



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.: General
17 November 2017

Original: English

Committee against Torture Sixty-second session

Summary record of the 1582nd meeting

Held at the Palais Wilson, Geneva, on Tuesday, 14 November 2017, at 10 a.m.

Chair: Mr. Modvig

Contents

Consideration of reports submitted by States parties under article 19 of the Convention
(*continued*)

Combined fifth and sixth periodic reports of Italy

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.

GE.17-20284 (E) 171117 171117



* 1 7 2 0 2 8 4 *

Please recycle The recycling symbol, consisting of three chasing arrows forming a triangle.



The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Combined fifth and sixth periodic reports of Italy (CAT/C/ITA/5-6; CAT/C/ITA/Q/6)

1. *In accordance with rule 73 of the Committee's rules of procedure, Mr. Bruni withdrew during the consideration of the report.*
2. *At the invitation of the Chair, the delegation of Italy took places at the Committee table.*
3. **Mr. Migliore** (Italy) said that, in recent years, the Italian Government had made profound policy changes to protect the fundamental rights of detained persons. A particularly noteworthy measure to counter inhuman or degrading treatment was the entry into force of Act No. 110/2017, which introduced articles 613 bis and 613 ter into the Criminal Code, criminalizing torture and incitement to torture. Although the Act marked significant progress, it would be necessary to monitor the implementation of its provisions, and his delegation was ready to hear the Committee's suggestions or criticisms in that regard.
4. Pursuant to Act No. 103/2017, the Criminal Code, the Code of Criminal Procedure and the Penitentiary Act had undergone a number of changes, including the establishment of clear timelines for preliminary investigations by the Public Prosecutor, the promotion of restorative justice and the improvement of detainees' access to work.
5. Although the country's prison population still exceeded capacity, it had decreased considerably, going from 65,070 in 2013 to 57,551 in 2017. In addition, alternatives to custodial measures had been increasingly applied in recent years: in 2011, some 26,000 persons had been subject to such alternative measures, while in 2017, that number had grown to approximately 45,300.
6. In early 2017, the Government had completed the official closure of all the judicial psychiatric hospitals in the country, replacing them with health-care facilities which applied security measures. Under the new system, detainees receiving treatment benefited from individualized rehabilitation programmes. Also in 2017, the State-Region Conference had approved two suicide-prevention plans for prisons and juvenile detention facilities.
7. Solutions to the migration crisis affecting the country required a multilevel strategy. Cooperation with countries of origin and transit countries helped to address the root causes of migration and manage migration flows. As part of its efforts to tackle the crisis, the Government had recently signed an agreement with Libya to foster economic and social development and address the issue of irregular migration.
8. In 2016, Italy had received the third-highest number of asylum applications out of all the member countries of the Organization for Economic Cooperation and Development. To better manage the situation of asylum seekers, several legislative measures had been taken, including measures to close identification and expulsion centres and to reduce the length of asylum-related proceedings. Notably, Decree-Law No. 13/2017 provided for the establishment of migrant hotspots in accordance with European Union regulations.
9. The plight of unaccompanied minors was a central aspect of the migrant issue. Under domestic law, an unaccompanied minor was defined as a foreign national under the age of 18 years who was on Italian territory without assistance or legal representation. The forced repatriation of unaccompanied minors was forbidden. Act No. 47/2017 provided for long-term solutions, including an assistance programme for unaccompanied minors who were victims of human trafficking. In that connection, the National Action Plan against Trafficking and Severe Exploitation of Human Beings for 2016-2018 contemplated a number of measures, including awareness-raising activities.
10. The Italian authorities were deeply committed to ensuring adequate human-rights training for law enforcement and the judiciary. As part of efforts to achieve that goal, in 2015 the Ministry of Justice had established the General Directorate of Training at the Penitentiary Administration Department.

11. Since the presentation of his country's previous report, events both global and domestic had given rise to new challenges. Italy firmly believed that the need for increased security entailed by such events did not call for a restriction of freedoms. It was essential to guarantee fundamental rights for all, and such a guarantee included protection from torture, violence and discrimination.

12. **Mr. Heller Rouassant** (Country Rapporteur) said that, while it was clear that the State party had the political will to meet its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Committee wished to draw attention to a number of points. Although the criminalization of the act of torture was a positive step, Act No. 110/2017, which defined the offence, used language which was not in line with the language of the Convention. Moreover, because the act treated torture as a generic offence which could be committed by anyone, it effectively diminished the responsibility of any public officials involved. He wished to know why the offence of torture was subject to a statute of limitations, given that the Convention provided for no such limitations. The Committee recommended that the State party should amend Act 110/2017 so that it complied with the provisions of the Convention.

13. Although the State party had reiterated its intention to establish a national human rights institution, it had yet to do so. He would appreciate details on the progress of plans to create what was an organization of fundamental importance.

14. The State party should be commended for establishing the office of the National Guarantor for the Rights of Persons Detained or Deprived of Liberty in 2014. The office served as a national preventive mechanism in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. However, the State party should expand the scope of the mechanism in order to deal with the particular circumstances precipitated by the current migration crisis.

15. The Committee was aware that Italy was one of the countries hardest hit by the unprecedented influx of migrants brought on by world events. The State party should be commended for the efforts it had deployed to assist migrants, including search and rescue operations in the Mediterranean and the delivery of humanitarian aid.

16. It was the Committee's understanding that a bill addressing the relocation of migrants was under consideration. Information on the bill would be appreciated. The Constitutional Court had ruled that being a migrant in an irregular situation could no longer be considered an aggravating circumstance; nevertheless, the Committee was concerned by reports that irregular migrants who returned to Italy after expulsion were subject to criminal penalties. In addition, although the Committee noted the decree-law which provided for a legal framework for migrant hotspots in the country, it was concerned by reports of poor conditions and unethical practices at such hotspots.

17. The Committee was also concerned about cases of excessive use of force, arbitrary detention and the inadequate protection of unaccompanied minors in crisis centres. He would welcome comments from the delegation on the memorandum between the State party and the Sudan, under which 48 persons, including some who had fled from violence in Darfur, had been returned to the Sudan and were at risk of human rights violations. The memorandum had not been approved by the Italian Parliament as required in accordance with article 80 of the Constitution. He would like to hear the delegation's reaction to the cases of two family members of a Kazakh political opposition leader who had been abducted and ordered to leave the country, although the order had later been overturned by the Government when it realized that their forced return would violate Italian law. He would also be interested to hear the delegation's comments on the forced deportation of 13 Nigerian nationals and the repatriation of 23 Tunisian nationals who had been arbitrarily detained and denied their right to appeal against their detention, and whose case had been brought before the European Court of Human Rights.

18. In spite of the legislative and judicial action taken to prevent the wrongful deportation of refugees, as described in the State party's report, the Committee was concerned by the approval of the "Minniti-Orlando" Decree-Law (DL/13/2017), which prohibited appeals and court hearings against decisions to reject asylum applications, thereby contravening the principle of non-refoulement and limiting judicial protection. He

would like the delegation to elaborate on that apparent step backwards in terms of protecting the rights of refugees and asylum seekers.

19. Following the Malta Declaration of 3 February 2017, Italy had entered into an agreement with Libya, seemingly with disregard for systematic human rights abuses in that country. The Government provided support to the Libyan authorities, unofficial leaders and non-State actors in the form of training, equipment and logistical assistance as part of a policy to enhance that country's control over its land and maritime borders and to combat human trafficking. However, there had been reports that human traffickers and armed groups had received funding to detain migrants who intended to reach Europe. At the same time, information from the Italian authorities had revealed a 70 per cent drop in the number of migrants entering the country in July and August 2017 as compared to the same months of the previous year. He wished to know how the State party explained the abrupt decline, what the current migration figures were, and whether there was a connection between the drop in the number of migrants and the introduction of the agreement with Libya. Despite the extensive human rights abuses committed by the Libyan coastguard and criminal gangs, the Government had not taken any measures to mitigate the negative humanitarian impact of the policy of cooperation with Libya. It would be helpful if the delegation could give an update on the current status of the policy, and specify whether the agreement with Libya contained any clauses whereby the agreement could be suspended in the event of any human rights violations.

20. Drawing attention to a case in which the European Court of Human Rights had ordered the Government of Italy to compensate Abu Omar for its part in his extraordinary rendition in 2003, he would appreciate information on the enforcement of that judgment. According to NGO reports, the State party continued to expatriate alleged terrorists through a procedure that explicitly denied the right of the persons concerned to appeal against their expulsion. In the first eight months of 2017, 73 persons had been deported, apparently at the behest of the Ministry of the Interior, which had not disclosed information on the expatriation proceedings. He wished to know whether any new complaints had been lodged against the State party in light of those deportations.

21. Under Italian law, suspects could only be prosecuted for torture-related crimes if the offence had occurred in Italy or the victim was an Italian national. However, he would like the delegation to confirm whether a recent amendment indeed allowed the extradition of foreign nationals who had been convicted of a torture-related crime in another State. Information on the number of deportation cases and the States that had requested them in the period under review, including the number of cases rejected, would be helpful.

22. **Mr. Touzé** (Country Rapporteur) said that the number of persons imprisoned under the special detention regime, which was reserved for members of the mafia and terrorism suspects, had increased from nearly 550 in 1993 to over 700 in 2015. Although the regime itself did not violate the Convention, sentences were often disproportionate to the crime committed, the measure was used too frequently, and appeals had been rejected in many cases. He would welcome an explanation for the increased use of the measure and he wished to know how many persons were currently detained under the special regime. Furthermore, in order for such detainees to be imprisoned under an ordinary law regime, they must prove that they had no links with the criminal organization concerned; in the absence of definitive proof, the detention under the special regime was almost systematically extended beyond the initial 4-year sentence. According to publicly available information, 321 persons detained under the special regime had been imprisoned for between 4 and 10 years, 161 for between 10 and 20 years, and 29 for over 20 years. After 20 years it was clear that any links to criminal organizations would cease to exist, or at the very least be residual. He would like to hear the delegation's reaction to those figures and to the practice of extending sentences under the special regimes. The European Court of Human Rights had handed down several judgments citing violations of the right to due procedure and an appropriate punishment, and yet the State party had taken few measures to address the issue. He wondered what procedural guarantees were in place, including appeal remedies, regarding the use of special detention, and what controls applied to decisions to extend sentences. The conditions under which such prisoners were detained were severe; according to information available to the Committee, the prisoners' access to

prison activities was restricted, they could only see their children for 10 minutes every month under strict conditions, and they were only permitted photographs of a certain size and a limited number of books. The places of detention of those prisoners did not meet internationally established criteria; for example, the size of the cells was below the accepted standard. The delegation might wish to elaborate on those practices and conditions. Furthermore, the necessity and proportionality of video surveillance should be assessed in each individual case; constant video surveillance of inmates was often unjustified. He wished to know on what conditions such a measure could be imposed, and whether it was subject to appeal or review, for example, in light of good behaviour. While many complaints had been lodged with judges in charge of prison oversight, who often found in favour of the complainant, prison officials frequently refused to take appropriate action. Additional information on the outcome of such complaints would be helpful.

23. Given that new legislation on pretrial detention had been under discussion when the State party's report had been submitted, he would welcome an overview of the current law in that regard. The prison population had increased from 52,000 at the start of 2016 to just under 58,000 in October 2017, mostly due to the rise in the number of persons in pretrial detention. Foreign nationals accounted for 70 per cent of that increase, and were more likely to be remanded in custody. A correlation therefore existed between a person's origin, the use of pretrial detention and prison overcrowding. Persons held on remand accounted for 34 per cent of the prison population, well above the average of 25 per cent across the Council of Europe member States. The delegation might wish to confirm and also explain that figure, and to elaborate on the figure of 45,000 alternative measures to detention that had been mentioned in the opening statement. The State party had on several occasions affirmed that the use of pretrial detention would be limited in order to ease prison overcrowding, and he would appreciate detailed information on the specific measures implemented, since they were not mentioned in the State party report. Pursuant to a law passed in June 2014, persons deprived of their liberty could request a sentence reduction of one day for every 10 days served in prison if their rights had been violated. They could also claim compensation for damages if the authorities were found liable. Figures concerning the number of procedures that had been initiated and that had resulted in the payment of compensation would be useful in assessing the effectiveness of the system and evaluating the impact on the rights of persons deprived of their liberty.

24. Prison overcrowding and unsanitary prison conditions were major, long-standing problems in the State party. In fact, Italy had one of the highest rates of prison overcrowding in the European Union, with an occupancy rate of 113.5 per cent and an overcrowding rate approaching 120 per cent. Reports indicated that some 4,500 prison places were not in use owing to renovation work. In 2013, the European Court of Human Rights had taken the step of adopting a pilot judgment, reserved for cases involving structural or systemic problems in a State, in which it had ruled that the conditions of detention were poor and contravened article 3 of the European Convention on Human Rights. With that in mind, he would be interested to hear about the subsequent reforms undertaken by the prison authorities to tackle the concerns raised and the specific measures that had been put in place to reduce overcrowding and improve prison conditions. In particular, he would welcome updated information on initiatives to stem the inflow of new prisoners, such as through community-based sentences, and to renovate existing — or build new — prisons. In that connection, the Committee shared the concerns raised by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, in particular the fact that 16 per cent of the prison population had less than 4 m² of personal living space and that the detention cells of the Florence *Questura*, or State police facility, were still in use after they had supposedly been decommissioned. Updated information on those aspects would be gratefully received. He welcomed the introduction of a system of dynamic supervision for medium-security prisoners, which aimed to improve their conditions of detention, increase the time they spent outside their cells and foster their participation in leisure activities. He wondered whether steps had been taken or were envisaged to broaden the limited range of activities open to them and ensure that sufficient instructors were available.

25. Noting the information provided on the legal framework governing the use of solitary confinement, he would be grateful for details of the regime that was applied in

practice and of the measures taken to ensure that prisoners whose mental health had deteriorated during their isolation received psychological monitoring and assistance. There were reports that in two prisons, the Como and Genoa Marassi facilities, prisoners were forced to get completely undressed and were searched by prison staff. He wished to know why that procedure was applied and whether it was still in force. He noted with concern the numerous allegations of ill-treatment and the excessive use of force in places of detention. He asked what general measures had been taken to prevent such violence and physical ill-treatment; what specific measures had been taken by the Italian judicial authorities in relation to the cases of physical ill-treatment referred to them by the director of Ivrea prison; whether other cases had been pursued against law enforcement and prison officers and, if so, what their outcomes had been; and whether the so-called aquarium cell, a notorious solitary-confinement cell at the Ivrea facility, had been permanently closed in line with the recommendation of the country's national preventive mechanism. He would also welcome information on several individual cases of ill-treatment and violence perpetrated by prison officers. In particular, he wondered what judicial follow-up there had been in respect of: Stefano Cucchi, who had been beaten by prison officers and later died; Rachid Assarag, whose complaints had been dismissed by a judge and who was later deported, despite being married to an Italian national; and Mohamed Carlos Gola, who had been violently beaten by staff in Asti prison. Regarding vulnerable groups of detainees, he wished to know how many women prisoners with children had had their sentences reduced and whether there had been any progress regarding the so-called protected family houses project, which was aimed at providing a more family-friendly environment for women and their children.

26. There had been a considerable number of complaints of arbitrary arrest or excessive use of force by police officers. He wished to know whether figures could be provided on the number of complaints brought in respect of arbitrary arrest; whether any cases concerning police violence were currently before the Italian courts and, if so, what options were open to judges if officers were found to have contravened the Convention; and whether any members of the police had been prosecuted for the violence that marked the 2001 Naples Global Forum and, if so, what disciplinary and criminal penalties had been applied. Regarding police custody, he wondered what specific measures had been put in place to ensure that detained persons could exercise their right to inform their loved ones of their whereabouts; what concrete action had been taken to provide detained persons with access to an interpreter, if needed; how the State party made certain that persons had an effective right of access to a lawyer from the outset of custody; and what procedures had been put in place to ensure that detainees, including those held for only a short time, had their detention recorded in an official register. Regarding legal aid, he would like to know whether the State party planned to ease the rules on means-testing to ensure that all persons, including foreigners, had the right to free legal aid, and whether the Government intended to review the ceiling for entitlement to legal aid.

27. Concerning access to health care, he asked what measures had been taken to ensure that all medical examinations were automatically conducted in private, without the presence of police officers; whether amendments had been made to the legislation to enable detainees to request access to a doctor of their choosing; and what reasons underlay the decision to transfer responsibility for medical care in prisons to the country's national health service. He would also be interested to know whether any specific consequences had arisen since that transfer had been effected. In that connection, he was concerned that certain prisons lacked the necessary number of medical staff and wondered whether the State party had made any further progress towards introducing new technologies, such as telemedicine, that could alleviate the situation. He would like to know whether persons detained of their liberty underwent a medical examination on arrival at their place of their detention; how injuries sustained during transfer were identified and recorded; and whether testing for HIV/AIDS and other infectious diseases was routinely carried out.

28. The Committee was concerned that the suicide rate had not fallen in recent years. He wished to know what measures had been taken to mitigate the risk of suicide among detainees, follow up on at-risk cases and reduce the current rate. He would welcome comments on reports that detainees who self-harmed or attempted to commit suicide had been placed in solitary confinement or under a stricter surveillance regime and, in several cases, had been neglected. For example, there was the case of Valerio Guerrieri, a man who,

despite a psychiatric evaluation diagnosing a serious psychiatric disorder and clear suicidal tendencies, had been placed under heightened surveillance in prison, where he had committed suicide. In another case, the condition of prisoner Alfredo Liotta, who suffered from eating and psychiatric disorders, had not been taken seriously by staff, who failed to ensure he received appropriate medical care. He had later committed suicide by hanging. In the Monza prison facility, which had a high rate of overcrowding and poor conditions of detention, there had been a spate of six suicides in less than a year. In a similar vein, the suicide rate among detainees imprisoned under the special detention regime for members of the mafia was 3.5 times higher than among the general prison population. The delegation should indicate the actions that had been taken in those cases and the preventive measures that had subsequently been put in place.

29. Concerning the punishment of acts of torture, he noted that there were lacunae in the data being gathered by the National Office of Statistics on complaints against the police and security forces. For instance, there was a lack of information on disciplinary procedures taken against security personnel and on complaints, criminal proceedings and convictions for offences against detained persons. He wondered whether there were plans to improve the system of data collection in that regard. He questioned the role played by the prison disciplinary service, which was currently involved in 96 criminal proceedings against prison personnel accused of ill-treatment of detainees and, according to reports, applied disciplinary sanctions outside the scope of criminal proceedings. Information on the number of proceedings against, and criminal sentences handed down to, State agents would also be gratefully received.

30. He noted with concern that acts causing light physical injuries could only be investigated after the victim had filed an official complaint. In reality, however, it was difficult for such complaints to be made, especially if the victim was in detention at the time. Reports suggested that detainees who had been abused by police or prison officers were either unable to file a complaint or were suddenly transferred to another facility. He therefore wished to know whether the State party planned to establish a specific complaints procedure to ensure that acts by State officials were duly investigated. In that connection, the European Court of Human Rights had recently issued a ruling against Italy, which, it said, had failed to appropriately process complaints made by two detainees who alleged that they had suffered acts of violence and ill-treatment amounting to torture. While noting the recent changes to Italian law, including the introduction of an offence of torture, he wished to know what measures the Government intended to take to remedy the situation. Regarding criminal proceedings, he noted with concern that in many cases where ill-treatment amounting to torture had been undeniably proven, the perpetrators had been acquitted. Lastly, he would welcome information on the measures in place to provide compensation and rehabilitation for victims of torture and to prevent reprisals against detainees who filed complaints of ill-treatment.

31. **Ms. Gaer** said that she would welcome clarification on the rights of persons who had been arrested or detained by the police. In particular, she wished to know at what stage of their detention they were able to inform family members of their whereabouts and to meet with an independent doctor. Based on the information available, only individuals who were being detained for at least 24 hours were given that right.

32. Noting that data had been collected on the incidence of sexual violence in prisons, she wished to know whether any specific conclusions had been gleaned and preventive measures put in place to prevent such abuse from occurring. Referring to paragraph 70 (a) of the State party's report (CAT/C/ITA/5-6), which stated that, out of 74,000 cases of rape or attempted rape, just 4,500 had been reported to the police, she wondered what could account for such a low reporting rate. Regarding violence against women, she would like to know what steps had been taken to protect migrant women who, according to the State party, were more likely to become victims than Italian women. Lastly, she asked whether the data collected on femicide had enabled the State party to establish any preventive or protective measures for victims and their families; what was being done to prevent female genital mutilation from being carried out in Italy; and whether any cases of female genital mutilation had been prosecuted and convicted.

33. **Mr. Zhang** said that, in its concluding observations on the fourth periodic report of Italy (CAT/C/ITA/CO/4), the Committee had expressed concern that the procedure of expulsion of both regular and irregular migrants suspected of being involved in terrorist activities, which had been introduced by article 3 of Decree-Law No. 144/2005, did not provide effective protection against refoulement. According to NGO reports, no improvements had been made since 2005 to reduce the risk of refoulement, the number of expulsions ordered by the Ministry of the Interior had increased, especially since 2015, and there was a lack of clarity in domestic legislation regarding the grounds on which expulsion could be imposed. In particular, there was no definition of what constituted radicalization, a threat to national security or the facilitation of terrorism-related activities.

34. It was further reported that the Minister of the Interior had highly discretionary powers to impose expulsion orders, which could be subjected to a formal assessment only by the Lazio Regional Administrative Tribunal. Several lawyers had alleged that the Minister and the Tribunal had failed to provide, or had denied them access to, the information on which such orders were based, which raised concerns with regard to the principle of equality of arms and respect for the rights of the defence. It had also been noted that justices of the peace were required to examine only procedural aspects when validating expulsion orders, rather than ruling on the merits of each case.

35. Another cause for concern was that, in accordance with article 13 (3) of Legislative Decree No. 286/1998 and article 3 (4) of Decree-Law No. 144/2005, expulsion orders were immediately enforceable, while appeals against them did not automatically have suspensive effect. The result was that individuals who filed an appeal typically did so only once they had already been expelled. Bearing in mind all the points that he had raised, the delegation should provide comments and clarifications on the issue of expulsion.

36. **Ms. Belmir** said that she wished to echo the recommendation of the Human Rights Committee in its concluding observations on the sixth periodic report of Italy (CCPR/C/ITA/CO/6) to the effect that the State party should revise article 582 of its Criminal Code and ensure that allegations of ill-treatment and excessive use of force by police and other law enforcement officials were thoroughly investigated even if the victim had not filed a complaint. In that connection, the State party should pay greater attention to the situation of detainees from vulnerable groups, including Italians of foreign origin and the Roma, and take steps to combat the discrimination to which they were reportedly subjected.

37. She wished to know whether agreements had been reached to return unaccompanied foreign minors to their countries of origin and, if so, to what extent they were effective. It should be recalled that such agreements were a means of protecting minors from the risk of sexual exploitation and other crimes.

38. Turning to the issue of trafficking in persons, she requested information on the implementation of the so-called “article 18 approach” and on any results that had been achieved in that regard.

39. **Mr. Hani**, noting that Italy had signed bilateral migration agreements with the Sudan and the Gambia, neither of which was a party to the Convention, said that it would be useful to know whether those and other, similar memorandums of understanding contained clear provisions related to the absolute prohibition of torture and the principle of non-refoulement. He asked whether the State party systematically carried out individual assessments to guarantee that expelled persons would not be subjected to torture or other ill-treatment upon their return and what legal characterization was given to collective expulsions of persons on the high seas.

40. The delegation should indicate whether it was true that Italy sometimes outsourced its migration management, including to non-State actors in Libya, a country that had disintegrated in recent years. If it was, he would welcome information on the guarantees in place to prevent torture in the illegal detention centres run by some such actors. An evaluation of the management of migrant reception and holding centres in Italy by civil society organizations — a form of internal outsourcing — would also be appreciated.

41. He would be grateful for details of the exact nature and legal status of migrant hotspots. He wished to know what kind of facilities they were, whether the judiciary exercised control over them and whether public prosecutors could conduct visits to them. How many days, on average, did migrants in general, and unaccompanied minors in particular, stay in the hotspots? Had the State party come across many cases of unaccompanied minors who had travelled with a minor sibling or other relative?

42. The chair of the State party's national preventive mechanism had announced plans to establish regional and local branches of the mechanism. The delegation should elaborate on those plans and describe how the independence of members of subnational branches would be guaranteed. It should also explain how the State party ensured that, in the context of expulsions, the mechanism stuck to its monitoring role and did not act in support of the authorities executing expulsion orders.

43. Lastly, he wished to know whether the principle of non-refoulement was applied to minors only at the moment they arrived in Italy or also subsequently, potentially years later, in the event that they had an asylum claim rejected.

44. **The Chair**, referring to paragraph 52 of the State party's report (CAT/C/ITA/5-6), enquired about the effectiveness of the system in place for conducting initial medical examinations upon admission to criminal justice institutions. He asked on how many occasions the presence of bodily injuries had been noted in the Model 99 register, how many cases involving injuries had been forwarded to the judicial authorities for investigation, who was responsible for deciding whether a case fell within the competence of those authorities and how many individuals had been prosecuted for the ill-treatment of persons deprived of their liberty.

45. **Mr. Heller Rouassant** said that, according to NGO reports, members of the Roma, Sinti and Traveller communities continued to experience stigmatization and stereotyping, a situation that was allegedly exacerbated by certain media outlets and local government officials. He would be interested to hear how the authorities were tackling the issue and, on a separate note, whether there had been any complaints of excessive use of force against migrants in 2017.

46. It appeared, from paragraph 52 of the State party's report, that the language used in the general regulations for the Carabinieri was not of a legal nature. For example, the terms "very serious failure" and "inadequate conduct" were imprecise and therefore unlikely to serve as a basis for complaints or prosecutions. He would be glad to hear the delegation's thoughts on the matter.

47. **Mr. Touzé** asked whether the claim by a number of NGOs that law enforcement officers were not obliged to wear identification badges was true and, if so, whether the State party intended to change the practice in that regard.

48. Turning to paragraph 64 of the State party's report, which concerned the closure of judicial psychiatric hospitals, he asked what had become of the persons previously held in those facilities and noted that the legal basis for their detention had been criticized by several NGOs.

49. **Mr. Migliore** (Italy), recalling that the judiciary was fully autonomous and independent, said that the definitions of crimes in domestic law were designed to enable judges to afford extensive protection to victims. Act No. 110/2017, on the introduction of the crime of torture in the Italian legal system, criminalized a wide range of acts that could, individually, be considered to constitute torture. For example, repeated violence or inhuman or degrading treatment alone could provide sufficient grounds for charges of torture to be brought. The scope of the crime of torture was thus extended by the Act through the use of the disjunctive conjunction "or" ("*ovvero*" in Italian).

50. The inclusion of an aggravated circumstances provision for cases where the perpetrator was a public official did not in any way restrict the scope of applicability of the Act, including with regard to private individuals tasked with caring for dependent persons in residential health-care facilities. Furthermore, the criminalization of incitement to torture was an important step forward.

51. The scope of applicability of the Act had been made very clear in the parliamentary procedures leading to the Act's adoption, which meant that lexical or grammatical ambiguities were avoided and that key provisions were not left to the interpretation of individual judges.

The meeting rose at 1 p.m.