



**International Convention for
the Protection of All Persons
from Enforced Disappearance**

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Committee on Enforced Disappearances

**Additional information submitted by Italy under
article 29 (4) of the Convention***

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* The present document is being issued without formal editing.



I. Introduction

1. The Committee on Enforced Disappearances (CED, the Committee) considered the report submitted by Italy under Article 29, paragraph 1 of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) at its 277th and 278th meetings (SR.277 and SR.278), held on 8 and 9 April 2019.
2. In paragraph 39 of its concluding observations (CED/C/ITA/CO/1), the Committee requested the State party to provide, by 18 April 2020, specific and updated information on the implementation of its recommendations as reported in paragraphs 15, 33, 35. Italy met this obligation by submitting the requested updated information, amid Covid-19 pandemic, in May 2020.
3. In paragraph 40, the Committee requested Italy to submit specific and updated information on the implementation of all its recommendations and any other new information on the fulfilment of the obligations contained in the Convention. In the present document, Italy provides the requested information.¹

II. Follow-up information on the concluding observations (CED/C/ITA/CO/1)

General information

Information relating to paragraph 7

4. Following the above-mentioned oral consideration, within the broader framework of the Universal Periodic Review process, relevant civil society organizations (CSOs) were invited to consultations.

Individual and inter-State communications

Information relating to paragraph 9

5. It is ongoing a dedicated process aimed at considering the possible recognition of the UN CED Committee's competence to examine communications under Articles 31, 32 of ICPPED.

National human rights institution (NHRI)

Information relating to paragraph 11

6. Under the previous Legislatures, several draft laws have been tabled in Parliament, to establish an independent National Human Rights Commission, though, without completing the parliamentary process.
7. In the current Legislature, five draft laws are under discussion, one of which aims to introduce a NHRI by constitutional law:
 - (a) Draft Law AC 426, on the initiative of Senators Quartapelle, Della Vedova and Boldrini regarding the "Institution of the National Commission for the Promotion and Protection of Fundamental Human Rights".
 - (b) Bill AS 303, on the initiative of Senator Pucciarelli regarding the institution of the Guarantor for the Protection of Personal Data and Human Rights.
 - (c) Draft Constitutional Law AC 580, on the initiative of Hon. Laus, aimed at "The establishment of a National Authority on Human Rights".

¹ To be considered in conjunction with information provided under the initial first periodic reporting of Italy.

(d) Bill AS 424, on the initiative of Senators Valente, Giorgis, Parrini, and Zampa, for the “Institution of the National Commission for the Promotion and Protection of Fundamental Human Rights”.

(e) Bill AS 505, on the initiative of Senators Bevilacqua, Maiorino and Floridaia, on “Provisions for the assignment to the Guarantor for the Protection of Personal Data of the tasks of Independent National Institution for the Protection and Promotion of Human Rights”).

8. Considering the various recommendations received, in particular in the Universal Periodic Review and by the EU Commission’s Rule of Law Report 2024, it is important that our country continues its efforts to establish, as soon as possible, an independent National Human Rights Institution, in line with the Paris Principles.

Non-derogability of the prohibition of enforced disappearance

Information relating to paragraph 13

9. On a general note, on the effectiveness of criminal law in space - and hence jurisdiction -, Article 6 of the Criminal Code provides that anyone who commits an offence in whole or in part within the territory of the State is punishable under Italian law.

10. Under Italian law, the punishability of offences committed abroad, whether by Italian or foreign citizens, is provided for by Article 7 of the Criminal Code (and partly by Article 8). Offences committed abroad by public officials in the service of the State, abusing their powers or violating the duties inherent in their functions (and this also where they are foreign citizens) are ‘unconditionally’ punishable under Italian law. This provision is applicable in the case of kidnapping by persons acting in the capacity of public officials, which is the case in the conduct of enforced disappearance. The ‘unconditional’ punishability under Italian law of acts committed entirely abroad is also provided for in the case of any offence for which special legal provisions or international conventions establish the applicability of Italian criminal law.

11. Enforced disappearance can take on the characteristics of a political offence, pursuant to Article 8 of the Criminal Code (which includes offences offending the political rights of citizens and ordinary offences committed also in part for political reasons); where they have been committed abroad, whether by a citizen or a foreigner, the perpetrator who is not a public official is also punishable under Italian law, provided that there has been a request from the Minister of Justice. In the cases described above, no further conditions are required for the existence of Italian jurisdiction and, in particular, the presence on the territory of the State of the suspect or defendant is not required.

12. Article 90 of the Constitution establishes that the President of the Republic is not liable for acts performed in the exercise of his functions, except for high treason or an attack on the Constitution (for which he is judged by the Parliament in joint session; these provisions also apply if the President of the Council of Ministers, Ministers, or other persons concur in the offences).

13. Acts unconnected with the exercise of presidential functions are therefore excluded from immunity.

14. Article 7(3) of Law No. 219 of 1989 provides that no measures restricting personal liberty, telephone tapping, or personal or house searches may be ordered against the President during his term of office, except when the Constitutional Court has ordered his suspension from office.

15. For offences committed in the exercise of their functions, the President of the Council of Ministers and Ministers, even if they have ceased to hold office, are subject to ordinary jurisdiction (in the forms and with the procedures indicated by Constitutional Law No. 1 of 1989) but may only be prosecuted if authorisation has been granted by the Chamber to which they belong (Article 96 of the Constitution).

16. The President of the Council of Ministers, the Ministers, as well as other indicted persons who are members of the Senate of the Republic or the Chamber of Deputies during their term of office may not be subjected to measures restricting personal liberty, telephone tapping or seizure or violation of correspondence or to personal or house searches without the authorisation of the competent Chamber (except in the case of a crime for which arrest is mandatory, such as the one referred to in Article 289-bis of the Criminal Code concerning kidnapping for terrorism or eversion purposes).

17. The provisional application of accessory penalties entailing the suspension of the President of the Council of Ministers and Ministers from their office cannot be ordered before the conviction becomes final.

18. As regards members of parliament, Article 68 of the Constitution. provides that during the period in which they are in office they may be subject to the following measures of the judicial authorities only if the Chamber to which they belong has granted authorisation to that effect: a) arrest and deprivation of personal liberty as precautionary measures, except in the case of irrevocable conviction or flagrante delicto in cases of mandatory arrest in flagrante delicto; b) personal and house searches; c) interception in any form of conversations and communications; d) seizure of correspondence.

19. Moreover, international immunities are to be recalled: i.e., for the Pope; those relating to foreign Heads of State and Regents; those of foreign ministers who enjoy relative immunity for all acts committed in the exercise of their functions, and so forth.

20. Against this background, no exceptional circumstances whatsoever may be invoked as a justification for enforced disappearance, in accordance with article 1 of the Convention.

Offence of enforced disappearance

Information relating to paragraph 15

21. By recalling information provided both in writing and orally under the initial first national periodic reporting of Italy, it is to be considered that enforced disappearance is covered by the provisions of the following articles of the Criminal Code: art. 605 (Kidnapping), art. 606 (Illegal arrest), art. 607 (Undue limitation of personal liberty), art. 608 (Abuse of authority against the persons put under arrest or detained) and art. 289-bis (Kidnapping for the purposes of terrorism or subversion), besides possible aggravating circumstances. No updated information available.

Criminal responsibility of superiors

Information relating to paragraph 17

22. By recalling information provided in writing and orally under the initial first periodic reporting, it should be reiterated the impossibility of invoking any order to justify a crime of enforced disappearance. In this respect, mention has to be made of the provisions of Article 51 of the Criminal Code and Article 4 of Act No. 382/1978, which apply to Military staff, State Police and Penitentiary Police.

Statute of limitations

Information relating to paragraph 19

23. No updated information available.

Military jurisdiction

Information relating to paragraph 21

24. Under the Italian Constitution, Article 13 is to be reported entirely, as follows: Personal liberty is inviolable. No one may be detained, inspected, or searched nor otherwise

subjected to any restriction of personal liberty except by order of the judiciary stating a reason and only in such cases and in such manner as provided by the law. In exceptional circumstances and under such conditions of necessity and urgency as shall conclusively be defined by the law, the Police may take provisional measures that shall be referred within 48 hours to the judiciary for validation and which, in default of such validation in the following 48 hours, shall be revoked and considered null and void. Any act of physical and moral violence against a person subjected to restriction of personal liberty shall be punished. The law shall establish the maximum duration of preventive detention.

Duty to investigate and search for disappeared persons²

Information relating to paragraph 23

25. The Central Anti-Crime Directorate of the State Police reports that in May 2024, as part of the initiatives for standard operating procedures relating to criminal phenomena, it disseminated the Operational Guidelines on Missing Persons, to make search, collection, sharing of information related to the event of the missing person and the territory concerned more effective. Through the correct application of these procedures, the coordination activities between the authorities involved in the search and investigation of the missing person can be made easier. The initiative has been implemented in close collaboration with the Office of the Extraordinary Commissioner for Missing Persons and provides for a periodic review of the guidelines disseminated to ensure that they are constantly updated on new technologies applied to investigations and on updates to national or EU legislation.

26. The first review will soon take place with the launch of the inter-force application called ‘Missing Person M.P.’ of the Central Directorate of the Criminal Police, which will allow the effective and uniform collection and management of missing person reports.

27. The following information by the Extraordinary Commissioner on Missing Persons also covers “Recommendation reported under paragraph 35 below”:

- On 12 December 2023, a Memorandum of Understanding was signed with the Garante per l’Infanzia e l’Adolescenza, for the implementation of initiatives aimed at preventing the missing of minors and preventing them from becoming victims of exploitation; in this framework, the Extraordinary Commissioner asked the aforementioned Garante to involve the “Consulta nazionale delle ragazze e dei ragazzi”, in order to acquire useful suggestions for developing effective messages for the minors at risk.
- On 9 October 2024, a Memorandum of Understanding was signed with the Head of the Department of Civil Liberties and Immigration of the Ministry of the Interior, with the aim of taking initiatives to raise awareness on the unaccompanied foreign minors driving away; in this context, it is planned to jointly produce messages to be disseminated at the Centres hosting unaccompanied foreign minors. An awareness-raising campaign, with the support of UNICEF and Save the Children, is under way, targeting foreign minors using the helpline platforms of the two above-mentioned Organisations, with the objective of informing them about the dangers of running away, including risk of being exposed to exploitation, trafficking, and involvement in illegal trade.

28. With regard to the initiatives to improve the search systems for missing persons, on 27 July 2020, the Extraordinary Commissioner shared information with the Prefects on how to request the Central Anti-Crime Directorate of the Department of Public Security to publish on the Global Missing Children’s Network website “Globalmissingkids”, photos and/or information concerning cases of missing children.

29. On 28 May 2021, the Extraordinary Commissioner informed the Prefects that he had entered into an agreement with Euronet Worldwide Inc. to allow the publication of profiles of missing children under the age of 10 on ATM screens.

² Additional information is reported at paragraphs 35 to 38 below.

30. An in-depth monitoring was recently initiated in the framework of a Memorandum of Understanding signed in 2018 by the Extraordinary Commissioner and the Ministry of Labour, whose Directorate General for Immigration and Integration Policies holds the data on the presences in the reception Centres for unaccompanied foreign minors.

31. Following the periodical information exchange between the above two bodies, it has emerged that a percentage of the minors under reference, registered in the Police Force database, as persons still to be traced, actually had been accommodated in other Institutions, communities or reception Centres of a different location.

32. To ensure the accuracy of the information and to proceed to update the tracing of the minors under reference, a constant information exchange has been initiated with the Prefectures concerned and with the Ministry of the Interior.

33. Within the framework of the Memorandum of Understanding dated 12 December 2022 with the Ferrovie dello Stato Italiane Group, operating instructions have recently been adopted by the aforementioned Group concerning the management of missing persons, as addressed to railway personnel, including those working in the assistance area and those at ticket offices, as well as those working on board trains: in particular, the missing person file is to be issued to all staff and instructions are to be provided on how to behave if a missing person is recognised.

Mutual assistance and extradition

Information relating to paragraph 25

34. The judicial authorities competent to investigate relevant offences are the public prosecutors' offices with territorial jurisdiction in relation to the place where the offence was committed (according to the ordinary rules, governing the case of offences committed abroad: see Article 9 of the Criminal Code).

35. In the case of conduct qualifying under Article 289-bis of the Criminal Code (kidnapping for terrorism or eversion purposes), the District Prosecutor's Office has jurisdiction. The jurisdiction to hold trials also follows the criterion of territoriality.

36. International and overall European investigative liaison instruments, such as Eurojust and Europol, as well as Interpol, and international cooperation instruments allowing the recognition of evidence gathered abroad are provided for.

37. The Code of Criminal Procedure and the provisions on the European Arrest Warrant contain specific rules to ensure that a suspect or defendant who is in another country and is the subject of coercive pre-trial measures is brought to Italy for trial.

38. Regarding investigative tools, the criteria are the same as those generally provided for in the Code of Criminal Procedure. In the investigation phase, for the use of investigative tools such as wiretapping of communications, the presence of serious indications of the crime and the indispensability of the investigative means is required; for the application of personal precautionary measures to suspects, the presence of serious indications of guilt against the suspect or defendant is required; for sentencing, the evidentiary standard of certainty beyond reasonable doubt is required (Article 530(1) of the Code of Criminal Procedure).

39. Contact points are set up at the Ministry of Justice to facilitate communication between the judicial authorities of the different countries involved.

40. Additional information is reported under "Recommendation contained in paragraph 33" below.

Non-refoulement

Information relating to paragraph 27

41. The Italian legal system contains provisions, which allow, even when the prerequisites for the recognition of international protection are not met, to recognize specific forms of

protection based on the State's constitutional and international obligations – as generally prescribed by Article 5, paragraph 6 of the Unified Immigration Text (acronym in Italian, TUI).

42. Among the forms of special or complementary protection provided for by the current legal system, the following cases are to be reported:

- when the conditions for the recognition of international protection are met but, at the same time, there are grounds for the exclusion provided for by the EU “Qualification” Directive pursuant to Article 32, paragraph 3. The application for international protection is rejected but, in compliance with the prohibition of *refoulement*, the applicant is issued a two-year residence permit, with the wording “special protection”, which is renewable and allows to work – though it is not convertible into other forms of permit.
- when the conditions provided for by Article 18, i.e. the ascertained subjection of the irregular foreigner to situations of violence and serious exploitation (including the risk of forced marriage), when there is a danger to the safety and when the foreigner is able to offer a contribution to the effective fight against the criminal organization responsible for the exploitation, a permit for social protection is issued. This permit is valid for six months and is renewable under the specific conditions laid down by law; it allows the performance of work activities and is convertible into a residence permit for employment purposes.
- when the conditions provided for in Article 18-ter are met, a residence permit is issued to foreigners who are victims of illicit brokering and labor exploitation, in accordance with a procedural scheme similar to the one provided for in Article 18-bis, but with specific requirements related to the context of labor exploitation; this permit is marked “special cases”, has a six-month duration, allows the performance of work activities, is renewable and convertible into a residence permit for employment reasons. By Law No. 50 of 2023, a specific amendment was made to allow the issuance of the permit for victims of domestic violence referred to in Article 18-bis of the same Act.

43. The Unified Text on Immigration allows the issuance of a specific residence permit to a foreigner who, despite being required to do so, could not return to his or her country of origin due to a contingent and exceptional situation of natural disaster.

44. In general terms, Article 19 *TUI* contains general provisions on the prohibition of *refoulement* of foreign nationals when there is a risk of subjecting them to the death penalty, torture, inhuman or degrading treatment or “persecution for reasons of race, sex, sexual orientation, gender identity, language, nationality, religion, political opinion, personal or social conditions, or risk of being returned to another state where they are not protected from persecution”. This Article also extends the prohibition to unaccompanied foreign minors. Its paragraph 2 lists several categories of foreigners whose expulsion is prohibited, among whom foreigners suffering from particularly serious health conditions. In the latter case, a residence permit for medical treatment is issued when the conditions are met.

45. For LGBT+ applicant, the Territorial Commission on International Protection assesses whether they meet the requirements for international protection, as long as the case can fall within the persecution for belonging to certain social groups.

46. The refusal to issue or renew a residence permit is always open to challenge by the person concerned before the judicial Authorities.

47. The legislative amendments introduced have not changed the general framework of protection for those who flee from persecution, death penalty, or torture in their own country or where they risk their life in armed conflict. The right to asylum has remained intact in its constitutional value.

48. Decree-Law No. 145 of 2024 introduced, in the field of immigration and international protection, the obligation to cooperate with the Authorities in order to ascertain identity, by exhibiting or producing the elements in the possession of the foreigner, relating to age, identity, citizenship, as well as the country or countries in which he or she has previously stayed or transited.

49. For women asylum seekers, the Territorial Commission for International Protection assesses whether the requirements for granting the benefit are met, as persecution for belonging to certain social groups may be part of the case. Women, under the discipline of the recognition of international protection, have also been recognized as a vulnerable category (Art.17 of Legislative Decree No. 142 of 2015) and are therefore not subject to the accelerated procedure. They are granted special protection if they are victims of trafficking and violence that may emerge during the hearing.

50. Against this background, of relevance is the *Vademecum* for the detection, referral and taking care of people with vulnerabilities arriving on the territory and inserted in the protection and reception system, published in June 2023. This document aims to provide uniform procedures and tools for the taking care of vulnerable persons at all stages of reception, from the moment of entry.

51. More in detail, regarding the management of vulnerability and mitigation of gender-based violence, the Ministry of the Interior has promoted, in collaboration with UNHCR and UNICEF, the adoption of a technical Note developed to implement, within the whole reception system, mechanisms to mitigate the risk of gender-based violence and to protect children. This Document provides each actor involved in the reception, through the liaison with the Prefectures on the territory and the Central Service, a framework and a set of operational tools (in order to disseminate the document and facilitate the use of the proposed tools, four online training sessions were organized at a regional level, aimed at staff from Prefectures and reception Centers operators, including those from the SAI³ network).

Safeguards in relation to the detention of migrants

Information relating to paragraph 29

52. Decree-Law No. 20 of 2023, converted with amendments by Law No. 50, introduced the accelerated border procedures for examining applications for international protection. These procedures apply to those who attempt irregular entry into Italy by evading border controls and to those who come from a country of origin considered to be safe. The procedures fit into the European normative framework by Directive 2013/32/EU. The applicant may be retained in a temporary retention Centre for the time necessary to complete the accelerated procedure.

53. Decree-Law No. 20 of 2023 provides for some exceptions to the application of the accelerated border procedures. In particular, the accelerated procedure does not apply to unaccompanied minors and applicants for international protection who have special needs, as defined in Article 17 of Legislative Decree No. 142 of 2015. By way of example, the following may constitute special vulnerabilities: physical or mental health problems; belonging to a particularly vulnerable social group, such as women, LGBT+ persons, the elderly.

54. In any case, the denial of international protection is subject to full judicial review.

55. As for reception Centres, at first level of reception, there are currently 13 first aid and reception facilities, so-called hotspots; and 9 are the First Reception Centres, with a total capacity of 3,540 places.

56. Regarding the CAS (Extraordinary Reception Centres), as of December 2024 there were about 6,000 active facilities, nationwide – with a total capacity of about 100,000 places.

57. Ten are the Centres of Permanence for Repatriation (in Italian, CPR) operating in: Bari, Brindisi, Caltanissetta, Rome, Turin, Palazzo San Gervasio, Trapani, Gradisca d'Isonzo, Macomer and Milan. As of early December 2024, the total theoretical capacity is about 1,300 places. The number of migrants present at the same date was 543, including 541 men and 2 women. In this respect, it is to be considered that the National Preventive Mechanism of Italy gets the list of active CPRs and has the right to fully access the facilities (See Article 67 of Law No. 354/1975, as also applicable to CPRs).

³ The Reception and Integration System – SAI (second level of reception).

58. The Reception and Integration System - SAI (second level of reception) consists of the network of Local Authorities that access *inter alia* the National Fund for Asylum Policies and Services for the implementation of integrated reception projects, within the limits of available resources.

59. At a territorial level, the local Authorities, with the valuable support of the third sector, guarantee integrated reception interventions which, in addition to providing board and lodging services, also provide complementary information, accompaniment, assistance and orientation measures, through the construction of individual socio-economic integration pathways. The services guaranteed in the territorial projects include: linguistic and intercultural mediation; material reception; vocational training and retraining; orientation and accompaniment for work, housing and social integration, as well as legal accompaniment and psycho-socio-health protection. The SAI also provides additional specific services for unaccompanied foreign minors.

60. The monitoring activity of the SAI Central Service aims at verifying the ways in which the project-related activities are concretely implemented by the local Authorities, to correct any critical aspects in compliance with the provisions of the Ministerial Decree on the functioning of the SAI and the relevant Ministerial Guidelines. During the monitoring visit, an interview is held with the beneficiaries.

61. Regarding the reception and integration system-SAI (second-level reception), as of November 2024, almost 40,000 places are active; and admissions amount to 36,678 persons.

Training

Information relating to paragraph 31

62. Relevant professionals and officers are provided with a variety of courses. All the personnel receive basic training enabling them to perform their work.

63. The issue of the protection of persons from enforced disappearance is of fundamental importance for the State Police, and in particular, in the training sector, especially with regard to the subject of “Mutual assistance and extradition”, “Non-refoulement”, “Unaccompanied minors”: it is included in the training plans of the basic courses for trainee officers and deputy inspectors and those launched in the implementation of the career reorganisation and also within the second level courses and modules dedicated to the training of in-service personnel with different depth-of-knowledge levels, depending on the role and qualification of those attending the course.

64. Training in the Carabinieri Corps (Arma dei Carabinieri) follows a step-by-step path that is divided into two phases: initial or basic training and continuous training (further divided into successive and advanced), the latter of which accompanies the military-man/woman throughout his/her career.

65. The contents of the training courses are divided into two macro areas: ethical and deontological, and cultural and technical-professional. The ethical and deontological macro-area focuses on values training, such as caring for the human dimension and feelings of altruism (ethics of care), development of relational skills to foster a commonality of ideas and values (ethics of dialogue), maturation of a common ethical feeling of the activity performed as a mission in the service of great ideals (ethics of duty), ability to correctly assess one’s actions and their consequences (ethics of responsibility). The cultural and technical-professional macro area implements skills, abilities and knowledge directly connected with institutional tasks, with the role to which one belongs and, in part, with the individual’s professional career.

66. In the basic and continuous training courses organised by the Carabinieri Corps, all the rules of international law, including the UN conventions, are illustrated, with varying degrees of detail depending on the type of learner (Officers, Marshals, Brigadiers and Carabinieri), particularly in the area of human rights. In addition to the legal framework and the examination of police activity in the international sphere, the course’s *Syllabus* also includes an in-depth study of the importance of criminal limits to the use of force and a legal

framework on the legitimate use of weapons and other means of physical coercion, also focusing on respect for human rights while on duty, for example in the case of the apprehension and/or arrest of a person.

67. The Arma dei Carabinieri also launched further initiatives, such as:

(a) the Memorandum of Understanding (MoU) with the National Guarantor (Garante) for the Rights of Persons Detained or Deprived of their Liberty (being Italy's National Preventive Mechanism), to carry out both seminars at the Training Institutes (aimed at fostering moments of reflection and in-depth study on issues falling within the authority of the Garante, such as deprivation of liberty in criminal matters, arrest and detention procedures, and the modalities of the Garante's visits to places where detainees are held) and meetings in favour of the Commanders of the Departments of the Territorial Organisation (Company, NORM (acronym standing for, nucleo operativo radiomobile), selected Station Commanders), to raise staff awareness of the duties and responsibilities connected with the custody of persons deprived of their liberty, for the subsequent cascade training of staff (The MoU was renewed on 17 March 2022 for a further three-year period, 2022-2025).

(b) the *Vademecum* on the treatment of persons deprived of their liberty, to increase each Carabinieri's awareness of their duties in the execution of measures restricting personal liberty and in the custody of persons at security chambers, implemented in full compliance with the principles laid down in the Constitution of the Italian Republic and in accordance with the provisions of international conventions.

(c) the Memorandum of Understanding with the Extraordinary Commissioner for Missing Persons, which provides both the organisation of seminars/conferences/workshops/roundtables (with the aim of facilitating the dissemination of information on issues of common interest, which, starting in 2018, are held annually at the Carabinieri Training Institutes) and the implementation of joint training projects aimed at further qualifying the professionalism of personnel in the specific field of operations, also by carrying out complex exercises.

(d) the Commentary to the European Code of Ethics for the Police Force, to expand the reference texts for teaching ethics in Arma's schools. This also allows to provide trainees with the tools to understand and adapt the European Code of Ethics for the Police Force to their service besides giving a clear view of the full convergence of the national system and the Institution's internal procedures with the principles summarised.

(e) the Code of Ethics of the Carabinieri Corps, which is in the process of being approved, as a compendium of the constitutional values and principles that should inspire and guide the actions of the Carabinieri, with regard – on the use of force - to the title concerning "Ethical actions in the performance of duties".

68. As for the use of weapons or other means of physical coercion: the *Arma* inspires its operational procedures with full respect for the fundamental rights and freedoms of the individual, according to the principle of progressiveness in the use of force (presence, dialogue, physical contact, less than lethal options, and lethal options), supplemented by the conditions of necessity, proportionality, and the actual threat.⁴ As for the conduct of violence and resistance to a public official, in order to guarantee the credibility and trust in the work of the Corps, No. 46 of the General Regulations for the Carabinieri Corps provides that the Commander of the Company or Lieutenantcy carries out personal checks to establish, with certainty the conduct of the military personnel. These checks relate to the correct use of operational intervention techniques, to any imprudent or hasty conduct and to the reasons underlying the event itself. At the outcome of the checks, the necessary actions are taken to pursue emerging responsibilities, if any, of a criminal or disciplinary nature.

⁴ Pub. No. P-11, 5th series additions and variations, Ch. no. 2.1.

Definition and rights of victims and right to receive reparation and prompt, fair and adequate compensation

Information relating to paragraph 33

69. The Italian system provides a wide range of instruments for the protection of victims in criminal proceedings. In particular, it provides for the possibility for any victim to become a civil party in criminal proceedings in order to obtain compensation for damages suffered as a result of the crime.

70. The same right is granted to associations representing the rights affected by the criminal conduct.

71. The right to translation of documents and simultaneous translation in the hearing is ensured.

72. It is possible for the trial examination of the offended person who is abroad to take place remotely, when the mutual legal assistance conventions concluded with the countries concerned allow it.

73. Within the EU, the 2000 Convention on Mutual Legal Assistance is in force, as implemented in Italy by Legislative Decree No. 52/2017. It provides for cooperation instruments in both the investigation and trial phases (and regulates remote examination in Article 13).

74. Article 90-bis(1) of the Code of Criminal Procedure provides that from the first moment of contact with the prosecuting authority, victims are informed of all their rights, which do not end with the criminal trial but also extend to: the protection measures to which they are entitled (Article 90-bis(1)(f)); the possibility of claiming compensation for damages resulting from the crime (Article 90-bis(1)(m)); information on the health facilities in the area; and assistance services for victims of crime (Article 90-bis(1)(p)) besides the right to access restorative justice services (art. 90-bis, para. 1, lett. p-bis).

75. Special protection provisions apply to victims recognised as particularly vulnerable under Article 90-quater of the Code of Criminal Procedure, a provision that can be applied in cases of enforced disappearances due to the particular characteristics of the crime.

76. Victims of such offences are entitled to the forms of protection generally ensured by our system; in particular, in the case of victims who are minors and when the condition of particular vulnerability referred to in Article 90-quater of the Code of Criminal Procedure mentioned above is recognised: the examination is conducted with the help or assistance of a psychologist; there is the possibility of requesting that the trial be held closed-doors; and that there be no direct or visual contact between the victim and the defendant.

77. Given the implementation of various EU instruments, starting with the Directive on the protection of victims of crime, the number of activities on judicial offices has been increasing, primarily regarding the correct information about the rights and powers to be exercised in the proceedings (See Articles 90-bis and 90-quater of the Code of Criminal Procedure).

Unaccompanied minors (UAMs)

Information relating to paragraph 35

78. By Law No. 47/2017 (the so-called Zampa Law), Italy adopted specific legislation aimed at unaccompanied foreign minors and strengthening the protection tools recognised by the existing legal framework.

79. An absolute prohibition on removing unaccompanied foreign minors at the border was introduced: which does not provide for exceptions of any kind (Article 19, paragraph 1-bis, Unified Text on Immigration).

80. As a result, residence permits are issued for minors and are valid until they come of age, subject to administrative extension until the age of 21.

81. Moreover, the regulations concerning the prohibition of expulsion of unaccompanied foreign minors, which, according to the current regulations, can only be derogated from for reasons of public order and State security, have been modified by further establishing that, in any case, the expulsion measure can only be adopted on condition that it does not entail ‘a risk of serious harm to the minor’.

82. The aforementioned Law introduced into Legislative Decree No. 142/2015, Article 19-bis ‘identification of unaccompanied foreign minors’. The provision stipulates that, when the minor comes into contact with or is reported to the Police authorities, the social services or other representatives of the local authority or the Judicial Authority, qualified staff of the first reception facility is required to conduct an interview with the minor aimed at investigating his or her personal and family history and bringing to light any other element useful for his or her protection.

83. The principle of presumption of minor age, applying also in case of doubtful outcome of the age determination procedure, is also to be recalled.

84. The identity of an unaccompanied foreign minor is ascertained by the security authorities, assisted by cultural mediators, in the presence of the appointed guardian or temporary guardian, only after the minor has been guaranteed immediate humanitarian assistance. Where a guardian has not yet been appointed, the legal representative of the care organisation where the child is placed exercises provisional guardianship powers.

85. If there is any doubt as to the child’s declared age, this is ascertained primarily by means of a registry document, also with the cooperation of the diplomatic-consular authorities. The intervention of the diplomatic-consular representation must not be requested in cases where the presumed minor has expressed a desire to seek international protection, or a possible need for international protection has arisen, or in cases where danger of persecution may result from the intervention of the diplomatic-consular representation, or the minor declares that he/she does not wish to avail him/herself of such intervention.

86. Legislative Decree No. 142/2015 (the so-called Reception Decree) dictates for the first time the specific provisions on the reception of unaccompanied minors. It distinguishes between a first and a second level of reception and establishes the principle that unaccompanied minors cannot be retained or received at *CPR* Centres (Centres of Permanence for Repatriation) and governmental first reception Centres.

87. The reception of minors is based first and foremost on the establishment of specific governmental first reception facilities for the needs of rescue and immediate protection, to be given to unaccompanied minors pursuant to Law No.47/2017. With the amendments introduced by the aforementioned Zampa Law, the identification operations of the minor must be concluded within 10 days and be carried out on the basis of a homogeneous procedure throughout the national territory, governed by the law.

88. *Zampa Law* establishes, at the Italian Ministry of Labour and Social Policies-General Directorate of Migration Policies, a National Database on Unaccompanied Foreign Minors. This System -called Sistema informativo nazionale dei minori non accompagnati-SIM – through the census of the presence of UAMs on the Italian territory allows to constantly track the presence and most relevant events in the minors’ journey: finding them on the Italian territory, placing them in reception facilities, carrying out administrative procedures, any integration paths and leaving the jurisdiction upon reaching the age of majority.

89. The SIM guarantees a constant and transparent level of monitoring thanks to direct implementation by Authorities, national and local, that access the platform directly.

- Thanks to the data collected, the Ministry of Labour publishes a monitoring report on unaccompanied foreign minors every six months: it is the main and the most up-to-date source of information on this issue in Italy. In addition to the data on the presence of the unaccompanied foreign minors and the data on the new arrivals, the report presents the latest updates on national and international legislation on this issue. The report also presents the pathways of social and work integration, including some stories of the protagonists.

- This report is enriched by contributions from other national and international institutions and organizations (Italian Ministry of Interior, ANCI (the National Association of Italian Municipalities), SAI (Integration and Reception System), UNHCR, IOM, UNICEF) which investigate various aspects of the phenomenon. In addition, from June 2023, the Directorate General for Migration Policies of the Ministry of Labour has realized a dashboard with the monthly data about presence, entry flows and exits of competence of UAMs to ensure greater and constant usability and updating of data.

90. The semi-annual reports on unaccompanied foreign minors and the dashboard monthly updated can be consulted on the institutional website of the Ministry of Labour and Social Policies.⁵

III. Conclusion

91. In line with paragraph 38 of the concluding observations, Italy's National Mechanism for Implementation, Reporting and Follow-up (acronym in Italian, CIDU) promptly disseminated them (CED/C/ITA/CO/1) among the Administrations concerned. The outcome of the oral consideration and the initial first reporting process was also shared with the Parliament.

92. To conclude, Italy takes this opportunity to reiterate firm support for the work of the august CED Committee and to continue effective cooperation.

⁵ Links: <https://www.lavoro.gov.it/priorita/pagine/minori-stranieri-non-accompagnati-italia-online-il-rapporto-con-i-dati-aggiornati-al-31-dicembre-2024>;
<https://analytics.lavoro.gov.it/t/PublicSIM/views/HomePage/HomePage-SIM?%3Aembed=y&%3Aiid=1&%3AisGuestRedirectFromVizportal=y>