



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

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English only

Committee against Torture

**Concluding observations on the combined fifth and sixth
reports of Italy**

Addendum

**Information received from Italy on follow-up to the
concluding observations***

[Date received: 30 July 2019]

* The present document is being issued without formal editing.



1. Further to UN CAT Committee letter, dated June 27, 2019, Italian Authorities are in a position to provide the following information.
2. The Italian (rigid) Constitution, coeval with UDHR, determines the political framework for action and organization of the State.
3. The Italian legal system aims at ensuring an effective framework of guarantees, to fully and extensively protect the fundamental rights of the individual. Indeed, we rely on a solid framework of rules, primarily of a constitutional nature, by which the principle of formal and substantial equality and the respect for human rights are among the main pillars. (For additional information, please kindly refer to Common Core Document of Italy forming part of the reports of States parties – UN Doc. HRI/CORE/ITA/2016).
4. On March 8, 2019, specific “Guidelines” was issued to Provincial Public Security authorities containing useful references and in-depth information on the various aspects that make up the articulated management-related action in the field of public order, with the aim of creating uniform procedures and models of intervention, by favouring the identification of strategic choices and organizational and/or operational solutions most suited to the various relevant scenarios.
5. In this context, specific attention has been paid to the “criteria for the correct use of force” during services to protect public order during street demonstrations, with reference to: the Criminal Code; T.u.l.p.s. (standing for, Unified Text of Laws of Public Security); Law 110/2017 concerning the introduction of the crime of torture in the Italian legal system; the European Police Code-2001; and ECHR. In brief, the use of force (and therefore the different means of physical coercion) must be carefully weighed in the concrete situation in which the Police Forces are called upon to put in place a specific response or contrast action, being absolutely necessary to win violence or resistance.
6. In this regard, are therefore fundamental parameters:
 - The requirement of necessity, which is realized when the public official has no other choice to fulfil his/her duty than to use coercive means;
 - The requirement of proportionality, not only between the conduct of the public official and the conduct of those who oppose the performance of official duties, but also in relation to the assets in conflict, to fully apply the principle of the necessary balance between opposite interests (in detail, the proportion may be considered existing when the use of the coercion does not damage an interest of a higher value than the one satisfied with the fulfilment of the duty);
 - The requirement of the adequacy and therefore of the graduality of the means used with respect to the purpose of continuing: when lighter coercive means are sufficient to ensure the fulfilment of one’s duties, the use of stronger coercive means (or even weapons) must be avoided because, precisely, not necessary.¹
7. With regard to “Excessive use of force by law enforcement agencies”, the aforementioned topic is considered by the Ministry of the Interior at the utmost and is included in the study plans of all basic training courses (for both student agents and inspectors) and those initiated in the implementation of the reorganization of careers that provide for the interdisciplinary treatment of topics related to different fields, both from a strictly legal and operational standpoint.
8. On a more specific note, with a different level of detail related to the role and qualifications of the students, the aforementioned educational programs include the following topics: illegal arrest; abuse of authorities against arrested or detained persons; searches and arbitrary personal inspections; legitimate use of weapons and other means of

¹ Among the many relevant judgments, see also Supreme Court, Pen. Sec. V, 14-06-2013, No. 46787 [maxim: “The exoneration envisaged by Article 53 of the criminal code does not apply in the event that the public official, in order to execute an evacuation order for a square, resorts to the use of weapons immediately after giving notice of the eviction, without giving the persons concerned the time to leave and without having ascertained their non-compliance (Case concerning the throwing of a stinging gas canister in the direction of the face of recipients of a clearing order)”].

physical coercion; the crime of torture; correct use of the truncheon; use of the multi-purpose “velcro strip”; handcuffing of arrested or apprehended persons; transportation of persons put under arrest; intervention techniques in the event of resistance and immobilization; rights of civil liberties and limits to the activity of police; ethics in police services; techniques for containing uncooperative persons, with particular attention to the cycle of aggression and de-escalation techniques.

9. With specific reference to the ethical dimension of the service is also envisaged a value pathway, which is developed for the entire duration of the course, with continuous references to the Constitutional Charter, the European Code of Ethics for Police, the recommendations and international acts concerning safeguarding citizen’s rights, with specific focus on:

- Centrality and sacredness of human life;
- Dignity of the person;
- Aspects of the police service: responsibility, correctness and professionalism.

10. In this regard, it should be noted that, from January 2018 to the end of June 2019, the training activity involved a total of over 5,600 units, of which 2,600, already belonging to the Administration, who attended training courses for access to the higher qualification within career reorganization.

11. With regard to the second-level courses, it is to be reported that the topic has been dealt with, through a specific training module on the use of force in the territorial control services, also in the qualification courses for operators in charge of controlling the territory, which involved 368 units during the above period.

12. As for professional refresher courses for staff on duty, mention has to be made of the availability on the IT platforms used by the State Police also of IT modules concerning the legitimate use of weapons, the abuse of authority against arrested and detained persons, searches and arbitrary personal inspections, kidnapping and unlawful arrest, ethics, professional ethics in public order services and cuffing.

Gender-based violence

EVA project

13. More than 9,000 reports have been managed and analysed within EVA Protocol framework, from January 2017 to the end of 2018.

Camper project

14. From July 2016 through May 2019, over 102, 200 contacts were registered with a peak of 25,000 contacts (of which 4,418 were minors), on November 25th, 2018.

15. Among the various celebratory initiatives for November 25th, the Turin Police HQs. and the UICI (Italian Union of the blind and visually impaired) took to the streets to talk about the relevant phenomenon and to explain what a woman subjected to violence can do and what are the specific protections for women with disabilities when victims of abuse.

16. The UICI-Turin printed brochures in Braille, containing the main laws on GBV, the measures that can be adopted to protect women victims of violence, some simple suggestions and contacts to ask for help. The police information material also included a QR code so that it can be read via smartphone.

Training

17. In March 2019, was held at the Institute for Superintendents of Police in Spoleto, the course on “The monitoring measures by the Quaestor”, also dedicated to the warning (*ammonimento*) and the reception of the victim. This was attended by 110 Police HQs. operators. Experts from the State Police, psychologists, university professors, DEO representatives collaborated in. The operators from the Anti-Crime Divisions, for the first time, have been trained on the best practices concerning the approach towards victims and

perpetrators, for the purposes of a correct risk assessment, with an in-depth study of GBV-related issues. This seminar took place within the framework of the 2017 MoU signed by DEO (Department for Equal Opportunities of the Presidency of the Council of Ministers) and Ministry of Interior-Department of Public Security. Moreover, it is to be reported that seven courses on IHL took place for the military staff belonging to Guardia di Finanza.

Important initiatives, recently undertaken by the Police HQs

18. The Trento Police HQs, since March 2019, has been participating in an Interdisciplinary WG set up upon initiative of the Autonomous Province of Trento, with the aim of creating an innovative model of “taking charge” of women who have suffered violence, as inspired by the so-called MARAC – Multi Agency Risk Assessment Conference. This WG, coordinated by a representative of the Trento Police HQs. examines: those cases of women victims of domestic violence or persecutory acts, managed by the Anti-Crime Division during the warning stage and considered particularly problematic or that show high risk of recurrence.

19. On April 5, 2018, the Milan Police HQs. and the Italian Center for Promotion and Mediation (in Italian, CIPM) signed an agreement, called “Zeus” Protocol on “Information”, with regard to the recipients of warning. Following this agreement, the Milan Quaestor introduced in the warning decrees, the so-called “Treatment injunction”. The application of this Protocol has had a positive response and is being studied in other Police HQs.

Trafficking in human beings

20. The State Police contributes, within the framework of its institutional functions, to the strategies of prevention and fight against THB, thanks to its specialized offices, at a central and local level.

21. The Central Operational Service of the Central Anti-Crime Directorate of the State Police participates in the Technical Support Committee of the Control Room provided for by Legislative Decree 24/2014, established in March 2019 at the Department for Equal Opportunities.

22. Within the framework of the governance system established by the 2016–2018 National Anti-Trafficking Plan, several Police Headquarters have collaborated with accredited Associations and Bodies for the purposes of participating in the Call for Proposals 3/2018 of the Presidency of the Council of Ministers – Department for Equal Opportunities, for Presentation of Projects aimed at implementing, at the territorial level, the unified Program of emergence, assistance and social integration for victims of trafficking.

23. Specialized operators of the State Police intervened, from 10 to 14 December 2018, at the fourth course of international training that took place under the OSCE project “Combating human trafficking along migratory routes”, at the Center of Excellence for the Stability Police Units (COESPU) in Vicenza, aimed at strengthening the capacity to counteract the relevant phenomenon, with particular reference to sexual and labour exploitation, with the usual “simulation” methods of operating procedures.

Conclusion

24. Italian Authorities take this opportunity to reiterate their firm commitment to cooperating with UN CAT Committee and all other relevant mechanisms. Once additional information is made available, we will promptly share it.
