



**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
periodic reports of Italy**

Addendum

**Information received from Italy on follow-up to the
concluding observations^{*}, ^{**}**

[Date received: 5 August 2019]

^{*} The present document is being issued without formal editing.

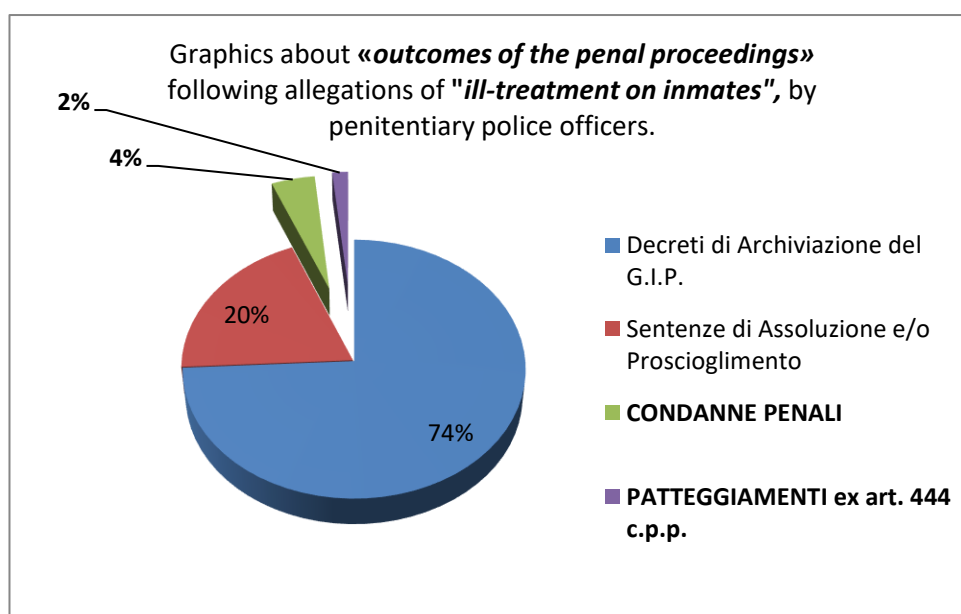
^{**} The annex to the present report is on file with the secretariat and is available for consultation. It may also be accessed from the web page of the Committee.



1. Further to UN CAT Committee letter, dated June 27, 2019, and to Italy's additional information, dated July 26, 2019, Italian Authorities are in a position to provide as follows.
2. With regard to training programmes on human rights for law enforcement, the Department of Penitentiary Administration-Ministry of Justice indicates as follows.
3. The use of force is included in the training programmes addressed to the newly recruited penitentiary police staff as well as in all the training courses for the career development of the same staff. This falls within the general subject of "The Penitentiary Act and its Regulations of Enforcement". In particular, Article 41 of the Penitentiary Act "Use of force and use of means of coercion", as well as Article 82 of the Regulations of Enforcement, "Means of physical coercion" are presented during the course. Likewise this is addressed also in the wider subject of "Norms of conduct and deontological aspects of the role", which aims at encouraging the trainee's identification in the ethical, deontological and professional values of their roles, by developing their sense of responsibility in their relations with prisoners. All the penitentiary police staff is trained to the use of force.
4. Since 2004, the Department of Penitentiary Administration (acronym in Italian, DAP) has entered into agreements with the Italian Federation of Judo, Karate, Fight and Martial Arts (acronym in Italian, FIJLKAM) – associated with the Italian Olympic Committee – for the training of Penitentiary Police trainers in self-defense. The aim of those agreements is to make the training method uniform and to develop and to optimize a self-defense approach fit for the specific operational needs of a prison officer.
5. The training programme in self-defense is carried out through a discipline recognized by the Italian Olympic Committee and referring to the Global Self-defense Method (MGA). This is an easy-to-learn method and is inspired to a defense approach and not to attack.
6. The activities carried out with the FIJLKAM allowed to train 60 trainers who attend a continuous training course at least once a year, to keep their techniques updated in order to avoid any circumstance of danger, specific to the prison context, and to save the physical integrity of both the aggressor and the aggressed person.
7. The techniques of that discipline are inspired to the principle of non-aggression, to the legislation in force regulating the legitimate defense in Italy as well as to psychology applied to risk situations.
8. The training activity is complemented by lessons in legitimate use of force and in deontological aspects connected with the officers' duties.
9. Moreover, the new agents' training foresees the learning of communication and of relations techniques through the simulations of critical incidents. Thus, the newly recruited staff gets used to use communication as the main tool to approach inmates.
10. Self-defense is always included in the basic training courses with a programme of 40 hours. In the last five years, 4,571 new agents have been trained.
11. Since 2017, the regional training plans carried out in decentralized districts provide for courses of self-defense training. In order to allow the organization of courses throughout our Country, we are currently selecting further 40 trainers, which will allow a widespread programme of training all over the Country.
12. As for the observations relevant to disciplinary provisions on Penitentiary Police staff members, started in cases of violence and/or excessive use of force, it is to be underlined that in consequence of the recommendations made by the international human rights mechanisms, our Administration introduced an IT procedure enabling to gather data relevant to cases of ill-treatment on prisoners by penitentiary police staff members.
13. As of 15 July 2019, there are 99 penal proceedings ongoing towards members of the Penitentiary Police due to alleged ill-treatment on prisoners. There are also two disciplinary proceedings ongoing, both relevant to possible sanction of removal from office.
14. One further disciplinary proceeding is ongoing – still concerning the possibility of removal from office – but it is now suspended, pending the outcome of the relevant penal proceedings.

15. As for precautionary measures, as of 15 July 2019, there are five penitentiary police officers suspended from duty as a precautionary measure, with allegations of the same nature:

- Statistic data shows that 94% of the penal proceedings against penitentiary staff initiated following allegations of ill-treatment came to nothing: 74% with decrees of dismissal by the Judge for preliminary investigations; and 20% with acquittal sentences;
- Instead, 4% of penal proceedings led to a conviction of the prison officers involved; and 2% ended with punishments applied upon the parties' request (plea bargain).



16. In percentage, the disciplinary sanctions ordered on Penitentiary Police officers is higher than 6% (which corresponds to the sum of penal convictions and the convictions of plea bargain) amounting to 9%, since those sanctions can be originated by behaviors which cannot be prosecuted as crimes but can be punished by a disciplinary measure.

17. The disciplinary proceeding starts upon the conclusion of the relevant penal proceeding.

18. Meanwhile, the Office of Discipline of the Penitentiary Administration could make use of instruments, such as the employee's "precautionary suspensions" from duty, in compliance with the legislation currently in force.

19. In other cases, the Penitentiary Police officer concerned can be seconded to other facilities, as safeguard measures both for himself/herself and the working environment.

20. Please find a list of the disciplinary sanctions ordered – relevant to ill-treatment incidents involving Penitentiary Police officers – in the last ten years below under Annex No. 1.

21. As for paragraph 27 regarding the monitoring activity of the detention and repatriation centers (CPR) and, in particular, on the absence of a response from the State regarding the actions undertaken to overcome the limits to the NPM's access, mention has to be made of the following:

22. First of all, as already observed in the previous contributions from Ministry of Interior (Department on Civil Liberties and Immigration) included in the follow-up reply, it is important to reiterate that the staff of the National Authority for the protection of persons deprived of their liberty (NPM) carry out monitoring on all places of deprivation of liberty, where they have free access at any time, without the need for any authorization.

23. Pursuant to Article 19, paragraph 3, of Legislative Decree No.13/2017, conv. Into Act No. 46/2017, it is provided that in the CPRs apply the provisions of Article 67 of Act

No. 354/1975 (containing “Norms on the penitentiary system and on the execution of measures depriving and limiting freedom”).

24. Furthermore, pursuant to Article 7, paragraph 5, letter e), of Decree-Law No. 146/2013, converted, with amendments, by Act No.10/2014 (containing “Urgent measures on the protection of the fundamental rights of prisoners and controlled reduction of the prison population”) the NPM exercises all the powers of verification within the CPRs, and has access to information and people with whom he can hold confidential interviews without visual or listening control.

25. Precisely in consideration of the particular importance that the visits carried out within the centers for repatriation assume, the above-mentioned Department, on July 17, 2019, has called a meeting with the Prefectures where the currently active CPRs are located, to discuss those issues, under supervisory activity carried out by the NPM, concerning the guarantee of the enjoyment of the essential rights and the protection of the dignity of the persons retained, also from the point of view of the conditions of the facilities where they are accommodated. On that occasion, the Prefectures were invited to carry out a constant supervisory activity over shorter periods.

26. Within the monitoring activities, as already reported by the above Department, the project called ADITUS (started from 1 January 2017) is also to be considered. Financed with the resources from the Asylum Migration and Integration Fund (acronym in Italian, FAMI), by this project IOM regularly conducts visits within the CPRs, in order to hold meetings with migrants that are retained, to identify possible vulnerabilities and monitor the conditions in the facilities. During this project and until July 10, 2019, IOM carried out 69 visits to all the centers currently operational (CPR of: Bari Palese; Brindisi Restinco; Caltanissetta loc. Pian del Lago; Trapani Milo; Palazzo San Gervasio (PZ); Turin; and Rome, Ponte Galeria loc.). With regard to all the visits, IOM has prepared reports that have been shared periodically with the Department under reference.

27. As regards the situation in hotspots and reception centers, including the Protection System for holders of international protection and for unaccompanied foreign minors (acronym in Italian, SIPROIMI) and the related monitoring, mention has to be made of the following:

28. As at 26 July 2019, there are currently four active Hotspots in Lampedusa, Pozzallo, Messina, and Taranto, with a presence, equalling to 207 migrants; as for the first reception centers, referred to in Article 9 of Legislative Decree No. 142/2015, ten are active, with a total presence of 2,474 migrants; and extraordinary reception centers referred to in Article 11 of Legislative Decree No. 142/2015 are 6,588, with a total of 77,223 presences. Monitoring of hotspots and first reception centers, pursuant to Articles 9 and 11 of Legislative Decree No. 142/2015 is entrusted to the inspection teams of the Prefectures, in charge of supervising the correct supply of the services offered by the bodies managing reception. The prefectural monitoring activity is also carried out through specifically set up inspection units, with participation, depending on the territorial specificities, of the Police Forces, the Fire Brigade, and more generally, the representatives of the other Administrations concerned (e.g. Asl, local authorities, labor inspectorate), in order to establish the most appropriate forms of inter-institutional collaboration to guarantee a broad and in-depth evaluation capacity of the various areas under monitoring.

29. To supplement and support the inspection activity carried out by the Prefectures, in May 2017 the MIRECO project (Monitoring and Improvement of REception COnditions) was launched by the Department under reference, as financed with the European resources of the FAMI Fund. The purpose of this project is to strengthen the monitoring capacity of the national reception system as a whole, to verify and constantly improve the quality, efficiency and effectiveness of management, in strict compliance with the legislation in force on public procurement and general principles of legality, impartiality and transparency of administrative action.

30. On a more specific note, during 2018, the Prefectures, also through their own inspection teams, carried out 6,247 inspections, for a total of 4804 facilities that were visited (data also includes the facilities subject to consecutive visits), of which 4794 extraordinary reception centers (in Italian, CAS), 9 first reception centers and 1 hotspot.

During 2018, and within the framework of the MIRECO project, 722 checks took place, of which 686 extraordinary reception centers (CAS), 4 first reception centers, and 28 centers for unaccompanied foreign minors. As regards 2019 (from January to 7 June), within the MIRECO project, were conducted 489 visits, of which 484 extraordinary reception centers (CAS), 3 first reception centers, and 2 Hotspots.

31. Finally, with regard to SIPROIMI, the monitoring activity is also entrusted to the Central Service, managed by the National Association of Italian Municipalities (in Italian, ANCI), which carries out visits to local bodies holding SIPROIMI projects in order to support these Bodies in the correct application of the reception standards identified in the relevant Guidelines, adopted by Ministerial Decree dated 10 August 2016. On the basis of what reported by the Central Service, during 2018, 344 projects out of a total of 877 funded projects were visited, and 220 projects out of a total of 875 were visited in 2019.

32. In this respect, the Department under reference, by Circular Letter No. 6031, dated May 23, 2019, has invited the Prefectures to pay particular attention to the projects financed under SIPROIMI and to implement and strengthen the controls pursuant to Art. 20 of Legislative Decree No. 142/2015. Furthermore, by Circular Letter No. 12228, dated 11 July 2019, it was decided to set up inspection teams composed of personnel from this Department. These controls, also activated in relation to specific critical issues that have emerged or detected, are carried out in conjunction with the Prefectures and, if they concern SIPROIMI, jointly with the aforementioned Central Service.
