Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of human rights in the context of climate change; the Special Rapporteur on the human right to a clean, healthy and sustainable environment; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association

Ref.: AL ITA 6/2024
(Please use this reference in your reply)

6 December 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of human rights in the context of climate change; Special Rapporteur on the human right to a clean, healthy and sustainable environment; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 52/4, 51/8, 48/14, 55/2, 52/9 and 50/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the alleged arbitrary detention and degrading treatment of human rights defender Valentina Corona.**

Ms. **Valentina Corona** is a climate activist involved with Extinction Rebellion, an international movement which uses non-violent direct action and civil disobedience to call for just action by governments on climate change and ecological collapse. Ms. Corona has been active with the group since 2019.

According to the information received:

On 9 July 2024, Extinction Rebellion activists organised a peaceful protest at the city hall in Bologna, where the Science and Technology Ministers' Meeting of the G7 was taking place. Some protestors sat together in front of the entrance to the building, linking themselves in twos with bicycle locks. Others entered the building to hang a banner from the facade reading "Your technology, our collapse", using climbing ropes and safety equipment to set up the banner. Activists also made a pile with old IT equipment, danced, chanted and handed out petitions on the square in front of the city hall.

Following the intervention of police, Ms. Corona, who did not participate in the protest directly but was present to mediate between activists and the authorities, entered into dialogue with the police in an effort to de-escalate tensions. Despite this, she and 20 other activists were taken to police headquarters in Bologna, where they were detained for between 7 and 8 hours, without being formally put under arrest. While detained, Ms. Corona's belongings were seized before she was separated from the group of activists, reportedly obliged to undress completely in a bathroom, and then asked to bend over to be searched by a female police officer. It has been reported that

Ms. Corona was not offered access to a lawyer or a third person that could assist her, despite the search report stating that Ms. Corona had been asked whether she wanted to exercise such right.

The activists detained reportedly face multiple charges, including under article 18 of the Consolidated Text of Public Safety Laws (TULPS), which regulates the holding of protests, and under article 610 of the Italian Penal Code, which provides for a sentence of up to four years of imprisonment for those found guilty of committing "private violence" (*violenza privata*), which is defined as forcing a person or people to do, tolerate or omit to do something through violence or threat.

On 25 July 2024, Ms. Corona lodged a complaint against her treatment in detention.

Without wishing to prejudge the accuracy of the information received, we express concern at the alleged detention of Ms. Corona and other activists from Extinction Rebellion, which we fear may have been arbitrary and appears to have been carried out in direct connection with their peaceful exercise of their human rights, including their right to freedom of assembly, freedom of expression and to promote and protect human rights. We underline our strong concern at the reported charges brought against Ms. Corona and those involved in the protest, notably the allegation of "private violence", given it appears to have been brought against members of a group engaged in non-violent acts which appear to have posed no threat to the public or to any individual person and to have been motivated solely by legitimate, well-founded concerns about climate change and its impact on human rights. Notably, as of November 2024, a number of UN Special Rapporteurs have expressed alarm that "current and planned climate action until 2030 and beyond is grossly inadequate to ensure a safe climate for humanity, in line with everyone's human right to a healthy environment and the protection of individuals, communities and States that have already borne the brunt of the negative human rights impacts of climate change. Collective current plans only amount to a 2 percent emissions reduction by 2030 compared to 2019, whereas a 43 percent cut is needed to avoid climate chaos."[1]

It should also be underscored that a number of UN Special Rapporteurs have expressed growing concerns for the violations of the human rights of climate activists. The Special Rapporteur on the rights to freedom of peaceful assembly and of association underscored that civic action, social movements and environmental human rights defenders play an essential role in ensuring climate justice,[2] expressing alarm about mounting restrictions of civic space, including repression and criminalization of climate activism.[3]

We are concerned that this case is prone to trigger a notable chilling effect on human rights defenders and advocacy groups working on climate change-related issues, impacting their ability to exercise their rights to freedom of expression,

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1 https://www.ohchr.org/en/press-releases/2024/11/cop29-states-must-prioritise-effective-climate-action-and-sufficient-finance.

2 A/77/171.

3 A/HRC/44/50, see also A/HRC/55/50.

association and assembly freely and without fear of reprisals or excessive repression. We recall that States parties to the ICCPR have an obligation to safeguard the rights to freedom of expression, association and assembly and to protect those exercising such rights from suffering reprisals. In this regard, we recall that in its general comment No. 34,[4] the Human Rights Committee stated that States parties have a duty to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (CCPR/C/GC/34, para. 23). Such attacks include arrests, lawsuits or prosecutions that someone may be subjected to in seeming connection to their exercise of this right.

We also express serious concern at the alleged degrading, arbitrary and disproportionate treatment to which Ms. Corona was subjected while detained.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

2. Please provide detailed information to clarify the legal and factual basis for the detention of Ms. Corona and the other Extinction Rebellion activists on 9 July 2024, as well as whether and how their detention was compatible with Italy's obligation to respect and protect human rights under international human rights law (see Annex). Please also provide information as to any charges brought against Ms. Corona and the other activists who participated in the action in Bologna on 9 July 2024.

3. Please provide information as to the legal and factual basis for the separation of Ms. Corona from the group of activists detained on 9 July 2024. Please also provide information on any orders to which Ms. Corona was subjected while separated from the group, and their legal and factual basis, including how any such orders were compatible with Italy's obligations under international human rights law and standards.

4. Please provide information as to the measures adopted by your Excellency's Government (laws, programmes, information, trainings for enforcement officers) to ensure **a safe and enabling environment in which individuals, groups and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation and violence** (see Annex)**.**

[4] https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting website. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudges any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Ganna Yudkivska
Vice-Chair on communications of the Working Group on Arbitrary Detention

Elisa Morgera
Special Rapporteur on the promotion and protection of human rights in the context of climate change

Astrid Puentes Riaño
Special Rapporteur on the human right to a clean, healthy and sustainable environment

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Gina Romero
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to recall article 1 of the Universal Declaration of Human Rights (UDHR), which states that all human rights are born free in equal in dignity and in rights. We would also like to emphasise that the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Italy on 15 September 1978 and further developing the rights agreed in the UDHR, affirm that the rights contained in these instruments apply without discrimination and should be enjoyed by all people.

With this in mind, we would like to recall article 9 of the ICCPR, which establishes that everyone has the right to liberty and security of person, and that no one shall be subject to arbitrary arrest or detention. The Human Rights Committee, in its general comment No. 35 interpreting the article's scope, has underscored the arbitrariness of any arrest or detention without a legal basis and further held that an arrest or detention may be arbitrary irrespective of its being authorized by domestic law. In the same comment, the Human Rights Committee stated that the notion of "arbitrariness" introduced in article 9 should be broadly interpreted to include elements of "inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity and proportionality."[5] The Committee also held any arrest or detention carried out as punishment for the legitimate exercise of the rights as guaranteed by the Covenant to be arbitrary.

Article 17 of the ICCPR establishes the right of everyone to freedom from arbitrary or unlawful interference with their privacy, family, home, or correspondence, as well as to unlawful attacks on their honor and reputation, and the right to the protection of the law against such interference or attacks. The Human Rights Committee, in general comment no. 16, has emphasized that the obligations imposed by this article require State parties to refrain from engaging in interferences inconsistent with article 17 and to provide the legislative framework prohibiting such acts by natural or legal persons.[6] Interference authorized by States can only take place on the basis of law, which itself must comply with the provisions, aims and objectives of the ICCPR.[7] The Committee stressed that he introduction of the concept of arbitrariness in article 17 is intended to guarantee that even interference provided for by law should be in accordance with the provisions, aims and objectives of the ICCPR and should be, in any event, reasonable in the particular circumstances.[8]

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right "to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media". This right applies online as well as offline and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

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5 Human Rights Committee, *General Comment No. 35*, CCPR/C/GC/35, para 12
6 Human Rights Committee, *General Comment No. 16, CCPR/C/GC/16*, para 9
7 Ibid., para 3
8 Ibid., para 4

In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including "political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse" (CCPR/C/GC/34, para. 11).

The Committee asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that "all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress" (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (ordre public), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving "in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat" (CCPR/C/GC/34, para. 35). The Human Rights Committee recalled that the relation between right and restriction and between norm and exception must not be reversed. In this regard, the Human Rights Committee stated that the restrictions must be "the least intrusive instrument among those which might achieve their protective function". (CCPR/C/GC/34, para. 34).

Article 21 of the Covenant, which guarantees the right to peaceful assembly, may only be restricted where such restrictions are provided for by law, and where they are necessary in a democratic society, in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. Elaborating on the obligations of state parties to the Covenant stemming from article 21, the Human Rights Committee, in general comment No. 37, has stressed that peaceful assemblies "can in some cases be inherently or deliberately disruptive and require a significant degree of toleration. 'Public order' and 'law and order' are not synonyms, and the prohibition of 'public disorder' in domestic law should not be used unduly to restrict peaceful assemblies."[9] Concerning direct action and civil disobedience, the Committee further stressed that collective civil disobedience or direct action campaigns "can be covered by article 21, provided that they are non-violent."[10] On what should be considered "violence", the Committee held that this entails "the use by participants [in the given assembly] of physical force against others that is likely to result in injury or death, or serious

[9] Human Rights Committee, *General Comment No. 37,* CCPR/C/GC/37, para 44
[10] Ibid, para 16

damage to property."[11] In the same General Comment, the Committee further held there is a presumption in favour of considering assemblies as peaceful and non-violent.[12]

We would also like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

We would further like to refer to articles 5(a), which states that for the purposes of promoting and protecting human rights, everyone has the right to meet or assemble peacefully; 6(b), which states that everyone has the right, individually or in association with others, to freely publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; 6(c), which states that everyone has the right, individually or in association with others, to study, discuss, form and hold opinions on the observance in law and in practice of all human rights and fundamental freedoms and to draw public attention to these matters; and 9(3)(a), which states that everyone has the right individually and in association with others, *inter alia*, to complain about the policies and actions of individual officials or governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means.

In addition, we would like to bring to the attention of your Excellency' Government article 12 of the Declaration, and in particular paragraphs 2 and 3, which provide that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

We further recall that the Human Rights Council and the United Nations General Assembly respectively recognized the right to a clean, healthy and sustainable environment with the adoption of resolutions 48/13 and 76/300. A safe climate is one of the substantive elements of the right to a clean, healthy and sustainable environment.

Finally, we wish to refer to the Framework Principles on Human Rights and the Environment, presented to the Human Rights Council in March 2018 (A/HRC/37/59), which set out basic obligations of States under human rights law as they relate to the enjoyment of a safe, clean, healthy and sustainable environment. In particular, we would like to refer to principle 4, which provides, that "States should provide a safe and enabling environment in which individuals, groups and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation and violence." Accordingly, "The requirements for

[11] Ibid, para 15
[12] Ibid, paras 15-17

such an environment include that States: adopt and implement laws that protect human rights defenders in accordance with international human rights standards; publicly recognize the contributions of human rights defenders to society and ensure that their work is not criminalized or stigmatized; develop, in consultation with human rights defenders, effective programmes for protection and early warning; provide appropriate training for security and law enforcement officials; ensure the prompt and impartial investigation of threats and violations and the prosecution of alleged perpetrators; and provide for effective remedies for violations, including appropriate compensation (see also A/71/281, A/66/203 and A/HRC/25/55, paras. 54–133)."

With regard to the protection of the human rights of climate activists as environmental human rights defenders, the Special Rapporteur on the rights to freedom of peaceful assembly and of association called on States to: adopt all necessary measures to ensure that climate defenders meaningfully participate in all just-transition policy development and implementation at all levels of decision-making; conduct thorough, prompt, effective and impartial investigations into killings and violence against civil society actors; ensure that perpetrators are brought to justice; and refrain from issuing official and unofficial statements stigmatizing climate defenders.[13] The Special Rapporteur on climate change and human rights has called on States to: protect climate activists as environmental human rights defenders; urgently develop, in coordination with civil society, positive narratives on the contributions of environmental human rights defenders to the protection of human rights in the context of climate change; gather and share information on threats of violence or attacks against environmental human rights defenders and available protection measures and challenges faced in accessing justice, including for children. She also underscored that intimidation or harassment of environmental human rights defenders by public administration bodies, business and other actors can have a deterrent effect on requesting information, which undermines the contribution of climate and environmental human rights defenders to the protection of everyone's human right to a healthy environment, including a safe climate.[14]

[13] A/76/222; recalled in A/HRC/56/46.
[14] A/79/176.