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**STATUS OF HUMAN RIGHTS IN THE REPUBLIC OF ITALY
FOR THE 48TH SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

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Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Republic of Italy (Italy) for the 48th session of the Universal Periodic Review (UPR).

Background

2. Italy is a country in Europe that is a peninsula along the Mediterranean Sea with a population of approximately 58.9 million people.¹ The country is predominately Christian, with 87.8% of the population identifying as Roman Catholic, 1.3% as Protestant Christian, 5.8% as nondenominational, and 1.9% as Muslim.²

3. Italy's last review was held on November 4, 2019.³ As a result of the review, Italy received 306 recommendations, 292 of which it supported.⁴ Although there were no recommendations made regarding assisted suicide, in June 2022, Italy carried out its first case of assisted suicide.⁵ Regarding human trafficking, it was recommended by Belarus, and supported by Italy, that the government “[t]ake further steps towards fighting trafficking in persons, especially in women and girls, by adopting the new National Anti-Trafficking Action Plan.”⁶ No recommendations were made regarding religious freedom.

Legal Framework

Medically Assisted Suicide

4. Under Article 32 of the Constitution of Italy, “[t]he Republic safeguards health as a fundamental right of the individual and as a collective interest, and guarantees free medical care to the indigent.”⁷

¹ Italy, WORLD DATA, <https://www.worlddata.info/europe/italy/index.php> (last visited Mar. 12, 2024).

² *Id.*

³ *Universal Periodic Review – Italy*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/it-index> (last visited Mar. 12, 2024).

⁴ *Italy Infographic*, OHCHR, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session34/IT/Italy_Infographic.pdf (last visited Mar. 12, 2024).

⁵ Luanna Muniz, *Italy Carries Out Its First Assisted Suicide*, POLITICO (June 16, 2022), <https://www.politico.eu/article/italy-carries-out-its-first-assisted-suicide-euthanasia/>.

⁶ OHCHR, UPR of Italy (3rd Cycle – 34th Session): Thematic List of Recommendations, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session34/IT/UPR34_Italy_Thematic_list_of_Recommendations.docx (last visited May 31, 2024).

⁷ CONSTITUTION OF ITALY art. 32; Maricla Marrone, Pietro Berardi, Biagio Solarino, Davide Ferorelli, Serena Corradi, Maria Silvestre, Benedetta Pia De Luca, Alessandra Stellacci, and Alessandro Dell’Erba, *Italian Legal Euthanasia: Unconstitutionality of the Referendum and Analysis of the “Italian” Problem*, 7 FRONTIERS IN SOCIOLOGY 1 (2022), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9315237/>.

5. Article 579 of the Italian Penal Code prohibits “anyone [from] caus[ing] the death of a person, with their consent.”⁸ Further, under Article 580 of the Italian Penal Code:

Any person who induces others to commit suicide or reinforces the intention of another to commit suicide, or in any way facilitates its execution (1), shall be punished, if the suicide occurs, with imprisonment of between five and twelve years. If suicide does not occur, it is punishable by imprisonment of between one and five years, provided that the suicide attempt results in serious or very serious bodily injury.⁹

6. Moreover, Italy is a party to the International Covenant on Civil and Political Rights (ICCPR).¹⁰ Under Article 6 of the ICCPR, “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”¹¹

7. Italy is also a party to the Convention on the Rights of Persons with Disabilities (CRPD).¹² Article 10 of the CRPD requires that “States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.”¹³

Human Trafficking

8. Article 600 of the Italian Penal Code states that:

Whoever exercises on any other person powers and rights corresponding to ownership; or who reduces or maintains a person in a state of constant subjection, forcing that person to work or to provide sexual services or to beg or to any other illegal activity involving exploitation or to consent to the removal of organs, shall be punished with imprisonment from eight to twenty years.¹⁴

9. Further, Article 601 of the Italian Penal Code criminalizes human trafficking:

Whoever carries out trafficking in persons who are in the conditions referred to in article 600, that is, with a view to perpetrating the crimes referred to in the first paragraph of said article; or whoever leads any of the aforesaid persons through deceit or obliges such person by making use of violence, threats, or abuse of power; by taking advantage of a situation of physical or mental inferiority, and poverty; or by promising money or making payments or granting other kinds of benefits to those who are responsible for the person in question,

⁸ Andrea Carlo, *Is Italy Set for a Referendum on Legalising Euthanasia*, EURO NEWS (Sep. 30, 2021), <https://www.euronews.com/2021/09/30/is-italy-set-for-a-referendum-on-legalising-euthanasia>.

⁹ *Italian Legal Euthanasia: Unconstitutionality of the Referendum and Analysis of the “Italian” Problem*, NATIONAL LIBRARY OF MEDICINE (July 12, 2022), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9315237/>.

¹⁰ *Ratification Status for Italy*, OHCHR, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=85&Lang=EN.

¹¹ International Covenant on Civil and Political Rights art. 6, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [hereinafter ICCPR].

¹² *Ratification Status for Italy*, *supra* note 10.

¹³ Convention on the Rights of Persons with Disabilities art. 10, *adopted* Dec. 13, 2006, 2515 U.N.T.S. 3, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>.

¹⁴ Penal Code, as amended in 2014, art.600, <https://antislaverylaw.ac.uk/country/italy/>.

to enter the national territory, stay, leave it or migrate to said territory, shall be punished with imprisonment from eight to twenty years. The aforesaid penalty becomes harsher, increasing by one third to 50%, if the offences referred to in this present article are perpetrated against minors under eighteen or for sexual exploitation, prostitution or organ removal purposes.¹⁵

10. Moreover, according to Article 8 of the ICCPR, “[n]o one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. No one shall be held in servitude.”¹⁶

11. Italy is also a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.¹⁷ Under Article 9 sec. 1 of this Protocol:

States Parties shall establish comprehensive policies, programmes and other measures:

(a) To prevent and combat trafficking in persons; and

(b) To protect victims of trafficking in persons, especially women and children, from revictimization.¹⁸

12. Additionally, Italy is a party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Under Article 6 of the CEDAW, “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”¹⁹

Medically Assisted Suicide

13. In 2019, Italy’s Constitutional Court ruled that assisting someone in committing suicide is not always a punishable offense when the person is experiencing “intolerable suffering.”²⁰ The court ruled that anyone who “facilitates the suicidal intention . . . of a patient kept alive by life-support treatments and suffering from an irreversible pathology” should not be punished.²¹ However, the Constitutional Court stated that the Italian Parliament should be responsible for crafting legislation regulating medically assisted suicide.²² This ruling could pave the way for

¹⁵ *Id.* art. 601.

¹⁶ ICCPR art. 8, *supra* note 11.

¹⁷ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, UNITED NATIONS TREATY COLLECTION, https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=xviii-12-a&chapter=18 (last visited Mar. 13, 2024).

¹⁸ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing Against Transnational Organized Crime, art. 9 § 1, *adopted* Dec. 18, 1979, 1249 U.N.T.S.

¹⁹ Convention on the Elimination of All Forms of Discrimination Against Women art. 6, *adopted* Dec. 18, 1979, 1249 U.N.T.S. 13 [hereinafter CEDAW].

²⁰ *Italy Rules Assisted Suicide Not Always a Crime*, DW (Sept. 26, 2019), <https://www.dw.com/en/italys-top-court-rules-assisted-suicide-not-always-a-crime/a-50588055>.

²¹ *Id.*

²² *MPs in Italy Back a New Law that Would Legalise a Form of Euthanasia*, EURO NEWS (Mar. 11, 2022, 4:11 PM), <https://www.euronews.com/2022/03/11/mps-in-italy-back-a-new-law-that-would-legalise-a-form-of-euthanasia>.

hundreds of people to be killed, as more than 800 Italians have already expressed a desire to be killed through medically assisted suicide.²³

14. In 2022, the Chamber of Deputies in Italy's parliament voted in favor of legalizing medically assisted suicide by a vote of 253 to 117, with one abstention.²⁴ However, the Senate failed to take up the proposed legislation.²⁵ Because no legislative framework for medically assisted suicide currently exists in Italy, the 2019 case serves as the current framework.²⁶ The 2019 ruling states that there are three requirements that must be met and verified by the National Health Service and by a local ethics committee for the medically assisted suicide to be performed.²⁷ The requirements are as follows: the individual is capable of self-determination, the individual suffers from an irreversible pathology, which is the source of his suffering and is deemed by the individual as intolerable, and the individual depends on life-support.²⁸ Additionally, the National Health Service is responsible for carrying out the medically assisted suicide.²⁹

15. In June 2022, a forty-four-year-old paralyzed man became the first person in Italy to be killed by medically assisted suicide.³⁰ Then, on November 8, 2023, a fifty-five-year-old woman became the second person to be killed by the same means.³¹ While only two cases of medically assisted suicide have been carried out in Italy, we only have to look to neighboring Switzerland to see the harm that legally permitting this procedure can have. Just last year, one provider of medically assisted suicide in Switzerland reported killing 1,252 people.³²

16. The practice of allowing medically assisted suicide is in itself a flagrant violation of Article 6 of the ICCPR, which requires States to respect and protect the lives of all people, without exception, and establishes the principle that “[n]o one shall be arbitrarily deprived of his life.”³³ States have an obligation not to take part in the intentional killing of an innocent human being.

17. In January 2021, UN human rights experts expressed their concern at what they deem to be “a growing trend to enact legislation enabling access to medically assisted dying based largely on having a disability or disabling conditions, including in old age.”³⁴ As they noted:

²³ *Italy Rules Assisted Suicide Not Always a Crime*, *supra* note 20,

²⁴ *MPs in Italy Back a New Law that Would Legalise a Form of Euthanasia*, *supra* note 22.

²⁵ *Senate Fails to Start Examining Assisted Suicide Bill*, ANSA ENGLISH (Mar. 26, 2024, 4:06 PM), https://www.ansa.it/english/news/politics/2024/03/26/senate-fails-to-start-examining-assisted-suicide-bill_9ab97e47-4785-4224-af4a-9717e9d61a29.html.

²⁶ G Delogu et al., *First Case of Medically Assisted Suicide in Italy Set New Legal Perspectives*, NATIONAL LIBRARY OF MEDICINE (Jan. 2024), <https://pubmed.ncbi.nlm.nih.gov/38358470/>.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ Luanna Muniz, *Italy Carries Out its First Assisted Suicide*, POLITICO (June 16, 2022, 7:52 PM), <https://www.politico.eu/article/italy-carries-out-its-first-assisted-suicide-euthanasia/>.

³¹ Ruggero Leotta, *Evolving Ethics: A Legal Odyssey in Italy's Journey With Assisted Suicide*, UNIVERSITY OF GRONINGEN (Feb. 26, 2024), <https://www.rug.nl/rechten/onderzoek/expertisecentra/gchl/student-blog/evolving-ethics-a-legal-odyssey-in-italy-s-journey-with-assisted-suicide?lang=en>.

³² *Swiss Assisted Suicides Rose 11% in 2023*, SWISS INFO (Feb. 8, 2024, 2:30 PM), <https://www.swissinfo.ch/eng/life-aging/swiss-assisted-suicides-rose-11-in-2023/49198616>.

³³ ICCPR art. 6, *supra* note 11.

³⁴ *Disability is not a Reason to Sanction Medically Assisted Dying – UN Experts*, OHCHR (Jan. 25, 2021), <https://www.ohchr.org/en/press-releases/2021/01/disability-not-reason-sanction-medically-assisted-dying-un-experts>.

These assumptions, which are grounded in ableism and associated stereotypes, have been decisively rejected by the Convention on the Rights of Persons with Disabilities. Disability is not a burden or a deficit of the person. It is a universal aspect of the human condition.

Under no circumstance should the law provide that it could be a well-reasoned decision for a person with a disabling condition who is not dying to terminate their life with the support of the State.³⁵

Human Trafficking

18. Every year, between 2,100 and 3,800 people are identified as potential victims of human trafficking in Italy.³⁶ However, the full scale of human trafficking is likely much more significant as the National Anti-Trafficking Helpline estimates that there are between 15,000 and 20,000 people at risk for human trafficking in Italy.³⁷ The majority of these victims are women who are trafficked for purposes of sexual exploitation.³⁸ From 2019 to 2022, investigations into cases of human trafficking have been decreasing.³⁹ In 2019, the government investigated eighty-four cases of human trafficking, fifty-two in 2020, forty-four in 2021, and forty-two in 2022.⁴⁰ The number of prosecution has also decreased, as there were forty-two human trafficking prosecutions in 2019 compared with just twenty-five in 2022.⁴¹

19. Nigerian women in particular make up a large number of human trafficking victims, and approximately 80% of the Nigerian women who are trafficked to Italy are sexually exploited.⁴² Nigerian women who want to migrate to Europe turn to “travel agents” to finance their journey.⁴³ These women then incur debts that take years to pay off.⁴⁴ Due to their vulnerable positions, these women are forced into prostitution to repay their debts.⁴⁵

³⁵ *Id.*

³⁶ *GRETA Publishes its Third Report on Italy*, COUNCIL OF EUROPE (Feb. 3, 2024), <https://www.coe.int/en/web/anti-human-trafficking/-/greta-publishes-its-third-report-on-italy>.

³⁷ *Evaluation Report Italy*, GRETA (Feb. 23, 2024), <https://rm.coe.int/greta-2024-03-fgr-ita-en-2750-4314-7273-1/1680ae9f81>.

³⁸ *GRETA Publishes its Third Report on Italy*, *supra* note 36.

³⁹ *Evaluation Report Italy*, *supra* note 37.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² Emma Walls, *Tricked, Trafficked and Sold: How Criminal Gangs are Bringing Nigerian Women to Italy*, INFO MIGRANTS (Jan. 28, 2019), <https://www.infomigrants.net/en/post/14725/tricked-trafficked-and-sold-how-criminal-gangs-are-bringing-nigerian-women-to-italy#:~:text=crime-Tricked%2C%20trafficked%20and%20sold%3A%20How%20criminal%20gangs%20are,bringing%20Nigerian%20women%20to%20Italy&text=Sex%20trafficking%20is%20big%20business,are%20destined%20for%20sexual%20exploitation>.

⁴³ Alessia Arbustini, *Sex Trafficking of Nigerian Women: How the Italian Asylum System Deals with Victims*, SOCIAL SCIENCE WORKS, <https://socialscienceworks.org/sex-trafficking-of-nigerian-women-how-the-italian-asylum-system-deals-with-victims/> (Last visited Mar. 14, 2024).

⁴⁴ *Id.*

⁴⁵ *Id.*

20. In 2024, Italian authorities arrested twenty-two individuals for trafficking women from Bulgaria to Italy and forced them into prostitution.⁴⁶ The traffickers lured their victims with false promises of jobs, only to be trapped by their captors and beaten if they resist.⁴⁷

21. In April 2023, police arrested seventeen people across Italy who were part of a transnational organization that was responsible for smuggling people from Africa through Italy to other European countries.⁴⁸ The traffickers charged the victims about €1,000 each to smuggle them into Europe.⁴⁹ Police reported that the traffickers also sexually abused their victims.⁵⁰

22. In February 2023, police arrested a Nigerian woman for her role in human trafficking and sexual exploitation.⁵¹ She was responsible for recruiting girls from Nigeria and Libya and trafficking them to Italy.⁵²

23. In January 2022, four members of a Nigerian mafia were arrested in southern Italy for human trafficking and sexual exploitation.⁵³ The arrests came after a Nigerian woman reported to police that the individuals forced her into prostitution to repay a debt.⁵⁴

24. In October 2021, eleven Nigerians were sentenced to prison for a period ranging from six to twenty years each for trafficking Nigerian women and girls from Nigeria to Italy.⁵⁵ The perpetrators had trafficked at least fifteen victims and forced them to engage in prostitution.⁵⁶ The traffickers lured the victims through promises of a better job.⁵⁷

25. The above reports demonstrate a small sample of the scope of human trafficking in Italy. The estimated scale of human trafficking in the country is unknown due to limitations in procedures to identify victims of human trafficking adequately.⁵⁸ Further, many cases go unreported by victims out of fear that they will be punished or deported.⁵⁹ To address these limitations, the government has enacted a national action plan to combat human trafficking, which increased funding for victims and implemented Standard Operating Procedures (SOPs) to identify victims of human trafficking and exploitation.⁶⁰ Further, in February 2023, the

⁴⁶ *Trafficked and Tortured: Bulgarian Women's Nightmare in Italian Prosecution Network*, NOVINITE (Mar. 28, 2024),

<https://www.novinite.com/articles/225149/Trafficked+and+Tortured%3A+Bulgarian+Women%27s+Nightmare+in+Italian+Prostitution+Network>.

⁴⁷ *Id.*

⁴⁸ *Italy: Police Arrest 17 Alleged Migrant Smugglers*, INFO MIGRANTS (Apr. 29, 2023),

<https://www.infomigrants.net/en/post/48549/italy-police-arrest-17-alleged-migrant-smugglers>.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ Henry Pope, *Italian Police Arrest Madame Behind Ju-Ju Sex Trafficking Ring*, OCCRP (Feb. 17, 2023),

<https://www.occrp.org/en/daily/17337-italian-police-arrest-madame-behind-ju-ju-sex-trafficking-ring>.

⁵² *Id.*

⁵³ Lorenzo Tondo, *Italian Police Arrest Alleged Black Axe Nigerian Mafia Members over Trafficking*, THE GUARDIAN (Jan. 19, 2022), <https://www.theguardian.com/global-development/2022/jan/19/italian-police-arrest-alleged-black-axe-nigerian-mafia-members-over-trafficking>.

⁵⁴ *Id.*

⁵⁵ *Italy Sentences 11 for Prostitution Trafficking from Africa*, INFO MIGRANTS (Oct. 18, 2021),

<https://www.infomigrants.net/en/post/35803/italy-sentences-11-for-prostitution-trafficking-from-africa>.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ GRETA Publishes its Third Report on Italy, *supra* note 36.

⁵⁹ *Id.*

⁶⁰ *Id.*

government instated the Foster Action and Support to Trafficked persons (FAST) project to strengthen Italy's capacity to prevent human trafficking and provide support for the victims.⁶¹ The aim of FAST is as follows:

- Development of new methodologies and capacity building of professionals, key stakeholders, practitioners engaged in the migration context to identify people at risk and establish internal referral pathways within their organizations;
- Provide needs-based assistance, information on legal remedies, and psychosocial support to survivors of trafficking, with a focus on unaccompanied boys and girls.
- Deliver empowerment workshops to survivors to strengthen coping mechanisms and build resilience;
- Reinforce transnational cooperation among project countries and share good practice[s], insights about emerging trends particularly related to [the] impact of COVID-19, new methodologies and training modules.⁶²

26. However, despite these new measures being implemented, there has been a decrease in the number of investigations, prosecutions, and convictions, for human trafficking.⁶³ This a result of prosecutors and judges applying a very narrow view of human trafficking which is linked to a transnational element.⁶⁴ This makes it hard to effectively prosecute cases of internal human trafficking. Further, there are instances where victims of human trafficking are not properly identified, and the victims themselves are convicted of the unlawful activity they carried out while being trafficked.⁶⁵

Recommendations

27. As mentioned above, the Constitutional Court of Italy has opened the door for legislature to enact a law that legalizes medically assisted suicide. Italy must protect and value innocent human life. The government must uphold the rights enshrined in the ICCPR and ensure that government does not sanction the killing of its citizens through medically assisted suicide.

28. Italy has taken some steps to address its shortcomings in controlling human trafficking, such as adopting SOPs for identifying victims and increasing funding for victim assistance. However, we are concerned about Italy's decreasing rates of investigations and prosecutions given the scale of human trafficking in the country. Italy must do more train judges, prosecutors, and law enforcement on human trafficking so that they can effectively combat human trafficking and protect victims.

⁶¹ *FAST Project to Combat Human Trafficking: 600 Practitioners and Volunteers Trained*, INTERNATIONAL RESCUE COMMITTEE (Feb. 15, 2023), <https://www.rescue.org/eu/press-release/fast-project-combat-human-trafficking-600-practitioners-and-volunteers-trained>.

⁶² *Id.*

⁶³ *Evaluation Report Italy*, GRETA (Feb. 23, 2024), <https://rm.coe.int/greta-2024-03-fgr-ita-en-2750-4314-7273-1/1680ae9f81>.

⁶⁴ *Id.*

⁶⁵ *Id.*