



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

Distr.: General  
6 December 2016

Original: English

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## Committee on the Elimination of Racial Discrimination Ninety-first session

### Summary record of the 2505th meeting

Held at the Palais Wilson, Geneva, on Friday, 2 December 2016, at 10 a.m.

*Chair:* Ms. Crickley

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*The meeting was called to order at 10.10 a.m.*

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

*Nineteenth to twentieth periodic reports of Italy* (continued) (CERD/C/ITA/19-20; CERD/C/ITA/Q/19-20)

1. *At the invitation of the Chair, the delegation of Italy took places at the Committee table.*
2. **Mr. Petri** (Italy), in response to questions raised by Committee members at the previous session, said that the information contained in paragraph 184 of the core document (HRI/CORE/ITA/2016), regarding the constitutional and legal basis for fundamental rights in Italy, was, admittedly, unclear. A more comprehensive explanation would be prepared in order to provide a better overview of the Italian legal system. Upon signing an international treaty, an act of law was passed in order to incorporate that instrument into domestic legislation. Over the years, the country's commitment to the International Convention on the Elimination of All Forms of Racial Discrimination had been reaffirmed by means of various pieces of legislation. By way of example, the definition of racial discrimination contained in article 1 of the Convention had been reproduced verbatim in article 43 of Legislative Decree No. 286/1998, which was the cornerstone of Italian immigration law. Implementation of legislation was, however, hindered by a general lack of communication in Italy, which was exacerbated by the absence of an independent human rights institution. During its previous dialogue with the Committee in 2012, the Italian delegation had expressed a hope that a national human rights institution would have been established by the end of 2013. Ultimately, that had not been possible, largely owing to financial constraints and a period of political uncertainty. Progress was now being made and a bill had been put forward with a view to establishing that institution. In the meantime, the National Office against Racial Discrimination (UNAR) and the Inter-ministerial Committee for Human Rights (CIDU) were involved in efforts to raise awareness of and combat racial discrimination in society. Although UNAR was attached to the Prime Minister's Office and, thus, was not an independent body, it enjoyed a certain degree of independence in the form of an autonomous source of funding, which was set at €2 million a year, and the freedom to determine its own agenda.
3. Although Italy was not a federal State, the history of its regions was characterized by a deep-rooted culture of independence. That being the case, and in view of the multitude of different initiatives and special measures being implemented at the local level, it was sometimes hard to ensure coordination and to monitor the situation on the ground. At the national level, UNAR was carrying out activities aimed at implementing the National Action Plan against Racism, Xenophobia and Related Intolerance and racial discrimination legislation. For example, to coincide with the country's thirteenth week of action against racism in March 2017, it had issued notices calling for projects and proposals aimed, inter alia, at strengthening inclusion policies, promoting the integration of vulnerable social groups and preventing and combating racist discrimination through cultural and sporting activities and the active involvement of migrant communities.
4. In addition to a national strategy for the inclusion of Roma, Sinti and Traveller communities, a 2016 road map had been developed with a focus on four main strategic areas: housing, education, labour and health. In reaffirming its commitment to reforming the settlement system for those communities, the Government had established an inter-agency working group, which included Roma representatives, and had drafted a proposal for a new national plan of action on housing. In addition, €3 million had been allocated in order definitively to close the camp La Barbuta, which had been used exclusively to house Roma families. With support from UNAR, the municipality of Rome was also conducting a

national operational programme for metropolitan cities for the period 2014-2020, which included a focus on housing pathways for Roma families. Moreover, as part of a national operation programme on inclusion management, which had been assigned a €23 million budget, UNAR was responsible for various measures, including actively promoting the inclusion of population groups at risk of exclusion, developing policies on Roma inclusion and strengthening the capacities of the public authorities to prevent and combat discrimination. Other steps that had been taken or were envisaged included an event to provide young Roma activists with training on accessing European Union funding; a workshop aimed at tackling discrimination towards Roma people; and various initiatives designed at preventing Roma children from dropping out of primary and secondary education.

5. Turning to the situation of migrants, he said that, although Italy had developed very effective emergency and rescue mechanisms, the integration of migrants into Italian society had not proved a straightforward task, since a change in cultural attitudes was inevitably required. In line with the decisions of the Council of the European Union, which had established provisional measures in the area of international protection for the benefit of Italy and Greece, Italy had submitted a road map for improving the capacity, quality and efficiency of the Italian asylum, first reception and repatriation system. To that end, Italy had implemented first line reception centres, or “hotspots”, in order to channel foreign nationals through selected ports for processing. At those centres, the Italian authorities conducted health-care screening, informal information activities, pre-identification procedures and the identification of potential candidates for relocation. Additional support was provided by the European Asylum Support Office and the European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX). The activities undertaken in those hotspots were governed by Legislative Decree No. 142/2015 and by a standard operating procedure, which had been shared with all stakeholders, including the Office of the United Nations High Commissioner for Refugees (UNHCR). In line with that procedure, measures were in place to ensure that hotspot agents were able, inter alia, to provide asylum-related information in clear, understandable language; to detect vulnerable foreign nationals, such as unaccompanied minors, trafficking victims or persons with mental health issues; and to safeguard the human rights of migrants. Hotspots were open centres: migrants were not detained and were able to come and go freely. Among the staff working at the hotspots were cultural mediators, legal advisors, psychologists and assistants for unaccompanied minors. All hotspot personnel were appropriately qualified and had received specialized training. Moreover, the hotspots were regularly visited by delegations from, among others, the European Union Agency for Fundamental Rights.

6. In response to the increasing numbers of unaccompanied minors arriving in Italy, the Government had enacted a new immigration policy, establishing a special unit for minors allocating around €170 million in 2016 for the care of those young migrants. A distinction that had previously been made between asylum seeker and non-asylum seeker minors had also been removed in an effort to ensure that all minors received appropriate care. In addition, new legislation enabled local authorities to establish temporary reception centres to cope with large and constant influxes of unaccompanied minors. Various other measures had been put in place; in particular some 15 projects had been launched by the Ministry of the Interior with a view to providing services to 50 unaccompanied minors per day for a period of 60-90 days in conjunction with various NGO and international partners, such as Save the Children, the International Organization for Migration (IOM) and UNHCR. The goal was to ensure an adequate transition between the first and second lines of reception. In that connection, 20 new second-level reception centres had gradually come into operation since August 2016.

7. Migrant deaths on record had totalled 168 in 2014, 296 in 2015 and 355 in 2016, as at 30 November. The rising trend was related to the growing number of migrants entering

Italy, statistics for which were exceptionally difficult to gather. Following the Committee's mention, at its 2504th meeting, of the International Decade for People of African Descent, as provided for in General Assembly resolution 68/237, it had been decided that a special awareness-raising event would be held in Italy in 2017. Other initiatives targeted second-generation immigrants, including those who hailed from countries that had at one point been under Italian colonization.

8. The main mechanism used to monitor acts of discrimination was the Contact Centre, which had been set up by the National Office against Racial Discrimination. In 2015, the Centre had streamlined its working methods in order to improve its monitoring and victim support capacity. In January 2016, a media and social network observatory, set up with funding from the National Office against Racial Discrimination, had begun reviewing web content on a daily basis in order to identify hate speech and report it for removal and to analyse the hate speech with a view to better understanding the reasons behind it. In addition to the ongoing monitoring of the media by the National Office against Racial Discrimination, a non-governmental organization (NGO), working together with 20 of the leading Italian academic institutions, conducted an annual review of the mass media to determine tolerance levels. In general, the fact that acts of discrimination were underreported made the collection of reliable data all the more difficult. Specifically with regard to sports, football clubs continued to be responsible under the law for the behaviour of their fans in stadiums. The Government was working to fine-tune its approach to such issues.

9. Italy continued to be a great supporter of the European Union and sought to reinforce a European identity where possible; that having been said, it was prepared to consider the views expressed by the Committee regarding the naturalization rules for nationals of States members of the European Union and for nationals of other States. Integration of the Muslim community was an increasingly important issue in Italy, not least because so many of the migrants entering the country were also Muslim, thereby doubling their risk of discrimination. Thankfully, there was a strong awareness of the importance of intercultural and interreligious dialogue and Italians sought to constructively meet the challenges involved in integrating diverse communities. Linguistic minorities were also a longstanding issue in Italy; a collaborative spirit pervaded the monitoring activities of the unit set up by the Minister of the Interior under Act No. 482/99.

10. Responding to a question put by the Committee at its 2504th meeting, he said that paragraph 129 of the combined periodic reports highlighted a well-recognized aspect of the welfare system in Italy, namely, that people depended heavily on their families to supplement the services provided by the State. Nevertheless, Italy boasted one of the most robust welfare systems in the world and had one of the highest rates of volunteerism.

11. His Government was committed to mainstreaming the goals of the 2030 Agenda for Sustainable Development in its policies, including in the new National Action Plan on Business and Human Rights and the third National Action Plan on Women, Peace and Security. While implementation of the Goals was currently under the responsibility of the Minister of the Environment, it was expected that such responsibility eventually would be transferred to the Office of the Prime Minister. The National Action Plan on Business and Human Rights was seen as directly contributing to the achievement of the Goals. National indicators were currently being identified so that they could be included within the framework of the implementation of the Sustainable Development Goals if they were not already captured in the aforementioned national action plans. In addition, an initiative bringing together 2,000 NGOs had begun to create a working group for every Sustainable Development Goal.

*The meeting was suspended at 11.10 a.m. and resumed at 11.25 a.m.*

12. **Ms. McDougall** (Country Rapporteur), while commending the State party for its tough stance on hate speech and related crimes, said that it was regrettable that, under the Mancino Act, aggravating circumstances were applicable only when racism was the sole motivation, and not when it was one factor among several. The delegation should clarify the role of government institutions in establishing and punishing racism-related offences. The allocation of an autonomous budget line did not in itself ensure the independence of human rights institutions. The bill relating to the establishment of a national human rights institution, even if passed without further delay, would not ensure compliance with the Paris Principles, which was of the utmost importance.

13. The State party should clarify the requirements for the implementation of special measures by the State. The collection of socioeconomic data, specifically regarding certain racial groups, was necessary, and should be the responsibility of the national authorities, since at the municipal level such activities were at best voluntary or the consequence of funding received from the national authorities.

14. She welcomed the news that the State party would hold an event in 2017 to commemorate the International Decade for People of African Descent and said that the Committee would provide assistance if needed. It was urgent that the State party should put in place robust anti-trafficking legislation and mechanisms given the large numbers of migrants entering Italy. Additional information on the specific activities of the Council for the Italian Islam relationship would be useful. Noting that statelessness was likely to affect already-marginalized groups, including recently arrived migrants, she said it would be interesting to learn what steps the State party was taking to reduce statelessness, such as facilitating access to citizenship.

15. **Mr. Marugán** said that, in 2012, the Committee had raised the issue of differences in access to social services for foreign nationals and expressed concern about discrimination in the labour market, in particular with reference to exploitative and abusive conditions. He asked for more information on the exploitation of non-documented workers and the practice of *caporalato* (illegal hiring of farm labourers for very low wages through an agent), including updated data on the situation and details of the sanctions for *caporalato*, the impact of those sanctions on the workers and how their rights were recognized, including their right to report abuses.

16. The delegation should comment on whether the rate of unemployment for foreign nationals had improved, in particular in comparison with the rate of unemployment for citizens, and should provide updated figures on the number of foreign nationals working in the State party. Alternative information indicated that access to certain measures, such as vouchers for basic products, was dependent on citizenship, ethnic origin and residency status. He asked for information on the provisions made in that regard for immigrants with temporary residency. The delegation should explain how the situation of migrant construction workers — particularly those from Eastern Europe — who were alleged to suffer poor working conditions and a lack of access to social services, had improved since the previous periodic report.

17. More information should be provided on conditions in migrant reception centres, who had custody of child migrants, and whether there were resources in place for dealing with those children. The delegation should comment on improvements made to ensure that the use of force was in line with European standards. Although it had been noted that undocumented migration was no longer a crime, if undocumented migrants continued to be expelled from Italy for having entered the State, it was being treated as a crime.

18. **Mr. Petri** (Italy) agreed that the budget of the national human rights institution was not the only means of guaranteeing its independence. A bill on the institution itself was pending, awaiting the outcome of consultation with civil society. It had been agreed that the

bill should better reflect the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

19. In accordance with Directive 2011/36 of the European Union, the first National Action Plan against Trafficking in Human Beings had been adopted in February 2016. That action plan set out the strategies and measures to combat trafficking in persons, including measures on awareness-raising, prevention, victim integration and identification and the establishment of a national referral mechanism and multi-agency training. In the previous five years, €8 million had been allocated annually to addressing trafficking in persons. The Central Operations Service had participated in a European project to combat trafficking in minors that had focused in particular on the Roma community.

20. He expressed his willingness to work with the Committee to hold an event on persons of African descent and more generally on the programme for the International Decade for People of African Descent. The Committee's help would be appreciated.

21. In addition to the law on citizenship and ratification of the Convention on the Reduction of Statelessness, the Ministry of the Interior and relevant government departments had issued circulars on statelessness. Civil registration offices had been requested to show flexibility on legal residency requirements with respect to the failed registration of children with foreign parents. Bill 2148 specifically addressed the recognition of statelessness and the situation of unaccompanied minors. A national working group on the legal status of Roma had held technical meetings to better understand the problems faced by civil registration offices with respect to the Roma community and how to facilitate contact between that community, the Ministry of the Interior and registration offices. In October 2016, a project had been launched to improve Roma women's knowledge of and access to justice.

22. The possible weakening of the ability to sanction discriminatory acts in the courts was a complex and politically sensitive issue. The Minister of Justice took it upon himself to intervene when specific issues were brought to his attention. For example, the previous month a well-known member of the Carabinieri had made inappropriate remarks about women and the Minister of Justice had ensured that proceedings had been initiated against that individual.

23. **Ms. McDougall** clarified that the issue went beyond hate speech. She asked whether members of parliament enjoyed immunity from prosecution on the ground of hate speech and requested an answer to her questions about Roma communities and the deplorable conditions that prevailed in the camps where they lived, segregated from other communities.

24. **Mr. Petri** (Italy) said that the Government was aware of the problems with the camps. Housing was one of the priorities of the National Strategy for the Inclusion of the Roma and Sinti Communities. A law on *caporalato* had been approved a few weeks previously and represented a major step forward regarding that situation, which was tantamount to slavery. While the National Action Plan on Business and Human Rights was voluntary, it did represent a tool to address the problem throughout the public and private sectors. Special attention should be focused on the persons who cared for child migrants, particularly since the number of child migrants was growing as arrivals increased. The voluntary sector provided significant support in that regard.

25. **Mr. Avtonomov** said that, in view of the variety of communities covered by the terms Roma, Sinti and Camminanti, including groups from Eastern Europe, it was important to take into account the differing needs and cultures of the different groups when tackling the common problems they faced, including with respect to children's education. The delegation should indicate whether the State party intended to ratify the amendments to article 8, paragraph 6, of the Convention, which would regularize the Committee's funding.

The amendment would not increase States parties' contributions; it would merely ensure that the Committee's funding model was consistent with other treaty bodies.

26. **Mr. Petri** (Italy) said that education was one of the four aims of the National Strategy for the Inclusion of the Roma and Sinti Communities. He noted the suggestion that it would be important to keep in mind the cultural differences among the Roma, Sinti and Camminanti communities and take a variety of approaches to address the problems of the camps.

27. **Mr. Cali Tzay** asked for more information on racial profiling, of which he had had personal experience in European airports. He asked whether the State party had a policy on the use of racial profiling and, if so, whether measures were in place to combat its use, particularly in airports. The information that he had requested on the prison population was crucial to determining whether racial discrimination was a factor in the criminal justice system.

28. **Mr. Kemal** emphasized that an overrepresentation of ethnic minorities, in particular persons of African descent and other disadvantaged groups, in the criminal justice system was an indicator of structural discrimination against those communities. He noted that severe problems in other States due to problems of security and economic development would continue to impact immigration to the State party. The measures employed by the Italian Government appeared to be short-term. Unless the global disequilibrium in the distribution of wealth and opportunities was addressed, the efforts of European Governments would remain mere palliative measures. He requested details of the role played by the Italian Government in European efforts to address the migration crisis.

29. **Mr. Petri** (Italy) confirmed that the practice of racial profiling at the country's airports was outlawed by the authorities. Moreover, continuous training courses were organized for law enforcement officers, especially those working in airports and on the borders, to promote the principle of tolerance.

30. **Ms. Carletti** said that, as at 30 November 2016, the number of detainees in the penitentiary system totalled 55,000, of whom almost 20,000 were foreigners. The numbers had declined in recent years as a result of decriminalization measures and the promotion of alternatives to incarceration. Such measures were also necessary to cope with the gradual closure of certain detention centres.

31. **Mr. Petri** (Italy) said that the Government was about to launch a migration compact to deal with the immigration crisis. Following the Lampedusa shipwreck, a European summit to address the sensitive and complex foreign policy issue had been held in response to a request from Italy. The Prime Minister had travelled to relevant African countries three times in the last eight months to promote dialogue and cooperation. Italy would provide the Committee with detailed information through various channels concerning cooperation with the European Union on the development of a long-term approach to the issue.

32. **Ms. Shepherd** welcomed the announcement that the State party planned to mark the International Decade for People of African Descent by hosting an event in 2017 that would facilitate an open dialogue on the problems facing that vulnerable community. She encouraged it to draw on the expertise of members of the Committee and of the Working Group of Experts on People of African Descent.

33. She enquired about the impact of the videogame "In my shoes" mentioned in paragraph 206 of the report, which was designed to draw attention to multiculturalism and to promote respect for diversity. She also asked whether there was any evidence that the communication campaign launched by the Observatory for Security against Acts of Discrimination (OSCAD), with the support of UNAR, and the ethnic-specific festivals and

cultural exhibitions organized by various municipalities had helped to diminish stereotypes and promote respect for diversity.

34. She reiterated her question regarding the extent to which school curricula incorporated the contribution of people of African descent to Italian development as a means of healing the wounds of the past. She suggested that a panel discussion of the topic might be arranged at the conference to be held in 2017.

35. **Mr. Petri** (Italy) said that he would confer with the Ministry of Education on the question concerning school curricula.

36. **Mr. Chirico** (Italy) said that it was not easy to assess the impact of awareness-raising initiatives. However, whenever campaigns were organized by OSCAD, for instance in the media, a considerable increase was recorded in the reports sent to its e-mail address. The campaigns thus served as a bridge between victims and law enforcement officers.

37. **Mr. Bossuyt** commended the State party's efforts to save the lives of migrants in the Mediterranean. Yet despite all its efforts, the number of lives lost had increased to 4,220 in 2016. There had been one death for every 269 migrants in 2015 and one for every 88 migrants in 2016. In fact, the figure for migrants from Libya was one death for every 47 migrants. Human traffickers accommodated migrants in ill-equipped vessels.

38. Incoming migrants had not been systematically registered, for instance through fingerprinting, although such registration was required by European Union legislation. Italy had thus become a transit country for irregular migrants heading to other European Union countries. Six European Union countries other than Italy accounted for 80 per cent of the recorded applications for asylum.

39. The distinction between persons who had left their countries for reasons enshrined in the Geneva Conventions and those who had left for other reasons should be maintained. Most of the persons, including women and unaccompanied children, who arrived in Lampedusa were from Africa and he found it difficult to believe that they had all been persecuted for reasons enshrined in the Geneva Conventions. It was extremely difficult to provide refuge in Europe for all persons entitled to protection under international law, not to mention those who immigrated for other reasons. An alternative option was to provide effective development assistance to their countries of origin and to encourage those countries to support the return of irregular migrants who did not require international protection. Otherwise it would become extremely difficult to provide support for genuine refugees who met the terms required by the Geneva Conventions. He therefore asked the State party whether the existing policy pursued in the Mediterranean could be maintained.

40. **The Chair** said that the State party's policy should comply with the provisions of the Convention, which required that all people, regardless of their status, should be protected against racial discrimination.

41. **Mr. Khalaf** noted that, according to the delegation, Legislative Decree No. 286/1998 was the law applicable to immigration and complied with article 1 of the Convention. However, as its scope was unduly narrow, he asked whether the State party intended to enact a law to expand its scope. He had not received a response to his comment that Law No. 654 of 1975 did not include a provision concerning discrimination on grounds of language and colour. He had not received a response either to his question concerning the survival of certain ethnic groups, such as Assyrians, Chaldeans and Yazidis, who risked being exterminated in their countries of origin and becoming extinct through their dispersal by host countries.

42. **Ms. Hohoueto** asked whether the leaders of the Forza Italia party had ever been prosecuted for promoting hate speech, particularly against people of colour. Hooligans had thrown bananas at the footballer of African origin, Mario Balotelli, in sport stadiums as an

act of racial discrimination. She asked whether any of them had been identified and prosecuted.

43. **Mr. Petri** (Italy) said that two local members of the Lega Nord political party had been sentenced for hate speech used in Facebook and other social media. Members of parliament enjoyed partial immunity from prosecution. Their immunity could only be withdrawn on the basis of a vote. The “*daspo*” procedure could be used to ban hooligans from sport stadiums for many years. In addition, a law had been enacted to render football clubs responsible for racist conduct by their supporters. However, it was currently under review because it could be exploited for purposes of blackmail. He was unable to reply to the question concerning the situation of Middle Eastern ethnic groups that were at risk of segregation and disappearance on migrating to Italy. He would discuss the matter with the responsible authorities.

44. The Italian Government had been endeavouring for the past 18 months to develop its immigration policy. It was a highly sensitive task and action to tackle immigration had huge repercussions on the stability of the political system. Italy was urging other European countries to adopt a long-term approach to such policies in order to ensure their sustainability.

45. **Mr. Murillo Martínez** noted that paragraph 196 of the common core document (HRI/CORE/IRA/2016) referred to the Special Solidarity Fund for Victims of Discrimination and the Fund for Victims of Trafficking in Human Beings. He hoped that the funds were used to meet the current structural and political challenges stemming from migration.

46. **Ms. McDougall** asked whether camps existed for the Roma, Sinti and Camminanti communities and whether any new camps had been opened recently.

47. **Mr. Petri** (Italy) said that he would provide information on the camps within the next 48 hours. Italy was faced with major challenges and there were admittedly many grey zones. The delegation would alert the Government to the importance of the issues raised by the Committee.

48. **The Chair** commended the openness of the delegation’s responses to the Committee’s questions. The elimination of racial discrimination was a very complex issue under the current circumstances. However, its complexities did not absolve the State party from compliance with the provisions of the Convention.

*The meeting rose at 12.55 p.m.*