

## Human Rights Challenges: an Italian Perspective

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To introduce the theme of this presentation, it's useful to share some emblematic figures.

Unemployment in Italy is at 11%: 9,9% men and 11,9% women.

The unemployment rate among youngsters between 19 and 24 years arrives at 35,3%.

Families below the poverty line sum at 11,1% for a total of 8,2 million of people.

Absolute poverty affects 5,2% of the Italian families for a total of 3,4 million of people.

Finally, 11,7 million of Italian are suffering a dramatic crisis due, in one way or another, to the difficulty to get a regular job.

It's an absolute paradox since the first article of the Italian Constitution states the Italy is “a Republic founded on labor”.

When our constitutional fathers decided to write such an article after the tragedy of WWII, they had a clear intention: labor should have been the basic tool to start a new democracy and to grant a future to new generations of Italians.

In other words, we could also affirm that they intended to recognize labor as a basic right, in a certain sense the *first ring of a chain of rights*.

Now, in front of the challenging unemployment rates I have just mentioned, we can say that what the Italian Constitution considers the first and the basic right is blatantly denied and violated.

Furthermore: if this basic right is denied, at least according to the rationale of the Italian Constitution, the entire system of rights is seriously compromised.

In the context of this international conference, the big question is: is the right of labor a basic human right? Can we conclude that the negation of this right is related with the violation of other universally recognized human rights?

I do believe that rights are related one to the others.

Let's consider other rights, what we are used to consider basic human rights, those who are entitled to the victims of war, persecution for religious causes, human trafficking: the Italian legislation on this matters results absolutely inadequate to grant those rights.

## **TORTURE and PRISONS**

International Courts and the Council of Europe have stressed that Italy doesn't have a law combating the crime of torture. It happened that Italians detained in State prison died after brutal violence committed by policeman, hard not to consider a real torture. Nevertheless for the Italian law this was violence, brutal violence but nothing more than violence.

If not torture, institutional violence is perpetrated in Italian prisons where more than 65.000 detained are kept in space that could accommodate 47.000 people: almost 20.000 thousand people more than acceptable.

The European Court for human rights condemned Italy in 2009 and also this year for this overcrowd situation.

## **ROMAS, MIGRANTS and REFUGEES**

Other condemnations to Italy by European authorities are related to the situation of the Roma minorities, most of them Italian but de facto class b citizens, marginalized and confused with Roma migrants from Bosnia or Romania.

Probably this is the most delicate case study, expression of the Italian difficulty to implement human rights policies and politics.

Lampedusa is getting familiar to most of you, and here in Palermo we are only a few miles away from that wonderful island and the sea where thousands of migrants yearly die for a couple of reasons.

1. Italy doesn't have an effective and realistic immigration policy.
2. Europe isn't ready to consider Lampedusa and what it expresses a European matter, to be managed at European level.

What happens in Lampedusa and other Mediterranean sites is an evident violation of basic human rights for, at least, three reasons:

1. Right of asylum is denied to people forced to sail in desperate and inhumane conditions, victims of human traffickers
2. Right of asylum is denied to people whom the Italian law considers illegal aliens or migrants and so forced to stay in detention centers
3. Basic human rights are denied because Italy and Europe don't recognize the complexity of the migration processes in the global era. Push factors for emigration are getting stronger and stronger in larger areas of the global South. The illusion to prevent migration with physical walls or natural barriers as the Ocean will necessary fail because the pressure of the misery, hunger, famine is much stronger and effective. Those who decide to immigrate

to Italy paying human traffickers decide to put in their hands their life and the life of their children.

This is the tragic reality challenging us, our governments and, let me say, our churches. Answers aren't easy: nevertheless we cannot ignore that the current system daily perpetrates human rights violations.

*Frontex* will never be the answer to this situation: we need a new, global approach to migrations in the Euro-Mediterranean region considering a broader interpretation of the right of asylum, of the right of free circulation, of our development and North-South cooperation policies.

This isn't an Italian issue only and we urge our partners in Europe to consider that this problem will never get a solution but in a regional frame.

At the same time, I cannot deny that Italy has specific problems, first of all the fragility of a model for integration. For a too long time, Italy dreamed immigration without integration, manpower without men and women, workers who aren't citizens - and is now paying the social price for this guilty undervaluation.

## **SEX and GENDER DISCRIMINATION**

A couple of days ago, a gay teenager committed suicide because he felt discriminated by the society and probably the people surrounding him. It isn't an isolated case. As it is not the spreading violence against women: women, fiancée, daughters, sisters who are killed because they question the male power or their bodies and their lives. Let's call it *feminicide*, because the gender of the victims isn't irrelevant: they are killed, raped or beaten just as women. Since the cases aren't isolated - many hundreds in one year- we have to be aware there is cultural factor in their increasing: a weak culture of gender equality, a weak culture of women rights.

## **RELIGIOUS FREEDOM**

The religious history of Italy is well known. Until 1948 the Roman Catholic Church was the "only religion of the State". This isn't the case any longer and according the Italian Constitution "all the religious institutions are equally free in front of the State". But, under many regards, this remains a virtual affirmation.

The problem is that Italy still keeps a fascist law on the so called "admitted cults", passed in the '20es during the fascist regime. The term "admitted" is meaningful because it states that the State has the power to admit or not to admit some religious institutions to the public space and to entitle them or not to entitle them basic religious freedom in jails, hospitals and so on.

If you want, despite the principle of equal freedom, the Italian system is characterized by a hierarchy of rights: at the top you have the concordat between the State and the Catholic Church.

At a second level you have ordinary laws, the "agreements" (intese), between the State and some - some only - religious communities (various Protestant and Evangelical denominations, Orthodox, Jews, Mormons, Hindus, and Buddhists). Among other benefits, these institutions can get public funds through the "Otto per Mille" system (a percentage of the personal income taxes that the taxpayer can address to a religious institution among those who are admitted as recipients or to the State).

At another lower level you have some admitted religious institutions that are recognized as religious bodies.

At the lowest level you have churches and other communities of faith who aren't entitled any specific religious right. For the Italian law they are simple associations.

If you want, there is even a lowest level grouping the communities of faith largely composed by migrants who suffer a double discrimination: because they belong to a unrecognized religious minority and because they are migrants.

The consequences of this stratification are serious and affect the principle of secular State or Church- state separation. The symbolic juridical case we can refer to is Lautsi vs. Italian government arrived to the European court of human rights in 2009. The case was related to the exhibition in a school class of the crucifix. It was a violation of personal beliefs, according the Court at the first stage of judgment in 2009. It was not, according the Grand Chamber in 2011.

### **Final remarks**

On a variety of issues, Italy results not to respect fundamental rights or not to implement them at an acceptable European standard. Prisons, migrants and religious freedom appear to be the most critical issues.

To overcome this gap is an Italian agenda. But the Italian agenda interrelates with the European and even global agenda of rights.

Churches as well as other religious bodies can be fundamental and effective vectors to implement this agenda. In a time of crisis, human rights appear to be a secondary issue. It's popular, for instance, to affirm that economy is the priority and the resources have to be addressed to recover it.

As believers in Christ we are called to say no to this prioritization. We pursue an holistic approach, considering the human being in his or her wholeness: body and spirit, reality and aspirations, mind and heart, bread and roses.

Human rights and social welfare are inseparable, two different aspects of an inclusive truth.

This is rooted in the history of the Protestant witness in Italy, in our holistic theological vision, in the reality of the global economy challenging us today.