

Submission
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report of Italy



The Following Report was prepared by:

“Articolo 3 Osservatorio sulle discriminazioni” was founded in 2008 in Mantova, Italy, during the permanent panel for the Holocaust Remembrance Day as an initiative started by the “Istituto di Cultura Sinta” (*Sinti Cultural Institute*), “Arcigay La Salamandra,” “Sucar Drom Association,” the “Jewish Community of Mantova,” and “Istituto Mantovano di Storia Contemporanea” (*Mantova Institute of Contemporary History*).

“Articolo 3” primarily deals with media monitoring, and works as a point of contact against discrimination and for information and training. “Articolo 3” is part of the local Antidiscrimination Network of the Lombardia Region (“UNARETE”) and operates primarily in the Provinces of Mantova and Cremona.

With the Support of:

RIDH International Network of Human Rights (Réseau International des Droits Humains)

RIDH is a non-governmental organisation that contributes to capacity building by providing information, analysis and technical assistance to entities involved in promoting and protecting human rights. RIDH, which is based in Geneva, has ECOSOC consultative status at the United Nations and carries out an intermediary role in dialogue and advocacy processes relating to specific human rights contexts, working in particular with Latin American organisations.

Non-discrimination, equality between men and women, rights of minorities and prohibition of advocacy of national, racial or religious hatred (arts. 2, 3, 20, 23, 25, 26 and 27)

UNAR¹ (*Ufficio Nazionale Antidiscriminazioni Razziali* – National Office against Racial Discriminations) is not an independent entity. This in itself is a problem, which reflects poorly on its effectiveness and credibility in fighting against discrimination. A particularly cogent example is the event that took place in the summer of 2015, when Ms. Giorgia Meloni, leader of the political party *Fratelli d’Italia* and member of the Italian Parliament, publicly demanded a ban on the entry of migrants from Muslim countries. When the former head of UNAR, Marco De Giorgi wrote Ms. Meloni a letter, censoring the content of her proposal, Ms. Meloni took the case to the President of the Parliament and the President of the Italian Republic, denouncing the attempted censorship by an organ of the Italian Government. Ms. Meloni denounced that she had received a letter by a Mr. De Giorgi, the head of a government office, who reprimanded her for her speech. National newspaper headlines followed the story until, in subsequent months, Mr. De Giorgi was made to resign, and there was a change in the office staff.

The total lack of autonomy and independence of UNAR is one of the elements that weakens its actions against discrimination. UNAR’s scope of action is tied at any time to the political parties that may be governing in Italy. UNAR’s weaknesses reflect on any action undertaken by the Office, including the National Action Plan against Racism², and the National Roma Integration Strategies³.

Furthermore UNAR does not have the authority to directly litigate cases and it has very limited powers for even supporting organizations who are in the position of litigating cases of racism or discrimination on behalf of someone (Law Decree n. 215/2003)⁴.

¹ CCPR /C/ITA/Q/6/ Italy State Report, Paragraph 12-96

² CCPR /C/ITA/Q/6/ Italy State Report, Paragraph 8

³ CCPR /C/ITA/Q/6/ Italy State Report, ANNEX II, Paragraph 1.3

⁴ CCPR /C/ITA/Q/6/Add.1, Reply to the LOI, Paragraph 8

Recommendations

Modify the Law Decree n. 215/2003, in order to render the UNAR an independent entity, with the power for litigation.

Hate Speech (LOI Paragraph 6)

The Italian Government (through the Ministry of Justice, Ministry of Interior and OSCAD⁵) has recently shown some effort to differentiate between hate speech and hate crime, but what is still extremely problematic is the role that the traditional media plays when it comes to hate speech.

Hate speech in Italy is essentially propelled by three causes: public and political speech, fake news on online and social media, and the “ethnicization of crime.” The latter is perhaps one of the biggest drivers behind hate speech and even hate crime in some cases.

One example is the article published in December 2011 by “La Stampa,” a politically moderate national newspaper, which referred to the case of a man who chased away two Roma assailers who had allegedly raped his sister. The story, which turned out to be fabricated by the girl, led to a violent reprisal by hundreds of citizens who set on fire the nearby camp inhabited by Roma families⁶. The newspaper later apologized for the mistake. Another case happened on May 2008 in Napoli where another politically moderate national newspaper, “La Repubblica”, published the unsubstantiated story of a Roma girl who had attempted to kidnap a child and was chased away. The story, which turned out to be baseless, led to a pogrom where hundreds of citizens set the local Roma camp on fire, chasing away the Roma community that had inhabited it.⁷

Recommendations

- Monitoring the local and national press. Financing regionally based observatory in order to monitor the local and national media and establish a dialogue with the journalists when unsubstantiated news, “ethnicized crimes” or stereotypizations are published.
- To create institutional spaces where the leaders of ethnic minorities regularly subjected to hate speech can have a platform. The Presidents of the Senate and the Chamber of Deputies ought to issue a public statement requesting public broadcasting networks to invite leaders of ethnic minorities regularly subjected to hate speech to the main political talk shows and debates.
- To have the competent Ministries issue guidelines for police forces and public prosecutors that require them to eliminate any reference to ethnicity or nationality in the information issued for the press and other media.
- To support the work of EU Commissioner for Justice, Consumers and Gender Equality Věra Jourová in establishing a commission for monitoring and tackling the spread hate speech in social media. To effectively monitor the web in order to block websites that spread hate speech, incite hate crimes or spread racist fake news.

Right to liberty and security of person, treatment of persons deprived of their liberty and right to a fair trial (arts. 9, 10 and 14)

Judicial Psychiatric Hospitals (LOI Paragraph 24)

The Government mentions the nomination of a National Commissioner for the progressive closure Judicial Psychiatric Hospitals, Mr. Franco Corleone.⁸ One problematic point contained in his report is the worrying

⁵ CCPR /C/ITA/Q/6/ Italy State Report, Paragraph 96

⁶ <http://www2.lastampa.it/2011/12/11/cronaca/il-titolo-sbagliato-b55SoHXOVcWQUtMHeN63hnO/index.html>

⁷ <http://www.repubblica.it/2008/05/sezioni/cronaca/rom-napoli/rom-napoli/rom-napoli.html>

⁸ CCPR /C/ITA/Q/6/Add.1, Reply to the LOI, Paragraph 64

number of physical restraints recorded in the Judicial Psychiatric hospital of Castiglione delle Stiviere (MN) (pages 43, 44). Between April 2015 and March 2016 there have been 918 cases of physical restraints for 59 patients the facility of Castiglione delle Stiviere. The report highlights that in 17 of the 26 Judicial Psychiatric hospitals of Italy there have not been any instances of physical restraint. In the remaining 7 facilities (excluding Castiglione delle Stiviere) there have been a total of 11 instances of physical restraint.

Roma and Sinti (LOI Paragraph 6)

The National Roma Inclusion Strategy was approved in February 2012.⁹ However, only 9 over 21 Italian Regions have implemented the National Strategy. Of the 9 Regions, only one, Emilia Romagna, has effectively financed and put in place a Regional Plan issued with the aim of implementing the National Strategy. The government has so far not attempted to implement the Strategy in the 12 Regions that have not done so. The problem remains that Italy does not grant the status of linguistic minority to Roma and Sinti people and nor this Government nor the previous ones have pushed for a parliamentary debate on the matter.¹⁰ This, despite the fact that there have been Law proposals presented to the Parliament since 2007 (Law proposal of July 3rd 2007 n. 2858).

In its Law 211/2000 on the establishment of a Memorial Day for the persecution of Jewish people and political prisoners by Nazi-Fascism, Italy makes no mention of the Porrajmos (*the Devouring*) or the Samudaripen (Mass killing), persecutions of the Roma and Sinti people under the fascist regime.¹¹

Police forces regularly raid camps inhabited by Roma and Sinti families, usually in the early morning, without a search warrant, armed with weapons and police dogs. Children are awoken crying and traumatized, people are made to exit their trailers in order to show their IDs, in many cases people are photographed without having prior arrests. The ethnic cataloguing is also done to children.¹²

People belonging to the linguistic minority Sinti and Roma are very often the subject of hate speech, xenophobic rhetoric and incitement to violence.

The Dosta campaign¹³ issued by the Council of Europe was implemented for only two years, with insufficient funds by the Italian Government.

Sinti and Roma associations do not receive any support in their work of monitoring and suing those responsible for hate speech against the Sinti and Roma minorities. Paragraph 12 of Article 44 of Act 286/1998¹⁴ states that Regions must put in place centers to inform and offer legal assistance to people who are victim of racial or ethnic discrimination, but this provision is thoroughly neglected country-wide, with the exception of the Region of Emilia Romagna.

The fund for all victims of discrimination issued by UNAR¹⁵ (managed by the Forensic National Association) compensates with 600 euros for each stage of legal proceeding. But the process is unnecessarily complicated and dissuades most victims and even associations for the rights of Roma and Sinti people.

An especially bleak picture is the condition of Roma and Sinti children within the national public school system. The Government does not implement any policy for addressing discrimination endured by Roma and Sinti minors in school.

⁹ CCPR /C/ITA/Q/6/Add.1, Reply to the LOI, Paragraph 9

¹⁰ <http://www.ilgiornale.it/news/politica/unioni-civili-governo-mette-fiducia-protestano-opposizioni-1256797.html>

¹¹ <http://porrajmos.it/?lang=en>

¹² <http://www.padovaoggi.it/cronaca/blitz-campo-nomadi-padova-via-longhin-18-novembre-2016.html>;
<http://www.ilcaffè.tv/articolo/29465/maxi-retata-al-campo-nomadi-di-castel-romano-arresti-e-auto-sequestrate>;
<http://www.sardiniapost.it/cronaca/selargius-blitz-al-campo-rom-sulla-337-si-cercano-droga-refurtiva/>

¹³ <http://www.dosta.org/en>

¹⁴ <http://www.camera.it/parlam/leggi/deleghe/98286dl.htm>

¹⁵ <http://www.consiglionazionaleforense.it/documents/20182/47249/Regolamento+per+il+funzionamento+del+Fondo/fe0f4b06-7d9e-4161-82be-d41d6623bed5>

In many Italian cities, Roma and Sinti children are labeled under the DSA (*Disturbi specifici dell'Apprendimento* – Learning Disabilities). This entails entering differentiated educational paths, which leads to higher dropout rates.

The bullying experienced by Roma and Sinti children at school is systematically not addressed by school administrations. Often teachers and school personnel do very little to address or curtail episodes of bullying.

Recommendations

The Italian Government should:

- Recognize members of Sinti and Roma communities with the status of linguistic minority.
- Include the Porrajmos in the 211/2000 Law, (Memorial Day) offering financial support to historic research projects on what took place between 1922 and 1945.
- Implement the National Strategy with sufficient funds allocated to all the Italian Regions or Municipalities that locally implement the Strategy.
- Grant participation to two individuals for each Italian Region (of which at least one must belong to the Roma and Sinti linguistic minorities) to take part in regional and local roundtables for the arrangement, identification and implementation of regional and local plans, as recommended by the National Strategy.
- To set up specific cultural sensitivity trainings for members of the Police Force and public prosecutors, with the help and involvement of Sinti and Roma associations.