

# EMERGENCY COVID - 19: THE RIGHT OF ASSEMBLY AND PROTEST IN ITALY UNDER THE LOCKDOWN

By *Osservatorio Repressione*

Since the beginning of the COVID - 19 pandemic, in Italy, 226,699 people were infected, 65,129 are currently positive and, above all, 32,169 people died<sup>1</sup>. In this context, talking about the right of assembly and the right to protest at the time of the lockdown to tackle the health crisis sounds like a joke.



Day after day, at all hours, through all channels of communication, the Italian population has been targeted by the message of the Government [#IoRestoA Casa](#) (in English: *I stay at home*), and *"If you love Italy, keep your distance"*. Thus, these rights and freedoms have been immediately suppressed in the name of the epidemiological emergency.

The Government, all the Institutions, the media and public opinion have forcibly replaced the rights of assembly and of freedom of thought (not to mention of *protest...*) with the opposite concept: the *"obligation of social distancing"* and *"prohibition of assembly"*.

The political and institutional narrative was immediately characterised by the use of a warlike and patriotic

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lexicon (*"We are at war against an invisible enemy"*) and armoury. The military was deployed in the streets with functions of public security and vigilance of the [obligation of self-certification](#) to justify individual movements. The Government resorted to the militarisation of the territory by land, sea and sky (even through the use of [drones](#)!). The [responsibility was placed on individual citizens](#) invited through all media channels to denounce in anonymity the

"irresponsible", "selfish" ones from their balcony via an anti-gathering app. Runners, walkers, delivery men and women were systematically identified as guilty of putting at risk the lives of all to the cry of *"It is the fault of those like you if there is contagion!"*. As a result, the suppression of collective rights and freedoms appeared as a *duty* because of the (umpteenth) *emergency* faced.

At the same time, the assembly function of the Parliament, the deliberation and sharing of powers have been foregone both in the legislative governance as well as the operational management of the emergency in favour of the delegation of powers, respectively, to the Executive and the Prefects through the Ministry of the Interior.

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<sup>1</sup> [Data](#) provided by the Ministry of Health, updated to 19 May 2020.

## The rule of law and legislative practice

Let us start from the law, the declaration of the *State of emergency* and the legislative practice that has so far marked the temporary suspension of the democratic system and the rule of law in Italy, in favour of a *State of Exception* under the disguise of a *State of Emergency*.

To make some clarity, we should, first of all, look at the timing of the Coronavirus emergency:

- On 30 January 2020, the World Health Organization (WHO) declared the COVID-19 outbreak as "*a public health emergency of international concern*";
- On 11 March 2020, the General Director of the WHO Tedros Adhanom Ghebreyesus announced the pandemic during a press conference: «[\*We have therefore made the assessment that COVID-19 can be characterised as a pandemic\*](#)».

The central institutions in Italy, the Parliament and the Government woke up late.

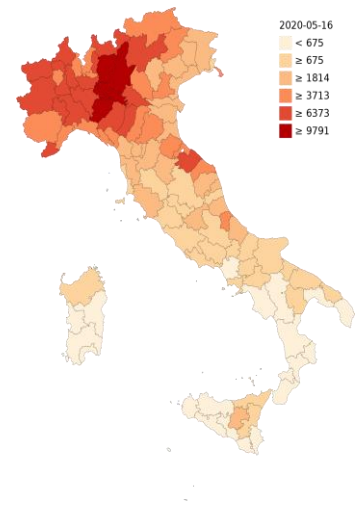
Until 23 February 2020, each Region (and the Municipalities to follow) has provided for itself issuing emergency measures often in contradiction with each other or between their respective territories, creating:

- entangled regulatory legislation, of a secondary nature in the hierarchy of legislative sources, and limited in time (provisional) and space (valid only within the limits of the Local Regulatory Authority);
- a mass of implementing directives, increasingly intricate and restrictive of individual and collective freedoms - depending on the political sensitivity for the local governing body. These were all improvised and short-term, dictated by the "*extraordinary necessity and urgency*" to face the health emergency, often in open contrast with the Constitution.

The individual Ministers started to respond to this situation by issuing Ministerial Decrees (MD) related to their policy area to overcome the incongruences between the various regional and municipal emergency ordinances. The DMs are administrative acts of a technical-regulatory nature, again of a secondary level in the hierarchy of legislative sources, adopted without going through the parliamentary debate but, at most, through the Council of Ministers.

It also started taking place the legislative practice of the Decrees of the Presidency of the Council of Ministers (the Prime Minister's decrees, DPCM), purely governmental acts, administrative-regulatory in nature, issued and adopted exclusively by the current Prime Minister without parliamentary debate and promulgated during press conferences. They were issued one after the other, often even issued day by day, therefore with a 24-hour validity and initially not even with national coverage.

In fact, the first DPCM<sup>2</sup> of February "split" Italy in two, depending on the spread of contagion: the *red zone* was established initially in the provinces of Milan and Bergamo, then in 13 provinces in the North. Here a curfew and ban of circulation and production, with the exception of essential goods, was imposed. For the rest of the country, a softer *orange zone* was declared where regional governors and mayors of municipalities had free hands to continue to take provisional measures as before, trying not to contradict and discriminate too much.



On 23 February 2020, the Government and the National Parliament took the first 'collective' step through a [Decree-Law](#), an act of the Government valid until its conversion into law by the Parliament, for maximum 60 days. It is a temporary measure because it is to be adopted in exceptional circumstances, in cases of "*extraordinary necessity and urgency*" according to the Constitution.

With this Decree-Law, the Government acknowledged the nationwide spread of the virus and the exponential increase of cases and deaths. Under the initiative of the Prime Minister and the Minister of Health, in agreement with the Minister of Economy and Finance, the decree-law of 23 February began to provide for the unification of the regulatory measures issued until then by the various local authorities, extending the measures of containment and even providing for the:

*"suspension of events or initiatives of any kind, events and all forms of meetings in public or private places, including those of a cultural, recreational, sporting or religious nature, even if held in places that are closed or open to the public".*

Therefore, we could identify 23 February 2020 as the official date to mark the suspension of the right and freedom of peaceful assembly and demonstration. The full, nationwide lockdown had not started yet.

After this Decree-Law, others will follow almost daily. On 9 March, a new [Prime Minister's Decree](#) extended the red zone to the entire national territory and among the containment measures stated that:

*"All forms of assembly of persons in public places or places open to the public are prohibited throughout the national territory."*



The governmental measures to follow do not replace the above-mentioned regulations, thus depriving the Parliament of any control or form of participation, in the name of the "*extraordinary necessity and urgency*" to manage a pandemic emergency never seen since the Second World War.

<sup>2</sup> For an *official* chronological review of the legislative practice relating to the various Prime Ministerial Decree and Ministerial Decree, please refer to the website of the Italian Government - Presidency of the Council of Ministers, document: "[#IoRestoA Casa, measures for the containment and management of the epidemiological emergency](#)", link: <http://www.governo.it/it/iorestoaCasa-misure-governo>.

The Italian Constitution does not foresee the proclamation of the State of Emergency. In order to declare the State of health emergency, the Government resorted to a legal loophole, the use of the Decree-Law (Article 77 of the Constitution), conferring the legislative Power to the Government, a practice that is not new in Italy where its use has been abused since the burst of the Financial crisis in 2008.

In short, the State of Emergency is a State of Exception.

### ***"Obligation of social distancing" and "prohibition of assembly"***

*Social distancing* refers to the set of measures considered necessary to contain the spread of an epidemic or pandemic, such as, for example, the quarantine of people at risk or that are positive, domestic isolation, prohibition or limitation of gatherings, closure of schools, etc..

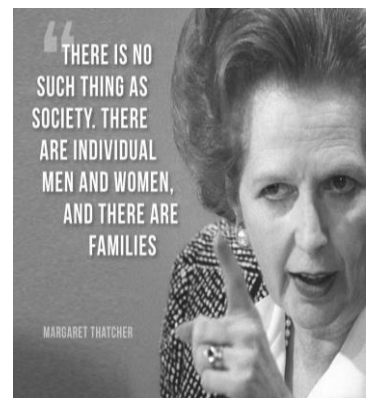
The translation into Italian of the concept '*social distancing*' has simplified it for mass communication. The concept, in any case, is far from simple, and deserves a specific, albeit rapid, examination.

*Social distancing* is undeniably a lexical oxymoron, but not a political one in the way it has been deployed in the public discourse of Power. And, at the same time, it is an obligation established through legislative measures: it is a rule, not an exception.

This political neologism can only be fully understood in the context and through the discourse of necessity through which it is imposed, and in pair with the ban on assemblies.

It is the perfect materialisation of one of the notions preferred by the neoliberal *upper class* of all latitudes, that resonates the doctrine of Thatcher: "There is no such thing as society. There are individual men and women, and there are families."

As [argued by Wolf Bukoski](#), *"It is not the lockdown that has dematerialised human relationships, but vice versa, it is the pre-existing conditions of dematerialisation (dictated by ideological needs and profit) that made the lockdown possible"*.



*Social distancing* can be understood as an individualistic practice and doctrine that - for salvific purposes - rejects sociality and, even, the very notion of society. Sociality becomes a source of danger. It is *dangerous* for the risk of spreading contagion, but also of sharing awareness of the common condition of humanity at the mercy of the same liberalist policies and capitalist governance that is now attempting to "contain" the pandemic.

The writer [Alberto Prunetti](#) wrote *"The government seems to have no plan, it is improvising catastrophically, bringing to light reactionary tics ("gatherings", "relatives", taking from the lexicon of the fascist Rocco code). The ruling class of the country would not be able to administer a condominium. This is the bitter truth. But those to be hit with sarcasm are the poor, who are the first victims of certain policies. When they ask us to wave the tricolour and to love Italy, it's because they don't know how to coordinate social solidarity, to guarantee the meeting point between the right to health and the right to income and sociality. They are blowing on the fire to divide the workers, not finding measures to satisfy everyone"*.

The *social distancing* goes hand in hand with home isolation, *smart working* and the explosion of the *gig economy*. The virtual reality is to be privileged over real life. Nothing new at the time of "*Capitalism of disasters*" and "*shock doctrine*", as [Naomi Klein](#) would say.

Therefore, social distancing is an expression of the political and democratic crisis already unfolded at the height of the economic-financial crisis that broke out in 2007-2008 and to date unresolved. The pandemic has simply unveiled its irreversible nature.

"*Social distancing is here to stay for much longer than a few weeks. It's going to turn our way of life upside down, somehow forever,*" as confirmed by a group of researchers from the Massachusetts Institute of Technology (MIT) in the MIT Technology Review, in the essay "[We're not going back to normal](#)" of 17 March 2020.

[Authoritarianism and repression](#), [abuse as a rule](#), unrestrained individualism and panic and fear fomented on the media to induce the sleep of collective reasoning... In this regard, the [reflection of](#) the philosopher Agamben is enlightening. While wondering whether a community based on "social distancing" is humanly and politically livable, he recognises:

*"I don't know what Canetti would have thought of the new phenomenology of the mass we are facing: what the measures of social distancing and panic have created is certainly a mass - but an upside-down mass, so to say, made up of individuals who keep at a distance from each other at all costs. A mass that is not dense, therefore, but rarefied and which, however, is still a mass, if this, as Canetti points out shortly afterwards, is defined by its compactness and passivity, in the sense that "a truly free movement would in no way be possible for it... it awaits a leader, who must be shown to it".*

## **And the right of assembly and protest?**

As said, these collective political freedoms and rights, including the right to strike, were temporarily "suspended", using the lexicon of the Prime Minister.

Yet, in the face of the systemic contradictions that the pandemic has only revealed, the right of assembly, the right to strike and protest have been exercised openly challenging the apparatus of control and deterrence put in place. Each time the exercise of these rights clashed with the repressive apparatus of the State.

## **Riots in prisons and repatriation centres (CPR)**

In Italy, the prison system is a real social powder keg (also) because of the perennial overcrowding as warned by the ECHR and [the UN which called](#) to "*Reduce the number of prisoners*". Since the beginning of March, there have been 49 uprisings involving almost all the penitentiaries of the country. The protests were triggered by the imposition of a ban on meetings with family members and lawyers as well as on sociality, in the context of degrading health conditions and the lack of adequate and sufficient safeguards to prevent the contagion inside the prisons.



The explosion of collective anger has revealed the hypocrisy and silence characterising the prison situation in Italy, and it was met with repression. Although a commission of inquiry never set out to clarify the facts and especially the real number of deaths caused by the repression, it seems that [13 people](#) lost their lives from the first day, including [6 in Modena](#) and [3 in Rieti](#) in the early hours. It was a real [slaughter, riots and deaths everywhere](#), as reconstructed (also) by the Osservatorio Repressioni<sup>3</sup> through the various testimonies collected ([here](#) from Santa Maria Capua Vetere; [here](#) from Turin; here from Milano-Opera, Udine and Foggia, where as many as 72 prisoners managed to escape during the riots; [here](#) the open letter from relatives and prisoners).

The retaliation followed the repression through [beatings and](#) indiscriminate [abuses](#) by the rapid response unit and the guards as well as the forced [relocation of prisoners to](#) weaken their resistance. It was meant as a deterrent inside of the prison system but also as a clear political message to the outside world: there is no rebellion against the status quo.



And yet, outside the prisons, solidarity was shown in the most diverse forms. Immediately, the relatives of the prisoners and solidarity groups went to the prisons involved in the protests, trying to communicate with the prisoners and inform them about the situation. They were charged by the anti-riot units and fined for violating the obligation of social distancing and the ban on assembly. Networks of associations, such as the *prison emergency network* composed by the associations Yairaiha Onlus, Bianca Guidetti Serra, Legal Team, Osservatorio Repressione and LasciateCIEntrare have collected several testimonies through the address [emergency\\_prison@gmail.com](mailto:emergency_prison@gmail.com), both on the hygienic and sanitary situation in prisons (and in particular on the actual prevention measures adopted in the face of the spread of the COVID-19 epidemic), and about abuses and inhuman and degrading treatment perpetrated against prisoners following the prison riots. They also provided legal assistance, media coverage and supported the submission of complaints to the Public Prosecutor's Office.

Similar dynamics characterised the administrative detention centres for migrants, now known as the *Permanent Residence Centres for Returns* - CPR (because State Lager for thousands of people guilty only of being *irregular/illegal immigrants*, sounds bad): also in this case, high [tension and first releases for Covid-19](#).

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<sup>3</sup> For a summary of the prison riots that broke out between March and April 2020 in Italy, please refer to the digital archive of the Repression Observatory: link: <http://www.osservatoriorepressione.info/tag/carcere/>

At the same time, on May 22, 2020, there was the online live broadcast of the XVI Report of the Antigone Association on detention conditions entitled "Prison at the time of the Coronavirus". For more information,

- about the 16th Report, link [http://www.antigone.it/upload/ANTIGONE\\_2020\\_XVIRAPPORTO%202.pdf](http://www.antigone.it/upload/ANTIGONE_2020_XVIRAPPORTO%202.pdf);
- page of the Antigone Association <https://www.antigone.it/news/antigone-news/3301-il-carcere-al-tempo-del-coronavirus-xvi-rapporto-di-antigone-sulle-condizioni-di-detenzione>

The solidarity from the people outside was what hurt the State the most. Every gathering of the family members of the prisoners and supporters was met with beatings and fines ([here](#) the case of Rome). On [13 May](#), 12 anarchist activists were faced with arrests and precautionary measures (specifically, 7 people conducted in four different prisons and the obligation to stay for another 5) in Bologna for a solidarity action to fellow activists in prison that happened in December 2018 as a form of deterrence to tensions during the Coronavirus crisis. The operation was accompanied by a denigratory campaign and the indictment for conspiracy to commit terrorism or subversion of the democratic order, incitement to commit crimes, [damage](#), defacement and fire. According to the Public Prosecutor's office, this operation had "*a strategic preventative value*" to "*avoid that in any further moments of social tension caused by the current emergency situation*", "*other moments of more general 'anti-state campaign' could occur*", considering that the suspects and those under investigation had allegedly participated "*in the organisation of confidential meetings to offer their direct support to the 'anti-prison' campaign*", and "*their participation in the moments of protest*" was confirmed. In short, the Italian State, through the Bologna Public Prosecutor's Office, invented the "[crime of political opposition](#)".



### **Antifascism, International workers' day and double standards**

Italy has never really and effectively come to terms with "*its tragic fascist past*" as it emerges from the surge of neo-fascist organised groups in recent years, as well as Fascist-inspired speeches inside the institutions (not only by leaders of the radical right but also by exponents of mainstream parties), during electoral campaigns and, above all, in the streets and neighbourhoods of the "Bel Paese".

Nevertheless, anti-fascist values inside the society and, the discourses, practices and forms of the Anti-fascist Resistance tenaciously invade the squares and neighbourhoods every 25 April, the day celebrating the liberation of Italy from the Fascist occupation. Also this year, despite the lockdown and the annexed "obligation of social distancing" and "prohibition of gathering", Antifascism has taken to the streets to claim the relevance and urgency of its daily practice in this authoritarian society we live in.

The State often responded with repression. Here are some examples:

- In Milan, a group of young and old anti-fascists were pushed and thrown to the ground for bringing flowers to the tombs of partisans. [Here is](#) the story, a radio correspondence and the day's videos, followed by an excerpt from a testimony:

*"While some of us were bringing flowers to the gravestones of the partisans of the neighbourhood, respecting the health regulations (masks and distance), in Via Dogali, we were surrounded and charged without any reason.*

*Among us was a father with a little girl and an old person. After the police said we could get away, we went to the gravestone in Via Celentano to finish the tour. Once the flowers were laid down, we were leaving. At that point, we were attacked again, still for no reason, by the police who took one of our comrades, of which we still have no news. Other comrades and people from the neighborhood came to show solidarity. In*

*response, the rapid response unit was called. After an hour of kettling and tension, we managed to leave. Similar situations have also happened in other parts of the city. [...]»*

- In [Salerno](#), a group of three activists of the Social Centre Jan Assen , put up a banner in front of the centre while singing partisan songs maintaining distance, using masks and hand sanitiser. They were sanctioned and prohibited from singing "Bella Ciao".
- In [Naples](#), activists posted banners linking the Resistance to Nazi-Fascism with the current struggle for income, services and social rights in many districts of the city. In two occasions, a small demonstration was also carried out, always in respect of the law and the health and distance measures:
  - o in Bagnoli, a small group of protesters were stopped after distributing masks and displaying a banner;
  - o in Piazza Municipio, three other people were stopped, identified and taken to the Police Headquarters after displaying a banner demanding Income, Salary and tests for All.



In both cases, the police used force, encircling the activists, identifying them and bringing them to the Police Headquarters to sanction them and filing complaints for unauthorised demonstration.

Similar dynamics were repeated on 1 May, the International Workers' day. The most glaring example is the case of [Trieste](#), where a huge deployment of armed forces intervened, *militarily*, to restore order and discipline and free the square from about seventy protesters. The *official* justification was that the demonstration was unauthorised and violated the obligation of social distancing and the prohibition of assembly, with the addition of resistance to public officials. The *unofficial* motivation was the removal of a banner stating "Capitalism kills more than the virus".



And yet, these prohibitions don't apply to everyone. It has happened that the fascists (pardon, *exasperated Italian citizens* with the tricolour flag or mask) *are* not only allowed to protest in the public square but that the Police Forces take their protection to allow circulation and media exposure.

There are two cases that could be cited as examples for the double standard treatment received:

- on 28 April, in front of Palazzo Chigi, the seat of the Italian Government, the neo-fascist party Fratelli d'Italia "demonstrated" against the Government for the inadequate financial coverage and the lack of tax benefits to Italian entrepreneurs. The Armed Forces, placed





to protect the building, remains to watch and guarantee the "*regular enjoyment and development of the right to demonstrate*".

- On 2 May the phantom movement #MascherineTricolori (Tricolor masks), - which never existed until then and it is openly linked with the fascist party of Casapound, took to the streets to raise "*the voice of the Italians abandoned by the Government*". Also, in this case, they were not met with the same repressive treatment reserved to the anti-fascists. A massive deployment of armed forces to escort them through the streets of the capital and guarantee the "*regular enjoyment and development of the right to demonstrate*". The protest also received disproportionate media coverage.



### Right to strike

The right to strike in Italy represents a problem existing well before the COVID – 19 crisis. The Coronavirus emergency has simply brought it back to the surface, given the current scenario of suspension of collective rights and freedoms and the political context in which Italy has been immersed for a decade now. In Italy as elsewhere in Europe, the right to strike has suffered progressive limitations to its exercise. At the same time, a heavy political and mediatic campaign of a disparaging nature driven by the restructuring of the labour market and the related contractual guarantees that have marked the last decade of liberalist policies.



In the face of the legitimate exercise of the right to strike by workers and women workers, the Government has [deployed the army in large workplaces for](#) deterrence. And when it did not go that far, it nevertheless authorised repressive intervention in an exaggerated and [vigorous](#) form. This happened both when the strike materialised in the form of a blockade of production inside the company premises, and when it took the form of a march through the streets of the city, as it happened in [Naples for](#) example.

Example of the steps that the Government took against the right to strike, organise and claim trade union rights are the precautionary measures against six activists leading the campaign "[Il padrone di merda](#)" in Bologna. The initiative is a real experiment of a trade union self-organised by workers who share the same precarious condition in work and housing. Together, they organised flash mobs to claim their



rights and publically condemn those responsible for their existential condition, whether they are dishonest entrepreneurs or housing owners. On 18 May, five of them were banned from residing in the municipality of Bologna; one was prohibited from approaching the offended parties, who were traders and entrepreneurs of companies or cooperatives who did not pay or made their employees work illegally - according to the Public Prosecutor's Office. Another 13 workers were reported for various reasons including attempted

extortion, personal injury, private violence, defamation, slander, disturbance of employment and use of means to make it difficult to recognise the person in a public place. The prosecution was accompanied by a contemptuous media campaign aimed at condemning them even before the trial. The repressive operation revealed the classism inherent in the Italian political and judicial system and, at the same time, the extreme fear that hides in the Authority when subordinates organise themselves and raise their heads to claim their rights.