



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

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**Written replies by the Government of Italy to the list of issues
(CAT/C/ITA/Q/4/Rev.1)* to be taken up in connection with
the consideration of the fourth periodic report of ITALY
(CAT/C/67/Add.3)**

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Introduction

1. In order to respond to the List of Issues under reference (CAT/C/ITA/Q/4/REV.1/ITA) relating to the Fourth periodic Report of Italy to CAT (CAT/C/67/ADD.3), an ad hoc Working Group was established early in the year at the Inter-ministerial Committee for Human Rights (acronym hereinafter CIDU) within the Italian Ministry of Foreign Affairs. This was composed of representatives from all the Ministries concerned.
2. This Working Group has been working with the two-fold aim of preparing dossiers relating to the relevant Report (CAT/C/67/ADD.3), and replying to the List of Issues under reference.
3. Within this framework, it is worth mentioning that CIDU held consultations with relevant Non-Governmental Organizations (NGOs).
4. Over the last few years, Italy submitted, in compliance with international commitments, the following documents: The National Plan of Action on Children and the Youngster (the update of which for the term 2007-2009 is under drafting); The National Plan on Social Exclusion (2003-2005); the National Plan on Health (2007-2009); The first periodic Reports of Italy relating to the two Optional Protocols to CRC (CRC/C/OPSA/ITA/1 - CRC/C/OPAC/ITA/1); The second Report to CRC (CRC/C/70/Add.13); The consolidated Report to CEDAW (CEDAW/C/ITA/4-5); The Fourth Report to ICESCR (E/C.12/4/Add.13); The Fifth Report to ICCPR (CCPR/C/ITA/2004/5); The consolidated Report to ICERD (CERD/C/ITA/15). It is also worth mentioning that Italy submitted to the United Nations its National Plan of Action on Racism on March 13, 2006.
5. In order to provide a clear picture, we would like to recall that in the last national elections, held in April 9-10, 2006, Romano Prodi's Center-left Union coalition won. The Union coalition, including the Democratic Party of the Left, the Daisy Party, Communist Refoundation, the Greens, the Social Democrats, and six other parties, is currently running the Italian Government.
6. In May 2006, the Italian Parliament selected Giorgio Napolitano of the Democratic Party of the Left as the Head of State. President Napolitano formerly served as a lifetime senator, Minister of the Interior, and a Member of the European Parliament.
7. Given this recent development in the political framework, it is worth considering that new guidelines have been developed and the relating programmes are being implemented. Many projects are underway; many more are about to be launched. It is then necessary to consider that while, in a longer term, the overall effects will be visible, on the other hand, in the short one, we are now in a position to provide information mainly on the principles and guidelines of the new governmental policy.

Article 1

Question 1

Please inform the Committee of steps taken by the State party to amend its legislation and institute a crime of torture, as defined by the Convention, in its Criminal code. What is the status of Bill No. A.C. 1483 (State party report, paras. 12-18)?

8. Under the current reporting exercise, it seems to us necessary to recall our domestic constitutional framework. The Italian Constitution of 1948 envisages the protection of all rights and fundamental freedoms as included in the relevant international standards. The Basic Law determines the political framework for action and organization of the State.

9. The structural principles of the constitutional system, governing the organization of the State are as follows: democracy (as laid down in Article 1 of the Italian Constitution); the so-called *personalistic* principle (as laid down in Article 2 of the Italian Constitution), which guarantees the full and effective respect for human rights and human dignity; the pluralist principle, within the framework of the value of democracy (Arts. 2 and 5 of the Italian Constitution); the importance of labour, as a central value of the Italian community (Arts. 1 and 4 of the Italian Constitution); the principle of solidarity (Article 2 of the Italian Constitution); the principle of equality and non discrimination (as laid down in Article 3 of the Italian Constitution). The latter is also the basic criterion applied in the judiciary system when bringing in a verdict; the principles of unity and territorial integrity (Article 5); and, above all, the principles of the welfare state and of the state based on the rule of law.

10. In our view, the basic rule, if any, which should guide modern democracies in the protection of rights is the effective implementation of the principle of non-discrimination. The latter is, indeed, 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 (Art.3 of the Italian Constitution)*”.

11. The Italian legal system aims at ensuring an effective framework of guarantees, to fully and extensively protect the fundamental rights of the individual. More generally, when an Italian legal provision apparently seems to affect the basic individual needs expectations, in reality we are facing a “*modus operandi*”, aimed at protecting fundamental rights, such as the right to life, safety, personal freedom and security. This is somehow a method of “*damage containing*”; by which a higher requirement is protected while other simply legitimate requirements of the individual are temporarily compressed. However, it is important to emphasize that no arbitrary conduct against fundamental freedoms is allowed by the Italian legal system.

12. Along these lines, Art.13 of the Italian Constitution stipulates: “*Personal liberty is inviolable. No one may be detained, inspected, or searched nor otherwise restricted in personal liberty, except by order of the judiciary stating a reason and only in such cases and in such manner as provided by law. As an exception, under the conditions of necessity and urgency*

strictly defined by law, the police may take provisional measures that must be reported within 48 hours to the judiciary and, if they are not ratified within another 48 hours, are considered revoked and remain without effect. Acts of physical and moral violence against persons subjected to restrictions of personal liberty are to be punished. The law establishes the maximum duration of preventive detention”. Along these lines, Art. 27, para. 3, of the Italian Constitution lays down: *“Punishments may not contradict humanity and must aim at re-educating the convicted”*.

13. On a more specific note, Article 606 and other provisions, contained in the same section of the criminal code, safeguard the individual against illegal arrest, undue restriction of personal liberty, abuse of office against detainees and prisoners, illegal inspections and personal searches. These safeguards are supplemented by provisions under Article 581 (battery), Article 582 (bodily injury), Article 610 (duress, in cases where violence or threat are not considered as a different crime) and Article 612 (threat) of the criminal code. Even more so, the provisions under Article 575 (homicide) and Article 605 (kidnapping), to which general aggravating circumstances apply, regarding brutality and cruelty against individuals and the fact of having committed these crimes by abusing of power and violating the duties of a public office or public service, respectively (Article 61, paragraph 1, number 4 and 9 of the criminal code).

14. Moreover, the code of criminal procedure contains principles aiming at safeguarding the moral liberty of individuals: its Article 64, paragraph 2, and Article 188 set out that, “during interrogation and while collecting evidence, methods or techniques to influence the liberty of self-determination or to alter the ability to remember and to value facts cannot be used, not even with the consent of the person involved”.

15. When considering the Italian relevant legislative framework, it seems necessary to recall the two-fold issue: the risk to punish less harsher than it can be done under the current criminal code (which generally adds the aggravating circumstances of brutality and abuse of power to the punishment foreseen for the general crime); and the difference between the behaviours already envisaged and the behaviours we may introduce is still blurred.

16. With regard to the introduction of the crime of torture, the preliminary consideration is that Italy complies with all the obligations that stem from its signature of the 1984 International Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

17. The Italian legal system provides sanctions for all conducts that can be considered to fall within the definition of torture, as set forth in Article 1 of the said Convention, and that these sanctions are ensured, more extensively, even through a complex system of incriminating facts and aggravating circumstances: The Italian system considers the concept of torture within a wide range of conducts.

18. As to the legislative *iter*, from a chronological point of view, it should be mentioned that under the previous Legislature (XIV), several Bills concerning the introduction of the crime of torture were before the Parliament. Members of Parliament of opposed political sides signed the Bills. However, despite this common concern, that legislative exercise was interrupted, inter alia

because of the constitutional semester, known as the “white semester (Art.88 of the Italian Constitution)”: This occurs at the end of the Legislature coinciding with the last six months of the mandate of Italy’s Head of State.

19. Turning to our days, we would like to mention draft law, entitled “*Introduction of Article 593-bis of the criminal code, concerning the crime of torture*” (Chamber Act No.1483), which was introduced in the year 2001, and thus re-considered under the current Legislature (XV) within the framework of the new draft Law, entitled “*Introduction in the criminal code of Article 613-bis and Article 613 ter, concerning torture*” (Chamber Acts. No.915, Hon. Pecorella, 1206 Hon. Forgione, 1279 Hon.Suppa, 1272 Hon. De Zulueta). The latter extensively considers the essential elements contained in Article 1 of the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

(a) According to the definition provided in the above Draft, the crime of torture may be perpetrated by whomever: This takes the shape of a “common crime” where the author may be whomever, and the position of public officer represents an aggravating circumstance, as provided for by the Convention;

(b) This provides for an extensive definition of the crime of torture, by including in it the infliction of mental or physical suffering and cruel, inhuman or degrading treatments, by serious violence and threats. According to the provisions of Article 1 of the Convention, such violence or threats include also those inflicted on a third person in order to obtain information or a confession or in order to punish a third person. Moreover the specific malice of the discriminatory grounds has been enriched by the specificity of the typology: racial, political, religious, or sexual. In order to consider it an offence, it is not required that the perpetrator is a public officer or that s/he acts in an official capacity, however, in that case, the penalty is increased. The penalty envisaged is, thus, the imprisonment from three to twelve years, which is increased where the result of the offence is a serious or a very serious injury, and is doubled where the result of it is the death of the victim;

(c) Along these lines, the same penalty is applied to anyone who inflicts cruel, inhuman and degrading treatments, in accordance with the provisions of Article 16 of the Convention. Additionally, if the person committing the offence, is a foreign citizen, who has been subjected to criminal proceedings or convicted in another country or by an international tribunal for the same offence, Italy will not grant diplomatic immunity and will extradite such person.

20. At the procedural level, the above draft law (Chamber Act No.915 and others) has been approved on December 13, 2006, by the Chamber of Deputies. Afterwards it started its *iter* before the Senate, where it was submitted as Senate Act No.1216. The relevant Commission for Foreign Affairs gave positive opinion on that, on January 17, 2007.

21. By concluding, it is worth recalling that the current parliamentarian debate focuses on two different classification of the crime of torture: the former, as contained in the above draft Law (Senate Act No. 1216), classifies the crime of torture among the crimes against “the moral freedom”; the latter, as contained in Senate Act No. 324 and Senate Act No. 954, aims at the

“Introduction of Article 593 bis of the criminal code, concerning the crime of torture and other torture-related provisions”. In the latter case, the crime of torture takes the shape of crime against “the right to life and the individual safety (see annex I, para. 1)”.

22. Against this background, a step forward has been marked by the introduction, early in the year 2002, of the crime of torture in the Military Criminal code in Time of War (Art. 185 bis). This provision lays down that “the Forces personnel that, on grounds pertaining to war, commits acts of torture or other inhuman treatments...harming prisoners of war or civilians or other protected persons... is punished by imprisonment from one to five years (see annex I, para. 2).

Article 2

Question 2

Please provide information on the steps taken by the State party to further guarantee the rights of persons in police custody from the very outset of detention, including prompt access to defense counsel, medical examination, and contact with family members, and any restrictions that may be imposed on these rights. Could you please elaborate on the statement that there are “some specific and exceptional reasons for which the judicial authority can delay the exercise of the right to talk to a defender/counsel within five days, by a motivated decree” (State party report, para. 219)?

23. As a preliminary consideration, the Constitution prohibits arbitrary arrest and detention. The Italian legal system provides that a person may be placed under police custody when s/he is arrested in the act (*flagrante delicto*) or apprehended (Arts. 380 et seq. of the code of criminal procedure) or under enforcement of an order of preventive custody, as issued by the judge, upon request of the Public Prosecutor (Art. 272 et seq, Art. 285 et seq of the code of criminal procedure).

24. As regards the former case, Art. 13 of the Italian Constitution states that the inviolability of personal liberty may be restricted by the judicial authority, only on motivated grounds and only for the cases and with the modalities provided for by the Law. Moreover, in exceptional cases of necessity and urgency, strictly defined by law, said article provides that the authority for public security might adopt provisional measures to be submitted to the judicial authority’s approval within the peremptory deadline of 96 hours, after which it will immediately lose its effects.

25. Articles 390 and 391 of the code of criminal procedure implement the above Constitutional formula: in no way whatsoever, a person may be held under arrest for more than 96 hours, without being conducted before a judicial authority.

26. Art. 24 of the Italian Constitution stipulates that the right to defense is a fundamental right; and Art. 27 lays down the principle of the assumption of innocence, up to the final judgment.

27. According to Art. 111 of the Italian Constitution (as amended by Constitutional Law No. 2/1999), the law guarantees that a person, who has been accused of an offence, must be promptly informed, in a confidential manner, of the nature and the grounds of the charges moved

against him/her, and be placed in the condition necessary for preparing his/her defense, as well as his/her right to be assisted by an interpreter should s/he does not understand or speak the language used during the trial (see annex I, para. 3).

(a) In implementing such constitutional rules, Art. 386 of the code of criminal procedure provides that “the judicial police officers and agents who have carried out the arrest or the apprehension, or to whom the arrested person has been surrendered, expeditiously inform the Public Prosecutor of the place where the arrest or the apprehension was carried out. They must also inform the person put under arrest or apprehended of his/her right to appoint a defense counsel. The Judicial police must promptly inform the private defense counsel or the Court-appointed defense counsel, as designated by the Public Prosecutor pursuant to Art. 97 of the occurred arrest or apprehension”;

(b) Pursuant to Art.143 of the code of criminal procedure, the defendant has the right to be assisted by an interpreter (see annex I, para. 4), free of charge. Art. 387 of the code of criminal procedure provides that the Judicial police, with the consent of the person arrested or apprehended, must inform without any delay the person’s family of said person’s arrest or apprehension (see annex I, para. 5);

(c) Art. 388 of the code of criminal procedure sets out the rules governing the questioning by the Public Prosecutor, of the person arrested or apprehended. S/he shall proceed with the questioning, in compliance with Art. 64 of the code of criminal procedure, and timely inform of the said questioning the person’s private or Court-appointed defense counsel (Arts. 96 and 97 of the code of criminal procedure). S/he shall also inform the person arrested or apprehended of the acts under investigation, the grounds on which the measure is based, the evidence gathered against him/her and - provided that this does not cause any prejudice to the investigations - the sources of said evidence.

28. Along these lines, the Prison Rules [Ordinamento Penitenziario] (Act No. 355/1975) and the relating Implementing Regulation [*Regolamento di esecuzione*] (Decree of the President of the Republic, D.P.R. No. 230/2000) contain specific provisions aimed at ensuring that every person, as from his/her first contact with the prison, is granted the recognition of some fundamental rights. It is therefore provided that upon his/her first arrival (Art. 23, para.3, of the above Regulation), the prisoner be given a medical examination and meet an expert in prison treatment, in order to “*verify whether, and should it be the case with what precautions, s/he can adequately cope with the state of restriction*”, and also in order to ascertain whether there are any situations of risk or other type of problems. Art. 23, para. 5, also provides that the Prison Warden, or his/her delegate, have a further talk with the prisoner “*in order to give him/her the information provided for in Art. 32, para.1, of the (cited) Act*”, and to also give him/her a copy of the regulations governing life in prison (Article 69 of the Regulation expressly provides that the regulations be made available in several languages).

29. Article 11 of the Act under reference and Art. 17 of the relating Regulation provide that medical and pharmaceutical assistance be constantly provided through the presence in prison of specialist doctors and the possibility of being hospitalized either in the prison administration’s medical centres (*CDT: Centri Diagnostici e Terapeutici [centres for diagnosis and treatment]*) or in external health-care facilities.

30. Meetings with the defence counsel cannot be limited in any way and are possible since the very beginning of the imprisonment.

31. The visual meetings with duly entitled family members also take place at fixed time and days, after having ascertained the actual family relationship - even by means of a self-declaration.

32. Stepping back to the preliminary stage, Art. 391 of the code of criminal procedure entails the obligatory participation of the defence counsel in the validation hearing of provisional arrest or the arrest. Art. 294 of the code of criminal procedure rules the questioning of the arrested person or the person under provisional arrest on behalf of the judge, who, generally speaking has to proceed immediately to the questioning, or, at any rate, no more than five days after the start of the custody measure, if s/he did not do so during the validation hearing (para 1). The precautionary custody loses immediately its efficacy in case the judge does not proceed to the questioning by the said deadline (Art. 302, para.1, of the code of criminal procedure). The questioning in front of the judge shall take place with the obligatory participation of the defence counsel (para.4) and according to the terms provided for by Art. 64 and Art. 65 of the code of criminal procedure, which contain the general provisions on questioning, in compliance with the constitutional writs mentioned above).

33. On a more specific note, Art. 104 of the code of criminal procedure, the person who has been arrested while in the act of committing an offence or subject to provisional arrest (according to Art. 384 of the code of criminal procedure) and the accused under precautionary custody, have the right to talk to the defence counsel immediately after their arrest, or provisional arrest or the starting of the execution of the precautionary custody in prison.

34. Art. 104, para 3, of the code of criminal procedure, provides for an exception to said general rule: the possibility that the judicial authorities, by means of a motivated decree, defer the exercise 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".

35. In case of arrest or provisional arrest, the same power is exercised by the Public Prosecutor until the arrested person or the person subject to provisional arrest is put at the disposal of the judge for the validation hearing (Art. 104, para 4).

36. The jurisprudential enforcement of said rule is very strict, meaning that as results from the jurisprudence of the Supreme Court (*Court of Cassation*), the rule has been considered of narrow interpretation (judgement N° 3025/1992, judgement N° 1507/96, judgement N° 1758/95, judgement N° 2157/1994), with reference to the risk of tampering with evidence (judgment division VI - 06/10/03 Vinci). In particular, mention was made of the fact that the measure of the judicial authorities which does not contain a detailed indication of the specific and exceptional reasons foreseen by the ruling, gives rise also to the nullity of the further questioning of the person under precautionary custody, before the judge, according to Article 294 of the code of criminal procedure, in case the arrested person was not in the position to talk to his/her defence counsel before said questioning.

(a) 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 Art. 104 para 1 and 2 of the code of criminal procedure, entails the infringement of the right to defence, to be considered within the framework of general nullity provided for under Art. 178, letter c, of the code of criminal procedure; nullity, which, according to Art. 185 para 1 of the code of criminal procedure, makes invalid the questioning rendered by the arrested person, who has been illegally denied the right to talk before the defence counsel, with the consequences provided for under Art. 302 of the code of criminal procedure, i.e. the loss of efficacy of precautionary custody (judgement N° 3025/1992, confirmed by judgment division VI- 04/20/2000 Memushi Refat);

(b) There is no doubt that the exceptional provision contained in Art. 104, para 3 and 4, of the code of criminal procedure does not affect the right of the arrested person to be questioned in the presence of the defence counsel: it should be stressed that the above-mentioned Articles 391 and 294 of the code of criminal procedure expressly provide for the obligatory participation of the defence counsel in the validation hearing and the questioning before the judge.

37. In this context, mention should be also made of the fact that the Italian legal system considers the right of being assisted by a defence counsel as an inalienable right, as the principle is in force, according to which the technical defence is mandatory (Art. 97 and 98 of the code of criminal procedure). According to Art.24 of the Constitution and Art.98 of the code of criminal procedure which provides for the defence of the indigents, Presidential Decree No. 115/2002 provides for legal aid in criminal action (Art. 74 and foll.). For being admitted to legal aid, no particular conditions or formalities are required (a mere self-certification is sufficient, pursuant to Art. 79, para1, letter c).

38. The only case, in which there could be a temporary limitation of meetings, even with the defence counsels, occurs when the prisoner is subject to a measure of judicial isolation (Art. 22 of the Regulation). Such a condition stems from an act of the prosecuting judicial authority and is connected with precautionary and investigative requirements when there is the risk of tampering with evidence. In this case, the decree imposing such measure shall indicate in detail the length and modalities thereof. In any case, if there is an order of deferral of the meetings with the defence counsel, such deferral shall not last more than five days (Art. 104 of the code of criminal procedure). However, even during the period of judicial isolation, the prisoner may have contacts with the prison guards, the surveillance magistrate and the medical staff, for reasons connected with their activities.(see annex I, para. 6)

Question 3

Does the State party’s domestic law specifically provide that no exceptional circumstances whatsoever, or an order from a superior or a public authority, may be invoked as justification of torture?

39. There is no rule specifically envisaging the exclusion of any exonerating circumstance for the offence of torture, as such offence has not been inserted in the criminal code yet, though the approval of draft law (Senate Act No. 1216), as described under question No.1, is being concluded.

40. The Italian criminal code currently envisages the so-called “determinate and peremptory objective causes excluding the offence”, among which a relevant one is the exonerating circumstance envisaged for the performance of a duty (Article 51 of the criminal code).

41. This norm prescribes: “The exercise of a right or the performance of a duty as imposed by law or by lawful order of the public authorities shall preclude punishability. If an act constituting an offence is committed by order of the authorities, the public officer who has issued the order, shall be liable for the offence. One who carries out an unlawful order, shall not be punishable when the law does not permit him/her to question the lawfulness of the order.”

42. As regards paragraph 1, the pre-requisite for this exonerating circumstance is the existence of a public law subordination relation between the superior and the inferior, so that the order is issued by a public officer or a person charged with a public service.

43. The order must be lawful both under the formal and the substantial profile: Under the formal profile, it is necessary that the superior is competent to give it, the inferior to execute it, and the legal procedures and formalities foreseen for its pronouncement have been complied with; under the substantial profile, the order must be provided for by the law and the legal prerequisites for its pronouncement must exist.

44. As regards paragraph 3, “the impossibility to question the lawfulness of the order” is only substantial and not formal, as the inferior can always ascertain: the form of the order, the inherence of the order to the service and the competence of the ordering authority. In this regard, according to the prevailing doctrine, in the event of an obviously unlawful order, the inferior is no longer bound to the prompt obedience but has the right-duty to refuse, on the basis of a substantial criticism.

(a) Article 66, paragraph 4, of Act No. 121/1981 concerning “The New Regulation of the Public Security Administration”, envisages that the inferior, who is given an order, the execution of which clearly entails an offence, will not execute it and promptly inform his/her superiors;

(b) Along these lines, Article 55 of the criminal code envisages that when the limits prescribed by law, or by an order of the authorities, or imposed by necessity, are negligently exceeded, the negligence-related provisions apply, if the act is designated by law as a crime of negligence;

(c) It is also worth recalling that within the military system, the soldier who is considered responsible for an act of torture on any person, is to be penally and disciplinarily prosecuted, regardless of the circumstances, under which s/he did so, including the case of compliance with the orders of the superior, pursuant to Article 4 of Act No. 382/1978: This provision expressly prohibits a soldier to obey an order that represents a self-evident offence. Art.4 also stipulates that the soldier has to promptly inform his/her superiors.

45. Therefore, the above legal framework, clearly shows that no exceptional circumstances may be invoked as a justification of torture, though no specific norm excluding such justification exists or is inserted in draft Law (S.A. No.1216), concerning the crime of torture, which is being approved.

46. Last but not least, we recall Article 27, paragraph 3, of the Italian Constitution that lays down, “punishments may not contradict humanity and must aim at re-educating the convicted”. This principle is strictly and logically linked with the respect of the human dignity and the respect of fundamental rights, as provided for by Article 2 of the Italian Constitution. Accordingly, in implementation of the constitutional provisions, the penitentiary treatment must comply with “humanity” and guarantee the respect of the human dignity, inter alia, by responding to the specific needs of each person (Articles 1 and 13 of the Act On Prison Rules, Act No 354/1975).

Question 4

Please inform the Committee of any measures taken by the State party, including legislative measures, to ensure access to a fair and impartial individual asylum determination procedure. What is the status and content of the government bill (A.C. 5381) introducing substantive amendments to the procedure for the recognition of refugee status and implementing article 10 of the Italian Constitution? (State party report, para. 105)

47. The serious dimension of the phenomenon of the flow of foreigners irregularly entering our Country is a matter of ever-growing concern. For geographical reasons, Italy is one of the most exposed countries of transit and destination of such immigration flows. Aware of that, Italy has been engaging in the implementation of its legislation on asylum (as requested by the High Commissioner for Refugees and by the main NGOs) (see annex I, para. 7).

48. Under the previous Legislature (XIV), six proposals relating to asylum-related issues were drafted. However, none of them was not approved by the Parliament.

49. The issue of the proceedings for the recognition of the status of refugees is at the core of the current Parliamentary discussion. In fact, seven draft laws have been proposed to date, but all of them are at the initial stage: (Chamber Act No. 2182 concerning Directives on humanitarian protection and the right to asylum; Chamber Act No. 2099 - Regulations in the field of humanitarian protection and the right to asylum; Chamber Act No. 1779 - Abrogation of Law No. 189 of 30th July 2002, modifying legislation on immigration and asylum; Senate Act No. 1038 - Regulations on humanitarian protection and the right to asylum; Chamber Act No. 1646 - Regulations on humanitarian protection and the right to asylum; Chamber Act No. 1449 - Directives on humanitarian protection and the right to asylum; Chamber Act No. 191 - Directives on humanitarian protection and the right to asylum).

50. Against this background, Italy has been long oriented to receive into the domestic legislation system the three EU Directives on asylum-related issues. In particular:

(a) Directive 2003/9/EC, *which lays down minimum rules relating to the reception of asylum seekers into member States*, has already been received by Legislative Decree No. 140/2005;

(b) Directive 2004/83/EC, *which contains minimum rules on the granting of the status of refugee or of person needing international protection to third-country nationals or*

stateless people as well as minimum rules on the content of the acknowledged protection, will be received before August 8, 2007, in line with Art.1 of Act No.29/2006 - Community Law 2005 (the relating Legislative Decree has already been prepared);

(c) Directive 2004/83/EC, *which contains minimum rules for procedures enforced in member States for granting and revoking the refugee status*, will be received before the deadline as set by the relevant 2006 Community Law.

51. Once all the above-mentioned European Directives will be incorporated, the possibility to table a Bill in order to integrate and harmonize the regulations in force will be promptly considered (see annex I, para. 8).

52. On a more practical note, we recall that since the year 2001, considering the adjustment of the EU discipline regulating the reception of asylum seekers, the Minister of the Interior, in collaboration with the National Association of Italian Municipalities (ANCI) and the Italian Delegation at the UNHCR, set up a local and coordinated reception system, (formerly called national programme on asylum) which was much welcomed at a EU level. Such system and its rules, as envisaged by Act No. 189/2002, represents, together with Identification Centres, a national tool through which we can apply the European Directive CE/9/2003 on the basic reception conditions for asylum seekers (see annex I, para. 9) (Act No. 189/02 envisaged the creation of a "Protection System for Refugees and Asylum-Seekers", which paved the way to the establishment of a National Fund on the policies and services relating to asylum). This activity was aimed at the assistance and the reception of refugees at a local level. Resources destined for such measures are extremely exemplifying: year 2002, 1.458.802 euros, for 1118 persons; year 2003, 2.798.021 euros for 2.796 persons. Additionally, in order to apply EU Directive (CE/9/2003), by Article 11 of Legislative Decree No. 140/2005, it was foreseen that if the decision on asylum is not made within 6 months - and the delay does not depend on the asylum-seeker -, s/he will be allowed to work until the end of the relevant proceeding (see annex I, para 10).

Question 5

Please inform the Committee whether legislation prohibiting torture and cruel, inhuman and degrading treatment contains specific provisions regarding gender-based breaches of the Convention, including sexual violence. Please also describe all, if any, effective measures taken to monitor the occurrence of and to prevent such acts, and please provide data, disaggregated by the sex, age and ethnicity of the victims, and information on investigation, prosecution and punishment of perpetrators.

53. While recalling that Italy ratified *U.N. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment*, by Act No. 498/1988, and recalling also our response to questions No.1, No3 and No.34, Italian legal system provides sanctions for all conducts that can be considered to fall within the definition of torture, as set forth in Article 1 of the said Convention, and that these sanctions are ensured, more extensively, through a complex system of incriminating facts and aggravating circumstances.

(a) More specifically, we recall, once again, that under Article 606 of the criminal code (and subsequent ones) a person is protected by illegal arrest, illegal limitation of personal freedom, abuse of authority against arrested or detained persons, wrongful personal searches and inspections. The protection is completed by specific offences under Article 581 (assault and battery), Article 582 (bodily harm), Article 610 (private violence, if violence or threat do not fall under other crimes) and Article 612 (threat) of the criminal code, and under Article 575 (homicide) and Article 605 (kidnapping), envisaging aggravating circumstances (Article 61, para. 1, n. 4 and n. 9, of the criminal code);

(b) As to sexual violence, this is specifically regulated under Article 609 bis of the criminal code, “*whoever commits it, by violence, threat or authority abuse, obliging a person to commit or be subjected to sexual acts*”, is punished with detention penalty from five to ten years (see annex I, para. 11).

54. By Article 8 of Act No.121/1981, it was envisaged the setting up, at the Ministry of the Interior, of a *Data Processing Centre* for the collection of information submitted by Police forces across the country, on public order and safety, prevention and repression of crimes. Within the Department of Public Security at the above Ministry, the collection, analysis and processing of data and information on most serious crimes are carried out, broadly considered, monitored and, thus, carefully examined.

55. Provided that data on sexual violence are mentioned under Annex II, as made available by the operative system in use at the Department of Public Security (see annex I, para. 12), we would like to reiterate that we do not have any explicit provision regulating torture and gender-based violence *strictu sensu*.

56. We have specifically introduced the offence of sexual violence under the above-mentioned Art.609 bis of the criminal code. However, in order to combat gender-based violence and the relating discrimination (see annex I, para.13), the Italian Legislator has intervened several times to amend and improve the relevant legislative framework. Along these lines, ad hoc programs have been put into place at the domestic level.

57. A. As to the legislative framework, we would like to recall:

(a) Act No.66/ 1996. This Act, representing an important legislative measure to eradicate sexual violence, was also an important tool for women’s associations, engaged *inter alia* in assisting victims, by providing legal advisory service and adequate shelter;

(b) Legislative Decree No. 216/2003 (in line with EC Directive No.78/2002) protects the workers against any act of direct (less favourable treatment for the worker concerned) or indirect discrimination (situation of specific disadvantages for the worker), by providing the victims with the possibility to request the cessation of the discriminatory acts and a just compensation for damages, including moral injury;

(c) Legislative Decree issued on June 8, 2005, in line with EC Directive No.73/2002, concerning the principle of non discrimination, harassment, including sexual harassment

vis-à-vis the access to labour market or at work-place. In particular, by this Decree, the definition of harassment and sexual harassment were expressly introduced in the relevant domestic framework (see annex I, para. 14);

(d) Very recently, the Council of Ministers approved (on December 22, 2006), upon proposal by the Minister for the The rights and equal opportunities, the Minister of Justice and the Minister on Family Affairs, a Bill on “Awareness raising, prevention and repression of violence, including household violence, on the ground of gender and other forms of discrimination”, including against other vulnerable groups, such as the elderly and the persons with disabilities. This issue does not fall only within the penal law area. Rather this Bill responds to a cultural behaviour, the root-causes of which must be eradicated. This Bill was, thus, drawn up with a three-fold purpose: repression, preventive, and awareness raising (see annex I, para. 15).

58. As to nation-wide projects, worthy of mention initiatives are the following ones:

(a) In the year 1998, a pilot project, entitled “Anti-violence Network of Urban towns in Italy” was launched in eight municipalities. Over the years, this was extended, up to 25 cities and, in the year 2001 in particular, received an additional funding by the EU;

- (i) The aim was to establish a network of anti-violence centres in URBAN towns. This Research Project, providing for the analysis of the phenomenon in particularly degraded areas, has turned out very useful for assessing the skills and know-how of social care providers and local administrators in their prevention and assistance activities, as well as in providing and facilitating exchange of information and creating a relevant data-base;
- (ii) Against this background, the Italian Government has been preparing a system-action on violence against women, with the aim of not furthering the situation of the victims: stopping the vicious circle of violence, so that they will not be victims, twice.

(b) A two-stage analysis project, in cooperation with the Italian National Institute on Statistics (ISTAT), was launched in the year 2001 (see annex I, para. 16). The first results of this research, entitled “Citizens Security”, show the persistence of this scourge. However, some positive elements can be also outlined, especially if the data are compared to those contained in the first of such analyses, tracing back to the years 1997-1998: there is a decrease in the number of women victims, for instance, of physical sexual harassment (from 24% to 19,7%), of rape attempted (from 3,6% to 2,6%) and sexual blackmail at work-place (from 1,8% to 0,4%);

(c) Since March 8, 2006, an ad hoc toll-free Number 1522, called “Anti-violence against Women (Anti-violenza Donna)” has been in use. This Service is devoted to the support, assistance and protection of women, victims of ill-treatment and violence - to whom the anonymity is ensured -, by providing information on the access to other relevant services, including police and anti-violence centres, located across the country. It works 24h/24, and is

made up of women personnel, able to respond in Italian, English, French, Spanish, and Russian. The relevant Authorities intend to periodically publish a survey on the flows of phone-calls and requests addressed to this Number (1522).

59. Last but not least, we would like to recall the Italian strategy to be soon adopted under the umbrella of the European Year on Equal Opportunities (2007). By taking into account the so-called Lisbon Strategy, the Italian authorities intend to be engaged in combating any forms of discrimination. A relevant plan of Action will be thus prepared, with a view to fighting against multiple discrimination and with the further view to setting an effective relevant network. The areas of concern are as follows: work, health, immigration, sport, education vocational training, communication, innovation and research.

60. Along these lines, Italy sits at all relevant Roundtables on violence against women at the international and regional levels, adding the value of the experience on the national territory and sharing it with all involved women's associations and Ministries, in particular with the Ministry of Interior (that organises special Police Academy courses and police station task forces on violence against women and minors), and the Ministry of Public Health.

61. In spite of the innumerable steps ahead, the problem is unescapable for the international community as a whole and accounts for a great cultural and political challenge at every level of the society, domestically and internationally (please for further consideration see response No.34).

Question 6

Please inform the Committee on any developments with regard to the establishment of an independent national human rights institution. Could you please provide more information about the suggested mandate and activities of this institution as well as information on human and financial resources to be allocated to it?

62. At present, it is worthy of mention the Text entitled "Establishment of a National Commission for the promotion and protection of human rights" (Senate Act No.898), upon initiative of Senator E. Pianetta. It has been assigned to the 3^a Permanent Commission (foreign affairs, emigration) of the Senate, on December 19, 2006. However its examination has not started yet; on the same topic, the Consolidated Text Chamber Act 626-1090-1441-2018 must be equally noted (No. 626 Mazzoni, No. 1090 Mascia, No. 1441 Boato, and No. 2018 De Zulueta and others), entitled "Establishment of a National Commission for the Promotion and Protection of human rights and the Guarantor of detainees and persons deprived of their personal freedom". The latter is currently under examination before the Chamber of Deputies.

63. The latter envisages the creation and a set of norms for a Protection Body, at a national level. The Commission would be in charge with the promotion of the human rights culture and the raising of public awareness on the rules governing this field; assessing the level of respect for human rights in Italy, and also drafting, whether under its own initiative or on the basis of elements that have emerged during the monitoring process, of recommendations and proposals to the Government and the Parliament on all human rights-related issues, by delineating, *inter alia*, Italy's stance on occasion of multilateral or bilateral negotiations that can affect the level of protection of human rights.

64. The Commission, once established, will be mandated to carry out tasks related to the ascertainment, monitoring and denunciation of relevant cases. The Commission, operating independently and autonomously, is a corporate body, chaired by a President and a number of members appointed, at the same extent, by the Chamber of Deputies and the Senate.

65. The current debate in Parliament (ref. Session No. 106 of February 8, 2007) focuses on the submission of a series of amendments that affect Art. 1 of the above draft, as to the number of the members of the Commission and their allowances.

66. This Text envisages, *inter alia*, a support branch, composed of about 100 persons, and the establishment of a specialized Division devoted to the protection of detainees or persons deprived of their personal freedom, named Guarantor of the rights of detainees or persons deprived of their personal freedom.

67. As for the costs, directly linked to the number of members and the role of the Commission, it is currently under discussion. The text indicates as follows:

Presidency (president and eight components) - Art. 1	Euros 2 340 000 (starting from 2007)
Commission's Office (one hundred units) - Art. 7	Euros 3 300 000 (starting date 2007)
Costs for the Office's functioning - Art. 7	Euros 1 500 000 (starting date 2007)
Contribution for experts, NGOs, universities, study and research centres, associations - Art. 8	Euros 300 000 (starting date 2007)
Costs for the implementation of the Guarantor's tasks - Art. 11	Euros 600 000 (starting date 2007)
Total	Euros 8 040 000 (starting date 2007)

68. For the implementation of the provisions under examination, the Legislator intends to arrange a proportionate reduction of resources to be allocated, for the years 2007 and 2008, from within the triennial budget 2006-2008's, stemming from the state of financial expectations of the Ministry of Economy and Finances for the year 2006, and by partially resorting to the allocation for the Ministry of the Interior (Art. 17 - "financial coverage").

Question 7

What is the status of the bill for the creation of the national Civic Defender for persons deprived of their personal freedom or "warrant of prisoners' rights"? (State party report para. 255) Please explain why visits to the temporary residence centres and to police stations would need adequate notification? (State party report, para. 264)?

69. A. The lack of a set of norms at a national level has brought to the drafting of two Bills: the former aims at setting up "a *Guarantor of the rights of detainees or deprived of their personal freedom* (C.A. No. 626-1090-1441); the latter envisages the Guarantor as being a specialised body, working within a National Commission for the Promotion and Protection of Human Rights, and tasked with monitoring the situation of detainees or those deprived of their personal freedom (see annex I, para. 17) (C.A. No. 626-1441-2018).

70. With specific regard to the latter, on Feb. 8, 2007 the last session, in order of time, took place at the Chamber of Deputies. According to this Bill, the Guarantor of the rights of detainees should take the shape of a specialised Division, within the to-be-established Commission for the Promotion and Protection of Human Rights (NHRI), to be made up by the President of the Commission and by four members chosen by the President, among the components elected by the Chamber of Deputies and those elected by the Senate of the Republic (count II, Arts. 9 and foll.)

71. As to the role of the Guarantor vis-à-vis the detainees and other persons deprived of their personal freedom, they may address themselves to the Guarantor without any limit of manner: The prisoners and the detainees have the possibility to file requests or complaints, orally or written - also in a closed envelope, to the Guarantor, or in alternative to the oversight judge, as well as to the authorities mentioned under Art. 35 of the Penitentiary Act.

72. It is envisaged that the Guarantor, once established, may cooperate with other guarantors, created or to be created on a regional, provincial or municipal level (while carrying out their respective functions), and will take into consideration the reports of the latter. Cooperation will also allow to the National Guarantor - once established - to resort to the offices and the staff of the latter, on the basis of *ad hoc* memoranda of understanding.

73. In no case, the Guarantor will be able to delegate the accomplishment of its mission, which will include, inter alia, the following tasks (According to the draft provisions contained in the Bill under reference):

(a) Exercising surveillance activity, aimed at ensuring that the execution of the custody of detainees, prisoners and persons subject to precautionary custody in prison or other forms of limitation of personal freedom be carried out according to the rules and principles established by the Convention, the international conventions on human rights ratified by Italy, by the laws of the State and the rulings;

(b) Making its own decisions as to the requests and claims submitted by prisoners and detainees;

(c) Controlling that the public buildings intended for hosting the persons whose personal freedom has been restricted, be appropriate for guaranteeing the human dignity;

(d) Controlling the procedures followed with regard to the persons arrested and the way they are treated in the security rooms which may exist in the Carabinieri police station or Customs and excise Police and at the police station;

(e) Controlling that the execution and the procedures provided for under Arts. 20, 21, 22 and 23 of the ruling, as per Presidential Decree No. 394/1999 and following amendments, be fulfilled in the temporary stay and assistance centres provided for by Art.14 of the Consolidated Text On Immigration (Legislative Decree No. 286/1998 and following amendments).

74. Under the performance of its functions, the Guarantor may:

(a) With no need of authorisation and without notice, visit, in security conditions, the prisons, the judicial psychiatric hospitals, the penal institutions, the communities for minors and

the bodies which have an arrangement with the Ministry of Justice for the execution of measures limiting the personal freedom and that host sentenced persons who benefit of alternative measures to imprisonment (having the possibility to enter, with no restriction, any premise and to freely meet any person deprived of his personal freedom, guaranteeing in any case the confidentiality of the talk);

(b) In full respect of the applicable rule to the public subjects as regards the protection of personal data according to the code of Legislative Decree No. 196/2006, and subsequent amendments, take note of the deeds and documents contained in the file of the persons whose personal freedom has been deprived, with the exception of those which are confidential due to the enquiries and the criminal proceedings;

(c) Ask the responsible administrations of the above-mentioned facilities, for the information and the documents, s/he deems to be necessary;

(d) In the case in which the responsible administration does not answer said requests within thirty days, proceed to inform the surveillance judge who is territorially responsible, and ask him/her to order that the requested documents be shown;

(e) In the case in which the secret of state be mentioned, inform the judge of surveillance, territorially responsible, who considers the possibility to ask for the intervention of the Prime Minister's Office to confirm, within sixty days, the existence of the secret of state.

75. The Guarantor shall submit to Parliament, by April 30 of each year, a report on the activities carried out during the previous year, pointing out the type and the nature of the intervention performed, the relevant results, the answers of those responsible for the facilities concerned and the proposals put forward for protecting and promoting the rights of the persons deprived of their freedom.

76. In case of omitted submission of the report by the scheduled term (and being understood that the relevant report must be submitted), the Guarantor shall orally report to the competent Parliamentary Commissions, no later than the following thirty days. At his/her discretion and when s/he deems it necessary, the Guarantor shall submit to Parliament ad hoc reports on specific matters, as emerging from its work.

77. We take this opportunity to reiterate, once again, that the above Bill, at present being discussed before the Parliament, does not envisage any authorization, notification or obligation to inform beforehand, as regards the visits of the Guarantor to penitentiary facilities and security rooms, including the temporary stay and assistance centres (CPTA) (see annex I, para. 18).

78. The access to relevant Centres is allowed upon authorization by Prefectures (*Prefettura*) that have territorial jurisdiction under Article 21, para. 7 of Decree of the President of the Republic No. 394/99 (*on Access to Centres is permitted to family members who live with the person concerned as well as to the legal counsel, worship representatives, the personnel of diplomatic or consular representations and those from NGOs admitted to provide assistance or on the basis of ad hoc co-operation projects*).

79. As to the principle of transparency guiding the management of the Centres under reference, it is worth mentioning that several visits have taken place, by representatives of the European and Italian Parliaments, Regional counsellors, UNHCR representatives, the Council of Europe's Commissioner for Human Rights, the U.N. Special Rapporteur on human rights of migrants, the UN Special Rapporteur on Racism, and the Committee for the Prevention of Torture (Council of Europe). Additionally, along these lines, access to the above Centres has been also authorized to Amnesty International - upon its request. Further measures to better facilitate the access to the above Centres, are under examination (please see also our response to question No.20).

Question 8

Please provide more information on the establishment of a guarantor for the rights of persons deprived of their personal freedom by the city councils of Rome and Florence and by the Lazio region (Resolutions 90 of 14 May 2003 and 666 of 9 October 2003 and regional law 31 of 6 October 2003). Please elaborate on the mandate of the guarantor, including its "functions of observation and indirect supervision" (State party report, para. 250). Could you please provide information about activities undertaken by these guarantors as well as human and financial resources allocated for their functioning? Have the guarantors carried out visits to prisons and other detention centres, in accordance with their mandate?

80. Despite the interventions carried out at different levels by the Penitentiary Administration, the recent establishment of the so-called Guarantors or Ombudsmen for the rights of persons deprived of their personal freedom by Regions or Local Bodies has not been regulated yet at the national level.

81. Waiting for such regulations through a general legislation, the norms provided for by the Penitentiary Act (Act No. 354/1975) and by its Regulation of Enforcement (D.P.R. No. 230 of 2000) concerning the access to penal Institutions of persons not belonging to the Penitentiary Administration, have been enforced. It must be pointed out that the subjects concerned do not perform any of the jurisdictional duties or political representative duties provided for by Art. 67 of the Penitentiary Act, which legitimate visits to prisons without authorisation.

82. Having said that, apart from their regional, district or municipal level - waiting for a general legislation - those bodies do not currently have any power of inspection, of control or of assessment of the work made by the Administration, nor they have the power of making decisions about prisoners' requests or complaints, but they only have the possibility of encouraging activities of cooperation between the community and the prisoners, playing the role of cooperation and of exchange in the field of the re-education and rehabilitation activities.

83. The Guarantor for the rights of persons deprived of their personal freedom - that is available only at a local level -, is a recent-created institution (the first regulation was approved in October 2003 by Regional Council of Latium).

84. To date, the Guarantors of the rights of the detainees have been set up at the administration offices within the following Institutions: (Municipalities) Rome, Florence, Bologna, Turin, Pisa, Reggio Calabria, Brescia, Nuoro, Milan; (Regions) Latium, Sicily, Lombardy, Campania, Apulia, Veneto.

85. As to Rome, this has been the first municipality in Italy to establish such Body, which was included within the local administration, at the XIV Department - Service No.1 - devoted to Policies For The Local Development, For Education and Access to Work. As to Florence, the relevant Guarantor was established by Municipality Deliberation No.666/2003. This Guarantor has some similarities with the other relevant ones. As an example, it is worth mentioning Art. 5 of its Statute, entitled “structure and personnel”: As to the performance of its duties, the Guarantor has the right to an allowance as determined by the Mayor and is supported by an Office within the Municipality.

86. As to the terms of office, conditions of annulment or incompatibility, reporting activities, functions and powers of such bodies are concerned, it is worth considering that, to some extent, the common denominator is the uniformity. More specifically, as far as the tasks are concerned, it is worth mentioning that the Guarantor may monitor and promote initiatives aimed at improving the situation of detainees, specifically the enjoyment of social rights, by facilitating their access to social services, or by promoting awareness raising activities, inter alia by information desks, at the detention facilities.

87. As to the terms of reference, the mandate of the Guarantor’s office is a 5-year term in all Regulations, except in that of Region of Sicily (7-year mandate). In most cases, the Guarantor can be re-elected only once.

88. While performing its activities, this body is fully independent (see annex I, para. 19). It is worth recalling for example the Regulation of the Guarantor of the rights of the detainees of the City of Bologna, which states that: “The Guarantor carries out his/her duties freely and independently and s/he is not subject to any type of hierarchic or functional control” (see annex I, para. 20).

89. The principle of independence ensures the necessary freedom of movement and action in order to carry out, at best, the above-mentioned tasks: this independence takes shape in the ability to propose initiatives that may concern local administrative offices or detention administrative offices and the civil society, as well.

Question 9

Does the State party consider that the Convention applies to persons under its jurisdiction in cases where the Italian troops or police officers are stationed abroad?

90. As a preliminary consideration, within and during international missions, the personnel of Armed Forces and police have to comply with the Convention, “under any circumstances” and, more generally, this observance is due vis-à-vis all norms of international humanitarian law. In this regard, we recall the United Nations Committee on Human Rights, that in its concluding observations on the Fifth periodic Report of Italy (on October 28, 2005), favourably expressed its opinion on the application of the guarantees of the Covenant to people under the jurisdiction of the Italian Armed Forces abroad, both in the context of peace and during armed conflicts.

91. The respect and compliance with the obligations, as set forth in the Convention, by Armed Forces abroad, is guaranteed mainly by a gradual training, as well as by an activity of

control and orientation. More specifically, this training, focused and based upon the principles laid down by the Italian Constitution (*which expressly provides for the acknowledgement and the respect for fundamental rights*), aims at raising awareness of relevant values.

92. Within this framework, as regards the repression measures, internal provisions provide for specific penal and disciplinary sanctions, covering all violations of the Convention under reference.

93. With a view to developing an efficient and flexible military system responding to the changing of the international scenario and to the complex context of crises, the professionalization of the Armed Forces has taken place over the last few years, by means of a gradual passage from a model based on the mandatory military service to another, entirely made of professionals (*the conscription was suspended on January 1, 2005*).

94. As a consequence, basic and advanced training have been tailored, by a qualification process, to respond to the new scenarios, for which the relevant tasks must be inspired by the principles of solidarity and the respect for human rights law.

95. As to training activities for Army, Navy, Air Forces and Carabinieri personnel, special attention is paid to international humanitarian law.

(a) Ad hoc courses, organized by Armed Forces, on the basis of directives provided by the Defense Chief of Staff, are prepared, by taking into account the specific tasks and employment requirements;

(b) Inter-force training, such as that one for legal adviser of the Armed Forces which is organized by the Superior Institute of General Staff (other courses and seminars are also provided for);

(c) Basic and advanced training activities, as well as refresher courses are supplemented by *ad hoc* preparatory programmes for those who will be deployed abroad, within international operations.

96. Training, ad hoc and refresher courses for police units to be employed in international crises likewise focus on international humanitarian law. In this respect, on March 1, 2005 the Carabinieri Corps created an Excellence Center in Vicenza for “Stability police Units” (acronym hereinafter, CoESPU). This initiative was supported by G8 member States and implemented by Italy, in order to provide relevant technical assistance for peace support operations, specifically for those focused on African countries (see annex I, para. 21).

97. The utmost attention is, thus, paid to human rights and international humanitarian law-related issues, within the orientation, refresher, awareness raising, monitoring and supervising activities - especially when personnel is employed in international missions.

98. In this respect, in January 2005, the Italian Joint Operations Head-Quarters (acronym in Italian, COI), which operates under the Defense Chief of Staff and is responsible for planning and co-coordinating all international missions, circulated to national contingents in foreign operative theatres a Directive on humanitarian law. This text, as other relevant documents,

expressly recalls and refers to the 1988 New York Convention on Torture. By such Directive, it was reiterated both the need for a continuous awareness raising activity, and severe measures, in any case of violation.

99. In the year 2006, considering the increasing commitment of Italian Armed Forces in several diversified international scenarios and the growing importance attached to this issue, a Human Rights Division was established within the Legislative Office of the Defense Ministry.

100. As regards the issue of repression, violations of the Convention are sanctioned by the criminal code (i.e. Articles 582-583, 584, 575-576 and 608); by the military criminal code in times of peace (e.i. Articles 142, 195, 223, 224 and 225) and by the war military criminal code (i.e. Articles 184-bis, 185 and 185-bis).

101. As to torture-related issues, we recall that the soldier, responsible for an act of torture on any person is always to be penally and disciplinarily prosecuted, also when s/he obeys to superior' orders, in line with Article 2 of the Convention. In fact, Article 4 of Act No. 382/ 1978 expressly prohibits soldiers to obey an order that is an evident offence. This also envisages that s/he should promptly inform his/her superiors (in this regard, please read also response to question No.3).

Article 3

Question 10

Please inform the Committee of the specific safeguards against non-refoulement that are in place and the practice of the State party in this respect. Please provide examples of cases where the authorities did not proceed with extradition, return or expulsion because of fear that the persons might be tortured. Does the State party have a list of “safe third countries” for removal? If so, how is it created and maintained?

102. By Article 19, para. 1, of the Unified Text No. 286/98, it is worth emphasizing that *“It is absolutely prohibited to expel or refoul a foreigner to a country where s/he might be persecuted on the ground of race, sex, language, ethnicity, religion, political opinion, personal or social condition, or where s/he could risk to be sent to another State where s/he would not be protected against persecution”*. If any of the such circumstances may occur, the immigrant will be in a position to apply for a protection measure. (Presidential Decree, *D.P.R. No. 303/2004, Art. 5 of Legislative Decree No. 286/1998, Arts. 11 and 28 of the Presidential Decree, D.P.R. No. 394/1999*).

103. On a more procedural note, if the body in charge with the relevant measures, including the protection ones - namely the seven territorial Committees (see annex I, para. 22) for the recognition of the status of refugee, located across the country - considers that the situation does not fall under the Geneva Convention, this will carefully evaluate the case, by specifically considering both Art. 3 of the European Convention on Human Rights and the effects of the repatriation. In addition, it is also worth considering that humanitarian protection measures are granted, pursuant to Article 5, para. 6, of the Unified Text on Immigration (Legislative Decree No.286/1998), in those cases - more than 50% of them -, in which the above application had been rejected.

104. As far as the issue of “*safe Third Countries*” is concerned, we are not in a position to provide any official list. In this regard, it is worth noting, however, that within the framework of the adoption of a removal measure, the authorities concerned take into account both the compliance with international HR standards of the countries of destination and the information provided by the Ministry of Foreign Affairs on the political situation in that given country.

Question 11

Please provide statistical data with respect to the implementation of article 3 of the Convention in cases of expulsion or return (refoulement) of foreigners, indicating, in particular:

- (a) The number of persons seeking asylum and the number of returnees, including the countries of return;**
- (b) How the probable risk of torture is assessed in the determination and the process to appeal the decisions; and**
- (c) The procedure for the examination of asylum requests submitted at the border.**

105. Since the beginning of relevant activities tracing back to April 21, 2005 (up to December 31, 2006), the territorial Committees for the recognition of the status of refugee received 17,163 applications; examined 15,524 applications; granted the recognition of the status of refugee to 1,118 persons; granted humanitarian protection to 6,946 persons; rejected 6,599 applications.

106. The relevant legislation regulating the proceeding to examine asylum applications lodged at the borders are: Article 2, paras. 1-2-3 of Decree of the President of the Republic No. 303/2004; Article 1, paras 4-5-6; and Article 7, para. 10, of Law Decree No. 416/1989 (Article 2, paras. 1-2-3-4 of D.P.R. No.303/2004), “*Examining the application for the recognition of the status of refugee*”.

107. At the procedural level, it is worth noting as follows:

- (a) The border Police office receiving the asylum application takes note of the personal data of the asylum seeker, invites him/her to indicate his/her domicile and if there are no obstacles, authorizes him/her to present himself to the territorially competent Police Headquarters (*Questura*), to which to transmit - also by e-mail - the application on an ad hoc format. If possible, an interpreter will be called to assist the foreigner. In case the applicant is a woman, female staff will assist the applicant;
- (b) If Police Headquarters (*Questura*) officials consider the asylum application acceptable under Art. 1, para. 4 of Law Decree No. 416/1989, they prepare a report containing the applicant’s declarations on ad hoc *formulaire*s as drawn up by the National Committee. A copy of the report and of the documents hereto attached is provided to the applicant;

(c) Apart from provisions contained in Art. 1-ter, para. 5 of Law Decree No.416/1989, the officials of the Police Headquarters (*Questura*) start the proceeding for determining the territorial competency so as to examine the asylum application as lodged in one of the EU Member States;

(d) The Head of Police Administration (*Questore*) may send the asylum applicant to the Identification Centre (acronym in Italian, CI), or to the Centre for Temporary Stay and Assistance (CPTA), if any of the circumstances provided for by Art. 1-bis or by Art. 1-bis, para. 2.b, of Law Decree No.416/1989 emerge. In the other cases, the Head of Police Administration (*Questore*) issues a three-month stay permit, renewable up to the definition of the relevant procedure (Art. 1, para. 4, 5 and 6 of Law Decree No. 416/1989);

(e) The foreign who intends to apply for the recognition of the status of refugee, is not allowed to enter the territory of the State if the border police authorities ascertain, on the basis of objective data, that the applicant:

- (i) has been already recognized as a refugee in another State (In any case the refoulement to one of the States provided for by Art. 7, para. 10 is not allowed);
- (ii) has not arrived from the Country of origin, but from a State that is member of the Geneva Convention, where the applicant stayed for a certain period;
- (iii) falls under the conditions provided for by Art. 1, para. F. of the Geneva Convention;
- (iv) has been sentenced in Italy for committing one of the offences provided for by Art. 380, para. 1 and 2 of the criminal code or if s/he is considered dangerous for the State security, or if s/he belongs to terrorist organizations, mafia-type organizations or to organizations involved in drug trafficking.

(f) Apart from para. 3, the foreign who intends to enter the territory of the State, in order to be recognized as a refugee shall lodge a motivated application, possibly supported by all the necessary documents, to the border police authorities. In case of non-accompanied minors, the application is transmitted to the juvenile Court which has territorial jurisdiction in order to apply the ad hoc measures. If the circumstances provided for by para. 4 do not occur, the foreign shall indicate his/her domicile in the territory of the State. If the circumstances under Arts. 1-bis and 1-ter do not occur, the Head of the Police Administration (*Questore*)- who has territorial jurisdiction - issues, upon request, a temporary residence permit, valid until the conclusion of the recognition procedure;

(g) Against the decision of refoulement made on the basis of paras. 4 and 5, it is admitted to file appeal before the Regional Administrative Tribunal (acronym in Italian, TAR) (Art. 7, para. 10 of Law Decree No. 416/1989).

108. Once again, we reiterate that it is firmly prohibited the application of the expulsion or refoulement measure if the alien may be returned to a country in which s/he could be subject to persecution on the grounds of race, gender, language, citizenship, religion, political opinion, personal or social condition or where s/he may risk to be sent to another State in which s/he would not be protected from persecution.

Question 12

Please comment on reports that the State party has deported more than 1,000 migrants to Libya without knowing who they were, or giving them access to a proper asylum procedure. Please provide information on measures taken by the State party to ensure that these foreign nationals did not run a real risk of being subjected to torture or inhuman or degrading treatment or punishment in the country of destination, and that they would not subsequently be deported to any other country where they might run a real risk of being subjected to such forms of ill-treatment. Please inform the Committee of any follow-up measures taken by the State party in respect of these cases.

109. Despite the pressure of illegal migration, the relevant programme carried out, at the administrative level, has been always characterized by a strict observance of the law and a careful evaluation of each situation.

110. All migrants who illegally landed in Lampedusa were identified and had the possibility to lodge an asylum application as well as to communicate possible situations of personal persecution they experienced in their Country of origin or provenance, and those who expressed the intention of applying for political asylum, were transferred to the national refugees reception centres (annex I, para. 23).

111. All the irregular immigrants expelled to Libya or Egypt were repatriated to their countries of origin and did not suffer from ill treatment.

112. On a more specific note, mention must be made of the legal and administrative practices adopted on the matter. By the Consolidated Text on Immigration, both the refoulement (Art. 10) and the expulsion (Art. 13) are considered. Apart from the difference in the provisions relating to the two cases (attempt or immediacy of illegal entry into the national territory in the former, and actual presence in the latter), the former is less afflictive if compared to the latter: while immigrants who are refused entry, are allowed to legally enter into the national territory at a later moment (provided that they meet all the necessary requirements), expelled people are denied such an opportunity for a period of ten years as of the enforcement of the provision.

113. Within this framework, the expulsion is executing only after the validation by a justice of peace (Art 13, para. 5-bis), while the refoulement measure does not foresee any intervention by a judicial authority. However, both provisions can be followed by the adoption of the measure for the hosting of migrants in Temporary Stay and Assistance Centres (Art. 14).

114. Within this framework, it should be outlined that, even if Libya has not signed the Geneva Convention on the Refugee Status, this does not influence the forms of protection for

foreigners, since the principle of “non refoulement” like other fundamental regulations on human rights, are contained in the Charter of the Organization of the African Union that this country has signed.

Question 13

Please comment on the allegations contained in the report of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe, from June 2006, regarding the role of the State party in the rendition of Hassam Osama Mustafa Nasr, known as Abu Omar.

115. As to the case, in which Hassam Osama Mustafa Nasr, known as Abu Omar was involved, the judicial investigation (inquiry No. 10838/05.21) have been concluded with the committal for trial of, among others, some personnel currently serving - or serving at the time of the event - at SISMI (acronym in Italian, “The Italian Intelligence and Military Security Service”), including the then acting Director (*Direttore pro tempore*) of the Service.

116. As regards SISMI personnel, while the Public Prosecutor requested the dismissal of the case for some of them, some others were charged with the following offences: “increased” complicity in kidnapping and, as to one of the accused, aiding and abetting.

117. The charges also concern and affect US citizens, who, nevertheless, have gone, procedurally speaking, into hiding (In fact, under the investigations, measures restricting their personal freedom were released) (see annex I, para. 24).

Question 14

Could you please comment on unofficial reports that the State party plans to build three detention centres for migrants in Libya?

118. In order to counter criminal organizations exploiting illegal migration, Italy undertook initiatives aimed at co-operating with Libya, a Country from which a massive flow of illegal migrants reach Italy coastlines.

119. The Italian initiatives were followed at the EU level: as a matter of fact, on June 3, 2005, after endorsing several proposals made by Italy, the JHA Council of the European Union adopted a series of conclusions (ASIM 24 RELEX 291) aimed at starting a dialogue and enhancing co-operation between Libya and the European Union. This document substantially reflects the objectives of the action carried out by Italy and contains many of the initiatives already adopted at a bi-lateral level.

120. In particular, co-operation between Italy and Libya in migration field is primarily based on the agreement - subscribed in Rome on December 13, 2000 - on co-operation in the fight against terrorism, organized crime, drug trafficking and illegal immigration. This agreement is in force since December 22, 2002 (Communiqué from the Official Journal (*Gazzetta Ufficiale*) No. 111, S.O. of May 15, 2003).

121. On this basis, contacts with Libyan Authorities were taken, particularly during the second semester of the year 2003. In this context, a technical assistance programme in favour of Libya was launched together with a series of initiatives in order to develop co-operation aimed at the fight against illegal migration.

122. The aim is to improve Libya's institutional capacities in managing migration as well as to guarantee that Libyan Police forces receive a more efficient training, in line with the European standards. The areas of co-operation are as follows:

(a) Professional training activities. Professional training courses were held (or are underway) to train Libyan officers on: forgery of documents, ballistics, operational and investigative techniques, sharp-shooting, dog units training; teaching of the Italian language, and so on. Moreover, further initiatives have been planned for divers and pilots;

(b) Assistance to repatriate illegal migrants to Third Countries. Assistance was guaranteed to improve repatriation of illegal migrants, removed by Libyan authorities, to Third Countries;

(c) Transfer of goods and services. Libyan authorities have received so far various equipment and technical tools for free, to be used for aid and operational management of emergency situations;

(d) Setting up of hosting centres for illegal migrants according to European standards. With the Ministry of Interior Directive, dated December 7, 2004, the Department for Civil Rights and Immigration was tasked with the achievement of the strategic target of building three reception centres on the Libyan territory, on the basis of agreements with illegal migrants' Countries of origin and/or transit. The first two centres were located in the areas of Gharyan (at about 60 km from Tripoli) and Kufra, near the city of Bengasi, in the proximity of the borders with Egypt, Sudan and Chad. As regards the third centre, whose location initially was Ghatt (a desert area confining with Algeria and Niger), the bureaucratic process has not started yet. To date, only the Gharyan Centre (which is not operational yet), has been completed: by law, this centre is intended for assistance purposes, namely, for the reception of immigrants according to humanitarian principles;

(e) Operational and investigative cooperation. Within the framework of the operational cooperation on security and fight against illegal immigration, an Italian delegation at the experts level, is in Libya since May 2003 with the aim of creating the conditions for developing information exchange on criminal groups involved in illegal migrants' smuggling. Said cooperation resulted in numerous operations leading to the detection and dismantling of criminal organizations operating in Libya and in Europe, as well as to the arrest of many persons. Media put particular emphasis on the arrests in the year 2004 of two major traffickers in human beings: an Eritrean woman (extradited to Italy) - a prominent member of the criminality engaged in trafficking illegal migrants towards Italy - and an Egyptian national wanted in both Countries. Furthermore, it has to be stressed that only in 2005 Libyan authorities arrested and brought before their national courts 2,298 traffickers in human beings who were members of criminal organizations located in Libya.

123. Italy, has recently submitted, in tandem with IOM (International Organization for Migration), a project to the European Commission, aimed at developing regional cooperation and institutional building in Libya and Niger for border management and illegal immigration counteraction. A financing by AENEAS community funds was requested for said project, called “*Across Sahara*”. Another ongoing project is devoted to the assisted return of illegal immigrants from Libya to their countries of origin.

Article 4

Question 15

Please provide data with respect to persons tried and convicted, including the punishments received, for the crime of torture, attempted torture and complicity or participation in torture. Please clarify for the Committee which sections of the Italian Criminal code were violated in such cases.

124. As to questions No. 15 and No. 26 under Article 4 and Articles 12 and 13, respectively while recalling our previous relevant responses, we would like to reiterate that, at present, there is no law provision in Italy expressly regulating the crime of torture.

125. Nonetheless, we recall the military criminal code of war - as modified by Act No. 6/2002 - which explicitly provides that a soldier who, for reasons which are not unrelated to war, carries out acts of torture or other inhuman treatments, illegal transfers and other conducts which are prohibited by international conventions “to the detriment of war prisoners or civilians or other individuals protected by the above-captioned international conventions”, is punishable with military imprisonment from one to five years (Article 185 bis of the military criminal code of war, R.D. No. 303 /1941).

126. In this regard, it is worthy of mention that the said provision is applied unless the fact constitutes a more serious offence: a conduct defined as torture could therefore fall within the definition of common offences, such as bodily injury (Article 582 of the criminal code), sexual assaults (Article 609 *bis* of the criminal code) and false imprisonment (Article 605 of the criminal code) which are sanctioned with a more serious penalty.

127. Moreover, Article 184 bis of the criminal military code of war provides for the offence of capturing hostages which is punishable with military imprisonment from two to ten years. The same penalty is inflicted upon a soldier who threatens to wound or kill a person who is unarmed or has not a hostile attitude, and who was captured or arrested for reasons which are not unrelated to war, in order to force her/him to surrender other persons or things.

128. If violence is committed, the provisions set forth in Article 185 apply. Article 185 provides that: “The soldier who, without it being necessary or, in any case, without any just cause, uses violence against private enemies, who are not taking part in the military operations, is punishable with military imprisonment for up to two years. If the violence consists in a manslaughter, even attempted or involuntary, or in a serious or very serious personal injury, penalties provided for by the criminal code are applied. However, the period of temporary

imprisonment may be increased. The same penalties are inflicted upon the inhabitants of the territory of the enemy State occupied by Italian armed forces when such inhabitants use violence against any individual belonging to said forces”.

Article 5

Question 16

Please indicate whether the State party has rejected, for any reason, any request for extradition by a third State for an individual suspected of having committed an offence of torture, and thus engaging its own prosecution as a result. What is the status and outcome of such proceedings? Which sections of the Italian Criminal code were violated in such cases?

129. The office in charge with the extradition proceedings, within the Ministry of Justice, has neither received nor submitted any request for extradition involving the crime of torture, to date.

Article 8

Question 17

Please indicate whether the State Party has initiated any proceedings to obtain the extradition from a third country of an individual, of Italian or non-Italian nationality, suspected of having kidnapped a person on Italian territory and subsequently sent that person to a third country where he or she would run the risk of being tortured or was in fact tortured. Should any such proceedings have been initiated, please indicate their status and/or outcome.

130. By recalling the case mentioned under Issue No.13 (which is important to stress, the relating proceeding is still undergoing. Therefore, the competent authorities are not in a position to draw any conclusions, prior to a definitive verdict of the judiciary), the Public Prosecutor at the Court of Milan applied to the Ministry of Justice for the opening of the proceeding, as envisaged by Article 720, of the code of criminal procedure concerning the extradition request, to be addressed to the United States.

131. The Minister of Justice (Hon. Mastella), is currently examining this issue, since it is in his prerogative to decide whether submitting such request to the State concerned.

132. More specifically, we recall that the relevant criminal proceeding is currently at the stage of the preliminary hearing (*udienza preliminare*) when the justice, further to the preliminary investigations (where the parties concerned only are involved), should verify if the accusation is sufficiently founded in order to be considered for the following stage: either the trial or a dismissal verdict.

Article 10

Question 18

Please provide updated information on the instruction and training provided for law-enforcement officials and other public officials with respect to human rights, specifically on the treatment of detainees and vulnerable groups, in particular the Roma, and on the measures for the prevention of torture and cruel, inhuman or degrading treatment or punishment. Please specify who conducts and who undergoes the training, and if the Convention is made known in the course of such programmes. Furthermore, please provide detailed information on the training of police enforcement officials in crowd control and the regulations on the use of force and firearms by law enforcements officials. How and by whom are these training and instruction programmes monitored and evaluated?

133. The State police and the financial police fall under the jurisdiction of the Interior and Finance Ministries, respectively, while the penitentiary police fall under the jurisdiction of the Ministry of Justice. The Ministry of Defence controls the Carabinieri, a military security force, that, however, falls within the Ministry of Interior umbrella, when performing public security and public order duties. Under exceptional circumstances, the Government may call on the Army to provide security in the form of police duty in certain local areas. In this specific regard, when performing police activity, Carabinieri are supervised by the Ministry of Interior.

134. Against this background, there is an increasing acknowledgement of the importance of training activities, including HRE courses, for the entire category of law and order enforcement officers. All Italian forces pay the utmost attention to humanitarian and human rights law within the framework of the vocational training and educational activities performed at ad hoc Institutes.

135. With specific regard, to the penitentiary police, the subject of human rights is always included in the curricula of the basic training courses for the newly recruited staff of penitentiary police of any rank.

136. The subject of the “international protection of human rights and of the rights of prisoners” is structured in the following contents: the rights of civil freedoms, the sources of the EU Law and International Conventions, including the United Nations Convention against Torture, the relation between the Laws of the European Union and the Italian Laws, as well as the presentation of the UN minimum rules and of the European Prison Rules. Those subjects are taught by magistrates experts in the relevant fields.

137. Moreover, the subject of human rights characterises the whole planning of the training courses, acting as an inspiration as well as a thread of the training path, because of its universal and cross-cutting nature. In this connection, the presentation and the analysis of the penitentiary norms are focused on the principle of the respect for human dignity, and lie at the basis of the building of a culture of legality, which cannot be separated from the centralness of human rights.

138. Also for the subjects concerning management, the deontology aspect is always put into evidence and considered from a range of perspectives: from the ethic point of view to the more strictly professional point of view. In this connection, in a training course for Penitentiary trainee policemen recently held, the “system of inter-professional relations and of treatment” was put into evidence, aiming at promoting a “path of identification in the ethic, deontological and professional values of the agents’ role, with reference to their tasks and to the image of the Corps of penitentiary police”; the said system includes subjects such as penitentiary psychology and identifies the mission of the penitentiary police in the observation and treatment of prisoners with reference to the various penitentiary circuits, prison regimes, crimes perpetrated and security levels.

139. In both basic and continuous training courses, some criminological subjects are usually taught, with particular reference to specific types of prisoners and to particular aspects of their handling. As for the treatment of vulnerable groups, and of Roma people in particular, it is important to underline that the training courses usually deal with the subject of diversity of cultures, under the perspective of cultural mediation, through a presentation of migration routes, of the laws about immigration and through the analysis of different types of foreign nationals; the said courses also dwell upon the relation between the diversity and the skills necessary for mediation and for cultural conflicts management.

140. The courses also include training for an efficient self-defence, limiting to a minimum extent the use of offensive actions which can harm a person; the techniques of the Global Method of Self-defence are taught, which tend to infuse the sense of operational self-confidence and which make use of communication and persuasion skills, as well as of verbal assurance skills.

141. In the same perspective, the modalities used for the training for the use of weapons constantly recall the security norms and the principles for a correct approach to firearms shooting, which has to be thoughtful and mediated by the assimilation of the norms defining its legitimacy aspects.

142. As for the continuous training of the health-care staff of nurses and of health technicians, the ethic and deontological principles are highlighted, which are the basis of the protocols of intervention asserting the universality of the right to health, intended as wellness and quality of life, and the consequent centrality of the action of restoration and maintenance of the essential levels of care and assistance, in the respect of the prisoner’s dignity.

143. The basic training courses for newly recruited agents, as well as the training courses aiming at achieving a specialization in the penitentiary police Corps, from the rank of Agent to the rank of Inspector, are designed by the 5th Office of the General Directorate for Staff and Training of the Department of Penitentiary Administration; those courses are held in the Academies, which manage their operational phases.

144. Other training initiatives are promoted, planned, carried out and monitored by the Regional Superintendencies of the Penitentiary Administration or are carried out in the framework of local agreements and partnerships.

145. The teachers in those courses can be experts in the subjects to be addressed, both belonging to the Penitentiary Administration and not belonging to it. They are chosen on the basis of their CVs and professional experience in the field concerned.
146. All the training activities are regularly monitored and evaluated through an assessment, both internal and external. Usually, the trainees' reactions and their level of learning of the contents dealt with are assessed and, in some cases, also an impact assessment is carried out.
147. The training and the continuous training of the managing personnel of penitentiary police are organised and carried out by the Higher Institute of Penitentiary Studies. Human rights are always highlighted as a crucial aspect throughout the subjects taught during the officers' training; special attention is paid to the analysis of the measures for the prevention of torture and to the treatment aspects connected with that; those subjects are treated in depth by University professors, and are supported by the presentation of the UN Convention against Torture. The continuous training of the officers is also ensured through their participation in training actions organised by other bodies, also in cooperation with other Law Enforcement Agencies; during those training courses, more specific matters are addressed, such as the treatment of prisoners belonging to different ethnic groups, including the Roma. The managing officers are also given an in-depth training about the use of weapons, along with the information about the relevant current legislation as well as with regular firearms shooting training. The training provided is constantly monitored during the activities through frequent assessments and is at last assessed in the framework of a both practical and theoretic exam, which concludes every training course.
148. With specific regard to the Carabinieri Corps, by considering the nature of the tasks performed, the utmost attention is paid to the study of human rights law and humanitarian law which are included in the educational programmes, as set at the *ad hoc* training institutes.
149. Carabinieri work, on a daily basis, with and on behalf of citizens. Thus, the need to provide them with an in-depth knowledge of human rights law strongly emerges. Very recently, a new subject was introduced in their training programs, entitled "victimology (vittimologia)": In doing so, they have changed approach towards the phenomenon of criminality, which is tackled by taking into account the position both of the victims and the perpetrator (In this context, specific guidelines were prepared *inter alia*, on the basis of information and analyses provided by university professors).
150. Human rights law is a specific subject, which is included in the educational work-plan of those Carabinieri to be deployed with peace missions. Within this framework, the Italian Army corps encourages the attendance of humanitarian law courses which are organised in collaboration with *ad hoc* institutes, or, as an alternative, recognizes the courses taken by its personnel at the International Red Cross.
151. With the aim of enhancing relevant activities, the Head of Training and Regulation Division and the Head of the First Unit are members of the Inter-ministerial Committee for Human Rights, at the Italian Ministry of Foreign Affairs.
152. Along these lines, an overview of the general and advanced training activities is provided hereinafter: 1. (*General training activity*). Carabinieri Officers School: Since September 1st, 2000, the Institute of Professional and Legal Military Studies has been included

within the officers school, where human rights law is considered under the programme of military international law. The teaching is designed to provide an in-depth knowledge of international and domestic law, to be applied in armed conflict (so that they may recognize legal and illegal behaviours and be able to perform, at best, their military and legal military police functions). Course programmes include the study of the main HR standards, specifically the Universal Declaration on Human Rights, the United Nations Agreements, and, inter alia, the UN Convention against Genocide.

153. Warrant Officers School: The utmost importance is paid to human rights law in the training institutes for warrant officers and the permanent staff. The teaching, provided by academics and officers, is focused on the following topics:

- (a) Evolution of HR (historical and cultural aspects);
- (b) Racism, fundamentalism among the main threats to life, security and freedom;
- (c) Legal substantial and trial prospects:
 - (i) The European Court for Human Rights and the International Criminal Court;
 - (ii) The EU Legislation on the fight against terrorism at an international level, while protecting HR (the functions of the Foreign Office);
 - (iii) The new World order;
 - (iv) Old and new emergencies, armed conflict and peace missions.

154. As a common factor, both the above training programmes include the teaching of “The Professional Ethics and Conduct”. In this context, it is worthy of mention the analysis of “how to manage cases of abuse and violation of HR by the Carabinieri servicemen”. Additionally, also worthy of mention is the teaching of the International Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment.

155. (*Ad hoc training activities*) Inter-Force General Staff Superior Institute (acronym, ISSMI). The ISSMI includes training courses for senior officers. A specific programme includes an inter-force course on “the role of the legal adviser of the Armed Forces on the subject of humanitarian law applied to armed conflict”. The 2-week training activity is divided in two series of lessons and conferences, which are held by academics and expert officers on topics regarding human rights and humanitarian law. The course aims at educating legal advisers to be put at service of the Commanders within missions abroad.

156. European Police Academy (acronym, CEPOL). The Carabinieri Corps has qualified officers attending courses and seminars concerning HR law (“HR, Ethics, and Prevention of Corruption”) which are organised by international agencies, such as the European Police Academy (CEPOL). Training is focused on topics that deal with “protection of minorities groups, categories at risk (vulnerable groups: immigrants, drug-addicts, Roma people, the elderly)”. This provides an in-depth examination of the following issues:

- (a) HR and policing;
- (b) Comparative analysis of the EU partners;
- (c) Eradicating discrimination;
 - (i) Ethics;
 - (ii) Fighting corruption;
 - (iii) The different methods of prevention.

157. International Institute of Humanitarian Law in Sanremo. Every year, several officers attend a course on humanitarian law at the above Institute. The topics include the application of humanitarian or military law vis-à-vis the organisation and the employment of Forces, including those deployed, abroad.

158. Superior Inspectorate of the Italian Red Cross Military Corps. The Italian Red Cross is responsible, by Law, for disseminating humanitarian international law, within the Armed forces, government Institutions and the Organisations concerned. Dissemination within the Armed Forces is carried out along the following lines: at the central level, at training institutions, by qualification courses for Armed Forces personnel on the subject of humanitarian international law in the context of armed conflict, in line with Act No. 762/1985; at a local level, within the main Commands, through brief seminars introducing humanitarian international law.

159. Sant'Anna Superior School in Pisa. The Carabinieri General Command signed a memorandum of understanding with this Institute, to enhance mutual cooperation on training of personnel that will operate in international missions (peace-keeping operations, peace-building, HR monitoring, humanitarian assistance, electoral monitoring).

160. Personnel designed to participate in peace support missions. All members who are selected for the involvement in missions abroad, attend a 1-week specific training course, to be considered within the wider framework of the above humanitarian law courses. This specific training includes the following topics:

- (a) History of the region involved in the conflict;
- (b) Introduction to local culture (under the responsibility of the University of Trieste);
- (c) Legal implications of the relevant mandate;
- (d) HUMINT activity;
- (e) International law and military criminal law;
- (f) Humanitarian international law (with the contribution of the Italian Red Cross).

161. The course, providing an in-depth examination of the main institutes of humanitarian law, specifically includes the following topics:

- (a) Proceedings to be applied in case of violations of relevant Conventions;
- (b) Code of conduct for those members who are involved in missions abroad;
- (c) Main relevant publications, including a practical handbook “For the Personnel Employed in Police Missions”.

162. Personnel deployed in Public Order and Public Security duties. The topic of public order and security is also dealt with within the framework of Public Order training course which are organised with a view at educating all the personnel concerned at any rank.

163. (*Awareness raising activities*) The HR protection system is the subject of several publications edited by the Institution. In the Corps’ General Regulations, representing the basic rules and principles of the service, an entire chapter is devoted to the rules for the correct fulfillment of the service, particularly the behaviour to be taken when carrying out duties.

164. Specific provisions regarding HR and general provisions regarding “ethics and professionalism” as issued periodically by the General Command, are strictly and carefully considered at every stage of the career.

165. Lastly, it is worthy of mention the extensive awareness raising campaign carried out by Carabinieri by circulating, at the training Institutes and Territorial Departments levels: The Universal Declaration of Human Rights; The European Convention on Human Rights; The European System aiming at Protecting HR, within Police Activity; The EU, Police and Safeguard of HR. This Authority also publishes magazines, such as “La Rassegna” and “Il Carabiniere”, in which HR related issues are thoroughly examined.

166. As to the state police forces, the following activities should be mentioned:

(a) Training of the National Police personnel with respect to human rights. In a social environment characterized by ethnic, racial, cultural and religious differences the Italian National Police has launched, since long time, various initiatives aimed at combining police operator’s professional knowledge with a broader awareness of the code of conduct, which focuses, inter alia, on the respect of human dignity. Specific attention is, thus, paid to the protection of people, particularly vulnerable groups (including minorities), the most exposed to the risk of discrimination and more importantly, an easy prey for exploitation and potential involvement in the criminal circuit;

(b) Basic training. With a view to extensively raising awareness of the various initiatives promoted by international human rights mechanisms, the Central Directorate for Training Institutes of the Public Security Department within the Interior Ministry included human rights law in the training curricula for police staff at all ranks. 20/60 teaching hours, depending on the course level, are usually devoted to human rights-related issues, such as HR and the “code of conduct”, “human rights protection”, “victimology”, “intercultural communication”, “international humanitarian law”, “code of conduct of a public service”, etc. Training activity is dealt with by university professors and experts recommended by non-profit

organizations, active in this field and, mainly, by national police officials who previously attended an ad hoc training course on “Human Rights” as organized at the Police Institute for Advanced Studies, by the Centre for Human Evolution (Italian acronym, CEU) in cooperation with University “Tor Vergata” in Rome. Furthermore, every year some ad hoc training courses, including master courses, for trainers are envisaged;

(c) Refresher courses. Continuous training. The teaching of human rights represents a core topic of refreshing courses for all police officers. In the year 2003, refreshing courses of police personnel were mainly focused on “The Code of Conduct for Police Service” as adopted by the Committee of Ministers of the Council of Europe in 2001 (see annex I, para. 25). Along these lines, the Department of Public Security distributed relevant material, including the “European Code of Conduct for police services” and the “European Union Charter of Fundamental Rights”;

(d) Resources. Human and financial resources are fully and extensively employed to raising awareness and developing police officers’ interaction skills (see annex I, para. 26);

(e) Awareness raising activities, publications and teaching tools. The protection of human rights is a central issue in many publications of the Public Security Department, such as the monthly magazine “Polizia Moderna”, which contains many articles on this topic. More specifically, the Central Directorate for Training Institutes of the Public Security Department introduced adequate teaching material in all its 28 Schools and training Centres. It also supervised the translation into the Italian language and the distribution of the following material, issued by the Council of Europe:

- (i) Policing in a democratic society - Is your police service a human rights champion?;
- (ii) A pamphlet for Police. Human rights and their protection under international law;
- (iii) Discussion tools. A Police and human rights training manual; 4. The human rights challenge in police practice (see annex I, para. 27).

(f) Police and protection of vulnerable groups with specific regard to Roma people. The above Department launched initiatives to be destined to both domestic and foreign police forces on the relationship between Police and vulnerable groups. In this regard, the Central Directorate for Training Institutes coordinated an EU project On Building A Police Service Within a Multi.-ethnic Community, and involved the Italian Roma community, by inviting Mr. Demir Mustafa - an outstanding representative of the community under reference -, among the stakeholders, representing ethnic groups at risk of discrimination (see annex I, para 28).

167. Mr. Mustafa gave a valuable contribution by outlining the problems of his community and provided interesting information on the Roma culture: how this community perceives the National Police action; and the quality of the relationship with police officers. In this context, study-cases concerning relevant positive and negative actions of police officers were discussed,

and specific indications on how law enforcement officers should build their relationship with Roma community, were also put forward. In particular a research on how police officers should behave vis-à-vis Roma community, was carried out.

168. The outcome may be summed up as follows (*the words written by the above-mentioned representative of the community are reported*): a protective, non-oppressive figure; a police officer should be a person, who protects immigrants from any kind of discrimination and not only a person who controls their regular presence on the Italian territory; s/he should have a basic knowledge of cultural-religious differences; police should be provided with adequate documentation in order to train police officers in dealing with cultural, ethnic and religious diversity; a police officer should be respectful of linguistic-cultural differences, religions and traditions of immigrants (see annex I, para. 29).

Question 19

Please indicate further whether there are specific programmes to train the medical personnel who are assigned to identify and document cases of torture and assist in the rehabilitation of victims and, if so, who conducts, undergoes, monitors and evaluates the programmes. Which measures has the State party taken to further improve the use of the “Registry of visits, observations and doctors’ propositions - Model 99”? (State party report, para. 188)

169. The Penitentiary Administration provides all the necessary health-care and psychological care to the prison population on the basis of the specific individual needs (see annex I, para. 30).

170. Model 99 register is used for the transcription of the outcome of the medical examination of the persons newly arrived at the prison. In said register the outcome of the medical examinations of prisoners, daily carried out, is also recorded; the possible statements of the prisoners are registered and where they also have a criminal relevance, the physician is obliged to make an appropriate report to the Governor of the prison. The prison governors will forward it to the competent Judicial Authority.

171. The outcome contained in Model 99 Register is recorded in the case history of the prisoner. The case history is the document containing all the information concerning the health of the subject from his/her entry into the prison to his/her release.

172. In the case history (also defined as Model 99 b), the elements of the examinations, the anamnestic and diagnostic outcome, the samples for laboratory tests, the necessary and appropriate diagnostic tests, the possible operations or therapeutic indications, and any other details, element, information or outcome, are registered.

173. It has to be pointed out that the computerized management of the clinical journal and of Model 99 register, enabling the authorized workers to update and make immediately usable the information on the health of the subjects is currently under experimentation (See the case of a subject who, after having been released, is again imprisoned: the new system enables to know soon all the details on the previous state of health, without waiting for the reception of the previous clinical journal deposited in another prison).

Article 11

Question 20

Please describe the procedures in place for ensuring compliance with article 11 of the Convention and provide information on any new rules, instructions, methods and practices or arrangements for custody that may have been introduced. Please also indicate the frequency with which these are reviewed. Does the State party consider establishing an independent organization to supervise the management of detention centres, respect for the human rights of the people held there and the health, psychological and legal assistance provided? What is the status and content of the guidelines for the management of temporary stay and assistance centres? (State party report, para. 45)

174. While recalling the general relevant framework, as regards the legislation in force on the management of the Centres for immigrants contained in the relevant Guidelines (drafted by the Department on Civil Rights and Immigration within the Ministry of Interior), it was specifically contained in the Interior Minister Directive, dated January 8, 2003.

175. As to the management of the Centres under reference, all the relevant agreements - in force or to be signed - must be in line with the above Guidelines. Accordingly, the managing body must ensure the respect for the following conditions to be fully guaranteed:

- (a) The observance of the different cultural, ethnic, religious and linguistic origins;
- (b) Appropriate social-sanitary assistance as well as psychological support by a professionally qualified staff;
- (c) Orientation and information of relevant legislative measures and of legal tools (including the resort to legal aid), interpreters' service, as well as cultural mediation;
- (d) Adequate living standards and the highest services as to food supply and other services (including laundry and so on...);
- (e) External contacts by the free distribution of prepaid telephone cards, as well as by providing free post and telegraphic services.

176. As far as the management of the CPTAs is concerned, the Prefects are clearly invited, in line with the above Guidelines, to select and give priority to those NGOs, in charge with socio-related issues, and known for their statutory tradition, competence and professionalism.

177. The holding in these Centres was envisaged for the identification of the illegal foreigners to be expelled, for a duration term of 20 + 10 days, in accordance with the Consolidated Act on Immigration (L.gsl. Decree No. 286/98). This term has been then extended by Act No. 189/2002 (the so-called Bossi-Fini law) to a period of 30 + 30 days, subject to confirmation of the legality of the relevant measure, by the Judicial Authority (Justice of the Peace).

178. The Constitutional Court declared (judgement No. 105/2001) that this institution complies with the principles of the Constitution by considering that the “holding measure”, issued by the local Head of Police (*Questore*), must be confirmed on the merits and on the legality by the single-judge court before which the illegal foreigner can appeal the said measure with the support of a counsel and/or an interpreter.

179. By Law Decree No.241/2004, it was enforced the above relevant decision of the Constitutional Court (judgement No. 222/2004). In fact, it was envisaged both the confirmation by the single-judge court of the measure issued by the local Head of Police, and the verification of the expulsion decree’s legality in order to enhance the right to defence of the illegal immigrant held in a Temporary Stay and Assistance Centre.

180. The legislation in force does not provide for the monitoring of temporary stay and assistance Centres by an independent body but the Department under reference supervises and monitors the management of these Centres - thus fulfilling its institutional tasks -, by overseeing, inter alia, the actions of the Prefects who are involved in this activities.

181. The “Guidelines for the management” of Centres for immigrants, issued by Minister Directive, dated January 8, 2003, entered into force and were promptly implemented.

182. Furthermore, by January 31, 2006, the Centres for immigrants have been put in line with the “Guidelines on Fire Prevention”, as issued by Interior Minister’s Directive, dated May 15, 2005.

183. The above Guidelines envisage the services to be provided in order to ensure adequate standards. These Guidelines define the minimum quality and quantity standards of the services that should be offered to the hosted people living in the Centres. They represent the minimum indispensable protocol, on the basis of which the Law establishes that the contracting parties (the local *Prefettura* and the Managing Body) signatories of the agreement, could improve the quality of the services, their diversification, the number of personnel who should operate, in order to respond more effectively to the needs of the hosted people.

184. As for the training of the personnel engaged in these reception Centres, it is worth mentioning that they belong to public or private bodies well known for their competence, professional skills, and institutional vocation in the social voluntary field. This personnel regularly attend refresher training courses in their specific matter.

185. The Guidelines on the management of the Centres specify that the Managing Body is obliged to register the personal and judicial data of each new person hosted and to draw a specific weekly report of the presence which should be sent to *Dipartimento per le Libertà civili e l’Immigrazione* (Department on Civil Rights and Immigration).

186. The Managing Body has a criminal liability for the validity of these data. The Guidelines oblige the Managing Body to ensure to foreign nationals all the information on the Immigration Law, on the duties and obligations as a general service offered to each individual. Furthermore, the Interior Ministry - Department on Civil Rights and Immigration - supervises the activity of the Prefectures involved in the Centres’ functioning. These Prefectures, on their own, must

supervise the correct functioning of the Centres, particularly the respect for fundamental rights of immigrants, in accordance with the Directive of *ad interim* Interior Ministry, Hon. E. Bianco, as adopted on August 30, 2000.

187. To this end, while controlling that services are provided by the managing bodies in compliance with the Guidelines, the Prefectures supervise: the entire management system; the respect for the minorities and members of ethnic groups hosted in the Centres; an adequate health-care assistance (the protection of the hosted people is an essential principle, guaranteed by the Constitution and reflected in the relevant Legislation in force).

188. The above mentioned Guidelines establish the obligation of health assistance to be provided by medical personnel on a 24h/24 basis. Moreover, during the SARS alert (2004/2005), the Ministry of the Interior provided ad hoc premises, in order to hospitalize the suspected cases or those patients who suffered from potentially infectious pathologies); Legal counselling (The State provides a lawyer to indigents (Art. 97 c.p.p.); An interpreter and a cultural mediator.

189. As to legal counselling, the competent Authorities will transmit the report to the National Bar Association in order to further raise awareness of the matter. As to cultural mediators, given the right to be promptly informed in the language of one's understanding as guaranteed by the Italian legal system, their role was envisaged and introduced in programs falling under the responsibility of the Penitentiary System Administration.

190. Inter alia, the cited Directive - the August 2000 Directive of the then Hon. E. Bianco - envisaged that "the representatives of Italy-based UNHCR, upon authorization of the Ministry of Interior, are entitled to access the Centres except for prevailing security reasons. Such possibility has been always guaranteed when the security conditions could allow it.

191. Along these lines, some of the latest visits to the Centres (CPTAs) made by representative of international monitoring mechanisms, such as the CoE - CPT (Art.3 ECHR), the FIDH and the UN Special Rapporteur on the Human Rights of migrants, Ms. G. Pizarro, and the UN Special Rapporteur on Racism, D. Diene, may be recalled. All the cited bodies and organisations' representatives acknowledged the good management and functioning of the Centres (see annex I, para. 31).

192. In a wider framework, as to the next step to be taken, it is worthy of mention the General Directive, dated March 5, 2007 (www.interno.it), by which the Minister of Interior focuses on the strategy and guidelines to be adopted in order to improve the living conditions in and, more generally, the management of the facilities devoted to host illegal immigrants and asylum-seekers.

Question 21

Please provide updated information, including statistics, disaggregated by sex, age and ethnicity, on the number of imprisoned persons and the occupancy rate of the accommodation capacities for the period 2002-2006.

193. In this regard, please see Annex III.

Question 22

Could you please comment on reports of ill-treatment, including severe overcrowding, unsuitable infrastructures, unhygienic living conditions and inadequate medical care in the “temporary stay and assistance centres” (CPTAs) and identification centres? Please inform the Committee of measures taken by the State party to improve these material conditions and of any concrete legislative plans and budget allocations relevant to addressing this problem in the future.

194. With regard to the health-care assistance and the living conditions in the Centres for Temporary Stay and Assistance, while recalling our response to question No.20, the protection of the psycho-physical health of the immigrants hosted in the above Centres (as per all the other Centres for immigrants) is a basic principle, which is ensured, at the constitutional level, by Art. 32 of the Constitution, and thus fully recalled by the “Guidelines” for the management of the Centres.

195. The abovementioned provisions set out that every agreement signed by the Organisations which will manage the reception Centres, includes, among the services to be supplied, health-care services. Such services are provided within these Centre by equipped first-aid room, including medical-nursing premise. More specifically, these areas include first-aid equipment, medicines, out-patient service, discharge of special waste, and an ambulance 24/24h, as to Centres with a reception capacity of more than 500 units.

196. With the aim of protecting the health of Non-EU citizens, as well as somehow of the staff working at these Centres, each person entering these Centres undergoes an accurate medical examination, in order to ascertain either previous or ongoing pathologies and to supply, if necessary, appropriate health-care services. Additionally, those who might be in need of specialists’ examinations at external hospitals or have to undergo general surgeries at the local sanitary unit, are moved there.

197. Within this framework, it is worth recalling that an health report is drawn up and kept at the Offices of the Managing Body, in compliance with the Italian legislation On Privacy, and Private Data (Legislative Decree No. 196/2003).

198. During the spread in the year 2004 of the “SARS” flu (acute respiratory syndrome), the Department on Civil Rights and Immigration has promptly arranged, at all the Centres for Temporary Stay and Assistance, appropriate rooms in separate containers, equipped with autonomous hygienic services, in order to be ready to hospitalize persons affected by transmittable pathologies or patients with uncertain diagnosis, in line with the relevant protocols drawn up by the Ministry of Health.

199. With regard to the situation of infrastructures, the Department on Civil Rights and Immigration, within the Interior Ministry, carries out an extensive and careful monitoring activity.

200. The above Department has always, expeditiously, proceeded to launch - and continues to do so, when necessary, - renovation works in order to improve the safety and the living conditions of the immigrants staying in the Centres.

201. As a way of example, the Guidelines on Fire Prevention, contained in Minister Directive dated May 15, 2005, have to be considered within this framework. In fact, all the various reception Centres for immigrants have been put in line with said Guidelines.

202. Within the framework of the EU programme entitled "Praesidium", a pilot-project has been also launched with positive result in the Centre for immigrants in Lampedusa Island, and will soon extended to other reception Centres across the country.

203. With specific regard to the immigrants Centre in Lampedusa, an agreement with the Organization "Medecins sans Frontières" was signed in order to provide additional health-care service to those immigrants who reach the Island.

204. Lastly, effective cooperation initiatives have been launched with International Organizations, such as IOM, the UN Office of the High Commissioner for Refugees, the International Red Cross.

205. Along these lines and with the aim of implementing the transparency principle within the management of these Centres, Amnesty International has been granted, upon its request, the access to facilities concerned.

Question 23

In view of the change in the legislative framework resulting from Law 189/2002 which permits the detention of undocumented migrants and doubles the detention period of "illegal" aliens (from 30 to 60 days), what measures has the State party taken to ensure that detention is used only as an exceptional measure in line with international refugee standards (State party report, paras. 39, 43 and 59)?

206. While recalling our responses to questions No.4, and No.20, as to the duration of the stay - for a maximum of 60 days - at the Temporary Holding Centres, this situation, based upon confirmation by the judicial authority, affects only those illegal immigrants who are subject to a removal measure.

207. Thus, irregular foreign nationals who express their willingness to apply for the recognition of the refugee status are moved to Identification Centres, as set up by Presidential Order No. 303/2004.

208. The asylum seeker, who was previously subject to a removal order, shall be kept in the above-mentioned Temporary Holding Centres, in compliance with Article 1-ter, subsection 3, of Law Decree No. 416/1989, converted into Act No. 39/1990.

209. Act No. 189/2002 provides for the stay of asylum seekers in these Centres, in line with the EU legislation (EU Directive 2003/9/CE) on minimum standards for receiving asylum seekers, and EU Directive 2005/85/CE on minimum standards for the procedures to be applied by Member States in order to grant refugee status.

Question 24

Please provide the Committee with updated information on the Government's prison-building programmes and the review of the ordinary prison-building programme adopted through the Ministerial Order of 2 October 2003, as well as the project for relaunch of penitentiary treatment (State party report, paras. 216 and 276). Please indicate whether there has been an increase in the number of staff in the educational area and of experts, including psychologists and criminologists. (State party report, paras. 308-309).

210. Prison-building activity is addressed to the expansion of real property through the building of new prisons with funds provided for by specific laws on the appropriate item of the Ministry of Infrastructure and managed directly by said Ministry, on the basis of a programme planned jointly with the Ministry of Justice, and decided within the "Joint Committee for Prison-Building", chaired by the Minister of Justice.

211. The Ministry of Infrastructure, through its local Bodies (Inter-Regional Superintendencies of Public Works), shall carry out the programme, from the stage of the project of works to the contract and the management of works (management of works and inspection).

212. Act No. 1133/71 started the programme, providing for a first allocation of 100 milliard £ (LIT); subsequently, further funds have been allocated (provided for by other special laws and by subsequent financial laws) or funds already allocated have been reassigned.

213. The programme of new buildings, established by Ministerial Order of 2 October 2003, was confirmed by the subsequent Ministerial Order of 19 July 2004 introducing the building of the new prison of Lucca, as decided by the Joint Committee during the meeting of 20/05/04. The programme provides for the building of 25 new prisons; however the resources currently available enable to build only 9 of them.

214. The programme, in fact, is financed by the last allocations provided for by the financial laws 2001 and 2002, amounting to 800 milliard £ (LIT) and of 51,646 million €. In particular, in addition to some necessary renovating interventions a first work allotment for the building of the 9 new abovementioned prisons has been financed with said resources; the building of the new prison of Rieti is on going; the works of a first functional work allotment of the new prisons of Cagliari, Oristano, Tempio Pausania, Sassari, Savona, Forlì, Rovigo have started or are starting, while the existing cases concerning the building of Marsala prison are being solved.

215. The completion of the new prison of Reggio Calabria has also been financed. The new prisons of Trento and Bolzano will be built with the funds of the respective Autonomous Provinces: the works of the first prison have started, while as regards the new prison of Bolzano, identification and evaluation of the suitability of the area are on going.

216. The remaining programmed works (Varese, Pordenone, Camerino, Sala Consilina, Pinerolo, Sciacca, Lanusei, Paliano, Modica, Nola, Avezzano, Mistretta, Catania, Lucca) are still without funds as since 2003 there has not been an increase in funds, but annual reassignments of allocations already made.

217. Presently, at national level, as regards the staff there is a vacancy of 30%, corresponding to an overall shortage of more than 2500 units. As a consequence, procedures relating to public competitions for the recruitment of 751 units, with an open-ended contract, out of which 486 posts for the treatment area (447 educators and 39 psychologists) as well as 90 posts of qualified nurses, are being completed. An authorization to the Prime Minister's Office - Civil Service Department - has been requested, in order to carry out the appointment of said units.

Question 25

Could you please comment on reports of routine detention of minors, especially those seeking asylum and unaccompanied by a family member, and provide statistics of the number of children in detention, disaggregated by sex, age and ethnicity? Furthermore, please comment on the lack of independent structures to monitor the conditions of detention of children and the inadequate training of the personnel involved in the juvenile justice system. Please indicate what the situation is at present with regard to the strict separation of persons below 18 years of age from adults in places of detention.

218. By the entry into force of UN Convention on the Rights of the Child, all States parties commit themselves and are obliged to live up to human rights of children, as enlisted in the Convention itself.

219. In particular they are obliged to guarantee that each child may enjoy fundamental rights, regardless of race, sex, language, religion, national, ethnic and social origin. The States must adopt all the appropriate measures so that children can be protected against any form of discrimination due to either their social status or the belief and opinion of their parents, as well as those of legal tutors or relatives.

220. Act No.39/90 launched a comprehensive policy on immigration. By this Act, it was laid down *inter alia* the principle of "the programming of migratory flows", and the administrative procedures for the entry and stay of foreigners in Italy.

221. By additional Acts, including the so-called "Bossi-Fini Law (Act No.189/02)", the two-fold aim was to propose a pattern of social integration for the foreigner, and to ensure the implementation of ad hoc measures for the protection and the support for children, while respecting their dignity and rights in both cases of children of foreign parents and children awarded to foreign adults. In this context, it is also worth recalling the following measures: Act No.40/98; Legislative Decree No.286/98; Presidential Decree DPR 5 August 1998; Legislative Decree No.113/99; Presidential Decree No. 394/99; DPCM No. 535/99; Act No. 189/02 and its following amendments (see annex I, para. 32).

222. As preliminary relevant remark, the Italian legislation prohibits the expulsion for foreign minors under the age of 18 (Art.19, para 2, of the Unified Text No. 286/98) unless children intend to follow their expelled parent or guardian. However, by Law it is envisaged that those children who decide to stay in Italy, will be granted a residence permit, valid until they turn to the age of 18. Accordingly, those minors who stay in Italy, will be taken in care by relatives regularly staying in Italy or, if unaccompanied, they will be entrusted to the social Services of Local authorities, upon request of the Judicial Authority (Juvenile Court).

223. With due care to the principle of the best interest of the child, the minor concerned must be always provided a treatment suitable and adequate to his/her specific needs. Along these lines, the reunification rules are to be taken into account: the prohibition of expulsion is prevailing for the parents - under the condition that they are married - or in the case of pregnant women.

224. On a more general note, it is worth recalling that the current domestic legislation makes a clear distinction between the legal status of the unaccompanied foreign minor and of the minor who lives with his/her own family: this gives rise to different legal and social protection conditions (see annex I, para. 33).

225. By recalling the above Article 19, para.3 of the Unified Text No. 286/98, it is worth emphasizing that when unaccompanied minors reach the Lampedusa Centre, they stay for a few hours: only the time necessary to provide them with social and health-care assistance. Subsequently, these children are moved to Institutes or foster families where, upon decision of the juvenile court that appoints a guardian, they receive adequate assistance by highly qualified personnel. Thus, there is no statistics on children held at the CPTAs (see annex I, para. 34).

226. On a more specific note, provided that the domestic legislation sets forth the general prohibition of the expulsion measures vis-à-vis foreign children (unless they have to follow their expelled parent or legal representative, pursuant to Article 19, para. 2, of the Unified Text No.286/98), in no case is allowed the stay of the foreign children in any of the existing Centres for illegal immigrants. However, when massive disembarkations of illegal immigrants occur, particularly at Lampedusa Island, it may happen that some children stay for a few hours at the local reception centres. In this specific context, medical care services and food are promptly supplied.

227. Each illegal immigrant, including children, has the chance, during the identification procedures, to report on his/her situation, including the case to be a victim of persecution in the country of origin. In the latter case, the illegal immigrants enjoy the right to apply for asylum in Italy and thus to undergo the related procedure: The immigrant who expresses even the mere intention to apply for asylum or social protection in Italy is swiftly placed in the *ad hoc* domestic Centres.

228. Once the immigrants undergo such procedures, teams of well-trained psychologists, sociologists and cultural mediators take care of them. Inter alia, the foreign children who are hosted at the cited Centres, may attend school and vocational courses, and carry out leisure activities (It is also worth mentioning that the facilities under reference have been built with care to reproducing homely settings).

229. With a view to ensuring a protection-based approach, specific attention is paid to the unaccompanied minors. With the aim of effectively implementing the above Convention, the Italian authorities set up the Committee on Foreign Children, as envisaged in Article 33 of the “Unified Text of Provisions Concerning The Discipline On Immigration and On The Situation Of The Foreigners (Legislative Decree No. 286/98)”.

230. This Committee is composed of nine representatives from various relevant Ministries, particularly the Ministry of Justice, Institutional and Non-governmental Organisations. In order to ensure the protection of foreign children, by D.P.C.M. No.535/99 the tasks of this Committee were set, in line with the UN Convention on the Rights of the Child. Its tasks focuses on two specific categories of children, namely those who are involved in assistance programmes when temporarily authorized to stay in the Italian territory, and those who are unaccompanied Non EU children.

231. The latter are those children who have not applied for asylum, and are within the Italian borders for any reason without a parent or a legal representative: this is the case of illegal immigrants children who, given their age, enjoy the right to an *ad hoc* treatment (see annex I, para. 35).

232. The Juvenile Justice Department issued Memo No.1/2001, in accordance with D.P.C.M. No. 535/99, with the aim of drawing the attention of the Juvenile Justice Centres’ Directorates to the following provisions:

- (a) Obligation to promptly inform the Committee on the entry and the stay of an unaccompanied foreign child in the Italian territory;
- (b) The possibility for the juvenile assistance services to request the Committee to adopt urgent measures when facing cases of foreign children without parents;
- (c) The necessity to inform the juvenile courts on cases of foreign children, leaving the Juvenile Prisons, and under economic or moral abandonment, so that the juvenile courts may release a care order while an assisted repatriation measure is expected to be enforced.

233. In general terms, provided the provisions of the juvenile criminal proceeding code (DPR No. 448/88) that are enforced also vis-à-vis foreign children, the Italian authorities back the release, if feasible, of the so-called “alternative measure to the detention” for foreign children, as is the case with Italian children. The competent Authorities, if possible, apply measures such as the so-called “stay in community (*soggiorno in comunità*)” in lieu of the “stay at home”, given the lack, in the latter specific cases, of a stable household, within Italian borders.

234. Against this background, it is worth mentioning the latest relevant statistics from the Ministry of Justice as follows:

Department of Juvenile Justice

Service for Statistics

The so-called First Aid Centres (Centri di prima accoglienza)

National overview - Year 2005

Entrance/Exit and presences	Italians			Foreigners			Total		
	M	F	M+F	M	F	M+F	M	F	M+F
Entries									
Accompanied	9	2	11	52	19	71	61	21	82
Arrested	1 383	70	1 453	1 271	682	1 953	2 654	752	3 406
Detained (Fermo)	75	1	76	85	6	91	160	7	167
Total	1 467	73	1 540	1 408	707	2 115	2 875	780	3 655
Exits									
With enforcement of precautionary measures and other measures									
Prescription	312	7	319	63	7	70	375	14	389
Stay at home	383	17	400	143	96	239	526	113	639
Placing in community	335	12	347	306	91	397	641	103	744
Preventive detention	194	17	211	398	159	557	592	176	768
Other exits									
Release	171	12	183	271	116	387	442	128	570
Under the age of 14	1	1	2	68	174	242	69	175	244
Proved innocence	0	0	0	0	0	0	0	0	0
Pregnancy	0	0	0	0	5	5	0	5	5
Lack of requirements	69	7	76	142	46	188	211	53	264
Running of time	0	0	0	3	0	3	3	0	3
Over 18	0	0	0	9	12	21	9	12	21
Other	0	0	0	7	1	8	7	1	8
Total	1 465	73	1 538	1 410	707	2 117	2 875	780	3 655
Presence as of 31.12.2005	8	0	8	4	7	11	12	7	19
Average of presence in the whole period	13.3	0.7	14.0	12.2	6.6	18.8	25.5	7.3	32.8

Department of Juvenile Justice

Service for Statistics

**Data on entries the First Aid Centers (Centri di prima accoglienza)
according to age and gender criteria**

Year 2005

Age	Gender		Total
	Male	Female	
<14 years	142	239	381
14 years	231	127	358
15 years	529	105	634
16 years	809	134	943
17 years	1 094	146	1 240
18 and more	70	29	99
Total	2 875	780	3 655

Department of Juvenile Justice

Service for Statistics

**Data on entries First Aid Centres (Centri di prima accoglienza)
according to age and countries of origin**

Year 2005

Countries	Age				Total
	14 year	14-15	16-17	18 and more	
European Union	4	368	1 170	21	1 563
France	-	-	3	-	3
Germany	-	4	4	-	8
Italy	3	361	1 155	21	1 540
The Netherlands	1	-	1	-	2
Poland	-	1	2	-	3
Portugal	-	-	1	-	1
Slovenia	-	-	2	-	2
Slovakia	-	2	1	-	3
Hungary	-	-	1	-	1
Other European countries	352	505	742	64	1 663
Albania	-	6	51	1	58
BiH	96	73	61	14	244
Bulgaria	-	4	2	-	6
Croatia	57	61	43	2	163
Serbia-Montenegro	92	106	94	8	300
Macedonia	-	4	5	-	9
Moldovia	-	8	28	2	38

Countries	Age				Total
	14 year	14-15	16-17	18 and more	
Rumania	107	241	453	37	838
Russia	-	-	1	-	1
Switzerland	-	-	1	-	1
Ukraine	-	2	3	-	5
Africa	22	100	213	14	349
Algeria	11	9	11	-	31
Congo	-	1	-	-	1
Egypt	-	1	4	-	5
Ghana	-	1	-	-	1
Guinea	-	-	1	-	1
Morocco	10	83	179	14	286
Niger	-	-	1	-	1
Nigeria	1	-	2	-	3
Senegal	-	1	1	-	2
Somalia	-	-	3	-	3
Tunisia	-	4	11	-	15
America	2	8	44	-	54
Argentina	-	-	1	-	1
Bolivia	2	3	3	-	8
Brasil	-	1	3	-	4
Chile	-	-	5	-	5
Colombia	-	-	1	-	1
Cuba	-	-	1	-	1
Ecuador	-	2	14	-	16
Honduras	-	-	1	-	1
Peru	-	1	10	-	11
Dominican Republic	-	1	5	-	6
Asia	-	6	11	-	17
Bangladesh	-	1	1	-	2
China	-	3	-	-	3
India	-	-	2	-	2
Iraq	-	-	2	-	2
Israel	-	2	4	-	6
Pakistan	-	-	2	-	2
Stateless children	1	5	3	-	9
Total	381	992	2 183	99	3 655

235. By considering the peculiarity of the juvenile detention system, its rationale and purpose, the importance of the educational function over minors detained and the subsequent need to differentiate the juvenile penitentiary treatment from the one received by adults, including the rapid exit of the minor from the criminal circuit by appropriate treatment, the Department of Juvenile Justice issued Memo No. 5391 of March 17, 2006 concerning the organisation and the

technical management of Juvenile Criminal Institutions, by which it envisages, within the treatment programmes, the implementation of conditions that guarantee the respect of the rights of the minors as follows:

- (a) Right to health-care and suitable psychological and physical growth;
- (b) Right to education, to socialize, and to have access to leisure activities;
- (c) Right to education and to be in touch with the closest persons;
- (d) Right to freely express their own religious views and the right to worship;
- (e) Right to affective and psychological assistance;
- (f) Right to being part of a safe and clean environment, which respects the human dignity.

236. The foreign minors legally resident on the national territory - including those currently in the criminal system - are recognised rights concerning access to education, labour opportunities, health-care, family reunion, etc., in accordance with Art. 3 of the Italian Constitution (see annex I, para. 36).

237. As for the number of minors under detention and disaggregated according to their sex, ethnic origin and age, in addition to the above data, we provide the following website: http://www.giustizia minorile.it/Statistica/Analisi/Flussi_2005.pdf.

238. The provisions of the Juvenile criminal code (Presidential Decree, DPR No. 447/88) are also applied to foreign minors who, on equal footing with Italian citizens, are granted a reduction of the detention term when trying, for example, to be re-integrated in the community (see annex I, para. 37).

239. As to the separation of minors from adults, there is a provision on the setting up of Juvenile Criminal Institutes, by which it is set out that only minors or young adults between the age of 18 and 21 (provided that the crime has been accomplished while they were still minors) are admitted.

240. The Department of Juvenile Justice issued, jointly with the Department of Penitentiary Administration, memo No. 22542/2006, with the aim of promoting comprehensive and joint actions so as to ensure continuity in the treatment of young adults (range of age between 18-year old and 25-year old) who are transferred from the juvenile section to the adult section and promote a continuous and joint monitoring exercise of the young detainees. The task of monitoring the conditions in which young detainees live, is carried out by the judiciary.

241. Access to criminal juvenile facilities is allowed to persons authorised by the Department of Juvenile Justice, under proposal of the Oversight Judge (*Magistrato di Sorveglianza* - Judge supervising over the execution of sentences), since they are considered suited in assisting, educating minors, and willing to participate in the support activities, including those ones aimed

at the future integration in social life: those persons shall get involved in the cultural and leisure activities of the Institute, by decision of the Director. The latter has the task of co-ordinating the relating activities with the ones carried out by the staff in charge of the detainees' treatment (Art. 78 of Act No.354/75).

242. Furthermore, it is worthy of mention that political authorities are allowed to visit, without any authorisation, the detention facilities under reference, in accordance with Art 67 of the Penitentiary Act.

243. As for the training of the staff working in the juvenile justice system, the Superior Council of the Judiciary sets all provisions for the training of judges, while the staff of the Department of Juvenile Justice attend specific training courses at three ad hoc schools.

244. If any case of ill-treatment by the prison police staff against minors detained occurs, it is promptly reported to the competent judicial authority. However, no case has emerged to date. Equally, no case of ill-treatment against unaccompanied minors has been reported to date.

Articles 12 and 13

Question 26

Please provide information, including statistics, on the number of complaints of torture and ill-treatment and results of all the proceedings, both at the penal and disciplinary levels. This information should be disaggregated by sex, age and ethnicity of the individual bringing the complaint.

245. While recalling our response to questions No.1 and No.15, we are in a position to provide the following information: In the last two years 13 criminal proceedings involving penitentiary police staff for ill-treatment and battery against prisoners have been instituted. Out of these 13 proceedings:

- (a) For seven cases the trial is ongoing;
- (b) For one of them there has been an acquittal judgement;
- (c) For one of them there has been a request of filing;
- (d) For two of them preliminary investigations are still ongoing;
- (e) For one of them a filing order has been issued;
- (f) For one of them the committal for trial has been requested.

246. Only one person belonging to the penitentiary police Corps turns out to be suspended from duty, because of the seriousness of the allegations in the relevant penal proceeding. For the other pending trials the disciplinary proceeding is suspended, as provided for by law, waiting for the conclusion of the criminal proceeding.

247. As to the relevant proceedings against Carabinieri servicemen vis-à-vis cases of mistreatment on arrested/detained people, within the term 2004-2006, we are in a position to provide the following information: 1. Number of reported servicemen - 188; Number of servicemen under ongoing legal proceeding - 112; Number of servicemen under filed legal proceeding - 65; Number of concluded proceedings - (condemned servicemen) 0/ (acquitted servicemen) 11; Number of servicemen subjected to disciplinary sanction - 2.

Question 27

Information before the Committee indicates frequent impunity for law enforcement and prison officers accused of torture, ill-treatment and excessive use of force. Please describe the procedure to be followed in cases of complaints against police and prison staff misconduct. In particular, please describe the steps taken by the State party to ensure that the investigation of complaints is independent, prompt and effective. Does the State party consider establishing an independent police complaints and accountability body? Please provide updated information on the criminal proceedings, where applicable, described in paras. 354-359 and 396-406 of the State party report.

248. Under Art. 112 of the Italian Constitution, prosecution is compulsory and the public prosecutor is the body belonging to the judiciary which is autonomous and independent from any other power. Therefore, the public prosecutor, once received the notice of crime, is obliged to carry out investigations within six months and to exercise prosecution against the responsible persons - if there is any element.

249. There are no special procedures. Besides, the public prosecutor is obliged to communicate to the relevant public Administration any proceeding carried out against a civil servant.

250. As regards the proceeding against twenty penitentiary police officers for ill-treatment against prisoners at Napoli Secondigliano prison, on 21.9.2004 the Court of Naples issued a judgment by which seventeen accused persons have been acquitted, while three accused persons have been punished by imprisonment for between eight and ten months. A final judgment has been issued for sixteen acquittals, while the appeal proceedings for three finally sentenced persons and for one acquitted person are ongoing.

251. The regional superintendency has adopted disciplinary measures against eleven officers; it has filed the proceeding for three officers, while an officer has terminated service and another one died.

252. As regards the criminal proceeding against eight penitentiary police officers for ill-treatment against the prisoner Acquaviva at Nuoro prison, on 27.1.2005 the Court of Nuoro issued a judgment by which four officers have been acquitted, three officers have been punished by imprisonment for between one year and eight months, one officer has been punished by imprisonment for between one year and six months. The judgment has become final for the four officers acquitted, while the others have lodged an appeal and the relevant proceeding is not concluded yet.

Question 28

Could you please update the Committee on the outcome of the criminal proceedings against officers of the State Police and some persons who took part in the demonstrations in Naples on the fringes of the 3rd Global Forum and in Genoa during the G8 Summit, including the incidents in the Bolzaneto temporary detention facility and the overnight police raid in the Diaz-Perdini school building (State party report, paras. 360-395). Has the State party considered establishing an independent public commission of inquiry into the G8 summit events? Please inform the Committee of measures taken to review current police practices and to ensure that similar incidents do not occur in the future. Are law enforcement officials required to display some form of individual identifications during operations and how is this controlled?

253. As to the events occurred during the Genoa G-8 and the Naples Global Forum, the Public Prosecutor Offices in Naples and Genoa promptly started due investigations, in compliance with the legislation in force. It is also worth emphasizing that the disciplinary proceeding against the accused persons has been suspended waiting for the final judgement, in line with relevant legislation (in this regard, please read below).

254. As to the so-called “Genoa events”, the judicial proceedings refer and concern three different episodes:

As to the events occurred at the provisional detention facility, set up at the police station in Bolzaneto, the trial (criminal proceedings No 21312/2001/21 R.G.P.M) started on 12 October 2005. It was requested the committal for trial of 45 members of the following forces: state Police, Carabinieri corps and penitentiary Police, including some members of the medical staff of the latter (see annex I, para. 38). The criminal proceedings are currently pending at the 3rd Criminal Division of the Court of Genoa. Although 103 trial hearings have already been held and 261 witnesses heard, the trial presumably is not going to be concluded rapidly.

255. More specifically, 14 officers of the state Police (senior officials-officials ranks 2, inspectors ranks 7, sergeants- *assistenti* - officers 5) were committed for trial. Additionally, with specific regard to penitentiary Police and medical staff, the Court of Genoa - Office of the Judge for Preliminary Investigations, ordered, on May 16, 2005, the committal for trial of 19 officers for offences of injury, battery, abuses, abuse of office, private violence, misconduct by a public officer, neglect of report, aiding and abetting, threat, failing to inform police. With specific regard to Carabinieri servicemen, twelve CC servicemen on duty at the 9th Battalion “Sardegna”, have been committed for trial and charged of the following offence, “abuse of authority against the arrested” (because they did not avoid the policemen to keep on mistreating the detained people). Information concerning the hearing held on 02.02.2007 at the Court of Genova is still expected.

256. As to the criminal proceeding (Criminal proceedings No. 13626/01/21 R.G.P.M.) following the arrest of some members of the NO GLOBAL movement, in which 5 members of the national Police (senior officials ranks-officials 2, inspector ranks 2, sergeants- *assistenti*-officers ranks 2) were committed for trial. The trial is ongoing. The next hearing is scheduled for 23.02.2007. The outcome of the cited hearing is awaited.

257. With specific regard to the case, in which Carlo Giuliani died, the Magistrate in charge of Preliminary Investigations at the Court of Genoa, acknowledging the self-defence, ordered, on May 5, 2003, the dismissal for the Carabinieri serviceman, Mario Placanica (discharged).

258. As to the criminal proceeding (Criminal proceedings No. 14525/01/21 R.G.N.R.) following the events occurred at the "Diaz primary school premises", the relevant criminal proceedings are pending at the 1st criminal Division of the Court of Genoa. Up to now there have been 80 trial hearings and neither in this case the trial is presumably going to be concluded rapidly. More specifically, 29 officers of the State Police (senior officials-officials 15, inspectors 7, sergeants-*assistenti* - officers 7) were committed for trial. Information concerning the hearing held on 31.01.2007 at the Court of Genoa is awaited too.

259. Concerning the events occurred in Naples during the Global Forum, the criminal proceeding No. 24147/2001 R.G.N.R., of the Public Prosecutor's office within the Naples Court, against SOLIMENTE Carlo and others officers of the State Police, is currently pending at the 5th criminal Division of the Court of Naples (see annex I, para. 39). More specifically, no Carabinieri Corps serviceman is under investigation, as to events occurred during the Third Global Forum of Naples, in March 2001.

260. In light of Article 11 of Presidential Decree No.737/1981, no disciplinary measures have been applied yet since criminal proceedings are still undergoing. The reasoning behind this provision is self-evident: to avoid any interference with the criminal action for events that are still being evaluated by the Judicial Authority both in terms of the detection and historical reconstruction of facts and of defence safeguards. A disciplinary evaluation of individual behaviour will therefore follow the conclusion of the relevant criminal proceedings without a possibility to invoke any statute of limitations.

261. Since 2001, as to major events, the Department of Public Order at the Interior Ministry has always been attentive towards the problems that emerged. In fact, any circumstances of ill-treatment are always put under careful check as far as the disciplinary profile is concerned. Furthermore, the above Department, following the experience matured as regards the management of public order and security duties on the occasion of great events both in Italy and abroad in the last years, worked out the training programmes for the personnel belonging to managerial and leading levels within the State Police.

262. The vocational programmes included specific hours of lessons, to be devoted to the management of public order, on the occasion of events envisaging the participation of a great number of people and to the use of force by the personnel involved.

263. In the year 2001 a Directive to the Heads of Police Headquarters (*Questori*) was issued and circulated in order to make the personnel aware of the correct and always cautious use of the dissuasive means supplied, particularly with regard to the tear artifices and to the truncheon.

264. Along these lines, Carabinieri forces drew the attention of their local HQs. to ensure, through appropriate measures, the regular performance of public demonstrations during which the enjoyment of the rights (as laid down by the Italian Constitution) must be and is fully guaranteed.

265. On a more general note, it is worth reiterating that the Italian Constitution recognizes and protects human rights and envisages the punishment for any physical and psychological violence perpetrated against persons whose liberty is restricted.

266. Within this framework, the use of force and weapons by the Police is allowed only under specific circumstances: they must respond to specific circumstances under which a conduct not permitted can fall within the institute of the so-called “objective causes for the exclusion of the crime (*cause oggettive di esclusione del reato*)”, namely specific cases within which a conduct prohibited by Law may be allowed or envisaged, as is the case with the police officer reacting to violence or to threats from an armed thief. These cases are expressly envisaged by Law and have been under constant consideration from the Supreme Court (*Corte di Cassazione*) that has cleared up their limits.

267. Moreover, we are in a position to confirm that due care and specific attention are paid to this issue, as emerged from *ad hoc* memos, vocational training and refresher courses, organised for the category of law enforcement officials in its entirety (please see also our response to question No.18).

Article 14

Question 29

Please provide information on redress and compensation measures ordered by the courts and actually provided to victims of torture, or their families, since the examination of the last periodic report in 1999. This information should include the number of requests made, the number granted, and the amounts ordered and actually provided in each case. Please indicate how many victims have been compensated despite the perpetrator not being identified. Do investigations into such cases continue until the perpetrator(s) is/are identified and brought to justice? Please inform the Committee on any progress regarding the establishment of a compensation fund for victims of torture (State party report, para. 18).

268. By recalling the current legislative framework, as specifically reported under response to question No.1, it is worth mentioning 1. that by Act No.74/2005, entitled “Voluntary contributions to the UN Fund for the Victims of Torture”, under Art.1, a voluntary annual national contribution has been granted. It amounts to 120,000 euros for the 2004-2008 period; 2. the relevant Bills before the Parliament - as considered in the above responses - do not foresee the establishment of specific funds.

Question 30

Could you please provide information on recent steps taken by the State party to ensure medical and psycho-social rehabilitation of the victims? Please provide the Committee with updated information about the outcome of the educational initiatives included in para. 335 of the State party report, i.e. the “Argo” project, the “Solidarity Pact” and the executive action programme to increase the number of special detention options for drug addicts.

269. In the framework of the initiatives for the reintegration of prisoners, the Department of Penitentiary Administration has firmly encouraged the recovery of family relations and in particular of parental roles. In this regard the “Solidarity Pact” was proposed and signed with UNICEF in April 2003. Some significant experiences involving either the prisoners and the staff of the Administration have emerged from said Pact. In particular signatures supporting the campaign “*Childhood violated - childhood stolen*” have been collected; exhibitions of craft products made by the prisoners have been organised and the proceeds of the sales have been assigned to UNICEF; in some penal institutions, prisoners have made the “Pigotte” dolls subsequently sold on the streets by penitentiary workers, on occasion of Christmas holidays.

270. In the framework of the cooperation with bodies or associations, meetings and help groups have been organized. “Argo Project: new opportunities of professional training for prisoners”, is part of a wider context or re-evaluation of observation and treatment activities offered to prisoners, through the involvement and the highlighting of the skills of the various workers who interact in the process of rehabilitation of prisoners. Moreover, said Project pursues the aim of experimenting new treatment opportunities and occasions of professional training for prisoners.

271. The project consists in the creation, in some prison contexts, of structures for the reception and care of the dogs, providing in particular for three different levels of possible commitment:

- (a) Care of stray dogs in agreement with the competent local structures;
- (b) Training of dogs, aimed at their reintegration into “family”;
- (c) Training of dogs for services of social importance, as the assistance to disabled persons.

272. The project is inspired by positive initiatives already started, in the year 2003, at Palermo Pagliarelli Prison and Roma Rebibbia Female Prison, which have had the merit to contribute to the solution of the phenomenon of straying of dogs and to create, in the meanwhile, employment opportunities for prisoners.

273. In particular, the Directorate of Palermo Pagliarelli remand prison wanted to create in the area of the prison included between the detention wings and the external perimetric area a shelter for about 50 dogs aiming at supporting the municipal dog’s home and creating jobs or economic benefits for the vocational training of prisoners, whereas Roma Rebibbia Female Prison has started to develop a project for the reception of a limited number of dogs, for the training and the assistance of disabled persons. The initiative has also been extended to other prison contexts and has involved public and private bodies in order to establish economic benefits for vocational training and furnish facilities to host dogs.

Article 15

Question 31

Please specify the legal basis for the prohibition of the use of information obtained under torture in any proceedings. Please provide examples of any cases where allegations of confessions extracted under torture have existed and inform the Committee of any measures taken by the State party to ensure that the burden of proof rests with the prosecution.

274. In the Italian legal system, the principle of respect for the moral freedom of all persons giving evidence is in force and laid down in Article 188 of the code of criminal procedure. This Article sets forth that “methods or techniques apt to influence freedom of self-determination or alter the capacity to recall and evaluate facts may not be used, not even with the consent of the person concerned”.

275. The same principle is also reaffirmed in Article 64, para 2, of the code of criminal procedure which stipulates some general rules for witness’ examination, according to which “methods or techniques apt to influence freedom of self-determination or alter the capacity to recall and evaluate facts may not be used, not even with the consent of the person concerned”.

276. Any violation of these prohibitions affects the admissibility of evidence - if gathered illegitimately in the proceedings -, in accordance with Article 191 of the code of criminal procedure, which sets forth (its para.1) that evidence obtained in violation of the prohibitions, established by law, may not be admitted and that such inadmissibility may be stated *ex-officio* at any state and stage of the proceedings. Complaints may be lodged against the violation of this last provision before Court of Cassation (Article 606. para. 1, letter c, of the code of criminal procedure) (see annex I, para. 40).

Article 16

Question 32

Please provide updated information on any new legislation and/or measures adopted to prevent and combat sexual trafficking, particularly of children, and to provide assistance to victims, including sensitization of law-enforcement officials in contact with these victims. What measures are taken to ensure the effective implementation of Law 228 of 11 August 2003 on Measures against the trafficking of people? Could you please provide more information about the Fund for Anti-Trafficking Measures established in the Prime Minister’s Office, including the number of requests made, the number granted, and the amounts actually provided in each case? Please provide updated information on the initiatives referred to in paras. 120 and 121, including the special assistance programme for victims and training courses. Furthermore, please describe results obtained through the assisted repatriation project and the project for the prevention of trafficking (State party report, paras. 127-142).

277. A. With the aim of ratifying “Convention No.197 of the Council of Europe On The Fight Against Trafficking In Human Beings, as adopted in Warsaw, on May 16, 2005”, a Bill (Senate Act No. 1199) has been, recently, drawn up. However, the parliamentary examination has not been initiated yet.

278. With the aim of effectively contrasting one of the most dreadful crimes - the trafficking in human beings, particularly for sexual exploitation -, Italy adopted the following measures:

(a) Introduction of Article 18 of Legislative Decree No.268/98, the aim of which is to swiftly and effectively responds to the growing scourge of the trafficking in human beings. As to the victims of this trade, it is envisaged the release of a 6-month stay permit (the term of which can be extended). Additionally, a specific social programme of assistance is envisaged.

(b) In order to manage and implement the programs, as provided for by Art.18 (the so-called Art.18 approach), the Ministry for the rights and equal opportunities coordinates an ad hoc inter-ministerial Committee, established to this end. Under the umbrella of this Ministry, also national funds have been established accordingly.

(c) More specifically, this Committee finances relevant projects and coordinates the relating policies focused on the situation of women and children, victims of trafficking. This system of social protection has been introduced in order to provide adequate shelter, legal advisory services, health-care and social services, psychological and medical assistance, access to labour market and to vocational training, in addition to the assistance of an interpreter. With the aim of ensuring the highest standards, by the entry into force of Law Decree No. 300, the scope of this measure has been extended to both Non EU and EU citizens, since December 28, 2006.

279. Act No.228/2003 on “Measures against trafficking in human beings” focuses on a new definition of this crime, which takes the shape of an offence, to be punished with the detention penalty from 8 to 20 years. If victims are under the age of 18, the Law sets forth that this circumstance aggravating will entail a penalty much more severe. Along these lines, it is worthy of mention that Act No.269/1998, entitled “Provisions against the exploitation of child prostitution, child pornography, sexual tourism, as new forms of “reduction into slavery”, has been recently amended by Act No. 38/2006.

280. By both the cited Acts (Act No. 228/2003) and (Act No. 38/2006), the Legislator intended to repress those offences, the victims of which are trafficked and exploited human beings, specifically children under the age of 18:

(a) By Act No.228/2003 on “Measures against trafficking in human beings”, the Italian authorities intend to combat and properly respond to those organisations running the market of the trafficked human beings. As a way of example, we recall Article 600, of the criminal code, on “The reduction into Slavery”; Article 601 c.c. on “The Trafficking in Human Beings”; Article 602 c.c. on the slave trade. For all these crimes, by Law it is envisaged an increase in the detention penalty if the offence is perpetrated against children under the age of 18;

(b) By Act No.38/2006, “who instigates or exploits children under the age of 18 for the purpose of prostitution, is punished”. By Act No. 38/2006, it is thus envisaged the updating of the existing legislation on unlawful acts against children. By this very recent legislation, the inclusion of crimes committed by using data processing system was also set forth. As regards the crime of “sexual acts involving minors in exchange for money or other financial profit”, Art. 600 bis § 1 of the Criminal Code, as amended by Act n. 38 - Art. 1, envisages a six-month to three years’ imprisonment penalty, in addition to a fine for the person who is found guilty of sexual acts involving a minor aged from 14 to 18 (see annex I, para. 41). Art. 4 of the Act under reference introduced a new criminal paradigm, defined as “virtual pornography” which occurs by means of “virtual images created by using other images of minors under the age of 18 or parts of these images”.

281. Lastly, with a view to monitoring the situation, it was also envisaged the establishment of a National Centre, within the Interior Ministry, to combat paedo-pornography via internet.

282. By recalling that Italy signed on June 8, 2005, the European Convention On The Fight Against Trafficking in Human Beings, the Ministry for the The rights and equal opportunities organised on October 19-20, 2006, a workshop on Trafficking, within the framework of the Council of Europe Awareness campaign.

283. At the operational-procedural level, as to the implementation of the so-called Article 18 approach (Legislative Decree No. 286/98 of the Unified Text on Immigration), the Ministry for the The rights and equal opportunities, between the years 2000 and 2006, co-financed 448 projects across the country.

284. Between March 2000 and May 2006, the number of persons assisted and involved in the Article 18 projects were of approximately 11.486, 678 of whom were minors, under the age of 18 (see annex I, para. 42).

285. Art. 13 of Act No. 228/2003 envisaged the establishment an “ad hoc Fund” for the realisation of an assistance programme that ensures adequate living standards, including, housing, food supply, psychological and medical assistance for those who have been trafficked, or reduced into slavery or servitude.

286. In August 2006, the Ministry for the The rights and equal opportunities issued the first notice, with the aim of financing projects for the victims of these crimes: To date, 26 out of 39 applications for ad hoc projects have been financed. The total sum for the years 2006/2007 amounts to 2.500.000,00 euros, to be made available, from within the Department for the The rights and equal opportunities resources.

287. Among the system-oriented actions, the above Department promoted, jointly with the Interior Ministry and with the assistance of IOM, a programme for the voluntary repatriation and reintegration, of the victims of trafficking, in the countries of origin. Between July 2001 and December 2005, 160 persons have been assisted in this process. As to the realisation of such action, it was allocated an amount of 838.102,60 euros.

288. Additionally, 13,803 vocational training/work orientation courses have been organised between 2000-2006, to be addressed to Non EU citizens; and 5.653 stay permits for social protection were released, pursuant to Article 18 of the Unified Text on Immigration. Over the same period, an additional figure to be considered, is the number of trafficked persons who were addressed and supported, as to access to health-care services, legal advisory services, etc.: 45.016.

289. Once again, we recall that in light of relevant standards, including the UN Convention on the Rights of the Child, the Italian legislation protects children, particularly those foreign entering the borders, by ensuring that in no case they can be expelled (Art. 19 of the Unified Text on Immigration) (see annex I, para. 43).

290. Moreover, it is worth of consideration that minors involved in the unlawful mechanisms of trafficking and exploitation are more vulnerable than adults, due to their difficulty to understand their position of weakness and servitude. In this regard, it is very difficult for the police to intercept, in the streets, those minors who are trafficked. The criminal organisations are perfectly aware of the risk that they run in trading and dealing with children trafficked. Therefore, they resort to a specific technique: the mobility of the victims, across the country. Moreover, it often happens that minors, victims of sexual exploitation, are not prostituted in the street but in specific premises, where it is more difficult to detect them.

291. Minors are victims of a stronger psycho-physical subjection that entails a more complex way-out process. The vast majority of children, exposed to illegal activities, including sexual exploitation, are subjected under the threat to battery and the reduction into slavery.

292. As to relevant data, we report that in the year 2004, about 1200 minors arrived to Italy, 900 of which were received in Reception Centres. In the year 2005, the number of minors received was of about 1000, from different nationalities (Romanians, Moldavians, Africans and - although less than in the past - Albanians). In this context, it is worth considering that it often occurs that minors escape from the reception Centres, which is an additional problem to be tackled (see annex I, para. 44).

293. We are in a position to provide official data which have been collected on the typologies of crime introduced by Act No. 228/2003 on “Measures against the trafficking in human beings”, which has modified Arts. 600, 601, 601 and 416 of the criminal code.

(a) However, the quantitative and qualitative description of trafficking to the detriment of children is hampered by the very nature of the phenomenon, whose features vary a lot depending on the changes in the flows. These, in turn, are determined by the conditions of “feasibility” and “financial profit” of the exchanges, according both to the increase or decrease of police checks on the national territory and to the market demand, which is what actually foments the flow of trafficked children (prostitution chain, illegal work, begging);

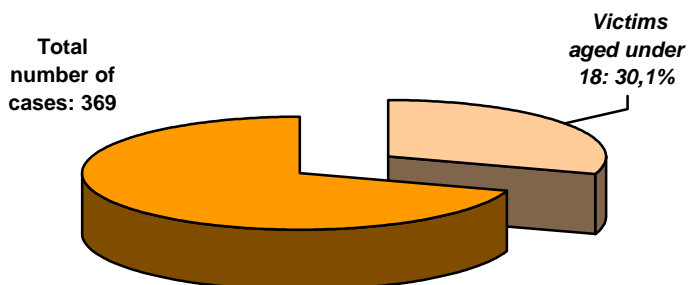
(b) On the territory of the Italian State, from September 7, 2003 to May 31, 2005, there were 320 penal proceedings for the violation of Art. 600 of the Criminal Code “Offence of reduction to slavery or servitude”; one out of ten cases concerns proceedings against unknown

person. A total of 320 cases is currently being examined; 947 persons are being investigated and 369 victims, of which 111 minor of age, have been recorded. The percentage of victims under the age of 18 is around 30% of the total.

294. The crimes under Art. 600 of the Criminal Code are mainly dealt with by the Public Prosecutor Office in Rome (*Procura di Roma*), where 133 procedures are currently under examination, with a total number of 279 investigated persons and 135 victims, 68 of which under the age of 18. According to the available information, in Italy, out of ten cases of minors victims of the crime under Art. 600 of the Criminal Code, six fall within the investigations by the Public Prosecutor Office in Rome.

Table 1

Victims and victims aged under 18 of the crimes under Art. 600 of the Criminal Code “Reduction to slavery or servitude” - September 2003 - May 2005

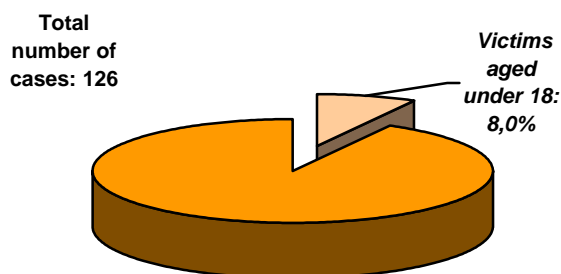


Source: Istat (National Institute for Statistics) - Judicial Criminal Statistics.

295. As regards the typologies of crimes under Art. 601 of the Criminal Code “Trafficking in human being” to date 86 proceedings have been started, of which 9 concern unknown persons. The data regarding these proceedings are the following: 339 persons investigated (an average of 4 persons involved in each proceeding) and 126 victims, of which 10 aged under 18. In this case, the number of children involved is lower, representing about the 8% of the total amount of cases.

Table 2

Victims and victims aged under 18 of crimes under Art. 601 of the Criminal Code, “Trafficking in human beings” September 2003 - May 2005

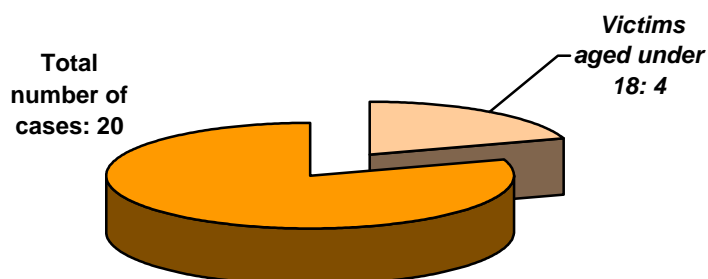


Source: Istat (National Institute for Statistics) - Judicial Criminal Statistics.

296. With regard to the crimes under Art. 602 of the criminal code, entitled “Purchase and alienation of slaves”, 35 criminal proceedings have started to date, of which 4 against unknown persons. The data regarding these proceedings are as follows: 151 persons investigated (an average of 4 persons involved in each case), 20 victims, of which 4 aged under 18. Also in this case, the percentage of victims aged under 18 is lower if compared to the percentage recorded for the crime of reduction to slavery or servitude.

Table 3

Victims and Victims aged under 18 of the crimes under Art. 602 of the Criminal Code “Purchase and alienation of slaves” - September 2003 - May 2005



Source: Istat (National Institute for Statistics) - Judicial Criminal Statistics.

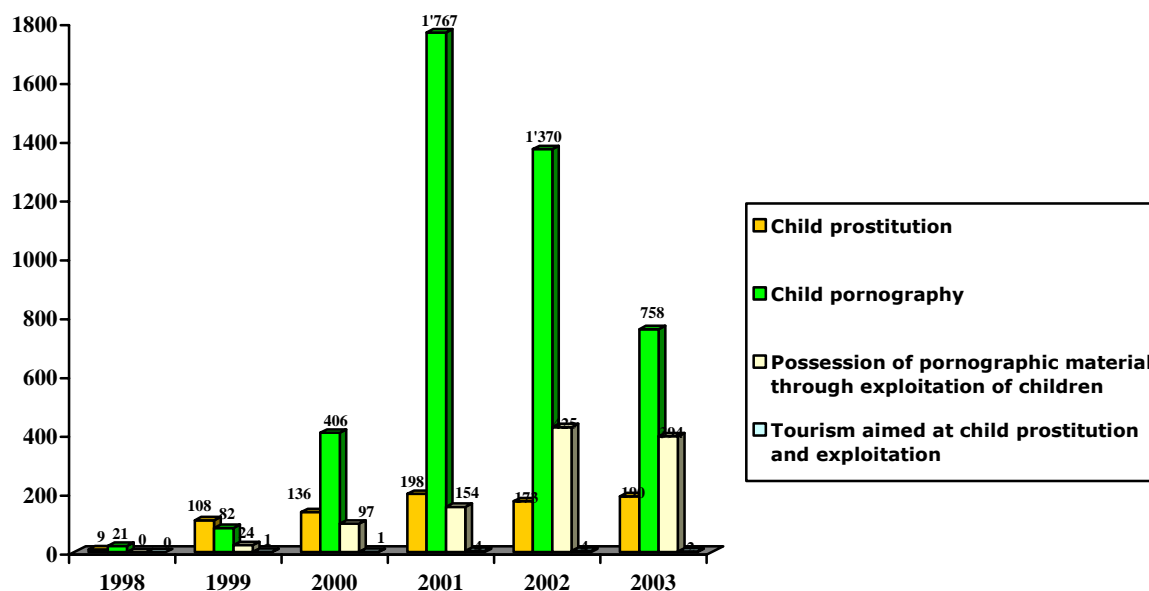
297. Besides the above mentioned data, further figures focus on children involved in projects of social protection, pursuant to Art. 18 of the Consolidated Text on Immigration No. 286/98. From the latter, it emerges that 318 person taken in care, are under the age of 18: that is about 6,7% of the total.

298. It is also worth recalling that, pursuant to the said Art. 18 approach, an action system called *Numero verde antitratta* (Toll-Free Number against trafficking in human beings) has been launched more than seven years ago. This initiative was financed by the Ministry for the The rights and equal opportunities, by means of domestic funds, as provided by Art. 18. From July 2000 to March 2003, this Toll Free Number received 520.936 calls and dealt with 194.350. Calls from victims aged under 14, represented 1% of the total number of contacts held by the Numero Verde between January and March 2003. The percentage of victims aged between 14 and 17 is however higher, representing 7% of the total number of cases dealt with.

299. As far as the typology of crimes provided for in Act n. 269/1998 - “Provisions against the exploitation of prostitution, pornography, sexual tourism concerning children as new forms of enslavement”, statistics are elaborated by ISTAT (National Institute for Statistics) through a current methodology and not an ad hoc one. Actually available data refer to trends for 1998-2003 and concern the number of reported offences by typology of crimes and of reported persons for whom the judicial authorities have opened criminal proceedings.

Table 4

Reported offences for crimes provided for in Act n. 269/1998 for which criminal proceedings have been opened - Years 1998-2003



Source: Istat (National Institute for Statistics) - Judicial Criminal Statistics.

Reported offences for which criminal proceedings have been opened by judicial authorities - Years 1998-2003

300. As to protection activities, it is worthy of mention that with the co-operation of the National Centre for the Documentation and Analysis of Childhood and Adolescence, the Ministry of Labour and Social Policies is working on a research concerning “The interventions of social protection and the re-insertion of children, victims of trafficking and sexual exploitation” which represents a scientific contribution, to study the actions adopted by local bodies vis-à-vis children, victims of trafficking and/or sexual exploitation.

301. By this research, the aim is to describe the framework of interventions and to give an evaluation on the basis of children’s needs. All the data and information collected will be useful in implementing policies and programmes for children’s assistance and protection promoted by the Italian Government, Regions and local authorities.

302. From the investigative-judicial point of view, the investigative and criminal police activities to repress this phenomenon should be highlighted. In January 2007, the Italian State Police concluded a large-scale anti-crime operation to combat trafficking in human beings and related crimes, which led to the arrest of 784 individuals (see annex I, para. 45).

303. Along these lines, ad hoc territory surveillance services were organized. It was considerably decreased the street and house prostitution, as well as the use of illegal immigrants in other illegal activities.

304. As to the relevant activities carried out by Carabinieri corps, it is worth considering some of the latest operations: The so-called "ELVIS" operation as started in October 2004 by the Carabinieri Special Operational Unit (acronym in Italian, ROS). It proved the illegal activity carried on by a Bulgarian transnational criminal organization, mainly in the North-East of Italy, aimed at smuggling of human beings and at the reduction in slavery of minors. More specifically, this criminal organisation, as promptly put under investigations, resulted to be included in a wider Bulgarian network, the activities of which were extended throughout the European Union territory (with additional linkage and interests in the Balkans and Colombia as to drug traffics related issues) (see annex I, para. 46). Along these lines, it is also worth mentioning the so-called "PROMISED LAND" operation: the ROS, together with Provincial Carabinieri Headquarters in Foggia, carried out 27 Warrant of Arrests by motivated decree of the judicial authority at the Bari Tribunal, for criminal organisation aimed at the smuggling of human beings (including minors), reduction into and maintenance in slavery (see annex I, para. 47).

305. With a view to intensifying prevention and countering human trafficking and exploitation of prostitution, it was set up the Monitoring Centre on Prostitution and related crimes, on 18 January 2007 (see annex I, para. 48).

306. Once again, we briefly recall that Italy launched the Project entitled "International Cooperation in order to ensure the assisted voluntary return and the reintegration into the country of origin of the victims of trafficking and of other humanitarian cases (see annex I, para. 49)".

307. The initiative, at its fifth annuity, is carried out in tandem with IOM. In order to finance this project, the Ministry of Interior allocated, for the year 2006, 700.000 euros, from within the resources under item No. 2371, devoted to "Cooperation and assistance in favour of third countries in relation to immigration and asylum".

308. As to this project, it extends the assistance programs for the victims of trafficking for the purpose of exploitation, to other humanitarian cases, including physically and psychically disabled persons, seriously ill individuals, the elderly, indigent women with dependent minors, so as to enabling them to return to their country of origin under safety and dignity conditions (see annex I, para. 50).

309. In order to tackle this issue and to facilitate the eradication of this plague in the countries of origin, as regards prevention measures, the Department on Civil Rights and Immigration implemented the Project for the Prevention of Trafficking, which was concluded by an international seminar, held in Rome, on March 28, 2006 (see annex I, para. 51).

310. Within the above-mentioned Interministerial Committee for the implementation of Art. 18 of Legislative Decree No. 286/1998 (Unified Text on Immigration), representatives of the Department of Public Security work with the Department of The rights and equal opportunities, the Ministry for Social Solidarity and the Ministry of Justice.

311. The Committee is in charge with guidance, control and planning vis-à-vis the resources and the specific assistance programmes for the victims of the trafficking in human beings, in accordance with the abovementioned Article 18, and Art. 13 of Act No. 328/2003, on measures against trafficking in human beings, and Art.1 of DPR No. 237/2005. Moreover, according to Art. 6 of Law Decree No. 300/2006, citizens of Member States of the European Union can also benefit from the programme of assistance and social integration, provided for by the abovementioned Article 18, provided that their situation is characterized by serious danger.

312. As to the stay in the reception Centres for immigrants and the issue of human trafficking, within the framework of the so-called Art.18 approach, a general legal advisory and information service is provided by the Managing Bodies of said Centres (see annex I, para. 52). With specific regard to asylum seekers, women victims of trafficking and those who denounce exploitation cases, the aforementioned activity is integrated by agreements with relevant stakeholders, particularly NGOs.

313. Worthy of mention are the following initiatives:

(a) At Crotone where, in agreement with the Prefecture, two special initiatives are being undertaken in the Reception and Identification Centres, within the “Integration” project, in cooperation with the Italian Committee for Refugees (CIR), the National Association of Italian Municipalities (ANCI), the legal information services funded through the Asylum Fund and managed by CIR and CARITAS;

(b) In Bologna, where the information desk in the Temporary Stay Centre (CPT) has been developed, thanks to an agreement between the Prefecture, the Municipality, the Office of the Commissioner for the rights of people deprived of their personal freedom, the social Project, the SOS Women Association, the “Piccola Carovana” Cooperative and the Immigration Branch of the Italian General Federation of Workers (CGIL);

(c) At Lampedusa, where a memorandum of understanding between the Ministry of the Interior - Department for Civil Rights and Immigration and UNHCR, IMO, IRC is being implemented within the European Praesidium Project, with a view to the spreading of information material in the Relief and First Reception Centre (Information activities in the CPTs are addressed only to women, victims of trafficking, since regulations do not provide for the staying of minors in such Centres) (see annex I, para. 53).

Question 33

Please describe measures taken to combat racism and discrimination, in particular racially motivated violence against Roma, foreigners and Italians of foreign origin, including prompt and impartial investigations into allegations of offences pursuant to articles 1 and 16 of the Convention. Please comment on information that Roma camps are regularly subjected to abusive police raids, reported cases of discrimination against children of foreign origin and Roma children within the juvenile justice system and allegations of instances of ill-treatment by law enforcement officers against children and the prevalence of abuse, in particular against foreign and Roma children. Please provide information about the number of members of minority groups that are recruited into the law-enforcement agencies, especially from the Roma minority.

314. By recalling Act No. 654/75 (by means of which Italy ratified the International Convention on the Elimination of All Forms of Racial Discrimination), and the relevant Act No. 205/1993 (the so-called Macino Law), the establishment of the National Anti-Racial Discrimination Office (UNAR in the Italian acronym, hereinafter) should be highlighted as one of the most recent and outstanding initiatives in the fight against discrimination.

315. With a view to effectively implementing integration policies and with the aim of ensuring the effective functioning of protection instruments (including *inter alia* practical assistance measures for the victims of discrimination), UNAR started its activities in September 2004.

316. The activities of UNAR are as follows: Preventing discriminatory acts; Promoting equal treatment; Cessation of discriminatory conducts; Evaluating the application of the principle of equal treatment, and subsequent reporting to the Parliament.

317. As to its activities of prevention, UNAR reaches out public opinion through awareness-raising campaigns and communication through mass-media, as well as educational activities within the school system and the work-place in order to prevent the beginning and development of discriminatory conducts. Among relevant activities, UNAR published a booklet and a brochure on the legislative changes brought in by Decree No. 215/2003 and on the tasks of UNAR itself. The booklets were widely disseminated (www.pariopportunita.gov.it).

318. Mention should be made of the support and help that the Office provides through its Contact Center. The activities of this Service, as started on December 10, 2004, includes a toll free number 800.90.10.10, operating on a daily basis (from 10 a.m. to 8.00 p.m.) and is available in Italian, English, French, Spanish, Arabic, Russian, Chinese mandarin.

319. During the first months of activities, UNAR collected information in order to assess the type and the dynamics of the discriminatory conducts: This also acknowledged that most cases are reported directly by the victims of discrimination, and that most requests concern a wide range of general and practical information. In particular, in the first seventy days since its opening, the Contact Center dealt with 2,683 requests, which were then transmitted to UNAR (see annex I, para. 54).

320. Within this framework, the Ministry for The rights and equal opportunities has decided to devote the 21st March, date of the International Day for the Elimination of Racial Discrimination, and the following days to “the Week of Action against Racism” which includes some initiatives in the fields of school, university and sport, such as the contribution by some football players of the more important championship teams who offered their image by participating in this initiative. The involvement of the university is remarkable and workshops and specialised seminars on the issue “*Equality in Diversity: new measures against racial discrimination*” have been organised in several universities. In this regard, a DVD on the recent anti-discrimination legislation and on the newly established anti-discrimination Office “UNAR” was handed out, and a competition, open to primary and secondary schools, has been launched with the aim of involving students on the issue of “*Interaction among cultures in the school*”.

321. Specific mention shall be made of the task of the UNAR to carry out nation-wide research, in coordination and with the help of specialised Institutes, particularly when gathering statistical data on discrimination cases, both within the public and private sector, including the social, working, health-care and educational fields.

322. As regards the issue of the cessation of the effects of discriminatory conducts. If the Office is apprised of cases regarding discriminatory acts or conducts, its aim is to contribute to right the situation, by guaranteeing the cessation of the discriminatory conduct, the elimination of detrimental effects already suffered, and compensation for damages.

323. In this regard, UNAR, while fully respecting the functions and the powers of the judiciary, is engaged in: Providing assistance and support in legal or administrative proceedings, the person discriminated against - or the association that acts on his/her behalf - throughout all the judiciary proceedings; Providing information, news and observations, both orally and written, before the court through one of its representatives; Carrying out free and independent inquiries, by respecting the functions and the powers of the judiciary, in order to ascertain the existence of discriminatory cases.

324. In summer 2003, Italy adopted two Law Decrees with a view to adjusting Italian legislation to the provisions of the two Directives of the European Union on racial equality and gender equality in matters relating to employment and work conditions, respectively.

325. By Legislative Decree No. 215/03 (in line with the relevant EU Directive), there has been a rising interest towards the establishment of a Register of Associations and Bodies legally authorised to participate in legal proceedings. By this Decree, associations and bodies, that must be enlisted in a special register approved by a joint Decree of the Ministry for The rights and equal opportunities and the Ministry of Labour and Social Policies, are in a position to file a complaint, on behalf of or in support of the individuals discriminated against (see annex I, para. 55). This Registry currently includes 320 associations.

326. As regards the Registry of Associations Working against Discrimination, Art. 29, para. 1, letters e) and f) of the relevant EU Law provides that, in cases of discrimination, the authorisation to lodge a complaint must be recognised and also extended to associations and bodies acting on behalf of the victims. To this end, Art. 5 of Legislative Decree No. 215/03 specifically enables associations and bodies working in the field of the fight against discrimination to proceed (see annex I, para. 56). In practical terms, associations working in the field of social integration, and included in the Registry of the Ministry of Labour and Social Policies provided for in Art. 52, para. 1. letter a) of the President of the Republic Decree No. 394/99, as well as those working in the field of the fight against discrimination, as included in the specific Registry at the Ministry for Equal Opportunities, are entitled to act (see annex I, para. 57). With specific to the latter Registry, it is worth mentioning that this includes 127 associations, to date.

327. The action to be taken by associations and bodies may concern cases both of individual and collective discrimination. In the former case, the associations may institute legal proceedings on the basis of a written authorization as given by the person discriminated against; in the latter, the associations may take legal proceedings even without mandate, as victims are not immediately and directly identifiable.

328. More specifically, the associations, the applications of which have been accepted, can represent victims of racial discrimination before a court, while trade unions are in a position to represent victims of discrimination when such cases focus on employment-related issues. As to the latter case, we recall that in July 2003, by Legislative Decree No. 216, it was recognized the right of the worker who alleges to have been discriminated on the grounds under reference, to request for the cessation of the conduct, as well as the compensation for the non-pecuniary damages suffered.

329. Within the cited legal framework, the General Directorate for Immigration at the Ministry of Labour and Social Policies undertook some initiatives aimed at promoting the integration process of foreign migrants living in Italy and at fighting discrimination. In this regard, ad hoc agreements were signed with Regions, with the aim of promoting good practices and testing initiatives, such as projects on literacy-related issues, support programs for access to housing, and cultural mediation, to be extended in a later stage at the national level.

330. Along these lines, since the year 2001 several projects have been financed, including the project entitled "Cultural mediators in network" that provides for cultural mediation activities to be carried out by a group of 40 cultural mediators, and the establishment of workshops on inter-culture within the school system, and the service of cultural-linguistic mediation, at the Offices of the Public Security Administration (within the Interior Ministry).

331. Within this framework, we would like to consider the several initiatives and actions carried out to effectively tackle the issue of the situation of Roma people in Italy.

332. In this regard, since the first months of activity, UNAR has been paying specific attention to issues related to Roma, Sinti and Travellers people, which is one of the largest communities - according to the latest data - in the European Union, reaching 2 million persons.

333. As for its presence in our Country, in lack of official figures provided by the gathering of statistical data, we must make reference to data provided by the latest census carried out by Opera Nomadi (one of the most representative NGOs concerned), which estimates that Roma people living in Italy amount to 150.000 persons, of which about 70.000 hold an Italian citizenship.

334. Various factors have contributed to enhance the activity of the Office under reference in this specific field: first and foremost, reports of racial discrimination cases, as received by the above Contact Center, focusing on access to education and right to housing.

335. Racial discriminations episodes against this population are essentially discriminations against a group of people (see annex I, para. 58). UNAR's attention has been drawn to this minority further to the observations and recommendations concerning Italian relevant policies, as put forward by the main regional and international HR mechanisms, such as the UN Treaty Bodies.

336. Within this framework, regular meetings with Roma people's NGOs (see annex I, para. 59), have allowed UNAR to have a more clear picture of the most critical issues, and

thanks to the mediation activity carried out by various associations, particularly “Opera Nomadi”, the key sectors - where the State and local authorities can intervene - have emerged: housing, access to the labour market, education, health-care, juridical status, etc.

337. Along these lines, the enrollment of the Associations concerned in the Register of Associations and Bodies involved in the fight against discrimination (as envisaged by Art.6 of Legislative Decree No.215/2003) may be mentioned, namely Opera Nomadi, Associazione Italiana Zingari Oggi (AIZO), Unione Nazionale ed Internazionale Rom e Sinti in Italia (UNIRSI).

338. The approach to the reality in which Roma, Sinti and Travellers live in, and the potential profiles of racial or ethnic discrimination against them have determined the creation, within UNAR, of a specific Working Group (see annex I, para. 60), mandated to carry out an in-depth study on all those issues related to Roma people’s integration, by monitoring and analyzing specific territorial situations - where there is a high density of Roma people -, namely the municipalities of Milan, Rome, Palermo. The results of this Working Group research will be outlined in a Report which is now being drafted.

339. In addition to this research activity, UNAR issued the notice, addressed to non-profit associations and foundations, for the launching of projects aimed at analyzing factors, processes and best practices linked to ethnic and racial discrimination, as well as at the protection of human rights and the fight against discrimination to the detriment of Roma and Sinti people, in the field of labour, health care, education and housing.

340. The proposals examined by the Assessment Commission that concluded its work in July 2006, have considered investigations on cases of discrimination, actions, proposals and tools, aimed at removing the barriers to Roma people’s social integration and recognition.

341. Among the relevant projects, it is worthy of mention the one, entitled “National Permanent Observatory for the protection of fundamental rights and the fights against discrimination against Roma and Sinti people” as presented by Soleterre Association in Milan. The target persons, who should benefit from this experience, are Roma and Sinti people as considered by five regional study Centers located in Emilia Romagna, Piedmont, Lombardy, Liguria, Latium (see annex I, para. 61).

342. Another project, to be mentioned, is entitled “The inter-cultural living” which was introduced by the Opera Nomadi Branch, based in Reggio Calabria. The goal of this project is to facilitate the development of an effective housing integration policy, in order to fight against the ghettisation of Roma people.

343. It is also worthy of mention UNAR’s role in the Committee for the creation of a permanent conference of linguistic minorities, based within the Department of regional affairs at the Presidency of the Council of Ministers (and set up by a Ministerial Decree issued on December 22, 2005), with the aim of evaluating the feasibility of the inclusion of the Roma people among the minorities protected by Act No.482/1999. *The inclusion of Roma people among the linguistic minorities recognized in Italy, pursuant to Act No. 482/99, is only one of the options currently under discussion in order to fill the legislative vacuum.*

344. In this context, we recall that the Prodi-led Government, particularly the Minister of Interior and the Minister of Social Solidarity, released public statements contained programs and policies to be launched. Along these lines, within the Department on Civil Freedoms and Immigration (within the Ministry of Interior), an inter-ministerial WG has been set up, with the aim of elaborating a Bill, to be expeditiously submitted to the Council of Ministers (Within this framework, proposals, considerations, analyses and amendments by NGOs concerned have been taken into account).

345. This Working Group is coordinated by the Central Director for Civil Rights, the Citizenship and the Minorities. As already mentioned, this is currently drafting a Bill regarding the basic principles - in the observance of the autonomies and the competences of the Regions and of the Municipalities - of non-discrimination, of the recognition of the specific characteristics as well as of the protection vis-a'-vis the abovementioned populations.

346. We take this opportunity to reiterate that Police controls in Roma camps are carried out only in full compliance with the Law in force. The criminal investigation police carries out these controls when individuals are caught red-handed or by motivated decree of the judicial authorities; or upon decision by the Head of the Police Headquarters (*Questore*) who issues ad hoc orders, to be considered within the framework of the activities planned jointly with the Prefectures (*Prefettura*) and often with the municipalities concerned (please see response to question No.18).

347. In the Juvenile Justice System no discrimination is made against foreign minors and Roma people, to whom equal regulations and treatment are applied, whether within or outside the prison. Indeed, foreign minors who are under the supervision of the Department of Juvenile justice's staff can participate, as any other Italian citizen, in school activities, vocational and professional programmes, sports and leisure activities.

348. The activities of juvenile criminal institutes are outlined in the document at http://www.giustizia.it/minori/area_penale/dgm-attiv_scolastiche-2004-2005.doc. In March 23rd 2002, the Department of Juvenile Justice issued a memo containing all guidelines on cultural mediation activities as offered by the Department of Justice's Juvenile services. By such memo advise is provided on how to mediate directly with the foreign minor, in order to facilitate psychological and educational intervention. By this memo it is also reaffirmed that the cultural mediator shall give his/her contribution to the Department of Justice's Juvenile Services in the implementation of activities aiming at: creating the right conditions for the acknowledgement and the respect of different cultures; enhancing communication between operators and foreign minors; supporting teachers working in schools and vocational institutes in the elaboration of school and vocational proposals suited for the foreign minor's needs; facilitating worship assistance and services; improving the reception services for the foreign minors.

349. Furthermore, the Department of Juvenile Justice has offered courses to Juvenile Criminal Institutions in order to elaborate regulations for the protection of the foreigner minor's right to freely express his/her religious opinion and to worship according to his/her religious rituals, also with the presence of representatives from his/her own confession (Art. 58, of the Presidential Decree, DRP 230/00), provided that the relevant religious services and expression be manifested

in full respect of the others and be compatible with the environment. It is also envisaged, in the food programmes, that specific changes of menus take place, in order to meet the food requirements responding to the religious and cultural prescriptions of the detainees.

350. It is also granted the paramount right of mother-detainees to keep their children, until the age of three with them (in accordance with Art.11 of Act No.354 of July 26th 1975, paragraph 9): This situation concerns young Roma mothers, currently detained in four sections of the Juvenile Criminal Institutes across Italy.

351. With specific regard to your last concern within the question under reference (information about the number of members of minority groups that are recruited into the law-enforcement agencies, especially from the Roma minority), we would like to emphasize, first and foremost, that the basic criterion, in general terms, relates to the Italian citizenship, regardless of the origin and minority. Then, as far as non-discrimination policies are concerned, we are not in a position to provide this piece of information, considering that objective criteria are at the core of the recruitment procedures, such as the above mentioned one. Equally, the Italy authorities fully comply with the relevant domestic legislation on privacy and personal data protection.

Question 34

Please provide information on legislative and other measures that the State party has taken to prevent domestic violence and to classify acts of domestic violence as specific offences under the criminal law. Please provide statistical data on complaints, prosecutions and sentences in matters of domestic violence.

352. In order to combat domestic violence (see annex I, para. 62), Italy adopted the following measures:

(a) The adoption of Act No. 154/2001, entitled “Measures against violence within the house-hold”, focused on the forced expulsion of the violent spouse through the civil or the criminal proceeding, may be considered as an outstanding tool to stop the domestic violence. This measure marked a change in the approach to such phenomenon, by acknowledging the needs of the victims not to be obliged to leave the household;

(b) By Act No.154, it is thus envisaged that in case of serious prejudice to the moral or physical integrity, the person who is alleged to provoke that, may be expelled from the household (and relating places such as the workplace of the victim, etc.) by motivated decree of the judicial authority, to be issued upon request of the party concerned, unless the offense may be investigated *ex officio* (without the denunciation of the victim);

(c) On a more specific note, Act No. 154/2001 introduced the expulsion from family as a coercive precautionary measure (Article 282 bis of the code of criminal procedure, and Art. 291, para 2 bis, of the code of criminal procedure) in order to prevent repeated domestic violence. By this Act, it was also given the civil judge specific powers to address cases of families going through a difficult period (Article 342 bis of the civil code and Article 736 of the

code of civil procedure). The result is a tutorship which develops on a parallel pattern and with very similar results in the criminal and in the civil field. According to the new Art. 282 bis of the code of criminal procedure (equally Arts. 342 bis and ter of the civil code):

- (i) The judge may order the defendant to leave immediately the domestic household, i.e. not to come back anymore and in any case not to enter it without authorisation;
- (ii) Should it be necessary to provide protection for the safety of the injured person and of his/her close relatives, the judge may also order that the defendant be prevented from coming near to the places habitually visited by the injured person, unless nearby there is the working place of the defendant.

(d) Upon request of the Public Prosecutor office, the periodic payment of a cheque in favour of the co-habiting persons shall be ordered if said persons, due to the security measure applied, result being without adequate means. There is also the possibility that the cheque be directly paid to the payee by the defendant's employer; the payment order is "*titre exécutoire*". It has been put into place a typical security measure which cannot exceed a six-month term;

(e) By this legislative framework, the legislator aims at responding to an increasing order of danger and seriousness of the behaviours: in the case in which the behaviour is detrimental to the right to freedom of the injured person - but does not constitute a crime liable to public prosecution and/or in general there is no need for ordering personal security measures -, the injured person may apply for the tutorship supplied by the civil judge with the protection order, in addition to the security measure, to be requested by the Public Prosecutor in accordance with Art. 282 bis of the code of criminal procedure;

(f) By recalling once again the Bill on "Awareness raising and prevention measures, as well as the repression of crimes against the individual or within household, on account of sexual orientation, gender identity and any other reason of discrimination". This Bill, proposed by the Ministry of Justice, the Ministry of The rights and equal opportunities and the Ministry of Family Policies, aims at fighting violence-based cases on the individual, especially in the household. By this Bill, the Legislator intends to contain abuses of power against individuals who may be considered more vulnerable and in greater need of protection, such as women, children and the elderly. This Bill has a three-fold nature:

- (i) The repressive one (by working, inter alia, on the mechanisms for the calculation of the punishment when offences such as sexual violence occurred and are ascertained);
- (ii) The preventive one; and,
- (iii) The awareness raising campaigns of all forms of violence, including domestic violence.

353. More specifically, we recall that the Council of Ministers approved this Bill on December 22, 2006. With the aim of dealing with these critical issues, an integrated approach was highly needed, by envisaging preventive and awareness raising measures as well as the amendments to some provisions contained in the relevant codes. Within this framework, there has been a specific acknowledgement of the provisions on gender-based violence: The intention to promote a new cultural approach with the specific aim of taking in care of the family in its entirety, without excluding the authors of such violence, is clearly expressed.

354. The pattern proposed by this Bill includes three different levels of integrated intervention, to be applied in all the cases of violence: awareness raising and preventive measures against household, gender-based violence and the related discrimination; recognition of the rights of the victims of violence; protection of the victims, by enhancing the criminal and civil proceedings law tools.

355. The awareness raising and preventive measures focus and aim at specific interventions: at the media, school and university levels; by organising ad hoc vocational training for the health-care providers; by prohibiting discriminatory publicity messages on the ground of gender; by envisaging constant statistics monitoring, necessary to improve and evaluate the planning of new relevant policies.

356. The above pattern introduces a “Charter of Rights” for the victims of violence, aimed at guaranteeing, for the first time, a psycho-logical support, in addition to others forms of support, such as those in the social, economic, social security fields.

357. The aid to victims has been structured in such a way that a prompt intervention be ensured to the family at large, and - for a longer term intervention - to rebuild the self-confidence of the victims.

358. Along these lines, it is envisaged the financing of programmes for the reinsertion of the victims in the labour market, along the lines of those projects already implemented for the victims of trafficking. It is also envisaged ad hoc programme for minors living with the victim of the violence, in order to reduce the effect of this situation.

359. As to the intervention in the criminal proceedings law sector, it takes the shape of a three-fold measure:

(a) As to sexual violence, this Bill intervenes on the aggravating circumstances under Article 609 ter of the criminal code, by emphasizing the seriousness of the conduct when it occurs within the house-hold;

(b) Extending the relevant conducts, by including - for instance - within the corruption of minors, the case of the exhibition of pornographic material (Article 609 *quinquies*);

(c) Extending the principle of the non excusability of the ignorance of the age of the child under 14, within the framework of the crimes against the personal freedom.

360. In particular, it is worth emphasizing the introduction of the specific offence of “enticement of minors” by which the legislator (will) aims at repressing the new forms of exploitation of children under the age of 16 (based upon confidence and friendship created by phone, sms, chat line, etc.).

361. More generally, this Bill affects the aggravating circumstances relating to such crimes, making penalties harsher and harsher. Moreover, this Bill considers the new crime of “persecutory acts”, within the framework of which specific precautionary measures have been requested.

362. As to other new offences, the Bill under reference envisages penalties in case of “abduction of child with or without his/her consent “when the child be brought or is kept abroad.

363. Along these lines, the Bill integrates those provisions repressing forms of racial, ethnic, religious discrimination with additional elements, such as the discrimination on the ground of sexual orientation.

364. In brief, as regard the proceedings, the Legislator (will) aims at reducing the duration of relevant procedures, with the specific aim of ensuring protection for the victims, particularly in case of sexual violence.

365. Last but not least, the pattern envisages a specific role for the institutions by enabling the concerned ones, to intervene during the trial concerning cases of sexual violence or house-hold violence: thus, the Observatory to contrast paedophilia and child pornography, within the Ministry on Family Policies, will be in a position to intervene in support of children, victims of abuse, while the Presidency of the Council of Ministers will be enabled to intervene in all those trials involving gender based violence and gender based discrimination.

366. In a wider context, and aware of the need to effectively intervene in this area, the Ministry for The rights and equal opportunities requested the National Institute of Statistics (Italian acronym, ISTAT) a research on the phenomenon relating to violence and ill-treatments inflicted to women, inside and outside the household.

367. Such initiative is part of a series of actions that the Ministry intends to carry out in order to prevent the occurrence of the phenomenon under reference by a strategic plan, composed of various elements related to one another.

368. The ISTAT survey, as issued on February 21, 2007, is purposeful, to the introduction of new measures for the suppression and the prevention of the phenomenon under examination in the legal system, and with the aim of raising awareness in the public opinion on its serious social consequences: such measures are mainly included in a Bill passed by the Council of Ministers on 22nd December 2006, and submitted on 25th January 2007 to the Chamber of Deputies for the Parliamentary examination (Chamber Act No. 2169).

369. The inquiry sample is made up of 25 thousand women of age between 16 and 70, interviewed from January to October 2006 via telephone (see annex I, para. 63). The inquiry takes into consideration three different types of violence against women: physical, sexual, and

psychological within the household (from a partner or ex partner) and outside the household (from a stranger, acquaintance, friend, colleague, family friend, family member etc.) (see annex I, para. 64).

370. With specific regard to the data on domestic violence, according to such survey, 2 million 938 thousand women have experienced physical and sexual from their current or former partner, 14,3% of women that have or had a partner during their lives. Among these women, 5,8% have experienced violence from the current partner or from person who has been her partner in the past.

371. Violence can be physical (12%) but also sexual, which attains important rates: 6,1%; rapes (336 thousand) and attempted rapes (267 thousand) from a partner involved 2,4% of women. Analyzing cases involving partner and ex partner separately, it emerges that acts of physical and sexual violence in 7,2% of cases is inflicted by the current partner and in 17,4% of case by and ex partner. The rates of the ex partner, during a lifetime, are systematically higher that the one of current partners, whether as for physical violence (5,9% against 14,6%) or sexual violence (2,5% against 8,1%), and also for rapes and attempted rapes (0,5% against 3,7%). The occurrences of rapes or attempted rapes (2,4%) soars to 3,7% for ex partner and up to 5,2% for ex husbands. It must be said that most ex partners were partners at the moment of the inflicted act of violence.

372. Among the authors of the violence, we find ex husbands/companion (22,4%) are placed first, followed by ex boyfriends (13,7%), current husbands or companions (7,5%) and, lastly, current boyfriends (5,9%). If we consider only the last 12 months, 2,4% of women have experienced violence from a member of her family, 1,7% physical violence, 1% sexual violence (see annex I, para. 65). As to the consequences, women who experienced violence from a partner during their lifetime (see annex I, para. 66), in 35,1% of cases have suffered from depression after the events, loss of trust and self-esteem (48,5%), a feeling of helplessness (44,5%), sleep disorders (41,0%), anxiousness (36,9%), hard time concentrating (23,7%), pain in different parts of the body (18,5%), hard time taking care of the children (14,2%), thoughts of suicide and self injury (12,1%) (see annex I, para. 67).

373. By considering, inter alia, said survey, the Bill entitled “Preventive and awareness raising measures against domestic violence, gender-based violence, as well as against any form of discrimination”, is of the utmost importance. Its Art. 5 envisages the systematic collection and analysis of data on violence, including domestic violence. This exercise should aim at the publication of a survey every four years, in order to effectively tackle gender-based violence and, more generally, violence, including domestic violence “with the aim of planning and implementing policies to contrast such outrageous phenomena”.

374. In conclusion, once again, we reiterate that violence against women in the form of rape, sexual, physical, and economic violence is a violation of women’s human rights, perceived by Italy’s women and by public opinion as a serious social and cultural plague, though too often underestimated and tangled in the meanders of politics and cultural traditions.

375. Initiatives at the international level, such as evaluation on the implementation of the Beijing Platform of Action and the many EU-backed actions have helped in raising awareness of this phenomenon in Italy, too.

376. At the operational level, while in the past measures for the protection of women, victims of violence, were taken, on a voluntary basis, by women's associations, in 1996 the Government decided to establish an ad hoc Office, which was tasked with gender-related issues: the Ministry for Equal Opportunities. Since then, Italy has put in place and will continue to do so a global strategy concerning such sensitive issues (see annex I, para. 68).

Other

Question 35

Does Italy envisage ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment? If so, does Italy envisage setting up or designating a national mechanism that would conduct periodic visits to places of deprivation of liberty in order to prevent torture or other cruel, inhuman or degrading treatment or punishment?

377. The procedure for the submission of the relevant Bill has been promptly launched through coordination meetings, held at the Ministry of Foreign Affairs on October 12 and 26 and November 30, 2006.

378. On December 5, 2006, the Bill of ratification was circulated for comments by the Administrations concerned. It will be soon submitted to the Council of Minister for its examination.

379. This Bill includes the following provisions: Article 1 provides for the authorization of the ratification; Article 3 recalls the enforcement order; Article 4 sets the date for the entry into force of the law. The most sensitive issues concern Article 2 of this Bill which contains the provision delegating the setting up, within one year since the entry into force of the law of ratification, of the national preventive mechanism. It also deals with the issue of the legislative translation, adjustment and incorporation, as linked to the ratification of the Protocol and its implementation.

380. The orientation principles and criteria laid down in Article 2.1 of this Bill are in line with the provisions of Articles 3, 17, 18, 19, 20, 21, 22 and 23 of the Protocol, that contain a full and complete regulation of the national bodies for the prevention of torture. The main characters of said bodies are the independence and the professional knowledge of their members, the power to access places of detention, to make recommendations to the relevant Authorities, to have private interviews with the persons deprived of their personal liberty, etc.

381. Moreover, provision is made (Art. 21 of the Protocol) for specific legal guarantees and exemption from sanctions for who communicates any information, whether true or false, to the national preventive mechanism: This provision will require a suitable adaptation formula in the domestic legislation, envisaging a specific legal excuse.

382. In conclusions, the decision to proceed with the Bill of ratification of the Protocol and simultaneously delegate to the Government, through extremely detailed principles and criteria, the setting up of the national mechanism for the prevention of torture, seems to be the most suitable solution, in order to ensure a timely fulfillment of the international commitments undertaken by Italy in the field of human rights.

Question 36

Please provide further information on steps taken by the State party to implement the Rome Statute of the International Criminal Court. (State party report, paras. 439 and 440).

383. Since the ratification by Act No.232/1999, it has been considering, at the Ministry of Justice and the Ministry of Defense levels, the issue of the adjustment of the domestic legislation to the Rome's Statute.

384. Under the former Legislature (XIV), this issue was the subject of various initiatives, including a study carried out by the Inter-ministerial Committee for Human Rights, within Italy's Ministry of Foreign Affairs. Under the current Legislature (XV), two relevant draft laws (Senate Act No. 893 and Senate Act No. 1089) have been submitted to the Senate of the Republic.

385. More recently, the Ministry of Justice has resumed its work on the Bill in order to fully comply with the obligations stemming from the Rome's Statute. To this end, a "technical working group" was set up and composed of representatives of the Legislative Affairs Offices from the following Ministries: the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Defence, the Ministry of the Interior, in addition to other Divisions concerned, such as the General Directorate for Criminal Affairs within the Ministry of Justice.

Question 37

Please indicate whether there is legislation in Italy aimed at preventing and prohibiting the production, trade, export and use of equipment specifically designed to inflict torture or other cruel, inhuman or degrading treatment. If so, please provide information about its content and implementation. If not, please indicate whether the adoption of such legislation is being considered.

386. Upon proposal of the Minister of Justice, of the Minister of International Trade and of the Minister on European Policies, Legislative Decree No.11/2007 on sanctions for the infringement of the provisions deriving from Council Regulation (EC) No. 1236/2005 (adopted on 27 June 2005), concerning Trade in Certain Goods which could be used for Capital Punishment, Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment, was adopted on January 12, 2007.

387. Council Regulation No. 1236/2005 sets an *ad hoc* regime for the trade of equipment or tools that could be used for torture, or other cruel, inhuman or degrading treatment or punishment. Its Article 17 provides that it is a Member States capacity to lay down the penalties ("effective, proportionate and dissuasive"), in order to ensure the effective and appropriate implementation of this Regulation.

388. The above Draft includes two Articles: a. Article 1 specifies that the scope of application concerns the penalties applicable to infringements of the provisions as indicated in Article 17 of Regulation (CE) No. 1236/2005. This indicates, as already provided in the European Regulation, the Ministry for International Trade as being the domestic authority responsible for implementing the EU Regulation and the relevant Legislative Decree; b. Article 2 contains the penalties. In particular, it provides penalties for anyone who:

(a) Exports, or temporarily exports, or imports any of the goods listed in Annex III to the Regulation;

(b) Provides, accepts or receives technical assistance, whether for consideration or not, related to goods listed in Annex III to the EU Regulation;

(c) Exports, or temporarily exports, or imports any of the goods listed in Annex III to the EU Regulation, to be used for the exclusive purpose of public display in a museum, or supplies the related technical assistance without the authorisation provided for, by Article 3 of the Regulation under reference;

(d) Exports or temporarily exports any of the goods listed in Annex III of the EU Regulation, regardless of the origin of such goods, without the authorisation provided for by Article 5, para 1, of this Regulation, or obtains the authorisation through false declarations or documents.

Question 38

Please provide information on the legislative, administrative and other measures the Government has taken to respond to the threat of terrorism, and please indicate if, and how, these have affected human rights safeguards in law and practice.

389. Within the EU framework, Italy fully recognises a bedrock list of rights and freedoms that cannot be derogated under any circumstances, such as the right to life, freedom from torture or cruel, inhuman or degrading treatment or punishment; freedom of thought, expression, conscience and religion; right to strike; freedom of assembly, association.

390. Mention should be made of the following relevant instruments: (at the regional level) the European Convention for the Repression of Terrorism, adopted in Strasbourg on January 27, 1977, which was ratified by Italy by means of Act no. 719/85 (see annex I, para. 69); (at the EU level) the Common Position of the European Union which was adopted on January 27, 1977; the Action Plan to Fight Terrorism, adopted in September 2001; the European Union Common List of Terrorist as a follow-up to Common Positions 930-931/PESC/2001 which translated UNSC Resolution 1373 (28th September 2001) into Community instruments (see annex I, para. 70); and the Framework Decision on Combating Terrorism (providing for the first time a common definition of “terrorist offence” and of individuals and organisations responsible for relevant offences), adopted by the EU Council, on June 13, 2002 (2002/475/JHA).

391. On a more specific note, in the aftermath of September 11, 2001, the European Council, at its extraordinary meeting on 21 September 2001, put terrorism at the top of its agenda and approved the “*Action Plan to fight terrorism*”. For the first time, the EU developed a coordinated, coherent and cross-pillar approach to all its policies and measures to fight terrorism. The European Council stated that “*terrorism is a challenge to the world and to Europe*”, and that its combat will become “*more than ever, a priority of the European Union*”. However the commitment to fight terrorism should go hand in hand with “*the respect for fundamental freedoms that are the basic foundation of our civilisation*”. In particular, the “*Action Plan to fight terrorism*” envisaged the following priority areas: enhanced Police and judicial cooperation,

to be developed through instruments such as the European Arrest Warrant, a Common List of Terrorists, and Europol; the development of international legal instruments against terrorism; fighting the financing of terrorism; reinforcing aviation security; and a coordinated global action by the European Union.

392. Within the EU framework, Italy has recently reiterated its firm commitment towards the prohibition of torture, as highlighted in the 11th December 2006 EU Council Conclusions, by which it has been strongly underlined the necessity to respect human rights, refugee law and international humanitarian law while countering terrorism.

393. However, tracing back to the year 2001, it is worthy of mention that at the domestic level, in the aftermath of September 11, 2001, the Italian Government urgently adopted Law Decree No. 374/01, entitled “Urgent Provisions in order to fight international terrorism”, which was confirmed by Act No. 438/01. By this Decree, the Government introduced into the Italian legal system the crime of “international terrorism” (see Art. 270 *bis* of Criminal code).

394. Art. 1 of Act No. 438/01 stipulates that “anyone, who promotes, sets up, organises, directs or finances associations that intend to commit violent acts with the aim of terrorism or subversion of the democratic order, is punished with a detention penalty of up to seven years. Whoever participates in such associations is punished with a detention penalty of up to ten years. The terrorist aim emerges even when violent acts are directed against a foreign country, an international institution or organisation”.

395. At the substantial law level, the most important change brought about by the amendment of Art. 270 *bis* of the criminal code is the broadening of the scope of terrorism.

396. Under Article 270, para.3, of the Criminal code, the scope of terrorism has been extended by including, on one hand, violent acts committed against a foreign State, international institution or organisation, while the repression of the planning of violent acts with the aim of terrorism is also included.

397. Law Decree No. 374/01 (converted by Act No. 438/01) introduced an additional criminal offence concerning “assistance to associates”. Art. 270 *ter* of the Criminal code provides for the detention penalty, up to four years to “whoever - excluding the case of participation in and abetting the crime - either shelters, or gives hospitality, or provides transport and communication means to those participating in the associations enlisted under Arts.270 - 270 *bis*”.

398. By Act No. 34/03, the Parliament amended Art.280 *bis* concerning “acts of terrorism by use of explosive and deadly devices (see annex I, para. 71)”. In doing so, the list of offences concerning attacks with subversive and terrorist’s aim directed to damage personal property and assets was broadened (see annex I, para. 72).

399. Further to the events occurred in London and in Sharm-el-Sheik in summer 2005, Italy urgently passed Law Decree No.144/05, entitled “Urgent measures to contrast international terrorism”. Law Decree No. 144/2005 was then converted into Act No.155/2005, which was adopted by a vast Parliament majority. This legislation was inspired by the HR protection system, as laid down by the Italian Constitution, the EU relevant legislation and international standards.

400. Act No. 155/2005 introduced a set of provisions containing anti-terrorism measures (the so-called “Pisanu decree”). The main modifications introduced in criminal matter by the above Law are hereinafter indicated (see annex I, para. 73):

(a) As to the identification of suspected persons by the judicial police, Article 349, para.2, of the code of criminal procedure provides for the public prosecutor to authorize the judicial police to carry out tests on the DNA by coercively taking hair and saliva samples, in the respect of the personal dignity of the individual);

(b) The time limit for judicial police detention was extended from 12 to 24 hours when suspected persons who are to be identified, refuse to be identified or give presumably false personal details or identification documents (Article 349, para. 4, of the code of criminal procedure). It has to be specified, however, that under Article 349, para 5, of the code of criminal procedure, the public prosecutor is to be immediately informed of the time when an individual was accompanied to the judicial police’s premises. The public prosecutor can order that said individual be released when s/he considers that the conditions to retain him/her are not met. Moreover, para. 6 of said Section provides for the public prosecutor to be informed of the time when the accompanied person was released. An aggravating circumstance is provided for when the suspected person gives false statements;

(c) The offence of using, possessing and making false documents was introduced by Article 497 bis of the criminal code (see annex I, para. 74). With respect to said offence, the discretionary arrest in *flagrante delicto* is now provided for by Article 381, paragraph 2 of the code of criminal procedure. The arrest in *flagrante delicto* is now mandatory also for terrorism offences and for offences committed with the intent to subvert the democratic order (Article 380, para. 2, letter i);

(d) Terrorism offences, even with an international scope, or offences committed with the intent to subvert the democratic order are now part of the offences which are subject to police detention (Article 384, para. 1, of the code of criminal procedure). The detention of a suspected person on the initiative of the judicial police is provided for when specific elements are discovered, among which lies the possession of false documents (as explicitly provided for by Article 384, para. 3, of the code of criminal procedure);

(e) As to preventive measures, the arrest of individuals not caught in *flagrante delicto* is re-introduced when the obligations relating to special surveillance have been infringed (Article 9, para. 2 of Act No. 1423/1956);

(f) Article 1 bis of Act No. 431/2001 provides for any notification to be sent to the State Prosecutor [*Procuratore della Repubblica*] for him/her to take any provisional measure in order to “freeze” property, to prevent property or resources available to terrorist organizations from being dissipated, concealed or used to finance terrorist actions. In doing so, the Law provides for the mandatory confiscation of the means and assets that are used or aim at committing the crime under reference;

(g) Article 270, paras. 4 and 5 of the criminal code provides for the offences of recruiting and training for terrorism purposes which are punishable with imprisonment up to 15

and 10 years, respectively. Article 270, para. 6, of the code of criminal procedure provides for the offence of conduct for terrorism purposes and explicitly makes reference to the definitions provided for by agreements and provisions of international law;

(h) Article 151, para.1, of the code of criminal procedure reduces the duties incumbent on the judicial police in the service of documents in order to meet with all the available resources the major commitment of fighting against terrorism and organised crime;

(i) Examinations for investigation purposes, already prescribed for mafia-related offences (Act No.356/1992), were introduced to also obtain from convicted persons information which could be useful to prevent and fight against offences committed for terrorism purposes, even with an international scope, or to subvert the democratic order (Article 18 bis of Act No. 354/1975 on the prison system).

401. With specific regard to victims of terrorism, Italian authorities adopted ad hoc legislation aimed at protecting all those who are victims, including their families, or are affected by terrorism or mafia-type criminal organisations (and suffer from the consequences of grave or deadly injuries), by providing benefits, including financial ones. To this end, Act No. 466/80 provided for special grants, to be allocated to those who are victims of terrorism when on duty.

402. Following the amendments introduced by Act No. 720/81, the above-mentioned Law also included amongst the beneficiaries, foreign citizens, stateless persons and their surviving relatives who suffer from terrorist attacks, within domestic borders. Subsequently, Act No. 407/90 increased the amount of the grant and extended it to victims of mafia-related offences. Act No.407/98 provided for a monthly life cheque to be allocated to the wounded with a minimum invalidity (25%).

403. Along these lines, amendments were also introduced by Act No. 206/04 on “New norms in favour of victims of terrorism and massacres of terrorist type”. This Act - providing for social security and health-care services-related benefits - considered also the Italians who are victims of terrorist acts as occurred, abroad, from January 1, 2003 onwards. Moreover, it increased the amount of the special grant to be provided, up to 200,000.00 euros, in addition to the life cheque provided for by Act No. 407/98. Between the years 2000-2004, benefits for a total amount of 36.080.879, 85 euros were allocated.

CONCLUSIONS

404. By concluding, we deem that “nobody is perfect”. Some legal institutions in the Italian system, as well as in other Western countries, can be improved. Aware of that, over the years, relevant steps have been taken and a wide range of measures have been adopted, from the introduction of the crime of torture in the Penal Military Code of War to the signature of the Optional Protocol to International Convention Against Torture.

405. With regard to the well-known problem of the lack of the insertion and formal definition of the crime of torture in the Italian criminal code, does it mean that in Italy torture is tolerated? The absence of such crime from the criminal code does not mean in any case that in Italy torture exists.

406. Torture does not exist because this is a practice far from our mentality and because some sections of the criminal code severely punish such behaviours, even though the term “torture” is not included in the Code itself, yet.

407. Moreover, we are exploring the possibility, within the adjustment of our legal system to the Statute of the International Criminal Court, to insert the crime of torture, through a wider and comprehensive definition than that of the relevant international Conventions.

408. Last but not least, we would like to reiterate that a legal system based on freedoms should have its own unity and inner coherence so that it can be evaluated as a whole. By isolating single elements, placing them under a magnifying lense, this can cause the loss of the whole picture or, even worse, break down the inner balance of the system. We also believe that a legal system aimed at ensuring the highest level of guarantees requires that the related proceedings must emphasize the content of such rights, instead of diluting the impact of its most significant aspects. We, thus, give priority to a system devoted to the protection of freedoms.

Annex I

1. If the latter draft Law passes, Article 593-bis (on Torture) will set forth, “The public officer or the person in charge with a public service, who inflicts mental or physical pains or sufferings, by any act, with the aim: of obtaining information or a confession by the victim or by a third person; of punishing the victim for an act committed by the victim or by a third person, or of punishing the victim if s/he is suspected of having committed the above act; of intimidating or making pressure on the victim or on a third person; or for any other reason, grounded on discrimination, is punished with a detention penalty from four to ten years”.

2. For further information, please see below the answer to question No.9.

3. Warrants are required for arrests (Art. 386 of the code of criminal procedure) unless there is a specific and immediate danger to which the police must respond without waiting for a warrant; 2. Detainees are allowed prompt and regular access to lawyers of their choosing and to family members; 3. The State provides a lawyer to indigents (Art. 97 of the code of criminal procedure). Art. 386 of the criminal proceeding code sets out as a general provision that the criminal investigation department officers executing the arrest measures or guarding the person arrested must give prompt notice about that to the competent public prosecutor. They also inform the person under arrest about the right to choose a legal counselling. Thus, the criminal investigation department officers must give prompt notice of the arrest to the legal counsel who may be appointed *ex officio* by the public prosecutor unless chosen by the person under arrest, pursuant to Art. 97 of the criminal proceeding code. Besides, the Italian legal system includes a general provision on the basis of which no waiver of legal defence is allowed to those who are put under arrest.

4. The Act enforcing Article 111 of the Constitution provides, in its present wording, that any person, since his/her first contact with the judicial authorities, shall be informed of his/her rights in the language s/he knows. The Supreme Court (*Corte di Cassazione*) recently reaffirmed that any judicial act regarding the suspect (*indagato*) and/or the accused (*imputato*) shall be null and void if it has not been translated in his/her mother-tongue. Article 143 of the code of criminal procedure envisages that the accused who does not understand the Italian language has the right to be assisted, free of charge, by an interpreter, in order to understand the accusations against him/her and to be able to follow the conclusions of the case in which s/he is involved. Besides, the competent Authority appoints an interpreter, when necessary, to translate a printed document in a foreign language, a dialect not easily comprehensible, or upon request of the person who wants to make a declaration and does not understand the Italian language. The declaration can also be in a written form. In such case it will be integrated in the report with the translation made by the interpreter. An interpreter is nominated even when the judge, the Public Prosecutor or the officer of the Criminal Investigations Police have personal knowledge of the language or of the dialect that are to be interpreted. Along these lines, due attention is also paid to the institution of legal aid, the system of which was amended by Legislative Decree No.115/02, with the aim at ensuring adequate and effective legal defence (More specifically, this Decree simplifies and extends the access to legal aid in civil and administrative proceedings. Access to this institution is guaranteed to whoever has an income below 9.296,22 € per year).

As to the criminal proceedings, Act No.134/01 envisages the self-certification procedure for the income of the defendant. Such procedure is also extended to those foreigners who have an income abroad (In this regard, ad hoc information desks have been established at Bar Associations).

5. More specifically, Art.387 of the criminal proceeding code envisages that upon agreement with the person under arrest or detained, the criminal investigation police must promptly inform his/her family members.

6. Briefly, as to the procedural guarantees:

(a) The criminal police, when proceeding to the arrest of a person, must inform him/her on his/her rights, in accordance with the Law. In particular, the person under arrest or detained is informed of the right to choose a legal counsel, to give prompt notice of the arrest to his/her family, and not to be obliged to respond during the examination (however, the proceeding will continue its due course);

(b) Provided the fundamental value of the right to defence, no derogation to the mandatory participation of the legal counsel is allowed in both the examination of the person arrested to be adopted during the hearing of confirmation (*udienza di convalida dell'arresto*), and the examination to be held when controlling the regular execution of the pre-trial detention. Moreover, when a measure restricting the personal liberty is taken, the possibility to lodge a complaint before the so-called Review Court (*Tribunale del Riesame*) is envisaged;

(c) Along these lines, the intervention of medical personnel is always guaranteed when the person under arrest or detained requires medical assistance or when s/he explicitly requests it: The State police underlines that the person deprived of his/her freedom has the right to request the presence of a physician who, regardless of such a request, shall be present in any case when the Police officer deems it to be necessary. Such indication emanates, inter alia, from memos and internal regulations of the Carabinieri army corps. Moreover, on the basis of the internal practice, the access to medical services for persons under arrest must be reported in the *ad hoc* Register devoted to record individuals who are placed in security rooms, the so-called *Registro delle persone ristrette nelle camere di sicurezza*, under the item "AOB";

(d) In case of arrest executing the order released by the justice, Art. 104 criminal proceeding code sets out, as a general rule, that the charged person being under pre-trial detention enjoys the right to hearing with his/her counsel since the beginning of the execution of the measure under reference. Therefore, Art. 104 of the criminal proceeding code envisages, as an exception to such provision, the possibility for the justice to postpone by motivated decree the exercise of the right to hearing with the legal counsel, up to five days;

(e) To guarantee the right to self-defence, the examination before the justice must take place with the participation of the legal counsel, as laid down in Art. 294 criminal proceeding code;

(f) There is no provision for bail; however, judges may grant provisional liberty to suspects awaiting trial. vii. As a safeguard against unjustified detention, panels of judges (liberty

tribunals) review cases of persons awaiting trial on a regular basis per a detainee's request and rule whether continued detention is warranted (Persons under detention include not only those awaiting trial but also individuals awaiting the outcome of a first or second appeal).

7. A specific legislation entered into force in April 2005. This envisages the establishment of seven territorial commissions for the recognition of the refugee status, simplification of the relevant procedures and the creation of a Centre for the identification of asylum seekers. Such initiatives have been adopted in order to reinforce and improve practical measures, ensuring adequate health care, legal aid, interpreters and cultural mediators to immigrants.

8. At the procedural-operational level, we recall that under the previous Legislature, the former Government introduced amendments to Law Decree No. 416/1989, entitled "Urgent provisions on the right to asylum, admission and stay of Non-EU citizens and the stateless living in Italy". Such provisions were integrated by a Presidential Decree (D.P.R.) concerning the regulation relating to D.P.R. No. 394/99, as envisaged by Art. 34, para. 1 of Act No. 189/02. With specific regard to the right of asylum, it is worth recalling that Law Decree No. 416/89 had cancelled the "declaration on geographic limitation and on the reservations to Arts. 17 - 18 of the 1951 Geneva Convention", as ratified by Act No. 722/54. Such Articles restricted the application for the recognition of the right of asylum to citizens from Eastern European countries. At present, the cited application can be submitted without any restrictions by all Non-EU citizens who are "under the UNHCR mandate". By Act No. 189/2002, apart from the specific cases envisaged in Arts.1-bis and 1-ter, the local police authority is in charge with the release, upon request, of a temporary stay permit which is valid until the conclusion of the asylum procedure. Articles 1-bis, 1-ter, 1-quater, 1-quinquies, 1-sexies, as introduced by Arts. 31-32 of Act No. 189/02, amended the procedures relating to asylum-seekers. More specifically, the so-called Bossi-Fini Law refers to a regulation for the procedure to be applied: Art. 1-bis envisages the establishment of Identification Centres which are provided for those who apply for asylum and are hosted pursuant to the aforementioned Unified Text. Art. 1-quater, para. 1, envisages the establishment "of Territory Commissions at Prefectures, tasked with examining the applications of asylum-seekers", while Art. 1-quinquies refers to the above regulation as to the functions of the National Commission. This set of provisions introduced the *Territory Commissions*, and changed name, role and functions to the Central Commission for the recognition of the refugee status, namely *National Commission*, in addition to a new procedure devoted to the stay of the asylum-seeker, under given conditions and circumstances, at ad hoc Centres. On a more specific note, by considering the 1951 Geneva Convention concerning the recognition of the refugee status, Art.32 of Act No. 189/2002, makes a distinction between the Identification Centres and the Temporary Stay and Assistance Centres (CPTA). The Act No. 189/2002 makes a clear distinction between asylum requests implying seekers to be sent to Identification Centres (CDI) or Temporary Stay and Assistance Centres (CPTA), and requests not implying this kind of procedures. According to the type of the stranger's stay, there are different procedures for the implementation of the request: the simplified procedure (for seekers falling into the category described by Art.1 bis, para.2) and the ordinary procedure (for asylum seekers who do not have identification problems). In any case, the ordinary procedure itself has to be implemented in 35 days (para. 2, Art.1 quater), whilst the simplified procedure in 20 days. By considering the above indications, it is worthy of mention that the *Identification Centres* provide for specific services and must be distinguished from those Centres that were set up by the Unified Text No. 286/1998 addressing the foreigners to be expelled.

9. Costs for asylum seekers: year 2002, 6.596.758 euros, for 8350 persons; year 2003, 9.153.201.00 euros, for 11586 persons; year 2004, 5.534,381.00 euros, for 7.500 persons. Costs for the protection system of asylum seekers and refugees: Year 2002, 7.486.015.00 euros, for 2193 persons; year 2003, 8.956.521.00 euros, for 2013 persons; year 2004, 9.783.041 euros, for 2476 persons.
10. For the assistance to asylum seekers and refugees, the Italian legislation (Martelli Law) envisaged solely an economic contribution, amounting to 17,56 euros a day for 45 days, while additional measures are provided for by volunteers and public assistance services, on an equal basis with all other Italian citizens in need.
11. The code of criminal procedure envisages some principles aimed at safeguarding personal moral freedom. Under Article 64, subsection 2, and Article 188, of the aforementioned code, during an interview or when collecting evidence, *“it is prohibited to use, even if with the consent of the person concerned, methods or techniques that might affect the freedom of self-determination or alter the ability to recall and evaluate events”*.
12. General in kind, making it impossible therefore to make a difference among cruel, inhuman or degrading treatment. In fact, in order to detect the latter, it would be necessary to check each single report.
13. In this regard, please see also our response to question No.34.
14. Adequate judicial instruments, specifically in civil law area: the possibility to take legal action.
15. This Bill envisages new offences, such as the enticement of children by internet, and new special aggravating circumstances for the offense of sexual violence, for instance, if committed by the spouse, or against a pregnant woman.

At the proceedings level, it is envisaged the so-called “special proceeding”, called expeditious trial (*giudizio immediato*), may be applied for those cases concerning sexual violence, sexual acts with a child, corruption of minors and sexual violence when perpetrated by two or more persons, while the so-called general aggravating circumstances are extended to those crimes committed on the ground of the sexual orientation.
16. Within this framework, we would like to recall the very recently (February 2007) survey carried out, at the domestic level, by the Italian Institute on Statistics (acronym, ISTAT) on gender-based violence, including domestic violence, which will be extensively considered in our response to question No.34.
17. Please see response to question No.6.
18. On a more procedural note, while exerting its functions, the Guarantor may visit, with no need of authorisation and notice, under security conditions, the Temporary Stay and Assistance Centres provided for under Article 14 of Legislative Decree No. 286/1998 and subsequent amendments, having the possibility to enter, with no restrictions, any premise and visit, without any prejudice for the investigation underway, the security rooms which may exist at the

Carabinieri police station, the Revenue and Excise Police Station and at the Police Station. Additionally, the Guarantor may ask the competent judicial authorities to avoid the deed, which are considered unlawful, i.e. order the Administration to behave properly.

19. The requisites for the eligibility of the Guarantor are: warranty of probity, independence, skillfulness, ability to carrying out his functions, autonomy and independence of judgement and assessment.

20. Art. 2 para. 4 of the town council resolution No. 6547/2004 of the Municipality of Bologna.

21. CoESPU, which has already concluded several training courses in favor of various Countries, is also a partner of the web net called INPROL (*International Network to promote the rule of law - rete internazionale per la promozione dello stato di diritto*), created by USIP (United States Institute for Peace - Istituto degli Stati Uniti per la Pace), with the aim of giving assistance to international experts in the field of the Rule of Law, the prevention of conflicts and the stabilizing process.

22. Please, in this regard, see our response to questions No. 4. Specifically the relating foot-notes.

23. Please see also the above response (to question No.11).

24. Please see also response to question No.17.

25. In particular, most of the training focuses on the aspects concerning the police service “mission” in a democratic society, a human-centered training of the National Police, the fight against any form of discrimination as well as on the guidelines for police officers’ activity as regards the respect of the right to life, the fight against torture and any inhuman or degrading treatment, correct use of force, impartiality.

26. Said resources consist in the following: 1. a group of trainers specialized in “Human Rights” who are already included in the list of expert trainers drawn up by the Council of Europe; 2. a group of trainers specialized in establishing an approach and an interrelation with populations of different culture or who already took part in humanitarian operations or training projects on topics related to cultural anthropology; 3. a group of trainers specialized in approaching different cultures; a team of officials who participated in different projects financed by the European Commission to combat racism and discrimination and promote integration (e.g., the Project “Transfer” against discrimination, the Project “Pavement”, “Across Sahara”, “Limenform” etc.); 4. a number of police officers, ranging from 500 to 1,000 units, belonging to different ranks and employed either at First Reception Centers and Temporary Holding Centers or in contingents engaged in peace-keeping operations abroad; 5. more than 2,000 neighborhood police officers who are committed to building a close relationship also with foreign communities immigrated to our country; 6. already tested partnerships with NGOs engaged in promoting integration and in combating discrimination or trafficking of human beings (e.g., COSPE and IOM); 7. foreign trainers ad hoc trained by the National Police in order to conduct activities of cultural mediation in the framework of a project of the Ministry of the Interior called “Limenform” including graduated trainers residing in Italy of Arabic, Romanian and

Serbian-Croatian mother tongue; 8. international cooperation on various projects involving immigration offices, border police offices, offices responsible for training and those responsible for deploying neighborhood police officers; 9. police officers belonging to minority ethnic groups; 10. national and European budget allocations for initiatives and activities enhancing policing in the specific context.

27. Said Central Directorate supervised: the translation into Italian and the circulation among the officers of the “Chart of Rotterdam on Police Service in a multiethnic community”; the translation and circulation among police officers - as a personal kit - of the text of the Recommendation Rec.(2001)10, adopted on 19 September 2001 by the Committee of the Ministers of the Council of Europe (“Code of conduct for a democratic Police”); the drawing up, in partnership with the no-profit organization COSPE (Emerging countries cooperation and development) and representatives of the Chinese, Roma, Nigerian, Jewish and Islamic communities, of the Manual for police officers “Police duty in a multicultural community”; the drawing up of a manual aimed at training trainers “Human Rights and Police Forces”, which was supervised by the C.E.U. and printed by the Public Security Department.

28. With regard to the way in which the Roma community is perceived in our country an ad hoc chapter on this topic is contained in the publication entitled “Police service in a multicultural society” that is issued by the Ministry of the Interior - Public Security Department - Central Directorate for Training Institutes. It also collects, as an addendum, a list of the sites where it is possible to obtain more detailed information on how to interact with the Roma community.

29. In particular, training should help police officers respect cultural diversity, religion, etc. in the most appropriate way. A police officer should be patient with immigrants, especially those who do not speak Italian. The origin of immigrants from different countries implies inevitable difficulties in learning the Italian language because of the different linguistic-cultural system. A police officer should speak slowly and in a clear way using simple words. S/he should abide by the immigrants’ civil rights without misusing his/her police powers. Inappropriate conduct of a police officer especially before children may, in fact, negatively affect their psychological growth. S/he should be as respectful of an immigrant as s/he is of an Italian citizen. S/he should be able to clearly explain the immigrant his/her rights in any situation.

30. Please see also our response to question No.18.

31. In particular, by visiting several Centres, the CPT-CoE declared that such Centres were in line with the respect for human rights, except for Agrigento - ASI B9 CPTA, which was closed down on 3rd December 2004 in accordance with the recommendation of the Committee. Along these lines, on 30.3.2005, at the expiry of the Memorandum with the managing body of the Centre, the CPTA “Regina Pacis”, located in Meledugno - Lecce, was also closed.

32. For ease of reference, this issue is to be seen jointly with response to question No.32.

33. The unaccompanied foreign minor is granted a residence permit valid until the age of 18. Under specific circumstances that stay permit will be extended, in line with Art. 32 of the Unified Text on Immigration, Act No.286/98 and following amendments. Legal protection is ensured also by the Foreign Minors Committee which monitors the procedures and the quality of

residence in Italy and, possibly, also the reintegration of the minor into his/her family or country of origin. Differently, as to the accompanied foreign minor, it is intended that s/he will follow the destiny of his/her family.

34. However, please see statistics as reported under Annex II.

35. By D.P.C.M. No.535/99, the Committee has been entrusted with several tasks, for the performance of which ad hoc “Guidelines” have been adopted in order to tackle the situation either of the “children hosted” or “of the unaccompanied children” and, thus, to effectively intervene when such situations occur.

36. “All citizens have equal social status and are equal before the law, without regard to their sex, race, language, religion, political opinions, personal and social conditions (Principle of non discrimination)”.

37. In this regard, the measure of the “house arrest” is, sometimes, inapplicable for the lack of a family and a stable home in Italy (as is the case with foreign adults detainees too).

38. They have been charged with the following crimes: abuse of power (Art. 323 criminal code), abetting (Art.370 criminal code), abuse of power against persons under arrest or detention (Art. 608 criminal code), violence (Art. 610 criminal code), battery (Art. 581 criminal code), bodily injury (Art. 582 criminal code), abuse (Art. 594 criminal code), assault (Art. 612 criminal code), forgery by a public officer (Art. 479 criminal code), assisting offender (Art. 378 criminal code), omission of medical report (Art. 365 criminal code), damage (Art. 635 criminal code), refusal to comply with official duties (Art. 328 criminal code), misprision of felony (Art. 361 criminal code). All these crimes have been aggravated by taking into account the vulnerable position of victims, the violations of duties and the abuse of power, in addition to the aggravating circumstances, such as the misconduct of the officer (Art.323 criminal code), the *futile* and *vile* motivation (Art.61 n1,5,9 criminal code) or the fact of having taken advantage of time, place or personal circumstances such as to hamper public or private defence or the violation of duties and the abuse of power.

39. This concerns the following offences: participation in abuse of power (Arts.110, 323 criminal code), unlawful search of person and personal inspection (Art. 609 criminal code), violence (Art.610 p.c), kidnapping (Art. 605 p.c), damage and aggravated bodily injuries (Arts.582 e 585 criminal code), damage (Art.635), forgery perpetrated by a public officer (Art. 479). However, it is worth mentioning that the magistrate for the pre-trial examination (GUP) issued judgement for the dismissal of charge for some of the above-mentioned criminal charges.

40. Please see also the response to question No.3.

41. Along these lines, this Act does not envisage a pecuniary penalty as an alternative to prison sentence, neither for the above crime nor for the crimes of disseminating or possessing child pornographic materials.

42. These projects, carried out by Local Authorities and private sectors at large, were financed by the State at 70%, from within the resources of the Department on The rights and equal opportunities and at 30% from within those of Local Authorities. The finances allocated

for each project ranged between 20.000 euros and 150.000 euro, except for the amount of 300.000 euros allocated to the Region of Emilia Romagna for a project involving 10 municipalities.

43. Please see also our response to question No.25.

44. Additionally, against this background, it is important to stress that the vast majority of children is involved in begging and are from communities of slavonic origin, to which to add the flow of illegal minor immigrants from Morocco, from Romania, from Albania, who are generally based in the Northern part of Italy.

45. The related complex investigations, started in October 2006, were coordinated by the Central Operative Service (COS) and the Central Anti-Crime Directorate (CAD) and involved squads of 32 Police Headquarters (*Questure*) to firmly repress and stop the transnational criminal organizations exploiting immigrants. The large-scale "Spartacus" operation involves 32 provinces in the following regions: Piedmont, Lombardy, Liguria, Veneto, Friuli-Venezia-Giulia, Trentino-Alto-Adige, Emilia, Romagna, Tuscany, Marche, Umbria, Abruzzo, Latium, Campania, Apulia, Calabria, Sicily and Sardinia. In order to carry out a targeted operative plan, the competent squads organised specific investigation activities to be performed in tandem with other branches of the Italian State Police, such as the various Immigration offices and the offices of the Administrative and Social Police across the country.

46. The operation was accomplished on May 29, 2006, when the ROS arrested 41 Bulgarian citizens over Italy, Austria, Germany and Bulgaria, charged for criminal association finalized to reduction into slavery, illegal immigration, international money laundering and drug traffic. The investigation involved 116 persons, brought to the identification of many victims of the smuggling activity, marked the structure of the group heading in Bulgaria, that managed the "operating cells" in different European Countries and washed the illicit incomes into other criminal fields like drug traffics and the money counterfeiting.

47. The operation involved the whole Province and were extended, through the Service of International Cooperation of Police, to Poland where 15 individuals were put under custody through the European Warrant of Arrest.

48. This body is chaired by State Undersecretary to the Interior Hon. Marcella Lucidi within the Public Security Department. Its tasks will include studies, research and analysis of the relevant prevention and counter measures in order to improve the effectiveness of the system and to enhance the protection measures and the victims' assistance.

The Monitoring Centre will consist of law enforcement detectives and staff from the Department for Civil Rights and Immigration and also of representatives of agencies and associations dealing with victims' protection and rehabilitation. In order to give their contributions on individual issues, representatives from the Ministries of Justice and Social Solidarity, as well as from the Department for The rights and equal opportunities will be invited to participate in the meetings of the Monitoring Centre.

49. This project started in July 2001, was financed in the first two yearly periods by the Department for Equal Opportunities, by means of the national fund provided for by Art. 18 of Legislative Decree No. 286/98.

The idea of the project originated from the will to implement the “Additional Protocol” of the UN Convention against transnational organized crime, undersigned in Palermo in December 2000. Art. 8 of the Protocol provides for, that each Member State will proceed with the repatriation of the victims of trafficking, who request it, into the country of origin or residence.

This represents a further encouraging initiative for the victims of trafficking in order to persuade them to denounce their condition and implies the possibility offered to them, of returning to their country of origin, giving them the necessary assistance to reintegration - by means of IOM operators at the Anti-Trafficking Focal Points.

50. By this Project for the Assisted Repatriation, approximately 329 victims of trafficking have been repatriated into their country of origin up to date, among them 34 girls children and 75 humanitarian cases (in the year 2004, 91 victims of trafficking coming from 13 countries were involved in such project).

51. This Project was carried out by means of the funds allocated under Art. 2 para. 7 of Act No. 212/1992, which provides for forms of cooperation with Central and Eastern Europe countries. After having completed the prevention campaign in four countries of Central and Eastern Europe, particularly affected by the phenomenon of the trafficking (Albania- Rumania- Moldavia - Ukraine -2003/2004), a specific and considerable prevention activity was extended to the remaining region (Hungary, Bosnia-Herzegovina, Croatia and Bulgaria- 2004-2005). In particular, the following interventions took place: a wide information campaign by media in the four countries. This campaign was mainly addressed to women and minors, the most vulnerable group; the creation of “Working Groups” with national and local institutional representatives, as well as with delegates of international bodies and of NGOs; the organization of several public meetings and of information seminars; the dissemination of specifically produced information material, including the sticking of very visible information posters; the organization, in each of the four countries, of a national seminar for the presentation of the project under reference.

52. Moreover, as regards the difficulties to implement said Article 18 in relation to individuals held in a temporary holding centre, it is necessary to stress that - given the circumstances mentioned in said Article - the *Questore* issues immediately a stay permit for social protection reasons. This excludes the possibility to hold a foreign national in a temporary reception centre which hosts - as is known - only foreign nationals against whom an expulsion order was issued.

53. Among the measures issued to prevent trafficking in human beings, it is worth emphasizing the “stay for social protection reasons”, regulated by Article 18 of Legislative Decree No 286 of 25 July 1998. To sum up, we mention the requirements, aims and cases of the crime hypothesis at issue:

(a) Requirements. Either police operations, investigations or criminal proceedings have to be under way for any of the crimes envisaged under section 3 of Act 75/1958 or under

section 380 of the Penal Procedure Code, or public assistance interventions of welfare services belonging to local bodies or to other private welfare agencies have to be carried out. The fact that a foreign national is subject to violence or serious exploitation must clearly emerge from the situations. Moreover, there has to be a real danger for the safety of the foreign national because of his/her attempts to escape from an organisation perpetrating said crimes or of the statements made by him/her during the criminal investigations or proceedings;

(b) Aims. The aim is to enable the foreign national to escape from violence and the activities of the criminal organisation and to take part in a social assistance and rehabilitation programme;

(c) Initiative. The proposal is submitted to the *Questore* by:

- (i) The welfare services of local bodies or by associations, agencies and other bodies which are enrolled in a special register and have detected situations of violence against or of serious exploitation of the foreign national;
- (ii) The Public Prosecutor when penal proceedings have started to prosecute violent events against the foreign national or his serious exploitation and when the foreign national has made some statements during said proceedings. If penal proceedings are pending and the judicial authorities have made no proposal or if said proposal contains no information on the seriousness and topicality of the danger it is necessary to request the Public Prosecutor's opinion. The proposal (if submitted by the Public Prosecutor) or the opinion have to mention the facts giving rise to the conditions envisaged by the legislator, in particular seriousness and topicality of danger and the importance of the contribution offered by the foreign national to successfully counter the criminal organization or detect and apprehend the persons responsible for the crimes under prosecution. If the proposal is submitted by welfare services or associations, agencies and other bodies enrolled in a special register, seriousness and topicality of danger are assessed by the *Questore* also on the basis of the elements contained in it. Anyway, the Public Prosecutor's opinion has to be always obtained in all cases in which the proposal comes from welfare services or the other representatives of private welfare agencies, as said proposal usually refers to criminally material circumstances and facts implying the obligation for the *Questura* to inform immediately the judicial authorities. In this way the related criminal proceedings start and the need to obtain the prosecutor's opinion arises.

(d) Release of the stay permit. After receiving the proposal or the public prosecutor's opinion and verifying the existence of the conditions envisaged by the Consolidating Act the *Questore* has to obtain the following: 1. the social assistance and rehabilitation programme; 2. participation of the foreign national in said programme, provided the foreign national is informed of the related revocation hypotheses; 3. acceptance of the commitments linked to the programme by the person in charge of the structure in which it has to be implemented;

(e) Duration of the stay permit and possible change. The relevant stay permit lasts six months and can be renewed for one year or longer, for reasons related to trial duration. Thanks to it the foreign national can work for an employer and have access to welfare services. On expiry - if its holder works - the stay permit can be renewed for the duration of employment and changed into a work permit. It can also be changed into a study permit, if the person concerned is enrolled in a regular course;

(f) Revocation of the stay permit. It is ordered if the programme is interrupted or the person's conduct is not compatible with its aims. This must be either reported by the Public Prosecutor or by the welfare service of the local agency and checked by the *Questore*. The permit can also be withdrawn if the conditions justifying its issuing are no longer available;

(g) Data. The following scheme summarizes the data on stay permits issued on the basis of section 18 of Consolidating Act No 286/98 (stay permits issued for the first time during the year of reference):

Year	Total
1998	66
1999	213
2000	705
2001	524
2002	643
2003	599
2004	165
2005	111
2006	214

As regards the concerns on the difficulties to implement said Article 18 in relation to individuals held in a temporary detention centre it is necessary to stress that - given the circumstances mentioned in said Article - the *Questore* issues immediately a stay permit for social protection reasons. This excludes the possibility to hold a foreign national in a temporary reception centre which hosts - as is known - only foreign nationals against whom an expulsion order was issued.

54. A great number of calls concerned requests for information from foreign citizens on migration and stay permits related issues, cases of discrimination, not directly relevant to the Office mandate, and generic requests of aid made by Italians and foreigners (however many complaints were lodged after the broadcasting of the relevant TV and radio advertisements). The Office staff exhaustively replied to all the requests, by suggesting services, focal points and local associations, to be contacted for follow-up activities and further support. However, cases of provocative measures against the service also occurred. Despite these difficulties, analysis of cases submitted to the Office has given a clear picture of the areas concerned:

- (a) Accommodation;
- (b) Employment;
- (c) School and education;

- (d) Health;
- (e) Public transport;
- (f) Law enforcement bodies;
- (g) Services provided by public bodies;
- (h) Services provided by public commercial concerns;
- (i) Provision of financial services;
- (j) Associations.

55. However, it is worthy of mention that this Office aims at facilitating the out-of-Court “conciliatory” settlement.

56. In the light of the provisions envisaged by Article 5, paragraph 1, the list under discussion, made up of 320 associations, was approved, after a very complex procedure which was managed by UNAR, since the beginning of 2005, by an inter-ministerial Decree signed on 16th December by the Minister of Equal Opportunities and the Minister of Labour and social Policies, published in the Official Journal n. 9 on 12th January 2006.

57. In this context, mention should be made of the legal framework adopted in the year 2003, for the protection of workers in case of direct and indirect discrimination on religious grounds, personal convictions, etc.. The release of the aforementioned authorisation by the inter-ministerial decree is conditional upon the registration in one of the two registries, while certifying the reliability and transparency of the bodies working in the field of racial integration. These two Registries are also a database providing general information on functions, responsibilities, areas of intervention and location of such bodies. The minimum requirements for the insertion in the second Registry are as follows: the establishment of the association or the body by public or private deed, at least a year before its registration; its main or sole aim should be the fight against the phenomena of discrimination as well as the promotion of the non discrimination; the drawing up of a balance sheet specifying the dues paid by the members; the constant updating of the registry of the members; the performance of activities, on a continuous basis, in the year before the registration.

58. Thirteen cases of discrimination against members of the Roma community have been examined by UNAR, upon indication of the NGOs concerned. As to the grounds of these cases, the pattern of violations mainly focuses on access to housing and to education.

59. UNAR participated in VIII and IX° National Seminar organised by Opera Nomadi. They took place in December 2005 and February 2007, respectively. These occasions were a very important occasion to spread information of Legislative Decree No.215/2003. Additional contacts were held and took place with the following NGOs: Associazione italiana Zingari Oggi (A.I.Z.O.), Associazione Sucar Drom and Unione Nazionale ed Internazionale Rom e Sinti in Italia (U.N.I.R.S.I.).

60. The WG set up within UNAR on discrimination against Roma people, Sinti and Travellers envisages to issue a relevant report by the end of March 2007.

61. Specific is the establishment of a National Permanent Observatory aimed at sharing information and methods with the other bodies involved. Additional aim is the compilation of best practices, in order to improve the system of relevant strategies against discrimination and in favour of integration processes, especially vis-à-vis gender and children-related issues.

62. We recall our response to question No.5.

63. Physical violence include serious or less serious forms of violence: the threat of being physically hit, being pushed, grasped or yanked, being hit with an object, slapped, kicked, punched, or bite, the attempt of strangling, suffocation, burning, or being under arm threat. Sexual violence includes situations in which the woman is forced to do or undergo to, against her/his will, sexual acts of different kinds: rape, attempted rape, sexual harassment, sexual intercourse with more that one person, unwanted sexual intercourse endured because afraid of the consequences, degrading and humiliating sexual actions. Verbal harassment, stalking, acts of exhibitionism and indecent telephone calls are not reported. Forms of psychological violence include denigration, behaviour restrictions, isolation strategies, intimidations, strong economical restrictions even from the respective partner.

64. MAIN RESULTS FROM THE INQUIRY. It was estimated that there are 6 million 743 thousand women between the age of 16 and 70 who are victims of sexual and physical violence throughout their life (31,9% of the age range under examination); 5 million women have endured sexual violence (23,7%), and 3 millions 961 thousand women physical violence (18,8%). About 1 million women were victims of rapes or attempted rapes (4,8%). 14,3% of women in a former or current relationship, underwent to at least once to physical or sexual violence from her partner, if we consider only women with an ex partner the percentage rises to 17,3%. 24,7% of women is victim of violence from another man. While physical violence from partners is more frequent (12% against 9,8%), the opposite occurs for sexual violence (6,1% against 20,4%), especially for the burden of sexual harassments. There is almost no difference in cases of rapes and attempted rapes.

In the last 12 months the number of women, victims - *latu sensu* - of violence amounts to 1 million 150 thousand (5,4%). The younger women between the age 16 and 24 (16,3%) and between the age of 25 and 24 (7,9%) present higher rates. 3,5% of women was subject to sexual violence, and 2,7% physical violence. 0,3% (74 thousand women), were subject to rapes or attempted rapes. 2,4% of women experienced domestic violence, and 3,4% outside the household. In almost every case, the women do no press charge. These unreported acts of violence amount to 96% of violence from a non partner and 93% from a partner. Almost every time, rapes are not reported (91,6%). The share of women who do not talk about their experience to anyone is quite consistent (33,9% from a partner and 24% from a person other than the partner).

Women experience various forms of violence. A third of victims experience acts of violence, both physical and sexual. Most victims have experiences repeated acts of violence. Repeated violence occurs more frequently with a partner that with a non partner (67,1% against 52,9%). Among all physical acts of violence reported, the most frequent forms are: being

pushed, pulled, grasped, her arm twisted, her hair pulled (56,7%), under threat of being hit (52,0%), slapped, kicked or bite (36,1%). It is also reported arm or knife threat (8,1%) or attempt of strangulation or suffocation or burn (5,3%). Among all forms of sexual violence, the most spread are physical harassment, that is being touched against one's will (79,5%), having unwanted sexual intercourses experienced as a violence (19,0%), attempted rape (14,0%), rape (9,6%) and degrading and humiliating sexual intercourse (6,1%).

Partners are accountable for most cases of rape. 21% of victims experience violence within and outside the household, 22,6% only from a partner, 56,4% only from other men. Partners have the highest share of all forms of physical violence registered. Partners are more responsible for some kinds of sexual violence such as rape or undesired sexual intercourses, but endured for fear of the consequences. 69,7% of rapes are inflicted by partners, 17,4% by an acquaintance. Only in 6,2% of cases, the rape was inflicted by a stranger. The risk of experiencing a rape, more that an attempted rape, rises according to the intensity of relationship between the victim and the raper. Strangers commit mostly sexual harassments, followed by acquaintances, colleagues and friends. Strangers commit rapes in only 0,9% of cases and attempted rapes 3,6% of cases, and partners respectively in 11,4% and 9,1% of cases.

Women whose partner is violent even outside the household are more likely to experience domestic violence. Women with an higher rate of violence are the ones with a physically (35,6% against 6,5%) or verbally (25,7% against 5,3%) partner outside the household; that have behaviours that belittle their partner or non consideration in the everyday life (the rate of acts of violence amounts to 35,9% against 5,7%); that drinks to the point of getting drunk (18,7% against 6,4%) and namely, gets drunks everyday or almost everyday (38,6%), once or more than once a week (38,3%); that had a father who used to beat her mother (30% against 6%) or that has been ill treated by his parents. The rate of men who are violent with their own partner amounts to 30% among those who have witnessed acts of violence within their family of origin, 34,8% among those who were subject to acts of violence from their father, 42,4% among those who were subject to acts of violence from their mother and 6% among those who have not experienced nor witnessed acts of violence within their family of origin.

Most domestic acts of violence are serious. 34,5% of women have declared that the violence experienced was extremely serious and 29,7% serious. 21,3% of women had the feeling that her life was under threat during the act of violence. But only 18,2% of women considers an act of violence within the household a crime, for 44% of women it is something wrong and for 36% it's just something that happened. Even for a rape or an attempted rape 26,5% of women think it is a crime. 27,2% of women had wounds after an act of violence. Wounds, that in 24,1% of cases were serious enough to require medical assistance. Women that have experience repeated acts of violence, in almost one case out of two, have suffered from, after those events, a loss of trust and self-confidence, a feeling of helplessness (44,5%), sleep disorder (41,0%), a state of anxiousness (36,9%), depression (35,1%), a hard time concentrating (23,7%), repeated pains in different parts (18,5%), a hard time looking after the children (14,2%), thoughts suicide and self injury (12,1%). Violence from someone other than the partner is seen as less serious that the one experienced from a partner.

Two million 77 thousand women were victims of stalking, which have seriously shocked them, from a partner during a period of separation or after having broke up, amounting to 18,8% of the overall results. Among the women victims of stalking, namely 68,5% of partners have

repeatedly tried to talk with the woman against her will, 61,8% repeatedly asked for a date in order to meet her, 57% waited for her outside her house or at school or at work, 55,4% sent her messages, telephone calls, e-mails, letters or unwanted gifts, 40,8% followed her or spied on her and 11% adopted other strategies. Almost 50% of women victims of physical and sexual violence from an ex partner have also experienced stalking, 937 thousand women. 1 million 139 thousand women have experienced, on the other hand, only stalking, but not physical or sexual violence.

Seven million 134 thousand woman have experienced or are experiencing psychological violence: its most spread forms are isolation or attempt of isolation (46,7%), control (40,7%), economic violence (30,7%) and belittlement (23,8%), and last intimidations (7,8%). 43,2% of women have experienced violence from the current partner. Among these women, 3 million 477 thousand have experienced repeated or occasional violence (21,1%). 6 million 92 thousand women were subject to psychological violence by their current partner (36,9% of women that are currently in a relationship).

One million 42 thousand women, in addition to psychological violence, have also been subject to physical and sexual violence, 90,5% of victims of physical or sexual violence.

One million 400 thousand women have experienced sexual violence before the age of 16, 6,6% of women between the age of 16 and 70. The authors of the act of violence are various and in most cases known to the victim. Only in 24,8% of cases the act of violence was inflicted by a stranger. One woman out of four has warned an acquaintance (24,7%), one woman out of four has warned a family member (23,8%), 9,7% a family friend, 5,3% a friend. Among the parents that have inflicted acts of violence, most are uncles. Silence has been the most widespread answer. 53% of woman declared that they have not told about the experience to anyone.

674 thousand women have experienced repeated acts of violence from a partner and had children at the moment of the act of violence. 61,4% declared that their children assisted to one or more act of violence. In 19,7% of cases the children have rarely assisted to those acts, 20,1% sometimes, 21,6% often.

65. Different forms of violence often go together. In most cases of violence inflicted during a lifetime, 57,0% were only physical, 15,8% only sexual, 27,2% physical and sexual. During the last 12 months, the number of acts of sexual violence rose (29,3%) and sexual and physical acts of violence decreased (11,4%). The most common forms of physical violence experienced by women from a partner are: being pushed, pulled, one's hair pulled or arm twisted (63,4%); then, threats of physical violence (48,6%), being slapped, punched, kicked, bite (47,8%), being hit by an object (25,2%). Less women have been under gun or knife threat (6,8%) or threat to be strangled or suffocated (6,6%). 3,9% have experienced violence in a different way.

Considering solely the last 12 months, there is a decrease of cases comprising acts slapping, kicking, punching and biting. It must be noted that 53,3% of women that have experienced physical violence throughout their lives have also been subject to multiple forms of violence, and, namely 22,7% two kinds, 15,8% three, 14,8% four or more. Women that have experienced violence from a partner are more likely to be subject to multiple forms of violence. Analyzing the kinds of sexual violence endured, we find at the first place undesired sexual intercourses (70,5%), followed by rapes (26,6%), being forced to undergo humiliating sexual

activities (24,0%), attempted rapes (21,1%) and being forced to have sexual intercourses with other persons (3,1%). 5,2% experienced other kinds of sexual violence. In the last 12 months cases of rape decreased to 13,4% and attempted rapes to 11,2%; the number of undesired sexual intercourses have, on the other hand, increased (79,0).

It must be noted that 33,8 % of women victims of sexual violence, have experienced more that one form of violence just reported and namely 19,2% reported two, 10,7% three and 3,9% four or more. A strong difference between the current partner and the ex partner emerges: More that half of the sexual violence acts from ex partners were rapes or attempted rapes against 27,2%, represented by current partners. Considering both physical and sexual violence 55,5% of victims have experienced more that one kind, namely, 20,4% two kinds, 14% three, 21,1% four or more. In the last 12 months 37,0% of victims were inflicted more that one form of violence, the higher rate goes to physical violence (41,6%) while sexual violence presents a lower rate (14,8%).

68,3% of domestic violence takes place within the home place. Cases of domestic violence take place mostly in the victim's house (58,7%), on the street, in the partner or ex partner's house, and in the car. The rate of acts of violence that occur on the street and in the car is higher if involving ex boyfriends, 26,9%, and boyfriends, 17,4% (16,6% on the street and 13,3% in the car). Acts of physical violence occur mostly in the victim's house, whilst acts of sexual violence in the car (16,7%) and in the raper's house (14,2%).

Cases of violence are mostly of serious nature. More than one forth of violence have as a consequence serious wounds, inflicted mostly by ex partners (32,0%) and ex husbands (40,7%) (Table 8). The gap was reduced during the last 12 months. Wounds are caused mostly by physical violence rather that sexual violence (28,6% against 17,5%) even during the last 12 months. 24,1% of cases, wounds were serious to the point that the victim requested health care, and that's a percentage that rises 41,6% if we consider only wounds inflicted by ex husbands or ex companions. 34,5% of women declared that the violence they received during their lifetime was extremely serious e 29,7% rather serious. The most serious violence is inflicted rather from ex husbands or companion (48,6%) from ex boyfriends (35,4%), husbands (24,8%), and boyfriends (21,9%). Sexual violence is considered the most serious (42,0%) rather than physical violence (34,0%).

In 13,3% of cases the partner was under drug or alcohol influence and in 3% of cases he had a gun. As to the last case, more than one fifth of women had the feeling that their lives were under threat. This is the case especially for women that received violence from an ex partner (27,2%), namely an ex husband (34,9%), and than experienced both physical and sexual violence (30,3%). Husbands and boyfriends present lower rates.

Only 18,2% of women have experienced physical or sexual violence *violenza fisica* within the family considers this act a crime, 44% considers it something wrong and 36% just something that happened. It is more likely to consider a crime (36,5%) physical violence together with sexual violence, or physical violence accompanied with threats (31,4%). Only 26,5% of threats or attempted threats are considered a crime by the victim. On the contrary violence inflicted by an ex husband or companion are more likely to be considered a crime

(32,0%) and in 19,7% of cases by an ex boyfriend, 7,8% an husband or companion and 6,8% by a boyfriend. Even during the last 12 months the share of women that consider a violence a crime is low (15,9% for physical violence and 13,3% for sexual violence).

International reports show a close link between violence and pregnancy, in our Country 11,2% of pregnant women have received violence from a partner. 52,5% of these women, have received the same kind of violence even during pregnancy and for 15,9% the violence was less recurrent, while for 17,2% it was more recurrent and for 13,6% acts of violence started in that period (in reference to this, it is worth of mention the text Brewer J. E., Paulsen D.J. (1999), "A comparison of US and Canadian findings on uxoricide risk for women with children sired by previous partners", *Homicide Studies*, 3, 317-332; Campbell J.C. (2001), "Abuse during pregnancy: A quintessential threat to maternal and child health - so when do we start to act?", *Canadian Medical Association Journal*, 164, 1578 - 1579 Campbell J.C., Webster D., Koziol McLain J., Block C., Campbell D., Curry M. A., Gary F., Glass N., McFarlane J., Sachs C., Sharps P., Ulrich Y., Wilt S.A., Manganello J., Xu X., Schollenberger J., Frye V., Laughton K., (2003), "Risk factors for femicide in abusive relationships: Results from a multisite case control study", *American Journal of Public Health*, 93, 1089-97).

Silence of the victims. Only 7,2% of violence within the family was reported to the police, 3,4% in the last 12 months.

92,5% of physical and sexual violence is part of a indefinite number. There are less complaints in cases of sexual violence from a partner (4,7%) rather than cases of physical violence (7,5%). It is less likely to press charge against ex husbands and ex boyfriends, even during the last 12 months. The rate of complaints is low (12,4%), even when women confide in a family member. It is higher in cases when the woman tells what happened to a person who works in the emergency ward (62,3%), a lawyer, a judge, the police, a carabinieri officer (47,6%) a doctor or a nurse (35,9%). The seriousness of the violence does not influence the decision to press charge. Only 4,1% of rapes or attempted rapes was reported to the police. It must be added to the rate of complaints also a 2,5% of women that received periodically violence, but did not report the event by calling 112 and 113 in order to get help. More than a third of women did not confide in anyone. 36,9% talked with some friends, il 32,7% with a family member, 9,5% with parents, 4,9% with judges, lawyers, police or the carabinieri corps, 4,2% with colleagues. It must be noted that 2,8% of victims (except those who received whether only one act of threat, or that have been pushed or grasped only once, or that have bee hit only once during the violence) turned to an anti-violence centre or contacted other associations that support women. This rate rises to 6,2% for ex husbands, ex companions, which is peculiar since it is the same rate as for social and health care operators.

66. Divorced and separated from their spouse during lifetime are more likely to be involved: Women that have experienced domestic violence during their lifetime are mostly divorced or separated from their husband (45,6%), followed by single women (17,8%), married women (10,4%) and widows (9,8). Higher rates of victimisation concern mostly women between the age of 25 and 34, graduated from university or from high school, managers, entrepreneurs and free lancers, women searching for a job, students, women with other tasks, employees. Physical violence within the household is higher for those categories whilst sexual violence seems to include even other, except for the case of women with a marital status, and the highest rate goes to women divorced or separated from their husbands.

67. The North-Centre area falls within the national average, while the South and the Islands are lower than the average. The higher rates concern high urbanisation centres. Lower rates emerge for women aged of 55 and more, with a primary education diploma/no diploma, housewives and retired from work. Analysing the results of the last 12 months it emerges that young women aged between 16 and 24, and 25 and 34, single women, students and women looking for an employment, managers, managers, entrepreneurs and free lances are more likely to have a risk exposure. Young women experience sexual and physical violence within the family. As already mentioned, differenced of victimisation risks must be cautiously considered since they can be symptom of the woman's will to talk about her own experience.

Women with a partner showing an aggressive attitude even outside the family are more exposed to risk.

Major factors of risk relating to violence within the family are associated to aspects of the male's behaviours, in cases of violence from a current partner. Indeed, women are more risk exposed when they have a physically violent partner (35,6% against 6,5%) even verbally violent (25,7% against 5,3%) outside the family, and women whose partner belittle her or does not consider her in every day life (35,9% against 5,7%). Furthermore, women whose partner drinks to the point of getting drunk experience violence three time as much as other women (18,7% against 6,4% of women), and this percentage rises to 38,6% if he drinks everyday or almost everyday, and to 38,3% once or more than once a week. The author's structural features do not seem crucial.

Almost 50% of women victims of physical or sexual violence have also experienced persecuting behaviours.

937 thousand women have experienced physical and sexual violence or stalking, that is persecuting behaviours that have particularly shocked them, from a partner in a period of separation. 1 million 139 thousand women experienced stalking, but not physical or sexual violence.

There is an overall 2 million 77 thousand women victims of stalking from an ex partner, 18,8% of the total. 68,5% of partners tried insistently to talk with the woman against her will, 61,8% repeatedly asked to meet her, 57% waited for her outside the house or at school or at the workplace, 55,4% sent her messages, phone calls, e-mails, letters or unwanted gifts, 40,8% followed her or spied on her and 11% adopted other strategies.

Among the women that were inflicted physical or sexual violence from ex partners, the percentage of stalking rises to 48,8%. Acts of stalking are more frequent among women that experienced physical or sexual violence from an ex boyfriend (54,1%) than among women that experienced violence from an ex boyfriend or ex companion (42,7%).

Psychological violence is frequently accompanied with physical and sexual violence. Physical and sexual violence is frequently accompanied with psychological violence. Women that underwent behaviors of psychological violence from their current partner are often victims of sexual and physical violence (14,6% against 1,6%, which has not experienced psychological violence).

If we only consider cases of very frequent psychological violence (always or very often) the rate rises to 21,9% against 3,3%.

Out of 100 women that experienced sexual and physical violence from a partner, 90,5% was also victim of psychological violence. 50,4% of cases physical violence goes together with psychological violence, in 26,8% of cases (and especially from ex husbands) there are simultaneously three types of violence, physical, sexual and psychological, in 13,4% of cases sexual violence goes together with psychological violence.

There are 1 million 42 thousand women that experienced psychological and physical or sexual violence from a current. Other 6 million 92 thousand women have received psychological violence from their partner (36,9 % of women currently in a relationship).

Seven million 134 thousand women have always, often or sometime experienced psychological violence, and 43,2% are in a relationship. Among these women, 3 million 477 thousand violence occurred always or often (21,1%), and 46,7% of these women experienced forms of isolation (limitations in their relationship with the family of origin or with friends, interdiction or attempted interdiction to work or study), 40,7% forms of control (the partner told her what to wear or how to do her hair or followed her or spied on her or got mad if ever she talked with another man), 30,7% forms of financial violence (interdiction to know the family's income, to use her own money and being watched on how much she spends and what she buys). Women are subject to violence taking the shape of belittlement in 23,8% of cases (humiliating situations, insults, denigrations, even in public, critics for her physical aspect or for how she takes care of the house and the children). Finally, intimidations were used in 7,8% of cases; blackmails, threat of destroying objects belonging to the woman, to hurt the children, beloved persons or animals, and threat of suicide threats of destroying objects belonging to the woman, hurting the children, beloved persons or animals, and threats of suicide fall within this category.

68. It is worth reiterating that the Ministry for The rights and equal opportunities plays a primary role in the coordination, *inter alia*, of measures to contrast violence against women as envisaged in the latest and most important Acts, such as Act no. 66/96 On Sexual Violence, Act no. 269/98 On Childhood, Act no. 285/97 On the Promotion of the Rights of the Child, Regulation no. 286/98 On the Fight against Trafficking in Human Beings, Act no. 154/2001 On the Forced Expulsion of the Violent Spouse; Act No.38/2006. On a more specific note, the introduction of Act no.66/96 On Sexual Violence has produced positive results by raising awareness of such scourge, as emerged by the surge, between 1994 and 2002, in the complaints by women, victims of sexual violence and harassment. In this context, it is worth mentioning that Act no.149/2001 was adopted for the fight against household violence. In particular, this amended Arts. 330, 333, 336 of the Civil Code, by envisaging that the judicial authorities may adopt measures for the disqualification of guardian, in tandem with the removal of children or the expulsion of the violent guardian from the family home. Such mandatory legal framework strengthens the protection system of children, victims of abuse and ill-treatment, by envisaging *inter alia* the compulsory hearing of the charged adult, in accordance with Art.336 of the Civil Code. At the system level, the Italian Government launched, in 1998, in 26 municipalities a pilot project, entitled "Anti-violence Network of Urban towns in Italy" which, in the year 2001,

received an additional funding by the EU. With this project, adopted inter alia to detect the root-causes of violence against women, the purpose of the Italian Government is to assess and to take stock of such plague.

Along these lines, the fight against trafficking in women and girls is one of the main priorities of the Italian Government. With the aim of combating such scourge, Italy has put in place several measures, the most effective of which is Art.18 of Act no. 286/98. This regulates the stay permits for social protection reasons. Thanks to the so-called “Article 18 approach”, the trafficked foreigner can escape the organised crime network and be included in an ad hoc programme of assistance and social integration.

69. Art. 1 of the above-mentioned Convention provides for State obligation to repress a specific list of crimes with terrorist aims, while Art. 2 allows States not to enlist as political crimes those violent acts (not included in Article 1) which are committed against life, personal well-being or individual freedom, as well as grave acts against property that may be dangerous for public security.

70. Within this framework, it is worth mentioning the Framework Decision on the European Arrest Warrant (13th June 2002) replacing the formal extradition proceeding with a simplified and swift one vis-à-vis a certain number of offences, i.e. terrorism.

71. Which supplements Art. 280 of the criminal code.

72. Art. 696 of the code of criminal proceedings envisaged the supremacy of customs and international conventions vis-à-vis rogatory letters and extradition proceedings.—In this regard, the Italian authorities recall the Schengen Agreement adopted on 14 June 1985 and the European Convention on Judicial Assistance adopted in 1959 (Act No. 367/01).

73. With specific regard to the search system, it should be borne in mind that Art. 14 of the Constitution encapsulates the principle of the inviolability of the domicile, and refers to the rule of law when proceeding with searches and seizures (In this respect, Articles 247-250 of the code of criminal Procedures sets out formalities within which judicial authorities order to make a search. Needless to say, when terrorism acts are committed, both confiscation and searches fall under the judicial scrutiny).

74. Additional measures entail the introduction of new crimes and proceedings, such as Art. 349 of c.p.c., para.2 bis, relating to new identification tools (in order to proceed with the identification of a suspect in accordance with para. 2 of Art. 349 of c.p.c., the Criminal Investigation Department can take a sample of the suspected hair or saliva, by authority received from the public prosecutor, despite the lack of consent of such individual); Art. 497-bis of the p.c. relating to the possession or the forgery of IDs (whoever is found with forged IDs, valid to leave the country, is convicted to a detention penalty of up to four years. In case of act of forgery, this sanction may be increased, up to six years); Arts. 270-quarter, quinquies, include new offences relating to terrorism. In particular, Art.270-quarter envisages the recruitment aimed at terrorism, including international terrorism (“Apart from the cases envisaged under

art. 270-bis p.c., anybody who recruits people in order to commit violent acts or sabotage of public utility services, even when directed against foreign countries, institutions or international organisations, is convicted to a detention penalty of up to 15 years”). Art. 270-quinquies mentions the training aimed at terrorism, including international terrorism (“Apart from the cases enlisted under Art.270 bis p.c., whoever trains or gives instructions in order to manufacture or to use explosives, weapons, harmful and dangerous, chemical and biological materials, including any other method, directed to commit violent acts or sabotage of public utility services, including against a foreign State, institutions and international organisations, is convicted to a detention penalty of up to 10 years”). (Arts. 10-15).

Annex II

A. Victims of sexual violence as committed in the year 2006 (source: Ministry of Interior)

Perpetrated and detected crimes		
Crime	Number of committed crimes	Number of detected crimes
Sexual violence	4 232	3 090

Alleged perpetrators of sexual violence as detected in Italy, in the year 2006

Nationality	Number
Italy	2 423
Romania	259
Unknown country	229
Morocco	227
Albania	145
Tunisia	72
Ecuador	40
Egypt	36
Pakistan	34
Moldova	33
Serbia and Montenegro	32
Peru	27
India	24
Algeria	23
Nigeria	22
Sri Lanka (Ceylon)	21
Poland	17
Bangladesh	15
Macedonia	15
Ghana	14
Senegal	14
Brazil	12
China	12
Turkey	11
Ukraine	11
Argentina	8
France	8
Dominican Republic	8
Bolivia	8
Bosnia and Herzegovina	6
Ivory Coast	6

Nationality	Number
Iraq	6
Switzerland	6
Germany	5
Somalia	5
Venezuela	5
Cuba	4
Philippines	4
USA	4
Uruguay	4
Bulgaria	3
Burkina Faso	3
Colombia	3
Eritrea	3
Ethiopia	3
Guinea	3
Mexico	3
Angola	2
Austria	2
Cameroon	2
Nat. Rep. of China	2
Croatia	2
Gabon	2
Kenya	2
The Netherlands	2
United Kingdom	2
Czech Republic	2
Russia	2
Syria	2
Spain	2
Sudan	2
Afghanistan	1
Stateless	1
Canada	1
Cape Verde islands	1
Chile	1
Congo	1
Dominica	1
El Salvador	1
Iran	1
Ireland	1
Lebanon	1
Liberia	1
Libya	1
Mauritius	1
Palestine	1
Portugal	1

Nationality	Number
Sierra Leone	1
Slovenia	1
Tanzania	1
Hungary	1
Zaire	1
Total	3 923

Alleged perpetrators of sexual violence as committed in Italy, in the year 2006

Years	Female	Male	Gender unknown	
0-18	8	336	0	344
19-48	53	2 137	5	2 195
41-60	22	1 010	1	1 033
Over 61	1	350	0	351
Total	84	3 833	6	3 923

1. By acknowledging the importance of data and relating analysis, under this Annex, we recall the February 2007 survey, as carried out by **ISTAT**.

While recalling the response to question No.34, it seems to us very useful to extensively explain the methodological aspects of said survey as follows:

(a) Aims of the Survey. Violence against women and, namely, domestic violence represents a complex and vast phenomenon, and therefore difficult to analyse. However its understanding is essential for the creation, at an institutional level, of policies and services aimed at tackling this issue.

The UN World Conference (Vienna, 1993) has defined violence against women as: “... any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”.

Ever since the 90s, statistics institutions have studied violence within the framework of victimisation inquiries, gathering at the same time information on all kinds of crime, from thefts to attempted thefts, robbery etc. Even in Italy, ISTAT showed its interest in harassment and sexual violence in this framework, with a formulaire inserted in the *multiscopo survey on the Citizen's security* (the 1997-1998 and 2002 editions). This survey, aimed at shedding light on unreported crimes and some important aspects such as knowing the victims features and how the act took place, which represent efficient tools purposeful to study and understand the unknown world of criminality, but not enough to identify those forms of violence that the victim experiences from someone very close to her/him, for example a *partner, ex partner, and therefore domestic violence*.

Starting from those considerations, the Department for the rights and equal opportunities at the Presidency of the Council of Ministers and ISTAT have signed a memorandum of

understanding for the implementation of an *ad hoc* survey (entitled in Italian *Multiscopo*) on this issue, the aim of which is a better understanding of the phenomenon of violence against women in Italy in all its forms, in terms of predominance and influence, features of those that are involved and consequences for the victim. Namely, the survey aims at identifying and describing:

- (i) The extent and features of the phenomenon of domestic and outside the family violence, and the figures, dynamics and peculiarities of different episodes of violence;
- (ii) The period in which the violence occurred, such as during a lifetime or in a 12 month period;
- (iii) The features of the victim, their reaction to the event and the physical, psychological and financial consequences of the violence they've experienced;
- (iv) Features of the author of the violence, with particular attention to perpetrators of violence within the family;
- (v) The incidence of the unsurfaced events, that is the obscure number of acts of violence and the reasons why they are reported to the police or not;
- (vi) Every day life contexts in which those acts of violence occur;
- (vii) Dynamics of the event and the story of the relationship in cases in which violence is experienced within the family or, in any case, from the woman's partner;
- (viii) Eventual risk factors and protection factors at a individual and social level;
- (ix) Social spending ensuing from violence, directly and indirectly ascribing to the woman and her eventual children, the perpetrator and the society, measured through some negative consequences such as the impossibility for the victim to carry out everyday activities, to work, to use social and health care services, or the spending for the subsequent damages caused by violence (health care and psychological assistance, legal and material damages), and some information relating to eventual spending for legal procedures;
- (x) Violence before the age of 16.

2. **THE SURVEY'S METHODOLOGY AND THE EXPERIMENTS CARRIED OUT**

The survey was carried out via telephone with a computer support (acronym in Italian, CATI), from January to October 2006, on a sample of 25.000 women.

This particularly delicate argument required a special attention in all phases of the process. The monitoring of the quality was carried out on a daily basis in a 9 months period of research. The involvement of women was high, for 52,7% of interviewers it was very good and 31,6% good. Only 2,8% of interviewers reported a scarce collaboration of women throughout

the entire interview. The rate of times in which the interview was interrupted was 2,6% and the rate of times in which the interview was rejected 17%, this latter figure is in line with other rates of other survey falling within this category, such as the survey for the Citizen's security. The interviews took place throughout the whole day, giving the chance to the woman to choose the most favorable moment to give the interview.

Great attention was paid to women's security from the first to the last call. Women were given the option to stop the interview any time they wanted, and they could be called on their mobile phone, and could verify the truthfulness of the survey by calling a toll free number, and if requested, they could receive information on the anti-violence centre closest to them.

The process of selection of the interviewers was particularly careful. Their training included lessons, exercises and role-playings (that is role games in which participants simulate conditions similar to reality - in this case interviewers and interviewee). Psychological support was a key element for interviewers, both in the training phase that during the information gathering.

During the survey period, 64 interviewers were involved, who worked shifts so as to guarantee a good turn over and limit psychological pressure with burn out consequences.

The survey was very complex and required a long planning process with a focus group, qualitative researches, interviews to privileged victims, pre-tests and pilot surveys, before obtaining the best version of the questionnaire and the most adequate methodology to identify the phenomenon of violence in Italy.

Nine focus group were carried out, with anti-violence centers operators, victims of violence, telephone operators and other women aged between 18 and 70 that are not part of all those groups.

The planning included the possibility to better define and understand, on one side, some contents under examination, such as psychological violence, financial violence, risk factors, consequences of violence, social background, stereotypes on violence, on the other side, some methodological aspects, such as the design of the questionnaire and the *wording*, the best way to talk to women, the interviewers characteristics, their training, the monitoring of the process quality and the context of the interviewer.

3. THE QUESTIONNAIRE

In order to clearly identify the number of *physical and sexual violence* that the interviewee experienced during the period of reference, the so-called *screening technique* was applied.

This technique consists of putting the interviewee through a series of questions on the kind and number of violent behavior endured during a specified period of time, without asking, for the moment, other details.

The *screening technique* foresees, the enumeration of events, by making the interview concentrate on the frequency, rather than the description. The gathering of details on how the acts of violence took place, came after their enumeration, in special parts of the interview.

The questions aim at describing episodes, examples, events of victimization in which the interviewee can relate to if she has experienced them. The methodological choice made even in surveys carried out at an international level, is to avoid talking about “physical violence” or “sexual violence”, but rather to concretely describing acts and/or behaviors in order to make it easier for the interviewee to talk and the surfacing of different types of violence.

The meticulousness with which it is asked to women whether they have experienced violence, confronting them to different possible situations, places, and perpetrators of the violence, represents a strategic choice that helps the victims to remember experienced events even if they occurred years before and avoid eventual underestimation of the phenomenon.

Underestimation can be determined by the fact that sometimes women cannot regard them-selves as victims, and have not developed awareness of their experienced violence, whilst they can easily relate to single facts and episodes that happened.

In order to put women at ease and allow them to talk more calmly about the violence, questions about the current partner come after the session about violence received from an ex partner, such as parents, colleagues, friends, acquaintances and strangers.

Physical and sexual violence data are gathered according to different eventual perpetrators with three different *screenings*:

- (a) The “*Screening of violence received from a man other than the partner*” session is the first and all women are involved. It includes two series of questions on sexual and physical violence from strangers, persons known by sight only, friends, colleagues or parents;
- (b) The “*Screening of violence received from the current partner*” session involves married women, women a companion or engaged at the moment of the interview;
- (c) Finally, the “*Screening of violence received from a former partner*”, session involves women that were married once or more than once in the past, with a companion or a boyfriend.

The use of three separate *screenings* seemed strategic mainly because it allows the woman to focus with more precision, and in separate moments, on events or stories of violence with different perpetrators and, secondly, it faces the issue of domestic violence in a more gradual way, in a more advanced phase, in which the relationship of collaboration and trust with the interviewer reaches its peak.

Acts of physical violence were registered during the second series of questions, differently adapted according to whether the information collection concerned a man other than the partner, a current partner of an ex partner:

- (a) Did a man ever **THREATEN TO PHYSICALLY HURT YOU** in a very terrifying way;
- (b) Did a man **THROW SOMETHING AGAINST YOU OR HIT YOU WITH AN OBJECT** that hurt you or might have hurt you;

(c) Did a man ever PUSH YOU, PULL YOU, YANK YOU, TWIST YOUR ARM OR PULL YOUR HAIR in a way that hurt you or scared you;

(d) Did a man ever SLAP, KICK OR BITE YOU;

(c) Did a man/partner ever tried intentionally to STRANGLE, SUFFOCATE OR BURN YOU;

(d) Did a man ever used or threaten to use A GUN OR A KNIFE against you;

(e) Did a man ever inflicted to you PHYSICAL VIOLENCE in a different way other than in the above mentioned ones.

Cases of sexual violence were reported with the following series of questions:

Did a man ever FORCE YOU TO HAVE A SEXUAL INTERCOURSE, by threatening you, keeping you still or hurting you in some other ways.

If the interviewee answers no:

(a) Did a man ever FORCE YOU COSTRETТА, against your will, TO UNDERGO TO OTHER FORMS OF SEXUAL INTERCOURSE, such as anal intercourse or with the use hands or objects, or oral sex, that is using your mouth;

(b) Did a man ever TRY TO FORCE YOU TO HAVE SEXUAL INTERCOURSE, by threatening you, hurt you or in other ways;

(c) Did a man ever force you or tried to FORCE YOU TO HAVE A SEXUAL ACTIVITY WITH THIRD PERSONS, included cases of sex for money or for assets and favors;

(d) Did a man ever adopt a VIOLENT BEHAVIOUR WITH YOU FROM A SEXUAL POINT OF VIEW in ways other than the above mentioned ones.

Only for the partner

(a) Did you ever have SEXUAL INTERCOURSES with your PARTNER EVEN IF YOU DID NOT WANT TO for fear of his reaction;

(b) Did it ever occur that A PARTNER FORCED YOU INTO SOME SEXUAL ACTIVITY THAT YOU FOUND DEGRADING OR HUMILIATING.

Only for a man other than the partner

Did a man ever TOUCH YOU SEXUALLY AGAINST YOU WILL to the point of irritating you.

Sexual violence before the age of 16

Before turning 16, DID ANYONE TOUCHED YOU SEXUALLY OR FORCED YOU INTO ANY SEXUAL ACTIVITY AGAINST YOUR WILL.

SEXUAL VIOLENCE before the age of 16 within the family

- (a) Did your father (or step-father, or your mother's partner) ever adopt violent behaviours towards your mother;
- (b) Was your father (or step-father, or your mother's partner) ever PHYSICALLY violent towards you before turning 16;
- (c) Was your mother (or step-mother, or your father's) ever PHYSICALLY violent towards you;
- (d) In your family of origin, did it ever occur to assist at episodes of violence that were inflicted towards your brothers/sisters;
- (e) Were your brothers/sisters ever physically violent with you.

Cases of psychological and financial violence involved mostly the woman's partner. Most notably, it involved the current partners. The series of questions is the following:

Does your partner/ex-partner (husband/companion/boyfriend; ex husband/ex companion/ex boyfriend):

- (a) Get mad if you talk with another man;
- (b) Humiliates or offends you in front of other persons, by, for example, treating you like a dumb person, ridiculing you, or telling personal details;
- (c) Criticize your looks, the way you dress or do your hair by saying you're not attractive, inadequate;
- (d) Criticize the way you take care of the house, how you cook, or look after you kids, by saying for example that you're a good for nothing woman. Ignores you, does not talk with you, nor listen, by for example not taking you into account or not answering you questions;
- (e) Insult you or swears at you in a way that makes you feel bad;
- (f) Tries to hinder your relationship with your family or friends;
- (g) Prevents you from or tries to prevent you from studying or doing outdoor activities;
- (h) Tells you what to wear, how to do your hair, how to behave in public;
- (i) Constantly doubts your faithfulness;

- (j) Follow you and watch your moves in a way that scares you;
- (k) Stop you or tries to stop you from working;
- (l) Constantly control your spending and what you buy;
- (m) Prevent you from knowing the family's income;
- (n) Stop you from using your money or the family's money;
- (o) Damage or destroy your stuff other assets and personal objects;
- (p) Hurt or threaten to hurt your children;
- (q) Hurt or threaten to hurt to beloved ones;
- (r) Hurt or threaten to hurt your pets, if you have any;
- (s) Threaten to commit suicide.

Violence taking the shape of persecuting acts (*stalking*) that involved the woman's former partners (ex husband, ex companion, ex boyfriend) was registered at the end of the screening session that gives attention to those partner.

The series of questions were:

Did a former partner ever stalked you, in a period when you were about to break up or you had already broken up, in a way that scared you? For example, did he ever:

- (a) Send you messages, phone calls, e-mails, letters or unwanted gifts?
- (b) Repeatedly ask you to meet him?
- (c) Wait for you outside your house/workplace/school?
- (d) Repeatedly try to talk to you against your will?
- (e) Follow, spied on, threaten you?

After the *screenings* on physical and sexual violence, the survey foresees two close examination sessions: one relating to episodes of violence inflicted by men other than the *partner* and another session relating to episodes of violence from the woman's *partner*. If the interviewee experienced multiple episodes of the same kind of violence (explain what "kind" means), there is one single close examination session on the most recent episode.

An in-depth examination, the following results emerged.

If the perpetrator is a person other than the partner:

(a) Contextualization of the episode

Age of the victim at the moment of the event, period of year and moment of the day in which the fact occurred, place and Country where it occurred;

(b) Features of the perpetrator

Age, qualification, working conditions, professional position and financial activity of the perpetrator;

(c) Dynamics of the episode

What happened, presence of third persons involved, victim's reaction, if the perpetrator was under alcohol or drug influence, use a gun, presence of third persons not involved, feeling that the victim's life was under threat;

(d) Consequences of violence and behavior of the victim

Did she talk to anyone about what happened, with who and after how much time, had wounds and injuries, needed health care, was unable to carry out everyday activities and/or to work, she got pregnant after a sexual violence, enter in contact with facilities or receive specialized services, received psychological/psychiatric support, spend for health services and/or psychological support, drugs, legal procedures, had her property damaged, feel the episode was quite serious, eventually use drugs or drink alcohol after the episode, change her attitude and/or behavior.

(e) Relations with law enforcement authorities

Did the victim report the act to the police or other authorities, or why didn't she report the act, what kind of actions were carried out by the law enforcement officers, was there, after the report, also an accusation and a conviction, was she satisfied on the way law enforcement official handled the issue.

If the perpetrator is the **woman's partner**:

(a) Dynamics of the episode

What happened, presence of third persons involved, victim's reaction, if the perpetrator was under alcohol or drug influence, use a gun, presence of third persons not involved, feeling that the victim's life was under threat;

(b) Consequences of violence and behavior of the victim

Did she talk to anyone about what happened, with who and after how much time, had wounds and injuries, needed health care, was unable to carry out everyday activities and/or to work, she got pregnant after a sexual violence, enter in contact with facilities or receive specialized services, received psychological/psychiatric support, spend for health services and/or psychological support, drugs, legal procedures, had her property damaged, feel the episode was quite serious, eventually use drugs or drink alcohol after the episode, change her attitude and/or behavior;

(c) Relations with law enforcement authorities

Did the victim report the act to the police or other authorities, or why didn't she report the act, what kind of actions were carried out by the law enforcement officers, was there, after the report, also an accusation and a conviction, was she satisfied on the way law enforcement official handled the issue;

(d) The violence's story (when did acts of repeated violence from the same partner occur)

How many episodes did she experience, when was starting point, did it occur during pregnancy, did children witness the violence, were there prior episodes in which the victim was wounded or injured, were there periods of separation from a partner after the violence, what were the reasons of the eventual reunion of the couple.

**Women from 16 to 70 of age who have endured physical or sexual violence from a man for type of endured violence, period in which it has been taken place and region of residence of the woman
(for 100 women of the same region)**

	Physical or sexual violence in the course of the life	Physical or sexual violence in the past 12 months	Physical violence	Sexual violence	Rape or attempted rape
REGIONS					
Piemonte	33.6	5.4	18.3	26.5	5.2
Aosta Valley	34.6	3.6	20.1	24.3	5.9
Lombardy	34.8	5.2	20.1	25.6	4.7
Trentino Alto Adige	32.2	4.2	19.0	24.4	5.8
<i>Bolzano - Bozen</i>	<i>31.1</i>	<i>4.8</i>	<i>19.9</i>	<i>22.7</i>	<i>7.1</i>
<i>Trento</i>	<i>33.1</i>	<i>3.6</i>	<i>18.1</i>	<i>26.0</i>	<i>4.6</i>
Veneto	34.3	5.7	19.6	26.0	5.7
Friuli Venezia Giulia	33.9	6.1	20.1	24.7	4.7
Liguria	35.4	4.1	19.9	26.6	6.4
Emilia Romagna	38.2	7.0	23.1	29.6	6.9
Toscany	34.7	5.6	20.8	26.4	5.8
Umbria	28.6	6.4	17.3	21.8	4.9
Marche	34.4	7.5	20.1	25.2	4.7
Latium	38.1	5.8	21.3	29.8	4.8
Abruzzoi	27.6	6.0	15.6	21.6	4.0
Molise	24.8	5.9	14.1	19.3	4.3
Campania	29.8	5.8	18.6	20.0	3.7
Puglia	24.9	5.0	15.8	17.6	4.3
Basilicata	23.6	4.8	14.4	16.2	3.3
Calabria	22.5	3.1	13.6	15.4	2.7
Sicily	23.3	4.8	14.2	16.5	3.3
Sardinia	27.1	4.1	15.3	20.3	4.4
Italy	31.9	5.4	18.8	23.7	4.8

Women from 16 to 70 years that have endured physical or sexual violence from a partner for type of endured violence, period in which she has taken place herself, type of partner and region of residence of the woman - Year 2006 (for 100 women of the same region)

	Physical or sexual violence			Physical or sexual violence in the past 12 months			Physical violence			Sexual violence			Rape or attempted rape		
	Actual partner or former partner	Actual partner	Former partner	Actual partner or former partner	Actual partner	Former partner	Actual partner or former partner	Actual partner	Former partner	Actual partner or former partner	Actual partner	Former partner	Actual partner or former partner	Actual partner	Former partner
REGIONS															
Piemonte	13.9	7.0	15.1	2.2	2.1	0.9	11.2	5.8	12.1	6.6	3.1	7.2	2.6	0.5	3.7
Aosta Valley	14.4	6.2	16	1.3	0.6	1.3	11.7	5.3	12.3	5.8	2.2	6.8	1.5	0.4	1.9
Lombardy	14.8	7.4	17.1	2.7	2.8	0.8	12.4	6.0	14.3	6.6	2	8.8	2.6	0.3	4.0
Trentino Alto Adige	14.2	4.8	19.3	1.3	1.1	0.7	11.9	4.0	16.1	6.8	1.6	10.1	2.4	0.4	3.8
<i>Bolzano - Bozen</i>	<i>15.4</i>	<i>4.8</i>	<i>12.0</i>	<i>1.7</i>	<i>1.4</i>	<i>1.1</i>	<i>13.7</i>	<i>3.9</i>	<i>10.7</i>	<i>7.4</i>	<i>1.8</i>	<i>6.2</i>	<i>3.0</i>	<i>0.3</i>	<i>5.2</i>
<i>Trento</i>	<i>13.1</i>	<i>4.9</i>	<i>9.6</i>	<i>0.9</i>	<i>0.9</i>	<i>0.4</i>	<i>10.2</i>	<i>4.1</i>	<i>7.3</i>	<i>6.2</i>	<i>1.4</i>	<i>5.0</i>	<i>1.9</i>	<i>0.5</i>	<i>2.6</i>
Veneto	13.3	7.3	14.6	2.1	2.2	0.5	10.8	5.6	12.2	5.1	2.7	6.0	2.2	0.6	3.3
Friuli Venezia Giulia	15.2	6.4	19.1	1.4	1.4	0.5	13.1	5.0	16.7	7.1	2.3	9.6	3.0	0.8	4.2
Liguria	15.8	6.1	19.0	1.4	1.6	0.3	14.3	5.4	17.1	6.5	1.8	8.7	3.2	0.3	4.8
Emilia Romagna	17.8	7.3	21.7	2.4	1.8	1.5	15.7	5.9	19.3	7.3	2.5	9.6	3.5	0.5	5.4
Toscany	17.0	7.5	22.4	3.2	2.8	1.8	14.6	6.2	19.4	7.4	2.5	10.5	2.7	0.4	4.3
Umbria	12.5	6.9	14.5	2.5	2.3	1.1	11.6	6.4	13.6	4.8	1.7	6.7	1.7	0.3	3.1
Marche	16.4	10.9	17.8	3.5	4.1	0.3	12.6	8.3	12.8	7.1	3.8	9.5	2.2	0.6	3.5
Lazio	16.3	6.7	20.2	2.3	1.9	1.3	13.6	5.4	16.9	6.7	2.3	8.8	2.1	0.2	3.3
Abruzzoi	12.9	7.9	16.4	2.9	2.8	1.7	10.8	6.0	13.9	6.7	3.8	8.4	1.9	0.7	2.9
Molise	12.9	6.6	17.7	2.8	2.7	1.4	10.6	5.8	14.1	5.6	2.6	7.5	2.1	0.5	3.7
Campania	13.5	8.1	16.6	2.9	2.5	1.9	11.9	7.0	14.8	5.2	2.5	6.6	1.9	0.4	3.1
Puglia	12.9	8.0	14.9	3.1	3.2	1.2	10.5	6.2	12.3	5.4	3.1	6.5	2.3	0.9	3.4
Basilicata	12.8	7.4	16.5	2.2	2.1	1.0	10.0	5.9	12.0	6.5	3.7	8.3	1.7	0.7	2.5
Calabria	10.1	5.9	13.0	1.6	1.2	1.4	8.5	4.8	10.9	4.4	2.2	5.9	1.7	0.5	2.9
Sicily	11.9	6.6	15.2	1.7	1.3	1.5	10.1	5.7	12.6	5.3	2.3	7.5	2.1	0.8	3.1
Sardinia	11.0	4.5	16.2	2.0	1.8	1.2	8.1	3.3	11.7	5.0	1.9	7.3	1.5	0.7	2.1
Italy	14.3	7.2	17.4	2.4	2.3	1.1	12.0	5.9	14.6	6.1	2.5	8.1	2.4	0.5	3.7

**Women from 16 to 70 years that have endured physical and sexual violence from a partner
for shapes of endured violence and region of residence of the woman - Year 2006
(for 100 victims of physical violence of the same region)**

	Threatened to be hit physically	Hit with an object or pulled something	Pushed, caught, jerked, twisted an arm, pulled the hair	Slapped, taken to soccer, fists or vice	Tried to strangle it, soffocarla, ustionarla	Used or threatened to use one gun or a knife	Physical violence in a various way	Total	Rape	Tried rape	Endured undesired sexual relationships for fear of the consequences	Forced to a sexual activity considered humiliating	Forced to one sexual activity with other persons	Sexual violence in a various way	Total
REGIONS															
Piemonte	54.1	27.2	64.7	49.1	7.4	6.8	5.9	100.0	25.3	23.2	67.8	25.5	0.9	5.6	100.0
Aosta Valley	57.9	32.5	67.4	43.0	7.4	4.1	7.6	100.0	14.4	16.4	68.9	22.0	7.5	0.0	100.0
Lombardy	60.1	25.5	64.4	43.8	7.9	10.4	3.9	100.0	33.7	16.2	69.2	32.1	5.6	5.6	100.0
Trentino Alto Adige	50.7	29.6	65.7	34.0	9.7	6.0	2.9	100.0	26.4	16.4	71.7	38.8	1.2	0.0	100.0
<i>Bozano - Bozen</i>	57.9	33.0	63.3	35.2	12.2	6.4	4.0	100.0	27.3	18.9	82.5	39.8	0.0	0.0	100.0
<i>Trento</i>	41.8	25.4	68.6	32.5	6.7	5.5	1.5	100.0	25.4	13.5	59.7	37.8	2.5	0.0	100.0
Veneto	41.8	26.3	67.8	38.4	7.7	6.2	2.8	100.0	28.0	25.3	64.8	25.1	1.8	8.4	100.0
Friuli Venezia Giulia	53.8	20.0	65.7	46.9	7.1	4.8	1.8	100.0	31.7	24.2	82.5	19.2	2.4	3.1	100.0
Liguria	45.4	24.0	71.0	46.5	5.9	6.2	5.6	100.0	41.3	16.7	86.5	24.6	3.9	3.6	100.0
Emilia Romagna	53.8	25.8	61.4	49.1	7.4	4.7	2.1	100.0	28.4	28.7	75.9	36.6	3.4	1.7	100.0
Toscany	47.9	22.7	71.6	42.3	9.0	5.8	5.2	100.0	18.6	27.2	61.9	23.4	4.0	4.9	100.0
Umbria	50.1	27.4	63.9	48.6	3.4	4.9	5.3	100.0	21.9	24.4	78.3	15.7	0.0	1.8	100.0
Marche	41.4	22.6	63.7	48.9	6.8	4.7	1.4	100.0	25.8	9.7	71.8	19.2	8.2	8.0	100.0
Lazio	42.3	24.2	64.7	53.1	4.7	6.7	3.7	100.0	16.5	20.3	64.9	20.7	3.3	2.2	100.0
Abruzzoi	51.2	26.8	69.2	56.3	7.6	13.3	3.3	100.0	22.5	6.9	85.5	16.0	0.7	4.3	100.0
Molise	54.9	27.2	67.3	49.0	2.7	4.1	6.4	100.0	20.0	21.0	78.8	18.9	6.5	0.0	100.0
Campania	45.8	23.8	56.4	53.6	5.2	4.0	4.9	100.0	21.0	25.1	70.9	14.9	2.6	13.0	100.0
Puglia	40.8	30.0	58.5	49.5	6.6	6.6	1.7	100.0	35.0	20.1	64.9	22.5	4.4	3.6	100.0
Basilicata	46.4	29.3	59.2	60.5	4.3	10.9	5.7	100.0	22.7	9.7	81.0	18.6	3.9	2.0	100.0
Calabria	41.3	29.1	60.7	54.2	10.0	18.7	6.4	100.0	29.9	15.6	89.9	16.7	0.0	21.3	100.0
Sicily	38.7	21.4	57.5	52.4	1.7	2.6	3.6	100.0	26.8	22.6	68.2	15.6	0.0	1.4	100.0
Sardinia	55.4	27.8	58.7	35.7	9.0	6.7	7.6	100.0	19.3	24.9	81.1	10.8	0.4	1.4	100.0
Italy	48.6	25.2	63.4	47.8	6.6	6.8	3.9	100.0	26.6	21.1	70.5	24.0	3.1	5.2	100.0

Women from 16 to 70 years that have endured physical or sexual violence from a man not partner for type of endured violence, period in which she has taken place herself, type of author and region of residence of the woman - Year 2006 (for 100 women of the same region)

	Physical or sexual violence				Last 12 months	Physical or sexual violence without harassments	Physical violence	Sexual violence	Physical harassment	Rape or tried rape
	From 16 years old up to date									
	Unknown	Relative	Acquaintance, friend colleague, etc.	Total						
REGIONS										
Piemonte	16.1	2.0	13.4	26.9	3.5	11.8	9.8	22.5	20.6	2.8
Aosta Valley	14.2	2.1	14.7	26.5	3.0	14.3	10.9	21.4	18.4	4.6
Lombardy	17.1	2.2	11.6	26.8	3.1	12.7	10.9	21.7	20.4	2.9
Trentino Alto Adige	13.8	2.0	13.4	24.9	3.1	12.2	9.8	20.8	19.0	4.3
<i>Bolzano - Bozen</i>	<i>12.4</i>	<i>2.2</i>	<i>13.4</i>	<i>22.9</i>	<i>3.4</i>	<i>12.7</i>	<i>9.5</i>	<i>18.9</i>	<i>16.4</i>	<i>5.5</i>
<i>Trento</i>	<i>15.2</i>	<i>1.7</i>	<i>13.5</i>	<i>26.7</i>	<i>2.7</i>	<i>11.8</i>	<i>10.2</i>	<i>22.5</i>	<i>21.5</i>	<i>3.0</i>
Veneto	16.8	2.1	13.6	28.0	3.8	14.5	11.3	23.0	20.9	3.9
Friuli Venezia Giulia	14.9	1.8	13.1	25.7	5.1	12.2	11.0	20.5	19.5	2.2
Liguria	17.9	1.7	11.3	26.6	3.0	11.7	9.6	22.5	20.2	3.5
Emilia Romagna	18.5	2.8	14.3	30.5	5.0	14.0	11.6	26.6	24.4	4.3
Toscany	17.4	2.2	12.0	27.0	3.0	12.5	10.1	23.1	21.2	3.6
Umbria	12.1	1.6	13.1	23.4	5.0	11.3	9.1	20.2	17.9	3.4
Marche	14.7	2.3	12.6	25.5	4.3	11.5	10.0	21.1	19.8	2.6
Lazio	21.8	2.1	12.5	31.1	4.0	13.6	11.5	26.4	24.8	3.1
Abruzzoi	9.7	1.9	12.9	21.2	3.9	9.8	7.6	17.5	16.1	2.6
Molise	10.9	0.5	10.4	18.7	3.7	8.3	6.0	17.4	16.4	3.2
Campania	14.9	2.7	9.0	22.7	3.4	10.8	9.4	17.4	16.3	2.1
Puglia	9.5	1.9	9.0	17.5	2.5	9.3	8.0	13.7	12.7	2.5
Basilicata	9.5	1.9	7.6	16.0	2.9	8.6	7.2	12.4	11.1	2.2
Calabria	8.1	1.7	8.4	16.6	1.8	8.0	7.0	12.6	11.5	1.1
Sicily	10.4	1.3	7.9	16.6	3.3	7.6	6.5	14.1	13.3	1.8
Sardinia	13.6	1.8	9.8	20.9	2.3	10.7	9.7	17.0	14.8	3.1
Italy	15.3	2.1	11.4	24.7	3.4	11.6	9.8	20.4	18.9	2.9

Women from 16 to 70 years that have endured physical and sexual violence from a man not partner for shapes of endured violence and region of residence of the woman - Year 2006 (for 100 victims of physical violence of the same E region for 100 victims of sexual violence of the same region)

	Threatened to be hit physically	Hit with an object or pulled something	Pushed, seized, jerked, crooked an arm, pulled the hair	Slapped taken to soccer, fists or vice	Tried to strangle it, soffocarla, ustionarla	Used or threatened to use one gun or a knife	Physical violence in a various way	Total	Rape	Tried rape	Endured undesired sexual relationships for fear of the consequences	Forced to a sexual activity considered humiliating	Forced to one sexual activity with other persons	Sexual violence in a various way	Total
REGIONS															
Piemonte	64.8	14.3	36.2	18.2	3.9	8.0	4.7	100.0	3.6	9.3	1.8	91.6	-	2.4	100.0
Aosta Valley	36.5	22.7	55.8	19.6	1.7	4.2	9.3	100.0	8.3	17.7	5.4	86.1	1.0	1.4	100.0
Lombardy	49.4	15.3	34.7	16.2	3.0	8.0	5.8	100.0	2.7	11.5	2.0	93.6	1.1	2.3	100.0
Trentino Alto Adige	59.4	17.4	39.0	23.2	5.9	2.4	5.7	100.0	8.6	14.3	1.6	91.6	0.1	1.5	100.0
<i>Bozano - Bozen</i>	67.1	12.6	36.3	21.6	9.8	1.9	5.8	100.0	15.2	17.3	0.7	86.7	-	0.8	100.0
<i>Trento</i>	52.5	21.6	41.4	24.6	2.3	2.9	5.5	100.0	3.4	11.8	2.3	95.5	0.3	2.1	100.0
Veneto	60.6	15.9	36.4	13.4	2.1	11.5	7.7	100.0	7.4	10.7	1.9	90.8	0.5	3.2	100.0
Friuli Venezia Giulia	42.5	23.9	40.8	13.5	3.4	3.6	6.4	100.0	2.9	7.9	2.1	95.0	0.5	1.2	100.0
Liguria	54.9	8.4	55.0	16.7	4.3	12.3	5.1	100.0	2.7	13.7	3.3	89.7	2.3	0.6	100.0
Emilia Romagna	45.4	21.1	45.5	19.7	2.8	12.7	7.3	100.0	5.3	12.0	3.5	91.6	2.8	1.8	100.0
Toscany	50.3	16.5	52.8	12.3	1.6	9.6	3.2	100.0	4.5	12.5	1.5	92.0	0.5	2.2	100.0
Umbria	50.1	12.8	49.9	9.6	-	8.1	2.4	100.0	2.5	14.8	2.2	88.9	0.3	1.5	100.0
Marche	48.9	20.2	44.6	19.6	2.3	3.6	8.0	100.0	2.3	11.3	1.0	93.8	0.3	3.1	100.0
Lazio	42.8	16.9	51.8	13.0	3.4	7.2	6.4	100.0	3.3	8.9	1.1	93.7	1.5	1.9	100.0
Abruzzoi	48.2	24.8	42.7	15.5	-	3.0	5.1	100.0	3.6	13.6	0.7	92.2	-	3.9	100.0
Molise	55.0	9.5	40.0	17.6	-	3.7	2.6	100.0	6.9	14.4	1.3	94.5	-	3.0	100.0
Campania	49.2	38.0	34.9	13.8	0.4	7.2	9.5	100.0	2.0	10.5	0.8	93.7	0.1	5.2	100.0
Puglia	43.3	18.0	48.8	11.7	4.8	5.5	12.4	100.0	5.6	14.6	1.4	92.7	1.9	1.0	100.0
Basilicata	58.2	20.7	37.0	11.9	2.2	2.4	16.5	100.0	5.3	16.1	3.0	89.1	1.5	4.6	100.0
Calabria	48.8	22.4	35.2	20.8	0.5	4.1	8.8	100.0	0.8	8.5	4.8	91.1	0.3	0.7	100.0
Sicily	47.8	20.8	48.1	15.4	1.0	3.4	3.7	100.0	3.8	9.7	0.4	94.3	0.8	2.7	100.0
Sardinia	49.1	9.7	43.2	18.2	3.8	4.4	10.3	100.0	4.9	14.3	3.4	87.3	-	1.4	100.0
Italy	50.3	19.0	42.1	15.4	2.6	7.7	6.8	100.0	3.9	11.2	1.8	92.5	1.0	2.4	100.0

**Women from 16 to 70 years that have endured physical or sexual violence
for denunciation of the fact, type of author and region of residence of the
woman - Year 2006 (for 100 victims of the same region)**

	Denunciation the violence from partner				Denunciation the violence not from partner*			
	Yes	No	Doesn't know/do not answer	Total	Yes	No	Doesn't know/do not answer	Total
REGIONS								
Piemonte	5.8	93.8	0.4	100.0	4.9	94.8	0.3	100.0
Aosta Valley	9.2	89.3	1.5	100.0	4.5	95.5	-	100.0
Lombardy	11.0	88.7	0.2	100.0	6.0	93.0	1.1	100.0
Trentino Alto Adige	10.6	89.4	-	100.0	4.0	95.9	0.2	100.0
<i>Bozano - Bozen</i>	<i>13.7</i>	<i>86.3</i>	<i>-</i>	<i>100.0</i>	<i>4.1</i>	<i>95.9</i>	<i>-</i>	<i>100.0</i>
<i>Trento</i>	<i>6.9</i>	<i>93.1</i>	<i>-</i>	<i>100.0</i>	<i>3.8</i>	<i>95.9</i>	<i>0.3</i>	<i>100.0</i>
Veneto	6.1	92.5	1.4	100.0	4.4	95.5	0.2	100.0
Friuli Venezia Giulia	10.3	89.7	-	100.0	4.7	95.3	-	100.0
Liguria	10.8	89.2	-	100.0	4.7	95.3	-	100.0
Emilia Romagna	5.1	94.9	-	100.0	2.9	97.0	0.1	100.0
Toscany	6.6	92.5	0.9	100.0	3.6	95.3	1.1	100.0
Umbria	3.8	96.2	-	100.0	3.2	96.8	-	100.0
Marche	4.0	96.0	-	100.0	3.3	96.7	-	100.0
Lazio	8.0	91.4	0.6	100.0	3.3	96.5	0.2	100.0
Abruzzoi	5.3	94.7	-	100.0	1.7	96.8	1.5	100.0
Molise	3.4	96.6	-	100.0	3.1	96.9	-	100.0
Campania	5.7	94.3	-	100.0	2.4	97.6	-	100.0
Puglia	10.8	89.2	-	100.0	5.4	94.6	-	100.0
Basilicata	5.1	94.9	-	100.0	6.8	92.7	0.5	100.0
Calabria	4.2	95.8	-	100.0	0.9	96.6	2.4	100.0
Sicily	2.4	97.6	-	100.0	3.4	96.3	0.4	100.0
Sardinia	5.4	94.6	-	100.0	1.4	98.3	0.3	100.0
Italy	7.2	92.5	0.3	100.0	4.0	95.6	0.4	100.0

* The data is referred to the last sustained episode.

Women from 16 to 70 years that have endured physical or sexual violence from a man not partner for endured wounds, fear for the own life at the moment of the violence, perceived gravity of the fact, appraisal of the episode and region of residence of the woman - Year 2006 (for 100 victims of the same region)

	Has brought back hurt			Total	Has had the feeling that its life was in pericolo			Total	Perceived gravity of the fact					Total	How she contemplates the fact*				Total	
	Yes	No	Doesn't know/ do not answer		Yes	No	Doesn't know/ do not answer		Very heavy	Enough heavy	Not much heavy	For nothing heavy	Doesn't know/ doesn't answer		A crime	Something wrong not a crime	Only something that has happened	Doesn't know/ doesn't answer		
REGIONS																				
Piemonte	16.4	77.6	6.0	100.0	14.0	85.6	0.4	100.0	19.9	36.3	29.3	14.1	0.4	100.0	26.7	47.8	23.9	1.5	100.0	
Aosta Valley	11.4	86.4	2.2	100.0	17.0	83.0	-	100.0	19.3	37.0	25.1	18.6	-	100.0	25.6	43.6	30.8	.	100.0	
Lombardy	13.1	85.8	1.1	100.0	15.2	83.8	1.0	100.0	21.5	37.6	28.4	11.6	0.9	100.0	21.5	47.7	28.9	1.8	100.0	
Trentino Alto Adige	26.0	71.4	2.6	100.0	14.2	85.2	0.6	100.0	20.6	36.8	31.9	10.4	0.3	100.0	21.5	53.7	23.5	1.3	100.0	
<i>Bolzano - Bozen</i>	<i>15.3</i>	<i>81.5</i>	<i>3.2</i>	<i>100.0</i>	<i>16.4</i>	<i>82.5</i>	<i>1.0</i>	<i>100.0</i>	<i>20.6</i>	<i>38.7</i>	<i>33.2</i>	<i>7.1</i>	<i>0.3</i>	<i>100.0</i>	<i>24.1</i>	<i>48.4</i>	<i>25.1</i>	<i>2.4</i>	<i>100.0</i>	
<i>Trento</i>	<i>36.0</i>	<i>62.0</i>	<i>2.0</i>	<i>100.0</i>	<i>12.3</i>	<i>87.4</i>	<i>0.3</i>	<i>100.0</i>	<i>20.5</i>	<i>35.2</i>	<i>30.9</i>	<i>13.1</i>	<i>0.3</i>	<i>100.0</i>	<i>19.4</i>	<i>57.9</i>	<i>22.2</i>	<i>0.5</i>	<i>100.0</i>	
Veneto	12.8	84.5	2.7	100.0	13.9	85.6	0.5	100.0	21.0	29.8	30.7	17.1	1.4	100.0	18.1	46.6	34.3	1.0	100.0	
Friuli Venezia Giulia	20.0	78.8	1.2	100.0	11.3	88.7	-	100.0	11.2	31.1	37.2	20.5	-	100.0	18.9	48.6	30.8	1.6	100.0	
Liguria	21.3	76.4	2.3	100.0	14.3	84.2	1.4	100.0	24.0	33.7	30.5	11.7	-	100.0	29.8	45.1	24.1	1.0	100.0	
Emilia Romagna	20.2	77.8	2.0	100.0	15.6	83.4	1.0	100.0	21.0	34.6	33.6	10.8	-	100.0	28.2	49.3	21.8	0.7	100.0	
Toscany	12.8	82.9	4.4	100.0	13.4	84.3	9.4	100.0	20.5	35.6	26.9	16.0	0.9	100.0	28.5	46.9	22.0	2.6	100.0	
Umbria	10.2	87.0	2.8	100.0	11.6	88.4	-	100.0	16.1	38.4	31.0	14.5	-	100.0	21.1	50.2	28.1	0.5	100.0	
Marche	12.9	82.5	4.6	100.0	12.8	85.1	2.0	100.0	15.5	35.7	37.0	11.8	-	100.0	17.1	58.1	23.8	1.0	100.0	
Lazio	16.6	77.2	6.2	100.0	13.3	85.5	1.1	100.0	20.1	37.7	27.6	14.2	0.4	100.0	28.8	46.4	23.0	1.8	100.0	
Abruzzoi	14.7	83.0	2.3	100.0	15.1	83.4	1.5	100.0	16.9	34.1	27.7	18.9	2.4	100.0	20.0	50.1	27.6	2.3	100.0	
Molise	9.0	79.1	11.9	100.0	17.9	82.1	-	100.0	17.2	37.3	34.4	10.6	0.5	100.0	25.3	49.8	24.9	-	100.0	
Campania	12.7	81.2	6.0	100.0	16.9	82.9	0.3	100.0	25.7	32.2	24.5	17.5	0.2	100.0	24.2	52.4	22.9	0.6	100.0	
Puglia	12.3	82.7	5.0	100.0	24.9	73.9	1.2	100.0	25.5	34.9	24.9	14.6	-	100.0	27.3	51.3	20.9	0.5	100.0	
Basilicata	12.3	82.1	5.6	100.0	27.7	69.1	3.2	100.0	18.2	45.9	28.7	6.6	0.5	100.0	22.5	55.0	20.5	2.0	100.0	
Calabria	11.1	79.5	9.4	100.0	23.9	73.5	2.6	100.0	29.4	31.7	24.5	12.2	2.2	100.0	22.2	45.7	28.4	3.8	100.0	
Sicily	9.1	86.7	4.2	100.0	18.8	80.1	1.2	100.0	25.7	30.1	30.4	13.9	-	100.0	27.0	48.3	23.5	1.2	100.0	
Sardinia	29.1	69.5	1.4	100.0	20.7	78.3	1.0	100.0	19.7	42.2	26.6	10.1	1.4	100.0	29.6	50.4	18.7	1.3	100.0	
Italy	15.0	81.2	3.9	100.0	15.7	83.3	1.0	100.0	21.5	35.0	29.0	13.9	0.6	100.0	24.6	48.6	25.3	1.4	100.0	

* The data is referred to the last sustained episode.

**Women from 16 to 70 years that have endured sexual violence before the
16 years for author and region of residence of the woman - Year 2006
(for 100 victims of the same region)**

	Quotients	Relative	Known person	Unknown person	Others	Total*
REGIONS						
Piemonte	6.6	21.6	22.4	21.2	35.7	100.0
Aosta Valley	6.8	31.4	27.9	10.1	34.2	100.0
Lombardy	6.4	24.8	27.8	22.2	28.6	100.0
Trentino Alto Adige	9.3	23.1	33.0	22.1	22.6	100.0
<i>Bolzano - Bozen</i>	<i>10.1</i>	<i>23.3</i>	<i>26.1</i>	<i>26.9</i>	<i>24.3</i>	<i>100.0</i>
<i>Trento</i>	<i>8.5</i>	<i>23.0</i>	<i>41.0</i>	<i>16.7</i>	<i>20.6</i>	<i>100.0</i>
Veneto	6.9	24.4	34.1	16.9	32.7	100.0
Friuli Venezia Giulia	7.9	16.0	25.7	29.8	28.6	100.0
Liguria	9.0	25.6	20.1	33.4	23.1	100.0
Emilia Romagna	11.5	20.8	26.7	21.0	33.4	100.0
Toscany	8.3	33.7	15.1	22.3	32.8	100.0
Umbria	5.9	23.9	24.1	22.3	33.0	100.0
Marche	7.6	20.9	36.3	24.0	25.3	100.0
Lazio	8.2	25.1	19.5	35.4	22.5	100.0
Abruzzoi	6.7	23.7	20.7	24.2	35.4	100.0
Molise	5.4	12.2	25.3	19.1	43.5	100.0
Campania	3.9	19.8	22.5	27.0	31.3	100.0
Puglia	5.3	20.4	20.5	30.7	29.1	100.0
Basilicata	3.8	19.6	22.1	13.5	49.5	100.0
Calabria	3.5	15.5	25.3	23.7	37.6	100.0
Sicily	4.3	27.3	22.5	32.6	18.6	100.0
Sardinia	7.0	26.3	32.2	14.8	28.9	100.0
Italy	6.6	23.8	24.7	24.8	29.4	100.0

* The sum can be advanced to 100 because the woman can have endured more episodes from various authors.

Annex III

Data on illegal migrants in Italy

A. Statistical appendix: non-accompanied foreign minors

Table 1

Non accompanied foreign minors according to sex and competence of the Committee on foreign minors - As of 31/03/2006

	Competence cases		Cases outside competence		Total	
	v.a.	%	v.a.	%	v.a.	%
Sex						
Males	1 681	83.4	3 402	78.3	5 083	79.9
Females	334	16.6	941	21.7	1 275	20.1
Total	2 015	100.0	4 343	100.0	6 358	100.0

Table 2

Non-accompanied foreign minors according to age classes and competence of the Committee on foreign minors - As of 31/03/2006

Age classes	Competence cases		Cases outside competence		Total	
	v.a.	%	v.a.	%	v.a.	%
0-6	12	0.6	68	2.3	80	1.3
7-14	223	11.1	997	34.4	1 220	19.2
15	269	13.3	637	22.0	906	14.2
16	640	31.8	1 196	41.3	1 836	28.9
17	871	43.2	1 445	49.9	2 316	36.4
Total	2 015	100.0	2 898	100.0	6 358	100.0

Table 3

Non-accompanied foreign minors according to acceptance region and competence of the Committee on foreign minors - As of 31/03/2006

Regions	Competence cases		Cases outside competence		Total	
	v.a.	%	v.a.	%	v.a.	%
Piedmont	330	16.4	291	6.7	621	9.8
Valle d' Aosta	7	0.3	2	0.0	9	0.1
Lombardy	379	18.8	1 082	24.9	1 461	23.0
Trentino-Alto Adige	79	3.9	70	1.6	149	2.3
Veneto	119	5.9	180	4.1	299	4.7
Friuli-Venezia Giulia	426	21.1	140	3.2	566	8.9
Liguria	29	1.4	150	3.5	179	2.8

Regions	Competence cases		Cases outside competence		Total	
	v.a.	%	v.a.	%	v.a.	%
Emilia-Romagna	223	11.1	368	8.5	591	9.3
Tuscany	132	6.6	273	6.3	405	6.4
Umbria	12	0.6	15	0.3	27	0.4
Marche	42	2.1	148	3.4	190	3.0
Latium	132	6.6	929	21.4	1 061	16.7
Abruzzo	12	0.6	66	1.5	78	1.2
Molise	0	0.0	15	0.3	15	0.2
Campania	22	1.1	89	2.0	111	1.7
Apulia	40	2.0	276	6.4	316	5.0
Basilicata	0	0.0	22	0.5	22	0.3
Calabria	7	0.3	106	2.4	113	1.8
Sicily	22	1.1	109	2.5	131	2.1
Sardinia	2	0.1	12	0.3	14	0.2
ITALY	2 015	100.0	4 343	100.0	6 358	100.0

Table 4

Non-accompanied foreign minors according to citizenship, sex and competence of the Committee on foreign minors - As of 31/03/2006

Citizenship	Competence cases		Cases outside competence		Total	
	males	females	males	females	males	females
Romania	590	168	1 106	524	1 696	692
Morocco	420	46	790	44	1 210	90
Albania	459	47	454	51	913	98
Rest of the world ^a	212	73	1 052	322	1 264	395
Total	1 681	334	3 402	941	5 083	1 275

Table 5

Non-accompanied foreign minors according to citizenship, sex and competence of the Committee on foreign minors. Percentage values As of 31/03/2006

Citizenship	Competence cases		Cases outside competence		Total	
	males	females	males	females	males	females
Romania	34.8	24.3	65.2	75.7	100.0	100.0
Morocco	34.7	51.1	65.3	48.9	100.0	100.0
Albania	50.3	48.0	49.7	52.0	100.0	100.0
Rest of the world ^a	16.8	18.5	83.2	81.5	100.0	100.0
Total	33.1	26.2	66.9	73.8	100.0	100.0

^a 39 different countries.

Table 6

**Non-accompanied foreign minors according to citizenship and competence
of the Committee on foreign minors - As of 31/03/2006**

Citizenship	Competence cases		Cases outside competence		Total	
	v.a.	%	v.a.	%	v.a.	%
Romania	758	37.6	1 630	37.5	2 388	37.6
Morocco	466	23.1	834	19.2	1 300	20.4
Albania	506	25.1	505	11.6	1 011	15.9
Rep. of Moldova	18	0.9	170	3.9	188	3.0
Afghanistan	0	0.0	168	3.9	168	2.6
Serbia e Montenegro	63	3.1	100	2.3	163	2.6
Palestine	0	0.0	162	3.7	162	2.5
Bosnia-Herzegovina	0	0.0	94	2.2	94	1.5
Croatia	4	0.2	90	2.1	94	1.5
Egypt	39	1.9	44	1.0	83	1.3
Algeria	0	0.0	65	1.5	65	1.0
Iraq	2	0.1	48	1.1	50	0.8
Nigeria	8	0.4	42	1.0	50	0.8
Ecuador	22	1.1	17	0.4	39	0.6
Bulgaria	10	0.5	26	0.6	36	0.6
Tunisia	5	0.2	31	0.7	36	0.6
Bangladesh	14	0.7	21	0.5	35	0.6
Ex Rep. of Yugoslavia	6	0.3	27	0.6	33	0.5
Eritrea	1	0.0	29	0.7	30	0.5
Pakistan	12	0.6	18	0.4	30	0.5
Ukraine	6	0.3	22	0.5	28	0.4
China	5	0.2	21	0.5	26	0.4
Brazil	11	0.5	11	0.3	22	0.3
Peru	9	0.4	13	0.3	22	0.3
Turkey	4	0.2	14	0.3	18	0.3
Ethiopia	1	0.0	16	0.4	17	0.3
Senegal	1	0.0	13	0.3	14	0.2
Ghana	6	0.3	4	0.1	10	0.2
Somalia	1	0.0	9	0.2	10	0.2

Table 6 (follows)

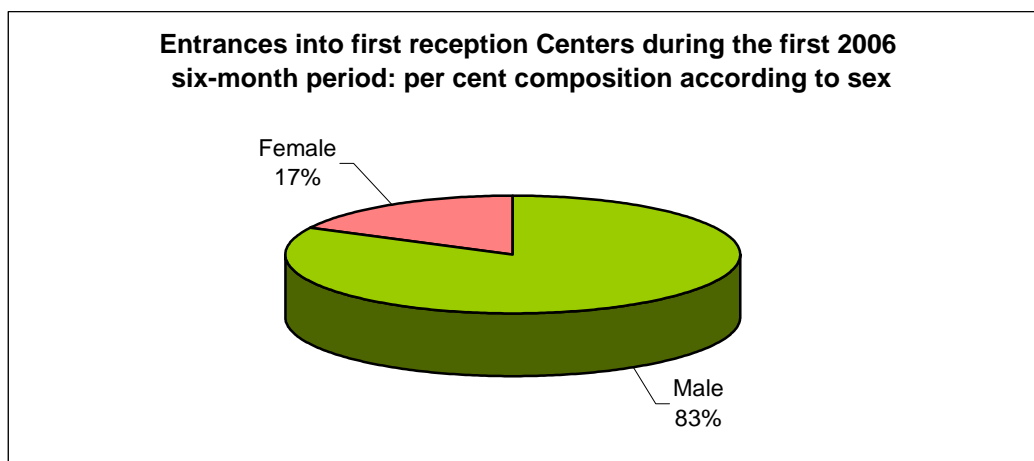
**Non-accompanied foreign minors according to the citizenship and the competence
of the Committee on foreign minors - As of 31/03/2006**

Citizenship	Competence cases		Cases outside competence		Total	
	v.a.	%	v.a.	%	v.a.	%
Argentina	4	0.2	5	0.1	9	0.1
Cameroon	4	0.2	4	0.1	8	0.1
India	4	0.2	4	0.1	8	0.1
Russia	2	0.1	6	0.1	8	0.1
Ivory Coast	0	0.0	7	0.2	7	0.1
Colombia	3	0.1	3	0.1	6	0.1
Dominican Republic	3	0.1	3	0.1	6	0.1
Congo	2	0.1	3	0.1	5	0.1
Mauritania	0	0.0	5	0.1	5	0.1
Venezuela	3	0.1	2	0.0	5	0.1
Bielorussia	3	0.1	1	0.0	4	0.1
Philippines	0	0.0	4	0.1	4	0.1
Iran	0	0.0	4	0.1	4	0.1
Liberia	0	0.0	4	0.1	4	0.1
Gabon	0	0.0	3	0.1	3	0.0
Guinea	2	0.1	1	0.0	3	0.0
Benin	0	0.0	2	0.0	2	0.0
Bolivia	0	0.0	2	0.0	2	0.0
Czech Republic	0	0.0	2	0.0	2	0.0
El Salvador	1	0.0	1	0.0	2	0.0
Gambia	0	0.0	2	0.0	2	0.0
Guinea Bissau	0	0.0	2	0.0	2	0.0
Libya	1	0.0	1	0.0	2	0.0
Mongolia	0	0.0	2	0.0	2	0.0
Slovakia	0	0.0	2	0.0	2	0.0
Sierra Leone	0	0.0	2	0.0	2	0.0
Sri Lanka	0	0.0	2	0.0	2	0.0
Sudan	0	0.0	2	0.0	2	0.0
Other countries	5	0.2	18	0.4	23	0.4
Total	2 015	100.0	4 343	100.0	6 358	100.0

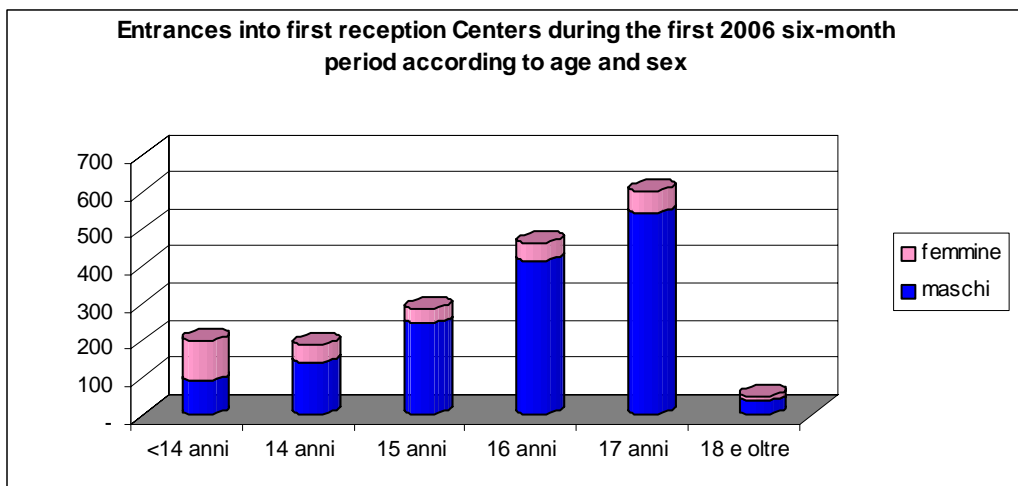
Table 7

Measures issued by the Committee on foreign minors according to year of activities - As of 31/03/2006

Years	<i>No measure taken (non luogo a procedure)</i>	Assisted repatriation	Total
2000	0	22	22
2001	100	142	242
2002	297	199	496
2003	365	218	583
2004	520	126	646
2005	3	108	111
Total	1 285	815	2 100



Females prevail over males (105 *versus* 94) among 14 year olds - for this not imputable minors. On the contrary, by the age of 14 male's percentage increases more and more.



Department of Juvenile Justice

Statistical Service

Flows of Communities - national Total

2006 first six-month

Placements and exits	Italians (except Sinty)		Roma		Foreigners (except nomads)		Total	
	MF	F	MF	F	MF	F	MF	F
	PLACEMENTS							
Age of subjects								
Younger than 14 years old	1	-	2	2	5	1	8	3
Between 14 and 15 years old	92	2	33	9	70	11	195	22
Between 16 and 17 years old	366	14	35	12	203	14	604	40
18 years old and older	86	1	11	4	65	5	162	10
Total	545	17	81	27	343	31	969	75

The majority are Italian minors (545/969). On the contrary, the majority of girls are foreigners: 58/75.

B. Data on the number of illegal migrants at reception Centres (2004-2006)

(Source: Ministry of Interior)

U= Men; D= W.

Dal 01 gennaio 2004 al 31 dicembre 2004

Nome centro	TOT	U	D
Agrigento-Lampedusa	2707	2658	39
Agrigento(A.S.I.- Capannone 2)	726	620	106
Bologna - Ex Cas. Chiarini	959	646	313
Brindisi (Restinco)	551	317	234
Caltanissetta	853	951	2
Catanzaro (Malgrado Tutto)	533	533	0
Crotone C.P.T.	1158	887	271
Lecce "Regina Pacis"	1551	1060	491
Milano(Via A. Corelli n°28)	1297	1039	258
Modena (La Mammora)	717	339	378
Ragusa(Via Colajanni s.n.c.)	53	25	28
Roma(Ponte Galeria)	3067	1189	1878
Torino (Via Brunelleschi)	2027	1563	464
Trapani (Serraino Vulpitta)	166	166	0
TOTALE	16465	12003	4462

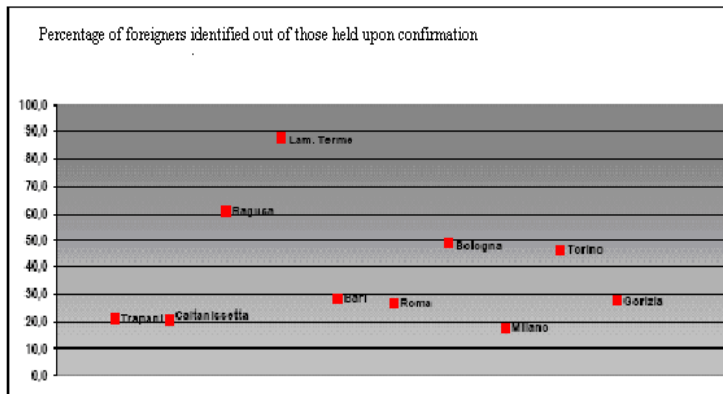
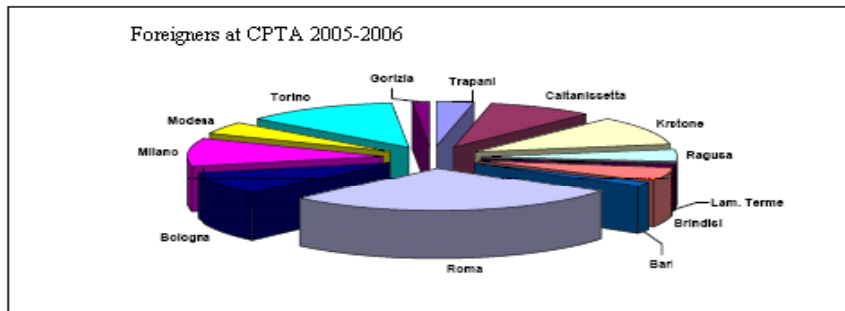
Dal 01 gennaio 2005 al 31 dicembre 2005

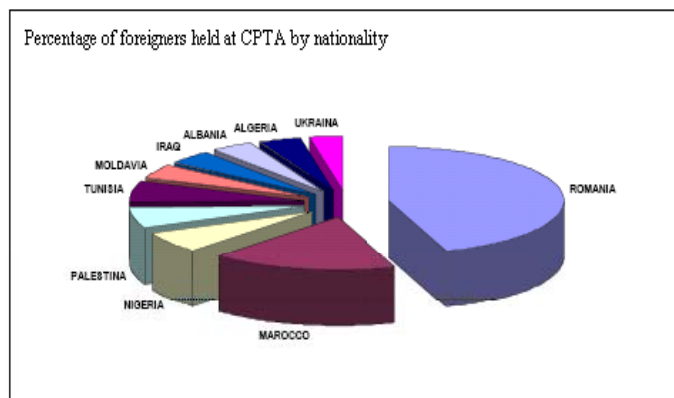
Nome centro	TOT	U	D
Agrigento-Lampedusa	2389	2355	14
Bologna - Ex Cas. Chiarini	1250	889	361
Brindisi (Restinco)	667	391	276
Caltanissetta	1286	1286	0
Catanzaro (Malgrado Tutto)	518	517	1
Crotone C.P.T.	1436	1272	164
Lecce "Regina Pacis"	79	11	68
Milano(Via A. Corelli n°28)	1462	1156	306
Modena (La Marmora)	477	241	236
Ragusa(Via Colajanni s.n.c.)	591	5	586
Roma(Ponte Galeria)	3681	1594	2087
Torino (Via Brunelleschi)	1858	1505	353
Trapani (Serraino Vulpitta)	381	381	0
TOTALE	16055	11603	4452

Dal 01 gennaio 2006 al 31 dicembre 2006

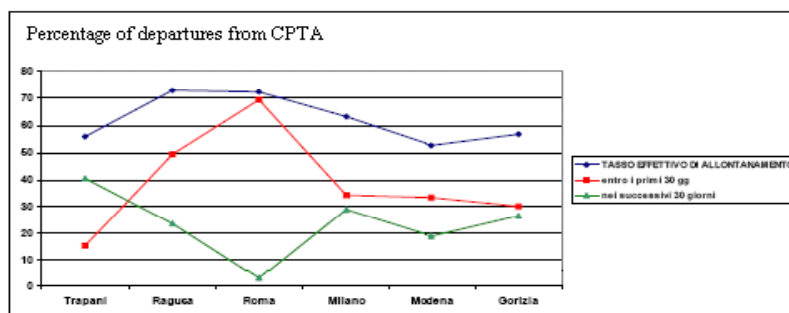
Nome centro	TOT	U	D
Bari - Palese	429	346	83
Bologna - Ex Cas. Chiarini	1163	860	303
Brindisi (Restinco)	730	372	358
Caltanissetta	786	786	0
Catanzaro (Malgrado Tutto)	531	531	0
Crotone C.P.T.	1022	1022	0
Gorizia - Gradisca D'Isonzo	362	312	50
Milano(Via A. Corelli n°28)	1293	1045	248
Modena (La Marmora)	487	230	257
Ragusa(Via Colaianni s.r.c.)	549	0	549
Roma(Ponte Galeria)	3715	1441	2274
Torino (Via Brunelleschi)	1341	1073	268
Trapani (Serraino Vulpitta)	434	434	0
TOTALE	12842	8452	4390

ENCLOSURES





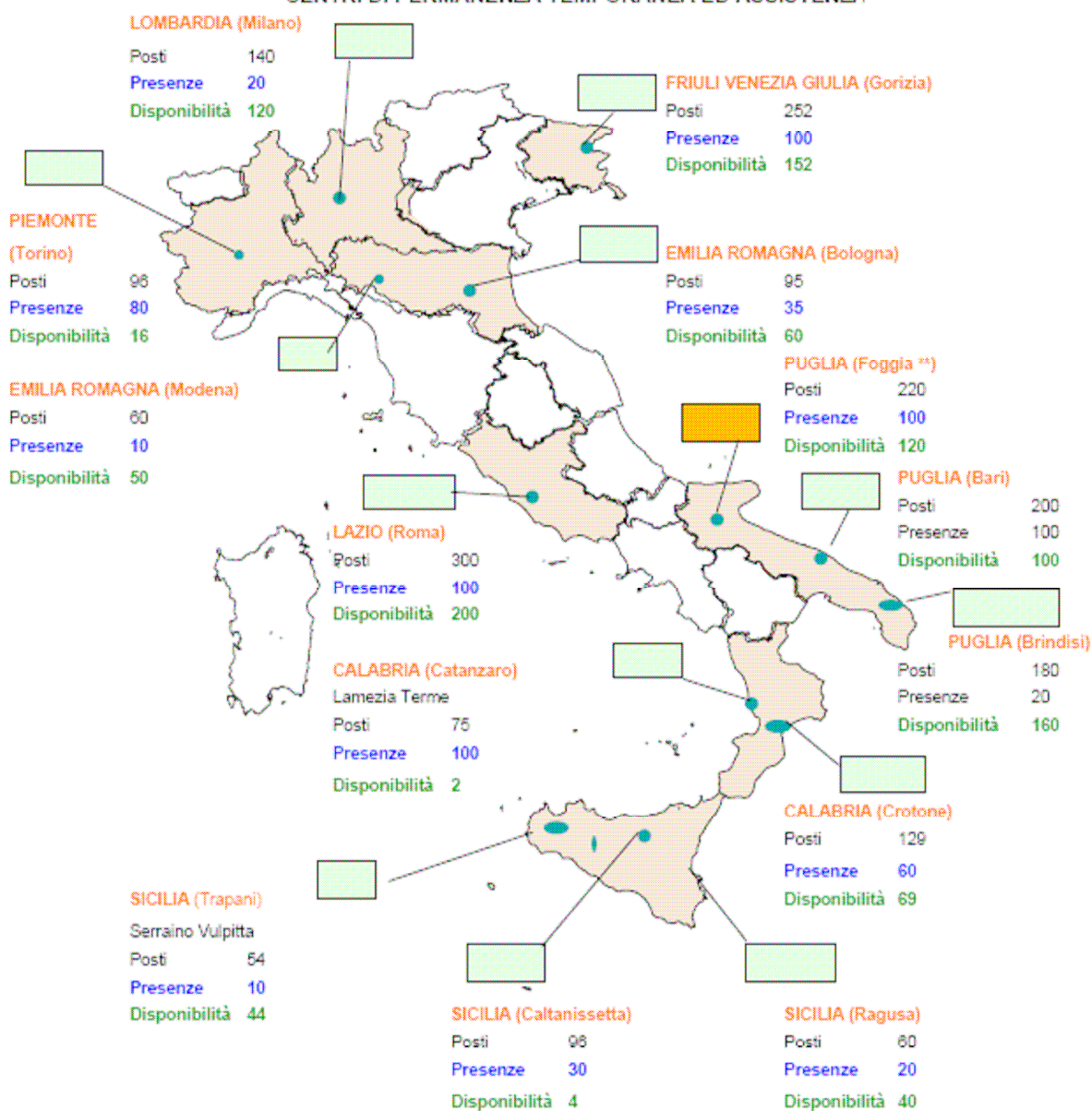
4



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MINISTERO DELL'INTERNO
DIPARTIMENTO PER LE LIBERTA' CIVILI E L'IMMIGRAZIONE
CENTRI DI PERMANENZA TEMPORANEA ED ASSISTENZA



Legenda:

- Centri operativi con sola funzione di trattenimento
- Centro attualmente operativo come CdA

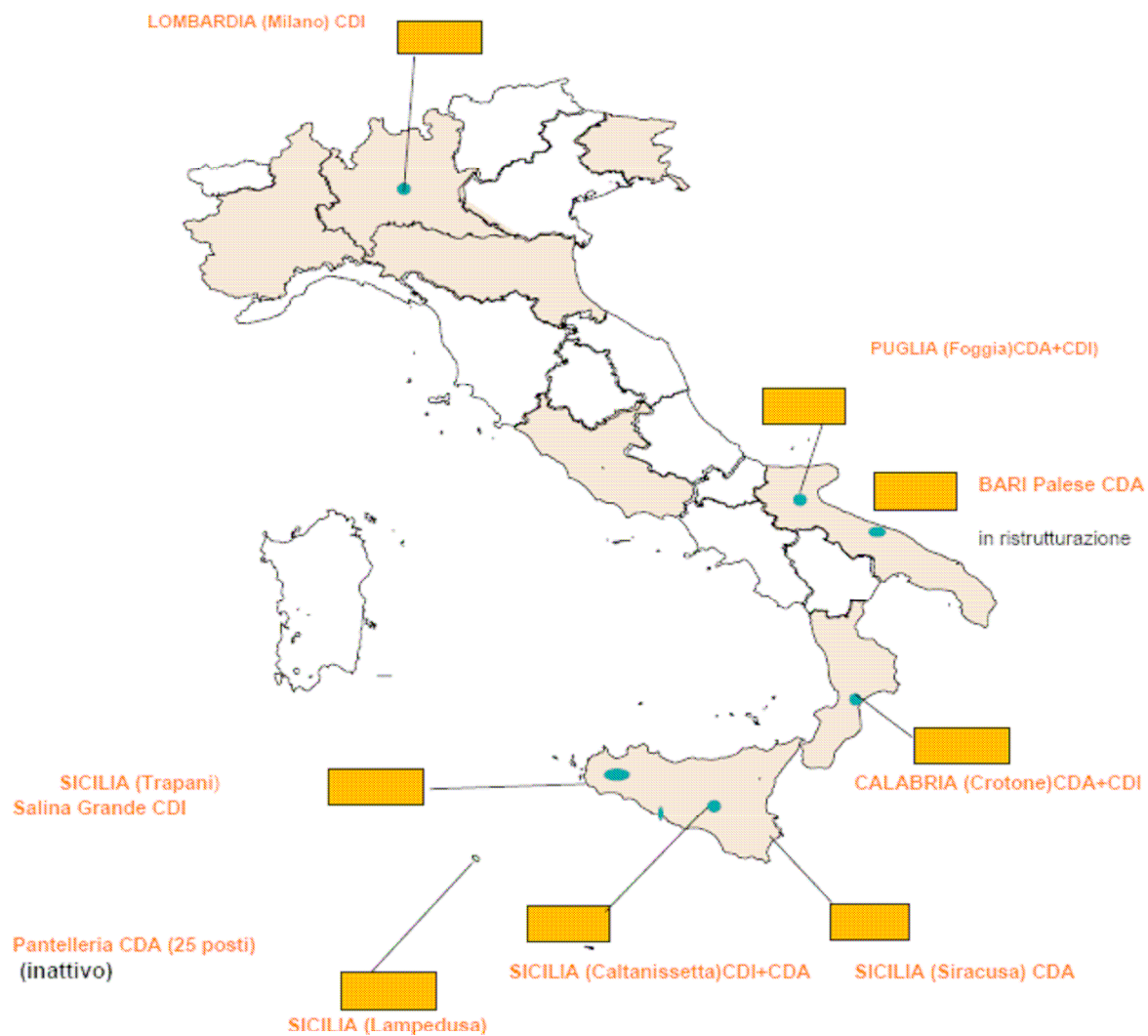
14 CENTRI DI PERMANENZA TEMPORANEA ED ASSISTENZA	TOTALE POSTI	1957
	PRESENZE	785
	DISPONIBILITA'	1172

RICETTIVITA' EFFETTIVA 1146

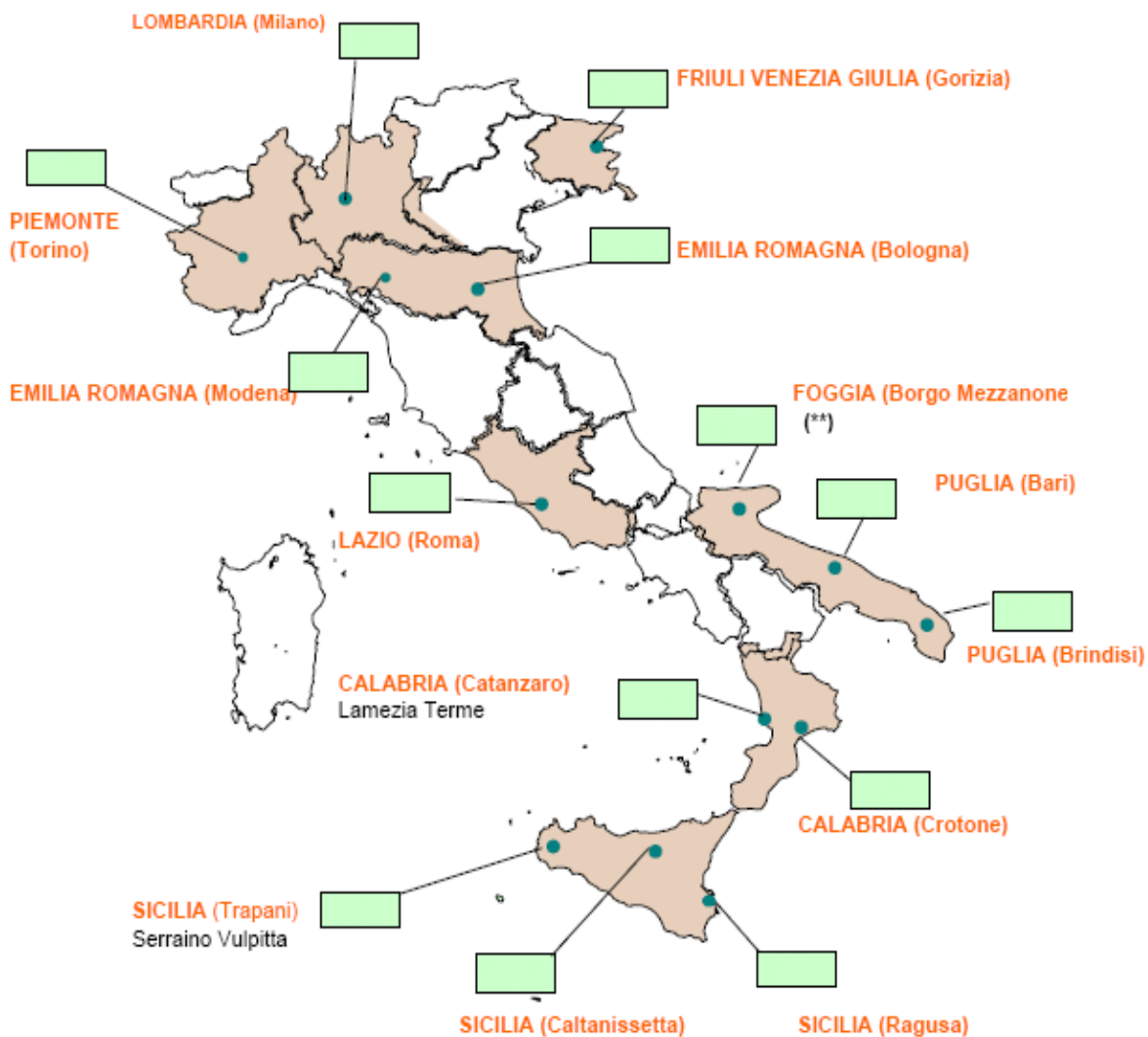
** Posti attualmente usati in accoglienza

FONTE: Dipartimento di Pubblica Sicurezza. Servizio Immigrazione - 1° Div.
Elaborazione dati: Ufficio monitoraggio e movimentazione - Resp. Dr.ssa Gioia Mantero
Data

CENTRI DI ACCOGLIENZA E CENTRI DI IDENTIFICAZIONE



CENTRI DI PERMANENZA TEMPORANEA ED ASSISTENZA



(**) usati solo in accoglienza)
