



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

101st session

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Item 6 of the provisional agenda

**Consideration of reports, comments and information submitted
by States parties under article 9 of the Convention**

List of themes in relation to the twenty-first periodic report of Italy

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (see A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

Statistics (arts. 1 and 5)

2. Update on the demographic composition of the population, disaggregated by ethnic or national origin and languages spoken, as well as on migrants, refugees, asylum seekers and stateless persons. Economic and social indicators of various groups living in the territory of the State party, disaggregated by sex, age and ethnic or national origin (CERD/C/ITA/21, paras. 3 and 104; HRI/CORE/ITA/2016, paras. 44–45; CERD/C/ITA/CO/19-20, paras. 8–9).

The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1, 2, 4, 6 and 7)

3. Update on any amendments to Legislative Decrees Nos. 215–216/2003 transposing Directives 2000/43/EU and 2000/78/EU into Italian law, to ensure full compliance with article 1 of the Convention. Update on the concrete application of Legislative Decrees Nos. 215–216/2003 and No. 286/1998 (Consolidated Immigration Act), and of other legislation containing provisions that prohibit racial discrimination, including against ethnic and national minority groups, migrants, refugees, asylum seekers and stateless persons (CERD/C/ITA/21, paras. 10–15; HRI/CORE/ITA/2016, paras. 248–255; CERD/C/ITA/CO/19-20, paras. 6–7).

4. Updated information on measures taken to ensure the independence of the National Office against Racial Discrimination; to extend its mandate to cover, in law and in practice, discrimination based on colour, descent and national origin; and to grant it the right to bring judicial proceedings (CERD/C/ITA/21, paras. 5, 15–19, 22, 24–28, 30–31, 39–42, 128–129 and 132; HRI/CORE/ITA/2016, paras. 207–214, 258, 273 and 275; CERD/C/ITA/CO/19-20, paras. 12–13).

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5. Results achieved through the implementation of the national action plan against racism, xenophobia and related intolerance (2015–2017) and steps to adopt a new national action plan (CERD/C/ITA/21, para. 5; HRI/CORE/ITA/2016, paras. 209 and 212; CERD/C/ITA/CO/19-20, paras. 4 and 26).

6. Updated information on the adoption of the law establishing a national human rights institution in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (CERD/C/ITA/21, para. 23; CERD/C/ITA/CO/19-20, paras. 10–11).

7. Updated information and statistics, disaggregated by the ethnic or national origin of the alleged victims, on complaints for acts of racial discrimination, racist hate speech and racist hate crimes, including those perpetrated by law enforcement officers, handled by the national courts or other relevant Italian institutions, and on the number of investigations, prosecutions and convictions of perpetrators and the reparations provided to victims. Further measures to address the underreporting of cases of racial discrimination and their impact (CERD/C/ITA/21, paras. 36 and 147; CERD/C/ITA/CO/19-20, paras. 8–9 and 16–17).

Racist hate speech, incitement to racial hatred and hate crimes (arts. 2, 4 and 6)

8. Measures to ensure that the definition of racist hate speech and racist hate crimes enshrined in the penal code is fully in line with article 4 of the Convention and that it includes all grounds of discrimination recognized in article 1 of the Convention, including colour and descent (CERD/C/ITA/21, paras. 12–14 and 34; HRI/CORE/ITA/2016, para. 248).

9. Further measures to prevent and combat racist hate speech and incitement to hatred, including in the media, in sport and on other public platforms such as the Internet, and by politicians and public figures, in particular against migrants, people of African descent and Roma, Sinti and Camminanti communities (CERD/C/ITA/21, paras. 15–19, 33–38, 50–58 and 130; HRI/CORE/ITA/2016, paras. 214–215, 247–248 and 253–255; CERD/C/ITA/CO/19-20, paras. 14–15).

10. Measures to increase the reporting of racist hate crimes, including by ensuring that the reporting mechanisms, in particular the Observatory for Security against Acts of Discrimination, are independent, transparent and accessible, and that victims have trust in the police and in the justice system. Further efforts to ensure that all reported acts of racist hate crimes are duly investigated, that those found responsible are prosecuted and punished with sanctions commensurate with the gravity of the offence, and that victims are provided with effective remedies (CERD/C/ITA/21, paras. 35–38 and 43–58; HRI/CORE/ITA/2016, paras. 215 and 256; CERD/C/ITA/CO/19-20, paras. 16–17).

Situation of the Roma community and other ethnic minority groups (arts. 2, 3 and 5)

11. Implementation of measures to prevent racial discrimination and racial profiling against Roma. Results achieved through the implementation of the national strategy for the inclusion of Roma, Sinti and Camminanti communities for the period 2012–2020. Plans to develop a new national strategy with the effective participation of these communities (CERD/C/ITA/21, paras. 4, 18, 24, 27–28, 95–98 and 128–132; CERD/C/ITA/CO/19-20, paras. 21–22).

12. Measures to prevent further evictions of Roma, Sinti and Camminanti communities, end the use of segregated camps or housing areas, and ensure the access of these communities without discrimination to social housing and other forms of housing benefits (CERD/C/ITA/21, paras. 29 and 84; CERD/C/ITA/CO/19-20, paras. 21–22).

13. Further efforts to ensure that Roma, Sinti and Camminanti children have access to quality education that is culturally and linguistically appropriate at schools that are geographically accessible and where they suffer no form of segregated schooling or negative treatment by staff or students. Steps to improve the access of Roma, Sinti and Camminanti communities to health care and to the labour market (CERD/C/ITA/21, paras. 95–102; CERD/C/ITA/CO/19-20, paras. 21–22).

14. Non-discriminatory access by other national and ethnic minority groups, in particular people of African descent, to education, the labour market, housing and health

care. Representation of such minorities in public and political life. Measures to protect and preserve their cultural heritage (CERD/C/ITA/21, paras. 143–146; CERD/C/ITA/CO/19-20, paras. 25–26).

Situation of non-citizens, including migrants, refugees, asylum seekers and stateless persons (arts. 2 and 5)

15. Enforcement of law No. 132/2018 on immigration and security, and its impact on the enjoyment by non-citizens, in particular migrants and asylum seekers, of the rights set forth in the Convention (CERD/C/ITA/21, paras. 62, 106–108 and 124). Further measures to ensure the rapid identification of, and the provision of protection and assistance to, persons in situations of vulnerability (CERD/C/ITA/21, paras. 117–119). Steps to decriminalize all instances of irregular re-entry or stay in the State party and to ensure that immigration detention is applied only as a measure of last resort and for the shortest period of time (CERD/C/ITA/21, paras. 105–124; CERD/C/ITA/CO/19-20, paras. 19–20).

16. Respect in practice of the principle of non-refoulement and of the prohibition of collective expulsion of migrants, including in the context of migrants arriving by sea. Measures to ensure the individual assessment of each migrant's situation (CERD/C/ITA/21, paras. 112 and 121; CERD/C/ITA/CO/19-20, paras. 19–20).

17. Further measures to enforce the law to combat undeclared work and labour exploitation in agriculture and other relevant legislation to combat forced labour and racial discrimination against migrants. Efforts to strengthen the capacity of the National Labour Inspectorate to enforce legislation to combat labour exploitation, and to ensure that all migrants have access to justice and effective remedies. Updated information and data, disaggregated by the ethnic or national origin of the alleged victims, on complaints for acts of labour exploitation of migrants, and on the number of investigations, prosecutions and convictions of perpetrators and the reparations provided to victims (CERD/C/ITA/21, paras. 76–83; CERD/C/ITA/CO/16-18, paras. 23–24). Steps to adopt a new national action plan against trafficking in, and exploitation of, human beings (HRI/CORE/ITA/2016, para. 206).

18. Measures to improve the identification and protection of stateless persons, particularly among migrants and Roma, Sinti and Camminanti communities, and to facilitate their access to Italian nationality (CERD/C/ITA/21, paras. 21; CERD/C/ITA/CO/16-18, para. 21–22).

Training, education and other measures to combat prejudice and intolerance (art. 7)

19. Information on steps taken to include, in school curricula and in the training curricula of teachers and other professionals, mandatory programmes and subjects to help promote human rights education, including on racial discrimination, which would lead to better understanding, tolerance and friendship among the various ethnic and national groups residing in Italy (CERD/C/ITA/21, paras. 148–157; CERD/C/ITA/CO/16-18, para. 26).