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

**COMMENTS OF THE GOVERNMENT OF ITALY
ON THE SECOND OPINION OF THE ADVISORY COMMITTEE ON THE
IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES
IN ITALY**

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**REPORT CONTAINING COMMENTS
ON THE SECOND OPINION ADOPTED
BY THE ADVISORY COMMITTEE OF THE COUNCIL OF EUROPE**

INTRODUCTION

As part of the interaction under way with the Advisory Committee of the Council of Europe, the following Report was drawn up and finally reviewed on 12th July of this year during the session of the Technical Advisory Committee envisaged by Law 482 dated 15th December 1999, in which the President of the National Federal Committee of Minorities in Italy also participates.

The report includes comments and indications on the initiatives undertaken by Italy for the protection of minorities. For the sake of completeness and clarity, comments have been organised according to the items listed in the Opinion itself, starting with item 7, as the previous ones have an introductory nature.

7. The interaction between State Administrations and representatives of national minorities has long been characterised by a constructive approach and by a wealth of projects, to such an extent that the most representative associations have always been consulted at critical points. In particular the **National Federal Committee of Minorities in Italy** has always been asked to provide its contribution in order to assess whether the strategies pursued are the most adequate and effective to achieve a more specific and positive protection and enhancement of linguistic minorities living in Italy.

Hence this Administration will continue its interaction with the most representative Associations of minorities, including by making use of the **“Permanent Conference of Minorities”**, to be set up in the near future, to collect and analyse emerging issues, so that they can be described in the next national Report.

9. The financial implementation of Law No. 482 dated 15th December 1999, entitled “Provisions for the protection of linguistic and historical minorities” is being monitored, thus it will be possible to assess whether the need to introduce adjustments exists.

In the area of education the resources of the so called “school autonomy” are used, whereby school bodies are enabled to carry out experimental initiatives at local level.

10. Following the opinion of the **Council of State** on the activity carried out by the Joint Institutional Committee to put forward the list of municipalities where the protective measures envisaged by Law No. 38 dated 23rd February 2001 on the Slovenian minority are to be applied, the **Government** undertook initiatives aimed at the revision of the deliberation adopted by the above Committee in September 2003. Contacts are under way with the above mentioned Institutional Committee as well as with regional bodies, to reach an agreed upon decision in the short term.

With regard to the possible implementation of above mentioned Law No. 38/2001 in the Municipalities already included in the territorial scope of application of the Law, relevant measures have been adopted with circular letter No. 200/3769/622.8.13 Reg. dated 12th June 2002. The circular letter envisaged the possibility that articles 7 and 8 of Law 38/2001 are implemented in the Municipalities whose demarcation had already been decided in compliance with article 3 of Law 482/99.

11. As far as the issue of Roma, Sinti and Travellers is concerned, the problem is being examined by the **Presidency of the Council of Ministers, Department of Regional Affairs**, that is solely responsible to decide on the preparation of a comprehensive **governmental instrument** that entails provisions for the protection of Roma language and culture.

12. As far as Roma are concerned, the issue of housing, that anyway in Italy also affects other social categories not belonging to minorities, is expected to be solved by means of a legal instrument entailing that Roma become sedentary - a process that is already well under way.

13. The **Ministry of Education** and *Opera Nomadi*- a major organization of Roma, Sinti and Travellers- signed a protocol of understanding to develop initiatives in the sector of education.

14. The Ministry of the Interior forwarded to the **Ministry of Communication** the demarcation of the territories where the minorities envisaged by article 3 of Law 482/99 live, in view of the possibility of setting up a Joint Committee between RAI and the above Ministry of Communication.

The Ministry of Communication reported that the issue of media can be adequately solved as soon as the **Department of the Public Sector** will take up its coordinating role in the identification of the staff to be employed to carry out the relevant activities.

Moreover, the Ministry of Communication added that, in compliance with article 12 of Law No. 482 dated 15th December 1999, the contract of service concluded between the Ministry of Communication and RAI - the Italian Radio and Television Broadcasting Company – and covering the three year period 2003-2005 – adopted by means of President's of the Republic Decree dated 14th February 2003 – envisages provisions aimed at ensuring that programmes are respectful of the rights of linguistic minorities in the areas they live in.

In particular, the above mentioned article 12 reiterates that RAI is bound to offer services for linguistic minorities on behalf of the Presidency of the Council of Ministers on the basis of relevant Conventions and in compliance with Law 103/1975; the same article also lays down that the Franchise Holder RAI must adopt initiatives to enhance local cultures and protect linguistic minorities. Article 12 further envisages the possibility of concluding suitable conventions between the local branches of the Franchise Holder RAI and Regions, Provinces and Municipalities fully or partly funded by the local authorities for programmes or news programmes in the protected languages, in the framework of regional radio and television programme scheduling.

Paragraph 2, letter f) of article 17 of Law No. 112 dated 3rd May 2004, entitled “Provisions in principle concerning the organization of the radio and television system and of the broadcasting company RAI-Radiotelevisione Italiana S.p.A., as well as delegation to the Government to adopt a consolidated text on radio and television” explicitly provides that the general public radio and television broadcasting service ensures the broadcasting of radio and television programmes in

German and Ladin for the autonomous Province of Bolzano, in Ladin for the Province of Trento, in French for the autonomous region of Valle d'Aosta and in Slovenian for Friuli-Venezia Giulia.

Article 16, paragraph 2, letter e) of the above Law provides that the regional legislation must define the specific tasks relating to the public service that RAI is expected to carry out in the hours and in the framework of programme scheduling allocated to the broadcasting of contents at regional level; Letter f) of the above Law envisages the possibility of concluding contracts of service with the public Franchise Holder RAI not only on a national basis, but also on a regional basis.

15. See item 9.

16. As far as the introduction of the **teaching of minority languages and cultures** is concerned, in general terms it is believed that a positive conclusion will also arise from the implementation of Law No. 53, envisaging that a local share of teaching hours are set aside for Regions.

In this case, too, anyway, the **Ministry of Education** will again provide detailed indications to interested schools to support minority languages through the utilization of the optional quota of teaching hours, devoted to the specific planning activity that focuses on minority languages.

With regard to further initiatives adopted for the implementation of Law No. 482/99 for the school year 2005/2006, guidelines have already been issued aimed, among others, at urging the establishment of network of schools, including both schools active in the sector of their own linguistic minority and schools where other linguistic minorities may also be represented.

The aim is improving intercultural integration and at the same time respecting the specific features of individual minority languages and cultures, through the drawing up of suitable didactic-educational projects and the exchange of mutual experiences.

17. The possible creation of an **advisory facility** eventually to be denominated "Permanent Conference of Minorities" is being examined; the aim is institutionalising the dialogue with minority communities.

18. The territorial demarcation carried out by Provincial administrations in compliance with article 3 of Law 482/99 is neither rigid nor final in time. Actually, there exist many provincial deliberations that complete the first territorial demarcation, upon request of the relevant municipalities. It is worth stressing that one of the characters of the above protective law is inviting linguistic promotion according to a "bottom-up" approach.

19. See item 10.

20. The legal protection appropriate to the Roma minority is being examined at present and one of its aims is avoiding the discrimination that occurs within the community itself; in any case, such protection cannot clash with the Italian legislation on immigration in order not to privilege that group to the detriment of other immigrants coming from third countries.

37. 43. 46 Legislative decree No. 99 dated 23rd May 2005 was recently published in the Official Journal; the decree modifies the implementation provision of the special Statute of the

Region Trentino Alto Adige, envisaged by presidential decree No. 752 dated 26th July 1976, in the part concerning the **linguistic census in the province of Bolzano** (article 18 and following articles). The main modification provides that the individual declaration of affiliation to a linguistic group can be made by a citizen residing in the Province of Bolzano when he/she deems it necessary and not in connection with the general census of the population.

The new system further envisages the possibility of modifying or repealing the declaration itself as well as better guarantees with regard to the confidentiality of data.

44. The **monitoring** at national level (year 2001 projects) is being implemented – it analyzes the developments of protective projects of the year 2001. It was promoted by the **Presidency of the Council of Ministers – Department of Regional Affairs**, following various protective projects adopted in compliance with Law 482/99.

45. The feasibility study on the methodology for the monitoring of Roma, Sinti and Travellers is under way.

51. 52. 53. In order to implement Community Directive No. 2000/43/EC, whose article 24 provides that appropriate protective bodies against racial and ethnic discrimination are set up in each Member State of the European Union, Italy established the *Office for the Promotion of Equal Treatment and the Fight against Discrimination based on Race or Ethnical Origin*.

Subsequently the relevant implementing rules and regulations were adopted by means of a decree of the President of the Council of Ministers dated 11th December 2003.

The Office (denominated UNAR-Ufficio Nazionale Antidiscriminazioni Razziali) is established within the Department of Equal Opportunities of the Presidency of the Council of Ministers; its aim is ensuring equality of treatment and the actual implementation of protective instruments in the fight against racial discrimination.

The Office is characterised by autonomy and independence, whereby it becomes a sort of “guarantor” body.

The character of independence is important not only in connection with the structure of the Office, but also as the criterion underlying the way the Office carries out its functions. This is born out by article 2 of the above mentioned implementing rules and regulations: *“The Office has the following functions which it carries out by exercising its judgment in full autonomy and acting impartially: guaranteeing that the principle of equal treatment among persons is put into effect; ensuring that protective instruments against discrimination operate effectively; contributing to the elimination of discrimination based on race and ethnic origin by analysing the different impact that it has on gender as well as its relations with cultural and religious racism”*.

The measures adopted to ensure the actual impartiality of the Office include, first of all, the circumstance that the mandate, competence and functions of the Office have been strictly laid down by a “primary” source (legislative decree No. 215/2003), which cannot be modified by subsequent secondary source provisions. Moreover, no provision exists that authorises the Minister to interfere at his discretion with the activity of the office, apart from indications in terms of programmes and institutional guidance.

Secondly, the staff of the Office is made up by 30 people who have been selected essentially on the basis of their actual professional skills and competence, with the exception of the Director. In the third place, the continuity of the Office's activity is safeguarded by a yearly fixed allocation of funds (about two million Euro).

Furthermore the **independence of the Office** is also confirmed by article 13 of Community directive No. 43/2000 which requires that Member States establish bodies that carry out *an independent activity that is: provide independent assistance to the victims of discrimination, follow up on submitted complaints, carry out independent inquiries, publish independent reports and draw up recommendations.*

Therefore, in this area Italy has acted in compliance with the provisions of Directive No. 43/2000, in that it chose to establish an *ad hoc* body whose main function is the legal and practical protection to the victims of discrimination who can decide to submit their complaint to the judge, provided the exclusive prerogatives of the judicial authority are respected.

To make the protection of the judge more effective, legislative decree No. 215/2003 introduced a number of new devices, including the entitlement to litigate "individually", which accompanies the entitlement to proceed recognized to the alleged victim of discrimination, without the need of the technical assistance of a lawyer; this new option is recognized to associations and entities that are included in an appropriate list and that can apply to the judge "on behalf or in support" of the victim.

Therefore, the above mentioned associations have standing not only to carry out support activities during proceedings (e.g. provide opinions on specific issues upon request of the judge) but also to fully replace the alleged victim during proceedings on the basis of a power of attorney, which becomes null unless it is issued by public deed or certified private deed. In this way the access to the protection provided by the judge is enhanced and made easier, which otherwise is not taken advantage of on account of obvious reasons (including both the poverty affecting the victims of discrimination and the difficulties traceable to a bad understanding of Italian).

In cases of "collective discrimination" – that is when the victims of discrimination cannot be identified directly and immediately, the above mentioned associations and entities continue to be entitled to litigate, without the need of a power of attorney.

It is worth noting that acknowledging the so called entitlement to litigate only to the associations and entities included in the appropriate list envisaged by paragraph 1 of article 5 of legislative decree No. 215/2003 does not entail "undue restrictions of this possibility" for the following reasons: this provision is a practical example of direct application of a principle laid down in community legislation, more specifically in article 7 of chapter II of directive No. 2000/43/EC concerning the "protection of rights". Paragraph 1 of article 7 lays down that Member States adopt the necessary measures to ensure that all persons affected by the non-adoption of the principle of equal treatment can have access to jurisdictional or administrative procedures, including the conciliation procedures aimed at the implementation of the obligations arising from the directive itself. More specifically paragraph 2 of article 7 entitles Member States to create or confirm associations, organisations or, more in general legal persons, which- in compliance with the principles envisaged by the respective national legal systems – have a legitimate interest in acting on behalf or in support of the injured party. The above mentioned bodies are identified on the basis of their programme aims and of the continuity of their activity;

the list envisaged by paragraph 1 of article 5 of legislative decree No. 215/2003 can include the entities and associations that are contained in the register envisaged by subsequent article 6 of the above mentioned decree or in the register envisaged by article 52, paragraph 2, letter a) of President's of the Republic Decree No. 394/1999 (register of associations that favour the social integration of immigrant aliens, set up at the Ministry of Labour and Social Policies).

All bodies carrying out activities concerning the fight against racial discrimination can be included in the register envisaged by above mentioned article 6 of legislative decree No. 215/2003 – set up at the Presidency of the Council of Ministers, Department of Equal Opportunities – in compliance with article 7 of Directive No. 43/2000, provided the above associations possess a strictly defined set of requirements.

It is also worth mentioning that associations, entities and NGO's – for the very fact that they possess the necessary requirements for inclusion – are more competent and experienced in the areas that are being dealt with, and very often they have lawyers who offer legal assistance to the victims of discrimination on a voluntary basis.

The register is kept by the Department of Equal Opportunities and UNAR has power of attorney and updates it on a yearly basis, so as to bring about constant liaison with the associations and entities in order to supervise their actual activities and to ensure transparency and reliability.

It is worth mentioning that the achievement of probative *favor* * in favour of the alleged victim of discrimination, which is the weak party in the proceedings, must occur “in compliance with the national judicial systems” as explicitly requested by Community directive No. 43/2000. In this perspective, paying respect to the general principles governing the system of evidence envisaged by the Italian legal system, the principle of the burden of proof - as provided for by article 2697 of the Civil Code- was maintained as was the principle of the free persuasion to be achieved by the judge (with the exception of the cases of the so called legal evidence whose characteristics are strictly provided for by law); at the same time, however, the plaintiff's burden was mitigated by authorising him to submit statistical data indicating that his claim is well founded as well as by allowing him to discharge the obligations implied by the burden on the basis of the more simple regime of presumptions. In conclusion, in the face of factual elements capable of founding in precise and concordant terms the presumption of the existence of a discriminatory act or behaviour, the respondent has the burden to submit evidence showing that the discrimination he is charged with is non existent.

In any case, it must be stressed that the Italian lawmakers derogated from the principle enshrined in article 2697 of the Civil Code only in strictly defined cases. Therefore, in the case under discussion, although no full shifting of the burden of proof was introduced, it can undoubtedly be said that the burden is shared between the parties in a way that favours the victim.

One of the tasks of UNAR – in cooperation with public or private actors and relevant associations- is promoting the adoption of projects concerning actions aimed at avoiding or compensating for racial and ethnic discrimination. In this connection, UNAR has already initiated a number of contacts both with the most representative associations of workers and employers and with other institutions, e.g. CNEL or IMO to draw up intervention strategies in the areas of common interest.

* A device whereby the task of proving the claim is made easier for the alleged victim

With regard to the establishment of the regional institutes for research into discrimination on the national territory, at present they only exist in a few Regions (including Trentino Alto Adige, Piemonte and Emilia Romagna) and it is desirable that they are set up in other Regions in the short term. Actually, the creation of permanent institutes concerning immigration and, more specifically discrimination, is believed to be an unavoidable step to counter the fragmentary nature that still today characterises studies and initiatives concerning discrimination; such creation is also believed to be a useful instrument for the connection and interaction of different entities that, for various reasons, deal with the fight against racial discrimination – public and private entities, associations of immigrant categories, trade unions associations, Universities, research institutes and the media. The creation of the above mentioned research institutes will also ease the exchange of information among the social actors and promote research in universities and other institutes, whose results will be disseminated first of all among public bodies (first of all UNAR), that will then be able to rely on the conclusions drawn up by the research institutes set up on the territory with a view to implementing and improving their anti-discrimination policies.

60. The proposal to give more importance to the protection and the development of the identity of Roma, Sinti and Travellers traditionally present in Italy is shareable; in this connection it is worth confirming the content indicated under items 11 and 35 concerning the initiative of the Presidency of the Council of Ministers – Department of Regional Affairs aimed at drawing up a governmental bill on this issue, in cooperation with all involved Administrations.

71. See item No. 9

73. See item No. 10.

75. 78. It is desirable that a spirit of tolerance and intercultural dialogue is promoted and in this connection it is worth mentioning that the **Minister of the Interior** by means of ministerial decree dated 30th January 2004 established the “Committee against Discrimination and anti-Semitism”, in which the representatives of various Ministries participate. The tasks of the Committee include a constant monitoring on the danger of a regression towards intolerance, racism, xenophobia and anti-Semitism as well as the identification of educational instruments and sanctions to fight effectively against all forms of behaviour characterised by religious or racial hatred.

77. It is worth mentioning that **articles 43 and 44 of the consolidated text of the provisions governing immigration and the status of aliens** give a definition of “discrimination for racial, ethnic, national or religious reasons” and introduce the possibility of undertaking a “**civil action against discrimination**”.

In particular article 43 defines as discrimination any behaviour that, directly or indirectly, entails a distinction, an exclusion, a restriction or a preference based on race, colour of the skin, national or ethnic origin, religious beliefs and practices and that has the aim of or that results in disrupting or compromising the acknowledgment, the enjoyment or the exercise of human rights and fundamental liberties in a condition of equality in the political, economic, social and cultural sectors and in all other sectors of public life.

Anyway, discrimination is committed by the following actors:

- a) A public official, a person charged with the providing of public utilities or a person managing public emergency services who, in discharging his/her functions, carries out or omits acts with regard to an alien, who is thus discriminated against only on account of his status of alien or member of a particular race, religion, ethnic group or nationality;
- b) Whoever imposes more unfavourable conditions or refuses to supply goods and services otherwise accessible to the public to an alien only on account of his status as alien or member of a specific race, religion, ethnic group or nationality;
- c) Whoever illegittimately imposes more unfavourable conditions or refuses access to employment, housing, education, training, social services and welfare services to aliens legally staying in Italy only on account of their status as an alien or member of a specific race, religion, ethnic group or nationality;
- d) Whoever prevents, by means of actions or omissions, that an alien, legally residing in Italy, carries out a legitimate economic activity, only because of his status as an alien or member of a specific race, religious confession, ethnic group or nationality;
- e) Employers or their representatives who (...) carry out any act or behaviour that adversely affect workers resulting in even indirect discrimination only on account of their being member of a race, an ethnic or linguistic group or of their holding a specific citizenship.

Indirect discrimination takes place whenever detrimental treatment arises from the adoption of criteria that adversely affect to a proportionally higher degree workers belonging to a specific race, ethnic or linguistic group, to a specific religious confession or holding a specific citizenship and that concern prerequisites that are not relevant to the carrying out of the work.

Article 44, then, introduces the possibility of undertaking a civil action against discrimination. If confronted with a behaviour carried out by an individual or by the public administration giving rise to discrimination on the basis of racial, ethnic, national or religious reasons, a judge can, upon application of the injured party, order that the detrimental behaviour should cease and adopt any other measure that, according to the circumstances, is appropriate to eliminate the effects of the discrimination. The injured party submits its application by filing a complaint, even personally, with the office supporting the activity of the magistrate competent for the area where he/she has his/her habitual residence. When the employer carries out a discriminatory act or behaviour of a collective nature, the complaint can be filed by the local representatives of the trade unions that are most representative at national level, even in cases when the workers affected by the discrimination cannot be identified in an immediate and direct way. The judge issues his decision in which he establishes the existence of the discrimination on the basis of the complaint submitted in compliance with the above mentioned article; in his decision the judge orders the employer to draw up a plan for the removal of the ascertained discrimination, after having heard the above mentioned individuals and bodies.

Regions, in cooperation with Provinces and Municipalities, with the associations of immigrants and of social volunteers set up monitoring centres and centres for the information and legal assistance to aliens that are victims of discrimination for racial, ethnic, national or religious reasons, in view of the application of the provisions of the above mentioned article and of the study of this phenomenon.

In order to fight discrimination, the Directorate General for Employment and Social Affairs of the Commission of the European Union, in the framework of the Community Action Programme

against Discrimination, financed a programme of the General Directorate on Immigration of the Ministry of Labour “*Promoting best practices for Immigrants’ access to housing*”, focusing on the problem of the access to housing for immigrants legally residing in Italy.

The **Ministry of Labour** has also signed Programme Agreements with various Regions, with the main purpose of starting trial projects and innovative courses of action to ease the integration of third country immigrants legally present in our country. Each agreement covers various priority areas of intervention: promotion of literacy programmes, training and information programmes; support to access to housing; development of the function of cultural mediation and of integrated networked services; promotion and acknowledgment of the rights of third country citizens.

In order to support the integration processes of the immigrant population in the Italian territory, to step up the understanding of migrations and develop an adequate activity by the specific services for the accommodation of immigrants, a number of interventions, still under way at the moment, has been implemented and financed through the structural funds of the Operative Programme “Security” for the Development of Southern Italy 2000-2006, within the competence of the Ministry of the Interior. These interventions include: the establishment of the Observatory on Migratory Flows in Bari and of the Pole against Discrimination in Naples. In particular the Pole against Discrimination carries out studies, prevention and fight against discrimination concerning immigrants into southern Regions; the Pole founds its work on an analysis of the phenomenon and promotes effective policies; it also relies on cultural mediators for its research activity.

The priority aim of the cultural mediation activity is achieving a greater knowledge of immigration and filling the gap between the institutions of the host Country and immigrants by interacting with them. For the above reasons, cultural mediation has been introduced in the following sectors: health, education, labour and social services.

In particular the Ministry of Labour funded the project “Network of Cultural Mediators”, which envisages the following: interventions of cultural mediation by a group of 40 cultural mediators and organization of workshops on interculture in the education sector; linguistic-cultural mediation in favour of aliens in the offices belonging to the Administration of Public Security; 39,400 interventions to support information, identification, service of documents, written recording of asylum seekers’ declarations and accompanying of individuals to the temporary detention centres. In addition to the above activities, it is worth mentioning that information help desks also exist, where activities aim at favouring the access of aliens to the various services that are offered on the territory. In particular funds were allocated to the project entitled “Itineraries against women’s social exclusion and in favour of their autonomy” which includes the following: activities related to the welcoming of aliens, escorting and cultural mediation, workshops on the Italian language, legal advisory centre, workshops, vocational training and guidance courses on labour. 636 women approached the centre for the first time in its second year of activity (March 2001 through March 2002). Many of them came back (the centre welcomes about 20 women every day). In this connection funds were also allocated to the “Help desk for social and health advice and guidance to immigrants approaching the centre for medical prevention related to migrations” of Istituto San Gallicano in Rome. From April 2001 through July 2002 the help desk was contacted by 5,162 aliens on the whole and the information given concerned mainly the other facilities of the National Health Service and the rules and regulations on immigration.

85. 86. As far as the interventions of Law Enforcement in nomad camps are concerned, the involved personnel is not reported to have violated the law when carrying out checks during the interventions. The above personnel confined its operations to the identification, tracing and deportation of illegal immigrants, to checks concerning the lawfulness of possessed property or to the repression of ascertained crimes.

Furthermore, mention should be made of the following circumstances: all duties carried out in nomad camps always take place following an order of the Head of the Provincial Police (*Questore*) based on an understanding reached with the local Prefettura-U.T.G. and the involved Municipalities, with the exception of judicial police duties to be carried out either in cases of persons caught red handed or upon request of the Judicial Authority.

It is further worth stressing that issues relevant to human rights and the provisions of the European Code of Police Ethics edited by the Council of Europe have been included since a long time ago in the training curriculum of the Italian Law Enforcement personnel, regardless of the rank.

93. 94. 95. Please refer to comments made under item 15.

115. With regard to the **education of Roma, Sinti and Travellers children** a preliminary remark is necessary: although schools are quite willing to receive nomads, they actually display a low inclination for integration (including in the school community) resulting in the inborn tendency to refuse regular attendance to schools in the places where they temporarily stay.

To promote school attendance, the **Ministry of Education** allocates specific funds to schools involved in important migratory flows, including the presence of nomad pupils, to carry out additional educational activities to favour a better and useful integration of these pupils.

Furthermore, schools cooperate with authorities, representative associations, volunteers' associations and other bodies active on the territory to organise side activities instrumental to improving the attendance of nomad pupils.

In consideration of the above, the Ministry of Education issues periodical instructions to set the objectives for the utilization of the allocated funds.

According to surveys of the computerised system of the above mentioned Ministry, in school year 2003-2004 a considerable number of nomad pupils attended schools on the entire national territory, more precisely:

- 1,456 in kindergartens;
- 5,175 in elementary schools;
- 2,591 in lower secondary schools;
- 84 in higher secondary schools.

As far as geographical distribution is concerned, the presence of nomad pupils is higher in Central and Northern Italy, probably on account of a greater readiness of local authorities to create facilities for the accommodation of nomads.

126. In connection with the remarks concerning the issue related to the presence of forms of teaching in the minority language, it must be born in mind that, in compliance with law

No.38/2001, the **Office for the Teaching in Slovenian has been set up** at the Regional Educational Office of Friuli-Venezia Giulia and a branch of this Office is active at the Centre for Administrative Services of Gorizia.

The Office for the Teaching in Slovenian deals with the functioning of schools, with textbooks for Slovenian speaking pupils, with the problems and policies for the young affecting the Slovenian speaking population; it does so by giving support to schools, teachers, parents and pupils. Furthermore, the main tasks of the above mentioned Office also include management activities not falling under the competence of autonomous schools, the recruitment of personnel (managers, teachers and administrative staff), transfer procedures (so called *mobility*) of personnel employed on both a temporary and a permanent basis, State examinations, examinations for the qualifying of teachers, equivalence of degrees, and the management of diplomas in the Slovenian speaking area.

The Office is also carrying out activities to find the best possible application of the reform of school organization, envisaged by Law 53/2003; to this end the law itself was translated into Slovenian as were all subsequent documents, including the National Guidelines on Customized Curricula.

On the basis of the Programme for Cultural and Scientific Cooperation between Italy and Slovenia, signed in Rome on 20th October 1994, cooperative relations are entertained with the neighbouring Republic of Slovenia with the assistance of the Slovenian Pedagogic Consultant based at the Slovenian Consulate in Trieste. On the basis of the Programme it is possible to organise study seminars for teachers, study journeys for pupils and students of neighbouring Slovenia, exchanges of textbooks, etc..

Furthermore the Office for the Teaching in Slovenian suggests to schools the undertaking of initiatives such as events, meetings, projects and other activities that can provide the occasion to entertain cultural exchanges.

In this connection, mention should be made of the great importance of the public celebration for the 60th anniversary of the re-establishment of schools with Slovenian as teaching language in Italy, which took place on 21st May 2005 under the high auspices of the President of the Italian Republic, of the President of the Republic of Slovenia and of the President of the Region Friuli-Venezia Giulia.

The celebration, which had extensive coverage in both the local and national press, was attended by representatives of the local public administrations and by the Minister for Education and Sport of the neighbouring Republic of Slovenia.

The Office for the Teaching in Slovenian also promotes and organises training and refresher courses for teaching and non teaching staff, employed both on a temporary and on a permanent basis.

As regards the remarks concerning the problem of interpretation of the relevant legal provisions, it is worth mentioning that Law No. 38, dated 23rd February 2001, provides for the establishment of the Regional Educational Commission for the Teaching in Slovenian (article 13, paragraph 3), that should replace the Commission set up by Law No. 932/1973.

However, the opinion of the Joint Italian-Slovenian Committee must be acquired to set up the Regional Educational Commission. The Joint Committee is unable to reach the quorum of its representatives and is therefore unable to express its opinion on the continuation of the procedure for the establishment of the Commission whose known objective is ensuring that teaching in Slovenian is granted the requirement of autonomy in Friuli-Venezia Giulia.

The Ministry of Education is doing its utmost so that in a short time the difficulties that so far have prevented the establishment of the Regional Commission can be overcome.

The situation of the spreading of Slovenian in Friuli-Venezia Giulia is as follows:

- schools with Slovenian as teaching language, regardless of the level, are considerably widespread, more precisely:

	Province of Trieste				Province of Gorizia				Province of Udine			
	schools	classes	teachers	pupils	schools	classes	teachers	pupils	schools	classes	teachers	pupils
Pre-school	20	22	44	431	10	16	32	402	1 bilingual	3	6	65
Elementary school	23	68	128	686	9	35	56	483	1 bilingual	9	18	124
Lower secondary school	7	25	49	384	2	11	17	191				
Higher secondary school	4	47	90	540	5	26	37	247				
Total	54	162	311	2041	26	88	142	1323	2	12	24	189

- the presence of schools with Slovenian as teaching language must be considered in relation to the overall situation of Friuli-Venezia Giulia, described as follows:

Regional total	schools	pupils	classes	teachers
	82	3,553	262	477

- the teaching of Slovenian in Italian schools is also quite widespread, as shown below:

- the number of pupils in schools with Italian as teaching language (pre-schools, elementary schools and lower secondary schools) that attend Slovenian language classes amounts to **701** in the whole region.

- the number of schools with Italian as teaching language (pre-schools, elementary schools and lower secondary schools) that make use of the local share of the yearly amount of teaching hours to teach Slovenian amounts to **40**.

- the Municipalities where Slovenian is taught are shown in the following table:

Province of Trieste	Province of Udine	Province of Gorizia	Province of Pordenone
Duino Aurisina	Prepotto	Gorizia	
	Cividale del Friuli	Cormons	
	Resia	San Floriano del Collio	
	Tarvisio	Savogna d'Isonzo	
	Malborghetto Valbruna	Doberdò del Lago	
	San Pietro al Natisone	Ronchi dei Legionari	
	Pulfero		
	San Leonardo		
	Savogna		
	Lusevera		
	Tarpana		

- in Val Canale and in Valle di Resia there are no schools with Slovenian as teaching language; however relying on Law No. 482 dated 15th December 1999, that envisages the enhancement of local languages, courses for the teaching of Slovenian have been introduced and are attended by pupils of pre-schools, of elementary schools and of lower secondary schools of the Tarvisio area and of Val Resia.

In any case, in order to achieve a greater spreading of the language and culture of the Slovenian minority, the schools of Friuli-Venezia Giulia will again be made aware of the situation and invited to launch educational projects that, by using up the entire local share of the yearly amount of teaching hours set aside for them, can meet the legitimate expectations of the Slovenian community.

Furthermore, it should not be disregarded that Law No. 53/2003 on the reform of the school organization allows for a further growth of the Slovenian language and culture, as it provides that the Region is entitled to have its own *share* of teaching hours included in the yearly amount of teaching hours allocated to each and every school on the territory and to use it to protect educational aspects connected with aspects of the local reality.

127. As already mentioned under the previous items, the possible establishment of a Permanent Conference of Minorities is being examined; the mandate of the Conference will be monitoring the state of protection on the territory and putting forward initiatives that can be possibly undertaken.

The make-up of the Conference will have to include representatives of all minorities protected by law.

144. The representatives of Roma, Sinti and Travellers might find their space in the structure of the future Permanent Conference of Minorities.

THE CENTRAL DIRECTOR
(Perla Stancari)