



Universal Periodic Review 48th session - Stakeholders' Report

Italy: Freedom of Religion or Belief

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Joint Submission by:

The Italian Evangelical Alliance (Alleanza Evangelica Italiana) is a network of Evangelical churches and believers established in 1974 in Florence.

The European Evangelical Alliance (EEA) is an alliance of more than 50 European grassroots national and transnational evangelical movements from all Protestant traditions in 35 European countries. The EEA serves as a platform for common action and a voice for Europe's 15+ million Evangelicals.

The World Evangelical Alliance (WEA) is a network of churches in over 140 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.

For additional information, please contact the Geneva Office of the World Evangelical Alliance at geneva@worlddea.org, or visit <https://un.worlddea.org>; World Evangelical Alliance C/O RES CP 23, 1211 Geneva 8, Switzerland

The general situation

1. We see an increase in discrimination against religious minorities in the Italian legal system. Due to migration and globalization, religious diversity is increasing. We therefore urge the Italian government to promulgate inclusive religious freedom legislation.
2. Article 8 of the Constitution of the Italian Republic states:
 - I. All religious confessions are equally free before the law. Religious confessions other than the Catholic one have the right to organise themselves in accordance with their own statutes, provided that these statutes are not in conflict with Italian law.
 - II. Their relations with the State are regulated by law on the basis of accords between the State and the respective representatives.ⁱ

This is not the situation for religious minorities in Italy at the present time.

3. According to the official government report "The practice of the Religious Freedom in Italy" made by the Prime Minister's Office "*the republican legislator, aware of the need to overcome such norms that still speak of 'admitted cults' and refer to a conception of 'tolerance' that is no longer current today, has made several attempts in the past to provide our legal system with a comprehensive law on religious freedom (thus regulating all its possible aspects), but the parliamentary discussion of the various bills has so far not been successful*".ⁱⁱ

Emerging patterns in discrimination

4. The only national laws on freedom of religion or belief (FoRB) were passed in the fascist period (1929-1931): the "*Recognized cults Law*", N° 1159 of the 24 June 1929, the Royal decree N° 389 of the 28 February 1930, and some articles of the *Police Law* of 1931. Despite the fact that the Constitutional Court has dismantled some elementsⁱⁱⁱ of these laws, they remain active and are a continuing challenge for Italy's religious minorities. In recent decades, all attempts between the government and representatives of religious communities to approve a new law on FoRB have failed. The lack of a law protecting FoRB in our legal system affects Italian society as a whole and is allowing religious discrimination in several social contexts: places of worship, recognition of religious officials, assistance in hospitals, chaplaincy, public broadcasting, etc.
5. Inaugurating places of worship and keeping existing ones open remains increasingly difficult due to the unfair nature of the zoning regulations avowedly created to impede the opening of new places of worship. Not only has this affected the Islamic community, this law has also had an impact on evangelical churches and other religious communities. The Lombardia^{iv} Region was the first to implement such regulations. An appeal against that law was presented to the Constitutional Court with eight specific contestations, but the Court accepted

only two of them. We now also have Liguria and Veneto with similar laws. Moreover, some political parties during the last years pushed to *nationalize* these regulations during the last two legislatures^v.

6. Dozens of evangelical Christian places of worship have been closed up to this point.^{vi} In June 2024, the Court of Cassation overturned two previous sentences in favor of the Breccia evangelical church in Rome, establishing that the church building is not a place of worship since no “structural changes” were made to make it such.^{vii} The evidence was that there was no altar, no candles and no statues – attributes of Roman Catholic places of worship. This reasoning returns to a discriminatory approach that provides objective characteristics for places of worship, penalizing non-traditional religious communities.
7. 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.
8. The process by a religious confession of acquiring an agreement (“intese”) with the State, as provided in Article 8 of our Constitution, has been practically stalled by recent Governments. Less than 10 percent of non-Catholics have such an agreement with the State.^{viii} In the annexed table, we report the stipulation of “new” agreements between religious confessions and the State in five-year periods between 1951 and today. Considering that Italian society is increasingly multi-confessional, one would expect an increase in the number of concluded agreements rather than the decrease reported in the last three five-year periods.

Recommendations

9. **Promulgate a Religious Freedom Act able to overcome and solve all the discrimination happening in many areas.**
10. **Remove the requirement of 500 members for a religious community for the recognition of religious clergy.**
11. **Grant State agreements with the religious communities who have made a request and are waiting for approval.**

- ⁱ Constitution of the Italian Republic. Available online: https://www.prefettura.it/FILES/AllegatiPag/1187/Costituzione_ENG.pdf
- ⁱⁱ A. Nardini, I.T. Mucciconi, 2013, p. 8. Available online: https://presidenza.governo.it/USRI/confessioni/Esercizio_liberta_religiosa_italia.pdf.
- ⁱⁱⁱ Among them we remember the Sentence N° 59 del 18/11/1958.
- ^{iv} The “*Legge Regionale Regione Lombardia N. 12 of 2005*” as amended and supplemented.
- ^v At the beginning of the XVIII legislature the programmatic manifesto stated the following aim: “*At this regard, to guarantee an effective and uniform action over all the national territory, it is needed a framework law on mosques and places of worship, including the local communities*”. CONTRATTO PER IL GOVERNO DEL CAMBIAMENTO, Lega & M5S, <https://www.roars.it/wp-content/uploads/2018/12/contrattogoverno-180518085031.pdf>, May 2018, p.28. In the current legislature it should be noted the proposal of law “Foti” tabled in the 2023 and approved by the Camera on 2024: <https://www.camera.it/leg19/126?tab=&leg=19&idDocumento=1018&sede=&tipo=>.
- ^{vi} Rachel Wierenga, “The harassment of Italian evangelical churches,” *Evangelical Focus*, 12 July 2023. Available online: <https://evangelicalfocus.com/features/22760/the-harassment-of-italian-evangelical-churches>.
- ^{vii} Jules Gomez, “Italy’s Supreme Court Rules Against Evangelicals in Battle Over Defining Worship Space.” 20 June 2024, *The Stream*. Available online: <https://stream.org/italys-supreme-court-rules-against-evangelicals-in-battle-over-defining-worship-space/>.
- ^{viii} Adelaide Madera, 2023. “Atheism in Judicial Discourse: An analysis of the Italian constitutional scenario.” 16(2) *International Journal for Religious Freedom*, p. 61.