

Maat for Peace' Report Submitted to the Committee Against Torture regarding Italy

March 2026

Maat for Peace, Development, and Human Rights submits this report to the Committee Against Torture as part of the follow-up on Italy's compliance with several provisions of the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. This report aims to provide the Committee with information and data regarding the measures taken by Italy to combat torture, as well as the shortcomings and violations that hinder full compliance with the provisions of the Convention. It focuses on several key articles in the Convention, including Article (1) concerning the definition of torture under national law, Articles (2) and (4) related to the prevention and criminalization of torture, Article (3) concerning non-refoulement, and Article (10) on education and training regarding the prohibition of torture. The report also offers a range of recommendations related to these articles that could contribute to enhancing compliance by the Italian authorities with their international obligations under the provisions of the Convention, ensuring effective protection from torture and ill-treatment, accountability, and redress for victims.

I. Definition of Torture – (Article 1)

Maat notes that the definition of torture in Italian legislation still raises significant issues regarding its full alignment with the definition provided in Article (1) of the Convention. Despite the introduction of the crime of torture for the first time into the Italian penal code under Law No. 110 of 2017, which created Articles 613-bis and 613-ter, these articles contain restrictive elements that undermine the core of the absolute prohibition of torture.

For instance, Article 613-bis requires the presence of a set of specific conditions for the crime to be established, including the multiplicity of acts and the necessity to prove severe physical suffering or verifiable psychological trauma, in addition to relating the actions to inhuman and degrading treatment of dignity. These conditions are not required by the Convention and do not comprehensively reflect the phenomenon of torture as recognized in international law¹.

¹ The complex issue of the “crime of torture” in Italy, Strali, 26 June 2023, <https://www.strali.org/en/the-complex-issue-of-the-crime-of-torture-in-italy/>



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Maat further observes that the issues associated with the definition of the crime of torture in Italian legislation are not limited to gaps in the current legal text. They have been exacerbated by the introduction of bills in Parliament explicitly aimed at undermining the criminal protection against torture. In November 2022, Bill No. 341 was presented in the House of Representatives, which explicitly called for the repeal of Article 613-bis from the Penal Code, removing the crime of torture entirely from the Italian criminal system, and sufficing it to be considered an aggravating circumstance added to other crimes. This would effectively empty the international obligation under Article (1) of the Convention of its legal and practical content, marking a significant regression in aligning national legislation with international standards against torture².

In March 2023, deputies from the Brothers of Italy proposed another bill before the Justice Committee of the Italian House of Representatives, also aiming to abolish the crime of torture as stipulated in Articles 613-bis and 613-ter of the Penal Code and replace it with an aggravating circumstance within Article 61 of the Penal Code, rather than maintaining it as an independent crime. This could undermine Italy's compliance with its obligations under Article (1) of the Convention Against Torture³.

II. Prevention and Criminalization of Torture and Ensuring Accountability – Articles (2) and (4)

Legislative, administrative, and judicial procedures in Italy still suffer from shortcomings that limit the effectiveness of preventing and criminalizing torture in line with the provisions of Articles (2) and (4) of the Convention. Maat expresses deep concern over the report issued by the European Committee for the Prevention of Torture following its visits to Italy in April 2024 to four migrant detention centers managed by private companies. The report confirmed that foreign detainees had been subjected to beatings with truncheons, forced to take strong psychiatric medications without prescriptions or proper therapeutic supervision, and that excessive force was used against detainees with mental disorders, leading in some cases to serious injuries, including broken ribs.

The report also documented harsh detention conditions within these centers, characterized by strictness, lack of basic humane facilities, and absence of meaningful activities alongside high

² The crime of Torture: an in-depth analysis from its origins to the latest proposed amendment, https://tesi.luiss.it/39756/1/158423_CATENA_GIORGIA.pdf

³ Giustizia, Fratelli d'Italia vuole abolire il reato di tortura, Iltempo, 24 Marzo 2023, <https://www.iltempo.it/politica/2023/03/24/news/reato-tortura-abolizione-progetto-legge-fratelli-ditalia-613-bis-ter-codice-penale-35302156/>



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levels of psychological distress, suicide attempts, hunger strikes, and riots reported during 2022 and 2023. It highlighted troubling practices, such as the widespread sedation of detainees without clear medical justification, which poses serious risks associated with forced addiction and health and psychological harm. This reflects a systematic pattern of cruel, inhuman, and degrading treatment and underscores the severe deficiencies in the administrative, regulatory, and judicial measures necessary to prevent torture and ensure effective accountability for these violations, contrary to Italy's obligations under Articles (2) and (4) of the Convention⁴.

The phenomenon of severe overcrowding within Italian prisons is also significantly worsening. As of February 2025, the number of prisoners reached approximately **62,132**, while the capacity does not exceed **46,910** places, resulting in an average overcrowding rate of **132.4%**. Exceptionally high overcrowding rates have been recorded in several major penal institutions, including San Vittore Prison in Milan with an overcrowding rate of **214%**, and Regina Coeli Prison in Rome at **185%**. Data show that **24.6%** of prisoners are still in pretrial detention, with **248** deaths recorded in 2024, alongside **13** suicides within the first two months of 2025. The chronic overcrowding and poor detention conditions lead to elevated suicide rates within prisons⁵, reflecting a serious deterioration in detention conditions and indicating fundamental deficiencies in the administrative and preventive measures necessary to prevent cruel, inhuman, or degrading treatment, contradicting Italy's obligations under Articles (2) and (4) of the Convention.

III. Non-Refoulement – Article 3

Maat observes that Italian authorities have recently expanded policies regarding the classification of so-called "safe countries" within the framework of procedures for the return of migrants and refugees to those countries. In this context, Italy signed an agreement with Albania on November 6, 2023, which stipulates sending asylum seekers to processing centers outside Italian territory based on classifications of "safe countries." Migrants intercepted by Italian ships at sea are transported there for identification and expedited asylum procedures or return procedures. Italian administrative and judicial authorities retain full responsibility for decisions regarding asylum,

⁴ Anti-torture Committee publishes report on ad hoc visit to Italy, Council of Europe, 13 December 2024, <https://www.coe.int/en/web/portal/-/anti-torture-committee-publishes-report-on-ad-hoc-visit-to-italy>

⁵ Italian prisons have 132.4% overcrowding rate – ombudsman, ANSA, 3 March 2025, https://www.ansa.it/english/news/general_news/2025/03/03/italian-prisons-have-132.4-overcrowding-rate-ombudsman_ac1bd5e9-e1b8-4f70-8798-f789050e41de.html



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detention, and appeals, and all relevant legal procedures are conducted as if the migrants were physically present in Italy.

Maat notes that this agreement raises numerous questions regarding accountability, transparency, and challenges in ensuring compliance with human rights, as the automatic and prolonged detention of migrants, often implemented without individual assessment, poses a risk of violating international standards related to liberty and due process. Furthermore, the physical and legal dimension of the centers complicates access to legal assistance and participation in asylum procedures and independent monitoring, undermining the right to seek protection. The agreement also places obligations on Italy concerning search and rescue by pre-designating remote Albanian ports for disembarkation, which prolongs the period of vulnerability for struggling migrants at sea and hinders their timely access to a safe location⁶.

Maat notes that the expedited return policies currently adopted by Italian authorities to countries designated as “safe,” including offshore centers in Albania, have been subject to significant judicial review at both the national and EU levels. While the European Court of Justice ruled on August 1, 2025, that the application of these fast-track procedures does not violate EU law, it nevertheless emphasized that these procedures must be subject to judicial review, allowing individuals appealing asylum decisions to access and review the process. The Court further stressed that a country can only be considered “safe” if it guarantees protection for all groups, including vulnerable ones. Maat believes this ruling highlights the ongoing challenges in ensuring compliance with migrants’ rights. Any designation of countries as safe must be based on transparent and judicially reviewable criteria, thus protecting individuals’ right to appeal and have their decisions reconsidered. The ruling also indicates that reliance on fast-track procedures or offshore centers cannot replace fundamental legal safeguards and the protection of vulnerable groups during the asylum process, reinforcing the need for independent judicial oversight and effective accountability mechanisms. The Italian authorities must ensure that no one is forcibly returned in accordance with Article (3) of the Convention against Torture.⁷

IV. Education and Training on the Prohibition of Torture – Article 10

⁶ Highlight 47/2025: Italy-Albania migration agreement: human rights implications of offshore asylum processing, MEIG, 3 December 2025, <https://www.meig.ch/highlight-47-2025-italy-albania-migration-agreement-human-rights-implications-of-offshore-asylum-processing/>

⁷ Court limits Italy’s fast-track return of rejected asylum seekers to ‘safe’ countries, AP News, 1 August, 2025, <https://apnews.com/article/italy-eu-court-migrants-ecj-b8b681b5329321d006d1fea0b2d76b9e>



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The training and education programs provided to law enforcement personnel and staff in detention facilities in Italy continue to suffer from significant deficiencies in breadth and methodology. Maat notes the absence of systematic and specialized training in areas related to the prevention of torture and ill-treatment, particularly regarding crisis management, the use of force, and handling detainees from vulnerable groups, including migrants, asylum seekers, and individuals with mental disorders.

This lack directly contributes to the recurrence of patterns of mistreatment within detention centers and undermines the effectiveness of the preventive measures that are supposed to be in place under the Convention. The inadequate practical training of staff in detention centers and the insufficient incorporation of anti-torture principles into vocational rehabilitation programs are key factors in the continued reports of mistreatment. A comprehensive overhaul of the training system is required to ensure the absolute prohibition of torture is included in the core and supplementary curricula for all relevant staff categories⁸.

Recommendations from Maat:

- Urge the Italian government to align the national definition of torture with Article (1) of the Convention, ensuring it includes all forms of torture committed by state officials or by their orders or with their consent, without imposing additional conditions not specified internationally.
- Encourage the government to collaborate with Parliament to prevent any legislative amendments that would narrow the scope of criminalization or limit criminal protections against torture, thereby ensuring full compliance with Italy's international obligations under the Convention Against Torture.
- Call on the Italian government to enhance the effectiveness of preventing and criminalizing torture through strict enforcement of existing laws and ensuring that all administrative or judicial violations are seriously pursued without exception.

⁸ Report to the Italian Government on the visit to Italy carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), 13 December 2024, <https://rm.coe.int/1680b2c7e7>



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- Request that the Italian government address overcrowding and poor detention conditions in prisons and detention centers, including improving facilities and providing healthcare and psychological support to reduce the risks of cruel, inhuman, or degrading treatment.
- Ensure effective accountability for those responsible for violations, establishing independent oversight mechanisms to monitor the use of force and medical procedures within detention centers, guaranteeing adherence to principles of non-impunity.
- Guarantee effective judicial review of all decisions to return migrants to countries classified as "safe," providing the right to appeal and full access to legal processes.
- Apply transparent and precise criteria for classifying "safe" countries, taking into account the protection of all groups, particularly the vulnerable and marginalized, before any forced returns.



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