



European network against racism

ENAR Shadow Report 2008

ENAR SHADOW REPORT 2008

Racism in Italy

(Camilla Bencini, Sara Cerretelli,
Laura Di Pasquale – Cospe)

Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it. Even where there is extensive official data, NGOs offer a vital alternative data source that comes directly from experiences of those individuals and communities experiencing racism on a daily basis.

The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism with the EU and its Member States. NGO reports are, by their nature, based on many sources of data, official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by the racism that is the subject of the research. It is this that gives NGO reports their added value, complementing academic and official reporting.

Published by the European Network against Racism (ENAR) in Brussels, October 2009, supported by a grant from Compagnia di San Paolo, from the European Commission and from the Joseph Rowntree Charitable Trust. ENAR reserves the right not to be responsible for the accuracy, completeness or quality of the information provided in this report. Liability claims regarding damage caused by the use of any information provided, including any information which is incomplete or incorrect, will therefore be rejected.



I. Executive summary

In 2008, as in the previous year, the most vulnerable groups and main victims of episodes of racism and discrimination are populations of Roma and Sinti origin and Romanian citizens. They have all been at the centre of a harsh media and political campaign, describing them as the main authors of crimes in Italy. Serious episodes concern also citizens of African origin, while women and minors continue to be the most vulnerable groups and with little protection.

Among the episodes of racism in the main sectors of life of migrant citizens, it is worth to point to those in the employment sector, access to housing and health and school services. The National Office against Racial Discrimination indicates that the greatest number of discriminatory episodes reported to its contact centre concerns the employment sector; many studies confirm these data, in addition to the fact that immigrants seem to suffer more than the rest of the population of the consequences of the economic crisis, also because they have the most precarious jobs. The difficult access to housing, affecting especially the weakest part of the resident population, points to mistrust and stereotypes as the main obstacles in the access of immigrants to a dignified house.

The most worrying issues in the access to school and health services, concern the political attempt to deny access to the main services, to those who do not have a regular stay permit. For instance, two proposals of the Northern League were presented throughout the year on these issues; the first one asked to remove the right of immigrants, without income and not registered in the national health service, to free access to health services; the second motion which has not been confirmed at the end, included the obligation of health authorities to report foreign citizens without stay permit to the police. In the school sector, a motion has been approved providing for the revision of the system of access to school for non-Italian pupils and the creation of temporary classes for non- Italian pupils who has not passed the entry test.

It is crucial to include two racist events, among the many racist episodes of the year: in May, after the suspected kidnapping of a child by a Roma girl, some Roma camps in Ponticelli (Naples) were assaulted with Molotov cocktails and fire, and finally cleared out, starting off a series of aggressions to Roma and Romanian people.

In September, a young man from Ghana was arrested by the Municipal Police of Parma and taken to the police station, where he was beaten up and strongly abused with racist insults. The next shadow report will include details of the trial.

More generally, at legal level, the right-wing coalition in power after the victory of the election in April, has attempted to gain public consensus and provide a solution to the alleged or real security needs of the majority of the population with a series of provisions, known as 'Security Package'. The approved regulations,

make the life of foreign citizens, both with a regular and irregular legal status, uneasy, precarious and hopeless about the future. The denial of access to health care and to the anagrafic registration of babies born by irregular parents violates the main principles of civil common life and the Conventions on human rights and of the rights of the Child. Provisions restricting the right to family reunification and to citizenship, introducing a tax on the permit to stay and managing permits with a "premium points system"(when the premium points go down to zero the migrant has to leave the country) have the one and only aim of making integration and social inclusion even harder.

Among the recommendations of the 2008 report, the main ones are:

- Adopting an immigration policy aiming to manage migratory flows, leaving out measures that merely punish and criminalize migrants.
- Promoting the actual independence of the equality body at national level (National Office Against Racial Discrimination- UNAR), which is still part of the Department of Equal Rights and Opportunities of the Presidency of the Council of Ministers.
- Promoting an organic law for the protection of refugees and asylum seekers, in line with the international law and with the judicial standards on the issue.
- To abolish the measures introduced (or discussed) during the year and affecting the rights of regular and irregular migrants, especially the introduction of the criminal offence of illegal (clandestine) immigration.
- Introducing policies aiming to promote the inclusion of Roma and Sinti population, their integration in housing and employment, the end of the segregation in camps.

II. Table of contents

I. Executive summary	3
II. Table of contents	5
III. Introduction	6
IV. Communities vulnerable to racism.....	7
V. Manifestations of racism and religious discrimination.....	11
V.i Employment	11
V.ii Housing	13
V.iii Education.....	15
V.iv Health	17
V.v Policing and racial profiling.....	19
V.vi Racist violence and crime.....	21
V.vii Access to goods and services in the public and private sector.....	24
V.viii Media, including the internet.....	25
VI. Political and legal context	28
VI.i Anti discrimination	28
VI.ii Migration and integration	30
VI.iii Criminal justice.....	35
VI.iii.i Racism as a crime.....	35
VI.iii.ii Counter terrorism.....	36
VI.iii.iii Racial profiling	37
VI.iv Social inclusion	39
VII. National recommendations.....	41
VII.i General.....	41
VII.ii Anti discrimination	41
VII.iii Migration and integration.....	41
VII.iv Criminal justice.....	42
VII.iv.i Racism as a crime	42
VII.iv.ii Counter terrorism.....	42
VII.iv.iii Racial profiling	42
VII.iv.iv Social Inclusion.....	42
VIII. Conclusion.....	43
IX. Bibliography.....	44
X. Annex 1: List of abbreviations and terminology	54

II. Introduction

The most significant events of 2008 are the Government's downfall led by the left-centre coalition and the electoral victory of the right-centre parties guided by Silvio Berlusconi. The increase of a strong hostile atmosphere toward foreign citizens, already emerged during the previous year, it is now more evident not only through the construction of a negative image of foreigners, but also through legislative measures that aim at reducing the rights of foreign citizens in various sectors of their lives.

This report points out a dramatic and worsening situation for migrant citizens, regular and not, living in Italy. The legislative measures approved and those that are going to be approved will institutionalize the criminalization of migrants, laying the foundations for their progressive marginalization from society. This process also passes through a distorted representation of migration in general and of immigrants, promoted by both political representatives and the main mass media.

The report is structured to briefly describe the Italian contest and the most vulnerable communities. The report illustrates a collection of cases of racism and discrimination happened during the year in the different areas, and then it describes the political and legislative dimensions of anti-discrimination (unfortunately very limited in contents) and immigration in general. The part on racial profiling policies turns out to be particularly poor of information and legislative news, since the theme is not yet tackled in a serious way in Italy.

The current report covers the twelve months between January to December 2008 with the exception of some of the bills of the "security package", presented in 2008 but actually discussed by the Government the following year.

IV. Communities vulnerable to racism

On 1st January 2008, the number of foreign residents in Italy is 3 432 651, accounting for 5.8% of the migrant population; females are 1 730 834. Also in 2008 the largest community is the Romanian community, followed by migrants from Albania and Morocco. According to an in-depth study by Caritas, the number of Romanians in Italy in the first months of 2008 amounted to 1 016 000¹, which is double the number registered in 2007 (they were 556 000 at the beginning of 2007).

Also the number of applications of asylum rose significantly, following a trend of all industrialised countries, especially the Southern European ones². The number of asylum seekers in Italy is 31 200, 17 200 more than the previous year, making Italy the fourth most important destination of the industrialised world, after the United States, Canada and France. In 2008 the highest number of asylum seekers were of Nigerian origin (5 300), followed by Somali (4 500), Eritrean (2 700) and Afghani origin (2 000). The ten territorial commissions have examined 21 933 asylum applications, granting the refugee status to 1 695 people, the subsidiary protection to 7 054, the humanitarian protection to 2 100 people and denying the refugee status to 9 478 people³.

The first report on immigration of the Ministry of Interior portrays a demographic picture which is different from the situation of immigration in Italy which was characterized by a high number of nationalities. It seems that the national “concentration” of foreign citizens is rising as a comparative look at the percentage of the first ten nationalities shows. In 1980, the first ten nationalities represented 19% of the migrant population, while they reached 50% in 2000 and 58% in 2007⁴.

A research by FRA on ethnic minorities and discrimination in Europe⁵, conducted through interviews to the most representative communities in each country, shows a high level of ethnic discrimination throughout Europe. The research confirms that many victims do not report the cases of discrimination, harassment and aggressions they experience, and therefore statistics and official monitoring are characterised by a significant under estimation. In Italy the research covers citizens from Romania, Albania and North Africa and its results indicate that 94% of citizens from North Africa think that ethnic discrimination is widespread in the

¹ Pittau, F., Ricci, A., Silj, A. (eds), *Romania. Immigrazione e lavoro in Italia. Statistiche, problemi e prospettive* (Rome: Idos, 2008).

² UNHCR, *Asylum levels and trends in industrialized countries – 2008* (n.p., March 2009).

³ National Commission on Asylum, data contained in the website of the Italian Council for Refugees (CIR), available at: <http://www.cir.onlus.org> accessed 01 June 2009.

⁴ Ministero dell'Interno, *1° Rapporto sugli Immigrati in Italia* (Rome: Ministry of Interior, 2007), p. 68.

⁵ FRA, *EU MIDIS at a glance – European Union Minorities and Discrimination Survey* (Vienna: FRA, 2009) and FRA, *Data in Focus Report 1 - The Roma* (Vienna: FRA, 2009).

country (the percentage of Romanian citizens is 77% and of Albanians 76%). A survey at European level by Demos, Polis and Pragma portrays a country characterised by fear and insecurity, where the presence of foreign citizens is considered as alarming: one Italian out of two considers foreign citizens as a threat to security and public order, 35% think that they are dangerous for Italian culture, identity and religion⁶.

Also in 2008, the two groups that mostly faced racism and discrimination were Romanian Roma and Sinti populations, following a trend that already in 2007 had a social and political impact in different fields. As it will be shown more in detail in the following chapters, the Roma and Sinti population became the target of a racist wave that have become particularly intense after the Ponticelli episodes and the racist attacks to the Roma camps in the outskirts of Naples by residents of the neighbouring areas.

The ISPO research carried out at the beginning of 2008, on the occasion of the European Conference on Roma and Sinti organised by the Italian government, reveals the distorted image that Italians have of Roma people (35% of Italians overestimate their presence up to two million and 47% have a negative/hostile image of Roma, while 84% think that they are a nomadic people)⁷. On the other hand, some representatives of Roma people report a strong anti-Roma feeling which is deep-rooted in Italian society.

In general, the dramatic condition of Roma and Sinti in Italy is reported by many studies at European level, commissioned by associations and NGOs or by institutional organisations. Human Rights First underlines that Italy is the country with the highest number of accidents and episodes of harassment between 2007 and 2008, encouraged by political leaders and mass media⁸.

Also the comments by ERRC (European Roma Rights Center), COHRE (Centre on Housing Rights and Evictions), OsservAzione and Sucar Drom to UNCERD (United Nations Committee on the Elimination of Racial Discrimination) describe with serious concern the Italian case, analysed also by the High Commissioner of the United Nation, Hammamberg⁹.

In line with a trend which started in 2007, with the accession of Romania to the European Union, Romanian citizens are also a target of many racist attacks, as described in chapter V. In 2008, foreign women are still one of the most

⁶Diamanti, I. 2008, 'La penisola della paura dove la tolleranza fa perdere consensi', *La Repubblica*, 6 October.

⁷ ISPO, Arrigoni, P. (eds) *Italiani, rom e sinti a confronto - Una ricerca quali-quantitativa*, European Conference Roma population, Rome 22nd and 23rd January 2008.

⁸ Human Rights First, *Violence against Roma. 2008 Hate Crime Survey* (New York: Human Rights First, 2008).

⁹ European Roma Rights Centre, Centre on Housing Rights and Evictions, OsservAzione, Sucar Drom (2008) *Written comments concerning Italy for consideration by the United Nations Committee on the Elimination of Racial Discrimination at its 72nd session*, available at: <http://www.errc.org/db/02/9B/m0000029B.pdf> accessed 01 June 2009; Commissioner for Human Rights of the Council of Europe, *Memorandum*, (Strasbourg: Council of Europe, 28 July 2008).

vulnerable groups. Female workers experience harsher working conditions with average salaries which are lower than those of Italian workers and of male workers¹⁰. Also many female migrant associations, providing information and guidance to migrant women, report that one of the few possible activities for female migrants is domestic or care work. Furthermore, these activities do not provide any sort of right or guarantee to women.

It is very difficult to estimate the number of migrant minors and some studies show that unaccompanied minors, live in dramatic conditions and without any protection. The second report by ANCI (National Association Italian Municipalities) on unaccompanied minors of foreign origin¹¹ indicates that every year the number of minors reported to the Committee for Migrant Minors is equal to 7 000 and only some of them is actually identified. The largest groups are formed of Moroccan, Albanian and Romanian minors, with a significant rise in the arrival of boys and girls from Rumania in the last three years. New alarming data concern arrivals of minors from countries that are not among the most represented in Italy, such as Afghanistan, Egypt and Palestinian territories¹².

2008 is characterised by widespread anti-Semitism, with cases of harassment on walls and graffiti, usually by political groups. The significant anti-Semitism is confirmed by the results of significant surveys such as the last one by ISPO: the result shows that 32% of Italians consider Jews “not pleasant at all or just a little pleasant”, while 23% of Italians believe that Jews “do not really feel Italian”¹³. The OSCE ODHIR report on racist crimes indicates that 54 Semitic attacks were reported to the police in 2007¹⁴.

Throughout the year, episodes of racism towards Muslim citizens occurred and Muslims were a target of different forms of hostility, in particular towards mosques, through acts of vandalism and violent attacks¹⁵. Cases of Islamophobia occurred in 2007 and have also been reported in the OSCE ODHIR report¹⁶.

¹⁰ INPS, *Un fenomeno complesso: il lavoro femminile immigrato* (Rome: INPS, 2008); available at: http://www.inps.it/news/Il_lavoro_femminile_immigrato.pdf, accessed 12 September 2008.

¹¹ Giovannetti, M., *Secondo rapporto ANCI sui minori stranieri non accompagnati*, (Roma: n.p.,2008). See also Ires, Cgil, *I lavori minorili in Italia. I casi di Milano, Roma e Napoli* (Rome: IRES, 2005).

¹² See also: Save the children, Provincia di Roma, Ministero della Giustizia, *Opportunità e sfide per l'intervento sociale rivolto a minori migranti*, available at: http://www.savethechildren.it/2003/download/pubblicazioni/rapporto_mai.pdf accessed 01 June 2009.

¹³ ISPO, *Italiani, rom e sinti a confronto, una ricerca quali- quantitativa*, European Conference on Roma Population, Rome 23rd January 2008.

¹⁴ OSCE ODHIR, *Hate crimes in the OSCE region – Incidents and responses. Annual Report for 2007*(Warsaw: October, 2008), p.70.

¹⁵ 'La moschea al centro sociale di Varago', *La Tribuna di Treviso*, 1 February 2008; 'Milano, tubi esplosivi contro centro islamico', *La repubblica*, 4 February 2008; "Razzismo e islamofobia. A Battipaglia contro la moschea una bomba carta, ferito un giovane", *Il dialogo*, 5 February 2009; 'Treviso. Scritte anti-Islam in occasione del Ramadan', 5 September 2008, <http://www.stranieriinitalia.it/s.o.s. razzismo-treviso-scritte-anti-islam-in-occasione-del-ramadan-5573.html> accessed 20 May 2009.

¹⁶ OSCE ODHIR, *Hate crimes in the OSCE region – Incidents and responses. Annual Report for 2007*, Op. Cit.

Before concluding this chapter, it is worth reminding that among the victims of migration there are those who risk their lives and die in the attempt to reach Italy, in the channel of Sicily, leaving especially from Libia, Tunisia and Egypt, hidden inside trucks or ship's holds.

The number of migrants intercepted by police forces in the channel of Sicily has passed from 19 000 in 2006 to 20 450 in 2007 and rose to 36 900 in 2008¹⁷. In line with the rise in the number of arrivals, there is an increase also in the number of victims in the channel of Sicily. Among the documented victims that died are migrants from Lybia, Tunisia, Malta and Sicily who have passed from 302 in 2006 to 556 in 2007 and to 642 in 2008¹⁸.

¹⁷ <http://fortresseurope.blogspot.com/2006/01/fortezza-europa-1502-migranti-e.html>, accessed 1 June 2009.

¹⁸ Ibidem.

V. Manifestations of racism and religious discrimination

V.i Employment

Also this year, employment is the sector with the highest number of episodes of discrimination.

In all the cases reported to UNAR (National Office Against Racial Discrimination) Contact Centre in 2007, 23.8% concern the area of employment. In more detail, 32.2 % are about working conditions, 28.8% about conflicts at work, 22% about access to work, 8.5% concern colleagues, 5.1% dismissal conditions, 3.4% salary. The partial data for 2008 have confirmed this trend, as 23.5% of discrimination reports concern employment¹⁹.

In the employment sector, discrimination takes different forms. For instance, there is a wide tendency to an “ethnicization” of the job market (certain professions are believed more suited to specific national groups)²⁰, verbal violence is very common and in some cases it evolves into to physical violence, migrant workers are frequently and widely confined to the most dangerous, harsh and underpaid jobs²¹. The number of casualties among workers of foreign origin, has increased by 8.7% this year in comparison to last year, which is a clear sign of this increasing trend²². Interestingly, this data reflects an opposite trend to the data on Italian workers, among which the situation is still alarming but work casualties have actually decreased (by 3.4% in the last year).

The report by INPS (National Institute of Social Security)²³ confirms the difference in salary between workers of different nationalities, also shading light on gender differences. The results of INPS' study show that the average yearly salary for subordinate workers from countries outside the EU (not autonomous) is 11 537 € while for Italians the average is 18 132 € (36% more). The salary gap gets wider if one looks at the average salary of women from non EU Countries: the average salary of female workers is 58% of that of men, so their average monthly salary is 595 € while for men is 1014 €. The INPS researcher explain these wide gaps in terms of the many factors of disadvantages of female work such as employment

¹⁹ See UNAR, *Un anno di attività contro la discriminazione razziale. Rapporto 2007* (Rome: UNAR, 2008) and UNAR, *Dati provvisori riferiti al periodo 1/12/2007-15/07/2008*. Data available on demand.

²⁰ For instance, almost 69% of Filipino citizens in Italy is employed in the field of domestic and care work (about 88% of Filipino women), 78% of Albanian menis employed in the industrial sector and in particular in the building sector. See Ministero dell'Interno, *Primo rapporto sugli immigrati in Italia*, (Rome: Ministero dell'Interno, 2008). See also Ismu – Osservatorio Regionale per l'intergrazione e la multiethnicità, *L'etnicizzazione del mercato del lavoro lombardo*, (Milan: Ismu, 2008).

²¹ As highlighted by the Ministry of Interior, another characteristic of migrant workers is that of being employed in low skilled jobs, even if their educational level is practically equal to that of Italian citizens. See Ministero dell'Interno, *Primo rapporto sugli immigrati in Italia*, op.cit.

²² INAIL, *Rapporto annuale sull'andamento infortunistico 2007* (Rome: Inail, 2008), available at: <http://www.inail.it/>, accessed 28 July 2008.

²³ INPS, *Un fenomeno complesso: il lavoro femminile immigrato* (Rome: INPS, 2008); available at: http://www.inps.it/news/Il_lavoro_femminile_immigrato.pdf, accessed 12 September 2008.

in sectors that have usually poor mechanisms of protection (domestic work and care), employment in the black market and limited working time (often part time and not out of choice).

Discrimination is also marked in the health sector; as third country nationals working as nurses receive a salary 20-40% lower than their Italian colleagues²⁴. This is because they are not employed by the National Health Service but rather by cooperatives because Italian law does not allow the employment of third country nationals in the public sector. Also in 2008, there have been many court decisions that have considered this provision discriminatory and have decided to allow the participation of third country nationals to public competitions²⁵; however the jurisprudence is not clear and straightforward on this issue, thus for each single instance foreign citizens have to apply individually to court, hoping to get an acknowledgment of their rights.

CNEL (National Council of Economy and Employment) stated in a recent study that the work situation of citizens of migrant origin is very difficult in this time of crisis for two main reasons: firstly, because many of them work in small firms with flexible working conditions and secondly because the demand for work in the care sector is decreasing because of the gradual decrease in the income of retired people²⁶. CNEL also reports the under-occupation of migrant citizens due to the lack of more appropriate opportunities, many workers actually work for less hours than they would like to or would be available to work²⁷.

A study of the research institute Eures investigated the negative experiences of migrants in the work place, showing worrying data²⁸. At least 77.2% of interviewees had negative experiences in the employment sector, but researchers point out that this result is underestimated for the unavoidable mechanisms of self-censorship. 28.8% received a salary lower than what had been established, 26.7% had to pay contributions by themselves, while 20% of interviewees reported actual cases of discrimination, 8.5% reported threats and menaces, and 2.2% harassment and violence.

In 2008, the Italian section of the international NGO Médecins sans Frontières published a new study on the work and living conditions of seasonal workers in the regions of Southern Italy²⁹. Three years after a report on the same issue was published, the researchers of MSF noticed with bitterness that nothing had

²⁴ Giorgi, C., 'Inchiesta: trasfusione da Sud', *Cammini di giustizia*, February 2008, available at: www.popoli.it

²⁵ See for instance, Court of Justice of Milan - I Civil Section, Ordinance no. 2380/08 R.G.; Court of Justice of Milan – Employment section, Sentence no. 2454/08 RG; Court of Justice of Genoa, Ordinance no. 3749/2008.

²⁶ Cnel, *Gli immigrati nel mercato del lavoro italiano* (Rome: Cnel, 2008).

²⁷ They have an underemployment rate of 7.7%, against a rate for Italians of 2.8%, and they often undertake non-standard working hours (evening work, night work, holiday work etc.).

²⁸ Eures, *Lavoro, diritti e integrazione degli immigrati in Italia* (Rome: Eures, 2008).

²⁹ MSF, *Una stagione all'inferno*, (Rome: MSF, 2008)

changed³⁰. The research, based on 600 interviews, showed that 90% of interviewees had no work contract although they were legally staying in Italy (68% of those who have a resident permit have a job in the black market). The working day is of 8/10 hours for a salary that in half of the cases is between 26 and 40 € per day, while for one third of the workers is not more than 25 €. The researchers state that 'seasonal workers are often exploited: they receive a low pay, work under the pressure of "mediators" or employers, do not have any protection from the trade unions and their working conditions do not comply with the measures of security and prevention indicated by law.'

In 2008, Fillea CGIL (Federation of workers of wood, construction and similar) organised a training course called 'Multi ethnic trade union' for officials and high ranking officials of trade unions either Italians or belonging to ethnic minorities. It is the first experience in Italy and is organised by one of the branches of one of the largest Italian trade unions³¹.

V.ii Housing

The housing situation of migrants in Italy has been at the centre of public attention for several years, since housing is a widely discussed issue at national level, especially with regard to the weakest groups of the population. It is not a coincidence that cases of discrimination in the housing sector are the most common, after those in the employment sector, reaching 16.2% of the calls of UNAR Contact Centre. 57.1 % of these calls pertain to tension with neighbours, 9.5% concern low rent public houses, 7.3% rented houses and 7.1% estate agents³².

The NGO CIDIS conducted a research on the housing difficulties of migrants in two Italian regions³³, pointing to stereotypes and lack of trust as the main obstacles faced by migrants in the access to respectful housing. In fact, the research shows that the house owners judge migrants in negative terms in many aspects: as poorly reliable in the management of a house, with bad relationships with neighbours and at risk of not paying rent. All these prejudices hinder significantly their access to housing.

As for the perception of foreign citizens of being victims of discrimination in the access to housing, another research conducted by Cidis shows that most migrants believe that the worst houses in poor conditions are offered only to foreigners and the rent usually demanded to them is higher than the rent paid by

³⁰ The previous report was: MSF, *I frutti dell'ipocrisia* (Rome: Sinnos, 2005).

³¹ <http://www.filleacgil.it/DOCUMENTI/PFNmultiethnico28gen08.htm>, accessed 12 April 2009.

³² UNAR, *Un anno di attività contro la discriminazione razziale. Rapporto 2007*, op.cit. For the first six months of 2008, the percentage is lower (12.9%), see UNAR, *Dati provvisori riferiti al periodo 1/12/2007-15/07/2008*, op. Cit.

³³ Cidis, *In casa d'altri. Indagine sul disagio abitativo degli immigrati in Umbria e Campania*, (n.p.: n.p.,2008).

Italians³⁴. Furthermore, 53.6% of interviewees consider that there is great distrust towards them and to gain some trust they need references from Italian citizens.

The Italian section of Médecins sans Frontières, in its study on seasonal workers, describe their desperate housing conditions, referring to 'millions of migrants, staying in emergency accommodation, countryside ruins and disused factories, falling buildings without any fundamental service (water, light, bathrooms), houses without doors and windows, with hazardous or partially destroyed load bearing walls and ceilings'³⁵. The interviews conducted by MSF researchers show that 65% of seasonal workers live in abandoned buildings, 20% in rented houses (flats or rooms), 10% in tents. In the village of Alcamo, in Sicily, 5% are even forced to sleep in the street for the lack of alternative accommodations. A further problem is given by the overcrowding of the houses of these workers: more than 50% of the interviewees share the accommodation with four or more people, 53% of them sleep on the floor on cardboard or on a mattress. The houses lack essential services: 62% of interviewees do not have a toilet in the place where they live, 64% do not have access to running water, 69% do not have electricity, 92% have no heating.

According to a research commissioned by the Ministry of Interior, in Rome there are situations of ethnic residential segregation, which means that there is a tendency for migrants living in the capital to create areas of residential concentration according to their nationality³⁶. Furthermore the dislocation of different national groups in the urban spaces follows a specific ethnic, social and economic structure. Despite this, the research stresses that this phenomenon is still limited, since on the one hand 45.5% of migrants in Rome live in areas where people of the same nationality are over-represented, on the other, 84.3% of the inhabitants of these areas are Italians.

Some significant cases of discrimination in access to housing are for example the case of a Romanian university student, who, in her search for a room to rent, has been refused by many landlords as soon as they found out her nationality³⁷; another one is the case of a young couple with a child (the woman is Italian and the man from Cape Verde), who found hard to rent a room for the holidays in a sea resort, because the owner did not want black people in her hotel³⁸. It is also worth to mention the many forced evictions in the weeks immediately after the episodes of Ponticelli and the protests of groups of citizens against the presence of Roma caps in their neighbourhoods³⁹.

³⁴ Cidis, *Sotto la soglia. Indagine conoscitiva sul disagio abitativo degli immigrati presenti in Italia meridionale*, available at: http://www.autocostruzione.net/pdf/ricerca/1_Rapporto_finale.pdf, accessed 5 April 2009.

³⁵ MSF, *Una stagione all'inferno* (Rome: MSF, 2008).

³⁶ Pisati, M. 'Immigrazione straniera e segregazione residenziale: il caso di Roma', in: Ministero dell'Interno, *Primo rapporto sugli immigrati in Italia* (Rome: Ministero dell'Interno, 2008).

³⁷ 'Nessuno mi affitta una stanza perché romena', <http://quotidianonet.ilsole24ore.com/2008/11/11/131778-nessuno-affitta-stanza-perche-romena.shtml>, 11 November 2008.

³⁸ Tasselli, A. 2008, 'Affitta la camera ma poi lo caccia perché nero', *Metropoli*, 18 September.

³⁹ See Cospe, *Violent Attacks Against the Roma in the Ponticelli District of Naples, Italy* (Vienna: FRA, 2008).

The Veneto region published a call for the concession of grants in the housing sector, for supporting citizens who have a mortgage and cannot pay instalments and for buying or restructuring their house.

While the grant aiming for support with the payment of the mortgage is also open to foreign citizens (who have been residing in Veneto for at least five years), the second part of the call is only open to Italian citizens, representing in this way a clear direct discrimination⁴⁰.

'Le Città sottili' is a project by Pisa town council and by the Local Health Unit promoting the independence of Roma and Sinti in different sectors, through supporting activities. With regards to the access to housing, the project has inserted 47 Roma families in low rent public houses, it has allowed 25 families to buy their flats providing support in the mortgage claim and has allowed 240 families to have access to rent through contracts guaranteed by social cooperatives⁴¹.

V.iii Education

The significant presence of students of different ethnic origin in the Italian classes is highlighted also for 2008 by the data of the Ministry of Education: students who do not have Italian citizenship are 6.4% of the scholastic population and 16% of them come from Romania⁴². 19% of the students attend nursery schools, almost 38% primary schools, 22% lower secondary schools and 20% upper secondary schools. For the first time the Ministry presented the data on foreign students born in Italy, the so called 'second generations', that is 35% of the non-Italian students and data on Roma and Sinti students (12 342, half of which in the primary school). Data on the school delay of non-Italian students⁴³ are quite alarming. On average, 42.5% of students of foreign origin has one or more years of delay, but the percentage rises dramatically with the increase in the age of the students: from 15 onwards (corresponding to upper secondary school) the percentage is over 70% and it reaches 81.9% at 18 years. The reasons can be different, ranging from the low level of Italian language - that has a negative impact on the results of students to the decisions of the schools that often insert the new non-Italian students in classes not corresponding to their anagraphical age.

⁴⁰ Cozzarini, E., 'Veneto, contributi per acquisto prima casa negati agli stranieri', <http://temi.repubblica.it/metropoli-online/veneto-contributi-per-acquisto-prima-casa-negati-agli-stranieri/> accessed 21 November 2008.

⁴¹ <http://www.anci.it/index.cfm?layout=dettaglio&IdSez=9503&IdDett=13070> , accessed 10 April 2009.

⁴² Ministero dell'Istruzione, Università e Ricerca, *Gli alunni stranieri nel sistema scolastico italiano*. A.S. 2007/08 (Rome: MIUR, 2008), available at: <http://www.pubblica.istruzione.it>.

⁴³ In other words attending a course of study inferior to that corresponding to their age.

A research by Censis⁴⁴ shows that the approach of Italian schools to migration is “voluntaristic” and unstructured. This means that good practices and the welcoming of the newly arrived students are left to the good will and intentions of the individual teacher or of the specific school. The provisions on the insertion of non-Italian pupils, that is also quite well developed in Italy, sometimes is not respected: in 15% of the cases, students are not inserted in the class corresponding to their anagraphic age, in 30% the maximum number of foreign students per class is not respected and in 15% the applications are not accepted throughout the whole school year. The teachers highlight the problem of the lack of support by experts/ mediators and the absence of support by local or national institutions in the integration of students of foreign origin.

The UNAR data on 2007 show that the percentage of incidents in the education sector is only 5.7% and only 4% have taken place in the first part of 2008⁴⁵. However, the limited number of cases of discrimination in the educational sector reported to UNAR Contact centre is misleading in relation to the many obstacles that students of foreign origin have to face every day in the Italian schools and that teachers, educators and also students themselves witness. A research conducted by the British Council in nine different European countries on pupils between 13 and 17 years, shows that colour of the skin, physical appearance, language, disability (when existing) and country of origin are the main reasons for which students are bullied. The first generation of students of foreign origin are the main targets of their class mates for their origin, physical appearance, language competence. The research highlighted that up to 24% of students of ethnic minority origin stated to have been victim of bullying for this reason in the last three months⁴⁶.

Another study on the parents of students of foreign origin⁴⁷ has shown that 15.1% say that their son/daughter has been victim of verbal harassment at school, 3.9% of physical harassment, 7.1% of religious discrimination while 13.5% has been isolated by the class mates.

A serious episode of bullying associated to racial discrimination has taken place in Pescara, where a boy of venezuelan origin was harassed with an iron bar by one of his schoolmates, who had harassed him all year round for the colour of his skin. The aggressor was arrested, while the victim had many wounds⁴⁸. In a primary school of Milan a teacher said a strong racist insult to a black child that

⁴⁴ Censis, *Vissuti ed esiti della scolarizzazione dei minori di origine immigrata in Italia*, (Rome: Censis, 2008).

⁴⁵ See UNAR, *Un anno di attività contro la discriminazione razziale. Rapporto 2007*, op.cit., and UNAR, *Dati provvisori riferiti al periodo 1/12/2007-15/07/2008*, op. Cit.

⁴⁶ British council, *Inclusion and diversity in education. European school study* (London: British Council, 2008).

⁴⁷ Censis, *Vissuti ed esiti della scolarizzazione dei minori di origine immigrata in Italia*, (Rome: Censis, 2008).

⁴⁸ 'Prese a sprangate il compagno di classe. Arrestato a Pescara il bullo "razzista", http://www.corriere.it/cronache/08_gennaio_22/pescara_arrestato_bullo_9f2caca0-c8e5-11dc-8074-0003ba99c667.shtml , accessed 15 April 2009.

had been adopted by an Italian family, inviting his mother to 'take him back to the jungle'. The teacher has been neither dismissed nor suspended⁴⁹.

At the end of the year the parliament approved a motion that raised bitter controversies asking 'the government to review the system of access of foreign students to school, making their access subject to a test and specific exams.' The students that do not pass the exams will be inserted in 'bridging classes [...] meant to promote the access of non-Italian students in the permanent classes'⁵⁰. Furthermore, the insertion of students of foreign origin will not be allowed beyond 31st December of each year and their distribution in the classes should be in relation to the total number of students. The main opposition party has defined the proposal 'abject' and aimed at introducing a very serious form of discrimination in the school⁵¹.

'Intercultura' is a project by ISMU Foundation aimed at promoting the process of inclusion of young generations of minority ethnic origin and their families in the social texture, through a relationship with the school and the local context. The project aims to offer equal opportunities to boys and girls of minority ethnic origin through activities of mutual acquaintance and meetings between Italian students and students of foreign origin through the support of associations active in the areas where the project is developed⁵².

V.iv Health

The main data on discrimination in health assistance are taken, as every year, from the UNAR report. Also in 2007 there were few cases in this area (0.8% of the total)⁵³ and the data in the first half of 2008 confirmed this trend (only seven cases, that is 2% of the total)⁵⁴.

On the other hand, studies and research conducted by many associations that in Italy work for the access to healthcare for migrant citizens, underline the lack of information that hinders the access to services. The study by the Italian section of Médecins sans Frontières on seasonal workers, mentioned above, has highlighted the difficulties of these workers in the access to the national health service. Although they have the right to health service, regardless of whether

⁴⁹ Sacchi, A. 2008, ' "Torna nella giungla". Razzismo a scuola', http://www.corriere.it/vivimilano/cronache/articoli/2008/10_Ottobre/03/insulto_razzista_scuola_milano_inseg_nante_torna_giungla.shtml, 3 October.

⁵⁰ Act of the Chamber of Deputies, Motion 1-00033, presented by Roberto Cota.

⁵¹ Benedetti, G., 'Si alle classi separate per stranieri', http://www.corriere.it/cronache/08_ottobre_15/stranieri_classi_separate_benedetti_792ff016-9a7c-11dd-8bde-00144f02aabc.shtml, accessed 15 October 2008.

⁵² http://www.ismu.org/ISMU_new/index.php?page=474#, accessed 15 April 2009.

⁵³ UNAR, *Un anno di attività contro la discriminazione razziale. Rapporto 2007* (Rome: UNAR, 2008).

⁵⁴ UNAR, *Dati provvisori riferiti al periodo 1/12/2007-15/07/2008*.

they have a residence permit or not, 71% of workers do not have a health card: among the workers without a regular permit to stay, 73% do not have a STP card (Temporary Present Foreigner)⁵⁵. The living and working conditions of these people are unbearable: as a matter of fact 73% have contracted a disease in Italy, that in the majority of cases is a osteo-muscular pathology, respiratory or dermatological pathology. This data refers to what in literature is called the effect “healthy migrant”, that is young people that arrive in Italy in a healthy status but soon have to face diseases that often reach a chronic status because of the difficult working conditions they live in.

Another research analysed the health conditions of Roma women in some camps in Rome⁵⁶. The cases of discrimination do not seem quite significant (4% of the interviewees), while bigger problems are connected to lack of information. In fact, 70% of the women interviewed have no access to any medical assistance and only 11% are registered in the National Health Service.

A significant health issue concerning a number of women and young girls of foreign origin is female genital mutilation (FGM). The Ministry of Health has published a decree containing guidelines for health officials and staff working with migrant citizens. The guidelines are meant to provide better assistance and support to women who have undergone FGM⁵⁷. Although the indications on this issue are not very clear, the guidelines also intend to promote the prevention of the practice in Italy and during the trips to the countries of origin for children living in Italy.

Fortunately, the episodes of racism in the health sector are not too common; nevertheless it is worth to report some very serious episodes that took place throughout the year. A roma girl, who went to a hospital in Pisa to give birth, was literally ‘chased away’ by the other women hospitalised, as they did not want to share a room with a Roma. The hospital staff had to find another room for the woman⁵⁸. A girl of Ghanian origin, hospitalised for an abortion, was reported to the police as ‘irregular migrant’ and received an expulsion order. This represents a serious violation of her rights considering that for the current Italian law, migrants without a stay permit can have access to health assistance without running the risk of being reported to the police by the health staff⁵⁹.

At the end of 2008, a number of associations working in defence of migrants showed their concern for a bill presented by the Northern League party aimed at modifying art.35 of the Consolidated Text on immigration. The text provides for

⁵⁵ STP (*Straniero Temporaneamente Presente*) is a card that allows foreign citizens without a regular stay permit to obtain free health services.

⁵⁶ Save the Children, *Studio sulla salute materno infantile nelle comunità rom. Il caso di Roma*, (Rome: Save the Children, 2008) available at: http://www.savethechildren.it/2003/download/Pubblicazioni/Save_rapporto_mamme_rom.pdf, accessed 25 September 2008.

⁵⁷ Ministry of Health, *Decree of 17th December 2007*.

⁵⁸ Virgole, C. 2008 ‘Cacciata dalla corsia la mamma rom’, *Il Tirreno – Pisa*, 30 May, p. VI.

⁵⁹ ‘Treviso, ragazza irregolare arrestata dopo aborto’, <http://temi.repubblica.it/metropoli-online/treviso-ragazza-irregolare-arrestata-dopo-aborto/?h=1>, 12 September 2008.

the elimination of the absence of charge for urgent health services requested by migrants without income and not registered in the National Health Service. Moreover, it obliges the health authorities to notify the police forces foreign citizens without an official stay permit. The associations denounce the serious violation of the right to health and are concerned about the further marginalization of irregular migrants, who can be 'an easy field of interest and profit in relation to their difficult situation'⁶⁰.

'Health without exclusion' is a campaign aiming at improving access to health services and promoting health education with the Roma and Sinti population living in camps in Rome. The main objective is to take the health institutions closer to Roma and Sinti living in camps. Through a specific activity of mentorship for the correct use of health services and training of social and health officials⁶¹.

V.v Policing and racial profiling

As underlined in the previous Shadow Reports, in Italy there are no data on 'racial profiling' nor studies with estimates of the phenomenon are available. Although these episodes become more and more frequent, abuses by the police forces are assimilated to racist violence and are not studied as self sufficient specific phenomenon standing .

The only data available are provided by UNAR, that for 2007 has noticed a sharp decrease in the cases of discrimination involving police forces in comparison with the previous year (5.7% of episodes compared to 10.6% of 2006)⁶². On the other hand, the partial data for the first half of 2008 show a strong increase in the number of cases, by 8.6% in the total number of episodes surveyed by the office⁶³. The calls and cases reported to the offices concern especially verbal violence, selective controls and also physical harassment. UNAR describes two cases more in depth, one of a citizen from Cameroon subject to the 'special attentions' of the airport police and a police check in a Roma camp, during which the agents have taken photographs of all the houses and residents of the camp (including children) holding a sign with their details.

The Minister of Interior published very significant data concerning the first months of work of 'mixed patrol' (police and different branches of the Army). Between the 4th of August and the 28th of September 2008, over 52 000 people were stopped and identified, among which 14 221, more than 25%, were foreigners. In Rome

⁶⁰ Asgi, *L'Asgi denuncia il rischio di gravissime conseguenze sulla salute dei migranti e della collettività*, Press Release, 17 October 2008 and SIMM, *Ritirare l'emendamento che modifica l'art. 35 del T.U.*, Press Release, 20 October 2008. See also Polchi, Vladimiro 2008 'Lega: niente più assistenza medica ai clandestini', <http://temi.repubblica.it/metropoli-online/la-lega-niente-piu-assistenza-medica-ai-clandestini/> , 20 October.

⁶¹ <http://www.caritasroma.it/Prima%20pagina/RapportoGRIS/testo%20campagna.pdf>, accessed 14 April 2009.

⁶² UNAR, *Un anno di attività contro la discriminazione razziale. Rapporto 2007* (Rome: UNAR, 2008).

⁶³ UNAR, *Dati provvisori riferiti al periodo 1/12/2007-15/07/2008*.

the percentage reached 61%, in Milan 56.5%, in Padua 65% and Verona 49.9%. The lack of balance in the checks is evident, if one considers that one Italian every 1 550 has been checked and one foreign person for every 300⁶⁴.

Once again, the most serious cases of 'racial profiling' and abuses by the police forces occur in the Roma camps. In the days immediately following the Ponticelli case, the police intensified the checks of Roma people in different parts of the country. During a night raid in one of the main camps of Rome, the police checked the documents and biographical details of around 700 people, arresting 50 of them for the lack of identity papers⁶⁵. The forced evictions, the destruction of properties and documents, the physical and psychological violence in the camps are well documented in the reports drafted by the main organisations for human rights⁶⁶.

A dramatic and emblematic episode took place in Bussolengo, near Verona, where three Roma Italian families were taken away from a parking lot where they were temporarily stopped and forced to go to the police station, and had to undergo terrible violence for over six hours. In addition to beating and offending the adults, the Carabinieri, hammered away at the children: a child was beaten losing three teeth, another one was kept for a long time with his head under the water. The episode was reported by an association that subsequently supported the families in reporting to the judicial authority⁶⁷.

During the year, there have been at least two cases of racial profiling that have caught the attention of the public because of their echo on the national media. In Milan, selective controls have been conducted on public buses by agents of the municipal police and employees of the agency in charge of public transport in the city, checking merely on foreign passengers. These checks have led to the identification of 33 immigrant citizens without stay permit, who have received, as a consequence, an order of expulsion.

In Parma, a boy of Ghanian origin, going out of school was beaten up by the municipal police, since he had been mistaken for a pusher. The boy was chased, hit and taken to the police station where he was heavily offended with racist insults. It is enough to mention that the envelope with the verbal of the police questioning had his name and after the word 'nigger'. The boy reported the event

⁶⁴ Righetti, Chiara 2008 'Controlli, a Roma e Milano oltre il 50% è sugli stranieri', <http://temi.repubblica.it/metropoli-online/controlli-a-roma-e-milano-oltre-il-50-e-sugli-stranieri/>, 5 June.

⁶⁵ Paolocci, T. 2008 'Roma, esplode la rabbia dei residenti nei quartieri assediati dai furti', *Il Giornale*, 16 May, p. 6.

⁶⁶ Open Society Institute, Centre on Housing Rights and Evictions, European Roma Rights Centre, Romani Criss, Roma Civic Alliance in Romania, *Security a la italiana: fingerprinting, extreme violence and harassment of Roma in Italy*, available at : http://www.soros.org/initiatives/brussels/articles_publications/publications/fingerprinting_20080715 accessed 28 May 2009. See also European Roma Rights Centre, Centre on Housing Rights and Evictions, OsservAzione, Sucar Drom, *Written comments concerning Italy for consideration by the United Nations Committee on the Elimination of Racial Discrimination at its 72nd session* (n.p., n.p., 2008), available on: <http://www.errc.org/db/02/9B/m0000029B.pdf> , accessed 20 June 2009.

⁶⁷ 'Bussolengo, picchiati e umiliati dai Carabinieri', <http://sucardrom.blogspot.com/2008/09/bussolengo-vr-picchiati-e-umiliati-dai.html>, accessed 20 June 2009.

and his case is now also followed and brought forward by the National Office Against Racial Discrimination⁶⁸.

In 2007 the NGO Cospe, in cooperation with a group of associations, promoted a project called 'Strategic litigation against racial discrimination'⁶⁹. The main objective of the project was to analyse the national and international regulations and laws on 'racial' and ethnic discrimination in order to identify strategic cases of litigation to undertake in the national context. At the end of the project, a book with guidelines for lawyers, NGOs and victims of discrimination was produced to support them in lawsuits against racism and discrimination⁷⁰.

V.vi Racist violence and crime

In the previous Shadow Report we were delighted to report on an increase in the number of official sources describing the Italian situation concerning racist violence and crime. Unfortunately, for the year 2008 we have to denounce a withdrawal, because important sources of information are missed. Particularly, the Committee against discrimination and anti-Semitism of the Ministry of the Interior, at the moment of this report, they have not yet been convened after the creation of the new Government lead by Berlusconi in May 2008.

New data released by the Ministry of Justice are, on the contrary, available and register in 2007 56 new cases of racist discrimination and 74 ended proceedings, five of which with a verdict of acquittal, six with a sentence of condemnation and 14 with other sentences. In relation to the inquiring offices, 80 new penal proceedings with a known author and 24 with an unknown author have been reported⁷¹.

OSCE reported 148 hate crimes in Italy, of which 42 were due to xenophobia, 54 to anti-Semitism and 52 to racism. The report describes some cases of racist violence, anti-Semitic hate, attacks to mosques and a number of xenophobic statements by members of political parties⁷².

Unofficial data, contained in studies and research carried out by associations and NGOs, continue to be the major source of information to describe the phenomenon of racist violence in Italy.

⁶⁸ 'La denuncia di un giovane ganese Picchiato dai vigili', *Corriere della Sera*, 30 September 2008.

⁶⁹ Cospe, ASGI, ENAR, Cestim. The project has been funded by the National Office Against Racial Discrimination (UNAR). <http://www.cospe.it/italiano/schedaProgetto.php?i=ai&p=1091> accessed 20 April 2009.

⁷⁰ Pirazzi, Marina, Maiorca, Alessandro, Zorzella, Nazzarena and Cerretelli, Sara, *Cause strategiche contro le discriminazioni* (Florence: Cospe, 2008).

⁷¹ Ministero della Giustizia – *Direzione Generale di Statistica, Dati relativi al fenomeno della discriminazione*, updated to 11 September 2008.

⁷² OSCE – ODIHR, *Hate crimes in the OSCE region – Incidents and responses. Annual report for 2007*, available at: http://www.osce.org/documents/odhr/2008/10/33851_en.pdf, accessed 08 October 2008.

The FRA Raxen 2007 report identifies some recurrent topics in the national debate on racism and discrimination, in particular the increase of violence against Roma, the attacks against mosques and Islamic places of worship and discrimination against immigrants of Romanian origin⁷³. Through an analysis of newspapers and websites, the authors drew up a list of 175 episodes between 1st October 2006 and 20th September 2007, among which 27 cases of violence against persons, 75 cases of racist graffiti and propaganda and 40 cases of abuses and threats⁷⁴.

The associations Cospe and Naga carried out at the end of 2008 a monitoring of racist cases in the period between 24th October and 28th November, in order to highlight the size of racism in Italy. From the analysis of cases reported in national and local newspapers and in some websites, emerged 48 cases in only 35 days, a very high number if we consider the short period of time and the fact that the cases reported on the newspapers are really few in comparison to all the episodes that happen. Among those cases, 62% are acts of violence against persons, 21% racist and anti-Semitic publications, graffiti and propaganda and 13% are verbal threats. Amongst the victims, the biggest group is that of migrants (71%), followed by Roma and Sinti (13%) and Jews (6%).

Regarding anti-Semitism, the Observatory on contemporary prejudice against Jews promoted by CDEC, reported for 2008 33 cases of violence, among which 24 cases of anti-Semitic graffiti and a case of physical and verbal violence⁷⁵.

Among the racist acts of violence, the episodes that mainly characterized 2008 are, undoubtedly, those happened in Ponticelli, a district of Naples where in May 2008 a Roma girl was accused of having attempted to kidnap a baby. The episode stirred up a number of serious acts of violence against the Roma population living in the area. Besides the physical and verbal aggressions against Roma or Romanian persons, groups of Italian citizens concentrated around the Roma camps threw Molotov cocktails and set fire to the shacks. All the camps of the area were cleared out by the Police forces and Roma were obliged to leave the camps, without any alternative accommodation. The outcry caused by the case brought many other episodes of violence against Roma and migrants (particularly Romanian people) in other areas of Italy: from the aggressions to Roma children at school to the throw of incendiary bottles towards Roma camps and shops managed by migrants⁷⁶. Some important associations working for

⁷³ These phenomena have been widely illustrated also by the NGO Human Rights First. See Human Rights First, *2008 Hate crimes survey* (New York: Human Rights First, 2008).

⁷⁴ Rivera, Annamaria, Naletto, Grazia, *Racist violence and crime*, in: Cospe, *Raxen annual report 2007*, available at: http://www.cospe.org/uploads/documenti/allegati/italy_data_collection_report_2007_annexes.pdf, accessed 20 May 2009.

⁷⁵ http://www.osservatorioantisemitismo.it/typologie.asp?idtipo=59&idmacro=1&n_macro=&pagina=Episodi&documento=Episodi. Reference period: 09.01.2008 – 18.12.2008.

⁷⁶ For a detailed description of all the events, see Cospe, *Violent Attacks Against the Roma in the Ponticelli District of Naples, Italy* (Vienna: FRA, 2008).

Roma rights in Europe, stressed that in that period racism and xenophobia reached the highest level ever in Italy⁷⁷.

It is also important to highlight the racist statements in public discourse, most of all by Ministries and representatives of some political parties that fuelled a climate of real 'witch hunt' against Roma, trying in some cases also 'to justify' the attacks. During a television programme, the senator of the Northern League Roberto Calderoli affirmed: 'My words may sound racist but it is clear that there are some ethnic groups that have a propensity to work and others to commit crimes. This is not due to DNA; rather it is a predisposition'⁷⁸. What is even more serious is the words of the Ministry for Reforms and leader of that party, Umberto Bossi, that 'absolved' the authors of the violent acts in that way: 'if the State fails to do its duty, people will then do it because after some time, people lose patience and react'⁷⁹. Also the Commissioner for Human Rights of the Council of Europe and the Committee for the Elimination of racial discrimination, criticized severely the support that the manifestations of violence in Ponticelli found in the declarations of some national and local politicians and, more in general, condemned the statements steeped in anti-Roma prejudices, inviting the Italian authorities to intervene for improving the living conditions of this minority⁸⁰.

Besides the events in Ponticelli, in 2008 many other cases of racist violence happened. We only describe those that stirred up the biggest outcry, stressing that this short description does not exhaust the list of serious cases that characterized the year of reference of this report⁸¹.

On 24th May, in a district of Rome with an high number of foreign residents, a group of about 20 masked and armed people destroyed three shops managed by Indian and Bengalese migrants, hurting a customer and shouting racist abuses⁸². A group of 13 right wing extremists hit and insulted an Angolan student in Genoa, in front of several witnesses⁸³. Luckily, the aggressors were immediately identified and denounced.

⁷⁷ Open Society Institute, Centre on Housing Rights and Evictions, European Roma Rights Centre, Romani Criss, Roma Civic Alliance in Romania, *Security a la italiana: fingerprinting, extreme violence and harassment of Roma in Italy*, available at:

http://www.soros.org/initiatives/brussels/articles_publications/publications/fingerprinting_20080715, accessed 28 July 2008.

⁷⁸ Vari, D. 2008 'Quattro anni di carcere per il reato clandestinità Calderoli: etnie criminali', *Liberazione*, 05 June.

⁷⁹ Milani, S. 2008 'Maroni grazia le badanti', *Il Manifesto*, 18 May.

⁸⁰ Memorandum by Thomas Hammarberg Commissioner for Human Rights of the Council of Europe following his visit to Italy on 19-20 June 2008 (Strasbourg: COE, 2008), available at: [https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH\(2008\)18](https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH(2008)18), accessed 12 September 2008; UN CERD, *Consideration of reports submitted by states parties under article 9 of the convention. Concluding observations of the Committee on the Elimination of Racial Discrimination – ITALY*, March 2008, available at: <http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-ITA-CO-15.pdf>, accessed 12 September 2008.

⁸¹ For a short overview see Fiumi, Cesare 2008 'Sporco negro', *Corriere della Sera Magazine*, 19 November.

⁸² Piccozza, C. 2008 'Raid razzista contro gli immigrati pestaggi e negozi distrutti a Roma', *La Repubblica*, 25 May, p. 6.

⁸³ 'Razzismo: 24enne africano picchiato da 13 italiani a Genova', <http://www.agi.it/genova/notizie/200808180731-cro-rt11000-art.html>, accessed 20 September 2008.

During the national meeting of the Northern League party, the deputy mayor of Treviso said insulting phrases against Muslims and their places of worship and against Roma. He is currently under investigation by the Prosecutor's Office of Venice for incitement to racial hatred⁸⁴.

A Chinese citizen was assaulted and hit while he was waiting for the bus in a district of Rome by a group of minors, who also insulted him with racist abuses. The gang was accused of being responsible also of another assault with racist motivation happened in the same district against two Ivorian citizens⁸⁵.

On 14th September, a nineteen-year-old Italian boy whose family comes from Burkina Faso, was chased and killed with bars by the owners of a bar, father and son, who accused him of having stolen biscuits. Notwithstanding they shouted against him racist abuse during the attack, the aggressors were arrested for voluntary murder, but without racist discrimination as aggravating circumstance⁸⁶. This case is an extreme consequence of the climate of hostility against foreigners that characterizes some big Italian cities, and stirred up great indignation in the public.

In Verona, a group of associations created the group 'Nella mia città nessuno è straniero! (In my city, nobody is a foreigner!)', aimed at fighting racism and every form of discrimination in the territory, through training and entertaining activities on human rights topics. Among the activities promoted by the group, there are readings of poetry and literary texts in public places, workshops of creative communication, graphics and photography, workshops on human rights, intercultural parties and cineclubs⁸⁷.

V.vii Access to goods and services in the public and private sector

Discrimination in the access to goods and services relates to a wide range of every day situations; thus they are widespread but difficult to monitor as people often face them but hardly report them.

Once again in order to describe the phenomenon we will rely on the data of UNAR Contact Centre that is actually, the only national service on discrimination available to victims: 10.9 % of UNAR users have reported to have been a victim of discrimination in commercial activities, 10.6% in public services, 6.8% in public transport, 2.3% in financial services. The report highlights that the relation between citizens of foreign origin and public officials is "spoiled" by stereotypes, leading to discriminatory attitudes of the latter. For instance, an employee of a

⁸⁴ La procura di Venezia indaga su Gentilini, <http://tribunatreviso.repubblica.it/dettaglio/articolo/1521850>, accessed 02 October 2008.

⁸⁵ 'Roma, cinese malmenato da un gruppo di ragazzi italiani', <http://www.repubblica.it/2008/10/sezioni/cronaca/roma-aggressione/roma-aggressione/roma-aggressione.html>, accessed 02 October 2008.

⁸⁶ 'Milano, giovane di colore ucciso a sprangate fermati i due aggressori: padre e figlio', *La Repubblica*, 14 September 2008.

⁸⁷ <http://www.nellamiacittanessunoestraniero.it/>, accessed 20 April 2008.

rental service did not rent a vehicle to a Romanian citizen because of his nationality: as a Romanian he is in fact included in the “black list” of customers of the rental shop. A lady of Brazilian origin with physical disabilities was harassed and offended because she used a cash desk for disabled people in a supermarket. Another episode reported is that of a Peruvian boy who was verbally harassed and fined by a bus ticket inspector although he actually had a regular ticket⁸⁸.

In 2008 there were many cases of discrimination in the access to public and private services. In Bologna a 17 years old boy was refused entry to a disco because of his arab features⁸⁹; a barman was sentenced to pay a compensation of 5 000 € to a Senegalese customer to whom he had refused to serve a drink⁹⁰; a boy native of Zambia has been rejected at the entrance of a nightclub because “black”⁹¹, in a bar in Padua, the owner exposed a sign in which he specified that the entrance was forbidden to 'black, irregulars and previous offenders'⁹². An episode which has been particularly debated is the case of a Muslim woman blocked by a watchman of a Venetian museum because she was wearing the Islamic veil that let only the eyes uncovered. Interpreting in a strict way the museum regulation, the watchman invited the woman to remove the veil or leave the museum⁹³.

Citizens of ethnic origin with a bank account are over 14 000 000, although the level of banking integration varies highly in relation to the city of residence and nationality. In Milan 71.3% of migrants have access to banking services while in Rome the percentage goes down to 52.6% and the nationalities who tend to use more bank services is that of people from Ecuador (73.1%) followed by Albanians (67.4%) and Egyptians (62.8%).

V.viii Media, including the internet

As in 2007 with the Reggiani case, also in 2008 a case involving a girl of Roma origin has spurred a very denigratory campaign toward this minority. The main media (especially tv and newspapers) have insistently attacked this group, transmitting the stereotype of the Roma person as violent and 'children's thief'

⁸⁸ UNAR, *Un anno di attività contro la discriminazione razziale. Rapporto 2007* (Rome: UNAR, 2008).

⁸⁹ 'Bologna: somiglia ad un arabo niente discoteca',

<http://www.italiainformazioni.com/giornale/cronaca/italia/10016/bologna-somiglia-arabo-niente-discoteca.htm>, 25 February 2008.

⁹⁰ 'Bevanda negata, barista condannato', <http://www.stranieriinitalia.it/s.o.s. razzismo-bevanda-negata-al-bar-per-il-tribunale-e-discriminazione-5084.html>, 18 July 2008.

⁹¹ "'Tu sei un nero e qui non entri"', *La Stampa*, 2 May 2008.

⁹² 'Vietato l'ingresso ai negri', *Il Mattino Padova*, 21 October 2008, <http://mattinopadova.repubblica.it/dettaglio/articolo/1530299> accessed 14 June 2009.

⁹³ 'Venezia, museo vietato a turista con il velo', *Corriere della Sera*, 21 August 2008, http://www.corriere.it/cronache/08_agosto_26/turista_velo_5b95f7c0-7359-11dd-95d1-00144f02aabc.shtml accessed 14 June 2009.

and fuelling the violent reactions of the public opinion towards them, and also towards Romanians and migrants more widely⁹⁴. In general, migration news continue to be presented especially on the pages of the crime news and focusing on migration as a problem, linked to security issues⁹⁵.

Also The Committee for the Elimination of Racial Discrimination, in its report on the Italian situation, stressed that media had a crucial role in the spreading of stereotypes against the Roma and transmitted the hate campaign initiated by some political parties, especially in occasion of the approval of the so-called 'security package'. The Committee has recommended the Italian government to encourage 'media to have a positive role in combatting prejudice and negative stereotypes' and to 'adopt all necessary measures to combat racism in the media'⁹⁶.

A monitoring study conducted in November 2008 on the cases of discrimination reported by many newspapers⁹⁷, shows that these episodes can be found in particular in the local crime news. In 1/5 of the articles under analysis, the victim of racist violence is described almost exclusively indicating his/her nationality and the country of origin, while this is not the case for the aggressor (only 8% of the cases). Considering the terminology used, it is worth noticing that journalists point out the profession of the aggressor in 25% of the cases, while include that of the victim just in 6% of the cases. The authors of this study underline that 'in some cases [...] the articles tend to stress aspects that insist on the level of integration of victims of foreign origin - for instance their legal presence in our country - or emphasize characteristics that attract the empathy of the reader'⁹⁸.

As for the Internet, in 2008 there have been a number of cases of racist and anti-Semitic messages online. The blog of a candidate of an extreme right party (Fiamma Tricolore) for the local election in Trentino Alto Adige region showed phrases celebrating fascism and nazism and anti-Semitic offences⁹⁹.

On the interactive community Facebook, the group 'Chinese out of Prato' was created in November and in a short time had 1 500 members. The discussion group transmitted violent anti-immigrant messages, including the invitation to

⁹⁴See Open Society Institute, Center on Housing Rights and Evictions, European Roma Rights Centre (ERRC), Romani Criss, Roma Civic Alliance in Romania, *Security a la italiana* (n.p.,n.p.,2008).

⁹⁵ See in particular on the media coverage of the 'Pacts for Security', European Roma Rights Centre (ERRC), Centre on Housing Rights and Evictions (COHRE), Osservazione e Sugar Drom, *Written comments concerning Italy for consideration by the Committee on the Elimination of Racial Discrimination at its 72 session in 2008*, p. 6 and 15.

⁹⁶ UN CERD, *Consideration of reports submitted by states parties under article 9 of the convention. Concluding observations of the Committee on the Elimination of Racial Discrimination – ITALY*, March 2008, available at: <http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-ITA-CO-15.pdf>, accessed 12 September 2008.

⁹⁷ Cospe, Naga, *Razzismi quotidiani. La voce degli stranieri e dei media su razzismo e discriminazione*, (Florence/Milan: Cospe, Naga, 2008).

⁹⁸ Ibid.

⁹⁹ 'Slogan nazisti e fascisti sul blog del candidato della Fiamma Tricolore', http://www.corriere.it/cronache/08_ottobre_03/blog_razzista_46f8c900-9131-11dd-9f28-00144f02aabc.shtml, accessed 3 October 2008.

take all the Chinese people and 'kill them one by one' or put them, together with the Albanians, 'in the same... boiling "pot"'¹⁰⁰.

The 'Charter of Rome' is a code of conduct promoted by the National Council of Journalists' association and National Federation of Italian Press, in collaboration with the UN High Commissioner for Refugees. The Charter sets the professional standards to respect when journalists deal with news on refugees, asylum seekers, victims of trafficking and migrants. It contains furthermore guidelines for journalists to deal with these news in a balanced and accurate way¹⁰¹.

¹⁰⁰ 'Su Facebook il razzismo contro i cinesi di Prato', *Il Tirreno*, 21 November 2008.

¹⁰¹ http://www.fnsi.it/Contenuto/Download/Carta_di_Roma.pdf, accessed 28 April 2009.

VI. Political and legal context

The most relevant political event that weighed in a substantial way also on the condition of migrants in Italy are the political elections, caused by the downfall of the government held by Romano Prodi, in office since 2006. The elections, anticipated by an election campaign based, both from right and left, on the criminalization of foreign citizens and on a growing hostility towards the migrant population as a political investment made to increase the consensus, ended in the victory of Silvio Berlusconi and centre-right wing parties. All the previous legislative initiatives, particularly those related to the new laws on immigration and citizenship were stopped and immigration issues have been tackled from a security point of view, based on expulsions, by blocking new entries and restricting rights.

VI.i Anti discrimination

As we pointed out in the previous chapters, the year 2008 was characterized by a general worsening of data collection on racism and discrimination, particularly if compared to 2007. Neither the Committee against Discrimination and Anti-Semitism nor ISTAT (National Institute of Statistics) have supplied any criminal judicial statistical information.

Besides, Italy has not implemented any of the measures provided for in the Durban Declaration of 2001, and this is noted by CERD in its examination of reports submitted by Italy in March 2008. CERD urges Italy not only to implement the resolutions adopted in the Durban Declaration but also to provide information on Action Plan and measures undertaken in the same field¹⁰².

The most significant event in the anti-discrimination area are the amendments in the transposition of two European directives on discrimination¹⁰³ (2000/43/CE against discrimination based on "race" and ethnic origin and 2000/78/CE against discrimination in the employment sector) following the procedure of a violation in 2007 by the European Union against Italy (and other 13 European countries)¹⁰⁴. The amendments approved in June 2008 concern particularly the missed shift of the burden of proof, the inadequate protection against victimization and the incorrect definition of 'harassment'.

¹⁰² UN CERD, *International Convention on the Elimination of all Forms of Racial Discrimination – Consideration of reports submitted by states parties under article 9 of the convention - Italy*, marzo 2008

¹⁰³ Amendments were published on the Official Gazette no.132, 7/6/08. Legislative decrees that transposed the two European Directives are no. 215/2003 and no. 216/2003.

¹⁰⁴ Infringement procedure no.2005/2358.

Among the sentences issued during the year concerning anti-discrimination, there is a brief description of the most important decisions.

In July the Court of Cassation¹⁰⁵ accepted the complaint of a Romanian citizen against the ordinance of the Court of Appeal of Salerno that denied him a compensation for unjust detention after he had been arrested and released. The Court of Appeal had justified its decree stating that he was a member of a nomadic 'clan' so he was certainly guilty and so the precautionary imprisonment can be considered as justifiable. The Court of Cassation instead stated that, based on the equality principle, it is only fair that the citizen is compensated for unjust detention, if this detention is motivated only by 'his existential condition of being head of the family in a group of nomadic culture'.

With sentence no. 306 of July 2008¹⁰⁶, the Constitutional Court declared the constitutional illegitimacy of some provisions contained in the 2001 Financial Act, in particular of those excluding non-EU citizens without the income requirements of long term residents, from the assignment of social benefits. The specific case concerned an Albanian citizen, in a state of coma after a car accident, with all the requirements to obtain a social benefit, but the long term residence permit; analysing this case the Court stated that the law subordinating welfare provision for a totally disabled to the possession of a job income is completely illogical.

Unfortunately, the Financial Act for 2009¹⁰⁷ contains discriminatory provisions regarding also the lives of migrant citizens. One of those concerns the welfare economical contributions, that could be assigned only to people who live in Italy legally for at least 10 years. Besides, the law also provides that the immigrants asking for an economic support for rent have to be resident in Italy for at least 10 years or in the same region for at least five years.

Laws approved in the Lombardy region were the object of two other decisions. The first, by the Constitutional Court, concerns law no.6/2006 of Lombardy Region, which came into force in 2007: that law provided for strict provisions for call-centres located in the regional territory, mostly owned by foreign citizens. The numerous complaints filed by foreign citizens to the regional administrative court (TAR) lead the Court to give an opinion of constitutional illegitimacy of the entire law and of the articles referred to this specific issue¹⁰⁸.

Another important sentence has been issued by TAR of Lombardy region to stop eight ordinances, making the registration to the municipal registry subordinated to a minimum income. TAR rejected ordinances, issued by eight mayors of the region, for two main reasons. Firstly, a technical reason, as the ordinance is not the appropriate instrument for this subject and secondly, for its content, that is the discriminatory intent of the law¹⁰⁹.

¹⁰⁵ Court of Cassation – Fourth criminal section, *Sentence 18 October 2007 – 7 July 2008 no.27517*.

¹⁰⁶ Constitutional Court, *Sentence no.306/08*.

¹⁰⁷ Law no. 133/2008.

¹⁰⁸ Constitutional Court, *Sentence no. 350 of 22/10/2008*.

¹⁰⁹ Righetti, C. 2008 'Il TAR Lombardia boccia le ordinanze sul modello Cittadella', *Metropoli*, 14 May.

In November the Municipality of Brescia issued a decision providing the concession of a contribution of 1 000 € for each baby born in the municipality, from at least one Italian parent¹¹⁰. From this provision are therefore excluded all the children born from foreign parents. Following the complaint of two couples of parents supported by ASGI, in February 2009 the court of Brescia issued a sentence binding the Municipality to extend the provision to all residents, Italian and foreign citizens, and to postpone the deadline for the presentation of applications, affirming that the decision to exclude foreign citizens from the benefit is a violation of the equal treatment principle¹¹¹.

VI.ii Migration and integration

In 2008, the political and public debate on migration focused on the so-called “security package”. The improvements in immigration policies and the measures sustaining integration¹¹² introduced by the previous government, have been put aside to leave space to a series of restrictive and criminalizing provisions, especially targeting Roma and irregular migrants but also asylum seekers and migrant families.

The ‘security package’ has been proposed by the Ministry of Interior to the Council of Ministers of 21st May 2008; it included a ‘decree law’ subsequently transposed into a law, three ‘legislative decrees’¹¹³, an ordinance by the President of the Council of Ministers providing for the state of emergency in Campania, Lazio and Lombardia and a bill.

After their presentation to the Council of Ministry as a ‘package’, the different measures have continued their passage through the Parliament one by one, with a different time frame depending on the characteristics of each specific measure and on the consensus reached on their content. Notwithstanding the protests of national and European organisations, summarised at the end of this section, at the moment of this report (May 2009), the law decree, the legislative decrees and the ordinance on the state of emergency are in force; the bill is currently under discussion at the Senate¹¹⁴. In order to better understand the implications of the ‘security package’ on the lives and integration of migrants and asylum seekers, it is worth summarizing each measure approved and the bill.

¹¹⁰ Sasso, C. 2008 ‘Brescia, Bonus bebè solo per i figli degli italiani’, *La Repubblica*, 24 November.

¹¹¹ Court of Justice of Brescia, *Sentence R.G. no.198/2009 of 20.02.2009*. Available at: http://www.asgi.it/home_asgi.php?n=documenti&id=328&l=it, accessed 20 February 2009. After the sentence, the Municipality of Brescia withdrew the provision for all citizens and the Court issued another sentence asking the Municipality to put its sentence into practice. Sentence of 12 March 2009, available at: <http://www.meltingpot.org/articolo14186.html>, accessed 12 May 2009..

¹¹² http://www.senato.it/leg/15/BGT/Schede/Ddliter/testi/28836_testi.htm, accessed 12 May 2009.

¹¹³ Decree requiring the approval of Parliament.

¹¹⁴ Acts of the Senate no. 733, <http://www.senato.it/leg/16/BGT/Schede/Ddliter/33217.htm>, accessed 15 June 2009. The bill approved by the Senate on the 5th February 2009 and by the House of Deputies on 14 May 2009, at the end of May it came back to Senate.

Decree law 92/2008, which has been subsequently converted into law¹¹⁵, concerns 'urgent measures in the field of public security'. This law modifies the Italian Penal Code¹¹⁶ providing for the expulsion of foreign citizens (EU citizens included) who have a penal sentence of over two years and for the worsening of sanctions to those who contravene the order of expulsion. Among its prescriptions, the decree foresees a penal sanction for those who rent a house to irregular migrants. It also gives to mayors special powers on public and urban security, with the aim of preventing and removing dangers threatening public safety and urban security. Paraphrasing the law, the mayor, with his/her new functions 'will adopt, when the situation requires it, urgent measures complying with the general principles of the law'.

The security package also includes three legislative decrees, introducing slight changes to the current regulations and converting into national law three EU directives. The decree 32/2008¹¹⁷ is the transposition of the EU directive on free circulation of EU citizens and includes provisions on the compulsory registration to the registry office of EU citizens staying in Italy for a period of over three months and the obligation to demonstrate sufficient economic means, in order to have the right to stay. After a negative opinion expressed by the EU on this decree, during the audition with the Schengen Committee¹¹⁸, Minister Maroni stated that the decree will not be changed: EU citizens will be asked to leave the country, rather than being expelled.

Legislative decree 160/2008¹¹⁹ modifies slightly the 2007 decree on family reunification, making the requisites for using the actual main channel of legal migration in Italy tighter. Although the decree tackles migration in itself, it is included in the "security package" which should deal with the safety of individuals and of the State. As a matter of fact, this reveals the hostility and intolerance for the presence of migrants and foreign families in Italy and for the future stabilization of their social life, also in contrast with the 11 Common Basic Principles on integration. The decree narrows the criteria concerning family members having the right to reunification, increases the minimum family income required to prove the capacity to support other members of the family in Italy¹²⁰

¹¹⁵ Decree no. 92/2008 of 23/05/2008 transposed into law no. 125/08 on 24 July 2008, with slight amendments. The text of the law is available at: <http://www.camera.it/parlam/leggi/08125l.htm>, accessed 20 May 2009.

¹¹⁶ This measure modifies art. 235 of the Penal Code. For an in depth analysis see Merlino, M. *The Italian Insecurity Package. Security vs Rule of Law and Fundamental Rights in the EU.* (n.p.: CEPS, 2009), available at: www.ceps.eu.

¹¹⁷ Legislative decree no. 32/2008, which came into force on 2 March 2008. It modifies the previous decree no. 30/2007 and transposed EU directive 2004/38/CE.

¹¹⁸ 'Pacchetto sicurezza: la UE bocchia l'Italia su norme comunitari e reato di immigrazione clandestina', <http://www.programmaintegra.it/modules/news/article.php?storyid=3423>, accessed 16 October 2008.

¹¹⁹ Legislative decree of 3 October 2008, with amendments and integrations to the Legislative Decree of 28 January 2008, no. 25, transposing directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status. Available at:

<http://www.camera.it/parlam/leggi/deleghe/testi/08159dl.htm>, accessed 20 June 2009.

¹²⁰ For instance for families of two people, the minimum income increases from 5 242,67 € (amount of the social allowance) to 7 714 €. An example on the narrowing down of the possible beneficiaries concerns sons and daughters over 18: while before, sons and daughters aged 18 or more, unable to support themselves for

and doubles the waiting time for the response to the request of reunification. For its economic implications and for the violation of privacy, the compulsory DNA test is the most controversial requirement of the decree. The genetic proof is required in absence of documents suitable for proofing family links and its cost has to be covered by foreign families.

The third decree, 159/2008¹²¹ introduces restrictions to the right of circulation for asylum seekers and modifies the terms for the examination of the applications and claims. The previous decree, 25/2008 stated that, after the period of time spent in the centre of identification, while waiting for the decision of the Commission on his/her application, an asylum seeker was free to circulate on the national territory. Restricting the freedom of circulation of asylum seekers, the new decree provides that the Prefect establishes a specific residence area for the asylum seeker. Furthermore, asylum seekers who have presented a claim against a denial, in some cases¹²² do not have the right to wait for the response to their claim in Italy and, against the principle of *non refoulement*, they are repatriated. Last but not least, the compulsory detention is applied not merely to asylum seekers whose claim has been rejected but also to asylum seekers who are stopped at the border, a practice quite common and discretionary¹²³.

The security package presented in May 2008, also includes a bill that as at the end of May 2009 is still under discussion at the Senate¹²⁴. Throughout 2008, the bill stirred public attention because of various racist amendments presented mostly by the Northern League Party¹²⁵. An amendment, for instance, puts at risk the fundamental right to health, since it cancels free medical treatment for urgent cases and forces doctors of public structures to denounce those who do not pay for treatment or who do not have a regular stay permit¹²⁶. The bill has been modified during its path through Parliament and the amendment introducing the obligation for doctors to denounce irregular patients has been cancelled. Yet, as a matter of fact all its effects are still in course: according to another amendment to the current bill, doctors, as public officials, have the obligation to denounce the crime of clandestine immigration, introduced by the same bill. The introduction of the crime of illegal entry and illegal stay has been one of the most discussed measures of the bill, for its devastating effects on the life of migrants. This

medical reasons had the right to reunification, now only sons and daughters aged over 18 who can prove to have a total disability have the right to reunification. See

http://www.servizi.cgil.milano.it/ARCHIVIO/2008/12/2008_0012_09_RiconiFamiliari_Scheda.pdf

¹²¹ Legislative decree of 21 October 2008, containing amendments and integrations to Legislative Decree of 28 January 2008, no. 25, transposing Directive 2005/85/EC, on minimum standards on procedures in Member States for granting and withdrawing refugee status.

¹²² The effect of suspension of expulsion of the appeal is denied if the asylum seeker has gone away from the reception centre, or if the asylum claim is apparently unfounded or it is assumed that the claim has been presented simply to avoid expulsion.

¹²³ See also ASGI, *Nuove norme in materia di procedure per il riconoscimento dell'asilo*, 27 October 2008, available at: www.asgi.it; and <http://www.programmaitegra.it/modules/news/makepdf.php?storyid=3508>.

¹²⁴ See note page 113.

¹²⁵ The main elements of non Italian citizens included in the security bill (A.C. 2180) approved by the House of Deputies can be seen on <http://www.stranieriinitalia.it/briguglio/immigrazione-e-asilo/2009/maggio/somm-ac-2180-approv-stran.html> accessed 20 May 2009.

¹²⁶ This provision would modify the current art. 35 of the Legislative Decree 286/98 and would be Community Base Principle 6.

provision underlines the equation migrant=criminal, widespread in the public discourse. Furthermore, the bill establishes the obligation of showing the permit to stay to carry out all the official operations, also for the registration at birth and the acknowledgement of the natural son/daughter, with alarming consequences for the protection of minors and maternity¹²⁷.

The bill included in the “security package” also provides for a tax for the issue and renewal of the stay permit and for the application for citizenship; finally, the provisions for obtaining citizenship after marriage with an Italian citizen and for the conversion of the stay permit for unaccompanied minors as they reach 18 will become more restrictive.

Another proposal that caused concern and outcry is the creation of city ‘patrols’, which are groups of non armed citizens with the task of reporting to local or national police forces, situations and events of social disorder. The leader of the opposition party ‘Italy of Values’ protested against the proposal pointing out that it is ‘against the Constitution to have a private police replacing public institutions in the public duty of protecting citizens, especially if it means taking pistols and machine guns and taking the law into one’s hands’¹²⁸. The text of the current bill, modified by the House of Deputies and currently under discussion at the Senate, at least, establishes that mayors and prefects will authorize the associations that can operate as unarmed “patrols”. Moreover patrols must be registered in specific lists and constantly monitored.

The security decree, because of its winding route and wide range of measures, but also because of the flaws and the critical state of the media system in Italy, (outlined in the section V.III), has been represented in a confused and sensationalist way by the media. The public debate on security worsened the already hostile atmosphere towards migrant citizens, leading to further discrimination and violation of their rights, in some cases “simply” due to misinformation. An example are the groups of armed volunteers, such as the ‘Italian National Guard’, that are getting formed within extreme right wing groups¹²⁹. Also, cases of discrimination in schools and hospitals, due to the application of provisions that have been rejected or that are not yet in force are frequent¹³⁰. For instance, just to mention the latter cases reported by the media, a

¹²⁷ Asgi and Abele, among other organisations, have pointed out in a public letter that not registered ‘invisible minors’, will have no citizenship right and will be more easily victims of abuses, exploitation and human trafficking. The letter is available on the website of the organisation: <http://www.gruppoabele.org/Index.aspx?idopinione=152>, accessed 20 May 2009.

¹²⁸ ‘Sicurezza, Di Pietro all’attacco: “Le ronde sono incostituzionali”’, *La Stampa*, 21 April 2008, available at: <http://www.lastampa.it/redazione/cmsSezioni/politica/200804articoli/32112girata.asp>, accessed 20 May 2009.

¹²⁹ The plan, announced by the new Italian Social Movement, aims at creating the ‘Italian National Guard’. The Ministry of Interior affirms that it does not know these initiatives in detail and that the associations of volunteers that will be created after the approval of the security Bill will not receive any financial assistance from the government and will be instead regulated by the the Ministry of Interior. See ‘Maroni: “Il termine ronde va esorcizzato’, *Il sole 24 ore*, 15 June 2008, available at: www.ilsole24ore.com/art/SoleOnLine4/Italia/2009/06/maroni-ronde-referendum.shtml?uuid=8d3019b4-5995-11de-a3aa-318378a945c9&DocRulesView=Libero, accessed 20 June 2009.

¹³⁰ ‘Bravissima ma clandestina. Per Daria niente esami di maturità’ in:

few non-Italian pupils, have been asked identification documents to undertake school exams.

Many national, European and international organisations expressed anger, concern and disappointment over the 'security package'. The Council of Europe, in the Hammaberg Memorandum, stressed that 'security cannot be the only basis of a migration policy' and that the measures adopted do not respect 'human rights and humanitarian principles and can stir further xenophobic attitudes'¹³¹. The Commissioner Hammarberg also raised points that have been put forward by the Italian civil society, for instance in relation to the introduction of the offence of irregular immigration. He pointed out that these provisions worsen the stigmatization of migrants and the condition of asylum seekers, for whom it will be more difficult to present their asylum application.

Still on the issue of asylum¹³², different organisations, from UNHCR¹³³ to the Italian Council for Refugees (CIR)¹³⁴ and Médecins sans Frontières criticised the extension of detention in the Centres of Temporary Detention¹³⁵. Catholic associations, such as Caritas, Acli, Community of S. Egidio, Centro Astalli among others, took a clear stand against the package, pointing to its negative implications for the "right to family life". The provision establishing the duty to show the stay permit for having authorizations or documents concerning the civil status or for accessing the public services caused great concern. According to the associations 'this provision will prevent irregular foreigners from accessing essential public services, putting in some cases people at risk in terms of security and health'¹³⁶. Also professional and trade associations¹³⁷ judged in very negative terms the 'security package', especially the provision obliging doctors to denounce irregular patients. The associations of lawyers and criminal lawyers expressed their strong disagreement against the provision introducing the crime of clandestine migration both for its discriminatory connotation, as it is linked to a subjective condition, and for the slowing downs it will produce in the judiciary system¹³⁸. Amnesty International is alarmed about the content of these measures, and for the quick and propagandistic modalities of their enactment, for the discriminatory climate that preceded them and that, unfortunately, is still present.

http://www.repubblica.it/2009/05/sezioni/scuola_e_universita/servizi/padova-permesso-soggiorno/napoli-ucraina/napoli-ucraina.html, accessed 7 June 2009.

¹³¹ Memorandum by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe (Strasbourg: COE, 2008).

¹³² Chiariello, L., 2008 'Status di rifugiato a maglie strette', *Italia Oggi* 22 May, p. 41.

¹³³ UNHCR, Il 'pacchetto sicurezza' rischia di minacciare le garanzie fondamentali in materia di procedure d'asilo, Press Release, 21 May 2008.

¹³⁴ 'In Italia il diritto d' asilo è a rischio', 20 June 2008, http://www.stranieriinitalia.it/attualita-hein_cir_in_italia_il_diritto_d_asilo_e_a_rischio_4540.html.

¹³⁵ Declaration by Loris de Filippi, Press Release, Rome, 23 May 2008, available at: http://www.medicisenzafrontiere.it/msfinforma/comunicati_stampa.asp?id=1709, accessed 17 May 2009.

¹³⁶ 'Associazioni cattoliche bocciano il "pacchetto sicurezza"', <http://www.unimondo.org/Notizie/Immigrazione-associazioni-cattoliche-bocciano-il-pacchetto-sicurezza>, accessed 04 February 2009.

¹³⁷ *Dossier emendamento sicurezza 2008-2009*, www.simmweb.it/index.php?id=358, accessed 20 June 2009.

¹³⁸ Stasio, D., 2008, ' Ingresso illegale? Ipotesi ingestibile', *Il Sole 24 Ore*, 23 May p. 12.; Ferrarella, L., 2008, ' E' illegittima l'aggravante per i clandestini', *Corriere della Sera*, 28 May, p. 18.

VI.iii Criminal justice

VI.iii.i Racism as a crime

As underlined in the section on racist violence, 2008 has been characterized by a decline of the data and sources of information on number, typology and features of racist crimes.

Besides, even CERD recalled Italy on the importance of promoting access to the judicial system for the victims of discrimination who are often not informed about the opportunities given by the law or have difficulties in getting to the judicial system.

As a matter of fact, the Committee reminded the Government that the low number of complaints, judicial proceedings and relative condemnations for acts of racial discrimination, that the Government claimed as a proof of scarce diffusion of racism in Italy, not necessarily come from this factor, but could also derive from lack of information and unawareness of the victims and from difficulties in the access to the judicial system¹³⁹.

In October 2008, 11 young men, belonging to the far right movement, were subject to precautionary measures, since they were considered responsible of racial offences and acts of political and racial intolerance¹⁴⁰.

Still in October, the Public Prosecutor's Office of Venice opened a file on the statements against Islamic people pronounced by the Mayor of Treviso Giancarlo Gentilini during the meeting of Northern League party in Venice. The hypothesis of crime is incitement to racial hatred. From the stage, Gentilini shouted 'against those who want to open mosques and Islamic centres', and against 'the phone centres, whose regular customers eat during the night and piss against the walls: they should do it in their mosques'. Gentilini also declared of being against 'black, brown or grey people teaching to our children'¹⁴¹.

During the year 2008 another step took place in the process that involves the Northern League party of Verona and, particularly, the present major of the city Flavio Tosi. On 28th March, the Court of Cassation issued the grounds of the judgment that cancelled two previous sentences for incitement to racial hatred against some members of the Northern League of Verona, following a campaign focused on 'chasing the gypsies out of the city'.

The Court of Cassation decided that a new trial must be held, and this decision is based on the following argument: the political campaign of the Northern League

¹³⁹ UN CERD, *Consideration of reports submitted by states parties under article 9 of the convention. Concluding observations of the Committee on the Elimination of Racial Discrimination – ITALY*, March 2008, available at: <http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-ITA-CO-15.pdf>, accessed 02 June 2009.

¹⁴⁰ 11 misure cautelari contro gruppi ultra destra', *Apcom*, 14 October 2008, available at: <http://www.diariodelweb.it/Articolo/Italia/?d=20081014&id=49930>, accessed 22 May 2009.

¹⁴¹ <http://www.repubblica.it/2007/11/sezioni/cronaca/sindaci-cittadella/gentilini-indagato/gentilini-indagato.html>, accessed 02 June 2009.

does not transmit any idea of superiority on the basis of 'ethnic difference', but rather shows aversion against a group due to the behaviour of some of its members.

The associations that promoted the trial are disconcerted¹⁴² and are waiting for the new trial that will be held by another section of the Court of Appeal of Venice.

VI.iii.ii Counter terrorism

In 2008, the so-called Pisanu Decree, approved in 2005, and containing urgent measures to fight international terrorism is still in force¹⁴³. In June 2008, a Tunisian citizen was expelled, although he had previously appealed to the European Court of Human Rights and the Court had requested Italy to suspend the expulsion to get time to examine the case and assess the real risks of torture and ill-treatment. Facing the protests of the Human Rights Commissioner concerning this expulsion, the Italian Government justified its behaviour by claiming it had received a guarantee by the Tunisian Government in relation to the treatment deserved to the man and to a fair process¹⁴⁴.

The story concerning the 'extraordinary rendition' of Abu Omar continues. The imam of the mosque of Milan was captured in 2003 by CIA, with the support of the Italian Military Secret Service (Sismi) and imprisoned and tortured in Egypt because he was suspected to belong to an Islamic fundamentalist organisation. On 16th February 2007, 26 US citizens and seven Sismi officers, one of which is the head of the Italian Secret Service (Sismi) were indicted. The two Government coalitions led by Prodi and Berlusconi, in power between 2007 and 2008, asked the Constitutional Court to cancel the proceeding for violation of State Secret and did not facilitate in any way the course of the trial. The trial is still running, notwithstanding in March 2009 the Constitutional Court admitted some of the claims presented, in particular one concerning the violation of the State Secret by the judges who investigated and indicted the representatives of Sismi and Cia¹⁴⁵. In the book on the role of Europe in the "extraordinary renditions", Amnesty International dedicated special attention to the case of Abu Omar and addressed to Italy a list of recommendations such as: to require the extradition for the Cia officers involved, to allow the course of the trial providing support to help the judicial authorities, to provide for an appropriate reparation for the damages caused to Abu Omar and his family by the Italian State¹⁴⁶.

¹⁴² 'Una sconfitta', <http://sucardrom.blogspot.com/2007/12/una-sconfitta.html>, accessed 16 December 2008.

¹⁴³ Law 155/05.

¹⁴⁴ Memorandum by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe (Strasbourg: COE, 2008).

¹⁴⁵ 'Abu Omar, sconfitta per i magistrati', *Corriere della Sera*, 11 March 2009.

¹⁴⁶ Amnesty International, *State of denial. Europe's role in rendition and secret detention*, (London: n.p., 2008).

VI.iii.iii Racial profiling

In 2008 the cases of racial profiling achieved in Italy reached high and serious levels, as it is described in paragraphs V.v and V.vi, on manifestations of racial violence.

Despite the high number of cases, no political position or even legislative measures, aimed at placing these cases inside a legislative framework and at applying sanctions, were taken. On the contrary, episodes like the one of Parma, in which some agents of Municipal Police arrested and hit a student from Ghana who they believed to be a pusher, are presented as exceptions not requiring any corrective political or legislative response.

Cases linked to the 'Roma emergency', that often happened in 2007 under the Prodi Government and continued to be frequent in 2008, could be connected to a real policy of racial profiling: on 14th May 2008, the Mayor of Milan appointed the Prefect of the City as Extraordinary Commissioner for the Roma emergency. Shortly after, one of the Decrees of the Council of Ministers of 21st May appointed three extraordinary Commissioners for the Roma emergency in Latium, Campania and Lombardy, with the task of coordinating the monitoring, census, possible clearing out of the Roma camps and the opening of other camps¹⁴⁷. The most controversial provision concerned the census of Roma and Sinti living in camps, that included also children and under age boys and girls. The personal questionnaire used for the census contained, as a matter of fact, several questions regarding the 'ethnic group' and 'religion'. Local associations, international bodies, the Catholic Church and the National Authority for personal data protested against this decision, defined it as discriminatory. It is especially relevant to the reaction of the European Union that, in a letter addressed to the Italian Government, asked for more details on the aim of the census and modality of implementation¹⁴⁸.

In July 2008, responding to what is labelled as a massive filing on ethnic basis lead by the Government, Arci association launched the campaign 'Prendetevi le nostre impronte – Non toccate i bambini e le bambine rom e sinti' (Take our fingerprints – Don't touch the Roma and Sinti children). The campaign consisted in taking the fingerprints to citizens against the census of Roma children and then sending the fingerprints to the Minister of Interior¹⁴⁹.

¹⁴⁷ Decree of the President of Council of Ministers of 21 May 2008. Ordinance of the President of Council of Ministers, 30 May 2008. no. 3676 Lazio, Ordinance of the President of Council of Ministers, 30 May 2008, no.3677 Lombardia, Ordinance of the President of Council of Ministers, 30 May 2008, no. 3678 , Campania. See chapter on Migration and Integration for other decrees included in the security package.

¹⁴⁸ 'Impronte ai Rom: l'UE all'attacco "Non tolleremo il razzismo"', *La Repubblica*, 02 July 2008); 'L'UE boccia le impronte ai rom: "Mai successo prima in Europa"', *La Repubblica*, 27 June 2008); 'Rom, attacco di Famiglia Cristiana: indecente prendere le impronte', <http://www.repubblica.it/2008/06/sezioni/cronaca/sicurezza-politica-9/impronte-ue/impronte-ue.htm>, accessed 30 June 2008.

¹⁴⁹ Arci, 'Siamo tutte e tutti rom: il 7 luglio riempiamo di impronte digitali il Ministero dell'Interno', Press Release, 02 July 2008, available at: <http://www.arci.it/news.php?id=9795> accessed 21 May 2009

In October, the Minister of Interior presented the results of the census carried out in the Roma camps of Milan, Naples, Rome: 167 camps in total were identified, 124 unauthorized and 43 authorized, and registered the presence of 12 346 people, 5 436 of which minors. The Minister stated that at least other 12 000 Roma had gone away during the previous months, 'an estimate calculated with the information and interviews collected in the camps, through the studies done by the associations and the aerial mapping carried out'¹⁵⁰.

In the previous months, the Committee for the Elimination of all forms of Racial Discrimination (CERD) issued a list of observations in the report on the situation of racial discrimination in the country. Particularly, they drew Italy's attention on the CERD general recommendation no.27 about the Roma population, asking among other things the acknowledgment of Roma and Sinti as a national minority, the end of Roma segregation, as well as the removal of governmental ordinances and discriminatory acts by local authorities and institutions.

Between 28th and 30th June, the Commissioner for Human Rights of the European Council, Thomas Hammarberg,¹⁵¹ was on a fact finding mission in Italy in order to analyse the situation of the Roma and Sinti. Among the several recommendations he addressed to the Italian Government, the commissioner drew the attention on ECRI Recommendation n.11 on the fight to racism and discrimination in the police forces¹⁵², hoping for more in-depth investigations on the several complaints of abuses and violence by the police forces in Roma camps.

ADUC (Association for the Rights of Users and Consumers), in an article edited by its legal office, denounced the risks in underestimating the importance of racial profiling in Italy, particularly in relation to the controls and arrests; furthermore, the article highlighted that some people have more chances of being fined or going to jail because of their physical appearance or the colour of their skin. ADUC also wished a change on the relationship between public authority and citizens, in order that the control is legitimate "only and because we have to combat a specific violation, and not in presence of apparent dangers or vague and not justified suspects"¹⁵³.

¹⁵⁰ http://www.interno.it/mininterno/export/sites/default/it/sezioni/sala_stampa/notizie/2100_500_ministro/0705_2008_10_23_dati_censimento.html, accessed 21 May 2009.

¹⁵¹ Memorandum by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe (Strasbourg: COE, 2008).

¹⁵² ECRI's General Policy Recommendation nr. 11 on Combating racism and racial discrimination in policing, 29 June 2007.

¹⁵³ Moretti, C., 2008, 'Racial profiling e il diritto italiano. Differenze con il diritto statunitense', in: *Aduc Immigrazione*, 1 March. Available at: www.aduc.it, accessed 26 May 2009.

VI.iv Social inclusion

As far as the National Action Plan for Social Inclusion 2006-2008¹⁵⁴ is concerned, very little has been done to carry out the objectives of the plan, in particular those concerning the promotion of rights, employment, housing, access to health services. The measures taken by the Italian Government in 2008 and those still under discussion, have strongly jeopardized the rights of migrants, refugees and asylum seekers in Italy. The consultative bodies created during the previous years to establish a relationship with the representatives of migrant communities have not been used in 2008, such as the Council for the problems of immigrants and their families created by the Ministry of Social Solidarity in December 2007. Even the Fund for the social inclusion of migrants and their families, included in the 2007 Financial Law for the years 2007, 2008 and 2009 and to which were assigned 50 000 000 € each year, has not been renewed after the first year and funds have been moved to 'more urgent' budget items.

In October 2008, the Central Body for the protection of EU unaccompanied minors was created within the Department for civic liberties and immigration of the Ministry of Interior, aimed at protecting the rights of children living in the national territory and to assess projects of integration and return¹⁵⁵. The central body is also responsible for the specific agreement drawn up with Romania for the protection of unaccompanied Romanian minors on the Italian territory¹⁵⁶ or minors who are in difficulty. .

The waves of racism that 'hit' the country during the year, described in the previous chapters of the report and fuelled by the public discourse of politicians and journalists, stimulated also different subjects, institutional and not, to promote campaigns against racism.

The Ministry for Work, Health and Social Policies presented on 5th October a campaign of communication on the integration of migrants, through TV and radio ads and diffusion of material illustrating the basic principles of the Constitution, the national laws and the initiatives promoting social inclusion. In particular the campaign insisted on the knowledge by foreign citizens of their rights and duties and of the laws in force in Italy. This approach does not seem to have the objective to fight the growing racism and xenophobia in the country, but rather to propose an integration model in which the rights of migrants are subordinated to their duties and in which the representation of migrants is spread through stereotyped images (the domestic worker of Filipino origin, the pizza man of Egyptian origin, the industrial worker of Senegalese origin)¹⁵⁷.

¹⁵⁴ Ministero del Lavoro e della Previdenza Sociale, Ministero della Solidarietà Sociale, Ministero della Salute, *Rapporto nazionale sulle strategie per la protezione sociale e l'inclusione sociale*, (n.p., n.p., 2006).

¹⁵⁵ <http://www.programmaintegra.it/modules/news/article.php?storyid=3434&nid=40>, accessed 02 June 2009.

¹⁵⁶ The agreement is carried out through a Directive enacted by the Ministry of Interior – Department for civic liberties and immigration on 20 January 2009.

¹⁵⁷ http://www.lavoro.gov.it/Lavoro/News/20081006_Campagna_Migranti.htm, accessed 02 June 2009.

Also CGIL (Italian General Confederation of Labour) trade union, in November 2008, launched a national campaign against racism and xenophobia, entitled 'Same blood, Same Rights'. Through advertising material (posters and brochures), video and radio ads, meetings, the campaign suggests the value of equality in the promotion of civil rights and citizenship, in the employment sector, with prevention and security, in welfare and social rights and also in the legitimate aspiration to happiness and well-being¹⁵⁸.

¹⁵⁸See also <http://host1.cgil.it/nuovoportale/banner/tessidiritti/stessidiritti.htm>, accessed 02 June 2009.

VII. National recommendations

VII.i General

- Adopt a policy on immigration with the objective of managing and governing the migratory flows, without adopting only punishing and criminalizing measures.

VII.ii Anti discrimination

- Take measures to ensure that the national equality body (UNAR) is really independent and removing it from under the Department for Rights and
- Equal Opportunities within the Presidency of the Council of Ministers;
- Consider creating a single equality body covering at least all the grounds of discrimination covered by the two Council Directives 2000/43/EC and 2000/78/EC on equal treatment;
- Unify the various provisions on racial /ethnic discrimination contained in civil and administrative laws under one act and undertake public awareness raising initiatives on existing legal instruments and how they can be best used to ensure equality;
- Set-up regional anti-discrimination centres in all the Regions and autonomous Provinces as provided for in article 43 of the Unified Text on immigration, Law 286/98;
- Design and implement a systematic collection of data on discrimination in different spheres of public life.

VII.iii Migration and integration

- Approve a comprehensive law on the protection of asylum seekers and refugees, which is in line with both international instruments and legal standards on the subject and the national legislation on immigration;
- Cancel the provisions introduced or in discussion in 2008 that affect the rights of regular and irregular migrants, in particular the introduction of the crime of clandestine immigration;
- Carry out policies aimed at promoting the inclusion of Roma and Sinti population, their integration in the housing and employment sectors, the end of segregation in the camps.
- Reform the citizenship law to ensure that long-term residents and children born in the country to foreign parents or those who arrive at a young age have easier access to citizenship.

VII.iv Criminal justice

VII.iv.i Racism as a crime

- Improve on the collection of data on racist violence, anti-Semitism and Islamophobia and monitoring the rise in violence.

VII.iv.ii Counter terrorism

- Monitor practices and procedures to combat terrorism that can become discriminatory practices if they are not subjected to external controls;
- Collaborate in the research of the people responsible for the cases of extraordinary rendition that involved the Italian secret services.

VII.iv.iii Racial profiling

- Introduce monitoring of racial, ethnic and religious profiling by law enforcement agencies and encourage the latter to include discussion of these issues in the training programmes for their staff at different levels.

VII.iv.iv Social Inclusion

- Promote policies of social inclusion, aimed particularly at the weakest part of the migrant population, such as women, minors and families.

VIII. Conclusion

Last year was a very difficult year for human rights issues in Italy. Attempting to get the consent of the public and to respond to real or alleged security needs, the political parties, supported by mass media during the electoral campaign, dealt with migration issues merely in terms of security. The Government led by Silvio Berlusconi promoted policies suggested by the xenophobic Northern League party, introducing a series of provisions that ended most rights of migrant citizens, whether regular or not, made their existence unstable and unsafe and slowed down or cancelled any possible process of integration and social inclusion.

The radical worsening of the climate of civil cohabitation among people living in the same territory emerges also by the high number of violent and racist acts, particularly regarding Roma and Romanian population. The case of Ponticelli, with a real aggression and forced eviction of Roma camps by the inhabitants of the district, was one of the most dramatic and emblematic episodes of the last years, both for the action in itself and for involving Roma as scapegoats *par excellence*. The introduction of the 'security package' was the political corollary of the situation in the country.

In this difficult situation, many NGOs, religious and lay associations, international and European organisations protested and tried to draw the attention to the respect of migrants' rights, refugees and asylum seekers in Italy. Unfortunately, until today, the Italian Government chose not to take into account these requests and decided to promote a policy that leads the country far away from a fair governance of migration and of migrants' rights and their families.

IX. Bibliography

Act of the Chamber of Deputies, Motion 1-00033, presented by Roberto Cota.

Acts of the Senate no. 733,
<http://www.senato.it/leg/16/BGT/Schede/Ddliter/33217.htm> , accessed 15 June 2009.

Amnesty International, *State of denial. Europe's role in rendition and secret detention*, (London: n.p., 2008).

ASGI, *Nuove norme in materia di procedure per il riconoscimento dell'asilo*, 27 October 2008, available at: www.asgi.it.

British council, *Inclusion and diversity in education. European school study* (London: British Council, 2008).

Censis, *Vissuti ed esiti della scolarizzazione dei minori di origine immigrata in Italia*, (Rome: Censis, 2008).

Centre on Housing Rights and Evictions (COHRE), Osservazione e Sugar Drom, *Written comments concerning Italy for consideration by the Committee on the Elimination of Racial Discrimination at its 72 session in 2008*, p. 6 and 15.

Cidis, *In casa d'altri. Indagine sul disagio abitativo degli immigrati in Umbria e Campania*, (n.p.: n.p.,2008).

Cidis, *Sotto la soglia. Indagine conoscitiva sul disagio abitativo degli immigrati presenti in Italia meridionale*, available at:
http://www.autocostruzione.net/pdf/ricerca/1_Rapporto_finale.pdf, accessed 5 April 2009.

Cnel, *Gli immigrati nel mercato del lavoro italiano* (Rome: Cnel, 2008).

Commissioner for Human Rights of the Council of Europe, *Memorandum*, (Strasbourg: Council of Europe, 28 July 2008).

Constitutional Court, *Sentence no.306/08*.

Constitutional Court, *Sentence no. 350 of 22/10/2008*.

Cospe, Naga, *Razzismi quotidiani. La voce degli stranieri e dei media su razzismo e discriminazione*, (Florence/Milan: Cospe, Naga, 2008).

Cospe, *Violent Attacks Against the Roma in the Ponticelli District of Naples, Italy* (Vienna: FRA, 2008).

Court of Cassation – Fourth criminal section, *Sentence 18 October 2007 – 7 July 2008 no.27517*.

Court of Justice of Brescia, *Sentence R.G. no.198/2009 of 20.02.2009*. Available at: http://www.asgi.it/home_asgi.php?n=documenti&id=328&l=it, accessed 20 February 2009.

Court of Justice of Genoa, Ordinance no. 3749/2008.

Court of Justice of Milan - I Civil Section, Ordinance no. 2380/08 R.G.

Court of Justice of Milan – Employment section, Sentence no. 2454/08 RG.

Decree no. 92/2008 of 23/05/2008 transposed into law no. 125/08 on 24 July 2008, with slight amendments. The text of the law is available at: <http://www.camera.it/parlam/leggi/08125l.htm>, accessed 20 May 2009.

Decree of the President of Council of Ministers of 21 May 2008.

Diamanti, I. 2008, 'La penisola della paura dove la tolleranza fa perdere consensi', *La Repubblica*, 6 October.

Dossier emendamento sicurezza 2008-2009, www.simmweb.it/index.php?id=358, accessed 20 June 2009.

ECRI's General Policy Recommendation nr. 11 on Combating racism and racial discrimination in policing, 29 June 2007.

Eures, *Lavoro, diritti e integrazione degli immigrati in Italia* (Rome: Eures, 2008).

European Roma Rights Centre, Centre on Housing Rights and Evictions, OsservAzione, Sucar Drom (2008) *Written comments concerning Italy for consideration by the United Nations Committee on the Elimination of Racial Discrimination at its 72nd session*, available at: <http://www.errc.org/db/02/9B/m0000029B.pdf> accessed 01 June 2009.

FRA, *EU MIDIS at a glance – European Union Minorities and Discrimination Survey* (Vienna: FRA, 2009) and FRA, *Data in Focus Report 1 - The Roma* (Vienna: FRA, 2009).

Giorgi, C., 'Inchiesta: trasfusione da Sud', *Cammini di giustizia*, February 2008, available at: www.popoli.it.

Giovanetti, M., *Secondo rapporto ANCI sui minori stranieri non accompagnati*, (Roma: n.p.,2008). See also Ires, Cgil, *I lavori minorili in Italia. I casi di Milano, Roma e Napoli* (Rome: IRES, 2005).

Human Rights First, *2008 Hate crimes survey* (New York: Human Rights First, 2008).

Human Rights First, *Violence against Roma. 2008 Hate Crime Survey* (New York: Human Rights First, 2008).

INAIL, *Rapporto annuale sull'andamento infortunistico 2007* (Rome: Inail, 2008), available at: <http://www.inail.it/> , accessed 28 July 2008.

INPS, *Un fenomeno complesso: il lavoro femminile immigrato* (Rome: INPS, 2008); available at: http://www.inps.it/news/Il_lavoro_femminile_immigrato.pdf , accessed 12 September 2008.

Ismu – Osservatorio Regionale per l'intergrazione e la multietnicità, *L'etnicizzazione del mercato del lavoro lombardo*, (Milan: Ismu, 2008).

ISPO, Arrigoni, P. (eds) *Italiani, rom e sinti a confronto - Una ricerca qualitativa*, European Conference Roma population, Rome 22nd and 23rd January 2008.

Legislative decree of 3 October 2008, with amendments and integrations to the Legislative Decree of 28 January 2008, no. 25, transposing directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status. Available at: <http://www.camera.it/parlam/leggi/deleghe/testi/08159dl.htm>, accessed 20 June 2009.

Memorandum by Thomas Hammarberg Commissioner for Human Rights of the Council of Europe following his visit to Italy on 19-20 June 2008 (Strasbourg: COE, 2008), available at: [https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH\(2008\)18](https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH(2008)18), accessed 12 September 2008.

Merlino, M. *The Italian Insecurity Package. Security vs Rule of Law and Fundamental Rights in the EU.* (n.p.: CEPS, 2009), available at: www.ceps.eu.

Ministero della Giustizia – *Direzione Generale di Statistica, Dati relativi al fenomeno della discriminazione*, updated to 11 September 2008.

Ministero del Lavoro e della Previdenza Sociale, Ministero della Solidarietà Sociale, Ministero della Salute, *Rapporto nazionale sulle strategie per la protezione sociale e l'inclusione sociale*, (n.p., n.p., 2006).

Ministero dell'Interno, *1° Rapporto sugli Immigrati in Italia* (Rome: Ministry of Interior, 2007), p. 68.

Ministero dell'Istruzione, Università e Ricerca, *Gli alunni stranieri nel sistema scolastico italiano. A.S. 2007/08* (Rome: MIUR, 2008), available at: <http://www.pubblica.istruzione.it>.

[Ministry of Health, Decree of 17th December 2007.](#)

MSF, *I frutti dell'ipocrisia* (Rome: Sinnos, 2005).

MSF, *Una stagione all'inferno*, (Rome: MSF, 2008).

Open Society Institute, Centre on Housing Rights and Evictions, European Roma Rights Centre, Romani Criss, Roma Civic Alliance in Romania, *Security a la italiana: fingerprinting, extreme violence and harassment of Roma in Italy*, available at: http://www.soros.org/initiatives/brussels/articles_publications/publications/fingerprinting_20080715 accessed 28 May 2009.

Ordinance of the President of Council of Ministers, 30 May 2008. no. 3676 Lazio.

Ordinance of the President of Council of Ministers, 30 May 2008, no.3677 Lombardia.

Ordinance of the President of Council of Ministers, 30 May 2008, no. 3678 , Campania.

OSCE ODHIR, *Hate crimes in the OSCE region – Incidents and responses. Annual Report for 2007* (Warsaw: October, 2008), p.70.; <http://fortresseurope.blogspot.com/2006/01/fortezza-europa-1502-migranti-e.html>, accessed 1 June 2009.

'Pacts for Security', European Roma Rights Centre (ERRC).

Pirazzi, Marina, Maiorca, Alessandro, Zorzella, Nazzarena and Cerretelli, Sara, *Cause strategiche contro le discriminazioni* (Florence: Cospe, 2008).

Pisati, M. 'Immigrazione straniera e segregazione residenziale: il caso di Roma', in: Ministero dell'Interno, *Primo rapporto sugli immigrati in Italia* (Rome: Ministero dell'Interno, 2008).

Pittau, F., Ricci, A., Silj, A. (eds), *Romania. Immigrazione e lavoro in Italia. Statistiche, problemi e prospettive* (Rome: Idos, 2008).

Rivera, Annamaria, Naletto, Grazia, *Racist violence and crime*, in: Cospe, *Raxen annual report 2007*, available at: http://www.cospe.org/uploads/documenti/allegati/italy_data_collection_report_2007_annexes.pdf , accessed 20 May 2009.

Save the children, Provincia di Roma, Ministero della Giustizia, *Opportunità e sfide per l'intervento sociale rivolto a minori migranti*, available at: http://www.savethethechildren.it/2003/download/pubblicazioni/rapporto_mai.pdf accessed 01 June 2009.

Save the Children, *Studio sulla salute materno infantile nelle comunità rom. Il caso di Roma*, (Rome: Save the Children, 2008) available at: http://www.savethechildren.it/2003/download/Pubblicazioni/Save_rapporto_mamme_rom.pdf, accessed 25 September 2008.

Sentence of 12 March 2009, available at: <http://www.meltingpot.org/articolo14186.html>, accessed 12 May 2009.

UNAR, *Dati provvisori riferiti al periodo 1/12/2007-15/07/2008*.

UNAR, *Un anno di attività contro la discriminazione razziale. Rapporto 2007* (Rome: UNAR, 2008).

UN CERD, *Consideration of reports submitted by states parties under article 9 of the convention. Concluding observations of the Committee on the Elimination of Racial Discrimination – ITALY*, March 2008, available at: <http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-ITA-CO-15.pdf> , accessed 12 September 2008.

UNHCR, *Asylum levels and trends in industrialized countries – 2008* (n.p., March 2009).

National Commission on Asylum, data contained in the website of the Italian Council for Refugees (CIR), available at: http://www.cir_onlus.org accessed 01 June 2009.

UNHCR, Il 'pacchetto sicurezza' rischia di minacciare le garanzie fondamentali in materia di procedure d'asilo, Press Release, 21 May 2008.

Articles

'11 misure cautelari contro gruppi ultra destra', *Apcom*, 14 October 2008, available at: <http://www.diariodelweb.it/Articolo/Italia/?d=20081014&id=49930> , accessed 22 May 2009.

<http://www.repubblica.it/2007/11/sezioni/cronaca/sindaci-cittadella/gentilini-indagato/gentilini-indagato.html>, accessed 02 June 2009.

'Abu Omar, sconfitta per i magistrati', *Corriere della Sera* , 11 March 2009.

Arci, 'Siamo tutte e tutti rom: il 7 luglio riempiamo di impronte digitali il Ministero dell'Interno', Press Release, 02 July 2008, available at:
<http://www.arci.it/news.php?id=9795> accessed 21 May 2009.

Asgi, *L'Asgi denuncia il rischio di gravissime conseguenze sulla salute dei migranti e della collettività*, Press Release, 17 October 2008.

'Associazioni cattoliche bocciano il "pacchetto sicurezza"',
<http://www.unimondo.org/Notizie/Immigrazione-associazioni-cattoliche-bocciano-il-pacchetto-sicurezza> , accessed 04 February 2009.

Benedetti, G., 'Sì alle classi separate per stranieri',
http://www.corriere.it/cronache/08_ottobre_15/stranieri_classi_separate_benedetti_792ff016-9a7c-11dd-8bde-00144f02aabc.shtml , accessed 15 October 2008.

'Bevanda negata, barista condannato',
http://www.stranieriinitalia.it/s.o.s._razzismo-bevanda_negata_al_bar_per_il_tribunale_e_discriminazione_5084.html , 18 July 2008.

'Bologna: somiglia ad un arabo niente discoteca',
<http://www.italiainformazioni.com/giornale/cronaca/italia/10016/bologna-somiglia-arabo-niente-discoteca.htm>, 25 February 2008.

'Bravissima ma clandestina. Per Daria niente esami di maturità' in:
http://www.repubblica.it/2009/05/sezioni/scuola_e_universita/servizi/padova-permesso-soggiorno/napoli-ucraina/napoli-ucraina.html, accessed 7 June 2009.

'Bussolengo, picchiati e umiliati dai Carabinieri',
<http://sucardrom.blogspot.com/2008/09/bussolengo-vr-picchiati-e-umiliati-dai.html>, accessed 20 June 2009.

Chiariello, L. , 2008 'Status di rifugiato a maglie strette', *Italia Oggi* 22 May, p. 41.

Cozzarini, E., 'Veneto, contributi per acquisto prima casa negati agli stranieri',
<http://temi.repubblica.it/metropoli-online/veneto-contributi-per-acquisto-prima-casa-negati-agli-stranieri/> accessed 21 November 2008.

Declaration by Loris de Filippi, Press Release, Rome, 23 May 2008, available at:
http://www.medicisenzafrontiere.it/msfinforma/comunicati_stampa.asp?id=1709, accessed 17 May 2009.

Ferrarella, L., 2008, "' E' illegittima l'aggravante per i clandestini'", *Corriere della Sera* , 28 May, p. 18.

Fiumi, Cesare 2008 'Sporco negro', *Corriere della Sera Magazine*, 19 November.

'Impronte ai Rom: l'UE all'attacco "Non tolleremo il razzismo"', *La Repubblica*, 02 July 2008).

'In Italia il diritto d' asilo è a rischio', 20 June 2008,
http://www.stranieriinitalia.it/attualita-hein_cir_in_italia_il_diritto_d_asilo_e_a_rischio_4540.html.

'La denuncia di un giovane ganese Picchiato dai vigili"', *Corriere della Sera* , 30 September 2008.

'La moschea al centro sociale di Varago', *La Tribuna di Treviso*, 1 February 2008.

' La procura di Venezia indaga su Gentilini,
<http://tribunatreviso.repubblica.it/dettaglio/articolo/1521850> , accessed 02 October 2008.

'L'UE boccia le impronte ai rom: "Mai successo prima in Europa"', *La Repubblica*, 27 June 2008).

'Maroni: "Il termine ronde va esorcizzato', *Il sole 24 ore*, 15 June 2008, available at:
www.ilsole24ore.com/art/SoleOnLine4/Italia/2009/06/maroni-ronde-referendum.shtml?uuid=8d3019b4-5995-11de-a3aa-318378a945c9&DocRulesView=Libero, accessed 20 June 2009.

Milani, S. 2008 'Maroni grazia le badanti', *Il Manifesto*, 18 May.

'Milano, giovane di colore ucciso a sprangate fermati i due aggressori: padre e figlio', *La Repubblica*, 14 September 2008.

'Milano, tubi esplosivi contro centro islamico', *La repubblica*, 4 February 2008.

Moretti, C., 2008, 'Racial profiling e il diritto italiano. Differenze con il diritto statunitense', in: *Aduc Immigrazione*, 1 March. Available at: www.aduc.it , accessed 26 May 2009.

'Nessuno mi affitta una stanza perché romena',
http://quotidianonet.ilsole24ore.com/2008/11/11/131778-nessuno_affitta_stanza_perche_romena.shtml , 11 November 2008.

'Pacchetto sicurezza: la UE boccia l'Italia su norme comunitari e reato di immigrazione clandestina'

<http://www.programmointegra.it/modules/news/article.php?storyid=3423>,

accessed 16 October 2008.

Paolucci, T. 2008 'Roma, esplode la rabbia dei residenti nei quartieri assediati dai furti', *Il Giornale*, 16 May, p. 6.

Piccozza, C. 2008 'Raid razzista contro gli immigrati pestaggi e negozi distrutti a Roma', *La Repubblica*, 25 May, p. 6.

Polchi, Vladimiro 2008 'Lega: niente più assistenza medica ai clandestini'

<http://temi.repubblica.it/metropoli-online/la-lega-niente-piu-assistenza-medica-ai-clandestini/> , 20 October.

'Prese a sprangate il compagno di classe. Arrestato a Pescara il bullo "razzista",

http://www.corriere.it/cronache/08_gennaio_22/pescara_arrestato_bullo_9f2caca0-c8e5-11dc-8074-0003ba99c667.shtml , accessed 15 April 2009.

"Razzismo e islamofobia. A Battipaglia contro la moschea una bomba carta, ferito un giovane", *Il dialogo*, 5 February 2009.

'Razzismo: 24enne africano picchiato da 13 italiani a Genova',

<http://www.agi.it/genova/notizie/200808180731-cro-rt11000-art.html>, accessed

20 September 2008.

Righetti, Chiara 2008 'Controlli, a Roma e Milano oltre il 50% è sugli stranieri'

<http://temi.repubblica.it/metropoli-online/controlli-a-roma-e-milano-oltre-il-50-e-sugli-stranieri/>, 5 June.

Righetti, C. 2008 'Il TAR Lombardia boccia le ordinanze sul modello Cittadella', *Metropoli*, 14 May.

'Rom, attacco di Famiglia Cristiana: indecente prendere le impronte'

<http://www.repubblica.it/2008/06/sezioni/cronaca/sicurezza-politica-9/impronte-ue/impronte-ue.htm>, accessed 30 June 2008.

'Roma, cinese malmenato da un gruppo di ragazzi italiani'

<http://www.repubblica.it/2008/10/sezioni/cronaca/roma-aggressione/roma-aggressione/roma-aggressione.html>, accessed 02 October 2008.

Sacchi, A. 2008, ' "Torna nella giungla". Razzismo a scuola',

http://www.corriere.it/vivimilano/cronache/articoli/2008/10_Ottobre/03/insulto_razzista_scuola_milano_insegnante_torna_giungla.shtml, 3 October.

Sasso, C. 2008 'Brescia, Bonus bebè solo per i figli degli italiani', *La Repubblica*, 24 November.

'Sicurezza, Di Pietro all'attacco:"Le ronde sono incostituzionali"', *La Stampa*, 21 April 2008, available at:
<http://www.lastampa.it/redazione/cmsSezioni/politica/200804articoli/32112girata.asp>, accessed 20 May 2009.

SIMM, *Ritirare l'emendamento che modifica l'art. 35 del T.U.*, Press Release, 20 October 2008.

'Slogan nazisti e fascisti sul blog del candidato della Fiamma Tricolore',
http://www.corriere.it/cronache/08_ottobre_03/blog_razzista_46f8c900-9131-11dd-9f28-00144f02aabc.shtml , accessed 3 October 2008.

Stasio, D. ,2008, ' Ingresso illegale? Ipotesi ingestibile', *Il Sole 24 Ore*, 23 May p. 12.

'Su Facebook il razzismo contro i cinesi di Prato', *Il Tirreno*, 21 November 2008.

Tasselli, A. 2008, 'Affitta la camera ma poi lo caccia perché nero', *Metropoli*, 18 September.

'Treviso, ragazza irregolare arrestata dopo aborto',
<http://temi.repubblica.it/metropoli-online/treviso-ragazza-irregolare-arrestata-dopo-aborto/?h=1> , 12 September 2008.

'Treviso. Scritte anti-Islam in occasione del Ramadan', 5 September 2008,
http://www.stranieriinitalia.it/s.o.s._razzismo-treviso_scritte_anti-islam_in_occasione_del_ramadan_5573.html accessed 20 May 2009.

"Tu sei un nero e qui non entri", *La Stampa*, 2 May 2008.

'Una sconfitta', <http://sucardrom.blogspot.com/2007/12/una-sconfitta.html>, accessed 16 December 2008.

Vari, D. 2008 'Quattro anni di carcere per il reato clandestinità Calderoli: etnie criminali', *Liberazione*, 05 June.

'Venezia, museo vietato a turista con il velo', *Corriere della Sera*, 21 August 2008,
http://www.corriere.it/cronache/08_agosto_26/turista_velo_5b95f7c0-7359-11dd-95d1-00144f02aabc.shtml accessed 14 June 2009.

'Vietato l'ingresso ai negri', *Il Mattino Padova*, 21 October 2008, <http://mattinopadova.repubblica.it/dettaglio/articolo/1530299> accessed 14 June 2009.

Virgole, C. 2008 'Cacciata dalla corsia la mamma rom', *Il Tirreno – Pisa*, 30 May, p. VI.

X. Annex 1: List of abbreviations and terminology

ADL – Anti Defamation League

AI – Amnesty International

ANCI – Associazione Nazionale Comuni Italiani (National Association Italian Municipalities)

ASGI – Associazione Studi Giuridici sull’Immigrazione (Association for Judicial Studies on Immigration)

CDEC – Fondazione Centro di Documentazione Ebraica Contemporanea (Foundation Jewish Contemporary Documentation Centre)

COHRE - Centre on Housing Rights and Evictions

COSPE – Cooperazione per lo Sviluppo dei Paesi Emergenti (Cooperation for the Development of Emerging Countries)

CPTA – Centri di Permanenza Temporanea e Assistenza (Temporary Detention and Assistance Centres)

ECRI – European Commission against Racism and Intolerance

ERRC – European Roma Rights Centre

Fillea CGIL - Federazione Italiana Lavoratori Legno Edili e Affini (Italian Federation of workers of wood, construction and similar)

FRA – Fundamental Rights Agency

INAIL - Istituto Nazionale Assicurazione contro gli Infortuni sul Lavoro (Workers Compensation Authority)

INPS – Istituto Nazionale Previdenza Sociale (National Institute of Social Security)

IREF – ACLI - Istituto di Ricerche educative e Formative (Research Institute for Education and Training)

IRES – CGIL – Istituto di Ricerche Economiche e Sociali (Institute of Social and Economic Research)

ISMU – Iniziative e Studi sulla Multietnicità (Studies and Initiatives on multi-ethnic issues)

ISPO - Istituto di Studi sulla Pubblica Opinione (Institute for Studies on Public Opinion)

ISS – Istituto Superiore di Sanità (Institute for Health Care)

ISTAT – Istituto Nazionale di Statistica (National Institute of Statistics)

IVG – Interruzioni volontarie di gravidanza (voluntary terminations of pregnancy)

MSF – Medici senza Frontiere (Doctors without frontiers)

NGO - Non-Governmental Organisation

OSCE-ODIHR – Organisation for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights

TAR – Tribunale Amministrativo Regionale (Regional Administrative Court)

UNAR – Ufficio Nazionale Antidiscriminazioni Razziali (National Office against Racial Discrimination)

UNCERD – United Nations Committee on the Eradication of Racial Discrimination

UNHCR – United Nations High Commissioner for Refugees



european network against racism

ENAR Shadow Report 2008