



**International Convention on
the Elimination
of all forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

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SUMMARY RECORD OF THE 1466th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 30 July 2001, at 3 p.m.

Chairman: Mr. SHERIFIS

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Draft programme of action against racism, racial discrimination, xenophobia and related intolerance

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5)

Twelfth and thirteenth periodic reports of Italy (CERD/C/406/Add.1)

1. At the invitation of the Chairman, the members of the delegation of Italy took places at the Committee table.
2. Mr. MORENO (Italy), having reiterated his country's commitment to improve the way in which the International Convention on the Elimination of all Forms of Racial Discrimination was applied in Italy, drew attention to the demographic and social development of the country, which had become a multi-ethnic society. The Government's main concern must be that the predicted increase in the resident population should be achieved with full respect for international and national immigration rules, in the interests of legal immigrants, given that the current trend was to grant such immigrants a status identical to that enjoyed by nationals.
3. The Government was deeply concerned by the phenomenon of illegal immigration. The number of non-European Union nationals entering Italy was currently decreasing, presumably owing to the fact that, under the new legislation, any act that might assist the illegal entry of foreigners into the country was liable to heavy penalties. Nevertheless, criminal organizations illegally transported people from abroad to Italy by sea, on payment of exorbitant sums of money, in conditions that were both unsafe and inhuman and led to significant casualties. Geographically situated as it was at the heart of the trafficking network, Italy spared no efforts to coordinate international action to put an end to the trafficking in human beings, as demonstrated by the holding in Palermo in 1997 of the informal meeting on the question of the elaboration of an international convention against transnational organized crime.
4. Since the submission of the report under consideration, the new Italian Government, led by Mr. Berlusconi, had undertaken to maintain the general foreign policy approach of its predecessor and intended to ensure that all human rights were respected and international conventions and treaties fully observed. It also aimed at fostering cooperation with international organizations, particularly the United Nations, and in the field of regional and bilateral activities.
5. As far as immigration was concerned, the Territorial Councils established in every province under Act No. 40 of 1998 had, since June 2000, been carrying out two main tasks: to ensure the necessary coordination between the immigration services at local level and to develop cooperation with all the social forces, including a representative of foreigners residing in each province. To establish the number of non-European Union foreigners entering Italy, the Government had applied the provisions contained in a three-year plan set up in cooperation with all representative organizations of foreigners, trade unions and workers' associations. In 2001, the number had increased to 50,000 in addition to 33,000 holders of visas for seasonal work. For the first time, a special quota had been established for medical personnel and technicians of the new economy sector. Special bilateral arrangements had been put in place with some neighbouring countries such as Albania, Morocco, Romania, Somalia and Tunisia.
6. As for expulsions, the Constitutional Court had ruled that any foreign woman who had entered the country illegally while pregnant or with a child aged under six months could not be expelled. The same applied to her husband.
7. The Government had also adopted some new rules concerning the treatment of detainees in general, which would indirectly have the effect of improving detention conditions for women, particularly for foreign women or those belonging to disadvantaged social groups. First, Act No. 40 of 8 March 2001 provided for alternative measures to imprisonment, with a view to protecting the relationship between

convicted women and their children. The law also provided for the postponement of a prison sentence for pregnant women or mothers with a child under one year old. Furthermore, it provided that, if there was no real risk of their reoffending, mothers of children aged under 10 could serve their sentences at home. In some cases, women in custody could, if their children were under 10, take care of their children outside the prison. Foreign women also benefited from the provisions of Act No. 134 of 29 March 2001, which introduced changes to the legal aid system, ensuring full equality for disadvantaged groups with regard to access to justice, both civil and criminal.

8. It was also worth noting other important government initiatives concerning prisons, whereby the cultural and other origin of foreign prisoners could be taken into account by encouraging social re-integration through, for example, vocational training and cultural integration programmes. A manual for survival in prison had been issued to that end and translated into several languages, including Arabic and Albanian. Prisoners, including foreigners, had also been given a course of moral philosophy highlighting the richness of various cultural traditions and the links between the different religious and secular traditions.

9. Italy was firmly resolved to improve the living conditions of the Roma. Thus, on the basis of the Committee's concluding observations following its consideration of Italy's previous report, regional and communal authorities had introduced a number of good practices in that regard. Although the country had no specific law relating to the treatment of refugees in its territory, it compensated for the deficiency by broadly implementing the Convention relating to the Status of Refugees. In that context, he noted that his delegation had submitted to the Committee a government analysis conducted by the Carabinieri concerning acts of violence committed against both foreigners and Italians and additional statistical data for the year 2000, prepared by the Ministry of Labour.

10. Mr. BOSSUYT (Rapporteur for Italy) commended the regularity with which Italy submitted its periodic reports and the quality of the dialogue between it and the Committee. He regretted, however, that the report under consideration had not followed the guidelines concerning the form and content of reports submitted by States parties, which was surely why some points, such as the implementation of articles 4 and 7, had not been dealt with in more detail. He found the analysis prepared by the Carabinieri, which indicated that 80 per cent of presumed cases of ill treatment related to Italians and only 20 per cent to foreigners, most useful. The Committee would, however, need further information on the matter and it would be useful to know whether action had been taken against the perpetrators of the incidents described.

11. He commended the quantity and the quality of the information on immigration contained in the report. In that context, he noted particularly that foreigners constituted only 2 per cent of the Italian population. He also noted the progressive feminization of immigration: women ever more frequently represented the first link in the migratory chain, notably in the Philippine and Peruvian communities. Illegal immigration was rising, which explained why the use of migrant labour was on the increase and was becoming a structural phenomenon. Moreover, Italy attracted "scattered immigration", in that its foreign population was extremely diverse, coming from all over the world.

12. With regard to the ethnic composition of legal immigrants, he wished to know whether the figures given in the report related to people who had obtained an entry visa before arriving in Italy or to illegal immigrants who had subsequently become legal. As for the increase in the number of legal entries by non-nationals, referred to by the representative of Italy, he wished to know whether the selection criteria used to apply such a quota system were based on the nationality or the occupation of the immigrants concerned.

13. He noted from the report that every legalization procedure revealed that there was a large number of foreigners in an illegal situation. Some waves of migration were extremely concentrated, especially those from central and eastern Europe, which accounted for about 40 per cent of the total number of immigrants. Such people, like those from Asia, came principally in search of work, whereas the motive

for immigration from Africa was generally to reunite a family. The significant flow of tourists, especially from Latin America, was of particular importance, since it could bring people who would stay clandestinely in Italy after the expiry of their visas.

14. A progressive normalization of the sociological structure of the immigrant population was also taking place, partly owing to the progressive feminization of immigration, leading to a rise in the percentage of married couples and a structural profile closer to that of the indigenous population. The geographical distribution of immigrants, meanwhile, reflected the strong concentration of the immigrant population in the centre and north-west of Italy, as well as in the two major cities, Rome and Milan. There were, however, differences depending on nationality of origin: Albanians and Moroccans were dispersed throughout the country, whereas the nationals of the former Yugoslavia and Tunisia lived near their countries of origin, in the north-east and in Sicily, respectively.

15. As far as racial intolerance was concerned, Act No. 205 of 1993 had increased protection for migrants subjected to actions of a discriminatory nature, by characterizing the non-national concerned as the victim of an offence. Moreover, under the Act, the foreigners were considered the “injured party” in four cases: when they suffered injury as a result of unstable or irregular working conditions; when they were subjected to violence, threats or extortion; when they were victims of exploitation for purposes of prostitution; and when they were subjected to racist violence. He wished to know what the legal effects of the Act had been and how its implementation had made for the better protection of foreigners against such acts.

16. With regard to the role of foreigners in criminal activity, he noted that between 1991 and 1997 the percentage of foreigners charged with various offences had risen from 4.2 per cent to 9.8 per cent, while the number of foreigners imprisoned amounted to 31.6 per cent of the total prison population. That was explained by the more frequent use of preventive detention in such cases and by the fact that it was less open to foreigners to opt for measures that would be an alternative to imprisonment since they did not fulfil the required conditions. Foreigners were also given provisional detention in far more cases, because they were more liable to escape.

17. The unquantifiable but significant presence of clandestine immigrants posed a real problem, in the context of criminal activity, among others. According to 1998 data, 86 per cent of foreigners charged or questioned by the police did not have residence permits. The link between the status of foreigner and criminal activity related to illegal immigrants above all.

18. According to the report, the number of foreigners accused of various offences had increased by 161 per cent during the period under consideration (1991-1997). In urban areas, the most common offences were those involving drugs, prostitution, violence and rape. According to statistics, 92 per cent of foreigners who had committed an offence had acted alone or with persons of the same nationality. There was a kind of segregation by national origin between Italian and foreign offenders. Legal foreign workers therefore enjoyed the same rights as Italian workers; however, illegal aliens posed a real problem to which he drew the Committee’s attention.

19. He would like to obtain more information on the reception centres established to provide assistance and information to foreigners who were seeking asylum or who wished to stay in Italy for more than three months (para. 76), particularly on their number and location. He would also like to know whether it was compulsory to report to those centres and whether immigrants generally did so before entering Italy or after they had entered illegally. The same paragraph stated that legal aliens who were unable to obtain housing themselves or meet their own basic needs were assisted by the reception centres. He would like to know to which aliens that information related and by what means they had been able to regularize their situation.

20. He noted the progressive stabilization of the immigration phenomenon (para. 86) and the fact that women immigrants outnumbered men only in regions where domestic service constituted the principal

source of employment for immigrants (para. 89). He drew the delegation's attention to that situation, which encouraged the use of an illegal workforce. The report also mentioned the importance of networks designed to help fellow nationals enter the labour market and said that illegal workers accounted for 30 per cent of all paid workers who were not European Union nationals. He would like to know what information the State party had used to obtain that figure. Moreover, given the number of illegal immigrants intercepted, a situation described as alarming in the report, he wondered how effective government policy was, since the Government lost interest in the immigrants concerned after issuing an expulsion order.

21. With regard to the right to education, he was surprised that official statistics indicated that almost 47,000 foreign minors were resident in Italy, while 70,000 foreign pupils were enrolled in schools (para. 113). He welcomed the fact that young immigrants enjoyed the right to education, regardless of their status (para. 120), and that schools were obliged to distribute foreign pupils among different classes. However, he would like to have more detailed information on that subject, particularly the means used to ensure that that obligation was fulfilled. In addition, he drew the State party's attention to the fact that a third of pupils from the Roma community attended school for less than 100 days per year. He would like to have more detailed information on cultural mediators, in particular their status, the way they were appointed and their role, and he would like to know whether they were civil servants.

22. The report stated (para. 154) that prison managers were concerned that they were not able to ensure work for foreign detainees from non-European Union countries because such detainees had no tax code. He requested clarification on that point and would like to know whether that information related to work in prison. He was pleased to note that the report mentioned a fall in the number of incidents of racism, xenophobia and anti-Semitism (para. 167). He also noted the role of Albania in illegal immigration as a transit country for Chinese workers and the country of origin of many immigrants. In that regard, it seemed clear that there were links between Albanian and Italian criminal organizations.

23. He would like to know whether the draft law on measures against trafficking in persons (para. 184) had already been passed, what its content was and what results had been achieved through its implementation. The apparent links between illegal immigration and crime (para. 196) demonstrated the need to crack down on illegal immigration in order to combat certain aspects of crime which were directly linked to it, and of which illegal immigrants were the main victims (para. 198).

24. He would like to have more detailed information on the impact of the Supreme Court ruling mentioned in paragraph 201 of the report, regarding the possibilities for the expulsion of illegal aliens. He also wondered whether the regularization procedures encouraged an influx of illegal immigrants. With regard to the acquisition of Italian nationality, he drew the delegation's attention to a report by the International Federation of Human Rights (FIDH) which cited a court ruling in a specific case whereby the adoption of white children had been ordered. That was contrary to the provisions of the Convention. He noted that few people obtained Italian citizenship and that many applications for naturalization were rejected. Moreover, the surprisingly low number of applications for asylum compared to the number of migrants suggested that migrants did not stay in Italy. The Schengen Agreement was therefore difficult to apply in that respect.

25. With regard to minorities, he would like to know how the Government of Italy understood the concept of "minority" and what importance it attached to the length of time minorities had been established in Italy. Lastly, he drew the attention of the Italian delegation to a report by the European Roma Rights Centre which mentioned the racial segregation of the Roma in Italy. He would like the delegation to comment on that matter.

26. Mr. VALENCIA RODRÍGUEZ was pleased to note that the Committee's previous concluding observations had been communicated to all the relevant authorities and that training courses had been set up to raise awareness among law enforcement officials of human rights and, in particular, the rights set forth in the Convention. He also noted that, as the issue of the presence of foreigners in Italy had taken on

particular importance in the past few years, the Government of Italy should continue to pay close attention to it.

27. The report said that the number of foreigners, particularly nationals of countries in Eastern Europe, North Africa, East Asia and Latin America, had increased considerably; it was therefore even more necessary to ensure that the law in force, particularly Law No. 654 of 1993, was applied properly in order to prevent racial discrimination. Perhaps migrants committed the offences ascribed to them as a reaction against the veiled discrimination which they suffered or because they were disadvantaged with regard to access to work, education and health. Measures designed to ensure equal treatment of foreigners and nationals were therefore important.

28. He welcomed the establishment of advisory services for the foreign community and the creation in some municipal councils of the post of assistant councillor to act as mediator between the Administration and immigrants (para. 78), and encouraged the State party to continue its efforts in that regard. He reminded the Italian delegation that the Committee had made observations concerning the distinction made by the relevant service (para. 79) between migrants who were European Union nationals and those who were not, in the light of the clear and specific provisions of the Convention. The problems faced by migrants who were non-European Union nationals related to housing, job training, employment and cultural integration, and he hoped that the Government of Italy would redouble its efforts to address that situation, and that the annual decrees determining migratory flows would not be based on criteria that were preferential to one community or excluded another on the basis of ethnic or national origin. Referring to the significant segregation in employment suffered by women who were non-European Union nationals (para. 89), he recommended that the State party tackle that problem, given that women could be subjected to double discrimination.

29. In the field of education (para. 112 et seq.), the Italian Government should pay particular attention to the situation of foreign minors, as well as that of the Roma and women. With regard to the Government's objective of ensuring the integration of Italians and foreigners (para. 160), he was pleased to learn that the number of incidents of racial intolerance had decreased (paras. 167 to 169). As for illegal immigration (para. 175 et seq.), the international community should cooperate effectively with the Italian Government in its efforts to combat the inhumane exploitation of illegal immigrants, who swelled the ranks of the marginalized. It was important for the Government to continue its efforts to regularize the situation of those people and to combat discrimination, many examples of which were described in the report (para. 200). In addition, given the need to respect the basic rights of people who had been forced to flee their countries for economic reasons, the policy on access to essential or urgent health care (para. 138) seemed to him appropriate. He hoped that Italy would keep the Committee informed of results achieved in that regard.

30. Lastly, he welcomed the information provided in the report on the Roma and the gypsy minority. He noted the legislative and administrative provisions concerning those groups and encouraged Italy to increase their access to better-paid jobs, ensure the teaching and promotion of their cultural values and provide them with health and social services. He would also like the Committee to be kept informed of the results of that policy.

31. Mr. DIACONU noted that the Government of Italy had adopted legislation which fully met the requirements of article 4 of the Convention. Law No. 1998/40 gave a full definition of racial discrimination (para. 164 of the report). The report also dealt at length with the issue of foreigners, in response to the observations drawn up by the Committee when it had considered the previous report of Italy. However, the Italian authorities used citizenship as the criterion for analysis, whereas the criteria which interested the Committee were race, colour and national or ethnic origin. The scope of the analysis was therefore limited because no account was taken either of Italian citizens of different origin or of citizens of other European Union countries. As the analysis of crime related only to foreigners from Eastern Europe, Asia and Latin America, the picture of the situation was incomplete in relation to the definition in Law No. 1998/40.

32. He was pleased to note that the State party had comprehensive labour legislation to prevent discrimination. However, the legislation concerned only legal migrants. Given the high number of illegal migrants (30 per cent of paid workers who were non-European Union nationals) (para. 93), he would like to know whether measures had been taken to protect them, particularly against exploitation by employers.

33. He would like to know why the Roma were not recognized as an ethnic, cultural or historical minority when the report seemed to indicate that, as a group, they fulfilled the conditions required (paras. 228 to 231) to be regarded as a linguistic and historical minority. The argument put forward by the delegation—that the Council of Europe and the European Union did not have a common definition of Roma and Sinti—was not convincing because other countries which were members of those institutions (Germany, Spain and Finland) nonetheless recognized the Roma and Sinti as minorities. The report also indicated (para. 239) that the particular aim of draft law A.S. No. 3069 was to recognize the Roma as a linguistic minority, a measure which would disregard the fact that language was not the main characteristic common to that group. The draft law would also allow the Roma to opt for stateless status under the Convention relating to the Status of Stateless Persons of 1954, apparently regardless of the fact that the purpose of that Convention was to limit the number of cases of statelessness. The State party should therefore reconsider that issue.

34. He wondered about the terms used to refer to the Roma. The term “nomads”, used repeatedly in the report, was imprecise since the report also stated that most Roma were sedentary (para. 124). Moreover, some non-governmental organizations believed that the term “nomads” encouraged discrimination against the Roma. The fact that the regional laws concerning Roma populations mentioned in the report (para. 238) generally referred to nomads, without mentioning sedentary populations, could create a problem for the latter group. He asked the delegation to clarify the situation.

35. With regard to education for the Roma, he would like to know how the Government intended to provide Roma children with schooling and integrate them into the school system, bearing in mind that many of them lived in transit camps. He also asked the Italian delegation to clarify paragraph 133 of the report concerning the National Health Service, because the two proposals did not seem very coherent. He would also like the delegation to explain why it was difficult to implement at local level decisions taken at central level to protect the rights of the Roma community (para. 241). Could the central authorities not intervene when local authorities took no action?

36. Lastly, he was surprised that the Roma from Kosovo were not accepted as asylum-seekers, unlike Kurds from that region. The discrepancy seemed to arise from political considerations which should not affect a human rights issue.

37. Mr. FALL expressed regret that the issues which the Committee had considered important when Italy had submitted its previous periodic report in March 1999 had not been addressed in the report under consideration. The issue of the Roma minority remained a significant cause of concern for the Committee, despite the many laws which had been adopted at local level in that regard. It was regrettable that the draft law on the protection of nomadism and the recognition of the gypsy population as a linguistic and historical minority was still under consideration in the Senate, as adoption of the draft law would constitute a significant advance for the protection of the rights of the Roma minority.

38. He requested the Italian delegation to provide the Committee with more detailed information on the problem of racist acts recently recorded in Italy, particularly against football players of African origin, a large number of whom took part in the Italian championships, and to specify what measures had been taken by the Government to combat that phenomenon.

39. Mr. THORNBERRY welcomed the impressive quantity of statistical data contained in the thirteenth periodic report of Italy, particularly on a number of issues related to anti-racist propaganda. He found it difficult to understand why, as indicated in paragraph 124 and paragraphs 232 et seq. of the report, the Italian authorities were experiencing such difficulties in recognizing gypsies officially as an ethnic and

cultural minority. Although many countries did not define clearly what constituted a minority and applied a relatively “open” definition, many others had recognized the Roma as a minority—for example, Germany, which had done so very recently. It would therefore be desirable for Italy to do the same, as the Committee had recommended when it had considered the previous periodic report.

40. He was concerned that the report contributed to some extent to the perpetuation of certain stereotypes related to foreigners. For example, the claim that illegal immigrants were frequently responsible for illicit conduct and were victims of the marginalization in which they were obliged to live (para. 198) was regrettable because it seemed to associate crime with immigrants and could suggest that Italian nationals did not commit any offences.

41. Noting also that the report used the terms “Roma” and “gypsies” indiscriminately, he wondered whether members of the Roma minority had been consulted as to which name they would prefer and whether the Italian terms “zingaro” and “zingari” were pejorative.

42. Noting that the report mentioned several times the “transit camps” in which foreign nationals were placed, he asked the delegation to explain the reasons for the choice of that term and why non-governmental organizations used the word “ghettos” to refer to the camps. In the light of Italian press articles which had reproduced statements stigmatizing gypsies made on several occasions in 2000 by political figures, particularly in the Milan region, he would also like to know what measures the Government had taken to punish those who had made such remarks.

43. Mr. de GOUTTES was pleased to note that the thirteenth periodic report of Italy addressed many of the concerns raised by the Committee in March 1999 when it had considered the country’s previous report. He welcomed the large amount of detailed information provided on the nationality of indicted foreign nationals (para. 193), the foreign prison population (para. 196) and Albanian criminal groups specializing in prostitution (para. 199). As the report stated, it was very worrying that crime figures had a significant impact on Italians’ capacity for tolerance and the peaceful coexistence of Italian citizens and foreigners, especially in those areas with a high concentration of non-European Union nationals without a valid residence permit (para. 197). However, that problem affected not only Italy, but all countries with high levels of immigration. If it was true, as the report stated, that foreigners were frequently responsible for illicit conduct because they were victims of the marginalization in which they were obliged to live (para. 198), it would be useful to know what measures had been taken by the Government of Italy to promote a spirit of racial tolerance and to combat the tendency towards intolerance, among both the general public and law-enforcement officials.

44. Referring to the interesting experiment conducted under the “Testo Unico 286/98”, which provided for the involvement of employers in finding housing for foreign workers whom they wished to recruit, he asked how that provision had been applied in practice and whether it was already possible to assess its results. He would also like to know what role cultural mediators had played in the integration process for Roma pupils and what the results of those activities were.

45. The Italian authorities seemed to think that Kosovo was no longer in a war situation and that Kosovars could now be repatriated to their country on a voluntary basis. He asked whether the Government currently envisaged providing incentives for those foreigners to leave. He would also like to know for what reasons the Roma minorities were not protected as such by the law on linguistic and historical minorities.

46. He recalled that on 5 May 1978, Italy had made a declaration under article 14 of the Convention recognizing the competence of the Committee to receive and consider communications from individuals. However, it seemed that the Committee had never had to give its opinion on individual communications concerning Italy, and he wondered whether the Government had actually taken all the necessary measures to inform the public that that recourse procedure was available to persons claiming to be victims of a violation by the Italian State of one of the rights set out in the Convention.

47. Mr. PILLAI asked about the meaning of the phrase “offences aggravated by racial discrimination”, an issue addressed in annex 11 to the report. He would like to know whether it meant that Italian law did not provide for specific categories of criminal offence involving racial discrimination, or simply that the fact that an offence was accompanied by offences linked to racial discrimination constituted an aggravating circumstance. He also asked the delegation to explain why the number of reported cases of racial discrimination had fallen so drastically—from 27 in 1997 to 20 in 1998 and 3 in 1999.

48. In addition, he asked the delegation to specify the nature of the education policy applicable to foreign children and minors and to indicate whether they were also entitled to pursue a university education or vocational training. Noting the difference between the number of foreign minors officially registered by the authorities (47,000 in 1997) and the number of foreign pupils enrolled in Italian schools (70,000 in 1997/1998), he wondered whether the discrepancy was due to the fact that Italy applied a policy of guaranteeing all minors the right to education, including those without a valid residence permit. If that was the case, did that mean that foreign families without a residence permit could stay in Italy indefinitely so that their children could complete their schooling?

49. Ms. BRITZ requested statistical data on the number of foreigners who were members of ethnic and racial minorities and were unemployed in Italy, and on the average wages of foreigners or members of minorities. She would also like to know why Italy did not recognize the Roma as a national minority even though its report stated that more than 65 per cent of them were Italian citizens and that the others came from other member countries of the European Union, particularly Spain and France.

50. Mr. YUTZIS said that the report of Italy deserved to be considered at length so that the abundant information in it could be studied carefully. He was pleased to note that the authors had removed the phrase “extra-community citizens”, which was too loaded.

51. More generally, he noted that the situation of immigrants was very likely to deteriorate in the current economic conditions. The report highlighted a number of ambiguous aspects of the situation of immigrants, who were beginning to be accepted in Italy, although there were still many illegal immigrants who were exploited. With regard to employment-related changes in Italy (paras. 90 to 95 et seq.), he was concerned about the increase in black-market labour and the ascendancy of criminal organizations which exploited immigrants. He was surprised that the report did not contain precise information about ways of combating the illegal employment of clandestine workers for profit, a phenomenon which was difficult to stamp out.

52. He also noted that paragraph 200 of the report mentioned a number of cases, some of them serious, in which foreigners had suffered abuse and in which the culprits had been arrested, and various objects, handguns, and Nazi documents and symbols had been seized following searches. He requested more information on the circumstances in which the police had intervened, in particular whether they had acted on a court order and whether the arrests had been followed by long-term repressive measures. Article 4 of the Convention obliged States to condemn racial propaganda and prohibit organizations which used it. It would be useful for the Committee to know whether the Government of Italy had taken specific measures to suppress that type of activity and ban the organizations concerned, some of which appeared to have been involved in the disturbances which had taken place during the Genoa Summit meeting.

53. With regard to the Roma, he was concerned that the efforts made by the central authorities to ensure their integration (para. 241) were sometimes thwarted by the inertia of the local authorities. He particularly deplored the passivity of the security forces in a number of attacks on Roma communities, for example in southern Italy and Sicily, mentioned in paragraph 246. Lastly, the state of health of people living in transit camps (para. 261) was a cause of concern, particularly with regard to their average life expectancy, which was much lower than that of the population as a whole, and the infant mortality rate.

54. The CHAIRMAN said that the representative of Italy would reply at the next meeting to the questions which had been asked about his country's report.

THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION; THIRD WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE (agenda item 10)

Draft programme of action against racism, racial discrimination, xenophobia and related intolerance (A/CONF.189/PC.3/8) (document distributed in the meeting room, in English only)

55. The CHAIRMAN invited the Committee to comment on the official proposals of the Group of 21 concerning the draft programme of action drawn up by the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the text of which had just been distributed to Committee members.

56. Mr. ABLOUL-NASR noted, after a quick reading of the draft, that no agreement had yet been reached on most of the issues raised by the Committee at its previous discussions. In particular, the United States of America had threatened to boycott the Conference if certain issues were included in the programme of action, notably the issues of apologizing for slavery and paying compensation to the victims. The High Commissioner for Human Rights had also requested that there be no mention of certain issues in the programme of action and had appointed a group of human rights experts responsible for the follow-up to the Conference. He was surprised that the Committee, an eminently competent body on matters of racial discrimination, had not been consulted on that point. Noting that the Committee was again not mentioned in the High Commissioner's report to the Preparatory Committee, he wondered about the Committee's role in the preparations for the World Conference.

57. Mr. BRUNI (Office of the High Commissioner for Human Rights) said that he thought that the group of experts to which Mr. Aboul-Nasr had referred would be responsible only for the follow-up to the Conference and would therefore have no involvement in drafting the texts which would result from it.

58. The CHAIRMAN said that the report of the High Commissioner for Human Rights to the Preparatory Committee would be distributed to the Committee forthwith.

59. Mr. DIACONU suggested an amendment which could be made to section II of the programme of action, which dealt with victims of racism, discrimination, xenophobia and related intolerance: the subtitle "Victims: General", which was too vague, could be replaced with "Minorities, including the Roma", or with "Minorities", followed by a subsection entitled "The Roma". That layout would reflect better the significance of the problem posed by the situation of certain minorities in the world, including the Roma.

60. Mr. SHAHI said that only a detailed reading of the programme of action would show to what extent the Committee's recommendations to the Preparatory Committee and the High Commissioner for Human Rights had been incorporated into the draft declaration and programme of action of the World Conference. It was quite right that the Committee, which was merely an expert body, could not at that stage expect to amend the two texts, which had been drawn up by Government delegations for an intergovernmental conference. It would be up to Government representatives to decide what action to take on the Committee's contribution; incidentally, the Committee could still suggest changes to the Preparatory Committee.

61. He informed the Committee that a conference chaired by Prince Hassan Bin Tallal was being organized in Malta to consider two issues that were still highly controversial: texts on the rights of the Palestinians and on the reparations which should be paid for the after-effects of slavery, particularly to African populations. Another meeting chaired by the Prince would subsequently be held in Geneva in August, in order to promote a consensus in the Preparatory Committee on those two issues.

62. Mr. de GOUTTES said that the draft programme of action contained in principle some interesting points, particularly regarding the role of the Committee and the resources available to it, and early

warning measures and the procedure for urgent action. It would also be necessary to analyse the draft in detail so as to assess the exact extent to which it concerned the Committee.

63. He had been approached about taking part in the group of six experts invited to represent the Committee at the World Conference against Racism. He was sorry to have had to decline the invitation because of work commitments. He would talk to his colleagues in the Committee in order to find a replacement.

64. The CHAIRMAN said that Ms. January-Bardill was in charge of monitoring the work of the Preparatory Committee for the World Conference so as to report on it to the Committee. The Committee had worked hard to prepare a contribution to the work of the Conference. It had then studied the preliminary draft declaration and programme of action and had suggested specific amendments to many paragraphs. It had also sent suggested amendments to the heads of all the regional groups and had talked to most of them. He had officially submitted the Committee's various proposals at the May 2001 session of the Preparatory Committee, and had made sure that the full text, together with the proposed amendments, was distributed to all members of the Preparatory Committee.

65. The Preparatory Committee had decided to set up the Group of 21, made up of government delegations, which had drawn up the draft declaration and programme of action that had just been distributed. He invited the Committee members to study the text so as to determine to what extent it took account of their own suggestions and proposals, in what way the Committee could ensure acceptance of its ideas and what exactly its role would be with respect to the World Conference. To that end, the Committee should have Ms. January-Bardill's report on the Preparatory Committee's discussions. In the meantime, he invited all the Committee members to study the report of the High Commissioner for Human Rights to the Preparatory Committee so that they could ask her for explanations or clarifications at the next meeting, which she would be attending. He also hoped that the Conference Coordinator would attend that meeting so as to inform the Committee members of the arrangements which had been made for the Committee's delegation to the World Conference and all other relevant logistical measures.

The meeting rose at 5.50 p.m.