



ENAR SHADOW REPORT 2004 ITALY

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Message from the President

ENAR's 2004 European Shadow Reports cover a period of 12 months. They are not a scientific study of the state of racism or discriminatory practices in EU Member States, but a compilation of information and data collected and provided by a vast network of NGOs working with antiracism, protection of human rights and provision of legal help and moral support to victims of discrimination, unequal treatment and marginalisation in the European Union.

This commendable work is done by many dedicated individuals, groups and organisations, who every year put a lot of effort in piecing together vital information in preparing reports from each EU country. Since official reports often paint a rosier picture of the local situation by excluding what NGOs say or experience, ENAR's reports have the added value of providing an overall picture from the ground.

EU institutions can use this information to check the performance of Member States and ask them to live up to the letter and spirit of Directives and Guidelines. In 2003, many international organizations, journalists, institutions of higher learning, European and non-European students and sister NGO networks utilized these reports.

ENAR wishes to highlight the fact that a number of diverse groups who live in the EU do not enjoy the socio-economic rights, equal opportunities and even legal protection they are entitled to. This lack of equality is not only a strong barrier in the process of mutual integration of these communities in society, but is also a tremendous financial loss to local economies.

Situations vary from country to country. Some have a long tradition of living with ethnic minorities, while others have only a few years experience. Some countries have good and functional anti-discrimination legislation in place, while others are still hesitant to comply.

Populist political statements and distorted media coverage has not helped to better the situation. Politicians hide behind "freedom of speech" to get away with the most hateful propaganda against certain groups, while the media holds the microphone. Mainstream media not only indulge in the generalisation of minorities but are also

steadfast in denying any responsibility in creating an atmosphere in which racism thrives.

EU institutions have taken many important steps to rectify this situation through directives, information campaigns and even legal steps against some countries have been taken. ENAR is hopeful that by being a bridge between ethnic minorities, NGOs and EU institutions, it can help to create a Europe where all its inhabitants can live in harmony. Our expertise is there as well as our resolve. We are here to help because we believe in truth, justice and even-handedness.

I was pleasantly surprised when I was introduced to a prominent journalist from India at a conference in Brussels recently. When he was told that I was the Chair of ENAR, he smiled and said, “I wish we also had such an organisation in Asia that can bring civil society’s wishes to the decision makers.”

Bashy Quraishy
President – ENAR

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Executive Summary

The 2004 Shadow Report on discrimination in Italy shows the existence of discriminatory backgrounds and practices in all sectors dealt with herein. We are also witness however to a more dynamic approach from both institutions and migrant association operating in this sector, as proven by some important legal innovations such as the appeals filed by single immigrant citizens or associations, decrees issued and good practice.

In observing the lack of a reliable system for collecting data and monitoring cases of discrimination while waiting for various monitoring centres to be established or being established in 2004, (including UNAR), and to start producing data and statistics, this report is based on the research available and on the episodes reported by the media to give a picture of *cases of discrimination or racial violence*. What stands out is the variety of cases of racism reported here that can be found in all sectors and settings and that go hand in hand with the ‘public’ character of Italian racism. Government majority representatives and, in particular, those of the Northern League Party, continuously make explicit racist statements and speak in highly offensive terms, disavowing laws and court decrees, in particular those concerning the struggle against racism.

Among the legislative developments that have taken place in 2004 there has been, with the transposition of the two EU directives on equal treatment, the opening of the new *Bureau for the promotion of equal treatment and the removal of discrimination based on the grounds of race or ethnic origin* (UNAR), established by Law Decree No. 215 of 2003. As to the application of discriminatory principles in the current legislation, 2004 was distinguished by two important sentences of the Constitutional Court that has cancelled two regulations of the Bossi-Fini Law on expulsion because they were unconstitutional. In 2004, a sentence from the Court of Verona was issued condemning six militants of the Northern League for incitement to racial hatred. However, there have been other clearly discriminatory measures, like the regulation included in the Financial Law 2004, which excludes non-EU women from the benefit of an allowance for a second child. Finally, during 2004 there have been several court judgements on the question of access for non-EU citizens to public employment that have given rise to a debate with fluctuating and diversified positions.

The participation of foreign citizens in political life has seen remarkable growth through local provisions meant to facilitate the exercise of the administrative vote, provisions that have been subject to contradictory opinions by different institutions.

In order to analyse the specific areas in which racism and discrimination arise, the report takes into consideration the employment, education and housing sectors. With regards to *employment*, the most important innovation is the publication of the research on discrimination in the workplace, based on the International Labour Organisation (ILO) model, that shows the existence of systematic discrimination towards Moroccan workers in the Italian marketplace, confirming the situation denounced a long time ago by NGOs and trade unions. In this regard, some aspects are confirmed like the high rate of accidents in the workplace suffered by foreign workers, speculation of employers on regularisation in 2002, as well as the vitality of immigrant entrepreneurship.

MIUR (Ministry for Education, University and Research) data highlights the growing increase in the school population of immigrant origin children at all levels and standards. While this is an innovative aspect, although there are more students, mainly in technical schools, the dropout rate remains very high. The debate on religious symbols, from the cross to the crib scene, fully involved schools during 2004, including talking about the cross. The debate started in 2003, after a court sentence and has been newly encouraged thanks to the opinion of the Constitutional Court that, even if it did not express a judgement and referred it to the administrative judge, was interpreted as an indication to keep the cross in classrooms.

In December some schools chose to celebrate Christmas in different ways, staging alternative crib scenes and Christmas plays. This triggered endless controversies, in the press and in Parliament. The Minister for Education, University and Research got involved in the debate with a letter sent out before Christmas to all school principals, asking them not to remove the crib “from the life of our students” because “it is a symbol of love (...), the most sublime love, for everyone, even for those who are different, far away, those who do not love us.”

With regards to *access to housing*, the situation has not experienced any great change. The high performance of the real estate market is paralleled by the disadvantaged conditions of migrant citizens. Rents without any written contract and with disproportionate prices, overcrowding, accommodation on the fringe of the market because of degraded buildings, widespread prejudice by landlords. For access to council houses, there is the same trend as the previous year with the issuing of discriminatory regulations intended to exclude or delay access of immigrants to priority lists, as already happened in 2004 in Lombardy and Treviso.

Particularly unfortunate are the conditions of the most vulnerable groups who live in downgraded or abandoned areas and in slums on the outskirts of the cities who have entered the “vicious circle of irregularity”, a mix deriving from the failure to have a residence permit, irregular jobs and homelessness, which prevents them from coming out of a marginalised condition.

Finally, an interesting element is that referred to is the increase of the number of foreign citizens who can choose to buy a house, who account for 10% of the total number of house buyers according to the main real estate agencies. Owing to the difficulties of obtaining a loan from the banks to buy a house, it seems that immigrants turn more frequently to private financial agencies, which often impose less convenient conditions.

Among the groups that are more subject to discrimination are, once again, Muslims, Jews and asylum seekers, though with different nuances compared to previous years.

After the 11th of September, fear and mistrust towards the *Islamic religion* has never stopped growing, as shown by several surveys, generating hostility towards citizens coming from Arab countries, as well as truly racist actions, often endorsed by politicians and government representatives. In this atmosphere in some local contexts, measures have been taken to prevent women from wearing the “veil that covers their face” in public places, with the excuse of forcing everyone to show their face to protect the safety of citizens.

With regards to *anti-Semitism*, there still are many strong and deeply rooted anti-Semitic stereotypes and prejudice in Italy, although recent research of the Anti Defamation League seems to suggest that there has been a drop in the anti-Semitic attitudes of Italian and European public opinion.

The situation of *asylum seekers* is again particularly unfortunate, as denounced in many reports by international humanitarian associations. Both Amnesty International and Médecins Sans Frontières believe that the procedures by which asylum seekers are ‘hosted’ in Italy are unconstitutional and do not comply with the declaration of human rights. Often they are materially prevented from applying for asylum, and after being locked up in Temporary Stay Centres, are sent back to their country of origin. The tragic incident of the German vessel Cap Anamur, that saved 37 refugees from shipwreck in June but was prevented from mooring in an Italian port for 21 days, explains this situation perfectly.

The regulation that enforces the Bossi-Fini Law on asylum issued in December 2004, explicitly states that in some cases those who are waiting for the recognition of their status are to be locked up in the so called Centres for Identification and deprived of their freedom.

The situation of the *Roma and Sinti populations* confirms all its terrible aspects. In June 2004, the European Roma Rights Centre (Errc) filed a group complaint to the European Committee for Social Rights against Italy for the systematic violation of Roma rights, especially concerning housing. There still exists a situation of truly ethnic segregation of Roma in their camps, which is the result of social exclusion endorsed and 'promoted' by the institutions themselves that for decades have encouraged this type of settlement without any alternative. The claim also reports on the arbitrary violence Roma have to suffer by the police, the forced evictions from their camps and individual violence. Abuse by police has been reported, with an official letter, to the Minister of the Interior.

Temporary Stay Centres stand out as a place for the *suspension of rights*, where everything is permitted to the police and the organisations that run them and where in 2004 there were a succession of accidents, attempts to escape, attacks and beatings.

The crucial importance of the *media* in the social making, reproduction and transmission of stereotypes to the detriment of minority immigrants and in the spreading of discrimination is confirmed once more. However, we have to report a growing interest in the subject, not only by associations that deal with immigration or by scholars of communication media. Public institutions, research institutes and universities also seem to pay more and more attention to this difficult relationship, devoting more studies, graduation theses and research reports to the subject, by participating in complex and articulate projects, and promoting some themselves.

1. Introduction

The absence of a consistent and regulated system of monitoring of discrimination cases in Italy, at the national level has caused some difficulties in drawing up this research report¹. The direct sources that give a picture as complete as possible of the discrimination episodes are, therefore, represented by newspapers that supply many pieces of information, though not exhaustive ones, and by thematic research published in the last few years on the conditions of foreign citizens. We hope that next year we will rely on UNAR and the official data it will be able to provide.

After the description of victims and their perception of racism suffered, the report outlines the spreading of discrimination and racism in specific areas, such as employment, education and access to housing, with further reference to the question of religious symbols and access to banking services.

Legislative developments, both at local and national level, concerning immigration and their consequences, are dealt with, while the update on sentences, norms and regulations issued by various Courts, the Constitutional Court and the Local Authorities, that have affected the subject of discrimination, can also be found.

The presence of specific areas in which discrimination is highly present against ethnic and religious groups or people with a different legal status, led to identifying some fields of potential discrimination in Islamophobia, anti-Semitism and asylum seeking, while the situation of the Roma and Sinti population is dealt with in the following chapter.

The difficulties in collecting data and the description of the main services for the victims of racism are reported, detailing instances of discrimination and racist aggression that we could find in the press or on the web sites, giving the general picture on the state of discrimination in the various sectors of the public opinion.

Finally, the report deals with how much and in what way the media contribute to the increase of racism and discrimination, and how this subject is increasingly drawing the interest of scholars and researchers.

¹ For a comparison in the collection of data on discrimination in some European and other countries, see the research promoted by the European Commission, *Comparative Study on the collection of data to measure the extent and impact of discrimination within the United States, Canada, Australia, Great Britain and the Netherlands*, Medis Project, 2004.

2. Description of victim groups

From a statistical point of view, it is impossible to indicate precisely which groups suffer most from racism and discrimination in Italy. As we will see in other parts of this report, there is a shortage of systematic data on these phenomena, which would certainly give us a clearer view. In the absence of this data, and referring to the sources we have been able to consult (research reports and press news), we have been able, however, to identify the groups that are most affected.

Immigrants coming from countries that do not belong to the European Union (non-EU nationals) are those mostly affected by direct and indirect discrimination based on their ethnic origins and religion, including non-EU nationals and citizens coming from the new accession countries in the second part of the year. They have, in fact, increased in number over the past year and have increasingly been the target of discriminatory behaviours. The North-East Foundation for instance, in a survey on the opinion of Italians on the enlargement of the Union, pointed out that the inclusion of the new countries is considered as positive from a strategic and political point of view, while from an economic and social point of view there is a strong mistrust towards new Union members².

Among foreign immigrants, the illegal ones are those who face major problems. Lack of a residence permit places them in a situation of extreme weakness in all sectors, and exposes them to harassment and blackmail. But precariousness is, unfortunately, a chronic condition also for legal immigrants, whose residence permits are linked to a labour market that is increasingly tainted with uncertainty and instability.

The conditions that expose non-EU immigrants to obvious differences of treatment go hand in hand with the spreading of prejudices, on which mass media and the political debate, in particular the statements and attitudes of some political members belonging to the Northern League, continue to play an important role. This party, which has ruled for four years now, feeds stereotypes and encourages hatred towards foreign citizens, thus laying the basis for a closed and hostile society.

² Diamanti, I., Bordignon, F., Allargamento e integrazione dell'Europa. Orientamenti e atteggiamenti dei cittadini europei (Enlargement and integration of Europe. Orientation and attitudes of European citizens), Quaderni FNE, Collana Osservatori, no. 8 – May 2004.

The difficult situation of asylum seekers continues to exist: the obstacles in applying for and receiving the refugee status, together with the shortage of protection and welfare measures, are the basis for the de facto denial of the right to asylum.

The political debate and growing international tension are the basis for the mistrust and prejudice towards people of Islamic religion, both Italian or foreign nationals. The belief that a civilisation clash is under way is continuously reinforced and is spreading through all layers of the population in a worrying way. Whoever states to be a follower of Islam is looked at with suspicion and the idea that Western culture is superior and should prevail leads to the negation of religious freedom of Muslims.

Anti-Semitism often finds its foundation in the international situation and in the public debate also, 2004 confirmed the tangible revival of anti-Semitic prejudice. It is important to point out that the tendency to label everything under anti-Semitism, identifying various positions against the government of the State of Israel as such can lead to an underestimation of the real signs of anti-Semitism as well as a simplification of the debate on this subject.

Finally, institutions continue to be totally absent in the struggle against discrimination and racist behaviours suffered by Roma. Both local and national authorities carry out the most obvious forms of racial segregation against this group of people. Policemen are continuously denounced by non-governmental organisations operating for the protection of the rights of the Roma people, due to their way of treating and abusing gypsies during searches in gypsy camps and in daily life.

2. Specific areas in which racism is visible/hidden in the national context

2.1 Employment

The lack of empirical study on discrimination against migrant workers or people belonging to minorities in the Italian labour market was filled in 2004 with research compiled by Fieri from Turin with technical advice from the International Migration Programme of the International Labour Office (ILO)³. This study was carried out in 2003 in Turin, Rome and Naples, aimed at detecting any discriminatory behaviour in the recruitment of immigrant minorities compared to Italian workers, in particular for citizens of Moroccan origin. The methodology used (*Discrimination Testing*) is based on the identification of job advertisements for semi-skilled or unskilled jobs, to which two people, one Moroccan and one Italian having the same characteristics, replied one a few minutes after the other. The rate of discrimination, worked out on the basis of the difference between the positive replies obtained by the two people, was surveyed in the course of three phases of the job search: the first telephone call, the call for an interview and the job offer. According to ILO methodology, a difference of at least 15% between the two nationalities is needed in order to label it as discrimination.

During the job search, on the occasion of the first telephone call, in 12 cases only the Moroccan applicant was accepted and in 154 cases only the Italian applicant, with a net discrimination rate of 26.6% (142 cases out of a total of 533 useful proofs). In some cases the Moroccan applicant was explicitly rejected. While the rejection was not outspoken, they would reply that the job was not available any longer or that the manager was not there, etc. The applicant just had to say that he was foreign, or even be heard speaking with an accent on the other end of the line, for the employer to decide to automatically reject his application for the job.

In the call for interview phase, the discrimination rate dropped to 62 cases, a percentage of 11.6% out of the total of useful proofs. In the last phase, that of the job offer, the discrimination rate dropped even further reaching 2.6%. As a whole, a discrimination rate of 40.9% was detected, a higher rate than the results obtained in other European countries where the study was carried out⁴. This led Fieri's researchers to state that there is systematic discrimination (difficult to quantify)

³ Allasino, E. et al., *La discriminazione dei lavoratori immigrati nel mercato del lavoro in Italia (Discrimination of migrant workers in the Italian labour market)*, ILO, 2003, Geneva.

⁴ 33% for Belgium, 19% for Germany, 37% for the Netherlands, 36% for Spain.

towards Moroccan citizens in the Italian labour market and that, therefore, it is not a question of isolated cases.

Though limited to only one national group and to certain labour sectors, the research results confirm the situation that has been reported for a long time by numerous organisations. Trade Unions, for instance, have been stressing for years the marked differences in treatment which arise in the workplace between native and foreign workers. The situation of immigrant workers is particularly difficult in the construction industry, which was widely analysed by the CGIL Union of the sector, in its second survey on the subject⁵. The building sector which is continuously expanding, now has 250,000 foreign workers, equal to 28% of all stakeholders, most of whom come from Romania, Albania, Ukraine and Poland.

Research by Fillea Cgil of Rome and Latium monitored the trend of disputes filed in 2004 by construction sector workers, pointing out the main problems encountered by immigrant workers on Italian building sites⁶. First of all it is important to point out that the majority of disputes in Rome are filed by foreign workers (54.97% against 45.03% of disputes filed by Italians). This data shows on the one hand an increasingly larger unionization of foreign workers and a growing awareness of their rights, while on the other it shows how they have to face heavy discrimination that penalises them compared with their Italian peers. The first element is the number of regularised workers: 75% of them who have turned to Trade Unions, do not have a regular contract or have one that is only partially legal. Almost all of them complain about different remuneration compared with those who are regularised (97.53%) and about the failure to pay the Severance Indemnity Fund (95.47%). In actual fact, irregular workers receive an average salary that is lower than their colleagues' with a regular contract (never more than 5 Euros per hour) and they are frequently employed within the two lower levels when they have duties as skilled workers. For those who work illegally, the salary is about 2-3 Euros per hour.

The survey also highlighted another serious phenomenon, such as the speculation of employers on the regularisation of 2002. According to the authors of the survey, 94% of foreign workers in the construction sector in Rome, are forced to pay for the costs (that should have been paid for by the employers) and, after having been

⁵ Federazione Italiana Lavoratori Legno e Affini – Cgil, 2° *Dossier su lavoro ed immigrati in edilizia* (2° *Dossier on employment and immigrants in the building industry*), 2004, available on: <http://www.filleacgil.it/stranieri/Indice2Dossierimmigrati2004.htm> (10.01.2005).

⁶ Fillea Cgil Roma e Lazio, *Vertenze sul lavoro nei cantieri edili romani: gli immigrati superano gli italiani* (*Work disputes in building sites in Rome: immigrants overtake Italians*), 2004, available on: <http://www.filleacgil.it>.

regularised, 62% of them were fired because the regularisation procedure was used by the employers only to avoid retroactive tax obligations.

In the 2003 Report, we had already stressed how tasks given to foreign citizens are often harder, more dangerous, with less protection and longer working hours⁷, and how the rate of accidents on the workplace is consequently very high. Various studies have shown how immigrant workers are actually more exposed to the risk of accidents compared to Italians, with a rate of accidents higher than that of the average national rate (55.6 against 43.2 per 1000 employees). In 2003, 105,000 accidents occurred to immigrant workers with 147 deaths (equal to about 11% of the national total rate)⁸. Also in 2004 the general trend of accidents showed an increase and in the building sector, as many as 38 workers lost their lives in the workplace (18.75% more compared to the previous year), half of whom were aged between 26 and 35 years⁹. In the light of the available data, we can state therefore that there is a “difference in risk” between Italian workers and those born abroad¹⁰, resulting from the fact that the latter are recruited for the most dangerous duties as well as from the existence of a higher risk of accidents for these duties¹¹, because they are often not informed of accident prevention regulations, nor are they provided with the necessary equipment needed to ensure their safety.

2.2 Immigrant entrepreneurs and access to credit facilities

In the last few years in Italy, immigrant entrepreneurship has been growing at a high rate and represents a remarkably interesting field of research. Businesses with owners born in a country that does not belong to the European Union registered at the Chambers of Commerce at the end of September 2004, were slightly more than 168,000, with an overall increase of 73% in the last 4 years. The first country of origin for entrepreneurs, with over 29,000 businesses, is Morocco, followed by

⁷ See Enar Shadow Report 2003, Para. 2.1. Discrimination in the employment sector

⁸ Inail, *Dati sull'andamento degli infortuni sul lavoro (Data on the trend of accidents on the workplace)*, April 2004; Pittau, F, Spagnolo, A. (edited by), *Immigrati e rischio infortunistico in Italia (Immigrants and risk of industrial accidents)*, Istituto Italiano di Medicina Sociale, December 2003, Rome, p. 93. See also Istituto Regionale Programmazione Economica Toscana, *Osservatorio infortuni nell'area fiorentina (Monitoring centre for accident prevention in the area of Florence)*, 2004, Firenze, pp. 41-50.

⁹ Fillea Cgil, *Infortuni mortali nei cantieri edili: 231 le vittime nel 2004 (Deadly accidents in building sites: 231 victims in 2004)*, 2004, available on: <http://www.filleacgil.it>. For the purpose of collecting the reports of workers, trying to prevent the continuous occurrence of deadly accidents and promote the regularisation of building sites, the Cgil building sector union launched a green number service in October 2004 that is meant to be a tool for protecting all those who must bear terrible working conditions on building sites.

¹⁰ We talk about workers born abroad because the data from INAIL (the National Accident Prevention Body) do not report information on the citizenship of the accident victim.

¹¹ Pittau, F, Spagnolo, A. (2003), op. cit., p. 107.

China with over 18,000 individual businesses¹². With regards to gender, men head the building and industrial sectors, while women prevail in education and services (healthcare, social services, personal care, etc.).

In the process of the creation and follow-on performance of the self-owned business, foreign entrepreneurs meet various types of difficulties, related both to the start-up (lack of information, bureaucratic problems, etc.) and the management of the business. In particular, the biggest barrier is represented by the difficulty to gain access to credit facilities. On the basis that there is no institutional form of financing or aid to facilitate the achievement of loans in order to start up a business, support in terms of information and credit mainly comes from the entrepreneur's personal network of acquaintances. The main problems in gaining access to services offered by the banking system are related to the excessive guarantees required to cover the loan (concerning tax returns, payment into current accounts, personal assets and property) and to its excessive charges¹³. Other barriers that hinder a straightforward use of services are linked to the difficulty in understanding application forms written in Italian and the lack of transparency and clarity in the information given to foreign citizens, who are not familiar with the mechanisms of the Italian banking system. In this respect, all the initiatives promoted mainly by non-profit organisations prove to be very useful. They organise training courses and business guidance schemes, and also set up consortia for loan guarantees that would otherwise not easily be granted by banks.

There is in fact a basic "mistrust" towards the immigrant client, both due to "fear" of non-solvability of the debt and the instability of legal status, which lead immigrants to be defined as "not creditworthy". But the mistrust of banks at times goes even further to the extent of applying truly discriminatory behaviour, even denying the most elementary services to their foreign customers. In this respect, some banks accept to open current accounts to immigrants only if they abstain from having chequebooks and debit and credit cards. The Cisl Trade Union in Varese has denounced the refusal of the banks based in the province to exchange bank drafts submitted by immigrants¹⁴. Despite the fact that the law requires the unconditional payment of the relevant amount to the person submitting the cheque to be cashed,

¹² Unioncamere, *Immigrazione: da Unioncamere un osservatorio dedicato a lavoratori e imprenditori extracomunitari (Immigration: A Unioncamere monitoring centre dedicated to non-EU workers and entrepreneurs)*, Unioncamere, 17 December 2004, Rome.

¹³ Ministry of Labour and Social Policies, Confartigianato, Banca Popolare Etica, *L'imprenditorialità immigrata: caratteristiche, percorsi e rapporti con il sistema bancario (Migrant entrepreneurs: characteristics, paths and relationships with the banking system)*, Final Report, October 2004

¹⁴ Mancino, M., "Sei un immigrato? Non ti cambio l'assegno", www.varesenews.it (10/02/2005).

the most frequent excuse concerns identification, even though the documents submitted are more than enough. This irregular practice creates a domino effect on the payments that immigrant workers must effect in their daily life: failing to obtain the necessary money, some of them can face fines and interest for delayed payment for not having settled electricity bills or mortgage instalments in time.

2.3 Education

Also for the year 2004, the Ministry of Education has recorded an increase in the number of students with non-Italian citizenship¹⁵. In 2003/2004, 282,683 foreign students attended both state schools and private schools, about 50,000 more than the previous year, with a percentage incidence of 3.5% on the total school population. The foreign school population continues to be characterised by a very large number of nationalities (191 out of 194 existing ones), most of which are Albanian and Moroccan, with a remarkable increase of Romanian, Ecuadorian and Argentine children.

Considering the distribution across different levels of education, approximately one fifth of the school population of non-Italian pupils attend nursery school, 40% are present in primary school, 24% in secondary school and almost 16% in high school. The increasing number of foreign students found in high school is certainly a positive signal of better integration. It is, however, important to know that the majority of students attending high school enrol in technical or vocational schools (77.93%), whereas only few enrol in teacher training schools or grammar schools. Such a phenomenon is explained by the Ministry of Education as the need for the immigrants' children to do a shorter program of studies and obtain a qualification that gives them better chances to gain access to the labour market in a short time. This consideration should be paralleled however with the fact that secondary school teachers tend to direct towards vocational schools all those children who still have linguistic difficulties in Italian, notwithstanding the interests of the children themselves, with the assumption that they are "easier" schools. In other words, the larger presence of foreign students in vocational schools does not seem to meet a "need to work immediately" that they actually feel, as suggested by the MIUR (Ministry for Education and University Research), but rather a choice influenced by the school system.

¹⁵ Data on the presence of foreign students in private and state schools are taken from: Ministry of Education, University and Research, *Alunni con cittadinanza non italiana. Scuole statali e non statali (Non-Italian students. Private and state schools)*, Miur, September 2004, Rome. For information on the presence of University students see the Central Office for Foreign Students in Italy, *Studiare da stranieri nelle università italiane (Studying as foreigners in Italian universities)*, Ucsei, 2004.

The presence of foreign children in different levels of schools decreases remarkably if we compare the first classes with the last. The data on school dropout rates is significant, especially regarding high school, where the gap between the number of foreign students who attend the first year (3.24% out of the total of the attendants) and those who get as far as the fifth year (0.89%) is huge and corresponds to a decrease of 72%. The data on dropout rate in secondary school shows a much more limited difference but remains equally problematic (since it is compulsory schooling), between 4.20% of students in the first class and 3.76% in the third. The same applies to primary school, where pupils go from 5.04% in the first class to 4.3% in the fifth class. A study by Ires Cgil¹⁶ estimated that there are approx. 100,000 foreign children of school age who do not attend school, out of whom about 16,000 are unaccompanied children¹⁷.

In analysing the school success of foreign students, the data collected by the Ministry of Education on the trend of their performance compared with that of the school population as a whole, shows that there are many difficulties, especially at the higher levels of education¹⁸. In fact, while the gap between the success rate of Italian students and that of foreign students in primary school is equal to 3.36%, less for the latter, the gap increases in the secondary school (-7.06%) and becomes 12.56% in high school. In the different types of high school, the number of non-Italian students who reach the end of the year reflects the trend shown by Italian students: the lyceums (grammar and scientific schools) and teacher training schools record the highest percentage of success.

It is in the provinces of central and northern Italy that we find the best success rates, but the record in the Province of Prato deserves a better study since it is particularly negative: 14.42% of foreign students passed, less than Italians in secondary school. Being a province in which almost half the non-Italian students are of Chinese origin, it is necessary to try and understand what the causes are. If, on the one hand, linguistic difficulties play a paramount role in the school inclusion of these students, on the other, several studies have shown how children of Chinese origin are driven to play an early active role in the family and accordingly work during their school years¹⁹. Moreover, the increasingly widespread practice of settling these children in

¹⁶ Ires-Cgil, *I lavori minorili in Italia. I casi di Milano, Roma e Napoli (Child labour in Italy. The cases of Milan, Rome and Naples)*, Ires, 2004, Rome.

¹⁷ The estimate by the Committee for Foreign Minors is of around 30-35,000, if we keep into account all those that have not been reported.

¹⁸ Ministry of Education, University and Research, *Indagine sugli esiti degli alunni con cittadinanza non italiana (Survey on the results of non-Italian students)*, Miur, January 2005, Rome.

¹⁹ See Ceccagno, A., *Giovani migranti cinesi. La seconda generazione a Prato (Young Chinese migrants. The*

lower classes, many years below the ones attended by their Italian peers, leads to socialisation difficulties and loss of motivation with regards to school²⁰.

In July 2004, the issue surrounding the opportunity to create classes with only foreign students in public schools became an object of public debate after a proposal from a lyceum in Milan to establish a special class for twenty Egyptian adolescents who up to that time had always attended a self-run Islamic cultural centre school in Milan. Their families had accepted to enrol them in the public school only on condition that right at the start they were put in a “sheltered” class dedicated to them but would have the same school curriculum as their Italian classmates. These experiments were stopped straightaway by the relevant Ministry, which deemed them unconstitutional. Many political representatives expressed their opposition to the idea of separate classes, speaking of “segregation” and “new apartheid”²¹. The worry expressed by the children’s families and the Islamic Cultural Centre in Milan however, concerned the difficulties that these students would have had in being put in mixed classes with Italian and other foreign students²².

The school inclusion of foreign students was brought up again in public debate in September with the proposal of a provincial school principal to limit the presence of foreign students in the school classes of his province. Such a plan envisages their even distribution in the classes of all institutes, so as not to have a “concentration” of foreign pupils in a few classes, for this might jeopardise a good standard of learning for everyone. The proposal was made after a presence of 48% of foreign students was reached in a Comprehensive Institute in the city, and a few native parents withdrew their children from the school²³.

The problem of the quality of teaching to foreign children who have just arrived in Italy with linguistic difficulties got worse following cuts in funding for public schools. The lack of resources led institutes to limit the use of linguistic mediators to a minimum and to drastically reduce the use of specific language laboratories, meant to accelerate the learning of Italian. Some schools try to solve the problem by asking for special teachers for children who need a linguistic backup. In reality, these

second generation in Prato), F. Angeli, 2004, Milan and Municipality of Milan, *I figli dell’immigrazione. Ricerca sull’integrazione dei giovani immigrati a Milano (Children of immigration. A research on migrant youth in Milan)*, F. Angeli, 2003, Milano.

²⁰ Ceccagno, A. (2004), op.cit.

²¹ Piano, G., Monestiroli, T., “La Moratti contro il velo blocca le classi islamiche”, in: *La Repubblica*, (14/07/2004).

²² “Classi islamiche, è polemica dopo lo stop del ministero”, in: *La Repubblica*, (14/07/2004).

²³ Mottola, M.G., “Quote per gli extracomunitari nelle classi”, in: *Corriere della Sera*, (10/09/2004).

teachers can be requested only if there are one or more children in a class with special certified needs and this led many foreign parents to reject this kind of support for their children, believing that a certification of this kind, that would anyhow become part of the child's curriculum, might have discriminatory consequences in the future.

2.4 Religious symbols at school

During the whole school year the debate on religious symbols at school has been ongoing, in particular on the presence of the cross in classrooms. Although there is no state religion in Italy, the cross hangs in almost all classrooms of state and private schools. This custom derives from regulations dating back to the 20s, that include the cross as part of the classroom furniture²⁴.

The 2003 Shadow Report reported the controversy following a sentence by the court of L'Aquila which ordered the removal of the cross from classrooms of a primary school attended by two Muslim boys²⁵. On that occasion, the pronouncement of the Court had been released after a petition by an Italian citizen of Muslim religion, who believed that the presence of a religious symbol in a state school infringed upon the freedom of religion of his children and was in contradiction with the principle of a lay State. Not only did the court judge the request of the two children's father as well grounded, but he also added that displaying the cross has an effect upon the "negative religious freedom of those who do not have any credo"²⁶.

A very similar appeal was lodged in 2002 by an Italian citizen of Finnish origin who had contested at the Administrative Regional Court of Veneto, the religious symbols displayed in the classrooms of her children. The TAR, in turn, had turned to the Constitutional Court, raising doubt on the fact that the provisions on the presence of the cross in state schools were in contradiction with the Constitution. The judges of the Constitutional Court, with a sentence dated December 16 2004²⁷, did not even consider the issue, explaining that the cross is not displayed in classrooms in compliance with a law, but by virtue of an administrative provision that does not have and cannot have the force of law. For this reason, the Court stated, there was no question of constitutional legitimacy on which to rule on and indirectly turned the issue back to the TAR, this being the body in charge of the evaluation of administrative acts.

²⁴ Royal Decree no. 965 of 30 April 1924, and Royal Decree no. 1297 of 26 April 1928.

²⁵ See Enar Shadow Report 2003, para. 2.2.1 Religious minorities.

²⁶ Order of the Court of L'Aquila of 22 October 2003, p. 12.

²⁷ Order of the Constitutional Court 389/2004.

Such a ruling was welcomed by the majority of political and religious representatives as an indication of the Court to keep the cross in classrooms, while in actual fact, the issue had simply been returned to the authority of the administrative judge. The Minister of Education stressed how the Constitutional Court had recognised “the value of the Christian tradition and the cross as a symbol of universal love, a symbol of one’s life devoted to others,” while the opposition parties invited to avoid the instrumental use of sensitive issues like those concerning religious symbols, to safeguard the non-denominational policy of school²⁸.

Regarding inter-religious relationships, the way in which politicians and teachers understated a serious episode which occurred in Verona leads to some reflection. The case of a thirteen-year old of Muslim faith who was forced by some of his classmates to kiss the cross during the break was in fact defined only a “bravado”²⁹.

The issue of religious symbols in schools was raised again during the month of December due to the widespread practice in Italian schools of arranging crib scenes and staging nativity plays. In Treviso, some teachers decided to replace the traditional Christmas play with one inspired by the fairy tale of Little Red Riding Hood, which was intended to analyse the themes of equality, respect and diversity. Other schools across the country (in Lombardy, Tuscany and Emilia Romagna) chose to give up cribs and Christmas carols out of respect towards the many students of different religious belief. Many religious and political government representatives expressed their opinion on the subject, stressing the high value that cribs have in Italian culture and fearing that “intolerant and bitter attitudes towards the Catholic religion and the civil and religious traditions of our Country” would emerge, while left-wing party representatives defined the campaign against cribs as “instrumental”³⁰.

The Minister of Education also got involved in the controversy with a letter sent to all school principals before Christmas asking them not to remove the crib scene “from the life of the students” because:

²⁸ Giannini, C., “La Consulta rimette il crocifisso in classe”, in: *Il Gazzettino*, (16/12/2004).

²⁹ “Il bacio forzato? E’ stata soltanto una ragazzata”, in: *L’Arena*, (12/10/2004).

³⁰ “Presepe nelle scuole: è ancora polemica”, in: <http://www.stranieriinitalia.com/news/presepe10dic2004.htm> (10.12.2004); “Il Papa difende il presepe “Fa parte della nostra cultura”, in: *La Repubblica*, (12/12/2004); Allam, M., “Fate il presepe, non offende i ragazzi islamici”, in: *Corriere della Sera*, (2/12/2004).

“...it is a symbol of love (...), the most sublime love, for everyone, even for those who are different, far away, those who do not love us.”³¹

We should mention the initiative by the Northern League in Lombardy, who presented an amendment to the regional budget to create a fund in favour of the schools where they will continue to display the crib scene. The group leader of the Northern League at the Regional Government of Lombardy said:

“we are trying to support those who do not want to give in to those who want to impose their cultural models devoid of values on our traditions: we do not want the Muslim crib.”³²

2.5 Housing

The general picture in the housing market is that of difficulty in gaining access to housing facilities, especially affecting people who have a low and medium income. For many years now, the national policy has not given, and has not even attempted to give, an answer to situations that are becoming increasingly serious and that obviously affect quality of life: chronic lack of public housing; a market of rented accommodation with a few flats available at unaffordable prices; skyrocketing prices for buying properties and obstacles in gaining access to loans for those categories of workers who, according to the banks, do not give enough “guarantees”. These problems, which affect most families in Italy, are often worse for foreign citizens, forced to come to terms with a limited and openly hostile market (few homes available and often in unliveable condition). Data confirm that housing problems affect about 1,500,000 immigrants, 950,000 of whom find themselves in dire circumstances (they live on the premises of the employer, in makeshift accommodation, etc), and 540,000 live in situations of overcrowding³³.

Indeed, immigrants are placed in two areas of the housing market which are particularly critical: that of the private market of rented homes and that of housing exclusion, meaning and including in the latter definition both the condition of homeless people and that of people who live in slums.

³¹ “La Moratti ai presidi delle scuole “Lasciate il presepe agli studenti”, in: *La Repubblica*, (15/12/2004).

³² “Natale: il presepe a scuola, è ancora polemica”, in: *La Gazzetta del Mezzogiorno*, (10/12/2004).

³³ Censis, Confcooperative Federabitazione, *La domanda abitativa degli anni 2000 (Housing demand in 2000)*, Summary of the research, Rome, June 2004.

The offer of rented homes in Italy is extremely poor, accounting for 4,213,000 homes, equal to 20% of existing houses³⁴. The majority of families live in self-owned homes (72.8% against 18.7% in rented flats)³⁵, but in large cities the percentage of tenants reaches 36.6% and of course renting is the most widespread solution among immigrants. Censis estimates that there are 1,450,000 foreign citizens who live in permanent housing conditions, out of whom 100,000 in self-owned homes and 1,350,000 in rented homes³⁶. A survey on house renting offers in metropolitan areas³⁷ has pointed out that the average rent for a rented home is equal to 1,025.76 Euros, but increases in cities like Milan, Rome, Bologna or Florence, to as much as 1,503.00 Euros in Venice. The levels of high rents paid for rented homes are particularly evident when compared to the average family income. It shows therefore that for low and medium income earners it has become extremely hard to pay rent and that:

“Only families with medium-high and high incomes, from approximately 30,000.00 Euros upwards per year, can have access to the current market, bearing costs that are compatible with their earnings.”³⁸

This situation, already self-explanatory of the tension existing in the market, added up to other disadvantages, causes serious distress among foreign citizens in the housing sector: rents without contracts and with disproportionate rents, overcrowding, houses that are out of the market due to their being downgraded, widespread prejudice among landlords.

A survey by the Association of Small Property Owners showed the resistance of landlords to rent to immigrants: 57% of landlords in 12 large Italian cities were opposed to renting to non-Italian people. The city that revealed the highest number of rejections was Bologna, with 95% of interviewees against it, followed by Perugia (70%), Florence (62%) and Milan (60%)³⁹.

³⁴ Pasquini, M., *Il diritto alla casa tra lotte sociali e politiche istituzionali (The right to a house, social struggles and institutional policies)*, 2004, Rome.

³⁵ Istat, *Annuario Statistico Italiano 2003 (Italian Statistical Repertory 2003)*, Istat, 2003, Rome; Federcasa, *I numeri della casa (Housing in figures)*, 2002, available on: www.federcasa.it.

³⁶ Censis, Confcooperative Federabitazione (2004) op. cit

³⁷ Sunia Cgil, *L'offerta di abitazioni in affitto. 2° indagine annuale sulle offerte locative nelle aree metropolitane (The offer of rented homes. Second annual survey on housing offers in metropolitan areas)*, 2004, available on: <http://www.sunia.it>.

³⁸ Ibidem.

³⁹ “Immigrazione e proprietari di case”, October 2003, available on: <http://www.appc.it/immigrazione%20ansa.htm>.

The Government Commission of investigation on social exclusion estimated in 2001 that there were 17,000 homeless people in Italy, 45% of whom were immigrants⁴⁰. The “risk” population is made up of families (especially from Eastern Europe) and of refugees and asylum seekers⁴¹. A study carried out by the Italian Federation of Homeless People (Fio.psd)⁴² showed that almost all the services for homeless people (93%) dealt with both Italians and immigrants, and that almost half of these services (43%) stated foreign users exceeded 50% of the total. The dormitory is the most frequently used service, also because the situation of homeless immigrants is characterised especially by a precarious job rather than by a more general situation of social exclusion, the dormitory meets the needs of finding a place where one can live while waiting to find more stable employment and accommodation. Scholars who deal with these phenomena agree on stating that there are big differences between Italian homeless people and foreign ones; while for Italians, being without a home is the sign of greater social distress after having lost a job, a family, a house, etc. For immigrants it is often a transition in the migration project and is related to the difficulty of finding decent and reasonably priced accommodation⁴³.

The extended lack of dignified accommodation can however lead to serious forms of social exclusion. This is the case for immigrants, Roma and Sinti, forced to live in abandoned areas, degraded buildings and slums in the suburbs of the big cities. They often find themselves in what has been defined as the “vicious circle of irregularities”⁴⁴, that is, a mixture of the failure to have a residence permit, irregular jobs and homelessness, that makes them sink into a condition of marginalisation that is extremely hard to overcome.

These settlements have no water, heating, electricity and sanitation, the structures are unsafe and the absence of lighting, the difficulty of access and the makeshift electric systems are a potential cause of accident and fire. The majority of inhabitants (generally men) are from 25 to 44 years old, 30% of whom are less than

⁴⁰ These are partial data and many voluntary organisations believe that this figure is much higher and accounts for 50,000 to 80,000 people. See Tosi, A., *Italy National Report 2004. Statistical update, European Observatory on Homelessness*, Feantsa, 2004, Bruxelles.

⁴¹ A survey carried out by the Astalli Centre has found that 26% of asylum seekers interviewed in Rome have declared to have slept outdoor for a year or longer when they arrived in Italy. See Ronda della Solidarietà, *Storie di diritti negati (Stories of denied rights)*, Centro Astalli, 2003, Rome.

⁴² Fio.psd, , *Rapporto nazionale 2002. Immigrazione e persone senza dimora (National Report 2002. Immigration and homeless people)*, Fio.psd, 2003, Genoa.

⁴³ Tosi, A., *L'inserimento degli immigrati: case e città (Immigrants' integration: houses and towns)*, in: Marcelli, C. et al. (edited by) *Le culture dell'abitare (The housing cultures)*, Polistampa, 2000, Rome, pp. 67-68.

⁴⁴ Tosi, A., *Italy National Report 2004. Statistical update, European Observatory on Homelessness*, Feantsa, 2004, Bruxelles, p. 15.

24. In 80% of cases they have lived in Italy for less than a year and their standard of education is high: 5% have a university degree, 80% a lower or upper secondary school diploma. Many have an irregular job (with or without a residence permit), but there are frequent cases of immigrants with a residence permit and a regular job, who cannot get “normal” accommodation because of the characteristics of the housing market that we have mentioned above⁴⁵.

The current social and legislative situation is an increasing barrier for immigrants in the possibility of benefiting from public resources, in particular in obtaining the allocation of public housing units⁴⁶. The demand for this accommodation is very high and almost totally unmet because of the limited number of flats available⁴⁷. This form of support is by now in a phase of “irreversible crisis”⁴⁸, in which there is no more funding for new housing units. There is also an attempt to stop immigrant citizens from benefiting from the existing ones, though they often have all the necessary requirements for being at the top of the list for their allocation.

In the 2003 report, we had mentioned some cases of discrimination existing in the regulations for the allocation of council houses, these episodes reoccurred in 2004.

At the beginning of the year, the Region of Lombardy issued a regional regulation in which the number of years of residence in the region had a lot of weight in obtaining the attribution of a council house: from 5 points for those who had lived there for over one year, to 90 points for those who had been residents for 20 years or longer⁴⁹. Since it is an openly discriminatory rule, Cgil, Cisl and Uil (the three main Italian unions) opposed the regulation at the Regional Administrative Court (TAR), obtaining its cancellation. The judge deemed that this provision breached the principle of the free movement of people, hindering workers coming from other Italian regions from having access to council houses in Lombardy and consequently also discriminating, we insist, against those foreign citizens who are legally resident in Italy.

⁴⁵ Naga, *Medicina di strada. Tra aree dismesse e politiche di accoglienza inesistenti (Street medicine, Between abandoned areas and lack of hosting policies)*, May 2004.

⁴⁶ These buildings have been bought, built or recovered totally by, or with a contribution of, local authorities, with public funding. They are allocated according to a classification list drawn after public tenders, meant for particular families with a certain income, family composition, etc.

⁴⁷ The 2001 census estimated that only 973,194 families have been allocated a council flat. See Unione Inquilini, *Rapporto integrativo per l'anno 2004 sullo stato del diritto alla casa (Additional report for 2004 on the right to housing)*, 2004, available on: <http://www.unioneinquilini.it>.

⁴⁸ Tosi, A., *The operation of housing markets in Italy*, October 2004, available on: www.fiopsd.it.

⁴⁹ Region of Lombardy, Regulation No. 0001 of 3 February 2004.

Following this sentence, the Regional Council of Lombardy, passing a provision promoted by the Northern League, established that at least 5 years of residence in the region would be needed to be included in the list for the allocation of public accommodation⁵⁰. It is a condition which already exists in 5 other Italian regions, which once more infringes on the rights of foreign citizens and is also in contradiction with the current national law⁵¹. A similar case occurred in Treviso, where semi-public houses were sold through a list whose first requirement was Italian citizenship or that of other European Union member states⁵².

A separate question is an important phenomenon that has been taking place in recent years, that is the increase of the number of foreign citizens who choose to buy a house. The main estate agencies have in fact found that non-EU immigrants currently account for 10% of the total of house buyers. They prefer medium to large accommodation, especially for the purpose of family reunion, located in the suburbs or in downgraded historical centres of big cities where prices are more accessible⁵³. The decision of buying a house, often dictated by the need to finally solve the problem of accommodation due to the difficulties of renting one, clashes with many obstacles when there is a need for a bank loan in order to bear the heavy cost. Almost all of them apply for mortgage loans, but the majority cannot obtain them directly from the bank because they do not meet the requirements set for the granting of a loan (income, guarantees, permanent jobs). In general, banks do not allow for facilitated applications for immigrants, believing that they have to offer their services on the basis of an absolute equality of treatment to all their clients, but they admit that credit access is more difficult for foreign citizens, who are asked for more guarantees. This “prudent” attitude towards immigrants is justified with the temporary character of their residence permit and job contract, their high mobility on the territory and the difficulty of banks to evaluate their capacity for repaying the loans. In order to face the need to obtain loans, more and more foreign citizens trust the broking of private financial agencies that ask for a rather high charge for the service and at times take advantage of the contractual weakness of the immigrant applicant. It is not infrequent in fact that though they manage to obtain favourable rates from banks because they stipulate many loans, the best conditions are not given to the client and the difference represents further revenue for the agency. Another way to take advantage of the needs of the foreign citizen is that of deciding the

⁵⁰ “Case popolari ai residenti”, <http://www.lapadania.com>, (03/02/2005).

⁵¹ According to the current law on immigration (Bossi-Fini), to have access to council housing, non-EU nationals must have a stay permit (that can be applied for after 6 years) or a residence permit valid for at least 2 years.

⁵² “L’Ater vieta la casa agli extracomunitari”, in: *La Tribuna di Treviso*, (21/12/2004).

⁵³ “Immigrati e casa: in forte crescita chi compra”, 2004, available on: <http://www.confappi.it>.

selling price and conditions in the case in which the person should resell the house over a short period of time⁵⁴.

⁵⁴ Cartosio, M., “Immigrati a casa loro. Comprata con il mutuo”, in: *Il Manifesto*, (18/11/2003).

3. New legislative developments

The main development in legislation against discrimination enforced by the Italian Government with the transposition of two European Union directives (Directives 2000/78/EC and 2000/43/EC), was marked by the opening of the new Bureau for the promotion of equal treatment and the removal of discrimination based on the grounds of race or ethnic origin (UNAR), established by Decree No. 215 of 2003. Officially opened on November 16 2004, it became part of the Department for Equal Opportunities of the Council of Ministers and is regulated by the decree of the Council of Ministers of December 11 2003. Its main function is that of:

“Guaranteeing the effectiveness of the principle of equal treatment of people, in total autonomy and conditions of impartiality, watching over the smooth application of the laws protecting against discrimination, as well as contributing towards the eradication of discrimination based on race and ethnic origin and analysing the different influences that they have on the discrimination between sexes and the relationship with other forms of cultural and religious racism.”⁵⁵

The Bureau is structurally divided into two units with different functions: the service for the protection of equal treatment, which is responsible for receiving denunciations of cases of discrimination, analysing them and giving qualified assistance to victims; and the study, research and institutional relations service, which promotes studies, research, training courses and exchanges of experience, as well as campaigns for drawing attention to and giving information on the struggle against racism.

Reporting of episodes of discrimination takes place through a website (<http://www.pariopportunita.gov.it/IL-DIPARTI/--Ufficio-/>) and a toll-free telephone line. Cases of discrimination are dealt with in different ways: informal meetings of reconciliation, with proposals to remove discriminatory situations; reporting to competent authorities of abuse, ill-treatment or malaise; and assistance in legal or administrative procedures of those who feel they have been damaged because of discriminatory behaviour.

UNAR is formed by staff from the Council of Ministers and other public administrations. They consist of three executives and 18 employees who may be assisted by five officials chosen from magistrates, lawyers and public prosecutors

⁵⁵ Decree of the Council of Ministers, 11 December 2003, art. 2.

and five other experts on the subject. It is the Minister of Equal Opportunity who is responsible for defining the policies of the activity to be carried out by the bureau.

Considerable headway has been made in the laws on the subject of the participation of foreign non-EU citizens in political life. In some municipalities, the figure of the Deputy Councillor has already been appointed for some time, that is a councillor elected by non-EU citizens resident in the municipality with all the same rights as ordinary councillors except for voting rights.

In the course of 2004, some important developments on the subject were made thanks to some Italian municipalities that promoted several initiatives aimed at extending the active and passive electorate in administrative elections to immigrants legally resident in their territory.

On a European level, a Parliament resolution approved in January 2004, exhorted Member States to guarantee that the requisites on the subject of citizenship were not discriminatory and to allow the citizens of non-EU countries to:

“Benefit from a status which establishes economic, social and political rights and duties, including voting rights at municipal and European elections.”⁵⁶

Notwithstanding the positive approach of the European Union, a circular of the Ministry of the Interior⁵⁷, the result of concern which arose in the Government after numerous initiatives on this matter, ruled that an administrative vote would be inapplicable for immigrants from non-EU countries, even for the election of decentralised municipal bodies (district councils, municipalities, etc.). In the circular, the Ministry declared that at the present time national laws do not recognise active and passive voting rights and therefore it is against any local initiative in this direction.

The opinion of the State Council⁵⁸, issued after an amendment in 2001 of the Statute of the Municipality of Forlì, which gave voting rights in the election of District Councils to legally resident foreigners, is opposed to the circular. This opinion stresses the principle according to which the electorate of the municipality represents its population and the term “population” should include all residents, Italian citizens and others, who should be allowed to express their own needs to

⁵⁶ Resolution of the European Parliament on the communiqué of the Commission on Immigration, Integration and Employment Com (2003) 336 – 2003/2147(ini)

⁵⁷ Circular of the Ministry of the Interior No. 4 of 22 January 2004.

⁵⁸ Council of the State, Opinion No. 8007 of 28th July 2004.

institutions as they live on the territory permanently. As the Single Text of local bodies assigns the task of determining the active and passive electorate for the District Councils to the Municipalities, it follows that the statutory changes aimed at extending voting rights are fully legitimate.

Genoa was the first large Italian town in Italy to change its Statute to assign active and passive administrative voting rights to non-EU citizens. The most innovative provision in the recent change of the Statute concerns the Town Council, whose formation should be determined without any discrimination of nationality. On the basis of the statutory provisions, those who have a stay permit or those who have lived permanently in Italy for five years, or have resided legally and permanently in Genoa for two years, would be able to vote or be elected at municipal and district elections⁵⁹. The Government has protested against the decision of the municipality of Genoa, ordering it not to continue with the project, reserving the right to impugn this deliberation at the Constitutional Court for reasons of unconstitutionality.

Other municipalities are following the Genoa example. Among them the municipality of Venice, which adopted similar measures to those of Genoa in the early months of 2005⁶⁰. Lastly, the Tuscan Region, in its new statute approved in July 2004, has included the promotion of voting rights to immigrants “in compliance with constitutional principles.”⁶¹ This provision, which appears as a general principle and does not have, for now at least, any practical consequence, has been subsequently impugned by the Government at the Constitutional Court because it was considered against the Constitution, at least where voting rights are assigned only to Italian citizens. The Constitutional Court, in a December 2004 sentence, judged this law as completely compatible with the Constitutional Charter because, according to the judges, it is a programme-related non-binding principle, with “a cultural or even political function, as it were, but by no means a legal one”⁶² and, therefore, the question of constitutional illegitimacy raised by the Government was judged unfounded.

The Regional Council of Emilia Romagna, with the law approved on March 24 2004, decided to set up a Regional Centre for discrimination, the first region in Italy to introduce the provision of art. 44 of the Single Text on immigration into its

⁵⁹ Iervasi, M., “Il voto agli immigrati esiste: a Genova”, in: *L'Unità*, (28/07/2004).

⁶⁰ Town Council of Venice, Municipal Statute. Amendment to articles 2,5,11,22,28,28bis,29 and 30 for the recognition of the active and passive electorate for permanent resident non-EU citizens.

⁶¹ Region of Tuscany, Statute passed by the Regional Council on the 19th July 2004, art. 3.

⁶² Constitutional Court, Sentence No. 372 of 02/12/2004.

regional legislation. This Centre, which has not yet been created but on which a feasibility study is under way, should carry out:

“Functions of observation, monitoring, assistance and legal advice for foreign victims of direct and indirect discrimination, based on racial, ethnic, national or religious grounds, not to mention situations of serious exploitation.”⁶³

Also for 2004, the Government has not issued any “national action plan”, notwithstanding the insistence of numerous NGOs and the national coordination of ENAR.

⁶³ Region of Emilia Romagna, Regional Law No. 5 of 24 March 2004, published in the Official Bulletin No. 40 of 25th March 2004, art. 9.

4. The victims' perception of racism and racial violence

Research into immigration often does not take account of victims' perception of discrimination and this therefore does not make it easy to make an overall assessment of the situation. Given the large number of sentences handed out during 2004, however, we can confirm that awareness both of discrimination and acts of racism and of the measures available to combat them, is steadily increasing. Even the increase in the number of industrial disputes not pursued by foreign workers is a positive sign that this is the case⁶⁴.

The problems and perceptions of migrant citizens in relation to the difficulty of obtaining residence permits were discussed in a research paper focussing on the allocation of permits in the province of Florence ⁶⁵. The situations viewed as particularly discriminatory concern the problem of obtaining decent housing and of dealings with various authorities and the *Questura* (Police Station) in particular. The precarious nature of working relationships is also seen as a form of discrimination, given that foreign workers are obliged to put up with exploitation so as not to compromise their employment contracts, which are crucial to their continued stay in the country. What migrants resent most as regards the procedure for obtaining legal residence papers is that they are subjected to a long series of questions (concerning accommodation, earnings, type of work etc.) which even autochthonous people would find challenging.

Research carried out by IMO (International Migration Organisation) came to similar conclusions⁶⁶. Employment conditions regarded as unsatisfactory by most of those interviewed were firstly low salaries (28.9%), then lack of stability and uncertainty (15%) and lastly discrimination, which was cited by 7% of interviewees. As far as

⁶⁴ Fillea Cgil Rome and Lazio, *Vertenze sul lavoro nei cantieri edili romani: gli immigrati superano gli italiani* (Work disputes in building sites in Rome: immigrants overtake Italians), 2004, available on: <http://www.filleacgil.it>.

⁶⁵ COSPE, Rete di Indra, *Dispo-Università degli Studi di Firenze, La carta di soggiorno: uno strumento di integrazione* (The permanent stay permit: a tool of integration), Research paper, June 2004, available on: <http://www.cospe.it>.

⁶⁶ Losi, N., Ippolito, R.H., Mazzara, B., *Gente in movimento. Migranti, progetti migratori, rapporto con il sistema Italia nella percezione di immigrati e operatori di servizi pubblici* (People on the move. Migrants, migratory projects, relationship with Italy in the perception of immigrants and operators of civil services), Research paper, 2003.

housing was concerned, the greatest causes for complaint were the cost and size of accommodation, followed by unsanitary and unsightly conditions.

Lastly, a study conducted by the University of Florence and the SWG research institute⁶⁷, revealed that among the prime reasons for leaving Italy, sentimental reasons aside (8%), is the impossibility of finding employment suited to one's own abilities (5%) and the racism and intolerance displayed towards immigrants (4%). The most difficult thing to accept in Italy is the quality of human relationships (32%) and, therefore, in second place among the most frequent hopes and expectations (after those concerning employment), is the desire for better integration between Italians and foreigners. The research concludes that:

“Immigrants living in Italy are not prejudiced towards us, they do not feel bitter about their difficulties of social inclusion, they frequently see us as wary but not hostile (...). Our fears and diffidence have not aroused negative reactions on the part of immigrants so far and there is now a good chance for our policies for integration being successful.”

⁶⁷ Dispo-Università degli Studi di Firenze, SWG, *Quelli che ne hanno fatta di strada*, Research paper, 2003.

5. Specific problematic areas in relation to racial discrimination

5.1 Islamophobia

Widespread psychosis about Islamic terrorism, fed by comments from various politicians and by some press organisations and television programmes is having disastrous effects on the image of Muslims in Italy. This ever-increasing phenomenon is illustrated by the regular surveys on how Italians perceive the Islamic world. A recent opinion poll⁶⁸ revealed that 66% of those who took part (out of about 1,000 interviews) were convinced that the Islamic religion was more fanatical than any other. One fifth of those interviewed (20%) saw no difference between moderate and extremist Islam, while 31% of the sample group were unable to answer the question. On the question of fear of Islam, half the sample group (48%) admitted that they were afraid of the Muslim religion. 48% of the interviewees were convinced that there was a conflict of culture, whilst only 25% saw the latest international events as a conflict between rich countries and poor countries.

The idea that Islam might constitute a threat to the civil, cultural and religious traditions of the country also emerged from the many surveys into what Italians felt about Turkey's entry into Europe. In fact, almost a quarter of the population believed that the inclusion of Turkey posed a threat to our civilisation⁶⁹.

As a result of the climate of tension surrounding the Islamic religion, a great many acts of hostility are still carried out towards both Muslim foreigners and Italians who have converted to Islam.

The case of the Mosque in Rimini which had been vandalised, pork fat smeared on the main door of the building housing their place of worship and the words "*Cristo re*" (Christ King) scrawled on it, is significant⁷⁰.

In Milan, posters and flyers publicising the Milan Film Festival, printed not only in Italian but in several other languages, including Arabic, were censored by the local government office backing the event. The decision to include the Arabic language,

⁶⁸ Caprettini, A., "Gli italiani ora hanno paura dell' Islam", in: *Il Giornale*, (11/09/2004).

⁶⁹ ISPO, *Posti di lavoro e religione, un italiano su tre dice no alla Turchia (Employment and religion, one Italian out of three says no to Turkey)*, 24th December 2004.

⁷⁰ "Rimini. Ignoti cospargono di grasso di maiale il portone della moschea," <http://www.stranieriinitalia.it> (27/04/2004).

taken in view of the need to inform those communities without a perfect command of Italian of the programme and

“...as a gesture of solidarity towards a culture that is currently associated only with terrorism” was censured on the grounds that it could be construed as an instrumental decision taken “to attract attention.”⁷¹

In March, during a public anti-war demonstration in Turin, police used truncheons and tear gas against demonstrators from the Muslim community (including many women and children), resorting to an unjustifiable use of force according to the judiciary who opened an enquiry into the case⁷².

At an institutional level, various measures have been taken and statements uttered, expressly targeting Muslims. Locally, measures have been taken which absolutely prohibit the wearing of religious Islamic symbols. At Drezzo, in the province of Como, an ordinance issued by the Northern League mayor forbade the wearing of “veils that cover the face” in public places, based on a royal decree of 1931 which forbade anybody from appearing in a public place wearing a mask. This measure was announced the day after the mayor had prevented an Italian citizen - who was a Muslim and a habitual wearer of the veil - from entering the town hall⁷³. There was another similar case at Azzano Decimo, in the province of Pordenone. In this case, the mayor, a member of the Northern League Party, issued an ordinance advising that anybody who failed in their duty to bare their face would be subject to fines of between 20 and 200 Euros. The intention seems to be to safeguard the citizens’ safety...

“...during the troubled phase the entire world is living through under the constant threat of Al Quaida and international terrorism⁷⁴.”

Even the tiny village of Mazzate hit the headlines because of its mayor’s anti-Islamic fixation – yet again a member of the Northern League. He issued a regulation as part of the town-planning scheme banning buildings with “Moorish features”, to stop any potential “rich” immigrants from adding “Arab-style” features to their homes⁷⁵.

⁷¹“Pubblicità in arabo: scoppia la polemica sul Milano Film Festival”, <http://www.stranieriinitalia.it> (08/09/2004).

⁷²Amnesty International, *Amnesty International Report 2004*, Ega, 2004, Turin.

⁷³ Pasca, E., “E il sindaco leghista vietò il burqua”, <http://www.stranieriinitalia.it> (14/07/04).

⁷⁴ “Multa a chi nasconde il viso, proibito il velo”, <http://www.stranieriinitalia.it> (03/08/2004).

⁷⁵ “E la lega vieta lo stile arabo”, <http://www.stranieriinitalia.it> (20/08/2004).

During the presentation of his book, the head of the Senate expressed his concern about the lack of identity and the cultural relativism that characterise today's Europe, which can no longer boast of being better than Islam and which is not facing up to the war already declared by Islam through fear of admitting that there is a clash of cultures⁷⁶.

The troubled climate that has arisen around Islam is palpable even in schools, where there have been several disquieting incidents. We have already referred to the case of the "forced kiss", when a Muslim boy was forced by several classmates to kiss the crucifix, and have discussed in detail the question of the appropriateness both of crucifixes in classrooms and of nativity cribs during the Christmas season. Given that most non-Catholic children are in fact Muslims, any discussions revolving around religious symbols are immediately seen as conflicts between Catholicism and Islam. Examples of "intolerance" towards Islam are the case of a Moroccan trainee teacher at a day nursery who was prohibited from wearing the veil while at work because "it would scare the children"⁷⁷ and the serious assertions of the President of the Association of Catholic Teachers. Reverting to the subject of an inevitable culture clash, he stated that:

"Muslims came to Europe with the clear intention of Islamicising it, with as many people as possible (...) Regrettably, there can be no dialogue with Muslims (...), because of their strong religious intolerance and their extremism."⁷⁸

5.2 Anti-Semitism

There has been a significant increase in manifestations of anti-Semitism throughout Europe since 2002⁷⁹. In Italy, this has taken the form of an increase in the number of insults, verbal threats, anonymous letters, anti-Semitic graffiti and profanation of Jewish symbols and places, all by the extreme right-wing groups, often the mouthpiece for revisionist or even negationist interpretations of the *Shoa*. However, by contrast to what has happened in other European countries, there has only been one single attack of a violent nature during this time⁸⁰.

⁷⁶ Dominijanni, I., "Europa, torna la santa alleanza", in: *Il Manifesto*, (14/12/2004).

⁷⁷ "Niente chador, potrebbe spaventare i bambini," <http://www.stranieriinitalia.it>, (23/03/2004).

⁷⁸ "Docenti cattolici: "Musulmani in Europa per islamizzare. Con loro non può esserci dialogo," <http://www.stranieriinitalia.it>, (20/07/2004).

⁷⁹ Eurobarometer Flash 151, *Iraq and peace in the world*, November 2003.

⁸⁰ EUMC, *Manifestations of Antisemitism in the EU 2002-2003 – Part on Italy*, EUMC, 2004, Vienna.

What does emerge from a series of in-depth interviews with personalities from the Italian Jewish world is that there is a greater sense of insecurity since the September 11th and with the intensification of the Arab-Israeli war, which also applies to the way in which this subject is discussed among political parties and in the media, to the extent that Jews have become more careful about what they say in public⁸¹. An increase in the aggressiveness of public political speeches against minorities and against migrant citizens in particular, and the consequent rise in what is publicly tolerated, has prepared the ground for an unequivocal revival of anti-Semitism based on stereotypes that are still active.⁸²

In any case, one thing that has emerged from the most recent research is the prevalence of stereotyping and prejudice towards Jews in Italian society, which is distinguished by a certain political transversality, which is to say that is common to both right wing and left-wing political parties. It should be emphasised once again that 34.6% of young people interviewed for research purposes agreed with the statement that “most of the economic power in the world is in the hands of Jews,” whilst 22.5% believe that Jews consider themselves superior to everyone else⁸³. More recently, 11% of Italians were of the opinion that there had been fewer victims of the *Shoa* than we are generally led to believe, and 2.7% thought that it had never happened⁸⁴.

Various publications were issued during 2004, updating information relating to the spread of anti-Semitism in Europe. Research carried out by the Anti-Defamation League on attitudes in Europe towards Jews, Israel and the Israeli-Palestinian conflict, which also brought up to date the results of a similar study carried out during 2002, reveals that in almost all the European countries involved in the study there had been a decline, of varying degrees, in anti-Semitic behaviour⁸⁵. In Italy, 15% of those approached took an anti-Semitic stance, compared with 23% in 2002. Despite this indubitably positive finding, there are still concerns that the results of the individual questions probed during the course of research were worrying, to say the least; the majority of Italians (57%), not significantly different from two years

⁸¹ EUMC, *Perceptions of Antisemitism in the European Union. Voices from Members of the European Jewish communities*, EUMC, 2004, Vienna.

⁸² EUMC, *Perceptions of Antisemitism in the European Union*, op. cit., p.14.

⁸³ Unione delle Comunità Ebraiche Italiane, *Il razzismo in Italia (Racism in Italy)*, Ucei, 2003.

⁸⁴ EURISPES, *L'opinione degli italiani sul conflitto israelo-palestinese e sulla questione mediorientale (The opinion of Italians on Israeli-Palestinian conflict)*, 2004.

⁸⁵ The countries included in the study were: Austria, Belgium, Denmark, France, Germany, Great Britain, Italy, the Netherlands, Spain, Switzerland. The two countries in which an increase was noted were Great Britain and the Netherlands. See Anti-Defamation League, *Attitudes toward Jews, Israel and the Palestinian-Israeli Conflict in Ten European Countries*, April 2004.

earlier, agreed with the statement that Jews are more loyal to Israel than to their own country, 24% believed that Jews were only concerned with themselves, 29% (as opposed to 42% in 2002, however) felt that they wielded too much power in the business world and 14% felt that they wielded too much power in Italy).

The findings concerning Sharon's government and the Israeli-Palestinian conflict confirmed the results of the survey carried out in Italy by Eurobarometer. In fact, in a European context in which a general worsening of attitudes towards Israel can be observed, Italy is the only country in which the majority of interviewees sided with Israelis rather than with Palestinians.

Most of the cases of anti-Semitism during 2004 took the form of posters, flyers and graffiti featuring swastikas, Celtic crosses and offensive anti-Jewish remarks. This mostly occurred in Rome, where there was a proliferation of anti-Semitic writings in praise of gas chambers and other Nazi/Fascist slogans, particularly during the month of August⁸⁶. Another very serious incident concerned the discovery of anti-Semitic slogans at a synagogue opened a year and a half ago in memory of a child killed during an attack on the Temple in Rome which took place in October 1982⁸⁷.

Finally, there was the extremely serious matter of what happened in Ancona, made even worse by the involvement of the public bodies: during a debate on the regional statute, the head of the *Forza Italia* group on the Regional Council accused the centre-left coalition of having committed a misdeed against the Christian population and accused one of the councillors who happened to be Jewish of:

“Having scoffed at the Catholic religion (...) despite being a guest in this region.”⁸⁸

5.3 Right to asylum

Once again we have to decry the absence of a national law overseeing the right to asylum in Italy. While waiting for the law to be passed by Parliament, the conditions of asylum seekers and of refugees in Italy have recently undergone a few changes, thanks to the ruling implementing the terms of the Bossi Fini Law on the right of asylum issued in December⁸⁹. The ruling basically confirms what is proposed by this Law, despite the recommendations put forward by associations concerned with

⁸⁶ Be. Pi., “Quelle scritte antisemite che fanno venire i brividi,” in: *Il Messaggero*, (26/08/2004).

⁸⁷ Lippera, L. “Monteverde, svastiche sul muro della sinagoga,” in: *Il Messaggero*, (20/01/2005).

⁸⁸ S. Amurri, “Marche: radici cristiane contro gli ebrei,” in: *L'Unità*, (23/07/2004).

⁸⁹ DPR (Decree by the President of the Republic) No.303 of 16th September 2004.

asylum, local bodies and particularly the Council of State⁹⁰ to those responsible for drafting the decree.

In particular, the critical points are as follows⁹¹:

- Provision for detaining asylum seekers within identification centres, created especially for asylum seekers
- Overlap of identification centres for asylum seekers and temporary shelters for irregulars
- Re-examination procedures

We should like to draw particular attention to the seriousness of this last point, governed by art. 17 of the Regulations which, in the case of recourse to justice against refusal, gives the Prefect the discretionary power to decide whether or not he/she will give permission for the applicant to remain within the national territory or whether he/she will send him back to the country he/she came from, with consequences for the safety of the asylum seeker that are all too easy to imagine.

The regulations also provide for the setting up of seven territorial Commissions that will replace the present central Commission, taking over the procedures for recognising the status of refugees, decentralising applications and the relative administration.

There are 12,386 refugees in Italy at present⁹². The number of requests for asylum dropped during 2004, confirming the pattern of the last few years during which there has been a general decline in applications for asylum both in Italy and in the European Union “of the fifteen” (where there was a drop of 20%), and an increased number of applications in countries that have recently joined (with an increase of 16% over the previous year). Changes in the global geopolitical situation and the increasing number of closures indiscriminately carried out by Schengen’s Europe towards all migrants, including asylum seekers, have made it increasingly difficult for applications for asylum to be granted and for the status of refugees to be recognised.

⁹⁰ Sezione Consultiva per gli Atti Normativi, No.200/04 – Assembly of 26th January 2004.

⁹¹ See UNHCR Press Release, 23rd December 2004 and joint Press Release Amnesty International, ICS, Médecins Sans Frontières, 23rd December 2004.

⁹² Caritas Migrantes, *Rifugiati e richiedenti asilo in Italia (Refugees and asylum seekers in Italy)*, in: Caritas Migrantes, *Dossier Statistico Immigrazione 2004 (Statistical dossier on Immigration)*, IDOS, 2004, Rome, pp.493 – 505.

Of the 9,019 applications made in Italy during 2004, 781 were granted and 8,150 turned down⁹³. The reasons for denial were for refusal in 2,893 cases, 2,446 cases concerned people who had gone missing, 2,350 where it was recommended that residence permits be issued for humanitarian reasons, and in 391 cases because the person had not turned up. Yet again, the difficulties for asylum seekers in finding work (asylum seekers are not in fact allowed to take on regular employment) and of finding suitable accommodation in purpose-built reception centres means that they frequently move about the country and abroad which often, means that they are unable to be present when their application for asylum is being considered by the Commission.

Contrary to what one might imagine, the greatest difficulty for asylum seekers is actually that of gaining access to the procedure for the recognition of status. Their arrival in Italy is often the culmination of a traumatic and exhausting journey that ends up on the Italian coast (or sooner, if the “sea crates” sink) when they are picked up and held in the nearest Temporary Stay Centre, inside which living conditions are precarious and people are in no condition to make adequate use of legal aid or to exercise their right, sanctioned by the Constitution, to apply for asylum should they so wish.

Amnesty International’s Annual Report sees the condition of asylum seekers as being one of the greatest causes for concern, both for the reasons detailed above and because of the practice of turning migrant ships ‘round and back out to sea, thus denying any possible asylum seekers the chance to make their applications, and forcing their repatriation to countries at risk. Furthermore, once the application has been made, asylum seekers have no guarantee of a decent life or of placement within a work environment.⁹⁴

The case of Cap Anamur, in June 2004, encompasses many of the questions referred to herein: on June 20, Cap Anamur, a German humanitarian aid ship picked up a dinghy full of refugees, who were in danger of drowning and in perilous health, from the stretch of sea between Libya and the island of Lampedusa⁹⁵. For over twenty days, the Italian authorities refused to allow the ship to dock in an Italian port, attempting to reroute it towards Malta or to find an alternative solution. Even the ship’s captain’s pleas for help from the German authorities fell on deaf ears. Finally, on July 12, given the progressive worsening of the castaways’ psychological

⁹³ The data was obtained from the site of the Consorzio Italiano Rifugiati, <http://www.cir-onlus.it>.

⁹⁴ Amnesty International, *Annual Report 2004*, op. cit.

⁹⁵ See the interview with Elias Bierde, Director of the NGO Cap Anamur, on <http://www.meltingpot.org>.

conditions and the lack of food and water, the Italian government authorised the ship to dock at Porto Empedocle in Sicily, after many hours of exhausting negotiation and having had their hand virtually ‘forced’ by the captain who was making for the port.⁹⁶ The ship’s captain, as well as the crew, were arrested and then released a few days later and investigated for aiding and abetting illegal immigration, all bar one of the 37 refugees – who came from various African countries, including Sudan - were kept locked up in Temporary Stay Centres (CPTs), moved several times and eventually deported at various intervals. Fourteen of them succeeded in appealing against their expulsion, but were thrown out of the country before the Court verdicts had been announced.⁹⁷ Later, the Court in Rome confirmed that, in carrying out these expulsions, the Italian authorities had acted:

“...precipitately, violating the right to a proper consideration of applications for asylum and to a fair procedure.”⁹⁸

The UNHCR also denounced the lawlessness of the Italian government’s actions in the case in question: of turning these people away and of accompanying them to the frontier for having treated them simply as immigrants who were on Italian soil without the necessary authorisation.

Finally, a very recent ruling by the Court in Turin is worthy of note. The Court considered a petition from a citizen originally from Senegal and annulled his expulsion order on the grounds that, given his sexual proclivities, he would be at risk of persecution in his own country ⁹⁹. This was the Ministry for Reform’s reaction to the sentence:

“Poor justice, poor Italy, once venerated as a land of saints, poets and navigators and now, instead, turned into a land of terrorists and irregular queers. Not content with creating a Frankish area for guerrilla terrorists with the Preliminary Hearing Judge’s sentence in Milan, now, after today’s sentence by the Justice of the Peace in Turin, we are creating a paradise for irregular gays too.”¹⁰⁰

⁹⁶ R. Moneforte’s account is interesting, “La Cap Anamur attracca dopo 31 giorni. Ma il capitano rischia l’arresto,” in: *L’Unità*, 11/07/2004.

⁹⁷ “Cap Anamur, espulsione preventiva per i 37 profughi”, in: *L’Unità*, (13/07/2004); Gubbini, C., “Asilo negato ai profughi”, in: *Il Manifesto*, (18/07/2004); Sossi, F., “All’ombra della Cap Anamur,” in: *Il Manifesto*, (3/08/2004).

⁹⁸ Vassallo Paleologo, F., “Il caso Cap Anamur resta aperto,” in: www.meltingpot.org, (4/08/2004).

⁹⁹ Ruling by the Turin Court, 21st December 2004, in: www.meltingpot.org.

¹⁰⁰ “Un senegalese evita l’espulsione. E’ gay, resti in Italia,” <http://www.repubblica.it> (03/02/2005).

6. Situation of the Roma community

The situation of Roma and Sinti populations remains one of the most disturbing with regard to discrimination against minorities in Italy. They continue to be victims of social marginalization and segregation in housing, as was pointed out in the 2003 Shadow Report, which referred to a publication by the European Roma Rights Center (ERRC) that provides a detailed description of the systematic violations of Roma rights in the field of education, employment and, above all, housing¹⁰¹.

Concerning this same aspect, the European Roma Rights Centre on June 18 2004, presented a collective claim against Italy to the European Committee for Social Rights expressing concern over the housing situation of Roma in Italy. The claim was declared receivable in December 2004 and during 2005 the Committee will decide on the coherence of the Italian housing policies with regard to the Revised European Social Charter.

The claim is the result of six years of documentation of cases that have allowed the ERRC to denounce the racial segregation of Roma and Sinti populations. Approximately half of the entire Roma and Sinti community live in camps separated from the rest of the Italian society, situated along motorways, rivers or in open spaces, with shacks or caravans and no basic infrastructures or in abandoned buildings. Many of these camps are "illegal", but are not so different from those "authorized" by municipal administrations that, instead of expending resources to integrate Roma into Italian society, engage in creating degraded camps, often surrounded with high walls so as to isolate them from the view of the non-Romani population. Italy is the only country that has this network of "ghettos", based on the conviction that Roma are "nomads" and do not desire to live in flats or houses.

In its claim, the ERRC emphasises that, in approximately ¾ of the "authorised" camps, services are inadequate to meet inhabitants' needs. For example, a camp in Turin intended to be a temporary camp when it was established in 1991, had not been furnished with any showers 13 years later, or in an authorised camp in Milan¹⁰², electricity is provided by generators that residents had purchased for themselves. Very few camps have an adequate sewage system and a sufficient

¹⁰¹ European Roma Rights Center, *Campland. Racial segregation of Roma in Italy*, "National Reports" series, no. 9, October 2000.

¹⁰² Campo nomadi di Via Triboniano, Milano.

number of toilet facilities. Such unhealthy living conditions are directly linked to the generally poor health situation of Roma, especially children¹⁰³.

In the ERRC's claim there is also a severe censure on Italian Police and authorities in relation to forced evictions. The ERRC states that during their interventions, law enforcement officials arbitrarily destroy houses and goods belonging to Roma, using offensive and humiliating language. Also the UN Committee on the Rights of the Child expressed concern at "alleged ill-treatment by law enforcement officers against children and at the prevalence of abuse, in particular against foreign and Roma children"¹⁰⁴.

A substantial part of the Roma population in Italy live under constant threat of forced evictions¹⁰⁵, and people without a regular permit of stay can be collectively expelled from the country¹⁰⁶. With regard to this kind of expulsions, prohibited by the European Convention for the Protection of Human Rights and Fundamental Freedoms, it is worth mentioning a sentence of 2nd August 2004 of the Court of Justice of Milan, which stated the invalidity and therefore the revocation of a number of expulsion orders collectively adopted, issued by the Prefect of the Province of Milan¹⁰⁷.

In 2004 there were a number of cases of forced eviction, widely reported by the ERRC and other organizations active in the protection of Roma rights. In many cases the action of law enforcement officials led to the destruction of properties and people without a stay permit were immediately expelled¹⁰⁸.

On June 1 2004, the ERRC sent a letter to the Minister of the Interior in which it expressed concern regarding the harassment and abuse of Roma by law enforcement officials¹⁰⁹. The letter described three specific cases in which law enforcement officials picked up some Roma beggars, including children, drove them up to 15

¹⁰³ Monasta, L., *The health of foreign romani children in Italy. Results of a study in 5 camps of Roma from Macedonia and Kosovo*, in : Roma Rights. Quarterly journal of the European Roma Rights Center, no. 3-4, 2004.

¹⁰⁴ Amnesty International, *Amnesty International Report 2004*, Ega, Torino.

¹⁰⁵ Errc, *Collective Complaint by the European Roma Rights Center against Italy*, op. cit.

¹⁰⁶ Errc, *The situation of Roma in an enlarged European Union*, European Commission Directorate-General for Employment and Social Affairs, 2004.

¹⁰⁷ "Divieto di espulsioni collettive: il caso di cittadini rom", <http://www.meltingpot.org> (19/10/2004).

¹⁰⁸ Some cases are reported in the Errc journal: Errc, Roma Rights. Quarterly journal of the European Roma Rights Center, no. 2, 3 -4, 2004.

¹⁰⁹ Errc, *Letter of Concern: Harassment of Roma by Italian Police*, 1st June 2004, available at: <http://www.errc.org>.

kilometres out of the town in which they were picked up, and then left them to walk home. In one instance, the victim was a five-months pregnant woman and in another instance officers impounded the shoes of a 14-year old Roma girl before leaving her to walk home barefoot.

Some activists from the association “Cesar K” working with the Roma and Sinti community in Verona, reported to ERRC that such instances were common in Verona and elsewhere in the country and in some cases, police also reportedly take from Roma money they collected while begging. The ERRC appealed to the Minister...

“...to issue a general order condemning such behaviour, and to outline proper procedures and potential punishments in such cases for all law enforcement agencies in Italy.”

7. Data collection: methodology and reliability of data on discrimination cases

Data collection on cases of discrimination and racism in Italy is not based on systematic monitoring carried out using uniformed criteria. Most of the available information is drawn from projects, reports and research by associations, research institutes and universities and media monitoring of newspapers and websites in particular. This situation makes a comprehensive view of the phenomenon very difficult, not only with regard to the extent of racism and discrimination in Italy, but also the typology and characteristics, leading to an underestimation of the phenomenon¹¹⁰.

As part of the implementation of Council Directive 2000/43/EC, the Government opened in November 2004 an Office for the promotion of equal treatment and the removal of discrimination based on grounds of race or ethnic origin¹¹¹ (UNAR), which aims to monitor cases of discrimination and racism. Though the above office has been created without any consultation with NGOs or associations and its location within the Presidency of the Council of Ministers makes it often inaccessible to victims of discrimination, besides raising doubts as to its ability to act independently in assisting victims of discrimination, it has the potential of becoming a useful instrument for combating discrimination and collecting data on the subject.

7.1 Discrimination cases and/or serious cases of racist attacks or attitudes.

As already stated, the failure to systematically monitor discrimination cases in Italy does not allow to carry out detailed and full analyses on the level and type of racist attitudes and behaviours. Most discrimination cases on the grounds of racial or ethnic origin are taken from mass media, the press in particular, which is a privileged source of news and updates. The rare exceptions to this are represented by the few conviction sentences both criminal (for incitement to racial hatred or violence for racial reasons) and civil (discrimination in the access to housing based on nationality). This type of legal case is still rare, because there are very few victims who are willing to denounce what they suffer and even less are those who succeed in proving that these acts have been committed on the grounds of race,

¹¹⁰ Pirazzi, M., Pozzoli, L., *Osservatori sulla discriminazione sulla base della razza, dell'origine etnica e della religione (Monitoring centres on discrimination based on race, ethnic origin and religion)*, available at: www.immigra.net.

¹¹¹ Legislative Decree of 9th July 2003 no. 215. See also: <http://www.pariopportunita.gov.it/IL-DIPARTI/-Ufficio/>.

ethnic origin or nationality, given that current regulation does not allow for the shifting of the burden of proof in civil proceedings against discrimination.

Many attempts have been made to systematise the news on racism taken from the press and some of them have been published on paper or on the Internet¹¹².

The 2004 Annual Report of Amnesty International concerning Italy denounces, among other things, some issues closely related to immigration, in particular the situation in Temporary Stay Centres (CPT)¹¹³ where the living conditions of detainees are often below international standards. The condition of asylum seekers and refugees and the discrimination suffered by Roma and other ethnic minorities occur in many sectors, among which police operations, housing and employment ¹¹⁴.

During 2004 in particular, the report indicates the increase of tension and of truly violent acts within CPTs:

“Often overcrowded, unhealthy, and did not provide enough food and adequate healthcare. The number of reports of physical attacks against the guests of the centres has gradually increased.”

Two inquiries were opened in 2004 on account of violent episodes on racist grounds which occurred in two CPTs.

In one case, 11 police officers, a member of the Carabinieri and one Red Cross worker are being investigated for a physical attack against some detainees who had attempted to escape from the Centre. Four of these police officers have been sent before a court¹¹⁵. In the same centre, a few months earlier, three immigrants had denounced that sedatives had been administered during meals without informing the detainees. A judge had food and clinical records checked.

In another case in October 2004, some administrative staff members (among whom the director of the Centre) of the CPT Regina Pacis in Lecce and 11 Carabinieri of

¹¹² See: Enar Shadow report 2002 and 2003; see also Rivera, A., *Estranei e nemici. Discriminazione e violenza razzista in Italia (Strangers and enemies. Discrimination and racist violence in Italy)*, Derive Approdi, 2003, Rome.

¹¹³ The Temporary Stay Centres were established in 1998 with the Turco-Napolitano Law and later included in the Bossi-Fini Law. The aim of CPTs is to identify the foreigners found in Italy without a legal residence permit in view of their repatriation. The maximum period of detention today is 60 days.

¹¹⁴ Amnesty International, 2004 Annual Report, op. cit.

¹¹⁵ Il Manifesto, (02/09/2004).

the security service were sent up for trial for having insulted with racist epithets and having physically attacked some immigrant detainees who had attempted to escape in November 2002. The process was still ongoing at the time of writing this report.

In a 2004 report, the International Organisation Médecins Sans Frontières, in a 2004 report, stressed the conditions in CPTs, characterised by inadequate buildings, poor contacts with the National Health Service, insufficient legal and psychological assistance, abuse in the administration of psychotropic drugs and excessive intervention by the police¹¹⁶.

Moreover, this report, like that of Amnesty International, highlights how the conditions in the CPTs almost never meet international standards on treating asylum seekers, whom are often denied the possibility of being legally advised and helped with the procedure of application for asylum.

Beside the MSF report on the CPTs, others have been released such as the one by the Social Forum of Apulia¹¹⁷, the investigation of the *Corriere della Sera*¹¹⁸, and that of the TV programme “Report”, as well as the material that can be found on the web¹¹⁹.

Going back to the discrimination or racist violence cases taken from papers and other media, 2004 started with an attempt to murder a homeless Polish immigrant, whose car was set alight while he was sleeping. The investigation of the Carabinieri highlighted a background of racism confirmed by the statements neighbours and witnesses of other racist episodes towards him¹²⁰.

Some examples are listed below:

¹¹⁶ Médecins Sans Frontières, *Centri di permanenza temporanea e assistenza. Anatomia di un fallimento (Temporary Stay Centres. Anatomy of a failure)*, Sinnos Editrice, 2004. This report is the result of the first complete monitoring of 11 Temporary Stay Centres and of 5 “hybrid” Centres used for identification of asylum seekers.

¹¹⁷ *CPT: né qui né altrove. I luoghi della sospensione del diritto (CPT: neither here nor elsewhere. The places of suspension of rights)*, Lecce, Manni Editore.

¹¹⁸ Fabrizio Gatti, a journalist from *Corriere della Sera* pretended to be an illegal immigrant in order to ‘visit’ the CPT of via Corelli, in Milan, banned for journalists. When he was ‘found out’ he was sentenced to 20 days imprisonment for declaring a false identity. *Il Corriere della Sera*, (06/05/2004).

¹¹⁹ See Cestim web site <http://www.cestim.it/25centri-detenzione.htm> and <http://www.meltingpot.org>. See also <http://www.pazlab.net/portale/>.

¹²⁰ Mancini, G., Procopio, F., *Il Messaggero*, February 2004, www.stranieriinitalia.it.

- In Rome, a Romanian immigrant died while escaping from a group of people who accused him of having annoyed an Italian girl¹²¹;
- In a village in Sardinia, a Moroccan street seller working at a municipal market was very badly beaten by two young men causing him head, face and chest injuries; the offenders were denounced for fighting and aggravated violence¹²²;
- At Ostia, near Rome, a Polish immigrant was killed by his employer, the owner of a building company who refused to pay his salary of 800 Euros¹²³;
- At Lugagnano di Sona (Verona), two Molotov-cocktail bottles are launched against a caravan inhabited by a Roma family and an eight-year-old girl was wounded in the face by the fire¹²⁴. Dailies reporting the news excluded the racist motivation for the act, stressing that the offenders were all from “well-to-do families”.
- In Milan, a man got off a bus shouting “this bus is full of n*****s,” pulled out a gun and shot towards the bus windows¹²⁵;
- A Somali immigrant was attacked by an Italian at the station of Tarquinia. First he was insulted, then robbed and finally beaten up, he is rescued by the station-master who gave him a shelter. The aggressor told the witnesses: “Why can’t we beat a n*****r? We are Italian”¹²⁶;
- In Rome, a previous offender insulted and threatened a barman of Algerian origin who had refused to give him more drinks, saying: “Dirty nigger, I’m going to come back with a gun and kill you.” After a while he came back, pointing an armed gun against the bartender¹²⁷. He was stopped by police;

¹²¹ *L’Unità*, (03/04/2004).

¹²² www.stranieriinitalia.it, (31/05/2004), taken from *L’Unione Sarda*.

¹²³ *L’Unità*, (07/06/2004).

¹²⁴ *Il Gazzettino*, (17/06/2004) and *L’Arena di Verona*, 17/06/2004. See also Errc, *Roma Rights. Quarterly journal of the European Roma Rights Center*, no. 3 -4, 2004, pp. 79-80.

¹²⁵ *La Provincia di Cremona*, (27/07/2004).

¹²⁶ *Il Messaggero*, (25/08/2004).

¹²⁷ *Metro Roma*, (14/09/2004).

- At Corigliano Calabro, Cosenza, a Ukrainian immigrant aged 51 was attacked with kicks and punches and then beaten to death with a club. The deputy prosecutor who coordinated the investigation spoke about “a brutal aggression that makes one think of a truly racial raid”¹²⁸;
- At Udine, a Nigerian street seller was attacked verbally first and then physically by two young men in the city centre while he was selling. One of the two was later tracked down, thanks to some witnesses and investigated for violence on racial grounds, beating and voluntary serious personal injuries¹²⁹;
- In Rome, a man from Senegal selling *Terre di Mezzo*, the homeless newspaper was mobbed after a row for racist reasons in which the aggressor said: “Dirty niggers, go back home”¹³⁰;
- In Rome, a refugee from Congo was attacked for no reason with a punch in the face by a staff member of ATAC (the local bus company) on checking the tickets inside the bus. This fact was reported to UNAR by the Italian Council of Refugees¹³¹.

Even more numerous are the racist and direct or indirect discrimination episodes, though they are not violent, from the distribution of racist and anti-Semitic propaganda through leaflets, posters and graffiti¹³², to demonstrations against Muslim immigrants¹³³, to the explicitly xenophobic statements of political members¹³⁴.

Below are some significant examples of common situations:

¹²⁸ www.stranieriinitalia.it, (4/10/2004).

¹²⁹ *Il Gazzettino*, (5/10/2004).

¹³⁰ www.stranieriinitalia.it, taken from *La nuova ecologia*, (14/01/2005).

¹³¹ www.cir-onlus.org, (13/01/2005).

¹³² At Sorisole (Bergamo) some anonymous leaflets against foreigners are distributed (www.stranieriinitalia.it, 14/06/2004); in Rome swastikas are drawn on the wall of a synagogue (*Il Messaggero*, 20/01/2004) together with the sentence “Hitler lives”; at Parma a family from Senegal finds their car damaged and writing on the wall opposite home saying “N*****s away,” *La Gazzetta di Parma*, (06/01/2005).

¹³³ “Rimini: grasso di maiale sulla moschea”, in: *Il Corriere di Romagna*, 26/04/2004. Please see the paragraph on Islamophobia.

¹³⁴ We will speak more below about this.

- A hotel refused to keep a trainee of African origin, who attended a hotel and catering school, to continue an apprenticeship. According to the employer, the girl was not suited to working with the public¹³⁵;
- At Pianiga, in the province of Venice, a Moroccan woman was turned away together with her children from a swimming pool facility because she was from Morocco. The owner, charged with racial discrimination, explained to the Carabinieri that it was a “question of hygiene” and that it was his right to do that, adding that: “It is discretionary to keep away people who can cause trouble. We only want nice people here”¹³⁶;
- In the province of Prato, three different public transport drivers refused to stop and let African immigrants waiting at the regular bus stop get on the bus. The three drivers were identified and denounced for causing trouble to the public service¹³⁷;
- At Morbegno, in the province of Sondrio, on the morning of December 31, the walls of the city were covered with posters that read: “Deliver to your municipality the head of a n****r and receive a voucher for the value of 20 Euros.” At the bottom it was signed “Power to whites”, along the side of the poster there was the picture of a man hanging off a beam¹³⁸.

There have been various racist manifestations involving fans, managers and footballers in the soccer world. The most well-known case is that of the Lazio football team that was sentenced to play a match without an audience because of the racist and hooligan attitudes of its fans during the UEFA Cup Competition with Partizan Belgrade, on the November 25 2004.

In Padua, some supporters of the local football team launched racist insults towards a foreign player of the rival team without any intervention from the managers. The team was later disqualified and fined¹³⁹. At Udine, anti-Semitic writings appeared on the walls of the municipal football stadium. Reported by the local paper, they were erased by the members of the fan club together with the football team¹⁴⁰.

¹³⁵ www.stranieriinitalia.it, (23/05/2004).

¹³⁶ *La Repubblica*, (15/07/2004).

¹³⁷ *La Repubblica*, (15/07/2004).

¹³⁸ “Manifesti contro extracomunitari in Valtellina,” *Ansa*, (03/01/2005).

¹³⁹ www.stranieriinitalia.it, from Tgcom.it.

¹⁴⁰ “Udine. Cancellate le scritte antisemite dallo stadio Friuli,” in: *Il Gazzettino*, (11/03/2004).

A young man of Moroccan origin, regularly living in Italy with his family, asked to be enrolled in the Italian Federation of Football as an amateur player in the C league. The federation refused enrolment and the parents of the young man appealed to a court in Bolzano on the grounds of discrimination. The appeal was accepted, so the court ordered to admit the footballer to be enrolled while waiting for the final sentence¹⁴¹.

In August, the director of the French daily *Le Monde*, Jean-Marie Colombani, wrote an open letter to the Italian daily *La Repubblica* to decry episodes of racism that his son, of Indian origin, had to bear every time he got to Venice airport.

“Since our son turned 15 he cannot set foot in the airport of Venice without having to undergo harassing questions by the Police. Every time he has to answer questions on his private life and has to deal with insisting doubts on his nationality. He has to let a policeman fully inspect his luggage.”¹⁴²

The denunciation by Colombani triggered off a public debate that saw on the one hand the Minister of the Interior apologising for what happened and inviting everyone to report any abuse of power, and on the other the Minister of Justice, who regretted the apologies made by his colleague, defending the behaviour of the airport police who, he believed, carried out their duties. He accused Colombani of racism towards Italy. In a public letter referring to Colombani, the Minister of Justice wrote:

“This representative of the culture which dominates Europe today, pro-Islamic, anti-Semitic, anti-Christian, globalising, Masonic, showed with his letter how he looks at Italians and those who do not have his same opinions. So, dear Beppe, join us and do not apologise to those who hate us and believe we are minus habens. But above all, I’m addressing the right-wing intellectuals who are too silent today. Let us know you are there. Don’t let Miss Fallaci fight all alone.”¹⁴³

The image that comes out of this initial reconnaissance is that of a country characterized by episodes that express discrimination and racism at various levels on a daily basis, with a particular feature: the majority of them have public personalities

¹⁴¹ “Un caso di discriminazione di un giovane calciatore extra-comunitario,” (09/03/2004) e “Discriminazione - Accolto ricorso proposto da ragazzo marocchino, calciatore amatoriale,” (17/03/2004), in: www.meltingpot.org.

¹⁴² *La Repubblica*, (03/08/2004).

¹⁴³ *La Repubblica*, (05/08/2004).

or government members as main characters, in particular members of the Northern League Party. The representation of violent and explicit racism, conveyed by even important political members who indeed use racist propaganda as a tool for widening their political support, is certainly an element of continuity with the past, but is nonetheless worrying also because it is growing.

Particularly relevant is the case of a senator of the Northern League who, in November 2003 said to the journalist who asked him what to do with immigrants left without a home:

“Unfortunately, the crematorium oven in the graveyard of Santa Bona is not ready yet.”¹⁴⁴

He was denounced by the judiciary, but the enquiry was then filed away because he had made the statement while exercising his duties as a member of Parliament.

In April 2004, some political members of the Northern League Party violently expressed their opinion against immigrants, especially Muslims. The deputy Mayor of Treviso proposed to expel the entire family in the case of immigrant adolescents who were involved in robberies or fights, adding that:

“We need to carry out an ethnic cleansing of the territory to eliminate the bad weed that paralyses our serenity, our security and faith in justice.”¹⁴⁵

A few days earlier, during the kidnap crisis where four Italians were taken hostage in Baghdad, the then coordinator of the national secretariats of the Northern League, and today’s Minister for Reforms, proposed that for each day of, each EU country expels 1000 Islamic immigrants coming from so-called ‘villain countries’¹⁴⁶.

The day following the conviction of some local members of the Northern League in Verona, for incitement to racial hatred against Roma¹⁴⁷, the Minister of Justice and the Minister of Reforms expressed to journalists their disagreement on the sentence issued by the court and took part in a fund-raising campaign to help the sentenced people pay for the sanctions imposed.

¹⁴⁴ Il Gazzettino di Treviso, (30/04/2004).

¹⁴⁵ www.stranieriinitalia.it, (26/04/2004).

¹⁴⁶ “La legge del taglione è una legge crudele ma è l’unica che possa essere compresa da belve criminali del genere,” www.stranieriinitalia.it, (16/04/2004).

¹⁴⁷ The so-called Tosi case, see the press review taken from Arena di Verona, 1-6 December 2004 and para 12 of the present report.

A senator of the National Alliance proposed to establish a centre for monitoring the financial flows of immigrants, with the task of checking current accounts and flows of money to and from their countries of origin in order to make sure that they did not finance international terrorism or other kinds of crime. He also stressed that the monitoring centre will be useful also to indirectly control the incomes of immigrants and to take action in case they are disproportionate to their work contract¹⁴⁸.

¹⁴⁸ www.stranieriinitalia.it, (30/09/2004).

8. Media coverage of discrimination

The relationship between the mass media, immigration and discrimination is a subject that in the last few years has been the object of growing interest, and not only for associations that deal with immigration and those scholars who have labelled for a long time the ways in which the information world represents migrant citizens. Public institutions, research institutes and universities also seem to pay more and more attention to this difficult relationship, exploring it through graduation theses, research reports, and participating in complex and articulated projects, even at the European level and promoting some themselves¹⁴⁹.

Among the most important initiatives, two projects can be mentioned, entitled “The image of immigrants in the media” and “Ethnequal”, promoted respectively by the Italian office of the International Migration Organisation and by Amnesty International.

Widespread among those who have explored this topic in recent years is the thought that the way in which public and private information, via the press or TV, tackles the issue of immigration, increases alarmism, fear and superficial judgement to the extent of producing racism and does not contribute to identify the complexity inherent in each migration process. While acknowledging that in Italy, the relationship between the media and public opinion has not been sufficiently analysed and studied yet, nor has the impact of the former on the latter¹⁵⁰, we cannot deny that the ‘promotion’ of an image in which immigration is linked to illegality, irregularity, crime and, after 2001, Islamic fundamentalism, has a very precise impact on readers and viewers¹⁵¹. A process that researchers call *stratification of stereotypes* whereby the criminal behaviour of foreigners is gradually taken for

¹⁴⁹ The most recent one is *Fuori Luogo. L’immigrazione e i media italiani (Out of place. Immigration and Italian media)*, edited by M. Bigotto and V. Martino, Rai Eri, 2004, project manager Mario Morcellini.

¹⁵⁰ Sciortino, G., Colombo, A., *The flows and the flood: the public discourse on immigration in Italy, 1969-2001*, in *Journal of Modern Italian Studies* 9(I) 2004, pp.94-113. See also Sorice, M., Manconi, L., Abruzzese, A., *Questione di pelle – 5° Rapporto sulla violenza contro gli stranieri in Italia (A question of skin. 5th Report on violence against foreigners in Italy)*, Centro Ricerche Studi Culturali, December 2003, Rome.

¹⁵¹ See in particular Maneri, M., “Elementi di analisi del discorso dei media” (Elements of analysis of media discourse), in: Tabet, P., Di Bella, S., *Io non sono razzista ma...Strumenti per disimparare il razzismo (I am not racist, but...)*, Anicia, 1998 e “Lo straniero consensuale. La devianza degli immigrati come circolarità di pratiche e discorsi” (The consensual foreigner. Deviance of immigrants as circularity of practices and discourse), in: Dal Lago, A. (edited by) *Lo straniero e il nemico. Materiali per l’etnografia contemporanea (The stranger and the enemy. Materials for contemporary ethnography)*, Costa & Nolan, 1998, Genova; Corte, M., *Stranieri e mass media. Stampa, immigrazione, Pedagogia interculturale (Foreigners and mass media. Press, immigration intercultural pedagogy)*, Cedam, and *Fuori Luogo*, 2004, op.cit.

granted and from the simple conflict between the occupiers of the same urban space, we get to the idea of an invasion under way that needs to be circumscribed¹⁵².

Many research works that have dealt with the link between the media and immigration, have stressed that the majority of news concerning immigrants are rather short reports often related to criminal episodes or irregular legal status ('illegality'). This element indicates that the issue is dealt with in sections that do not allow for any insight or reflection, giving a poor, unidirectional image of immigration, and this is so for national newspapers and even more so for local papers¹⁵³.

The most recent example of this ruthless use of the means of information for the construction of a stereotype, associating ethnic origin to crime and deviance, is the article recently published in the Milano daily *Il Giorno*, where "the Romanian immigrant" is presented like the new magician of crime and fraud, author of any possible crime. It is worth mentioning a few lines:

"Violent? Too. But especially sly, shrewd, sensitive to money. The crimes that Romanians commit are based on skilfulness, cunningness, charm. They are true masters of robbery, pick-pocketing and frauds. And since they are also handsome, they practice male and female prostitution. Of course they can also be violent."¹⁵⁴

The Association of Romanians in Italy, based in Rome, has sued the daily that published the article, defining it as:

"An offence against all our community associating it with a bunch of criminals."¹⁵⁵

A joint study of the Universities of Trento and Bologna, recently stressed the fact that rather than criminal aspects, there are other contexts in which there has been an enormous gap between reality and media representation, first of all, the participation and the contribution that foreign workers have made to the economy and labour market in Italy. This fundamental issue has not been tackled or represented by communication media, indeed it has gradually disappeared from the 70s until now,

¹⁵² Maneri, M., "Elementi di analisi del discorso dei media," op.cit.

¹⁵³ *Media e diversità culturale – Sintesi del rapporto sulla Settimana Europea di Monitoraggio dei Media (Media and cultural diversity. Synthesis of the report on the European Week of Media Monitoring)*, 24 – 30 November 2003; *Extracommunication*, op.cit.

¹⁵⁴ Ruggiero, M., "Giovani, scaltri, spesso violenti. Romeni, nuovi artisti del crimine," in: *Il Giorno*, (03/02/2004).

¹⁵⁵ Press Release, (17/02/2004).

exactly when it is more vivid and important in our society¹⁵⁶. The authors, anticipating the rising interest for information on the subject of migration in the early 60s, later identified, after 1986, a structural change that would lead to a different way of representing immigration in the following decades: politicisation of immigration and its transformation into an area of social conflict. The social representation of the immigrant built over the years through a process of construction of the media discourse, was developed by closely interacting with the political and social regulation of the migration phenomenon, and was greatly affected by it¹⁵⁷.

Finally, we should not underestimate the fact that all communication media definitely lack a plurality of viewpoints, a source that is able to provide the viewpoint of the protagonists of the stories presented. Immigrants are not given a chance to represent themselves and be credited as reliable sources of information in the eyes of the same journalists, often even when they are the victims of the crimes reported.

That is why, research recently carried out in Italy¹⁵⁸ showed that the only multicultural media offer, often promoted directly by citizens of immigrant origin, is available through local radio and TV networks, with ad hoc broadcasts and through multilingual papers and magazines. A particularly vital reality, which is continuously growing because it is linked to the needs for information and self-representation that immigrant citizens who live in Italy feel.

Some journalists of immigrant origin stand out within these initiatives, without however being recognised and valued. Those who have acquired in Italy or abroad specific skills in the field of communication, technical or journalistic skills, are almost always employed in other sectors and work only as volunteers in the media. This is also due to the difficulty of access and the discrimination they have to suffer in the profession. Gaining access to the Register of Journalists means, in the

¹⁵⁶ Sciortino, G., Colombo, A., *The flows and the flood*, op.cit. This research is based on the systematic study of three weekly magazines (1969-1981) and two daily papers (1982-2001).

¹⁵⁷ See also Meli, A., "Nel circolo vizioso della rappresentazione mediatica", in: *Testimonianze*, n.432, November-December 2003.

¹⁵⁸ Censis, *Tuning into diversity. Immigrati e minoranze etniche nei media (Tuning into diversity. Immigrants and ethnic minorities in the media)*, April 2002, Rome; Cospe, *L'offerta multiculturale nella stampa, tv e radio in Italia (The multicultural offer in press, tv and radio in Italy)*, Quaderni di ricerca Cospe – April 2002; Mauri, L., et al., *Così vicini, così lontani. Per una comunicazione multiculturale (So far away, so close. For a multicultural communication)*, Ediz. RAI/ERI, 1999; Fusie, *I media e gli immigrati in Italia. La stampa di immigrazione e per l'immigrazione (Media and immigrants in Italy. Press of immigration and for immigration)*, sponsored by CNEL, 2003, Rome.

majority of cases, that they have to enrol in separate lists in which there is no distinction between professionals and freelance newspapermen, and have to give up becoming newspaper directors. That is why many magazines conceived, designed and directed by people of immigrant origin must have a director of Italian origin, although recently the Register of Journalists of Milan, accorded to a Chinese and an Iranian citizen the right to become the director in chief of a newspaper, but only when this is addressed to the relevant community. On the 5th of April 2005 a sentence of the Constitutional Court is due to be issued following a complaint to the Regional Administrative Tribunal (TAR), which was filed by an Egyptian citizen against article 3 Law 47/48 that establishes that a newspaper director must be an Italian citizen.

9. Ethnic and racial discrimination in migration laws/policies

In the 2003 Shadow Report we already fully described the Bossi-Fini¹⁵⁹ Law on immigration, highlighting all the discriminatory measures in it. As time passes (the law was approved in July 2002) there is a growing awareness of the discriminatory potentials of this law, frequently leading it to conflict with the rights guaranteed by the Italian Constitution. What happens is that the court judges who has to apply it and has to seek the guidance of the Constitutional Court for a judgement on those measures which they consider damaging to the rights of foreign citizens. In 2004 following a sentence of expulsion, the court considered unconstitutional two of the most severe and debated norms of the immigration law, those that deprived the immigrant citizen of the most fundamental rights.

With Sentence 222/2004¹⁶⁰, the Constitutional Court examined one of the measures of Law 189/2002 (Bossi-Fini), the part which ruled that a provision of repatriation and immediate deportation to the border be applied “before being validated by the judicial authorities” so that it could be enforced “without any delay.” This norm has been considered contrary to the Constitution as a validation of the restrictive provision by the judge was not indispensable, whereas the Constitution establishes that provisions of this kind...

“...must be reported within forty-eight hours to the judicial authorities. If they are not validated within the next forty-eight hours by the latter, they are considered to be invalidated and devoid of any legal justification.”¹⁶¹

Hence the judge cannot act when the expulsion has already been carried out, so the control of the provision of forced deportation must be applied before it becomes effective. The court has also declared that as the Bossi-Fini Law has not provided for the foreign citizen to be heard by the judge responsible for the validation, or to be defended by a lawyer, it has damaged his rights to defence.

The next sentence No.223/2004¹⁶² abolished the compulsory arrest of the foreign citizen who has not obeyed the police order to leave Italy within five days. This

¹⁵⁹ Law 30th July 2002, No.189 published in the Official Gazette no.199 of 26th August 2002.

¹⁶⁰ Constitutional Court, Sentence No. 222 of 15th July 2004, available on: <http://www.giurcost.org/decisioni/2004/0222s-04.html> (10/10/2004).

¹⁶¹ Constitution of the Italian Republic, art.13, para.3, available on: <http://www.quirinale.it/costituzione/costituzione.htm> (10/02/2005).

¹⁶² Constitutional Court Sentence No. 223 of 15th July 2004, available on: <http://www.giurcost.org/decisioni/2004/0223s-04.html> (10/10/2004).

measure is against Art.3 of the Constitution concerning equality before the law of all citizens irrespective of sex, race, religion, political opinions, personal and social conditions. Arrest in the act of committing a crime is foreseen in the Italian legal system, in cases of unusually serious crimes, when a period of detention prior to a sentence is considered necessary. The Court has therefore considered imprisonment “clearly unreasonable” in cases of personal disobedience to an order of expulsion, defining the provision:

“An end in itself which can never be transformed into precautionary imprisonment nor into any other coercive measure not approved by the Constitution.”

Following these sentences of unconstitutionality, the two measures of the Bossi-Fini Law could no longer be applied and consequently, all arrests and expulsions of illegal immigrant citizens made on the basis of these norms have been abolished.

In September, the Government substituted the norms abolished by Decree No. 241/2004¹⁶³, which continues however to maintain those very same points the Court had considered unconstitutional in the expulsions system. This is particularly so in the competence relative to expulsions, to coercive deportation to the border and to detention in Temporary Stay Centres (CPT) (all those measures affecting the individual freedom of foreign citizens)¹⁶⁴, which has been entrusted to a Justice of the Peace whose functions¹⁶⁵ cannot be confused with those of a “judicial authority”. He cannot, therefore, issue sentences depriving an immigrant of individual liberties. Hence, by establishing the competence of the Justice of the Peace in this field, discrimination has been inflicted on foreign citizens, as the Justice of the Peace does not and cannot have the same competence towards Italian citizens.

As far as the right to defence is concerned, the Decree is extremely vague on the subject, allowing for a general “necessary participation of the defence” without specifying how and not considering mandatory the hearing of the foreign citizen by the judge. The Financial Law of 2004¹⁶⁶ clearly contains a discriminatory norm, which explicitly excludes foreign citizens from the benefits of economic provisions for the support of families. It refers to the allowance for the second child, an allowance of 1000 Euros for resident Italian or EU citizens for all children born after

¹⁶³ Decree No. 241 of 14th September 2004.

¹⁶⁴ As stated by the Constitutional Court itself in sentences 105/2001, 170/2002, 222/2004, 223/2004.

¹⁶⁵ The Justice of the Peace, opposite to an ordinary judge, cannot have the Judiciary Police at his disposal; he has a temporary appointment, subject to being confirmed.

¹⁶⁶ Decree No. 269 of 30/09/2003 converted into Law No. 326 of 24/11/2003.

December 1 2003 and before December 31 2004, including each child adopted in the same period. The law therefore excludes non-EU citizens legally resident in Italy unjustifiably and arbitrarily depriving them of the right to access to many rights (also in contrast with the measure still in force in the Single Text 286/98 on equal treatment of Italians and legally resident non-EU citizens.

In July 2004, the City Council of Treviso decided to reduce, in the form of a discount, the rates on waste disposal only for Italian citizens. The Council justified the provision by saying that the resident foreign citizens had been excluded because the funds were insufficient, and “pleasing everybody means pleasing nobody.”¹⁶⁷ This provision does not appear to have been legally attacked by individuals or associations.

9.1 Decisions

The sentence that had the greatest repercussions on a national level both for content and political controversy resulting from it, is undoubtedly that of the Courts of Verona which condemned six militants of the Northern League for instigation to racial hatred. The acts they were condemned for dated back to 2001, when the Northern League had organized a public campaign in Verona with leaflets and petitions “to drive out the gypsies” from the town. The militants of the League (including a regional councillor, two provincial councillors and three administrative district presidents) were denounced by a group of united associations under the slogan “nobody is a foreigner in this town,” enraged by the shameful racist campaign against the presence of camps inhabited by Roma and Sinti.

Three years later, in December 2004, the Court condemned the defendants to six months imprisonment with the suspended execution of the sentence and an additional sanction, not requested by the prosecution, forbidding their participation for three years in any form of electoral propaganda during political and local elections. Moreover, they were condemned to pay legal fees, to compensate the plaintiff for material and moral damage amounting to a total sum of 60,000 Euros to be paid immediately. The truly innovative aspect of the trial is no doubt the fact that the Opera Nomadi e the Sinti, directly involved in the event, took civil action obtaining compensation for moral damage.

The sentence gave rise to a great deal of controversy on a national level, in which the Party of the Northern League (member of the government coalition) was entirely

¹⁶⁷ “Nessuno sconto agli stranieri, sindacati sul piede di guerra lo Sceriffo rincara: «Sono persone presenti, non cittadini”, in: *Il Gazzettino*, (09/07/2004).

on the side of the people condemned. Two members of the Government, the Minister of Justice, Castelli, and the Minister of Institutional Reforms, Calderoli, considered the sentence unjust and the Minister of Justice, during a collection for funds of solidarity for the condemned militants of his party, expressed his “human and political solidarity to those boys.”¹⁶⁸ The Minister later proposed the abolition of the Mancino Law¹⁶⁹, the law which considers the instigation to racial hatred a criminal offence and presented the grounds for the condemnation of the Northern League militants. Indeed, for the last three years the League has been trying to abolish this norm considered “undemocratic” and “illiberal”¹⁷⁰.

In October 2004, another trial based on the principles of the Mancino Law was concluded. It concerned proceedings begun in 1994 against 23 Nazi skinheads, who had used Nazi symbols during a demonstration in Vicenza in 1989. The prosecutor in Verona, the town where the trial began, had asked for a sentence of instigation to racial hatred because of some publications and public declarations made against foreign immigrants. However, after the trial had been moved to Vicenza, the new prosecutor asked for the acquittal of all the defendants on the grounds that these offences should also be accompanied by acts of violence to be considered criminal, which had never been proved¹⁷¹.

A much-debated question concerned the access of foreign citizens to public employment. The Single Text on immigration 286/98 has established the principle of equal treatment and the full equality of rights between foreign and Italian workers, thus repealing the former norm which declared Italian citizenship an essential requisite for taking civil service exams. In spite of this regulation, it is necessary to be an Italian or EU citizen to take part in a civil service exam and this is a direct form of discrimination which some sentences have justified on various grounds, but which others have successfully opposed.¹⁷² This law also led the Provinces of Genoa and Florence to change their respective regulations on the subject of participation in civil service examinations, introducing the right of access to public employment also for resident non-EU citizens¹⁷³.

¹⁶⁸ “Verona, il ministro Castelli solidarizza con i razzisti condannati,” in: *L’Unità*, (05/12/2004).

¹⁶⁹ Law No. 205 of 25th June 1993.

¹⁷⁰ “Le reazioni alla sentenza «È un altro colpo sferrato alla giustizia», in *L’Arena*, (03/12/2004) and “Sei esponenti della Lega condannati per razzismo”, in: *Il Gazzettino*, (03/12/2004).

¹⁷¹ “Tutti assolti i 23 naziskin processati per razzismo,” *Ansa*, (23/10/2004).

¹⁷² Constitutional Court, Sentence No. 454 of 30/12/1998; Court of Cassation, Sentence No.62/2000; Tar Liguria. Sentence, No. 399 of 13/04/2001; Court of Appeal of Florence, Sentence of 02/07/2002.

¹⁷³ Province of Genoa, *Deliberation of 7th September 2004*, available on: <http://www.provincia.genova.it/delibere/rtf/PO400865.rtf> (18/02/2005); Province of Florence, *Regulations on*

In 2004, three sentences of the Court of Genoa confirmed this tendency. In the first two sentences¹⁷⁴ the judge recognized the right of non-EU citizens to be immediately employed after having been put on the classification list for places for professional nurses in the Asl (National Health Service) of Genoa: they had been suspended, while waiting for the favourable opinion of the Department of Civil Services and the Ministry of Health. The arbitrary suspension from employment was considered a discrimination because the law that defined access to public employment an exclusive privilege of Italian and EU citizens, had been abolished by the Single Text of 1998, which in article 2 guarantees all foreign workers with legal residence permits and their families equality of treatment and complete equality of rights with Italian workers.

In the third sentence, the judge supported the rights of a Peruvian citizen, excluded from the classification list of another exam for professional nurses in the Asl of Genoa¹⁷⁵, saying that one can talk of discrimination when a non-EU citizen, with a regular residence permit and with a diploma obtained in Italy, is excluded from a public examination only because he/she had a different nationality from the other candidates. In this way, the practice “in conditions of equality of human rights and fundamental liberties” is seriously affected, particularly the right to work which is protected by the constitution.

However, case law is not entirely directed towards the principle of equality in access to public employment¹⁷⁶, and the Department of Civil Services is not in favour of it. According to this Department, the Law that allows only Italian or EU-citizens to enter the Civil Service (D.P.R. 3/57) would not be repealed by another subsequent Single Text on immigration, which also provides for equal opportunity and treatment in the right to employment. This equality should be applicable only to jobs offered in the private sector and not to public employment, and would refer only to the jobs already taken on and not to procedures for public employment. On this point, the Council of the State has also stated its opinion¹⁷⁷, according to which the equality of treatment is applicable only to the category of foreigners who already

the Organization of offices and services of the Province of Florence, available on: www.provincia.fi.it/urp/regolam-organiz.htm (10/02/2005).

¹⁷⁴ Court of Genoa. Order of 19th March 2004 and Order of 19th April 2004, available on: <http://www.meltingpot.org>.

¹⁷⁵ Court of Genoa. Order of 26th June 2004, available on <http://www.meltingpot.org>.

¹⁷⁶ See Tar Toscana, Sentence No. 38/2003 and Tar Veneto, Sentence No. 782/2004.

¹⁷⁷ Council of the State, Opinion No. 222592/03 of 31st March 2004.

have a work contract, as they are the only ones that can be qualified as “workers”, and not to those who are seeking a job.

Lastly, something should be said about the important sentence of the Court of Trento¹⁷⁸, which contained an innovative interpretation of the right to a disabled person’s allowance for non-EU citizens. The Single Text on immigration originally established the complete equality of Italian citizens with non-EU citizens as far as access to social welfare was concerned, including the disability allowance. In 2001, however, the Financial Act introduced an essential change to the Single Text, stating that these forms of social welfare could only be given to citizens with a Stay Permit, granted after six years of permanence to immigrants having requisites related to incomes, legal work, etc¹⁷⁹. Quite clearly, this condition made a decisive change for disabled immigrants who became a target for real discrimination: if they are disabled, they cannot work. If they cannot work and do not have an adequate income, they have no right to the stay permit and consequently to the allowance for the disabled.

Regarding this last point, the Court of Trento supported a non-EU citizen who had been denied the disability allowance because he did not have a stay permit. The Court applied the EEC No.1408/71¹⁸⁰ relative to the application of social security systems to workers moving within the community so as not to apply the national norm (Art. 80 Para. 19 of the Financial Act of 2001) and to recognize the immigrant’s right to the allowance with back payments. Indeed, this regulation is applied in conditions of equality of treatment to legally resident non-EU citizens (as established in EC Regulation No.859/2003¹⁸¹), thus extending the application of public assistance to all resident citizens, eliminating all forms of discrimination.

¹⁷⁸ Court of Trento, Sentence n. 202/04 of 29th October 2004.

¹⁷⁹ Law 23.12.2000, No. 388, art. 80, para. 19.

¹⁸⁰ EC Regulation No. 1408/71 of the Council, dated 14th June 1971.

¹⁸¹ EC Regulation No. 859/2003 of the Council, dated 14th May 2003.

10. Services available for victims of racism

At the institutional level, services available for victims of racism and discrimination are very poor. The most recent change has been the creation of the already mentioned UNAR (Office for the promotion of equal treatment and the fight against discrimination based on race or ethnic origin), set up by the Department for Equal Opportunities of the Presidency of the Council of Ministers. Beginning from December 10 2004, UNAR started a *Contact Center*, that can be reached by a toll-free number (800 90 10 10), charged with receiving complaints about cases of discrimination and providing victims with qualified and prompt assistance or legal support in case of court proceedings. The Contact Center and related services were awarded by contract to ACLI – *Associazione Cristiani Lavoratori Italiani* - (Italian Christian Workers Association) and this organisation is supposed to offer the related services through its local offices.

In its first month of activity, the Center is said to have recorded 1,400 calls to which answers were provided by specialised operators¹⁸². Though many calls had nothing to do with discrimination (requests for information related to stay permits, family reunions, immigration laws), a number of cases of discrimination and racist violence seemed to have been highlighted, although available information on UNAR's website does not provide any details of such cases nor is there indication that legal action was taken on any of them. It is too early to make an evaluation of the organisation of the service, the level of responses and the effectiveness of the specific actions taken to support victims.

In reaction to the governmental initiative, the Group leader of the Northern League Party in the Regional Assembly of Lombardy Region, announced the opening of an anti-discrimination office for the natives of the region (Anti-discrimination Office of *Padania*), who wish to denounce cases of discrimination in favour of non-EU citizens, e.g. in the assignment of low rent public houses or in relation to the issue of Christmas cribs in schools¹⁸³. The Northern League Group leader announced that the office, situated in the premises of the Regional Assembly, activated a toll-free phone number for complaints about cases of discrimination. A group of volunteer lawyers assist, “free of charge, natives of *padania* who suffer differential treatment on racial grounds.”

¹⁸² Press Release, Office for the promotion of equal treatment and the fight against discriminations based on race or ethnic origin, (24/01/2005).

¹⁸³ “Il vero razzismo colpisce i padani,” in: *La Padania*, (21/11/2004).

With regards to Regional Monitoring Centres charged with providing information and legal assistance for victims of discrimination on racial, ethnic, national or religious grounds, provided for in article 44 of Legislative Decree no. 286 of 25th July 1998, only two such centres were reported to be operative at the end of 2004 and they were run by the Province of *Pistoia* and the Autonomous Province of *Bolzano – Alto Adige*. Another region, *Emilia Romagna*, was reported to be carrying out a feasibility study aimed at creating a similar Centre. As provided for in the above legislation, these monitoring centres are required to provide information and legal assistance to victims of discrimination, as well as to provide policy-makers with the necessary information to support them in defining equality policies.

There are also many initiatives promoted by NGOs and associations, often funded by local authorities or the European Commission, aimed at promoting information services, exchange of good practices and initiatives to combat discrimination. Associations offer many fundamental services, which have important results in the local context. Unfortunately it is very difficult to find analytical data on cases of discrimination and a systematic collection of data on racist incidents.

11. Good/best practice of NGO work against racism

In July 2004, the 10th International Anti-Racist Meeting¹⁸⁴ took place in Cecina Mare (Livorno). This annual event consists of a week of initiatives during which associations, institutions, and individuals meet and discuss on issues related to the promotion of migrant and minority rights. The meeting, organised by Arci Association and promoted by the Tuscany Region, the Province of Livorno and many municipalities, offers thematic workshops to participants (painting, dance, theatre and theoretical workshops), conferences, open forums, exhibitions, concerts and cinema. It is an opportunity for Italian and foreign associations and individuals to meet and discuss in order to share experiences and develop projects and partnerships. Over the years, the meeting has become a place where public and private bodies working in the fight against racism and exclusion, can meet and exchange ideas and opinions, share information on good practice and organise training workshops. “Plural societies. Migrants, democracy and wars” (*Società plurali. Migranti, democrazia e guerre*) was the topic of one of the workshops in 2004.

“Antica Sartoria Rom” (Ancient Roma fashion-house) is the name of a dressmaker’s workroom, operated by Opera Nomadi Association with the support of the Province of Rome, that creates and markets dresses inspired by Roma tradition. The first idea of the project dates back to 1997, but production only started in 2004, with 16 young Roma women aged between 16 and 24 who had been living in camps situated on the outskirts of Rome for 10 years. The first collection, entirely conceived and made by the women, was presented during a fashion show with the participation of Roma models, on the occasion of High Fashion Week organised by *Alta Roma* in Rome in July 2004¹⁸⁵.

Integ.r.a. (Asylum Seekers Integration) is a project which aims to support social and economic integration of refugees and asylum seekers in Italy by carrying out training activities and promoting social, working and housing integration¹⁸⁶. This initiative is financed by the European Social Fund and managed by ANCI (National Association of Italian Municipalities), UNHCR (United Nations High Commissioner for Refugees) and CENSIS (Centre for Social Policy Studies), in collaboration with eight Italian municipalities and 25 organisations and academic institutions.

¹⁸⁴ <http://www.arcitoscana.org/meeting/meeting2004.pdf> (20/02/2005).

¹⁸⁵ “L’Alta Moda Rom ‘danza’ all’Auditorium,” <http://www.romaone.it> (15/07/2004).

¹⁸⁶ <http://www.integra-anci.it/> (20/02/2005).

Integ.r.a. intends to integrate the former PNA (National Asylum Programme), the first institutional initiative aimed at creating a national system of reception, assistance and protection for asylum seekers and refugees. The project's activities are focused on vocational guidance and assistance aimed at their integration in the labour market. Such activities include Italian language courses, vocational training, workplace tutoring and apprenticeships. As regards housing, the activities of the project are aimed at the negotiation of fixed price rentals, the creation of local databases on housing facilities and the management of rental subsidies.

In April 2004, Caritas Rome, in collaboration with the Councillorship for Labour Policies of the Municipality of Rome, created an Office for the *Creation of Enterprises*, aimed at foreign citizens who intend to start an entrepreneurial activity¹⁸⁷. The office provides mediation, advice and tutoring services for those who apply for funds from the Ministry of Industry and Trade for the creation of enterprises in depressed areas or on the outskirts of some big cities. Craft and commercial activities can be set up with a subsidy of 50% of start-up expenses up to 100,000 Euros maximum.

In 2004, COSPE (Cooperazione per lo Sviluppo dei Paesi Emergenti), in collaboration with Associazione Fabbrica Europa, Controradio, the Tuscany Region and the Municipality of Florence, launched the *Mostafà Souhir Multicultural Media Prize*, the first such prize in Italy aimed at promoting multiculturalism in the media¹⁸⁸. It also aims to mainstream the professional competences of immigrants in the media (press, tv and radio), as well as promote the high potential of multicultural media.

The 2004 edition awarded the prize to radio productions, while the 2005 edition will be dedicated to multicultural newspapers, published with the contribution of immigrant journalists. The *Mostafà Souhir Multicultural Media Prize*, awards three different prizes: a career prize to an ethnic minority journalist, or refugee/asylum seeker who has distinguished himself or herself in the profession through a commitment to pluralism and cultural diversity in the mass media; a money prize for the best multicultural media production and a special mention for a multicultural media production created by ethnic minority youth.

¹⁸⁷ Colaiacomo, A., "Immigrati, sportello d'impresa," in: *L'Avvenire*, (11/04/2004).

¹⁸⁸ <http://www.premiomostafasouhir.it/> (20/02/2005).

12. Conclusion

The analysis of available information on racism and discrimination in 2004 presented in the preceding chapters shows that there were no marked changes and positive ones in particular, with regard to the situation reported in the 2003 Shadow Report. As in the previous year, migrants, asylum seekers and Roma populations and among these groups, Muslims, continued to experience racism and discrimination in almost all sectors of public life and in particular in housing, employment, education, access to services etc. Particularly significant was the publication of ILO promoted, research-based evidence of discrimination against migrants in the employment sector. This research is important because reports of such discrimination by NGOs and in other sectors can no longer be easily dismissed as unfounded as has often been the case in the past.

Though the implementation of Council Directive 2000/43/EC was taken a step forward by formally opening an *Office for the promotion of equal treatment and removal of discriminatory acts based on race or ethnic origin*, [UNAR – *Ufficio Nazionale Antidiscriminazioni Razziali*] located within the Prime Minister's office, the problem of systematic monitoring of racism and discrimination and lack of support services for victims by public institutions remained. Particularly prominent during 2004 was the contribution of high profile politicians, including ministers and opinion leaders, in legitimising public expression of racist discourse. The war in Iraq and the related killings and kidnappings were used as pretexts on different occasions to launch an overt racist and xenophobic attack against Muslims and migrants in general. Two ministers from the Northern League party repeatedly expressed fierce criticism of court rulings that convicted some militants of their party on charges of incitement to racial hatred.

Alongside all these, the report shows that more case laws are beginning to emerge, suggesting that in spite of all the odds, an increasing number of victims are using available legal instruments to seek protection from and redress unlawful discrimination. There were important rulings by both the Constitutional Court, Administrative Tribunals and ordinary courts. However, legal protection from discrimination and racism remains far from satisfactory and taking court action remains a hurdle as the Government failed to introduce the sharing of the burden of proof provided for in the directive.

In the absence of established monitoring structures that can provide evidence of racial violence from victims, reports drawn from the media have been used to give an idea of the type of racist violence that occurred during 2004. Such media reports

cannot be used to estimate the extent of racist violence, but this notwithstanding it seems reasonable to think that only a small number of racist incidents attract media attention and coverage partly due to the fact that many victims do not report their experiences to the press for fear of retaliation or because they do not see the media as being able to provide support. Besides, media operators have their agenda which often leads them to not consider a given case of racist violence as being newsworthy even though it may be extremely serious for the victim.

NGOs continued to be very important reference points for victims of racism and discrimination and both organisations that are part of the ENAR national coordination and those outside promoted new projects and started campaigns, as documented in the report, aimed at protecting the rights of target groups and promoting equality.

Bibliography

Amnesty International (2004) *Amnesty International Report 2004*, Turin: Ega.

Anti-Defamation League (2004) *Attitudes toward Jews, Israel and the Palestinian-Israeli Conflict in Ten European Countries*, April 2004.

Caritas Migrantes (2004) *Dossier Statistico Immigrazione 2004*, Rome: Idos.

Caritas, Amnesty International, RAI, FNSI, Galgano International (2003) *Extracommunication, Monitor su informazione e immigrazione – sintesi dei risultati per parole chiave*, Rome, September 2003.

Ceccagno A. (2004) *Giovani migranti cinesi. La seconda generazione a Prato*, Milan: F. Angeli.

Censis, Confcooperative Federabitazione (2004), *La domanda abitativa degli anni 2000, Sintesi della ricerca*, Rome, June 2004.

Censis (2002) *Tuning into diversity. Immigrati e minoranze etniche nei media*, Rome, November 2002.

Coin F. (ed) (2004) *Gli immigrati, il lavoro, la casa. Tra segregazione e mobilitazione*, Milan: Franco Angeli.

Commissione Europea (2004) *Comparative Study on the collection of data to measure the extent and impact of discrimination within the United States, Canada, Australia, Great Britain and the Netherlands*, Medis Project.

Comune di Milano (2003) *I figli dell'immigrazione. Ricerca sull'integrazione dei giovani immigrati a Milano*, Milan: F. Angeli.

Comune di Venezia, Giunta Comunale (2004) *Statuto Comunale. Modifica degli articoli 2, 5, 11, 22, 28, 28bis, 29 e 30 per il riconoscimento dell'elettorato attivo e passivo ai cittadini stranieri extracomunitari regolarmente soggiornanti*.

Consiglio di Stato, Advice no. 8007 of 28th July 2004.

Consiglio di Stato, Advice no. 222592/03 of 31st March 2004.

Consiglio Nazionale dell'Economia e del Lavoro (2004), *La famiglia nell'immigrazione: condizioni di vita e cultura a confronto*, Rome: Cnel.

Corte Costituzionale, Ordinance no. 389/2004.

Corte Costituzionale, Sentence no. 372 of 2nd December 2004.

Corte Costituzionale, Sentence no. 222 of 15th July 2004.

Corte Costituzionale, Sentence no. 223 of 15th July 2004.

Corte, M. (2002) *Stranieri e mass media. Stampa, immigrazione, Pedagogia interculturale*, Padua: Cedam.

COSPE, Rete di Indra, Dispo-Università degli Studi di Firenze (2004) *La carta di soggiorno: uno strumento di integrazione*, Research Report, June 2004, available at: <http://www.cospe.it>.

COSPE (2003) *Media e diversità culturale – Sintesi del rapporto sulla Settimana Europea di Monitoraggio dei Media* (24 – 30 novembre 2003), available at: <http://www.mmc2000.net>.

COSPE (2002) *L'offerta multiculturale nella stampa, tv e radio in Italia*, Quaderni di ricerca Cospe, April 2002.

Constitution of the Italian Republic.

Prime Minister's Decree, 11th December 2003.

Decree Law no. 241 of 14th September 2004.

Decree Law no. 269 of 30th September 2003.

Legislative Decree no. 215 of 9th July 2003.

Diamanti, I., Bordignon, F. (2004) *Allargamento e integrazione dell'Europa. Orientamenti e atteggiamenti dei cittadini europei*, Quaderni FNE, Collana Osservatori, no. 8 – May 2004.

Dipartimento di Scienza della Politica e Sociologia -Università degli Studi di Firenze, SWG (2003) *Quelli che ne hanno fatta di strada*, Research Report.

Eures (2004) *Primo rapporto Eures su orientamenti e valori della pubblica opinione/Monitor Italia 2004*, Eures.

Eurispes (2004) *Rapporto Italia 2004*, Rome: Eurispes.

Eurispes (2004) *L'opinione degli italiani sul conflitto israelo-palestinese e sulla questione mediorientale*.

European Monitoring Centre on Racism and Xenophobia (2004) *Manifestations of Anti-Semitism in the EU 2002-2003 – Part on Italy*, Vienna: EUMC.

European Monitoring Centre on Racism and Xenophobia (2004) *Perceptions of Anti-Semitism in the European Union. Voices from Members of the European Jewish communities*, Vienna: EUMC.

European Roma Rights Center (2004) *Il paese dei campi. La segregazione razziale dei Rom in Italia*, serie “Rapporti nazionali,” no. 9, October 2000.

European Roma Rights Center (2004) *Collective Complaint by the European Roma Rights Center against Italy*, available at: <http://www.errc.org>.

European Roma Rights Center (2004) *The situation of Roma in an enlarged European Union*, European Commission Directorate-General for Employment and Social Affairs, 2004.

European Roma Rights Center (2004) *Letter of Concern: Harassment of Roma by Italian Police*, 1st June 2004, available at: <http://www.errc.org>.

European Roma Rights Center (2004) *Roma Rights. Quarterly journal of the European Roma Rights Center*, no. 2, 3 -4, 2004.

Federazione Italiana Associazioni Partigiane (2004) *I siti della vergogna*, F.i.a.p.

Federazione Italiana Lavoratori Legno e Affini – Cgil (2004) *2° Dossier su lavoro ed immigrati in edilizia*, Rome: Fillea Cgil.

Federazione Italiana Lavoratori Legno e Affini – Cgil Roma e Lazio (2004) *Vertenze sul lavoro nei cantieri edili romani: gli immigrati superano gli italiani*, Rome: Fillea Cgil.

Federazione Italiana Lavoratori Legno e Affini – Cgil (2004) *Infortuni mortali nei cantieri edili: 231 le vittime nel 2004*, Rome: Fillea Cgil.

Federcasa (2002) *I numeri della casa*, available at: www.federcasa.it.

Flash Eurobarometer 151, *Iraq and peace in the world*, November 2003.

Fio.psd (2003) *Rapporto nazionale 2002. Immigrazione e persone senza dimora*, Genova: Fio.psd.

Fondazione Silvano Andolfi (2003) *La qualità della vita delle famiglie immigrate*, Milan: F. Angeli.

Fondazione Ismu (2004) *Decimo rapporto sulle migrazioni*, Milan: F. Angeli.

FUSIE (2004) *I media e gli immigrati in Italia. La stampa di immigrazione e per l'immigrazione*, Rome: CNEL.

Inail (2004) *Dati sull'andamento degli infortuni sul lavoro*.

Ires, Cgil (2004) *I lavori minorili in Italia. I casi di Milano, Roma e Napoli*, Rome: Ires.

Istat (2003) *Annuario Statistico Italiano 2003*, Rome: Istat.

Istituto degli Innocenti (2004) *Bambini e adolescenti che lavorano*, Quaderni del Centro Nazionale di Documentazione e analisi per l'infanzia e l'adolescenza.

Istituto Regionale Programmazione Economica Toscana (2004) *Osservatorio infortuni nell'area fiorentina*, Florence.

Law 30th July 2002, no.189, published on the Official Gazette no. 199 of 26th August 2002.

Law no. 205 of 25th June 1993.

Law no.388 of 23rd December 2000.

Losi, N., Ippolito, R.H., Mazzara, B. (2003) *Gente in movimento. Migranti, progetti migratori, rapporto con il sistema Italia nella percezione di immigrati e operatori di servizi pubblici*, Research Report, 2003.

Maneri, M. (1998) "Elementi di analisi del discorso dei media", in: Tabet, P., Di Bella, S., *Io non sono razzista ma...Strumenti per disimparare il razzismo*, Rome: Anicia.

Maneri, M. (1998) "Lo straniero consensuale. La devianza degli immigrati come circolarità di pratiche e discorsi", in: Del Lago, A. (ed) *Lo straniero e il nemico. Materiali per l'etnografia contemporanea*, Genova: Costa & Nolan.

Mauri, L., et al. (1999) *Così vicini, così lontani. Per una comunicazione multiculturale*, Rome: RAI/ERI.

Medici Senza Frontiere (2004) *Centri di permanenza temporanea e assistenza. Anatomia di un fallimento*, Rome: Sinnos Editrice.

Meli, A. (2003) "Nel circolo vizioso della rappresentazione mediatica," in: *Testimonianze*, no.432, November-December 2003.

Ministry of the Interior, Circular no.4 of 22nd January 2004.

Ministero dell'Istruzione, Università e Ricerca (2004) *Alunni con cittadinanza non italiana. A. S. 2003/2004, scuole statali e non statali*, Rome: Miur.

Ministero dell'Istruzione, dell'Università e della Ricerca (2005), *Indagine sugli esiti degli alunni con cittadinanza non italiana*, Rome: Miur.

Ministero del Lavoro e delle Politiche Sociali, Confartigianato, Banca Popolare Etica (2004) *L'imprenditorialità immigrata: caratteristiche, percorsi e rapporti con il sistema bancario*, Final report, October 2004.

Monasta, L. (2004) *The health of foreign romani children in Italy. Results of a study in 5 camps of Roma from Macedonia and Kosovo*, in : Roma Rights. Quarterly journal of the European Roma Rights Center, no. 3-4, 2004.

Naga (2004) *Medicina di strada. Tra aree dismesse e politiche di accoglienza inesistenti*, May 2004.

European Parliament, *Resolution on the Communication from the Commission on immigration, integration and employment*, Com(2003) 336 - 2003/2147(ini).

Pasquini M. (2004) *Il diritto alla casa tra lotte sociali e politiche istituzionali*, Rome.

Pirazzi, M., Pozzoli, L., *Osservatori sulla discriminazione sulla base della razza, dell'origine etnica e della religione*.

Pittau, F, Spagnolo, A. (eds) (2003) *Immigrati e rischio infortunistico in Italia*, Rome: Istituto Italiano di Medicina Sociale.

Provincia di Firenze, *Regolamento sull'ordinamento degli uffici e dei servizi della provincia di Firenze*.

Provincia di Genova, Deliberation of 7th September 2004.

Regione Emilia Romagna, Regional Law no. 5 of 24th March 2004, published on the Official Bulletin no. 40 of 25th March 2004.

Regione Lombardia, Regulation n. 0001 of 3rd February 2004.

Regione Toscana (2004) *Statuto approvato dal Consiglio Regionale il 19 luglio 2004*.

Rivera, A. (2003) *Estranei e nemici. Discriminazione e violenza razzista in Italia*, Rome: Derive Approdi.

Royal Decree no.965 of 30th April 1924.

Royal Decree no.1297 of 26th April 1928.

Ronda della Solidarietà (2003) *Storie di diritti negati*, Rome: Centro Astalli.

Sciortino, G., Colombo, A. (2004) *The flows and the flood: the public discourse on immigration in Italy, 1969-2001*, in: *Journal of Modern Italian Studies* 9(I) 2004.

Sorice, M. (ed) (2003) *Questione di pelle. La rappresentazione giornalistica dell'intolleranza. 5° Rapporto sulla violenza contro gli stranieri in Italia*, December 2003.

Sunia Cgil (2004) *L'offerta di abitazioni in affitto. 2° indagine annuale sulle offerte locative nelle aree metropolitane*, available at: <http://www.sunia.it>.

Tosi, A. (2000) *L'inserimento degli immigrati: case e città*, in: Marcetti, C. et al. (eds) *Le culture dell'abitare*, Rome: Polistampa.

Tosi, A. (2004) *The operation of housing markets in Italy*, available at: www.fiopsd.org.

Tosi, A. (2004) *Italy National Report 2004. Statistical update*, European Observatory on Homelessness, Brussels: Feantsa.

Tribunale Amministrativo Regionale Toscana, Sentence no. 38/2003

Tribunale Amministrativo Regionale Veneto, Sentence no. 782/04

Tribunale de L'Aquila, Ordinance of 22nd October 2003.

Tribunale di Genova, Ordinance of 19th March 2004.

Tribunale di Genova, Ordinance of 26th June 2004.

Tribunale di Trento, Sentence no. 202 of 29th October 2004.

Ufficio Centrale Studenti Esteri in Italia (2004) *Studiare da stranieri nelle Università italiane*, Rome: Ucei.

Uisp - Comitato Regionale Emilia Romagna (2002) *Racism, football and the internet*, Vienna: Eumc.

Unioncamere (2004) *Immigrazione: da Unioncamere un osservatorio dedicato a lavoratori e imprenditori extracomunitari*, Rome: Unioncamere, 17th December 2004.

Unione delle Comunità Ebraiche Italiane (2003) *Il razzismo in Italia*, Rome: Ucei.

Unione Inquilini (2004) *Rapporto integrativo per l'anno 2004 sullo stato del diritto alla casa*, available at: <http://www.unioneinquilini.it>.

Zincone, G., et al. (2004) *La discriminazione dei lavoratori immigrati nel mercato del lavoro in Italia*, Geneva: ILO.