

ITALY

CERD A/32/18 (1977)

284. The initial report of Italy was found by the Committee to be comprehensive in its scope; some members observed that it contained practically all the data which the Committee needed in order to perform its task, and noted that, in addition, the report contained a section on "future measures planned in the short and medium term in implementation of Italy's commitments as a State Party to the Convention". Members of the Committee took note of the care with which the report was prepared, and of the statement that "the preparation of this report was preceded by an ad hoc interministerial meeting", in which representatives of non-governmental organizations also participated. And it was noted that the report was organized in accordance with the guidelines laid down by the Committee.

285. Referring to the statement, contained in the report before the Committee, that, "as far as legislative measures are concerned, all the articles were carefully examined when the Act ratifying the Convention was being prepared and the conclusion was reached that in the Italian situation there was no need to provide for any legislative measures other than those of a penal nature required under article 4", some members observed that the Italian legislation - as described in the report - did not define or condemn acts of racial discrimination other than those described in article 4 of the Convention. They expressed concern at that deficiency, particularly in view of the fact that the report recognized that there could be "isolated cases of de facto differences" in Italy, and because the effectiveness of the means of recourse and the compensation for injuries would be diminished by that deficiency. Some members asked whether any law existed in Italy - other than the legislative measures taken to give effect to the provisions of article 4 of the Convention - which made racial discrimination a punishable offence. In that connection, some members referred to the right of access, without discrimination, to any place or service intended for use by the general public, in accordance with article 5, paragraph (f), of the Convention; they observed that notwithstanding the statement in the report that there was no situation conflicting with that right in Italy - Italian legislation did not guarantee that violators of that right could be punished or ensured for victims of such violations the "effective protection and remedies" or the "just and adequate reparation or satisfaction" required under article 6 of the Convention. Reference was made to the statement that, "should any such cases [of racial discrimination] assume a criminal character, the injured persons would be protected by the provisions of the Penal Code"; and it was observed that it was difficult for members of the Committee to offer an opinion on the situation without having received from the reporting State the texts of the penal provisions alluded to.

286. With regard to the implementation of article 4 of the Convention, members of the Committee considered the provisions of article 3 of Act No. 654 of 13 October 1975, on the Ratification and Implementation of the Convention and noted that all the acts mentioned in paragraph (a) of that article were covered, except for "the provision of any assistance to racist activities, including the financing thereof". It was noted that, whereas paragraph (b) of article 4 of the Convention referred to organizations "which promote and incite racial discrimination", the provisions of article 3 of Act No. 654 applied only to organizations "whose aims include incitement to racial hatred or

discrimination”; in that connection, it was observed that, although it was unlikely that an organization would proclaim that incitement to racial discrimination was one of its aims, some organizations would resort to such practices in actual fact; and it was therefore felt that legislation was needed to deal with those organizations which in fact incited to racial discrimination but which did not publicly proclaim their aims.

287. It was hoped that future reports from Italy would contain information on the situation actually prevailing with regard to the enjoyment of the rights listed in article 5 of the Convention by the various segments of the Italian population.

288. The information on the implementation of article 7 of the Convention was noted with satisfaction. It was hoped that future reports from Italy could give more detailed information on that subject, as envisaged in general recommendation V of the Committee. It was suggested also that the purposes of article 7 might be best served by the adoption of a positive approach through the provision of information on the customs and way of life of other peoples and ethnic groups. And it was regretted that the report did not refer to an important seminar on the question of minorities, held in Trieste in 1974, which had dealt *inter alia* with the methods of informing public opinion about the nature of the problems of minorities in Italy and the world.

289. The Committee noted with satisfaction the statement that a draft declaration in accordance with the optional provisions of article 14, paragraph 1, of the Convention had already been drawn up. Noting that the report before the Committee had been submitted in March 1977, some members asked whether there had been further relevant developments since that time. Some members inquired whether the body mentioned in paragraph 2 of article 14 of the Convention had been established or indicated, and observed that difficulties might be encountered in the application of the provisions of paragraphs 3, 4 and 5 of that article if such action was not taken. Some members commented on the rationale for, as well as the practical difficulties that might arise from, the qualification that “recognition of the Committee’s competence in this respect does not extend to communications which are already under consideration or awaiting consideration by another international investigative or regulatory body”.

290. It was noted with regret that the information envisaged by the Committee in general recommendation III and decision 2 (XI) had not been supplied in the report before the Committee.

291. Some members referred to the statement that “no information concerning judicial measures can be supplied because the system of classifying offences in Italy does not include a specific category of offences motivated by racial prejudice”. It was observed that the application of Act No. 654, which ratified the Convention and implemented the provisions of article 4 thereof, should make it possible to classify those offences which were motivated by racial prejudice and to provide the Committee with information on cases in which the provisions of article 3 of Act No. 654 had been invoked.

292. The information on minorities in Italy, given in the report, was considered incomplete: some members noted that, in addition to the main minority groups mentioned in the report, there were other groups such as those speaking Greek, Albanian and Croat; that, in addition to the national and international provisions cited in the report, a reference should be added to article 15 of the Peace

Treaty and to article 3 of the Statute of the Friuli-Venezia Giulia region, as well as the decision of the Italian Parliament to call for special legislation regarding the rights of the Slovene minority in the Friuli-Venezia Giulia region, in accordance with the Treaty of Osimo (which was ratified after the preparation of the report).

293. An interest was expressed in receiving information on the way in which Italy was applying the Convention in respect of the nomad populations mentioned in the report; on the composition and size of the refugee population in Italy; and on the reasons for which special measures had been taken with regard to so-called “coloured domestic helpers”.

294. The representative of Italy commented on the observations and inquiries made by members of the Committee and summarized in the preceding paragraphs. He pointed out that, under a system such as that prevailing in Italy, it would be difficult to promulgate a law condemning racial discrimination as such, since acts of racial discrimination which related solely to private affairs of individuals could not be made an offence under the Italian Penal Code. The fact that the Code did not include a specific category of offences motivated by racial prejudice, however, did not mean that such a motivation would not be taken into account when sentence was pronounced; the Code laid down minimum and maximum penalties for each category of crime and it was for judges, in the light of any attenuating circumstances or motivations, to decide on the severity of sentences within that range. Implementation of article 5, paragraph (f), of the Convention was governed by a law which established the right of the owner of any premises to deny access to any person or group; unless such a refusal could be proved to be racially motivated, it could not be considered that an offence had been committed under Italian law. He had no further information on the draft declaration in accordance with article 14 of the Convention; the reservation in that declaration was probably motivated by the desire to prevent different bodies from reaching different conclusions on the same case, thereby causing confusion. It had not been deemed necessary to include in the report the information envisaged by the Committee in its general recommendation III and decision 2 (XI), because his Government’s interpretation of its obligations under the Convention was that it should report on the conditions in its own territory as regarded racial discrimination and steps to eradicate it; however, the position of the Italian Government with regard to the policy of apartheid had been stated on innumerable occasions in various United Nations bodies. He would ask his Government to provide information in future reports on cases, if any, dealt with under the terms of Act No. 654 and on the Greek and Albanian minorities and nomad populations in Italy. Most of the refugees in Italy were political refugees from places such as Eastern Europe and Chile. The special measures that had been taken with regard to “coloured domestic helpers” had been designed to protect them against certain forms of exploitation of which they had been victims; those protective measures had already been effective in improving the situation.

CERD A/35/18 (1980)

58. The second periodic report of Italy (CERD/C/46/Add.1 and Corr.1) was considered by the Committee together with the information provided by the representatives of the reporting State in their introductory statements.

59. The Committee commended the Italian Government on the detailed and exhaustive information provided. Some members considered the report as a model which could be used by States parties that had not yet fulfilled their obligations under article 9 of the Convention. Particular satisfaction was expressed with the establishment in Italy of an Interministerial Committee on Human Rights, the purpose of which was to institutionalize co-operation between ministries in the field of human rights and to prepare reports in accordance with the reporting procedures of the international instruments to which Italy was a party. Members of the Committee were of the view that the establishment of similar bodies by other States parties could lead to an improvement in the quality of their reports.

60. Referring to the ethnic and linguistic minority groups living in Italy, some members expressed the wish to receive more information concerning, in particular, the minorities of Albanian and Greek origin. It was asked whether there were possibilities for minorities in Italy to develop co-operation with their "mother nations", and whether any provision existed on such co-operation in bilateral agreements with countries from which the ethnic minorities originally came. With regard to measures taken to ensure the protection of nomad groups in the country, further clarification was requested on the reported difficulties in integrating nomads, partly due to the attitude of the community. Information was also requested on the ethnic composition of the nomadic populations which had come to Italy from the Balkans after the First World War or more recently.

61. With regard to the implementation of article 3 of the Convention, members of the Committee noted with interest the information on Italy's attitude towards apartheid; they observed, however, that no adequate information was contained in the report on the relations between Italy and the racist régimes in southern Africa, despite the invitations regarding the submission of such information made by the Committee in its general recommendation III and decision 2 (XI).

62. In connection with article 4 of the Convention, it was noted that both the initial and the second report of Italy stressed that Italian legislation relating to racial discrimination was of a preventive nature. It was observed in this connection that in accordance with article 4 of the Convention, prevention would have to be supported by punitive action and that further information on this subject would have been desirable. It was asked, in particular, whether the provision of financial assistance to a racist organization, as referred to in article 4 (a) of the Convention, was a criminal offence in Italy; it was also observed that Act. No. 654 of 13 October 1975, promulgated in connection with the ratification by Italy of the Convention, did not seem to provide for desired measures in respect of racist propaganda activities.

63. Several questions were raised by members of the Committee with regard to the implementation of article 5 of the Convention. Further information was requested on a recent episode of racial intolerance referred to in part III, section 2, of the report. Referring to the section of the report

dealing with nomads, one member noted that the elimination of possible camping bans for them was mentioned in the report and wished to know whether such bans existed and on what legal grounds. In connection with the legal status and treatment of non-European foreigners in Italy, it was asked whether persons coming from the former Italian colonies had the right to enter the country freely and whether it was possible for them to have dual nationality. More details were requested on Italy's attitude to political asylum: whether political refugees were accepted only on a temporary basis, whether the law provided for programmes to absorb them, particularly if they were stateless, and what was the national origin of the groups of refugees accepted in Italy. In connection with the legal status of foreign workers, more information was requested on foreigners working illegally in the country and on how they were able to avoid paying social security contributions; what status was granted to legal migrant workers, whether they could join Italian trade unions and whether workers coming from countries belonging to the European Economic Community and workers coming from other countries were treated in the same way. Information was also asked for about the status of foreign students in Italian universities and whether their status was different from that of Italian students. In addition, further information was requested on the progress made in the education of children of migrant workers and children of the linguistic minority groups referred to in the report with regard, in particular, to the study of their own languages and cultures and on the law guaranteeing the right of access to any place or service intended for use by the general public, as specified in article 5 (f) of the Convention.

64. As regards the implementation of article 6 of the Convention, some members observed that, although the Convention had become an integral part of the Italian legislation, no general law had been promulgated to suppress racism and they wished to receive further information on legislative provisions to which an individual could refer if he wished to appeal to a court against an act of racial discrimination. It was asked, in this connection, whether any cases related to racial discrimination had been brought before the Italian courts.

65. With regard to the implementation of article 7 of the Convention, more information was asked for on the educational measures taken in accordance with the requirements of that article and, in particular, whether the work of foreign authors, particularly African authors, nationals of States members of the Berne Convention concerning protection of artistic and literary property, were protected under Italian law and, if so, what was the form of that protection.

66. Members of the Committee commended the Italian Government for having made the declaration called for by the provisions of article 14 of the Convention. In this connection, they asked for a clarification on Italy's reservation concerning the submission to the Committee of communications already considered, or in the process of being considered, by other international investigatory or regulatory bodies. One member wished to know, in particular, whether a person victim of racial discrimination who was not satisfied with the decision taken by another international body could bring his case before the Committee.

67. The representative of Italy, replying to questions by members of the Committee, provided some additional information concerning ethnic minorities and stated that those minorities which had participated in the development of Italian history and those which had been integrated following peace treaties were all protected, in particular by the status of the Italian regions.

68. In connection with article 3 of the Convention, the representatives explained that, on the matter of relations with the racist régimes of southern Africa, the Italian Government had taken note of the two recommendations adopted by the Committee, but considered that States parties to the Convention were not obliged to provide the Committee with information of the type requested.

69. In reply to questions raised in connection with article 4 of the Convention, the representatives stated that, although Italian legislation did not contain any general provisions dealing with racial discrimination, there were several provisions of the Criminal Code under which action could be taken, and they provided information on those articles. They stated also that no organization existed in Italy with the stated aim of practising racial discrimination.

70. Referring to questions raised in connection with article 5 of the Convention, the representatives provided additional information concerning the criminal proceedings brought against the persons recently accused of an episode of racial intolerance. With reference to the treatment of stateless persons, they stated that children of such persons were of Italian nationality if they were born in Italy. As regards foreigners working illegally in the country, the situation would be clarified after the adoption of the draft legislation on the subject. As regards the legal migrant workers, the only difference between foreign workers from countries of the European Economic Community, or those from other countries and Italian workers was in the way in which work contracts were prepared; once the contracts had been concluded, all had the same rights and privileges with respect to social security, trade union activities, etc. Information was also provided about draft legislation concerning school programmes for children of ethnic or linguistic minorities and about legislation concerning the right of access to public establishments.

71. In reply to questions raised in connection with article 6 of the Convention, the representatives stated that it would have been difficult to make a compilation of court decisions and pick out those related to racial discrimination; it would, however, be possible to make inquiries by asking a sample group of courts whether there had been cases of racial discrimination among the offences that had come before them and to include information on the subject in the next report.

72. With regard to the reservation made by Italy in connection with its declaration under article 14, the representative explained that it had its origin in a recommendation of the Council of Europe and referred to matters submitted to the European Commission on Human Rights or to the European Court of Human Rights. They stated that there was no question of asking an individual to refrain from submitting a request to the Committee, but that the Committee itself should refrain from considering a communication that was already being considered by another international body.

73. In his concluding statement, the Chairman said that the Italian Government should reconsider its position concerning General Recommendation III of the Committee.

CERD A/39/18 (1984)

297. The third and fourth periodic reports of Italy, submitted in one document (CERD/104/Add.2), were introduced by the representative of the reporting State who pointed out that, in 1978, the Italian Government had established the Interministerial Committee on Human Rights to deal with Italy's reporting obligations under the various international human rights instruments. The Committee, wishing to improve the punctuality of its reporting, had analysed the causes of their late submission and had concluded that the intervals between reports was too short. Moreover, States parties were required to report on a number of partially overlapping instruments. It would be desirable, therefore, for the next report to be submitted in four, rather than only two, years. The representative indicated that important bills were being discussed by Parliament, including a bill on the employment of foreign workers and 12 bills relating to minority groups, concerning respectively the German, French, Catalan, Slovene, Croatian, Albanian, Greek, Provençal, gypsy, Ladin, Friulian and Serbian. Those bills envisaged, *inter alia*, the possibility for those minorities to use their mother tongue in dealing with the administrative and legal authorities and the introduction of complete bilingualism in the Sardinian, Friulian and Slovene regions. Concerning the nomad community, the Government had taken steps in 1983 in co-ordination with the municipalities in order to provide nomads access to municipal health services and to consider the possibility of equipping special camping areas.

298. The Committee commended Italy for its clear and comprehensive report and for the wealth of substantial information it contained. It noted that the Committee's guidelines had been followed in the drafting of the report and underlined the active participation of the Interministerial Committee on Human Rights in its preparation. It was pointed out, however, that the Committee had exceptionally allowed Italy to combine two reports in one document covering a four-year interval, but that the States parties, under article 9 of the Convention, were obliged to submit a report every other year.

299. The Committee expressed appreciation at the fact that Italy was not only implementing the Convention, but also many other human rights instruments. Italy had made the optional declaration referred to in article 14 of the Convention and its ratification of the various international human rights instruments meant that their provisions were incorporated in the Italian legal system. Within this context, it was pointed out that the Italian legal system was exemplary; its Constitution was based on pluralism and respect for human rights and it embodied the principle of equality and non-discrimination.

300. With regard to article 2 and the protection of minority groups, the Committee welcomed the realistic approach which the Italian Government had adopted in dealing with ethnic groups coexisting in its territory. It requested additional information on the participation of minority groups in the social and economic development of the country and on matters affecting their welfare and the protection of their rights. It was asked whether minority groups had opportunities equal to those available to the rest of the population in the economic sphere. In that connection, the next periodic report should contain a comparative socio-economic analysis of the various minorities and ethnic groups coexisting in Italy. Such an analysis would permit it to determine for which of those groups it was necessary to adopt measures to ensure their adequate development. Further information was requested regarding the Slovene minority and whether the 40,000 figure mentioned in the initial

report of Italy had increased or decreased. The Committee noted that the protection of the German-speaking minority, a very positive example of the protection provided to a linguistic minority, was defined in the 1946 Agreement between Italy and Austria, which constituted an annex to the Treaty of Peace between Italy and the Allied Powers. The provisions of the Agreement had been implemented within the context of the 1971 Special Autonomy Statute of the Trentino-Alto Adige region. In this connection, further information was requested on attempts to set up other autonomous regions. It was also asked whether the representation of the German-speaking minority in the Italian Parliament was due to the numerical preponderance of that minority over other ethnic groups or to other ethnic groups or to other reasons. Further details requested concerning the Catalan minority, the nomad groups and whether the conventions, mentioned in the report, for radio and television broadcasting in French and television broadcasting in Ladin and Slovene were already fully operational. The Committee wished to know whether the languages of minority groups were used in schools and public offices and whether the situation, as described in the report, in relation to the cultural traditions of minority groups accorded with reality. The Committee observed that the Slovene minority in Trieste had a special status in that its members could use the Slovenian language in the Courts whereas in areas outside Trieste the Slovene minority could not do so. It would also be useful to know whether the least numerous ethnic groups were also represented at the municipal, provincial and regional levels. As to the court decision which applied to persons who, being able to speak Italian refused to do so, the Committee asked whether it applied to the inhabitants of an autonomous region.

301. The Committee observed that the situation of migrant workers in Italy was not improving. The report indicated that there had been an increase in the number of foreign workers residing in Italy for reasons of employment and that foreigners had been subject to exploitation, particularly those who lacked residence permits. Clarifications were requested regarding the situation of foreign workers from countries which were not members of the European Economic Community and about workers from countries with a regular contract employment. More details were requested regarding the extent to which article 3 of the Italian Constitution applied to foreigners. Members of the Committee expressed the hope that the bill relating to clandestine migration and employment of irregular foreign labour, which was being prepared, could be enacted and promulgated as soon as possible and that the next report would contain information on that subject.

302. In relation to article 3, detailed information was requested with regard to the economic and trade relations between Italy and the régime of South Africa.

303. Concerning article 4, the Committee noted that Italy was one of the few States which had taken the necessary measures to implement that article; that the obligations under article 4 were guaranteed in Italy under Law No. 654 of 1975, together with other provisions of the Italian penal legislation: and that heavy penalties were provided for cases of racist behaviour. A clarification was therefore requested regarding the interpretative statement made by Italy upon ratification of the Convention, in particular whether that statement was necessary in the light of Law No. 654 which followed very closely the text of article 4. With regard to the isolated cases of racial discrimination which had been reported, it was asked why the four young persons referred to in the report had been acquitted. The Committee wished also to know in what circumstances such cases could arise and against which groups discrimination might be directed. It was also asked whether there had been specific cases involving the prohibition of racist organizations.

304. In relation to article 5, members expressed the hope that the next periodic report would specify the laws relating to the implementation of the economic, social and cultural rights not only of minorities but of the entire Italian population, and that it would contain statistical tables providing information in particular in regard to housing, social security and education.

305. With regard to article 6, the Committee underlined the autonomy of the juridical branch and the fact that judges had security of tenure so that it was possible to implement article 6. The hope was expressed that the next report would provide a full description of the remedies available at the domestic level through the civil, administrative and penal systems to the individual seeking redress or satisfaction in cases of racial discrimination.

306. With reference to article 7, although the Committee welcomed the manner in which the Italian Government was implementing that article as well as the numerous programmes aiming at preventing ethnic discrimination, detailed information was requested about the specific measures which had been adopted to eradicate the prejudices leading to racial discrimination.

307. In reply to questions raised, the representative of the reporting State explained that the problem facing minorities, which represented less than 1 per cent of Italy's total population, was not the assimilation of their members, since they were completely integrated into the Italian society and had the same economic and political rights as the rest of the population, but the preservation of their cultural identity and languages. The German-speaking minority was represented in Parliament since it alone had enough votes for that purpose; it could choose between instruction in Italian and in German, in a public or private establishment. The Slovene minority included approximately 40,000 persons; the exact number would be provided in the next report. The Catalan minority was extremely small and lived in only one locality in Sardinia. There was a law which not only protected the Sardinian-speaking Catalan but even obliged the region to protect all dialect-speaking groups as well. Agreements on radio and television programmes in French and television programmes in Ladin and Slovene were being planned in addition to the already existing radio and television broadcasts in German and Slovene. The norm required all Italian citizens to express themselves in Italian before the courts. But the law established a distinction between the "acknowledged" minorities, numerically quite large, whose members did not speak Italian and other minorities, smaller and much integrated, who spoke Italian and for whom there was no linguistic problem.

308. In relation to questions asked with respect to foreigners, the representative explained that foreign workers did not constitute a problem at present, but might later become one. The Government was following the situation very closely and was preparing a bill consistent with the Constitution, democracy and the country's way of life. The Government must handle the problem internally, in particular by seeing to it that migrant workers were not exploited. With respect to the interpretation of article 3 of the Italian Constitution, which provided that all citizens were equal before the law, the Constitutional Court held that that article referred not only to citizens per se, but also to foreigners and stateless persons. The law also provided for free legal assistance for Italians, foreigners or stateless persons with insufficient means. Foreigners could have an interpreter free of charge.

309. Regarding article 3 and the relations with the régime of South Africa, the representative stated that Italy implemented in full Security Council resolutions 311 (1972) and 418 (1977) which mainly

concerned arms supplies; the trade relations which Italy maintained with South Africa were quite insignificant.

310. In connection with questions raised about the implementation of article 4, the representative informed the Committee that there were no known cases in Italy of organizations preaching racial discrimination. As for the Jama case, which had been tried in Rome in 1979, the four youths had been convicted in the first instance, but in the second instance had been found not guilty for lack of evidence. Concerning illegal organizations, the representative pointed out that it was a tribunal rather than administrative authority which decided whether an organization was legal or not.

311. With regard to the implementation of article 5 and the statistical information requested by the Committee about economic, social and cultural rights for the entire Italian population, the representative pointed out that detailed information had already been submitted under the provisions of another international instrument. The representative informed the Committee, however, that social security coverage was enjoyed by the entire population without distinction.

312. Replying to questions in connection with article 6 and judicial remedies, the representative explained that there were in Italy courts of first instance and courts of second instance. Appeal could be made against the judgements of the courts of first instance before those of second instance for reasons of law or fact. The decisions of courts of second instance could only be appealed before the court of cassation with regard to questions of law. There was also a Constitutional Court which decided on the constitutionality of laws and texts having the force of law. A citizen could ask a competent judge to refer a case to the Constitutional Court.

CERD A/45/18 (1990)

286. The fifth and sixth periodic reports of Italy, combined in a single document (CERD/C/156/Add.1), and the seventh periodic report of Italy (CERD/C/182/Add.2) were considered by the Committee at its 880th meeting, on 17 August 1990 (CERD/C/SR.880).

287. In his introductory statement, the representative of the State party said that the Government of Italy was currently confronted with new situations linked with increased - and sometimes uncontrolled - immigration into the country. In that context, the problems faced by the Italian authorities in the area of racial discrimination could be divided into three categories: conventional problems due to the presence of linguistic minorities in the national territory; problems due to the presence of nationals of other countries of the European Community; and problems due to immigration by citizens of countries not members of the European Community. While the difficulties connected with the first two categories of problems could be fairly easily resolved, the difficulties connected with the third one were more complex, *inter alia*, because it was very difficult to control the entry into the national territory of persons who came for the most part from African and Latin American countries. After describing the situation of the clandestine immigrants and the remedial measures taken by the Government, the representative pointed out that uncontrolled immigration, beyond a tolerable threshold, inevitably gave rise to rejection and xenophobia on the part of the local population. He informed the Committee concerning the new legislation that had been adopted and said that the text of Law No. 39-1990 had been published in many foreign language versions for the benefit of immigrants. Under that Law any person who considered himself persecuted in his own country could apply for asylum in Italy under the 1951 Geneva Convention.

288. Members of the Committee paid tribute to the humanitarian attitude towards clandestine immigrants shown by the Italian Government in allowing them to regularize their situation. They also expressed appreciation of the quality of the reports that had been submitted. They asked whether the population, and particularly the minorities, had been informed of the rights conferred on them by the declaration that the Italian Government had made under article 14 of the Convention. They asked the Government to provide more detailed information on the further measures that had been taken to implement the Convention. They wished for information on the content of the draft legislation on the protection of linguistic minorities, in order to verify that it was consistent with the Convention. Noting that local ethnocentrism was very strong in Italy, members suggested that the strategy of the antiracism campaign should be placed in that context and should be divided into three stages: identification of the nature of the problem; adoption of measures to solve it; and, lastly, evaluation of the progress achieved.

289. With reference to the implementation of article 2 of the Convention, members asked what was the percentage of migrant workers whose situation had not been regularized for one reason or another; what steps were being taken to deal with the serious racial incidents in public places and private institutions reported in the last 18 months; whether the law setting an annual quota for immigrants from non-European countries included provisions guaranteeing that there was no racial discrimination whatsoever in the handling of immigration requests; why, in Italy, the enactment of legislation, and particularly legislation on the protection of linguistic minorities, took so long. They also wished to have more detailed information on the status of nomadic populations and to know

whether the nomads living in Italy were Gypsies or whether there were also nomads of other origins.

290. With regard to article 3 of the Convention, members of the Committee wished to know the status of relations, particularly in the field of trade, between Italy and South Africa, and whether the Italian Government planned to modify its policy towards South Africa because of the release of Nelson Mandela.

291. Regarding the implementation of article 4 of the Convention, members of the Committee noted that insufficient use was made of the legislation designed to combat racist propaganda. They requested the Italian delegation to furnish particulars of the number of complaints of racial discrimination brought before the courts and the number of judicial convictions for such offences.

292. With reference to article 5 of the Convention, members of the Committee expressed a desire for more information on the reform of the Code of Criminal Procedure and they asked what had been the first results of that reform. They also desired information on cases of persons charged with being conscientious objectors; on the reasons for the excessive length of provisional detention and the safeguards against possible abuses in that connection. Information was also sought concerning economic and social rights and particularly concerning the implementation of the rights to work, to housing and to education.

293. Regarding the implementation of article 7 of the Convention, members of the Committee considered that there was a need to review school curricula in order to increase local communities' awareness of the problems of foreigners and immigrants and they asked whether the curricula included courses providing information on the aims of the Convention; whether teachers, police officials, judges and other officials were made aware, in the course of their training, of issues relating to human rights; and whether the content of the teaching in private educational institutions was monitored by the State in order to prevent the dissemination of racist ideas.

294. The representative of the State party observed that the Italian delegation had come to the Committee, not only to answer questions, but also to learn. He stated that under the Italian Constitution any international Convention ratified by Italy was directly applicable. That was the reason why there was no special legislation concerning racial discrimination. He also explained to the Committee why there were delays in the legislative process. They were due, *inter alia*, to political and constitutional factors. He pointed out that immigrant workers who were not nationals of countries of the European Economic Community (EEC) enjoyed the same rights as Italian workers once they had regularized their situation and he described the relevant legislation in detail. It was very difficult to compile detailed statistics of Italy's German-speaking population. However, the German-speaking minority in Alto Adige, as had been stated in an article in *Der Spiegel* some years before, was "the best protected minority in Europe" and the solution adopted in order to preserve its linguistic and cultural identity had often been held up as an example, in particular at the Copenhagen Conference. He also provided the Committee with statistics that had been requested relating to the number of foreigners officially established in Italy, by category, and said that they now totalled 860,000. Regarding the nomadic groups, he said that a disturbing increase in delinquency had been observed and that had resulted in a negative reaction on the part of the sedentary population. The only solution to that situation appeared to be the gradual assimilation of those groups, through education in particular.

295. With regard to the implementation of article 3 of the Convention, the representative of the State party said that Italy was applying strictly all the sanctions decided upon by EEC and by the United Nations, and would continue to do so as long as there was no genuine improvement in the situation in South Africa.

296. With reference to the implementation of article 4 of the Convention, the representative of Italy said that, since 1987, Italian courts had had to deal with a number of cases involving racial discrimination. Thus, in Florence, criminal proceedings had been brought against 13 persons for racial intolerance. The representative gave the Committee details of that case.

297. In connection with the implementation of article 5 of the Convention, the representative of the State party said, with reference to provisional detention, that the new Italian Code of Criminal Procedure, which had come into force in September 1989, had revolutionized the legal system. The inquisitorial procedure had been replaced by an accusatory procedure and the length of preventive detention had been considerably reduced. However, exceptions were provided for the case of trials involving a large number of persons, as, for example, in cases involving terrorism and the Mafia. The extremely complex investigation of such cases could take up to two or three years, but even in those cases provisional detention could not exceed four years. With regard to conscientious objectors, the Constitutional Court had decided that civilian service would be of the same duration as military service: 11 months. Anyone seeking to evade such service would be breaking the law and the authorities were entitled to take action. The representative also said that non-European immigrants were entitled to marry persons of Italian nationality and they could purchase property provided they were nationals of countries that had concluded with Italy a convention providing for reciprocity. Referring to the incident that had taken place in a Milan school, he said that that was a quite isolated incident. Although there were very few children of immigrants in the schools, the Ministry of Education, looking to the future, had already taken very significant measures. In September 1989, it had issued a circular instructing heads of schools to encourage the integration of such children. A further circular currently in preparation made provision, inter alia, for teaching experiments aimed at developing a more multi-cultural form of education.

298. With reference to the implementation of article 7 of the Convention, the representative of the State party informed the Committee that pupils in primary and secondary schools attended civics classes that dealt with the question of human rights. In addition, special courses, at a higher level, were provided for judges and the police, among others. Italy was also co-operating with the United Nations Centre for Human Rights in providing training for judges from Latin America and, soon also, from Africa.

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77. The eighth and ninth periodic reports of Italy (CERD/C/237/Add.1) were considered by the Committee at its 1075th to 1077th meetings, on 1 and 2 March 1995 (see CERD/C/SR.1075 to 1077).

78. The report was introduced by the representative of the State party who stated that his country attached particular importance to all problems concerning discrimination and intolerance. However, he noted that events that could amount to intolerance had occurred in areas where there was a particularly high concentration of foreigners from countries outside Europe, mostly from North Africa. He noted the importance, during recent years, of persons migrating, *de facto* or *de jure*, into Italy, especially from North Africa and Eastern European countries. In the case of displaced persons from the former Yugoslavia, he made reference to a special law which gave them the opportunity to enter Italy, at least temporarily, and to be provided with housing, food, education and so on.

79. The representative also made reference to the monitoring of the problem of nomads, in particular to facilities with regard to the schooling of children and other social action programmes. He emphasized that Italy had deemed it appropriate to take a step forward in its action to prevent and punish any form of racism, intolerance and xenophobia by adopting Act No. 205, criminalizing the mere act of incitement to discrimination and expanding the content of the term "racial discrimination". This new legislation had made it possible for the judiciary and the police to take action against neo-Nazi organizations. The representative indicated that the Ministry of Education recently reminded local authorities of the need to intensify efforts to achieve inter-cultural education in schools at all levels.

80. Members of the Committee welcomed the detailed information given in the report and orally, but they noted that the report concentrated on legal provisions; it failed to provide information on the nature of the problems or to supply practical examples showing the implementation of laws and policies. They asked the representative whether non-governmental organizations were involved in the preparation of periodic reports and whether the Committee's concluding observations were given any publicity.

81. With reference to article 2 of the Convention, members of the Committee wished to receive information about the effectiveness of the new provisions described in paragraphs 7 to 15 of the report. They also wished to receive precise information on the extreme right-wing groups and gangs of "skinheads" referred to in the report; whether they had links with political parties; whether they attracted young people; what penalties were imposed on those groups through the new Act No. 205 of 25 June 1993 and what follow-up there had been by the police and the courts to the reported incidents of violence against foreigners. They expressed satisfaction for the special status given to three regions inhabited by persons speaking minority languages, and asked for information on the status of other linguistic minorities elsewhere in Italy. They also asked for more information about specific cases of racial violence in the recent past, particularly against Romas, Jews and people from North Africa. In addition, they asked the representative to provide the Committee with information on the demographic composition of the Italian population, with specific reference to ethnic minorities, including the Roma community; on racist incidents and on social indicators, which included the crime rate and the rates of imprisonment, alcoholism, drug use and trafficking,

prostitution, suicide and certain diseases, especially AIDS, for various groups, such as foreign nationals and migrant workers.

82. With regard to article 4 of the Convention, members wanted to know whether the laws referred to in the report, in particular Decree-Law No. 122, had been fully implemented; whether individuals or groups had been prosecuted under those laws; whether the provisions described covered all aspects of racial discrimination referred to in article 4 of the Convention and whether revisionism was a crime in Italy. They also wanted to know whether consideration was given by his Government to withdrawing the reservation made to article 4 of the Convention.

83. Concerning article 5 of the Convention, members wished to know whether there was any surveillance of police operations; what action was taken in respect of the victims of racial discrimination by the police and whether those responsible for discrimination were retrained or disciplined. They asked whether the legislation concerning political asylum for non-European Union citizens (Act No. 39 of February 1990) was more restrictive in matters relating to the status and employment of the people concerned than the ordinary Italian legislation in those areas and whether there were plans to amend this Act; they asked about the results of the campaign to get non-European Union citizens to renew their residence permits and on any discrimination against migrant workers in the workplace and in housing. They would have liked information on the regulations governing the deportation of aliens; on statistics about the number and nationality of aliens deported in recent years, and where they had been sent; on people refused admission to Italy on the grounds of public order; on the number of people granted political asylum in Italy and their countries of origin; on the number of people currently living in centres for immigrants and in "reception facilities", on the conditions in those centres and facilities and on the possibility for courts, foreigners' associations or interested non-governmental organizations to have access to them in order to monitor conditions there, and whether special arrangements were made for Albanians and refugees from the former Yugoslavia. They also asked for information on the council for the problems of non-European Union workers and their families, on the way immigrants' representatives were chosen, and on the existence of any special agreement between the State and the Muslim community comparable to that between the State and the Jewish community.

84. With regard to article 6 of the Convention, members of the Committee regretted that there seemed to have been no developments in the individual's right to seek redress before the courts for acts of racial discrimination; in that connection, they asked for details and statistics on complaints, prosecutions and convictions in cases of acts of racism of all kinds. With regard to the reservation made by Italy to article 6 of the Convention, members asked whether consideration was given to its withdrawal.

85. Concerning article 7 of the Convention, members asked for more information about measures taken to promote inter-cultural and multiracial education; on the integration of foreign pupils into Italian schools in practice and on the number of pupils, including those from non-European Union countries, receiving education on an individual or small-group basis.

86. In their reply, the representatives of Italy said that a procedure for the withdrawal of Italy's reservations to the Convention had been set in motion. All the statistical information which members had requested would be provided later in writing. However, they were able to state that,

according to the local authorities and some NGOs, there had been about 300,000 illegal residents in Italy at the end of 1994. The 1990 Martelli Act had changed the regulations governing immigrants by enabling the authorities to set a yearly limit on the number of aliens who would be allowed to immigrate into Italy, with the figure being published each year in a decree. That Act had also provided for a national council and regional councils of representatives of workers from non-European Union countries appointed directly by non-Union workers' associations. The membership of those councils reflected the size of the various communities in each area. Some regions had laws encouraging the formation of non-Union workers' associations by granting subsidies. Illegal immigration continued to be a major social problem in Italy, but was difficult to monitor or eradicate.

87. On the question of reception centres, a distinction should be drawn between foreign nationals applying for refugee status and non-European Union workers. The former were permitted to stay for 45 days, pending the authorities' decision regarding their admission, and the latter were accommodated in primary reception centres set up in each region and subsidized by the State. They therefore had housing and health care and enjoyed freedom of movement. It was difficult to determine their exact number, as the centres were merely transit facilities. With regard to housing, a number of voluntary organizations acted as intermediaries between owners and foreign workers by acting as guarantors for the latter. Some local authorities reserved a portion of their public housing for foreign workers and their families and, in some cases, the State and local authorities made abandoned buildings available to immigrant communities, with the sole proviso that they renovate them.

88. Between 1991 and 1993, some 100 court actions had been instituted against persons responsible for acts of racial discrimination. In 20 cases, proceedings had been discontinued and in 20 others, sentences had been handed down. It should be noted, however, that those figures were incomplete as, in cases where an act of discrimination was associated with another crime or offence, it was often the latter which was the basis for the court's decision. Moreover, the measures associated with the new Act No. 205 of 25 June 1993 empowered the courts to impose penalties including the performance of community service. With regard to the number of racially-motivated incidents, three or four serious incidents involving criminal acts directed against the Roma community had taken place near Rome and two others near Bologna in which two members of the Roma community had died; a Roma encampment near Caserta had also been destroyed in a fire which had been deliberately set, resulting in charges being brought against 29 persons. Anti-semitic acts included three or four cases of desecration of Jewish cemeteries, for which a number of individuals had been prosecuted.

89. The representative of Italy said that, concerning the ban on organizations linked with Fascist ideology, a number of those organizations had been banned under a 1952 law, including the Ordine Nuovo and Fronte Celtico, and that some extreme right-wing or "skinhead" groups had been banned under Decree-Law No. 122 of 1993, including the Movimento Politico Occidentale in Rome and the Front Nazionale in Verona. Two groups of judges in Rome were concentrating on incidents of racial discrimination: one dealt with minority issues and the other with violent and politically linked incidents of xenophobia, racism and intolerance.

90. On the question of detention, there was no discrimination in law regarding the application of prison regulations; the prison authorities had attempted to remedy the language problem by

providing excerpts from the regulations in foreign languages and offering Italian language courses. Measures had been taken to remove obstacles to the exercise of religious freedom in prisons. The prison authorities had facilitated the formation of a national organization to look into the question of foreign prisoners.

91. With regard to expulsions, under the Act of 12 August 1993, foreign nationals in pre-trial detention for offences not considered serious, or persons sentenced to imprisonment for up to three years were expelled immediately at their request or the request of their attorneys and were sent back to their country of origin or departure, provided they had no serious health problems or were not in danger for reasons related to war or an epidemic. Generally speaking, there were two expulsion procedures: expulsion orders, whereby the authorities gave notice to leave the country within 15 days and the person concerned could appeal to the local administrative tribunal (in 1994, only 6,000 of 56,000 expulsion orders issued had actually been carried out), and escort to the frontier in the case of persons guilty of very serious crimes or whose situation was highly irregular.

92. In connection with questions related to special agreements with the Muslim community in Italy, the representatives said that the Muslims had no supreme national authority, like that of Jews or Seventh Day Adventists, with which such an agreement could be concluded; however, there had been agreements between Italian authorities and Muslim communities at the local level.

Concluding observations

93. At its 1096th meeting, held on 16 March 1995, the Committee adopted the following concluding observations.

(a) Introduction

94. The Committee welcomes the opportunity to continue its regular dialogue with the Italian Government. It expresses its satisfaction at the presence of a large delegation, consisting mainly of officials of the various ministries concerned with the protection of human rights. While the report lacks information on some points and is not entirely in conformity with the Committee's guidelines for the preparation of reports, the information provided by the delegation during its oral introduction and the replies to a number of questions asked by members of the Committee shed light on a number of points not made clear in the report. Nevertheless, some questions remained unanswered.

(b) Positive aspects

95. It is noted with satisfaction that Italy is one of the States parties which has made the declaration under article 14 of the Convention and that it has in practice abandoned its reservations to the Convention and instituted a procedure for their formal withdrawal.

96. It is also noted that Italy grants special status, guaranteed under the Constitution, to some linguistic or ethnic minorities in the Trento-Alto Adige, Friuli-Veneto Giulia and Valle d'Aosta regions.

97. The establishment of national and regional councils for the problems of non-Community

workers and their families is noted with interest. Positive measures have also been taken for the regularization, vocational training and health care of non-Community foreigners, as well as for the prevention of illegal employment.

98. The introduction of some new measures to combat the resurgence of racial violence is noted with satisfaction. These measures included Act No. 2061/C of 1992, instituting urgent measures on racial, ethnic and religious discrimination and, with regard to the right of asylum, the adoption of Act No. 39-90 of 1990 instituting urgent measures on political asylum, entry, residence and regularization of non-Community citizens and stateless persons.

99. New measures concerning inter-cultural education are also noted with satisfaction. They include additional hours of instruction for pupils experiencing problems, most of whom are pupils of foreign origin confronted with the language barrier, and the ministerial circular on the equal distribution of foreign pupils in classes to promote their social integration.

(c) Principal subjects of concern

100. Concerns are expressed about the manifestations of racism and xenophobia which seem to be on the rise in Italy, as in many other countries. One of the subjects of concern in this regard is the high proportion of young people in extremist groups involved in acts of racial violence and the support they are apparently able to secure from some political circles.

101. Concerns are expressed about some cases involving the ill-treatment of foreigners of non-Community origin by police officers and prison staff.

102. Concern is also expressed regarding the social trends towards segregation in housing and work.

103. Regret is also expressed regarding the limited amount of information in the first general part of the report and the absence of details on the practical implementation of articles 2 to 6 of the Convention.

(d) Suggestions and recommendations

104. The Committee recommends that the Italian authorities urgently make more effective the measures to curb racial violence and xenophobia in all their forms.

105. The Committee expects the Italian Government, in its next periodic report, to provide fuller information on the first general part and on the implementation of the provisions of the Convention, notably articles 2 to 6.

106. Emphasizing the decisive role of the justice system in eliminating racial discrimination, the Committee asks to be provided with information on the effectiveness of remedies in cases of racial discrimination, on the number and content of complaints of racial or racially motivated offences, and on the judicial action taken on those complaints and the redress or compensation awarded to the victims.

107. Committee requests further information on the actual operation of reception centres for foreigners and refugees at frontiers, on the control exercised over those centres by the judicial authorities and on the extent to which refugee assistance associations and organizations are permitted access to them.

108. The Committee would also like, in future, to be provided with full and up-to-date data on the composition of the population, on the "social indicators" of non-integration of the least favoured social groups of the population, on migratory flows and on the number of foreigners expelled.

109. Finally, the Committee draws the State party's attention to the amendment to article 8, paragraph 6, of the Convention, approved at the 14th meeting of States parties and by the General Assembly in its resolution 47/111, and invites it to consider taking measures necessary for the official acceptance of the amendment.

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116. The Committee considered the tenth and eleventh periodic reports of Italy (CERD/C/317/Add.1) at its 1315th and 1316th meetings (see CERD/C/SR.1315 and 1316), on 8 and 9 March 1999. At its 1330th meeting, on 18 March 1999 (see CERD/C/SR.1330), it adopted the following concluding observations.

A. Introduction

117. The Committee welcomes the tenth and eleventh periodic reports, submitted in one document, and the opportunity to resume its dialogue with the State party. The Committee notes with satisfaction the regularity with which the State party has submitted its reports to the Committee. The Committee particularly appreciates the open, fruitful and constructive dialogue with the representatives of the State party and the additional information provided orally to the wide range of questions asked by members.

B. Factors and difficulties impeding the implementation of the Convention

118. The Committee acknowledges that recent events in neighboring countries, particularly the former Yugoslavia and Albania, have resulted in a large and sudden influx of immigrants to Italy.

C. Positive aspects

119. The Committee welcomes the stated intention of the State party to reform its law so that workers who are not citizens of member States of the European Union (EU) and who leave Italy may request payment of social security contributions made during the period of their employment in Italy.

120. The Committee welcomes the adoption of Law 40 of 6 March 1998, aiming at solving globally and systematically all issues concerning foreigners on Italian territory, as well as the legal provisions on immigrants and foreigners contained in Decree-Law 286 of 25 July 1998.

121. The Committee notes with appreciation the measures taken by the State party to regularize the situation of a large number of foreigners living in Italy, including the regularization of de facto family reunifications.

122. The Committee welcomes the efforts made by the State party in the area of education. Of particular significance are the measures taken to facilitate access to education for children of different cultural and linguistic backgrounds. The Committee also expresses its appreciation for the programmes of inter-racial tolerance which have been introduced in Italian schools and the additional subjects offered to non-EU pupils.

123. The Committee welcomes the statement of the representatives of the State party indicating the intention of the Government of Italy to ratify article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention.

D. Principal subjects of concern

124. Concern was expressed about the continuation of incidents of racial intolerance, including attacks against foreigners of African origin and against Roma people, which are sometimes not recognized by the authorities as having a racial motivation or are not prosecuted.

125. Another subject of concern is the lack of information concerning the implementation of article 6 of the Convention, despite requests to this end made by the Committee in the concluding observations of the report of the State party (see A/50/18, para. 105).

126. In light of reports indicating discrimination against persons of Roma origin, including children, in a number of areas, in particular housing, concern is expressed at the situation of many Roma who, ineligible for public housing, live in camps outside major Italian cities. In addition to a frequent lack of basic facilities, the housing of Roma in such camps leads not only to physical segregation of the Roma community from Italian society, but to political, economic and cultural isolation as well.

127. Concern is also expressed that in a draft law on minorities presently being considered by the Senate, the Roma are not considered as a minority group and thus would not benefit from the protection offered by the law.

128. In connection with reports of acts of violence and ill-treatment by police and prison guards against foreigners and members of minorities in detention, concern was also expressed about the apparent lack of appropriate training for law enforcement officials and other public officials regarding the provisions of the Convention.

E. Suggestions and recommendations

129. The Committee recommends that the State party strengthen its efforts towards preventing and prosecuting incidents of racial intolerance and discrimination against foreigners and Roma people, as well as ill-treatment of foreigners and Roma in detention.

130. The Committee also recommends that State authorities give more attention to the situation of Roma in Italy, with a view to averting discrimination against them.

131. The Committee recommends that the State party include in its next report statistical data on the ethnic composition of the country. The Committee would particularly appreciate data on the percentage of Italian citizens of foreign origin and the numbers of non-citizens living in Italy.

132. The Committee recommends that the next report include information on the implementation of article 6 of the Convention, including the number of cases dealt with by the relevant authorities and courts of justice.

133. The Committee recommends that the State party consider intensifying education and training of law enforcement officials, in accordance with article 7 of the Convention and general recommendation XIII of the Committee.

134. While acknowledging the various governmental bodies dealing with minority issues and racial discrimination, the Committee would welcome the establishment of a national human rights commission to address such concerns.

135. With regard to the declarations made by the State party regarding articles 4 and 6 of the Convention, the Committee recommends that the State party consider withdrawing these declarations.

136. The Committee recommends that the State party widely disseminate its report and the present concluding observations. The Committee recommends that the next periodic report of the State party, due on 4 February 1999, address the suggestions and recommendations of the concluding observations.

CERD A/56/18 (2001)

298. The Committee considered the thirteenth periodic report of Italy (CERD/C/406/Add.1) at its 1466th and 1467th meetings, on 30 and 31 July 2001 (CERD/C/SR.1466 and 1467), and at its 1479th meeting (CERD/C/SR.1479), on 8 August 2001, adopted the following concluding observations.

A. Introduction

299. The Committee welcomes the very detailed report presented by the Government of Italy, which focuses on the recommendations made by the Committee in its previous concluding observations (CERD/C/304/Add.68) and contains relevant information about the implementation of the provisions of the Convention in the State party. The Committee also notes the State party's regularity in its submission of periodic reports.

300. While the Committee welcomes the detailed information on issues related to immigration, most of the report deals with the situation of foreigners, while racial discrimination in the sense of the Convention embraces discrimination against all persons on grounds of race, colour, descent or national or ethnic origin, irrespective of whether they are Italian citizens or foreigners.

B. Positive aspects

301. The Committee is satisfied that its previous recommendations have been widely disseminated and communicated among all relevant administrations.

302. The Committee notes with satisfaction that new courses on human rights implementation and principles have been set up for the police, the carabinieri and for the personnel of detention facilities.

303. The Committee welcomes the establishment of cultural mediators who are expected to contribute to a constructive and successful dialogue with foreigners present in the country and between individuals of different communities. The Committee also notes with satisfaction that these cultural mediators, currently 75 in number, are properly trained and are mostly recruited among persons of foreign origin.

304. The Committee welcomes the fact that the Testo Unico, the State party's unified legislation on the status of foreigners, creates an obligation for employers to ensure, by means of their own resources, appropriate housing facilities for immigrants and their families for a certain period of time.

305. The Committee welcomes the particularly detailed statistical information on foreigners and criminality and on illegal immigration.

306. The Committee welcomes the fact that the State party's legislation provides for the right to education for all minors, irrespective of the existence of a valid residence permit, and the role played in this regard by the recently created Permanent Territorial Centres (Centri Territoriali Permanenti).

307. The Committee welcomes the imminent adoption of the draft law on “Measures against trafficking in persons” that has already been adopted by one chamber of the State party’s legislature.

C. Concerns and recommendations

308. The Committee notes that foreigners residing regularly on the territory of the State party account for 2.2 per cent of its total population. In view of the difficulties resulting from its particular geographical location and the specific shape of its territory which lead to a high influx of illegal immigrants, the Committee recommends that the State party take active measures to promote racial tolerance among all individuals and especially among law enforcement authorities.

309. The Committee reiterates its encouragement to the State party to consider recognizing the status of minority to Roma populations who have resided in Italy for an extended period of time and who have become sedentary. In this respect, the Committee recommends that the State party consult effectively with representatives of the Roma population. The Committee also expresses its concern with regard to the possible inappropriate consequences of the State party’s policy of encouraging Roma to apply for stateless status.

310. The Committee recommends the State party to ensure that the local authorities take more resolute action to prevent and punish racially motivated acts of violence against Roma and other persons of foreign origin.

311. The Committee considers that the education of Roma children is one of the priorities for the integration of their community in Italian society. In this respect, the Committee notes that the State party has chosen to integrate Roma children into the regular Italian schooling system, but suggests that the State party continue to make every effort to respect and accommodate the specific cultural background of these children.

312. While noting that the legislation adopted by the State party regarding article 4 of the Convention is appropriate and contains a comprehensive definition of racial discrimination, the Committee, concerned about allegations that racist organizations were not properly punished, requests the State party to examine thoroughly such allegations.

313. While noting the State party’s indication in its report that the number of incidents of racist violence has decreased, the Committee is concerned about incidents of this nature, in particular those that have recently occurred during football matches. The Committee supports, in this respect, the efforts made by the State party and urges it to maintain a firm policy towards the perpetrators of such violence.

314. Taking note of the information provided by the State party that women represent 58.8 per cent of the immigrant labour force in domestic work, and aware of the possibility that they may easily be exploited, the Committee recommends that the State party take all appropriate measures to reduce this risk.

315. The Committee notes that the increase in the percentage of foreigners accused of crimes (from 4.2 per cent in 1991 to 9.8 per cent in 1997) is largely due to foreigners staying illegally in Italy

(84.95 per cent of the persons denounced and 88.77 per cent of the persons arrested). As this development can have an important effect on tolerance and peaceful coexistence between Italian citizens and foreigners, as acknowledged by the State party, the Committee encourages the State party to stress that there is no correlation between the increase of criminality and the presence of migrants and other foreigners staying legally in the country.

316. The Committee recommends that the State party intensify its efforts and its cooperation with other countries, including the countries of origin, in order to reduce illegal immigration, criminal trafficking and commercial exploitation of human beings. Noting that foreign employees regularly resident on the territory are guaranteed equality of treatment with Italian employees while irregular workers, who make up 30 per cent of the entire non-EU labour force (and even up to 50 per cent in northern Italy), are subjected to different forms of exploitation, the Committee recommends that the State party take all necessary measures to put an end to those illegal practices.

317. In accordance with previous requests made by the Committee¹¹ the State party is invited in its next report to provide further information on the implementation of article 6 of the Convention, and particularly on the numbers of persons who have been convicted following racist incidents, on the different forms of such incidents and on the response provided by Italian courts. In this regard, the Committee would welcome updated information on the incidents that occurred in 1998 and 1999 in Venice, Milan, Rome, Barletta, Turin and Bologna referred to in the present periodic report.

318. While recognizing that the State party has made the declaration provided for under article 14 of the Convention in 1978, the Committee notes that it has not yet received any individual communications from persons under the jurisdiction of the State party. The Committee recommends that the State party ensure that the public is well informed of the possibility of submitting such communications to the Committee.

319. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's concluding observations on them be similarly publicized. It encourages the State party to insert the Committee's concluding observations on the appropriate ministry's Web site.

320. The Committee recommends that the State party submit its fourteenth periodic report jointly with its fifteenth periodic report, due on 4 February 2005, and that it address the points raised in the present observations.

¹¹ [Official Records of the General Assembly], Fiftieth Session, Supplement No. 18 (A/50/18), para. 104; see also document CERD/C/304/Add.68.