associations.

45. In March 2021, the inter-force App SCUDO was activated nationwide, allowing the consultation of data - thus integrating the multimedia and information systems used by the Police – besides allowing to highlight previous interventions of units vis-à-vis victims of dispute or violence, even in cases when no previous complaint has been filed.

46. On 25 February 2021, to strengthen the preventive strategies, Circular 0019497 was issued to indicate to the Police Headquarters to anticipate the threshold of violence prevention. The *Questors* were, inter alia, involved to initiate contacts with the competent Offices of the Department of Penitentiary Administration-DAP, to establish effective collaborations with Prisons’ Directorates, so that they are informed, with adequate prior notice, on the date of release of the prisoners for the crimes provided for by Art.659 c.c.p., who, by reason of their residence or domicile, are presumed to return to the territories of their respective competence.

47. The Police preventive strategies also go through dissemination of the gender culture and development of awareness-raising campaigns, to be added to the “historical” yearly educational campaigns on education to legality in school.

48. The campaign “This is not love”, since 2017, has become a permanent initiative developed by the Police Headquarters, to inform and help emergence of cases of violence, by offering victims the contacts with specialised personnel - aware of how important it is, in cases of domestic and/or witnessing violence, to break the isolation and find the courage to speak out. This campaign foresees the presence in the squares, of a team consisting of a doctor/psychologist – from the Police or Anti-Violence Centres –, experienced operators (from the investigative units, Anti-Crime Division, U.P.G.S.) and a representative of the local Anti-Violence Network. The Central Anti-Crime Service is developing the 5th edition of the

booklet “This is not love”, to be disseminated during the International Day against VAW-2021.

49. From July 2016 until February 2020, approximately 136,000 contacts were recorded.

50. In view of the events planned in 2020 and 2021, the Central Anti-Crime Service produced *inter alia* a bookmark dedicated to this campaign, together with brochures (www.poliziadistato.it). The fourth edition of the booklet was published, on 25 November 2020, in line with the above-mentioned Operational Plan. A leaflet translated into several languages (including Chinese) was also produced, and distributed to Police Headquarters through the dedicated portal. On 25 November 2020, due to the restrictions caused by Covid-19, the campaign saw the implementation by the Police Headquarters of 87 “remote” initiatives: 87 events, conducted in cooperation with local institutions and associations, also involving schools.

51. Strengthening the multidisciplinary training of operators is crucial in any strategy and is an area to which the activation of a School of Investigation in Nettuno is linked.

52. The #Real Security campaign has also been launched to increase women’s safety, by identifying new effective ways to increasingly spread gender culture, among women. This campaign will run until 2023 through meetings, training, and awareness-raising events that will involve FIPE member entrepreneurs and the Police. With the opening of the current school year, specific initiatives will be developed in hotellerie schools, too.

53. Within the 2017 MoU signed by DPS and DEO, in March 2019 the course, “The warning measures of the *Questore*”, dedicated, *inter alia*, to the warning - including the warning for cyberbullying - and the reception of the victim, took place at Superintendents Institute in Spoleto, in which 110 operators of the Police Headquarters participated. The Central Anti-Crime Directorate, by the scheduling of specific mandatory courses, has given new impetus to ensure timely training of personnel carrying out public security and judicial police functions, pursuant to Law 69/2019 (“Red Code”).

54. The Police Headquarters have planned training events, including “stages”, as initiated at Rome Police HQs. at the Specialised Section of the Investigative Units on VAWC, for all the referees of the peripheral Offices (Police stations), to establish a “network” of specialised personnel in each articulation of the Police Headquarters. In January 2020, the e-learning modules on GBV were defined, for the general refresher of Police (available on SISFOR platform). In January 2021, the e-learning module on GBV - drafted in 2018 for refresher courses - was also revised.

55. Furthermore, within the above DEO/DPS MoU, 2 protected listening rooms were established in 2018 at Trieste and Caltanissetta Police Headquarters. On 25 November 2020, a MoU was signed by the Chief of Police and ‘Soroptimist International’ to promote the project ‘A room of one’s own’ aimed at: encouraging victims of violence to turn to the Police; spreading dedicated places. *Inter alia*, this MoU envisages the promotion of educational training and dissemination-related initiatives. Several rooms for protected listening have already been established at various Police Headquarters, also in cooperation with CSOs.

56. Following indications on the new operational practices on GBV (September 2019 and February 2021), another Circular was issued on 18 September 2021, to prevent and address also the Provincial Committee for Public Order and Security.

57. The DAP carries out training initiatives on GBV, centrally and locally, to provide all staff on duty with an overview of all relevant aspects in the execution of the sentence - to be adopted also to reduce recidivism. GBV (with focus on perpetrators) has been the subject of initiatives based on the research/intervention methodology (See the training path under European Union PR.O.T.E.C.T.). The aim is an operational model for the treatment of sex offenders.

58. A specific update, including in English, on GBV is available on ISTAT’s website. As for data, of relevance is the following:

(SDI/SSD source)

<i>Crime</i>	<i>Committed in 2019</i>	<i>Committed in 2020</i>
Stalking	16 065	16 744
Family maltreatment	20 850	21 709
Sexual violence	4 884	4 497

(See Annex 2)

Reply to paragraph 6 of the list of issues

59. Since the end of 1990s, programmes for detection, assistance and social integration of THB victims have been activated. These services address people at risk or those experiencing THB and serious exploitation, who get assistance and protection. These programmes, financed by the DEO, are entrusted to public sector or private social organisations.

60. Among the residence permits, the one for ‘social protection’ is issued in accordance with Article 18 TUI, for victims of trafficking who take part in DEO-funded assistance and social integration projects.

61. The last assignment of financial resources, through Call for Proposals 3/2018, financed 21 projects, of which 11 by local Institutions and 10 more by relevant NGOs, for a total amount of €24 million, covering the period 1 March 2019 - 31 May 2020. As this deadline approached, given Covid-19 persistence, the DEO introduced adjustments. Taking into account the dynamics of trafficking vis-à-vis confinement measures, the DEO extended projects until 31 December 2020, with a 7-month paid allowance corresponding to over €11million. This was further extended until 30 June 2021, with about €10 more million.

62. The DEO also prepared a new Call, dated 1 July 2021, also to better respond to operators’ needs.

63. The DEO has been promoting and financing a toll-free number for over 20 years, to collect reports from potential THB victims. Also for 2020, through an institutional agreement, this Department entrusted the management of the National Anti-Trafficking Helpline (800.290.290) to the Municipality of Venice, thus confirming a long-standing partnership. This assistance service is provided by linguistic-cultural mediators covering all most common foreign languages. The Anti-Trafficking National Action Plan 2016 - 2018 acknowledged the Anti-Trafficking Helpline’s activity as a systemic action to facilitate interventions for THB victims and victims of serious exploitation.

64. Data by Anti-Trafficking Helpline for the year 2020 - available on DEO’s website -, shows increase in inbound calls (5,510 in 2020, compared to 3,802 in 2019), due to a considerable number of reports for help/guidance, owing to the pandemic. Operators provided advice on the most appropriate services (e.g. the toll-free number 1522 on GBV; the toll-free number against racial discrimination 800901010; the toll-free number for child emergencies, 114). However, an attentive analysis shows that, compared to the previous year, there has been a decrease in in-bound calls reporting cases of potential victims of trafficking or serious exploitation by private social organisations, law enforcement agencies, social and health-care services, and private citizens.

65. Compared to 1,452 calls in 2019, during 2020 the anti-trafficking hotline received 1,226 in-bound calls. This figure was probably influenced by governmental lockdown measures, which led to a reduction in prostitution, forced begging and illegal street economies. This convinced the Department to modify planned actions, in order to guarantee available services and reception from remote, besides setting primary help for victims and their children.

66. The National Anti-Trafficking Helpline is also responsible for managing the System for the Collection of Information on Trafficking (SIRIT), being essential for the monitoring of cases, thus allowing to fully comply with data collection and analysis pursuant to EU Directive 36/2011. Data collected and processed by SIRIT (available on DEO website) are fed with periodical information from 21 national anti-trafficking projects.

67. In particular, the Anti-trafficking Helpline provides data on activities aimed at assessing trafficking and/or serious exploitation's conditions and the willingness of the person to join a social protection programme. Figures, referring to 'new assessments' for 2020, mark reductions: 2,054 compared to previous year (3,624). The figure dropped in March and autumn due to the lockdown and rose again during the summer.

68. New victims applying for shelters and who benefited from assistance in 2020 also decreased to 691, from 812 in the previous year. This reduction is to be explained by the decreased attractiveness of an anti-trafficking system that has seen job opportunities strongly reduced. However, despite these difficulties, 2,040 were the 'assisted persons' in 2020, i.e. those who benefited from social inclusion programmes focusing on literacy, vocational training, job placement, regularisation, legal support and housing search.

69. The figures below highlight Government's continued commitment to prevention and protection and their progressive adaptation to changing social and economic conditions following Covid-19 outbreak.

	2018	2019	2020
New assessments	N/A	3 624	2 054
Persons taken charge	820	821	691
Assisted persons	1 914	2 078	2 040

70. In March 2020, the Minister for Equal Opportunities and Family convened the Control Room on THB, including Ministries, Police Forces and the Regions Conference, together with National Anti-Mafia and Anti-Terrorism Prosecutor, to take stock of past experiences, besides re-establishing Technical Committee and planning the new Strategic Plan. Furthermore, an ad hoc WG was established to reinforce collaboration on data-collection. The above body met virtually also, on December 17, 2020, when the preliminary background of the forthcoming National Anti-Trafficking Plan was defined.

71. Accordingly, the new National Strategic Plan will be based on the following priorities, especially: improve reliability and availability of data on trafficking, as a prerequisite for proper monitoring of trafficking and better policy-making; intensify actions to address trafficking for sexual exploitation, forced marriage, begging, forced crime, trafficking in human organs and skins, sale of pregnant women infants, with focus on labour exploitation; address trafficking within new migratory crisis; intensify training of relevant professionals; combat impunity; strengthen efforts to prevent trafficking in children; further measures to improve the identification of trafficked persons; facilitate and ensure access to compensation for victims; improve the efficiency and effectiveness of investigation and prosecution.

72. The Ministry of Justice undertook a statistical survey by comparing the statistics of the year 2020 with the year 2019's, on trafficking (Articles 600, 601 and 602 c.c.), and illegal brokering and exploitation of labour, commonly known as "*caporalato*" (Article 603bis c.c.), aiding and abetting illegal immigration (Ars. 12, 22 of Legislative Decree 286/1998), and exploitation of the prostitution of others (Arts. 3, 4 of Law 58/1975), as offences to prevent slavery and human trafficking.

73. From the analysis of the data recorded in the register of crime reports concerning the conduct punished under Articles 600, 601 and 602 c.c., it emerges that in 2020, 66 proceedings containing the offence of enslavement (Article 600), 52 containing the offence of human trafficking (Article 601) and 6 containing the offence of sale and purchase of slaves (Article 602) were registered with the Public Prosecutor's Offices.

74. The proceedings defined with the exercise of criminal prosecution containing the offence of Enslavement (Article 600) were 34; 28 were those containing the offence of Trafficking in Persons (Article 601) and 4 those containing Alienation and purchase of slaves (Article 602).

75. There were 42 dismissed cases containing the offence of Enslavement (Article 600); 29 were those containing Human Trafficking (Article 601); and 1 containing Alienation and purchase of slaves (Article 602).

76. The number of persons investigated amount to 102, 89, and 9 for the above three offences, respectively; the number of persons prosecuted amounts to 50, 52 and 4, respectively.

77. The comparison with 2019 shows a significant decrease in the number of proceedings registered (from 132 to 66, for Article 600, from 107 to 52, for Article 601, and from 19 to 6, for Article 602). Accordingly, there has also been a reduction in the number of proceedings defined with the exercise of criminal prosecution (from 44 to 34, for Article 600, from 29 to 28, for Article 601, and from 9 to 4, for Article 602), and from 9 to 4, for Article 602) or of dismissed proceedings (from 62 to 42, for Article 600, from 32 to 29, for Article 601, and from 3 to 1 for Article 602), but in a less significant percentage.

78. The analysis shows that in 2020, as for: Illegal intermediation and exploitation of labour, 548 proceedings were registered in the register of crime reports concerning known persons; for aiding and abetting illegal immigration, pursuant to Article 12 of Legislative Decree 286/98, there were 971 proceedings; pursuant to Article 22 of Legislative Decree 286/98, 718 were the proceedings; and for the crime of exploitation of prostitution, 639 proceedings are to be considered.

79. The comparison with 2019 shows a reduction in the number of registrations (from 588 to 548 for Article 603 bis; from 1,078 to 971 for Article 12; from 1179 to 718 for Article 22; and from 844 to 639 for Arts. 3, 4). Except for the offence referred to in Article 603bis, where there is an increase in the proceedings defined with prosecution (from 147 to 151) and of dismissed proceedings (from 105 to 119), for the other cases there is, instead, a reduction in the proceedings defined with prosecution (which go, from 520 to 325 and from 294 to 284 for Articles 12 and 22 of Legislative Decree 286/98, and from 677 to 361 for Arts. 3, 4 of Law 75/58) and in the dismissed cases (from 354 to 302 and from 248 to 168 for Articles 12 and 22 of Legislative Decree 286/98; and from 381 to 311 for Arts. 3, 4 of Law 75/58).

80. The persons under investigation are also decreasing, except for aiding and abetting illegal immigration under Article 12 of Legislative Decree 286/98, where there is an increase from 2,331 to 2,520. As for the sentences of first instance, conviction and acquittal, and persons convicted and acquitted in first instance for all types of offences considered, the comparison of the data acquired for the years 2020 and 2019 shows a downward trend in the number of convictions and convicted persons for all types of offences. The only exception is the offence referred to in Article 602, where there was a positive change in convictions (from 2 to 6) and convicted persons (from 2 to 7).

81. The data relating to second instance sentences shows instead an increase, compared to 2019, of the conviction-sentences issued for trafficking under Article 601 (from 24 to 27); illegal brokering and exploitation of labour under Article 603 bis (from 6 to 13); and aiding and abetting illegal immigration under Article 22 of Legislative Decree 286/98 (from 29 to 34). Accordingly, there has been an increase in second-degree definition activities. The reported trend is confirmed by the growth of the number of persons sentenced for trafficking (from 40 to 52); illegal intermediation and exploitation of labour (from 9 to 17); exploitation of irregular labour (from 31 to 36).

82. It is stable the number of cases for enslavement pursuant to Article 600, although there has been an increase in the sentenced persons (from 39 to 43), and for sale and purchase of slaves pursuant to Article 602. On the contrary, the number of sentences for aiding and abetting illegal immigration pursuant to Art.12 of Legislative Decree 286/98 (from 186 to 136) and for exploitation of prostitution (from 282 to 185) decreased. These data are confirmed by the reduction in the number of convicted persons from 299 to 266 and from 532 to 272, respectively.

Reply to paragraph 7 of the list of issues

83. As for the national legislation on refugees and asylum-seekers, in compliance with Art.19 TUI under no circumstances may expulsion or refoulement be ordered towards a State where the foreigner/asylum-seeker may be subjected to persecution on the grounds of race, sex, language, nationality, religion, political opinion, personal or social conditions, or risk being returned to another State where s/he is not protected from persecution or if there are reasonable grounds for believing that s/he may be subjected to torture or inhuman or

degrading treatment. The existence of systematic and gross violations of human rights in that State is also considered when assessing these grounds.

84. Moreover, the removal or expulsion of a person to a State is not permitted if there are reasonable grounds for believing that removal from the national territory would result in a violation of the right to respect for private and family life, unless it is necessary for reasons of national security or public order and safety. For the purposes of assessing the risk of violation as referred to in the previous sentence, nature and effectiveness of the family ties of the person concerned, his/her actual social integration in Italy, the period of his/her stay in the national territory and the existence of his/her family, cultural or social ties with his/her country of origin shall be taken into account.

85. The recent Decree-Law 130/2020, converted into Law 173/2020, extends the principle of non-refoulement's conditions. The migrant, of any nationality, who applies for international protection in Italy, has access to the relevant procedure, which provides for an initial administrative phase (Territorial Commission for the recognition of international protection) and a second, possibly judicial phase.

86. The principle of non-refoulement is widely assessed and guaranteed. Moreover, when an expulsion measure is issued, the office in charge evaluates the relevance of the case in accordance with the above-mentioned principle pursuant to Art.19 TUI: the migrants' positions are evaluated individually and, in no case, collective repatriations are carried out. The Italian legislation provides for the possibility, for the migrant, to request and obtain the suspension of the effects of the denial of international protection

87. In terms of measures, of relevance are:

- Law 47/2017 on Measures for Protection of Unaccompanied Foreign Minors (UAMs) defines: the absolute prohibition of refouling UAMs; the prohibition of children's deportation – to be adopted only if it does not entail a risk of serious harm; reception to be guaranteed as early as possible to all UAMs within the Reception and Integration System; a national information system for UAMs that gathers all the socio-sanitary, administrative and judicial pathways; legal protection and promotion of family fostering; greater guarantees in the child identification procedure (with the presence of cultural mediators) carried out through a holistic multidisciplinary approach;
- The multidisciplinary protocol for UAMs age's determination, as approved by the Unified Conference, on 9 July 2020, guarantees that in all age assessment procedures the primary objective must be the best interests of the child, besides defining a clear and appropriate procedure for the age assessment of UAMs, with multidisciplinary approach, to be adopted at a national level, consistently with DPCM 234/2016 and Law 47/2017.

88. As for the mechanisms determining UAMs' age being victims of trafficking, President of Ministers' Council Decree 234/2016, entered into force in January 2017 and implementing Legislative Decree 24/2014, introduces new mechanisms for determining the age of UAMs and victims of trafficking.

89. Guidelines on interventions for the care, rehabilitation, and treatment of mental disorders of refugees and persons who have suffered torture, rape, or other serious forms of psychological, physical, or sexual violence, adopted by Decree of the Ministry of Health dated 3 April 2017.

90. Guidelines "Border controls. The border of controls" Health checks on arrival and protection pathways for migrants hosted in reception centres, published in June 2017 as part of the Framework Collaboration between INMP, the Superior Institute of Health and the Italian Society of Medicine of Migration, to produce clear indications starting from the best evidence available in the scientific literature within the Guidelines Programme on health protection and socio-health-care for migrants. This publication addresses social and health-care professionals, health Authorities, and all stakeholders involved in the system of care and reception of migrants and applicants for international protection, to build a care model, based on appropriateness, efficiency, and equity.

91. The above-mentioned Law-Decree 130/2020, which introduced urgent provisions on immigration and international protection also prohibits expulsion in cases of risk of violation of the right to respect for his/her private and family life. It intervenes on the detention of foreign nationals in detention centres for repatriation (in Italian, CPR). Furthermore, it reforms the reception system for asylum-seekers and refugees with the new Reception and Integration System (in Italian, SAI) besides introducing additional services on integration (social and psychological assistance, linguistic-cultural mediation, Italian language courses, and legal and territorial orientation services).

92. As for identification and care of vulnerable cases, from the moment of disembarkation, immediate screening procedures are activated to promptly detect the presence of health cases.

93. In Lampedusa, a USMAF MD and two USCA MD are always present at the time of disembarkation, assisted by humanitarian organisations (UNHCR present on the island with 2 units, Save the Children with 3 units, EASO with 2 units), for the timely identification of any vulnerable conditions.

94. Once transferred to Hotspot, all migrants are examined by Centre's doctor who checks their general health status. Until 30 September 2021, the medical team of Doctors Without Borders was also present to support health screening and identification of specific vulnerabilities (GBV, torture, psychiatric cases, psycho-social vulnerability) with the presence of 1 doctor, 1 nurse, 1 psychologist, 1 cultural mediator. If pathologies requiring treatment are ascertained, the doctor administers the appropriate therapies. If the person's health state requires specialised treatment, the intervention of the doctors of the ASP of Palermo is activated and, if necessary, admission to specialised facilities and transfer by helicopter is evaluated.

95. Like in Hotspots, also in the Reception Centres, the first-entry medical examination and first-aid interventions are always guaranteed, to also ascertain any pathologies that require isolation or specialised visits or a diagnostic and/or therapeutic pathway at public health facilities, besides ascertaining any situations of vulnerability.

96. Reception measures consider the specific situation of vulnerable persons, such as: children, UAMs, persons with disabilities, the elderly, pregnant women, single parents with children, victims of human trafficking, persons suffering from serious diseases or mental disorders, persons for whom it has been established that they have suffered torture, rape or other serious forms of psychological, physical or sexual violence or violence related to sexual orientation or gender identity, victims of female genital mutilation.

97. By Decree of the Ministry of Health dated 3 April 2017, Guidelines was adopted on interventions for the care, rehabilitation and treatment of mental disorders of refugees and persons who have suffered torture, rape or other serious forms of psychological, physical or sexual violence, including any specific training and refresher programmes aimed at health personnel, the application of which is expressly extended to asylum-seekers in reception.

98. To implement assistance and protection for asylum-seekers and beneficiaries of international protection, under a Notice published in 2018 by the Ministry of the Interior, 19 projects (now, 18, since one project was revoked in 2020) on health protection of vulnerable persons were funded through FAMI. Under a different Notice published by FAMI in 2019, 13 more health protection projects were funded for services targeting third-country nationals with mental distress and/or addiction-related pathologies. Both types of projects are implemented in various provinces and will end by 30 June 2022.

99. The Civil Liberties Department (DPLCI)-Ministry of the Interior has financed, with FAMI 2014-2020 funds, the ADITUS project (implemented in collaboration with IOM) and the Support Multi-Action project (in collaboration with UNHCR).

100. The ADITUS project, ended in December 2019, consisted of:

(a) Information at disembarkation/hotspots and identification of vulnerabilities - especially victims of trafficking and UAMs;

(b) Support and capacity-building of UAMs Centres' operators, on trafficking, severe exploitation and family reunification under the Dublin III Regulation;

(c) Training of reception operators on trafficking and severe exploitation;

(d) Support in monitoring reception Centres, under Mireco project. All the above-mentioned activities were carried out in close synergy with the above Department and the other organisations involved, primarily UNHCR.

101. The activities of the above-mentioned project, following those previously implemented by the *Assistance and Praesidium* projects, both co-financed by the above Department, aim *inter alia* at undertaking informational services to migrants arriving by sea, especially “victims of trafficking and UAMs”. This project envisages early identification and assistance for victims of trafficking at both disembarkation and Hotspot; the promotion, among local institutions and first-aid and reception operators, of knowledge on THB and the protection measures provided for by current legislation, as well as on prevention and protection - including psycho-social interventions - for migrants exposed to labour exploitation and other forms of abuse.

102. As for the *Support Multi Action*, this project aims at contributing, through support activities to the competent Authorities, to the definition of standardised procedures for the identification, referral and care of persons with special needs - such as, for example, survivors of shipwreck, torture and extreme trauma, sexual and gender-based violence, single-parent families, persons with disabilities, the elderly, LGBTI - for the general strengthening and standardisation of mechanisms for the management of vulnerable cases.

103. As for children, on 23 December 2020 the Convention by the DPLCI and Save The Children was renewed, whereby the above-mentioned organisation undertakes to support competent Authorities in providing information and immediate support, legal orientation, cultural mediation, and psycho-social support, from the early stages of minors’ arrival in Italy, as well as support to identify the most vulnerable cases. On 8 June 2021, an Agreement was signed by the aforementioned Department and Terres des Hommes Italia Onlus, the latter being committed to providing – upon Prefectures’ requests, until December 2022 – a psychological and psycho-social support service to UAMs and families with children arriving in Italy.

104. Moreover, an operational *vademecum* for taking charge of and receiving UAMs was published on 23 March 2021, to provide indications on the procedures and good practices to be followed in the first stages, following tracking in the territory and disembarkation. The aforementioned new tool was developed by the DPLCI with EASO and collaboration from: the DPS, the SAI, the MOL, UNHCR and IOM. Finally, in June 2021, a WG on vulnerabilities was established, to promote a coordination mechanism for the identification and referral of persons with specific needs and vulnerabilities.

Reply to paragraph 8 of the list of issues

105. The international legal framework for search and rescue operations at sea is set out in Article 98 of the United Nations Convention on the Law of the Sea (UNCLOS), signed in Montego Bay in 1982, and the International Convention on Maritime Search and Rescue (SAR Convention), signed in Hamburg in 1979. These provisions provide, in particular, that each State must identify an area of responsibility within which it is competent to coordinate search and rescue operations at sea.

106. Italy acceded to the above-mentioned Convention by Law 147/1989 and, by means of the subsequent Implementing Regulations set out in Presidential Decree 662/1994, entrusted the Ministry of Transport and Navigation (now the Ministry of Infrastructure and Sustainable Mobility) with the responsibility for implementing the Convention and the General Command of the Port Authority Corps – Coast Guard with the general coordination of maritime rescue services. To this end, the above-mentioned General Command has been identified as the Italian Maritime Rescue Co-ordination Centre (I.M.R.C.C.). Moreover, this Decree identifies the Italian “Search and Rescue Region”, within which, according to the SAR Convention, search and rescue services are provided and SAR operations are coordinated by the above I.M.R.C.C.. This area of responsibility does not extend to the whole Central Mediterranean, as other coastal States have declared their own respective areas of responsibility in this sea area. It is in any case insured by the I.M.R.C., in accordance with the SAR Convention (Chapter III and para. 4.2.3 of the Annex), cooperation with the

Maritime Rescue Co-ordination Centres (MRCC) of other coastal States, especially with neighbouring States, also to promptly provide information about any units or persons in danger of being lost within their respective areas of responsibility and to allow the timely coordination of the search and rescue operation by the competent MRCC.

107. Within the whole area of responsibility, Italy ensures a full and effective capability to provide SAR services, through the deployment of highly specialised SAR units, equipped with specialist personnel, and an effective coordination of SAR operations by the I.M.R.C..

108. The rescue activities coordinated by the I.M.R.C.C. are carried out in full compliance with international and national law, also with reference to human rights, without any discrimination due to the age, gender, nationality, religion, political opinions, etc. of the people in need of assistance. These activities are also carried out by liaising with the competent national institutions on the basis of the national legal system and, in particular, with the Ministry of the Interior.

109. In our legal system, the return decisions concerning Non-EU citizens and the procedure leading to their issuance, as well as that relating to their execution, comply with Directive 2008/115/EC (the so-called Return Directive). As for return-related decisions concerning foreigners who irregularly reach the national territory, either autonomously or as a result of rescue operations, the typical measure is the removal measure (*respingimento*) referred to in Art.10, para. 2, T.U.I.. This measure is applied when the foreigner has entered the territory of the State by evading border controls, and is stopped at the entrance or immediately or when the foreigner, although lacking the requirements for entry, has been temporarily admitted to the territory of the State for public rescue.

110. This is the most recurrent case of “disembarkation” of migrants by sea, both in the case of direct disembarkation and in that resulting from rescue at sea (so-called SAR activity) or interception during operations for the prevention/repression of irregular immigration. As earlier highlighted, also for this type of return decision the case-by-case assessment applies. This assessment also includes the one related to the respect for the principle of non-refoulement, provided for in Art.19, T.U.I. More generally, as for the need to ensure that all expulsion orders are based on an individual assessment, please kindly refer to the above information under reply 7.

Reply to paragraph 9 of the list of issues

111. The Ministry of the Interior has been engaged since 2018 in the implementation of the capacity-building project in favour of Libya, co-financed by the EU, called “Support to Integrated Border and Migration Management”, which sees, among the beneficiaries, also the Libyan Coast Guard (See information above under reply 1).

Reply to paragraph 10 of the list of issues

112. Between November 2017 - October 2021, asylum applications amounted to 200,122. As for the accepted asylum applications in favour of applicants who are victims of torture or potential victims, it is not possible to survey this figure as the National Asylum Commission does not currently have a specific database.

113. Regarding return, it is to be reiterated that the relevant decisions are taken on a case-by-case basis, in accordance with Directive 2008/115/EC and national legislation, without requesting diplomatic assurances from the country of destination. The execution of the return decision implies the need for prior validation by Judicial Authority.

114. CPRs are always used within their capacity limits.

Reply to paragraph 11 of the list of issues

115. As for the extradition procedure, the Italian system provides for a “mixed” model consisting of two phases, whereby the former, judicial-wise, focuses on the guarantee of rights (left to Court of Appeal’s decision), and the latter of an administrative nature, falls within the Minister of Justice’s competence: this stage, in turn, can undergo the control of the administrative Court.

116. Beyond the profiles included in the Criminal Code (Art.13 c.c.; and Arts. 697 et ff. of the c.c.p.) – against which conventional standards do have a derogation effect – the Italian Constitution establishes, in this field, specific limits: it establishes, on the one hand, that the extradition of a citizen is to be allowed “only in cases expressly provided for in international conventions” (Art.26, para.1 of the Constitution); and, on the other hand, that “extradition may not, under any circumstances, be allowed for political crimes, with regard to both the citizen (Art. 26, paragraph 2, Const. and Art.13, para.4, c.c.) and the foreigner (Art. 10, para.4, of the Constitution; see also Art. 698, para.1, c.c.p.)”.

117. Art.698, para.1, c.c.p. is a key principle governing the entire extradition proceedings (extradition shall never be granted if there are reasonable grounds for believing that a defendant or sentenced person will be subject to cruel, inhuman or degrading punishment or treatment, or in any case to actions which violate one of the fundamental rights of a person). This principle shall apply to extradition (“surrender”) proceedings with EU Member States in accordance with Framework Decision 2002 on the European Arrest Warrant (EAW). In EAW proceedings, the Minister of Justice plays no role in deciding on the surrender of the person sought, but administratively assists the competent Judicial Authorities.

118. In compliance with international, regional and supra-national human rights instruments and the relevant EU instruments, including *mutatis mutandis* the Framework Decision 2002 on EAW, it is worth-recalling the European Convention on Extradition, signed in Paris on December 13, 1957.

Reply to paragraph 12 of the list of issues

119. The Police Forces employed in the surveillance of the Centres and the protection of security within these facilities receive adequate professional training as part of the annual programme of such activities. The staff of the Immigration Offices, in charge of the administrative management, including the first identification of migrants, receives specific training on the legislation on immigration and international protection, also through participation in training events organized by organizations such as UNHCR, EASO, IOM; and human rights applies to all organized training cycles.

120. The training offer on human rights provided by OSCAD has been further enriched according to an articulated plan of revision and optimization, implemented in close collaboration with the Central Directorate for Educational Institutes-Ministry of the Interior. In particular (see the information under reply 26), it should be noted that:

121. It has been completed the elaboration of the on-line course for Police consisting of three modules (“What is a hate crime”, “Bias Indicators”, “Vulnerable victims”), within the framework of the project “Facing all the facts” in cooperation with CEJI NGO. The material is available at SISFOR platform, to all Police officers. A training day of general interest, “When hatred becomes a crime”, has been planned for 2021, incorporating the above three modules, jointly with a fourth module on discriminatory ethnic-racial profiling.

122. The training project “Policing Hate Crimes against LGBTI persons” on combating homophobic crimes (ended in March 2021) was implemented, upon CoE’s proposal, in collaboration with CILD NGO, online, in the form of ToT, for 33 units: 18 from Police; and 15 from Carabinieri.

123. As for the training projects addressed to Penitentiary Police, they have always included modules on international and European conventions for the protection of prisoners’ rights and of the relevant national and international monitoring bodies. The training methodology is interactive: the teachers are University Professors, trainers and communication experts. Legality and ethics of professional behaviour is continually recalled with reference to both national legislation (criminal law, prison law) and the Regulations and duties of the Penitentiary Police Corps, and with more specific reference to sanctions provided for in criminal and disciplinary proceedings.

124. As for investigative non-coercive techniques, teachers presenting the topics as per Ministerial Decree, dated 28 July 2017 have the task of educating to the respect of the person, especially in the course of investigation and preliminary investigation and during detention.

125. As for the training offer for Armed Forces, courses envisage IHL and HRL, including UNCAT Convention. Moreover, specific courses in IHL are held for officers of the Armed Forces pursuant to Art.6 of Additional Protocol 1 to the Geneva Conventions. The above courses usually are divided into two parts: theoretical and practical. The former includes international conventions, IL principles and relevant publications; the latter include the development and resolution of cases based on real events in the international scenario. Military personnel in the operational theaters are also, prior to deployment, instructed consistently, including on CAT. Moreover, the Ministry of Defense addresses regulations and directives to clarify and reaffirm UNCAT Convention's principles as transposed into domestic law.

126. As part of the basic training courses: over 7000 military personnel are trained annually in Human Rights. As for refresher training, among the various teaching initiatives, since 2016 at the CoESPU (Center of Excellence for Stability Police Units) in Vicenza and with contribution from Universities (LUISS in Rome, University of Turin and Scuola Superiore S. Anna of Pisa), an in-depth teaching module on HR and IHL provides participants with the necessary knowledge to operate in compliance with international law, both in the contexts of armed conflict and in international peacekeeping missions; training activities are also carried out for personnel to be employed in peacekeeping missions, through courses that also cover protection from GBV, prevention of sex crimes, and children protection.

127. As for the Navy, relevant issues are being discussed in the General Staff Course in line with the current Study Plan (2020 edition) within the Legal Sciences Module. Prohibition of torture is dealt with regard to the individual and international protection of human rights, as well as in addressing prohibition of extradition of a person to another State if there are reasons to believe that in that State s/he risks being subjected to torture. This takes place within the basic training provided by the Naval Academy within the modules of International Law and armed conflicts for students and visitors of all Corps. This area is also considered and discussed (limited to certain categories) within the basic training cycles provided within the International Law modules of the 3rd year Warrant Officer Study Plan in Mariscuola Taranto, as well as the Petty Officer course held at Mariscuola Taranto and in La Maddalena. Moreover, these topics apply to courses organized periodically for those to be deployed abroad.

128. The specialized training of the personnel of the Corps of the Harbour Offices - Coast Guard concerns the acquisition of competences and abilities of an operative type related to the implementation, at various levels, of search and rescue operations. The required aspects can, instead, be traced within the basic training by the Training Institutes of the Navy (on which the Corps depends under the orderly profile), whose programmes, forming part of university training courses, provide for the protection of human rights, the prohibition of torture and inhuman treatment, in line with International and EU Law, International Law of the Sea, Humanitarian Law.

129. As for the judiciary as a way of examples, please refer to Annex 3.

Reply to paragraph 13 of the list of issues

130. As for the permanent training programs for all health-care professionals and health personnel in the penitentiary, there are joint training initiatives on best practices concerning the monitoring of approaches to detained people, with focus on mental health and prevention of the risk to cruel treatment.

131. With regard to training programs for forensic doctors and medical personnel dealing with the detainees, to identify and provide evidence of the physical and psychological consequences of torture and the Istanbul Protocol's application, the Ministry of Health has developed and adopted (Ministerial Decree of 3 April 2017) "Guidelines for planning care and rehabilitation actions as well as for the treatment of mental disorders of holders of refugee status and subsidiary protection who have suffered torture, rape or other serious forms of psychological, physical or sexual violence". This Guidelines was included in the training of regional representatives within the 2020 Footprints project as a prerequisite for the training of health professionals to be deployed in all health contexts concerned.

Reply to paragraph 14 of the list of issues

132. As for the recognizability of the staff of the Penitentiary Police Corps on duty at the detention wings, each staff member shall carry on, by law, his/her uniform his/her own qualification signs of such dimensions as to ensure visibility even from short distances. This is to ensure the exact identification of the police professional. In this regard, at prison secretariats there is a list of daily presence with the indication of the Units where staff members are employed.

133. The table below shows prisoners in prison for the period 2017–2021 (the data of the current year are at 31.03.2021) separate by legal status including internees.

mar-21					dec-20					dec-19					dec-18					dec-17				
ACCUSED PERSONS	SENTENCED PERSONS	INTERNEES	TOTAL		ACCUSED PERSONS	SENTENCED PERSONS	INTERNEES	TOTAL		ACCUSED PERSONS	SENTENCED PERSONS	INTERNEES	TOTAL		ACCUSED PERSONS	SENTENCED PERSONS	INTERNEES	TOTAL		ACCUSED PERSONS	SENTENCED PERSONS	INTERNEES	TOTAL	
16,450	36,739	320	53,509		16,840	36,183	341	53,364		18,889	41,551	349	60,769		19,587	39,738	330	59,655		19,853	37,451	304	57,608	

134. The “Detention Spaces Software” (*Applicativo 15*), which has become an ordinary tool of work and aid in the management of detention spaces of Italian prisons, is a software allowing to control in real time the compliance with ECtHR’s parameters and to find remedies in the event of insufficient space in the overnight room per single prisoner.

135. To reduce prison overcrowding and reduce the chances of contagion from COVID-19 among prison population, in the course of the 2020 an inter-institutional synergy has been started, with the participation of the Fines Fund Office, local bodies, Prison Administration and the Juvenile and Community Justice Department, for the implementation of alternative measures to detention. As a result, there has been a decrease in the number of admissions in prison (at 29.02.2020, prisoners present were 61,230; at 20.04.2021 were 53,539).

136. As for prison building, to address the problem of prison overcrowding, in recent years, Prison Administration has committed to increasing and/or recovering detention places. To increase the detention capacity of the prison system, in March 2019, in accordance with Art.7 of Legislative Decree 135/2018, a financial plan was approved. It aims at the planning and building of 25 new medium-security detention pavilions in “*intra moenia*” unused available areas in already existing prisons.

137. In 2020, 600 new detention places were made available at Parma, Lecce and Trani prisons, as a result of the completion and opening of the new pavilions containing 200 places. In the meantime, a pavilion of equal capacity at Taranto remand prison is about to be enabled for use. By 2021, the new 200-place pavilion at Sulmona prison and the 92-place pavilion at Cagliari remand prison will be completed. In the last four years (2016-2020) the average of square meters made *ex novo* and/or renewed for treatment activities has been of about 9,000 square meters per year.

138. Based on the financial resources available at the time on Budget Item 7300, the activities were concentrated on the proceedings related to 8 modules per 960 new places overall (planning phase in conclusion). A review of this plan is ongoing (by Ministerial Decree dated 12 January 2021 the “Commission for Prison Architecture” was established at the Cabinet of the Minister of Justice. It is planned to build n. 8 pavilions of about 80 places each with strengthened treatment, as included in the Italian Recovery and Resilience Plan of the European Union. This will be the complementary project to the reform action, which will be carried out within the next five years in matter of justice and social inclusion. The relevant details are still to be defined.

Reply to paragraph 15 of the list of issues

139. LGBT people in Italian prisons raise specific and particular requests to which the prison administration must respond with a treatment that avoids forms of marginalization and/or discrimination. The situation of the LGBT prison population is particularly complex, being potentially subject to double stigma: as prisoners and as LGBT people. Furthermore, this population requires specific information, awareness and training interventions to combat any discrimination and respond to specific needs (i.e. hormonal therapy for transgender prisoners). For this reason, UNAR (Italian Equality Body) has provided the action financed by NOP INCLUSION 2014-2020, aimed at an extended training for penitentiary staff to facilitate understanding of the needs of LGBT people, effective tools for the promotion of non-discrimination and the removal of any obstacles to the equal treatment of LGBT detainees.

140. DAP's attention to LGBT prisoners' specific needs has been consolidated over the years in the prisons where there are dedicated wings. The first organizational inputs to improve the quality of prison life of transgender prisoners dates back to 2009, with the promotion of the Executive Action Plan (in Italian, PEA) 19 "*Development of a treatment model for transsexual prisoners*".

141. Based on results of a field research by SAIFIP of San Camillo-Forlanini Hospital, the treatment offers identified and implemented are as follows:

- Building facilities (prisons and/or detention wings), to house transsexual inmates;
- Training staff assigned to such facilities;
- Identifying detention centers where there is a suitable specialist equipment, in terms of health services and availability of transgender associations to collaborate in adapting the treatment offer;
- Promoting educational, professional and work training activities that can offer opportunities for lifestyle normalization through the acquisition of missing skills.

142. The DAP has dedicated much effort in treating persons with functional limitations. The Agreement approved by Unified Conference on 22 January 2015 pays specific attention to reduced mobility of PwDs in prison. The first relevant implementing indications were provided to Regional Directorates and Prison Directorates in the same year.

143. The DAP aims at improving detention conditions of female prisoners (amounting, at 20/04/2021, to 2,259 women out of a total of 53,539 prisoners) and at reducing the gender gap within prisons according to a *gender mainstreaming* treatment approach. Women in prison represent a small proportion of the prison population, about 4% of the inmates, restricted in four exclusively female prisons and 35 wings attached to male prisons. Women participate in educational and working activities; in the school year 2019-2020, 994 female prisoners attended first and second level school courses. 546 of them passed the course, while the total number of female prisoners working in prison, as at 30 June 2021, amounted to 810 as employed by the Administration and 119 women being not employed by the Administration, respectively.

144. Budget Law 2021 allocated 2,000,000 Euros per year, for the period 2021-2023, for the payment of the fees of the psychological professionals in the intensified cognitive behavioral treatment of perpetrators of crimes against women in line with Act 69/2019 (*codice rosso*). DAP is also paying great attention to concrete possibilities of evolution of the procedures for the treatment and observation of the personality of the perpetrators of sexual offences and/or domestic violence, by testing the use of specific recidivism risk assessment tools validated in Italy, in line with indications of criminological science and various supranational bodies.

145. As regards mothers detained with children, during 2020 and the first months of 2021, as a result of the alternative measures granted due to the epidemiological emergency, the number of mothers with children significantly reduced within ICAM (basic security prisons for mothers with children) and Nursery wings; at April 20, 2021 mothers with children present were 25, with 26 children. The reduction in the number of parents in prison and the establishment of a special fund in Budget Law 2021 for building protected family homes

pursuant to Law 62/2011 suggests institutional changes as to facilities for reception of mother with children.

146. The Mental Health Departments (DSM) of the local health-care Authorities (acronym, ASL) are tasked with ensuring the protection of the mental health of all restricted persons in prison, arranging, even temporarily, tailored therapeutic programs, as per Decree of the President of the Council of Ministers dated 1 April 2008 and related Annexes A and C. Following the approval of such Decree, the DAP is committed to facilitating the work of the ASL in providing medical-health services in compliance with the principles of humanity and dignity also in the field of suicide prevention.

147. With the establishment of wings dedicated to the protection of mental health (Wings for the Protection of Mental Health – ATSM) within one or more prisons for each Region, in implementation of the Agreement approved by *Conferenza Unificata* on 13 October 2011, the accommodation and the provision of care to inmates suffering from psychiatric pathologies are ensured. They are offered care and assistance to alleviate pathological state that cannot be managed within ordinary prison wings. These are people with mental illness occurred during detention or who have been sentenced to a reduced sentence for partial mental trouble.

148. Moreover, the Permanent Table on Penitentiary Health is operational at the Presidency of the Council of Ministers and is working on the revision of the State-Regions Agreements on Mental Health in Prisons and Residences for the execution of safety measures (REMS - Structures managed by the National Health System for taking charge of people with psychiatric pathology being authors of crime). This Table consists of Ministry of Health, Regions and Ministry of Justice.

149. The REMS are hospital reception facilities for socially dangerous offenders suffering from mental disorders. These are residential structures with therapeutic-rehabilitative and socio-rehabilitative functions, for a temporary and exceptional stay. REMS placement is applicable “only in cases where elements are acquired from which it appears that it is the only suitable measure to ensure adequate care and to cope with the social dangerousness of the infirm or mentally-ill persons”.

150. The Mental Health Sections in prisons are open sections, to accommodate inmates with a psychiatric disorder that has occurred in detention.

151. As for search procedures, DAP pays particular attention to the training of the penitentiary police staff members in order for them to acquire the technical skills necessary to carry out those control activities to ensure the safety of places and people in compliance with human rights and dignity. Practical exercises are provided for in the various stages of internship that the new employed persons carry out at prison centers. One of the privileged training strategies is to make especially young agents understand the behaviours that, even unknowingly, can trigger violent reactions of inmates if particular attention and respect are not paid to the personal items having an emotional value (e.g. photos, letters, etc.) or to symbolic and religious objects (e.g. the Koran for Muslims or other objects of worship), which are present in the detention rooms.

152. Prisoners and internees may be subjected to personal searches for security reasons as required by Art.34 of Act 354/75. The search shall be carried out with full respect for the person and his/her dignity. Searches are carried out by the staff of the same sex as the person to be searched.

153. People who enter prisons (family members of prisoners, lawyers, journalists, cultural mediators, guarantors of prisoners, etc.) after having been identified by a valid identification document, are subjected to control by means of a metal object detector (except in cases where this is dangerous for the health of the people to be checked: pacemakers, pregnant women), in order to prevent the introduction of objects inside the prison (and in particular in the detention wings) whose possession or use is not permitted. The objects that the persons concerned are authorized to carry with them are subjected to a similar check, through the control of bags, purses and containers.

154. Presidential Decree 448/1988, “Provisions on criminal proceedings against juvenile defendants”, governing criminal proceedings against juvenile defendants in Italy, is inspired

by fundamental principles, which are also referred to in the relevant international conventions. It is therefore a “child-friendly” decree designed to provide the juvenile court with a tool allowing to shape the rules of ordinary proceedings in such a way as to make them compatible with the protection of child’s evolving personality. Among the inspiring principles, the following are important: Appropriateness, requiring that measures be: “applied in a manner appropriate to the child’s personality and educational needs”; Minimum offensiveness, whereby the process must avoid that the juvenile’s contact with the penal system may compromise the harmonious development of his/her personality and social image with the consequent risk of future marginalization; De-stigmatization regarding the individual and social identity of the juvenile, whom it is intended to protect as far as possible from processes of self-depreciation or devaluation by other people; Residual nature of imprisonment, whereby the juvenile legal system provides appropriate means for detention to be the last and residual measure (last resort).

155. Presidential Decree 448/1988 aims to combine community’s need to respond to crime with the need to protect child’s personal development. The whole system is inspired by educational finality, whereby the criminal process must not interfere with the continuity of education; an empowering approach of the process itself, aimed at promoting the development of self-accountability in juveniles, anchored in socially shared principles. The juvenile criminal proceedings result in a highly-structured phase as they regards the constraints, prescriptions and obligations they entails and play an empowering and thus preventive role for the minor’s future life, as they provide the young offender with some coordinates around which s/he can build a different developmental pathway. By Legislative Decree 121/2018, “Discipline of the execution of sentences against convicted minors”, a specific Juvenile Penitentiary Order regulates in an autonomous way, the modalities of the execution of prison sentences and community penal measures both against minors and young adults who have committed crimes when under 18.

156. It is provided that “all the measures must include an Educational Intervention Program” (in Italian, *PIE*), which must be tailored to the individual needs of the child and must contain, besides indication of educational and vocational paths, the provision of community service measures or voluntary work. In the execution of custodial sentences and community measures, Article 1(2) favors and encourages “restorative justice and mediation with crime victims”. Appropriateness laid down in above-mentioned Presidential Decree 448/88 is also reinforced. This Legislative Decree actually incorporates guiding principles of the juvenile criminal justice trial by stipulating that the punishment must prepare the juvenile for his/her life after release, be focused on social inclusion and prevent reoffending. Relevant tools are those already tested by the juvenile penal and social services and consist of education, vocational training, social/cultural/sporting and leisure activities, as well as courses to become active and responsible citizens. The above Decree has introduced changes in some substantive areas of penal enforcement for juveniles and young adults, with the related consequences on the organization and operational levels inside the Juvenile Detention Centers.

157. This Decree regulates the various alternative measures (probation, home detention, semi-liberty, special cases of probation), significantly brought together under the new name “Community-based criminal measures” and revised by giving greater emphasis to:

- (a) Encouraging positive development of the young offender’s personality and a fruitful educational and rehabilitation process;
- (b) Requirements to extend this discipline to young adults under 25 years of age;
- (c) Need for a really concrete and customized educational project that is developed after discussing it with the offender;
- (d) Need for minors to be separated from young adults and defendants from convicted offenders;
- (e) Need for cells in penal institutions for minors to hold no more than four people at night;
- (f) At least four hours of open air time per day for prisoners;

(g) Prisoner's right to have 8 monthly visual interviews with relatives and 2 to 3 weekly telephone interviews lasting 20 minutes each;

(h) Possibility of up to 4/per month Extended Private Visits (between 4 and 6 six hours each) with immediate family members/registered domestic partners or other acquaintances with whom there is a significant emotional bond; visits are carried out in special apartment-like facilities on prison grounds;

(i) Greater protection of the territoriality of enforcement: the sentence must be served in facilities as close as possible to the residence or habitual abode of the prisoner and his/her family, to maintain personal and socio-familial relationships that are educationally and socially significant (Art. 22);

(j) Careful planning and preparation of inmates' discharge from the institutions, to avoid discontinuity between educational and reintegration project prepared before release and any vocational and support program outside and to ensure successful re-entry in the community.

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158. The concept of "regime" refers to the standardization system that characterizes a prison in its different perspectives. The special prison regime provided for by Art.41bis of Prison Law, since its establishment - by Legislative Decree 306/1992, following mafia massacres-1992 - played a central role among regulatory instruments to be used to combat organized crime. Its validity was extended until the amendments introduced by Law 279/2002, which re-modulated such regime. Lastly, Law 94/2009 made some changes making this regime even more functional with respect to prevention purposes intended by the Legislator.

159. As for "alignment of the special surveillance regime pursuant to article 41bis of Prison Law with international standards, such as the United Nations Standard Minimum Rules", it should be noted that the "Mandela rules" do not describe in detail a model of penitentiary institutions, but define the recommendations that Member States are invited to follow. Starting from the general rules, there are some basic principles that can be applied to the inmates under such special regime (Rules 1 and 3). The provisions of general application (Rule 1) begin, in fact, with a double statement: on the one hand, the prohibition against subjecting any prisoner to torture; on the other hand, for the benefit of the restricted persons, the right to be protected from acts of torture and other cruel, inhuman and degrading treatment, for which no circumstance can be used as a justification. Rule 3 recalls the afflictive nature, per se, of the penalty, which derives from the deprivation of personal freedom and of the right to self-determination. For this reason, detention should not consist of treatment aggravating the suffering inherent in such situation, except as incidental to justifiable separation or the maintenance of discipline. In this regard, the special detention regime, although characterized by treatment limitations, does not cover any of those forms of personal coercion described by UN Rules. It is not characterized by institutionalized forms of physical violence, such as the deprivation of food and sleep, or total isolation. Such regime provides for partially limiting measures of contacts with other inmates and with the outside world, and of the hours spent outdoor, justified by the needs of prevention and public safety.

160. *Inter alia*, the differentiated regime, as recommended by the Mandela rules, is the only Italian prison regime where allocation in a single room with exclusive sanitary facilities is provided and implemented; the detention rooms meet the criteria of space, lighting and ventilation considered by the European and domestic case-law sufficient not to constitute inhuman and degrading treatment.

161. As regards window screens, the so-called "*gelosie*", they constitute a strictly necessary and appropriate security measure with respect to the preventive ratio of interruption of communications between criminal organizations and the inmate and the outside world, being aimed at preventing the visual and verbal contact between the inmates present in the overnight rooms and those present in the walking courtyards or to avoid the exchange of objects through the windows between inmates occupying adjacent cells. However, the '*gelosie*' are structured in such a way as to ensure proper lighting and ventilation of the detention room. There is no video-recording inside the detention rooms, with the exception

of some of them where the inmates are deemed to have a higher danger rate. This will be discussed below.

162. As regards the compatibility of the differentiated regime with Mandela Rules 43 - 44 and 45 (relating to isolation), it should be noted that such regime is a form of detention that does not result in a state of isolation: prisoners can socialize within other social groups. They have the possibility to stay outside the detention room for two hours per day, together with their group mates. Therefore, the requirement of “meaningful significant human contact” as per Rule 44, is deemed sufficiently supplemented.

163. Inmates subject to a differentiated regime are ensured a rehabilitation treatment plan consistent with the need to cut contacts with the outside world: they can participate in school courses (many have obtained higher education qualifications and graduate diplomas in differentiated regime), perform paid work within the wing to which they belong, profess their religious beliefs through meetings with ministers of worship and participate in the Holy Celebrations. Recreational and sports activities are ensured (e.g. the painting room - the social rooms are equipped with social games) (each wing has a gym or social room or walking area with an area dedicated to physical activity), the right to information is ensured making it possible the tuning on different television channels and the purchase of newspapers, magazines and books as well as having access to a library inside the prison.

164. The right to health is ensured through internal medical services and by external health facilities and medical examinations and treatment by the prisoners’ practitioners. There are two Intensified Medical Assistance Departments with qualified medical and paramedical assistance where inmates who need medical support are allocated such as not to legitimize hospitalization in outside structures. The number of available places in the above system is being expanded to meet any future healthcare needs of prisoners under differentiated regimes.

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165. The table below shows data relating to critical events recorded within prisons in the period 2017–2020 and the first quarter of 2021.

<i>DESCRIPTION ZIONE EVENTO</i>	<i>DESC SOTTOEVENTO</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>
Aggressions	Fight	3170	3343	3918	3499	804
	Injuries	492	472	508	468	108
	Homicide	1	0	1	1	0
	Homicide attempt	1	2	1	3	0
		3664	3817	4428	3971	912
Riot		2	2	2	23	1
Infringements of criminal provisions		2	2	2	23	1
	Personal injuries	47	34	22	16	3
	Serious personal injuries	1	7	8	4	1
	Brawl	55	64	61	32	8
	Sexual violence	7	7	9	9	1
		110	112	100	61	13
TOTAL		3776	3931	4530	4055	926

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166. As for the outcomes of the investigations on deaths in prisons, DAP’s Central Investigation Unit communicates that activities of penal investigation – covered by confidentiality of investigation – are currently ongoing for six deaths occurred in Italian

prisons in 2020 and in 2021. The table below shows the compensation for damages paid to family members of inmates dead in prison (2017–2021).

<i>Year</i>	<i>Judgements granting compensation for an inmate's death</i>	<i>Family members compensated for their relative's death</i>	<i>Amount</i>
2017	1	1	€ 185 835.00
2018	2	3	€ 422 251.00
2019	10	21	€ 1 940 198.00
2020	5	13	€ 1 195 362.00
2021	5	14	€ 1 971 249.00
Total	23	52	€ 5 714 895.00

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167. NPM has free access to any deprivation of liberty facility at any time, without the need for any authorization, and is regularly involved in the monitoring of repatriation procedures, both by charter and commercial flights. The findings of this Authority, punctually communicated to the offices involved, are subject to careful analysis and follow-up by the Ministry of the Interior. The NPM is also involved in training courses for personnel specialized in escort services by air for the purpose of repatriation.

168. Other organisations, involved in various ways in the migration phenomenon, are authorised to access CPRs, by the DPLCI.

169. Article 19, paragraph 3, of Decree-Law 13/2017, converted into Law 46/2017 established that Local Guarantors for the rights of detainees can access CPRs pursuant to Article 67 of Law 354/1975 (Penitentiary Law), thus exercising their right to visit, without any prior authorisation. This right is also reiterated under Article 6 of the Regulation on the management of identification and expulsion Centres (ex CIE) provided for by Article 14, Legislative Decree 286/1998 and subsequent amendments.

170. By Law 10/2014, NPM exercises all oversight powers on CPRs, and has access to information and persons with whom it can conduct private interviews without visual or auditory control. Supervision also concerns the “crisis points” where NPM has been carrying out monitoring visits and related follow-ups since 2016.

171. In 2020, during the pandemic, specific attention was paid to quarantine vessels. On 17 September 2020, NPM visited the quarantine ship “Rapsody”, docked in Palermo. Between 2017-2020, monitoring visits were also carried out by territorial Guarantors, where established, as well as by representatives of the national Parliament and regional and municipal assemblies who requested it.

172. Pursuant to Legislative Decree 142/2015, in CPRs and reception centres, access is ensured to representatives of UNHCR or organisations working on behalf of UNHCR under agreements with the latter, representatives of bodies for the protection of holders of international protection with consolidated experience in the field.

173. As for monitoring visits, Article 20 of Legislative Decree 142/2015 explicitly provides for the possibility that the DPLCI-Ministry of the Interior, in its control and monitoring activities of the management of reception facilities, may make use of competent international or intergovernmental organisations. In this regard, UNHCR and IOM have started, since 2017, technical support, through interventions aimed at strengthening the monitoring system of first reception facilities, also through training for the staff, as well as the creation of “early warning” mechanisms regarding critical issues in the reception/treatment of migrants.

174. As regards governmental First Reception Centres for UAMs, Ministerial Decree, dated 1 September 2016, stipulates that access is ensured to: certain international organisations (UNHCR, IOM, EASO); the National Authority for Childhood and Adolescence; and child protection bodies with consolidated experience.

175. In the period under consideration, the range of places of deprivation of liberty subject to its monitoring was further diversified and enlarged. The NPM carried out its monitoring in the following places: Detention Centres for Repatriation (CPR), different other facilities used for the detention of foreign nationals waiting for expulsion, hotspots, centres for UAMs, border premises at air, sea and land crossings, reception camps for migrants in transit, formal and informal settlements of seasonal workers employed in agriculture, naval units unable to disembark foreign persons rescued, ferries used for the quarantine of migrants arriving on Italian shores.

176. As for the different facilities used for the detention of foreign citizens to be expelled (the so-called “suitable premises”), the critical issue already reported by the CED persists concerning the lack of an official national mapping carried out by the responsible Administration. A similar problem concerns the Psychiatric Diagnostic and Treatment Services. The NPM is currently developing the national mapping. Significant progress has also been made in the effective access to these facilities, overcoming some initial difficulties, which have been solved through dialogue with the competent Authorities.

Data on visits carried out in the period November 2017-November 2021

Migrants: 36 places visited and 65 forced return flights monitored

Health protection: 74 places visited

Police forces: 48 sites visited

177. The health crisis generally led to an extension of the mandate of the NPM. In line with what indicated by the SPT, NPM carried out its monitoring activities in quarantine premises, for reasons of public health protection, paying the utmost attention to the risk of abusive exercise of public powers when controlling the respect for measures aimed at containing contagion. Particularly in the context of migration, the NPM has on several occasions expressed doubts regarding the way in which the quarantine measures have been implemented and has reminded the responsible Authorities to fully respect the rights of the persons concerned who, without prejudice to the health requirements of individual and collective health protection, represent a particularly vulnerable category.

178. As for the methodology to monitor persons deprived of their liberty during the most stringent period of the national lockdown, which ended in May 2020, the NPM launched three national surveys on Rems, RSAs and CPRs, which formed the basis for the remote monitoring of the health, structural and organisational conditions of the places that cannot be visited in person. These surveys, upon NPM’s initiative, have been a valuable tool for cooperation and data collection.

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179. Pursuant to Legislative Decree 142/2015, the applicant cannot be retained for the sole purposes of examining his/her application. The retention of the applicant is therefore an exceptional measure, to be assessed on a case-by-case basis when specific conditions are met. The applicant is retained, when possible in special spaces, in CPRs when: 1. The applicant is in the conditions provided for by the Convention on the Status of Refugees, i.e. he/she is a person for whom there is serious reason to suspect that he/she has committed a crime against peace, a war crime or a crime against humanity; he/she has committed a serious crime under common law outside the host country before being admitted as a refugee; he/she is guilty of acts contrary to the UN purposes and principles; or he/she has committed crimes for which refugee status is denied or excluded; 2. The applicant has submitted a reiterated application during the execution of a removal order; 3. The applicant finds him/herself in the conditions provided for by the TUI with regard to a foreigner expelled: by the Minister of the Interior for public order or State security or by the Prefect, inter alia, also for well-founded reasons to believe that staying in Italy could in any way facilitate terrorism, including international terrorism.

180. Decree-Law 130/2020, converted, with amendments, by Law 173/2020, introduces several provisions on the retention of foreign citizens in CPRs. In particular, the maximum period of retention was reduced from 180 to 90 days, which can be extended by a further 30 days if the foreigner is a citizen of a country with which Italy has signed agreements on return. The possibility of addressing oral or written requests or complaints, even in sealed envelopes, to the NPM and to the regional and local guarantors has also been introduced.

181. With regard to alternative measures to detention, of relevance is the possibility for irregular foreigners to be admitted to the voluntary and assisted repatriation programs (acronym in Italian, RVA), which aims at assisting in an organized manner those migrants who, not wishing or not being able to remain on the Italian territory, intend, on a voluntary basis, to return to their country of origin, by carrying out a socio-economic integration path, supported by targeted accompanying services. In this regard, the irregularly present foreigner admitted to an RVA programme, unless he/she is already detained in a CPR, is also suspended from the execution of the measures issued, such as rejection, expulsion or removal order besides the effectiveness of any measures adopted by the Questore (voluntary departure, passport withdrawal, etc.).

182. With regard to CPRs, compared to the 5 CPRs operational at 31 December 2017 (Bari, Brindisi, Caltanissetta, Rome and Turin, with 700 places), during 2018, the two Centres of Palazzo San Gervasio-PT (150 places) and Trapani-Milo (205 places) were opened, the latter having ceased to function as a Hotspot and taken over as CPR. In 2019, the re-establishment of the former CIE of Gradisca d'Isonzo (150 places) and, in 2020, of the former CIE of Milan (140 places) was established. The following table summarises facilities and reception capacities from 2017 to 2020. Data for 2021 refers to 1 October.

CPRs

	<i>Facilities</i>	<i>Places with theoretical capacity</i>
2017	5	700
2018	7	1 085
2019	8	1 235
2020	9	1 220
2021	10	1 359

(Please note that the theoretical capacity does not include the 205 places of the Trapani CPR, as it is inactive from February 2020 until August 2021).

183. The announcement of a Framework Agreement for a period of 4 years is imminent, and will ensure in all CPRs, the execution of extraordinary maintenance and renovation works in case of damage due to riots, with greater timeliness and effectiveness.

184. Following the epidemiological crisis caused by Covid-19 and the declaration of a state of emergency as of 31 January 2020, the DPLCI proceeded to issue specific circulars addressed to the Prefects of the territories in which the CPRs are active (without prejudice to the indications provided by the Circulars concerning all the reception centres, which will be further detailed under reply 29), to ensure the necessary cleanliness and healthiness of the environments, social distancing, regulation of the entry of external visitors, as well as entry controls aimed at excluding migrants' positivity to the virus, constant monitoring of the detainees' health status, as well as isolation for health reasons in special rooms of the Centre and, in suspected cases, the need to involve the competent health authorities for the necessary investigations.

185. Moreover, the provision of places for the measures of fiduciary isolation or quarantine has been foreseen. Following the adoption of the document "Interim indications for the management of facilities with people with high fragility and social and health marginalities in the framework of the COVID-19 epidemic", drafted by the INMP, specific indications have been developed to prevent the spread of the COVID-19 virus also towards the migrants detained in the CPRs.

186. As for Hotspots, the facilities currently operational are 4 (Lampedusa, Pozzallo, Messina, and Taranto). As for the capacity, the potential capacity of the Hotspot facilities has remained unchanged since 2017.

187. As a result of the decrease in the number of people disembarked, in some of the above facilities, the agreements in place with the managing bodies have been modified, a circumstance that, in any case, does not preclude the possibility of re-establishing the full capacity in case of need, through further modification of the agreements currently in force.

188. Moreover, since Covid-19 outbreak, pending the completion of the required quarantine period for migrants, only Lampedusa Centre continued to be used exclusively as a Hotspot. The Centres of Pozzallo and Taranto were used to carry out quarantine, especially of UAMs and other categories of migrants who, according to USMAF provisions, cannot spend health surveillance period aboard in quarantine ships. At the end of the prescribed quarantine, migrants are then transferred to dedicated territorial facilities. During the pandemic, Messina Centre was not used, also in view of its structural characteristics which make it unsuitable in the current health emergency situation.

189. With regard to Lampedusa, following a large fire occurred in May 2016, this Hotspot had suffered serious damage, which had led to the reduction of its effective capacity. Subsequently, in March 2018 this Centre was affected by a new fire, set by the guests, which had made another accommodation section unusable, further reducing the accommodation capacity to 96 places. However, following a first batch of works, the accommodation capacity of the Hotspot was increased from 96 to 228 places in November 2020. Upon completion of further works, currently underway, this Centre is expected to reach 399 places, which can be increased to 439.

190. As for the efforts made to improve the material conditions of the reception facilities, during the reporting period, several changes were made to the reception system, which also led to a reshaping of the services to be provided to applicants for international protection. Following Law 132/2018, the system was reorganised into a first-level reception phase, where essential services were guaranteed in the Centres referred to in Articles 9 and 11 of Legislative Decree 142/2015, and in a second reception phase, guaranteed within the Siproimi only to beneficiaries of a form of international protection, to UAMs including those not applying for asylum, to foreigners holding residence permits for special cases, or other types of newly introduced permits (for medical treatment, for calamities in the country of origin or for acts of particular civil value).

191. As for first reception, by Ministerial Decree dated 20 November 2018, the organisation of the services provided was adapted to new types of structures (favouring reception in Centres consisting of housing units, with a total capacity of up to 50 places) and to ensure, for asylum-seekers, the guarantee of essential services (food, accommodation, socio-health care and language mediation), with the exclusion of integration services. Following Decree-Law 130/2020, further significant regulatory changes were made in reception sector for foreign citizens seeking international protection.

192. As for interventions aimed at improving the facilities and standards of livability of the CPRs, besides taking measures to ensure structural improvements in the Centres, changes were also made to existing services with the new outline of the Tender Specifications, adopted by Decree dated 29 January 2021, which, inter alia, increased the minimum number of staff, through an increase in the number of day and night operators, besides increasing the weekly number of hours of medical care. Moreover, steps have been taken to update the CIE Single Regulation (currently being updated), also in the light of NPM's formulated recommendations.

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193. President of the Ministers' Council Decree, dated 1 April 2008, completed a reform of prison health-care begun with Legislative Decree 230/1999, "Reorganisation of prison medicine". The Regions, through the Local Health Authorities, have assumed responsibility for health-care in prisons, judicial psychiatric hospitals (OPG), and juvenile justice institutions and services.

194. For health-care as a whole, the relevant planning document is the “Guidelines for the interventions of the National Health Service to protect the health of prisoners and inmates in penitentiary institutions, and of minors subjected to criminal measures” (See above Decree). A further coordination document for the cooperation between the Health and Justice Administrations is the Agreement dated 20 November 2008 by the Government, the Regions and the Autonomous Provinces of Trento and Bolzano and the Local Authorities.

195. Since February 2009, the Permanent Consultation Table on the implementation of the above Decree dated 1 April 2008 and the Joint Committee for Overcoming Judicial Psychiatric Hospitals (OPG) have been operational at the Unified Conference. Since then, multiple Agreements have been approved, including on: Use of Local Health Premises; Medico-Legal Services to the Penitentiary Police; Guidelines on Health Facilities within the Penitentiary System; Guidelines on Health Data; Information Flows and Computerized Medical Records; Guidelines for Assistance to Minors Subjected to Measures of the Judicial Authority; Guidelines on Definition of Specific Areas of Collaboration; and Guidelines for Interventions in Judicial Psychiatric Hospitals and Nursing and Custody Homes (2009); Guidelines for the reduction of self-injurious and suicidal risk of detainees, inmates and juveniles subjected to criminal measures; HIV and detention (2012); Guidelines on the provision of health-care in adult penitentiary institutions; implementation of regional and national health networks (2015); Plans for the prevention of suicidal behaviour in the adult penitentiary system and self-injurious and suicidal risk in juvenile residential services (2017).

196. Of relevance are also: Ministerial Decree (Justice and Health) dated 1 October 2012 (Annex A: structural, technological and organisational requirements of the REMS).

197. In the last few years, therefore, especially following the definitive closure of the OPGs (Law 81/2014), the revision of some State-Regions Agreements previously signed has been carried out. The closing the OPGs was completed in February 2017, with the replacement at a regional level with residential healthcare network consisting of the Residences for the Execution of Security Measures-REMS) integrated with the territorial care and rehabilitation paths managed by the local Mental Health Departments. Since then, the above Consultation Table and the Joint Committee have been merged. From their discussion, it emerged that the most significant issues to be developed are: Revision of the State-Regions and Unified Conference Agreements, which need to be updated; Monitoring of the changes in the sector following the enactment of the legislative decree reforming the penitentiary system; Management of the REMS, to resume a central strategic governance of this issue.

198. Ministry of Health has financed a number of projects in recent years, entrusted to the Regions, with the aim at: surveying the health needs of prisoners, through which the health profiles of more than 16,000 inmates have been traced; and testing good care practices, focused on: the promotion of prisoners’ health; the training of health mediators; the active offer of hepatitis vaccination; pain management in prison; specific health-care for foreign prisoners.

199. By Minister of Health’s Decree, dated 22 September 2021, the Coordination Body for the process of overcoming the OPGs was established, with the participation of the Ministries of Health and Justice, as well as the Regions, to monitor and coordinate the relevant activities of the Regions and Autonomous Provinces, with focus on REMS’ activities.

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200. As for complaints of acts of torture, ill-treatment and excessive use of force involving authorities running the prisons and staff of the Penitentiary Police, during the years from 2017 through 2021, the procedures started by the Penitentiary Administration for the disciplinary aspects falling under its competence are as follows:

201. Year 2017 – 14 cases of ill-treatment/excessive use of force and crime of torture, of which:

- 4 cases concluded, for which there was no disciplinary sanction due to the requests of filing and to the following filing orders of the penal procedure;
- 5 cases where the penal procedure is in the step of committal for trial. The relevant possible disciplinary action is under consideration;

- 3 cases where the penal procedure is in the step of first degree judgement, second degree judgement or remand before the Court of Cassation;
 - 3 cases where the penal procedure is in the step of preliminary investigations.
202. Year 2018 – 10 cases of ill-treatment/excessive use of force and crime of torture, of which:
- 1 case concluded: in that case, there was a disciplinary procedure, despite the order to file the penal procedure;
 - 2 cases where the penal procedure is in the step of committal for trial;
 - 1 case where the penal procedure is in the step of the first level judgement;
 - 6 cases where the penal procedure is in the step of preliminary investigation.
203. Year 2019 – 10 cases of ill-treatment/excessive use of force and crime of torture, of which:
- 1 case concluded: in that case, a disciplinary sanction of “official reprimand” [censura] was ordered by the Governor of the prison where the officer worked, in terms of article 2, letters b) c) and e) of the Legislative Decree 449/92. The relevant penal procedure was filed;
 - 4 cases where the penal procedure is in the step of committal for trial;
 - 5 cases where the penal procedure is in the step of preliminary investigation.
204. Year 2020 – 11 cases of ill-treatment/excessive use of force and crime of torture, of which:
- 1 case where the request to file the relevant penal procedure was submitted. The relevant disciplinary procedure was started in terms of article 5, letter g) h) of the Legislative Decree 449/92 for the suspension from duty. The procedure is now before the Central Disciplinary Board;
 - 1 case where the penal procedure is in the step of committal for trial;
 - 9 cases where the penal procedure is in the step of preliminary investigations, but the relevant disciplinary procedures were started:
 - (i) For one officer in terms of article 5, letter g) h) of Legislative Decree 449/92 for the suspension from duty, currently before the Central Disciplinary Board (remand prison of Como);
 - (ii) For three officers in terms of article 5, letter g) h) of Legislative Decree 449/92 for the suspension from duty. On the 15 March 2021, the procedures concluded for the officers’ suspension from duty for two months each, (remand prison of Perugia);
 - (iii) For one officer in terms of article 6 letters a) b) c) for the removal from office, currently suspended from duty in terms of article 9 of Legislative Decree 449/92, pending the outcome of the relevant penal procedure (next hearing set on 27 June 2022, Remand prison of Pistoia);
 - (iv) For one officer in terms of article 5, letter g) h) of Legislative Decree 449/92 for the suspension from duty, currently before the Central Disciplinary Board (remand prison of Rieti);
 - (v) For one officer in terms of article 5, letter g) h) of Legislative Decree 449/92 for the suspension from duty, currently before the Central Disciplinary Board and for one officer in terms of article 6 letters a) b) c) for the removal from office, currently suspended from duty in terms of article 9 of Legislative Decree 449/92, pending the outcome of the relevant penal procedure (prison for Minors of Rome).

205. Year 2021 – 1 case of ill-treatment/excessive use of force and crime of torture with penal procedure against 10 penitentiary police officers on duty at the remand prison of Florence “Sollicciano”, currently in the step of preliminary investigations.

206. As for international operational theaters, no cases of torture, ill-treatment or excessive use of force are to be reported with regard to Italian military personnel.

207. As for Carabinieri Corps, between 1 January 2017-31 January 2021, 15 ill-treatment of arrested or detained persons cases, involving 52 Carabinieri, were submitted to the Judicial Authorities. The state of the proceedings is as follows: a decree of dismissal for 12 Carabinieri was issued; 40 Carabinieri are pending before the competent Public Prosecutor’s Office; 17 Carabinieri have been precautionarily suspended from duty, while the remaining Carabinieri involved are waiting for the decisions by Judicial Authority.

Reply to paragraph 23 of the list of issues

208. The reform of the Italian Penitentiary Act, implemented with Legislative Decree 123/2018, brought to a deep amendment of article 11 of the Penitentiary Order Act stating as follows:

“Health service:

- (i) National Health Service inside penitentiary institutions and penal institutions for juveniles follows the regulation on the reform of penitentiary medicine;
- (ii) National Health Service guarantees to each institution an health service that conforms with the preventive and health care requirements of prisoners and internees;
- (iii) In accordance with the Legislative Decree 230/1999, the charter of health services for prisoners and internees, adopted by any Local Healthcare Agency providing healthcare in the penitentiary institutions, shall be available to inmates by informing them properly;
- (iv) Where treatment or diagnostic tests are necessary, which cannot be carried out by prison health services, accused persons may be transferred to external health care centres for diagnosis or treatment, by provision of the Proceeding Judge. In case the judge is a collective judicial body, the provision shall be adopted by the president. Before the penal proceedings the decision shall be adopted by the Judge in charge of preliminary investigations; in case of direct trial and until the accused person appears before the court for the validation of his arrest, the Public Prosecutor decides. If an appeal before the Supreme Court is lodged, the judge who ordered the impugned provision decides. The Supervisory Judge takes measures as far as sentenced prisoners and internees are concerned. Such provision may be amended in case security reasons occur and it is cancelled as soon as these reasons are no longer valid;
- (v) When there is no escape risk, the prisoners and the internees that have been transferred to external health care centres for diagnosis or treatment may not be guarded during their stay, except when it is necessary to guarantee the protection of their integrity and other people’s safety;
- (vi) Where a prisoner or an internee not being guarded leaves the health care centre without a justifiable reason, he/she may be subject to punishment in terms of the first paragraph of article 385 c.c.;
- (vii) As soon as offenders are admitted into a penal institution, they shall be submitted to a medical check and they are given by the prison doctor complete information regarding their state of health. The doctor immediately reports in the inmate’s medical history all the information regarding signs indicating that the offender could have been victim of violence and abuse. Without prejudice to the physician’s obligation to present a medical report, the doctor gives notice of it to the Director of the institution and to the Supervisory Judge. The prisoners and the internees are entitled to receive complete information regarding their state of health during their detention and upon their release. During their stay in the institution, healthcare is provided regularly with checks that are carried out depending on the prisoner’s health needs. Such healthcare is based on a series of principles related to a

proactive method; the global intervention on what may endanger health; the homogeneity of services and provisions; the integration of social assistance and healthcare; and the guarantee of the continuity of their care;

(viii) Every day a physician shall visit the sick prisoners and those who request a visit when it becomes necessary depending on the clinical appropriateness criteria. The penitentiary administration ensures the fulfilment of the healthcare activities without time limits preventing its execution. Under the implementing provisions set out by Law-Decree 21/2008, the doctor who was entrusted to carry out the health monitoring of the penitentiary institution shall check the subjects' fitness to the jobs they have been assigned to do. In every penal institution for women, special services shall be provided for the healthcare of pregnant women and women who have recently given birth;

(ix) When the prisoners and the internees are transferred, the continuity of their current personal treatment plan is granted;

(x) When in pre-trial detention or upon the execution of an arrest warrant, the prisoners and the internees who are following a treatment plan provided for by Law 164/1982 are granted its continuation and the relevant necessary psychological support;

(xi) If prisoners or internees are suspected or diagnosed as suffering from a contagious disease, control interventions, as solitary confinement, shall be applied to prevent the onset of further cases. The director of the prison shall be immediately notified about the solitary confinement and shall give notice of it to the Supervisory Judge;

(xii) Prisoners and internees may ask to be seen by a physician of their own choice at their own expense. The proceeding judge gives the authorisation to the pre-trial offenders while the director of the prison gives the authorisation to the accused persons after the pronouncement of the first degree sentence, to the sentenced persons and to the internees. Equally, medical, surgical and therapeutic treatments to be carried out in the infirmaries or in the clinical and surgical departments of the penal institutions by healthcare professionals of trust at the expense of the inmates may be authorised, upon prior arrangements and in compliance with the organisational directions of the competent health authority;

(xiii) The director general of the local healthcare agency shall order to visit prisons at least twice a year in order to verify their hygiene and sanitary conditions, also on the basis of notices received, and the adequacy of preventive treatment against infectious diseases;

(xiv) The director general of the local healthcare agency shall report to the Ministry of Health and the Ministry of Justice on the visits carried out and on the provisions.”.

Reply to paragraph 24 of the list of issues

209. Restoration and compensation measures are provided for by Articles 35-b and 35-c of Penitentiary Act, following ECtHR's judgement *Torreggiani v. Italy* (2013).

210. To enforce the above-mentioned *Torreggiani* judgement, Law 10/2014 introduced Art.35-b in the Penitentiary Act as a measure aimed at precautionary elimination of the prejudice made up by the imprisonment in violation of article 3 of ECHR. The table below shows the procedures concluded and paid in terms of article 35-c of the Italian Penitentiary Act.

	<i>Paid amount</i>	<i>No. of procedures concluded and paid</i>
2017	€ 829 888.41	157
2018	€ 664 199.07	109
2019	€ 166 604.40	39

	<i>Paid amount</i>	<i>No. of procedures concluded and paid</i>
2020	€ 617 482.05	59
2021 (until 20.04.2021)	€ 541 058.04	42

211. As for financial resources allocated for compensations, in terms of Law-Decree 92/2014, those sums were allocated to cover the expenses relevant to years 2014-2018 to pay amounts granted by civil courts or by supervisory courts to prisoners or internees as compensatory remedies following a violation of Article 3 ECHR.

212. Provided that jurisdictional complaints continue to be lodged for the granting of compensatory remedies in terms of article 35-c of the Penitentiary Act (introduced by Law-Decree 92/2014), Budget Law 178/2020 provides for the re-funding of the expenses destined to compensatory remedies for the years 2021-2023, for an amount of 800,000.00 per year.

213. The Court of Cassation stated that the topicality of the prejudice is not a necessary requirement for the proposal of and the decision on the complaint in terms of article 35-c of the Penitentiary Act. Following that decision, a number of complaints were lodged again, after having been rejected by the supervisory judges in 2016, both before the ordinary court and before the supervisory judges, which will presumably bring new expenses. The number of ongoing affairs is 802, for a supposed total amount of € 4.408.582,09.

214. As for treatment of trauma and other forms of rehabilitation provided to victims of torture and ill-treatment, mention has to be made of the following:

- Guidelines on interventions for care, rehabilitation, and treatment of mental disorders of refugees and persons who have suffered torture, rape, or other serious forms of psychological, physical, or sexual violence, adopted by Ministry of Health's Decree (3rd April 2017) in line with the need to protect the rights of persons in particularly vulnerable conditions;
- Guidelines for early identification of victims of FGM or other harmful practices (2018). For staff of reception centres. The objective is to guide operators on how to deal with potential victims of FGM, forced marriages, or other harmful practices, and how to ensure their access to international protection;
- Guidelines for Local Health-Care Authorities and Hospitals on relief and socio-health care for women victims of violence - "Pathway for women who suffer violence", Presidency of the Council of Ministers – 21st November 2017.

215. After being examined by the State-Regions Conference, the framework document with the guidelines for the socio-health care pathway for women victims of violence was approved. From triage to post-discharge foster care at local anti-violence centre, the aim is to ensure timely intervention, not only health-wise.

Reply to paragraph 25 of the list of issues

216. Law 110/2017 (see reply 2 above.) also amended Article 191 c.c.p., on the conduct of unlawfully obtained evidence: the new paragraph 2-bis establishes the unusability of statements or information obtained through torture, except against persons accused of that crime and for the sole purpose of proving their criminal liability.

Reply to paragraph 26 of the list of issues

217. OSCAD was established by a Decree of the Chief of Police in September 2010. Its priority objectives are: to facilitate the reporting of hate crimes, to effectively combat under-reporting; to activate an effective monitoring, also through a careful analysis of open sources; to raise awareness/train/refresh the Police, to address under-recording.

218. To combat under-reporting, an e-mail address (oscad@dcpc.interno.it) has been set up to receive reports from institutions, associations or private citizens (also anonymously). The reports received, as well as those resulting from the analysis of open sources, are forwarded to the competent offices of the State Police or *Carabinieri*, requesting further information on the matter and/or targeted interventions; in turn, the Police Forces forward on

their own initiative to OSCAD reports on the cases dealt with. This information flow feeds a special monitoring system. Starting from 2014 (2013 data), OSCAD also processes DPS' contribution to the annual data collection on hate crimes, carried out by the OSCE (<http://hatecrime.osce.org/italy>).

219. Training has always been of particular importance in OSCAD's initiatives. To guarantee an up-to-date and multidisciplinary educational offer, relations with numerous institutional and civil society stakeholders have been activated and intensified, with whom numerous joint training activities have been carried out. As of 30 September 2021, under the various OSCAD initiatives, a total of 11,135 people have been trained in presence, through seminars directly organised by the OSCAD Secretariat: in presence, through staff trained by the OSCAD Secretariat (training of trainers and cascade training) 12,657 people; through online modules implemented by OSCAD, 14,867 people. For a total of 38,659 trained operators.

220. UNAR (National Equality Body) provides support to victims of discrimination through a Contact Center, collecting data and monitoring relevant causes and phenomena. Moreover, UNAR has implemented several other activities such as the organization of the Media and Web Observatory (which, by expanding media monitoring activities), aims to research, monitor and analyze daily, thanks to specific software and some keywords, not only the contents of the main Social Networks - Facebook, Twitter, GooglePlus, Youtube - but also articles, blogs and forum comments that can foment hatred and intolerance towards "the different", besides monitoring judicial proceedings, free legal assistance to victims of discrimination and especially development of positive action projects and wide range of awareness-raising activities. As for hate crimes, mention has to be made of the cooperation with OSCAD, following MoU signed on April 7, 2011.

Reply to paragraph 27 of the list of issues

221. Italy is active in the main multilateral fora, to support and promote the role of civil society. An ever-increasing attention is paid in particular, at various levels (multilateral, regional, national), to the protection of Human Rights Defenders and of their rights. The protection of the rights and security of HRDs is one of the priorities of our current mandate in the Human Rights Council (2019-2021).

222. Italy has co-sponsored all the Resolutions on Human Rights Defenders that have been presented, on a regular basis, both in UNGA and HRC.

Reply to paragraph 28 of the list of issues

223. Italian anti-terrorism legislation - the latest amendments date back to Decree-Law 144/2005 (converted into Law 155/2005); Decree-Law 7/2015 (converted into Law 43/2015); Law 153/2016; and Decree-Law 113/2018 (converted into Law 132/2018) - is in line with the European framework (Directive 2017/541) and with UN Resolutions 2178/2014 and 2253/2015.

224. Moreover, the activities of the Police, in application of the anti-terrorism legislation, are developed in coherence with the Italian constitutional order, which guarantees full respect for human rights, expressly recognised as inviolable. Plus, Law 110/2017 intervened on the TUI, by introducing in Article 19 of the latter, a paragraph, which states: "the rejection, expulsion or extradition of a person to a State is not allowed if there are reasonable grounds to believe that he/she is at risk of being subjected to torture. In assessing these grounds, account shall also be taken of the existence of serious systematic violations of human rights in that State".

225. With regard to arrests made in last 3 years, for terrorism or terrorism-related offences: in 2018, there were 58 persons; in 2019, 83 persons; in 2020, 40 persons.

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226. Since the first signals of the Covid-19, the DPLCI issued clear Circulars to the Prefects concerned, drawing attention to the provisions on health checks, the need to take relevant measures regarding landed migrants and those already present in reception facilities. Upon

arrival in Italy, the migrant is swabbed as also provided for by Ministry of Health's indications, contained in "Interim operational indications for the management of facilities with people with high fragility and socio-sanitary marginality under COVID-19 epidemic", as edited by INMP.

227. Moreover, for the implementation of measures to contain the risk of epidemiological spread of COVID-19 to migrants arriving by sea, or arriving via land borders, by Decrees of the Head of the Department of Civil Protection (respectively in April and August), the DPLCI's Head was appointed "Implementing Party", with the possibility of using ships for the health surveillance (in addition to the possibility of identifying, through the competent Prefectures, other areas or facilities to be used as accommodation).

228. In May 2020, to guarantee the performance of these measures, a special Convention was stipulated with the Italian Red Cross, supplemented by subsequent addenda, which provides, besides preventive health services, personal services including linguistic-cultural mediation (also aimed at health activities), social assistance, identification of vulnerable persons and psychological support. Also with regard to migrants present in reception centres and facilities on the national territory, several Circulars have been issued on the need to ensure full compliance with the containment provisions in all places where migrants are hosted.

229. Besides observing hygienic and sanitary measures inside reception centres (interpersonal distance, prohibition of gathering, identification of specific spaces for the fiduciary isolation of virus positive persons, etc.), prompt communication was also given about the importance of ensuring information to migrants on the observance of prevention and protection measures, by pointing out as a possible information support for the managing bodies of the centres, the documentation made available online by IOM and UNHCR, as well as the practical guide published by Emergency NGO containing useful indications on prevention and control actions.

230. Moreover, the attention of the Prefectures of the Sicilian provinces was drawn to the provision of the Ministries of the Interior and Health, dated 4 September 2020, establishing an inter-ministerial Task Force, to define a schedule of interventions for the facilities with critical hygiene and health issues, in order to adapt them to the measures of containment and fight against COVID-19 and to identify the medical prophylaxis measures against COVID-19 necessary to continue the safe reception. This TF carried out monitoring visits to the 10 quarantine facilities used in Sicily for landed migrants.

231. In a further Circular letter sent to the Prefects, 18 active projects were also reported, financed by the FAMI fund, which aim to protect the health of applicants and holders of international protection present on the regional territory in a condition of psycho-sanitary vulnerability, by developing specific assistance, treatment and rehabilitation programmes, including long-term ones.

232. To foster knowledge on the virus spread in reception facilities and on health protection of the individual guests, operators and the entire community, the DPLCI-Ministry of the Interior entered into a collaboration agreement with INMP to promote, starting from January 2021 a periodical (quarterly) survey on the implementation of the above-mentioned Interim Operational Guidelines at each reception facility and on the cases of positive findings at the Centres themselves: a monitoring which will allow the latter to use the data and information collected for scientific and public health purposes.

233. As regards vulnerable persons, the Prefectures have been reminded by Circulars issued by the above-mentioned Department not only of all the situations deserving protection, but above all of the most delicate cases, such as, by way of example only, UAMs, persons with acute or disabling illnesses, as well as persons with various cumulative vulnerability profiles.

234. As for UAMs the obligations provided for by the legislation in force have been recalled, with specific Circulars sent not only to the Prefectures, but also to the Italian Red Cross (CRI) and to other stakeholders.

235. Following the provisions of the Ministry of Health, the DPLCI also invited the Prefectures to promote the vaccine-inoculation to third-country nationals included in the

reception system, on a voluntary basis and after obtaining informed consent in a language understood by the person concerned. To ensure distancing within the accommodation or to allow isolation for health needs for surveillance measures, the Prefectures were invited, in agreement with the Director responsible for the surveillance service and the manager, to better manage the places currently available in the Centres, and to use the places currently free, this reducing the places available for possible new allocations.

236. Despite the ongoing epidemiological crisis, every single migrant has continued to be guaranteed the right of access to a doctor, as well as access to a lawyer. Besides the visit with their lawyers, in compliance with the rules of social distancing and after having subjected, where possible, each incoming lawyer to body temperature, it is possible to communicate remotely with the lawyers both through the use of fixed telephones available in the Centres and of mobile phones provided by the managing body. In this regard, the Prefectures were invited to issue appropriate provisions so that, in case of need, retained persons could maintain telephone contact not only with their lawyers, but also with their relatives who could not reach the retention facility due to the travel restrictions.

237. Particularly in cases where landline telephones are not working or are not in sufficient number, the Prefectures were asked to ensure that the managing body makes available mobile phones to be used in places that respect privacy, without the presence of other foreigners and on condition that at the end of the call the managing body takes possession of the used telephone. In most Centres, each accommodation area has an outdoor space in front, where migrants can exercise their right to stay in the open air. Finally, as already mentioned above, the epidemiological crisis did not affect the NPM's visiting mandate to CPRs.

238. Among the precautionary actions to COVID-19 contagion in prisons, on the basis of the directions given by the Ministry of Health and by the relevant Scientific-Technical Committee, the prison governors undersigned protocols with local healthcare agencies to draft operational guidelines to limit the virus spreading within the prisons. The precautionary measures adopted are, inter alia: respect of social distancing; use of personal protection equipment, the purchase of hygienizing material for hands, regular sanitization of the premises. Those measures are combined with other dispositions such as precautionary confinement for inmates coming from outside (either from liberty and from other prisons) and the swab sample taking, according to the timing established by local healthcare protocols (See Annex 4).

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239. The NRRP aims to revitalize the economy after the COVID-19 pandemic, as part of the Next Generation EU Programme. It is developed around three strategic axes: digitalisation and innovation; ecological transition; social inclusion. The NRRP will make a substantial contribution to reducing territorial, generational and gender gaps.

Italy has just submitted its mid-term report following last UPR3's consideration.

240. On a different note, as for exploitative working conditions, they affect many workers in the agriculture sector, in particular those vulnerable migrants, victims of trafficking, asylum-seekers, holders of international protection, or the undocumented ones. These include the violation of the condition set forth by labour law and, in many cases, workers report severe abuses, inadequate and inhumane working and living conditions, intimidations and degrading treatment (e.g., forms of modern slavery) imposed by the intermediary (or gang-master) or the employer.

241. To prevent and tackle labour exploitation, on 20 February 2020 the Inter-Institutional Committee on labour exploitation adopted the first-ever National Action Plan to tackle labour exploitation in agriculture. This Committee, chaired by Minister of Labour (MOL), is composed of several national and local Institutions, trade unions, and CSOs. The secretariat work is carried out by the Directorate General for Immigration and Integration Policies-MOL, with EC and ILO support.

242. The above Plan significantly shifts towards a more comprehensive and multi-dimensional approach and is structured around four strategic pillars (prevention, protection,

enforcement and remedies) to be implemented through ten priority actions, besides including immediate and long-term interventions.

243. A specific multi-disciplinary group, coordinated by the above Directorate General, elaborated Guidelines to establish a national referral system for the identification, assistance and protection, and socio-economic inclusion of victims through decent work opportunities. Moreover, in line with the relevant Guidelines, this group drafted specific amendments to Immigration Act (Arts. 18, 22 TUI), to harmonize identification and protection of third-country nationals, victims of violence/trafficking and victims of labour exploitation. Following endorsement by Inter-Institutional Committee (July 2021), relevant Guidelines has been definitively adopted on October 7, 2021, by an Agreement between Government, regional and local Authorities.

244. By the end of 2021, MOL will establish a multi-actor and multi-disciplinary group aimed at developing a national system for the labour and social reintegration of victims of labour exploitation in agriculture (Priority 10).

245. Moreover, MOL is supporting several initiatives for victims of labour exploitation in agriculture, in particular migrants: 95 million Euros to strengthen actions foreseen in the above Plan, to cover the whole nation, under AMIF and ESF Funds. Measures concern different areas: support to on-the-field Task Forces for identification and protection of victims; individualised assistance services; transport and logistics; housing; information; language courses; intercultural mediation; labour active policies.
