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ADVISORY COMMITTEE ON THE FRAMEWORK  
CONVENTION FOR THE PROTECTION OF NATIONAL  
MINORITIES

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**OPINION ON ITALY  
ADOPTED ON 14 SEPTEMBER 2001**

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## **EXECUTIVE SUMMARY**

Following the receipt of the initial State Report of Italy on 3 May 1999 (due on 1 March 1999), the Advisory Committee commenced the examination of the State Report at its 5<sup>th</sup> meeting on 13 - 16 September 1999. In the context of this examination, a delegation of the Advisory Committee visited Italy, on 11 - 13 December 2000, in order to seek further information on the implementation of the Framework Convention from representatives of the Government as well as from NGOs and other independent sources. The Advisory Committee subsequently adopted its opinion on Italy at its 11<sup>th</sup> meeting on 14 September 2001.

As regards implementation of the Framework Convention, the Advisory Committee finds that Italy has made most commendable efforts in many areas including education, media and effective participation for the German-speaking, Ladin, French-speaking and Slovene minorities resident in regions which enjoy special autonomy.

The Advisory Committee further observes that appreciable efforts have recently been undertaken to adopt a coherent legislative framework designed to secure general protection at national level to the twelve recognised historical linguistic minorities. However, this legislative framework, based primarily on Law No. 482 of 15 December 1999, will not be fully operative until the protection perimeters applying to each minority have been defined.

Certain national minorities, particularly the Albanian, Franco-Provencal, Walser and Ladin minorities, traditionally settled in several provinces and/or regions under protection arrangements that can differ markedly, thus face additional difficulties in preserving and enhancing their identity. In order to remedy these difficulties, the Advisory Committee is of the opinion that Italy will have to make special efforts to ensure that the legislative framework is fully applied in practice and that sufficient protective measures are taken at all levels.

The situation of the Roma gives rise to deep concern. Besides the shortcomings of the existing statutory provisions for safeguarding their identity and culture, the Advisory Committee notes that by placing them in camps, the authorities have so far failed to place due emphasis on their integration into Italian society. This state of affairs should in future give way to a comprehensive and coherent strategy to provide them with housing, end the discrimination and socio-economic inequalities from which they suffer, and encourage their participation in the public affairs concerning them.

The Advisory Committee is of the opinion that specific conclusions and recommendations by the Committee of Ministers could help to improve still further the implementation of the Framework Convention in Italy. It believes that such conclusions and recommendations could assist in continuing the dialogue between the Government and the national minorities. The Advisory Committee therefore submits detailed draft conclusions and recommendations for consideration by the Committee of Ministers. The Advisory Committee stands ready to be involved in the monitoring of the follow-up to the conclusions and recommendations adopted by the Committee of Ministers in accordance with Rule 36 of Committee of Ministers' Resolution (97) 10.

## **I. PREPARATION OF THE CURRENT OPINION**

1. The initial State Report of Italy (hereinafter: the State Report), due on 1 March 1999, was received on 3 May 1999. The Advisory Committee commenced the examination of the State Report at its 5<sup>th</sup> meeting from 13 to 16 September 1999.
2. In the context of this examination, the Advisory Committee identified a number of points on which it wished to obtain fuller information. A questionnaire was therefore sent to the authorities on 28 February 2000. The Italian Government replied to the questionnaire with two additional reports forwarded to the Advisory Committee on 2 May and 17 October 2000.
3. Further to an invitation from the Italian Government and in accordance with Rule 32 of Committee of Ministers Resolution (97) 10, a delegation from the Advisory Committee met representatives of the Italian Government in the course of a visit to Italy (11-13 December 2000). During its visit, the delegation also met other people, including members of parliament, of the technical Committee responsible for preparing draft implementing regulations to Law No. 482/99, and of the National Federative Committee for Italian Linguistic Minorities (CONFEMILI), as well as several non-governmental organisations and other experts. When preparing the present opinion, the Advisory Committee also consulted a range of written material from various Council of Europe bodies, other international organisations, NGOs and other independent sources.
4. The Advisory Committee subsequently adopted the present opinion at its 11<sup>th</sup> meeting on 14 September 2001, and decided to transmit it to the Committee of Ministers.
5. The present opinion is submitted pursuant to Article 26 (1) of the Framework Convention, according to which, in evaluating the adequacy of the measures taken by the Parties to give effect to the principles of the Framework Convention, "the Committee of Ministers shall be assisted by an advisory committee", as well as pursuant to Rule 23 of Resolution (97) 10 of the Committee of Ministers, according to which the "Advisory Committee shall consider the state reports and shall transmit its opinion to the Committee of Ministers".

## II. GENERAL REMARKS ON THE STATE REPORT

6. The Advisory Committee stresses that the information which the report contains essentially refers to existing legislation and says little about the way in which Italy implements the Framework Convention in practice. It is to be pointed out however, that, following the Italian authorities' two supplementary reports in reply to the Advisory Committee's questionnaire and the many meetings held during its visit, much additional information and useful clarifications were obtained. Indeed, the Advisory Committee finds that the visit, organised on the invitation of the Italian Government, provided an excellent opportunity to have a direct dialogue with the representatives of various sources. The additional information provided by the Government and by other sources, notably representatives of national minorities, was most valuable, especially as concerns the meaning and scope of Law No. 482 of 15 December 1999 on protection of historical linguistic minorities (hereinafter: Law No. 482 of 15 December 1999), and on the various protective measures currently applying in practice to the various minorities.

7. The Advisory Committee welcomes the consultation carried out by the Government with the representatives of the minorities during preparation of the initial State Report and the two aforementioned supplementary reports, and acknowledges the co-operative spirit shown by Italy throughout the process which led to the adoption of this opinion.

8. In the following part of the opinion it is stated in respect of a number of articles that, based on the information currently at its disposal, the Advisory Committee considers that implementation of the article at issue does not give rise to any specific observations. The Advisory Committee wishes to make clear that this statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. Indeed, the Advisory Committee considers that the nature of the obligations of the Framework Convention requires a sustained and continued effort by the authorities to respect the principles and achieve the goals of the Framework Convention. Furthermore, a certain state of affairs may, in the light of the recent entry into force of the Framework Convention, be considered acceptable at this stage but that need not necessarily be so in further cycles of monitoring. Finally, it may be the case that issues that appear at this stage to be of relatively minor concern, prove over time to have been underestimated.

### **III. SPECIFIC COMMENTS IN RESPECT OF ARTICLES 1-19**

#### **Article 1**

9. The Advisory Committee notes that Italy has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any further observations.

#### **Article 2**

10. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

#### **Article 3**

11. The Advisory Committee notes that Article 6 of the Italian Constitution enjoins the Republic to protect, by means of special provisions, "linguistic minorities". It further notes that Law No. 482 of 15 December 1999, which came into force in January 2000, makes provisions on the protection of the "historical linguistic minorities" and applies to the populations speaking Albanian, German, Catalan, Croatian, Greek, French, Franco-Provencal, Friulian, Ladin, Occitan, Sardinian and Slovenian. This law, whose implementing regulations were finally passed in April 2001, provides a general legislative framework applying to all the aforementioned minorities. It allows various protective measures to be activated in specific territorial areas. These will need to be demarcated beforehand according to a complex procedure which requires a decision by the provincial authorities but can be set in motion by the population of the areas concerned.

12. In its initial State Report and its two further reports, the Italian Government supplied information on all minorities protected by Law No. 482 of 15 December 1999, deeming them covered by the Framework Convention. Furthermore it has indicated that the Ladins and the Walsers are a minority-in-minority. However, there was no detailed information on the Roma minority although the initial State Report mentions its presence as a "minority with no connection with any territory" and gives an estimate of its numbers.

13. The Advisory Committee underlines that in the absence of a definition in the Framework Convention itself, the Parties must examine the personal scope of application to be given to the Framework Convention within their country. The position of the Italian Government is therefore deemed to be the outcome of this examination.

14. Whereas the Advisory Committee notes on the one hand that Parties have a margin of appreciation in this respect in order to take the specific circumstances prevailing in their country into account, it notes on the other hand that this must be exercised in accordance with general principles of international law and the fundamental principles set out in Article 3. In particular, it stresses that the implementation of the Framework Convention should not be a source of arbitrary or unjustified distinctions.

15. For this reason, the Advisory Committee considers that it is part of its duty to examine the personal scope given to the implementation of the Framework Convention in order to verify

that no arbitrary or unjustified distinctions have been made. Furthermore, it considers that it must verify the proper application of the fundamental principles set out in Article 3.

16. The Advisory Committee agrees with the Italian Government that the Framework Convention must be applied to the historical linguistic minorities protected by Law No. 482 of 15 December 1999, and notes the Government's opinion that the Framework Convention could be invoked by the Italian courts when delivering rulings. Next, the Committee observes that although the initial draft of Law No. 482 on protection of historical linguistic minorities included the Roma minority, it was later excluded at the parliamentary deliberation stage chiefly on the ground of this group's having no association with a given territory. The Advisory Committee is of the opinion that, especially in view of their attested historical presence in Italy, the Roma should also be entitled to the protection afforded by the Framework Convention. The Committee therefore welcomes the clarification given when it visited Rome by the representatives of the Italian Government to the effect that the Roma, while not coming under Law No. 482 of 15 December 1999, are nonetheless protected by the Framework Convention. The Advisory Committee notes, however, that at present there is no legal instrument at national level granting the Roma comprehensive protection. The many legislative provisions concerning the Roma which have been adopted at regional level may in fact not suffice; often confined to promoting certain cultural aspects or to the pursuit of social aims, they are very disparate and significantly lack coherence. The Advisory Committee will discuss in more detail, in its comments on each article, the areas where protection of Roma could be improved.

17. The Advisory Committee notes that the Italian authorities have provided only limited information on the existence of other linguistic or ethnic groups which the Government does not at present regard as being protected by the Framework Convention. The Advisory Committee believes it would be possible to consider the inclusion of persons belonging to these groups in the application of the Framework Convention on an article-by-article basis, and is of the opinion that the Italian authorities should address this issue in consultation with those concerned.

18. The Advisory Committee notes that a series of measures ("the package") has been taken in favour of the German-speaking minority in Trentino-Alto Adige in order to give effect to the Gruber-de Gasperi agreement signed in 1946 by Italy and Austria. These measures include Presidential Decree No. 752 of 26 July 1976, Article 18 of which lays down regulations governing the general census of the population in the province of Bolzano, including the individual declaration of linguistic affiliation. The Advisory Committee acknowledges that the measures in "the package" have led to a commendable level of protection for the German-speaking minority with the result that on 17 June 1992 the representatives of Italy and Austria informed the United Nations of the end of their dispute on this issue. However it is important that the measures in "the package" also allow for developments over time and not be rigidly set in time<sup>1</sup>. The Advisory Committee considers that the individual declaration of linguistic affiliation, in its current form, gives rise to deep concern from the standpoint of Article 3 of the Framework Convention.

19. At each nationwide general population census, the Ladin and German-speaking communities in Bolzano province are also covered by a statistical census by the State authorities, unlike Italy's other national minorities. The statistical census of the Ladin, German-speaking and Italian communities in Bolzano province is used in particular to ensure equitable

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<sup>1</sup> In this context, see also ECJ Judgement of 6 June 2000, Case C – 281/98 (Angonese v. Cassa di Risparmio di Bolzano), E.C.R. 2000 I-4139.

distribution of political mandates and public sector posts between these three communities. When completing the general census forms, residents of Bolzano province must also fill in an individual declaration of linguistic affiliation. This declaration, which cannot be made anonymously, is retained by the district courts until the next census.

20. The Advisory Committee stresses that the individual declaration of linguistic affiliation is compulsory and that there is no sufficient guarantee of its confidentiality. As it remains valid following the census, each individual's choice is effectively firmly made and cannot be changed for a period of 10 years. Failure to declare one's linguistic affiliation has clear disadvantages since, in the province of Bolzano, all public service posts – at national, regional, provincial and municipal levels – are allocated among the three linguistic communities in proportion to the size of each community. Accordingly, only those who have made their declaration of linguistic affiliation can occupy a public service post reserved for their linguistic group. Refusal to declare one's linguistic affiliation also means that the person concerned is unable to exercise certain political rights. One example is the right to stand as a candidate in municipal, provincial and regional elections, since a candidate's linguistic affiliation is checked so as to guarantee the strict allocation of political offices among the three communities. The system of individual declaration of linguistic affiliation also poses problems on account of the limited freedom of choice it offers. Admittedly, the declaration has a category labelled "other" in addition to the Ladin, German-speaking and Italian-speaking groups. However, anyone choosing "other" must also be affiliated to one of the three aforementioned groups in order to be eligible for a public service post or to stand as a candidate in an election.

21. In view of the foregoing, the Advisory Committee is of the opinion that the current system of individual declaration of linguistic affiliation in the province of Bolzano does not adequately safeguard the principle of free affiliation and protection of ethno-linguistic data. It is of the opinion that the authorities should review this matter to make sure that the methods used to determine linguistic affiliation are fully in keeping with the right of every person to choose to be treated or not to be treated as someone belonging to a minority, also bearing in mind the principles set out in Committee of Ministers' Recommendation No. (97) 18 concerning the protection of personal data collected and processed for statistical purposes.

#### **Article 4**

22. The Advisory Committee notes that Italian legislation contains provisions against discrimination, some of which have been extended in recent years. Examples are the criminal law provisions on racial, ethnic or religious discrimination. Concurring with the European Commission against Racism and Intolerance (ECRI)<sup>2</sup>, the Advisory Committee nonetheless observes that gaps remain in the protection afforded by civil law and administrative law, and that it would be expedient to develop a more comprehensive body of provisions outlawing discrimination in a number of societal settings including employment, delivery of services, and housing. It would also be expedient to review the legal remedies and the penalties prescribed in respect of discrimination and if necessary to fill any gaps. The Advisory Committee therefore considers that the Italian Government should review its anti-discrimination legislation in order to ensure that all acts of discriminations are outlawed and effective remedies and sanctions are available to all persons who suffer from discrimination, both by public authorities and private entities.

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<sup>2</sup> See ECRI's first report (15.6.1998) on Italy, country-by-country approach, paragraphs 8-10.



23. With regard to paragraphs 2 and 3, the Advisory Committee notes that on the whole the German-speaking, Ladin, French-speaking and Slovene minorities enjoy very favourable circumstances in the economic, social, political and cultural spheres. This situation is principally due to the self-governing status held by the regions where these minorities traditionally live, and to legislative and other measures taken by the Parliament and Government to make this status effective. It is nevertheless evident that, for other minorities whose numbers are small and who live in regions that are less favoured economically, the situation is distinctly less favourable. This applies in particular to the Albanian, Catalan and Greek minorities. The situation is also not really favourable for the numerically very important Sardinian minority. The Franco-Provencal, Occitan and Friulian minorities are clearly large in terms of numbers and traditionally live in more economically favoured regions but greater effort is required to promote effective equality in political and cultural life between these minorities and the majority population. In this respect, the Advisory Committee expresses the hope that the measures provided for by Law No. 482 of 15 December 1999 will make it possible to improve the position of all these minorities, particularly in the areas of media, education and use of the minority languages by the public authorities (see comments relating to Articles 9, 10 and 12).

24. The Roma are in a situation contrasting sharply with that of all the other minorities, whereas they form a large minority in numerical terms. The Advisory Committee notes with anxiety that the full and effective equality of many members of the Roma community with members of the majority and of the other minorities is not achieved in Italy, particularly from the socio-economic standpoint. The Roma are disadvantaged in education (see comments relating to Article 12) and contend with severe difficulties in gaining access to medical care, employment and housing (see comments relating to Article 6).

25. For years the Roma have been isolated from the rest of the population by being assembled in camps where living conditions and standards of hygiene are very harsh<sup>3</sup>. Numerous concurring reports suggest that problems of overcrowding persist: in several camps some huts have neither running water nor electricity and proper drainage is often lacking. While some Italian Roma do undeniably continue to lead an itinerant or semi-itinerant life, the fact remains that many of them aspire to live under housing conditions fully comparable to those enjoyed by the rest of the population. Far from effectively aiding integration of the Roma, the practice of placing them in camps is liable to aggravate the socio-economic inequalities affecting them, to heighten the risk of discriminatory acts, and to strengthen negative stereotypes concerning them (see comments relating to Article 6). Considering the seriousness of the situation, the Advisory Committee feels that the government should envisage a comprehensive and coherent strategy at national level, no longer to be centred on the model of separation in camps.

26. The Advisory Committee is also concerned by information to the effect that a large number of Roma are meeting with severe difficulties in their attempts to acquire Italian citizenship. These difficulties also seem to affect individuals who have resided in Italy for some decades or were even born there. The Advisory Committee is of the opinion that the Italian

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<sup>3</sup> See in this connection the concluding observations on Italy adopted on 7 April 1999 by the United Nations Committee on the Elimination of Racial Discrimination (CERD), particularly paragraph 11: *"In light of reports indicating discrimination against persons of Roma origin including children, in a number of areas, in particular housing, concern is expressed at the situation of many Roma who, ineligible for public housing, live in camps outside major Italian cities. In addition to a frequent lack of basic facilities, the housing of Roma in such camps leads not only to a physical segregation of the Roma community from Italian society, but a political, economic and cultural isolation as well"*, ref. CERD/C/304/Add.68.

authorities should ensure that the legislation on granting of citizenship is applied in a fair and non-discriminatory manner to all applicants and especially to the Roma living in camps.

27. As the government acknowledges, the statistical estimates in the State Report as regards the number of persons belonging to the national minorities not covered by a census are by nature only approximate. This is due in particular to the fact that a statistical census by the State authorities only exists for the Ladin and German-speaking populations of Bolzano province (see comments relating to Article 3). In fact, discrepancies in figures and lack of reliable socio-economic indicators for the various groups can hamper the ability of the State to target, implement and monitor measures to ensure the full and effective equality of persons belonging to minorities. The Advisory Committee therefore considers that the Italian government try to identify ways and means of obtaining reliable statistical data. Without such data, it is very difficult for the Italian authorities to operate effectively and for the international monitoring bodies to ascertain whether Italy meets its obligations under the Framework Convention.

## **Article 5**

28. The Advisory Committee welcomes the high level of protection applying, in the regions of Trentino-Alto Adige, Aosta Valley and Friuli-Venezia Giulia, to the minorities traditionally settled there, that is the German-speaking, Ladin, French-speaking and Slovene populations. Although the adoption of legislative and other measures to give effect the autonomy of these regions has required many years of discussion, the present outcome indubitably fosters the right conditions for persons belonging to these minorities to preserve and develop their language and culture. In this respect, the Advisory Committee welcomes the Senate's adoption on 14 February 2001 of Law No. 38/01 governing protection of the Slovene linguistic minority in the Friuli-Venezia Giulia region, the latest legislative instrument to give effect to Article 6 of the Constitution. Despite the fact that the Slovene minority already enjoyed quite extensive protection measures, this new law represents a significant advance in granting equal protection to the Slovenes living in the three provinces of Trieste, Gorizia and Udine. Thus it usefully supplements the existing statutory provisions.

29. While the minorities traditionally settled within the boundaries of the three aforementioned autonomous regions have benefited for several years from an extensive scheme of protection, such is not the case for the other minorities. Indeed, not until recently have they had adequate legal protection despite the relevant provisions made in each region's Statute or in affairs in the remit of the regions, notably culture and education. The Advisory Committee therefore particularly welcomes the recent entry into force of Law No. 482 of 15 December 1999 and its first implementing provisions. The Advisory Committee notes with satisfaction that for the first time at national level, Law No. 482 of 15 December 1999 provides a comprehensive and coherent legislative framework designed to protect the historical linguistic minorities. It should thus allow marked improvements to be made in the situation of the Albanian, Catalan, Greek, Franco-Provencal, Friulian, Occitan and Sardinian populations.

30. Owing to their numerical inferiority and limited support from the State, certain national minorities, particularly the Croat minority, are under a long-range threat to the maintenance of their identity. Law No. 482 of 15 December 1999 does not in fact provide for allocation of specific funding to cultural activities. The Advisory Committee therefore considers it important for the central and regional authorities concerned to adopt additional measures aimed at preserving and enhancing the cultural and linguistic heritage of these numerically smaller minorities.

31. Apart from numerical inferiority and traditional settlement in rural or economically disadvantaged areas, another factor is liable to hinder preservation and development of the cultural and linguistic identity of certain national minorities: geographical division between several provinces and/or regions. Indeed, several national minorities face serious difficulties because their traditional settlement areas are located in administrative districts coming under significantly different legal arrangements.

32. Among the national minorities affected, special mention should be made of the Albanians, Franco-Provencal speakers, Walsers and Ladins. The situation of Ladins, distributed in five Alpine valleys and three provinces, is revealing here: whereas the Ladins resident in Bolzano province have long enjoyed very adequate protection, the status of the Ladins in Trento province has improved only of late due to the enactment of Constitutional Law No. 2 of 31 January 2001, which the authorities should ensure is applied appropriately. Outside these two provinces making up the autonomous region of Trentino-Alto Adige, the situation is different. Thus the Ladins living in Belluno province, which lies in an ordinary-statute region, find themselves in a distinctly less favourable position, particularly as regards education and access to the electronic media. Now, the geographical distribution of Ladins and the exclusion of a large proportion of them from certain protection measures tend to make the maintenance of their identity far more problematic. The Advisory Committee notes that efforts have been made to enhance the codification of the Ladin language, which can contribute to its preservation. The Walsers, who speak a Germanic dialect, and the Franco-Provencal group whose language is underpinned by written French are in a somewhat similar position: due to the possibilities available for teaching of French and German in the Aosta Valley autonomous region, the Walsers and Franco-Provencal speakers living there have significantly broader rights than members of these minorities living in the adjacent ordinary-statute regions.

33. Given the geographical distribution of certain minorities between several regions and/or provinces, the Advisory Committee expresses the hope that in the process of demarcating the protection perimeters prescribed by section 3 of Law No. 482 of 15 December 1999, the authorities will endeavour to institute coherent areas of protection for the linguistic minorities concerned and facilitate as far as possible the setting up of co-ordination bodies to reduce the present differences in treatment.

34. Where the Roma are concerned, the Advisory Committee is perturbed by the negative image often associated with their identity in Italian society, and by the fact that they are often rejected. The Advisory Committee also notes that the Italian authorities still frequently refer to the Roma community in general as "Gypsies" ("Zingari") or "nomads" ("nomadi"); this is apparent from the headings of several regional laws applying to this community and from certain documents issued by the Interior Ministry. The Advisory Committee has been advised on several occasions that the term "Zingari" has a pejorative connotation and that the systematic use of the term "nomadi" is misleading since only a small proportion of Roma living in Italy retain an itinerant lifestyle. More generally, the Advisory Committee notes that efforts to support Roma culture are only sparingly supported by the authorities. The Advisory Committee believes that if the government designs a general strategy for the integration of the Roma and/or other action in the matter, these measures cannot have the desired effect unless framed and implemented in consultation and collaboration with the Roma community and unless the various parties involved show understanding and respect for Roma culture.

## Article 6

35. In view of the various submissions made during its visit to Italy and in the light of information made available to it, the Advisory Committee is of the opinion that in general, with the exception of the Roma minority, the linguistic minorities protected by Law No. 482 of 15 December 1999 live on good terms with the rest of the population, and that their relations are marked by great tolerance. It nonetheless considers that Italy could do more to foster intercultural understanding, to which the media for their part could contribute constructively. Consequently, with due respect for the independence of the media, the government could seek to associate them more closely with its action in this matter, in the spirit of the principles set out in Committee of Ministers Recommendation No. (97) 21 on the media and the promotion of a culture of tolerance. Awareness and understanding of minority cultures could also be improved in education (see comments relating to Article 12).

36. Roma are placed in a plainly different situation which causes deep concern with regard to the discrimination which they incur. It is clear to the Advisory Committee that more satisfactory integration of Roma cannot be confined to a purely social approach but depends primarily on recognising and eliminating all forms of discrimination faced by this population.

37. In the media field, the Advisory Committee notes the persistence of information presented in such a way as to strengthen the stereotypes associated with Roma. For instance, in reporting criminal facts, some newspapers mention the ethnic origin of the alleged perpetrators, especially when those belong to the Roma community, thus reinforcing the prevalent clichés.

38. According to certain credible allegations, the conditions under which the police forces operate in the camps sometimes lead to excesses: frisking, search of premises and interrogations surrounded by a disproportionate show of force are said to be frequently extended to the entire camp and to occasional acts of police brutality including insults with racist connotations. It also emerges that some police officers refuse to state the reasons for the measures taken and to show those concerned the warrants authorising them to proceed. In such circumstances, the Advisory Committee believes that it would be expedient for the Italian authorities to review the conditions of police action in the camps, and the possible existence of anti-Roma prejudice among the police and ways to remedy the malfunctions observed.

39. The Advisory Committee also refers to its comments in respect of Article 4, to the effect that the practice of placing Roma in camps is not apt to enhance their integration. Placement of Roma in camps of this kind can indeed only aggravate the risks of discrimination against them and is thus not compatible with Article 6 of the Framework Convention.

40. As mentioned in the State Report, Italy has been confronted with recent mass migration flows. The Advisory Committee therefore considers it important for the authorities to promote a spirit of tolerance and mutual respect among all persons living in Italy. In this context, it is important that the Italian authorities endeavour to find a solution to all the integration problems which certain groups might possibly encounter owing to the religious and cultural differences that set them apart from the majority population.

**Article 7**

41. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

**Article 8**

42. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

**Article 9**

43. The Advisory Committee notes with satisfaction the financial support provided by the State, regional and local authorities for the printed press of the historical linguistic minorities, and advocates the continuation of these commendable practices.

44. Regarding sound radio and television broadcasting, the Advisory Committee notes that under Law No. 103 of 14 April 1975 and agreements reached between the Presidency of the Council and the public service broadcasting franchise holder (RAI), the latter is required to broadcast programmes in French in the Aosta Valley region, in German and Ladin in the Trentino-Alto Adige region, and in Slovenian in the Friuli-Venezia Giulia region. While welcoming the existence of these programmes and their state funding, the Advisory Committee notes that unfortunately reception is not possible everywhere; for instance, the Ladins in Belluno province and the Slovenes in Udine province cannot pick up the broadcasts produced in their languages by *Radio Televisione Italiane* (RAI) although they traditionally reside in these areas. The Advisory Committee considers that the Italian authorities should try to remedy this state of affairs. In this regard, it welcomes the indication in the State Report that there was a possibility of extending Slovenian language broadcasts to Udine province. It further notes that the Slovenes and Ladins have expressed their interest in obtaining an extension of the air time allocated to them, and considers that the Italian authorities should look into the matter.

45. The Advisory Committee notes that for national minorities other than those mentioned in the preceding paragraph, RAI does not at present make special sound radio and television broadcasts. The few infrequent spots on the air in Sardinian, Franco-Provencal or Friulian in fact result from the personal initiative of a few journalists but have no legal basis and receive no funding.

46. The Advisory Committee is pleased that Article 12 of Law No. 482 of 15 December 1999 henceforth expressly stipulates that agreements reached between the State and the company holding the franchise for public service radio and television broadcasting must prescribe arrangements to protect linguistic minorities. It notes that this new provision forms the requisite legal basis for producing and broadcasting programmes for all the linguistic minorities protected by Law No. 482 of 15 December 1999, once the protection perimeters have been determined for each. With regard to funding of the new broadcasts, the Advisory Committee notes that there is a point of divergence between the minorities and the franchise-holding company: whereas the former contend that broadcasting of programmes in minority languages is embodied in the public service obligations of RAI, the latter bases its position on the idea that it is only required to produce and broadcast programme in minority languages when such programmes are financed under specific agreements with the State or the regions concerned. While aware that the needs of the various minorities in this respect vary

considerably and that some can be fulfilled by private operators, the Advisory Committee takes the view that the Italian authorities, in consultation with the minorities concerned and RAI, should endeavour to make full use of the new possibilities afforded by Law No. 482 of 15 December 1999 for having programmes produced and broadcast in minority languages.

47. Where the Roma are concerned, the Advisory Committee notes that for the time being they do not receive any broadcast in their language or specifically intended for them, or any financial support for their newspapers. It considers that the Italian authorities, in consultation with the Roma, should seek to define their needs in this respect and if appropriate consider making the necessary arrangements to meet these needs.

#### **Article 10**

48. With regard to paragraph 2, the Advisory Committee notes that persons belonging to the French-speaking, German-speaking, Ladin and Slovene minorities, under the implementing provisions of the special statutes of the Trentino-Alto Adige, Aosta Valley and Friuli-Venezia Giulia regions, have significant possibilities to use of their languages in dealings with the administrative authorities. Some difficulties have nonetheless been reported in the towns of Trieste and Gorizia where Slovenes are allegedly discouraged from using their language on occasion. Slovenes living in Udine province have not yet been allowed to use their language in dealings with the administrative authorities. The Advisory Committee notes with satisfaction that the new Law No. 38/01 governing protection of the Slovene linguistic minority in the Friuli-Venezia Giulia region will make it possible for the situation in Udine province to be markedly improved. It considers that the Italian authorities should ensure speedy and effective implementation of this law and ensure that use of Slovenian in the towns of Trieste and Gorizia is not discouraged.

49. The Advisory Committee welcomes the fact that Law No. 482 of 15 December 1999 provides under Article 7 for increased use of minority languages within local authorities and, under Article 9, for their wider use in dealings with the administrative authorities. In this respect, the Advisory Committee notes with interest that the procedure for demarcating the areas in which the measures are to apply can be initiated, in particular, at the call of at least 15% of citizens registered as voters and resident within the boundaries of the municipalities concerned. It is also to be welcomed that Law No. 482 of 15 December 1999 sets up a special national fund to cover expenditure arising from greater use of minority languages.

50. It is hoped that these legal provisions will make for a marked improvement in the situation of persons belonging to the Albanian, Catalan, Greek, Franco-Provencal, Friulian, Occitan and Sardinian minorities in their geographical areas of substantial or traditional settlement. Indeed, for these groups the use of the minority languages is at present very limited or non-existent. It is important in this connection that the Italian authorities define coherent protection perimeters for the linguistic minorities concerned (see also comments relating to Article 5).

51. Where the Roma are concerned, the Advisory Committee notes that at present they have no scope for using their native language in dealings with the administrative authorities. It believes that the Italian authorities, in consultation with the Roma, should seek to identify their needs in the matter and if appropriate consider establishing the requisite legal basis and/or arrangements for meeting these needs.

**Article 11**

52. Regarding paragraph 3, the Advisory Committee notes with satisfaction that Article 10 of Law No. 482 of 15 December 1999 now provides a clear legal basis at national level enabling local authorities to adopt topographical indications in accordance with local traditions and customs, in addition to the official names. This provision will confirm the many initiatives already taken in this respect on behalf of several minorities resident in ordinary-statute regions, particularly the Albanian, Croat, Greek and Occitan minorities.

**Article 12**

53. The Advisory Committee commends the considerable efforts made by the Italian authorities in the education of minorities resident in regions with self-governing status. It also welcomes the scope provided by Law No. 482 of 15 December 1999 for fostering study of the languages and cultural traditions of persons belonging to the historical linguistic minorities. It expresses the wish that the authorities will take full advantage of this law to increase the multi-cultural and multi-ethnic component of school syllabi and to facilitate purchase and/or publication of schoolbooks. More generally, the Advisory Committee hopes that efforts to increase knowledge about minority cultures will be enlarged for the benefit of the majority as well as of the minorities.

54. With regard to paragraph 3, the situation of Roma in the educational field gives rise to deep concern and differs appreciably from that of the other minorities and of the majority, so that equal opportunity in access to education is not yet secured to this minority.

55. The abnormally high level of absenteeism among Roma pupils forms one of the main obstacles to be eliminated. This absenteeism admittedly has varied and complex causes, but the Advisory Committee feels that in general state education should accentuate the language and culture of the Roma minority more than at present, in accordance with the principles set out in Committee of Ministers' Recommendation No. (2000) 4 on the education of Roma/Gypsy children in Europe. The transportation problems facing Roma pupils who live in camps remote from schools, and the precarious financial circumstances of many parents, are also factors of absenteeism which should be addressed. Some moves have already been made at local and regional level to aid school bus services and relieve the parents' lack of means. The Advisory Committee nonetheless considers that the Italian authorities should redouble their efforts in this connection.

**Article 13**

56. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

**Article 14**

57. The Advisory Committee welcomes the numerous opportunities for instruction in the minority language available to the German-speaking and Ladin minorities in the Trentino-Alto Adige region and especially the new guarantees regarding teaching of Ladin language and culture in the municipalities of Trento province where this language is spoken, as provided by constitutional law No. 2 of 31 January 2001. It also welcomes the educational opportunities

available to the Slovene minority in the provinces of Trieste and Gorizia, and to the French-speaking minority in the Aosta Valley region. Further, it welcomes that fact that German is taught to the Walsers resident in the Aosta Valley region, and expresses the hope that the new Law No. 38/01 governing protection of the Slovene linguistic minority in the Friuli-Venezia Giulia region will make it possible to improve the situation of the Slovenes resident in Udine province.

58. For the other minorities, the Advisory Committee notes that teaching of minority languages is carried on experimentally in certain provinces. However, at present there is no real co-ordinated national programme for teaching these minority languages in Italy. The Advisory Committee therefore welcomes that Law No. 482 of 15 December 1999 lays the legal basis on which these languages can be taught or used as languages of instruction, and above all that it prescribes specific funding for this purpose. The measures for extending instruction in minority languages can only be effective, however, once the implementing provisions have been adopted, in particular by the Ministry of Education. The Advisory Committee therefore considers that the Italian authorities should endeavour to give prompt effect to the provisions of Law No. 482 of 15 December 1999 with regard to education.

59. The Advisory Committee notes that shortage of teachers and/or their lack of training are persistent problems for certain minorities, in particular the Albanians, the Croats as well as the Greeks. It considers that the Italian authorities should look into the situation and, in agreement with the representatives of the minorities affected, try to remedy it.

60. In view of the various submissions made during its visit to Italy and in the light of information made available to it, the Advisory Committee notes that Roma do not have the opportunity to learn their language under the Italian education system. It is of the opinion that the Government ascertain the extent to which the current position of the Roma language in the Italian education system meets the demands of persons belonging to this community.

## **Article 15**

61. According to Article 116 of the Italian Constitution, five regions enjoy special autonomy for historical reasons, under the terms of special statutes adopted through the enactment of constitutional laws. Regionalism in respect of institutions has developed to differing degrees in these regions. It attains its most consummate form in the regions of Trentino-Alto Adige and Aosta Valley, and to a lesser extent in Friuli-Venezia Giulia. The wide territorial autonomy granted to these regions secures considerable advantages to all their inhabitants and thus also to the German, Ladin, French and Slovenian language groups traditionally dwelling there. Regionalism thus confers on these populations very extensive rights calculated to preserve and enhance their identity, so that their standard of protection is generally higher than can be achieved under Law No. 482 of 15 December 1999.

62. The Advisory Committee appreciates the various institutional arrangements in aid of effective participation in all areas, public affairs especially, for persons belonging to the German-speaking and Ladin minorities resident in the Trentino-Alto Adige autonomous region. It especially welcomes the recent changes made by Constitutional Law No. 2 of 31 January 2001 which improves representation of Ladins in the legislative and executive bodies of both the region and the province. The self-governing status held by the Aosta Valley region is also likely to fulfil the needs of minority members resident there where effective participation is concerned.



63. With regard to the Slovene minority, the Advisory Committee welcomes the recent creation, under Law No. 38/01 governing protection of the Slovene minority in the Friuli-Venezia Giulia region, of a joint institutional committee to deal with the problems of the Slovene minority, from which half the members of the committee will be drawn. The Advisory Committee expresses the hope that this new body will be promptly set up and consulted by the authorities on all issues of importance to the Slovene minority.

64. While members of the German-speaking, Ladin, French-speaking and, to a lesser extent, the Slovene minorities have hitherto benefited from various forms of participation which could be described as effective within the meaning of Article 15 of the Framework Convention, the same does not apply to the other minorities. The Advisory Committee notes that by decree of 17 March 2000 the Presidency of the Council decided to set up a technical Committee assigned an essential role in framing the implementing provisions for Law No. 482 of 15 December 1999. Having regard to the composition of this technical Committee, the Advisory Committee welcomes the government's intention to give the minorities a part in implementing the legislation relating to them. It hopes that the Italian authorities will keep moving in this direction by envisaging, for example, the formation of a consultative committee for minorities in order to institutionalise dialogue between the Government and the representatives of minorities.

65. The Advisory Committee is deeply concerned by the obstacles that continue to hamper the effective participation of Roma in economic and social life, and negative impact effects on the socio-economic circumstances of this minority as a whole and women in particular (see also the comments relating to Article 4). The Advisory Committee regrets that by contrast with the historical linguistic minorities, many Roma have seen no improvement in their situation where their effective participation is concerned. The Committee is of the opinion that the Italian authorities should review this situation with a view to creating a suitable structure through which the Roma can be regularly consulted in matters affecting them.

66. As regards members of national minorities working as public civil servants, the Advisory Committee notes that in the province of Bolzano, the system of allocating posts strictly according to the size of the Italian-speaking, German-speaking and Ladin communities, has helped to make the participation of these minorities more effective, since each group's representation in the civil service now approximates to its demographic profile. In this respect, the Advisory Committee notes that the system was originally designed to achieve balance in 2002. Recruitment to public appointments does not seem to raise problems in the Aosta Valley either. The other minorities, however, do not benefit from special arrangements for access to public sector posts. In this connection, the Advisory Committee is concerned by information to the effect that the situation still does not equate to full and effective participation, especially for Slovenes. The Committee is of the opinion that the Italian authorities could carry out a review of the situation and, should the result prove to be unsatisfactory, adopt the necessary measures to promote a fair representation of the minorities in the civil service.

## **Article 16**

67. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

**Article 17**

68. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

**Article 18**

69. The Advisory Committee welcomes the fact that Italy has concluded bilateral agreements with its neighbours, particularly Austria and Croatia, for the protection of the minorities living in its territory. It encourages Italy, in co-operation with its neighbours, to ensure that the implementation of these agreements furthers the effective protection of the rights of persons belonging to national minorities and fosters a climate of tolerance.

**Article 19**

70. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

#### IV. CONCLUDING REMARKS

71. As regards implementation of the Framework Convention, the Advisory Committee finds that Italy has made most commendable efforts in many areas including education, media and effective participation for the German-speaking, Ladin, French-speaking and Slovene minorities resident in regions which enjoy special autonomy.

72. The Advisory Committee further observes that appreciable efforts have recently been undertaken to adopt a coherent legislative framework designed to secure general protection at national level to the twelve recognised historical linguistic minorities. However, this legislative framework, based primarily on Law No. 482 of 15 December 1999, will not be fully operative until the protection perimeters applying to each minority have been defined.

73. Certain national minorities, particularly the Albanian, Franco-Provencal, Walser and Ladin minorities, traditionally settled in several provinces and/or regions under protection arrangements that can differ markedly, thus face additional difficulties in preserving and enhancing their identity. In order to remedy these difficulties, the Advisory Committee is of the opinion that Italy will have to make special efforts to ensure that the legislative framework is fully applied in practice and that sufficient protective measures are taken at all levels.

74. The situation of the Roma gives rise to deep concern. Besides the shortcomings of the existing statutory provisions for safeguarding their identity and culture, the Advisory Committee notes that by placing them in camps, the authorities have so far failed to place due emphasis on their integration into Italian society. This state of affairs should in future give way to a comprehensive and coherent strategy to provide them with housing, end the discrimination and socio-economic inequalities from which they suffer, and encourage their participation in the public affairs concerning them.

75. The Advisory Committee is of the opinion that specific conclusions and recommendations by the Committee of Ministers could help to improve still further the implementation of the Framework Convention in Italy. It believes that such conclusions and recommendations could assist in continuing the dialogue between the Government and the national minorities. The Advisory Committee therefore submits detailed draft conclusions and recommendations for consideration by the Committee of Ministers. The Advisory Committee stands ready to be involved in the monitoring of the follow-up to the conclusions and recommendations adopted by the Committee of Ministers in accordance with Rule 36 of Committee of Ministers' Resolution (97) 10.

## **V. PROPOSAL FOR CONCLUSIONS AND RECOMMENDATIONS BY THE COMMITTEE OF MINISTERS**

**In the light of the foregoing, the Advisory Committee is of the opinion that the Committee of Ministers should consider the adoption of the following draft conclusions and recommendations with respect to Italy:**

The Committee of Ministers,

Having regard to the Framework Convention for the Protection of National Minorities and the initial State Report submitted by Italy on 3 May 1999, on the implementation of the Framework Convention;

On the basis of the opinion adopted by the Advisory Committee on 14 September 2001;

Welcoming the efforts made by Italy to implement the Framework Convention;

Considering that specific conclusions and recommendations could help further to improve the implementation of the Framework Convention by Italy;

Adopts the following conclusions and recommendations and invites Italy to inform the Advisory Committee, within one year from the adoption of the present decision, of action taken in this respect.

### **In respect of Article 3**

The Committee of Ministers *concludes* that it would be possible to consider the inclusion of persons belonging to other groups in the scope of the Framework Convention on an article-by-article basis and *recommends* that Italy consider the question in consultation with those concerned.

The Committee of Ministers *concludes* that the current system of individual declaration of linguistic affiliation applied in Bolzano province does not adequately safeguard the principle of free affiliation and protection of ethno-linguistic data. It *recommends* that the authorities review this matter to identify methods fully in keeping with the right of every person to choose to be treated or not to be treated as someone belonging to a minority.

### **In respect of Article 4**

The Committee of Ministers *concludes* that for years the Roma have been placed in camps, and that this policy does not duly favour their integration into Italian society. The Committee of Ministers *recommends* that Italy envisage a comprehensive and coherent strategy at national level for co-ordinating the numerous measures entailed by the integration of Roma.

### **In respect of Article 5**

The Committee of Ministers *concludes* that owing to their numerical inferiority and limited support from the State, certain national minorities face an eventual threat to the maintenance of their identity. It *recommends* that Italy adopt supporting measures to preserve and enhance the cultural and linguistic heritage of these numerically smaller minorities.

The Committee of Ministers *concludes* that the fact that the traditional settlement areas of some minorities are located in provinces and regions coming under significantly different legal arrangements creates additional difficulties to preserve and develop their identity. It *recommends* that Italy facilitate the setting up of co-ordination bodies to reduce the present differences in treatment.

The Committee of Ministers *concludes* that in Italian society, a negative image is still often associated with the identity of the Roma community. It *recommends* that Italy ensure that its measures on behalf of the Roma are implemented in consultation and collaboration with the Roma community, with proper respect for Roma culture.

### **In respect of Article 6**

The Committee of Ministers *concludes* that in general, with the exception of the Roma concerning whom certain media broadcast information has been presented in such a way as to strengthen negative stereotypes, national minorities live on good terms with the rest of the population and their relations are marked by great tolerance. It *recommends* that the authorities do more to foster intercultural understanding and associate the media with their action in this matter, in the spirit of the principles set out in Committee of Ministers Recommendation No. (97) 21 on the media and promotion of a culture of tolerance.

The Committee of Ministers *concludes* that there is reason for concern about the conditions under which the police forces operate in the Roma camps. It accordingly *recommends* that the Italian authorities review this situation and remedy any malfunctions observed.

### **In respect of Article 9**

The Committee of Ministers *concludes* that reception of the radio and television broadcasts made by the company holding the franchise for public service broadcasting is still not technically possible for, in particular, the Ladins in Belluno province and the Slovenes in Udine province. It therefore *recommends* that the authorities remedy this state of affairs.

The Committee of Ministers *concludes* that for many national minorities, the public service broadcasting franchise holder does not at present make radio and television broadcasts and that there is still divergence over the possible funding of such broadcasts. The Committee of Ministers *recommends* that the Italian authorities, in consultation with the minorities concerned and the franchise holder, endeavour to make full use of the new legal possibilities for having programmes produced and broadcast in minority languages.

The Committee of Ministers *concludes* that for the time being the Roma do not receive any broadcast made in their language or specifically intended for them, or any financial support for their newspapers. It *recommends* that the Italian authorities, in consultation with the Roma, seek to define their needs in this respect and if appropriate consider making the necessary arrangements to meet these needs.

### **In respect of Article 10**

The Committee of Ministers *concludes* that persons belonging to the French-speaking, German-speaking, Ladin and Slovene minorities enjoy significant possibilities to use of their languages in dealings with the administrative authorities although some difficulties have been reported in the towns of Trieste and Gorizia, where Slovenes are allegedly discouraged from using their language on occasion. The Committee of Ministers *recommends* that Italy ensure speedy and effective implementation of Law No. 38/01 governing protection of the Slovene linguistic minority in the Friuli-Venezia Giulia region and satisfy themselves that use of Slovenian in the towns of Trieste and Gorizia is not discouraged.

The Committee of Ministers *concludes* that persons belonging to the Albanian, Catalan, Greek, Franco-Provencal, Friulian, Occitan and Sardinian minorities, in their geographical areas of substantial or traditional settlement, have very limited possibilities, if any, for using their minority languages in dealings with the administrative authorities. The Committee of Ministers recommends that the Italian authorities take full advantage of the new legal facilities in order to develop the use of minority languages in dealings with the administrative authorities, and in so doing ensure that the protection perimeters applying to the linguistic minorities concerned are coherently defined.

### **In respect of Article 12**

The Committee of Ministers *concludes* that the level of absenteeism among Roma pupils is abnormally high; it *recommends* that the authorities redouble their efforts to combat this tendency and give the language and culture of the Roma minority more prominence, in accordance with the principles stated in Committee of Ministers' Recommendation No. (2000) 4 on the education of Roma/Gypsy children in Europe.

### **In respect of Article 14**

The Committee of Ministers *concludes* that there is a shortage of teachers and/or a lack of teacher training for a number of minorities. It *recommends* that the Italian authorities look into this situation in an effort to remedy it.

The Committee of Ministers *concludes* that the German-speaking, Ladin, Slovene and French-speaking minorities have numerous possibilities for learning and/or being taught in the minority language, while for other minorities only experimental forms of teaching exist in some provinces. The Committee of Ministers *recommends* that the Italian authorities promptly give effect to the new legal provisions allowing the development of minority language education.

The Committee of Ministers *concludes* that Roma do not have the opportunity to learn their language under the Italian education system. It *recommends* that Italy ascertain the extent to which the current position of the Roma language in the Italian education system meets the demands of persons belonging to this community.

### **In respect of Article 15**

The Committee of Ministers *concludes* that many minorities have not hitherto been able to benefit from effective participation. It *recommends* that Italy review this question by

envisaging, for example, the formation of a consultative committee for minorities in order to institutionalise dialogue between the Government and the representatives of minorities.

The Committee of Ministers *concludes* that there is reason for concern over the obstacles that continue to hamper the effective participation of Roma and in particular Roma women in social and economic life. It *recommends* that the Italian authorities review this situation with a view to creating a suitable structure through which the Roma can be regularly consulted in matters concerning them.

The Committee of Ministers *concludes* that there is reason for concern about indications that persons belonging to certain national minorities are not adequately represented in public sector posts. It *recommends* that the Italian authorities carry out a review of the situation and, should the result prove to be unsatisfactory, adopt the necessary measures to promote a fair representation of the minorities in the civil service.

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