



Human Right Studies

Vol. 3



ITALIAN YEARBOOK OF HUMAN RIGHTS 2012



P.I.E. Peter Lang

The *Italian Yearbook of Human Rights 2012* confirms and consolidates the structure and aims already set forth in the 2011 edition. Year by year, this series examines the steps that Italy has made to adapt its legislation and policies to international human rights law and to comply with commitments voluntarily assumed by the Italian Government at the international level.

The 2012 issue surveys the activities of the relevant national and local Italian actors, including governmental bodies, civil society organisations and university. It also presents reports and recommendations that have been addressed to Italy by international monitoring bodies within the framework of the United Nations, the Council of Europe or the European Union. Finally, the Yearbook provides a selection of international and national case-law that casts light on Italy's position *vis-à-vis* international obligations.

The Italian Agenda of Human Rights that is set out in the volume focuses on immediate and long-term measures that should be taken to ensure human rights for all.

The *Yearbook* is edited by the Interdepartmental Centre for Human Rights and the Rights of Peoples at the University of Padua, in cooperation with the UNESCO Chair in Human Rights, Democracy and Peace at the same University. The Centre, established in 1982 with the support of the Region of Veneto, carries out research and education following a global and interdisciplinary approach. It hosts the Jean Monnet Centre of Excellence on intercultural dialogue and human rights.

The editors of the *Italian Yearbook of Human Rights 2012* include: Andrea Cofelice, Pietro de Perini, Paola Degani, Paolo De Stefani, Marco Mascia, Antonio Papisca (director) and Claudia Pividori.

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DEGLI STUDI
DI PADOVA

Interdepartmental Centre
on Human Rights and
the Rights of Peoples



UNESCO Chair
Human Rights, Democracy and Peace



REGIONE DEL VENETO

A R C H I V I O
PACE DIRITTI UMANI
peace human rights

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List of Acronyms

AGCOM	The Communications Regulatory Authority (Autorità per le garanzie nelle comunicazioni)
AHD	Advance Health Care Directives (Dichiarazioni anticipate di trattamento)
ANCI	National Association of Italian Municipalities (Associazione Nazionale dei Comuni Italiani)
C.I.	Constitutional law (Legge costituzionale)
CARA	Reception Centre for Asylum Seekers (Centro di accoglienza per richiedenti asilo)
CAT	Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
CDA	Reception Centre (Centro di Accoglienza)
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CFREU	Charter of Fundamental Rights of the European Union
CFSP	Common Foreign and Security Policy of the European Union
CICLOPE	Inter-Ministerial Committee for the Coordination of the Fight against Paedophilia (Comitato interministeriale di coordinamento per la lotta alla pedofilia)
CIDU	Inter-Ministerial Committee for Human Rights (Comitato interministeriale per i diritti umani)
CIE	Identification and Expulsion Centre (Centro di identificazione ed espulsione)
CM	Committee of Ministers of the Council of Europe
CNEL	National Economy and Labour Council (Consiglio nazionale dell'economia e del lavoro)
CoE	Council of Europe
COHOM	Human Rights Working Group of the Council of the European Union
COJUR	Working Group on Public International Law of the Council of the European Union

COJUR-ICC	COJUR sub-area devoted to the International Criminal Court
CPED	International Convention for the Protection of All Persons from Enforced Disappearance
CPSA	Centre for First Aid and Reception (Centri di primo soccorso e accoglienza)
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CPTA	Centres for Temporary Stay and Assistance (Centri di permanenza temporanea e assistenza)
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSDP	Common Security and Defence Policy of the European Union
D.p.c.m.	Decree of the Prime Minister (Decreto del Presidente del Consiglio dei Ministri)
D.p.r.	Decree of the President of the Republic (Decreto del Presidente della Repubblica)
ECHO	European Commission Humanitarian Aid and Civil Protection Department
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECJ	Court of Justice of the European Union
ECOSOC	United Nations Economic and Social Council
ECRI	European Commission against Racism and Intolerance
ECSR	European Committee on Social Rights
ECtHR	European Court of Human Rights
EEAS	European External Action Service
EIDHR	European Instrument for Democracy and Human Rights
EIUC	European Inter-University Centre for Human Rights and Democratisation
EP	European Parliament
ESC-R	European Social Charter (revised)
EU	European Union
EUROJUST	Judicial Cooperation Unit of the European Union
EUROPOL	European Police Office

FAO	Food and Agriculture Organisation of the United Nations
FRA	Fundamental Rights Agency of the European Union
FREMP	Working Party on Fundamental Rights, Citizens' Rights and Free Movement of Persons of the Council of the European Union
FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
FRP	Fundamental Rights Platform (FRA)
GA	General Assembly of the United Nations
GRECO	Group of States against Corruption
GRETA	Group of Experts on Action against Trafficking in Human Beings
HR/VP	High Representative of the Union for Foreign Affairs and Security Policy/Vice President of the European Commission
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of all Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
ICRMW	International Convention on the Protection of the Rights of all Migrant Workers and their Families
ILO	International Labour Organisation
INDIMI	National Institute for the Rights of Minors (Istituto nazionale per i diritti dei minori)
IOM	International Organisation for Migration
L.	Law
L.d.	Law-decree (decreto legge)
Lgs.d.	Legislative decree (decreto legislativo)
MIUR	Ministry of Education, University and Research
NATO	North Atlantic Treaty Organisation
NGO	Non-governmental Organisation
NMP	Military Protection Units (Nuclei militari di protezione)

ODIHR	Office for Democratic Institutions and Human Rights (OSCE)
OHCHR	Office of the High Commissioner of the United Nations for Human Rights
OPCAT	Optional Protocol to the Convention against Torture
OSCE	Organisation for Security and Cooperation in Europe
P.l.	Provincial law
PACE	Parliamentary Assembly of the Council of Europe
R.l.	Regional law
SIOI	Italian Society for International Organisation (Società italiana per l'organizzazione internazionale)
SPRAR	Protection System for Asylum Seekers and Refugees (Sistema di protezione per richiedenti asilo e rifugiati)
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UN-HABITAT	United Nations Human Settlements Programme
UNACLA	United Nations Advisory Committee of Local Authorities
UNAR	Office for the Promotion of Equal Treatment and the Fight against Racial Discrimination (Ufficio per la promozione della parità di trattamento e la rimozione delle discriminazioni fondate sulla razza e sull'origine etnica)
UNDEF	United Nations Democracy Fund
UNDP	United Nations Development Programme
UNEP	United Nations Environmental Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
UPR	Universal Periodic Review
WHO	World Health Organisation

Italy and Human Rights in 2011

In its second edition, the *Italian Yearbook of Human Rights* aims to confirm its function as a tool which, in the mark of factual truths and with the strength of universal values, conveys a message of lawfulness, civic cohesion, solidarity and democratic inclusiveness. Politicians and civil servants at all levels can draw inspiration from the overall picture of the current human rights situation in order to fill legislative gaps and to correct shortcomings of infrastructure and policies, in the spirit of *de lege semper perficienda* – laws must perennially be perfected – and of good governance. All those who care about the increase in knowledge and culture of human rights in the world of academia, in schools and in all other walks of society can fruitfully use the Yearbook as a substantial instrument for their advocacy. This is a special reference to the “human rights defenders” as they are acknowledged by the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (9 December 1998) and who, as such, are legally entitled to take action both at the national and the international level.

The structure for the 2012 Yearbook was traced out in the 2011 edition, which was the first in the Human Rights Studies series. This has naturally simplified the preparatory work for the current edition and also allowed the research and editorial committee to enhance its practical use and sustainability.

The Yearbook has been welcome in Italy and at the international level. On 30 November 2011, the first Yearbook was presented to the President of the Republic, Giorgio Napolitano, during a private audience at the Quirinale Palace. The President, who had himself addressed the United Nations Human Rights Council on 4 March 2011, expressed his appreciation for the undertaking of the Interdepartmental Centre on Human Rights and the Rights of Peoples of the University of Padua (Human Rights Centre) and encouraged the wide circulation of the book. At the international level, thanks to the wholehearted support of Ambassador Sergio Busetto and Ambassador Laura Mirachian, the Yearbook has been presented to the Council of Europe (14 June 2012) and to the United Nations High Commissioner for Human Rights (26 June 2012). At the *Palais des Nations* Mrs Navanethem Pillay

personally introduced the Yearbook in a “side event” of the UN Human Rights Council.

The *2011 Yearbook* gave a general overview of Italy’s standing at that time, also using data relating to previous years.

The timespan covered by the *2012 Yearbook* is necessarily limited to one calendar year, with the consequent limits to a significant analysis of the data. However, the research and editorial committee took on the challenge of making comparisons, with the aim of highlighting any useful indication of progress in Italy’s position with respect to the obligations undertaken within the worldwide human rights system and within the European regional system. The special-focus sections which follow show the results of this study, with the purpose of drawing attention to particularly important aspects for the evaluation both of progress made and of the continuing critical points and shortcomings.

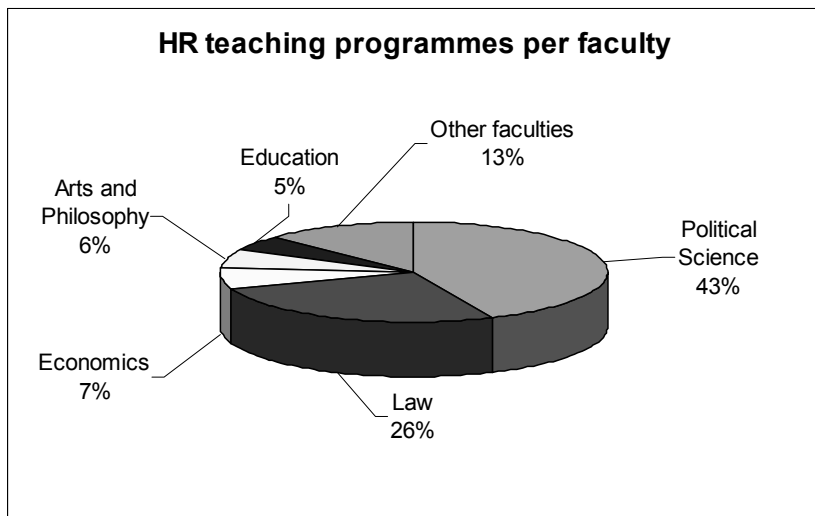
One of the most significant findings to be highlighted is the increase in parliamentary activity *in re*, particularly as concerns the presentation of bills (10 in 2011 against the 6 of 2010), the number of interpellations (18 compared to 4), the questions for a written answer (234 against 81), plenary resolutions (15 as opposed to 0). A first, simple comment is that in the current difficult financial and economic situation, with its serious repercussions on the labour market and social cohesion, there is heightened sensitivity towards the vital needs of individuals and families, particularly towards the conditions of the most vulnerable groups. Naturally, the hope is that there will now be progress from the verbal attention dedicated to the issue to taking actions in terms of supportive public policies and positive measures.

Another interesting point is the legislative activity of the Regions: in 2011 48 regional laws specifically concerning human rights were passed. This is also a very significant illustration of how committed governmental bodies at sub-national level are to the joint implementation of the principle of subsidiarity and their responsibility for protecting the fundamental rights of the people closest to them. The case of Italian Regions, Provinces and Municipalities recognising the fundamental rights of the person in their statutes, simultaneously quoting the Italian Constitution and international law, is still unique worldwide, and deserves to be more widely known and developed. Its highly innovative originality lies in the fact that sub-national legal systems, in dealing with a subject which by its nature belongs to the constitutional realm, are formally and directly linked to international law, thus reinforcing the initial part of the national Constitution and confirming that “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and

peace in the world” (The Universal Declaration of Human Rights, 1948). Precisely because of their position at the forefront of the promotion and protection of human rights, local governments must be supported by States and international institutions and, as basic poles of subsidiarity, they must have at their disposal effective and visible channels of access to all levels of governance, including the world level.

There have been significant changes in university teaching and education: 118 courses specifically dedicated to human rights are run in 64 faculties of 41 different universities. Of particular note the fact that 8 of these courses are run in 7 Faculties of Economics, against 7 in 5 Faculties the previous year. As in 2010, the University of Padua leads the table, with 19 courses, followed by Turin (9), Bologna and Florence (7) and Bari (5). In all types of schools, the specific teaching of human rights is being developed in the framework of the national programme, introduced in the 2009-2010 school year, entitled *Cittadinanza e Costituzione* (Citizenship and Constitution). It should be noted that this programme is expressly mentioned as a significant good practice in the fourth European Commission against Racism and Intolerance (ECRI) report on Italy. In this context, there is growing interest in the European Charter on Education for Democratic Citizenship and Human Rights Education, adopted with recommendation of the Committee of Ministers of the Council of Europe on 11 May 2010, and in the United Nations Declaration on Human Rights Education and Training, proposed by the Human Rights Council and adopted by General Assembly resolution on 19 December 2011. These are both important strategic instruments. In particular, the United Nations Declaration, in addition to reinforcing the contents of the human right to education, as recognised by art. 26 of the Universal Declaration and corresponding art. 13 of the International Covenant on Economic, Social and Cultural Rights, raises human rights education as such to the status of a fundamental right, with the consequent duty of States to encourage the implementation of comprehensive programmes, both domestically and within a framework of international cooperation.

It should be reminded that Italy, as a Member of the Human Rights Council, was active, together with France, Morocco, Switzerland, Senegal, Slovenia and the Philippines, in a “platform” of States which supported the Council’s Advisory Committee in drawing up the text of the Declaration.



Source: based on data from the Ministry of Education, Universities and Research

Another positive note is the appointment of the Ombudsperson for Children and Adolescents, a joint decision by the Speakers of the Senate and the Chamber of Deputies.

However, 2011 is unfortunately also marred by the failure to set up the National Commission for Human Rights. The Government bill, approved in the Senate with a bipartisan vote, has been slowed down in the Chamber of Deputies by the tabling of a series of amendments, some of a substantial nature. And the institution of the National Ombudsperson is far from being established. Therefore, Italy remains devoid of the top-level structures which are indispensable to the implementation of an adequate “human rights system”. This state of affairs has negative consequences both on Italy’s representation at the international level and on the coordination of the numerous domestic actors, especially on the activity of the ombudspersons and children’s ombudspersons operating at regional and municipal level.

There is a positive note concerning Italian case-law, which is showing ever-increasing attention to European and international norms, albeit in a context where there is no shortage of uncertainties and ambiguities for which the political *milieu* can be held responsible. This awkward situation is reflected, for example, in the field of bioethics, in the way in which Italy relates to the fundamental Oviedo Convention: it has been ratified by Italy but the instrument of ratification has not been yet deposited with the Council of Europe, with the consequence that Italy is not a Party to the Convention. The same can be said on the subject of the fight

against corruption. In this case neither the Criminal Law nor the Civil Law Convention on Corruption have been ratified, despite the Italian Government having participated in their preparation; on the other hand, however, Italy is part of the Group of States against Corruption (GRECO) and is subject to the monitoring procedure performed by the latter.

A case of reluctance to adapt to international regulations, which has become chronic and is regularly flagged up by the international monitoring bodies, is that relating to the long-drawn-out issue of adding the specific crime of torture to the Italian criminal code, to which the failure to ratify the Optional Protocol to the International Convention against Torture (OPCAT) and the consequent failure to set up an appropriate mechanism for its implementation are connected.

An extremely critical situation is that concerning the behaviour of the Italian Government towards flows of migrants, particularly the refusal of entry to displaced persons from North Africa carried out in violation of specific *ius cogens* norms and principles: *non-refoulement*, prohibition of the collective expulsion of aliens, asylum rights. In this sector, too, it is urgent to move from merely reacting to waves of emergency to offering a structural response which fully respects the relevant rules of international customary and treaty law.

International monitoring has also become ever pressing as regards the way Roma and Sinti are treated and the many acts of discrimination and violence committed in Italy against people belonging to these communities.

The political debate on the requisites to qualify for Italian citizenship continued to develop during 2011. The theory which seems to be gaining strength is that the principle of equality of all members of the human family and the respect of their equal and inalienable rights, coupled with the overarching *ius humanae dignitatis*, support the *ius soli* as the ground for citizenship attribution. Further encouraged by explicit stances taken by the President of the Republic, the civil society movement in favour of immigrants' children who were born and educated in Italy automatically acquiring Italian citizenship is growing in strength.

In this same area of citizenship rights, it should be reported that the provisions contained in Chapter C of the Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level, that is, the rules on the right of foreign residents to vote and to stand for election at the local level have not yet been accepted. The implementation of these norms would clearly be an effective way to counter the various forms of discrimination and xenophobia: in 2011, 799 cases of discrimination were reported, representing a 48% increase over the previous year (+ 259).

In the social rights sector and with specific reference to the provisions of the European Social Charter (revised), Italy has not yet accepted art. 25 concerning the rights of workers to the protection of their claims in the event of insolvency of their employer.

Another delay by Italy in adapting to international regulations that should be noted is the failure to ratify important treaties which contribute to shaping the central nucleus of international human rights law, in particular the Convention on the Rights of All Migrant Workers and Members of their Families and the Convention on Forced Disappearance, as well as the Protocol to the International Covenant on Economic, Cultural and Social Rights and the Third Protocol to the Convention on the Rights of the Child (signed by Italy on 28 February 2012).

A further point reported concerns the absence of Italian experts in the special procedures mechanism set up by the United Nations Human Rights Council; in the treaty bodies system set up to monitor the main Conventions on human rights, there is currently only one independent Italian expert.

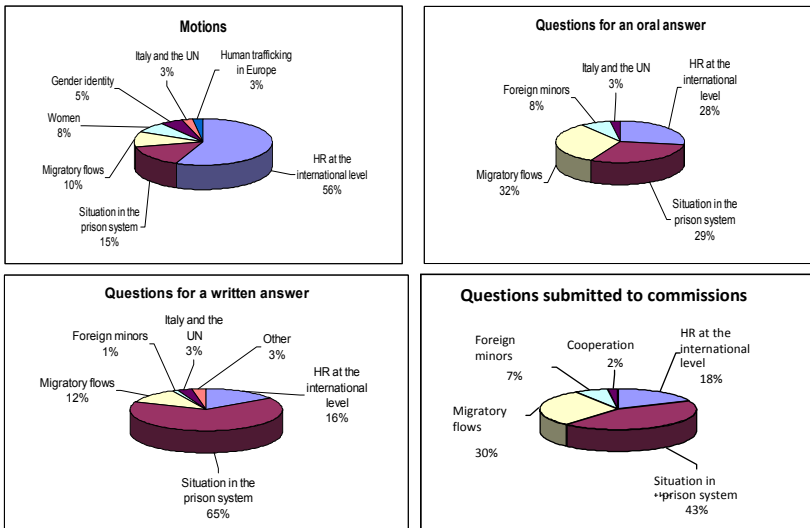
The special-focus sections below contain further, more specific remarks and evaluations on thematic issues and questions that the *Yearbook* research and editorial committee considers particularly important to enhancing Italy's position in the international sphere and which combine to configure a tentative "Italian Agenda of Human Rights".

Complete and Define the Human Rights Infrastructure at the National Level

There were some noteworthy developments in setting up a national human rights infrastructure in 2011.

In Parliament, the Senate Special Commission for the Protection and Promotion of Human Rights held 32 hearings of representatives of non-governmental organisations, international institutions and individuals in the context of its survey on the current levels and mechanisms of human rights protection in Italy and in the international system. The Commission focused specifically on Italy's election to the United Nations Human Rights Council, the conditions of Roma and Sinti communities, prison conditions, and the relationship between human rights and foreign policy. The Chamber of Deputies Permanent Committee on Human Rights, on the other hand, held 13 hearings relating to two surveys, on the violation of human rights worldwide and on human rights and democracy. More specifically, they analysed issues such as the death penalty, violations of freedom of religion, violation of the rights of women and children, violation of the rights of minorities, refugees and migrants, forms of slavery and human trafficking. The Parliamentary

Commission for Children and Adolescents began a survey on the safeguarding of children's health and continued two surveys undertaken in previous years, one on child prostitution and the other on unaccompanied foreign minors. The Commission also began the study of the final report of the survey on the protection of minors in the media and adopted the final report on some aspects of the implementation of policies for children and adolescents. The Parliament-Government Observatory monitoring the Promotion and Protection of Fundamental Rights held only one meeting, dedicated to the follow-up of the Universal Periodic Review (UPR).



Source: openparlamento.it data

The Italian Parliament's activities concerning human rights resulted in the tabling of 10 bills regarding adaptation to international law, 39 motions (56% on the protection of human rights at the international level, 15% on the situation in prisons and 10% on migrant flows), 18 interpellations (50% on the protection of human rights at the international level and 22% on the situation in prisons), 39 questions for an oral answer (32% on migrant flows, 29% on prison conditions and 28% on the protection of human rights at the international level), 234 questions for a written answer (65% on the situation in prisons, 16% on the protection of human rights at the international level and 12% on migratory flows), 44 questions to Commissions (43% on the prison situation, 30% on migrant flows and 18% the protection of human rights at the international level), 15 parliamentary assembly resolutions (40% on the Libyan crisis, 33% on the Italian judicial and prison system and 27% on Euro-

pean Union policies), 8 Commission resolutions, 29 agenda proposals before the Assembly (55% on the protection of human rights at international level and 17 on the prison situation) and 2 agenda proposals before Commissions on issues concerning internationally recognised human rights.

The amount of attention dedicated by Parliament to the prison situation in Italy is justified by the data published by the Prison Administration Department (DAP). In February 2012, inmates in Italy numbered 66,832, whereas the official capacity of the 206 penal institutes was 45,742 places. The Region with the highest number of detainees is Lombardy (9,388 against an official capacity of 5,384 places in 19 institutions), followed by Campania (8,034, although the official capacity is only 5,793).

There are some particularly significant parliamentary events to report. On 19 July 2011 the Senate approved, with 230 votes in favour, 4 abstentions and none against, the bill setting up the National Commission for the Promotion and Protection of Human Rights. On October 27, the Chamber of Deputies First Commission for Constitutional Affairs began its examination of the text. It should be recorded that at the time of this *Yearbook* going to press, numerous amendments have been approved, some of which not in line with the international standards defined in the “Paris Principles”.

Another new arrival is law 12 July 2011, No. 112 (Establishment of the National Ombudsperson for Children and Adolescents). This law represents a major step forward, which brings Italy, virtually at least, to the same level as many States which have already provided themselves with similar institutions some time ago. The National Ombudsperson for Children and Adolescents complements the work of the administrative and judicial bodies responsible for the wellbeing of minors.

However, Italy’s adoption of this law is only a partial step forward. Apart from the criticism one could level at some specific provisions, there are two main areas in which the weakness of the new provisions and their failure to meet the parameters set up by the Paris Principles (and later interpretations) are apparent.

First of all, the overall picture of the responsibilities and duties assigned to the Ombudsperson, and the resources at his Department’s disposal, lead one to express reservations as to the clarity and the actual substance of the mandate given to this institution. In effect, the responsibilities are distributed over a very wide spectrum of subjects, but they do not seem to be focused in such a way as to assure the institution itself a high profile and actual visibility. The provisions of the law include, from the substantial point of view, some positive reinforcements which can be taken as fragments of the agenda for the new institution (for

example, on the issue of family law, health rights, synergy with some already-existent structures working on issues such as trafficking, paedo-pornography, emergency problems), but ignore others which deserve specific attention. For example, there is no trace of the leading role that this structure could play in relation to migrant issues, conditions of the Roma, child labour, school drop-out rates or poverty. Even the stress placed on the potential to react to emergency situations, with measures *de motu proprio* or in response to individual claims, seems functional to the figure of an Ombudsperson unlike any of the other models in Europe. It certainly does not resemble the profile of an Ombudsperson which emerges from the oldest and most consolidated experience acquired in Italy, at the regional level. The whole listening aspect – both listening to minors and to adults (parents, professionals, teachers, volunteers...) who come into contact with the Ombudsperson – appears to have been neglected in favour of the quick supplying of immediate answers. Moreover, the technical-administrative apparatus itself provided for under this law (maximum ten people), although possibly sufficient for forming a rapid-response task force for certain cases, is clearly inadequate for the task of taking on and dedicating the necessary systematic attention to the structural problems posed by a population of 10 million people under the age of 18.

And here it is the second limit of the newly-approved provisions. Although it has instituted a National Network, law 112/2011 is far from having designed an efficient overall configuration of the relationship between the central structure for the defence of children's rights and the peripheral actors working on the same front. Indeed, the law has made no noticeable effort to go into the panorama that had meanwhile been created by regional laws and the practice of the regional ombudspersons, either in terms of methodology and "style" in their actions to protect children's rights, nor in terms of a fair and realistic sharing of the "weight" of the work of monitoring and upholding the rights of children and adolescents, a weight which inevitably comes down on more heavily on the shoulders of the local (regional and sub-regional) governance system.

On November 30 2011, the Speakers of the Senate and of the Chamber of Deputies appointed Vincenzo Spadafora, previously President of the Italian Committee for UNICEF, to the position of National Ombudsperson for Children and Adolescents.

As concerns governmental actions, one of the novelties is the institution of the Ministry for International Cooperation and Integration with additional responsibility for family and youth policy, anti-drug policies, civil service, international adoptions and the fight against racial discrimination.

On this latter question, in 2011 the Office for the Promotion of Equal Treatment and the Fight against Racial Discrimination (UNAR), operating within the Department for Equal Opportunities of the Prime Minister's Office, received, as mentioned above, 799 reports on incidents of racial discrimination. Of these, 22.6% were relative to the mass media, 19.6% to employment and 16.7% to public life.

As concerns central government structures, the lack of both specialised staff and of material resources remains. In particular, it is urgent to strengthen the Human Rights Office in the Ministry of Foreign Affairs and to create an office specifically dedicated to human rights in the other Ministries, with the task, among others, of collaborating with the Inter-Ministerial Committee for Human Rights in the preparation of the periodic reports for the relevant international monitoring bodies.

A significant point which comes out at regional level is the development of legislation which, in more or less explicit terms, incorporates norms, declarations and programmes of international human rights bodies. 48 regional laws were adopted, concerning equal opportunities and gender (10), solidarity, social promotion and assistance to families (10), persons with disabilities (7), peace, human rights, development cooperation and fair trade (6), workers' rights (6), ombudspersons and children's ombudspersons (5), education to citizenship and legality (3) and migration (1).

In 2011 there were 14 Ombudspersons holding this position out of a total of 17 Regions and Autonomous Provinces which include such an institution in their respective statutes or in specific regional laws. There is a working National Coordinating Body of Ombudspersons, but the efficacy of its actions is limited by the absence of top-level offices at the national stage, specifically of the National Ombudsperson. This absence robs the Coordinating Body of the chance to be more suitably and proportionally represented at the international level, especially in the *European Ombudsman Institute* and the *International Ombudsman Institute*. In the meantime, the *Italian Ombudsman Institute*, set up in the Human Rights Centre of the University of Padua, has started operating, with the collaboration of the aforementioned National Coordinating body, supported by a specific memorandum of understanding.

In the field of university teaching, in 2011 there were 118 courses on human rights offered in 64 Faculties over 41 different Italian universities. 43% of them are run by the Faculty of Political Science (of which one third in the Faculty of Political Science of the University of Padua), 26% in the Faculty of Law, 6% in the Faculty Arts, 5% in the Faculty of Education, 7% in the Faculty of Economics and 13% in other Faculties. There are 6 university Centres for Human Rights and 5 undergraduate courses, of which one is a four-year and four are three-year courses. Of

the latter, three belong to the general degree classification LM-81 Development Cooperation and one to LM-52 International Relations. There were 12 ongoing or newly-launched PhD courses in 2011 and 9 Masters.

Combat Violence Against Women and Extreme Forms of Exploitation

The question of violence against women received increasing attention in the course of 2011. This can be explained not only by the quantitative increase in the number of incidents which can be ascribed to this type of criminal behaviour, and the media coverage they get, particularly in relation to the drastic rise in murders, but also thanks to the commitments made in 2010 in the framework of the national plan against gender violence and stalking, endowed for the two-year period 2011-12 with an allocation of 20 million euros from the Department for Equal Opportunities by the 2008 budget (law 244/2007). In August 2011 a first call for proposals for an action grant was published, for projects dedicated to extending the anti-violence network nationwide. In response to the notice under which three million euros were to be assigned, 149 plans were submitted. Through a second call of proposal the Department then proceeded to create new anti-violence centres for an overall expenditure of 10 million euros shared by 116 projects. This was followed by a third call in November 2011 concerning professional training of healthcare workers.

On the trafficking front, the technical round table of the Inter-Ministerial Committee for the support of victims of trafficking, violence and serious exploitation, set up in order to adapt the *Guidelines for the development of a national and transnational system of referral* to the Italian context, continued the activities undertaken since its inception. The Inter-Ministerial Committee is coordinated by the Department for Equal Opportunities, which is the central authority responsible for coordinating the initiatives undertaken all over the Country to prevent and combat human trafficking and offer support and social reintegration to victims. On this latter issue, in July 2011 a joint call was made for applications for grants in order to run programmes for victims of trafficking and serious exploitation, based on the special programme of recovery and initial support envisaged in art. 13 of law 11 August 2003, No. 228 containing measures against human trafficking and art. 19 of the Consolidated law on immigration (lgs.d. 286/1998). The call reflects the need to structure interventions on the ground dedicated to revealing, identifying, protecting and ensuring social inclusion of the victims in one comprehensive strategy.

This call for proposals comes under the framework of concerted activities promoted by the Department for Equal Opportunities aiming at favouring initial contact with potential victims of trafficking and exploitation, and setting up a national system that will establish effective connections between the three macro-areas into which the interventions benefiting victims of trafficking can be subdivided: becoming visible, registered and being referred to the protection services; being identified, receiving protection and first-level assistance; receiving second-level support and social inclusion. In this perspective, as the call emphasises, it seemed advisable to define different specifications and operational modes for the three project areas. Interventions in favour of these beneficiaries are carried out in accordance with the definition of trafficking as a serious violation of human rights as specified in the EU directive 2011/36/EU and in the European Union plan on best practices, standards and procedures to combat and prevent human trafficking, and in conformity with the objectives of the specific Additional Protocol to the United Nations Convention against Transnational Organized Crime. Moreover, all interventions must ensure the respect of the principle of non-discrimination, be directed to the victims and potential victims discovered all over the Country, regardless of their age, nationality, gender and the type of exploitation they have suffered. As concerns the extent of the problem, it should be noted that the serious forms of exploitation of labour and, to a lesser degree, those connected to the illegal economy, are becoming progressively more central to reflections on and the organisation of action plans. There is an increase in the number of people who come into the protection system, an increase in the number of nations of origin and in the areas in which they are exploited. In the area of sexual exploitation, on the other hand, there is a tendency which is more or less in line with that recorded the previous year as to the provenance of the people involved and the ways the prostitution in the *sex business* of both young women and transsexuals is managed.

More specifically, as regards their nationality, the prostitution rings connected to situations including serious sexual exploitation and trafficking involve mainly women coming from Romania, Republic of Moldova, Bulgaria, Hungary, Nigeria, China and, referring to transsexuals, Brazil.

The main group targeted by traffickers for sexual exploitation are adults aged between 20 and 30, now also true for Nigerian prostitutes. Minors should also be considered, aged on average between 16 and 17 and a half, as shown by the data relative to the people assigned to assistance and social integration projects. Under-age girls, who seem to be particularly sought-after by clients, are usually forced to sell themselves behind closed doors so as to avoid the risk of being stopped by the

police. This risk is also why prostitutes in this age-group are subject to systematic but sudden transfers from one place to another by those exploiting them, in order to drastically reduce the capacity of the police to suppress their activities.

Respect International Commitments

On 20 May 2011 the General Assembly of the United Nations elected Italy as one of the 47 Member States of the Human Rights Council for the three-year period 2011-2014. It is Italy's second mandate in this United Nations body: the first was in the three years 2007-2010. In both cases, in line with the General Assembly resolution 60/251, Italy accompanied the letter submitting its candidacy with a list of voluntary commitments it would undertake on the domestic and international fronts. A comparative analysis of the two candidacy letters, in addition to showing an increase in the number of commitments made (29 in 2011 against the 18 of 2007) allows the identification of at least two more tendencies: the prevalence of commitments to be carried out at the international level over those to be performed at the national level; the prevalence of generic statements as opposed to committing to specific actions.

In 2007, 15 of the 18 commitments were relative to the international environment, whereas three were directed to improving the human rights situation at the national level (a ratio of 5 to 1). Only two of the international commitments defined specific actions: making a donation to the new United Nations Peacebuilding Fund and signing the Convention on Enforced Disappearance (the ratification of which is still pending). In the course of its mandate, Italy achieved both these objectives. It is not possible to evaluate precisely how far Italy fulfilled its other 13 generic commitments. However, they supply useful information for identifying the strategic priorities of Italy's diplomatic activities on the human rights front. In the three-year period 2007-2010, they covered the following areas: collaboration with and strengthening the effectiveness of the work of the United Nations; promotion of the rule of law and democracy, with particular reference to Countries in post-conflict situations; protection of the rights of children, particularly those caught up in armed conflicts; increasing the support to the Human Rights Council's resolutions on combating racism and xenophobia; commitment to increasing the number of Countries party to the Convention against Torture; combating discrimination and gender-based violence; abolition of the death penalty.

All three commitments made at the national level are about specific actions, namely: complete the normative process for the implementation of the Statute of the International Criminal Court; ratify and implement the Optional Protocol to the Convention against Torture and other Cruel,

Inhuman or Degrading Treatment or Punishment; institute the independent National Commission for the Promotion and Protection of Human Rights and Fundamental Freedoms. It must be recorded that to date none of these commitments has been fully satisfied.

The commitments undertaken in 2011 show slightly more attention to the Italian context but, at the same time, a significant increase in the generic nature of the objectives set. It is true that the disproportion between international and national commitments has decreased slightly, going from a ratio of 5 to 1 to approximately 3 to 1, with 20 commitments to achieve internationally, 6 domestically and 3 to be carried out both nationally and internationally. On the other hand, whereas in 2007 about a quarter of the commitments made described specific actions, in 2011 this was the case only for 2 objectives out of 29 (approximately 7%). In detail, none of the international commitments refers to specific actions, so it will not be simple to monitor Italy's performance at the end of its mandate in the Human Rights Council in 2014. However, a comparison with the strategic priorities of 2007 allows the identification of a strong element of continuity in Italian diplomatic action in relation to the promotion of human rights. Indeed, all the priorities identified in 2007 were repeated, apart from the fight against torture; further objectives were added, relating to the following areas: supporting initiatives to fight discrimination based on religion or creed; promotion of the rights of persons with disabilities; protection of human rights in counter-terrorism activities; fighting human trafficking.

The two specific commitments undertaken at the domestic level concern the updating of the National action plan against racism, adopted in 2006, and the full implementation of all the recommendations accepted by Italy in the context of the Human Rights Council's Universal Periodic Review. None of the commitments undertaken in 2007 (and not fulfilled) was reiterated, apart from the creation of national institutions for human rights, which was moreover included, in a much more generic form than previously, in the recommendations accepted by Italy in the UPR.

Italy's voluntary pledges and commitments on human rights

	2007		2011	
	Generic	Specific	Generic	Specific
International level	13 – close cooperation with the United Nations (6) – rule of law and democracy (2) – children rights (1) – fight against racism and xenophobia (1) – fight against torture (1) – fight against gender discrimination and violence (1) – abolition of death penalty (1)	2 – contributing to the United Nations Peacebuilding Fund – signing of the Convention on Enforced Disappearance	20 – close cooperation with the United Nations (7) – rule of law and democracy (2) – children rights (2) – fight against racism and xenophobia (1) – fight against torture (1) – fight against gender discrimination and violence (1) – abolition of death penalty (1) – fight against discrimination on the basis of religion or belief (3) – rights of persons with disabilities (1) – respect for human rights in the struggle against terrorism (1) – fight against human trafficking (1)	-
National level	-	3 – implementation of the Statute of the International Criminal Court – ratification of the Optional Protocol to the Convention against Torture – Establishment of the National Independent Commission on Human Rights	4 – implementation of specific legislation to counter expressions of racism and xenophobia – implementation of legislation to counter gender violence – implementation of the Convention on the Rights of Persons with Disability – strengthening civil society	2 – updating the National action plan against racism – implementation of UPR recommendations
Both international and national	-	-	3 – promoting educational measures to help eradicate all forms of discrimination – fight against child pornography – protection of victims of human trafficking	-
Total (partial)	13	5	27	2
Total (generic + specific)	18		29	

The implementation of the recommendations made to Italy during the UPR presents a particularly complex objective for Italy, as it requires the following elements to come together simultaneously: sufficient political will, the design of a clear and definite road map, the allocation of sufficient resources, as well as the collaboration, in a coordinated manner, of the different bodies and organisations responsible for the whole cycle of public policies at the various levels of governance.

Italy was reviewed in 2010 (7th session) and will be reviewed again in 2014, during the 20th session of the UPR Working Group. In the course of the first review, 92 recommendations were made to Italy, of which it fully accepted 78, partially accepted 2 and rejected 12. Some of the main themes on which recommendations were made were: the rights of migrants (20% of the recommendations); the rights of minorities (18%); racial discrimination (14%); becoming party to additional international instruments (14%); creating a National Institution for Human Rights (10%); children's rights (10%).

It is now a question of following up on these recommendations by introducing suitable regulatory bills and policies. The implementation of recommendations is the most critical part of the whole UPR process: indeed it will be the outcome of this stage that determines the effectiveness and the credibility of the whole review mechanism, as well as testing the real commitment of States to the strengthening of human rights. Hence the importance of closely monitoring the recommendation implementation stage.

To encourage this process in Italy, it could be useful to look to some examples of good practice by other States. Some of them, reviewed in 2008-2009 for example, have produced mid-term monitoring reports which supply updates on the status of implementation of the recommendations at two years from their respective UPRs. Among others, Argentina, Azerbaijan, Benin, Bolivia, Chile, Colombia, Ecuador, Finland, France, Japan, Netherlands, Poland, Portugal, Romania, Spain, Switzerland, Ukraine and the United Kingdom. These reports list both their legislative actions and the national action plans adopted as a consequence of the recommendations received and accepted. At the institutional level, the examples of France and the United Kingdom should be noted, where their respective independent national institutions for human rights have been directly involved in the monitoring and steering activities; and that of Poland, which has instituted an inter-ministerial human rights committee, charged with coordinating the Government's activities in this area. Again, in Switzerland, civil society has been fully involved in the implementation stage of the recommendations, through regular meetings and consultations with government representatives.

Finally, in many Countries, civil society itself has set up common networks and platforms which are very active in lobbying and as observatories of their Government's performance in implementing the UPR recommendations (for example, in Bangladesh, Cambodia, India and Kenya); some NGOs have also developed their own "conformity indices", which measure the degree of implementation of the recommendations by the States (this is the case of UPR Info, an NGO based in Geneva).

Italy continues to pay the price of its structural shortcomings, due in particular to the lack of an independent human rights institution which, as is the case in other Countries, could act as the coordinating point for monitoring activities relative to the implementation of the UPR recommendations.

And once again, it is civil society that takes the initiative. Particularly important is the role of the *Comitato per la promozione e protezione dei diritti umani* (Committee for the promotion and protection of human rights), a network of over 80 NGOs which published a report in 2011 entitled *L'Italia ad un anno dalle raccomandazioni del Consiglio delle Nazioni Unite per i diritti umani* (Italy one year after the United Nations Human Rights Council recommendations). The report gives an update on the degree of implementation by Italy of the 92 recommendations received during the Universal Periodic Review, with a special focus on the following aspects: civil and political rights and international instruments; national legislation; National Institution for Human Rights; human rights education; the rights of migrants, refugees and asylum-seekers; racism and xenophobia; women's rights; discrimination based on sexual orientation; the rights of minors; overcrowding of prisons; torture; human trafficking; independence of the media; status of public development aid.

Through this report, the Committee intended to ask the Government to follow the example of other European Union Countries and prepare a mid-term follow-up review, to make it public by sending it to the Office of the United Nations High Commissioner for Human Rights and to support the diffusion of the contents of the recommendations and of the Universal Periodic Review mechanism throughout Italy.

Eliminate Discrimination against Roma and Sinti

One of the most problematic issues which have been repeatedly brought up by the international institutions is that regarding the status and treatment of people belonging to the Roma, Sinti and Travellers communities in Italy. Roma and Sinti are often the victims of multiple discrimination inasmuch as they belong to communities which are

discriminated against and at the same time, they fall into other particularly vulnerable social groups.

Despite the lack of official statistics and the evident practical difficulties which make it impossible to gather reliable data (see, for example, the *Rapporto Conclusivo dell'indagine sulla condizione di rom, sinti e camminanti in Italia* [Final report from the survey on the conditions of Roma, Sinti and Travellers in Italy], published in 2011 by the Italian Senate's Special Commission for the Protection and Promotion of Human Rights, pp. 17-20), numerous organisations, national and international, from civil society and from international and European institutions, have at various times supplied estimates, rarely matching one another, of the numbers of Roma present in Italy. According to the Council of Europe "Roma and Travellers" Division, based on data updated to 14 September 2010, the total number of people belonging to these minorities in Italy oscillate between 110,000 and 170,000, with the average reckoned to be of around 140,000 people: about 0.23% of the total population of Italy (the European average is about 1.36%). This data puts Italy in the 14th place for the number of members of these groups in "great geographical Europe", represented by the Council of Europe, where Turkey, Romania and the Russian Federation occupy the top three positions.

It is worth remarking that this complex problem is common to the vast majority of European Countries, as is implicitly proven by the adoption of two important regional-level policy documents in 2011: within the European Union framework, the communication from the Commission to the European Parliament, the Council and the European Economic and Social Committees, to define an *EU framework for National Roma Integration Strategies up to 2020* (COM(2011)173 final), within the Council of Europe, the *European Commission against Racism and Intolerance (ECRI) General Policy recommendation No. 13* (CRI(2011)37).

In Italy, it should be reported that a series of "security pacts" between the Government and regional authorities were adopted, in accordance with art. 1(439) of law 296/2006 (2007 Budget Act) which, in allowing "the enactment of extraordinary programmes to increase police services, urgent technical assistance and the security of citizens", set the regulatory basis – subsequently strengthened by later security measures, such as the decree on the so-called "nomad emergency" (d.p.c.m. 21 May 2008 and subsequent decrees extending it) and the 2008 "security package" (law 125/2008) – which in practice legalised discriminatory treatment (census of Roma camps, the practice of "forced evictions") of Roma and Sinti as well as other social groups such as migrants, asylum-seekers and other minorities. These measures were also the cause of

greater problems for many members of these communities trying to obtain the identity documents they needed to acquire the status of regular residents.

Among the numerous recommendations from international organisations, two *decisions* by the European Committee of Social Rights (adopted in 2006 and 2010 respectively) should be noted, concerning two collective complaints presented by international NGOs dedicated to the protection of the rights of members of the Roma and Sinti communities (*European Roma Rights Centre v. Italy*, complaint 27/2004 and *Centre on Housing Rights and Evictions v. Italy*, complaint 58/2008). Both these *decisions* recognised that the Italian authorities had violated the rights mentioned in the respective complaints, which were, *inter alia*, the right to suitable housing, the right to protection from poverty and social exclusion and the principle of non-discrimination. In the light of these *decisions*, the Italian authorities are bound to implement measures which will allow the situation of the Roma and Sinti communities to be brought in line with the provisions of the European Social Charter (revised) which Italy accepted back in 1999.

In relation to the United Nations system, it is worth pointing out that, out of the 92 recommendations made to Italy in the recent Universal Periodic Review (v. *supra*), 10 of them explicitly address the conditions of Roma, Sinti and Travellers. Of these, 8 have been accepted by Italy (with reference to issues such as combating racism and discrimination and the need to integrate these communities through positive actions in the fields of education, work, housing and social services); 2 were rejected, those relating to the request to recognise Roma and Sinti as a national minority, hence subject to the protection provisions included in domestic law and international regulations on this issue. Over the course of 2011 some minor progress can be seen, but amidst a long list of critical and worrying situations, that must be resolved urgently.

Among the *positive developments* it is possible to mention the initiatives of NGOs and local authorities which have started up good practices with particular reference to inclusiveness and the active participation of Roma children in the school system, also thanks to actions designed to overcome physical barriers (such as the distance from the Roma camps to schools) which prevent Roma minors from accessing schools and being regularly present throughout the education system. In 2010 the Observatory for security against discriminatory acts (OSCAD) was set up in the State Police Department, followed by the signature of a memorandum of understanding between the Observatory and the UNAR, aiming to optimise their cooperation for the protection of minorities from all forms of discrimination, and also to collect data and information in these areas (the lack of which is frequently highlighted at the

international level). In June 2010, Italy joined the Council of Europe's *DOSTA!* Campaign against racial prejudice towards the Roma under UNAR coordination. Significant also the aforementioned final report from the survey on the conditions of the Roma and Sinti carried out by the Special Commission of the Senate – the first official document from the Italian Parliament on these issues – as well as the organisation of a series of institutional activities to raise awareness of these issues among the general public.

As concerns the contested security measures adopted as of 2006, a significant ruling was the No. 6050, dated 16 November 2011, pronounced by the Council of State (see Part IV, Human Rights in Italian Case-law, V, B), which partially repealed the decrees on the “nomad emergency”, confirming the illegitimacy of the measures implemented by the Italian authorities, on the basis of the non-existence of the requisites for declaring a state of emergency in order to manage the Roma and Sinti situation in Italy. However, in April 2012 the Government presented an appeal to the Court of Cassation (the Italian Supreme Court), requesting the reversal of the Council of State ruling.

Alongside a limited number of positive aspects, there are many *critical issues*.

One of the most urgent issues highlighted by the main international monitoring bodies is that of the right to adequate housing. First of all, the widespread practice of forced dismantling of informal settlements is censured, and particularly the discriminatory ways in which this is carried out, in clear violation of international human rights law and of the European standards accepted by Italy (violation of the human dignity of the people “evicted”, failure to supply housing or compensation in lieu, destruction of personal belongings of the people living in the settlements, substantial impunity of those responsible for the violence used during such operations). Attention is also focused on the poor conditions of the housing in the settlements, even in the so-called “equipped” camps, as well as on the essential need that the housing solutions offered by the authorities must not lead to further segregation and marginalisation, but should favour Roma and Sinti integration into Italian society.

Another issue which causes increasing concern on the part of international institutions is the increase in the number of *violent hate crimes* against Roma committed both by private citizens and by members of the police forces, without these incidents being properly investigated and punished by the appropriate authorities. The recent conclusions presented by various European organisations deploring the use of expressions of hatred and racism by Italian politicians at all levels towards Roma, Sinti, immigrants and other social, cultural and religious groups have become particularly significant. In this context, the remarks made public

by Thomas Hammarberg, Council of Europe Commissioner for Human Rights, following his visit to Italy in May 2011 attracted particular attention from the media. He said he was deeply shocked by the use of election posters which used anti-Roma rhetoric for political ends in the campaign for municipal elections in Milan. According to the Commissioner, behaviour of this kind has the effect of lending legitimacy to prejudice and discrimination against these groups of people, undermining the hard work of Italian civil society to foster their inclusion and reduce the causes at the root of the negative stereotypes of them. On the basis of his experience in Milan, Hammarberg also published a *human rights comment* which showed how the Italian case is a typical example of behaviour common to many European Countries and he stressed, on one hand, the need to put an immediate end to shows of this kind and, on the other, the special responsibility that political and institutional representatives have to lead the fight against discrimination and favour the inclusion of all sectors of society. Discriminatory events of this nature, it is well to repeat, do not only harm those who belong to the Roma and Sinti communities, but also other social groups such as migrants and asylum-seekers who, as the ECRI stresses in its fourth report on Italy, are systematically associated with a threat to security and consequently subjected to a hostile attitude towards them. Alongside their concerns for the hatred shown towards Roma, Sinti and migrants in Italian political discourse, the international institutions made critical comments on the partisan bias and sensationalism of some Italian mass media, and their use of aggressive and stereotyped language which contributes to the forming of public opinion which accepts the above-mentioned discriminatory measures and accustoms them to the violence used against certain vulnerable communities.

Another critical issue is that of the legal status of many Roma and Sinti communities living in Italy. Many descendants of Roma families originating from former Yugoslavia are not only devoid of citizenship, but also without any recognition of their statelessness. Very few of them, after the break-up of former Yugoslavia, returned to their lands of origin to request recognition of their statelessness and their children, although born in Italy, cannot be recognised as stateless because, under Italian law, that would require proof of the statelessness of their parents. And neither can the Italian law on citizenship, which attributes Italian nationality to people born in Italy to a stateless couple, be applied. This condition of de-facto statelessness now affects over 15,000 Roma born in Italy, according to the Council of Europe report. The legal status of these people, together with the implementation of the disputed security measures described above, constitute the basis of many “irregular” situations which are subject to criminal proceedings and expulsion orders.

To enhance the protection of the rights of Roma and Sinti, it is first of all indispensable to implement a radical change of approach to this issue, replacing a management of the situation centred entirely on emergencies and the question of public order with actions to favour their inclusion and combating discrimination, as well as improving their standard of living, especially as regards their housing, access to health and social care, to schooling and to the labour market. As reiterated by several international organisations and in line with the Council of Europe and European Commission's suggestions, the definition of a specific and comprehensive framework of regulations for the social inclusion and protection of the members of these communities can no longer be delayed. This should be achieved through consultations with the community members themselves, also dedicating further human and economic resources and a more decisive role to the UNAR, the recent development of which has been welcomed by international organisations. More specifically, as was moreover requested in one of the two recommendations addressed to Italy but rejected during the UPR, the Roma and Sinti present in Italy should be officially recognised as a minority, thus guaranteeing them the same protection as is provided for those belonging to recognised linguistic minorities. Action along this line would require an amendment of law 482/1999 (Provisions for the protection of the historic linguistic minorities), which only recognises and protects the linguistic minorities which have historically settled in a certain limited territorial area and therefore excludes the Roma and Sinti communities, scattered all over Italy.

In conclusion, Italy is urgently requested to multiply its efforts to pursue the adoption of uniform regulations and set up structured consultation mechanisms, at both the local and national level, with the Roma and Sinti communities present in the area and with the relevant civil society organisations.

Guarantee the Respect of Human Rights in the Handling of “Mixed” Migrant Flows from North Africa

One of the particularly sensitive issues for Italy which emerged in 2011, and on which many international human rights organisations have expressed their concern and reported numerous critical areas, is that of the handling of the massive flow of irregular migrants, asylum-seekers and refugees caused by the uprisings in North African Countries and by the conflict in Libya.

According to UNHCR data, almost 60,000 immigrants reached Italian shores in the course of 2011. Of these, about 26,000 were Tunisian citizens and had come to Italy mainly for economic reasons; the others, who had departed from Libya, were mostly non-Libyan citizens fleeing

from the ongoing conflict. According to data supplied by the Italian Civil Protection, in October 2011, the people housed in the various structures made available by the regional administrations (excluding Abruzzo) numbered just over 21,000.

In this context, despite acknowledging the exceptional dimensions of the migratory pressure to which Italy was subjected, and appreciating the State's efforts to supply aid and humanitarian assistance, many international bodies, including UNHCR, IOM and the Council of Europe (Parliamentary Assembly and Committee of Ministers) pointed out some problematic issues relative, on one hand, to the reception and access conditions to international protection for potential beneficiaries, and on the other, to the interception on the high seas and aid at sea in connection with the principle of *non-refoulement*.

Specifically, the criticisms most often made were of the inadequacy of the infrastructures made available for the reception of migrants, the prolonged holding there and the insufficient speed in transferring them (particularly the most vulnerable categories such as unaccompanied minors and asylum-seekers) from Lampedusa towards other centres charged with assisting them, factors which contributed to the creation of a real humanitarian emergency on the island, with consequent tension between migrants and the local population. As concerns access to forms of international protection, some shortcomings were reported in the speed of processing and the type of reception and support provided for those waiting to have their claim examined or, in the case of their claim being rejected, who have presented an appeal.

It is felt appropriate to remark here that although, on the one hand, the tardiness of the asylum procedure could be blamed on the exponential increase in the number of requests presented in 2011 (34,100 according to the UNHCR), the Italian Government's decision (d.p.c.m. 5 April 2011) to grant a six-month residence permit for humanitarian reasons (extended for a further six months by d.p.c.m. 6 October 2011), exclusively to citizens arriving from North Africa and who entered Italy between 1 January and 5 April 2011 had some negative consequences. As a matter of fact for all those who arrived after the date specified, the only chance of having any form of protection recognised them was to present a claim for international protection, even if there were none of the pre-requisites for so doing. The response to these claims for asylum, mostly presented by foreign workers with stable residence in Libya prior to the conflict, and thus not in need, *strictu sensu*, of international protection (as they are not Libyan citizens), but on the other hand cannot or do not always want to be repatriated to their own Countries of origin nor to Libya until the situation has not entirely stabilised, has in most cases been one of rejection. Numerous Italian organisations working on