



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/C/84/L/ITA
29 April 2005

ENGLISH
Original: FRENCH

**List of issues to be taken up in connection with the consideration of
the fifth periodic report of ITALY (CCPR/C/ITA/2004/5)**

General framework in which the Covenant is implemented (art. 2)

1. Has the State party reconsidered its reservations to the Covenant with a view to determining whether their continuance is really necessary? (Previous conclusions, para. 11)
2. Does the State party believe that the Covenant applies to persons under its jurisdiction in cases where Italian troops or police officers are stationed abroad?

Counter-terrorism measures and observance of the provisions of the Covenant

3. How is terrorism defined in domestic law? Please supply information about the content of any derogations from ordinary law which are set forth in counter-terrorist legislation, especially rules on searches, telephone tapping and the interception of communications. Do any special rules also exist in criminal law and criminal procedure?

Principles of equality and non-discrimination (arts. 3, 20 and 26)

4. What results have been obtained by the equality counsellors tasked with referring cases of gender discrimination to the courts? What action has been taken on counsellors' requests that, before legal proceedings are initiated, plans be put in place to eliminate such discrimination? (Periodic report, para. 460)
5. What has become of the proposals for the reformulation of articles 51, 55 and 56 of the Constitution? (Periodic report, para. 465)
6. Exactly what powers do the authorities have to bring discriminatory conduct to an end and to eliminate the effects of such conduct? Are these powers used in practice, and to what extent? (Periodic report, para. 484)

7. It is alleged that spokespersons of certain political parties frequently resort to racist and xenophobic propaganda, essentially targeting foreigners who are non-EU nationals. Exactly what means are employed to ensure respect for article 20 of the Covenant?

8. Part of the Roma population is allegedly living in poor, unhygienic housing in camps on the margins of Italian society. What steps are the authorities taking to remedy this problem?

Right to life and the prohibition of torture and inhuman and degrading treatment and punishment (arts. 6 and 7)

9. Has the State party taken steps to amend its legislation and institute a crime of torture as defined in international law? (Previous conclusions, para. 19)

10. Has the State party made provision for sanctions against persons who perpetrate domestic violence? (Previous conclusions, para. 19)

11. What, to date, has been the outcome of the inquiries and 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? Please indicate the number of persons concerned. (Periodic report, paras. 24-66)

12. Reports continue of maltreatment by State agents, for example of anti-war protesters who demonstrated in Turin in 2003. Please comment. What steps have been taken to address the failings noted in police training? (Periodic report, para. 50)

13. There are reports of abuses committed by certain members of the law enforcement agencies against vulnerable groups, in particular Roma, foreigners and Italians of foreign origin. What specific measures have been adopted to combat these abuses?

14. What steps have been taken to follow up complaints lodged against members of the carabinieri and prison officers? (Previous conclusions, para. 13)

15. Please provide further information about the outsourcing of airport security checks to private bodies. What control does the State party exercise over these activities and over the alleged discrimination against foreigners? (Periodic report, para. 294)

16. Please comment on reports that the Italian authorities have intercepted boats heading for Italy and have expelled many people from the island of Lampedusa in circumstances precluding the examination of applications for asylum.

Prohibition of slavery and servitude (art. 8)

17. What have been the consequences of the authorities' decision to limit the voluntary repatriation programme only to those victims of trafficking in human beings who have cooperated with the police and judicial authorities in action against traffickers and exploiters? What happens to victims who do not cooperate? (Periodic report, para. 147)

18. What does the State party mean when it asserts that services have the task of “tracking down and expelling from Italy a large number of non-EU nationals illegally present in the country, who have been earmarked by criminal organizations for prostitution”? Does this refer to victims of trafficking in human beings? Are traffickers prosecuted, or are they expelled? (Periodic report, para. 165)

Security of the person and protection from arbitrary arrest (art. 9)

19. Please indicate under what regime 222 persons were detained at the Bolzaneto facility during the events in Genoa. Has a specific inquiry been launched into the alleged failure to respect these persons’ rights to have speedy access to a lawyer and a doctor (and, in the case of foreigners, to make contact with their consulates) and to notify relatives of their detention? (Periodic report, para. 48)

20. Has the State party reduced the maximum period during which a person may be held in police custody and amended its legislation so as to guarantee access to a lawyer from the moment of arrest? What measures have been adopted in response to the Committee’s recommendations regarding preventive detention? (Previous conclusions, paras. 14 and 15)

21. How are foreigners held in temporary stay and assistance centres informed of their rights, and to what extent do they have access to a lawyer? (Periodic report, paras. 263 ff.) In addition, please comment on reports that detention conditions in temporary stay and assistance centres for foreigners are unsatisfactory in terms of overcrowding, hygiene, food and medical care. Are independent inspections carried out in these centres, and do non-governmental organizations have access to the centres? (Periodic report, paras. 263 ff.)

Treatment of persons deprived of their liberty (art. 10)

22. What emergency measures have been adopted, in addition to those specifically concerning women, to significantly reduce prison overcrowding? Is general recourse to alternative sentences envisaged? (Periodic report, paras. 95 and 325-326; previous conclusions, para. 16)

Right to a fair trial (art. 14)

23. According to some sources, the President of the Republic has decided not to promulgate the reform of the judiciary and to send the bill back to Parliament. Please indicate whether a new bill is being drafted, and how far the comments of Italian judges and of the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers on this question are taken into account.

24. Please indicate what action has been taken on the Committee’s findings in the *Maleki v. Italy* case (communication No. 699/1996). Has the State party amended its legislation and practice to ensure that the courts, before embarking on a trial in absentia, make certain that the persons being prosecuted are duly informed of the proceedings against them and, if not, that these persons have a right to a retrial at which they are present?

Privacy and family life (art. 17)

25. To what extent is the right to privacy and family life taken into consideration by the judiciary when the criminal conviction of an alien is accompanied by an expulsion order from Italian territory? (Periodic report, para. 288)

Freedom of religion (art. 18)

26. What is the current status of the religious freedom bill? (Periodic report, paras. 344 ff.)

Freedom of expression (art. 19)

27. It is reported that defamation is punishable by imprisonment. Please indicate whether any journalists have been convicted of this offence and, if so, how many.

28. Please comment on reports that the political authorities exercise a strong influence over public television channels; please state what measures are envisaged or have been taken to ensure these channels' editorial independence.

Rights of persons belonging to minorities (art. 27)

29. Please provide more information about the actual implementation of the Law of 15 December 1999 on the protection of traditional linguistic minorities. What criteria were used to select the communities listed in the Law? (Periodic report, paras. 488 ff.)
