



## Ordine internazionale e diritti umani

International Legal Order and Human Rights  
Ordenamiento Jurídico Internacional y Derechos Humanos  
Ordre juridique international et Droits de l'Homme

### OSSERVATORIO SUL CONSIGLIO DEI DIRITTI UMANI N. 2/2019

#### 1. I LAVORI DELLA 40<sup>a</sup> SESSIONE DEL CONSIGLIO DEI DIRITTI UMANI ED IL CONTRIBUTO ITALIANO

Il ritorno dell'Italia in qualità di membro del Consiglio dei Diritti Umani nella prima sessione ordinaria del 2019 dell'organo sussidiario dell'Assemblea generale, apertasi il 25 febbraio e conclusasi il 22 marzo 2019 a Ginevra, è oggetto del presente numero dell'Osservatorio ed è finalizzata a presentare il quadro generale delle attività ed iniziative a carattere informativo e di produzione normativa occorse durante ed a seguito dei lavori della sessione per illustrare le priorità tematiche e geografiche trattate nel quadro del principale Organo della *Human Rights Machinery* ginevrina.

##### 1. *Alcune informazioni preliminari sulla 40<sup>o</sup> Sessione e sul contributo italiano*

La [40<sup>a</sup> Sessione del Consiglio dei Diritti Umani](#) è stata caratterizzata da un intenso lavoro, funzionale per l'adozione di 29 risoluzioni, di cui 16 per consenso e 13 a seguito di voto, per l'esame di 83 rapporti presentati dai titolari di mandato del Consiglio Diritti Umani e per l'organizzazione di oltre 250 eventi paralleli da parte degli Stati e della società civile.

Il costo totale delle nuove attività deliberate dal Consiglio ammonta a 10,289,700 USD e, tra queste, rientrano i rinnovi dei mandati della Commissione Internazionale di Inchiesta sulla Siria e di quella sul Sud Sudan, il rafforzamento della presenza dell'Ufficio dell'Alto Commissario nei Territori Palestinesi occupati con particolare riguardo alla Striscia di Gaza ed il rinnovo dei mandati dei Relatori Speciali su Iran, Myanmar e Corea del Nord.

La 40<sup>a</sup> Sessione è stata aperta da un Segmento di Alto Livello, dal 25 al 27 febbraio 2019, che ha visto la partecipazione del Segretario Generale delle Nazioni Unite Guterres, dell'Alta Commissaria per i Diritti Umani Bachelet, del Presidente della Repubblica tunisina e di una novantina di Altri Dignitari. Per l'Italia è stata presente la Vice Ministra degli Esteri e della Cooperazione Internazionale Del Re.

L'Italia ha co-sponsorizzato 17 risoluzioni e 12 dichiarazioni congiunte ed ha pronunciato 12 interventi a titolo nazionale su tematiche per noi prioritarie, tra cui i diritti dei bambini ed i diritti delle persone con disabilità, i diritti culturali, la libertà di religione e la pena di morte. Abbiamo altresì promosso due eventi paralleli: un *Panel* sulla "promozione di una assistenza alternativa di qualità per i bambini con disabilità", organizzato in collaborazione con diverse ONG e l'UNICEF, che ha consentito di presentare buone prassi italiane riguardo le misure di sostegno per la protezione delle

famiglie con bambini con disabilità, anche allo scopo da prevenire separazioni non necessarie; nonché un evento per il lancio del *Group of Friends* del Fondo delle Nazioni Unite per l'assistenza alle vittime della tortura, alla presenza dell'Alta Commissaria delle Nazioni Unite per i Diritti Umani Bachelet.

## 2. *Un punto critico della 40ª Sessione*

Il punto 7 dell'agenda dei lavori della Sessione del Consiglio dei Diritti Umani, dedicato alla situazione dei diritti umani nei territori palestinesi ed altri territori arabi occupati, punto fisso dell'agenda del CDU ad ogni sua sessione e per questo ritenuto da Israele come discriminatorio nei suoi confronti, si è confermato come momento particolarmente delicato della sessione in cui, come in passato, sono emerse posizioni anche molto distanti tra gli Stati Membri del Consiglio. Tali differenze si sono riflesse nelle decisioni di voto espresse (e rese necessarie) per l'adozione di tutte le risoluzioni presentate sotto il punto 7 dell'agenda confermando l'assenza di schemi di voto predefiniti. Durante la Sessione, è opportuno ricordare, è stato anche presentato il primo rapporto della Commissione Internazionale di Inchiesta sulle manifestazioni di protesta a Gaza. Per la prima volta, la delegazione palestinese ha inoltre spostato, al di fuori dal punto 7, sotto al punto 2 dell'agenda, una delle sue quattro Risoluzioni, quella in materia di *accountability*, che faceva riferimento al rapporto della precitata Commissione d'Inchiesta su Gaza, allo scopo di ottenere il sostegno della membership, la quale è rimasta tuttavia divisa in sede di voto.

## 3. *La posizione dell'Unione europea nel quadro dei lavori della 40ª Sessione*

Considerati gli esiti delle 5 risoluzioni di cui era promotrice - Libertà di religione o credo; Diritti dei Bambini; 40° anniversario della Convenzione sui Diritti del Fanciullo (nuova iniziativa); Situazione dei diritti umani in Corea del Nord; Situazione dei diritti umani in Myanmar – l'Unione europea ha conseguito in linea generale risultati molto positivi in questa Sessione del Consiglio dei Diritti Umani.

Meritano di essere apprezzati, in particolare, i risultati ottenuti nell'ambito della risoluzione sui diritti umani in [Myanmar](#). Adottato a seguito di voto chiamato dalla Cina, il testo approvato presenta un linguaggio più forte per l'esplicito riferimento alla Corte Penale Internazionale.

Apprezzabile anche il risultato ottenuto con il rinnovo del mandato del Relatore Speciale per la situazione dei diritti umani in Corea del Nord (per un anno) e del rafforzamento dell'Ufficio dell'Alto Commissariato per i Diritti Umani a [Seoul](#).

Merita una specifica menzione la [Risoluzione celebrativa](#) della Convenzione sui Diritti del Fanciullo, la quale ha riscosso il maggior numero di sostegni della Sessione: ben 158, tra cui tutti i membri del Consiglio.

## 4. *La posizione degli Stati Uniti d'America: un ripensamento informale (?)*

Nel corso della 40ª Sessione gli Stati Uniti sono tornati ad impegnarsi nel consesso, seppur in modo informale.

Dal giugno 2018, quando decisero di ritirarsi dal Consiglio dei Diritti Umani, gli Stati Uniti non avevano più preso parte a nessuna attività promossa dall'organismo, di natura sia ufficiale (come per la partecipazione alle Sessioni plenarie), sia informale (vedi la

partecipazione alle consultazioni informali per la negoziazione delle risoluzioni o la partecipazione ad eventi collaterali).

Nella 40<sup>a</sup> Sessione, invece, il Paese ha promosso l'organizzazione di due *side-events* relativi alla situazione dei diritti umani in Xinjiang ed in Venezuela.

Anche a seguito dell'elevata partecipazione ottenuta, gli Stati Uniti hanno deciso di ripetere lo stesso schema, promuovendo, nei giorni immediatamente successivi alla conclusione della sessione ordinaria del CDU, un nuovo *side-event* con *focus* sulla situazione dei diritti umani in Nicaragua.

##### 5. *Il ruolo del c.d. Gruppo di Lima*

Il c.d. Gruppo di Lima si è dimostrato molto attivo a Ginevra, con la presentazione durante la Sessione di una Dichiarazione congiunta sul Venezuela con *focus* sulla situazione umanitaria nel paese e della risoluzione sul Nicaragua. Entrambe le iniziative sono state co-sponsorizzate dai 28 Stati membri dell'Unione europea.

La risoluzione sul Nicaragua dispone l'inclusione del punto in questione nell'agenda dei lavori delle prossime tre Sessioni del Consiglio, con l'ulteriore richiesta di un aggiornamento orale da parte dell'Alta Commissaria nelle Sessioni di giugno 2019 e di marzo 2020, e di presentazione di un rapporto scritto nella Sessione di settembre 2019.

Riguardo al Venezuela, è importante mettere in evidenza le plateali manifestazioni di disapprovazione nei confronti dei rappresentanti del Governo Maduro da parte dei paesi del c.d. Gruppo di Lima, i quali hanno abbandonato simultaneamente l'aula durante i discorsi del Ministro degli Esteri venezuelano, intervenuto in occasione del Segmento di Alto Livello, e dell'Ambasciatore venezuelano, intervenuto per replicare all'aggiornamento orale dell'Alta Commissaria sulla situazione dei diritti umani nel paese.

##### 6. *Altre iniziative promosse nel corso della 40<sup>a</sup> Sessione*

Nel corso della 40<sup>a</sup> Sessione sono state promosse due nuove iniziative di particolare interesse, che potrebbero essere foriere di ulteriori sviluppi nei futuri dibattiti: una Dichiarazione congiunta sull'Arabia Saudita e una Dichiarazione congiunta sul Camerun.

Per quanto riguarda la prima, si tratta di un testo promosso da Islanda, Canada e Australia su forte pressione della società civile nel quale si rivendica il pieno rispetto della libertà di espressione dei difensori dei diritti umani, ivi incluse le donne, e dei giornalisti, ponendo fine alle persecuzioni e agli arresti arbitrari nei loro confronti, e si raccomanda la necessità e l'urgenza di far luce sull'assassinio del giornalista Jamal Khashoggi. La Dichiarazione è stata sostenuta da 36 Stati (compresi gli Stati membri europei).

La Dichiarazione congiunta sul Camerun, preparata da Regno Unito ed Austria e sostenuta da 39 Stati (inclusi i 28 Stati membri dell'Unione), esprime preoccupazione per le violazioni e gli abusi dei diritti umani occorse a seguito degli scontri tra separatisti e governativi nelle aree nord-occidentali e sud-occidentali del paese e contiene un invito alle Autorità camerunensi ad accettare una missione dell'Alto Commissariato affinché possa procedere ad una valutazione oggettiva della situazione in tali territori.

### 7. *La posizione partecipativa dell'Italia nel corso della 40<sup>a</sup> Sessione*

In qualità di membro del relativo *core group*, l'Italia ha promosso la Risoluzione sulla situazione dei diritti umani in Siria (vedi sopra), che rinnova per un anno il mandato della Commissione Internazionale d'Inchiesta e che è stata approvata, a seguito di voto richiesto da Cuba, con 28 voti favorevoli. La Risoluzione pone l'accento sulla protezione dei diritti dei bambini, dei rifugiati, degli sfollati interni, e sulla violenza sessuale e di genere.

Inoltre l'Italia, insieme agli altri paesi del *core group* sulla *Rule of Law* - ovvero Regno Unito, Giappone, Marocco, Messico ed Etiopia, ha promosso una dichiarazione congiunta sull'accesso alla giustizia dei minori che ha riscosso un forte sostegno da parte della *membership*, con 81 co-sponsorizzazioni rappresentative di tutti i gruppi regionali.

In ultimo, l'Italia ha svolto il ruolo di *burden sharer* per la predisposizione dell'intervento dell'Unione europea per il dialogo interattivo sulla situazione dei diritti umani in Eritrea ed ha partecipato ai negoziati relativi alla Risoluzione su assistenza tecnica e *capacity-building* per il miglioramento della situazione dei diritti umani in Libia, approvata per consenso.

### 8. *Gli interventi dell'Italia in ordine ai punti in agenda della 40<sup>o</sup> Sessione*

Nell'allegato al presente contributo si riportano gli estratti dei principali interventi della Delegazione italiana relativi al Dibattito di Alto Livello sul tema della pena di morte e al Segmento di Alto Livello – nel quale ha preso la parola il Vice Ministro degli Affari Esteri e della Cooperazione Internazionale Emanuela Del Re, alla sessione *full-day* dedicata al tema dei diritti dell'infanzia con *focus* sui minori con disabilità, al Dibattito interattivo avente ad oggetto l'aspetto dell'abilitazione e della riabilitazione così come previsto dalla Convenzione delle Nazioni Unite per i diritti delle persone con disabilità, agli *Items 2* – Dialogo interattivo con l'Alto Commissario, 3 – Dialogo interattivo con le Procedure Speciali, 4 – Dialogo interattivo con gli organismi d'inchiesta, e 10 – *Assistenza tecnica e capacity-building*.

MASSIMO BALDASSARRE  
CRISTIANA CARLETTI  
DANIELA D'ORLANDI

### **\* ALLEGATO: I PRINCIPALI INTERVENTI DELLA DELEGAZIONE ITALIANA NEL CORSO DELLA 40<sup>o</sup> SESSIONE**

- ***26 febbraio 2019: High-level panel discussion on the question of the death penalty***

Nell'intervento di apertura del Dibattito di Alto Livello da parte dell'Alto Commissario per i Diritti Umani, Michelle Bachelet, si sottolinea la dimensione mondiale dell'adesione alla moratoria contro la pena di morte: «*Worldwide, some 170 States, with a variety of legal systems, traditions, cultures and religions, have either abolished the death penalty in law, or do not carry out executions in practice*», confermato sotto il profilo giuridico dal voto della relativa Risoluzione in sede di Assemblea generale: «*At the end of last year, 121 States – the highest ever*

*number – voted in favour of the General Assembly resolution for a moratorium on use of the death penalty». L'Alto Commissario ha evidenziato quali concause contribuiscano maggiormente alla diffusione del sentimento discriminatorio quale preconditione per la commissione di atti che ledono la dignità dell'essere umano, con particolare riferimento a talune categorie di soggetti: «the poor and economically vulnerable; members of ethnic minorities; people with psycho-social or intellectual disabilities; foreign nationals; indigenous persons; and other marginalised members of society»; una specifica riflessione è stata formulata in relazione alla componente di genere. E' chiaro che: «Condemning people to death for conduct that should not be criminalised in the first place is never compatible with a State's human rights obligations» e che, nonostante «We know no society is perfect. To continue to sentence people to death knowing that there is a risk, however small, of a mistake, is unacceptable».*

Mr President,

Italy aligns itself to the EU statement.

Italy has always been at the forefront of the global campaign to abolish the death penalty and to promote the adoption of a universal moratorium. This is one of Italy's top priorities, also for its mandate on the UN Human Rights Council.

The adoption, last December in New York, of the 7<sup>th</sup> Resolution on a Moratorium on the Death Penalty with 121 votes in favour, represents an unprecedented result. Around the world, however, death sentences continue to be imposed in violation of major international standards, including the right to a fair trial and the principle of non-discrimination.

Today's high level panel offers an occasion to discuss how capital punishment is more likely to affect disproportionately vulnerable categories of persons, having severe impact on their basic rights. Last September, our Minister of Foreign Affairs participated in an event organized in New York by the OHCHR, Italy and other countries on the link between death penalty, poverty and the right to legal representation. The discriminatory use of the death penalty is a source of concern, including the multiple violations of human rights and gender-based discrimination faced by women and girls on death row.

Italy encourages countries, which have not done it yet, to consider establishing a moratorium on executions, with a view to abolishing the death penalty. It reiterates its deep commitment to support initiatives and debates on death penalty, including national-led ones. Cooperation at national and international level among Governments, Parliaments and civil society organisations remains crucial. Let me recall that the Italian MFA has established a dedicated Task Force with representatives of civil society organisations with the aim to strengthen cooperation on the promotion of a universal moratorium.

- ***26 febbraio 2019: High-level segment***

Nel Segmento di Alto Livello è intervenuto il Vice Ministro degli Affari Esteri e della Cooperazione Internazionale, la quale ha illustrato i principali argomenti di rilievo ed interesse per il nostro Paese, sotto il duplice profilo tematico e geografico.

Mr. President, Distinguished Delegates,

Last October, Italy was elected member of the Human Rights Council with a wide support. It is an honour for us, as well as a responsibility, to be part, for the third time, of the main universal body for the protection and promotion of human rights worldwide. We will

engage with all stakeholders. We will cooperate with the civil society, promoting an open and inclusive approach to human rights. This is a key priority for Italy.

We fully support the work of the **High Commissioner for Human Rights and Her Office (OHCHR)**. We reiterate our commitments to all Special Procedures - to which Italy extended a “standing invitation” -, and to all Treaty Bodies and other Mechanisms.

Italy is also committed to strengthen this Council and its activity, acknowledging and preserving its unique role and added value. We will continue to participate to the **Universal Periodic Review (UPR) process**, which is a fundamental tool to monitor and improve human rights in the world. Following the voluntary submission of a mid-term report, Italy is drafting its UPR national report to be discussed on November 2019, at the 34<sup>th</sup> session of the UPR.

Respecting human rights is pivotal to the promotion of international peace and security. The “motto” we chose, **“Human Rights for Peace”**, clearly depicts our strong conviction: timely and effective response to human rights violations is key to the prevention of crises. We see a *continuum* with our mandate on the **UN Security Council** in 2017 and with our OSCE **Chairmanship** in 2018.

Italy is deeply concerned by the systematic, widespread and serious violations of human rights and of international humanitarian law in **Syria**. We call on all parties, especially the Syrian authorities, for full, unhindered and sustained humanitarian access, for respect for international humanitarian and human rights law and accountability for crimes, violations and abuses committed in the Syrian conflict. We urge all parties to refrain from violence and we reiterate our full support to the UNSE Pedersen for a political solution to the longstanding conflict.

The recurrent threat posed by the conflict in **Yemen** to regional security and the deteriorating humanitarian conditions of the civilian population are matters of very serious concern. While the 2018 Stockholm agreement represents an encouraging development, a durable and effective cessation of hostilities, which would create proper conditions to ensure unhindered access for humanitarian operators, protection of civilians and of medical and humanitarian personnel, remains a top priority.

We are particularly concerned about human rights violations and abuses occurred in Rakhine, as documented in the findings of the International Fact-Finding Mission. We support the work of the UNSG Special Envoy on **Myanmar** and recognize the first steps taken by the Government of Myanmar to improve the situation in Rakhine. We call on the Government of Myanmar to ensure that all those responsible for crimes relating to violations and abuses of international human rights law are held accountable, while promoting national reconciliation, involving all relevant stakeholders and minorities, as necessary elements of a democratic transition. Conditions for the safe, voluntary, dignified and sustainable return of refugees and forcibly displaced persons must be put in place at the earliest.

The human rights situation in the **Democratic People’s Republic of Korea (DPRK)** remains of serious concern. Italy hopes that the ongoing diplomatic efforts and the dialogue to advance peace and security on the Korean peninsula will lead to the improvement of human rights and the humanitarian situation in the country.

Italy follows with the utmost attention the situation in **Venezuela**. Any kind of violence, violation of fundamental freedoms and of human rights in the Country, is unacceptable and must be strongly condemned. Italy joins the International call for a peaceful and inclusive solution to the current crisis based on a fully democratic national reconciliation

that would meet peoples' aspirations and prevent further conflicts. In line with the International Group of Contact, we work to help bring about new presidential elections to be held as soon as possible applying full democratic standards.

Italy is deeply concerned with the humanitarian emergency in Venezuela. Italy calls on the Government of Venezuela to accept humanitarian assistance, in order to address the scarcity of food and medicine. To this aim Italy has announced a first emergency contribution of 2 million € which is being disbursed according to the principles of the international humanitarian law.

Italy is concerned with the human rights situation in **Nicaragua**, in particular as regards the violations against journalists and political activists. We call on the Nicaraguan Government to release political detainees and to relaunch the National dialogue, as the only way to set the appropriate conditions to drive the current crisis towards a sustainable and lasting solution.

During our membership on this Council, Italy's action will be focused on the priority issues identified along with our candidature.

The **fight against all forms of discrimination**, including on grounds of sex, race, ethnic or social origin, religion or belief, political or any other opinion, disability, age, sexual orientation and gender identity: this is a top priority.

We remain committed to promote the full respect for the rights of **women and girls**, and for women empowerment; moreover we are engaged in the fight against discrimination and gender-based violence, including efforts to eradicate harmful practices such as **female genital mutilations** and child, early and forced marriage. As for women empowerment and participation of women in the public sphere, we welcome progress made by some countries, such as **Ethiopia**.

**Children** are amongst the most exposed and vulnerable to human rights violations, especially in conflict and post-conflict contexts and in situations of extreme poverty. Their safety and future should be our common concern.

We welcome the unprecedented result of the 7th resolution on a **moratorium on the death penalty**, adopted last December by the General Assembly with 121 votes in favour.

We congratulate the countries which abolished the death penalty last year, such as **Burkina Faso**, and those that made important progress in this direction, such as **Malaysia**.

In many parts of the world, persons belonging to ethnic and religious minorities, such as Christians, Yazidis, Baha'is, Jehovah's Witnesses and others, are victims of discrimination and violence. We must continue to firmly reaffirm the right to **freedom of religion or belief**, to protect the rights of persons belonging to religious minorities and to preserve cultural and religious heritage: inclusivity, tolerance and respect for cultural diversity are key elements in reconciliation and peace-building processes. We are equally committed to promoting the rights of **persons with disabilities** and to ensuring that they can fully participate in the development of our societies.

The **fight against trafficking in human beings** represents another priority for our membership on this Council. This scourge should be addressed with an approach based on the principles of partnership and shared responsibility. Italy is engaged in cooperating with countries of origin and transit to prevent and fight trafficking in human beings, in order to ensure the respect of human rights of migrants and refugees. In this vein, we support the efforts carried out by the **Libyan Authorities**, in close cooperation with the UN Agencies, to improve migrants' living conditions and to ensure the respect of human rights in

migration camps. However, more needs to be done and Italy will continue to support Libya in this critical endeavour.

Finally, last but certainly not least, we are convinced that **human rights defenders** are key players in promoting and protecting human rights. Italy recognizes the key role of the **civil society** and is committed to ensure the safety and the rights of human rights defenders.

- *28 febbraio 2019: Item 3 - Clustered interactive dialogue with the Special Rapporteur on human rights defenders and the Special Rapporteur on torture*

Thank you Mr. President.

Italy aligns itself with the statement delivered by the EU and thanks the Special Rapporteurs for their reports and their presentations.

Mr. Forst,

as also highlighted during the Italian OSCE Presidency when an international workshop on the protection of human rights defenders was organized, Italy attaches a great importance to the role of human rights defenders, believing that a vibrant civil society is fundamental for the development of democratic and pluralistic societies and for the promotion of their stability and prosperity. Human rights defenders play an important role in the promotion and protection of human rights and fundamental freedoms, particularly at the local and national level, by raising awareness on human rights issues and advocating higher standards of protection.

In this respect, we condemn all forms of threat, intimidation, violence and reprisal against human rights defenders, including against women human rights defenders who have often been actors of great social changes.

Coming to your report, we share your views about the negative impact that patriarchy, heteronormativity, gender ideology, fundamentalism and militarization can have on the work of women human rights defenders, exposing them to, even serious, risks for their activities.

In your report you also refer to globalization and neoliberal policies as contexts that negatively affected women human rights defenders.

Please can you further elaborate and provide more details on this concept?

Mr. Melzer,

Italy is fully and actively engaged in the fight against torture and other cruel, inhuman or degrading treatment or punishment. We condemn all forms of torture, which are and shall remain prohibited at any time and in any place, including during international or internal armed conflict, in the respect of the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment provided by the international law. We share your conclusions about the fact that not every act of torture and ill-treatment involves or relates to corruption and vice versa, and that both corruption and torture or ill-treatment are concurrent effects of the failure of the relevant governance system to prevent the abuse of unchecked power.

We also share your recommendation about the need for States to proactively integrate and mutually mainstream their anti-torture and anti-corruption policies, even though the obligations of countering torture and corruption descend from different international instruments. In this respect, can you please provide some example of best practice related to successful mainstreaming of anti-torture and anti-corruption policies?

- ***1 marzo 2019: Item 3 - Clustered interactive dialogue with the Special Rapporteur on the right to privacy and the Special Rapporteur on cultural rights***

Thank you Mr. President.

Italy aligns itself with the statement delivered by the EU, and thanks the Special Rapporteurs.

Mr. Cannataci,

The right to privacy is a fundamental right which is also functional to the realization of other rights, as it creates a safe space online and offline for the enjoyment of such rights as the rights to freedom of expression, peaceful assembly and of association. Violations or abuses of the right to privacy may discourage the exercise of such rights.

In terms of good practices, by considering the crucial role played by Data Protection Authorities, we would like to recall our Act 71/2017, which introduces cyber-bullying and provides for a specific role of our Data Protection Authority in this respect. On a different issue, our Authority stresses that data controllers should consider the risk of re-identification, in particular when new technologies render it easier and easier. Could you expound on this risk?

Ms. Bennoune,

In your latest report, you emphasize one more time the right to access and enjoy cultural heritage, and the negative human rights consequences of its intentional destruction. Italy very much agrees with this view.

The protection and the preservation of cultural heritage is one the priorities of the Italian mandate in the Human Rights Council for the term 2019-2021. Cultural heritage is the bedrock of civilization, a testament to human identity, history and prosperity. The right of access to and enjoyment of cultural heritage is a human right guaranteed by international law. We believe that protecting cultural and religious heritage is therefore key not only to protecting the rights of persons belonging to ethnic and religious minorities, but also to fostering peace and stability.

You also devoted to the cultural rights of women and the empowering aspect of cultural rights part of your work. Within this framework, we think that arts can be considered as a strategic vehicle of communication and empowerment providing important opportunities also for the realization of all other human rights and, as a way of examples, under our National Action Plan on Women, Peace and Security, 2016 – 2019, we are trying to promote this approach.

As mentioned in your report, “10 years after the creation of the mandate on cultural rights,

it is time to recommit to making the vision of article 27 of UDHR a lived reality all around the world”. Could you provide best practices and some further guidance?

- ***4 marzo 2019: Annual full-day meeting on the rights of the child on the theme “Empowering children with disabilities for the enjoyment of their human rights, including through inclusive education”***

Mr President.

Italy aligns itself with the EU statement, thanks the panellists for their presentation and expresses appreciation for the report of the High Commissioner.

The Italian legislation foresees that “the exercise of the right to education cannot be prevented by learning difficulties or difficulties deriving from disabilities”. Back in the 70s, Italy decided to adopt an inclusive education model, in order to integrate and include students with disabilities in the education system: there are no differential classes and the principle of inclusion has been established for all students with disabilities in primary and secondary school from 6 to 14 years. A specific figure, the “special needs education teacher”, has been introduced. Other measures have been recently adopted to strengthen the inclusion framework for students with disabilities through individualised pathways, also with the contribution of social, health and education assistance services and concerned associations.

Italy has also developed several school projects aimed at school inclusion, relating to: good practices on individual planning and job opportunities, due to adequate school orientation; Territorial Support Centres development; training for teachers about integration and support to students with disabilities within the school and in relation to educational relationships; and acquisition or empowerment of teachers methods to improve learning addressed to students with disabilities, in particular by means of the new technologies.

We fully share the view that the empowerment of children with disabilities is crucial for the enjoyment of their human rights, including through inclusive education. In this regard, according to the panellists, what is the most urgent need to cope with as regards access to inclusive and quality education?

- ***5 marzo 2019: Item 3 - Clustered interactive dialogue with the Special Rapporteur on the freedom of religion and the Special Rapporteur on the sale and sexual exploitation of children***

Mr President.

Italy aligns itself with the EU statement and thanks the Special Rapporteurs for their presentations.

Mr. Shaheed,

we fully agree with your view that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing rights, protecting all persons and protecting also the right to express opinions on any or all religions and beliefs.

In this regard, can you please mention best practices describing a good balance between freedom of religion or belief and freedom of expression?

As regards the protection of children and adolescents from sale and exploitation in the context of sports highlighted by Ms De Boer-Buquicchio, Italy has adopted very relevant measures last year.

An agreement was signed in January 2018 between the Ministry of the Interior, the Association of Italian Cities and Towns (ANCI) and the Italian Football Federation (FIGC), whose provisions deal with foreign minors and young adults who benefit from the Italian reception and integration system and who are given the opportunity to play football at the professional level. The project aims at encouraging inclusiveness using sport as a medium to promote socialization with the receiving society and contact with young Italian nationals.

Moreover both Law No. 12/2018 and the Budget Law for 2018 have provided for the recruitment and inclusion of foreign minors - who live regularly in Italy or who have been enrolled since one year within the school system – in sports companies enlisted in national federations or in sports associations on an equal foot of Italian citizens.

- ***5 marzo 2019: Item 3 - Clustered interactive dialogue with the Special Representative of the Secretary-General on violence against children and the Special Representative of the Secretary-General for children and armed conflict***

Mr President.

Italy aligns itself with the EU statement and thanks the SRSGs for their presentations.

We fully agree with Ms Santos Pais that, with the implementation of the CRC Convention and the 2030 agenda, children's freedom from violence can be placed at the heart of the policy agenda of every nation. In this regard, Italy reiterates its full commitment to prevent and punish any form of violence against children, including bullying and cyberbullying. The Presidency of the Council of Ministers has elaborated a digital application informing youngsters on such phenomena that is currently being shared by the Ministry of Education among students of all the secondary schools throughout the country.

Ms Santos Pais, how could digital tools be further promoted for children to become active agents of change?

Ms Gamba's report highlights the continued violations against children affected by armed conflict as well as advances in strengthening their protection. The promotion and protection of children's rights in armed conflict is an integral part of Italy's international commitment to children's rights. Italy actively supports international initiatives and programs aimed at preventing and combating the involvement of children in armed conflict, including their recruitment as child soldiers. During its mandate on the Security Council, Italy promoted the introduction of specific provisions for the protection of children in the mandates of UN Peace Operations, and organized an Arria-formula meeting on attacks on schools. We have been also implementing long-term initiatives for the recovery and social integration of former child soldiers and victims of conflicts through our development cooperation programs, in particular, in the Middle East and in Africa.

Mrs Gamba, which specific measures could, in your view, be taken to prevent the increasing abduction of children in armed conflicts?

- ***5 marzo 2019: Item 3 - Clustered interactive dialogue with the Special Rapporteur on disabilities and the Independent Expert on albinism***

Thank you Mr. President.

Italy aligns itself with the statement by the EU, and thanks the Special Rapporteurs.

Ms. Devandas-Aguilar,

In Italy, the penitentiary healthcare service has been transferred under Ministry of Health's competence; and since early 2017, the Judicial Psychiatric Hospitals (in Italian, OPG) have been closed down and definitively replaced by the system of regional health residences, called REMs (standing for, Facilities for the Execution of Measures of Security). In these facilities, there is no Penitentiary Police staff.

Within this framework, the supervisory judge is required to conduct periodic verifications of the current social dangerousness of the person concerned. This assessment relies on the free appreciation of facts and all evidence, which the judge deems to be useful in addition to the ones, which may be also submitted to him or her. Moreover, the proceeding is based upon an adversarial system, including hearings and legal defence; and the lawyer of the person concerned can always request the magistrate for the appointment of an expert (*perito*).

In your latest report, you touch upon the issue of alternative rights-based models. Could you expound on that by also providing further best practices?

Mr. Ero,

Access to justice is an essential right and a key prerequisite for the protection and promotion of all other human rights. Indeed, it ensures that everyone, without discrimination, shall have the right to an effective remedy for human rights violations, as stipulated, inter alia by Art 13 of the UNCRPD. This is even more true for persons with albinism, a group that continually experiences social ostracism, structural discrimination and, in various countries, violent attacks and killings. We do share your concerns and indications.

To ensure equal and effective access to justice for all persons with albinism, you enlist a variety of actions linked to both formal and informal justice systems, could you kindly indicate what should be considered as a priority?

- ***6 marzo 2019: Annual interactive debate on the rights of persons with disabilities, with a focus on article 26 of the Convention on the Rights of Persons with Disabilities, on habilitation and rehabilitation***

Thank you Mr. President.

Italy aligns itself with the statement delivered by the EU and thanks Panellists for their presentation.

Article 26 of the CRPD increases the visibility of the obligation to provide habilitation and rehabilitation, being key to inclusive strategies.

In Italy, all policies for persons with disabilities, also with reference to their school inclusion, accessibility and mobility, have been centralized at the Presidency of the Council of Ministers (or the delegated Minister for Family and Disabilities) by Act 97/2018, which exercises the Government's functions also through many specific structures like the National Observatory for Childhood and Adolescence, , the Observatory for the Fight against Paedophilia and Child Pornography, the Observatory on the condition of persons with disabilities and the National Fund for Childhood and Adolescence.

As for the inclusion of students with disabilities, since 1977, Italy with Act 517 abolished differential classes and introduced the “special needs education teacher” specifically for students with disabilities in order to implement an effective inclusive education system.

More recently, Italy enacted legislation aimed at further supporting, through awareness-raising and individualized pathways, persons with severe disabilities.

Furthermore, in order to effectively implement a structured set of actions to protect the human rights of children and, in particular, to effectively protect the right of children to their development, Italy is considering the strengthening of the National Fund for Childhood and Adolescence as well as the adoption of further specific tools for the education and training of students with disabilities.

The 2030 Agenda is key to ensuring that no one is left behind. It provides a clear roadmap to eradicate multiple and intersectional discrimination, including against men, women, and children with disabilities.

In Panelists’ views, what steps should be prioritised?

- *7 marzo 2019: Item 2 - Interactive dialogue with the High Commissioner*

Thank you Mr. President.

Madam High Commissioner,

Italy aligns itself with the statement delivered by the European Union.

It is with a deep and a firm trust in multilateralism, in the United Nations and in this august Body that Italy is proud to come back as a member of the Human Rights Council with a strong motivation to empowering the Council and to strengthening the promotion and protection of human rights worldwide. We believe that the Human Rights Council plays a fundamental role and can be pivotal for crisis prevention and for a sustainable and just world for all, in the belief that there cannot be long-lasting peace when human rights are not respected. While, at the moment, we assist to a pullback of human rights protection at global level, we must stay vigilant on our social and political achievements and we must stay ready to strongly raise our voice in favor of human rights. The Human Rights Council and its mechanisms are, in this respect, a powerful tool.

The respect and the promotion of the principle of non-discrimination, in law and in practice, and the principle of dignity for everyone is fundamental for the promotion and protection of all human rights and fundamental freedoms. Italy maintains a firm and active stance in the fight against racism and racial discrimination, xenophobia, and all forms of intolerance and discrimination. We will continue to support specific initiatives and resolutions presented to the Human Rights Council on the issue and work to further prevent and combat the diffusion of hate speech, including online.

In this respect, we put at the core of the pledges supporting our current mandate in the HRC the need to focus on protecting and promoting the rights of the most vulnerables and of those who are most at risk, particularly children, women and persons with disabilities. Supporting the most vulnerables means providing assistance to them but also empowering them in order to build fairer, more inclusive and more participated societies. This year we celebrate the 30<sup>th</sup> anniversary of the Convention on the Rights of the Child and the 40<sup>th</sup> anniversary of the Convention on the Elimination of All Forms of Discrimination against Women and we have a unique opportunity to renew our commitment to their full

implementation worldwide and to reaffirm our engagement to uphold the human rights of children and women with a view to successfully achieve the targets set in the Agenda 2030.

Madam High Commissioner,

We very much appreciate the decision of the Executive Committee of the Secretary General to support a System-wide policy, an action plan and accountability framework for making the United Nations fully inclusive of persons with disabilities (the so called “disability SWAP” initiative”) and reaching the global commitments of inclusion by 2030 both within the organization as well as in across its field work. We look forward to hearing progress in its implementation.

- ***12 marzo 2019: Item 4 - Interactive dialogue with the Commission of Inquiry on the Syrian Arab Republic***

Mr President,

Italy aligns itself with the EU statement and thanks the Commission of Inquiry for its presentation.

We deplore the persistent, widespread and gross violations and abuses of international human rights law and international humanitarian law across Syria, while the conflict enters its ninth year.

Italy strongly supports the efforts of the new UN Special Envoy, Geir Pederson, to facilitate a political process that will lead to a negotiated durable outcome for the conflict, pursuant to the relevant UNSC resolutions, including Resolution 2254. In this context, we support his efforts to define the composition of the Constitutional Committee and its prompt convocation as well as the implementation of all the elements set forth by Resolution 2254.

We are extremely concerned by the findings of the Commission’s report, which highlights a general vacuum of the rule of law and a dire reality for civilians countrywide, who continue to pay the heaviest price. We are particularly concerned about the suffering of children.

We call on all parties to uphold a principled humanitarian action, protect civilians, including children, humanitarian and health workers, and ensure safe, unconditional, unimpeded and sustained access of the United Nations and humanitarian actors to the whole territory of Syria, including for the assessment of needs and monitoring activities.

Concerning the return of Syrian refugees to Syria, we reiterate the central role of the United Nations and, in particular, of UNHCR, and we support the position of the High Commissioner for Refugees on the need to ensure that the return of refugees is voluntary, safe and dignified.

Holding accountable the perpetrators of abuses and violations remains crucial. In this regard, we welcome the close cooperation between the Commission of Inquiry and the International, Impartial and Independent Mechanism for Syria and we reiterate our full support to their work.

- ***21 marzo 2019: Item 10 - Technical assistance and capacity-building (including the reports or oral updates of High Commissioner for Human Rights on Afghanistan and Libya)***

Mr President,

Italy aligns itself to the EU statement and thanks the High Commissioner for her reports and briefings under item 10.

As regards in particular the report on Libya, while remaining concerned about human rights violations in the country and for the dire conditions of refugees and migrants, we encourage Libya's continued engagement with UNSMIL and OHCHR and we welcome the efforts of the Libyan institutions to preserve the sovereignty, integrity and unity of Libya and to face the ongoing human rights challenges. We will continue to ensure our strong engagement in the country aimed at virtuously combining promotion and full respect for human rights, dialogue, security, social dimension and economic development, on the premise that growth, development, peace, security and human rights are strictly entangled by an indissoluble link.

Italy is a staunch supporter of technical assistance and capacity building, that are crucial in supporting countries' efforts to implement human rights standards and obligations, thus complementing the work of this Council, of its Special Procedures and of its mechanisms, including the Universal Periodic Review.

We seize this occasion to reiterate Italy's firm support to the independent invaluable work carried out by the High Commissioner and her Office, including through its field presences worldwide, to provide support to countries through identifying, highlighting, and developing responses aimed at filling human rights gaps.

Lastly, we wish to warmly welcome the seven LDCs/SIDS delegates to Geneva and we appreciate the high number of women between them. Italy is proud to be one of the donors of the Trust Fund to support the LDCs/ SIDS participation in the work of the Human Rights Council and is very supportive of this initiative. We do believe that universality of human rights must be coupled with universal participation.

- ***21 marzo 2019: Item 3 - A/HRC/40/L.23 - Question of the realization in all countries of economic, social and cultural rights***

Thank you Mr. President.

Italy is strongly committed to the promotion and protection of all human rights, including economic, social and cultural rights, in the belief that they can play a crucial role for peace and stability and that their implementation is essential to achieve the goals set in the 2030 Agenda.

Italian engagement in the promotion of economic, social and cultural rights is witnessed also by its participation to the Group of Friends on Economic, Social and Cultural Rights and by its longstanding support to the resolutions adopted by this Council on this issue.

We thank Portugal for bringing again to the attention of the UN Human Rights Council this important initiative and for arranging informal consultations on the text.

However, as raised during informal consultations and bilateral contacts, Italy cannot accept the reference to the "Global Compact for Safe, Orderly and Regular Migration" in the preambular paragraph number 6.

As you all know, Italy has not voted in favor of the Global Compact on Migration and, therefore, cannot endorse any reference to it in an official document by this Council.

For this reason, while joining the traditional consensus on this resolution, which overall contributes to further strengthening the commitment of states towards the realization of economic, social and cultural rights, we would like to stress that Italy's position on the Global Compact on Migration has not changed.