

Civic space in Italy is rated "narrowed" on the CIVICUS Monitor. The country was downgraded in November 2018

The data from 2016 show that the third sector in Italy has been growing in an economic context characterised by a deep and prolonged recession. 11,6% more entities were registered compared to 2011, with a growth in the number of volunteers and employees, respectively +16,2% and +15,8%¹. While half of these entities are concentrated in the northern part of the country, the sector grew in all Italian regions compared to 2011. In 2018, however, the establishment of a new government has put pressure on associations. The space for solidarity, in particular, has been hit by a heavy campaign of criminalisation directly driven by the Government of the time in parallel with restrictive legislation, with repercussions on the whole sector. At the same time, a multitude of initiatives have taken place, promoted and also coordinated by new and informal social groups and coalitions, to reverse the trend and reclaim the right to act.

¹ ISTAT, Censimento permanente delle Istituzioni non profit. Primi risultati, 2017

THE NUMBERS OF THE THIRD SECTOR IN ITALY (2015)

Population:

60.8 million

Number of Third Sector entities:

336 275

+11.6% compared to 2011

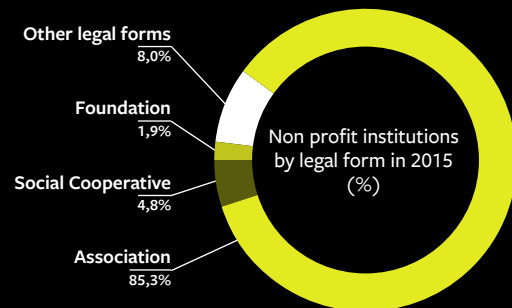
Number of employees:

788.126 (2015)

Number of volunteers:

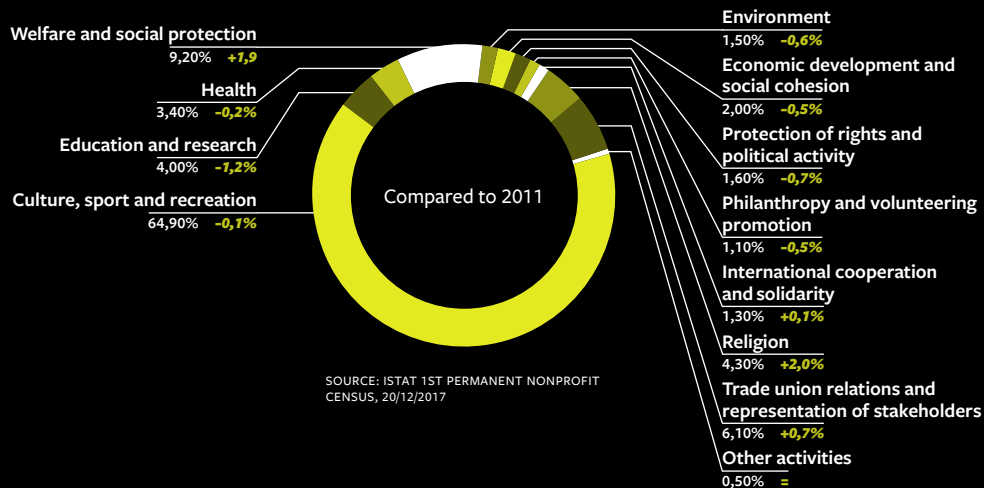
5 528 760 (2015)

SOURCE: ISTAT 1ST PERMANENT NONPROFIT CENSUS, 20/12/2017



SOURCE: ISTAT 1ST PERMANENT NONPROFIT CENSUS, 20/12/2017

DISTRIBUTION OF NONPROFIT INSTITUTIONS BY FIELDS OF ACTIVITY



SOURCE: ISTAT 1ST PERMANENT NONPROFIT CENSUS, 20/12/2017

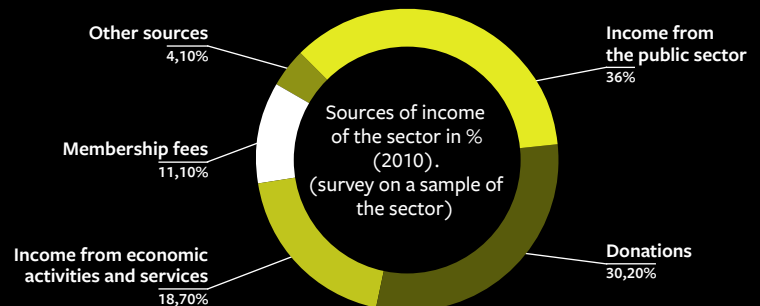
THE ECONOMIC WEIGHT OF THE SECTOR

Budget of the third sector:

circa 64 billion euros

It represents **3,8%** of national GDP

SOURCE: ISTAT, 3RD PERMANENT NONPROFIT CENSUS 2011



SOURCE: RICERCA SUL VALORE ECONOMICO DEL TERZO SETTORE IN ITALIA 2012, UNICREDIT FOUNDATION
WWW.FORUMTERZOSETTORE.IT/MULTIMEDIA/ALLEGATI/RICERCA.PDF

CRIMINALISATION OF SOLIDARITY AND WIDER REPERCUSSIONS FOR THE SECTOR

Towards an acceleration of shrinking space

By Gaia Romeo, *A buon diritto*

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From June 2018 to August 2019, Italy has experienced an attempt of centralisation of power under the so-called “yellow-green” government. The agenda was led de facto by the Minister of Interiors Matteo Salvini, head of the far-right League party and co-deputy prime minister together with the Minister of Labour, Luigi Di Maio, leader of the anti-establishment Five Stars Movement. These fifteen months accelerated the reduction of space of civil society, in particular for those working on the issue of immigration and especially for those engaged in rescue-at-sea. However, the measures had wider repercussions on the democratic space, including the right to protest and to criticise the actions of the government and its leaders.

BACKGROUND

In Italy, criminalisation of solidarity has a long history. Already in August 2016, the centre-left mayor of Ventimiglia, a village at the borders with France and transit point for many migrants, issued an ordinance prohibiting to give food to migrants in the street. Expulsion orders started being issued against young activists assisting migrants with food and legal help in Ventimiglia, Como and other cities. The ordinance was later repealed after three French volunteers were arrested sparking a large protest.

The turning point was in 2017 when the Public Prosecutor of Catania, Carmelo Zuccaro, announced an investigation into illegal funding and collusion with human traffickers and organised crime of NGOs rescuing migrants at sea. In March 2018, he also opened an investigation towards Marc Reig Creus and Ana Isabel Montes, respectively commander and chief of

mission for the Spanish NGO Proactiva Open Arms, after they had saved more than 200 people shipwrecking in international waters. The charges were criminal conspiracy aimed at smuggling, smuggling and private violence. Later in 2018, Zuccaro himself had to ask for dismissal of the general investigation towards NGOs and the charges of criminal conspiracy in the investigation against Creus and Montes, while the other charges are still pending. In none of these cases nor in the following similar ones anyone was found guilty by Italian justice. However, these accusations had and still have a strong effect as they contribute to poisoning public opinion against the work of NGOs. At the same time, the then centre-left Minister of Interiors Marco Minniti introduced the controversial “Code of Conduct” that NGOs were compelled to sign in order to keep operating in the Mediterranean Sea. The code put all the

operations under Rome's direction, introduced the presence of armed police officers on board and forbade the transfer of rescued people from one boat to another. The Code was strongly criticised by several NGOs and organisations, as its provisions made the rescue operations more difficult. Also, it strengthened the idea that NGO should be "controlled".

The same Minister passed a law which undermined the minimum legal guarantees in the procedures for the recognition of asylum and other kinds of protection, for example by abolishing the second degree of judgment. In this regard, it is important to emphasise that in the first degree the asylum seeker is not necessarily assisted by a lawyer, and the third degree only sentences about the regularity of the procedure. Therefore, the second degree was the moment in the procedure when the lawyer could properly intervene.

The law on immigration was adopted in combination with a law on security, which authorised the mayors, in collaborations with the prefect, to cast out individuals "undermining the public use of the area" from determined urban areas. Such vague definition was interpreted especially against migrants and homeless standing or sleeping in public areas, with the effect of identifying poverty with insecurity.

LEGISLATIVE DEVELOPMENTS

When Salvini – whose nationalist propaganda is fiercely anti-immigration and by extension against civil society dealing with migrants – took power, the ground was fertile enough to pass two governmental decrees on "security and immigration". The two bills were approved as matters of urgency, skipping the parliamentary discussion, and then converted into law.

The first one, approved in late November 2018, eliminated the "humanitarian permit of stay", the type of protection most

commonly provided by Italian national law. It also excluded from the reception system the holders of this permit and prevented asylum seekers from being registered in municipal registries, with the effect of depriving them of all the rights connected with residency. It also increased penalties for strangers committing crimes and foresaw the possibility to revoke Italian citizenship for those who have acquired it in adult age, as a consequence of some crimes.

In parallel, the Ministry of Interiors blocked the ongoing conventions with profit and non-profit entities in charge of managing the CAS ("Centri di accoglienza straordinaria", centres for special reception), a very widespread type of reception centre for migrants. The decree also strongly reduced the previous daily budget per capita, by cutting, in particular, the integration part and the possibility for many to live autonomously in apartments and not in the centres. The stop to the conventions created a very chaotic situation for both the hosting entities and the people benefiting from their services. As Oxfam Italy denounced in its report¹, up to 15,000 CAS operators risk to lose their jobs by the end of 2019 as an effect of the decree.

The second Security Decree – enacted in summer 2019 – gave to the Minister of Interiors the power to prevent boats suspected of "being a threat to national security", namely smuggling, to enter into the Italian territorial sea. It also established a huge fine of up to 1 billion € and the confiscation of the boat for the offenders.

While the core of the government narratives and legislation targeted migrants and solidarity, the aim was to have a broader effect on civic space. The two bills on immigration contained detrimental measures concerning freedom of assembly: the first decree foresees imprisonment

up to six years for anyone who blocks or obstructs a road, while the second one increased penalties for crimes committed during manifestations and use of force or threats against a public official. It also establishes imprisonment between 2 and 3 years and fines from 2000 up to 6,000 euros for anyone who uses protective helmets, or any other means to make it difficult to recognise the person. Moreover, the 2018 budget law had reduced tax advantages for nonprofit organisations, and with the law "against corruption" the government tried to penalise organisations whose members held elected offices. Both measures were eventually corrected afterwards.

THESE FIFTEEN MONTHS ACCELERATED THE REDUCTION OF SPACE OF CIVIL SOCIETY, IN PARTICULAR FOR THOSE WORKING ON THE ISSUE OF IMMIGRATION AND ESPECIALLY FOR THOSE ENGAGED IN RESCUE-AT-SEA. HOWEVER, THE MEASURES HAD WIDER REPERCUSSIONS ON THE DEMOCRATIC SPACE, INCLUDING THE RIGHT TO PROTEST AND TO CRITICISE THE ACTIONS OF THE GOVERNMENT AND ITS LEADERS.

¹ Oxfam Italia, Invece si può! Storie di accoglienza diffusa, https://www.oxfamitalia.org/wp-content/uploads/2019/05/oxfam_invece-si-pu%C3%B2-paper-accoglienza_2.05_digitale.pdf, 2019.

THE LONG WAIT ON BOARD, OFTEN WITH ADVERSE WEATHER CONDITIONS, CREATED VERY RISKY MEDICAL AND PSYCHOLOGICAL SITUATIONS FOR BOTH THE CREW AND ESPECIALLY THE RESCUED, AMONG WHICH WOMEN AND CHILDREN AND VICTIMS OF TORTURE AND DEPRIVATION.

THE POLITICS OF “PORTI CHIUSI”

On several occasions the government postponed for days and weeks the authorisation to land to boats which had performed rescue operations by announcing that “Italian ports are closed”, a procedure considered against national and international law. The long wait on board, often with adverse weather conditions, created very risky medical and psychological situations for both the crew and especially the rescued, among which women and children and victims of torture and deprivation. Often, the boats concerned belonged to NGOs – except the vessel “Diciotti” which was under the Italian guard coast – and in some cases their captains were put under investigation.

For example, in late June 2019 the captain of the Sea Watch 3 Carola Rackete was arrested straight after her entry into the port, and charged with violation of the second law on security and immigration – for having landed illegally – and for smuggling. She had forced the entry into the port of Lampedusa, the

Sicilian island which is famous for being the arrival point for many migrants rescued at sea, after two weeks of waiting in international waters with more than 40 people on board. The judge asked for the dismissal of the first charge, as Rackete was considered to have acted in a state of emergency, and because a boat saving lives cannot be considered as a threat to national security.

SMEAR CAMPAIGN AND FREEDOM OF EXPRESSION

About freedom of expression, while no restriction action was formally taken, it can be reported that Salvini’s attitude towards journalists has been and still is very hostile when unwanted questions have arisen. For example, a journalist was intimidated by Salvini’s security men after he filmed Salvini’s teenage son on the Police watercraft, on the beach, on July 2019, raising questions on the personal use of police equipment. When asked about this case during a press conference, Salvini insulted the journalist and accused him to “like children too much,” insinuating he was a paedophile. The three police officers involved – those who were serving as security men – are now under investigation.

Furthermore, Salvini has often publicly addressed threatening words to judges and prosecutors issuing decisions against the government policy, accusing them of making political decisions: it was the case of the judge who released Carola Rackete, or the judges of the Tribunal of Bologna, who sentenced in favour of the right of two asylum seekers to be registered in the municipal registry. After these episodes, the Associazione Nazionale Magistrati (National Association of Prosecutors), in a note, denounced Salvini’s contemptuous attitude in their regards.

A similar intolerance against the “enemies” can be found on the social media of the former Minister of Interiors. His Facebook page – whose staff was paid with the budget of the Ministry, namely

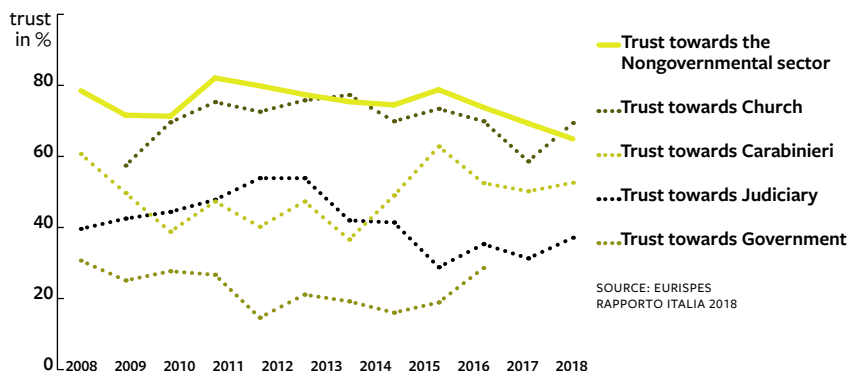
with public funds – often shared photos of undesirable journalists, judges or simple protesters – even teenagers –, never insulting them directly, but exposing them to the hatred of his followers. For example, in March 2019 he shared the photo of a young woman holding a sign against the Minister during a manifestation, collecting thousands of insults.

Also, it must be recalled that the last years have seen the rise of small but numerous neo-fascists groups, whose violent words and actions against both migrants and journalists have contributed to a climate of hate and intolerance. For example, two journalists – Federico Marconi and Paolo Marchetti from “l’Espresso” – were hit and threatened while they were documenting a fascist commemoration in Rome’s monumental cemetery Verano in January 2019. A month later Paolo Berizzi, a journalist from “Repubblica”, was intimidated several times by fascist groups on which he had been writing about. There is no formal relations between these groups and the party League, and Salvini has never given them his endorsement, but no serious action against them was even taken, or strong condemnation pronounced.

Another important alarm bell concerning anti-rights groups was the World

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Citizens' trust towards CSOs



Congress of Family that was held in Verona in March 2019. The WCF – the global anti-abortion, anti-reproductive rights, anti-feminist, anti-divorce and anti-LGBTIQI movement promoting the defence of the “natural family”- has been classified as a “hate group” by several civil society groups. However, the government first gave its sponsorship to the Congress and, only after the strong opposition of many citizens, withdrew it, while it was anyway accorded by the Ministry of Family. The Minister himself, Lorenzo Fontana, together with the Minister of Education Marco Bussetti and Salvini participated to the Congress.

CONCLUSION

In this framework, the response of civil society has been very diversified. Several actors – associations, lawyers, citizens – have put in place initiatives to contrast criminalisation of solidarity and to abrogate through legal means part of the legislation on security and immigration. Huge donations were raised to pay legal expenses for NGOs charged with accusations, and very active support groups were set up. For example, when Mimmo Lucano, famous for having repopulated the village of Riace in Southern Italy with migrants, was arrested as suspected of abetting illegal immigration, fraudulently awarding contracts and having organised “marriages of convenience”, civil society

mobilised strongly to protest against the accusations and to show solidarity. If the response of civil society proved many times to be remarkable, it lacks a central strategy.

In the last months, however, the situation has overturned very fast. In August 2019, Salvini, at the top of his popularity, decided to end the alliance with the Five Stars Movement and asked for new elections, certain to strengthen his power in the Parliament. Surprisingly, a new government was formed thanks to the

unexpected alliance between the Democratic Party and the Five Stars Movement, under the same Prime Minister, Giuseppe Conte. The government program announced a new strategy on migration and the modification of the two Decrees introduced by the former government in the parts concerning migration – but not the part concerning security. On September 23rd, in Malta, the new Italian Minister of Interior – Luciana Lamorgese, former prefect of Milan – met her counterpart from Malta, France, Germany in the presence of the Minister of Interiors of Finland – this latter country having the Presidency of the EU Council – and the outgoing EU Commissioner for Migration Dimitris Avramopoulos. The outcome of the meeting was an agreement to establish a European mechanism of redistribution of migrants, which will soon be discussed by the Council on Justice and Home Affairs. The next months will be crucial to understand how the new government will deal with the legacy of the previous one, and how this will impact civil society and its place and space in Italian society. ■

SEVERAL ACTORS – ASSOCIATIONS, LAWYERS, CITIZENS – HAVE PUT IN PLACE INITIATIVES TO CONTRAST CRIMINALISATION OF SOLIDARITY AND TO ABROGATE THROUGH LEGAL MEANS PART OF THE LEGISLATION ON SECURITY AND IMMIGRATION.



THE AUTHOR

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