

ITALY

Follow-up - State Reporting

i) Action by Treaty Bodies, including reports on missions

CERD, A/64/18 (2009)

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Chapter IV. Follow-up to the consideration of reports submitted by States parties under article 9 of the Convention

48. In 2009, Mr. Amir served as coordinator and Mr. Prosper as alternate coordinator for follow-up to the consideration of reports submitted by States parties.

49. Terms of reference for the work of the coordinator on follow-up¹ and guidelines on follow-up to be sent to each State party together with the concluding observations of the Committee² were adopted by the Committee at its sixty-sixth and sixty-eighth sessions, respectively.

50. At the 1923rd meeting (seventy-fourth session) and the 1897th meeting (seventy-fifth session), held on 2 March and 17 August 2009 respectively, the coordinator on follow-up presented a report on his activities to the Committee.

51. Since the closing of the seventy-third session, follow-up reports on the implementation of recommendations regarding which the Committee had requested information were received from the following States parties: Austria (CERD/C/AUT/CO/17/Add.1), Belgium (CERD/C/BEL/CO/15/Add.1), Bosnia and Herzegovina (CERD/C/BIH/CO/6/Add.2), Canada (CERD/C/CAN/CO/18/Add. 1), Italy (CERD/C/ITA/CO/15/Add.1), New Zealand (CERD/C/NZL/CO/17/Add.1), Republic of Korea (CERD/C/KOR/CO/14/Add.1), Republic of Moldova (CERD/C/MDA/CO/7/Add.1), Turkey (CERD/C/TUR/CO/3/Add.1) and United States of America (CERD/C/USA/CO/6/Add.1).

52. At its seventy-fourth and seventy-fifth sessions, the Committee considered the follow-up reports of Belgium, Bosnia and Herzegovina, Israel, Italy, New Zealand, the Republic of Korea and the United States of America and continued the constructive dialogue with these States parties by transmitting comments and requesting further information.

¹ For the terms of reference of the work of the coordinator on follow-up, see *Official Records of the General Assembly, Sixtieth Session, Supplement No. 18 (A/60/18)*, annex IV.

² For the text of the guidelines, see *Official Records of the General Assembly, Sixty-first Session, Supplement No. 18 (A/61/18)*, annex VI.

Follow-up: State Reporting
Action by State Party

CERD, CERD/C/ITA/CO/15/Add.1 (2009)

Information received from the Government of Italy on the implementation of the concluding observations of the Committee on the Elimination of Racial Discrimination

[30 March 2009]

Follow-up reply, to be taken up in connection with the consideration of the fourteenth and fifteenth periodic reports of Italy (CERD/C/ITA/15), the list of issues raised by the Committee on the Elimination of Racial Discrimination and the reply of Italy to the list of issues

1. Further to the consideration of the fourteenth and fifteenth periodic reports of Italy relating to the International Convention on the Elimination of All Forms of Racial Discrimination, in particular the request of the Committee on the Elimination of Racial Discrimination in paragraph 28 of the concluding observations (CERD/C/ITA/CO/15), Italy is in a position to provide the following additional information on paragraphs 13, 18 and 22 of the concluding observations.

Paragraph 13

2. The Committee notes that the State party has not yet established an independent national human rights institution. It also takes note of the pledge made to establish a national human rights institution during the election to the Human Rights Council and the approval of a bill by the Chamber of Deputies on 4 April 2007 with a view to establishing such an institution in accordance with the Paris Principles (art. 2).

3. **The Committee recommends that the State party undertake, in consultation with a broad base of civil society representatives and with the support of the Office of the United Nations High Commissioner for Human Rights, the necessary steps to proceed with the establishment of an independent national human rights institution in accordance with the Paris Principles.**

4. As regards the legislative process for the creation of a national human rights institution, during the XVI Italian Legislature three bills have been recently introduced both in the Chamber of Deputies and in the Senate to establish a body to promote and protect human rights according to the Paris Principles. The Government announced in December 2008 that it is preparing its own bill on this issue. The drafting process is already under way within the administrations concerned.

Paragraph 18

5. The Committee is concerned by allegations that foreigners held in the temporary stay and assistance centre (CPTA)¹ of Lampedusa are not properly informed of their rights, do not have access to a lawyer and face collective expulsion. It is further concerned about reports that detention conditions in this centre are unsatisfactory in terms of overcrowding, hygiene, food, medical care and that some immigrants have suffered ill-treatment (art.5).

6. The State party is encouraged to improve the conditions of the CPTAs and the reception and identification centres to ensure that adequate health care and better living conditions are provided. It also recalls the obligation of the State party to undertake measures to ensure that conditions in centres for refugees and asylum-seekers conform to international standards. Furthermore, the Committee recommends that the State party undertake measures to ensure that non-citizens are not returned or removed to a country or territory where they may be subject to serious human rights violations, including torture and cruel, inhuman or degrading treatment or punishment.

7. As regards the conditions for foreigners in the Lampedusa Centre, it should be recalled that an agreement between the International Organization for Migration, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Italian Red Cross has been in force since 2006 to assure informative and legal assistance as provided for in the framework of the Praesidium I Project to improve reception measures in the face of migratory flows to Lampedusa through the financial support of the European Commission programme Argo 2005.

8. In line with appreciable results in this field, the European Commission renewed its financial assistance from 1 March, 2007 to 1 March 2008 (the so-called Praesidium II Project to consolidate reception capability in the face of migratory flows to Lampedusa and other places on the coast of Sicily i.e. the cities of Trapani, Caltanissetta and Siracusa).

9. Within the framework of the Praesidium III Project, with the joint financial support of the European Commission and the Department of Civil Liberties and Immigration of the Italian Ministry of the Interior, new agreements to be implemented in Sicily, Sardinia, Apulia and Calabria regions were signed on 1 July, 2008 with the above-mentioned organizations, also including Save the Children.

10. These organizations provided their contribution through information for foreigners about Italian legislation in force concerning irregular immigration, trafficking, regular entry into Italian territory, voluntary or agreed repatriation, and through support from a legal point of view. Specific attention is devoted to foreign children. They also assist authorities during the identification process and guarantee health and social assistance.

11. Furthermore an agreement was signed on 5 August 2008 between the Department for Civil Liberties and Immigration of the Ministry of the Interior and the National Institute for Health, Migrants and Poverty to provide for free health assistance and training of personnel within the health unit of the Lampedusa Centre as well as for public health services on the island.

12. Following a multicultural approach and with full respect for cultural identity, this health task force worked for three months to strengthen all the necessary measures to promptly identify

and treat health conditions and to screen migrants and citizens for dermatological, infectious and gynaecological conditions.

13. As regards measures to ensure that non-citizens are not returned or removed to a country or territory where they may be subject to serious human rights violations, including torture and cruel, inhuman or degrading treatment or punishment, it is worth mentioning that *refoulement* is not allowed, especially in cases in which the individual to be returned is a social danger or when there is the risk that he might be subjected to torture or inhuman or degrading treatment in the country of origin. Moreover relevant return operations are fully documented and, at the conclusion of every single operation, the officer in charge has to provide a comprehensive report on the entire procedure, including any problems and/or incidents which might arise.

Paragraph 22

14. The Committee is concerned that mass media continue to play a role in portraying a negative image of the Roma and Sinti communities and that insufficient measures have been taken by the State party to address this situation (art. 7).

15. The Committee recommends that the State party encourage the media to play an active role in combating prejudices and negative stereotypes which lead to racial discrimination and that it adopt all necessary measures to combat racism in the media. It further requests the State party to promptly adopt the code of conduct of journalists drafted in collaboration with the National Office for the Elimination of Racial Discrimination (UNAR), UNHCR and the Italian National Press Federation.

16. An ad hoc scientific committee, involving representatives of the Department for Civil Liberties and Immigration of the Ministry of the Interior, Ministry for Social Solidarity, UNAR, University of Rome *La Sapienza* and University *Roma Tre*, was tasked with drawing up a document, finally adopted first on April 2008 as "Protocol/Code of Conduct concerning asylum seekers, refugees, trafficking victims and migrants" (Rome Charter) by the National Council of the Italian National Press Association, and then, on June 2008, by the National Council of the Italian Journalists' Order.

17. The contents of this document respond to UNHCR concerns on the role of media and the need to provide responsible and factual information "respecting the substantial truth of facts", using "adequate legal terms" "to avoid the spread of imprecise, highly summarized or distorted information" and to avoid "superficial and uncorrected forms of behaviour, that can contribute to unjustified alarm".

18. Therefore the document is conceived in order to suggest guidelines to Italian journalists for providing balanced information on the topics of immigration and asylum, focusing on the fundamental duty to respect the human being and his/her dignity and to protect from any discrimination on the grounds of race, religion, physical and mental condition or political opinions.

19. Training activities and the institution of an independent observatory to periodically

monitor the action to combat racism in the media will be also promoted. In August 2008 both the Italian National Press Association and the Italian Journalists' Associations sent a letter to the main referees working for newspapers, magazines, media agencies and radio stations to inform them about and raise awareness of this document.

20. The Rome Charter was officially introduced by the President of the Republic on the occasion of the "Information Day", celebrated on 10 October, 2008.

1/ *Centro di Permanenza Temporanea e Assistenza.*