



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Summary record of the 2156th meeting

Held at the Palais Wilson, Geneva, on Monday, 5 March 2012, at 10 a.m.

Chairperson: Mr. Avtonomov

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The meeting was called to order at 10.05 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Sixteenth to eighteenth periodic reports of Italy (CERD/C/ITA/16-18; CERD/C/ITA/Q/16-18)

1. *At the invitation of the Chairperson, the delegation of Italy took places at the Committee table.*
2. **Mr. Brasioli** (Italy) said that in recent months his country had undergone significant political changes, characterized by the formation of a new Government made up of so-called technocrats to address the issues arising from the global economic crisis. However, Italy remained committed to protecting fundamental human rights. In that regard, the Ministry for International Cooperation and Integration had recently been established to develop strategic measures to address the current situation and to continue to advocate the importance of integration in the long term.
3. In response to the recommendations received following the consideration of its universal periodic review (UPR) report, Italy had reiterated its determination to establish a national human rights institution in accordance with the Paris Principles. The bill establishing such an institution had been approved by the Senate in 2011 and was currently under examination by the Chamber of Deputies. It should be adopted in due course. His country was fully committed to full, effective and open cooperation with all the relevant United Nations treaty bodies, agencies and offices and regional bodies.
4. The Italian legal system guaranteed the fundamental rights of individuals, including the right to protection from discrimination, which was set out in article 3 of the Constitution. In addition, Legislative Decree No. 215 (2003) had incorporated into Italian law European Council Directive 2000/43 on the principle of equal treatment of persons irrespective of racial or ethnic origin, thus creating significant regulatory and administrative provisions for protection against racial discrimination in areas such as employment, vocational training, membership of workers' organizations, welfare, primary health care, education and judicial protection of victims.
5. His Government was aware that prejudice and racist attitudes continued to exist in some sectors of Italian society, and that a sustained effort was needed to eradicate them. Legislative measures were not sufficient; work in the field was also needed to promote successful interaction between different cultures. The current legislative framework contained specific provisions to combat racist and xenophobic behaviour, both by individuals and by organizations which aimed to incite discrimination or violence for reasons of race, ethnicity or religion. It also covered aggravating circumstances relating to those crimes. It was planned, *inter alia*, to extend the provisions to include discrimination on grounds of sexual orientation, gender and physical or psychological condition. The ratification of the Additional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems, should provide an important opportunity to discuss comprehensive reforms of the relevant legislation.
6. The National Office against Racial Discrimination (UNAR) had been recognized by European Commission against Racism and Intolerance as a truly independent body. A motion by a number of members of Parliament in February 2011 to close the Office had encountered strong opposition from the Government, NGOs and trade union organizations and it had been rejected. The independence of UNAR had recently been demonstrated when it had approved a legal opinion on a case involving a young foreigner which had been at variance with that of the National Office for the Civil Service and the Department of Legal

Affairs in the Prime Minister's Office, and which had eventually been upheld by the competent court. The Government was committed to increasing the functional and administrative independence of UNAR and was accordingly taking steps to remove it from the existing hierarchy, as recommended by the European Commission against Racism and Intolerance. That would further ensure its independence.

7. UNAR had established several regional centres which offered training and legal assistance, including free civil mediation support in some municipalities (as from June 2012), and the Youth Network against Racism and Intolerance had been established to engage with people under the age of 25 on issues relating to violence and discrimination. In recent years, UNAR had developed several awareness-raising initiatives and training courses on the principles, provisions and standards relating to discrimination, particularly for police officers. Similar courses had been proposed for other public officials and a memorandum of understanding had been concluded with the National Forensic Council to hold periodic training and refresher courses for lawyers on anti-discrimination legislation. It was planned to extend that training to cover prison service staff.

8. One area in which UNAR had been particularly active was sport, which could play a key role in the promotion of multi-ethnic and intercultural activities. However, cases of discrimination in sport continued to occur. UNAR was working to change public attitudes to racism through the organization of sports events and activities within the framework of the "Action Week against Racism". It had recently signed an agreement with the Italian Football League to establish awareness-raising initiatives at the grass-roots level, which were funded by fines imposed on clubs for unsporting behaviour. An Observatory on Racism and Sport had also been established; UNAR was cooperating with it and with the relevant sports federations in the fight against discrimination.

9. Improving access to relevant services was a key part of the work of UNAR; its Contact Centre had been established to monitor racist incidents and to provide support and assistance. Since 2010, UNAR had taken steps to monitor legal proceedings in discrimination cases in order to improve the support it provided to both victims and their legal representatives; that activity had led to an increase in the number of cases it had dealt with from 373 in 2009 to approximately 1,000 in 2011. All recommendations from international bodies relating to the improvement of that service had been taken into account and had led to a request for increased financial and human resources for 2012.

10. In Italy, there were five main areas in which discrimination remained an issue and was being addressed. With regard to discrimination against the Roma, Sinti and Camminanti communities, UNAR had been chosen to be the national focal point within the European Union (EU) Framework for National Roma Integration Strategies up to 2020 and was therefore responsible for developing a draft national strategy in that area, covering sectors such as education, employment, health care and housing. That Strategy had been adopted in February 2012. Its key aim was to begin a process of integration of the Roma, Sinti and Camminanti communities, using policies focusing on day-to-day needs rather than responding to emergency situations. Those policies would be implemented in collaboration with the communities in question and the NGOs that represented them. Financial resources previously allocated to the so-called "Roma emergency" would now be allocated to new integration measures.

11. On the issue of immigration, the so-called "security package", which had entered into force in 2008, had resulted in an increase in racial discrimination against foreigners living in Italy. The aim of the legislation enacted was to address illegal immigration and prevent criminal acts against persons who entered the country illegally, particularly through organized crime; it had nothing to do with discrimination against specific communities or groups. Italy had recently been found by the European Court of Human Rights to have violated human rights law by sending 24 Somali and Eritrean citizens back to Libya; the

Government was fully committed to analysing the Court's decision and taking all necessary steps to avoid such violations in the future. However, it was also important to take note of the work of the territorial commissions and the system of protection for asylum-seekers and refugees; administrative and monitoring measures had been taken to provide illegal immigrants, asylum-seekers and refugees with information about their rights within Italy with regard to health care, education, housing and employment and their right to legal assistance from international organizations and NGOs.

12. To combat anti-Semitism, there were preventive and awareness-raising activities in place. International Holocaust Remembrance Day was celebrated on 27 January every year to remind younger generations of past atrocities and ensure that they learned fundamental values and principles.

13. Discriminatory language in political discourse was another issue at all levels. If such language was alleged to be criminal in character, it was examined by the courts to determine whether it contained illegal elements. Racist or discriminatory conduct or language by political representatives was always promptly condemned by the State institutions, the media and other politicians. UNAR had reported such cases to the competent authorities, which followed them up, regardless of the status of the person making the comments.

14. With regard to new communication technologies the media and the Internet could be used as tools for the dissemination of discriminatory, racist and xenophobic ideas. Together with the Communications Regulatory Authority and the Regional Committees for Communications, UNAR monitored discriminatory behaviour and language in newspapers, magazines, and television and radio programmes. In collaboration with the National Press Federation, UNAR had launched training and refresher courses for reporters and journalism students to raise awareness of those issues. In addition, an Observatory on the Media and the Internet had been established to promote awareness-raising initiatives and intercultural dialogue and to monitor the sectors in question. The role of UNAR in that area had been greatly increased through the establishment of an ad hoc monitoring mechanism aimed at recording cases of discrimination in the media and on the Internet and referring them to the competent judicial authorities. Lastly, UNAR had launched a joint initiative with the postal service police to investigate and remove websites and blogs that contained discriminatory material or incited discriminatory behaviour; those cases were also reported to the judicial authorities for follow-up if necessary.

15. **Mr. Amir** (Country Rapporteur) drew attention to the decentralized system of administration in Italy, the responsibility of the central Government for the international commitments entered into by the State party, the serious economic and financial crisis faced by the current Government and the adoption of the National Action Plan against Racism. While Italy had not taken part in the Durban Review Conference in April 2009, the Italian Government, according to the report, continued to fight racism wherever it occurred and had adopted a number of legislative and institutional measures to that end, including the establishment of UNAR.

16. With regard to the action taken by the State party to implement article 1 of the Convention, as described in paragraph 18 of the periodic report, he pointed out that the Convention was intended to apply to citizens and non-citizens alike. Article 3 of the Italian Constitution, therefore, was not in line with the Convention. Notwithstanding the regulatory framework for combating racial discrimination provided by the EU directives described in paragraphs 20 and 21 of the report, it was not clear whether the intention of racial discrimination constituted a discriminatory act, in line with the Committee's jurisprudence. He welcomed the establishment of UNAR, but noted that while it had identified over 300 cases of racial and ethnic discrimination, its findings had had no practical benefit for the victims concerned.

17. As to article 2 of the Convention, and the Committee's recommendation to establish an independent national human rights institution in accordance with the Paris Principles, he noted that an inter-ministerial working group was currently drafting a governmental bill to that end. He asked whether the bill had been submitted to Parliament and how the financial crisis would affect its adoption. In the meantime, it would fall to UNAR to implement the anti-discrimination activities described in paragraphs 29–31 of the report. It was difficult for the Committee to evaluate those activities, however, in the absence of relevant statistics.

18. In its general recommendation No. 27, the Committee had recommended that all States parties not only review and enact or amend legislation in order to eliminate all forms of racial discrimination against Roma and other persons or groups, but also adopt and implement national strategies to improve their situation and their protection against discrimination by State bodies. Nevertheless, in May 2008 — shortly after Italy's previous dialogue with the Committee — it had declared a state of emergency in relation to the Roma and Sinti encampments. Under the corresponding decree, the prefects of Rome, Milan and Naples had been given emergency powers derogating from the rule of law in order to adopt measures, including eviction, directly or indirectly targeting communities and non-citizens in irregular situations living in camps. Almost all the residents in the camps had belonged to the Roma and Sinti communities. In response to the reactions to those measures, the State party had said that its aim was to improve the living conditions of those communities in conformity with human rights principles. It had not done that. Instead, in May 2009, similar actions had been carried out in the Piedmont and Venice regions. Even the Italian courts had found a violation of article 2, paragraph 1, of the Convention.

19. With regard to article 3 he recalled that, in its previous concluding observations, the Committee had expressed its concern that Roma and Sinti still lived in conditions of de facto segregation in camps, in which they lacked access to the most basic facilities, and had invited the Government to develop and implement policies and projects aimed at avoiding segregation of Roma communities in housing. Furthermore, in accordance with the Committee's general recommendation No. 27, Italy had been urged to act firmly against local measures denying residence to Roma and against the unlawful expulsion of Roma, and to refrain from placing Roma in camps outside populated areas that were isolated and without access to health care and other facilities. Some 50 per cent of Roma and Sinti currently living in Italy were Italian citizens, while several thousand were stateless. Many were denied residence permits simply because they did not meet requirements, such as having a job or a regular income, which gave them no alternative but to live in camps, separate from the rest of the population. That, surely, amounted to segregation. Similarly, following some 500 evictions in Milan in 2011, people had been placed in segregated camps. The actions of the State party contravened article 3 of the Convention, ignored the Committee's 2008 recommendations and did not comply with general recommendation No. 27.

20. He noted the measures described by the State party in paragraphs 34–43 of the report relating to article 4 of the Convention. There were special measures to eradicate all incitement to or acts of racial discrimination, including the current criminal regulations governing racial and ethnic discrimination and incitement to racial discrimination or violence.

21. He expressed concern at the reservations to article 4 made by the State party, on 4 January 1969, which remained in effect. He asked how the Government, in the light of those reservations, viewed the ruling against Italy handed down by the European Court of Human Rights concerning the return of migrants to Libya, exposing them to major risks. The case had been considered by the Court in connection with article 4 of Protocol No. 4 to the European Convention on Human Rights securing certain rights and freedoms other than

those already included in the Convention and in the first Protocol thereto. In the first ruling of its kind, the Court had condemned the collective expulsion of the applicants, which could have had tragic consequences for all the victims, and had ordered Italy to pay considerable amounts in damages to the applicants.

22. Numerous other cases of racial discrimination and, in particular, segregation, including those listed in the alternative report by NGOs, gave reason to believe that Italy — a State governed by the rule of law — was not complying with its international obligations. The racial discrimination and segregation in the State party affected all national minorities and ethnic groups, particularly the Roma and Sinti communities, but also Arabs and Muslims. Islamophobia was developing dangerously in Italy. The second most common religion in the State party after Christianity, however, was Islam, as a result of the increasing number of North African, Bosnian and Albanian immigrants.

23. With regard to articles 2 and 5 of the Convention, he noted that the presence of Roma camps was increasingly linked in political discourse, and in the media, to crime. Roma were portrayed in terms of an “invasion”, particularly since the accession of Romania and Bulgaria to the EU in 2007, as if the Roma were somehow not European. The vast majority of Roma in Italy had regular status, while the minority in an irregular situation accounted for approximately 500,000, which was not a large number compared to the country’s total population. They were subjected to constant discrimination, however, and were deemed to be committing an offence simply by being in the country.

24. He had a number of recommendations to address to the State party in order to combat discrimination. It should establish, as a matter of urgency, an independent national human rights commission in line with the Paris Principles; since UNAR, as a Government body, lacked independence. It should implement the ruling by the Council of State, the highest administrative court, declaring unlawful the 2008 decree imposing a state of emergency in relation to the “nomad settlements” (extended in 2009 and 2010). Data on the identification of Roma should be made public, and the State party should put an end to the use of Facebook by racist groups, in line with legislation against hate speech. The Criminal Code should be amended to incorporate aggravating circumstances for racially-motivated acts. Awareness-raising campaigns should be conducted on racial hatred and racist and xenophobic crimes. The State party should also amend its legislation in order to facilitate the granting of Italian nationality to children born or raised in Italy by long-term residents. Data relating to racist incidents and offences should be systematically collected. Migrants, refugees and asylum-seekers, including those from North Africa, should be treated with dignity and not expelled from Italy, which would constitute a violation of article 3 of the European Convention on Human Rights. The State party should take measures to combat acts of prejudice, discrimination and violence against Muslims, of whom there were believed to be approximately 1 million in Italy, mostly migrants, and denounce any link made in public discourse between Muslims and terrorism.

25. **Mr. Kemal**, comparing the information contained in the periodic report with the concluding observations made by the Committee concerning the previous report, in order to gauge progress made by the State party, said that in paragraph 11 of the concluding observations the Committee had requested information on the use of mother tongues, languages commonly spoken or other indicators of ethnic diversity. The annexes to the report had provided useful information in that regard, but could be improved upon.

26. In paragraph 12 the Committee had recommended that the State party should adopt and implement a comprehensive national policy and legislation regarding Roma and Sinti with a view to recognizing them as a national minority and protecting and promoting their languages and culture. Unfortunately the opposite had occurred. Two months after the publication of the concluding observations, the Italian Government had adopted the Nomad Emergency Decree, which had severely affected the Roma and Sinti throughout the

country. The Council of State had subsequently declared the Decree unlawful but, according to NGO reports, its ill effects and those of other similar decrees were still being felt. He asked what legislative and other steps were being taken to repair the damage.

27. He commended the State party for having prosecuted a number of politicians — some quite prominent — for incitement to racism and racial discrimination. However, the burden of proof in such cases was very demanding, partly on account of the principle of freedom of speech and also because racial motivation was difficult to prove.

28. Noting that the periodic report contained cryptic references in key paragraphs to the report submitted by Italy to the Working Group on UPR, he said that States parties' reports to the Committee should be self-contained.

29. He was pleased to hear that a bill concerning the establishment of a national human rights institution was currently before the Chamber of Deputies. He also welcomed the fact that UNAR would not be disbanded.

30. **Ms. Crickley** welcomed the State party's initiatives in the area of data collection.

31. She noted that the EU Directive on racial equality adopted in 2000 required member States to establish bodies such as UNAR and to implement a Roma integration strategy. The Action Week against Racism was also a European-wide event.

32. While she congratulated UNAR on its work, she would welcome additional information about the procedures for ensuring its independence, since it was attached to the Ministry for Equal Opportunities. There was also clearly an urgent need for a national human rights institution.

33. The Nomad Emergency Decree had permitted the authorities to derogate from the rule of law, to declare a state of emergency with regard to nomad communities in the regions of Lazio, Lombardy and Campania, and to confer extraordinary powers on the prefects of Rome, Milan and Naples. The Council of State had ruled in November 2011 that the Decree was unlawful and discriminatory. She asked what steps were being taken to ensure that all structures established pursuant to the Decree were dismantled and that the data compiled during the "nomad census" of 2008 and 2009 had been destroyed.

34. She also enquired about action to suspend forced eviction, expulsion and involuntary repatriation programmes directed against the Roma and Sinti. There were two separate groups of Roma in Italy. Those from the EU countries of Romania and Bulgaria were free to travel to Italy but not to seek employment there. The other group consisted of Roma and Sinti communities who had been in the country for many generations. Noting that Italy had not accepted the UPR recommendations concerning the assignment of national or linguistic minority status to the Roma and Sinti communities, she challenged the argument that they failed to meet the long-term residence criteria, since some 50 per cent were descendants of Roma and Sinti who had lived in Italy for hundreds of years.

35. In 2008 she had visited camps for Romanian and Bulgarian migrants which had resembled detention centres. The residents were subjected to fingerprinting and required special permission to enter and leave the camps. She wondered whether they were still held under those conditions.

36. With regard to the enforcement of legislation concerning incitement to discrimination and hatred, she enquired about sentencing policies and the practice of resorting to suspended sentences. Referring to statements by politicians which fell into that category, she asked whether the authorities promoted the Charter of European Parties for a Non-Racist Society.

37. Paragraph 17 of the report mentioned the preparation of a new National Plan of Action pursuant to the Durban Declaration and Programme of Action. She enquired about

its current status, including the targets that had been set and procedures for monitoring and assessing initiatives.

38. With regard to the application of a quota system to migrants and foreigners in the education system, she expressed concern about possible direct or indirect discrimination against children and their families in cases where pupils could not be accommodated in local schools. She noted that access to some local authority benefits, such as child welfare benefits and access to housing, depended on length of residence in the country.

39. She enquired about measures to ensure the full enjoyment of rights by migrant women and women from minorities, including the Roma community, particularly in the areas of education and political activity.

40. **Mr. Murillo Martínez** commended the State party's action to prevent discrimination, for instance by landlords and estate agents, with respect to housing. Sometimes advertisements for housing specified that applications from foreigners would not be considered. He asked whether sanctions had been imposed on any newspaper or other media for publishing such advertisements.

41. According to paragraph 131 of the report, Law No. 482/1999 limited the recognition of ethnic groups such as the Roma and Sinti as historical language minorities. Noting that the twentieth anniversary of the United Nations Declaration on the Rights of Minorities had recently been celebrated, he enquired about the practical effects of non-recognition of minorities, for instance in terms of access to services.

42. He asked whether the practice of fingerprinting and photographing members of ethnic groups — a form of racial profiling — had been terminated. A number of NGOs had called for the databases to be destroyed.

43. The provision of schooling for Roma children, especially if they were nomadic, presented a major challenge for many countries. He enquired about the current circumstances in the State party.

44. He asked whether any steps had been taken to prevent incitement to racial hatred on the Internet.

45. Lastly, he asked whether Italy was planning any activities to mark the International Decade for People of African Descent, which would begin in 2013.

46. **Mr. Diaconu**, referring to paragraph 19 of the report, commended the State party's espousal of the principle of "substantive" equality in the Basic Law, the aim of which was to remove de facto limits to equality and to pursue the ultimate goal of the full self-determination of the individual. He also praised the many UNAR initiatives, including the National Operational Programme, Convergence Objective for the period 2007–2013, and the establishment of anti-racist networks throughout the country.

47. Italy had decided not to attend the Durban Review Conference in 2009 for political reasons, but it was nonetheless striving to implement the principles endorsed in the Durban Declaration and Programme of Action.

48. While measures to prevent segregation in schools were laudable, he wondered what happened if the limit of 30 per cent of foreign pupils per classroom was reached. Would the authorities open additional schools for foreign children if none were available locally or would they provide transport so that the children could attend school elsewhere?

49. The policy of decentralization was consistent with democratic principles. However, it was important to ensure uniform implementation of the Convention throughout the country. He enquired about measures to coordinate policies and to prevent disparities at the

provincial and regional levels. Minimum standards must be guaranteed in all parts of the country, for instance in relation to children's rights.

50. The Roma were no longer nomadic, and it was essential to integrate their communities into mainstream Italian society. He asked how many Roma children remained outside the education system and what steps were being taken to have them enrolled. The authorities had used the fingerprinting and photographing process to register all members of the Roma community. Would those who were lawfully present in the country be fully integrated?

51. The Nomad Emergency Decree had been annulled, but he asked whether the law allowing the mayors of three cities to adopt discriminatory local ordinances relating to public safety remained in force.

52. Italian politicians who had been found guilty of using racist language had received suspended sentences and were back in Parliament. The Council of Europe Commissioner for Human Rights, Thomas Hammarberg, had referred to such cases in a report.

53. The Italian courts treated "illegal entry and stay" as a serious offence. In most other countries, it was considered a minor offence.

54. UNAR could not act directly on behalf of victims. The organizations that were entitled to do so, for instance in the areas of labour and social security, must be legally registered and secure the consent of the Minister for Equal Opportunities and the Minister of Labour. The lists were reviewed every four years. The current system, which imposed severe restrictions on direct advocacy on behalf of victims, should be reviewed and amended.

55. Human rights were not included in the secondary school curriculum and were an optional subject for law students. He considered that human rights courses should be compulsory, especially in law faculties.

56. **Mr. Saidou** said that the establishment of a national human rights institution in accordance with the Paris Principles was a matter of crucial importance. An institution with a broad mandate to which victims could address complaints without fear of reprisals would facilitate the implementation of the many measures taken by the Government to combat racial discrimination. Its work would not replace or conflict with the activities of UNAR or the Inter-ministerial Committee for Human Rights. He understood the difficulties involved in the adoption of a law in that regard, but efforts could be made to raise lawmakers' awareness of the usefulness of such an institution.

57. With regard to political rights, in particular the right to participate in elections (Convention, art. 5 (c)), he noted that the Consultative Bodies of Foreigners and Associated Counsellors (report, para. 52) had only advisory roles. He would like to know what contribution those institutions could make in the fight against discrimination in that advisory capacity. He enquired whether any measures had been taken to combat informal discrimination.

58. **Mr. de Gouttes** commended the delegation on the exemplary regularity of its periodic reports. He welcomed the implementation of EU directives, in particular Directive 2000/43/EC which prohibited all forms of racial or ethnic discrimination; the inclusion of a specific aggravating circumstance for all offences with racial motivation; and the adoption of a new strategy on the integration of Roma. However, the report under consideration was too general and lacked detailed information on the implementation of the broad range of policies and legislative measures introduced by the Government. In fact, it had been necessary to refer to the previous, more comprehensive report (CERD/C/ITA/15) and the national report (A/HRC/WG.6/7/ITA/1) submitted under the UPR procedure in 2010. Human rights treaty bodies consisting of independent experts, such as the Committee,

operated differently from intergovernmental organizations like the Council. Thanks to their specific characteristics, those bodies could examine the implementation of specific human rights legislation and policies in greater detail than was possible under the UPR procedure.

59. He would like to know why discussions on the establishment of a national human rights institution had been so protracted and whether a positive outcome was likely in the short term. He would welcome information on the provisions of the new National Plan of Action against all forms of racial discrimination mentioned in the report (para. 17). In view of the recent judgement of the European Court of Human Rights in *Hirsi Jamaa and Others v. Italy*, it would be interesting to know what measures the Government was planning to take to comply with it. The judgement would probably affect the bilateral agreement that was currently being negotiated with Libya and the agreement concluded with Tunisia in 2011.

60. With respect to legal proceedings concerning racist speech, he enquired about the outcome of the appeal lodged by Giancarlo Gentilini against the conviction handed down by the Venice Court of Justice (report, para. 38). Generally speaking, there was a lack of detailed information about court cases on racial discrimination, despite the recommendation made by the Committee in its previous concluding observations. He expressed the hope that the State party would provide more information in its next report.

61. He asked whether there was any likelihood that the Government would reconsider its position on the non-inclusion of the Roma and Sinti minorities in the list of legally recognized language and historic minorities. It would be interesting to know how many foreign nationals had found work as a result of the “Diversity at work” forum that had been supported by UNAR (report, para. 81). He would welcome information on the progress through Parliament of bills on the prohibition of wearing of veils or scarves covering the face (report, para. 66).

62. **Mr. Ewomsan** said that, despite the introduction of various measures to combat racial discrimination, there were consistent reports of an increase in xenophobic and racist acts and violence, inter alia against people of African descent, which at times had resulted in the death of the victims. He asked what measures had been taken to punish the perpetrators of such acts and to prevent racist violence. And what steps had the Government taken to combat the use of racist speech by certain politicians in order to incite racial hatred and xenophobia, in particular with regard to migrant workers?

63. According to the European Roma Rights Centre, a range of laws, decrees and policies adopted by the Government had discriminatory effects on the Roma and Sinti communities. He would like to know what measures the Government was planning in order to put an end to the “security package” and dismantle the citizens’ militias that committed discriminatory acts against those communities. What measures had been taken to combat the negative portrayal of Roma, Sinti and migrants in the media?

64. In its response to the report of the Working Group on the UPR (A/HRC/14/4), the Government had not accepted the recommendation that it should consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. He had not been convinced by the reasons given and asked the delegation to provide fuller information.

65. **Mr. Calí Tzay** welcomed efforts by the Government to combat racism, in particular against migrant workers. He would like to recount a personal experience of discriminatory conduct which illustrated the type of stigmatization faced by migrants in Italy and, more widely, in Europe today. Some years previously, on his arrival at Rome airport two customs officials had singled him out on account of his physical appearance and accused him of being a drug-trafficker simply because he was from Central America. Their conduct was not typical of the majority of customs officials but it reflected badly on the institution.

66. In that connection, he enquired about the outcome of official investigations into an attack on a student from Ghana by two police officers in Parma in 2008 and into the treatment of a Nigerian prostitute whose case had attracted worldwide attention following the publication of a photograph showing her half-naked and being beaten in a prison cell. Migrants were the principal victims of such discriminatory acts, which were perpetrated in the context of the resurgence of far-right organizations that promoted racist ideas, in contravention of article 4 of the Convention. He therefore called on the Government to adopt a definition of racial discrimination in its national legislation in accordance with article 1 of the Convention.

67. **Ms. Dah** regretted the lack of a core document with background information on such aspects as the contemporary history of the country, officially recognized minorities and the ethnic composition of the population. The periodic report complied with the reporting guidelines in terms of length, but it would have been more useful had the annexes been included in the main body of the report with an analysis of the data contained therein. The periodic report contained a number of references to the national report submitted under the UPR procedure. However, it would have been preferable if the national report had referred to the periodic report submitted to the Committee and its concluding observations, since they were used as the basis for a technical analysis under that procedure. The trend to assimilate UPR national reports with treaty body reports should not be at the expense of the latter. She thanked the delegation for its oral presentation reviewing recent developments, including the Government's renewed commitment to set up a national human rights institution. In that regard, she expressed the hope that Parliament would soon pass the bill providing for its establishment.

68. In view of the fact that autonomous regions were authorized to conclude international agreements with foreign States (report, para. 14), she asked for details of the arrangements regulating such agreements, in particular on immigration, and oversight by the central Government.

69. She commended the efforts made by UNAR to combat racism, especially in the areas of cybercrime and hate speech. In her view, its work was compatible with that of any future national human rights institution.

70. **Mr. Brasioli** (Italy) said that his delegation had taken note of the Committee's comments on the drafting of the report. He had also noted Mr. Calí Tzay's comments about his experience at Rome airport.

71. The establishment of a national human rights institution had been the main recommendation of the UPR. The Inter-ministerial Committee for Human Rights had therefore stepped up its efforts in cooperation with parliamentary bodies and civil society organizations to draft a bill on that question. That bill had been approved by an overwhelming majority in the Senate and was currently being considered by committees in the Chamber of Deputies. Despite current financial constraints, his Government remained firmly committed to establishing and funding a national human rights institution. The Inter-ministerial Committee and UNAR would continue their work alongside the new body.

The meeting rose at 1 p.m.