

ANNEXE : POINT DE VUE DU GOUVERNEMENT

L'annexe qui suit ne fait pas partie de l'analyse et des propositions de l'ECRI concernant la situation en Italie.

Conformément à sa procédure de monitoring par pays, l'ECRI a ouvert un dialogue confidentiel avec les autorités de l'Italie sur une première version du rapport. Un certain nombre des remarques des autorités ont été prises en compte et ont été intégrées à la version finale du rapport (qui, sauf indication contraire expresse, ne tient compte que de développements jusqu'au 10 décembre 2015, date de l'examen de la première version).

Les autorités ont demandé à ce que le point de vue suivant soit reproduit en annexe du rapport de l'ECRI.

FINDINGS AND RECOMMENDATIONS

I. Common themes

1. Legislation against racism¹ and racial discrimination²

- General legal framework
- Criminal law

8. ECRI recommends that, in keeping with its General Policy Recommendation No. 7, the authorities make sure that colour, language and nationality are expressly included in the grounds of racist behaviour and racial discrimination punishable under the Criminal Code and that the public dissemination or public distribution, or the production or storage aimed at public dissemination or public distribution, with a racist aim, of written, pictorial or other material inciting to racial discrimination and racial violence are treated as criminal offences.

Racist behavior and, more generally, racial discrimination attitudes are expressly included in domestic legislation in force and/or have been mentioned by national courts providing for aggravating circumstances to punish such conducts, including the utilization of all available means to disseminate or distribute materials for purposes of discrimination or racial hatred.

According to Act No. 482/99, art. 18 bis, racist or discriminatory use of the language against national minorities must be properly prevented and punished. As stated by the Court of Cassation (case n. 11590, 28 January 2010), clearly perceived attitudes based on countering and discriminatory feelings on the grounds of race, ethnic origin, colour or inequality must be considered as an aggravating circumstance and thus adequately prosecuted.

14. ECRI recommends that the Italian authorities introduce provisions into the Criminal Code penalising public insults and defamation or threats against a person or group of people on the grounds of their race, colour, language, religion, nationality, or national or ethnic origin, in keeping with its General Policy Recommendation No. 7, paragraph 18, b and c.

Assumed that in compliance with Legislative Decree No. 7 of 1st January 2016 the public insult has been repealed, offences such as defamation and menace - to be considered as conducts intentionally based on discriminatory grounds or ethnic, national, racial or religious hate - could amount to an aggravating circumstance so far avoiding an half increased basic sanction, the nullification of applicable mitigating circumstances, and ensuring in all cases *ex officio* prosecution.

- Civil and administrative law

22. ECRI reiterates its recommendations to the authorities a) to introduce legal provisions prohibiting discrimination based not only on grounds such as “race”, religion and ethnic origin but also language, colour and nationality, and b) to ensure that all organisations active in the field of combating racism and racial discrimination are able to take legal action on behalf of alleged victims of these phenomena or in cases of collective discrimination.

With regard to the National Office against Racial Discrimination (acronym in Italian, UNAR), it provides relevant advice and legal support for those NGOs with *locus standi* and admitted to its Register (comprising about 400 NGOs), even though it is not authorized to take legal action. Since 2010 UNAR systematically issues opinions to victims and associations with a legitimate interest. In brief, the assistance provided by UNAR focuses on the following activities: it informs victims of remedies that may be sought and encourages them to take action, also through the associations authorized to act on their behalf; it helps victims and the relevant associations by formulating opinions; it monitors all those judicial proceedings initiated by a report/complaint lodged with UNAR Contact Centre. In this context, the Department for Equal Opportunities (DEO - where UNAR is located) set up in November 2014 an ad hoc Solidarity Fund to support victims of discrimination by advancing legal expenses relating to relevant judicial proceedings. In the first two years by this Fund UNAR has supported 15 strategic litigation-cases.

- National Specialised Bodies

29. ECRI reiterates its recommendation to the Italian authorities to ensure that UNAR's full independence is secured both in law and in fact; to extend 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; and to grant it the right to take legal action. It is also important that any plan to merge UNAR into an independent authority with a broader remit should guarantee the full implementation of the above recommendations and provide it with all the necessary human and financial resources it needs to fulfil its mission.

Within the DEO the mandate of UNAR has been expanded over the years, in particular following Ministerial Directives dated 2012-2013.

Since 2013, it is responsible for the protection against all forms of discrimination, be it on the ground of race, ethnic origin, religion or belief, age, be it on the ground of sexual orientation or gender identity. It is specifically engaged in: combating racism; promoting the integration of Roma, Sinti and Caminanti and the most vulnerable groups (such as the elderly and the persons with disabilities); and fighting all forms of discrimination, including homophobia and transphobia, with particular attention to multiple and intersecting forms of discrimination in both the private and public sectors, meaning consideration for, and action in fields such as labor, health-care, education, access to goods and services, and social protection.

With specific regard to UNAR Contact Centre, in the course of the year 2015, 411 cases were submitted, of which about 78 % referred to hate speech online/Mass Media, UNAR carrying on its work with various stakeholders, including *Carta di Roma*. Its Contact Centre keeps promoting seminars to raise awareness, especially among local Authorities. Within this framework UNAR decided to organize an in-house training with the support of Facebook experts in July 2015. More generally, UNAR Contact Centre decided in the course of 2015 to reorganize its working modalities with a view to streamlining its workings while enhancing its capacities, including by Roma experts to be devoted to the immediate analysis of in-bound phone calls. Due to increasing complaints relating to cases of hate speech, especially online, the UNAR's Media and Social Network Observatory on hate speech has been recently set up. This Observatory, to be financed with ordinary funds from UNAR, officially started in January 2016 with a two-fold aim: first to find hate speech online and report it for removal; secondly to analyze, to learn and understand. The Observatory is supplied with a software which works on the basis of a set of search keywords, selected by the Office and based on data from scientific literature and from the practical experience of the Office's work against discriminations. Thousands of contents are analyzed day-by-day: a substantial part of the contents is catalogued and included in thematic reports (hate speech and politics, hate speech and Roma people, migrants, etc.) and another part, *which numerically represents a lesser proportion but, equally*, considered of a strongly discriminatory nature is reported to social networks for removal or to law enforcement for investigation and prosecution. In 2015 only UNAR reported IT companies some 1700 on-line contents.

In terms of overall activities, concrete steps have been taken to ensure that the protection against discrimination is effective and properly enforced. In this regard, mention has to be made of the following: capacity-building; monitoring; "National week against racism" (taking place every year in March), organised by UNAR over the years with an increasing number of relevant stakeholders; "National week against violence" (held every year in October) run by DEO, especially within the national school system. Moreover, in addition to its website, by publishing opinions and recommendations, UNAR spreads information and raises awareness of the anti-discrimination legislation and the rulings of national and supra-national courts in order to ensure victims' protection and data-collection exercises, supporting relevant institutions and promoting human rights education for law enforcement, also jointly with Observatory for the Security against Discriminatory Acts (acronym in Italian, OSCAD). As for the latter, UNAR has signed an MoU with OSCAD, according to which it transmits substantiated reports on hate-related crimes. Additionally, worthy of mention are free civil mediation service and the collaboration with the National Bar Council.

Furthermore UNAR is the National Contact Point for the National Strategy on Roma Integration,

in accordance with EC Commission's Communication No. 173/2011. It also adopted the First National Strategy on LGBT people's rights 2013 - 2015, and the National Action Plan against Racism, Xenophobia and Related Intolerance as adopted by Ministerial Decree on August 7, 2015. In all the above national strategies the approach is integrated, participatory and inclusive so as to mainly involve relevant CSOs, regional and local Authorities, mainly through the National Association of Italian Municipalities (acronym in Italian, ANCI) and the State-Region Conference. Within this framework, on July 30, 2014 UNAR has resumed the National Working Group on Religions to promote mutual respect.

At the organizational level, both the contracts of UNAR experts and its DG came to an end in late June and late September 2015 respectively. In early 2016, the new UNAR DG has been appointed and the re-organization of the Office is ongoing.

2. Hate speech

- Data (paras. 30-32)

With specific regard to data collection performed by UNAR Contact Centre, in the course of 2015 its working modalities have been reorganized with a view to streamlining its workings while enhancing its capacities, including by front-office experts to be devoted to the immediate analysis of in-bound phone calls. As mentioned, UNAR has been enhancing its tools through an integrated action in support of victims - also through an MoU with OSCAD, to which it keeps transmitting those complaints and reports concerning hate-related crimes which result to be substantiated. As above reported, UNAR's Media and Social Network Observatory on Hate Speech has been launched last January - due to increasing complaints relating to cases of hate speech, especially online. Therefore, in the near future, UNAR will be in a position to share data and information along the above double-track approach: in-bound phone calls and messages to its Contact Centre; and through its new Observatory that monitors all media, including new social media - and thus works as an "Early warning mechanism".

Meanwhile the SDI criminal police data collection activity (i.e. the "official" Italian Police agencies criminal data collection) has been carried out with reference to both art. 3 of Reale Act (Law No. 654/1975, regarding, amongst other things, hate speech, namely the propaganda of ideas based on superiority or racial hate and the incitement to racist discrimination or racist violence) and the aggravating circumstance included in art. 3 of Mancino Act (Law No. 205/1993, see above the counter-deduction to Rec. 14)). Moreover OSCAD, in its monitoring activity, includes also other kinds of criminal offences such as discriminatory conducts on the grounds of sexual orientation and gender identity.

34. ECRI recommends that the authorities set in place, without delay, a method of collecting data on incidents related to hate speech, broken down into the different categories of racist motivation and of victims, and that they regularly publish the results, with information on the number of prosecutions, the reasons for not prosecuting and the outcome of the legal proceedings concerned.

Following specific agreements, an MoU between UNAR and the Ministry of Justice has been envisaged to launch - from 2016 onwards - a database on hate crimes, in line with the National Action Plan Against Racism, Xenophobia and Intolerance. Moreover UNAR is an institutional partner of the P.R.I.S.M. project (Preventing, Redressing, & Inhibiting Hate Speech in new Media), as financed by the EU Programme on Fundamental Rights & Citizenship. This Project is the result of the need of a (online) survey on discrimination phenomena online, including the analysis of the up-to-date European legislation and the comparison of relevant good/best practices. Within this framework UNAR has identified the need to inform and train all the NGOs active in the field of non-discrimination. From its Registry UNAR counts about 400 relevant associations. Among them, a very few number is actively engaged in on-line discrimination. In order to render more efficient the monitoring and this fight, another MoU is about to be signed with the Ministry of Justice, NGOs and, possibly IT Companies envisaging a collaboration to support the associations engaged in the fight of discrimination at national level.

- Racism in political discourse (paras. 35-36)

Since 2010 UNAR has been issuing systematically opinions also on this matter. In addition to its website, by publishing opinions and recommendations, UNAR spreads information and raises awareness of the anti-discrimination legislation and the rulings of national and supra-national courts. Furthermore, UNAR keeps working with various stakeholders, including *Carta di Roma*, and its Contact Centre keeps promoting seminars to raise awareness especially among local Authorities.

As for specific cases of hate speech in the political discourse, the above mentioned Solidarity Fund has financed and supported specific relevant cases.

- Racism in the media and on the Internet

44. ECRI recommends that Italy complete, as soon as possible, the legislative process for the ratification of the additional Protocol to the Convention on Cybercrime concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.

The Internet is increasingly used to disseminate offensive or intimidating racist remarks (reports of this type posted on the Internet account for over 80% of all alerts concerning the media). In this regard, it is worthy of mention that the Council of Ministers adopted in March 2015 a specific Bill No. 3084, aimed to ratify the additional Protocol to the Convention on Cybercrime concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems: this is currently before the Chamber of Deputies for consideration.

As above reported, within this framework, UNAR has set up its specific Media and Social Network Observatory on Hate Speech.

In 2014 only UNAR recorded 270 cases of hate speech online. In 2015 there was a significant increase: in the first ten months 715 cases have been registered.

48. ECRI recommends that the authorities do more to raise awareness among young people of tolerance and mutual respect and alert them to the dangers of using the Internet to spread hate speech and offensive content. In particular, be it in the framework of the Action Plan against racism, xenophobia and intolerance or of the teaching provided for in Section 1.7 h) of Act No. 107/15 on “good schooling”, they should make sure that all young people receive the information and support they need in order to make responsible use of the social networks.

As the Office in charge of dealing with discrimination, UNAR is aware that the various forms of discrimination cannot be treated in the same way: a person who has been laid off for his ethnic origin is one thing, a person insulted in a comment on Facebook for the same reason is quite another - and is not merely a legal question. The problem arises with regard to the size: if we can offer varying degrees of support to victims of wrongful dismissal, what to do with some hundreds or thousands of discriminatory on-line comments? Analyzing the phenomenon is the first essential step to be taken and an awareness-raising campaign is the following objective to counter hate speech. There is a lot of work to be done in between. For this reason important relationships have been established with relevant social network and IT companies. In this regard UNAR organized two relevant meetings: the former with Twitter representatives, in June 2015, in Rome, aiming at setting-up the removal procedure and at finalizing future cooperation; the latter with Facebook representatives, in July 2015, always in Rome on how to counter hate speech online, also involving representatives of the relevant Italian NGOs working in this field.

- Racism in sport (paras. 49-52)

52. ECRI proposes continuing to combine these repressive measures with initiatives promoting the sporting spirit and tolerance, together with educational and social projects in this field. It draws the attention of the authorities to its GPR No. 12 on Combating racism and racial discrimination in the field of sport, which proposes a series of measures. It would also be a good idea, in the context of the new Action Plan against racism, to provide for the building of a database of good practices used in the fight against racism and racial discrimination in sport.

Since long time UNAR has been focusing on this issue and is committed to contributing to its eradication. In this regard mention has to be made of the above-mentioned Plan of Action against Racism, by which a specific section and a number of actions are devoted to the sport sector.

On January 14, 2016 Law No. 12/2016 was approved, operative as from February 16, 2016, concerning the social integration of foreign children residing in Italy through their admission in sport societies. Foreign children under eighteen, who are legally resident in the Italian territory since they are at least 10 years old, are allowed to join sport societies on a similar basis as Italians. Previously the statutes of several national federations allowed only Italians to take part in sportive activities at competitive level.

Along these lines, as it concerns initiatives promoting the sporting spirit and tolerance through educational and social projects, it is important to remember that in 2016, for the third year, the Italian National Olympic Committee and the Ministry of Labour and Social Policy signed an agreement aimed at promoting integration through sport educational campaign that is intended both to schools and the sporting world. As part of this agreement it is also provided the mapping of projects promoted by sports bodies that may represent the best practices on the topic as well as a research realized in collaboration with Ministry of Education inside the schools to understand the perception of the students aged 11-13 years on these issues.

3. Racist and homophobic/transphobic violence

- Data

55. ECRI welcomes this desire to give a more detailed statistical picture than in previous years. However, it notes that, as already mentioned in paragraph 30, the data concerned include other offences related to hate speech and do not give any information on the action taken by the justice system. As it did in connection with hate speech, ECRI once again emphasises the need to improve the system for collecting data on criminal offences linked to racist and homophobic/transphobic violence in order to produce clearer, more detailed statistics.

Since 2014, OSCAD has collected data on criminal offences related to discriminatory conducts, in order to draft the OSCE/ODIHR section of the annual report concerning the Italian situation.

The issue of the different methodologies to collect data should be also considered in light of the different modalities by which information is collected. To promote a more uniform language, it is of relevance the increasing number of UNAR initiatives, alone and jointly, to raise awareness of human rights and non-discrimination and, more generally, about HRE and Training. Moreover, as above mentioned, as a way of example, mention should be made of the fight against hate speech online as well as to the mandate of the recently established UNAR's Media and Social Network Observatory on hate speech.

- Response of the authorities (paras. 58 and 60)

According to administrative rules in force Police Forces are committed to inform OSCAD about discriminatory offences.

Since the OSCAD institution, training has been selected as a priority, in the belief that a deeper knowledge of the complex, multi-faceted world of discrimination is an indispensable prerequisite to raise awareness among law enforcement staff of the need to improve their effort to preventing and combating all kinds of discrimination and, in particular, hate crimes.

As far as OSCAD police training, it must be underlined that all pre-service activities involving several scholars ranks are compulsory since 2013. In the meanwhile the Office is improving and increasing quantitatively and qualitatively all the in-service training as well as e-learning training. As for the latter two activities should be mentioned: for 7.600 Police officers the elaboration of an ad hoc training concerning the role and functions of the Office, domestic legislation in force concerning discriminatory offences, relationships with victims, ethnic-racial profiling; within the training project addressed to all police forces (SISFOR), the elaboration of

an ad hoc training concerning hate crimes, domestic legislation in force, relationships with vulnerable victims, operational activities, role of the Office.

Following the first pilot seminars on combating discrimination held in 2012 with the collaboration of UNAR experts, remarkable progress have been made. In 2013, OSCAD organized half a day seminars on antidiscrimination at National Police Academies (2.800 cadets). In each Academy OSCAD and UNAR experts presented their topics (OSCAD/UNAR organization and activities; theoretical definition and practical examples of stereotypes, bias and discrimination, legislation relevant to anti-discrimination issues...) to all the cadets gathered in plenary sessions (200/400 units).

In April 2014, within the “National LGBT Strategy” (adopted by Italy for the implementation of the Recommendation CM/Rec(2010)5 of the Committee of Ministers to Member States on measures to combat discrimination on grounds of sexual orientation or gender identity) in collaboration with UNAR and the LGBT service of the Turin municipality, OSCAD organized two seminars (training of trainers) on prevention/fighting of LGBT discriminations and hate crimes for about 60 National Police and Carabinieri senior officers (chosen from Academies and operational units from different Italian regions). The same offer was carried out in Bologna and in the Municipality of Rome (February 2015 - 40 officers trained).

In the same framework, OSCAD has already planned to organize, within the end of this year, 10 half a day courses, at regional level. 8 courses have already been realized (2 in Milan, 4 in Naples and 2 in Palermo), other 2 courses still remain to be organized in Rome: 300 officers will be trained overall.

In particular cooperation was improved on this matter with Amnesty International-Italy and “Rete Lenford” (a lawyers’ association highly specialized on LGBT people rights) have also been directly involved. For the very first time, in order to improve the effectiveness of the training and the interaction between trainers and participants, cadets (1,850 units) have been divided into small classes (30/50 units), in accordance with the most effective training strategies.

Seminars have been structured in 6 periods, focused on specific topics explained by trainers with a wide expertise on the matter, in particular:

- OSCAD: organisation and responsibilities; hate crimes, definition and impact; legal instruments against hate crimes;
- OSCAD: ethnic profiling in police activities;
- UNAR: diversity in Italian population; stereotypes, bias and discrimination definition and impact; racial/ethnic profiling;
- AMNESTY INTERNATIONAL: Human Rights, a legal/historical overview and practical experiences at national and international level;
- RETE LENFORD: LGBTI lexicon; LGBTI legislation (at international and national level); discrimination based on sexual orientation and gender identity;
- NATIONAL POLICE INVESTIGATORS SPECIALIZED IN DEALING WITH VULNERABLE VICTIMS: best practices and analysis of practical cases.

OSCAD has been following this model even in 2015, training about 1,800 police officers at all the National Police Academies.

In October 2015, OSCAD Secretariat, as a partner of the European project P.R.I.S.M. (Preventing Redressing and Inhibiting Hate Speech in new media) in cooperation with UNICRI (United Nation Interregional Crime and Justice Research) organized a three-days training workshop for Law Enforcement Agencies finalized to increase Police awareness on preventing and combating discrimination and in particular hate crimes and hate speeches. The seminar was also attended by legal professionals and NGO’s representatives. The course, addressed to 20 police officers, covered a wide range of topics: including an overview of the concepts of racism and anti-discrimination, the legal frameworks for combating hate speech and hate crime at the

international, EU and Italian levels, and information on how to investigate and report these issues, with a focus given to victims' assistance.

The same approach is at the core of the "Experience Crime" project to develop and organized ad hoc workshops involving 40 police officers in Rome and Florence Municipalities.

In May 2013, OSCAD and OSCE's ODIHR (Office for Democratic Institutions and Human Rights), on the basis of the mutual conviction that hate crimes constitute a serious violation of human rights and a threat to the rule of law and democratic stability, signed a Memorandum of Understanding regarding the implementation of the TAHCLE (Training Against Hate Crimes for Law Enforcement) programme.

TAHCLE is a training of trainers programme designed to improve Police skills in:

- understanding, recognizing and investigating hate crimes;
- preventing and responding to hate crimes interacting effectively with the victims communities;
- enhancing public confidence and cooperation.

In February 2014, OSCAD and ODIHR started the TAHCLE programme cooperation realizing two half a day courses for 100 National Police and 60 Carabinieri senior officers cadets, respectively.

In July 2014, OSCAD and ODIHR realized a three-day course for 30 senior officers (15 from National Police and 15 from Carabinieri) that will train their colleagues on preventing and combating hate crimes.

In December 2014 OSCAD realized, in collaboration with the "Inter-governmental Cooperation, Anti-Gypsyism and Roma Equality Unit" of the Council of Europe, and with UNAR and Amnesty International, a training course (training of trainers) for 100 National Police senior officers specifically focused on Roma, Sinti and Travellers issues.

In September 2015 OSCAD organized, in cooperation with the Council of Europe, an international brainstorming meeting on antidiscrimination with a specific focus on Roma and Sinti issues that gathered experts from 17 different countries, and, of course, from the Italian National Police agencies and Carabinieri Corps.

OSCAD is member of FRA "*Working Party On Improving Reporting And Recording Of Hate Crime*" that was established by FRA, in November 2014, in response of the Council "Conclusions on Combating Hate Crime in the European Union" which had invited Member States to take appropriate measures to encourage the reporting of Hate Crimes by victims and witnesses. In that context, members identified three areas in which Member States need more support and inputs to combat effectively Hate Crimes:

- encouraging victims to report and improving recording of hate crime;
- enhancing multi-agency partnership;
- training for law enforcement and criminal justice personnel.

OSCAD is co-leader of the sub-group concerning training.

The final result of the working party will be a publication of a compendium of best practices.

4. Integration policies

- Integration of Romapolicies

Data and recent developments in legislation, case-law and Evaluation of the situation

86. ECRI recommends completing the collection of statistical data in all areas relating to Roma integration in order to be able to establish an order of priority for the implementation of the National Roma Integration Strategy; setting quantifiable objectives in every field of intervention of the Strategy; completing the setting up of regional working groups; allocating special funding to the Strategy; and providing UNAR with the resources it needs to be able to coordinate, monitor and evaluate the Strategy.

With care to comply with EC Communication No. 173/2011 et ff., as well as with the December 2013 EU Council Recommendation on “Effective Roma integration measures in the Member States” (and the other recommendations issued over the past years at the international level), UNAR launched in the course of the year 2015 an assessment exercise aimed to streamline the measures envisaged by the National Roma Inclusion Strategy. The year 2015 has been thus marked by this exercise, in parallel with the transition from the European Funds Planning 2007-2013 to the new European Funds Planning 2014-2020. Within this framework, UNAR as the National Roma Contact Point (acronym hereinafter, NRCP) has initiated a revision exercise of the National Roma Inclusion Strategy (acronym hereinafter, NRIS), to make it up-to-date, more result-oriented and in line with the new EU Funds Planning. Following the Italian semester of Presidency of the Council of the EU-2014 (and in view of the new EU Funds Planning 2014-2020), in 2015 UNAR as the NRCP decided to work mainly on two work-streams: 1. The new EU Funds Planning, 2014-2020, under which Ob.9.5 is specifically devoted to Roma - since the year 2015 marked the completion of many projects undertaken at all levels of the domestic system under the previous EU Funds Planning, 2007-2013; 2. The re-designing and update of projects, actions and measures falling within the NRIS 2012-2020, in order to be more result-oriented.

More specifically UNAR-NRCP has strived for the allocation of resources from within the new EU Funds Planning 2014 - 2020. Within this framework UNAR-NRCP will manage relevant resources for some 15 million Euros, and actions will be inspired by the principles underpinning our NRIS (non discrimination, a gender perspective, and the HR-based approach). Against this background, it should be borne in mind that many projects falling within the previous EU Funds Planning 2007 - 2013, came to an end in 2015. Considering the ESIF legal framework, this leaves room for the following: urban development, and targeted and integrated social inclusion actions on housing, employment, health, education.

At the beginning of 2016 UNAR has launched rounds of consultation with key stakeholders at the central level to effectively re-launch the NRIS, including the Ministries of Health, Education, Infrastructures and Interior. The main goal is to start specific collaborations with key stakeholders on the issue of the settlements and those pathways aimed at overcoming this situation. UNAR is also assessing and monitoring the pathways put forward by local authorities, to be developed through European and local Funding, in line with the NRIS. UNAR has kept working with Managing Authorities relating to National Operational Plans (“Inclusion/Metro” Programs) as well as with some Regions, in order to develop coherent and synergic measures. To this end, a technical meeting has been envisaged to launch the inter-institutional WG on Housing, involving the above mentioned key central administrations and the most concerned Municipalities, especially: (i) the largest urban Municipalities, such as Rome, Milan and Turin - also within the framework, and in light of, relevant local plans; and (ii) those other Municipalities that have recently planned specific projects, including measures for ordinary housing inclusion programs (i.e. Cagliari, Alghero), as well as Bologna (that has already a specific local Plan); ANCI, that will also present the final results of its survey on settlements.

In terms of allocating European Structural and Investment Funds (ESIF) for Roma inclusion in the 2014-2020 period, the Italian Partnership Agreement for the new programming period ESIF 2014-2020 includes a the already mentioned Objective No. 9.5) devoted to the National Strategy,

including the various thematic priorities/objectives, to be achieved across the country.

The budget for the period 2014-2020 amounts to approx. 165 M. Euros. The (multi-Fund) specific Objective of the Italian Partnership Agreement (9.5) will be implemented through various OPs: multi-funds (National OP Metro; Regional OP Calabria); and mono-funds (National OP Social Inclusion ESF, Regional OP Tuscany ERDF; Regional OP Campania ESF), as well as other regional OPs with a non-exclusive approach. So far, as for the Operational Programs relating to “socio-economic inclusion of marginalized communities such as Roma”, mention can be made of the following: National OP "Metropolitan Cities" (ESF, ERDF); Regional OP Tuscany; Regional OP Sicily; Regional OP Campania; Regional OP Calabria.

As for datacollection, by recalling the limits set forth by legislation on privacy and data protection - by which the collection of disaggregated data on ethnic or religious ground cannot be carried out, several pilot-projects have been implemented, in line with the FRA Working Party on Roma Indicators, in which UNAR has participated and extensively contributed (in this regard, please note that Italy through UNAR as the NRCP filled out the new relevant template prepared by the European Commission, besides transmitting to the latter its traditional annual narrative report on the state of play with regard to the NRIS).

More specifically (and as earlier reported) a housing-related mapping exercise carried out by ANCI, with UNAR's support, came to an end in late 2015; also the additional work-stream of that specific pilot-project, which has been carried out by the National Office of Statistics (acronym in Italian, ISTAT) came to an end. Both have been discussed with, among others, FRA in Vienna, the V Meeting of the NRCPs held in Rome, and during the Italian Presidency of the EU (November 2014). From the above mapping exercise, aimed at Municipalities with over 15,000 inhabitants, it has emerged as follows: 738 Municipalities (59% of the Italian population) out of approx. 8,000 Italian Municipalities participated in this exercise. 606 Municipalities specifically replied to the questionnaire submitted by ANCI. 206 Municipalities confirmed the presence of Roma, Sinti and Caminanti on their territories and do implement specific measures, as follows: 55% of the Municipalities concerned finances and/or manages targeted school-related measures for Roma and Sinti people living in settlements; 30% confirmed the supply of other school-related services, such as school buses for Roma children; 62% confirmed specific social services for Roma in settlements; 26% confirmed the establishment of specific socio-health desks within relevant settlements; 12% launched literacy courses for adults; 19% has activated vocational trainings for vulnerable groups, including Roma, with the aim of facilitating their job access; and 26% has launched socio-economic inclusion pathways. In its capacity, ANCI is re-doubling its efforts to match the instances of local authorities and central Administration (Ministry of Interior) with the aim to help overcome Roma settlements. In terms of monitoring, evaluation and increasing participation, in the course of 2015, UNAR has been working on a specific website focused on the NRIS, to become an online platform for all relevant stakeholders. Likewise, it is about to launch a specific national Roma Platform, including key stakeholders, in addition to its original governance structure, by which to increase representativeness, as well as the number of regional WGs and local Plans of social inclusion.

Within this framework, UNAR held result-oriented meetings with the following Regional and Local Authorities: Piedmont, Liguria, Tuscany, Emilia Romagna, Sardinia, Latium, Campania, Apulia, Veneto, Sicily, Genoa, Milan, Rovigo, Bologna, Turin, Bari, Palermo, Catania, Rome and Naples. In 2015 Emilia-Romagna Region adopted Act No.11/2015 (passed on July 16, 2015) on Roma inclusion in line with the NRIS.

Needless to say, in parallel with the above activities - considering UNAR's institutional mission - the Office has kept moving forward and/or enhancing previous relevant actions. Thus, as a way of example UNAR has strengthened its Contact Centre. It keeps promoting, *inter alia*, awareness-raising, dissemination, and training activities, aimed at ensuring the effective integration of these Communities by supporting several initiatives, such as Council of Europe's campaigns, twinning and transnational cooperation, as well as initiatives linked to Shoah/Porrajmos, the International Roma Day, the week against violence, the week against racism, CAHROM, FRA, EuRoma, and so forth.

88. ECRI strongly recommends that the authorities enact a new law or reform the law on access to citizenship (see also paragraph 70) so that no children born in Italy are stateless.

From a normative standpoint, with regard to better defining the legal status of, among others, Roma, Sinti and Caminanti (hereinafter, RSC) Communities, by Act No. 162/2015 Italy ratified on September 29, 2015, the 1961 UN Convention on the Reduction of Statelessness.

Plus, upon proposal by the then Minister on Integration, Hon. Kyenge, a specific provision has been introduced in the domestic system, which is of relevance, mainly for *de facto* children and youngsters in Italy. In particular Law Decree No. 69/2013, converted into Act No. 98/2013, aimed at simplifying citizenship acquisition for those who have come of age and cannot prove their constant stay in the Italian territory for the past 18 years, due to administrative deficiencies not directly caused by them but by their parents' negligence and/or birth register personnel. In 2013, a +54% of the applications has been granted (101,712), submitted mainly in Northern Italy (72.2%), if compared with Southern Italy and the islands (34.2% and 27.2%, respectively).

In October 2015 the citizenship reform was approved by the Chamber of Deputies. According to the bill, two additional groups of foreigners will be entitled to acquire Italian citizenship: 1) children born in Italy of parents who have a long-term EU residence permit; 2) foreign-born children who arrived in Italy before their twelfth birthday and who have completed at least five years of schooling in Italy. On April 2016, the bill is under discussion by the Senate.

- Integration of the Muslim community

91. In this context ECRI draws attention to its GPR No. 5 on combating the intolerance and discrimination against Muslims, recommending that particular attention be directed towards removing unnecessary legal or administrative obstacles to both the construction of sufficient numbers of appropriate places of worship for the practice of Islam and to its funeral rites.

Please refer to information above provided under the National Action Plan against Racism and the resumption of the National WG on Religions.

II. Themes specific to Italy

1. Recommendations of the 4th cycle subject to interim follow-up

- Take steps to enhance the role and independence of UNAR (Ufficio Nazionale Antidiscriminazioni Razziali)

92. ECRI has already examined in paragraphs 24 and ff. the action taken on the recommendation concerning UNAR it made to the authorities in its 4th report.

- Ensure that all Roma who may be evicted from their homes enjoy the full protection of the guarantees of international law in such matters

In 2013 UNAR issued in Italian the UN Guidelines on Forced Evictions, which were sent out to all local administrations. In addition to that, mention has to be made of the recently concluded pilot-project with ANCI, aimed at mapping the various housing solutions, as an essential first step towards a set of policy measures and eventually a sectoral Action Plan, aimed at definitively overcoming the phenomenon of settlements. Within this framework, as above reported, on April 8, 2016, UNAR convened the first meeting of the Inter-institutional Working Group on Housing, including key Municipalities (starting with, Rome, Naples and Milan), ANCI and the Ministries concerned, including the Ministry of Interior, the Ministry for Infrastructures, the Ministry of Health, the Ministry of Education. This meeting falls within the new course of the NRIS, in light of the EU Funds Planning 2014 - 2020, and given the use of racism in public discourse which keeps focusing on Roma (this evaluation was also at the basis of the above-mentioned Observatory that will cover in the next months the local administrative elections), besides resulting from the specific data from UNAR Contact Center on forced evictions.

UNAR is working on a document of analysis/guidelines-like on settlements, evictions and relocation, to be updated in line with the current situation, and with the further aim of elaborating effective strategies, especially to deal with alleged and/or possible cases of discrimination or harassment.

- Take all necessary steps to ensure that the principle of non-refoulement is fully respected and guarantee access to asylum procedures

By Legislative Decree of 18 August 2015 No. 142 Italy transposed the EU 2013/32 and 2013/33 Directives on common procedures for granting and withdrawing international protection and on standards for the reception of applicants for international protection respectively.

Italy has fixed 20 July 2019 by Act No. 154/2014 (art. 7) as the deadline date for the codification in a single law of all the existing provisions on asylum.

The number of Territorial Commissions and Sub-Commissions responsible for deciding on refugee status has risen from 20 to 42 and additional 5 sub-commissions are planned to be set up early this year. On the basis of the plan signed between the State and the Regions in 2014, Italy has reached a more balanced distribution of asylum-seekers throughout the country.

By the end of 2015 153.842 migrants and asylum seekers entered Italy. The occasional hostile attitude towards asylum seekers took place mainly in Northern Italy is to be related to political use of matters such as social fears and security concerns due to migratory pressure; on the contrary, in the Southern regions, despite the large concentration of migrants - especially in 2014, nationals have always disclosed a very sympathetic and supportive attitude towards migrants.

Along these lines, the waiting time required for granting the refugee status has been remarkably reduced: according to data registered by the National Commission for the recognition of the refugee status, in 2014 the average time for the decision amounted to 296,35 days; in 2015 the waiting time amounted to 156,81 days while in 2016 the waiting time is expected to be further reduced to 150 (maximum 180 days), in conformity with the provision contained in EU Directive 2013/32.

In 2015 the Territorial Commission and Sub-Commission's members (at present involving a total amount of 430 trained persons) attended special training courses in order to acquire the required expertise for examining the asylum applications, according to Legislative Decree No. 25/2008 (art. 5) and Presidential Decree No. 21/2015(art. 2§2). The main subjects of the training have been the following ones: (initial training) procedural features of the recognition of the international protection; (specialization on line and face to face training) EASO modules on inclusion, Country of origin information, technical interviews.

2. Policies to combat discrimination and intolerance aimed at LGBT people

- Legislation

105. ECRI recommends that the Italian authorities complete the legislative process for the adoption of a law regulating the relationships of same-sex couples as soon as possible.

Last February - also in light of two Verdicts from the Constitutional Court (Decisions No. 138/2010 and No. 170/2014) - the Italian Senate approved the so-called *DDL Cirinnà*, entitled "New Unified Text concerning Bills No. 14, 197, 314, 909, 1211, 1231, 1316, 1360, 1745, and 1763", to envisage and introduce the institute of the civil union partnerships for same sex couples. It has been finally approved on May 11, 2015.

Same-sex civil union partnerships will result in a social formation in line with Art.2 of the Italian Constitution.

The civil unions are entered into before a public official in the presence of two witnesses and are recorded in the state civil registry. The partners can decide to take on each other's surname or a combination of the two, in whichever order, for the duration of the civil union. Within the

civil union the partners have a duty to live together under the same roof, and to give each other material and moral support (i.e. assistance in hospital or in prison, organ donation). All property and assets in a civil union are held in common, unless the partners decide otherwise, included the inheritance rules, i.e. the surviving partner gets 50% of the couple's asset and the remainder goes to children (also rules concerning leasing and alimony are granted). The Law does not provide for child adoption.

Italy has adhered to the relevant CoE Programme in accordance with Recommendation CM/Rec(2010)5. In light of this, the relevant National Action Plan has been elaborated and implemented by UNAR, whose participation in the above Programme will continue in the coming years along that path.

The recent legislation on “Good schooling”, adopted in September 2015, provides for the promotion of gender equality and the prevention of gender violence and all forms of discrimination in schools at every level. Programs for pupils, parents and teachers will focus on the prevention of violence and discrimination against women. At the same time great attention has been paid to the fight against bullying and cyber-bullying on all grounds, through various initiatives including the campaign, entitled “*SvitailBullo*” and, more often, during the annual national weeks against Racism and Violence respectively.

- Education and awareness

118. ECRI recommends that the authorities implement in schools at every level, be it in the framework of the implementation of Act No. 107/15 “on good schooling” or in the context of the continuing National LGBT Strategy, measures to promote mutual tolerance and respect at school, regardless of sexual orientation or gender identity. In particular these measures should provide all pupils and students with the information, the protection and the support they need in order to be able to live in harmony with their sexual orientation and their gender identity.

According to Art. 1§16 of Act No. 107/2015 on “good schooling” the implementation of principles of equal opportunities is provided for by means of promoting, within the school system, education on gender equality, gender violence prevention and countering discrimination. To this scope an ad hoc Technical Working group has been established at the Ministry of Education tasked with the drafting of ad hoc the Guidelines addressed to all the schools to give orientations on activities and initiatives to sensitize pupils and students on the above mentioned topics.

Furthermore the Ministry has launched a web portal on equal opportunities at school (<http://www.noisiamopari.it>), collecting experiences and good practices, with the support of experts and concerned associations. The web portal aims at strengthening the commitments of schools to develop social and personal identity of adolescents approaching to sexual orientation and interpersonal relationships, while countering each form of discrimination and assault against human dignity, homophobia and gender violence.

