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Summary record of the 3345th meeting

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Chair: Ms. Waterval

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In the absence of Mr. Iwasawa (Chair), Ms. Waterval took the Chair.

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

**Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)**

Sixth periodic report of Italy (CCPR/C/ITA/6 and Corr.1; CCPR/C/ITA/Q/6 and Add.1)

1. *At the invitation of the Chair, the delegation of Italy took places at the Committee table.*

2. **Mr. Della Vedova** (Italy) said that his Government remained committed to the protection of fundamental rights and freedoms, pursuant to the Italian Constitution, in spite of the growing security challenges posed by terrorism, organized crime and mass migration.

3. He was pleased to inform the Committee that Italy had decided to withdraw its two remaining reservations to the Covenant. Discussions on the establishment of a national human rights institution were under way at all relevant levels of the Government, including in the parliament. On 15 December 2016, the Government had adopted the first National Action Plan on Business and Human Rights, in accordance with the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, and the third National Action Plan on Women, Peace and Security.

4. A total of 2,471 gender-related complaints had been lodged with the National Equality Councillor in 2015, the majority of which concerned northern Italy. In January 2017, decrees implementing the 2016 legislation on civil unions for same-sex couples had been adopted. Under that legislation, foreign nationals from countries where same-sex relations were considered a criminal offence could enter into a civil union subject to the provision of a certificate of single status. The issue of the adoption rights of same-sex couples had not yet been resolved; however, the Supreme Court had indicated that sexual orientation should not be taken into account when considering applications for adoption.

5. Since the Solidarity Fund for victims of discrimination had been established in November 2014, 35 cases had been successfully resolved and the number of applications to the Fund had gradually increased. As at September 2016, there were 486 safe shelters, with the capacity to host over 1,045 women. Around 19,450 women and children had made use of such shelters in 2013 and 2014. On International Women’s Day in 2016, the Government had launched a call for proposals with a budget of €12 million, with a view to further improving shelter services.

6. In 2016, the Government had initiated an awareness campaign on human trafficking and had issued 340 special residence permits to victims of trafficking under article 18 of Legislative Decree No. 286/1998. No State officials had been reported to have been involved in trafficking during that period.

7. The Government was collaborating with a number of countries of origin and transit in order to manage migration flows and had recently signed an agreement with the Government of Libya in that regard. It was also involved in a humanitarian corridor initiative to facilitate the arrival of groups of refugees from countries such as Lebanon. The recently adopted Decree No. 13/2017 provided, *inter alia*, for the closure of identification and expulsion centres, the establishment of permanent repatriation centres and the acceleration of asylum-related proceedings.

8. Noting that the number of unaccompanied minors arriving in Italy had almost doubled between 2015 and 2016, he confirmed that a bill would shortly be adopted on that issue. There were currently 99 assistance projects in place for such minors and additional support was provided to those with intellectual and psychosocial disabilities. Under the Budget Act of 2007, for both foreign and Italian nationals, education was compulsory up to the age of 16 years, which was the minimum age for employment.

9. The Ministry of the Interior had set up a working group to draft a code of conduct for law enforcement officials. The Government had recently signed a national agreement with Islamic associations on Islam in Italy, which stipulated, for example, that mosques

should be public spaces and that sermons should be preached in Italian. Lastly, as at February 2017, 181 measures had been taken to protect journalists from intimidation; 15 per cent of those measures specifically concerned female journalists.

10. **Mr. Shany** said that he found the six-year delay in submission of the report regrettable but that he welcomed the State party's decision to withdraw its reservations to the Covenant.

11. He would appreciate further information as to the state of play concerning the establishment of a national human rights institution. The delays in that regard were particularly disappointing as the State party had pledged to set up such an institution in 2007 and 2011 when it had stood for election to the Human Rights Council. The Committee expected the State party to take decisive action to establish a national human rights institution, in full conformity with the Paris Principles, through a participatory process involving civil society.

12. Acknowledging the State party's efforts to assist migrants and, in particular, to save the lives of refugees at sea, the Committee would nonetheless appreciate more information on developments relating to non-consensual repatriation. In particular, it would like to know what changes had been introduced in law and practice following the judgments of the European Court of Human Rights in the cases *Hirsi Jamaa and others v. Italy*, *Sharifi and others v. Italy and Greece* and *Khlaifia and others v. Italy*, and whether informal returns of migrants to Greece, without procedural guarantees against de facto refoulement, had continued.

13. With regard to the recent expulsion of a group of 48 Sudanese migrants who had been stopped at the Ventimiglia border on 24 August 2016, the delegation was requested to explain the law governing such an expulsion, the safeguards in place, the role of the memorandum signed on 4 August 2016 with Sudan concerning migration and border control cooperation, and whether the State party considered that memorandum as releasing it from its non-refoulement obligations. The Committee also wished to know whether readmission agreements were submitted to the parliament for approval and what procedures were in place to verify their compatibility with the Constitution.

14. Further clarification would be appreciated on the method used to distinguish between economic migrants and asylum seekers in hotspots. Concerns had been raised as to the ability of some asylum seekers to understand the questionnaire that they were given, the decisive weight attributed to country of origin, and the fact that those who were asked to leave Italy were given only seven days in which to do so, without further support, and in some cases were unable to afford the return journey.

15. He would like confirmation that the detention of immigrants was limited to the circumstances defined in the Committee's general comment No. 35 and conducted in accordance with Legislative Decree 142/2015, which provided that asylum seekers could only be held in identification and expulsion centres if they posed a threat to public order and security.

16. Lastly, with reference to a report submitted by Amnesty International, he was concerned by allegations of police violence at hotspots, including the use of electric shocks and denial of food and water in order to obtain fingerprints. The delegation was invited to comment on those allegations; to explain the Government's policy in that regard, with reference to the recommendations of the European Commission on the use of force where necessary to obtain fingerprints from all refugees and migrants, and to explain whether any investigations had been conducted or any measures taken to prevent such violence.

17. **Ms. Cleveland** said, with reference to paragraph 2 of the State party's replies to the list of issues, that article 3 of the Constitution did not explicitly prohibit discrimination on grounds such as disability, age or sexual orientation. She would welcome clarification as to the grounds covered by the phrase "personal or social conditions". She invited the delegation to shed light on concerns raised by the European Association of Jehovah's Christian Witnesses regarding the restriction of parents' rights to discuss religious matters with their children and to bring their children to religious services.

18. She wished to know whether the State party had plans to adopt comprehensive anti-discrimination legislation, as described in paragraph 3 of the list of issues. It would also be useful to know whether the Government had adopted, or planned to adopt, legislation banning discrimination on grounds of sexual orientation and gender identity, outside the sphere of employment.

19. The Committee would welcome clarification on the implications of Constitutional Court decisions No. 187/10 and No. 2/2013, in terms of ensuring equal recognition and protection of all persons before the law, in practice. It would also appreciate further information on plans to provide for same-sex adoption; whether the Government was considering allowing same-sex couples to recognize children at birth; and what measures were being taken to provide access to in vitro fertilization for same-sex couples and single persons.

20. With reference to paragraph 6 of the replies to the list of issues, she wished to know whether the “411 relevant cases” mentioned were complaints that had been filed or cases that had been heard. It would also be useful to know how many of those cases had involved gender-based discrimination and what the outcome of any legal proceedings had been, in terms of prosecutions, sentences and remedies, disaggregated by type of discrimination.

21. With reference to Decree No. 8 of 15 January 2016, she invited the delegation to comment on the concern that the decision to transfer fines for employment-based discrimination from the criminal framework to the administrative framework had weakened the deterrent effect of the legislation in question. She would like information on the representation of women in the judiciary and in regional councils and on measures to further increase the participation of women in all spheres, including at the local and regional levels. Clarification would be welcome on plans to raise the legal quota for the representation of women on governing bodies of listed companies from 20 to 33 per cent and steps that would be taken to achieve the new quota. She also wished to know when the Ministry of Education planned to issue national guidelines on gender equality.

22. Noting the range of obstacles faced by those seeking to obtain the status of statelessness, she would appreciate information on the progress of bill A.S. 2148 and any other measures being taken in that regard. She would also like details of the status of bill DDL S. 2092, the draft reform of the citizenship law. In view of reports that undocumented stateless persons were at risk of expulsion or detention, she wished to know whether the Government had considered making temporary residence permits available to such persons or granting residency to persons determined to be stateless.

23. It would be useful to know whether the Government planned to reconvene the National Working Group on Roma Legal Status; what other measures were planned to address the legal situation of the Roma, Sinti and *Caminanti*; and whether there were plans, for example, to ease their access to naturalization or to grant them residence permits or refugee status, as proposed in the framework of the National Strategy for the Inclusion of Roma, Sinti and Travellers 2012-2020.

24. **Mr. Fathalla** said that he would like clarification as to whether any public officials had been investigated or prosecuted for the offence of hate speech against Roma, Sinti and *Caminanti* persons and how the Government handled unfair treatment of those communities by the media.

25. He would like the delegation to comment on the report that the National Office Against Racial Discrimination was not fully independent because it had been established by ministerial decree rather than by law, because it was financed by the Government and because the head of the Office could be removed by the Government. He would also like more information on all issues raised in paragraph 8 of the list of issues, as well as on the status of bill No. A.C. 3162 on amendments to Act No. 482/1999 and bill No. A.S. 770 on the protection of Roma and Sinti.

26. **Ms. Seibert-Fohr** said that she invited the delegation to comment on reports that forced evictions of Roma had become more common in recent years and were, in many cases, carried out without formal notice or sufficient warning. It was unclear whether evicted families were offered alternative housing. She would also like clarification on

reports that some local authorities had authorized the construction of segregated Roma camps, one of which had raised health and safety concerns owing to its proximity to a landfill site containing toxic waste.

27. Further information would be welcome on the implementation of the National Strategy for the Inclusion of Roma, Sinti and Travellers 2012-2020 by local authorities, as well as on the funding allocated to local authorities for that purpose and the monitoring and evaluation mechanisms in place.

28. **Mr. Muhumuza** said that he would like details of specific measures taken to protect women from domestic violence and statistical information showing the results of those measures. He invited the delegation to indicate the measures taken to establish shelters for victims of domestic violence, the services available in those shelters and the steps taken to raise awareness of their existence.

29. In the light of reports that the majority of doctors refused to perform abortions for reasons of conscientious objection, particularly in the south of Italy, he invited the delegation to comment on reports that non-objector physicians were stigmatized by their objector colleagues and that women seeking an abortion were sometimes required to travel long distances to find a non-objector physician, which put their health at risk, or were unable to find a willing physician within the time frame of 90 days, after which abortion was no longer legal. He wished to know what measures were being adopted to protect doctors who were not objectors, whether any incentives had been offered to encourage more doctors to offer abortion services and what steps had been taken to ensure access to a timely and safe abortion in cases where the fetus had a genetic defect.

30. **Mr. de Frouville**, noting that over 20,000 clandestine abortions were performed each year and that, in some parts of the country, over 90 per cent of physicians were objectors, said that he would like details of measures taken to facilitate access to abortion, especially non-invasive abortion.

31. **Mr. Heyns** said that he would like to know what stage had been reached in the process of incorporating the crime of torture into domestic law. With reference to paragraph 12 of the list of issues and noting that the State party had reported that police officers were sometimes prosecuted *ex officio*, he wished to know whether the Government was concerned by the fact that domestic legislation did not appear to provide for such prosecution and, if so, what steps were being taken to address that concern. Lastly, it would be helpful to know what progress had been made in the development of a code of conduct for law enforcement officers and whether the code would stipulate that officers must wear identification tags while performing their duties.

The meeting was suspended at 4 p.m. and resumed at 4.20 p.m.

32. **Mr. Della Vedova** (Italy) said that, under article 3 of the Constitution and as emphasized by the Constitutional Court in its decisions, foreign nationals and Italians enjoyed the same basic rights. In accordance with the general principles set out in article 3 of the Constitution, the State was responsible for promoting gender equality and removing obstacles faced by persons with disabilities. The rights of persons with disabilities were also enshrined in article 38 of the Constitution, while the Code on Equal Opportunities Between Women and Men provided for measures to eliminate gender-based discrimination in all spheres.

33. **Mr. Petri** (Italy) noted that the delay in submission of the report had been due to budgetary problems.

34. **Ms. Marini** (Italy) said that domestic legislation provided for specific measures to enhance shelters for victims of violence. The services offered at those shelters included legal aid, counselling and health care. Access was free of charge for all women and children, including Roma, Sinti and *Caminanti*.

35. Under the Extraordinary Action Plan against Sexual and Gender-Based Violence, a total of €18 million had been earmarked for the improvement of shelters. In addition, €5 million had been allocated to schools for the organization of major projects on combating

gender-based violence, involving both students and civil society organizations. A campaign had recently been conducted to raise awareness of that issue among men.

36. As at December 2014, women had occupied 215 out of 932 posts in the Italian diplomatic corps. In 2013, women had accounted for 2.6 per cent of senior judges, 61.6 per cent of school principals and 11.7 per cent of high-ranking officers in the armed forces.

37. **Ms. Morresi** (Italy) said that, under Italian legislation, abortion was legal after the first 90 days of pregnancy in cases where the mother's life or health was at risk. Waiting time was not a source of concern because waiting lists had become shorter. Women in urgent situations were required to wait only a few days, subject to the provision of a certificate, while only 13 per cent of women seeking an abortion were required to wait for more than two weeks. There was an even distribution of objectors throughout the territory and the number of non-objectors had remained stable for the past 30 years. Organizational problems at the local level were not related to the number of objectors. The Ministry of Health had funded a training course for local operators in February 2016 to identify problems encountered in the implementation of the law.

38. There was limited movement between regions, with 92 per cent of all abortions performed in the region of residence and 87 per cent in the province of residence. The Government had not received reports of discrimination against objectors or non-objectors, or information concerning women who had been unable to access abortion services, but it was monitoring local services to ensure that no such problems arose. Non-objectors could move from one hospital to another and were sometimes recruited on temporary contracts to perform abortions.

39. **Ms. Marini** (Italy) said that the National Roma Platform had been established to provide a forum for dialogue between institutions and Roma associations and communities, and had in the past year organized a number of meetings to discuss issues such as Roma camps, work and housing. The National Office against Racial Discrimination (UNAR) was monitoring compliance by municipalities with the regulations governing their responsibilities towards Roma and discussing the problems they encountered in discharging those responsibilities. It was clear that the solution to the problems must involve all stakeholders. As for the closing down of the camp known as La Barbuta, UNAR was monitoring alternative measures put in place by the city authorities in Rome, and was complementing those measures by providing additional funding. In 2015, 1,703 complaints about hate speech had been recorded, of which 292 concerned Roma, Sinti or *Caminanti*. UNAR provided counselling for victims and encouraged them to report all cases of discrimination. The Department for Equal Opportunities had established a solidarity fund, which UNAR could draw on to assist victims in filing a complaint.

40. **Mr. Petri** (Italy) added that UNAR was an institution established by Act No. 215 of 2003 and given more extensive responsibilities by ministerial decree in 2013.

41. **Ms. De Rosa** (Italy) said that her Government was mindful of the importance of defining torture as a specific offence, but discussion on the bill to that effect had been suspended in the Senate. In the meantime, Italy did of course apply the relevant articles of the Criminal Code to punish such conduct. The behaviour required of penitentiary police was set out in a code of conduct, and the Penitentiary Administration Department acted promptly to institute disciplinary proceedings when there was an alleged violation of the code. The penitentiary police were trained in self-defence so that they could protect themselves while causing as little damage as possible to the aggressor. Prison staff had also been trained in the use of the new "dynamic security" surveillance system that had been introduced in penitentiaries.

42. **Mr. Forlani** (Italy) said that in its judgment of 15 December 2016 in the case of *Khlaifia and others v. Italy*, the European Court of Human Rights had ruled that the treatment of the applicants in the reception centre in Lampedusa had been in compliance with article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms; that the treatment complied with the principle of non-refoulement and the ban on collective expulsion under article 4 of Protocol No. 4 to the Convention; and that there was a need for clear regulations on stays in reception centres that lasted over a certain length of time.

43. A bill had been prepared that would allow same-sex couples to adopt, but even before the new law could be passed, an important precedent had been set by a Supreme Court decision in 2016 to the effect that, when considering the suitability of prospective adoptive parents, their sexual orientation was not to be taken into account.

44. It was correct to say that the excessive use of force by police officers could only be prosecuted under article 582 of the Criminal Code if there was a formal request for prosecution from the victim. However, it should be emphasized that the illegal use of force could be prosecuted under various other provisions of the Italian Criminal Code, although it would be useful if it could be prosecuted *ex officio*.

45. **Ms. Arata Farris** (Italy) said that a “hotspot” was not just the first place where migrants reached land, but the name of an approach for processing them. Accordingly, hotspots and other landing areas were regulated and standard operating procedures had been put in place after consultations with all stakeholders. Those procedures were applicable in every disembarkation area and basically offset the need for the correct identification of third-country nationals with due guarantees of their rights. Accordingly, after the initial screening for medical problems and special vulnerabilities — special procedures were in place for vulnerable groups such as trafficking victims or unaccompanied minors — details of how to apply for asylum were provided by representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR) and others. Detailed information was also provided on the procedure for assisted voluntary return and relocation procedures. The Department for Civil Liberties and Immigration had taken the lead in drawing up a set of expeditious operational solutions for use if critical problems arose before migrants moved on to the second level of reception. The whole procedure had a built-in monitoring system. Hotspot staff were all highly qualified: there were always cultural mediators, legal advisers, psychologists, male and female security officers, and assistants for unaccompanied minors present. Medical care was also, of course, available, and was provided in the presence of a cultural mediator. Access to international protection was guaranteed at all times regardless of the nationality declared by the migrant.

46. **Ms. Renzi** (Italy) said that the initial screening in hotspots was a crucial first step in identifying which migrants might pose a security risk. International organizations and the cultural mediators just mentioned — who were more than just interpreters — played a fundamental role in the identification process. Once the identification procedure had been completed, the migrants who might be subject to return measures were separated from the rest. Each case was evaluated individually on its own merits and was examined very carefully before any such measures were adopted; there was absolutely no question of any “collective expulsion”. In the case of the Sudanese migrants mentioned earlier, they had been repatriated under an operational arrangement between the Sudanese and Italian authorities, not under a bilateral agreement between the States.

47. Since 2015, the national guarantor for the rights of persons detained or deprived of personal liberty monitored, and could intervene in, expulsion procedures relating to migrants. The procedures were also overseen by the judicial authorities. Regarding the record of fingerprinting 100 per cent of migrants rescued from the sea and processed on Italian shores, that achievement had been made possible by the effectiveness of the hotspot approach in assuring an efficient identification process.

48. **Ms. Bocchino** (Italy), referring to the claims of “forced fingerprinting”, said that there were no provisions for that practice in Italian law, and in any case it was a contradiction in terms: while the police might exercise slight pressure on the person’s finger to obtain a clear fingerprint, if any level of force was applied to the person’s hand or arm, the outcome would be an unusable fingerprint. Moreover, the fingerprinting and photographing of migrants was carried out under video surveillance to guarantee the protection of the migrant’s rights.

49. **Mr. Petri** (Italy), responding to a question about statelessness, said that between 2012 and 2016, 50 individuals previously recognized as being stateless had acquired Italian nationality; and between 2013 and 2016, 13 individuals had been officially recognized as stateless.

50. **The Chair** invited members to ask any follow-up questions they might have on the first half of the list of issues.

51. **Ms. Seibert-Fohr** said that she would like to have some figures on the number of clandestine abortions and the complications arising as a result of such abortions. She would also appreciate an explanation of how the “referral” mechanism worked to ensure that a woman seeking an abortion was referred to another doctor by doctors who refused to perform abortions for reasons of conscientious objection.

52. **Mr. Shany** said that he would like to know if the arrangements for the return of migrants had been evaluated for compatibility with the Covenant and the Constitution. He welcomed the information on the video surveillance carried out during fingerprinting, which was an important safeguard, but the allegations about violence during that process actually referred to individuals who were beaten up for refusing to give fingerprints. Had those allegations been brought to the attention of the State party and were they being investigated? He would welcome further information on the monitoring system in place in reception centres to verify the actual conditions there. Did the parliamentary commission of inquiry have a role to play in such monitoring?

53. Regarding the classification of some new arrivals as economic migrants and others as asylum seekers, he would like to know whether they had access to legal aid and to the assistance of a lawyer, or at least an NGO activist, if they wished to file an appeal against a classification decision or an expulsion order, and whether appeals had suspensive effect. In the case of individuals subject to an expulsion order whose appeal did have suspensive effect, he would like to know where they were now and who was taking care of them. Were they still in the centre or were they on the street?

54. **Mr. de Frouville** said that, according to a report by the Ministry of Health in 2016, the estimated number of clandestine abortions had increased to 20,000 a year, including 5,000 for foreign nationals. He wondered if the decrease in the number of legal abortions mentioned by the delegation was linked to that increase or to greater difficulties in gaining access to a legal abortion. He was concerned that, even though resorting to a clandestine abortion was no longer a criminal offence, it was apparently still punishable by an administrative fine of up to €10,000. He would like to know why, in 2013, the Government had stopped keeping records of the number of practitioners classed as conscientious objectors to abortion. The number appeared to have grown between 2005 and the last available figures in 2013, from 58.7 per cent to 70 per cent: could the delegation confirm that? He would also appreciate some information on possible “structural objections” at the level of medical institutions.

55. **Mr. Santos Pais** said that he would like to know whether domestic violence was defined as a separate offence in Italian law. Was it prosecuted only if a complaint was filed by the victim, or could it be prosecuted *ex officio*? And what were the minimum and maximum penalties to which a perpetrator was liable? He would also like to know whether combating domestic violence was given any kind of priority by public prosecutors or law enforcement agencies. More information on the training of judges and public prosecutors in Italy would be welcome. In particular, he would like to know about the content of training courses and how many participants attended them.

56. **Mr. Fathalla**, noting that the delegation had promised to answer some questions the next day, asked whether it was waiting until then to answer the questions he had raised on the National Office against Racial Discrimination, recognition of the Roma, Sinti and *Caminanti* as national minorities, and the two draft laws on the protection of the Roma.

57. **Mr. Heyns** said that he would like to know if the code of conduct mentioned by Ms. De Rosa applied to the police in general and whether it required the police to wear identification tags. He would also like to know the reasons for the delay in recognizing torture as an offence, and when the relevant bill might be expected to be adopted.

58. **Ms. Cleveland**, welcoming the additional statistics provided by the delegation on the representation of women in public life, said there was still no information on their representation in the judiciary or in the regional administrations. She wondered whether the 33 per cent quota for women’s participation in the governing bodies of publicly-listed

companies that had been mentioned was intended as a benchmark, and if so, what steps were being taken to achieve it.

59. She would like to know if the bill on same-sex adoption was the same as section 5 of the 2016 law on civil unions, which had not been included in the final version of the 2016 law. She also wondered to what extent the Supreme Court judgment referred to as a precedent could be generalized, as it seemed to her to be limited to a very specific set of circumstances.

60. Regarding the question of discrimination on grounds of disability, she would like to know whether there were any plans to extend the acknowledgement of the lack of reasonable accommodation as a form of discrimination beyond the employment context. On lesbian, gay, bisexual and transgender (LGBT) issues, she understood that Italy had once had a national strategy to prevent discrimination based on sexual orientation and gender identity; she would like to know whether the Government had any plans to renew that strategy.

61. **Mr. Petri** (Italy) said that he would prefer to leave the questions on the recognition of torture as an offence to be answered by the Deputy Minister of Justice, who would be attending the meeting on the following morning.

62. **Ms. Morresi** (Italy) said that the figures for clandestine abortions were estimates calculated using a mathematical model based on epidemiological data and the nature of women's fertility. The model showed a large fall in the number of clandestine abortions, from 100,000 in 1983 to 72,000 in 1990 and 12 to 15,000 in 2017. The actual figures for legal abortions showed a constant decrease, not an increase. The decrease appeared to be related to women's changing behaviour. For example, women under the age of 18 years in Italy had a low abortion rate and a very low pregnancy rate as compared with women in other countries. The holistic approach taken by family planning clinics in Italy explained part of the drop, as did the decrease in the birth rate. Taken together, all the evidence suggested that abortion was a last resort for women in Italy.

63. The number of conscientious objectors to abortion had been fairly constant for the last decade or so; they had accounted for 69 per cent of gynaecologists in 2006 and 70 per cent in 2014, the last year for which verified figures were available. What had decreased was the workload for non-objectors, which had halved over 30 years, from 3.3 abortions a week in 1983 to 1.6 in the past three years. There was no evidence that women were experiencing difficulties in accessing abortion.

64. **Mr. Petri** (Italy), referring to the possible "structural objections" to abortion mentioned by Mr. de Frouville, said that he would welcome any specific information in that respect. Perhaps such information came from a non-governmental organization and needed to be looked into by the Ministry of Health.

65. **Ms. Arata Farris** (Italy) said that legal aid for migrants in hotspots was provided by the International Organization for Migration (IOM), which had dedicated teams that included legal advisers and cultural mediators. Each team would have studied Italian legislation on migration, with a special focus on protection of victims of human trafficking. It would also be knowledgeable about the consequences of illegal entry and the possibilities of access to voluntary return schemes. IOM also provided legal aid in identification and expulsion centres.

66. **Ms. Renzi** (Italy), responding to the question on the compatibility of arrangements for the return of migrants with the Covenant and the Constitution, said that the procedures adopted to facilitate repatriation were considered "technical arrangements" between law enforcement agencies in Italy and the other country. Of course, the memorandums of understanding with the other country always included guarantees for the protection of the individual's human rights. As had been mentioned, legal aid was provided to economic migrants and asylum seekers at the identification stage. Repatriation decisions could be taken in the hotspot itself by the relevant administrative authority; if it was not possible to enforce such decisions immediately, the person concerned was transferred to an identification and expulsion centre, where they still had access to legal aid while awaiting repatriation. A person whose asylum application was turned down remained in the centre

until all the procedures and, where applicable, judicial proceedings had been completed. A person who opted to appeal against the rejection of his or her application could apply for suspension of the procedure.

67. **Mr. Palma** (Italy) said that the National Authority for the Protection of Detainees and Prisoners considered hotspots to be places of deprivation of liberty, although they were not formally defined as such. Unlike the parliamentary commission of inquiry which had been mentioned, the National Authority conducted unannounced visits to hotspots, including temporary hotspots.

68. Three types of flights were used for forced returns. Charter flights returned a group of people, though they could not be considered as collective expulsions; 1,094 individuals had been returned on charter flights in 2016, notably to Tunisia. Flights chartered by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) catered for persons being returned from different countries; 151 persons had been returned to Nigeria on such flights in 2016. Commercial flights were used to return single individuals; 955 people have been returned in that manner in 2016. The National Authority was entitled to monitor charter and FRONTEX flights, and on five occasions in 2016 had assigned someone to be on the flight with the people being returned. It did not, however, accompany individuals on commercial flights, where it was considered that a form of social control was in place. The National Authority would be submitting its first report to Parliament within a month or so, and to the Committee against Torture later in 2017.

69. **Mr. Villani** (Italy) said that article 582 applied only to light injuries that lasted less than 20 days. If the injury lasted longer, the victim did not have to file a complaint. Nor was it always necessary to file a complaint when the injury lasted less than 20 days if there were certain aggravating circumstances; the limit did not apply, for example, if the injury was caused with a weapon such as a gun or a knife, or if it was caused by more than one person.

70. **Ms. De Rosa** (Italy) said that penitentiary police officers were required by law to wear a uniform, and there were sanctions for any misuse of the uniform. The characteristics of the uniform were defined by decree and reflected the function of the police officer. As for the representation of women in the judiciary, there were competitive examinations open to all, men or women, who wished to work in the judiciary. Purely on the basis of the examination, 51 per cent of staff in the judiciary were women.

The meeting rose at 6 p.m.