

# RIGHT, NOT CRIME

*for Mother Earth and social, ecological and climate justice*

A collaborative report on criminalization and repression of climate and environmental justice movements in Italy



EDITED BY

**IN DIFESA DI**  
per i diritti umani  
e chi li difende



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**T**his report is the result of collective work coordinated by the Rete In Difesa di and Osservatorio Repressione. It is the product of an informal working group promoted by the In Difesa Di network as a follow-up to the academic visit of Michel Forst, United Nations Special Rapporteur for environmental defenders under the Aarhus Convention to Italy in April last year. Since then, lawyers of movements such as No TAP and No TAV, representatives of organizations including Greenpeace Italia, Amnesty International Italia, Yaku, A Sud, Extinction Rebellion, Fridays for Future, Ultima Generazione, Osservatorio Repressione, Legal Team Italia, Per il Clima Fuori dal Fossile, and CASE Italia met periodically to exchange experiences and practices of legal support for activists for the environment and climate justice. During the meetings, the concerns already expressed by various organizations and the international community regarding laws, measures and trials against activists who practice civil disobedience and nonviolent direct action, often labeled as criminals, eco-vandals or enemies of public order, were confirmed.

**T**he repressive torsion experienced by these realities in Italy is the reflection of a phenomenon that has long persisted and worsened at an international level and in recent years in Europe, in particular. In the case of Italy, regulatory provisions adopted ad-hoc to counter, repress or dissuade associations and movements from practicing their legitimate right to defend the environment and the climate, result in serious restrictions - if not violations - of international commitments regarding the respect for civil liberties, expression, association, demonstration and the protection and respect for the work of those who defend human rights and the environment. In recent months, in fact, the country has experienced a surge in legal and administrative actions against individuals and groups who have campaigned for climate justice, including arrests, fines and preventive measures - such as bans and DASPO.

**A**ll this clashes with the urgency demonstrated by the facts and by the worsening of the climate emergency which underlies a broader systemic crisis, in which the advancement of the fossil extractive frontier, the progressive degradation of the planet's health indicators, the increase of social inequalities, goes hand in hand with the progressive restriction of civic spaces, and the right to protest and mobilization. The data speaks clearly. Without a clear and radical reversal of trend, the planet and humanity as a whole will increasingly suffer the consequences of rising temperatures on a global scale. Despite the scientific evidence, however, the commitments made by states are ineffective, limited if not contradictory and according to recent estimates rather than decreasing the extraction of fossil fuels will increase by 2030, thus making it impossible to pursue the objectives of containing the increase in global temperature signed in the United Nations climate conference in Paris 2015. In this context, the work of those who are committed to mobilizing public opinion, denouncing the country's delays and inconsistencies in mitigation and adaptation and compensation of the effects of climate change is of vital importance and is also recognized in various international fora.

**I**t must be reiterated that Italy is required to respect and protect the activities of those who defend human rights even within its borders. And human rights defenders, according to the definition contained in the United Nations Declaration on Human Rights Defenders (which last year celebrated its 25th anniversary), are also those who, individually or collectively, are committed to respecting environmental rights through nonviolent practices. Therefore, today the activists, often described by some press and by political decision-makers as eco-vandals or eco-terrorists (even an ad hoc bill has been approved which tightens the fines and prison sentences for activists who carry out nonviolent direct actions in museums or monuments) are operating absolutely within internationally recognized criteria regarding the protection and promotion of human rights. It is worth remembering, in this regard, that the legal proceedings undertaken against those who exercise their right to demonstrate always find their input in reports from police bodies, and seem to respond more to directives and decisions of a purely political nature than to the need to protect the public order or repression of crimes. The proof is that, if in many cases the prosecutors and then the judges have uncritically adopted the versions provided by police bodies, in many others, especially in the face of non-violent conduct and/or rather "imaginative" crime hypotheses, the charges were dropped at trial (if not already before the Prosecutor, with a request for dismissal).

**T**he large number of open cases and the disproportionate number of people under investigation (together with the introduction of crimes and aggravating circumstances specifically modeled on environmentalist protests and the repeated increases in the penalties provided for road blocks, most recently also in the "Safety Decree" under scrutiny by Parliament that envisages jail time for those involved in road blocks) have in any case produced, regardless of the outcome of the proceedings, what is called a chilling effect, i.e. a disincentive to act. Further aggravated by disproportionate financial penalties which, together with high legal costs, aim to hamper the ability of associations and movements to take initiative, effectively compromising the right to freedom of association.

**D**uring our collective analysis and elaboration work we have had further confirmation of the fact that from a strictly legal point of view, in recent years we have firstly witnessed a tightening of the sanctioning legislation, with the increase in penalties and the introduction of new criminal cases and/or aggravating circumstances which introduce sanctioning treatments that are unreasonable compared to the conduct actually undertaken. These changes have, in fact, created a special criminal law for activists, and for environmental activists in particular, which contrasts both with the principle of generality and abstractness of criminal laws and with the principles regarding freedom of expression of thought and of right of protest enshrined in the Constitution and international law.

**The conclusions of our investigation and research work are clear: Italy, the government, the Parliament through their initiatives, narratives, laws aimed at contrasting, delegitimizing, criminalizing, denigrating those who protect Mother Earth and the climate violate or systematically undermine the country's commitments made at international level with regard to human rights, the defense of human rights and the environment, and the right to freedom of expression and association.**

## OUR DEMANDS

In light of what is described and analyzed in the dossier, we take up and integrate the recommendations formulated by the United Nations Special Rapporteurs on environmental defenders and the right to freedom of expression and adapt them to the specific situation of Italy, addressing them to the government, the Italian Parliament, to the judicial institutions so that the country operates in line with the international obligations and conventions on civil and environmental human rights and for the protection of environmental human rights defenders.

- A) **Counter narratives that portray environmental defenders and their movements as criminals**, publicly recognizing the important role played by environmental and climate defenders and promoting the protection of their freedoms of expression, peaceful assembly and association, abstaining from any form of stigmatization, delegitimization, denigration or criminalization towards them.
- B) **End the criminalization of civil disobedience**. The work of civil society organizations and movements for the protection of the environment and the climate and their contribution to the implementation of the commitments made by the country on climate change and environmental protection must be recognized and protected . Furthermore, all necessary measures must be taken to ensure that individuals, organizations and communities exercising their rights to freedom of peaceful assembly and association in support of climate justice and the environment are not subject to attacks, harassment, threats and intimidation.
- C) **Do not take as a pretext the recurring use of civil disobedience practices by environmental and climate justice movements to limit civic space and the exercise of fundamental freedoms**.
- D) **Promote and facilitate the exercise of the right to freedom of expression, peaceful assembly and association**. Any law adopted by the government or under discussion in Parliament will need to be reviewed and corrected in order to ensure compliance with international human rights standards and obligations. With regard to the legislation to be reviewed, we refer, for example, to the Security Bill currently under discussion in Parliament regarding the so-called "roadblocks" (a practice recognized as legitimate and in line with international law by the UN Human Rights Council) or the so-called "ecoactivist decree", which result in an arbitrary limitation, contrary to international law, of civil disobedience actions, or of the right to freedom of expression, peaceful assembly or association.

- E) **Repeal the provisions that have introduced new types of crime and/or new aggravating circumstances**, such as those of law 6/2024 (so-called eco-activist law), which has also introduced a double sanctioning system (criminal and administrative) which contrasts with the principles affirmed by the Constitutional Court and the ECHR, or those of the so-called *Salvini decree* which in 2018 reintroduced the crime of road blocking, or the various provisions that aggravated the crime of invasion of land and buildings, damage and soiling. Still on a regulatory level, we ask that new provisions not be approved (such as those under discussion in relation to the "Safety package bill", aimed among other things at introducing new criminal sanctions for roadblocks even when carried with own body.
- F) **Repeal any measure or practice such as the use of measures to combat terrorism or organized crime that result in a "chilling" effect on environmental and climate activism.** These include indiscriminate or abusive identity checks and the arrest, detention and prosecution of peaceful protesters and journalists. Any use of methods and practices that cause physical or psychological damage to demonstrators, and the excessive and illegitimate unjustified use of force in public order operations and during preliminary investigations must be prevented, while committing to investigate promptly on any cases of violation of these principles.
- G) **Repeal or profoundly reform the system of prevention measures** (oral warning, which nowadays can contain prescriptions that seriously limit freedoms, mandatory dismissal, special surveillance) that allow fundamental rights to be limited on the basis of simple suspicions, in the absence of judicial investigations, and with highly discretionary decisions of the police headquarters.
- H) **Guarantee that the work of the judicial sector and any sentences imposed regarding cases of environmental protest and for climate justice** which lead to disruptive effects on public order do not contribute to the restriction of civic space or to the violation of civil rights and environmental agreements signed by Italy.
- I) **Repeal if not minimize any fines imposed on those demonstrating for the environment and climate justice**, including those who participated in peaceful civil disobedience. Courts should refrain from resorting to preventive and protective detention for environmental protesters, including those who have engaged in peaceful civil disobedience. Courts should not impose limitations on the right of defense of environmental protesters, rather their decisions on protest cases, including any sanctions imposed, should be consistent with and protect the exercise of freedoms of expression, peaceful assembly and association and the commitments made by the country regarding the protection and respect of human rights and environmental and human rights defenders.

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