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Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Italy

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document is being issued without formal editing.



1. Italy is firmly committed to the Universal Periodic Review as a unique global mechanism for the promotion and protection of Human Rights.
2. Italy thanks all Delegations for their interventions and welcomes the recommendations made during its Universal Periodic Review, on January 20th, 2025.
3. Procedurally, all Institutions concerned reviewed the recommendations and collaborated in preparing the present response as coordinated by the Inter-ministerial Committee for Human Rights (CIDU). Throughout this Fourth Cycle exercise, Civil Society organizations were invited to specific sessions organized by CIDU as the National Mechanism for Implementation, Reporting and Follow-up of Italy.
4. Out of 340 recommendations received, Italy accepts 295.

Recommendations accepted

No. 34.6, 7, 8, 10, 11, 13, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 88, 89, 90, 91, 92, 93, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 108, 110, 111, 112, 113, 114, 115, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 186, 187, 188, 189, 191, 192, 193, 194, 196, 197, 198, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 234, 236, 237, 238, 239, 240, 241, 242, 244, 245, 246, 247, 248, 249, 250, 251, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 290, 292, 294, 295, 296, 299, 300, 301, 302, 303, 305, 306, 307, 308, 309, 311, 313, 314, 315, 316, 317, 319, 320, 322, 324, 325, 326, 327, 328, 329, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340.

5. But for some of them Italy cannot commit to a specific prompt deadline for compliance. However, the fact of accepting a recommendation demonstrates the country's willingness to incorporate these measures into its future human rights road map.

6. The position of Italy on the other recommendations is set out as follows.

Recommendations noted

34.1, 2, 3, 4, 5, 9

7. The Italian legal framework already guarantees the rights of regular and irregular migrants. According to a longstanding EU common position, EU Member States will not sign the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Following the ratification of ILO Conventions C 143 and C189, Italy has accepted to be periodically reviewed on the domestic implementation of both Conventions.

34.12

8. Italy shares the ultimate goal of a world free of nuclear weapons. Italy believes that the Non-Proliferation Treaty and its Article VI remain the cornerstone to achieve nuclear disarmament. Therefore, Italy does not believe that new treaties are needed in this domain.

34.21, 104, 195, 323

9. Decree-Law 1/2023, converted into law, dictates the discipline of administrative sanctions of the payment of a sum of money and the stop (*fermo*) of the non-governmental ship that carries out systematic rescue activities at sea. Its purpose is to prevent any possible lack of coordination from creating short circuits with repercussions in terms of harming the fundamental rights of migrants, exposing their lives to the threat of the sea and the ambitions of dangerous traffickers. The need for coordination has been summarized in the

communication obligations between actors operating in the scenario at sea. In this context, the notion of rescue coincides with a unitary and integrated set of phases and operations, ranging from the recovery of migrants at sea to their disembarkation in a safe place. Decree-Law 45/2024 regulates the activities of private aircrafts collaborating with search and rescue activities for migrants at sea. In this case, alongside the National Maritime Rescue Coordination Centre, is identified the National Civil Aviation Authority. The pilot in command of the aircraft is therefore obliged to comply with the instructions received. Their violation is administratively sanctioned with the payment of a sum of money and administrative stop of the aircraft.

34.86, 87, 235, 243

10. Legislative amendments are not deemed necessary: in hermeneutical terms in the Italian legal system, the lack of consent, and not the presence of violence, characterizes the case of "sexual violence" referred to in Art. 609-bis of the Criminal Code. The primary good protected by the law is the freedom of self-determination, which can only be expressed through a full, voluntary, and conscious consent to sexual acts, in accordance with the constant jurisprudence of the Supreme Court of Cassation. In accordance with the Istanbul Convention recently this Court confirmed that "for the purpose of the commission of the crime of sexual violence is required the mere lack of consent" (Cass. 10 May 2023, No. 19559).

34.94

11. Rescue operations end with the disembarkation of persons recovered at sea in the *Place Of Safety* (POS). It is worth remembering that the POS is not the nearest port where people in distress can be disembarked, but must be understood – as provided for by current international regulations – as the place where rescue operations can be considered swiftly concluded and the safety of the shipwrecked persons guaranteed, i.e., as better specified in paragraph 34.12 of IMO Resolution MSC 167(78), it is a place where the safety of the survivors' lives is no longer threatened and where their basic human needs (such as food, shelter and medical necessities) can be met. Furthermore, this is a place from which transportation to the survivors' next or final destination can be organized.

34.109

12. Italian legal system already provides an adequate regulatory framework to address corporal punishment, which is not allowed in the educational system.

34.116

13. Italy remains firmly committed to the principles enshrined in the Doha Process, established under the auspices of UN Secretary-General, in which Italy actively participates. Any engagement by Italy with the TDFA, as referred to in 34.116, takes place within the consensual framework established by the United Nations.

34.117, 119

14. The rights of same-sex couples in Italy are regulated by Law 76 of 2016, which recognizes civil unions between same-sex couples and regulates domestic partnerships. Italian law does not allow adoption by unmarried couples or same-sex couples, even if they have entered a civil union. Although Italian law does not regulate the possibility for an individual to adopt the biological or adoptive child of the partner, this is allowed under "particular cases" pursuant to Law 184 of 1983. The law also provides for single individuals and couples (including not-married and same-sex couples) to access to foster care.

34.118, 120

15. By Law 76/2016, civil unions between same-sex partners are largely equivalent to civil marriage, granting both parties the same rights and imposing the same obligations. This includes a mutual duty of moral and material support, as well as cohabitation. Both partners are required to contribute to shared needs in proportion to their financial resources and their

capacity for professional or domestic work. Furthermore, from a succession perspective, those united in a civil union are heirs of their partner and have the right to the legitimate portion. They also enjoy the same rights as married or divorced couples in relation to survivor's pensions and severance pay in the event of the death of one of the partners. See also answer to recommendation 34.117.

34.121

16. Guardianship ("child's legal guardians") is not applicable when both parents are of the same gender, nor in the case of children of a heterosexual couple. In fact, guardianship is established when both parents are deceased or unable to exercise parental responsibility (Article 343 of the Civil Code). If the minor has only one parent, the appointment of a guardian is not necessary, as the purpose of guardianship is to ensure the minor receives the protection that would otherwise be lacking in the event of the parents' loss or inability. A minor who is the child of a same-sex couple typically has one (biological) parent; the other member of the couple, the intended parent, may be granted adoption in special cases, as provided for under Law 184 of 1983, if the necessary conditions are met.

34.161

17. On the availability of voluntary termination of pregnancy (VTP) services, when compared to maternity units, the proportion of VTP facilities is higher, i.e., for every 1,000 births, there is one maternity unit, whereas for every 1,000 voluntary abortions, there are 5.2 facilities offering VTP services.

34.185, 190

18. Italy has decided to educate on respectful relationships through the project "Educate about relationships". See also answer to recommendation 34.233.

34.199

19. Italy considers EU sanctions a legitimate and lawful foreign and security policy tool aimed at upholding human rights and international law.

34.233

20. Sexuality education is a broad concept leaving room for misinterpretations. Indeed, Italy prefers to use a more specific language on the topic referring to sexual health and relationships education, supported by solid scientific basis. This should be understood, on the one hand, as the provision of information related to sexual and reproductive health and, on the other hand, as education on mutual respect between women and men within relationships, also with a view to preventing violence. However, since schools in Italy have a certain degree of autonomy in selecting educational modules, Comprehensive Sexuality Education (CES) can still be offered on a voluntary basis.

34.252

21. In Italy, children of same-sex couples enjoy the same rights as children of heterosexual couples, in line with the United Nations Convention on the Rights of the Child (CRC). The adoption by the non-biological parent, in case of same-sex couples, is granted when it is deemed to be in the best interest of the child, through the system of the adoption in special cases. The ECtHR has considered this system compliant with Art. 8 of ECHR, which provides the right to private and family life. Therefore, there is no need to improve measures to protect the rights of children of same-sex parents, since these rights are already protected.

34.288

22. The National Health Service does not apply conversion therapy, in line with the removal of homosexuality from diagnostic classifications; indeed, the World Health Organisation (WHO) removed it from the International Classification of Diseases (ICD-10) in 1990 and, in parallel, the American Psychiatric Association removed it from the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) in 1994.

34.289

23. According to the Opinion by the National Bioethics Committee dated February 2010, any intervention on the body must be guided by the principle of the best interests of the child, avoiding unnecessary mutilation. It is considered preferable to wait until the individual reaches a maturity which allows the expression of consent. The family and the child (if the latter has the ability to understand) should be given adequate psychological support and the communication must be careful and gradual, with appropriate counselling.

34.291

24. The principle of equality is enshrined in article 3 of the Constitution, explicitly providing that, "All citizens have equal social dignity and are equal before the law, without distinction of sex, race, language, religion, political opinions, personal and social conditions". Regarding specific rules on equal marriage, the adoption of specific legislation falls within the responsibility of the legislative power vested in the Parliament under the Constitution. See also answer to recommendation 34.118.

34.293

25. As to specific provisions on hate speech and hate crimes, the adoption of ad hoc legislation is the responsibility of the legislative power vested in the Parliament, under the Constitution.

34.297, 298

26. See answers to recommendations 34.117, 118.

34.304

27. Hotspots are to be considered as "crisis point" established to provide first aid and assistance following rescue at sea, besides allowing migrant's identification, for the subsequent transfer to territorial facilities. Over last months, Italy has implemented procedures and projects, especially regarding Lampedusa Island Hotspot, to enhance the capacity to transfer migrants to reception Centres, especially asylum-seekers and vulnerable people, besides strengthening the relevant reception capacity of the Hotspots, especially the one in Lampedusa Island. In the Hotspots, any retention, in accordance with Legislative Decree 142/2015, is provided only for the accelerated border procedures and for the sole purpose of ascertaining the right to enter the State: for the time strictly necessary to carry out the border procedure, and in any case for a maximum of 4 weeks.

34.310

28. See answers to recommendations 34.21, 94.

34.312

29. Italy abstained from adopting the Global Compact for Safe, Orderly and Regular Migration.

34.318

30. In line with the new tender specification decree (*DM* 4 March 2024), in the entire reception system, the services provided are in line with EU minimum standard reception conditions. It has been implemented a new reception monitoring system (*SMAcc*). The personnel, in particular the social workers at reception centres are trained to identify and refer vulnerable people and victims, in accordance with the law and the guidelines contained in the *Vademecum* on vulnerabilities, adopted by the Ministry of the Interior. Italy has also put in place several actions, to improve the reception conditions regarding minors and vulnerable subjects. In relation to UAMs, the facilities of first reception (where the stay is for the time strictly necessary, not exceeding 45 days) must ensure specialized services in view of the subsequent transfer to second-level reception and specific projects taking place, under the Integration Reception System (in Italian SAI) network.

34.321

31. The retention of migrants is used as a last resort. In the retention facilities, adequate health, information-related and housing standards are guaranteed. Freedom of correspondence, including telephone correspondence with the outside is ensured. The migrants may address petitions/complaints to the National or regional/local Guarantor of the rights of persons deprived of their liberty. Skilled professionals working within these facilities undertake specific and continuous training. Moreover, the facilities are often subject to monitoring visits by national Authorities.

34.330

32. Italy ensures full compliance with the principle of non-refoulement, by always carrying out an individual assessment of the risks to which the person would be exposed in the event of removal from the national territory, in accordance with the 1951 Convention on the status of refugee, the relevant EU legislation on international protection and the Italian legislation on Immigration (Article 19 of the *TUI*).

Recommendations partially noted

34.14

33. Noted partially as for the UN Treaty on the Prohibition of Nuclear Weapons. Accepted the rest.

34.107

34. Noted partially, see answer to recommendation 34.21. Accepted regarding journalists' protection.

34.220, 221

35. Noted partially as for "consent", see answer to recommendation 34.86. Accepted with reference to femicide. Italy accepts to amend its Penal Code to separately criminalize femicide. Indeed, on 7th March 2025, the Government passed a bill to introduce femicide as a distinct and separate crime in the Italian penal code. The bill will now be discussed by Parliament and is expected to be adopted over the next months.

36. Italy will submit a mid-term report by January 2027.
