

TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION 72ND SESSION ITALY, 15TH REPORT 20-21 FEBRUARY 2008

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Information submitted to the Committee

State report

On 29 March 2006 Italy submitted its fifteenth periodic report regarding the implementation of the *International Convention on the Elimination of all Forms of Racial Discrimination* (hereafter referred to as the Convention).¹ Italy gathered in one document the fourteenth and fifteenth periodic reports and submitted it for consideration to the Committee on the Elimination of Racial Discrimination (hereafter referred to as Committee) at its 72nd session in Geneva. The report was divided in two main sections. The first one was related to the Italian legislative framework and the new institutional bodies to combat discrimination, while the second part dealt with racial discrimination, employment, education, treatment of foreigners in prisons, and measures to safeguard health. After the consideration of the fourteenth and fifteenth periodic reports, the Committee submitted a list of issues.² In its list of issues submitted to Italy, the Committee asked for additional information on items related to population's composition in Italy, discrimination against Roma and Sinti people and their social integration, expulsions and forced evictions of Roma, racial speeches against

¹ CERD/C/ITA/15, 29 March 2006, available at:

<http://daccessdds.un.org/doc/UNDOC/GEN/G06/411/25/PDF/G0641125.pdf?OpenElement>

² List of issues available at: http://www2.ohchr.org/english/bodies/cerd/docs/72LOI_Italy.pdf

non-EU immigrants perpetrated by politicians in the political arena, the legislative framework for the regulation of immigration, the role of the National Office for Measures to Combat Discrimination (UNAR), access to education for Romani children, and adoption of training programmes to raise awareness of the Convention among teachers, members of the judiciary and police staff. Italy submitted its responses to the list of issues in January 2008.³

NGO reports and briefing

Four coalitions of non-governmental organizations (NGOs) submitted alternative reports to the Committee.⁴ Representatives of NGOs also provided oral statements to the Committee during an informal meeting on 21 February 2008. They briefed the Committee members on the main issues addressed in their reports. OsservAzione and Sucra Drom, an Italian NGO formed by Sinti, Roma and people belonging to the majority of society, denounced the utilization by politicians of racist speeches against Roma to obtain political consent. They presented the major human rights violations that Romani people were suffering in Italy: pictures showed the ban adopted by many Italian municipalities to prohibit “nomads” from entering and settling in the city, and other pictures representing the unhygienic containers where many Romani families were forced to live in the city of Milan. The Comitato per la Promozione e Protezione dei Diritti Umani, a network of 74 Italian NGOs working in the field of human rights, drew attention to the lack of an independent national institution for human rights in compliance with the Paris Principles,⁵ and reminded the Committee members that in 2005 the Draft Bill n. 3300 for the creation of a National Independent Human Rights Commission was blocked in the Senate and since that time nothing has changed. The Comitato expressed its disagreement and concern about Government’s position that the National Office for Measures to Combat Discrimination (UNAR) acted as a human rights commission, as UNAR was a governmental body. The Gruppo di Lavoro per la Convenzione sui Diritti dell’Infanzia e dell’Adolescenza focused on racial discrimination against non-European children, with special attention to the most vulnerable groups of children (unaccompanied foreign children, asylum seekers and gypsy children). The Unione Forense per la Tutela dei Diritti Umani pointed out the increasing episodes of racial discrimination and xenophobia followed by a lack of proper reaction by the Italian public authorities. It provided the Committee members with an overview of the legal framework, which regulated the right to marry, access to education, and sanitary assistance for non-EU citizens.

Themes and issues

The delegation of Italy was headed by Valentino Simonetti, Minister with the Inter-Ministerial Committee for Human Rights, Ministry of Foreign Affairs, and also included Mrs Stefania Rota, President of the Council of Ministers in the Office of Research and Institutional Relations, Mrs Nadia Plastina, representative of the Ministry of Justice, General Department for Human Rights, Mr Dario Caputo and Mr Domenico Morelli, representatives of the Minister of Interior, Office for Immigration and Civil Freedoms, Mrs Anna Piperno representative of the Ministry of Education, Mr Marco De Giorgi, General Director of the National Office for Measures to Combat Discrimination, Mrs Gloria Carroccio, representative of the Ministry of Social

³ Reply to list of issues available at: <http://www2.ohchr.org/english/bodies/cerd/docs/AdvanceVersions/cerditaly72.doc>

⁴ European Roma Rights Centre (ERRC, <http://www.errc.org/>), Centre on Housing Rights and Evictions (COHRE, <http://www.cohre.org/>), OsservAzione and Sugar Drom (www.osservazione.org), report available at: <http://www2.ohchr.org/english/bodies/cerd/docs/ngos/errccohreitaly72.pdf>;

Gruppo di Lavoro per la Convenzione sui Diritti dell’Infanzia e dell’Adolescenza (<http://www.savethechildren.it>), report available at: http://www2.ohchr.org/english/bodies/cerd/docs/ngos/gruppo_italy.pdf ;

Comitato per la promozione e protezione dei diritti umani (CPPDU, <http://www.comitatodirittiumani.org/>), report available at: <http://www.comitatodirittiumani.org> ;

Unione Forense per la Tutela dei Diritti Umani (<http://unionedirittiumani.it/>), report available at: <http://www2.ohchr.org/english/bodies/cerd/docs/ngos/UFTDUItaly72.doc> .

⁵ The ‘Paris Principles’ were adopted by the United Nations General Assembly as an Annex to *Resolution 48/134*. They define the role and functions of national human rights institutions in the promotion and protection of human rights. Available at: <http://www.un.org/Depts/dhl/res/resa48.htm>.

Solidarity, and Mrs Cristiana Carletti, Ms Donatella Ciccimarra, and Ms Alessandra Giudice, representatives of the Ministry of Foreign Affairs.

Head of delegation Mr Simonetti opened the session by stating that after the submission of the fourteenth and fifteenth State reports many changes in the political and institutional framework had occurred. In April 2006, general elections to renew the Parliament had taken place, and a new Government had been formed under Premier Romano Prodi. The Prodi Government remained in charge until 25 January 2008, when it lost the vote of confidence. The President of the Italian Republic Giorgio Napolitano looked for a political consensus to build up a new Government, but because no agreement was achieved he dissolved the Parliament and called new elections. On 13 April 2008 Italy would vote and until the constitution of a new Parliament no decisions regarding draft proposals and bills would be adopted. Head of delegation Simonetti insisted that, notwithstanding the present political situation, the country was engaged in complying with its UN system and treaty responsibilities.

Mr Simonetti highlighted that the protection and promotion of human rights constituted one of the fundamental pillars of both domestic and foreign Italian policies. Article 3 of the Italian Constitution set out the principle of non-discrimination, which guaranteed equal and full access to justice without discrimination and was seen as the central pillar in human rights protection.⁶ Minister Simonetti reminded that, in the last years, illegal immigration had become a growing concern in public debate. As illegal immigration was often related to human trafficking, the Italian Government enhanced cooperation with international institutions in order to provide immigrants with primary aid and assistance, and to guarantee a special stay permit for women and children victims of trafficking. Mr Simonetti also highlighted the efforts that the Italian Government was undertaking to raise awareness on Romani people and their rights.

Mr Simonetti underlined his personal commitment to combat racism, and before giving the floor to other delegation members, he thanked the Committee for the opportunity to engage in an open and fruitful dialogue. Delegation member De Giorgi then elucidated the composition and the main activities of the National Office for Measures to Combat Discrimination (UNAR). Mr Caputo clarified the Italian legislative framework concerning foreigners. Mrs Carroccio drew the attention to the measures of social integration for immigrants, with particular attention to the right to housing. Some of the other themes addressed during the dialogue included integration of the Roma community, the access to education for non-EU children, the role of the media in racial discrimination, the acquisition of Italian nationality, and the lack of an independent national human rights institution.

After the presentation of the periodic report by Italian delegation, Committee Rapporteur on Italy Mr Kemal welcomed the detailed analysis and then went through the replies of Italy to the list of issues submitted by the Committee. He questioned the delegation about the recognition of Roma as a linguistic minority and about the adoption of specific plans to eliminate racial discrimination against them. He expressed the need for statistical data on ethnical minorities, and sought further clarification on the measures of expulsion of EU and non-EU citizens from Italian territory. He commented on an NGO report that he received which asserted that the Italian Government had adopted a number of regulatory actions aimed at facilitating racially targeted acts against certain segments of the Roma community, including forced evictions and expulsions from the country. Mr Kemal asked for the delegation to comment on those assertions. He also noted that a number of NGOs had strongly protested against a law of 2007 that had given local authorities more discretionary powers to remove European Union citizens and other immigrants from Italy. On violence perpetrated by fans at football matches, Mr Kemal welcomed the number of measures that Italy had taken to seriously address the problem. He expressed his agreement with the report of the Special Rapporteur Doudou Diène on contemporary forms of racism, racial discrimination, xenophobia and related intolerance⁷ about the necessity of an independent human rights commission in compliance with Paris Principles.

⁶ “All citizens possess an equal social status and are equal before the law, without distinction as to sex, race, language, religion, political opinion, and personal social conditions” (Article 3 of the Italian Constitution).

⁷ A/HRC/7/19, 20 February 2008, available at : http://www2.ohchr.org/english/bodies/hrcouncil/docs/7session/A.HRC.7.19_fr.doc

National Office for Measures to Combat Discrimination

The delegation informed the Committee in the periodic report that with the Prime Minister's Decree of 11 December 2003, a National Office for the Promotion of Equal Treatment and the Removal of Discrimination Based on Race or Ethnic Origin (known as the UNAR) was set up in the Ministry for Equal Opportunities. This was to implement EU Directive 2000/43/EC, which invited member States to set up bodies to ensure and promote equal treatment of people and protection of their human rights.⁸ The general function of UNAR was to carry out activities to promote equality and to remove any form of discrimination based on race or ethnic origin.

Delegation member De Giorgi presented UNAR as an independent and impartial body aimed at the elimination of any kind of discrimination. UNAR was principally responsible for providing victims of discrimination with assistance and logistical support, and supplying observations during proceedings regarding discrimination. Mr De Giorgi listed UNAR's tasks as eliminating situations of discrimination, raising awareness on discrimination issues, and implementing studies, research, and training in association with civil society on racial discrimination issues. He pointed out the importance of the assistance that UNAR provided to victims via its contact centre. This service could be reached on a toll-free phone number every day and was available in Italian, English, French, Spanish, Arabic, Russian, Romanian and Mandarin Chinese. Mr De Giorgi noted that the majority of people using the call center came from Africa, they had been living in Italy for several years and they seemed to have acquired a full awareness of their rights. Regarding the initiatives to promote equal treatment, UNAR promoted projects and positive actions designed to eradicate situations of disadvantage caused by race and ethnic origin, as for example the 'job meeting' aimed at facilitating the access of immigrants into the labour market.⁹

Committee member Diaconu mentioned that one of UNAR's major limits was its governmental structure, which impeded it in taking cases related to racial discrimination to the courts. Committee member Peter, as well as Committee member Thornberry, reminded the delegation that Italy pledged in front of the Human Rights Council to establish an independent national human rights institution, and he asked for clarification on what had been done in that direction.

Delegation member De Giorgi stressed the importance of UNAR as a tool to enforce the anti-discrimination legislative framework, but he admitted that UNAR could not bring a case of discrimination in front of the court. It could, however, intervene in the trial. Because NGOs were still not adequately trained in taking cases, UNAR was conducting vocational training to strengthen associations' and individuals' capacity to defend their rights. Regarding the independence of UNAR, Mr De Giorgi affirmed that through comparative studies all around Europe, they discovered that the only completely independent human rights institution was the Irish one. He looked also to Denmark's and the United Kingdom's human rights bodies as cases of best practice. He reminded the Committee that the UK's Commission on Racial Equality was constituted as a governmental body and became an independent agency only after 30 years. Following the example of this country, Mr De Giorgi called for more time in order to allow UNAR to achieve its independence. Although UNAR was a governmental agency, he assured that it had a fully independent mandate, a secure budget, and a transparent recruitment process.

In justifying the connection of UNAR with the Italian Government, Mr De Giorgi referred to the Danish Institute on Human Rights, which, notwithstanding its independent status, has close relations with the Danish

⁸ The EU Directive 2000/43/EC was transposed into Italian legislation through Legislative Decree No. 215/2003.

⁹ A Job Meeting is an opportunity of gathering companies and potential workforce. UNAR organized job meeting for "vulnerable people" (immigrants and people with disabilities), where companies presented their activities and their job offer, and these groups of vulnerable people could learn more about the organizations and present themselves.

Ministry of Foreign Affairs. This statement of delegation member De Giorgi provoked the reaction of Danish committee member Kjaerum, Head of the Danish Institute for Human Rights. Mr Kjaerum stated that the main difference between an independent institution, as the Danish one, and a governmental body, as UNAR, was that the Danish Institute for Human Rights was not part of a ministry, as UNAR was, and that it did not submit to a governmental hierarchy. Mr Kjaerum strongly affirmed that no-one could give his institution any kind of order or interfere in its activities.

Committee member Kemal also questioned if the adoption of an independent human rights institution was in the legislative pipeline, and inquired about the position of UNAR in relation to any new body. The delegation briefly replied that UNAR was set up as result of a European directive. The delegation simply announced Italy's intention to establish a national human rights institution in line with Paris Principles as requested by the Committee. No further information was provided.

In its concluding observations, the Committee recommended that the State party undertake the necessary steps to proceed with the establishment of an independent national human rights institution in accordance with the Paris Principles.¹⁰

Immigration

Delegation member Caputo presented the *Amato-Ferrero Text* in response to an increase in the illegal flow of foreigners to Italy in recent years, which was adopted by the Council of Ministers on 24 April 2007 and was presently under discussion in Parliament. Mr Caputo clarified that the new *Bill*, which replaced the previous *Bossi-Fini Law*, aimed to promote legal immigration by facilitating supply and demand for jobs, and developing integration and inclusion programmes for legal migrants. He stressed that the new legislative framework was moving towards the recognition of immigrants' human dignity, and not just as manpower. He exhaustively presented the different centres dealing with immigrants, including firstly, the welcome centres where irregular foreigners received first aid, secondly, the identification centres, which would be transformed in centre for asylum seekers, and thirdly, the temporary stay centres, which hosted those immigrants under expulsion order. Delegation member Caputo highlighted the efficiency of the new temporary stay centre of Lampedusa, constructed in 2006, which had the capacity for 186 persons and which could be doubled in capacity if necessary.

Committee member Ewomsan stressed the importance of addressing the phenomenon of illegal immigration directly in the country of origin through bilateral relations with Africa countries and through awareness-raising campaigns. Committee member Alves suggested the launching of training courses for potential immigrants in their native countries, explaining to them not only the risks they were going to face, but also the new culture and essential customs they would have to adopt in the new country if they intended to be integrated. Committee member Aboul-Nasr asked the delegation whether it was true that immigrants crossing the sea from North Africa in search of better conditions were arrested on Italian coasts and expelled. Committee member Kjaerum questioned about the expulsion decree that allowed the Government to expel EU and non-EU citizens accused of seriously threatening State security. Committee member Gouttes called for clarification on the procedure to obtain a work permit and the mechanisms for family reunification. He particularly asked if immigrants had to leave the country in the case of job loss.

The delegation explained that the decree allowing the expulsion of individuals who threatened the public safety was a legislative tool that gave effect to a European Union decree. Its intention was not to deport EU and non-EU citizens, but only to get rid of certain criminal elements that were dangerous. These expulsion measures applied to all non-Italian citizens of EU and non-EU countries and to their families for reasons relating to State security, public order, public safety and public security. Delegation member Caputo then

¹⁰ Concluding observations, CERD/C/ITA/CO/15, , available at: <http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-ITA-CO-15.pdf>

gathered all the Committee members' questions related to immigration and gave the Committee a broad overview of the Italian integration framework. He informed the Committee that the 'consolidated text of provisions'¹¹ governed immigration and the status of foreigners. Access to the labour market was regulated by quotas that fixed the number of regular entrance every year in accordance with the labour market's needs and the country's hosting capacity. Special quotas were redistributed among those non-European countries with which Italy had signed agreements. Mr Caputo emphasised that a preferential channel for entering the country was adopted for those immigrants who had followed some vocational training courses in their home country. He drew the attention of the Committee to the immigration legislative framework, which assigned direct responsibility on immigration control to the central Government, but devolved power to regions in matters of employment, health, and education. Mr Caputo clarified that irregular entry to Italy was not considered as a crime, but could be punished by administrative sanction. Illegal immigrants were hosted in the temporary stay centres and received assistance during the time necessary to identify their identity. If it was decided that that person was not allowed to stay, the authorities would provide an order to leave the country in five days. A subsequent re-entry in Italy would be a crime punishable by arrest. Mr Caputo added that the procedure for family reunification required that the member living in Italy had a valid permit of at least one year for study, work or religious reasons. He concluded his statement by affirming that foreigners who lost their job could stay up to one year in the country, if regularly registered at the employment office.

Committee members raised further questions on immigration issues. Committee member Amir questioned if Italy had adopted a DNA-testing law to control family reunification. Committee member Gouttes sought further clarification on the measures that regulated the access of immigrants to the labour market.

The delegation affirmed that there was no law on DNA-testing in the context of immigration procedures for family reunification purposes. It confirmed that the relation between employer and immigrant worker were regulated by contract, with specific guarantees for the worker. Once the quota inflows were issued, immigrants could submit the application. The police (Questura) and the centre for employment verified the availability of the labour market and then pronounced their decision on the *nulla osta*.¹² After the signature of the contract by employer and employee, the work permit would be issued.

In its concluding observations, the Committee urged the State party to take measures to eliminate discrimination against non-citizens in relation to working conditions and work requirements. The State party was encouraged to improve the conditions of the temporary stay centres to ensure that adequate health care and better living conditions were provided. It also recalled the obligation of the State party to undertake measures to ensure that conditions in centres for refugees and asylum-seekers conform to international standards. Furthermore, the Committee recommended that the State party undertake measures to ensure that non-citizens were not returned or removed to a country or territory where they may be subject to serious human rights violations.¹³

Roma and Sinti populations in Italy

The periodic report of Italy claimed that Roma populations could not be considered as a segregated group, since the Italian legislation did not provide for any distinction among citizens on the ground of their ethnic, linguistic or religious origins.¹⁴ During his opening speech, head of delegation Mr Simonetti highlighted the increasing efforts of the Government to raise awareness on the situation of Roma people through conferences and bilateral cooperation with Romania. The promotion of Romani social integration and the protection of their human rights were the main outcomes of these initiatives. Minister Simonetti clarified that the Roma community in Italy was divided in three groups: a historical group, who had been in Italy for centuries, those

¹¹ Adopted through Legislative Decree No. 286 of 25 July 1998, then amended and integrated by Act No. 189/2002 of 30 July 2002.

¹² The *nulla osta* is a temporary measure to allow the worker to enter the country and then obtain the work permit.

¹³ CERD/C/ITA/CO/15.

¹⁴ CERD/C/ITA/15.

who arrived in the 1990s from the Balkans, and then a recent wave of immigration made up largely by Roma people.

Social integration

Mrs Carroccio noted that during the last years a new immigration policy was adopted based on a close cooperation among different stakeholders and on the involvement of the immigrant community. She remembered that 7% of the total amount of the “Fund for the social inclusion of migrated people and their families” within the Ministry of Social Solidarity was dedicated to the implementation of measures and actions for the social integration of Roma and Sinti communities, especially by facilitating the enrolment of Romani children in the Italian education system. She stressed that in Italy all citizens and foreigners had equal access to the health system. She emphasised the importance of specific housing plans to facilitate the access to houses by Roma communities and to improve their social integration.

Many Committee members raised questions and asked for further information on subjects pertaining to Roma people. Committee member Avtonomov asked what activities had been taken to improve sanitary conditions of Roma and Sinti camps, and whether there were Roma representatives in the police force. Committee member Kjaerum questioned the delegation about an NGO statement,¹⁵ which denounced the lack of equal access to school for Roma children. Committee members Peter and Thornberry requested explanations on specific bans for nomads and the intervention of the Government.¹⁶

Delegation member Piperno stated that inclusion and integration were basic principles of the Italian education system. Children, even without a stay permit, had the right to attend school. They were registered in schools according to their age and their competencies. Mrs Piperno stressed the institutions’ efforts to achieve an equal access to education and to avoid the concentration of foreigners in specific schools or classes. Denying funds to school that did not accept foreign students was one of the strong and effective measures adopted by the Ministry of Education to achieve these goals. Mrs Piperno highlighted the importance of promoting education to cultural diversity within the school and teachers and educators played an essential role in this regard. She proudly affirmed that the intercultural mediators are present all over the country [many or one? Wording is unclear] to facilitate Roma integration in the social system. However she confirmed that one of the major causes of failure and the dropping out of Roma pupils was the tendency of the Roma community to refuse regular attendance at schools in the places where they were temporarily settled.

In its concluding observations, the Committee recommended that the State party develop and implement policies and projects aimed at avoiding segregation of Roma communities in housing. The Committee recommended that the State party take measures to prevent the use of illegal force by the police against Roma. The Committee urged that the State party strengthen its efforts to support the inclusion in the school system of all children of Roma origin. It further recommended that it proceed to improve dialogue and communication between teaching personnel and Roma children, Roma communities and parents, including more frequent use of teaching assistants chosen from among the Roma.

Roma as a linguistic minority

The delegation informed the Committee in its periodic report that regarding the protection of linguistic minorities, the Parliament approved an *Act on ‘Provisions for the protection of traditional linguistic minorities’* in December 1999. During the debate at the parliamentary level, the situation of Roma populations was excluded from the legislation. It was reasoned that the basic criteria for the label of ‘linguistic minority’ depended on the stability and duration of the settlement in a delimited area of the

¹⁵ OsservAzione and Sucra Drom.

¹⁶ They referred to road signs present in many Italian cities that forbid the access to nomads (i.e. “Ban to nomadism”).

country, which was not the case for Roma populations. The adoption of an *ad hoc* Act,¹⁷ in line with the specific aspects of the Roma minority, was considered to be more appropriate, but this *ad hoc* Act, which was under discussion in the Parliament, would be nullified when Parliament was dissolved and new election were held.

Committee member Diaconu and Committee member Alves raised their concern on the exclusion of Roma as a linguistic minority solely on the basis of territory and stressed that Romani should be included in the list of linguistic minorities in order to address their needs more effectively. Many Committee members asked for statistic data on Roma communities in order to identify the dimension of racial discrimination against them and highlight the areas where the Committee may intervene.

Delegation member Piperno affirmed that official data on minorities did not exist because the approach of the Italian legislative framework was not to distinguish ethnic groups. The only statistics available were provided on a voluntary basis. She said that there was currently a debate in Parliament on the non-inclusion of Roma and Sinti among the historic linguistic minorities. She confirmed that an *ad hoc* law for the Roma community – ‘*Protection of the right to nomadism and the recognition of gypsy populations as linguistic minorities*’- was under discussion, but it was a very complex act, which required the community themselves to ask for public funds to institute measures targeted to the linguistic minority communities. She also emphasised the closed synergy and cooperation that the Government was building between institutions and Roma civil society, especially in the big cities.

Committee member Avtonomov sought clarification on the status of the *ad hoc* provision for the Roma linguistic minority. Head of delegation Simonetti noted that the draft legislation under discussion in Parliament had been totally nullified when Parliament was dissolved and new elections were called. Indeed, all bills that had not been adopted would have to be reintroduced to the new Parliament.

In its concluding observations, the Committee recommended that the State Party adopt and implement a comprehensive national policy as well as legislation regarding Roma and Sinti with a view to recognizing them as a national minority and protecting and promoting their languages and culture.

Nationality

Committee member Diaconu inquired into the absence of an identity card for Roma people and the obstacles to their obtaining Italian citizenship. Committee member Peter sought clarifications on the means of acquiring citizenship in Italy, drawing attention to the lack of precise answers to the questions already raised by the Committee on this issue.

Head of delegation Simonetti informed the Committee that the acquisition of Italian citizenship was via *ius sanguinis*, which meant that a child born from Italian mother or father could claim Italian nationality. A bill was currently under discussion in the Parliament to allow the acquirement of citizenship by naturalization for individuals born in Italy and who claimed Italian citizenship at the age of 18. Roma holding Italian citizenship had the same rights and duties as other citizens. Roma who did not have Italian citizenship faced some difficulties when applying for the naturalization of their residence permit. Requirements to apply for citizenship include proving being holders of both the permit to stay and the enrolment in the municipality’s registry office since birth. Roma people often donot meet these basic criteria and therefore face difficulties in obtaining citizenship.

Xenophobia and stereotypes

¹⁷ Law proposals were presented to the Chamber on 30 May 2001 and 19 June 2001 entitled “Protection of the right to nomadism and the recognition of gypsy populations as linguistic minorities”.

The delegation informed the Committee that instigation to racial hatred was severely punished by the Criminal Code and that the Italian Government was fully concerned about the racist and xenophobic propaganda that mainly targeted non-EU migrants and minority groups, such as Roma populations, and which compromised the difficult process of peaceful integration and coexistence.

Committee member De Gouttes expressed his concern regarding racist and xenophobic comments made by some politicians, such as representatives of the party Northern League or by former Premier Silvio Berlusconi, who called for a 'zero tolerance' policy against Roma and illegal immigrants. He was particularly concerned that not a single case of hate speech had come before the courts. Committee member Diaconu and Committee member Huang pointed out that the Government should promote social integration and combat racism and xenophobia, both in the media and in the political arena, paying particular attention to migrant workers. Committee member Thornberry highlighted the relevant role, positive or negative, that media could play and asked about the existence of a conduct code for journalists.

Delegation member De Giorgi agreed that media had a big responsibility in influencing public opinion. He stated that UNAR (National Office for the Promotion of Equal Treatment and the Removal of Discrimination Based on Race or Ethnic Origin) was working on the draft of a conduct code for journalists, which had to be approved by the national federation of journalists. Mr De Giorgi announced that UNAR was also organizing training courses for journalists on cultural and social diversity.

Committee member Thornberry questioned the attachment of ban road signs to prohibit nomads from entering or circulating in certain cities. Delegation member De Giorgi assured that UNAR had undertaken the procedure to ask for the removal of those signs, which violated the freedom of movement guaranteed by the Italian Constitution.

In its concluding observations, the Committee recommended that the State party should increase its efforts to prevent racially motivated offences and hate speech. The Committee requested the State party to ensure that municipalities remove discriminatory ordinances. The Committee urged that the State party encourage the media to play an active role in combating prejudices and negative stereotypes which lead to racial discrimination and that it adopt all necessary measures to combat racism in the media. It further requested the State party to promptly adopt a code of conduct of journalists.

Conclusions and next steps

The meeting ended with both Committee members and the delegation expressing satisfaction for the frank and open dialogue. The delegation welcomed the stimulating statements of the Committee members and expressed the delegation's willingness to implement in a diligent way the Committee's concluding observations. On behalf of the Committee, the country rapporteur Kemal appreciated the constructive cooperation between the delegation and the Committee, and pointed out some preliminary concluding observations, such as the need for an independent human rights commission, a revision of the nationality law, and the adoption of specific measures to defend Roma and Sinti communities from racial discrimination.

A number of other UN treaty bodies made previous concluding recommendations on the same issues addressed by the Committee. The Committee on Economic, Social and Cultural Rights (CESCR) urged the State to effectively implement legislation and programmes to combat racism and discrimination¹⁸ and to take all necessary corrective measures to combat discrimination in the housing sector against disadvantaged and marginalized groups, particularly immigrants and Roma.¹⁹ The Committee against Torture (CAT) requested

¹⁸ Paragraph(s) 35, E/C.12/1/ADD.103 (CESCR, 2004)

¹⁹ Paragraph(s) 46, E/C.12/1/ADD.103 (CESCR, 2004)

the State to ensure that detention of asylum seekers and other non-citizens was used only in exceptional circumstances or as a measure of last resort, and then only for the shortest possible time.²⁰ The Committee on the Elimination of Discrimination against Women (CEDAW) called upon the State Party to take effective measures to eliminate discrimination against vulnerable groups of women, including Roma and migrant women, and to enhance respect for their human rights through all available means.²¹ The Committee on the Right of Child (CRC) urged the State to strengthen efforts to incriminate and take appropriate penal sanctions against any act of racism, racial discrimination, xenophobia and related intolerance. CRC requested Italy to carefully and regularly evaluate existing disparities in enjoyment by children of their rights and undertake, on basis of this evaluation, necessary steps to prevent and eliminate discrimination through proactive measures.²²

The Committee requested that Italy submit its combined 16th to 18th periodic reports in a single report on 18 February 2011.

Last revised and updated: 22 April 2008.

²⁰ Paragraph(s) 9, CAT/C/ITA/CO/4 (CAT, 2007)

²¹ Paragraph(s) 333, A/60/38(SUPP) (CEDAW, 2005)

²² Paragraph(s) 21, CRC/C/15/ADD.198 (CRC, 2003)

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