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Supplemental report: Ethnic Profiling in Italy

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The political context of ethnic profiling

“Ethnic profiling” is defined as the use of stereotypes based on race, ethnicity, religion or national origin - rather than individual behaviour or objective evidence - as the basis for suspicion in directing discretionary law enforcement by police, security, immigration or customs officers. Apart from a previous research by the Open Society Justice Initiative, this practice has been hardly studied in Italy.

Before looking at the evidence showing the pervasiveness of ethnic profiling, especially in migration enforcement operations, it is worth looking at the Italian political context of the last years. Since 2008 there has been an increase in xenophobic politics at national and regional levels, especially in the North of Italy. The elected right-wing government led by Silvio Berlusconi and Lega Nord (Northern League), has attempted to gain public consensus on a solution to the alleged or real security needs of the Italian population, by proposing a series of provisions known as the 'security package'. All the regulations included in the 'security package' make lives of foreign citizens, with a regular and irregular legal status, uneasy, precarious and hopeless about the future in different forms¹. One of the main legal changes brought by the 'security package' is the introduction of irregular migration as a crime 'in Italy, with the Law of 15 July 2009 (A.S. 733-B). Other provisions limit the rights of migrants to free movement, family reunification and access to citizenship².

Given that the security package was approved, migration enforcement has become even more discretionary and a more fertile terrain for abusive behaviour. At the same time, public discourse has been increasingly characterised by "xenophobic rhetoric", with politicians making explicit associations of migrants with criminals. Here are just three quotes by prominent political leaders:

Premier, Silvio Berlusconi³ *“Reducing the number of migrants in Italy means less “labour force” for criminality”*

Ministry of Defence, Ignazio La Russa⁴ : *“Our policy of security has led to a 10% decrease of all crimes in 2009 compared to the previous year and of 30% thefts and robberies in banks, houses and shops. For the first time, in 2009 the crimes committed by non EU citizens decreased, because the number of “clandestine”(undocumented migrants) entering the country has decreased”*

Letizia Moratti, mayor of Milan⁵: *“Clandestines (undocumented migrants) without a regular job usually live on crime”*

¹Merlino, M. The Italian (In) Security Package. Research paper n.14 available at www.ceps.eu/ceps/download/1631

² See also “Enar Shadow Report Racism and Discrimination in Italy 2008” and 2009 available at http://www.enar-eu.org/Page_Generale.asp?DocID=15294

³ www.lastampa.it/redazione/cmsSezioni/politica/201001articoli/51689girata.asp

⁴ www.stranieriinitalia.it/attualita- nel_2010_dieci_nuovi_centri_di_espulsione_10659.html

⁵ www.repubblica.it/cronaca/2010/05/10/news/moratti_clandestini-3955475/

As the worrying declarations above suggest, ethnic profiling in Italy is intertwined and in parts driven by policy making. Ethnic profiling practices have been particularly significant in the northern regions where more representatives of the *Lega Nord* are in power. In order to draw a more accurate picture of the Italian context, it is important to stress that with the 'security package', mayors have become even more independent from the national government and gained more space in the approval of local norms on security and in the coordination of law enforcement operations. As a result of these changes, municipal police officers that were traditionally responsible for traffic control, or for the enforcement of local laws relating to trade, legal residence and other administrative duties, have now been increasingly entrusted with other responsibilities, such as migration enforcement operations. As a matter of fact, interviews carried out during this study⁶ and an analysis of the main media articles point to municipal police officers as the main actors involved in "migrant" profiling. The cases of ethnic profiling presented below confirm the strong link between ethnic profiling and policy making and offer a more concrete picture of the ways in which migrants are targeted by different law enforcement authorities, across Italy.

⁶ 9 Preliminary interviews aiming to identify the most common practices of ethnic profiling were conducted in the month of June-July 2010 with representatives of migrant communities and immigration officers and experts. At a later stages 3 additional interviews were conducted with a police officer, the officer of the institute for social security and a journalist

Proxy stops in public transport

In Milan there is a special branch of the municipal police working on public transport to prevent crime and violence. Since September 2009, the fight against crime has been used by this law enforcement authority as a legal justification to carry out mass identity checks on migrants and identify people with an irregular legal status. Checks on buses are carried out in the following way: ticket inspectors ask passengers to display their tickets, those without a ticket are asked for ID papers to be checked by armed municipal police agents.⁷ Passengers without a valid ID (all of non-Italian origin since Italians usually have a valid ID) are brought to the police station for further inspection, on a bus with windows with iron bars, the “jail bus”⁸. Mass identity checks of migrants have also been carried out at bus stops⁹. A journalist present during the raids, interviewed by the researcher of the present report, said that the targets of the identity checks on buses were chosen by municipal police officers and were mainly non-Italians¹⁰. “Suspects” were chosen according to their physical appearance, rather than behaviour or intelligence.

Declarations made by the vice-mayor of Milano on a daily basis with regard to the number of irregular migrants identified during the checks on those buses support the hypothesis that the operations are carried out with the intention of targeting non-Italian citizens¹¹. The use of the “jail bus”, which is generally used for football hooligans, is a humiliating and excessive measure and a further form of discrimination.

Raids and mass identity checks of migrants have also taken place on trains. In Follonica, in Tuscany, police officers have conducted mass checks of immigration documents on the train line- Pisa-Follonica on at least two occasions¹². The route is especially used by street vendors going to the

7 Some Italian newspapers reported debates on this peculiar way of approaching irregular migrants and the lack of coordination between the municipal police and the state police who has questioned the right of municipal police to ask for documents. The prefect of the city, in charge of the security of Milan, complained because had not been informed about the operations carried out under request of Town Council. <http://milano.repubblica.it/dettaglio/Milano-pugno-duro-dei-vigili-caccia-agli-irregolari-sul-bus/1470095>

8 A video on the bus in a reportage shown on national tv can be seen at <http://www.youtube.com/watch?v=6BJ8SKpJdmc>

9 See pictures about the controls on <http://milano.repubblica.it/multimedia/home/11984495>

10 One of the journalist of the national newspaper “La Repubblica” filming the operation provided details about the checks to the researcher. He said that the users of public transport in Italy are Italian elderly people and non-Italian young people and adults, that is the population which does not own a car. The officers were targeting non-Italians. On the other hand, he said that in some cases other people were also asked for a ticket. Most elderly women on buses had they free yearly ticket and were happy to show it to the inspectors in any case.

11 According to the national press, part of the civil society in Milan has complained about the approach of the municipal police of Milan, expressing solidarity to the migrants for the ‘aggressive’ controls. On the other hand, showing how ethnic profiling and police in Italy are completely intertwined, the municipality of Milan has given the highest prize of the town, the golden Ambrogino, to the municipal police officers of the division combating irregular migration on public transport <http://milano.repubblica.it/dettaglio/articolo/1783495>

12 <http://www.altracitta.org/2010/09/06/retata-razzista-larci-denuncia-lassalto-al-treno-del-questore-di-grosseto/>

beach to sell their goods. The modalities were disproportionate and highly stigmatising: all train exits were blocked apart from one and only (black) Senegalese passengers were taken to an office of the station for further checks. Singled out for their ethnic origin, Senegalese migrants were kept under the authority of a large group of municipal police officers, state and finance police and by a helicopter. 25 out of the 100 Senegalese men were checked and taken to the police station as they did not have the appropriate ID papers, and/or residence and work permits.. Newspapers reported that, for the head of the police of Grosseto, the aim of these operations was twofold - to combat irregular migration and to end the sale of counterfeit goods.

As noted by the president of ARCI Toscana, a civil society organization dealing with migration and other social issues, such disproportionate use of force has a very negative impact on Senegalese immigrants, who feel treated unfairly, additionally such operations fuel negative stereotypes of migrants among the whole population.¹³

Phone centres: a special case study between migration enforcement and Anti-terrorism¹⁴

Phone centres are shops that offer mainly telephone and internet services are mostly run by residents of foreign origin. Since 2005, phone centres in Italy have been regulated by a complex legislative framework, including the Italian Anti-Terrorism Law 144/2005, which has mainly required phone centre-owners to identify customers prior to allowing access to their telephone and internet services. Specific laws have been introduced by some Italian regions (including for example Lombardy, Emilia-Romagna and Veneto), mainly to equate them to other commercial activities, and specific local regulations and ordinances have been introduced by some municipalities (including Modena and of Verona) that draw from the respective regional laws to further regulate the sector of phone centres. They indicate, for example, the minimal dimensions the shops should have and the number of toilets phone centre-owners should provide customers with. In this regard, it should be highlighted that the Italian Constitutional Court ruled against Lombardy Regional Law 3/2006 in 2008¹⁵. With the coming into force of the above legislative framework, phone centres have been subjected to numerous inspections.

13 The president of Arci Toscana said: "A democratic public opinion cannot be shocked for what has happened: train station surrounded by a dozens of agents, chasings, one citizen of migrant origin at the hospital, great tension (....) None of us is in favour of illegal acts, yet it is essential to have the common sense of proportion . We should try to solve the contradictions of our society rather than making them worse (...). Many Italians will have stronger xenophobic sentiments as they will think that migrants are dangerous criminals. A grudge for a one-way concept of legality will grow among migrants. How many actions protect them from the inhuman conditions of exploitation they often suffer?" In www.altracitta.org/2010/09/06/retata-razzista-larci-denuncia-lassalto-al-treno-del-questore-di-grosseto

¹⁴The present section on phone centres has been mainly written by Michela Sempredon working on the issue for a Phd Thesis in Urban Sociology. Michela Sempredon (2010) PhD thesis 'The making of urban safety and immigrants' political engagement in Italy - A comparative ethnography of local conflicts in Verona and Modena'. Unpublished .University of Milan-Bicocca, academic year 2009-2010

¹⁵The latter law of the Lombardy Region was eventually revoked, with Sentence 350/2008, on the grounds it set out for an unduly aggressive enforcement of this type of businesses

According to the research carried out by Michela Semprebon (2010)¹⁶, between April 2008 and February 2010, inspections in phone centres were very frequent in Modena and Verona. Both the number and frequency of inspections have grown considerably since the introduction of the Anti-terrorism Decree, as police officers and officials admitted. Even though no accurate figures were given, it was indicated that in some periods inspections were carried out at least once a week, if not more by different police forces. Narratives by phone centre-owners and customers from Verona reported that the first massive wave of inspections was organised in summer 2007, a few months after the current Mayor took up office. In 2006, prior to his election, when he was still in charge of the Regional Health Department, he had already set out to implement a number of health inspections in both phone centres and kebab shops in Verona. As local police officers in both cities explained, inspections are often carried out by a patrol including various police bodies, that is to say not only the National and Municipal Police, but also the Carabinieri and Guardia di Finanza Corps, so that they can maximise their efforts in inspecting phone centres for compliance on the various pieces of normative they are subjected to.

The research clearly shows that inspections have had a disproportionate impact on both phone centre-owners and customers, including both documented and undocumented migrants. On the one hand, phone centre-owners have suffered considerable losses, which, however, can be understood as the result of other factors too, such as a general crisis of the sector and the competition by mobile operators. On the other hand, customers' access to telephone and Internet services has been severely constrained. Over time, various customers have actually stopped going to phone centres. It is particularly the case for those who experienced harsh police inspections: in some cases the latter were defined as frightening, humiliating or even traumatic. In numerous cases, police officers closed the shops' doors after entering and forced all customers out of the telephone booths without giving them the chance to finish their telephone calls. Some customers reported having being 'stopped inside the shop for long periods of time before they could leave again. Particularly harsh inspections were reported in Verona.

The discriminatory nature of these controls is even more apparent if compared with the completely different "attention" given by law enforcement authorities to internet points. It is crucial to note that phone centres and internet points are subject to the same normative framework, but the latter usually *belong* to Italians. During interviews, none of the owners of internet points complained regarding the inspections, or on the attitudes of police officers. According to them, inspections were not frequent and were often carried out during the shops' closing time. In addition, customers were not asked for documents, nor were they disrupted.

¹⁶Michela Semprebon (2010) PhD thesis 'The making of urban safety and immigrants' political engagement in Italy - A comparative ethnography of local conflicts in Verona and Modena'. University of Milan-Bicocca, academic year 2009-2010.

House by house inspections in Lombardy and Veneto

As said above, a stronger commitment to irregular migration and more worrying cases of profiling have been registered where more representatives of the Northern League are in power. One example is the so dubbed “White Christmas” operation implemented in the small town of Coccaglio. The Northern League Mayor, ordered Municipal officers to go to the houses of the estimated 400 non-Italians living in the town and check their residence status and permits. The offensive metaphor (White Christmas) implied a sort of ethnic cleansing before the 25th of December: all irregular migrants should leave by that date and the town will be clean “white”. The declared objective of the raids was to combat irregular migration, by checking house by house, also at night time. But as it often happens, migration enforcement is coupled with other operations. Controls were carried out on the legal status of all non-Italians living in Coccaglio but also on the hygiene conditions of their houses. The shocking declaration of the mayor reported by the media stated: *“Here there is not a problem of criminality; we simply intend to start to do some cleansing.”*¹⁷

Following the approval of local norms on the “requirements” of the houses of non-Italians to host a certain number of people, and on certificates needed to prove such standards, controls in the houses of migrants have also taken place in other towns of the Italian North East. In Veneto, the Municipality of Montecchio (VI) has sent municipal police in all the houses of non-Italians to check the compliance of their houses to certain standards and the possible presence of “unreported” non-Italian guests. According to the media reports, the municipal police checked in a month 80 people, living in 22 houses.¹⁸ The operation proved ineffective in combating irregular migration: 11 people were fined as they did not report a guest and two people were reported for other violations (excess garbage in the street, and laundry hanging in a public street). In September 2010, the Italian trade unions CGIL-UIL with the support of the lawyers of ASGI (Association of law studies on migration) presented an anti-discrimination legal action against the norms on the certificate of suitability of the houses of non-Italian citizens¹⁹. In the legal action they raised the issue of the illegality of the raids by the law enforcement authorities in the houses of non-Italian citizens. The trial is due in 2011.

¹⁷ www.stranieriinitalia.it/s.o.s._razzismobianco_natale_con_caccia_al_clandestino_10198.html

¹⁸ www.meltingpot.org/articolo15344.html

¹⁹ “CGIL-CISL-UIL con il supporto dei legali dell’ASGI ricorrono al Tribunale di Vicenza contro le delibere anti-immigrati del Comune di Montecchio maggiore” News and documents about the legal action can be found at http://www.asgi.it/home_asgi.php?n=1192&l=it The letter of UNAR is available at http://www.asgi.it/home_asgi.php?n=1309&l=it

Complaining mechanism and retaliatory police actions

The information and cases studies gathered during the present research, by monitoring the media and by qualitative interviews, point to the pervasiveness of discriminatory treatment of non-Italian citizens by law enforcement authorities, especially in the context of migration enforcement operations. Fuelled by a violent and xenophobic political discourse, migrants are targeted and identity checks are often carried out in ways that breach national and international human rights legislation, in public transport, through house inspections and controls in shops as telephone centres, especially in the northern regions. Also different pieces of research and surveys conducted by Italian and international bodies in Italy show that an extremely high percentage of migrant citizens living in Italy feel they are treated unfairly by law enforcement officials²⁰.

In addition to this, many examples reported in the news, highlight that seeking justice about violent and abusive conduct by law enforcement authorities is a tricky issue. Organizations such as Amnesty International have often pointed out that the conduct of law enforcement authorities in Italy is an issue of concern. The abusive conduct of the police forces towards Italian citizens has been rarely legally punished as in most occasions it remains unpunished or unreported. This is all the more true for citizens in weaker socio political conditions and legal status as migrant citizens²¹.

Notwithstanding international condemnation, Italy does not recognize anti-immigrant policy and ethnic profiling as a problem²². The lack of available data on ethnic profiling as well as the lack of knowledge and awareness about the issue among law enforcement authorities are a proof of this.

NGO representatives referred to cases of retaliation by the police as a response to complaints about ethnic profiling. On this, it is worth mentioning the case of an Italian man, who tried to intervene when he encountered the police abusing two Senegalese citizens during an ID check in 2004²³. According to him, the law enforcement agents conducted an hour-long ID check on the two Senegalese men. There were language barriers as the two Senegalese men did not speak fluent Italian, and the attitude of the police was violent. Anybody passing nearby was asked to move away, including this

²⁰ According to the 2010 EU MIDIS study: 67% of Albanians, 45 % of Romanians 55% North Africans think that the last time they were stopped by the police, they were stopped for their ethnic background. European Union Agency on Fundamental Rights, EU-MIDIS European Union Minorities and Discrimination Survey, FRA 2009. Result report available at: http://www.fra.europa.eu/fraWebsite/eu-midis/eumidis_main_results_report_en.htm. See also Open Society Justice Initiative, Ethnic Profiling in the European Union: Pervasive, Ineffective and Discriminatory 2009 OSI www.soros.org/initiatives/justice/focus/equality_citizenship/articles_publications/publications/profiling_20090526

²¹ See Palidda ee Palidda S. 2008 'The Italian crime deal' in Criminalization and Victimization of Migrants in Europe available at aa.ecn.cz/img.../eu_criminalisation_of_migrants_in_europe_report.pdf

²² No legislation specifically sanctions ethnic profiling. However, discrimination by law enforcement officials is actually sanctioned in all circumstances by the anti discrimination norms stated 1998 T.U on migration (d.lgs. n. 286/98 and subsequent modifications)

²³ "Poliziotti razzisti non è reato" La Repubblica, 22 September 2011. firenze.repubblica.it/cronaca/2010/09/22/news/poliziotti_razzisti_non_reato-7303281/index.html?ref=search

Italian man who dared to ask the police for information regarding the ID check. He told the police officers that “they were meant to respect the law (...) that such repressive policies responded to a discriminatory way of thinking and that such operations would invoke a negative image of the police”. The policemen accused the Italian man of saying “You are racist” to the police and he was later denounced for slander. When tried, the Italian man was first found guilty and liable to pay a €1000 fine. Finally in September 2010, after six years, the Italian man was found innocent on appeal.

In the light of these cases, one wonders whether and how citizens can complain about discrimination and abuse by law enforcement authorities on migrants and ethnic minorities. A first urgent measure to combat the pervasiveness of ethnic profiling consists in providing citizens, notwithstanding their legal status or nationality, a public complaint mechanism to report cases of ethnic profiling without risking retaliation. Collaborative projects with law enforcement authorities should aim at introducing internal monitoring mechanisms for ethnic profiling and raising awareness of the negative implications of this practice on the actual effectiveness of the work of law enforcement authorities and on their relations with migrant communities.

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