**ITALY**

***Ministry of Foreign Affairs and International Cooperation***

*Inter-ministerial Committee for Human Rights*

*Comitato Interministeriale per i Diritti Umani*

 **ITALY’S REMARKS**

**ON HUMAN RIGHTS OBLIGATIONS RELATING TO**

**THE ENJOYMENT OF A SAFE, CLEAN, HEALTHY AND SUSTAINABLE ENVIRONMENT**

***June 2019***

**ITALY’S REMARKS**

**Introduction**

1. Italian Authorities thank the Special Rapporteur on human rights and the environment and want to provide the following information.

**Background**

2. The Italian Constitution envisages the protection of all rights and fundamental freedoms included in relevant international standards, such as the European Convention on Human Rights and Fundamental Freedoms, the Human Rights Universal Declaration or the International Covenant on Civil and Political Rights. The protection and promotion of rights – be it civil and political, economic, social and cultural, be it referred to freedom of expression or to the fight against racism or to the rights of the child and of women – constitutes one of the fundamental pillars of both domestic and foreign Italian policies.

3. 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.

4. The right to a safe, clean, healthy and sustainable environment is guaranteed by the Italian Constitution through the joint consideration of Articles 9, 32 and 117. The Italian Republic protects the landscape (Article 9 (2)) and the right to health for all, and guarantees the highest standards of physical and mental health, as both a fundamental right and an interest of the collettivity (Article 32). According to Article 117 (2), the protection of the environment and of the eco-system is expressly reserved to the State legislative power, while the legislative power belongs to the State and Regions for the enhancement of the environmental heritage.

5. The Italian national administration responsible for the environmental sector is the Ministry of Environment, Land and Sea Protection. It was established in 1986, originally named as the Italian Ministry of the Environment and Territory and renamed in 2006. Within its scope of competency lie responsibilities related to: sustainable development, protection of territory, pollution and industrial risks, international protection of the environment, appraisal of environmental impact, nature conservation, waste and cleanup, and protection of seas and inland waters.

6. The Italian Ministry of the Environment, Land and Sea Protection is strongly committed to promoting and supporting international partnership and cooperation towards global sustainable development. It is mainly in charge of governing and supervising the environmental problems. It also provides economic and technical support for the developing countries promoting the sustainable development on environment. The Ministry rules the following three environmental areas: energy, climate and air pollution. There are 6 departments in the Ministry such as Nature Protection Department, Living Quality Department, Environmental Research and Development Department, Environment Protection Department, Land Prevention Department and Interior Service Department. Each department has different administering areas according to the different environmental areas.

**Recent Developments**

7. Italy is strongly committed to pursuing the objectives that aim to environment protection, energy security, and the reduction of polluting and climate-changing emissions.

8. With the 2030 Agenda for Sustainable Development, the international community has recognized the need to take urgent action to combat climate change and its impacts (SDG 13, which will be reviewed in-depth at the High-level Political Forum next July [2019](https://sustainabledevelopment.un.org/hlpf/2019)). Italy has been at the forefront within the negotiations and adoption of UN Agenda 2030 and, prior to that, with regard to MDGs. The National Strategy for Sustainable Development (acronym in Italian, SNSvS), in places since 2018, is to be considered the coordination tool to implement Agenda 2030 in Italy. The SNSvS focuses on six areas, in light of the “five Ps”, namely People, Planet, Peace, Prosperity, Partnership and Sustainability-related vectors.

9. In addition, Italy has developed the first Italian National Action Plan (NAP) on Business and Human Rights for 2016-2021 in line with the implementation of the “Guiding Principles on Business and Human Rights” unanimously endorsed by the UN Human Rights Council in 2011. In 2018 Italy, first country to do so, did a mid-term review of the Italian National Action Plan on Business and Human Rights, and shared the outcome at the 2018 UN BHR FORUM. The Action Plan was elaborated and revised by an *ad hoc* working group, coordinated by the Inter-ministerial Committee for Human Rights, composed of representatives of several ministries and institutions. Its contents have also emerged from wide consultations with experts, business representatives, trade unions and non-governmental organizations.

10. Italy undertook to coordinate the implementation of the NAP with the 17 Goals of the UN Agenda 2030 for Sustainable Development and engaged for a stronger national adherence to human rights and sustainable development in its three dimension - economic, social and environmental – in line with the Sustainable Development Goals. The Action Plan, as revised, sets as specific priority, subjected to regular review and update by the Business and Human Rights Steering Group (composed of all the administrations represented in the Inter-miniterial Committe for Human Rights), promoting environmental protection and sustainability.

11. Recent policies, legislative initiatives and implementation measures adopted by the Government include the ‘legality rating’. It was introduced in 2012 for the promotion of principles of ethical behaviour in business. In the elements promoted for the ‘legality rating’ there is the adherence to the guidelines provided by the Legislative Decree No. 231 of June 8th 2001 on the administrative liabilities of companies and the adoption of corporate social responsibility within their own modus operandi, aimed at promoting human rights and preventing potential abuses. The Decree No. 231 introduces essential provisions regulating the relationship between companies and the stakeholders, sanctioning enterprises that through their managers, company’s officers, subordinates (or third parties acting on behalf of the company), commit specific offences, including environmental crimes. In 2015, new environmental crimes have been introduced by law n. 68, e.g. environmental disaster, environmental pollution, and failure to decontaminate. (The complete list of the companies that have obtained a rating, with their score, is published on the Italian Competition Authority website: [www.agcm.it/rating-dilegalita/elenco.html](http://www.agcm.it/rating-dilegalita/elenco.html).) A specific measure of the NAP consists of ensuring the full implementation of Law 221/2015 on environment to foster green economy measures and sustainable use of natural resources.

12. Indeed, the promotion of high environmental standards by enterprises beyond National and EU legislation is an essential contribution to the respect, promotion and fulfilment of human rights. Particularly relevant in this context are initiatives relating to green economy taken by the Government (Ministry of Environment and Ministry of Economic Development) in partnership with relevant stakeholders (such as national research centres, universities, business enterprises and environmental associations at national and international level) and other international actions undertaken in the field of countering climate change and issues such as land grabbing.

Other specific measures included in the revised NAP are:

- Support the National Dialogue on Sustainable Finance led by the United Nations Environment Programme (UNEP) Inquiry with the Ministry of the Environment, and involving major banks, insurances and institutional investors as well as their associations and policy makers;

Promote environmental accounting in sustainability reporting and encouraging the adoption of disclosure processes for the assessment and communication of the environmental and carbon footprint of business;

- Strengthen human rights protection and promotion of low-carbon, ecologically sound technologies through climate change international cooperation in line with the Organisation for Economic Co-operation and Development (OECD) Guidelines and the Guiding Principles.

13. Italy is committed to ensure that business enterprises that: i) are owned, controlled by the State; ii) receive support, benefit from services from Government agencies; iii) contract and conduct commercial transactions with the State, operate in full compliance with human rights enshrined in domestic legislation, international regulations and standards, and soft law instruments. Italy fully adheres to the principles of enforcement of socially responsible procurement and is engaged in ensuring that the respect for human rights is taken into consideration in all procurement stages. In this regard, the definition of social criteria in all the stages of the procurement stations is made according the "Minimum Environmental Criteria" (CAMs), which have been adopted with Decree of the Ministry of the Environment within the frame of the “Public Consumption Sustainability Action Plan (PAN GPP)” approved with Decree of the Ministry of Environment in cooperation with the Ministers of the Economy, Finance and Economic Development in line with article 1, comma 1126 of Law no. 296/2006 and where CAMs involve products from categories which may be at risk of human rights violation. The partial revision of the aforementioned Plan was aimed at strengthen the task of pursuing social protection and ethic goals with particular focus to human rights protection and the right to decent work in the supply chain.

14. The traceability of the supply chain established following the investigation on products according to the Minimum Environmental Criteria which procurement stations are obliged to include in the all project documentation in line with article 34 of the new Public Procurement Code (Legislative Decree n. 50/2016), may be used also to verify the respect of specific rights related to workers, their wages and other aspects on safety and working conditions also in the supply chain. Besides the “Guida per l’integrazione degli aspetti sociali negli appalti pubblici” (adopted with Ministerial Decree of 6 June 2012) which gives indications to include social criteria in the contractual activities of public administrations by referring to minimum human rights standard and working conditions (ILO Conventions) in the supply chain of public procurement, specific indications on human rights due diligence have been integrated within the Minimum Environmental Criteria such as those defined with regard to textile products and adopted with Ministerial Decree of 11 January 2017.

15. Export Credit Agencies and Investment Insurance Agencies (ECAs) provide government-backed loans, insurance and guarantees to support business enterprises industrial projects abroad, especially with regard to complex and risky environment. The strategic role of these public agencies (SACE and SIMEST) make them more exposed to the risk of being associated or linked with human rights infringement: they both apply the OECD Recommendation on Common Approaches and Environmental Due Diligence and conduct risk analysis on environmental and social impact in their operations.

16. Italy also supports respect for human rights within the UNEP rights-based approach to environmental protection and sustainable development. Italy has implemented Principle 10 of Rio 1992 ratifying the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.

17. In Italy, since 2010, “natural” phenomena have had significant impacts (disruption, damage to infrastructure, victims) on 198 municipalities, which have experienced 340 extreme weather events and 109 cases of damage to infrastructure caused by heavy rainfall have been reported.

18. In 2018, Italy delivered its “*Energy and climate plan, as prescribed by the Clean Energy for all Europeans Package for the period 2021-2030*” to the European Union, which defines the Italian path towards implementation of the Paris Agreement, via the EU 2030 Strategy. The protagonists of this project, which was created by a team of policymakers and technicians and will bring benefits at a global level, are citizens and businesses. The new Plan will enable the 2030 targets for renewables and energy savings, which have been updated in 2018 with the new targets agreed by the European Council, to be taken into account.

19. The first part of the 2030 National Energy and Climate Plan (NECP) deals with the target that Italy aims to reach in terms of renewable energy, emissions and [energy efficiency](https://www.renovisenergy.com/en/blog/energy-efficiency-consultancy.htm). The forecasts made by technicians in the energy field demand are encouraging: according to the experts consulted, in fact, as much as 30% of gross final consumption will be covered by renewable sources by 2030. The industrial sectors will contribute differently to the achievement of the target. In the electricity segment, 55.4% will be achieved, in transport 21.6% and in heating 33%. Another issue addressed in the Italian NECP is energy efficiency. In this case, specialists have estimated a reduction in primary energy consumption of 43% and final energy of 39.7% compared to what was reported in the PRIMES 2007 energy plan. The NECP for the period 2021-2030 also deals with emissions. In this case, the target is a 33% reduction in greenhouse gases for all sectors not covered by the ETS. Finally, the 2030 NECP introduces the Strategic Environmental Assessment (SEA), which aims to examine the environmental impact of the Plan in 2019 to demonstrate that the fight against climate change for Italy is a concrete commitment.

**Conclusions**

20. Italian Authorities take this opportunity to reiterate their firm willingness to continue cooperating with all relevant UN Special Procedures, mechanisms and bodies.