**ITALY**



***MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION***

***inter-ministerial committee for human rights***

**ITALY’S CONTRIBUTION**

*June 29, 2020*

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To the attention of

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Further to your query, Italian Authorities are in a position to provide the following information, **for your information only**.

**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 specific issues**

5. The Italian approach to countering terrorism is based on the respect of human rights and humanitarian law as well as the rule of law. This approach is promoted in all international fora dealing with international terrorism: Italy is a leading player in the global fight against terrorism and violent extremism.

6. In the **UN** context, this approach is currently informing the national priorities of the three-year term of Italy in the UN Human Rights Council (2019-2021).

7. With reference to the phenomenon of Foreign Terrorist Fighters, Italy promotes an approach based on human rights’ compliance.

8. As non-permanent member of the UN Security Council in 2017, Italy supported the adoption of UNSC Resolution 2396 on returning and relocating foreign terrorist fighters. In the same year, Italy also promoted the adoption of Resolution 2347 on the protection of cultural heritage, which emphasizes the unlawful destruction of cultural heritage, and the looting and smuggling of cultural property in the event of armed conflicts, notably by terrorist groups. In doing so, the Resolution highlights the nexus between international humanitarian law (especially the norms dealing with the protection of cultural property) and counter-terrorism efforts.

9. Within the **European Union**, Italy has contributed to the adoption of the latest Council Conclusions on EU External Action on Preventing and Countering Terrorism and Violent Extremism, dated June 16, 2020, which by recalling the EU priorities in UN Human Rights Fora of 17 February 2020, stress that all counter-terrorism measures must be conducted in full compliance with EU core values, including the rule of law, in particular international human rights law, humanitarian law and international refugee law.

10. The Council Conclusions also reiterate the EU and its Member States commitment to proactively support and promote human rights and the principles of international law in all aspects of global counter-terrorism efforts and in all its strategic partnerships, including the regular reviews of the UN Global Counter-Terrorism Strategy.

11. Within the **Global Coalition to Defeat Daesh/ISIS**, on the occasion the recent virtual meeting of the Small Group of the Global Coalition, organised in June 2020 at the invitation of the Italian Minister of Foreign Affairs, H.E. Hon. Mr. Luigi Di Maio and the US Secretary of State, H.E., Hon. Mr. Michael R. Pompeo, the Foreign Ministers of the Small Group emphasized *inter alia* that international law, including international humanitarian law and international human rights law, as well as relevant UN Security Council resolutions, must be upheld under any circumstances. They also committed themselves to ensuring that accused terrorists, including those ones of a foreign nationality, are treated appropriately and tried consistently with international law and the principle of fair trial, and urged custodians of the detained Daesh/ISIS fighters to treat them humanely at all times, and in accordance with international law.

12. At **OSCE**, in 2018 during the year of Chairmanship, Italy organized an international conference addressing the challenges posed by the flows of returning foreign terrorist fighters, which emphasized the importance of addressing the phenomenon in a manner consistent with international obligations and human rights standards.

13. Within the **G7** framework, in 2017 Italy promoted the adoption of the G7 Taormina statement on the fight against terrorism and violent extremism, which reiterates the commitment of the G7 Leaders and their respective countries to respect human rights and fundamental freedoms in fighting against terrorism and emphasizes that all counter-terrorism efforts must be based on the principles of democracy, respect of human rights and the rule of law.

14. Italy is also among the founding members of the **Global Counter Terrorism Forum (GCTF),** which is focused *inter alia* on developing effective human rights compliant counter-terrorism practices in the criminal justice sector.

15. Italy is also part to the **Christchurch Call**, aimed at addressing the issue of terrorist and violent extremist content online and to prevent the abuse of the internet as occurred in and after the Christchurch terrorist attack. In doing so, the parties to the Call commit themselves to acting in a manner consistent with the principles of a free, open and secure internet, without compromising human rights and fundamental freedoms, including freedom of expression.

**Conclusion**

Italian Authorities take this opportunity to reiterate their firm willingness to continue effective cooperation with all UN Special Procedures.