



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

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Committee on the Elimination of Racial Discrimination

**Consideration of reports submitted by States
parties under article 9 of the Convention**

**Nineteenth and twentieth periodic reports of States parties
due in 2015**

Italy*

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I. Introduction

1. The combined sixteenth to eighteenth periodic reports of Italy was submitted in 2011 (CERD/C/ITA/16-18). The Committee on the Elimination of Racial Discrimination considered the report at its 2156th and 2157th meetings (CERD/C/SR.2156 and 2157), held on 5 March 2012. At its 2164th meeting, held on 9 March 2012, it adopted its concluding observations (CERD/C/ITA/CO/16-18). This nineteenth to twentieth periodic report provides the pertinent responses to the Committee's observations.

2. Moreover, following the request reported under paragraph 35 of the concluding observations, adopted by the Committee on the Elimination of Racial Discrimination on 9 March 2012, referring to the recommendations contained in paragraphs 13 and 15 thereof, Italy provided the requested information, in accordance with article 9, paragraph 1, of the Convention and rule 65 of the Committee's amended rules of procedure (CERD/C/ITA/CO/16-18/Add.1, 9 July 2013).

3. The Italian Government involved civil society at an early stage in the drafting process of the National Report to be submitted to the Human Rights Council within the UPR 2 cycle on July 2014. Several paragraphs of the National Report make reference to discrimination and related counter policies.

4. According to recent data collected in 2014 by the National Institute of Statistics (ISTAT) concerning foreigners presence in the Italian population, during 2013 307,000 people immigrated to Italy, compared to 351,000 people who immigrated during the previous year. The decline in immigration was mainly due to the decrease in the number of foreign immigrants (from 321,000 in 2012 to 279,000 in 2013). Among immigrants, the largest number of entries were counted for Romanian (58,000), Moroccan (20,000), Chinese (17,000), and Ukrainian (14,000) nationals. There was a decrease of the number of immigrants with Ecuadorian (-37% fewer than in the previous year), Ivorian (-36%), Romanian (-29%) and Macedonian (-26%) nationals.

5. Romanian is the most common mother tongue among foreign residents in Italy: almost 800 thousand people speak Romanian from early childhood (21.9% of the foreign citizens aged 6 and over). Other prevalent mother tongues are Arabic (spoken by over 475,000 people, 13.1%), Albanian (380,000 people) and Spanish (255,000 people).

6. As far as national minorities, when taking stock of the state of implementation of Law No. 482/1999 ("Provisions to Protect the Historical Linguistic Minorities"), the resulting outcome is positive, as is shown by the increasing demand of minority language use, the greater awareness of their value as well as by the initiatives aimed at the preservation of the written heritage. In other terms it is worth stressing that in almost all Regions where minority language speaking communities live, protective provisions have been issued in the framework of the responsibilities entrusted to the Regions by the Constitution, in keeping with the general principles set at European and international level.

7. As far as the protection of the Roma and Sinti Communities is concerned, the Italian Government is implementing the National Strategy for the inclusion of these communities in the social environment in relation to its four intervention areas, by improving the schooling of minors and providing for employment opportunities. For further details, please see Section C of the present Report.

II. Implementation of part I of the Convention

8. The Plan against racism, xenophobia and related intolerance will be finalised soon, in order to be implemented for the triennium 2015–2017.

9. This Plan fully takes into account relevant international and national instruments, such as the Italian Basic Law, especially article 3, Legislative Decree No. 215/2003 (in accordance with Directive 2000/43/EC), Legislative Decree No. 216/2003 (in accordance with Directive 2000/78/EC), and article 43 of Act No. 40/1998, concerning discrimination on the grounds of “race”, skin colour, descent, national or ethnic origin, personal and religious belief, and language. This Plan will be also the result of the National Office against Racial Discrimination (UNAR) work, especially of its Contact Centre. Hence, in terms of scope, this Plan will consider both foreign citizens who live in Italy and Italian citizens of foreigner origin, including those belonging to religious and ethnic and linguistic minorities. From a thematic standpoint, this Plan includes eight thematic areas/priorities, including matters of concern, actions, and objectives to be achieved, *inter alia*, through affirmative actions in line with the legislation in force. The main areas are as follows: Work and employment; Housing; Education; Health; Contacts with Public Administration; Law enforcement; Sport; Media and communication.

10. The role of civil society and competent associations and NGOs has been granted since the starting process of elaboration of the Plan and has been renewed on the occasion of the revitalization action promoted on October 2014 when the National Working Group tasked with the definition of the Plan’s contents has been reconvened by UNAR.

11. In the meanwhile for the second year UNAR has funded and contributed to “Dossier Statistico Immigrazione”, sub-titled “From discrimination to rights”. Thanks to the long-standing experience on immigration of the research and studies Centre IDOS, the report provides an update of the statistical framework on migration, foreigner residents in Italy, immigrants’ inclusion in the labour market and in the society, multi-religious overview, and equal opportunity principle application/implementation.

Article 1: Definition of racial discrimination

12. The non-discrimination principle is one of the main pillars of the Italian Constitution. In this field the Italian Government created a comprehensive legislation by translating both the EU Directives No. 2000/43 and No. 2000/78 in order to prohibit all forms of discrimination based on race or ethnic origin, in any area or sector, both private and public, and to regulate the prohibition of discrimination on grounds of religion or belief, disability, age or sexual orientation, as regards employment and occupation.

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

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

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

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

16. According to the guiding principles included in article 29 of Community Law No. 39/2002, the Italian Government promptly transposed the contents of the first Directive through the adoption of the Legislative Decree No. 215 of 9 July 2003. By means of this Decree the national regulations were provided with important regulatory and administrative provisions ensuring the implementation of effective instruments of protection against all forms of discrimination on grounds of race or ethnic origin, according to a comprehensive approach based on the principle of equal treatment in the public and private sectors, with respect to access to employment, occupation, guidance and vocational training, membership of workers’ or employers’ organisations, social protection, healthcare, social benefits, education, goods and services, judicial protection of victims by civil actions against discrimination, including presumptive proof in favour of the victim and awarding compensation for damage.

17. As already recalled, also the to-be-finalised Plan against racism, xenophobia and related intolerance moves from a clear and distinctive definition of the counter-action to racism, xenophobia and related intolerance: it focuses on discrimination based on race, colour, ethnic or national origin, religions or beliefs, also adopting a gender and a cultural approach. The international and national legal framework in force is explained, followed by a statistical overview concerning potential victims of discrimination, also referring to the need to elaborate specific indicators to deal with this topic.

Article 2: Legal framework and general policies to eliminate racial discrimination

18. As mentioned above, several legislative measures have been adopted in Italy to counter specific forms of racial discrimination, intolerance and xenophobic attitudes.

19. Very recently the Italian Presidency of the Council of the European Union and the European Commission organized a Joint High Level Event on Non-Discrimination and Equality in Rome on 6–7 November 2014 entitled “**Shaping the Future of Equality Policies in the EU**”. The event brought together 250 high-level delegates (governments, social partners, businesses, civil society, media, academics and independent experts) from EU and non-EU countries. There were five panel sessions during the event, including a Ministerial panel and a session dedicated to discussing the initiative for the High Level Group on Non-Discrimination, Equality and Diversity to be set up by the European Commission in 2015. The following themes were addressed: equality and non-discrimination in economic recovery, new directions for diversity management, new possibilities in valuing equality and diversity – towards a cultural change and future perspectives on access to justice. “Soapbox” sessions were held to provide an opportunity for people and organizations from across the different grounds to give their perspectives on

their ambitions and their current situation. The sessions covered the grounds of ethnicity and religion, sexual orientation and gender identity, and age.

20. The effective implementation of antidiscrimination legislation in place was a repeated concern at the High Level Event. Under-reporting of discrimination cases in practice was identified as a threat to legislation's effectiveness. All stakeholders were seen to have an important role in building confidence among those experiencing discrimination in order to make rights more tangible. It was suggested that the High Level Group on Non-Discrimination, Diversity and Equality could be a key forum in devising and mobilizing an effective response to under-reporting.

21. The "**Declaration of Rome**", prepared by the Italian Presidency of the Council of the European Union and adopted at the conclusion of the event, sets out fourteen different governmental commitments made by the signatories. These include a commitment to effectively implement and apply the European equal treatment legislation and to seriously explore the adoption of the proposed Equal Treatment Directive to cover the provision of goods and services.

22. The Italian legal system includes specific provisions to combat **racist and xenophobic speech**, including those actions directed to spread ideas founded on racial or ethnic hatred and the incitement to commit acts of violence on racial, ethnic or religious grounds. The legislation in force punishes the constitution of organizations, associations, movements or groups which have, among their aims, the incitement to discrimination or to violence motivated by racial, ethnic or religious reasons. It also provides for a special aggravating circumstance for all the crimes committed on the ground of discrimination or racial hatred.

23. Furthermore the Italian Parliament is working for the transposition of **EU Council Framework Decision 2008/913/JHA** into Italian legislation by introducing further offences such as publicly condoning, denying or grossly trivializing crimes of genocide, crimes against humanity and war crimes to be considered as racist and xenophobic forms and expressions.

24. As for the use of **racist or xenophobic language in politics**, by law it is laid down that the judicial authorities are entrusted and have to verify the existence of criminal contents in documents, speeches and programs made by political representatives. In recent years some public and elected officials have been prosecuted for incitement to racial hatred and propaganda of racial ideas. Just to mention a recent case, in July 2013 Dolores Valandro, a member of the Lega Nord political party, was sentenced to 13 months in jail, disqualification from public offices for three years and the payment of a € 13,000 fine for publishing, on the Internet, an offensive comment against the then Minister for Integration, Cecile Kyenge. The Court of Appeal of Venice confirmed the sentence.

25. As for episodes of racism and intolerance during **sports events**, the Italian legislations has been progressively completed providing for criminal and administrative punishments for those responsible for incitement to hatred.

26. The Italian legislation in force (Act No. 205 of 25 June 1993) provides for countering measures to be adopted as far as discriminatory conducts during sport events and sport competitions and is completed by the Sport Justice Code, which establishes that each discriminatory conduct must be sanctioned when it is recognized as direct or indirect offence, denigration or insult motivated by race, colour, religion, language, sex, nationality, territorial or ethnic origin, or it constitutes a means of ideological propaganda prohibited by law, or it supports discriminatory conducts. Along these circumstances the football player, the football team manager, the associates and the partners are sanctioned. The football clubs are responsible for bringing in or for the exhibition of pictures, slogans, symbols, emblems and similar objects containing racial expressions and for discriminatory manifestations

(chorus, shouting) from supporters; they are also responsible for each declaration or conduct adopted by their own managers, associates, partners and not if these persons are able to fuel discriminatory conducts. Before the football match all the clubs are obliged to inform the public about being charged of potential sanctions depending upon discriminatory conducts from football teams supporters.

27. Since the introduction of a general principle of non-discrimination in the **Italian National Olympic Committee (CONI) Code of Conduct in Sports** which states that registered members, affiliates and other subjects who are under the sports authority should abstain from all discriminatory behaviour based on grounds of race, ethnic or territorial origin, sex, age, religion, political and philosophical opinions, several regulations have been entered in force to prevent racist or discriminatory conducts.

28. Relevant new provisions were introduced on October 2012 by the conversion into law of the Decree Law No. 119 of 22 August 2014, on urgent action to fight unlawful and violent phenomena during sport events. This law extended the applicability and the duration of the preventive measure concerning bans of access to sporting venues, the so-called **DASPO – Exclusion order (Stadium Ban)**.

29. The DASPO can be imposed by the *Questore* (Police Chief at Provincial level) for a three-year period (from 5 to 8 years for recidivists) to those persons responsible for group violence, whenever the single subject's active involvement has been ascertained. Moreover it has a preventive impact whenever imposed to the person reported or convicted for displaying offensive, violent or racist banners, for crimes against public order and other serious crimes (robbery, possession of explosives, drug dealing). This measure may be also taken against those who participated, even abroad, in particular situations jeopardizing public security and order. The legislation in force also allows the possibility to suspend or not to start a football match in case of manifestations of racism and intolerance.

30. For a comprehensive overview about this phenomenon the following relevant data need to be reported:

- In **2013, 1 person was arrested and 73 persons were reported** to the police: **15 of them** were football hooligans reported to the police within the law enforcement activity against racism in sport.
- In **2014, 36 persons** were reported in relation to **79 cases**:
 - 54 cases of anti-Semitic discrimination, 23 subjects under investigation;
 - 17 cases of racist discrimination, 9 subjects under investigation;
 - 6 cases of religious discrimination, 2 subjects under investigation;
 - 2 cases of racism during sport events, 2 subjects under investigation.

31. Within the Italian institutional framework several bodies are entrusted to counter discrimination in sports.

32. The **National Observatory on Sporting Events at the Ministry of the Interior** is a body entrusted with advisory functions and was set up in 1999 to specifically enforce the provisions and measures envisaged by the relevant legislation according to Act No. 210 of 17 October 2005. The Observatory is made up of representatives from Police Forces, institutions directly or indirectly involved in football's world (*Federcalcio, Coni, Lega professionisti e dilettanti*) and transport agencies (*Trenitalia*). Its meetings are opened to representatives of interested public and private companies. The National Observatory is tasked with: discriminatory phenomena during sporting events; establishing risk levels of events; endorsing guidelines to safety in sports facilities; promoting prevention initiatives by involving associations, supporters' representatives, local entities, public and private

stakeholders; identifying measures to be adopted by football clubs to ensure that competitions are run regularly and the public is safe; drafting an annual report on trends shown by phenomena of violence and intolerance at sports events. In particular, the Observatory has stated that football clubs must always preventively transmit (also by e-mail) the extension of the surface, the graphical features and the contents of banners. The use of banners containing messages based on racial discrimination, violence, defamation and offences is prohibited, together with the use of drums, percussion instruments, megaphones, flags that hamper the vision of the football match, and all materials not preventively authorized.

33. In 2013 a **Task Force for security at sport events** was established also at the Ministry of the Interior, tasked with identifying new initiatives to counter racism in sport. The need to strengthen this body has been accomplished at the beginning of the 2014–2015 football season, also through awareness raising and legality educational pathways. In effect, at the beginning of the 2014/2015 football season the Task Force decided to intensify its actions to fight racial, ethnic and religious discrimination during sport events and to identify some strategic guidelines, consisting in monitoring such a phenomenon and launching raising awareness campaigns, as well as legality education activities in schools.

34. As already mentioned, a relevant role is accomplished in preventing and countering discrimination in all its forms by **UNAR**.

35. The Office works in order to monitor web media and related information spreading racial discrimination in sports, in several cases addressed to specific football players, and to activate the Postal and Communications Police to investigate and intervene to shut down the websites. Moreover, it cooperates with the Italian Communications Protection Authority with the task to monitor possible violations of the self-regulation Code on media and sport, adopted by broadcasting media companies, the Association of Media Operators, the National Press Federation, the Italian Sport Press Union, the Italian Editors Federation. Another issue under consideration of UNAR is the full implementation of the principle of non-discrimination, as enshrined in article 7 of Legislative Decree No. 215/2003, with regard to foreign football players holding cards of Italian federations. Several cases were monitored by the Office in different fields of sport, such as football, diving and athletics. In conclusion several events and *ad hoc* training are yearly carried out by UNAR, involving all relevant stakeholders operating in the field of football at the national and European level.

36. As far as the last initiatives concerning racism in sport, in September 2014 the “Respect Diversity 2014” UEFA conference was held in Rome to fight against discrimination and to provide guidelines with a view to addressing racism phenomenon: the conference was attended by FIGC, FARE network, FIFPro (footballers world union) and representatives from the Ministry of the Interior.

37. **Media** play an important role in countering racial discrimination and attitudes, both as a source of information and as vehicle of messages towards public opinion concerning racism and intolerance. According to data collected by UNAR in 2013 reports concerning discrimination at work decreased, while those ones relating to mass media rose up to 26.2%, namely due to the scarce quality of information on migration and minorities.

38. The implementation of the “**Carta di Roma**” (Rome Charter), a code of ethics providing guidelines for a correct information on issues such as immigration, asylum and trafficking has been monitored by the competent authorities following the reports received by UNAR about racial hatred information released by journalists on newspapers and magazines as well as in broadcasting programmes. At the same time the Office, in cooperation with the Italian Press National Federation, has financed training and refresher courses addressed to news reporters and students of Journalism schools placed in Calabria,

Campania, Apulia and Sicily Regions from January 2012, with the support of Regional Journalism Orders. Furthermore a permanent Observatory to monitor daily information produced by newspapers and web magazines was established. Since July 2013 this action consists of a detailed press review on more than 50 national and local newspapers and more than 30 weekly magazines and the insertion of articles in an *ad hoc* database to be questioned by keywords and topics according to main areas such as migration, asylum and ethnic minorities. All these materials are available at the following website: www.cartadiroma.org. At the end of October 2014 a comprehensive monitoring of 13,312 articles has been completed (on average more than 36 articles per day) concerning discriminatory institutional and political comments or local episodes. On a general note a larger attention has been paid by the media to the issue under consideration, also due to the compulsory regional training: till now more than 700 media operators have been specifically trained on the Rome Charter.

39. As for the fight against manifestations of racism and intolerance through the **internet**, the Government is well aware of the necessity to employ all adequate means to counteract frequent on-line episodes of racism, found on websites, social networks and blogs. Racism through the Internet or the social networks cannot be easily monitored according to a preventive approach: these means fuel political propaganda and pressure the public debate. Many news are disseminated through the website, blogs and social networks and commented using a racist language: the “invasion” of migrants, the rights and duties of migrants and the Italian population, the stigmatization of Muslim Communities, the attribution of presumed or proven crimes on migrants. As to the **Additional Protocol to the European Convention on Cyber-crime concerning the criminalisation of acts of a racist and xenophobic nature committed through internet** signed by Italy on 9 November 2011, formal internal procedures for the ratification process are going to start.

40. Also the opportunity to report to UNAR any on-line material, whose content may be discriminatory, racist or instigating racial hatred let the Office, if cases are well grounded and criminally punishable, to alert the Police in order to initiate a criminal proceeding or the Postal and Communication Police in charge of controlling and monitoring the system. These interventions determined the removal of websites and blogs marked by xenophobia and incitement to racial hatred. Among the most famous cases the Neo-Nazi blog Stormfront.org must be mentioned, where from 2011 to 2012 several members published anonymous messages, images, audio and videos supporting identity supremacy ideas, denying the Holocaust, condemning aid measures in favour of migrants. The Court of Rome sentenced on 8 April 2013 against four persons and demanded for the closure of the website.

41. With specific reference to article 2 paragraph 2 of the Convention, in Italy **legal migrants at work** are fully protected and benefit — by working contract — from equal rights as Italian workers. According to our legislation, the national collective contract of employment signed with organizations representing workers and associations of employers, aims at jointly pre-regulate the minimum economic and regulatory issues applicable to all workers.

42. Special attention has been devoted by our Country to manage criticalities concerning the **regularization of labour contracts**. In 2012 the EU Directive on sanctions for employers who employ non EU illegal nationals has been enacted into the Italian legislation, contributing to the disclosure of moonlighting. 134,576 declarations were produced on October 2012 (86.17% relating to domestic work). 82,681 applicants (61%) were granted residence contracts and work permits on 21 February 2014 (77,934 for domestic work). Special permits are issued if the declaration of disclosure is rejected for reasons solely attributable to the employer, or in the case of the termination of an employment relationship which is the object of a declaration of disclosure not yet defined.

43. Websites play an important role in order to facilitate the enjoyment of economic, social and cultural rights of people through the dissemination of information about services available, legislation in force, projects and best practices in those areas. Along these lines, **the multilingual web portal “Integrazione Migranti”** (Migrants Integration Portal, www.integrazionemigranti.gov.it) available in 10 languages (Albanian, Arabic, Chinese, French, English, Punjabi, Russian, Spanish, Tagalog and Ukrainian) was launched by the Ministry of Labour and Social Policies in cooperation with the Ministries of Interior and Education. The network of subjects involved in the implementation of the Portal was subsequently extended, both through the collaboration of other institutional subjects, including the Ministry of Health, the Ministry of Cultural Heritage, the Regions and Municipalities mostly involved in integration-related and immigration policies, and through the involvement of international organisations (UNHCR) as well as third-sector operators promoting and implementing integration policies, including social institutions (*patronati*), with over 4,200 immigration desks, whose services are mapped in the Portal.

44. Its main purpose is that one of fostering foreign nationals’ integration in the Italian society, with a particular reference to five areas: Language, Work, Housing, Minors and second generations, Health. Intercultural mediation is added as a cross-section service. In each single area, the Portal allows users to find useful information on the services provided to foreign nationals in each single territory.

45. Since the beginning of 2014, four new thematic areas have been developed, each one implemented in relation to a specific subject or target.

(a) Migrants Associations Area

46. Migrants Associations is a new area of the Portal especially devoted to the associations of migrant citizens present in Italy. The aim of the area is to deepen the knowledge of the associations of migrants, enhance their activities and build a community owing to a communication and exchange channel among associations and between the latter and the Migrants Integration Portal.

(b) Cultural area

47. The Cultural Area of the Migrants Integration Portal was created owing to a collaboration between the Ministry of Cultural Heritage, Cultural Activities and Tourism and the Ministry of Labour and Social Policies. The area is composed of five sections: Literature, Cinema, Theatre, Music, Visual Art and Cultural Heritage. Within the sections, it is possible to find a map concerning the consolidated and active experiences in Italy in the respective fields (from publishing houses to cinema festivals, to multi-ethnic orchestras to databases). Moreover, the area provides sections devoted to national and international legal frameworks (rules on culture and cultural diversity), as well as sectoral reviews and bodies involved in the Recollection of Italian Emigration.

(c) International Protection

48. International Protection is a new section of the Portal realized in collaboration with the United Nations High Commissioner for Refugees (UNHCR) covering the issue of international protection. The aim of this section is to promote services and projects throughout the whole national territory for applicants and person granted international, subsidiary or humanitarian protection. The international protection section of the Portal is meant as an informative and guiding tool for those operating in the sector as well as for asylum seekers or person entitled of protection.

(d) Second generation

49. Second Generations is an Area of the Integration Portal especially focused on young people coming from a migratory context. The area was created owing to the project “Filo diretto con le Seconde Generazioni” (Direct Line with Second Generations), promoted by the Migrants Integration Portal with the aim to deepen the knowledge of the second generations’ associations and to collect their requests.

50. Besides services, the Portal includes information and documentary sections. In particular, the Immigration Handbook (updated at January 2014), drafted by the Ministry of Labour and Social Policy, is available online. The handbook is an information tool for people who are willing to enter Italy and need to understand which procedures shall be followed, and for those who already stay in the Country. It is an updated, short, practical and exhaustive tool that can be downloaded in 10 different languages. The law section of the Portal includes thematic reports that, through short legal texts, deal with the different aspects relating to the integration of foreign nationals in Italy. These short reports are equipped with FAQ areas containing the answers to the most frequent questions asked on this topic, translated into 10 different languages.

51. Italy continues to be engaged in the domestic process aimed at establishing a **National Independent Commission for the Promotion and Protection of Human Rights** in accordance with the Paris Principles.

52. The Government has recently reaffirmed before the Parliament its intention to establish a National Human Rights Institution and the Inter-ministerial Committee for Human Rights at the Italian Ministry of Foreign Affairs (CIDU), within its advisory activities, lead a Working Group with civil society that is currently completing the drafting of an analytical document to this end. This process should be finalised soon.

53. A parallel process has been initiated by members of the Parliament with several proposals to the same end (A.C. 2529 Hon. Marazziti and Hon. Nicoletti, A.C. 2424 Hon. Scagliusi, A.C. 1004 Hon. Chaouki, before the Chamber of Deputies; A.S. 865, Hon. Fattorini, before the Senate).

Article 3: Specific measures to prevent and avoid the segregation of groups and individuals

54. Over the years the adoption of successive measures for the integration and inclusion of the Roma, Sinti and Travellers Communities (acronym in Italian, RSC) highlighted the complexity of their situation. Their connotation as “nomads” alone has been definitively overcome. When referring to Roma people, a variety of legal statuses has to be acknowledged, Italian citizens, citizens from other EU Countries; non-EU citizens; foreigners who were granted asylum or subsidiary protection, stateless people, including also those born in Italy from stateless parents.

55. However, more recently, with care to comply with EC Communication No. 173/2011 (as well as with other recommendations issued over the past years, at the international level, i.e. the CERD conclusions (2012); CEDAW conclusions (2011); Human Rights Committee conclusions (2005)), the Italian Authorities decided to adopt the National Strategy for the Inclusion of Roma, Sinti and Travellers Communities in Italy 2012–2022, designating UNAR as the National Contact Point (please refer to Section IV.C).

56. With specific regard to this work at the local level, eleven Regions (Emilia Romagna, Liguria, Tuscany, Lazio, Piedmont, Umbria, Molise, Marche, Veneto, Campania, and Calabria) have established a specific WG. Most regional Working Groups, coordinated by the competent Authority (*ratione materiae*), consist of local representatives of the

Central Administration, such as *Prefets*, and members of the Provinces and Municipalities concerned, besides involving NGOs and members of the Roma Communities. These Groups aim at raising awareness of the National Strategy, including relevant instances and recommendations at the provincial and local levels, besides local monitoring of the implementation of the above National Strategy.

57. By analyzing and processing data and existing sources, available information highlight the differences, both in terms of content and collection's modalities, besides paying specific attention to issues such as the population's coverage, the definitions applied to available variables and the quality of the collected data. Last March 2014 the National Institute of Statistic tested its questionnaire for the geo-referencing purpose of administrative data sources to the Municipality of Rome then transmitted to other selected Municipalities. Priority has been given relevant public institutions (*in primis*, Police Stations (*Questure*), Prefectures, Local Health-Care Units, local school Departments, and so forth), amounting to 235 contacted and to 44 interviewed. The project will be concluded by June 2015 by contacting further 59 institutions and 99 associations. The second questionnaire was submitted by the National Association of Italian Municipalities (ANCI) to the Municipalities with over 15,000 inhabitants, with regard to dwellings for Roma. As at July 31, 2014, about 434 Municipalities (59%) have replied, of which 136 have confirmed that Roma are based in their areas under various forms of dwellings (98 in settlements; 65 also under social housing formula).

Article 4: Special measures to eradicate all incitement to or acts of racial discrimination

58. As reported in the former Periodic Report, the Italian legal system envisages specific laws against racist and xenophobic manifestations, which include the manifestation of thoughts aiming at spreading ideas based on racial or ethnic superiority or hatred and at the incitement to commit deeds of discrimination or violence for racial, ethnic or religious reasons.

59. The current criminal regulations on racial and ethnic discrimination are stated under Law No. 654 of 13 October 1975, ratifying and applying the International Convention on the Elimination of All Forms of Racial Discrimination, as amended by Law No. 205 of 25 June 1993 (known as Mancino's Law) and by Law No. 85 of 24 February 2006.

60. To prevent and to combat every form of racial discrimination in 2010 the Observatory for Security Against Acts of Discrimination (**OSCAD**) was established at the Ministry of the Interior. OSCAD is operated by National Police and *Carabinieri* to prevent and repress the so called "hate crimes": it is headed by the Deputy Director of the Department of Public Security/Central Director of Criminal Police, and is composed of public officials from Police Forces and *Carabinieri*.

61. OSCAD is entrusted with: overcoming the phenomenon of under-reporting and encouraging the emergence of discriminatory offences; activating Police and *Carabinieri* operations in the field; intensifying exchanges of investigative information; training and exchanging best practices at the international level, also through INTERPOL; monitoring discrimination; increasing awareness in synergy with other relevant agencies; promoting communication and prevention initiatives.

62. In particular the Observatory has the following tasks:

- Receives reports of discriminatory acts (oscad@dcpc.interno.it – fax 06 46542406 and 0646542407), from institutions, professional or trade associations and private individuals, in order to monitor the phenomenon of discrimination based on race or

ethnic origin, nationality, religion, gender, age, language, physical or mental disability, sexual orientation and gender identity;

- Based on the reports received, OSCAD begins targeted interventions at local level to be carried out by the Police or *Carabinieri*;
- Follows up the outcome of discrimination complaints lodged with Police agencies;
- Maintains contacts with associations and institutions, both public and private, dedicated to combating discrimination, in particular with UNAR;
- Prepares training modules to qualify police operators for anti-discrimination activity and participates in training programs with public and private institutions;
- Promotes awareness raising and information initiatives addressed to public opinion to prevent discriminatory and illicit conducts;
- Puts forward appropriate measures to prevent and fight discrimination, also in terms of investigative data and good practice exchange among Police Forces at the international level.

63. Reporting an act of discrimination to OSCAD under no circumstances replaces a formal complaint with the Police authorities or an emergency call to 112 or 113.

64. Among the activities carried out by OSCAD, it is worth of mentioning the following:

- On March 17th, 2013, on the occasion of the opening of the “9th Week of action against racism”, together with UNAR and with the support of *Federcalcio* and the Football Leagues A and B, the *Lega Pro* and the *Lega Nazionale Dilettanti*, a banner was shown before the starting of the football matches in all stadiums, and the leaders of each team read a specific message addressed to their supporters about the issue under consideration. Thousands of photos were also distributed of the most famous football players bringing the message “Expel racism”;
- The Observatory cooperates with the National Observatory on Sports Events to set preventive and repressive measures against racism, anti-Semitism and intolerance in sports, acting as member of the Task Force properly established to this purpose by the Ministry of the Interior on 5 December 2013, involving representatives of Police Forces, the *Federcalcio* and the Football Leagues;
- The Observatory is a member of the Technical Group tasked to elaborate the National Action Plan against racism, xenophobia and intolerance, promoted by UNAR, which is based *inter alia* on the specific axis concerning racism and sport. In such context joint combined initiatives from national and international institutions will be undertaken for awareness raising, training, information purposes and to prevent, repress and punish discriminatory offences.

65. Since the former Periodic Report, the National Office against Discrimination (UNAR) has been strengthened and its role expanded. On a general note, since 2013 it is responsible for the protection against all forms of discrimination, whether by race, ethnic origin, religion, personal opinions, disability, age, sexual orientation or gender identity. Moreover it is engaged in contrasting racism, promoting the integration of Roma, Sinti and Travellers and of the most vulnerable social groups (such as the elderly and the disabled), and in fighting homophobia and transphobia, with particular attention to multiple discrimination.

66. In practical terms UNAR closely **works on the fight against hate speech and hate crimes** since cases of discrimination on the grounds of racial and ethnic origin still remain the majority, with a total amount of 68.7% complaints as at 2013.

67. Over the years the Office supported and/or promoted various initiatives such as the “Rome Charter”, training for media, law enforcement and law professionals. More recently it has been involved and is developing **Action 2.2.3. entitled “Combating different forms and manifestations of Racism and Xenophobia”**: it is a 18 month-project run by ARCI in partnership with UNAR, CNR-ISGI, ANCI-Cittalia, Ministry of Interior-OSCAD, UNICRI, Romania-Romanian Federation of Journalists MediaSind, SOS Racismo Gipuzkoa, Fundatia Dezvoltarea Popoarelor, Francia-La Ligue de l’Enseignement, Spagna-University of Barcelona, UK-Race on the Agenda.

68. According to yearly collected data, in 2013 1,142 cases were reported to UNAR Contact Centre. About 70% of these reports were considered as discriminatory acts and conducts, followed by sexual orientation (10%), persons with disabilities (9.2%) and discrimination on the ground of the age (8.9%).

69. Mass media are the most used means to disseminate discriminatory ideas (34.2%, compared to 19.6% in 2012). In particular hate crime cases concerning specific ethnic communities or foreigners have been recorded on the new media. Also the xenophobic contents of social network have increased, facilitated by anonymous format.

70. At the same time the discriminatory conducts in public life and in leisure time were higher (156 cases, 20.4%, and 87 cases, 11.4% respectively). They consist of local aggressions, xenophobic banners and public discourse (also to gain electoral support), and during sport events, for a total amount of 288 cases. From 2008 to 2013 UNAR was charged with the management of 988 cases of criminal relevance (25.3% including also physical attempts to victims).

71. A decrease has been recorded as far as the so called institutional discrimination (i.e. from public services, 7.7%), the access to work or housing (7.5% and 5.1% respectively and mainly limited to mobbing on foreign workers, difficulties in accessing to housing or divergences in compensation or dismissal).

72. Alongside discrimination at school (4.1%) and committed by public officials (3.7%), scarce rates have been recorded about public services access (2.2%), healthcare services (1.4%), public transportation (1.2%) and access to financial services (1%).

73. Special attention has been paid to cases recorded in 2013 towards Roma and Sinti Communities: they were 139 and consisted of discriminatory behaviours, messages and conducts. A legal back office was established at UNAR to deal with individual and collective cases.

74. According to a geographic ratio, discrimination was located mainly in northern Italy (55.3%), if compared with Southern and Central Italy (11.1% and 33.7% respectively). At the local level Lazio Region has the most higher percentage (22.1%, 156 reports in the Municipality of Rome), followed by Veneto (17%), Lombardy (14.7%), Emilia Romagna (8.8%), Tuscany (8.1%) and Piedmont (7.3%).

75. Most of the victims are Italian (26.5%), followed by Moroccans and Romanians (8.5% for both nationalities) and by nationals from other 38 Countries.

76. The reports came directly from victims (29.2%), from witnesses (19.5%), and from associations on behalf of victims (10.2%).

<i>Discrimination ground</i>	<i>No.</i>	<i>Per cent</i>
Disability	105	9.2
Age	102	8.9
Ethnic or racial origin	763	66.81

<i>Discrimination ground</i>	<i>No.</i>	<i>Per cent</i>
Gender	9	0.8
Sexual orientation or gender identity	114	10.0
Religion or personal belief	49	4.2
Total	1142	100.0

Source: UNAR/IREF-ACLI 2014.

Specific data: Ethnic /racial origin

<i>Sector</i>	<i>V.A</i>	<i>Per cent</i>
Media	260	34.2
Public life	156	20.4
Leisure	87	11.4
Supply/Delivery of public services	59	7.7
Work/labour	57	7.5
Housing	39	5.1
School and education	31	4.1
Law enforcement	28	3.7
Health	11	1.4
Delivery of private services	17	2.2
Public transportation	9	1.2
Financial services provision	8	1.0
Not available	1	0.1
Total	763	100.0

Source: UNAR/IREF-ACLI 2014.

77. Unlike Equality Councillors, UNAR is not authorised to take legal action. However it provides legal support to those NGOs with *locus standi* and admitted to its Register. In this regard UNAR systematically issues opinions to victims and associations with a legitimate interest to represent them since 2010. Plus, over the years UNAR has been sensitizing relevant associations on the importance of the above Register, besides constantly updating the relating list of Associations in accordance with article 5 of Legislative Decree No. 215/2003—so that as of today we count approximately 480 Associations.

78. UNAR's practice is to provide assistance at: the pre-judicial stage, the judicial stage and during the subsequent stage – following the verdict, up to the concrete removal of the discrimination. Before any means of protection, UNAR takes charge of the discriminatory event reported to its Contact Centre. The latter informs the victim of the remedies available under the law to defend his/her right. Once the judicial action is under process (upon initiative by the Association or the victim itself), UNAR provides, *inter alia*, legal advice. By the above Associations (undertaking legal action), these opinions are quite often submitted *ad adiuvandum*. At the third stage, the removal of the discrimination (in general, the enforcement of the verdict), the Office monitors and oversees the enforcement procedure and thus the effective removal of and redress for the damages. It also keeps contact with the victim.

79. 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 relevant judicial proceedings initiated somehow through a report to UNAR Contact Centre;
 - 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.
80. For more detailed information about the remedies for victims of racial discrimination and information on court cases please refer to article 6 comments.
81. Among the latest initiatives undertaken by the UNAR, the **Solidarity Fund for the legal protection of victims of discrimination** is particularly worth mentioning. With a view to strengthening the effectiveness of mechanisms for the protection against discrimination and facilitating the victims' access to justice in the most significant and problematic cases, the Department for Equal Opportunities and the National Bar Council (*Consiglio Nazionale Forense*, a body playing an institutional representative role of the Bar) have undersigned an Agreement envisaging the establishment of a Solidarity Fund for the legal protection of victims, made available by the Department and aimed at paying in advance legal expenses.
82. The contribution can be requested by:
- Victims of discrimination based on race, ethnic origin, religion, belief, age, disability, sexual orientation and gender identity;
 - The competent associations which are permitted to bring or defend court proceedings in representation of victims, pursuant to article 5 of Legislative Decree No. 215/03;
 - Trade Unions, and the Associations and Organizations representing the infringed right or interest pursuant to article 5 of Legislative Decree No. 215/03.

III. Information grouped under particular rights

83. As it concerns the right **to security of person and protection by the State against violence or bodily harm**, whether inflicted by government officials or by any individual, group or institution, a strong normative framework has been designed to prevent cases of excessive use of force and to comply with the highest standards in the field of ethics and professionalism.
84. The Police Forces are bound to the following duties: diligence, legality, correctness, loyalty. Needless to say, they are also duty-bound to additional specific obligations and prescriptions, which are reflected in the so-called disciplinary responsibility – the latter being also reflected in the military system. **The disciplinary responsibility** is linked with those constitutional principles under article 97 referring to the correctness of the public administration and the expeditiousness of the proceeding, entailing that each and every case/incident must be duly and promptly investigated.
85. In accordance with **article 582 of the Criminal Code** on the ill-treatment of persons deprived of their liberty, relevant conducts by law enforcement officials are often pursued

ex officio, even in cases of minor injuries (i.e. the offence of *Abuso di autorità contro arrestati o detenuti* [Abuse of authority over arrested or detained persons] (art. 608 of the Criminal Code), *Violenza privata* [Private violence] (art. 610 of the Criminal Code), *Abuso di ufficio* [Abuse of office] (art. 323 of the Criminal Code) or the offence of *Falso in atto pubblico* [Forgery of documents]).

86. As known, training activities, including HRE-related courses, have been introduced for all law enforcement agencies. All Italian Forces pay the utmost attention to international humanitarian and human rights laws, within the framework of the *ad hoc* training and educational curricula, including in the enhanced framework of activities carried out by OSCAD, the Police-*Carabinieri*-led Observatory on the monitoring of acts of a discriminatory nature.

87. OSCAD has realized training activities aimed at raising a more effective and complete awareness of law enforcement personnel with regard to some issues as the respect for human rights, the prevention and the fight against discrimination and hate crimes. To this end, the relations with institutions and associations operating in this sector have been intensified, by strengthening training and education joint activities, in particular with the UNAR, the LGBT Service of Turin municipality – that is the leader of the “Rete Ready” (National Network of Public Administrations against Acts of Discrimination on the basis of Sex Orientation and Gender Identity), Amnesty International, “Polis Aperta” (LGBT Association whose members are police and army officers), “Rete Lenford” (association of lawyers, experts in LGBT rights). As a matter of fact, in 2014, following cooperation initiatives already adopted, several joint seminars were carried out in an interactive and combined mode with labs, both at central and local level. Moreover the Observatory, in cooperation with the Council of Europe Inter-governmental Cooperation, Anti-Gypsyism and Roma Equality Unit and Amnesty International, has realized the organization of training activities, by providing training for trainers, with a view to improving State Police officers’ knowledge and skills with regard to the crucial problems related to Roma and Sinti Communities.

88. The Ministry of the Interior underlines that the Police staff is periodically sensitized on HR Law, in order to ensure full compliance with legal/judicial safeguards, especially in the event of those people put under arrest or detention.

89. Likewise, the Prison Administration extensively provides the prisons’ staff with training and continuous refresher courses, including on the respect for the dignity and rights of the person, as well as on the management and treatment of the various people restricted (i.e. collaborators of justice, minors, “41 bis” interned) – as recently reinforced by Law Decree No. 92/2014 converted into law last August 2014.

90. Along these lines, the Prison Administration Department provided to inform, in April 2008, all the prison facilities on the Istanbul Protocol, i.e. “Manual for an effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment”, translated into Italian by the *Ufficio Studi Ricerche Legislazione e Rapporti Internazionali del Dipartimento* [Office for Studies Research Legislation and International Relations of the Department]. More recently, the same Ministry proposed the establishment of a National Guarantor of Detainees as later introduced by Act No. 10/2014.

A. Political rights and**B. Other civil rights**

91. As it concerns some relevant **civil rights**, such as the right to freedom of movement and residence within the border of the State, the right to leave any country, including one's own, and to return to one's country, the right to nationality, and the active participation in public and political life, all these rights are based on the release of the citizenship, actually disciplined in Italy by Act No. 91 of 5 February 1992 (and regulations for its implementation: specifically Presidential Decree No. 572 of 12 October 1993 and Presidential Decree No. 362 of 18 April 1994).

92. Citizenship legislation applies to: persons born Italian who have lost their citizenship and wish to reinstate it; descendants of Italian citizens claiming citizenship; foreigners applying for Italian citizenship.

93. Italian citizenship can be acquired in one of the following ways:

(a) Automatic acquisition

94. **Citizenship as a result of Italian parents/ancestors (“*iure sanguinis*”)**: Children of Italian parents (mother or father) who are Italian citizens. Citizenship is passed on from parent to child without limitation of generation, on the condition that none of the ancestors has ever renounced their citizenship.

95. **Ascertainment of citizenship**: When a person claims to be of Italian parentage or ancestry but no proof of the fact can be found in Italian registers, it is necessary to provide proof that all ancestors have maintained, and thereby passed on, their Italian citizenship. The authority legally valid to ascertain these facts depends on the person's place of residence: for foreign residents, the diplomatic-consular mission in the country of residence; for residents in Italy the official statistics office (Anagrafe) office of the city of residence.

96. **Citizenship granted to persons born on Italian soil (“*iure soli*”)**: Italian citizenship is granted to persons born on Italian soil: whose parents are unknown, Stateless or cannot pass on their citizenship to their child according to the laws of the State of which they are citizens; of unknown parentage found on Italian soil and whose natural citizenship is impossible to ascertain.

97. **Citizenship through judiciary ruling on natural paternity/maternity**: A child recognized or declared while a minor to be of Italian parentage. Persons of legal age recognised or declared as such must elect to become citizens within one year of that recognition. The following documentation must be annexed to the declaration: birth certificate; act of recognition or authenticated copy of the ruling on paternity/maternity, or of an authenticated copy of a ruling that declares a foreign ruling binding in Italy, or an authenticated copy of a ruling acknowledging the right to child support or alimony; certification of parent(s)' citizenship.

98. **Citizenship by adoption**: The right to citizenship is extended to any minor child adopted by an Italian citizen by means of the provisions of the Italian Judiciary Authorities, or in the case of adoption abroad and rendered valid in Italy through an order issued by the Juvenile Court for enrolment in an official Italian statistics office (Anagrafe). Adoptees of legal age can acquire citizenship after 5 years of legal residence in Italy after the adoption (see naturalisation).

(b) Acquisition by claim**99. Foreign descendants of Italians up to the second degree, or born in Italy:**

Foreign or stateless descendants (up to the second degree) of Italian citizens can claim citizenship. Requirements include one or more of the following: service in the Italian armed forces; employment by the Italian Government, even abroad; residence in Italy for at least 2 years before reaching the legal age of 18. Claims must be accompanied by the following documentation: birth certificate; certificate of Italian citizenship of mother or father or a direct ancestor up to the second degree; certificate of residence, where requested.

100. Foreigners, even those not of Italian descent, born on Italian soil

can claim Italian citizenship after continuous legal residence in Italy up to legal age, and upon declaration of their desire to do so. That declaration, to be presented within one year of reaching the age of 18, must be accompanied by the following **documentation**: birth certificate; certificate of residence.

101. Citizenship by marriage to an Italian citizen: The foreign spouse of an Italian citizen can claim Italian citizenship in the presence of the following requirements:

(a) In Italy: two years legal residence (permit to stay and enrolment in an official statistics office (Anagrafe)) after the wedding; abroad: three years after the wedding; the timeframes are reduced by half in the presence of children born or adopted by the spouses;

(b) Valid marriage certificate and permanence of marriage bond up until the issuance of citizenship;

(c) Absence of convictions for crimes leading to a maximum penalty of 3 years in prison or convictions by a foreign judiciary authority of more than one year for non-political crimes;

(d) Absence of convictions for any of the crimes listed in Book 2, Title I, items I, II and III of the Criminal Code (crimes against government personnel);

(e) Absence of obstacles related to the security of the Republic.

102. Claims to Italian citizenship, addressed to the Ministry of the Interior, must be submitted to the Prefecture of the Province of residence, if in Italy; if residence is abroad, to the diplomatic-consular mission. Claims must include the reasons for claiming the right to Italian citizenship accompanied by proper documentation, duly legalized and translated. Pursuant to Ministry of the Interior Directive of 7 March 2012, as from June 2012 authority to issue citizenship decrees is assigned to: the Prefect for applications submitted by foreigners legally residing in Italy; Head of the Department for Civil Liberties and Immigration in the case of a foreign spouse residing abroad; the Minister of the Interior in the case of reasons pertaining to the security of the Republic.

(c) Naturalisation

103. Required legal residence in Italy for:

- **3 years** for descendants of former Italian citizens up to the second degree and for foreigners born on Italian soil;
- **4 years** for citizens of a European Union country;
- **5 years** for stateless persons and refugees, as well as for adult foreigners over the age of 18 adopted by Italian citizens;
- **7 years** for children adopted by Italian citizens before the entry into effect of Law No. 184/1983;
- **10 years** for non-EU citizens.

104. No period of legal residence is required for foreigners who have been employed in the service of the Italian Republic for a period of at least 5 years, also abroad.

105. Citizenship applications, addressed to the **President of the Republic**, must be submitted to the *Prefecture* of the Province of residence, accompanied by proper documentation.

(d) Granting of Italian citizenship pursuant to special laws

106. Several special laws provide for the granting of the Italian citizenship to specific categories of persons according to their residence in predetermined territories.

(e) Dual citizenship

107. As from 16 August 1992, Italian citizenship is no longer lost in concomitance with the acquisition of foreign citizenship unless the Italian citizen formally renounces it, and save international agreements. The Italian Government's adherence to the **1963 Strasbourg Convention** means that, as from 4 June 2010, Italian citizenship is not automatically lost for those Italians who become naturalised citizens of the signatories to that Convention.

(f) Loss of citizenship

108. An Italian citizen can lose citizenship automatically or formally give it up.

Automatic loss of citizenship:

- Any Italian citizen who voluntarily enlists in the armed forces of a foreign government or accepts a government post with a foreign State, despite express prohibition by Italian law;
- Any Italian citizen who has served during a state of war with a foreign country, or held a government post or acquired citizenship in that State;
- Adoptees for which adoption is revoked by fault of their own, on the condition that he/she is in possession of or acquires citizenship in another country.

Formal renunciation of Italian citizenship:

- Adoptees of legal age following revocation of adoption by fault of their own, as long as they are in possession of or acquire citizenship in another country;
- Any Italian citizen resident abroad and that is in possession of, acquires or reacquires citizenship in another country;
- Anyone of legal age who acquired Italian citizenship as a minor following the acquisition or reacquisition of citizenship by one parent, as long as he/she is in possession of citizenship in another country.

109. A declaration renouncing citizenship is made before an official of the official statistics office (*Anagrafe*) of the Italian city of residence or, if residing abroad, before an authorised diplomatic-consular official, accompanied by requested documentation.

110. **Minors do NOT lose Italian citizenship** if one or both parents lose it or acquire foreign citizenship.

111. **Women married to foreign husbands after January 1st 1948** who automatically acquired foreign citizenship **did NOT lose their Italian citizenship**.

Re-acquisition of citizenship

112. Italian citizens who have lost their citizenship can reacquire it: **Automatically** one year from the date in which they established residence on Italian soil, unless they renounce it within that term of time.

113. **By specific declaration:**

- Serving in the Italian armed forces;
- By being or having been in the employ of the Italian Government, even abroad;
- If a foreign resident, once legal residence in Italy is established, within one year of the declaration for reacquisition submitted to the Italian consular authorities;
- Once legal residence in Italy has been established for at least 2 years, and it can be proven that the applicant has left the foreign government employ or military service undertaken despite express prohibition by Italian law.

114. With regard to all required documentation, whether for acquisition or renunciation of citizenship, Italian public administrations are officially obliged to acquire information, data and documentation already in possession of the Public Administration, pending submission by the party concerned of the elements indispensable to the retrieval of such information or data. Therefore, applicants (Italian, UE or non-UE citizens legally living in Italy) are not required to produce information or data already in the possession of the Italian Public Administration, but only the elements indispensable to the retrieval of such information or data. By Law Decree No. 69 of 21 June 2013, the application for Italian citizenship from a foreigner or stateless persons born in Italy could be completed by further documentation despite the non-availability by the Public Administration. The application can be monitored on an *ad hoc* website, following a proper registration by the private applicant. 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).

115. As far as the **1961 Convention on the Reduction of Statelessness**, the accession process has been initiated.

116. With regard to the **right to freedom of thought, conscience and religion and the possible intersectionality of racial and religious discrimination**, including the effects of anti-terrorism measures, which may lead to discrimination on ethnic grounds against members of specific religious communities, the applications against Italy for violations related to expulsions in front of the European Court of Human Rights might be mentioned to this scope.

117. The Strasbourg Court has handed down several judgments on this subject. In its judgments, the Court stressed the obligation to not return a person to a country where there is an actual risk of torture or ill-treatment, not only in the cases in which the expulsion has actually been carried out, but also if it has not, stating that, “[...] *dans l'éventualité de la mise à exécution de la décision d'expulser le requérant ..., il y aurait violation de l'article 3 de la Convention*”.

118. In light of the cases of *Ben Khemais; Trabelsi; Toumi and Mannai v. Italy* — who, *inter alia*, benefited from the safeguards contained in the European Convention — at the meetings of the Committee of Ministers 2010 (see Resolutions CM/Res DH 2010 82 and 83), Italy had already given assurance that, where it needed to proceed to the expulsion of a terrorist on which the Court had already issued an interim measure, it would preliminary request the Court to lift said measure and support the request with all the relevant documents (except for confidential documents) proving the dangerousness of the person

concerned and the alleged danger for the security of the State in case of non-expulsion, or the absence of any risk in the Country of destination.

119. Moreover, subsequent to Mr. Mannai's expulsion, a ministerial circular dated 27 May 2010 was issued in order to raise the judges' of the peace [*giudici di pace*] awareness about the principles on expulsions laid down by the European Court's case-law and notably on the need, when validating the relevant measure, to make a thorough judicial checking of it, verifying not only that it is formally correct, but also that it complies with international human rights law, or, specifically, with article 3 of the ECHR. That is to say that it has to examine the risk for a suspect terrorist of being subjected to torture or ill-treatment if s/he were expelled from the country.

120. As far as the **right to freedom of opinion and expression**, linked with the freedom of the press, they are all protected by the Italian Basic Law in its article 21, which sets forth: "*Anyone has the right to freely express their thoughts in speech, writing, or any other form of communication. The press may not be subjected to any authorisation or censorship [...]*".

121. Article 594 of the Italian Criminal Code addresses insult ("*ingiuria*"), an offence which is distinct from defamation. Defamation is defined under article 595 as a damage to the reputation/honor of a person through communication with several persons. There are three forms of aggravated defamation: through the allegation of a specific act (art. 595, para. 2); through the press or any other means of publicity, or through a public deed (para. 3); and if it is directed to a political, administrative or judicial body (para. 4).

122. Article 596 excludes the defense of justification (proving the truth of the allegation, *exceptio veritatis*), except for the cases of defamation through the allegation of a given act, in three cases: 1) when the defamed person is a public official and the alleged act relates to the exercise of his/her functions; 2) if criminal proceedings are still pending on the alleged act on the part of the defamed person, or if proceedings are brought against him or her; 3) if the complainant formally requests that the judgment should extend to ascertaining the truth or falsity of the alleged act. Article 596 *bis* extends to the editor, deputy editor, publisher and printer, the application of the provisions of article 596 dealing with the defense of the truth. Plus, articles 57 and 57 *bis* of the Criminal Code provide for liability of the editors/deputy editor and publisher or the printer, in case the offence of defamation is committed, for failure to conduct supervision of the content of the publication. Article 58 extends the scope of these provisions to the clandestine press.

123. As noted, the Italian legal system includes specific provisions to combat racist and xenophobic speech, including those actions directed to spread ideas founded on racial or ethnic hatred and the incitement to commit acts of violence on racial, ethnic or religious grounds. As for the use of racist or xenophobic language in politics, by law it is laid down that the judicial authorities are entrusted and have to verify the existence of criminal contents in documents, speeches and programs made by political representatives. Moreover, UNAR (and OSCAD) systematically gives notice of existence of such contents to the Authorities concerned. As already mentioned, some public and elected officials have been recently prosecuted for incitement to racial hatred and propaganda of racial ideas.

124. Highly innovative and effective initiatives and actions have been introduced since 2010, with the aim of enhancing protection and support for victims, including awareness raising campaigns, especially taking place within the "national week against violence framework", as well as capacity-building, monitoring and data collection exercises. Within the above framework, UNAR participates in the relevant Council of Europe campaign, entitled "No hate speech" (<http://www.nohatespeech.it>). In this regard, a specific inter-ministerial working group has been established at the Presidency of Ministers' Council. Plus, in the coming months, it is intention of this Office to promote an integrated

awareness-raising campaign involving Italian representatives of Facebook, Youtube, and Twitter.

C. Economic, social and cultural rights

The right to work

125. Within the Italian legislation recent measures have been adopted to grant the access to the labour market (in public administrations) for foreigners (holders of a residence permit, refugees and subsidiary protection holders, family members of European citizens as holders of the right of residence, even on a permanent basis) and for the allocation of social cards for families with at least three children (eligibility comprises Italian and EU citizens, and long-term resident third-country nationals).

126. As already stated, in our Country legal migrants at work are fully protected and benefit by working contract from equal rights as Italian workers. According to our legislation, the national collective contract of employment signed with organizations representing workers and associations of employers, aims at jointly pre-regulate the minimum economic and regulatory issues applicable to all workers.

127. In the past five years, migratory flows and demographic increases have been so relevant to cause a strong growth of the population in working age; however, this expansion seems to be quicker than the capacity of the economic-productive system to absorb foreign workers, thus triggering an unbalance in the delicate social-employment balance, of which the dynamics are clearly identified by available data.

128. Generally speaking, between 2012 and 2013, the number of EU and non-EU citizens employed registered a slight increase with little less than 22,000 units, against a drop in native employment equal to -500,000 individuals. However, although the employment rate of the former is higher than the latter, in the past years it has been undergoing a worsening trend. In fact, from 2008 it has lost 5 points percentage, currently at 58.1%. From 2007 (the year of the maximum employment growth) to 2013, the employment of foreign citizens increased by 853,000 units against a decrease of more than 1.6 million of Italians. As a consequence, in this period, the incidence of foreign citizens in the Italian labour market increased, despite the decline. In this regard, the values are relevant both at aggregate level –in 2013, reaching 10.5% of the total of the employed – and at sectorial level, in particular in *Constructions* (19.7%), in *Services* (10.7%), in *Agriculture* (13%). It is also important to highlight the well-known relevance of the foreign component in *Family activities and cohabitations as employers for domestic personnel* (more than 76% of the total labour force employed is composed of immigrants), a sector in which there has been an increase of non-EU employment equal to +43.8% on annual basis. The impact of the economic crisis on the age bracket under 30 has been relevant. In the long run (2007–2013), the employment of Italians *under 30* has drastically dropped (-1.162 million of employed) against an increase of young immigrants (about +63,000).

129. The need for low cost labour, as well as for personnel (such as carers) in sectors that traditionally have asymmetric trends as regards the economic cycle and that are essential — otherwise the Italian welfare would implode since it is founded on family rather than on public services — guarantees, in the whole, more attractiveness toward immigrant labour force, and therefore, in case of job loss, greater quickness in re-accessing the market.

130. In 2013, the long-lasting crisis led to register about 500,000 foreign citizens in search of employment, a share that in the past year has increased by 100,000 units. The related unemployment rate has reached 17.3% exceeding that of Italian citizens by about 6 points.

131. In addition to the unemployment data, there has been an increase in the inactive foreign population — that has reached 1.275 million (+77,000 units on annual basis) mainly involving the non-EU component (+52,000) — due to the phenomenon of family reunification, to the increase in the amount of “second generation” foreign citizens and the shares of non-programmed entrances of non-EU foreign citizens such as refugees, asylum applicants or entrances for family reasons. On the basis of the data taken into consideration, inactivity seems to have a different relevance compared to the past, also from a strictly numeric viewpoint.

132. The total number of NEET youth (*Not in Employment, Education and Training*) between 15 and 29 years of age estimated in 2013 was equal to 2,434,740 units, of whom 385,179 foreign citizens, 15.8% of the population taken into consideration. It is interesting to notice that the female presence is higher in EU and non-EU components compared to what evidenced for the Italian NEET. With reference to Morocco, Bangladesh, India, Moldavia, Ukraine, Pakistan, Sri Lanka (Ceylon), women count for two thirds of the NEET, that is they are more than 70% of the total. As regards the values of the NEET rate — that is, the incidence of the 15–29 year old NEET over the total of the population of the same age — the communities with the highest value result as follows. The rate of the Italian component, equal to 24.7%, is lower than what identified for Bangladesh (56.3%), Morocco (50.5%), Tunisia (49.3%), Egypt (48.4%), Sri Lanka (39.1%); whereas, below the average (equal to 26%), there are Moldavia (24.6%), Ghana (24%), the Philippines (21.2%), Peru (20.1%), the Republic of China (18.5%).

133. In 2013, the amount of immigrant families amounted to a little more than 1.8 million, of which 585,000 EU and 1.2 million non-EU, with parental structures, members' ages and number of the components different compared to Italian families, and also different among communities. At aggregated level, 59.8% of Italian families counts at least one worker against 82.8% of foreign citizen families. However, the higher the participation in the labour market, the greater the exposure to the risk of unemployment. In 2013, foreign citizen families with at least one member struck by unemployment due to dismissal, termination of the employer's business or due to expiry of a fixed-term contract, accounted for 24% of the total against 14.6% of corresponding Italian families. The percentage varies upon the varying of the typology of family taken into consideration; the gap between foreign citizen families and Italian families is even wider, for example, in case of “couples without children” (28% vs. 8.7%), or in case of “singles” (16.3% of the cases against 4.7%).

134. Administrative data confirm the difficulties that foreign workers are facing in the Italian labour market. In 2013, the *Sistema Informativo delle Comunicazioni Obbligatorie* registered a volume of activated work relationships which involved foreign citizens for an amount equal to 1,861,943 units, of whom 766,150 EU (41.1% of the total) and 1,095,793 non-EU (58.9%). In the past twelve months, the contraction of labour demand has been relevant. With reference to the volume of employments registered in 2012, it is possible to observe a contraction equal to -9% for EU citizens and -5.4% for non-EU citizens. In the whole, contracts destined to foreign citizens have decreased by almost 7 points, with peaks equal to -7.7% in the Northern labour market and -6.8% in the Central labour market.

135. As it concerns activities promoted by migrants in Italy useful data are collected in the *Infocamere* database concerning companies listed in the Register of the Italian Chambers of Commerce. The percentage of companies created by migrants has increased since 2011 up to 2013: + 9.5% (+ 24,000 and + 23,000 per year). At the end of 2013 500,000 companies led by foreign citizens have been recorded, working namely in the following sectors: trade (32.5%), building planning (25.4%), manufacture (8.3%), accommodation and food services (7.2%), rent, travel and support services for companies (4.7%). The companies are located mainly in northern Italy (51.7%) and central Italy

(26.3%). Foreigners promoting this activity come from Morocco (15.3%, 61,000), Romania (11.5%, 46,000), China (11.2%, 45,000), Albania (7.6%, 30,000), Bangladesh (5.2%, 21,000) and Senegal (4.2%, 17,000).

136. The Ministry of Labour and Social Policies has been active in fighting against **the illegal exploitation of migrant workers** lacking valid residence permits. Migrant workers, being particularly vulnerable, by infringing the laws in force as regards residence on the national territory enable employers to exploit them because of their unjust and disadvantaged conditions. Illicit actions concerning the irregular employment and job exploitation of migrant workers emerge not only within traditionally “crucial” sectors such as building and agriculture, characterized by the deplorable phenomenon of *caporalato* [illegal hiring of farm labourers for very low wages through an agent], but has also an higher incidence in the industry and tertiary sectors.

137. During 2012 the Ministry of Labour and Social Policies financed a programme aimed at fighting against off-the-book employment (“*RE.LA.R – Rete dei servizi per la prevenzione del lavoro sommerso*”), together with 4 Regions and with the participation of public and private services for employment and the *Sportelli Unici* in the building, agriculture and tourism sectors, making available € 5,000,000.00 pursuant to the European Social Fund. 2,030 apprenticeships were carried out in the Regions of Campania (559), Calabria (390), Apulia (425) and Sicily (656) in agriculture (12%), building (26%) and tourism (62%). The project involved 101 promoting bodies (credited training bodies, bilateral bodies, private subjects authorized for the intermediation of demand/supply in the labour market). About 78% of the 2,030 apprenticeships carried out turned into job relationships, as proved by mandatory communications.

138. In order to prevent off-the-book employment in the services to the person sector, the Ministry of Labour and Social Policies financed a programme (with € 9,757,000.00 pursuant to the European Social Fund) aimed at spreading demand/supply cross-services between workers and families, also by involving authorized associated operators (bilateral bodies, aid societies, etc.). The aim was to activate individualized and/or training on the job paths for careers, family assistants and domestic helps, though the involvement of credited and/or authorized private operators of the labour market. The main results achieved by the 4 involved Regions are as follows: activation of 435 informative desks; 4,862 family assistants concluded their training activities, of whom 3,726 were employed. This intervention is complementary with the action launched in 2011 through the signing of programme agreements with the Central-Northern Regions, which had at disposal € 7,000,000.00 (coming from the State budget), which were integrated by further regional resources amounting to € 15,320,056.00. On the basis of the monitoring outcomes at 31 September 2013, the training path was concluded by about 6,000 operators working in the services to the person, of whom 3,500 were employed by families and cooperatives.

139. The fight against off-the-book employment was carried out also owing to the development of inspections. With specific reference to the outcomes of the surveillance activity carried out in 2013, it is clear that, over a total of 139,624 companies inspected, the total amount of off-the-book workers amounted to 44,652, of whom 1,091 are non-EU workers lacking residence permit.

140. Moreover, it is important to highlight that, in the view of developing measures for preventing and fighting against off-the-book employment, Law Decree No. 145 of 23 December 2013 was issued, converted, with amendments, by Law No. 9 of 21 February 2014, which provided for the integration of 250 units in the inspection personnel, a 30% increase of administrative sanctions for the employment of off-the-book workers, as well as an increase in the additional amount to pay for the revocation of the suspension measure of the entrepreneurial activity.

141. In 2013 also inspection personnel from the National Social Insurance Agency (INPS) carried out 71,821 accesses, finding a total amount of 53,009 illegal workers, among whom 33,490 units totally off-the-book, of which 22.92% non-EU citizens.

142. During 2013, in compliance with what provided for by the document for planning the surveillance activity, the National Institute for Insurance against accidents at work (INAIL) carried out its inspection and control actions against phenomena of off-the-book employment and evasion/avoidance of insurance bonuses on companies/sectors/categories found through the analysis and the study of behaviours adopted as regards various factors, such as, for example, the incidence of accidents. More than 50% of the inspections carried out involved companies falling within the following sectors (on the basis of the Ateco Code): *Manufacturing, Building, Transport and Warehousing and Lodging and catering services*, with a high presence of illegal workers coming from non-EU countries.

The right to housing

143. With regard to social inclusion of immigrants and the Roma Communities, the Ministry of Labour and Social Policies has defined programmes regarding three main areas: the Italian language, the first step towards full integration; the regular work, as it guarantees rights and protections, and is a vehicle for integration of immigrants in the socio-economic context in which they live; and housing, in the belief that it is necessary to ensure decent housing conditions, including combating certain forms of discrimination.

144. As far as the latter, the access to housing has been promoted through actions for recovery of degraded areas and neighbourhoods, for renovation of abandoned housings, for construction of transitional housings, for strengthening the practice of public-private partnership aimed at increasing housing supply, for fight discrimination, for raising public awareness, and for reception, information and guidance initiatives.

145. It was decided to launch a quantitative investigation with ISTAT, Caritas and the Federation of the sector's companies (FIO.psd, Italian reference of Feantsa) in order to fill the persisting data gaps about the phenomenon of people living in extreme poverty and homelessness and to deepen the analysis of this phenomenon in our country. The study focuses on a thorough knowledge of statistics, analysis of needs, the causes and progress of the "careers of poverty", as well as the measures offered to these categories. At the same time, an ethnographic research was launched among the five largest cities (Milan, Genoa, Bologna, Rome and Bari) on the conditions of daily life of homeless people, their survival dynamics, their relationship with reality, their space and especially with the services of first asylum. The intended purpose of this study is to bring out the phenomenon to identify policies, actions and projects aimed at improving the living conditions of these people (researches, being handled by research centres and major Italian universities, began in January 2008 and are still ongoing).

146. Homeless are a target on which the Italian Government wishes to pursue convergent action of measures and interventions, in order to improve the tools for dealing with this issue. In this regard, experiences of local observers, already established and funded with communitarian and local resources, are being promoted, encouraging the strengthening of the network and the role of individuals as incentives for the formulation of appropriate land policies. In accordance with the representation of Italian Municipalities (ANCI), a general law will be applied throughout the country on the registered residence (an initiative already implemented in some major Italian municipalities), in order to allow a condition of access to rights and the entry in the system for support and inclusion interventions. This could become a platform for access to an even broader spectrum of benefits and services, to be configured as a path of reintegration.

147. With reference to the access to housing for Roma, Sinti and Camminanti Communities, within the process aimed at elaborating the National Strategy for the Inclusion of Roma, Sinti and Travellers Communities in Italy 2012–202, a Working Group on Housing (*Tavolo Politiche Abitative*) has been established on 18 November 2013. Furthermore as far as the Regional Working Groups, UNAR held a meeting with the State-Regions Conference on December 3, 2012. In terms of follow-up, the latter requested all Italian Regions to proceed with the establishment of regional Tables in their respective Regions, by 28 February 2013. Accordingly, eight Regions (Emilia Romagna, Liguria, Tuscany, Lazio, Umbria, Molise, Marche and Calabria) promptly did so.

The right to public health, medical care, social security and social services

148. According to the relevant contents of the Italian Basic Law, the State implements social and welfare policies and promotes social justice. In this context the following rights must be guaranteed: the right to health and to the highest standards of physical and mental health, also by ensuring free medical care to all (art. 32), a minimum standard of living to those who are in need (art. 38), the protection of the family, in particular mothers and children (arts. 29–31).

149. Healthcare assistance to non EU citizens not legitimately present in Italy is guaranteed through hospital emergency services and according to regional MoUs, also involving NGOs with specific experience. The law forbids healthcare and administrative personnel to alert police officials of illegal migrants who make use of health structures. In 2011 the Ministry of Health adopted a syndromic alert system for the first assistance of migrants, which was updated in 2012 with the publication of a document titled “Recommendations for the management of healthcare criticalities due to migrant flows to small islands”, sent to all Regional Health Offices and supporting the following projects: with WHO until 2015 — “Public Health Aspects of Migration in Europe”; with the Regional Office of IOM Europe — “EQUI-Health Project”, to protect health conditions of vulnerable migrants (asylum seekers, Roma, ethnic minorities). Furthermore, in 2014 specific training actions have been programmed and funded for healthcare personnel, particularly in Sicily, also to overcome intercultural barriers which greatly limit the effectiveness and efficiency of healthcare services for migrant population. Services have also been provided by the National Institute for Migration and Poverty (an institution within the National Health Service) with financial resources amounting to € 10 million in 2013. From 1st September 2007 to 3rd March 2014 the Institute assisted 46,752 alien patients (70.6 % of patients assisted), of which 5,453 claiming international protection received first aid.

150. Employees’ working conditions are governed by national law, or by the collective bargaining, if the latter is able to guarantee any more favourable condition. Laws intervene in particular on situations that affect health and safety conditions (i.e. setting of a maximum working time limit, overtime, a minimum annual leave, daily and weekly rest), as well as on social security matter. The provisions may be waived by collective bargaining, under the principle of the “*favor prestatoris*”, in case more favourable conditions for workers are provided for. To counter informal labour situations that could negatively affect the healthcare of foreign workers proper legislative measures and procedural mechanisms have been placed to this scope (please refer to Section E, The right to work).

151. In the perspective of the promotion of women rights and in relation to their physical protection as victims of discriminatory and violent conducts, an extraordinary Action Plan against sexual and gender violence has been developed by the Department for Equal Opportunities with the contribution of civil society organizations and anti-violence Centres to ensure uniform nationwide actions. In particular it envisages public information and awareness raising campaigns; anti-violence Centres upgrading; support services for victims

of gender-based violence and stalking; specialized training of health sector operators; cooperation among institutions; collection and processing of data. The “Inter-Ministerial Task Force on violence against women”, established in 2013 at the Presidency of the Council of Ministers and articulated in 7 sub-groups, is responsible for the implementation of the Plan.

152. Finally, also in relation to the special physical and mental condition of persons with disabilities as potential victims of discriminatory actions, the two-year programme of action to promote the rights and inclusion of people with disabilities has been adopted in 2013. It was prepared by the National Observatory on the Status of Persons with Disabilities, with the contribution of all organizations of persons with disabilities. The programme sets seven priority lines of action: a review of access system, recognition of certification of disability and socio-medical model of intervention; labour and employment; policies, services and organizational models for independent living and inclusion in society; promotion and implementation of the principles of accessibility and mobility; educational process and school inclusion; health, right to life, habilitation and rehabilitation; international cooperation.

The right to education and training

153. By Law No. 169 of 30 October 2008 a new **subject** has been introduced in the curricula of all the Italian primary and secondary school systems to develop issues such as the contents of the Italian Basic Law, the European citizenship, human rights, intercultural dialogue, the education to legality, the environmental education all the topics related to the concept of active citizenship. In particular the education based on the recognition of rights and duties from children and adolescents attending the school is at the core of the education to legality programmes. According to the programming lines concerning the above mentioned subject, the essential basic principle of the Italian school system is to propose good behavior models: the educational scope includes the promotion of interpersonal, intercultural, social and civic relationships among students, in order to forge their contribution to the social and professional growth of our society. The respect of legality and the accomplishment of rights and duties make children and adolescents responsible for their future and must be granted in the school programmes as basic education principle (as established in Rules alleged to the Ministerial Decree No. 139 of 22 August 2007).

154. We should mention a **best practice** in this field, implemented in conformity with the National Operative Programme “Competencies for development” funded by the European Social Fund for 2007–2013 (*Improve knowledge and competencies of young generations*), whose Action C.3 provides for the elaboration and realization of interventions on topics such as legality, environmental education, intercultural education, human rights, also through informal methodologies (i.e. involving public and private institutions, cultural entities and museums, scientific centres and academia, tribunals and Police Forces headquarters, TV and radio broadcasting, newspapers and magazines editors, etc.).

155. Particular attention is focused on recently immigrated persons. As mentioned in the UPR National Report, the Ministry of Education has launched an experimental formation plan for teachers and school managers, investing 400,000 € and reaching 415 schools. Another plan is “Lingue di scolarizzazione e curricolo plurilingue e interculturale”, for primary schools (100 classes, with a budget of 60,000 €), aimed at promoting linguistic and cultural heritage of foreign students. A national observatory for foreign students integration has also been founded. In 2014 the new Guidelines for the reception and integration of foreign students have been adopted, taking into consideration the different situation of the foreign pupils’ population: they increased from 430,000 in 2006 (when the former Guidelines were adopted) to 830,000 at the present and attend the secondary school (200,000 students, 80% in technical secondary institutes).

156. According to the Ministry of Education, during 2012–2013 school year, Roma, Sinti and Caminanti students attending school were 11,481, divided as follows: 1,906 at kindergarten, 6,253 at primary school, 3,215 at middle schools and 107 at secondary school. Along these premises, the Italian school system is engaged in the integration of Roma and Sinti children through special programs such as “Integration of Roma, Sinti and Caminanti young people is an action” promoted by Ministry of Labour and Social Policies, jointly with several local authorities and finalized at the integration of children and teenagers from 13 cities (Turin, Milan, Genova, Venice, Bologna, Rome, Naples, Reggio Calabria, Bari, Palermo, Catania, Cagliari). The project’s budget is 600,000 €.

IV. Information by relevant groups of victims or potential victims of racial discrimination

A. Refugees and displaced persons and

B. Non-citizens

157. Because of its geographic situation, Italy has been exposed over the last two years to massive inflows of migrants. Italy is at the forefront of an extraordinary effort to save human lives at sea.

158. The full implementation of the principle of “non refoulement” in compliance with international norms is always granted. Italy is, more than ever, strongly committed in search and rescue activities (SAR) at sea, very often far beyond its area of responsibility, ensuring the rescue of migrants onto the Italian territory. After Lampedusa tragedy, our Country has intensified Search and Rescue activities by launching in October 2013 Operation “Mare Nostrum” to deal with the humanitarian emergency deriving from the exceptional arrival of migrants on the Central Mediterranean route. Through operation “Mare Nostrum” Italy rescued at sea more than 101,000 persons with 563 search and rescue operations. Moreover, 728 persons involved in the crimes of smuggling and human being trafficking have been arrested. Over the course of the last year Italy has afforded the expense of 9.3 million € per month. Mare Nostrum is now phasing out and it will be closed by the end of the year. Triton operation, which is operative from the first of November, is in charge of the maritime borders surveillance, but at the same time, however, Triton is obliged to rescue persons aboard vessels in danger.

159. The strategy adopted by Italy in favour of asylum seekers and of those who are entitled to international protection is aimed at integrating them at the local level and strengthening social cohesion.

160. This year Italy set up a reception system which reached a capacity of 63,328 persons at 17 October 2014. Italian reception system consists at the first level of 14 Reception Centres and Centres of first aid and reception, where first aid to migrants is provided. These centres are placed in the sea towns most affected by the landing via sea, for instance in Lampedusa Island.

161. After the initial period in Reception Centres for asylum seekers, that could last from 20 to 35 days depending on the inflow of migrants, refugees and asylum seekers are hosted in the Reception System for Asylum/International protection Seekers (SPRAR), managed by local authorities and financed through the National Fund for Asylum Policies and Services. Since 2013 its reception capacity increased from 3,000 to almost 21,000 persons to date, at an additional cost of over 50 million €.

162. In particular the SPRAR is tasked to manage the allocation of applicants on the basis of burden-sharing among Regions, Provinces and Municipalities. To this regard, in July 2014 an Agreement has been signed by the State, Regions and local administrative bodies. A National Coordination Working Group, assisted by Regional Working Groups, has been put in charge of planning all activities connected with mass migratory flows, with a special focus on the optimization of the reception system. According to the Agreement, the National Coordination Group has been charged with drafting a two years Plan to assess reception capacity needs. The Group will formulate strategies to prepare for, mitigate and respond to pressure on the asylum reception system.

163. With reference to the allocation and use of the new European Fund on Asylum, Migration and Integration 2014–2020, the National Program of Action focuses on the comprehensive management of migratory flows including asylum seekers, legal migration, integration and repatriation of illegal immigrants. The National Program is financed with 500 million €, of which 310 million are funded by the European Union. In 2013 the Italian Government funded 190 million € to tackle the extraordinary expenses related to this unprecedented migratory flow. In 2014 a further sum of almost 63 million € has been allocated.

164. As for arrivals of migrants by sea, during the last year our Country had to face an increasing migratory pressure, due to poverty, wars and political instability in several areas of the world. From January to 23 October 2014, almost 151,126 migrants have arrived by sea and about 12,000 of them were unaccompanied minors. To engage the extraordinary necessities related to this exceptional migratory flow, in 2013 the Government funded 190,000,000 €, while more recently 62,700,000 € have been funded. Migrants arriving by sea are mostly persons in need of international protection, fleeing from wars, persecutions or grave dangers. From January to October 17 of this year, 56,485 asylum applications have been submitted, while in 2013 the applications were 26,620. As for relevant statistics, during the current year 61% of the applications submitted were accepted.

165. To speed the processing of the asylum applications, without limiting the procedural rights established by European and national legislation, the Commissions in charge of granting the international protection have been increased from 20 to 50 by a new law, which foresees their placement near the reception centres. To ensure a transparent procedure, in all said Commissions, there is a representative of the UNHCR. If a decision is not taken on the individual case within six months period during which the applicant can be accommodated by the States/he will get a residence permit, allowing him/her to work.

166. Italian legislation also provides humanitarian protection to individuals who may not qualify as refugees or entitled to subsidiary protection under the 1951 Convention and the European law, but who cannot be repatriated for humanitarian reasons (usually this kind of stay permit lasts one year and it is renewable until the humanitarian reasons remain).

167. As already reminded a specific attention needs to be paid on the condition of unaccompanied minors. From 1 January to 23 October 2014, 12,164 unaccompanied minors have arrived by sea. Unaccompanied minors are housed in Reception Centres for minors or put in family foster care and cannot be hosted in Reception Centres for asylum seekers or Identification and Expulsion Centres. Italian law forbids the deportation of minors as a general rule. They are entitled to a residence permit, until they reach the age of 18. Upon coming of age, they can obtain a residence permit either for study or working reasons. They benefit from a wide set of protections: the right to education, to healthcare, accommodation in a safe place, the right to guardianship.

168. As for the specific needs of migrants and in particular of children accompanied to their parents, the so called “Capitolato d’appalto” for the management of governmental centres (approved by Ministerial Decree of 21 November 2008) provides specific services

for the needs of migrants, families with children included. Moreover a new regulation regarding Identification and Expulsion Centres was issued on 20 October 2014 by a Decree of the Minister of the Interior, on the basis of a consultation with an *ad hoc* Working Group, made up by Ministry of Health, IOM, Italian Red Cross, Medici senza frontiere, the National Institute for Migration and Poverty (INMP). The new regulation is about management criteria of Identification Centres and includes dispositions *inter alia* concerning: information to migrants on their rights; assessment of their health conditions and medical assistance; rules of access to the centres, included access of journalists and NGOs; monitoring on the management of the centres and the respect of the aforementioned “Capitolato d’Appalto”.

C. Minorities, including the Roma

169. In our legal system the concept of minority is linked to linguistic specificity and it is based on article 6 of the Basic Law, which states “The Republic protects linguistic minorities with relevant provisions”. Protection is related to the recognition of the inviolable rights of man, both as an individual and as part of social groups in which he/she expresses his/her personality and to the equal social dignity of all citizens without distinctions in terms of sex, language, religion, political opinions and personal and social conditions (arts. 2 and 3 of the Basic Law). This principle is reinforced by other articles that, on the one hand, aim at ensuring that the Italian legal system comply with generally recognized international law provisions (art. 10) and, on the other, they focus the attention on the adjustment of legislation principles and methods to the requirements arising from autonomy and decentralization (art. 5). The system of local and regional autonomy is particularly relevant to the protection and promotion of minorities. A few minority groups living in border regions enjoy a special form of autonomy as the Statutes of these Regions were adopted by means of constitutional laws.

170. An important stage in the development of our legal system was achieved by means of **Law No. 482 of 15 December 1999 entitled “Provisions to Protect the Historical Linguistic Minorities”**. This Law, though upholding the principle of national unity, recognizes the multiplicity of the linguistic and cultural forms of expression in our Country and at the same time it attaches importance to the role of autonomy in terms of administrative decentralization by allocating to local authorities fundamental tasks in the implementation of relevant provisions. It is worth stressing that in almost all Regions where minority language speaking communities live, protective provisions have been issued in the framework of the responsibilities entrusted to the Regions by the Basic Law, in keeping with the general principles set at European and international level. Law No. 482/1999 meets the actual needs of individuals belonging to minority groups, who can freely choose to belong to a minority or not. The precondition for the functioning of these provisions is the delimitation of the territorial area where the community to be protected lives. The process of identification of the concerned communities falls under the responsibility of the Province.

171. Since the entry into force of Law No. 482/1999, the Ministry of the Interior has been drawing up a list of municipalities belonging to the various minorities, which is periodically updated by including other communities that require to have access to the protection envisaged by the above mentioned Law. The general population census does not provide for the collection of data on language and religious beliefs which can reveal racial or ethnic origin. Any collection of sensitive data requires the written consent of the person concerned after prior authorization of the National Guarantor of Privacy; similarly, the dissemination of sensitive data by public entities is permitted only if expressly authorized by law (art. 22, Law No. 675/1996, paras. 3 and 3 *bis*). Specific legislative provisions provide that, when population censuses take place, information concerning the numerical size and territorial

distribution of some linguistic groups can be obtained in two cases only, namely: the collection of data relating to persons belonging to minorities speaking the Mochoeno, Cimbrian and Ladin languages, resident in the province of Trento (Legislative Decree No. 592 of 16 December 1993, art. 4) and the collection of data relating to the Italian, German and Ladin linguistic groups of the province of Bolzano (Decree of the President of the Republic No. 752 of 26 July 1976).

172. Several activities from the regional authorities should also be recalled, as they allocate funds to projects of the involved Public Administrations at local level concerning the implementation of the right to the public use of the individual minority languages recognised at regional level. Although differences in procedures do exist as a result of the application of the provisions of Law No. 482/1999, the types of projects eligible for funding include the following: establishment of linguistic helpdesks for relations with citizens that use the minority language, training courses in the minority language for staff of the involved administrations, translation of official deeds and documents of the Public Administration and interpretation in connection with the activities of joint bodies, making of state and institutional signs, design of institutional websites using minority languages, design of institutional websites, publication of promotional and dissemination material. The Regions support the implementation of plans aimed at enhancing cultural and linguistic diversity as well as at strengthening the concept of intercultural dialogue; they promote and support public and private initiatives aimed at maintaining and expand the use of the minority languages in their respective territories. Strong support is given to both promotion work and forms of cooperation among institutions in the fields of linguistics, education, training and means of information.

173. Several **cultural initiatives** are taken at both national and local level where national minorities live, and many of these initiatives are funded by Law No. 482/1999, others by the economic support from both Regions and local authorities. Some initiatives have also been taken by Museums or Institutes aimed at extending cultural services also to the migrants residing in the national territory or at the cataloguing and showing of the communities historic archives relating to recognized national minorities. Municipalities have given ample space to meetings, popular festivities and festivals aiming at an in depth study of both their own languages and at the knowledge of ethnic minorities living in Europe. In addition photo exhibitions have been arranged as well as spaces devoted to the promotion of their cultural and historical roots, theatre plays, prizes for literature works in original language, monographic studies and interactive CDs as well as bilingual DVDs.

174. Recent comments and statements, **broadcast** through national and local radio/tv programmes, have highlighted the alarming frequency of cases of discrimination based on ethnic and cultural diversity. The President of *Agcom* (Communications Regulatory Authority) sent a letter dated January 2014 to all private and public, national and local tv/radio stations, in which he drew attention to the risks of such messages passed on through means of information. In this letter the *Agcom* President, after stating once again that the right to freedom of expression — envisaged by the Basic Law — can never be guaranteed at the expense of human dignity, hopes that a renewed commitment is entered into by the institutions in relation to the respect of the fundamental rights of individuals; in conclusion, the *Agcom* President stated that his authority, within the sphere of its own competences, will regularly carry out monitoring activities concerning the radio/TV broadcasting system by urging broadcasters to guarantee the respect for the fundamental principles enshrined in current legislation.

175. As far as the **RSC Communities**, on a preliminary note over the years various measures have been promoted aimed, *inter alia*, at the integration and inclusion of the Roma, Sinti and Caminanti Communities, evidencing the complexity of their situation. The

most relevant is the recent adoption of the **National Strategy for Roma Inclusion, 2012–2020**.

176. By this brand new initiative Italy complies with relevant international human rights instruments while implementing specific principles, such as the human rights-based approach, a gender perspective, and so forth. It is focused on the four main Axes proposed by the European Commission, namely Labour, Housing, Health, and Education, developed and implemented by national and regional “Tables/Working Groups”, as well as on “local Plans of social inclusion”. In terms of governance, to ensure the effective implementation of the above Strategy a so-called political control room has been set up, made up of relevant Ministers. Moreover two specific Working Groups on the legal status of Roma and on the collection of relevant data in line with the to-be-launched pattern of Roma’s human rights indicators elaborated by FRA have been established.

177. By this Strategy, a multi-sectorial inclusive approach, based upon close cooperation with local Authorities, civil society organizations and an inter-institutional coordination with all national administrations involved has been introduced. Italian Authorities promptly adopted the national Strategy, entrusting the National Office Against Racial Discrimination for its implementation. In doing so, Italian Authorities have taken into full consideration the Council of State’s Judgment No. 6050 of 16 November 2011, by which it was declared void the Decree of the Presidency of the Council of Ministers of 21 May 2008 concerning “the state of emergency in relation to the settlements of nomad communities” in the Regions of Campania, Lombardy and Latium, respectively. Furthermore if the above Decree had also envisaged the appointment of delegates-Commissioners, consequently their civil protection emergency powers were also void. In April 2013 the Court of Cassation confirmed that verdict.

178. On a more specific note, since December 2012 the above recalled Working Groups, both National and Regional, have been established.

179. Along the above lines, UNAR keeps promoting, *inter alia*, awareness-raising and training activities through several initiatives, such as Council of Europe’s Romed2/Romact, CominRom, the “DOSTA (*Basta!*)”, as well as initiatives related to the remembrance of Porrajmos, the International Roma Day, the week against violence, the week against racism, and so forth.

180. In terms of good practices, several initiative have been launched: “Italian Acceder”; the joint project run with ANCI and ISTAT in the Objective Convergence Regions with regard to identification of sources and data-collection, especially on housing within the framework of the relevant FRA-Working Party on Roma indicators; the project jointly run by UNAR, ANCI and Formez, to promote the adoption of Local Social Inclusion Plans – initially in the five Regions of the former “Nomads Emergency”; other projects run by the Ministry of Labour, the Ministry of Health (also through a sectorial Plan), the Ministry of Education (also through an *ad hoc* project devoted to Porrajmos to be launched by December 2014), and the Ministry of the Interior for their respective area of responsibility, especially focussed on youth and women.

181. Each year UNAR celebrates on April 8 the World Day of Roma and Sinti Communities: several initiatives and events have been promoted also in 2014. Lastly, within the Italian Presidency of the EU, UNAR organized relevant initiatives and events of a regional level, including the Meeting of the National Roma Contact Points, held in Rome on 5–6 November 2014.

D. Women

182. In 2013 the UNAR Contact Centre recorded 114 cases of discrimination based on sexual orientation and gender identity (10% of the total), of which 102 of direct discrimination and 12 of indirect discrimination. One third of the reports came from victims or witnesses and 10% from organizations. Most of the investigations (60%) were initiated by UNAR through media monitoring. The reports were mainly recorded in: public life (44, of which 22 cases of assault), mass media (37, 25 cases on Facebook and blogs), school (12).

183. These data might be read also in relation to the Department for Equal Opportunities at the Presidency of the Council of Ministers' initiative for the biennium 2011–2013 promoting a new form of collaboration with the Self-regulatory Publicity and Commercials Broadcast Institute (acronym in Italian, IAP) by which, only in 2012, more than 100 commercials contrary to the correct portrayal of women were promptly removed upon request of the Department. By this form of collaboration, two MoUs have been signed: one for a two-year term in 2011 and another one for a further two-year term on 31 January 2013 to confirm the above engagements besides extending the scope to the fight against specific forms of discrimination, including bullying phenomena grounded on homophobia and transphobia. At the same time the above mentioned Department, in cooperation with the Ministry of Education, supports the annual edition of the Action week against violence, whose aim is to fight against all forms of discrimination by organizing awareness-raising campaigns, information and training courses on prevention of violence and fight against all forms of intolerance, especially those grounded on racial, religious and gender based intolerance, besides dealing with all forms and root-causes of violence, especially those grounded on sexual orientation and gender identity, and paying specific attention to bullying. All the activities scheduled in the relevant programmes were conducted nationwide throughout the academic year 2012/13 by the Department in tandem with all schools. During this week, all primary and secondary schools are involved in several initiatives of sensitization, information and training for students, parents and teachers on prevention against and contrast of any form of violence and discrimination. Students can discuss with Police experts and agents in order to acquire a deeper knowledge of the legal instruments currently enforced in our Country. Along these lines the Ministry of Education signed on 18 February 2013 an Agreement to fight against violence and discriminations with the Ministry of Labour and Social Policies to teach future generations the respect for others, the refusal of any form of violence and discrimination as well as the civic value of social inclusion – in the belief that this activity is an unending investment for the future.

184. Despite the difficulties, Italy is experiencing a significant revolution in female leadership. A recent law (the bi-partisan Law No. 120/2011, also called Golfo-Mosca Law) mandates increased representation of females on boards of publicly-listed and state-owned companies. The Golfo-Mosca Law requires that boards (executives and non-executives) of publicly-listed companies and state-owned companies have at least 33% of either gender by 2015 and sets a target of 20% for the transition period. In the event of non-compliance, a progressive warning system can lead to the eventual dissolution of the board.

185. A further significant step towards the achievement of women's full participation in the national institutional life is the adoption of Law No. 215/2012 establishing "Provisions to promote gender balance in local governments' and regional councils. Provisions on equal opportunities in the composition of selection boards for competitions in the public administrations".

186. The Italian Government has also supported the project "Women Mean Business and Economic Growth-Promoting Gender Balance in Company Boards". The project is aimed at promoting balanced representation of women and men in economic decision-making.

The project envisages a set of actions, such as: setting the scene for women in economic decision-making, providing data on Italian female leadership, and on best practices to promote it, and reviewing the literature on beneficial effects of female occupation and female leadership in economic decision-making for growth, development, and business; building a new dataset of women on boards of Italian companies; analysing the impact of the new Golfo-Mosca legislation on several outcomes, such as the number of women in top positions, the average quality of boards, the diversity and performance of the organisation, the feedback effects on aggregate measures such as female occupation, female presence in top management, female education, etc.

187. Also an important awareness-raising campaign on the topic is currently being carried out. It is entitled “*Quote di genere. Un paese più equilibrato ha un futuro migliore*” (Gender Quotas. A more Balanced Country has a Better Future) and is aimed at promoting gender balance in decision making also through the dissemination of the abovementioned provisions on equal access to Boards of Directors and Boards of Statutory Auditors of non-listed and publicly owned companies, pursuant to Law No. 120/2011 and Presidential Decree No. 251/2012. Specific initiatives to fight stereotypes have been envisaged with regard to the school system and the revision of text-books, besides entrusting the Department for Equal Opportunities with specific powers to signal to relevant Authorities those ads that portray incorrect images of women. In this regard, the RAI system is also committed towards a better and adequate portraying of women’s role.

188. Along these lines the Department for Equal Opportunities, the Ministry of Economic Development and the Ministry of Economy have signed an agreement for the establishment of a Special Section of the Central Guarantee Fund for SMEs, financed with € 20 million. In 2014 the Department and the Ministry of Economic Development signed an MoU with all stakeholders (*ABI, Confindustria, Confapi, Rete Imprese Italia, Alleanza delle Cooperative*) for the development of gender entrepreneurship and self-employment. A credit facility with a State guarantee for new investments and the start-up of new businesses will be made available to 1,400,000 SMEs. In this context, the National Observatory for Women’s Entrepreneurship and Employment in Agriculture (ONILFA) was established to promote agricultural and rural gender entrepreneurship. In 2012 the Department signed with the Italian Regions a new agreement for the conciliation of life and flexible working modes (*Intesa 2*) in order to extend and strengthen initiatives to support women and men with children or adults in care, also with the aim of promoting new employment opportunities, focused on care and family/community based services.

189. Within the 2012 EIF annual Programme, the project “Autonomy and integration for young foreign women” was launched in order to support the autonomy of particularly vulnerable migrants: unaccompanied minors aged 16–17 and young women under 24 at risk of social exclusion. The project involves 380 young women. Furthermore resources from the European Social Fund have been allocated to facilitate access to the labour market. The Ministry of Education started implementing the “Emergency Lampedusa” project addressed to all children under 18 on the island.

190. In 2012 Italy joined the CoE programme “Combating discrimination on the grounds of sexual orientation and gender identity”, with UNAR acting as the national focal point and tasked with the development of the LGBT National Strategy adopted in 2013. In recent years, doctrine has highlighted areas where the legislative vacuum remains. Along these lines mention has to be made of: 1. the judgment of the Constitutional Court, No. 138/2010 (envisaging equality of treatment between married couples regardless of their sex); 2. the support from the Italian Government to the first national strategy to combat discrimination based on sexual orientation and gender identity in compliance with the project initiated by the Council of Europe for the implementation of the Recommendation of the Committee of Ministers CM/REC 5 (2010).

191. In practical terms the idea to elaborate a strategy has been developed by UNAR, that is also currently coordinating the relating implementation. UNAR has proposed and introduced a system of governance that includes all relevant stakeholders, including OSCAD, the Department of the Penitentiary Administration, the Italian Federation of the Press, and so forth. From a thematic standpoint, labour and employment sectors where discrimination is more common are under attention. Focus is also paid to the other major areas of concern for LGBT people in everyday life, such as access to employment and the world of work in general, education (integration, overcoming stereotypes and anti-bullying), safety and prisons, communication and media.

192. The **Italian National Strategy on LGBT people's rights, 2013–2015**, was formally approved by Ministerial Decree of 16 April 2013.

193. At the thematic level four policy areas (Education, Labour, Prisons' security, Media and Communication) have been identified as the main axes of intervention. For each of them, priority objectives have been determined and concrete measures are to be implemented with a multidisciplinary approach. To this end the Department for Equal Opportunities and the Municipality of Turin, as the national secretariat of the network RE.A.DY-National Network of Public Administrations against discrimination based on sexual orientation and gender identity – have signed an MoU, with resources amounting to 500,000 €. Relevant awareness-raising and training, envisaged for senior officers from schools, labour centres, law enforcement, is carried out through national seminars and pilot projects of a local level, as well as through an *ad hoc* web platform.

194. On the occasion of the International Day Against Homophobia (17 May 2013) a meeting, organized by UNAR was held at the Italian Senate at the presence of the President of the Senate, the Speaker of the House of Representatives, the then Minister for Equal Opportunities and with the participation of key institutions and relevant associations. UNAR also participated in the National Pride of Palermo (June 2013) where the National LGBT Strategy was officially launched. In implementing the *ad hoc* MoU signed with OSCAD, UNAR promoted specific training sessions for law enforcement officials between May–June 2013. As for the priority Axis “Media and Communication”, UNAR signed an agreement with the Council of Europe, to support information, training and awareness-raising aimed at professionals, in order to foster a respectful and correct information on LGBT-related issues. In October 2013, the Council of Europe, and the UNHCR organized, in collaboration with UNAR, an international seminar on asylum-seekers applications on the grounds of sexual orientation and gender identity.

Article 6: Practice and decisions of courts and other judicial and administrative organs

195. As far as the Italian case law concerning discrimination in all its forms, several decisions have been adopted from 2010 to 2013. It is worth mentioning:

Sexual orientation and gender identity

- Constitutional Court, judgment No. 94/2011 and Court of Cassation, judgment No. 7186/2011 have reiterated the relevance to counter sexual orientation and gender identity discriminatory attitudes and reaffirmed that the principle of non-discrimination must be considered an individual right in absolute terms.

Racial offences

- Court of Cassation, judgment No. 2798 of 21 July 2010: the expression “dirty nigger” during a robbery must be considered as an aggravating circumstance with discriminatory and hate intent.
- Court of Cassation, judgment No. 29330 of 26 July 2010: a racist expression addressed to public officials while limiting the personal security of two foreigners does not constitute a criminal offence (insult).
- Tribunal of Milan, order of 2 May 2011: the suggestion of a local public authority not to renting housing to foreigners must be considered a discriminatory conduct.

Access to housing

- Tribunal of Bolzano, order No. 665 of 16 November 2010: the decision of the Bolzano Provincial Council to create separate lists for UE and not UE citizens applying for a financial housing renting support must be considered as discriminatory.
- Tribunal of Bolzano, order No. 342/2011 of 20 July 2011: the local legislation dealing with the concession of a financial housing renting support for a citizen of another EU member State following the belonging of a determined linguistic group must be considered as discriminatory.

Access to work

- Court of Cassation, judgment No. 17087/2011 and No. 18927/2012: the dismissal motivated by reprisal or consisting of an oppression of the employee is discriminatory.
- Tribunal of Milan, order No. 5738/2010 of 30 July 2010: need to grant to non EU citizens the access to public work opportunities within the competent housing territorial agencies.
- Tribunal of Venice, order of 8 October 2010: recognition of access to a public competition for a foreigner as relative of an Italian citizen.
- Tribunal of Florence, order of 15 November 2010: recognition of access to a public competition for a non EU citizen.
- Tribunal of Lodi, order No. 317 of 18 February 2011: granting of permanent work contracts for foreign workers.
- Tribunal of Bologna, order No. 528/2010 of 8 March 2011: recognition of access to a public competition of the Ministry of the Interior in the role of administrative official at the Single Desks for Immigration open not only to Italian applicants but also to non EU citizens.
- Tribunal of Trieste, order No. 408/11 of 1 July 2011 and of 22 July 2011: nullification of a public call to access to healthcare services positions because of the exclusion for non EU citizens and related contested reply of the Public Administration concerned.
- http://www.unar.it/unar/portal/wp-content/uploads/2014/01/trib_ts_ord_22072011.pdf Tribunal of Milan, judgment No. 6287 of 20 December 2011: the exclusion of non EU citizens accessing to healthcare services positions from public competitions has to be considered as illegal.

- Tribunal of Brescia, order No. 3027 of 29 December 2011: the exclusion of foreigners from public competitions accessing to monitor activities during the elections has to be considered discriminatory.
- Tribunal of Florence, judgment No. 5365 of 27 January 2012: the exclusion of non EU citizens from the public call of the Ministry of Culture to access to protected categories' workers has to be considered discriminatory.

Mobbing

- Tribunal of Milan, order No. 16945 of 22 March 2012: the discriminatory behaviour of a banking executive towards his dependent has to be considered as aggravating circumstance of the offence itself

Sport

- Tribunal of Lodi, order No. 898/2010 of 13 May 2010: the legislation adopted by the National Football League concerning the release of a stay permit for football players as a precondition to be enlisted in non-professional football societies has to be considered discriminatory.
- Tribunal of Varese, order of 2 December 2010: according to the principle of equal treatment and non-discrimination the non EU football player that already has his residence in Italy could be enlisted in football societies to play in the B League national championship.
- Tribunal of Pescara, order No. 656/2011 of 14 June 2011: the denial to be enlisted in a football society for a foreign unaccompanied minor under fostering in Italy has to be considered discriminatory.

Article 7: Discriminatory subjects

A. Education and teaching. In particular, information should be provided on:

196. As for the eradication of racism and xenophobia attitudes among youngsters, the re-establishment of the **National Observatory for the integration of foreign students and for intercultural exchanges at the Ministry of Education** represents a strong message to promote an educational path in schools aimed at achieving such objective. The National Observatory comprises academic, social and cultural experts as well as representatives of associations, research institutes and ministries; it analyzes educational policies and develops proposals specific educational programmes, marked by an intercultural approach and to fight against racism, racial discrimination, prejudices and attitudes from the primary through the secondary school.

197. As a consequence, the Italian school system has been provided for with financial resources to carry on cultural integration training activities programme for teachers and school managers and to encourage so far a positive integration of non-Italian students.

198. Within this context on 6 May 2013, a Memorandum of Understanding was signed by OSCAD and the Ministry of Education, University and Research, with a view to promoting joint training activities at schools aimed at disseminating an anti-discrimination culture as early as at primary-school age and at preparing the ground for a real “cultural generation revolution”.

199. Specific provisions concerning **the teaching of minority languages** in the schools of the 12 recognized linguistic communities are contained in Law No. 482/99 and constitute the regulatory framework which underlies the actions taken by the Ministry of Education.

The efforts by the Ministry have been aimed at implementing the said Law by means of the following initiatives: financing the projects of the schools that introduce the teaching of the minority language; promoting the activities connected with the implementation of the Law to include teacher training and monitoring the initiatives carried out. In kindergartens, the use of the minority language during educational activities is envisaged; in primary and junior secondary schools the use of the minority language is regarded as a teaching instrument. Planning an educational provision addressed to adults is also being considered. Across the national territory, the Regional Education Authorities have been working towards enhancing, supporting and monitoring the educational and training initiatives that involve the minority languages. They have promoted and shared examples of best practices to include *ad hoc* research and publications.

200. On the occasion of the 10th anniversary of the promulgation of Law No. 482/99, the Ministry of Education commissioned to the National Institute for the Evaluation of the Educational and Training System (*INVALSI*) a survey aiming at describing the situation as regards the teaching of minority languages in the schools involved. The project stemmed from the need to take stock of the situation concerning the teaching of minority languages on the first 10-year deadline since the entry into force of this piece of legislation that has allowed the official introduction into schools of the above-mentioned languages. The aim of the survey is to record the impact of the supporting and protection measures – including the use of **textbooks and other teaching materials** – provided for by the Law in the schools of the minority communities.

201. As far as the **measures taken for intensive training of law enforcement officials** to uphold the human rights of all persons without distinction as to race, colour or national or ethnic origin, please refer to Section III – Information grouped under particular rights of the present Report.

B. Culture

202. As already stated, Law No. 482 of 15 December 1999 recognises the multiplicity of the linguistic and cultural forms of expression in our Country.

203. Just to make an example, the programmes offered by the regional branch of *RAI* (public broadcasting service) in Friuli Venezia Giulia in Slovenian reflect the wide range of cultural, historical and social aspects of the Slovenian minority, but they also carry out an important role in the connection and exchange among cultures, regions and neighbouring States. At the same time, as provided for by article 18 of Regional Law No. 26/2007, the Friuli-Venezia-Giulia Region supports the cultural, artistic, scientific, educational, sport, recreational, information and editorial activities and initiatives promoted and carried out by the institutions and associations of the Slovenian minority. In this connection the regional Register of the organisations of the linguistic Slovenian minority and the regional Fund of the Slovenian Linguistic Minority have been established.

204. A Panel for the Communication of Minorities was established in order to encourage the development, the enhancement and the protection of the ethnic, cultural and linguistic characteristics of Ladin, Mocheno and Cimbrian populations in consideration of the strategic role played in connection with the protection of minorities in the Trentino Region and which is granted to media as means of knowledge, dissemination, standardization and importance of the minority languages spoken within the respective communities. In 2012, a series of television broadcasts dedicated to the Mocheno and Cimbrian communities were planned and initiated with the aim of focusing on a few specific issues that characterise the two linguistic islands. The broadcasting of television programmes on the TML TV channel of the minorities began on 30 January 2013 and will continue up to now. Television broadcasting was chiefly produced in Italian and integrated with some minority language inserts, mainly with the aim of providing the general public, and not only the members of

the minority communities, with timely and accurate information on several aspects identifying the local communities so as to make the whole community more aware of a fundamental issue for the provincial autonomy.

205. On a more general note municipalities have given ample space to meetings, popular festivities and festivals aiming at an in depth study of both their own languages and at the knowledge of ethnic minorities living in Europe. In addition photo exhibitions have been arranged as well as spaces devoted to the promotion of their cultural and historical roots, theatre plays, prizes for literature works in original language, monographic studies and interactive CDs as well as bilingual DVDs.

206. In June 2012, a communication campaign against racial discrimination was launched by OSCAD with the support of UNAR (“Made in Italy”) in order to portray the multicultural scenario in our Country as well as the fundamental contribution by foreign nationals to the productive activities sector in Italy. On this issue mention should also be made of a videogame “In my shoes” prepared and supported by UNAR on how to be in migrant’s shoes living in Italy. There are 4 stories based on four fictional characters but using real statistical data: Benjamin, a Nigerian boy whose residence permit has expired; Fatima, a Muslim mother of two school-aged children; Irina, a Romanian girl with a dream to hopefully come true in Italy; and Zhang, a young second-generation Chinese boy. The videogame invite player to be in the characters’ shoes by trying to face ten everyday life situations ranging from house-hunting to job-searching. In order to win the game you have to keep an eye on two parameters: budget and happiness, both representing physical and psychological well-being.

C. Information

207. Please refer to Section on Article 2, paragraph 47 ff of the present Report.
