

ITALY



MINISTRY FOR FOREIGN AFFAIRS
Inter-ministerial Committee of Human Rights
Comitato Interministeriale dei Diritti Umani

**REPLY
TO LIST OF ISSUES
TO BE TAKEN UP
IN CONNECTION WITH THE CONSIDERATION
OF THE REPORT
OF ITALY (CERD/C/ITA/15)**

**U.N. COMMITTEE ON THE ELIMINATION OF RACIAL
DISCRIMINATION
72nd SESSION
(GENEVA, 18 FEBRUARY - 7 MARCH 2008)**

January 2008

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Composition of the population

1. Please provide detailed updated statistical data, if any, regarding the ethnic characteristics of the population and the socio-economic status of members of the various national or ethnic minorities in the State party, in particular of the Roma and Sinti.

See Annex.

ARTICLE 1 and 2:

2. Please provide information on developments, if any, with regard to the inclusion of Roma and Sinti within the scope of the law on the protection of minorities.

3. Please indicate whether the draft bill mentioned in the State party report "to regulate the presence and the situation of Roma population in Italy" has been adopted. If so, please provide detailed information on the content of this bill (State party report, para.176).

As far as developments concerning the inclusion of Roma and Sinti within the scope of the existing legislation, it is to be pointed out that Act No. 482/1999 only recognizes the rights of the historical linguistic minorities mentioned in it.

The Roma population was not included for reasons of non-compliance with the territoriality requirements provided by that law.

For the purpose of a wider awareness of the condition of the communities without territory (Roma, Sinti and Camminanti), a technical Meeting of experts from different Ministries has taken place at the Ministry of the Interior in the framework of the Committee against Racial Discrimination and Anti-Semitism. Representatives of the Association of Italian Municipalities (ANCI), the Union of the Italian Provinces (UPI) and the Permanent Conference of the Presidents of Regions have also attended the meeting and representatives of the leading associations of these communities have been involved as well.

In this context the role of UNAR (Ufficio per la promozione della parità di trattamento e la rimozione delle discriminazioni fondate sulla razza o sull'origine etnica) must be outlined as results from its participation in the National Seminar of the Opera Nomadi, held in Rome, that represented an important event to debate and compare experiences on these topics and about the opportunity to reintroduce a project of an organic legal instrument concerning Roma or, at least, the introduction of the Roma to be considered as a minority among those protected by Act No. 482 bringing 'Rules on defence of linguistic and historical minorities'. UNAR is also member of the Committee for the permanent Conference of linguistic minorities, established by the Regional Affairs Department of the Presidency of the Council of Ministers, by Ministerial Decree dated December, 22nd 2005, in order to also evaluate the inclusion of Roma among those minorities indicated by Act No. 482.

Moreover, a European Conference on Roma populations aimed at identifying possible solutions, even of legislative character, to the problems of minorities, was held in Rome on 22-23rd January 2008 in Rome in cooperation with Roma associations. By promoting the debate, this Conference will pursue the goal to overcome the wide-spread distrust and remove the prejudices against minority groups, in particular Roma, Sinti and Camminanti.

4. *Please comment on reports according to which expulsions of Roma and other Romanians as well as forced evictions and police abuse against these persons have recently taken place following the adoption of the emergency decree adopted on 1 November 2007. Please indicate the measures taken, if any, to investigate and put an end to such incidents.*

First of all it should be mentioned that the removal of irregular, unhealthy and unsafe camps - where both Roma and poor Italian citizens were living - that took place some months ago was an emergency measure. The issue is very clear and the Italian Government, both at national and local level, is working hard on it, also creating common strategies with Governments of other European countries dealing with the same issue.

As a result of the serious facts of violence occurred in Rome against a woman, culminating with her death, following an extraordinary session of the Council of Ministers on October, 31st 2007, the Italian Government adopted a special legislation on emergency expulsion measures. Within discipline of removals resulting from the previous rules (Decree Law No. 30/2007) as well as from the recent ones the following expulsion measures are set out:

- For reasons relating to State security;
- For reasons of public order;
- For reasons of public safety;
- For imperative reasons of public security.

These rules address to all citizens of EU countries - that are not Italian citizens - and to their families (that may also be nationals of non-EU countries), and children.

Preserving to some extent the previous legislative framework (Legislative Decree No. 30/2007), the new legislation concern:

- EU citizens and their family members who have acquired the right of permanent residence in the territory (as a legal residence and continued for 5 years), and who can be repatriated only for serious reasons of public security;
- EU citizens residing in Italy since 10 years or minors who can be repatriated only for reasons of state security and for imperative reasons of public security;
- EU citizens and their families that have not acquired the right of permanent residence (or obviously are long residents) that can be repatriated for all cases referred to in paragraph b).

The measures of expulsion from the country for reasons of public order or security of the State, as well as those concerning EU citizens residing in the territory of the State since 10 years or who are minors are adopted by the Minister of the Interior.

In these cases the measure should be motivated, unless such objection depends on State security, and should be translated into a comprehensible language or in English; it should be notified while pointing out appeal procedures and the duration of the ban of re-entry, that can not exceed 3 years. Moreover the deadline to leave Italy must be shown: it can not be less than one month, except in the cases of proven urgency.

The expulsion on grounds of public security or for imperative reasons of public security is adopted by the Prefect, in accordance with the residence or dwelling of the person to be repatriated. There is the obligation of motivation, translation, reporting, indication of appeal procedures and duration of the ban of re-entry of not more than 3 years, indication of the deadline to leave Italy - not less than one month, except in the cases of proven urgency. The Prefect is also competent for removals as a consequence of cessation of conditions that determine the right to stay.

In general the implementation of the expulsion under consideration is left to the will of an EU citizen or his/her family, who must comply with the measure within the peremptory time limit, normally not less than one month, except for proven urgency (in this case a lower term can be fixed). However, when the EU citizen or his/her family remain on the territory beyond the time limit, or if the expulsion is based on reasons of state security or on imperative grounds of public security, the execution is immediately provided for from the *Questore*.

The new legislation specifies when the grounds of public safety must be considered as imperative:

- Where the EU citizen or his/her family members, irrespective of nationality, have a conduct that undermine human dignity;
- That undermine fundamental human rights;
- Or undermine public safety so that the stay in Italy is not in conformity with the ordinary coexistence.

For cases in which the grounds of public safety which led the expulsion are characterized by the "imperative" requirement, the *Questore* will run immediately the expulsion and the provisions laid down in the Art. 13, para. 5 bis, of Legislative Decree No. 286/1998.

It has to be mentioned that Art. 13, para. 5 bis, provides for the validation of the expulsion, before its implementation by the magistrate and that, pending the definition of validation hearing, the foreigner stays in a centre of temporary stay and assistance.

If the person to be repatriated re-enters on the national territory, thus in violation of the ban of re-entry, is punished with imprisonment up to 3 years and is again removed and immediately enforced.

Pending criminal proceedings involving a person to be repatriated

If the person to be repatriated for imperative reasons of public security is prosecuted, the provisions referred to in Art. 13, paras. 3, 3 bis, 3 quater, 3 quinquies of the Legislative Decree No. 286/1998 are implemented. These are the same provisions concerning the expulsion of citizens of non EU countries or stateless, if they are subjected to criminal proceedings (authorization from judicial authority).

Expulsion as a consequence of cessation of conditions that determine the right to stay and related sanctions

The procedure already established by Legislative Decree No. 30/2007 has been tightened by foreseeing a mandatory declaration to be presented to the Italian Consulate in the country of citizenship, in order to prove the fulfilment of the expulsion. This document must be presented together with the notification of the request for expulsion. Since the expulsion conditions for the cessation that legitimate the right to stay can not involve any re-entry ban, the delivery of a coupon, released in Italy and presented to the Italian Consulate in the country of citizenship of the person to be repatriated, is requested to ensure the obligation requirement. In this case, if the EU citizen or his/her family remain in Italy over the deadline for the expulsion without having provided for the submission of the certification (and therefore has not demonstrated that he/she went really away), is punished with the arrest from 1 to 6 months and with a fine from 200 to 2,000 euros.

Judicial protection

The possibility to appeal to the Administrative Court of Latium against expulsion measures adopted by the Ministry of the Interior as well as for every measure issued by a central authority is established. The precautionary petition suspends the enforceability of the expulsion until its outcome, with the exception of the appeal.

The possibility to appeal to the monocratic court acting in the same province of the Prefect who adopts expulsion measures is also established: the court rules according to Art. 737 of the code of civil procedure.

Decree Law No. 249 of December, 29th 2007 concerning "Emergency measures for expulsion and removals on terrorism grounds and for imperative reasons of public security" was published in the Official Journal No. 1 of January, 2nd 2008. It aims to refine and complete the administrative framework for the purposes of terrorism prevention as well as for the expulsion of EU citizens and their families from the national territory, also for imperative reasons of public security.

EU citizens' expulsion for terrorism

Measures concerning the expulsion of EU citizens on the grounds of prevention of terrorism were already provided for in Decree Law No. 144 on expulsion of non-citizens. If the person to be repatriated is subjected to criminal proceedings, the authorization of the competent court is necessary. As for the validation of enforcement powers of removal and expulsion, the decree provides for this competence to the ordinary judge.

Immediate expulsions

The Prefect orders the expulsion of EU citizens and their family members for imperative reasons of public security, except when the persons to be repatriated are minors or have been living the territory of the State for at least ten years. The expulsion is immediately enforceable and needs the validation of enforcement by the courts. The re-entry ban lasts five years and, in case of violation, the offender is punished with imprisonment up to three years.

Expulsion for reasons of public order

The Ministry of the Interior adopts justified measures of expulsion on grounds of public policy or state security. These measures are notified to the person concerned, while pointing out appeal procedures and the ban on re-entry - that may not exceed ten years.

Expulsion for reasons of public security

The Prefect justifies the adoption of these measures. In this case, the re-entry ban lasts for a maximum of five years.

Waiting for expulsion

If the EU citizen to be repatriated is subjected to criminal proceedings, the expulsion is suspended until authorization from the ordinary court, to be adopted within fifteen days otherwise it shall be deemed granted. Meanwhile, the *Questore* can order that the person is moved in a centre of temporary stay and assistance.

Measures concerning Romanian nationals adopted from November, 2nd to December, 31st 2007 according to Law Decree No. 181/2007:

Art. 20, para. 7 bis

n°. 261

Art. 20, para. 8	n°. 1
Art. 20, para. 9	n°. 1, adopted after a period in a centre of temporary stay and assistance
Art. 20, para. 7 bis/ter	n°. 157 of which: 79 immediately adopted, 9 not adopted, 69 adopted after a period in a centre of temporary stay and assistance
Art. 21	n. 17

Besides the legal framework above cited, we can just mention, as an example, the joint declaration of the Minister of Labour, family and Equal Opportunity of the Republic of Romania and the Minister of Social Solidarity of the Republic of Italy of December 20th 2007, for common actions and strategies aiming at the social inclusion of Roma and Sinti populations in the respective countries.

Moreover, we can mention the European Conference organised on January 22nd and 23rd in Rome, together with Romanian authorities and local and national governments representatives on the issue of the integration and social inclusion of Roma and Sinti. At the Conference, promoted by the Ministry of Interior and the Ministry of Social Solidarity participated many local administrators. In that occasion the Minister of Social Solidarity Paolo Ferrero expressed his intention of having a national action plan for the social inclusion of Roma and Sinti populations.

At the same time, the Ministry of Social Solidarity is willing to establish a national board (Consulta) for Roma and Sinti where a common action can be agreed upon by the national government bodies and local authorities in order to have a common strategy aiming at the overcoming the camps.

5. Please inform the Committee on any developments regarding the establishment of an independent national human rights institution according to the Paris Principles.

During the XV legislature many draft bills have been introduced to the two branches of Parliament for the establishment of an independent national human rights institution, according to the Resolution No. 48/134 of the U.N. General Assembly, adopted on 20th December 1993.

On 4th April 2007 the Chamber of Deputies passed a bill named "Establishment of a National Commission for the human rights' protection and promotion, and for the protection of the rights of prisoners or persons deprived of their personal freedom". Seen as a whole, this bill, that comes from the unification of the draft bills A.C. 626, A.C. 1090, A.C. 1441 and A.C. 2018, appears to respect all the Paris principles. Now the bill, transmitted to the Senate (A.S. 1463, must be examined by the unified Committees 1^a (Constitutional Affairs) and 2^a (Justice).

It envisages the creation and a set of norms for a Protection Body, at a national level. The Commission would be in charge with the promotion of the human rights culture and the raising of public awareness on the rules governing this field; assessing the level of respect for human rights in Italy, and also drafting, whether under its own initiative or on the basis of elements that have emerged during the monitoring process, of recommendations and proposals to the Government and the Parliament on all human rights-related issues, by delineating, *inter alia*, Italy's stance on occasion of multilateral or bilateral negotiations that can affect the level of protection of human rights.

The Commission, once established, will be mandated to carry out tasks related to the ascertainment, monitoring and denunciation of relevant cases. The Commission, operating

independently and autonomously, is a corporate body, chaired by a President and a number of members appointed, at the same extent, by the Chamber of Deputies and the Senate. In addition the above mentioned bill, other two draft bills have been introduced to the Senate (A.S. 247 e A.S. 898), both of them are waiting to be examined by the competent Committee.

ARTICLE 3:

6. It is reported that "Roma and Sinti are still considered as nomadic populations in official policy with approximately one third of them, both citizens and non-citizens, living in conditions of practical segregation from the rest of the society in camps for nomads, in many cases without access to the most basic facilities." Please indicate whether the State party has taken any measures to put an end to such situation.

As mentioned before, on December 21st the Minister of Labour, Family and Equal Opportunity of the Republic of Romania and the Minister of Social Solidarity of the Republic of Italy signed a joint declaration for common strategies aiming at the integration of Roma and Sinti communities in the two countries. The declaration has now been implemented by a group of experts.

The Ministry of Social Solidarity last December completed the procedures to allocate the financial resources of the "Fund for the social inclusion of migrated people and their families". This Fund was established for the first time with Financial act for the year 2007, and it reflects the strong commitment of the new government on the issue of the social inclusion and proper integration of migrated people, with a specific strategy that goes beyond the ordinary security based approach. The total financial provision for 2007 was € 50 ML.

The administrative actions providing measures and procedures to use the resources, decided by the Ministry of Social Solidarity in coordination with the Ministry for Rights and Equal Opportunities, specify that about 7% of the total amount (€ 3,578,444) is dedicated to the implementation of measures and actions for the social integration of Roma and Sinti communities living in Italy.

These resources are mainly dedicated to the following priorities:

- a) prevention and contrast of housing marginalization and discrimination that preclude or hamper the access to housing to members of Roma and Sinti communities (about 2 ML euros are dedicated to this measure);
- b) facilitating processes of inclusion and guidance to the educational system addressed to pupils belonging to Roma and Sinti communities and facilitating the relation between their families and schools (about 1 ML euros).

Planned activities will be run by local bodies and organisations of the third sector already working with immigrants.

Considering the importance of the new Fund – and thanks to the strong commitment of the Ministry of Social Solidarity – the Financial Law for 2008 has increased the resources up to € 100 ML for the year 2008. The Ministerial Directive for this second round of the Fund for Integration of immigrants is almost completed.

Moreover, it's worth mentioning that the Strategic Plan (QSN 2007-2013) has innovated the regional policy in the field of social inclusion, and has included, among the 10 priorities (priority 4) the "Social inclusion and the promotion of services to improvement of the quality of life". The aim is to promote, through actions taken at local and at national level, a more

inclusive society for all and the living conditions of marginalised groups. Though Roma and Sinti communities are not specifically mentioned in the programme, they will be beneficiaries of those actions as they normally belong either to the group of immigrants or to the group of people living in marginalised conditions.

Also UNAR, from the beginning of its activity, has addressed a special attention to problems concerning Roma, Sinti and Camminanti communities.

Different factors have contributed to orient the Office activity towards this specific area of interest; among these factors there is mainly the progressively consistent number of reports to the Contact Center.

Such reports essentially concerned education and accommodation environment, sectors in which it is possible to have a clear perception of both this kind of population needs and of the gap, by the side of central and local institutions, of global strategies of intervention that provides for effective social integration politics.

In these cases, the Office has offered a strong activity of free legal consulting to victims of discrimination that reported to competent jurisdictional authorities.

Moreover, media information about Roma because of their illegal activities or their condition of victims of tragic and fatal incidents, due to the precarious life conditions in squatting settlements, have given a strong reason to the Office to activate, along with the ordinary activity of contrast to racial discrimination, specific strategies in order to promote and adopt positive actions to improve their integration.

In this regard, among some relevant initiatives, the publication of a call by the UNAR addressed to non-profit associations and foundations must be mentioned to present projects on the analysis of factors, processes and good practices related to discrimination based on race and ethnic origins. Among these projects, aimed at protecting fundamental rights and to contrast discrimination against Roma and Sinti communities, in particular, in the field of work, health, education and accommodation.

Among the plans to be financed, there are three projects respectively presented by the Soletterre Association of Milan, by Opera Nomadi, provincial section of Reggio Calabria and by the Italian Association Zingari Oggi (AIZO) of Turin.

It could be useful to remember also that, among the actions promoted by the Plan for the European Year 2007, a specific action has been included, to be realised by Save the Children with the aim to elaborate a model of intervention to rehabilitate foreign children on the road and exploited Roma and/or involved in illegal activities, using national and European best practices.

As far as the access to social services of Roma and Sinti, we can mention some good practices promoted at the local level.

SPOLETO

In the Municipality of Spoleto the following services are active regarding Roma communities.

- service of housing intermediation with the purpose to facilitate the access house renting, in collaboration with the local estate agencies;
- service of housing emergency for urgent situations as a result of evacuation and/or forced eviction measures;
- "loan of honour" project, finalized to support the families in the access to micro credit, also for housing expenses;
- housing allocation at a minimum fixed fee through regulations and calls of public residential building.

To support administrative procedures in conformity with the legislation on immigration now in force, that apply also in regard of the certification of housing suitability, the Municipality of Spoleto in 2004 opened an Intercultural Desk for legal advice to which in 2006 more than 4.300 immigrants and Italian citizens coming from other municipalities had access to.

TURIN

The city of Turin is engaged from years in promoting migrants' acceptance, inclusion, support and development for their integration. In 1982 a Roma Office was created, called "Nomadism and settlement in emergency", that realizes specific plans for social inclusion, with specific attention to housing, labour and school inclusion processes.

During the last few years there has been the tendency to create illegal settlements (the so called "slums"), where immigrants just arrived in Italy live in a permanent condition with the aim to find a definitive house and better economic conditions. Such situation required to local administrations, civil society, health services, the Prefettura, the Questura, the Italian Red Cross, associations for civil protection and volunteers to define strategies and promote projects in this field. Since 2005 Turin administration has realised humanitarian protection interventions, equipping settlement to give protection to women without family, pregnant women, families with children who have serious diseases, with specific attention to Roma Rumanian populations, including 44 families.

At this stage the Office "Nomadism and Settlements in emergency" supports housing access through the following activities:

- monitoring and evaluation of needs
- support to the compilation of ERP calls
- notification of families to the CEA (housing emergency)
- social and cultural mediation.

Then families (61) have access to houses and are supported in their process for a permanent living. To such purpose policies to gain economic autonomy through professional training giving scholarships to access to the labour market play a relevant role.

7. Please indicate what measures are being taken to ensure that no racial segregation arises in schools in particular with regard to Romani children.

The Committee against discrimination and anti-Semitism, the inter-ministerial body which operates within the Ministry of the Interior, has always been sensitive to problems concerning the Communities deprived of land. After the hearing of the President of the Association for Nomads, the Committee promoted the signing of a Memorandum of Understanding for the protection of gypsy, nomadic and Camminanti minors which has been concluded between the Association for Nomads and the Ministry of Education (the then Ministry of Education, University and Research). The signing of the document by the President of the Association for Nomads and the Director General for Schoolchildren of the Department of Education took place on June 22, 2005. At present, the Memorandum is being implemented by Regions.

In the abovementioned agreement the Responsible Authorities commit themselves to raise Roma, Sinti and Camminanti communities' awareness in relation to schooling and to sign conventions with regional Education Offices aimed at promoting the integration of nomads through inter-institutional initiatives and projects which can activate adequate synergies and cooperation on a local level.

We deem it appropriate to remind that, on the occasion of the International Roma Day on April 4, 2007, the Minister of the Interior chaired an extraordinary meeting of the Committee against discrimination and anti-Semitism, with an aim to promote actions in favour of these Communities.

A recent research commissioned by the National Coordination of the Immigration of CNEL to CENSIS (2007 survey CENSIS "Lived and outcomes of education of the children of immigrant origin in Italy") was conducted on 414 teachers and 608 mothers of students of immigrant origin attending primary schools and lower secondary school in the past year.

The first fact that emerges is that despite numerous address documents issued by the Ministry shortage shared criteria that govern the presence and the inclusion in classes of immigrant origin's students.

The criteria that are mainly followed are:

- 1) to enter the student in the class corresponding to his age group (reported by 72.2% of the teachers interviewed, but denied in 15.9% of cases)
- 2) to avoid establish a ceiling of foreign pupils per class (adopted in 70% of cases)
- 3) to accept applications for membership at any time of year (73.7% of cases but the 15.7% of answers is no)
- 4) Has been established of a special committee of reception (49.3%) and there is a memorandum of hospitality (45%)

Adopt specific modalities of relationship with families by the school, marked by teachers:

- Involvement of foreign families in training
- Establishing a multilingual information sheet
- Involvement of cultural mediators
- Involvement of foreign students' families already enrolled with the role of tutor
- Involvement of foreign families in educational and cultural activities.

The survey is also relatively low share of the parents who complained discriminations suffered by their children that are, in the worst cases, merely to verbal aggression and isolation.

More differences in the situation with regard to the relationship between Italian school and parents of students of immigrant origin. The majority of teachers polled provide positive data, considering that these reports are not different from those being established with Italian parents. For a 19% relations with this type of parents is almost non-existent because of communication difficulties.

Roma children in schools, by Region and sex (Source: Ministry of Education)

Region	Pre-primary school		Primary school		Secondary school (11-13 years)		Secondary school (14-18 years)	
	Male-female	Female	Male-female	Female	Male-female	Female	Male-female	Female
Piedmont	150	72	550	263	262	109	12	6
Aosta Valley	-	-	-	-	-	-	1	-
Lombardy	322	160	1.100	520	409	165	32	19
Trentino	19	-	180	25	156	29	-	-
Veneto	185	95	601	281	305	149	13	8
Friuli Venezia Giulia	22	8	118	51	37	20	-	-
Liguria	50	26	90	44	31	18	3	2

Emilia Romagna	125	64	480	230	318	161	19	11
Tuscany	159	81	322	156	184	79	14	9
Umbria	2	1	9	5	18	10	5	3
Marche	27	10	70	35	51	20	2	2
Latium	432	233	1.222	645	483	232	44	9
Abruzzo	67	35	162	77	120	50	3	-
Molise	9	4	53	27	38	24	3	2
Campania	76	34	330	165	80	32	9	7
Apulia	74	38	161	58	103	53	6	5
Basilicata	1	1	3	9	-	-	-	-
Calabria	241	117	551	291	296	146	35	19
Sicily	101	36	327	170	86	37	12	6
Sardinia	41	18	145	69	59	28	6	2
TOTAL	2.103	1.033	6.474	3.121	3.036	1.362	219	110

**Roma children by kind of school and sex – Secondary school – Years 206-2007
(Source: Ministry of Education)**

Kind of school	Male-Female	Female
Institute of Arts	16	11
Professional institute	99	53
Technical school	57	16
Teachers' training college	8	2
Secondary school in arts	5	2
Secondary school in classical studies	20	15
Secondary school in foreigner languages	1	1
Secondary school in scientific studies	13	10
TOTAL	219	110

ARTICLE 4:

8. *It is reported that the Northern League has intensified the use of racist and xenophobic discourse in the political arena using as target essentially non-EU immigrants but also other members of minority groups, such as Roma or Sinti. Please indicate what measures the State party has taken to eradicate such practices.*

As a preliminary remark, it must be recalled that, in Italy, instigation to racial hatred is severely punished by the Criminal Code; nonetheless it is the judicial authority, in its full independence, to assess, on a case by case basis, to which extent a given manifestation either falls within the bounds of the freedom of thought and expression and of political orientation, or it is rather to be considered as a criminal act of instigation to racial hatred.

The Italian Government is fully concerned about the racist and xenophobic propaganda, which mainly targeted non EU-migrants and minority groups, such as Roma populations, and which compromises the difficult process of peaceful integration and coexistence. There is

confidence that all the efforts made by the Government, local administrations, churches and NGO are a strong "screen against racism". Racism is a real problem of global dimension affecting many countries, that our country is dealing with (also as a consequence of recent immigration) and we continue to combat it with all kind of tools: legislation, communication, education and social policies.

When a few political leaders or administrators made public speeches with racist tones in very particular and local contexts, this attitude has been strongly condemned by the Italian institutions, by media and by the majority of the political leaders from the government coalition as well as the opposition, and also by public opinion.

The few incidents that have occurred in the last years were mainly the expression of personal opinions and immediately condemned if they were beyond the limit of freedom of thought, granted by the Italian Constitution. However many steps have been taken in order to prevent and contrast the exploitation of racism in politics. For example, according to the guarantees provided by the Italian legal system, the judiciary issued some severe sentences condemning also political representatives which did not respect the boundaries of the freedom of thought and speech. For example, in the case brought in front of the first instance Court of Verona concerning six local members of the "Lega Nord" Party found guilty of incitement to racial hatred in connection with a campaign organised in order to send a group of Sinti away from a local temporary settlement, these persons were sentenced to six month jail terms, the payment of 45 000 Euros for moral damages in favour of Opera Nomadi and individual victims – including costs for a sum of 4,000 Euros for each counsel - and a three-year suspension ban from participating in campaigns and running for national and local elections.

9. Please provide further information, as requested in the previous concluding observations (para. 313), on the policy towards the perpetrators of racially motivated violence during football matches, including the implementation of the code of justice in sports following its amendment in September 2006.

The phenomenon of incidents on racial grounds during sport events is regulated through the general legislation relating to sport events and violence in the stadiums as well as the specific legislation concerning the fight and prevention of racial discrimination.

Act No. 654/1975 - which ratified and implemented the Convention on the Elimination of Racial Discrimination - identified for the first time some typical situations of racial discrimination, establishing a criminal law framework for their repression.

Act No. 205 of June, 25th 1993 (the so-called "Mancino Law") intervened subsequently on these provisions of generic character. By amending Art. 3 of Act No. 654/1975, it prohibited the establishment of organizations, associations, movements or groups aimed at inciting discrimination or violence on racial, ethnic, national or religious grounds, punishing those who take part in such organizations, associations, movements or groups, or assist them, with the imprisonment from 6 months to four years, for their participation in, or assistance to (Art. 1, para. 2). Moreover, unless the fact constitutes a more serious offence, the Act envisages the imprisonment for up to one year and six months or the fine of up to 6,000 euros for those who, in any manner, spread by propaganda ideas founded on racial or ethnic superiority or hatred, or incite to commit, or commit, acts of discrimination on racial, ethnic, national or religious grounds, and it envisages the imprisonment from six months to four years for those who, in any manner, incite to commit, or commit, violence or acts of provocation to violence on racial, ethnic, national or religious grounds (Art. 1, para. 1, as amended by Act No. 85/2006). The Act considers as a special aggravating circumstance for

any offence also the fact of having committed it for purposes of discrimination or of ethnic, national, racial or religious hatred, or otherwise in order to facilitate the activity of organizations, associations, movements or groups that have within their aims those purposes, and provides that the relevant punishment be increased up to one half (Art. 3).

The Mancino Law therefore enlarged the scope of penal unlawfulness, criminalizing even single discriminatory act or conduct, also beyond the requirement of violence, by the provision of a specific malice, and introduced severe criminal sanctions.

Moreover, such Law addressed the issue of xenophobic and racist conducts during sport competitions.

In this regard, Art. 2, para. 1, provides that *"anyone who, on the occasion of public events, expresses opinions or displays emblems or symbols belonging to, or used by, organizations, associations, movements or groups indicated in Article 3 of Act No. 654 of 13 October 1975, shall be punished by imprisonment for up to three years and a fine of from 103 to 258 euros"*. Moreover the Law prohibits the access to sport competitions for those ones who carry emblems or symbols indicated in para. 1, on penalty of arrest from three months to one year (Art. 2, para. 2). Among supplementary penalties for this kind of offence, the Law envisages the obligation to perform unpaid community work for social or public utility purposes (Art. 1, para. 1, letter a).

In particular, preventive action is carried out through:

- special investigative activities aiming at identifying and prosecuting organizations, associations, movements and supporters' clubs having racial, ethnical, national or religious discrimination, hate or violence as a motive of aggregation;
- special services for filtering football supporters provided for by football societies in order to prevent that they carry emblems or symbols pertaining to or usual for the above mentioned organizations, associations, movements or clubs;
- special monitoring and control services within the locations where demonstrations take place, for preventing and opposing anyone having behaviour or showing emblems or symbols pertaining to or usual for the above mentioned organizations, associations, movements or clubs.

Within the above mentioned normative framework, it is worth mentioning Act No. 401 of December, 13th 1989 - as amended by subsequent interventions, among which Act No. 210/2005 converting **Legislative Decree No. 162/2005** (the so-called *Pisanu* Decree), establishing a National Monitoring Centre on Sport Events - which envisages that the *Questore* (Police Chief) may order a special preventive measure prohibiting the access to sites where sport events take place in respect of people reported or convicted for having committed, among other offences, the offence envisaged by Art. 2, para. 2, of the Mancino Law, or the access to sport events displaying emblems or symbols pertaining to racist or xenophobic groups (Art. 6, para. 1).

Finally, the legislator intervened on such legal framework by **Act No. 41 of April, 4th 2007** (converting the so-called "Decree combating violence in sport premises"), envisaging urgent provisions for the prevention and the repression of violence cases occurring during football matches.

Among relevant innovations, it is worth mentioning the enlargement of the preventive measures, including property confiscation, which may be applied against persons suspected of having supported groups or individuals who actively participated, on more occasions, in violent acts connected with several offences among which the offence of access carrying racist emblems and symbols, indicated in Art. 2, para. 2, of the Mancino Law. Mention should be also made of an augmentation of the penalty for the offence of violation of the above mentioned preventive measure prohibiting the access ordered by the *Questore* (Art. 6, para. 1, of Act No. 401/89) and of the provision inflicting - as a supplementary penalty following a

conviction - a prohibition to accede to sites where sport competitions take place, and the obligation to report to a Police Office or Station during such competitions, for a period for from two to eight years.

These provisions represent severe criminal preventive and punitive instruments against a broader range of conduct of racist character during sport competitions, in particular football competitions.

Two bills of the same matter are at present under scrutiny by the Parliament: one on parliamentary initiative (C. 2111), submitted on December, 27th 2006, and whose scrutiny has not started yet; the second and more recent one on government initiative (S. 1694), and in particular of the Minister of Justice in concert with the Minister for Rights and Equal Opportunities and of Economic Affairs and Finance, (S.1694), submitted to the Senate on July, 5th 2007.

Both texts aim at amending, in an analogous manner, the present text of the Mancino Law, as modified by Act No. 85/2006 on opinion offences.

As far as the "imprisonment for up to three years for anyone who, in any manner, **diffused** ideas founded on racial or ethnic superiority or hatred, or **incited** to commit or committed acts of discrimination on racial, ethnic, national or religious grounds", envisaged in Mancino Law, Act No. 85/2006 intervened halving the penalty of imprisonment (now envisaged for up to one year and six months) and introducing the penalty of a fine up to €6,000, in alternative to imprisonment, replacing the term "diffusion" with that of "propaganda" and the term "incitement" with that of "instigation".

Both bills re-introduce, instead of propaganda, the conduct of **diffusion**, in any manner, of ideas founded on racial superiority or hatred; they envisage again the conduct of **incitement** instead of instigation (a more limited model fact situation), in line with the definition of the offence enshrined in Art. 4 of the UN Convention on the Elimination of Racial Discrimination.

As regards the penalties, the bill on parliamentary initiative envisages the restoration of the imprisonment for up to three years, whereas the bill on government initiative envisages the penalty of imprisonment for from three months to **four** years for all the hypotheses of offence.

The latter, finally, extends the application of the criminal model fact situations provided for by the Mancino Law also to the acts of discrimination on grounds of sexual orientation and gender identity and envisages, moreover, specific norms aimed at preventing and suppressing Anti-Semitism, such as the Italian participation in the *International Task Force on Holocaust* (founded in 1998 with the aim of promoting and enhancing the educational programmes relevant to the Shoah), and the establishment of a "*Monitoring centre on the phenomenon of Anti-Semitism in contemporary Italy*" within the Prime Minister's Office.

We should finally highlight that clubs, professional football leagues and national sport authorities, while playing an essential role within local communities, also on the social and cultural point of view, must comply with the provisions contained in letter c) of the Resolution of the European Parliament of 29 March 2007 on the "future of professional football in Europe" according to which, preliminarily saying that "football plays an important social and educational role" and that "it is an effective instrument for social inclusion and multicultural dialogue", it is necessary that such sport activity "plays an active part in counteracting discrimination, intolerance, racism and violence".

During many years serious racial incidents have not been recorded during sport events officially organized by National Federations.

However some supporters, in different sports, struck up choruses or displayed flags/banners with a clear racial content. Concerning football events, the following are:

- 33 during the season 2004/2005;

- 35 during the season 2005/2006;
- 29 during the season 2006/2007.

We must remark that in these circumstances, particularly during the season 2006/2007, these incidents have been always condemned by the football supporters.

Several times the Committee against discrimination and anti-Semitism, the inter-ministerial body which operates within the Ministry of the Interior, dealt with episodes of racism which occurred during sport events, particularly in stadiums, during football matches.

During the meeting that took place on February 9, 2006, the Committee's attention was focussed on the Nazi banners exhibited at the Olympic stadium during the football match Roma-Livorno on January 29, 2006. The Director Central of Prevention Police reported this very serious episode and pointed out that in such cases law provides for both the removal of the banners bearing racist signs by the Police and the suspension of the football match. In this very case, the banner was spontaneously removed, but following the inquiries made by DIGOS (Division for General Investigations and Special Operations – *Divisione Investigazioni Generali e Operazioni Speciali*), eight youngsters were reported to the police and three were arrested: they resulted members of right-wing groups.

The Committee also examined the Declaration of the European Parliament against racism in sport which was submitted on March, 14th 2006. in order to ask for tougher sanctions against such behaviours.

As we all know, the initiative of the European Members of Parliament was welcomed by the Vice-President of UEFA who emphasized that the fight against racism must be a high priority for the organization which is already implementing actions in order to ensure that young football players' clubs are "places of tolerance free of racist tendencies" and expressed his support for tough sanctions, from fines to the closing of stadiums.

On such occasion, the Director Central of Prevention Police said that in the past football supporters having an extremist character tried to associate, but to date such attempts always failed, due to the action of the State Police and to the lack of support by large sectors which did not support these politically oriented plans.

The present sport regulations already provide for very tough sanctions for football teams.

In this respect, on February 2, 2006 the State Police Department sent a circular letter to all local Heads of the Police with an aim at urging a more severe enforcement of rules: according to the circular letter, the decision to suspend the match will be up to the official responsible for public order, keeping into account the technical and logistical conditions.

The Director Central of Prevention Police reported to the Committee also with regard to the episodes of racism occurred during the Inter-Messina (April 1, 2006) and Fiorentina-Roma (April 2, 2006) matches, when some supporters insulted black football players.

The DIGOS in Messina identified those responsible for what happened who were subsequently submitted to DASPO (Ban on access to sport events).

The phenomenon of racist violence in sport is constantly monitored by the Committee which is permanently devoted to meet and cooperate with public and private bodies dealing with matters related to discrimination.

In this regard, we deem it appropriate to remind that, in December 2005, the Committee expressed its greatest appreciation to the President of the Italian Federation of sports on ice on the occasion of the permanent expulsion from the Italian National team of one striker from the Alleghe hockey on ice team who repeatedly insulted a black defender belonging to the Cortina team. In fact, this decision constituted an example of condemnation of all forms of racism, phenomenon which must be fought against with firmness and a sense of responsibility above all in the world of sports.

ARTICLE 5:

10. Please further elaborate on “the bill submitted by the Council of Ministers to the Parliament, in which legal or illegal migrants who had been victims of abuse and exploitation in the agricultural and construction sectors would be granted a special stay permit on the same terms as victims of trafficking”. Please also provide further information on the establishment of a “commission to identify actions to fight violence and exploitation of foreign workers”.

As far as the bill mentioned in question 10 concerning “Criminal measures against serious exploitation at work and interventions to contrast the exploitation of illegal workers on the national territory”, it has to be underlined that it was proposed by the Government, approved by the Senate on June, 12th 2007 and is currently under examination of the Chamber of Deputies.

This bill aims to strengthen the mechanism of sanctions in front of employment of illegal workers as well as their exploitation, in particular of those ones who stay illegally on the national territory. Therefore the bill deals with situations in which foreigner workers suffer from intolerable conditions of exploitation and related fundamental rights’ violation because of their illegal status.

To this purpose the bill provides for the insertion of a new article on “Serious exploitation at work” in the Section of the Criminal Code devoted to crimes against the person. More in detail, this crime envisages a sanction for all those ones who recruit workers or organize their work, while subjecting to serious exploitation by means of violence or threat or intimidation the workers whose conditions of work, to be considered as degrading ones, constitute a violation of contractual regulations or legislative measures.

The bill sets up some conditions to define serious exploitation:

- a) a systematic and disproportionate salary of workers in way in front of the amount and quality of their work; a grave and systematic violation of regulations concerning working hours, rest day, compulsory leave, vacation;
- b) grave or reiterate violations of the regulation in force on health and safety issues at work, so as to expose the worker to health hazard, security and personal safety;
- c) degrading working conditions, surveillance or situations concerning workers’ right to housing.

According to the bill, the irregular foreign worker might obtain a special stay permit in occurrence of a such situation of serious exploitation.

In case of violation of the law, imprisonment and the fine for each recruited or employed person are provided for. If seriously exploited workers are children or illegal foreigners an increase of punishment is fixed. Disqualification measures are also envisaged, such as the incapacity to contract with the public administration for a year, the loss of every facility, prize, regional, national or European financing and the annulment for those ones granted for the same year as well as the suspension of the production.

Imprisonment and fines are also provided for employers of illegally staying foreign workers.

About the establishment of a “commission to identify actions to fight violence and exploitation of foreign workers”, according to Act No. 296 of December of December, 27th 2006 (Financial Law), a National “Steering Committee” (Cabina di regia) will be instituted with the task to co-ordinate a general intervention to prevent and contrast illegal exploitation at work, to provide for new measures to promote legal work and emersion from

black labour, also at the local level, to realize national campaigns and awareness raising activities using financial resources within the Fund for the emersion from black labour.

By Act No. 296/2006 the legislator therefore ought to have only one centre of coordination that can receive the contribution from all different actors involved in the fight against black labour. Such Committee will be under the direction of the Ministry of Labour and Social Security and will be composed of the Ministries of the Interior, Social Solidarity, Finances, Economic Development, the Department for Rights and Equal Opportunities, the Councillor for Equal Opportunities, representatives of the National Institute of Social Security and the Italian Workers' Compensation Authority, the Carabinieri Corps and the President of the National Committee for the emersion from black labour. The Ministry of Labour and Social Security will be represented by the General Directorate of the Labour market and of Inspecting Activity, of Protection of conditions at work and of Social Security. Representatives from the Conference of Regions and Autonomous Provinces, the Union of Italian Provinces and the National Association of Italian Municipalities will also be part of this Room. Social actors will be represented by the most representative employers' and trade unions' associations and other bodies who have competence in this field.

The Steering Committee will be supported by the Institute for the development of the professional training of workers (I.S.F.O.L.) and from the Agency "Italia Lavoro S.p.A.", in assistance, technical-scientific and legislative-institutional support activities in order to perform the following tasks: coordination, development, promotion, implementation and monitoring of policies to contrast black and illegal labour.

11. Please comment on reports regarding the situation of undocumented migrant workers- in particular from African and Eastern Europe- in the province of Foggia in Apulia, drawing attention to violations of their human rights in particular of their economic and social rights (reports referring to ill treatment, low wages received with considerable delay, long working hours and situation of "bonded" labour in which part of the wages are withheld by employers as payment for accommodation in overcrowded lodgings without electricity or running water).

As far as the episode concerning Polish citizens, a transnational criminal organization responsible for human trafficking and slavery of Polish citizens was identified at the local level (in particular within the Foggia province) through investigations carried out from the Carabinieri and Polish Police Forces under the direction of the Public Prosecutor within the Anti-Mafia Direction of Bari.

These Polish citizens were deceptively induced to move to Apulia Region where they were exploited and worked under violence and threats in violation of standards of workers' rights as provided for in Italian legislative framework, instead of gaining a well paid job and good living conditions.

Following the investigations many Polish, Ukrainian and Italian citizens were arrested.

At this stage a criminal proceedings is under way within the Office of the Public Prosecutor of Bari involving more than 20 persons accused of criminal association in human beings trafficking and slavery.

As far as the issue of black labour involving above all migrants, the Italian Government introduced a bill concerning "Criminal measures against serious exploitation at work and interventions to contrast the exploitation of illegal workers on the national territory" (see question 10).

The Ministry of the Interior has created a commission under the direction of the Head of Criminal Police, composed of experts from the Department of Public Security, Police Forces

and representatives of the Ministry of Labour and Social Security. This body was given the task to monitor any relevant situation concerning the exploitation of non EU workers.

The Commission has contributed to give an extensive knowledge of this phenomenon, including its inherent factors to eradicate and interested sectors (agriculture in South Italy and building trade in other Regions).

In order to fight against illegal workers' employment, to be considered as relevant means to promote illegal immigration, since 2006 the Ministry of Labour and Social Security and the Ministry of the Interior supported Regional Directorates and *Prefettura*, in particular in Apulia Region and Foggia district, in programmes to monitor, fight and cooperate at institutional local level, also with the aim both to prove the compliance to regulation regarding to conditions at work, social security and assistance, and to look over and contrast widespread black and illegal work as well as eventual criminal phenomena of exploitation and discrimination.

This action is carried out from inspectors of the Ministry of Labour and Social Security under the co-ordination of the Regional Directorate of Apulia Region with the support of the Carabinieri Corps with competence for work protection.

The Labour Local Directorate (*Direzione Provinciale*) of Foggia province started a special investigation to fight against black labour and the so called "caporalato", social evasion of social contributions and exploitation of non EU workers; such activity is carried out also jointly with police officers according to what established by the Local Committee (*Comitato provinciale*) for Public Security.

The action of investigation was intensified in summer 2006 with daily interventions at the local level. In Foggia district from July to September 2006 234 farms and 1599 workers were monitored; 405 workers - 391 non EU citizens resulted illegal; 117 farmers have been reported for illegal employment of non EU citizens.

During 2007 the Labour Local Directorate (*Direzione Provinciale*) of Foggia province continued such investigation; during such period 1.000 farms have been inspected, of which 329 resulted illegal. In total 3.430 migrants were reported, including 3.061 new EU citizens and 369 non EU citizens. 706 new EU citizens and 74 EU citizens resulted illegal, while 32 non EU citizens entered illegally. Two Bulgarian citizens were reported to the police as exploiters of farm workers for very low wages.

12. Please indicate the measures taken to ensure political participation of Roma and Sinti, both as candidates and voters in elections.

According to the procedures for the acquisition of the Italian nationality (see question 13), the political participation in elections is guaranteed to all citizens, regardless of their race, colour, language, religion, national or ethnic origin.

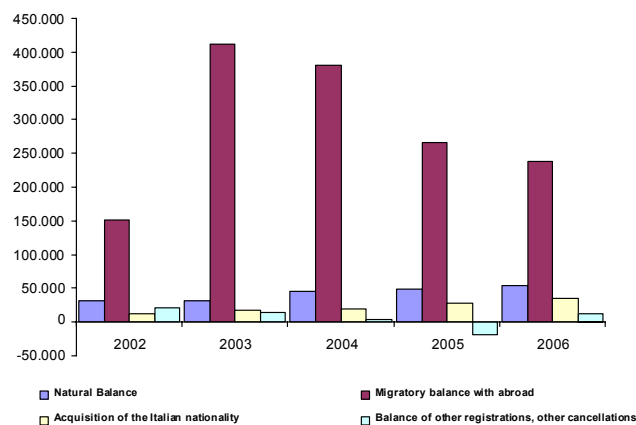
13. Please comment on reports according to which decisions on applications for naturalisation, notably on the basis of residence, are excessively restrictive and discretionary and often characterized by a lack of transparency as for the reasons for rejection.

Though the migrations from abroad and the children born in Italy from foreign parents determine an increase in the foreign population, it is necessary to consider that people who become Italian following "**acquisition of the nationality**" are ever more numerous: in 2006, new Italian citizens amounted to 35,266, about 23% more than in 2005. However, this phenomenon is relatively limited: until 2006, more or less 215 thousand foreign citizens obtained the Italian nationality. Among the new Italian citizens, women are on the increase,

as marriage represents the main channel for acquiring the Italian nationality. Such marriages mainly unite foreign women with Italian men.

It is important to bear in mind that, over time, all those who currently are foreigners but who are born in Italy can also be naturalised and become Italian citizens, upon reaching their eighteenth birthday (but only if they have been resident on a continuous basis in Italy).

The authorisations to obtain the Italian nationality due to naturalisation are still not very common despite that, as can be seen in the table, more than one foreigner out of four has been legally present in Italy for more than a decade and thus, *could* prove to have the main requisite (continuous residence in Italy for more than 10 years) to be naturalised as Italian citizen.



As far as foreign children born in Italy, once they come to age, they normally apply for the Italian citizenship, according to Article 4, para. 2, of Act No. 91 of February, 5th 1992 - "New rules on citizenship". It is necessary for the applicants to prove to be holders of both the permit to stay (noted down in their parents' permit) and the enrollment in the Municipality's registry-office, since they were born. In brief, the birth certificate and all the suitable documents proving the two aforementioned conditions have to be produced along with the application form.

In line with the provisions of the circular letter n° K.60.1, dd. Jan. 5, 2007, the circular letter n° K 64.2/13 has been issued to facilitate administrative solutions to some problems linked with the described procedure. The circular also aims at avoiding unfair damages to minors due to circumstances for which they are not responsible. It has to be noted that in the past years the non-compliance with one of the legal criteria set out in Art. 4 has been considered as a reason for rejecting the applications.

The circular letter states that even the late enrollment of a minor in the registry-office of the Municipality doesn't hamper the acquirement of the citizenship whenever it is possible to prove the presence of the minor on the Italian territory with different means (medical certificates, reference of vaccination etc.).

Overall, about 398 thousand resident foreigners are born in Italy and represent the second generation of immigrants, equal to 13.5% of the total resident foreign population. Given that the migratory phenomenon is relatively recent, we can assume that almost all the second generation is still under-age. They are foreigners but not immigrants: hence, they are defined as "second generation" immigrants.

14. *Please provide more detailed information on the “Protocol of Agreement between UNAR and national labour organizations and associations of employers in order to adopt measures against racial discrimination at work”. Please also provide information on the outcome of the implementation of the pilot project referred to in the State party report (para. 327).*

Community Directive 2000/43/EC implementing the principle of equal treatment of persons irrespective of racial or ethnic origin, transposed into Italian law by Legislative Decree No. 215 of July, 9th 2003, Art. 3, identifies employment and training as areas of Community legislation, in pursuance of which positive information and training actions can be effectively carried out.

Since its establishment, UNAR, as an equality body, considered the labour market and schools as priority fields of intervention for the drafting and implementation of effective anti-discrimination policies.

With a view to prevention and promotion of positive actions, training courses on anti-discrimination legislation, especially in the workplace, have been one of the most significant channels for the transfer of knowledge and best practices in combating racial discrimination. In this respect, UNAR worked, through vocational training, to reach and create awareness in groups of people mostly exposed to discrimination in the labour market.

Within this framework, the Office planned and implemented a series of vocational training projects targeting both workers and employers.

Initiatives in this field, still under way, moved from an agreement with the social partners. On 18 October 2005, UNAR signed with the most representative national labour organisations CGIL, CISL, UIL and UGL, and with the employers’ associations Confindustria, Confartigianato and Confapi, a Memorandum of Understanding concerning a series of measures to combat racial discrimination at the workplace.

UNAR and social partners agreed upon the need to face the problem of the cohabitation of people of different ethnic origins in the workplace, using vocational training and awareness-creating tools both for workers and trade union representatives and for managers and employers’ representative bodies.

Through this Memorandum all social partners expressed their will to foster greater knowledge among their representatives and among workers themselves about legal and administrative instruments enabling protection against all forms of racial and ethnic discrimination, in order to promote the enforcement of the existing legislation.

Events have been planned, therefore, which have led to a pilot vocational training project to combat racial discrimination at the workplace throughout the country. Initial experimentation will be carried out in Triveneto and in North-Eastern Italy.

This project was the first step in a global nationwide strategy. It was addressed to groups of companies or companies in the Triveneto area, and mainly had a twofold target, i.e. company trade union representative bodies and management. The choice of Triveneto as starting area of this project was due to the fact that it was increasingly characterised, in the last ten years, by a high percent of migrant workers. Not least, this area was chosen because of the large number of cases of discriminatory behaviours recorded by the UNAR Contact Center.

It was clear from the outset of the project that it was of fundamental importance to involve and train trade union representatives on the rules and issues connected with ethnic and racial discrimination, in order to spread the greatest possible knowledge on instruments for protection at the workplace. The purpose was to promote a process of enforcement of the existing legislation.

Training courses for trade union delegates were held in the cities of Treviso, Verona, Trieste and Trento in December 2005.

During these courses an approach was followed addressing the phenomenon of racism and racial discrimination, its causes and different expressions. At the same time, it was essential to show participants a large case study concerning potential discriminatory situations at the workplace, thus creating awareness on individual human dramas, social risks, possible damage facing companies and, consequently, the most appropriate means for removing such discriminatory practices.

Following on these initial experiences at the local level, UNAR, with the involvement of the social partners, drew up possible targeted strategies to monitor and remove any discrimination based on ethnic origin or race and to promote social inclusion, both at company and at territorial level.

The second stage of the Triveneto project focused on vocational training, especially targeting middle and upper management in companies falling within this area.

In May 2006, as further development of the Triveneto project, two training seminars on "cultural diversity as a resource" were held in the cities of Udine and Verona. These meetings were addressed to employers from small and medium companies and to officers from the Triveneto branches of the employers' organizations Confapi and Confartigianato.

Lastly, closing the Triveneto project, a seminar was held in collaboration with Confindustria, on "Multiethnic integration in enterprises, experiences in the Friuli Venezia Giulia labour market"; it was aimed to spread awareness on corporate social responsibility and on best practices in this field at the territorial level, showing that a company promoting principles of social responsibility and preventing all forms of racial discrimination will obtain, as a result, greater productivity from its personnel and very high returns in terms of corporate image.

First National Award for best practices in the integration of foreign workers

The European Commission included the issue of Corporate Social Responsibility (CSR) among the activities it plans to develop within the framework of its competence and invited Member States to promote awareness for CSR and its development in their own territories.

An important study financed under the European Commission Action Plan, *The Business case for diversity. Good practices in the workplace*, dealt with the management of diversity at the workplace, highlighting the advantages of such policies for the employers. This study, presented in an ad hoc conference in November 2005, describes the results of a survey on diversity policies in European companies. The survey, conducted on a sample of approximately one thousand companies in the 25 Member States, pointed out that today an increasing number of companies need to invest in diversity, not only for ethical and social reasons, but also for economic reasons. The greatest benefits of this new corporate policy seem to focus on the possibility of having a professionally and culturally diversified workforce, on improving corporate image and reputation and on expanding market opportunities.

UNAR paid special attention to this survey, seeking operational suggestions for promoting appropriate positive action by striving for increased awareness on the part of Italian companies on the issue of diversity management.

In April 2007, with an article published in Confindustria's newspaper, "What sort of enterprise", UNAR launched its 1st National Award, with the aim to realise a survey on the best practices adopted in workplaces with regard to interethnic cohabitation and social inclusion. The aim of the survey is to disseminate knowledge about management policies in companies which distinguished themselves for multiethnic integration and cultural diversity improvement activities. As a result of the survey, a "Corporate Best Practices Award" will be given.

The self-evaluation test required for participation in the 1st National Prize aims to provide entrepreneurs who are sensitive to integration issues with a simple and effective tool to evaluate the degree of integration and enhancement of diversity achieved within their companies. This test also enabled the UNAR to disseminate and make public its positive experiences, and to assess whether the measures adopted, promoted and implemented have been adequate for the participation in the "Award".

In order to give adequate visibility to the positive experiences of companies involved in the survey, UNAR plans to organise a National Conference, in collaboration with Confindustria, to present the results of this research. The "Corporate Best Practices Awards" will be given on that occasion to companies which have distinguished themselves for good management of foreign personnel.

Job Meeting Project

UNAR decided to start a specific strategy capable of going beyond legal support to victims of discrimination and affecting in this way the structural causes of discrimination in the world of labour. One of the main problems for immigrants seeking integration in the labour market is the great difficult access to the market itself in the very first stage of the personnel selection process.

The idea is to create meeting opportunities between companies and two categories of disadvantaged people, persons with disabilities and foreigners.

In May 2008 UNAR will organize a first Job Meeting in collaboration with Sodalitas (CSR development Centre) and some leading Italian companies. The aim of this project is to organize an event that would go beyond the existing potential discriminations by offering job opportunities and conducting interviews with disadvantaged persons, thus making it easier for companies to discover "new talents".

15. Please comment on reports according to which "unaccompanied minors from Central Africa to whom asylum was denied live in shacks or abandoned buildings in extremely unsanitary conditions".

First of all, it should be stressed that Italy ratified with Act No. 176/1991 the UN Convention on the rights of the child. On the basis of this law and of the following legislative measures, the integration of children, especially of migrated children deserving special protection, is granted in Italy.

Moreover, all the children living in Italy, including children irregularly staying in the country, benefit of basic health assistance and education; the law forbids any expulsion of people before 18 years old. Furthermore, as specified in previous reports, Art. 32 of Act No. 286/1998 provides that non accompanied minors that have been living in Italy for at least 3 years and that have been participating to social integration projects for two years, can benefit, upon they becoming of age, of a special working or study permit.

All the minors legally staying in Italy are ensured all the rights concerning education, work, health assistance, family reunion, etc.

In addition to the specific legislation on migration and foreign minors, an interesting tool at national level is Act No. 285/1997 that established the "Yearly Fund for childhood and youth" to be used at regional and local level. If the first three year cycle focussed on projects aiming at improving the situation of children, and about 35% of the projects focussed on the inclusion of foreign minors in the school system, the second three year cycle, now ongoing,

sees a great commitment in the implementation of support to families and the provision of services specifically addressed to young people and children, with an interesting intercultural and multicultural approach.

The new National Action Plan **for the protection of the rights and the promotion of the development of children** that is under discussion at present, includes, among its priorities the issue of children in an intercultural society, the contrast to child poverty, issue of support to Roma, Sinti and Camminanti children, and the integration of services.

The Fund **for the inclusion of immigrants and their families** (see questions 6 and 7) provides, as mentioned above, that one million euros should be dedicated to inclusion of Roma and Sinti pupils in the school system.

Among many interesting experiences in this framework, it is worth mentioning that one of the Municipality of Turin, that established a specific office to deal with all the issues relating to the integration of Roma and Sinti communities in the local fabric with an integrated, comprehensive and global approach.

Failing further details, we cannot comment the information available to the Committee as our inquiries gave no such results as the ones described.

In particular, we wish to point out that, according to the Italian legislation, any unaccompanied child found on our national territory must be reported to the Office of the competent Juvenile State's Attorney. The State's Attorney's duty and power is to place the child into an adequate institution (usually a juvenile shelter home) upon a provisional and urgent measure until final protection decisions are made in the child's best interest, i.e. either returning him to its country of origin or declaring it adoptable where the circumstances so require.

Therefore, the alleged presence of foreign children left unaccompanied on our territory appears quite unlikely.

At any rate, an inquiry was conducted with the Offices of the Juvenile State's Attorneys in Sicily (which are likely to be more involved in such hypothetical events) and they confirmed that they never heard of any such news as to justify the information received by the Committee.

On the contrary, some of them (for instance the Office in Caltanissetta) pointed out that upon the arrival of illegal immigrants, children are usually sheltered in structures where also their mothers (if present) can be placed, so as not to separate them.

16. Please comment on reports according to which forced evictions of Romanian Roma as well as the destruction by public authorities of a number of Romanian Roman settlements have recently taken place.

With regard to the improvement of living conditions of the Roma populations, as laid down in Title V, Chapter III and IV of the Consolidated Text 286/1998 as amended and integrated by Act 189/2002, is a competence of Local Bodies.

In this regard, local institutions are still proceeding with the adoption of all pertinent interventions, in particular those ones on the situation of the campsites.

Within this framework, as a good practice, mention shall be made of the initiative agreed upon between the Prefecture of Naples and the relevant local bodies, aiming at setting up small camps: this is a positive trend which proves to be more functional and more bearable from the point of view of the housing arrangement.

Similar initiatives are in the process of being implemented in other regions, in particular in Milan and in Rovereto.

Within the framework of the "Permanent Conference", as set up in the Territorial Government's Office - Prefecture of Rome, several initiatives and projects have been planned, to be carried out by the relevant Bodies and Agencies, and focus on integration measures for the Roma populations currently living in several camp-sites of the capital.

As far as the Municipality of Rome is concerned, actions aimed at the reception and integration of Roma communities have been increased and strengthened. In particular, Roma people received in the "Pronta Accoglienza" (Welcome reception centres) settled by the Municipality of Rome are in the thousands, while *ad hoc* structures have been realized specifically for mother and child groups, with prevention measures of medical and pediatric nature.

Removal of a Roma settlement located in "Magliana" – Via dell'Imbarco – Rome (July 19, 2007)

On July 19, 2007, police officers from the Rome police headquarters, in agreement with the Municipality of Rome, the "Nucleo Assistenza Emarginati" (Outcasts Assistance Nucleus) and the Municipal Police, carried out the removal of a Roma illegal settlement located under the overpass of the Tiber River, in Via dell'Imbarco, in an area subject to overflow.

The "shantytown", lacking water and electricity supply, was found in appalling hygienic and sanitary conditions given the mass of litter and the presence of rats.

A decision to intervene had been previously agreed within the Provincial Committee for Public Order and Security.

Such intervention had been repeatedly requested by the Municipal Agency for Electricity and Water ("ACEA") in order to allow urgent maintenance works to a lifting apparatus, located close to the illegal settlement. A lack of maintenance, in fact, could have provoked serious health hazards.

Evacuation of the area was carried out with medical units, equipped with ambulances and assisted by charity institutions; sanitation experts provided for decontaminating the area and guaranteeing safety during these procedures. All shacks and other sheds built with rubbish, abandoned and without any personal belongings, were demolished and the area was decontaminated and returned to the owners.

The removal affected about 500 (not 1.300) people belonging to a Romanian ethnic group (many of whom were children) who, being informed about the impossibility to remain in an unsafe area, voluntarily moved away.

Just a few of them, who did not intend to leave the premises, immediately received assistance from the Roman Social Service. Following the event, Officers of the Municipal Police and social workers intervened in order to offer assistance to the more disadvantaged categories, first of all to the mother and child groups.

Removal of a Roma settlement in "Bagni di Tivoli", former "Stacchini" powder warehouse (July 26, 2007)

On July 26, 2007, according to a decision taken by the "Illegal Roma Settlement Issues Working Group" of the local "Prefettura", police officers, in cooperation with the Carabinieri, Civil Protection and other competent offices of the Tivoli Municipality, carried out the removal of an illegal settlement within the private area of the former "Stacchini" powder warehouse in Tivoli.

The intervention had been made necessary as a consequence of requests by both the owner of the site and other private citizens.

During the intervention, 30 unauthorized and unsafe shacks - which had already been abandoned, and in very poor hygienic and sanitary conditions - have been knocked down by the Municipal Authorities. 80 Romanian citizens (identified in the presence of Tivoli City Hall's Social Workers) have been requested to pick up their belongings and leave the place.

At the end of the eviction procedure, the entire area was returned to the owners with the order of clearing it up by destroying the remaining buildings and fencing it off, in order to keep out future illegal settlements.

The intervention did not cause any trouble to public order and security.

Removal of a Roma settlement in Pisa (May 2007)

The removal of a small community from the so-called "CEP" area in Pisa has been planned and carried out by the Municipal Police of Pisa.

During the eviction operation, the Municipality of Pisa supplied goods of subsistence and meal tickets and assisted the only family with minors affected by the eviction offering an alternative accommodation at a nearby landlord in the area. Furthermore, the Municipality of Pisa underlines that this family is not one of the families involved in the terrible episode occurred in Livorno.

Actions aiming at helping the Roma communities of Pisa

It has to be mentioned, that the city of Pisa, since 2002, has started a specific programme called "Le Città Sottili", devoted to the Roma communities on the territory.

Briefly, this programme mainly aims at the final closure of the Roma settlement.

At present, four out of five Roma camps are definitively closed; therefore, only one is still operating nearby, at the "Oratorio" area.

Two more areas still remain, equipped with water and power supplies; in these areas, some Roma family groups have been temporarily accommodated and various housing possibilities have been already foreseen for them.

In the area, where the only authorized settlement was set up, at Coltano, the building of a village has already started in order to take in about 15 family groups with a total amount of 70 people.

The village should be ready by spring 2008.

Hereafter a table is drafted to report the existing situation of Roma citizens, to whom the programme is offered. These persons come from various regions such as Macedonia, Kosovo, Bosnia and Serbia.

Location	Family groups	Total of persons	Minors
<i>House</i>	77	310	148
<i>Temporary solutions</i>	27	133	76
<i>Settlement</i>	28	108	48
<i>Others</i>	7	21	16
TOTAL	139	572	288

It can be clearly seen, that more than a half of Roma citizens benefit from "Le Città Sottili" and are offered an adequate housing and that another relevant number is well-placed in temporary solutions, while waiting for a definitive accommodation.

Each single family group is backed by a specific project and avails itself of other means in order to cope with the integration process autonomously.

Moreover, all persons still staying within the settlement and in the transition areas, are supported with targeted interventions. All the children falling within compulsory education have entered a school and have a sufficient level of attendance. Compared to other known situations, there are limited cases of school withdrawal.

All these projects have been approved by social cooperative societies and local associations. Within the group consisting of 572 people, there are also Rumanian Roma family groups; hereafter follows a description of the intervention tailored for them.

Summer 2004

After the removal of illegal settlements in the city, hazardous situations for the health of minors have been detected, so that five Rumanian Roma family groups (for a total of 25 people, 15 of them minors) have been resettled along the line drawn with "La Città Sottile".

Two of these family groups then decided to move autonomously; three more family groups still live in such premises and benefit from the above mentioned projects.

April 2005

After the fire in a warehouse hosting several family groups, 11 families (40 people, 15 of them minors) have been accommodated in temporary facilities within the Municipality of San Giuliano Tm.

In spring/summer 2006 the Municipality of S. Giuliano Tm joined the programme "Le Città Sottili" and, along with the regional administrations, paid for the families in order to allow them to enter the project.

The family groups, then, have been accommodated in such premises and benefit from the above mentioned projects.

After the arrivals of a number of Roma from Rumania, especially at the beginning of 2007, several situations of marginalization and poverty arose in the territory of Pisa.

In August 2006, operators belonging to the "HOMELESS" project noticed near the "CEP" area six family groups (19 people) and 3 people alone.

By the end of 2006 the "IRRMA" ("Regional Intervention against Marginality") project was started, that is, the third project developed by the Tuscany Regional Administration in cooperation with "CNCA (Reception Communities National Coordination Board) and managed within the Pisa territory by "Il Cerchio", a social cooperative society.

The project will take care of Rumanian Roma; in particular, operators will deal with the monitoring and mapping of the territory, besides accompanying the persons concerned to the foreseen services.

Moreover, two more family groups have been backed for housing projects that are still running, along with a number of people looking for a job, with good results.

The following table shows data related to the presence of Roma citizens on the territory of Pisa; data have been updated to the month of September 2007.

Locations	Total units	Total people	Minors	Notes
"Bocchette- Ponte" ex	20	64	30	
"Bocchette Canneto" -	20	59	27	
"Bocchette"	2	11	4	Perhaps one

Putignano"				family group has absconded
"CEP- Canneto"	3	8	2	
"Fiume morto"	3	8	2	
"CEP-Ponte"	7	20	8	Approx. data
"Barbaricina"	7	20	8	Approx. data
"Cittadella Bastione"	8	18	/	Updated: August 2007
TOTAL	70	212	81	

The Municipality of Pisa, through the "Società della Salute" ("Health Society") and the managing agency, namely the Local Health Authority of Pisa and in agreement with the Regional Administration, is currently committed to activating further interventions, consisting of the following actions:

- continuation of the monitoring activities referred to settlements;
- continuation of mapping;
- analysis and evaluation on a case-by-case basis;
- "first aid housing" for family groups with specific, serious health or social discomfort;
- support for housing accommodation;
- accompanying and mediation services;
- social mediation;
- accompanying and consulting for three family groups wishing to buy a house.

All the described actions are addressed to family groups who:

- due to the presence of workers, have the income to guarantee an integration path;
- have a particular health situation.

Those interventions should involve a total amount of 30 family groups as a minimum (approximately 100 people).

The actions will be developed in parallel with the commitment to closing the illegal settlement, preventing the creation of new ones, thanks to a closer coordination with the police forces.

The abovementioned activities seem to attest a relevant experience. Nevertheless, a strong commitment from other institutions and agencies is still important, to avoid that everything could result in a vacuum.

It is well-known, that a successful and effective migration policy requests a strong coordination of answers coming from different actors of central, regional and local government, not to mention the European level.

As a matter of fact, within the European context, the national policies for migrants could find a relevant political and institutional meaning, but their costs can not be born just by the municipalities.

It seems that, at national and European level, a clear commitment to politically and economically supporting the inclusion and integration policies at local level still lacks.

It is necessary, in other words, to enhance good policies and best practices which seem to be able to facilitate the integration process.

Within this juridical framework which constantly changes, the Municipality of Pisa made relevant choices in managing the problem, bearing in mind, on the one hand, the commitment to law enforcement and, on the other hand, the safeguard of the vulnerable categories such as minors or pregnant mothers, according to the law.

A special attention has been paid to people staying in the settlements in order to facilitate the access to social, administrative and health services, in an effort aimed at supporting the integration process.

As to the restoration of order and rule of law, the Municipality has worked in close cooperation with the police forces during the last four years in order to check and to control

the presence of people within the settlement and the administrative conditions of the occupants, then issuing the necessary arrangements.

A number of operations have been carried out by the State and the Municipal Police Forces, even though these operations couldn't stop the continuous flow of arrivals or the return of removed persons.

A progressive ability of social emancipation has been noticed, so that somebody has autonomously found a decent housing solution.

Moreover, the Municipality also in cooperation with other public administrations, made the greatest effort to solve major discomfort situations and to face emergencies affecting people within the settlements.

Location: Livorno (August 11, 2007)

On August 10, 2007, around midnight, the Livorno Fire Brigade was requested to extinguish a scrub fire in the outskirts of the town, on Via Pian di Rota.

Once on the spot, the Fire Brigade personnel saw that three huts, made of wood and plastic and located under a flyover, was also on fire.

The firemen tracked down only two Romanian people in the surroundings, who reported that the fire had completely destroyed their belongings as well as their documents. No mention was made of the possible presence of people in the burnt huts.

Only when the fire was extinguished, during an investigation carried out jointly by police headquarters officers (UPGSP) and firemen, the charred corpses of four children have been found, whom were identified, according to their parents' statements, as Romanians of 4, 7, 8 and 11 years of age.

The reconstruction made on the basis of fire and soot remains showed that the fire could have started in one of the huts where the corpse of just one child has been found. Then the fire could have spread to another hut, where there were three more corpses, and finally to the third hut.

Late in the night, close to the town railway station, the police arrested a group of Romanian people and, among them, the parents of the victims.

Questioned by the judge, they declared that the fire was the result of a wilful act carried out by some Moroccans because the Roma community had refused to pay money to them.

However, the clashing statements made about the number of attackers and the way the attack was performed immediately showed an attempt to arrange a forged version of the event for the investigators.

On 20 November 2007, the criminal proceedings launched by the *Procura [Prosecutor's Office]* of Livorno against the parents of 4 children killed - on the night of 10 August 2007 - in the fire of the shack they lived in, was concluded at the *preliminary hearing [udienza preliminare]* under the procedure of *patteggiamento [plea bargaining]*.

The four accused were convicted of the offence of *abbandono di minori [abandonment of children]* (as per Arts. 81, para. 2, 110, 591, paras. 3 and 4, of the Italian Criminal Code) because they had gone away, at night, leaving alone their children, who were incapable of looking after themselves and who died as a consequence of the sudden fire caused by the presence in the shacktown of inflammable substances and of likely sources of fire.

These proceedings ended by means of the accused's full and proven confession as to their culpable negligence, thus clearing away completely any false information as to an allegedly racially motivated attack .

In this regard, the Prosecutor's Office of Livorno is still conducting criminal proceedings against those same parents on the charges of *calunnia [slander]* and *procurato allarme presso le autorità [raising false alarms with the public authorities]* since they had launched

accusations – that subsequently turned out to be unfounded – of having been attacked with incendiary bombs by persons unknown.

In relation to the two family groups who have been involved in the tragic event occurred in Livorno in the month of August 2007, it has to be pointed out, that just the householder of one of the family groups could have been present in Pisa, within the settlement located in the so-called "CEP" area; the presence of this person, however, has been reported by other Roma citizens living in the area, but he has never been noticed by operators working with the Roma community and in any case he stayed there just for a short while.

This person may have left Pisa autonomously, when his family arrived at Livorno. Moreover, when in the month of May 2007, the Roma community was removed from the occupied area – this removal was carried out in full cooperation with the affected people- the family group concerned certainly was not there, because it had left in advance.

At that very moment, besides livelihood and other goods, a special emergency housing project was fulfilled to favour just the family group with minors, who, in fact, was accommodated at a nearby landlord. Not to say, that the people concerned enjoyed that accommodation just one night.

It has to be stressed, that the family group who, again, was the only one with minors and availed itself of the emergency housing project, doesn't match with any of the two family groups involved in the accident occurred in Livorno.

At present, the abovementioned family group, subsequently joined by the sister of the children deceased in the Livorno blaze, through a specific project has been accommodated in Tirrenia.

17. Please provide further information on measures taken to ensure that Romani children, whether citizens or non-citizens, enjoy the right to education in the State party on an equal basis with other children (State party report, para.177).

As all the other children living in Italy, Roma children are ensured the right to education.

It is clear that for the Italian government the issue of education of Roma and Sinti children is a priority element of the strategy for the social inclusion and integration of Roma and Sinti communities.

In order to grant the total fulfilment of this right, the Agreement Protocol of June 22nd 2005 signed by the Ministry of Education includes the promotion of training for teachers for a better comprehension of Roma and Sinti culture and established the Roma and Sinti "cultural mediator" as a specific professional that can support the relation between the school and the family. On the side of the "Opera Nomadi" there is the commitment to create awareness among Sinti and Roma communities on the importance of attending compulsory schools .

In order to facilitate the integration of Roma and Sinti children in the educational network, to include the families of Roma and Sinti children in the relation with schools and education system and to implement the Protocol, many projects have been carried out and are still ongoing.

UNAR participated with its own representatives to the Table of coordination established by the Ministry of Education, concerning the implementation of the Agreement Protocol on education topics between the General Directorate for students and Opera Nomadi 'to protect nomadic gipsy children and travelling children'; participation in drafting the Protocol, signed on June 22nd 2005, allowed the Office to examine in detail the issue of Roma children education starting from the experience of special schools in '70s to the present and the problematic attempts for an educational integration. Periodical contacts with representatives of associations involved in the defence of Roma rights, carried on also because of the

evaluation and handling of racial discrimination cases under UNAR competence, together with the study and in-depth activity carried on with the contribution of Opera Nomadi certainly contributed to the inclusion of this association, the Italian Gypsy Association Today (AIZO) and the National and International Union Rom and Sinti in Italy (UNIRSI), in the Associations and Authorities Register working in the field of fight against discriminations, provided by Art. 6 of the Legislative Decree No. 215 of July, 9th 2003.

Referring to Roma children in Italy, we can affirm that they are often involved in the phenomenon of exploitation, in particular by begging.

One example of good practice in this field, is the "Centre for Combating Child Begging" project of the city of Rome set up with funds provided by Act No. 285/1997.

As everybody knows, this Law is an important legislative tool for promoting children rights through a widespread network of services, also innovative services, set up throughout the whole country with the objective of improving the living conditions of children and adolescents. Regions and local communities in coordination with the civil society and the third sector, associations and NGOs, are involved together in a shared and responsible methodology in planning and managing actions.

Established in February 2003, the "*Centre for Combating Child Begging*" is an experiment, the first of its kind in Italy, to take children off the street into a serene family atmosphere in order to get to know them, help them and take effective action in the context of their lives.

The project involves the participation of various institutional actors in close cooperation with the municipal police and the other forces of law and order who, when they see a child in the street apparently alone or with adults who are unable to prove they are the parents, have the power to conduct it directly to the Centre.

This initiative was recently supplemented by a street unit whose task it is to approach adults who are begging with small children in order to inform them about the laws protecting children in Italy and, at the same time, identify the needs of that family unit.

The association of voluntary paediatricians of the Umberto I Polyclinic also cooperates in the project, and, considering the worth of the initiative in safeguarding the rights of children, UNICEF has also given its patronage.

This project, the first of its kind in Italy, is of an experimental nature and will be subject to constant monitoring and assessment which could lead to amendments and adjustments to the operational model whenever circumstances so require. The required flexibility is guaranteed by the fact of not being entrusted to outside bodies but directly managed by the Department of Social Policies of the Rome City Council.

Its aim is to set up a day-care centre where children forced to beg on the streets of Rome can be taken. Indeed the Centre has been set up like a home. It is in a villa with a garden and numerous warm, comfortable rooms, a place for children to feel welcome and where they can play, receive assistance and get to be known. There is a large games room equipped like an authentic recreation centre, a video room, a kitchen with a dining room attached with a fireplace and a room with beds where children can rest if they want to.

At the same time as a child found in the street by the police is being welcomed to the Centre by qualified social workers, a search is begun to trace its parents who are then invited to the Centre for an interview with the social services in order to acknowledge their responsibilities.

Particular care is taken by the Centre's team of staff at the time the child is welcomed. The role of the linguistic-cultural mediator is crucial in this highly delicate phase. The most emotionally intense task involves establishing a relationship with the child based on trust. In the meantime, the team contacts the child's parents and invites them to come to the Centre to retrieve their children; it is the parents who must come to the Centre (and obviously prove they are the parents). If they do not come, the child is kept overnight in one of the city's

family homes. Obviously, the juvenile court, which gave its approval to the project and cooperated closely in its realization, is given a report on every child taken in.

There are 5 permanent staff members in the day-care centre (1 coordinator, 2 child educators and 2 cultural mediators) as well as additional staff on an hourly basis or when necessary (1 anti-exclusion official, 1 paediatrician, 1 Rom cultural mediator, 1 computer consultant (work-station and database maintenance), 1 child psychiatrist for investigation in cases of suspected abuse or ill-treatment).

On the first year anniversary of the Centre for Combating Child Begging, Rome City Council set up a hot line for reporting cases of children left alone in the street to beg.

The number is manned from 9 a.m. to 6 p.m. by qualified operators whose task it is to note reports by the public and pass them on to the municipal police or state police. This is not an emergency service in that it does not replace the police emergency service but it does lead to specifically focused action on the part of the municipal or state police or Carabinieri while enabling the situation to be properly monitored.

In the Report the "School Attendance Project for Romani children and adolescents for the three school years running from 2005 to 2008", promoted by the municipality of Rome was already cited.

This project involves primary, compulsory and senior secondary schooling levels.

The aims of the initiative are:

- To create the conditions for the day-to-day co-existence of children and young people from different cultures;
- To meet the right of each child, regardless of their background, to have access to education and instruments for knowledge that enable them to develop their potential and interact constructively with others;
- To change the attitude to education that is frequently found in adult Roma and Sinti and ensure that schools become the key institution in the formation of the new generations, including for the Romany population.

The general objectives of the project are:

(a) To foster the protection of the rights of children in concrete terms as enshrined in the International Convention on the Rights of the Child, by drawing up and implementing the project "Rights for the Camps";

(b) To facilitate school attendance, by setting up a service to accompany children to school;

(c) To encourage adults to take responsibility for their children's education by promoting actions that change their lack of interest in or opposition to education, and encouraging school-family-city council education pacts;

(d) To foster a positive attitude to education in Romani communities, by promoting initiatives in camps with the adults of the community;

(e) To improve conditions for learning, by promoting initiatives, including out of school hours, that foster the consolidation of learning and the pursuit of an individual study method;

(f) To foster mutual knowledge and integration between the world of education and the Romany culture, by taking part in initiatives promoted by schools to explore that culture, as well as in initiatives promoted by local institutions and bodies to promote mutual knowledge by each party;

(g) To encourage education for adolescents who have not attended school regularly, by drawing up individual educational projects which, using local training agencies or creating specific opportunities, enable young people to be included in the social context and in the world of work;

(h) To increase and "up-grade" attendance by young children at municipal and state nursery schools, by drawing up an education plan to promote their inclusion, in close liaison with the Educational Coordinators of Municipal Nursery Schools and state Nursery School Managers. The total value net of VAT of the project tender was €5,832,974.55. The sums allocated for each "lot" of the project were divided thus: 75% for school attendance by Romani children and adolescents, and 25% for the "Rights for the Camps" project. The total number of beneficiaries of the project was 1,872.

This project reached a good number of primary, secondary and also high schools (about 280 schools) as well as children from 35 Roma settlements.

The Municipality of Rome, could already point out some mid-term evaluation issues on the ongoing project:

- Early schooling leads to a better integration in the education process;
- when the child lives in a permanent and equipped settlement school frequency increases;
- the overpopulation of a settlement can cause health problem and can have repercussions on the integration in the education process.
- The inclusion of the community and the family of the child in the integration process is a key to success.

ARTICLE 6:

18. Please indicate which remedies, including just and adequate reparation or compensation, are available for victims of racial discrimination. Please provide examples, if any.

For the violation of the individual's right to equal treatment and non-discrimination based on racial or ethnic origin, Art. 4 of Legislative Decree No. 215 of July, 9th 2003, implementing Directive 2000/43/EC on racial equality, has set forth a special type of streamlined and incisive judicial protection, modelled on the procedure already provided for under Art. 44 of Legislative Decree No. 286 of July, 25th 1998, but enriched with some additional profiles guarantee for the victim of discrimination.

The party initiates proceedings by means of a petition, which can also be made in person, and these are to be conducted as rapidly and in as simplified a manner as possible; the judge decides, on a case-by-case basis, the timing and procedures for the establishment of a valid judicial relationship between the parties involved, as there is no provision for notification to the person considered responsible for the discrimination.

Judicial protection, having no rigid formal structure, is thus made easily accessible to victims of discrimination; the entire procedural sequence is quite smooth, since it is modelled on precautionary procedures aiming to ensure immediate protection of their rights, through a summary judgment based on the assumption that any delay can entail injury.

The procedure in question gives rise to certain issues, however, regarding precautionary procedures; the process of acknowledging is foreseen in a single phase, with no requirement for taking into account the possibility of imminent and irreparable damage.

Another peculiarity of this procedure is the special set of rules of evidence set forth in Legislative Decree No. 215, mitigating the principle of the burden of proof established as a general rule in our legal system, with the aim of facilitating the protection against the violation of rights as a result of racial discrimination: Art. 4 of Legislative Decree No. 215 introduces a system of presumptive evidence which can be used in court proceedings with

the additional support of statistical data and based on serious and concordant elements, whose evaluation is left to the discretion of the judge.

In other words, our lawmakers have reaffirmed the general rule whereby the plaintiff must prove the facts supporting his claim, while allowing recourse to presumptive or indirect evidence, i.e. to any argument, conjecture, inference through which, once a certain circumstance has been proved, another circumstance lacking direct evidence can be deemed proved, as well.

Finally, as regards the final provisions to be adopted by the judge at the end of the proceedings, Legislative Decree No. 215 provides for various solutions in the event that discriminatory conduct is recognized.

If the request is granted, the judge can issue an order to **cease discriminatory conduct, remove its effects** and provide **compensation for damages**, but can also render the victim's future position more stable and secure by establishing a **scheme for the elimination**, within a pre-established deadline, of ascertained discrimination.

As regards compensation for damages, the relevant categories are very extensive: pecuniary and property loss, other damages, including loss of amenity, are eligible for compensation.

Payment of damages is done on an equitable basis, which takes into account the seriousness of the case, of the injury suffered by the victim of discrimination, of psychological factors behind the discriminating person's actions.

The judge may also order the publication of the decision, at the responsible party's expense, in a daily newspaper having national circulation.

Finally, it appears worthy of note that Parliament is currently working on amendments to Legislative Decree No. 215, drawn up following the approval by the Government, in December 2007, of a bill providing for enhanced protection. This bill, on the other hand, has conclusively addressed infringement procedure No. 2005/2358 by which the Commission deemed that Italy has failed to correctly implement Art. 2, para. 3, Art. 8, para. 1, and Art. 9 of Directive 2000/43/EC.

Of particular relevance for a more complete protection of victims of discrimination, it should be mentioned, among others, the amendment of Art. 4, para. 3, of Legislative Decree regarding the burden of proof, introducing a procedure whereby if the plaintiff produces factual elements in court justifying the assumption that direct or indirect discrimination has taken place, the plaintiff has the burden of proving the groundlessness of the claim against discrimination. In the event of indirect discrimination, factual elements may also be deduced from statistical data.

It is also significant that a new Art. 4-bis has been introduced, establishing rules for protection against injurious conduct, treatment or other consequences that constitute a reaction to any direct or indirect action aimed at obtaining equal treatment. This result is achieved by extending the special procedure provided for under Art. 4 even to these types of conduct.

In accordance with the European Commission's remarks, this form of protection is expressly granted both to the person damaged by direct or indirect discrimination and to "any other person" (e.g. a work colleague or a witness who supported the victim).

As already stated in answer to question n. 9, a bill has been recently introduced (A.C. 2111) which contains "amendments to Act No. 654 of October, 13th 1975, which deals with racial discrimination and new regulations related to discriminations motivated by gender identity, by sexual orientation or by the different ability of people". This bill provides for a more forceful response as compared to the regulations in force, in order to prevent and combat the different forms of discrimination.

The bill aims at restoring, with one integration, Art. 3, para. 1, letter a) and b) of Act No. 654 1 into the text which had been replaced by Art. 1 of the Legislative Decree No. 122 of

April, 12th 1993, transformed into Act No. 205 of June, 26th 1993 (the so-called Mancino Law), with an aim of firmly and effectively repressing any form of discrimination and racial hatred.

The abovementioned Art. 3 has been recently also amended by Art. 13 of Act 24 February 2006 in relation to the punishable conduct (propaganda and incitement instead of diffusion and incitement) and also from the standpoint of the applicable sanction (the sentence of imprisonment has been halved from one year to six months).

As far as remedies for victims of discriminatory acts of conducts, the following examples can be mentioned.

Judgment of the *Corte Costituzionale [Constitutional Court]* No. 432 of December, 2nd 2005

In this judgment the Constitutional Court declared that Art. 8, para. 2, of the *Legge Regione Lombardia [Law of the Lombardia Region]* No. 1/2002 was constitutionally illegal in that it was in breach of Art. 3 of the Constitution. Pursuant to this Law free public transport was granted to *registered disabled persons [invalidi civili]* provided that they were Italian citizens. The Court maintained that from said Article it could be inferred that in practice it aimed at introducing a discriminatory exclusion for foreigners from enjoying a social benefit such as public transport.

Judgment of the *Corte di Cassazione [Court of Cassation]* No. 9381 of January, 20th 2006

The Court of Cassation, in its judgment No. 9381/2006, dismissed the appeal lodged by a person convicted of having verbally abused a little black girl calling her "dirty Negro", challenging the judgment of the *Corte di appello [Court of Appeal]* of Trieste that had confirmed his sentence to a fine of 1,200 euros and to 3,500 euros as damages.

The Court maintained that the term "purposes" used in the definition of the aggravating circumstance provided in the so-called Mancino Law simply means a further negative element adding to the objective circumstances of the offence (Art. 70, para. 1, of the Italian Criminal Code) such as the behaviour, the seriousness of the harm or danger, the personal characteristics or condition of the victim of the offence, that have to be taken into consideration by the judge.

From this point of view, the assessment of the purposes of the act does not require that the verification of the psychological element of the offence be independent of the verification of the criminal intent (pursuant to Art. 43 of the Italian Criminal Code) as required when the result of the criminal act is foreseen and wanted by the offender.

The discrimination, indeed, consists precisely in not acknowledging equality as a fundamental principle of the Constitution, hence the term "hatred" is to be regarded without any highlighting connotation with respect to less intense feelings.

The insult "dirty Negro" therefore has an intrinsic discriminatory intent since it refers, in common usage, to an evident prejudice of inferiority of one single "race" (proof of it is that expressions like "dirty yellow" or "dirty white" are not used).

Since the above insult has solely one semantic meaning, the offender's subjective motive has no relevance whatsoever: at the most, a further analysis enables to place that expression within the purpose of "discrimination" instead of that of "hatred", or vice versa.

Judgment of the Court of Cassation No. 21836 of June, 22nd 2006

The Court of Cassation, in its judgment No. 21836/2006, ruled that – as regards the enforcement of a custodial sentence – the measures in alternative to imprisonment (in this case being put *in affidamento in prova al servizio sociale* [*on probation under the supervision of the social services*]) can also be applied to non-EU citizens that have illegally entered the State and don't have a *permesso di soggiorno* [*stay permit*]. On this matter, the Court ruled that no discrimination between citizens and clandestine aliens is to be allowed, on the decisive reasoning that the relevant law provisions are based on the protection of the dignity of the person, which is taken into consideration and protected *per se* independently of the lawfulness or not of that person's stay on Italian territory.

Case-law on the merits

The following judgments recently rendered by civil courts in application of Arts. 43 and 44 of the Consolidation Act No. 286/1998 are worth being mentioned:

- as regards the prohibition to discriminate access to vocational education and training: the *Tribunale civile di Bologna* [*Civil Court of Bologna*] ordered a private university to allow access to a Chinese student under the same fee conditions as required from EU students (order of December, 23th 2006 of the Civil Court of Bologna);
- as to the prohibition to discriminate access to the labour market, and in particular to the public sector, the *Tribunale civile di Perugia* [*Civil Court of Perugia*] upheld the claim by an Iranian citizen ordering the *Azienda Sanitaria Locale* [*local health authority*] to include her in the list of candidates to the post of *dirigente medico* [*senior doctor*] from which she had been excluded for lack of citizenship (order of December, 6th 2006 of the Civil Court of Perugia);
- similarly, the *Tribunale civile di Firenze* [*Civil Court of Florence*] upheld the claim by a Moroccan citizen, ordering that he be admitted to a public competitive examination to enter the University of Florence from which he had been excluded for lack of Italian citizenship (order of January, 14th 2006 of the Civil Court of Florence);
- as to discriminatory behaviour, the *Tribunale civile di Padova* [*Civil Court of Padua*] upheld the claim suing a shop that was charging higher prices to foreigners, ordering it to stop such discriminatory behaviour and to compensate the non-pecuniary damages suffered by foreign citizens (judgment of May, 19th 2005 of the Civil Court of Padua).

Also UNAR activities in this field can be mentioned as an example of good practices to discuss on the specific issue of judicial remedies to contrast racial discrimination.

Even if the civil action against discrimination does not request the presence of a lawyer, during its first years of activity UNAR found that the low level of awareness about the defence of victims' rights or associations entitled to act before the court is often a consequence of a gap of legal and juridical competences. Therefore it was useful to create a strong relationship among victims and associations legitimated to act, on the one side, and the legal operative framework that, on the other side, offers, freely and without profit, its contribution to the daily fight against every form of discrimination.

For this reason, UNAR signed two agreement protocols with two famous associations of professionals, AIGA (Italian Young Lawyers Associations) and ONLUS Lawyers for nothing. According to these agreements, UNAR, if requested, could address people that think to be victims of racial discrimination or the associations that want to bring an action before the court, to the above mentioned organizations of professionals that have, among their members, people properly prepared and culturally sensitive to problems of fighting against discriminations. The signatory associations guarantee that the work of their own professionals will be done as non-profit organization.

As a tool to implement and develop professional expertise in these associations it is worth mentioning the project entitled 'Contents and instruments for defence, in the field of racial discrimination', realized by the Forensic Union for the defence of human rights (UFTDU), financed by UNAR.

The project has the main purpose of spreading the largest awareness of national, European and international legal instruments, aimed at fighting against discriminations based on racial or ethnic reasons. To achieve such an objective, a day devoted to education, was held in Rome, having as topic 'The racial discrimination and access to justice: the new role of associations', addressed to all associations that working in the field of fight against discriminations and promotion of equality of treatment and, in particular, to those having legal status to act before the court according to Art. 5 of Legislative Decree No. 215/2003.

On this occasion a deep evaluation was promoted about new legal instruments introduced by recent national and European anti-discrimination set of rules and an enforcing workshop where real cases of racial discrimination have been simulated and the relevant contrast strategies have been shown.

19. Please provide statistical data on cases considered by UNAR including informal conciliatory actions as well as their outcome (State party report, para.304).

The Racial Anti-discriminations National Bureau (UNAR), established according to Art. 7 of Legislative Decree No. 215 of July, 9th 2003, implementing EU Directive 2000/43/CE, first of all carried on the removal of **discriminations based on race or ethnic origin**.

In 2006 the Office Contact Center (800 90 10 10) received about 10.000 calls for generic information about anti-discriminatory laws and for support to social integration needs. Among the requests for custody, under UNAR competence, 351 discrimination files have been opened and, among these, 218 are those in which UNAR, after a careful investigation, has found an objective discrimination suffered by the victim, based on ethnic and racial origin.

With specific reference to statistical data concerning the Bureau's second year of activity, it is firstly noted that those who report cases of discrimination to UNAR's toll-free number have generally been residing in our country for some years (ten on average) and, presumably, are present here legally and with housing, work and social relations such as to ensure greater awareness to their rights and obligations.

Most reports come from the main cities of Central and Southern Italy, an ethnic and racial crossroads characterized by a larger labour market and more extensive opportunities for social inclusion; additional features are the support offered by ethnical and solidarity networks and the existence of a highly dynamic tertiary sector; in Southern regions, where immigrants are mainly passing through or have occasional or irregular jobs, the number of calls is not high.

As far as foreigners are concerned, the most considerable number of those who have turned to the toll-free number are of African origin, i.e. over one-third (38.9%); the percentage of callers born in Eastern European countries is also very high (16%), in line with the proportion of immigrants from Eastern Europe, whose presence has more than doubled in recent years.

Looking at the composition of contacts recorded by the UNAR service according to gender, there is still a high percentage of men who use the toll-free number, equal to 62.4%, compared with 37.6% of women; this is explained both by the fact that males constitute the majority of global migration flows and by the appearance of new inflows from Eastern Europe and South America, characterized by a high percentage of women who arrive in Italy to work as nurses but who stay on illegally for a long time.

Overall, 62.2% of users are less than forty years, while those over fifty account for 15.1% (while 22.7% are between forty and forty-nine years of age).

As regards discrimination areas, 'housing' and 'employment', respectively 30% and 13% of related events, are the main context in which the majority of racial discrimination episodes are reported.

Unfortunately, reported cases of discrimination can also be met with in contexts in which encounters between Italians and immigrants are merely occasional; in this sense, the majority of relevant occurrences fall within three categories: "police forces" (10.8%), "services by public establishments" (10.1%) and "services by public bodies" (8.8%).

During the last year of activity the Office has been involved in establishing a deep explorative study on the territory to guarantee support to discrimination victims in the residence areas.

For this reason the Office has been working, above all, to strengthen the link with its territorial focal points in Turin, Milan, Padua, Rome, Naples and Catania, to consolidate their reception ability to support victims and to monitor data collected by territorial structures.

Focal points' activity is essential for UNAR intervention at the local level, to support immediately those cases that need a direct intervention on the territory; focal points are also involved in the implementation of information and awareness raising campaigns against every form of racial discrimination.

Relevant educational interventions carried on by UNAR allowed to focal points to create and reinforce synergies with local authorities, institutions and associations on the territory, supporting those ones who ask for their action and putting into practices forms of extrajudicial conciliation for cases of discrimination reported to the Contact Center.

From focal points' experience, UNAR carried on a systematic mapping of anti-discrimination Observatories and Observatories for immigration established at the local level, together with a monitoring of information and orientation desks for foreigners.

Following this monitoring process, the Office planned to establish a Territorial Anti-discrimination Network that will identify discrimination cases at local level, sending information to UNAR and receiving legal aid, scientific support, data, statistical and analytical-interpretative reports.

With this aim, within the UNAR Information System, a digital platform has been realized to be shared with Territorial Networks.

In this way, a similar platform could be shared with gathering standardized models to monitor cases of discrimination both at local and national level, allowing the different structures to have a dialogue both among them and with the Office.

On the basis of this idea of working, a partnership with some associative realities has been developed and an Agreement Protocol has been signed with the anti-discrimination Observatory of the Emilia Romagna Region.

Also in UNAR's second year of activity, the importance and effectiveness of **informal conciliatory actions** has been noted in disputes' resolution and cessation of discriminatory conduct. This makes it possible to compensate for the fact that it is not always possible or suitable to proceed with providing legal counselling for the sole purpose of submitting a claim to a civil judge according to Art. 4 of Legislative Decree No. 215/2003.

The vast majority of cases find a solution through the way of informal conciliation between the parties.

Conciliatory action can entail that the UNAR, either directly or jointly with local focal points or associations, hear parties after formally summoning them. At such meetings, solutions can be put forward for the elimination of discriminatory situations; in any case, attempts are made to mediate between opposing interests, often equally deserving protection, in order to avoid, where possible, recourse to court action and to reduce the potential for litigation.

In 2006, in supporting claims submitted by alleged victims of discrimination, it was noticed in many cases that even simple requests for clarification to the Office brought to the cassation

of the conduct, while summoning the parties and identifying a satisfactory solution for all those concerned was decisive in helping to resolve disputes. This explains why, up to now, there are still a limited number of court proceedings to protect alleged victims of discrimination.

Conciliatory actions are also a required strategy in cases in which direct intervention cannot be provided, either because the conduct in question is not entirely illegitimate because of its compliance with existing legislation, or because it involves contexts in which the intervention of a public institution, such as UNAR, seems inappropriate or even counterproductive, if not indeed beyond its sphere of competence.

In such cases in which UNAR cannot activate forms of legal counselling or adopt somehow binding measures or provisions, it acts through the force of persuasion deriving from its institutional role, prestige, authority and expertise in the field of ensuring equal treatment. In these cases, intervention means persuading the person allegedly responsible for discriminatory conduct using the method known as moral suasion; its aim is to influence or make "pressure" in order to obtain a truly socially responsible conduct, without using the coercive force of laws and regulations.

Prevention, awareness raising campaigns and positive actions

UNAR interventions have not only the purpose to offer legal aid to discrimination victims but also to remove, as far as possible, discriminatory structural factors, throughout awareness raising campaigns, prevention and positive system actions, to promote cooperation between national and local competent authorities as well as a deep cultural change, involving the new generations within the Italian educational system, workers and civil society, on the basis of a new system of values able to recognize and accept any form of diversity.

In such a perspective the Office, on the occasion of the third week for the action against racism (18th-25th March 2007), organized different initiatives in **schools, universities** and in the field of **sport** events during 2007, proclaimed by the European Union as the year for Equal Opportunities for everybody.

In sports initiatives it is worth mentioning, above all, the participation to Rome Marathon, entitled, according with the official slogan, 'We win every kind of discrimination': yellow anti-racism t-shirts were distributed by UNAR in all competition boxes and along the way advertising points were organized to distribute leaflets and materials. During the weekend, in all the football, volleyball and basketball shows anti-racism banners were showed, and photos and brochures were distributed.

Three workshops were held in Bolzano, Rome and Verona Universities on the issue of racial discrimination against Roma and Sinti, about discriminations in the field of employment and prejudices and conflicts generated due to coexistence of different cultures.

UNAR organized in some primary and secondary schools in various Italian cities the presentation of a movie concerning racial discrimination topics, together with a final forum to debate the comparison among cultures in schools, with the participation of local authorities, anti-discrimination centers and associations' representatives.

It must be mentioned also the meeting of some representatives of the Department for Equal Opportunities within the Ministry for Rights and Equal Opportunities with the Islamic Community in Rome at the Mosque, as well as the European Conference 'Equal Opportunities for all in education and employment', enriched by the contribution of relevant representatives of international and Italian institutions to discuss on the integration process in the field of employment and in schools, with the interventions of Ministers for Rights and Equal Opportunities and Labour and Social Security.

With the aim to transmit to new generations the anti-discrimination message UNAR organized in cooperation with Rome municipality the presentation of the movie "The colour of freedom" about Nelson Mandela and the fight against apartheid in South Africa, with the participation, during four days, of 1,000 students of Rome secondary schools. At the end of movie, a debate was promoted about inter-ethnic coexistence, fight against racial discriminations and human rights defence, where students, experts by UNAR, cultural mediators, reporters, teachers and political actors expressed their opinions and comments.

UNAR was involved also in the intercultural party 'Intermundia', organized by the Office for Educational Policies of the Municipality of Rome. In this cultural event devoted to students from all level of education, UNAR organised forum and meetings within the section dedicated to integration of second generations, with the aim to stimulate the reflection of students and teachers about problems of recognition, citizenship and integration of children in Italy.

In the context of the European Party of Music in June 2007, the Office organized a gospel music concert, known as soundtrack of awareness raising campaigns for human rights' defence.

UNAR also participated in two important shows at the international level held in July 2007: the Anti-racism world championship and the Anti-racism in the city of Cecina (Tuscany). On both the occasions UNAR organized workshops to inform about UNAR activities, legislative measures in the field of fight against racial discriminations and about respect for human rights themes.

As far as the promotion of initiatives in the field of employment, UNAR encouraged the debate about themes such as reception and integration as the main pillars of the Agreement Protocol signed among UNAR, trade unions organizations and employers and entered into force in October 2005, to adopt a programme of measures preventing and fighting against racial discriminations at work place.

The programmatic commitments established by the Agreement Protocol, the Office promoted a pilot project implementing for educational programmes aimed at promoting a peaceful inter-ethnic living between workers and employers and between employers and employees in multicultural working contexts.

The second phase of the project involved the trade unions representatives and the Italian Manufacturers' Association to organize the First National Award to Enterprises for Management of Diversity, aiming at recognizing and improving business best practices in the field of inter-culture.

To this purpose an auto-evaluation test has been proposed to be distributed to entrepreneurs as an easy and effective instrument to evaluate the integration level and the improvement of diversities.

This kind of test will be useful to the Office to know and show all best practices and to evaluate if measures adopted in this field are consistent with the aims of the participation in the Award.

Furthermore the organization of a workshop in cooperation with the Italian Manufacturers' Association should be mentioned about 'Social responsibility and business culture', in order to spread the culture of social business responsibility, the application of principles and best territorial practices in this field, to demonstrate that if a firm promotes social responsibility principles and prevents any form of racial discrimination, it achieves a better productivity of its staff and a great positive corporate image feedback.

In promoting **positive actions** for equality of treatment, UNAR worked out a special initiative addressed to associations and non-profit actors to realize useful projects to define effective measures to fight against racial and ethnic discriminations. Through the issuing of a specific Notice press associations and foundations were involved in elaborating and presenting project proposals to achieve the objectives indicated in special intervention priority areas at national or inter-regional level.

These areas are the employment, the access to health assistance and accommodation, the condition of Roma and Sinti communities in Italy, the access to justice. In order to finance these projects, 500,000 euro have been allocated as resources out of the 2006 budget of the Department for Rights and Equal Opportunities.

ARTICLE 7:

20. Please provide detailed information on the training programmes and courses available for members of the law enforcement officials, teachers, and social workers and in particular members of the judiciary on the provisions of the Convention and their application.

1. In a social environment characterized by ethnic, racial, cultural and religious differences the **Italian National Police** has launched, since long time, various initiatives aimed at combining police operator's professional knowledge with a broader awareness of the code of conduct, which focuses, inter alia, on the respect of human dignity. Specific attention is, thus, paid to the protection of people, particularly vulnerable groups (including minorities), the most exposed to the risk of discrimination and more importantly, an easy prey for exploitation and potential involvement in the criminal circuit.

Basic training

With a view to extensively raising awareness of the various initiatives promoted by international human rights mechanisms, the Central Directorate for Training Institutes of the Public Security Department within the Ministry of the Interior, included human rights law in the training curricula for police staff at all ranks.

Training activity is dealt with by university professors and experts recommended by non-profit organizations, active in this field and, mainly, by national police officials who previously attended an ad hoc training course on "Human Rights" as organized at the Police Institute for Advanced Studies, by the Centre for Human Evolution (Italian acronym, CEU) in cooperation with University "Tor Vergata" in Rome. Furthermore, every year some ad hoc training courses, including master courses, for trainers are envisaged.

Every year, moreover, some trainers - police officers – attend to academic and post-graduate courses in this field organized by the above mentioned Centre with the Second University of Rome, while other trainers of State Police attend the various cycles of the "Course on human rights and international humanitarian law" organized by the Catholic University in Milan in collaboration with the Italian Red Cross, at the School of Police of Piacenza.

Refresher courses. Continuous training

The subject "Human Rights" included into training programmes for police personnel since at least eight years, is in its different aspects the field of training (continuous training) for all operators in service. This kind of training focuses on those aspects that relate to the identification of the "mission" of the police service in a democratic society, and to the "human-centric" training of the State Police, to the fight all forms of discrimination and to the guidelines to be implemented by police officers to guarantee the right to life, to combat torture and any inhuman or degrading treatment, to assure proper and impartial use of the force.

Awareness raising activities, publications and teaching tools

The protection of human rights is a central issue in many publications of the Public Security Department, such as the monthly magazine "Polizia Moderna", which contains many articles on this topic. More specifically, the Central Directorate for Training Institutes of the Public Security Department introduced adequate teaching material in all its 28 Schools and training Centres. It also supervised the translation into the Italian language and the distribution of the following material, issued by the Council of Europe: 1. Policing in a democratic society – Is your police service a human rights champion?; 2. A pamphlet for Police. Human rights and their protection under international law; 3. Discussion tools. A Police and human rights training manual; 4. The human rights challenge in police practice¹.

There were also edited:

- the Italian translation and the dissemination among police officers as individual endowment, of the text of the Recommendation Rec. 10 (2001), adopted on September, 19th 2001 by the Committee of Ministers of the Council of Europe ("Code of Ethics for a democratic cleansing");
- the drafting, in partnership with COSPE Onlus (Cooperation and Development emerging countries) and with representatives of the Chinese, Roma, Nigeria, Jewish and Islamic communities, of the Handbook for police officers on "The police service in a multicultural society";
- the drafting of the Handbook for the training of trainers on "Human rights and police", edited by CEU and printed from the Department of Public Security of the Ministry of the Interior.

Training Goals

Training activities involving the State Police personnel aim essentially to:

- promote police officials attention - through a training action from their "trained" leaders - to have a relationship with every person to be considered as a value to respect and protect regardless of culture, lifestyles, actions and any evidenced difficulty;
- translate human rights in the language and practice of Police officials, highlighting their active role in promoting the dignity and rights of every person and in combating all forms of discrimination;
- promote the attention on the issue of human rights protection in "sensitive" contexts and with reference to specific categories or groups potentially vulnerable (refugees, illegal immigrants, Roma, individuals suffering from particular diseases, prostitutes, children, etc.);
- empower operators not to remain silent and not to assume attitudes purely passive in the face of actions or omissions that violate human rights regardless of who commits these actions/omissions and whatever may be the cause;

¹ Said Central Directorate supervised: the translation into Italian and the circulation among the officers of the "Chart of Rotterdam on Police Service in a multiethnic community"; the translation and circulation among police officers - as a personal kit - of the text of the Recommendation Rec.(2001)10, adopted on 19 September 2001 by the Committee of the Ministers of the Council of Europe ("Code of conduct for a democratic Police"); the drawing up, in partnership with the no-profit organization COSPE (Emerging countries cooperation and development) and representatives of the Chinese, Roma, Nigerian, Jewish and Islamic communities, of the Manual for police officers "Police duty in a multicultural community"; the drawing up of a manual aimed at training trainers "Human Rights and Police Forces", which was supervised by the C.E.U. and printed by the Public Security Department.

- promote full respect for the human rights of persons arrested and detained by ensuring the legality of the measure, the respect for the right of defense, the appropriateness of the material conditions of detention, the protection of the right to health (if the person is injured or suffers from particular diseases), the rejection of any form of inhuman or degrading treatment, the protection of the privacy of personal and family data;
- promote transparency and accountability and ensure control mechanisms in police services involving the community in order to show that complaints are properly investigated and followed by the Police;
- promote the exchange of experiences and best practices with other national and foreign police services.

Police and protection of vulnerable groups with specific regard to Roma people

The above Department launched initiatives to be destined to both domestic and foreign police forces on the relationship between Police and vulnerable groups.

In this regard, the Central Directorate for Training Institutes coordinated an EU project On Building A Police Service Within a Multi-ethnic Community, and involved the Italian Roma community.

A valuable contribution was given by outlining the problems of his community and provided interesting information on the Roma culture: how this community perceives the National Police action; and the quality of the relationship with police officers. In this context, study-cases concerning relevant positive and negative actions of police officers were discussed, and specific indications on how law enforcement officers should build their relationship with Roma community, were also put forward. In particular a research on how police officers should behave vis-à-vis Roma community, was carried out.

The outcome may be summed up as follows (*the words written by the above-mentioned representative of the community are reported*): a protective, non-oppressive figure; a police officer should be a person, who protects immigrants from any kind of discrimination and not only a person who controls their regular presence on the Italian territory; s/he should have a basic knowledge of cultural-religious differences; police should be provided with adequate documentation in order to train police officers in dealing with cultural, ethnic and religious diversity; a police officer should be respectful of linguistic-cultural differences, religions and traditions of immigrants².

2. Because of the special activity carried out, also the Carabinieri Corps has always given importance to the study of **Human rights** and **Humanitarian Law** in the didactic programmes of the courses held in training institutes.

Due to the functions connected with their status, the Carabinieri must operate daily in tight contact with citizens and in certain cases they have to take decisions that affect their juridical and personal sphere, hence the need for an in-depth knowledge of the subject of human rights. The attention towards citizens is also testified by the recent introduction of the

² In particular, training should help police officers respect cultural diversity, religion, etc. in the most appropriate way. A police officer should be patient with immigrants, especially those who do not speak Italian. The origin of immigrants from different countries implies inevitable difficulties in learning the Italian language because of the different linguistic-cultural system. A police officer should speak slowly and in a clear way using simple words. S/he should abide by the immigrants' civil rights without misusing his/her police powers. Inappropriate conduct of a police officer especially before children may, in fact, negatively affect their psychological growth. S/he should be as respectful of an immigrant as s/he is of an Italian citizen. S/he should be able to clearly explain the immigrant his/her rights in any situation.

study of **victimology** in training institutes that modifies the approach towards the phenomenon of criminality, no longer considered exclusively from the viewpoint of the offender, but assessed bearing in mind the needs of the offended.

In view of creating a better awareness of the problems examined, accurate training and specialization guidelines foreseeing interaction with universities have been established for all personnel.

The subject of Human Rights is further specifically deepened as regards the various **peace support missions**, where the Carabinieri intervene autonomously or together with other Armed Forces.

In view of the above, the Institution encourages study activities regarding "Humanitarian International Law", by organizing special courses with the co-operation of other bodies and with the acknowledgement of those attended privately at the Italian Red Cross by many men of the Corps.

The Head of the Training and Regulations Office and the head of the 1st Section of this same office are members of the Interministerial Committee of Human Rights established in the Ministry of Foreign Affairs.

General training activity

a. Carabinieri Officers School

Since 1st September, 2000 the Institute of Professional and Legal-Military Studies is active at the Officers' School and the subject of Human Rights is dealt with within the programme of Humanitarian International Law. Teaching is here designed to give followers of training courses full knowledge of international and national law rules that need to be applied to armed conflicts so that they may recognize legal and illegal behaviors and be able to carry out their *military police and legal military police functions*.

Course programmes, moreover, foresee the study of the "**Universal Declaration of Human Rights**" and of the main conventions regarding *human rights* focusing on: *United Nations Agreements, the Convention against genocide and the Convention on the infeasibility of crimes against humanity* and against the racial discrimination.

Since 2007 within the programs of all the courses there are specific lessons on the respect of human rights and police ethics, from the fundamental principles to the use of force.

b. Warrant Officers School and effectives

The study of "Human Rights" is of the utmost importance in the training institutes for Warrant officers and effectives.

Teaching is carried out by qualified civil professors and officers and is articulated as follows:

- evolution of Human Rights: historical and cultural aspects;
- racism, fundamentalism among the main threats to "*life, security and freedom*";
- legal, substantial and trial prospects: the Strasbourg Court for Human Rights and the International Criminal Court.
- Communitarian regulations regarding the fight against terrorism at international level in the respect of Human Rights (*the functions of the Foreign Office*);
- the new world order: old and new emergencies, conflicts and peace missions: the safeguard of the dignity of those who suffer.

As a common factor, both training facilities reserve a sufficient number of training periods dedicated to "The Professional Ethics and conduct" during which numerous topics are discussed concerning that specific issue. Among such topics we find "*Managing cases of abuse and violation of human rights by the Carabinieri Servicemen*". It is also depicted and

commented to the students the content of the "*Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*", signed by UN Countries in New York on 10th December 1998.

Specific training activity

a. Interforce General Staff Superior Institute (ISSMI)

The Interforce General Staff Superior Institute, attended by senior officers, carries out an Interforce course for "***Legal Advisor of the Armed Forces on the subject of Humanitarian Law applied to Armed Conflicts***". The two-week training activity is divided into a series of lessons and conferences held by university professors and expert officers on topics regarding *Human Rights* and *Humanitarian Law*. The course qualifies for the activity of legal advisor of Commanders in foreign area operations.

b. European Police Academy (CEPOL)

The Carabinieri Corps has qualified officers taking part in courses and seminars concerning Human Rights ("Human Rights, Ethics and Prevention of Corruption") which are arranged by international agencies, like the European Police Academy (CEPOL). Training is focused on topics that deal with "*Protecting minority groups/categories at risk (immigrants, drug-addicts, Roma groups etc.) and the weak*". It offers a close examination of the following issues:

- human rights and policing;
- the position of the various EU member States;
- fighting discrimination and for equality;
- the Security ethics;
- fighting corruption;
- the different methods of prevention.

Just to complete the above reported information, in recent training promoted within the CEPOL Course on "Human Rights & Ethics Police – Training Harmonisation", held in Münster (Germany) from 2nd to 5th October 2007, the participants (among them there was a Carabinieri officer) reflected on the meaning of Human Rights and vocational Ethics for policing; learned about ways to integrate HR and vocational Ethics in all aspects of police work; were informed about the philosophy, the design and the methods of the Common Curriculum on Police Ethics and Prevention of Corruption; experienced the methods to be used in the realisation of the Common Curriculum in the concrete trainings for police officers in their respective police organisations; were prepared to join the process of implementing the Common Curriculum in the police organisations of the European Member States; were prepared to work as "multipliers" by training other trainers in their respective police organisations; formulated challenging action plans for future developments in their own police training; established professional contacts with trainers and educational developers within other European training institutes. In particular the 2nd day of the meeting was focused on the social psychology of xenophobic attitudes, stereotyping and prejudices.

c. International Institute of humanitarian law in Sanremo

Every year several Officers attend a course on *Humanitarian Law* at the ***International institute of humanitarian law in Sanremo***. The topics dealt with during the training activity regard the application of *Humanitarian or Military Law* as regards the organization and employment of forces, also in respect of personnel on missions abroad.

d. Superior Inspectorate of the Italian Red Cross Military Corps

The **Italian Red Cross** is responsible by law for circulating the rules established by the *Humanitarian International Law* within the Armed Forces and government Institutions and Organizations concerned.

Circulation within the Armed Forces is carried out as follows:

- at central level, within training institutes, through qualification courses for Armed Force personnel on the subject of *Humanitarian International Law applied to Armed Conflicts*, as provided for by Act No. 762 of 11 December, 1985;
- at peripheral level, within the main Commands, through brief seminars introducing *Humanitarian International Law regarding Armed Conflicts*.

e. Sant'Anna Superior School of Pisa

The Carabinieri General Command has stipulated a convention with the Sant'Anna Superior School of Pisa to strengthen mutual co-operation concerning training of personnel designed to operate in international missions of various kinds (*peace-keeping operations, peace-building, monitoring human rights, humanitarian assistance, electoral monitoring*).

The two-year renewable agreement establishes that all Carabinieri interested in attending the institute may apply following customary procedure (*basic requisites: knowledge of English and specific experience regarding international missions*).

Personnel designed to participate in peace support missions

All Carabinieri personnel chosen to participate in "foreign" missions follow a one week specific training added to a basic preparation on Humanitarian Law achieved in training institutes or by participating in one of the above courses considered *specific title for the selection*. The one-week course programme includes the following:

- history of the region of the conflict-
- introduction to local culture (*under the responsibility of the Trieste University*);
- legal implications of the Mandate;
- HUMINT activity;
- international law and military criminal law;
- Humanitarian International Law (*with the contribution of the Italian Red Cross*).

The course is designed to illustrate the main institutes of *Humanitarian Law* and is extremely practical, aiming at going in depth as regards the following:

- proceedings required for the application of violated Conventions;
- rules of behavior of a national military Force engaged in international operations;
- main publications on the subject, among which the "*Practical Hand-book for personnel employed in Police Missions*".

Personnel deployed in Public Order and Public Security duties

The topic is also dealt within the framework of Public Order Training, strategic target of the formation path of the Institution, through a wide range of didactic activities according to the different ranks and duties of personnel.

Awareness raising activity

The topic of the safeguard of Human Rights and the respect of the person is the subject of several publications edited by the Institution.

In the Corps' General Regulations representing the basic rules and principles of the service, an entire chapter is dedicated to the rules regarding the fulfillment of the service and in particular the behavior to be followed when carrying out one's job.

Specific provisions regarding the subject and general provisions regarding "**ethics and professionalism**" issued periodically by the General Headquarters, play an important role in up-dating the sector.

Lastly, we must moreover consider the vast popularizing activity carried out through the publications edited by the Carabinieri Corps (*La Rassegna* and *Il Carabiniere*), where many articles on the subject can be found.

The Corps also carries out a popularization activity concerning "Human Rights" in training Institutes and territorial departments by circulating the following material:

- Universal declaration of human rights;
- European convention on human rights;
- European system aiming at protecting human rights within police activity;
- Convention on the elimination of racial discrimination;
- The European Union, police and safeguard of Human Rights.

3. As far as training courses for the **members of the judiciary** institutionally organized by the *Consiglio Superiore della Magistratura*³, the following updated information can be provided.

During 2007, the *Consiglio* organized two study-meetings focused on issues relating to the provisions of the Convention and their implementation.

- The first study-meeting, entitled "Immigration and criminal system", had the purpose of examining the transformations introduced in the European and Italian legal systems as a consequence of the migration phenomenon, from a criminal and procedural point of view and from the judicial offices' organizational point of view, in order to tackle the very large number of arrests of irregular foreigners, tried according to the *direct trial procedure*⁴.

The initiative also concerned the impact of the legislative choices in the actions adopted in fighting the vast transnational criminality involved in "*trafficking in persons*" (recruiting and transporting persons by means of force or deceit, using them for forced labour or sexual exploitation) and "*smuggling of migrants*" (consisting in gaining a profit by illegally introducing an individual in the territory of a State to which he/she does belong), taking into account the two additional protocols of the United Nation's Convention signed in Palermo in December 2000. In this perspective, more attention has been given to the issue of the safeguarding instruments foreseen for the foreigner who has to appear as a witness or who has been the victim of an offence.

- The second study-meeting, entitled "Foreigners in Italy", faced the issue of the safeguarding instruments foreseen for foreigners by the in force legislation, by analyzing them in the light of the international Conventions, the case law of supranational Courts and the decisions of the high domestic courts. In this context, more attention has been given to the issues relevant to the right to asylum and the recognition of the "status" of political refugee, to citizenship, antidiscrimination measures and protection assured to underage foreigners. The law regulating the issuance/renewal of the stay permit or its revocation has also been examined, as well as that relevant to family reunification.

³ Consiglio Superiore della Magistratura [Superior Council of the Judiciary].

⁴ Rito direttissimo.

In particular, it has to be pointed out that the meeting specifically faced the issue of the "Implementation of the non-discrimination principle for ethnic, racial and religious reasons on the basis of case law".

A training and up-dating course, entitled "Immigration, multiculturalism and criminal system", will be held during 2008.

In the framework of training for **penitentiary police staff**, the topic of human rights is always included in the curricula of the basic training and continuous training courses. It has to be underlined that all penitentiary legislation is based on Art. 27 of the Italian Constitution also implementing various international legislative acts of protection of human rights.

Training in matter of human rights is an established practice within the training programmes addressed not only to penitentiary police but also to the remaining staff of Penitentiary Administration and such topic is the subject of conferences and lessons within wider programmes.

It has also to be underlined that, very often, training interprofessional courses, also concerning issues connected with human rights, are carried out. Penitentiary police also participates in these courses.

The project "*Training of penitentiary workers for the treatment of immigrant prisoners*", financed by Lazio Region and planned by the University of Studies - Rome – Department of Psychology – with the supervision of the Higher Institute of Penitentiary Studies of the Department of penitentiary Administration, is an example of such courses.

As regards training initiatives only addressed to penitentiary police, it has to be underlined that all courses provide specific lessons on said topics.

It has to be highlighted that one of the aim of the Training Plan for the three-year period 2004-2006 has been identified as *Renewal and improvement of the ethical subject-matter of the professionalism of penitentiary workers* and it has inspired training projects, highlighting the framework of interventions concerning the management of the relationship with the prisoner.

The strategic priorities addressed by the Administration training activities for the three-year period 2007-2009 will be:

- centrality of the person, meant both as user of the system, and as a worker, starting from the idea "a project for every person";
- strengthening of the ethical meaning of the training activity, studying in detail the subject-matters of professional deontology and universal human rights;
- improvement of the quality of services offered to prisoners through the recovery and improvement in the relationships among the different professionals ;
- connection of the services of penitentiary Administration with local communities, having the aim of the social reintegration of the prisoner favoured by the aware participation of the civil community.

21. *Please provide updated information, in addition to that provided in the report, on the assessment of the activities of the National Monitoring Centre of Sports Event designed to combat racial discrimination in football matches (previous concluding observations, para. 313 and State party report, para.432).*

As already mentioned Act No. 210/2005, converting **Legislative Decree No. 162/2005** (the so-called *Pisanu* Decree), established a National Monitoring Centre on Sport Events within the Ministry of the Interior, whose members are the representatives of the Ministry of the Interior and Police Forces, of the Ministry for Sport Activities, of the Italian National

Olympic Committee and from sport federations sport interested, with the task to devise and implement the essential strategies of fight against phenomena of violence in the stadiums. The Centre is a consultative technical body for the Ministry of the Interior and other Administrations or interested Agencies.

In its wide qualification and functions, the Centre adopted a multi-annual plan including several areas of intervention - structural, social and legislative – to achieve a substantial improvement of security standards in football matches, as requested by European legislation as well as by FIFA and UEFA Leagues, with the aim to progressively reduce the engagement of Police forces, to improve the service for supporters while isolating the violent ones.

Also recent legislative measures and related decrees can be considered in the perspective of an incisive review of "critical factors", providing for, inter alia, new operative instruments to identification and arrest of violent supporters as well as for new safeguards measures for structures at risk; these measures provide also for a wider and valid use of appropriated technological solutions, such as the "televigilanza", and the employment of auxiliary forces (the so called "stewards") to be protected as public officials.

As far as measures concerning those who commit violent actions on racial grounds during a football match, the Department of Public Security of the Ministry of the Interior took into great consideration this issue in several occasions as well as for a recent serious episode of anti-semitism occurred during a football match of the national championship on January, 29th 2006 with exhibition of racist banners and symbols; to this purpose the Department put into evidence the necessity to guarantee seriously the respect of the national legislation, including the case to suspend or not to start the match when symbols or banners with messages of political violence or of racist and xenophobic nature are shown, aiming at guarantee order and public security.

Moreover the code of sport justice, adopted in Italy from the Italian Football Federation, provides for the responsibility of football clubs for choruses, shouting and other kind of manifestation or expression of violence or racial or territorial discrimination. In such cases a fine, according to the gravity of the act, is imposed to the clubs.

Such measures have been aggravated in the new code of sport justice adopted in March 2007: each direct or indirect conduct that consist of an offence, denigration or insult for reasons of race, colour, religion, language, sex, nationality, territorial or ethnic origin, or is a means of ideological propaganda prohibited from the law or that, in any way, consist of discriminatory conducts, must be sanctioned as disciplinary illegal behaviour.

The Centre recently published some updated information concerning the implementation of Act No. 41/2007.

In 2007 a decrease of incidents (70%) emerges, in particular involving wounded persons among police forces (- 93%) and among supporters (- 44%).

The implementation of Act No. 41/2007 will also concern football stadiums with an accommodation capacity up to 7.500 persons. The Centre started further controls over 32 football stadiums already in conformity with the law and the activity of vigilance on the persistence and efficiency of structural measures will be carried on throughout the next championship.

According to the provisions of Act No. 41/2007, a ministerial decree will be soon adopted concerning the role, the functions and the methodology for the selection and the training of the stewards working in stadiums.

As far as the effectiveness of nominal tickets, a report was prepared by the Public Security Department of the Ministry of the Interior referring about the planned activity of monitoring and control over tickets' sale and of reporting to competent authorities each case of abuse committed by vendors whose license has to be revoked.

Within the Observatory an ad hoc working group has been created to study risk indicators (stadiums' structural requisites, supporters' profile, typology of event, information received

from Police Forces and other competent administrations working in the Observatory). The risk is evaluated from 1 to 4 points and specific measures are provided for each level. The Observatory has finally expressed full appreciation for the effectiveness of the procedure providing for the authorization to access to stadiums carrying banners with racist signs: 97 unauthorised banners in April 2007 decreased to 14 in the last day of the national championship in June 2007.

OTHER ISSUES:

22. Does the State party envisage ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families?

The ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is among the issues included in the work programme of the Italian Government.

It should be mentioned that the Minister for Social Solidarity has expressed, in various occasions, the need of considering signing the Convention, and the Convention itself is mentioned in the three-year plan for migration flows (2007-2009).

Following the resolution introduced in the Committee for Foreign Affairs in July 2007, the Government started a preliminary activity with the purpose to examine the impact of the ratification of such legal instrument.

New international commitments concerning migratory policies cannot be considered out of the European framework, in which programmatic interventions have to be defined in line with the Treaty of Amsterdam and the relevant European directives adopted in this field.

The choices of the other European countries also reflect such reality: at the present none of them has ratified the Convention.

Nevertheless, waiting for the conclusion of the above mentioned exercise of study of the impact of the International Convention, the Italian Government has fulfilled its commitment to implement the principles defended by the Convention to combat the exploitation of migrant workers and to recognize the principle of equality of treatment through both administrative and legislative measures.

To facilitate the legal entry of workers, in 2006 the quotas have been increased and the new decree concerning entry flows for the year 2007 allows to start the procedure for 170,000 legal entries of workers.

Furthermore the bill on immigration introduced by both the Ministers of the Interior and for Social Solidarity will simplify the management of entries and foreign presence in Italy, facilitating the request for workers, fighting against the precariousness and the irregular dimension of the employment, and assuring a process of inclusion characterized by the full respect of workers' rights thus providing for an articulated system of management of the repatriations, giving adequate attention to each situation.

At the same time, it must be mentioned that the bill concerning the grave exploitation of labour and workers on the national territory has been approved by the Senate and it is currently under discussion in the Chamber of Deputies.

ANNEX

Resident foreign population in Italy on 1 January 2007

On 1 January 2007, 2,938,922 foreigners were living in Italy (1,473,073 males and 1,465,849 females). Compared to the previous year, foreigners present in the municipalities' registers increased by 268,408 units (+10.1)⁵, more or less the same increase as the one registered in 2005, but lower if compared with the number of foreigners in 2003 and 2004, mainly to be due to the regularisation laws promulgated in 2002. Such laws indeed allowed for numerous immigrants who were already present in Italy to legalise their position and subsequently register in the local registers (tab. 1).

Table 1- Resident foreign population and minors on January 1st from 2003 to 2007

Years					
RESIDENT FOREIGNERS ON 1ST JANUARY	1.549.373	1.990.159	2.402.157	2.670.514	2.938.922
Variation between beginning and end of year	192.783	440.786	411.998	268.357	268.408
<i>% Variation between start and end of year</i>	<i>14,2</i>	<i>28,4</i>	<i>20,7</i>	<i>11,2</i>	<i>10,1</i>
<i>% Incidence of the foreign population on the total population (at the end of the year)</i>	<i>2,7</i>	<i>3,4</i>	<i>4,1</i>	<i>4,5</i>	<i>5,0</i>
MINORS (provisional data)	353.139	412.432	501.792	585.496	665.625
<i>% Incidence of minors on the foreign population</i>	<i>22,8</i>	<i>20,7</i>	<i>20,9</i>	<i>21,9</i>	<i>22,6</i>
FOREIGNERS BORN IN ITALY (SECOND GENERATION)	-	-	-	-	398.205
<i>% Incidence of the second generation on the foreign population</i>	-	-	-	-	<i>13,5</i>

The percentage rate of foreigners on the total population increased from 4.5% at the beginning of the year 2006 to 5.0% at the end of the year. Because of such data, Italy belongs to European countries with a rather limited number of foreigners on their total population: on 1.1.2006, in Germany, foreign residents amounted to 8.8%; in Spain and in the United Kingdom, they amounted to 6.2% and 5.2% respectively of the total of residents. In France, in the 1999 Census, the share of foreigners equalled 5.9% of the total population⁶.

Reasons for their presence

⁵ Data at a municipal level are available at www.demo.istat.it

⁶ Source: OECD-2007. As regards Spain, the data regard the residence permits. When considering the foreign population registered in the Padrón municipal, which includes also all irregular persons, this percentage rises to 9.3%.

The data indicated on the stay permits of foreigners on January 1, 2007 and elaborated by Istat (source: Ministry of the Interior) allow knowing the reasons for their presence in Italy (tab. 2)⁷.

Employment represents the main reason for moving to Italy (1,463,058 permits), especially among men (about 78%), as this percentage drops to 44% in the case of women. In the last years, however, the number of permits for family reasons has increased (763,744), also due to the regularisation laws of 2002. Women, in particular, come to Italy with this type of permit (in more than 48% of the cases), though permits for family reunion have also increased among men, as they reunite with their wives previously entered Italy for work reasons.

On 1st January 2007, the two types of permits (for work and family reunification), when considered together, accounted for more than 90% of the reasons for being in Italy.

Table 2 – Stay permits by reason and gender, on January, 1st 2005-2007

YEARS	Work		Family		Study	Elective residence	Religion	Political asylum And request	Other	Total
	number	% on the total	number	% on the total						
Males and Females										
2005	1.412.694	62,9	624.404	27,8	40.355	61.876	53.249	17.833	35.137	2.245.548
2006	1.419.285	62,1	682.365	29,8	48.718	41.573	34.251	14.932	44.900	2.286.024
2007	1.463.058	60,6	763.744	31,6	51.625	44.847	32.081	16.079	43.538	2.414.972
Males										
2005	899.328	78,8	140.913	12,3	17.977	28.010	25.280	13.887	16.336	1.141.731
2006	903.516	78,9	156.031	13,6	21.760	17.004	13.874	11.617	21.082	1.144.884
2007	932.596	77,8	174.839	14,6	23.517	18.471	12.746	12.538	23.745	1.198.452
Females										
2005	513.366	46,5	483.491	43,8	22.378	33.866	27.969	3.946	18.801	1.103.817
2006	515.769	45,2	526.334	46,1	26.958	24.569	20.377	3.315	23.818	1.141.140
2007	530.462	43,6	588.905	48,4	28.108	26.376	19.335	3.541	19.793	1.216.520

Source: Istat elaboration on data from the Ministry of the Interior

The migratory trend of foreigners

The increase in the foreign population is mainly due to the migratory balance, which slightly diminishes compared to previous years even though remaining rather high: in particular, in 2006, it was of +237,614 compared to +266,829 in 2005.

In 2006, about 254,588 foreigners entered Italy from abroad, numbers lower than in 2005 (283 thousand); the cancellations for repatriation amounted to 16,974, a number that has remained substantially stable over the years, given the low tendency of foreigners to declare to the registry office their repatriation. On the other hand, cancellations due to foreign

⁷ The stay permit, which attests the foreigner's legal presence, represents a fundamental requisite for registering in the resident population registers, though foreign citizens not always ask to be registered. Because of this and for other reasons, usually, the number of resident foreigners does not coincide with the number of foreigners with a stay permit.

citizens being untraceable, carried out after periodical verifications by the municipal Registries, are rather numerous (37,634 in 2006, see table 3) and can be assimilated, at least partially, with the cancellations for repatriation: often a foreigner who results untraceable, has in fact left the Italian territory, despite still appearing in the registry.

Persons born foreigners

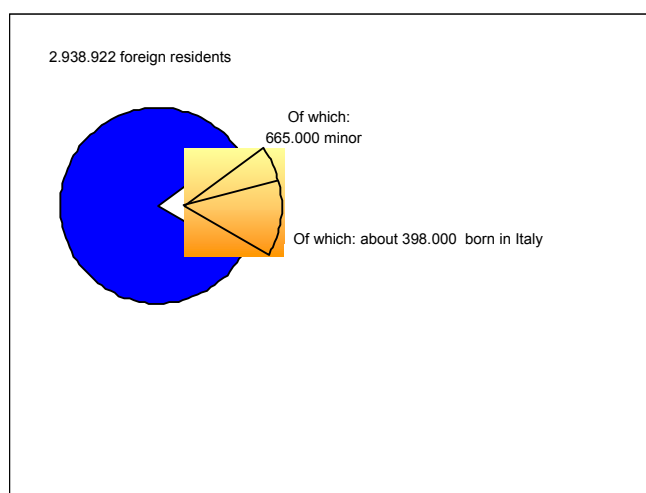
The increase in the resident foreign population in Italy is not only due to the migrations from foreign countries but also from children born with a foreign nationality (children of two foreign parents residing in Italy): though contributing more limitedly to the increase in the foreign population, they are rising continuously. Children born in Italy from foreign parents amounted, in 2006, to 57,765 (about 6 thousand more compared to the previous year), equal to 10.3% of the total children born in Italy. Considering that the other component of the natural balance of resident foreigners (deaths) is numerically more limited because of the very young age structure (3,447 deaths in 2006), the natural balance of the foreign population remains positive and on the increased side compared to previous years (tab. 3).

Table 3- Demographic balance of the resident foreign population from 2002 to 2006

Years	2002	2003	2004	2005	2006
Births	33.593	33.691	48.925	51.971	57.765
Deaths	2.137	2.559	2.931	3.133	3.447
- Natural Balance	31.456	31.132	45.994	48.838	54.318
Registered from abroad	161.914	424.856	394.756	282.780	254.588
Cancelled abroad	9.982	12.886	14.019	15.951	16.974
- Migratory balance	151.932	411.970	380.737	266.829	237.614
- Balance of other registrations, other cancellations	21.662	14.889	4.407	- 18.651	11.742
- Acquisition of the Italian nationality	12.267	17.205	19.140	28.659	35.266
TOTAL BALANCE	192.783	440.786	411.998	268.357	268.408

Foreign citizens, minor foreign citizens and foreign citizens born in Italy ("second generation")

On 1st January 2007.



Foreign minors

Overall, on January 1st, 2007, foreign minors amounted to 665,625 units or 22.6% of the total of the resident foreign population on the same date (tab. 1), about 80 thousand more compared to 1 January 2006. More than 72.1% of this increase is due to children born during the year 2006, while the remaining part is made up of minors who arrived in Italy for family reunion in the same year. Thanks to these new births and to the re-composition of immigrant citizens' families, minors increase more rapidly compared to the total resident foreign population, as can be seen by the increase in the rate of the under-age component (tab. 1)⁸; the immigrant population is thus ever more characterised by the presence of families.

Main nationalities of foreigners residing in Italy

On 1 January 2007, resident foreigners from Eastern Europe were still on the increase: in particular, compared to 1 January 2006, Polish foreigners increased by 19% and Romanian foreigners by 15% (both countries are part of the European Union since 1 January 2007). Citizens from Moldavia and from Ukraine are also on the increase, 17% and 12% respectively. As regards the African continent, the only country that registered an increase above the national average is Egypt, while in Asia, all main countries (China, Philippines and India) registered increases higher than the national average. In Central-south America too, the two main countries, Ecuador and Peru, increased compared to the average.

While East-European citizens mainly came to Italy for work reasons (both men and women), citizens from all the other afore-mentioned countries, except for Philippines, entered Italy mainly for work as regards men and for family reunion as regards women.

Table 4 – Resident foreign population per gender, geographical area and main countries of nationality, on January 1st 2006 and 2007. Geographical areas and main countries

GEOGRAPHICAL AREAS and main Countries on 1.1.2006	M	F	MF	GEOGRAPHICAL AREAS and main Countries on 1.1.2006	M	F	MF	% increase
								MF
EUROPE	575.135	686.829	1.261.964	EUROPE	629.282	765.224	1.394.506	10,5
EU (25) (a)	76.910	146.627	223.537	EU (25) (a)	254.824	351.364	606.188	171,2
of which: Poland	16.512	44.311	60.823	of which: Poland	20.516	51.941	72.457	19,1
				Romania	162.154	180.046	342.200	15,0
Central-Eastern Europe (b)	492.579	533.295	1.025.874	Central-Eastern Europe (b)	368.856	406.953	775.809	-24,4
of which: Albania	196.744	152.069	348.813	of which: Albania	209.209	166.738	375.947	7,8
Romania	143.376	154.194	297.570	Romania				
Ukraine	19.525	87.593	107.118	Ukraine	23.058	97.012	120.070	12,1
Moldova	16.193	31.439	47.632	Moldova	19.488	36.315	55.803	17,2
Other European Countries	5.646	6.907	12.553	Other European Countries	5.602	6.907	12.509	-0,4
AFRICA	432.575	262.413	694.988	AFRICA	461.200	288.697	749.897	7,9

⁸ Following the legalisations in 2002, the percentage weight of this age class has decreased since the flow of new residents has been mainly characterised by adult persons among the legalized one.

of which: Morocco	194.922	124.615	319.537	of which: Morocco	205.852	137.376	343.228	7,4
Tunisia	55.377	28.187	83.564	Tunisia	58.294	30.638	88.932	6,4
Egypt	42.583	16.296	58.879	Egypt	46.791	18.876	65.667	11,5
Senegal	47.414	9.687	57.101	Senegal	48.984	10.873	59.857	4,8
Ghana	19.777	14.722	34.499	Ghana	20.729	15.811	36.540	5,9
ASIA	249.943	204.850	454.793	ASIA	279.494	232.886	512.380	12,7
of which: China.	68.211	59.611	127.822	of which: China.	76.739	68.146	144.885	13,3
Philippines	36.750	52.918	89.668	Philippines	41.591	59.746	101.337	13,0
India	38.350	23.497	61.847	India	42.275	27.229	69.504	12,4
AMERICA	91.599	164.062	255.661	AMERICA	101.735	177.225	278.960	9,1
Northern America	7.606	9.173	16.779	Northern America	7.831	9.470	17.301	3,1
Southern-Central America	83.993	154.889	238.882	Southern-Central America	93.904	167.755	261.659	9,5
Of which: Ecuador	23.770	38.183	61.953	Of which: Ecuador	27.004	41.876	68.880	11,2
Peru	22.625	36.644	59.269	Peru	25.884	40.622	66.506	12,2
OCEANIA	1.003	1.483	2.486	OCEANIA	1.008	1.528	2.536	2,0
Stateless	333	289	622	Stateless	354	289	643	3,4
TOTAL	1.350.588	1.319.926	2.670.514	TOTAL	1.473.073	1.465.849	2.938.922	10,1

(a) The 10 countries that have become part of the EU since 1 May 2004 are: Czech republic, Slovak, Estonia, Latvia, Lithuania, Poland, Slovenia, Hungary, Cyprus and Malta. The two countries that have become part of the EU on 1 January 2007 are Romania and Bulgaria.

(b) Countries that over time have become part of the EU have not been included among the East-central European countries even though they geographically belong to the same area.

These increases are not only due to the regularisation laws but also to the post-census adjustments municipalities carried out to re-register all those who had slipped through the 2001 census survey. In particular, the Municipality of Rome carried out an important task of recovery⁹.

Overall, countries from East-central Europe, considering also the two countries part of the European Union since 1 January 2007 (Romania and Bulgaria), represent, with more than 1 million and 100 thousand presences, almost 39% of the resident foreign population in Italy. African countries represent 26% of the resident foreign population (750 thousand) and Asian countries 17% (512 thousand citizens).

At the beginning of 2007, the relation between genders appeared to be balanced despite the persistence of some significant differences among the different communities, sometimes even stronger compared to the past: citizens from Ukraine, Poland, Ecuador and Peru show a ratio definitively favourable to women while such ratio is more favourable to men in the case of African and Asian residents.

Table 5 – Resident foreign population per gender and country of nationality on 1 January 2007. First 16 countries in decreasing order of the number of resident foreigners

Country of nationality	Males	Females	Total	Ratio between Males and Females (x100)

⁹ See: "Bilancio demografico nazionale - Periodo di riferimento: Anno 2006", published on 5 July 2007 at www.istat.it.

Albania	209.209	166.738	375.947	125,5
Morocco	205.852	137.376	343.228	149,8
Romania	162.154	180.046	342.200	90,1
China.	76.739	68.146	144.885	112,6
Ukraine	23.058	97.012	120.070	23,8
Philippines	41.591	59.746	101.337	69,6
Tunisia	58.294	30.638	88.932	190,3
Macedonia (ex Jug. Rep.)	42.943	31.219	74.162	137,6
Poland	20.516	51.941	72.457	39,5
India	42.275	27.229	69.504	155,3
Ecuador	27.004	41.876	68.880	64,5
Peru	25.884	40.622	66.506	63,7
Egypt	46.791	18.876	65.667	247,9
Serbia and Montenegro	35.624	28.787	64.411	123,8
Senegal	48.984	10.873	59.857	450,5
Sri Lanka	31.667	25.078	56.745	126,3
<i>Total 16 Countries</i>	<i>1.098.585</i>	<i>1.016.203</i>	<i>2.114.788</i>	<i>108,1</i>
TOTAL	1.473.073	1.465.849	2.938.922	100,5

More than 50% of the 2,414,972 foreigners regularly present on 1 January 2007 have lived in Italy for more than 5 years, and one fourth of them have lived for more than 10 years (26.2%).

Immigrants from Philippines, Senegal and Tunisia are among those who have lived longer in Italy; in about half of the cases, they have lived in Italy for more than 10 years, while more than 60% of citizens from Sri Lanka, Serbia-Montenegro and Morocco have lived for more than 5 years. Vice versa, the most recent immigration countries include Ukraine, Romania and Ecuador, communities with modest shares of persons who have been living in Italy for a long time (1%, 7.3% and 8.1% respectively have been present for at least 10 years).

Table 6 – Stay permits per gender and countries of nationality on 1 January 2007.

Country of nationality	Total	Out of which have lived for at least	
		5 years	10 years
Albania	282.650	57,5	22,3
Romania	278.582	27,5	7,3
Morocco	258.571	63,5	37,1
China.	122.364	53,5	25,7
Ukraine	118.524	21,0	1,0
Poland	78.930	32,1	16,4
Philippines	76.413	75,0	55,8
Tunisia	64.870	68,0	47,0
India	57.122	49,6	23,7
Serbia and Montenegro	55.701	64,2	35,6
Peru	52.133	55,2	33,7
Ecuador	50.274	34,3	8,1
Senegal	49.805	71,3	50,4
Egypt	49.552	55,8	34,3
Sri Lanka	44.957	66,7	38,9

Macedonia (ex Jug. Rep.)	44.153	58,2	30,5
Total 16 Countries	1.684.601	50,4	25,3
TOTAL	2.414.972	50,5	26,2

Focus: *Birth rate and fertility of foreign women residing in Italy*

The revival of the birth rate observed in recent years in Italy has come together with an increase in the births among the resident foreign population. The recent availability of the data on persons present in the birth registries in 2005 allows monitoring the incidence and main characteristics of the phenomenon¹⁰: out of a total of 554,022 births, a little less than 72 thousand (13 percent) have at least one foreign parent. Of these, 67,694 have a foreign mother.

Such increase in births has led to an increase in the average number of children per woman, which went from 1.19 children in 1995 to 1.32 in 2005. This indicator can be calculated separately for the two components of the resident population, the Italian and the foreign one, and amounts to 1.24 and 2.41 children per woman respectively. Therefore, in 2005, foreign women residing in Italy registered a level of fertility twice that of Italian women.

This indicator, which refers to all the resident foreign women, is the result of reproductive behaviours that can be very different from one community to another¹¹ (tab. 10).

Table 7 – Children born from resident foreign mothers and main indicators according to the 20 top nationalities of the mothers. Year 2005

Nationality of the mother	Number of births	Total fertility rate (TFT)		Percentage rate of births from Italian fathers
		In the country of origin (a)	For women residing in Italy	
Moarocco	9.587	2,76	4,19	6,8
Albania	8.209	2,29	2,75	9,9
Romania	8.154	1,32	1,98	28,0
China	4.177	1,70	2,92	3,0
Tunisia	2.366	2,00	4,52	5,5
Poland	2.122	1,24	1,54	69,8
Ukraine	1.643	1,12	1,23	62,2
Philippines	1.627	3,22	1,81	9,2
Ecuador	1.526	2,82	2,03	24,1
Egypt	1.492	3,29	5,53	3,3
India	1.488	3,07	3,15	1,6
Nigeria	1.467	5,85	2,20	19,9
Peru	1.329	2,86	1,72	30,6
Macedonia (es Jug. Rep.)	1.271	1,46	3,48	4,3
Bangladesh	1.269	3,25	3,82	0,6
Sri Lanka	1.149	1,97	2,41	1,3
Serbia and Montenegro	1.115	1,65	2,17	9,7

¹⁰ <http://demo.istat.it> "Rilevazione degli iscritti in anagrafe per nascita"

¹¹ It is important to note that the average number of children per woman calculated per calendar year only provides for a trend reading of the phenomenon of the reproductive behaviours of foreign citizens, since it suffers from the variability of the reference population characterised by considerable incoming and outgoing flows and by a fertility calendar strongly variable on a short period.

Moldova	1.038	1,23	1,68	40,2
Pakistan	1.019	4,27	5,51	1,4
Brazil	942	2,35	1,58	83,5

(a) Source Un data: average of years 2000-2005

Table 10 shows the data for the top 20 nationalities, based on a decreasing list of children born from foreign mothers, thus considering at least 78% of the cases. One can observe a strong concentration (about 50%) of children born from Moroccan, Albanian, Romanian, Chinese and Tunisian mothers.

For some nationalities, the average number of children per woman registered in Italy in 2005 is well above the substitution level (2 children per woman). This occurs, in particular, for mothers from countries presenting high levels of fertility such as Egypt, Morocco and Asian countries (India, Pakistan, Bangladesh). In addition to such a high fertility, they also present a strong endogamy, as can be seen by the low percentage of children born from unions with Italian fathers. Hence, these children are born from unions between people from the same country, often after the women have come to Italy to be reunited with their husbands.

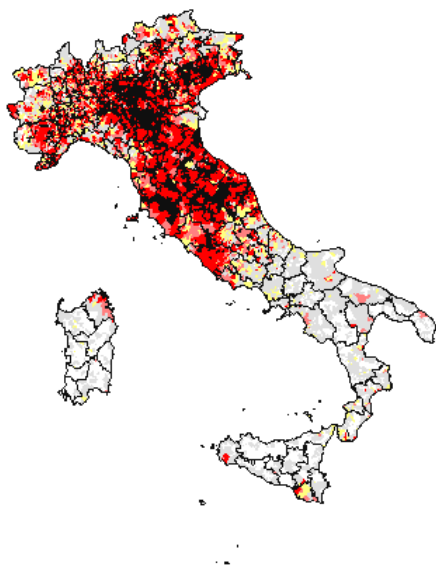
On the other hand, mothers coming from countries presenting low levels of fertility also present low fertility levels in Italy. These women usually come from Eastern European countries, such as Moldavia, Ukraine and Poland. Such communities are characterised by a strong unbalance between genders (the proportion of women is much higher than that of men¹²) based on female migratory projects often autonomous and independent, either for work reasons or marriage reason. One can observe a high rate of children born from mixed couples (where the father is Italian) that even exceed two thirds of the total of births.

It is important to underline the peculiarity of the reproductive behaviours of Ukrainian women, who registered, in 2005, an average number of children per woman (1,12) lower than all foreign women. Ukrainian people represent indeed a community that has only recently immigrated, where the presence of males is rather poor, and which is characterised by a high average age of the women residing in Italy.

The reproductive behaviours of foreign women living in Italy, thus, result from both the cultural models of their country of origin and from the different migratory projects and degree of stabilisation and integration of the different communities.

¹² More specifically, Moldavian, Polish and Ukrainian communities in Italy are made up of 66%, 73% and 82% of women respectively.

Fig. A.1 – Incidence of the foreign population per municipality (% of foreign population on the total resident population) on 1 January 2007



As regards the religious affiliation of immigrants, the "Statistical Dossier 2007", drawn up by Caritas/Migrantes shows that, at the end of 2006, Christians were about half of the total, Muslims approximately a third, while the Eastern religions represent almost a fifth. In fact, out of 3,690,000 foreigners legal present in Italy, Christians are more than one million and a half (1,603,000). Catholics (685,000) and Orthodox (918,000) represent respectively 18,6% and 24,9%. In comparison with the 2006 estimates Christians increased of 276,000 units, due mainly to the rise of the Orthodox. Muslims registered a 10,2 % increase, moving from 1,009,023 to 1,202,398. This tendency can be explained by the rise on the admittance's number for family reunification and of the new births.

The estimate of religious affiliation was extended this year to the 498,735 foreign students registered for the 2006-2007 scholastic year. Data show that 47,3% are Christians (117,000 Orthodox and 99,000 Catholics), 37,1% are Muslim, 3,2% are Hindus and Buddhists, 2,8% are Protestants 1,2% follow traditional Africa religions and only 0,2% are Jews¹³.

There are not specific data concerning the Roma and Sinti population living in Italy, but we can estimate a number between 110.000 and 150.000, of those, about 60% are Italian citizens. Among the non Italian Roma and Sinti the majority are Romanian citizens.

¹³ A certain number of students were not accounted for using this methodology.