



europaean network against racism

# ENAR Shadow Report 2006

## ENAR SHADOW REPORT 2006

### RACISM IN ITALY

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

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

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## 1. Executive summary

This report, covering the reference period January to December 2006, documents the persistence of racism and discrimination as major problems for migrants, asylum seekers, refugees, and Roma and Sinti populations in different spheres of public life. It outlines the observed effects of migration control and integration policies and also highlights some relevant jurisprudence on the subject.

In many areas covered, the report underlines that there were no significant and positive developments during the reference period, compared to those reported in previous shadow reports. One of the few exceptions to this was a clear shift in the government's approach to issues related to immigration, after the defeat of the former centre-right coalition that governed the country in the past five years and which included the xenophobic Northern League Party.

The run-up to the general elections also marked a reiterated recourse to racist and xenophobic arguments, often anti-immigrant and anti-Muslim. Moreover, mainstream political parties legitimised some extreme right political groupings by accepting them as members of their coalition. The report also cites various examples of the use of similar approaches in local elections during the same period.

Among the most vulnerable communities affected by racism and discrimination were the Roma and Sinti populations, asylum seekers and refugees, and Muslims from various backgrounds, including native Italians, as well North and Sub-Saharan Africans. Within all groups, the situation of women and minors worsened compared to the previous report.

In the employment sector, the report demonstrates that vulnerable groups remained confined to heavy, low-skill, precarious jobs and that average salary levels remained below those of the majority population. The great majority of minority women were still engaged in low-paid care work, irrespective of their educational qualifications.

The housing sector, together with the employment sector, recorded the highest number of cases of discrimination reported to the National Office against Racial Discrimination (UNAR). While the great majority of migrants live in rental accommodations, an increasing percentage among them is buying apartments and approaching banks and other credit institutions for loans and mortgages. There were problems in some big cities that have high concentrations of immigrants in poor and socially deprived districts. In one such case, a metal fence was raised around the block of apartments, allowing only one entry point controlled by police, leading to strong protests by anti-racist organisations. Important case-law was recorded in this sector with regard to access to public low-rent housing.

In education, two main issues emerged: continued low success rates for non-Italian pupils at all school levels coupled with the practice of placing foreign pupils arriving in Italy, after some years of schooling in their countries of origin, in classes below their ages and below the level they have already attained. The second issue was demonstrated in important case-law on the display of religious symbols in schools: the Council of State ruled in favour of maintaining such symbols.

Concerning health, two aspects stand out with regard to the situation of migrants, refugees and asylum seekers. The first is the high rate of accidents in the workplace. This is said to be related to bad working conditions and low levels of protection in such environments. The second aspect is the high rate of voluntary interruption of pregnancy among migrant and refugee women, which is disproportionately higher than the rate for Italian women.

On policing and racial profiling, the report notes that while it is yet to be an explicit focus in public and professional discourse related to policing, the phenomenon is quite known to Roma populations who are often victims of such approaches. Regarding racist violence and crime, the persistent lack of reliable data due to the non-existence of systematic monitoring structures and mechanisms, is highlighted as a major obstacle in formulating efficient policies and developing effective practices to curb it. Some examples are given of a number of serious cases recorded during the reference period.

The report documents how on numerous occasions, mainstream media repeatedly offered distorted and negative representations of immigrants, refugees and the Roma, making them scapegoats for various social problems including the perception of insecurity in some urban areas. This type of representation often led to calls for harsher immigration control measures as well as for dropping plans to improve on the old immigration and citizenship laws.

The report presents a number of recommendations including *inter alia*:

- Approval of a comprehensive law on the protection of asylum seekers and refugees, which is in line with both international instruments and legal standards on the subject;
- Reform the citizenship law to ensure that long-term residents and children born in the country to foreign parents or those who arrive at a young age have easier access to citizenship;
- Design and implement a systematic collection of data on discrimination in different spheres of public life;
- Approve a specific legislation on hate crimes and when reforming the existing criminal law provisions on incitement to racial hatred and violence, ensure that the use of the internet for these purposes is also covered;
- Introduce monitoring of racial, ethnic and religious profiling by law enforcement agencies and encourage the latter to include discussions of this issue in the training programmes for their staff at different levels;
- Training of legal practitioners on how to use existing anti-discrimination provisions to protect victims.

## 2. Introduction

As of 1 January 2006, according to data from ISTAT, the National Institute of Statistics, the foreign population resident in Italy amounted to 2,670,514, or 4.5 percent of the total population<sup>1</sup> (3,035,000 according to the estimates of Caritas Dossier on Immigration, which adds to the data provided by the Ministry of Interior an estimate of the number of minors who are recorded only in their parents' residence permit and of new arrivals)<sup>2</sup>. In 2005 and 2006, the number of immigrants in Italy increased considerably, making it now one of the main countries of immigration, with a high number of long-term residents. Romanians are the largest national group (11.9% of all foreign residents), followed by Albanians (11.3%) and Moroccans (10.3%). At the end of 2005, immigrants from European countries accounted for 48.8 percent of all foreign citizens in the country<sup>3</sup>.

In 2006, for the first time since 2002, the worldwide decrease in the number of refugees was reversed: at the end of the year, there were 9.9 million refugees in the world, the highest number in the last 5 years<sup>4</sup>. The number of asylum seekers in Italy increased as well during 2006. According to estimates by CIR (Italian Council for Refugees), asylum applications increased from 9,550 in 2005 to more than 10,000 in 2006. The highest number of asylum applications was by Eritreans, followed by Nigerians and Togolese<sup>5</sup>. As of June 2006, the number of refugees in Italy was 20,675<sup>6</sup>.

This report covers the period from January to December 2006. The most important political events in this period are linked to the national political elections and the change of Government, from a centre-right to a centre-left coalition.

In the first half of the year and following a number of international crises, political discourse centred on the idea of a 'clash of civilizations', pitching national culture against those of migrants. As an example, it is worth mentioning the '*Appello per l'Occidente*' (Appeal for the West), presented by the former President of the Senate Marcello Pera. The document upholds the defence of the West and its values from attack by Islamic fundamentalism and the current moral and spiritual crisis, and reaffirms the values of Western societies, the struggle against terrorism, the defence of the Italian Constitution, and of the family and of the right to life<sup>7</sup>. The Prime Minister, some ministers and other members of the governing coalition at the time signed the appeal<sup>8</sup>.

<sup>1</sup> See the website <http://demo.istat.it>, accessed 20<sup>th</sup> June 2007.

<sup>2</sup> Caritas/Migrantes, *Dossier statistico 2006* (Rome: Antares, 2006).

<sup>3</sup> Caritas/Migrantes, *ibid.*, pp. 97-106.

<sup>4</sup> UNHCR, *2006 Global Trends: Refugees, Asylum Seekers, Returnees, Internally Displaced and Stateless Persons*, June 2007.

<sup>5</sup> <http://www.cir-onlus.org>, accessed 6<sup>th</sup> July 2007.

<sup>6</sup> UNHCR, *2005 Global Refugee Trends*, 2006.

<sup>7</sup> 'Manifesto per l'Occidente - Forza di civiltà', <http://www.perloccidente.it>, accessed 15 April 2006.

<sup>8</sup> 'Pera: "no alla lotta di civiltà ma l'occidente difenda i suoi valori"', <http://www.repubblica.it>, accessed 23 February 2006.

The second half of 2006 was marked by a different approach to immigration related issues. In fact, soon after taking office, the new Government started working on amendments to both the immigration and citizenship laws. It also set up various consultative bodies, with the aim of creating different fora for dialogue between public institutions and migrant communities and for enforcing migrant minorities' rights on specific issues.

Linking immigration to crime and urban insecurity remained an attractive theme for both public opinion in general and politicians in particular. A survey, carried out by IPSOS in May 2006 in 8 industrialised countries, produced a somewhat contradictory outcome for Italy: while 45% of those interviewed declared that immigrants have, in general, a good influence on the country, another 41 percent, the highest percentage for all countries analysed, agreed with the statement that immigrants are more likely to commit crimes than Italians<sup>9</sup>.

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<sup>9</sup> IPSOS Public Affairs, *Interviews Dates: May 1-22, 2006*.

### 3. Communities vulnerable to racism

In the introduction, the composition and characteristics of the migrant population in Italy was described. Though all foreign citizens are potentially vulnerable to discrimination on grounds of nationality, it is possible to identify some subgroups that are particularly affected by racism and discrimination as a result of individual behaviour, public policies and practices, attitudes of wide segments of the general public and the representation of these subgroups by the media.

**Roma and Sinti** populations certainly rank first among groups that are most at risk of racism and discrimination, as they experience systematic marginalisation and exclusion in the main sectors of economic, social and professional life, and worse in such sectors as housing, education and in access to services. According to the European Commission against Racism and Intolerance (ECRI)<sup>10</sup>, these populations are estimated to be between 120,000 and 150,000 people, of which about 60 percent are Italian nationals and 40 percent are from the Balkans and Romania<sup>11</sup>. The segregation of the Roma population in camps located far from city centres and close to highways or railway lines came to the forefront more notably during 2006, as shown by the complaint made by the European Roma Rights Centre (ERRC) to the European Committee of Social Rights<sup>12</sup>. Segregation in camps carries with it, as a side effect, exclusion from the labour market, education and access to social and health rights.

As the entrance of Romania and Bulgaria into the European Union drew closer, there was growing concern about the presence of **Romanian citizens** in Italy. The Eurobarometer survey on European enlargement highlighted that the major concern was in relation to the economic and social consequences of enlargement, in particular a loss of jobs due to delocalisation and the new influx from these countries of low-paid workers<sup>13</sup>.

As the Romanian community was growing markedly in size (with 11.9% of the total population of immigrants, it became the largest national group), it also experienced a growing process of criminalisation in public discourse and in particular by the media (as we shall see in a later paragraph). People from this community also became victims of many racist attacks (as described in the section on racist violence<sup>14</sup>).

In November 2006, the weekly supplement of the daily *La Repubblica*, dedicated to immigration, published a survey in which 67% of the sample

<sup>10</sup> ECRI, *Third report on Italy*, (Strasbourg: Council of Europe, 2006), p.29.

<sup>11</sup> International Helsinki Federation for Human Rights, *Human Rights in the OSCE region - Italy*, Report 2006, pp.211-221.

<sup>12</sup> European Committee of Social Rights *Decision on the merits. European Roma Rights Centre v. Italy*, 15 July 2006.

<sup>13</sup> Eurobarometer, *Attitudes towards European Union Enlargement*, July 2006.

<sup>14</sup> In particular, we refer to the punitive expedition in a bar in Rome known to be a meeting place for many Romanians. This episode took place a day after another incident occurred in the same neighbourhood where, following quarrelling over a parking space, three Italian boys, after arming themselves, went after and wounded three Romanians seriously; see <http://www.repubblica.it/2006/10/sezioni/cronaca/bar-assaltato/bar-assaltato/bar-assaltato.html>

declared being in favour of the introduction of limitations on employment for Romanian and Bulgarian citizens, the new citizens of the European Union<sup>15</sup>.

The growth of **Islamophobia** and the increase in racist and discriminatory acts against Muslims during the reference period is confirmed at the European level by a publication of the European Fundamental Rights Agency (FRA)<sup>16</sup>. Also the OSCE-ODHIR report on Muslim representation in public discourse<sup>17</sup> points out a growth of 'culturalist' discourse at the European level and the pitching of Western and Islamic civilizations against each other, on the part of Italian and European political leaders.

The publication of the Mohammed cartoons in a Danish paper led to protests well beyond EU borders; going as far as leaving 11 Libyans dead out of a crowd of over a thousand people who were protesting in front of the Italian Embassy in Bengasi. The demonstration had started in reaction to a display on public television, by the then Italian Minister for Reforms from the Northern League Party, of a T-shirt with the cartoons printed on it. This incident led to the resignation of the minister, on the request of the Prime Minister. This notwithstanding, the former Minister has continued to defend the action, denying responsibility for what happened in Libya.<sup>18</sup>

The annual report of the National Office against Racial Discrimination (UNAR), in describing the characteristics of the victims of discrimination reported to its Contact Centre, states that the majority of the victims are of North-African origin (28.8%), origin or background that is commonly associated with the Muslim religion. Following the above group are nationals of Sub-Saharan African countries (19.9%), and those from Eastern Europe (16.9%), Latin America (15%) and Asia (7.5%). About 41.4% of victims were women and 63.5% were less than 39 years old<sup>19</sup>.

**Asylum seekers and refugees** remain a particularly vulnerable category, due to the lack of a comprehensive legislation on asylum, difficulties in having access to asylum procedures and a lack of systematic monitoring by the Government, as proven by the fact that Italy is the only country, among the industrialized ones, that does not provide monthly records of asylum applications<sup>20</sup>. The fact that the channels through which asylum seekers and unauthorised migrants enter Italy are the same implies that most often potential refugees are subjected to the same constraints and refusals to which unauthorised migrants are normally subjected<sup>21</sup>. As pointed out also by the 2006 *Amnesty International* report, deportations to Libya, following bilateral agreements between the two States, of people - migrants or potential

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<sup>15</sup> "Gli Italiani: sì alle restrizioni", *Metropoli – La Repubblica*, 26 Nov. 2006.

<sup>16</sup> EUMC, *Muslims in the European Union – Discrimination and Islamophobia*, (Vienna: EUMC, 2006)

<sup>17</sup> *The Representation of Muslims in Public Discourse*, Report of Osce-Odhir Roundtable, Warsaw 2006.

<sup>18</sup> "Vignette, 11 morti durante la protesta davanti al consolato Italiano di Bengasi", [www.repubblica.it](http://www.repubblica.it), accessed 17 February 2006; "Calderoli si dimette e attacca: la CdL ha strumentalizzato", [www.repubblica.it](http://www.repubblica.it), accessed 18 February 2006.

<sup>19</sup> UNAR, *Rapporto 2006 - Un anno di attività contro la discriminazione razziale*, (Roma: Presidenza del Consiglio dei Ministri, 2007), pp.47-51.

<sup>20</sup> UNHCR, *Asylum Levels and Trends in Industrialized Countries, Second Quarter 2006*, September 2006, p. 2.

<sup>21</sup> UNHCR, *Measuring Protection by Numbers – 2005*, November 2006.

refugees - who land on Italian shores has entailed risking their lives and a violation of the principle of *non refoulement*<sup>22</sup>.

Among the migrants and asylum seekers arriving in Italy, **minors** are a particularly vulnerable group that experiences discrimination, by their very nature, on a number of grounds: that of being migrants and, often being detained in temporary detention centres waiting to be sent back to their countries of origin and being recognised as minors.<sup>23</sup> In this sense minors suffer the most from the consequences of immigration control policies, which aim at preventing new entries and restraining illegal arrivals through detention practices.

Lastly **female** migrants also suffer from multiple discrimination, as pointed out in the section on discrimination in the workplace, which highlights the occupational segregation that marks the lives of migrant women with serious repercussions.<sup>24</sup> *A Report on the situation of Roma women in the European Union*, presented to the Commission for women's rights and gender equality of the European Parliament, deplores the multiple discrimination suffered by Roma women and proposes a number of actions to improve their living conditions (in the areas of employment, education, health etc.)<sup>25</sup>.

Women, together with children, are among those who most often fall victim to human trafficking, which has in recent years also involved Italy, with figures cautiously estimated at about 6,000 victims. From 1999 to 2005, 485,964 people called the toll-free number against trafficking, to report acts of coercion, violence and sexual and labour exploitation<sup>26</sup>. In August 2006, public bodies and associations dealing with the issue sent a lengthy document to the Ministry for Rights and Equal Opportunities describing the phenomenon and its critical aspects, and proposed a number of interventions in favour of the victims<sup>27</sup>.

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<sup>22</sup> Amnesty International, *Rapporto 2006 – La situazione dei diritti umani nel mondo*, (Turin: Ega, 2006).

<sup>23</sup> Amnesty International, *Invisibili – Campagna per i diritti dei minori migranti nei centri di detenzione in Italy*, (n.p., n.p., 2006).

<sup>24</sup> University of Venice/Laboratory on Immigration, *Inclusione ed esclusione delle donne immigrate in Alto Adige*, research report, 2006

<sup>25</sup> European Parliament - Commission for women's rights and gender equality, *Report on the situation of Roma women in the European Union*, rapporteur Livia Järòka, 27 April 2006.

<sup>26</sup> [www.trattano.com](http://www.trattano.com), accessed 5 July 2007 – Sheet "The quantitative dimension of the phenomenon".

<sup>27</sup> Document "Da vittime a cittadine e cittadini", by public and private bodies that implement or support the programmes for protection, assistance and integration for the human trade victims, in compliance with art. 18 of the Legislative Decree 286/98.

## 4. Manifestations of racism and religious discrimination

### 4.1 Employment

The position of migrant citizens in the Italian labour market was brought to the fore in the ISTAT (National Institute of Statistics) publication of 2006, containing data relating to the year 2005<sup>28</sup>. The overview provided by the statistical data would appear to confirm remarks contained in previous Shadow Reports regarding the difficult working conditions of foreign citizens, who are often assigned the most dangerous, dirty and demanding work, with salaries that tend on average to be lower than those of Italian workers.<sup>29</sup> The ISTAT data reveals a typical facet of the Italian labour market: the so-called 'occupational segregation', or the tendency to relegate foreign citizens to well-defined work sectors, usually the least skilled ones. In the service sector, for example, which absorbs approximately half of the foreign workforce, almost one quarter of foreign workers are employed in services for families. According to ISTAT, one third of foreign workers belong to the 'low-end segment' of the employment system, meaning that they carry out non-skilled professions. This data takes on an even greater significance in view of the fact that the percentage of unskilled workers in Italy is less than 10%. 32.4% of immigrant workers tend to be clustered in only five professions (bricklayers, cleaners, domestic and home helpers, labourers and manual workers), five times greater than Italians. The low-skilled jobs carried out by immigrants bears no reflection on their educational qualifications: 40% of them have degrees and 60% of those with qualifications carry out non-skilled or manual work.

Occupational segregation is particularly obvious in the case of female immigrant workers, who are subject to discrimination based on a combination of ethnicity and/or nationality and gender. Apart from suffering a higher unemployment rate than Italian women<sup>30</sup>, they are mostly employed in sectors, such as the domestic and care sectors, in which work tends to be irregular and precarious<sup>31</sup>. In 2006, numerous studies focused on the theme of discrimination towards migrant women in the employment sector, some of which highlighted the disparity in the nursing sector to the detriment of foreign female citizens. Longer working hours, lower pay, insertion in the last-skilled areas and fixed-term contracts are often caused by the fact that it is impossible for nurses of non-Italian nationality to take part in public job

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<sup>28</sup> ISTAT, *La partecipazione al mercato del lavoro della popolazione straniera. I-IV trimestre 2005*, (Rome: ISTAT, 2006).

<sup>29</sup> In 2005, the average salary of foreign citizens was 839 Euro, 80 Euro less than in 2004. Based on a family of 4 people in which both parents work, the average family income of immigrants equates to 66.2% of the income considered sufficient for one family. Commissione d'Indagine sull'Esclusione Sociale, *Rapporto sulle politiche contro la povertà e l'esclusione sociale* (Rome: Ministero della Solidarietà Sociale [Ministry of Social Solidarity], 2006).

<sup>30</sup> 15.4% in 2005 compared with 9.7% of Italian women. See *ibid.*, p. 7.

<sup>31</sup> University of Venice/Immigration Laboratory, *Inclusione ed esclusione delle donne immigrate in Alto Adige*, pp. 113-130, Research Report, 2006; Punto di Partenza Association, *Il lavoro di cura nel mercato globale: responsabilità e diritti*, Research Report, 2006.

competitions, which means that they are therefore ineligible for open-ended contracts in the public health service<sup>32</sup>.

Analysing immigrant employment from a contractual point of view, the data provided by temporary employment agencies reveals the precariousness and instability of employment contracts offered to foreign citizens. In fact, in 2005 25% of all temporary workers were non EU citizens, up 7% on 2004<sup>33</sup>.

Another integral aspect of the Italian labour market concerns undeclared employment, which in some sectors, such as agriculture, takes on characteristics comparable to virtual slave labour. In 2006, Fabrizio Gatti, a journalist working for the weekly magazine *L'Espresso*, spent a week pretending to be an immigrant and working as an agricultural labourer in Puglia. On the strength of this, he published an article denouncing the appalling living and working conditions of immigrant workers, previously highlighted in a 2005 report published by the NGO *Medici Senza Frontiere*<sup>34</sup>.

Construction is another sector most affected by black-market wages, with an estimated 15.9% of workers having no proper contract<sup>35</sup>. However, this finding takes no account of one aspect that research into undeclared work reveals as being more and more widespread, known as 'grey labour', in which part-time contracts act as a smokescreen for vast numbers of hours worked over and above those actually declared. There is a huge presence of foreign workers within the construction sector (12.6% in 2006), who are increasingly turning to trade unions to denounce discrimination in work treatment. A study into one of the major Italian construction workers' trade unions evidences the fact that 99.34% of immigrant workers who apply to their offices ask for a salary that is in line with national employment contracts, approximately 50% of them stating that they receive a daily wage of only 25 Euro, over 30% are only paid for three days a week, while specialist workers often report that they have been relegated to the bottom two salary rungs<sup>36</sup>.

As regards work-related accidents, the trend towards an ever-increasing incidence of accidents involving foreign workers noted over the last few years seems to have spiked. In fact, in 2005, approximately 2.8% fewer denunciations were made by non-EU workers than during the previous year, but the distribution of accidents per financial business sector still reveals a high concentration in the construction and metal-working sectors, which alone

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<sup>32</sup>University of Venice/Immigration Laboratory, *Racism and Trade Unions in the Health Sector*, Public Report 4, RITU Project, 2006; Simm, Caritas/Migrantes, *Gli infermieri immigrati nella sanità italiana*, Preliminary Report, 2006.

<sup>33</sup>This assumes even greater relevance in view of the fact that the percentage of temporary immigrant workers soars to 90% in some areas of the North East. See 'Confinterim: nel 2005 il 25% dei lavoratori temporanei è immigrato', <http://www.stranieriinitalia.it>, accessed 18 April 2006.

<sup>34</sup>Gatti, F. 2003, 'Io schiavo in Puglia', *L'Espresso*, no. 35 (07.09.2006) and Medici Senza Frontiere, *I frutti dell'ipocrisia*, (Rome: Sinnos, 2005).

<sup>35</sup>FILLEA/CGIL, *Il lavoro non regolare in edilizia. Considerazioni e stime statistiche*, July 2006. The CGIL, one of the foremost trade unions in Italy, launched a campaign against illegal employment in 2006, also aimed at foreign workers, entitled "Il rosso contro il nero" [red against black] (<http://www.no-lavoronero.it/>), accessed 10<sup>th</sup> November 2006)

<sup>36</sup>FILCA CISL, *I lavoratori immigrati nel settore delle costruzioni*, 29 November 2006.

<sup>37</sup>INAIL, *Il fenomeno infortunistico nel 2005*, (Rome: INAIL, 2006).

account for one quarter of all denunciations<sup>37</sup>. Fatal accidents occurred in the building sector in particular, with 191 victims in 2006, 19% of them foreign, of whom 50% were very young, aged between 26 and 35<sup>38</sup>.

The trend, previously picked up in 2005, towards cases relating work-related discrimination is still on the increase, particularly as regards the Civil Service. The sentences handed out in 2006 demonstrate that judges are looking increasingly favourably on the participation of foreign citizens in open competitions and their up-take of jobs<sup>39</sup>.

In 2006, 31.7% of all cases of direct and indirect discrimination reported to the UNAR Contact Centre (National Office Against Racial Discrimination) involved the employment sector. Most of the denunciations concerned mobbing (23.2%), followed by access to work (21.7%), working conditions (20.3%), dismissals (15.9%), difficulties with colleagues (13%) and wages (1.4%)<sup>40</sup>.

One case of work-related discrimination that achieved great resonance was that of an Italian girl originally from Zaire, who was turned down for a job as a waitress in a restaurant on the grounds that the colour of her skin might upset the customers<sup>41</sup>.

LEADER – Labour and employment without ethnic and religious discrimination<sup>42</sup> is a project promoted by IMED – The Mediterranean Institute in collaboration with several other organisations including ARCI and ASGI<sup>43</sup>, which aims to develop an integrated system for fighting discrimination in the world of work, with particular emphasis on multiple discriminations. The project foresees the activation of experimental territorial antidiscrimination networks which will monitor acts of discrimination, promote positive action, and protect and assist victims in legal proceedings against discrimination in the employment sector.

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<sup>38</sup> FILLEA/CGIL, *Infortunati mortali nel settore delle costruzioni*, 2006, <http://www.filleacgil.it>, accessed 15 May 2007.

<sup>39</sup> See for example Florence Tribunal, Decree no. 4640 of 14 January 2006, Perugia Tribunal, Ordinances of 29 September 2006 and 6 December 2006, Imperia Tribunal, Sentence of 12 September 2006. However, the Court of Cassation, in Sentence no. 24170 (13.11.2006), expressed its opposition to the employment of foreign citizens in the public sector.

<sup>40</sup> UNAR, *Un anno di attività contro la discriminazione razziale* (Rome: Presidenza del Consiglio dei Ministri [Presidency of the Council of Ministers] 2007)

<sup>41</sup> Manfredi, A. (2007) 'Aosta, "Sei di colore, in sala non vai bene", 'girl refused employment by restaurateur', in: <http://www.repubblica.it>, accessed 4 January 2007.

<sup>42</sup> <http://www.leademodiscriminazione.it>, accessed 20 June 2007.

<sup>43</sup> Associazione Studi Giuridici sull'Immigrazione [Association for Juridical Studies on Immigration].

## 4.2 Housing

The housing sector in Italy still constitutes an extremely difficult situation with respect to vulnerable groups, including immigrant citizens. Studies carried out in 2006 confirmed the heavy toll that rentals took on average family incomes and the progressive exclusion of those on low incomes from the property market<sup>44</sup>.

In previous Shadow Reports, attention was drawn to the fact that foreign citizens in Italy are forced to live in housing that falls below the minimum standards of habitation and in crowded conditions, paying undeclared rents which are often higher than those offered to Italians, not to mention the discrimination carried out by home owners and estate agents who often refuse to rent their properties to immigrants.

These conditions continued to persist over the reference period. With regards to overcrowding, for example, research carried out by CNEL<sup>45</sup> into immigrant integration computed an indicator of serious overcrowding specific to citizens from countries with strong migratory pressure. The net result was that in the Italian regions in which housing problems are less acute, the percentage of foreign citizens living in conditions of extreme overcrowding<sup>46</sup> varied between 4.3% (Friuli Venezia Giulia) and 6% (Marche), while the regions that present the greatest imbalance between Italian and foreign citizens scored between 10.1% and 13.8% (Puglia, Lombardy, Campania, Sardinia and Val d'Aosta). Given the fact that the rate of serious overcrowding for Italians is equal to 0.9%, it seems clear that foreigners are often exploited by landlords in terms of rental prices, obliging them to settle for multi-occupancy in order to split the cost of the rent.

According to UNAR, the housing sector, together with the employment market, is most affected by discrimination towards migrants and minorities, accounting for 12.4% of all episodes recorded by its Contact Centre. Condominiums and neighbours were involved in 81.5% of cases, while 11.1% of events involved rent<sup>47</sup>. However, cases referred to the *Centro di Tutela contro le Discriminazioni* [Anti Discrimination Monitoring Centre] in Bolzano (3 during the period April-December 2005) related to the advertising of housing containing the phrase 'no non-EU citizens'<sup>48</sup>.

Moving on to an examination of housing itself, the majority of foreign citizens in Italy live in rented accommodation (72.1%). Precariousness of accommodations is extensive and affects almost 15% of immigrants (7.5%

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<sup>44</sup> SUNIA *Indagine sul caro-affitti nelle 11 aree metropolitane*, 2006, <http://www.sunia.it>, accessed 20 October 2006.

<sup>45</sup> CNEL, *Indici di integrazione degli immigrati in Italia. IV Rapporto* (Rome: CNEL, 2006)

<sup>46</sup> Extreme overcrowding is the condition of a person living in a house with a ratio between number of residents and number of rooms which is higher than 2.

<sup>47</sup> UNAR, *Un anno di attività contro la discriminazione razziale*, *ibid.*, pp. 52 and 56.

<sup>48</sup> Osservatorio provinciale sulle Immigrazioni – Provincia Autonoma di Bolzano, *Centro di tutela contro le discriminazioni. Annual Report 2005* (Bolzano: Provincial Observatory on Immigration, 2006).

are guests of relatives or friends and 6.8% live at their workplace)<sup>49</sup>. Only 11.8% own the homes in which they live (as against 87.1% of Italians), but the desire to improve their own living conditions and the need to overcome difficulties in finding properties to rent has caused an increasing number of foreign citizens to acquire apartments. According to the research institute *Scenari Immobiliari*, 90% of immigrants who bought a house in 2005 (5.4% more than in 2004) chose properties that were on the small side and that were in need of renovation, largely situated on the outskirts of large cities<sup>50</sup>. It is interesting to note in this regard that immigrants are gradually settling in areas forsaken by the Italians over the last few years, thus revaluing housing resources that stood abandoned and opening up new urban settlement scenarios<sup>51</sup>.

The problem of 'ghettoes' becoming established in Italian cities was brought sharply to public attention in 2006 with the case of *Via Anelli* in Padua, an area in which most of the buildings were predominantly occupied by immigrants and asylum seekers. In the wake of various public order problems, the city council erected a metal barrier around the area, three metres high and eighty four metres long, with a police checkpoint at the entrance. Many antiracist NGOs and migrant support organisations made their opposition to this course of action quite clear, seeing the *Via Anelli* 'wall' as a symbol of segregation to be dismantled as quickly as possible<sup>52</sup>.

With regards to the housing conditions of Roma and Sinti, it is important to mention the decision of the European Committee of Social Rights against Italy, based on a collective complaint by the ERRC, stating that Italy was systematically violating Roma rights to decent housing<sup>53</sup>.

In 2006, various Council of Europe organs drew attention to the widespread discrimination and difficult living conditions in many Roma camps, recommending that Italian authorities adopt the necessary measures to improve their housing conditions<sup>54</sup>. The Commission for Human Rights of the Council of Europe, after a visit to the unauthorised Roma *Casilino 900* camp in Rome, noted that the Roma were living with no access to water or electricity, without access roads, lighting or drainage systems, in caravans that were falling to pieces or in shacks<sup>55</sup>. The situation in unauthorised camps is made still more precarious by the fact that the police authorities regularly subject the Roma communities to forced evictions (often followed by the

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<sup>49</sup> Censis, *Il futuro dell'immobiliare. Settimo rapporto Censis Casa Monitor* (Rome: Censis, 2006). For further information on the immigrant housing situation in Lombardy, see Gian Carlo Blangiardo (ed) *L'immigrazione straniera in Lombardia. La quinta indagine regionale* (Milan: ISMU, 2006).

<sup>50</sup> Scenari Immobiliari, *Un nuovo protagonista del mercato della casa: l'immigrato* (Rome: Scenari Immobiliari, 2005).

<sup>51</sup> See Novak, C., *Migranti nelle città: quartieri ghetto, dinamiche abitative e politiche della casa*, Working Paper Crocevia, 23 March 2006.

<sup>52</sup> Ravelli, F. 2006 'Il muro dei clandestini. Padova si divide in due', *La Repubblica*, 10 August and 'Padova – Via il muro o lo tiriamo giù', *Il Manifesto*, 12 August 2006.

<sup>53</sup> European Committee of Social Rights *Decision on the merits. European Roma Rights Centre v. Italy*, *ibid.*

<sup>54</sup> Council Of Europe -Committee of Ministers, *Resolution ResCMN(2006)5 on the implementation of the Framework Convention for the Protection of National Minorities by Italy*, adopted on 14 June 2006. See also ECRI, *Third Report on Italy*, *ibid.*

<sup>55</sup> *Report by Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to Italy 10-17 June 2005* (Strasbourg: Council of Europe, 2005).

expulsion of those not in possession of the requisite Residence Permit), without providing them with alternative accommodation<sup>56</sup>.

According to *OsservAzione*, an NGO involved in the fight against discrimination against Roma and Sinti, the policies and practices adopted by the Italian authorities are based on a deep-rooted stereotypical vision of the Roma as nomads. The application of the concept of 'nomadism' to people who are not nomads has led to the definition of housing discrimination policies against the Roma which still endure in Italian society today<sup>57</sup>.

Following on from the trend noted in previous Shadow Reports, in 2006 judges again issued illegitimate sentences in matters of low-rent public housing. The Regional Administrative Court (TAR) in Lombardy declared for the second time that the regional law, assigning low-rent public houses on the basis of years' residence in the region, and requiring at least 5 years' residence to qualify for application for housing assignment, was discriminatory<sup>58</sup>. On the same basis, the Veneto TAR annulled the deliberation of the Municipality of Vicenza attributing a higher points' score for places on the housing waiting-list to those who had lived in the municipality for over 25 years<sup>59</sup>.

'Un tetto per tutti'<sup>60</sup> [A roof for all'] is a self-help housing project promoted by ALISEI, a non-Governmental organisation which has introduced this new instrument with a view to solving the problem of inadequate housing for Italian and foreign families. The novelty of this project lies in the fact that it is the future owners themselves who are responsible for the building works by contributing their own manual labour for a set number of hours, coordinated and assisted by a group of professionals. Self-construction reduces costs considerably, given the absence of labour costs, and the fact that inexpensive materials and simple construction techniques are employed.

### 4.3 Education

The increasing number of students of foreign origin in state and private schools is now an integral factor in the Italian education system. In the academic year 2005/2006 approximately 430,000 students were of non-Italian nationality, accounting for 4.8% of the overall scholastic population<sup>61</sup>. The situation of immigrant-origin students in Italian schools is both positive and negative. In fact, although the state school system is founded on intercultural education as a cross-discipline dimension, the data produced by the many

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<sup>56</sup> International Helsinki Federation (IHF) *Human rights in the OSCE region. Report 2006*, ibid.

<sup>57</sup> Monasta, L., Sigona, N. (eds) *Cittadinanze imperfette. Rapporto sulla discriminazione razziale di Rom e Sinti in Italia* (Caserta: Spartaco Edizioni, 2006).

<sup>58</sup> TAR Lombardy, Ordinance no. 108/06 (27.07.2006).

<sup>59</sup> 'Il TAR boccia il bando razzista del Comune di Vicenza', press release, <http://www.unioneinquilini.it>, accessed 20<sup>th</sup> September 2006.

<sup>60</sup> <http://www.autocostruzione.net/>, accessed 20 June 2006.

<sup>61</sup> Ministry of Public Education, *Alunni con cittadinanza non italiana. Scuole statali e non statali. Anno scolastico 2005-06* (Rome: MPI, 2006), p. III.

studies on this subject reveal that discrimination towards foreign children is increasing<sup>62</sup>.

Data released by the Ministry of Public Education on school outcomes reveals the increasingly greater difficulty that non-Italian children face in moving up a grade in all types of schools. In upper secondary schools, over 25% of foreign students fail to move up (slightly under 15% in the case of Italian pupils), while in other types of schools, there is a gap of 3.2% in primary schools and 7.9% in lower secondary schools. The findings show that pupils who complete their course of study and attain a diploma tend to gravitate largely towards technical (42.4%) and professional (32%) institutes, confirming the tendency of teachers to point non-Italian students in the direction of schools that are regarded as 'less difficult' and which provide an immediate work outlet, without paying due attention to the hopes and genuine abilities of the children.

The position of being educationally behind upon entering Italian schools also needs to be analysed. This situation often leads to serious learning and social inclusion difficulties. As a general criterion, legislation provides for the pupil being put into whichever class corresponds to his/her age, but there are frequent cases in which decisions are made to put students in a lower class, mostly because of their inadequate grasp of the Italian language. This is the reason why, even in the three lowest primary school classes, 10.7% of non-Italians are behind and it must be noted that this percentage escalates the higher up in school one goes. In the third lower secondary school class, 60.5% of foreign children are lagging behind, and by the third year of upper secondary school, 74.6% are behind<sup>63</sup>.

Information provided by schools in some regions of Italy indicates that there are heavy concentrations of non-Italian pupils in some schools, leading to a risk of developing situations of segregation<sup>64</sup>. The reasons for these sorts of concentrations can, in part, be traced back to the territorial distribution of foreign citizens, but they are mostly caused by the refusal of some schools to enrol large numbers of children of immigrant-origin.

In March 2006, the Ministry of Education issued a document containing the guidelines for the reception and integration of foreign students<sup>65</sup>. This document contains important advice on reception procedures and assessment criteria, which differ according to the characteristics and educational history of each child. A key section is devoted to the figure of the linguistic and cultural mediator within the scholastic environment, who will be responsible for reception and tutorage of both the pupils and their families, for mediation in their relationships with the teachers, interpreting and translating

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<sup>62</sup> On the mounting intolerance in particular in upper secondary schools, see Pangani, C., Robustelli, F. (eds) *Marek a scuola. Gli insegnanti e l'inserimento degli alunni stranieri nella scuola italiana* (Milan: Franco Angeli, 2006).

<sup>63</sup> Ministry of Public Education, *Alunni con cittadinanza non italiana*, *ibid.*, p. VI. See also the recommendations contained in ECRI, *Third Report on Italy*, *ibid.*

<sup>64</sup> See Ministry of Public Education, *Alunni con cittadinanza non italiana*, *ibid.*, p. V and Comitato Oltre il Razzismo, *Concentrazione e dispersione differenziale degli allievi stranieri nelle scuole di Torino* (Turin: Commission against Racism, 2006).

<sup>65</sup> Ministry of Education, University and Research – Ufficio per l'integrazione degli alunni stranieri [Office for the integration of foreign students], *Linee guida per l'accoglienza e l'integrazione degli alunni stranieri* (Rome: MIUR, 2006).

for the families, and for formulating possible didactic courses of intercultural education.

Finally, on the issue of religious symbols in schools, a sentence pronounced by the State Council has helped to fuel the copious and contradictory jurisprudence on this subject. The court, dismissing a petition by a Finnish citizen, ruled that crucifixes should be allowed to remain in schoolrooms not because they are 'pieces of equipment' or 'cult objects', but because even in a 'lay perspective, it [the crucifix] has a highly educative symbolic part to play, aside from its religious function, unrelated to the religion professed by the pupils'<sup>66</sup>.

The Ministry for Education, University and Research and the NGO *Opera Nomadi* signed an 'Agreement for the protection of Roma, nomadic and travelling minors', that will last three years. This agreement describes the activities that Regional School Offices (*Uffici scolastici regionali*), Regions and local administrations will carry out in order to reduce school drop out rates of Roma and Sinti children, together with initiatives aimed at promoting integration in schools. *Opera Nomadi* will carry out awareness-raising activities on compulsory education towards Roma and Sinti communities<sup>67</sup>.

#### 4.4 Health

Studies carried out in recent years which have attempted to describe the state of health of migrants and minorities and to highlight the discriminatory situations to which they are exposed have come up against a series of problems, largely caused by the lack of data collection on the subject and the inadequacy of research systems<sup>68</sup>.

The Italian National Institute for Health (*Istituto Superiore di Sanità*) has underlined the fact that the health conditions of migrants declines swiftly after their arrival in Italy because of their exposure to risk factors connected with the difficult living conditions for immigrants: precariousness of accommodations, overcrowding, scant work protection, inadequate nourishment, in tandem with the psychological brunt of having been culturally uprooted and problems in accessing health and social services<sup>69</sup>.

Information that can be drawn from studies into the health of immigrants reveals some particularly complex aspects. Firstly, an increased incidence of traumatism<sup>70</sup>, which, despite the lack of statistics, appear to be able to be traced predominantly back to the carrying out of risky and badly protected work activities. Professional diseases are also spiralling, having risen by 60%

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<sup>66</sup> Council of State, Sentence no. 556 of 13 February 2006.

<sup>67</sup> [http://www.pubblica.istruzione.it/dg\\_studente/allegati/prot\\_int\\_nomadi.pdf](http://www.pubblica.istruzione.it/dg_studente/allegati/prot_int_nomadi.pdf), accessed 28 June 2007.

<sup>68</sup> For an overview of data on medical care offered to immigrants, see Agenzia per i Servizi Sanitari Regionali [Regional Health Services Board], *Immigrati e assistenza sanitaria*, no. 18, 2006.

<sup>69</sup> ISS, *L'interruzione volontaria di gravidanza tra le donne straniere in Italia*, ISTISAN Reports, no. 17, 2006.

<sup>70</sup> These include trauma, sprains, dislocations, fractures, wounds, burns etc.

between 2004 and 2005<sup>71</sup>. This is partly due to precarious working conditions and the types of activity being carried out (often workers in the agriculture, construction or metal-working sectors) but also partly due to the greater awareness that foreign citizens have acquired in relation to their workers' rights. In 80% of cases, this involved people under 50, whereas in terms of country of origin, Morocco is in the lead (16%), followed by former Yugoslavia (11%) and Albania (9%).

Diseases apart, some of the studies also investigate physiological conditions such as pregnancy and giving birth, which the immigrant population often associates with higher risks of negative health effects, and draw attention to the significant recourse to elective terminations of pregnancy (ETP). Over time, a substantial increase in the numbers of ETPs undergone by foreign women (from 7.4% of all ETPs carried out in 1996, to 26% in 2003) and at the present time, the rate of abortion in immigrant women is at least three times higher than in women who are Italian nationals<sup>72</sup>.

The health situation of the Roma communities deserves particular attention, since health repercussions from their living conditions and social exclusion are considerable. Apart from chronic illnesses, the Roma are prone to dermatological and respiratory diseases, which often go untreated because of their difficulty in accessing medical help. Access to dental care is also extremely limited and this leads to irreparable damage, to both children and adults, because of a lack of treatment and hygiene. Although they do in theory have the right to be treated by the national health service, their lack of identity cards and their scant knowledge of how the system works prevent them from having recourse to regular and/or preventative treatment and all too often they find that their only option is to go to the hospital when their illnesses have reached an advanced stage<sup>73</sup>.

In 2006, public attention was called to the discrimination faced by foreign women giving birth at the 'Riuniti' Hospitals in Foggia. While Italian women only have to ensure that their baby's birth is recorded at the General Register Office in order to be discharged with their babies, foreign women have to present authorisation from their embassy or consulate within ten days of delivery otherwise their baby will be entrusted to a third party. The Ministry of the Interior and the Department for Rights and Equal Opportunities have underlined the illegitimacy of this practice, calling upon the hospital and the Register Office to refer to the provisions of the law<sup>74</sup>.

On a legislative level, during the reference period, the Minister for Health set up the 'Salute-Immigrazione' [Health-Immigration] Commission, to attempt to identify interventions that could improve the services on offer and boost migrants' awareness of treatment opportunities<sup>75</sup>. The Italian Parliament has

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<sup>71</sup> INAIL, *Dati INAIL*, no. 8, August 2006.

<sup>72</sup> ISS, *L'interruzione volontaria di gravidanza tra le donne straniere in Italia*, *ibid.*, p. 26.

<sup>73</sup> *Report by Alvaro Gil-Robles*, *ibid.*, p. 55. See also ERRC, *Ambulance not on the way* (Budapest: ERRC, 2006).

<sup>74</sup> 'A Foggia discriminate le partorienti straniere', <http://www.stranieriinitalia.it/>, accessed 4 October 2006.

<sup>75</sup> 'Insediare Commissione Salute-Immigrazione, Consulta e Commissione nazionale AIDS', Ministry of Health press release, 2006.

also approved a law which outlaws and bans the practice of female genital mutilation<sup>76</sup>.

#### 4.5 Policing and racial profiling

As far as racial profiling is concerned, in Italy there are neither specific studies on this issue nor political positions. There is a complete lack of the necessary systematic monitoring of episodes of racial profiling. The most relevant incidents reported by associations and NGOs concern Roma or Sinti groups, who are constantly subject to forced evictions and indiscriminate controls by police forces. In particular, some studies highlight the widespread practice carried out by police or Carabinieri agents that consists of going to Roma camps in the middle of the night or early in the morning and clearing the camps, carrying out controls and expelling people without a regular-stay permit. This practice is so frequent that many Roma consider normal. At the end of March 2006, many police operations without any justification were carried out with violence and arrogance in some Roma camps in the Veneto region<sup>77</sup>. In Turin, a camp mostly inhabited by Roma asylum seekers has been cleared, without allowing people living in the camp to take their goods with them. Some months after, the Municipality of Turin, which had found only temporary accommodations, has proposed to Roma families to go back to the camp<sup>78</sup>.

In their third report on Italy, ECRI has requested to the Italian authorities to create an independent commission aimed at investigating violations of human rights perpetrated by the police forces, including acts of racism and racial discrimination<sup>79</sup>.

#### 4.6 Racist violence and crime

Also in 2006, the overview on violence and racial crimes indicated the usual lack of official and non-official data that would be fundamental in order to have an idea of the extent of this phenomenon in Italy. Due to the lack of specific studies and statistical data, this report will refer to the little information available and will describe some of the most significant incidents that took place in 2006.

Among the most important sources, the RAXEN 2005<sup>80</sup> annual report includes a detailed analysis of the racist incidents reported by numerous journalistic sources in the period from 31 August 2004 to 29 September 2005. The study mentions 115 incidents, among which are 60 cases of verbal violence, 40 acts

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<sup>76</sup> Law no. 7 of 9 January 2006, Official Gazette of 18 January 2006.

<sup>77</sup> Monasta, L., Sigona, N. (eds) *Cittadinanze imperfette*, ibidem.

<sup>78</sup> Ibidem, p. 26.

<sup>79</sup> ECRI, *Third Report on Italy*, ibid., p. 26.

<sup>80</sup> Rivera, A., 'Racist violence and crime', in COSPE – National Focal Point - Italy, *Raxen National Annual Report 2005 – Italy* (Vienna: Eumc, 2006), pp. 53-56.

of physical violence and 15 acts of discrimination and violation of human rights. Compared to 2004, an increase in racist offences and threats is highlighted by members of the national Government, local institutions and political parties (21 incidents) and of public initiatives and events on racist grounds (15 incidents). Among the perpetrators that stand out are members of the central Government and local authorities (20 cases), members of the *Lega Nord* party (15 cases) and police (12 cases), whereas the victims are mainly foreign citizens, immigrants, refugees and children of mixed couples (78 cases), followed by Muslims (20 cases), Roma (9 cases) and Jews (8 cases).

The Criminal Judiciary Statistics by ISTAT indicate that in 2004 there have been 57 accusations of racial discrimination for which the judicial authority filed a law suit, whereas the conviction cases were 15<sup>81</sup>.

In the response of the Italian Government to the third report on Italy by ECRI, data from the Ministry of the Interior is cited which refers to the period from September-December 2005. In particular, the Ministry reported 13 racist incidents, 6 acts of xenophobia and 10 anti-Semite incidents, with 26 people accused and 9 arrested<sup>82</sup>.

In 2006, expressions of anti-Semitism and anti-Jewish prejudice did not significantly decrease. According to the CDEC (Centre for Contemporary Jewish Documentation), anti-Jewish prejudice during the Israel-Hezbollah war was mainly expressed through written and verbal violence (such as, for instance, the offensive graffiti on buildings belonging to the Jewish community), consistent with the fact that in Italy the anti-Semitic phenomenon is characterised by a persistent low-level violence. The offensive graffiti, however, does not seem to be part of the propaganda of parties or political or religious organizations<sup>83</sup>. Between January and June 2006, 36 cases of anti-Semitism were recorded in Italy<sup>84</sup>.

An initiative of the Union of Islamic Communities and Organizations in Italy (UCOII) has prompted some protests from the Union of the Jewish Communities and the *Consulta dell'Islam Italiano*, the advisory body of the Ministry of the Interior on the issues concerning the Muslim community (of which UCOII is also a member). In fact, on 19 August 2006, UCOII paid for and published a page in some national dailies entitled '*Yesterday the Nazi carnage, today the Israeli carnage*', where the killing of the civilians in Lebanon was ranked on the same level as the mass executions perpetrated by the Nazis during the second world war<sup>85</sup>.

In Sassuolo, a small city in the province of Modena, a drunken Moroccan citizen was violently beaten up by two Carabinieri. The scene was filmed with

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<sup>81</sup> ISTAT, *Criminal Judiciary Statistics. Year 2004* (Rome: ISTAT, 2006).

<sup>82</sup> Ministry of Foreign Affairs, *Osservazioni dell'Italia sul terzo rapporto della Commissione Europea contro il razzismo e l'intolleranza del 16 dicembre 2005*, Rome, March 2006.

<sup>83</sup> European Jewish Congress, *Anti-Semitic incidents and discourse in Europe during the Israel-Hezbollah war* (Paris: European Jewish Congress, 2006).

<sup>84</sup> Goldstaub, A., *Alcune considerazioni sull'antisemitismo in Italia 2002-2006*, <http://www.ucei.it>, accessed 20th November 2006.

<sup>85</sup> Piccolillo, V. 2006 "Gaza come Marzabotto". Bufera sull'Ucoii', *Il Corriere della Sera*, 20 August.

a mobile phone by another immigrant and, following the broadcasting of the film on some TV networks and Internet websites, the two Carabinieri were transferred to another place. Some members of the Government coalition (which at that time was still headed by the centre-right) expressed their sympathy for the two Carabinieri, while the centre-left asked for an inquiry<sup>86</sup>.

In October 2006, in a suburban neighbourhood of Rome, a group of youth vandalised a bar run by Italians, but attended almost exclusively by Romanians. The group attacked with truncheons and iron bars, wounding four and setting fire to the premises. Many residents of the neighbourhood later asserted themselves to be in agreement with the offenders, stating that 'they are not racist but they have had enough of the Romanians'. The Prefect of Rome expressed his worry about the action that can be considered a full-fledged 'punitive expedition'<sup>87</sup>.

In a municipality in the Province of Brescia, the Lord Mayor, who belongs to the Lega Nord Party, has offered to the street police of its municipality a 'reward' of 500 euros for each illegal immigrant they can catch and take to the police station<sup>88</sup>.

During the election campaign for Turin local elections in Spring 2006, a candidate from a local political party called '*Immigrati basta*' (Enough with immigrants) distributed plastic truncheons with the slogan '*Immigrati basta!*' in the neighbourhood of San Salvario, which is inhabited by many foreign citizens. A small centre-left national political party denounced the candidate for racist propaganda and incitement to racial hatred<sup>89</sup>.

The Project 'Ultrà'<sup>90</sup> works with football supporters with the main aim of reducing violence, racism and intolerance in football through social work which targets fans and is carried out together with them. For over ten years it has organised the Anti-racist World Championship, with the participation of teams, supporters and activists from all over the world.

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<sup>86</sup>Smargiassi, M. 2006 'Pestato dai Carabinieri, c'è un video choc', in: <http://www.repubblica.it>, accessed 28 February 2006.

<sup>87</sup>Grignetti, F. 2006 'Spedizione punitiva, in 30 contro i Romeni', in: <http://www.lastampa.it>, accessed 3 October 2006.

<sup>88</sup>"Brescia, 500 euro al vigile che 'cattura' un clandestino", *Il Manifesto*, 25 October 2006.

<sup>89</sup>Minacci, E. 2006 'La politica del manganello', *La Stampa*, 5 June.

<sup>90</sup><http://www.progettoultra.it>, accessed 26 June 2007.

## 4.7 Access to goods and services in the public and private sector

In relation to access to public and private goods and services for citizens of immigrant origin, no significant development was recorded during 2006. Nonetheless, the process of stabilization that immigration is experiencing in Italy entails a progressive, though slow and difficult, trend of inclusion and therefore a potential increase in access to public and private goods and services.

A research area that has grown remarkably has been that of access to banking services for immigrant citizens. Many publications promoted by associations, research institutes and banks<sup>91</sup>, have pointed out the importance of this rapidly growing market. Currently 57.3% of immigrant citizens own a current account. That equates to 1.2 million bank customers and it is estimated that in ten years the accounts owned by immigrants will be as many as 3 million<sup>92</sup>. The data concerning the credit lent to citizens of immigrant origin, through home loans and consumer credit, is also interesting. In 2004, the overall volume was 4,848 million euros, more than 5 times the credit lent in 2000. The average variation rate in the period was 51.6%.

The subject of 'Islamic finance' was also analysed, springing from the need of practising Muslims to not pay any interest on loans or deposits, as established by the Koran, which bans in more than one case the borrowing of money or the taking of money under usury<sup>93</sup>. Some Italian banks, in the wake of some European experiences, have experimented with current accounts or loans which abide by this law; the most well-known project being the one promoted by the savings bank Cassa di Risparmio di Fabriano e Cupramontana which since 2004 has been proposing a deposit that replaces interest with in-kind premiums<sup>94</sup>.

## 4.8 Media, including the internet

During 2006, as in the previous year, mainstream media demonstrated often distorted and very negative representations of immigrants. The difficulty in understanding and describing the migratory phenomenon in its complexity is often accompanied by a superficial level of analysis that, in a more or less conscious way, borders on racism, lending legitimacy to the worst levels hostility in segments of public opinion. In particular, the topic of security and fear that stems from the alleged increase in crime is associated with immigration in a process strongly fed by newspapers and television.

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<sup>91</sup> In particular, see Omarini, A. (ed), *Il migrant banking*, (n.p., Bancaria Editrice, 2006); Abi – Cespi, *La bancarizzazione dei nuovi Italiani – Strategie e prodotti delle banche per l'inclusione finanziaria*, (n.p., Bancaria Editrice, 2006).

<sup>92</sup> Abi – Cespi, *La bancarizzazione dei nuovi Italiani*, ibid.

<sup>93</sup> For a general review on the subject see Napolitano E., De Battistini G. 2006, *Inizia il dibattito su una banca islamica in Italia*, in: [www.etnica.biz](http://www.etnica.biz), accessed 20 June 2007.

<sup>94</sup> Gagliardi, A. 2006 'Diventare proprietari pagando un affitto', *Metropoli/La Repubblica*, 26 February.

The representation of the Roma and Sinti in the papers during the pre-election period, examined by *OsservAzione*, included the use of terms such as 'nomad' and 'gipsy'. In most cases these terms do not have any relation with the reality and identity of these people, who appear in public discourse only in relation to criminal events or when the camps where they live are dismantled and evacuated<sup>95</sup>. Other examples include the interview with Oriana Fallaci, the article of the daily *Il Tempo* and the tragic incident in Erba.

In May 2006 the journalist Oriana Fallaci released, to the weekly *New Yorker*<sup>96</sup>, a long interview-invective, widely covered in the main Italian papers<sup>97</sup>. The rage of Ms Fallaci is directed especially (but not only) against Islam and Muslims, that she had already harshly attacked the day after 9/11. She not only stressed her hatred towards all Muslims (there is no such thing as good Islam or bad Islam), but threatens, in provocation, to set off a bomb at the mosque that the Islamic community is planning to build in the municipality of Colle Val d'Elsa, in Tuscany.

On 3 October 2006, the daily *Il Tempo* published a text entitled 'Un etnia sempre in cronaca nera'<sup>98</sup> (An ethnic group always in the crime news), an article tainted with incredible violence towards the Romanian population, who are described as the perpetrators of all kinds of crimes (from robberies in villas and credit card fraud, to support of prostitution and illegal immigration). The following is a quote from the *Il Tempo* article:

*"It is considered the most violent, dangerous, domineering race, capable of killing for a few coins. It is able to accomplish million-euro frauds thanks to a good knowledge of technologies. It does not fear anything; it even despises the life of women and children who are not even ten years old. And it's about to enter the European Union. It is the Romanian, the citizens of Romania who for years have been terrorising our country."*

The interesting thing about this incident is that the article prompted such a huge protest by NGOs and associations, as well as by the Romanian community and the ambassador of Romania, that the editor of the paper was forced to publish a few lines of apology for the tone of the article, saying that publishing the article was a 'macroscopic slip'<sup>99</sup>.

On 11 December 2006, a family consisting of a young woman, her two-year old son, her mother and a female neighbour were brutally murdered in Erba, a small city in the north of Italy. The next day every paper reported the news, pointing to the foreign husband of the young woman and father of the little boy, as being responsible for the killings<sup>100</sup>. The reconstruction of the crime by

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<sup>95</sup> OsservAzione, *Political participation and media representation of Roma and Sinti in Italy*, (n.p., n.p., 2006).

<sup>96</sup> Talbot, M. 2006 'The agitator', [www.newyorker.com](http://www.newyorker.com), 30 May.

<sup>97</sup> Flores D'arcais, A. 2006 'Fallaci, l'ultima provocazione: faccio saltare la moschea in Italia' [www.repubblica.it](http://www.repubblica.it), 30 May.

<sup>98</sup> Parboni, A. 2006 'Un'etnia sempre in cronaca nera', *Il Tempo*, 3 October.

<sup>99</sup> Pedullà, G., *Il Tempo*, 5 May 2006.

<sup>100</sup> 'Massacro a Erba, caccia a un marocchino', *Corriere della Sera*, 12 December 2006; Del Frate, C. 2006 'Stermina la famiglia. Era libero per l'indulto', *Corriere della Sera*, 12 December; Bracchetti, S. 2006 'Uccide e brucia tre donne e il figlio. L'assassino era libero per l'indulto - Notte di sangue a Como, caccia all'omicida tunisino', *La Repubblica*, 12 December. Only a month later the neighbours were accused of those murders.

most newspapers was centred on the motivation that may have led the man to commit such an act, possible difficulties there may have been between the couple and his purported violent character etc. This was all without even a minimum inquiry on the whereabouts of the man. Released from jail following an amnesty some months before the massacre, the young man defined by most media only as 'Maghrebian, Tunisian or Moroccan', had been at his parents' home in Tunisia days before the event. About a month later, Police investigators obtained a full confession from an Italian couple who lived in the apartment next to the victims.

The events in Erba, and their emotional, judiciary and media impact, triggered a debate on how the media dealt with the matter, which saw contributions from various actors. In January 2007, the Minister of Social Solidarity wrote an open letter to media professionals appealing to them to treat the issue of immigration in a way that reflects its richness and complexity<sup>101</sup>. The Italian office of the UNHCR (United Nations High Commissioner for Refugees) proposed adopting a code of conduct to regulate the way journalists deal with issues relating to immigration and refugees. The National Platform of Multicultural Media, made up of immigrant journalists and multicultural media professionals, also made their voices heard on the subject<sup>102</sup>.

On 15 January 2006, the first issue of *Metropoli* was released as a supplement of the mainstream daily *La Repubblica* at an additional cost of 10 eurocents. *Metropoli* is meant to be a means of information and in-depth analysis on immigration and a service to immigrants in Italy. It also aims to be a forum for exchange of stories, cultures and traditions. Importantly, there are also journalists of immigrant origin within the editing group, which facilitates offering 'other' perspectives and views on society and recognising specific intercultural competences in mainstream media<sup>103</sup>.

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<sup>101</sup> Ferrero, P. 2007 'Parlare di immigrazione dopo Erba', *Liberazione*, 14-15 January.

<sup>102</sup> For the debate on media see [http://www.mmc2000.net/continua.php?id\\_notizia=21](http://www.mmc2000.net/continua.php?id_notizia=21) and on the National Platform of Multicultural Media see <http://www.mediamrad.it/visual.asp?arg=1>.

<sup>103</sup> [www.metropoli.repubblica.it](http://www.metropoli.repubblica.it), accessed 20 June 2007.

## 5. Political and legal context

The Italian general elections in April 2006 brought about a decisive political change: the centre-right government, led by Silvio Berlusconi, was replaced by a centre-left Government headed by Romano Prodi. The centre-left coalition actually won by a very few votes (and a small majority in the Senate), and this has led to serious difficulties for the Government in the management of political and parliamentary life. All the same, within the very first few months of the new Government, we witnessed a different approach to immigration, with the introduction of legislative proposals and debates characterised by more openness and willingness to promote integration policies. The fact that the Northern League (Lega Nord), whose representatives stood out above all others for their racist speeches and practices under the previous Government, is no longer part of the governing coalition can only be a positive contribution to the fight against racism in Italy.

### 5.1 Anti-discrimination

In the second half of 2006, the new centre-left Government promoted some interesting initiatives on the integration of migrants and minorities, and against discrimination on ethnic and religious grounds.

In June, the Minister of the Interior announced the creation of a commission of inquiry to carry out inspections and supervisions in all the Centres for Temporary Detention and Assistance (CPTAs), set up in compliance with the Unified Act on Immigration of 1998<sup>104</sup> for the identification of illegal migrants. The Commission, chaired by Staffan de Mistura and composed of numerous representatives of associations and NGOs (*ASGI, ACLI, ARCI, Amnesty International, Caritas, Medici senza Frontiere*), produced a detailed report published in February 2007<sup>105</sup>. The creation of the commission was very much welcomed by all organisations that support the protection of migrants' rights, particularly because it was considered as the first step toward a reform of the Temporary Detention system<sup>106</sup>.

The Ministry of the Interior also created an inter-ministerial committee on the Roma, Sinti and Travellers, with the aim of analysing the problems facing these communities, identifying solutions and promoting their integration into Italian society<sup>107</sup>.

In July 2006, the European Commission was notified of the decision of the Italian Government to waive the adoption of the transitional regime in the

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<sup>104</sup> Legislative Decree no. 286/98.

<sup>105</sup> Gubbini, C. 2006 'CPT: ora una commissione', *Il Manifesto*, 10 June.

<sup>106</sup> For a deeper look into the criticism expressed by civil society to CPTAs see Working Group on CPTA in Italy, *Libro bianco sui CPTA*, 2006.

<sup>107</sup> 'Prima riunione al Viminale per affrontare i temi legati alla presenza di nomadi, Sinti e Camminanti sul territorio nazionale', Press release, <http://www.interno.it/>, accessed 17 October 2006.

matter of free movement of subordinate workers from eight new accession Member States of the European Union (Estonia, Latvia, Lithuania, Poland, Slovenia, Hungary, Slovakia, Czech Republic), thus fully enforcing the free admission of all citizens from new member states into the Italian labour market<sup>108</sup>.

At the end of the year, the Ministry of Youth Policies, in collaboration with the Ministry of the Interior, promoted the setting-up of a Youth Advisory Board on issues relating to cultural and religious pluralism (*Consulta giovanile per le questioni relative al pluralismo culturale e religioso*). This new body has the task of carrying out studies and formulating proposals for the integration of the various cultural and religious groups in Italy. The Advisory Board is formed by representatives of the main cultural and religious groups present in Italy<sup>109</sup>.

As has been already mentioned in the Shadow Report 2005, the financial law passed for 2006 by the centre-right Government included a serious discrimination to the detriment of foreign families to the extent that it granted a one-off allowance of 1,000 euros to every family that had a baby in 2005 or in 2006, but only if the parents were Italian citizens<sup>110</sup>. The already discriminatory exclusion of foreign citizens from the state allowance was worsened by the fact that just before the general elections in 2006, the then Prime Minister sent to all families, including non-Italian ones, a letter inviting them to go to the post offices to withdraw the grant. Many foreign citizens who withdrew the sum wholly in good faith, were later denounced for cheating the State and for fraudulent misrepresentation, but the new Government later decided not to proceed with the charges, force refunding of the amount received or payment of the penalty established by law, ruling that the exclusion of foreign citizens from the bonus was discriminatory. Associations expressed their satisfaction with the decision that was defined as 'an act of common sense'.

During 2006, anti-racist organisations continued to draw attention to the gaps in the legislative decree no. 215/03, which transposed the Council Directive 2000/43/EC in Italy. As has been highlighted in previous shadow reports, the most significant gaps concern the failure to shift the burden of proof, the absence of a provision against victimisation and the limited independence of the national equality body, which is still under the Department for Rights and Equal Opportunities within the Presidency of the Council of Ministers.

## 5.2 Migration and integration

Some important and innovative legislative measures concerning immigration were introduced during 2006, notably the proposal to amend Law 189/2002 (known as the '*Bossi Fini*' law), as well as legislation on citizenship, the decree that establishes the annual quota of immigrants allowed to enter the

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<sup>108</sup> Ministry of the Interior, Circular letter no. 21 of 31/07/2006.

<sup>109</sup> *Istituita la consulta giovanile per le questioni relative al pluralismo culturale e religioso*, Press release, <http://www.interno.it/>, accessed 27 December 2006.

<sup>110</sup> Law 23 december 2005, no. 266.

country legally and the transposition of the two European directives on long-term residents and on family reunification.

With regards to asylum rights, it should be noted once again that the Italian State has not yet approved a coherent and unified legislation for the regulation of all issues pertaining to the status of asylum seekers and refugees, as indicated in an appeal signed by the most important associations working on asylum and refugee issues, published on the occasion of the World Day of Refugees<sup>111</sup>. The only new provision on the subject is the approval of two amendments to Community Law 2006<sup>112</sup> which provide for the right of appeal by asylum seekers whose applications have been turned down and to possibility of remaining in Italy pending the outcome. A second amendment provides that a request for asylum cannot be declared groundless just because the applicant's country of origin is not considered to be 'at risk'. In April 2006, UNHCR issued a press release presenting the first results of the amendments introduced in 2005. In particular, UNHCR expressed a positive view of the de-centralization of the examination of asylum applications through the creation of seven Territorial Commissions, and a negative opinion regarding the practice of detention of asylum seekers in the Identification Centres<sup>113</sup>.

In March 2006, the decree establishing the annual quota of immigrants allowed to enter the country legally (*Decreto Flussi*)<sup>114</sup> was issued, providing for the entry of 170,000 non-seasonal foreign workers who are resident overseas. In excess of 500,000 applications were submitted by immigrants already in the country who had queued all night in order to be among the 170,000 authorised entries. This led the new Government to publish a second annual quota decree<sup>115</sup> in December establishing an additional quota of 350,000 entries so as to accommodate all the surplus applications that could not be covered by the first decree. Unfortunately, examination of the applications has not not been completed and there are a great many immigrants who, despite having taken advantage of the Decree, are still waiting for their residence permits to come through.

The lengthy wait times for the renewal of residence permits, which far exceed the 20 days provided for by law, have also led the Ministry of the Interior to issue a circular<sup>116</sup> that allows immigrants awaiting renewal of their residence permits to travel to their countries of origin and return to Italy, during the summer holidays.

As regards the law on citizenship, 2006 was characterised by a general discussion on the subject, which produced two new Bills: the first<sup>117</sup>, promoted

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<sup>111</sup> 'Appello congiunto per la giornata mondiale del rifugiato' – 20<sup>th</sup> June 2006. The document has been issued by the *Tavolo sull'Asilo*, promoted by UNHCR and the main Italian associations working on asylum issues: Anci, Sprar, Arci, Caritas, Cis, Ics, Casa Diritti Sociali/Focus, Centro Astalli/Jrs, Comunità Sant'Egidio, Federazione delle Chiese Evangeliche, Medici Senza Frontiere, Senzaconfine, Servizio Sociale Internazionale, Amnesty International.

<sup>112</sup> A.C. 1042-A – Dispositions regarding the fulfilment of obligations deriving from Italy's membership of the European Community – Community Law 2006 – 21/09/2006.

<sup>113</sup> UNHCR, *Procedura d'asilo Bossi Fini: primo bilancio UNHCR*, Press Release, Rome 22 April 2006.

<sup>114</sup> Decree of the President of Council of Ministers of 15 February 2006, Official Gazette nr. 55 of 7<sup>th</sup> March 2006.

<sup>115</sup> Decree of the President of Council of Ministers of 25 October 2006, Official Gazette of 7 December 2006.

<sup>116</sup> Protocol no. 11050/M(8) – Directive on foreigners' rights during the residence permit renewal process, 05/08/2007

by the Northern League, called for the introduction of a naturalisation test for foreigners applying for citizenship. This would examine their knowledge of both the Italian language and the local dialect, as well as the history, culture, traditions and legal system of the Italian Republic. It also provides for a compulsory renunciation of the citizenship of origin, in order to ensure 'real integration and assimilation into our society'.

The Bill presented by the Government<sup>118</sup>, however, called for more radical changes to the law currently in force, reducing the qualifying residence period in order to apply for citizenship from 10 to 5 years and introducing the principle of *ius soli* for foreign minors broadly classified in two categories. Italian citizenship would be granted at birth to children born in Italy to foreign parents if at least one parent has been legally resident for 5 years and has a minimum income equivalent to the social pension. Children born abroad to foreign parents will be granted citizenship on application by their parents, after they have completed at least one schooling cycle in Italy and at least one parent is able to meet the conditions outlined above. In order to deter marriages entered into for the sole purpose of obtaining Italian citizenship, the period of time required in order to qualify to apply for citizenship by marriage would be extended from 6 months to 2 years, if the applicant is legally resident in Italy (3 years if residing abroad). The Government Bill also provides for the granting of citizenship being subject to a 'verification of the foreigner's real linguistic and social integration'.

Worth mentioning is a Bill presented in November 2006 by two centre-left deputies. This calls for photographic and fingerprint records for all immigrants and harsher penalties for those who provide false information, or seek to conceal their true identities, by way of fingerprint abrasion<sup>119</sup>.

On 1 December 2006, the Council of Ministers approved the transposition of two Council Directives 2003/86/EC on family reunification and 2003/109/EC on long-term residents. The family reunification decree introduced provisions intended to simplify the procedures for obtaining visas for minors (for example, the age considered is that at the time of application) and for parents (who would no longer have to prove that they do not have other children capable of supporting them in their country of origin). The decree on long-term residents reduces the length of stay required for a residence permit from 6 to 5 years.

It is useful to mention here that, although it does not fall under the reference period, a Bill presented by the Government in January 2007, seeks authorisation from parliament to reform the law on immigration and the status of foreigners. The Bill, which is still in Parliament, calls for substantial changes to the current law on immigration, first and foremost abolishing the stay-for-work contract which, as noted in the 2005 Shadow Report, required non-EU immigrants to sign the stay-for-work contract with the prospective employer in order to be issued a stay permit of the same duration and this was to be

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<sup>117</sup> Bill no. 1462, 25/7/2006.

<sup>118</sup> Bill no. 1607, 30/08/2006.

<sup>119</sup> Violante-Marcenaro Bill, 14 November 2006.

repeated each time they changed jobs. Furthermore, the Bill also provides for: the introduction of new entry mechanisms allowing prospective migrants to come and search for a job under the guarantee of a citizen or legally resident immigrant; the simplification of procedures for obtaining residence permits; the introduction of the right to vote and be voted for in administrative elections for foreigners in possession of residence permits; and the revision of the structural and administrative characteristics of Temporary Detention Centres (CPT).

## 5.3 Criminal Justice

### 5.3.1 Racism as a crime

One of the main developments in this area in 2006 was the amendment of criminal code provisions on opinion crimes<sup>120</sup>. In approving Law 85/2006 in March 2006, the Parliament amended Law 654/75 (that ratified the international Convention on the Elimination of all forms of Racial Discrimination) and made punishment<sup>121</sup> more while limiting the law's field of application. Legal experts who have criticised the reform argue that by replacing the term 'incites' with 'instigates', the new law has made it more difficult to prosecute and condemn offenders for this kind of crime. This fact, coupled with the reduction of the jail term from 3 years to a maximum of 18 months (which the presiding judge can decide to replace with a fine up to 6,000 euros), has led many associations to denounce the former centre-right Government as attempting to minimise the gravity of this type of crime.

A positive aspect of the above law is the extension to all religious beliefs of the same level of protection, previously accorded only to the Catholic religion, with regard to offences against a religion or a religious authority and vandalism against places of worship.

Regarding jurisprudence on racism as a crime, it is interesting to examine closely the sentences issued in 2006 by the Court of Cassation, because they offer different interpretations of the concept of racist insult. In March, the same section of the Court of Cassation offered, in two different sentences on the same type of crime, clearly contradictory arguments. In an initial decision it acquitted a woman of the charge of insult aggravated by ethnic, national, racial or religious hatred, because the woman who had called a colleague 'dirty nigger' was supposed to have behaved in an angry mood because there had apparently been a mutual exchange of offences<sup>122</sup>. The following week, the same section of the Court sentenced a man who had rebuked a little girl calling her 'dirty nigger', stating that this expression always has a racist

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<sup>120</sup> Law 24 February 2006, no. 85, <http://www.parlamento.it/leggi/06085I.htm>, accessed 10 September 2006.

<sup>121</sup> for those who propagate ideas based on racial superiority or racial or ethnic hatred, or incite to committing acts of discrimination for racial, ethnic, national or religious reasons

<sup>122</sup> Court of Cassation, Sentence no. 8475 of 10 March 2006.

meaning, since it contains an offensive reference to the colour of the skin and implies a prejudice of inferiority of a given 'race' or ethnic group<sup>123</sup>.

Another important sentence confirmed the conviction of a man who had shouted insults referring to their religious faith at some Muslim women who were going to a mosque and tried to forcefully remove their veil. Such a gesture, according to the Court of Cassation, has to be condemned because it shows a 'will to damage the moral integrity of people belonging to a religious culture, the Islamic one, which is different from the Catholic one prevalent in the country'<sup>124</sup>.

### 5.3.2 Counter terrorism

Throughout the reference period covered in this report, there were no changes in the legislation concerning measures against terrorism. However, police operations aimed at identifying and stopping the activities of groups alleged to support terrorism were carried out, targeting mainly people of North-African / Mid-East origin or of Muslim faith<sup>125</sup>. In December 2006, the Central Directorate of the Preventive Police, in collaboration with the Carabinieri and Financial Police, carried out a wide-ranging control of supposed meeting places used by Muslim immigrants (call centres, internet points and money transfer offices). This led to the identification of 19,104 people and the arrest of 147, none for terrorism-related crimes. The Government also announced greater control over funds that come from abroad for the construction of mosques<sup>126</sup>.

There were important developments in the investigation on the abduction of Abu Omar, the imam of a mosque in Milan who was kidnapped in 2003 by the CIA with the alleged support of the Italian military secret service (Sismi), and imprisoned in Egypt because he was suspected of belonging to an Islamic fundamentalist organisation<sup>127</sup>. This kidnapping was one of the 'extraordinary renditions' of the CIA in Europe; illegal and clandestine operations carried out after the 11 September 2001, which targeted alleged affiliates to the networks of international terrorism<sup>128</sup>. In October 2006, the Public Prosecutor's Office in Milan concluded its inquiries and started the first trial for a case of 'extraordinary rendition' in Italy, which involved some CIA agents, the Italian secret service and two journalists accused of aiding and abetting the abduction.

### 5.3.3 Racial profiling

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<sup>123</sup> Court of Cassation, Sentence no. 9381 of 17 March 2006.

<sup>124</sup> Court of Cassation, Sentence no. 11919 of 4 April 2006.

<sup>125</sup> See for instance 'Fondamentalismo islamico, perquisizioni', [http://www.corriere.it/Primo\\_Piano/Cronache/2006/05\\_Maggio/04/islamico.shtml](http://www.corriere.it/Primo_Piano/Cronache/2006/05_Maggio/04/islamico.shtml), accessed 4 May 2006.

<sup>126</sup> Sarzanini, F. 2007, 'Controlli su chi finanzia le moschee', *Il Corriere della Sera*, 5 January.

<sup>127</sup> For a detailed description of the case of Abu Omar and the role of Italy see Amnesty International, *Partners in crime: Europe's role in US renditions* (n.p., AI, 2006), pp. 20-25.

<sup>128</sup> See Amnesty International, *Below the radar: Secret flights to torture and 'disappearance'*, 5 April 2006.

The term 'racial profiling' means the use or influence of racial, ethnic and religious stereotypes by some police forces within their field of activity and in relation to decisions on detention, arrest, searches, identity and document checks, the entry of personal data into databases, the collection of intelligence information and information relating to other investigation techniques<sup>129</sup>.

The issue of 'racial profiling' in Italy is not yet part of the political agenda. As a result, there are no legislative or political initiatives in this respect but it is beginning to be noticed and reported by anti-racist associations, in particular with regards to its application to the Roma and citizens of Muslim faith<sup>130</sup>. Many organisations supporting the Roma have long reported the frequent raids of police forces in the camps, together with the destruction of property and arrest of people who are later subjected to expulsion procedures<sup>131</sup>.

#### 5.4 Social inclusion

Article 32(1)(6) of law no. 189/02 established the System for the Protection of Asylum Seekers and Refugees (SPRAR) as the only national system of reception and integration and the Central Service, run by the *National Association of Italian Municipalities* (ANCI). It is the responsibility of the Central Service to coordinate and support at the technical level the activities related to territorial projects, monitor the services planned and the number of beneficiaries, and verify the possibilities of inclusion of newcomers<sup>132</sup>. During 2005, the Central Service monitored 6,007 people including asylum seekers (3,321), refugees (811) and holders of humanitarian protection visas (1,875). Of these, 4,654 have benefited from reception and integration schemes made available by SPRAR. The objective of the Protection System is to provide an integrated system that contributes to providing an initial reception to asylum seekers and promotes a wider process of inclusion.

In 2006, the NGO *OsservAzione* published a research report on the political participation and media representation of the Roma and Sinti<sup>133</sup>. In particular, by analysing the pre-electoral period in 4 Italian cities, different in dimension and political alliance (*Rome, Milan, Mantua and Bolzano*), the research highlights the low level of political participation of the Roma and Sinti, who may nonetheless vote and be elected because at least 60% of them have Italian citizenship. However, the research records a positive trend compared to the past, as shown by the fact that in three out of four cities analysed, Roma or Sinti origin candidates stood for election and in one case, Mantua, the Sinti candidate was elected in the ranks of the *Rifondazione Comunista* Party

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<sup>129</sup> Goldston, J., *Ethnic Profiling and Counter-Terrorism : Trends, Dangers and Alternatives*, June 2006.

<sup>130</sup> See paragraph VI.iii.ii - Counter terrorism.

<sup>131</sup> Open Society Justice Initiative, 'Ethnic profiling by police in Europe', *Justice Initiatives*, June 2005, pp. 17-19 and Monasta, L., Sigona, N. (eds), *Cittadinanze imperfette*, ibid.

<sup>132</sup> CENSIS, *Primo Rapporto Annuale sul Sistema di Protezione per Richiedenti Asilo e Rifugiati Anno 2005*, (Roma: Censis, 2006).

<sup>133</sup> *OsservAzione, Political participation and media representation of Roma and Sinti in Italy*, 2006

'G2 – Second Generations' is the name of a loose network set up by the sons and daughters of immigrants or refugees who are either born in Italy or arrived when they were little, to promote their rights and equal opportunities which are often denied, as well as to promote a concept of identity as an exchange between cultures<sup>134</sup>. The recognition that G2 has received during 2006 led some of its representatives to take part in advisory meetings promoted by the Government on the new immigration law and the reform of the citizenship law. It is exactly the subject of access to Italian citizenship by those born in Italy, or those who arrived when still under age, that is one of the main areas of focus that the G2 network has set.

Despite the negative opinion expressed by the State Council in 2005, other municipalities adopted in 2006 some resolutions to introduce voting rights for resident non-EU citizens. However, on the 31st August 2006, the Council of Ministers decreed the cancellation of the municipal resolutions 'to protect the unity of the legal order'<sup>135</sup>.

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<sup>134</sup> [www.secondogenerazioni.it](http://www.secondogenerazioni.it), accessed 4 July 2007.

<sup>135</sup> [www.interno.it](http://www.interno.it), accessed 1 September 2006.

## 6. National recommendations

### 6.1 Anti-discrimination

- Promote real independence of the national equality body (*Ufficio Nazionale Antidiscriminazioni Razziali* - UNAR), which is still under the Department for Rights and Equal Opportunities within the Presidency of the Council of Ministers;
- Consider creating a single equality body covering at least all the grounds of discrimination recognised in Council Directives 2000/43/EC and 2000/78/EC;
- Unify the various provisions on racial / ethnic discrimination contained in civil and administrative laws under one act and undertake public awareness-raising initiatives on existing legal instruments and how they can be best used to ensure equality;
- Set up regional anti-discrimination centres in all the Regions and autonomous Provinces as provided for in article 43 of the Unified Text on Immigration, Law 286/98;
- Amend the transposition decree of Council Directive 2000/43/EC so that it shifts the burden of proof as provided for in the above Directive;
- Design and implement a systematic collection of data on discrimination in different spheres of public life;
- Train legal practitioners on how to use existing anti-discrimination provisions to protect victims.

### 6.2 Migration and integration

- Approve a comprehensive law on the protection of asylum seekers and refugees which is in line with both international instruments and legal standards on the subject and the national legislation on immigration;
- Reform the citizenship law to ensure that long-term residents and children born in the country to foreign parents or those who arrive at a young age have easier access to citizenship;
- Reform the immigration law and in particular, abolish the stay-for-work contract and introduce the sponsorship by third party system in order to enable prospective migrants to enter and search for jobs in the country within a one-year period. Also, introduce measures to ensure a transparent and fair procedure, reduce the cost and the time it takes to process the relevant documents and to obtain a new stay permit or renew an old one.

### 6.3 Criminal Justice

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

### **6.3.1 Racism as a crime**

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

### **6.3.2 Racial profiling**

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

## **6.4 Social inclusion**

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

## 7. Conclusion

This report shows that the first half of the year was marked by no positive developments in terms of Government initiatives to counter racism and discrimination. Rather, racist, xenophobic and anti-migrant discourses were widely used in the run-up to both the national and local elections, as a means of mobilising political support.

The 2006 general elections and the subsequent change in Government in the second half of the year constituted important developments in relation to the fight against racism and discrimination because the new government has since given clear signs of a move away from the negative attitude on the subject that prevailed in the preceding five years under the previous Government. Though there were no legislative changes at the end of the year backing the new climate, policy statements and bills on reform of immigration and citizenship laws proposed by the new coalition Government all indicated a clear change from the previous five years. One such policy change of relevance is the withdrawal of Italy's reservations on the EU Council Framework Decision on the fight against racism. It should be recalled that the Council had failed to adopt it since 2002 due to opposition from the Italian Government.

The proposed reform of the citizenship law aimed at lowering the barriers to access to citizenship by adults and in particular, children born in the country to foreign parents or who arrived at an early age, is also of relevance to the promotion of equal opportunity and treatment as it will, once in force, reduce discrimination on grounds of nationality currently affecting many.

Equally important was the creation of an Inter-ministerial Consultative body on the situation of Roma, Sinti and Travellers and a Youth Consultative body on issues related to Cultural and Religious Pluralism.

A number of problem areas remained un-tackled. One was that of the role of the media in countering or reproducing racism. Besides continued portrayal of Muslims as 'problems' for the host country, the entrance of Romania and Bulgaria featured quite often in the media and in relation to the claim that it was going to lead to an influx of Roma populations from these countries and this would in turn heighten problems of urban insecurity.

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## 9. Annex 1: List of abbreviations and terminology

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

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

CNEL – *Consiglio Nazionale dell’Economia e del Lavoro* (National Council for Economy and Employment)

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

ECRI – European Commission against Racism and Intolerance

ERRC – European Roma Rights Centre

EUMC – European Monitoring Centre on Racism and Xenophobia

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

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

NGO - Non-Governmental Organisation

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

TAR – *Tribunale Amministrativo Regionale* (Regional Administrative Court)

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

UNHCR – United Nations High Commissioner for Refugees

