

Coronavirus pandemic in the EU – Fundamental Rights Implications

Country: Italy

Contractor's name: Fondazione “Giacomo Brodolini”

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1 Measures taken by government/public authorities

1.1 Emergency laws/states of emergency

Provide information on emergency laws/declarations of states of emergency, including actions taken by police to enforce them and court rulings concerning the legality of such measures. Please include in particular information on developments relating to the protection of the right of association/demonstration; for example, with respect to the public gatherings that took place concerning the death of George Floyd, or other such events.

In **Italy**, the State of emergency was declared with the Resolution of the Italian Government of 31 January 2020¹ for a six-month period (until 31 July 2020). The Italian Civil Protection (*Protezione Civile*) was the public body entrusted with the mandate to manage and organise the activities necessary to deal with the emergency, as far as the support to the population and the re-organisation of public services are concerned (in compliance with the Legislative Decree No. 1 of 2 January 2018², governing the activities of the Italian Civil Protection). With the Resolution, the Head of the Civil Protection was given the authority to issue Ordinances to deploy the interventions, in conformity with the in-force legislation. This discipline has not been reformed so far and the Italian Courts have not adopted decisions concerning the legality of the measures concerning the state of emergency and its implementation.

1.2 Measures affecting the general population

1.2.1 Social distancing

Focus on:

- *Lifting of stay at home restrictions, and measures/rules for general physical distancing when in public or at home.*
- *Enforcement and penalties.*

In **Italy**, the Decree of the President of the Italian Government of 11 June 2020³ was approved. Art. 1 establishes that people showing Covid-19 symptoms or a body temperature over 37.5, are compelled to stay home and contact their general practitioner. Moreover, the access to public parks and gardens is allowed if the 1-metre interpersonal safety distance is respected and gatherings of people⁴ are prevented. The 2-metre interpersonal distance is confirmed for outdoor sport activities. Art. 1 also

¹ Delibera del Consiglio dei Ministri 31 gennaio 2020, “Dichiarazione dello stato di emergenza in conseguenza del rischio sanitario connesso all'insorgenza di patologie derivanti da agenti virali trasmissibili”, available at: <https://www.gazzettaufficiale.it/eli/id/2020/02/01/20A00737/sg>.

² Decreto Legislativo 2 gennaio 2018, n. 1, “Codice della Protezione Civile”, available at: <https://www.gazzettaufficiale.it/eli/id/2018/1/22/18G00011/sg>.

³ Decreto del Presidente del Consiglio dei Ministri 11 giugno 2020, “Ulteriori disposizioni attuative del decreto-legge 25 marzo 2020, n. 19, recante misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19, e del decreto-legge 16 maggio 2020, n. 33, recante ulteriori misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19”, available at: www.gazzettaufficiale.it/eli/id/2020/06/11/20A03194/sg.

⁴ Gatherings of people are forbidden in compliance with Art. 1.8 of the Law-Decree No. 33 of 16 May 2020, available at: www.gazzettaufficiale.it/eli/id/2020/05/16/20G00051/sg. However, this legislative provision does not provide a definition of “gathering” and the number of people necessary to have one: it is possible to assume that more than 2 people are enough to have a gathering.

established that public demonstrations are allowed in a static form (no parades) and if the 1-metre interpersonal distance among participants is ensured. Art. 3 confirmed the obligation to use facial masks in close public spaces – including means of transports – and in any situation where the 1-metre interpersonal distance cannot be respected: children aged less than 6, people with disabilities that are not compatible with the use of this device as well as their caregivers are exempted from this obligation. These measures are enforced by local Prefects with the support of police authorities.

In **Italy**, the Ministry of the Interior provides data on a daily, weekly, and monthly basis⁵, concerning the enforcement of the security measures and the sanctions imposed in case of violations⁶. For instance, during the week 22-28 June 2020⁷, 458,987 people were controlled by police officers: 301 were sanctioned and 25 were charged for violating the isolation period imposed to those who resulted positive to the Covid-19 test. As per business activities, 90,403 activities were checked: 87 owners were sanctioned; 30 were temporarily closed; 11 were definitely closed. As per the general trend, the number of police controls and the consequent sanctions have steadily decreased: during Phase 1 of the emergency⁸ (11 March – 3 May 2020), 12,360,197 people (3.4% were sanctioned) and 4,798,015 business activities (0.17% were sanctioned) were controlled by Italian police authorities. During Phase 2 of the emergency⁹ (4 - 17 May 2020), 2,412,174 people (1.11% were sanctioned) and 911,777 business activities (0.15% were sanctioned) were controlled by Italian police authorities. During Phase 3 of the emergency¹⁰ (3 – 28 June 2020), 1,825,927 people (0.13% were sanctioned) and 446,181 business activities (0.13% were sanctioned) were controlled by Italian police authorities.

1.2.2 Education

Focus on:

- *Steps to reopen educational institutions (schools, third level and kindergartens). Include any specific measures aimed at children from socioeconomically disadvantaged backgrounds.*
- *Measures to protect students and staff as they return to educational institutions (e.g. related to physical distancing, shift patterns, health and hygiene, etc.).*

In **Italy**, on 26 June the Ministry of Education and the President of the Italian Government presented in a press conference the Guidelines for reopening schools in September 2020¹¹. Italian Regions and municipalities expressed their consent to the Guidelines, which therefore are immediately operative and will be transmitted to all school institutions. As per the reopening date, on 1st September specific classes will start for all the students who did not attain the passing grade in each school subjects at the end of the last schoolyear: these classes were ruled by the Ministerial Ordinance No. 11 of 16

⁵ The June report is available at: www.interno.gov.it/sites/default/files/2020-07/controlli_giugno_2020.pdf.

⁶ Official statistics are available at: www.interno.gov.it/it/coronavirus-i-dati-dei-servizi-controllo.

⁷ Data available at: www.interno.gov.it/sites/default/files/2020-06/settimana_22_-_28_giugno_2020.pdf.

⁸ The report of the Ministry of the Interior on Phase 1 is available at: www.interno.gov.it/sites/default/files/report_controlli_totale_11_marzo_3_maggio_2020.pdf.

⁹ The report of the Ministry of the Interior on Phase 2 is available at: www.interno.gov.it/sites/default/files/allegati/report_controlli_totale_fase_2.pdf.

¹⁰ The report of the Ministry of the Interior on Phase 3 is available at: www.interno.gov.it/sites/default/files/2020-06/fase_tre_3_28_giugno.pdf.

¹¹ The Guidelines are available at: www.miur.gov.it/documents/20182/2467413/Le+linee+guida.pdf/4e4bb411-1f90-9502-f01e-d8841a949429?version=1.0&t=1593201965918.

May 2020¹² which does not foresee a final test/assessment, rather specific classes decided by the teachers for each school subject. These classes can be attended by both students who did not attain the passing grade and by any other students who the teachers deem to be benefitting from such school activities. On 14 September, ordinary classes will start in all Italian schools. Schools will be regularly sanitised and hygienic products – such as hand-sanitisers, soaps etc. – will be available to students and staff. EUR 331 million is earmarked for this specific purpose, which can be used also for maintenance interventions. The 1-metre interpersonal safety distance between students must be ensured: a monitoring system was set up by the Ministry to map the existing school buildings and point out critical situations which do not allow this safety measure. The Ministry also stressed that many public empty school buildings that are no longer in use (almost 3,000) might be used to extend the spaces at the disposal of the school system. Moreover, other public or open spaces (such as museums, theatres, parks etc.) might be used, establishing partnerships with local stakeholders. The Guidelines also suggest teaching methods fostering learning in small groups. Even if ordinary classes will be the general rule for all Italian students, remote learning might integrate – where deemed necessary or useful – ordinary teaching activities only in high schools. Students with disabilities are mentioned as a priority issue in the Guidelines: these students must be ensured the possibility of a daily school activity in the classroom (no remote learning) and be involved in tailored school activities and programmes, depending on their specific needs. Families and associations of people with disabilities will be involved in designing and implementing specific organisational measures. Students with disabilities who cannot communicate with facial masks are exempted from the obligation of wearing them (which is compulsory – until decided otherwise by Ministerial authorities – while staying in school facilities for all students aged more than 6 and for the school-staff). The teaching staff will be involved in training courses focusing on new technologies and safety and prevention measures. Raising-awareness campaigns focusing on responsible behaviours to counter the epidemic will be organised, also targeting parents and students. As per school canteens, these must be ensured to all students who are entitled to this service: each school can implement specific measures to provide this service, respecting safety, and prevention measures (such as organising shifts). If the school facility is too small or the students are too many, specific provision measures can be designed and implemented, such as the provision of meals in the classrooms.

The Guidelines also provide some indications on kindergartens: children aged less than 6 need a closer physical contact with their educators and the social distancing is difficult to respect. For this reason, organisational procedures must be adopted considering the specific needs of this age-slot of students. Protocols must be adopted governing the daily access of students (and parents accompanying them) to creches, the sanitation of the facilities and of the teaching and playing materials. Creches must try to use all spaces at their disposal – both indoor and outdoor ones – in order to increase the available space and the consequent interpersonal distance among children. Children are exempted from the obligation to wear facial masks: educators can opt for lighter face shields facilitating the identification and gloves allowing physical contact with the children.

¹² Ministero dell'Istruzione, Ordinanza concernente la valutazione finale degli alunni per l'anno scolastico 2019/2020 e prime disposizioni per il recupero degli apprendimenti, 16 May 2020, available at: www.miur.gov.it/documents/20182/2432359/OM+VALUTAZIONE+FINALE+ALUNNI+A.S.+19-20+RECUPERO+APPRENDIMENTI+.0000011.16-05-2020.pdf/c665ee9e-1752-c808-ce67-9f3e3c02ef7e?version=1.0&t=1589784478152.

In **Italy**, the Decree of the President of the Italian Government of 11 June 2020¹³ was approved. Its Art. 1 confirmed the suspension of university teaching activities – including exams – and the prosecution of remote-teaching, until decided otherwise by Governmental and Ministerial authorities. At the beginning of June, the Ministry of University declared¹⁴ that – from the month of July – the discussion of the final dissertation will be held in presence, limiting the number of participants and respecting the interpersonal distance and the necessary safety measures.

In **Italy**, the Law-Decree No. 34 of 19 May 2020¹⁵ was approved, introducing economic support measures earmarking a budget of EUR 55 billion. EUR 290 million was destined to third-level institutions: EUR 62 million is earmarked to support students who do not have access to the devices that are necessary for remote teaching, since on-line classes are expected to continue in September as well. EUR 165 million is destined to policies aimed at implementing the right to study, including the reduction of university fees for students with low annual income. EUR 40 million will integrate the scholarships Fund. Ph.D. students can apply for a two-month paid extension of their scholarships. EUR 200 million will be earmarked in 2021 to enrol additional researchers in Italian universities. Eventually, EUR 250 million will be destined in 2021 and EUR 300 million in 2022 for the Fund for Investments in Scientific and Technological Research (*Fondo per gli Investimenti nella Ricerca Scientifica e Tecnologica* – FIRST).

1.2.3 Work

Focus on:

- *Steps for specific sectors/the general population to return to work and measures to protect employees in the workplace (physical distancing, health and hygiene, shift patterns, etc.). Please include any specific measures aimed at people in precarious work.*
- *Ending of furlough/short-time work programmes for specific sectors/the general population.*

In **Italy**, the Law-Decree No. 34 of 19 May 2020 was approved, introducing economic support measures earmarking a budget of EUR 55 billion. The Law-Decree is immediately effective but must be converted into Law by the Italian Parliament within 60 days. Among other measures, the financial bonus for private babysitting services is increased from EUR 600 to EUR 1,200. This bonus amounts to EUR 2,000 for the workers of the defence sector and the healthcare system. Alternatively, it will be possible to use the bonus to register for summer camps, supplementary services for children, territorial socio-educational services, educational and recreational centres and supplementary or innovative services for early childhood. On 17 June 2020, the National Social Security Institute (*Istituto*

¹³ Decreto del Presidente del Consiglio dei Ministri 11 giugno 2020, “Ulteriori disposizioni attuative del decreto-legge 25 marzo 2020, n. 19, recante misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19, e del decreto-legge 16 maggio 2020, n. 33, recante ulteriori misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19”, available at: www.gazzettaufficiale.it/eli/id/2020/06/11/20A03194/sg.

¹⁴ Open (2020), “Coronavirus e università, il ministro Manfredi: «Da luglio lauree di nuovo in presenza””, 5 June 2020, available at: www.open.online/2020/06/05/coronavirus-universita-ministro-manfredi-luglio-lauree-presenza/.

¹⁵ Decreto-Legge 19 maggio 2020, n. 34, “Misure urgenti in materia di salute, sostegno al lavoro e all'economia, nonché di politiche sociali connesse all'emergenza epidemiologica da COVID-19”, available at: www.gazzettaufficiale.it/eli/id/2020/05/19/20G00052/sg.

Nazionale per la Previdenza Sociale – INPS) issued the Circular Letter No. 73¹⁶, providing practical instructions on how to file requests for the babysitting bonus or for the bonus for summer camps. The Circular Letter also stressed that these financial provisions can be requested also by parents in smart working regime, since it became the ordinary working regime for many employees.

In **Italy**, on 23 June 2020, the National Social Security Institute (*Istituto Nazionale per la Previdenza Sociale – INPS*) issued the Circular Letter No. 76¹⁷, establishing that the unemployment benefits (NASpl and DIS-COLL) – governed by the Legislative Decree No. 22 of 4 March 2015 – will be prolonged for additional two months (May and June 2020) if their time limit is scheduled for the period 1st March-30 April 2020. However, potential beneficiaries who are already benefitting from other income support measures introduced during the Covid-19 emergency, are excluded from this extension.

In **Italy**, the Law-Decree No. 34 of 19 May 2020¹⁸ - converted with amendments into Law No. 58 of 28 June 2020 – was approved, introducing economic support measures earmarking a budget of EUR 55 billion to cope with the dramatic economic consequences of the epidemic. Art. 103 of the Law-Decree introduced specific residence permits for third-country citizens living irregularly in Italy and whose residence permits expired before 31 October 2019. These residence permits have a six-month validity since the lodging of the requests and are destined exclusively to third-country citizens who were employed in specific economic sectors: agriculture and farming; domestic work. The requests for these residence permits can be lodged either by the third-country citizens or by the employers willing to regularise an irregular worker who are requested to pay a fee amounting to EUR 400 and further EUR 160 for the administrative costs of the procedure. On 19 June 2020, the Ministry of the Interior issued guidelines¹⁹ implementing this legislative provision. According to this document – which specifically address the compatibility of the regularisation process with the asylum procedure – if the regularisation request is filed by the employer and the employee is an asylum seeker, s/he will be communicated the possibility to choose whether to maintain the asylum procedure. If the request is filed by the asylum seeker, the request must be rejected since the applicant does not hold an expired residence permit, but rather a temporary residence permit for asylum application.

1.2.4 Access to justice

Focus on:

- *Steps to lift restrictions previously imposed on court proceedings and any strategies to deal with case backlog or increased litigation due to COVID-19 measures (e.g. criteria to prioritise certain types of cases/disputes).*
- *Continued use of remote hearings and videoconferences within court proceedings despite the lifting of restrictions (e.g. for which proceedings).*

¹⁶ Available at:

www.inps.it/bussola/VisualizzaDoc.aspx?sVirtualURL=/Circolari/Circolare%20numero%2073%20del%2017-06-2020.htm.

¹⁷ Available at:

www.inps.it/bussola/VisualizzaDoc.aspx?sVirtualURL=/Circolari/Circolare%20numero%2076%20del%2023-06-2020.htm.

¹⁸ Decreto-Legge 19 maggio 2020, n. 34, “Misure urgenti in materia di salute, sostegno al lavoro e all'economia, nonché di politiche sociali connesse all'emergenza epidemiologica da COVID-19”, available at: www.gazzettaufficiale.it/eli/id/2020/05/19/20G00052/sg.

¹⁹ Available at: www.asgi.it/wp-content/uploads/2020/06/44360-del-19-06-2020-DL-34-2020-disposizioni-applicative.pdf.

In **Italy**, the Law-Decree No. 28 of 30 April 2020, converted with amendments into Law No. 70 of 25 June 2020²⁰. According to the Law, the emergency phase will be considered concluded on 30 June and judicial proceedings will be ordinarily performed from 1st July on. The possibility remains to conduct the hearings using remote-technology techniques in civil proceedings when only the presence of the legal representatives of the parties is envisaged. As for criminal proceedings, the use of videoconference techniques will not be allowed in the hearings concerning the final discussion of the case, and when witnesses, parties and technical counsellors are involved.

In **Italy**, the Law-Decree No. 34 of 19 May 2020²¹ was approved, introducing economic support measures earmarking a budget of EUR 55 billion. As per the judicial system, Art. 255 earmarked EUR 75 million to reduce the length of pending judicial proceedings, increasing (in 2020-2021) the administrative judicial staff by 1,000 employees, with two-year fixed-term contracts. Art. 221 earmarks specific financial resources to purchase PCs and soft wares' licences at the disposal of the judicial administrative staff. Art. 256 earmarked annual EUR 10 million for the period 2021-2024 to the recruitment of 850 judicial assistants.

1.2.5 Freedom of movement

Focus on:

- *Steps to reopen borders/lift restrictions on freedom of movement to and within the EU, including rules or restrictions applying to certain categories of people (e.g. citizens; 'essential workers'). Please mention what requirements are in place for various categories of people to enter country (e.g. negative COVID-19 test result and/or obligation to self-isolate etc).*
- *Changes to asylum application procedures (e.g. lifting of temporary suspensions or restrictions on procedures) or available statistics on numbers of asylum applications (e.g. being much lower than for same period in previous years due to travel restrictions).*

In **Italy**, the Law-Decree No. 33 of 16 May 2020²², the Decree of the President of the Italian Government of 17 May 2020²³ and the Decree of the President of the Italian Government of 11 June 2020²⁴ was approved. According to the resulting legislative discipline, since 3 June displacements

²⁰ Legge 25 giugno 2020, n. 70, "Conversione in legge, con modificazioni, del decreto-legge 30 aprile 2020, n. 28, recante misure urgenti per la funzionalità dei sistemi di intercettazioni di conversazioni e comunicazioni, ulteriori misure urgenti in materia di ordinamento penitenziario, nonché disposizioni integrative e di coordinamento in materia di giustizia civile, amministrativa e contabile e misure urgenti per l'introduzione del sistema di allerta Covid-19", available at: www.gazzettaufficiale.it/eli/id/2020/06/29/20G00088/sg.

²¹ Decreto-Legge 19 maggio 2020, n. 34, "Misure urgenti in materia di salute, sostegno al lavoro e all'economia, nonché di politiche sociali connesse all'emergenza epidemiologica da COVID-19", available at: www.gazzettaufficiale.it/eli/id/2020/05/19/20G00052/sg.

²² Decreto-Legge 16 maggio 2020, n. 33, "Ulteriori misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19", available at: www.gazzettaufficiale.it/eli/id/2020/05/16/20G00051/sg.

²³ Decreto del Presidente del Consiglio dei Ministri 17 maggio 2020, "Disposizioni attuative del decreto-legge 25 marzo 2020, n. 19, recante misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19, e del decreto-legge 16 maggio 2020, n. 33, recante ulteriori misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19", available at: www.gazzettaufficiale.it/eli/id/2020/05/17/20A02717/sg.

²⁴ Decreto del Presidente del Consiglio dei Ministri 11 giugno 2020, "Ulteriori disposizioni attuative del decreto-legge 25 marzo 2020, n. 19, recante misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19,

from/to EU member States, the Schengen area, the UK, Andorra, the Principality of Monaco, the Republic of San Marino and the Vatican City are completely restored: people travelling from and to these areas are no longer subject to the 14-day isolation period, unless they have travelled in different countries in the 14 days previous to the entry into the Italian territory. Until 30 June, displacements from/to other countries are subject to the 14-day isolation period and to the obligation to communicate to the carrier and to the local healthcare departments the date of arrival and the place where the isolation period will be spent; moreover, the displacements to/from these countries must be based on solid grounds of urgency, work or health.

In **Italy**, on 30 June the Ministry of Public Health signed an Ordonnance²⁵ maintaining the compulsory 14-day isolation period for all passengers travelling to Italy from Countries not belonging to the Schengen Area, including the 14 Countries pointed out by the EU “green list” (Algeria, Australia, Canada, Georgia, Japan, Montenegro, Morocco, New Zealand, Rwanda, Serbia, South Korea, Thailand, Tunisia and Uruguay). As per the reasons allowing passengers from Extra-Schengen countries to travel to Italy, the Ordonnance lists the reasons already mentioned in other legislative provisions – namely, work, health, and absolute urgency – also adding study reasons. This measure will last until 14 July 2020.

1.3 Impact of measures on particular groups

Select the three most relevant groups from the following:

- *persons with disabilities,*
- *homeless people,*
- *older people,*

In **Italy**, on 17 June the National Health Institute (*Istituto Superiore di Sanità – ISS*) concluded its national survey – carried out in cooperation with the National Guarantor for the Rights of Persons Detained or Deprived of Liberty (*Garante nazionale dei diritti delle persone detenute o private della libertà personale*) – concerning the propagation of Covid-19 in Italian Assistance Medical Institutions (*Residenze Sanitarie Assistite – RSA*)²⁶. The survey was aimed at monitoring the situation and adopting strategies to reinforce prevention programmes and principles. The final report was published²⁷. 1,356 RSAs participated in the survey (41.3% of the institutions that had been contacted): the data refers to the period 1 February 2020 – 30 April 2020. As for the main results of the survey, the average number of staff members for each RSA amounts to 2.5 doctors, 8.5 nurses and 31.7 social-health care providers. 11% of the RSAs reported that no doctors are available in the staff. As per the institutions’ capacity, the number of available places was 74.8 for each RSA (ranging between 8 and 667 places). As of 1st February 2020, 97,521 elders were living in the considered RSAs with an average of 72 for each institution (range 7-632). As per the recorded deaths, 9,154 died during the considered period: 680 (7.4%) resulted positive to the Covid-19 test; 3,092 (33.8%) have shown symptoms but did not undergo the test. The peak of deaths was recorded in the period 16-31 March 2020. As per the

e del decreto-legge 16 maggio 2020, n. 33, recante ulteriori misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19”, available at: www.gazzettaufficiale.it/eli/id/2020/06/11/20A03194/sg.

²⁵ Information available at: <http://www.trovanorme.salute.gov.it/norme/dettaglioAtto?id=74700>.

²⁶ Information on the “Survey nazionale sul contagio COVID-19 nelle strutture residenziali e sociosanitarie”, is available at the Ministry of Health’s website: www.salute.gov.it/portale/news/p3_2_1_1_1.jsp?lingua=italiano&menu=notizie&p=dalministero&id=4446.

²⁷ The final report is available at: www.iss.it/documents/20126/0/Report_surveyFinale+RSA.pdf/4b14b829-5a07-24e9-955a-4d4c9a7e4440?t=1592402115720.

difficulties the staff had to deal with, 972 respondents (77.2%) mentioned the lack of individual protection devices; 263 (20.9%) mentioned the lack of information provided by the authorities on the procedures and measures to limit the virus propagation. Moreover, 123 facilities (9.8%) also mentioned the insufficiency of medicines; 425 (33.8%) the shortage of staff; 157 (12.5%) the difficulties in transferring the patients with Covid-19 to ordinary hospitals. Eventually, 330 RSAs (26.2%) reported difficulties in isolating the patients with Covid-19; 282 the impossibility to carry out the testing of patients.

In **Italy**, on 15 June the National Health Institute (*Istituto Superiore di Sanità* – ISS) released a report²⁸ concerning the analysis of the socio-demographic features of Covid-19 victims in Italy. The report considers 30,000 deaths occurred before 4 May and more than 3,000 occurred after and until 9 June. The average age of the victims gradually increased during the period March-June 2020, from 79.8 (until 4 May 2020) to 82.5 (from 4 May to 9 June). The average age for female victims increased from 83.1 to 85.1; as per male victims, the average age increased from 77.6 to 79.1. The report also provides some possible explanations for this increase: the improvement of treatment techniques; a better organisation of medical facilities; the increase of the number of carried out Covid-19 tests.

In **Italy**, the National Guarantor for the Rights of Persons Detained or Deprived of Liberty (*Garante nazionale dei diritti delle persone detenute o private della libertà personale*) on 26 June presented before the Italian Parliament its annual report²⁹. The report also focused on the situation in Italian Assistance Medical Institutions (*Residenze Sanitarie Assistite* – RSA). The Guarantor stressed some critical issues and mistakes in the management of the Covid-19 situation in these facilities which severely compromised the safety of the elders assisted in RSAs: the report specifically mentioned that local healthcare departments did not provide RSAs with doctors trained in the epidemic management and sufficient individual protection devices, considering that the RSAs' management was in charge to autonomously deal with the situation.

- *women,*

In **Italy**, on 2 April 2020 - during the Covid-19 emergency - the Italian Equal Opportunity Department signed an urgent Decree³⁰ allowing to earmark the EUR 30 million for the Fund for Policies concerning Rights and Equal Opportunities that had not been distributed, yet, since the Regions and autonomous provinces had not adopted the programmes of interventions that are requested by the in-force legislation to obtain the resources of the Fund. The urgent provision also envisaged that the EUR 10 million that, according to the Decree of 4 December 2019, was destined to any other measure implementing the National Strategic Plan, must be destined to the activities and actions that local support-services (generally referred in Italian as *Centri Anti Violenza* – CAV) and shelters need to adopt to cope with the Covid-19 emergency. On the same day, the national network countering gender-based violence (Associazione Nazionale D.i.Re “Donne in Rete contro la violenza- D.i-Re”) – a network of more than 80 local CAVs and shelters – issued a press release stressing that additional resources

²⁸ The report is available at: www.iss.it/documents/20126/0/Report_decessi_15Giugno.pdf/26f2518a-313c-3a9a-136d-fa1cbd79cae1?t=1592229814221.

²⁹ The report is available at: www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/be66d834b9ac9728d5010b11b1da479b.pdf and www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/a5fa1a499fdaf9e241f537006675c158.pdf.

³⁰ Information available at the Department's website: www.pariopportunita.gov.it/news/violenza-sulle-donne-ministra-bonetti-sblocca-30-milioni/.

are needed to cope with the upsurge of gender-based violence episodes occurred during the epidemic emergency: according to these organisations, the EUR 30 million are barely sufficient to finance the services' ordinary activities; whereas, the Covid-19 emergency entailed a more intense intervention request³¹. The application procedures have been simplified as much as possible in order to speed up the disbursement of resources. The applicants will have access to a maximum contribution that varies according to the type of structure, set at EUR 15,000 for the shelters and EUR 2,500 for CAV, to be used for interventions for the best management of COVID-19 emergency. Eligible expenses include, for example, those relating to the identification of housing solutions aimed at the isolation and quarantine of women who are victims of violence, the purchase of personal protective equipment and the sanitation of environments. Applications may be submitted until 31 July 2020 and sufficient resources have been allocated to accommodate all potential applications.

The establishment on 12 June 2020 of the newly Task Force "Women for a new Renaissance"³² under the leadership of the Minister for Equal Opportunities and Family is also worth of mentioning: it has been composed of 12 women representing several sectors, convened on 15 April 2020 on streaming in order to draft ideas and proposal for the post-COVID -19 social, cultural and economic restart.

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

- produce analysis and scientific evidence relating to the impact of the COVID-19 outbreak on gender issues;
- formulate proposals to increase the percentage of women in all areas of work, to overcome barriers to advancement in career paths, especially in the fastest growing fields (STEM, computer computing, cloud computing, data and artificial intelligence, etc.), to contrast gender stereotypes that prevent women from reaching leadership positions and to build a more inclusive sustainable future for all;
- draw up a policy document with the definition of priorities and policies in operational terms to address the challenges for gender equality in all sector and to strengthen the presence and role of women in all the areas examined, with a focus on the social, cultural and economic revival of Italy after the epidemiological emergency from COVID-19.

It has formulated proposals to increase the percentage of women in every working sector, to overcome barriers that prevent the advancement of career paths, in particular in the fastest growing fields (STEM, computing, cloud computing, data and artificial intelligence), to address gender stereotypes that prevent women to participate in leadership positions, to enable new energies and opportunities for all.

In **Italy**, the National Institute for Statistics (*Istituto Nazionale di Statistica* – ISTAT) issued in May a report³³ providing data on the upsurge of domestic and gender-based violence during the Covid-19 emergency. The report is based on the analysis of the help requests received by the 1522 – the

³¹ The press release is available at the network's website: www.direcontrolaviolenza.it/eravamo-state-chiare-per-lemergenza-covid-19-occorre-un-fondo-straordinario/.

³² Donne per il nuovo Rinascimento, the founding document is available at: www.pariopportunita.gov.it/news/donne-per-il-nuovo-rinascimento-pubblicato-il-documento-di-analisi-e-proposta/.

³³ ISTAT (2020), "Violenza di genere al tempo del Covid-19: le chiamate al numero verde 1522", 13 May 2020, available at: www.istat.it/it/files//2020/05/Stat-today_Chiamate-numero-antiviolenza.pdf.

national phone helpline – during the period 1 March – 16 April 2020. According to the report, 5,031 calls were registered by the helpline during this period, recording a 73% increase compared to the same period of 2019. Victims asking for help were 2,013 (+59%). The cases of domestic abuse reported to the police decreased by 43.6%; as per the cases of women murdered by their partners, these decreased by 83.3%: however, ISTAT stressed that making sense of this data would request a longer observation period. 60.6% of the calls were received between 9 a.m. and 5 p.m.; 17.5% were received during the night and early in the morning (this data is generally much lower). 45.3% of the victims reported being afraid for their safety and life; 72.8% decided not to report the violence to the police. 93.4% of the incidents occurred at home; 64.1% also concerned children witnessing the violence.

- *Detainees (including measures on early release or alternatives to detention)*

In **Italy**, the National Guarantor for the Rights of Persons Detained or Deprived of Liberty (*Garante nazionale dei diritti delle persone detenute o private della libertà personale*) publishes a periodic bulletin, providing information on the situation in Italian detention facilities. In its most updated bulletin of 5 June 2020³⁴, the decreasing trend in prison overcrowding is confirmed: as of 5 June, 52,520 people are detained; since 18 March, 3,489 prisoners have been placed on home detention; 642 people are in semi-liberty with extended prison leaves. There is also a decrease in the number of infections registered in Italian prisons, which records 74 cases among prisoners and 61 among prison officials.

In **Italy**, the National Guarantor for the Rights of Persons Detained or Deprived of Liberty (*Garante nazionale dei diritti delle persone detenute o private della libertà personale*) on 26 June presented before the Italian Parliament its annual report³⁵. The report also focused on the situation of the Italian detention system during the Covid-19 emergency. According to the report, during the period 13 March 2020 – 20 May 2020, 2,404 detainees were transferred in home-custody without electronic bracelet; 975 with electronic bracelet: this was a result of the implementation of the Art. 123 of the Law-Decree No. 18/2020. During the same period, 561 detainees in semi-liberty regime obtained the possibility of the extension of their special leaves (Art. 124 of the Law-Decree No. 18/2020). The report also presented the situation in Residences for the Enforcement of Security Measures (*Residenze per l'esecuzione delle misure di sicurezza – REMS*) for offenders not liable for prosecution due to their mental disabilities : during the period 1st February 2020 – 15 April 2020, the overall number of detainees in these facilities decreased from 623 to 609. 13 detainees were infected by the Covid-19: 10 of them recovered from the infection; 1 died because of the infection. 1,222 Covid-19 tests were conducted in these detention facilities.

³⁴ Available in its English version at:

www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/0710527a245fbc5b3324a18cebde23.pdf.

³⁵ The report is available at:

www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/a5fa1a499fdaf9e241f537006675c158.pdf and

www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/be66d834b9ac9728d5010b11b1da479b.pdf.

2 Selected issues emerging during the COVID-19 crisis

2.1 Xenophobic speech, acts of harassment and violent attacks

- *In reference to Bulletin #1 where these issues were addressed, please report incidents of xenophobic speech, acts of harassment and violent attacks against specific minority groups on the grounds of race or ethnic origin during the reporting period and on any key developments since you last reported on this issue.*

In **Italy**, the Observatory for the Security against Discriminations of the Italian Police (*Osservatorio per la Sicurezza Contro gli Atti Discriminatori – OSCAD*) issued a press release in April 2020³⁶ focusing on the upsurge of racist episodes that might present some connection with the Covid-19 emergency: since the end of January 2020, 30 incidents of this kind were registered by Italian police authorities. Half of them concerns physical assaults accompanied by the use of derogatory language; the rest of the episodes concerns a wide range of conducts, including verbal assaults and hate speech on social media. The press release also stressed that some business owners refused to serve foreign clients of Chinese origins. Most of the victims were Chinese victims, but also citizens from Philippines and Japan.

2.2 Infringement of privacy and/or data protection rights

- *In reference to Bulletin # 1 and Bulletin #2 where these issues were addressed, please describe instances of infringement of privacy and/or data protection rights related to the pandemic during the reporting period and on any key developments since you last reported on this issue.*

In **Italy**, on 1st June the national Data Protection Authority issued a Decision authorising the use of the contact-tracing app “Immuni”³⁷. The functioning of this app is governed by Art. 6 of the Law-Decree No. 28 of 30 April 2020, converted with amendments into Law No. 70 of 25 June 2020³⁸. According to this legislative provision, a contact-tracing platform is set up by the Ministry of Public Health, collecting data of users who voluntarily download the app. These are the principles governing the use of this system: the platform is entrusted to infrastructures located in the national territory and managed by public stakeholders; before using the app, the users must be provided clear information about the purpose of the app and on the treatment of their personal data; collected data cannot be used for any other purpose than those envisaged by the legislation and they must be aggregated and anonymised; the geo-localisation of the users is forbidden; the use of the app and of the platform will be interrupted as soon as the state of emergency will officially end, and in any case no later than 31 December 2020; collected data will consequently be erased and processed data will be definitively anonymised; the decision to not download the app will have no impact on the fundamental rights of the subjects. The app and the platform will be operative after the approval of a Ministerial Decree, after the prior authorisation of the national DPA which was issued on 1st June. The DPA Decision nonetheless stressed some critical features of the system that must be addressed by Ministerial

³⁶ The press release is available at: www.infiniterealta.it/covid-19-il-prefetto-franco-gabrielli-intervistato-da-interpol-sullemergenza-mondiale/.

³⁷ The decision is available at: http://images.go.wolterskluwer.com/Web/WoltersKluwer/%7Bbcbf65c6-ffe2-4b95-8931-d4e42ac03ee7%7D_garante-privacy-provvedimento-1-giugno-2020.pdf.

³⁸ Legge 25 giugno 2020, n. 70, “Conversione in legge, con modificazioni, del decreto-legge 30 aprile 2020, n. 28, recante misure urgenti per la funzionalità dei sistemi di intercettazioni di conversazioni e comunicazioni, ulteriori misure urgenti in materia di ordinamento penitenziario, nonché disposizioni integrative e di coordinamento in materia di giustizia civile, amministrativa e contabile e misure urgenti per l'introduzione del sistema di allerta Covid-19”, available at: www.gazzettaufficiale.it/eli/id/2020/06/29/20G00088/sg.

authorities within 30 days. These include: the information on the algorithm elaboration criteria are not sufficiently clear and must be made available to the scientific community to assess their reliability (for instance, the use of Bluetooth could give rise to false-positive results); the possibility to temporarily turn-off the app must be ensured to respect the voluntarily use of this system in every stage; the collection of Analytics Operational Information cannot be considered anonymised data in territories with a low demographic intensity or low infection rate and this risk must be adequately communicated to the users; the information notice to the users must be transparent, also using icons and a user-friendly language, explaining – before the app activation, the purpose and modalities of data processing; users must also be informed that – in order to ensure anonymisation – some of the rights envisaged by the GDPR – such as the right to correction, portability and access – cannot be exerted, except for the right to object. Eventually, the DPA stressed that the role of the private companies that developed the app, as well as the role of Apple and Google, must be further clarified.

In **Italy**, the National Health Institute (*Istituto Superiore di Sanità* – ISS) and the National Institute for Statistics (*Istituto Nazionale di Statistica* – ISTAT) – in cooperation with the Italian Red Cross – launched on 25 May 2020 a sample survey³⁹ aimed at assessing how many people in Italy have developed antibodies to the Covid-19 virus, using random serological tests. The sample involves 150,000 participants living in 2,000 Italian municipalities, distributed according to sex, professional activity and six age-slots. As per privacy issue, ISS and ISTAT issued a specific privacy notice⁴⁰, stressing that all data will be anonymised, providing each participant with an ID number to obtain the result of the test. The relationship between the ID number and the identity of the participant will be at the disposal only of the research team involved in the survey and will be disclosed only to competent public authorities.

2.3 Spread of disinformation online

- *In reference to Bulletin #1 where these issues were addressed, please describe measures taken to counter the spread of disinformation online, during the reporting period and on any key developments since you last reported on this issue.*

In **Italy**, the Ministry of Health created a specific section on its website⁴¹ aimed at providing correct information – in the form of FAQs – concerning the epidemic and countering online disinformation. Some of the issues addressed by Ministerial authorities concern the consequences of vaccines, the virus transmission channels and alternative treatments for the infection.

In **Italy**, on 4 April the Department for Information and Publishing (*Dipartimento per l'Informazione e l'Editoria*) of the Italian Government set up a Monitoring Unit Countering Disinformation on Covid-19 on the Internet and in the Social Networks (*Unità di monitoraggio per il contrasto della diffusione di fake news relative al COVID-19 sul web e sui social network*)⁴². The Unit's mission was to analyse the sources and dissemination channels of fake news, involving citizens and social networks' users in reporting disinformation. The Unit also implemented specific awareness-raising actions through

³⁹ Information about the survey is available at:

www.salute.gov.it/portale/news/p3_2_1_1_1.jsp?lingua=italiano&menu=notizie&p=dalministero&id=4805.

⁴⁰ Available at: www.salute.gov.it/imgs/C_17_campagneComunicazione_146_2_file.pdf.

⁴¹ This section is available at:

www.salute.gov.it/portale/news/p3_2_1_1_1.jsp?lingua=italiano&menu=notizie&p=dalministero&id=4485

and

www.salute.gov.it/portale/nuovocoronavirus/dettaglioContenutiNuovoCoronavirus.jsp?lingua=italiano&id=5387&area=nuovoCoronavirus&menu=vuoto.

⁴² The Unit's operational programme is available at:

<https://informazioneeditoria.gov.it/media/3234/programmaoperativo.pdf>.

communication campaigns. The Unit was supported by the Italian Civil Protection, the Ministry of Health, and the Italian Authority for Communication Guarantees (*Autorità per le Garanzie nelle Comunicazioni* - Agcom).

In **Italy**, the Observatory on Online Disinformation (*Osservatorio sulla Disinformazione Online*) of the Italian Authority for Communication Guarantees (*Autorità per le Garanzie nelle Comunicazioni* - Agcom), issued three reports⁴³ specifically focused on the Covid-19 emergency. The third report is divided into 4 sections, namely: what information and disinformation about Covid-19 offer; what Italians look for on the Internet concerning Covid-19; how the use of Internet in Europe has changed during the epidemic; threats to cyber-security and Covid-19. The first section also reports and explains some of the most common fake news concerning the virus that were disseminated online during the considered period, also providing a fact-checking for each of them. The most common fake news include: the EU Parliament's admission of the accelerating impact of 5G technologies on the Covid-19 virus; the artificial nature of the Covid-19 virus and the role of 5G technologies in its propagation; Covid-19 is not a virus, but rather a bacterium that is amplified by 5G technologies.

⁴³ Report No. 1 of 1st April is available at: www.agcom.it/documents/10179/18199220/Allegato+14-4-2020/080f9ab1-df4d-481a-ad10-d4a89237bd01?version=1.0. Report No. 2 of 28 April 2020 is available at: www.agcom.it/documents/10179/18281277/Allegato+18-5-2020/e43e11d2-ac9d-4d39-834a-5eb49e397656?version=1.0. Report No. 3 of 29 June 2020 is available at: www.agcom.it/documents/10179/19226924/Documento+generico+29-06-2020/3b8d1a2d-61fc-4865-b5b0-bb6343933465?version=1.0 (not available in English).