



COMMISSIONER FOR HUMAN RIGHTS  
COMMISSAIRE AUX DROITS DE L'HOMME



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## REPORT

**by Thomas Hammarberg**  
**Commissioner for Human Rights of the Council of Europe**

Following his visit to Italy  
from 26 to 27 May 2011

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## Summary

Commissioner Thomas Hammarberg and his delegation visited Italy from 26 to 27 May 2011. In the course of this visit the Commissioner held discussions with representatives of the Italian authorities and institutions as well as with members of civil society. The present report focuses on the following selected human rights issues:

### I. Protection of the human rights of Roma and Sinti

#### *Anti-Gypsyism in political discourse*

The Commissioner continues to be concerned at the presence of racist and xenophobic political discourse in Italy, targeting notably Roma and Sinti. This type of discourse is a powerful vector of anti-Gypsyism in Italian society and as a result, it also offsets the benefits of social inclusion work for Roma and Sinti carried out around the country. The Commissioner calls on the Italian authorities to act urgently to address this phenomenon. Among the measures suggested feature self-regulatory initiatives by political parties and a vigorous implementation of the criminal law provisions against racist offences, some of which also need to be fine-tuned. In order to combat anti-Gypsyism, further efforts are needed to promote knowledge of Roma history and culture. The Commissioner reiterates that a wide dissemination and use, notably in schools, of the Council of Europe's Fact Sheets on Roma History would make an important contribution to this endeavour.

#### *Housing and evictions*

Recent years have seen widespread evictions of Roma and Sinti from settlements in Italy, often in manners that are at variance with human rights standards. The declared state of "Nomad emergency" together with the legislation and extraordinary powers flowing from it, have provided the bedrock for the development of these practices, which have had a negative impact on the enjoyment by Roma and Sinti not only of the right to housing, but also of other human rights, including children's right to education. The Commissioner urges the Italian authorities to act in accordance with international and Council of Europe standards in the field of housing and evictions, and to bring the situation fully into line with the revised European Social Charter, in light of the findings of the Committee of Social Rights in its June 2010 decision *Centre on Housing Rights and Evictions (COHRE) against Italy*.

#### *Violent hate crimes*

Reported instances of anti-Roma violence at the hands of private individuals, but also sometimes by law enforcement officials, point to a continuing need for the Italian authorities to improve their response to racially-motivated violence in general. The Commissioner calls on the Italian authorities to respect the relevant Council of Europe standards and use the latter's extensive guidance on both improving the response of the police to racist offences and on combating racially-motivated misconduct by the police. In particular, the system for monitoring racist incidents and racist offences could be improved through the introduction of a more flexible and victim-friendly system of reporting and recording relevant incidents.

#### *Statelessness*

Many Roma who came to Italy from the former Yugoslavia in the 1960s and 70s and during the war in the 1990s still live in Italy today without Italian or any other citizenship. Their descendants, whose number is currently estimated at around 15 000, are also *de facto* stateless in Italy in spite of having been born and lived there all their lives. The Commissioner urges the Italian authorities to address this situation. He also reiterates his call for the ratification by Italy of the European Convention on Nationality without reservations.

### *Overall strategies for the inclusion of Roma and Sinti in society*

There is a continuing need for a national strategy for the social inclusion of Roma and Sinti in Italy that would provide coherence to and support efforts at regional and local level in this field. As an interim step towards such a strategy, the Commissioner suggests the establishment of a task force at national level, which would support and service a network of regional and local stakeholders that are active in social inclusion work for Roma and Sinti. In order to maximise the strategy's chances of producing long-term results, it should focus more heavily on social inclusion, non-discrimination and combating anti-Gypsyism and less on coercive measures such as forcible evictions and expulsions.

## **II. Protection of the human rights of migrants, including asylum seekers**

### *Rescue operations and interceptions at sea*

The Commissioner welcomes the invaluable efforts of the Italian authorities aimed at rescuing migrants on boats crossing the Mediterranean. He strongly encourages the Italian authorities to maintain their long-standing tradition of rescue, which is all the more indispensable in the current context of forced migration from Libya. He calls on the Italian authorities to ensure that in all cases where migrants are in distress at sea their rescue and safety enjoy absolute priority over all other considerations, including any lack of clarity and agreement, notably between Italy and Malta, about responsibilities for rescue. With reference to the operations carried out jointly with Libya in the central Mediterranean aimed at intercepting migrants fleeing Libya on boats and returning them there (so-called push-backs), the Commissioner urges the Italian authorities to discontinue and refrain from becoming involved in any practices in the field of interceptions at sea that may result in migrants being sent to places where they are at risk of ill treatment or onward refoulement.

### *Reception of migrants, including asylum seekers*

The sharp increase in arrivals from the coasts of Northern Africa has put the Italian system of reception of migrants, including asylum seekers, under strain. The Italian authorities are encouraged to ensure that their reception arrangements can respond effectively to fluctuating trends in arrivals and asylum applications, notably by extending the capacity of the housing schemes administered by SPRAR, a publicly-funded network of local authorities and non-profit organisations. Progress is also needed to ensure that in all centres where they are accommodated, asylum seekers have adequate access to legal aid and psycho-social assistance. Special measures to identify and cater for the needs of vulnerable individuals should be effectively implemented. Lack of clarity concerning the nature of the centres where migrants are kept and the regime applicable to them (including detention or not) have contributed to jeopardising the rights of migrants. With reference to the repatriation of Tunisian nationals through "simplified procedures", the Commissioner calls on the Italian authorities to ensure that the relevant human rights safeguards, including access to procedures to challenge removal, and the prohibition of collective expulsions are thoroughly respected.

### *Integration of refugees and other beneficiaries of international protection*

There is a need to make progress on the front of establishing a reliable system to support the integration of refugees and other beneficiaries of international protection in Italian society. Noting that these persons sometimes become destitute or homeless, the Commissioner calls for a strengthening of local authorities' capacity to provide accommodation and services, notably through the channelling of more funds and the involvement of more regions and municipalities. Further useful measures include a comprehensive review of laws and regulations that impact on refugee integration and the introduction of positive action measures, for instance on the labour market, that support integration at the initial stages following status recognition. The current

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difficulties encountered by refugees in accessing Italian nationality and the excessive delays they experience in obtaining family reunification should also be addressed.

## Introduction

1. The present Report is based on a visit to Italy by the Council of Europe Commissioner for Human Rights (the Commissioner) from 26 to 27 March 2011.<sup>1</sup> The aim of the visit was to review certain human rights issues in Italy, focusing in particular on the protection of the human rights of Roma, Sinti and migrants, including asylum seekers.
2. In the course of the visit, the Commissioner held discussions with representatives of the national authorities, including the Secretary of State of the Presidency of the Council of Ministers, Mr Gianni Letta, the Secretary of State of the Ministry of Interior, Ms Sonia Viale, and the Prefect of Milan, Mr Gian Valerio Lombardi. He also met with the President of the Extraordinary Commission for the Promotion of Human Rights of the Italian Senate, Mr Pietro Marcenaro, and representatives of the National Association of Italian Municipalities (ANCI). Commissioner Hammarberg also held discussions with a number of intergovernmental and non-governmental organisations active in the field of protecting the human rights of Roma, Sinti and migrants, including asylum seekers. In Milan, he visited an unauthorised settlement of Romanian Roma, and a regular settlement inhabited by Italian Roma.
3. The Commissioner wishes to thank the Italian authorities, and in particular the Permanent Representation of Italy to the Council of Europe, for their assistance in organising the visit and facilitating its independent and smooth execution. He wishes to thank all of his interlocutors, from the national authorities, civil society and the communities he visited, for their willingness to share their knowledge and insights with him.
4. The Commissioner considers that the treatment afforded by member states to minority groups such as Roma, Sinti and migrants, including asylum seekers, constitutes a litmus test regarding the effective observance of Council of Europe human rights standards by member states. This is also true for Italy, where the situation of these persons currently poses some of the most pressing human rights challenges the country has to face.
5. Accordingly, the protection of the human rights of Roma, Sinti and migrants, including asylum seekers, has been the subject of long-standing attention by the Commissioner in Italy, as reflected notably in the Report and Memorandum he published in 2009 and 2008 respectively.<sup>2</sup> The present report also follows up on some of the findings of the previous Report and Memorandum.
6. In the present Report, the Commissioner focuses on the following major issues concerning the protection of the human rights of Roma and Sinti: anti-Gypsyism in political discourse (Section I a); housing and evictions (Section I b); violent hate crimes (Section I c) statelessness (Section I d); and overall strategies for the inclusion of Roma and Sinti in society (Section I e). With regard to the protection of the human rights of migrants, including asylum seekers, the present report focuses on: rescue operations and interceptions at sea (Section II a); reception of migrants, including asylum seekers (Section II b); and integration of refugees and other beneficiaries of international protection (Section II c).

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<sup>1</sup> During his visit, the Commissioner was accompanied by the Director of his Office, Ms Isil Gachet, and his Adviser, Mr Giancarlo Cardinale.

<sup>2</sup> CommDH(2009)16 *Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Italy on 13-15 January 2009*, Strasbourg 16 April 2009 (hereafter: CommDH(2009)16); CommDH(2008)18, *Memorandum by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Italy on 19-20 June 2008*, Strasbourg 28 July 2008 (hereafter: CommDH(2008)18).

## I. Protection of the human rights of Roma and Sinti

### a. Anti-Gypsyism in political discourse

7. In 2008 and 2009, the Commissioner highlighted the presence of racist and xenophobic speech, targeting notably Roma and Sinti, in political discourse as one of his main concerns in Italy. Unfortunately, there are no indications that the situation has improved. During his visit to Milan, which coincided with the holding of municipal elections there, the Commissioner was shocked at the widespread presence of electoral material – notably posters on walls and vehicles - warning against the risk of the city turning into a “Gipsytown” (*zingaropoli*). Even outside election periods, anti-Roma attitudes have regrettably continued to taint political speech on many occasions. In one such instance, in the context of the expulsions of Romanian and Bulgarian Roma from France of the summer of 2010, the *Corriere della Sera* reported the Italian Minister of Interior as expressing regret at the fact that since many Roma and Sinti have Italian nationality “they have a right to stay and nothing can be done about it”.<sup>3</sup>
8. Clearly, this type of political discourse impinges directly on the rights of the Roma and Sinti, as it is both contrary to their human dignity and instrumental in promoting the general public’s acceptance of policies which do not respect the human rights of the persons concerned. In addition, the Commissioner stresses that this type of political discourse is highly counterproductive from the perspective of the inclusion of Roma and Sinti in society. On many occasions, the Commissioner has stressed that no effort to promote the social inclusion of Roma and Sinti can be successful without resolute action against anti-Gypsyism in European societies. By legitimising prejudice and discrimination towards Roma and Sinti among the general public, this type of political discourse effectively offsets the good work towards social inclusion that is carried out, notably by civil society organisations, in communities throughout the country. In the Commissioner’s view, the 2008 events of Ponticelli, Naples, also provide a powerful illustration of the impact of public, and notably political, discourse on the behaviour of the general public and should serve as an alert to the dangers relating to the use of this type of political rhetoric.
9. The Commissioner recalls that many other human rights monitoring mechanisms share his concerns in this subject area. Thus, in its October 2010 Opinion, the Advisory Committee on the Framework Convention for the Protection of National Minorities, was “deeply concerned” at the increasingly common presence of racially inflammatory public discourse targeting notably the Roma and Sinti, Muslims and migrants in the discourse of certain prominent political figures and considered this situation to be incompatible with Article 6 of the Convention.<sup>4</sup> Furthermore, in its June 2010 decision on a collective complaint filed against Italy, the European Committee of Social Rights found that the use of xenophobic political discourse against Roma and Sinti violated Articles E (Non-discrimination) and 19§1 of the Revised Charter.<sup>5</sup> The Committee found this to be an aggravated violation, noting that “the racist misleading propaganda against migrant Roma and Sinti [was] indirectly allowed or directly emanating from the Italian authorities.”<sup>6</sup>

### *Conclusions and recommendations*

10. The Commissioner calls on the Italian authorities to act urgently against the use of racist and xenophobic speech targeting notably Roma and Sinti, in political discourse. To this end, the

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<sup>3</sup> Corriere della Sera, 21 August 2010, available at:

[http://www.corriere.it/politica/10\\_agosto\\_21/maroni\\_d57cd780-acea-11df-b3a2-00144f02aabe.shtml](http://www.corriere.it/politica/10_agosto_21/maroni_d57cd780-acea-11df-b3a2-00144f02aabe.shtml)

<sup>4</sup> ACFC/OP/III(2010)008, Advisory Committee on the Framework Convention for the Protection of National Minorities, Third Opinion on Italy, adopted on 15 October 2010, Strasbourg, 30 May 2011, para. 87.

<sup>5</sup> European Committee of Social Rights, Decision on the merits, Centre on Housing Rights and Evictions (COHRE) v. Italy, Complaint No. 58/2009, 25 June 2010, paras. 136-140.

<sup>6</sup> Ibidem, para. 139.

Italian authorities are invited to draw from the study and declaration on the use of racist, antisemitic and xenophobic elements in political discourse by the European Commission against Racism and Intolerance (ECRI), which suggests the following measures:<sup>7</sup>

- self-regulatory measures which can be taken by political parties or national parliaments;
  - the signature and implementation by European political parties of the Charter of European Political Parties for a Non-Racist Society which encourages a responsible attitude towards problems of racism, whether it concerns the actual organisation of the parties, or their activities in the political arena;
  - the adoption and implementation of provisions penalising the leadership of any group that promotes racism, as well as support for such groups and participation in their activities;
  - the establishment of an obligation to suppress public financing of organisations which promote racism, including public financing of political parties;
  - the effective implementation of criminal law provisions against racist offences (including those establishing racist motivation as an aggravating circumstance) and racial discrimination, which are applicable to all individuals.
11. With respect to the last measure, the Commissioner reiterates the recommendation he made in his last report on Italy for adequate penalties against incitement to racial discrimination and violence to be re-established, following the mitigation of the sanctions for these offences introduced in Italy through Law 85/2006.
12. In order to fight anti-Gypsyism more effectively, the Commissioner also reiterates his call on the Italian authorities to promote knowledge of Roma culture and history among the general public. The Commissioner notes that on 11 June 2011, Pope Benedict XVI underlined that the mass murder of Roma people during Nazism was "still a little-known drama" and that the European conscience must not forget their pain. In the Commissioner's view, a meaningful contribution to this endeavour would be a wide dissemination and use, notably in schools, of the Council of Europe's factsheets on Roma history. The Commissioner recalls the commitment made by the Italian authorities to proceed with the translation of the factsheets already in 2008 and looks forward to receiving information on the progress achieved.

*b. Housing and Evictions*

13. In his memorandum and report on Italy of 2008 and 2009, the Commissioner expressed concern at the unacceptably low standards of living conditions in many Roma settlements, especially those inhabited by migrants and their families. The adoption of security packages, which resulted in the targeting in particular of Roma EU immigrants was also of concern, as was the declaration of the state of "Nomad emergency" in certain regions, as a result of which the Prefects of the regions in question assumed the role of special commissioners with extraordinary powers to deal with the situation of Roma and Sinti locally. The Commissioner also urged the Italian authorities to avoid evictions without offering alternative housing.

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<sup>7</sup> European Commission against Racism and Intolerance, The use of racist, antisemitic and xenophobic elements in political discourse, December 2005

14. Since then, the state of emergency, which is still in force in five regions,<sup>8</sup> has provided the bedrock for widespread evictions of Roma and Sinti from settlements throughout the country, often in manners that are at variance with human rights standards. Thus, the Commissioner notes that in its decision on the collective complaint against Italy referred to above, the Committee of Social Rights found a series of violations of the Revised Charter by Italy. In particular, the Committee found: that the practice of evictions of Roma and Sinti as well as the violent acts accompanying such evictions constituted an aggravated violation of Article E (non-discrimination) taken in conjunction with Article 31§2 (on the reduction of homelessness);<sup>9</sup> that the living conditions of Roma and Sinti in camps, which had worsened following the “security measures”, constituted a violation of Article E taken in conjunction with Article 31§1 (on access to housing of an adequate standard)<sup>10</sup> and that the segregation of Roma and Sinti in camps, resulting from local and national housing policies which assume Roma to be nomads and fail to meet their needs, violated Article E taken in conjunction with Article 31§3 (on affordable housing).<sup>11</sup>
15. Evictions and other practices impairing the enjoyment of the right to housing and other human rights by Roma and Sinti have been widely reported in a number of Italian municipalities, including Rome, where the local “Nomad Plan” of July 2009 foreseeing the transfer of around 6 000 camp inhabitants to 13 out-of-town villages to be built by the municipality has raised concerns among a number of organisations.<sup>12</sup> Indeed, the continuation of the “Nomad emergency” in some regions of Italy appears to have had a spill-over effect even on other regions where it has never been formally declared. Thus, for instance, the region of Tuscany has seen a number of forced evictions of Roma from settlements in Pisa and Sesto Fiorentino, which have also raised concerns.
16. However the case of Milan, where an unprecedented spate of systematic evictions has been registered in recent years, is particularly troubling to organisations protecting the rights of Roma and Sinti. Indeed, on 27 April 2011, the then Deputy Mayor of Milan announced that 500 forced evictions of Roma from their settlements had been carried out since 2007. At the end of May, when the Commissioner visited Milan, over 100 forced evictions had taken place in 2011, 38 of which in the month of May alone.
17. The Prefect of Milan and special commissioner for the “Nomad emergency” of Lombardy, Mr Gian Valerio Lombardi, explained to the Commissioner that the plan that is being pursued in Milan consists of both the elimination of all unauthorised settlements around the city and the downsizing of regular settlements – the Commissioner understands that €13 million have been made available for this latter purpose. Eventually, the city would host a maximum of 1,500 “nomads” in regular camps only. According to the Prefect, as a result of the eviction policies implemented in Milan, the number of Roma and Sinti living locally went down from 8,500 three years ago to around 1 700 today. The Commissioner visited one unauthorised and one regular settlement to gain a better picture of the practical implementation of these policies and their impact on the persons concerned.
18. The unauthorised settlement located in proximity of the Bacula overpass, which the Commissioner visited on 26 May, had reportedly been dismantled over forty times over the last three years. Indeed, the residents – all of them Romanian Roma -- explained that a part

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<sup>8</sup> A Decree of the President of the Council of Ministers of 17 December 2010 (Official Gazette No. 304 of 30/12/2010) extended the “state of emergency for the continuation of initiatives relating to Nomad communities settlements on the territories of the regions of Campania, Latium, Lombardy, Piedmont and Veneto” until 31 December 2011.

<sup>9</sup> European Committee of Social Rights, Decision on the merits, Centre on Housing Rights and Evictions (COHRE) v. Italy, Complaint No. 58/2009, 25 June 2010, paras. 66-79.

<sup>10</sup> *Ibidem* paras. 53-59.

<sup>11</sup> *Ibidem* paras. 80-91.

<sup>12</sup> See EUR30/001/2010 *The Wrong Answer – Italy’s ‘Nomad Plan’ Violates the Housing Rights of Roma in Rome*, Amnesty International, January 2010.



of the settlement had been dismantled that very morning and the Commissioner has subsequently been told that the families he met there were forcibly evicted again the following day and had moved to a nearby location. Conditions at the settlement were completely inadequate and a serious health hazard, with no electricity or access to water or sanitation, visible presence of rats and no shelter from the rain, which started to fall during the Commissioner's visit. Half a dozen children too young to go to school were also present.

19. Residents confirmed the many reports already received by the Commissioner indicating chain removals, with some families reporting having been moved several times in one week. They also reported being forced to keep moving every few hours to find temporary relief, often by joining or establishing another informal settlement. The evictions, which are carried out without notification or warning, typically happen in the early hours of the morning, and often entail the destruction of residents' property, such as tents and beds. On many occasions, notably in the smaller settlements, forced evictions are reportedly carried out without the presence of social services. When they are present, accommodation in shelters run by the municipality may be offered subject to availability. However, this offer is made only to some women and children and therefore entails the splitting of family units, which many of the persons concerned refuse.
20. During evictions little special consideration appears to be given to the personal situation of the affected people, including pregnant women, persons with health problems, the elderly or even children enrolled in local schools. In this respect, the Commissioner was told that some Romanian Roma children have been evicted as many as twenty times in one year and have had to change school eight times in the course of the same school year. The dismantlement of the unauthorised settlement of Via Rubattino in November 2009, which reportedly prevented around forty children from continuing to attend school, stands out in this context. At the end of that school year, teachers at the local school, some of whom the Commissioner met, complained that most of the Roma children enrolled failed to progress into the next class due to the number of absences from schools caused by recurrent evictions.
21. At the regular settlement of via Idro, which housed Italian Roma mainly originating from ex-Yugoslavia, conditions were obviously much better. The residents, many of whom had been living there for decades, were however alarmed at the lack of clarity about the plans of the municipality for their settlement. Although, as confirmed by the Prefect to the Commissioner, a final decision on the matter had not yet been taken, the current plan was to turn the settlement into a transit camp, where persons evicted from unauthorised settlements would be housed temporarily pending the finding of a permanent solution.
22. A related cause for concern among residents was that, in what they saw as a translation of the Municipality's plans for the downsizing of regular settlements referred to above, many residents had reportedly been served with eviction orders on the basis of a "Regulation of areas for nomads in the territory of the Municipality of Milan", passed in February 2009.<sup>13</sup> This Regulation, which is enforced in all regular settlements around the city, provides for the eviction of residents and their families in a number of instances, including the "intervening of final convictions for offences against property or persons". The Commissioner understands that eviction orders have been issued to persons whose convictions had become final well before the entry into force of the Regulation and who have already served their sentences. For instance, the Commissioner spoke to a woman whose entire family had received an eviction order in September 2010, as a result of her having been convicted for a number of offences between 1972 and 1982.
23. At the same time as regular settlements are downsized or closed, the Commissioner notes that legal action has in some cases been necessary for alternative accommodation to be

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<sup>13</sup> Commissario per l'emergenza nomadi in Lombardia, *Regolamento delle aree destinate ai nomadi nel territorio del Comune di Milano*.

provided to residents of regular settlements who are evicted. Thus for instance, in the framework of the closure of the regular settlement of Via Triboniano, a number of families who had signed contracts with the Municipality and Prefecture for social housing had to resort to legal action in order to have these contracts respected. In this connection, the Commissioner also notes that the judge in his ruling stated that the city government's failure to abide by the commitments it had undertaken was "correlated to the mere fact of the beneficiaries' belonging to the Roma ethnic group".<sup>14</sup>

#### *Conclusions and recommendations*

24. The Commissioner is seriously concerned at reported practices concerning evictions of Roma and Sinti from settlements in Italy and at the impact that these practices have on the right to housing and other human rights of the persons concerned. He urges the Italian authorities to bring the situation fully into line with the revised European Social Charter, in light of the findings of the Committee of Social Rights in its June 2010 decision relating to collective complaint No. 58/2009 (*Centre on Housing Rights and Evictions (COHRE) against Italy*).
25. The Commissioner recalls that the right to adequate housing, which includes the right to be protected against forced eviction, is guaranteed in several international human rights treaties, which are binding on Italy.<sup>15</sup> As a result of these standards, Italy is under an obligation to ensure that evictions are only carried out as a last resort and with appropriate procedural safeguards. These safeguards include: genuine consultation with those affected; reasonable notice; and access to legal remedies. Adequate alternative housing and compensation for all losses must be made available to those affected, regardless of whether they own, occupy or lease the land or housing in question. Evictions must also not render individuals homeless. The Commissioner also recalls that Italy is under the obligation to ensure that there is no discrimination against particular groups or segregation in housing.
26. The Commissioner draws the attention of the Italian authorities to the Recommendation of the Committee of Ministers of the Council of Europe on improving the housing conditions of Roma and Travellers in Europe, which contains a series of recommendations relating to general principles, legal frameworks, preventing and combating discrimination, protection and improvement of existing housing, frameworks for housing policies, financing of housing and housing standards.<sup>16</sup> The Commissioner also recalls the commitments made by the member states of the Council of Europe on 20 October 2010, and reflected in "The Strasbourg Declaration on Roma", in the field of housing, including to "provide for appropriate and reasonable notice and effective access to judicial remedy in cases of eviction [...]".<sup>17</sup>
27. The Commissioner strongly encourages the Italian authorities to strengthen the social inclusion element of their policies in the field of housing of Roma and Sinti. To this end, the potential offered by civil society organisations not only in the implementation of policy but also in its design and monitoring has, in the Commissioner's view, not yet been fully exploited.

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<sup>14</sup> Case ai rom, il giudice alla Moratti e a Maroni: «Rispettate gli accordi»

[http://milano.corriere.it/milano/notizie/cronaca/10\\_dicembre\\_20/case-ai-rom-giudice-181112460583.shtml](http://milano.corriere.it/milano/notizie/cronaca/10_dicembre_20/case-ai-rom-giudice-181112460583.shtml)

<sup>15</sup> These include: the International Covenant on Economic, Social and Cultural Rights (ICESCR, Article 11, para 1); the International Covenant on Civil and Political Rights (Article 17); the Convention on the Rights of the Child (Article 27, para 3); the International Convention on the Elimination of All Forms of Racial Discrimination (Article 5 e); and the revised European Social Charter. The UN Committee on Economic, Social and Cultural Rights has also emphasized that "the right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one's head or which views shelter exclusively as a commodity. Rather, it should be seen as the right to live somewhere in security, peace and dignity."

<sup>16</sup> Recommendation Rec(2005)4 of the Committee of Ministers to member states on improving the housing conditions of Roma and Travellers in Europe, adopted by the Committee of Ministers on 23 February 2005.

<sup>17</sup> CM(2010)133 final "The Strasbourg Declaration on Roma" 20 October 2010, para. 38.

*c. Violent hate crimes*

28. The incidence of racially-motivated violence and the response of the authorities to this phenomenon have also been highlighted by the Commissioner as areas where improvements are needed in Italy. The 2008 and 2009 visits of the Commissioner took place following the very serious incidents of Ponticelli, Naples in May 2008, when Roma and their settlements were the target of a number of violent attacks by the local population. Since then, a number of reports indicate that Roma and Sinti continue to be particularly vulnerable to racially-motivated violence in Italy.
29. Thus, in a report published in March 2011 covering more generally racist and xenophobic violence in Italy, Human Rights Watch researched a number of violent incidents where anti-Roma sentiment appears to have played a role and examined the relative response of the Italian authorities.<sup>18</sup> As this study also indicates, Roma may suffer violence at the hands of private individuals, typically in the streets when Roma are asking for money or are perceived to be asking for money, but also sometimes by law enforcement officials. In this latter case, violence reportedly tends to take place in the context of forced evictions of unauthorised settlements or raids, or when Roma find themselves in the company or custody of law enforcement officials for different reasons, including administrative procedures.
30. While in Milan, the Commissioner received reports concerning unnecessary violence having been used against some of the residents of the regular settlement of Via Triboniano, in Milan, in May 2010. The inhabitants of the settlement reportedly intended to join a march, which they mistakenly believed had been authorised, in protest against the lack of progress in negotiations for alternative housing once the camp is dismantled. The Commissioner also notes reports according to which, on this occasion, law enforcement officers fired tear gas and closed all exits of the settlement for several hours.
31. More generally, prosecutions for racist and xenophobic violence are rare in Italy, with officials reported to often downplay the extent of the problem and fail to condemn attacks. Accordingly, the statute establishing racist motivation as an aggravating circumstance of any offences is interpreted only to apply to cases where racial hatred was the sole motivation of the offence, leaving racist crimes prosecuted as though they were ordinary offences.
32. Incomplete data collection compounds the problem. In this connection, the Commissioner notes with interest that, as explained to him by the Secretary of State of the Ministry of Interior, Ms Sonia Viale, an Observatory for the Protection of Minority Victims of Discrimination (OSCAD) was established within the Central Directorate of Criminal Police in the summer 2010 with the task of compiling and monitoring progress on reports of hate-motivated crimes.

*Conclusions and recommendations*

33. The Commissioner believes that reported instances of anti-Roma violence point to a continuing need for the Italian authorities to improve their response to racially-motivated violence generally, a long-standing concern of many human rights monitoring bodies in Italy.
34. The Commissioner draws once again the attention of the Italian authorities to ECRI's General Policy Recommendation No. 11, which provides extensive guidance on both improving the response of the police to racist offences and combating racially-motivated misconduct by the police. On the first aspect, the Commissioner highlights in particular the guidance aimed at improving the system for monitoring racist incidents and racist offences through the introduction of a more flexible and victim-friendly system of reporting and recording relevant incidents. On the second aspect, the Commissioner stresses the importance of thorough

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<sup>18</sup> Human Rights Watch, *Everyday Intolerance – Racist and Xenophobic Violence in Italy*, March 2011.

training for law enforcement officials in human rights and policing a diverse society, and the need to ensure effective investigations into alleged racially-motivated misconduct by law enforcement officials.

35. More generally, the Commissioner considers that efforts are needed to ensure that the racist motivation of any offences is duly taken into account at all levels of the criminal justice system, from the police to the prosecuting authorities and the courts. In this connection, political leadership appears to be necessary to make all those involved in the criminal justice system fully aware of the need to actively and thoroughly counter all manifestations of racism and racial discrimination.

*d. Statelessness*

36. Many Roma who came to Italy from the former Yugoslavia in the 1960s and 70s and during the war in the 1990s still live in Italy today without Italian or any other citizenship. Their descendants, whose number is currently estimated at around 15 000, are also *de facto* stateless in Italy in spite of having been born and lived there all their lives.
37. The Commissioner notes reports according to which the situation of stateless Roma persons in Italy is even more precarious today, as a result of the combined effect of two measures that the Commissioner already highlighted as problematic in his previous Report and Memorandum: the “security package”, which criminalised irregular entry into Italy and stay without a valid residence permit, and the “Nomad emergency” legislation, which allowed the carrying out of censuses of the population of Roma settlements.<sup>19</sup> In practice, this has resulted in many Roma and Sinti living in Italy, including Italy-born stateless persons, being liable to criminal prosecution and expulsion.
38. In 2009, the Italian authorities reported to the Commissioner that legislation aimed at granting Italian nationality to children born in Italy to stateless parents when at least one of the parents was in Italy from before 1 January 1996, was pending before the Parliament. The Commissioner understands that no progress has been achieved on this front. At that time, the Italian authorities also reported that the Ministry of Interior favoured ratification by Italy of the European Convention on Nationality and had abandoned its previous position concerning the need for a reservation to Article 6.4 f (on facilitating the acquisition of nationality by persons who are lawfully and habitually resident on its territory for a period of time beginning before the age of 18). However, Italy has not yet ratified the Convention.

*Conclusions and recommendations*

39. The Commissioner urges the Italian authorities to address the situation of the many thousands of Roma persons who are life-long or long-term residents of Italy and live there without Italian or any other nationality. He draws the attention of the Italian authorities to the 2009 Recommendation of the Committee of Ministers of the Council of Europe on the nationality of children, which provides guidance to member states on how to reduce statelessness among children.<sup>20</sup> According to this recommendation, member states should *inter alia*: “provide that children born on their territory who otherwise would be stateless acquire their nationality subject to no other condition than the lawful and habitual residence of a parent”; and “treat children who are factually (*de facto*) stateless, as far as possible, as legally stateless (*de jure*) with respect to the acquisition of nationality”. The Commissioner furthermore reiterates his call for the ratification by Italy of the European Convention on Nationality without reservations.

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<sup>19</sup> See CommDH(2009)16, Chapters II and III; CommDH(2008)18, Chapters III and IV.

<sup>20</sup> Recommendation CM/Rec(2009)13 of the Committee of Ministers to member states on the nationality of children, adopted by the Committee of Ministers on 9 December 2009.

*e. Overall strategies for the inclusion of Roma and Sinti in society*

40. The need for a national strategy for the social inclusion of Roma and Sinti in Italy that would provide coherence to and support efforts at regional and local level in this field has been repeatedly highlighted by both international and national bodies dealing with the protection of human rights. Since the Commissioner highlighted this need in his Memorandum of 2008, however, no progress has been achieved on this front. Thus, in October 2010, the Advisory Committee on the Framework Convention for the Protection of National Minorities still highlighted the lack of a legal framework and a “comprehensive strategy for the integration and protection of Roma and Sinti in Italy” as a key area for action for the Italian authorities.<sup>21</sup> In its report on the situation of Roma and Sinti in Italy published in May 2011, the Italian Senate’s Human Rights Commission also notes that the current lack of a national plan on Roma and Sinti limits the use made in Italy of European funds that are available for integration purposes.<sup>22</sup>

*Conclusions and recommendations*

41. The Commissioner reiterates his call on the Italian authorities to adopt and implement a national strategy for the social inclusion of Roma and Sinti. Drawn up in thorough and genuine consultation with as broad a range of Roma and Sinti representatives and organisations as possible, the strategy should take into account the diversity of the situations in the different regions of Italy and aim at effectively supporting social inclusion initiatives at the local level.
42. As an initial step towards such a strategy, it could be useful to consider the establishment of a task force at national level, which would support and service a network of regional and local stakeholders that are active in social inclusion work for Roma and Sinti, as also suggested by the report of the Italian Senate’s Human Rights Commission.<sup>23</sup>
43. It has to be stressed however, that for such a strategy to have a chance to produce long-term results, a genuine effort is needed in Italy to shift paradigm in dealing with issues relating to Roma and Sinti: the focus must be much more on social inclusion, non-discrimination and combating anti-Gypsyism and less on coercive measures such as forcible evictions and expulsions.

**II. Protection of the human rights of migrants, including asylum seekers**

44. Following the political unrest in Tunisia and the armed conflict in Libya, the number of migrants, including asylum seekers, arriving on boats to Italy, and in particular Lampedusa, has increased sharply. Since mid-January, approximately 24 000 people have arrived from Tunisia. At the end of March 2011, migrants also started to arrive on boats from Libya (the biggest groups being nationals of Nigeria, Ghana, Mali, Ivory Coast, Bangladesh, Eritrea and Somalia) and by 23 June their number had almost reached 20 000. In addition to arrivals from Tunisia and Libya, some 2 000 migrants landed in southern Italy on boats coming from Egypt, Greece and Turkey. On 23 June, the total figure of arrivals by sea to Italy since January 2011 therefore stood at around 46 000.
45. It is clear that these events pose a number of challenges relating to a wide range of human rights, including the right to seek asylum and the right to life, notably in connection with rescue operations at sea. With most of the migrants from Northern Africa seeking refuge and

<sup>21</sup> ACFC/OP/III(2010)008, Executive summary.

<sup>22</sup> Senato della Repubblica, Documentazione di Commissione n°7, Commissione straordinaria per la tutela e la promozione dei diritti umani, Rapporto conclusivo dell’indagine sulla condizione di Rom, Sinti e Camminanti in Italia, May 2011.

<sup>23</sup> *Ibidem*, p.4

a new life in "Europe" generally, and not specifically in the countries that they reach first, the European dimension of these challenges is equally clear. Certainly, the ongoing military operations in Libya and their impact on migratory movements bound to Europe has lent further visibility to this European and international dimension. Accordingly, the Commissioner has on many occasions called for a greater European role, in the form of solidarity and co-operation in meeting the human rights challenges relating to arrivals of migrants, including asylum seekers, from Northern Africa, but unfortunately the response has been limited. The Commissioner reiterates this call in respect of the situation with which Italy is confronted at the moment.

46. At the same time, the Commissioner wishes to stress that Italy must abide by its human rights obligations *vis-à-vis* all migrants, including asylum seekers, who find themselves within Italy's jurisdiction - a responsibility which in the Commissioner's view has not been met fully. While the Italian authorities have taken a number of steps to protect the human rights of these persons, from rescue at sea through to reception and access to asylum, concerns remain in different subject areas, some of which are highlighted below.
47. More generally, the Commissioner wishes to stress that a more objective and balanced representation of the migration movements prompted by the events in Northern Africa, and notably the conflict in Libya, would assist in ensuring a human rights compliant response to these phenomena in both Italy and Europe as a whole. In this respect, the Commissioner notes that the 20 000 arrivals from Libya to Italy mentioned above stand, at least for the moment, in stark contrast with the many times greater forecasts concerning the potential number of arrivals from Libya which had been made publicly in Italy at the beginning of the conflict. It is also sobering to note that these arrivals account for around 2% of the persons having left Libya as a result of the conflict. Indeed, 98% of the approximately 1 100 000 people who have left Libya so far have done so by crossing land borders into Tunisia, Egypt, Niger, Chad and Algeria.

*a. Rescue operations and interceptions at sea*

48. The Italian authorities, and particularly the coast guard and customs police, have been instrumental in saving the lives of many migrants who have attempted to reach European shores from Northern Africa on unseaworthy boats. Rescue operations have obviously intensified in recent months, reflecting the increase in departures of migrant boats from Tunisia and Libya since January 2011.
49. Over the same time period, however, at least as many as 1 500 persons have lost their lives while trying to cross the Mediterranean to seek a safe haven. The Commissioner notes that responsibilities remain to be ascertained in certain cases. For instance, in an episode which is currently being investigated by the Parliamentary Assembly of the Council of Europe, and which resulted in the death at sea of 61 persons, including over 20 women and children, a boat carrying 72 migrants was left adrift for two weeks in spite of its presence having reportedly been signalled to the authorities of Italy, Malta and NATO, and the boat itself having been spotted by a helicopter and a passing vessel of unidentified nationalities. The Commissioner notes that in some cases, lack of clarity and agreement, notably between Italy and Malta, about responsibilities for rescue may delay operations or otherwise put the lives of migrants in distress at risk. More generally, the Commissioner finds it difficult to accept that people in distress at sea can face death in one of the busiest areas of the Mediterranean, especially now with the large numbers of military and other vessels in the area.
50. The Commissioner also notes that since May 2009, and up to the beginning of the armed conflict in Libya in February 2011, the Italian authorities have carried out operations jointly with Libya in the central Mediterranean, aimed at intercepting migrants fleeing Libya on boats and returning them there (so-called *respingimenti*, or push-backs). The practice has been repeatedly criticised for violating international human rights law, as migrants, including

asylum seekers, are returned to Libya where they risk being ill-treated or in turn deported to other countries where they are exposed to such a risk, without being given an opportunity to seek and enjoy international protection through an individual assessment of their case. Indeed, in a case that is currently pending before the Grand Chamber of the European Court of Human Rights, a group of Somali and Eritrean migrants who were travelling by boat from Libya have argued that the decision of the Italian authorities to intercept their vessels on the high seas and send them straight back to Libya exposed them to a risk of ill-treatment there, as well as to a serious threat of being sent back to their countries of origin, where they might also face ill-treatment.<sup>24</sup>

51. The Commissioner notes that the beginning of these operations started shortly after the conclusion of agreements between Italy and Libya in 2008 and 2009.<sup>25</sup> In his 2009 report on Italy, the Commissioner expressed “his disapproval of bilateral or multilateral agreements for the forced return of irregular migrants to countries with long-standing, proven records of torture”,<sup>26</sup> a concern which was shared by the Parliamentary Assembly in June 2010.<sup>27</sup> In February 2011, following the beginning of the armed conflict in Libya, Italy announced that it had suspended the implementation of its agreements with Libya. However, the Commissioner also notes that on 17 June 2011, Italy signed with the Libyan National Transitional Council a Memorandum of Understanding, which refers to the commitments contained in the agreements previously signed with Libya and provides for mutual assistance and co-operation in combating irregular immigration, “including the repatriation of immigrants in an irregular situation.”<sup>28</sup>

#### *Conclusions and recommendations*

52. The Commissioner welcomes the invaluable efforts of the Italian authorities aimed at rescuing migrants on boats in the Mediterranean, which have saved thousands of lives over the past months and years. He strongly encourages the Italian authorities to maintain their long-standing tradition of rescue, a task which is all the more indispensable in the current context of forced migration from Libya.
53. At the same time, the Commissioner calls on the Italian authorities to ensure that in all cases where migrants are in distress at sea their rescue and safety enjoy absolute priority over all other considerations. The attention of the Italian authorities is drawn to the PACE resolution 1821 (2011)<sup>29</sup> adopted in June 2011, which calls on member states to “fulfil without exception and without delay their obligation to save people in distress at sea.”<sup>30</sup> In this connection, the Commissioner recalls that on 8 April, just two days after a boat from Libya carrying more than 220 migrants capsized near the Italian island of Lampedusa causing the death by drowning of more than 200 persons, UNHCR recommended that “[a]ny overcrowded boat leaving Libya these days should be considered to be in distress.” On the same occasion UNHCR also underlined that “[a] long-standing tradition of saving lives at sea may be at risk if it becomes an issue of contention between States as to who rescues whom.”

<sup>24</sup> *Hirsi and Others v. Italy* (Application no. 27765/09)

<sup>25</sup> The “Treaty on Friendship, Partnership and Co-operation between Italy and the Great Socialist People’s Libyan Arab Jamahiriya”, concluded in October 2008, and ratified by Italy through Law n. 7/09 of 6 February 2009. Following the conclusion of this treaty, Italy and Libya drew up an implementation protocol on 4 February 2009 (“Protocollo concernente l’aggiunta di un articolo firmato a Tripoli il 29/12/2007 tra la Repubblica Italiana e la Gran Giamahiria Araba Libica Popolare Socialista).

<sup>26</sup> CommDH(2009)16, para. 77.

<sup>27</sup> Resolution 1741 (2010)1 Readmission agreements: a mechanism for returning irregular migrants, text adopted by the Assembly on 22 June 2010.

<sup>28</sup> <http://it.reuters.com/article/topNews/idITMIE75G0BE20110617>

<sup>29</sup> Resolution 1821 (2011) The interception and rescue at sea of asylum seekers, refugees and irregular migrants, text adopted by the Assembly on 21 June 2011.

<sup>30</sup> Resolution 1821 (2011) para 9.1

54. The Commissioner urges the Italian authorities to discontinue and refrain from becoming involved in any practices in the field of interceptions at sea that may result in migrants being sent to places where they are at risk of ill treatment or onward refoulement. The Commissioner wishes to highlight that when a state exercises effective control, authority or power over third-country nationals rescued or intercepted at sea (including the state's own territorial waters, those of another state and international waters) its obligations include ensuring effective access to adequate asylum determination procedures and not returning individuals to countries where they would face a real risk of persecution or treatment contrary notably to Articles 2 (right to life) and 3 (prohibition of torture) of the ECHR.
55. In this connection, the Commissioner draws once more the attention of the Italian authorities to the PACE resolution 1821 (2011) which calls on member states to: "refrain from any practices that might be tantamount to direct or indirect refoulement, including on the high seas, in keeping with the UNHCR's interpretation of the extraterritorial application of that principle and with the relevant judgements of the European Court of Human Rights"; and to "suspend any bilateral agreements they may have concluded with third states if the human rights of those intercepted are not appropriately guaranteed therein, particularly the right of access to an asylum procedure, and wherever these might be tantamount to a violation of the principle of non-refoulement [...]".<sup>31</sup>
56. In accordance with UNHCR's recommendations on protection with regard to people fleeing from Libya, the Commissioner strongly encourages the Italian authorities to continue to keep the country's borders open for people who are forced to flee from Libya and are in need of international protection.<sup>32</sup>

*b. Reception of migrants, including asylum seekers*

57. The sharp increase in arrivals from the coasts of Northern Africa has put the Italian system of reception of migrants, including asylum seekers, under strain. The Commissioner notes that the considerable number of arrivals on the tiny island of Lampedusa over a short period of time, combined with delays in the transfer of migrants to mainland Italy resulted in gravely substandard conditions of reception in Lampedusa at least up until the end of March 2011. Subsequently, the regular transport of migrants to reception centres in Sicily and other parts of Italy began, and the Commissioner notes that, although problems remain<sup>33</sup>, the PACE delegation which travelled to Lampedusa from 23-25 May 2011 described the situation at that point in time as "much more under control".<sup>34</sup>
58. The Commissioner notes that asylum seekers arriving in Italy can be referred to different types of accommodation. Generally, they are sent to nine CARAs (*Centri d'accoglienza per richiedenti asilo*), which are open first-reception centres for asylum seekers. CDAs (*Centri di accoglienza*), which are reception centres for migrants, may also be used. The total capacity in these two types of centres is 4 175, to which 775 additional places in first aid and reception centres, or CPSAs (*Centri di primo soccorso ed accoglienza*), must be added. In certain circumstances, for instance when they have been served with an expulsion order, asylum seekers can also be detained in CIEs (*Centri d'identificazione ed espulsione*). Finally, asylum seekers without means of subsistence may be referred to housing schemes administered by SPRAR, a publicly-funded network of local authorities and non-profit organisations. The approximately 3 000 additional places available under SPRAR are however shared between asylum seekers and persons who have already been granted international protection.<sup>35</sup>

<sup>31</sup> Resolution 1821 (2011) paras. 9.4 and 9.9

<sup>32</sup> See Protection considerations with regard to people fleeing from Libya – UNHCR's recommendations (as at 25 February 2011), 25 February 2011.

<sup>33</sup> See below, this section.

<sup>34</sup> [http://assembly.coe.int/ASP/NewsManager/EMB\\_NewsManagerView.asp?ID=6661&L=2](http://assembly.coe.int/ASP/NewsManager/EMB_NewsManagerView.asp?ID=6661&L=2)

<sup>35</sup> See below, Integration of refugees and other beneficiaries of international protection.



59. The Commissioner notes that following the arrivals from Northern Africa, the Ministry of Interior asked the regions of Italy to identify facilities for the reception of migrants, since CARAs and CDAs were not sufficient to meet the needs. The State Secretary at the Ministry of Interior, Ms Sonia Viale shared with the Commissioner her appreciation of the solidarity displayed by the different Italian regions in this respect. While welcoming this, the Commissioner also notes reports according to which centres in which asylum seekers are hosted do not always meet the relevant standards, in particular as concerns provision of legal aid and psycho-social assistance. Difficulties in the speedy identification of vulnerable persons and the preservation of family unity during transfers from the points of disembarkation to the different centres have also been reported, with resulting inadequate care and follow-up for the individuals concerned.
60. In fact, the Commissioner notes that shortcomings concerning the availability of legal aid and psycho-social assistance have been found even in the biggest centre, the Village of Solidarity in the proximity of Mineo, near Catania, Sicily, where on 19 April some 1 800 persons were accommodated. A delegation of the Italian Senate's Human Rights Commission, who visited the centre on that day, also highlighted the lack of public transportation and adequate telephone facilities as problems to be addressed. Other sources of concern included the fact that the centre had not yet been formally recognised as CARA, a circumstance which impacted negatively on the availability of a number of services for asylum seekers, and the lack of initiatives aimed at identifying those who may be able and willing to travel back to their homes through assisted voluntary returns. The delegation also reported that approximately 500 asylum seekers had been transferred there one month earlier from CARAs around Italy without clarity about the reasons for their transfer or information on its consequences on the continuation of their asylum claims.<sup>36</sup>
61. Indeed, the Commissioner notes that there has been considerable lack of clarity concerning the nature of the centres in which migrants are kept and the regime (including detention or not) applicable to them. Thus, for instance, the Commissioner understands that since the beginning of May 2011, the reception centre in Lampedusa has been functioning as a detention centre in practice, and that at the end of May 2011 some 180 people, including 14 asylum seekers, were being kept there, without their detention having been confirmed by a judge. Other centres, where difficult material conditions have also been reported, were initially established without a clearly defined status in Sicily, Campania and Apulia, and subsequently turned into CIEs. For instance, the Commissioner understands this to be the case for the centre in Santa Maria Capua a Vetere, which was turned into a CIE on 21 April and closed at the beginning of June following a fire that started after protests by inmates.
62. The Commissioner also notes that on 5 April, the Italian government signed a bilateral agreement with the Tunisian authorities, aimed at strengthening border controls by Tunisia in order to prevent departures from its coast and allowing for the "swift repatriation" of migrants from Tunisia who landed on Italian shores after 5 April. Thus, migrants who had reached Italy before that date were allowed to apply for temporary residence permits for humanitarian protection, which the Commissioner understands have so far been granted to around 11 000 persons. As for those who arrived later, the Italian government announced on 6 April that they would be "repatriated directly" to Tunisia with "simplified procedures".<sup>37</sup> At the time of the Commissioner's visit these returns had been enforced with respect to approximately 850 persons.

<sup>36</sup> *Visita di una delegazione della Commissione straordinaria per la tutela e la promozione dei diritti umani al «Villaggio della solidarietà» di Mineo (CT), Martedì 19 Aprile 2011.* See also Amnesty International, Briefing Paper, EUR 30/007/2011 *Italy: Amnesty International findings and recommendations to the Italian authorities following the research visit to Lampedusa and Mineo*, 21 April 2011.

<sup>37</sup> [http://www.interno.it/mininterno/export/sites/default/it/sezioni/sala\\_stamp/immigrazione/000073\\_2011\\_04\\_06\\_accordo\\_Italia-Tunisia.html](http://www.interno.it/mininterno/export/sites/default/it/sezioni/sala_stamp/immigrazione/000073_2011_04_06_accordo_Italia-Tunisia.html)

63. The modalities through which these returns have been carried out have given rise to a number of concerns, including as regards their conformity with the procedural guarantees set out in the EU Returns Directive.<sup>38</sup> Apart from concerns relating to the structures where they were kept pending the removals, it is reported that migrants have not always been properly notified of the expulsion decisions and final destination of return. It also appears that they have not been offered the possibility to obtain legal advice and lodge an appeal against the adopted decision. In April 2011, Amnesty International expressed its concern that the people that had been subjected to these returns had been victims of collective summary returns, in violation of human rights and refugee law.<sup>39</sup>

#### *Conclusions and recommendations*

64. The Commissioner encourages the Italian authorities to ensure that their reception capacity for migrants, including asylum seekers, is able to respond to the fluctuating trends of arrivals and variations in the number of asylum applications. To this end, the Commissioner considers that the Italian authorities should consider expanding the accommodation capacity in the SPRAR system and ensure a better distribution of tasks between SPRAR projects and accommodation in the CARAs system.

65. The Commissioner also encourages the Italian authorities to ensure that in all centres where they are accommodated, asylum seekers enjoy conditions that meet national and international, including Council of Europe, standards as well as adequate access to legal aid and psycho-social assistance. This is important in order to ensure that the currently good levels of protection – the commissioner understands that in 2010 around 45% of asylum seekers obtained either refugee status or subsidiary or humanitarian protection -- are maintained also in a context of increasing asylum applications. It is also particularly important that special measures are effectively implemented to identify and cater for the special needs of vulnerable individuals, including unaccompanied children, single or pregnant women, persons with disabilities and victims of torture and sexual and gender-based violence.

66. The attention of the Italian authorities is drawn in particular to Resolution 1637 (2008) of the Parliamentary Assembly of the Council of Europe, which calls on Mediterranean member states receiving mixed flows of irregular migrants, refugees and asylum seekers to adopt a number of measures applicable to both reception and detention centres.<sup>40</sup> In the Resolution, the Assembly also calls on these states to: “progressively proscribe administrative detention of irregular migrants and asylum seekers [...] and in the meantime allow detention only if it is absolutely necessary to prevent unauthorised entry into the country or to ensure deportation or extradition, in accordance with the European Convention on Human Rights”; “ensure that detention is authorised by the judiciary and is used only if it is necessary and if there is no suitable alternative [and] for the shortest possible period of time”; and “promote the use of assisted voluntary return programmes with the support of the IOM”.<sup>41</sup>

67. The Commissioner calls on the Italian authorities to ensure that all migrants are adequately screened to assess potential international protection needs. In case a decision of removal is taken, the persons concerned should be provided with adequate information on their right to challenge removal on international protection or other human rights grounds, and granted access to an effective remedy for doing so.

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<sup>38</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals. The procedural guarantees referred to are in particular those provided for in Articles 12, 13 and 14.

<sup>39</sup> Amnesty International, Briefing Paper, EUR 30/007/2011.

<sup>40</sup> Resolution 1637 (2008) Europe’s boat people: mixed migration flows by sea into southern Europe, 28 November 2008.

<sup>41</sup> Resolution 1637 (2008), paras. 9.3, 9.4 and 9.16

68. The Commissioner recalls the prohibition of collective expulsions of aliens contained in Article 4 of Protocol 4 of the ECHR and calls on the Italian authorities to ensure that all returns of non-citizens, including in the framework of the current migration flows, are fully in line with this provision. He draws the attention of the Italian authorities to the “20 guidelines on forced return” adopted by the Council of Europe Committee of Ministers in May 2005, and to Resolution 1637 (2008) of the Parliamentary Assembly of the Council of Europe which calls on member states to only carry out forcible returns in accordance with these guidelines.<sup>42</sup>

*c. Integration of refugees and other beneficiaries of international protection*

69. A long-standing concern voiced by organisations dealing with the rights of asylum seekers and refugees in Italy, which the current increase in arrivals might exacerbate in the medium term, is the lack of a reliable system to support the integration of refugees and other beneficiaries of international protection in society. In theory, these persons are entitled, on a par with Italian nationals, to many of the rights, notably in the social and economic spheres, which are key to supporting integration. In practice however, the lack of family and social networks in Italy combined with a number of shortcomings in Italian legislation and administrative practice often pose insurmountable obstacles to their efforts to achieve self reliance.

70. For instance, in spite of their disadvantaged position, especially at the early stages, on the labour market, beneficiaries of international protection do not enjoy special support in accessing employment. Language training, civic education and professional training are only available to these persons for as long as they reside in the CARAs as asylum seekers, which they can do for six months maximum. In many cases, they also have difficulties finding accommodation, since SPRAR housing schemes, which are available for both asylum seekers and beneficiaries of international protection, are not enough. As a result, several hundred refugees are reported to live in destitute conditions or squat illegally around the country, with some becoming homeless. At the local level, additional hurdles are sometimes posed by provisions limiting access to certain rights to Italian nationals, in contravention of anti-discrimination legislation, and difficulties in obtaining residence registration (*iscrizione anagrafica/residenza*), which in turn negatively affects the enjoyment by them of a number of rights.

71. The obvious difficulties with which refugees and beneficiaries of international protection are faced in accessing personal documentation from their countries of origin are not always taken into account, for instance when they seek family reunification. Obtaining Italian citizenship is also very difficult, in spite of a shorter residence requirement (five years instead of ten) for refugees than for other non-nationals. The shortcomings in this respect are those already highlighted *inter alia*, by the Commissioner himself in his last report and by ECRI already in 2006 and include: a wide margin of administrative discretion resulting in many cases in negative decisions; income-related requirements for naturalization that are difficult for refugees to meet; the non-acquisition of Italian nationality by children born to refugees in Italy; and an excessively long duration of the whole process.<sup>43</sup>

*Conclusions and recommendations*

72. The Commissioner calls on the Italian authorities to devote more attention and resources to the integration of refugees and other beneficiaries of international protection. To this end the Commissioner believes that the capacity of SPRAR to provide accommodation and services to beneficiaries of international protection should be considerably strengthened, not only by

<sup>42</sup> Resolution 1637 (2008) para. 9.16.

<sup>43</sup> See CommDH(2009)16, Chapter III, and CRI(2006)19 European Commission against Racism and Intolerance, *Third Report on Italy*, Strasbourg, May 2006 paras. 4-7.

making more funds available, but also by securing a greater involvement of the regions and municipalities where SPRAR projects could be more successful and sustainable. Further steps that could be taken include a comprehensive review of laws and regulations that impact on refugee integration and the introduction of positive action measures, for instance on the labour market, to support the integration beneficiaries of international protection at the very initial stages that follow status recognition. The current difficulties encountered by refugees in accessing Italian nationality and the excessive delays they experience in obtaining family reunification should also be addressed.

**APPENDIX**

**ITALY**

***MINISTRY OF FOREIGN AFFAIRS***

*Inter-ministerial Committee of Human Rights*

*Comitato Interministeriale dei Diritti Umani*

**ITALIAN OBSERVATIONS ON THE REPORT  
BY THE COMMISSIONER FOR HUMAN RIGHTS  
OF THE COUNCIL OF EUROPE,  
T. Hammarberg,  
FOLLOWING HIS VISIT TO ITALY (May 26-27, 2011)**

**Rome, September 5, 2011**

In order to provide a comprehensive overview on the points raised following your visit to Italy from 26 to 27 May 2011, the Italian Authorities deem it important to point out the following.

As a preliminary remark it is worth mentioning that the Italian legal system envisages a specific system of criminal protection to counter expressions of racism and xenophobia, which include expressions of thoughts aimed at disseminating ideas based on racial or ethnic superiority, hatred language as well as at the incitement to commit acts of discrimination or of violence for racial, ethnic and/or religious reasons.

Italian legislation punishes the setting up of organizations, associations, movements or groups which, among others, incite to discrimination or violence for racial, ethnic and/or religious reasons; furthermore it lays down a special aggravating circumstance for all crimes committed with a view to discrimination or racial hatred.

As far as the protection of Roma and Sinti communities is concerned, implementing effective measures against social exclusion of Roma remains a priority for Italy. The Italian Government is using a considerable amount of national and local resources in order to monitor the real size of the settlements, support social inclusion of Roma communities, especially in the field of the right to education and right to health, and provide better employment opportunities. Local authorities have adopted many initiatives in this respect, including the assignment of housing units, access to education, vocational training, cultural mediation and medical assistance.

## **I. Protection of the human rights of Roma and Sinti**

### **a) Anti-Gypsyism in political discourse (recommendation n. 10)**

It should be preliminarily noted that the Italian legal system envisages specific laws against racist and xenophobic manifestations, which include the manifestation of thoughts aiming at spreading ideas based on racial or ethnic superiority or hatred and at the incitement to commit deeds of discrimination or violence for racial, ethnic or religious reasons.

The current criminal regulations on racial and ethnic discrimination are stated under Law no. 654 dated October 13, 1975, ratifying and applying the International Convention on the elimination of all forms of racial discrimination of 1966, as amended by Law no. 205 dated June 25, 1993 (known as Mancino's law) and by Law no. 85 dated February 24, 2006.

In addition to the offences mentioned above, the aforementioned law punishes the constitution of organizations, associations, movements or groups having among their aims the incitement to discrimination or violence for racial, ethnic or religious reasons. It also envisages a special aggravating circumstance in all offences committed for purposes of discrimination or racial hatred.

The use of racist or xenophobic arguments in political debating, if considered to have criminal intent, is therefore subject to examination by a penal magistrate to verify possible penal illegality that might be found in written documents, speech or programmes of political representatives.

The National Office against Racial Discrimination (UNAR), should it discover in the cases examined during its daily activity facts that could amount to a crime, systematically proceeds to give notice to the relevant local authorities in conformity with article 331 of the penal code.

As already mentioned during Italy's examination in occasion of the Universal Periodic Review by the Human Rights Council, two important sentences were passed by the judicial authorities relating to episodes of intolerance ascribable to two politicians in northern Italy.

The Court of Justice of Venice, with sentence passed on October 26, 2009 after summary procedure, found the first politician guilty of incitement to racial hatred and sentenced him to a 4,000 Euro fine and prohibited his participation at public meetings for a period of three years as a consequence of the contemptuous words and tones he used against immigrants during a public meeting in 2008.

In the second case, in July 2009 the Court of Cassation definitively confirmed the sentence with a two month imprisonment, with probation, against the other politician, for promoting racist ideas.

At first, in december 2004 the Court of Justice of Verona sentenced him to six month imprisonment for promoting racist ideas and inciting to commit acts of discrimination; however, on January 30, 2007, the Court of Appeal of Venice reduced the sentence to two month imprisonment after the charge of incitement to racial hatred was declared non-existent.

The verdict was then partially revoked by the Court of Cassation and deferred to a new examination of the case by the Court of Appeal which, passing sentence on October 20, 2008 confirmed the offence of propaganda of racist ideas; this decision was then reconfirmed by the Court of Cassation in July 2009.

#### **b) Housing and Evictions (Recommendations n. 24-27)**

It should be emphasized that the situation of emergency - due to severe degradation of squatter settlements and to the Roma's accompaniment towards paths of autonomy aimed at promoting the housing and employment access - has been progressively overcome.

More specifically, following the declaration of the state of emergency, made by the Government with Orders (Prime Minister decree) in May 2008, a first step consisted in evacuating the unauthorized Roma settlements, given the absolute incompatibility between the conditions of insecurity and degradation of their squatter camps (lack of water, sanitation, waste accumulation, etc.) and the protection of fundamental human rights. Moreover, during this phase, the Commissioner for Nomads' Emergency in Lombardy has called on the mayors of the concerned provinces (Milan and Monza and Brianza) to adopt care and reception programs concurrently with the settlements dismantling, especially to favor families with minors. In addition, special attention must be guaranteed to minors, to whom public transport to get to school is always ensured. It must be underlined also that forced evictions have affected only subjects residing in squatter settlements, while the regular ones are allowed and subject to an authorization system of municipal jurisdiction. Furthermore, as to the settlements of Milan, in February 2009 the Commissioner adopted an *ad hoc* Regulation, that is the "Regulation of the designated areas for nomads in the Municipality of Milan". It sets out the criteria to reside in camps, and their implementation is ascribed to the Municipality of Milan, as holder of these areas, through a management committee.

The second Commissioner's line of action consisted in promoting the nomadic population autonomy, and in accessing to housing or free market houses, in order to improve the Roma and Sinti communities' integration in the social structure, and to radically overcome the general idea about the gypsy camps. In this regard, according to the Law 133/2008, the municipalities have presented some projects financed by the Ministry of Interior to provide accompanying courses for families who will move into stable homes and agree to leave the camps. Among the concrete support measures, grants to purchase and rent houses had been provided, as well as the establishment of a fund for social housing for the accommodation of public property dwellings entrusted to social aids that can be used against payment for a period not more than one year.

The extension of the state of emergency will allow to complete the projects undertaken and, in those cases of positive outcomes, to consolidate the achieved results both under the nomads communities' housing autonomy and working start up processes.

#### **d) Statelessness (Recommendation n. 39)**

Act N. 91, February 5, 1992 contains measures that encourage stateless people in acquiring the Italian nationality: a stateless person that has been residing in Italy for at least 5 years is entitled to apply for citizenship. In addition, the stateless person that is lawfully in the territory of the State has the full exercise of civil rights. Finally, the condition of a statelessness is equivalent to the refugee one.

The recognition procedure for the status of statelessness can take place by judicial decision by the Supreme Court, or by administrative means. A specific "request for a permit of stay for stateless people" will be issued for the duration of the investigation to the foreigner who has filed for the recognition of his/her status of statelessness, when already in possession of a residence permit for other reasons. Subsequent to the recognition of the status, the Police shall issue a "permit of stay for a stateless person" and, if requested by the interested subject, the specific "travel document for a stateless person." This particular document will allow the foreigner to leave the national territory and move in all countries whose governments are recognized by the Italian one, but all limitations and conditions provided.

In addition, the Italian authorities consider it useful to point out that the Third Biennial National plan of actions and interventions to protect the rights of individuals and children's development (adopted by Presidential Decree January 21, 2011 and published in the Official Gazette N. 106 of May 9, 2011) contains several measures to promote interculturalism, including measures to help Roma, Sinti and Travellers children.

In particular the attention has drawn to the following:

- Action for the foreigners' family reunification;
- Action for support, education and employment for accompanying minors involved in criminal proceedings, including Roma, Sinti, Travellers children as well as minor migrants children;
- Action for the prevention of school dropout of children, including Roma, Sinti and Travellers children as well as immigrant minors, and implementation of social inclusion interventions;
- Action to protect the right to health for Roma, Sinti and Travellers children and teenagers;
- Action for the promotion of intercultural trainings for teaching staffs and headmasters.



## **II. Protection of the human rights of migrants, including asylum seekers**

Immigration and integration are at the top of the agenda of the Italian Authorities. National policies are increasingly influenced by decisions taken at the EU level and in this context, the Council of Europe's suggestions play a pivotal role.

### **b) Reception of migrants, including asylum seekers**

Italy not only observes international standards on the reception of migrants and asylum seekers, but has also adopted stringent quality standards at the national level, contained in the "Guidelines for the management centers", approved by Ministerial directive of January 8, 2003 and subsequently amended only by the specifications for the immigrants' centers working and management, approved in turn by Ministerial Decree on November 21, 2008. The Ministry of Interior monitors continuously the living conditions in the structures for immigrants so that they effectively match the standards provided. The monitoring includes not only the examination of periodic reports regarding the accurate timely fulfilment of the terms of the specifications, but also a management control. The latter is an *audit* system aiming at testing and evaluating the performance of the structures on the effectiveness and efficiency, that will be improved in the current year.

With regard to the basic services insured by the Italian structures, one must consider: the linguistic and cultural mediation, the information service on migration legislation, rights and duties of foreigners and performances available for guests from the reception in the structures, including assistance to children and newborns. Particular attention is paid to health care. Initially guests are subjects to an entry screening, designed to identify the most vulnerable ones (unaccompanied minors, victims of violence, the disabled). The outcomes of these tests are collected in a personal health record (a copy shall be given to the interested subject). In addition, within each structure there is a specific medical facility equipped for first aid with medical and paramedic staff. This kind of first aid is provided in landing places. Hygiene and environmental cleaning services are guaranteed in reception structures, as well as the collection and disposal of waste, and guests are supplied with personal hygiene products, clothing and other supplies.

Whereas those just mentioned are the basic services provided by each facility receiving structure, it is also important to emphasize that an upgrade of all services has been carried out as a consequence of reviewing the specification documents, associated with a marked diversification of delivery modalities, to better reflect guests' needs, as well as the specificity of each center. In addition, as an expression of the mentioned trend for the reception diversification and personalization, it is worth remembering that the decree of Minister of the Interior on August 5, 2010 has introduced a further category of protection, which refers to asylum seekers or people in need of international protection characterized by mental distress and need for health care, as well as home care specialist and/or prolonged need.

### **(Recommendation n. 64)**

A significant enhancement example is the of the Protection System for Asylum Seekers and Refugees (SPRAR), as provided by Law N. 189/2002, which has increased the receptive capacity from 1,500 seats in 2005 to 3,000 today.

In this context, it is worth noting the notice related to the circular of the Ministry of the Interior of August 31, 2011 (available at [www.sicurezzasud.it](http://www.sicurezzasud.it)) for the renovation and expansion of those structures already allocated for the migrants reception or non-EU applicants seekers, refugees and holders of other forms of protection, both international and humanitarian.

The project proposals must be received by the local authorities, which will have to ensure the management of the services provided with their own resources; while the National Operational Program (PON) "Security for Development - Convergence Goal 2007/2013" (which has already funded 43 multifunctional centers until today, or facilities for fostering social and work integration of immigrants, for an amount of more than 48 million Euros) will provide the necessary restructuring and adaptation of buildings, strengthening the synergy between center and periphery. Priority will be given to projects that are able to increase at least of 25% the number of seats for the reception of the current situation, as well as those projects involving the use of property already assigned confiscated to the organized crime.

The structures concerned will provide for services concerning: temporary residency, social welfare and health orientation, language training and literacy. Moreover, children school integration, linguistic and cultural mediation, legal assistance, housing placement, employment and vocational training, recreational and cultural activities will be launched. It has been planned to finance sixty projects for a total amount of 20 million Euros.

On a more specific note, with respect to **paragraph 57** of the report, which refers to the declining level of reception standards recorded in occasion of the massive increasing in the number of arrivals in Lampedusa, it is represented as follows. The center of Lampedusa, equipped with a capacity of 381 ordinary and 800 extraordinary seats, in March 2011 suddenly had to manage 6,525 people, to whom all essential services have been insured.

In addition, as **paragraph 58** is concerned, and in connection with the massive influx of people from North Africa, following the crisis in that area, the Italian government has prepared, in consultation with Regions, a special receptive plan all over the country, for a total of 50,000 seats in this phase.

### **c) Integration of refugees and other beneficiaries of International protection**

Minors' family reunification mechanism, according to the orientation of the Court of Cassation (High Court of Appeal in the Italian system) and the Constitutional Court in recent years, must meet the child's development promotion, whose interest prevailed over that of the State in order to regulate the migration process. The reunification may be demanded by a foreign parent who had been expelled (for other reasons than danger to society), or if not in possession of authority over the "dependent" minor.

With regard to the international protection, according to the Court of Cassation as for the determination of refugee status, though it is up to the applicant to prove his/her statements, the judge has wide powers of investigation in ascertaining the relevant facts. However, applicant's statements will be worth well even those on which the applicant

shall not be able to give full proof, if the same shall appear credible and there will not subsist any contrary reason.

The prohibition of expulsion or refoulement is (Article 19 of Legislative Decree n. 286/1998, Consolidated Act on immigration), according to the recent Supreme Court guidance, a humanitarian measure of negative character, forcing the peace officer to assess the significant danger for the opponent to be subjected to persecution or inhuman or degrading treatment if returned to their countries of origin.

It should be added that on June 23, 2011 the Decree Law N. 89/2011 bearing "*Urgent provisions for the completion of the implementation of Directive 2004/38/EC on free movement of EU citizens and for the transposition of Directive 2008/115/EC on the repatriation of irregular third country citizens*" came into force.

With specifically regard to children's condition, the Italian Authorities are in a position to inform that at present, no foreign child results to be in charge at the Juvenile Justice Services in a position as asylum seeker, or having submitted requests for family reunification, or arriving from Libya or North Africa due to recent emergence.

In addition, it would seem, according to the official records held by the Juvenile Department that, although encouraged by ministerial operators (in particular by officials of the educational and social service which charge the minors), foreign minors without parental references are not interested in starting any procedures for family reunification.

The survey conducted by the Directorate General for the implementation of judicial statements is reported here below. It refers to all its administrative peripheral joints represented by the Center for Juvenile Justice in which it takes responsibility for the Juvenile Services District, that is to say: First Reception Centers, Offices for Juvenile Social Service, the Juvenile Criminal institutions, Community of the Administration and in agreement .

Promoting Body	Implementing Body	Implemented activities
Directorate General for the implementation of judicial measures through:		
Center for Juvenile Justice of Abruzzo, Molise and Marche Regions based in L'AQUILA	Center for Juvenile Justice	Cultural mediation
	Local Health Services	Health and psychological care
	Permanent Territorial Centers	Literacy courses
Center for Juvenile Justice for Puglia Region, based in BARI	Center for Juvenile Justice	Cultural mediation
	Local Health Services	Health and psychological care
	Diocesan Caritas of Lecce and Brindisi	Psychological, legal and social care, education and job orientation, centre providing health and social services, soup kitchen, women victims of slavery aid
	Committee "Lecce welcomes" (Emmanuel Community, Association Guy GI&NDAS, that is an association of Senegalese migrants, Committee for the Defence of immigrants' rights, the Italian Council for Refugees, Diocesan Office "migrantes")	Coordination and effectiveness of single activities and interventions
	Training organization ECIPA of Brindisi	Traineeships in the building industry
	"Italia lavoro" in Lecce (Min. del Labour/welfare)	Traineeships
	Association in Lecce: ADOC, ADUC, Tierra del Fuego, Peoples and Cultures, Jose Marti, Vellazerimi, Taranga, Zei, Senegalese women la linguere, Islamic Assalam, Somali citizens, the Committee	Activities of reception, support, information, etc.

	defending the rights of migrants, Ergot cultural workshops, the multicultural center Etnos, anti-racist network Salento, Roma c.s.o., Immigration rights window	
	Territorial Permanent Centers of the Min. of Education in Brindisi	Literacy courses
	Didactic circle "Monte San Michele" of Bari	Primary education
	Municipality of Bari	Emergency reception for unaccompanied foreign minors
	Province of Brindisi with the coop. "Solidarity and Renewal"	Reception and information Point
	ARCI Foggia	Reception Center for political asylum seekers
	Center BAOBAB of Foggia	Reception and social secretary
	Center Borgo Mezzanone Foggia	Reception
	Diomede Foggia	Literacy and training orientation
	Solidaunia Foggia	Literacy and education courses
Center for Juvenile Justice for Emilia Romagna Region, based in BOLOGNA	Center for Juvenile Justice	Cultural mediation
	Health care services	Health and psychological care
	Territorial Permanent Centers	Literacy courses
	Association of Juridical studies on Immigration	Juridical info point for consulting on immigration and legal education for social officials
	Municipality of Bologna	Centralized service of cultural mediation
	Emilia Romagna Region	Promotion of reception activities and actions for the protection and social integration for immigrants, in particular, for asylum seekers, in collaboration with ANCI, UPI, Basic trade union organizations, Forum of the tertiary sector, ARCI, ACLI, Caritas, <b>SPRAR</b>
Center for Juvenile Justice for Sardinia Region, based in CAGLIARI	Center for Juvenile Justice	Cultural mediation
	Health Care services	Health and Psychological care
	Territorial Permanent Centers	Literacy Courses
	Province of Cagliari, in partnership with AITIA Cooperativa Sociale, ENAIP National Board of Professional Education, Mexmedia s.r.l., Assoc. "Il Portico 2005"	Reception activities, psychological support, professional training and sport activities in which 3 young foreigners were entered, as they have entered the criminal circuit .Job placement for 3 minors/young nomad adults.
Center for Juvenile Justice for Calabria and Basilicata Regions, based in CATANZARO	Center for Juvenile Justice	Cultural mediation
	Health care services	Health and psychological care
	Territorial Permanent Centers	Literacy Courses
	Basilicata Region	Cultural Mediation
	Basilicata Region and Prefectures of Potenza and Matera	Reception camp
	Ass. Tolbà of Matera	
	SPAR and ANCI networks – Social Coop. Promidea	Migrant refugees and asylum seekers reception
	civil Defence in Calabria	First aid centers
	Community "Staring point" based in	reception for unaccompanied foreign

	Rende (CS), Community "Sailing" of Reggio Calabria and Com. "The rogues" of Settingiano (CZ) and related municipalities	minors Foreigner minors reception
	Regione Calabria	Migrant minors Inclusion in activities planned for teenagers and literacy courses
	Cosenza, Ass. Baobab, Auser and volunteers	Legal info point, literacy and medical surgical centers
Center for Juvenile Justice for Lombardy Region based in MILAN	Center for Juvenile Justice	Cultural mediation
	Health care services	Health and psychological care
	Territorial Permanent Centers	Literacy Courses
	Comunità Nuova, Minors Court MI, Italian Assoc. Of Magistrates for Juvenile and families, Coop. Codici, Assoc. Soletterre, Assoc. Sonorous Sounds, Ecuador and El Salvador Consulates, Catholic University MI	Support and integration for minors and young adults from Latin America
Center for Juvenile Justice for Sicily Region based in PALERMO	Center for Juvenile Justice	Cultural mediation
	Health care services	Health and psychological care
	Territorial Permanent Centers	Corsi di alfabetizzazione
	Municipality of Palermo, with the Ass. "Open heart", ANFE, Ass. Narramondi etc.	Office for reception and intercultural mediation
	Ass. "Open heart" in Palermo, Center Astalli and transcultural psychiatric service of Catania	Cultural mediation, legal consultation, material support
Center for Juvenile Justice for Lazio Region Based in ROME	Center for Juvenile Justice	Cultural mediation
	Health care services	Health and psychological care
	Territorial Permanent Centers	Literacy Courses
	Municipality of Rome	Assumption and continuity of joint assistance for foreign minors at the end of the criminal measure
	Save the children	Paths of regularization for foreign minors, legal and social mediation, low day threshold center "Civic Zero"
	CIES and Roman School of Family Psychotherapy	Cultural mediation, supervision of the community and best practices survey
	Coop. Magliana '80s	Staff training
	GRIS Lazio coordinated by the from Caritas Health division	Training on immigration legislation with particular reference to health issues
	Fondazione Vodaphone e Provincia di Roma	Cultural and linguistic mediation
Center for Juvenile Justice for Piedmont, Valle d'Aosta and Liguria Based in TURIN	Center for Juvenile Justice	Cultural mediation
	Health care services	Health and psychological care
	Territorial Permanent Centers	Literacy Courses
	Liguria Region and Civil Defence	Reception and consultation
	Municipality of Genoa with NIRVA network	Assisted Voluntary Repatriation
	Municipality of Genoa, in consortium	Protection for asylum seekers and

	with Agorà, CEIS and ARCI	refugees
	Municipality of Turin and Foreign Minors Office	Protection and integration of unaccompanied minors, asylum seekers and refugees under the MSNA and <b>SPRAR</b> national program, (Protection System for asylum seekers and refugees - Central Service)
	Assoc. "Rights in Security", ASGI and "Compagnia di San Paolo" of Turin	Staff training
	Min. of Social Policies, Municipality, Tribunal, Police Headquarters, Association rights Safety Genoa	Staff training
	U.C.LL. in Liguria	Job insertion
	Private social services in Liguria	Fostering homocultural care
	Municipality of Turin - Foreigner Minors office	Consulenza ed orientamento
	Health care services and local services of Genoa and Turin	Educational Accompaniment alternatives during the imprisonment
	Prefectures of La Spezia and Genoa	Partecipation the coordination tables
	"Compagnia San Paolo" of Turin	Street Training activity aimed to engaging of foreign migrant children
	Municipality of Turin	Support to children from Peru in family reunification
Center for Juvenile Justice for Tuscany Region based in FLORENCE	Center for Juvenile Justice	Cultural mediation
	Health care services	Health and psychological care
	Territorial Permanent Centers	Literacy Courses
	Municipality of Perugia (Min. of Labour and Social Policies and ANCI, Ass. Mixitim)	Reception, social-educational and protection support of unaccompanied foreign minors. With the Ass. Mixitim: training on the legislation, legal advice, institution of guardians list
	Ce.5.Vol., Caritas, Cidis, of Perugia	Social support and education to migrant minors families
	Municipality of Florence (Center Mercede and Center Don Zeno, Questure)	Activation procedures for issuing residence permits for humanitarian reasons
	Scuola Don Milani, Redi, Beato Angelico, CTP, Ass. Rainbow of Florence	Literacy Courses
	UNCHR of Florence	Staff Training concerning legislation and integration policies
	Ass. Auser	Volunteer activity implemented by immigrants
Center for Juvenile Justice for Campania Based in Naples	Cultural Ass. Dedalus for Naples and Airola (BN)	Cultural mediation
	Health care services	Health and psychological care
	Territorial Permanent Centers	Literacy Courses
Center for Juvenile Justice for Veneto, Friuli Venezia Giulia Region and the Autonomous Provinces of Trent and Bozen, based in Venice	Center for Juvenile Justice	Cultural mediation
	Health care services	Health and psychological care

	Territorial Permanent Centers	Literacy Courses
	Province of Bolzano (Caritas, Ass. S. Vincenzo de Paoli, Ass. Volontarius)	Center for emergency reception, protection and integration system for young foreigners
	Local Bodies of Veneto Region and Opera don Calabria – Community of San Benedetto	Protection and integration activity for young foreigners, especially for unaccompanied ones and training for the implementation of the guardians' role

Moreover, as for the protection of human rights of Roma, Sinti and migrants, Italian Authorities would like to underline the recent provisions issued in June 2010 by the Italian Government: The Plan “Integrazione nella sicurezza -Identità e incontro”. This Act summarizes the strategy that the Government intends to pursue with regard to the integration policies for immigrants, combining integration and security. In addition, in the general framework of the Axis “Lavoro”, it should be recalled the Action “Work and Professional Qualification” (“Lavoro e Qualificazione Professionale”), that provides the following targets:

1) Promotion of actions to combat the exploitation of labour immigrants, founded by Fse for the amount of 5.000.000 of euros. The activity Program provides:

- Implementation of a program to combat undeclared work, in task forces with the four Convergence Regions;
- Private Public partnerships in the sectors of construction, agriculture and tourism;
- Promotion of 3.000 voucher for educational and professional learning of unemployed immigrants.

The intertwining of illegal hiring, crime and black work sees among its main victims of foreign workers without residence permits. The Ministry of Labour and Social Policies has enhanced inspective activities on substantial violations, starting with those often constitute the most serious danger for the safety of the person. In this context, to combat the exploitation of immigrants, the Ministry of Labour has enforced its inspective role implementing the synergistic actions planned by the various supervisory bodies, together with the intervention of the police force, the Carabinieri and the Guardia di Finanza, and implemented in a coordinated way at the regional level.

- Qualification of interventions in the field of domestic work and people care, founded by the Fondo per le Politiche Migratorie-Fund for Migration Policies for the amount of 7.000.000 euros.

2) Another relevant Action is “Microcredito”, provided by the axis “Lavoro” and founded by the Found for Migration Policies for the amount of 800.000 euros.

The financial crisis has struck in recent years the entrepreneurial sector. From the data of the Bank of Italy (2008), it strongly emerges the restriction of credit and the associated problems of the banks to disburse it. This fact predominantly affects small and medium sized enterprises and craft, where immigrants are present. In this framework a key Action is Microcredito, provided by the axis “Work and founded by the Found for Migration Policies for an amount of 800.000 euros. The objective is to support self-employment of immigrant workers by promoting access to credit and providing support to business start-up.

The Italian Authorities take this opportunity to reiterate their willingness to fully and extensively cooperate with the Commissioner for Human Rights, and confirm their intention of remaining actively seized of this matter.

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