



*Ministero degli Affari Esteri
e della Cooperazione Internazionale*

ITALY

HCR 28 –Item 6 –18 March 2015

(Consideration of UPR Reports)

ADDRESS BY

PERMANENT REPRESENTATIVE OF ITALY

TO THE UNITED NATIONS IN GENEVA,

AMB. MAURIZIO ENRICO SERRA

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Mr. President, Distinguished Delegates, Ladies and Gentlemen,

It is a great honour for me to take the floor, on the occasion of the consideration of the Outcome, following Italy's review of last October 2014 under the Human Rights Council's Universal Periodic Review II cycle.

With regard to the impact of the Universal Periodic Review since its I cycle, we believe that all the results of the II cycle have contributed significantly to taking stock of our domestic situation in the field of the promotion and protection of human rights. In fact, through an open and beneficial process involving both all relevant Public Administrations and civil society, this exercise gave us the opportunity to carry out a comprehensive overview aimed at strengthening the implementation of international standards in force in our Country according to a coordinated holistic approach.

Our national report for the UPR Session of last October focuses on several priority issues, highlighting the relevance of our role in other international and regional organisations and the leadership we have taken to encourage the debate over them: the promotion of a moratorium on the death penalty, with a view to its universal abolition; the safeguard and protection of migrants, asylum seekers and refugees, deserving the utmost attention to unaccompanied minors; the fight against racism and all forms of discrimination, including against vulnerable groups; the rights of the child, encouraging their well-being and their development; the fight against violence towards women, and, more specifically, action against every form of discrimination on the grounds of sex, supporting the enjoyment of LGBT rights; the promotion of dialogue among cultures and religions; and, finally, the promotion of human rights education.

Let me express the utmost appreciation for the attention by all the Delegations that have participated to the interactive dialogue formulating recommendations to Italy. Their contribution led us to analyse in detail each issue which has been raised and to discuss with relevant Italian Public Administrations, civil society and

Parliamentarians the opportunity to evaluate the level of protection of human rights and to adopt useful legislative and operational measures to this scope.

Let me remark that, in comparison with the outcome of the previous I cycle, - where Italy has implemented 74 out of 78 recommendations accepted, including several ones that were not accepted at the conclusion of the Periodic Review in February 2010 - here we have received 186 recommendations. We decided to examine them in detail and to provide a comprehensive response on the occasion of the present Outcome in our addendum.

As you can see, we accepted the great majority of the recommendations. Summing up, **we have accepted 176 recommendations, and we have noted 10 recommendations.**

In line with the explanations introduced in the addendum document, let me give the floor to the President of the Inter-ministerial Committee for Human Rights, Minister Plenipotentiary Gianludovico De Martino, who will share with you you some remarks on the recommendations that we have noted because we do not agree or partially agree with their substance.

Min. Plen. Gianludovico De Martino:

First of all I would like to mention **Recommendations No. 145.1-145.6** concerning the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Let me underline that, in this field, the Italian legislative framework already guarantees the rights of regular and irregular migrants. Following the ratification of ILO Conventions C 143 concerning migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers and C189 concerning decent work for domestic workers Italy accepted to be periodically reviewed as to the implementation of these Conventions at the domestic level.

At the same time Italy is committed to promoting a debate at the European level on this topic, aimed at countering trafficking in human beings, as requested both

in the UN and Council of Europe systems with reference to the present legislative and operational framework.

With regard to **Recommendations No. 145.126-145.127**, concerning the explicit prohibition of all corporal punishment of children, I would like to stress that the protection of children from all forms of violence within the family, including even mild corporal punishment, is enshrined in Articles 2, 3, 29, 30 and 31 of the Italian Constitution, clearly flowing from the 1989 United Nations Convention on the Rights of the Child, ratified by our Country with Law No. 176 of 1991. Moreover the Italian Criminal Code firmly provides for the punishment with imprisonment for any ill-treatment of children within the family defined as “any form of physical or psychological abuse, any behaviour likely to result in a state of physical or spiritual prostration or any form of submission” and “all forms of harassment of a child by an adult or a person belonging to the same household”. The severity of these penalties has been confirmed in the Italian case-law extending the meaning of ill-treatment to any degree of violence, including correctional measures.

On **Recommendation No. 145.170**, relating to the suspensions of summary returns to Greece, let me strongly underline that Italy did not carry out summary returns to Greece. All the operational procedures carried out at borders by Italy have been always implemented according to a case-by-case approach. In other words, each migrant is properly identified and all personal details are managed by the competent authorities in order to monitor the single case and related assistance measures. Nevertheless, specific inquiries could be followed up on specific summary return episodes, if precise references are made available to us.

Finally, with regard to **Recommendation No. 145.182**, concerning the inclusion of all migrants –irrespective of their status –within the national plans and programmes to integrate and ensure their human rights let me remark that integration programs are regularly made available to all regular migrants entitled to stay in Italy. With particular regard to migrants arriving in Italy by sea, our Country is fully committed to receive and host them with full respect for their human rights: let me say that as of today over 70.000 migrants are hosted in different kinds of Centres in Italy. As to their inclusion within national plans and integration programs, this is

allowed only to refugees, asylum seekers or to those entitled to humanitarian protection.

Mr. President, Distinguished Delegates,

I would like to take this opportunity also to go into detail in relation to further steps that our Country will take following this UPR cycle II, recalling some relevant thematic issues.

As we recalled on the occasion of the Dialogue promoted by the United Nations High Commissioner for Refugees, on 10th December 2014, devoted to protection at sea, a renewed collective commitment is needed to the **principles of search and rescue at sea**, while also promoting greater international cooperation and readiness to share responsibilities.

As most of you might know, in recent months Italy has been facing an escalating humanitarian crisis in the Mediterranean with more than **170.000 (as of February 10th 2015)** people arriving to our shores. **101.000 people** were rescued through the **Mare Nostrum** operation by the Italian Navy. Let me say that Mare Nostrum is the widest humanitarian operation ever conducted by Italy on a bilateral basis. Still, the active search and rescue that we have pursued with determination and extensive deployment of means and resources, in a context of persisting economic downturn, was regrettably not enough to save everybody.

Let me assure you that Italy remains deeply committed to the principles of protection at sea and to the two components of both active search and rescue operations in the Mediterranean.

We believe that it is our collective responsibility also towards the public opinion to put an end to that sacrifice of human lives. Let us all work for a renewed collective commitment to prevent these fatal journeys in the first place and prevent loss of life at sea through search and rescue operations.

The new **Triton European operation** is a step towards a long-awaited responsibility sharing among European countries and a signal of greater commitment from European counterparts.

Italy is taking full part in the European efforts together with other **18** European Union Member States and Schengen Associated countries, and will continue to do her share to prevent further loss of lives in the Mediterranean by the translation of EU Directives aimed at adopting common procedures for international protection and ad hoc measures on the reception and assistance of vulnerable categories of migrants.

Just do give you an example the National Fund in support of unaccompanied minors has been further financed with 32,5 million euros for 2014-15, granting proper assistance to UAMs within the SPRAR system.

Indeed, in the acknowledgment of the complex nature of the migratory phenomenon, the EU –under the impulse of the Italian Presidency –took steps to ensure better coordination between the internal and external dimension of the EU action so as to make migratory policies an integral component of the external action of the European Union. Against this backdrop, the Italian Presidency supported dialogues with third countries of origin and transit of migratory flows in the belief that regional processes with Africa falling within the framework of the EU Global Approach to Migration and Mobility (GAMM) are essential. Indeed, one of the Presidency’s major accomplishments has been the organization of the fourth Euro-African Ministerial Conference on Migration and Development within the “Rabat Process”(which includes countries from Western and Northern Africa) that was hosted in Rome on November 27. At the core of the discussions were the fight against illegal migration and the link between migration and development. On November 28 Italy launched, through a Ministerial Conference, the “EU-Horn of Africa Migration Route Initiative”, informally called the “Khartoum Process”, which is aimed at creating a new partnership between the EU and the Horn of Africa and Mediterranean transit countries, namely Egypt, Libya and Tunisia. On that occasion, a Political Declaration was adopted, which is focused on a very urgent topic such as the trafficking of human beings and the smuggling of migrants. The follow-up of the Conference will focus on concrete projects to be financed by EU and bilateral funds. At a later stage, the “Khartoum Process” will potentially expand to other areas, so as to tackle all aspects of migration policies, including the root causes of migration and regional development. Moreover, the Italian Presidency of the European Council together with the European Union Fundamental Rights Agency organised the Conference “Fundamental Rights and Migration to the EU”(Rome, 10-11 November) which highlighted the opportunity to take into consideration resettlement and new legal ways to access the European labour market, also in view of curbing irregular migration and smuggling and of reinforcing the access, already granted, for migrants and their families to professional training to enter into the labour market.

At the same time let me recall that the access to **healthcare assistance** for migrants has always been guaranteed anonymously and independently from their regular or irregular status to ensure individual and collective health conditions in emergency or ordinary situations.

Moreover expulsion procedures have been simplified and accelerated, also through the adoption of a domestic Protocol to this scope.

Within the current overall justice reform process, several measures have been introduced mainly designed to reduce **prison overcrowding**, as recognized by the European Court of Human Rights in Strasbourg, following the Torregiani et. al judgement. The establishment of an ad hoc software to regularly monitoring the conditions of inmates in prisons to avoid any form of violation of their human rights is a relevant tool to be in compliance with the provisions of the European Convention on Human Rights.

Let me also recall the great importance attached to the implementation of the **principle of non-discrimination**, giving special attention to the need to strengthen non-discrimination, thoroughly implementing the principle of equal treatment between persons, irrespective of religion or belief, disability, age or sexual orientation. During the EU Presidency Italy hosted in Rome, on November 6 and 7, the Joint High Level Event on Non Discrimination “Shaping the future of equality policies in the European Union”, to stress the importance of equality policies in the European Union and discuss and identify challenges and paths to make equality a reality for all. On that occasion the Rome Declaration was adopted envisaging the upgrade of previous mechanisms and committing to support the European Commission in promoting the establishment of a High Level Working Group on Non Discrimination by 2015. Along these lines the compilation of the National Action Plan against racism, xenophobia and related intolerance will be concluded in short time.

On gender issues, in view of the celebration in 2015 of the adoption in 1995 of the Beijing Declaration and Platform for Action, the EU Italian Presidency has also organized a High Level Conference on the Platform: “Gender Equality in Europe: Unfinished Business? - Taking Stock 20 Years after the Beijing Platform for Action”, held in Rome on October 23 and 24. The Conference was closed by a ministerial level Round Table on the future of **gender policies**, attended by the Ministers of Equal Opportunities of the 28 Member States. On this occasion, Latvia, Luxemburg

and Italy signed a “Declaration of the Three Presidencies on equality between women and men”.

About the national policies on preventing and combating **violence against women and domestic violence**, I would like to underline that they are based on the idea of a necessary integration of prevention, protection and repressive measures, to be implemented jointly, with a multi-disciplinary approach, by the public and the private sectors, so as to aim at coordinated actions in all relevant fields (social, educational, informational and legal), in accordance, among others, with the Istanbul Convention ratified unanimously by the Italian Parliament, in June 2013.

According to this holistic approach, the revised **National Action Plan on all forms of violence against women** has been adopted in 2013. This will be implemented through several actions in different areas: public information and awareness-raising campaigns; promotion of respectful relationships between women and men, including at schools and a more prominent role of women in textbooks; strengthening shelters and services for the assistance and protection of victims of gender-based violence and stalking; specialized training for operators also in the health-care sector; cooperation between different institutions; data collection and processing. Financial resources have been made available to implement the NAP for the triennium 2013-2015 for about 30 million euros.

On the same topic, let me remind that, to give practical relevance to the **LGBT National Strategy** adopted in 2013, a conference was held on May 16 at the Ministry of Foreign Affairs on the occasion of the International Day Against Homophobia on “LGBTI persons in contemporary reality”, to take stock of the rights of LGBTI persons in the international framework and of their legal protection, followed by the high level conference “Tackling sexual orientation and gender identity discrimination: next steps in European Union and Member States policy making” jointly organized by the Italian Presidency, the Fundamental Rights Agency and the EU Council in Brussels on October 28.

And let me add, last but not least, that to mark the particular significance it attaches to the UPR process, our Chamber of Deputies has decided to discuss during this week the bill for the ratification of the International Convention for the Protection of all Persons from Enforced Disappearance which is expected to be approved over the next days [*and then introduced to the Senate*].

Mr. President, Distinguished Delegates, Ladies and Gentlemen,

in conclusion, I do wish to thank all of you for your kind attention and I thank all States and distinguished delegates for their participation in this dialogue concerning the Outcome of the UPR Italy for its II cycle, leaving the floor to the representatives of States and civil society stakeholders.

Thank you.