

# GOVERNMENT COMMENTS ON THE REPORT ON ITALY

## **APPENDIX: GOVERNMENT'S VIEWPOINT**

**The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Italy**

ECRI, in accordance with its country-by-country procedure, engaged into confidential dialogue with the authorities of Italy on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version (which, in line with ECRI's standard practice, could only take into account developments up until 22 June 2011, date of the examination of the first draft).

The authorities also requested that the following viewpoint be reproduced as an appendix to the report.

*MINISTRY OF FOREIGN AFFAIRS - Inter-ministerial Committee on Human Rights - Comitato Interministeriale dei Diritti Umani*

### **ITALIAN REMARKS ON THE DRAFT FOURTH REPORT OF THE EUROPEAN COMMISSION AGAINST RACISM AND INTOLERANCE ON ITALY**

#### **Preliminary remarks**

The 1948 Italian Basic Law includes all basic and fundamental rights as enshrined in international and regional legal instruments and conventions.

The Basic Law establishes the political framework for action and organization of the State. The fundamental elements or structural principles of the Constitution governing the organization of the State are the following: democracy, as laid down in Art. 1; the so-called *personalistic* principle, as laid down in Art. 2, which guarantees the full and effective protection of human rights; the pluralist principle, within the framework of democracy (Arts. 2 and 5); the importance of labour as a central value of the Italian community (Arts. 1 and 4); the principle of social solidarity (Art. 2); the principle of non discrimination and equality before the law, as laid down in Art. 3; the principles of national unity and territorial integrity (Art. 5); and, above all, the principle of the state based on the rule of law. These principles are guaranteed also at the locale level, due to the fact that the territorial organization of the Italian Republic consists of municipalities, provinces, metropolitan cities, Regions (20) and State. Local authorities are autonomous entities with their own statutes, powers and functions (Arts. 5 and 114).

The protection and promotion of rights — be it civil and political, economic, social and cultural — constitutes one of the fundamental pillars of both domestic and foreign Italian policies. The Italian legal system aims at ensuring an effective framework of guarantees, to fully and extensively guarantee the fundamental rights of the individuals, providing them with a wide range of protection means which have, as their core, the principle of non-discrimination set out at Art. 3 of the Italian Basic law: "All citizens possess an equal social status and are equal before the law, without distinction as to sex, race, language, religion, political opinions, and personal or social conditions." The main scope of the Basic Law above provision emerges by its second paragraph that, in addition to establishing the autonomous principle of the so-called "substantial" equality and equal opportunities for all citizens in social, economic and political life, expresses a rule of interpretation to be reflected in the implementation of the principle of the so-called "formal" equality. In fact paragraph 2 describes the guarantee of non discrimination vis-à-vis the results produced

or to be produced in the concrete life relations, thanks to the primary constitutional imperative of removing the “de facto” limits to equality and to pursue the ultimate goal of the “full” self-determination of the individual along with the “effective” participation in community life.

Moreover, it is well known how all along its history the European Union provided itself with a steady legal base, as an instrument to act against all forms of discrimination. In this perspective, the implementation of the principle of equal treatment by the European Commission resulted in the promulgation of two Directives for the protection of rights against all forms of discrimination: the Directive 2000/43/EC, which prohibits all forms of discrimination based on race or ethnic origin, in any area or sector, both private and public; the Directive 2000/78/EC, that regulates the prohibition of discrimination on grounds of religion or belief, disability, age or sexual orientation, as regards employment and occupation.

According to the guiding principles included in Art. 29 of Community Law No. 39/2002, the Italian Government promptly transposed the contents of the Directive through the adoption of the Legislative Decree No. 215 of July 9<sup>th</sup>, 2003. By means of this Decree the national regulations was provided with important regulatory and administrative provisions ensuring the implementation of effective instruments of protection against all forms of discrimination on grounds of race or ethnic origin according to a comprehensive approach based on the principle of equal treatment in the public and private sectors, with respect to access to employment, occupation, guidance and vocational training, membership of workers’ or employers’ organisations, social protection, healthcare, social benefits, education, goods and services, judicial protection of victims by civil actions against discrimination, including presumptive proof in favour of the victim and awarding compensation for damage. The Italian legal system also includes specific provisions to combat racist and xenophobic speech, including those actions directed to spread ideas founded on racial or ethnic hatred and the incitement to commit acts of violence on racial, ethnic or religious grounds. The legislation in force punishes the constitution of organizations, associations, movements or groups which have, among their aims, the incitement to discrimination or to violence motivated by racial, ethnic or religious reasons. It also provides for a special aggravating circumstance for all the crimes committed on the ground of discrimination or racial hatred. As to the use of racist or xenophobic language in politics, by law it is laid down that the judicial authorities are entrusted and have to verify the existence of criminal contents in documents, speeches and programs made by political representatives.

The Italian Government acknowledges that prejudice and racist attitudes persist in some sectors of the Italian society to various extents and that a sustained effort is required to eradicate them. Obviously, in order to prevent and eliminate prejudices, as well as to combat discriminatory attitudes and behaviours, legal instruments are not enough: it is equally important to work on the ground for a successful interaction among cultures and beliefs.

In conclusion of these preliminary remarks the Italian Government would like to express the utmost appreciation for the elaboration of the Fourth draft Report on Italy by the European Commission against Racism and Intolerance, and for the formulation of observations, comments and recommendations following the presentation of different thematic materials and documents from all the relevant Administrations involved in this country-by-country monitoring round.

## **PART I - NATIONAL OBSERVATIONS FOLLOWING THE 4TH ECRI REPORT ON ITALY**

### **Existence and Application of Legal Provisions**

#### **International legal instruments**

*5. ECRI strongly recommends that Italy ratify Protocol No. 12 to the European Convention on Human Rights as soon as possible.*

*6. ECRI reiterates its recommendation that Italy ratify the European Charter for Regional or Minority Languages, the European Convention on Nationality and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.*

*7. ECRI encourages Italy to ratify as soon as possible the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.*

*10. ECRI strongly encourages Italy to extend as soon as possible the application of the Convention on the Participation of Foreigners in Public Life at Local Level to Chapter C of this Convention, which concerns the attribution of eligibility and voting rights to foreign residents.*

The ratification of Protocol No. 12 to the European Convention on Human Rights is still under consideration by the relevant Administrations since it involves the definition and resolution of a wide range of financial and practical problems. As far as the European Charter on Regional or Minority Languages is concerned, Italy acknowledges the importance of such instrument. A debate within the concerned Administrations about possible ratification has been resumed in last months. As for the European Convention on Nationality, Italy acknowledges the importance of such instrument, especially in this juncture, and a recent debate, at the Governmental level, has been resumed on this topic.

As far as the recommendation also included in § 6, the Italian legislation already guarantees most of the rights contained in the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. However Italy is not in a position to ratify this instrument because it does not draw any distinctions between regular and irregular migrant workers and the signature and ratification could only be planned jointly with the other European Union partners as many provisions of the Convention fall within the European Union domain.

As it concerns the recommendation included in § 7, please refer to observations at § 61.

#### **Constitutional provisions and other basic provisions**

- *Provisions governing access to citizenship*

*13. ECRI recommends that the Italian authorities relax the legislation on naturalisation in order to make it easier for persons who are lawfully and habitually resident in the country to acquire Italian citizenship, in accordance with the provisions of the European Convention on Nationality.*

*14. ECRI reiterates its recommendation that the Italian authorities ensure that the provisions on naturalisation are applied in all cases in a non-discriminatory manner, while enhancing transparency and ensuring that naturalisation decisions are taken within a reasonable time and that excessive delays not imputable to the applicant do not adversely affect the position of the latter.*

The Italian legislative framework concerning the acquisition and the loss of citizenship is governed by Act No. 91 of February 5<sup>th</sup>, 1992, as subsequently amended and complemented, and by related implementing regulations, as well as by the provisions of Act No. 94 of July 15<sup>th</sup>, 2009.

The acquisition of the Italian citizenship is mainly based on the principle of “ius sanguinis”, according to which a child born of an Italian mother or father is Italian. The following principles complete the legislative framework in force:

- citizenship can be transmitted by descent “iure sanguinis”
- acquisition “iure soli” (by birth on the territory) can be provided for only in given cases
- dual citizenship is recognised
- explicit statement of will is necessary to acquire or lose citizenship.

The granting of the Italian citizenship to foreign citizens married to Italian citizens and to foreign citizens who reside in Italy is guaranteed in predetermined circumstances.

According to Art. 5 of Act No. 91/1992, citizenship can be granted following marriage, provided that the following conditions are met:

1. The foreign or stateless applicant must be married to an Italian citizen for at least 2 years and he/she must have his/her legal residence in a municipality for at least 2 years from the date of the marriage. Legal residence means that the applicant must be enrolled in the register of the population and at the same time he/she must hold a valid permit to stay.
2. If the spouses reside abroad, the application can be submitted three years after the date of the marriage.
3. The above periods are reduced by half if the spouses have natural or adopted children.
4. Until the adoption of the decree granting citizenship the spouses must not be legally separated and there must not be dissolution or nullity of the marriage or cessation of its civilian effects.

Furthermore, according to Art. 9 of Act No. 91/1992, citizenship can be granted:

- To an alien who has legally resided for at least 10 years on the Italian territory
- To an EU national, provided that he/she has legally resided for at least 4 years on the Italian territory
- To a stateless person or to a refugee who has legally resided for at least 5 years on the Italian territory

- To an alien whose father or mother or one of his/her grandfathers or grandmothers had been citizen by birth or to an alien who was born on the territory of the Republic and who has been legally residing there for at least 3 years, in both cases
- To an alien aged at least 18 adopted by an Italian citizen and who has legally resided on the Italian territory for at least 5 years after the adoption
- To an alien who served the Italian State, even from abroad, for at least 5 years.

According to Art. 16, an alien who is recognised as refugee by Italy enjoys the same status of stateless persons in view of the granting of citizenship.

The Italian citizenship can be lost in the following cases.

By explicit renunciation:

- If the person resides abroad and holds another citizenship
- Upon the age of 18, if the person holds another citizenship and the Italian citizenship was acquired when the person was a minor following the naturalisation of his/her parents
- Upon the age of 18, following withdrawal of the adoption, if the person holds another citizenship.

Automatically:

- In case of withdrawal of the adoption on account of a fact chargeable to the adopted person
- In case the person does not comply with the Government's order to quit either a public post or the military service in a foreign State.

According to Art. 13 of Act No. 91/1992, the Italian citizenship can be reacquired upon application by choosing to reside in Italy within 1 year from the presentation of the application for reacquisition, or taking up a public post with the State; automatically within 1 year from taking up residence in Italy provided that no explicit renunciation was made by the interested person.

## **Criminal law provisions**

### **- *Content of the relevant criminal law provisions***

*19. ECRI recommends that the Italian authorities look closely at how the courts interpret paragraphs 3(1)a and b of Law No. 205/1993, as amended by Law No. 85/2006, in order to assess the effectiveness of the current provisions for combating the dissemination of racist ideas as well as incitement to commit and commission of discriminatory acts motivated by hatred. It recommends that they amend these provisions if necessary in order to ensure effective protection against such acts.*

The main legal provisions cited in recommendation included in § 19 have been mentioned in several recent sentences pronounced by the Italian Courts with reference to conducts with purposes of discrimination or ethnic, national, racial or religious hatred (Court of Cassation, case No. 3857, July 9<sup>th</sup>, 2009; Court of Cassation, case No. 49694, October 29<sup>th</sup>, 2009; Court of Cassation, case No. 22570, January 28<sup>th</sup>, 2010), stating that: "the aggravating circumstances of purposes of discrimination or ethnic, racial or religious hatred is ascertained not only in case of intentional and direct action as perceived and seeking for similar feelings, causing prompt or future threats of discriminatory nature, but also when it is objectively and evidently in prejudice of race, without any intentional scope".

New draft legal instruments are under examination of the Italian Parliament to reinforce the countering discrimination approach:

- Draft proposal No. 4631/C, amending Acts No. 654/75 and No. 295/93, with the aim to extend the implementation of the criminal legislation in force concerning hate crimes and discriminatory conducts for purposes of racial, ethnic, national or religious hatred also to

reasons of sexual orientation, gender identity or of peculiar physical or psychological conditions of the victim;

- Draft Bill No. 1821/S, amending Art. 61§1 (No. 11 *quater*) of the Italian Criminal Code with the reference to an aggravating circumstance in committing crimes against life, individual dignity and moral freedom based on sexual orientation or sexual discrimination;

- Draft Bill introduced on November 23<sup>rd</sup>, 2011, amending the principles governing the acquisition of the Italian citizenship for those born on the Italian territory.

- ***Application of the relevant criminal law provisions***

*23. ECRI encourages the authorities to continue their efforts to improve the collection of data on the application of the criminal law provisions for combating racism and xenophobia. In this respect, ECRI underlines the importance of taking into account the possible racist dimension of an act from the time the complaint is filed and of systematically monitoring, throughout the procedure, this aspect of the case and its follow-up.*

*24. ECRI further recommends that the Italian authorities take steps to encourage victims and witnesses of racist incidents to report such acts, in accordance with its General Policy Recommendation No. 11 on combating racism and racial discrimination in policing.*

*27. ECRI recommends that the Italian authorities step up their efforts to educate all those involved in the criminal justice system – police, prosecutors and judges –, in both initial and in-service training, about the criminal law provisions prohibiting racist acts, so as to ensure effective application of these provisions. It also recommends that lawyers be given the opportunity to receive training in these provisions.*

As it concerns recommendation included in § 23, please refer to observations at §§ 64 and 68. Furthermore all judicial authorities have been informed about ECRI recommendations and have been involved in programming awareness-raising and training activities concerning magistrates, lawyers, public officials and police forces in the field of countering discrimination.

At the same time several courses on human rights have been addressed to the Italian Police forces. In particular, the Ministry of the Interior has included human rights law in the training curricula for police staff at all ranks. The courses deal with a wide range of topics including vulnerable groups and minorities, namely the social segments of the most exposed to discrimination and to exploitation by criminal groups. Since 2001 human rights law has been included into the continuous training programs for Police personnel. This training focuses on those aspects that relate to the identification of the “mission” of the Police service in a democratic society, from the fight against all forms of discrimination to specific Guidelines concerning the protection of the right to life, the prohibition of torture, and the use of force.

Several publications and appropriate teaching material are produced and disseminated on this topic, including also the translation into Italian and the distribution of materials issued by the United Nations and the Council of Europe. In particular, it has to be mentioned the translation in 2008 of the Istanbul Protocol, Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment .



The Department for Public Security of the Ministry of the Interior has integrated topics relating to racism and intolerance as well as the prevention of sexual violence and gender sensitive issues in training programmes for police forces, proposing general conferences and lectures from experts, in particular with reference to the victims' perspective. Also at the local level issues such as equal opportunities, victims and a proper operational approach of the police forces, stalking, gender crimes and hate crimes have been proposed for the official advanced personnel. An ad hoc MoU was signed between the Ministry of the Interior and the Ministry for Equal Opportunities on July 3<sup>rd</sup>, 2009 to prevent and countering sexual and gender violence, whose framework included a training action addressed to police forces in managing this kind of situation.

Moreover the National Office against Racial Discrimination (thereinafter UNAR) will organise a training course for 80 new officials of Police Forces starting on January 2012 in Rome, whose programme includes countering discrimination as one of the main subjects. This training proposal will be offered also to officials of the Department for Penitentiary Administration, involving representatives from local prisons and juvenile prison.

In the framework of training of the Penitentiary Police staff, the topic of human rights is always included in the curricula of the basic training and continuous training courses. It has to be underlined that all penitentiary legislation is based on Art. 27 of the Italian Basic Law as well as on the acknowledgment of various international human rights protection instruments. Training in matter of human rights is an established practice within the training programmes addressed not only to the Penitentiary Police, but also to the remaining staff of Penitentiary Administration and such topic is the subject of conferences and lessons within wider programmes.

## **Civil and administrative law provisions**

### **- Content of anti-racial discrimination provisions**

*31. ECRI recommends that the Italian authorities further strengthen the legislation against racial discrimination, having regard to the elements contained in ECRI's General Policy Recommendation No. 7, in particular as regards the need to protect individuals from discrimination based not only on grounds such as "race", colour, religion and ethnic origin but also language and nationality, and the need to place public authorities under a duty to promote equality and prevent discrimination in carrying out their functions.*

*33. ECRI recommends that the Italian authorities make it easier for victims of racial discrimination to obtain access to effective civil and administrative law remedies, by ensuring that all organisations active in the field of combating racism and racial discrimination are able to bring cases on behalf of alleged victims of these phenomena.*

As far as the implementation of judicial protection mechanisms against discrimination, it is important to point out the following actions promoted by UNAR, in order to strengthen the mechanisms aimed at protecting the victims of racial discrimination, by issuing the following notice to the public: ***Establishment of a network of mediators to perform the non-profit mediation activities provided for by art. 60 of law 69/09 authorizing the transposition of EU Directive No. 2008/52/EC, in support of the potential victims of discrimination who apply to the UNAR Contact Centre or to the territorial antennas of the observatories and of the centres interconnected with the Contact Centre.***

In implementing Legislative Decree No. 28 of March 4<sup>th</sup>, 2010 (which applies Art. 60 of Act No. 69/09 authorising the transposition of EU Directive No. 2008/52/EC), the institution of mediation in civil and commercial matters was introduced in our legal system in an organic and comprehensive way. This new institution consists in activities carried out by an impartial third party, aimed at attending to two or more subjects both in pursuit of an amicable settlement for their dispute and to the formulation of a proposal for its resolution. Mediation is a highly effective instrument in resolving conflicts arising from alleged discriminatory conduct, also with regard to matters in which its application is not currently required by law. The implementation of judicial protection measures – and in particular, attempting the anti-discriminatory actions provided for by Act No. 67/2006, by Legislative Decrees No. 215/2003, No. 216/2003, and No. 286/1998 – should only be the last resort to turn to only if it is impossible to reach a consensual settlement of the dispute. Moreover, the length of the legal proceedings and the radicalisation of the conflict that inevitably ensues as a result of such protections and actions, lessen the effectiveness of the legal remedy with regard to the possibility to reach mediation solutions based on dialogue and on the rapprochement of the parties' positions.

In order to foster resorting to mediation, thus avoiding litigation as much as possible, it is necessary to guarantee to the alleged victim of discriminatory behaviour and to the alleged perpetrator of such treatment the possibility to resort to this alternative conflict resolution mechanism free of charge, by means of a mediation body specialised in the field of fundamental rights protection and in the countering of the various forms of discrimination. The cost inevitably inherent to the mediation activity performed by specially appointed bodies, could, in fact, strongly dissuade the parties concerned from lodging a petition with them, above all whenever mediation does not constitute a precondition for the bringing of any proceedings. In this regard, it must also be noted that the law provides that the rules concerning the pauper legal aid only apply to the public mediation bodies and, in any case, the parties which do not meet the income requirements to obtain such benefit would be obliged to fully bear the financial burden associated with the initiation and the performance of the mediation process.

Moreover, the following actions by UNAR have already been scheduled to be achieved by 2011:

***- Signing on November 14<sup>th</sup>, 2011, of a Memorandum of Understanding with the Italian National Forensic Council<sup>1</sup> for the development and the systematisation of lawyers' training and refresher activities in the specific field of protection against discrimination;***

***- systematisation and strengthening of the “nationwide experimentation of forms of direct support for the victims of discrimination, also through the strengthening of legal counselling and the possible establishment of a solidarity fund aimed at granting an advance on the legal costs chargeable to the victims of discrimination and/or to the associations entitled to take action on their behalf according to Arts. 4 and 5 of Legislative Decree No. 215/2003”.***

***- Application of anti-racial discrimination provisions***

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<sup>1</sup> The National Forensic Council - which is governed under the Italian legal system by Royal Decree Law No.1578 of November 27<sup>th</sup>, 1933, and by Royal Decree No. 37 of January 22<sup>nd</sup>, 1934 - is the institutional representative body of the Italian Bar and the expression of the whole forensic class.

36. ECRI recommends that the Italian authorities step up their efforts to inform victims of racial discrimination as to the possibility of bringing cases before the civil and administrative courts.

37. ECRI recommends that the Italian authorities step up their efforts to provide initial and in-service training for relevant members of the justice system in the civil and administrative provisions prohibiting racial discrimination, so as to ensure the effective application of these provisions. It further recommends that lawyers be given the opportunity to receive training in these provisions.

In relation to recommendation included in § 37, please refer to observations at § 27.

### **Anti-discrimination bodies and other institutions**

#### **- UNAR (Ufficio Nazionale Antidiscriminazioni Razziali)**

42. ECRI recommends that the Italian authorities take steps to enhance the role of UNAR, in particular by formally extending its powers so that the relevant legislation clearly covers discrimination based not only on ethnic origin and race but also on colour, language, religion, nationality and national origin; by granting it the right to bring legal proceedings; and by ensuring that its full independence is secured both in law and in fact. ECRI wishes to stress in this regard that UNAR must also be provided with all the necessary human and financial resources, in the light of its workload.

43. ECRI also encourages the Italian authorities to increase the human and financial resources placed at the disposal of UNAR for carrying out its activities to raise awareness against discrimination and to promote equal opportunities.

46. ECRI encourages all the relevant authorities to continue extending the network of regional centres for monitoring racial discrimination and emphasises that they must be provided with all the necessary human and financial resources to enable them to function effectively.

### **UNAR INDEPENDENCE**

In this regard, it should be kept in mind that as evidence of that acknowledged by the ECRI on the Office's "de facto" operation in the capacity of a true independent body (in compliance with the ECRI General Policy Recommendation No. 2 "On specialised bodies to combat racism, xenophobia, anti-Semitism, and intolerance at national level" Principle 7 - Point 3), last February within the scope of the so-called "Development Decree", some members of the parliament in government made a motion to eliminate the Office. However, the parliament voted the motion down, both for the formal opposition expressed by the Government and for the strong objections put forward by many NGOs and trade union organisations, which, in substance, have ascribed this motion precisely to the "de facto" independence demonstrated by UNAR in performing the duties assigned by Legislative Decree No. 215/2003.

Moreover, in May 2011, in response to a parliamentary question (No. 410501, introduced by Hon. Fedriga) in which the Minister of Equal Opportunities was asked to formally take action on UNAR so that a judgement given concerning a decision including discriminatory provisions issued by the Municipality of Trieste might be reconsidered, the same Minister of Equal Opportunities, in whose offices UNAR operates, officially declared the following:

*“To this respect, I would like to point out that article 13 of directive 2000/43/EC, which implements the principle of equal treatment between persons irrespective of racial or ethnic origin, has provided for the designation of a body or bodies for the promotion of equal treatment of all persons without discrimination on the grounds of racial or ethnic origin, charged with, among other functions, providing «assistance independently» to victims of discrimination in following up on their complaints related to discrimination». In transposing this directive, article 7, paragraph 1, of Legislative Decree no. 215 of 2003 set out that the National Office against Racial Discrimination shall «promote equality and the elimination of all forms of discrimination on the grounds of race or ethnic origin in an independent and impartial manner», specifically, by formulating «recommendations and judgements on issues concerning discrimination on the grounds of race or ethnic origin, as well as proposals to amend the legislation in force (article 7, paragraph 2, section f)”.*

Therefore, the characteristics of independence and impartiality required by Community legislation and set out by the national regulations prevent the Minister from performing any intervention aimed at requesting a reconsideration of that expressed by the abovementioned Office within its competences.

#### **ESTABLISHMENT OF THE REGIONAL OBSERVATORIES PROVIDED FOR BY ART. 44, PARAGRAPH 12, OF LEGISLATIVE DECREE NO. 286/98**

According to Presidential Decree No. 719 of October 24<sup>th</sup>, 2011, the Office has taken steps to:

- define, on the basis of the contents already agreed with Regional and Local Authorities, the guidelines covering the current formation of the national network of observatories and local centres for the detection and handling of discrimination phenomena;
- adopt a standard agreement between the Office, the Regions, and the Local Authorities;
- finalise and formalise further memoranda of understanding with the Regions and Local Authorities;
- supply resources amounting to a total of € 600,000.00, made available under Chapter 537 “UNAR operating expenses”, relative contributions to the Regions and Local Authorities with which UNAR has already signed, or will sign during the current year, the proper MoU. The resources will be allocated according to the following scheme:
  - Memoranda of Understanding signed with the Regions: € 50,000.00;
  - Memoranda signed with the Provinces and/or Regional Capital Cities: € 20,000.00;
  - Memoranda signed with Provincial Capital Cities: € 10,000.00;

The following agreements are in effect as of last October 30th:

- **Regions:** Emilia Romagna, Liguria, Piedmont, Apulia, Sicily
- **Provinces:** Aretium, Florence, Frosinone, Latina, Mantua, Messina, Pisa, Pistoia, Prato, Rieti, Rome, Siena, Viterbo
- **Municipalities:** Catania, Pavia, Rome, Venice

**The Project “Network of Territorial Antennas for the Prevention and the Countering of Racial Discrimination”**, presented by UNAR and financed by the Ministry of the Interior with € 350.000.00 within the scope of the 2009 programme of the European Fund for the integration of Third-Country nationals, aimed at strengthening the existing territorial entities and promoting the anti-discrimination network in the regions of Piedmont, Liguria, Tuscany, and Lazio was successfully completed last June 30<sup>th</sup>, 2011.

By Decree of the Ministry of the Interior dated last June 13<sup>th</sup>, within the scope of the EIF 2010, the continuation of the activities has been approved. The project will be carried out under the new name “Broadening and Strengthening of the **Network of Territorial Antennas for the Prevention and the Countering of Racial Discrimination**” and will receive funding amounting to € 400,000.00; therefore the activities – for the period July 2011–June 2012 – will not only be continued in the abovementioned Regions, but will be also extended to the Regions of Friuli Venezia-Giulia and Lombardy. The relative agreement was signed last July 6<sup>th</sup>.

Also on 30 June 2011 the **Progress Project “Territorial Networks” (financed by the European Commission with a fund amounting to approximately € 150,000.00)** was duly completed, which enabled, inter alia, to carry out various training activities targeted to public and private social workers, to realise a survey on discrimination in housing access and to carry out awareness raising activities on the premises of employers’ organisations about joining the Charter on equal opportunities and equality at work.

Within the scope of the NOP ESF Convergence Objective 2007-2013, AXIS D, Objective 4.2, UNAR has initiated a series of actions which can directly support the promotion and the launch of Anti-discrimination Territorial Centres in the Regions Convergence Objective. The following actions are worth of special mention, which only recently (that is, as of last June) have been entrusted to UNAR's direct management (previously they had been outsourced to ISFOL), and a list is given below of the activities currently under way and those scheduled for each action:

***- Action 1. Identification and diffusion of specific intervention strategies aimed at overcoming the stereotypes relating to the differences resulting from race, ethnic origin, religion, personal belief, disability, age, or sexual orientation***

In this scope of action a Community-wide call for proposals has been scheduled to be issued in December 2011:

- the creation of an **Inter-regional Research Centre against all forms and causes of discrimination** (amounting to approximately € 550,000.00 over a period of two years).

Moreover, experimental actions aimed at spreading knowledge on, and implementing, innovative instruments such as the **CUGs**, the **Charter on equal opportunities and equality at work** and the **Diversity Management** have already been defined and started in last September 2011.

***- Action 2. Promotion of inter-institutional networks supporting the targets living in disadvantaged conditions***

**Awareness-raising and promotional actions in each of the four Regions of the Convergence Objective** have already been defined, in order to obtain the signature of the

Regions Calabria and Campania for the Memoranda and to make the MoU with the Regions Apulia and Sicily fully operational.

#### **- Action 4. Building of databases on discriminations**

This last action, in synergy with the others, will play the strategic role of developing a database on all forms of discrimination on a local level that enables the devising of standardised models for data collection on one hand, and on the other, the building of a nationwide surveying system, in cooperation with the existing regional and provincial observatories, thus establishing a real steering and coordinating committee at UNAR interconnecting regional observatories, territorial antennas, associations, centres, and the NGOs operating on a regional level in order to enable an effective exchange of information between the territories and UNAR.

In addition to the abovementioned **counselling services for the specific factors of discrimination** linked to disability, religion, age, personal belief, and sexual orientation that will be operational as of next December, and to the research on the monitoring of discrimination phenomena in the media, always in December 2011 a proper Community-wide publication procedure will be issued for the **activation and management of a database on discrimination on grounds of race or ethnic origins, religion, personal belief, disability, age, sexual orientation, and gender identity interconnected with the UNAR Contact centre and the network of territorial centres and observatories against all forms and causes of discrimination (amounting to approximately € 1,000,000.00 over a period of two years).**

Furthermore, the activities planned within the scope of the other three strategic actions directly managed by the Department and UNAR since 2009 are also worth mentioning:

#### **- Action 5. Objective 4.2 “Awareness-raising actions and diffusion of the benefits deriving from strengthening interventions for the discriminated groups catered to the associations, the non-governmental organisations, and the institutional, economic and social partnerships”**

In this context in particular, two Community-wide calls for proposals have been scheduled to be issued in December:

- creation, in association with the competent Office for Equality and Equal Opportunities, strategic interventions and Communication, of a **public information campaign on the prevention and countering of discrimination** (amounting to approximately € 1,300,000.00 over a period of six months).

- realisation of **awareness raising actions targeting the schools** (amounting to approximately € 600,000.00 over a period of two years)

#### **- Action 6, Objective 4.2 “Promotion of the governance of policies and instruments of social inclusion and countering of discrimination of Roma, Sinti and Camminanti communities”**

In this regard, a Community-wide call for proposals has been scheduled to be issued in December:

- strengthening of **governance capacity on social inclusion of Roma, Sinti and Camminanti communities** (amounting to approximately € 1,600,000.00 over a period of two years).

Experimental actions aimed at the establishment of **networks of mediators for the Roma and Sinti communities and the realisation of seminars and awareness raising activities** on a local level have already been defined and started in last September 2011.



**- Action 7, Objective 4.2 “Identification, analysis and transfer of good practices on non-discrimination”**

**Two experimental studies** concerning anti-discrimination good practices towards the immigrant communities and, on an international level, in the specific area of sexual orientation, have already been defined and implemented.

UNAR has already started the publication procedures concerning these activities with an overall allotment of resources amounting to approximately € 6,000,000.00.

**CONTACT CENTRE AND NEW ORGANISATIONAL MODEL FOR UNAR**

The new organisation of the Office has already produced significant results, as demonstrated by the statistical data which show, for example, **a significant increase in cases handled by the Office: from 373 cases dealt with by UNAR throughout 2009, the number grew to 766 cases in 2010.**

From January to November, 25<sup>st</sup> 2011 962 cases were handled by the Office (+ 35%), of which: 51 aggressions or threat of violence (47 in 2010). By a geographical ratio, 31% were registered in Central Italy (266 cases), 24.9% in Northern Italy (214) and 9.1% in Southern Italy (78) and 3.7% in the islands (32), while 52 cases are unknown in terms of geographical registration. More in detail, the cases were registered in Latium, Lombardy, Veneto, Emilia-Romagna and Tuscany. Latium (19.3%), Lombardy (19%) and Veneto (11.4%) respectively amount for about 50%.

As far as the nature of the discriminatory act, 61.4% of cases concern a direct discrimination, 17.2% entail violence, 8.6% represent an indirect discrimination, 3.8% is based on sexual discrimination and 2.6% relate to discrimination for disability.

The place where the discriminatory act has been registered is primarily the workplace (20.7%, 859 cases), public life (17.6%), media (17%), public services (12.2%), intervention of Police Forces (3.3%). For example, the Office has adopted its opinions concerning discrimination in the workplace in order to make uniform precondition in the access for foreign workers as temporary agents to collect census data at the local level.

According to a gender ratio, the discriminatory event mainly occurred in respect of women (52.8%, if compared with 43% in 2010).

As it concerns the intervention of UNAR, notices were received through its website. Only 7.3% of cases were introduced at the local level. 66% of cases asked for an opinion, 30% for supporting and countering discrimination. The Office worked ex officio for 37.7% or following victims request for 35.7%.

The figures **practically doubled (57.9% - November 2011)**, demonstrating how the organisational change has led to the emergence of a considerable number of racial discriminatory events that had so far remained undetected. Additional elements to note: **1 out of 3 cases was initiated by UNAR (UNAR had initiated 7% of cases in 2008 and 11.6% in 2009); also, the number of cases initiated following evidence by third parties increased (from 10.7% in 2008 to 17.4% in 2009, and to 19.6 % in 2010).**

This means that **in less than two years, despite a doubling in the number of processed cases, the reports by witnesses (individuals and NGOs), also doubled, confirming the authority and credibility gained by UNAR thanks to its new course.**

**With regard to the first 10 months of 2011, it is hereby made note that UNAR website was widely accessed (+ 50% - 10.195 contacts in 2010, 14.880 contacts from January to October 2011). The Office managed 113 preliminary investigations opened, respectively, in 2010 (37) and 2011 (67), to be completed by further 18 cases opened in previous years, of which 11 cases were positively concluded by the adoption of criminal sanctions.**

Lastly, also with regard to the strengthening of the Contact Centre's activities, within the scope of **NOP GSA TASA ESF**, with particular reference to actions 2 and 4 of Objective 4.2. the procedures for the following have been defined:

a) **identify the proper UNAR contacts in each of the Convergence Objective Regions** in order to promote and make the territorial networks to be interconnected with the UNAR Contact Centre operational;

b) **interconnect the UNAR contact centre with 3 specialised counselling services designed to tackle the specific factors of discrimination linked to disability, religion, age, belief, and sexual orientation.** These services have been already provided.

As far as networks, it must be recalled the wider number of associations as complainants against discriminatory events (450), besides the creation of social networks (i.e. promoted by voluntary adolescents – see <http://www.reteneat.it/>) as well as the role of local networks (promoted by private agents) and allocated in Emilia-Romagna, Liguria, in the municipalities of Mantua, Pistoia, Venice and Pavia (forthcoming in Apulia, Messina and Rome), according to the model adopted by ad hoc decree. A task force involving several associations countering discrimination based on sexual orientation will start working at the end of November 2011 to produce opinions on this issue to let the UNAR contacting the competent institutional and/or judicial authorities.

#### - **OSCAD, Observatory for Protection against Discriminatory Acts**

On September 2<sup>nd</sup>, 2010, the Observatory for the Security against Discriminatory Acts (OSCAD) was set up at the Ministry of the Interior by the initiative of the Director General of Public Safety and Police Chief, *Prefect* Manganelli. It is presided over by the Vice Director General for Public Security and has several tasks: to receive reports from institutions, association or private citizens concerning acts of discrimination committed against individuals belonging to minorities; to promote and implement targeted interventions on the territory; to monitor the progress of complaints against discriminatory acts; to summon the representatives of involved minorities and the representatives of police forces; to train staff members; to ease and promote communication between citizens who have been discriminated and the security system; to favour connection with public or private institutions dealing with discriminatory acts and attitudes. As far as this last task, a reinforced cooperation was endorsed with UNAR and it is under way both with regard to the inbound and outbound stream of information on criminally relevant discriminatory incidents and the start up of training programmes catered to law enforcement agency instructors.

#### **Racism in Public Discourse**

## **Use of racist and xenophobic discourse in politics**

*53. ECRI urges the Italian authorities to adopt firm measures to tackle the use by political parties or their representatives of xenophobic discourse or discourse that incites racial hatred and, in particular, legal provisions enabling public funding to be withdrawn from parties which promote racism or xenophobia. In this respect, it once again draws the attention of the authorities to the relevant provisions contained in its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination.*

As far as public opinions or discourse from parliamentary members that could be considered as of discriminatory or xenophobic nature, pecuniary sanctions are provided for in the Rules governing the functioning of the Chamber of Deputies and of the Senate, while political penalties have been introduced in the statutes of the political parties. Nevertheless, when discriminatory or racist conducts or acts have been adopted, the institutions, media and politicians have expressly condemned them and the judiciary sentenced about the use of racist or xenophobic arguments in political debating (please refer to observations at §§ 64-68).

## **Media**

*57. ECRI reiterates its recommendation that the Italian authorities impress on the media, without encroaching on their editorial independence, the need to ensure that reporting does not contribute to creating an atmosphere of hostility and rejection towards members of minority groups and that the authorities play a proactive role in preventing such an atmosphere from developing.*

*58. It further recommends that the Italian authorities encourage the media to apply systematically the provisions of the Code of Conduct for journalists regarding racial and religious discrimination and to reword these provisions if necessary so that they clearly cover all forms of discrimination based on colour, religion, language, national and ethnic origin and nationality; to provide special training for media professionals on the role of reporting in a multicultural society; and to improve the representation in media professions of persons of migrant origin or belonging to ethnic minorities.*

As far as the monitoring of media in terms of racist and xenophobic misuse, it has to be reminded that 26% of cases handled by UNAR in 2011 concerns media. The Office monitored discriminatory behaviours on the newspapers and magazines as well as broadcasting programmes, involving also the Communications Regulatory Authority (thereinafter AGCOM), which did not confirm the relevance of acts in respect of human dignity and related prohibition of racial, sexual, religious and nationality hatred programmes as discriminatory. For this reason, according to the Consolidated Text on media services, no sanctions have been adopted. At the present UNAR is going to cooperate with the above mentioned Authority and the relative Regional Committees for Communications (CORECOM) for the monitoring of racial discrimination phenomena in the media.

At the same time the Office, in cooperation with the Italian Press National Federation has already financed training and refresher courses addressed to news reporters and students of Journalism schools to be placed in Calabria, Campania, Apulia and Sicily Regions from January 2012, with the support of Regional Journalism Orders.

## **Internet**

*61. ECRI strongly encourages the Italian authorities to continue their efforts to combat the dissemination of racist and xenophobic ideas via the Internet. It draws their attention to its General Policy Recommendation No. 6 on combating the dissemination of racist, xenophobic and antisemitic material via the Internet, which suggests a series of measures that the authorities can take to this end.*

On this topic, it is worth of mentioning that Italy signed the Protocol for the criminalization of Internet use in order to spread racist and xenophobic ideas, as entered into force on March 1st, 2006, reinforcing its commitment to countering racism by a preventive and repressive co-operation with all the other States Parties.

A relevant element confirming the effectiveness of the innovations introduced in the ongoing monitoring process of discriminatory phenomena in the media and on the internet, in compliance with the ECRI General Policy Recommendation, concerns the on-line episodes of racism, found on blogs and websites monitored by UNAR. In this specific sector the introduction of the new organisational model made it possible to adequately and effectively monitor racist and xenophobic phenomena occurring on-line and on the internet, so that the number of reports concerning these phenomena increased from 5.4% in 2008 to 12.4% in 2009 and to 19.9 % in 2010. These results, determining the removal of websites and blogs marked by xenophobia and incitement to racial hatred, have been achieved thanks to an active collaboration with the Postal Police and, in several cases, resulted in the report of criminal offence being sent to the competent authorities.

As far as the specific countering anti-Semitism action, it has to be recalled that the Italian Government and the Italian Union of Jewish Communities organized, on the occasion of January 27<sup>th</sup> 2011, the Shoah Remembrance Day, a round table – which had a wide diffusion on the web sites – on the role of Internet in the dissemination of anti Jewish prejudices and false historical records.

## **Racist Violence**

*68. ECRI recommends that the Italian authorities intensify their efforts to monitor racist, xenophobic and antisemitic incidents in Italy. It recommends that they ensure that the racist, xenophobic or antisemitic dimension of all offences is effectively and systematically taken into account by the criminal justice system, at all stages in the procedure. It further recommends that they adopt a broader definition of racist incidents to include any incident which is perceived to be racist by the victim or any other person.*

*69. ECRI calls on the Italian authorities to condemn unambiguously all acts of racist violence. It strongly recommends that they reinforce their efforts to prevent racist violence and, in this connection, conduct campaigns to raise awareness of the seriousness of racist offences and the fact that the perpetrators will be prosecuted and punished.*

The main competent bodies within the Italian judiciary system, such as the Presidents of the Courts of Appeal and the general Procurators, were informed by circular letters transmitted by the Ministry of Justice about the recommendations from the European Commission against Racism and Intolerance to be distributed to the attention of judicial officials and judiciary police forces in order to countering and repressing crimes based on racial discrimination.

As a result of a monitoring activity, singular discriminatory conducts have been registered to be considered in violation of the legislation in force (Legislative Decree No. 122/1993

and Act No. 654/1975). The use of racist or xenophobic arguments in political debating, if considered to have criminal intent, is also subject to examination by competent judicial bodies to verify its criminal nature that might be found in written documents, speech or programmes of political representatives. As far as this issue, two relevant sentences were passed in 2009 by the judicial authorities relating to episodes of intolerance ascribable to two well-known Italian politicians. The Court of Justice of Venice, with sentence passed on October 26<sup>th</sup>, 2009 after summary procedure, found the deputy mayor of Treviso, Giancarlo Gentilini, guilty of incitement to racial hatred and sentenced him to a € 4,000 fine and prohibited his participation at public meetings for a period of three years as a consequence of the contemptuous words and tones he used against immigrants during a meeting of the Northern League party held in Venice in 2008. Gentilini's lawyer announced their intention to appeal. In July 2009 the Court of Cassation definitively confirmed the sentence with a two month imprisonment, with probation, against Flavio Tosi, Mayor of Verona, for promoting racist ideas. The facts date back to 2001 when Tosi, as regional councillor, organised a collection of signatures for the removal of a gipsy camp in the town of Verona; the Northern League party member was then sued by seven Sinti citizens and by the organization Opera Nomadi. At first, in December 2004 the Court of Justice of Verona sentenced Tosi to six month imprisonment for promoting racist ideas and inciting to commit acts of discrimination; however, on January 30<sup>th</sup>, 2007, the Court of Appeal of Venice reduced the sentence to two month imprisonment after the charge of incitement to racial hatred was declared non-existent. The verdict was then partially revoked by the Court of Cassation and deferred to a new examination of the case by the Court of Appeal which, passing sentence on October 20<sup>th</sup>, 2008 confirmed the offence of propaganda of racist ideas; this decision was then reconfirmed by the Court of Cassation in July 2009.

As far as the events that occurred in January 2010 in the Municipality of Rosarno, the *Procura* of Reggio Calabria started investigations to inquire criminal conducts, including discriminatory and xenophobic attitudes and actions, that led to the adoption of preliminary measures in respect of 31 individuals in relation to instigation to illegal immigration and labour exploitation, as well as private and personal injuries against non EU citizens, damaged and forced to leave from their houses. In all the cases also aggravating circumstances of crimes committed for the purpose of discrimination or ethnic and racial hatred were claimed in violation of Art. 3 of Act No. 205/1993.

As it concerns the *Procura* of Rome, from 2006 to 2009 several cases were registered in relation to individuals and presumed responsible individuals for the commission of discriminatory acts and conducts (3 pending, 4 additional and 3 concluded cases in violation of Act No. 205/1993 for year 2006; 35 pending, 34 additional and 23 concluded cases in violation of Act n. 654/75 – year 2006; 16 pending, 4 additional and 3 concluded cases in violation of Legislative Decree No. 122/1993 for year 2006; 1 pending, 3 additional and 2 concluded cases in violation of Act No. 205/1993 for year 2009; 18 pending, 26 additional and 22 concluded cases in violation of Act n. 654/75 – year 2009; 16 pending, 2 additional and 2 concluded cases in violation of Legislative Decree No. 122/1993 for year 2009).

For more detailed information on data for 2009-2010, please refer to the Annex.

## **Racism in Sport**

*71. ECRI encourages the Italian authorities to pursue and intensify their efforts to combat racism in sport. It draws the authorities' attention to its General Policy Recommendation*

*No. 12 on combating racism and racial discrimination in the field of sport, which recommends a number of measures that governments can take to this end.*

Several activities were promoted by central authorities, in particular by UNAR, in the world of sport not only because of the increasing number of episodes appearing on the news, but also because in all statutes, from that of CONI (Italian National Olympic Committee) to those of the various sport federations, the principle of non-discrimination is one of the fundamental principles.

In 2010, 40 cases were received, which in 80% of cases concerned the world of football. This systematic surveying activity was also possible thanks to the establishment of a proper observatory on incidents of discrimination in sport, which is based on four different sources:

- a) judgements issued by the sport courts;
- b) information gathered through the press and the web (not always taken into consideration by the sport judge);
- c) information gathered through a random check of media, above all sports programmes;
- d) reports submitted to UNAR.

The judgments issued by the sport judges related almost entirely to incidents of racism of pseudo-supporters towards football players (sometimes also referees), mostly insulted for the different colour of their skin. However, it also happened that the abusers were other football players. The information gathered by checking the judgments issued by the sports courts is essential, not only because it provides an objective viewpoint, although partial, on the phenomenon, but because it was the starting point for setting up the co-operation with the FIGC - Italian Football Federation, the various Leagues (Lega Serie A, Lega Serie B, Lega Pro, LND - National Amateur League, etc.) and the Italian Referee Association.

With regard to information gathered from the press, after verifying the story, the Office reported the case to the competent sport authorities and reproached the presidents of the teams responsible for the incidents, spurring them to implement initiatives aiming at enhancing the countering of discrimination. The media monitoring on the other hand was carried out taking into account the existence of a Code of Self-Regulation of information on sports, called the "Media and Sports Code", signed by the most important newspapers and media, which instructs the AGCOM with specific supervision authority. Following the reporting of a few episodes committed by television journalists, AGCOM was required to start a co-operation in order to guarantee full compliance with the mentioned Code, in particular with regard to the provisions set out in paragraph 2 of Art. 2. AGCOM answered positively.

Lastly, with respect to reports directly received by UNAR, these are almost always related to the refusal to enrol a foreign athlete or an athlete of foreign origin. Taking into account that specific legislation exists on this matter, co-operation has been implemented with CONI, FIGC, FIR (Italian Rugby Federation) and FIPAV (Italian Volley Federation). The elimination of discrimination was achieved in several cases, although this is a sector which should be more thoroughly monitored, just because of the independence that every sports federation has with regard to enrolment.

***"Pacchetto sicurezza"* and other measures targeting foreigners**

79. *ECRI strongly recommends that the Italian authorities abolish the requirement that all foreigners wishing to register the birth of a child present a residence permit.*

80. *ECRI recommends that the Italian authorities repeal the provision whereby the act of letting accommodation to migrants without legal status is punishable by a prison sentence of between six months and three years together with seizure of the accommodation.*

81. *ECRI recommends that the Italian authorities make clear that applicants for family reunification already residing legally in Italy cannot be required to take DNA tests at their own expense in cases where they bear no responsibility for doubt as to their identity.*

All the measures laid down in the so-called “security package”, introduced in 2008 in the Italian legislative framework, are meant to curb criminal behaviours of individuals and no provision included therein is envisaged against any community, group or class nor is linked to any form of discrimination and xenophobia. As for the aggravating circumstances, it must be recalled that it applies to illegal migrants found guilty of a main crime. Such provision responds to the increasing trend, observed by the Italian judicial system, on the involvement of illegal migrants in organized crime that uses them as a workforce while forcing them to live in really precarious and unacceptable healthy conditions.

As for the children, the above mentioned legislation in force ensures that “any foreigner, born in Italy, who has resided legally and without any interruptions, acquires the Italian citizenship when turning to the age of 18, provided that this makes a declaration to this end within one year”. The rationale behind this provision is clear: the best interest of the child is saved, in the event of omission or delays in the registration procedure by the parents. It is sufficient that the child concerned can prove his/her stay, for instance by medical or school certificates. Such openness is confirmed by the Supreme Court that has recognized the right of a father, illegal migrant, to receive a stay permit, in order to take care of his children living in Italy. It means that as for the birth declaration (birth register and civil status register), no residence-related document shall be produced since it is sufficient the declaration made.

Moreover, no limitation to the right to health and to education has been introduced so far in the security package: in other terms any provision obliges physicians or school principals to denounce illegal migrants. Only the case in which no official certification is available from foreign authorities or when its legal value must be ascertained could lead to the examination of DNA, according to Art. 29§1 *bis* of Legislative Decree N. 1998 of July 25<sup>th</sup>, 1998, as an exceptional measure.

## **Vulnerable/Target Groups**

### **Roma**

85. *ECRI urges the Italian authorities to ensure that all measures they take with regard to Roma strictly uphold the right and the principle of non-discrimination as enshrined in the Council of Europe's standards.*

87. *ECRI recommends that the Italian authorities adopt legislative provisions at national level aimed at affording the Roma and Sinti global protection along the same lines as the measures concerning the historical and linguistic minorities. It calls on them to follow in*

*particular the recommendations of the Advisory Committee on the Framework Convention for the Protection of National Minorities in this respect.*

*90. ECRI urges the Italian authorities to take without delay all the measures necessary to allow Roma who are in a situation of de facto statelessness to obtain identity documents enabling them to accede at least to the same rights as stateless persons.*

*97. ECRI recommends that the Italian authorities firmly combat the segregation suffered by Roma in the field of housing, notably by ensuring that the housing solutions proposed to them do not cut them off from the rest of society but on the contrary, promote their integration. ECRI again stresses to the Italian authorities the importance of not basing their policies towards Roma and Sintis on the preconceived notion that they live a nomadic lifestyle.*

*98. ECRI strongly recommends that the Italian authorities ensure that the right to adequate housing is fully respected in the case of the Roma coming under Italy's jurisdiction and draws attention to the urgent need to remedy the health problems reported in this connection.*

*99. ECRI urges the Italian authorities to ensure that all Roma who may be evicted from their homes enjoy the full protection of the guarantees of international law in such matters. It underlines that the persons concerned must be notified of any proposed eviction and benefit from appropriate legal protection; nor must they be evicted without the possibility of being rehoused in decent accommodation, even if they may stay in the country only for limited periods of time.*

*103. ECRI strongly recommends that the Italian authorities ensure that all Roma children are enrolled in school and invites them to take all the necessary measures, in co-operation with the communities concerned, to promote regular school attendance by these children. ECRI encourages the authorities to pursue the measures already in place to this end and invites them to strengthen their efforts to counter school drop-outs and interruptions in the schooling of Roma children.*

*104. ECRI again invites the Italian authorities to take steps to facilitate participation of Roma students in further and higher education.*

*108. ECRI strongly encourages the Italian authorities to pursue and intensify their efforts to combat discrimination against Roma in different fields of life such as employment and health. ECRI strongly recommends that the Italian authorities incorporate these efforts in a comprehensive national policy to address the situation of marginalisation, disadvantage and discrimination of the Roma. It also invites them to establish an effective mechanism to co-ordinate these efforts at national level with the participation of all the national, regional, provincial and local authorities concerned and of representatives of the Roma communities and of civil society.*

According to Art. 6 of the Italian Basic Law a specific Act adopted in 1999 identifies twelve linguistic minorities, taking into account the historical process of their settlement, and provides for protection of their languages at school, in the public administrations and in the media. In conformity with the above mentioned Act, the basic criterion for the recognition of a "linguistic minority" is its stability as well as the duration of its settlement in a specific area of the country. According to this legislation, Roma and Sinti Communities cannot be considered as "linguistic minorities".



Very different legal situations concern Roma Communities living in Italy as they include Italian citizens, EU citizens, Third Countries nationals as well as individuals who lost their original citizenship as a result of geopolitical events. Even if there is not yet a specific legal framework, the Italian Government supported and supports at present Roma and Sinti Communities through several measures in the field of education, housing, inclusion and in the labour market. The multiplicity of these provisions does not apparently indicate that the legal system rejects a recognition of Roma and Sinti Communities as national minorities: it rather contains an implicit, sectoral, diversified recognition, to be considered as a consequence of the complex institutional architecture envisaged by the Italian legal system itself.

It must be here recalled the census of populations living in camps in Lombardy, Latium and Campania Regions, carried out by the Prefects of Milan, Rome and Naples in their role of Governmental Commissioners and ended on October 15<sup>th</sup>, 2008. This survey was a preliminary and fundamental stage of a process promoted by institutions in order to adopt social and integration measures aimed at improving the living conditions of the Roma and Sinti Communities in Italy. As far as the procedure is concerned, no data about ethnic origin or religion were collected, in respect of the Guidelines for the Identification of Persons laid down by the Ministry of the Interior as endorsed by the Independent National Authority for the Protection of Personal Data. These Guidelines provided for the following tasks:

The Government must comply with the general principles of the national legal system, as well as with relevant EU Directives, and must ensure that fundamental rights and human dignity of interested persons are fully respected; intentions, measures and related effects – including the eventual profiling based on the community membership or ethnic origin – of the census; the difficulties in setting up separated databases, due to the fact that collected personal data must be used in compliance with relevant national rules and provisions for a quantitative survey concerning camps as a means to guarantee the improvement of living standards and access to social services; the possibility to carry out fingerprinting, as envisaged by law and fully respecting the dignity of the individuals concerned, when their identification is impossible by means of documents (children can be fingerprinted only when absolutely necessary and in order to prevent any form of exploitation and abuse); collected personal data will not be used to set up separate databases but only for administrative purposes (i.e. application to acquire the Italian citizenship, request for residence permits, register offices, etc.). 167 camps were identified by the census, of which 124 and 43 were, respectively, unauthorised and authorised. 12300 persons were identified, of which 5400 were children. The procedure was carried out by the national police forces in close cooperation with the Italian Red Cross and the municipal police forces.

The following ordinances adopted by the ad hoc Commissioners tried to deal with a situation of real distress of the Roma and Sinti Communities in the camps, adopting several measures to have a qualitative and quantitative impact on the improvement of their living conditions. These measures are of legal and administrative nature and aim at guaranteeing civil protection through the employment of human and financial resources facing emergency situations. For these reasons, by Prime Minister Decree of December 17<sup>th</sup>, 2010, special powers were attributed to the Prefects of 5 metropolitan areas as ad hoc Commissioners (Milan, Rome, Naples, Venice and Turin) and extended until December, 31<sup>st</sup>, 2011, in order to adopt urgent measures as well as to develop all the necessary forms of collaboration with local authorities and also the Italian Red Cross,

aiming at monitoring the settlements of families in view of the adoption of social, welfare and integration measures.

It is necessary to stress that the following ordinances adopted by the ad hoc Commissioners have been considered legitimate according to recent administrative and ordinary case law (judgement No. 6352 of the Regional Administrative Tribunal of Latium; ordinance No. 49050/10 of the Tribunal of Milan – I Section), pointing out that the interventions were carried out without distinctions for the Communities, and regardless their nationalities or ethnic membership. Furthermore, the monitoring of both authorized and illegal camps has been considered a preliminary measure to overcome the emergency and to progressively promote the social inclusion of Roma and Sinti Communities, starting from the elimination of illegal settlements with heavily lacking and degraded structural, hygienic-medical and security conditions, located well below the minimum standards of well-being. The following re-housing programmes in fully equipped camps and all the related practical transfer activities were anticipated by contacts and meetings with the interested Communities, involving representatives of different ethnic groups. In the new settlements, the legality/security issue is accompanied by inclusion programmes through training, labour, education and medical integration as well as through mechanisms of participation in the management of the settlements from its inhabitants.

Besides the census, a more recent initiative is worth of mentioning: the adoption on February 9<sup>th</sup>, 2011, by the Senate Special Committee for the Protection and Promotion of Human Rights of its Final Report on the Survey of the Condition of Roma, Sinti and Travellers in Italy, with the unanimous vote of all the parliamentary groups. This work is the result of a research, carried out also through visits and interviews involving Roma Communities, with the aim to provide a shared basis for parliamentary debates on the issue. The Report envisages the proposal for a flexible national plan, also by using EU financial resources to be allocated to support Roma integration policies.

Also, at the central level, since November 2011 UNAR has been chosen as national *focal point* in the EU network covering the issue of Roma inclusion. To perform its function several activities will be promptly implemented in the view of a national strategy on this topic:

- the availability of human and financial resources to create an ad hoc body;
- the creation of a consultative working group and the launch of a public call to involve all the associations in representation of Roma people;
- the promotion of contacts with ISTAT and institutional local coordination bodies (i.e. ANCI and UPI) as well as with Regions to start collecting data on the topic.

Further objectives will be also promoted and accomplished:

- the promotion of a constructive bilateral dialogue with the Ministry of Labour and Social Policies in order, *inter alia*, to evaluate the introduction of a specific section devoted to the topic of Roma within the programmatic documents adopted by this Ministry;
- the promotion of an efficient bilateral dialogue with the Ministry of the Interior, with the intention to transmit to local competent authorities (*Prefettura*) a note concerning the new role of UNAR as national *focal point* on the issue;

- a study on central and local activities concerning Roma people as implemented by EU Structural Funds;
- the creation of regional task forces to support local authorities in the management of EU Structural Funds, in particular in the field of Roma housing and accommodation;
- the promotion of contacts with social partners;
- the elaboration of a draft action plan to be shared with national competent authorities and to be transmitted to EU institutions.

## ***Housing***

The accommodation and re-housing challenge needs diversified solutions based on the heterogeneity of the Roma Communities: no intervention can be excluded, from ordinary houses to social housing, from equipped areas for rest to the recovery of dismissed building, from the self-construction and self-recovery with appropriate technologies, to the support and regularization of solutions achieved autonomously. Models and best practices work only when there is a sharing of perspectives and a dialogue with each different reality. Because the housing situations of small Roma Communities have different features if compared to those in large municipalities, such as Rome or Milan, in many instances, local authorities have promoted positive inclusion processes, in terms of social, labour and housing integration of Roma and Sinti Communities.

In the Lombardy Region there has been a first phase of activities especially aimed at the elimination of totally illegal camps and at the identification of alternative solutions. A path titled "From the camp to the village" has been figured out, including access to employment, social inclusion, autonomous housing with sustainable rent, supplemented by accompanying and support measures. The purpose has been to raise the awareness of the Roma population on the relevance on cultural training and school attendance, including the assistance to Roma women with an adequate degree of training. These activities were coordinated by the municipal offices and were carried out through proper school activities and other measures, to help families to improve their relationships with schools. The following interventions focused on the real inclusion of children in the classes, the job searching through vocational guidance, the organization of paid activities involving primarily women, the access to healthcare for all family members. Actually the Commissioner is keen on the implementation of projects in compliance with Art. 61§18 of Act No. 113/2008, to deal with precarious situations overcoming the concept of the camps.

In the Campania Region a number of meeting with the regional and municipal authorities were organized, followed by inspection visits to authorised settlements to pre-arrange the renovation of buildings and to figure out a comprehensive and uniform plan for all the available housing units. In particular, six projects involving the municipalities of Naples, Afragola, Torre Annunziata and Casoria have been financed through funds provided for by Act No. 133/2008, for a total amount of € 16,000,000.00 for structural intervention and social integration measures addressed to Roma children. Further meeting with the Mayors of the municipalities where Roma settlements are located and with regional representatives for social policies were organized at the Prefecture of Caserta, in order to share possible housing solutions in favour of Roma and Sinti Communities. As far as health interventions, it is worth of mentioning the signing of a MoU by the Commissioner, the Local Offices of the National Health Service, the Italian Red Cross, the Community of Sant'Egidio and the provincial representative of Opera Nomadi, in order to draft and to

implement a social-medical plan of interventions for vaccinating against and preventing possible infectious diseases in camps, especially in the municipality of Naples and its surroundings. The vaccination campaign for children has been completed and training meeting on basic medical prevention took place with the assistance of cultural mediators. As it concerns school attendance, initiatives to encourage children transfer from the camps to school have been promoted. The projects envisaged inclusion courses, integration activities involving parents, study grants and vocational training, also through the support of Unicef and in the field of action of the Ministry of the Interior with the cooperation of the Community of Sant'Egidio (Project "The Right to the School – The Right to a Future. School Integration Itineraries for Roma Minors").

In the Latium Region, the progressive reception of Roma and Sinti Communities in the Municipality of Rome was planned also through the renovation of camps. To this end, 3 areas have been equipped and the ad hoc Commissioner managed 3 relevant projects, for a total amount of about € 20,000,000.00. At the same time training and access to employment were promoted by several projects, carried out by a team made up by socio-cultural mediators, social workers, school personnel, municipal operators, together with the Italian Red Cross.

In the Veneto Region 11 municipalities have drawn up 16 projects aimed at upgrading camps and at adapting them to hygienic and medical standards, to safety regulations, as well at the social inclusion of the persons involved. These projects have been selected to be implemented in the Municipalities of Padua, Verona and Vicenza, with the agreement and the support of local authorities and according to the priorities arising from structural and hygienic and well-being conditions of Roma Communities living in the camps.

In terms of alternative solutions to camps, several good practices could also be mentioned.

As far as the overcoming of "macro-camps" is concerned, it is interesting the approach of the Municipality of Modena: the methodology is respectful of the concept of the enlarged family and a defined space has been allocated to each family with specific responsibilities in terms of maintenance and management of the assigned area.

By ministerial funding, the Municipality of Padua promoted the completion of 11 self-constructed flats, now hosting 32 persons that signed an ordinary contract with the local authorities for housing and pay a rent calculated in line with their income.

A similar project was implemented by the Municipality of Settimo Torinese (Turin) – "Self-construction and self-recovery": a group of Rumanian Roma, together with other foreign citizens, took part in building a community where they live now and where they can stay for a period of 3 years while seeking for a stable accommodation. The community is perfectly integrated in the local social environment and is managed by a local association.

The case of the Municipality of Bologna is really interesting: party funded by the Extraordinary Action Plan for Reception, adopted by the Emilia Romagna Region, a service of intercultural integration was built up to support the social inclusion of Rumanian Roma families in emergency by identifying housing opportunities. It involved 44 families, i.e. 198 persons, to be accommodated in flats, paying a rent.

The Autonomous Province of Trento managed the Roma situation by Provincial Act No. 12 of October 29<sup>th</sup>, 2009 (entitled "Measures to favour the integration of Sinti and Roma groups residing in the Province of Trento"). To overcome camps, "residential areas for

communities” have been organised and their size was defined according to the model of enlarged family, whose head is responsible for the management of the area and according to the capacity to bear the costs of public utilities, also including the following participation to training and vocational employment opportunities. The Valley Communities have been charged with the setting up and allocation of areas to individual families by local funding.

Finally, in the Municipality of Lecce, in Apulia, a consultation was promoted concerning the Panareo camp, involving Roma representative, municipal social services and associations to improve the living conditions of Roma Communities and to favour their social inclusion. The approach of the projects has been that one to consider residents as “bearers of rights”, thus programmatic guidelines have been drafted to encourage Roma population to modify their perspective in managing the camps. At the same time the educational situation has been carefully monitored, through a constant involvement of children and their parents in school meetings. Also relevant interventions have been carried out including the assignment of prefabricated houses to 10 families, in compliance with ‘loan for use’ agreements and in line with the Framework Programme Agreement “Security for Development of the Apulia Region” with reference to the PRO.NOMA project, coordinated with the support of the Ministry of the Interior, for the construction and related assignment of 16 housing units.

### ***Employment***

Training and access to employment are a priority as well as an alternative to illegality. Therefore the interventions in this field have been aimed at favouring the use of instruments in order to enable practically Roma and Sinti Communities to have access to employment according to their originally very different economic activities. There are a number of traditional works which are still practices almost everywhere: metal working; recovery and sale of various materials; horse trading; jobs related with entertainment and circus; itinerant sales; manufacturing and sale of various objects; agricultural work – often seasonal.

Some local good practice can be mentioned to show the different local approach to this critical topic.

For example, by financial resourced from the Ministry of Labour, Health and Social Policies, the Lombardy Region started a pilot programme – “Valore Lavoro” - of interventions aimed at promoting the access to employment for vulnerable categories. This programme is based on a research carried out by the Regional Observatory for Integration and Multi-ethnicity on Roma and Sinti populations living in Lombardy, and was drawn up relying on a preliminary survey carried out by analysing experiences of access to employment shared by institutions and social private sector representatives (Caritas, Casa della carità, Community of Sant’Egidio, Opera Nomadi, Sucar Drom). It aims at the following: favour the implementation of the equal treatment principle without any distinction as to race and ethnic origin; preventing the social marginalization of the Roma and Sinti Communities; promote and exchange between employment services and associations working in the field and Roma and Sinti workers; enhance the potential of female workers; increase the access of Roma and Sinti adolescents to vocational training. The programme resulted in the vocational training and access to employment of about 70 Roma and Sinti.

The Programme RETIS – Network of social inclusion, was set up in the Municipality of Rome and addressed to persons living in a marginalized conditions. RETIS is the contact point between the entrepreneurial, social and economic local environment and

disadvantaged categories in need of access and retention of employment; it provides for the collection and exchange of information on employment opportunities, on vocational training programmes as well as on the use of instruments aimed at training and access to employment – included self-employment. The beneficiaries are all the citizens in vulnerable conditions, including individuals covered by the municipal orders and falling under the social inclusion municipal programmes. The Programme is articulated in three macro-areas: research, pilot projects and institutional fund raising. A further project of the Municipality of Rome is based on a programmatic agreement between the Ministry of Labour and Social Policies and local authorities and has been funded by the 2007 Migration Policy Fund. Its aim was to experiment new forms of access to employment for a group of 30 Rumanian Roma aged between 18 and 35, and supported through accompanying measures adapted to individual needs. The content of the project was starting a highly specialized 300 hours training in the building sector. Following traineeships were organised aiming at supporting the access to employment.

“Progetto Rom” was carried out by the Municipality of Pescara, in collaboration with the local Caritas, the Province and the Municipality of Montesilvano, aiming at launching administrative actions in support of school attendance and employment integration of Roma families living on the territory. The programme provides for the establishment of an “inter-ethnic laboratory” charged with an updated mapping of Roma population and with the creation of direct contacts building trust and promoting cultural mediation activities at school and at the workplace, with the involvement of no-profit association. The ultimate objective consist of starting at least 15 projects to counter the school drop-out and to promote access to employment.

In the Province of Trento, the Valley Communities have been entitled to promote initiative aimed at favouring adults’ school attendance, training and following access to employment, also by the setting up of cooperative involving Sinti Communities.

Lastly, the project “Equal Rom” was carried out in the Municipality of Turin with the support of the Ministry of Labour and Social Policies, the Piedmont, Lombardy and Apulia Regions, and by the EU funds and has been development through cultural and linguistic activities involving mediators, employment guidance and search for, and the organization of 20 traineeships adapted to individual needs.

### ***Health***

Over all the Italian territory Roma and Sinti Communities have access to public health care. New measures for the protection of health and for access to employment have been adopted following the setting up of the Fund for the Inclusion of Immigrants ad well as of the Fund for Social Policies.

### ***Roma children***

As far as Roma children “at risk” are concerned, the significant experience of the Centre to Counter Child Begging of the Municipality of Rome must be mentioned. The Centre is equipped to promptly accept and host minors who are reported by citizens through a call-center active 24 hours a day. The project also includes a street unit, also relying on Roma cultural mediators, specifically devoted to minors at risk. About 40% of hosted children is assisted due to their unacceptable living and health conditions.

Also the schooling issue is a strategic challenge to be faced by local institutions. Data indicating an increase of the schooling rate of children and adolescents living in good conditions confirm the direct connection between improved well-being and school integration and participation. The most complete interventions are based on supporting on the one hand families in sharing the relevance of school attendance by their children, and on the other hand the role of schools in welcoming children, adapting their teaching strategies to children needs. On this issue, the experience of the Municipality of Milan is worth mentioning: through projects aiming at favouring the Roma and Sinti children schooling, it promoted a service carried out by female Roma mediators operating in both school classes and in the Communities.

## **Migrants, refugees and asylum seekers**

### **- Migrants with legal status**

*114. ECRI encourages the Italian authorities to continue their efforts to promote integration of migrants with legal status and reduce the disparity between citizens and non-citizens on the labour market. However, it recommends that they ensure that these measures do not have the corollary of stigmatizing non-citizens and laying them open to other violations of their rights.*

The Legislative Decree No. 286 of July 25<sup>th</sup>, 1998, provides for the protection of fundamental rights, in particular civil rights, for all the national and foreign citizens who live on the Italian territory. As already reported, this legislation on immigration has no relation with any kind of xenophobic attitude but, on the contrary, has the objective to address more effectively the phenomenon of illegal immigration (and its connection with organized crime) and its negative consequences, including on the thousands of regular migrants living in Italy.

### **- Refugees and asylum seekers**

*116. ECRI reiterates its request to the Italian authorities to codify asylum law.*

In the view of elaborating a comprehensive legal instrument concerning the request for asylum, it must be recalled that Italy has already introduced in its legislation both EU Directives 2004/83/EC and 2005/85/CE by Legislative Decrees No. 251 of November 19<sup>th</sup>, 2007 and No. 25 of January 28<sup>th</sup>, 2008 respectively. These complementary subsidiary protection measures translating EU Directives have been envisaged concerning asylum-seekers and more generally the status of refugees in order to promote the full enhancement of the guarantees for the applicants.

### **- Situation up to late 2010**

*120. ECRI strongly recommends that the Italian authorities take all necessary steps to ensure that the principle of non-refoulement is fully respected. It urges them to bring their pushback (“respingimento”) policy to an immediate and permanent end. In this connection, it emphasises the need to guarantee access to asylum procedures in full accordance with the 1951 Geneva Convention, the European Convention on Human Rights and the relevant EU directives.*

*123. ECRI recommends that the Italian authorities strengthen existing provisions guaranteeing access to the asylum procedure. It insists in this respect on the need to*

ensure that no decisions to return persons seeking international protection are taken without those persons having had access to assistance from lawyers and interpreters. It strongly recommends that the Italian authorities ensure that asylum seekers receive legal and interpreting assistance throughout the procedures concerning them.

125. ECRI again recommends that the Italian authorities not deport asylum seekers before having ruled on their appeals. To this end, it recommends that they review the exceptions provided for in Italian law to the suspensive effect of an appeal against rejection of an asylum application. It further recommends that they introduce implementing rules for the relevant provisions as soon as possible.

129. ECRI again recommends that the Italian authorities detain asylum seekers only when absolutely necessary, for short periods of time, and following an examination of the circumstances of the individual case.

130. ECRI recommends that the Italian authorities review reception conditions in CDAs and CARAs to ensure that they meet all the needs of their occupants, both medically and socially and in terms of legal assistance.

133. ECRI reiterates its recommendation that the Italian authorities ensure that asylum seekers are not left destitute pending examination of their claims.

135. ECRI recommends that the Italian authorities strengthen the programme promoting integration of refugees, asylum seekers and other officially recognised beneficiaries of international protection so that all potential beneficiaries of this programme are actually covered. At the same time, it strongly encourages the Italian authorities to strengthen the national aspect of this programme in order to ensure that all its intended beneficiaries can benefit fully from the measures introduced, wherever they may be resident.

In relation to the principle of *non-refoulement*, since the entry into force of the Italian Basic Law in 1948 the legal system has to be and is in line with the general international law (Art. 10).

In matter of expulsion of aliens, Italy complies with international standards as long as no collective expulsion measure can be adopted, the enforcement of the *non-refoulement* is required (according to Arts. 32-33 of the 1951 Geneva Convention) and specific safeguards apply (in compliance with Art. 13 of ICCPR and Art. 1 of Protocol No. 7 to the European Convention on Human Rights) allowing the lodging of complaint to the competent Authorities. Along these lines, according to the Supreme Court of Italy, it is ascertained the breach of the *non-refoulement* principles only if the Country *refoules* those migrants with a temporary protection measure.

Furthermore Italy enforces the 1951 Geneva Convention, the Montego Bay Convention (1982) and the IMO Conventions, as well as the Palermo Protocol (2001) and the Convention thereto, which envisages, *inter alia*, that State Party ships may stop any vessel without nationality, if suspected to illegally transport/smuggle migrants. Under given circumstances, migrants can be returned to the State concerned, in accordance with the international cooperation principles.

On a more specific note, the return of migrants is a procedure envisaged by specific Agreements. It may take place upon request by the State concerned when migrants



intercepted in international waters, escaped the control of the Authorities of that State. The most recent cases fell within the scope of “the return of migrants not applying for asylum”.

As it concerns measures to assist asylum-seekers, ten Territorial Commissions, composed of representatives from the Ministry of the Interior, local authorities and the UNHCR are committed in processing their applications for asylum. Moreover, since the month of October 2008, five Sections were added in order to speed up this process and to deliberate on demands within three months (currently, on average, application are processed in less than two months).

Within the framework of reception and integration measures provided by Italy, it is also worth mentioning the System of Protection for Asylum Seekers and Refugees (SPRAR). The SPRAR is based on a joint effort by central and local authorities, also involving civil society organizations. According to the new legislation in force on immigration, it is financed through the National Fund for asylum services and policies, whose resources are devoted to the reception of asylum seekers and their families, as well as the protection of refugees and of those who are entitled to subsidiary international protection. For the years 2009 and 2010 respectively the beneficiaries of SPRAR assistance were 7845 and 6855, and further 50 individuals will be expected to receive protection for the period 2011-2013. In terms of entering and exit from the temporary assistance, in 2009 2921 new beneficiaries were assisted and 2840 individuals have depart from their path to integration. In 2010 2886 new entrances and 2755 exits were recorded. 12955 individuals have been monitored by the SPRAR that have had access to the system or have chosen alternative protection measures.

*SPRAR system – year 2010*

<b>Projects</b>	138 (107 – ordinary; 31 addressed to vulnerable categories)
	15 local authorities that apply for the implementation of at least 2 projects
<b>Financed assistance</b>	3000 beneficiaries (2499 – ordinary; 501 – vulnerable categories, from 10 to 150 individuals)
<b>Local authorities</b>	123:
	103 Municipalities
	17 Provinces
	3 networks of Municipalities
<b>Geographical assistance</b>	68 Provinces
	19 Regions

For 2011-2013, 151 local projects will be implemented by 128 local authorities, involving 3000 beneficiaries. From January to April 2011, 3624 individuals have been assisted: 76% male and 24% female, coming mainly from Somalia, Afghanistan, Eritrea and Nigeria, with a growing number of request for assistance from Turkish and Pakistani applicants, demanding for international protection (44.5%), temporary protection (24.5%), refugee status (18.5%), humanitarian protection (12.5%).

Besides these operational structures and related interventions to protect asylum-seekers, also the legal status of refugees and foreigners requesting for international protection has been disciplined through the above mentioned Legislative Decrees No. 251 of November 19<sup>th</sup>, 2007 and No. 25 of January 28<sup>th</sup>, 2008, both in line with the EU legislation. In particular Art. 10 of Legislative Decree No. 251 provides for a detailed procedure following the request from the applicant to the competent police office, which must inform about his/her rights and duties during the reception process, the length and all the necessary documentation, while giving an ad hoc brochure illustrating the steps of the procedure, his/her rights and duties on the national territory, his/her health rights and related free access to services, means of contacting whenever they need the offices of the UN High Commissioner for Refugees and other international organizations that assist applicants in Italy. The provision also details the modalities of timely communicating the decision to recognise the international protection in the language of the applicant or, otherwise, in English, French, Spanish or Arabic, according to his/her choice, by ensuring also the assistance of an interpreter during the procedure, if necessary.

This assistance is also guaranteed at the judicial stage, following the refusal to accept the application for the international protection by the foreign citizen. In these circumstances, the demand for appeal to be introduced according to Art. 35§6 of Legislative Decree No. 25/2008 entails not only the suspension of the procedure but also of the offence of illegal entry and stay in Italy, to be definitively concluded if the international protection is recognised (Art. 10 *bis*§6 of Legislative Decree No. 286/1998).

All the above mentioned measures have always been characterized by a strict compliance with the law and a careful evaluation of each individual case. The temporary reception of asylum-seekers in centers (CARAs) is provided for in Art. 21 of Legislative Decree No. 25/2008 in the following terms: the status of the asylum-seekers is recognised according to Art. 1§f of 1951 Geneva Convention; he/she has been condemned for crimes contained in the Criminal Code (Art. 380, §§1-2) or crimes related to drugs, sexual freedom, inducement to illegal migration to and from Italy, recruitment for prostitution or exploitation for prostitution, also involving children in illegal activities; he/she has been expelled – in respect of ruled exceptions – if applicant and addressed by an expulsion or repatriation measure when already residing in a reception centre. It is worth recalling that national legislation envisages judicial control over any order of expulsion issued by an administrative authority.

Moreover, following the examination of the individual case when the repatriation has been not carried out because of the lack of cooperation or the administrative delay in collecting all the necessary documentation by the country of origin, the *Questore* can ask the *Giudice di Pace* to extend the period for the reception for not more than 60 days, for a maximum period of 12 months.

- Specific situation arising from events in North Africa in early 2011

139. ECRI strongly recommends that the Italian authorities systematically respect the principle of non-refoulement and take all further steps necessary to ensure access to asylum procedures for all persons having arrived in Italy from North Africa since the beginning of 2011 and who are seeking international protection.

140. ECRI draws the attention of the Italian authorities to the importance of taking all necessary steps to ensure that any ship coming under their jurisdiction fully respects the principles laid down by international law with respect to rescue at sea.

142. ECRI strongly encourages the Italian authorities to continue and step up their efforts to provide adequate reception arrangements for persons arriving on Italian shores following the events in North Africa, some of whom are seeking international protection.

Following the events occurred in Northern Africa since January 2011, the Italian coasts were put under pressure from an exceptional flow of migrants starting from the second half of February. In March 2011 the Lampedusa Island was the final destination of many vessels from the Northern African coasts – mainly from Tunisia, together with other Italian islands (i.e. Linosa) and the eastern coasts of Sicily.

This phenomenon led to the declaration of the humanitarian emergency by Prime Minister Decree of February, 12<sup>th</sup>, 2011, as extended with the following Decree of October 6<sup>th</sup>, 2011 and managed by Order No. 3294 issuing the management of the emergency to the *Prefetto* of the Municipality of Palermo as ad hoc Commissioner. Also the Prime Minister Decree of April 5<sup>th</sup>, 2011 provided for the establishment of “humanitarian measures of temporary protection to be guaranteed to Northern African Countries’ citizens entering the Country from January 1<sup>st</sup> to April 5<sup>th</sup>, 2011”.

Also the critical situation that occurred in Libya in April 2011 contributed to a massive flow of human beings leaving from Libyan coasts but having different nationalities (Somalia, Eritrea, Nigeria and Ghana), most of them being women and children. These migrants in very critical health conditions were rescued by the Italian vessels at sea and asked for the international protection when landed on the Italian territory.

Through the adoption of a new Prime Minister Order (No. 3933 of April 13<sup>th</sup>, 2011), the Head of the National Department of Civil Protection was appointed as Delegate Commissioner for the humanitarian emergency with the task to coordinate the Regions and the representatives of the Provinces and Municipalities in elaborating a National Plan for the first reception and accommodation of non EU citizens from Northern Africa while recognizing them the international protection or humanitarian protection. This Plan has been progressively implemented also balancing the reception of non EU citizens in all the Regions, according to a specific agreement signed on April 6<sup>th</sup>, 2011, among the Government and local authorities.

At the present 60.000 non EU citizens are assisted on the national territory, mainly in Lampedusa Island. Their ordinary management has been also guaranteed by the Ministry of the Interior through the CPSAs (in Lampedusa, Pozzallo (RG), Cagliari- Elmas, Lecce-Otranto) and the CARAs (i.e. Ancona, Bari, Brindisi, Caltanissetta, Crotone, Foggia, Gorizia, Rome and Trapani), where the migrants wait for their application for the international protection by the competent Territorial Commission.

- ***Migrants without legal status***

145. ECRI recommends that the Italian authorities consider alterations to Identification and Expulsion Centres (CIEs) and the living conditions there and take all the necessary steps to ensure that they are suitable for periods of detention lasting up to 180 days.

146. ECRI urges the Italian authorities to ensure that all persons held in CIEs have access to the medical care that they need.

147. ECRI urges the Italian authorities to investigate all allegations of ill-treatment in these centres and punish those responsible. It again invites the authorities to increase transparency by facilitating access to these centres, including for organisations protecting the human rights of migrants and asylum seekers and for lawyers.

Besides the assistance to asylum-seekers in CARAs, as far as the other Reception Centres (CPSA, Centres for the first-aid and reception; CIE, Identification and Expulsion Centres), the assistance to migrants without legal status is legitimated by the judicial authority within the following 48 hours from the reception and can be reviewed and motivated by the *Questore* in terms of extension of the stay. The assistance of the migrant includes the full access to health-care services, cultural mediation, free legal counselling, identification, examination of the relevant applications and, eventually, repatriation, only for those who are not entitled to stay in Italy (Art. 14§2 of Legislative Decree No. 286/1998).

- **Deportations under counter-terrorism provisions**

150. ECRI urges the Italian authorities to take effective steps to prevent any deportations from Italy that might be in breach of Article 3 of the European Convention on Human Rights. Inasmuch as the failures already noted have occurred in connection with the fight against terrorism, ECRI invites the Italian authorities to refer to its General Policy Recommendation No. 8 on combating racism while fighting terrorism.

Italy condemns terrorism in all its forms and considers the fight against it as a national priority. This fight can and must be carried out in full compliance to human rights, international humanitarian law and refugee law. Counter-terrorism action has to be considered as a strong commitment of the Italian authorities entailing a vigorous effort to protect human rights and to guarantee people security against terrorist attacks.

Specific measures were adopted to combat international terrorism, in order to update the existing anti-terrorism legislation. The legal framework was also integrated by including a specific circumstance under which administrative expulsion measures can be applied in order to prevent acts of domestic or international terrorism (Art. 13§1 of the legislation on immigration now in force).

Italy has not established any special jurisdiction or procedure for terrorism cases. The jurisdiction of military tribunals is in fact limited to the trial of members of the military accused of military offences. Only ordinary courts may judge and convict a person for terrorist offence. Therefore, all ordinary procedures and principles on presumption of innocence, legal assistance, exam of evidence, information etc. are ensured in trials and investigations, when dealing with terrorist cases.

On this issue, there have been various interventions by the Constitutional Court, to emphasize primarily that the Italian legal system aims at ensuring an effective framework of guarantees, so as to fully and extensively protect the fundamental rights of the individual.

## **Muslim communities**

*153. ECRI recommends that the Italian authorities intensify their efforts to combat and effectively prevent racism and discrimination against Muslims. It again draws their attention to its General Policy Recommendation No. 5 on combating intolerance and discrimination against Muslims, which proposes a number of legislative measures and policy initiatives that governments can take to this end.*

*156. ECRI encourages the Italian authorities to pursue a regular, constructive dialogue with the representatives of the various Muslim communities in Italy and, if necessary, to reinforce the structures established to permit such dialogue.*

As it concerns the dialogue with Muslim communities living in Italy, it is worth of mentioning the Council for Islam, an advisory body established in 2005 at the Ministry of the Interior and tasked with preparing studies, giving opinions and making proposals to promote the institutional dialogue with Muslim communities and to improve knowledge of the problems of integration in order to identify the most appropriate solutions for a harmonic input of communities themselves in the host society, in compliance with the Constitution and laws of the Republic. The Minister of the Interior, who chairs the Council and organise its meetings during the year or when necessary, may call to contribute to the work of this body - acting as its members - scholars, experts and people of culture and Islamic religion which, by their experience, can offer qualified contributions to the topics under debate within the Council, in adhering to the values and principles of the Italian Republic.

## **Antisemitism**

*ECRI encourages the Italian authorities to reinforce their efforts to combat antisemitism and invites them to draw inspiration from its General Policy Recommendation No. 9 on the fight against antisemitism, which proposes a number of measures that governments can take in this field.*

In May 2009, the Italian Presidency of the Council of Ministers instituted the Coordination Committee for the celebration of the Shoah – chaired by the Undersecretary of State of the Council of Ministers – whose goal has been to co-ordinate all the official activities aimed at celebrating the “Shoah Remembrance Day” (January 27<sup>th</sup>) and raising awareness in public opinion, mainly youth, about this theme. The Committee includes representatives of all main public administrations, as well as members of Jewish Communities. During the last years, the Committee co-ordinated all the relevant institutional activities (exhibitions, round tables, ceremonies) concerning the most acute problems, such as Internet role in disseminating anti Jewish prejudices and false historical records.

The Chamber of Deputies Committee on anti-Semitism was instituted with the aim to investigate in depth this phenomenon, the degree of public awareness, media and education system commitment on this theme. Starting from January 27<sup>th</sup>, 2010, day of his establishment, the Committee presented its final report (November 2011), approved unanimously by representatives of all political parties after 15 meetings, during which the most important international experts on anti-Semitism were heard, as well as the leading representatives of the Jewish community. The report stresses that the anti-Jewish prejudice is still a reality in the country, also fueled by internet, and underlines the best practices, even in the foreign countries, to face it. The deputies agreed upon the proposal to institutionalize this experience with a bill within the Parliament.

## Discrimination in Various Fields

### Education

164. ECRI encourages the Italian authorities to continue their efforts to ensure that no pupils suffer any disadvantage in the school system on account of an insufficient command of Italian and recommends that the authorities be guided in this respect by its General Policy Recommendation No. 10.

168. ECRI recommends that the Italian authorities ensure that substitute classes for optional Catholic education are provided in response to all requests made in accordance with the applicable rules, so as to ensure that no pupils suffer indirect discrimination, particularly with regard to award of credits.

The fight against racism and racial discrimination, at the educational level, is carried on by the Ministry on Education, from the primary through the secondary school, by means of specific educational programmes, marked by an intercultural approach. All children living in Italy enjoy the right to education, even if their parents have no residence permit. As a consequence, the Italian school system is committed to providing knowledge of different cultures.

At the same time specialized training Courses and Workshops promoted by the Ministry of Education could be mentioned to face the challenge within complex multicultural social environments where a relevant presence of foreign students is recorded. The aim of these training paths is that one to outline the framework and the principles at the core of the European inclusion of foreign migrants and their families, specifically devoted to intercultural integration of students in Italian primary and secondary schools, through a practical implementation of teaching instruments and the related exchange of good practices concerning intercultural learning programmes.

With specific reference to the optional Catholic education in terms of alternative religious teaching, Art. 8 of the Italian Basic Law must be mentioned as the main legal provision for the self-organization of all non-Catholic religious Denominations according to their own Statutes and for the regulation of their relations with the State through bilateral agreements called *Intese*.

Following the creation of a comprehensive legal framework in this field, with the adoption of Act No. 400/1988, Legislative Decree No. 303/1999, and also the Legislative Decree No. 286/1998 that deals with discriminatory conducts based, *inter alia*, on religious grounds (practices, convictions and customs, Arts. 43 and 44), all the *Intese* included in their contents also an explicit reference to education, aiming at guarantee the right for students to not participate in religious classes, and the possibility for the schools to respond to any request by students and families, introducing the teaching of one specific religion and explaining its implications; the recognition of diplomas issued by theological institutes and the right to freely set up schools of any order or degree, and educational institutes, according to the Italian educational system.

### Employment

171. ECRI recommends that the Italian authorities step up their efforts to reduce the disparity between citizens and non-citizens on the labour market, ensuring in particular that existing anti-discrimination legislation in the field of employment is properly and strictly

*applied. It recommends that the authorities conduct an awareness-raising campaign focusing on employers' obligations and responsibilities on the one hand and on the positive aspects of diversity in the workplace on the other.*

The discrimination at work is under attentive monitoring by the officials of the Ministry of Labour and Social Policies, in line with the relevant objectives included in the Inspections Programme for 2011, aimed at emerging illegal social and economic phenomena including discriminatory attitudes and practices.

The results of the inspections activity for the year 2010 revealed 2856 violations of the legislation in force concerning equal opportunities, discrimination and protection of female workers/mothers. In terms of inequalities between Italian and foreign workers, particular attention has been devoted to some productive sectors where black economy and safety at the workplace are among the main priorities to be faced by central and local authorities. The inspections intend to counter the exploitation of non EU workers, in line with the programmatic above mentioned measures, counting on the territorial inspective action over the local ethnic management of migrant workers in the agriculture and building sectors, that present the greatest risk of exploitation and undeclared economy in violation of the present legislation concerning the labour market.

## **Housing**

*175. ECRI again recommends that the Italian authorities ensure that legislation against direct and indirect racial discrimination in the housing field is rigorously applied, both in the private and in the public sector.*

*176. It strongly encourages the Italian authorities to identify best practices at local level in order to eliminate all discrimination based on colour, religion, ethnic or national origin, language or nationality in the field of housing and to ensure that these best practices are applied on a national scale.*

Concerning the equality for social rights, some social benefits like access to public housing social and assignment have been ruled by the legislation in force according to the establishment of the duration of residence of the applicant as main criteria (usually set between five and ten years). The purpose of the time requirement is to limit access to such benefits only to those who have a particular rooting on the territory of which the length of residence is a clear indicator.

This approach was also endorsed by the Constitutional Court that has clarified that "the requirement of continuous residence for the purpose of allocation, it is not unreasonable when it is consistent with the purposes that the legislature intends to pursue, especially where constitutional values are involved". The Court also stated that: "It is also possible to make, not unreasonably, the provision of certain benefits - not related to remedy serious emergencies. It is necessary to prove the non-episodic and not short term residence"(ruling No. 306/2008).

## **Health**

*179. ECRI encourages the authorities to continue and step up their efforts to ensure better provision of health care and better access to health care for groups coming under ECRI's remit, not only with regard to reception of patients and access to care but also by providing care appropriate to their specific situations.*

With regard to the right to health, it should be recalled that Art. 32 of the Italian Basic Law acknowledges that “The Republic safeguards health as a fundamental right of the individual and as a collective interest, and guarantees free medical care to the indigent”. This article is pivotal as it does not limit the enjoyment of the right to health to the Italian citizens but it extends it to every individual under the Italian jurisdiction, including Roma, Sinti and Travellers, migrants with irregular status, asylum seekers, unaccompanied foreign minors, trafficked people and victims of torture among others.

The Italian Government is seriously committed to protect and promote the universal right to the highest standard of physical and mental health and it is fully aware of the negative correlation existing among poverty, impoverishment, social exclusion and health status. In addition, it should be noted that, the health status of immigrants who succeed to arrive in Italy get quickly worse due to various risk factors such as the psychological stress caused by the migration, lack of work and income, underemployment in dangerous and unprotected jobs, bad living conditions, lack of family support, malnutrition as well as under use or misuse of the National Health System services.

Illegal non EU citizens also can benefit of healthcare services within public health structures of the National Health System (NHS), as follow:

- First aid and urgent hospital treatments (when they cannot be delayed and can seriously affect patient’s health) or primary treatments and cares (services, diagnosis and therapies related to pathologies which are not risky in the short term, but can originate serious health problems or put the patient’s life at risk) needed by disease or for injury.
- Preventive cares and treatments aimed at preserving collective and individual health, as identified in item a)-b)-c)-d)-e) paragraph 3 of Art. 35 of Legislative Decree No. 286/98, and in particular:
  - preserve pregnancy and maternity at the same level than for Italian citizens;
  - preserve children health;
  - mandatory vaccinations in the framework of collective prevention initiatives as authorized by regional authorities;
  - international prophylaxis interventions;
  - prophylaxis, diagnosis, care of infective diseases and care of potential focus of infection.

Health cares are free of charge when delivered to economically disadvantaged individuals and access to health services for illegal non EU citizens does not include reporting to the police unless medical report is mandatory. Moreover, independently from the time extension of their stay in Italy, illegal migrants can access all health services, although they follow different modalities from Italian citizens. Actually, a Temporary Present Migrant (STP) code is provided to them, while preserving their anonymous status.

In terms of institutional architecture, in order to improve the concrete and universal enjoyment of the right to health, the Italian Parliament authorized through Act No. 296/2006<sup>2</sup> the establishment of the ‘**National Institute for the Promotion of Migrants**’

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<sup>2</sup> The Act authorizes the expenditure of € 5,000,000.00 in 2007 and € 10,000,000.00 respectively in 2008 and 2009.



**Health and the control of poverty related diseases (NIHMP)**<sup>3</sup> to implement a 3 year - experimental health management- Project whose assignments include prevention, treatment, training and research regarding the promotion of migrants' healthcare and the control of poverty related diseases experienced both by the Italian and the foreign population", The NIHMP is structured in the National Headquarters in Rome and in three regional centers respectively in the Latium, Apulia and Sicily Regions. The NHIMP is a public institution with juridical status and with autonomous organizational, administrative, patrimonial, accounting and technical functions, under the supervision of the Ministry of Health.

One of the peculiarities of the NIHMP is the fact that patients are welcomed by cooperation of **cultural mediators**, social interpreters who welcome patients in their native languages, offer cultural and interpretative facilitation, particularly important also for diagnosis, therapy purposes and to overcome linguistic and cultural barriers. On average, 150-200 people per day are received only in the center of San Gallicano in Rome. It should be noted that these services are offered, **as foreseen by the Italian Constitution free of charge to the indigent, whether Italians or foreigners**. There are no waiting lists, all the patients who access the service are visited in the course of the day.

The Institute outpatient service is open to **Italian and foreign citizens** in need of healthcare, especially for dermatologic, infectious, gynecological, neuropsychiatric, internal medicine, and surgical pathologies. In addition, there are other services run by a trans-cultural and multidisciplinary taskforce aimed at improving health status of individuals in condition of poverty, impoverishment, social exclusion and gross human rights violations such as, among others, 1) the Service for humanitarian protection seekers, refugees and victims of torture, 2) the Clinical Ethno-psychiatry Service; 3) the Psychological Service for Unaccompanied Minors; 4) the Service for homeless.

In particular, the individuals approaching the **Service for humanitarian protection seekers, refugees and victims of torture** are welcomed by a multi-disciplinary and trans-cultural taskforce composed of cultural mediators, psychologists, anthropologists and doctors whose work is aimed at tracing the traumatic memory experienced by the person, through medical examination and psychological evaluation, necessary to compile both a dossier and a medical certificate that is presented to the competent territorial Commission that will analyze the case and decide on the recognition of the status.

Along these lines, within the EU framework for the inclusion of not EU nationals for the years 2007-2013, two programmes of the Ministry of Health were funded in 2009 and 2011 to support integration paths having as main beneficiaries foreigners asking for a stay permit and entering into contact with Immigration Single Desks. These projects aim at giving information concerning the rights and duties of migrants in terms of access to basic healthcare services, also through the publication and dissemination of information materials and brochures in different languages and easy to "reach" the potential user when he/she asks for granting the status of legally residing foreigners. The contents of these publications are about: brief illustration of the the functioning of the NHS; list of necessary documents to be submitted for the enrollment in the National Health Service; information covering some specific areas (i.e. maternal and child health, alcohol addiction, smoking or

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<sup>3</sup> The NHIMP relies on the 25 years experience developed by the Department of Preventive Medicine of Migration, Tourism and Tropical Dermatology at the Scientific Institute for Research, Hospitalization and Health Care specialized in Dermatological and Sexually Transmitted Diseases "Santa Maria e San Gallicano" in Rome.

drugs); references about local health offices, according to the local accommodation of the applicant. Such information is also available on the website of the Ministry of Health.

With the contribution of the NIHMP, cultural mediators specialized in social and health services supported for 3 days a week public officials working at the Immigration Single Desks in the Municipalities of Brescia, Catanzaro, Padua, Prato and the Autonomous Province of Trento, giving information to migrants about health issues. A further counselling service was provided for when the personnel was out of the office. The project for 2011 consists of an extended implementation of the previous one in other regions, always through the intervention of the NIHMP in terms of professional training, e-learning, and support of ad hoc personnel at the Immigration Single Desks.

### **Conduct of Law Enforcement Officials**

*183. ECRI invites the Italian authorities to denounce publicly and unambiguously all manifestations of racist behaviour or racial discrimination by members of the police and to ensure that public statements are made at a high level to the effect that such acts will not be tolerated and will be punished following a thorough and prompt investigation.*

*183. ECRI reiterates its recommendation that the Italian authorities establish a body independent of the police and the prosecution service to investigate allegations of human rights violations by the police, including inter alia all allegations of racial discrimination or racially motivated misconduct.*

The assessment of responsibilities of public officials in case of an alleged violation of human rights and/or individual freedoms can be requested either by a citizen or during an inquiry conducted by a superior. In the former case, the request is transmitted to the judicial authority through a complaint so that a criminal proceeding can be initiated. Moreover, such control system is strengthened by several internal inquiring mechanisms, to assure that, in ordinary activities, public officials do not commit abuses or exceed in the use of their power. In particular, according to Disciplinary Rules adopted by Presidential Decree No. 737/1981, during the criminal proceeding the public official is temporarily suspended and an act of expulsion from the ranks or, alternatively, a disciplinary measure is executed if the public official is condemned to be under detention for more or less than 3 years. The latter case could lead also to the expulsion from the ranks.

### **Monitoring Racism and Racial Discrimination**

*186. ECRI reiterates its recommendation that the Italian authorities improve their system for monitoring the situation of minority groups by collecting relevant information in various fields, broken down according to categories such as ethnic or national origin, language, religion and nationality. It stresses the need to ensure that the system put in place is compliant with European standards in matters of data protection and protection of privacy. The Italian authorities should in particular ensure that data collection is always carried out in full accordance with the principles of confidentiality, informed consent and the voluntary self-identification of persons as belonging to a particular group. The system for collecting data on racism and racial discrimination should also take into consideration the gender dimension, particularly from the point of view of possible double or multiple discrimination.*

With regard to the consolidation of the knowledge of the phenomena linked to racial discrimination the establishment of a research centre named CERIDER (Research Centre on Ethnic and Racial Discrimination) has been scheduled, which, in association with the

UNAR Contact Centre and the national Network of Observatories and the regional centres pursuant to Art. 44 of Legislative Decree No. 286/98, is to monitor xenophobia and racism phenomena in the various regions through the creation of designated reference indices. With the decision to contract UNAR a **Public Notice** has been consequently issued in July 2011 **for the creation of a project for the establishment and the operation of a research centre to monitor the phenomena of xenophobia and discrimination on grounds of race and ethnicity** (CE.RI.D.E.R.) (amounting to € 250,000.00).

As far as the involvement, consultation, and sharing of data with social partners and the third sector, it is worth mentioning that on February 2011 UNAR signed a memorandum with the main consumer's associations, and that, within the scope of the Week of Action against Racism, a specific interventions programme, designed in association with employers' organizations and trade unions, was carried out in the workplaces.

With regard to the promotion of positive actions in the workplace through the experimentation and implementation of a model of diversity management based, inter alia, on the design, organisation and management of an integrated programme of awareness-raising, information and training activities catering to the personnel and the partners of the company, as well as all the stakeholders, and on the prevention and countering of all forms of discrimination, with decision to contract UNAR, dated July 26<sup>th</sup>, 2011 the **Call for proposals to promote the adoption, by state or private-owned enterprises and companies, of projects of positive actions aiming at avoiding or compensating possible situations of disadvantage and/or potential unequal treatment** referred to in Legislative Decrees No. 216 and 216 of July 9<sup>th</sup>, 2003 (for a total amount of € 200,000.00) has been issued.

Lastly, through the cooperation of the employers' organisations Confcommercio, Confesercenti and CNA, last May UNAR planned an **awareness-raising initiative named "Equality is Priceless"**, consisting in the realisation of 200,000 stickers bearing the slogan and the anti-racism toll-free number with the relative leaflet, that will be sent by the employers' organizations to all their partners in order to be put on store display windows. The presentation and implementation of the campaign has been scheduled for next December.

## **Education and Awareness-Raising**

*189. ECRI strongly encourages the authorities to pursue and strengthen their efforts aiming to impress on pupils at all levels the need to respect the principles of non-discrimination and of promoting equal opportunities, and to provide teachers with full training in these fields.*

*190. ECRI also encourages the authorities to pursue their efforts to bolster the skills of teaching and auxiliary staff in schools in promoting integration and respect for diversity.*

Several initiatives have been promoted in last years to involve both pupils and students at school and, on a more general note, the public opinion as far as the relevance of the principle of non-discrimination and the full respect of diversity. Worth mentioning are:

a) the **Week of action against racism**, which in 2011 carried out 107 initiatives throughout Italy, with the support of local authorities and NGOs (funding amounted to € 300,000.00);

b) the ***National Week against violence***, which will be carried out for the third year running in all Italian schools as of next October and throughout the school year with a financial commitment amounting to € 250,000.00. With decision to contract UNAR, dated July 13<sup>th</sup>, 2011 a new **Call for proposals to finance a programme of awareness-raising, information and training activities catering to students, parents and teachers of schools of all levels, on the prevention of physical and psychological violence, including violence based on racial, religious and gender intolerance, as well as of all forms and grounds of discrimination, within the scope of the 3rd National week against violence**” (funding amounting to € 250.000) has been issued;

c) the ***“Dosta Campaign”*** against prejudice towards Roma and Sinti communities is currently going on all over Italy (next venues in Bari and Venice, then in Palermo, Naples, Milan, etc.) (amounting to € 200,000.00). The Campaign promoted the broadcasting of the advertisement “How many gypsies do you know?” on public TV channels throughout June and July 2011; the campaign will be promoted and carried out also for the year 2012;

d) the ***Project “Foreign women. Against all discriminations”*** presented by UNAR and financed by the Ministry of the Interior with € 350,000.00, within the scope of the 2009 programme of the European Fund for the integration of Third-Country nationals was successfully concluded last April 30<sup>th</sup>;

e) with decision to contract UNAR, dated July 27<sup>th</sup>, 2011 the statutory procedures for the **nationwide systematisation of the experimentation, which started in 2010 only in the Convergence Objective Regions, of the network “Near - Youth network against racism”** have been initiated for a period of one year.

With Decree of the Ministry of the Interior last June 13<sup>th</sup>, within the scope of the EIF 2010, a **new public information campaign named “Campaign for the prevention and countering of discriminations on ethnic or racial grounds” with funding amounting to € 400,000.00** has been approved. The publication procedures for the relative European-wide Call for proposals have been scheduled to start in September, in association with the competent Office for Equality and Equal Opportunities, strategic interventions and Communication, while the public information campaign will be carried out during March 2012, in concurrence with the VIII Week of action against racism.

Moreover ***the editorial series*** comprising essays and thematic researches on racism, which published and released the Reports to the Parliament prepared by UNAR, is continuing its publications;

Lastly, both the Report to the Parliament and the most important materials produced by UNAR have been published in English and will be distributed internationally.

**ANNEX - Enrolled / concluded / pending cases against persons – Procure / municipal data – year 2010**

<b>Municipality</b>	<b>Art. 1bis – 2, Act No. 205/1993</b>	<b>Art. 3, Act No. 654/1977 (CERD Convention)</b>
<b>ANCONA / pending – first stage</b>	1	1
<b>ANCONA / enrolled</b>	2	0
<b>ANCONA / concluded</b>	1	0
<b>ANCONA / pending</b>	2	1
<b>BARI / pending – first stage</b>	0	0
<b>BARI / enrolled</b>	0	0
<b>BARI / concluded</b>	0	0
<b>BARI / pending</b>	0	0
<b>BOLOGNA / pending – first stage</b>	3	2
<b>BOLOGNA / enrolled</b>	3	1
<b>BOLOGNA / concluded</b>	3	2
<b>BOLOGNA / pending</b>	3	1
<b>BRESCIA / pending – first stage</b>	0	3
<b>BRESCIA / enrolled</b>	0	5
<b>BRESCIA / concluded</b>	0	1

<b>Municipality</b>	<b>Art. 1bis - 2, Act No. 205/1993</b>	<b>Art. 3, Act No. 654/1977 (CERD Convention)</b>
<b>BRESCIA / pending</b>	0	7
<b>CAGLIARI / pending – first stage</b>	0	4
<b>CAGLIARI / enrolled</b>	0	0
<b>CAGLIARI / concluded</b>	0	0
<b>CAGLIARI / pending</b>	0	4
<b>CALTANISSETTA / pending – first stage</b>	0	0
<b>CALTANISSETTA / enrolled</b>	0	0
<b>CALTANISSETTA / concluded</b>	0	0
<b>CALTANISSETTA / pending</b>	0	0
<b>CAMPOBASSO / pending – first stage</b>	0	0
<b>CAMPOBASSO / enrolled</b>	0	0
<b>CAMPOBASSO / concluded</b>	0	0
<b>CAMPOBASSO / pending</b>	0	0
<b>CATANIA / pending – first stage</b>	0	0
<b>CATANIA / enrolled</b>	0	0

<b>Municipality</b>	<b>Art. 1bis - 2, Act No. 205/1993</b>	<b>Art. 3, Act No. 654/1977 (CERD Convention)</b>
<b>CATANIA / concluded</b>	0	0
<b>CATANIA / pending</b>	0	0
<b>CATANZARO / pending - first stage</b>	0	0
<b>CATANZARO / enrolled</b>	0	0
<b>CATANZARO / concluded</b>	0	0
<b>CATANZARO / pending</b>	0	0
<b>FLORENCE / pending - first stage</b>	0	8
<b>FLORENCE / enrolled</b>	0	4
<b>FLORENCE / concluded</b>	0	2
<b>FLORENCE / pending</b>	0	10
<b>GENOA / pending - first stage</b>	0	2
<b>GENOA / enrolled</b>	0	2
<b>GENOA / concluded</b>	0	3
<b>GENOA / pending</b>	0	1
<b>L'AQUILA / pending - first stage</b>	0	1

<b>Municipality</b>	<b>Art. 1bis - 2, Act No. 205/1993</b>	<b>Art. 3, Act No. 654/197 (CERD Convention)</b>
<b>L'AQUILA / enrolled</b>	0	0
<b>L'AQUILA / concluded</b>	0	1
<b>L'AQUILA / pending</b>	0	0
<b>LECCE / pending – first stage</b>	0	0
<b>LECCE / enrolled</b>	1	0
<b>LECCE / concluded</b>	1	0
<b>LECCE / pending</b>	0	0
<b>MESSINA / pending – first stage</b>	0	0
<b>MESSINA / enrolled</b>	0	0
<b>MESSINA / concluded</b>	0	0
<b>MESSINA / pending</b>	0	0
<b>MILAN / pending – first stage</b>	0	8
<b>MILAN / enrolled</b>	3	5
<b>MILAN / concluded</b>	2	5
<b>MILAN / pending</b>	1	8
<b>NAPLES / pending – first stage</b>	0	0



Municipality	Art. 1bis - 2, Act No. 205/1993	Art. 3, Act No. 654/197 (CERD Convention)
NAPLES / enrolled	0	1
NAPLES / concluded	0	0
NAPLES / pending	0	1
PALERMO / pending – first stage	0	1
PALERMO / enrolled	0	1
PALERMO / concluded	0	1
PALERMO / pending	0	1
PERUGIA / pending – first stage	0	2
PERUGIA / enrolled	0	0
PERUGIA / concluded	0	2
PERUGIA / pending	0	0
POTENZA / pending – first stage	0	0
POTENZA / enrolled	0	0
POTENZA / concluded	0	0
POTENZA / pending	0	0

<b>Municipality</b>	<b>Art. 1bis - 2, Act No. 205/1993</b>	<b>Art. 3, Act No. 654/197 (CERD Convention)</b>
<b>REGGIO CALABRIA / pending – first stage</b>	0	0
<b>REGGIO CALABRIA / enrolled</b>	0	0
<b>REGGIO CALABRIA / concluded</b>	0	0
<b>REGGIO CALABRIA / pending</b>	0	0
<b>ROME / pending – first stage</b>	2	16
<b>ROME / enrolled</b>	0	10
<b>ROME / concluded</b>	0	10
<b>ROME / pending</b>	2	16
<b>SALERNO / pending – first stage</b>	0	0
<b>SALERNO / enrolled</b>	0	0
<b>SALERNO / concluded</b>	0	0
<b>SALERNO / pending</b>	0	0
<b>TURIN / pending – first stage</b>	0	1
<b>TURIN / enrolled</b>	0	0
<b>TURIN / concluded</b>	0	0
<b>TURIN / pending</b>	0	1

<b>Municipality</b>	<b>Art. 1bis - 2, Act No. 205/1993</b>	<b>Art. 3, Act No. 654/1977 (CERD Convention)</b>
<b>TRENTO / pending – first stage</b>	0	6
<b>TRENTO / enrolled</b>	4	13
<b>TRENTO / concluded</b>	4	12
<b>TRENTO / pending</b>	0	7
<b>TRIESTE / pending – first stage</b>	1	3
<b>TRIESTE / enrolled</b>	2	1
<b>TRIESTE / concluded</b>	1	3
<b>TRIESTE / pending</b>	2	1
<b>VENICE / pending – first stage</b>	5	10
<b>VENICE / enrolled</b>	2	10
<b>VENICE / concluded</b>	3	10
<b>VENICE / pending</b>	4	10
<b>Pending – first stage – National data</b>	12	68
<b>Enrolled – National data</b>	17	53
<b>Concluded – National data</b>	15	52

Municipality	Art. 1bis - 2, Act No. 205/1993	Art. 3, Act No. 654/197 (CERD Convention)
Pending – National data	14	69