

ITALY REVIEW

I. Justice System

B. Quality of justice

Accessibility of courts (e.g. court/legal fees, legal aid, language) maximum

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination urged Italy to ensure that victims of racist hate speech are provided with effective remedies; and to establish a coherent data collection mechanism to record systematically incidents of racist hate speech, the application of relevant legislation, penalties imposed on the perpetrators and remedies provided to the victims ([CERD/C/ITA/CO/21-22](#), para. 13).

In a communication addressed to Italy, the UN Special Rapporteur on the right to adequate housing and the Special Rapporteur on extreme poverty and human rights expressed concern in relation to draft law No. 566, titled “Introduction of Article 614-bis on the Criminal Code, on the protection of the inviolability of the home from arbitrary occupation, as well as provisions concerning the reinstatement of the owner or rightful holder in possession”. According to the Special Rapporteurs, the law, if adopted with proposed amendments would introduce a new offense in the Criminal Code and provide for accelerated proceeding for the immediate forced eviction of persons without tenancy status of occupied property, including immediate arrest. Persons committing arbitrary occupation of property can be punished with a prison term between 2 and 7 years. Additionally, it foresees the disconnection of utilities within 15 days upon a simple complaint by the owner. This law, if passed unchanged, will lead to the criminalization of persons in precarious situations, and reduce procedural guarantees to protect the occupants of a dwelling from being pushed into homelessness.

Concern was further expressed that the proposed law would authorize the judicial police, but not independent judicial bodies, to carry out forced evictions with the use of force, only establishing a posteriori the possibility that judicial bodies ascertain whether such evictions have been justifiable. It would reduce and undermine the procedural guarantees, aimed at ensuring that evictions are carried out in compliance with international human rights standards.

The mandate holders thus recommend that draft law No. 566 not be adopted without such adoption being preceded by a detailed legal assessment, particularly to ensure that occupations stemming from vulnerable and fragile situations, including families with minors, are clearly distinguished from organized-crime-led occupations ([ITA 5/2023](#)).

In the context of a 2017 case of medical negligence and obstetric violence during and after childbirth, and the resulting physical and mental health complications suffered by Ms. Regina Michele Tedsen; several Special Procedures mandate holders¹ have requested the government of Italy to: a) indicate whether any investigation has been launched into the case, and if so, provide information on the outcome of such investigation and measures taken to guarantee her right to adequate redress and compensation for the alleged violations; b) Provide detailed information on the legal frameworks and redressal mechanisms in place to combat obstetric violence in Italy; c) Provide recent statistics and qualitative data gathered by the ItOSS on the prevalence of and trends in obstetric care including investigations into maternal deaths and reports of obstetric violence ([AL ITA \(2.2023\)](#)).

In the context of alleged due process violations and other worrying developments related to the ongoing trial of human rights defenders in Trapani and the regulation of civilian search and rescue in Italy, several Special Procedures mandate holders² have expressed serious concern, in particular: as to the failure to provide the defendants with crucial documents in the case in a language they understand and to ensure their full and effective participation in the court proceedings through the provision of suitable interpretation. Concern was also raised that such failings may be systematic in court proceedings brought against non-Italian speaking defendants in Italy and represent a much broader trend of impingement of the right to a fair trial. The Special Rapporteurs have requested Italy to: a) Provide information as to the rationale and factual basis motivating the request of the Prime Minister's Office and Ministry of Interior to join the case against the Luventa crew and others as plaintiffs. In particular, as to the compatibility of this action with the State's responsibility to create and maintain a safe and enabling environment for human rights defenders and NGOs and their work; B) Provide information as to the measures put in place to guarantee the right of the Luventa crew members and others accused in the trial to a fair trial, in particular by ensuring adequate translation of documents relevant to the case and suitable interpretation during court proceedings ([AL ITA \(1.2023\)](#)).

Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination urged Italy to strengthen the training of law enforcement officials to properly examine and investigate cases of racial discrimination effectively, and prevent and punish any reprisals against anyone who reports acts of racial discrimination ([CERD/C/ITA/CO/21-22](#), para. 19).

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and

¹ Mandates of the Working Group on discrimination against women and girls; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on violence against women and girls, its causes and consequences

² Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the human rights of migrants

of supreme audit institutions

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination urged Italy to adopt the pending draft law to establish a national human rights institution in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), ensuring that such institution is provided with adequate human, financial and technical resources to enable it to discharge its mandate effectively and independently. The Committee also urged Italy to take the necessary measures to ensure the independence of the National Office against Discrimination (UNAR), in law and practice, in order to enable it to effectively discharge its mandate as a national equality body, in particular its mandate to combat racial discrimination ([CERD/C/ITA/CO/21-22](#), para. 9, 11).

D. The enabling framework for civil society

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical or online –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination urged Italy to repeal the provisions that restrict organizations and individuals from carrying out humanitarian work and rescue operations of migrants and to ensure that human rights defenders and humanitarian workers can freely exercise their functions. The Committee further recommended that the State party adopt all necessary measures to protect human rights defenders, in particular those working on the rights of groups protected under the Convention, enabling them to carry out their work free from fear of harassment and reprisals of any sort. ([CERD/C/ITA/CO/21-22](#), para. 19).

In the same context, UN Human Rights Chief Volker Türk expressed serious concerns that a and that it could hinder the provision of life-saving assistance by humanitarian search and rescue (SAR) organisations in the Central Mediterranean. If passed, the law would effectively punish both migrants and those who seek to help them. This penalization of humanitarian actions would likely deter human rights and humanitarian organisations from doing their crucial work.