**

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

***Inter-ministerial Committee for Human Rights***

***OHCHR request concerning the 45 HRC Session oral update on COVID-19 pandemic Countries’ commitment to ensure effective enjoyment of human rights***

***August 2020***

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**Italy contribution following the OHCHR request concerning the 45 HRC Session oral update on COVID-19 pandemic Countries’ commitment to ensure effective enjoyment of human rights**

Italy has been among the Countries the most exposed to Covid-19 since its inception: due these very complex and critical conditions, nonetheless we have made hard efforts to share and collect information about the situation all over the territory.

Following to your query, Italian Authorities are in a position to provide the following information. Please take note that some sources result from the interactive dialogue and contribution concerning data and information submitted to the EU Fundamental Rights Agency as well as to some UN Special Procedures which have yet asked for specific input on the impact of Covid-19 on human rights in last months.

1. ***the role of human rights in shaping the response to the pandemic and recovery, both for the public health emergency and the broader impact on people’s lives and livelihoods.***

First of all, in the light of the emergency generated by Covid-19 and the measures taken by the Government to contain it, the Italian Institute of Statistics (ISTAT) has taken a series of actions to ensure the continuity and quality of statistical production even in the emergency situation. ISTAT has reoriented the collection of statistical data on sustainable acquisition techniques in this context, with methodological solutions and innovations in the use of data sources, and has put in place the most appropriate solutions to support statistical production processes, in full protection of workers’ health. The production and dissemination of official statistical information, as key precondition to measure the evolution of the economy and society at the service of institutions, public decision-makers, households and businesses, cannot stop, but must be reconsidered in order to be ready to provide all the necessary answers to the country, also and especially for the future, when the dissemination of data will be necessary to support and monitor the country's recovery.

Several legislative measures have been adopted by the Italian Government since the outbreak of the pandemic. By the first Decision of the Italian Government of 31 January 2020, the state of emergency is officially declared to face the acceleration of the virus transmission. Other Decisions have been issued throughout the last months until August 2020, according to the evolution of the pandemic and the planning of economic and social interventions. The consequence of the first declaration is that the Italian Civil Protection is made responsible of managing the emergency through the adoption of ordinances. The Government earmarked an initial EUR 5,000,000 to manage the emergency, taken from the Fund for National Emergencies (*Fondo per le Emergenze Nazionali*). The Italian Civil Protection (*Protezione Civile*) has been the public body entrusted with the mandate to manage and organise the activities necessary to deal with the emergency, as far as the support to the population and the re-organisation of public services are concerned (in compliance with the Legislative Decree No. 1 of 2 January 2018 , governing the activities of the Italian Civil Protection). With the Resolution, the Head of the Civil Protection was given the authority to issue Ordinances to deploy the interventions, in conformity with the in-force legislation. The above mentioned budget was increased of additional EUR 450,000,000 with the Resolution of the Italian Government of 6 April 2020 and of additional EUR 900,000,000 with the Resolution of the Italian Government of 20 April 2020.

An overall overview about the involvement of all stakeholders in debating over the pandemic’s impact and the need to tackling it through national, regional and local actions has been carried out since the establishment of a Task Force of experts in economic and social matters. The Italian Prime Minister, in the press conference of 10 April 2020 announced the creation of this Task Force (whose composition was amended on 12 May 2020) with the task of elaborating and proposing measures necessary to deal with the emergency and for a gradual recovery in the various sectors of social, economic and productive activities. The Task Force is chaired by Mr. Vittorio Colao and has worked in coordination with the Scientific Technical Committee referred to in Art. 2, paragraph 1, of the Ordinance of the Head of the Department of Civil Protection No. 630 of 3 February 2020. The results of this work have been introduced in a document released in early June 2020 where the identification of new organizational and relational models, taking into account the needs of containment and emergency prevention as well as social, economic and productive challenges in the post-pandemic period.

Moreover, on 31 March 2020 the Ministry of Technological and Digital Innovation – in cooperation with the Ministry of Health – set up a task force of 74 experts whose mission is to assess and propose data-driven technological solutions supporting the Government and the other public authorities dealing with policies to counter Covid-19 propagation. The experts were selected by the two Ministries, with the support of the National Health Institute (*Istituto Superiore di Sanità* – ISS), the WHO, the Antitrust Authority, the Communications Authority and the Data Protection Authority. The specific goals of the task force are: mapping the available data-driven technological solutions and the proposals arrived in response to the call described in the previous paragraph; analysing and assessing the data provided by public and private stakeholders concerning the pandemic emergency, respecting the in-force data protection legislation.

As for the recruitment of new healthcare personnel supporting hospitals, the Italian Government has given more funds to the Regions and then to the hospitals in order to be able to do this. As a result hospitals have had the opportunity to call back retired healthcare personnel and, on the other hand, to block temporary the retirement of staff on duty. Hospitals have had also the opportunity to recruit temporary doctors still in their postgraduate training path (those on the 2nd, 3rd, 4th and 5th year of specialization), even if in Italy to work in public hospitals it is usually compulsory to have a specialization. Similar measures were taken to facilitate the recruitment of healthcare personnel, in particular a simplified procedure was taken to allow foreign healthcare personnel from EU/EFTA countries and third countries to be able to practice in Italy (Art. 13 of Law-Decree No. 18/2020). Thanks to these measures around 27.000 healthcare professionals of which about 6000 doctors and about 12.000 nurses have been recruited during this emergency. With the same legislative means, measures were then taken to strengthen territorial assistance also through the creation of new structures (USCA) with the task of managing at home the suspected or confirmed Covid-19 patients, who do not require hospitalization, to support family doctors (Art. 8 of Law-Decree No. 14/2020). The territorial nursing services have also been strengthened (Art. 1 of Law-Decree No. 34/2020).

***(b) human rights good practices by States and other actors to mitigate the human rights impact of COVID, including on vulnerable or marginalised communities.***

As an indication, some of the population groups most affected by the economic and social crisis following Covid-19 are:

• the elderly, people with disabilities, not self-sufficient, families in poverty who have suddenly seen - in the face of unchanged or fuelled needs - the spectrum of assistance services they could access and activities to carry out, due to the containment measures;

• school-age children who, despite the efforts of many teachers and educators, have lost school time, accumulating learning delays, increasing the risk of early school leaving and the spread of educational poverty and child labour;

• the chronically ill or waiting for diagnosis, who have seen a reduction in the access to health services for specialist visits;

• poor workers, whose activities have been suspended or reduced, seeing their earnings conditions worsen and low-income workers, to whom the wage integration tools, while allowing not to lose their jobs, have not guaranteed sufficient income to meet the needs of life;

• precarious workers whose employment contracts have not been renewed and self-employed workers who have experienced the suspension or loss of job orders;

• foreign citizens awaiting a residence permit, or to whom it has expired, or awaiting acceptance of the asylum application, who - despite the postponements of the deadlines set by the approved decrees-law - risk seeing their living conditions and inclusion opportunities worsen, remaining for months in a regulatory limbo that could push them into social marginality, fuelling episodes of exploitation. In particular for people in informal camps;

• small entrepreneurs who - following the closure of activities and the contraction in consumption - have lost the liquidity necessary to keep the company in business as well as the sectors that will drastically reduce their chances of operating due to the physical distance, causing loss of employment even in the related satellite activities (e.g. catering, show business).

As per women’s rights, a Task Force named “Women for a new Renaissance” was established under the leadership of the Minister for Equal Opportunities and the Family; it is composed of 12 women representing several sectors and has been convened firstly on 15 April 2020 on streaming in order to draft ideas and proposal for the post-Covid-19 social, cultural and economic restart. The main tasks of this Task Force have been to:

• produce analysis and scientific evidence relating to the impact of the Covid-19 outbreak on gender issues;

• formulate proposals to increase the percentage of women in all areas of work, to overcome barriers to advancement in career paths, especially in the fastest growing fields (STEM, computer computing, cloud computing, data and artificial intelligence, etc.), to contrast gender stereotypes that prevent women from reaching leadership positions and to build a more inclusive sustainable future for all;

• draw up a policy document with the definition of priorities and policies in operational terms to address the challenges for gender equality in all sector and to strengthen the presence and role of women in all the areas examined, with a focus on the social, cultural and economic revival of Italy after the epidemiological emergency from Covid-19.

The Task Force was divided into thematic sub-groups to release a final Note, which is based on data and scientific evidence on the impact of the pandemic in different sectors and introduces a first series of proposal for actions and recommendations that will be integrated through the planning activities of the Department for Equal Opportunities.

In the penitentiary field, a structure plan is being studied and submitted to the Technical Panel of the Ministry of Health in order to set up a national operating protocol for the prevention and control of Covid-19 infection in adult and juvenile prison facilities. The decisions will be taken in close cooperation with the National Institute of Health, the Civil Protection Department, and the Regional Healthcare Authorities. Among the topics that will be examined, the following are to be mentioned:

1) management of Newcomers in prison (from the outside world or from another penal institution, they must have a different health assessment - screening) with a dedicated health protocol;

2) the setting up of wings inside the prison buildings for Covid-19 patients (ad hoc health arrangements);

3) Special provisions on the re-opening of visits for family members: suitability of spaces, duration, sanitization and/or decontamination procedures and individual protection devices.

As for children’s rights, education and well-being within the family context, on 17 March 2020 the Ministry of Education released the guidelines for long-distance education: these guidelines were needed to ensure students school continuity, since schools closure will probably be extended and students must be granted the possibility to not lose the 2019/2020 school-year. The Guidelines include definitions of long-distance education and some techniques and actions that schools can implement to foster the participation of students to these activities. Moreover, specific techniques, software or integrative teaching materials must be offered to students with disabilities or specific learning needs.

By Law-Decree No. 22 of 8 April 2020 on “Urgent measures to ensure the conclusion of the school year, the beginning of the new school year and on final exams” the adoption of specific Ordinances of the Ministry of Education ruled the following crucial issues: guidelines for the evaluation of the performance of the students; the conclusion of the school-year; the final exams and how to perform them using digital devices; the measures to start the next school-year in September and the possibility to fill any education gap caused by the emergency.

Law-Decree No. 34 of 19 May 2020 has introduced economic support measures earmarking a budget of EUR 55 billion. The Law-Decree is immediately effective but must be converted into Law by the Italian Parliament within 60 days. In order to ensure the safe reopening of schools in September 2020, the Fund for the functioning of school institutions (*Fondo per il funzionamento delle istituzioni scolastiche*) is increased by EUR 331 million in 2020. These resources are to be used to implement the necessary interventions to foster remote-teaching, the sanitation of school facilities, the purchase of individual protection devices (such as facial masks), the introduction of specific teaching tools for students with disabilities or learning impairments. Moreover, EUR 65 million is destined to private and public care facilities for children aged 0-6 whose activities were compromised by the pandemic, in terms of reduction of the fees paid by the children’s parents.

Furthermore, the Technical and Scientific Committee – set up by the Italian Government to cope with the pandemic – delivered on 28 May 2020 its opinion on the measures to adopt to restore the ordinary school activities in September 2020. This document provides the Government and the Ministry of Education with technical recommendations on how to ensure the safety of the students, focusing on interpersonal distance at school, prevention measures and hygiene.

The Office for Policies for People with Disabilities has been operational since 1 January 2020. The Office responds to the President of the Council of Ministers and represents the support structure used by the President of the Council of Ministers for the promotion and coordination of government action on disability matters. Since the Council of Ministers' resolution declaring the state of emergency because of the health risk associated with the onset and spread of the Covid-19 virus on the national territory, the Government has adopted measures, which, with the different degrees of intensity, involve people with disabilities and their rights. The most important in terms of disability concerned first, with the Law-Decree No. 14/2020 concerning the urgent provisions for the strengthening of the National Health Service in relation to the emergency Covid-19, the assistance to pupils with disabilities through the provision of services aimed at supporting distance learning. Furthermore, always in the same provision, the faculty for the Regions and the autonomous provinces of Trento and Bolzano was established to set up special units designed to guarantee the delivery of home health and social-health services in favour of people with disabilities who present conditions of fragility or comorbidity. With the Law-Decree No. 18/2020 the economic measures necessary for the protection of the health and work of people with disabilities were then implemented as the category of citizens most exposed to the risk of contagion.

With respect to immigration Centres, the Ministry of Interior issued recommendations to guarantee all initiatives for the implementation of hygienic and social distancing measures. These recommendations were sent to all Prefectures - as far as their competence is concerned and with regard to the implementation area – adding the circular letter by the Ministry of Health concerning the update of the indications on diagnostic tests and criteria to be adopted in the determination of priorities as recommended by the WHO and the European Commission and adapted to the Italian situation. It should be noted that all the activities carried out by the Prefets in the context of the current epidemiological emergency are carried out in close cooperation with the local health-care authorities, to which the managers of the retention Centres are requested to address in the relevant cases provided for. Specifically, ad hoc spaces within the relevant Centres must be defined for health-related surveillance and isolation for suspected Covid-19 cases. In addition, when migrants arrive in Italy, the Department of Prevention must be immediately informed and migrants’ health checked for infectious diseases and screened, put under health surveillance, and isolation for 14 days. In order to ensure the social distancing within the accommodations or to allow isolation for health-care purposes, with regard to surveillance measures the Prefectures have been invited, in agreement with the specific manager responsible for the surveillance service and the manager of the Centre, to improve the management of the posts currently available in the Centres under reference thereby reducing the posts available to respect the social distancing - in view of new possible arrivals.

Concerning the elderly on 24 March the National Health Institute (*Istituto Superiore di Sanità* – ISS) started a national survey in cooperation with the Authority for the Protection of the Rights of People who are Detained or Deprived of their Personal Freedom (*Garante nazionale dei diritti delle persone detenute o private della libertà personale*) on the propagation of Covid-19 in Italian RSAs (e.g. hospices and institutions - the *Residenze Sanitarie Assistite*). The survey is aimed at monitoring the situation and adopting strategies to reinforce prevention programmes and principles. The survey is destined to the 3,400 RSAs mapped in Italy and is based on an online questionnaire gathering information on the management of suspect or confirmed cases of Covid-19 infections. Period reports showing the emerging results have been published on the ISS website. According to the third report – released on 14 April 2020 - 3,276 RSAs have been contacted for the survey, that is 96% of the mapped ones, covering the entire Italian territory. The managers of such facilities can introduce specific procedures to allow the visits in specific cases, adopting protocols to avoid the propagation of the infection. This regime was further confirmed by the Decree of the President of the Italian Government of 26 April 2020, introducing the so-called Phase 2 of the emergency.

Finally, as far as LGBTI people are concerned, during the Covid-19 emergence several measures are currently under process of reprogramming by the National Anti-discrimination Office (UNAR), for example within the so called National Operational Program “Inclusion”, in order to respond more effectively to the needs related to the effects the pandemic. In the first place, such measures are aimed at contrasting violence (including domestic) against LGBTI people, also through establishment of network of so called ‘refuge centers’ (centers of protection and social and work inclusion for LGBT people victims of family violence). Other measures relate to the job inclusion activities for transgender people as well as interventions aimed to enhance/improve knowledge about access to local health services. With reference to the last, the UNAR, in cooperation with National Health Institute, has also launched an experimental project aimed at the development of the first institutional web portal for transgender people (called INFOTRANS.IT). The above activities are carried out in a close cooperation with the NGOs and CSOs, active in the framework of the so-called Consultation Table (composed by 66 NGOs and CSO) established and chaired by the Minister for Equal Opportunity and the Family. At the recent meeting of the Table, held on 26 May 2020, the Minister formally announced her intention to work in the coming months on the adoption of the new LGBT National Strategy, that should contain the concrete measures to ensure the LGBT rights in different fields. The LGBT NGOs and CSOs will be strongly involved in the process of the elaboration of the Strategy.