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Agenda item 6

Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Italy

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.



1. Italy is firmly committed to the Universal Periodic Review as a unique global mechanism for the promotion and protection of Human Rights.
2. Italy thanks all Delegations for their interventions and welcomes the recommendations made during its Universal Periodic Review, on November 4th, 2019.
3. Procedurally, all Institutions concerned reviewed the recommendations and collaborated in preparing the present response. Throughout this Third Cycle exercise, Civil Society organizations were invited to specific sessions organized by the Inter-ministerial Committee for Human Rights as the National Mechanism for Reporting and Follow-up of Italy.
4. Italy accepts 292 out of 306 Recommendations received. Italy accepts the following Recommendations: No. 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 272, 273, 274, 275, 277, 278, 280, 282, 283, 284, 285, 286, 287, 288, 290, 292, 293, 294, 295, 296, 297, 299, 300, 301, 303, 304, 305, 306.

Recommendations No. 148.2, 148.6

5. **Partially accepted.**

With specific regard to the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), please kindly refer to information under para.7 below.

Recommendation No. 148.171

6. Italy takes note of Recommendation No. 148.171.

Comments on the remaining recommendations

Recommendations No. 148.1, 148.276

7. **Not accepted.**

According to a longstanding EU common position, EU Member States will not sign the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW). However, the Italian legal framework already guarantees the rights of regular and irregular migrants.

Recommendation No. 148.7

8. **Not accepted.**

Although we share the goal of a nuclear weapons free world, we cannot accept Recommendation No.148.7. Our approach is based on Article VI of the Treaty on the non-

proliferation of Nuclear Weapons and on the idea that such a goal can be reached only gradually, with the involvement of all relevant actors and through a series of concrete and progressive steps. Unfortunately, some of the provisions of the Treaty for the Prohibition of Nuclear Weapons raise doubts about its real capacity to work as an irreversible, transparent and verifiable nuclear disarmament tool.

Recommendation No. 148.135

9. **Not accepted.**

The analysis of operations concerning the cases of femicide, based on information provided for by Police Headquarters during 2019, shows that a firearm was used only in the 18% of the cases; bladed weapons (36%), blunt instruments (27%), suffocation or other means (19%) were used in the other cases. Current legislation envisages that the *Quaestor* promptly adopts measures concerning the detention of firearms when cases of domestic violence and stalking are reported.

Recommendation No. 148.271

10. **Not accepted.**

The use of force and of physical constraint by Law Enforcement officers is ruled by the criminal code and there are no exceptions to the principle of mandatory prosecution. The Department of Public Security pays the utmost attention to the enhancement of training courses for Law Enforcement officers.

Recommendation No. 148.279

11. **Not accepted.**

The principle of *non-refoulement* is established by Italian law and is fully implemented in the practice. Rights of migrants and asylum seekers are recognized and respected in full compliance with national, EU and international law.

Recommendation No. 148.281

12. **Not accepted.**

The principle of *non-refoulement* is established by Italian Law and is fully implemented in the practice. In fact, in the absence of the requirements for international protection (Refugee Status and Subsidiary Protection) it is guaranteed the principle of *non-refoulement*, with complementary types of protection, where applicable.

Moreover, if a third-country national or a stateless person could be eligible for international protection, but in the fact, he or she is excluded from being a refugee or eligible for subsidiary protection, it is foreseen the issue of a special residence permit, so-called “special protection”.

Recommendation No. 148.289

13. **Not accepted.**

Italy has never carried out collective expulsions. Any single order of expulsion is based on an objective assessment of the individual situation of the person concerned.

Recommendation No. 148.291

14. **Not accepted.**

Italy abstained from adopting the Global Compact for Safe, Orderly and Regular Migration. As an assessment by the Italian Parliament on whether to join the Compact is ongoing, this Recommendation cannot be accepted.

Recommendation No. 148.298

15. **Not accepted.**

Italy has never carried out collective expulsions. Any single order of expulsion is based on an objective assessment of the individual situation of the person concerned, in full compliance with the principle of *non-refoulement*.

Recommendation No. 148.302

16. **Not accepted.**

The national legislation, including Act No.132/2018, is perfectly aligned with relevant international refugee and humanitarian law, as well as with EU regulations.

17. Italy will submit a mid-term report by November 2021.
