

ODIHR Submission of Information about an OSCE participating State or Partner for Co-operation under consideration in the Universal Periodic Review Process

Participating/Partner State: Italy

UPR Session and Date of Review: 34th Session, 2019

Background

Italy has been a participating State in the Organization for Security and Co-operation in Europe (OSCE) since its establishment in 1975 and has thus undertaken and has recently reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE documents.¹

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has been mandated by OSCE participating States, including Italy, to assist them in implementing their human dimension commitments. ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to the implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti in the OSCE area.

The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in Italy and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms in Italy.

Overview of this Submission

Democratic Governance and Political Pluralism

In recent years, ODIHR has been assisting more proactively democratic institutions in Italy in advancing principles of democratic governance as well as political pluralism. Since 2015, ODIHR has been supporting the Italian Parliament with dedicated knowledge and technical advice in its process of drafting and adoption of a code of conduct for its members. The code, which was eventually adopted in 2017, promotes higher levels of transparency and integrity mechanisms inside the Italian Parliament, in line with international recommendations and OSCE commitments. Additionally, since 2017, ODIHR has been assisting the Italian National Anti-Corruption Agency (ANAC) with the drafting of national guidelines for the adoption of codes of conduct by the national administration. The support follows a direct request from the Italian ANAC, and continues at the present time.

¹ Compendium of OSCE Human Dimension Commitments, vol 1 and 2; Astana Commemorative Declaration, 2010.

Election-related Activities

ODIHR deployed an Election Assessment Mission for the 4 March 2018 parliamentary elections.² The EAM final report concluded that the elections “were competitive and pluralistic, providing voters with a wide range of candidates. While the campaign was conducted with respect for fundamental freedoms, it was confrontational and at times characterized by discriminatory stereotyping and intolerant rhetoric targeting immigrants, including on social media. While certain aspects of the legislation should be reviewed, the elections were conducted in a professional manner and reflected a high degree of public confidence in their administration.”

The final report contains 19 recommendations, including 5 priority recommendations. The priority recommendations include a need to follow-up on all prior ODIHR recommendations and to consider codifying existing election law to ensure legal certainty and coherence to harmonize election law with the objectives of the Convention of the Rights of Persons with Disabilities to ensure the full voting rights of all persons with disabilities, to consider to explicitly provide for the legal right to appeal election results to a competent court as the final authority, and to enhance the campaign finance oversight system, including by providing a leading oversight body with a mandate, adequate powers and resources to carry out a proactive and efficient supervision, investigation and enforcement of political finance regulations. The report also recommends that consideration should be given to adhering more closely to the electoral quota for all constituencies across the country, including in the out-of-country constituency, in line with the international good practice concerning the equality of the vote, without prejudice to the protection of minorities.

² See ODIHR [final report](#) on the 4 March 2018 parliamentary elections in Italy.