



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

Distr.
GENERAL

CERD/C/ITA/CO/15
16 May 2008

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Seventy-second session
18 February-7 March 2008

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

ITALY

1. The Committee considered the fourteenth and fifteenth periodic reports of Italy submitted as one document (CERD/C/ITA/15) at its 1851st and 1852nd meetings (CERD/C/SR.1851 and CERD/C/SR.1852), held on 20 and 21 February 2008. At its 1867th and 1868th meetings (CERD/C/SR.1867 and CERD/C/SR.1868), held on 3 and 4 March 2008, the Committee adopted the concluding observations as set out below.

A. Introduction

2. The Committee welcomes the submission of the fourteenth to fifteenth periodic reports of Italy, which were prepared in conformity with the reporting guidelines, and expresses its appreciation for the frank dialogue held with the delegation and for the comprehensive and thorough written replies to the list of issues, provided in a timely manner prior to the session. It also appreciates the attendance of a delegation composed of experts from various ministries, including from the National Office for the Elimination of Racial Discrimination, and acknowledges their efforts to respond to the Committee's oral questions.

B. Positive aspects

3. The Committee welcomes the adoption of Legislative Decree No. 215 of 9 July 2003, which converted European Council directive 2000/43/EC enshrining the principle of equal treatment of all people regardless of their race or ethnic origin into law.
4. The Committee welcomes the convening of the European Conference on Roma in January 2008, held in Rome, which was aimed at identifying possible solutions to the problems encountered by Roma.
5. The Committee welcomes the entry into force in January 2008 of Law Decree No. 249/07, which affords immigrants with a higher degree of protection against measures involving expulsion.
6. The Committee welcomes the memorandum of understanding for the protection of “gypsy, nomadic and camminanti” minors signed by the association for nomads and the Ministry of Education in June 2005.
7. The Committee welcomes the establishment, in November 2004, under the Ministry of Equal Opportunity, of the National Office for the Elimination of Racial Discrimination, to promote equality and fight discrimination based on race or ethnic origin.
8. The Committee welcomes the information provided by the State party, according to which the Court of Cassation had ruled that any judicial act concerning a defendant would be declared null and void if it had not been translated into the defendant’s mother tongue. The Committee also welcomes the establishment of cultural-linguistic mediators that provide information, guidance and support to foreign prisoners during judicial proceedings.
9. The Committee notes with satisfaction the enactment on 22 June 2007 of a law providing for criminal sanctions against employers of undocumented migrants in order to combat exploitation in the workplace.
10. The Committee welcomes the adoption of Law Decree No. 162/2005, which provides new measures aimed at preventing and sanctioning acts of racially motivated violence during sport events, including the setting up of a national observatory on sport events.

C. Concerns and recommendations

11. While taking note of the explanations given by the delegation according to which the State party legislation does not allow for a census identifying ethnic groups and makes no distinction between citizens on the grounds of ethnic, linguistic or religious origin, the Committee expresses concern regarding the lack of statistical data in the report of the State party on the ethnic composition of its population.

The Committee recommends that, in accordance with paragraph 11 of its revised reporting guidelines (CERD/C/2007/1), the State party should provide information on the use of mother tongues, languages commonly spoken or other indicators of ethnic

diversity, together with any information derived from targeted social surveys conducted on a voluntary basis, with full respect for the privacy and anonymity of the individuals concerned.

12. While noting the assurances provided by the delegation that the State party would consider the recognition of Roma and Sinti as minorities in national law, on an equal footing with the historical linguistic minorities protected by Act No. 482/1999, the Committee is concerned that no comprehensive national legislation and policies addressing the specificities and needs of Roma and Sinti have been adopted (art. 2).

The Committee, recalling its general recommendation 27 on discrimination against Roma, recommends that the State party adopt and implement a comprehensive national policy and legislation regarding Roma and Sinti with a view to recognizing them as a national minority and protecting and promoting their languages and culture.

13. The Committee notes that the State party has not yet established an independent national human rights institution. It also takes note of the pledge made to establish a national human rights institution during the election to the Human Rights Council and the approval of a bill by the Chamber of Deputies on 4 April 2007 with a view to establishing such an institution in accordance with the Paris Principles (General Assembly resolution 48/134, annex, of 20 December 1993) (art. 2).

The Committee recommends that the State party undertake, in consultation with a broad base of civil society representatives and with the support of the Office of the United Nations High Commissioner for Human Rights, the necessary steps to establish an independent national human rights institution in accordance with the Paris Principles.

14. While welcoming the new policy to combat marginalization of Roma and Sinti in the sphere of housing and facilitating their social inclusion, the Committee is concerned that Roma and Sinti still live in conditions of de facto segregation in camps, in which they lack access to the most basic facilities (arts. 3 and 5 (e) (iii)).

The Committee, recalling its general recommendation 27, recommends that the State party develop and implement policies and projects aimed at avoiding segregation of Roma communities in housing, to involve Roma communities and associations as partners together with other persons in housing project construction, rehabilitation and maintenance. The Committee further recommends that the State party act firmly against local measures denying residence to Roma and the unlawful expulsion of Roma, and to refrain from placing Roma in camps outside populated areas that are isolated and without access to health care and other basic facilities.

15. The Committee, while noting the initiatives adopted by the State party to combat racial discrimination and intolerance, is concerned about reported instances of hate speech, including statements targeting foreign nationals and Roma, attributed to politicians (art. 4).

The Committee recommends that the State party increase its efforts to prevent racially motivated offences and hate speech, and ensure that relevant criminal law provisions are effectively implemented. The Committee recalls that the exercise of the right to freedom of expression carries special duties and responsibilities, in particular the obligation not to disseminate racist ideas. It also recommends that the State party take resolute action to counter any tendency, especially from politicians, to target, stigmatize, stereotype or profile people on the basis of race, colour, descent and national or ethnic origin or to use racist propaganda for political purposes.

16. The Committee is deeply concerned by the prevailing negative attitudes and stereotypes concerning Roma among the municipalities and the public, resulting in discriminatory ordinances and road signs and other measures adopted by the municipal authorities aimed at the nomadic population (arts. 5 and 7).

The Committee, recalling its general recommendation 27, requests the State party to ensure that municipalities remove discriminatory ordinances and comply with the State party's obligations under the Convention. The Committee further requests the State party to endeavour, by encouraging a genuine dialogue, consultations or other appropriate means, to improve relations between Roma and non-Roma communities, in particular at the local level, aimed at ending discrimination against the Roma.

17. The Committee is concerned at reports regarding the situation of undocumented migrant workers from various parts of the world, in particular from Africa, Eastern Europe and Asia, drawing attention to violations of their human rights, in particular of their economic, social and cultural rights, including alleged ill-treatment, low wages received with considerable delay, long working hours and situations of bonded labour, whereby a part of wages are withheld by employers as payment for accommodation in overcrowded lodgings without electricity or running water (art. 5).

The Committee, recalling its general recommendation 30 on non-citizens, urges the State party to take measures to eliminate discrimination against non-citizens in working conditions and work requirements, including employment rules and practices with discriminatory purposes or effects. Furthermore, it recommends that the State party take effective measures to prevent and redress the serious problems commonly faced by non-citizen workers, including debt bondage, passport retention, illegal confinement and physical assault.

18. The Committee is concerned by allegations that foreigners held in the temporary stay and assistance centre of Lampedusa are not properly informed of their rights, do not have access to a lawyer and face collective expulsion. It is further concerned about reports that detention conditions in the centre are unsatisfactory in terms of overcrowding, hygiene, food and medical care, and that some immigrants have suffered ill-treatment (art. 5).

The State party is encouraged to improve the conditions of stay and assistance centres and reception and identification centres to ensure that adequate health care and

better living conditions are provided. It also recalls the obligation of the State party to take measures to ensure that conditions in centres for refugees and asylum-seekers conform to international standards. Furthermore, the Committee recommends that the State party take measures to ensure that non-citizens are not returned or removed to a country or territory where they may be subject to serious human rights violations, including torture and cruel, inhuman or degrading treatment or punishment.

19. The Committee is concerned about reports of ill-treatment of Roma, in particular of Roma of Romanian origin, by members of the police force in the course of raids in Roma camps, notably following the enactment, in November 2007, of the Presidential Decree No. 181/07 regarding expulsion of foreigners (art. 5 (b)).

The Committee recommends that the State party take measures to prevent the use of illegal force by the police against Roma, and that local authorities take more resolute action to prevent and punish racially motivated acts of violence against Roma and other persons of foreign origin. In this regard, the Committee draws the attention of the State party to its general recommendation 27 and urges it to ensure protection of the security and integrity of Roma, without any discrimination, by adopting measures to prevent racially motivated acts of violence against them.

20. While welcoming the initiatives taken by the Ministry of Education at both the central and local levels to ensure the integration and effective schooling of Roma children and to combat school failure and dropout, the Committee remains concerned about the low rate of school attendance by Roma children (art. 5 (e) (v)).

The Committee once again draws the attention of the State party to its general recommendation 27 and recommends that the State party strengthen its efforts to support the inclusion in the school system of all children of Roma origin and to address the causes of dropout rates, including any cases of early marriage, in particular of Roma girls, and, for these purposes, to cooperate actively with Roma parents, associations and local communities. It further recommends that it proceed to improve dialogue and communication between teaching personnel and Roma children, Roma communities and parents, including more frequent use of teaching assistants chosen from among the Roma.

21. The Committee notes the small number of court cases on racial discrimination in the State party (art. 6).

The Committee, recalling its general recommendation 31 on the prevention of racial discrimination in the administration and functioning of the criminal justice system, reminds the State party that the small number of complaints, prosecutions and convictions relating to acts of racial discrimination should not be viewed as being necessarily positive. The State party should inquire whether this situation is the result of inadequate information provided to victims concerning their rights or the insufficient level of awareness by the authorities of offences involving racism. The

State party should take, in particular on the basis of such a review, all necessary measures to ensure that victims of racial discrimination have access to effective remedies.

22. The Committee is concerned that the mass media continue to play a role in portraying a negative image of the Roma and Sinti communities and that insufficient measures have been taken by the State party to address this situation (art. 7).

The Committee recommends that the State party encourage the media to play an active role in combating prejudices and negative stereotypes, which lead to racial discrimination, and that it adopt all necessary measures to combat racism in the media. It further requests the State party to adopt promptly the code of conduct of journalists drafted in collaboration with the National Office for the Elimination of Racial Discrimination, the Office of the United Nations High Commissioner for Refugees and the Italian National Press Federation.

23. The Committee encourages the State party to consider ratifying the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (General Assembly resolution 45/158, annex, of 18 December 1990).

24. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12, chap. I), when implementing the Convention in its domestic legal order, particularly with regard to articles 2 to 7 of the Convention. The Committee also urges the State party to include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level. The Committee also encourages the State party to participate actively in the Preparatory Committee of the Durban Review Conference and in the Durban Review Conference in 2009.

25. The Committee recommends that the State party ratify the amendment to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the 14th meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111 of 16 December 1992). In this connection, the Committee cites Assembly resolution 61/148 of 19 December 2006, in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

26. The Committee recommends that the State party's reports be made readily available to the public at the time of their submission, and that the observations of the Committee with respect to these reports be similarly publicized in the official and national languages.

27. The Committee recommends that the State party consult widely with organizations of civil society working in the area of human rights protection, in particular in combating racial discrimination, in connection with the preparation of its next periodic report.

28. Pursuant to paragraph 1 of rule 65 of the Committee's rules of procedures, the State party should, within one year, provide information on the way it has followed up on the Committee's recommendations contained in paragraphs 13, 18 and 22 above.

29. The Committee invites the State party to update its core document in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted by the human rights treaty bodies at their fifth inter-committee meeting, held in June 2006 (see HRI/GEN/2/Rev.4).

30. The Committee recommends that the State party submit its combined sixteenth to eighteenth periodic reports in a single report, due on 18 February 2011, taking into account the specific guidelines for Committee on the Elimination of Racial Discrimination documents, as adopted by the Committee at its seventy-first session (CERD/C/2007/1). That report should be an update document and address all points raised in the present concluding observations.
