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**Consideration of reports submitted by States parties
under article 40 of the Covenant**

List of issues in relation to the sixth periodic report of Italy

Addendum

Replies of Italy to the list of issues*

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* The present document is being issued without formal editing.

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1. A new evaluation exercise is on-going.

Under current Legislature (XVII), debate has been resumed within the Parliament, with the involvement of key politicians and Ministries. Among various draft laws, DDL Manconi is under attentive examination, also with CSOs' involvement.

2. The effective implementation of the principle of equality is one of the main pillars of our constitutional code, upon which the domestic legislative system is based: "*All citizens have equal social status and are equal before the law, regardless of sex, race, language, religion, political opinion, and personal or social conditions. It is the duty of the Republic to remove all economic and social obstacles that, by limiting the freedom and equality of citizens, prevent full individual development and the participation of all workers in the political, economic, and social organization of the country* (Article 3)". The Constitutional Court provides the evolutionary interpretation of the Constitution, which must be read jointly with other relevant instruments, such as Mancino-Reale Act, Legislative Decrees 215-216/2003 (by the latter Italy transposed Directives 2000/43/EU and 2000/78/EU, with the aim of prohibiting all forms of discrimination, including direct and indirect ones, based on race or ethnic origin, in any area or sector, both private and public; and regulating the prohibition of discrimination on grounds of religion or belief, disability, age or sexual orientation, with regard to employment and occupation) and the Code on Equal Opportunities Between Women and Men (Lgs. Decree 198/2006), Art. 1 of which sets out: "*Relevant provisions envisage measures, aimed at eliminating whatsoever distinction, exclusion or limitation based on sex, which might affect or hinder the enjoyment and exercise of human rights and fundamental freedoms (..)*" in all spheres of life. The Constitutional Court stresses the equality between Italian citizens and non-Italian citizens in the enjoyment of basic human rights (Verdict No. 187/10); and that only the criterion of citizenship cannot be reasonable in itself. When Public Administration detects a need, this cannot be limited to the minimum stay duration criterion (Verdict No. 2/2013). Though not limited to, the amended Unified Text on Immigration (Act 286/1998) is the reference Text. Additional information is reported below under Questions No. 16, 21.

3. In terms of remedies, in light of Constitution (Article 112), criminal action by the public prosecutor is mandatory. Therefore, prosecutors are enabled to investigate any alleged discriminatory motive associated with a crime, irrespective of its mention in the report drawn up by Police. From a judicial standpoint, should new relevant events emerge, the Court can admit additional evidence in accordance with Articles 516, 517, 518, Code of Criminal Procedure. In general terms, the Court can always decide a more severe penalty in light of new circumstances or specific evidence. A victim of discrimination can thus resort to: criminal procedures (if he/she has suffered from offences of criminal relevance); administrative court procedures (e.g. complaints against action by an official or state/municipal institution); and civil procedures (e.g. moral damage). Additionally, the victim can resort to UNAR. Last, Act 115/2016 amended Mancino-Reale Act by introducing the crime of Holocaust denial.

4. The Department for Equal Opportunities (DEO) has established a Solidarity Fund, managed by the National Bar Council, to anticipate judicial expenses for victims of discrimination.

5. By Act 120/2011 on Equal Access to Boards of Directors and Boards of Statutory Auditors of publicly listed companies, women amount to 25.5% (while in 2010 they were about 6%). By DPR 251/2012, women in Boards of Directors and Boards of Statutory Auditors of State-owned companies currently equal to 25.8%. Numerous are the measures taken to enhance gender equality, including in political decision-making (Act 56/2014; Act 52/2015): women parliamentarians have increased from 10% in 2002 to 31% in 2015. Within the Government, in 2005 the percentage of women Ministers was equal to 8%, whereas 44% of current Ministers are women. There are 230 men Senators (71.7%) and 91

women Senators (28.3%). In the Chamber of Deputies, women equal to 31.1% (196). 1,080 (=13, 4%) women are Mayors.

6. In addition to the above (Q.3), UNAR strengthened its Contact Centre in January 2016, by establishing a “Media and Internet Observatory”. 411 relevant cases were identified in 2015 (78% of the reports from Roma, Sinti and Caminanti (RSC), only). Since 2004, its Contact Centre (CC) has been supporting thousands of victims of discrimination, on the ground of race, ethnic origin, religion, age, disability, sexual orientation and gender identity. 81% of calls in 2015 were grounded; the majority refers to race; and 1/3 of the overall 2235 calls referred to RSC (Other grounds are: 10% relating to sexual orientation and gender identity; 8% to age and disability, each; 0.8% of total reports refer to multiple discrimination). As for sectors, media equals to 39%, followed by (decreasing order): public services; labour; payment of financial services; and law enforcement. As for the above Fund for Victims of Discrimination, in 2015 according to UNAR there has been a gradual increase of applications by individuals (35 strategic litigation cases are being followed). Moreover, in 2015, UNAR Contact Centre enhanced its capacities, by including Roma experts for immediate analysis of in-bound calls.

7. Following the April 2011 MoU, UNAR closely works with OSCAD. With civil society, a vast HRE program has targeted approx. 9,500 officers, so far. Following relevant Circulars of the Interior Ministry, Police with general competence shall report discrimination-related offences to OSCAD Monitoring Centre. Since OSCAD inception, training is a priority. While OSCAD-run training courses have become compulsory in 2013, mainly for students of Police Schools (pre-service training), additional advanced in-service training is carried out, also online, for Police personnel. OSCAD participates in FRA WG on hate crimes (set up in November 2014).

8. As reaffirmed with the National Action Plan against Racism (adopted in August 2015), UNAR is mandated to promoting effective equality and fighting any forms of discrimination, in conditions of autonomy and impartiality. The Office — whose actual Director is not from Public Administration — sets out its objectives and operates through EQUINET, to achieve effective protection and enforcement of anti-discrimination legislation. Moreover, as established by Ministerial Directive, UNAR has recently extended its mandate to all grounds of discrimination. Therefore, UNAR works in both the private and public sectors. Legislative Decree 215/2003 grants *locus standi* to CSOs enrolled (about 550) in a list approved by the Ministers of Labour and for Equal Opportunities, respectively. Financial resources amount to about 2 million Euros, UNAR has no ordinary budgetary allocations. It finances part of its activities through the annual “Revolving Fund” (Act 183/1987) in line with European Act 39/2002 and Legislative Decree 215/2003. Under exceptional circumstances, UNAR accesses specific provisions from DEO’s budget. UNAR currently consists of: 1 General Director; 1 Executive; 18 civil servants; and the Contact Centre, composed by 18 employees, including relevant experts.

9. As the National Roma Contact Point, UNAR coordinates actions envisaged by the National Roma Inclusion Strategy with the aim of establishing synergies and permanent exchange with the Central, Regional and Local Administrations. This Strategy pays attention to housing by indicating a wide range of solutions — with a participatory approach —, in order to definitively overcome emergency-type approaches and large sized mono-ethnic settlements, while paying due regard to local opportunities, family reunification and equal distribution. During last International Roma Day (8 April 2015), UNAR convened an inter-institutional Working Group, consisting of: central Administrations (Ministry of Interior, Ministry of Labour and Social Policies, Ministry of Education, Ministry of Health, Ministry of Transportations and Infrastructures); the National Association of Italian Municipalities (acronym in Italian, ANCI); National Office of Statistics (acronym, ISTAT); and representatives from Milan, Rome and Naples. This

operational and result-oriented meeting was intended for getting a clear picture of relevant actions, especially those measures aimed at overcoming “settlements”. The main issues were: Strengthening UNAR’s role with regard to coordination of policies to implement the National Strategy (with regard to education, labour, health and housing); The recognition of the need to effectively overcoming the “settlements” system; The commitment to ensuring complementarities between — and in the use of — national, regional, local funding vis-à-vis European Operational Programs. During this meeting, the first national survey on settlements was presented.

10. Within EU Structural Funds planning, under “PON METRO” UNAR envisages specific funding to overcome the so-called “camps”. In particular, Rome, Naples and Milan are participating in the above-mentioned Programme; and UNAR is working to ensure that these measures be in line with the National Strategy, and can be instrumental to close at least one settlement in each Municipalities in the next biennium. Although this path cannot be considered quantitatively relevant, according to UNAR it will produce a positive domino effect. As for education, a coordination exercise with the Ministries of Education and Labour continues.

11. Under “PON INCLUSION”, financial resources are intended for: combating RSC school drop-out; dissemination and awareness of non-discrimination, Romani culture and minority groups history (particularly Porrajmos). Also under the Operational Program School Project, there are support measures for Roma pupils in line with the National Strategy. On July 25, 2016, a Working Group has been convened to coordinate all those projects to be launched in the course of next biennium.

12. As for labour sector, ACCEDER I and ACCEDER II projects have been developed: by elaborating a model for RSC occupability in line with the Spanish ACCEDER and tested in Objective Convergence Regions, under the 2014-2020 EU Funds Planning, by Objective 9.5, Action 9.5.5, the aim is to “*Recognizing competences, training, and job-related mediation aimed at job inclusion*”, in line with the ACCEDER Program with a 9,000,000.00 Euros funding to be managed by UNAR.

13. In February 2016, the sectoral Plan of Action on Health for RSC was presented by the Ministry of Health and UNAR.

14. Last April 8, 2016, UNAR launched the National Roma Platform, for dialogue purposes between Institutions and RSC, as indicated by the European Commission.

15. In 2015, UNAR strived for the allocation of resources from within the new EU Funds Planning, 2014-2020. 15 million Euros will be managed by UNAR; and actions will be inspired by the principles underpinning our NRIS (Non discrimination, a gender perspective, and the HR-based approach). In terms of allocating European Structural and Investment Funds (ESIF) for Roma inclusion in the 2014-2020 period, the Italian Partnership Agreement for the new programming period ESIF, 2014-2020, includes a specific Objective (No. 9.5) devoted to the National Strategy, including the various thematic priorities, to be achieved across the country. The budget for the period 2014-2020 (for this Objective of 9.5) amounts to approx.165 Million Euros. UNAR has just published two relevant calls.

16. As for the “Nomad Emergency”, following Council of State’s verdict 6050/2011, all relevant activities have re-entered the ordinary system and the implementation of social inclusion policies has been entrusted to local Authorities. Various measures have been put in place, such as ad hoc regional legislation adopted by Emilia-Romagna Region in July 2015. The Municipality of Milan signed a MoU with the *Prefecture* to implement actions under the project “Roma, Sinti and Caminanti, 2013-2014”. When eviction has been envisaged, specific assistance has been provided to Roma families and children with programs of alternative housing options. In June 2015, the Roma camp next to Crati River

at the Cosenza Municipality has been closed down due to inter alia very precarious sanitary conditions; and through mediation interventions, 359 Roma have been temporarily placed in a tents-prepared area. Three months later, the Municipality has provided financial allocations to the above Roma, in order to arrange new housing solutions. Florence Municipality has tackled this issue within its Regional Social Integration Plan 2007-2010, with the support of various other Tuscany municipalities and CSOs. By Regional Act 2/2000, housing-related pilot-projects have been implemented: to close down camps; and to move 90 families in ordinary dwellings. Thus, public housing has been granted to approx. 780 people. In 2012, also Olmatello camp has been closed, and 13 Roma families have been supported (54 adults and 23 children). However, some 90 Roma people have occupied a Scandicci Municipality facility and this area has been subject to eviction in May 2015, while offering other housing support pathways, especially for Roma women and children. This double-track approach is on-going.

17. As for “La Barbuta”, “PON METRO” program focuses on housing pathways for the whole Roma family. UNAR is monitoring the situation therein, in close contact with Rome Municipality; and over three million Euros have been envisaged to definitively close this camp.¹

18. As for the protection of RSC as a national minority, there are two draft laws pending before the Parliament: A.C. 3162 on amendments to Act 482/1999; A.S. 770 on the protection of Roma and Sinti.

19. Act 119/2013, converting Law-Decree 93/2013 (“Urgent provisions on safety and for the fight against gender-based violence, as well as on civil protection and compulsory administration of provinces”), addresses both stalking and gender-based violence, in line with the 3-Ps approach and following inter alia ratification of the Istanbul Convention (Act 77/2013). It strengthens measures such as “warning” (*ammonimento*), the possibility for electronic tagging, new aggravating circumstances, greater protection for victims by protected hearings, a system to guarantee transparency during on-going investigations and legal proceedings, and the obligation to inform victims about *inter alia* local support services. Furthermore, in compliance with the Istanbul Convention, the law provides for legal aid to women victims of domestic violence, regardless of their income. Protection is also extended to foreign victims, by enabling them to obtain a humanitarian residence permit (Legislative Decree 286/1998). Developed in collaboration with relevant CSOs and shelters, the 40 million Euros (in 4 years) Extraordinary Action Plan against Sexual and Gender-Based Violence (adopted in August 2015) aims to ensuring homogenous actions’ implementation, nationwide (i.e. public information, awareness-raising campaigns; promotion of respectful relationships between women and men within schools and of the anti-violence and anti-discrimination issues in textbooks; strengthening of shelters and services for the assistance and protection of victims of gender-based violence and stalking; specialized training for operators also in the health sector; cooperation between different institutions; data collection and processing). The public body responsible for the Plan’s implementation is the Inter-ministerial Task Force on Violence against Women, established on 22 July 2013 at the Presidency of the Council of Ministers.

20. Within the above Plan, on 25 July 2016, an Inter-institutional Control Centre chaired by the Head of Government or the political Authority in charge of gender equality was established. Its first meeting took place on 8 September 2016 in Rome.

21. Moreover, Legislative Decree 80/2015 on “Measures for reconciliation between care, work and family life” includes inter alia a special paid leave for working women victims of violence. In accordance with Act 124/2015, a woman victim of violence is also entitled to

¹ http://www.agenziacoazione.gov.it/it/pon_metro/Strategie_Sviluppo_Ubano_Sostenibile/Roma/Roma.html.

move to another Public Administration of a different Municipality; and the Reform of Education (Act 107/2015) provides for, inter alia, education to gender equality in the schools curricula. Several are the campaigns carried out by DEO (i.e. “National Week against violence and discrimination”, “Recognize Violence”; and “#thingsmendo” for men and boys, on preventing violence against women). In the EU, one in three women has experienced physical and/or sexual violence since the age of 15. ISTAT has surveyed similar data. Additionally, the 1522 toll-free emergency number, established in 2006 and funded by DEO, aims to detect/combat VAW, perpetrated both inside and outside household. Following introduction of stalking crime by Act 38/2009, 1522 has been broadened in scope. Last, with a view to enhancing cooperation in monitoring and removing offensive ads, Minister of Labor and Advertising Self-Regulation Institute signed an MoU in 2013.

22. Since 2013, following the above innovative legislative framework on “gender violence”, State Police has increased multi-disciplinary training initiatives aimed at promoting higher awareness and standardizing methods on victim-centred approach. In particular, as to training for the Police Special Units, investigative good practices and intervention tools provided for by the reviewed legislations also focus on migrant women. The training objective consists of guaranteeing the best protection strategies and the most suitable case-by-case protective measures, even in urgent circumstances, for Judicial Authorities. In order to better approach the victims, several Police Offices are equipped with protected hearing rooms, particularly for children — besides receiving reports made by vulnerable victims in stressful situations (e.g. sexual violence, domestic ill-treatment, stalking). The co-operation between local offices and external bodies and private associations has been strengthened, in compliance with the relevant Directive of the Head of the Police – General Director of Public Security that invites *Questori* (Senior Police officer) to update/conclude new MoUs. Several local agreements have been signed and are fully operational, such as the so-called “Pink Code”, operating for many years in some provinces where synergies between Health Centres, Judicial Authorities and Police result positively in the emergence of cases. Reference is made to the dedicated access to Emergency Rooms for female victims of violence who are supported and heard by a team, made up of an officer from the investigative Police Units, healthcare operators and a specialized magistrate. The Police “Project CARAVAN, against gender violence”, starting from July 2016 in several Italian provinces, aims to establish a direct contact with the women, by the support of a qualified team of Operators, consisting of a State Police clinical medical psychologist, an investigator of the Anti-Crime Central Directorate and some members of the associations and the bodies active at a local level. This initiative has been successful with regard to improved information and awareness-raising and it will last until December 2016.

23. Over the years, the abortion rate has decreased: -50% from 1980 to 2012; and has become stable for foreign women since 2010. The decrease concerns both adolescent girls and young women. From the last report to the Parliament on Act 194/1978, the number of non-objector-physicians is adequate given the number of abortions, per Region; and the number of objectors should not impact on the work of non-objector-physicians. Perhaps, critical aspects could stem from a not adequate territorial organization. Compared to 2014, the decrease registered in 2015 falls down to 5.1%. It means that on a national average, given 44 working weeks, the weekly rate of abortion interventions for each non-objector gynaecologist has gone down from 3.3 (in 1983) to 1.6 (in 2013). With regard to waiting lists, in light of available data, there is no direct link between the number of available physicians and the waiting time. All the above is the result of the first ever nation-wide thorough monitoring exercise carried out by an ad hoc WG set up at the Ministry of Health, with the involvement of regional councillors, upon indication by the Minister of Health.

24. The medically assisted procreation is one of the core issues and priorities of the Ministry of Health. As for pharmaceutical abortion, it is envisaged, upon request by the person concerned, to be hospitalised under ordinary regime, in accordance with Act 194. A specific ministerial guideline has been issued in June 2010, with a specific focus on the informed consent; and additional relevant therapeutic pathways have been introduced by various Regions. The idea is to support women, including by ad hoc education programs in the schools.

25. As for the use of physical force, all the initial training for all Police forces, including newly recruited Penitentiary Police staff, is structured into didactic modules strictly connected with each other, so as to allow highlighting their connections from both theoretic and practical point of view. Moreover, the Police basic training courses provide educational sessions on “the rights of civil liberties and the limits to police actions”, “the abuse of power against detained and arrested people”, “arbitrary searches and checks”, “police ethics”, “public order ethics and deontology” (motion pictures with commentaries). In particular for penitentiary related training, the juridical part is one third of the whole curricula, but the crossing theme of rights is addressed also in non-juridical topics. Indeed, the entire technical training of the Penitentiary Police staff always leads back to the need of performing lawful actions and to the principle of respect of rights and dignity of inmates.

26. As for the practical training, specific for law enforcement officers, the Penitentiary Administration chose methods (e.g. of self-defence) oriented to defence and not to attack, still with the aim of bringing as less damage as possible to the aggressor and of protecting his safety. The planning of the training activities of the Penitentiary Administration, even before the ECtHR “*Torreggiani*” judgment, has always addressed the topics of respect of human rights and protection of political and civil rights of prisoners. Starting from the Annual Training Plan of 2013, the topic of the so-called *dynamic security* was included in specific continuous training courses for all the professionals of the Penitentiary Administration (prison governors, officers of penitentiary police, senior educators and social workers).

27. The series of directives issued with regard to public order indicate the Authorities and the levels of responsibility for governing and managing the relevant demonstrations, for organizing the relevant and adequate services where the policeman, as a public order professional, plays a fundamental role to prevent critical situations and disturbances to law and order. In particular, the Directive of the Head of the Police – General Director of Public Security (No. 555/op/490/2009/1/NC of January 21, 2009), on the basis of the international and European indications, has defined the guidelines concerning the governance and protection of public order and has enhanced the need for *implementing Police Forces’ experience by driving it towards a new police ethics focused on the orientation of their actions towards a correct level of visibility, tolerance and proportionate strictness*. Particular attention is given to the special training of police personnel, with regard to ethical and cultural issues, communication skills and operational techniques.

28. In this context, the Training Centre for Protecting Public Order has been established in December 2008 in Nettuno (Rome), with a view to strengthening and promoting a new culture of public order oriented towards prevention and dialogue, and to enhancing policemen’s professionalism. The training method is not the traditional, didactic one, but it is based on a proactive logics aiming at sharing and promoting best practices as well as at discussing any useful relevant issue. Further training activities focusing on the unlawful use of force and the correct approach to the citizen have been carried out for police personnel operating on the territory (patrol units).

29. As for migrants’ identification, Project “*VIGILA ET PROTEGE, to search and protect unaccompanied minors through the SIS II, fight against invisibility*”, financed by EU funds and coordinated by the Police International Cooperation Service of the Central

Directorate of Criminal Police (2013/2014), includes the analysis of the identification procedures related to foreign minors. Furthermore, the qualifying courses for Border Police provide a specific didactic course on human rights and main international tools to protect fundamental human rights.

30. The Strasbourg Court in the case *Cestaro v. Italy* (April 2015) concluded that the Italian criminal legislation is inadequate and devoid of any deterrent. The draft law on the introduction of the crime of torture in the ordinary criminal code is before the Senate. The Ministry of Justice has translated a to-be-broadly-disseminated Council of Europe *ad hoc* toolkit, in order to provide officials of States Parties with practical guidance on the compliance with Convention's obligations, also to avoid possible breaches.

31. As for the facts occurred in 2001 (G8), the outcomes of the disciplinary decision — after the end of the penal procedure which involved 12 members of the Penitentiary Administration — were the following (“Bolzaneto” Barracks): 6 persons suspended from their duty for 1 month; 1 person suspended from his duty for 2 months; 5 fines with censure. For further information on cases, please refer to answer below.

32. As for training, “Software for Detention Spaces” was included in training curricula for penitentiary staff. This software is a guarantee of prisoners’ fundamental rights.² Also, “*supranational sources of penitentiary law*” was introduced in the training courses. One specific training course dedicated to “*Lawfulness and dignity of imprisonment*” is going to be carried out soon, for staff at nine specific prisons — which were indicated as problematic either by the CPT or by the National Ombudsperson of Prisoners. If positively assessed, this project will be extended to other prisons. Decree by Vice-General Director of Public Security, dated October 29, 2014, established a Working Group to elaborate “*a corpus of operational standards for State Police operators*”. The afore-mentioned Decree complies with CoE Recommendation 10 (2001), including the *European Code for Police Ethics*.

33. As for the statistical data concerning Qs. 12, 13, please consider as follows:

(a) As for investigations and disciplinary proceedings against staff of the Penitentiary Administration, the Service for Discipline has been monitoring for 10 years the cases of ill-treatment against inmates, perpetrated by penitentiary police officers. Almost all the disciplinary proceedings against penitentiary officers for those events derive from penal cases which, on their turn, come either from complaints of inmates or from investigations made by agents of the same Penitentiary Police Corps. The number of disciplinary sanctions inflicted largely overcomes the percentage of 5% of penal sentences, since sanctions may also derive from behaviours which are not criminally prosecutable, but which can be disciplinarily punished of from behaviours which were not criminally prosecuted because of some reasons, e.g. since they were not prosecutable. Currently the Service for Discipline is monitoring 96 penal procedures against Penitentiary police staff for alleged ill-treatment against inmates; such trend puts into evidence that the Penitentiary Administration carefully focuses on abuses events.

(b) As for law enforcement staff, including Carabinieri and Guardia di Finanza Corps, between 2012-2016 (first semester): there have been 125 officers reported; 50 trials pending; 82 condemned; 85 subjected to disciplinary sanction; 212 dismissed (this last data also includes cases reported prior to 2012).

² That software enables the Penitentiary Administration HQ to check, in real time, the occupation of each cell of each prison all over the Country. The use of said software, which is constantly being improved, allows to avoid the allocation of one inmate in cells not providing him/her the minimum space of 3 square meters.

34. In addition to Act 91/92 on Citizenship and the recent ratification of the UN Convention on Reduction of Statelessness (Act 162/2015), relevant Ministry of Interior (Demography Services) Circulars, such as Circulars No. 14/2003 and No. 32/2004 are to be mentioned: some flexibility has been requested to the civil registry offices when considering the requirement of legal residence in case of failed registration of children by foreign parents. Plus, Bill A.S. 2148 specifically focuses on the recognition of statelessness and the situation of unaccompanied minors.

35. Statelessness also affects Roma. The National Working Group on Roma Legal Status (*Tavolo giuridico*) held mainly technical meetings aimed at better understanding the problems that birth registry offices face and how to facilitate contacts between Ministry of Interior relevant Offices and Roma communities. On October 18, 2016, in Rome was held the launch of UNAR JUSTROM project aimed at increasing knowledge of Roma women about access to justice.

36. The last judgments by ECtHR refer to *Hirsi and Others v. Italy* (23.2.2012) and *Sharifi and Others v. Italy and Greece* (21.10.2014): The former has been closed by CoE's Ministers Committee in September 2016 in light of *inter alia* national general measures, including the suspension of relevant agreements and policies on effective access to international protection, including to NGOs; The latter is still pending: the CoE Committee of Ministers has requested more information but looks at it favourably.

37. Italy, through the Navy, Coast Guards and Revenue Guards Corps (*Guardia di Finanza*), is at the forefront of search and rescue activities at sea (SAR), along with the other Forces involved in the Frontex Triton Plus operation. According to recent data made available by UNHCR, in July 2016 93% of people who disembarked in Europe have been registered in the Italian Regions of Sicily, Calabria, Apulia, Sardinia and Campania. From 1 January to 31 July 2016 256,319 migrants reached Europe via sea. In particular, between April-July 2016, 75,000 migrants reached the Italian shores; monthly peaks of over 20,000 people have been registered in June-July 2016. In the course of the third week of July 2016, following SAR operations, 5,243 people, mainly from Nigeria, Eritrea and Sudan, in distress and need of specific help disembarked in Sicily. As of August 1, 2016, about 140,000 migrants were accommodated in the Italian reception Centres.

38. More specifically, by EU Decisions No.1523 of 14 September 2015 and No.1601 of 22 September 2015, the EU Council and the European Parliament, on the basis of the emergency response system provided for by Article 78, para. 3 of the TFEU, adopted a number of temporary measures in the field of international protection for those countries that, like Italy and Greece, and, most recently, Hungary, have been facing a growing number of asylum seekers. In accordance with the above-mentioned EU Decisions, Italy submitted to the European Commission a "*Road-map*", aimed at measures — mostly already adopted — to: improving the capacity, quality and efficiency of the Italian system in the field of asylum, first reception and repatriation; and ensuring adequate measures for the implementation of the above Decisions. To this end, Italy has put in place a new approach, called "*Hotspot*", aimed at channelling arrivals of nationals from third countries at selected disembarking harbours.

39. At Hotspot areas, Italian Authorities, supported by EASO, Frontex and Europol officials, carry out the following operations: health-care screening; identification of those being most in need of aid; pre-identification; information activities; identification of requests for international protection; identification of potential candidates for relocation procedure.

40. By Legislative Decree 142/2015 (published in the Official Bulletin on 09.15.2015), Italy has implemented Directive 2013/33/EU, on standards for the reception of applicants for international protection ("recasting" Directive 2003/9/EC), and Directive 2013/32/EU

on common procedures for granting and withdrawing international protection status (“recasting” Directive 2005/85/EC) — thus completing the transposition of the main provisions of the common European system of Asylum. Legislative Decree 142/2015 contains in: Chapter I (Arts. 1-24) the new rules on reception (it repeals Legislative Decree No. 140/2005, except for financial coverage provided for by Article 13 of the latter); Chapter II (Arts. 25 and 26) introduces changes to Legislative Decree 25/2008, which thus remains in force, though partially modified; Article 27 introduces changes to Article 19 of Legislative Decree 50/2011 (http://europa.eu/rapid/press-release_IP-15-5596_it.htm). Within this framework, mention has to be made of the Agreement (*Intesa*) at the State-Regions Conference, dated 10 July 2014, which establishes and has made operational a relevant integrated strategy between different levels of the national and local Government, besides approving the first National Plan to deal with the extraordinary flow of Non-EU citizens, adults, families and unaccompanied minors. This Agreement (*Intesa*), to be considered as a policy reference document, has been expressly confirmed in the Legislative Decree 142/2015.

41. Article 8 of Legislative Decree 142/15 stipulates that the Italian reception System for international protection applicants is based on cooperation between the various levels of Government concerned, in accordance with national and regional coordination forms referred to under the following Article 16, which establishes and defines the powers and functioning of both relevant national and regional working groups. Article 16 provides for the national and regional coordination working modalities. The national working group (also known as the National Coordination Committee) is set up within the Ministry of the Interior (See Article 29 of Legislative Decree 251/2007, as amended), with the aim, among other things, to improving the reception system of international protection. This WG is tasked with drafting the National Plan for the reception and identification of the reception capacity/availability at the regional level and the relating distribution — to be later determined in consultation with the above Conference (*Conferenza Unificata*). In terms of governance, at the territorial level, there are regional WGs established at the main local Prefectures, with the task of implementing the plans elaborated by the above national WG.

- The National Plan identifies the need for places to be allocated for reception purposes, based on the estimated arrivals in a given period of time.
- The regional WG identifies the criteria for the distribution of migrants within a given Region, besides identifying the facilities of first reception, as well as extraordinary ones.
- The composition and working modalities of both the national and regional WGs are determined by decree of the Minister of Interior.

42. To sum up, Article 8, para. 2, indicates the facilities for rescue and first assistance. Article 9 defines the measures for the first reception; Article 14 confirms the role of the SPRAR system (standing for, the System of protection of asylum seekers and refugees) as the only system for the so-called second level of reception. Article 11 identifies the extraordinary and temporary measures of reception (the so-called CAS, standing for Extraordinary Reception Centres), should accommodations in the above-mentioned facilities lack. Articles 18 and 19 provide for principles and pathways for the reception of minors.

43. All Hotspots are regulated by existing Standard Operational Procedures (SOPs), as drafted and fully shared with all stakeholders (Italian authorities, UNHCR, IOM EASO, FRONTEX and EUROPOL). This document (SOP) effectively offsets the need of a correct identification of third country nationals with the due guarantees of their rights besides providing many answers to the various observations made: (a) Information on the access to asylum given to third country nationals are provided in a clear and comprehensive way,

using languages understandable to foreigners; (b) supplementary information is provided to each step of the asylum process and/or relocation procedures; (c) a specific “SOP” Coordinating and Monitoring Table, where also UNHCR and IOM representatives are included, aims at providing operational solutions in case of possible criticalities arising during the first level of reception of third country nationals, from disembarkation to their transfer to the reception centres; (d) thanks to its team-building feature, the *Hotspot* approach is provided with a built-in monitoring system, which allows to identify difficulties deriving from each actors and therefore to alert the Table in Rome; (e) the presence of operators, both male and female, is always assured during to security checks; (f) assessment of vulnerabilities, as regulated by specific operational provisions — in each *Hotspot* it is possible to ascertain all vulnerabilities, such as, trafficked victims (women), unaccompanied minors, persons affected by mental disorders, etc.; (g) special attention to human rights of migrants during identification procedures whereas access to international protection is always guaranteed regardless the nationality ascertained or declared; (h) drinkable water and food are provided as soon as third country nationals are disembarked and all operators at ports or inside the facilities are able to provide additional assistance promptly; (i) *Hotspot* personnel includes cultural mediators, legal advisors, psychologists, operators for the assistance to unaccompanied minors; (j) both *Hotspot* and international organization/NGO’s personnel is highly qualified and specifically trained to carry out all operations required (the Italian Ministry of the Interior has recently organized specific training courses for *Hotspot* operators); (k) medical care is regularly provided at the presence of a cultural mediator.

44. More generally, since 2012 the Italian reception system has deeply changed, in terms of accommodation capacity, legislative provisions and organizational capabilities. In the Italian Roadmap are indicated all further steps implemented in the reception system because of the increased reception demand. Legislative Decree 142/2015 worked out a new reception system taking into account the concrete needs required by the strong migratory pressure. The main features can be summarized as follows: after rescue and first aid, all the disembarked are screened, pre-identified and informed on the possibility to apply for international protection; then, they are transferred to governmental Centres (The so-called regional Hubs/Centres) that are open facilities aimed to host asylum seekers from 7 to 30 days in order to allow them to formalize the application for international protection. Afterwards, asylum seekers are transferred to SPRAR (Protection System for Refugees and Asylum-Seekers) facilities belonging to the second level of reception. As of October 17, 2016, Italy hosts 165.095 persons in its reception centres, 127.721 in temporary reception Centres, 13.585 in government-run reception Centres, and 22.971 in the SPRAR network. The SPRAR has increased its reception capacity, from 3000 places to the current 22.971, including almost 2000 places for minors. The Ministerial Decree, dated August 10, 2016, reformed the access procedure to SPRAR project funding. The new provisions aim at: Stabilizing the on-going projects through a financing confirmation procedure; Facilitating the funding access procedure for the new municipalities and/or local authorities that will be allowed to submit their funding applications any time of the year.

45. Article 6 (4) of Legislative Decree 142/2015 envisages that all foreigners (including those ones not seeking protection) in CIE must receive, from the manager of the centre, appropriate information on the possibility to apply for international protection. The Interior Ministry Regulation dated 20 October 2014, already envisaged that the foreigner must be informed on the possibility to apply for international protection, in presence of a cultural mediator if needed, and the right to consult: the Chart of rights and duties; the list of lawyers for free legal aid; the informational leaflet for asylum seekers, as envisaged by Article 10 of Legislative Decree 25/2008. Article 7 (2) of Legislative Decree 142/2015 allows *inter alia* access to CIE and freedom of communication to lawyers. Arts. 6-7 of the above Regulation indicate modalities for Prefectures to issue authorizations for legal

counsellors: Access to CIE is authorized, on a case by case basis, by the Prefect upon approval of the Directorate Central of civil services for immigration and asylum of the Ministry of the Interior.

46. The Working Group, tasked with drafting the national integration plan for the beneficiaries of international protection by Legislative Decree No.18/2014, is actively working together with all stakeholders involved, including IOs and CSOs. It will focus primarily on aspects concerning methods for beneficiaries to achieve autonomy and should therefore devise national integration-oriented policies on housing and labour.

47. Both asylum seekers and beneficiaries of international protection are entitled to receive medical care regardless of the domicile indicated in their permit of stay, since it is sufficient a self-declaration of place of stay or a declaration of hospitality. Legislative Decree 251/2013 envisages equal treatment in terms of access to employment (for public employment are envisaged the same restrictions existing for EU citizens), welfare and housing.

48. The public expenditure on the national reception system amounted to over 632 million Euros in 2014 and over 885 million Euros in 2015.

49. Since 2014 Italy has started a new immigration policy on UAMs. A Special Unit has been established by Interior Ministerial Decree, dated 29 July 2014. The system thus envisages: first-assistance reception in governmental highly-specialized centres; and a second-assistance within the enhanced SPRAR system.

50. Pursuant to Act 190/2014, the National Fund has been fed with 90 million Euros for 2015, and 170 million Euros for 2016. Moreover, the former distinction between asylum-seeker minor and non-asylum seeker minor has been removed so as to ensure an adequate reception to all minors arriving in Italy. Legislative Decree 142/2015 has further defined UAMs' reception. Act 160/2016 enables *Prefets* to put into operation temporary reception centres "when massive and constant flows of UAMs arrive". Finally, Joint Ministerial Decree published on September 8, 2016 sets up the procedures and services for UAMs reception UAMs are hosted in gender-inspired facilities: since 2015, the Ministry of Interior has launched 15 projects to deliver services to 50 UAMs per day, during a period of 60-90 days (in Basilicata, Calabria, Campania, Emilia-Romagna, Lazio, Liguria, Puglia, Sicilia e Toscana until 22 august 2016, in collaboration with project partners such as OIM, Italian red Cross, Save the Children, ANCI (Association of Italian Municipalities) and UNHCR). The aim is also to ensure adequate transition to the second level of reception under SPRAR. Since August 2016, 21 more reception centres have been gradually operating also within the SPRAR system (second level).

51. The Italian legal system envisages specific safeguards and corresponding adequate judicial means to enable migrants to challenge an expulsion order, including the suspension effect stemming from the appeal. In this regard, mention should be made of the following provisions: Article 10-bis of Legislative Decree 286/1998; Article 19 of Legislative Decree 150/2011; Article 35 of Legislative Decree 25/2008 (in addition to Legislative Decree 142/2015). More specifically, when an expulsion order is challenged, Judicial Authorities consider the relevant complaint, as a matter of urgency. The complaint suspends the execution of the expulsion order, up to the definition of the judicial proceeding. Within Tribunals, there are specialized Sections with judges specifically trained on migration legislation, including migrants' rights.

52. In line with Legislative Decree 24/2014, transposing relevant Directive 2011/36/EU, the first National Action Plan against Trafficking and Serious Exploitation of Human Beings was adopted by Council of Ministers, in February 2016. The Plan aims at identifying multiannual intervention strategies for the prevention and fight against these phenomena, as well as measures aimed at increasing public awareness, social prevention,

emergence and social integration of victims. With a view to enhancing the national response to human trafficking, through prevention, prosecution, protection interventions and actions for the social integration of victims, the National Action Plan envisages measures aimed at: Improving the emergence of the phenomenon and ensuring an effective and coordinated response; Devising adequate mechanisms for the rapid identification of human trafficking victims through the drafting of specific guidelines on the topic; Establishing a National Referral Mechanism; Updating the existing relevant reception actions; Providing multi-agency training; Adopting specific guidelines to comprehensively inform victims. The Plan is in line with the EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016). As for resources allocated for social assistance and rehabilitation programmes under Article 13 of Act 228/2003 and article 18 of Legislative Decree 286/1998, in the past five years 8 million Euros have been allocated, yearly. In line with the Plan, more assistance projects for about 15 million Euros have been envisaged from 2016 onwards.

53. The Central Operational Service (in Italian, SCO) took part in the TEMVI European Project dealing with trafficking in minors, especially *Roma*. Developed through international meetings, training multi-agency sessions for police officers and operators from *Questure* of Veneto, Friuli Venezia Giulia and Trentino Alto Adige, it resulted in the Intervention Protocol and the consequent experimentation on the territory.

54. Statistical data concerning the residence permits issued for humanitarian reasons/social protection purposes, in compliance with Art. 18 (data provided by the Central Directorate of Immigration and the Border Police) are as follows:

<i>Year</i>	
2011	675
2012	520
2013	381
2014	265
2015	228
2016 (until September 30)	298
Total	2 367

REDUCTION IN SLAVERY (art. 600 P.C.), TRAFFICKING IN HUMAN BEINGS (art. 601 P.C.), PURCHASE OR ALIENATION OF SLAVES (art. 602 P.C.), ILLICIT INTERMEDIATION AND LABOUR EXPLOITATION (art. 603 bis P.C.): crimes committed and persons denounced/arrested ()*

	<i>2011</i>		<i>2012</i>	
	<i>crimes committed</i>	<i>people reported</i>	<i>crimes committed</i>	<i>people reported</i>
Art. 600 C.P. reduction in slavery	105	308	89	361
Art. 601 C.P. trafficking in human beings	12	73	12	148
Art. 602 C.P. purchase or alienation of slaves	2	10	2	10
Art. 603 bis C.P. illicit intermediation and labour exploitation	12	10	41	63

2013		2014		2015	
<i>crimes committed</i>	<i>people reported</i>	<i>crimes committed</i>	<i>people reported</i>	<i>crimes committed</i>	<i>people reported</i>
109	252	83	205	92	237
16	93	19	102	31	111
3	8	5	15	8	20
81	332	93	523	64	129

55. Migrant workers can benefit from pension and social security rights when legislative requirements are met. This is also possible even if they return to their country of origin and regardless of a reciprocity agreement (Article 22 para. 13, Legislative Decree 286/98). Irregular migrant workers can refer to relevant Authorities, including trade unions, to claim their salary and any social security contributions. Article 22, para. 12-ter, of Legislative Decree 286/1998, establishes that in case of illegal recruitment, the employer is punished to cover the travel cost for the repatriation of the migrant worker. When collaborating with the judiciary, the migrant worker filing complaint against the employer is entitled to a humanitarian residence permit. On October 18, 2016, the Chamber of Deputies approved a new law to combat undeclared work and labour exploitation in agriculture (“Legge sul Caporalato”), which extends the Fund for victims of trafficking to victims of illegal recruitment and labour exploitation. Article 603bis of the Criminal Code, amended by the above new law, sets detention penalties for employers recruiting and exploiting irregular migrant workers. The Unified Text on Immigration (Arts. 12, 22) and Legislative Decree 151/2015 envisage additional sanctions.

56. To further reduce prison over-crowding, the latest measure is a Circular by the Head of Penitentiary Administration (September 2016) concerning prison presences trends. As for penitentiary healthcare, since 2008 this has been transferred to Regions and Local Healthcare Agencies. The Penitentiary Administration collaborates with them to ensure prisoners’ protection and care continuity. On 4 August 2016, an MoU was signed, and an IT platform for transferring healthcare data of inmates has been envisaged. Also, the use of the Penitentiary Police staff employed in transferring inmates to hospitals will be optimized. As for the compensation for damages due to degrading prison conditions, following Act 117/2014 prisoners have submitted many applications. The Supervisory Judiciary declared receivable 2932 applications. Those judgments in favour of inmates can imply two forms of compensation, possibly accumulable with each other: a) the reduction of the length of the sentence of one day per each ten days of sentence served under unlawful conditions; b) an amount of money equal to 8.00 € per each day of damage suffered. On those basis, a total number of 130,321 days of reduction of sentences have been granted so far, as well as 594,488 € of compensatory remedies in money. To reduce suicides in prison, the Annual Plan for suicide prevention-2016 mentions that in case of information about suicide attempts, the Central Control Room for critical events sends notes to the prisons involved, aimed at awareness raising, urging for the correct enforcement of the circular letters covering that matter, and namely of the instructions given in February 2016.

57. Region Emilia-Romagna coordinates all Italian Regions. Monitoring is on-going, also through the National Committee for penitentiary health, established in 2009. As for reduction of suicides in prison, a 2012 Agreement describes the major interventions for all prisons, including training of both prison and health staff.

58. In addition to the above information on complaints, mention has to be made of the following:

59. The inmate can submit requests or complaints, orally or in writing, to: prison Governor; Director of the Regional Directorate of the Penitentiary Administration; Head of Department of Penitentiary Administration; Minister of Justice; judicial and healthcare authorities visiting the prison; local or national Ombudsperson for the rights of prisoners; President of the Regional Council; Supervisory Judge; Head of State, concerning malfunctioning, lack of services or provisions, organizational choices and so on.

60. In disciplinary matters, inmates can lodge a jurisdictional complaint to the Supervisory Judge.

61. When inmates deem that their rights, protected by the European Convention of Human Rights, have been violated, once they have exhausted domestic remedies, they can lodge complaint with ECtHR.

62. As for the NPM, Presidential Decree of February 1, 2016, on the appointment of President and member of the Collegiate Panel, was followed by Presidential Decree of March 3, 2016, on the appointment of the third member. So, at present, the collegiate formation of the monitoring body is complete. The law establishing this Authority clearly establishes the independence of the collegiate Panel, which is appointed by the President of the Republic; it reports to the Presidents of the Chamber of Deputies and Senate of the Republic; cannot be renewed after its five-year term, neither is it removable save criminal responsibility. NPM has been operational since March 25, 2016. The staff have been identified in different areas (legal and pedagogical, administrative, IT and security expertise) of the prison, judicial, juvenile and public security administrations. Such staff are exclusively at the service to the Authority and cannot be sent to other offices without its favourable opinion (Article 4, para. 2, of Ministerial Decree 36/2015); this allows for the functional independence of the Office's staff. By Ministerial Decree 36/2015, the Authority shall adopt a Code of self-regulation, as later adopted on May 31, 2016. Article 3 of the Code explicitly states that the Authority freely exercises its mandate carrying out totally independently and without any interference its institutional duties to protect the rights of those detained or deprived of their liberty. In line with OPCAT Article 17 et seq., the Code highlights the possibility of access to places and documentation without restrictions (except for the need to obtain the consent of the person deprived of his/her liberty, in order to examine documents contained in his/her personal file, in particular health documents). Moreover, Article 4 of the Code also establishes the need to protect the confidential information obtained, the obligation of secrecy about what has been acquired during the institutional visits and, in general, in the performance of the other tasks of the Authority, the obligation of confidentiality about the outcome of the visits, until it is published and the obligation to timely transmit any *notitia criminis* committed against persons deprived of their liberty to the judicial authorities. Article 4, para. 2, provides for protection from possible reprisals (Reports (though not exhaustive list) can be found on the National Authority website at: www.garantenpl.it).

63. Concerning Article 41-bis regime, as well as the so-called "ordinary" regime, they are in line with ICCPR. Moreover, the Italian Constitutional Court recently confirmed it by judgment 190/2010, by which it states that the restrictions provided for by the law do not lead to inhuman or degrading treatment. Dating from April 2015, the detention security measures of hospitalization in Judicial Psychiatric Hospitals (OPG in Italian) and of assignment to prison hospital are to be enforced in new facilities, named Centres for the Enforcement of Security Measures (REMS). Even before 31st March 2015, the cooperation between the Department of Penitentiary Administration (DAP) and local Departments for Mental Health allowed internees to be released from OPG and to be followed by local healthcare services, on the basis of individualized therapeutic and rehabilitative programmes. In compliance with Agreement dated 26 February 2015, DAP started the transfer of 689 internees. As of August 2016, there were 596 internees in the REMS.

64. The Council of Ministers, on 19 February 2016, appointed a national Commissioner of the Government for the overcoming of Judicial Psychiatric Hospitals, which can act instead of defaulting Regions and achieve the objective of completing the establishment of the REMS. The Minister of Justice showed such a particular interest and care in the new modalities of executing detention security measures, that a specific Table on Security Measures was established within the “États-Généraux” of the Penal Execution, carried out between Autumn 2015 and Spring 2016. At present, only two OPGs with less than 30 inmates are open, and will be closed by the end of the current year. The network of alternative health facilities (no larger than 20 beds each) is working in all Regions, and inmates are also released, according to their clinical and judicial profile, and taken in charge by the community services of the Departments of Mental Health.

65. In terms of data on length reduction, between 2013-2015, average duration of trials is as follows: (a) Civil sector — Court of Cassation (from 1222 to 1344 days); Court of Appeal (from 1085 to 967); Tribunal (from 489 to 427); (b) Criminal sector — Tribunal (collegial body, from 608 to 633 days; monocratic body, from 499 to 582); Court of Assizes of Appeal (from 876 to 965 days).

66. Following ECtHR verdicts on excessive length of proceedings, to reduce Pinto remedy-related debts, the Ministry of Justice introduced a Plan, with additional resources and a new faster procedure through Bank of Italy, in order to reduce the heavy backlog for compensation to be paid. Between 2015-2016, the Pinto-related debt has decreased with 403.607.179, 90 Euros, equalling to — 46.123.114,00. In 2015, compensation, ranging between 400-800 Euros per each year of excessive length, was allocated to 9,668 cases. Annual allocation for Pinto remedy amounted to: 50 million Euros in 2013; 100 million Euros in 2014; 180 million Euros in 2015. 170 million Euros are intended for 2016-2018.

67. Overall data is as follows:

January 2011 € 187.586.318,25 increased by December 2011 +65.038.555,21

January 2012 € 252.619.983, increased by December 2012 +95.386.143,29

January 2013 € 348.011.016,75 increased by December 2013 +47.072.950,85

January 2014 € 395.083.967,60 increased by December 2014 +61.365.812,82

January 2015 € 456.449.780,42 decreased by December 2015 -52.842.600,521

January 2016 € 403.607.179,90 decreased by June 2016 -46.123.114,00

68. Art. 104, para. 3, envisages an exception: the possibility that the judicial Authorities, by means of a motivated decree, defer the right to confer with the defence counsel for a period of time not exceeding five days. Said postponement is allowed, as specified under the same Article, only in the presence of precise assumptions on which the measure is grounded, i.e. “the existence of specific and exceptional reasons for precaution”. According to the Supreme Court, “the illegitimate postponement of the talk with the defence counsel and hence the infringement of the right provided for under Article 104 paras. 1 and 2, entails the infringement of the right to defence, with the consequences provided for by among others Art. 302, i.e. the loss of efficacy of precautionary custody. Plus, the exceptional provision under Art. 104, paras.3 and 4, does not affect the right of the arrested person to be questioned in the presence of the defence counsel. Arts. 391 and 294 provide for the obligatory participation of the defence counsel in the validation hearing and the questioning before the judge.

69. At present, various pieces of legislation are before the Parliament, including the Costa Bill, currently before the Senate. Meanwhile, the offence of insult (*ingiuria*) has been decriminalized, in February 2016.

70. Last February, Chamber of Deputies passed a new discipline (A.C. 275 et Al.) focused on conflict of interest's preventions. This Text (A.S.2258), currently before the Senate, will task the National Anti-Trust Authority with its implementation. However, Act 215/2004 does not deal only with the mass media and information sector, but covers possible conflicts of interest between government responsibilities and professional and business activities in general. Because of its particular nature, the mass media and information sector is the subject matter of a number of specific provisions in that law (Article 7). These particular provisions do not replace the general rules governing any type of company, but are additional to them. The combined provisions of Articles 1, 2 and 3 of this Act set out its general scope. Article 1 states that the Head of Government, Ministers, and Extraordinary Government Commissioners are all "holders of government office". It also imposes on them, the obligation to be exclusively devoted "to promoting public interests", besides prohibiting "taking actions and participating in collegial decisions when they are exposed to a conflict of interest".

71. With regard to alleged media concentration and ownership, this could not simply be singled out by the law as a reason of incompatibility with a government position because such provision would have been in contrast with Articles 42 and 51 of the Italian Constitution protecting the fundamental right of individuals to hold private property and the freedom to be elected to public offices. Furthermore, the prohibition of ownership to this effect would have led to a "Forced Sale" determining an irreversible situation upon expiry of public office, which would also contravene to the same articles of the Constitution. Moreover, the National Anti-Trust Authority has intervened on various occasions with regard to Act 215/2004.

72. As for the person entrusted with governmental positions, given the prohibition of direct management (Article 2), the ownership of his/her assets and the entitlement to economic interests that are connected with, is however ensured. Provided that any legislative reform falls within the Parliament's power, the compliance with the criterion of proportionality always applies, meaning the less onerous set of restrictions being compatible with the requirement to separate the conflicting interests — besides considering "the principle of minimum means", currently in place (i.e. the elimination of situations potentially impeding the proper exercise of the function). Act 215/2004 entrusts AGCOM with specific responsibilities in order to avoid the risk that the holder of a governmental position can receive a "special support" by the media that he/she or his/her family's members within the second degree, own. As a matter of fact, the above Authority carries out audits against companies that operate in the so-called Integrated Communications System (acronym in Italian, SIC) and are headed by the holder of governmental position (or by the relatives indicated above), so as to ensure that these companies do not undertake any conducts in contrast with the so-called Parameter-Laws, including the *Par Condicio* Law — the compliance of which is overseen by AGCOM —, such as getting a special support (an undue advantage).

73. The Integrated Communications System (SIC) comprises all the main media business sectors, and may be considered to be the result of the multimedia convergence process in which apparently heterogeneous media (radio, television, newspapers, the Internet, cinema) are gradually drawing closer together and becoming integrated. This convergence and successful marketing linking heterogeneous media products (for example the sale of CDs or books jointly with newspapers) requires the Legislator to consider the position of a company working in the communications industry within an economic system that comprises all the main media. Moreover, precedents to the SIC existed in earlier legislation (Article 15 (5) of Act 223/90, and Article 2 (1) of Act 249/97) prohibiting the constitution of a dominant position in the fields of audio and television communications, multimedia, and publishing, including electronic publishing. The SIC is simply the outcome

of the developments in older sectors governed by earlier legislation, necessarily bound up with the innovation brought about by technologies that have subsequently become current.

74. Act 112/2004 has effectively moved forward the switch from analogical to digital broadcasting, with the aim of increasing the number of TV channels (a process initiated in 2008). This has actually given greater independence and organisational autonomy to the public radio and television broadcasting service franchisee. It has placed RAI on an equal footing with all other joint stock companies, also in terms of their organisation and management (Article 20 (1)).

75. Mention should be made also of the following:

76. The start-up of terrestrial digital broadcasting as a result of Act 112/2004 has increased the number of channels free of charge by between four-fold and six-fold (as of 2014), and has consequently increased the television offering and enhanced pluralism — bringing Italy to be one of the countries with the highest number of channels ever, in the world.

77. SIC considers the convergence of the media, adjusting the criterion that already existed in Italian law (Mammì Act and Maccanico Act) to keep pace with technological and market developments; no company can ever acquire a dominant position on any one market. The whole purpose of the SIC system is to enable companies, particularly press publishers, to access television market.

78. As for RAI, a parliamentary commission ensures, inter alia, respect for pluralism. It is, however, AGCOM to oversee and ensure RAI's compliance with primary and secondary level provisions, with regard to pluralism and public service-related obligations.

79. From 2011 to early 2016, about 250 cases of intimidation against journalists, mainly involving threatening letters (containing bullets or cartridges) and online posts, have been registered (by the competent Central Directorate of Prevention Police). If these cases are not attributable to acts of vandalism, they usually are emulations or expressions of personal distress by individuals who, when identified, result to be under treatment at some national healthcare facilities for mental disorders. Four are the most serious intimidation cases. Five events have a political subversive origin. The competent Judicial Authorities have been informed of all the intimidation cases and some of them are still under investigation. From 2012 to August 31, 2016, 88 measures were taken to protect journalists from intimidation, and among them 12 individual protection measures were issued by the Central Multi-Agency Office for Personal Security (UCIS), and 76 surveillance measures were adopted at a local level by Prefects.
