Advance Unedited Version

Committee against Torture

Concluding observations on the seventh periodic report of Italy

1. The Committee considered the seventh periodic report of Italy at its 2240th and 2243rd meetings,[1] held on 15 and 16 April 2026, and adopted the present concluding observations at its 2258th meeting, held on 28 April 2026.

A. Introduction

2. The Committee expresses its appreciation to the State Party for accepting the simplified reporting procedure and submitting its periodic report thereunder, as this improves the cooperation between the State Party and the Committee and focuses the examination of the report and the dialogue with the delegation.

3. The Committee appreciates having had the opportunity to engage in a constructive dialogue with the State Party's delegation, and the responses provided to the questions and concerns raised during the consideration of the seventh periodic report.

B. Positive aspects

4. The Committee welcomes the State Party's initiatives to revise and introduce legislation in areas of relevance to the Convention, including:

(a) Decree-Law No. 123/2018 (converted into Law No. 132/2018), amending the Penitentiary Act and improving the provision of healthcare in detention, in 2018;

(b) Law No. 69/2019, introducing new offences against women into the Criminal Code, increasing penalties for violence against women, and establishing fast-track prosecution procedures, in 2019;

(c) Decree-Law No. 34/2020 (converted into Law No. 70/2020), providing monthly support payments for women victims of violence exiting abusive situations, in 2020;

(d) Decree-Law No. 130/2020 (converted into Law No. 173/2020), designating the National Guarantor for the Rights of Persons Deprived of Liberty as the State Party's sole national preventive mechanism, in 2020;

(e) Law No. 53/2022, improving data collection relating to gender-based violence against women, in 2022;

[1] See CAT/C/SR.2240 and CAT/C/SR.2243.

(f) Decree-Law No. 162/2022 (converted into Law No. 219/2023), amending article 4 *bis* of the Penitentiary Act to allow the possibility of parole for life-sentence prisoners who have not collaborated with the justice system, in 2022;

(g) Law No. 168/2023, enhancing protections against gender-based and domestic violence through improved risk assessments, accelerated trials, stronger precautionary measures, a focus on early warning offences, and preventing recidivism, in 2023;

(h) Decree-Law No. 131/2024 (converted into Law No. 166/2024), introducing article 9 *bis* into Presidential Decree No. 448/1988 on health assessments for minors deprived of liberty, in 2024;

(i) Law No. 181/2025, introducing the autonomous crime of femicide in Criminal Code, in 2025.

5. The Committee commends the State Party's initiatives to modify its policies and procedures in order to afford greater protection of human rights and to apply the Convention, in particular:

(a) The Strategic Plan on Male Violence against Women and Domestic Violence 2025–2027, in 2025;

(b) The National Action Plan against Trafficking and Serious Exploitation of Human Beings 2022–2025, in 2022;

(c) The National Strategy for the Equality, Inclusion and Participation of Roma and Sinti 2021–2030, in 2022;

(d) The establishment of the Permanent Observatory on the effectiveness of norms on gender and domestic violence, in 2024;

(e) The National Action Plan for Mental Health 2025–2030, in 2025;

(f) The establishment of the Technical Monitoring Group within the Permanent Consultation Table on Prison Healthcare to oversee the Guidelines on healthcare provision in adult prisons, in 2025;

(g) The extension of the National LGBT+ Strategy 2022–2025 to 2027, in 2025;

(h) The National Plan against Racism, Xenophobia and Intolerance, in 2025;

(i) The State Party's continued provision of financial support to the United Nations Voluntary Fund for Victims of Torture and its participation as a member of the Fund's Group of Friends.

C. Principal subjects of concern and recommendations

Pending follow-up issues from the previous reporting cycle

6. In its previous concluding observations[2], the Committee requested the State Party to provide information on its implementation of the Committee's recommendations on the Memorandum of Understanding of 2 February 2017 between Italy and Libya (para. 23), the monitoring of immigration detention facilities (para. 27), and the investigation and prosecution of instances of police brutality or excessive use of force (para. 39).[3] In the light of the information included on these matters in the follow-up report submitted by the State Party on 21 December 2018,[4] and with reference to the letter dated 27 June 2019 from the Committee's rapporteur for follow-up to concluding observations,[5] the Committee considered that the recommendations contained in paragraph 23 had been only partially implemented, while the recommendations contained in paragraphs 27 and 39 had not yet been

[2] CAT/C/ITA/CO/5-6.
[3] Ibid., para. 48.
[4] CAT/C/ITA/CO/5-6/Add.1
[5] See https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FITA%2F35363&Lang=en.

implemented. The outstanding issues addressed in the previous concluding observations are covered in paragraphs 17, 19, and 33 of the present concluding observations.

Definition and criminalization of torture

7. Taking into account the Committee's previous concluding observations,[6] along with the information provided by the State Party, the Committee remains concerned as regards the conformity of the definition of torture contained in article 613 *bis* of the Criminal Code with the definition established in article 1 of the Convention. In particular, the Committee remains concerned that the definition under article 613 *bis* contains several elements not included in article 1 of the Convention, such as references to "serious threats" and "verifiable psychological trauma", while failing to refer to the intent and purpose required for acts of torture. While recognizing that involvement of a public official is included as an aggravating factor, the Committee regrets that torture is treated in the State Party's domestic legislation as a generic crime that can be committed by any individual. In addition, the crime of torture remains subject to a statute of limitations, and the law does not clearly establish that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture. The Committee is also concerned about recent attempts in parliament to abolish the crime of torture and replace it as an aggravating circumstance added onto other crimes (arts. 1, 2 and 4).

8. **The State Party should consider revising article 613 *bis* of the Criminal Code to include a definition of torture that is in full conformity with the definition contained in article 1 of the Convention, and ensure that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture. No statute of limitations should apply to the crime of torture.**

National human rights institution

9. While noting the information provided by the State Party regarding the existence of various institutions with mandates encompassing the protection of human rights, the Committee regrets that, despite the existence of several legislative initiatives aimed at establishing a national human rights institution in the State Party during the period under review, such efforts have yet to bear fruit (arts. 2, 11 and 16).

10. **Recalling the Committee's previous recommendations[7], the State Party should establish an independent national human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).**

National preventive mechanism

11. The Committee takes note of Decree-Law No. 130/2020, converted into Law No. 173/2020, designating the National Guarantor for the Rights of Persons Deprived of Liberty as the State Party's sole national preventive mechanism. However, the Committee is concerned that despite a large number of visits in recent years, comparably few reports on these visits have been published. The Committee also takes note of concerns raised by civil society organizations of political appointments based on political considerations to prominent roles within the National Guarantor for the Rights of Persons Deprived of Liberty, with associated repercussions on its independence or the perception thereof (arts. 2, 11 and 16).

12. **The State Party should ensure the independence of the national preventive mechanism, both in law and in practice, including by ensuring its full compliance with the Paris Principles, and provide it with the support necessary to ensure the timely publication of its visit reports.**

[6] CAT/C/ITA/CO/5-6, para. 10-11.

[7] CAT/C/ITA/CO/4, para. 8; CAT/C/ITA/CO/5-6, para. 17.

Fundamental legal safeguards

13. While noting the efforts of the State Party to ensure all fundamental legal safeguards against torture and ill-treatment in its domestic legislation, the Committee is concerned over allegations that not all safeguards are sufficiently ensured in practice. In particular, the Committee is concerned over allegations that individuals are not always able to notify a relative or other person of their choice of their detention, that medical examinations sometimes take place in the presence of law enforcement officers, that individuals are not always sufficiently informed of their rights, particularly foreigners who do not speak Italian, that individuals may be detained for up to 96 hours before being presented before a judge, and that, under article 104 of the Code of Criminal Procedure and when suspected of certain crimes, individuals can still be detained for up to five days without access to a lawyer. More generally, the Committee is concerned over allegations that individuals face difficulties in accessing free legal aid, and that in some cases individuals have been unable to meet with their legal representative until immediately prior to their presentation before a judge, prejudicing their ability to prepare their defence. The Committee is also concerned about the provisions of article 349 (4) of the Code of Criminal Procedure, which allow law enforcement officials to detain individuals for up to 24 hours for purposes of identification, and allegations that, given that individuals detained under this provision are not technically under arrest, detentions are not adequately recorded and detainees do not receive all fundamental legal safeguards (arts. 2, 11 and 16).

14. **The State Party should support or promote the revision of article 349 (4) of the Code of Criminal Procedure and ensure that all persons deprived of their liberty are afforded, in law and in practice, from the very outset of their deprivation of liberty, all fundamental legal safeguards including:**

(a) The right to be informed of their rights, how to exercise those rights, the reason for their arrest, and any charges against them, both orally and in writing in a language they understand and in an accessible manner, and to be fully informed of their rights and obligations, including avenues to lodge complaints, immediately upon deprivation of liberty;

(b) The right to promptly have access to and consult with a lawyer of their own choosing, and, if necessary and applicable, to have access to free, independent and effective legal aid;

(c) The right to notify a relative or another person of their choice of their detention immediately upon apprehension;

(d) The right to be promptly presented before a judge. In this regard, the State Party should, inter alia, establish in law an absolute maximum time limit of 48 hours from the moment of detention for judicial review of the legality of arrest and detention, without exception;

(e) The right to request and receive an examination by an independent medical doctor free of charge, or by a medical doctor of their own choice, in full confidentiality.

Non-refoulement

15. While noting information provided by the State Party detailing the efforts undertaken to ensure that no person is returned to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture, and taking into account the significant challenges faced by the State Party in responding to fluctuating migration flows, with intermittent increases in arrivals during the period under review, the Committee remains concerned that the practical implementation of the principle of non-refoulement in the State Party appears increasingly undermined by policies that link migration management to security and prioritize deterrence and forced returns. In this regard, the Committee takes note of the extensive list of "safe countries" maintained by the State Party, and is concerned over allegations that individuals at reception points known as "hotspots", under pressure of time, are arbitrarily divided into categories of either asylum seekers or economic migrants, based largely on nationality. The Committee is also concerned

that individuals seeking asylum do not always receive an individualized decision on their application which takes full account of their circumstances, resulting in their collective expulsion[8], that, in some situations, appeals against negative asylum decisions do not automatically have suspensive effect, and that screening and identification processes at "hotspots" are insufficient in identifying persons in situations of vulnerability, including victims of torture or ill-treatment. The Committee further expresses its concern regarding the State Party's use of readmission agreements and allegations of pushbacks at the border with Slovenia, leading in some cases to chain refoulement[9], alongside similar reports concerning pushbacks at Adriatic ports (art. 3).

16. **The State Party should uphold the principle of non-refoulement by ensuring that, in law and in practice, no one may be expelled, returned or extradited to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture. To this end, the State Party should immediately cease the practice of pushbacks and ensure that all persons seeking protection within its territory or under its jurisdiction have access to a fair and impartial review by an independent decision-making mechanism on asylum, expulsion, return or extradition and guarantee the right to appeal such decisions, with suspensive effect. The State Party should also take additional steps to ensure prompt identification of victims of torture or ill-treatment, and other persons in situations of vulnerability, by ensuring the implementation of robust and comprehensive screening procedures at both points of entry and upon admission to places of deprivation of liberty, both in theory and in practice.**

Memorandum of Understanding of 2 February 2017 between Italy and Libya

17. In the light of the Committee's previous concluding observations[10] and the views of the State Party's domestic courts,[11] and taking into account the multiple and reliable reports of United Nations bodies[12] and regional human rights mechanisms[13] indicating the substantial risk of torture and ill-treatment faced by migrants who are forcibly returned to Libya by the Libyan coastguard, the Committee remains concerned that the Memorandum of Understanding signed between Italy and the Government of National Accord of Libya on 2 February 2017, subsequent to its repeated renewal, continues to be implemented. In particular, the Committee is concerned over allegations indicating substantial assistance and cooperation provided by Italian authorities in search and rescue operations conducted by Libyan authorities, along with allegations of "privatised pushbacks", whereby Italian authorities request commercial ships to return individuals in need of protection to the custody of the Libyan authorities, including individuals in situations of vulnerability. However, the Committee also takes note of the positive practice in the State Party of prosecutions of individuals, in particular boat captains, who engage in acts tantamount to refoulement (art. 3).

18. **The Committee recommends that the State Party review the implementation of the Memorandum of Understanding of 2 February 2017 between Italy and Libya in order to ensure full compliance with its obligations under the Convention. In this regard, and recalling its previous recommendations,[14] the Committee recommends that the State Party consider establishing an effective mechanism to monitor conditions for migrants in Libya and the implementation of cooperation projects. Furthermore, the**

[8] See, for example, *J.A and Others v. Italy*, Application no. 21329/18, European Court of Human Rights, Judgment, 30 June 2023.

[9] See CAT/C/SVN/CO/4, para. 26 (a).

[10] CAT/C/ITA/CO/5-6, paras. 22 and 23

[11] Judgment No. 4557 of Feb. 1, 2024, Fifth Criminal Section, Court of Cassation

[12] See "Business as Usual: Human Rights Violations and Abuses against Migrants, Asylum-Seekers and Refugees in Libya", Office of the High Commissioner for Human Rights, February 2026; See also S/2022/932, paras. 59-61.

[13] See letters from the Council of Europe Commissioner for Human Rights to Italy, 13 February 2020 and 26 January 2023.

[14] CAT/C/ITA/CO/5-6, paras. 23

State Party should continue to investigate and prosecute all allegations of "privatized pushbacks", punishing perpetrators with appropriate sanctions.

Migration detention

19. The Committee expresses its serious concern regarding allegations of excessive use of force and ill-treatment by special law-enforcement intervention groups (*Interforze*), dilapidated and overly carceral conditions, and an almost complete lack of meaningful activities for detainees in Pre-removal Detention Centres (*Centri di Permanenza per il Rimpatrio – CPR*). In this regard, the Committee notes that, despite government tenders for the operation of such centres providing for ample activities and staffing, such obligations were allegedly not always adequately discharged by private implementing partners in practice, leading in some cases to criminal investigations. The Committee also notes that individuals placed in such centres following the completion of criminal sentences may be accommodated alongside individuals with no criminal history, and that, to avoid detention, individuals may be required to pay an unreasonably high bond, amounting to between 2,500 and 5,000 euros. The Committee is also concerned that, despite a reduction in the maximum allowable duration of detention for foreign citizens in CPRs through the adoption of Decree Law No. 130/2020, Decree Law No. 124/2023 greatly extended detention limits in such centres, allowing for a total period of detention of up to 18 months (arts. 2, 3, 11-13, and 16)

20. **The State party should:**

(a) Ensure that detention for the purposes of deportation is applied only as a last resort, when determined to be strictly necessary and proportionate in the light of an individual's circumstances and for as short a period as possible;

(b) Increase its use of non-custodial measures and ensure their non-discriminatory application. In this regard, when considering potential release on bond, the State Party should take into account, inter alia, the individual circumstances of each person, including their economic status and financial capabilities;

(c) Ensure that all allegations of torture and ill-treatment, including allegations of excessive use of force, are promptly investigated and prosecuted, with perpetrators receiving sentences commensurate with the gravity of their acts;

(d) Ensure that the regime and conditions of immigration detention are designed in a manner befitting the status of persons who have not been criminally convicted and that persons who have criminal histories are detained separately to those who do not.

Externalization of asylum procedures

21. The Committee expresses its concern with regard to the conclusion and implementation of the Protocol concluded between the Government of the Italian Republic and the Council of Ministers of the Republic of Albania on strengthening cooperation in the field of migration on 6 November 2023. In particular, the Committee is concerned as regards the subjection of asylum seekers detained under Italian jurisdiction in Albania to accelerated asylum procedures, impediments for detainees in accessing procedural guarantees such as access to information, legal assistance and representation along with psychological, social and humanitarian assistance, and detainees' limited ability to fully participate in their asylum proceedings. In this regard, the Committee underscores the importance of securing the physical presence of detainees before their legal representatives and the judiciary with regard to the prevention of torture and ill-treatment. The Committee is further concerned over allegations of inadequacies in pre-screening procedures prior to transfer, resulting in the transfer of individuals in situations of intersecting vulnerabilities to centres outside of the territory of the State Party (arts. 2, 3 and 11).

22. **The State Party should:**

(a) Review the arrangements under the Protocol concluded between the Government of the Italian Republic and the Council of Ministers of the Republic of Albania on strengthening cooperation in the field of migration so as to ensure that all fundamental legal safeguards against torture and ill-treatment are guaranteed for

detainees in Albania who are under Italian jurisdiction, including by taking steps to enable the authorities of the State Party and the national preventive mechanism under the Optional Protocol to the Convention to visit detainees held abroad, to ensure that detainees held abroad have unimpeded access to independent lawyers of their choice, both remotely and in-person, to ensure that they may access psychological, social and humanitarian assistance on an even footing with individuals detained in the territory of the State Party, and to ensure that they may participate in an effective manner in their asylum procedures, including through in-person participation;

(b) Ensure legal clarity regarding the State Party's responsibilities under the Convention in respect of detainees held abroad, including in relation to investigating allegations of torture under article 12, receiving complaints under article 13, ensuring redress under article 14, and responding to individual communications under article 22;

(c) Refrain from transferring detained asylum seekers to locations outside of the State Party's territory prior to conducting comprehensive individualized vulnerability screenings with the detainees' participation, ensure an avenue for appeal against individual decisions made to relocate detained asylum seekers outside of the State Party's territory, and enhance training for all officials involved in the detention and transport of asylum seekers in the identification of victims of torture and ill-treatment and other individuals in situations of vulnerability.

Legal characterization of cruel, inhuman or degrading treatment or punishment

23. The Committee takes note of the Joint Statement issued by the State Party, alongside 26 other Council of Europe Member States, and delivered to the Conference of Ministers of Justice of the Council of Europe, 10 December 2025, according to which the State Party asserts that the "scope of 'inhuman and degrading treatment' under Article 3 [of the European Convention on Human Rights], which is an absolute right, should be constrained to the most serious issues in a manner which does not prevent State Parties from taking proportionate decisions on the expulsion of foreign criminals, or in removal or extradition cases, including in cases raising issues concerning healthcare and prison conditions". In this regard, the Committee is concerned that, while the prohibition against cruel, inhuman and degrading treatment or punishment is correctly recognized as an absolute right, the State Party appears to assert that the upholding of such right should be subject to a proportionality assessment, including in cases regarding access to healthcare and detention conditions (arts. 3 and 16).

24. **The State Party should uphold the absolute nature of the principle of non-refoulement under all circumstances, in a non-discriminatory manner, with due cognizance of the non-derogability of the prohibition against torture and all forms of cruel, inhuman or degrading treatment or punishment.**

Universal jurisdiction

25. The Committee takes note of articles 7 to 10 of the Criminal Code, which together provide for the principle of universal jurisdiction. However, the Committee is concerned over allegations that prosecutors in the State Party rarely avail of this principle, in part due to a lack of knowledge and experience regarding its application. Nevertheless, the Committee welcomes judgment No. 149 of 28 May 2020, in which the Court of Messina sentenced three persons to twenty years' imprisonment for crimes, including torture, carried out against migrants detained in the Zawiya camp in Libya. In the context of the State Party's obligation to extradite or prosecute, the Committee takes note of the decision of the Pre-Trial Chamber of the International Criminal Court of 17 October 2025 on the State Party's non-compliance with a request for cooperation due to its failure to comply with the Court's request for the arrest and surrender of Osama Elmasry Njeem for alleged crimes against humanity and war crimes, including torture and cruel treatment (arts. 5-9).

26. **The State Party should redouble its efforts to effectively exercise universal jurisdiction over any persons allegedly responsible for acts of torture who are present in its territory if it does not extradite them to another country, in accordance with articles 7 and 8 of the Convention, including through the provision of adequate and**

continuous training on the principle of universal jurisdiction to prosecutors, judges and other relevant officials.

Conditions of detention

27. While taking into account information provided by the State Party regarding various improvements to and expansions of prison infrastructure that are currently underway, along with efforts to improve the availability of alternatives to detention, the Committee expresses its serious concern regarding overcapacity in prisons, which has reached levels as high as 138 per cent, with thousands of prisoners accommodated in spaces of less than 4 m^2 per person. In this regard, the Committee is similarly concerned that challenges associated with overcrowding, including deteriorating material conditions, reduced access to educational, recreational and vocational activities and medical care, and inter-prisoner violence, are exacerbated by insufficient staffing, which also makes meaningful implementation of dynamic security principles difficult in practice. With regard to psychological assistance in detention, the Committee is concerned that, according to information received, treatment for prisoners with mental health conditions is based predominantly on the distribution of medication, and that prisoners with mental health issues may be held in isolation or remain in prison for long periods awaiting transfer to residences for the execution of safety measures (arts. 2, 11 and 16).

28. **The State Party should:**

(a) Continue its efforts to improve the material conditions of detention and take further measures to reduce overcrowding in prisons, including by making greater use of alternatives to detention and the recruitment of an adequate quantity of trained staff, in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and continuing to implement plans to develop and renovate the infrastructure of prisons and other detention facilities;

(b) Ensure that all necessary measures are taken to ensure the right of persons deprived of their liberty to the highest attainable standard of health, inter alia through the provision of the necessary human, material and financial resources, including the hiring, training and allocation of an increased number of practitioners qualified in the treatment of mental health conditions, and ensuring timely transfer to specialized facilities where necessary;

(c) Take steps to strengthen access to rehabilitation and reintegration programmes in all places of deprivation of liberty, including by providing all detainees with meaningful activities, vocational training, and education, with a view to supporting their rehabilitation in the community;

(d) Implement measures for the prevention of inter-prisoner violence, early identification of risks, and appropriate management of dynamic security. All acts of inter-prisoner violence should be investigated and prosecuted, with appropriate punishments being handed down to perpetrators found guilty.

Special detention regimes

29. Recalling its previous concluding observations[15], the Committee remains concerned over severe restrictions imposed under the special detention regime provided for in article 41 *bis* of the Penitentiary Act, which limits time spent outside of cells and interactions between prisoners and restricts visitation and contact the outside world. The Committee is similarly concerned that measures under article 41 bis are applied for an initial period of four years, subject to extension every two years. At the same time, the Committee notes the judgment of the Constitutional Court No. 30 of 25 February 2025, which declared two-hour daily limits on detainees' outdoor time established under the Act to be unconstitutional. The Committee

[15] CAT/C/ITA/CO/5-6, paras. 34 and 35.

also expresses its concern that under article 72 of the Criminal Code, individuals may be sentenced by a judge to periods of solitary confinement ranging from two months to three years. The Committee further notes that no recourse exists for prisoners who wish to challenge their segregation for security reasons under article 32 of the Penitentiary Regulations (D.P.R. 230/2000) (arts. 2, 11 and 16).

30. **The State Party should strictly limit the use of special detention regimes to situations where such special regimes are absolutely necessary and ensure that any restrictive measures are individualized, proportionate and regularly re-evaluated. In this regard, the State Party should consider abolishing article 72 of the Criminal Code, and review the regime under article 41 bis of the Penitentiary Act, bringing it into line with international standards. The State Party should also ensure that solitary confinement, whether de jure or de facto, is used only in exceptional circumstances, as a measure of last resort and for the shortest time possible and establish a maximum duration of solitary confinement not exceeding 15 consecutive days, in law and in practice, in line with international standards, including rules 43 to 46 of the Nelson Mandela Rules. It should further guarantee that all decisions on solitary confinement are subject to procedural safeguards and regular and independent oversight, including medical monitoring, and that detainees have the right to challenge such measures.**

Deaths in custody

31. The Committee remains concerned by persistently high levels of deaths in custody in the State Party, with high numbers of suicides reported, particularly among the foreign detainee population and individuals held in regimes of solitary confinement. The Committee is also concerned that a large proportion of deaths in custody are attributed to causes which remain undetermined pending forensic clarification, indicating significant delays in carrying out forensic examinations (arts. 2, 11, 12 and 16).

32. **The State Party should assess the effectiveness of strategies, risk-assessment tools, and programmes for the prevention of suicide and self-harm, adequately train staff on their implementation, and adopt measures to ensure that all incidents of self-harm and all deaths in custody are documented and investigated in a prompt and impartial manner by an independent body, taking into account, where relevant, the Minnesota Protocol on the Investigation of Potentially Unlawful Death. The State Party should also strengthen the protection of prisoners in vulnerable circumstances and other prisoners at risk, in accordance with the Nelson Mandela Rules and the European Prison Rules adopted by the Council of Europe.**

Investigation and prosecution of acts of torture and ill-treatment

33. While welcoming the information provided by the State Party as regards investigations and prosecutions for alleged acts of torture, the Committee regrets that, due to the broad definition of torture under the State Party's domestic legislation, which allows for any individual to be prosecuted for the crime of torture regardless of State involvement, the Committee was unable to deduce the number of public officials, or other persons acting in an official capacity, or other individuals acting at their instigation or with their consent or acquiescence who had been subject to investigation or prosecution. In cases of investigation and prosecution of public officials, the Committee regrets information indicating that public officials are often not suspended from duty pending the outcomes. The Committee is also concerned over notable delays in the conclusion of investigations and prosecutions of acts of torture, noting the effect that such delays may have, not only on victims, but also on the perception of the public at large vis-à-vis justice and accountability (arts. 1, 2, 4, 11-13 and 16).

34. **The State party should ensure that all complaints of torture or ill-treatment are investigated promptly and impartially by an independent institution, that suspected officials are suspended from duty immediately for the duration of the investigation, particularly where there is a risk that they might otherwise be in a position to repeat the alleged act, commit reprisals against the alleged victim, interfere in the collection of evidence, or otherwise obstruct the investigation, subject to the principle of the presumption of innocence, and ensure that the alleged perpetrators are duly prosecuted**

and, if found guilty, given a sentence commensurate with the gravity of their acts. In this regard, the State Party should take the necessary measures to collect and compile data regarding the investigation and prosecution of acts of torture and ill-treatment included within the scope of the Convention, in particular those specifically falling within the definition contained in its article 1.

Training

35. The Committee takes note of the information provided by the State Party as regards its efforts to ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment. However, the Committee regrets that information was neither provided regarding the incorporation of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol), as revised, and the principles on effective interviewing for investigations and information gathering, known as the "Méndez Principles", into training and education curricula, nor on the development and application of methodologies to evaluate the effectiveness of education and training programmes (art. 10).

36. **The State Party should consider incorporating instruction on the Istanbul Protocol, as revised, and the "Méndez Principles" into training and education curricula for all relevant staff who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment. It should also ensure the effective implementation of training programmes on the prohibition of torture through the development and application of methodologies to evaluate the effectiveness of education and training programmes.**

Redress

37. While recognizing the State Party's continued contributions to the United Nations Voluntary Fund for Victims of Torture during the period under review, along with its participation in the Group of Friends of the Fund, the Committee expresses its regret that no information was provided by the State Party indicating the existence of reparation programmes, including programmes focused on rehabilitation and the treatment of trauma, made available to victims of torture (art. 14).

38. **The State party should ensure that all victims of torture and ill-treatment obtain redress, through effective remedy, including by ensuring an enforceable right to fair and adequate compensation and the means for as full a rehabilitation as possible.**

Statements obtained through the use of torture

39. The Committee takes note of information provided by the State Party indicating that statements obtained through the use of torture are prohibited under article 191 of the Code of Criminal Procedure. However, the Committee regrets that no information was provided regarding concrete instances in which evidence had been excluded due to its having been obtained through the use of torture (art. 15).

40. **The State Party should:**

(a) Continue to adopt effective measures to ensure that confessions and statements obtained through torture or ill-treatment are not admitted as evidence in practice, except against persons accused of committing torture, as evidence that the statement was made;

(b) Ensure that, when it is alleged that a confession or other statement has been obtained through torture, the allegation is investigated immediately, effectively and independently, and that alleged perpetrators are prosecuted and, if found guilty, punished;

(c) Compile and make public information on criminal proceedings in which judges, either on their own initiative or at the request of parties to the case, have ruled

that evidence obtained under torture is inadmissible, and the measures taken in that regard.

Protection of human rights defenders and restrictions on civic space

41. The Committee is concerned about allegations of judicial harassment of human rights defenders engaged in the provision of assistance to migrants, including those involved in search and rescue operations in the Mediterranean Sea, notably the criminalization of their activities under articles of the criminal code relating to the facilitation of illegal immigration. In particular, the Committee notes disproportionate sentences sought in many cases by prosecutors, in some cases up to 20 years' imprisonment, and the adoption of Decree-Law No. 1/2023, converted with amendments into Law No. 15/2023, which contains vague and overbroad language posing issues for legal foreseeability, and which imposes substantial financial penalties for non-compliance, potentially creating a chilling environment for the work of human rights defenders and hindering the provision of life-saving assistance by non-governmental organizations in the Central Mediterranean, as highlighted by the Council of Europe Commissioner for Human Rights.[16] The Committee also expresses its concern over the passing of Decree-Law No. 48/2025, converted into Law No. 80/2025, which was noted by the Organization for Security and Co-operation in Europe as undermining "the fundamental tenets of criminal justice and the rule of law", and which significantly expands police powers over public assemblies, provides for severe sentences for individuals participating in unauthorized demonstrations, and criminalizes passive resistance to orders or rules in prisons and migration detention centres. The Committee further expresses its concern over allegations of ill-treatment of human rights defenders upon arrest (arts. 2, 3, 11–13 and 16).[17]

42. **The State Party should support or promote the revision of Law No. 15/2023 and Law No. 80/2025 to ensure their conformity with international human rights standards and ensure that all human rights defenders are able to carry out their legitimate work in an enabling environment, free from intimidation or other forms of harassment. The State Party should also promptly, thoroughly and impartially investigate all allegations of ill-treatment and harassment of human rights defenders, prosecute alleged perpetrators, appropriately punish those found guilty and provide victims with redress.**

Data collection

43. The Committee takes note of information provided by the State Party regarding various institutions tasked with the collection and analysis of data on topics of relevance to the Convention, including on gender-based violence and discriminatory acts or violence motivated by hatred. However, the Committee regrets that the State Party did not provide statistical data on a number of issues, including in relation to extraditions, redress and terrorism arrests, despite the Committee's requests (arts. 2, 11-13 and 16).

44. **The State party should intensify its efforts to compile and publish comprehensive disaggregated statistical information on all matters relevant to its obligations under the Convention, including on all complaints and reports received of torture, ill-treatment, excessive use of force and abuse of power concerning public officials, including information on whether such complaints led to investigations and, if so, by which authority, whether the investigation resulted in the imposition of disciplinary measures or prosecutions, and whether the victims obtained redress.**

Follow-up procedure

45. The Committee requests the State Party to provide, by 1 May 2027, information on follow-up to the Committee's recommendations on non-refoulement, externalization of asylum procedures, conditions of detention, and special detention regimes (see paras. 16, 22 (b) and (c), 28 (a), and 30). In that context, the State Party is invited to inform the Committee

[16] Letter of the Council of Europe Commissioner for Human Rights to Italy, 26 January 2023.
[17] See AL ITA 6/2024 and AL ITA 3/2025.

about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the present concluding observations.

Other issues

46. The State Party is requested to widely disseminate the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations and to inform the Committee about its dissemination activities.

47. **The Committee requests the State Party to submit its next periodic report, which will be its eighth, by 1 May 2030. For that purpose, and in view of the fact that the State Party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, transmit to the State Party a list of issues prior to reporting. The State Party's replies to that list of issues will constitute its eighth periodic report under article 19 of the Convention.**