

Italian Yearbook of Human Rights 2014



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Italian Agenda of Human Rights 2014

For the third year running, the research and editorial committee of the *Italian Yearbook of Human Rights*, based at the Human Rights Centre of the University of Padua, has compiled an “Italian Agenda of Human Rights”, drawing on analysis of the recommendations made to Italy at the international level and the most critical issues identified in the successive editions of the Yearbook itself. The Agenda can be used as a practical guide to choosing the main actions to be undertaken on the legislative, infrastructural and policy-making fronts in order to strengthen the Italian system of promoting and protecting human rights (the 2012 and 2013 Agendas are available online at www.italianhumanrightsyarbook.eu).

Only 5 of the items (and sub-items) on the 2013 Agenda were actually met during the year. Italy did deposit the instruments of ratification of the Civil Law Convention and Criminal Law Convention on Corruption and also ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. Moreover, Italy presented the outline of its National action plan against racism, xenophobia and intolerance 2013–2015, in line with the spontaneous commitment made in 2011, when Italy submitted its candidature for election to the Human Rights Council; the National Action Plan for the promotion of the rights of persons with disabilities was also adopted. Finally, the Government has requested the publication of the two reports drawn up by the Council of Europe Committee for the Prevention of Torture following its visits to Italy in 2010 and 2012 to assess the conditions of people deprived of their personal liberty. Consequently, these five points are not mentioned in the 2014 Agenda.

On the remaining points, on the other hand, some distinctions should be made. In certain areas, significant progress has been made, but a longer time-frame is considered necessary to assess whether Italy has actually met its commitments. Consequently, these points are reformulated, based on the developments observed and appear again in the 2014 Agenda, to allow for a longitudinal assessment of their implementation. Other issues have not been the object of any specific initiatives by the Italian authorities and so the research and editorial committee considers special attention should be directed to them. These points are therefore confirmed again, in the same words as last year, in the 2014 Agenda. Finally, some new points have been added to the Agenda in consideration of the most recent

developments at the national and international level concerning the promotion and protection of human rights, including the human right to peace.

Generally speaking, the points listed in the *Italian Agenda of Human Rights 2014* coincide with most of the recommendations which were rejected, implemented only in part or not at all out of those made to Italy during the 2010 Universal Periodic Review (see the previous section). And so the 2014 Agenda is also offered as a practical contribution to the preparatory process for Italy's second cycle of UPR, scheduled for October 2014.

Italian Agenda of Human Rights 2014

<i>Normative Level</i>	<p>1) Ratify the following legal instruments at the United Nations and the Council of Europe:</p> <ul style="list-style-type: none"> a. International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families b. International Convention for the Protection of All Persons from Enforced Disappearances c. Optional Protocol to the International Covenant on Economic, Social and Cultural Rights d. Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure; e. United Nations Convention on the Reduction of Statelessness; f. Protocol 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms; g. Protocol 15 to the Convention for the Protection of Human Rights and Fundamental Freedoms; h. Protocol 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms; i. European Convention on Nationality; j. Additional Protocol to the Criminal Law Convention on Corruption. <p>2) Deposit the instruments of ratification for the following legal instruments for which Parliament has already adopted the relative ratification and implementation laws:</p> <ul style="list-style-type: none"> a. Convention on Human Rights and Biomedicine (Oviedo Convention); b. Additional Protocol to the Convention on Human Rights and Biomedicine concerning Transplantation of Organs and Tissues of Human Origin. <p>3) Support the adoption of the draft Declaration on the right to peace (A/HRC/20/31), presented to the Human Rights Council by its own Advisory Committee in February 2012.</p>
	<p>4) Accept article 25 of the European Social Charter (revised), which recognises the right of workers to the protection of their claims in the event of insolvency of their employer.</p>

	<p>5) Withdraw the declaration which excludes the application for Italy of Chapter C of the European Convention on the Participation of Foreigners in Public Life at Local Level and, accordingly, provide for the introduction of active and passive voting rights in local elections for foreigners who have been residing in Italy for a certain number of years.</p> <p>6) Include hate motivation as an aggravating circumstance in article 61 of the Italian criminal code.</p> <p>7) Include the crime of torture in domestic legislation.</p> <p>8) Expressly recognise representative non-governmental organisations within Italian jurisdiction having particular competence in issues regulated by the European Social Charter (revised) the right to present collective complaints pursuant to the 1995 Protocol.</p> <p>9) Complete the adoption process of parliamentary bill No. 925 on defamation laws in light of the of United Nations, Council of Europe and OSCE standards.</p> <p>10) Continue efforts to reform the system for the prevention and repression of corruption in both the public and private sector.</p>
Infrastructural Level	<p>11) Complete the system of independent national human rights institutions in line with the Paris principles adopted by the United Nations:</p> <ul style="list-style-type: none"> a. establish the National Human Rights Commission; b. establish the National Ombudsperson; c. appoint the members and allocate the necessary resources to the National Ombudsperson for the rights of detainees and persons deprived of their personal freedom, established by law-decree 146/2013; d. establish an independent and adequately funded national preventive mechanism against torture (OPCAT), pursuant to law 195/2012. <p>12) Ensure the existence of a permanent parliamentary Human Rights Commission, in one or both Chambers.</p> <p>13) Assign all Ministries an ad hoc human rights office.</p>
Implementation of International Obligations and Commitments	<p>14) Complete the legislative process for the implementation of the Statute of the International Criminal Court as concerns substantive law.</p> <p>15) Submit the reports due to the international monitoring bodies, particularly:</p> <ul style="list-style-type: none"> a. VI report to the United Nations Committee on Civil and Political Rights (overdue since October 2009); b. VI report to the United Nations Committee against Torture (overdue since July 2011); c. I report to the Council of Europe European Committee of Social Rights on the provisions of the European Social Charter (revised) which have not been accepted (overdue since 31 July 2004).

	16) Execute the judgments of the European Court of Human Rights and improve Italy's capacity to adjust to the standards defined by the same.
	17) Address as a matter of urgency the issue of the excessive duration of legal proceedings, including those initiated to seek remedy for their excessive duration.
<i>Adoption of policies</i>	18) Hold an annual debate on Human Rights in Parliament.
	19) Adopt the following national action plans, providing them with suitable tools for monitoring and assessment: <ul style="list-style-type: none"> a. National action plan against trafficking of human beings; b. National action plan on the human rights situation within detention structures; c. National programme on education for democratic citizenship and education and training on human rights d. Fourth National action plan for the protection of rights and of the development of children and adolescents e. National plan against racism, xenophobia and intolerance for the three-year period 2013–2015, based on the outline prepared by UNAR in 2013; f. Extraordinary Action Plan against Sexual and Gender-Based Violence, as per art. 5 of law-decree 14 August 2013, No. 93, as amended and converted into law by law 15 October 2013, No. 119.
	20) Provide information on the impact of the following national action plans: <ul style="list-style-type: none"> a. National Strategy for the Inclusion of Roma, Sinti and travellers – 2012–2020; b. National Strategy for Preventing and Combating Discrimination on grounds of gender identity or sexual orientation; c. Two-year action plan for the promotion of rights and the integration of persons with disabilities.
	21) Allocate UNAR sufficient human and financial resources to fulfil its functions.
	22) Allocate sufficient public social spending in the various categories (illness, disability, family support, unemployment, social housing and combating social exclusion).
	23) Resolve the problem of overcrowding in prisons through structural measures and deflation mechanisms, with the objective of bringing down the numbers of detainees to the official number of places available.

Initiatives in specific fields	
<i>Rights of Women</i>	<p>24) Promote actual equality between men and women in all aspects of public and private life, specifically through adoption of policies and actions directed at:</p> <ul style="list-style-type: none"> a. reducing the deficit in the number of women represented in the highest decision-making roles in political bodies, including Parliament and Regional Councils, the public administration including the Diplomatic Service and in the private sector b. reducing the salary gap between men and women c. fostering a more balanced sharing of family duties between men and women, both in running the home and in care-giving duties d. eliminating stereotypical attitudes on the roles and responsibilities of women and men in the family, in society and in the workplace e. encouraging plans for the integration of foreign women; f. tackling and resolving the phenomenon of resignations without a justified reason (“blank resignation letters”) for pregnant women and working mothers. <p>25) Adopt further institutional, political and administrative initiatives to continue to combat the phenomenon of violence against women and reinforce the support services for victims of violence, including:</p> <ul style="list-style-type: none"> a. correcting the current fragmentation of legislation on violence against women and fostering the use of current legislation which is best able to ensure effective protection of victims b. completing the framework of regional laws on violence against women c. carrying out an audit on the performance of the activities to prevent and contrast gender-based violence and stalking planned in the relative National Plan. d. encouraging growth in the numbers of anti-violence centres and multi-agency work on the issue, including in the prevention of violence stage e. encouraging correct information on the real circumstances and dimensions of the phenomenon of violence against women, with a particular regard to femicides.
<i>Rights of Children</i>	<p>26) Adopt a general legislative measure which enshrines the right of children to be listened to in court, in administrative bodies, in the institutions, at school and in the family in every issue which concerns them directly and establish suitable mechanisms and procedures to this end, to ensure that the participation of children really takes place.</p>

	27) Amend the criminal code so as to explicitly forbid and criminalise the recruitment and the deployment, by either the armed forces or armed groups, of young people under the age of 18 in the course of armed conflicts.
	28) Adopt legislation prohibiting and criminalising the sale of light and small calibre arms to Countries which deploy child soldiers.
	29) Amend legislation so as to prohibit the expulsion of children, even on public order or State security grounds, when there are substantiated reasons to believe there is a real risk of irreparable damage to the child.
<i>Rights of Migrants, Refugees and Asylum Seekers</i>	30) Address migratory flows as a structural phenomenon, the systematic planning for which must be assigned to instruments of an ordinary nature (rather than to emergency measures linked to a purely security-oriented viewpoint) and to multi-level governance with the involvement of the relevant Ministries, Regions, local administrations and civil society.
	31) Respect the principle of non-refoulement, the right of asylum seekers to an individual examination of their case, as well as immediate access to asylum procedures and other forms of national and international protection, including where there are bilateral agreements for return or for cooperation in management of migratory flows.
	32) Support the activities of the “Roundtable on the Legal Status of Roma”, established on 30 January 2013 as part of the National Strategy for Inclusion of the members of these communities, with the objective of finding solutions to the situation of statelessness of large numbers of Roma originally from the former Yugoslavia, and of their children born in Italy (the so-called “de facto stateless people”).
	33) Develop a more expeditious identification system, in order to reduce as far as possible the period that migrants are detained while waiting for the identification procedures to be completed.
	34) Re-examine laws on citizenship in the light of the principle of <i>ius humanae dignitatis</i> , continuing in the direction taken by the simplification of the process for acquiring citizenship status pursuant to art. 33 of legal decree 21 June 2013, No. 69.