



european network against racism

ENAR Shadow Report 2010-2011

ENAR SHADOW REPORT

Racism and related discriminatory practices in Italy

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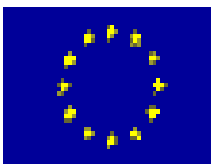
Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it.

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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I. Executive summary

The period between January 2010 and July 2011 has been dramatic for migrants and minorities in Italy.

Housing:

The living conditions of the Roma and Sinti minorities have worsened, as well as those of seasonal migrants.

- Create equal economic and social conditions between Italians and migrants in housing access.
- Cancel the “Nomad Plan”¹ and create the condition for Roma and Sinti’s communities, to have access to social housing as well as real estate market and stop Roma and Sinti’s segregation inside the camps.
- Control the housing condition for seasonal workers, in order to eliminate the inhuman living conditions present in many Italian Regions.

Employment:

The access to and the pay scale of the labour market has maintained its dualistic character. The 2009 “Sanatoria delle badanti”² (a fiscal amnesty referring, in particular, to domestic workers) showed an enormous percentage of undeclared work. The majority of migrants involved in domestic work are women, who live in very difficult conditions, without rights or legal protections. In 2010, the global economic crisis also has had impact on the occupations of migrants’, making many of them unemployed and, consequently, they become illegal in the country. The migrants are pushed to do heavy, badly paid and dangerous jobs, or rather those defined by Anglo-Saxon Literature as ‘3D jobs’ (dirty, dangerous, demanding).³

- Develop legal and policy measures to facilitate the legal entry of migrant workers and give them the means to legally stay in Italy.

¹ The “Nomad Plan” is the first scheme to have been developed using the special powers provided by a Presidential Decree the “Declaration of a state of emergency related to the settlements of nomad communities in the Regions of Campania, Lazio and Lombardia” in May 2008. It paves the way to the forced evictions of Roma in some Italian cities, for exemple in Rome, where most of them was segregated in new camps in the city suburbs. *DPCM 21 maggio 2008*, (May 26, 2008) Available at: http://www.stranieriinitalia.it/leggi-dpcm_21_maggio_2008_dichiarazione_stato_emergenza_insediamenti_nomadi_4091.html, accessed 13 June 2011

² Ministero dell’interno: *Emersione del lavoro irregolare di colf e badanti*, la circolare n.10/2009, a firma congiunta Interno-Lavoro, Salute e Politiche Sociali del 7 agosto 2009, (August10, 2009). Available at: http://www.interno.it/mininterno/export/sites/default/it/sezioni/sala_stampa/notizie/immigrazione/0157_2009_08_10_circolare_Interno_Lavoro_emersione_colf_badanti_.html (accessed 22 August 2011)

³ European Agency for Safety and Health at Work, *Report of European Risk Observatory: Many of Europe’s Migrants Workers face poor safety and health condition*. 2008 (January 17, 2008), Available at: http://osha.europa.eu/en/press/press-releases/news_article.2008-01-09_MigrantWorkers accessed 2 July 2011

Eliminate access barriers to employment for non-Italian citizens and **Migration and Integration**:

Rejections have increased, encouraged by last years' agreement between Libya and Italy. The outbreak of war in Libya has increased the number of people detained in the CIE (Identification and Expulsion Centre), instead of increasing the recognition of the refugees' status. Moreover, the Minister of the Interior has decided to ban journalists and press from the CIE.

The attitude towards Roma and Sinti has further deteriorated in all spheres of civil society. In particular, in the last year, political discourse was characterised by openly racist and xenophobic tones. In addition, the Institutions are still unable to understand the changes that are taking place in society. The Ministries' data about the condition of migrants and minorities continues to be scarce and fragmentary.

- Approve a comprehensive law on the protection of asylum seekers and refugees, avoiding rules incompatible with international binding law.
- Reform the reception system, in order to eliminate the inadequacy of legal support, to ensure the rights of the refugees, asylum seekers and migrants in general.
- Cancel the circular n.1305,⁴ in which the Interior Minister forbade journalists to access to the Centre of Identification (CIE) and to the Reception Centre for Asylum Seekers (CARA) and cancel the Law Decree n89 23/6/2011 that contains the provision for the extension of the period of maximum duration of stay in the CIE to 18 months.⁵
- Stop Roma and Sinti segregation in camps and negative public discourse and narratives, including political speech; implement policies aimed at promoting their inclusion

The **public services** have continued to show discriminatory attitudes, motivated by a lack of knowledge of regulations and national laws and, in some cases, have showed real intolerance against migrants and minorities. In 2010, the number of local ordinances that encouraged discriminatory attitudes toward migrants and minorities increased.

- Supervise the correct application of laws in public administration. Organise information and training courses for public administrators in order to provide them with the appropriate skills to avoid discrimination

⁴ Ministero dell'Interno, Circular n. 1305 (April, 2011) available at: <http://fortresseurope.blogspot.com/2011/06/cie-ecco-il-testo-della-circolare-della.html>, accessed 14 June 2011

⁵ Ministero dell'Interno, Law Decree n 89 (June 23, 2011), available at: http://www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/0949_2011_06_23_DL23062011n.89.html, accessed 1 July 2011

The **media** and, in particular, the Internet, have become channels for spreading racist and intolerant messages. This is particularly evident with anti-Semitism, which pervades the Internet and is more and more present in the common language.

- Fight the media's current inclination to give a simplistic and negative image of migration.
- Dedicate more attention to migration phenomenon, not only focused on sensational and negative events. Provide journalists with training and information sessions about "migration in the media"

The real new element of the last year is the activism of civil society, consisting of both Italians and migrants. This activism has showed that civil society no longer accepts migrants being considered to be criminals or extremists, while some political parties are still trying to spread this concept.

Among the recommendations included in this report, the most urgent ones are:

- Approve a comprehensive law on the protection of asylum seekers and refugees, avoiding rules incompatible with international binding law.
- Launch exhaustive data collection of racial and xenophobic violence and crimes by the Ministries', and create a database for NGOs and civil society.

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III. Introduction

This report covers the period included between January 1st 2010 and the end of July 2011. Some events that occurred in August, particularly important for the analysis, have also been included.

As was the case in 2009, the covered period has been characterised by intolerance and discrimination, and Italian citizens can be considered as the most sceptical towards immigration. Migrants and ethnic minorities are the groups that are mostly affected by discrimination and racism, while discrimination based on ethnic background is widespread among some specific groups in Italy.

Roma and Sinti communities are still the groups that experiencing the most serious discrimination, including from national and local Institutions.

This Report will start with an analysis of the communities most vulnerable to racism and discrimination. Then it will analyse the situation in regard to racism and discrimination in various domains. The second part of the report is focused on the most relevant policies and legal developments that are affecting these communities.

IV. Communities vulnerable to racism and discrimination

In Italy there are two official sources to track the presence of migrants on the national territory: the Minister of Interior, which publishes data on the number of migrants with residence permits, and the Municipalities, which publish data related to foreign residents through their local registry offices. The demographic data used in this paragraph and in the following ones come from ISTAT database (National Institute of Statistics).⁶ During the last year (data updated to January 2011) the Italian population increased to more than 60 million residents, with a growth rate of 4.3%. The foreign nationality population, registered to municipal registry offices in January 2011, consisted of 4,235,059 individuals, representing approximately 7.5% of the total Italian population. This was an increase of 328,000 persons from January 2010, caused by the presence of migrants and by positive natural dynamics, such as higher percentages of births compared to deaths.⁷

Intolerance and discrimination are widespread in Italy; the groups that are most affected by discrimination and racism are migrants and ethnic minorities.⁸ From the analysis by the National Office Against Racial Discrimination (UNAR) through the complaints sent directly to the Office, and the crime episodes reported by the media, the emerging situation shows on one side a constant process of stabilisation of immigration, and on the other side the persistence of social tensions and an indicative absence of awareness about rights and equal opportunities.⁹ Moreover, studies have shown that Italian citizens are the most sceptical towards immigration. The perception of immigration in 2010 is even worse than in the previous two-year period: in 2009, 34% of Italians believed that regular immigrants had contributed to the increase criminality, whereas in 2010 the percentage has increased so much that it represents the absolute majority of the population (56%). This percentage slightly increases if we consider undocumented migrants (57%)¹⁰. The phenomenon of racist and xenophobic violence in Italy is not really documented. Italy has only recently begun to systematise data concerning these phenomena and right now it is only possible to get partial information from important but not exhaustive sources.¹¹ However, using the data collected by UNAR during recent years, it is possible to analyse the groups that are suffering from discrimination and racism the most. The collected complaints show as, in recent years, racist and xenophobic attacks are

⁶ ISTAT -Istituto Nazionale di Statistica (National Institute of Statistic) see: <http://demo.istat.it/>, accessed 30 August 2011.

⁷ It is recalled that the Italian legislation (Legge n. 91 of 02.05.1992) privileges, as a criterion for attribution of nationality, the principle of jus sanguinis (citizenship attribution by blood). So it is automatically an Italian citizen, from birth the son or descendant of an Italian citizen

⁸ Report of the Group of Eminent Persons of the Council of Europe, *Living together. Combining diversity and freedom in 21st-century Europa*, (Strasbourg, n.p.2011)

⁹ Caritas/Migrantes, *Immigrazione Dossier Statistico XX Rapporto* (Idos, Rome October 2010) page 220

¹⁰ Transatlantic Trends Immigration – *Main Results* – Dossier Italy Country Profile 2010 (Washington DC: German Marshall Fund, 2010). Available at: http://trends.gmfus.org/?page_id=3035, accessed 2 June 2011

¹¹ Human Rights Watch, *Everyday Intolerance – Racist and Xenophobic Violence in Italy* (© Human Rights Watch, U.S.A. March 2011) page 9. Available at: <http://www.hrw.org/node/97232> accessed 18 July 2011

mainly targeted at Roma and Sinti, migrants, refugees and asylum seekers, in particular citizens coming from Africa, Eastern Europe, as well as some national communities, from Romania, China, Morocco and Bangladesh.¹² Transversally, Muslims are particularly exposed to discrimination and racism.¹³ It is estimated that in Italy approximately 150,000 persons identify themselves as Roma or Sinti, and half of them are Italian citizens, while the others are citizens of other EU Member States, citizens of non-EU Countries, refugees and stateless persons.

Currently, the Roma community is the most represented of the foreign communities in Italy. The Roma and Sinti situation, in Italy, continues to be extremely troublesome: the dreadful conditions of the camps and the forced evictions have continued throughout the past year, making it impossible for children to attend school and jeopardising the access to the labour market for entire communities. Moreover, the constant discrimination against Roma and Sinti in the fields of employment, education, housing, health care and work, are pushing these communities into more and more poverty and marginalisation.

The wave of Islamophobia, which spread after September 11 and the attacks in Madrid and London, does not seem to have faded over the years. According to Mr Jean-Léonard Touadi, the first black member of the Italian Parliament, Italy has had a “slow approach to racism” characterised by three phases: the first of these began in 1991, with the influx of Albanian immigrants. The wave of Islamophobia after the above-mentioned attacks is the second phase of this process, and it is now in its third stage, called the “security syndrome”, causing a strong correlation between immigration and crime. In addition, political discourse in recent years has consistently associated Muslims with violence and terrorism, and politicians have insisted that there is a need to preserve “Italy’s Christian roots”.

Despite that, in the public opinion, unlike other European Countries (25% of Germans, 21% of Spanish), Muslim immigrants are considered to be “well integrated” (37% of Italians interviewed). The immigrant’s perception is quite different: for example, according to North African immigrants the spread of discrimination based on ethnicity or origin is much wider than it is perceived by Italian respondents’.¹⁴

Data on racial discrimination cases collected by the UNAR free Multilingual Contact Centre in 2010 shows a difference in the geographical area of origin, compared to that of 2009. Among the victims of discrimination who have complained to UNAR, Africans and North Africans people represent 12.6% of all victims, while in 2009 the percentage was 39,8%. The citizens of North Africa represent nearly 30% of confirmed victims of objective discrimination in 2010,

¹² Cfr. Caritas/Migrantes, *Immigrazione Dossier Statistico...* cit., page 221

¹³ UNAR, *Ricerca su indici discriminazione, rapporto finale*, (October 2010). Available at: <http://www.unar.it/>

¹⁴ Cfr. Trasatlantic Trends, *Main Results – Dossier Italy ...*cit, page 12

while in 2009 they represented 50%. The largest amount of confirmed victims among those who have filed a complaint to UNAR come from Eastern Europe (23% in 2010, 22% in 2009). It is remarkable that, for the first time, the presence of Italians among the official witnesses¹⁵ of discrimination is considerable (82%).¹⁶

Regarding the socio-demographic character of victims and witnesses, who utilised the UNAR Contact Centre in the last year, males represent the largest amount of victims (56,7%) and witnesses (58%). Since 2008 the use of the service by women has gradually diminished: this does not mean that discrimination against them is reducing, but instead it highlights the complexity of multiple-discrimination against women, which is difficult to detect because it often adds gender discrimination to racial discrimination.¹⁷

¹⁵ with the term witness we mean someone who has seen discriminatory behaviour and decided to report it to UNAR's contact centre or by phone or by internet. Then, the witness completes a form with his/her personal data. At a follow up stage she/he has to "complete" the denunciation with the UNAR's operators during a telephone interview.

¹⁶ UNAR, *Relazione al Parlamento sull'effettiva applicazione del Principio di trattamento e sull'efficacia dei meccanismi di tutela– Rapporto Finale* (2010). Page 27

¹⁷ Cfr. Caritas/Migrantes, *Immigrazione Dossier Statistico...*cit, page 220

V. Racism and related discrimination in employment

Currently, migrants' participation in the Italian labour market shows three specific features: the impact of 2008 economic crisis on the market and the increasing risk of discrimination,¹⁸ the exploitation of migrant workers, as shown by the revolt of Rosarno's seasonal workers in 2010,¹⁹ which produced a series of reactions by civil society, institutions and social partners²⁰; and the undeclared work phenomenon, which involves a great number of Italian families, as was shown by the 2009 tax amnesty.²¹

The negative effects of the global crisis are still evident in the collapse of production, investments and activity rates, and the increase of the unemployment rate and of internal migration within Italy.

In the first six months of 2010, the unemployment rate of migrant workers' increased, especially for males (2/3 of the total).²² In the second half of the year, the phenomenon softened: the number of employed migrants reached 2,1 million, 10% of the whole number of employed people.

Italy's migrant employment rate is characterised by elements that are partly systemic and partly related to the economic crisis. Another problem is the presence of social and legislative frameworks that are unsuitable for regulating such a complex phenomenon.²³

On one side, the difficulties resulting from the immigration legislation have consequences both on migrants without regular job contracts and on migrants who have a contract but are living in precarious conditions.

On the other side, migrants are pushed to do heavy, badly paid, and dangerous jobs, reinforcing the dual character of the employment market. The "European Migration Network" report shows how the increase of employment of migrants' has concerned, mainly, unqualified jobs (80%), especially for females, who are

¹⁸ International Labour Conference, Report of the Director-General, *Equality at work: the continuing challenge* International Labour Office, Geneva 2011

¹⁹ In January 2010, in the small town of Rosarno, in the Calabria region, seasonal workers were the victims of two separate violent attacks on one day (the involvement of 'ndrangheta mob in the attacks is quite certain). The attacks led to a violent protest by large number of these seasonal workers and further retaliation by local residents.

The first reaction of the central government was to accuse the migrant seasonal workers, it was only a long time after that the government and the ministries started to analyse the terrible situation of seasonal workers and the mafia infiltrations in seasonal work (See, for example, Stopdrangheta.it e Associazione daSud; *Arance insanguinate- Dossier Rosarno* (February 2010). Available at: [http://www.stopdrangheta.it/stopndr/art.aspx?id=875,%22Arance+insanguinate++Dossier+Rosarno"+Una+caccia+lunga+vent'anni](http://www.stopdrangheta.it/stopndr/art.aspx?id=875,%22Arance+insanguinate++Dossier+Rosarno) accessed 3 August 2011

²⁰ IRES e Cgil: *Immigrazione, sfruttamento e conflitto sociale. Rapporto di ricerca* (January 2011)

²¹ Cfr. Caritas/Migrantes, *Immigrazione Dossier Statistico*...cit.

²² European Migration Network (ed.) Albissini, *Presentation of the Third Italian Report* (November 2010)

²³ Cfr. IRES e Cgil: *immigrazione, sfruttamento*....cit.

mostly involved in domestic jobs. Besides, due to the crisis, more than 40% of young migrants have left school prematurely, increasing their marginalisation.²⁴

The average net remuneration of a migrant employee is 23% lower than that of an Italian and the numbers of years of living in Italy slightly influence the eventual increase of the average remuneration.

According to data published by Leone Moressa Foundation, an immigrant employee earns €300 less than an Italian²⁵ and migrant women are discriminated against twice as much earning 39% less than native employees. In accordance with a UNAR study, which defines a system of indicators that measure racial discrimination phenomena, complaints made by migrants who reported that they had suffered from discrimination are related to: remuneration (27%), contract type (23%), discriminations suffered by the employer (39%) or by colleagues (12%).²⁶

The employment rate of migrants' has decreased, particularly in the northern regions, where the industry sector has been hit hard by the economic crisis. According to the IOM report "Bitter Season," after the loss of regular jobs many migrants have started to migrate to other areas of the country, working as irregular seasonal workers in the agriculture and construction sectors. The phenomenon has involved a considerable number of women and EU citizens, even of an elderly age.²⁷ The internal migration trend has only stopped in the last quarter of the year, while, according to ISTAT, emigration to foreign countries has increased (5%).²⁸

As reported by the Minister Sacconi during May 11th 2010²⁹ parliamentary hearing, the agricultural sector is characterised by the highest incidence of undeclared work by migrant workers. Southern Italy's farmers are illegally hiring more and more citizens of the "new" Member States, Bulgarians and Romanians in particular, not only because the employer faces only an administrative offence instead of a criminal penalty (which is on the contrary to what is foreseen for the illegal exploitation of non-EU workers), but also because these people seem to accept working conditions that are even more unfavourable than those normally

²⁴ ISTAT, *Rapporto annuale. La situazione del Paese nel 2011*, Available at:

http://www.istat.it/dati/catalogo/20110523_00/ accessed 23 July 2011

²⁵ Fondazione Leone Moressa, *Redditi e distribuzioni*. Available at: <http://www.fondazioneleonemoressa.org/newsite/category/immigrazione/redditi-e-retribuzioni-immigrazione/>

²⁶ UNAR, *Studio per la definizione e l'organizzazione di un sistema di indicatori per la misurazione dei fenomeni di discriminazione razziale sul territorio nazionale e la costituzione di un centro di ricerca permanente*, Final Report (October 2010) page 56

²⁷ International Organization for Migration, *Stagione Amara* (December 2010), Available at: <http://www.italy.iom.int/index.php?language=ita> (accessed 20 May 2011)

²⁸ Associazione per i diritti degli utenti e dei consumatori: *Italia, Cala la mobilità migratoria*. ISTAT. http://immigrazione.aduc.it/notizia/cala+mobilita+migratoria+istat_123509.php, accessed 18 July 2011.

²⁹ : Ministro Sacconi, Ministry of Labour and Social Policies, Audizione sul piano straordinario di contrasto a irregolari procedure di impiego stagionale di extracomunitari nelle attività agricole (Rome 11 May 2010) Available at: http://www.lavoro.gov.it/Lavoro/Appuntamenti/20100510_Audizione_Ministro.htm accessed 10 July 2011

offered.³⁰ Moreover, in 2010, fraud was highlighted connected with the exploitation of the entrance system against migrant workers, whether seasonal or permanent.³¹³² In particular, a black market of false job offers was discovered after 2009 and both Italians and foreigners have been charged in connection with it.³³

Although there are laws against those who make a profit from the use of undocumented migrants, with sanctions from six months to three years of imprisonment and a fine of 5.000€ for each worker illegally employed (Immigration Act 286/98),³⁴ such rules are not very effective. In fact, the “security package” requires that the illegal worker is prosecuted for the crime of illegal entry and stay, and then expelled (article 10 bis), with the exception of those with residence permits granted for social protection.³⁵ In 2010 the Government issued a special plan in order to monitor the work situation in the agriculture sector: in the Campania Region alone 2,500 farm inspections were carried out. Although the investigations carried out until November 2010 revealed a high number of illegal workers, it seems that controls have not limited the scale of immigrant labour exploitation on Italian territory.³⁶

The 2009 tax amnesty has shown another significant element: in Italy undeclared work is something that is deeply rooted in society and it affects a great number of families and individuals.³⁷ According to a research carried out by CENSIS³⁸ in July 2010,³⁹ more than two million Italian families have a domestic helper (one family out of ten); employers are a very particular category of people: retired persons or families with low incomes. In 2010, women composed the biggest proportion (82,6%) of undocumented migrants employed in domestic work. Their area of origin is normally Eastern Europe: Romania (19.4%), Ukraine (10%),

³⁰ Cfr. [International Organisation for Migration...cit](#)

³¹ Cfr. IRES e Cgil: [immigrazione, sfruttamento...cit](#)

³² Articolo 3 Osservatorio sulle discriminazioni, *Rapporto 2010* (Mantova, January 2011). Available at: <http://www.articolo3.org/categoria/rapporti>

³³ Polizia di Stato, *Mantova: false assunzioni per veri clandestini*. <http://www.poliziadistato.it/articolo/18088/>, accessed July 2011

³⁴ T.U. Immigrazione, Testo Unico sulle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione di straniero (Dlgs 286/1998). Available at: <http://www.altalex.com/index.php?idnot=836> (accessed 1 June 2011)

³⁵ Mascia, Salvatore, *Lavoratori stranieri, poche tutele per i clandestini*. http://www.stranieriinitalia.it/normativa-lavoratori_sfruttati_poch_e_tutele_per_i_clandestini_13372.html, accessed 4 July 2011

³⁶ Cfr. [International Organization for Migration...cit](#), page.6

³⁷ Interior Ministry, *Dichiarazione di emersione, Report di sintesi a scadenza dei termini*. Available at: <http://www.cislveneto.it/categoria/zoom/i-colori-del-lavoro/sanatoria-2009/> accessed 2 June 2011

³⁸ CENSIS was founded as a social study and research institute in 1964, becoming a legally recognised Foundation in 1973 through Presidential Decree. It enjoys the support and participation of several large public and private institutions, is located in Rome, and the staff is composed approximately by 30 researchers and 15 research assistants.

³⁹ CENSIS, in collaboration with Ministry of Labour and Social Policies, *Dare casa alle sicurezze*. Available at: http://www.censis.it/5?resource_23=107647&relational_resource_24=107647&relational_resource_396=107647&relational_resource_26=107647&relational_resource_78=107647&relational_resource_296=107647&relational_resource_342=107647&relational_resource_343=107647 accessed 2 June 2011

Poland (7.7%) and Moldova (6.2%). Their education level is higher than that of their Italian colleagues, while their salary is lower, confirming the phenomenon of under-classification also detected by the Twentieth Report on Immigration by Caritas/Migrantes (2010).⁴⁰

As highlighted in the FRA report 2011: "Migrants in a regular situation employed in domestic work" and subscribed also by ACLI Colf,⁴¹ domestic workers are often victims of multiple discrimination. They are, for instance, victims of sexual abuse and racial discrimination, as well as of discrimination related to remuneration. Moreover, many of them have contracted diseases or injuries caused by their work but they do not ask for health care because they do not have a regular contract. The undeclared work remains widespread, as underlined by CENSIS. After 2009 regularisation, submerged work still affects 62% of maids and carers: the percentage increases in southern Italy.⁴² This means that any form of guarantee or insurance coverage does not protect most domestic workers.

In the last two years, some action has been undertaken, such as: strikes, demonstrations and the creation of committees composed of immigrants and Italians with the aim of denouncing the conditions in which immigrants are forced to live.⁴³ It is important to underline the case study represented by Rosarno's revolt in January 2010;⁴⁴ the migrant strikes of March first 2010;⁴⁵ and the following birth of Comitato Primo Marzo 2011.⁴⁶

In November 2010 four immigrants, waiting for their residence permit, stayed on the top of a crane in Brescia for 16 days; at the same time similar episodes were happening in other Italian cities.⁴⁷ In 2010, UNAR and social partners developed a common strategy of information and training to prevent and contrast racial discrimination in the labour market. In May 2010, a Memorandum of Understanding was signed, with the aim of monitoring racism and discrimination phenomena and of protecting subjects at risk.⁴⁸

⁴⁰ Cfr. Caritas/Migrantes, *Immigrazione Dossier Statistico...* cit. page 244

⁴¹ Le Centre Catholique International de Geneve. Conference: strengthening the capacity of and the social protection for domestic workers, (3-4 June 2011). Available at: http://www.ccig-iccg.org/index_suite.php

⁴² Cfr. CENSIS, in collaboration with Ministry of Labour and Social Policies, *Dare casa alle sicurezze*

⁴³ Milano immigrati su torre Carlo Erba, *Corriere della Sera* (November 2010): http://milano.corriere.it/milano/notizie/cronaca/10_novembre_8/immigrati_imbonati-1804121406527.shtml, accessed 28 June 2011

⁴⁴ Cfr above 19, page 11

⁴⁵ March 1st, 2010 the "First March Movement has organised a day of mobilization and strike with the goal to show the importance of migrant people in the estate and functioning of society and the economy. The "First March" Movement was born in 2009, in conjunction with the France "Journée sans immigrés" Mouvement. Available at <http://primomarzo2010.blogspot.com/2009/10/chi-siamo.html>, accessed 28 June 2011

⁴⁶ "Sciopero degli stranieri", *Comitato Primo* (March 2011): <http://primomarzo2010.blogspot.com/> accessed 28 June 2011

⁴⁷ Immigrati sulla gru, scontri a Brescia. E a Milano occupano la torre Carlo Erba" *Corriere della sera* http://milano.corriere.it/milano/notizie/cronaca/10_novembre_8/immigrati_brescia_milano-1804119175852.shtml, accessed 28 June 2011

⁴⁸ UNAR, *Relazione al Presidente del Consiglio sulle attività del 2010*. page 62.

VII.ii The political and legal context

The early months of 2011 were characterised, among other things, by two favourable rulings by the Courts of Lodi⁴⁹ and Bologna,⁵⁰ in the field of migrants' access to public employment. The first one was about the stabilisation of nurses' contracts while the second was about public competition for professional profiles in the Single Desk for Immigration. In both circumstances, the Court ruled against two administrations (the Health Administration of the Province of Lodi and the administration of the Ministry of Interior), which had applied discriminatory criteria giving a too broad reading of the legislation which prohibits the access of immigrants to public employment.

In the Lodi's case, the Court stated that Article 43 of the Single Act on Immigration clearly prohibits all direct or indirect discrimination, based on citizenship, regardless of the subject who carries out the discriminatory behaviour. The ruling states stricter criteria for the interpretation of articles that prohibit the access to public employment for migrants. If jobs are mostly technical and material, as in the case of nursing, they do not reflect a national interest. Because of that, the conduct of the Health Administration of the Province of Lodi has been considered discriminatory and the Court ordered the admission of the Nigerian nurse into the regularisation procedures.

In the Bologna case, the Court accepted the appeal of a Romanian and a Serbian citizen against the administration of the Ministry of Interior. The administration had denied them the access to a ranking for the recruitment of professional profiles to be employed in the Single Desk of Immigration, because those positions were reserved exclusively for Italian citizens, interpreting the law too restrictively. In the case of the Romanian citizen, the Court also recognised the violation of the principle of equal treatment of EU citizens and their families, in the exercise of self-employment or dependent employment.

On 30 June 2011, the Judge of Labour accepted an anti-discrimination appeal brought by the Association for Legal Studies on Immigration (ASGI) and by a Côte d'Ivoire citizen, owner of a residence permit for long-staying residents in Gorizia. The Judge has established (Sentence No. 271/2011) the discriminatory nature of the regional norm, which stipulated the necessity for ten years of residence in Italy in order to have the possibility to apply for a contribution in support of leases.⁵¹

⁴⁹ Tribunale di Lodi, ordinanza dd. 18.02.2011 (n. 317/11; N.R.G. 921/2010)

⁵⁰ Tribunale di Bologna, sentenza n. 528/2010 dd. 08.03.2011

⁵¹ Tribunale di Gorizia, Sezione Lavoro, ordinanza n. 271 del 30 June 2011: http://www.asgi.it/home_asgi.php?n=documenti&id=2032&l=it

Since 2008, UNAR participates in the “Salone sulla responsabilità sociale d’impresa Daldirealfare” (Corporate Social Responsibility Fair) to meet companies and employer’s associations and raise awareness on issues related to the anti-discrimination sector and the equal opportunities in employment. Sadly, as the European Anti-discrimination Law Review reported,⁵² many instances of discrimination happened in the workplace in the last year in Italy. Few relevant legal actions have been undertaken in Italy, and a fierce public debate has started regarding the possible ban on the use of the burka/niqab in public areas. In August 2011, the Parliamentary Committee on constitutional affairs has approved the first law⁵³ against the use of burka/niqab but also every type of clothes with ethnic connotations that cover an individual’s face in public spaces. In September 2011, this proposal will be discussed in the plenary.⁵⁴

⁵² European Network of Legal Experts in the non-discrimination field, *European Anti-Discrimination Law review*, (July 2011) to view: <http://www.cirdi.org/documenti-internazionali/rapporto-comparativo-sullo-sviluppo-delle-leggi-antidiscriminazione-in-europa/> accessed 5 August 2011

⁵³ Iossa, Mariolina, Burqa vietato, primo sì alla legge, *Corriere della sera* (3 August 2011), available at: http://archiviostorico.corriere.it/2011/agosto/03/Burqa_vietato_primo_alla_legge_co_9_110803007.shtml , accessed 25 August 2011

⁵⁴ The Commission of Constitutional Affairs approved the Law against the use of burqa and niqab, the use of burqa and niqab will be punishable by a fine of 1.000 euro minimum. Moreover, in the law it presents a bill to refuse the citizenship to the women guilty of this. LeggiOggi.it, *Divieto di indossare burqa e niqab. D.d.l. approvato in Commissione affari costituzionali*, <http://www.leggioggi.it/2011/10/28/divieto-di-indossare-burqa-e-niqab-d-d-l-approvato-in-commissione-affari-costituzionali/>, accessed 3 December 2011.

VI. Racism and related discrimination in housing

In 2010-2011 the housing conditions of immigrants in Italy continued to prove to be extremely troublesome.

Increasingly discriminatory practices both in public and private housing have made it difficult to build satisfactory integration in the urban social structure, creating tensions, especially in the suburbs of the cities. As underlined by Caritas Migrantes in its Twentieth Annual Report, this situation also seriously undermines the right to live with ones' family, as housing suitability is one of the requirements for family reunification.⁵⁵

VI.i Manifestations of racism and related discrimination in housing

Migrants, on one hand, experience economic and social exploitation (64% of over four million migrants spend up to 70% of their total income on renting a home) and, on the other hand, suffer degrading, often inhuman living conditions, this is especially the case for seasonal workers, as was brought to light by the dramatic events of Rosarno.⁵⁶

For Roma, Sinti and Caminanti communities, the situation did not improve after the implementation of the President of the Council of Ministers decree in 2008, which declared "the state of emergency related to the settlements of nomad communities", and which was implemented through "Nomad Plans"⁵⁷ in some of the main Italian cities.

The Italian Union of Labour, (UIL)⁵⁸ in December 2010 provided a snapshot of the housing conditions of foreign citizens in Italy: 64% of the interviewees were living in a house for rent and, in 2010 11% of loans requests came from migrant citizens.⁵⁹ Nationalities change between renters and buyers. In the first group, the wider representation of citizens is Moroccan, followed by Albanians and Ukrainians. As regards loans requests, the trend of 2009 is confirmed:⁶⁰ the

55 Cfr. Caritas/Migrantes, *Immigrazione Dossier Statistico...* cit. page 197

56 The housing condition is particularly serious for migrant seasonal workers, as the International Organisation for Migration shows in the Report: "Stagione Amara" shows. For example, in the Campania Region (Caserta Province) most of agricultural workers live in the cowshed with the animals, often without electric power or sanitation. Please see Cfr. International Organisation for Migration...cit,page 15

57 In February 2009 the Prefect-Commissioner Giuseppe Pecoraro signed the Regulations for the management of the equipped villages for Roma and Sinti communities in the Region of Lazio and July 31, 2009 as "extraordinary commissioner for the emergency nomads" presented - together with the Municipality Rome - the Nomad Plans

58 Italian Union of Labour, *Immigrati. UIL fotografa la condizione abitativa*, available at: http://immigrazione.aduc.it/notizia/immigrati+uil+fotografa+condizione+abitativa_121317.php

59 Mutui.it.: <http://www.uil.it/immigrazione/mutui-stranieri2011.htm> (accessed May 2011)

60 Cfr. Caritas/Migrantes, *Immigrazione Dossier Statistico...*cit.page. 198

largest group is made up of EU citizens coming from Eastern-Europe. Of these, 32% came from Romania.

Foreign families encounter increasing difficulties in purchasing real estate and the gap between migrants and Italians is getting wider, with a further increase in larger cities.⁶¹ This is partly due to the cautious behaviour of banks. According to the opinions expressed by 65% of real estate agencies, one of the main barriers is the difficulty for migrants to find suitable loans because of the higher requirements imposed on non-citizens by banks. The exponential rise of loan requests coming from migrants denotes a desire for stabilisation and integration which does not find a suitable answer.

Research shows different kinds of discrimination. Foreign born people suffer from, firstly, ethno-racial discrimination,⁶² in particular people with Arabic names, which amounts to a double discrimination including presumptions about nationality and religion.⁶³ It is worth noting the geographical differentiation: the north of Italy seems to be more inclined to such forms of discrimination. Secondly, discrimination can be rooted in socio-economic issues generating conflicts between residents, neighbours and homeowners, detected also by UNAR (41,7% of reports),⁶⁴ in addition to the persistence of stereotypes and prejudices against a wide range of immigrants, especially those of African origin.⁶⁵ When access is granted, ethnic/national discrimination results in poor housing conditions. According to a survey conducted by Sindacato Unitario Nazionale Inquilini ed Assegnatati (SUNIA)⁶⁶ violations of laws and standards are frequent.

In Parma, a young woman from Nigeria was evicted with her two children and intimidated by the owner of the house. Emilia Romagna Homes Company, declared that the apartment was not up to standard, but in 2009 the woman signed an exclusive residential use contract.⁶⁷ Outside urban areas migrant workers, especially seasonal ones, experience even worse situations. In Caserta Province workers of the dairy farms are often housed in stables close to livestock, in areas without toilets or electricity. In the harvesting sector, migrant workers, mostly from Maghreb and Egypt, are housed in old factories or abandoned areas and only a small percentage of them live in shared

⁶¹ Rapporto ISTAT, *Le famiglie con stranieri: indicatori di disagio economico*. Available at: www.istat.it/salastampa/comunicati/non...00/testointegrale20110228.pdf accessed 30 July

⁶² Baldini, M., Federici, M., "Non si affitta agli immigrati", *La Voce.info* (30 July 2010). Available at: <http://www.lavoce.info/articoli/pagina1001844.html>, accessed 28 June 2011

⁶³ Baldini M., Federici, M., *Ethnic discrimination in the Italian rental housing market*, Political Economic Department, (Modena, Modena and Reggio Emilia University, 2010)

⁶⁴ UNAR/IREF, ACLI, *Relazione al Parlamento*, (Rome, 2001)

⁶⁵ Centro Regionale contro le Discriminazioni Emilia Romagna, UNAR, *Progetto Progress, abstract* (4 May 2011)

⁶⁶ See, National Trade Union of tenants and assignees, www.sunia.it

⁶⁷ "Sfratto e intimidazioni, ma l'alloggio non è in regola", *La Repubblica di Parma.it* (9 July 2011) <http://oltretorrente-parma.blogautore.repubblica.it/2011/07/09/sfratto-e-intimidazioni-ma-lalloggio-non-e-in-regola/>, accessed in July 2011

apartments.⁶⁸ Adding to this, discriminatory policies are implemented by public bodies too. In 2011 the Italian Post Office auctioned twenty-two apartments in a dozen Italian municipalities. According to Art. 3 of the call's regulation, in order to participate in the purchase of the apartments, Italian citizenship was required.⁶⁹ This criterion was justified by referring to non-existing rules and violating the principle that:⁷⁰ "Citizens of the European Union and their families are treated as national citizens as far as access to housing is concerned according to EU treaties' provisions on European citizenship, equal treatment and freedom of movement, while third countries citizens enjoy the same principle of equal treatment as far as access to public housing is concerned, provided that they are legally resident, hold either an at least biannual residence permit or a long term residence permit and are employed.." After the publication of the call, Lombardia Region's ASGI and Brescia's Piccinni Foundation, submitted a complaint of a "discriminatory act" by the Italian Post Office, asking them to review and modify the article. Then, they submitted the "Regulations for the sale of housing and related appurtenances owned by the Italian Post Office" to UNAR.⁷¹ As a result, on July 4th 2011, UNAR urged the Italian Post Office, with statement n. 25, to conform the article to the principles of non-discrimination.⁷²

Another case of discrimination was in the City of Milan, in December 2010, and involved the Prefect and the Region. After the forced eviction of a camp situated in Triboniano Street in Milan, the then Mayor promised public housing for Roma families.⁷³ The promise remained unfulfilled after the Minister of Home Affairs rejected the initial solution. In December 2010 the Milan court upheld the petition of ten Roma people. The decision of the court was motivated by the fact that the non-allocation was caused solely by the ethnic origin of applicants.⁷⁴ Moreover, following a judgment of the Court, Prosecutor Armando Spataro opened a criminal file to assess any racial discrimination profiles.⁷⁵ After winning the civil case, in January 2011, six families were eventually able to get into public housing.

⁶⁸ Cfr. International Organization for Migration...cit, page.15

⁶⁹ See, Poste Italiane. http://www.posteitaliane.it/azienda/alloggi_index.shtml, accessed 2 July 2011

⁷⁰ T.U. Immigrazione, Testo Unico sulle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione di straniero (Articolo 2 c.2 del d. Lgs 286/1998). Available at: <http://www.altalex.com/index.php?idnot=836>

⁷¹ Lettera inviata da ASGI Lombardia e Fondazione Piccini per i diritti dell'uomo ONLUS di Brescia sulla vicenda degli alloggi delle Poste Italiane. Available at: http://www.asgi.it/home_asgi.php?n=1729&l=it

⁷² UNAR, Parere riguardante "Disciplinare per la vendita di alloggi delle Poste italiane S.p.A in cui si chiedeva la sola cittadinanza italiana". Available at: <http://www.unar.it/> (July 2011)

⁷³ Z. Dazzi, Niente case ai rom, la Curia accusa "Patti violati, pronti alle vie legali, (October 8, 2010) *La Repubblica.it*. Available at http://www.repubblica.it/cronaca/2010/10/08/news/case_roma_curia-7839357/, accessed 2 July 2011

⁷⁴ Maroni: "niente alloggi popolari ai Rom di via Triboniano, *Stranieri in Italia*. Available at http://www.stranieriinitalia.it/attualita-maroni_niente_alloggi_popolari_ai_rom_di_via_triboniano_11707.html accessed 23 July 2011

⁷⁵ Case ai rom, la Procura indaga su discriminazione razziale. *Corriere della sera*, http://milano.corriere.it/milano/notizie/cronaca/10_dicembre_22/case-rom-procura-apre-fascicolo-discriminazione-razziale-comune-181128010796.shtml, accessed 2 July 2011

VI.ii The political and legal context

In Italy, the housing conditions of Roma, Sinti and Caminanti, continue to be extremely problematic. Following the attacks against some Roma settlements that took place in Naples, in May 2008,⁷⁶ the President of the Council of Ministers issued a decree “Declaration of a state of emergency related to the settlements of nomad communities in the Regions of Campania, Lazio and Lombardia.”⁷⁷ As a consequence, some Italian Regions adopted policies to overcome the “state of emergency”. In particular, the City of Rome’s Prefect and “Roma emergency Commissioner” Giuseppe Pecoraro signed the “Regulation for the management of equipped villages for nomad communities in Lazio Region”⁷⁸ and then the “Nomad Plan”⁷⁹, in collaboration with the municipality. The “Nomad Plan” has been defined by Amnesty International as “the result of a series of human rights violations,”⁸⁰ including the infringement of international agreements that Italy has signed and that regulate the “forced evictions”, which should include: consultations with those who are involved, information, adequate alternatives.⁸¹ Such policies are also against Italy’s obligation to ensure no discrimination against a specific ethnic group⁸². Before the launch of the “Nomad Plan”, a nomad population census was carried out and it estimated that in the City of Roma about 7.200 Roma people were living between “authorised” camps (7), tolerated camps (14) and unauthorised camps (80).⁸³ The project planned to relocate 600 Roma people into authorised camps, so called “equipped villages”. To access to the “equipped villages”, residents had to accept a set of rules⁸⁴ that

⁷⁶ European Union Agency for Fundamental Rights: *Razione sugli avvenimenti: violenti attacchi contro la popolazione rom nel quartiere Ponticelli di Napoli*. (2008). Available at: http://fra.europa.eu/fraWebsite/attachments/Incid-Report-Italy-08_it.pdf , accessed 3 July 2011

After a woman accused a Roma girl having tried to kidnap his son in Ponticelli a neighbourhood of Naples, the population of Ponticelli began some attacks against the Roma camp and against all people who look like foreign. In the afternoon of May 12, three boys set fire to some sheds into the camp, and in the days following the presumed abduction, there were many violent attacks against Roma community.

⁷⁷ Decreto del Presidente del Consiglio dei Ministri. Available at: http://www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/0979_2008_05_27_decreto_21_maggio_2008.html, (21 May 2009) (accessed 2 July 2011)

⁷⁸⁷⁸ G. Vitale, Campi rom, tesserino per entrare e alle dieci di sera cancelli chiusi, *La Repubblica* (February 17, 2009). Available at: <http://www.repubblica.it/2009/02/sezioni/cronaca/violenza-sessuale-2/campi-rom/campi-rom.html> (accessed 2 July 2011)

⁷⁹ Cfr. *DPCM 21 maggio 2008*, (May 26, 2008) Available at: http://www.stranieriinitalia.it/leggi-dpcm_21_maggio_2008_dichiarazione_stato_emergenza_insedimenti_nomadi_4091.html

⁸⁰ Amnesty International, *The wrong answer: Italy’s “Nomad Plan” violates the housing right of Roma in Rome*. (January 2010)

⁸¹⁸¹ COSPE RAXEN National Focal Point, *Housing Condition of Roma and travellers in Italy*, (March 2008)

⁸² Italy, Constitution of the Republic of Italy, Art.3: Full text Available at: <http://www.quirinale.it/grnw/statico/costituzione/costituzione.htm#Principi>.

Testo della Legge Mancino (25/6/93, n.205),– Aggravating circumstance, available at: <http://xenu.com-it.net/txt/mancino.htm#menu3>

⁸³ Associazione 21 luglio, *Esclusi ed ammassati. Rapporto di ricerca sulla condizione dei minori rom nel villaggio attrezzato di via Salone a Roma*. Available at: www.21luglio.com, page 7

⁸⁴ Commissario Delegato per l'emergenza nomadi della Regione Lazio, Regolamento per la gestione dei villaggi attrezzati per le comunità nomadi della Regione Lazio: http://www.interno.it/mininterno/export/sites/default/it/assets/files/16/0767_Regolamento_campi_nomadi_pre_f_Roma.pdf

the Administrative Court of Lazio cancelled afterwards because it violated the rights of freedom of movement, residence, life, relationship and constituted an “interference in the private and family life of the recipients.”⁸⁵

A survey produced by the “Association July 21st” and published in November 2010, examined the living conditions inside Rome’s equipped camps.⁸⁶ Through a series of interviews, the document reports the substantial inhabitability of the camp located in Salone Street. The number of people hosted in 2010, largely exceeds the number of people that were declared at the opening of the structure, while the structural and living conditions in the camp consistently worsened, due to space reduction, malfunctioning of the sewage plant, the presence of garbage and not properly disposed of materials in the camp, and an increase of criminal and deviant behaviour. Both the July 21st Association and Saint Egidio Community have observed that the normal procedure was to create camps designed for temporary, and not for long-term, accommodation. In some cases municipalities authorised camps that lacked the minimum standards provided by law.⁸⁷ In particular, the camp located in Salone Street was created referring to the laws that regulate short-term tourism accommodation facilities. This is confirmed by on-field research conducted by Iref,⁸⁸ Don Luigi di Liegro Foundation and Codres Cooperative in collaboration with UNAR,⁸⁹ which reveals how, with the lack of national legislation that protects the status of Roma and Sinti as minorities, only some Regions have adopted specific laws for their protection.⁹⁰ These laws state that settlements must be located in metropolitan areas that are not degraded and do have easy access to health and social services and to schools. Nevertheless, according to the research, the municipalities, that are responsible for the construction and management of camps, do not comply with the regional provisions, thus encouraging *de facto* the construction of illegal settlements.

Examples of Good Practice

Il Dado (The Dice): the first experience of self-recovery/self-construction addressed to the Roma community in Piemonte Region was created by the association Terra del Fuoco, with the support of the Municipality of Settimo Torinese, the Red Cross, Architettura delle convivenze, Gruppo Abele and

⁸⁵ Sentenza Tribunale amministrativo del Lazio n. 06352/2009, Available at: http://www.giustizia-amministrativa.it/DocumentiGA/Roma/Sezione%201/2008/200807785/Provvedimenti/200906352_01.XML, accessed 1 July 2010

⁸⁶ Cfr. Associazione 21 luglio, *Esclusi ed ammassati. Rapporto di ricerca sulla condizione dei minori rom nel villaggio attrezzato di via Salone a Roma*. Available at: www.21luglio.com, accessed 30 August 2011

⁸⁷ Senato della Repubblica, *Commissione straordinaria per la tutela e la promozione dei diritti umani: Rapporto conclusivo dell’indagine sulla condizione dei Rom, sinti e Caminanti in Italia*. (9 February 2011)

⁸⁸ Istituto di Ricerche Educative e Formative, please see: <http://www.irefricerche.it/sezione.archivio.php?sezione=15>, accessed 30 August 2011

⁸⁹ Iref, *Oltre il separatismo socio-abitativo*. Available at: <http://www.irefricerche.it/news.interna.php?notizia=111>, accessed 30 August 2011

⁹⁰ International Congress, *La condizione dei Rom e Sinti in Italia*. Available at: <http://rom.asgi.it/index.php?p=materiale#regionali>, accessed 30 August 2011

others. The project has targeted six Roma families, who abandoned the camp and they have been entitled to certain rights such as enrolment in school for the children, job placement through training courses and internships, and assistance with their search for permanent houses.⁹¹

In the political agenda, especially at local level, immigration and social housing are becoming more and more important. At central level, in recent years, policies have not been produced for immigrants. In the last few years, then, it was noted that, even locally, only a minority of projects are directed exclusively at migrants. Some interesting examples have been analysed in the research reports produced by the association FIERI, which examined the effort undertaken on these matters in recent years in Italy, with a specific focus on the cities of Bergamo, Reggio-Emilia, Cesena and Udine.⁹²

The Province of Bologna provides a broad overview of immigration and housing policies implemented by the Region and by the Province. In the dossier: “Perspectives for foreigners living in Bologna and Province”, can be considered as an example of social housing.⁹³ In this context, the recipients are social groups that do not fall under the economic poverty standard that can grant access to public housing but, at the same time, they cannot deal with the real estate market. Emilia Romagna Region has adopted the Regional Law 6/2009 “Government and joint redevelopment of the area”, which aims to reform the regional legislation and promote new forms of social housing. The Law states that “the urban planning should leave no less than 20% of the total requirement of residence for social-housing construction for (...) foreigners”. Also with the objective of housing support, the regional government has signed, with the Ministry of infrastructure and transportation, an agreement called “Urban redevelopment, for sustainable house renting”, which purpose is to increase⁹⁴ the availability of rental accommodation to be offered at sustainable rent prices and to improve infrastructures in degraded areas with housing problems.

Several measures have also been undertaken to support housing policies, including:

- the creation of an Ethical Real Estate Fund
- the 2010 Social Housing Program
- The Program for Housing and Urban Regeneration

At provincial level about 16 projects that can be inserted within the definition of social housing, have been implemented.

⁹¹ Terra del fuoco. Il Dado, Available at: <http://terradelfuoco.org/topos/ildado/>

⁹² Ponzo, *Il disagio abitativo degli immigrati: le risposte di housing sociale*. (FIERI, 2010)

⁹³ Provincia di Bologna Osservatorio delle immigrazioni, *Sguardi sull'abitare degli stranieri a Bologna e Provincia*. Dossier 1/2011. Realised by Extrafondente Association. (March 2011)

⁹⁴ Regione Emilia Romagna, Riqualficazione Urbana Metropolitana, Guidelines Urban redevelopment, for sustainable house renting. (September 2008) Available at: http://www.regione.emilia-romagna.it/wcm/inforumrer/sezioni_primopiano/notizie/Linee_guida_PRUAS.htm, accessed 30 August 2011

The COHRE (Centre on Housing Rights and Evictions) stated that the recent emergency⁹⁵ security measures and all the racist and xenophobic speeches have resulted in unlawful campaigns and massive evictions and expulsions, in particular against Roma and Sinti communities. The complaints have pointed out the Italian authorities' failure to provide a proper follow-up to the European Committee of the Social Right's decision of December 7th 2005⁹⁶, which accused Italy of the violation of the housing rights of Roma and Sinti. Moreover, the "Security Package"⁹⁷ directly targeted Roma and Sinti without insufficient positive action, which resulted in discrimination treatments. In the first part of the Committee's decision, regarding the housing rights, it is stated that Roma and Sinti's segregation inside camps or similar structure, their living conditions, the eviction practices and the acts of constitute a direct violation of Article E together with Article 31 of the Revised Charter.

⁹⁵ Cfr. European Union Agency for Fundamental Rights: *Razione sugli avvenimenti: violenti attacchi contro la popolazione rom nel quartiere Ponticelli di Napoli*. (2008). For more details, please see footnote 76

⁹⁶ European Committee of Social Rights, *Decision on the merits, European Roma Rights Centre v. Italy*, Complaint No. 27/2004, http://www.coe.int/t/dghl/monitoring/socialcharter/complaints/CC27Merits_en.pdf, accessed 28 July 2011

⁹⁷ "Security Package", Law 15.07.2009 n°94, G.U.14.07.2009: Disposizioni in materia di pubblica sicurezza. (09G0096), The full text is available at <http://www.altalex.com/index.php?idnot=41644> (july 27, 2009)

VII. Racism and related discrimination in education

VI.i Manifestations of racism and related discrimination in housing

The presence of foreign students in Italy is a controversial and often misunderstood issue.⁹⁸ At the same time, the national policies⁹⁹ implemented in recent years to respond to the “worried reactions” of Italian citizens, proved to be in some cases impracticable, while in some others have started discriminatory processes.

The percentage of students with an immigration background in Italian schools has significantly increased in recent years. In the school year 2007/2008, the number of foreign origins students reached 574,133.¹⁰⁰ In 2008/2009 the number increased to 629,000 and to 673,592 in 2009/2010.¹⁰¹ For the first time, in 2011, we detected a reduction compared to the data recorded in the school year 2006/2007. The total amount is still far from the Government’s provision that foresaw that the number of foreign students would have risen to 1 million in 2011.¹⁰² The reduction of growth rates of this segment of population and the information about the countries of birth of these students (almost 40% were born in Italy),¹⁰³ should limit unnecessary alarms and reveal the distance that separates the common perception from reality. Regarding the origin of the students, Romania is the most represented country; following its entry into the EU in 2007, the number of Romanian students in 2008/2009 was characterised by a great increase compared to the previous year (+35%). The other two most representative countries are Albania (14,84% of the total of students) and Morocco (13,28% of the total of students).¹⁰⁴ Particularly interesting is the number of students born in Italy but not having Italian citizenship (the so-called “second-generation”). Their number was calculated for the first time in the school year 2007/2008 and it was 34,7% of the total of foreign students, while, as

⁹⁸ In the Report of Cires, ONC-CNEL, *Indagine sulle aspettative delle famiglie immigrate verso il sistema formativo italiano*, (Roma 2009), The report analyses many study cases. The Italian educative system presents a lack of systematic nature in collecting data among the different education's level (primary and secondary schools) and uses dissimilar policies in the interventions.

⁹⁹ Ministero dell’istruzione, dell’Università e della Ricerca, Dipartimento per l’Istruzione- Direzione Generale per gli Ordinamenti scolastici e per l’Autonomia scolastica dd. 8 gennaio 2010, The unabridged text is available at: http://www.asgi.it/home_asgi.php?n=749&l=it accessed 12 January 2010

¹⁰⁰ Ministero dell’Istruzione, dell’Università e della Ricerca: *Alunni con cittadinanza non italiana, scuole statali e non statali, Anno scolastico 2007/2008* (April 2009) pag.7. Available at: http://www.istruzione.it/web/ministero/index_publicazioni_09 accessed 13 June 2011

¹⁰¹ Di Pasquale, *Racism and discrimination in Italy*, ENAR Shadow Report 2009-2010

¹⁰² Scuola, 1 milione di alunni stranieri nel 2011, *Stranieri in Italia* (April 2008) http://www.stranieriinitalia.it/statistiche-scuola_1_milione_di_alunni_stranieri_nel_2011_3333.html, accessed 10 June 2011

¹⁰³ Cfr. Carita/Migrantes, *Immigrazione Dossier Statistico...* cit. page 188, (the so-called “second generation, children of migrants born in Italy but, often not having Italian citizenship.)

¹⁰⁴ Gruppo CRC, *I diritti dell’infanzia e dell’adolescenza in Italia*, 2 nd Supplementary Report to UN monitoring of the Convention on the Rights of the Child and adolescence in Italy. (Rome 2009), page 120. Available at: <http://www.gruppocrc.net/Istruzione-Minori-stranieri>, accessed 30 August 2011

already mentioned, for the following year their number has increased to 40%. Regarding school rankings and educational histories, analyses show that primary school continues to be the school level with the highest number of registered students. Kindergarten is not part of the compulsory education so it reports a slightly lower rate. Numbers in secondary schools (both first and second grade) have grown fast in recent years, by respectively 22,3% and 21%. Access to secondary school shows a worrying concentration of foreign students in some specific educational courses. Technical schools were chosen in 2009 by 38% of foreign students, while professional schools were chosen by approximately 41%. The “*subordinate integration*”, in schools as in in the field of work, seems to be the only way of attaining inclusion in the Italian society for foreign citizens of all ages¹⁰⁵.

Example of NGO Good Practice

Progettomondo.mlal: School without racism. The European project aims to promote the integration of immigrant students in the educational system, encouraging the active participation of families, students and educational community for the realisation of activities in support of intercultural education¹⁰⁶

VI.ii The political and legal context

On January 8th 2010, the Ministry of Education¹⁰⁷ issued a circular to set a maximum limit of 30% on the number of foreign students in each classroom. The declared objective of the rule was to “overcome the traditional model and educational techniques and to offer methodologies (...) suitable for new and different needs.” The main idea was to create an environment that could protect foreign students from the difficulties coming from new life and study contexts. One of the most significant points of the circular was the critical aspect of learning a new language. Moreover, the Minister’s decision responded to the perception that the presence of foreign students could lead to a “two-tier educational growth of the classrooms.”¹⁰⁸ Analysing the data published by the Ministry in the March 2010 report “*Brief analysis of schools. The presence of foreign students in state schools*”¹⁰⁹, we note that classes composed of more than 30% foreign students are only 5% of the total students in primary schools

¹⁰⁵ Cfr. Carita/Migrantes, *Immigrazione Dossier Statistico...* cit. page 190,

¹⁰⁶ ProgettoMondo: scuola senza razzismo, Please see: <http://www.progettomondomlal.org/progetto.php?id=87> accessed 15 June 2011

¹⁰⁷ Emanata la circolare Gelmini sul “tetto” del 30% di alunni stranieri. *Melting Pot Europa*, (13 January 2010) <http://www.meltingpot.org/articolo15114.html>, accessed 15 June 2011.

¹⁰⁸ Intravaia, Salvo. “Gelmini: dall’anno prossimo tetto del 30% per gli stranieri”, *Repubblica.it* accessed 08 January 2010
http://www.repubblica.it/scuola/2010/01/08/news/gelmini_dall_anno_prossimo_tetto_del_30_per_gli_stranier_i-1878519/, accessed 30 August 2011

¹⁰⁹ Ministero dell’Istruzione, dell’Università e della Ricerca: <http://www.istruzione.it/web/istruzione/archivio-pubblicazioni>, accessed 30 August 2011

and 4% in first grade secondary level schools. In both cases more than 70% of total classes are gathered in the northern regions. If, however, we consider only the classes with students born and raised in Italy, not yet Italian citizens, the percentage drops to 1% and 2% respectively for primary schools and first grade secondary schools. In just one year, then, foreign students born in Italy increased by 13%, 17% in first grade secondary schools and 29% in second grade secondary schools.¹¹⁰

Following the circular, many Regional School Offices have obtained exemptions to the 30% limit, stating that: “for the most part, children have an adequate knowledge of Italian language.”¹¹¹ In the same article the Ministry itself admits that foreign students born in Italy have more than adequate language skills. In regard to the so-called “Security Package”, Law n.94/2009,¹¹² it is an obligation for foreigners to produce their residence permit when required by Public Administration. Exceptions to this obligation are related to:

- sport activities
- health services
- compulsory school services

Analysing the law, it must be taken into account that foreign students enrolled or intending to enrol in a school or a professional training course cannot be asked to show the residence permit until the end of their school or professional training, regardless of whether they are aged over 10 years.¹¹³

Data on Roma, Sinti and Caminanti’s levels of education, show an overall picture of great difficulties. According to the “Final report on the status of Roma, Sinti and Caminanti in Italy”, published in February 2010 by the Special Commission for the Protection and Promotion of Human Rights,¹¹⁴ at least 20.000 Roma under 12 years of age, coming largely from Romania and former Yugoslavia, did not enjoy the right/duty of educational training. At the same time all the others have some educational issues. According to the census taken by the Red Cross in the Roma camps in the City of Rome, only 8,44% of the Roma people in the census had finished elementary studies, and of them only 13,29% had finished secondary school, 1,10% had obtained a diploma and only 0,26% had graduated from a university.¹¹⁵¹¹⁶

¹¹⁰ Ibid.

¹¹¹ Sacchi, Annachiara. “Salta il tetto degli alunni stranieri. La Gelmini: norma rispettata”. *Corriere della Sera.it.* (30 April 2010) http://milano.corriere.it/milano/notizie/cronaca/10_aprile_30/sacchi_scuola_stranieri-1602934081604.shtml, accessed 15 June 2011

¹¹² Security Package”, Law 15.07.2009 n°94, G.U.14.07.2009: Disposizioni in materia di pubblica sicurezza. (09G0096), The full text is available at <http://www.altalex.com/index.php?idnot=41644> accessed July 27, 2009

¹¹³ ASGI: *I minori stranieri extracomunitari e il diritto all’istruzione dopo l’entrata in vigore della legge n.94/2009.*

¹¹⁴ Senato della Repubblica, *Commissione straordinaria per la tutela e la promozione dei diritti umani: Rapporto conclusivo dell’indagine sulla condizione dei Rom, sinti e Caminanti in Italia.* (9 February 2011)

¹¹⁵Cfr. Senato della Repubblica, *Commissione straordinaria per la tutela e la promozione dei diritti umani* (9 February 2011) page.61

According to an Amnesty International report “*The wrong answer. Italy’s nomad plan violates the housing rights of Roma in Rome*”,¹¹⁷ published in January 2010, some of the reasons that can explain the early school leavers phenomena are the forced expulsions and the fear of eviction. Other reasons are the distance from schools or lack of access to public transport which makes it difficult to attend school.¹¹⁸ The Sant’Egidio Community denounces the public authorities’ lack of willingness to prevent early school leaving and, in some cases, their opposition to the student’s school integration, justified by the fact that, according to them, the school placement of children would allow families to settle in areas where they “cannot stay”.¹¹⁹ . There is a memorandum of understanding for the protection of Roma children between the Ministry of Education, University and Research, and Opera Nomadi, which was reworked in 2009, however, all the formal efforts have been rendered useless due to the lack of funds¹²⁰. Recommendations in this regard are directed at the involvement of adults in the education of their children, not only with regard to Roma and Sinti but with all foreign students. The Gruppo di Lavoro per la Convenzione sui Diritti dell’Infanzia e dell’Adolescenza (CRC Group) has expressed some recommendations to the Ministry of Education, University and Research:¹²¹

- To ensure and protect the intercultural values in the learning process through the promotion of systematic activities which involve parents and families of both Italians and foreigners.
- To promote customised paths for the attainment of qualifications, training of staff and for the enhancement of the presence, within the educational context, of foreign origin resources.

¹¹⁶ See. Italian Red Cross Roma: <http://www.criroma.org/campi-rom.html?start=25>, accessed 30 August 2011.

¹¹⁷ Cfr. Amnesty International, *The wrong answer: ... cit.* (January 2010)

¹¹⁸ Associazione 21 luglio, *Esclusi e ammassati. Rapporto di ricerca sulla condizione dei minori rom nel villaggio attrezzato di via Salone a Roma* (November 2010) page. 32

¹¹⁹ The inscription of Roma and Sinti students in these schools would have allowed their families to settle in areas outside the authorised camps, for this reason local public administrations were hostile to the scholastic insertion of these young people.

¹²⁰ Ministero dell’Istruzione, dell’Università e della Ricerca, Dipartimento per l’istruzione- Direzione Generale per lo studente, *Protocollo d’intesa per la tutela dei minori zingari, nomadi e viaggianti tra Ministero Istruzione, Università, Ricerca Direzione Generale per lo studente e Opera Nomadi*, (April, 2009), unabridged text, please see: http://archivioptlx.pubblica.istruzione.it/dgstudente/allegati/prot_int_nomadi.pdf

¹²¹ Cfr. Gruppo CRC, *I diritti dell’infanzia e dell’adolescenza in Italia*, ...cit. page 122.

VIII. Racism and related discrimination in health

According to the report “*Migrants health care in local policies*”, made by the Caritas of Rome, foreigners are having increasing difficulties in accessing health services. The heterogeneity that characterises our system and that we discuss below is creating great problems for migrants. Only 14 Regions and one Autonomous Province have issued a circular to clarify and support the “prohibition of report” principle.¹²² This situation has led to a significant decline in medical assistance requests made by foreigners in 2010, especially in larger cities. According to a survey conducted by the Italian NGO EveryOne,¹²³ in some cases the requests have dropped around 35%.¹²⁴

Following Rome’s CARITAS report, which underlined the inadequate level of health care for migrants in Lombardia, Basilicata and Calabria, the Associazione Volontari di Assistenza Socio-Sanitaria e per i Diritti di Cittadini Stranieri, Rom e Sinti¹²⁵ (NAGA) Association conducted a survey in Milan’s hospitals. Among the identified deficiencies, it is highlighted that health care is provided, including for seriously ill patients, only by Emergency Rescue, or by voluntary clinics not operating within the national health service. Other deficiencies are: the lack of adequate information; undefined procedures; inconsistent/different treatments, even for the same diagnosis.

Among the causes of this situation, in addition to a general lack of information and, in some cases, of a deliberate non-implementation of existing legislation, the essential factor is the lack of accurate and binding regional rules.¹²⁶

Moreover, it is also noted that foreign patients do not receive key information and they receive different medical treatment to Italians.

In regard to foreign minors, there are great difficulties within the health system that should be protecting them. Delays in the collection of data and limited information available at national level seriously limit the assessment of the health situation of children of foreign origin.

¹²² CARITAS Diocesana di Roma, *La tutela della salute degli immigrati nelle politiche locali* (July 2010): (Toscana, Piemonte, Puglia, Lazio, Marche, Liguria, Campania, Valle d’Aosta, Veneto, Calabria, Emilia Romagna, Molise, Sicilia e la Provincia Autonoma dell’Alto Adige), The principle is included in the Security Package”, Law 15.07.2009 n°94, G.U.14.07.2009: Disposizioni in materia di pubblica sicurezza. (09G0096),

¹²³ See, EveryOne, Group for international cooperation on human rights culture: <http://www.everyonegroup.com/it/EveryOne/MainPage/MainPage.html>

¹²⁴ PICUM’s Main Concerns about the fundamental rights of undocumented migrants in Europe (Brussels October 2010)

¹²⁵ Association of Voluntary Health and Social Care and the Rights of Foreign Citizens, Roma and Sinti. (NAGA)

¹²⁶ NAGA. *La Doppia Malattia*, indagine sulla (non) applicazione della normativa sanitaria per i cittadini stranieri irregolari a Milano (April 2011). p. 10 Available at: <http://www.naga.it/index.php/notizie-naga/items/la-doppia-malattia>

In principle, all children legally staying in the country are entitled to access to the NHS and a paediatrician, while those illegally residing in Italy can access urgent and essential treatment. Yet, even in this case, the diverse policies at local level have led to strong confusion in health care management. Foreign children encounter several obstacles: some of them are structural, such as lack of services information, prejudices of the staff; while some others are related to linguistic and cultural barriers. The local data analysis shows that infants with migrant parents have higher rates of preterm birth, low birth weights and higher neonatal mortality rates, compared to natives. This data is related to mother's health monitored before, during and after pregnancy, and shows how many migrant women, for various reasons, have serious difficulties in accessing the health system and do not undergo adequate clinical monitoring.¹²⁷

In April 2011, "Doctors Without Borders" denounced the terrible sanitation conditions of migrants in Lampedusa. As a matter of fact, living conditions are well below humanitarian standards and "Doctors Without Borders" has expressed its concern about the sanitary conditions on the island and in all other centres that could be in similar situation. Dr. Barbara Maccagno, Chief Medical Officer of "Doctors Without Borders" Italy branch, stated that "The poor hygienic conditions may facilitate the spreading of infectious diseases. We must ensure good reception conditions and access to adequate medical care in the centres where the migrants will be transferred."¹²⁸ "Doctors without borders" has frequently asked for the closure of detention centres in Sicily, in particular Kinisia and Palazzo San Gervasio, where the conditions are intolerable: people are living in tents and the medical services are completely unsatisfactory. The Italian Government's decision, dated June 16th 2011,¹²⁹ to extend the maximum period of detention for undocumented migrants up to 18 months, will have dramatic repercussions on the physical and mental health of people who have already experienced major trauma.¹³⁰ Roma and Sinti communities follow the same rules in the health care field as other foreign people, but their conditions of extreme marginality and the social-environmental degradation are a matter of big concern. SIMM (Italian Society of Medicine of Migrations) has expressed the urgent need for improving the accessibility to health services.

Example of NGO Good Practice

¹²⁷ Cfr. CRC, *I diritti dell'infanzia e dell'adolescenza in Italia*, ...cit. page 103

¹²⁸ Doctors without Borders: "Lampedusa, MSF denuncia condizioni igienico-sanitarie peggiori dei campi rifugiati (April 2011) http://www.medicisenzafrontiere.it/msfinforma/comunicati_stampa.asp?id=2582

¹²⁹ D.L. 23 giugno 2011, convertito L. 2 agosto 2011 n.129 su soggiorno e allontanamento dei comunitari e recepimento della direttiva UE sul rimpatrio degli extracomunitari in situazione irregolare, the full text is available at: http://www.asgi.it/home_asgi.php?n=1694&l=it (accessed September 2, 2011).

A.Galimberti, E' legge il decreto rimpatri. Stranieri nei CIE, possibile trattenerli fino a 18 mesi, (3 August, 2011), accessed 3 August 2011

¹³⁰ Doctors without Borders, *Immigrazione: Medici Senza Frontiere chiede la chiusura dei centri di accoglienza a Kinisia e Porta San Gervasio* (June 2011). Available at: http://www.medicisenzafrontiere.it/msfinforma/comunicati_stampa.asp?id=2676

In spring 2011, there was a health emergency in the Manduria's CIE (centre of identification and expulsion) in the Puglia Region, due to overcrowding and terrible hygienic conditions in the camp. **Doctors without borders** denounced the danger for both immigrants and local residents. The Puglia Region is going to present the first **regional specialist care clinic**, exclusively for migrant people, including those without documents.¹³¹

VIII.ii The political and legal context

Access to healthcare in Italy is guaranteed to all foreigners according to Art.34 and 35 of the Single Immigration Act. Policies implemented since 1995 have produced inclusive health rules: the right/duty to register with the National Health Service (NHS), for foreigners legally staying in a territory, and the right to urgent and essential treatments and to preventive medicine for those who are illegally present.

Immigration policy at national level has been influenced by very different approaches in the last few years. Inclusion and integration policies, have also necessarily been carried out locally in the health sector. The progressive administrative and political decentralisation is producing great differences across the country. This is leading to inequalities in the access to, and in the provision of, services to the migrant population. An attempt to eliminate the rule that prohibits reporting an “illegal” resident who is admitted to medical services to police authorities, was made through Law n.94/2009, the so-called “security package”.¹³² This attempt has caused a strong widespread reaction from civil society and the NGO community, which led to the organisation of many campaigns throughout Italy to denounce the inadmissibility of the law.¹³³ Although this rule was eventually not approved, the qualification¹³⁴ of the illegal entry and residence as a criminal offence and the consequent obligation for public officials and person in charge of public services to report it, while not directly referring to the health system, nevertheless implies a “double law” that has led to confusion and “discretion” among health care operators and has spread fear among migrants.

¹³¹ Esplode l'allarme sanitario, l'ASL "non ci fanno entrare". *Repubblica Bari.it*: http://bari.repubblica.it/cronaca/2011/04/05/news/manduria_emergenza_sanitaria-14504934/index.html?ref=search (5 April 2011) accessed 30 May 2011

¹³² ASGI: "Divieto di segnalazione degli stranieri irregolari che si rivolgono alle strutture sanitarie" (December 2009) http://www.asgi.it/home_asgi.php?n=700&l=it accessed 20 August 2011

¹³³ See the campaign, *Io non ti denuncio*, (March 2009). Available at http://www.csv.marche.it/web/index.php?option=com_content&view=article&id=1011&catid=9:ultime-notizie&Itemid=131 . And the campaign , *Divieto di segnalazione, siamo medici e infermieri, non spie*. (December 2009) http://www.asgi.it/home_asgi.php?n=602&l=it accessed 28 July 2011

¹³⁴ Security Package", Law 15.07.2009 n°94, G.U.14.07.2009: Disposizioni in materia di pubblica sicurezza. (09G0096), The full text is available at <http://www.altalex.com/index.php?idnot=41644> (July 27, 2009).

IX. Racism and related discrimination in criminal justice

IX.i Manifestations of racism and related discrimination in criminal justice

IX.i.i Policing and ethnic profiling¹³⁵

The FRA report on “Police Stops and Minorities”¹³⁶ indicates that some minorities in Italy have the perception of being subjected to discriminatory practices during police checks. 21% of North African citizens tended to believe that their ethnic background was the reason behind the police stops which they were subjected to. A form of discrimination of the same kind was perceived by 16% of interviewed Albanian citizens and by 14% of Romanian respondents.

There was a remarkable decrease of complaints on this ground, from 9% in 2008 to 2.4% in 2010, according to UNAR records, but it should be taken into account that the equality body is perceived as, and actually is, a governmental branch.¹³⁷ Comparing the data with the totality of the respondents (minorities and members of the majority), we notice that the Italian population represents the group with the highest percentage of those arrested last year (40%) while the percentage of North African citizens arrested was 28%, Romanians 24% and Albanians 22%. Analysing, instead, the frequency of ‘police stops’ in the last year, the proportions change slightly: North Africans citizens have suffered an average of 2.8 stops, Romanians 2.4, native people 2.2, while Albanians have suffered an average of 2.0 stops over the year.¹³⁸ Regarding police behaviour during controls, 41% of North African citizens, 21% of Romanians and 18% of Albanians, declare that the police behaved in an offensive or otherwise disrespectful manner.¹³⁹

It is also a matter of fact that some minorities seem extremely reluctant to report any crimes or discrimination against them.¹⁴⁰ This is especially true with regard to Roma and Sinti minorities, who rarely report the crimes or discrimination that they suffer from.¹⁴¹ One of the reasons that explains this phenomenon is their mistrust in public institutions, including police. That is also particularly true for undocumented people, who often have no knowledge of their rights and prefer to

¹³⁵ The Open Society Institute defines “ethnic profiling” as the “use of generalisations grounded in ethnicity, race, national origin, or religion - rather than objective evidence or individual behaviour - as the basis for making law enforcement and/or investigative decisions about who has been or may be involved in criminal activity”.

¹³⁶ European Union Agency on Fundamental Rights, *EU-MIDIS European Union Minorities and Discrimination Survey*. Data in Focus Report: Police Stops and Minorities (2010). Available at: <http://fra.europa.eu/fraWebsite/attachments/EU-MIDIS-police.pdf>

¹³⁷ Cfr. UNAR, *Relazione al Parlamento sull'effettiva applicazione ...* cit.

¹³⁸ Cfr. European Union Agency on Fundamental Rights, *EU-MIDIS European Union Minorities and Discrimination Survey*. Data in Focus Report: Police Stops and Minorities (2010). Page 9

¹³⁹ *Ivi*, page 13

¹⁴⁰ FRA, *EU-MIDIS. European Union Minorities and Discrimination Survey. Main Results Report* (2009)

¹⁴¹ Cfr. Human Rights Watch, *Everyday Intolerance...*, cit

address their complaints to institutions or associative structures that look more reassuring.¹⁴² Among all the migrants who have filed a complaint, the majority declares itself totally or partially dissatisfied with the conduct of police in front of the complaint, and an even larger number has declared itself dissatisfied by police reaction to the complaint.¹⁴³

Complaints only represent the "tip of the iceberg" of discriminatory phenomena and crimes.¹⁴⁴ In fact the percentage of migrants who report discriminations, continues to be very low (only 8% of discriminated against people filed a complaint last year). The forms of discrimination and racist violence in Italy are very different, some of them more serious than others; they are perpetrated by different subjects and seem to happen across the entire community. Despite the lack of objective and centralised data,¹⁴⁵ UNAR has published an analysis of complaints submitted to its offices between 2005 and 2010 dividing them into areas of discrimination: in some cases the percentages of complaints have increased considerably last year.¹⁴⁶

Examples of NGO Good Practice

In 2010, an enquiry entitled "**The Black Book of Security**"¹⁴⁷ was published, which outlines many cases of "ethnic profiling" committed by some police officers of the city of Milano. After its publication, two members of the Italian Parliament initiated a Parliamentary inquiry to the Minister of Interior in order to establish the facts and to prevent the recurrence of such situations. The members have proposed training courses to educate the police to respect the civil and constitutional rights of all people, without distinction of sex, race, language, religion, political opinion, or personal and social conditions.¹⁴⁸

As explained in more detail later on in this report, the greatest amount of discrimination reported to UNAR occurs in the mass media field, while the second involves the "public life", that is when the discrimination takes place in "public spaces". Public life is a more undefined field of UNAR's classification, and the percentage of discrimination in this field has increased in the last five years: in 2010 it almost reached 18%. In public life, complaints frequently have a political component (19.8%), which means that they refer to groups or representatives of political movements who, in the name of their ideology, put into effect discriminatory behaviours: these attacks are carried out against large

¹⁴² Zucca, *Discriminazione razziale e sistemi di monitoraggio: alcune riflessioni a partire dalla nuova organizzazione del Contact center UNAR*, International Conference, (Torino, March 2011)

¹⁴³ UNAR, *Rapporto finale: "Studio per la definizione e l'organizzazione di un sistema di indicatori per la misurazione dei fenomeni di discriminazione razziale sul territorio nazionale e la costituzione di un centro di ricerca permanente"* (Rome October 2010) page. 67

¹⁴⁴ Cfr. FRA, *EU- MIDIS. European Union Minorities and Discrimination Survey...*, cit.

¹⁴⁵ Cfr. Human Rights Watch, *Everyday Intolerance...*, cit. Page. 9

¹⁴⁶ Cfr. UNAR, *Relazione al Parlamento sull'effettiva applicazione del principio di parità di trattamento*

¹⁴⁷ Cassinelli F. *Il libro nero della sicurezza* (Aliberti Ed., 2010)

¹⁴⁸ Coen, Leonardo, "Il libro nero della sicurezza", *La Repubblica.it* (17 February 2010), available at: <http://coen.blogautore.repubblica.it/2010/02/17/il-libro-nero-della-sicurezza/>, accessed 13 June 2011

categories of people, especially migrants.¹⁴⁹ It is also important to note that UNAR started to record physical aggression cases, in order to systematically monitor manifestations of discrimination that are particularly violent. In 2010, they represented nearly 50% of all the cases that occurred in public life.¹⁵⁰

IX.i.ii Racist violence and crime

Differently than in past years, violent manifestations of racism and hate crimes are not confined to specific social, economic or geographical conditions. Cultural barriers were brought down and social disapproval no longer plays a role as deterrent, because of the legitimization of openly racist and xenophobic public discourse.

Considering geographical area of origin, the majority of complaints come from citizens from the Balkans and Eastern Europe (50%), while only 21% of complaints come from North African citizens and 12.6% from citizens from sub-Saharan Africa.

With regard to anti-Semitic violence,¹⁵¹ the majority of cases are acts of vandalism against Jewish institutions; desecration of cemeteries; graffiti and offensive e-mails. As we are going to show in detail later on, the internet is becoming increasingly significant as means of dissemination of racism, also against Jewish people.

Physical attacks continue to be rare in Italy. However, in 2010, there was a physical attack in Milan against an elderly rabbi on a bus. Behaviours toward Jewish people are getting worse and are often based on prejudices and stereotypes.

Roma are unquestionably the most marginalised and vilified minority group in Italy. Their presence is accompanied by distrust and openly racist attitudes and actions from the majority population. Moreover, discriminatory feelings are clearly present in the political speeches, in the media and in common language. For instance, the word “zingaro” (Gypsy), is often used by people and politicians in a disparaging sense, and it is often followed by insults. Their reluctance to denounce discriminations and abuses, caused by a general diffidence in public institutions (this is particularly true for undocumented persons), makes very difficult to quantify the cases of violence and racism against Roma and Sinti communities.

¹⁴⁹ Cfr. Caritas/Migrantes, *Immigrazione Dossier Statistico...*, cit. Page.223

¹⁵⁰ Cfr. UNAR, *Relazione al Parlamento sull'effettiva applicazione del principio di parità di trattamento...*, cit. Page.21

¹⁵¹ UCEI, *Alcune considerazioni sull'antisemitismo in Italia 2007-2010*. (November 2010). Available at <http://www.osservatorioantisemitismo.it/default.asp>

Examples of NGO Good Practice

There were no examples of good practices by NGOs in regard to racist violence in the time period covered by this report.

IX.i.iii Counter terrorism

In December 2010, Milan's Court of Appeal convicted (in absentia) 25 CIA operatives, a U.S. Air Force colonel and two Italian accomplices, involved in the abduction of the Imam Hassa Mustafa Osama Nasr (Abu Omar) in 2003¹⁵². The Court convicted the defendants, who received from five to nine year prisons sentences, for the abduction and illegal transportation of the Imam to a prison in Egypt where he was detained and tortured. The Court rejected the accusations against five Italian secret service high officials, because they were judged "not justiciable" due to the State Secret.¹⁵³

Penal trials for terrorism-related crimes have been on going against Abel Ben Mabrouk and Rihad Nasseri, two Tunisian citizens transferred to Italy from the Guantánamo Bay detention centre in 2009. Concerns were expressed about the possibility that the accused might be expelled, in violation of non-refoulement principle.¹⁵⁴

Examples of NGO Good Practice

There were no examples of good practices by NGOs in regard to counter terrorism in the time period covered by this report.

IX.ii The political and legal context

Following the revision of the Italian dossier at the UN Human Rights Council in May 2010, the Italian Government accepted all the recommendations to fight racial crimes and violence. The Government committed itself to strengthen UNAR mandate and to establish a National Institute for Human Rights. However, until the time of writing Italian authorities continue to minimise the racist violence problem and continue to sustain the principle according to which immigrants are considered the authors and not the victims of crimes.¹⁵⁵ The underestimation of the problem is still one of the most worrying aspects of the way the institutions

¹⁵² Sentence, CS 102: 15/12/2010, press release available at: <http://www.amnesty.it/sentenza-di-appello-sul-caso-abu-omar> (15 Dicembre 2010), accessed 15 June 2011

¹⁵³ Rapimento Abu Omar, Pollari e Mancini non giudicabili per il segreto di Stato, *Corriere della Sera*, available at http://www.corriere.it/cronache/09_novembre_04/processo-abu-omar_a6179aba-c95c-11de-a52f-00144f02aabc.shtml, accessed 15 June 2011.

¹⁵⁴ Amnesty International: "Europa e Asia Centrale, Italia 2011"

¹⁵⁵ Maroni: "Troppa tolleranza con gli stranieri". A Rosarno il Ministro dell'interno lega le violenze all'immigrazione clandestina. *Repubblica.it*. (8 January 2010) - <http://www.repubblica.it/cronaca/2010/01/08/news/reazioni-rosarno-1879505/>, accessed 22 June 2011

are facing the problem of racial crimes. Another critical element is the Italian institutions' inadequacy to collect and examine data. The database of the Ministry of the Interior doesn't allow, for example, the analysis of particular categories of persons who have suffered from racist crimes. Furthermore, certain categories of hate crimes, are not even recorded because they are not included in the Mancino law of 1993,¹⁵⁶ such as those against lesbian, gay, bisexual and transgender persons (LGBT), or those against persons with disabilities.

Between 2010 and 2011, police began to implement a series of measures to respond to the minorities' needs, in particular:

- On June 16th 2010 Mr. Antonio Manganelli, head of the Italian Police, set up the first central office focused on religious, sexual, ethnic and cultural minorities in Padova. The office was established with the aim of creating an observatory against all kinds of discrimination and to implement initiatives that can prevent and repress all kinds of discrimination.¹⁵⁷

- On April 7th 2011, UNAR and OSCAD (Observatory for the protection against discriminatory acts, established under the Department of Public Safety within the Criminal Police Central Direction), signed an agreement to define the collaboration between the two bodies in order to fight together against all forms of discrimination.¹⁵⁸

The Italian Law, after the issuance of the 1993 Mancino Law, has introduced a concerted effort by all of the judiciary system in order to repress and punish racist violence. The inadequate implementation of the law has nevertheless revealed limitations in the use of the aggravating circumstance of racial hatred.¹⁵⁹ Public opinion has, for a long time, been unaware of this aggravating circumstance and it was not used by police and public prosecutors. In addition, law enforcement has always been rather restrictive, and this has limited the use of the aggravating circumstances in case law.

It is worth remembering that last July the Italian Parliament rejected the anti-homophobia law (the so-called "Legge Concia"), by voting against the introduction of aggravating circumstance for crimes that are related to the victims sexual orientation.¹⁶⁰

Between 2010 and 2011 some sentences have applied the aggravating circumstance, such as:

¹⁵⁶ Cfr. Testo della Legge Mancino (25/6/93, n.205),– Aggravating circumstance, available at: <http://xenu.com-it.net/txt/mancino.htm#menu3>

¹⁵⁷ Polizia apre un ufficio per le minoranze, *Stranieri in Italia*, <http://www.stranieriinitalia.it/attualita-polizia-apre-un-ufficio-per-le-minoranze-11127.html>, accessed 20 June 2011

¹⁵⁸ OSCAD e UNAR insieme contro le discriminazioni, *Polizia di Stato*, <http://poliziadistato.it/articolo/view/22039/>, accessed 22 June 2011

¹⁵⁹ Cfr. Testo della Legge Mancino (25/6/93, n.205),– Aggravating circumstance, available at: <http://xenu.com-it.net/txt/mancino.htm#menu3>

¹⁶⁰ Omofobia, affossata la legge. Il PDL la blocca, polemiche nel PD", *Repubblica.it* <http://www.repubblica.it/2009/08/sezioni/cronaca/gay-aggredditi/legge-omofobia/legge-omofobia.html>, accessed 30 July 2011

- September 13, 2009, four militants of the “Lega Nord” Italian party attacked two foreign waiters, during a meeting in Venice. On 29 September 2010, the public prosecutor accused the defendants of injuries and damages with the aggravating circumstance of racial hatred.¹⁶¹
- January 25, 2011, the Parma Court convicted 10 policemen accused of beating and insulting a Ghanaian boy because "they thought he was a partner in crime of a pusher". They have all been accused with the aggravating circumstance of racial hatred.¹⁶²
- As per the ruling of the Italian Supreme Court (Corte di Cassazione) of April 26 2011, insulting a foreign person with sentences such as: “African, go back eating bananas, monkey!” constitutes, in the abstract, the aggravating circumstance of ethnic and racial hatred.¹⁶³
- The European Committee of Social Rights stated that the use of xenophobic political rhetoric against Roma and Sinti constituted a violation of Article 19 and Article E of the Revised European Social Charter.¹⁶⁴

¹⁶¹ Tribunale di Venezia: udienza preliminare nel procedimento a carico dei militanti leghisti che aggredirono due camerieri stranieri durante la Festa della Lega a Venezia il 13 settembre 2009- Available at: http://www.asgi.it/home_asgi.php?n=1188&l=it, accessed 13 December 2011

¹⁶² Bonsu, uno dei vigili condannato per il pestaggio *viaemilia.it*: (25 January 2011)- <http://www.viaemilianet.it/notizia.php?id=5485> accessed 1 August 2011

¹⁶³ Corte di Cassazione, sez.V penale, sentenza n.54694 dd.26 April 2011- http://www.asgi.it/home_asgi.php?n=1615&l=it, accessed 13 December 2011

¹⁶⁴ Decision on the merits of Complaint n. 58/2009, COHRE v. Italy, to view: <http://comitatoromsinti.blogspot.com/2010/10/pubblicata-la-decisione-del-consiglio.html>, www.asgi.it/public/parser_download/save/european.committee.of.social.rights.decision.on.the.merits.cohre.v.italy.doc, accessed 13 December 2011

X. Racism and related discrimination in access to goods and services

In the last year, many episodes of discrimination were reported in regard to the access to public and private sector services. During this period, the complaints received by UNAR in the public services area have increased (16% of complains in 2010, compared to 13,7% in 2009), as well as the ones received in the financial services supply area (3,3% in 2010 compared to 2,1% in 2009).¹⁶⁵

The highest number of complaints, in the public entities services supply, involves school, social-welfare sector and registry offices. In the last year, several discrimination cases occurred on public transport, especially at bus stops, where migrants are often ignored and cannot use the service. A shifty variant of these kinds of discrimination, is represented by the choice of public transport routes. The most evident cases are referred to the distance between nomad camps (even the authorised camps) and the transport services that connect them to the cities. For example, the nearest bus station to the Salone Street's camp in Rome is 1,5 Km away and people have to walk along an impracticable road to reach it.¹⁶⁶ The nearest train station, instead, is 300 metres from the Roma camp, but it has been closed for eight months due to apparent "reasons of public order related to the Roma camp". As reported by 21 luglio Association and by some newspapers, this event has been accompanied by direct discrimination: Trenitalia (Italian Railways) had in fact distributed a printed form to report "any Roma ethnic passengers", transiting in Salone Station.¹⁶⁷ Another case occurred in Brescia, where the City Council has begun to distribute disposable gloves on some bus routes utilised mainly by migrants. CGIL (Italian General Confederation of Work) has denounced the fact considering it a possible discrimination.¹⁶⁸

Example of NGO Good Practices

On August, 2011, the **ASGI Association** (Associazione per gli Studi Giuridici sull'Immigrazione)¹⁶⁹ denounced the discrimination in the actions of Veneto Region in the financial contributions granted to numerous families, because it

¹⁶⁵ Cfr. UNAR, *Relazione al Parlamento sull'effettiva applicazione del principio di parità di trattamento...*, cit. page.22

¹⁶⁶ Cfr. Associazione 21 luglio: *Esclusi e ammassati...* cit. page. 25

¹⁶⁷ Viaggiatori rom schedati sui treni. I controllori si ribellano: "è razzismo". *Repubblica.it* http://www.repubblica.it/cronaca/2010/05/06/news/viaggiatori_rom_schedati_sui_treni_i_controllori_si_ribellano_razzismo-3849525/, accessed 10 June 2011.

¹⁶⁸ Guanti sul bus degli immigrati. CGIL: "Pericolo discriminazione" *Repubblica.it, Brescia*, http://www.repubblica.it/cronaca/2010/07/07/news/guanto_ufo-5460823/ accessed 12 June 2011

¹⁶⁹ For a presentation of ASGI association, please see: http://www.asgi.it/home_asgi.php?, last accessed 8 December 2011.

provided the grants only to Italian citizens who had been residents in the Region for a long time (five years of residence as minimum).¹⁷⁰ The deliberation discriminates against Italian citizens and it is in contradiction with Italian Constitutional Law.¹⁷¹ Moreover, it is in contradiction with European Law because it discriminates against citizens of other Member States¹⁷². Furthermore, the deliberation discriminates against citizens from Third Countries and it is in contradiction with art. 14 of the “Testo Unico immigrazione”¹⁷³ and with the European jurisprudence.¹⁷⁴ On April 6, 2011, ASGI submitted two complaints to the European Commission, denouncing the refusal of welfare benefits for certain categories of foreigners legally residing in Italy, as a violation of European law.¹⁷⁵

X.ii The political and legal context

Discrimination in the public sector is generally related to the strict application of rules or measures that produce, as a consequence, unequal treatment for migrants. The areas where discrimination occurs more frequently are related to personal services or economic benefits supplies.

An example of this kind of discrimination is the preventive exclusion of migrants from certain economic benefits or the request of major requirements. Particularly serious are the additional requirements with regard to habitability certification, an indispensable condition for family reunification. The City Council of Calcinato, for example, issued a regulation requiring additional prerequisites (minimum income and habitability) for migrants that wanted to obtain official residence. Brescia's Court ruled¹⁷⁶ that this regulation was discriminatory. This sentence is the first Italian ruling on the prohibition of “ethnic profiling”.

¹⁷⁰ Giunta Regionale del Veneto Delibera n. 1360 dd 3 agosto 2011, available at: http://www.comune.campagnalupia.ve.it/data/docs/DSSO_Programma_Interventi_Economici_Straordinari_famiglie_con_parti_trigemellari_All%20A%20%282%29.pdf (last accessed 3 September 2011)

¹⁷¹ Costituzione Italiana, art. 38: every citizens unable to work and without the resources necessary to live has the right to maintenance and social assistance.

Art.2: the Italian State has to guarantee social equality to its citizens

¹⁷² Treaty on the Functioning of the European Union, Art 18 c.1: “Within the scope of application of the Treaties, and without prejudice to any special provisions contained therein, any discrimination on grounds of nationality shall be prohibited.” the text of the article is available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0047:0199:en:PDF> , (last accessed 3 September 2011)

¹⁷³ T.U. immigrazione art.41, available at <http://www.altalex.com/index.php?idnot=51629#titolo5> (accessed 3 September 2011)

¹⁷⁴ Please, for the European Law and jurisprudence about Third Countries Citizens and for more legal details, see the ASGI document, *Il parere del Servizio anti-discriminazione e della sez. Reg. Del Veneto dell'ASGI sul programma “bonus famiglie” della Regione Veneto*, available at: http://www.asgi.it/public/parser_download/save/newsletter_12_2011_pdf.pdf (accessed 3 September 2011)

¹⁷⁵ ASGI, *Discriminazione degli stranieri nell'accesso al welfare: Il servizio anti-discriminazioni dell'ASGI inoltra due esposti alla Commissione europea per violazione del diritto dell'Unione europea da parte dell'Italia*. Available at: http://www.asgi.it/home_asgi.php?n=1553&l=it

¹⁷⁶ See CIRDI: Centro d'informazione su Razzismo e Discriminazioni in Italia. <http://www.cirdi.org/giurisprudenza/tribunale-di-brescia-discriminatoria-lordinanza-del-comune-di-calcinato->

The Court decision also prohibited municipal police controls focused on certain categories of residents or would-be residents and based on their nationality.¹⁷⁷ Therefore, the Court ordered the City Council to immediately stop their discriminatory behaviour. In the last year difficulties faced by migrants when trying to access financial services have increased. In particular, according to 65% of real estate agencies, migrants are having increasing difficulties in obtaining loans to purchase houses.¹⁷⁸ A study made by Banca d'Italia (Italian Central Bank), about the access to credit for foreign entrepreneurs, shows that they have to pay around 70 basis points more than the Italians. The gap decreases if the entrepreneurs were born in Italy ("second generation" migrants), or the duration of the relationship between the immigrant entrepreneur and the bank. The results of the study indicate that cultural differences are important for credit market functioning. Therefore, recent years show a constant improvement in the relations between foreign communities and the credit system.¹⁷⁹

The Constitutional Court sentence n.40/2011 on February 2011, ruled on the right for foreign citizens to have social services, in particular for third country nationals, stating that the "need and uneasiness situation, directly related to the human being, do not tolerate distinctions based on citizenship, nor on other particular typology of residence, and cannot be used to exclude those who are the most exposed to needs and problems."¹⁸⁰ The Constitutional Court declared unconstitutional, with this decision, a law adopted by the Friuli-Venezia Giulia Region, which excluded third country national residents in the Region from the social service system, therefore reserving it only for Italian and EU citizens who were residents for at least 36 months.¹⁸¹

On June 10, 2011, Monza's Court found the conduct of the City Council of Desio to be discriminatory, as the city council had not accepted the request for a social security grant for low income large families submitted by a long term resident Pakistani citizen,¹⁸² allegedly on the basis of legal limitations on Italian citizens,

che-chiedeva-agli-stranieri-un-reddito-minimo-e-lidoneita-dellalloggio-ai-fini-delliscrizione-anagrafica-e-subordinava/ , accessed 5 August 2011

¹⁷⁷ Tribunale di Brescia, sez.vol.giur., ordinanza n.588/2011 dd.31.03.2011. Available at: http://www.asgi.it/home_asgi.php?n=1559&l=it

¹⁷⁸ Cfr. Caritas/Migrantes, *Immigrazione Dossier Statistico...*cit.page.198

¹⁷⁹ Albareto G., Mistrulli P., *Bridging the gap between migrants and the banking system*, Banca d'Italia Number 794 (February 2011). Available at: http://www.bancaditalia.it/pubblicazioni/econo/temidi/td11/td794_11;internal&action=_setlanguage.action?LANGUAGE=en

¹⁸⁰ *La Consulta interviene sul diritto degli extracomunitari ai servizi sociali*, LeggiOggi.it (February 2011) , <http://www.leggioggi.it/2011/02/14/gli-extracomunitari-hanno-diritto-ai-servizi-sociali/> , accessed 4 August 2011

¹⁸¹ , Sentenza della Corte Costituzionale, *Viola i principi costituzionali di eguaglianza e ragionevolezza l'introduzione di requisiti di nazionalità e anzianità di residenza per l'accesso a prestazioni sociali che mirano ad affrontare situazioni di disagio e bisogno della persona*. ASGI, Associazione per gli Studi Giuridici sull'Immigrazione (10 February 2011). Available at: http://www.asgi.it/home_asgi.php?n=1410&l=it

¹⁸² Parlamento Italiano, Legge 23 dicembre 1998, n°448, *Misure di finanza pubblica per la stabilizzazione e lo sviluppo*, Capo VI, Art.65, Assegno a nuclei familiari con almeno tre figli minori, full text is available: <http://www.camera.it/parlam/leggi/98448103.htm#Testo>, accessed 18 July 2011

EU citizens and political refugees. The Court ordered the City Council and INPS (National Security Social System) to pay the grant support to the Pakistani citizen, until a ruling of the Constitutional Court clarifies the law provisions.¹⁸³

¹⁸³ Tribunale di Monza, *E' discriminatoria la condotta del comune che non concede ai lungo soggiornanti l'assegno INPS per i nuclei familiari numerosi*. CIRDI. Available at: <http://www.cirdi.org/giurisprudenza/tribunale-di-monza-e-%E2%80%99discriminatoria-la-condotta-del-comune-che-non-concede-ai-lungo-soggiornanti-l-%E2%80%99assegno-inps-per-i-nuclei-familiari-numerosi/>, accessed 18 July 2011

XI. Racism and related discrimination in the media

XI.i Manifestations of racism and related discrimination in the media, including the internet

2010 has been characterised by a significant increase in discriminatory events in the media. Compared to 2009, the reported cases of discrimination have more than doubled. In particular, the role played by Internet in the dissemination of racist and discriminatory messages has become increasingly significant: last year more than 80% of the total cases took place on the web.¹⁸⁴ According to the research: "*Me and the others: the young Italians in the vortex of change*"¹⁸⁵, presented in November 2010 to the Italian Parliament, the social network Facebook hosted about a hundred anti-Muslim groups, 350 anti-immigrant groups and 300 anti-Roma groups, some of them with peaks of 7.000 members.

Concerning anti-Semitism, the data provided by the Ministry of the Interior is worrying too.¹⁸⁶ Sites and discussion groups with racist contents have, in fact, increased 50% between 2007 and 2010. There are about 50 online spaces that contain explicit anti-Jewish materials and can be divided into four main categories: the primary ones, which contain the most virulent anti-Jewish materials, the anti-Zionists, the conspiracists and the Holocaust deniers.

In 2011, in Rome, on the Italian American neo-Nazi forum called Stormfront, a real anti-Semitic black list of "faces that must be deleted" appeared. A U.S. server hosts the site, but signers of many posts hide behind Nazi-inspired nicknames, and are often Italian and easily identifiable by the Police. Neo-Nazi groups are also strongly against statistical institutes, which are, according to them: "in the hands of Jews".

Example of NGO Good Practice

Among recent initiatives created to promote fair information, there is the Memorandum of Understanding launched by the **Emilia Romagna Region** with **the Order of Journalists and the Press Association of Emilia Romagna**, the local media and some associations, to support intercultural communication as a tool for the integration of migrants¹⁸⁷.

¹⁸⁴ Cfr. UNAR, *Relazione al Parlamento sull'effettiva applicazione del principio di parità di trattamento...*, cit. page.23

¹⁸⁵ Cfr. Risso, E., Cova, R., Grassi, R., Saltarelli S., Sartori, L., Pellegrino, V., 2010, "Io e gli altri: i giovani italiani nel vortice del cambiamento, Conferenza dei Presidi delle assemblee legislative delle Regioni e Province autonome.

¹⁸⁶ UCEI, Union of Italian Jewish Communities Cfr. *Alcune considerazioni sull'antisemitismo in Italia 2007-2010...* cit.

¹⁸⁷ ODG Emilia Romagna, siglato il protocollo d'intesa sulla comunicazione interculturale, *Ordine dei Giornalisti, Consiglio nazionale*, (17 March 2009) available at <http://www.odg.it/content/odg-emilia-romagna-siglato-il-protocollo-d%E2%80%99intesa-sulla-comunicazione-interculturale>, accessed 30 May 2011

The "Glossary-handbook: words to be banned" is a document released by the group **Journalists Against Racism**, already adopted by some newspapers and Regional Orders of Journalists¹⁸⁸

XI.ii The political and legal context

Research on both broadcasted and print media's representation of immigration, which was conducted by La Sapienza University,¹⁸⁹ denounced the media's role in determining a stereotypical image of immigrants and minorities and the absolute centrality of the link between migration - security - crime - perceptions of insecurity. In 2010 new research provided a complex picture of the phenomenon: 2010 has been characterised by a decrease, at least quantitatively, of the systematic association between immigration and crime.¹⁹⁰ Similar to across Europe, the silence on the situation of migrant's is interrupted by events that seem more sensational and thus "profitable" for media outlets, such as sea tragedies,¹⁹¹ or riots.¹⁹² The Internet has become the main channel for the dissemination of discriminatory, racist and xenophobic messages. Mass media often spread a negative image of certain categories of people, heavily affecting the public perceptions, especially among young people, with messages about immigration and minorities. In fact, 65.7% of respondents have stated that media gives a negative image of Muslims, 37,5% as regards ethnic minorities.¹⁹³

¹⁸⁸ Giornalisti contro il razzismo, *Glossario-vademecum: le parole da mettere al bando*

¹⁸⁹ Morcellini, M., Binotto, M., Bruno, M., Lai, V., *Ricerca nazionale su immigrazione e asilo nei media italiani*. (Università La Sapienza, Roma December, 2009)

¹⁹⁰ Bruno, M., Peruzzi, G., July 2010, "Il Tempo delle Rivolte". Presentation of the Paper of the Osservatorio della Carta di Roma.

¹⁹¹ Lampedusa, barcone con 25 morti nella stiva, *Repubblica Palermo.it*, (01 August 2011), http://palermo.repubblica.it/cronaca/2011/08/01/news/immigrazione_tragedia_a_lampedusa_arriva_barcone_con_25_cadaveri_a_bordo-19861199/, accessed 01 August 2011

¹⁹² Immigrati del Cara in rivolta, guerriglia a Bari, treni sospesi, bloccata la tangenziale. 50 feriti, *Repubblica.it* (01 August 2011) http://bari.repubblica.it/cronaca/2011/08/01/news/gli_immigrati_del_cara_bloccano_la_citt-19864482/?ref=HREC1-3, accessed 01 August 2011

¹⁹³ Risso, E., Cova, R., Grassi, R., Saltarelli S., Sartori. L., Pellegrino. V., 2010, "Io e gli altri: i giovani italiani nel vortice del cambiamento, Conferenza dei Presidi delle assemblee legislative delle Regioni e Province autonome. pp. 31-52.

XII. Political and legal developments in anti-racism and anti-discrimination

The Italian Equality Body, UNAR, since its foundation, has considered the labour market as a main area of intervention for the development and implementation of effective anti-discrimination policies. To do so, it has signed a memorandum of understanding with the social partners, in order to fight discrimination in the workplace. Nevertheless the social partners, in particular the Trade Unions, have been “consulted only when the National Equality Body had already met, thus precluding a preliminary dialogue between the social partners and the government in the preparation of *super partes* instruments and bodies.”¹⁹⁴ Trade Unions complained about the lack of independence of UNAR, which endangers its ability to combat against institutional discrimination in the workplace, in housing, and school, due to it being a branch of the Presidency of the Council of Ministers. In the Report: “The impact of Racial Equality Directive: a survey of trade unions and employers in the Member States of European Union”,¹⁹⁵ the employer’s association complained about the fact that they hadn’t been consulted before or during the process of the transposition of the Directive, and that they haven’t had contact with UNAR in the past.

A group of experts has proposed a new model of legislation for Roma and Sinti, gathered into the draft bill on “Protection and equal opportunities of the Roma and Sinti minorities” in preparation of the conference “The legal status of Roma and Sinti in Italy.”¹⁹⁶

On August 2008, the Department of Equal Opportunities of the Presidency of the Council of Ministers, signed an agreement with ISTAT (National Institute of Statistics) for the construction of the first multi-purpose survey for “Gender, sexual orientation, gender identity and ethnic origin discrimination”. This survey should be completed in 2010 and it will collect more than 10.000 interviews with people aged up to 14 years old. The survey’s objective will be to provide a framework of discrimination phenomena, not only from a juridical point of view, but also taking into account victims’ point of view.

On July 2011, the deputy of “Futuro e Libertà” (Future and Freedom) party, Mr. Fabio Granata, presented a citizens’ initiative law that would recognise citizenship to everyone born in Italy that has at least one parent who has resided in Italy regularly for at least five years, or who was born in Italy and has resided here regularly for at least a year. Young migrants who are not born in Italy could become citizens after completing at least one education cycle.¹⁹⁷

¹⁹⁴ Cillo, Della Puppa, Perocco, *The impact of Racial Equality Directive: a survey of trade unions and employers in the Member States of European Union (FRA ed. 2009)*

¹⁹⁵ Cfr. Cillo, Della Puppa, Perocco, *The impact of Racial Equality Directive:...*

¹⁹⁶ Cfr. European Network of Legal Experts in the non-discrimination field, *European Anti-Discrimination Law review ... cit.*

¹⁹⁷ [Stranieriinitalia.it](http://www.stranieriinitalia.it), *Cittadinanza. Granata: "Cinquantamila firme per le seconde generazioni"*, <http://www.stranieriinitalia.it/interviste->

XIII. Migration and integration

The overall foreign nationality population, registered in Municipal registry offices on January 2010, is 4.235.059 persons, representing approximately 7.5% of the Italian population. According to the available data for the period 2008-2009-2010, the immigrant population has increased by 23% since 2008 and by 8% since 2009. The most significant growth is related to the female population, with a demographic increase of 25.5% in the last three years, and an overall percentage that has reached 51.3% of the total of foreign citizens, confirming the trend of the last two years (50.4% in 2008 and 50.8% in 2009).¹⁹⁸

The negative effects of the global crisis have had repercussions in the economy (slump of production and investments, increase of unemployment rate, growth of internal migration) since 2009, but they have also had an impact on the life of migrants that are living in Italy.¹⁹⁹

It is interesting to note that, since 2008, the migration balance is constantly declining; after the growth of 83% between 2006 and 2007, in the following two years there was a negative net migration rate (-25%).²⁰⁰ In 2010, there was a further decline from the previous year.²⁰¹

The foreign presence on the Italian territory is both diverse and polarised: in Italy, in fact, there are migrants who come from over 200 nationalities, but there are only three large communities²⁰²: the Romanian community with nearly 1 million people, the Albanian with 491 000 units and the Moroccan with 457 000 people. Other major groups are people coming from the Republic of China with 201 000 individuals and from the Ukraine with 192 000 individuals. The biggest community from among sub-Saharan countries is Senegal with 77 000 people, followed by Nigeria with 52 000 citizens.²⁰³

The population of migrant's in Italy are spread between the different territorial divisions and between metropolitan and rural areas. The distribution of foreign persons on the territory is greatly heterogeneous. Considering the integration rate of migrants in the social and productive sector of the country, Italy still has some remarkable distinctions related to the capacity of receiving workforce of the different territorial areas. Nearly 61% of immigrants live in Northern Italy, while

[cittadinanza_granata_cinquantamila_firme_per_le_seconde_generazioni_13452.html](#) , accessed 17 July 2011

¹⁹⁸ ISTAT, *The foreign population resident in Italy on 1 January 2010* (Rome, 2010)

¹⁹⁹ Cfr. Caritas/Migrantes, *Immigrazione Dossier Statistico...* cit. Introduction

²⁰⁰ Cfr. ISTAT, *The foreign population resident in Italy on 1 January 2010* - Table 1 (Rome, 2010)

²⁰¹ Marsili, M., Battaglini M., *Demographic Indicators Year 2010 - Press Release*, ISTAT(Rome, 2011)

²⁰² CENSIS, *Immigration and foreign presence in Italy*, Report SOPEMI, (Rome, 2010)

²⁰³ Cfr. Marsili M., Battaglini M., *Demographic Indicator...* , cit, Figura 6. page.8

one million and 68 thousand foreign nationality citizens (25%) are residing in Central Italy, followed by the ones living in Southern Italy and the islands.²⁰⁴

The Italian situation is characterised by a remarkable dynamism; the immigration phenomenon in Italy is structural and involves some important demographic aspects, which have repercussions on the intercultural dynamics. In recent years, the number of Italian families that have at least one foreign member has increased to 8.3% of the overall Italian families in 2009. This is an evident signal of the increasing stabilisation of foreign citizens. In regard to intermarriage, the absolute rate has slightly decreased in 2009 compared to 2008, while the relative value has increased (from 10% in 2008 to 13.9% in 2009).²⁰⁵

Unaccompanied minors represent a significant part of the migratory influx and in the last ten years the phenomenon has become more and more considerable. The Committee for Foreign Minors of the Ministry of Labour and Social Policy, reports that the number of unaccompanied minors is 5.806 (data updated on June 30th 2011). The most represented nationality is Afghan: nearly 17% of the overall unaccompanied minors. The other main nationality groups are Tunisian, Egyptian and Moroccan. The phenomenon affects many children from Sub-Saharan Africa, in particular from Somalia, Ghana and Senegal as well.²⁰⁶

Unfortunately, data related to unaccompanied minors is only partial because the Committee has no jurisdiction on EU unaccompanied minors, so there is a lack of information about children coming, mainly, from Romania and Bulgaria.²⁰⁷ Moreover, the Committee does not take into account the presence of some specific groups, such as applicants for international protection, who are under the jurisdiction of the Central Service of Protection System for Refugees and Asylum Seekers (SPRAR).²⁰⁸ Lastly, not all the territorial authorities make accurate reports, and not all unaccompanied immigrant children have contact with the Institutions.²⁰⁹

The presence of a high number of children coming from Afghanistan and some sub-Saharan African countries represents a brand new situation that requires a different approach from Italian authorities. Doctors Without Borders have made

²⁰⁴ Revision ENAR Italy by ISTAT sources, ISTAT DEMO database: <http://demo.istat.it/strasa2010/index02.html>

²⁰⁵ Source data: ISTAT

²⁰⁶ Ministry of Labour and Social Affairs. Committee for Foreign Children, *Data of unaccompanied children reported to the Committee*. Available at : http://www.lavoro.gov.it/Lavoro/md/AreaSociale/Immigrazione/minori_stranieri/Minori_stranieri_non_accompagnati.htm

²⁰⁷ Save the Children, *The foreign minors in Italy, 2nd Annual Report*, (Rome: Save the Children 2010)

²⁰⁸ See SPRAR, Central Service Of Protection System For Refugees And Asylum Seekers. Available at <http://www.serviziocentrale.it/index.php>

²⁰⁹ Bartalotta, Farotti, Galli, Gasparri, Glognoli, Desideri, *Beyond the Wall. Summary statistics of the system of protection for asylum seekers and refugees*– SPRAR (Rome 2010)

several appeals to draw authorities' attention to the terrible conditions in the migrants' Detention Centres. DWB has emphasised that Lampedusa's Centre doesn't respect any minimum standards of treatment, and many vulnerable groups inside the Centre have suffered abuses. The reception is a fundamental element, especially for minors: they are particularly vulnerable because they have often suffered from violence and abuse²¹⁰ and they are exposed to many threats.²¹¹ The number of unaccompanied children seeking asylum staying in reception centres dropped from 320 in 2009 to 253 in 2010. The Countries of origin of these minors are: Afghanistan (43%), Eritrea (15%), Nigeria and Somalia (7%), Gambia (5%) and Ghana (4%).²¹² Between 2009 and 2010, the number of unaccompanied minors that have arrived in Italy has strongly reduced. This is mainly due to the introduction, by the Italian government, of push back returns practices and to the reinforcement of the surveillance infrastructure, although such operations are incompatible with international binding law, in particular as far the principle of non-refoulement applies.

The reception system presents some remarkable problems, among which: the uneven distribution of primary goods, the lack of cultural mediation services and the inadequacy of legal support, the delays in the determination and regularisation of the juridical status of minors.

In the last year the number of asylum applications in the eight countries of Southern Europe has significantly reduced (-33%). Also the individual requests for international protection have dropped. In detail: Italy has experienced a decrease of 53% of the requests, which is the highest decrease along with Malta (-94%).²¹³ This decrease began with the agreement with Libya, called: "Treaty of Friendship, Partnership and Co-operation" (2009), based on a previous 2007 agreement. The effects of the agreement lasted throughout 2010, with a total number of 12,121 asylum requests, compared to 31,723 received in 2008.²¹⁴

The Minister of Home Affairs, Mr. Roberto Maroni, has issued a Circular (n.1305 of April 1st 2011)²¹⁵ stating that, facing the massive influx of migrants from North Africa, access to the reception structures is allowed only to certain organisations, including UNHCR, OIM, Italian Red Cross, Amnesty International, and Doctors Without Borders. This measure was decided in order to "not obstruct the reception activities". Access to Identification and Expulsion Centres and to Reception Centres for Asylum Seekers has been therefore denied to the media, lawyers and many NGOs.

²¹⁰ Doctors without borders, *In search of salvation. The hidden suffering, the testimonies of migrants in Italy* (Rome, 2010)

²¹¹ Save the Children Report, *The reception of children arriving by sea* (November 2010)

²¹² Cfr. Caritas/Migrantes, *Immigrazione Dossier Statistico...* cit. page 182

²¹³ UNCHR: "Asylum Levels and Trends in Industrialized Countries 2010" (UNHCR, Geneva, March 2011)

²¹⁴ Ministero degli Interni: quaderno statistico 1990-2010 – realizzato dalla Commissione nazionale per il diritto d'asilo

²¹⁵ Cfr. Ministero dell'Interno, Circular n. 1305 (April 1, 2011) Above 4

Following the publication of the Circular and arguing that this measure violates Article 21 of the Italian Constitution, (press cannot be subjected to authorisation or censorship),²¹⁶ the National Press Federation, in collaboration with the Organising Committee composed by members of Parliament, trade associations and activists, launched the “LasciateCIEntrare” initiative, with the aim of denouncing the unacceptable living conditions of the Centres and the unconstitutionality of the Minister's Circular.²¹⁷

Six months after the expiration date for the transposition of the Return Directive 2008/115/CE, and after the sentence *El Dridi vs Italy*, in which the Court of Justice has highlighted the conflict between penal provisions contained in the Immigration Act and principles stated by the aforementioned Directive, on June 23rd 2011, the Government issued **Decree n.89, 23/6/2011 on expulsion, detention and related crimes** which raised a number of problems:

On one side, the Decree still considers entry and stay irregularities as non-amendable, while on the other side it foresees expulsion as the only sanction. Besides, the Decree also raises the maximum period of detention to 18 months. People who have not committed any crimes may therefore be detained for one and a half years in inadequate structures, without guarantees about the effective respect of their fundamental rights.

The Decree also regulates removal procedures, re-proposing as ordinary instruments the coercive accompanying of people to the external border for removal. It is therefore possible to derogate to the Return Directive, in particular regarding the gradual and progressive nature of the coercive intervention: police officials may use it whenever they consider it appropriate, for example if a migrant is stopped without an identity document.

These provisions included in the Decree n.89 23/6/2011 suggest that the immigration issue is still considered by the Institutions as an emergency problem, and, as a consequence, it leads to an “openly hostile attitude towards migrants and by an immigration regulation which is not fair and effective.”²¹⁸

The Constitutional Court issued an important ruling on July 20th 2011, which states the constitutional illegitimacy of Article 116 of the Civil Code, which requires that migrants have a valid residence permit in order to be able to get married. The motivation of the Court was that marriage must be considered as a fundamental right and cannot be restricted on the sole basis of the residence status.²¹⁹

²¹⁶ See, Inform to resist, la Circolare ICE, *Government complies with Article 21 of the Constitution.* (July 13, 2011, accessed 28 July 2011)

²¹⁷ LasciateCIEntrare, *Cronache di ordinario razzismo*, 21 July 2011, <http://www.cronachediordinariorazzismo.org/2011/07/lasciatecientrare/>, accessed 1 August 2011.

²¹⁸ ASGI, 23/6/11 *Law Decree n.89 on expulsions, detention and related offenses, a law is unjust and ineffective.* (August 1, 2011), Available at: http://www.asgi.it/home_asgi.php?n=1761&l=it

²¹⁹ Avv. Andrea, De Rossi, *“Il matrimonio dello straniero non può essere limitato dalla condizione di regolarità”* (accessed 13 August 2011)

A decree issued on May 21 2009, declared a “state of emergency” referring to the presence of “nomad communities” in the Regions of Campania. Discrimination towards Roma and Sinti minorities is essentially connected to prejudice and stereotypes that tend to link these people to crimes. Moreover, in the last decade, political speech has perpetuated, and in many cases worsened, the stereotype of the “delinquent gypsy”.

Riding the population's wave of fear and insecurity, Italian Government has adopted, since 2008, some emergency decrees that have worsened measures against migrants and minorities, in particular against undocumented persons. In the case of Roma and Sinti these measures have been introduced on a mere ethnicity basis, even ignoring the fact that they are frequently Italian citizens. Among these decrees, let us recall the “Nomad Plan” in May 2008, by which the Government declared the state of emergency related to the settlements of nomad communities in the Region of Campania, Lazio and Lombardia, due to their “extreme precariousness”, with reference to attacks against Roma camps in Ponticelli neighbourhood (Naples).²²⁰

With the “Nomad Plan” the Prime Minister gave extraordinary powers to Regions’ Prefects, until December 2011. Some of their new powers are:

- To monitor authorised camps that host nomad communities and to identify illegal camps
- To conduct population censuses inside camps, in order to identify all the residents, including minors, and families (...) also through identification procedures.
- To take all the necessary measures, including the use of police force, against persons [...]to whom administrative or judicial removal or expulsion measures are, or may be, addressed.

In 2010, 170 evictions were carried out in the city of Milan, and in Milan and Rome the administrations have adopted exceptional regulations such as the obligation to show identification cards in order to access authorised camps or camp curfews at 10 p.m.²²¹

The European Parliament issued a resolution that prohibited the Italian State to take and use Roma's fingerprints, including minors, and expressed concern about the special powers conferred to the Prefects and about the extraordinary measures implemented against Roma and Sinti's communities. Through these concerns, the European Parliament has rejected the decree and urged the Italian

<http://www.stranieriinitalia.it/normativa-il-matrimonio-dello-straniero-non-puo-essere-limitato-dalla-condizione-di-regolarita-13580.html>

²²⁰ Cfr. The “Nomad Plan” *DPCM 21 maggio 2008*, (May 26, 2008) Available at: <http://www.stranieriinitalia.it/leggi-dpcm-21-maggio-2008-dichiarazione-stato-emergenza-insediamenti-nomadi-4091.html>, accessed 13 June 2011 above 1

²²¹ Hermanin, *Roma emergency, the special powers disuguaglianza*; La Stampa (February 8, 2011).

Government to repeal it.²²²

As many observers have noted, phenomena of intolerance, rejection and racism are often present in political speech, even during the election campaigns. Since Italy has become an immigration country, the issue of immigration has always been more and more linked to the concept of crime; it has become increasingly central in political communication; and it has been used to attract votes, especially by some parties, in particular Lega Nord and the Prime Minister's party, Popolo della Libertà (PDL).

For instance on May 30th 2011, during the election campaign of the Mayor of the City of Milan, PDL and Lega Nord, which were supporting the outgoing mayor, focused their political speeches on openly racist and xenophobic messages. Days before the election day, Lega Nord's Secretary declared that, if the centre-left coalition won, Milan would be invaded by irregular migrants, and mosques and would have become a "zingaropoli"²²³ (a unique enormous nomad camp). On May 23rd 2011, the Italian Prime Minister said: "Milan will become an Islamic zingaropoli".²²⁴ Only two days after that negative comment, Lega Nord's deputy and MEP Mario Borghezio, asserted that the victory of the centre-left coalition would make the Islamic fundamentalists happy, because radical Islam with the new administration would have taken root in Milan.²²⁵ The victory of the centre-left coalition' candidate, Mr Giuliano Pisapia,²²⁶ is due, in part, to reaction of civil society, which created a parallel internet campaign rejecting the imposed stereotypes.²²⁷

²²² See, The other law, documentation center of the prison, deviance and marginality, available at: www.altrodiritto.unifi.it

²²³ *Zingaropoli. ovvero parole come pietre* Cronache di ordinario razzismo. (20 May 2011, accessed 20 July 2011) <http://www.cronachediordinariorazzismo.org/2011/05/%E2%80%9Czingaropoli%E2%80%9D-ovvero-parole-come-pietre/>

²²⁴ Berlusconi, Milano alla sinistra sarà una zingaropoli, *Avvenire.it* (23 maggio 2011 last accessed 21 July 2011) http://www.avvenire.it/Cronaca/berlusconi+milano+alla+sinistra+una+zingaropoli+islamica_201105231135261870000.htm

²²⁵ Borghezio, Se vince Pisapia, Al Qaeda sarà contenta. *Politica 24* (24 maggio 2011, accessed 21 July 2011) <http://www.politica24.it/articolo/ballottaggio-milano-borghezio-se-vince-pisapia-al-qaeda-sara-contenta/12589/>

²²⁶ Maroni: "E' stata una sberla". *Corriere della Sera* (30 May 2011), accessed 20 July 2011) http://www.corriere.it/politica/speciali/2011/elezioni-amministrative-ballottaggi/notizie/30-maggio-reazioni-lega_bd3f636c-8ad0-11e0-93d0-5db6d859c804.shtml

²²⁷ Rizzo, G. Letizia star di Sucate, il quartiere che non c'è, *L'Unità*, (23 May 2011, accessed 21 July 2011) available at <http://www.unita.it/italia/letizia-star-di-sucate-il-quartiere-che-non-c-e-1.296362>.

XIV. National recommendations

Employment

- Develop legal and policy measures to facilitate the legal entry of migrant workers and give them the means to legally stay in Italy.
- Eliminate access barriers to employment for non-Italian citizens and promote the overcoming of the labour market's dual approach for migrants and minorities. In particular, concerning the salary and the access to the same level of employment on equal level of education

Housing

- Create equal economic and social conditions between Italian and migrants in access to housing.
- Control the housing conditions for seasonal workers, in order to eliminate the inhuman living conditions that are currently present in many Regions of Italy.
- Cancel the "Nomad Plans" and create the condition for Roma and Sinti's communities, to have access to social housing as well as the real estate market and stop Roma and Sinti's segregation inside the camps.

Education

- Guarantee and protect the intercultural value in the learning process by promoting actions, such as: the systematic implementation of measures aimed to provide information and orientation
- Support the direct involvement of parents and families, both Italian and foreign.

Health

- Develop a homogeneous application of the national legislation in force in the health care area.
- Contemplate obligatory inscription to SSN (National Health Service) and, consequently, the possibility to choose the general practitioner and the paediatric doctors for all minors present in Italy regardless of their legal condition.
- Strengthen regional level monitoring and analysis of the health needs of migrants.

Criminal justice

- Strengthen punishments against racist and xenophobic violence at institutional and political level.

- Reform the Criminal Code to ensure that the aggravating circumstance of racial hatred is actually applied.
- Condemn forcefully and consistently all racial and xenophobic statements, especially by public and elected officials, and make clear that racist discourse has no place in Italian society

Access to goods and services

- Supervise the correct application of laws in public administration.
- Organise information and training courses for public administrators in order to provide them with the appropriate skills to avoid discrimination

Media

- Fight the media's current inclination to give a simplistic and negative image of migration.
- Dedicate more attention to the phenomenon of migration, without the present focus on sensational and negative events. Provide journalists with training and information sessions about "migration in the media".

General

Anti-racism and anti-discrimination

- The Ministries should launch exhaustive data collection of racial and xenophobic violence and crimes, and create a database for NGOs and civil society.
- Take measures to strengthen the National Equality Body (UNAR) in order to ensure its capacity to carry out its work and to make it really independent.
- Unify the various provisions against racial and religious discrimination contained in the various laws under a single act.

Migration and integration

- Approve a comprehensive law on the protection of asylum seekers and refugees, avoiding rules incompatible with international binding law.
- Reform the reception system, in order to assure an equal distribution of primary goods, and to eliminate the lack of cultural mediation services and the inadequacy of legal support.
- Cancel the provisions that affect the fundamental rights of migrants, in particular the 'crime of illegal entry and stay'

- Stop Roma and Sinti segregation in camps and negative public discourse and narratives, including political speech; implement policies aimed at promoting their inclusion.
- Reform citizenship laws, facilitating the naturalisation of long term residents and introducing the jus soli.

XV. Conclusion

The three most significant events of the considered period are:

Following the publication of the Interior Minister's Circular n. 1305 (on April 1st 2011), the National Press Federation, in collaboration with the Organising Committee composed by members of Parliament, trade associations and activists, have launched the "LasciateCIEntrare" initiative, with the aim of denouncing the unacceptable living conditions of the Reception Centres and the unconstitutionality of the Minister's Circular²²⁸.

The Constitutional Court issued an important sentence on July 20th 2011, which states the constitutional illegitimacy of Article 116 of the Civil Code, which foresees that migrants must be in possession of a valid residence permit, if they want to get married. The motivation of the Court was that marriage must be considered to be a fundamental right and cannot be restricted by the residence condition of the migrants.

The victory of the centre-left coalition's candidate, Mr Giuliano Pisapia as Mayor of the City of Milan, after an xenophobic political campaign carried out by Lega Nord and by Prime Minister's party Popolo della Libertà. Civil society's reaction to this campaign is of note. In fact civil society created a parallel internet campaign rejecting the stereotypes imposed on immigrants and Roma and Sinti's communities.

²²⁸ Cfr. Ministero dell'Interno, Circular n. 1305 (April 1, 2011) Above 4

Bibliography

- Albareto G., Mistrulli P., *Bridging the gap between migrants and the banking system*, Banca d'Italia Number 794 (February 2011). Available at: http://www.bancaditalia.it/pubblicazioni/econo/temidi/td11/td794_11;internal&action= setlanguage.action?LANGUAGE=en, accessed 13 July 2011.
- Amnesty International, *The wrong answer: Italy's "Nomad Plan" violates the housing right of Roma in Rome*. (January 2010)
- Amnesty International: "Europa e Asia Centrale, Italia 2011"
- Arance insanguinate- Dossier Rosarno (February 2010). Available at: [http://www.stopndrangheta.it/stopndr/art.aspx?id=875,%22Arance+insanguinate++Dossier+Rosarno"+Una+caccia+lunga+vent'anni](http://www.stopndrangheta.it/stopndr/art.aspx?id=875,%22Arance+insanguinate++Dossier+Rosarno) accessed 3 August 2011
- Articolo 3 Osservatorio sulle discriminazioni, *Rapporto 2010* (Mantova, January 2011). Available at: <http://www.articolo3.org/categoria/rapporti>, accessed 01 July 2011.
- ASGI, 23/6/11 *Law Decree n.89 on expulsions, detention and related offenses, a law is unjust and ineffective*. (August 1, 2011), Available at: http://www.asgi.it/home_asgi.php?n=1761&l=it, accessed 29 June 2011.
- ASGI, *Discriminazione degli stranieri nell'accesso al welfare: Il servizio anti-discriminazioni dell'ASGI inoltra due esposti alla Commissione europea per violazione del diritto dell'Unione europea da parte dell'Italia*. Available at: http://www.asgi.it/home_asgi.php?n=1553&l=it, accessed 29 August 2011.
- ASGI: "Divieto di segnalazione degli stranieri irregolari che si rivolgono alle strutture sanitarie" (December 2009) http://www.asgi.it/home_asgi.php?n=700&l=it, accessed 20 August 2011.
- ASGI: *I minori stranieri extracomunitari e il diritto all'istruzione dopo l'entrata in vigore della legge n.94/2009*
- Associazione 21 luglio, *Esclusi e ammassati. Rapporto di ricerca sulla condizione dei minori rom nel villaggio attrezzato di via Salone a Roma* (November 2010) page. 32
- Associazione 21 luglio, *Esclusi ed ammassati. Rapporto di ricerca sulla condizione dei minori rom nel villaggio attrezzato di via Salone a Roma*. Available at: www.21luglio.com, accessed 03 August 2011.
- Associazione per i diritti degli utenti e dei consumatori: *Italia, Cala la mobilità migratoria*. ISTAT. http://immigrazione.aduc.it/notizia/cala+mobilita+migratoria+istat_123509.php, accessed 18 July 2011
- Avv. Andrea, De Rossi, *"Il matrimonio dello straniero non può essere limitato dalla condizione di regolarità"*
- Baldini M., Federici, M., *Ethnic discrimination in the Italian rental housing market*, Political Economic Department, (Modena, Modena and Reggio Emilia University, 2010)
- Baldini, M., Federici, M., "Non si affitta agli immigrati", *La Voce.info* (30 July 2010). Available at: <http://www.lavoce.info/articoli/pagina1001844.html>, accessed 28 June 2011
- Bartalotta, Farotti, Galli, Gasparri, Glognoli, Desideri, *Beyond the Wall. Summary statistics of the system of protection for asylum seekers and refugees*– SPRAR (Rome 2010)
- Berlusconi, Milano alla sinistra sarà una zingaropoli, *Avvenire.it* (23 maggio 2011) http://www.avvenire.it/Cronaca/berlusconi+milano+alla+sinistra+una+zingaropoli+islamica_201105231135261870000.htm, accessed 29 August 2011.
- Bonsu, uno dei vigili condannato per il pestaggio *viaemilia.it*: (25 January 2011)- <http://www.viaemilianet.it/notizia.php?id=5485>, accessed 25 July 2011.

Borghesio, Se vince Pisapia, Al Qaeda sarà contenta. *Politica 24* (24 maggio 2011)
<http://www.politica24.it/articolo/ballottaggio-milano-borghesio-se-vince-pisapia-al-qaeda-sara-contenta/12589/>, accessed 03 June 2011.

Bruno, M., Peruzzi, G., July 2010, "Il Tempo delle Rivolte". Presentation of the Paper of the Osservatorio della Carta di Roma.

CARITAS Diocesana di Roma, *La tutela della salute degli immigrati nelle politiche locali* (July 2010):

Caritas/Migrantes, *Immigrazione Dossier Statistico XX Rapporto* (Idos, Rome October 2010)

Case ai rom, la Procura indaga su discriminazione razziale. *Corriere della sera*,
http://milano.corriere.it/milano/notizie/cronaca/10_dicembre_22/case-rom-procura-apre-fascicolo-discriminazione-razziale-comune-181128010796.shtml.accessed 12 July 2011.

CENSIS, in collaboration with Ministry of Labour and Social Policies, *Dare casa alle sicurezze*. Available at:
http://www.censis.it/5?resource_23=107647&relational_resource_24=107647&relational_resource_396=107647&relational_resource_26=107647&relational_resource_78=107647&relational_resource_296=107647&relational_resource_342=107647&relational_resource_343=107647
 accessed 2 June 2011

Centro Regionale contro le Discriminazioni Emilia Romagna, UNAR, *Progetto Progress, abstract* (4 May 2011)

Cillo, Della Puppa, Perocco, *The impact of Racial Equality Directive: a survey of trade unions and employers in the Member States of European Union* (FRA ed. 2009)

Commissario Delegato per l'emergenza nomadi della Regione Lazio, Regolamento per la gestione dei villaggi attrezzati per le comunità nomadi della Regione Lazio:
http://www.interno.it/mininterno/export/sites/default/it/assets/files/16/0767_Regolamento_campi_nomadi_pref_Roma.pdf accessed 14 August 2011

Corte di Cassazione, sez.V penale, sentenza n.54694 dd.26 April 2011-
http://www.asgi.it/home_asgi.php?n=1615&l=it, accessed 01 August 2011.

Decision on the merits of Complaint n. 58/2009, COHRE v. Italy, to view:
<http://comitatoromsinti.blogspot.com/2010/10/pubblicata-la-decisione-del-consiglio.html>,
 accessed 29 August 2011

Decision on the merits of Complaint n. 58/2009, COHRE v. Italy, to view:
<http://comitatoromsinti.blogspot.com/2010/10/pubblicata-la-decisione-del-consiglio.html>,
www.asgi.it/public/parser_download/save/european.committee.of.social.rights.decision.on.the.merits.cohre.v.italy.doc, accessed 13 December 2011

Decreto del Presidente del Consiglio dei Ministri. DPCM, *Dichiarazione stato emergenza insediamenti nomadi*, (21 May 2008) Available at:
http://www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/09_79_2008_05_27_decreto_21_maggio_2008.html, accessed 21 May 2009.

della Corte Costituzionale, *Viola i principi costituzionali di eguaglianza e ragionevolezza l'introduzione di requisiti di nazionalità e anzianità di residenza per l'accesso a prestazioni sociali che mirano ad affrontare situazioni di disagio e bisogno della persona*. ASGI, Associazione per gli Studi Giuridici sull'Immigrazione (10 February 2011). Available at:
http://www.asgi.it/home_asgi.php?n=1410&l=it, accessed 29 August 2011.

Di Pasquale, *Racism and discrimination in Italy*, ENAR Shadow Report 2009-2010

Doctors without borders, *In search of salvation. The hidden suffering, the testimonies of migrants in Italy* (Rome, 2010)

Doctors without Borders: "Lampedusa, MSF denuncia condizioni igienico-sanitarie peggiori dei campi rifugiati (April 2011)

http://www.medicisenzafrontiere.it/msfinforma/comunicati_stampa.asp?id=2582, accessed 29 August 2011.

Doctors without Borders, *Immigrazione: Medici Senza Frontiere chiede la chiusura dei centri di accoglienza a Kinisia e Porta San Gervasio* (June 2011).

Emanata la circolare Gelmini sul "tetto" del 30% di alunni stranieri. *Melting Pot Europa*, (13 January 2010) <http://www.meltingpot.org/articolo15114.html>, accessed 2 August 2011.

Esplode l'allarme sanitario, l'ASL "non ci fanno entrare". *Repubblica Bari.it*:

http://bari.repubblica.it/cronaca/2011/04/05/news/manduria_emergenza_sanitaria-14504934/index.html?ref=search accessed 5 April 2011

European Agency for safety and Health at Work, *Report of European Risk Observatory: Many of Europe's Migrants Workers face poor safety and health condition*. 2008 (January 17, 2008),

Available at: http://osha.europa.eu/en/press/press-releases/news_article.2008-01-09_MigrantWorkers, accessed 2 July 2011

European Committee of Social Rights, *Decision on the merits, European Roma Rights Centre v. Italy*, Complaint No. 27/2004,

http://www.coe.int/t/dghl/monitoring/socialcharter/complaints/CC27Merits_en.pdf, accessed 28 July 2011

European Migration Network (ed.) Albissini, *Presentation of the Third Italian Report* (November 2010)

European Network of Legal Experts in the non-discrimination field, *European Anti-Discrimination Law review*, (July 2011) to view: <http://www.cirdi.org/documenti-internazionali/rapporto-comparativo-sullo-sviluppo-delle-leggi-antidiscriminazione-in-europa/>, accessed 30 August 2011.

European Risk Observatory, *Many of Europe's migrants workers face poor safety and health conditions* (January 2008). Available at: http://osha.europa.eu/en/press/press-releases/news_article.2008-01-09_MigrantWorkers, accessed 30 August 2011.

European Union Agency on Fundamental Rights, *EU-MIDIS European Union Minorities and Discrimination Survey*. Data in Focus Report: Police Stops and Minorities (2010). Available at:

<http://fra.europa.eu/fraWebsite/attachments/EU-MIDIS-police.pdf> accessed 19 July 2011

European Union Agency for Fundamental Rights: *Razione sugli avvenimenti: violenti attacchi contro la popolazione rom nel quartiere Ponticelli di Napoli*. (2008). Available at:

http://fra.europa.eu/fraWebsite/attachments/Incid-Report-Italy-08_it.pdf, accessed 3 July 2011

Gruppo CRC, *I diritti dell'infanzia e dell'adolescenza in Italia*, 2nd Supplementary Report to UN monitoring of the Convention on the Rights of the Child and adolescence in Italy. (Rome 2009),.

Available at: <http://www.gruppocrc.net/Istruzione-Minori-stranieri> 28 July 2011

Guanti sul bus degli immigrati. CGIL: "Pericolo discriminazione" *Repubblica.it, Brescia*,

http://www.repubblica.it/cronaca/2010/07/07/news/quanto_ufo-5460823/ accessed 5 August 2011

http://www.medicisenzafrontiere.it/msfinforma/comunicati_stampa.asp?id=2676

<http://www.stranieriinitalia.it/normativa->

[il_matrimonio_dello_straniero_non_puo_essere_limitato_dalla_condizione_di_regolarita_13580.html](http://www.stranieriinitalia.it/normativa-il-matrimonio-dello-straniero-non-puo-essere-limitato-dalla-condizione-di-regolarita-13580.html)

Human Rights Watch, *Everyday Intolerance – Racist and Xenophobic Violence in Italy* (© Human Rights Watch, U.S.A. March 2011) accessed 18 July 2011

Immigrati del Cara in rivolta, guerriglia a Bari, treni sospesi, bloccata la tangenziale. 50 feriti, *Repubblica.it* (01 August 2011)

http://bari.repubblica.it/cronaca/2011/08/01/news/gli_immigrati_del_cara_bloccano_la_citt-19864482/?ref=HREC1-3

Immigrati sulla gru, scontri a Brescia. E a Milano occupano la torre Carlo Erba" *Corriere della sera* http://milano.corriere.it/milano/notizie/cronaca/10_novembre_8/immigrati_brescia_milano-1804119175852.shtml, accessed 28 June 2011

International Congress, *La condizione dei Rom e Sinti in Italia*. Available at: <http://rom.asgi.it/index.php?p=materiali#regionali>

International Labour Conference, Report of the Director-General, *Equality at work: the continuing challenge*

International Organisation for Migration, *Stagione Amara* (December 2010), (accessed 20 May 2011)

Intravaia, Salvo. "Gelmini: dall'anno prossimo tetto del 30% per gli stranieri", *Repubblica.it* (08 January 2010)
http://www.repubblica.it/scuola/2010/01/08/news/gelmini_dall_anno_prossimo_tetto_del_30_per_gli_stranieri-1878519/

Iossa, Mariolina, Burqa vietato, primo sì alla legge, *Corriere della sera* (3 August 2011), available at:
http://archiviostorico.corriere.it/2011/agosto/03/Burqa_vietato_primo_alla_legge_co_9_11080300_7.shtml , accessed 25 August 2011

Iref, *Oltre il separatismo socio-abitativo*. Available at :
<http://www.irefricerche.it/news.interna.php?notizia=111> accessed 28 July 2011

IRES e Cgil: *Immigrazione, sfruttamento e conflitto sociale. Rapporto di ricerca*

ISTAT, *Rapporto annuale. La situazione del Paese nel 2011*, accessed 23 July 2011

ISTAT, *Le famiglie con stranieri: indicatori di disagio economico*. Available at:
www.istat.it/salastampa/comunicati/non...00/testointegrale20110228.pdf accessed 30 July

Italian Union of Labour, *Immigrati. UIL fotografa la condizione abitativa*, available at:
http://immigrazione.aduc.it/notizia/immigrati+uil+fotografa+condizione+abitativa_121317.php

, LeggiOggi.it *La Consulta interviene sul diritto degli extracomunitari ai servizi sociali* (February 2011) , <http://www.leggioggi.it/2011/02/14/gli-extracomunitari-hanno-diritto-ai-servizi-sociali/>

LeggiOggi.it, *Divieto di indossare burqa e niqab. D.d.l. approvato in Commissione affari costituzionali*, <http://www.leggioggi.it/2011/10/28/divieto-di-indossare-burqa-e-niqab-d-d-l-approvato-in-commissione-affari-costituzionali/>, accessed 3 Dicembre 2011.

Lampedusa, barcone con 25 morti nella stiva, *Repubblica Palermo.it*, (01 August 2011),
http://palermo.repubblica.it/cronaca/2011/08/01/news/immigrazione_tragedia_a_lampedusa_arriv_a_barcone_con_25_cadaveri_a_bordo-19861199/ accessed 2 July 2011

LasciateCIEntrare, *Cronache di ordinario razzismo*, 21 July 2011,
<http://www.cronachediordinariorazzismo.org/2011/07/lasciatecientrare/> accessed 23 July 2011

Le Centre Catholique International de Geneve. Conference: strengthening the capacity of and the social protection for domestic workers, (3-4 June 2011). Available at: http://www.cci-iccg.org/index_suite.php accessed 28 June 2011

Lettera inviata da ASGI Lombardia e Fondazione Piccini per i diritti dell'uomo ONLUS di Brescia sulla vicenda degli alloggi delle Poste Italiane. Available at:
http://www.asgi.it/home_asgi.php?n=1729&l=it accessed 23 June 2011

Maroni: "niente alloggi popolari ai Rom di via Triboniano, *Stranieri in Italia*. Available at
http://www.stranieriinitalia.it/attualita-maroni_niente_alloggi_popolari_ai_rom_di_via_triboniano_11707.html accessed 23 July 2011

Maroni: "Troppa tolleranza con gli stranieri". A Rosarno il Ministro dell'interno lega le violenze all'immigrazione clandestina. *Repubblica.it*. (8 January 2010)
<http://www.repubblica.it/cronaca/2010/01/08/news/reazioni-rosarno-1879505/> accessed 28 May 2011

Marsili, M., Battaglini M., Demographic Indicators Year 2010 - Press Release, ISTAT(Rome, 2011)

Mascia, Salvatore, Lavoratori stranieri, poche tutele per i clandestini.
http://www.stranieriinitalia.it/normativa-lavoratori_sfruttati_poche_tutele_per_i_clandestini_13372.html, accessed 4 July 2011

Milano immigrati su torre Carlo Erba, *Corriere della Sera* (November 2010):
http://milano.corriere.it/milano/notizie/cronaca/10_novembre_8/immigrati_imbonati-1804121406527.shtml, accessed 28 June 2011

Ministero dell'interno: *Emersione del lavoro irregolare di colf e badanti*, la circolare n.10/2009, a firma congiunta Interno-Lavoro, Salute e Politiche Sociali del 7 agosto 2009, (August 10, 2009). Available at:
http://www.interno.it/mininterno/export/sites/default/it/sezioni/sala_stampa/notizie/immigrazione/0157_2009_08_10_circolare_Interno_Lavoro_emersione_colf_badanti_.html, accessed 22 August 2011.

Ministero dell'Interno, *Dichiarazione di emersione, Report di sintesi a scadenza dei termini*. Available at: <http://www.cislveneto.it/categoria/zoom/i-colori-del-lavoro/sanatoria-2009/> accessed 22 August 2011

Ministero dell'Interno, Circular n. 1305 (April 1, 2011) available at:
<http://fortresseurope.blogspot.com/2011/06/cie-ecco-il-testo-della-circolare-della.html> accessed 14 June 2011

Ministero dell'Interno, Law Decree n 89 (June 23, 2011), available at:
http://www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/0949_2011_06_23_DL23062011n.89.html (accessed 1 July 2011)

Ministero dell'Istruzione, dell'Università e della Ricerca: *Alunni con cittadinanza non italiana, scuole statali e non statali, Anno scolastico 2007/2008* (April 2009) pag.7. Available at:
http://www.istruzione.it/web/ministero/index_pubblicazioni_09 accessed 18 June 2011

Ministro Sacconi , Ministry of Labour and Social Policies, Audizione sul piano straordinario di contrasto a irregolari procedure di impiego stagionale di extracomunitari nelle attività agricole (Rome 11 May 2010) Available at:
http://www.lavoro.gov.it/Lavoro/Appuntamenti/20100510_Audizione_Ministro.htm accessed 10 July 2011

Ministry of Labour and Social Affairs. Committee for Foreign Children, *Data of unaccompanied children reported to the Committee*. Available at :
http://www.lavoro.gov.it/Lavoro/md/AreaSociale/Immigrazione/minori_stranieri/Minori_stranieri_no_n_accompagnati.htm accessed 29 June 2011

Morcellini, M., Binotto, M., Bruno, M., Lai, V., *Ricerca nazionale su immigrazione e asilo nei media italiani*. (Università La Sapienza, Roma December, 2009)

NAGA. *La Doppia Malattia*, indagine sulla (non) applicazione della normativa sanitaria per i cittadini stranieri irregolari a Milano (April 2011). Available at:
<http://www.naga.it/index.php/notizie-naga/items/la-doppia-malattia> accessed 28 May 2011

"Nomad Plan" *DPCM 21 maggio 2008*, (May 26, 2008) Available at:
http://www.stranieriinitalia.it/leggi-dpcm_21_maggio_2008_dichiarazione_stato_emergenza_insediamenti_nomadi_4091.html , (accessed 13 June 2011

Omofobia, affossata la legge. Il PDL la blocca, polemiche nel PD", *Repubblica.it*
<http://www.repubblica.it/2009/08/sezioni/cronaca/gay-aggredditi/legge-omofobia/legge-omofobia.html>,

OSCAD e UNAR insieme contro le discriminazioni, *Polizia di Stato*,
<http://poliziadistato.it/articolo/view/22039/>,

PICUM's Main Concerns about the fundamental rights of undocumented migrants in Europe (Brussels October 2010)

Polizia apre un ufficio per le minoranze, *Stranieri in Italia*, <http://www.stranieriinitalia.it/attualita-polizia-apre-un-ufficio-per-le-minoranze-11127.html>, accessed July 2011

Polizia di Stato, *Mantova: false assunzioni per veri clandestini*.
<http://www.poliziadistato.it/articolo/18088/> , accessed July 2011

Ponzo, *Il disagio abitativo degli immigrati: le risposte di housing sociale*. (FIERI, 2010)

Provincia di Bologna Osservatorio delle immigrazioni, *Sguardi sull'abitare degli stranieri a Bologna e Provincia*. Dossier 1/2011. Realised by Extrafondente Association. (March 2011)

Rapporto ISTAT, *Le famiglie con stranieri: indicatori di disagio economico*. Available at: www.istat.it/salastampa/comunicati/non...00/testointegrale20110228.pdf

Report of the Group of Eminent Persons of the Council of Europe, *Living together. Combining diversity and freedom in 21st-century Europa*, (Strasbourg, n.p.2011)

Risso, E., Cova, R., Grassi, R., Saltarelli S., Sartori, L., Pellegrino, V., 2010, "Io e gli altri: i giovani italiani nel vortice del cambiamento, Conferenza dei Presidi delle assemblee legislative delle Regioni e Province autonome

Sacchi, Annachiara. "Salta il tetto degli alunni stranieri. La Gelmini: norma rispettata". *Corriere della Sera.it*. (30 April 2010)
http://milano.corriere.it/milano/notizie/cronaca/10_aprile_30/sacchi_scuola_stranieri-1602934081604.shtml, accessed 18 June 2011

Save the Children Report, *The reception of children arriving by sea* (November 2010)

Save the Children, *The foreign minors in Italy, 2nd Annual Report*, (Rome: Save the Children 2010)

Sciopero degli stranieri", *Comitato Primo* (March 2011)" : <http://primomarzo2010.blogspot.com/> accessed 28 June 2011

Scuola, 1 milione di alunni stranieri nel 2011, *Stranieri in Italia* (April 2008)
<http://www.stranieriinitalia.it/statistiche-scuola-1-milione-di-alunni-stranieri-nel-2011-3333.html>, accessed 19 June 2011

Security Package", Law 15.07.2009 n°94, G.U.14.07.2009: Disposizioni in materia di pubblica sicurezza. (09G0096), The full text is available at <http://www.altalex.com/index.php?idnot=41644>, accessed 27 July 2009

See, Inform to resist, la Circolare ICE, *Government complies with Article 21 of the Constitution*." Senato della Repubblica, *Commissione straordinaria per la tutela e la promozione dei diritti umani: Rapporto conclusivo dell'indagine sulla condizione dei Rom, sinti e Caminanti in Italia*. (9 February 2011)

Sentenza Tribunale amministrativo del Lazio n. 06352/2009, Available at: http://www.giustizia-amministrativa.it/DocumentiGA/Roma/Sezione%201/2008/200807785/Provvedimenti/200906352_01.XML , (1° July 2010)

Sfratto e intimidazioni, ma l'alloggio non è in regola", *La Repubblica di Parma.it* (9 July 2011)
<http://oltretorrente-parma.blogautore.repubblica.it/2011/07/09/sfratto-e-intimidazioni-ma-lalloggio-non-e-in-regola/> , accessed in July 2011

Stranieriinitalia.it, *Cittadinanza. Granata: "Cinquantamila firme per le seconde generazioni"*,
<http://www.stranieriinitalia.it/interviste-cittadinanza-granata-cinquantamila-firme-per-le-seconde-generazioni-13452.html> , accessed 17 July 2011

T.U. Immigrazione, Testo Unico sulle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione di straniero (Dlgs 286/1998). Available at: <http://www.altalex.com/index.php?idnot=836> (accessed 1 June 2011)

Testo della Legge Mancino (25/6/93, n.205),– Aggravating circumstance, available at: <http://xenu.com-it.net/txt/mancino.htm#menu3> accessed 14 June 2011

Transatlantic Trends Immigration – *Main Results* – Dossier Italy Country Profile 2010 (Washington, Dc: German Marshall Found, 2010), Available at http://trends.gmfus.org/?page_id=3035 accessed 2 June 2011

Tribunale di Bologna, sentenza n. 528/2010 dd. 08.03.2011

Tribunale di Brescia, sez.vol.giur., ordinanza n.588/2011 dd.31.03.2011. Available at: http://www.asgi.it/home_asgi.php?n=1559&l=it accessed 29 June 2011

Tribunale di Gorizia, Sezione Lavoro, ordinanza n. 271 del 30 June 2011: http://www.asgi.it/home_asgi.php?n=documenti&id=2032&l=it accessed 1 August 2011

Tribunale di Lodi, ordinanza dd. 18.02.2011 (n. 317/11; N.R.G. 921/2010) accessed 4 August 2011

Tribunale di Monza, *E' discriminatoria la condotta del comune che non concede ai lungo soggiornanti l'assegno INPS per i nuclei familiari numerosi*. CIRDI. Available at: <http://www.cirdi.org/giurisprudenza/tribunale-di-monza-e%E2%80%99-discriminatoria-la-condotta-del-comune-che-non-concede-ai-lungo-soggiornanti-l%E2%80%99assegno-inps-per-i-nuclei-familiari-numerosi/> accessed 18 August 2011

Tribunale di Venezia: udienza preliminare nel procedimento a carico dei militanti leghisti che aggredirono due camerieri stranieri durante la Festa della Lega a Venezia il 13 settembre 2009- Available at: http://www.asgi.it/home_asgi.php?n=1188&l=it

UCEI, *Alcune considerazioni sull'antisemitismo in Italia 2007-2010*. (November 2010). Available at <http://www.osservatorioantisemitismo.it/default.asp> accessed 28 June 2011

UNAR, *Parere riguardante "Disciplinare per la vendita di alloggi delle Poste italiane S.p.A in cui si chiedeva la sola cittadinanza italiana"*. Available at: <http://www.unar.it/> (July 2011)

UNAR, *Rapporto finale: "Studio per la definizione e l'organizzazione di un sistema di indicatori per la misurazione dei fenomeni di discriminazione razziale sul territorio nazionale e la costituzione di un centro di ricerca permanente"* (Rome October 2010)

UNAR, *Relazione al Parlamento sull'effettiva applicazione del Principio di trattamento e sull'efficacia dei meccanismi di tutela– Rapporto Finale* (2010).

UNAR, *Relazione al Presidente del Consiglio sulle attività del 2010*. page. 62

UNAR, *Ricerca su indici discriminazione, rapporto finale*, (October 2010).

UNAR, *Studio per la definizione e l'organizzazione di un sistema di indicatori per la misurazione dei fenomeni di discriminazione razziale sul territorio nazionale e la costituzione di un centro di ricerca permanente*, Final Report (October 2010)

UNAR/IREF, ACLI, *Relazione al Parlamento*, (Rome, 2001)

UNCHR: "Asylum Levels and Trends in Industrialized Countries 2010" (UNHCR, Geneva, March 2011)

Viaggiatori rom schedati sui treni". I controllori si ribellano: è razzismo. Repubblica.it http://www.repubblica.it/cronaca/2010/05/06/news/viaggiatori_rom_schedati_sui_treni_i_controllori_si_ribellano_razzismo-3849525/ accessed 28 August 2011

Vitale,G, Campi rom, tesserino per entrare e alle dieci di sera cancelli chiusi, *La Repubblica* (February 17, 2009). Available at: <http://www.repubblica.it/2009/02/sezioni/cronaca/violenza-sessuale-2/campi-rom/campi-rom.html> accessed 2 July 2011

Z. Dazzi, Niente case ai rom, la Curia accusa "Patti violati, pronti alle vie legali, (October 8, 2010) *La Repubblica.it*. Available at http://www.repubblica.it/cronaca/2010/10/08/news/case_roma_curia-7839357/ , accessed 2 July 2011

Zingaropoli. ovvero parole come pietre Cronache di ordinario razzismo. (20 May 2011,) <http://www.cronachediordinariorazzismo.org/2011/05/%E2%80%9CZingaropoli%E2%80%9D-ovvero-parole-come-pietre/> accessed 3 July 2011

Zucca, *Discriminazione razziale e sistemi di monitoraggio: alcune riflessioni a partire dalla nuova organizzazione del Contact center UNAR*, International Conference, (Torino, March 2011)

Annex 1: List of abbreviations and terminology

ADUC → (Associazione per i Diritti degli Utenti e Consumatori) Association for the rights of users and consumers.

ARTICOLO 3 → “Articolo 3, Osservatorio sulle discriminazioni” is an association born in Mantova in 2008, within the Table for celebrating Jan 27th, Holocaust Memorial Day. “Articolo 3” was founded by Sucar Drom association, Mantova Hebrew Community, Sinti Cultural Institute, Mantova Institute for Contemporary History and ArciGay, thanks to the support of the Municipality and the Province of Mantova.

ASGI → (Associazione Studi Giuridici sull'Immigrazione.) The Association for Legal Studies on Immigration was established in 1990 and brings together lawyers, academics, legal practitioners and jurists with a specific professional interest in legal issues relating to immigration.

CARA → (Centri di Accoglienza Richiedenti Asilo) Reception Centre for Asylum Seekers

CENSIS → (Centro Studi Investimenti Sociali) Social Investment Studies Centre, is a socio-economic research institute founded in 1964. Since 1973 the Foundation has become a recognised, Censis has conducted for more than forty years a consistent and structured research, consultancy and technical assistance in the socio-economic development.

CGIL → (Confederazione Generale Italiana del Lavoro). It is an Italian Trade Union with more than 5 million of subscribers, it is the largest Italian Trade Union Organisation. It was established with the Pact of Rome in 1944.

CIE → (Centri d'identificazione e espulsione), Identification and Expulsion Centre.

CIRDI → (Centro d'Informazione su Razzismo a Discriminazione in Italia) The Information Centre on Racism and Discrimination in Italy was founded with the goal to provide to a broad public the results of the activities of the COSPE in the field of combating racism and discrimination.

CRC → The Italian NGO Group for the CRC (Il Gruppo di Lavoro per la Convenzione sui Diritti dell'Infanzia e dell'Adolescenza - Gruppo CRC) is a network currently composed by almost [86 NGOs and associations](#) that have been working for a long time for the promotion and protection of children's rights in Italy. The Italian NGO Group for the CRC is coordinated by [Save the Children Italy](#).

CRI → (Croce Rossa Italiana) Italian Red Cross.

INPS → (Istituto Nazionale della Previdenza Sociale) National Security Social System, INPS is among the largest social security institutions of Europe.

IREF → (Istituto Ricerche Educative e Formative) Institute for Educational Research and Training, was founded in 1968 by the ACLI with the aim to design and perform research activities in the social field.

IRES → (Istituto Ricerche Economiche e Sociali) The Institute of Economic and Social Research is a non-profit association, founded in 1979 by the CGIL. The Institute's activities consist mainly in the promotion, planning and conducting studies and research about work market and its changes.\

ISTAT → (Istituto Nazionale di Statistica) The Italian National Institute of Statistics is a public research organisation. It has been present in Italy since 1926, and is the main producer of official statistics in the service of citizens and policy-makers. It operates in complete independence and continuous interaction with the academic and scientific communities.

IOM → (International Organization for Migration), established in 1951, IOM is the leading inter-governmental organisation in the field of migration and works closely with governmental, intergovernmental and non-governmental partners.

SIMM → (Società Italiana di Medicina delle Migrazioni) The Italian Society of Medicine of Migration (SIMM), was established in 1990 under the pressure of groups and organisations in various parts of Italy. Its aim is to ensure the right to health care to immigrants. the SIMM can be considered a national "policy network" of exchange of experiences, scientific data and health policy considerations.

SPRAR → Sistema di Protezione per Richiedenti Asilo e Rifugiati

UCEI → (Unione delle Comunità ebraiche d'Italia) The Union of Italian Jewish Communities represents the Jews of Italy. UCEI coordinates the Italian Jewish Communities, oversees and promotes education and cultural activities, social and religious.

UIL → (Unione Italiana del Lavoro) Italia Union of Labour, one of the most important Trade Union in Italy.

UNAR → The Office for the promotion of equal treatment and removal of discrimination based on race or ethnic origin (Ufficio Nazionale Antidiscriminazioni Razziali) was established by Legislative Decree 9 July 2003, with the purpose of ensuring, in full autonomy and in conditions of impartiality, the effectiveness of the principle of equal treatment among persons, on the

operation instruments to ensure protection against discrimination in force and help to eliminate discrimination based on race and ethnicity.

