



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

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**Committee on the Elimination of Racial Discrimination**

**Twenty-first periodic report submitted by Italy  
under article 9 of the Convention, due in 2019\* \*\***

[Date received: 6 February 2019]

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\* The present document is being issued without formal editing.

\*\* The annex to the present report is on file with the secretariat and is available for consultation. It may also be accessed from the Committee's web page.

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## I. Introduction

1. The combined nineteenth and twentieth periodic report of Italy was submitted in 2015 (CERD/C/ITA/19-20). The Committee on the Elimination of Racial Discrimination considered the combined nineteenth and twentieth periodic reports of Italy (CERD/C/ITA/19-20), submitted in one document, at its 2504th and 2505th meetings (see CERD/C/SR.2504 and 2505), held on 1 and 2 December 2016. At its 2513th meeting, held on 8 December 2016, it adopted its concluding observations.
2. Moreover, following the request reported under paragraph 33 of the concluding observations referring to the recommendations contained in paragraphs 17(a), 22(a) and 20(b) and (g), 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/19-20/Add.1, 9 February 2018).
3. According to data released by the National Institute of Statistics (ISTAT) at the end of 2017 concerning foreigners' presence in the Italian population, foreigners showed twice the propensity for internal mobility than the Italian citizens (4.6%). In 2017, the immigration flow amounted to over 343 thousand people (301 thousand were foreign citizens; +14.5%), showing a sharp increase over the previous year (+14%). The most consistent flows, although declining, were those of Romanian citizens (43 thousand; -3.9%), followed by Nigerians (23 thousand; +58.4%) and Moroccans (16 thousand: +7.1%). Immigrations both of Chinese (11 thousand) and Indians citizens (8 thousand) decreased (-9% and -22.6% respectively). Immigration of Romanian citizens was prevalent in almost all regions with the exception of Campania (majority of Bengali immigration), Friuli-Venezia Giulia (prevalence of Pakistani immigration), Sardinia and Molise (majority of Nigerian immigration). The significant increase in young immigrant Africans implied a greater number of men (58% of the total; +12 thousand compared with 2016) in entry flows and a lowering of the average age (28 years for men and 32 years for women).
4. As far as national minorities, over the years Italy carried on and strengthened its action aimed at the protection and promotion of the rights of linguistic minorities members, including through specific regional pieces of legislation aimed at providing incentives to local languages and cultures, in the spirit of the more far reaching regulatory framework based on Laws No. 482/1999 and 38/2001. As far as the protection of the Roma, Sinti and Caminanti (hereinafter RSC) 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. In the framework of the National Strategy the National Office Against Racial Discrimination (hereinafter UNAR), as National Contact Point, is updating its intervention and monitoring capacity in cooperation with local and regional entities. For further details, please see Section C of the present report.

## II. Implementation of part I of the Convention

5. In the context of the National Plan against racism, xenophobia and related intolerance (expired in 2017) as well as in the framework of its ordinary activities the UNAR – National Office on Racial Antidiscrimination continued to implement its activities related to the prevention and contrasts of discriminatory acts.
6. In order to better frame above activities, the Italian legislator has set out in detail the functions that the Office must carry out by describing its tasks, powers and related limits. According to Legislative Decree No. 215/2003 and the related Decree of the Presidency of the Council of Ministers of 11 December 2003 the functions of the Office may be easily grouped into four broad categories, identifiable in relation to the following goals: Raising awareness among public opinion and sector operators and an information and communication activity; Removal of any situation involving discrimination represents the second group of activities; Promotion of positive actions, studies, research, training

activities and Monitoring and verification of the effective application of the principle of equal treatment and of the effectiveness of the protection mechanisms.

7. In realization of above activities the important role is performed by CSOs and NGOs. In fact, as provided by Article 6 of Legislative Decree No. 215, UNAR takes care of the keeping of the “Register of associations and bodies that carry out activities in the field of the fight against discrimination” (UNAR Register), which represents an important tool for cooperation with associations that deals with the fight against discrimination. As of December 31, 2017, 453 associations were registered in the UNAR Register.<sup>1</sup>

8. Additionally, during the reference period, the multi-year cooperation between UNAR and IDOS (non-profit Research Center, with the specific mandate in conducting research, publishing publications, promoting awareness campaigns, training initiatives and collecting and analysing the statistical data available on the issue of immigration) continued, notably through elaboration and presentation of “Statistical Dossier in Immigration”<sup>2</sup>. Thanks to the long-standing experience in its elaboration, the Dossier provides an update of the statistical framework on migration phenomena in Italy including migrants’ inclusion in the labour market and in the society and equal opportunity principle application/implementation. Over the years the Statistical Dossier in Immigration has thus largely contributed in promotion of better knowledge and understanding of the phenomenon of discrimination as well as in contrasting it through conduct of awareness initiatives throughout the national territory.

### **Article 1: Definition of racial discrimination**

9. As reported in the Common Core Document submitted by Italy on 8 June 2016 (HRI/CORE/ITA/2016), the basic rule guiding modern democracies in the protection of human rights is the effective implementation of the principles of equality and non-discrimination. It is, indeed, one of the main pillars of our Constitution, upon which the domestic legislative system is based, as stated in Article 3<sup>3</sup>. The constitutional principle of equality prevails and inspires any other legislative measure and impacts on all branches of power – both at executive and jurisdictional level.

10. So far by Legislative Decrees No. 215-216/2003 Italy has transposed Directives 2000/43/EU and 2000/78/EU, with the twofold aim of: prohibiting all forms of discrimination based on race or ethnic origin, in any area or sector, both private and public; regulating the prohibition of discrimination on grounds of religion or belief, disability, age or sexual orientation, with regard to employment and occupation. By means of above Decrees 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.

11. More specifically, both the definitions of direct discrimination and indirect discrimination conform to that of Directive 2000/43/EU<sup>4</sup>. Indeed through the adoption of

<sup>1</sup> It should be noted however that, following the approval of the new Regulation governing the procedures for registering with the Register (approved by the Head of the Department for Equal Opportunities on 6 September 2018) the new electronic registration procedure is envisaged in order to further expand the possibilities of subscriptions by associations and bodies operating in the field of combating discrimination.

<sup>2</sup> According to the specific Memorandum of Understanding undersigned by two bodies, UNAR undertakes to provide the data processed by its Contact Center and to collaborate in the joint creation of materials useful for the preparation of the Dossier.

<sup>3</sup> “All citizens have equal social status and are equal before the law, regardless of sex, race, language, religion, political opinion, and personal or social conditions. It is the duty of the republic to remove all economic and social obstacles that, by limiting the freedom and equality of citizens, prevent full individual development and the participation of all workers in the political, economic, and social organization of the country”.

<sup>4</sup> “The definition of harassment forward a complex group of behaviours performed with the aim to violate the personal dignity, to create an intimidating, hostile, degrading, offensive and humiliating climate. So it is a particular type of racial discrimination, not performed on a level of unequal treatment (for example in the tools that regulate a certain type of access to employment or to

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' organizations, 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.

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

12. Article 3 of Law No. 654/1975 (the so-called Reale Law), by which Italy ratified the International Convention for the Elimination of Racial Discrimination, introduces in the domestic legal system various relevant offences, including incitement to hatred. This Act has been later integrated and amended by Law No. 205/1993 (the so-called Mancino Law), as subsequently amended by Article 13 of Law No. 85/2006).

13. The legislative framework in force criminalizes: a) incitement to racial discrimination; b) racial discrimination; c) incitement to racial violence; d) racial violence; e) the promotion of ideas based on racial superiority or ethnic or racist hatred; and f) the setting up or running of, participation in or support to any organization, association, movement or group whose purpose is the instigation of racial discrimination or violence. The Mancino Law also prohibits the public display of symbols and emblems of such organizations and makes racist bias an aggravating circumstance in connection with any offence. Specifically, the racial ground is of relevance as an aggravating circumstance of any other offence in accordance with Article 3 of the Mancino Law.

14. Within the Italian legislative framework a set of *ad hoc* measures have been adopted to counter specific forms of racial discrimination, intolerance and xenophobic attitudes. Assumed that, in compliance with Legislative Decree No. 7 of 1 January 2016, the public insult has been repealed, offences such as defamation and menace – to be considered as conducts intentionally based on discriminatory grounds or ethnic, national, racial or religious hate – could amount to an aggravating circumstance so far avoiding a half increased basic sanction, the nullification of applicable mitigating circumstances, and ensuring in all cases *ex officio* prosecution.

15. With regard to racism and intolerance during sports events, Italian legislation has been progressively strengthened by the introduction of criminal and administrative sanctions for those responsible of incitement to hatred. Law No. 205/1993 provides for repressive measures to be adopted when discriminatory conducts are perpetrated during sport events and sport competitions and is completed by the Sport Justice Code, which states that any discriminatory behaviour must be punished 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 when it constitutes a means of ideological propaganda prohibited by law, or it supports discriminatory behaviours). The football player, the football team manager, the associates and the partners are thus 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 in sports. Relevant new provisions have been introduced by the conversion into law of Law-Decree No. 119/2014, on “Urgent action to fight unlawful and violent phenomena during sport events”, which envisaged the extension of the applicability of the ban on the access to sporting venues, the so-called DASPO – Exclusion order (Stadium Ban). In this context also UNAR has continued its activities of awareness-raising and promotion of ethical values as an effective vehicle for social cohesion and aggregation in sport. As far as the initiatives in 2016 are concerned, as part of the initiatives carried out

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allocation of housing), but is performed in all those explicitly xenophobic behaviours that violate the personal dignity”.

during the traditional “Week against racism”, a football match between team of Liberi Nantes<sup>5</sup> and a representation of Roma Calcio for women was organized in Rome, under the banner “Give a kick to racism”. As for 2017, on 13 February, the Office hosted the conference “Europe, football and refugees. Initiatives, rules and experiences of inclusion through the game “, promoted by the Italian Union for all sports (UISP) and by Liberi Nantes in cooperation with Rete FARE (Football against racism in Europe). On 21 April UNAR and UISP presented the “SportAntenne” national project (financed by so called FAMI/EC funds 2014–2020), aimed at contrast of ethnic and racial discrimination through “antennas” placed in sixteen Italian cities.

16. As it concerns the countering action against propagating racial and xenophobic intolerance through media, UNAR has been actively involved on the theme of the hate speech on the web, through the activity of the Observatory on Media and the Internet which, by extending the monitoring already carried on traditional media, aims to research, monitor and analyze on a daily basis. – thanks to a specific software and a set of keywords – the potentially discriminating content coming from the main social networks (Facebook, Twitter, GooglePlus, Youtube) and from social media (articles, blogs and forum comments).

17. The hatred counter narrative has been discussed on the occasion of the EU Council of the Ministries of Justices, convened on 8 June 2017, where Italy confirmed its support to the EU Commission in the monitoring of the implementation of the Code of Conduct to counter illicit hatred incitement on line, signed on 31 May 2016 with Facebook, Microsoft, Google, YouTube e Twitter. These actors agreed on the common commitment for a periodic evaluation of the results of the monitoring mechanism, also by creating a High Level Group to counter racism and xenophobia: the Italian Ministries of Justice and Interior as well as UNAR are included in it as focal points/institutional “Trusted Flagger”. Four monitoring rounds have been completed to measure the effectiveness of the alert 24 hours mechanism following the communication from 12 selected organizations working in 9 EU Member States, Italy included, as well as the exact timing to remove the online contents. In general terms positive results have been recorded concerning social media platforms as to: the improvement of the efficiency in evaluating and providing for a follow-up to the communications, apart from the media channel; the enhancement of communication systems; the training of personnel; a stronger collaboration with civil society. During the second monitoring round in Italy 192 cases have been selected and recorded; more than 50% involved Facebook, followed by Youtube and Twitter. Facebook and Youtube have removed the most part of the hatred contents within 48 and 24 hours, respectively. The Ministry of Justice has suggested to involve the competent associations working in this field, asking them to report the results of communications from internet service providers as web users and to actively contribute for reliable data collection on communications directly received by web platforms. During the third monitoring exercise carried out between November 6 and December 15, 2017, 269 reports were sent to the main social networks (Facebook, Twitter and Youtube) for the removal of illegal contents of hate speech online. These data have been completed as for 2018 with 434 reports.

18. In this field UNAR has realised in 2017 and 2018, in collaboration with the CoE Youth Department, two rounds of workshops on countering anti-zyganism and online hate speech, involving 40 civil servants, educators, RSC representatives, within the CoE Roma Youth Action Plan and the RSC Communities Platform established in relation to the National Strategy (see below, Article 3). Moreover, following UNAR participation to the Workshop proposed by Facebook, held on Facebook premises in Dublin on 9 to 10 October 2017, in January 2019 the Office has launched the EU funded project “C.O.N.T.R.O.” (Counter Narratives Against Racism Online – EU proposal n. 809433), aimed at countering hate crimes through hate speech.

19. The hatred counter narrative has been also faced by UNAR through 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

<sup>5</sup> The first football team entirely made up of refugees and asylum seekers.

well as in broadcasting programmes. On this topic an event was co-organised in Rome on 26–27 June 2017 by UNAR and Studiare Sviluppo, in collaboration with Facebook and sponsored by RAI (Radiotelevisione Italiana S.p.A.) to debate about the relationship among discrimination, hate speech, media and communication: it was followed in 2018 by five events held in Bologna, Naples, Bari, Milan and Prato.

20. With specific reference to Article 2§2 of the Convention, in conformity with Art. 9§2 of the Legislative Decree No. 286/1998 (Consolidated Immigration Act), as amended by Legislative Decree No. 3/2007 implementing EU Directive 2003/109 on the **status of Third Countries nationals** having a long term residence permit, the following conditions are envisaged:

(a) The access to the national territory without a visa and the free movement, in compliance with Art. 6§6;

(b) The performance of an autonomous or subordinate work (out of special working options for citizens or no citizens);

(c) The access to social assistance and security services, healthcare and education services, public services and public housing.

21. Access to social and health services is equally envisaged for refugees and individuals under international protection and their families according to the Legislative Decree No. 251/2007, and for stateless persons residing regularly on the Italian territory in terms of public assistance and social security in compliance to Act No. 306/1962 ratifying the UN Convention on statelessness. Moreover, all foreigner nationals with residence permit issued for more than one year have equal access to social services according to Act No. 388/200, completed by several indemnity facilities for persons with disabilities. Finally, foreign workers have equal access to social security services (i.e. in case of illness, maternity, disability, elderly, injury at work and related illness, unemployment, early retirement and family services) as provided for in the Legislative Decree No. 40/2014 translating EU Directive 2011/98.

22. As already mentioned, a relevant role in preventing and countering discrimination is performed by UNAR. According to the recent circular letter of the Secretary General of the Presidency of the Council of Ministers, the administration of UNAR funds is now delegated to its Director/Coordinator, acquiring thus the Office the financial autonomy. In addition, though UNAR remains part of the Prime Minister's Office, it is not possible to submit the Director/Coordinator of UNAR to disciplinary proceedings for actions in exercising his function which are rooted in the interpretation of rules, assessment of facts, assessment of the merits of a case, and opportunity choices.

23. As for the establishment of an Independent National Human Rights Institution, an important debate is currently taking place in Italy at all levels of the system. Parliamentarians are constantly being made aware of the need for such a body and several bills were submitted for the parliamentary debate.

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

24. UNAR is a member of the European Network of Equality Bodies (EQUINET) and, as above reminded, is the National Contact Point for the implementation of the National Strategy for the inclusion of the RSC communities 2012–2020.

25. It's important to point out that, on April 8, 2016, UNAR publicly communicated the launch of the National Roma Platform for dialogue purposes between institutions and RSC communities, as indicated by the European Commission. The main Platform's goal is to stimulate the involvement and co-operation between institutions and organisations representing Roma and the associations operating in the sector, with specific regard to Roma youth. Its secondary goal is to facilitate the establishment of networks and to promote networking among NGOs and Roma federations. In the Rome Platform a mediator

belonging to the RSC community is available as identified in the network of the Council of Europe ROMED mediators.

26. UNAR has been engaged in a preliminary and very sensitive exercise (in consideration of the fragmentation and other divisions within the Roma associations), namely the selection and definition of representativeness-related criteria for RSC participation. All the activities to set up the Platform have been fine-tuned following consultation with all key stakeholders to be involved: they are about 60 associations, facilitated by the Office in submitting the registration applications to the UNAR Registry (as provided for in Art. 6 of the Legislative Decree No. 215/2003) placing equal responsibility within the representative associations which are involved in tackling discrimination.

27. The kick-off meeting of the above Platform was held October 17, 2016 with the participation of 30 Roma, Sinti and Caminanti young representatives, all committed activists, fully integrated into society. The National Platform is linked to the European Platform, promoted by the European Commission as an operational tool for dialogue between UNAR, RSCs and Associations, central and local public administrations involved in the Strategy. In the first year activities up to 2017 there have been a series of national and local meetings – to be held by geographic areas in the national territory (north, central and south/islands) – open to the participation of associations.

28. On the occasion of the International Roma Day on 8 April 2016, UNAR convened an inter-institutional Working Group, consisting of central Administrations, the National Association of Italian Municipalities (ANCI), the National Office of Statistics (ISTAT) and representatives from the Municipalities of Milan, Rome, and Naples. This operational and result-oriented meeting was intended for getting a clear picture of relevant actions, especially those measures aimed at overcoming “settlements”, carried out in line with the National Strategy, by each and every stakeholder. And on a later stage, on 28 November 2018, UNAR has convened the above mentioned inter-institutional Working Group, involving the representatives of 9 Regions and concerned large Municipalities. Three were the main issues at stake and subject to prioritization:

- Strengthening UNAR’s role with regard to coordination of policies to implement the National Strategy (with regard to education, labour, health, and housing);
- The recognition of the effective overcoming of the “settlements” system, to be intended as a priority objective of each action and measure;
- The commitment to ensure complementarity between – and in the use of – national, regional, local funding vis-à-vis European Operational Programs (EOP-Inclusion, EOP-Metro, EOP-Schooling).

29. Positive experiences were reported with regard to several municipalities, including, among others, Bologna, Padua, Turin, Messina, Genoa, Florence, Pistoia, Venice and Lucca. From the local practice, it emerges that various financial formulas apply to each and every case. For instance, the Municipality of Turin has been resorting to the national funding from the so-called Ex Nomads Emergency. Other Municipalities have been involved in PON METRO projects financed by the EU, with the aim of facilitating Roma access to social housing (elaboration stage ongoing under the new EU Funds Planning, 2014–2020). However, most Municipalities still resort to local funding.

30. On 14 February 2017 UNAR convened a relevant meeting in Naples, with the participations of “Città Metropolitane” (14 large Municipalities: Bari, Bologna, Cagliari, Catania, Florence, Genoa, Messina, Milan, Naples, Palermo, Reggio Calabria, Rome, Turin, Venice), ISTAT, ANCI, and the Territorial Cohesion Agency, to discuss the problems experienced in the territories and to understand how to make better use of financial resources, with the aim of overcoming settlements. At the moment UNAR is monitoring the process of overcoming settlements in some major municipalities. Positive experiences must be reported with regard to several municipalities, including, among others, Cagliari, Alghero, Bologna, Padua, Turin, Messina, Genoa, Florence, Pistoia, Venice, Faenza, Palermo and Lucca.

31. UNAR avails itself of the activities of the monitoring carried out by the Observatory on Media and the Internet, and it is analysing the dynamics, outplacement and mobility and the so called Roma “evictions” carried out in the Italian territory, especially in the metropolitan cities and in the main urban areas. Taking into account the complexity of the phenomenon, UNAR is finalising the Guidelines for the local competent authorities in order to clearly show the procedures and the practices in full compliance with international human rights law obligations.

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

32. As above mentioned the International Convention on the Elimination of all forms of Racial Discrimination was ratified by Law No. 654/1975 and amended by Law No. 205/1993.

33. Moreover the Italian Parliament applied the EU Framework Decision 2008/913/JHA previously through the Law No. 116/2016, that has modified the Article 3 of the Law No. 654/1975, having added the section 3bis<sup>6</sup> and then through the so called European Law 2017 (Law No. 167/2017 on “Provisions to comply with the obligations deriving from the Italian EU membership”). This amended the section 3bis of Article 3 of Law No. 654/1975 by adding the phrase: “on grossly trivializing or condoning» after the words: «are based, in whole or in part, on denying”. Therefore, the section 3 bis has to be read as follows: “The term of imprisonment shall be from two to six years if the propaganda or instigation and incitement committed in such a way that a real danger of dissemination arises, are based, fully or partially, on grossly trivializing or condoning the Holocaust, genocide crimes, crimes against humanity and war crimes, as set out in Articles 6, 7 and 8 of the Statute of the International Criminal Court, as ratified by Act No. 232 of 12 July 1999”. Furthermore, Law No. 167/2017 has introduced a new article to Legislative Decree No. 231/2001, i.e. Article 25-terdecies (“Racism and xenophobia”) that includes the above mentioned criminal actions (“actions of propaganda, with the concrete risk of dissemination, based on denial, gross trivialisation or condoning of the Shoah, crimes of genocide, crimes against humanity and war crimes ...”) among the cases of liability of legal persons for offences committed by their own representatives.

34. Finally, in 2018 there was another legislative modification, i.e. the Decree No. 21 of 1 March 2018 that contains “Provisions implementing the principle of delegation of the rule of the organic law in criminal matters pursuant to article 1, section. 85, letter q) of Act No. 103 of 23 June 2017”, which came into force on 6 April 2018. It introduced the Article 604 bis “Propaganda and incitement to commit crime for discrimination on racial, ethnic and religious grounds” and the Article 604-ter (Aggravating circumstance) in the Criminal Code. The former repealed Article 3 of Law No. 654/1975, the latter repealed Article 3 of Law No. 205/1993 (Mancino aggravating circumstance).

35. The Observatory for security against acts of discrimination (OSCAD) was established at the Ministry of Interior – Department of Public Security – Central Directorate of Criminal Police in late 2010, with the purpose of improving the action of the Italian Police agencies (in particular National Police and *Carabinieri* Corps) in preventing and combating hate crimes.

36. OSCAD doesn’t have any investigative duties. Indeed, the main tasks of the Observatory are: surfacing the phenomenon of under-reporting; improving hate crimes’ data collection and monitoring; law enforcement training. For overcoming the under-reporting, OSCAD allows whoever wants to report a hate crime (institutions, NGOs and private citizens) to forward an email to the following address: [oscad@dcpc.interno.it](mailto:oscad@dcpc.interno.it). In

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<sup>6</sup> “the penalty of imprisonment shall be from two to six years if the propaganda or instigation and incitement – committed in such a way that a real danger of dissemination arises – are fully or partially based on the denial of the Holocaust or the crimes of genocide, crimes against humanity and war crimes, as set out in Articles 6, 7 and 8 of the Statute of the International Criminal Court, as ratified by Act No. 232 of 12 July 1999”.

any case, reporting an act of discrimination to OSCAD does not replace either filling a police report or calling the 112 emergency number to request law enforcement intervention.

37. As for the law enforcement training, since 2012 OSCAD has tutored more than 10.000 police officers. A deeper knowledge about what a hate crime is permits law enforcement to recognize, understand and record a crime as a hate crime, pinpointing the bias motive as a component. To sum up OSCAD vision tends to realize a holistic approach in preventing and combating hate crimes. Indeed, all the OSCAD tasks are linked to each other: through its mail service, the Observatory fights the phenomenon of under reporting taking into account the limits imposed by the national legislation (nor on line or anonymous reporting or “third party reporting” are allowed). On the other hand, the law enforcement training allows police officers to improve their capacity to recognize and record hate crimes, reducing the “under recording”. Decreasing the under reporting and the under recording, the data collection and analysis will be more thorough.

38. Among all the activities carried out by OSCAD, the following ones are worth of mentioning:

- “Come Forward: Empowering and Supporting Victims of Anti-LGBT Hate Crimes”. It is a European project coordinated by the Law Department of the University of Brescia, aimed at preventing and countering homophobia and transphobia crimes. This 24-month project, focused on combating and preventing hate crime against LGBT people, provides a high qualified training for law enforcement, led by OSCAD experts (<https://www.unibs.it/node/12929>);
- “Facing all the facts!” European project, that is led by the NGO “CEJI – a Jewish contribution to an inclusive Europe” (<http://www.ceji.org/?q=content/press-release-united-against-hate-crime-italy>). OSCAD is one of the co-beneficiary partners of it. In particular, the Observatory developed an on line hate crime course for law enforcement, formed by three modules “What is a Hate Crime?”, “Bias Indicators” and “Vulnerable Victims”;
- “High Level Group on combating racism, xenophobia and other forms of intolerance” (HLG). The HLG gathers 46 representatives from all member States, Council of Europe, ECRI, OSCE/ODIHR, of UNHCR and 28 NGOS. In this framework, OSCAD is the representative of the Italian Department of Public Security.

39. Since the former Periodic Report, the role of National Office against Discrimination (UNAR) has been strengthened and its role expanded. On a general note, since 2013, its original mandate established by 7 of Legislative Decree No. 215 of 9 July 2003 have been ‘de facto’ expanded in protection against other forms of discrimination such as, among other, disability, age, sexual orientation or gender identity, with particular attention to multiple discrimination.

40. In this field the monitoring activity and analysis of discrimination continues by collecting reports of discrimination by race, ethnicity, age, disability, religion, gender identity and sexual orientation through the various channels available (“Green Line” telephone number, institutional e-mails, website, UNAR network). According to yearly collected data, cases reported to UNAR in 2015 were 2.235 (+37% to 1.627 registered in 2014). Out of 1.814 cases that were effectively considered as discriminatory acts and conducts, 73, 6 % fell to “ethnic-racial” ground, followed by sexual orientation (9,9 %), discrimination on the ground of the age (7.9%) and persons with disabilities (7.8%). As for the 2016, a total of 2.936 cases were reported to UNAR. Out of 2.652 cases that were considered as discriminatory acts and conducts, 69.4 % fell to “ethnic-racial” ground, followed by persons with disabilities (16.4%), sexual orientation (8,5 %) and discrimination on the ground of the age (4,7 %). In 2017, a total of 3.909 cases were reported to UNAR (almost 1000 more than in 2016). Out of 3.574 cases that were considered as discriminatory acts and conducts, 82 % belong to “ethnic-racial” ground followed by sexual orientation (9,1 %), persons with disabilities (4.4%) and discrimination on the ground of the age (2.4%). According to the most recent data, in 2018, 4.273 were registered. Out of 3.977 that were considered as discriminatory acts and conducts, 70,5 % fell to “ethnic-racial” ground,

followed by sexual orientation (7,7 %), persons with disabilities (5.6%) and discrimination on the ground of the age (4,0%).

41. 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. 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 Center. 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.

42. Among the 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.

### **III. Information grouped under particular rights (Article 5)**

43. In relation to the right to equal treatment before the tribunals and all other organs administering justice, racist behaviour and, more generally, racial discrimination attitudes are expressly included in domestic legislation in force and/or have been mentioned by national courts providing for aggravating circumstances to punish such conducts, including the utilization of all available means to disseminate or distribute materials for purposes of discrimination or racial hatred. In terms of remedies, in light of the Italian Constitution (Article 112), criminal action by the public prosecutor is mandatory. Therefore, prosecutors are enabled to investigate any alleged discriminatory motive associated with a crime, irrespective of its mention in the report drawn up by Police. From a judicial standpoint, should new relevant events emerge, the court can admit additional evidence in accordance with Articles 516, 517, 518, of the Criminal Procedure Code. In general terms, the court can always decide a more severe penalty in light of new circumstances or specific evidence. A victim of discrimination can thus resort to: criminal procedures (if s/he has suffered from offences of criminal relevance); administrative court procedures (e.g. complaints against action by an official or state/municipal institution); and civil procedures (e.g. moral damage). As far as the victimization, EU Directive 2012/29/EU of October 25, 2012 has been translated by Legislative Decree No. 212 of 15 December 2015 to introduce in the national legislation norms concerning rights, assistance and protection of victims of criminal offences.

44. As it concerns the right to security of person and protection by the State against violence or bodily harm, a series of directives issued with regard to public order indicate the Authorities and the levels of responsibility for governing and managing the relevant demonstrations, for organizing the relevant and adequate services where the policeman, as a public order professional, plays a fundamental role to prevent critical situations and disturbances to law and order. In particular, the Directive of the Head of the Police – General Director of Public Security (No. 555/op/490/2009/1/NC of January 21, 2009), on the basis of the international and European indications, has defined the guidelines concerning the governance and protection of public order and has enhanced the need for “implementing Police Forces' experience by driving it towards a new police ethics focused on the orientation of their actions towards a correct level of visibility, tolerance and

proportionate strictness". Particular attention is given to the special training of police personnel, with regard to ethical and cultural issues, communication skills and operational techniques. In this context, the Training Centre for Protecting Public Order has been established in December 2008 in Nettuno (Rome), with a view to strengthening and promoting a new culture of public order oriented towards prevention and dialogue, and to enhancing policemen's professionalism. The training method is not the traditional learning one, but it is based on a proactive logic aiming at sharing and promoting best practices as well as at discussing any useful relevant issue. Further training activities focusing on the unlawful use of force and the correct approach to the citizen have been carried out for police personnel operating on the territory (patrol units).

45. On a general note our Country pays great attention to training in the protection of human rights and preventing and combating acts of discrimination, providing specific training modules in basic training for recruited agents (deputy inspectors and sectional professional development of all staff of the State Police) is to provide attendees the knowledge required for optimal performance of the functions, powers and duties of the State Police.

46. The teaching methodology of the courses provides for the synergic and interdisciplinary development of cross-cutting subjects which are permeated by a 'values path', systematically referring to the Italian Constitution, the European Code of Ethics for the Police, the recommendations and the relevant international instruments, the professional ethics and the importance of proper institutional communication.

47. The programme includes: constitutional law, with specific focus on the relevant constitutional principles for policing; criminal law, with particular attention to the discriminatory motivated crimes and those committed against the vulnerable; the criminal procedure, with deepening of specific institutions, such as closures and arrest, and the acts of the judicial police; the Administration of the Public Security, with specific regard to the delicate balance between individual rights and security in its various manifestations. More specifically, within the above mentioned materials, we highlight: the centrality and sanctity of human life, respect for human dignity, ethics in the police service, the right to equality and protection against discrimination, aspects of policing such as responsibility, fairness, impartiality, professionalism, authority, balance, the service culture, the quality of services, the value of the image and communication.

48. As part of basic training, training on human rights and discriminatory motivated crime has been reformulated providing for courses devoted to "Human Rights – a discriminatory motivated crime", Constitution provisions and concepts such as stereotypes, prejudice, discrimination and racism, as well as on the EU Directive on the treatment of victims enforced by the Decree-Law No. 212/2015.

49. Regarding the training of the second level and, in particular, of those reserved to the border police officers, in the programme on "ethical profiles in the Border Police Service" ethical values and fundamental rights are planned as well as the main international instruments for the protection of fundamental rights, the common European standards on asylum and international protection, humanitarian and subsidiary protection, specialized services for the support and protection of victims of human trafficking, the non-discriminatory ethnic profiling, cases of discriminatory profiling.

50. Professional staff update aims to take effective action to raise awareness of Police operators also on human rights, helping to raise the level of professionalism in different operating environments. In this regard, within the updates on topics of general interest addressed to all staff of the State Police in year 2018 a training day on Ethics and Values of the State Police was planned, with publication of appropriate modules on platforms dedicated to lifelong learning. On the same platforms modules on offenses, discriminatory matrix, international protection and human trafficking, ethics and professional ethics in law and order, prevention and suppression of acts of discrimination and hate crimes, racial and ethnic profiling, intervention in crimes with vulnerable victims, victimology, are available. Finally, in prevention and suppression of discrimination acts training courses for trainers in service at Police Schools were organised, completed by workshops involving teachers of the basic training courses.

51. OSCAD has always paid the utmost attention to the training in order to increase the awareness and the competence of the Police officers about hate crime, hate speech and human rights. Overall, since 2012 OSCAD has directly trained almost 11.00 police officers/cadets (National Police and Carabinieri Corps).

52. UNAR and CSOs such as Amnesty International – Italy, “Rete Lenford” (‘Lenford network’, a lawyers’ association highly specialized on LGBTI people rights), COSPE (‘Cooperation for Development of Emerging Countries’, a no profit association actively involved in promoting fair and sustainable development, intercultural dialogue and human rights) are some of the most relevant partners. The basic half-a-day seminar is formed by six modules (6 “periods” of training – 45 minutes each).

- OSCAD organization and tasks/Hate Crimes and Hate Speeches/Legislation (taught by OSCAD experts);
- Discriminatory Ethnic Profiling (OSCAD experts);
- Prejudices/Stereotypes/Discrimination/Diversity (UNAR);
- Human Rights (Amnesty International – Italy);
- LGBTI persons and Police activities (“Rete Lenford”);
- Best practices in dealing with vulnerable victims (National Police investigators).

53. In late 2018, the “OSCAD related matters” have been significantly improved: nowadays, the National Police provide 10 “periods” of training (45 minutes each) to the constables and 27 periods to the inspectors (pre-service training). About e-learning, OSCAD realized several online modules on preventing/combating HC/HS:

- For National Police (in-service training);
- A comprehensive e-learning project within the “SISFOR” for all the Italian Police agencies (pre-service/in-service);
- Within the “Facing all the facts!” project, for both National Police and *Carabinieri* Corps.

54. Very often OSCAD participates in European/international projects about hate crime. In this context workshops on hate crimes’ prevention/fight are organized for both National Police and *Carabinieri* Corps.

55. *Inter alia*, it is extremely important to highlight the co-operation with OSCE-ODIHR in the implementation of the TAHCLE (‘Training Against Hate Crime for Law Enforcement’) programme: in 2014, 160 officers were trained in half-a-day seminars, whilst 30 senior officers were tutored in a ToT 3-day seminar. In 2017, 25 inspectors serving in Lombardy were trained within a regional project aimed at increasing the operational response to hate crime. In November 2018, another TAHCLE ToT session for 26 senior officers was provided. Participants in all the above mentioned activities were from National Police and *Carabinieri*.

56. In 2015, OSCAD, as a partner of the European project “PRISM” (Preventing Redressing and Inhibiting Hate Speech in new media) in cooperation with UNICRI, organized a three-day training workshop for law enforcement agencies finalized to increase police awareness on preventing and combating discrimination and on hate crimes and hate speeches in particular.

57. In 2016, OSCAD, as a partner of the European project “EXPERIENCE CRIME Increasing the capacity of law enforcement authorities to tackle racist crime, hate crime and homophobic crime through experiential learning” in cooperation with COSPE (Cooperation for Development of Emerging Countries), organized two workshops focused on increasing the capacity to understand, recognize and investigate hate crimes and on improving the awareness on: victims perception and needs; police agencies’ role in combating hate crimes and protecting all citizens and the importance of diversity management within the Police agencies themselves.

58. In 2017 OSCAD experts, in collaboration with OSCE/ODIHR and “Catholic University of the Sacred Heart” (Università Cattolica del Sacro Cuore), organised a one and a half day TAHCLE course (Training Against Hate Crimes for Law Enforcement).

59. As pertaining to Penitentiary Administration Department, the legitimate use of force and its regulation are a specific subject within the initial training courses and in those of professional updating reserved for prison police personnel<sup>7</sup>. In particular, it should be noted that, in the training of newly hired staff, classified in the roles of Penitentiary Police Agents, the teaching of the global self-defense method is envisaged. This is a technique aimed at neutralizing the aggressor and causing him the least damage possible, with a view to safeguarding the safety of the staff and the most vulnerable subjects inside the prison, without resorting to unnecessarily violent and excessively damaging techniques against the aggressor. The skills in the use of the technique are assured during the professional career of the staff in service at the detention sections, through targeted professional refresher courses.

## A. Political rights and other civil rights

60. As it concerns some relevant civil rights, the First Part of the Italian Constitution (Articles 13 through 54), entitled “Rights and duties of the citizens”, includes a number of rights, which are protected as basic rights. In detail: Title First is devoted to “Civil relations”; Title Second, “Ethical and social rights and duties”; Title Third “Economic rights and duties”; and Title Fourth is devoted to “Political rights and duties” – which are based upon the provision stipulating that nobody may be deprived of his/her legal capacity, citizenship, or name for political reasons (Article 22). Along these lines, it is also worth-mentioning basic judicial guarantees and safeguards, as enshrined in Article 24 et ff. concerning: the right to a fair trial, the right to defence, the principle of *ne bis in idem*, the principles of *nullum crimen, nulla poena sine lege* and *tempus regit actum*, and so forth. As a pendant naturel of the principle of equality (Article 3), Article 10 provides for the principle of respect for non-citizens, asylum-seekers and, generally speaking, for foreigners. It stipulates: “No Italian national may be deprived of Italian citizenship or extradited to a foreign country”.

61. All civil and political 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, 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). 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. Minors do not lose Italian citizenship if one or both parents lose it or acquire foreign citizenship. Women married to foreign husbands after January 1st 1948 who automatically acquired foreign citizenship did not lose their Italian citizenship.

62. Law Decree No. 113 of 4 October 2018, modified and turned into law by means of Law No. 132 of 1 December 2018 introduced the withdrawal of citizenship in case of a final conviction for crimes envisaged by Article 407§2, letter a) n. 4 of the Criminal Procedure Code as well as for crimes envisaged by Articles 270 ter and 270 quinquies.2 of the Criminal Code. The withdrawal of citizenship is adopted by means of a decree of the President of the Republic, upon proposal of the Minister of the Interior, within a term of three years starting when the conviction for the above mentioned crimes became final.

63. As far as the 1961 Convention on the Reduction of Statelessness, the accession process has been concluded on 1st December 2015.

<sup>7</sup> At present the Bill No. 77 – “Provisions for the knowledge and training on non-violence measures in learning courses addressed to Police Forces” is under debate at the Italian Parliament.

64. With regard to the right to freedom of thought, conscience and religion and the possible intersectionality of racial and religious discrimination, Act No.115 of 16 June 2016 was adopted introducing imprisonment penalty from 2 to 6 years, in cases where propaganda, instigation and incitement are based “in whole or in part on denial of the Shoah or crimes of genocide, humanity and war crimes”, according to International Criminal Court Statute (Articles 6, 7 and 8).

65. Also the Judgment No. 67/2017 of the Constitutional Court on Article 2 of the Veneto Regional Law No. 12/2016 (amending Regional Law No. 11/2004 – Land and landscape management rules and subsequent modifications) is relevant insofar it defines constitutionally lawful the part that recognizes to the Region and its Municipalities the task of identifying the criteria and methods for the realization of religious equipment, taking into account all the various forms of religious confession without introducing any distinction due to the fact that an agreement (*Intesa*) with the Government has been concluded. On the contrary, Judgment No. 67/2017 considers constitutionally unlawful the part of Article 2 that introduces the obligation to use the Italian language in agreements ruling all activities carried out in equipment of common interest for religious services. So far this Judgment let the Court highlight that: Italy recognizes the principle of freedom of religion as well as the confessional pluralism; free exercise of worship is an essential aspect of freedom of religion, and it is equally recognized to all people and to all religious denominations regardless of the conclusion of an agreement with the State; opening of places of worship is under the protection of art. 19 of the Constitution and can't be conditioned by the conclusion of a previous *Intesa*.

66. In 2016 Italy put itself forward for the Presidency of International Holocaust Remembrance Alliance (IHRA) for 2018. Supported by the Presidency of the Council of Ministers, Italy was appointed on the occasion of the IHRA Plenary Assembly in November 2016 as recognition of Italian significant contribution to the memory of the Shoah and its constant commitment to strengthening its knowledge through education, remembrance and research. On the celebration of the Holocaust Memorial Day (27th January) in last years the Presidency of the Council of Ministers, together with the Union of Jewish Communities (UCEI), has organized several events throughout the national territory.

67. 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 Constitution in its Article 21<sup>8</sup>. 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). 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. The aim and the rationale behind the relevant provisions of the Criminal Code indicate the constant balancing between opposite stances: as for the “reputation/honour”, there is a common understanding to refer to “those conditions on the basis of which the social value of the individual is expressed”; as for “the dignity”, there is a common understanding to refer to “the intellectual, physical and social features of individuals”. Thus, consideration should be given to the fact that the protection of the reputation/honour of individuals may result in a stance opposite to freedom of expression, including press, and vice-versa.

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<sup>8</sup> “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 [...]”.

68. During the last parliamentary term concluded in late December 2017, various pieces of draft legislation, aimed at amending the criminal discipline of defamation, were under discussion before the Italian Parliament – and within the new parliamentary term it is worth-recalling Bill A.S. 1119-B, which envisages: a two year time-limit for civil actions for damages; an aggravating circumstance if a fact attributed to a person results to be false; prohibitory measures in case of recurrence; a specific increased focus on the role of the editor and the relating liability in case of defamation, as well as the reformulation of Article 57 of the Criminal Code; the strengthening of the system to discourage the frivolous litigation to avoid mismanagement of the civil action; and the extension of the protection of journalistic sources, to independent journalists and “contributors”. The Venice Commission commended the above Bill in its relevant Opinion 715/2013.

## **B. Economic, social and cultural rights**

### **The right to work**

69. In the last few years, the centrality of the foreign component in the labour market has emerged strongly, not only because of the importance that foreign workers have had and continue to have in the performance of specific tasks, but also by virtue of the compensatory effect they have determined. By the way the centrality that the foreign labour force had in supporting the positive levels in employment trends seems to have been reduced, due to a more decisive growth in native employment.

70. In order to work in Italy non-EU citizens must possess a residence permit for employment. Foreign citizens who have a residence permit for: medical care, tourism, religious grounds, business, legal purposes may not work in Italy. Employers who wish to recruit foreign workers residing legally in Italy must send the local Job Centre (*Centro per l'Impiego*) within 24 hours of the day prior to the recruitment the “UNILAV” Form for Mandatory Employment Notification. By sending this form, to be carried out exclusively by telematic means, the employer simultaneously fulfils all the notification obligations: to the National Social Security Institute (INPS), to the National Institute for Insurance against Accidents at Work (INAIL), and other forms of social security, whether substitutive or exclusive, as well as to the Prefecture. In fact, the form also contains the commitments which the employer is obliged to undertake in accordance with the Consolidated Immigration Act, namely, payment of expenses for a foreigner’s possible return to his/her homeland in the event of obligatory repatriation and indication of the foreigner’s accommodation. Also in the case of a domestic employment relationship, the notification sent to INPS is now valid for the purposes of fulfilling the above obligations. For issuing/renewal of residence permits for employment, foreigners must produce together with their application, a copy of the UNILAV. During this step, the foreign citizen, in possession of the postal receipt certifying their request of renewal, may continue to work.

71. Analysis of the variations found between 2016 and 2017 highlighted three phenomena: an increase in the number of Italians employed of approximately 243 thousand units EU citizens at approximately 1,000 units, (+0.1%) and non-EU nationals at 20,859 units (+1.3%); a clear decrease in the number of foreign citizens in search of work: from 436,853 people in 2016 to 405,816 in 2017, with a significant contraction of both the EU component (-7.4%) and the non-EU component (-7.0%); a decrease in inactive foreign citizens, in absolute terms of 1,712 units among EU citizens (equal to -0.5%) and 30,377 units among non-EU nationals (equal to -3.6%). As for the rate of employment (15–64), for foreign EU citizens there was a value equal to 63.8% (+0.5% compared to 2016) and a value equal to 59.1% for non-EU (+1.3 %). In 2017, the unemployment rate among the foreign population saw a significant reduction. The percentage of people in search of work with EU citizenship decreased from 14.1 % in 2016 to 13.1 % in 2017; and with reference to non-EU citizens from 16.0% in 2016 to 14.9% in 2017. The importance of foreign workers is evident in various economic sectors: the percentage incidence on total employment is currently equal to 10.5% with significant sectoral differences. In *Other collective and personal services*, the presence of non-native workers is rather high: in 2017 the percentage incidence was equal to 37.3 points, with a clear preponderance of the non-EU labour force. These were followed by *Hotels and restaurants* (18.5%), *Agriculture*

(16.9%) and *Construction* (16.6%). Almost all foreign workers do work as employees and more than 70% cover positions as a *manual worker*. By distributing the employed with tertiary education per disciplinary area of Degrees and the class of *skill* in the position covered, it can be seen that more than 90% of Italians with a STEM qualification (*Science, Technology, Engineering, Mathematics*) perform a “high skill” function which is therefore formally consistent, as well as more than 80% of “Non-STEM”; in the case of non-EU foreign nationals, the percentages fall to 26.0% in the one case, and 24.4 % in the other. Forty-seven point five per cent of non-EU graduates with a degree in a STEM discipline are employed in low-skilled positions, compared to 1.8% of Italians and 21.9 % of EU citizens.

72. In 2017, the Statistical Information System of Compulsory Communications recorded a volume of new working relationships that involved 2,057,584 foreign nationals, of whom 744,981 were EU workers (36.2% of the total) and 1,312,603 were non-EU (63.8%). With respect to the volume of recruitment found for 2016, we can observe a positive variation equal to +1.6% for EU and +13.7% for non-EU citizens, against +12.3% in the number of employment relationships involving the Italian component. The rise in the number of contracts was the result of an increase in fixed-term employment relationships, a strong expansion in intermittent work, and a net increase in work contracts. In fact, if we disaggregate the volume of employment relationships generated in 2017 by type of contract, we can observe a net increase in the trend of fixed-term hirings that involved non-EU workers (+20.6%), as well as a considerable increase in apprenticeships (+22.9%). In contrast, there was a reduction in the volume of long-term hirings in the case of EU workers of 9.5%, non-EU of 7.1%, and 8.4% in the case of Italians. Equally important, the trend towards other types of contract, including intermittent work, that involved non-EU workers (+91.8%), EU workers (+49.8%), as well as Italians (+57.3%). Symmetrically to the new employment relationships, the trend of terminated labour relations showed, in the last year available, an overall increase equal to +11.3%, which, in the case of EU citizens amounted to +1.9%, +13.0% in the case of non-EU, and +12.0% among Italians.

73. Excluding Public Administration and private households with employed persons, the employers who, in the course of 2017, hired at least one foreign worker numbered 345,612; they represented 31.5% of the total number of companies that hired new employees overall in the period. The areas of Italy with the highest incidence of employers who hired foreigners were, in order: Trentino-Alto Adige (35.7%), Emilia-Romagna (29.2%), and Tuscany (26.7%). On the contrary, the share of companies concerned was lower in most of Southern Italy and in particular in Sardinia (5.6% of employers), Sicily (10.7%) and Campania (10.0%). In addition, 44.4% of the 345,612 companies that hired foreigners signed only one contract, while about 18% hired 2 foreigners in the year, and 8.7% more than 11.

74. As it concerns labour policies and welfare systems, the data from INPS concerning the number of non-EU citizens who benefit from some form of income support provide a composite general framework. For example, compared to 2016, there was a decrease in recipients of mobility allowance (-43.3%) and beneficiaries of ordinary wage subsidies (-15.6%) and extraordinary subsidies (-51.7%). In contrast, there was an increase in recipients of unemployment benefit (+19.4%) and, between 2015 and 2016, recipients of agricultural unemployment allowance (+2.6%).

75. In 2017, at least one contact with the public employment services was declared by 224,678 foreign citizens in search of work already present on Italian territory with a regular residence permit, of whom just over 74 thousand were of EU origin and 150,580 were non-EU. The percentage incidence out of the total number of people in search of work with EU citizenship equalled 60.7%, and 53.1% in the case of non-EU. Among those who came into contact with the services, a sizeable proportion had a fairly systematic interaction with them. In fact, 56.6% of foreign citizens in search of work had been to a public structure in the previous 4 months, a higher value than that seen in the case of unemployed with Italian citizenship (40.2%). In particular, 24.2% of non-EU workers in search of work had made contact in the previous month. Also a significant share of unemployed with EU citizenship had frequent contact with the Centres and in 18.9% of the cases the contact had occurred less than 30 days earlier. Twenty-seven point six per cent of foreign citizens in search of work had had contacts with the network of services for more than one year, while for some

(14.8%) the last contact dated back to at least three years earlier, compared to 31.0% of unemployed Italians. Most of the foreign users in search of employment visited a public Job Centre to *verify the existence of job opportunities* (51.5%), while an equally significant share did so for reasons of an administrative nature i.e. to *confirm their unemployment status* (25.3%), to *renew* it (25.9%); to *register* (12.1%) or to make *their Declaration of Immediate Availability for Work (DID) for the first time* (8.5%).

76. As far as the phenomenon of labour exploitation of foreigner and migrant workers, it is worth of mentioning the Italian ratification of ILO Conventions No. 143 and No. 189, so that Italy accepted to be periodically reviewed as to the implementation of these Conventions at the domestic level. In the meanwhile Italy is committed to implement the 1st NAP on Business and Human Rights launched in December 2016: it contains a specific goal i.e. tackling *Caporalato* (especially in the agricultural and construction sector) and other forms of exploitation, forced labour, child labour, slavery and irregular work, with particular focus on migrants and victims of trafficking.

77. Against this background Legislative Decree No. 109 of 16 July 2012 implemented the Community Directive 2009/52/EC aimed at strengthening cooperation between Member States in the fight against illegal immigration, by introducing a prohibition for employers to employ third-country nationals whose residence is illegal, as well as minimum standards relating to sanctions and measures in respect of such employers. Since this is a ban already provided for by Italian legislation<sup>9</sup>, the new legislative decree has only introduced some amendments to the existing regulatory framework.

78. The measure provides for aggravating circumstances (with sanctions increased by one third to one half) in cases where prohibition of the employment of foreign citizens whose residence is irregular, is characterized by “particular exploitation”, i.e.: more than three workers are employed illegally; minors under working age are employed; examples of exploitation as described in Article 603 bis of the Criminal Code.

79. If there are circumstances of “particular exploitation”, the law also introduces, within the framework of Legislative Decree No. 231 of 2001, a pecuniary administrative sanction (from 100 to 200 quotas, up to a limit of €150,000) for legal persons who have profited through illegal employment of foreign citizens. The rules have also introduced a prohibition on obtaining work permits for foreign workers for employers who have been convicted in the preceding five years, even if not definitively, for offences linked to labour exploitation or to the illegal employment of foreign citizens and the aiding and abetting of illegal immigration. In order to foster the exposure of labour exploitation offences, foreigners who report these or cooperate in criminal proceedings instituted against the employer may obtain, on a proposal or with the favourable opinion of the court, the issuing of a residence permit valid for a period of six months and renewable for one year or for a longer period if required to complete the criminal proceedings. This residence permit allows employment and is convertible.

80. In addition Law No. 199 of 18 October 2016 against the *Caporalato* (illegal recruitment of agricultural workers) was adopted. It introduced significant changes to the regulatory framework of criminal law. In particular, the new wording of Article 603-bis of the Penal Code (*Illicit intermediation and labour exploitation*), provides a case-based account of crime which excludes violent, threatening or intimidating behaviour in the unlawful conduct of the gangmaster, i.e. those who recruit labour on behalf of third parties, under exploitative conditions, or taking advantage of their state of need. The new offence of gangmastering, for which arrest in flagrante *delicto* is mandatory, includes the sanctionability of an employer who uses, hires or employs labour recruited *also* – but not *necessarily* through the use of gangmastering – by intermediation activities, exploiting workers and taking advantage of their state of need.

<sup>9</sup> Article 22§12 of Consolidated Immigration Act prescribes that the employment of foreigners whose residence is illegal is punishable with imprisonment from 6 months to 3 years plus a fine of €5,000 for each worker employed.

81. Finally a Decree of the Ministry of the Interior and the Ministry of Labour and Social Policies of 10 February 2017 emphasizes in its Article 1 that the employer who has illicitly employed a foreigner whose residence is illegal, is still required to pay:

(a) All the salary in arrears; the level of remuneration equal to the remuneration due on the basis of the national collective agreements relating to the activities carried out for the level and duties indicated, which must not however be less than the monthly amount provided for the social allowance for domestic work relationships and not less than the minimum daily wages reassessed annually by INPS, pursuant to Law No. 389 of 7 December 1989, for other work relationships;

(b) An amount equal to the tax and social security contributions that the employer would have to pay in the event of legal employment of the foreigner, including penalties for late payment and the related administrative sanctions.

82. To ensure that foreign workers recruited illicitly whose residence is illegal have knowledge of these rights and the procedures to assert the rights referred to in Article 1, lett. a), 1(a), and file a complaint against an employer, a special form has been prepared. This form is given to the person concerned by the staff of the office or agency which has tracked down the foreigner, whether an employee of the Ministry of Labour and Social Policies (e.g., staff employed in inspection activities, or an employee of the National Labour Inspectorate), the Police, or other bodies (e.g., the Harbour Offices – Coast Guard, local police, etc.).

83. On this topic the recent Law No. 132/2018 has provided for an enhanced countering and repressing action – through high administrative sanctions – of Police Forces over all the national territory following a detailed monitoring activity, also with the support of Labour Inspection Offices. Just to mention a few examples:

- The “Alto Impatto” (High Impact) Project, implemented from 26 to 30 June 2017 in the Municipalities of Ragusa, Caserta, Foggia, Latina, Potenza e Reggio Calabria by the local Questure, by identifying 179 individuals (employers and employees) in 16 companies;
- The countering action carried out in Gioia Tauro (Reggio Calabria) addressed to local companies related to ‘ndragheta criminality: since February 2015 76 companies were put under inspection, the administrative sanctions amounted to 2.505.590 euros, 59 individuals were referred to the judiciary;
- In the Crotone Municipality an ad hoc Task force under the guide of the Questore has monitored the local companies in relation to the presence of no EU citizens hosted in the nearest Centre; a similar body has been established in the Bari Municipality (the so called ‘Tavolo interistituzionale per il contrasto al caporalato’);
- In the Apulia Region several actions have been carried out: on 28 September 2018 a Conference was held in Bari with the participation of representatives from local administrations and police forces in order to debate over the proposal for the establishment of reception areas for foreign workers in the agricultural sector and to be managed by the concerned Municipalities; in the Foggia Province two serious car accidents occurred in August 2018, involving migrant workers that led to an enhanced inspection over 1799 vehicles, of whom 147 were seized, and the adoption of 357 administrative sanctions for the violation of the highway code, the reporting of 20 individuals, of whom 4 were put under arrest. Previous controls from 15 to 18 May 2018 led in the same area to issue 6 administrative sanctions and the suspension of the activities for 2 companies;
- In the Sicily Region the high percentage of no EU citizens involved in labour exploitation has led in May 2018 to the monitoring and inspection of 57 companies – 3 were suspended and one was put under precautionary seizure, and 490 individuals, of whom 3 were put under arrest and 9 were referred to the judiciary.

### **The right to housing**

84. The Ministry of Labour and Social Policies has committed to paying special attention to homelessness during the period of 2014–2020. In order to programme solutions

and interventions to reduce severe poverty, the Ministry has carried out the following actions:

- National Survey on Homeless People and Services (2012; 2015) by ISTAT, Fio.PSD, Caritas, and the same Ministry. This survey has permitted more in-depth knowledge of the various manifestations of severe poverty in Italy, needs and performance systems offered to these categories of people and knowledge of the reasons people are in this situation. Currently, in Italy 50,724 people are homeless;
- National Guidelines for contrasting with serious marginality (2015). The Guidelines represent the main document for regional governments and Municipalities to offer homogenous measures and interventions for ending homelessness. The Ministry has involved in the drafting process various levels of government and relevant economic and social partnerships and Fio.PSD has played the role of Technical Secretary. The Guidelines are a practical and capacity building document for key actors who want to offer good quality services;
- Operative Program for INCLUSION – Thematic Objective 9 aims to reduce poverty by two paths: experimentation of a minimum income support scheme for poorest family (Active Social Inclusion – SIA; Income for social inclusion – REI since the 1st December 2017); Strengthen public services for the most disadvantaged groups (homeless and RSC included);
- Operative Program I FEAD Measure 4 and Call for proposal for innovative intervention to end homelessness (OP Inclusion and OP I FEAD Measure 4) (2016). The aim of this action is promoting social innovation and complementary use of the ESIF resources on one hand for enforcing social services (ESF) and on the other to provide material assistance to the most deprived (FEAD) (this includes food, clothing and other essential equipment for personal use);
- National Poverty Fund. Currently the National anti-poverty fund has reserved 20 million euros to homeless people for funding measures and interventions to combat severe poverty;
- Homeless Zero Campaign. The #HomelessZero Awareness Campaign, promoted by the Fio.PSD and sponsored by the Ministry, was launched on 11 June 2016 and was prolonged on 17 September 2017, the Ministry launched the Campaign again. This is to confirm engagement of policy-makers in raising awareness around this issue.

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

85. As already stated in previous periodic reports, in compliance with the Italian Constitution, 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 (Article 32), a minimum standard of living to those who are in need (Article 38), the protection of the family, in particular mothers and children (Articles 29–31).

86. About age determination of unaccompanied foreign minors, two legislative acts have been published: the Decree of the President of Council of Ministries No. 234 of 10 November 2016 and Law No. 47 of 7 April 2017. These measures indicate that age determination must be conducted through a multidisciplinary procedure by qualified staff at a public health according to a criterion of progressive invasiveness.

87. On a later stage the Decree of the President of the Council of Ministers of 12 January 2017 has defined the benefits guaranteed to citizens of non-EU countries not in compliance with the residence permit, and the Ministerial Decree of 3 April 2017 has adopted the Guidelines for the planning of assistance and rehabilitation interventions and the treatment of psychological disorders of refugee status and subsidiary protection status holders that have suffered torture, rape or other serious forms of psychological, physical or sexual violence. Moreover, the Guideline “Controls at the border – The border of controls” was adopted with the State-Regions Agreement, designing health checks on arrival and protection paths for migrants hosted in reception centers.

88. A National Integration Plan has been approved, identifying the lines of intervention to achieve the effective integration of holders of international protection and, according to Law No. 7 of 9 January 2006, the Ministry of Health continues to transfer funds for the purpose of training of the operators/agents who come into contact with victims of female genital mutilation.

89. As part of the project activities for the AMIF 2014–2020, the FOOTPRINTS project was launched on 23 July 2018, regarding training of public health workers for the definition of regional plans for coordination for the health of migrants and the realization of communities of practice, with the general goal of overcoming the disparities of different regional contexts on the issue of migrants' health.

90. The AMIF emergency funds have provided with financial resources the ICARE project (Integration and Community Care for Asylum and Refugees in Emergency) for the development of integration activities in territorial areas where they have extreme necessities, through the strengthening of the territorial services (family consultants, mental health departments, etc.) and the definition of appropriate assistance paths for vulnerable cases concerning international protection holders.

91. From March 2014 to December 2018, the Italian National Institute for health, migration and poverty (INMP) attended 30,102 non-EU citizens, out them 11,431 were undocumented migrants. Health care services were delivered to 6,177 international protection seekers (number of people with at least one diagnosis) and 2,891 were supported with a specific social and health care path during their international protection procedure. In 2018, 17 sites in Rome – Roma camps, occupied buildings and other places – were reached and specialist examinations were provided to 467 people who have difficult access to the national health service. In the same year, the INMP participated to 3 humanitarian corridors with a multidisciplinary team who delivered first medical check up to the 264 just arrived people.

#### **The right to education and training**

92. Pursuant to Article 1§16 of Law No. 107/2015 on “good schooling”, *ad hoc* National Guidelines (“*Educating for respect: for gender equality, prevention of gender-based violence and all forms of discrimination*”) have been adopted in order to provide for implementation of principles of equal opportunities by means of promoting, within the school system, education on gender equality, gender violence prevention and countering discrimination as well as to provide schools with orientations and boost activities and initiatives to sensitize pupils and students on the above mentioned topics.

93. In particular the specific “*three-year Plan of the training offer ensures the implementation of equal opportunities principles promoted in schools of all levels of education for gender equality, prevention of gender-based violence and all forms of discrimination, in order to inform and sensitize students, teachers and parents on the issues identified by Article 5, paragraph 2, of the Decree of August 14, 2013, n. 93, converted, with amendments, by law October 15*”. The Plan call for concrete actions to be carried out over the course of three years, both in terms of information and awareness raising.

94. Furthermore the Italian Ministry of Education has launched a web portal on equal opportunities at school (<http://www.noisiamopari.it>), collecting experiences and good practices, with the support of experts and concerned associations. The web portal aims at strengthening the commitments of schools to develop social and personal identity of adolescents approaching to sexual orientation and interpersonal relationships, while countering each form of discrimination and assault against human dignity, homophobia and gender violence.

95. Within the framework of the National Strategy for RSC communities (2012–2020) the Education axis represents the first area of intervention identified by the Strategy, the treatment of which is “propaedeutic” to the others, with particular impact on the conditions of RSC minors. In addition, it should be noted that the general objective of the Education Axis is to “Increase the quantity and quality of educational opportunities and the number of RSC students enrolled in schools of all levels, favoring their attendance and scholastic success and full education”, based on the following specific objectives:

- Specific objective 1.1: “To favor the pre-schooling and schooling processes of Roma and Sinti children, promoting non-discriminatory access (enrollment, frequency, results) to schools of all levels and countering the school leaving of lower RSC in primary and secondary schools”;
- Specific objective 1.2: “To increase the participation of young RSCs in university education, in higher education and training / work paths, including through access to honorary loan instruments, scholarships and other opportunities and facilities required by current legislation”;
- Specific objective 1.3: “To favor the comparison and cooperation between educational institutions, extra-scholastic territory, families and RSC communities”.

96. Within the articulation of the aforementioned objectives, specific actions are planned and implemented with ownership of the central and local institutions involved. From an operational point of view, thanks also to the precious role of NGOs and CSOs, an initial focus aimed on simple school enrollment and organization of free transport services to school in the framework of the implementation of the Strategy has been expanded to the more structured approach aimed at schooling of minors as well as the greater involvement of parents in school life.

97. An area on which the National Strategy has asked the competent institutions for a specific intervention is that of educational support for those who have prematurely abandoned compulsory education. In this regard, in order to prevent the risks of early school leaving, opportunities for school recovery have been offered over the years to ensure the conclusion of the path of compulsory education and individualized vocational training paths that reduce the risks of marginalization and deviance, also with employment grants and job placements that can offer concrete job. In this direction, in full respect of the spirit of the Convention on the Rights of the Child, it was decided to support projects, also on an experimental basis, aimed at the active participation and training success of RSC minors, through the scholarship tool and the valorization extra-curricular activities to support learning.

98. A National Project for the inclusion and integration of RSC children is promoted by the Ministry of Labour and Social Policy and implemented in collaboration with the Ministry of Education, University and Research, with the technical support of the Istituto degli Innocenti. The project is part of a framework of initiatives promoted jointly by several institutions under the Fourth National Two-Year Action Plan for the protection of the rights and development of children and adolescents, the UN Convention on the Rights of the Child and, above all, the National Strategy. The general aims of the project are to favour the inclusion of RSC children, to spread best practices and know-how and to promote networking between the Beneficiary Cities which are involved in the experimentation. More specifically, the project encompasses activities concerning the two most important settings in the life of RSC children: school and home.

99. The analysis of the three years of activity<sup>10</sup> shows a lot of positive results, especially for the students who had been involved from the very first year. The data on school attendance in the first year of the project – analysed through a counterfactual study on the target group and the control group – show that the RSC students involved in the project missed fewer classes than the ones not involved in the project (control group). The more in-depth analysis carried out at the end of the third year shows other significant signs of improvement. First of all, the school results of target RSC children significantly improved over the three-year period. In particular, when focusing only on the group of target children who were involved in the project from the very first year, 97% of RSC children moved up to the next grade (100% when considering only primary school pupils).

100. The improvement in school attendance and results goes hand in hand with the improved integration of RSC children in their classes. This aspect was investigated over the three-year period through a number of questionnaires – sociometric questionnaire, survey on the class environment and index of inclusion. The questionnaires were handled to all the

<sup>10</sup> 2015/16 assessment report: <http://www.minori.it/it/progetti-sperimentali-285/il-progetto-rsc/report-finale-della-prima-annualita>.

students of participating schools (RSC and other students) and they focused on relationships between students and between students and teachers.

101. Finally, with respect to empowerment and access of RSC children and families to healthcare services, the results show that, over the three-year period, 90% of RSC students had taken all the mandatory vaccines and that 80% regularly saw their GPs. Since the school year 2017/2018, the National Project has been funded through the European Social Fund, 2014–2020 Plan, “National Operational Programme on Inclusion”. The programme promotes the elaboration of common procedures for the fight against poverty and, through systemic actions and pilot projects, of innovative social approaches to the integration of communities and individuals at risk of marginalization. The plan is to continue activities – whose results have been documented – in this new framework of reference and to scale up the experimental project by consolidating its innovative methodology, at a lower cost and in a larger number of schools.

102. The new project cycle significantly increases the number of participating stakeholders and schools. In fact, it will involve almost 90 schools, more than 260 classes and approximately 600 RSC children. From 2017 to 2020, the project has been organized in stages, with cities gradually consolidating action plans and becoming more independent. During the first year, the goals have been following: initiating all project activities; consolidating local governance through the creation of the Inter-Institutional Working Group and of the Multidisciplinary Team within three months from the formal launch of the project. Social inclusion and school integration have been pursued by promoting skills development locally. More specifically, a group of teachers has received training during the second and the third year of activity. At the end of the three-year period, this type of training should become sustainable in the long term. The main final beneficiaries of the project are RSC children and adolescents aged 6 to 14 and their families. The project will also focus on RSC children aged 3 to 5, through pre-school activities, and/or on adolescents who have finished middle school and are about to begin vocational training or risk leaving school.

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

### **A. Refugees and displaced persons and non-citizens**

103. Because of its geographic situation, Italy has been exposed over the past few years to massive inflows of migrants: our Country is at the forefront of an extraordinary effort to save human lives at sea, as evidenced by statistics, and to prevent the departure of migrants from their Countries of origin.

104. Although arrivals of migrants by sea have been progressively increasing since 2013, when 42.925 third country citizens arrived, then 170.110 in 2014, 153.842 in 2015 up to 181.436 in 2016, in 2017 (starting from the second half of July) it was observed a steady decrease of arrivals, with 119.369 migrants registered by the end of the year. The 2018 was characterized by a further decrease of migratory flow. Specifically, as of 1 January to 31 December 2018 arrivals amounted to 23.370 migrants, with a decrease of -80,42% as compared to 2017 and of -87,12% as compared to 2016.

105. The policies adopted by Italy towards asylum seekers and beneficiaries of international protection continue to be aimed to their reception in a dignified manner and full respect of human rights in line with Directive 2013/33/EU, earmarking integration-oriented projects to beneficiaries of international protection only. Asylum seekers are always enabled to carry out working activities soon after 60 days from the submission of their application for international protection, thus allowing opportunities to enter the labour market and to social inclusion in the Italian territory.

106. In 2018 the governance system has been wholly reviewed, both the reception and services devoted to asylum seekers and beneficiaries of international protection included the procedures for the recognition of international protection. The new Law No. 132/2018,

which converted the Decree-law No. 113 of 4 October 2018, modified the provisions concerning first and second-level reception system in Italy. It is to be stressed that the new Law does not imply any change in the legal reference framework, for persons seeking safety from persecution for reasons of race, religion, nationality, political opinion; for persons at risk of being subjected to torture or condemned to death; for persons at risk of life owing to war or armed conflicts in their home country.

107. In 2018 the overall capacity of the first-level reception system (made of 13 centers as envisaged by Article 9 of the Legislative Decree No. 142/2015 and of 8.091 temporary reception centers as envisaged by Article 11 of the above-mentioned Legislative Decree) amounted to 115.151 places. Article 10 ter of the Legislative Decree No. 286/98, introduced by the above-mentioned legislative decree, offered the legal framework of the so-called hotspot, established in September 2015, in conformity with the European regulatory framework. This provision particularly regulates all operations concerning identification, photo finger-printing, information on international protection procedures, on relocation programs in other Member States and on assisted-voluntary return. At present, the 4 operational hotspots are located in Lampedusa Island, Pozzallo, Taranto and Messina.

108. In line with the new provisions introduced by Law No. 132/2018, asylum seekers are hosted only in the first-level reception centers (Articles 9 and 11 of Legislative Decree No. 142/2015) while the second-level reception centers are devoted only to beneficiaries of international protection, to foreign unaccompanied minors (included non-asylum seekers) and to aliens entitled to stay due to special cases (social protection for victims of trafficking activities, of domestic violence and labor exploitation) and to persons in serious health conditions, persons unable to go back to their own country affected by major disasters and to persons performing acts of great civil values.

109. The first-level reception centers provide for basic services and material conditions such as food, accommodation, pocket-money, medical care, legal counselling, language mediation and information. Asylum seekers privacy is safeguarded, as well as respect for gender, age, physical and mental health and family unity (spouses and first degree relatives). Specific measures are put in place in order to prevent any form of violence, also gender-based violence, and to ensure the protection of both asylum seekers and operators in the reception centers, included special measures for vulnerable people (Articles 10 and 17 of Legislative Decree No. 142/2015).

110. In order to further speed up the processing of asylum applications, included the resolution of dispute, ensuring at the same time the rights and the procedural guarantees envisaged by the national and European legislation, the functioning of the 50 Territorial Commissions for the recognition of international protection have been enhanced by recruiting additional 250 highly qualified officers tasked with evaluation of the applications. By the end of January 2019 additional 176 officers will be placed in service in order to further enhance the Territorial Commissions and sub-commissions. Law No. 132/2018 envisages the establishment of additional Sub-commissions of Territorial Commissions (up to 10) in order to further speed up the processing of applications and to clear the backlog. In the first phase of the implementation of the mentioned provisions 5 new sub commissions will be established to speed up the asylum procedures.

111. The mentioned Decree also introduced the accelerated procedures and the identification of transit /border areas where to establish *ad hoc* sub-commissions for the evaluation of the applications submitted therein. Moreover, the said Decree introduced additional tools for mainstreaming the procedures, such as, for example, the list of safe countries of origin that will be approved by an inter-ministerial order signed by the Ministry of Foreign Affairs and International Cooperation, the Ministry of the Interior and the Ministry of Justice. A representative appointed by UNHCR is a permanent member in all Territorial Commissions in order to ensure a transparent procedure in the evaluation of asylum applications.

112. Foreigners who have special needs will continue to be granted humanitarian protection. In this regard, the new Law – in line with the Program of the EU Common Asylum System – provides a type of national protection under well-defined conditions, thus re-balancing the national system of complementary protection to the level of the other

Member States. To this purpose, the humanitarian permit of stay has been repealed and are now envisaged well-defined special cases that enable a temporary protection to foreigners found in exceptional humanitarian conditions and that cannot be returned to their home country, such as: Medical treatment; Social protection; Victims of domestic violence; Major disasters; Acts of great civil values; *Non refoulement* in case of denial of international protection.

113. The National Integration Plan, approved in September 2017, put as a top priority the implementation of a system capable of preventing, registering and combating the most widespread forms of discrimination. Therefore, it is of the utmost importance to provide specific training to social service and medical care operators, such as social workers, civil registry officials, M.D. general practitioners, nurses and municipal and state police too.

114. The AMIF (European Fund on Asylum and Integration) Responsible Authority, the Department for civil liberties and immigration of the Ministry of the Interior, issued a public notice entitled “Qualification of public services to support third country nationals” for the selection of projects aimed to increase and improve skills levels of civil servants in the provision of public services to foreign users; to upgrade performance efficiency of utility services. Social mediation is central in combating prejudices, reducing insecurity perceptions and frustration, preventing the degeneration of conflicts into serious intolerance acts and violent outbursts, restoring the conditions for a social dialogue. An important aspect of the mediation concerns activities aimed to raise awareness of the hosting community citizens about the existence of stereotypes and prejudices deriving from an excessively ethnocentric-vision. Media communication is often using such words as emergency, invasion, irregular, security, terrorism; these issues may have a deep impact on people’s insecurity feelings due to political and economic crisis and can inspire a negative approach towards the reception of migrants, thus hindering their integration process and causing breeding ground for social conflicts. In such a context, and from an operational viewpoint, the National Integration Plan also envisaged the promotion of a dialogue with asylum seekers and beneficiaries of international protection to be carried out on social media and networks.

115. In line with the previous provisions, local authorities guarantee actions aiming at “integrated reception” that provides not only the mere basic services (food and accommodation) but also many other complementary services as territorial guidelines, legal counselling, literacy and Italian language learning, individual pathways and social inclusion-oriented actions through job training and further training. This approach is finalized to promote and to achieve the beneficiaries’ real personal autonomy.

116. In the framework of 2014–2020 AMIF resources assigned to reception/integration of asylum seekers/beneficiaries of international protection (Specific Objective 1 Asylum and Specific Objective 2 Integration) amounted to € 580.591.323,92. The allocated resources authorized by the Responsible Authority amounts to € 424.809.068,03, while the total sum already paid amounts to € 205.505.933,42 (all costs are 50% co-financed by European and national funds). A new “Capitolato d’Appalto” (Tender specifications) was approved by Ministerial Decree of 20 November 2018, providing services for the needs of migrants, in full respect of fundamental rights and in accordance with principles enshrined in Directive 2013/33/EU.

117. As regards the information-related activity, within the framework of an ongoing specific project financed by the FAMI Fund (ADITUS project), the IOM provides migrants and applicants for international protection arriving by sea, at the landing places, the hotspots and reception centers, with information on the early identification of victims of trafficking and labour exploitation and the risks associated with irregular immigration.

118. Also the National Commission for the right to asylum and the UNHCR elaborated specific Guidelines on the identification of victims of trafficking among asylum-seekers and referral procedures.

119. It has to be reported that during the landing events at the Hotspots of the ports concerned, the “Standard operating procedures” are fully applied, also covering the fingerprints procedures. The refusal to fingerprinting by migrants has been overcome since long time, by photo-reporting (*foto-segnaletica*) the landed migrants: the result is the

achievement of a percentage equals to 100%. The staff of the Immigration Offices in charge of administrative management, including the first identification of migrants, receive specific training on legislation on immigration and international protection, including through participation in training events organized by Organizations, such as UNHCR, EASO, IOM: human rights is a cross-cutting subject to all the training cycles organized for the sector concerned. Of particular relevance, in this context, appears to be the role of cultural mediators. The staff of the Police Forces, employed in the supervision of the Centers and in the protection of the security within the facilities, is the recipient of specific operational training, including periodic updates.

120. The National Guarantor/National Authority for the Rights of Persons Detained or Deprived of Personal Liberty has free access to any facility of deprivation of personal liberty, and is regularly involved in monitoring the repatriation procedures, either by charter flights or by commercial flights. The findings of the aforementioned Authority are promptly communicated to the offices involved and are subject to careful analysis and verification. The office of the National Guarantor of the rights of persons detained or deprived of personal liberty is also involved in training courses for personnel specialized in accompanying services by air transportation for the purpose of repatriation.

121. The Italian legislation provides for special safeguards for unaccompanied foreign minors (hereinafter UAMs). On 6 May 2017 Law No. 47/2017 entered into force. The Law has introduced new provisions and amended the existing ones on the reception of UAMs, their legal status and the protection of their rights as minors. The main new features include:

- Absolute prohibition of refoulement of UAMs at the national border and tightening of the conditions for their expulsion;
- Provision of a residence permit to UAMs on account of their minority, regardless of their legal status;
- Multidisciplinary procedure to assess the age of UAMs in doubtful cases;
- Establishment of lists of voluntary guardians for UAMs in every Juvenile Court;
- Promotion and easing of access to the national health system and to education for UAMs;
- Possibility for the Juvenile Court to decide on the hand-over to social services of UAMs that have reached majority in order to allow for completion of their integration project.

122. The Italian reception system for UAMs is based on Article 19 of Legislative Decree No. 142/2015 and consists of two interdependent and subsequent levels: first- and second-line reception. Migrants that are identified as UAMs are hosted in first reception shelters for a limited period of time and in any case for no longer than 30 days. Then, they are transferred to second reception shelters based on availability of places.

123. First reception shelters include the so-called AMIF shelters, CAS for minors and local care facilities managed by municipalities. The latter still accommodate the majority of UAMs present in Italy. AMIF shelters are highly specialized facilities, co-funded by AMIF Fund. Two or more AMIF shelters form a project, which is managed by the Ministry of the Interior and implemented by the cooperative or association that has won the call for tender. Each project features a multidisciplinary and experienced team of professionals ranging from the coordinator and the legal operator to educators, experts of children's rights and cultural mediators. CAS for minors are emergency shelters activated in case of mass arrivals, managed by *Prefectures* and implemented on the basis of an agreement with the cooperative or association that has won the call for tender. They can host up to 50 UAMs above 14 years of age. The reduction of arrivals in 2018 has entailed a reduction from 50 to 25 places in AMIF first reception projects. At the same time, many first reception emergency shelters have been closed.

124. Second-line reception is provided mainly through the SPRAR (System for the protection of refugees, asylum seekers and unaccompanied minors), which is coordinated by the Ministry of the Interior and managed by municipalities. UAMs remain in the system at least until the age of majority. Throughout their stay, they are enrolled in individualized

integration projects that take into account their experiences and attitudes. As of 1 December 2018 Law No. 132/2018 transposing Decree Law n. 113/2018 has transformed the SPRAR into the SIPROIMI “System for the protection of beneficiaries of international protection and unaccompanied minors”. However, this has not entailed changes in the reception of UAMs. Even asylum-seeking UAMs who turn eighteen, before a decision on their application is made, are still allowed to remain in the SIPROIMI.

### **C. Minorities, including the Roma**

125. As already explained in the former report the concept of minority is linked to linguistic specificity and it is based on Article 6 of Italian Constitution, 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 (Articles 2 and 3 of the Constitution). This assertion was reinforced through Law No. 482 of 15 December 1999 entitled “Provisions to Protect the Historical Linguistic Minorities”, relating in particular to the system of local and regional autonomy for the protection and promotion of minorities.

126. The establishment and strengthening of linguistic helpdesks made it possible to create a real point of contact between the minority speaking population and the public administration, even when opening hours and human resources were limited.

127. As regards the process of delimitation of municipalities to which the protection laws are applied, there has been an increase of the metropolitan areas where provisions for the safeguarding, enhancement and spreading of languages and socio-cultural traditions of linguistic minorities that are present and recognized are implemented; more specifically reference is made to the municipality of Tavenna (CB) (Croatian minority), Lusernetta, Salbertrand (TO) (French minority) and Caprie (TO) (Franco-Provençal minority). As regards the recognition as a separate linguistic minority of the inhabitants of the Resia, Natisone and Torre valleys (UD), distinct from the Slovene minority, the Region Friuli Venezia Giulia granted Resian and its linguistic varieties the right to protection and provided for corresponding funds, by means of Regional Law No. 26 of 16 November 2007.

128. As far as the RSC Communities, the ongoing implementation of the National Strategy for Roma Inclusion, 2012– 2020 is granted by UNAR.

129. The Office was strongly involved in implementation of the National Inclusion Strategy for RSC (2012–2020), in order to improve its effectiveness through monitoring of activity of central, regional and local administrations. In that context the Government is committed to promote complementarity in the use of European, national, regional and local funds. In order to financially support the Strategy, UNAR has signed, as a beneficiary, an agreement with the Ministry of Labour and Social Policies, for the implementation of interventions on the PON Inclusion 2014–2020 co-financed by the European Social Fund. The planned interventions are aimed at increasing the employability and active participation of the most vulnerable people and the socio-economic integration of marginalized communities such as Roma.

130. This resulted in the development of a participatory governance system that saw the establishment of the so called National Platform on RSC as an operational tool for dialogue between the Government, RSC, associations and the central public administrations. The Platform was established following an expression of interest with the admission of 79 associations from all over the national territory and finalized through activation of the RSC Community Forum composed of 25 associations. In 2017, three plenary meetings were held (April, June, September 2017), while a specifically dedicated meeting to the theme of memory and genocide of RSC people was organized on 21 December 2017. In addition, from 12 to 15 November 2017, a specific training on anti-Gypsyism and on-line hate speech was promoted in cooperation with the Council of Europe. Last but not the least, in February 2017, the Italian government presented the ISTAT/ANCI/UNAR Research Report titled “Designing a pilot information system for monitoring the social inclusion of the

Roma, Sinti and Camminanti populations” at ISTAT premises, which anticipated the establishment and convocation of the Informational and Statistical Working Group envisaged by the National Strategy, with the involvement of the State Administrations, ISTAT and representatives of the RSC communities.

131. Constant contacts between NCP, Platform and Forum associations will be maintained for the planning of bilateral meetings and the discussion of priority issues, to be deepened within the National Tables and Working Groups. Some of these issues will be addressed in thematic meetings that will include relevant institutions and administrations:

- Housing: overcoming the fields and expelling;
- Recognition of the RSC historical-linguistic minority;
- Roman culture promotion;
- Knowledge of the story and theme of Porrajmos – involvement of young RSCs.

132. In the specific framework of the aforementioned Platform, in 2018 specific attention has been paid on the promotion of national and international events devoted on the Nazi-Fascist massacre of RSC (the so called porrajmos), with the support of FormezPA as body in charge for the organization of national and local initiatives in 2019. Another issue under attention is the level of education of RSC women living in large Municipalities (i.e. Rome and Naples) as the main beneficiaries of the JUSTROM EU and CoE-funded project, managed by UNAR since 2017. Furthermore the TO.BE.ROMA – “Towards a Better cooperation and dialogue between stakeholders inside the National Roma Platform” project financed by the EU Commission has been implemented to reinforce the role and action of the national contact points of the Strategy to be actively involved in decision-making processes at the national and local level and to improve the dialogue, cooperation and coordination among the RSC communities and concerned stakeholders within the Platform and the Forum. To have an updated and comprehensive overview on the RSC communities, UNAR has also extended its collaboration with ISTAT for 2018–2019 to focus on the mobilization from camps to other kinds of accommodation and housing. Finally, in 2018 the P.A.L. (Local Action Plans) project has been launched to promote pilot actions for the establishment of local working groups and networks of interested stakeholders and RSC communities’ representatives to facilitate the coordination and implementation of policies, the participation of RSC communities to the social, political and economic life, particularly in large Municipalities (Rome, Cagliari, Milan, Genoa, Naples, Bari, Messina and Catania).

#### **D. Women LGBTI**

133. Specific action was devoted to preventing and combating gender-based violence, by implementing specific own strategies, in line with the principles set by the Council of Europe Convention on preventing and combating violence against women and domestic violence and in the wake of the system of governance envisaged by the programming national measures against violence.

134. Always considered of fundamental importance for an effective contrast of the criminal phenomena that revolve around gender-based violence, inter-institutional collaboration has been encouraged in order to intervene in wide-ranging sectors, thanks to the collaboration agreements between the Department for Equal Opportunities and the Ministry of the Interior. In this regard, on 25 November 2016, the “Memorandum of understanding for the prevention and combating of gender-based violence” was signed and later completed by the Agreement, signed on 27 December 2017, aimed at the dissemination of listening-related settings (currently, protected listening rooms are available in 43 Police Headquarters), so as to create listening modalities of vulnerable victims as homogeneous as possible, on the national territory. In addition, initiatives are planned to develop training programs for Police officers and the dissemination of risk assessment methods. This program, which is ongoing, will end in 2019.

135. Aware of the relevant “obscure number” constituted by the unreported violence, useful tools were prepared for the emergence of this phenomenon within the “first intervention” activities, which could be also result in an impulse to Police activities aimed

at preventing the escalation of violence, by always taking into account the need for a correct approach of the operators towards the victim. The “EVA Project” is meant to highlight, in cases of intervention for the so-called “Family querelles”, the recurrence of incidents of violence in order to allow, consequently, Police officers, to adopt precautionary measures against the abuser and appropriate measures for the protection of victims. This project originates from the collaboration of the Central Anti-Crime Department of the State Police and the Department of Psychology of the University of Campania “Luigi Vanvitelli”. Initially implemented by the Milan Police Headquarters in 2014, since January 2017 it has been disseminated throughout the country. The information related to the EVA Project is gathered by the Territorial Control Service of the Central Anti-Crime Department of the Police that coordinates this initiative. In one year time, between January 2017 and January 2018, the EVA Protocol allowed to manage and analyze 5,137 reports and to adopt 98 arrests in flagrante delicto, 144 complaints, 41 expulsions from the family house, 5 warnings from the Questore. From the data concerning the persons involved in the interventions, it appears that the aggressors are predominantly males (4,386, compared to 751 females), aged about 42. The victims, on the contrary, are mostly females (4,229 compared to 908 males), with an average age of 41. Both the abusers and the victims are predominantly Italian citizens. From January 2018, the EVA Protocol has allowed to manage and analyze 2,344 reports, to adopt 139 denunciations to the judicial authority and 23 removal orders from the family home. On 17 September 2018, the Liana Project has been launched on the national territory, for the computerization of the EVA Protocol.

136. The awareness that in situations of violence we often witness a vicious circle in which the victim becomes more and more victim and fails to denounce, either due to shame or fear of being judged, fear of suffering repercussions, fear of being isolated or even for lack of confidence in the Institutions, has determined the dissemination of indications to the Police headquarters (Questure). On 21 May 2018, the State Police Anti-Crime Central Directorate provided the Questure with useful indications on the new operational practices to be implemented as part of the activities to prevent and combat gender-based violence, by changing the rules and principles of criminal intervention in all circumstances in which the Police operator approaches the victim under particular vulnerable conditions, also in the light of the “Resolution on guidelines on organization and good practices for dealing with cases relating to crimes of domestic and gender-based violence” adopted by the Superior Council of Magistracy, by deliberation of 9 May 2018.

137. In 2018, upon the input of the Central Anti-Crime Department, specialization and refresher courses continued with regard to investigative techniques, judicial police and forensic police, including modules dedicated to the issue of gender-based violence, for the operators of the investigative offices of the Police Headquarters (Investigative Units, DIGOS) and some Specialties (Judicial Police Units of the Traffic Police and Railway Police), as well as the relating central offices of the Department of Public Security at the Ministry of the Interior. E-learning modules on gender-based violence have been also developed and will be used in the coming months for the training courses foreseen by the Directives on “Police re-organization” of the State Police. Finally, within the framework of the Agreement with the Department for Equal Opportunities, a training course for trainers will be held in 2019, in agreement with the Superior Police School.

138. A recent training initiative is the “Training Course with Live Simulation to Combat Trafficking in Human Beings in the context of mixed migratory flows” organized by the Central Anti-Crime Department of the State Police in collaboration with the OSCE, at the COeSPU in Vicenza, for the personnel of the State Police – having an investigative profile. This collaboration originates from the strategy adopted in the Control Room for the fight against trafficking in human beings. An educational seminar took place in January 2018. A new training course at the COeSPU in Vicenza, also attended by personnel of the State Police, was scheduled by the OSCE in early December 2018, as part of the project “Combating trafficking in human beings along the migratory routes”. The specific modality of this “Simulation” can be considered a unicum in the framework of the training activities and has the purpose to develop a proactive approach, based on the multi-agency work, which has to be human rights-oriented and, in which the participants had to ensure that all activities (simulations) are carried out in compliance with international human rights standards, by respecting the principle of non-discrimination, adopting a specific gender

perspective in the interventions and taking due account of the age of the victims, with particular observance of the principle of the best interests of the child and taking into primary consideration the safety of the presumed and identified victims as well as their informed consent, consistently with ongoing activities and data protection.

139. Specific focus has been paid to LGBTI 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. On 20 May 2016 the Parliament approved Law No. 76/2016 (Regulation of civil unions between people of the same sex and discipline of cohabitation). Moreover, in May 2016 the Italian National Olympic Committee (CONI) amended its Statute, introducing homophobia next to racism and xenophobia, among the factors to counteract (Article 2§4).

140. The Italian National Strategy on LGBT people's rights, 2013–2015, was formally approved by Ministerial Decree of 16 April 2013 and is under implementation with several actions in all priority axes identified: Education and Education/Labour/Security and Prisons/Media and Communication. UNAR, as Focal Point for the Strategy has implemented a plan of integrated and multidisciplinary actions in the four axes: this activity continued in the following years through the promotion of positive actions and the support of specific project activities.

141. In particular, in 2018 work continued with LGBT associations, initiated with the establishment of the permanent consultation Table for the protection of LGBT rights by Decree of 22 October 2018. The LGBT Table, which is divided into plenary sessions and sectoral working tables, has seen a broad participation of the world of sector associations (48 LGBT associations). The goal of the Table is to build a shared path of concretely achievable actions to raise the level of protection of LGBT rights. In particular, anti-discrimination actions will be concentrated in the areas of work, health, security and prison treatment, training of public administration personnel. At the same time, the cooperation with the institutions is strengthened, starting from the various ministries involved, through inter-institutional tables, in order to plan joint initiatives in the specific areas of interest. Currently UNAR is a beneficiary of resources of the PON Inclusion, part of which is specifically dedicated to actions to promote the social and working inclusion of LGBT people, with attention to multiple discrimination. Within this strategic line, ad hoc actions were started to support the transgender population, through specific actions for the support and implementation of self-employment projects. Among the interventions financed with the PON Inclusion, the collaboration with the Istituto Superiore di Sanità – Department for Gender Medicine is established through a specific cooperation agreement, aimed at contrast of social exclusion and discrimination against transgender people, through the strengthening of a network of health information services. In addition, the phenomenon of discrimination for sexual orientation and gender identity in the workplace is the subject of a specific survey conducted by ISTAT and financed with funds from the PON Inclusion. The research project will focus on "Access to work, working conditions and discrimination at the workplace of LGBT people, and on the diversity policies implemented at companies". The project requires the collaboration of the LGBT associations, the participation of the main national stakeholders such as, for example, trade associations, trade unions, LGBT associations, LGBT employee networks.

142. In this regard it is important to highlight that OSCAD was involved in the project in order to organize specific seminars for State Police and Carabinieri officers. Overall: 60 senior officers were trained (two-days seminars – ToT, at national level) and 240 officers were trained in half-a-day seminars (at regional level, in Lombardy, Campania and Sicily).

## **E. People of African Descent**

143. A specific focus has been devoted in relation to this issue within the context of migration issues as for the role of 'diasporas', especially transnational communities of developing countries, as 'development actors' has been enhanced by our Country. The following activities confirm the intention to work to further streamline this approach.

144. On 18 November 2017 Italy's Deputy Minister of Foreign Affairs and International Cooperation, Mario Giro, opened the first migrant Diaspora Summit in Rome. Over 7,000 migrant associations were registered, 50 countries represented, 400 associations involved the preparatory meetings organized in several Italian Regions. A final document was presented with the participation of the diaspora groups taking part in the project.

145. A second relevant meeting was hosted in Italy on 25–25 January 2018: the first National Conference on Development Cooperation, titled “Innovation and the future: the world of Italian Cooperation”. The results of the National Conference has been summarized in a final document, that encompasses *inter alia* the need to empower the competences of diasporas to support the Countries of origin and promote positive migration; to pursue this goal also the inclusion of diasporas' representatives in the National Council of Cooperation at the Italian Agency of Development Cooperation as well as the larger involvement of diasporas in defining training and technical cooperation best practices are needed and should be incentivized.

146. Finally two best practices carried out by the International Organization for Migration (IOM) in Italy are worth of mentioning. With the aim of contributing to the empowerment of the Senegalese diaspora in Italy, IOM supported the establishment of the *Bureau d'Appui aux Sénégal de l'Extérieur* (B.A.S.E.), in close collaboration with the City of Milan and the Senegalese Embassy in Italy. Also the project *Associazioni Migranti per il Cosviluppo* (A.MI.CO.) offers training to migrant associations across Italy, to enhance their capacity to develop and implement small-scale social or economic projects in countries of origin. Between 2011 and 2017, eight editions of A.MI.CO training courses have been held in Rome, Milan, Naples, Bari and Catania with the participation of more than 120 associations with connections with over 40 countries around the world.

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

147. As far as the Italian case law concerning discrimination in all its forms, several decisions have been adopted from 1 January 2016 to 31 December 2018. Please refer to the Annex 1.

## **Article 7: Discriminatory subjects**

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

148. Several activities have been carried out to countering eradication of racism and xenophobia attitudes among youngsters, especially within the school system:

- 2017/2019: FAMI Project “Actions and government tools for the qualification of the school system in multicultural contexts”, 3,000,000 euros, which has as its general objective the qualification of the school system in multicultural contexts in a logic of system and cooperation between schools and institutions;
- 2016/2020: FAMI Project “Long-term training plan for school leaders and teachers of schools with high incidence of foreign students”, 4,000,000 euros, which involves 1000 school leaders, 10.000 teachers and 2000 ATA staff;
- 2017/2019: FAMI Project “MICSE – Mediator for interculture and social cohesion in Europe”, 2,500,000 euros, to start and continue advanced courses and experimental three-year degree courses for a national training course for the role of the cultural mediator;
- 2016–2017 project: “L'Europa inizia a Lampedusa”, involving Italian and European students in secondary schools: it started with the visit of 200 students to Lampedusa Island on the occasion of the National Day in memory of victims of immigration (3 October 2016), to debate on migration. It is based on EU funds (670.000 euros) through the FAMI Programme and is carried out in collaboration with *Comitato 3 ottobre*, a network of associations that promoted the celebration of the National Day in memory of the victims of immigration (Act No. 45 of 21 March 2016);

- 2016 project: “La scuola al centro” involved schools in suburbs to counter discrimination suffered from RSC and migrant second and third generation children by opening schools during the summer and providing them with programmes focused on non-oral languages, artistic and sport activities.

149. Other actions include:

- The Guidelines for the reception and integration of foreign students (Note No. 4233 of 19 February 2014 implement the former 2006 Guidelines to cope with a different phenomenon, involving more the secondary schools (in particular technical and professional schools);
- The re-establishment of the National Observatory for the integration and intercultural education, composed of representatives from research centres, associations, experts, Ministries, school personnel, in charge for giving advice and for monitoring over school policies for intercultural education;
- 2016 national survey on non-Italian students (Ministry of Education): the survey focused on the school inclusion and learning of children of migrants born in Italy to rebuild social networks, future expectations, school attitudes, relations school-families and foreigner adolescents as ‘facilitators’, also in respect of adults);
- 2016 national survey on foreigner second generation students (National Institute for Statistics and Ministry of Education);
- Release of the publication “Diversi da chi?” from the National Observatory for integration and intercultural education, disseminated in schools by Circular of 12 September 2015;
- Creation of the teaching course for secondary schools devoted to teach Italian.

150. Specific provisions concerning the teaching of minority languages under the competence of the Ministry of Education.

151. The Law No. 107/2015 envisages a strengthening of school autonomy with a view to improve both the educational offer and project activities, at the same time it identified the following as one of the priority training objectives: “enhancement and strengthening of linguistic skills, with particular reference to Italian, English and to other languages of the European Union, including by using the Content Language Integrated Learning method”. Individual schools are then tasked to include in their three-year Educational Policy Plan (P.O.F.) initiatives to strengthen the Plan itself and relevant project activities, in a way that takes account of the needs arising from the cultural, social and economic situation of the local community.

152. The Law also introduced the concept of posts identified within the staff of autonomous schools with a view to strengthening the educational offer enabling schools to initiate projects that they consider a priority – these posts make up the so called “reinforced staff” (*organico potenziato*). As a result, each school can indicate the number of posts needed to reinforce the educational offer and subsequently they can utilize the teachers already belonging to its staff and who possess specific linguistic skills to teach the minority language within the sphere of autonomy of 20% of the curriculum. This is the case in a number of Calabrian schools that intend to introduce the teaching of Arbëreshe in primary schools by relying on teachers already belonging to the schools themselves, who are certified teachers of Albanian with a specialization in Arbëreshe. As regards the recruiting and training of teachers, the Decree No. 809/2015 has envisaged various provisions concerning the training and recruiting of teachers as well as the adjustment of the educational offer to the specific needs of schools with Slovenian as teaching language. Recently, in order to monitor the linguistic competences of teachers of minority languages, when issuing the Plan of Interventions and Funding for National and Local Projects relating to Linguistic Minorities, the Ministry of Education asked schools to specify what are the linguistic qualifications (e.g. master’s degree, specialization course, training course) of the teachers tasked with the teaching of minority languages. It is necessary to specify that the examinations for the recruiting of teachers to be assigned to bilingual Italian-Slovenian schools or schools with Slovenian as teaching language are held in Slovenian (with the exclusion of the certification procedure of teachers of Italian).

153. Every year the Plans of Interventions and Funding for the Realization of National and Local Projects relating to the Study of the Languages and Cultural Traditions of Linguistic Minorities are published with the invitation to school headmasters of first cycle institutes (including nursery schools and kindergartens) located in “delimited territories and parts of municipalities where the protection provisions for historical linguistic minorities are applied” to set up networks and submit two year projects. The Ministry issued its note inviting the submission of projects also for the 2015–2017 period. 28 projects were submitted, of which 20 have been approved; they cover 8 Regions and address 9 minority languages and will receive funding amounting to 168,278.00 euros in total. All the minority languages covered by the projects (particularly the less spoken ones) have received support and funding has been allocated at least to one project for each protected language. Also the Ministry issued its note No. 4843 of 5th May 2016 inviting the submission of projects for the two-year period 2016–2017.

154. In order to provide incentives for schools and increase their capacity to submit projects (especially in areas where the minority language is little used), the Regional Education Agencies, in collaboration with the Ministry of Education, organized in-depth study seminars as for example the seminar entitled “*Lingue e linguaggi nella scuola globale*”, which was held on 10th March 2016 in Campobasso for schools using Arbëreshe and Croatian.

155. As far as the National Indications and the Certification of Competences are concerned, no national curriculum for the minority languages exist; however, the national indications for the curriculum of nursery schools and kindergartens and for the first cycle of education special attention is given to the value to be attached to the mother tongue and to the origin culture in view of a multilingual and intercultural education. In the framework of accompanying measures to the 2012 National Indications for Nursery Schools and Kindergartens and for the first cycle of education a specific meeting for the examination of linguistic skills was organized. De facto multilingualism, the attention to the mother tongues, as well as immigration on the one hand and globalization on the other have led schools and the entire community to ask themselves basic questions concerning the learning of languages in epistemological and didactic terms. At present a new model of competence certification is being tried on the basis of the National Indications with reference to the Key Competences envisaged by the Council of Europe Recommendation. More specifically, a blank space has been introduced which can be used to include the linguistic skills referred to the minority language. Furthermore, schools were explicitly asked to include appropriate certifications and to test the national model during the drafting of projects with a view to ensuring the certification of the minority language.

156. It is not possible to talk about textbooks in the minority languages, in the strictest sense, with the exception of cases in which the language is part of the curriculum of Slovenian-Italian bilingual schools. In the majority of cases didactic materials are an alternative to textbooks (illustrated dictionaries, fiction for teenagers and other types of texts), often they are self-produced with the scientific and financial contribution of associations and local agencies. Some of the them are devoted to language literacy and to the learning of languages, both as mother tongue and as L2, while others deal with the teaching of other subjects, e.g. history, science and mathematics at various educational levels. At times these materials are designed and realized by schools, but bearing in mind a possible circulation among the public at large; often they are produced by entities outside schools, for example Regions, Provinces, private publishers. Friulian schools can rely on materials made available by ARLEF, as is the case for the design and production of didactic material, the drawing up and realization of training activities of staff, as well as the definition of the criteria and evaluation modalities of the effectiveness of instruments and didactic activity of the teaching of the Ladin language and culture, including of a vehicular type. On the contrary, in the Southern part of Italy, schools are the main publication centres of materials, which, although produced within schools, often address various groups of users: the community of adults, the Church or local institutions.

157. 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**

158. The issue of the protection of minorities in terms of information and knowledge and of their representativeness in the civil, democratic society is one of the basic principles of the regulatory framework governing fundamental rights in the sector of communication and of audiovisual media.

159. As regards the access to media by persons belonging to national minorities the Italian Communications Authority (AGCOM) stressed the importance of a regulatory framework that highlights the pivotal role of mass communication means in protecting, promoting and granting visibility to the linguistic minorities living on the national territory, as envisaged by Law No. 482/1999.

160. As regards the programming of RAI (Radiotelevisione Italiana S.p.A.) public service, the provisions of the contract, concluded between RAI and the Ministry of Economic Development, explicitly envisage specific initiatives for the enhancement of local institutions and cultures. The programme schedule of the public television company includes programmes in German, Ladin, French, Slovenian and Friulian, which RAI broadcasts “on behalf of the Presidency of the Council of Ministers on the basis of relevant conventions”.

161. Furthermore, new AGCOM guidelines have been released dealing with the sensitive aspects related to growing xenophobia in the media, which increasingly use discriminatory language. Within the limits set by legislation in force, AGCOM tends anyway to create favourable economic conditions for local broadcasting entities typical of respective communities, as it considers them as effective instruments for the enhancement and promotion of local cultures and as audio-visual media services tasked with the enhancement of information and communication concerning minority communities existing in the various areas of the Country.

## **C. Information**

162. Please refer to Section on Article 2 of the present report.

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