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**AGAINST CRIMINALIZATION OF ENVIRONMENTAL ACTIVISM AND
RIGHT TO PROTEST IN ITALY, AND IN SUPPORT OF NATIONAL
MOBILIZATIONS AGAINST DRAFT BILL 1236**

Europe, December 12, 2024

We, the undersigning organizations, groups and collectives working on human rights, climate justice and environment and in support of environmental rights defenders in Europe hereby express our concern about the draft bill 1236 (ex 1660) on security currently in discussion at the Italian Senate. Overall, the decree marks a worrying further restriction to the legitimate rights of freedom of expression, assembly and protest, to the extent that many Italian civil rights and human rights organizations label it as the most serious attack to the freedom of protest ever waged in recent decades. This trend is not limited to Italy, as we can record in our work in support of the right to protest and defend the environment in various European countries. It is the result of a progressive restriction of civic space and fundamental rights that goes hand in hand with the weakening of the rule of law and the disregard, if not violation, of international standards and conventions by a growing number of governments around the world.

In the case of Italy, we are concerned about the impact of certain prescriptions on the right of climate and environmental movements and organizations to carry out demonstrations and protests as recognized by international human rights standards and conventions. Particularly worrying is the introduction of criminal offense for human roadblocks that would accompany administrative penalties. Specific aggravating circumstances are also envisaged in cases where the roadblock is carried out by more than one person, with prison sentences that would range from six months to two years.

We wish to recall that the issue of the relationship between the activities and initiatives of climate justice movements and the legitimate exercise of the right to freedom of assembly and freedom of association was addressed by, among others, a specific communication by the UN Special Rapporteur on the right to freedom of association and assembly. The Special

Rapporteur refers to the UN Human Rights Council's opinion according to which *“private actors and society at large are expected to accept some form of limitation on their activities in the exercise of this right. Any form of punishment provided for 'traffic interruption' or other public protest activities should be clearly defined to ensure respect for human rights and to prevent unjust forms of interference with the right to freedom of peaceful assembly.”*¹ In fact, roadblocks, as a mode of exercising the right of assembly, should be considered as *“legitimate use of public space”*, equally with other modes of its use, such as the movement of vehicles or people or the conduct of economic activities. Therefore, a certain level of *“disruption of ordinary life caused by assemblies, including temporary disruption of traffic”* should be tolerated, unless it entails disproportionate consequences or imminent danger to public safety. Further concerns were expressed by the Special Rapporteur on Environmental Rights Defenders under the Aarhus Convention Michel Forst in 2024.²

Therefore, organizers of such demonstrations should have the freedom to choose, without interference from state authorities, what may be the most effective ways to get their message across. In summary, roadblocking is a legitimate form of protest, and states should therefore protect the necessary spaces of agency for civil disobedience and nonviolent direct action campaigns. No restrictions should be imposed on these forms of peaceful protest, and utmost caution should be exercised in deciding about arrests, charges, preventive detentions, convictions or imposition of fines against climate activists engaged in such actions.

It should also be noted that under a separate bill approved earlier by the Italian Parliament, activists that hold nonviolent demonstrative actions in museums or by monuments would be subject to increased fines and possible detention.

The repressive apparatus envisaged in the Security Decree is not limited to the “criminalisation” of nonviolent civil disobedience practices, but affects also communities and movements resisting unnecessary and imposed large-scale infrastructures. In fact, another provision proposed in the Security Decree introduces aggravating circumstances (with the possibility of a prison sentence of up to 20 years) for the crimes of resistance and violence to a public official if the same are committed *“in order to prevent the construction of a public work or strategic infrastructure.”*

Finally, we wish to express our strong condemnation of the evident targeting of specific social groups by the proposed draft bill which would undermine a wide spectrum of fundamental rights. As a matter of fact, this legislation would further criminalise and marginalise vulnerable communities, including immigrants, beggars, the homeless, Roma people, those residing in squats, and detainees.

In the light of the above we express our support and solidarity to the Italian organisations, networks and movements that are converging on a common platform to reassert the fundamental rights to freedom of expression, association and protest as well as to protect and defend the environment and to mobilize for climate and social justice.

1 <https://documents.un.org/doc/undoc/gen/n21/203/78/pdf/n2120378.pdf>

2 https://unece.org/sites/default/files/2024-02/UNSR_EnvDefenders_Aarhus_Position_Paper_Civil_Disobedience_EN.pdf

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