

ITALY



MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION
Inter-ministerial Committee for Human Rights

ITALY'S REPLY

THEMATIC REPORT OF UN SR TORTURE TO HRC49

“State Consultation – SR torture report”

August 31, 2021

ITALY'S REPLY

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Call for input to thematic report of the SR Torture to HRC49 (March 2022): “Impact of thematic reports presented by the Special Rapporteur on Torture”

Questionnaire (Thematic reports of the Special Rapporteur on Torture)

Remarks:

- *•Please keep your responses **as concise as possible and provide specific examples.***
- *•Due to limited translation services, please provide responses **in English or French**, if possible.*
- *•Please provide your response in **word or pdf** format.*
- *•Please submit your response **by 31 August 2021.***
- *•All responses provided will be **published on the mandate’s webpage:***
<https://www.ohchr.org/en/issues/torture/srtorture/pages/srtortureindex.aspx>.

I. Report on Extra-custodial use of force

Summary: The Special Rapporteur presented his report to the 72nd session of the General Assembly (**A/72/178**), where he examined whether and in which circumstances the extra- custodial use of force by State agents amounts to torture or other cruel, inhuman or degrading treatment or punishment and how the prohibition of torture and ill-treatment applies to the development, acquisition, trade and use of weapons in law enforcement.

Questions:

1. How relevant was the report to the national context? **We duly consider all reports of UN Special Rapporteur on Torture**
2. What impact, if any, did the recommendations included in the report have (providing examples):
 - . a) on national case law and judicial practice;
 - . b) on national legislation and other parliamentary activities;
 - . c) on national regulations, policies, practices and procedures (including codes of conduct, ~~is~~ training manuals and disciplinary procedures);
 - . d) on relevant mechanisms of investigation and accountability;
 - . e) on national activities such as research, public communication and awareness raising? **Primarily, on research and awareness-raising related activities.**

II. Migration-related torture and other cruel, inhuman or degrading treatment

Summary: The Special Rapporteur presented his report to the 37th session of the Human Rights Council (*A/HRC/37/50*), where he recalled the broad range of international legal obligations arising from the prohibition of torture and ill-treatment; examined the legal implications of these obligations for some of the most prevalent laws, policies and practices employed by States in response to irregular migration; and made recommendations with a view to supporting States in addressing irregular migration in full compliance with these obligations, avoiding protection gaps and preventing impunity for violations.

Questions:

1. How relevant was the report to the national context? **We duly consider all reports of UN Special Rapporteur on Torture**
2. What impact, if any, did the recommendations included in the report have (providing examples):

- . a) on national case law and judicial practice;
- . b) on national legislation and other parliamentary activities;
- . c) on national regulations, policies, practices and procedures (including codes of conduct, ^[11] training manuals and disciplinary procedures);
- . d) on relevant mechanisms of investigation and accountability;
- . e) on national activities such as research, public communication and awareness raising? **Primarily, on research and awareness-raising related activities.**

Reaffirming and strengthening the prohibition of torture and other cruel, inhuman or degrading treatment or punishment

III.

Summary: On the seventieth anniversary of the Universal Declaration of Human Rights, the Special Rapporteur presented his report to the 73rd session of the General Assembly (**A/73/207**), where he examined the achievements made on the road to realizing the absolute prohibition of torture and ill-treatment since 1948; reflected on the primary challenges facing its universal implementation today and offered recommendations on how to overcome these challenges.

Questions:

1. How relevant was the report to the national context? **We duly consider all reports of UN Special Rapporteur on Torture**
2. What impact, if any, did the recommendations included in the report have (providing examples):
 - a. on national case law and judicial practice;
 - b. on national legislation and other parliamentary activities;
 - c. on national regulations, policies, practices and procedures (including codes of conduct, ^[11] training manuals and disciplinary procedures);

- d. on relevant mechanisms of investigation and accountability;
- e. on national activities such as research, public communication and awareness raising? **Primarily, on research and awareness-raising related activities.**

Corruption-related torture and ill-treatment

IV.

Summary: The Special Rapporteur presented his report to the 40th session of the Human Rights Council (*A/HRC/40/59*), where he examined the relationship between corruption and torture or ill-treatment, outlined the predominant patterns of interaction between the two phenomena as well as their systemic root causes, and offered recommendations with a view to strengthening the protection against torture and ill-treatment in contexts affected by corruption.

Questions:

1. How relevant was the report to the national context? **We duly consider all reports of UN Special Rapporteur on Torture**
2. What impact, if any, did the recommendations included in the report have (providing examples):
 - a. on national case law and judicial practice;
 - b. on national legislation and other parliamentary activities;
 - c. on national regulations, policies, practices and procedures (including codes of conduct, ^[11] training manuals and disciplinary procedures);
 - d. on relevant mechanisms of investigation and accountability;
 - e. on national activities such as research, public communication and awareness raising? **Primarily, on research and awareness-raising related activities.**

V. Relevance of the prohibition of torture and ill-treatment to the context of domestic violence

Summary: The Special rapporteur presented his report to the 74th session of the General Assembly (**A/74/148**), where he examined the relevance of the prohibition of torture and other cruel, inhuman or degrading treatment or punishment to the context of domestic violence and, in the light of his conclusions, offered recommendations to States with a view to strengthening their capacity to prevent torture and ill-treatment in that context.

Questions:

1. How relevant was the report to the national context? **We duly consider all reports of UN Special Rapporteur on Torture**
2. What impact, if any, did the recommendations included in the report have (providing examples):
 - a. on national case law and judicial practice;
 - b. on national legislation and other parliamentary activities;
 - c. on national regulations, policies, practices and procedures (including codes of conduct, ¹¹training manuals and disciplinary procedures);
 - d. on relevant mechanisms of investigation and accountability;
 - e. on national activities such as research, public communication and awareness raising? **Primarily, on research and awareness-raising related activities.**

Psychological Torture

VI.

Summary: The Special Rapporteur presented his report to the 43rd session of the Human Rights Council (**A/HRC/43/49**), where he examined conceptual, definitional and interpretative questions arising in relation to the notion of “psychological torture” under human rights law and offered recommendations in that regard.

Questions:

1. How relevant was the report to the national context? **We duly consider all reports of UN Special Rapporteur on Torture**
2. What impact, if any, did the recommendations included in the report have (providing examples):
 - a. on national case law and judicial practice;
 - b. on national legislation and other parliamentary activities;
 - c. on national regulations, policies, practices and procedures (including codes of conduct, ^[11] training manuals and disciplinary procedures);
 - d. on relevant mechanisms of investigation and accountability;
 - e. on national activities such as research, public communication and awareness raising? **Primarily, on research and awareness-raising related activities.**

Biopsychosocial factors conducive to torture and ill-treatment

VII.

Summary: The Special Rapporteur presented his report to the 75th session of the GA (*A/75/179*), where he explored the root causes of the current worldwide complacency with regard to torture and ill-treatment, based on well-documented neuro-biological and psychosocial patterns of self-deception and denial, and recommended the urgent and proactive incorporation of his science-based conclusions into ongoing, policy-based global governance reform processes, including the 2030 Agenda for Sustainable Development.

Questions:

1. How relevant was the report to the national context? **We duly consider all reports of UN Special Rapporteur on Torture**
2. What impact, if any, did the recommendations included in the report

have (providing examples):

- a. on national case law and judicial practice;
- b. on national legislation and other parliamentary activities;
- c. on national regulations, policies, practices and procedures (including codes of conduct, ^[11] training manuals and disciplinary procedures);
- d. on relevant mechanisms of investigation and accountability;
- e. on national activities such as research, public communication and awareness raising? **Primarily, on research related activities.**

VIII. Effectiveness of the cooperation of States with the mandate holder on official communications and requests for country visits

Summary: The Special Rapporteur presented his report to the 46th session of the HRC (**A/HRC/46/26**), where he evaluated the effectiveness of the cooperation shown by States in their responses and follow-up to official communications and country visit requests transmitted by the Special Rapporteur, and recommended appropriate measures with a view to strengthening the interaction of States with the mandate of the Special Rapporteur and improving the compliance of States with their obligations arising from the absolute and non-derogable prohibition of torture and ill-treatment.

Questions:

1. How relevant was the report to the national context? **We duly consider all reports of UN Special Rapporteur on Torture**
2. What impact, if any, did the recommendations included in the report have (providing examples):
 - a) on national case law and judicial practice;
 - b) on national legislation and other parliamentary activities;

c) on national regulations, policies, practices and procedures (including codes of conduct, ^{SEP} training manuals and disciplinary procedures);

d) on relevant mechanisms of investigation and accountability;

e) on national activities such as research, public communication and awareness raising? **Primarily, on research and awareness-raising related activities.**

Moreover, as a way of examples, since long time we have introduced the long-standing practice of the standing invitation.

IX. ^{SEP} General question

In your view, what are specific areas, where the State may require further thematic support or advice from the mandate of the Special Rapporteur?

N/A

2. What further requests, recommendations or concerns regarding the thematic reporting of the mandate would you like to bring to the attention of the Special Rapporteur?

N/A

Conclusion

We remain at full disposal, for any further questions, information.