



Rappresentanza Permanente d'Italia
presso le Organizzazioni Internazionali
Ginevra

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Please, find attached the Italy's Reply to the Questionnaire prepared by the OHCHR, pursuant to decision PC.1/10 of the Preparatory Committee of the Durban Review Conference at its first session.

OHCHR REGISTRY

- 3 MARS 2008

Recipients :... *ADU*.....

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ITALY



MINISTRY FOR FOREIGN AFFAIRS
Interministerial Committee for Human Rights
Comitato Interministeriale dei Diritti Umani

Italy's Reply to the
Questionnaire to Member States
prepared by the Office of the United Nations High
Commissioner for Human Rights,
pursuant to decision PC. 1/10 of the Preparatory Committee
of the Durban Review Conference at its first session
(A/62/375)

January 2008

QUESTIONNAIRE TO MEMBER STATES prepared by the Office of the United Nations High Commissioner for Human Rights, pursuant to decision PC. 1/10 of the Preparatory Committee of the Durban Review Conference at its first session (A/62/375)

Further to your query, Italy is in a position to supply the following information.

Core questions

Question 1: Can you assess the implementation of the Durban Declaration and Programme of Action in your country?

As reported in the contribution of July 2007 for the Report on the implementation of UNGA Resolution A/61/149 of 19 December 2006 "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action", Italy is in a position to assess the implement of the DDPA in order to fully implement agreed principles and operational recommendations included therein, in line with the commitments of EU Member States within the Regional Seminar for the preparation of the Durban World Conference promoted and organized by Italy.

Question 2: Can you assess contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance as well as initiatives in this regard with a view to eliminating them in your country?

According to the substantial contents of the DDPA, with specific regard to contemporary manifestation of racism, racial discrimination, xenophobia and related intolerance, measures and instruments to assess and combat this phenomena in Italy apply to all potential victims in all the fields in which discriminatory conducts and acts are put in place.

Question 3: Please identify concrete measures and initiatives for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance in order to foster the effective implementation of the Durban Declaration and Programme of Action.

The fight against all manifestation of racism, racial discrimination, xenophobia and related intolerance is at the core of the Italian Constitution and our judicial code, which are both focused on the principle of non discrimination and, more widely, on the protection of individuals.

On the basis of the guidance criteria contained in Art. 29 of Act No. 39/2002 (the "Community Law"), the Italian Government acted promptly to transpose EU Directive 2000/43/EC by adopting Legislative Decree No. 215 of 9 July 2003. With respect to the general tone of the Directive, in addition to transposing its content in accordance with the provisions of the enabling act, Legislative Decree No. 215/2003 has an added value that strengthens its action at the national legislative level. This added value concerns different aspects: the affirmation of the principle of equal treatment of all persons in the public and private sectors, with respect to access to employment, occupation, guidance and vocational training, membership of workers' or employers' organisations, social protection, healthcare, social advantages, education and access to goods and services (Art. 3); the judicial protection consisting in the procedure which represents a particular form of streamlined, effective civil action against discrimination both for the evaluation of evidentiary arrangements, including

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the system of presumptive proof, the modalities of awarding compensation for damage and the aspect of active legitimation, depending on individual and collective discrimination (Arts. 4 and 5); the institutional importance attributed in this area to the Department for Equal Opportunities in the Prime Minister's Office, where the Racial Anti-discriminations National Bureau (UNAR) was established to remove all the discriminations based on race or ethnic origin (Art. 7).

In 2006 the Office Contact Center (800 90 10 10) received about 10.000 calls for generic information about anti-discriminatory laws and for support to social integration needs. Among the requests for custody, under UNAR competence, 351 discrimination files have been opened and, among these, 218 are those in which UNAR, after a careful investigation, has found an objective discrimination suffered by the victim, based on ethnic and racial origin. With specific reference to statistical data concerning the Bureau's second year of activity, it is firstly noted that those who report cases of discrimination to UNAR's toll-free number have generally been residing in our country for some years (ten on average) and, presumably, are present here legally and with housing, work and social relations such as to ensure greater awareness to their rights and obligations. As regards discrimination areas, 'housing' and 'employment', respectively 30% and 13% of related events, are the main context in which the majority of racial discrimination episodes are reported. Unfortunately, reported cases of discrimination can also be met with in contexts in which encounters between Italians and immigrants are merely occasional; in this sense, the majority of relevant occurrences fall within three categories: "police forces" (10.8%), "services by public establishments" (10.1%) and "services by public bodies" (8.8%).

During the last year of activity the Office has been involved in establishing a deep explorative study on the territory to guarantee support to discrimination victims in the residence areas. For this reason the Office has been working, above all, to strengthen the link with its territorial focal points in Turin, Milan, Padua, Rome, Naples and Catania, to consolidate their reception ability to support victims and to monitor data collected by territorial structures. Focal points' activity is essential for UNAR intervention at the local level, to support immediately those cases that need a direct intervention on the territory; focal points are also involved in the implementation of information and awareness raising campaigns against every form of racial discrimination.

Relevant educational interventions carried on by UNAR allowed to focal points to create and reinforce synergies with local authorities, institutions and associations on the territory, supporting those ones who ask for their action and putting into practices forms of extrajudicial conciliation for cases of discrimination reported to the Contact Center.

From focal points' experience, UNAR carried on a systematic mapping of anti-discrimination Observatories and Observatories for immigration established at the local level, together with a recognition of informative and orientation desks for foreigners.

Following this monitoring process, the Office planned to establish a Territorial Anti-discrimination Network that will identify discrimination cases at local level, sending information to UNAR and receiving legal aid, scientific support, data, statistical and analytical-interpretative reports. With this aim, within the UNAR Information System, a digital platform has been realized to be shared with Territorial Networks. In this way, a similar platform could be shared with gathering standardized models to monitor cases of discrimination both at local and national level, allowing the different structures to have a dialogue both among them and with the Office.

In the Italian institutional framework, UNAR interventions have not only the purpose to offer legal aid to discrimination victims but also to remove, as far as possible, discriminatory

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structural factors, throughout awareness raising campaigns, prevention and positive system actions, to promote cooperation between national and local competent authorities as well as a deep cultural change, involving the new generations within the Italian educational system, workers and civil society, on the basis of a new system of values able to recognize and accept any form of diversity. In such a perspective the Office, on the occasion of the third week for the action against racism (18th - 25th March 2007), organized different initiatives in schools, universities and in the field of sport events in 2007, proclaimed by the European Union as the year for Equal Opportunities for everybody.

For more details, please see question 6.

Question 4: How would your Government assess the effectiveness of the existing Durban follow-up mechanism and other relevant United Nations mechanisms dealing with the issue of racism, racial discrimination, xenophobia and related intolerance in order to enhance them?

In order to fully implement the DDPA, Italy worked in close cooperation with all the existing mechanisms and bodies within the UN system. In particular replies to Questionnaires formulated by some Special Rapporteurs and Independent Experts since 2002 (Freedom of opinion and expression – November 2006; Human Rights of Migrants – November 2006 and July 2007; Minority Issues – November 2007) as well as the organization of the visit of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance Diène (September – October 2006) were prepared and realized during last years.

Question 5: What are the steps taken by your Government to ratify and/or implement the International Convention of the Elimination of All Forms of Racial Discrimination and give proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination?

Italy ratified the International Convention on the Elimination of All Forms of Racial Discrimination by Act No. 654/75, that provides for the punishment of conducts consisting in disseminating ideas based on racial hatred, incitement to commit violence on racial grounds and participation in associations with the aim of inciting discrimination or violence on racial grounds. Moreover, according to Art. 9 of the Convention, Italy reported periodically to the related Committee: we can recall here the presentation in March 2006 of the XIV-XV Report concerning the implementation of the cited Convention, to be discusses in Geneva on 20-21st February 2008.

Question 6: Please identify and share good practices achieved in the fight against racism, racial discrimination, xenophobia and related intolerance in your country.

As already mentioned in answer to question 3, some interesting good practices have been promoted in the field of sports events as well as in schools and universities in the framework of the initiatives of the European Year for Equal Opportunities.

In sports initiatives it is worth mentioning, above all, the participation to Rome Marathon, entitled, according with the official slogan, 'We win every kind of discrimination': yellow anti-racism t-shirts were distributed by UNAR in all competition boxes and along the way advertising points were organized to distribute leaflets and materials. During the weekend, in all the football, volleyball and basketball shows anti-racism banners were showed, and photos and brochures were distributed. Three workshops were held in Bolzano, Rome and Verona Universities on the issue of racial discrimination against Roma and Sinti, about discriminations in the field of employment and prejudices and conflicts generated due to

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Coexistence of different cultures

UNAR organized in some primary and secondary schools in various Italian cities the presentation of a movie concerning racial discrimination topics, together with a final forum to discuss the comparison among cultures in schools, with the participation of local authorities, anti-discrimination centers and 'associations' representatives. It must be mentioned also the meeting of some representatives of the Department for Equal Opportunities within the Ministry for Rights and Equal Opportunities with the Islamic Community in Rome at the Mosque, as well as the European Conference 'Equal Opportunities for all in education and employment', enriched by the contribution of relevant representatives of international and Italian institutions to discuss on the integration process in the field of employment and in schools, with the interventions of Ministers for Rights and Equal Opportunities and Labour and Social Security. With the aim to transmit to new generations the anti-discrimination message UNAR organized in cooperation with Rome municipality the presentation of the movie "The colour of freedom" about Nelson Mandela and the fight against apartheid in South Africa, with the participation, during four days, of 1,000 students of Rome secondary schools. At the end of movie, a debate was promoted about inter-ethnic coexistence, fight against racial discriminations and human rights defence, where students, experts by UNAR, cultural mediators, reporters, teachers and political actors expressed their opinions and comments. UNAR was involved also in the intercultural party 'Intermundia', organized by the Office for Educational Policies of the Municipality of Rome. In this cultural event devoted to students from all level of education, UNAR organised forum and meetings within the section dedicated to integration of second generations, with the aim to stimulate the reflection of students and teachers about problems of recognition, citizenship and integration of children in Italy. UNAR also participated in two important shows at the international level held in July 2007: the Anti-racism world championship and the Anti-racism in the city of Cascina (Tuscany). On both the occasions UNAR organized workshops to inform about UNAR activities, legislative measures in the field of fight against racial discriminations and about respect for human rights themes.

As far as the promotion of initiatives in the field of employment, UNAR encouraged the debate about themes such as reception and integration as the main pillars of the Agreement Protocol signed among UNAR, trade unions organizations and employers and entered into force in October 2005, to adopt a programme of measures preventing and fighting against racial discriminations at work place. The programmatic commitments established by the Agreement Protocol, the Office promoted a pilot project implementing for educational programmes aimed at promoting a peaceful inter-ethnic living between workers and employers and between employers and employees in multicultural working contexts. The second phase of the project involved the trade unions representatives and the Italian Manufacturers' Association to organize the First National Award to Enterprises for Management of Diversity, aiming at recognizing and improving business best practices in the field of inter-culture. To this purpose an auto-evaluation test has been proposed to be distributed to entrepreneurs as an easy and effective instrument to evaluate the integration level and the improvement of diversities. Furthermore the organization of a workshop in cooperation with the Italian Manufacturers' Association should be mentioned about 'Social responsibility and business culture', in order to spread the culture of social business responsibility, the application of principles and best territorial practices in this field, to demonstrate that if a firm promotes social responsibility principles and prevents any form of racial discrimination, it achieves a better productivity of its staff and a great positive corporate image feedback.

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ANNEX

Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at the national level

What measures have been taken to prohibit racial discrimination in all its forms and to guarantee the right of everyone without distinction, to equal enjoyment of human rights, notably of the rights listed below:

- (i) Equal treatment before tribunals and all other organs administering justice;
- (ii) Equal rights to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;
- (iii) Equal rights to participate in the political process;
- (iv) Equal rights to freedom of religion and belief;
- (v) Equal rights to remuneration for work of equal value;
- (vi) Equal rights to adequate housing;
- (vii) Equal rights to highest attainable standard of physical and mental health, equal rights to quality public health, medical care, social security and social services;
- (viii) Equal rights to all levels of quality education and training;
- (ix) Equal participation to cultural life; and
- (x) Equal rights of access to places or services.

Legislative, judicial, regulatory, administrative and other measures to prevent and protect against racism, racial discrimination, xenophobia and related intolerance

2. Has your Government adopted and implemented or strengthened any national legislation and/or administrative measures that expressly and specifically counter racism and prohibit racial discrimination, xenophobia and related intolerance, whether direct or indirect, in all spheres of public life, in accordance with their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, ensuring that their reservations are not contrary to the object and purpose of the Convention and/or amended national legislation and administrative provisions that may give rise to such forms of discrimination?

See § 9 of the Document "Reply to List of issues to be taken up in connection with the consideration of the Report of Italy (CERD/C/ITA/15)", presented on January 2008 for the discussion of XIV-XV Report of Italy to the U.N. Committee on the Elimination of Racial Discrimination (Geneva, 18 February - 7 March 2008).

Equal participation in political, economic, social and cultural decision-making

3. Please indicate measures taken to ensure that your Government's political and legal systems reflect the multicultural diversity within your society and improve democratic institutions so that they are fully participatory.

Between the years 2002 and 2003, eight Constitutional bills were presented on the recognition of the right to vote to foreign citizens, in parallel to many administrative initiatives that have taken place in order to promote the integration of foreign citizens by

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means of their progressive involvement in decision-making processes and in political life at the local level. Proposals have been advanced from some local authorities to amend their Statutes in order to extend the right to vote to foreign resident citizens in administrative and regional elections (see Regions like Tuscany, Umbria and Friuli-Venezia Giulia). These are clearly initiatives that need to be taken forward by drawing up and then presenting the appropriate legislative instruments as the Bill of August, 4th 2000, introduced by the Minister of the Interior to amend Act No. 91/1992, based on a regular presence of 5 years on the territory to ask for the Italian citizenship.

Establishment and reinforcement of independent specialized national institutions and mediation

4. Has your Government established, strengthened, reviewed and/or reinforced the effectiveness of independent national human rights institutions working on issues of racism, racial discrimination, xenophobia and related intolerance? Has your Government provided them with the competence and capacity for investigation, research, education and public awareness activities to combat these phenomena? Please specify their mandates.

See § 5 of the Document "Reply to List of issues to be taken up in connection with the consideration of the Report of Italy (CERD/C/ITA/15)".

Policies, practices and strategies

Action-oriented policies and action plans, including affirmative action to ensure non-discrimination

5. Has your Government established and/or implemented a national action plan to promote diversity, equality, equity, social justice, equality of opportunity and the participation of all? Please provide the High Commissioner for Human Rights with such action plan and other relevant materials on the measures undertaken in order to implement the provisions of the Durban Declaration and Programme of Action or any other action considered?

As far as the adoption of a national programme or plan of action to combat racism, racial discrimination, xenophobia and related intolerance, please consider that in March 2006 Italy presented to the Office of the UN High Commissioner of Human Rights the National Plan of Action on the Follow-up of the World Conference against Racism, Xenophobia and Related Intolerance. Moreover in July 2007 Italy presented a contribution for the Report on the implementation of UNGA Resolution A/61/149 of 19 December 2006 "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action", Italy is in a position to assess the implementation of the Durban Declaration Programme of Action.

6. Has your Government established national programmes, including affirmative or positive measures, to promote equal access of individuals and groups of individuals who are or may be victims of racial discrimination to social services, employment, housing, education, health care, etc?

7. Has your Government adopted or strengthened national programmes for eradicating

poverty, underdevelopment, marginalization, social exclusion and economic disparities taking into account the needs of victims of racism, racial discrimination, xenophobia and related intolerance?

8. What steps have been taken to tackle multiple discrimination based on the grounds of race, colour, descent or national or ethnic origin as well as on other related grounds such as sex, language, religion, political or other opinion, social origin, property, birth or other status?

While recognizing the need to adjust our legislation to the international changing reality and – when necessary - to improve it, the Italian Legislative framework and the Government policies are based upon the principle of integration of foreign citizens in the national-social context and on the recognition of the right of access to housing, to health-care services/medical assistance and to education. All workers – Italian and foreigners – have equal rights and equal social benefits.

Along these lines, over the last few years, Italy submitted, in compliance with international commitments, the following documents: the National Plan of Action on Children and the Youngster (the update of which for the term 2007-2009 is under drafting); the National Plan on Social Exclusion (2003-2005); the National Plan on Health (2007-2009).

In all these three Plans there are special sections devoted to the issue of integration of individuals and groups in the social context, preventing each form of discrimination that can be considered as an obstacle to access to social services, employment, housing, education and healthcare services.

9. What measures have been taken to combat racial discrimination against women and girls and to ensure the incorporation of race and gender analysis in the implementation of all aspects of the Programme of Action and your national plan of action?

The action of the Italian Government, particularly of the Ministry for Rights and Equal Opportunities, is based on a modern concept of equal opportunities that entails an accurate action of scrutiny and fight against, first and foremost, the inequalities between women and men, in addition to discrimination grounded on race, ethnic and social origin, linguistic and religious characteristics, personal convictions, political opinions, belonging to a national minority, property, birth, disability, age and sexual orientation¹.

The Delegated Law No. 196/2000 outlines the new functional profile of the equality counsellors; in doing so, it has fully applied Act No. 125/1991 on affirmative actions that introduced specific initiatives in the Italian legal system, with the aim of fostering employment of women and achieving substantial equality between women and men at the work-place.

The task of the equality counsellor concerns both the promotion of equal opportunities and the guarantee of the observance of law against discrimination. With regard to the new tasks, mention should be made of the following areas of intervention: backing labour policies; cooperation with Regional and Provincial Labour Directorates in order to monitor more

¹ In particular, the Government tasked the Ministry for Rights and Equal Opportunities with: promoting and co-ordinating national policies in some sensitive fields, such as childhood, immigration, the adoption of foreign minors; protecting and fighting against any form, both direct and indirect of discrimination.

effectively cases of violation of anti-discriminatory legislation; awareness raising campaigns on good practices; evaluation of the outcomes of the projects on affirmative actions carried out pursuant to Act No. 125/1991.

Some remarkable amendments relating to bringing an action before a court in case of gender discrimination were introduced as follows: para. 8 of Art. 8 of the Legislative Decree No. 196/2000 provides that national equality counsellors, in addition to the regional ones, may bring an action in cases of collective discrimination of national relevance; the advisory service by the Office of the National Equality Committee relating to bringing a collective action is no longer mandatory; still, with reference to collective discrimination, a new judicial proceeding, to be started by both national and regional equality counsellors, was introduced in order to file urgently a complaint against discrimination. The latter procedure was inspired by the general decisions provided for in Art. 28 of Act No. 300/70 on "the repression of anti-union acts and its outcomes" which include the cessation of the discriminatory act and the cancellation of the related effects.

With specific regard to recent legislative proposals, it should be mentioned that Bill A.C. 1430, entitled "Legislative measures against Discriminations and for Equality", and that some Bills (A.S. 86, A.C. 690, A.S. 1226, A.C. 654, A.S. 477), concerning legislative measures against sexual orientation-motivated discrimination, are both under examination, in the first reading, before the Chamber of Deputies.

Finally it must be mentioned the Legislative Decree No. 198/2006, which envisages the Code of Equal Opportunities between men and women, published on the Official Bulletin of the Italian Republic on 31 May 2006.

Data collection and disaggregation, research and study

10. Does your Government collect and analyze statistical data at the national level on the situation of victims of racism, racial discrimination, xenophobia and related intolerance broken down by economic and social indicators, in order to monitor the situation of marginalized groups, evaluate legislation and elaborate development policies?

In Italy, racist behaviours are carefully monitored and contrasted by integration policies and appropriate sanctions. Racist and intolerant attitudes in Italy are mainly linked to anti-Semitism and Islamophobia, and take the form of graffiti, murales, drawings of swastika, declarations of intolerance, letters and text messages expressing threats. As a consequence, in January 2004, the Committee against Discrimination and Anti-Semitism was established with the two-fold aim of monitoring the risk-indicators which could escalate into forms of intolerance, racism, xenophobia, and related intolerance and of proposing educational and repressive measures in order to effectively fight any behaviour, grounded on religious or racial hatred.

Education and awareness-raising

11. Please indicate ways your Government has taken to increase the level of awareness about the scourges of racism and promote the values of acceptance, tolerance and cultural diversity. In this connection, how effective are the measures, in the fields of teaching, anti-racism education, including programmes addressed to young people, culture, information, media campaigns and sports which have been undertaken to

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against racism, racial discrimination, xenophobia and all manifestations of related intolerance?

See questions n. 6, 7 and 8.

12. Please indicate the measures taken to strengthen anti-racist and gender-sensitive human rights training for public officials, including personnel in the administration of justice, particularly law enforcement, judicial, correctional, prison and security officials, as well as among healthcare, school, immigration and border officials?

See § 20 of the Document "Reply to List of issues to be taken up in connection with the consideration of the Report of Italy (CERD/C/ITA/15)".

Information, communication and the media, including new technologies

13. While taking all necessary measures to guarantee the right to freedom of opinion and expression, what steps have been taken to declare an offence punishable by law all acts of racial violence or incitement to such acts as well as the dissemination of ideas based upon racial superiority or hatred and, particularly through new information and communications technologies, including the Internet?

As a preliminary remark, it must be recalled that in Italy instigation to racial hatred is severely punished by the Criminal Code; nonetheless it is the judicial authority, in its full independence, to assess, on a case by case basis, to which extent a given manifestation either falls within the bounds of the freedom of thought and expression and of political orientation, or it is rather to be considered as a criminal act of instigation to racial hatred.

The Italian Government is fully concerned about the racist and xenophobic propaganda, which mainly targeted non EU-migrants and minority groups, such as Roma populations, and which compromises the difficult process of peaceful integration and coexistence. There is confidence that all the efforts made by the Government, local administrations, churches and NGO are a strong "screen against racism". Racism is a real problem of global dimension affecting many countries, that our country is dealing with (also as a consequence of recent immigration) and we continue to combat it with all kind of tools: legislation, communication, education and social policies.

On this topic mention should be made of offences sentenced according to Art. 1 of Act No. 205/1993 concerning the juridical status of those responsible for these criminal acts and aim to prevent the commitment of these *crimes of conduct*: anyone sentenced according to Art. 3 of Act No. 654/1975 is forbidden to take part in propaganda activities for political or administrative elections for not less than 3 years².

To further support the above, it is worth recalling the Decision adopted by the Court of Bolzano of 2 December 2005 concerning eight persons responsible of conducts of incitement to discrimination or to commit violence on ethnic, nationalistic and racial grounds as aggravating circumstances, according to Arts. 3, para. 1 and 3, para. 3 of Act No. 654/1975, as well as the sentence of the first instance Court of Verona concerning six local members of

² This Article has been amended by Decree Law No. 3538, adopted by the Italian Senate on 25th January 2006, which aims at guaranteeing freedom of thought, except when its manifestation consists of instigation to discrimination and violence on racial, ethnic, national or religious grounds. The first kind of offences (propaganda or instigation to commit or commitment of discriminatory acts and conducts) are sentenced with imprisonment of one year and six months as a maximum or with a fine up to 6.000 euros).

the Northern League found guilty of incitement to racial hatred in connection with a campaign organised in order to send a group of Sinti away from a local temporary settlement. Therefore, every single time the judicial authorities have identified sufficient grounds for an action - in pursuance of the Constitutional principle of compulsoriness as to prosecution (Art. 112 of the Constitution) and of criminal prosecution provisions - they have started investigations in order not to leave crimes unpunished, including those regarding racial violence and instigation to racial violence.

Strengthen partnerships with civil society

What steps have been taken to strengthen cooperation and develop partnerships with non-governmental organizations and all other civil society actors to harness their experience and expertise combating racism, racial discrimination, xenophobia and related intolerance.

As far as the activities of prevention and fight against racism and racial discrimination, associations and organizations working in this field, together with the National Office for the Promotion of Equal Treatment and the Removal of Discrimination Based on Race or Ethnic Origin (UNAR), have a fundamental role.

In the light of the provisions envisaged by Art. 5, para. 1 of the Legislative Decree No. 215/2003, associations and bodies enlisted in the Register of Associations Working against Discrimination have the capacity to take legal action in cases of either individual or collective discrimination. In the first case, the associations can act through delegated authority issued by the victim of discrimination. This must be in writing, on pain of nullity, in the form of a public deed or authenticated private agreement. In the second case, the associations may act even without delegated authority, in cases where the victims of the discrimination cannot be identified directly and immediately.

The list, made up of 320 associations, was approved after a very complex procedure which was managed by the UNAR, since the beginning of 2005, by an inter-ministerial Decree issued on 16th December by the Minister of Equal Opportunities and the Minister of Labour and Social Policies, published in the Official Journal No. 9 on 12th January 2006.

According to Art. 6 of the Legislative Decree No. 215/2003, in the above mentioned Registry are included associations and bodies working in the field of social integration and already enlisted in a special register approved by a joint Decree of the Minister for Equal Opportunities and the Minister of Labour and Social Policies, provided for in Art. 52, para. 1, letter a) of the President of the Republic Decree No. 394/1999.

The creation of the Register of Associations Working against Discrimination satisfies not only the need to strengthen the relationship with associations or bodies operating in this field and to recognize their legal competence, but also to achieve a continuous liaison with the UNAR with a view to promote relevant synergies and joint projects.

This liaison is necessary to help the Office in providing legal assistance and support to victims who call its Contact Center and also in facilitating the intervention of national Focal points and associations enlisted in the above mentioned Register, in order to satisfy the conditions of inferiority of the victim, who often have difficulties to face the costs of legal assistance.

With the objective to create or to strengthen legal competences to contrast racial discrimination, the UNAR organized a training workshop addressed to all interested associations in July 2007.

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Furthermore the liaison with associations and bodies concerns the aspect of positive actions for equality opportunities. The UNAR promoted an *ad hoc* initiative, calling associations and foundations that work to contrast racial or ethnic discrimination to elaborate proposals and projects to reach aims defined in priority areas at regional or inter-regional level, which were identified depending on the calls received by the Contact Center. These areas are employment, health assistance, housing, Roma and Sinti people in our country, access to justice.

According to the budget of the Department for Rights and Equal Opportunities for the year 2006, resources to finance these projects amount at about 500.000,00 euros.

Provision of effective remedies, recourse, redress and other measures at the national level

17. What measures exist to investigate and prosecute unlawful acts of racism and racial discrimination and to combat impunity for crimes with a racist or xenophobic motivation?

18. What judicial and other remedies exist for persons against any acts of racial discrimination which violate their human rights and what evidence is there to consider that these remedies are effective and adequate?

See § 18 of the Document "Reply to List of issues to be taken up in connection with the consideration of the Report of Italy (CERD/C/ITA/15)".

19. Has your Government taken any measures to eliminate "racial profiling" understood as the practice of police and other law enforcement officers relying, to any degree, on race, colour, descent or national or ethnic origin as the basis for subjecting persons to investigatory activities or for determining whether an individual is engaged in criminal activity?

See § 18 of the Document "Reply to List of issues (CAT/C/ITA/Q/REV.1) to be taken up in connection with the consideration of the Report of Italy (CAT/C/67/Add.3)".

Victims of racism, racial discrimination, xenophobia and related intolerance

Migration

20. Has your Government reviewed and, where necessary, revised its immigration laws, policies and practices which may be inconsistent with international human rights instruments with a view to eliminating all discriminatory policies and practices against migrants?

It is worth emphasizing that the phenomenon of the flow of foreigners irregularly entering our Country is matter of serious concern. It is therefore with this in mind that the Italian Government is engaged in improving the relevant Legislation by a Bill, the so-called Amato-Ferrero Text, adopted by the Council of Ministers on April, 24th 2007. This measure will aim at providing adequate normative tools to regulate the migration phenomenon, to be considered as a structural element of our society and not as an emergency one, by facilitating, within the labour market, the matching between job-demand and job-offer, and by promoting the integration of immigrants.

Moreover, this Bill will aim at resorting, on a residual basis, to the so-called CPT, whereas a few CPTs have been already put under closing down procedure. Along these lines, while ensuring the reduction of the term of stay in the CPTs, they will be used only for those foreigners to be expelled and/or to be identified. Additionally, by this Bill, the system of the assisted repatriation of the illegal migrants will be made more effective, while fully respecting the human dignity and human rights.

As to the Centres for Temporary Stay and Assistance (acronym in Italian, CPTA) for illegal immigrants, all the relevant agreements that are to be signed by the Ministry of the Interior and the Managing Bodies, must be in line with the so-called "Guidelines for the Management of the Centres (CPTA)"³, in order to ensure to the persons hosted there, as follows: the respect for the different cultural, ethnic, religious and linguistic origins; an appropriate health-care assistance; legal aid, translation service, as well as cultural mediation⁴.

The above Guidelines envisage the services to be provided in order to ensure adequate standards. These Guidelines define the minimum quality and quantity standards of the services that should be offered to the hosted people living in the Centres. They represent the minimum indispensable protocol, on the basis of which the Law establishes that the contracting parties (the local *Prefettura* and the Managing Body) signatories of the agreement, could improve the quality of the services⁵, their diversification, the number of personnel who should operate, in order to respond more effectively to the needs of the hosted people.

Within this framework, it seems to us worthy of mention the General Directive, dated March, 5th 2007, by which the Minister of the Interior focuses on the strategy and guidelines to be adopted in order to improve the living conditions in and, more generally, the management of the facilities devoted to host illegal immigrants and asylum-seekers. It was the result of the assessment exercise requested by the Minister of the Interior, G. Amato to Ambassador De Mistura, who headed an ad hoc commission enquiring the situation in these Centres. The results of such activities were included in a report - the so-called De Mistura report (*Report interno.it*) -, which was issued on January, 31st 2007. This paved the way to the adoption of the above Bill, the so-called Amato-Ferrero Text.

Refugees, asylum-seekers and displaced persons

26. What measures has your Government taken to comply with their obligations under international human rights, refugee and humanitarian law relating to refugee, asylum-seekers and displaced persons?

See § 4 of the Document "Reply to List of issues (CAT/C/ITA/Q/REV.1) to be taken up in connection with the consideration of the Report of Italy (CAT/C/67/Add.3)".

³ The "Guidelines for the management" of Centres for immigrants, issued by Minister Directive, dated January 8, 2003, entered into force and were promptly implemented.

⁴ a) The observance of the different cultural, ethnic, religious and linguistic origins; b) Appropriate social-sanitary assistance as well as psychological support by a professionally qualified staff; c) Orientation and information of relevant legislative measures and of legal tools (including the resort to legal aid), interpreters' service, as well as cultural mediation; d) Improved living standards and the highest services as to food supply and other services (including laundry and so on...); e) External contacts by the free distribution of prepaid telephone cards, as well as by providing free post and telegraphic services.

⁵ By January, 31st 2006, the Centres for immigrants have been put in line with the "Guidelines on Fire Prevention", as issued by Interior Minister's Directive, dated May, 3rd 2005.

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Other victims

27. What steps have been taken to guarantee the rights of persons belonging to minorities, including Roma/Gypsies/Sinti, to enjoy their own culture, to profess or practice their own religion, to use their own language and to participate effectively in the cultural, social, economic, and political life in order to protect them from any form of racism, racial discrimination, xenophobia and related intolerance they are or may be subjected to?

See § 18 of the Document "Italy Remarks Concerning Minorities Issues" – November 2007.
 For the Roma and Sinti see also § 2 of the Document "Reply to List of issues to be taken up in connection with the consideration of the Report of Italy (CERD/C/ITA/15)".

28. Have measures been taken to counter anti-Semitism, anti-Arabism and Islamophobia and the emergence of movements based on racism and discriminatory ideas concerning these communities?

Several initiatives have been started in Italy, with the aim of promoting and developing mutualism and intercultural dialogue.

See Fourteenth and Fifteenth Periodic Report on the implementation of International Convention on the Elimination of All Forms of Racial Discrimination (CERD/C/ITA/15), in particular Section I. – A. - § 3 (*Discrimination on ethnic, linguistic and religious grounds*), and B. - §§ c), d), e).

29. Has your Government devised, enforced and strengthened measures to prevent, combat and eliminate all forms of trafficking in women and children, in particular girls?

See § 32 of the Document "Reply to List of issues (CAT/C/ITA/Q/REV.1) to be taken up in connection with the consideration of the Report of Italy (CAT/C/67/Add.3)".