



UNIVERSAL PERIODIC REVIEW

ITALY

Freedom of Religion and Belief

Joint submission by:

Alleanza Evangelica Italiana (Italian Evangelical Alliance)

The Italian Evangelical Alliance is a network of Evangelical churches and believers established in 1974 in Florence. www.alleanzaevangelica.org

The European Evangelical Alliance (EEA)

The EEA is an Alliance of more than 50 European grassroots national and transnational evangelical movements from all Protestant traditions present in 34 European countries. The EEA serves as a platform for common action and a voice for Europe's 15+ million Evangelicals. www.europeanea.org

The International Institute for Religious Freedom (IIRF).

The IIRF, with main offices in Bonn, Cape Town and Colombo, is a global network of researchers, professors and university chairs providing reliable research data on the violation of Article 18 of the Universal Declaration for Human Rights. It publishes the accredited International Journal for Religious Freedom. www.iirf.eu

World Evangelical Alliance (WEA), an NGO with special consultative status since 1997.

WEA is a network of churches in 129 nations that have each formed an evangelical alliance and over 100 international organizations, joining together to give a world-wide identity, voice, and platform to more than 600 million evangelical Christians worldwide. WEA was founded in 1846 in London. www.worldevangelicals.org

Submission date: 15/03/2014

1. Since the summer of 2012, a wave of repressive measures have been implemented affecting at least 25 evangelical communities, in particular churches attended by immigrants. It is a paradox that Italy, which is a strong defender of religious freedom worldwide, forces churches to close down in its own territory, based on discriminatory provisions in contradiction with its international human rights obligations and its own Constitution. This report is highlighting these recent developments with the hope that this UPR Review will provide an opportunity for Italy to take a clear position against these negative trends.

Legislative framework

2. The Italian Constitution protects freedom of religion in Art. 19 and 20. Art. 7 regulates the relationship between the State and the Catholic Church while Art. 8 regulates the relationship between the State and other religions. Under Art. 8 para 3, churches can also sign an agreement with the State. Some Christian denominations have been able and willing to sign such an agreement,¹ but others have been asking for it in vain. This is also the case for the Muslim communities, whose request to get such an agreement has not been answered so far.
3. The Italian Parliament is discussing a new religious liberty law. A recent government report admits that the protection of religious freedom is not sufficiently guaranteed in the present legal system.² Meanwhile in the absence of this new law, legislation dating back to 1929 and the Mussolini regime is still in place and discriminates against minorities. Many of the articles of this law have been declared unconstitutional and are thus not valid any more. The law itself, however, has never been repelled.

Recognition of ministers

4. One of the challenges stemming from laws passed in 1929 and 1930 is the concept of “non catholic religious leader” (*Ministro di culto acattolico*). In recent years, independent churches and small denominations have found it extremely difficult to see their ministers recognized by the State. The procedure for recognition is slow and in most cases unsuccessful. The threshold to obtain the recognition has become even more difficult: since 2012, the Council of State (*Consiglio di Stato*), which is a legal-administrative consultative body, has [recommended](#) that a community is comprised of a minimum of 500 members in order for its pastor to be accredited. Non-recognized pastors will not be able to carry out certain activities such as celebrating marriages or visiting prisoners and sick people in hospitals. Their churches remain unregistered.

¹ Including the Waldensians, Lutherans, Baptist Union, Adventists, Apostolic Church, and Assemblies of God.

² L'ESERCIZIO DELLA LIBERTÀ RELIGIOSA IN ITALIA, Luglio 2013, Presidenza del Consiglio dei Ministri, pag. 7

Regional development: Churches forcibly closed down.

5. In the region of Lombardia (Pavia, Bergamo, Palazzolo, Carnate) the Italian Evangelical Alliance has registered at least 25 places of worship used by various Evangelical groups which have been forcibly closed down by the police. Most of these churches are composed of migrant communities (Brazilians, Africans, Romanians). The chain of events is always similar. First, the City Council police go to these places because of the noise (acoustic pollution), because the neighbourhood is complaining or because of traffic issues (problems with parking). Then the police will check the status of the building and often discovers that it is not registered as a place for worship but as a shop, warehouse, garage, etc. On this basis, the city council issues an ordinance to close the church and the police are sent to implement the decision. These city councils are often ruled by the Lega Nord and apply a restrictive regional law (law n. 12/2005) on territorial planning (*Piano Generale Territoriale*). According to this law, if a building was not recognised as a place of worship at the moment of its construction, it cannot host a religious community. Most of the Evangelical churches of Lombardia face the risk of seeing their place of worship closed down. A similar legislation was also adopted in the region of Veneto but has not been implemented against churches yet.

Recommendations:

6. **Repeal laws which discriminate against religious minorities and introduce a new legislative framework that will allow all religious communities and their believers to exercise their rights freely and without discrimination.**
7. **Facilitate a fair process for religious ministers to be recognised and able to exercise their freedom of religion, in particular the right to celebrate marriage and to accomplish chaplaincy without discrimination.**
8. **Review the threshold requesting that a community is composed of at least 500 members in order for the community and its ministers to be recognised.**
9. **Repeal the provisions of the Law on territorial planning in Lombardia and Veneto which led to over 25 communities seeing their places of worship forcibly closed down.**