

**ADVISORY COMMITTEE ON THE  
FRAMEWORK CONVENTION FOR THE  
PROTECTION OF NATIONAL MINORITIES**

COUNCIL OF EUROPE



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**Fourth Opinion on Italy  
adopted on 19 November 2015**

**SUMMARY**

Italy has continued its efforts to protect persons belonging to national minorities, who are referred to in the domestic legal order as “historical linguistic minorities”. Within the decentralised structure of the Italian Republic minority rights are protected and implemented in a very asymmetric way within the national territory and not all minorities have benefited on an equal basis from the rights laid down in the Framework Convention. The protection of rights guaranteed under the State Law on Protection of Historic Linguistic Minorities of 1999 is further strengthened in a number of regions such as Valle d’Aosta/Vallée d’Aoste, Friuli Venezia Giulia and Trentino-Alto Adige/Südtirol, by the statutes of autonomy and other national and regional legislation. The implementation of the National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities of 2011 has been slow as no dedicated funding has been earmarked for its implementation. No specific legislation for the protection from discrimination of these communities has been adopted, in spite of numerous proposals being submitted in Parliament. Roma, Sinti and Caminanti remain socially and economically marginalised. Residents of segregated housing, in particular camps commonly referred to as “nomad camps”, continue to live in deplorable conditions, in spite of court rulings confirming that assigning housing in pre-fabricated containers surrounded by fencing constitutes discrimination.

While a general climate of openness and tolerance prevails in Italy towards persons belonging to recognised, long-established linguistic minorities, there has been a noticeable increase of xenophobia and anti-Gypsyism within society in recent years. While the use of discriminatory, intolerant, and racist language in political discourse and in parts of the media has become more commonplace, a number of verbal and violent physical attacks against centres for asylum seekers have been recorded. The mandate and status of the Office for the Promotion of Equal Treatment and the Fight against Racial Discrimination (UNAR) do not guarantee its independence.

**Recommendations for immediate action:**

- **take urgent steps to elaborate and adopt without delay a specific legislative framework, at national level, for the protection of Roma, Sinti and Caminanti with due consultation of representatives of these communities at all stages of the process; make sustained and effective efforts to prevent, combat and sanction the inequality and discrimination suffered by the Roma, Sinti and Caminanti, particularly women and girls; improve the living conditions of persons belonging to these communities, in particular by creating conditions which would allow residents to move out of the camps commonly referred to as “nomad camps” (both “authorised” and “unauthorised”) to adequate social housing; ensure that all Roma, Sinti and Caminanti children, irrespective of their status have full access to and are fully included in mainstream education; take resolute measures to combat early school dropout and underachievement;**
- **review without further delay the mandate and statute of UNAR with a view to strengthening its competencies and continue to make available all the resources needed for it to operate efficiently and independently, in accordance with the Paris Principles;**
- **improve access of persons belonging to national minorities, including the numerically smaller ones, to radio and television programmes particularly relevant for them, and ensure the provision of high-speed Internet to facilitate media access also in remote areas; continue supporting sustainable development of the printed media published in languages of linguistic minorities;**
- **provide adequate funding for teaching of and in national minority languages and ensure appropriate provision of qualified teachers and textbooks; pay special attention to the needs of persons belonging to the numerically smaller minorities.**

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## I. KEY FINDINGS

### Monitoring process

1. This fourth cycle Opinion on the implementation of the Framework Convention by Italy was adopted in accordance with Article 26 (1) of the Framework Convention and Rule 23 of Resolution (97) 10 of the Committee of Ministers. The findings are based on information contained in the fourth [State Report](#), submitted by the authorities on 12 March 2014, other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during its visit to Rome, Lecce and Sternatia from 29 June to 3 July 2015.

2. The Advisory Committee regrets that its third Opinion was not translated into Italian, nor into minority languages, and that no follow-up seminar was organised in Italy following the conclusion of the last monitoring cycle. Such an event would have been useful to raise the awareness of the rights protected under the Framework Convention and the Advisory Committee's jurisprudence among the different stake-holders both within the administration at central and regional levels and the groups enjoying the protection offered by the Convention, or seeking recognition under the Convention. Such activities contribute greatly to dialogue and it is important that Italy should not miss this opportunity after the fourth monitoring cycle. It also notes with concern that representatives of national minorities and Italian civil society were not consulted prior to the submission of the State Report.

3. The Advisory Committee looks forward to continuing its dialogue with the Italian authorities as well as with representatives of national minorities and others involved in the implementation of the Framework Convention. In order to promote an inclusive and transparent process, the Advisory Committee strongly encourages the authorities to make the present Opinion public upon its receipt. It also invites the authorities to consider translating the present Opinion and the forthcoming Committee of Ministers' Resolution into the Italian language, and to disseminate it widely among all the relevant actors.

### General overview of the present situation

4. Italy has continued its efforts to protect persons belonging to national minorities, who are referred to in the domestic legal order as "linguistic minorities" or "historical linguistic minorities", basing its policy on the provisions of Article 6 of the Italian Constitution of 1947<sup>1</sup> and the Law No. 482<sup>2</sup> of 15 December 1999. This Law enumerates "historical linguistic minorities" to which it applies,<sup>3</sup> establishes criteria for delimiting the territorial scope of its application and contains provisions on the protection of rights in the fields of education, culture, media, use of minority languages in dealings with administrative authorities, display of topographical signs and spelling of names and surnames. It is welcome that where the provisions of Laws Nos.°482/1999 and 38/2001

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<sup>1</sup> Art. 6 of the Constitution of the Italian Republic reads: "The Republic safeguards linguistic minorities by means of appropriate measures".

<sup>2</sup> Law No.°482 of 15 December 1999 on Protection of Historic Linguistic Minorities (published in *Gazzeta Ufficiale No. 297* on December 20, 1999).

<sup>3</sup> The Law applies to populations speaking: Albanian, Catalan, Croatian, French, Franco-Provençal, Friulian, German, Greek, Ladin, Occitan, Sardinian and Slovenian.

apply the process of identification and delimitation of the territory has, for the most part, been completed.

5. Within the decentralised and asymmetrical structure of the Italian Republic a number of Regions and Provinces, such as the Autonomous Region of Valle d'Aosta/Vallée d'Aoste, the Autonomous Region of Friuli Venezia Giulia, the Autonomous Region of Sardinia and the Autonomous Provinces of Bolzano/Bozen and Trento (together composing the Autonomous Region of Trentino-Alto Adige/Südtirol), enjoy special status. Legislation adopted with regard to some of these regions, for example in Valle d'Aosta/Vallée d'Aoste,<sup>4</sup> Friuli Venezia Giulia,<sup>5</sup> and Trentino-Alto Adige/Südtirol<sup>6</sup> has been enacted with the aim to take into account local specificity when protecting rights of persons belonging to minorities inhabiting these regions. These regional laws had an overall beneficial effect on the minority populations concerned. However, although the adoption of regional laws increased the standard of protection of rights of large minority groups, such as Slovenian-language speakers in Friuli Venezia Giulia, German-language speakers in Trentino-Alto Adige/Südtirol and French-language speakers in Valle d'Aosta/Vallée d'Aoste, it also made smaller minority groups, whose numbers do not make them an electoral force capable of influencing the regional political agenda, more vulnerable. The rights protected under the Framework Convention of persons belonging to less numerous minorities such as Albanian-, Croat-, Catalan-, Greek- and German-language speakers residing in Alpine enclaves outside Trentino-Alto Adige/Südtirol region are given scarce attention and they risk rapid loss of their linguistic and cultural heritage and assimilation with the majority society. The Italian authorities acknowledge this situation and recognise a need for amendments to Law No.°482/1999 to address the identified shortcomings, in particular as regards the scope of application and funding. The Advisory Committee believes that ratification of the European Charter for Regional or Minority Languages, which Italy signed in 2000, should in principle, given its *à la carte* approach, help to establish a road map for the protection of the languages of these smaller groups suited to local situations and needs.

6. Regulations on minority language teaching, teacher certification standards, availability of textbooks, financial support for cultural activities and publications in languages of national minorities, access to public media and the manner in which they are implemented, in particular with regard to less numerous minority groups, remain an issue of deep concern. The current level of funding is largely insufficient to meet even the most basic expectations, in particular for the numerically smaller minorities. Specifically, the lack of a consistent approach to and funding for teaching of Albanian, Catalan, Croatian, Franco-Provençal, Friulian, Greek, Occitan and Sardinian puts the long-term survival of these minorities in Italy at risk.

7. No progress overall has been observed as concerns the situation of Roma, Sinti and Caminanti. In spite of the fact that numerous proposals to amend Law No.°482/1999<sup>7</sup> with the view

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<sup>4</sup> Regional Law No.°4/2011 of the Valle d'Aosta/Vallée d'Aoste Region on toponyms.

<sup>5</sup> Law No.°38/2001 on the protection of the Slovene linguistic minority of Friuli Venezia Giulia.

<sup>6</sup> Special Statute laid down for the Trentino–Alto Adige/Südtirol Region (Decree of President of the Republic N° 670/1972), and its implementing decrees.

<sup>7</sup> Senate Act N° 2562 of 17 February 2011 on “Modifications to Law No. 482 of 1 December 1999, concerning the Recognition and Protection of the Roma and Sinti Historical Linguistic Minority”; Chamber of Deputies Act N° 4446 of 22 June 2011, on “Modifications to Law No.°482 of 15 December 1999, concerning the Recognition and Protection of the Roma and Sinti Historical Linguistic Minorities.”

to extending its personal scope to cover Roma, Sinti and Caminanti or to adopt specific legislation for the protection of Roma, Sinti and Caminanti from discrimination,<sup>8</sup> have been submitted in the Parliament, these communities are not covered by the legislative framework at the national level. Moreover, the majority population and representatives of various public bodies both at central and municipal level continue, including in the State Report, to refer to these communities as “nomads”<sup>9</sup> perpetuating an outdated and discriminatory reference, which has little to do with reality today. Supposed nomadism of the Roma, Sinti and Caminanti communities has been used to justify the policy of settling these communities in camps for nomads (where often successive generations have lived in deplorable conditions for decades) away from the majority population, shifting the blame for poverty, hostility and systematic discrimination on the shoulders of Roma and ultimately maintaining the inertia of the status quo. Against this bleak background, the adoption in 2011 of the National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities 2012-2020 and the designation of the Office for the Promotion of Equal Treatment and the Fight against Racial Discrimination (UNAR) as the National Focal Point for its implementation are welcome and send out a positive signal indicating a change of attitude, away from a focus on emergency measures and disproportionately so on security considerations and towards addressing the systematic discrimination of these communities in Italy.

### **Assessment of measures taken to implement the third cycle recommendations for immediate action**

8. As observed above, no specific legislative framework on the protection of Roma, Sinti and Caminanti has been adopted. Furthermore, the existing legal framework, in particular Law No. 482/1999, does not apply to these communities. As a result, only the general non-discrimination provisions, which often are not well-designed to respond to specific challenges faced by the Roma, Sinti and Caminanti, offer legal protection to these groups. The adoption in 2011 of the National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities 2012-2020 is a welcome development. The Strategy was given a positive evaluation by the key stakeholders including numerous representatives of the targeted communities and civil society actors. The change of the paradigm away from the paternalistic welfare and a camp-centered approach towards the rights-based concept, which also steps away from nomadism, supposedly characteristic of Roma, is a key development indicating a change in policy on the part of the authorities. The espoused aim of inclusion of Roma, Sinti and Caminanti within the mainstream society signals a wish on the part of the authorities to pursue policies, in co-operation with all interested parties, within the four fields of intervention, namely education, employment, health and housing. Regrettably, three years after its launch, the Strategy has not achieved any significant progress towards its stated goals.

9. The living conditions for the Roma and Sinti living in camps are a cause for serious concern. However, some municipal authorities, for example in Lecce, are striving to improve living conditions in the camps and take measures to improve residents’ access to employment, education and health care, while, at the same time, voicing an opinion that developing special Roma camps or

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<sup>8</sup> Senate Act N° 2552 of 9 February 2011 on “Provisions for the Protection of and Equal Opportunities for the Roma and Sinti” and Senate Act N° 770 of 4 June 2013.

<sup>9</sup> See National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities 2012-2020 pg. 15.

settlements is not a good solution, and that gradual phase-out of camps and settlements should take place. Overall the camps, in particular the unauthorised ones, cannot be considered in any significant way to offer dignified living conditions to their residents. In this context, it has to be recalled that a court decision in 2011 annulled the state of emergency declared by the Italian government in 2008 and all the measures and decisions that followed. In spite of this, the situation has not improved in the last four years in the slightest, as the municipal authorities in a number of locations, for example in Rome, continued to allocate “housing” to Roma families in such camps. A recent judgment, of the civil section of the Tribunal of Rome, pronounced in May 2015, which found that the Municipality of Rome had discriminated against Roma families by forcibly evicting them from one camp and assigning housing in pre-fabricated containers located in a remote location and surrounded by fencing, is a hopeful sign which may, if properly implemented, lead to dismantling of segregated housing for Roma and the provision of adequate housing options, including social housing, that provides better opportunities for integration.

10. While a general climate of openness and tolerance prevails in Italy towards persons belonging to recognised, long-established linguistic minorities, there has been a noticeable increase of xenophobia directed in particular at migrants and refugees from Africa and the Middle East. Expressing prejudiced anti-Roma statements and more generally, anti-Gypsyism, if not commonplace, has become nonetheless a permanent and, regrettably, widely tolerated phenomenon within Italian society. Certain political parties have capitalised on general anti-immigrant sentiments and have been using discriminatory, intolerant, and racist language in political discourse. Alarming, the attacks against migrants have not only been verbal and a number of violent physical attacks on centres for asylum seekers have also been recorded. Deterioration of attitudes towards immigrants has the potential to increase risks for minority groups, and especially visual minorities that have been residing in Italy already for a long time.

11. Funding allocated to support printed media in languages of national minorities has decreased since the adoption of the previous Opinion. Current regulations do not allow for state funding of cultural activities of national minorities. Furthermore, the resources available for teaching of and in minority languages are vastly inadequate to meet the needs, in particular of numerically smaller minorities.

12. Roma children continue to face significant (and growing) problems in access to education. It is estimated that at least 20,000 Roma children of foreign origin under the age of 12 (for the most part from the Balkans) are not schooled at all. Furthermore, the number of Roma children attending school at all levels of education has been decreasing in the last years. According to research carried out by the Ministry of Education, whereas in the school year 2008/2009, 12,838 Roma children attended kindergarten, primary, lower-secondary and upper-secondary schools, in the school year 2012-2013 their number decreased to 11,899. It is also estimated that those Roma children who attend school are generally at least three years behind their peers in their education. Illiteracy and lack of professional qualifications are significantly more widespread among Roma, Sinti and Caminanti women than among men.

### **Assessment of measures taken to implement the further recommendations from the third monitoring cycle**

13. Italy does not collect information on the ethnic composition of the population, and the last census, carried out in October 2011, did not contain questions on ethnicity and languages spoken at home. Some information was collected in two provinces: in South Tyrol respondents are asked to answer a mandatory question and in Trentino an optional question on their linguistic affiliation. There is no reliable data on the numbers and the situation of Roma and Sinti, although municipal and regional authorities make estimates as to the number of persons belonging to these groups inhabiting the territory in question. In this context, a recent survey conducted by the Office for the Promotion of Equal Treatment and the Fight against Racial Discrimination (UNAR) on the housing situation of Roma and Sinti is welcome.

14. The mandate of UNAR was expanded in 2010 by an internal administrative act to cover all grounds of discrimination, although technically its statutory powers, as established in 2003, remain restricted to combating discrimination based on race and ethnic origin. In addition, UNAR remains subordinated to the Department for Equal Opportunities of the Presidency of the Council of Ministers and its Director is a civil servant, contrary to Paris Principles governing the independence of equality bodies. It is welcome however, that both the funding (yearly ordinary budget of over 2 million Euros supplemented substantially by the EU) and staffing (around 25 staff members) are sufficient and enable UNAR to carry out its set tasks.

15. Availability of television and radio programming in languages of national minorities remain a challenge, in particular as regards languages of numerically smaller minorities and Sardinian. While local branches of RAI, the Italian Public Service Broadcaster, continue to broadcast, on the basis of tri-annual agreements signed with regional authorities, programmes in German and Ladin in the Province of Bolzano/Bozen, in French in the Autonomous Region of Valle d'Aosta/Vallée d'Aoste and in Slovenian in the Autonomous Region of Friuli Venezia Giulia, there are no such programmes in minority languages in other regions. The situation is particularly incomprehensible in Sardinia where over one million Sardinian-language speakers have no access to public television and radio broadcasts in their language. The financial grants to printed media in languages of national minorities have been affected by cuts.

16. The situation as regards teaching of and in languages of national minorities remains mixed and depends principally on the size of the minority concerned and the region. Whereas there are schools teaching in German and Ladin languages in the Province of Bolzano/Bozen, in French in the Autonomous Region of Valle d'Aosta/Vallée d'Aoste and in Slovenian in the Autonomous Region of Friuli Venezia Giulia and issues concerning teacher qualification standards and availability of textbooks have been resolved as regards these languages, the opportunities for learning of and in other languages such as Albanian, Catalan, Croatian, Greek and Sardinian are vastly inadequate. Roma children have no access to learning their languages and rarely continue education beyond the compulsory age of sixteen.



## II. ARTICLE-BY-ARTICLE FINDINGS

### Article 3 of the Framework Convention

#### Personal scope of application of the Framework Convention

##### *Present situation*

17. The Advisory Committee notes that Law No.°482/1999 of 15 December 1999 ‘establishing a legal framework for protection of historical linguistic minorities’ and Law No.°38/2001 of 23 February 2001 on the protection of the Slovene linguistic minority of the Friuli Venezia Giulia region together with the special statutes of the autonomous regions and some regional laws remain the legal and political cornerstones of Italy’s policy towards persons belonging to national minorities. Both Laws Nos.°482/1999 and 38/2001 apply only in the geographical areas (municipalities) inhabited by a substantial number of persons belonging to one of the recognised “linguistic minorities”.

18. In this context the Advisory Committee is pleased to note that the process of delimitation of municipalities covered by the above legislation has largely been completed. In total, Law No. 482/1999 applies in 1,076 municipalities (i.e. in around 13% of the 8,101 municipalities in Italy) inhabited by around four million inhabitants (7% of the country’s population).<sup>10</sup> The Advisory Committee notes with satisfaction that delimitation of areas inhabited by the German-speaking minority in Trentino- Alto-Adige/Südtirol, Valle d’Aosta/Vallée d’Aoste and Friuli Venezia Giulia, the Slovenian-speaking minority in the Friuli Venezia Giulia region, Friulian and the Ladin-speaking minorities in Friuli Venezia Giulia and the Veneto-, French-, Franco-Provençal- and Occitan-speaking minority in Valle d’Aosta/Vallée d’Aoste, and Sardinian-language speakers in Sardinia have been achieved for some time now. It is welcome that the areas in the south of the country (including the Mediterranean islands) inhabited by numerically smaller minorities (such as those inhabited by speakers of Albanian, Catalan, Croatian, Franco-Provençal, Greek and Occitan) have now also been identified and delimited.

19. Some inhabitants of the Resia, Natisone and Torre valleys in the province of Udine continue to seek recognition as a separate linguistic minority, distinct from the Slovene minority. According to their representatives they are unjustifiably assimilated with Slovenes. Conversely, representatives of Slovenian speakers maintain that inhabitants of the Resia, Natisone and Torre valleys speak an antiquated dialect of Slovenian which has evolved due to the geographical isolation and lack of teaching of Slovenian in these municipalities. According to these representatives, all controversies surrounding this issue are exploited by the media and some political figures to tarnish the image of the concerned groups and lead to a decrease in protection for all linguistic minorities.

20. The Advisory Committee wishes to reiterate its view that the application of the provisions of the Framework Convention with respect to a group of persons does not necessarily require its formal recognition as a national minority or the existence of a specific legal status for such groups of persons. It further notes that the complex linguistic situation calls for an open and flexible approach

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<sup>10</sup> See Ministry of education publication *Lingue di Minoranza e Scuola : A dieci anni dalla legge 482/99* Roma 2010, pg. 69, [www.edscuola.it/archivio/statistiche/lingue\\_minoranza\\_scuola.pdf](http://www.edscuola.it/archivio/statistiche/lingue_minoranza_scuola.pdf).

to the scope of application of the Framework Convention. Such flexibility is required in particular in municipalities inhabited by persons with very dearly held identities which are not uniformly recognised either within the minority community in question, or by the majority and other minorities. Similarly, as regards persons belonging to national minorities living outside regions of traditional settlement, arrangements may be needed to allow for effective enjoyment of some rights, based on an article-by-article approach. The Advisory Committee believes that ratification of the European Charter for Regional or Minority Languages, which Italy signed in 2000, should in principle, given its *à la carte* approach, help to establish a road map for the protection of languages suited to local situations and needs.

### *Recommendations*

21. The authorities should maintain a flexible approach when delimiting the municipalities where the Law N° 482/1999 for the protection of historical linguistic minorities applies, so as to extend the protection afforded by the Law to all persons belonging to these minorities.

22. The Advisory Committee reiterates its call on the authorities to pursue an open, dialogue-based approach in relations with persons and groups having expressed an interest in the protection provided by the Framework Convention and encourages them to take due account of the principle of free self-identification enshrined in Article 3 of the Framework Convention.

### **Status of Roma, Sinti and Caminanti**

#### *Present situation*

23. Estimates on the number Roma, Sinti and Caminanti<sup>11</sup> living in Italy vary, but most sources seem to concur that there are between 110,000 and 170,000 persons belonging to these groups<sup>12</sup> living in Italy, thus constituting less than 0.25% of the total population. According to a report by the Emilia-Romagna Regional Centre against Discrimination published in January 2015, 61% of Roma, Sinti and Caminanti living in Italy have Italian citizenship, while the rest are for most part either Roma who came to Italy as war refugees in the 1990s from the former Yugoslavia or citizens of Romania and Bulgaria.

24. The Advisory Committee notes with deep regret that all legislative initiatives in the Parliament to adopt a specific legislative framework for the protection of Roma, Sinti and Caminanti or to extend the protection afforded by Law No. 482/1999 have so far not achieved a satisfactory outcome.<sup>13</sup> Furthermore, some regional laws enacted in the 1980s and 1990s aiming to protect the rights of these communities have been repealed since (e.g. in the Veneto Region), thus further limiting the legal protection and recognition of this minority. The outdated, inaccurate and discriminatory concept according to which Roma, Sinti and Caminanti are referred to by some

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<sup>11</sup> The word “Roma” refers to a wide range of different groups characterized by shared practices. Roma and Sinti communities in Italy speak Romani dialects and are mainly concentrated in northern and central Italy (in particular, Roma people live in all regions across the country, while Sinti people live mainly in northern Italy), Caminanti people are mainly concentrated in the municipality of Noto (Sicily) and have adopted the local dialect.

<sup>12</sup> See Civil Society Monitoring on the Implementation of the National Roma Integration Strategy in Italy, pg. 27, [www.romadecade.org/cms/upload/file/9773\\_file9\\_it\\_civil-society-monitoring-report\\_en-1.pdf](http://www.romadecade.org/cms/upload/file/9773_file9_it_civil-society-monitoring-report_en-1.pdf)

<sup>13</sup> The Advisory Committee has been informed that a collection of signatures is to be started under a popular initiative for legislation on the recognition of Roma, Sinti and Caminanti as a national minority.

officials, political figures and in parts of the media as “nomads” is used as an excuse not to extend the protection afforded by Law N° 482/1999 to these groups, which is territory-based. The Advisory Committee wishes to point out that the vast majority of the Roma, Sinti and Caminanti have lived for decades if not generations in established, albeit very materially deprived communities. In fact it is estimated that between 60% and 80% of Roma live in fixed abodes, and around 40,000 of them live in camps commonly referred to as “nomad camps”, while only 3% of Roma in Italy lead an itinerant lifestyle.<sup>14</sup>

25. The Advisory Committee considers that, given the deep-rooted prejudice and discrimination against Roma, Sinti and Caminanti in all walks of life, adoption of specific non-discrimination legislation to protect persons belonging to these groups containing clear and specific legal guarantees for the implementation of their fundamental rights and of the principle of full and effective equality would be beneficial to all concerned, including the authorities, to whom it would provide a coherent legal basis for dedicated policy measures and a clear division of responsibilities. The Advisory Committee wishes to stress in this context that the application of the Framework Convention with respect to a group of persons does not necessarily require the latter’s formal recognition as a national minority. It notes, however, that such recognition would greatly facilitate the enjoyment of rights protected by the Framework Convention.

#### *Recommendation*

26. The Advisory Committee reiterates its call on the authorities to take urgent steps to elaborate and adopt without delay a specific legislative framework, at national level, for the recognition and protection of Roma, Sinti and Caminanti with due consultation of representatives of these communities at all stages of the process.

### **Data collection**

#### *Present situation*

27. The Advisory Committee notes that there have been no significant developments as regards data collection in Italy in recent years. The rules governing the population census do not provide for the collection of data on language and religious beliefs which can reveal the racial or ethnic origin of the respondent. Any collection of sensitive data, such as ethnicity or race requires the written consent of the person concerned and authorisation of the independent authority for data protection, the “Guarantor of Privacy”. It has to be recalled however, that statistical information on the number of persons belonging to linguistic minorities is collected under special legislation in two provinces: the Autonomous Provinces of Bolzano/Bozen (a mandatory question relating to the Italian, German and Ladin linguistic groups)<sup>15</sup> and Trento (an optional question relating to persons belonging to minorities speaking the Mocheno, Cimbrian and Ladin languages).<sup>16</sup>

28. The Advisory Committee notes in this context information provided in the State Report on the collection of data collected anonymously from respondents in the Autonomous Province of Bolzano/Bozen during the 2011 general population census, relating to the size and proportion

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<sup>14</sup> See Civil Society Monitoring on the Implementation of the National Roma Integration Strategy in Italy pg. 28, also [www.west-info.eu/majority-of-italys-roma-and-sinti-have-italian-citizenship/](http://www.west-info.eu/majority-of-italys-roma-and-sinti-have-italian-citizenship/).

<sup>15</sup> Decree of the President of the Republic N° 752 of 26 July 1976 and subsequent modifications.

<sup>16</sup> Legislative Decree N° 592 of 16 December 1993, art. 4.

within the local population of the Italian, German and Ladin linguistic groups. Information collected during the census confirmed that the numerical size of the linguistic groups remains overall stable (German-language speakers – 69.41%, Italian-language speakers – 26.06%, and Ladin-language speakers – 4.53%). The Advisory Committee notes that this data will be used until the next census in the composition of local institutional bodies, in the assignment of funds provided by the province, in employment in the civil service and in other cases envisaged by law in accordance with the so-called “ethnic proportion” principle. The Advisory Committee welcomes the recent adoption of legislative decree N° 75/2015. While not resolving the issue of the mandatory affiliation to one of the three recognized linguistic groups, and in particular the negative consequences for those who do not declare such affiliation or who wish to express multiple affiliations, the new legislation enables EU citizens and third country nationals with long-term residence to declare their affiliation to one linguistic group. This not only resolves some practical problems of possible exclusion of these persons from the benefits resulting from their declaration, such as access to public service, but also represents a positive step towards the full implementation of the principle of self-identification in line with Article 3 of the Framework Convention.

29. The lack of reliable data on the Roma, Sinti and Caminanti populations is seriously undermining the ability of the state bodies to develop and calibrate sector policies and measures designed to improve the situation of these groups. In this context the Advisory Committee notes that information gathered in the course of a special sectoral survey on the situation of Roma, Sinti and Caminanti communities carried out in 2011 by the Special Commission of the Senate on the Protection and Promotion of Human Rights served as a basis for the development of the National Strategy for the Inclusion of Roma, Sinti and Caminanti communities 2012-2020. Drawing on this experience UNAR commissioned ISTAT (National Institute of Statistics) in co-operation with the National Association of Italian Municipalities (ANCI) in July 2013 the development of the necessary tools for mapping out available statistical sources and their contents which could offer information about Roma. Furthermore, UNAR asked that a survey of accommodation modalities in all Roma, Sinti and Caminanti settlements, irrespective of their status in the south of Italy (Calabria, Campania, Sicily and Puglia) be carried out. The Advisory Committee welcomes these steps which demonstrate the authorities’ resolve to collect disaggregated statistical data necessary for designing policies, setting targets and identifying necessary instruments to guarantee full and effective equality vis-à-vis such persons.

#### *Recommendation*

30. The Advisory Committee encourages the authorities to continue to gather reliable statistical data on the numbers and situation of persons belonging to linguistic minorities, as well as on the Roma, Sinti and Caminanti communities with the view to developing targeted minority protection policies in all sectors, including in employment, social and health services. Care should be taken to ensure that the collection, processing and dissemination of data, which should be as comprehensive as possible, respect at all times the safeguards contained in Recommendation No. R (97) 18 of the Committee of Ministers to members states concerning the protection of personal data collected and processed for statistical purposes.

#### **Article 4 of the Framework Convention**

##### **Anti-discrimination legislation and its implementation**

*Present situation*

31. The Advisory Committee regrets to note that Italy is one of the few Council of Europe member states without a national independent institution for human rights operating in line with the Paris Principles. In spite of numerous recommendations including by the Advisory Committee, the European Commission on Racism and Intolerance (ECRI) and the UN monitoring bodies, and regardless of making repeated pledges to that effect, numerous initiatives to adopt a law providing for the setting up of such an institution have regrettably been unsuccessful.

32. The Advisory Committee recalls that the main task of the Office for the Promotion of Equal Treatment and the Fight against Racial Discrimination (UNAR), which was established in 2003, was the promotion of equal treatment and combatting all forms of racial and ethnic discrimination. The mandate of UNAR was expanded by an administrative act in 2010<sup>17</sup> to cover all grounds of discrimination, without a corresponding change in legislation. In this context, the Advisory Committee acknowledges ECRI's call on the authorities to formally extend by law the powers of UNAR.<sup>18</sup> It further notes that the actual powers of UNAR remain weak. The Office is entitled to look into individual complaints alleging discrimination, conduct investigations and determine whether or not discrimination exists. In cases in which UNAR considers that indeed discrimination has taken place, it contacts the party responsible in writing and asks it to remedy the situation by ceasing the offending action or finding a solution to the discriminatory act. The power of UNAR relies entirely on its persuasion and moral authority. It is deeply regrettable that UNAR cannot bring legal proceedings in discrimination cases and its intervention is limited to *amicus curiae* briefs.

33. Regrettably, the institutional position of UNAR is weakened by the fact that it remains subordinated to the Department for Equal Opportunities of the Presidency of the Council of Ministers and its Director is a civil servant. This is contrary to Paris Principles governing the independence of equality bodies. It is welcome however, that both the funding (yearly ordinary budget of over 2 million Euros supplemented substantially by the EU) and staffing (around 25 staff members) are sufficient and enable UNAR to carry out its set tasks.

34. The Advisory Committee notes with interest the establishment in September 2010 of the Observatory for Security against Discriminatory Acts (OSCAD), a multi-agency body within the structure of the Ministry of the Interior. The main task of this body is to enhance the protection and promotion of the fundamental rights of all inhabitants and to combat discriminatory acts, including hate crimes. In particular OSCAD's goals include overcoming the phenomenon of under-reporting of crimes committed with a discriminatory motive by receiving reports, including anonymous ones, from institutions, professional or trade associations and private individuals, initiating immediate and targeted operational interventions at local level to be carried out by the National Police and the Carabinieri Corps and monitoring their developments. To achieve these aims OSCAD endeavours to establish a relationship based on trust and common understanding with the associations assisting

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<sup>17</sup> In 2010, the Prime Minister's decree No. °2015/2010, describing the specific tasks of each government body, extended UNAR's tasks to combating discrimination based on sexual orientation and gender, age, disability, religion and personal convictions. This act was renewed in 2012 and UNAR's report to the Parliament relating to 2012 activities reflects this extension of competence.

<sup>18</sup> See ECRI Conclusions on the Implementation of the Recommendations in Respect of Italy subject to Interim Follow-up published on 24 February 2015, doc. ref.: CRI(2015)4.

persons threatened with discrimination with the view of strengthening the connection between civil society and police forces. OSCAD, in co-operation with other Police structures, such as DIGOS (*Divisione investigazioni generali e operazioni speciali*), and civil society organisations active in the field, monitors incidents of discrimination and hate crimes. This work led to a number of criminal inquiries against operators of web-sites such as Stormfront and Holywar (see also under §60 for other OSCAD activities).

#### *Recommendations*

35. The Advisory Committee reiterates its call on the authorities to review without further delay the mandate and status of UNAR with a view to strengthening its competencies and continue to make available all the resources needed for it to operate efficiently and independently, in accordance with the Paris Principles.

36. The Advisory Committee strongly encourages the authorities to ensure that all the necessary conditions are met to enable OSCAD to continue to combat discriminatory acts, including hate crimes.

#### **Application of the principles of equal treatment and non-discrimination with respect of the Roma, Sinti and Caminanti**

37. The Advisory Committee notes that following the designation in 2011 of UNAR as the National Contact Point for Roma Integration Strategies, the National Strategy for the Inclusion of the Roma, Sinti and Caminanti 2012-2020 was finally adopted in February 2012. It is welcomed that when elaborating the Strategy, UNAR carried out extensive consultations with the key representative Roma organisations such as the *Federazione Romani* (a national association of about 30 Roma associations established in 2009 to promote the self-determination of Roma people and inter-cultural cohesion), *Federazione Rom e Sinti Insieme* (about 30 regional and local organisations principally of Sinti from northern and central Italy, lobbying for recognition of Roma, Sinti and Caminanti as minorities and in fostering active citizenship) and *Associazione UNIRSI* (International and National Union of Roma and Sinti in Italy, - the oldest Roma federation created in 1999 promoting Roma culture and dialogue within Italian society). It has to be noted however that some representatives of Roma considered that the invitation extended to them to take part in consultations was rather formalistic, extended out of politeness and political correctness rather than out of genuine interest to hear their views.

38. The Strategy outlines integrated actions in four key fields of intervention: education, employment health and housing. The Advisory Committee notes that the Strategy was evaluated positively by different key stakeholders including Roma representatives in particular as it marks a clear break with the past policies. It abandons the “emergency perspective”,<sup>19</sup> the camp-centered approach and repudiates the concept of “nomadism” as supposedly inherent among the Roma. Instead it adopts an approach based on rights, and strives to create a national strategic framework for the integration of Roma, Sinti and Caminanti, by providing a coherent purpose of intertwined policies.

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<sup>19</sup> See detailed analysis of the « nomad emergency measures » in the 3rd ACFC Opinion on Italy, adopted on 15 October 2010, §86, §107, §220 and §270.

39. It has to be noted however that according to the European Commission's assessment published in the spring of 2014, the implementation of the Strategy has not progressed significantly. In fact there have been serious delays in the setting-up of agencies and achieving anticipated results. Specifically, few concrete results could be demonstrated as regards all four key areas covered by the Strategy. One factor impacting on the effective implementation of the Strategy is the autonomy of the Regions and the Municipalities provided for by the Italian Constitution. By way of example, it can be pointed out that only eight out of twenty Regional Tables, which are to be the critical pivots of the Strategy, have been set up, three years after the launching of the Strategy. Additionally, the participation of Roma, Sinti and Caminanti representatives at those Regional Tables which have been set up is only formal (see further comment under Article 15). Finally, no dedicated funding has been earmarked for the implementation of the Strategy. The resources necessary to finance actions covered by the Strategy are to come from rebranded national budgetary allocations in the four fields of intervention: education, employment, health and housing, EU and national funding under the Objective Convergence of regions (Calabria, Campania, Puglia, Sicily) financed by the European Social Fund and the European Bank for Reconstruction and Development (EBRD) and national and EU funds for "general Programme Solidarity and Management of Migration Flows".<sup>20</sup>

40. As regards housing, the Advisory Committee notes with deep concern that around 40,000 Roma continue to live in camps commonly referred to as "nomad camps" both "authorised" and "unauthorised". The situation in such camps shows considerable variations, as observed by the Advisory Committee delegation's visit to Italy. In some locations such as Lecce the authorities, in co-operation with local Roma residents, work together to improve living conditions in the camps and take measures to improve residents' access to employment, education and health care. Such initiatives are commendable. However, while they provide essential conditions required for a decent standard of living, they do not address the fundamental issue of segregation and marginalisation of Roma.

41. In this context, it has to be recalled that the Council of State annulled in 2011 the state of emergency<sup>21</sup> declared by the Italian government in 2008 and all measures and decisions that followed. Regardless of the ruling, the municipal authorities in a number of locations, for example, in Rome continued to allocate "housing" to Roma families in such camps. Worse still, in May 2014 the Municipality of Naples authorised construction of a "temporary" camp for Roma (*Cupa Perillo* camp, in Scampia) to be funded from the European Regional Development Fund (ERDF) earmarked for projects to strengthen economic and social cohesion. The situation is even worse in unauthorised camps. The Advisory Committee finds it most surprising that the authorities tolerate a state of affairs where people continue to live in undignified conditions, without access to basic amenities, surrounded by fencing and according to some sources "protected" by criminal organisations.

42. Against this alarming background, the Advisory Committee notes that the Tribunal of Rome found in a judgment pronounced in May 2015 that the Municipality of Rome had discriminated

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<sup>20</sup> See National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities 2012-2020, pg. 88-90.

<sup>21</sup> See Council of State ruling no 6050 of 16 November 2011. The principle was finally confirmed by the Supreme Court (*Corte di cassazione*) in 2013

against Roma families by forcibly evicting them from one camp and assigning housing in pre-fabricated containers located in a remote location and surrounded by fencing. This ruling, if properly implemented, should in principle lead to the dismantling of segregated housing for Roma and providing them with adequate housing options, including social housing.

#### *Recommendations*

43. The Advisory Committee strongly urges the authorities to adopt more resolute and effective measures to prevent, combat and sanction the inequality and discrimination suffered by the Roma, Sinti and Caminanti, particularly women, and to promote tolerance and anti-discriminatory attitudes throughout the population.

44. In general, Roma, Sinti and Caminanti representatives should be more closely and effectively involved in all projects and activities concerning them, such as those implemented in the framework of the National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities 2012-2020 at national, regional and local levels.

### **Article 5 of the Framework Convention**

#### **Support for the cultural activities of persons belonging to national minorities**

##### *Present situation*

45. The Advisory Committee notes that there have been no fundamental changes in the system of support for cultural activities of national minorities. The Minister for Regional Affairs, who is in charge of co-ordinating policies affecting national minorities, is responsible for disbursement of funding for maintaining and developing minority languages and the historical and cultural heritage of these minorities. He is assisted in this task by the Technical Committee set up to implement Law No. 482/1999 which is composed of representatives of government departments directly involved in the implementation of minority policies, representatives of the National Association of Italian Municipalities (ANCI), the Union of Italian provinces (UPI), the Conference of Regions and Autonomous Provinces, the Federative Committee of Linguistic Minorities in Italy (CONFEMILI), and five experts appointed by the Minister, one of whom acts as coordinator of the Committee.

46. Additional funding for cultural activities is made available to the recognised linguistic minorities by the regional and local authorities. The Advisory Committee welcomes in particular the high level of protection enjoyed by persons belonging to linguistic minorities in areas such as the Autonomous Province of Bolzano/Bozen and the Autonomous Regions of Friuli Venezia Giulia and of Valle d'Aosta/Vallée d'Aoste. It recalls in this context that; in a number of regions, such as the autonomous province of Trento, the Piedmont region and the Friuli Venezia Giulia region, laws aiming to enhance the protection of linguistic minorities have been adopted.

47. The Advisory Committee regrets the lack of information in the State Report on specific measures taken to support contemporary cultural activities of national minorities. It notes that funding disbursed under Law No. 482/1999, in line with existing legislative provisions, is channelled exclusively to municipal authorities. Associations and other civil society organisations are not entitled to any direct financial support, which has a particularly detrimental effect on their ability to engage in cultural projects. Grants for such projects are provided by regions and municipalities, however – according to representatives of national minorities, the current level of funding is far



from sufficient, and all minority interlocutors of the Advisory Committee concurred that the situation is the worst it has been in the last ten years. The Advisory Committee recalls that already in its previous Opinion it observed that the cuts in the funding announced at that time by the authorities made the outlook for the next few years worrying. Regrettably, according to minority representatives, the funding available under Law N° 482/1999 is currently ten times smaller than it was in the first few years following its adoption.

48. Regrettably, this negative scenario has indeed materialised in the past few years. For example, according to national minority representatives, funding for the Albanian Cultural Association in Campobasso (*Albanese Molise*) which is active in four municipalities (Campomarino, Portocannone, Ururi and Montecilfone) inhabited by persons belonging to the Albanian national minority, functioned well until 2010. In the last five years however there has been a progressive drop in funding, until no funding whatsoever was given in 2015. Support for other less-numerous minorities, such as the Occitan-, Greek- and German-language speakers residing in Alpine enclaves outside Trentino-Alto Adige/Südtirol region, has been, according to their representatives, equally insufficient.

49. Against this rather alarming situation affecting support for the culture of numerically smaller minorities, the Advisory Committee notes that in several regions or provinces, such as the autonomous province of Trento, the autonomous region of Valle d'Aosta/Vallée d'Aoste, the Piedmont region and the Friuli Venezia Giulia region, which are all inhabited by numerically larger linguistic minorities the situation is better. In the Piedmont region for example, the regional authorities allocate yearly over 600,000 Euros to support the cultural heritage of the French and Franco-Provençal linguistic minorities, as well as scientific research and regional culture and history as provided for in Regional Law No.°58/1978.

50. This very mixed picture demonstrates that minority rights are protected and implemented in a very asymmetric way in the Italian territory and not all minorities have equally benefited from the rights laid down in the Framework Convention. Whereas in the autonomous provinces and regions, inhabited by large minority groups, such as Slovenian-anguage speakers in Friuli Venezia Giulia, German- and Ladin-language speakers in Trentino-Alto Adige/Südtirol and French-language speakers in Valle d'Aosta/Vallée d'Aoste, the situation seems to be satisfactory, in other parts of Italy, inhabited by smaller minority groups, whose numbers do not make them an electoral force capable of influencing the regional political agenda, the situation has significantly worsened in the past few years. In this context, the Advisory Committee wishes to reiterate its view that the central government remains fully responsible for the respect of its international obligations in this field, including those contained in the Framework Convention. In particular, it is essential to ensure that all the conditions – regulatory, financial, staffing, etc. - are in place for the competent authorities to fulfil their responsibilities efficiently and implement effectively the rights of persons belonging to minorities at different levels.

51. With regard to the Roma, Sinti and Caminanti, the Advisory Committee notes with regret that the National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities 2012-2020 pays very little attention to promoting their culture and heritage, which are essential elements of the identity of persons belonging to these groups. In fact, it lists only one specific project, namely a publication starting in the school year 2012-2013 by the Department of Equal Opportunity, of a

series of editorial tools (books and DVDs) to promote an understanding of Roma culture, its history, the genocide suffered in the concentration camps (*Porrajmos*) and the current difficulties of inclusion. At the same time, the Advisory Committee is pleased to note that the Council of Europe “DOSTA” campaign; which was launched in 2010, has been turned into a permanent activity implemented by UNAR, extended to the entire national territory as from 2013.

#### *Recommendations*

52. The Advisory Committee urges the authorities to increase the funds available for the cultural activities of national minorities so as to ensure the preservation of their cultural and linguistic identity, including in areas outside their traditional settlement. Funds must be made available for the longer-term and must be paid out in a timely manner so that cultural initiatives can be planned and implemented effectively. Particular attention must be paid to the actual needs in the field of culture of persons belonging to the numerically smaller minorities.

53. The Advisory Committee asks the authorities to further develop and more thoroughly implement the Strategy to promote the Roma, Sinti and Caminanti identities and to allocate adequate financial resources for their cultural initiatives.

### **Article 6 of the Framework Convention**

#### **Tolerance and intercultural dialogue**

##### *Present situation*

54. A climate of tolerance and respect for diversity prevails in Italy as demonstrated daily in particular towards members of linguistic groups covered by Law No.°482/1999. Notably, in autonomous regions, such as the Autonomous Region of Valle d’Aosta/Vallée d’Aoste, the Autonomous Region of Friuli Venezia Giulia, the Autonomous Region of Sardinia and the Autonomous Province of Bolzano/Bozen, inhabited by significant numbers of persons belonging to historical linguistic minorities, the relations between the authorities and various ethnic groups and within society can be characterised as constructive and open. The ongoing dialogue among the key stakeholders has over the years led to a significant improvement in the protection of rights guaranteed under the Framework Convention.

55. To increase accessibility and impact of measures to combat discrimination and racism at local level UNAR signed a number of co-operation agreements with local and regional authorities. Such agreements were signed, for example, with the Province of Florence and the Region of Liguria in April 2011, committing both entities to opening and financing anti-discrimination territorial Centres tasked with providing legal advice to potential alleged victims of discrimination, collecting data on discriminatory practices, and organising awareness campaigns.

56. The Advisory Committee notes with regret that, according to civil society representatives, UNAR has offered legal assistance to victims of racial discrimination only sporadically in spite of a provision in the legislation entitling it to do so. Apparently, the lack of such a pro-active approach has primarily been caused by insufficient specific funding earmarked for this purpose. In this context, the Advisory Committee welcomes the signing of a Memorandum of Understanding in January 2014 by UNAR and the National Bar Council on the management of a fund for the judicial protection of victims of discrimination, offering free legal assistance to such victims.

### *Recommendation*

57. The authorities must take firm and effective measures to prevent and combat all forms of intolerance, racism and xenophobia and to promote mutual understanding and respect, particularly towards persons belonging to vulnerable groups, such as Roma, Sinti and Caminanti, migrants, asylum-seekers and refugees.

#### **Fight against racism and xenophobia**

58. The Advisory Committee is concerned to note that, amid the continued influx of migrants and refugees to Italy, the general discourse and societal attitudes towards foreigners have deteriorated significantly. Capitalising on fear and uncertainty felt by large fragments of the population in Italy,<sup>22</sup> certain political parties, amplified by some media outlets, have been nurturing and instrumentalising xenophobic sentiments. While the rhetoric of an “alien invasion” is not restricted to Italy and regrettably is growing all over Europe, its permanent use in political discourse in recent electoral campaigns in Italy has led to a marked increase of xenophobia generally. Migrants and refugees have been made the scapegoats for all manner of problems affecting Italian society, from economic stagnation and austerity policies to public health and security. The Advisory Committee is particularly alarmed by physical attacks, for example in July 2015 by a right-wing radical group *Casa Pound* in Rome and Quinto di Treviso against local reception centres for immigrants from the Middle East and Africa.<sup>23</sup>

59. The Advisory Committee is deeply concerned about anti-Roma rhetoric used in political discourse by some high-ranking politicians, candidates for elections, Members of the European Parliament (MEP) and local representatives. The tolerance on the part of the authorities for inflammatory anti-Roma statements stimulates an attitude of impunity in which the far right extremists feel emboldened to stage anti-Roma demonstrations and physical attacks. The Advisory Committee is deeply concerned by this situation, which it finds incompatible with Article 6 of the Framework Convention, and recalls that it is an obligation of states parties to undertake appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.

60. On the positive side, the Advisory Committee notes that the OSCAD has developed as of 2012 anti-discrimination training modules for both National Police staff and the Carabinieri Corps and organised workshops for officers and new police and carabinieri constables during general initial training and refresher courses for the serving staff belonging to various ranks. It is worth noting that OSCAD signed a Memorandum of Understanding in 2013 with the OSCE Office for Democratic Institutions and Human Rights (ODIHR) on the training programme “TAHCLE” (Training against Hate Crimes for Law Enforcement), aimed at training law enforcement staff in the field of prevention of and fight against hate crimes.

61. The Advisory Committee welcomes the information provided in the State Report on OSCAD’s active role in awareness-raising campaigns. These included a communication campaign “*Made in Italy*” launched in June 2012 in co-operation with UNAR against racial discrimination and portraying

<sup>22</sup> See [www.nytimes.com/2015/07/28/world/europe/italys-influx-of-immigrants-is-a-domestic-problem-too.html?\\_r=2](http://www.nytimes.com/2015/07/28/world/europe/italys-influx-of-immigrants-is-a-domestic-problem-too.html?_r=2)

<sup>23</sup> “Italy: fascists at heart of protests that have forced out refugees”.  
[www.dreamdeferred.org.uk/2015/07/italy-fascists-at-heart-of-racist-protests-as-refugees-forced-out/](http://www.dreamdeferred.org.uk/2015/07/italy-fascists-at-heart-of-racist-protests-as-refugees-forced-out/).

the important contribution of foreign nationals to the Italian economy. Also, in March, 2013, OSCAD initiated an awareness-raising campaign among football fans to eradicate racism from sports arenas, in particular football stadiums, in the framework of “The Week against Racial Discrimination”.

### *Recommendations*

62. The authorities should take necessary measures to prevent, investigate and prosecute all racially motivated offences and to prevent and combat incidents of intolerance and xenophobia.

63. The Advisory Committee strongly urges the authorities to combat effectively all manifestations of intolerance, racism, and xenophobia. In particular, the Advisory Committee urges the authorities to take additional legislative measures and policies to combat racist manifestations in the media, including in the political arena, in the spirit of Recommendation No. R (97) 20 of the Committee of Ministers to member states on “Hate Speech”.

64. The authorities are encouraged to continue to take decisive action against racist acts perpetrated prior to, during and after football matches. The Advisory Committee also calls upon the authorities to increase public awareness of the problem and encourage sports professionals and fans to condemn racist attitudes and behaviour.

65. Targeted measures such as awareness-raising campaigns involving, among others, the media should be developed without delay to counteract the mounting anti-Gypsyism and xenophobia in society which has a direct negative impact on access to rights.

## **Article 9 of the Framework Convention**

### **Access of persons belonging to national minorities to the media**

#### *Present situation*

66. The situation as regards broadcasting in national minority languages has not changed significantly in the last years. The national broadcasting corporation (RAI) is obliged under article 12 of Law No. 482/1999 to guarantee the protection of minority languages in specific areas.<sup>24</sup> Specific local agreements can be concluded by Regions and local branches of RAI.<sup>25</sup> The Advisory Committee notes that such tri-annual agreements have been concluded in Friuli Venezia Giulia where RAI has undertaken to broadcast 4,517 hours of radio programmes and 208 hours of television programmes in Slovenian and 90 hours of television programmes in Friulian per year. Similar arrangements exist in the Autonomous Province of Bolzano/Bozen where RAI broadcasts radio and television programmes in German and Ladin in Alto Adige/Südtirol Region<sup>26</sup> and in the Autonomous Region of Valle d’Aosta/Vallée d’Aoste where there are broadcasts in French.

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<sup>24</sup> Law No.°482/1999 Article 12(1): “Service agreements between the Ministry of Telecommunications and radio and television companies shall guarantee the protection of minority languages in specific areas.”

<sup>25</sup> Law No.°482/1999 Article 12(2): “Regions may also conclude additional agreements with radio and television companies about programmes broadcast in protected languages. Regions may also conclude similar additional agreements with local broadcasting companies.”

<sup>26</sup> The ongoing reform of the RAI, currently under approval in Parliament, significantly increases the final contribution for programmes in minority languages in South Tyrol.

67. In order to broaden the scope of available programming some of the broadcasts are produced in collaboration with the radio-television companies from neighbouring countries, for example the RTV corporation in Slovenia and its Regional RTV Centre Koper-Capodistria. The Advisory Committee notes in this context that representatives of the Slovene minority have expressed their wish to use the upcoming negotiation on the renewal of the tri-annual agreement in Friuli Venezia Giulia for the years 2016-2019 to seize the opportunity to reinforce the autonomy of the Slovenian-language programming. In the Aosta Valley region, the TV5 Monde (French TV station principally aiming to reach viewers abroad) which is broadcast in digital terrestrial mode has reached the full coverage of the area since 2013. This follows an earlier introduction (as of 1973) of German, Austrian and Swiss TV broadcasting in German in South Tyrol as one of the first and most significant minority-protection measures in the field of media. As commendable as this is, the Advisory Committee wishes to point out that foreign broadcasts are ill-suited to transmit issues of interest to local communities interested, *inter alia*, in local affairs affecting them daily.

68. The Advisory Committee regrets to note however that the numerically smaller minorities find access to public broadcasting in their languages much harder. The national broadcasting corporation (RAI) broadcasts no programming in languages of national minorities in Piedmont (where Occitan-language speakers live) and Sardinia, where there is an interest for programmes in Sardinian and Catalan. This is most regrettable.

69. The Advisory Committee notes that between 2008 and 2012 television services underwent the digital switchover and the number of radio and TV channels increased exponentially. This technological change which multiplies the available space on the airwaves by a factor of six, allowed many smaller private operators to enter the market and created increased opportunities for broadcasting in languages of minorities. For example in Sardinia, where the digital transition was completed already in October 2008 the number of local TV channels increased from 16 prior to the analogue switch-off to 18 digital multiplexes with the total of 64 TV programmes and five radio channels. It has to be noted however, that none of these channels is exclusively dedicated to broadcasting in the Sardinian language, although occasionally some programmes are aired in that language on an ad hoc basis. Locally, in the city of Alghero, also located in Sardinia, a private radio and television broadcaster "Catalan TV" broadcasts, thanks to grants provided by pan-Catalonian organisations.

70. According to the State Report a number of radio stations broadcast programmes in languages of national minorities. In particular, the Advisory Committee notes the existence of some broadcasting in Sardinian in the Region of Sardinia, in Friulian in the province of Udine, in Occitan in the Region of Piedmont and in Albanian in the Region of Calabria. Regrettably, the brevity of the information on this issue, in particular on the number of broadcasting hours in these languages, does not allow the Advisory Committee to have a better impression on the adequacy of the existing arrangements. As regards the Friulian language, the State Report provides somewhat more information according to which *Radio Onde Furlane* (a long-established community radio) broadcasts almost exclusively in *marilenghe* (Friulian) while *Radio Spazio 103* broadcasts on average more than three hours per day in the above-mentioned language. In the Piedmont Region one weekly morning programme (*Buongiorno Regione*) devotes some time to Piedmont's linguistic minorities - Occitan, French, Franco-Provençal and Walser. Finally, *Radio Onda d'Urto* located in Brescia has some programming in the Italian language (*La Voce Rom*) devoted to Roma.

71. As regards the printed press, the Advisory Committee notes that German language dailies *Dolomiten* and *Tageszeitung* continue to be published in South Tyrol and a Slovenian-language daily *Primorski dnevnik* is edited in Trieste. Other publications in the Slovenian language include the *Novi Matajur* weekly magazine, the *Gabel* and *Mladika* monthly magazines, the *Dom* magazine (published twice a month). Publications in other languages are edited and published with varying frequency. All of these papers have seen their funding reduced in recent years, as a result of a general drop in State subsidies, which followed corruption scandals around the publications of political parties' daily newspapers (with no direct connection to national minority publications). For example, the funding for *Primorski dnevnik* has been reduced from 3 million Euros in 1991 to 870,000 Euros in 2014. As a result, the paper's accumulated debt reached the sum of 600,000 Euros in 2014. Similarly, the publication of a monthly journal in Occitan appearing since 1974 is seriously jeopardised on account of the lack of funding. The Advisory Committee reiterates the important role of independent and small media outlets to contribute to a pluralist and open media environment that promotes outreach towards a diverse society. It further wishes to stress that the possibility to participate actively in social media and to receive and impart information of interest to persons belonging to national minorities presupposes access to high-speed Internet throughout the country, including in remote areas which are often inhabited by persons belonging to national minorities.

#### *Recommendations*

72. The Advisory Committee encourages the authorities to ensure access of persons belonging to national minorities, including the numerically smaller ones, to printed media, radio and television programmes destined for them, as well as to high-speed Internet.

73. The Advisory Committee further encourages the authorities to increase the available financial support for national minority print media in order to ensure an adequate presence of national minority languages in the print media.

### **Article 10 of the Framework Convention**

#### **The use of minority languages in dealings with administrative authorities**

##### *Present situation*

74. The Advisory Committee notes with satisfaction that the authorities actively continue to promote public use of the languages of recognised linguistic minorities in the municipalities where they live. The fund which has been set up by the Regional Affairs Department, pursuant to Law No. 482/1999, continues to disburse grants to projects submitted by local authorities and local state administrations which aim to guarantee the availability of personnel speaking minority languages at linguistic help desks (*Sportelli linguistici*). The grants are most often used to finance the employment of translators and/or interpreters, training courses for serving personnel or to employ on temporary contracts (lasting a maximum of one year) outsourced personnel capable of communicating in minority languages. The Advisory Committee notes that according to the State Report the funding for this type of project has not been affected by budget cuts and has even seen a noticeable increase from 1,807,260 Euros in 2012 to 1,995,068 Euros in 2014.

75. The right to use minority languages in communication with administrative authorities is most thoroughly respected in the Autonomous Region of Valle d'Aosta/Vallée d'Aoste, and the

Autonomous Province of Bolzano/Bozen (Trentino–Alto Adige/Südtirol Region) where respectively French and German languages are used on an equal footing with Italian. Furthermore, the Ladin language is used in the two valleys in the South Tyrol region inhabited predominantly by Ladins. In both regions, minority languages are used in public meetings, for publication of official documents and in administrative communication with individuals. The Advisory Committee notes in particular the well-developed bi-lingual e-administration in the Trentino–Alto Adige/Südtirol Region.

76. In a number of regions, such as Sardinia and Friuli Venezia Giulia, additional funding for linguistic help desks has been provided by regional authorities. In Sardinia, according to the State Report, a number of municipal linguistic help desks have been set-up to facilitate communication in the Sardinian language and, in the case of Alghero, in Catalan. The Advisory Committee notes with regret that the lack of information on the number of such help desks and on the funding makes it impossible to create an impression on whether such undertakings are adequate to meet the needs of over one million Sardinian-language speakers.

77. In Friuli Venezia Giulia, the Slovenian language is supported with funding provided both by the central and regional authorities. The Advisory Committee notes that, according to the State Report, around 59 linguistic help desks have been in operation assisting persons using this language. Furthermore, a “One-Stop-Shop” has been set up at the Government Commissioner’s Office at the Prefecture of Trieste, enabling Slovenian-language speakers to exercise their right to use their own language in communication with all public administrations thus implementing the relevant provision of the regional Law No. 38/2001. Finally, the meeting rooms in the Municipality of Gorizia have been provided with simultaneous interpretation equipment and the debates are now conducted bilingually. It has to be noted, however, that according to Slovene representatives the progress has been slowed down somewhat by the lack of appropriate linguistic tools, such as the official terminology in the Slovenian language. As a consequence, the e-administration, which has been vastly developed throughout the different administrations, has not kept up the pace as regards minority languages.

78. Regrettably, the Advisory Committee notes that in areas inhabited by numerically smaller linguistic minorities, such as the Albanians, Croats or Greeks, no linguistic help desks have been put in place.

#### *Recommendations*

79. The Advisory Committee encourages the authorities to continue their efforts to promote the use of minority languages by persons belonging to minorities in dealings with the local authorities, as required by domestic legislation and the provisions of Article 10 of the Framework Convention. Adequate steps should be taken to ensure that linguistic help desks are opened in all the municipalities concerned and that these help desks are given the human and financial resources they need to operate effectively.

80. The Advisory Committee calls on the authorities to ensure, when implementing the digitalisation strategy, that persons belonging to the Slovene minority continue to be able to communicate fully in Slovenian including electronically, with all administrative bodies concerned.

### **Article 11 of the Framework Convention**

#### **Surnames and first names in minority languages**

### *Present situation*

81. The Advisory Committee notes that the right to use surnames and first names in official documents in minority languages is territory-based and effectively implemented in the Autonomous Region of Valle d'Aosta/Vallée d'Aoste, the Autonomous Province of Bolzano/Bozen and the Autonomous Region of Friuli Venezia Giulia. Whereas in the first two of the above-mentioned territories, identity documents of all residents are by default issued in the bilingual format (in Italian-French and Italian-German, respectively), in Friuli Venezia Giulia bilingual Italian-Slovenian documents are issued upon request.<sup>27</sup>

82. According to the authorities and the Slovene minority representatives, the problems which had been experienced hitherto with correct spelling of names in the Slovenian language, arising out of computer use of the various diacritical signs specific to that language, have been largely resolved in recent years. Some problems remain however in some branches of specialised administrations, such as the national health service (SSN) and the Office of Motor Vehicles (*Ufficio Motorizzazione Civile* - responsible for the delivery of drivers' licences) not all of which have been equipped with software compatible with the Slovenian language. The Advisory Committee notes that these problems are of a technical nature and can be resolved easily.

83. The Advisory Committee wishes to point out that the existing territory- and language-based legislation leads to unequal and discriminatory treatment of different linguistic minorities. It allows for effective implementation of the right to use surnames and first names in minority languages only in respect of three languages in three territorial units (French in Valle d'Aosta/Vallée d'Aoste, German in the Province of Bolzano/Bozen and Slovenian in Friuli Venezia Giulia). The rights of persons belonging to linguistic minorities residing outside these territories, and of some other smaller linguistic groups residing in Valle d'Aosta/Vallée d'Aoste, the Province of Bolzano/Bozen and in Friuli Venezia Giulia are not respected.

### *Recommendations*

84. The Advisory Committee invites the authorities to review legislative and administrative provisions concerning the right to use surnames and first names in official documents in minority languages to ensure that rights of all persons belonging to national minorities are respected in this regard, irrespective of their place of residence and the particular minority they are associated with. Efforts should be made to ensure that technical obstacles do not undermine effective access to rights.

85. The authorities are invited to raise the awareness on the part of civil registry personnel as well as of those concerned as regards the rights of the persons belonging to national minorities to use minority languages to record their first and surnames in a minority language in the register of civil status and identity documents.

### **Bilingual signs and place names**

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<sup>27</sup> Until 2009, in the four municipalities in the Trieste area that were included in the London Memorandum of 1954 on the Free Territory of Trieste, bilingual identity cards were issued automatically. As of 2009, a decree of the Ministry of the Interior established that in these municipalities bilingual identity documents are to be issued, unless a request is made to have them only in Italian. In all the other municipalities covered by the Law No. 38/2001 the rule is the opposite: the identity documents are issued only in Italian unless a request is made for a bilingual one.



*Present situation*

86. The Advisory Committee recalls its earlier observation that widespread bilingualism has been in place for long time in Italy in some areas inhabited by persons belonging to linguistic minorities, such as the Autonomous Province of Bolzano/Bozen and the Autonomous Region of Aosta Valley. In other territories, traditionally inhabited by numerically smaller linguistic minorities, such as the Albanian minority, the Catalan minority, the Croatian minority, the Ladin minority, the Franco-Provençal speaking minority and the Occitan minority some steps have been taken to introduce topographical indications in minority languages. The funding for introducing topographical signs is provided by the Technical Committee set up to implement Law No. 482/1999. This is welcomed as it eliminates the financial aspect from the local debates and decisions on the desirability of the introduction of bilingual signage.

87. The Advisory Committee welcomes the progress achieved since the adoption of its last Opinion regarding the use of the Slovenian language for local topographical indications and other bilingual indications. It notes however that some administrations, such as the Roads Authority *Azienda Nazionale Autonoma delle Strade/ANAS* are taking their time in introducing bilingual Italian/Slovenian road signs, which is arguing that the deadline introduced by the 2008 regional government decree, pursuant to Law No.°38/2001, obliges it to do so by 2019. Consequently, according to Slovene minority representatives there are no bilingual road signs on the 40 km stretch of the highway running through the territory of Gorizia.

88. The Advisory Committee welcomes the entry into force of Aosta Valley Regional Law No. 4/2011 which clarified the criteria for local names, drawing inspiration from the consolidated centuries-old spelling traditions and derived from archives and the oral traditions of the Valley. Also the signing in September 2013, of a Memorandum of Understanding between the Minister for Regional Affairs and the President of the Autonomous Province of Bolzano on the toponyms to be used on some 1,500 mountain signposts in South Tyrol is to be welcomed. However, the Advisory Committee deeply regrets that attempts are constantly being made to diverge from the principle of bilingualism in signposts and toponyms in South Tirol, irrespective of whether this is done to the detriment of minority or majority languages. The Advisory Committee reiterates its view that on the contrary, the use of bilingualism in signposts conveys the message that a given territory is shared in harmony by various population groups.<sup>28</sup>

*Recommendation*

89. The Advisory Committee invites the authorities to pursue, in consultation with regional authorities and organisations of national minorities, a constructive dialogue with regard to the use of minority languages to indicate place names. In particular the authorities should seek solutions which would allow the display of traditional local names, street names and other topographical indications and signs in places of particular interest to the national minorities.

**Article 12 of the Framework Convention****Teacher training and curricula**


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<sup>28</sup> See Thematic Commentary No. 3 on The Language Rights of Persons Belonging to National Minorities under the Framework Convention, adopted on 24 May 2012, ACFC/44DOC(2012)001 rev., paragraph 67, [www.coe.int/minorities](http://www.coe.int/minorities).

90. The Advisory Committee notes that the availability of teachers capable of teaching a minority language or in a minority language varies greatly depending on the language. Whereas for most languages (including less spoken languages such as Friulian, Ladin, Occitan and Franco-provençal) there seems to be a sufficient number of teachers, hired on stable long term contracts; the teachers of other languages (in particular Croatian, Slovenian and Greek) are employed on a short-term basis or in a bilateral co-operation with states concerned. According to information given to the Advisory Committee, the problems concerning the teacher qualification standards have been resolved for the German, French, Ladin and Slovenian languages and partially resolved for the Friulian language. Apparently, the teacher qualification standards for other languages, in particular, Albanian, Croatian, Greek and Sardinian have still not been resolved. Furthermore, problems persist with regard to training and testing of Slovenian-language teachers which is carried out in Italian, not in the respective minority language.

91. The Advisory Committee notes the increasing availability of textbooks in minority languages. It regrets however to note that the improved access to teaching materials in minority languages coincides with the present financial crisis, which puts the strain on the provision of qualified language teachers. Such is the situation concerning Greek-language teaching in Salento where all ten Greek-language teachers seconded by Greece have returned home at the time when the previously unavailable textbooks for teaching Greek to children whose first language is Italian have finally been produced. It is most regrettable that lack of coordination of possibilities results in a loss of opportunity to capitalise on various initiatives.

92. The Advisory Committee regrets to note that, according to minority representatives, the teaching materials and curricula, in particular used in mainstream education contain very limited information on the languages, history and culture of minorities. It notes, however, that in 2014 the Ministry of Education, University and Research (MIUR) issued new “Guidelines for the reception and integration of foreign students” which defines “the Italian way to the school and cultural integration of foreign students” and establishes a framework and general principles of inclusive education of foreign children. This step is to be welcomed. The Advisory Committee notes, with regret, however, that the recent reform of the education system and the adoption of a new Law on Education have not been used to review the curricula with the view to increasing mutual understanding and intercultural dialogue and promoting integration of society as a whole.

### *Recommendations*

93. The authorities are asked to ensure the adequate provision of qualified teachers of minority languages and/or capable of teaching other subjects in minority languages. Standards for testing teachers’ qualifications should be developed for all minority languages. In this context, special attention should be paid to the needs of persons belonging to the numerically smaller minorities.

94. The authorities are asked to identify, in consultation with national minority representatives, ways to provide the necessary textbooks in minority languages.

95. The Advisory Committee invites the authorities to continue to monitor the visibility of the minority cultures and languages within the Italian education system. Furthermore, the authorities should review the existing curricula to broaden knowledge and awareness of minorities in the educational system, with a view to promoting integration of society as a whole.

## Education of Roma, Sinti and Caminanti children

### *Present situation*

96. The Advisory Committee welcomes the continued sustained efforts made by the central, regional and municipal authorities as well as civil society organisations to promote and ensure access to education for all Roma, Sinti and Caminanti children regardless of their legal status. As a general rule Roma children are not placed in segregated classes or special schools. Although Roma children follow the same curriculum in the same classes as other children significant differences persist in educational outcomes for many of them. These differences can be explained for a large part by the difficult social and housing backgrounds of the students, inaccessibility of schools to children living in isolated “camps” (often located outside the networks of public transportation) and didactic gaps present already at the outset of their schooling, which all lead to marginalisation and increased probability of early school dropout. The authorities’ own research shows that the number of Roma children attending school at all levels of education has been decreasing in the last years.

97. According to research carried out by the Ministry of Education, whereas in the school year 2008/2009, 12,838 Roma children attended kindergarten, primary, lower-secondary and upper-secondary schools, in the school year 2012-2013 their number decreased to 11,899. It is also estimated that those Roma children who attend school, due to a combination of above-mentioned socio-economic factors, are generally not less than three years behind their peers in their education. Furthermore, the authorities estimate that at least 20,000 Roma children of foreign origin, under the age of 12 (for the most part from the Balkans) are not attending school at all. Data aggregated locally in Rome by the Rome Municipality confirms this overview and shows that in the school year 2012/2013, 55% of Roma children attended school regularly, 19% attended without continuity and 17% had never attended.<sup>29</sup> Research conducted by the *Angelo Abriani* Foundation (see also under §122) indicates that illiteracy is more widespread among Roma, Sinti and Caminanti women (25%) than among men (14%) and the percentage of women without any qualification is also higher (40%) as compared to 28% for men.<sup>30</sup>

98. The authorities are well aware of the challenges. The National Roma Integration Strategy identifies the low average level of education of the Roma as one of the main causes of poor living conditions and difficult access to the labour market, in particular for Roma, Sinti and Caminanti women. The Strategy further underlines the need for the adoption of an integrated approach to social inclusion policies as an essential condition for promoting the schooling of Roma children.

99. Within the Strategy the “Project for the inclusion and integration of Roma, Sinti and Caminanti (RSC) children” has been implemented in 13 participating cities (Bari, Bologna, Cagliari, Catania, Florence, Genoa, Milan, Naples, Palermo, Reggio Calabria, Rome, Turin and Venice) in 2013 to develop good practices, which would combat early school dropout among Roma children. In

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<sup>29</sup> See Civil Society Monitoring on the Implementation of the National Roma Integration Strategy in Italy, pg. 57 , referring to “Community of Sant’Egidio, Roma and Sinti: School Dossier, International Day of the Roma” – April 8, 2014, available at [www.santegidio.org/pageID/3/itemID/8899/langID/it/Rom\\_e\\_Sinti\\_Dossier\\_Salute.html](http://www.santegidio.org/pageID/3/itemID/8899/langID/it/Rom_e_Sinti_Dossier_Salute.html).

<sup>30</sup> See Civil Society Monitoring on the Implementation of the National Roma Integration Strategy in Italy pg. 56 and following [www.romadecade.org/cms/upload/file/9773\\_file9\\_it\\_civil-society-monitoring-report\\_en-1.pdf](http://www.romadecade.org/cms/upload/file/9773_file9_it_civil-society-monitoring-report_en-1.pdf) referring to “Extraordinary Commission for the Promotion and Protection of Human Rights, Final report of the survey on the status of Roma, Sinti and Caminanti in Italy (Rome: 2011)”.

order to achieve this aim, schools with an increased presence of Roma children were identified and specific educational support was offered in the classes of the first two years of primary school and the first year of secondary school. The project, which was funded by the National Fund for Social Policy, tested an innovative approach of working simultaneously within the school environment and in the living environments of the students, thus combining academic support with the promotion of the welfare of the child through facilitation of access to local services and health care of the participating families.

100. Another programme “Growing up in cohesion”, which was implemented by the Ministry of Education, identified 26 schools in areas where the risk of school dropouts was especially high among foreign students. The project aimed to combat early school dropouts through the creation of partnerships between schools and social civil society organisations by adopting models and tools for the recovery of young people most at risk of marginalisation, delinquency and illegality.<sup>31</sup> The Advisory Committee regrets that the data on the effects of the two programmes is not available at the moment of adoption of the present Opinion.

#### *Recommendations*

101. The Advisory Committee reiterates its call on the authorities to continue and step up their efforts to support access and effective inclusion of all children from the Roma, Sinti and Caminanti communities in the education system, in consultation with families concerned, regardless of their origins and legal status.

102. The authorities are asked to continue their efforts to address causes for the high dropout rate and underachievement of Roma children and devise strategies, in consultation with the Roma, Sinti and Caminanti communities, aimed at finding solutions to this issue. Specific measures should be taken without delay to support the families concerned and representatives of the Roma, Sinti and Caminanti should be consulted and involved in seeking the most appropriate solutions to the difficulties observed.

### **Article 14 of the Framework Convention**

#### **Availability of minority language education**

##### *Present situation*

103. The Advisory Committee recalls its observations made in the previous monitoring cycles that a solid network of schools offering teaching of or in minority languages exists in Italy. In particular, the Advisory Committee recalls that numerous opportunities for instruction in the minority language are available to the German-speaking and Ladin minorities in the Trentino-South Tyrol region and to the French-speaking minority in the Aosta Valley region. According to a Ministry of Education publication of 2010<sup>32</sup> which provided a detailed overview of the then existing minority language teaching arrangements, there were 2,971 “education points” (schools of all levels,

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<sup>31</sup> MIUR, National Project “Grow in cohesion” in areas of high discomfort in the Regions of Calabria, Campania, Puglia and Sicily. Report of 24 February 2014 to the Board of co-ordination on issues related to education in the implementation of the National Strategy for the inclusion of Roma, Sinti and Caminanti Communities.

<sup>32</sup> See : “*Lingue di minoranza e scuola : A dieci anni dalla legge 482/99*”, published on 11 March 2010, Rome [www.edscuola.it/archivio/statistiche/lingue\\_minoranza\\_scuola.pdf](http://www.edscuola.it/archivio/statistiche/lingue_minoranza_scuola.pdf).

kindergartens, etc.) teaching the languages of all recognised linguistic minorities. According to the available data, in the vast majority of schools minority languages were taught over the whole cycle of education or at least no less than over six years of education. The amount of teaching in a minority language varied from school to school. For example in the five schools teaching in the Croatian language 96% of all subject matters were taught in that language, while for the Ladin language in the Trento Province this indicator was at 66%, for German 47%, for Friulian and Franco-provençal over 30%, for Sardinian, Albanian, Greek, Occitan (in the Piedmont Region) and Slovenian over 15%. There was no teaching in Catalan, French and Occitan (in Calabria), but these languages were taught as subjects.

104. Schools with the Slovenian language of instruction have existed in the provinces of Trieste and Gorizia for over 60 years. The Advisory Committee notes that there has been in the last ten years an improvement in the provision of Slovenian-language teaching. In particular, in the Province of Trieste a network of state schools teaching Slovenian at all levels of education has been expanded and the number of children enrolled in the schools with Slovenian as the language of instruction has increased. The state educational offer is supplemented by non-state and private schools and institutes, including the municipal kindergartens (in the Municipalities of Trieste and Duino-Aurisina), a vocational training institute and a private music school, all of which are financially supported in accordance with the provisions of Law No. 38/2001. In addition, the comprehensive state-run institute of *S. Pietro al Natissone* offers bilingual education in the Slovenian and Italian languages. The Advisory Committee notes that this school is currently being refurbished, with work to be completed in 2016.

105. The Office for Education in the Slovenian Language continues to be the focal point for curriculum development, provision of teaching material and continuous teacher training and administrative management of the staff working at the state-run schools. In addition the Slovenian School Trade Union has been recognised as a representative organisation for the teaching and non-teaching personnel of schools with Slovenian as the language of instruction. The Advisory Committee welcomes the information contained in the State Report concerning the ongoing financial support for the projects submitted by 19 networks of schools for a total of 187,737 Euros in the years 2014-2015. These projects included the development of transferable multimedia pedagogical resources and teaching aids based, among others, on a recreational approach such as the production of music and sound recordings, with the aim of raising their visibility.

106. The Friulian language is taught in kindergartens, and as a subject in primary and junior secondary schools in the provinces of Udine, Gorizia and Pordenone. The Advisory Committee notes that according to the State Report approximately 60% of all children attending school in these municipalities chose to study that language and that some 1,350 teachers are considered to be capable of dispensing education in that language. However, it has to be noted that the teacher qualification is assessed by each school separately as no commonly agreed testing standard has been developed. This raises doubts as to the real proficiency in the Friulian language of all the teachers concerned. In this context, the Advisory Committee welcomes the establishment in 2012 of the Permanent Committee for the Teaching of Friulian within the relevant Central Directorate for Education, University, Research, Family, Voluntary Associations and Co-operation whose task it is to ensure coordination among different institutions involved in the Friulian-language teaching.

*Recommendation*

107. The Advisory Committee calls on the authorities to assess, in consultation with representatives of national minorities, whether the framework for teaching of and in minority languages corresponds to actual needs and take the necessary steps to address any shortcomings.

**Article 15 of the Framework Convention**

**Participation of persons belonging to linguistic minorities at the national and regional level**

*Present situation*

108. The Advisory Committee notes that the situation as regards participation of persons belonging to linguistic minorities in decisions affecting them has remained virtually unchanged since the last monitoring cycle. The umbrella organisation of all recognised historic linguistic minorities “CONFEMILI” represents the interests of its members in particular through participation in the work of the Technical Committee assisting in the implementation of Law No.°482/1999. It has to be noted however that the competencies of the Technical Committee, whose composition is dominated by representatives of government departments and other public provincial, regional and municipal bodies, are very limited. In addition, the Advisory Committee during its visit to Italy observed the predominantly male composition of the Technical Committee. Although the Technical Committee is consulted on issues of interest to minorities, its role in the decision-making process is of a consultative nature only.

109. The Advisory Committee notes that at the regional level, the degree of involvement of national minorities in the decision-making processes varies greatly, depending on the region, its status, legislative arrangements and the historical traditions.

110. The Advisory Committee recalls that in the Bolzano/Bozen province, the system of allocating posts strictly according to the demographic proportion of the three main linguistic groups (Italian-speaking, German-speaking and Ladin communities – see related comment under Article 4) has been in place for many years now and has allowed to make minority participation more effective since each group’s representation in the civil service now approximates to its demographic profile. Furthermore, it is commendable that in exceptional cases derogations are possible in order to allow for certain flexibility in the functioning of the mechanism.

111. The Permanent Institutional Panel on Issues concerning the Slovenian-speaking Minority which was established in 2012 is the main consultative forum for discussions and analysis of issues concerning the implementation of Law No.°38/2001 and other issues related to rights protection. The Advisory Committee is pleased to note that the main representative organisations of the Slovene minority, such as the Joint Institutional Committee for the Slovene Minority, the Slovene Cultural Economic Union and the Confederation of Slovene Organisations, are permanent members of the Institutional Panel. Information on the active role played by the Institutional Panel in addressing problems concerning funding of activities and allocation of subsidies to the publishing sector is particularly welcome.

*Recommendation*

112. The authorities should review the procedures for appointment of representatives of national minorities in the work of the Technical Committee to ensure that the legitimate interests of all

recognised historic linguistic minorities are represented. Furthermore, the composition of the Technical Committee should be more balanced, including as regards gender, to allow effective participation of representatives of minorities on issues affecting them.

### **Consultation and participation of Roma, Sinti and Caminanti**

#### *Present situation*

113. The Advisory Committee notes that although no permanent advisory body has yet been set up through which Roma, Sinti and Caminanti could be consulted on policies and measures adopted with regard to them, key representative Roma, Sinti and Caminanti organisations have been consulted on the National Strategy for the inclusion of Roma, Sinti and Caminanti Communities 2012-2020, following the designation in 2011 of UNAR as the National Contact Point for Roma Integration Strategies.

114. It has to be noted however that some representatives of Roma, Sinti and Caminanti considered that the invitation extended to them to take part in consultations was rather formalistic, extended out of politeness and political correctness rather than out of genuine interest to hear their views. In particular, Roma representatives complained that they were involved only at the final stages of the drafting process, were often asked to participate only in parts of the meetings which their interlocutors considered “relevant”. Such a “top-down” approach was regarded to be not very inclusive and disrespectful of the Roma, Sinti and Caminanti communities.

115. Roma, Sinti and Caminanti representatives have also expressed their reservations as regards the manner in which they are involved in the implementation of the Strategy. In fact, they are invited by the National Focal Point to participate in the meetings of the thematic workshops or of working groups set up under the Strategy on an *ad hoc* basis, at the discretion of UNAR. At the regional level, it is very much the same. Local Roma organisations are invited to the meetings of regional workshops according to criteria which are not clear or understood by the organisations or civil society. The Advisory Committee notes in this context that, notwithstanding the existing fragmentation and continual evolution of Roma civil society, which makes at times the consultation process time-consuming and difficult, all relevant groups are entitled to be consulted at all stages of the process.

#### *Recommendation*

116. The Advisory Committee calls on the authorities to ensure, in due consultation and with the active participation of local authorities and Roma, Sinti and Caminanti representatives, the implementation of the National Strategy for the inclusion of Roma, Sinti and Caminanti Communities 2012-2020. Efforts should be made to involve representatives of these communities in all stages of planning, implementing and evaluating policies and measures adopted in the framework of the Strategy.

117. Far more determined efforts should be made to find ways and means to improve substantially the participation of persons belonging to the Roma, Sinti and Caminanti communities, including women, in decision-making processes. The authorities should ensure that the Roma, Sinti and Caminanti and their organisations are treated as key partners in all governmental programmes aimed at improving their situation.

### Effective participation in socio-economic life

118. The unemployment rate among Roma remains unacceptably high and shows no signs of decreasing. According to a survey commissioned by the European Union Agency for Fundamental Rights (FRA) it is estimated that only one in ten Roma aged 20 to 64 has a paid employment. An estimated half of the working age Roma men are self-employed, carrying out independent work as metal collectors and itinerant tradesmen, of whom 50% are working in the grey-zone in an undeclared manner. Reportedly, the unemployment rate among Roma women is even higher. This has significant negative repercussions on the social security of the Roma families. The lack of legal income has a knock-on effect on the residence permits for foreign Roma, who must demonstrate to the authorities certified legal employment or a self-certified annual income of more than 6,000 EUR in order to reside in the country for more than three months. Also, according to some Roma the Advisory Committee spoke to, the lack of certified income endangers Roma families in as much as their children risk being placed into care on the basis of the extreme material deprivation of their parents. While noting that the authorities are obliged to ensure the well-being and security of minors, the Advisory Committee notes that the internal community support and extended family bonds need to be factored in before making any decision impacting on families, in particular concerning the placement of minors in alternative care.

119. In this context, the Advisory Committee notes that the National Roundtable on Labour, which met for the first time in January 2014, proposed to launch an experimental programme to promote access of disadvantaged and discriminated persons to the labour market under the Convergence Objective for regions of Campania, Calabria, Puglia and Sicily. The project was to offer traineeships to 80 Roma. The Advisory Committee has no information on the success rate of the project. It notes however that, four months after its launching, i.e. in April 2014 no activities have been initiated. It is similarly difficult to evaluate the success rate of other projects such as the programme to combat undeclared work and the personal carer training programme. As the funding for such initiatives is not “Roma-specific” the number of Roma who participated in the projects and the relevant percentage of ‘success’ is not known.

120. Roma continue to face obstacles in access to health facilities and their health status and life expectancy are inferior compared to non-Roma. It is estimated that Roma life expectancy is ten years lower than that of the average for the general population and the infant mortality rate for Roma children is at least twice as high as the national average

121. Access to health services for Roma depends on their legal status. Roma, who are Italian citizens, as well as non-EU immigrants with valid residence permits, are automatically covered by the national health system (*Servizio Sanitario Nazionale/SSN*). Legally employed EU citizens and their family members are also entitled to the services of the SSN. Other categories of foreigners can receive emergency or essential treatment including paediatric care, obstetric care, vaccination and free drug prescriptions. However it is to be noted that Roma living in informal settlements are often not aware of their rights.

122. The Advisory Committee notes that in authorised camps, such as the *Panareo* camp in Lecce, all residents of the camp are covered by health insurance and a dispensary located at the camp is being constructed. The authorities are aware of the shortcomings and challenges faced by the Roma who live in such a remote location without convenient transportation services, in particular as



regards women's health (gynaecological care, breast cancer prevention - access to mammograms - and cervical cancer prevention), which cannot be arranged on the spot and require access to specialised clinics. In this context the Advisory Committee notes that research conducted in 2012 by the Milan-based Charity Foundation *Angelo Abriani* found that more Roma, Sinti and Caminanti women than men declared ill-health. Transportation of Roma children to schools is also an issue which requires the constant attention of the authorities (see further comment under Article 12).

*Recommendation*

123. The Advisory Committee reiterates its call on the authorities to take effective measures as a matter of urgency to find solutions, in consultation with Roma, Sinti and Caminanti representatives, to the serious problems affecting housing, employment and access to health services, to enable them to enjoy decent living conditions.

**Article 16 of the Framework Convention**

**Territorial reform**

*Present situation*

124. The Advisory Committee notes that a comprehensive reform of the local government is being carried out in Italy. In particular, Law No.°56/2014 has changed the nature and part of the functions of the provinces, so that their bodies are now composed of municipal representatives and no longer directly elected by the citizens. In some special Regions, such as Friuli Venezia Giulia and Sicily, regional laws have also *de facto* abolished the provinces. The process will be completed by the elimination of the provinces as an autonomous level of government by means of the wide-ranging constitutional reform which is currently under examination in Parliament. Furthermore, several financial and legislative incentives are being put in place to facilitate the merging of municipalities and debates are taking place even on possible merging of some regions.

125. The Advisory Committee was informed that no specific consultation was carried out with minority representatives on these changes. While it acknowledges that state parties have a sovereign right to change their territorial structures and administrative borders, they are obliged by Article 16 of the Framework Convention to assess the impact of such changes on the rights of persons belonging to national minorities and in particular to refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities.

*Recommendation*

126. The Advisory Committee calls on the authorities, in the process of reforming the country's territorial structure and administrative borders, to prevent any possible negative impact of such reforms on the rights of persons belonging to national minorities, and to effectively consult with representatives of affected minority communities.

### III. CONCLUSIONS

127. The Advisory Committee considers that the present concluding remarks and recommendations could serve as the basis for the resolution to be adopted by the Committee of Ministers with respect to the implementation of the Framework Convention by Italy.

128. The authorities are invited to take account of the detailed observations and recommendations contained in Sections I and II of the Advisory Committee's Fourth Opinion. In particular, they should take the following measures to improve further the implementation of the Framework Convention:

#### **Recommendations for immediate action<sup>33</sup>**

- **take urgent steps to elaborate and adopt without delay a specific legislative framework, at national level, for the protection of Roma, Sinti and Caminanti with due consultation of representatives of these communities at all stages of the process; make sustained and effective efforts to prevent, combat and sanction the inequality and discrimination suffered by the Roma, Sinti and Caminanti, particularly women and girls; improve the living conditions of persons belonging to these communities, in particular by creating conditions which would allow residents to move out of the camps commonly referred to as "nomad camps" (both "authorised" and "unauthorised") to adequate social housing; ensure that all Roma, Sinti and Caminanti children, irrespective of their status have full access to and are fully included in mainstream education; take resolute measures to combat early school dropout and underachievement;**
- **review without further delay the mandate and statute of UNAR with a view to strengthening its competencies and continue to make available all the resources needed for it to operate efficiently and independently, in accordance with the Paris Principles;**
- **improve access of persons belonging to national minorities, including the numerically smaller ones, to radio and television programmes particularly relevant for them, and ensure the provision of high-speed Internet to facilitate media access in remote areas also; continue supporting sustainable development of the printed media published in languages of linguistic minorities;**
- **provide adequate funding for teaching of and in national minority languages and ensure appropriate provision of qualified teachers and textbooks; pay special attention to the needs of persons belonging to the numerically smaller minorities.**

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<sup>33</sup>The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

Further recommendations<sup>34</sup>

- promote tolerance and respectful attitudes amongst the majority population and increase efforts to combat all forms of intolerance, racism, xenophobia and hate speech; take further legislative measures and implement policies to combat racist manifestations, including in the media, at sporting events and in the political arena;
- consult representatives of the Roma, Sinti and Caminanti communities, including women, in all projects and activities concerning them, in particular those implemented in the framework of the National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities 2012-2020, at national, regional and local levels;
- increase funding for projects aiming to maintain and develop the cultural heritage of linguistic minorities; pay particular attention to the actual needs of persons belonging to the numerically smaller minorities;
- make sustained efforts to promote the use of minority languages by persons belonging to minorities in dealings with the local administrative authorities; ensure that linguistic help desks are opened in all the municipalities concerned and that these help desks are given the human and financial resources they need to operate effectively;
- review the procedures for appointment of representatives of national minorities in the work of the Technical Committee set up to implement Law No. 482/1999 to ensure that legitimate interests of all recognised historic linguistic minorities are represented; review the composition of the Technical Committee with the view to giving greater say to representatives of minorities on issues affecting them and ensuring gender balance within the Committee.

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<sup>34</sup>The recommendations below are listed in the order of the corresponding articles of the Framework Convention.