



National Action Plans on Business and Human Rights

Italy

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NAP Development Process

Status

The 'Piano di Azione Nazionale Impresa E Diritti Umani 2016-2021' or Italian National Action Plan on Business and Human Rights 2016-2021 was adopted on 15th December 2016.

At the 2018 UN Business and Human Rights Forum, Fabrizio Petri, the President of the Inter-ministerial Committee for Human Rights, announced the release of a revised NAP following a mid-term review.

Process

The NAP drafting process, which began in early 2015, was led by the Ministry of Foreign Affairs and International Cooperation and an Inter-Ministerial Committee for Human Rights (CIDU), with support from other ministries, including:

- The Ministry of Economic Development,
- The Ministry of Economy and Finances,
- The Ministry of the Infrastructures and Transports,
- The Ministry of Justice,
- The Interior Ministry,
- The Ministry of Labour and Social Policies,
- The Ministry for the Environment, Land and Sea,
- The Ministry of Agricultural, Food and Forestry Policies;
- National Institute of Statistics and
- National School of Administration.

Additionally, two working groups, one comprising institutional representatives of the different ministers and relevant administrations, intergovernmental organizations and UN agencies, and the other comprising non-institutional stakeholders (trade unions, NGOs,

business representatives and associations), were set up under the direction of CIDU to prepare a preliminary draft of the NAP.

Hearings with other stakeholders were held by CIDU at the Ministry of Foreign Affairs to allow the broader participation throughout the process of elaboration and development of the document. CIDU also organized several meetings and events in several Italian cities, from Milan to Naples to Venice, to promote a constructive dialogue around business and human rights with NGOs, representatives of civil society and business. Furthermore, the multi-stakeholder events were planned by seeking and encouraging representation of the most vulnerable groups such as women, children, disabled, LGBTI people, migrants and asylum seekers, and persons belonging to ethnic and religious minorities.

In June 2016, during the course of the drafting process was held a multi-stakeholder event with the participation of Dante Pesce, Member of the UN Working Group on the issue of human rights and transnational corporations and other business enterprises.

In order to increase public participation and transparency, a draft of the NAP was posted on the CIDU website open for consultations from July 27 to September 10, 2016. This offered civil society at large the opportunity to comment on the contents by sending individual contributions to a dedicated e-mail address created by CIDU. The responses received were published online on the CIDU website.

The government presented the National Baseline Assessment – the Report on businesses and human rights: the Italian case, analysis of the legal framework and of the safeguard policies (in Italian) drafted by the Istituto Superiore Sant’Anna of Pisa and commissioned by the Secretariat of the NCP of OECD Guidelines of the MiSE to the Chamber of Deputies – on November 13, 2013. This action favoured increasing Members of Parliament’s attention towards the UNGPs, while the document itself was treated as a foundational document for multi-stakeholder consultations.

The first official statement of intent to begin developing a National Action Plan on Business and Human Rights was made with the launch of “The Foundations of the Italian Action Plan on UN Guiding Principles on Business and Human Rights (UNGPs)” to the European Commission. This was published officially in March 2014 and “sets priorities to protect and promote human rights within the UN and EU systems, to strengthen the relationship between business and human rights and to raise awareness of Italian companies in line with UNGPs in the global value chains perspective.” Following this paper, Italy has undertaken the drafting of a NAP on business and human rights (...). The development and implementation of such NAP is fully in line with Action 18 on “Advancing on Business and Human Rights” of the EU Action Plan on Human Rights and Democracy 2015- 2019, adopted by the Council of the European Union in July 2015.” [NAP, page 6].

The Italian NAP was officially released on December 15, 2016 and presented on the same day at a conference held by the Ministry of Foreign Affairs and International Cooperation.

The NAP foresees that it will be implemented in line with the Sustainable Development Goals (SDGs) and the UN Agenda 2030. This demonstrates a multi-disciplinary and wider approach of the Italian Government that is similarly found in the National Strategy on Sustainable Development adopted by the Ministry of Environment. Additionally, among the National Strategic Objectives, the document recalls the promotion of CSR and of sustainable management of natural resources. The Italian Government also recognizes in the NAP, the strong interconnection between business and human rights issues and corporate social responsibility, yet clarifies that the two policy areas are the object of two different National Action Plans.

Stakeholder Participation

According to information provided in the NAP, civil society and many other actors had an opportunity to contribute individually.

Stakeholders were members of the two working groups that were set up under the direction of CIDU to prepare a preliminary draft of the NAP.

Hearings with other stakeholders were also held by CIDU at the Ministry of Foreign Affairs to allow the broader participation throughout the process of elaborating and developing the document.

CIDU also organized several meetings and events in Italy to promote constructive dialogue around business and human rights with NGOs, representatives of civil society and business.

Transparency

In order to increase public participation and transparency, a draft of the National Action Plan was posted on the CIDU website from July 27 to September 10, 2016. This posting received many contributions and inputs from CSOs, non-governmental organizations (NGOs), as well as business associations, trade unions and companies. Contributions could be submitted by email.

On March 13, 2017, the first Workshop focused on NAP implementation was held in Rome. It was coordinated by the CIDU in collaboration with AsVis (Italian Alliance for Sustainable Development). However, the event did not clarify the timeline for implementation of the measures contained in the NAP, nor the role played by the Working Group on Business and Human Rights (GLIDU), a monitoring body, as provided for in the NAP.

National Baseline Assessment (NBA)

The National Baseline Assessment (NBA) – the Report on businesses and human rights: the Italian case, analysis of the legal framework and of the safeguard policies (in Italian) –

was conducted by the Scuola Superiore Sant'Anna. The NBA was commissioned by the Secretariat of the NCP of OECD Guidelines and hosted by the Ministry of Economic Development. The methodology was developed by researchers of the Scuola Superiore Sant'Anna.



The structure of the document, conceived mainly for ministerial officials and industry experts, provides that each of the selected themes is the subject of a dedicated section. The sections are based on a composite search that included direct examination of legal policies and instruments, analysis of specific ministerial contributions, research in specialist publications, and interviews with experts in various disciplinary fields.

The sections are structured as follows: (1) text of the relevant Guiding Principles; (2) analysis of the relevant regulatory instruments and institutional practices at international and European level; (3) national regulatory instruments and practices; (4) assessment of compliance of national instruments and practices with the Guiding Principles; (5) specific recommendations on the steps to be taken in order to ensure compliance of national regulatory instruments and institutional practices with the Guiding Principles (and with other relevant international standards).

Additionally, the NAP states that gap analysis of the UNGPs was based both on the NBA and on the Study of University of Sant'Anna.

Follow-up, monitoring, reporting and review

The National Action Plan for 2016-2021 on Business and Human Rights will be periodically monitored and reviewed through a process of analysis and consultation with all relevant stakeholders.

To ensure implementation of the present NAP, the GLIDU is established within the CIDU and is composed of all the administrations represented in the CIDU. The GLIDU will have the task of supervising the progressive implementation of the NAP and coordinating the monitoring activities. It will also be responsible for proposing modifications and/or revisions of the measures foreseen in the Plan on the basis of either the necessity to fine tune future governmental policies or new necessities and thematic priorities that will emerge in the meetings and multi-stakeholder initiatives related to the implementation of the Plan itself.

With the aim of guaranteeing a multi-stakeholder approach, the GLIDU will work jointly with a consultative body composed of all relevant non-institutional stakeholders (business community, trade unions, NGOs, civil society organizations, human rights defenders, individual experts and representatives from academia).

In 2018, the GLIDU conducted a mid-term review to assess the results achieved and identify gaps in the actions undertaken to ensure the effective protection and advancement of human rights with regard to economic activities. The analysis was carried out with a special focus on the priorities set in the present NAP and with the aim of addressing future challenges. Following the mid-term review, Fabrizio Petri, the President of the Inter-ministerial Committee for Human Rights, announced the release of a revised NAP in November 2018 at the Annual UN Business and Human Rights Forum.

Stakeholders views and analysis on the NAP

- Shift Project: Shift Submission to Public Consultation on Italian National Action Plan, September, 2016
- European Coalition for Corporate Justice: Switzerland, Italy, Germany and the US release Business and Human Rights National Action Plans
- Human Rights International Corner: Remarks on the Italian Action Plan on Business and Human Rights 2016-2021, May 2017
- HRIC, ECCJ, MANI TESE, FIDH : Contribution to the Italian National Action Plan on Business and Human Rights 2016-2021; 2017
- Marta Bordignon, Giacomo Maria Cremenese: Contribution to the Italian Action Plan on Business and Human Rights; The UNGPs Third Pillar in the Italian Action Plan; as assessment of the existing NAPs and the barriers to the Italian judicial system; 2016
- Contributions submitted as part of the online consultations:
 - Amnesty International Italy
 - AVSI (Italian version) and AVSI (English version)
 - Bulgari
 - Citizen
 - Confindustria
 - CIDSE
 - Sodalitas Foundation
 - HRIC-ECCJ-FIDH-MT
 - IRISS-CNR
 - Maritain Institute
 - Cossano Lajolo
 - PBI Italy
 - Shift
 - Spes contra Spem
 - UGL
 - Unions
 - Unions bis.

Additional Resources

- Italian National Action Plan on Business and Human Rights 2016-2021, 2016
 - available in English
 - available in Italian
- Italian Government: "The Foundations of the Italian Action Plan on UN Guiding Principles on Business and Human Rights (UNPGs)", March 20, 2016
- - Imprese e Diritti Umani: Il Caso Italia Analisi Del Quadro Normativo E Delle Politiche Di Salvaguardia. Rapporto redatto dalla Scuola Superiore Sant'Anna (National Baseline Assessment), November 2013
 - Business & Human Rights Resource Centre <https://business-humanrights.org/en/italy-contributions-to-national-action-plan>
- Questionnaire on National Action Plans on Business and Human Rights, 2016
- Survey on the implementation of the Guiding Principles on Business and Human Rights: The role of States as economic actors, 2015
- Business & Human Rights Resource Centre: Government survey results – Italy.

Explore NAP by Issue

- ▶ Children's rights
- ▶ Conflict-affected areas
- ▶ Construction sector
- ▶ Corporate law & corporate governance
- ▶ Corruption
- ▶ Data protection & privacy
- ▶ Development finance institutions
- ▶ Energy sector
- ▶ Environment & climate change
- ▶ Equality & non-discrimination
- ▶ Export credit
- ▶ Extractives sector
- ▶ Extraterritorial jurisdiction
- ▶ Finance & banking sector
- ▶ Fisheries and aquaculture sectors
- ▶ Forced labour & modern slavery
- ▶ Freedom of association
- ▶ Garment, Textile and Footwear Sector
- ▶ Gender & women's rights
- ▶ Guidance to business

- ▶ Health and social care
- ▶ Human rights defenders & whistle-blowers
- ▶ Human rights due diligence
- ▶ Human rights impact assessments
- ▶ ICT & electronics sector
- ▶ Indigenous peoples
- ▶ Investment treaties & investor-state dispute settlements
- ▶ Judicial remedy
- ▶ Land
- ▶ Migrant workers
- ▶ National Human Rights Institutions/ Ombudspersons
- ▶ Non-financial reporting
- ▶ Non-judicial grievance mechanisms
- ▶ OECD National Contact Points
- ▶ Persons with disabilities
- ▶ Policy coherence
- ▶ Privatisation
- ▶ Public procurement
- ▶ Security sector
- ▶ Small & medium-sized enterprises
- ▶ State Owned Enterprises/ Public Private Partnerships
- ▶ Supply chains
- ▶ Taxation
- ▶ The 2030 Agenda for Sustainable Development
- ▶ Tourism sector
- ▶ Trade
- ▶ Workers' rights