



# ENAR Shadow Report

## 2003

# Italy

Author: Sara Cerretelli

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# 1. Introduction

## 1.1 The national context

The subject of discrimination in Italy is not yet at the centre of public debates nor of the political agenda. Although Italy can no longer be considered a country of recent immigration, only in the last few years did problems of integration come to the forefront. Still lacking is a full awareness of the extent of the problem and a systematic commitment by institutions to tackle discrimination and racism. Besides, the existence of political parties clearly opposed to the presence of immigrants has hindered an adequate political reaction and contributed to public debate being focused on the issues of illegal migration and most effective forms of repression.

The lack of appropriate attention to the subject of discrimination at an institutional level, and the absence of reliable data on the extent of the problem should not, however, lead to an under-estimation of the enormous effort made by numerous NGOs, working to promote integration and reduce the disadvantages faced by ethnic minorities. The activities of NGOs are even more significant, as they are confronted by very difficult political and financial situations, as the government is reducing spending on social welfare programmes and transfers to local authorities, thereby hindering programmes meant to support victims of discrimination.

## 1.2. Victim groups

The group most affected by discrimination is certainly that of non-EU migrants, defined in Italian as “*extracomunitari*”, a term used in official documents to identify citizens of states not belonging to the European Union but currently used to refer to economic migrants and refugees from developing countries, including Eastern Europe. Among these, some national groups are exposed to greater hostility: Albanians and those from some African countries in particular, face major difficulties especially with regard to accommodation, employment and access to services.

The situation of asylum seekers, neglected for several years due to the lack of a consolidated law on the subject, is still not clearly defined after the approval of the so-called “*Bossi-Fini*” law. This new law on immigration once again reiterates the subordination of the protection of asylum seekers to immigration control measures and the failure to uphold this fundamental human right enshrined in the Constitution and in international conventions of which Italy is a signatory country.

Special attention should be given to the situation of Muslims who, numerically, now represent the second largest religious community in Italy. Though they come from different national groups in different parts of the world, their belonging to the Muslim religion and culture exposes them to risks of discrimination. Following the bombing of the Twin Towers in New York, specific problems have emerged for Muslim communities as a whole, irrespective of the differences within and these new problems make them one of the least integrated minorities in Italian society.

Another type of religion / culture-related racism which has re-emerged recently is anti-semitism. There are strong prejudices against Jews in Italy and these have recently been accompanied by increasing controversy and tensions in public debates owing to the worsening of the Israeli-Palestinian conflict. In this context, the term *anti-Semitism* is increasingly being used in media discourse to refer to any kind of criticism of the Sharon-led Israeli government, making it difficult to grasp the real extent of the re-emergence of anti-Semitic stereotypes and revisionism.

Lastly, hostility against Roma and Sinti populations is deeply rooted in Italian society<sup>1</sup>. Stereotypes against these groups are numerous just as institutional racism against them is more extensive than that towards other minorities. The strong belief by local authorities that the Roma are a nomadic population has led to their complete segregation in the so-called “Roma-camps”, areas without minimum facilities isolated from the rest of the community. Public opinion against them has become increasingly aggressive and there are media reports of physical as well as psychological violence against them by law enforcement agents in different parts of the country.

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<sup>1</sup> Tabucchi A. (1999) *Gli zingari e il Rinascimento* Feltrinelli 1999.

## 2. Areas of visible/hidden racism

### 2.1. Discrimination in the employment sector

Discussing discrimination in the employment sector in Italy necessarily implies starting from the premise that there is a complete lack of data, at institutional level, on cases of discrimination both in access to employment and in the workplace. The growing reports by trade unions and research reports on the subject, together with available data on the employment of immigrants, reveal an alarming picture of many forms of discrimination which directly or indirectly lead to an unequal treatment of foreign workers as compared to nationals. The first form of discrimination visible in practically all employment sectors is linked to the fact that immigrants are frequently given the tasks which require unskilled labour, irrespective of the level of education attained or professional experience acquired.

While, on the one hand, this can be explained by inadequate knowledge of the language or the lack of recognition, by the Italian State, of the educational and professional qualifications obtained abroad, on the other hand, it has also been observed that immigrants who studied in Italy and who have good knowledge of the language are equally faced with a hostile labour market offering them worse conditions of employment than their Italian counterparts. Moreover, the need to find a job in a short time in order to earn a living, pushes immigrants to accept jobs and working conditions that most Italians would not accept, thereby exposing them to risks of irregular employment, without health and welfare protection rights.

Data published by INAIL, the national institute for insurance against incidents at work, show a higher rate of incidents at work among foreign workers<sup>2</sup>, confirming the 3-D nature of jobs (dangerous, demanding and dirty) and working conditions faced this category of workers. Alarming as the INAIL data may be, it does not include accidents involving immigrant workers without regular contracts (therefore uninsured), of which only a small number is denounced by the unions. There are reports that many migrant workers, when taken to the hospital for treatment after accidents at work, choose not to say that the accident took place at work, for fear of losing their jobs.<sup>3</sup>

Another element of instability for immigrants was introduced by the last immigration law enacted in 2002 - the so-called Bossi-Fini Law -, in the form of a “stay for work contract”, a written agreement between the employer and a non-EU prospective worker, which is essential to obtain a stay permit. A close link is thus established between the stay permit and employment status and immigrants are considered merely as “manpower”, devoid of essential rights until they get a job. The continuous risk of losing their legal title to stay decisively weakens their bargaining power and increases their precarious status, creating a marginalised labour force highly exposed to blackmail.

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<sup>2</sup> Inail (National Institute for Insurance against Incidents at Work) created an on-line observatory on the Internet, available at: <http://osservatorio.inail.it>

<sup>3</sup> See Ambrosini M., Boccagli P. (eds) Provincia Autonoma di Trento: L'immigrazione in Trentino. Rapporto annuale 2002, 2002.

Moreover, the new law puts an obligation on the employer to provide the immigrant worker he/she plans to employ, with accommodation which meets the minimum standards of public residential housing defined by law. Besides, the prospective employer is also obliged to make a deposit amounting to the cost of repatriation of the immigrant worker to the native country in the case of dismissal or resignation and unemployment benefits for at least six months. Both provisions can discourage employers from employing foreigners and give preference to indigenous workers (or to employ them with regular contracts) and the second provision – bearing the cost of repatriation of the foreign worker – can in turn lead to further discrimination between various nationalities on grounds of their vicinity to Italy: an employer may prefer an Albanian worker to a Chinese one, in order to avoid making a higher deposit to cover the cost of repatriation<sup>4</sup>.

The 11<sup>th</sup> of November 2002 marked the turning point of what until now, has been the most extensive legalisation of the status of immigrants in Italian history<sup>5</sup>. The total number of applications (702,000) for the whole country turned out to be well above the expectations of experts and analysts, involving more undocumented migrants than the last three preceding regularisation exercises (1990, 1995 and 1998) considered collectively.

The legalisation exercise and regularisation of working positions was officially concluded at the end of December 2003, and in the entire process, almost 635,000 stay permits<sup>6</sup> were issued, ranking Italy, according to some estimates, third EU member state as regards the number of legally resident immigrants. According to an estimate by Caritas, there are about 2.5 million legally resident foreigners, and this figure amounts to about 4% of the total population<sup>7</sup>.

While the regularisation exercise, allowed many unauthorised immigrants to obtain legal titles to stay in Italy, it also led to various kinds of abuses. Most of these abuses stemmed from the fact that the whole exercise was meant to legalise previously irregular working positions by allowing employers who had engaged undocumented immigrant workers to regularise their positions. In other words, it was the employer who applied to regularise his / her previous irregular position and the unauthorised immigrant worker was granted a legal title to stay in relation to the application of the employer. This led to very serious cases of exploitation, in which many unauthorised immigrant workers were not only obliged to bear the cost of the regularisation exercise (a sanction equivalent to three months' taxes and social welfare contributions of a regularly employed worker in same position as the one to be legalised), and some others even had to pay prospective employers, to "convince" them to submit applications on their behalf<sup>9</sup>. Moreover, the very long period that elapsed from the time the applications were submitted and that when stay permits were finally issued made

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<sup>4</sup> Leogrande A, Naletto G. (eds) (2002), *Bada alla Bossi-Fini! Contenuti, "cultura" e demagogia della nuova legge sull'immigrazione*, Altreconomia, Piacenza, 2002.

<sup>5</sup> Decree Law of the 9th September 2002 n.195 – Urgent measures for the legalisation of the employment of non-EU nationals.

<sup>6</sup> See the statement of the Ministry of Interior Pisanu of 29/01/04, available at: [www.interno.it](http://www.interno.it).

<sup>7</sup> Caritas Migrantes, *Dossier Statistico Immigrazione 2003*, Nuova Antarem, 2003, Roma, p. 99

<sup>9</sup> Caritas Migrantes, *Anticipazioni del Dossier Statistico 2003*, available at: <http://www.caritasroma.it/immigrazione/> (25/02/04). The report mentions a survey by a trade union which showed that in the building sector, in Rome, as many as 9 workers out of 10 had been forced to pay the sanctions attached to the regularisation and which was a duty put on the employer.

life very difficult for those involved in the process. Immigrants awaiting the outcome of the applications on their behalf could neither work nor travel out of the country, not even for serious family reasons.

For some undocumented immigrants, the application for regularisation later turned into a genuine “nightmare”. This was the case of those immigrants who had received expulsion orders well before the regularisation started and who did not know that such measure, though not carried out, was going to lead to a rejection of the applications in their favour. Many foreign citizens in similar positions, some of them living in Italy for many years and relatively well integrated, have since been expelled because their applications were turned down due to records in the archives showing that they had received an expulsion order in the past and did not leave the country.

It is also important to point out that successful applicants obtained a stay permit for only one year duration. This represents a serious limitation for a non-EU immigrant who, for instance, may wish to apply for allocation of public housing (a key requirement is that the applicant has a stay permit valid for more than a year), and in any case, such a short duration represents an element of instability and an obstacle to full integration<sup>10</sup>.

A distinguishing feature of the Italian labour market and of the position immigrants occupy in it is a sort of occupational segregation, which confines them to certain sectors of the labour market or jobs, according to their country of origin and gender. Surveys show that some activities have become “feminine” in terms of the presence of immigrant workers and that immigrant women find themselves mainly employed as housemaids or personal assistants of elderly or sick people<sup>11</sup>. Where the gender factor is associated with the country or region of origin, a different pattern of exclusion emerges: immigrant women from North Africa and the Middle East, areas from which there is intense migration flows towards Italy, are rarely employed as domestic workers, which, instead, is the main type of job offered to women from Catholic countries<sup>12</sup>.

The difficulties linked to this pattern of employment are numerous and not always adequately dealt with, especially by trade unions. First of all, irregular employment is common, partly because no tax rebates are granted to employers of domestic workers as partial compensation for the cost of regularly employing such workers. Secondly, many employers were reluctant to regularise the position of their employees, especially for the newly employed. Besides, working conditions can be extremely penalising. For women who work on hourly basis, the salary is low, and they are often forced to work for longer periods than those established in the contract, whereas live-in housemaids are limited in their private lives and practically forced to give up their own family life.

Assignment of humbler and demanding tasks, irregular employment conditions, long-working hours and low or unskilled tasks irrespective of the educational and professional experience, are only a few of the forms discrimination in employment takes. Together with these forms, these are also overt racist attitudes and behaviour by

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<sup>10</sup> Ismu, Ottavo Rapporto sulle migrazioni 2002, Franco Angeli, Milano, 2003.

<sup>11</sup> Blangiardo G.C. (ed), L’immigrazione straniera in Lombardia. La prima indagine regionale, ISMU, 2002, Milano.

<sup>12</sup> Ruggerini M. G., Bua D. (ed), Combattere la discriminazione delle donne migranti Progetto Europeo Codelfi, Working Paper n.16, July 2001.

those employers who do not give jobs to foreigners because of their ethnic and national origin. Some such employers have tried to justify their actions by claiming that they are forced to do so in order to avoid having “problems” with native employees who would not want to work with these newcomers, or, for jobs requiring direct contact with the public, they claim that some of their old clients or potential ones would not want to see immigrant workers (read visibly different!)<sup>13</sup>. In other words, some such employers claim to act in a racist manner on behalf of their other employees or potential or old clients (racism by delegation).

Research carried out by interviewing a thousand entrepreneurs from the North-East of Italy<sup>14</sup> (the most advanced industrial district with the largest presence of foreign workers) has highlighted a strongly negative and stereotyped perception of immigration. However aware they may be of the fact that in the next few years the number of immigrants will have to increase in order to cope with the shortage of local manpower, 47% of the entrepreneurs interviewed consider immigration “a threat to public order and the safety of citizens”<sup>15</sup>, while 31% of same group define foreigners as “a danger to their culture and identity”.

A case that was widely covered by national media at the time of compiling this report clearly illustrates the particular situation of disadvantage faced by certain groups. A young Moroccan student was turned down by a private nursery where she was sent by her school for a period of internship, because she wore a head scarf. The management of the nursery school and the children’s parents claimed that the scarf could “frighten and upset the children”<sup>16</sup>. Most political parties in the town where it occurred criticised it, pointing out its discriminatory character and the Mayor of the town offered the woman a job in a municipal crèche. The Northern League party instead defended the decision by the private nursery, claiming that *they* have “the right to educate their children according to their traditions”.

## 2.2. Discrimination in the educational sector

In the educational sector, as in other sectors of public life, there is no systematic monitoring of discrimination which negatively affects access and or performance of foreign children in schools, putting them at a disadvantage compared to their Italian peers. However, existing data can, if adequately integrated with research findings, provide a good overview of the situation. The Ministry of Education, University and Research (MIUR<sup>17</sup>), for some years now, has been collecting and making available quantitative data on the presence of foreign pupils in state and private schools, accompanied by an analysis of various aspects.

In the 2002/2003 school year, there were 232,766 foreign students registered in schools and this number amounted to 2.96% of the total number of pupils. Compared to the previous school year, both state and private schools recorded significant increases, with

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<sup>13</sup> Marini, D., Formare una professione o educare al lavoro? I fabbisogni professionali degli immigrati secondo gli imprenditori del Nord Est, Quaderni FNE, Collana Osservatori No.4, 2002.

<sup>14</sup> Bordignon, F., Marini, D., Gli immigrati visti dagli imprenditori: pericolo o risorsa?, Quaderni FNE, October 2001.

<sup>15</sup> The percentage found with entrepreneurs exceeds by as many as 8 percentage points that found with the general population (39%), that is already quite high.

<sup>16</sup> “Away with the scarf-wearing teacher. She frightens the children”, La Repubblica, 22nd March 2004.

<sup>17</sup> Ministero dell’Istruzione, Università e ricerca Scientifica.

a total of about 50,000 new foreign students. With regard to the nationality of non-Italian pupils, there were as many as 189 different nationalities in schools of all levels, and the three most represented nationalities were from Albania, Morocco and the former Yugoslavia<sup>18</sup>. Despite the remarkable increase in the number of non-Italian students, there are over 60,000 foreign children who do not attend school, according to information from the Committee for foreign minors<sup>19</sup>.

As to the distribution of foreign students at different school levels, it is interesting to note that the number of foreign pupils in secondary schools is growing, particularly at the upper secondary level. However, there is a significant difference between the number of non-Italian pupils in the first year of the upper secondary school (2.65 foreign students per 100 attending students) and the fifth year (0.77 per 100 attending students), suggesting that there is a high rate of drop-out from school. Regarding the type of upper secondary schools attended by non-Italian students, there is a high concentration of these students in technical and vocational schools compared to the classical, scientific and teachers training types of secondary schools. In the 2002/2003 school year, foreign pupils in technical and vocational schools accounted for 4.88 percent of total foreign students population while those in other types accounted for only 1.69 percent<sup>20</sup>. One of the arguments used to explain this concentration in the technical and vocational schools is that foreign students choose shorter educational careers due to the need to obtain qualifications that can be immediately spent in the labour market. Others have argued that the high concentration of immigrant workers in low-skill and demanding jobs discourages many foreign students from undertaking longer educational careers. Further, some research have shown that teachers play an important role in determining the type of upper secondary school non-Italian students choose to continue their education.

Data on performance at school expressed in terms of the percentage of students promoted to the next class at the end of the year, are indicative of the disadvantaged condition of immigrant students. While at primary school level the difference between the percentage of Italian and of foreign students promoted to the next class is little above 2 percent in favour of the former, at the secondary level, the difference is much bigger (8 percent)<sup>21</sup>.

These figures, as well as further research at national level, show how the educational career of many foreign students is often difficult and discontinuous. Besides the linguistic difficulties that children born outside Italy arriving in a new country after some years of schooling in the country of origin encounter, there are a number of other problems that are negatively affecting the integration of these students into the educational system. One such problem is the placement of non-Italian students in classes that are lower than their schooling experience and age would require. In other words, though legislation and ministerial circulars require that schools place foreign students in classes that match their ages<sup>22</sup>, only 12.2% of schools abide by this provision. Information from the ministry of education shows that in 41.7 percent of

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<sup>18</sup> Ministry of Education, University and Research – Service for Information Automation and Technological Innovation, Non-Italian Students . State and private schools. School year 2002-2003, December 2003, available at: [www.istruzione.it](http://www.istruzione.it) (25/02/04).

<sup>19</sup> Censis, 37th Report - 2003, Censis, 2003, Roma, p. 655.

<sup>20</sup> Miur, 2003, op. cit., p. 32.

<sup>21</sup> Miur, 2003, op. cit., p. 36.

<sup>22</sup> DPR no. 394 of 31<sup>st</sup> August 1999, art. 2.

cases, placement of newly arrived non-Italian pupils is done on the basis of the educational level already attained (last class attended in country of origin); in 27.8 percent of cases, preliminary interviews and assessment of student's competences are used to determine class of placement and in a remarkable 5.8 percent of cases, non-Italian pupils are placed, as a general rule, in a class lower than the age and past educational experience would require. This has a negative psychological impact on many of the pupils involved, thus making the integration of these students particularly difficult<sup>23</sup>.

A second type of problem is that some schools refuse to admit non-Italian pupils who arrive in the country after the beginning of the school year, despite legal provisions requiring that schools admit interest pupils applying to start school at any time of the year<sup>24</sup>. Some schools have justified this kind of decision by claiming that they already had five non-Italian students in the classes the new applicants would have to be placed and to exceed the above number of foreign students per class would amount to violating another regulation of the ministry of education which set the above numerical limit. The regulation referred to, which really exists, was meant to deter schools from creating separate classes for non-Italian pupils only. In other words, it was intended to foster integration and prevent marginalisation. A distorted interpretation and application of this regulation is being used to justify the denial of some non-Italian pupils' right to education, a principle - the right to education - enshrined in the Italian Constitution.

### **2.2.1. Religious minorities**

Though Italian public school system is secular, Catholic religion is taught at both compulsory and secondary school levels and a religious symbol such as the crucifix is displayed in many classrooms across the country. Parents can exempt their children from attending religious classes and an alternative lesson may be offered on request. In practice, not many parents ask that their children be exempted and in a nation-wide survey by the ministry of education in 2001, it was found that many Italian parents and teachers consider the choice by an immigrant parents to exempt their children from Catholic religious classes as an indication of unwillingness to integrate into the "dominant" culture<sup>25</sup> and a refusal of the host country's traditions.

In principle, religious belonging does not constitute a limiting factor with regard to the opportunity of integration for foreign pupils, but in practice, it can lead to problems and additional difficulties for students who belong to a religion labelled as "fundamentalist", and as "not accepting any mediation" with other religions or with the secular tradition. Hence, the negative attitudes and discrimination experienced by students from Muslim and Jehovah's Witness backgrounds, who are some times accused of creating "conflicting situations" within schools<sup>26</sup>.

A case that triggered much public debate in the last few months of 2003, on the subject of displaying religious symbols at school, was the ruling of a judge of a district Court

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<sup>23</sup> Ministry of Public Education, Transformations of the school in the multicultural society, Miur, June 2001, pp. 26.

<sup>24</sup> See Literacy Centre "Gandhi", Census of pupils without a school, school y. 2002/03.

<sup>25</sup> Miur, 2001, op. cit. p. 112.

<sup>26</sup> Miur, 2001, op. cit. p. 113.

in L'Aquila, who issued a temporary injunction pending a final judgement later, requiring a public nursery and primary school in the town of Ofena, to remove the crucifix hanging in the classrooms of two pupils from a Muslim family<sup>27</sup>. The plaintiff, an Italian citizen of Islamic faith, claimed that the display of the crucifix in his children's classrooms, was an infringement of the freedom of religion and principle of equality, established by the Constitution, and was in contrast with the principle of secularity of the Italian State, since the crucifix is a religious symbol of only the Christian religion. Called upon to decide on the legitimacy of displaying the crucifix in classrooms of public schools, the judge stated that

“the display of the crucifix leads pupils to a deep misunderstanding of the cultural dimension of the expression of faith, because it shows the clear will of the State - since it is displayed in a State school - to place the Catholic religion at the centre of the universe, as an absolute truth, without the least respect for the role played by other religious and social experiences in the historical process of human development (...). The display of the crucifix in schools, in practice, communicates an implicit acceptance of values which are not really shared by all citizens, (...) thereby giving a confessional connotation to a public structure - the school - and strongly undermining its pluralist image (...). The impartiality of public educational institutions towards the phenomenon of religion must be expressed by not displaying any religious symbol rather than by displaying a plurality of symbols, which however, cannot really be exhaustive and would end up by infringing on the negative religious freedom of those who do not have any credo”<sup>28</sup>.

Although the above ruling was not the first of its kind<sup>29</sup>, the injunction caused great controversy. Many political and religious leaders, commentators and intellectuals strongly defended the need to continue displaying the crucifix in classrooms, because, according to one such commentator, the crucifix “does not infringe on the freedom of religion, because it is a universal symbol which embodies human values of solidarity and brotherhood”<sup>30</sup>. The comment of the journalist Pietro Ostellino mirrors the views of the majority of those who spoke out publicly on the subject and he said that:

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<sup>27</sup> Order of the Court of Justice of L'Aquila, 22<sup>nd</sup> October 2003.

<sup>28</sup> Order of the Court of Justice of L'Aquila, cit., pp. 11-12.

<sup>29</sup> See Court of Cassation, Sentence no. 439 of 1<sup>st</sup> March 2000; Constitutional Court, Sentence 12<sup>th</sup> April 1989 no. 203 and Sentence 14<sup>th</sup> January 1991 no. 13.

<sup>30</sup> See Casadio, G., “Il crocifisso in aula non si tocca” (*The crucifix in the classroom should be touched*), La Repubblica, 27<sup>th</sup> October 2003; Anselmi, G., “Un regalo all'intolleranza” (*A gift to intolerance*), La Repubblica, 27<sup>th</sup> October 2003; “Tribunale dell'Aquila: via i crocifissi dalla scuola «Non è un patrimonio comune di tutti i cittadini»” (*L'Aquila Court: away with the crucifix in schools; “It is not a shared heritage of all citizens”*), Corriere della Sera, 24<sup>th</sup> October 2003.

“The crucifix is no longer (only) a religious symbol, rather it is (also, if not mostly) a symbol of the Judeo-Christian culture which, in turn, has historically, politically, socially, economically and even ethically, manifested itself concretely in what our civilisation is today. A civilisation that, like it or not, has produced more freedom, more justice, more well-being than any other and that, like it or not, has proved to be more fertile than any other in asserting the personality and dignity of men”<sup>31</sup>.

The representatives of different Islamic organisations, while warning against attempts to exploit the case in order to cause a social conflict, dissociated themselves from the position of the parent that led to the Court ruling, saying that for Muslims in Italy, the issue of the crucifix is not a priority<sup>32</sup>.

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<sup>31</sup> Ostellino, P., “I valori da difendere senza fanatismi” (*Values that should be defended without fanaticism*), La Repubblica, 27<sup>th</sup> October 2003.

<sup>32</sup> Allam, M., “Gli islamici Italiani: sbaglia e ci danneggia” (*Italian Muslims: he is wrong and harms us all*), Corriere della Sera, 27<sup>th</sup> October 2003.

## 2.3. Discrimination in the housing sector

There has been a housing problem in Italy for many years now, faced by both Italian and foreign citizens. The lack of a serious housing policy on the part of various governments, the gradual dismantling of the stock of public residential houses and a total absence of regulation of the housing market, have created an alarming situation.

The prices and rents of houses, have reached very high levels and rents can have an incidence of as much as 90% on the income of a family that earns 15,000.00 Euros per year<sup>33</sup>. On the other hand, it has become very difficult for low-income families to receive subsidy for rents (specific fund was set up in 1998<sup>34</sup> to support low-income families) because the related fund has gradually been reduced from 335 million Euros in 2001 to 209 million Euros in 2003. It is estimated that following this reduction, approximately 80,000 families have been deprived of their rent subsidies<sup>35</sup>.

Access to public low-rent housing has also become more complicated, given that in 2002, this category of houses represented only 5% of the stock of residential houses<sup>36</sup>, and is bound to decrease further as a result of recent legislation providing for the sale of public estates including low-rent residential houses.

Considering that many citizens encounter housing problems, it is reasonable to imagine that the situation is worse for certain categories such as the unemployed, occasional workers, immigrants, pensioners, students, etc. For immigrants in general, and for those from certain geographical areas in particular, there is the additional problem of discrimination (when not overt racism) encountered both on the private housing market and in access to public housing.

A quick examination of some of the estate journals published in many major cities or announcements in newspapers of houses to let is enough to get an idea of some of the most common expressions of discrimination against the above groups. In such announcements, landlords and estate agents openly specify that non-EU citizens need not show interest<sup>37</sup>. This type of exclusion and other limitations imposed by landlords and estate agents are said to affect up to 90 percent of non-EU foreigners who turn to estate agents to secure a house<sup>38</sup>. Some estate agents blame landlords for their own discriminatory behaviour and others tend to justify discriminatory practices by claiming that there are plausible reasons for such practices. In other cases, estate agents claim that discrimination is due to cultural prejudices, saying that the natives “do not want to live next to Black people due to the problems they bring with them. They (natives) complain about attitudes which are too distant from our culture”. In some other case, the reason for discriminating is formulated in economic terms (fear of tenant not paying rent regularly, damages to the house, inability to trace the tenant, precarious working and logistic conditions, depreciation of the house etc.)<sup>39</sup>.

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<sup>33</sup> Sunia, L'offerta di abitazioni in affitto. Indagine sulle offerte locative nelle aree metropolitane, Sunia, 2003, Roma.

<sup>34</sup> Law 431/98. For an analysis on the effects of the law on the house lease market, see: Ares2000, Affitti fuori controllo, Ares2000, 2003, Roma.

<sup>35</sup> Caritas (2003) Dossier Statistico Immigrazione, op. cit., p. 174.

<sup>36</sup> V. Federcasa (2002) I numeri della casa, available at: [www.federcasa.it](http://www.federcasa.it)

<sup>37</sup> See the results of the research by Cestim and Mlal, Progetto “Numero Verde Schengen...una telefonata contro la discriminazione”, 2000.

<sup>38</sup> Asal, Coop. La Casa, Ics, Lunaria, Affittasi a tutti? Inchiesta sul disagio abitativo degli immigrati in Italia, Asal, 2001.

<sup>39</sup> Asal, 2001, op. cit. pp. 10-11.

The strong mistrust of immigrants by landlords tends to disappear where there are good prospects of speculation: very high rents that are disproportionate to the conditions of the house, undeclared payments, overcrowding tenants where rent is calculated per person. An interesting research carried out by the association Ares2000 shows the presence of a “parallel” rent market for foreigners, with rents higher by 60-70 percent more than what they would be if negotiated between parties and in line with the provisions of a national guideline which entitles the landlord to tax rebates for not going for the highest rent obtainable in the market. Compared to rents<sup>40</sup> on the free market, those on the parallel market for foreigners are about 25 percent higher than average. The parallel rent market for foreigners has other negative characteristics. Taking advantage of the difficulties faced by immigrants in finding accommodation and the specific needs of those who have no legal title to stay, some landlords offer them accommodations that are out of the market and considered not fit to be offered to Italians, due to the very poor conditions.

Another negative aspect is that the disproportionate rents requested by landlords leads to overcrowding of tenants. Using the ratio of number of occupants to number of rooms in an apartment as indicator of overcrowding<sup>41</sup>, a recent survey found that 73 percent of the sample representative of the entire immigrant population aged 18 to 54 years, was faced with either ordinary overcrowding (an average of 3.4 occupants in two rooms) or extreme overcrowding (about 4.6 occupants in one or two rooms), without great differences between the various nationalities<sup>42</sup>.

From the foregoing, the housing sector certainly emerges as one of the sectors where the highest number of cases of discrimination. It is not accidental that the anti-discrimination provisions contained in the Consolidated Act on Immigration of 1998, were enforced for the first time in Italy. In the context of a general prohibition of discrimination in the provision of or access to goods and services, the Act specifies (*Article 43 (2c)*) that “whoever unlawfully imposes less favourable conditions or refuses to grant access to employment, housing, education, training, social and health services, to a legally resident foreigner, only on grounds of his/her condition as a foreigner or of belonging to a particular race, religion, ethnic group or nationality” commits a discriminatory act. A victim of discrimination on the above grounds can file a civil suit in court, and the judge can order that the unlawful discriminatory behaviour should cease and its effects eliminated.

The first case of enforcement of the above law involved an estate agent in Milan who refused to rent an apartment to an African couple on grounds of their nationality, claiming that the “landlord did not intend to rent to non-EU citizens”<sup>43</sup>. With the help of a local migrants’ support organisation, the couple was able to file a suit against the agency and in spite of the absence of the sharing of the burden of proof, the couple was able to prove they had been discriminated against. The agency was ordered to end the discrimination and pay monetary redress to the couple for moral damages.

The second case involved an estate agency that operates only via the internet ([Bancacasa.it](http://Bancacasa.it)), brought before a court in Bologna by some migrants who, while

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<sup>40</sup> Ares2000, Il colore delle case. Primo Rapporto sulla condizione abitativa degli immigrati in Italia, Ares2000, 2000, Roma.

<sup>41</sup> Defined in the regional laws on access to public housing

<sup>42</sup> Sunia Ancab-Legacoop, Condizioni abitative degli immigrati in Italia, Sunia, 2001, Roma.

<sup>43</sup> See Diritto, Immigrazione e Cittadinanza, no.2/2000, Franco Angeli, Milano, p.74 – 75.

searching for an apartment for rent on the web, realised that the search engine of the above site requested as data necessary for a search, the category “*extracomunitario*”, non-EU citizen, alongside others like Italian, couple, single male, single female etc. Ticking the Italian box yielded a number of offers while ticking the non-EU box returned a negative reply of no offer available. The court ruled that the inclusion of “non-EU citizen” as a search category was discriminatory and that the results obtained by ticking that box had proved the discriminatory act. The owners of the site were ordered to eliminate that particular search criterion and pay damages to the plaintiff<sup>44</sup>. Even in the public housing sector, regional laws and municipal tenders that regulate access to such houses may also include clearly unfavourable conditions for foreigners, thus leading to institutional discrimination.

A common characteristic of all regional laws on the allocation of public residential housing, is that they all have clearly set out requirements for access to such housing, through a points-based list of entitlement, defined by combining various elements. Generally, all regional laws guarantee access to the entitlement lists for EU citizens and those of other states, if the right is mutually accorded by the countries of origin of third country nationals and if the foreigner who must be legally residing in the country is either employed or enrolled in the unemployment lists of the provincial employment agencies. The condition not included, instead, in The Consolidated Act on Immigration does not prescribe that the principle of reciprocity is applied to non-EU nationals in access to housing; instead, it provides that all legally residing foreigners are granted access to public housing on equal terms with Italian citizens<sup>46</sup>. On the basis of the above provision, it is necessary that Regional Authorities adapt their regulations, which in almost all cases, date back to before 1998, in order to avoid unequal treatment openly in contrast with the national law currently in force.

A recent example of indirect discrimination originating from provisions by local authorities is the case of a regulation adopted by the Commission for the Allocation of Council Houses of the Municipality of Milan, which explicitly provided for unequal treatment of foreigners in access to public housing. This regulation provided that citizenship is part of the criteria to determine access to public housing and that 5 points be attributed to the possession of Italian citizenship. In practical terms, this meant that all foreigners participating in the call for application to draw-up the entitlement list were penalised with 5 points for not having Italian citizenship, contrary to provision by national law which clearly requires that legally residing foreigners should have access to public housing on equal terms as Italian citizens. A Court in Milan ruled in early 2003 that the provision and its application were unlawfully discriminatory and ordered the Council to abolish the practice and adopt measures to eliminate its effects.

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<sup>44</sup> See Court of Justice of Bologna, Decree 22/02/2001, in: *Diritto, immigrazione e cittadinanza*, n. 1/2001, Franco Angeli, Milano.

<sup>46</sup> Legislative Decree no.286 of 25<sup>th</sup> July 1998, art. 40, par. 6. The new law on immigration (Law no. 189 of the 30th July 2002) , art. 27, is the same as the previous one, but introduces the biennial validity of the residence permit.

<sup>47</sup> See Piedmont Regional Law no. 46/95, art. 2; Marche Regional Law no. 44/97, art. 10; Abruzzo Regional Law no. 96/96 art. 2.

## 2.4. Discrimination in the media

From the many studies carried out on the subject of the representation of immigrants in the media in Italy, newspapers and television emerge as the main means of reproduction and transmission of a distorted view of migration, a dramatic representation that reinforces in public opinion the perception of immigrants as a social threat<sup>50</sup>. The widespread view of migration as an “invasion” of national territory and the continuous criminalisation of unauthorised immigrants influence public opinion and are fertile grounds for racist and xenophobic attitudes.

A recent report on the representation of immigration<sup>51</sup> and immigrants in the media, confirms the tendency of the press to treat subjects related to immigration in the local news, especially in relation to crime, and increasingly, terrorism. Immigrants are present in local papers only when they are involved in episodes of urban micro-criminality. Researchers pointed out how it is “customary to indicate or mention the nationality of an offender or the fact of being “an immigrant” (or even worse “without a residence permit”) as the only piece of information about the actors of the stories reported”<sup>52</sup>, in order to make it stand out of the undifferentiated melting pot of news about crime.

Analysis of TV coverage shows great similarities with the press. Here too, 80% of the news about immigration are crime news, with a negative representation in 78% of cases<sup>53</sup>. Remarkable differences were observed among the various news services in the way they treated the issue of migration and such differences do not seem to be due only to the “political” orientation of the newspaper or TV, but also to its audience. In the intentions of journalists, the language used and the representation offered should reflect the way of thinking of the majority of their audience, but they only contribute to promoting a highly negative image of immigrants. Moreover, the representation of immigrants only in negative terms and never in positive ones, has a twofold outcome: it reinforces existing stereotypes and negatively influences the self-perception of immigrants themselves.

Numerous examples can be drawn from national and local media to illustrate the way migration and immigrants are represented in the media. The website of the daily paper *la Padania*, official organ of the political party the Northern League ([www.lapadania.com](http://www.lapadania.com)) - a member of the ruling coalition, is replete with stereotypes and negative representations of immigrants. Some times the language is explicitly racist and xenophobic and though the opinions therein do not have any relation to reality, they often accuse one immigrant group or another of wrong-doing. A good example of this is an article published by this daily last summer, in which the author presented a scenario of what he called “ethno-environmental terrorism”. Following numerous cases

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<sup>49</sup> See Court of Justice of Milan, Sentence 20/21-03-2002 no. 3614, in: *Diritto, immigrazione e cittadinanza*, no. 4/2002, Franco Angeli, Milano.

<sup>50</sup> Jessika Ter Wal (ed) – *Racism and Cultural Diversity in the mass-media – an overview of research and examples of good practice in the EU Member States, 1995-2000* , EUMC, February, 2002, Vienna.

<sup>51</sup> Università degli Studi di Roma “La Sapienza”, Dipartimento di Sociologia e Comunicazione, *Extracommunication*, September 2003.

<sup>52</sup> Università “La Sapienza”, Dipartimento di Sociologia e Comunicazione (2003), op. cit., p. 3.

<sup>53</sup> Censis, *L’immagine degli immigrati e delle minoranze etniche nei media*, November 2002, Roma.

of fire that destroyed vast areas of Italian forests, the author of the article declared that it was all part of a strategy by Islamic terrorists to destroy the European ecosystem.

According to this author, the aim of such an incredible attack is to

“weaken, annihilate and drive away the indigenes who are unbelievers, making space slowly and progressively for Islamic masses: the project is to change the Mediterranean climate into an Islamic one, to change the territory into an Islamic one, to wipe away and throw out the indigenes who are unbelievers, and replace them with Islamic people, to prepare the way for Islamic people! A combined and destructive attack against our civilisation and against our generations (...) is being planned by those who want to annihilate us to take our place”<sup>54</sup>.

The contents and the tone of the article are sufficiently explicit as attempting to manipulate reality and instigate hostile reactions towards Muslims living in this country.

An analysis of the language used shows that negative representations of immigrants and immigration are quite common even in mainstream media. The term most frequently associated with the arrival by sea of unauthorised immigrants is *emergency*, irrespective of the number of people involved and it is said to be a consequence of the *invasion* of the country by *hordes* of immigrants. Most criminal acts are ascribed to unauthorised immigrants, against whom many explicitly advocate for an “iron fist”. Following the events of September 11<sup>th</sup> 2001, associating *Islam* with “terrorism” has also become very common, alongside labelling Muslims as fundamentalists and extremists.

In referring to the labour market, the presence of immigrants is only justified by “a shortage of labour”, and characterised by *irregular work*<sup>55</sup>. The language does not change even when reporting about positive cases of integration of immigrants. Reporting on the first election of foreigners to a consultative body of legally resident foreigners in the province, a weekly paper distributed in the province of Florence – *Metropoli* -, presented the event on its front page with a derogatory headline that read: “The first time of ex-hawkers (*ex-vu’cumprà*)<sup>56</sup>”. The term *vu’ cumprà*, does not refer to a nationality, a profession, nor a legal status and only reflects the worst kind of collective imagination.

## 2.5. Victims’ perception of racism

There has been very little research on the perception of discrimination by victims and the few available studies focus mainly on immigrants’ perception of their integration into Italian society. There is, in general, a very low awareness of discrimination on grounds of ethnic or racial origin and nationality, amongst the population in general and some of the potential victims<sup>57</sup>. This may be one of the reasons that accounts for the small number of cases of discrimination taken to the Courts.

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<sup>54</sup> Carmelo Lavorino, “Dietro gli incendi estivi spunta l’odio islamico”, La Padania, 28<sup>th</sup> August 2003.

<sup>55</sup> Caritas, Dossier statistico immigrazione 2003, op. cit., p. 211-212.

<sup>56</sup> A derogatory term used to refer to immigrants hawking in the streets.

<sup>57</sup> Eurobarometer 57.0, Discrimination in Europe, May 2003.

In a survey carried in 2003, the Department of History and Geography of the University of Florence found a generally positive attitude by the natives of Tuscany region towards foreigners, even though the situation in the region is not characterised by social tension. Consequently, the findings of the survey can not be generalised to other parts of the country that have different situations. According to the immigrants interviewed, the natives have a respectful attitude in about 35 percent of cases, and one of tolerance in about 29 percent of cases. On the whole, the degree of acceptance is said to depend on the foreigners nationality. Attitudes of racism / intolerance / irritation are felt by About 17 percent of Moroccans in the sample said they encounter racist, intolerant and irritating attitudes, while 23 percent of Chinese citizens perceive a hostile attitude. The most difficult situation seemed to be that of Albanians, with about 45 percent who perceive negative and exclusionary attitudes<sup>58</sup>.

Another survey carried out by the Observatory on immigration of a major trade union – UIL<sup>59</sup> - in Rome and Lazio region recorded more negative perceptions by foreigners. More than one third of those interviewed declared they were happy with the attitude of Italians towards them, and 28 percent considered such attitude acceptable. The percentage of those satisfied or very satisfied was slightly more than 40%, but dropped sharply to 20% when the interviewees based their opinions on their relationship with civil servants<sup>60</sup>.

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<sup>58</sup> Caritas, Dossier Statistico Immigrazione 2003, op. cit., p. 199.

<sup>59</sup> Uil (Unione Italiana del Lavoro) is an Italian trade union.

<sup>60</sup> Caritas, Dossier Statistico Immigrazione 2003, op. cit., p. 200.

### 3. Discrimination in immigration laws

The immigration law that came into force in 2002, the so-called Bossi-Fini law<sup>61</sup>, generally reflects the determination of public institutions to treat immigration as a problem of public order and to resolutely fight the phenomenon of unauthorised entry. In addition, the above law contains a number of provisions that severely restrict entrance and stay of immigrants in the country. Throughout this law, immigrants are treated as mere labour force and not as citizens, and their conditions of stay are strictly in relation to needs of the country's economy. The best illustration of this vision of immigration is undoubtedly the "stay for work contract" which has linked closely the right of an immigrant to stay in the country to his/her being employed (or a promise to be employed), certified by a contract, as has been mentioned in the preceding paragraph on employment.

One of the most serious and controversial provisions of the new immigration law is the introduction of a compulsory fingerprinting of all immigrants applying for a legal title to stay for working purposes. Under this provision, not only are fingerprints of unauthorised immigrants taken (when they are arrested by the police, or have committed a crime), but also authorised non-EU citizens with a stay permit for work purposes have to undergo this procedure (stay permits for tourism or health reasons are exempted from such treatment)<sup>62</sup>, with the sole aim of "having a police record" in advance of any immigrant working in Italy. The discrimination inherent in this procedure is further confirmed by the implementation decree of the same law, which specifies that fingerprints of Italian citizens will also be taken, but only for use in the electronic identity card (no mention is made of other EU citizens). In other words, two different aims and standards are adopted: for Italians, fingerprints will be in an administrative database while for non-EU citizens, they are part of police records supposedly aimed at crime prevention. The idea seems to be based on the assumption that immigrants always give false personal information or have to be controlled every time they go to the competent Police authorities for the renewal of their stay permits.

Other aspects of the law that have raised concerns among many civil society stakeholders are the expulsion measures. Sanctions for unauthorised entry have been made more severe than they were in the previous immigration law. An immigrant who illegally re-enters into Italy after being expelled, is punishable by prison from 6 to 12 months for the first time and from one to four years if the same offence is committed for a second time. Forceful and immediate repatriation is adopted even in the case of an administrative expulsion (not for national security reasons but for violating an administrative provision – entering the country without due authorisation) and where the offender can not be expelled immediately, he/she is given an order to leave the country within five days. Under the previous legislation, forceful and immediate repatriation for administrative reasons was considered an exception and people who entered without due authorisation were ordered to leave the country within fifteen days. The period that should elapse before someone expelled for administrative reasons is allowed to return to the country has also been raised from 5 to 10 years.

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<sup>61</sup> Italy, Law Nr. 189 of the 30<sup>th</sup> July 2002.

<sup>62</sup> See the implementation Decree of the new immigration legislation, Law no. 195 of 9<sup>th</sup> September 2002, art. 2 par. 3 and following.

The fundamental feature for carrying out expulsions is the detention of immigrants in the so-called Temporary Detention Centres (CPT). These structures are controlled by the Police and immigrants awaiting repatriation are detained there, even though they have not committed any crimes. These centres were introduced by the 1998 immigration law which provided that undocumented immigrants are detained there for a maximum period of 30 days; this duration has been doubled by the 2002 immigration law which is in force now. Formally, these structures are different from prisons because by law, one can only be detained in prison if he/she has committed or is accused of having committed a crime. Entry into the country without due authorisation is not a criminal offence and so can not carry a jail term. Rather, it is an administrative violation and these structures have been introduced in order to be able to detain people who have not committed any crime. Their existence has been challenged before the Constitutional Court and it ruled that the Temporary Detention Centres are constitutionally admissible because they are means to ensuring national security.

A recent report by Médecins sans Frontières has, for the first time, shown the living conditions inside these temporary detention centres and it found extremely serious violations of human rights and the dignity of persons<sup>63</sup>. The operators of MSF visited all the 11 Temporary Detention Centres and the five centres for the identification of asylum seekers. The violations described range from unsuitableness of the buildings to inadequate legal and psychological assistance. The reports highlight also the abuse of psychotropic drugs and harsh Police interventions. Contrary to the provisions of the law that instituted the temporary detention centres, about 60% of detainees in these centres were found to have come from prisons and a large number were asylum seekers. For those detainees who had already served prison terms, detention in the Centres becomes an unjustified extension of their imprisonment. The failure to respect the provisions led down by law and comply with the procedures in the temporary detention centres, as well as the shortcomings of the immigration policy, have led MSF to recommend to the Italian Government to create an independent and impartial authority to monitor the respect of human rights, health assistance and asylum procedures inside the centres<sup>64</sup>.

### 3.1. Conditions of refugees

Italy has a very small number of refugees, compared to other European countries: 9,169 in 2002, that is only about one refugee every 7000 inhabitants<sup>65</sup>. From 1999 to 2002 the number of people applying for refugee status has decreased continuously, moving from 33,000 in 1999 to 11,319 in 2003. Last year, only 555 applicants were accorded refugee status, 3358 applications were rejected, 7348 applications were dropped because the applicants could not be located to invite them for interviews and 44 applications are pending further examination. According to the Deputy Minister of the Interior, Alfredo Mantovano, 80 percent of the rejected applications are those of foreigners who “for various reasons, have not completed the procedure and could not be traced”<sup>66</sup>. According to Christopher Hein, Director of the Italian Council for Refugees - CIR, since April 2002, the Minister of the Interior has gradually reduced the number of places available in reception centres for asylum seekers, bringing it to almost half the

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<sup>63</sup> Médecins Sans Frontières, *Missione Italia, Rapporto sui centri di permanenza temporanea e assistenza*, January 2004.

<sup>64</sup> Médecins Sans Frontières, (2004), *op. cit.*, p. 202.

<sup>65</sup> Caritas Migrantes, *Dossier statistico immigrazione 2003*, *op. cit.*, p. 482.

<sup>66</sup> Data from the audition of the deputy-minister Alfredo Mantovano available at: [www.cir-onlus.org](http://www.cir-onlus.org).

number, compared to previous years. As a result, the great majority of new asylum seekers have had to find alternative means of survival in metropolitan areas (especially in Rome) or had to leave for other EU countries. This in turn led to a large number of asylum applicants not appearing for interviews before the commission and the corresponding requests dropped automatically. The high percentage of applicants who can not be traced for interviews cannot therefore be attributed to a lack of interest on the part of applicants but rather to a “forced dispersion” over the Italian territory and in Europe<sup>67</sup>.

The main reason for the small number of applications for asylum and refugee status granted is the fact that the asylum laws are vague and offers little protection of prospective refugees. In 2003, Italy was the only EU country without a framework legislation on the right to asylum. The new law on immigration, contains measures on asylum<sup>68</sup> which are clearly worse than the previous provisions<sup>69</sup> it substituted.

A somewhat dangerous measure provides that an appeal against a first negative decision on an asylum application by the competent Territorial Commission will be without prejudice to the execution of an expulsion order, in other words, a pending appeal will not lead to a suspension of the expulsion. This means that the asylum applicant cannot wait for the outcome of the appeal, but is immediately expelled from the country with all the implications for the constitutional right to defence. Besides, the law provides that asylum seekers can be detained in the so-called *Identification Centres* in order to check and/or determine the nationality of applicants, their personal identity or other information on which the asylum application is based, in the case of an application presented after a period of unauthorised stay by the applicant. An asylum applicant who has received an expulsion order prior to the date of application, will be detained in a temporary detention centre (treated simply as an unauthorised immigrant). Some humanitarian organisations have pointed out that it is unacceptable to detain people escaping from wars, persecution and in search of protection, in these centres<sup>70</sup>. The European Parliament has expressed serious preoccupation for the condition of impunity existing in Italy in cases of police violence, particularly, those against asylum seekers and refugees<sup>71</sup>.

There have also been cases of people who, although they made clear their desire to apply for asylum, were not allowed to do so and instead were repatriated immediately. Such was the dramatic case of a Syrian family who was detained by the police for five days at the end of 2002 in the transit area of Malpensa airport (Milan) and were denied any possibility of presenting an asylum application. The entire family was refused entry and their repatriation to Syria had a tragic ending. According to Amnesty International, on arrival in Syria, the two-year old baby was taken to hospital while the rest of the family (both parents and three other children) were detained.

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<sup>67</sup> Ares2000, *Asilo negato. Rapporto sui rifugiati in Italia (e nel mondo)*, Ares2000, June 2003, Roma.

<sup>68</sup> Italy, Law 189/2002; articles 31 and 32.

<sup>69</sup> Italy, Law Nr. 39 of 28<sup>th</sup> February 1990

<sup>70</sup> See Médecins Sans Frontières (2004), *op. cit.*

<sup>71</sup> European Parliament - on the human rights situation in the European Union (2001) - 12th December 2002

### 3.2. New legislative developments

In 2003, the Italian Parliament finally approved two legislative decrees<sup>72</sup> transposing the two Council Directives on equal treatment adopted in 2000. The Government did not consult with NGOs and other actors from civil society during the development of the two transposition decrees.

The two new decrees did not modify the previous anti-discrimination provisions except in the case of nationality as a ground of discrimination covered under the new legislation. The new decree<sup>73</sup> stipulates that protection from discrimination “does not include differences of treatment on the grounds of nationality”<sup>74</sup>, which is a step backwards compared to the previous law which prohibited discrimination on the grounds of nationality as well. The transposition decree presents other negative aspects<sup>75</sup>. Firstly, in place of the independent equality body provided for under article 13 of the Directive 43/2000, the decree establishes an “Office against discriminations” within the Department for Equal Opportunities of the Council of Ministers, to be chaired by a Government official appointed by the Prime Minister, or a Minister delegated in place of the former. The independence required of an office responsible for assisting victims of discrimination, that carrying out independent enquiries and formulating recommendations, is likely to be limited by the particular location of the body. Besides, further specifications of the office against discrimination will be determined in a separate decree which will be enacted within one year from entry into force of the transposition decree and which, at the time of writing this report, had not yet been issued.

As we have pointed out earlier, there is no mention of the social dialogue and consultation with the NGOs and civil society, which the EU Directive recommends. In a similar manner, there are no provisions related to article 9 of the Directive requiring member states to introduce “such measures as are necessary to protect individuals from any adverse treatment or adverse consequence, as a reaction to a complaint or to proceedings aimed at enforcing compliance with the principle of equal treatment” into their respective legal systems.

The most outstanding negative aspect of the transposition decree is the failure to introduce reversal of the burden of proof. As established in article 8 of the Directive, requiring Member States shall take such measures as are necessary to ensure that, “when persons who consider themselves wronged because the principle of equal treatment has not been applied to them establish, before a court or other competent authority, facts from which it may be presumed that there has been direct or indirect discrimination, it shall be for the respondent to prove that there has been no breach of the principle of equal treatment. In this way the victims are relieved from having to prove that there has been a discriminatory behaviour, and this increases the probabilities of a successful legal action, because it is often extremely difficult to bring objective evidence of an act of discrimination after it has occurred. On the contrary, the decree keeps the burden of proof on the plaintiff who is required to establish with

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<sup>72</sup> Italy, Legislative Decree No. 215 of the 9<sup>th</sup> July 2003; Legislative Decree No. 216 of 9<sup>th</sup> July 2003.

<sup>73</sup> Respectively articles 2 and 4 of Legislative Decree 215/03.

<sup>74</sup> Art. 3, par. 2.

<sup>75</sup> For a comment on the transposition decree of the Directive 43/2000, see Alessandro Simoni, Executive summary on race equality directive. State of play in Italy, 17<sup>th</sup> October 2003. Available at: <http://europa.eu.int>.

“serious, exact and consistent elements”, that discrimination has occurred<sup>76</sup> and the presiding judge can evaluate such elements on the basis of the rule of the civil code allowing a “prudent appreciation” of presumptions. This provision does not only fall short of the standard provided for in the Directive but also will hinder recourse to the law and the new legislation by victims of discrimination, in their struggle for equal treatment.

The transposition decree of Directive 2000/78/EC on equal treatment in employment presents similar shortcomings as those outlined above. Firstly, the list of exemptions in relation to the scope of the decree is longer than that laid down by the Council Directive, since the decree is without prejudice to existing and future “provisions and conditions relating to the entry into and residence of, third-country nationals and stateless persons, in the national territory; their access to employment, healthcare and social security, civil status and related benefits and the armed forces”. Besides, articles 11 and 12 of the Directive concerning protection from victimisation and the obligation to provide information about anti-discrimination measures in the workplace and more generally, to all those concerned, have been completely omitted in the transposition decree.

Lastly, even in this case, the reversal of the burden of proof has not been provided for and continues to rest on the plaintiff.

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<sup>76</sup> Art. 4, par. 3 of Legislative Decree no. 215 of 9<sup>th</sup> July 2003.

## 4. Racist violence

In the Italian legal system, racist violence or incitement to racist violence, including the diffusion of ideas based on the superiority of one racially defined group to another, or incitement to racial or ethnic hatred are prohibited and punished under criminal law<sup>78</sup>. In practice, however, crimes of racially motivated violence frequently escape punishment even when denounced, because it is extremely difficult to provide evidence of the racial motivation of such crimes.

An overview of the extent of racist violence in the country is made difficult by the lack of reliable systematically collected data and this is further compounded by the fact that there are still few victim-research findings and reports by non-governmental organisations based on evidence from victims. Although a 1998 law provided for the creation of regional monitoring centres and for information and legal assistance to victims of discrimination on racial, ethnic, national or religious grounds, no region has so far established and only a few local authorities (provinces) are trying to establish similar bodies. In this setting, the little research-based data available is derived from monitoring and analysis of newspaper reports on racist violence, and so are limited to only those that were brought to public attention because media operators considered them *newsworthy*. In most cases, however, victims do not report acts of racist violence and this means that the media is not an appropriate source of information that can be used to determine the extent of the phenomenon.

An initial examination of racist violence in Italy and their appearance in the media, comes from the research carried out by the Centre for Research on Cultural Studies of the University in Rome “*La Sapienza*”<sup>79</sup> on acts of violence against foreigners reported in the press. It found that the percentage of such acts with racist motivations rose from 32.9% in 2001 to approximately 34.8% in 2002. The authors explained the increase recorded in 2002 as being related to the emphasis on the presumed terrorist threat represented by immigrants.

In 2002, the same source reported 236 cases of racially motivated violence, 50 of which led to the death of the victim, amounting to 21% of all cases monitored. Victims are often women and in some cases, the racial motivation is accompanied by a sexual motives too. Minors figure too often among victims of racially motivated aggression. According to the researchers, these deaths were caused by both overtly racist acts of aggression and ordinary crimes with unknown motivations. However, the figures are still of great concern. In the majority of cases, the targets are immigrants and the perpetrators of the violence are private citizens and public officials (law enforcement agents). As pointed out earlier, there is hardly sufficient evidence to prove the racial or religious motivation of the violence, and as a result, many of these acts remain unpunished.

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<sup>77</sup> European Commission against Racism and Intolerance, Second report on Italy, adopted on 22<sup>nd</sup> June 2001 and published on 23<sup>rd</sup> April 2002, par. 39.

<sup>78</sup> Law 205/93 (the so called Mancino Law).

<sup>79</sup> Michele Sorice (ed), *Questione di pelle. La rappresentazione giornalistica dell'intolleranza*. 5<sup>o</sup> Rapporto sulla violenza contro gli stranieri in Italia, December 2003. This research was started in 1996, and continued in 1997, 1998 and 2000.

A number of cases of aggression were reported by the media in 2003. One such case that happened in January 2003 in the city of Naples, involved an immigrant from the Ivory Coast who was attacked by a bus driver whom he had asked if he could buy a ticket directly on the bus. The driver was reported to have first shouted insults at immigrants in general and when the victim questioned the reaction, the driver beat him up and none of the other passengers tried to stop him<sup>81</sup>. In another case that occurred at the beginning of 2003, the Mayor of the town of Calvi in *Campania* region, issued an edict, ordering all immigrants not resident in the town, including those with regular stay permits, to leave the town because they were “*not welcome*”<sup>82</sup>.

On January 15<sup>th</sup> 2003, a Court in the city of Bergamo condemned 8 *skinheads* for criminal association aimed at inflicting serious injuries, aggravated by racial motivations. Over the years, the gang had organised punitive raids against those it defined as its “*enemies*”: Jews, some foreign nationals, policemen and drug pushers<sup>83</sup>. In July, the director of Temporary Detention Centre called *Regina Pacis* in San Foca (Lecce), was under investigation, together with other members of his staff and some *Carabinieri*, accused of having offended and beaten up some migrants detained at the centre, who had tried to escape. The victims were beaten with truncheons and some of them were forced to eat pork against their will<sup>84</sup>.

In another case involving a law enforcement agent, a 25 year old authorised immigrant and a mental patient, was killed in his bed by two gunshots fired by a *Carabiniere* who arrived at the victim’s home after a call for support from the young man’s sister<sup>85</sup>.

Subtle racism and stereotyping against foreigners, Jews and Muslims are increasing in a pervasive way among different segments of the population. Negative perceptions of immigrants by the natives seem to cut the country into two halves. A survey of a sample representative of the entire population, carried out and published in 2003, found that about half the population considered non-EU nationals as a threat to their culture, and slightly less than 50% believed that they seriously threaten their religious traditions. About a third of the sample believed that immigrants are a threat to their artistic traditions or to the quality of education of their children. The survey found that hostility was highest towards unauthorised immigrants, but it is also extended to authorised migrant workers who are considered more as a “cost to the host society” than an advantage to the economy of the country<sup>86</sup>. According to another study commissioned by the Union of Jewish Communities, one young person out of five defined himself or herself as racist, with a higher incidence in the north of the country (27.8%). The same source found that a high percentage, (57.45%), of those who identified with racists claims, had right wing and centre-right (39.7%) political leanings<sup>87</sup>.

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<sup>81</sup> Andrisani, P., *Inventario dell’intolleranza*, in: Rivera, A., *Estranei e nemici. Discriminazione e violenza razzista in Italia*, DeriveApprodi, Roma, 2003, p. 110.

<sup>82</sup> Andrisani, P., *Inventario dell’intolleranza*, op. cit., p. 98.

<sup>83</sup> Fazio, L., “Condannati i picchiatori a punti”, *Il Manifesto*, 15<sup>th</sup> January 2003.

<sup>84</sup> Bellucci, O., “Picchiati per razzismo”, *Il Manifesto*, 25<sup>th</sup> July 2003.

<sup>85</sup> Pilla, F., “Un migrante ucciso”, *Il Manifesto*, 6<sup>th</sup> June 2003.

<sup>86</sup> Mannheimer, R., *Immigrati ed ebrei: due fonti di pregiudizio per gli italiani*, 2003. For a comparison at European level, see Diamanti, I. and Bordignon, F. (eds), *Immigrazione e cittadinanza in Europa*, Quaderni Fondazione Nord Est, n. 5, March 2002.

<sup>87</sup> *Unione delle Comunità Ebraiche Italiane*, “Il razzismo in Italia”, 2003.

These positions reflect the “invasion syndrome” which seems to afflict Italian society, a syndrome generated by both the media and some political parties who try to build consensus by stirring anti-Muslim and anti-immigrants sentiments in general. One such political party is the Northern League (*Lega Nord*), a member of the governing coalition; this party has repeatedly exploited racist and xenophobic propaganda to broaden its consensus. Leading members of the League have publicly expressed the opinion that immigrants (especially Muslims) are a threat to the preservation of the national identity, and are generally responsible for the decline in public security. In its second country report released in 2002, ECRI expressed concern about the aggressiveness of the declarations by some members of the League (both at the national and local levels of the party), from which the other members of the governing coalition fail to distance themselves<sup>88</sup>.

Throughout 2003, the Northern League took on overtly racist positions on a number of public issues. Two councillors of the province of Trento attributed the poor conditions of a regional train that travels from Verona to Bolzano every morning, to the presence of crowds of migrant passengers. To improve the conditions on this train, the two proposed that “special wagons be set aside for non-EU passengers”<sup>89</sup>.

In January 2003, the speaker of the Northern League in the Regional Assembly of Lombardy, asked for all the commercial activities run by Chinese citizens to be transferred from the centre of Milan to the suburbs, accusing them of

“having characteristics that are increasingly incompatible with those of citizens of Milan”<sup>90</sup>.

The most deplorable public pronouncement was made by Piergiorgio Stiffoni, a Senator of the Northern League. Commenting the removal immigrant workers squatting in some public buildings in Treviso, he said:

“ what a pity that the crematorium of Santa Bona is not ready yet”<sup>91</sup>.

Equally deplorable is a declaration by another prominent member of the same party and vice-president of the Senate - Calderoli -, who he *advised* Italian girls “aged five years and upwards” to

“put a good pair of scissors in their bags and use them where necessary” to defend themselves from the “bestly aggression of immigrants”<sup>92</sup>.

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<sup>88</sup> ECRI is “alarmed at the participation in governmental coalitions of political parties whose members have resorted to xenophobic and intolerant propaganda and in this respect expresses its concern at the new coalition formed in Italy in June 2001”. ECRI, Second report on Italy, op. cit., par. 73.

<sup>89</sup> Andrisani, P., *Inventario dell'intolleranza*, op. cit., p. 117.

<sup>90</sup> Andrisani, P., *Inventario dell'intolleranza*, op. cit., p. 117.

<sup>91</sup> L'Unità, 23<sup>rd</sup> November 2003.

Last December, the League's Secretary and Minister of Reforms, Umberto Bossi, attacked the Prefect of Milan for an initiative aimed at finding solutions to the housing problems encountered in the city of Milan by low-income segments of the city's population, including immigrants. Bossi publicly declared that

“homes must first be given to natives of the region (*Lombardi*) and not to the first ‘bingo bongo’ that turns up”.

Both national and international media criticised the remarks as racist and an incitement to discriminate<sup>93</sup>.

On many occasions, the Minister of Justice, a member of the League, has, together with other members of the party, said that they were in favour of repealing or a drastically changing of the existing penal provision prohibiting incitement to racial hatred. in the name of freedom of expression. In February 2003, the Minister blocked the adoption of EU framework decision on fighting racism throughout the member States, aimed at harmonising the norms and sanctions on the subject of fighting racism and xenophobia in Europe. He was quoted in the national press as saying that “trouble is brewing in Europe. The red Nazis are trying at all costs to deny citizens the freedom of expression of their opinions”<sup>94</sup>. The League's lash out in the criminal provisions against incitement to racial hatred may be linked to the fact that some militants of the party have been under prosecution for the same crime. A Court in Verona is prosecuting six militants of the Northern League of accusing incitement to racial hatred against Roma and Sinti, after the six organised and launched a racist campaign in 2001 against some Italian Sinti, in an attempt to force them to leave the city.

#### 4.1. Racism on the internet

Internet websites in Italian with racist and xenophobic contents can almost always be traced back to extreme right political groups<sup>95</sup>, Catholic fundamentalists and those close to the Northern League. They all present rather similar characteristics ranging from the display of fascist and Nazi symbols, to reviews of revisionist and anti-semitic texts, to discussion forum with violent language and very few participants, and almost always a limited group of members or followers<sup>96</sup>. The contents and the language reveal their hatred of immigrants, Muslims and Jews and the *cultural* pages suggest reading racist and revisionist literature<sup>97</sup>.

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<sup>92</sup> Il Manifesto, 3<sup>rd</sup> January 2003.

<sup>93</sup> Cirillo, A., “Bossi spacca la casa delle Libertà”, La Repubblica, 5<sup>th</sup> December 2003.

<sup>94</sup> Sa. M., “Castelli di razza”, Il Manifesto, 2<sup>nd</sup> March 2003.

<sup>95</sup> For an overview of websites run by the extreme right which contain racist and xenophobic messages, see F.I.A.P., I siti della vergogna, 2004. This research report lists about 150 websites that spread racist propaganda via the Internet.

<sup>96</sup> See EUMC, Manifestations of anti-semitism in the EU 2002-2003, Eumc, Vienna, March 2004, p. 129.

<sup>97</sup> Visiting, among others, the website of *Forza Nuova* ([www.forzanuova.org](http://www.forzanuova.org)), *Volontari Verdi* ([www.volontariverdi.com](http://www.volontariverdi.com)), “*Alburno*” ([www.alburno.it](http://www.alburno.it)), a website on immigration and globalisation, and the *Holy War* ([www.holywar.org](http://www.holywar.org)), will provide an overview of the type of materials referred to in the preceding paragraphs.

Special mention should be made of the websites of football fans' club, the subject of a detailed study by *UISP (Unione Italiana Sport per Tutti)*, on behalf of the European Monitoring Centre on Racism and Xenophobia (EUMC)<sup>98</sup>. Out of 53 websites of Italian football fans' club examined, 17 were found to have racist contents in different forms. Firstly, there are websites with "latent" racist contents, that is, those which only occasionally contain racist phrases or comments, especially in discussion forum. These are websites run by extreme right wing groups (*Curva Nord Milano, Ultras Verona, Ultras Trieste*), who for fear of being identified and closed down, choose not to display their xenophobic ideas on the website. A second category of websites includes those characterised by "recurrent" racism. In this category, offensive expressions against immigrants and Jews are not confined in the spaces dedicated to comments, but are present in different parts of the web pages. Lastly, four sites with "strong and well-structured" racist contents were identified. Among this category are the websites of Padua fans' club in, called "*Juventude Crociata*" and that of "Pro Patria" fans. On these websites political contents prevail significantly over the sports ones. Fascist and Nazi symbols and abusive language against Black football players are present. The most dangerous website, however, is, without doubt, that of the "*Irriducibili*" (the Diehards) of Lazio club side. The group is famous for racist and anti-semitic expressions, but the real threat stems from the fact that it is well known and imitated by many other fans' groups. It is not accidental that many Italian and Spanish websites with racist contents have links to its pages.

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<sup>98</sup> Uisp – Comitato Regionale Emilia Romagna, Racism, football and the Internet, Vienna, April 2002.

## 5. Specific problematic areas in the country

### 5.1. Roma

An extensive study carried out by *European Roma Rights Centre* (ERRC) on the conditions of Roma populations in Italy, shows that xenophobic feelings are rooted in civil society and institutions and expressed in all sectors<sup>99</sup>. The image of Italian society that emerges from the report is one of a racist society that marginalises the Roma and hinders their integration.

The most evident expression of this condition of isolation is the practice of relegating the Roma population to camps, which makes Italy the only country in Europe that has institutionalised a real system of ghettos. These are in most cases spaces located outside large cities and close to the motorways or railways, where they are forced to live in caravans or huts. Living conditions in these camps are extremely precarious, where deadly accidents and fires frequently occur, affecting mainly children as victims. Police raids are also very frequent: some are motivated by the conviction that most of the thieves in the city come from the camps ; other are clearly aimed at intimidating the inhabitants; still others are carried out in unauthorised camps to drive away the inhabitants and to control their stay permits. The behaviour of Police forces during these raids often breaches both national and international laws. The ERRC reports that many of these actions take place without the agents involved showing valid authorisations from judicial authorities or explaining the reasons for the interventions. It also denounces the bad behaviour of the Police, which varies from insults to physical violence, and up to the use of firearms<sup>100</sup>.

The ERRC report also documents discrimination of the Roma in the labour market. The unemployment rate among Roma is very high and there are few opportunities of regular work and decent wages. The only job opportunities are represented by small family industries devoted to the production of handmade objects and articles used by other Roma families, seasonal work in agriculture or fishing, and employment inside camps (as guards or road sweepers). Once again, the camp is the only place to live for Roma, who, in the absence of suitable policies, both national and municipal, are anything but integrated into the economic life of the country.

The Roma also come up against serious obstacles for getting into the school system. The lack of schools near the camps, of an adequate public transportation service and repeated transfers prevent Roma children from attending school regularly. Those who do attend Italian schools must also come to terms with the prejudices of non-Roma parents, who do not want their children to go to school with “gypsies”, the stereotypes of teachers and headmasters and the hostility of their schoolmates. This situation is also confirmed by a study carried out by the Ministry of Education, which highlights how

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<sup>99</sup> European Roma Rights Center, *Il paese dei campi. La segregazione razziale dei Rom in Italia*, serie “Rapporti nazionali”, n. 9, October 2000.

<sup>100</sup> The European Parliament has also expressed some worry about the brutal behaviour of the police. See European Parliament - on the human rights situation in the European Union (2001), 12<sup>th</sup> December 2002.

Roma pupils face the “highest degrees of cultural resistance” from the entire system<sup>101</sup>. Some interviews with teachers reveal explicit rejection of Roma pupils, an attitude motivated by the assumption that Roma children are incapable of learning at school and are not interested in schooling. some went as far as considering Roma children to be

“dangerous to Italian students and to the entire community”<sup>102</sup>.

## 5.2. Islamophobia

As some reports have shown, the lives of about 700,000 Muslims living in Italy has become worse since September 11<sup>th</sup>, 2001<sup>103</sup>. Verbal and physical attacks against Muslims have found fertile ground in pre-existent prejudices, reinforced by fundamentalist terrorist attacks, used to justify hatred of Muslims. Even recent opinion polls show attitudes of isolation and rejection of Muslims. According to the Union of the Italian Jewish Communities: 56.2 percent of Italians believe that Muslims have “cruel and barbaric laws”, 47 percent consider them “religious fundamentalist and fanatics”, and 33.2 percent are convinced that they are invading Italy<sup>104</sup>. In 2003, some episodes of Islamophobia were recorded, though they cannot be compared, in terms of intensity and frequency, to those of the previous year. At the beginning of the year, a group of militants of the far right political group *Forza Nuova*, stormed the studios of a television channel in Veneto and beat up the controversial leader of the Muslim organisation called Union of Muslims in Italy. After this act of aggression, Police identified all the members of the assault group, arrested six of them and charged all of them for racially motivated aggression. A judicial enquiry has been opened into the case and is still under way<sup>105</sup>.

Between January and February some Pakistani immigrants living in the city of Naples were arrested on charges of involvement in and supporting of terrorists. After a few days’ investigation, they were all released because no evidence had been found in support of the accusation<sup>106</sup>. At the beginning of April 2003, in Milan, someone tried to set the shop of a Moroccan citizen on fire and signing the act with two swastikas painted on the walls close to the shutters<sup>107</sup>. In June, the Mosque in Gallarate was cleared and closed down for “failure to respect security and hygienic norms”<sup>108</sup>. This was at least the official motivation, but the measure was carried out few days after the arrest of some users of the Mosque, accused of supporting Islamic terrorism.

Lastly, an ordinance by the mayor of the municipality of Rovato (Brescia) was annulled by the Council of State. The ordinance had “banned non-Christians from entering holy places and places of worship of the Christian religion” in order to safeguard Christian values. It also created “an area of protection and security of 15 metres around holy

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<sup>101</sup> MIUR, *Le trasformazioni della scuola nella società multiculturale*, 2001, op. cit., p. 113.

<sup>102</sup> Miur, *Le trasformazioni della scuola nella società multiculturale*, 2001, op. cit., p. 114.

<sup>103</sup> EUMC, *Anti-islamic reactions in the EU after the terrorist acts against the US*, Vienna, 2002.

<sup>104</sup> Unione delle Comunità ebraiche italiane, *Il razzismo in Italia*, 2003.

<sup>105</sup> Correr, S., “Un’aggressione pianificata contro la libertà d’opinione”, *La Repubblica*, 11<sup>th</sup> January 2003.

<sup>106</sup> Andrisani, P., *Inventario dell’intolleranza*, op. cit., p. 129.

<sup>107</sup> Salvetti, G., “Fuoco e svastiche antiarabe”, *Il Manifesto*, 5<sup>th</sup> April 2003.

<sup>108</sup> Salvetti, G., “Moschea chiusa “per igiene”, *Il Manifesto*, 26<sup>th</sup> June 2003.

places of Christian religion”. The Council of State annulled it on the grounds that it violated the principles of non-discrimination on grounds of religion and equality of religious beliefs, the freedom of practice and promotion of religious faith<sup>109</sup>.

### 5.3. Anti-Semitism

The debate on anti-Semitism aroused a lot of interest in Italy and the EU in 2003, following both the results of a Eurobarometer survey on the attitudes of European citizens towards the Iraqi war and the information that emerged from an unpublished report by the EUMC on anti-Semitic manifestations in 2002. The surveys by Eurobarometer found that the majority of EU citizens rated Israel first as a threat to world peace, but the Italians were the only ones who were almost evenly divided on the subject, with 46% of citizens who did not hold that opinion<sup>110</sup>. The survey results led to a great deal of controversy as the disapproval by many Europeans of the Sharon government’s policies was interpreted as an expression of anti-Semitism. During the same period, the EUMC was accused of *hiding* a study on anti-Semitism in Europe, because it found that a part of the political left and some Arab-Muslim groups in the EU were responsible for the increase in anti-Semitic acts. In the wake of these events, a study carried out in Italy by EURISPES on the extent of anti-Jewish prejudice concluded that anti-Semitism had not risen, in spite of the deterioration of the Palestinian-Israeli conflict. The authors concluded that the increase in episodes of intolerance was mainly due to increased activism by those who already manifested anti-Semitic attitudes<sup>111</sup>. Yet, stereotypes of Jews are still very common, especially among the elderly and the less educated. The result is that about one third of the Italian population believes that Jews hold economic and financial power and control the media covertly, and 22 percent says that “Jews feel superior to everyone else”. With reference to the extent of revisionism, 2.7 percent of Italians believe that there has never been a holocaust, while 11 percent does not deny it but considers the number of Jewish victims reported in history books<sup>112</sup> to be exaggerated.

Anti-Semitism in Italy, can therefore be said to take on the form of a “low pyramid with a broad base”<sup>113</sup> (very similar to the racism affecting other minorities), with an extensive diffusion of anti-Jewish stereotypes and a very limited, but equally disturbing, number of “extreme” manifestations. Anti-Semitic graffiti, Celtic crosses, swastikas and expressions of praise of fascism and Nazism have been found in front of the headquarters of the political party *Alleanza Nazionale* in Cremona, on a monument dedicated to Anna Frank in Senigallia (Ancona) and on the door of the Jewish museum, on the walls of the university of “Roma Tre” and on the front door of a Jewish professor<sup>114</sup>.

Two famous Italian journalists, Clemente Mimun and Paolo Mieli, have been the victims of anti-Semitic writings on the walls of the State television buildings in Rome and Milan<sup>115</sup>.

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<sup>109</sup> Council of State – Meeting of the First Section, 15<sup>th</sup> May 2002, N. Sezione 1207/2002.

<sup>110</sup> Flash Eurobarometer 151, “Iraq and peace in the world”, November 2003.

<sup>111</sup> Renato Mannheimer, *Immigrati ed ebrei: due fonti di pregiudizio per gli italiani*, op. cit.

<sup>112</sup> Unione delle Comunità ebraiche italiane, *Il razzismo in Italia*, op. cit. and Eurispes, *Le opinioni degli italiani sul conflitto israelo-palestinese*, January 2004.

<sup>113</sup> See Campelli in: Unione delle Comunità ebraiche italiane, 2003, op. cit.

<sup>114</sup> Andrisani, P., *Inventario dell’intolleranza*, op. cit., p. 135-136.

<sup>115</sup> *L’Unità*, 9<sup>th</sup> March 2003 and *Corriere della Sera*, 26<sup>th</sup> November 2003.

In a school in Padua, two students were picked on and threatened by their schoolmates, because of their Jewish surnames, and in a high school in Molfetta, a student belonging to the neo-fascist group *Forza Nuova* sustained in class that the Shoah had never existed<sup>116</sup>. Lastly, there was the case of Antonio Serena, a member of parliament belonging to the right wing party *Alleanza Nazionale*, who on the eve of the visit of the party leader in Israel, distributed to all members of the Chamber of Deputies and Senate a video cassette containing the autobiography of Eric Priebke, the nazi war criminal condemned for the massacre of civilians at the Fosse Ardeatine in Rome in 1944<sup>117</sup>.

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<sup>116</sup> Il Gazzettino di Padova, 24<sup>th</sup> November 2003 and Corriere del Mezzogiorno, 16th March 2003.

<sup>117</sup> “Deputato regala video di Priebke. Fini chiede l'espulsione da An”, La Repubblica, 19<sup>th</sup> November 2003.

## 6. Good practices

There are many associations offering services in Italy to migrants from ethnic minority groups. Services offered range from guidance about the social services to projects on integration into the labour market, from first reception initiatives to assist newly arrived immigrants to finding accommodation, legal assistance, language courses and vocational training. Besides, there are general information offices, linguistic and cultural mediation services, and immigration offices run by local authorities and all these are important in order to have an overview of the situation of migrants. All the same, these services and organisations are completely lacking in data on discrimination and a systematic monitoring of racism. It has been pointed out earlier that there are not monitoring bodies yet, though they are provided for in national legislation. Besides this, the government has not issued any National Action Plan against racism, in spite of the insistence of numerous NGOs and the National Coordination of ENAR. However, a number of local initiatives by some associations have, using EU funded projects, managed to run short term monitoring projects, which are unable to continue after the project has ended<sup>118</sup>.

One such project is run by CIDIS Onlus, an NGO operating at both local and national levels in support of immigrants' rights and equal opportunities. The project consists of an internet website ([www.osservatorio-razzismo.it](http://www.osservatorio-razzismo.it)), created with the financial support of the municipality of Perugia, which offers the research reports various materials and documents and legislation on the subject of racism, assembled by the working group of CIDIS. There is also a webpage where it is possible to denounce acts of racism.

Another website aiming at exchanging information, documentation, statistics, good practices and experience about dealing with racism and discrimination is "Site 13" ([www.site13online.org](http://www.site13online.org)), a product of a trans-national project which three Italian organisations - the trade union CGIL, a local network in Turin "Beyond racism committee" and the Province of Turin.

The organisation *Beyond Racism Committee* of Turin, together with other associations, has also promoted an "Emergency network against racism". The project consists of an information point and a telephone number for anyone wanting to denounce an act of discrimination, with the possibility of having legal and psychological assistance. The activities of and reports by this network are hosted on the website this ([www.unimondo.org/reteurg/](http://www.unimondo.org/reteurg/)) and they include a webpage where one can report a case of racism and experts from different associations can follow it up later.

In Parma, the Centre on Immigration and Asylum and International Cooperation of Parma and Province (CIAC) in collaboration with the Province of Parma, created in 2003, a monitoring and information centre on discrimination for ethnic, racial, national or religious motives. The centre monitors cases of discrimination and promotes the knowledge of anti-discrimination laws. Also, a special form has been drafted for use on a pilot project in the offices of CIAC, the legal advisory centres of the municipalities of the province and in the offices for foreigners run by trade unions.

In 1998, the association "*Stop Racism*" promoted an info point in Padua for the collection of information on racist incidents against immigrants. One year after its

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<sup>118</sup> For an overview of these projects, see Pirazzi, M. and Pozzoli, L., Osservatori sulla discriminazione sulla base della "razza", dell'origine etnica e della religione, available at: [www.immigra.net](http://www.immigra.net).

foundation, the service was greatly improved, with an active investigation in the territory to identify cases of discrimination and violence not reported, especially in areas where relations with natives were more difficult.

The Autonomous Province of Bolzano – South Tyrol opened a monitoring centre on discrimination, that provides information and legal assistance to victims of discrimination on various grounds, within the provincial Observatory on immigration. Lastly, in June 2003, it was announced in Rome that a project was to be started to monitor discrimination in municipal services. The project is jointly run by the municipality of Rome and the Psychoanalytical Institute for Social Research (IPRS), which aims at fighting and preventing discrimination against immigrants within municipal services. Discrimination in access to services, the unjustified delays in providing services or the adoption of discriminatory criteria, will be the subjects of the study and evaluation to be carried out by the project, which will draw up a report to be presented to the Municipality, indicating the situations where there is need for intervention.

The commitment of NGOs in the struggle against racism and discrimination is so big that it is impossible to highlight all the good practices carried out so far. The following is a selection from various fields. In sports, UISP (Unione Italiana Sport per Tutti) of Emilia Romagna has continued its project “*Ultrà*” that began in 1995 with two main objectives: to defend the popular fan culture and fight the violence and intolerance manifested in football stadiums. UISP is a member of the European network F.A.R.E. (*Football Against Racism in Europe*), a network of European organisations and associations involved against discrimination in the football world. It also coordinates the Italian initiatives of the anti-racist week in football stadium (one week of mobilisation to say no to racism in European stadiums) and organises the anti-racist World Cup every year.

Among the initiatives aiming at the promotion of equal opportunities for ethnic minorities in employment and the labour market, mention can be made of the project “M.a.con.d.o.” (Mainstreaming Action to combat discrimination in organisations) promoted by ENAIP Emilia Romagna and COSPE (Cooperation for the development of Emerging Countries). The main aim of the project is to train the staff of private and public organisations so that they are able to plan, implement and manage processes of organisational change necessary for a correct application of the principles of equal opportunities and a practical application of positive action measures to combat discrimination.

With regard to health services, a project “*Health for all, all in health*” by the association CIDIS, aims at analysing the dynamics of discrimination in the health services, to identify the tools and models to combat unfair treatment and facilitate communication between operators and patients.

In the housing sector, the transnational project “*The world at home*” is worthy of note. It is promoted by ASAL (*Association for Studies on Latin America*) in collaboration at national level with ICS, Lunaria and the Cooperative “*La Casa per gli extracomunitari*” and aims at combating all forms of discrimination against immigrants in the sector and in the cities where the project is being implemented. At an institutional level, this project promotes an exchange of information, experience and good practices in the fight against discrimination in the housing sector, identifies

innovative policies on the subject and makes proposals on the housing needs of non-EU nationals.

Lastly, in order to support the initiatives of the media in favour of ethnic minorities as producers and/or major beneficiaries, the European Manifesto of Multicultural Media has been promoted in Italy and in Europe. The initiative is coordinated in Italy by COSPE and at a European level by the network On Line/More Colour in the Media in order to put political pressure on the European institutions so that multicultural media dimensions can be included in all the European and national regulations that govern the system of media, to achieve equal opportunities and independence in access to resources.

# Glossary of terms and concepts used

**Anti-Semitism:** ideologically motivated hostility toward Jews, Jewish individuals or Jewish culture.

**Direct discrimination:** treating someone less favourably than another is, has been, or would be treated in comparable circumstances because of the former's real or presumed ethnic, racial, national, religious or cultural belonging.

**Discrimination:** any "behaviour which directly or indirectly causes distinction, exclusion, restriction or preference based on race, colour, ancestry, national or ethnic origin, religious belief or practice, having the aim or effect of destroying or hindering the recognition or exercise - under equal conditions - of fundamental human rights in the political, economic, social and cultural fields as well as in any other public sector"<sup>119</sup>.

**Indirect discrimination:** the adoption of regulations, criteria or practices which, irrespective of intentions, put people belonging to a particular group disproportionately at a disadvantage than another is, has been, or would be and where such regulations, criteria or practices cannot be objectively justified by a legitimate aim and the means of achieving that aim are proportionate and necessary.

**Institutional discrimination:** organisational structures, policies, processes and practices which result in ethnic minorities being treated unfairly and less equally, often without intention or knowledge.

**Islamophobia:** fear or hatred of Muslims or Islamic culture. Islamophobia is characterised by the belief that Muslims are religious fanatics and have violent tendencies towards non-Muslims.

**Non-EU citizens** ("extracomunitari" in Italian): term used in most official documents to identify citizens of countries that are not member states of the European Union; it still includes those of candidate countries except where specifically indicated.

**Non-Italian pupils or students:** these terms identify school children of different nationalities characterised in official educational statistics as "pupils who do not have Italian citizenship". The category includes people who have EU and non-EU nationalities.

**Principle of reciprocity:** states that a given condition, for example, access to self-employment, ownership of houses etc., can be accorded to a non-EU foreigner only if his/her country of origin accords same conditions to Italians or, in general, does not forbid foreigners access to such conditions or property.

**Racism:** shall mean the belief that a ground such as race, colour, language, religion, nationality or national or ethnic origin justifies contempt for a person or a group of persons, or the notion of superiority of a person or a group of persons<sup>120</sup>.

**Racist violence:** All forms of violence, verbal and symbolic aggression, intimidation or harassment carried out against an individual, group or organisation on the basis of race, colour, descent or national or ethnic origin.

**Xenophobia:** a rejection of the stranger or the foreigner, which emanates from either fear or hatred.

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<sup>119</sup> Consolidated Act on the status of foreigners, Law nr. 286/1998; article 43.

<sup>120</sup> ECRI, General policy recommendation N°7 on national legislation to combat racism and racial discrimination, Adopted by ECRI on 13 December 2002.

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