

A report submitted by Maat for Peace to the Universal Periodic Review Mechanism regarding **Italy**

Maat for Peace, Development and Human Rights presents the following report on Italy's submission to the fourth cycle of the universal periodic review mechanism (UPR). Italy has previously undergone this review process three times: in February 2010, October 2014, and November 2019. During Italy's third review, the Italian government accepted 292 out of 306 recommendations received, partially accepted two recommendations, took note of one recommendation, and rejected 11 other recommendations¹. Despite the progress made by the Italian government in implementing some of the recommendations accepted during the third review, there is a clear delay in implementing other recommendations, especially those related to establishing a national human rights institution and ratifying the International Convention for the Protection of All Migrant Workers and Members of their Families. Additionally, housing policies continue to exclude the Roma minority through forced displacement plans.

First: Cooperation with international human rights mechanisms

During the November 2019 review, Italy received 22 recommendations related to the ratification of regional and international human rights agreements. Italy accepted 13 of these recommendations, took note of 9 recommendations, and is a party to eight out of nine fundamental human rights treaties. However, it has not yet joined the International Convention for the Protection of All Migrant Workers and Members of their Families. Maat noted the lack of intention on the Italian side to join the convention or at least amend its practices towards migrants, as migration and asylum policies have remained inconsistent with international or European human rights standards in recent years. In a related context, Maat commended Italy's continuous invitation for special procedures at the United Nations. However, Maat has concerns regarding the delay in conducting visits by some special rapporteurs, despite the approval of a visit by the special rapporteur on extrajudicial, summary, or arbitrary executions and the scheduling of the visit from 26 September 2022, to 7 October 2022, as the visit has not yet taken place.

Second: Establishing a national human rights body

¹ Addendum 1, Outcome of the review (Italy 2019), OHCHR, <https://2u.pw/S6czc2uE>



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In the third cycle of the universal periodic review in 2019, Italy received 47 recommendations for establishing an independent national human rights institution as a priority, provided that the institution's establishment is consistent with the Paris Principles regarding the status of national human rights institutions. Italy fully accepted the 47 recommendations and affirmed its commitment to establishing a national human rights institution in the near future, which has not been achieved yet.

In recent years, Italy has seen repeated parliamentary consultations on proposals and draft laws to establish an independent national human rights institution. Indeed, in October 2020, the Legislative Committee adopted, by merging the draft laws, the basic text and the final vision of the form of the institution and its working mechanism, which stipulated the establishment of an Italian national committee called the “National Committee for the Promotion and Protection of Human Rights and Combating Discrimination.” In November 2021, the Italian government confirmed its support for the establishment of the committee and its aspiration to benefit from it as a preventive body for legal violations contributing to reducing expenditure on the justice system. In addition, the establishment of the institution is an implementation of the commitment that Italy pledged in 1993 by agreeing to UN Resolution 48/134 to establish national bodies for the protection of human rights and fundamental freedoms. However, the actual establishment of the national institution remains pending, its duration is still unknown, and all efforts related to its establishment are nothing more than a series of consultations and statements².

Third: Basic rights and freedoms

- The right to life

Although the recommendations that Italy received regarding the right to life during the third review were limited compared to other recommendations, Maat has concerns about what Law No. 15 of 2023 might entail on the right to life for migrants. The law restricts the activities of non-governmental organizations in rescuing migrants on the Italian coasts and limits the presence of their ships at sea. Additionally, the law deliberately designates distant ports for humanitarian rescue ships, which take about five days to reach from the rescue site, hindering the access of migrants to necessary medical care. Furthermore, rescue ships are required to head to port immediately after completing the rescue operation, forcing them to refrain from rescuing other boats in danger. The law imposes heavy fines and penalties that extend to the

² Organismi di tutela dei diritti umani, Camera dei deputati, <https://2h.ae/uYqT>



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confiscation of the violating ship. The negative repercussions of this law have clearly appeared increasing numbers of casualties and missing persons, totaling more than 2,500 victims since its implementation, which is the highest rate of victims since 2017. Between February 2023 and February 2024, the Italian authorities detained nine rescue ships belonging to non-governmental organizations, causing a complete disruption of their relief efforts. In this context, Maat confirms that Italian Migration Decree No. 15 of 2023 violates the provisions of international maritime law and Article 98 of the United Nations Convention on the Law of the Sea, which stipulates the duty to assist and obliges states to move with all possible speed to save people in danger. It also violates the right to life as stated in Article 6 of the International Covenant on Civil and Political Rights, which is a fundamental human right and cannot be derogated from under any circumstances³.

- **Freedom of opinion, expression, and press**

In November 2019, Italy received 4 recommendations related to freedom of opinion and expression. As the press is the professional practice of freedom of expression, Italy received 4 other recommendations specifically related to press freedom. Italy fully accepted the eight recommendations, which focus on protecting journalists' freedom and ensuring their independence. Italy also called for the ratification of the Additional Protocol to the Convention on Cybercrime. However, Italian authorities continue to adopt systematic policies to restrict journalistic work, using the right to litigation as a pretext to encroach on press freedom and the right to expression. In a related context, Italy dropped three places in the World Press Freedom Index in 2024, ranking 46th compared to 41st in 2023. This decline may be attributed to the restrictions imposed by the government on press freedom, as Maat reported 95 violations of journalists' rights within Italy, ranging from physical and verbal attacks on journalists to legal and regulatory harassment of journalistic work. In Italy, it's common for those in positions of power to use malicious defamation lawsuits to intimidate and silence government critics. In March 2023, the Deputy Minister of Labor and Social Affairs filed a lawsuit against journalists who published an article linking the Undersecretary at the Ministry of Labour and Social Affairs to criminal organizations in southern Rome. Similarly, in October of the same year, the President of the Italian Senate announced a defamation lawsuit against a program that featured the business projects of the La Russa family. This follows a previous lawsuit filed by the

³ Joint Statement: Italy's obstruction of search and rescue activities is endangering people's lives, ReliefWeb, <https://2h.ae/jSka>



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public prosecutor against the Domani newspaper in November 2022, which was initiated by the current Prime Minister, when she was the opposition leader in Italy. This was in response to an article criticizing the purchase of face masks during the COVID-19 pandemic. Furthermore, Italian officials have made numerous statements threatening to sue journalists, media professionals, and cartoonists. Additionally, the ruling coalition in the Italian parliament is pushing for a law to increase defamation fines to 50,000 euros and impose disciplinary sanctions on journalists, potentially leading to a six-month ban on practicing journalism⁴.

- **The right to protection from torture**

The Italian Constitution prohibits all practices related to torture or cruel and inhuman treatment. In this regard, Italy received 7 recommendations during the comprehensive review in November 2019, calling for the implementation of its obligations under the Convention against Torture and the consistency of Italian legislation with international standards in defining and combating torture. Italy accepted all recommendations presented to it in this context. Italy has shown a strong commitment to addressing torture, and taking legal actions against security personnel and prison authorities involved in recent incidents. For instance, 105 prison guards from Santa Maria faced trial in November 2022 for assaulting prisoners who were demanding better protection from the coronavirus in March 2020. The Public Prosecution conducted an investigation in May 2023 with four police officers who had a leaked video of them torturing a detainee, and in June of the same year, five police officers were arrested on charges of torturing and injuring several asylum seekers and homeless people, as well as threatening them with murder and directing racial insults at them⁵. In a related context, Maat noticed the absence of updated data on complaints of mistreatment and torture practices or excessive use of force by security forces, in addition to investigations, disciplinary, criminal procedures, convictions, and criminal penalties against police officers involved in these practices.

- **Peaceful assembly**

The Italian government claimed that it respects the right to peaceful assembly, and the constitution guarantees the protection of this right⁶. However, Maat noted that the Italian security forces dealt with the demonstrations supporting the ceasefire in the Gaza Strip in a

⁴ Silencing Voices in Italy: The Erosion of Media Freedom, The Green Political Foundation, <https://2h.ae/HMXP>

⁵ 2023 Country Reports on Human Rights Practices: Italy, U.S DEPARTMENT OF STATE, <https://2h.ae/kitW>

⁶ 2023 Country Reports on Human Rights Practices: Italy, <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/italy/>



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manner that contradicts the protection provided for this right in the Italian constitution. On 24 February 2024, security forces in Pisa, Italy, suppressed a solidarity demonstration with Palestine, and the police crackdown on peaceful protesters in Pisa, led by school students, resulted in many injuries due to the use of batons and brutal beatings. These violations contradict the guarantees of the right to peaceful assembly outlined in Article 21 of the International Covenant on Civil and Political Rights⁷.

- **Prison and Detention Centers Conditions**

Italy received and fully agreed to 9 recommendations related to the conditions of prisons and detention centers during the November 2019 review. These recommendations focused mainly on improving conditions and places of detention in accordance with international standards and addressing the problem of overcrowding in prisons as a priority.

Despite Italy's acceptance of the recommendations and its full approval, the average overcrowding rate in Italian prisons has reached 119% of their capacity until April 2023. In some prisons, the overcrowding rate rose to 170%. This is a direct result of the increasing number of inmates compared to the available facilities, leading to adverse effects on the right to health, personal hygiene, and respect for human dignity among incarcerated individuals⁸. In this regard, Maat reviewed the testimonies of a number of detainees in Italian prisons, which reported cases of violence, intimidation, and ill-treatment of prisoners, especially those with mental illnesses, by prison staff. The Italian authorities investigated some of these testimonies⁹.

Fourth: The rights of the most vulnerable groups

- **Women's rights**

Italy received 45 recommendations during the universal periodic review in November 2019 related to women's rights, of which it accepted 44 recommendations and took note of one recommendation. Italy unreservedly supported the recommendations calling for respecting the rights of migrant women and combating discrimination against women, as well as the recommendations calling for increasing women's representation in political affairs and

⁷ International Covenant on Civil and Political Rights, Article 21, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

⁸ Italian prison system still violating fundamental rights (Antigone prison report, 2023), canestrinilex, <https://2h.ae/2pKX>

⁹ 2023 Country Reports on Human Rights Practices: Italy, U.S DEPARTMENT OF STATE, <https://2h.ae/kitW>



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addressing Gender-based discrimination against women and girls. Gender-based violence comes at the forefront of women's rights violations in Italy, where in 2023 alone, the incidents of women's murder in Italy exceeded 109 cases, more than half of which were committed by the current or former partner. One of the most prominent cases was the murder of a 22-year-old student (G.T.) stabbed by her former boyfriend for refusing to separate from him. The Italian authorities are trying to control this phenomenon or reduce its rates to the lowest possible degree. Among these attempts, on 12 December 2023, the “Provisions to Combat Violence against Women and Domestic Violence” law, which includes provisions increasing penalties for perpetrators in cases of violence against women and expanding the definition of domestic violence, entered into force to control this phenomenon and achieve deterrence for its perpetrators and society as a whole. However, some opinions - including Maat’s - believe that legal penalties alone are not sufficient, calling for urgent societal and psychological reforms¹⁰.

- **children rights**

Italy received 27 recommendations related to the protection of children's rights during the Universal Periodic Review in November 2019, of which it supported 26 and noted one. Although the reports reviewed by Maat focused on the rights of migrant and refugee children, and did not give sufficient attention to the rights of Italian children in recent years. However, an incident on 23 February 2024, where the Italian police used violence to quell demonstrations supporting Palestine organized by children from primary and secondary schools in Pisa and Florence using batons, resulting in injuries to over 11 children, brought back media and legal attention to Italian children from native citizens. This led to increased condemnation of the Italian police's treatment of children and calls for the prosecution of the involved security personnel¹¹. Additionally, Maat notes reliable reports indicating that physical punishment of children is still culturally and socially acceptable in Italy and that the legislation adopted by the state has not abolished the punishment in practice¹².

¹⁰ Femicide in Italy: A modern phenomenon deeply rooted in country's cultural past, the conversation, <https://2h.ae/ygWj>

¹¹ Italian interior minister calls violence against minors at pro-Palestinian demo 'a defeat', Independent, <https://2h.ae/QAIf>

¹² Corporal punishment of children in Italy , page 7, <https://www.endcorporalpunishment.org/wp-content/uploads/country-reports/Italy.pdf>



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- **Minority rights**

Italy received 34 recommendations to protect the economic, social, and cultural rights of minorities during the third review cycle in November 2019. Italy expressed its agreement with all the recommendations regarding minorities. Maat noted a group of positive practices recently adopted by Italy in favor of minorities. For example, on 5 February 2024, the Ministry of Labor and Social Policies and the General Directorate for Poverty Alleviation approved the administrative decree related to some projects aiming to integrate children from the Roma and Sinti minorities¹³. In addition, Italy signed a cooperation agreement with the University of Bergamo and the Italian Linguistic Atlas to establish an observatory for national linguistic minorities¹⁴. However, Maat still observes various challenges facing minorities in Italy during the period following the third review cycle. On 13 May 2024, the European Committee of Social Rights, a body of the Council of Europe, concluded that Italy's housing policies' mistreatment against the Roma community constitutes a violation of the European Social Charter. The Committee's findings highlighted Italy's continuous forced evictions of the Roma, along with unequal access to social housing for Roma children¹⁵.

By reviewing a number of reports that dealt with the situation of minorities in Italy during the years following the 2019 review, Maat found that despite the existence of a number of laws that emphasize the protection of minorities within Italy and the prohibition of all forms of discrimination against them, and Italy's acceptance of all recommendations made to it regarding them; the Italian authorities have adopted systematic discriminatory policies against individuals of ethnic minorities within its territory. For example, the "Roma" minority continuously faces campaigns of forced eviction from the camps they inhabit, without prior notice, fair compensation, or alternative housing, alongside the mistreatment by municipal authorities, and the deliberate neglect by the Italian government to adopt a clear approach to integrating them into Italian society¹⁶. In addition, testimonies from some members of the Roma minority in Italy indicated that the camps they inhabit are extremely overcrowded and

¹³ Pursuant to Article 25, paragraph 2 of the Framework Convention for the Protection of National Minorities – received on 14 March 2024, Page 18, <https://rm.coe.int/6th-sr-italy-it/1680aef225>

¹⁴ Ibid

¹⁵ ITALY FOUND GUILTY OF VIOLATING EUROPEAN SOCIAL CHARTER OVER ANTI-ROMA DISCRIMINATION IN HOUSING, <https://www.errc.org/news/italy-found-guilty-of-violating-european-social-charter-over-anti-roma-discrimination-in-housing>

¹⁶ ITALY FOUND GUILTY OF VIOLATING EUROPEAN SOCIAL CHARTER OVER ANTI-ROMA DISCRIMINATION IN HOUSING, ERRC, <https://2h.ae/KYWn>



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located at long distances from vibrant cities, creating significant difficulties for Roma children to attend schools, with only about 31% of children enrolling in Italian schools. Moreover, the headquarters of government services are far away from the camps. In July 2023, the Italian authorities approved a plan to close six camps containing about 2,261 Roma individuals by 2026, including 45% of children. This violates their right to housing and exposes them to the risk of homelessness¹⁷.

- **Migrants and refugees**

Incidents of violence and serious violations of human rights against refugees and migrants in Italy have increased in recent years. Despite Italy receiving 21 recommendations regarding refugees and asylum seekers during the third cycle of the Universal Periodic Review in November 2019, and accepting 15 of them. The recommendations were related to providing relief and shelter for refugees, integrating them into the country, and protecting them from trafficking or exploitation. However, the recommendations calling for the non-forced return of refugees, which were included in 6 other recommendations, were not supported.

Reports seen by Maat indicated that asylum seekers in Italy are systematically subjected to violations of their basic rights within Italian cities. This includes delays by migration offices in processing their requests for periods that can last from six months to a full year, or outright rejection. Additionally, they are forced to wait in front of migration offices without food or shelter, leading them to stay for long periods on the streets or inside uninhabitable buildings. Furthermore, Italian authorities place illegal barriers in front of submitting applications, such as not providing translation services inside migration offices and leaving asylum seekers without official documents or residency permits, which experts consider to be restrictions bordering on a ban¹⁸.

In a related context, Italy continued to resettle refugees through complementary pathways. For instance, on 20 December 2023, the Refugee Affairs Commission, in collaboration with the Ministry of Interior, Foreign Affairs, and International Cooperation, signed a memorandum of understanding to resettle 1500 individuals requiring international protection from Libya to Italy by 2026. Nevertheless, Italy's acceptance of individuals for resettlement remained extremely limited¹⁹. In March 2023, the European Court of Human Rights condemned Italy in a case

¹⁷ 2023 Country Reports on Human Rights Practices: Italy, U.S DEPARTMENT OF STATE, <https://2h.ae/kitW>

¹⁸ Wait, please" - IRC's New Report Sheds Light on Violation of Asylum Rights in Italy, IRC, <https://2u.pw/k2Tg7Jfr>

¹⁹ Italy February 2024, <https://www.unhcr.org/sites/default/files/2024-03/bi-annual-fact-sheet-2024-02-italy.pdf>



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brought by four Tunisian migrants for their unjustified detention by Italian authorities on Lampedusa Island, and their degrading treatment before being collectively and forcibly deported to Tunisia without considering each individual's circumstances. Italy did not dispute this in court and was ordered to provide civil compensation to the four individuals²⁰.

According to statistics, there is a lack of information or announcements of deaths among migrants after their detention in Italian prisons and deportation centers. From the beginning of the current year 2024 until mid-March, the number of migrant deaths inside Italian prisons reached 59 cases, including 25 suicides. In 2023, there were 157 deaths, including 69 suicides, and the highest toll was in 2022, with 84 suicide incidents among migrants out of 171 deaths inside Italian prisons. Maat received reports of the death of a Tunisian young man named "A.A." inside a psychiatric hospital in Rome in 2021 after being transferred from a detention center. Upon the autopsy, it was revealed that he was systematically tortured, restrained for long hours before his death, and given incorrect doses of medication. The hospital administration attempted to cover up the incident by announcing that the death was due to a heart attack, before allowing the autopsy in the face of wide human rights pressure. As of writing these lines, the case is still pending before the Italian judiciary without a verdict punishing those involved in the incident. Maat is concerned about the increasing number of such incidents, especially amid attempts to not report them²¹.

Recommendations

- Stopping the illegal detention of migrants and asylum seekers, taking into account legal and humanitarian considerations in dealing with them, and fulfilling its international obligations regarding the non-refoulement of refugees.
- Encouraging the Italian government to ratify the International Convention for the Protection of the Rights of Migrant Workers and Members of Their Families.
- Urging consideration of establishing a national human rights institution consistent with the Paris Principles relating to the status of national human rights institutions
- Removing all legal restrictions hindering the work of relief organizations on the Italian coasts and taking due care to rescue as many victims as possible, and suspending the implementation of Migration Decree No. 15 of 2023 and Italy's commitment under international maritime law and international human rights law.

²⁰ European court convicts Italy in favor of Tunisian migrants, Deutsche Welle, <https://2h.ae/UABl>

²¹ Prisons and deportation centers...cemeteries for migrants in Italy, Al Jazeera, <https://2h.ae/edVw>



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- Protecting the right to peaceful demonstration, securing all demonstrations, and bringing the security personnel involved in attacking demonstrations to urgent trials.
- Working to narrow the legal concept of defamation crimes and excluding journalism and expressing opinions from criminal prosecution for defamation.
- Emphasizing the necessity of not discriminating against all children in Italy, and providing the same level of basic rights and welfare for them equally with Italian children.
- The immediate and unconditional release of refugees not accused of criminal cases, the urgent regularization of their status, and the provision of temporary accommodation until their residency status is regulated within Italy are necessary.
- Considering opening a comprehensive and extensive investigation into cases of death and torture that occurred inside prisons and detention centers, and referring criminal suspicion death cases to the judiciary for adjudication and accountability of those involved.



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