

# ECRI REPORT ON ITALY

(sixth monitoring cycle)



**Adopted on 2 July 2024**  
Published on 22 October 2024



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## FOREWORD

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The European Commission against Racism and Intolerance (ECRI), established by the Council of Europe, is an independent human rights monitoring body specialised in questions relating to the fight against racism, discrimination (on grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance. It is composed of independent and impartial members appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, antisemitism and intolerance.

In the framework of its statutory activities, ECRI conducts country monitoring work, which analyses the situation in each of the member States of the Council of Europe regarding racism and intolerance and draws up suggestions and proposals for dealing with the problems identified.

ECRI's country monitoring deals with all member States on an equal footing. The work takes place in 5-year cycles. The reports of the first round were completed at the end of 1998, those of the second round at the end of 2002, those of the third round at the end of 2007, those of the fourth round in the beginning of 2014, and those of the fifth round at the end of 2019. Work on the sixth round reports started at the end of 2018.

The working methods for the preparation of the reports involve documentary analyses, a visit to the country concerned, and then a confidential dialogue with the national authorities.

ECRI's reports are not the result of inquiries or testimonial evidence. They are analyses based on information gathered from a wide variety of sources. Documentary studies are based on a large number of national and international written sources. The in situ visit provides the opportunity to meet with the parties directly concerned (both governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to provide, if they consider it necessary, comments on the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final ECRI report.

The sixth round country reports focus on three topics common to all member States: (1) Effective equality and access to rights, (2) Hate speech and hate-motivated violence, and (3) Integration and inclusion, as well as a number of topics specific to each one of them.

In the framework of the sixth cycle, priority implementation is requested again for two specific recommendations chosen from those made in the report. A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

**The following report was drawn up by ECRI under its own responsibility. Unless otherwise indicated, it covers the situation up to 11 April 2024; as a rule, developments since that date are neither covered in the following analysis nor taken into account in the conclusions and proposals therein.**

## SUMMARY

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**Since the adoption of ECRI's fifth report on Italy on 18 March 2016, progress has been made and good practices have been developed in a number of fields.**

Civic education has been introduced as a stand-alone subject to be taught in primary and secondary schools and many initiatives have been taken to include teaching of Jewish history and culture in schools.

The data collection system regarding bullying incidents in schools, including on grounds of ethnicity and sexual orientation, has been developed. In addition, online courses on combating bullying have been made available to teachers.

In the field of LGBTI equality, progress has been made with the recognition of same-sex partnership, the adoption of the National LGBT+ Strategy and the provision of quality information on healthcare to transgender patients and their families. The authorities have also introduced a system of financial support for centres against discrimination based on sexual orientation and gender identity, including shelters for LGBTI victims of violence.

Significant efforts have been made to alert young people about dangers of online hate speech, notably through awareness-raising campaigns and activities conducted by the Postal and Communication Police in schools and other places frequented by young people.

Moreover, institutional framework aimed at counteracting antisemitism has been developed and commitment has been made to eliminate antisemitic symbols and behaviour during sport events.

Several measures have been also taken to increase the capacity of law enforcement officials to tackle hate crimes. They included a number of trainings and publications on this subject.

Efforts have been taken to provide access to health care to migrants, especially by the training cultural mediators in the health sector, outreach activities and other measures aimed at providing information on health services to migrants.

The number of Roma living in settlements has significantly decreased, at least partly due to housing transition projects carried out by local authorities.

**ECRI welcomes these positive developments in Italy. However, despite the progress achieved, some issues give rise to concern.**

The legal status of the National Office Against Racial Discrimination – *Ufficio Nazionale Antidiscriminazioni Razziali* (UNAR) and its significant role in shaping and coordinating governmental policies remains incompatible with the requirement of independence of an equality body.

School curricula still do not make direct reference to the promotion of LGBTI equality and teaching on gender identity and sexual orientation.

LGBTI persons continue to face prejudice and discrimination in everyday life. Furthermore, the procedure for legal gender recognition continues to be complicated, lengthy and overmedicalised.

The public discourse has become increasingly xenophobic and political speech has taken on highly divisive and antagonistic overtones particularly targeting refugees, asylum seekers and migrants, as well as Italian citizens with migration backgrounds, Roma and LGBTI persons. Hate speech, including by high-level politicians, often remains unchallenged.

The capacity of police officers and *carabinieri* to address hate-motivated violence is diminished by underreporting and lack of trust in law enforcement agencies on the part of people belonging to groups of concern to ECRI.

Negative mainstream political narratives created serious obstacles to effective integration and inclusion of migrants, as well as endangered the activities of non-governmental organisations providing support to migrants. Undue criticism targeting individual judges dealing with migration cases also puts their independence at risk.

Migrant children are more exposed to bullying in schools and leave the system of education earlier than Italian children.

Many Roma still reside in formal and informal settlements, which often lack basic amenities and are located in city outskirts with limited access to public transportation. Moreover, forced evictions of Roma in violation of international standards have continued.

There are numerous accounts of racial profiling by law enforcement officials, targeting especially Roma and people of African descent.

**In this report, ECRI requests that the authorities take action in a number of areas and makes a series of recommendations, including the following.**

The authorities should take action to i) set up a fully independent and effective equality body, in consultation with civil society organisations, and ii) reinforce UNAR as a fully-fledged official coordinating body responsible for *inter alia* the design, implementation and monitoring of the implementation of policies and other measures against racism and intolerance.

The authorities should ensure that compulsory school curricula at all levels of education include LGBTI equality issues in a manner which is sensitive, age-appropriate and easy to understand and that discussions on LGBTI equality are evidence-based and place particular emphasis on equality, diversity and inclusion.

The authorities should ensure that the process of legal gender recognition is quick, transparent and accessible and that it is not contingent on abusive requirements, such as medical procedures and/or mental health diagnoses.

When it comes to combating hate speech, the authorities should organise an awareness raising campaign with a view to i) creating a better understanding of the general public of the extent of racist and other forms of hate speech and the harm it causes to the individuals and communities concerned and ii) promoting equality, diversity and intercultural and interfaith dialogue, with a particular emphasis being placed on the positive contributions of people with a migration background, Roma, members of Jewish and Muslim communities and people of African descent to the society as a whole.\*

The authorities should take steps to increase support for children with migration backgrounds in the field of education, in particular by (i) securing a sufficient number of places in schools located close to reception centres and other places of residence of foreigners as well as adequate arrangements allowing children to commute to school; (ii) ensuring that children with migration backgrounds are able to acquire the language level required for lasting success at school and (iii) promoting the involvement of parents of children with migration backgrounds into school life and education of their children.

The authorities should take further action to address the difficult housing situation of Roma, *inter alia* by (i) ensuring that Roma who may be evicted from their homes (due to their substandard conditions or their location in irregular settlements) enjoy all the guarantees that international standards provide for, in particular, that they are notified of the planned eviction well in advance, benefit from appropriate legal protection and are not to be evicted without the possibility of being rehoused in decent accommodation; (ii) co-operating more closely with and financially supporting relevant local authorities to provide sufficient social housing to vulnerable members of the Roma community.

The authorities should promptly commission a comprehensive and independent study with the aim of detecting and addressing any racial profiling practices by law enforcement officials affecting in particular Roma and people of African descent, in the light of ECRI's General Policy Recommendation No. 11 on combating racism and racial discrimination in policing and General Recommendation No. 36 of the United Nations Committee on the Elimination of Racial Discrimination on racial profiling by law enforcement officials.\*

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\* The recommendations in this paragraph will be subject to a process of interim follow-up by ECRI no later than two years after the publication of this report.

## FINDINGS AND RECOMMENDATIONS

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### I. EFFECTIVE EQUALITY AND ACCESS TO RIGHTS

#### A. Equality bodies<sup>1</sup>

1. The National Office Against Racial Discrimination – *Ufficio Nazionale Antidiscriminazioni Razziali* (UNAR) has been designated as the equality body in Italy. Regarding the legal framework governing UNAR, ECRI refers to its previous reports.<sup>2</sup>
2. In its previous reports, ECRI indicated that according to the legislation,<sup>3</sup> UNAR's remit is limited to discrimination based on ethnic origin and "race", as well as "racism of a cultural and religious nature".<sup>4</sup> Nonetheless, in practice, UNAR extended its activities to cover discrimination grounds other than "race" and ethnic origin and carried out a number of awareness-raising and training activities related in particular to combating discrimination against LGBTI persons.<sup>5</sup> Nonetheless, it emerged from the ECRI visit to Italy that the lack of a clear and robust legal framework still has an impact on the effectiveness of UNAR's action.<sup>6</sup>
3. One of the main concerns regarding UNAR raised by ECRI, as well as other international bodies,<sup>7</sup> has been related to its lack of independence. UNAR remains an entity within the Department for Equal Opportunities in the Presidency of the Council of Ministers. It is headed by a director appointed by the Prime Minister or by a delegated Minister. As regards its staffing resources, it also appears that its effective functioning relies significantly on civil servants seconded from various ministries.<sup>8</sup> The authorities informed ECRI that UNAR enjoys some degree of autonomy, which was strengthened as of 1 October 2018 by a circular of the Secretary General of the Council of Ministers specifying that the Director of UNAR manages the budgetary resources allocated to the Office.<sup>9</sup> In the view of ECRI, this is a positive development. It nonetheless underlines that it does not significantly change UNAR's status as an integral part of the central administration.
4. In this context, ECRI notes that in addition to activities in the fields of victim support,<sup>10</sup> research and awareness-raising activities, UNAR undertook an important role in shaping and coordinating governmental policies on anti-discrimination efforts and integration and inclusion. Notably, it was responsible for the drawing-up and adoption of the National Roma and Sinti Equality, Inclusion and Participation Strategy 2021-2030 and the National LGBT+ Strategy 2022-2025 for preventing and combating discrimination on grounds of sexual orientation and gender identity and serves as a coordinating body for the implementation of those

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<sup>1</sup> The term "national specialised bodies" was updated to "equality bodies" in the revised version of GPR No. 2, which was published on 27 February 2018.

<sup>2</sup> See ECRI (2016a): §§ 24-29 and 107-108, ECRI (2012a): §§ 38-46, and ECRI (2006): §§ 24-27, as well as ECRI (2019), § 1.

<sup>3</sup> Legislative Decree No. 2015 of 9 July 2003, Article 7.

<sup>4</sup> See ECRI (2016a): §§ 29 and 108 and ECRI (2019): § 1.

<sup>5</sup> See, in this connection, general directives for administrative action and management of the Department for Equal Opportunities. See UNAR (2022b): 5.

<sup>6</sup> See also European network of legal experts in gender equality and non-discrimination (2023): 63.

<sup>7</sup> See e.g. UN CERD (2023): §§ 10-11; ACFC (2023): § 62; Council of Europe, Commissioner for Human Rights (2023): § 170.

<sup>8</sup> Associazione 21 luglio (2020): 8.

<sup>9</sup> The authorities also explained that those resources were allocated UNAR by law as a part of funds for implementation of European policies and were not subject to modification in state annual budget.

<sup>10</sup> See also, in this connection, ACFC (2023): § 55. See also the website of [UNAR](#) and of the National Bar Council: [Consiglio Nazionale Forense](#).

strategies.<sup>11</sup> It also leads ongoing work aimed at the preparation and adoption of the National Plan against racism, xenophobia and intolerance.<sup>12</sup>

5. In this context, ECRI recognises that the expertise of UNAR may significantly contribute to the quality of policy documents. However, in its view, the role of drawing-up and coordinating the implementation of governmental strategies and action plans requires strong institutional links with other bodies within the structures of the government and effective coordination mechanisms. It is incompatible with the requirement of independence of an equality body.<sup>13</sup> Direct institutional link with the Presidency of the Council of Ministers and the policy-making role of UNAR also adversely influence the way in which it is perceived among civil society actors and members of groups of concern to ECRI.<sup>14</sup> As a consequence, ECRI considers that the authorities should establish a separate, truly independent and effective equality body, while allowing UNAR to continue its important role in designing policies and other government actions against racism and intolerance, coordinating and monitoring their implementation and ensuring that these policies and other actions are properly evaluated.
6. ECRI recommends that the authorities take action to i) set up a fully independent and effective equality body, in consultation with civil society organisations and in line with ECRI's General Policy Recommendation No. 2 on equality bodies to combat racism and intolerance at national level, and ii) reinforce UNAR as a fully-fledged official coordinating body responsible for the design, implementation and monitoring of the implementation of policies and other measures to prevent and combat all forms of racism and intolerance and for coordinating their evaluation.

## **B. Inclusive education**

7. This section deals with education policies<sup>15</sup> that aim to combat exclusion and marginalisation through an inclusive education devised for all, and to create an inclusive society respectful of diversity in accordance with sections II and III of ECRI's GPR No. 10 on combating racism and racial discrimination in and through school education.
8. In its GPR No. 10, ECRI recommends that human rights education is an integral part of the school curriculum at all levels and across all disciplines. In this context ECRI notes that Italian schools have high degree of autonomy in defining their curriculum, subject to national indicators and educational outcomes defined for each subject by the Ministry of Education and Merit. As of the school year 2020/2021, the authorities introduced a stand-alone subject of civic education to be taught in primary and secondary schools.<sup>16</sup> Its curricula should include teaching about the Constitution and basics of law and should contain a significant component related to digital citizenship. Ministerial guidelines on teaching civic education specify that in primary school students should become aware of the principles of solidarity, equality, and respect for diversity as pillars of coexistence

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<sup>11</sup> Both strategies were adopted in the form of decree by the Director of UNAR. For more on the process of their development and implementation see UNAR (2021b): 15-25; UNAR (2022b): 13-15. The content of these strategies is dealt with in the relevant sections of the present report.

<sup>12</sup> UNAR (2022b): 12.

<sup>13</sup> See ECRI's GPR No. 2: § 2.

<sup>14</sup> See e.g. Associazione 21 luglio (2020): 8; ASGI (2023): 7-8 and ACFC (2023): § 58. In this context it is also worth mentioning, that UNAR is not widely known among groups at risk of discrimination. According to the results of surveys conducted by FRA only 23 % of people of African descent and 37% of Roma in Italy are aware of the existence of an equality body – both results are below the average in all countries in which the respective surveys were conducted (44% and 50% respectively) – see EU FRA (2023): 51 and EU FRA (2022b): 32. See also EU FRA (2020): 35.

<sup>15</sup> This section relates to education for all children and young people. Specific measures for the education of migrants and children belonging to minority groups are dealt with under the heading of integration and inclusion.

<sup>16</sup> [Law No. 92 of 20 August 2019](#). The new compulsory subject replaced education on citizenship and constitution, which had been taught as a part of curricula of various subjects (such as history geography, social science etc.).



in society, understand the principles and freedoms enshrined in the Italian Constitution and international documents, including the Universal Declaration of Human Rights. In secondary education, they should learn about the values that inspired the creation of the EU and international legal systems, as well as about the values and rules of democratic life.<sup>17</sup> Whereas ECRI welcomes the introduction of civic education into Italian schools, it also notes that general statements on including issues of equality into its curriculum may not be sufficient to ensure inclusive equality education of relevance to groups of concern to ECRI in all schools.

9. In its previous report (§§ 114-118), ECRI notably pointed to a lack of teaching on gender identity and sexual orientation in Italian schools. ECRI notes that guidelines on teaching obligatory school subjects still do not make any direct reference to the promotion of LGBTI equality and teaching on gender identity and sexual orientation, be it in the context of civic education, or any form of quality relationship and sexuality education.<sup>18</sup> This shortcoming is partly addressed by encouraging schools to take part in *ad hoc* initiatives, such as celebrating the International Day against Homophobia, Biphobia and Transphobia<sup>19</sup> and by civil society initiatives to support schools in teaching on LGBTI-related subjects.<sup>20</sup> However, according to the information received by ECRI during its visit, those initiatives remain controversial and face backlash from conservative groups in the society, which tend to label them as promotion of “gender ideology”. In this context, ECRI welcomes that the National LGBT+ Strategy 2022-2025 (see paragraph 22 below) calls for including specific modules on discrimination against LGBTI persons into the teaching of civic education.<sup>21</sup>
10. ECRI recommends that the authorities ensure that compulsory school curricula at all levels of education include LGBTI equality issues in a manner which is sensitive, age-appropriate and easy to understand and that discussions on LGBTI equality are evidence-based and place particular emphasis on equality, diversity and inclusion.
11. When it comes to other groups particularly at risk of racism and intolerance, ECRI notes that significant efforts have been made to include teaching of Jewish history and culture in Italian schools.<sup>22</sup> A number of projects have been implemented in cooperation with the Jewish community and civil society actors. They include creation of a website dedicated to the Shoah (Holocaust) remembrance in schools,<sup>23</sup> allocation of funds for visiting concentration camps and deportation sites, organisation of competition on Holocaust remembrance addressed to children at all levels of schooling<sup>24</sup> as well as the establishment of a working group for the inclusion of Jewish culture into the national school curricula.<sup>25</sup> ECRI considers all those initiatives as **good practices**.

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<sup>17</sup> Guidelines on teaching civic education contained in the annex to the [Ministerial Decree No. 35 of 22 June 2020](#).

<sup>18</sup> IGLYO (2022): 90. See also ECRI (2019), § 2.

<sup>19</sup> See, Ministry of Education and Merit (2023, May 16).

<sup>20</sup> See for example, [School Mates](#) programme by Arcigay or a publication of a guide (Classe Arcobaleno) for teaching on LGBTI-related subjects and supporting LGBTI students in schools by the Centro Risorse LGBTI (Centro Risorse LGBTI (2020)).

<sup>21</sup> UNAR (2022c): 23.

<sup>22</sup> See also [National Guidelines for Teaching the Shoah](#) and [Guidelines on Combating Antisemitism at Schools](#) issued by the Ministry of Education.

<sup>23</sup> [Scuola e Memoria](#) website.

<sup>24</sup> Competition [I giovani ricordano la Shoah](#).

<sup>25</sup> Università di Pisa (2023, 8 February). Another interesting initiative was realised by the Jewish Community and the Catholic Church and included preparation of educational materials on different aspects of Judaism to be used in teaching of Catholic religion in schools (see Chiesa Cattolica Italiana (2023)).

12. At the same time, ECRI notes that there are few similar initiatives on teaching about the history and culture of Roma communities<sup>26</sup> and about the history of people of African descent, including the history of Italy's colonial past and the consequences and continued impact of racially discriminatory policies in contemporary Italy.<sup>27</sup> ECRI strongly invites the authorities to fill this vacuum.
13. ECRI observes that some progress has been made in combating bullying in schools. In 2021, the Ministry of Education issued updated Guidelines for preventing and combating Bullying and Cyberbullying in Schools,<sup>28</sup> and set up an online platform (ELISA) containing information and providing specific e-learning courses. The ELISA platform is also used to collect data on bullying through replies to questionnaires. According to the data collected between 2021 and 2023, there has been an increase in reported cases of victimisation and bullying of children based on grounds of ethnicity and sexual orientation. In 2023, 10.1% of all secondary school students surveyed reported being subjected to bullying on the ground of their ethnic origin and 8.1% reported having been subjected to homophobic insults,<sup>29</sup> in comparison to 8.8% and 7.8% respectively in 2022<sup>30</sup> and 7% and 6.4% in 2021.<sup>31</sup> ECRI welcomes the establishment of a data collection system regarding the scale of bullying in schools and the measures taken to counteract this phenomenon. It encourages the authorities to develop more disaggregated data and to take targeted measures to prevent and combat bullying of pupils and students based on the grounds of "race", ethnic or national origin, colour, citizenship, religion, language, sexual orientation, gender identity and sex characteristics.

### C. Irregularly present migrants

14. In its GPR No. 16 on safeguarding irregularly present migrants from discrimination, ECRI calls for the creation of effective measures ("firewalls") to ensure the fundamental human rights of irregularly present migrants in fields such as education, health care, housing, social security and assistance, labour protection and justice.<sup>32</sup> Such firewalls should separate the activities of immigration control and enforcement from the provision of services, so that migrants who are irregularly present in Italy do not refrain from accessing their rights due to fear of deportation.
15. According to Eurostat, in 2022, 138,420 persons (non-EU citizens) were found to be "illegally" present in Italy, while in 2021, 92,070 cases were recorded; in 2020, 22,785; in 2019, 26,885 and in 2018, 26,780.<sup>33</sup> However, according to some estimates, the number of migrants irregularly present in Italy surpasses 500,000.<sup>34</sup>

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<sup>26</sup> ACFC (2023): § 144-146.

<sup>27</sup> UN CERD (2017): § 26 (e). See also UN CERD (2023): § 31.

<sup>28</sup> Ministerial Decree by the Minister of Education no. 18 of 13 January 2021, [Linee di Orientamento per la prevenzione e il contrasto del Bullismo e il Cyberbullismo](#).

<sup>29</sup> Ministry of Education and Merit (2023). Data refer to cases of bullying that took place in the months preceding the survey. It does not allow to determine which ethnicities were the most targeted and whether there were also cases of transphobic remarks. The total number of pupils and students who reported being subject to bullying, notwithstanding the grounds for it, amounted to 26.9%.

<sup>30</sup> Ministry of Education and Merit (2022). With the total percentage of students reporting any form of bullying at 25.3%.

<sup>31</sup> Ministry of Education, Universities and Research (2021). With the total percentage of students reporting any form of bullying at 22.3%. The percentage of children being bullied is significantly higher among children belonging to ethnic minorities. For instance, according to a survey conducted by the European Union Fundamental Rights Agency, approximately half of Roma children are bullied at school because of their ethnicity (EU FRA (2022b): 41).

<sup>32</sup> See §§ 3, 4, 11 and 12 of the GPR No. 16 and §§ 3, 4, 11 and 12 of its Explanatory Memorandum.

<sup>33</sup> Eurostat (2023).

<sup>34</sup> Fondazione ISMU (2023): 24.

16. Access to education is guaranteed for all children, regardless their legal status.<sup>35</sup> Lack of documentation does not prevent school enrolment. In principle, it should also not impair access to other services supporting children's education, such as free meals in schools, school transport or vouchers to purchase books.<sup>36</sup> It was nonetheless brought to ECRI's attention that, in practice, some local authorities tie access to those services to proof of registered residence, making them inaccessible to migrants who do not possess residence permits. ECRI invites the authorities to take the necessary measures to ensure that effective access to those services is granted to irregularly present children throughout the country.
17. Irregularly present migrants are also entitled to essential and urgent health care, as well as preventive treatments and health care related to pregnancy and maternity. In order to access health services, they are granted the Temporary Present Foreigner code, which guarantees them anonymity and, in case of limited resources, free access to treatment.<sup>37</sup> The law explicitly prohibits health care providers from reporting patients to the immigration authorities.<sup>38</sup>
18. However, the main issues of concern as regards access to rights remain the poor living conditions and risks of labour exploitation. Many irregularly present migrants live in destitute conditions in informal settlements or are homeless.<sup>39</sup> They face high risk of exploitation, especially in the fields of agricultural and domestic work,<sup>40</sup> while they are unlikely to report abuses due to the fear of deportation. In this context, reference is made to the recommendations of the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA)<sup>41</sup> and the United Nations Human Rights Committee,<sup>42</sup> which called on authorities to clearly separate the functions of labour control from those of immigration authorities and to establish effective mechanisms to allow irregularly present migrant workers to lodge complaints in respect of labour standards without the risk of the sharing of their personal data with immigration authorities.
19. In this context, ECRI notes that during the health crisis related to the Covid-19 pandemic the authorities undertook an initiative aimed at the regularisation of the stay of migrants working irregularly in certain sectors of the economy characterised by high risk of labour exploitation (i.e. agriculture, home care and domestic work). These special measures, adopted in May 2020,<sup>43</sup> allowed for a regularisation of stay upon the application lodged by the employer or directly by the persons who had worked in one of those sectors and whose residence permit had expired. Approximately 220,000 persons applied.<sup>44</sup> However, civil society actors pointed to certain shortcomings of the regularisation scheme, including exclusion of workers in other sectors of the economy and risk of further exploitation by the employers who sometimes demanded payments from workers for lodging applications.<sup>45</sup> Moreover, the applications were processed with significant delays and many of

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<sup>35</sup> It includes compulsory education, from the ages of 6 to 16, as well as access to education or training until the attainment of vocational qualification, by the age of 18.

<sup>36</sup> Legislative Decree no. 286 of 26 July 1998, Article 6 paragraph 2 and Article 38.

<sup>37</sup> The Temporary Present Foreigner (STP) code is issued by the first regional healthcare facility that treats the person in question.

<sup>38</sup> Legislative Decree No. 286 of 26 July 1998, Article 35.

<sup>39</sup> According to the partial data gathered by the authorities at least 10,000 irregularly present migrants live in approximately 150 informal settlements lacking basic amenities. See also Human Rights Watch (2023, 4 April).

<sup>40</sup> GRETA (2019): § 79-100. See also, Ministry of Labour and Social Policies (2022).

<sup>41</sup> GRETA (2019): § 101. See also GRETA (2024): § 204.

<sup>42</sup> UN HRC (2017): § 29.

<sup>43</sup> [Legislative Decree No 34 of 19 May 2020](#), Article 103.

<sup>44</sup> Human Rights Watch (2020, 18 December).

<sup>45</sup> Human Rights Watch (2020, 18 December); PICUM (2021, 14 December) and PICUM (2022): 24-26.

them were still pending at the time of the ECRI visit to Italy.<sup>46</sup> ECRI takes positive note of the adoption of the above regularisation scheme. At the same time, it encourages the authorities to conduct an evaluation of its design and implementation in order to draw lessons for any further positive initiative of the kind.

#### **D. LGBTI equality<sup>47</sup>**

20. On the Rainbow Europe Map and Index reflecting the European countries' legislation and policies guaranteeing the human rights of LGBTI persons, Italy ranks 34<sup>th</sup> of 49 countries scored, with an overall score of 24.76%.<sup>48</sup> Civil and administrative laws at national level still do not explicitly prohibit discrimination based on sexual orientation, gender identity and sex characteristics in most areas of life.<sup>49</sup> On a more positive note, progress has been made with the recognition of same-sex partnerships in 2016.<sup>50</sup>
21. ECRI regrets to note that reportedly LGBTI persons are still confronted with prejudice and discrimination in their everyday life. According to data collected by the Italian National Institute of Statistics (ISTAT) in the years 2019-2022, between 26% and 41.4% of LGBTI respondents declare that their sexual orientation disadvantaged them in their work or career advancement, between 40,3% and 61% of respondents avoided talking about their private lives at work in order not to reveal their sexual orientation and approximately 80% experienced micro-aggressions at work, whereas one third characterised their experiences as manifestations of a hostile working environment or aggression.<sup>51</sup> At the same time, according to the survey conducted in 2019 in 28 EU countries, only 8% of LGBTI persons in Italy believed that their national government effectively addressed prejudice and intolerance against LGBTI people.<sup>52</sup>
22. The National LGBT+ Strategy 2022-2025, which was adopted by UNAR in October 2022, envisages measures aimed at increasing human rights protection for LGBTI persons and combating discrimination in six main areas of public policy.<sup>53</sup> ECRI takes positive note of the adoption of the Strategy and of the fact that its development involved consultations with civil society actors. It notes, however, that the 2022-2025 Strategy lacks clear provisions on the state bodies responsible for the implementation of specific goals, sources of financing of particular measures and strong coordination mechanisms. ECRI encourages the authorities to ensure the full implementation of the 2022-2025 Strategy, in particular by allocating sufficient resources, developing stronger coordination mechanisms and conducting regular evaluation of its implementation with the view to strengthening its impact.
23. The authorities undertook some initiatives aimed at preventing and combatting discrimination against LGBTI persons. They include granting financial support to

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<sup>46</sup> European Commission, European Website on Migration (2023, 7 December).

<sup>47</sup> For terminology, see ECRI's [glossary](#).

<sup>48</sup> ILGA-Europe (2024).

<sup>49</sup> With the exception of legislation related to discrimination in employment, which prohibits discrimination based on sexual orientation. See [Legislative Decree no. 216 of 9 July 2003](#). Moreover, in some individual cases, courts decided that ground of "sex" contained in provisions of the Equal Opportunities Code (Legislative Decree no. 198 of 11 April 2006) should be interpreted as referring also to gender identity (Court of Cassation, Order no. 7415 of 7 March 2022). The situation is more complex in the fields of competency of the regions, where certain jurisdictions have prohibited discrimination based on sexual orientation and gender identity, for instance in access to health, housing and education. According to estimation by ILGA, such regional prohibitions of discrimination have been adopted in 8 out of 20 regions and cover approximately 45% of Italian population (see ILGA (2023)).

<sup>50</sup> [Law No. 76 of 20 May 2016](#).

<sup>51</sup> ISTAT (2022): 5-6.

<sup>52</sup> EU FRA (2020): 14. In the same survey 57% respondents indicated that the government definitely did not effectively combat those phenomena and 35% indicated that it probably did not.

<sup>53</sup> Namely 1) employment and welfare; 2) security; 3) healthcare; 4) education and sports; 5) culture, communication and media; and 6) data gathering, monitoring and evaluation (see UNAR (2022c)).

46 centres against discrimination based on sexual orientation and gender identity run by civil society organisations or local authorities. During its visit to Italy, ECRI's delegation visited one of the shelters for LGBTI youth that was supported under this scheme. The delegation was genuinely impressed by the commitment of the staff and the support provided to young people in their care. However, the delegation also learned that government support was granted to the centres as of 1 January 2022 for a period of one year and that, in October 2023 a process of renewal of financing was still ongoing.<sup>54</sup> ECRI considers this programme to be a **promising practice** and encourages the authorities to ensure that the financing granted under this scheme is uninterrupted and sustainable.

24. In relation to the situation of transgender persons, ECRI notes that progress has been made in the provision of quality information on health care to transgender patients and their families.<sup>55</sup> However, in practice, transgender persons point to insufficient awareness amongst health care professionals and the limited availability of health care institutions specialised in meeting their needs. ECRI invites the authorities to organise more trainings for health care professionals and to take action aimed at increasing the availability of specialised health care for transgender patients.
25. The procedure for legal gender recognition continues to be conducted before the courts and is considered by representatives of the transgender community met during the visit to be unnecessarily complicated, lengthy and overmedicalised.<sup>56</sup> While legal gender recognition no longer requires surgical intervention and sterilisation, it emerged during the visit that it is still obligatory to obtain a gender dysphoria diagnosis from a psychologist and – as a rule – to undergo endocrinological treatment.<sup>57</sup> In order to address the situation of persons who are undergoing this procedure, in a welcomed development, many institutions and businesses, including schools, universities and private companies, started introducing so-called “alias careers” allowing transgender persons, who have not yet completed the gender legal recognition procedure and legally changed their names to temporarily pursue education or work under their social identity and chosen name.<sup>58</sup> In the view of ECRI, this is **good practice**.
26. ECRI recommends that the authorities, in line with its General Policy Recommendation No. 17 on combatting intolerance and discrimination against LGBTI persons, ensure that the process of legal gender recognition is quick, transparent and accessible and that it is not contingent on abusive requirements, such as medical procedures and/or mental health diagnoses.
27. In relation to the situation of intersex persons, ECRI notes that the Italian law does not prohibit non-medically necessary sex assignment treatment and/or surgical intervention on the sex characteristics of children (so-called sex-“normalisation” surgeries). While there is no official data on the number of such procedures performed, the civil society actors indicate that performing them is still common within the medical community. There are no uniform protocols for intersex health care and the standard of care varies significantly from one hospital to another. Moreover, according to the information received from the civil society, in rare cases when hospitals offer psychological counselling to intersex persons and/or their families, such counselling is not covered by the National Health Service and therefore its costs have to be fully borne by the patient.

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<sup>54</sup> In 2022, the financing amounted to 180,000 euros for the centre offering support and shelter for LGBTI persons and 100,000 euros for centres that did not include shelter.

<sup>55</sup> Including through [Infotrans](#) portal.

<sup>56</sup> In this connection, trans identities were depathologised by the World Health Organisation in 2019.

<sup>57</sup> However, in some cases courts decided to lift the latter requirement. See Civil Liberties Union for Europe (2023): 26-27 and Gay.it (2023, July 17).

<sup>58</sup> See, e.g., University of Bologna (2024). A list of universities that adopted this practice is available [here](#).

28. Against this background, ECRI welcomes the efforts of the Italian National Institute of Health, which created the first institutional website containing information on intersex health care.<sup>59</sup> ECRI considers the creation of the website a step forward. It notes, however, that a more systemic approach is needed to sensitise the healthcare community and outlaw non-medically necessary interventions on intersex children.
29. ECRI recommends that the authorities, in line with ECRI's General Policy Recommendation No. 17 on combating intolerance and discrimination against LGBTI persons, (i) take action towards the development and adoption of a specific legislation banning medically unnecessary sex-“normalising” surgery and other non-therapeutic treatments until such time as an intersex child is able to participate in the decision, based on the principle of free and informed consent; (ii) ensure that, where intersex people have been subjected to non-consensual medical interventions, they have access to all their medical records and appropriate supports, including follow-up care and counselling; (iii) provide appropriate training to all healthcare professionals, which emphasises that intersex persons have the right to bodily integrity and diversity.

## II. HATE SPEECH AND HATE-MOTIVATED VIOLENCE

### A. Hate speech<sup>60</sup>

#### *Legislation and policies*

30. The Italian criminal legislation on hate speech was analysed in detail in ECRI's fifth report on Italy (§§ 5-17). Most findings and recommendations contained in that report remain highly relevant.<sup>61</sup> It should be recalled in particular that Article 604bis of the Criminal Code prohibits propagating ideas based on racial or ethnic superiority or hatred, or inciting to commit acts of discrimination on racial, ethnic, national or religious grounds, as well as inciting to violence on the same grounds. The provision in question does not cover grounds of colour, language, sexual orientation, gender identity or sex characteristics. Reference is made in this respect to section II.B.
31. As regards governmental policies some elements of combating hate speech and hate-motivated violence are included in strategies concerning equality, integration and inclusion of LGBTI persons, beneficiaries of international protection and Roma, as well as a separate strategy aimed at combating antisemitism.<sup>62</sup> However, there is no comprehensive document containing measures aimed at prevention and combating hate speech and hate-motivated violence against all groups of concern to ECRI.
32. ECRI is pleased to note that, following the adoption of the EU Commission's Anti-Racism Action Plan (2020-2025), the authorities, under the coordination of UNAR, have been working on the drawing-up of a National Action Plan Against Racism. Such work includes consultations with civil society actors and is still ongoing.

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<sup>59</sup> The website Infointersex is available [here](#).

<sup>60</sup> See definitions of hate speech and hate crime in ECRI [glossary](#).

<sup>61</sup> See especially ECRI (2016a): § 8 (concerning the need for introducing colour and language as grounds for racist behaviour and racial discrimination punishable under the Criminal Code and criminalising public dissemination or public distribution, or the production or storage aimed at public dissemination or public distribution, with a racist aim, of written, pictorial or other material inciting to racial discrimination and racial violence); § 14 (concerning the need for penalising public insults and defamation or threats against a person or group of people on the grounds of their race, colour, language, religion, nationality, or national or ethnic origin) and §§ 15-17 (concerning limited scope of - then planned and currently adopted - legislation considering harsher penalty where racist propaganda and public incitement to hate crimes are based in full or in part on the denial, gross trivialisation or condoning of the Holocaust or crimes of genocide, crimes against humanity and war crimes, but not considering the denial of Holocaust and other crimes mentioned above as a separate offence).

<sup>62</sup> See paragraphs 22, 61, 78 and 42 respectively.

33. ECRI recommends that the authorities finalise and adopt, without undue delay, a National Action Plan Against Racism. The action plan should include for each goal and for each measure, clear and measurable indicators by which its success may be assessed, a timetable for achievement and the institutions or senior officials responsible for achieving these goals and implementing these measures, as well as clear budget allocations. The implementation of the action plan should be evaluated regularly. Civil society organisations and representatives of the group that are particularly exposed to racism and intolerance should be included in the development, the monitoring of the implementation and the evaluation of the action plan.

#### *Data collection*

34. In its fifth report (§ 34), ECRI recommended that the authorities set in place a method of collecting data on incidents related to hate speech, broken down into different categories of racist motivation and of victims, and that they regularly publish the results, with information on the number of prosecutions, the reasons for not prosecuting and the outcome of the legal proceedings concerned. In this context, ECRI notes that the data on hate speech of criminal nature is still gathered by multiple entities and through different systems, including the police investigation data system (SDI), the Observatory for Security against Acts of Discrimination (OSCAD), the Ministry of Justice and ISTAT. Yet, they do not use the same methodology<sup>63</sup> and the data gathered by them does not allow to indicate the different categories of victims. Neither does it indicate the number of prosecutions and convictions.

35. When it comes to hate speech that was not necessarily qualified as a criminal offence, some data is gathered by UNAR through its Contact Centre, on the basis of reports from alleged victims, as well as through its own research. ECRI welcomes UNAR initiative, which provides an overview of various types of hate speech, especially online,<sup>64</sup> and its victims.<sup>65</sup>

#### *Hate speech in public discourse and online*

36. ECRI notes with serious concern that Italian public discourse has become increasingly xenophobic in recent years, and political speech has taken on highly divisive and antagonistic overtones particularly targeting refugees, asylum seekers and migrants, as well as Italian citizens with migration backgrounds, Roma and LGBTI persons. Regrettably, a number of statements and comments that were considered to be derogatory and hateful came from high-profile politicians and public officials, especially during election periods, both online and offline.<sup>66</sup> This reportedly led to a form of “trivialisation” of hateful remarks in public life and

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<sup>63</sup> OSCE-ODIHR (2023b).

<sup>64</sup> In the period from 1 January 2019 to 30 June 2022, 80% of cases recorded by UNAR relate to online hate speech.

<sup>65</sup> For instance, from 1 January 2019 to 30 June 2022, UNAR recorded 5,277 cases of discrimination out of which 843 were classified as hate speech. Of those, 559 (65.1%) were based on race and ethnic origin (including 190 against foreigners, 165 against migrants, 165 on the basis of skin colour and 97 against Roma), 204 (24.2%) on religion or belief (including 101 based on anti-Muslim prejudice, 96 antisemitic and 7 based on personal belief or other) and 49 (5.8%) based on sexual orientation and gender identity (including 34 anti-gay; 8 anti-LGBTQ; 2 anti-lesbian; 2 based on “gender variant” and 2 other). The remaining cases were based on grounds not covered by ECRI (disability and age) or were classified as cases of multiple discrimination without enumerating the grounds involved.

<sup>66</sup> According to research conducted during the 2022 electoral campaign, approximately 9% of the content posted by candidates on social media was in some way problematic (containing offensive and/or discriminatory content) and approximately 1% could be qualified as hate speech (i.e. incitement to hatred and discrimination based on the personal characteristics of the targeted person or group of people). Among this 1% most posts targeted non-governmental organisations or individuals engaged in humanitarian work, people with a migration background, the Muslim community and the LGBTI persons. The research also showed that the problematic content spiked more reactions from other users than other, more neutral, posts. See Amnesty International (2022): 12-13.

generated sentiments of marginalisation and exclusion among several segments of the population.<sup>67</sup>

37. One of the groups that has been most targeted by negative political narratives in recent years is Roma. For instance, in 2018 the then Minister of Interior, when declaring a will to conduct mass expulsion of irregularly present Roma, referred also to Roma possessing Italian citizenship and stated: “but Italian Roma unfortunately, we have to keep them at home”.<sup>68</sup> Many hateful comments targeted Roma women in particular. For instance, in April 2023, when commenting on proposals for improving situation of imprisoned mothers, the same politician claimed that a political party that was previously in power freed “Roma pickpockets who use children and pregnancy to avoid prison and continue to commit crimes”.<sup>69</sup> Other political candidates have used Roma prejudice in electoral campaigns. In 2022, a local politician from Florence posted online a video with a Roma woman, with the caption encouraging voters to vote for his party “to never see her again”.<sup>70</sup>
38. Recent examples of LGBTI-phobic and racist statements in public life include the remarks made in a book published in 2023 by a general of the Italian armed forces. The author stated that gay people “were not normal” and indicated that acceptance for LGBTI persons is the result of plots by “the international gay lobby”. He also attacked Black Italians, stating that people were not all born equal and that immigrants would always be different. He used the example of a Black Italian volleyball champion, stating “she is Italian by citizenship, but it is clear that her facial features do not represent Italianness”.<sup>71</sup> As a result of those statements, the author was removed from his command and managerial positions in the army.<sup>72</sup>
39. Roma, migrants, persons of African descent and LGBTI people are also targeted by online hate speech.<sup>73</sup> In addition, in recent years, there has been a sharp increase in the number of antisemitic hate incidents. The number of cases of such incidents, including threats, spiked in the immediate aftermath of the Hamas terrorist attack of 7 October 2023 and Israel’s subsequent war in Gaza.<sup>74</sup>
40. ECRI also notes that a high number of hate incidents have been reported in the area of sports, where antisemitic<sup>75</sup> and anti-Black<sup>76</sup> symbols, chants and comments have been used by fans against athletes and supporters of other teams.<sup>77</sup>

#### *Responses to hate speech*

41. ECRI is pleased to note that significant efforts have been made to alert young people about the dangers of online hateful content, notably through the preparation of videos and other materials related to the celebration of the Safer Internet Day (7 February) and visits of Postal and Communication Police officers to schools and

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<sup>67</sup> UN OHCHR (2019): § 40.

<sup>68</sup> ERRC (2018, June 22); ERRC (2023, May 18)

<sup>69</sup> ERRC (2023, April 6).

<sup>70</sup> The video was later removed. See Open (2022, September 5).

<sup>71</sup> Euronews (2023, August 21); Euronews (2023, August 22).

<sup>72</sup> See also Le Monde (2024, March 1).

<sup>73</sup> For an extensive analysis of online hate speech in Italy see Vox Diritti (2023).

<sup>74</sup> For instance, overall number of the antisemitic incidents recorded by the CDEC Foundation’s Observatory on antisemitism increased from 241 in 2022 to 454 in 2023. Of those 454 cases, 216 were recorded in the period from October to December 2023. CDEC Foundation’s Observatory on antisemitism (2024): 18-19.

<sup>75</sup> See for instance, Reuters (2023, March 23).

<sup>76</sup> See for instance, Le Monde (2024, January 20); Le Monde (2023, January 5); The Guardian (2023, April 5); Media Diversity Institute (2022, November 25).

<sup>77</sup> In the research on discrimination in sports conducted in the period from 1 June 2021 to 30 June 2022, out of 211 cases of discrimination recorded, 182 were classified as “verbal violence”. They included *inter alia* racist threats, messages on social media, display of racist banners, posters and distribution of leaflets as well as racist chants during sport competitions. See Osservatorio Nazionale contro le discriminazioni nello sport (2022): 16).



other places frequented by young people to help children to use the Internet in a safe way.<sup>78</sup> Moreover, a few general awareness-raising campaigns against hate speech targeted a young audience. For instance, a special communication campaign on the prevention of various forms of hatred, including online, was organised by OSCAD during the Eurovision Song Contest in Turin in May 2022.

42. ECRI is pleased to learn that the institutional framework aimed at countering antisemitism has been significantly developed over the last few years. In 2020, the post of National Coordinator on Combating Antisemitism was created under the Presidency of the Council of Ministers. In 2021, a National Strategy for Combating Antisemitism was drawn up. The Strategy contains a set of recommendations ranging from legislative changes to organising training activities. However, it does not provide for a timeline for realisation of those measures.<sup>79</sup> ECRI also learned about a few initiatives involving substantial cooperation between the authorities and the Jewish community, which resulted for instance in educational projects and training for public officials, including law enforcement officials.
43. Special attention was also given to combating hate speech in sports. For instance, UNAR and the main Football League are cooperating to promote diversity in sports and prevent racism through awareness-raising campaigns, including around the International Day for the Elimination of Racial Discrimination (21 March).<sup>80</sup> In addition, on 27 June 2023, a declaration of intent on combating antisemitism in football was signed jointly by the authorities and representatives of football federations and associations of players, coaches and referees. Its signatories committed to the elimination of antisemitic and Nazi symbols during sport events, develop stronger accountability mechanism for any antisemitic behaviour of members and supporters of sport clubs, express solidarity with victims and proactively combat antisemitism through various awareness-raising activities.<sup>81</sup> ECRI welcomes those initiatives and encourages the authorities to pursue their efforts to address antisemitism and all other forms of racism, including anti-Black racism, and intolerance in sports.
44. Furthermore, ECRI points out to the role of mainstream media in providing positive visibility to various ethnic, religious and other minority groups and contributing to their broader acceptance. In this context, ECRI was glad to learn that a new contract between the government and the public radio and television broadcaster (RAI) for the years 2023-2028 contains stronger provisions obliging RAI to provide for diversity in its programming, actively fight against all forms of discrimination and hate speech and disseminate values of acceptance and inclusiveness. However, in ECRI's opinion, more coordinated efforts are necessary to promote a positive image of people belonging to groups who are more particularly exposed to hate speech.
45. ECRI recommends, as a matter of priority, that the authorities organise an awareness raising campaign with a view to i) creating a better understanding of the general public of the extent of racist and other forms of hate speech and the harm it causes to the individuals and communities concerned and ii) promoting equality, diversity and intercultural and interfaith dialogue, with a particular emphasis being placed on the positive contributions of people with a migration background, Roma, members of Jewish and Muslim communities and people of African descent to the society as a whole.

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<sup>78</sup> According to the data provided by the authorities, only in 2022, the police officers carried meetings in 2,500 schools involved in this initiative.

<sup>79</sup> Presidency of the Council of Ministers (2021).

<sup>80</sup> Campaign [Keep Racism Out](#).

<sup>81</sup> [Declaration of intent on combatting antisemitism in football](#) signed by the Minister for Sport and Youth, The Minister of Interior, The National Coordinator on Combatting Antisemitism and the President of the Italian Football Federation.

46. Some good examples of counter-speech have been reported to ECRI in the recent period. For instance, after the Hamas terrorist attack of 7 October 2023, politicians at higher levels of government, including the Prime Minister and the President, spoke publicly against antisemitism, pledged to strengthen the protection of the Jewish community, and called for clear and unambiguous condemnation of antisemitic hate speech.<sup>82</sup> The anti-LGBTI and racist statements contained in the book published by an Italian general (see paragraph 38 above) prompted an immediate reaction from the Minister of Defence, who stated that the general in question had discredited the army, the ministry, and the Constitution.<sup>83</sup> The statements made about Roma women being thieves (see paragraph 37 above) were met with an official reaction of the National Guarantor for the Rights of Persons Detained or Deprived of Liberty.<sup>84</sup>
47. However, according to many civil society interlocutors met by the ECRI delegation during the visit, political hate speech targeting groups of concern to ECRI, in particular Roma, migrants, and people of African descent, often remains unchallenged. There is also no effective self-regulation mechanism of political life, be it in the form of internal rules for parliamentarians or rules and disciplinary measures (for instance regulated in codes of conduct or codes of ethics) within all political parties.
48. ECRI recommends that public figures, including high-level officials and politicians on all sides, are strongly encouraged to take a prompt, firm and public stance against the expression of racist and LGBTI-phobic hate speech and react to any such expression with counter-speech and alternative speech, as well as to promote understanding between communities, including by expressing solidarity with those targeted by hate speech. Elected bodies and political parties should adopt appropriate codes of conduct that prohibit the use of hate speech, call on their members and followers to abstain from engaging in, endorsing or disseminating it, and provide for sanctions. In this respect, ECRI refers to its General Policy Recommendation No. 15 on combating hate speech, Recommendation CM/Rec(2022)16 of the Committee of Ministers to member States on combating hate speech and the Charter of European political parties for a non-racist and inclusive society as endorsed by the Parliamentary Assembly of the Council of Europe in its Resolution 2443 (2022).
49. Victims of criminal hate speech, as well as other hate crime, are considered under the law as vulnerable victims and enjoy additional protection in criminal proceedings. However, most of broader support services outside of the context of participation in such proceedings, i.e. psychological and legal support or referral to dedicated specialised services, are provided by civil society organisations with little financial support from public institutions and uneven availability of services from one region to another and amongst different categories of victims.<sup>85</sup> Against this background, ECRI positively notes the implementation of the “V-Start” and “Stand up for victims’ rights” projects, led by civil society organisations with the support of the regional authorities in Tuscany. The projects resulted in the publication of materials addressed both to potential victims of racism and intolerance<sup>86</sup> and to public officials and private service providers that come in contact with them.<sup>87</sup> ECRI considers both projects to constitute **good practices**. It notes, nonetheless, that

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<sup>82</sup> CDEC Foundation’s Observatory on antisemitism (2024): 47.

<sup>83</sup> At the same time the author was defended by other high level politicians and approached by a neo-fascist group to run for office with their endorsement. See Euronews (2023, August 21) and Euronews (2023, August 22).

<sup>84</sup> ERRC (2023, April 6).

<sup>85</sup> For instance, organisations supporting LGBTI persons seem to be relatively well organised and provide more comprehensive support to this groups of victims of hate than other CSOs. See, Stand Up for victim’s rights (2022): 16-17.

<sup>86</sup> See Stand up for victim’s rights (2021a), (2021b), (2021c) and (2021d).

<sup>87</sup> See V-Start (2019).

more efforts are needed from the authorities at national and regional levels to ensure comprehensive and coordinated support to victims.

50. ECRI was informed that several instances of hate speech, including by politicians, were the subject of criminal investigations and sanctions. For instance, in 2019, a senator was convicted for his statements dating back to 2013, when he compared a Black Italian Member of the European Parliament and a former minister to an orangutan.<sup>88</sup>

## **B. Hate-motivated violence**

51. Article 604ter of the Criminal Code foresees an aggravating circumstance of committing a criminal act for the purpose of discrimination or ethnic, national, racial or religious hatred or for the purpose of facilitating the activity of organisations having the same purposes. As in the case of the relevant provision regarding hate speech of criminal nature (see paragraph 30 above), Article 604ter does not include colour, language, sexual orientation, gender identity and sex characteristics among protected grounds.<sup>89</sup> According to interlocutors met by the ECRI delegation during the visit, especially the lack of explicit mention of LGBTI-phobic motives undermines the effectiveness of this provision in providing protection to all groups exposed to hate-motivated violence. It also hampers the process of collecting data on hate crime against LGBTI persons, as they do not appear in police statistics as a separate category.<sup>90</sup>

52. ECRI recommends that the authorities introduce in parliament a hate speech and hate crime legislation that includes all the key elements of national legislation against racism and intolerance, as reflected in ECRI's General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination and General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons. They should, in particular, ensure that the criminal legislation expressly covers the grounds of colour, language, sexual orientation, gender identity and sex characteristics as grounds for behaviour and discrimination that can be considered an aggravating circumstance in determining appropriate penalties.

53. According to the data collected by OSCAD and reported by Italy to the OSCE, the number of hate crimes (including cases of criminal hate speech) on the grounds relevant to ECRI amounted to 1,202 in 2022, 1,243 in 2021, 919 in 2020, 912 in 2019, 901 in 2018, 891 in 2017, and 532 in 2016. In 2022, the most common types of hate crimes included incitement to violence (299 cases), threats/threatening behaviour (235), disturbance of peace (187), desecration of graves (156), physical assault (130), attacks against places of worship (54) and damage to property (47).<sup>91</sup> There is no data indicating how many of the cases were prosecuted or leading to criminal sanctions.

54. Civil society organisations regularly report on examples of violent acts targeting particular groups of concern to ECRI. Most cases of violence against persons belonging to ethnic minorities reported in this context concerns violence against people with migration backgrounds and people of African descent. In 2022 alone,

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<sup>88</sup> The Guardian (2019, January 14).

<sup>89</sup> In some cases, the prosecution service and the courts decided to qualify LGBTI-phobic motives as "base motives" or "evil intent", which may also carry increased penalties under general provisions of the criminal law. See S. Chirico, L. Gori and I. Esposito (2020): 19.

<sup>90</sup> Such data is still gathered on the basis of reports received by OSCAD on voluntary reports from police services, other institutions, civil society organisations and private parties.

<sup>91</sup> OSCE-ODIHR (2023a). The grounds relevant for ECRI work are "race", ethnic/national origin, colour, citizenship, religion, language, sexual orientation, gender identity and sex characteristics. Therefore, the data quoted in this paragraph encompasses hate crime categorised at national level as "anti-LGBTI" or "racist or xenophobic hate crime", but it does not include hate crime based on disability.

the NGO Lunaria recorded 47 such violent attacks – mostly instances of victims having been physically attacked, including cases that resulted in severe injuries.

55. When it comes to violence against Roma, cases reported by civil society include instances of physical assaults, including on children, arson and vandalising places of residence of Roma.<sup>92</sup> Criminal acts against members of the Jewish community include attacks against property (vandalism and antisemitic graffiti) and occasionally also physical assaults.<sup>93</sup> There were also examples of anti-Muslim violence, which targeted especially Muslim women wearing headscarves in public. For instance, in 2022, the NGO Lunaria reported on two cases in which Muslim women were insulted, physically attacked and had their headscarves (or face veil) torn off their heads.<sup>94</sup>
56. Civil society organisations also point out to an increased number of acts of violence, such as assaults, sexual violence and even murders with anti-LGBTI motives.<sup>95</sup> They underline that LGBTI children are at particular risk of becoming victims of domestic violence.<sup>96</sup>
57. Since ECRI's previous report, several measures have been taken to increase the capacity of law enforcement officials to tackle hate crimes. In particular, Italy implemented the OSCE/ODIHR's Training Against Hate Crimes for Law Enforcement (TAHCLE), which included officers directly involved in the training delivered in cooperation with the OSCE/ODIHR and further law enforcement officials trained through cascade trainings and online modules. More online trainings on hate crime, bias indicators and vulnerable victims, as well as publications on hate crime addressed to law enforcement officials were developed and distributed by OSCAD. However, the capacity of the police and *carabinieri* to address hate-motivated violence seems to be significantly diminished by underreporting of such incidents and lack of trust in law enforcement agencies on the part of people belonging to groups of concern to ECRI, especially people with migration backgrounds, people of African origin and Roma. ECRI considers that this problem cannot be tackled without addressing major issues related to racism and intolerance within law enforcement agencies. Reference is made to section IV.B.

### III. INTEGRATION AND INCLUSION

#### A. Migrants

58. As from the outset, ECRI should underline that many interlocutors met by its delegation during the visit to Italy were deeply concerned about mainstream political narratives that promoted a culture of exclusion rather than integration and inclusion of migrants. Examples of such political and other public discourse not only included negative comments about the presence of refugees, asylum seekers and other migrants,<sup>97</sup> but also verbal attacks on civil society actors providing

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<sup>92</sup> OSCE-ODIHR (2023a). See also ERRC (2023): 7.

<sup>93</sup> CDEC Foundation's Observatory on antisemitism (2024): 19, CDEC Foundation's Observatory on antisemitism (2023): 40 and OSCE-ODIHR (2023a). For data on antisemitic crime recorded by OSCAD see EU FRA (2022a): 80.

<sup>94</sup> OSCE-ODIHR (2023a).

<sup>95</sup> Arcigay (2023, May 17).

<sup>96</sup> According to research by the Gay Helpline Italy, 15% of the LGBTI youth are subject to mistreatment by their families, Gay Help Line and Chat Speakly (2023, May 17): 10. For examples of hate-motivated incidents against LGBTI persons, see especially Arcigay (2023) and Cronache di ordinaria omofobia (2023, May 3).

<sup>97</sup> See in particular UN OHCHR (2022, January 21) and UN OHCHR (2018, November 21). On the subject of legal impediments to the activities of NGOs in Italy, see Council of Europe Commissioner for Human Rights (2023, January 26) and Council of Europe Commissioner for Human Rights (2023): §§ 24-36.

support to migrants<sup>98</sup> as well as undue criticism aiming at undermining the authority of individual judges deciding on migration cases.<sup>99</sup>

59. In ECRI's opinion, such atmosphere created by political and other public discourse around the subject of migration creates serious obstacles to the effective integration and inclusion of migrants, endangers the activities of non-governmental organisations providing support to migrants and undermines the independence of the judiciary when dealing with migration cases. ECRI strongly invites the relevant authorities, including at regional and local levels, to develop strong communication strategies on the integration and inclusion of migrants, support and maintain a safe and enabling environment in which civil society organisations working in support of migrants can operate free from hindrance, insecurity and violence,<sup>100</sup> and respect, protect and promote the independence and impartiality of judges deciding on migration cases.<sup>101</sup>

#### *Data and policies*

60. On 1 January 2023, there were approximately 5,030,000 foreigners residing in Italy, including over 3.7 million non-EU citizens with a regular residence permit.<sup>102</sup> The data on numbers of beneficiaries of international protection dating back to 1 January 2022 indicated that there were 55,557 asylum seekers, 47,629 refugees and 49,863 beneficiaries of subsidiary protection living in the country. In 2022, 77,200 applications for international protection were lodged in Italy, 7,610 persons were granted refugee status, 7,205 – subsidiary protection and 10,865 – special (also referred to as national) protection, which is an equivalent of protection on humanitarian grounds.<sup>103</sup> Moreover, almost 148,000 Ukrainian citizens were granted temporary protection.<sup>104</sup>
61. The government's integration policies are set out in the National Plan for the Integration of the Beneficiaries of International Protection 2022-2024,<sup>105</sup> which succeeded a similar document adopted in 2017.<sup>106</sup> ECRI positively notes that the plan was adopted in consultation with civil society organisations and beneficiaries of international protection. The plan stresses the role of the whole society in the process of integration and aims at strengthening cooperation between the reception system, local services and institutional and private actors. That said, it does not establish a clear delineation of responsibilities for the realisation of particular actions and goals, which may impede its effective implementation.<sup>107</sup>
62. ECRI also notes that, in the area of integration, a bulk of competencies is granted to regional and local authorities, which regulate access to and provide most of the necessary services and support to the beneficiaries of international protection and other migrants. Consequently, the level of access to integration measures significantly varies between different parts of the country.<sup>108</sup> In ECRI's view,

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<sup>98</sup> Civil Liberties Union for Europe (2023): 23-24. See also Huffpost (2022, November 14).

<sup>99</sup> Ansa.it (2023, October 3); Il Sole 24 Ore (2023, October 3).

<sup>100</sup> See, in this connection, [Reykjavik Declaration](#) – United around our values, in particular the Principles for Democracy, as adopted by the Heads of State and Government of the Council of Europe at their fourth Summit in May 2023.

<sup>101</sup> See, in this regard, [Recommendation CM/Rec\(2010\)12](#) of the Committee of Ministers of the Council of Europe pertaining to the independence, efficiency and responsibilities of judges, the 2016 [Council of Europe Plan of Action](#) on strengthening judicial independence and impartiality and of the work of the [Consultative Council of European Judges](#) on judicial independence and impartiality

<sup>102</sup> The total population of the country amounted to 58,851,000. See ISTAT (2023b): 1 and ISTAT (2023a): 1-2.

<sup>103</sup> AIDA (2023): 9.

<sup>104</sup> ISTAT (2023a): 1-2.

<sup>105</sup> Ministry of the Interior, Department for Civil Liberties and Immigration (2022).

<sup>106</sup> Ministry of the Interior, Department for Civil Liberties and Immigration (2017).

<sup>107</sup> At the time of the ECRI visit to Italy, the official evaluation of the implementation of this action plan had not yet been completed.

<sup>108</sup> For more on this subject see ASGI and Medi Study Centre Genoa (2023).

stronger coordination and cooperation mechanisms between the national, regional and local authorities are needed in order to ensure the effective implementation of integration policies throughout Italy.

63. ECRI also takes positive note of the fact that the National Plan for the Integration of the Beneficiaries of International Protection 2022-2024 intends to promote multifunctional centres and one-stop-shops allowing the beneficiaries of international protection to access various integration services under one roof. ECRI's delegation visited one such one-stop-shop – a reception and orientation centre for migrants, including beneficiaries of international protection and asylum-seekers, which was created in 2017 by the Municipality of Rome (SUAM). The facility offered a wide range of services related to reception, advice on legal and social issues and support in seeking employment and search for housing. ECRI considers the creation and support of such centres as a **good practice**.

#### *Housing situation*

64. Beneficiaries of international protection and unaccompanied children, notwithstanding their legal status, may be hosted in the facilities belonging to the Reception and Integration System (SAI). However, reportedly due to a lack of places, some of them do not receive places in those facilities.<sup>109</sup> They are also, as a rule, entitled to reside in SAI facilities for six months only.<sup>110</sup> It is, therefore, crucial for them to promptly secure independent housing.
65. In this respect, ECRI positively notes that, as a matter of principle, beneficiaries of international protection are entitled to social housing subject to the same criteria as Italian citizens. Nonetheless, specific conditions of access to social housing are regulated at local level and some of them, such as the minimum length of residence in a given region or evidence that the applicant does not own property, including abroad, have a discriminatory effect on persons who have not lived in Italy for long or who cannot return to their country of origin. Some of those criteria were declared discriminatory by Italian courts, but – according to the information gathered by the ECRI delegation during the visit – continue to be applied in certain municipalities.<sup>111</sup> Consequently, ECRI encourages the authorities to ensure that discriminatory requirements limiting access of beneficiaries of international protection to social housing are removed.<sup>112</sup>

#### *Education of migrant children*

66. According to the data provided by the Government, as of 2021 approximately 10% of children enrolled in Italian schools were not Italian citizens.<sup>113</sup> The rules adopted by the Ministry of Education envisage that the number of foreigners in each class cannot exceed 30%. ECRI considers it to be a positive solution, preventing creation of classes with mostly foreign pupils and *de facto* school segregation. However, according to civil society actors, this rule can also prevent schools placed in areas with significant presence of foreigners<sup>114</sup> from being able to enrol all interested children. Other barriers in enrolment to schools include the reluctance of some parents to send their children to school and a language barrier.<sup>115</sup>

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<sup>109</sup> According to the data from February 2023, SAI network included 934 facilities that could in total accommodate 43,923 persons (including 6,299 unaccompanied minors) (AIDA (2023): 235-236).

<sup>110</sup> With possible extensions being granted to most vulnerable persons – see AIDA (2023): 236-237.

<sup>111</sup> ASGI and Medi Study Centre Genoa (2023): 23-26.

<sup>112</sup> UNHCR, ASGI, Sunia (2021): 7-8.

<sup>113</sup> Among those 67% were non-nationals born in Italy.

<sup>114</sup> Those include e.g. the proximity of reception centres, but also settlements of non-citizen Roma. In this respect reference is made to paragraphs 77 and 83-87 below. See also UN OHCHR (2019): § 55.

<sup>115</sup> AIDA (2023): 241-242. For more on obstacles, especially related to continuing education after the age of 16, see Fondazione ISMU (2021): 51-61

67. Schools have a high degree of autonomy as to whether and how they organise preparatory classes or language support for children who do not possess a sufficient command of the Italian language.<sup>116</sup> The guidelines issued by the Ministry of Education encourage them to organise language laboratories.<sup>117</sup> However, it emerged during the visit to Italy that the situation varies significantly in practice. In addition, children with a migration background are more exposed to bullying.<sup>118</sup> Data show that on average non-citizen children leave the system of education earlier than Italian children.<sup>119</sup> As a result, young foreigners have a significantly lower level of education than their Italian peers.<sup>120</sup> ECRI invites the authorities to take prompt action to address this situation needs to be addressed without delay, as differences in the level of education of persons with migration backgrounds are an important factor contributing to the perpetuation of poverty and social exclusion of migrants.
68. In this context, ECRI commends the efforts made by the Ministry of Education and Merit to support schools in accommodating Ukrainian children who arrived in Italy after February 2022 as a result of Russia's war of aggression against Ukraine. Those measures included assigning special financial resources to provide bilingual learning materials, as well as linguistic support, cultural mediation and psychological support.<sup>121</sup>
69. ECRI strongly recommends that the authorities take steps to increase support for children with migration backgrounds in the field of education, in particular by (i) securing a sufficient number of places in schools located close to reception centres and other places of residence of foreigners as well as adequate arrangements allowing children to commute to school; (ii) ensuring that children with migration backgrounds are able to acquire the language level required for lasting success at school and (iii) promoting the involvement of parents of children with migration backgrounds into school life and education of their children.

#### *Access to health care*

70. According to the Italian legislation, beneficiaries of international protection and special protection, beneficiaries of temporary protection, as well as asylum seekers, are subject to obligatory registration with the National Health Service (NHS) and benefit from access to health care under the same conditions as citizens. Registration with the NHS requires payment of contributions, from which one may be exempted due to lack of financial means. Yet, in some regions, beneficiaries of international protection face difficulties in obtaining such exemptions.<sup>122</sup> They also indicated problems in access to health care due to, among other things, insufficient knowledge, among public officials and health care professionals, about the relevant procedures, language barriers and the limited numbers of cultural mediators available in many regions. Against this background, ECRI takes positive note of the initiatives taken by the National Institute for Health,

<sup>116</sup> For examples of useful practices developed by schools for intake, especially of unaccompanied migrant children, see Fondazione ISMU (2021): 45-48.

<sup>117</sup> AIDA (2023): 241.

<sup>118</sup> See paragraph 13 above and UN OHCHR (2019): § 54.

<sup>119</sup> According to the data provided by the authorities, in 2021, the total percentage of persons aged 15-34 who were in formal education in Italy amounted to 36.1% with 38.1% among Italians and 21.1% for foreigners. Moreover, the rate of children and young people leaving education early are higher among migrants originating from non-EU countries than the ones from the EU countries (see European Commission (2022): 3).

<sup>120</sup> In 2021, the rate of persons with at most primary education between foreigners aged 25-34 in Italy was 6.3% (in comparison to 0.8% among Italian citizens), with lower secondary education – 44.8% (in comparison to 17.8% for Italian citizens), with upper secondary education – 37.3% (in comparison to 50.4%), and with tertiary education 11.6% (in comparison to 31% for Italian nationals).

<sup>121</sup> European Commission (2022): 8.

<sup>122</sup> AIDA (2023): 243-245.

Migration and Poverty (NIHMP), which develop and organise trainings for cultural mediators in the health sector and promotes their recruitment.

71. ECRI recommends that the authorities ensure that the relevant public officials and health care professionals have sufficient knowledge of the services and benefits to which migrants are entitled and an appropriate number of cultural mediators and interpreters are working within the health care system throughout the country.

72. ECRI also underlines that health literacy and accessibility of information about health services is crucial for all migrants. In this context, it welcomes that the NIHMP conducts outreach activities and created an application for mobile devices dedicated to providing information on health care entitlements and services available to foreigners.<sup>123</sup> The application, available in five languages (Italian, English, French, Spanish and Romanian), contains information on health prevention and a glossary of terms related to health care system. ECRI views the creation of the application as a **promising practice**, and it invites the authorities to extend the number of languages in which it is available and promote it among all categories of migrants.

#### *Residence permits and ID documents for beneficiaries of international protection*

73. Many interlocutors to whom ECRI delegation spoke during its visit reported about delays in processing applications for residence permits for refugees and beneficiaries of subsidiary protection, as well as for identity documents. The lack of those documents hinders the access of the persons in question to public and private services. It may also prevent them from registering their residence with local authorities, which on the long run may adversely impact their entitlement to various benefits granted by those authorities and the possibility of applying for naturalisation.

74. ECRI recommends that the authorities ensure that all beneficiaries of international protection, as well as other migrants so entitled, can promptly obtain residence permits and identity documents.

#### *Naturalisation*

75. In its fifth-cycle report on Italy (§§ 69-70), ECRI took note of planned reforms of the legislation pertinent to naturalisation and recommended to the authorities to complete this process, *inter alia* to facilitate the naturalisation of foreign children born or studying in Italy and to ensure that the legislation on naturalisation was in line with the European Convention on Nationality.<sup>124</sup> ECRI regrets to note that the legislative changes considered at the time of the preparation of that report have not been adopted. Refugees can apply for Italian citizenship after five years of residence, whereas beneficiaries of subsidiary protection are subject to general rules applicable to non-EU nationals providing for the requirement of a ten years' residence.<sup>125</sup> According to the interlocutors met by the ECRI delegation during the visit, the process of naturalisation remains lengthy, and the assessment of applications is largely discretionary.

76. Controversies remain related to the situation of children of foreign parents born or raised in Italy. Italian legislation does not provide for easier access to citizenship of migrants who entered the country in their childhood and were educated in Italy, whereas children born in the country can apply for citizenship only after they reach the age of 18 upon the condition of proving continuous residence in Italy since their

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<sup>123</sup> Application [La Tua Salute](#).

<sup>124</sup> [The European Convention on Nationality](#) (ETS No. 166) adopted on 6 November 1997.

<sup>125</sup> In both cases the applicant has to prove adequate knowledge of the Italian language and present prove of sufficient annual income. The minimum required annual income in 2022 amounted to 8,236.31 euros for an unmarried applicant and to 11,362.05 euros for a married applicant with 516 euros to be added for every dependent child (Asylum Information Database (AIDA) (2023): 223).



birth. Yet, the application must be lodged within one year and reportedly many persons entitled to lodge it, were not aware of this possibility. This problem concerns also children at risk of statelessness, whose parents were not officially recognised as stateless.<sup>126</sup> In this context, ECRI welcomes that since 2013 Italian law obliges civil register officials to inform eligible residents born in Italy about the possibility of obtaining Italian citizenship and provides that failure to do so results in the possibility by an interested person to submit a relevant declaration after the one year time period.<sup>127</sup> However, it notes with regret that reportedly only some municipalities send such letters to their residents in practice. ECRI encourages the authorities to review the legal framework and administrative practice regarding the acquisition of the Italian citizenship and to ratify the European Convention on Nationality (ETS 166).

## B. Roma

### *Data and policies*

77. There is no official data on the number, socio-demographic characteristics and living situation of Roma (including Sinti and Caminanti)<sup>128</sup> in Italy. It is roughly estimated that the Roma population is between 120,000 to 180,000, of which approximately 60% are Italian citizens. The non-citizen Roma population are mainly Roma who arrived in Italy in 1990s from the former Yugoslavia and more recently from Bulgaria and Romania.<sup>129</sup> It is estimated that over 50% of the Roma population is below the age of 18. Roma remain the group with the highest level of social distance to the majority of the population and one of the groups most exposed to discrimination in everyday life.<sup>130</sup> As regards the absence of status of legally recognised minority for Roma and the lack of specific legal framework aimed at ensuring effective equality for Roma, reference is made to the work of the Advisory Committee on the Framework Convention for the Protection of National Minorities.<sup>131</sup>
78. After the expiry of the 2012-2020 Roma Sinti Caminanti Strategy, a National Roma and Sinti Equality, Inclusion and Participation Strategy for 2021-2030 was adopted in 2022.<sup>132</sup> It contains six thematic areas of action: antigypsyism and anti-discrimination, education, employment, housing, healthcare and promotion of Roma culture. ECRI welcomes that the document was prepared in consultation with civil society organisations and that it recognises the role of antigypsyism as one of the main impediments to successful inclusion of Roma. It notes, however, that the 2021-2030 Strategy perpetuates certain shortcomings that contributed to the limited implementation of the previous strategy.<sup>133</sup> In particular, the new strategy lacks clear budget allocations for particular goals and strong coordination mechanisms that would allow UNAR to effectively fulfil its role in coordination,

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<sup>126</sup> Children whose parents have been recognised as stateless and who are born in Italy obtain Italian nationality at birth (Article 1 of the [Law No. 91 of 5 February 1992](#)). The authorities informed ECRI that the Ministry of Interior encouraged the municipalities to make sure that this provision is also applied in cases of a child whose parents were officially recognised as stateless only after the child's birth, based on the assumption that the parents were already in a situation of statelessness when the child was born. See also paragraph 82 below.

<sup>127</sup> Article 33 of the [Legislative Decree No. 69 of 21 June 2013](#).

<sup>128</sup> Unless otherwise indicated, the term "Roma" as used in the present report includes Sinti and Caminanti (Travellers).

<sup>129</sup> UNAR (2022a): 19-23; ACFC (2023): § 43.

<sup>130</sup> According to the data collected by the Eurobarometer in 2023, 33% of Italians would feel uncomfortable and 18% moderately uncomfortable working alongside a Roma colleague; 45% would feel uncomfortable and 17% moderately uncomfortable if their child was in a romantic relationship with a Roma person; 39% would feel uncomfortable and 18% moderately uncomfortable having a Roma person in the highest elected political position. In case of all questions the number of persons feeling uncomfortable with Roma persons is the highest from all minority groups indicated in the survey. In the context of the same survey, 82% of respondents indicated that discrimination of Roma in Italy is widespread. (European Commission (2023b)).

<sup>131</sup> See in particular ACFC (2023): § 41. See also ACFC (2024).

<sup>132</sup> UNAR (2022a).

<sup>133</sup> See for instance Associazione 21 luglio (2020): 9-10 and ACFC (2023): §§ 68-72.

monitoring and exchange with institutional stakeholders, including at local and regional levels.<sup>134</sup> Hence, ECRI invites the authorities to allocate sufficient human and financial resources and create strong coordination and monitoring mechanisms to secure the effective implementation of the 2021-2030 Strategy.

### *Housing situation*

79. The housing situation of Roma remains a matter of concern. According to official data, the number of Roma living in settlements decreased from about 30,000 persons in 2016 to less than 15,000 in 2019-2020.<sup>135</sup> This is at least partly due to housing transition projects carried out by local authorities. Between 2012 and 2019, 96 such projects have been implemented. In most cases (52.8%), participants were directed to social housing, whereas in 42% of cases accommodation was found in the real estate market.<sup>136</sup> In four municipalities, which conducted the biggest number of such projects,<sup>137</sup> approximately 3,120 persons benefitted from support in accessing sustainable housing. Some projects may also contribute to address problems in accessing private rental market due to anti-Roma sentiments on the part of private landlords or reluctance of private landlords to rent properties to Roma families for fear of tensions with neighbours.<sup>138</sup> Most successful projects included close cooperation with civil society and a participatory approach, providing for active involvement of the beneficiary families and various public and private actors.<sup>139</sup>
80. ECRI is pleased to note these positive developments. However, many Roma still reside in formal and informal settlements, which often lack basic amenities and are located in city outskirts, with limited access to public transportation.<sup>140</sup> Moreover, despite the recommendations made by ECRI<sup>141</sup> and other international bodies,<sup>142</sup> forced evictions of Roma in violation of international standards continued. According to data gathered by civil society during the period ranging from January 2017 to March 2021, at least 187 evictions of Roma were conducted, thereby affecting at least 3,156 people who – in most cases – were made homeless or put into unstable housing solutions.<sup>143</sup> Despite the formal suspension of all evictions in Italy during the first stage of the Covid-19 pandemic (from February to June 2020), at least seven evictions of Roma were carried out during this period.<sup>144</sup> On a positive note, the ECRI delegation learned during its visit that both the forced evictions of Roma and creation of new mono-ethnic settlements are decreasing,<sup>145</sup> and the general tendency among local authorities is to overcome housing segregation by housing transition projects.
81. ECRI recommends that the authorities take further action to address the difficult housing situation of Roma, *inter alia* by (i) ensuring that Roma who may be evicted

<sup>134</sup> European Commission (2023a): 92-101.

<sup>135</sup> In 373 formal and informal settlements. However, those numbers can be considered incomplete, as they are based on a survey conducted only in municipalities with at least 15,000 inhabitants (UNAR (2021a): 45 and 47). The estimates given by civil society organisations indicate that in 2020-2021 the number of Roma living in mono-ethnic official and unofficial settlements was about 17,800, in comparison to approximately 28,000 in 2016 (Associazione 21 luglio (2021): 35).

<sup>136</sup> Other solutions included, for instance, mobile houses constructed on agricultural land or household rebuilt or repaired.

<sup>137</sup> Namely: Sesto Fiorentino (Florence), Trento, Moncalieri (Turin) and Rome.

<sup>138</sup> UN OHCHR (2019): § 64.

<sup>139</sup> ERRC (2023, November 7).

<sup>140</sup> Associazione 21 luglio (2020): 14. See also Council of Europe, European Committee on Social Rights (2021): 116-130.

<sup>141</sup> ECRI (2016a): § 95. See also ECRI (2012): § 99.

<sup>142</sup> See for instance UN HRC (2017): § 15 (b) and (d), and UN CERD (2017): § 22 (a-c).

<sup>143</sup> ERRC (2021, May 24). See also Associazione 21 luglio (2020): 18-20.

<sup>144</sup> This includes the demolition of the homes of approximately 500 Roma in an informal camp in Turin and the eviction of 16 people from the camp in Nova Milanese – in both cases without any alternative accommodation having been provided (ERRC (2023): 5-6). See also Associazione 21 luglio (2021): 65-82.

<sup>145</sup> See for instance, Associazione 21 luglio (2021): 51-56 and 67-68.

from their homes (due to their substandard conditions or their location in irregular settlements) enjoy all the guarantees that international standards provide for, in particular, that they are notified of the planned eviction well in advance, benefit from appropriate legal protection and are not to be evicted without the possibility of being rehoused in decent accommodation; (ii) co-operating more closely with and financially supporting relevant local authorities to provide sufficient social housing to vulnerable members of the Roma community; and (iii) working with rental agencies and associations of private landlords to address prejudices against Roma in the private-sector housing market.

### *Identity documents*

82. In its previous report, ECRI noted that significant groups of Roma originating from the countries of the former Yugoslavia had no identity documents and were *de facto* stateless.<sup>146</sup> ECRI takes positive note of the fact that the estimated number of persons concerned significantly decreased in recent years and that some housing transition projects included support for the regularisation of the legal status of their beneficiaries. However, still approximately 2,250 Roma were stateless or at risk of statelessness due to lack of documents in 2023.<sup>147</sup> Under the 2012-2020 Roma Sinti Caminanti Strategy, an *ad hoc* Working group on the judicial status of Roma, Sinti and Travellers was created in order to provide a solution to this problem. However, the working group in question has not formally completed its work. With the adoption of the 2021-2030 Strategy, the Government committed to reconvening it.<sup>148</sup> However, according to the information received by ECRI in the context of its visit to Italy, the group has not yet resumed its work. ECRI reiterates that the lack of identity documents significantly lowers chances of integration and inclusion of the Roma concerned. It hence encourages the authorities to ensure that all Roma can obtain appropriate identity documents.

### *Education*

83. In the field of education, ECRI notes that there is still a significant gap between school attendance and attainment rates between Roma children and other pupils. There are no official data on school drop-out rates of Roma children. However, there was consensus amongst the various interlocutors met by the ECRI delegation during the visit to say that early school leaving is much more common among Roma. This is supported by the results of the survey conducted by the EU Fundamental Rights Agency, according to which in 2021, only 26% of Roma aged 20-24 have graduated upper-secondary education (in comparison with 83% among general population).<sup>149</sup> Reasons for early school drop-out include unstable housing situation and forced evictions resulting in interruptions in schooling,<sup>150</sup> lack of adequate transport from settlements to schools and absence of other forms of targeted support for Roma children, bullying of Roma children in schools, lack of reaction of teachers to early signs of Roma dropping out as well as digital exclusion and lack of language skills preventing some Roma families from completing school enrolment procedures. The situation was further aggravated during the Covid-19 pandemic, when a significant percentage of Roma children could not participate in online schooling due to the lack of proper equipment and conditions at home.<sup>151</sup>

84. During the visit, the civil society interlocutors met by ECRI also indicated that in certain cases Roma children and their families were sanctioned for school

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<sup>146</sup> ECRI (2016a): § 87.

<sup>147</sup> European Network on Statelessness (2023). Approximately 50-55% of those persons are minors.

<sup>148</sup> UNAR (2022a): 95-96.

<sup>149</sup> At the same time, approximately 47% of young Roma (aged 16-24) were neither in employment nor education or training, in comparison with 19% among general population (EU FRA (2022b): 38 and 45).

<sup>150</sup> See, for instance, Associazione 21 luglio (2020): 18-19.

<sup>151</sup> UNAR (2022a): 48.

absenteeism either by fines or by initiating proceedings regarding withdrawal of child custody.<sup>152</sup> In ECRI's opinion, decisive action should be taken to identify root causes of absenteeism and early school leaving and prevent those phenomena, in particular by providing adequate support to Roma children and their families at all stages of education.

85. On a positive side, ECRI notes that there are relatively few schools where Roma students are subject to segregation.<sup>153</sup> It strongly encourages the authorities to closely examine any reports regarding cases of mainly-Roma classes that may still occur in certain regions of Italy.<sup>154</sup>
86. ECRI also considers that early childhood education is an important determinant of future integration and inclusion of Roma children in the educational system. Attendance at pre-school facilities and enabling them to learn the Italian language before entering primary school is instrumental to counter school drop-out and to increase educational attainment at later stages of education. In this respect, ECRI is concerned that in 2021, just 30% of Roma children aged between three and six years attended pre-school (compared to 94% among the general population).<sup>155</sup> ECRI is of the opinion that more should be done to ensure that preschool education is made available to all Roma children. In particular, awareness of the role of pre-school education in preparation for compulsory education should be promoted among Roma families and genuine possibilities should be created for increased pre-school enrolment of Roma children, including those living in settlements.
87. ECRI strongly recommends that the authorities develop and implement a set of measures to ensure that the number of Roma children completing compulsory and higher education significantly increases. To this end, the authorities should (i) ensure the effective enrolment of Roma children in preschool, primary and secondary education; (ii) establish an effective drop-out monitoring mechanism at primary and secondary level to ensure the attendance of Roma children and reduce the drop-out risks, and (iii) develop and adopt, in cooperation with civil society actors and Roma communities, targeted measures aimed at supporting Roma children throughout their education.

#### IV. TOPICS SPECIFIC TO ITALY

##### A. Equality data

88. A major difficulty in assessing the extent of discrimination on grounds relevant to ECRI and the impact of anti-discrimination measures is the lack of relevant official data. State institutions, including ISTAT, which is responsible for the regular collection of data on the population,<sup>156</sup> do not collect data disaggregated by characteristics that put individuals at risk of discrimination (such as ethnic/national origin, religion, citizenship, sexual orientation or gender identity), even for purely statistical purposes.<sup>157</sup> As a result, the design of governmental policies often relies on approximate estimations and partial data coming from occasional surveys and international institutions.<sup>158</sup>
89. ECRI considers that lack of reliable equality data prevents the authorities from obtaining a complete picture of the situation of groups of concern to ECRI, making

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<sup>152</sup> In this respect reference is made to the Recommendation CM/Rec(2024)1 of the Committee of Ministers to member States on equality of Roma and Traveller women and girls adopted on 5 April 2024, in particular section IV, recommendations 9-11.

<sup>153</sup> According to FRA survey conducted in 2021, 7% of Roma children were enrolled in schools where all or most students were Roma (EU FRA (2022b): 40).

<sup>154</sup> See, for instance, Reggio Today (2023, May 29).

<sup>155</sup> EU FRA (2022b): 37.

<sup>156</sup> See for instance ISTAT (2023c).

<sup>157</sup> As provided by Article 9(2) of the EU General Data Protection Regulation (Regulation (EU) 2016/679).

<sup>158</sup> See for instance UNAR (2022a): 19 and UNAR (2022c): 6.

it difficult to design targeted policy measures to prevent and combat discrimination and assess impact of those measures.

90. ECRI recommends that the authorities develop a system of collecting disaggregated equality data. While developing such system the authorities should respect the principles of informed consent, self-identification and confidentiality and ensure that the data collected are only used for the promotion of equality and diversity and for assessing the effectiveness of anti-discrimination measures.

#### **B. Racism and intolerance within law enforcement agencies**

91. During its visit to Italy, the ECRI delegation learned about many accounts of racial profiling by law enforcement officials that impacts especially the Roma community and people of African descent. Those accounts of frequent stop and account activities based on ethnicity are also substantiated by reports of civil society organisations<sup>159</sup> and other specialised international monitoring bodies.<sup>160</sup> However, the authorities do not collect appropriately disaggregated data on police stop and account activities, do not seem to be aware of the scale of the issue and have not considered the existence of racial profiling as a form of potential institutional racism. Racial profiling has considerably negative effects, generating a feeling of humiliation and injustice among affected groups and resulting in stigmatisation and alienation. It is also detrimental to overall security, as it erodes public trust in the police and contributes to under-reporting of crime.

92. ECRI therefore considers that the authorities should subject police stop and account/search practices to independent review. Such review should be conducted with the active participation of relevant civil society organisations as well as representatives of groups potentially exposed to racial profiling practices. The conduct of such a review should be used to raise awareness of law enforcement officials about practices potentially amounting to racial profiling and its harmful effects on public trust in the police, and to identify any pattern indicative of institutional racism within law enforcement agencies, especially as regards Roma and Black persons / people of African descent.

93. ECRI recommends, as a matter of priority, that the authorities promptly commission a comprehensive and independent study with the aim of detecting and addressing any racial profiling practices by law enforcement officials affecting in particular Roma and people of African descent, in the light of ECRI's General Policy Recommendation No. 11 on combating racism and racial discrimination in policing and General Recommendation No. 36 of the United Nations Committee on the Elimination of Racial Discrimination on racial profiling by law enforcement officials.

94. Moreover, ECRI notes that the public trust of groups of concern to ECRI is also significantly undermined by a number of allegations of police misconduct towards persons belonging to ethnic minorities. For instance, in a study conducted in 2022 among persons with experience of migration in which the respondents were asked in what kind of public offices they experienced most discrimination, police stations were the most common answer (with 45.8% of respondents having experienced discrimination).<sup>161</sup> Migrants reported, for instance, refusal to accept their applications for asylum without a reason, having their documents destroyed, verbal abuse during procedures in the immigration offices of police stations and – in some cases – violence from police officers.<sup>162</sup> ECRI also received reports of various types

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<sup>159</sup> ERRC (2022): 50-59.

<sup>160</sup> UN CERD (2017): §§ 27-28; UN CERD (2023): §§ 34-35.

<sup>161</sup> ASGI and Medi Study Centre Genoa (2023): 63-65.

<sup>162</sup> UN OHCHR (2019): § 45. For an example of caser that resulted in criminal proceedings see The Guardian (2023, June 7).

of police abuse against Roma, including Roma children, and involving insults and violence, including during police operations in Roma settlements.<sup>163</sup>

95. In this context, ECRI regrets that little or no action has been taken over the last few years to ensure better accountability in cases of any racist or LGBTI-phobic abuse committed by state police officers, *carabinieri* and other law enforcement officials. ECRI invites the authorities to set up a working group involving UNAR, public officials from relevant services and institutions, prosecutors and civil society representatives to examine ways and means to develop more robust accountability mechanisms in cases of racist and LGBTI-phobic police abuse, including through the establishment of an independent police oversight body.

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<sup>163</sup> ERRC (2022): 55; ERRC (2023): 10. One of the most drastic case concerned a police intervention that left a Roma man in coma, after which four police officers were charged with torture, giving false testimony and attempted murder. See, in this connection, ERRC (2022, November 23) and ERRC (2022, September 14).

## INTERIM FOLLOW-UP RECOMMENDATIONS

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The two specific recommendations for which ECRI requests priority implementation from the authorities of Italy are the following:

- (§45) ECRI recommends that the authorities organise an awareness raising campaign with a view to i) creating a better understanding of the general public of the extent of racist and other forms of hate speech and the harm it causes to the individuals and communities concerned and ii) promoting equality, diversity and intercultural and interfaith dialogue, with a particular emphasis being placed on the positive contributions of people with a migration background, Roma, members of Jewish and Muslim communities and people of African descent to the society as a whole.
- (§93) ECRI recommends that the authorities promptly commission a comprehensive and independent study with the aim of detecting and addressing any racial profiling practices by law enforcement officials affecting in particular Roma and people of African descent, in the light of ECRI's General Policy Recommendation No. 11 on combating racism and racial discrimination in policing and General Recommendation No. 36 of the United Nations Committee on the Elimination of Racial Discrimination on racial profiling by law enforcement officials.

A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

## LIST OF RECOMMENDATIONS

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The position of the recommendations in the text of the report is shown in parentheses.

1. (§6) ECRI recommends that the authorities take action to i) set up a fully independent and effective equality body, in consultation with civil society organisations and in line with ECRI's General Policy Recommendation No. 2 on equality bodies to combat racism and intolerance at national level, and ii) reinforce UNAR as a fully-fledged official coordinating body responsible for the design, implementation and monitoring of the implementation of policies and other measures to prevent and combat all forms of racism and intolerance and for coordinating their evaluation.
2. (§10) ECRI recommends that the authorities ensure that compulsory school curricula at all levels of education include LGBTI equality issues in a manner which is sensitive, age appropriate and easy to understand and that discussions on LGBTI equality are evidence based and place particular emphasis on equality, diversity and inclusion.
3. (§26) ECRI recommends that the authorities, in line with its General Policy Recommendation No. 17 on combatting intolerance and discrimination against LGBTI persons, ensure that the process of legal gender recognition is quick, transparent and accessible and that it is not contingent on abusive requirements, such as medical procedures and/or mental health diagnoses.
4. (§29) ECRI recommends that the authorities, in line with ECRI's General Policy Recommendation No. 17 on combatting intolerance and discrimination against LGBTI persons, (i) take action towards the development and adoption of a specific legislation banning medically unnecessary sex "normalising" surgery and other non-therapeutic treatments until such time as an intersex child is able to participate in the decision, based on the principle of free and informed consent; (ii) ensure that, where intersex people have been subjected to non-consensual medical interventions, they have access to all their medical records and appropriate supports, including follow-up care and counselling; (iii) provide appropriate training to all healthcare professionals, which emphasises that intersex persons have the right to bodily integrity and diversity.
5. (§33) ECRI recommends that the authorities finalise and adopt, without undue delay, a National Action Plan Against Racism. The action plan should include for each goal and for each measure, clear and measurable indicators by which its success may be assessed, a timetable for achievement and the institutions or senior officials responsible for achieving these goals and implementing these measures, as well as clear budget allocations. The implementation of the action plan should be evaluated regularly. Civil society organisations and representatives of the group that are particularly exposed to racism and intolerance should be included in the development, the monitoring of the implementation and the evaluation of the action plan.
6. (§45) ECRI recommends, as a matter of priority, that the authorities organise an awareness raising campaign with a view to i) creating a better understanding of the general public of the extent of racist and other forms of hate speech and the harm it causes to the individuals and communities concerned and ii) promoting equality, diversity and intercultural and interfaith dialogue, with a particular emphasis being placed on the positive contributions of people with a migration background, Roma, members of Jewish and Muslim communities and people of African descent to the society as a whole.
7. (§48) ECRI recommends that public figures, including high-level officials and politicians on all sides, are strongly encouraged to take a prompt, firm and public stance against the expression of racist and LGBTI-phobic hate speech and react to any such expression with counter-speech and alternative speech, as well as to



promote understanding between communities, including by expressing solidarity with those targeted by hate speech. Elected bodies and political parties should adopt appropriate codes of conduct that prohibit the use of hate speech, call on their members and followers to abstain from engaging in, endorsing or disseminating it, and provide for sanctions. In this respect, ECRI refers to its General Policy Recommendation No. 15 on combating hate speech, Recommendation CM/Rec(2022)16 of the Committee of Ministers to member States on combating hate speech and the Charter of European political parties for a non-racist and inclusive society as endorsed by the Parliamentary Assembly of the Council of Europe in its Resolution 2443 (2022).

8. (§52) ECRI recommends that the authorities introduce in parliament a hate speech and hate crime legislation that includes all the key elements of national legislation against racism and intolerance, as reflected in ECRI's General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination and General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons. They should, in particular, ensure that the criminal legislation expressly covers the grounds of colour, language, sexual orientation, gender identity and sex characteristics as grounds for behaviour and discrimination that can be considered an aggravating circumstance in determining appropriate penalties.
9. (§69) ECRI strongly recommends that the authorities take steps to increase support for children with migration backgrounds in the field of education, in particular by (i) securing a sufficient number of places in schools located close to reception centres and other places of residence of foreigners as well as adequate arrangements allowing children to commute to school; (ii) ensuring that children with migration backgrounds are able to acquire the language level required for lasting success at school and (iii) promoting the involvement of parents of children with migration backgrounds into school life and education of their children.
10. (§71) ECRI recommends that the authorities ensure that the relevant public officials and health care professionals have sufficient knowledge of the services and benefits to which migrants are entitled and an appropriate number of cultural mediators and interpreters are working within the health care system throughout the country.
11. (§74) ECRI recommends that the authorities ensure that all beneficiaries of international protection, as well as other migrants so entitled, can promptly obtain residence permits and identity documents.
12. (§81) ECRI recommends that the authorities take further action to address the difficult housing situation of Roma, inter alia by (i) ensuring that Roma who may be evicted from their homes (due to their substandard conditions or their location in irregular settlements) enjoy all the guarantees that international standards provide for, in particular, that they are notified of the planned eviction well in advance, benefit from appropriate legal protection and are not to be evicted without the possibility of being rehoused in decent accommodation; (ii) co-operating more closely with and financially supporting relevant local authorities to provide sufficient social housing to vulnerable members of the Roma community; and (iii) working with rental agencies and associations of private landlords to address prejudices against Roma in the private-sector housing market.
13. (§87) ECRI strongly recommends that the authorities develop and implement a set of measures to ensure that the number of Roma children completing compulsory and higher education significantly increases. To this end, the authorities should (i) ensure the effective enrolment of Roma children in preschool, primary and secondary education; (ii) establish an effective drop-out monitoring mechanism at primary and secondary level to ensure the attendance of Roma children and reduce the drop-out risks, and (iii) develop and adopt, in cooperation with civil society actors

and Roma communities, targeted measures aimed at supporting Roma children throughout their education.

14. (§90) ECRI recommends that the authorities develop a system of collecting disaggregated equality data. While developing such system the authorities should respect the principles of informed consent, self-identification and confidentiality and ensure that the data collected are only used for the promotion of equality and diversity and for assessing the effectiveness of anti-discrimination measures.
15. (§93) ECRI recommends, as a matter of priority, that the authorities promptly commission a comprehensive and independent study with the aim of detecting and addressing any racial profiling practices by law enforcement officials affecting in particular Roma and people of African descent, in the light of ECRI's General Policy Recommendation No. 11 on combating racism and racial discrimination in policing and General Recommendation No. 36 of the United Nations Committee on the Elimination of Racial Discrimination on racial profiling by law enforcement officials.

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## APPENDIX: GOVERNMENT'S VIEWPOINT

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**The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Italy.**

ECRI, in accordance with its country-by-country procedure, engaged into confidential dialogue with the authorities of Italy on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version (which, in line with ECRI's standard practice and unless otherwise indicated, could only take into account developments up until 11 April 2024, date of the examination of the first draft).

The authorities also requested that the following viewpoint be reproduced as an appendix to the report.



## Responses to hate speech

*43. Special attention was also given to combating hate speech in sports. For instance, UNAR and the main Football League are cooperating to promote diversity in sports and prevent racism through awareness-raising campaigns, including around the International Day for the Elimination of Racial Discrimination (21 March). In addition, on 27 June 2023, a declaration of intent on combating antisemitism in football was signed jointly by the authorities and representatives of football federations and associations of players, coaches and referees. Its signatories committed to the elimination of antisemitic and Nazi symbols during sport events, develop stronger accountability mechanism for any antisemitic behaviour of members and supporters of sport clubs, express solidarity with victims and proactively combat antisemitism through various awarenessraising activities. ECRI welcomes those initiatives and encourages the authorities to pursue their efforts to address antisemitism and all other forms of racism, including anti-Black racism, and intolerance in sports.*

With reference to para. 43, where the focus on combating hate speech in sport is mentioned, it might be of interest to point out that OSCAD is an active participant in the Declaration of Intent to Combat Anti-Semitism in Football and a member of the Council of Europe project Combating Hate Speech in Sport.

### Declaration of Intent on combating antisemitism in football

OSCAD was also involved in the aforementioned Declaration of Intent on combating antisemitism in football, in particular in point 13. With reference to point 13 of the Declaration of Intent, the C.O.N.I. and the Fondazione Giulio Onesti, in collaboration with the Ministry of Education and Merit, the Department of Sport of the Presidency of the Council of Ministers and the Department of Public Security of the Ministry of the Interior, represented by the OSCAD and the External Relations and Ceremonial Office, have launched the 12th edition of the National Competition “Honest in Sport”. The competition aims to spread sports culture and legality, through an approach based on respect for and sharing of sports values. For this reason, the theme chosen has been the following: “Sport against all discrimination”.

The competition involved all students from secondary schools, both state and paritarian, throughout the country and had as its objective the production of a multimedia work projected into the future, through the use of new technologies, which represent the symbol of the younger generations. The entries were classified within two sectors called video-music and stories respectively. In addition, for this edition, the students were also asked to produce a slogan, summarising the theme.

The winners will be rewarded with a trip to attend a major international sporting event, namely the Pietro Mennea Golden Gala, which will take place in Rome on 30 August 2024.

### Combating hate speech in sport Project

With reference to awareness-raising activities, at European level, since February 2023, OSCAD has joined, in cooperation with the Department for Sport of the Presidency of the Council of Ministers, the project “Combating Hate Speech in Sport”, funded by the European Union and the Council of Europe, which aims to combat hate speech in sport by providing technical assistance to public authorities of Member States and other stakeholders in the sport sector, to develop comprehensive strategies in the framework of the protection of human rights.

*46. Some good examples of counter-speech have been reported to ECRI in the recent period. For instance, after the Hamas terrorist attack of 7 October 2023, politicians at higher levels of government, including the Prime Minister and the President, spoke publicly against antisemitism, pledged to strengthen the protection of the Jewish community, and called for clear and unambiguous condemnation of antisemitic hate speech. The anti-LGBTI and racist statements contained in the book published by an Italian general (see paragraph 38 above) prompted an immediate reaction from the Minister of Defence, who stated that the general in question had discredited the army, the ministry, and the Constitution. The statements made about Roma women being thieves (see paragraph 37 above) were met with an official reaction of the National Guarantor for the Rights of Persons Detained or Deprived of Liberty.*

With reference to para. 46, as a good counter-speech practice, mention could be made of OSCAD's implementation of the Victims of Hate campaign. The awareness-raising activities are structured in different panels, dedicated to various forms of discrimination: race-ethnicity, religious belief, sexual orientation, disability and gender-based violence. Each session alternates moments of reflection by experts in the field, including international experts, representatives of civil society and law enforcement, as well as testimonies by victims. A total of 16 events were organised in 13 cities.

In particular, awareness-raising events dedicated exclusively to anti-Semitism were organised on 9th June 2022, 16th May 2023 and 13th May 2024 at the Auditorium of the Shoah Memorial in Milan, in the presence of Senator Liliana Segre and the Minister of the Interior.

**48.** ECRI recommends that public figures, including high-level officials and politicians on all sides, are strongly encouraged to take a prompt, firm and public stance against the expression of racist and LGBTIphobic hate speech and react to any such expression with counter-speech and alternative speech, as well as to promote understanding between communities, including by expressing solidarity with those targeted by hate speech. Elected bodies and political parties should adopt appropriate codes of conduct that prohibit the use of hate speech, call on their members and followers to abstain from engaging in, endorsing or disseminating it, and provide for sanctions. In this respect, ECRI refers to its General Policy Recommendation No. 15 on combating hate speech, Recommendation CM/Rec(2022)16 of the Committee of Ministers to member States on combating hate speech and the Charter of European political parties for a non-racist and inclusive society as endorsed by the Parliamentary Assembly of the Council of Europe in its Resolution 2443 (2022).

With reference to promoting greater cooperation with the LGBTI community, on the 12th June 2024, a Memorandum of Understanding was signed between OSCAD and the Gay Center Association. This protocol aims to promote and protect the rights of the LGBTI community through services to counter discrimination. The scope of the protocol includes, by way of example: support for victims of hate, training and awarenessraising activities, monitoring of cases reported to the Observatory.

In particular, the good practices shared between the parties will focus on:

- dialogue and awareness-raising efforts on combating discrimination and homophobic hatred, through the implementation of specific activities aimed at raising awareness on these issues;
- monitoring and analysing the phenomenon through the sharing of data on the reports received by the Association that will be communicated to the Observatory;
- cooperation in the training and professional development activities carried out for police force operators.

These network activities will be carried out in order to extend the effectiveness of the support to victims from the moment the Association takes charge of cases, thus counteracting the negative effects of under-reporting, as well as to improve the monitoring of homotransphobic acts in our Country.

## **B. Hate-motivated violence**

**57.** Since ECRI's previous report, several measures have been taken to increase the capacity of law enforcement officials to tackle hate crimes. In particular, Italy implemented the OSCE/ODIHR's Training Against Hate Crimes for Law Enforcement (TAHCLE), which included officers directly involved in the training delivered in cooperation with the OSCE/ODIHR and further law enforcement officials trained through cascade trainings and online modules. More online trainings on hate crime, bias indicators and vulnerable victims, as well as publications on hate crime addressed to law enforcement officials were developed and distributed by OSCAD. However, the capacity of the police and carabinieri to address hate-motivated violence seems to be significantly diminished by underreporting of such incidents and lack of trust in law enforcement agencies on the part of people belonging to groups of concern to ECRI, especially people with migration backgrounds, people of African origin and Roma. ECRI considers that this problem cannot be tackled without addressing major issues related to racism and intolerance within law enforcement agencies. Reference is made to section IV.B.

With reference to para. 57 and Section IV B, OSCAD has been devoting huge attention to the issue of racial profiling.

Since 2014, OSCAD has introduced a specific focus on discriminatory profiling in policing as part of its training activities.

The module is aimed at providing a definition of racial-ethnic discriminatory profiling, illustrating the mechanisms by which profiling works. It also offers the presentation of real-life practical cases. The motivations that have led operators to engage in profiling behaviour are analysed and useful information is provided with the aim of creating an appropriate awareness of the risks associated with profiling attitudes, with a focus on the civil, criminal and administrative consequences for public officials responsible for such conduct. As part of this training module, some studies and good practices implemented in some European countries are also presented.

In 2021, due to the suspension of in-presence training for the pandemic, an online module on the topic of ethnic profiling was realised, enriching the already available teaching material with further studies and case studies. In order to raise the awareness of police officers, in particular of the consequences in terms of loss of public trust in institutions, interviews with victims of discriminatory profiling and associations that have been working on the issue for years were included.

The online module was made available in the inter-force platform SISFOR and constituted the subject of a professional update for 2021. It is currently available on the aforementioned platform for all interested

law enforcement officers. Since 2014, profiling has therefore been an integral part of both online and in-presence training activities carried out by OSCAD and has also been proposed in further educational activities carried out within specific European projects.

## **Migrants**

*59. In ECRI's opinion, such atmosphere created by political and other public discourse around the subject of migration creates serious obstacles to the effective integration and inclusion of migrants, endangers the activities of non-governmental organisations providing support to migrants and undermines the independence of the judiciary when dealing with migration cases. ECRI strongly invites the relevant authorities, including at regional and local levels, to develop strong communication strategies on the integration and inclusion of migrants, support and maintain a safe and enabling environment in which civil society organisations working in support of migrants can operate free from hindrance, insecurity and violence, and respect, protect and promote the independence and impartiality of judges deciding on migration cases.*

We would like to recall that one of the first training activities organized by OSCAD was the training program carried out in cooperation with the *Office for Democratic Institutions and Human Rights* (ODIHR) of the OSCE, called TAHCLE - *Training Against Hate Crimes for Law Enforcement* (years 2014, 2017 and 2018).

In this context: half-day training seminars were conducted in February 2014 for 100 National Police and 60 Carabinieri officers (160 units trained); in July 2014, a three-day seminar was conducted according to the *training of trainers* format for National Police and Carabinieri officers serving in training facilities of the corresponding Administrations (30 units trained); in September 2017, an identical regional-level training activity was organized in Milan in collaboration with OSCE-ODIHR and *Università Cattolica del Sacro Cuore*, for operators of the National Police and Carabinieri based in the Lombardy region (about 30 units trained); in November 2018, a second edition of the nationwide interagency training program was organized with the same modalities as the training organized in 2014. The trainees were 13 National Police and 12 Carabinieri officers, mainly serving in training facilities.

As well as for 2014, the adopted mode of *training of trainers* (ToT) delivered to personnel from both police forces already working in training settings ensures the spillover of the content learned to a larger number of operators (*cascade training*).

In addition, since the TAHCLE program was one of the first training activities conducted by OSCAD, it provided the basis on which were created the training materials used by the OSCAD Secretariat for the training activities delivered through various modalities since 2014.

## **Naturalisation**

*75. In its fifth-cycle report on Italy (§§ 69-70), ECRI took note of planned reforms of the legislation pertinent to naturalisation and recommended to the authorities to complete this process, inter alia to facilitate the naturalisation of foreign children born or studying in Italy and to ensure that the legislation on naturalisation was in line with the European Convention on Nationality. ECRI regrets to note that the legislative changes considered at the time of the preparation of that report have not been adopted. Refugees can apply for Italian citizenship after five years of residence, whereas beneficiaries of subsidiary protection are subject to general rules applicable to non-EU nationals providing for the requirement of a ten years' residence. According to the interlocutors met by the ECRI delegation during the visit, the process of naturalisation remains lengthy, and the assessment of applications is largely discretionary.*

It must be pointed out that for those born in Italy, nationality is in any case guaranteed if both parents are unknown or stateless, or if the child does not follow the nationality of the parents according to the law of the State to which they belong; nationality is also guaranteed to the child of unknown persons on the Italian territory, if the possession of another nationality is not proven (Article 1, paragraph 1, letter b) and paragraph 2 of Law No. 91/1992). The acquisition of Italian nationality is also guaranteed to children of those who acquire Italian nationality if they live with the naturalised parent (Article 14 of Law No. 91/1992).

## Roma

77. There is no official data on the number, socio-demographic characteristics and living situation of Roma (including Sinti and Caminanti) in Italy. It is roughly estimated that the Roma population is between 120,000 to 180,000, of which approximately 60% are Italian citizens. The non-citizen Roma population are mainly Roma who arrived in Italy in 1990s from the former Yugoslavia and more recently from Bulgaria and Romania. It is estimated that over 50% of the Roma population is below the age of 18. Roma remain the group with the highest level of social distance to the majority of the population and one of the groups most exposed to discrimination in everyday life. As regards the absence of status of legally recognised minority for Roma and the lack of specific legal framework aimed at ensuring effective equality for Roma, reference is made to the work of the Advisory Committee on the Framework Convention for the Protection of National Minorities.

All relevant information are comprehensively provided in the 6<sup>th</sup> State Report for Italy, drawn up by the Ministry of the Interior in application of the *Framework Convention for the Protection of National Minorities* (signed in Strasbourg, on 1<sup>st</sup> February 1995), available at <https://rm.coe.int/6th-sv-italy-en/1680AEP2223>.

The Report contains up-to-date surveys carried out in Italy, focusing on situations of critical housing and living conditions of the Roma population in our Country, showing that, despite the persistence of some difficulties, Italian administrations have made strong efforts at many levels through a series of initiatives and providing for differentiated solutions. These initiatives highlight good practices disseminated throughout the territory, in line with key areas identified in the *National Strategy for Inclusion and Participation 2021-2030* (Employment, Education, Housing, Health, Inclusion, Participation and Countering Anti-Gypsyism).

Focusing on inclusion, it is worthy of note that the *National Project for the Inclusion and Integration of Roma, Sinti and Caminanti (RSC) Children*, promoted by the Ministry of Labor and Social Policy as part of the actions of the 2014-2020 NOP (*National Operational Programme*) "Inclusion" and implemented in collaboration with the Ministry of Education, the Ministry of Health and the *Istituto degli Innocenti*, continues with the new planning of the *National Plan for Inclusion and Poverty Fight 2021-2027*.

In fact, by Directorial Decree No. 24 of February 5, 2024, the Notice to submit projects for the inclusion and integration of Roma, Sinti and Caminanti girls, boys and adolescents, to be funded under Priority 2 "Child Guarantee" - Specific Objective ESO4.11 was approved. The Notice is addressed to Social Districts (ATS) throughout Italy and intends to implement, starting from the experimentation implemented under NOP Inclusion 2014-2020, a series of integrated interventions aimed at strengthening the social inclusion and integration of Roma and Sinti children and adolescents, as well as their families.

The funding amounts to 40,000,000 Euros, from the *European Social Fund plus* (ESF+).

### *Project development and results*

The *National Project for the Inclusion and Integration of Roma, Sinti and Caminanti Children* was established in 2013 as an experimental path within the framework of the initiatives of Law 285/97, promoted in 13 cities by the Ministry of Labor and Social Policy in collaboration with the Ministry of Education, the Ministry of Health and the *Istituto degli Innocenti*. In 2017 it continues and consolidates the path within the framework of the NOP Inclusion, articulating the initiatives in two three-year periods from 2017 to 2020 and 2021 to 2023. Over the years, the Project has expanded constantly the involvement of new territories, new schools and therefore new target students and has achieved important results, as also confirmed by the monitoring and evaluation activities carried out since the first year (see publications on the website [www.progettonazionaleit.it](http://www.progettonazionaleit.it)). In the first year of the experimental project - 2013 - in fact, 29 schools, 47 classes, 150 Roma, Sinti and Caminanti students and about 800 total pupils (Roma and non-Roma) were involved; in the last year, 2023, there were 123 schools involved, about 400 classes and 719 RSC students and more than 8000 total students involved in the schools.

Among the most obvious results of combating early school leaving, we highlight the significant improvement in average attendance at school, a central element in promoting improved educational performance and social inclusion.

Frequency monitoring showed how pupils who have only been included in the Project for one year have average frequencies of 58 % in primary and 38 % in secondary, while those involved for more than five years around 75 % in both school orders. This shows how in the medium term the results of the Project are significant, fostering a substantial increase in average attendance between 20 % and nearly 40 % by countering school dropout and the dropout phenomenon. Also important is the number of transitions from secondary school to higher vocational or more structured pathways.

No less important is the care of the relationship between teachers and families. Monitoring of activities shows an increase in the number of RSC parents' meetings with teachers and, more generally, a better participation of these in school activities. An essential element, this, so that children feel supported by families in their school efforts and, at the same time, do not feel their parents' educational role devalued by the school.

The Project is also committed to promoting better access to social services and preventive health care for the families of the target children. Exemplifying the data regarding the assignment of a pediatrician on a standard basis for the Project children: 80% of the target had it in 2018, 97% have it in 2022.

Finally, the network in the territory: a fundamental tool to promote the full inclusion of children and families, through the involvement of multiple sectors and various professionalities in a multidisciplinary and multisectoral working framework. Although with some territorial differences and not without difficulties, all cities have regularly organized and promoted city and sub-territory level governance spaces, overcoming the logic of fragmented work where each party operates self-referentially and independently. Through interdisciplinary and coordinated activity, the creation of a common shared language is promoted and the skills and experiences of everyone (school, community referents, third sector and social services) are enhanced, which is fundamental to facilitate the inclusion of RSC children and families in the long run.

#### *Objectives and articulation of the new project on the PN - Inclusion 2021 -2027*

The objectives of the new Project for the inclusion and integration of Roma and Sinti girls, boys and adolescents, in continuity with the previous one, are:

- Countering school dropout of Roma and Sinti minors;
- Improvement of school inclusion and educational success of Roma and Sinti minors;
- Improving access to social and health services for RSC minors and their families; - Consolidation of sustainable intercultural and multisectoral governance; - Consolidation of the national network.

The Project provides for the active involvement, as direct addressees, of Roma, Sinti and Caminanti pupils and students aged 3 to 18 and their families and, as indirect addressees, of all non-Roma children and young people enrolled in the classes and schools involved in the Project, school staff, managers and operators of the social and socio-health sectors, the third sector and more generally the local network for inclusion. The intervention provides for national governance aimed at building a network of relationships involving ATS, operators, representatives of RSC communities and recipients of interventions. It provides for a modular articulation of actions and a double level of basic and advanced intervention. The activities are identified as modules that can be integrated with each other in relation to the characteristics of local contexts.

Briefly, the six modules - one of which is optional - into which the Project is divided, are reported as follows:

#### Module 1 - Coordination activities

The coordination activity is the exclusive responsibility of the proposing entity (*Ambito Territoriale Sociale*). The coordinator performs transversal functions related to monitoring, control and coordination of activities.

#### Module 2 - Participatory networking and governance.

The local network is a strategic area to be consolidated during the project implementation period to support activities in the school and housing contexts. The network also promotes the direct involvement of Roma and Sinti families, communities or representations in a truly shared planning perspective.

#### Module 3 - School and countering school dropout.

The objective of the Project is to create a school environment that reduces the risks of dropout by Roma and Sinti minors by building cooperative educational contexts conducive to learning, appreciation of differences and intercultural integration. The activities take the form of: a) relationship activities with teachers and support during school hours; b) training and supervision of teachers and other school figures (managers, ATA operators, etc.), including through awareness-raising interventions for preschool teachers; c) activation of educational and creative workshops in project classes, aimed at developing teaching, relational, communication and effective conflict management skills.

#### Module 4 - After-school socio-didactic activity.

The module for out-of-school socio-educational support will also be crucial to counter the widespread dropout phenomenon and promote inclusion. After-school socio-educational support is aimed at promoting work on teaching skills, social and interpersonal skills and, where there is a need, language skills.

#### Module 5 - Social activities.

The module involves social and social inclusion activities aimed at target children and their families. The work in camps or other residential settings is aimed at integrating the objectives of school support with those aimed at promoting the overall health and well-being of the minor in relation to his or her family by promoting, in particular, access to social and socio-health services.

#### Module 6 - Meal (optional)

This module is not mandatory, but activated according to the demand and needs expressed by the territory and the educational institutions involved. It provides a meal for groups of Roma and Sinti - and other - children and young people. This is an additional action that aims to strengthen extracurricular support particularly where there are no full-time elementary school, and for the benefit of girls and boys in secondary school.

#### **Identity documents**

*82. In its previous report, ECRI noted that significant groups of Roma originating from the countries of the former Yugoslavia had no identity documents and were de facto stateless. ECRI takes positive note of the fact that the estimated number of persons concerned significantly decreased in recent years and that some housing transition projects included support for the regularisation of the legal status of their beneficiaries. However, still approximately 2,250 Roma were stateless or at risk of statelessness due to lack of documents in 2023. Under the 2012-2020 Roma Sinti Caminanti Strategy, an ad hoc Working group on the judicial status of Roma, Sinti and Travellers was created in order to provide a solution to this problem. However, the working group in question has not formally completed its work. With the adoption of the 2021-2030 Strategy, the Government committed to reconvening it. However, according to the information received by ECRI in the context of its visit to Italy, the group has not yet resumed its work. ECRI reiterates that the lack of identity documents significantly lowers chances of integration and inclusion of the Roma concerned. It hence encourages the authorities to ensure that all Roma can obtain appropriate identity documents.*

On this point, we would like to remind that the Central Directorate for Civil Rights, Citizenship and Minorities of the Ministry of the Interior signed a *Memorandum of Understanding* with the National Commission for the Right to Asylum and the *United Nations High Commissioner for Refugees* (UNHCR). The intention was to create a fruitful and permanent collaboration between the parties, in order to strengthen the identification of stateless persons, through tools for linking the procedures for international protection and for determining statelessness.

#### **Racism and intolerance within law enforcement agencies**

*91. During its visit to Italy, the ECRI delegation learned about many accounts of racial profiling by law enforcement officials that impacts especially the Roma community and people of African descent. Those accounts of frequent stop and account activities based on ethnicity are also substantiated by reports of civil society organisations and other specialised international monitoring bodies. However, the authorities do not collect appropriately disaggregated data on police stop and account activities, do not seem to be aware of the scale of the issue and have not considered the existence of racial profiling as a form of potential institutional racism. Racial profiling has considerably negative effects, generating a feeling of humiliation and injustice among affected groups and resulting in stigmatisation and alienation. It is also detrimental to overall security, as it erodes public trust in the police and contributes to under-reporting of crime.*

As highlighted in the aforementioned 6<sup>th</sup> Report for Italy drawn up by the Ministry of the Interior, in application of the *Framework Convention on the Protection of National Minorities*, we would like to point out that the

Observatory for Security against Discriminatory Acts - OSCAD pursues, among others, objectives in the field of anti-discrimination: to facilitate reporting and counteract *under-reporting*; to monitor, raise awareness, train and update Police forces to deal with the phenomenon of *under-recording*.

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The European Commission against Racism and Intolerance (ECRI) is a unique human rights monitoring body which specialises in questions relating to the fight against racism, discrimination (on grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance in Europe; it prepares reports and issues recommendations to member States.

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