



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

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Summary record of the 1585th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 15 November 2017, at 3 p.m.

Chair: Mr. Modvig

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The meeting was called to order at 3 p.m.

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

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

1. *In accordance with rule 73 of the Committee's rules of procedure, Mr. Bruni withdrew during the consideration of the report.*
2. *At the invitation of the Chair, the delegation of Italy took places at the Committee table.*
3. **Mr. Petri** (Italy) said that Act No. 110/2017, which had established torture as a specific offence in the Criminal Code, covered all acts that met the necessary criteria, including those committed by private individuals. The infliction of psychological trauma would qualify as torture under the Act, provided that it could be verified through an assessment.
4. In a statement released the previous day, the Ministry of Foreign Affairs and International Cooperation had noted that Italy had highlighted the poor conditions in detention centres in Libya in a range of international forums, that it had requested stakeholders to step up their efforts to improve the situation and that it was supporting the implementation of relevant initiatives by the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM). The Ministry had called on the international community to take urgent action to ensure respect for human rights in the context of migration and to combat trafficking in persons.
5. **Ms. D'Ancona** (Italy) said that the statute of limitations for the recently established offence of torture was 15 years and could be extended to 18 years in certain circumstances. The preliminary investigations in cases of torture had to be concluded within six months. Pursuant to Act No. 110/2017, many of the elements of the definition of torture set forth in article 1 of the Convention had been incorporated into article 316 bis of the Criminal Code. In fact, the Criminal Code now contained a broader definition of torture than that set forth in the Convention, as any person who was responsible for the care of others could be charged with the offence of torture, and it was not necessary to prove a person's intent in order to secure a conviction. The new provisions would apply only to crimes committed after July 2017.
6. **Mr. Pisani** (Italy) said that cooperation with the legitimately elected and internationally recognized Government of Libya was a critical component of international efforts to protect migrants and improve migration management. Within the European Union, funding had been set aside for a range of projects, including a capacity-building project to be implemented by Italy, a humanitarian project to be implemented by UNHCR and an infrastructure project to be implemented by IOM. The overarching aim of the various projects was to stabilize the socioeconomic situation in Libya. In February 2017, Italy and Libya had signed a memorandum of understanding which had established commitments in a number of areas, including the financing of development programmes, the renovation of reception centres and the promotion of employment.
7. Migration flows in the Mediterranean had recently been reduced by approximately 30 per cent. Although increased stability in Libya had contributed to that reduction, there had been a number of other contributing factors. For example, numerous projects had been implemented with the financial support of the European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa. The reduction in migration flows had been accompanied by a corresponding reduction in the number of lives lost at sea.
8. Italy had no control over the activities of the Libyan coastguard in Libyan territorial waters. Libya had recently established a search and rescue zone in its territorial waters, and the International Maritime Organization had been requested to clarify the status of the zone under international law. The aim of the Italian Government's code of conduct for NGOs

working to rescue migrants at sea, which had been endorsed by the European Union, was to ensure the safety of rescue operations. It required NGOs to ensure that any vessels that they operated had been officially certified by the relevant ministry, to publish their accounts and to reveal their sources of funding.

9. The various projects planned to promote cooperation with the Libyan authorities would be implemented in phases. After the completion of each phase, the political situation in Libya would be reassessed to ensure that the implementation of subsequent phases could proceed as planned. On 13 November 2017, representatives of a number of European and African countries had met in Bern, Switzerland, to discuss the migrant situation and had issued a declaration of intent in which the Libyan crisis had been identified as a specific area of concern. UNHCR representatives had visited many detention centres in Libya, and IOM had overseen more than 9,000 assisted voluntary returns. The Ministry of Foreign Affairs and International Cooperation had issued a call for tender to select NGOs to provide assistance to detention centres in Libya.

10. Hotspots performed the function of first reception centres for migrants. With the support of a range of international organizations, including IOM and UNHCR, the Ministry of the Interior had produced a set of standard operating procedures for the reception of migrants, irrespective of the category of facility at which they were received. The standard operating procedures provided for, inter alia, a procedure for health screening and a mechanism for identifying vulnerable individuals. In accordance with a 1962 Constitutional Court ruling, law enforcement officials were authorized to use proportionate force to obtain fingerprint samples from foreign nationals. Some 99 per cent of newly arrived migrants were issued with photo identification, and cultural mediators worked with migrants who refused to be photographed. If a migrant continued to refuse to be photographed, the authorities were permitted, as a last resort, to use proportionate force to obtain a photograph.

11. The principle of non-refoulement was absolute in Italian law. In fact, the relevant national provisions were more stringent than those of the Convention relating to the Status of Refugees: article 33 (1) of the Convention, which prohibited the expulsion or return of refugees to the frontiers of territories where their lives or freedoms would be threatened, had been incorporated into national legislation, but article 33 (2), which provided for exceptions to that prohibition, had not. In 2016, a national of Iraq who had been convicted on charges of conspiracy to commit an act of international terrorism had not been returned to his country of origin on completion of his sentence. Italy never returned foreign nationals to countries with inadequate human rights safeguards and was prevented from concluding any international agreement that would undermine the principle of non-refoulement.

12. In the light of the judgment of the European Court of Human Rights in the case of *Khlaifia and others v. Italy*, in which the applicants had alleged that they had been subjected to a “collective” expulsion, it was important to clarify the meaning of that word in relation to the expulsion process. Expulsion decisions were taken on a case-by-case basis, but, in the event that multiple individuals subject to expulsion orders were nationals of a single country, they were sometimes returned collectively, on a single chartered flight. The European Border and Coast Guard Agency (Frontex) had issued rules for the expulsion procedure, which included the requirement that, when migrants were returned by aeroplane, a human rights officer should be present on board. Expulsion orders could be appealed to an administrative tribunal in the first instance and the Council of State in the second. Forced expulsions required judicial approval. Persons subject to an expulsion order had the right to request international protection at all stages of the process.

13. Foreign nationals who were deemed to be dangerous and who had previously not complied with the requirements of an expulsion order could be held temporarily in repatriation centres. Before being placed in a repatriation centre, such individuals were offered the option of returning voluntarily to their respective countries of origin. The proportion of foreign nationals subject to expulsion orders who had been placed in repatriation centres had fallen from 15 per cent in 2015 to 7 per cent in 2016.

14. Expulsion at the discretion of the Minister of the Interior was decided on the basis of information provided by the security services, all of which was detailed in the expulsion order. The individual concerned received a copy of the order and so was fully informed and

could appeal against the decision to an administrative tribunal, as in the case of a regular expulsion order. The principle of non-refoulement was still respected and the order could be suspended. While such orders were used only on an exceptional basis, with, for instance, only three issued in 2014, they had become more common in recent years because of the rise in terrorism.

15. **Ms. Cosentino** (Italy) said that hotspots for migrants had been set up in both Italy and Greece subsequent to a European agreement to ensure the initiation of relocation procedures for migrants of the nationalities covered. The Italian State collaborated with IOM, UNHCR and the European Asylum Support Office, which ensured that migrants arriving in the country were provided with appropriate, up-to-date information on asylum procedures. With the arrival of tens of thousands of migrants since 2014, they could not all remain in the hotspots and so, after identification, they were transferred after a short time to appropriate accommodation in other places. Quotas had been set for all the provinces, ensuring equal treatment for all. Reception centres could be State- or privately owned and were managed by individuals on the basis of public tenders, providing food, education and language training. Asylum seekers housed there were allowed to work 60 days after receiving their permit. Capacity had tripled since 2014, to more than 200,000 places currently. All centres were monitored by prefects and interior ministry staff. The migrants would then move to small, local authority-run centres in the Asylum Seekers and Refugees Protection System Network, which helped to promote social integration, employment and simplified access to financing.

16. **Ms. Ammendola** (Italy) said that unaccompanied migrant minors were placed under the protection of the authorities and received the same treatment as Italian minors; all unaccompanied migrant minors were protected from refoulement. They were housed in dedicated facilities and provided with integration and education programmes. A recent law on unaccompanied minors promoted foster care in families, but no national-level data were as yet available. In general, unaccompanied minors made up 15 per cent of all migrant arrivals; there had been a 450 per cent increase in the numbers arriving since 2010, with over 18,000, mostly boys, currently in reception centres. Early identification was key to swift referral, which was generally achieved within 10 days of their arrival. Where there was doubt about their age — and most unaccompanied minors who arrived in Italy were between 16 and 17 years old — an assessment was made by a multidisciplinary team; if the results were still uncertain, the child was accorded the benefit of the doubt. Attempts to trace the child's family began immediately, both in Italy and in the country of origin, in collaboration with IOM. If the family was located in the country of origin, the juvenile court could decide that repatriation was in the child's best interests. However, there had only been nine such cases in 2016 out of the 400 minors whose families had been traced. If family members were located in other countries that came under the Dublin Regulation, the relevant rules were applied. When a minor wished to apply for asylum, the application would be lodged by the child's guardian and accorded priority; minors who came of age during the application process would remain in the reception facilities for minors but their minor's residence permit would be converted to allow them to work or study. The juvenile courts could also rule that young persons aged between 18 and 20 years should be given support by the social services to aid their transition into adulthood.

17. **Mr. Piscitello** (Italy) said that the special detention regime, which was used only for detainees held on charges related to mafia or terrorist activities, had been assessed as legitimate by judicial bodies, including the Constitutional Court, and amendments had been made to ensure its compatibility with human rights provisions. For instance, the restrictions on the number of meetings a detainee could have with counsel had been removed. There were currently 721 prisoners, of whom 8 were women, held under the special regime; the figures for new prisoners held under the regime ranged from 143 in 2009 to 70 in 2016. The extension of the orders was considered on an individual basis by the courts, initially after four years and every two years thereafter, and was not granted automatically: renewals had not been granted in 19 cases in 2016, 11 in 2015 and 9 in 2014. In considering the application for renewal, the court examined whether the conditions had changed, and any decision could be appealed up to the court of cassation. The regime did not impose harsh conditions, but rather separation from other detainees and persons from outside the prison in order to prevent detainees from contacting their associates. The national preventive

mechanism monitored the use of the regime and a prison service circular issued in October 2017 ensured that all treatment was commensurate with its purpose. A recent modification allowed detainees' children or grandchildren under the age of 12 years to be present on the same side of the glass as the detainee throughout visits, although adult visitors had to remain on the other side. Books could not be purchased from outside the detention facility because of the security checks that that would involve; however, they could be requested and purchased through the prison administration. Detainees were allowed to have up to 30 photographs, measuring 20 x 30 cm, in their cells. Fifteen persons, including heads of the country's largest organized criminal groups, which had carried out slaughters and heinous crimes, had been held in those conditions for 25 years, since the regime was introduced in 1992, and around 500 others had been held for up to 10 years. Video surveillance was used for security purposes and to monitor the detainees' health; using video surveillance meant that more than one detainee at a time could be monitored. Cameras were no longer placed in certain areas such as bathrooms. There were 13 detention facilities in the country with areas for detainees under the special regime, with cells of at least 9 m² and a bathroom. They could be allowed to socialize for up to two hours a day with two to four other detainees held under the same regime. They were also allowed to work: for example, gardening activities were available in the Tolmezzo facility.

18. Overcrowding in prisons was still an issue, but the situation had improved substantially from 149 per cent of capacity in 2011 to about 120 per cent of the current capacity of 50,920, excluding the places currently undergoing repairs. Furthermore, it should be noted that the criteria used to judge prison capacity were far more stringent than those used elsewhere in Europe: a single cell in Italy was supposed to measure a minimum of 9 m², with an additional 5 m² for each extra detainee where there was multiple occupancy. Those official figures were the reason for Italy coming low down on the Council of Europe list for prison overcrowding. In fact, while many detainees had lived in less than 3 m² in 2011, no prisoner now had less than that space, 12,000 had between 3 m² and 4 m² and 80 per cent of the prison population lived in more than 4 m². Those figures would be improved with time. About half of all detainees spent around 10 hours per day out of their cell and many others had their cell doors open for 8 hours a day to allow them access to exercise, leisure or work, or simply to socialize with other detainees; even high security prisons were experimenting with opening cell doors for longer. Attention was being paid to developing more alternative measures to custody rather than building new prisons. Dynamic surveillance allowed judges responsible for the lawfulness of detention and detainees' guarantors access to software linked to the cells in all 198 prison facilities in the country, showing virtually in real time whether the cells were occupied. The figures were updated every 30 minutes.

19. As at the end of October 2017, 35 per cent of the prison population, or 20,514 persons, a slight increase on the previous year, were being held in preventive detention. However, it should be remembered that those figures included persons who had been convicted by first and second instance courts, as convictions were confirmed only by the third instance body. The number of persons in detention while awaiting a first decision was only 17 per cent, lower than the European average. There had been no increase in the number of foreign nationals held in preventive detention, with 11,435 currently held. The conditions under which judges could order preventive detention had been tightened to allow it only in the case of possible sentences of at least 3 years' imprisonment. Detainees could appeal up to the court of cassation against the imposition of preventive detention. Since the ruling of the European Court of Human Rights in the Torregiani case and the adoption of Act No. 10/2014, 280 orders had been issued for redress as a result of detention conditions, with sentences reduced or financial compensation awarded. Solitary confinement could only be imposed as provided for by law: there were no exceptions to that rule and no covert isolation anywhere but in detention cells. A break of at least 5 days had to be observed between two periods of solitary detention.

20. In respect of the specific cases raised by the Committee, the trial brought against prison officers and medical officers in the case of the death of Stefano Cucchi had found them not guilty; a new prosecution for manslaughter was now being brought against police officers who had interacted with him before his detention. In the case of Valerio Guerrieri, who had psychological problems, there had not been room to place him in the special

facility ordered by the judge and he had committed suicide eight days later. Mohamed Carlos Gola, who had claimed to have been beaten by two prison officers, had been awarded compensation; both officers had been sentenced to suspended custodial terms by the court of first instance and a ruling was awaited in the prison disciplinary proceedings. Rachid Assarag, a Moroccan national, had reported episodes of violence in prison. He had recorded clips of prison officers purportedly talking about violence against detainees. However, it had been ascertained that he had manipulated the recordings to show events that had not really happened. Proceedings had then been brought against him for libel and he had subsequently been released from prison and expelled from Italy on suspicion of terrorist activities.

21. Regarding allegations of violence against inmates in Sollicciano prison in Florence, the prison officers involved had been convicted. An appeal was pending before the court of cassation. Mothers in detention were held in specialized, non-prison facilities. There were currently 60 children detained with their mothers. Two mothers, detained temporarily in Florence pending transfer, had refused to move to the specialized facilities on grounds that they had other children, who were not with them in detention, living in Florence. Both women had been released in December 2016.

22. On the question of prison medical services, medical consultations for all detainees, including those held under article 41 bis of the Penitentiary Act were conducted in the presence of prison medical staff only, to ensure patient confidentiality. Prison health care came under the jurisdiction of the Ministry of Health, not the Ministry of Justice, and was provided under the same terms as for all other members of the public, and all prisoners could be referred for treatment in external medical facilities. Quality of care and facilities could vary depending on geographic location. A system of digital medical records was being set up and telemedicine practices were used to broaden the scope of available care. A total of 13 prisoners detained under article 41 bis had committed suicide, 5 of them over the past 10 years. Measures were in place to address inmate suicide, with specialized preventive care for detainees at risk. Italy's six penitentiary psychiatric facilities had been closed down, and all prisoners requiring psychiatric care had been referred to specialized residential units.

23. **Ms. Donati** (Italy) said that a multidisciplinary approach was being taken to address gender-based violence. Rates of femicide, domestic violence, sexual violence and ill-treatment of women had decreased gradually over the past three years. The Criminal Code contained several provisions to address "acts of persecution", which included domestic violence; the murder of a woman by a family member or partner now carried a life sentence. Stalking had been reclassified as a criminal offence, and the penalties associated with it had been increased. A bill to protect orphans against crimes of domestic violence was currently under consideration in the Senate. Procedures were in place to expedite proceedings in cases of ill-treatment and persecution.

24. **Ms. D'Ancona** (Italy) said that the provisions for international protection had been set out in a legislative decree issued by the Ministry of Justice in response to the urgent need to streamline proceedings and in order to address the extreme increase in the number of asylum applications received in Italy over recent years. The decree had instituted an accelerated court procedure, in which a college of three judges would meet to review all information and documentation pertaining to a request for international protection, and would hear the interested party if necessary. The judges' decision could not be referred for reconsideration at second instance, although it could be appealed at the cassation level within 30 days.

25. **Mr. Heller Rouassant** said that confusion persisted with regard to the criminalization of torture; article 613 bis of the Criminal Code could be subject to misinterpretation. The prohibition of torture must be absolute, and the application of a statute of limitations with respect to crimes of torture committed by State officials should therefore be reconsidered. Similarly, the regulations on excessive use of force by law enforcement officials were vague and should be drafted with greater precision.

26. On cooperation to address the humanitarian crisis connected with the unprecedented migration flows across the Mediterranean, while the Committee was aware of the immense

burden shouldered by the Italian authorities and understood the Government's objectives in concluding an agreement with Libya, grave concerns persisted. The United Nations High Commissioner for Human Rights had conducted a visit to Libya very recently and had issued an alarming report on the growing number of detainees being held in horrific conditions. Many migrants were being pushed into the hands of smugglers and organized gangs, and were being subjected to torture, sexual violence and forced labour. Given the fragmented political situation in Libya and reports of complicity between the Libyan authorities and criminal groups, he wanted to know what authority Italy had under the cooperation agreement to insist that Libya must uphold the basic tenets of human rights in its treatment of migrants. He also wondered whether the agreement contained any provisions on its own suspension or cancellation. Denunciation of the inhumane treatment of migrants was not sufficient; the time had come to take action.

27. **Mr. Touzé** expressed concern that the measures being taken to strengthen capacities in Libya to address migration flows would not be even nearly sufficient to address a crisis of the magnitude currently seen in the Mediterranean. New practice with regard to non-refoulement in countries of the European Union was morally questionable. States were taking advantage of grey areas in the law to return people to countries that were in situations of such grave political instability that they no longer functioned as States and could not be held accountable under international law.

28. Judgments of the European Court of Human Rights showed a worrying situation with regard to mass deportations to countries where returnees risked ill-treatment. A very recent case in that regard had involved the deportation of 48 Sudanese citizens, under a memorandum of understanding concluded between the Sudanese and Italian police authorities. The Committee would appreciate further details on the content of that memorandum, and assurances that the Italian authorities had taken due account of the possible risks to which the returnees might be exposed on arrival in the Sudan.

29. **Mr. Hani** said that while the inclusion of the principle of non-refoulement into Italian law was welcome, he was concerned that the cooperation agreement between Italy and Libya was resulting in migrants being passed into the hands of Libyan actors, including the coast guard, who would return them to Libya. Similarly the reduction in the number of migrants in holding centres in Italy should be viewed in conjunction with the overwhelming increase in the number of migrants in centres in Libya. The measures taken had thus not addressed the grave human rights problems associated with mass migration but had simply displaced responsibility for them from Italian jurisdiction. Given Libya's political collapse and the lack of elected authorities, he wondered what measures were in place to ensure that the actors involved on the Libyan side of the cooperation agreement were not militia, criminal or mafia groups. He also wondered whether the Italian authorities intended to look into the situation reported by the United Nations High Commissioner for Human Rights, and whether the provision of assistance to build humanitarian infrastructure in Libya would continue.

30. Regarding migrant hotspots, he had been surprised to learn that 75 per cent of Italy's hotspots were not official. He therefore wished to know their legal status, and how long migrants tended to stay there. He also wondered how the Government ensured that human rights were guaranteed in migrant hosting centres that were managed by non-State or private actors.

31. **Ms. Belmir** requested further information on the procedures for filing complaints about police misconduct and on whether there was any intention of revising article 598 of the Code of Criminal Procedure. She asked whether any agreements were being concluded with sending countries of unaccompanied migrant children. Lastly, she asked what further developments had been made with regard to implementing measures to address trafficking in persons.

32. **Mr. Zhang** said that he would appreciate a response to his question on the concerns raised by Amnesty International regarding the narrowness of the Lazio Regional Administrative Tribunal's jurisdiction and its failure to discharge its mandate to assist lawyers defending potential political refugees subject to expulsion orders.

33. **The Chair** said that he had not received a reply to his question regarding paragraph 52 of the report on the obligation of prison doctors to report injuries consistent with ill-treatment, specifically how many such cases had been referred to the judicial authorities and what the outcome had been.

34. **Mr. Petri** (Italy) said that, naturally, Italy had been very surprised by the statement issued the day before by the High Commissioner on Human Rights regarding the situation of migrants in Libya. The European Commission had responded with a press release on European efforts in that domain.

35. **Ms. D'Ancona** (Italy) said that it was inaccurate to say that 20 per cent of detainees were held in cells of less than 3 m². Since 2015, no person was held in less than 3 m². The only offence that was not subject to a statute of limitations was murder. In the case of torture, the statute of limitations was 18 years, in other words three times the normal length of criminal proceedings. There was no confusion in the definition of the offence of torture: only acts that caused acute physical or mental pain and were repeated within a single incident and did not result from legitimate punishment constituted torture. Moreover, each individual act had to meet those conditions; the definition did not provide for the cumulative effect of less severe acts. All doctors working in public health-care facilities were bound to report signs of a possible offence. Failure to do so could constitute malpractice. Regarding international protection, decisions of the higher court were not appealable, in the interest of closing procedures within a reasonable period. However, first-instance decisions could be referred to the court of cassation in relation to points of law.

36. **Ms. Cosentino** (Italy) said that it was not true that 75 per cent of hotspots were not official. Given that migrant rescues were often carried out by several ships at once, Italy had had to make ports available, especially in the south of the country, for migrants to be dropped off to have their identity verified and undergo medical examinations. However, migrants did not remain in the ports; they were transferred by bus to the various regions of the country in accordance with set quotas. All hotspots were managed by the local prefect. Privately owned hotspots, of which there were many, were subject to the same regulations as public ones and could be shut down or sanctioned if irregularities were observed. Regarding unaccompanied minors, there were no agreements with countries of origin because minors could not be expelled. Reuniting minors with their families was governed by a strict procedure.

37. **Ms. Ammendola** (Italy) said that there was an agreement with Romania on the return of unaccompanied minors because so many were arriving from that country, but there were no similar agreements with other countries. The tracing of relatives was carried out by IOM in its member States. In the very few cases where unaccompanied minors were returned to their country of origin, assistance was provided by the relevant embassy in Italy. Such returns required the authorization of the juvenile court, which was granted on the basis of a thorough assessment of the best interests of the child. Municipalities were the Italian authorities' main interlocutor in Libya because they had been democratically elected and had continued to function even when the central Government had collapsed. Moreover, many of the mayors of those municipalities were involved in the Nicosia Initiative of the European Committee of the Regions.

38. **Mr. Pisani** (Italy) said that the agreement with Libya was a memorandum of understanding, not an instrument subject to parliamentary approval; hence the lack of detailed commitments and of provisions for the termination of the agreement. Any modifications to the memorandum could be done through an exchange of notes verbales. Decisions on whether or not to continue providing support to Libya were outside the scope of the memorandum. The Government's policy on Libya matched that of the European Commission. In fact, Mr. Avramopoulos, Commissioner for Migration, Home Affairs and Citizenship, had conveyed a letter of support to Italy regarding its policy on Libya, urging it to implement initiatives as quickly as possible. It was worth recalling that two thirds of European aid to Libya was earmarked for migration issues and human rights. A monitoring committee would be set up to ensure that Libya was in a position to fulfil its commitments and that projects were properly implemented. If not, it could decide to suspend or terminate a project.

39. Pursuant to the judgment of the European Court of Human Rights in *Khlaifia and others v. Italy*, the centre in Lampedusa where the Tunisian nationals had been held had been replaced by a hotspot, which was an open facility where persons were temporarily housed before being transferred to other centres at the earliest convenience. The suggestion of setting up floating hotspots had not been retained. In addition, personnel had been instructed to draw up an identification report for each individual. The average length of stay in hotspots varied from 3 to 15 days, depending on the location. Stays in Lampedusa tended to be longer because of the sheer number of arrivals and the fact that the weather at certain times of the year hampered boat transfers.

40. Italy had not displaced its responsibility for migrants to Libya, as borders could not be simply redrawn arbitrarily. If migrants departing from Libya called for a rescue in international waters, Italy had an obligation to react, just as it had in its own territorial waters. The notion of “subcontracting” responsibility would apply if the Libyan coast guard rescued Libyan vessels in international waters or if a call received in Italian waters was then redirected to international waters; however, those scenarios had never occurred. All operations by the Libyan coast guard had been conducted in Libyan waters on the initiative of the local authorities, without the intervention of the Italian Maritime Rescue Coordination Centre.

41. Regarding the repatriation of Sudanese nationals, the persons concerned had been informed of their right to seek asylum on a number of occasions during the expulsion proceedings, including after the expulsion decision had been handed down, but none of them had filed an application. Accordingly, they had been returned to the Sudan by chartered flight. Though the logistics of returning a large group of people to the Sudan had meant that a collective solution was more feasible, the situation of each person had been considered individually during the expulsion proceedings.

42. **Ms. Matscher** (Italy) said that foreign victims of exploitation in Italy, unlike in other European countries, were eligible for a residence permit on grounds of social protection, which entitled them to housing, legal and integration services and food. Once the permit expired, the person could apply to exchange it for a study or work permit. Since its introduction, that type of permit had been issued to more than 350 victims, chiefly from Africa and Ukraine. A programme had been launched in 2003 whereby trafficking victims received assistance for a renewable three-month period; the programme had benefited over 1,350 victims in 2015, 1,230 in 2016 and 1,575 thus far in 2017. Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims had been transposed into domestic law, and the role of the Department for Equal Opportunities in providing assistance to victims had been reaffirmed. The first National Action Plan on Trafficking in Human Beings had been adopted in 2016 and was the basis for a unique assistance and social integration programme. That same year, measures had been put in place to coordinate the efforts of the various organizations active in that field, including the establishment of working groups on prevention, protection, international cooperation and public awareness.

43. **Mr. Petri** (Italy) commended the Committee on its impressive knowledge of Italian legislation and systems and thanked it for what had been a very fruitful dialogue. His Government looked forward to providing additional information in writing and to continuing the dialogue.

44. **The Chair** thanked the State party for its diligent replies and constructive approach to the dialogue.

The meeting rose at 6 p.m.