



Permanent Mission of Italy
UN - Geneva

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The Permanent Mission of Italy to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to transmit attached hereto the Italian reply to Communication from Special Procedures ref. OL ITA 1/2020 dated 25 March 2020. The Permanent Mission of Italy would be grateful for the prompt publication of the aforementioned reply on the OHCHR website.

The Permanent Mission of Italy avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurance of its highest consideration.

Geneva, 31 MARS 2020



Office of the High Commissioner
for Human Rights
GENEVA

ITALY



MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION

INTER-MINISTERIAL COMMITTEE FOR HUMAN RIGHTS

**ITALY'S REMARKS,
IN RESPONSE TO THE COMMUNICATION (OL ITA 1/2020)**

March 27, 2020

ITALY'S REMARKS

Further to letter, dated March 25, 2020 (OL ITA 1/2020), sent by UN Special Rapporteur on Trafficking in Persons, especially Women and Children, Italian Authorities are in a position to provide the following remarks:

Introductory remarks

1. The Italian (rigid) Constitution determines the political framework for action and organization of the State. The fundamental elements or structural principles of the constitutional law governing the organization of the State are as follows: Democracy, as laid down in Article 1; the so-called *personalistic* principle, as laid down in Article 2, which guarantees the full and effective respect for human rights; the pluralist principle, within the framework of the value of democracy (Articles 2 and 5); the importance of work, as a central value of the Italian community (Articles 1 and 4); the principle of solidarity (Article 2); the principle of equality, as laid down in Article 3 (it is also the fundamental criterion applied in the judiciary system when bringing in a verdict); the principles of unity and territorial integrity (Article 5); and, above all, the relevant principles, including the social state, the rule of law and the respect for human rights and fundamental freedoms, such as freedom of correspondence, freedom of movement, freedom of religion or belief, and freedom of opinion and expression.

2. The Italian legal system aims at ensuring an effective framework of guarantees, to fully and extensively protect the fundamental rights of the individual. Indeed, we rely on a solid framework of rules, primarily of a constitutional nature, by which the respect for human rights is one of the main pillars.

3. The basic rule guiding modern democracies in the protection of human rights is the effective implementation of the principles of equality and non-discrimination. It is, indeed, one of the main pillars of our constitutional code, upon which the domestic legislative system is based: *"All citizens have equal social status and are equal before the law, regardless of sex, race, language, religion, political opinion, and personal or social conditions. It is the duty of the republic to remove all economic and social obstacles that, by limiting the freedom and equality of citizens, prevent full individual development and the participation of all workers in the political, economic, and social organization of the country (Article 3)"*.

4. For more comprehensive information, the Common Core Document of Italy forming part of reports to Treaty Bodies (UN Doc. HRI/CORE/ITA/2016, dated July 25, 2016) provides an overview of the domestic system, including safeguards and guarantees.

Turning to the urgent issues at stake

Q.1: The Equal Opportunities Department to the Presidency of the Council of Ministers has already taken steps to extend the projects that implement the program for the emergence of victims of trafficking.

Within the framework of national preventive and containment measures to respond to the Covid-19 Emergency, especially Decree Law No.6 of 23 February 2020, D.P.C.M. of 4 March 2020, Decree

Law No.18 of 17 March 2020, the Ministry of Interior adopted several Circulars clarifying the impact of these provisions on first and second-line reception measures (on 5, 12 and 18 March).

On 13 March 2020, a dedicated Circular was sent to first-reception projects for UAMs, co-funded through the Asylum, Migration and Integration Fund (AMIF projects), in line with the communications addressed by the Central Service to second-line reception shelters of the SIPROIMI network.

These communications stress the importance of adopting behaviours, in line with the prescriptions contained in national Decrees, both in first and second-line reception Centres. In particular, they highlight the need for reception shelters' staff to inform migrants, also through cultural mediators and written material, of key hygienic rules and to make cleaning products widely available for personal use and the cleaning of spaces.

In addition, they provide for the possibility to continue hosting migrants no longer entitled to reception conditions in order to respect national limitation on the circulation of persons.

To respond to the increased reception-related needs, reception shelters are allowed to carry out extraordinary expenditures to buy sanitary products.

In line with the general rule applicable to every person entering Italian borders, newly arrived migrants need to undergo a period of quarantine, as required by national health authorities. During fourteen days, their health conditions are monitored closely and, in case of emergency of symptoms, reported to the competent health services.

In line with the principle of the best interests of the child, UAMs arriving in Italy are assigned to a dedicated reception shelter. However, for the safety of both newly arrived UAMs and those already hosted, the former undergo such a period of quarantine.

At any stage, the Juvenile Court and the Public Prosecutor's Office, who are responsible for reception conditions, are informed.

Q.2. The outbreak of the Covid-19 virus has resulted in the suspension of all meetings. Therefore, no meeting of the Control Room on Trafficking in Human Beings could be scheduled so far.

Moreover, with regard to the date of March 27, 2020 that you mention in your letter, we would like to underline that, on the occasion of the meeting of the Control Room held on March 3, 2020, H.E. Ms. E. Bonetti, Minister for Equal Opportunities and the Family, indicated it just as a tentatively date for the meeting of the Technical Committee (which would be followed by a further meeting of the Control Room). For the above-mentioned reason, the meeting under reference could not be summoned.

Conclusion

Italian Authorities take this opportunity to reiterate their firm willingness to continue effective cooperation with all UN Special Procedures and will provide additional information, once available.