



European network against racism

ENAR Shadow Report 2007

ENAR SHADOW REPORT 2007

Racism in Italy

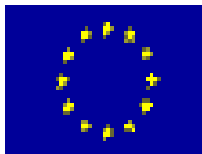
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COSPE

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.

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1. Executive summary

The Shadow Report 2007 does not highlight any improvement in the situation of discrimination on the grounds of nationality, ethnic origin or religion in Italy compared to the previous year. In all sectors analysed, discrimination against migrants and minorities remained basically unchanged and the very negative representation of immigration in the media and in public discourse fostered a climate of fear and insecurity that gave rise to an increase in racism and xenophobia in Italy.

In 2007, the groups mostly affected by racism were Romanian citizens, Roma and Sinti populations. In a way, there was a change in target groups: in the previous years, non-EU citizens and Muslims were the groups mostly targeted, while in 2007, EU citizens and in some cases Italian citizens belonging to minority groups (such as Roma and Sinti) were the most visible victims. The particularly weak situation of minors exposed them to great risks of discrimination.

In the employment sector discrimination against foreign workers can occur in many forms: lack of recognition of the educational qualifications possessed by target groups, insertion at the lowest contractual levels and among unskilled or as lowly qualified workforce, worse working conditions and lower wages in comparison with their Italian colleagues. Little training and failure to apply security regulations in workplaces produced an increase in the number of accidents at work for non-EU citizens, contrary to the general trend of accidents for the entire workforce.

In the housing sector, the growth of prices of houses continued, leading to an increase in the number of evictions due to default on payment of rents. Immigrants continued to buy their own houses in order to avoid both the very high cost of rents and the widespread refusal by landlords to rent apartments to foreign citizens. The housing situation in Roma camps remained dramatic (difficult sanitary conditions and lack of services of all types) and during 2007 this situation was often at the centre of public debate.

During the last school year about 500,000 non-Italian pupils were enrolled in the Italian state and non-state schools and their presence is constantly increasing. The Ministry of Education highlighted the problem of the high concentration of foreign pupils in some schools of the country and issues affecting pupils of immigrant origin are beginning to receive attention from researchers. A circular by the Municipality of Milan that aimed at excluding the children of irregular migrants from municipal nursery schools caused bitter controversy in public debate and it was later repealed by a court ruling.

As regards the health sector, the difficult living conditions adversely affect the condition of health of irregular migrants, the Roma and Sinti. These populations have great difficulties in access to health services, even those who have regular stay permits. Data on voluntary terminations of pregnancy still highlight a particularly disproportionate and disturbing situation of migrant women involved.

One of the most important changes in 2007 was the availability of new data on racist violence from ministerial sources, a sign of increased interest in monitoring the phenomenon. Data provided by these sources were however very different from information collected by NGOs and migrants' support organisations, that recorded for 2007 many cases of verbal and physical violence, especially in relation to media emphasis on some cases of crimes involving migrants.

As regards racial profiling, the most significant event was the hard-handed reaction by police forces to the murder of an Italian woman by a Romanian citizen, which led to strict controls and evictions of Roma residents from camps all over the country.

The report highlights the tendency of Italian media to represent immigrants in a very negative way and associate migration with urban insecurity increased in 2007 and was particularly evident in some periods of the year. Persistent media bias against Roma and immigrants (in particular Romanian citizens) gave rise to a widespread climate of hostility and xenophobia.

From the legislative point of view, in 2007, expectations that emerged in the previous year concerning some important amendments to the legislation on immigration and citizenship were disappointed, though some circulars and directives issued during the year changed limited but significant aspects of the condition of foreign citizens. It is worth noting also that the European Union has initiated infringement procedure against Italy with regard to the transposition of Directive 2000/43/EC and a decree issued at the end of 2007 on free movement of EU citizens which affected in particular Romanians and Roma, accused of being responsible for many crimes committed in Italy.

The report presents the following main recommendations:

- Promote a balanced public discourse on immigration, not linked to security issues and to political and electoral interests of the various political parties;
- Design and implement a systematic collection of data on discrimination in different spheres of public life;
- Introduce the right to vote in local elections for foreign citizens resident in Italy.
- 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;

- Reform the immigration law and in particular, abolish the stay-for-work contract and introduce the sponsorship by third party system in order to enable prospective migrants to enter and search for jobs in the country;
- 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.

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3. Introduction

Data from the National Institute of Statistics (ISTAT) show that as of 1st January 2007, there were 2,938,922 foreigners recorded in the municipal registry of residents, accounting for 5% of the total resident population, with an increase of 10,1% compared to the previous year¹. The Foundation ISMU estimates that there were about 3,633,000 legally resident foreigners, equal to 6% of the total population. In both cases the largest national group of immigrants are the Romanians, followed by the Moroccans, Albanians and Ukrainians.

The present report covers the period from January to December 2007. This reference period in Italy was one during which hopes of having some limited changes made in the legislation on immigration and the living conditions of migrant citizens, that were generated in the previous year, were definitively dashed. The plans to modify the Consolidated text on immigration (*Testo Unico*) and the law on citizenship were not successfully implemented neither in 2007, nor in the months preceding the fall of the Prodi government in the first quarter of 2008. The difficulties within the governing coalition at the time and an increasing difficult socio-economic situation in the country, all contributed to making immigration bear the brunt of a difficult situation. The entrance of new Member States into the EU, especially Romania, and the alarm raised by politicians and the media about crimes, and the sense of insecurity, all contributed to create a more hostile and xenophobic climate resulting, by the end of the year, in the enactment of harsh security laws.

What emerges from the analysis of the events in 2007 is the persistence of racism in various forms, including in particular the racist and xenophobic discourse by prominent political leaders. In the same period, the Government showed more interest in monitoring racism and discrimination on grounds of racial or ethnic origin and nationality. For the first time, the Department of Public Security of the Interior Ministry, in addition to data recorded by the national equality body and other anti-discrimination centres, provided data on cases it monitored, and was not based on analysis of newspaper articles. This notwithstanding, data collection on racism remained poorly organized.

The report is structured in two parts. The first part provides a brief description of target groups or victims along with the available data and cases of discrimination by sector of public life where they occurred. The second part examines the policies and legislation put in place in 2007 regarding discrimination and immigration.

¹ ISTAT, *La popolazione straniera residente in Italia al 1° gennaio 2007, 2007.*

4. Communities vulnerable to racism

Among groups affected by discrimination on grounds of ethnic origin, nationality or religion in 2007, it is possible to identify some communities more targeted than others, and these include citizens of some EU member states.

During 2007, the two groups that mostly faced overt racism were Romanians Roma and Sinti populations.

Romanian nationals, after becoming in a very short time the largest national group of immigrants in Italy by the year 2006, has experienced in the last two years, an intense process of criminalisation, resulting in a negative impact on the rights of individuals. This has occurred in spite of or, maybe due to, Romania's entrance into the European Union. The increasing hostility directed at Romanians made them targets of racist behaviour by individuals or organized groups, political practices, and the media.

The **Roma and Sinti** populations in Italy, estimated at about 150,000 people, comprises recently arrived (consisting mainly of the Romanian Roma) groups from other EU member states, those from the territories of the former Yugoslavia who have been in Italy for many years and those of Italian nationality. In 2007, all these groups continued to experience living conditions and racist aggressions. The arrival of Roma people from Romania was presented by both politicians and the media as an invasion and a threat to the security of the resident population, leading to a negative climate of intolerance and fear towards these groups throughout the country. Some cases of crime committed by two people from these groups (a non-Roma Romanian teenage girl and a Romanian Roma resident in one of the many unauthorised camps around Rome) in 2007 were manipulated and used to amplify the perception of a sense of insecurity and fear by many in different parts of the country. Moreover, opinion polls confirm the increasing hostility towards Roma populations in the country; 8 out of 10 Italians consider them to be "very" or "quite unpleasant": a poll by ISPO taken in 2007 outlined not only a profound hostility but also much ignorance about Roma populations².

The UN Special Rapporteur on contemporary forms of racism has pointed out that Roma and Sinti are among the most frequent victims of the racist violence in Italy, together with immigrants, refugees and asylum seekers from African and East European countries and Muslims.

Jews remain a target group facing racism and discrimination, especially through anti-Semitic graffiti, some written on the Day of Memory³. The persistence of anti-Semitism is confirmed by an important poll carried out by the Anti Defamation

² ISPO poll for *Corriere della Sera*, edited by Renato Mannheimer, 4 November 2007.

³ Festa, P., 'Antisemitismo. Razzismo nel giorno della memoria', www.stranieriinitalia.it, accessed 29 January 2007.

League between 21 March and 16 April 2007 in five European countries⁴. In Italy 48% of the interviewees considers Jews to be more loyal to Israel than to their country, 42% think that they have too much economic and financial power, 46% think that Jews talk too much about what happened to them in the Holocaust.

The wave of **Islamophobia** that started after 9/11 and after the terrorist attacks in Madrid and London did not lessen during 2007. Anti-Islamic attitudes were expressed, among other things, through outrageous episodes around Islamic places of worship, but also through direct attacks. The then vice-president of the Senate, Mr Roberto Calderoli⁵, member of the Northern League party, launched what he defined as the 'Pig Day' as a form of protest against the construction of a mosque in Bologna. He proposed "pig competitions and exhibitions" to be held on prospective construction sites for local mosques which he defines as "not a place of worship, but potential terrorist cells"⁶. Similar protests were promoted in other cities by private citizens or local residents' committees when faced with the prospect of construction of a mosque in their vicinity.

Migrant **minors** represent a group at risk, as highlighted in a research by Amnesty International that underlined the need for monitoring the specific situation of minors, both the accompanied and the unaccompanied arriving on Italian coasts. This is said to be essential in order to ensure the protection of their rights accorded by the law. Amnesty International reports the case of almost 2000 Egyptian minors who arrived on the coast of Southern Italy between 2005 and 2006, for whom there are no traces in ministerial statistics and data provided by local authorities⁷. The Ministry of Social Solidarity denounce that out of 6,600 unaccompanied minors, only 10% (1,600) were placed in government programmes, while the Ministry lost track of the others⁸.

Another report on working minors by Ires Cgil and Save the Children Italia, describes a reality in which minors of foreign origin work more than their Italian peers, and in more dangerous contexts⁹.

According to data provided in December 2007 by the National Commission for Asylum of the Ministry of Interior, 1,097 people were granted **refugee** status, between January and November 2007, while 4,901 people received stay permits for humanitarian protection. Out of 11,819 applications to the Commission, 10,974 had been examined and only 10% had received a positive evaluation and refugee status granted to the applicant while 44% were granted only humanitarian protection. On the other hand, 4,114 applicants were not granted neither refugee status nor stay permit for humanitarian protection.

⁴ ADL, *Attitudes towards Jews and Middle East European Countries* (n.p., n.p., 2007).

⁵ Currently a minister in the centre-right governing coalition that took office in May 2008.

⁶ 'Un maiale day contro la moschea', *Corriere della Sera*, 14 September 2007.

⁷ Amnesty International, *Fuori dal buio: un anno dalla parte dei minori migranti*, (Rome: AI, 2007)

⁸ Press release on <http://emigrazione-notizie.org/news.asp?id=3313>, accessed 20 May 2008.

⁹ Ires Cgil – Save the Children, *Minori al lavoro. Il caso dei minori migranti*, 2007. See also Giovannetti, M., Orlandi, C., *Minori stranieri non accompagnati. Rapporto Anci 2005-2006*, Rome, 2007.

For the first time after 2002, the number of applications in 2006 increased by 8.9% compared to the previous year, contrary to a general decrease in the number of applications recorded at European level¹⁰. Asylum seekers come primarily from Eritrea, Serbia-Montenegro, Ivory Coast, Somalia and Afghanistan, and those who obtained the refugee status come primarily from Afghanistan, Eritrea, Turkey and Iraq. Stay permits for humanitarian protection were given to people from Eritrea, Ivory Coast and Somalia.

Finally, the impossibility of legal entry into Italy for people in search of jobs has made the lives of immigrants who try to cross the borders illegally particularly dramatic. In an attempt to reach Italian coasts, immigrants set out on aged and poorly equipped boats, unfit for such journeys. Despite a decrease in the number of landings in the first semester of 2007 compared to the same period in the previous year¹¹, the media have reported terrible stories and shown dramatic images of the drowned, shipwrecks and last minute rescues¹².

¹⁰ ANCI, *SPRAR – Il sistema di protezione per richiedenti asilo e rifugiati*, Second annual report, (Rome: Anci – Censis, 2006).

¹¹ 'Chiti: sbarchi clandestini in calo rispetto 2006', *Ansa*, 16 May 2007.

¹² CIR, *Report Regarding Recent Search and Rescue Operations in the Mediterranean*, July 2007, available at: www.cir-onlus.it, accessed 15 May 2008.

5. Manifestations of racism and religious discrimination

5.1 Employment

Discrimination in the workplace in Italy takes various forms most of which can be traced back to the condition of 'vulnerability' in which many immigrants find themselves. In a labour market where precariousness, redundancy and lack of protection are increasingly frequent, migrants suffer the worst consequences in the form of discriminatory practices such as the following:

- non-recognition of educational qualifications obtained in their countries of origin and consequent impossibility of obtaining jobs corresponding to such qualifications;
- the insertion of foreign workers at the lowest contractual levels while they carry out more qualified tasks than those indicated in same contracts;
- worse working conditions (long working hours, more demanding shifts and over-time, heavier and more dangerous tasks etc.) and lower wages than their Italian colleagues;
- unequal application of dismissal regulations between Italian and foreign workers;
- lack of training and non-application of security prescriptions in the sectors with high percentages of foreign workers (for example in the building sector)

¹³

As regards the perception of discrimination, a research based on 951 interviews¹⁴ found that the perception of being part of an 'inferior labour market', in which work is harder and scarcely protected is widespread among immigrants¹⁵, while the wage differential is hardly noticed by foreign workers. Besides, it is worth noting that seven workers out of ten declared being perfectly integrated in their workplace, even though six out of ten, declared suffering or having suffered racist acts in their work places, mostly perpetrated by their colleagues.

Some significant data on the working situation of immigrants in Italy can be found in the 2007 Report of the National Institute for Social Security (INPS) on migrants and social security¹⁶. Inspections carried out in enterprises in 2005 recorded the presence of 62,174 irregular workers, 89% of whom were completely unknown to the institute. The incidence of foreign workers on undeclared labour is high:

¹³ IRES, *Le discriminazioni etnico-religiose nel mondo del lavoro*. National report (Rome: Ires, 2007). For a detailed description of the situation of migrant workers in the building sector, see Galossi, E., Mora, M. (eds) *I lavoratori stranieri nel settore edile. Il rapporto Ires-Fillea Cgil*, Research report (Rome: Ires, 2007).

¹⁴ IRES, *Discriminazioni e luoghi di lavoro: un survey sulle discriminazioni e le percezioni degli immigrati*, (n.p., n.p., 2007).

¹⁵ Mostly by newly arrived workers and women, who often suffer a multiple discrimination, linked both to gender and to their ethnic or national origin. On the working situation of migrant women, in particular in the domestic and care sectors see Cespi, *Madri migranti. Le migrazioni di cura dalla Romania e dall'Ucraina in Italia: percorsi e impatto sui paesi di origine*, (Rome, n.p., 2007); Iref – Acli, *Il welfare 'fatto in casa'. Indagine nazionale sui collaboratori domestici stranieri che lavorano a sostegno delle famiglie italiane*, (Rome: n.p., 2007).

¹⁶ INPS, *Il Rapporto su immigrati e previdenza negli Archivi dell'INPS*, (Rome: Inps, 2007).

about 19.8% of all workers without contracts (undeclared) are non-EU citizens (11,014) and 5.3% (2,988) are EU citizens.

The INPS highlights also an increasing number of foreign workers engaged in undeclared labour¹⁷. In 2003, undeclared foreign workers were 15% of the total of all irregular workers, a much higher incidence compared to the incidence of foreign workers on the total of workers (9%). In 2005 this figure showed a clear increase reaching 24%. This indicates a worsening of the precarious and weak position of immigrants in the labour market as regards welfare and social security rights¹⁸. Regarding qualifications, available data show that non-Italian workers are placed among unskilled and low-skilled manpower: 85.1% of non-EU workers are employed as unskilled workers, 8.9% as clerks, 5.4% as apprentices and only 0.5% as managers. Data on wages (referring to 2003) show that migrant employees receive an average salary which is 37% lower than the general average salary (17,675 euros a year in compared to 11,036 euros). Lower than average wages are recorded in the agricultural (5,532 euros) and the domestic work sectors (4,871 euros), while women receive, on the average, 562 euros per month, equivalent to 60% of men's average monthly wage (937 euros).

The annual report of the National Institute for Insurance against Accidents at Work (INAIL) also confirms, for 2006, that 73% of foreign workers carry out unskilled activities (seasonal workers, cleaners, bricklayers, etc.) and that each country of origin is characterised by a specific sector of activity in which migrants are concentrated: for example men from Eastern European countries work mainly as bricklayers and farm labourers, Moroccans as hawkers, Filipinos and women from Eastern European countries as domestic workers¹⁹.

As regards accidents at work, the report highlights a 3.7% increase compared to 2005, of accidents suffered by non-EU citizens, in contrast to the general trend of accidents for the entire workforce, which recorded a decrease of 1.3% in the same period. Accidents at work involving immigrants occur mainly in sectors known to be among the most risky (building, metal industry, transport and catering), but equally significant were data on people engaged in domestic work: in 2006 accidents involving non-EU citizens accounted for 58% of the total number of accidents that occurred to people working in this sector. According to INAIL, the higher rate of accidents at work recorded for non-EU citizens (accident rate of 60 per 1000 employed immigrants, against of 40 per 1000 for the entire workforce) is due to "lower training levels than those of the Italian colleagues, lesser experience, the need to work anyway and precariousness".

The only official publicly available statistical data on discrimination in the employment sector in Italy is provided by the National Office against Racial Discrimination (UNAR). In 2006, UNAR reported that 31.7% of cases recorded by

¹⁷ INPS, *Il rapporto su immigrati e previdenza negli Archivi dell'INPS*, op.cit.

¹⁸ For an in-depth analysis on the concealed labour see Ires CGIL, *I volti del sommerso*, (Rome: n.p., 2007).

¹⁹ INAIL, *Rapporto annuale sull'andamento infortunistico 2006*, (Milan: INAIL, 2007).

its Contact Centre concerned the labour market, of which, 23.2% was in the form of mobbing, 21.7% occurred as discrimination in access to work, and 20.3% was related to the working conditions²⁰.

A study conducted by *Migra Observatory* to investigate the existence and nature of discriminatory practices in the labour market in Trentino Alto Adige region²¹, found that more than 25% of immigrants interviewed declared they had been treated less favourably than their Italian colleagues and had suffered breaches of contract. According to the researchers, discrimination is often just one of the elements of a problematic situation, in which aspects such as prejudice, organizational problems and tensions in the workplaces are frequently mixed.

Baxtalo Drom is a project carried out by Opera Nomadi Roma, 'Don Milani' Association and Lazio Region, aimed at the integration of Roma women workers. The project provided a group of 16 Roma and Sinti women training on sewing and ironing and on how to run small businesses. The project led to the creation of a cooperative which started off with the sixteen women but is also open to other Roma and Sinti women especially those coming out of prison²².

5.2 Housing

The trends identified in the housing sector and highlighted in previous Shadow Reports remained basically the same in 2007. Firstly, the rise in prices of houses continued, for both those on rent and those on sale²³, with consequent increased difficulty for poor and low income segments of the population (which include many immigrants and minorities) to pay rents. A consequence of this difficulty is the increase in the number of evictions for default on payment of rents, which in 2007 accounted for 75% of all evictions²⁴. Another effect of this situation is the ever growing number of immigrants who to buy their own homes in order to avoid both the very high cost of rents and the widespread refusal by landlords to rent apartments to non-Italian tenants.

According to a study by the research group "*Scenari Immobiliari*", in 2006 131,000 immigrants bought houses, leading to an increase of 19% of such transactions in the last three years²⁵. Most of these choose to buy houses in low to medium housing categories (with an average size of 55 square metres and usually to be renovated) but the number of those who buy apartments in newly built houses and in better residential areas are growing (15% of all immigrant

²⁰ UNAR – National Office Against Racial Discrimination, *Un anno di attività contro la discriminazione razziale*, (Rome: Presidenza del Consiglio dei Ministri – Dipartimento per le Pari Opportunità, 2006).

²¹ MIGRA – Observatory on discrimination of immigrants in the employment sector, *La discriminazione degli immigrati nel mercato del lavoro trentino. Una Ricerca sul campo*, (Trento: Provincia Autonoma di Trento, 2007).

²² <http://www.stranieriinitalia.it/news/baxtalo24apr2007.htm>, accessed 21 May 2008.

²³ Nomisma, *La condizione abitativa in Italia. Fattori di disagio e strategie d'intervento*, (Rome: Ministry of Infrastructures, 2007); Censis, Sunia, Cgil, *Vivere in affitto*, (Rome: n.p., 2007).

²⁴ Nomisma, *La condizione abitativa in Italia. Fattori di disagio e strategie d'intervento*, op. cit., p. 12.

²⁵ Scenari Immobiliari, *Osservatorio nazionale immigrati e casa. Rapporto 2007*, (Rome: Scenari Immobiliari, 2007). The research is based on a survey of 620 real estate agencies.

home buyers). Researchers estimate that only half of the attempts to buy homes by immigrants succeed within a year. This happens either because of the low budget at their disposal or because 'many house owners do not accept them as contractual partners'. In 2007, purchases by immigrants grew by only 3%²⁶ compared to the previous year, and this is said to be due to the considerable rise in interest rates on loans.

According to a research promoted by the Ministry of Interior²⁷ on the housing situation of immigrants, 64% of foreign citizens live in rented accommodation, 12.3% live in their own house, 11.3% live with relatives or friends, 8.3% live with their employer while 2.2% have no fixed home. Nearly half the sample (46.6%) shares a home with friends, relatives or with other persons, while 43.8% of the interviewees live with their families and only 8.2% live alone. Houses owned by foreign citizens are on average smaller than those of Italians (75.5 square metres compared to 103 square metres for Italians) and with a lower number of rooms (4.2 rooms on average against 7.4 rooms for Italians).

Among the various studies on the housing conditions of immigrants and minorities at local level²⁸, there is a particularly interesting study carried out by *Lunaria*²⁹ in a Rome district called *Esquilino* which has a large immigrant population. According to this study, 31.8% of foreign residents in the district pay rent for a bed (from 100 to 300 euros a month), 30.5% pay rent for a room (from 250 to 600 euros a month), while 37.8% pay for an entire apartment and those in this last group are mostly people who live with their families. The research highlights also a phenomenon known as "single head" rent, which means that an immigrant pays for a pillow (and not for a bed or a mattress), which is occupied in turns by various persons during the day.

A Milan-based association *Naga*, in a report on the housing conditions of 38,000 immigrants without residence permits who contacted the association for support between 2000 and 2006³⁰, offers also an interesting perspective on the subject. According to *Naga*, 14% of female migrant workers live with the employer, against 1% only of male migrant workers in a similar situation. Nearly 8% of men and 4% of women had no fixed homes or lived in illegal settlements. People who lived in rented accommodation were generally in situations of serious overcrowding, as the average number of persons per room was 2.2 while according to the 2001 census data for the entire population of Milan, the average number of persons per room was 0.7.

²⁶ Scenari Immobiliari, 'Livello nazionale: casa', in: Fieri, *Integrometro II. Immigrati stranieri: segnali di integrazione*, (Torino: Fieri, 2007).

²⁷ Makno, Ministry of Interior, *Una ricerca sociale sull'immigrazione*, (Milan, n.p., 2007).

²⁸ See Cicsene, *La casa in Piemonte. Note sul disagio abitativo*, (n.p., n.p., 2007), available at: <http://www.sicet.it/>, accessed 20 September 2007; G.C. Blangiardo (ed), *L'immigrazione straniera in Lombardia. La sesta indagine regionale*, (Milan: Franco Angeli, 2007).

²⁹ Lunaria, *Casa: un diritto di tutti!*, (Rome: Lunaria, 2007), available at: <http://www.lunaria.org>, accessed 15 May 2008.

³⁰ NAGA, *Cittadini senza diritti. Abitare e lavorare a Milano da clandestini*, (n.p., n.p., 2007).

According to the 2006 Annual Report of the national equality body (UNAR), 12.4% of all complaints recorded by its Contact Centre related to the housing sector. Most of the cases reported (81.5%) concerned relationships with neighbours and 11.1% had to do with the rent conditions³¹. In 2007, UNAR recorded 23 cases of discrimination related to housing out of a total of 159 cases reported³². A report on discrimination in the Province of Parma also confirmed the high incidence of discrimination in the housing sector: about 64.4% of the interviewees declared they had suffered discrimination while looking for house rent and 40.9% in their relationship with the neighbours³³.

The housing situation of Roma and Sinti in Italy was described in the 2007 report of the United Nations Special Rapporteur on contemporary forms of racism and racial discrimination, following his visit to Italy during which he visited a Roma camp in Rome. The report highlights how these minorities suffer serious discrimination in housing and describes the poor sanitary conditions and the lack of basic services (running water, electricity etc.)³⁴.

The dramatic living conditions in camps were further highlighted by a number of widely debated events during 2007. In August, four Roma children aged between 4 and 10 years, died in the fire of a shack where they lived with their parents under a motorway in the vicinity of the municipality of Livorno. The death of these children gave rise to a nation-wide debate on the living conditions of the Roma. Despite numerous declarations by local and national political leaders on the need for urgent policy measures and practical initiatives to tackle the situation, no significant measures have been taken.

In May 2007, the Ministry of Interior signed the so-called “security pacts”³⁵ with the local authorities of some major cities, which were said to be aimed at improving security in these major cities. Many of these pacts provided for specific repressive measures against both unauthorised and authorised Roma camps. In Bologna the pact provided for police controls of the camps and, in Milan, it proposed the appointment of an “Extraordinary Commissioner with special powers for the “Roma emergency”, and in Rome, the pact provided for the closure of all Roma camps situated between the city centre and the ring road and the construction of four “solidarity villages” outside the ring road around the city.

³¹ UNAR – National Office Against Racial Discrimination, *Un anno di attività contro la discriminazione razziale*, op. cit., pp. 56-57.

³² UNAR, *Dati parziali e provvisori relativi alle segnalazioni pervenute all'Unar nel periodo fra il 01/01/2007 e il 15/09/2007*, 2007. Data provided on request.

³³ Province of Parma – Councillorship for Social and Health Policies, COSPE, *Tra razzismi quotidiani e discriminazioni istituzionali. La percezione della discriminazione tra gli immigrati nella Provincia di Parma*, DOS no. 5, April 2007, p. 36.

³⁴ Human Rights Council, *Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène. Mission to Italy*, 27th February 2007, pp. 16-17. See also Ambrosini, M., Tosi, A. (eds), *Vivere ai margini. Un'indagine sugli insediamenti rom e sinti in Lombardia*, (Milan: ISMU Foundation, 2007), available at: <http://www.ismu.org/>, accessed 20 September 2007.

³⁵ The complete versions of all Pacts are available at: <http://www.interno.it/mininterno/export/sites/default/it/temi/sicurezza/sottotema010.html>, accessed 21 May 2008.

Many organisations working in support of Roma rights pointed out that these pacts will further worsen the housing segregation of Roma populations in Italy³⁶.

The project '*Il Villaggio della Speranza*' (Village of hope), promoted by *Opera Nomadi* of Padova in collaboration with the Municipality of Padova, aims at facilitating access to housing for Sinti families and creating concrete job opportunities. In particular, Sinti beneficiaries will build their own houses under the supervision of experts, in an area owned by the Municipality of Padova. This activity will enhance the creation of a vocational building training centre for Sinti that will improve their professional skills³⁷.

5.3 Education

During the school year 2006/2007, about 500,000 non-Italian pupils were registered in state and non-state schools, with an average increase over the three-year period 2004-2006 of 70,000 pupils a year³⁸. The incidence of non-Italian pupils on the total school population is now 5.6% and 38% of the total number of foreign pupils attend primary schools. It should be noted that there is a positive trend in the increase in number of non-Italian pupils enrolled in upper secondary schools, which, in the school year 2006/07, stood at 103,000 (3.8% of the total student population at that level) even though nearly 80% attend technical and professional schools and only 13.4% attend the '*licei*'.

The five most represented foreign nationalities in Italian schools are Albanian (15.5%), Romanian (13.6%), Moroccan (13.5%), Chinese (4.9%) and former Yugoslavian nationals (3.2%). The number of Romanian students increased by 29.5% compared to the previous school year and they have become the second most represented nationality. Further it is important to note that 888 schools have more than 20% of foreign pupils among their students, and among these, some have over 40% of non-Italian pupils. Most of these schools are concentrated in the northern regions: Lombardy, Emilia Romagna, Veneto and Piedmont. Regarding Universities, the most recent available data refer to the 2004/05 academic year which saw about 38,000 foreign students registered in Italian universities with a 66% increase over the last five years³⁹. Despite this notable increase, the percentage of foreign students in the Italian universities remained very low (1.9% of the total student population) when compared to OCSE countries' average (6.4%). 72% of foreign students come from European countries, in particular, 29% from EU member states and 25% from Albania, while 10% come from Asia and 9.6% from Africa.

³⁶ ERRC – European Roma Rights Centre, *Osservazione (2007) Forced eviction of more than 10,000 Roma Announced in Italy*, Letter, 23rd May 2007, available at: <http://www.errc.org>, accessed 15 September 2007.

³⁷ Municipality of Padua, Town council decision no. 2006/0885 of 28/12/2006.

³⁸ Ministry of Education, *Alunni con cittadinanza non italiana. Scuole statali e non statali, a.s. 2006/07*, (Rome: MPI, 2007).

³⁹ MUR – DG for studies and planning, *Università in cifre*, (Rome: MUR, 2006).

The only official data on cases of discrimination in the educational sector are provided by the national equality body UNAR, which recorded 11 cases in 2006⁴⁰ and five cases in 2007⁴¹. These figures however, do not reflect the real situation in schools, because in the course of the year some cases of racial and religious motivated violence were reported by media, suggesting that problem may be bigger than what official statistics show⁴².

The situation of the so-called *second generation* of immigrants has been analysed by various research studies and some of these studies have examined the levels of educational integration of children born in Italy to foreign parents or those who arrived in Italy at a very early age. The municipality of Bologna, for example, has carried out an interesting research on the *second generation* by interviewing about 3,800 pupils of foreign origin in lower secondary schools, who were either born in Italy or who were resident in Italy for a long time⁴³. Repeating school years is particularly frequent among the newly arrived while it lessens among those born in the country: for children of Chinese origin for example, about 83% of the newly arrived have repeated school years (on the basis of their age and of the class attended) against 55% among those who were either born in Italy or who arrived at an early age. Moreover, the research highlights also significant differences between Italian and foreign pupils with regard to their intention to go on to upper secondary school after lower secondary school. Only 18.6% of those who were either born in Italy or who arrived at an early age intend to go to upper secondary school compared to 34.5% of Italian students. Regarding self-esteem, students whose parents are both foreign think that they are “less intelligent” than their peers (an average of 16% among foreigners compared to 7% of Italian pupils).

The Italian approach to the integration of foreign pupils has been outlined by the Ministry of Education in a policy document issued in October 2007. The document identifies 10 priority areas for teachers and school headpersons, which characterise the Italian model of intercultural integration at school. One of these priority areas concerns tackling discrimination and prejudices, making anti-racism and equality training an integral part of intercultural education and paying particular attention to the struggle against anti-Semitism, Islamophobia and Romaphobia⁴⁴.

⁴⁰ UNAR – National Office Against Racial Discrimination, *Un anno di attività contro la discriminazione razziale*, op. cit., p. 52.

⁴¹ UNAR, *Dati parziali e provvisori relativi alle segnalazioni pervenute all'Unar nel periodo fra il 01/01/2007 e il 15/09/2007*, op. cit.

⁴² For example, a 14 year old boy was beaten up by some schoolmates in front of their school because he was of Moroccan origin. See Maisto, T., Radice, E. 2007, “‘Marocchino!’ Botte a scuola dai compagni”, *La Repubblica*, 6 November.

⁴³ Municipality of Bologna, *L'integrazione scolastica delle seconde generazioni di stranieri nelle scuole secondarie di primo grado della Regione Emilia Romagna*, (n.p., n.p., 2006). Newly arrived students are only 10 % of the sample.

⁴⁴ Ministry of Public Education – National Observatory on Integration of foreign pupils, *La via italiana per la scuola interculturale e l'integrazione degli alunni*, (Rome: Ministry of Public Education, 2007). A study carried out by the research institute Censis highlighted a growing demand by teachers of refresher courses on didactic methods and of specialised support for their work with foreign students, in order to improve their school integration. See Censis, *41 ° rapporto annuale sulla situazione sociale del paese*, (Rome: Censis, 2007).

At the end of 2007, the Municipality of Milan issued a circular stating that the children of non-EU citizens without stay permits (or waiting for the renewal of an expired or expiring permit) could not be enrolled in municipal nursery schools⁴⁵. The measure was strongly criticized by the Ministry of Education which requested that the municipality re-consider the contents of the circular or forfeit state contributions to the municipality in support of the educational system⁴⁶. The same measure was challenged in Court by a Moroccan mother as unlawfully discriminatory because it had stopped her from registering her son at the nursery because she was temporarily unemployed at the time and so could not renew her stay permit. The judge upheld her claim and declared the measure as discriminatory as well as being contrary to the right of the child to attend any public school, irrespective of the parents' legal status. The Municipality later complied with the sentence and cancelled the discriminatory provision⁴⁷.

The town council of a small town in the North of Italy (Romano d'Ezzelino - Vicenza) approved a resolution which excludes non-EU students from having access to municipal scholarships, irrespective of their family incomes⁴⁸. In Rome, a district council approved a resolution which requires the councillor for education to consider separating Roma children from the others on school buses⁴⁹.

Io vengo da Almarò (I come from Almarò) is a project promoted by Cies – Centre of information and education on development and Save the Children Italy, targeting students and teachers and aimed at raising awareness on unaccompanied children's experience of migration and their countries of origin. The main activities carried out during the project included an awareness raising campaign in schools on the above topic, the publication of a cd-rom and training courses for teachers⁵⁰.

5.4 Health

In the National Health Plan for 2006-2008⁵¹, the Ministry of Health highlighted the critical aspects of health of migrants and minorities, and tried to identify some measures that can prevent and/or reduce such aspects. Firstly the Ministry notes that irregular migrants and people belonging to 'marginal' social classes have various health problems, such as a higher incidence of infectious diseases due to their difficult living conditions. Among these poor segments of the population are Roma and Sinti whose situation deserves special attention because their health is adversely affected by the very poor housing conditions they face and the difficulties they encounter in having access to health services even when they

⁴⁵ Municipality of Milan, Circular no. 20 (17.12.2007).

⁴⁶ 'Asili vietati ai figli dei clandestini. Ultimatum del governo alla Moratti', *La Repubblica*, 9 January 2008.

⁴⁷ Court of Justice of Milan – I Civil Section / Ordinance (11.02.2008), available at: <http://www.asgi.it/index.php?page=nws.home&idint=cn08021104&mode=detail&imm=>, accessed 21 April 2008.

⁴⁸ 'Niente borsa di studio agli extracomunitari', *Corriere della Sera*, 2 December 2007, p.22.

⁴⁹ "Scuolabus separati per bimbi rom", *Corriere della Sera*, 12 January 2008.

⁵⁰ <http://www.almaro.org/>, accessed 15 May 2008.

⁵¹ Ministry of Health, *Piano sanitario nazionale 2006-2008*, 2006, available at: <http://www.ministerosalute.it/dettaglio/phPrimoPiano.jsp?id=316>, accessed 20 May 2008.

have regular stay permits. The Ministry highlights a remarkable increase in the number of young Roma affected by drug addiction and, defines the problem as a 'dramatic phenomenon' considering the very young age of those involved and the fact that until 1990 there had been no problems of drug addiction among this group.

Regarding occupational diseases and accidents at work, the alarming data of the last years has led the Ministry to define the employment sector as constituting a 'high risk for the health of migrants due to the dangerous and scarcely secured working conditions'.

The Contact Centre of the National Office against Racial Discrimination (UNAR) recorded for 2006 only five cases of discrimination in the health sector⁵² and for 2007, it had recorded only two cases of discrimination in the health sector as of 15 September⁵³, out of a total of 159 cases for all sectors. UNAR highlighted that discrimination suffered by immigrants in access to and use of health services are of three types: bureaucratic difficulties (sometimes immigrants are requested to meet additional conditions not requested to Italians); difficulties in access to specialists medical examinations and thirdly, they encounter problems when dealing with medical personnel and nursing staff (some cases reported to UNAR's Contact Centre were about racist attitudes by some members of staff)⁵⁴.

An interesting research on discrimination in the health sector was published in 2007 by the research institute IISMAS⁵⁵. Analysing data of the *Istituto Superiore di Sanità* (Institute of Health) of the ministry of Health, researchers noticed a high percentage of caesarean births among foreign women (65% against 30% among Italian women). According to the authors of the research, the above difference can be attributed, among other things, to cultural and linguistic difficulties encountered in the health services by foreign women and the lack of therapeutic assistance. The questionnaire administered to nurses examined the relationship between nurses and immigrant patients. The questionnaire asked if they had ever observed "xenophobic attitudes towards immigrant patients by one of their colleagues?", 45% answered yes while 20% answered positively to the question whether 'in your work they have ever felt embarrassed by the prospect of physical contact with an immigrant patient? Focus groups conducted in the Lazio region with immigrants revealed that direct discrimination mainly targets Muslims and in particular, Muslim women who wear the headscarf.

Data published by the Ministry of Health on voluntary terminations of pregnancy (VTP) equally highlight a significant difference between Italian and foreign women. On the one hand, the number of Italian women who resort to voluntary

⁵² UNAR – National Office Against Racial Discrimination, *Un anno di attività contro la discriminazione razziale*, op. cit.

⁵³ UNAR, *Dati parziali e provvisori relativi alle segnalazioni pervenute all'UNAR nel periodo fra il 01/01/2007 e il 15/09/2007*, op. cit.

⁵⁴ UNAR, *Alcune considerazioni in ordine alle discriminazioni razziali subite dagli stranieri e dagli extracomunitari nell'accesso ai servizi sanitari, al trattamento ed alla cura della salute*, 2007.

⁵⁵ IISMAS - Istituto Internazionale Scienze Mediche Antropologiche Sociali, *Servizi sanitari e discriminazione razziale. Strumenti e pratiche di prevenzione e contrasto della discriminazione razziale nell'accesso all'assistenza medica*, (Rome: IISMAS, 2007).

terminations of pregnancy has been decreasing for several years and on the other, the 3.9% increase in VTP recorded in 2005 compared to 2004 can be attributed almost entirely to foreign women (29.6% of all VTP same year). One of the major reasons for the high VTP rate among foreign women is the economic difficulties they face but the Ministry notes that they however encounter more difficulties than Italian women in access to health services, in particular to prenatal tests⁵⁶.

In 2007, Romanian and Bulgarian citizens encountered a very complex situation with regard to access to health services. Following the entry of their countries into the EU on 1st January, they legally ceased to be irregular or unauthorised immigrants and as such, no longer had the right to the health assistance meant for unauthorised or irregular migrants (migrants without stay permits are entitled to STP⁵⁷ status, a condition that allows them access to health assistance in certain circumstances). At the same time, many Romanian and Bulgarian citizens did not have regular employment contracts which would have entitled them to register with the National Health Service and so acquire legal title to free or subsidised health assistance. In many cases, Romanian and Bulgarian citizens face difficult social and economic conditions and they do not have the European Card for Health Insurance which allows EU citizens access to health assistance in case of short term stay. In February 2007, two circulars of the Ministry of Health⁵⁸ extended the validity of the STP status of all Romanian and Bulgarian citizens who had obtained it in 2006, allowing for all the others only urgent medical treatment.

The project "Foreign seasonal workers in the agricultural sector in Italy", carried out by *Medici Senza Frontiere*, is addressed to the migrant seasonal workers in the Southern regions of Italy. Through a mobile clinic, MSF doctors and nurses provided migrants and refugees with medical assistance and legal advice. This experience is described in the research report "*I frutti dell'ipocrisia*" (The fruits of hypocrisy), which analyses, through hundreds of interviews, the working conditions and the state of health of these workers⁵⁹.

5.5 Policing and racial profiling

As we pointed out in the previous Shadow Report, public debate on 'racial profiling' was practically non-existent in Italy - until now. As a result, there are no studies to be cited or reviewed. All the same, in recent years, some of the most active NGOs in the defence of Roma and migrants' rights started denouncing discriminatory behaviour against these groups by police forces. An indication of the emergence of racial profiling as a topic for public attention is contained in the

⁵⁶ Ministry of Health, *Relazione del ministro della salute sulla attuazione della legge contenente norme per la tutela sociale della maternità e per l'interruzione volontaria di gravidanza (legge 194/78)*, (Rome: Ministry of Health, 2007).

⁵⁷ STP - "Stranieri Temporaneamente Presenti" (*Temporarily Present Foreigners*).

⁵⁸ Ministry of Health, Circulars of 13.02.2007 and of 03.08.2007

⁵⁹ www.msf.it, accessed 24 May 2008.

annual report UNAR – the national equality body, which reported for 2006 that 10.6 % of cases reported to its contact centre were attributed to police forces⁶⁰. It described the specific case of a Swedish citizen of African descent who suffered discriminatory and humiliating abuses by a police officer in an airport because, according to the police officer, the colour of his skin was not ‘consistent’ with his nationality and he was certainly an irregular migrant⁶¹.

In April 2007, a case of ‘racial profiling’ provoked the reaction of the Chinese community in Milan⁶². The dispute between a Chinese woman, fined for illegally transporting goods in a private vehicle, and some municipal police officers triggered a wide protest by many Chinese shopkeepers and members of their families, who marched in the street complaining about racial discrimination and profiling against them by police forces.

The Italian NGO *OsservAzione*, together with COHRE (Centre on Housing Rights and Evictions) and ERGO (European Roma Grassroots Organisation) wrote a letter to the Italian and Romanian prime ministers calling their attention to the forced evictions of Roma from camps, carried out by police forces in various areas of Italy and the mass expulsion of the Roma⁶³. The letter describes in detail some cases of forced eviction of Roma from camps in Rome, during which more than 1,000 people were forced out of their shacks and their properties destroyed following the intervention of Italian police, in cooperation with Romanian police. The most significant event of the year as regards ethnic profiling was certainly the harsh reaction of the government and police forces to the murder of an Italian woman by a Romanian Roma on 31st October 2007⁶⁴. On 1st November, the police demolished two unauthorised Roma camps on the banks of the *Tevere* river in Rome⁶⁵, identifying all inhabitants and many other similar actions were carried out by the Police and the *Carabinieri* in other cities (Milan, Florence, Turin, Naples). On 4th November, one of the biggest camps in Rome was dismantled and more than 70 shacks were destroyed⁶⁶. By 19th November 2007, Prefects had issued 187 expulsion orders against Romanian citizens, in accordance with the decree on expulsion of EU citizens, issued by the national government immediately after the murder⁶⁷.

Later in May 2008, an attempted kidnapping of a child allegedly committed by a young Roma in Ponticelli, a neighbourhood in Naples, led to serious acts of

⁶⁰ UNAR – National Office Against Racial Discrimination, *Un anno di attività contro le discriminazioni razziali*, op. cit. For the first 9 months of 2007, the percentage falls to 6.3% of the total of cases. See UNAR, *Dati parziali e provvisori relativi alle segnalazioni pervenute all'Unar nel periodo fra il 01/01/2007 e il 15/09/2007*, op. cit.

⁶¹ The victim in the above case first reported his experience to ENAR Secretariat which later passed it on to the Italian National coordination.

⁶² Bonerandi, E. 2007 'Milano, cinesi in rivolta, guerra con vigili e polizia', *La Repubblica*, 13 April.

⁶³ OsservAzione, Cohre, Ergo, *Letter to Mr Romano Prodi and Mr Calin Popescu Tariceanu*, 14 August 2007.

⁶⁴ The episode is described in detail in par. V.vi Racist violence and crime.

⁶⁵ Luglio M. 2007 'Giù le baracche ma i rom non se ne vanno', *La Repubblica*, 2 November, p. 4.

⁶⁶ Viaggio M. 2007 'Demolita la "bidonville" di Ponte Mammolo', *Il Giornale*, 5 December.

⁶⁷ De Florio A. 2007 'Scontro sulle espulsioni, niente voto bipartisan', *Il Messaggero*, 22 November, p. 15.

violence against Roma in Naples and many other areas of Italy⁶⁸. The Government immediately decided to introduce a specific legislation to address criminality through a 'security package' that included measures to control, in particular, Roma people⁶⁹. At the end of May, the Minister of Interior announced the intention to carry out a census of Roma and Sinti living in the camps of three Italian regions and a month later started the fingerprinting of Roma people, including children⁷⁰. This decision drew strong critical reactions from both civil society and the European Parliament, that defined the fingerprinting a clear act of racial discrimination and urged the Italian authorities to stop it⁷¹.

5.6 Racist violence and crime

One important development in 2007 was the availability of new data on racist violence provided by ministerial sources. These new sources are signs of an increased interest in monitoring of the phenomenon. The information provided is not without problems: none of these sources offer definitions of the phenomenon monitored, nor how data was collected. Available criminal judicial statistics by ISTAT in 2007 referred to events that occurred in 2005. According to this source, there were 63 cases of racist crime for which judicial authorities had initiated penal proceedings and 18 persons sentenced for racial discrimination⁷². As regards new data, figures provided by the Ministry of Justice concerning criminal proceedings for racial discrimination referring to the year 2006, indicate that there were 137 new cases pending before criminal Courts and 100 proceedings concluded during the year⁷³. The inter-ministerial *Committee against Discrimination and Anti-Semitism* under the Department of Public Security of the Ministry of Interior, reported 39 acts of anti-Semitism, 26 of racism and 24 of xenophobia during the period 1st January – 31st August 2007⁷⁴. The Committee says that only one person was denounced for anti-Semitism, 19 for racist acts, eight for xenophobic acts and two were arrested for inciting racial hatred.

Moreover, the Ministry of Interior reported to OSCE - Odihr 62 cases of anti-Semitism, including anti-Semitic acts in schools and damaging of Jewish cemeteries and places dedicated to the remembrance of the Shoah⁷⁵.

Despite the availability of new sources of information from which a better picture of the situation of racist violence in Italy can be drawn, data provided by these

⁶⁸ See for example: 'Napoli vendetta anti-rom 'Via chi rapisce i bambini'', *Corriere della Sera*, 13 May 2008 and M. Solani, 'Molotov e spranghe, vendetta contro il campo nomadi', *L'Unità*, 14 May 2008.

⁶⁹ http://www.governo.it/GovernoInforma/Dossier/pacchetto_sicurezza/index.html, accessed 21 August 2008.

⁷⁰ 'Impronte nomadi, Maroni insiste "Non recederò di un millimetro"', *La Repubblica*, 29 June 2008.

⁷¹ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2008-0361+0+DOC+XML+V0//EN&language=EN>, accessed on 21 August 2008.

⁷² Istat, *Statistiche giudiziarie penali – Anno 2005*, (Rome: Istat, 2007).

⁷³ Data collected by the Ministry of Justice, DG Statistics and provided on request.

⁷⁴ Data provided on request by the Committee against discrimination and anti-Semitism of the Ministry of Interior.

⁷⁵ OSCE Office for Democratic Institutions and Human Rights – ODIHR, *Hate crimes in the OSCE Region: incidents and responses*, (Warsaw: Osce – Odihr, 2007). See also the survey carried out by CDEC – Jewish Contemporary Documentation Centre, that monitored in 2007 43 anti-Semitic acts, of which 36 can be classified as anti-Semitic propaganda, graffiti and literature, <http://www.cdec.it/>, accessed 20 May 2008.

sources are very different from information collected by 'unofficial' sources, namely NGOs and migrants' associations. Even a simple monitoring of cases reported in newspapers shows a very disturbing situation, with a clear increase of the episodes of physical and verbal violence against migrants and minorities, in particular Roma of all nationalities and Romanian citizens. The FRA RAXEN Annual Report 2006, which contains data on racist violence based on cases reported in the press between September 2005 and September 2006, identified 203 cases, of which nine instances of verbal violence, 94 cases of physical violence and 15 were rulings of various Courts of Justice that confirmed that racist violence had occurred. There were 28 cases of Islamophobia and the most frequent nationality among the victims was Romanian (22 cases)⁷⁶.

Concern about racism during football matches remains very high. The observatory on racism in football, run by a Rome-based association *Panafrica*, recorded 56 racist incidents during the 2006/2007 championship season, of which 43 by fans, four by players and nine consisted of display of racist banners⁷⁷.

In the night of 19th September 2007, a group of 40 masked people armed with Molotov bottles, stones and chains tried to attack a Roma camp in Rome. Only the timely intervention of the *Carabinieri* avoided a tragedy. Afterwards, the police arrested a person who claimed to be part of a group of citizens who were protesting against the presence of a Roma camp in the neighbourhood⁷⁸. After a few months, a Roma camp near Milan was set on fire after a protest march by non-Roma residents of the area. Police denounced 15 people for the arson and two of these were town councillors⁷⁹.

Many cases of racist violence occurred after the murder of an Italian woman in Rome by a Romanian Roma in October. The brutal murder had been witnessed by a Roma woman who, with the aid of a bus driver, alerted the police and helped them to identify and arrest the alleged aggressor.

After the incident, a palpable climate of racism and xenophobia downed on the whole country and many Roma and Romanian citizens fell victim of serious racist abuses. On 3 November, three Romanian boys were attacked with sticks and knives by a group of masked men identified by the police as part of the far-right group known as '*Forza Nuova*'⁸⁰. In the days following the attack, the same group organised some torchlight processions in various areas of Italy asking that Roma camps should be dismantled and the resident Roma expelled from the country. In Rome, a 22-year old Romanian boy was stabbed in the shoulder by some unidentified Italian boys for no obvious reason⁸¹ and in another case, a bomb

⁷⁶ COSPE, *Raxen Annual Report 2006*, (Vienna: FRA, 2007).

⁷⁷ Valeri, M., *Attacco antirazzista 2007*, (Rome: Associazione Culturale Panafrica, 2007).

⁷⁸ Vuolo P. 2007 'In 40 all'assalto del campo rom armati di molotov, sassi e catene', *Il Messaggero*, 21 September, p. 13

⁷⁹ Liso O. 2007 'Rogo al campo rom, politici indagati', *La Repubblica* (01.03.2007).

⁸⁰ Isman G. 2007 "'Ci hanno aggredito con i bastoni, è una vendetta per Tor di Quinto'", *La Repubblica*, 3 November, p. 3.

⁸¹ 'Rumeno ferito: "Mi hanno accoltellato tre italiani"', *L'Unità - Roma*, 27 November 2007.

exploded in front of a shop offering typical Romanian products and a *swastika* was painted near the shop together with threatening graffiti⁸². Newspapers reported also a number of verbal attacks against Romanian immigrants and their children⁸³ and racist graffiti were found in many Italian cities⁸⁴.

Regarding the racist discourse by politicians, a councillor from the Northern League Party in the town of *Treviso*, declared during a meeting of the Town Council that: 'it would be right to teach them [non-EU immigrants] how to behave using Nazi methods. For every citizen of Treviso disturbed or damaged by immigrants, we should punish 10 non-EU immigrants'⁸⁵. The Public Prosecutor's office in Treviso opened an inquiry on charges of apology of fascism and incitement to racial hatred⁸⁶.

Another racist statement that roused an indignant reaction by the ERRC⁸⁷, was made by Gianfranco Fini, leader of the right wing party National Alliance (currently President of the Chamber of Deputies). Referring to the Roma, he said in a television interview that: "there are people who don't accept integration because they don't accept values and principles of the host society [...] I wonder how it is possible to integrate people who think that theft is lawful and not immoral, who don't work because only women should do so, often by resorting to prostitution and who have no scruples in kidnapping or having children to use as beggars. Talking about integration for people who have this kind of culture does not make sense"⁸⁸.

The Observatory on Anti-Semitism, created by CDEC – Contemporary Jewish Documentation Centre, is a website on anti-Jewish prejudice and anti-Semitism. It contains information, studies, publications and research on anti-Jewish prejudice in Italy and Europe, presents the new manifestations of anti-Semitism and initiatives aimed at countering it⁸⁹.

5.7 Access to goods and services in the public and private sector

In 2007, there were no significant changes in access to goods and services in the public and private sectors by migrants and minorities. One case of discrimination in access to services that attracted wide media coverage involved a group of pupils of foreign origin who were visiting a famous historical site with their classmates and were not allowed to enter a famous archaeological site free of

⁸² 'Bombe carta e sputi, romeni nel mirino', *Il Manifesto*, 6 November 2007.

⁸³ See for example 'Cesena: Minacciata una donna perché rumena', *Corriere di Romagna*, 7 November 2007; 'Bimbi rumeni insultati a scuola', *L'Unità*, 12 November 2007.

⁸⁴ See for example 'Razzisti imbrattano il centro di accoglienza', *Il Firenze*, 3 November 2007, p. 21.

⁸⁵ 'Immigrati, servono metodi da SS', *Il Corriere della Sera*, 5 December 2007.

⁸⁶ 'Il consigliere di Treviso chiede scusa per la frase sulle SS. Ma la procura apre un'inchiesta per apologia di fascismo', *L'Avvenire*, 6 December 2007, p. 13.

⁸⁷ ERRC, *Italian Politician and Media Brought Under Scrutiny for Anti-Romani Speech*, 2007, available at: <http://www.errc.org/cikk.php?cikk=2865&archiv=1>, accessed 13 November 2007.

⁸⁸ Di Caro P. 2007 'Fini: impossibile integrarsi con chi ruba', *Corriere della Sera*, 4 November, p. 5.

⁸⁹ www.osservatorioantisemitismo.it, accessed 20 May 2008.

charge. The refusal was supposedly on grounds of their nationality inferred from their skin colour, as free admission into the site granted only to children who are Italian and other EU citizens. The pupils of foreign origin who refused free entry turned out to be all Italian citizens but did not carry any documents to prove it (neither did those who were allowed entry)⁹⁰.

During the year, some racist incidents were also recorded in access to nightclubs and discotheques. In some cases, bouncers and owners prevented immigrants from entering these places on grounds of nationality⁹¹.

An important sentence by the Constitutional Court affirmed that the right of foreign citizens involved in a trial to appoint their own interpreter paid for by the State⁹². This sentence that promotes access to the interpreting service during the trials, will make it easier for the defendant to understand charges brought against him/her and details of the proceedings, making his/her participation effective.

5.8 Media, including the internet

During the reference period, the media continued to represent immigrants in a very negative way, linking migration with security issues. In particular, Muslims and the Roma are increasingly associated with 'terrorism' and 'crime' respectively. In general, when a migrant is allegedly involved in a crime as perpetrator, his/her nationality is very often emphasized through alarming headlines while the same does not happen when a migrant is the victim. The media 'lynching' of the Roma and Romanians peaked firstly on the occasion of the death of an Italian girl caused by a Romanian girl in the underground in Rome, and after the already cited murder of an Italian woman by a Romanian Roma.

An example that is indicative of the way newspapers present immigration related issues, is an article published in the national daily *La Stampa*, which describes immigration from Eastern European countries. It says:

[...] And this is not only a problem of crime news, of stories of madness and crimes having as protagonists Albanians, Romanians, Moldavians, Ukrainians, violent crazy "splinter groups" who rob villas, steal and rape women. For many years, these invisibles from the East have been the real reservoirs that enlarges irregular immigration – about 70 % of the total – and the various ethnic mafias that has settled in our country⁹³.

In February 2007, various organisations and institutions⁹⁴ formed a committee charged with drafting a charter of professional ethics and standards that should

⁹⁰ Romano A. 2007 'Valle dei Templi vietata ai bimbi di colore', *La Repubblica*, 10 July, p. 25.

⁹¹ See for example 'Marocchini? Niente discoteca', <http://www.stranieriinitalia.it>, accessed 23 March 2007.

⁹² Constitutional Court, Sentence no. 254, 6 July 2007.

⁹³ Ruotolo G. 2007 'Criminalità. Il pericolo arriva da est', *La Stampa*, 17 May, p. 4.

⁹⁴ Members of the Committee are: UNHCR, National Office Against Racial Discrimination, Committee against Discrimination and Anti-Semitism of the Ministry of Interior, Ministry of Social Solidarity, University of *Roma III*, Journalists Professional Association, Foreign Press Association, National Federation of Press and journalists of various newspapers.

be respected by journalists when writing about immigrants, asylum seekers and refugees, victims of trafficking in human beings etc. The initiative followed a serious case of ethnic profiling in which a North Africa migrant was accused by most of the media of having murdered his Italian wife, a two-year old son, the wife's mother and a neighbour. Within 24 hours, the police discovered that the migrant had been out of Italy at the time the murder was committed by an Italian couple living next door to the victims⁹⁵. This group produced a document known as the 'Charter of Rome', which was later approved in April 2008 by the National Federation of Journalists.

Regarding racism on the Internet, the national equality body UNAR published⁹⁶ a guideline on how to report websites and on-line materials that have discriminatory contents. If the contents of such websites are considered to violate criminal law, UNAR reports the website to the police in order to start a legal action; otherwise, it intervenes directly adopting the most appropriate measure.

In June 2007, the third meeting of Multicultural Media titled 'Media, Diversity and Pluralism' took place in Rome. The event, organised by COSPE in collaboration with the Department of Rights and Equal Opportunities of the Presidency of Council of Ministers, was aimed at highlighting the role of media initiatives promoted by migrants and offered an opportunity to reflect on and discuss how to promote diversity in the media and the need to combat stereotyping of immigrants in the media⁹⁷.

⁹⁵ See Enar Shadow Report 2006.

⁹⁶ <http://www.dirittipariopportunita.it/DefaultDesktop.aspx?page=365>, accessed 26 May 2008.

⁹⁷ <http://www.mmmc2000.net>, accessed 20 April 2008.

6. Political and legal context

The reference period - 2007 - was characterised by political instability of the governing coalition government and this instability made parliamentary work particularly difficult. The instability was due to a very narrow victory of the centre-left coalition over the rival centre-right. In this situation, the promised reform of both the citizenship and immigration laws did not take place. All the same, the former government managed to push through a number of circulars that modified limited but significant aspects of the law on the status of foreigners.

6.1 Anti discrimination

With regards to the application of the anti-discrimination Directives, the most significant event to be pointed out is the infringement procedure⁹⁸ initiated by the European Commission (EC) against Italy (and 13 other countries) concerning some aspects of the transposition of Directive 2000/43/EC⁹⁹ implementing the principle of equal treatment.

In particular, the EC contested the following aspects of the Italian transposition decree: failure to shift the burden of proof; inadequate protection against victimization and incorrect definition of 'harassment'. The Government's reaction will be described in the next paragraph, in the framework of the "security package".

The murder of an Italian woman by a Romanian Roma in Rome on 30th October 2007, led to a wave of xenophobic reactions as well as to the decision by the Government to propose a new decree on public security, which affected in particular Romanians and Roma of various nationalities, considered to be responsible for a wave of crimes in many cities. The Government approved a decree containing 'urgent provisions on expulsions from Italian territory for reasons of public security'. The decree amended some articles of the legislative decree on free movement of EU nationals passed in February 2007¹⁰⁰, which transposed Directive 2004/38/EC. It provided for the expulsion of EU citizens for 'serious reasons of public order or security', broadening the previous provision that allowed only expulsions for 'public security reasons that threaten the security of the state' to also include 'imperative public security reasons'. Public security reasons are defined in the decree as being "imperative" when "an EU citizen or a member of his/her family, [...], behaves in a way which jeopardises the safeguard of human dignity or fundamental rights of a person or public safety, thereby

⁹⁸ Infringement procedure n. 2005, no. 2358.

⁹⁹ Legislative decree n. 215/2003, which transposed the Council Directive 2000/43/EC on equal treatment on the grounds of racial or ethnic origin.

¹⁰⁰ Italy / Legislative Decree nr.30 (06.02.2007) which transposed Directive 2004/38/EC.

making his/her permanence on national territory incompatible with civil and safe co-existence”¹⁰¹.

Numerous were the reactions by associations and the Romanian Government officially protested to the Italian government for the racist nature of the measures. In particular, associations of Romanians in Italy and Roma and Sinti associations mobilised throughout the last two months of the year to oppose the xenophobic climate that was building-up in the country¹⁰². Organisations such as the Association for Legal Studies on Immigration (ASGI), UNHCR, and the Union of criminal law practitioners condemned the decree, defining it as discriminatory and unconstitutional¹⁰³.

Earlier in the year, the public and political discourse was focused on issues of security in major cities and immigration. On 18th May, the mayors of Rome and Milan, belonging to rival centre-left and centre-right coalitions, signed "security pacts" with the Minister of the Interior which contained, among others, a proposal to move Roma camps further away from city centres¹⁰⁴. These measures were strongly criticised by organisations working for Roma rights.

In this charged atmosphere fuelled by political leaders of both governing and opposition parties, newspapers and television, the mayor of *Cittadella*, a small town in the province of Padua, a member of the Northern League party, issued an ordinance based on a decree passed in February 2007 and the implementation circular¹⁰⁵, which provided that in order to qualify to register with the municipality, the applicant must show evidence of a yearly income of at least 5000 euro deriving from a legal source, a health insurance and a "decent" home¹⁰⁶. Though many critics publicly expressed doubts about its constitutionality, many other small municipalities governed by coalition led by the Northern League in Veneto and Lombardy, went on and adopted similar measures. In 2008, the Regional Administrative Tribunal (TAR) of Lombardy repealed these measures in eight municipalities for, among others, "suspected discriminatory aims"¹⁰⁷. The National Office Against Racial Discrimination also intervened with an opinion on the ordinance of the Municipality of *Cittadella*, pointing out the discriminatory nature of the contents¹⁰⁸. According to ASGI

¹⁰¹ Decree Law no.249, 29 December 2007.

¹⁰² See in particular: Italia-Romania Forum, *Attacco indiscriminato dei mass-media italiani. Basta!*, 2007; press release of the Romanians League in Italy on: <http://www.lri.it/>, accessed 5 January 2008; *Lettera dei romeni alla stampa*, available on: http://redazione.romaone.it/4Daction/Web_RubricaNuova?ID=92215&doc=sj, accessed 20 December 2007.

¹⁰³ Asgi, *Press release*, 2 November 2007, available on <http://www.asgi.it>, accessed 20 November 2007;

Ferrarella L. 2007 "Troppo emotive, basta leggi subito dopo i fatti di cronaca", *Corriere della Sera*, 21st of November, p. 20; Unhcr, *Preoccupazione per il clima di intolleranza contro gli stranieri in Italia*, press release, 6th November 2007, available on:

http://www.unhcr.it/index.php?option=com_content&task=view&id=962&Itemid=224, accessed 20 December 2007.

¹⁰⁴ Ministry of the Interior, *Patti per la sicurezza: firmati a Roma e Milano gli accordi tra governo ed enti locali per contrastare la criminalità*, Press release, <http://www.interno.it>, accessed 14 May 2008.

¹⁰⁵ Circular of the Ministry of the Interior, no.19, 6 April 2007, *Diritto dei cittadini dell'Unione e dei loro familiari di circolare e di soggiornare liberamente nel territorio degli Stati membri*.

¹⁰⁶ Decree on the application of the general legislative dispositions on the matter of registration of the resident population and related dispositions on sanitary and public security issues, 16 November 2007.

¹⁰⁷ Righetti C., 'Il TAR Lombardia boccia le ordinanze sul modello Cittadella', *Metropoli*, 14 May 2008.

¹⁰⁸ Opinion ref. no.1253 UNAR of 14 December 2007 and Opinion ref. no. 291 UNAR of 10 March 2008.

(Association for Legal Studies on Immigration), these measures amounted to *ethnic profiling* practices, that is, the use by local administrations and public security authorities of "certain categories, such as membership or racial or ethnic origin, colour and nationality, in the activities of control, surveillance and investigation without any objective and reasonable justification"¹⁰⁹.

Regarding case law on discrimination, an important sentence was handed down by the Court of Bologna in March 2007 against a private university in Milan (*Università L. Bocconi*), for applying a higher tuition fee to a student of Chinese origin whose family resides in Bologna, on the grounds of her not being an EU citizen, de facto forcing her to withdraw. The Court declared the measure was unlawfully discriminatory and ordered the University to apply the same tuition as would apply to an EU citizen of comparable income, and to pay the legal costs of the proceedings¹¹⁰.

The Regional Administrative Tribunal (TAR) of Lombardy region intervened to stop the closure of call centres owned and operated by immigrants, after a regional law went into force in March requiring that these small enterprises meet unreasonable conditions in order to operate in the region. The conditions included identity checks on their clients by asking for and registering their legal documents before offering any services, including making phone calls or money transfer to the countries of origin. The Tribunal declared the provisions unconstitutional and unreasonable¹¹¹.

In 2007, the Authority for the protection of personal data issued an important decision on the treatment of 'sensitive data'¹¹². Following the case of an estate agency that collected information on national and ethnic origin, religion and sexual orientation of clients, on the pretext that landlords did not want their houses rented to foreigners, homosexuals and Muslims, the Authority prohibited the collection of 'sensitive' data such as ethnic origin, sexual orientation and religion, because to do otherwise would be discriminatory and against the protection of the dignity of persons.

6.2 Migration and integration

The legislative decree 3/2007 that transposed "Directive 2003/109/EC on the status of long term resident third country nationals", made several modifications to the Consolidated Text on immigration of 1998. Some of the important changes include the reduction of the number of years of legal stay required to qualify for long term residence card from six to five years and once obtained, the card

¹⁰⁹ ASGI, reg. Dep.. F.V.G., *Richiesta di annullamento dell'ordinanza del Comune di Azzano Decimo (n.41/2007) avente come oggetto l'attuazione delle disposizioni legislative in materia di iscrizioni anagrafiche*, Trieste/Udine, 9 December 2007.

¹¹⁰ Court of Justice of Bologna, Civil section I, Ordinance of 28 December 2006.

¹¹¹ TAR of Brescia, 30 May 2007.

¹¹² National Authority for the protection of personal data, Decision, 11 January 2007.

allows the holder to reside, even for work purposes, in other EU countries that have transposed the directive.

Decree nr. 5/2007 transposed Council Directive 2003/86/EC on family reunion and introduced some changes in the requirements for children and parents for whom reunion is requested. It specifies, among other things, that the age of the minor is to be intended as at the time the application for reunion is made.

The legislative Decree nr. 30/07 transposed directive 2004/38/EC on the free movement and right to settle of EU citizens in the Member States. It abolished the residence permit for EU citizens, substituting it with the requirement that EU citizens be registered in the municipal registry of residents. For third country relatives of the EU citizens, the decree recognises a permanent residence right after five years of legal stay in a Member State.

Two other decrees approved between August 2007 and January 2008, both as transposition of Council directives, deal with entry into the EU for study purposes, internship, academic exchanges¹¹³ and for research¹¹⁴.

In an attempt to fight the exploitation of immigrant workers, especially seasonal ones, the Minister of the Interior extended the application of article 18 of the Consolidated Text on Immigration, which until then only applied to victims of trafficking and sexual exploitation, to cases of exploitation or violence at the workplace. The provision allows police authorities to fight the illegal hiring of workers in the agricultural and building sectors at very low wages, by granting residence permits for social protection to the victims¹¹⁵. Before this provision came into force, victims of extreme exploitation who denounced those responsible for their enslavement faced repatriation to their countries of origin, on account of their unauthorised stay in the country.

Another important ministerial circular issued at the end of 2007, concerned acquisition of Italian citizenship by children born in Italy by foreign citizens. Under the present law, children in this category can acquire Italian citizenship if they reside in Italy until they are 18 years of age and apply for citizenship within one year from the date they turn 18 years old.

The ministerial circular specifies that a late registration of a minor in the municipal registry of residents does not constitute a valid impediment to the acquisition of Italian citizenship, in cases where it is possible to provide other documentation (vaccination certificates, medical certificates in general, etc.) that can prove that the minor lived in the country in the period preceding registration in the municipality. In addition, where a minor stays without residence permit, the

¹¹³ Legislative Decree no.154, 10 August 2007, "Ingressi per motivi di studio, scambio di alunni, tirocinio non retribuito o volontario".

¹¹⁴ Legislative Decree no.17, 9 January 2008, "Attuazione della direttiva 2005/71/CE relativa ad una procedura specificamente concepita per l'ammissione di cittadini di Paesi terzi a fini di ricerca scientifica".

¹¹⁵ Ministry of the Interior, *Memorandum*, 6 August 2007.

applicant can present documentation proving his/her presence in Italy such as school records, medical certificates, etc¹¹⁶.

As in the previous years, it is important to recall that Italy still does not have a comprehensive legislation on the right to asylum and is still the only country in the EU in this situation. However, Council Directive 2004/83/EC, on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, was finally transposed in November 2007¹¹⁷.

Worthy of highlight is the fact that in recent years, the number of asylum seekers granted refugee status or humanitarian protection on grounds of their sexual orientation has risen¹¹⁸. One such case, promoted by a provincial anti-discrimination centre (*Pistoia*) and *Arcigay* – a national gay rights organisation -, enabled a young Albanian citizen to obtain refugee status, even though he comes from a country that formally does not have a legislation that criminalizes homosexuality¹¹⁹.

The programme for the protection of asylum seekers, refugees and beneficiaries of the humanitarian protection run by the National Association of Municipalities (ANCI) is an integrated system of protection, reception, and integration that functions through a network of projects managed by local institutions. In 2006, the total number of beneficiaries was 5347 at a cost of about 33 million Euros. Despite the efforts made so far, including an increase in investments on the programme, there are still many asylum seekers who are left out of the programme or who are unable to complete it up to the integration stage.

Early December 2006, a new procedure was introduced regarding the issue or renewal of stay permits. Applications are no longer submitted to the provincial police headquarters (*Questura*); rather, they are submitted to the Italian Post Services. Unfortunately, this change so far turned out to be quite negative, not only because of the higher cost (74 Euros compared to 14.90 Euros under the old procedure), but also due to longer waiting periods before receiving an answer. During the first six months, only 34.381 applications were processed out of 560.000 presented. The long time it takes to know the outcome of the application further complicates the lives of many migrants, and makes it extremely difficult for them to integrate into the social and economic contexts. In order to reduce the impact of the long waiting time, the Minister of the Interior issued directives that authorise, at certain conditions, to consider as a valid substitute of the stay permit when needed for access to work or a visit to the

¹¹⁶ Dipartimento for the civil and immigralional freedom – Central direction for civil rights, citizenship and minorities, Circular of 7 November 2007.

¹¹⁷ Decreto Legislativo 19 novembre 2007, n.251 - Norme minime sull'attribuzione, a cittadini di Paesi terzi o apolidi, della qualifica del rifugiato o di persona altrimenti bisognosa di protezione internazionale, nonchè norme minime sul contenuto della protezione riconosciuta, pubblicato sulla Gazzetta Ufficiale il 4 gennaio 2008.

¹¹⁸ Unhcr, *Press release*, 27 August 2007.

¹¹⁹ Fatucchi M. 2007 'Minacciato perché gay, è rifugiato', *La Repubblica - Firenze*, 5 May, p.l.

country of origin and re-entry afterwards, the slip issued by the Post offices in acknowledgement of receipt of the application of the bearer¹²⁰.

In April 2007, the Minister of the Interior presented the so-called “Charter of values, citizenship and integration”, a set of rules and principles meant for immigrants, especially Muslims, that is expected to facilitate co-existence and mutual understanding between the Italian State and Muslims¹²¹. The document covers the following topics: identity, rights and duties of foreigners, the central role of the family, secularity of the State, religious freedom and social rights.

6.3 Criminal justice

6.3.1 Racism as a crime

In April 2007, the Court of Appeal of Venice issued a sentence on a case of incitement to racial hatred, involving a prominent politician, currently mayor of the city of Verona. The case can be summed up as follows: in 2004 the Northern League Party in Verona promoted a campaign and a petition with the aim of “throwing Gypsies out of the city”, by distributing posters and fliers with the following sentence: ‘No to Roma camps. Sign to send Gypsies away from the city: no to Roma camps’. This campaign was challenged in Court by a group of Roma and some local anti-racist organisations. The first level judgement ended with six members of the party found guilty of incitement to racial hatred, who were sentenced to a six months prison term each and a fine. The sentence by the Court of Appeal in 2007¹²² confirmed the previous first level sentence but reduced the penalty from six to two months of prison and the damages to be paid to the Roma, due to the entry into force of a new law that reduced penalties for incitement to racial hatred and violence, making them more lenient¹²³. The Court of Cassation, in December 2007, cancelled the sentence and ordered that a new trial should be undertaken¹²⁴. Meanwhile the main defendant, had been elected mayor of the city of Verona, despite the two sentences that had confirmed he had been guilty of incitement to racial hatred and violence.

In March, the Court of Cassation confirmed that it is a crime to enter places where sports events are taking place, carrying symbols of racist and/or nationalist groups and associations, even if the person carrying such symbols is not a registered member of such groups or associations¹²⁵.

¹²⁰ Ministry of the Interior, Urgent telegram, 7 August 2007; Ministry of the Interior, Urgent telegram, 12 December 2007.

¹²¹ Ministry of the Interior, *Carta dei valori, della Cittadinanza e dell’Integrazione*, available at: www.interno.it, accessed 12 May 2008.

¹²² Court of Appeal of Venice, Sentence no. 186 of 30 January 2007.

¹²³ Law no. 85 of 24 February 2006.

¹²⁴ Sucardrom, ‘Una sconfitta’, 16 December 2007, http://sucardrom.blogspot.com/2007/12/una-sconfitta_.html, 8 May 2008.

¹²⁵ Court of Cassation, Third criminal section, Sentence no. 9793, 8 March 2007.

In June, the Ministry of Interior published the 'Report on crime in Italy. Analysis, prevention and contrast'¹²⁶, which carries out an in-depth analysis of trends and tendencies of crime in Italy. No data are provided concerning racist crimes against migrants and minorities while a chapter is dedicated to foreign citizens and contains data on irregular migration, expulsions and crimes committed by foreigners.

6.3.2 Counter terrorism

In 2007 no new specific legislation to counter terrorism was approved and Law nr. 155/2005 is still in force. The already mentioned decree on security issues adopted in December 2007, despite being focused on EU citizens, in particular Roma and Romanians, was titled: 'Urgent measures on expulsions and repatriations for reasons of terrorism and for imperative reasons of public security'. The decree confirmed that all expulsion decrees are to be executed with immediate effect irrespective of whether the expelled person has appealed against the decision. The an imam in Turin was expelled on the 9th of January 2008 on the basis of art. 1 of this decree, after the Public Prosecutor's Office had issued a clearance and the Court of Justice of Turin had held a validation hearing on the same day¹²⁷. A few days before, in December 2007, the Constitutional Court ruled as constitutional the decree that provides for the expulsion of foreigners suspected of terrorism saying that recourse to the Regional Administrative Tribunal does not suspend the execution of the expulsion decree.

The 'Report on crime in Italy' mentioned above reports 20 expulsion decrees adopted by the Ministry of Interior in 2006 against foreigners considered to represent a threat to national security (Eight Algerians, eight Tunisians, two Moroccans, one Egyptian and one Syrian). In 2005, it issued 14 expulsion decrees (Six Moroccans, five Tunisians, two Algerians and one Egyptian), eight in 2003 (Six Moroccans, one Senegalese and one Algerian) and one in 2002 (an Algerian). Investigations carried out by Police forces in 2006 to combat international terrorism by extremist Islamic groups led to 23 arrests.

In 2007, the topic of extraordinary renditions was a subject of public debate, in particular, the case of Abu Omar, the imam of a mosque in Milan kidnapped in 2003 by the CIA with the alleged support of the Italian military secret service (Sismi) and imprisoned in Egypt because he was suspected to be a member of an Islamic fundamentalist organisation¹²⁸. The report published by the Council of Europe about extraordinary renditions involving European countries¹²⁹ criticises the Italian government's behaviour with regard to that case. In February, 26 U.S.

ntenza n.432, 14/12/2007.

¹²⁶ Ministry of Interior, *Rapporto sulla criminalità in Italia. Analisi, prevenzione*, (Rome: Ministero dell'Interno, 2007), p. 22.

¹²⁷ See http://www.interno.it/mininterno/export/sites/default/it/sezioni/sala_stampa/notizie/immigrazione/0869_2008_01_10_espulsione_imam.html 1603681445.html, accessed 12 May 2008.

e – sentenza n.432 14/12/2007

¹²⁸ For a detailed description of the case and of the role of Italy see Amnesty International, *Partners in crime: Europe's role in US renditions* (n.p., AI, 2006), pp. 20-25.

¹²⁹ Council of Europe, *Secret detentions and illegal transfers of detainees involving Council of Europe member States: second report*, June 2007, pp. 62-63, <http://assembly.coe.int>, accessed 12 May 2008,

citizens and seven Italians were brought to trial for the kidnapping but the government intervened asking the Constitutional Court to cancel the proceeding because information on the case was classified as State secret.

6.3.3 Racial profiling

Despite reports by NGOs, associations and also the National Anti-discrimination Office – UNAR, on the various cases of racial profiling (according to the definition provided by the European Commission¹³⁰), the issue of ‘racial profiling’ has not yet been tackled neither through a specific monitoring activity nor a specific legislation or strategic litigation. On the other hand, the anti-discrimination clauses contained in the Consolidated Text on Immigration (articles 43 and 44 of Legislative Decree no. 286/98) apply also to public officials and as such, offer the legal basis to apply sanctions against discriminatory practices carried out by police forces.

ECRI, in July 2007, issued a recommendation titled: ‘On combating racism and racial discrimination in policing’, in which it asks all member States to define and prohibit racial profiling, monitor the phenomenon and train police forces, introducing the concept of ‘reasonable suspicion standards’ and it denounced the lack of these procedures in many member states¹³¹.

A specific analysis of this topic in the Italian context has been carried out by ASGI in the framework of an EQUAL project. After analysing international jurisprudence and Italian legislation in relation to the issue, it describes some episodes that can be considered cases of ‘ethnic profiling’, such as the circumstances that led to a clash in Milan between Chinese citizens and the police or the anti-crime night patrols organised by militants of the Northern League party which target mainly people identifiable as foreigners¹³².

6.4 Social inclusion

The most recent policy initiatives of the Italian government concerning social inclusion are contained in the National Action Plan for Social Inclusion 2006-2008¹³³. In general, according to the government’s plan, integration policies for immigrants should be geared towards initiatives that promote access to rights, health care, housing, education and training and fight discrimination, exploitation and trafficking of human beings.

¹³⁰ The European Commission defined the concept of ‘*ethnic profiling*’ as ‘encompassing any behaviour or discriminatory practices by law enforcement officials and other relevant public actors, against individuals on the basis of their race, ethnicity, religion or national origin, as opposed to their individual behaviour or whether they match a particular “suspect” description’, in EU Network of Independent Experts on Fundamental Rights, *Ethnic Profiling*, Brussels, December 2006, p. 9-10.

¹³¹ ECRI, *General Policy Recommendation n. 11 On combating racism and racial discrimination in policing*, 29 June 2007.

¹³² Progetto Leader, *Newsletter no.6*, 17 May 2007.

¹³³ Ministry of Labour and Social Security, Ministry of Social Solidarity, Ministry of Health, *Rapporto nazionale sulle strategie per la protezione sociale e l’inclusione sociale*, (n.p., n.p., 2006).

The Plan underlines that poverty and difficulties faced by children need a holistic approach, based not only on subsidies given to families but also on a concrete acknowledgment of their rights and equal opportunities. Drop-out from school is considered a strategic issue because of the negative data recorded in this sector. For the regions of the country with a high percentage of immigrants, the Plan provides for a yearly budget of 53 millions Euros for projects such as: training courses for teachers; activities for foreign children and their families, support for the creation of networks of schools to facilitate exchange of experiences and materials; reception and integration initiatives for foreign pupils including the creation of communication tools for use between schools and pupils' families in various languages.

The Plan analyses also the issue of Roma and Sinti minors and, among the various measures to be taken for their specific situation, it provides for: a table including government, Roma associations and associations working with Roma children aimed at drafting a national action plan on their inclusion, with particular attention to access to education and health services; dissemination of good practices concerning services and activities carried out at local level; strengthening of the use of cultural mediators.

Some measures for reducing poverty affecting minors are also contained in the National Action Plan for Childhood and Adolescence, a first draft of which has been proposed by the National Documentation Centre for Childhood and Adolescence but has not yet been adopted¹³⁴. The main objectives contained in the draft revolve around the following issues: tackling poverty (support family income, measures for reconciling work with family commitments, prevention of drop-out from school, fight against exploitation / abuse of minors, etc.); multicultural issues (social inclusion with particular reference to measures to be used to counter educational disaffection, family reunion, accompanied and unaccompanied foreign minors, asylum seekers and refugees' children, etc.); Roma, Sinti and Traveller minors (to activate, at national and local level, policies and processes of social inclusion, in particular with regard to access to education, housing and health services). In order to guarantee a real application of the measures provided by the plan and to put into practice the principle of equal opportunities for all, the plan provides for the setting up of an autonomous and independent National Authority for Childhood and Adolescence.

The second governmental report on the state of implementation of the Lisbon strategy¹³⁵ highlighted that some legislative initiatives launched in 2007, such as the bill containing amendments to the immigration law, are aimed at promoting the social inclusion of migrants, including, *inter alia*, the improvement of matching demand for jobs with supply; the extension of the validity of stay permits; granting

¹³⁴ National Documentation Centre for Childhood and Adolescence, *Schema di Piano di Azione per l'infanzia e l'adolescenza*, (n.p., n.p., 2007), available at: <http://www.solidarietasociale.gov.it/NR/rdonlyres/FE602B64-49C7-45E0-9B6E-A6ED271D31A6/0/TelaioPianoazione31ottobre2007pdf.pdf>, accessed 20 April 2008.

¹³⁵ Presidency of Council of Ministers, *Strategia di Lisbona. Piano nazionale di riforma. Secondo rapporto sullo stato di attuazione*, (Rome, n.p., 2007).

foreigners having a long term stay permit the right to vote at local elections etc. In spite of all good intentions, none of these measures and proposed legislative changes was approved or otherwise put in place before the coalition government fell and a new centre-right coalition came into power.

On 9 August 2007, the Ministry of Social Solidarity and the Department for Rights and Equal Opportunities issued an important directive¹³⁶ containing general guidelines for the use of the National Fund for Social Inclusion of Migrants and their Families, provided for in the 2007 budget that assigned 50 million Euros for each of the years 2007 to 2009. The priority areas in which local authorities and associations presented projects proposals in 2007 were: access to housing, reception of foreign children, second generation of migrants, protection of migrant women at risk of social exclusion, knowledge of Italian language and culture.

On 18 December 2007, the Ministry of Social Solidarity set up a Council for the problems of immigrants and their families, consisting of 72 members, chosen from among representatives of migrants' associations, NGOs, trade-unions, employers' organisations and local authorities¹³⁷.

¹³⁶ Ministry of Social Solidarity, Ministry for Rights and Equal Opportunities, *Directive*, 9 August 2007.

¹³⁷ President of Council of Ministers, Decree of 9 November 2007.

7. National recommendations

The following national recommendations are almost identical to those proposed in the 2006 Shadow Report; there were no relevant changes in 2007 neither from a legislative nor a political point of view.

7.1 General

- Promote a balanced public discourse on immigration, not linked to security issues and to political and electoral interests of the various political parties;
- Introduce the right to vote in local elections for third country nationals who are long residents in Italy.

7.2 Anti discrimination

- Take measures to ensure that the national equality body (UNAR) is really independent, including appointing an independent director 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;
- Train legal practitioners as well as law enforcement agencies on how to use existing anti-discrimination provisions to protect victims.

7.3 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;
- 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;
- Reform the immigration law and in particular, abolish the stay-for-work contract and introduce the sponsorship by third party system in order to enable prospective migrants to enter and search for jobs in the country

within a one-year period. Also introduce also measures to ensure a transparent and fair procedure, reduce the cost and the time it takes to process the relevant documents and to obtain a new stay permit or renew an old one.

7.4 Criminal justice

- Approve a specific legislation on hate crimes and when reforming the existing criminal law provisions on incitement to racial hatred and violence, ensure that the use of the internet for these purposes is also covered. Consider also introducing provisions that will make it possible to prosecute and where found guilty, ban political platforms that incite to racial / ethnic hatred and violence.

7.4.1 Racism as a crime

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

7.4.2 Counter terrorism

- Monitor practices and procedures to combat terrorism that can become discriminatory practices if they are not subjected to external controls.

7.4.3 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.

7.5 Social inclusion

- Having in mind that social exclusion compounds the effects of racism and discrimination on victims, when designing policies meant to fight such exclusion, ensure that anti-discrimination measures are incorporated into them.

8. Conclusion

Expectations raised in 2007 concerning the improvement of the conditions of foreigners in Italy ended up unfulfilled. Neither a comprehensive law on the protection of asylum seekers and refugees, nor the amendments to the citizenship and immigration laws announced in 2006 were approved. Nevertheless, it is worth noticing that the government, which had difficulties in managing immigration as a whole, tried to get around difficulties and bureaucratic barriers that impact negatively on migrants through circulars and directives. These circulars and directives aimed at improving their living conditions and reducing the number of those who fall back into an irregular status because they are unable to meet new conditions, after being legally resident for years. The Government's response to the wave of xenophobia that swept the country in 2007 was very unsatisfactory.

A significant change is the availability of data on racism and xenophobia collected by public authorities. Though these data are not well structured and clear yet, they remain important sources of information for scholars, researchers and policy makers and encourage further monitoring activities. It is hoped that the collection of data will become widespread, covering all sectors in which discrimination takes place and all grounds of discrimination.

This report also has highlighted for 2007, an increase in public funds for social inclusion of migrants in different spheres of public life. Some ministries published specific calls for proposals in the sectors that fall under their competence (such as the Ministry of Social Solidarity, the Department of Youth Policies and Sport and the Department of Rights and Equal Opportunities – National Office Against Racial Discrimination) and financed a number of integration and anti-discrimination activities carried out by associations and local authorities.

Lastly, it is important to underline here the positive effects of an active civil society in countering racism and xenophobia. The wave of anti-Roma and anti-Romanian acts that took place during the reference period would have been worse without the opposition of many associations working in defence of Roma and migrants rights. The signs that have so far come from the new centre-right Government suggest that there will be more need for vigilance on the part of anti-racist and human rights NGOs in order to counter rising institutional discrimination. The fingerprinting of all Roma residents in camps, including minors, introduced early in 2008, clearly indicates that improvement in public policies in this area will not come easy and there will be need for concerted efforts to ensure equality for all.

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10. 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)

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

FRA – Fundamental Rights Agency

IISMAS – Istituto Internazionale Scienze Mediche Antropologiche e Sociali (International Institute Social Medical Anthropological Sciences)

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)

UNHCR – United Nations High Commissioner for Refugees



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