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Republic of Italy

Head of state: **Giorgio Napolitano**

Head of government: **Matteo Renzi**

Over 170,000 refugees and migrants trying to reach Italy from North Africa on unseaworthy vessels were rescued at sea by Italian authorities. The government's decision to stop a dedicated operation to save lives at sea, Mare Nostrum, at the end of October raised concerns that the death toll could increase significantly. The authorities failed to ensure adequate reception conditions for the high number of seaborne refugees and migrants. Discrimination against Roma continued, with thousands segregated in camps. Italy failed to introduce the crime of torture into domestic legislation and to establish an independent national human rights institution.

Refugees' and migrants' rights

Over 170,000 refugees and migrants arrived in Italy by sea, including more than 10,000 unaccompanied children, the vast majority having departed from Libya. 156,362 had been rescued through Operation Mare Nostrum (OMN) by the end of October. A further 13,668 people were rescued by Italian authorities in November and December. Despite these unilateral efforts, over 3,400 refugees and migrants were believed to have drowned attempting to cross the Mediterranean. On 31 October, the government announced OMN's end, to coincide with the start on 1 November of the smaller, border control-focused Operation Triton by Frontex, the EU border management agency. NGOs expressed concern that this would place people's lives at risk.^[1]

The authorities struggled to ensure adequate reception conditions for the tens of thousands of refugees and migrants who disembarked in Sicily and other southern ports, including traumatized shipwreck survivors, and to adequately protect thousands of unaccompanied children.

There was no progress in investigating the circumstances of the deaths of some 200 people who drowned when a trawler carrying over 400 mostly Syrian refugees and migrants sank on 11 October 2013. There was concern that failures by Maltese and Italian authorities might have delayed their rescue.

In October, in the case of *Sharifi and Others v. Italy and Greece*, the European Court of Human Rights found that Italy had violated the prohibition of collective expulsions and exposed four Afghan nationals, who had arrived irregularly, to the risk of ill-treatment and other violations by returning them to Greece, as well as to the further risk of torture and death in case of deportation to Afghanistan.

Refugees and asylum-seekers, including children, remained at risk of destitution.

In April, the Parliament passed legislation requiring the government to abolish the crime of "irregular entry and stay" within 18 months. Irregular migrants re-entering the country following an expulsion would still face criminal sanctions. However, "irregular entry and stay" remained a crime at the end of the year.

In September, the Ministry of the Interior authorized police to use force to ensure the collection of fingerprints during the identification of refugees and migrants. This was immediately followed by reports of excessive use of force in the course of identification procedures.

In October, legislation was adopted reducing the maximum period of detention for irregular migrants pending deportation from 18 months to 90 days. Conditions in detention centres for irregular migrants remained inadequate.

Migrant workers continued to be exploited and remained vulnerable to abuse and were often unable to access justice.

Discrimination – Roma

Thousands of Roma families continued to live in poor conditions in segregated camps and centres, including more than 4,000 in Rome alone. The government failed to implement the National Strategy for the Inclusion of Roma, especially with regard to adequate housing. Several forced evictions of Roma were reported across the country.

A European Commission inquiry into possible breaches by Italy of the EU Race Equality Directive in relation to access by Roma to adequate housing was ongoing.

Roma families transferred from the authorized camp of Cesarina in Rome in December 2013, to allow for its refurbishment, continued to live in inadequate conditions in a Roma-only reception facility. Rome municipal authorities stated they would return the families to the camp once works were completed. No alternative adequate housing options were made available.

Roma remained excluded from accessing social housing. Rome housing authorities did not withdraw a January 2013 circular discriminating against Roma families living in authorized camps in the allocation of social housing. However, in June, in the context of the inquiry regarding the EU Race Equality Directive, they stated that they intended to apply the circular in a non-discriminatory manner.

Counter-terror and security

The Italian Constitutional Court ruled in February that the government enjoyed absolute discretion to invoke the "state secrets" doctrine in national security-related cases. The Court of Cassation, Italy's highest court, affirmed the Constitutional Court ruling and annulled the convictions of high-level Italian intelligence officials, convicted in relation to the abduction of Usama Mostafa Hassan Nasr (known as Abu Omar) from a Milan street in 2003. Following his abduction, Abu Omar had been handed over to the US Central Intelligence Agency (CIA) and rendered to Egypt, where he was tortured.

In March, the Court of Cassation upheld the convictions of three CIA officials, including former Rome CIA chief Jeff Castelli and former Milan CIA chief Robert Seldon Lady, for the abduction of Abu Omar. The Court ruled that the CIA operatives were not covered by diplomatic immunity. In total, 26 US nationals had been convicted in their absence in the Abu Omar case.

Torture and other ill-treatment

Attempts to incorporate the crime of torture into national legislation failed again, a 25-year breach of Italy's obligations under the UN Convention against Torture.

In November, the Court of Cassation annulled the conviction for perjury against Francesco Colucci, who was head of police in Genoa when scores of protesters were tortured and otherwise ill-treated during the 2001 G8 summit meeting. Francesco Colucci had been convicted of perjury for trying to shelter from accountability the then national head of police, Gianni De Gennaro, and a senior official of the police special operations branch of Genoa. The statute of limitation for the offence expired in December rendering a retrial impossible.

Overcrowding and poor conditions remained common throughout the prison system. Legislation to reduce the length of prison sentences for certain offences and to increase the use of non-custodial sentences was adopted in August 2013 and February 2014 to ease overcrowding. A national ombudsperson for the rights of detainees was also created. The measures followed a 2013 European Court ruling that Italy had violated the prohibition of torture and inhuman or degrading treatment by subjecting detainees to excessively harsh conditions due to overcrowded cells and insufficient living space.

Deaths in custody

Despite progress in a few cases, concerns remained about the lack of accountability for deaths in custody as a result of flawed investigations and shortcomings in judicial proceedings.

In April, the Perugia court of appeal upheld the conviction of a prison officer for falsifying documents and failing to assist Aldo Bianzino, who died in a Perugia prison two days after his arrest in 2007. The ruling confirmed that there were failings in the initial investigation.

In July, in the case of Giuseppe Uva, who died at a hospital in Varese shortly after being stopped by police in 2008, a trial started against seven police officers for manslaughter, unlawful arrest and abuse of authority. In October 2013, a judge had refused the prosecutor's request to close the case and had ordered a fresh investigation. Forensic examinations in December 2011 revealed that Giuseppe Uva may have been raped and otherwise ill-treated.

In October, the Rome court of appeal acquitted the doctors, nurses and police officers charged with manslaughter in the case of Stefano Cucchi, who died a week after his arrest in the prison wing of a Rome hospital in 2009. Forensic evidence was inconclusive. Stefano Cucchi's family was concerned that signs of ill-treatment had been downplayed.

Legal, constitutional or institutional developments

Italy failed again to establish a national human rights institution in accordance with the Principles relating to the Status of National Institutions (Paris Principles), despite having repeatedly committed to doing so.

[1. Lives adrift: Refugees and migrants in peril in the central Mediterranean \(EUR 05/006/2014\)](http://www.amnesty.org/en/library/info/EUR05/006/2014/en)
www.amnesty.org/en/library/info/EUR05/006/2014/en

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