**ITALY**



**MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION**

***inter-ministerial committee for human rights***

**“*Effectiveness of States’ responses and follow-up to communications and visit requests transmitted by the Special Rapporteur on Torture*”**

**Italy’s contribution to the thematic report by UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to UN HCR46**

*October 13, 2020*

 **ITALY’S CONTRIBUTION**

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indicating “State Consultation – SR torture report”

Further to letter dated August 12, 2020, Italian Authorities are in a position to provide the following contribution.

**A. Procedures for the processing of official communications and requests**



**Question**: Please describe the procedures applied by your Government in responding to / following-up on official communications transmitted by the Special Rapporteur, in line with the responsibilities of States outlined in para2 of Human Rights Council resolution A/HRC/43/L.30 of 31 March 2020, including the initiation of measures of prevention, investigation, prosecution and redress as may be required under applicable international law.

**Response:** The Inter-ministerial Committee for Human Rights (acronym in Italian, CIDU), as the National Mechanism for Reporting and Follow-up (NMRF), was established in 1978 at the Ministry of Foreign Affairs and International Cooperation. It currently gathers 27 differing central Administrations and Institutions. This is well-known for its inter-ministerial, multi-stakeholder, and participatory approach. Plus, CIDU is the main coordination body in Italy for integrated reporting to recommendations by the UN human rights mechanisms (www.cidu.esteri.it).

Therefore CIDU is usually the recipient of relevant official communications.

In terms of measures, as a way of examples mention may be made of the following: Italy ratified Optional Protocol to UN Convention Against Torture (OPCAT), by Act No. 195/2012; and in early 2015, the National Preventive Mechanism in accordance with OPCAT, was established by Act No.10/2014. More specifically, the Italian National Preventive Mechanism (NPM) with a fully-fledged independent mandate has been in place since January 2016, with de jure and de facto independence. In particular, the National Preventive Mechanism has financial autonomy as the Italian Budget Law makes it available the resources necessary for its work, on the basis of its own request; and it is up to the NPM any decision concerning their use.

On a more specific note, Law Decree No.146, dated 23 December 2013, as converted into law by Act No.10/2014, on the “Measures concerning the protection of fundamental rights of prisoners and the rights of persons detained or deprived of personal liberty”, established the National Guarantor for the rights of persons detained or deprived of personal liberty. The appointment of this collegial body members and the establishment of the relevant Office occurred in 2016, thus enabling its concrete operational effectiveness.

The Office of the National Guarantor is an independent national body that monitors the places where people are deprived of their liberty, by paying visits in those places: prisons, police facilities, immigration centres, Residences for the enforcement of security measures (R.E.M.S. – facilities established after the closing down of the judicial psychiatric hospitals), hospital wards where the compulsory healthcare treatment are delivered.

The purpose of the visits is to identify possible critical aspects and to find solutions, in cooperation with the authorities running the facilities. Moreover, the National Guarantor has the duty to deal with critical situations occurring at the monitored institutions, which can cause incidents or complaints submitted by the persons deprived of liberty.

Following visits, on the basis of the information and documents gathered, the National Guarantor drafts a report containing observations and possible recommendations to the competent authorities.

Since the National Guarantor is permanently authorized to access without any prior notice all the places where people are deprived of their liberty, the prison Governors must provide their cooperation by facilitating its visits and granting the Guarantor the possibility to have private interviews with inmates.

On a similar note, by Act No.110/2017, mention may be made of the introduction of the crime of torture in the Italian Penal Code (Article 613-bis), jointly with the crime of incitement to torture by public officials (Article 613-ter).

**B. Interaction regarding ‘Urgent Appeals’, ‘Allegation Letters’ and ‘Other Letters’**

**Question:** How does your Government self-evaluate its interactions with the mandate of the Special Rapporteur relating to official communications on specific concerns or allegations regarding torture or ill-treatment during the past four years (1 November 2016 until 31 October 2020)?

**Response:** “Fully cooperative”. In the period covered by the present question, we have been receiving mostly joint communications. In this respect we ensured full cooperation. In particular we provided full and expeditious responses.



**C. Interaction regarding Country Visit Requests**

**Question:** How does your Government self-evaluate its interactions with the mandate in response to official requests transmitted by the Special Rapporteur to conduct a country visit during the past four years (1 November 2016 until 31 October 2020)?

**Response:** Since March 2001 Italy has been extending a standing invitation to UN Special Procedures Mandate-Holders. We therefore confirm, “Full Cooperation”.

**D. State recommendations / requests**



**Question**: Please describe and explain any measures which should be taken, and by which authority, mechanism or institution, in order for your Government to achieve a “fully cooperative” interaction on official communications and visit requests transmitted by the Special Rapporteur, in line with resolution A/HRC/43/L.30 of 31 March 2020 and applicable norms of international law.

**Response**: CIDU. In this respect, please kindly refer to information provided under Item A.

**Conclusion**

Italian Authorities take this opportunity to reiterate their firm support and cooperation with UN Special Procedures Mandate-Holders.