



**LETTER FROM THE COUNCIL OF EUROPE COMMISSIONER FOR HUMAN RIGHTS TO THE PRESIDENT OF THE ITALIAN SENATE ON THE SECURITY BILL: DO NOT APPROVE THE CURRENT TEXT, IT WOULD VIOLATE THE COUNTRY'S FUNDAMENTAL RIGHTS AND INTERNATIONAL COMMITMENTS.**

Rome, December 20, 2024. Following concerns expressed during the debate on the Security DDL in the House by the OSCE's Office for Human Rights and Democracy, comes today the position of the Council of Europe's Commissioner for Human Rights, Michael O'Flaherty. Already in recent days, dozens of human and civil rights networks, associations and organizations in Europe had signed a joint statement on the right to protest and against the DDL. <sup>1</sup>

In a letter sent in recent days to Senate President Ignazio La Russa, <sup>2</sup>and made public today, it is stressed that most of the articles of the ddl in question risk violating or contradicting fundamental rights, including the right to freedom of expression and association, recognized by international conventions to which Italy is a party including the European Convention on Human Rights.

In particular, the Human Rights Commissioner points out how Bill 126 overextends the possibility of intervening in public assemblies or against individuals participating in peaceful protests. These include Article 14 on roadblocks, Article 11 on aggravating circumstances for offenses committed in or near railway or subway stations, Article 13 on the possibility of preventing access to certain areas near transportation infrastructure, Article 24 introducing prison sentences for “defacing” buildings or public property, Article 26 introducing the crime of prison riot, and Article 27 introducing the crime of rioting in migrant detention centers .

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<sup>1</sup> <https://www.indifesadi.org/2024/12/13/against-criminalization-of-environmental-activism-and-right-to-protest-in-italy-and-in-support-of-national-mobilizations-against-draft-bill-1236/>

<sup>2</sup> <https://rm.coe.int/letter-to-president-of-the-senate-italy-by-michael-o-flaherty-council-/1680b2e8d7>

*“It is my view that these provisions, which introduce offences that are defined in vague terms, and include other severe restrictions, create room for arbitrary and disproportionate application, affecting activities that represent a legitimate exercise of freedom of peaceful assembly or expression. In particular, by providing for the imposition of significant prison sentences merely for participating in demonstrations that may not have been violent or caused damage, Bill 1236 imposes restrictions that may not be consistent with the requirements of the Convention. It also creates a chilling effect on the legitimate exercise of public freedoms, which authorities must take into account when designing legislative measures”* , reads the letter, where it adds that some of the planned measures appear to be specifically aimed at environmental activists already subject to restrictive measures known to Council of Europe offices.

The Human Rights Commissioner therefore urges that the bill not be passed unless substantive changes are made. *“I respectfully ask members of the Senate to refrain from adopting the bill unless it is substantially amended to ensure that it meets the Council of Europe's human rights standards.”*

In Difesa Di welcomes the position expressed by the Council of Europe, and urge senators and senators to follow up on them in order to ensure full compliance with the country's international civil and human rights commitments. Precisely because of the remarks made by the Council of Europe, we believe that The bill should be withdrawn, since under current conditions we do not see it as amendable. We also reiterate our concern about the securitarian drift that this bill foreshadows. All the more so since our country this year is subject to the periodic review of the state of implementation of international commitments on human rights by the UN Human Rights Council (UPR-Universal Periodic Review) which includes precisely civil rights, and the fundamental freedoms so threatened by the current text under discussion in the Senate.

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