



ENAR Shadow Report 2005

Racism in Italy

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I. Introduction

The Italian Shadow Report 2005 shows the persistence of widespread discrimination in some particular sectors (employment, housing, education and legislation), which especially affects non-EU citizens, refugees, asylum seekers and the Roma population.

In the field of employment, “segregation” banishes immigrants from certain sectors of the labour market and differences in treatment between autochthonous and foreign citizens emerge in terms of industrial safety, wages and types of contract.

The educational sector highlights particular problems related to the low school performance of non-Italian children and the loss of school years. In 2005, Italian civil society discussed the topic of educational spaces within Islamic cultural centres, a delicate question that gave the opportunity to some politicians and opinion makers to strengthen anti-Islamic prejudices already existing in the country.

The housing market remains inaccessible for the weakest part of the population and still presents huge discriminatory barriers towards non-EU citizens and Roma. Moreover, for the first time the National Institute of Statistics confirmed the existence of housing problems for immigrants through an in-depth analysis of data provided by the last national census.

From a legislative point of view, many sentences that condemned various violations of the principle of equal treatment were issued in 2005. Italian legislation concerning voting rights for non-EU citizens made great strides, showing the will of local authorities to involve immigrants in Italian public life. The enforcement of the decrees that put into effect some key laws concerning immigration and asylum had considerable repercussions on the working and living conditions of foreign citizens.

This study reports the main changes which occurred in 2005 in national legislation and contains a description of the key findings emerging from the most important research regarding discrimination carried out by public institutions, research institutes and NGOs. In chapter II, we describe the main changes in anti-discrimination legislation on the grounds of racial and ethnic origin, immigration legislation and criminal legislation, in particular in the provisions that punish racist crimes. In this section we also analyse the anti-terrorism decree issued in August 2005, particularly aspects related to racial profiling. In Chapter III we describe the most vulnerable groups, with particular attention to multiple discrimination based on gender and ethnic origin which shows itself in a worrying manner especially in the employment sector. Chapter IV of the report contains a description of the most significant studies and the main statistical data on

discrimination in some key sectors, among which employment, education and housing are particularly important. Finally, in Chapter V we assess the institutional response to issues related to racism and discrimination and highlight the critical points raised by NGOs and civil society regarding the transposition of anti-discrimination European Directives and in the national legislation.

II. Political and Legislative Developments

II.i Anti discrimination

In 2005, the National Office Against Racial Discrimination (UNAR), a specialised body at national level provided for by Directive 2000/43/EC and established within the Department for Equal Opportunities of the Presidency of the Council of Ministers, started its activities. A major project in 2005 was the setting up of a Contact Centre, a toll-free number aimed at providing free legal assistance to people who had experienced discrimination, and the reporting and monitoring of racist acts. Data collected by the Contact Centre during its first year of activity will be reported in the following chapters.

In December 2005¹, the Department for Equal Opportunities set up the National List of organisations entitled to stand in litigation on behalf of victims of racial discrimination, it will be updated annually. Enrolment in this list, which is provided for by the Legislative Decree that transposed Directive 2000/43/EC², is a necessary condition for associations and bodies to begin judicial action both in cases of individual and collective discrimination.

A law just approved by the Parliament³ contains some amendments to the rules of the Penal code that punish religious defamation. The recently approved provisions extend this kind of protection to all faiths, while the previous legislation concerned the Catholic religion exclusively. The Constitutional Court had highlighted this difference of treatment towards all other faiths, declaring as unconstitutional the article of the Penal code providing for more severe penalties for those who abuse the Catholic religion as a breach of the principle of equality of all faiths before the law.⁴

In order to better understand the various Muslim communities in Italy and to obtain concrete elements to solve problems concerning their integration in Italian society, the Minister of the Interior created the Council for Italian Islam (*Consulta per l'Islam italiano*).⁵ This new body will only have advisory functions, expressing opinions and formulating proposals about all issues regarding Islam in Italy. It consists of 16 members (half of them have Italian citizenship)⁶ and includes

¹ Decree 16 December 2005 'Istituzione dell'elenco delle associazioni ed enti legittimati ad agire in giudizio in nome, per conto o a sostegno del soggetto passivo di discriminazione basata su motivi razziali o etnici di cui all'articolo 5 del decreto legislativo 9 luglio 2003, n. 215'.

² Legislative Decree nr. 215 of 9 July 2003.

³ Bill nr. 3538 'Modifiche al codice penale in materia di reati di opinione', approved by the Italian Senate on 26 January 2006.

⁴ Constitutional Court, Sentence nr. 168, 18 April 2005.

⁵ Decree of the Minister of Interior 10 September 2005 'Istituzione presso il Ministero dell'interno della Consulta per l'Islam italiano'.

⁶ Press Conference of the Minister of the Interior Pisanu on the composition of the Council of Italian Islam, 30 November 2005.

journalists, intellectuals, members of civil society and leaders of the main Muslim organisations in Italy.

The debate concerning voting rights of non-EU citizens at local level continues to oppose the central government to the local administrations who aim at involving immigrants in public life. During last year, many municipalities⁷ amended their statutes in order to allow voting rights for all foreign citizens but these decisions were strongly opposed by the government. With a decree issued in August,⁸ the government annulled an amendment to the statute of the Municipality of Genoa, providing for the right to vote for non-EU citizens in administrative elections because it was considered unlawful and unconstitutional. A recourse has been announced against a similar decision approved by the Municipality of Turin.

II.ii Migration, family reunion and asylum policies

From a legislative point of view, the rules for the enforcement of Law 189/02 (the so called “Bossi Fini law” on immigration) were published in the Official Gazette⁹ in 2005 and consequently all the provisions came into effect. The most important provision is contained in art. 36 of the decree, providing that in order to set up a new employment, a new “stay for work contract” must be signed, not only on the occasion of the first entry of the worker but also for the renewal of the residence permit. Moreover, the employer must declare that the non-EU worker lives in a house of a size that complies with the parameters of low-rent public housing and must assume the travel expenses of repatriation in case of necessity. This obligation can lead the employer to prefer the employment of autochthonous workers, discriminating against non-EU workers.

In 2005, the reform that created the Single Office (*Sportello Unico*)¹⁰ also came into force. This reform aims to combine all competences concerning employment of foreign workers; renewal of “stay for work contracts” and, therefore, of residence permits and authorisation to family reunions for non-EU citizens. Lacking in equipments, personnel and resources, this office seems to be a “front office” structure that will frequently apply to the competent bodies of reference (Police headquarters and Provincial Direction for Employment) for “back office” activities and to deal with cases.

⁷ For example the municipalities of Ancona, Genova, Torino, Venezia, Rimini and Reggio Emilia. For a wide overview on the situation of political participation of foreign citizens in Italy, see: Asgi, Fieri, *La partecipazione politica degli stranieri a livello locale* (Turin: Fieri, 2005).

⁸ Decree of the President of the Republic of 17 August 2005 ‘Annullamento straordinario a tutela dell’unità dell’ordinamento, a norma dell’articolo 2, comma 3, lettera p), della legge 23 agosto 1988, n. 400, della deliberazione del consiglio comunale di Genova n. 105d del 27 luglio 2004, in materia di elettorato attivo e passivo per gli immigrati’.

⁹ Decree of the President of the Republic 18 October 2004, nr.334, in Official Gazette nr.33 of 10 February 2005.

¹⁰ Interministerial Circular nr.1 of 13 May 2005.

In June 2005, the Constitutional Court issued a sentence stating that a provision contained in Decree 334/04, limiting the right to family reunion for migrants who have parents aged more than 65 and without other children, was unconstitutional.¹¹ Subsequently, the Minister of Foreign Affairs, through a specific circular, clarified that people who ask for family reunion with parents aged more than 65, dependant and without other children in the country of origin, do not have to demonstrate any specific economic condition in order to obtain the authorisation to family reunion.¹²

On 21 April 2005, the rules for the enforcement of the procedures for obtaining refugee status came into force. These provisions have brought some important changes that we have already described in previous Shadow Reports: decentralisation of the examination of asylum applications with the creation of seven Territorial Committees; the creation of Identification Centres for asylum seekers, where people who have crossed the Italian frontiers illegally, are compulsorily detained and people who need verification of their identity, nationality or similar are optionally detained.¹³ In case of refusal of refugee status it is possible to appeal to the competent Court of Justice, even if this act does not suspend the expulsion procedure.

On 21 July 2005, the Government approved a Legislative Decree that transposed the European Directive establishing minimum guarantees for people who are waiting acquisition of refugee status.¹⁴ These new rules came into force on 20 October 2005. Despite the delay in the transposition of the directive (the deadline was 6 February 2005), the decree provides for an important change: the right for the asylum seeker to work while waiting for a decision to be taken by the competent Commission, but only if the asylum seeker waits for more than six months. The competent Prefecture is responsible for the insertion of the asylum seekers in *ad-hoc* reception structures only if the person is poor and has sent his/her application within eight days from his/her arrival in Italy. It is easily foreseen that a person who runs away from his/her country of origin and arrives in Italy without knowing the language and without any contacts or information will be unlikely to meet these conditions. The decree also provides that only people who do not have access to a place in a reception centre can receive economic support.

With regards to data on refugees and asylum seekers in Italy, no data concerning 2005 is available unfortunately. The United Nations High Commissioner for Refugees (UNHCR) in its publication *Asylum Levels and Trends in Industrialised Countries*, reports a general decrease of asylum applications in the countries analysed in the survey and states that Italy is the only major industrialised

¹¹ Constitutional Court, Sentence nr. 224/2005, 6 June 2005.

¹² Ministry of Interior, Circular of 9 September 2005, nr. 2354/2.4, 'Sportello unico per l'immigrazione. Ricongiungimenti familiari. Disposizioni del Ministero degli Affari Esteri'.

¹³ Caritas, Migrantes, *Immigrazione. Dossier statistico 2005* (Rome: Idos, 2005), pp. 485-494.

¹⁴ Directive nr. 2003/9/CE establishing minimum standards for the reception of asylum seekers in the member states and Legislative Decree nr. 140 of 30 May 2005, Official Gazette of 21 July 2005.

country for which no monthly data is available.¹⁵ The only data available is therefore that which refers to 2004.¹⁶

II.iii Racism as a crime

In Italy, some innovations have been introduced in the legislation on racist crimes recently and these new rules will surely affect the struggle against racism and xenophobia through legislative instruments. The most important innovation is the law approved during the first days of 2006¹⁷ regarding the depenalisation of opinion crimes in general and containing in particular some amendments to the law of ratification of the International Convention on the elimination of all forms of racial discrimination. The new law establishes that the mere diffusion of racist ideas is no longer a crime but only the “propaganda” of these ideas and that only the “instigation” and not the “incitation” to racial discrimination acts can be sanctioned. Moreover, penalties for these crimes have been reduced from a three year to a one year and six months jail term or a fine.

In order to strengthen the current legislation regarding racist violence and acts during sports events, the Council of Ministers issued a decree law that provides for new measures aimed at preventing and repressing dangerous behaviours.¹⁸ The decree also set up a national Observatory on sports events (Osservatorio nazionale sulle manifestazioni sportive) whose tasks are: to monitor the acts of violence and intolerance committed on the occasion of sports events; to promote initiatives for the prevention of the phenomena of violence and intolerance, also in collaboration with associations, local, public and private bodies; to publish an annual report on acts of violence and intolerance during sports events.

The Court of Cassation issued a crushing sentence concerning crimes with racist motivation as aggravating circumstance. As grounds for the annulment of a sentence for abuses with the aggravating circumstance of racial hatred, the Court stated that the expression "dirty nigger" does not indicate a discriminatory purpose but it could be a demonstration of "generic antipathy, intolerance or refusal". This expression is therefore a simple "insult" and not a racist abuse, as for the Court the concept of discrimination "cannot be related to any attitude that is or seems to be in conflict with an ideal of absolute and perfect integration, not only of rights but also in everyday life, among people of different race, ethnicity, nationality or religion."¹⁹

¹⁵ UNHCR, *Asylum Levels and Trends in Industrialized Countries Second Quarter, 2005, Overview of Asylum Applications Lodged in 31 European and 5 Non –European Countries* (September 2005), p.2.

¹⁶ Asylum applications in 2004 were 9,722 in total, 8,701 examined, of which 780 admitted and 7,921 refused. Humanitarian protection has been recommended for 2,352 applications. In Caritas/Migrantes, *Immigrazione. Dossier statistico 2005* (Rome: Idos, 2005), p. 493 (UNHCR Data “2004 Global Refugee Trends”).

¹⁷ Bill nr. 3538 “Modifiche al codice penale in materia di reati di opinione”.

¹⁸ Decree Law 17 August 2005, nr.162.

¹⁹ Piccolillo, V., ‘«Sporco negro»: non è razzismo’, *Corriere della Sera*, 6 December 2005.

II.iv Counter Terrorism

After the London attacks on 7 July 2005 and the attack of Sharm el Sheik on 23 July 2005, the Government issued Decree Law nr.144 of 27 July 2005 "Urgent measures against international terrorism," then turned into Law by the Parliament. The Decree contains two articles referring specifically to citizens of migrant origin, that make some changes to the immigration legislation: Article 2 provides for the issuing of residence permits for irregular migrants who collaborate in inquiries against international terrorism and for the issuing of a permanent residence permit (Carta di Soggiorno) if this contribution is particularly important; Article 3 concerns the acceleration of the expulsion procedures for foreigners who are supposed to support national or international organisations with terrorist aims. Other articles lead to restrictions to life of foreign citizens and of all people living in Italy. Among other things, an article of the decree, once turned into law, rendered more severe the penalties for people who cover their face, partially or fully, in public places.²⁰

²⁰ Bill nr. 155, 'Conversione in legge, con modificazioni, del decreto-legge 27 luglio 2005, n. 144, recante misure urgenti per il contrasto del terrorismo internazionale', approved on 31 July 2005.

III. Communities vulnerable to racism

According to the Statistical Dossier on immigration 2005, at the end of 2004 the estimated number of residents of foreign origin, including minors, amounted to 2,786,340 people, about 5% of the total population, while ISTAT (National Institute of Statistics) registered 2,402,157 residents (4.1% of the total population) on 1 January 2005.²¹ This data shows a situation in which the presence of migrant citizens is more and more important and, together with other factors (rate of growth, immigrants' distribution, demographic normalisation, trend of stability, etc.) prove the existence of a process of "stabilisation" of immigration in Italy.²² In fact, there are many studies analysing the structure of migrant families and the characteristics of second generation migrants, children who are often born in Italy and therefore are hardly definable as migrants.²³

In 2005, the ISMU Foundation dedicated its annual report to a general reflection on the last ten years of immigration. In the chapter dedicated to the attitudes of Italian society towards the migratory phenomenon, the authors compared some surveys carried out by various research institutes between 1987 and 2003. According to ISMU, the trend in Italian society leads towards a better awareness of the presence of immigrants and a more favourable opinion on immigration as a factor of cultural exchange, but there are still fears and insecurities related to crime and to housing and employment.²⁴ Research on immigration and citizenship in Europe by *Nord Est* Foundation and *LaPolis*, analysing the attitudes in some European countries towards the migratory phenomenon, stresses that in Italy 'security issues' and fear of crime are prevailing over other concerns related to immigration.²⁵

On the whole, cases of discrimination and racism towards a population that can be generically defined as non-EU citizens, continue to take place and are widespread, as shown by some recent surveys. The National Report on Childhood and Adolescence (Eurispes - Telefono Azzurro)²⁶ reports that 52.8% of Italian children would like better integration and more rights for foreign citizens, 10% believes that immigrants should be expelled and 13.8% accept them only if they are "useful for the country". Among teenagers, only 31.6% show a positive attitude towards foreign citizens, the rest of the sample think that they should be

²¹ Istituto Nazionale di Statistica, *La popolazione straniera residente in Italia al 1 gennaio 2005*, 27 October 2005.

²² Caritas, *Migrantes, Immigrazione. Dossier statistico 2005* (Rome: Idos, 2005), p. 73.

²³ Marra, C., *Famiglie in migrazione e i figli del ricongiungimento* (Bologna: OASI, 2005), in www.immigra.org; Fondazione ISMU, 2005; Sciortino, G., *L'inclusione degli immigrati*, (Turin: FIERI, 2005); Osservatorio delle immigrazioni, *Dossier Figli – Stranieri non immigrati. I figli degli immigrati. Seconde generazioni in Provincia di Bologna*, November 2005.

²⁴ Fondazione ISMU, op.cit., pp.202-203.

²⁵ Fondazione Nord Est, LaPolis, *Immigrazione e cittadinanza in Europa – Orientamenti e atteggiamenti dei cittadini europei*, Quaderni FNE, November 2005. Indicative of the relationship between migration and criminality is the SWG survey for *L'Espresso*, June 2005.

²⁶ Eurispes, Telefono Azzurro, *Rapporto nazionale sull'infanzia e l'adolescenza*, (Rome: Eurispes, 2005).

expelled (25%) or should not be allowed to have the same rights as Italian citizens (8.6%) and that they can be accepted only if they are useful for the country (28.2%).

A survey carried out by SWG for the magazine *Donna Moderna*, analysing the attitudes of Italian citizens towards Roma, foreign street hawkers and people without fixed abode, shows that the Roma population stirs up the most negative feelings (44% of the sample), followed by car windscreen cleaners (20%), people without fixed abode and foreign street hawkers (9%). 40% of the sample considers Roma “dangerous people of whom to be afraid,” 29% thinks that they must be sent back to their countries of origin and 18% that they must be placed as far as possible from cities.²⁷

The European Monitoring Centre on Racism and Xenophobia's 2005 Annual Report (EUMC) states that Roma are the most discriminated population in Europe, followed by citizens coming from the former Soviet Union.²⁸ According to the report, Roma are the ethnic group facing the heaviest discrimination in the employment, housing and education sectors and suffering the hardest racist violence. The Council of Europe Report on the application in Italy of the convention for the protection of national minorities²⁹ highlights that Roma, Sinti and Travellers continue to deal with a widespread discrimination, in particular in the housing, employment and health sectors. The authors of this report recommend to the Italian government to undertake clear actions aimed at dismantling Roma camps on the outskirts of towns and specific activities with local authorities, involving directly the populations concerned.

The widespread discrimination towards Roma and their criminalisation can be clearly perceived quoting some episodes occurred in 2005: on 5 February 2005 in Lecco, two Roma women of Romanian origin were accused by an Italian woman of attempting to steal her seven month old child. The two women were arrested and tried with urgency and charged with attempted kidnapping of a minor. Even if they declared themselves to be innocent and that there was no evidence of the crime, they were sentenced to a jail term of eight months and ten days and released on probation. Reactions to this case were considerable, both at political level and in public opinion: the Northern League Party stirred up a strong campaign against "gypsies", defined as “child kidnappers.” This campaign was also carried out by other members of the government and by the President of the Chamber of Deputies, the second institutional office in Italy. Many newspapers, not only party organs, spread the false news that it was a kidnap

²⁷ SWG/Donna Moderna Survey, *Immigrazione e povertà*, 2005, www.swg.it

²⁸ EUMC, *Annual Report 2005*, (Vienna: EUMC, 2005)

²⁹ Council of Europe, *Advisory Committee on the Framework Convention for the Protection of National Minorities*, Second opinion on Italy Adopted on 24th February 2005.

attempt and commented on the event using wicked and deeply-rooted prejudices against Roma.³⁰

A very similar episode occurred some months later in Florence where a young couple (Italian tourists) accused two Roma women of having attempted to steal their five month old child.³¹ A woman was arrested, accused of attempted kidnapping and released for lack of evidence. The Minister of Justice stated that this sentence was "against the common sense of justice."³²

The dramatic attacks of July 2005 in London increased Islamophobic attitudes in Italy, especially as one of the perpetrators of the unsuccessful attack of 21 July was arrested in Italy. In the days following the attack, as reported in one of the following paragraphs, police forces carried out some "roundups" in many Islamic places (7,318 places visited and 32,703 people identified)³³ and expelled some representatives of Islamic Communities.³⁴ At political level, party members of the governmental coalition often support the theory of a cultural clash between Islam and the Christian faith and spread it through the media.³⁵ On the one hand, the Minister of the Interior Pisanu refused the theory of the clash of civilizations between Islam and Western countries,³⁶ on the other hand some members of his party (*Forza Italia*) and of the Northern League party stirred up a political and media campaign against Islam.³⁷

A significant sentence by the Court of Justice of Milan condemned a man of Moroccan origin for ill-treatment towards his family members, stating in the grounds of the judgment that a possible Muslim witness would not have been believed because Muslims are used to lying.³⁸ The already quoted survey by *Nord Est* Foundation³⁹ makes it clear that the attitude towards foreigners on the basis of their countries of origin shows that Italians are very wary towards people from Arab countries, Turkey and Balkan countries.

With regards to the Jewish community, during 2005 some cases of anti-Semitism were recorded in various sectors, particularly in sports. Anti-Semitic banners

³⁰ A.Ravelli, 'Nomadi liberate, protesta di Casini', *Il Corriere della Sera*, 8 February 2005; 'Castelli attacca la sentenza di Lecco, giudici lontani dalla gente', <http://www.ansa.it>, 8 February 2005; 'Lecco, zingari e senso comune', *Il Manifesto*, 8th February 2005.

³¹ *Corriere della Sera*, 25 October 2005.

³² M. Bologni, 'Nomade scarcerata: l'ira di Castelli', *La Repubblica*, 31 October 2005

³³ EUMC, *L'impatto degli attentati di Londra del 7 luglio 2005 sulle comunità musulmane dell'Unione Europea* (Vienna: EUMC, 2005), p. 40.

³⁴ For a general overview see also: International Helsinki Federation for Human Rights (IHF), *Intolerance and Discrimination against Muslims in the EU* (March 2005).

³⁵ See in particular the opinions expressed by Oriana Fallaci: 'Il nemico che trattiamo da amico', *Corriere della Sera*, 16 July 2005 and the interview given by Oriana Fallaci to Father Andrzej Majewski, editor-in-chief of the Polish public television (Telewizja Polka), *Libero*, 14 August 2005.

³⁶ EUMC, *The impact of 7 July 2005 London bomb attacks on Muslim Communities in the EU* (Vienna: EUMC, 2005) p. 43.

³⁷ See, for instance, 'Venezia, Castelli scatenato: "L'Islam ci vuole cancellare"', <http://www.repubblica.it>, 18 September 2005.

³⁸ Sentence of 17 February 2005, by the IX Criminal Section of the Court of Justice of Milan.

³⁹ Fondazione Nord-Est, *La Polis*, op.cit., p.15.

have been displayed in some stadiums and Nazi and anti-Semitic writings and graffiti appeared on walls. According to a survey by the Anti-Defamation League, the presence of anti-Semitic stereotypes all around Europe is confirmed, with a small decrease in comparison to the previous year.⁴⁰ According to the same survey, an increasing percentage of Italian citizens think that the two following statements are true: “Jews have too much power in the business world” and “Jews still talk too much about what happened to them in the Holocaust”.

We conclude this section dedicated to victims of racism and discrimination with an overview on the situation of asylum seekers, who experience serious difficulties not only because there is no organic law on the right to asylum in Italy, but also because there is no good first and second reception systems in the country. Funds set aside by the State for the protection of asylum seekers meet only 7% of the real need.⁴¹ The case exploded when 200 refugees coming from Sudan, Ethiopia and Eritrea were moved out of a squat in Milan in December without finding them dignified housing. Some refugees did not accept the proposals of the Municipality and camped for two days in the Cathedral Square in Milan until another temporary solution was found.⁴²

It is very difficult to find data concerning discrimination towards migrant women in Italy, because there is no specific research on this issue. Comments can be made analysing data contained in some thematic studies and identifying cases of multiple discrimination. According to the third report by Ires CGIL on immigration, discrimination in the workplace seems to affect women especially. In fact, only 31.4% of them have an open-ended contract, against 73.6% of men, and only 11.4% (41.8% of men) have had a career promotion.⁴³ ISTAT data also confirms this situation.⁴⁴ Differences in treatment also concern maternity issues. Municipalities assure maternity benefits to Italian citizens, EU citizens, non-EU citizens with a permanent residence permit (*carta di soggiorno*) and, after a question by Anci to the Ministry of Welfare, to refugee women also.⁴⁵ The benefit of 1,000 euros granted to women who had their second or third child in 2004 and 2005 is still reserved to Italian and EU citizens only.

⁴⁰ Anti-Defamation League, *Attitudes toward Jews in Twelve European Countries* (New York: ADL, May 2005)

⁴¹ Statement by Gianfranco Schiavone on: *Il Passaporto*, 24 May 2005.

⁴² See *Il Passaporto*, 30 December 2005.

⁴³ IRES-CGIL, *Terzo rapporto sull'immigrazione*, (Rome: Ires, 2005).

⁴⁴ See the chapter on employment.

⁴⁵ Politiche sociali – Assegni di maternità e per il terzo figlio alle rifugiate politiche, www.anci.it, 16 June 2005.

IV. Manifestations of racism and religious discrimination

IV.i Employment

The Italian labour market is still characterised by strong differences between the working situation of the autochthonous population and that of the foreign population. As we have already highlighted in the previous Shadow Reports, foreign workers are “banished” to specific employment sectors, in which labour is generally underpaid, dangerous and unskilled,⁴⁶ with both vertical and horizontal labour mobility practically absent.

An ISTAT (National Institute of Statistics) report containing data from the 2001 census concerning foreign citizens points out some of these differences of treatment of the Italian labour market.⁴⁷ 8.1% of foreigners against 5.6% of Italians are actively seeking employment. 55.2% of foreign citizens employed are labourers (36% of Italians), of which 28.4% are unskilled workers (the percentage referring to Italian citizens is about 14%). With regards to gender analysis, the unemployment rate of women is higher than that of men in the general population, but while for Italians the difference between the two data is 5%, for foreign citizens the difference rises to 10.4%, highlighting clear disadvantages faced by foreign women in the labour market. Foreign women are mostly employed as unskilled workers (35.9%), domestic and care workers (18.8%) and are more subject to temporary employment (27.6% against 18.9% of men) and part-time contracts (32.3% against 7.8% of men).

The first annual report by UNAR (National Office Against Racial Discrimination),⁴⁸ based on data provided by its Contact Centre, states that most complaints concern the employment sector (28.4% of the total number of complaints). In particular, differences of treatment have been reported in the access to labour market (26.3%) and in the “mobbing” phenomenon (20%), which is a behaviour by senior executives or colleagues aimed at ousting, disqualifying or putting psychological pressure on the worker. 66.7% of the workers who suffer discrimination in the workplace are less than 30 years old. This percentage confirms the precariousness and difficulty in access to the labour market by young people.

Discrimination towards foreign workers is evident if we analyse data related to the building sector, which has remarkably increased its number of workers of migrant origin in the last years. Firstly, a considerable difference between the wages of non-EU workers and those of all workers employed in this sector has

⁴⁶ For an in-depth analysis on the forms of discrimination in the Italian shipbuilding sector see: Università Ca’ Foscari di Venezia – Laboratorio di Formazione e Ricerca sull’Immigrazione, *Sindacato e discriminazione razziale nella navalmeccanica italiana* (April, 2005).

⁴⁷ Istat, ‘Gli stranieri residenti e il mercato del lavoro’, in Istat, *Gli stranieri in Italia: analisi dei dati censuari*, (Rome: Istat, 2005).

⁴⁸ UNAR, *Un anno di attività contro la discriminazione razziale* (Rome: Unar, 2005).

been observed.⁴⁹ In 2003, migrant workers had a gross salary that was 20% lower than the average gross salary for the sector. Such a difference rises to 24% for non-EU workers who had obtained a legal title of stay on the occasion of regularisation in 2002. With regards to professional qualifications, studies on this matter confirm that migrant workers undertake the most difficult and poorly-paid tasks: 67% of foreigners employed in the building sector in 2004 were unskilled workers (37% of the total number of workers), while only 9% of the foreign workforce is qualified (30% of the total workforce).

Data on concealed labour point out the weakness of foreign workers as regards welfare and social security rights. The National Institute for Social Security (INPS)⁵⁰ noticed that 15% of the workers not enrolled in the social security system are foreign citizens, a percentage higher than the incidence of these workers on the workforce. In particular, 14.3% of the irregular workers in the industrial sector are non-EU workers, 16.7% in the craft sector and 19.4% in the agricultural sector.

Data on industrial injuries highlight that foreign citizens undertake the most dangerous tasks without adequate protection.⁵¹ In 2004, 115 000 non-EU workers were victims of industrial accidents, 6.7% more than 2003 and 25% more than 2002. Among foreigners, there are 65 reported cases out of 1000 insured workers, while the average rate on the total number of workers is 40 cases out of 1000 insured workers. In particularly dangerous sectors, as the metallurgical industry and the building sector, almost one time out of 5 the injured is a non-EU citizen. Considering the nationalities, Morocco (23,300), Albania (14,600) and Romania (10,300) amount together to 41% of the reported cases. In its report, INPS underlines that it is necessary to add to the official data an indefinite number of accidents that are not denounced in case of concealed labour.

A new trend that characterised 2005 is an increase in discrimination litigation in the employment sector. The instruments provided for by European and national legislation to protect the victims from discrimination both in the access to the labour market and on the workplace, are more and more used to start up labour disputes and to take legal actions. CGIL trade union in Milan reported that on a total of 5,200 legal actions, 14% (about 700) concerns discrimination against non-EU citizens.⁵²

Also, the debate on access to public employment had further developments in 2005 with the issuing of some important sentences that allowed non-EU citizens

⁴⁹ Ires CGIL, *Lavoratori immigrati nel settore edile* (Rome: Ires, 2005).

⁵⁰ INPS, *Immigrazione: una risorsa da tutelare* (Rome: Inps, 2005).

⁵¹ Inail, *Dati Inail sull'andamento degli Infortuni sul lavoro*, nr. 4, April 2005.

⁵² Focarete, M. 'Cento immigrati al giorno chiedono assistenza. «Troppi pregiudizi sugli stranieri»', *Corriere della Sera*, 11 April 2005. For a study on the perception of discrimination on the workplace by trade unionists, see Quba Project, *Buone basi, altri passi. Discriminazioni: una finestra sui luoghi di lavoro* (March 2005).

to take part in competitions for public employment.⁵³ These decisions are fundamental steps towards the removal of discrimination on the ground of nationality, even if there is no unanimous orientation on this issue; each judge interprets the legislation on the matter differently.

It is worth mentioning the opening of the first desk for the employment of Roma communities as a good practice, promoted by the Municipality of Rome and managed by *Opera Nomadi*.⁵⁴ This desk will offer advice and cultural mediation for the employment of Roma, Sinti and Travellers, starting from their skills and potential, in order to meet labour opportunities on the territory.

IV.ii Housing

Housing is one of the most difficult sectors and is perhaps the field in which discrimination is most evident.⁵⁵ The difficult housing situation of non-EU citizens has been widely described in many reports compiled by NGOs working on these issues, but for the first time the National Institute of Statistics (ISTAT) has confirmed the clear disadvantage suffered by foreigners in comparison to Italians.⁵⁶ Analysing the data of the 2001 Census, ISTAT found that many foreign citizens live in accommodation other than houses. As most of them are probably people without a legal title of stay, this problem could be underestimated. 1% of foreigners (ten times the percentage for Italians) live in precarious and uncomfortable accommodation such as caravans, cellars, garages, shacks, containers etc. and 0.3% have no accommodation at all. On average, 75.8% of foreign citizens live in rented houses and only 16.3% have their own apartment (72.6% among Italians).

Census data also highlighted that the foreign population generally lived in houses which were older and in worse condition than Italians' houses. 52.8% of foreign citizens (against 35.3% of Italian citizens) live in buildings that were built before 1962; 27.6% of them live in badly preserved apartments (16.5% for the Italian population), and 20% live in old and badly preserved buildings (double percentage in comparison with Italians). The average *per capita* surface area of houses inhabited only by foreign citizens is 28.5 square metres, while for the Italian population the average surface per person is 37 square meters. Also, the average number of rooms highlights worse conditions for foreign citizens who have 3.3 rooms at their disposal (4.2 rooms for Italians) but it is the extreme rate of overcrowding⁵⁷ that points out the difficult conditions in which foreign citizens

⁵³ Court of Justice of Tolmezzo, Deliberation nr. 226/2005 and Court of Justice of Pistoia, Decree of 7 May 2005.

⁵⁴ http://www.romalavoro.net/news/grandi_iniziative/04_05_nomadi.asp , accessed 15th February 2005.

⁵⁵ Complaints registered by UNAR's toll free number confirm the critical state of this sector: 20.2% of the total number of complaints regards the housing sector.

⁵⁶ Istat, 'La situazione abitativa degli stranieri residenti in Italia', in Istat, *Gli stranieri in Italia: analisi dei dati censuari*, (Rome: Istat, 2005).

⁵⁷ Extreme overcrowding is the condition of a person living in a house with a rate between number of residents and number of rooms which is higher than two.

live: 6.5% of them live in extremely overcrowded apartments, against 0.9% of Italians. This problem concerns in particular citizens of African (9.9%) and Asian origin (8%), and among them Moroccan (11%), Senegalese (13.2%) and Filipino citizens (11.7%).

Access to the housing market in Italy is extremely difficult: there are few houses available (for rent and low rent public houses) and prices both for renting and for buying a house are very high, in particular for the weakest part of the Italian and foreign population.⁵⁸ It seems however that a non-EU citizen meets greater difficulties in renting a house in comparison to an Italian citizen. The Centre Against Discrimination in Naples conducted a study on this issue using the “discrimination testing” methodology.⁵⁹ Research was based on the analysis of 365 announcements in the print-media of offers of houses to let and for each announcement two actors – one Italian and the other a non-EU immigrant – contacted the landlords or estate agents who had placed the chosen announcements by phone. Comparing the answers obtained, researchers highlighted differences in the attitudes towards the two actors that could be defined as discriminatory. In the city of Naples, 31% of respondents discriminated against the non-EU caller, while in smaller cities in the same province the percentage of negative (and discriminatory) responses decreased to 17%. In the city of Palermo (Sicily), discrimination cases accounted for 40% of responses, while in Bari and Catania, negative responses stood at 60% and 62.5% respectively. The research also describes the various forms of discrimination; from explicit refusals to rent to non-EU citizens to various subtle excuses pleaded by landlords and estate agencies.

A report by Doctors Without Borders⁶⁰ on seasonal foreign workers drew the attention of public opinion to the difficult housing conditions of these workers, reporting that 40% of them lived in abandoned buildings and 5% had no accommodation. Workers who pay rent (36%) often live in accommodation that do not have the characteristics of a house (warehouses, huts etc.) and are lacking in essential utilities and equipment: 50% do not have running water, 30% have no electricity, 43.2% have no bathroom. 70% of these workers must share their room with at least four other people and 30% share a bed with another person. It is worth noticing that, according to the Italian law on seasonal labour in the agricultural sector, it is the duty of the employer to provide workers with accommodation, but the research points out that only 3.4% of the workers interviewed had received accommodation.

⁵⁸ Cresme Ricerche, *La questione abitativa ed il mercato della casa in Italia* (Rome, October 2005). See also Tosi, A., *The operation of housing markets in Italy* (October 2004) and Ares2000, *Indagine sugli affitti* (Rome: Ares2000, 2005).

⁵⁹ Polo contro la Discriminazione, *Una casa per gli immigrati. Il problema degli affitti – Napoli, Bari e Campania* (Napoli, 2004) and Polo contro la Discriminazione, *Una casa per gli immigrati. Il problema degli affitti – Palermo e Catania* (Naples, 2004).

⁶⁰ Medici senza frontiere, *I frutti dell'ipocrisia. Storie di chi l'agricoltura la fa. Di nascosto* (March 2005). For an overview on the housing conditions of people working in the building sector see Fillea Cgil Roma and Lazio, *Dove abitano a Roma e provincia i lavoratori edili immigrati* (Rome: Fillea, 2005).

Judges intervened on the issue of discrimination in the assignment of low rent public houses (ERP) in 2005, annulling the provisions of some local authorities aimed at limiting access to low rent houses for foreign citizens. The Regional Administrative Court (TAR) of the Lombardy Region⁶¹ annulled a deliberation by the Town Council of a small municipality,⁶² suspending the effectiveness of a provision that actually prevented non-EU citizens to obtain low rent public houses. The same court ruled in 2004 that a regional law by Lombardy Region was unlawful and discriminatory because it assigned points for the assignment of low rent houses on the basis of the number of years of residence in the region. In February 2005, the Regional Council of Lombardy Region approved a new law on the matter that re-proposed the same criteria already declared unlawful by the Administrative Tribunal.

The housing conditions of Roma remain unchanged and are still characterised by a real segregation of these populations in so-called "Roma camps", spread across Italy. In our opinion, Roma living conditions have not improved over the last year, therefore some international specialised bodies drew the attention of the Government and of local authorities to the problem, urging interventions.⁶³ In a situation in which local authorities continue to plan their policies on the "segregation" of these populations, it is important to underline the initiatives of the Municipalities of Florence and Pisa who carry out projects aimed at getting over the concept of "Roma camps". Municipal authorities have built villages with masonry houses where some Roma families can live, while other families have been accommodated in other apartments on municipal and regional territory.⁶⁴ Such programmes will lead to the progressive dismantlement of the camps.

In Italy, national housing policies are extremely poor but there are many initiatives promoted by associations and cooperatives that aim to promote access to housing for foreign citizens.⁶⁵ These projects concern mainly information and guidance activities in the housing market; intermediation in securing houses for rent and in accessing bank loans; guarantee funds for the payment of rent or in case of damages; and social support activities aimed at the housing integration of immigrants.

IV.iii Education

The notable increase in the last years of the number of foreign pupils in the Italian school system stimulated a large number of studies that, besides providing data on their presence in classes, also aimed to identify disadvantages suffered

⁶¹ Ordinance of the Regional Administrative Tribunal of Brescia nr. 264 of 25 February 2005.

⁶² Deliberation nr. 239 of 18 November 2004.

⁶³ See for example: Advisory Committee On The Framework Convention For The Protection Of National Minorities, *Second Opinion on Italy*, adopted on 24 February 2005.

⁶⁴ Arci, Fondazione Michelucci, 'Case, Casette, baracche, roulotte. L'abitare dei Rom in Toscana', Conference Proceedings, Florence, 9 February 2006.

⁶⁵ See Censis, *Le politiche abitative per gli immigrati in Italia* (Rome: Censis, 2005).

by these pupils. In the school year 2004/2005, the Italian school system counted more than 360,000 foreign students, equal to 4.2% of the whole scholastic population and with an increase of the percentage of incidence on the total number of pupils of 0.7%.⁶⁶ Italy presents a varied presence of nationalities (187), among which the most represented in schools are Albanians (about 17% on the total number of non-Italian pupils), Moroccans (14.5%), Romanians (11.5%) and Chinese (5%).

Qualitative analysis on the presence and school performance of students of foreign origin highlights some worrying phenomena like school drop-out and lower success rate. The Italian situation is characterised by a lower success rate in all years of school by non-Italian students compared to Italian students. The discrepancy among the success rates of non-Italian and Italian pupils is -3.36 for primary school, -7.06 for lower secondary school and -12.56 for upper secondary school.⁶⁷ The lowest promotion rate is recorded in upper secondary school, in which more than 25% of foreign students fail. In artistic education institutes, the difference between the promotion rate of non-Italian and Italian students is -11.96, in technical schools it is -11.11, while in secondary schools specialising in classical and scientific studies and in teacher training schools the difference is -10.21. The lowest difference is recorded in vocational schools (-8.50).

The difficult school career of non-Italian pupils is also described by data provided by the Ministry of Education on the loss of school years.⁶⁸ The percentage of non-Italian students attending classes lower than for their age is very high. In primary school, this percentage reaches 23%, against 1.7% of Italian pupils. This is the result both of the widespread practice to place foreign children in classes lower than their age for linguistic reasons and of lower success rate. The loss of years, in fact, rises year after year in primary school, reaching 34.7% in the last year.

A question that gave rise to a big debate in 2005 is the existence of schools incorrectly called "Islamic". These schools are educational centres created within Islamic Cultural Centres in various Italian cities that teach the Arabic language and all subjects which allow students to take examinations in their countries of origin. The closing of one of these schools in Milan, officially for hygienic reasons, left around 500 pupils of Egyptian origin without classes and aroused bitter controversy between people who thought that these schools were illegal and "segregating" and led the pupils' families, who consider them as necessary for the education of their children, to consider a possible return to their country of origin.⁶⁹

⁶⁶ Ministry of Education, University and Research, *Alunni con cittadinanza non italiana. Scuole statali e non statali. Anno scolastico 2004/2005* (Rome: MIUR, 2005).

⁶⁷ Ministry of Education, University and Research, *Indagine sugli esiti degli Alunni con Cittadinanza Non Italiana . Anno scolastico 2003/2004* (Rome: MIUR, 2005).

⁶⁸ Ministry of Education, University and Research, *La scuola in cifre 2005* (Rome: MIUR, 2005).

⁶⁹ Gianattasio, M., '«I locali non sono idonei» Chiusa la scuola islamica', *Corriere della Sera*, 8 September 2005.

An important initiative for the prevention of school problems and drop-out in upper secondary schools is a project entitled "Not one less", promoted by the Municipality of Milan in collaboration with *Centro Come*. The project aims to promote the linguistic competencies of foreign students, an improved teaching methodology and a strengthening of the province of Milan's information desks and reception centres.⁷⁰

IV.iv Health

Italian legislation protects health as a fundamental right of the individual and provides for public health assistance for all. Non-EU citizens living in Italy with a regular stay permit have the same rights as Italian citizens to medical assistance, assured by the National Health Service (*Servizio Sanitario Nazionale*).

Enrolment into the National Health Service is compulsory for foreign citizens who have a specific type of residence permit (subordinate work; self-employment; family reasons; political asylum; waiting for citizenship etc.). Foreign citizens who do not have those kinds of residence permits must take out insurance either with an insurance company or voluntarily enrol into the National Health Service. Compulsory or voluntary enrolment has the same period of validity as the residence permit and is extended to family members. Enrolment is free for the following categories: unemployed people, with a valid stay permit and enrolled in the employment office; refugees and asylum seekers and minors with parents in Italy who belong to any of the above mentioned categories.

Non-EU citizens without a residence permit or with a residence permit expired for more than 60 days, can accede to urgent and non-urgent medical assistance in public health institutions. In order to have access to these services, immigrants can apply for a card called STP (*Straniero Temporaneamente Presente* - Foreigner temporarily present in the country), which is valid for six months and renewable. This card is free for poor people and personal data contained in it cannot be reported by health institutions to government authorities.

Many NGOs working in the field of health assistance for foreign citizens in Italy have highlighted critical situations regarding some groups. Doctors Without Borders for instance analysed the health conditions of seasonal workers in the agricultural sector, verifying that precarious life conditions affect the health of these workers.⁷¹ Despite being very young (30 years old on average), among the agricultural workers visited by Doctors Without Borders (770 people) only 5.6% were in a good state of health and almost three-quarters of them (73.6%) suffered from chronic diseases. Most of them suffered from infectious diseases

⁷⁰ <http://www.istruzione.lombardia.it/progetti/qualita/nonunomeno.htm>, accessed 15 January 2006.

⁷¹ Medici senza Frontiere, *I frutti dell'ipocrisia. Storie di chi l'agricoltura la fa. Di nascosto* (Rome: MSF, 2005).

(50.9%), probably caused by poor hygienic conditions and worsened by difficult access to medicines. People living in Italy for a long time suffered from the most serious diseases and researchers also noticed a shortening of the so-called "interval of comfort", which is the period between arrival in Italy and the first disease: 10% of foreign workers need assistance in the first month of stay in Italy and almost 40% fall ill within six months. Access to free health assistance is a theoretical right for these workers because 75% of refugees, 85.3% of asylum seekers and 88.6% of foreigners without residence permits do not avail of any kind of health assistance.

Amnesty International reported on the critical state of sanitary conditions in Temporary Stay Centres (CPT), underlining the lack of assistance and the incorrect and excessive use of medicines,⁷² confirming what Doctors Without Borders had already reported last year.⁷³

The Roma population meets with many difficulties in benefiting from health services and usually make use of them only for urgent needs. The difficult conditions in which Roma are forced to live negatively affect their health, in particular that of young mothers and children.⁷⁴ Data on birth-rate, morbidity and mortality for Roma underline a dramatic situation in which children are subject to infectious and respiratory diseases.⁷⁵ Adults often resort to medical care only in case of immediate necessity, while serious diseases are ignored for a long time.

Public sanitary structures are carrying out many projects in order to improve the quality of services offered to foreign citizens. Language problems are often difficult to overcome both in the relationship between doctor and patient and, in general, in the communication of information. For this reasons, many sanitary structures have set up services of linguistic and cultural mediation and have published multilingual guides to sanitary services. Moreover, some hospitals have started to draw up special menus for patients with particular needs related to their religious beliefs.⁷⁶

⁷² Amnesty International, *Italy. Temporary stay, permanent rights. The treatment of foreign citizens in the 'Temporary stay and assistance centres' (CPTA)* (London: AI, 2005).

⁷³ Medici senza Frontiere – Italy, *Rapporto sui Centri di permanenza temporanea e assistenza* (Rome: MSF, 2004).

⁷⁴ Gruppo di lavoro per la Convenzione sui Diritti dell'Infanzia e dell'Adolescenza, *I diritti dell'infanzia e dell'adolescenza in Italia* (Rome: Save the Children, 2005).

⁷⁵ On the connection between the bad hygienic and sanitary conditions of Roma camps and children diseases see Monasta, L., *The Health of Foreign Romani Children in Italy: Results of a Study in Five Camps of Roma from Macedonia and Kosovo*, available at: <http://www.errc.org/cikk.php?cikk=2061&archiv=1>, accessed 27 February 2005.

⁷⁶ Govoni, S., 'Forlì, all'ospedale menù in cinque lingue', <http://www.ilpassaporto.kataweb.it>, accessed 4 July 2005 and Venuti, L., 'Roma, guida sanitaria anche in arabo per i piccoli pazienti del Bambino Gesù', <http://www.ilpassaporto.kataweb.it>, accessed 4 July 2005.

IV.v Policing and racial profiling

In Italy, racial profiling by police force is especially related to their attitude towards Roma. There are many proofs of discriminatory arrests towards Roma and a large number of reports describe the raids which police forces regularly carry out in Roma camps.⁷⁷ Such operations do not seem to target only persons under suspicion, but often equally affect all residents of a camp. Forced evictions are also carried out in camps without giving the persons concerned neither prior notice nor providing them with alternative accommodation. The ERRC (European Rome Rights Centre) has broadly documented the actions of physical and verbal violence and the destruction of Roma properties by the police. Moreover, the ERRC has described the frequent cases of violence towards beggars thought to be Roma, stating that: “police in Italy open fire on persons they believe to be Roma in circumstances in which they would be unlikely to shoot at a non-Roma person.”⁷⁸

In February 2005, a raid conducted by the police in the Roma camp *La Favorita* in Palermo, led to the arrest of many families, including children and old people. After their release, many Roma declared that they asked for food but did not receive any during 24 hours of detention and that they had been threatened by officers.⁷⁹ Another extremely serious case happened outside the central railway station in Padua, where plainclothes police officers and Carabinieri in uniform kicked and undressed two Roma girls under the suspicion that they were dealing drugs and carrying cocaine. This event, completely ignored by the media, was reported by some eyewitnesses. In the trial that followed the case, it emerged that the two girls were not carrying drugs but one of them was condemned for obstruction of an officer of the law, despite witnesses' declarations.⁸⁰

Tensions with the Islamic world, bolstered by media alarmism and international events, affect the situation of Muslims in Italy. Following the attacks in London last July, the arrest in Rome of one of the supposed terrorists caused a wide police operation in August in “Islamic meeting places” (Hallal meat shops, call centres, Internet points etc.). The operation led to the arrest of 141 people and to the expulsion of 701 people, of which only two were connected to measures against terrorism adopted in August.⁸¹

In the first days of September, four expulsions followed one another, three of which were due to the anti-terrorism measures: an Imam was expelled in Turin, the vice-president of the Islamic Cultural Centre in Como, a supposed member of

⁷⁷ Wide documentation is available at the website: <http://www.errc.org>, accessed 23rd February 2006.

⁷⁸ Duvall, M., ‘Evidence of Ethnic Profiling in Selected European Countries’, in: *Justice Initiative*, 1 June 2005.

⁷⁹ ERRC, ‘Letter to Mr Giuseppe Pisanu, Minister of the Interior and Mr Giuseppe Caruso, Police Commissioner’, (Rome, 17 February 2005).

⁸⁰ Bonatelli, P., ‘Percossa e denudata in pubblico’, *Liberazione*, 13 May 2005.

⁸¹ EUMC, *The impact of 7 July 2005 London bombs attacks on Muslim communities in the EU*, (Vienna: EUMC, 2005).

GIA (Armed Islamic Group) in Perugia and a Tunisian citizen in Varese.⁸² In June 2005, a fine was extended, according to Royal Decree of 18 June 1931, to a woman of Moroccan origin who was wearing a black headscarf covering the whole of her face except for her eyes,⁸³ while in August the Court of Justice of Treviso dismissed the case of a woman of Bengali origin who had been denounced by traffic police of the city of Treviso as a consequence of an ordinance “against the burquah” promoted by the mayor of Treviso, a member of the Northern League Party.⁸⁴

IV.vi Racist violence and crime

It is very difficult to outline an overview of racist violence in Italy because of the lack of statistical data and the small number of studies on this phenomenon. As we have underlined in the previous Shadow Reports, Italy is lacking in data highlighting the extension of racist violence and the only the official data available refers only to the number of people sentenced for racial discrimination. In particular, for year 2003, ISTAT (National Institute of Statistics) reports that five people (four men and a woman) were sentenced, four of them aged between 18 and 34 and one aged between 55 and 64.⁸⁵

Studies on cases reported by media are, on the contrary, very interesting and, even if incomplete, draw a more reliable but also more worrying picture of the phenomenon. In the report on racist violence in Italy published by the EUMC (European Monitoring Centre on Racism and Xenophobia),⁸⁶ an analysis carried out on various sources (newspapers and websites) from September 2002 to September 2003, recorded 88 cases of racist violence, of which 40 verbal and 48 physical attacks. The most vulnerable victims are non-EU citizens, refugees and asylum seekers (64 cases), followed by Roma and Sinti (15 cases, but, according to the authors of the report, this number could be underestimated) and Jews (2 cases). It is worth noticing that the perpetrators of these crimes are extreme right individuals or groups (23 cases), followed by the police (17 cases) and members of the Northern League Party (15 cases).

This trend has been confirmed by the EUMC-Raxen National Report on Italy regarding 2004,⁸⁷ containing data of a similar research project carried out in the following year. 91 cases of racial violence were recorded, of which 57 verbal and 34 physical attacks, for the most part towards non-EU citizens, refugees and asylum seekers (58 cases). Violence towards Jews (15 cases) and Muslims (12

⁸² See also Institute of Race Relations, *Deporting Muslim clerics, lessons from Europe* (London: IRR, 2005).

⁸³ Azzano Decimo (VE), 13 June 2005, Declaratory report of administrative violation.

⁸⁴ In 2004, the mayor of Treviso (member of the Northern League Party) proposed an ordinance that forbade to hide one's face on the municipal territory. The ordinance has been cancelled by the prefect of Pordenone.

⁸⁵ ISTAT (National Institute of Statistics) *Statistiche giudiziarie penali. Anno 2003* (Rome: Istat, 2005).

⁸⁶ Rivera, A., Andrisani, P., *Analytical study on racist violence and crime* (Vienna: EUMC, 2005).

⁸⁷ COSPE – National Focal Point, Italy, *Raxen National Report. 2004 Data Collection* (Vienna: EUMC, 2005).

cases) is increasing, and the perpetrators were noted as unidentified citizens and groups (33 cases), extreme rightwing members or groups (17 cases), football fans (15 cases), police and members of the Northern League Party (11 cases each).

Public debate on racist violence and crime in 2005 concentrated on issues regarding Temporary Stay Centres (CPT) where irregular immigrants awaiting repatriation are detained. Last year, the public debate on CPTs was particularly lively and many Presidents of Regional Councils took up a definite position against these detention centres.⁸⁸

A report by Amnesty International highlighted the precarious hygienic and structural conditions of CPTs, as well as the acts of violence committed against immigrants: physical assaults by law enforcement officers and by supervisory staff employed by the various bodies managing the centres; excessive administration of sedative and tranquillising drugs; unsatisfactory medical care; difficulties in gaining access to legal advice; difficulties in applying for asylum, etc.⁸⁹ This report is the result of patient work by Amnesty International, who succeeded in obtaining the authorisation to enter CPTs only after many attempts. Over the last year, many lawyers, members of Italian parliament, journalists and the majority of the Italian NGOs operating in the field of asylum and immigration have been denied access to CPTs, so they could not directly verify living conditions inside the centres. In any case, the numerous allegations by CPT detainees, lawyers, locally-based NGOs etc. reveal unacceptable conditions of detention and frequent acts of violence.

In September 2005, a journalist from L'Espresso magazine decided to disguise himself as an illegal immigrant and spent a week in the Lampedusa CPT. In the article on his experience, he describes the bad structural and hygienic conditions of the centre, the humiliations and the acts of physical and verbal violence inflicted by law enforcement officers, in particular to those of Islamic religion.⁹⁰ A few days before, a delegation of MEPs had carried out an official visit to the CPT, finding only 11 immigrants inside. Despite the fact that the Centre had been "tidied up" for the occasion, the delegation expressed concerns regarding the expulsion of migrants towards Libya and migrants' living conditions in the centre, defined as "precarious and totally inadequate to migratory flows."⁹¹

The problem of racism in sports entered the public debate in 2005 because of some episodes of racism involving junior and professional teams. These episodes concerned mainly football: in the junior championship, a referee

⁸⁸ Forum Nazionale Mare Aperto, *Superare i CPT, costruire una nuova politica dell'immigrazione*, Final Act signed by the Presidents of Regional Councils, Bari, 11 July 2005.

⁸⁹ Amnesty International, *Italy - Temporary stay - permanent rights: The treatment of foreign nationals detained in 'temporary stay and assistance centres' (CPTAs)* (London: AI, 2005).

⁹⁰ Gatti, F., 'Io, clandestino a Lampedusa', *L'Espresso*, 13 October 2005.

⁹¹ European Parliament, *Rapport de la délégation de la Commission LIBE sur la visite au Centre de permanence temporaire (CTP) de Lampedusa (IT) par Mme Martine Roure*, 19 September 2005.

suspended a match because of anti-Semitic and fascist chants⁹²; in the professional championship, a third division referee is actually under investigation for having abused an Italian Black player;⁹³ a player of the first division team *Lazio* was disqualified for a day and sentenced to pay a penalty of 10,000 Euros for having made a “fascist salute” during some matches;⁹⁴ a player of Cote d’Ivoire origin, repeatedly abused by fans of the opposing team, threatened to interrupt a match in order to stop the racist abuses and to draw attention on the problem.⁹⁵

These events brought to a number of initiatives against racism in the stadiums, both at local and national level. The most important reaction to racism in sports came from the Italian Federation of Ice Sports who banned a player for life from the national team because he had repeatedly inflicted racist abuse onto a Black Italian player during a match.⁹⁶

The widespread phenomenon of “fascistisation” of stadiums, and its consequences in terms of the strengthening of racism, has been analysed in a study conducted by the “Supporters Squad” (*Squadra Tifoserie*) of the Central Police Office for Prevention,⁹⁷ who analysed the political orientation and behaviours of the supporters of the football teams playing in the first, second, third and fourth division championships. The report outlines a worrying situation in which 27 groups of supporters have been identified as politically oriented towards the right and the extreme right.

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

Discrimination in access to public and private services is assuming more importance in the research and activities of organisations and bodies working for equality. A greater stability of migratory projects leads foreign citizens to come into contact with some types of services, but they meet difficulties in making use of these services under the same conditions as Italian citizens.

For example, banking and access to credit services are becoming more and more important for migrants.⁹⁸ Difficulties in access to the banking system for non-EU citizens arise from the lack of trust which banks lead to foreign citizens.

⁹² ‘Antisemitismo, attacco ai giovani del Maccabi’, *Corriere della Sera*, 6 May 2005.

⁹³ Corvi, L., ‘Insultato dall’arbitro. Mi ha detto ‘Taci, negro’’, *Corriere della Sera*, 15 November 2005.

⁹⁴ ‘Di Canio, è autentica bufera’, <http://www.gazzetta.it>, 12 December 2005.

⁹⁵ ‘Cori razzisti contro Zoro’, <http://www.repubblica.it>, 27 November 2005.

⁹⁶ ‘Insulta avversario con cori razzisti, per la Federazione è fuori dalla nazionale’, <http://www.stranieriinitalia.it>, 28 December 2005.

⁹⁷ Direzione Centrale della Polizia di Prevenzione, *Rapporto sulle osservazioni delle ‘Sezioni Tifoserie’ durante i campionati 2003-2004*.

⁹⁸ According to research carried out by ABI (Italian Bank Association) in collaboration with Centre for International Political Studies (CeSPI), 57.3% of immigrants in Italy are costumers of banks and the trend is rising. The Observatory on Credit created by *Assofin - CRIF – Prometeia* reported that, in 2004, the total credit (housing loans and credit for personal use) granted to foreign citizens was five times higher than the credit granted in 2000, with an average increase of 51.6%.

Banks consider them as “unreliable” clients and ask for additional requirements to open an account or to get a loan when clients are non-EU citizens,⁹⁹ producing clear discrimination in comparison with criteria applied to Italian citizens.

The insurance sector presents discriminatory barriers: some insurance companies raise prices of motor policies for clients of foreign origin. In general, the Italian legislation provides that each company can “customise” its prices according to specific parameters, but these parameters do not include birthplace or nationality, especially as there is no statistical data showing a higher percentage of accidents ascribed to non-EU citizens.¹⁰⁰

In 2005, the Courts of Justice issued some important sentences concerning discrimination in the access to services provided by public establishments and by public transport companies. The owners of two cafés (in Padua and Verona) were sentenced, one for having charged different and discriminatory prices for the same services to Italian and non-Italian citizens, the other for having refused to serve clients of foreign origin.¹⁰¹ Both of them were found guilty of racial or ethnic discrimination, but punishments inflicted by judges were extremely different: compensation for moral damages of 100 euros for each victim for the first and a four month jail term for the second.

The Constitutional Court issued a sentence¹⁰² on a petition by the CGIL trade-union against a law of the Lombardy Region providing for the free use of public transport services for disabled Italian citizens, expressly excluding foreign citizens¹⁰³. The Court stated that this provision was unconstitutional since it clearly violated the non-discrimination principle and asked Lombardy Region to extend this right to all citizens resident on its territory.

IV.viii Media, including the Internet

Among the various forms of discrimination in the media sector, the problem of access of non-EU citizens to the journalistic profession is relevant. At present, journalists of foreign origin can only enrol in a special National Union of Journalists list and, according to the specific legislation on the matter, such enrolment is possible only in mutual terms. Many non-EU journalists fail to succeed in enrolling in the special list because of the persistent uncertainties and contradictions in Italian legislation¹⁰⁴. There is no common interpretation by the

⁹⁹ CeSPI, *Banche italiane e clientela immigrata*, (Rome: Bancaria editrice, 2004).

¹⁰⁰ See UNAR, *Un anno di attività contro la discriminazione razziale* (Rome: UNAR, 2005).

¹⁰¹ See Court of Justice of Padua, Ordinance nr. 20556, 19 May 2005 and Court of Cassation, Sentence nr. 46883, 5 December 2005.

¹⁰² Constitutional Court, Sentence nr. 432 of 2 December 2005.

¹⁰³ Lombardy Region, Law nr.1, 12 January 2002.

¹⁰⁴ Cospe, *Accesso alla professione giornalistica per i cittadini non comunitari* (Florence: Cospe, 2005), available at: <http://www.mmc2000.net>, accessed 24th February 2006.

different regional Unions of Journalists on this issue, even if the NUJ Board has recently shown great interest in this question.¹⁰⁵ With regards to the position of editor in chief, which national legislation reserves only to Italian citizens, the Courts of Justice of Milan and Brescia issued two important sentences which acknowledged the right of two non-EU citizens to assume the position of editor in chief, but only of newspapers addressed to their national communities.¹⁰⁶

As far as the Internet is concerned, there were no events of particular importance related to racism in 2005. There are still websites with racist, xenophobic and anti-Semitic contents (mainly promoted by extreme rightwing groups)¹⁰⁷ and Islamophobic forums on the web are spreading.

The monitoring activity carried out by various organisations in 2005 shows that the media's representation of immigrants is still stereotyped, alarmist and superficial.¹⁰⁸ News on immigration can be found mainly in crime news and a small number of items deal with culture or integration. The Advisory Committee on the Framework Convention for the Protection of National Minorities, in its second opinion on Italy, noticed the "persistence in the media of negative stereotypes associated with certain minorities like the Albanians and the Roma, Sinti and Travellers. Reporting on these groups is very often linked to criminal activities, which reinforces the negative perception of the general public towards them."¹⁰⁹

An element marking out the media's attitude in these last years is the tendency to associate the Islamic religion with fundamentalism and extremism. News on terrorist attacks are linked to issues related to immigration control and in many cases journalists do not make a distinction between terrorists and other citizens of Islamic faith. An example of the way in which some media in Italy encourage the tension with the Muslim community was the reaction to the terrorist attacks in London. Just after the attacks, the official newspaper of the Northern League party, *La Padania*, took hardline positions against Muslims and immigrants and published images of a group of immigrants in a town of Northern Italy celebrating the result of the attacks with songs and dances. The TV station owned by the Northern League Party broadcast the images of these celebrations for several days, stating in its comments that all Muslims approved of the bombings and that there was a concrete danger coming from immigrants of Islamic faith in Italy. Some days after, after a statement of the Minister of Justice (member of the Northern League) who denounced the "guilty" silence of other media on this event, the most widely circulated daily newspaper *Corriere della Sera* found that

¹⁰⁵ Board of the National Union of Journalists, Circular nr. 1/2005.

¹⁰⁶ Cospe, *Norme per i giornalisti extracomunitari e sviluppi recenti*, available at: http://www.mmc2000.net/norme_giornalisti_non%20comunitari.php, accessed 24 February 2006.

¹⁰⁷ See the previous Italian Shadow Reports.

¹⁰⁸ See Cospe, *Immigrazione nei media. Rete di monitoraggio dei media locali bolognesi. Rapporto finale* (2005) and Arci Bolzano, *Mediazione, Notizie dalla nuova cittadinanza* (2005).

¹⁰⁹ Advisory Committee On The Framework Convention For The Protection Of National Minorities, *Second Opinion on Italy*, adopted on 24 February 2005.

the story was completely invented and that the images of celebrations were not linked to the attacks.¹¹⁰

Other newspapers that have often taken anti-immigrant stances in the past have taken the opportunity to reiterate anti-Muslim propaganda. The Director of the daily newspaper *Liberio*, in an editorial of 8 July 2005, stated that: “it is stupid to finance the construction of mosques” and that “it does not make any sense to remove the symbols of our civilization from public places in order not to offend the sentiments of those who belong to an inferior civilization.”¹¹¹

A final point to be mentioned is the case of the writer Oriana Fallaci, who issued an article in the *Corriere della Sera* after the London bombings (she had previously published some Islamophobic books following the September 11 attacks) in which, using racist and xenophobic language, she warned Italians against the “invasion” of Muslims in a Europe that, according to her, has become “Eurabia”.¹¹²

¹¹⁰ Stella G. A., ‘Il falso scoop e i ministri indignati’, *Corriere della Sera* 18th July 2005.

¹¹¹ ‘Che la forza sia con Feltri’, *Il Manifesto*, 9th July 2005.

¹¹² Fallaci, O. ‘Il nemico che trattiamo da amico’, *Corriere della Sera*, 16th July 2005.

V. Assessing the response

V.i Anti discrimination

In 2005, the national equality body provided for by Directive 2000/43/EC came into operation. UNAR (National Office Against Racial Discrimination) is meant to be an institutional point of reference to monitor the effectiveness of tools to combat discrimination. Since its creation in November 2004, concerns have been raised that the Office for the Promotion of Equal Treatment and the Fight Against Discrimination is not guaranteed real independence, as provided for by the Directive. In fact, it is placed within the Department for Equal Opportunities of the Presidency of the Council of Ministers and its staff is composed of employees of the Presidency of the Council of Ministers and other public authorities with some experts and jurists.

The anti-discrimination Office set up a Contact Centre aimed at collecting individual claims of people potentially discriminated against and was tasked to assist them in court cases if victims decide to do so. This contact centre is currently the only tool through which the office carries out data collection and assesses the situation of discrimination on grounds of racial or ethnic origin in the country. Data collected has been reported in the UNAR annual report, which described the characteristics of users of the Contact Centre and outlined a picture of the most problematic sectors. The Office treated 282 cases during the first year of activity and did not bring any legal action against discrimination.¹¹³

With regards to awareness raising activities, the equality body was launched with an information campaign on its toll free number and instruments of anti-discrimination protection. It was conducted through leaflets, posters, TV spots, seminars in universities, thematic competitions in schools and a series of initiatives in the framework of the Week of action against Racism, which took place on the occasion of the International Day against Racism (21 March).

Another element of concern in the transposition of Directive 2000/43/EC is the provision of a list of associations entitled to stand in litigation on behalf of victims of racial discrimination. The decree that transposed the Directive acknowledges the possibility to stand in litigation for the verification and the removal of discriminatory behaviours only to specific associations and bodies, selected on the basis of their objectives and experience in the sector. It seems that only those associations that are included in the list, drawn up by the Ministry of Equal Opportunities and the Ministry of Employment and Social Policies, will have standing to litigate on behalf of victims of discrimination. Therefore many NGOs have highlighted that this mechanism can lead to discretionary restrictions.

¹¹³ UNAR, *Un anno di attività contro la discriminazione razziale* (Rome: UNAR, 2005).

The first version of the list¹¹⁴ did not show any restrictive purpose and includes many associations that do not seem to have the protection of victims of discrimination among their main objectives. This list will be updated annually, but it is not clear on which basis an organisation can maintain its place on the register.

Finally, regional bodies for research, information and legal assistance for victims of discrimination, provided for by the Consolidated text on immigration, have not been established in all regions concerned.¹¹⁵ The only body of this kind has been created by the Autonomous Province of Bolzano and, except for the region of Emilia Romagna that commissioned a feasibility study, no region has recently expressed the intention to create one. The establishment of these regional bodies could lead to the creation of a monitoring network across the whole of the national territory, which could in future be instrumental in guiding State policies to fight discrimination and cover areas of the national territory that the national equality body does not seem to have reached.¹¹⁶

V.ii Racist violence and racist crime

As we have already reported in the previous Shadows Reports, no data collection on hate crime is available in Italy, except for Istat data on criminal judicial statistics that, however, do not explain the extension of the phenomenon. This lack of data certainly affects the capabilities of NGOs and public bodies to have a specific approach to this problem. For this reason, some organisations publish their own reports, trying to outline the widest survey on cases of racist violence and abuses in the country. These studies, based on the cases reported by the media, are inevitably incomplete and do not allow the general public to understand the real dimension of this phenomenon, but are undoubtedly fundamental in order to guide their activities.

The first law in Italy concerning racist violence and crimes was the so-called Legge Reale¹¹⁷ which ratified the International Convention on the Elimination of all forms of Racial Discrimination of 1965 (CERD). This law was later amended and completed by the so-called Legge Mancino,¹¹⁸ which inflicts imprisonment on those who diffuse “ideas founded on the superiority of race or ethnic hatred”, or those responsible for instigating or who commit acts of discrimination and violence “for racial, ethnic, national or religious motivations.” A very important feature of the Mancino Law is its tendency to extend the area of punishment for

¹¹⁴ Decree 16 December 2005.

¹¹⁵ Legislative Decree nr. 286 of 25 July 1998, art. 44, paragraph 12.

¹¹⁶ The analysis of UNAR’s data highlights a significant difference between the Northern and the Central parts of the country, which recorded almost all complaints, and the Southern part of Italy, which recorded a small number of complaints.

¹¹⁷ Law nr. 654 of 13 October 1975.

¹¹⁸ Law nr. 205 of 25 June 1993 “Urgent measures on the subject of racial, ethnic and religious discrimination”.

potentially racist behaviour: all forms of discrimination and racism (spreading of racist ideas, incitation to commit racist acts, etc.) are punished as aggravating circumstances.

These provisions have been cancelled by the new law on the matter.¹¹⁹ The use of more specific terms (“instigation” instead of “incitation” and “propaganda” instead of “ideas”) makes the sentence of a crime with racial hatred as aggravating circumstance very difficult. Moreover, punishments have become less severe and jail terms have been partly substituted with a simple fine. As an effect of these amendments, the effectiveness of this law has been seriously damaged and we expect that it will be more difficult to apply it in comparison with the past. In fact, these amendments have been requested by the Northern League Party, whose members have been repeatedly denounced and condemned on the basis of the Mancino Law¹²⁰ and therefore strongly asked for the depenalisation of these kinds of crimes.

Police forces in Italy record the racial motivation of a crime only for specific types of crime explicitly provided for by the law. In general, as far as we know, law enforcement agents do not receive specific instructions for the identification and the treatment of racially motivated crimes and there are no specialised courses on this matter in the various police schools.¹²¹ In the last years, some positive experiences have been carried out in this sector. In the framework of European projects, COSPE and police forces collaborated in order to set up training courses for State police officers, Municipal Police officers and trainers in police schools¹²². Such experiences led to the publication of the first manual in 2004 for police executives and inspectors who are in charge of training others.¹²³ The manual is reported to be in use at the Nettuno Police Training School only.

V.iii Counter-terrorism and protection of human rights

Counter-terrorism policies and measures introduced in Italy had a strong impact on the Muslim community, as we have already reported in the previous chapters. These provisions also contributed to ignite the Islamophobia already existing in the country. The phenomenon of racial profiling is not sufficiently taken into consideration, neither by scholars or researchers, nor by the national policies, even though there are numerous cases of this, especially towards the Roma population. The only specific research containing information on Italy has been

¹¹⁹ See Bill nr. 3538 ‘Modifiche al codice penale in materia di reati di opinione’, already described in the Legislation chapter.

¹²⁰ See for instance the sentence from the Court of Verona condemning six militants of the Northern League for incitement to racial hatred, reported in the Italian Shadow Report 2004, p. 59.

¹²¹ Oakley, R., *Policing racist crime and violence* (Vienna: EUMC, 2005).

¹²² <http://www.cospe.it/ITALIA/Italia.htm>, accessed 15 January 2006.

¹²³ Pirazzi M., Johnson P., Di Persio C., *[Il servizio di polizia per una società multiculturale. Un manuale per la Polizia di Stato]*, (Rome: COSPE and Ministry of Interior, 2004).

carried out by the Open Society Institute and analyses the diffusion and characteristics of ethnic profiling in Europe.¹²⁴

V.iv Integration and social inclusion of ethnic and religious minorities

The enforcement of the provisions for putting into effect the law on immigration¹²⁵ made the conditions of most citizens coming from non-EU countries very difficult at national level and seriously compromised the integration processes. The obligation to draw up the so-called “stay for work contract” whenever the migrant citizen changes his/her job and the coincidence between length of validity of the residence permit and length of the work contract, imply an increase in bureaucracy which leads to greater precariousness for citizens of foreign origin. With regards to other spheres of life, there are no national policies aimed at the integration of migrants, as we have already reported in the previous chapters.

With this picture of general difficulties, we can highlight some positive initiatives carried out for the most part by NGOs, associations and local bodies. During 2005, access of non-EU citizens to public employment has been promoted (e.g. nurses and doctors in public health institutions or traffic police officers). In July 2005, the deputy mayor of Venice proposed to allow non-EU citizens to take part in public competitions for employment as traffic police officers, beginning in 2006. This proposal had a double purpose: to give non-EU citizens a "recognised" role inside the local community and to promote direct communication with foreign inhabitants on their rights and duties.¹²⁶

In November 2005, the Town Council of Milan complained about a 1931 Royal Decree which prevented the bus company to employ non-Italian drivers and asked for an *ad-hoc* law to be passed by Parliament which would allow them to overcome this situation.¹²⁷ Another interesting experience is that of the National Confederation of Handicrafts and Small Enterprises that has opened a desk dedicated to enterprises promoted by foreign citizens in its Modena office, providing information, vocational guidance and assistance in various languages for non-Italian entrepreneurs who would like to start an economic activity.¹²⁸

In these contexts, the role of the NGOs and associations is fundamental as they can provide innovative ideas and place practical capabilities at immigrants' disposal in collaboration with various representatives across the country.

¹²⁴ Duvall, M., *Evidence of Ethnic Profiling in Selected European Countries*, in: Justice Initiative, 1 June 2005.

¹²⁵ Law nr. 189 of 30 July 2002.

¹²⁶ Prada, G., Interview to *Il passaporto*, July 2005.

¹²⁷ Schiavi, G., 'Bus, una legge vieta di assumere stranieri', *Corriere della Sera*, 24 November 2005.

¹²⁸ www.cnaworld.it, accessed 15 January 2006.

VI. Conclusion

During 2005, some significant court decisions have allowed non-Italian citizens to take civil service exams. This is the indication of a trend that began some years ago, promoted by the Province of Genoa, which is now expressed by a number of sentences. In particular, the sentence issued by the Court of Justice of Tolmezzo,¹²⁹ in a lawsuit filed by the Centre for Assistance of Victims of Discrimination of the Province of Pistoia¹³⁰ and, finally, the sentence of the Court of Justice of Florence which imposed on the University of Florence to admit a Moroccan citizen to a public competition for the selection of a laboratory technician.¹³¹ These kinds of decisions show that discrimination can be removed in public employment, in which obstacles are considerable, both due to the existence of specific laws preventing access to employment in public bodies for non-EU citizens¹³² and due to ideological difficulty in accepting these changes.

The putting into effect of the already mentioned “stay for work contract” must be highlighted as a negative and discriminatory provision not only towards workers but also towards all people coming from non-EU countries. Through the tight link which the “stay for work contract” creates between length of work contract and length of residence permit, migrants’ lives are increasingly precarious and their integration is exposed to serious risks.

The National Office Against Racial Discrimination, the equality body provided for by Directive 2000/43/EC, began its activity in 2005. The creation of this office and of the National List of organisations entitled to stand in litigation on behalf of victims of racial discrimination, are important and preliminary steps towards a complete enforcement of the European Directive.

The analysis of the first annual report drafted by UNAR shows that the Contact Centre did not record many cases of discrimination in comparison with the total number of calls received (282 cases out of 3,438 calls), and that the Office did not take any legal action during the first year of activity as cases have been solved by means of conciliation. This approach has positive aspects, as it avoids the long waits and the costs related to lawsuits, but it also prevents from investing in pilot cases which would allow paving the way to significant actions which can create lasting effects beyond the individual case.

Over the last few years, associations and NGOs have stood out for research activities and specific actions combating racism and discrimination, as we have

¹²⁹ The Court of Justice, with deliberation 226/2005, accepted a claim by a non-EU citizen who had been excluded from employment as a Social and Health worker and ordered her short-term and full time employment. See www.alef-gv.it, accessed 24 February 2006.

¹³⁰ Court of Justice of Pistoia, Decree of 7 May 2005.

¹³¹ The plaintiff, who was selected through a public competition, has been employed by the University. Court of Justice of Florence, Ordinance of 14 January 2006, www.meltingpot.org, accessed 10 March 2006.

¹³² See Italian Shadow Report 2004, pp. 60-61.

highlighted in the previous Shadows Reports. Many significant projects have been carried out, in some cases in collaboration with local authorities (in particular the Province of Pistoia and the Autonomous Province of Bolzano) and these experiences have produced a knowledge of the phenomenon which is very useful for the carrying out of anti-discriminatory actions.

VII. Bibliography

Advisory Committee On The Framework Convention For The Protection Of National Minorities, *Second Opinion on Italy*, adopted on 24 February 2005.

Amnesty International – Italy, *Temporary stay, permanent rights. The treatment of foreign citizens in the ‘Temporary stay and assistance centres’ (CPTA)* (London: AI, 2005).

Anti-Defamation League, *Attitudes toward Jews in Twelve European Countries* (New York: ADL, May 2005).

‘Antisemitismo, attacco ai giovani del Maccabi’, *Corriere della Sera*, 6 May 2005.

Arci, Fondazione Michelucci, ‘Case, Casette, baracche, roulotte. L’abitare dei Rom in Toscana’, Conference Proceedings, Florence, 9 February 2006.

Arci Bolzano, Mediazone, *Notizie dalla nuova cittadinanza* (2005).

Ares2000, *Indagine sugli affitti* (Rome: Ares2000, 2005).

Asgi, Fieri, *La partecipazione politica degli stranieri a livello locale* (Turin: Fieri, 2005).

Bill nr. 3538 “Modifiche al codice penale in materia di reati di opinione”, approved by the Italian Senate on 26 January 2006.

Board of the National Union of Journalists, *Circular nr. 1/2005*.

Bologni, M., ‘Nomade scarcerata: l’ira di Castelli’, *La Repubblica*, 31 October 2005.

Bonatelli, P., ‘Percossa e denudata in pubblico’, *Liberazione*, 13 May 2005.

Caritas/Migrantes, *Immigrazione. Dossier statistico 2005* (Rome: Idos, 2005).

‘Castelli attacca la sentenza di Lecco, giudici lontani dalla gente’, <http://www.ansa.it>, 8 February 2005.

Censis, *Le politiche abitative per gli immigrati in Italia* (Rome: Censis, 2005).

‘Che la forza sia con Feltri’, *Il Manifesto*, 9 July 2005.

Constitutional Court, *Sentence nr. 168*, 18 April 2005.

Constitutional Court, *Sentence nr. 224/2005*, 6 June 2005.

Constitutional Court, *Sentence nr. 432 of 2 December 2005*.

'Cori razzisti contro Zoro', <http://www.repubblica.it>, 27 November 2005.

Corvi, L., 'Insultato dall'arbitro. Mi ha detto 'Taci, negro'', *Corriere della Sera*, 15 November 2005.

COSPE – National Focal Point, Italy, *Raxen National Report. 2004 Data Collection* (Vienna: EUMC, 2005).

COSPE, *Norme per i giornalisti extracomunitari e sviluppi recenti*, available at: http://www.mmc2000.net/norme_giornalisti_non%20comunitari.php, accessed 24 February 2006.

COSPE, *Accesso alla professione giornalistica per i cittadini non comunitari* (Florence: Cospe, 2005), available at: <http://www.mmc2000.net>, accessed 24 February 2006.

COSPE, *Immigrazione nei media. Rete di monitoraggio dei media locali bolognesi. Rapporto finale* (2005).

Council of Europe, *Advisory Committee on the Framework Convention for the Protection of National Minorities*, Second opinion on Italy, adopted on 24 February 2005.

Court of Cassation, *Sentence nr. 46883*, 5 December 2005.

Court of Justice of Milan, IX Criminal Section, *Sentence of 17 February 2005*.

Court of Justice of Padua, *Ordinance nr. 20556*, 19 May 2005.

Court of Justice of Pistoia, *Decree of 7 May 2005*.

Court of Justice of Tolmezzo, *Deliberation nr. 226/2005*.

CeSPI, *Banche italiane e clientela immigrata*, (Rome: Bancaria editrice, 2004).

Cresme Ricerche, *La questione abitativa ed il mercato della casa in Italia* (Rome: Cresme, 2005).

Decree Law 17 August 2005, nr.162.

Decree of the President of the Republic of 17 August 2005 "Annullamento straordinario a tutela dell'unità dell'ordinamento, a norma dell'articolo 2, comma

3, lettera p), della legge 23 agosto 1988, n. 400, della deliberazione del consiglio comunale di Genova n. 105d del 27 luglio 2004, in materia di elettorato attivo e passivo per gli immigrati”.

Decree of the President of the Republic nr.334 of 18 October 2004, in Official Gazette, nr. 33 of 10 February 2005.

Decree 16 December 2005 “*Istituzione dell'elenco delle associazioni ed enti legittimati ad agire in giudizio in nome, per conto o a sostegno del soggetto passivo di discriminazione basata su motivi razziali o etnici di cui all'articolo 5 del decreto legislativo 9 luglio 2003, n. 215*”.

‘Di Canio, è autentica bufera’, <http://www.gazzetta.it>, 12 December 2005.

Directive nr. 2003/9/CE establishing minimum standards for the reception of asylum seekers in the member states and Legislative Decree nr. 140 of 30 May 2005, Official Gazette of 21 July 2005.

Direzione Centrale della Polizia di Prevenzione, *Rapporto sulle osservazioni delle ‘Sezioni Tifoserie’ durante i campionati 2003-2004*.

Duvall, M., ‘Evidence of Ethnic Profiling in Selected European Countries’, in: *Justice Initiative*, 1 June 2005.

ERRC, ‘Letter to Mr Giuseppe Pisanu, Minister of the Interior and Mr Giuseppe Caruso, Police Commissioner’, (Rome, 17 February 2005).

EUMC, *The impact of 7 July 2005 London bombs attacks on Muslim communities in the EU*, (Vienna: EUMC, 2005).

EUMC, *National Annual Report 2005*, (Vienna: EUMC, 2005).

Eurispes, Telefono Azzurro, *Rapporto nazionale sull’infanzia e l’adolescenza*, (Rome: Eurispes, 2005).

European Parliament, *Rapport de la délégation de la Commission LIBE sur la visite au Centre de permanence temporaire (CTP) de Lampedusa (IT) par Mme Martine Roure*, 19 September 2005.

Fallaci, O. ‘Il nemico che trattiamo da amico’, *Corriere della Sera*, 16 July 2005.

Focarete, M. ‘Cento immigrati al giorno chiedono assistenza. «Troppi pregiudizi sugli stranieri»’, *Corriere della Sera*, 11 April 2005.

Forum Nazionale Mare Aperto, *Superare i CPT, costruire una nuova politica dell'immigrazione*, Final Act signed by the Presidents of Regional Councils, Bari, 11 July 2005.

Gatti, F., 'Io, clandestino a Lampedusa', *L'Espresso*, 13 October 2005.

Gianattasio, M., '«I locali non sono idonei» Chiusa la scuola islamica', *Corriere della Sera*, 8 September 2005.

Govoni, S., 'Forlì, all'ospedale menù in cinque lingue', <http://www.ilpassaporto.kataweb.it> , accessed 4 July 2005.

Gruppo di lavoro per la Convenzione sui Diritti dell'Infanzia e dell'Adolescenza, *I diritti dell'infanzia e dell'adolescenza in Italia* (Rome: Save the Children, 2005).

Il Passaporto, 24 May 2005.

Il Passaporto, 30 December 2005.

Interministerial Circular nr. 1 of 13 May 2005.

International Helsinki Foundation for Human Rights (IHF), *Intolerance and Discrimination against Muslims in the EU* (March 2005).

IRES CGIL, *Terzo rapporto sull'immigrazione*, (Rome: Ires, 2005)

IRES CGIL, *Lavoratori immigrati nel settore edile* (Rome: Ires, 2005).

INAIL, *Dati Inail sull'andamento degli infortuni sul lavoro*, nr. 4, April 2005.

INPS, *Immigrazione: una risorsa da tutelare* (Rome: Inps, 2005).

Institute of Race Relations, *Departing Muslim clerics, lessons from Europe* (London: IRR, 2005).

'Insulta avversario con cori razzisti, per la Federazione è fuori dalla nazionale', <http://www.stranieriinitalia.it>, 28 December 2005.

ISTAT (National Institute of Statistics), *Gli stranieri in Italia: analisi dei dati censuari*, (Rome: Istat, 2005).

ISTAT (National Institute of Statistics) *Statistiche giudiziarie penali. Anno 2003* (Rome: Istat, 2005)

Law nr. 654 of 13 October 1975.

Law nr. 205 of 25 June 1993 “*Urgent measures on the subject of racial, ethnic and religious discrimination*”.

Law nr. 189 of 30 July 2002.

‘Lecco, zingari e senso comune’, *Il Manifesto*, 8 February 2005.

Legislative Decree nr. 286 of 25 July 1998.

Legislative Decree nr. 215 of 9 July 2003.

Lombardy Region, Regional Law nr.1, 12 January 2002.

Marra, C., *Famiglie in migrazione e i figli del ricongiungimento* (Bologna: OASI, 2005).

Medici senza Frontiere – Italy, *Rapporto sui Centri di permanenza temporanea e assistenza* (Rome: MSF, 2004).

Medici senza Frontiere - Italy, *I frutti dell'ipocrisia. Storie di chi l'agricoltura la fa. Di nascosto* (Rome: MSF, 2005).

Ministry of Education, University and Research, *Alunni con cittadinanza non italiana. Scuole statali e non statali. Anno scolastico 2004/2005* (Rome: MIUR, 2005).

Ministry of Education, University and Research, *Indagine sugli esiti degli alunni con cittadinanza non italiana . Anno scolastico 2003/2004* (Rome: MIUR, 2005).

Ministry of Education, University and Research, *La scuola in cifre 2005* (Rome: MIUR, 2005).

Ministry of the Interior, Circular nr. 2354/2.4 of 9 September 2005, “*Sportello unico per l’immigrazione. Ricongiungimenti familiari. Disposizioni del Ministero degli Affari Esteri*”.

Minister of the Interior, Decree of 10 September 2005 “*Istituzione presso il Ministero dell'interno della Consulta per l'Islam italiano*”.

Monasta, L., *The Health of Foreign Romani Children in Italy: Results of a Study in Five Camps of Roma from Macedonia and Kosovo*, available at: <http://www.errc.org/cikk.php?cikk=2061&archiv=1>, accessed 27 February 2005.

Oakley, R., *Policing racist crime and violence* (Vienna: EUMC, 2005).

Osservatorio delle immigrazioni, *Dossier Figli – Stranieri non immigrati. I figli degli immigrati. Seconde generazioni in Provincia di Bologna*, November 2005.

Piccolillo, V., 'Sporco negro: non è razzismo', *Corriere della Sera*, 6 December 2005.

Pirazzi M., Johnson P., Di Persio C., *[Il servizio di polizia per una società multiculturale. Un manuale per la Polizia di Stato]*, (Rome: COSPE and Ministry of the Interior, 2004).

'Politiche sociali – Assegni di maternità e per il terzo figlio alle rifugiate politiche', <http://www.anci.it>, 16 June 2005.

Polo contro la Discriminazione, *Una casa per gli immigrati. Il problema degli affitti – Napoli, Bari e Campania* (Napoli, 2004).

Polo contro la Discriminazione, *Una casa per gli immigrati. Il problema degli affitti – Palermo e Catania* (Napoli, 2004).

Prada, G., Interview with *Il passaporto*, July 2005.

Quba Project, *Buone basi, altri passi. Discriminazioni: una finestra sui luoghi di lavoro* (March 2005).

Ravelli, A., 'Nomadi liberate, protesta di Casini', *Corriere della Sera*, 8 February 2005.

Rivera, A., Andrisani, P., *Analytical study on racist violence and crime* (Vienna: EUMC, 2005).

Schiavi, G., 'Bus, una legge vieta di assumere stranieri', *Corriere della Sera*, 24 November 2005.

Sciortino, G., *L'inclusione degli immigrati*, (Turin: FIERI, 2005).

Stella G. A., 'Il falso scoop e i ministri indignati', *Corriere della Sera*, 18 July 2005.

SWG/Donna Moderna Survey, *Immigrazione e povertà*, 2005, <http://www.swg.it>, accessed 20 December 2005.

TAR (Regional Administrative Tribunal) of Brescia, Ordinance nr. 264 of 25 February 2005.

Tosi, A., *The operation of housing markets in Italy* (October 2004).

UNAR, *Un anno di attività contro la discriminazione razziale* (Rome: UNAR, 2005).

UNHCR, *Asylum Levels and Trends in Industrialized Countries Second Quarter 2005, Overview of Asylum Applications Lodged in 31 European and 5 Non – European Countries* (September 2005).

Università Ca' Foscari di Venezia – Laboratorio di Formazione e Ricerca sull'Immigrazione, *Sindacato e discriminazione razziale nella navalmeccanica italiana* (April, 2005).

'Venezia, Castelli scatenato: 'L'Islam ci vuole cancellare', <http://www.repubblica.it>, 18 September 2005

Venuti, L., 'Roma, guida sanitaria anche in arabo per i piccoli pazienti del Bambino Gesù', <http://www.ilpassaporto.kataweb.it>, accessed 4 July 2005.

ANNEX: Overall Assessment of Directive 2000/43/EC

- ⊖ Not yet implemented
- Partial implementation
- Fully implemented

Article	Provision	Implementation Status	Comment
2	<u>Concepts</u>		
	Direct discrimination	● Fully implemented	
	Indirect discrimination	● Fully implemented	
	Harassment	● Fully implemented	
	Instruction to discrimination	● Fully implemented	
3	<u>Scope</u>		
	Employment	● Fully implemented	
	Vocational training	● Fully implemented	
	Working conditions	● Fully implemented	
	Membership of organisations	● Fully implemented	
	Social protection	● Fully implemented	
	Social advantages	● Fully implemented	
	Education	● Fully implemented	
	Goods and Services	● Fully implemented	
4	Exceptions for genuine and determining occupation requirements	Yes	
5	Government led positive action measures	No	
6	Anti-discrimination goes beyond the provision of the Directive	No	
7	Remedies available	● Fully implemented	

	NGO participation in complaints procedures	○ Partial implementation	
8	Application of the shift in the burden of proof	⊖ Not yet implemented	
9	Victimisation	⊖ Not yet implemented	
10	Government dissemination of information	⊖ Not yet implemented	
11	Social dialogue on anti-discrimination	⊖ Not yet implemented	
12	Government dialogue with NGOs	⊖ Not yet implemented	
13	<u>Functions of the Equality body</u>		
	Provide assistance to victims	● Fully implemented	
	Conduct surveys concerning discrimination	● Fully implemented	
	Publish reports	● Fully implemented	
14	Review of existing law to ensure that they are compliant with the Directive	⊖ Not yet implemented	
15	Effective and dissuasive sanctions	⊖ Not yet implemented	