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Permanent Mission of Italy
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NOTE VERBALE

The Permanent Mission of Italy to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations of the High Commissioner for Human Rights and has the honour to transmit herewith Italy's remarks following the Joint Communication JAL ITA 3/2023 dated 18 July 2023, sent by the Special Rapporteur on the situation of human rights defenders, the Working Group on the issue of human rights and transnational corporations and other business enterprises, the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

The Permanent Mission of Italy to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations of the High Commissioner for Human Rights the assurance of its highest consideration *AS*

Geneva, **18 JAN. 2024**



Office of the United Nations of the
High Commissioner for Human Rights (OHCHR)

Special Procedures Branch

GENEVA

MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION
Inter-ministerial Committee for Human Rights
Comitato Interministeriale per i Diritti Umani

ITALY'S REMARKS
FOLLOWING JOINT COMMUNICATION FROM
UN SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN
RIGHTS DEFENDERS, WORKING GROUP ON THE ISSUE OF
HUMAN RIGHTS AND TRANSNATIONAL CORPORATIONS AND
OTHER BUSINESS ENTERPRISES, UN SPECIAL RAPPORTEUR
ON THE ISSUE OF HUMAN RIGHTS OBLIGATIONS RELATING
TO THE ENJOYMENT OF A SAFE, CLEAN, HEALTHY AND
SUSTAINABLE ENVIRONMENT, UN SPECIAL RAPPORTEUR ON
THE PROMOTION AND PROTECTION OF THE RIGHT TO
FREEDOM OF OPINION AND EXPRESSION
(AL ITA 3/2023)

January 2024

ITALY'S REMARKS

Italy renews its commitment to strengthen the open and mutual dialogue with the UN Human Rights Machinery and its bodies and mechanisms to enhance the promotion and protection of human rights. Further to UN Special Rapporteurs' joint communication (AL ITA 3/2023), dated July, 18th 2023, the Government of Italy as for the national framework under implementation concerning business and human rights, Italy is in a position to provide the following information.

- **2nd NAP on BHR 2021-2026**

Within the framework of Italy's ongoing commitment to promote and protect human rights, the 2nd Italian NAP-BHR 2021-2026, officially adopted on December 10th 2021, intends to strengthen the implementation of the UN Guiding Principles on Business and Human Rights through a series of complementary measures, referring in particular to the following points:

- the systematic promotion of BHR issues in all relevant international fora as an integral part of a universal vision of Human Rights, Sustainable Development, Democracy and the Rule of Law. In this context, the application of the UNGPs should therefore also be promoted in relation to Sustainable Development Goals (SDGs) of the 2030 Agenda (in particular SDGs 4, 5, 8, 10, 12, 16, 17) and the contents introduced by the UNGPs 10+ project initiated by the relevant UN Working Group on Business and Human Rights;
- addressing issues and practices related to the protection of the environment, health, decent work and 'Human Rights Defenders', also in the face of the new challenges posed by the gig economy and in the context of the National Recovery and Resilience Plan (NRRP), in correlation with the challenges of multi-dimensional post-Covid-19 reconstruction;
- the need to study in depth innovative issues related to technological development and artificial intelligence – also in relation to the Declaration of Rights in the Internet adopted by the Italian Parliament on 31 July 2015, in order to highlight their possible impact on the enjoyment of human rights, as well as an adequate action of corporate Due Diligence, and further innovative issues related to activities promoted by cultural companies with an important impact on the promotion of human rights;
- the commitment to update and improve collective action in relation to multiple human rights issues from the perspective of protecting the 'most vulnerable' (women and girls, minors, persons with disabilities, LGBTIQ+ persons, migrants and asylum seekers, persons belonging to ethnic and religious minorities, the elderly), with the aim to empower their role and involvement as right-holders, where individual aspects related to business activities may have a significant impact on these categories from a labour and economic point of view.

The 2nd NAP-BHR updates these issue for a renewed vision, as proposed in the main international and regional intergovernmental systems, not only in order to consistently and continuously preserve former commitments but also to introduce new voluntary commitments to ensure that the Italian position is in line with the conceptual and executive update of the UNGPs.

The structure of the 2nd NAP-BHR reflects the model proposed by the UN Working Group: each operational principle is examined by introducing the most relevant actions and interventions (legislative, programmatic, administrative) adopted at the national level, followed by a list of planned measures, to implement at the best the Guiding Principles.

The following national priorities of the 2nd NAP-BHR are proposed:

1. strengthening of the process to outline a regulatory framework for human rights due diligence, in accordance with international standards and developments in the EU, in order to identify, prevent and mitigate risks and manage eventual human rights violations by business companies;
2. the promotion of fundamental rights through business activities both offline and online along the supply chain, at local, national, regional and global level;
3. combating all forms of discrimination in the definition of business companies' strategic priorities in order to guarantee a performance that respects diversity, with particular reference to automated information management mechanisms and digital systems;
4. a collective awareness of the impact that new technologies, especially artificial intelligence, could have on the enjoyment of human rights, while paying attention to the promotion of corporate due diligence processes on human rights within the activities of those companies involved in research and development of new technologies;
5. strengthening of measures to prevent and combat all forms of exploitation in the labour sector, both public and private, inferring vulnerable groups as victims, with particular reference to women, minors, persons with disabilities and LGBTIQ+ people;
6. strengthening of legislative and policy measures relating to the prevention and combating of the phenomenon of 'caporalato' (especially in the agricultural and construction sectors);
7. the protraction of planning and implementation of supervisory actions and information initiatives for the prevention of offences and the promotion of legality in the field of outsourcing of entrepreneurial activities and subcontracting chains, aimed at guaranteeing adequate protection for workers and effective awareness of their rights;
8. the consolidation of Italy's role in the context of international cooperation processes for human rights-based development, with a view to achieving the sustainable development goals set out in the 2030 agenda;
9. the promotion of protection of the ecosystem and environmental sustainability processes, taking into consideration the impact of business companies' actions on people and communities in the medium and long term.

Among the key-issues there are the following ones: Legality rating; Administrative responsibility of business companies; irregular work and agriculture; Smuggling of migrants and trafficking in human beings; International development cooperation; Vulnerable categories; Gender; Environment; Children and adolescent rights; The principle of Diversity management in the business context; Responsible conduct and Due Diligence in the framework of the United Nations, OECD and European Union; Training; Public procurement/corruption; Internationalisation of business companies.

- **Monitoring mechanism of the 2nd NAP on BHR 2021-2026**

The implementation of past and new commitments has been and is attributed to a special coordinating body, the Working Group on Business and Human Rights (GLIDU), set up at the Inter-ministerial Committee for Human Rights (CIDU), whose members are representatives of the central Administrations concerned and which convenes for two sessions a year.

The programmatic commitments undertaken in the 2nd NAP-BHR for the better implementation of the UNGPs have been put under monitoring through the introduction, appropriate use and updating of adequate indicators, so that they may effectively guide the legislative, regulatory and administrative institutional actions at the domestic level, albeit in open and constructive dialogue with the business world, as well as through the cooperative bilateral and multilateral Italian action.

The monitoring of planned measures, also taking into account the recommendations provided during the country-visit to Italy (October 2021) as well as in the country-visit report of the WG, which have been included yet in the 2nd NAP during its drafting process.

Targeted dialogue with non-institutional stakeholders has been promoted in a consultative manner. This consultative group has been usually conveyed in an open dialogue meeting with the GLIDU, following the second annual meetings, and its participants have been invited to propose contributions on the issue representing business associations, trade unions, non-governmental organizations, civil society, human rights defenders, experts in the field and the academic world.

These actors (ENEL included) also sent their contributions on the occasion of an online assessment e-consultation in 2021 and also in the process for the compilation of the second NAP, whose results, completed by contributions from the GLIDU, were relevant for assessing the implementation outcomes of the first NAP, as mentioned, and of course for drafting the structure and contents of the second NAP.

CONCLUSION

We take this opportunity to reiterate our firm willingness to continue cooperating fully with all UN Special Procedures.

