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

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### **Third Opinion on Italy adopted on 15 October 2010**

#### **EXECUTIVE SUMMARY**

Italy has continued to support the preservation and the development of the linguistic and cultural identity of persons belonging to linguistic minorities. Well-established systems of protection are in place and bilingualism is guaranteed in areas such as the Autonomous Province of Bolzano - South Tyrol and the Aosta Valley. Several other regions or provinces, such as the Friuli Venezia Giulia region, have adopted regional laws for the protection of linguistic minorities. In addition, improvements have been noted in the functioning of institutional structures set up to support the implementation of the new legislation,

The implementation of legal guarantees existing in this field has nevertheless been negatively affected by substantial financial cuts and the delayed transfer of funds by the central government, as well as insufficient commitment by certain authorities. The impact of austerity measures on the preservation of their identity is, for persons belonging to linguistic minorities, in particular the numerically-smaller ones, a serious source of concern.

While certain measures have been taken by some authorities, the situation of the Roma and Sinti has seriously deteriorated and remains a source of deep concern. In the absence of specific legislation at national level and of a comprehensive strategy for their protection, these persons continue to face poverty, hostility and systematic discrimination in most sectors. Although only very few Roma and Sinti share a nomadic lifestyle, they continue to be placed in 'camps for nomads', which perpetuates their segregation and marginalisation. The approach of the authorities to the problems faced by the Roma and Sinti, marked by the use of emergency orders and punitive rather than constructive measures, is not in line with the principles of the Framework Convention. Certain measures taken in the last few years, including the population 'census' conducted in 2008 in the 'camps for nomads', are particularly problematic from the human rights' perspective.

In recent years, Italian society has experienced a particularly worrying increase in racist and xenophobic attitudes, including extreme violence in some cases, towards persons belonging to vulnerable groups such as the Roma and Sinti, migrants, asylum-seekers and refugees. Such hostile attitudes are sometimes found also at institutional level and they are increasingly present in political discourse and the media, as well as on the Internet and during sport events. Frequent cases of abuse and violence committed against persons belonging to these vulnerable groups by law enforcement officers are a source of deep concern. This requires urgent, firm and effective action on behalf of the authorities at all levels.

#### **Issues for immediate action**

- **Adopt and implement effectively a specific legislative framework and a comprehensive strategy of integration and protection of Roma and Sinti, in consultation with their representatives, and taking adequately into account the differences existing within these communities;**
- **Ensure by means of urgent measures adequate living conditions for the Roma and Sinti living in camps and guarantee the Roma and Sinti equal access to housing, employment, education and health care; put an end to the undue use of emergency and security measures in tackling the situation of the Roma and Sinti;**
- **Prevent, combat and sanction effectively all forms of discrimination, intolerance, racism and xenophobia, including at institutional level and in political discourse; prevent and combat, while fully respecting the editorial independence of the media, the spread of prejudice and racist language through the media, as well as on the Internet and in sports events;**
- **Ensure that the current economic crisis and related budgetary cuts do not have a disproportionate impact on measures to support persons belonging to minorities.**

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

**THIRD OPINION ON ITALY**

1. The Advisory Committee adopted the present Opinion on Italy 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 State Report (hereinafter the State Report), received on 21 December 2009, and other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during its visit to Trieste, Udine, Gorizia and Rome, from 21 to 24 June 2010.
2. Section I below contains the Advisory Committee's main findings on key issues pertaining to the implementation of the Framework Convention in Italy. These findings reflect the more detailed article-by-article findings contained in Section II, which covers those provisions of the Framework Convention on which the Advisory Committee has substantive issues to raise.
3. Both sections make extensive reference to the follow-up given to the findings of the monitoring of the Framework Convention, contained in the Advisory Committee's first and second Opinions on Italy, adopted on 14 September 2001 and 24 February 2005 respectively, and in the Committee of Ministers' corresponding Resolutions, adopted on 3 July 2002 and 14 June 2006.
4. The concluding remarks, contained in Section III, could serve as the basis for the Committee of Ministers' forthcoming conclusions and recommendations on Italy.
5. The Advisory Committee looks forward to continuing its dialogue with the authorities of Italy 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. The Advisory Committee would also like to bring to the attention of state parties that on 16 April 2009, the Committee of Ministers adopted new rules for the publication of the Advisory Committee's Opinion and other monitoring documents, aiming at increasing transparency and at sharing the information on the monitoring findings and conclusions with all the parties involved at an early stage (see Resolution CM/Res(2009)3 amending Resolution (97) 10 on the monitoring arrangements under Articles 24-26 of the Framework Convention for the protection of National Minorities).

## **I. MAIN FINDINGS**

### **Monitoring process**

6. Italy has maintained its constructive approach to the Framework Convention's monitoring process. The Advisory Committee however regrets that no follow-up seminar has been organised by the authorities to discuss the implementation of the Framework Convention, although such a seminar was held by Italy in the context of the first monitoring cycle. The Advisory Committee again wishes to point out that such conferences are an example of good practice in that they allow the representatives of national minorities to be consulted properly on the measures envisaged by governments in order to give follow-up to the Advisory Committee and Committee of Ministers' recommendations. It trusts that such follow-up seminars will be convened in future. The Advisory Committee notes that its second Opinion, the Government's Comments and the second Resolution of the Committee of Ministers were translated into Italian and circulated to the minorities.

7. The Advisory Committee notes that the 3<sup>rd</sup> State Report of Italy, due on 1 March 2009, was received on 21 December 2009. It is pleased to note that representative associations of some linguistic minorities were provided with the opportunity to express their views on the progress made by Italy in the implementation of the Framework Convention and that their written contributions were appended to the State Report. It hopes that more extensive consultations, with further minority associations, will be held in future and that the State Report will also reflect the views of the minorities.

8. The Advisory Committee wishes to indicate that, in the light of the complex system of minority protection that exists in Italy and of the information available in the State Report, it has focused, in this Opinion, on the situation of persons belonging to linguistic minorities that it met in the Friuli Venezia Giulia region, as well as of those belonging to numerically-smaller minorities and to the Roma and Sinti communities. At the same time, the Advisory Committee acknowledges the existence, in Italy, of a well-established and complex - although asymmetric - system of protection of persons belonging to linguistic minorities, with particularly advanced schemes of protection and bilingualism guaranteed in geographical areas such as the Autonomous Province of Bolzano - South Tyrol and the Aosta Valley. It makes reference to the comments it made in this respect in its previous Opinions on Italy.

9. The Advisory Committee visited Italy from 21 to 24 June 2010. This visit, at the invitation of the Italian Government, provided an opportunity for direct talks with different stakeholders involved in the implementation of the Framework Convention. The additional information obtained from the Government and other sources, including the representatives of minorities, proved particularly valuable. Meetings were held not only in Rome, but also in Trieste, Udine and Gorizia. The Advisory Committee strongly welcomes the particularly constructive spirit of co-operation shown by the regional and local authorities met during the visit. It trusts that these authorities, as well as the central government, will pursue such an open approach to the monitoring process in future.

### **Progress on implementation of the Framework Convention after two cycles of monitoring**

10. Since the entry into force of the Framework Convention in respect of Italy in March 1998, the authorities have continued to make efforts to ensure adequate implementation of this Convention in respect of the persons belonging to linguistic minorities. It is commendable that the Roma and Sinti have been included in these efforts. The decentralisation process and the

various systems of autonomy in place in Italy have had, in general, a positive impact on the situation of these persons and on the preservation and development of their specific culture and identity.

11. The legislative framework for minority protection has been broadened, in particular at the regional level, and some positive steps have been noted with regard to the functioning of institutional structures set up as part of the implementation process of the new legislation.

12. Positive developments have been reported at local and regional levels in the various sectors of interest for linguistic minorities. In the Friuli Venezia Giulia region, the demarcation of municipalities traditionally inhabited by the Slovene minority has been completed. More generally, the dialogue on and the climate surrounding the protection of linguistic minorities and the preservation of their identities had undergone a positive evolution in the regions and provinces concerned.

13. However, shortcomings persist in the actual implementation of the legislation in force and an increasing gap has been reported between the needs within the communities of linguistic minorities and the resources made available by central authorities. In recent years, considerable financial cuts and delayed transfers of funds have resulted in difficulties and delays in the implementation of legal guarantees relating to the public use of minority languages, teaching of and/or in these languages, minority language broadcasts and cultural development of the minority communities. The impact of budgetary austerity measures linked to the current economic crisis is a source of serious concern, in particular for the numerically-smaller minorities. Although there are diverging views amongst authorities of different levels on the importance and impact of past financial cuts, it is essential that such measures do not disproportionately affect in future minority protection policies.

### **Protection of Roma and Sinti under the Framework Convention**

14. As far as the Roma and Sinti are concerned, very little progress has been observed. The measures taken to improve their social and economic situation and to reduce disparities between them and the rest of the population have had very limited scope and impact, since they are almost exclusively taken at the local level or by some NGOs. In the absence of specific legislation at national level and of a comprehensive strategy for their protection, their situation has seriously deteriorated and these persons are currently facing poverty, hostility and systematic discrimination in most sectors. Firm measures must be taken as a matter of priority to address effectively the difficulties faced by the Roma and Sinti, in consultation with representatives of these communities. The authorities' general approach to the problems faced by the Roma and Sinti and certain measures taken in the last few years in their respect, including the population 'census' conducted in 2008 in the 'camps for nomads', are particularly problematic from the human rights' perspective. In particular, it is of key importance to favour systemic and comprehensive policies rather than emergency measures in dealing with the situation of these persons and to avoid undue focus on the security aspect of a much more complex issue.

### **Legislative framework and institutional structures**

15. The adoption by several regions or provinces, such as the autonomous province of Trento, the Piedmont region and the Friuli Venezia Giulia region, of regional laws for the protection of linguistic minorities living in these territories is a key development welcomed by the Advisory Committee. Regrettably, there is still no specific legislative framework, at national level, for the protection of the Roma and Sinti.

16. Progress has been reported with regard to the consultation of linguistic minorities at the regional level, through consultation bodies such as the Joint Committee on the Slovene Minority. Nevertheless, participation of persons belonging to numerically-smaller linguistic minorities in socio-economic planning bodies remains limited.

17. It is highly regrettable that there are still no consultation bodies or procedures for the Roma and Sinti communities.

### **Combating discrimination and racism**

18. Italy has taken new steps to improve the anti-discrimination legislative and institutional framework and strengthen prevention and protection against racism. Measures and programmes aimed at promoting cultural diversity, raising awareness of human rights, tolerance and intercultural dialogue, have been implemented by the authorities and the NGOs. The relations between persons belonging to linguistic minorities and the majority are characterised, in general, by tolerance and mutual respect.

19. The implementation of the principles of equality and non-discrimination has proved particularly problematic, especially in respect of Roma and Sinti and persons belonging to other vulnerable groups, such as migrants, refugees and asylum-seekers. An increasing number of cases of discrimination have been reported in recent years in access to employment and housing, public services, media and education. The Office for the Promotion of Equal Treatment and the Fight against Racial Discrimination (UNAR) is still faced with a shortage of human and financial resources and a national institution for the protection of human rights is still to be created. More effective steps are also needed to increase public awareness of legislative safeguards and available remedies in the field of protection against discrimination.

20. More generally, Italian society has experienced, in recent years, a substantial deterioration in intercultural dialogue and a particularly worrying increase in racist or xenophobic attitudes, including extreme violence in some cases, towards persons belonging to vulnerable groups such as Roma and Sinti, Muslims, migrants, refugees and asylum-seekers. Such hostile attitudes are sometimes found also at institutional level and they are increasingly present in political discourse and the media, as well as on the Internet and during sport events. This situation is not compatible with the Framework Convention and requires urgent, firm and effective action on behalf of the authorities at all levels.

### **Support for the preservation and development of minority languages and culture**

21. The authorities have continued to provide support at different levels, under Law 482/99, for the preservation and development of the linguistic, historical and cultural heritage of linguistic minorities. Nevertheless, recent financial cuts and the impact of budgetary austerity measures on the preservation and development of their identity, is a source of serious concern for the representatives of linguistic minorities.

22. Notwithstanding considerable developments, shortcomings remain in the implementation of Law 38/01 on the protection of the Slovene linguistic minority. The numerically-smaller minorities also report serious difficulties in promoting their specific identities and keeping their associations operational. While a number of commendable projects have been implemented with the support of international institutions and local NGOs, too limited consideration has been given by the authorities to the needs of the Roma and Sinti in this field.

### **Access to the media and presence in the media by persons belonging to minorities**

23. It is commendable that persons belonging to linguistic minorities, in particular the German and the French speaking minorities, continue to enjoy broad access to the media in their own language, both locally produced and from abroad.

24. Delays and shortcomings are however reported in the implementation of the legal guarantees available in the field of the media, for persons belonging to minorities, in the Friuli Venezia Giulia region. In particular, reception problems of RAI's Slovene language broadcasts in some areas have still not been resolved. Radio and television broadcasting in Friulian also needs increased support by the central authorities.

25. Numerically-smaller minorities also face serious problems in their efforts to acquire adequate media presence and ensure the sustainability of their publications. In addition, efforts should be made to enable equal access to and an adequate presence of Roma and Sinti in the media.

### **Public use of minority languages**

26. Efforts have been made at regional and local levels - in the Friuli Venezia Giulia region and the provinces of Trieste, Udine and Gorizia, as well as in several other regions, such as Piedmont and the Autonomous Province of Trento - to strengthen the use of minority languages in the public sphere. Although there remains scope for improvement, positive developments have also been noted regarding the use of minority languages, such as Slovene and Friulian, for local topographical indications.

27. Notwithstanding the progress noted in this field, the public use of minority languages is still considered to be insufficiently developed to meet existing needs. Linguistic help desks (*sportelli linguistici*) are yet to be opened in some municipalities and those in place require increased resources. Shortcomings have also been reported in some areas with regard to the use of minority languages for local topographical indications.

### **Teaching of and in minority languages**

28. Italy has continued to make efforts to develop and strengthen teaching of and/or in minority languages, including through bilateral co-operation. In the regions and provinces concerned, a solid network of schools is offering children belonging to linguistic minorities good opportunities for learning their own languages and in some cases tuition in this language. Efforts have also been made in the last few years, especially at the local level, to promote access to education for Roma and Sinti children and improve their integration into the school system. Regrettably, few steps have been taken to increase intercultural dialogue through education. Teaching materials and curricula still contain only limited information on the languages and culture of linguistic minorities.

29. Shortcomings continue to be reported with regard to the availability of qualified teachers and quality textbooks for minority education. In addition, the shortage of resources and a number of measures planned as part of the 2008 education reform - measures that might result in fewer opportunities for teaching of/in the minority language - have raised concerns among minority communities.

30. Despite the efforts made by some authorities, the situation of Roma and Sinti in the field of education continues to be particularly worrying, with high numbers of children remaining outside the education system, increased absenteeism, as well as a particularly high drop-out rate after primary school.

**Participation by persons belonging to minorities**

31. Progress has been noted regarding participation by persons belonging to minorities, such as the Slovenes in the Friuli Venezia Giulia region, in public life at the regional and local level. More generally, a wide range of mechanisms are available to enable the participation of these persons in decision-making, under the various systems of decentralisation and autonomy that exist in Italy.

32. It would appear that participation by persons belonging to minorities in decision-taking at national level appears to remain limited. The authorities at different levels should also promote more effectively the presence of such persons in the civil service, elected bodies, as well as in socio-economic planning bodies.

33. While progress has been noted in this respect, the participation of minority representatives in the Technical Committee assisting in the implementation of Law 482/99 could be made more effective. Minority representatives also consider that establishing a single structure, within the executive, to coordinate minority policies would help improving government action in this field as well as institutional dialogue with minority associations.

34. Participation in public life by the Roma and Sinti remains very limited at all levels. In spite of the particularly serious problems and the discrimination faced in most sectors by persons belonging to these communities, no consultation mechanisms have yet been set up to consult them on measures adopted with regard to them.

## II. ARTICLE-BY-ARTICLE FINDINGS

### Article 3 of the Framework Convention

#### Scope of the Framework Convention

##### *Recommendations from the two previous cycles of monitoring*

35. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to take all the necessary measures to ensure prompt implementation of Law 38/01 of 23 February 2001 on the protection of the Slovene linguistic minority of the Friuli Venezia Giulia region (hereinafter ‘Law 38/01’) in the municipalities concerned. More generally, the authorities were encouraged to be flexible in their approach to the territorial scope of legislation on the protection of national minorities, especially with respect to Law 482/99 of 15 December 1999 ‘establishing a legal framework for protection of historical linguistic minorities’ (hereinafter Law 482/99).<sup>1</sup>

36. The authorities were encouraged to consider introducing a mechanism to gather practical information and statistical data on the implementation of Law 482/99. They were also invited to pursue their efforts to collect relevant statistical data on Roma and Sinti with a view to adopting a strategy and appropriate protection measures for these persons.

##### *Present situation*

37. The Advisory Committee notes that the process of identifying the geographical areas (municipalities) meeting the requirements to be covered by the provisions of Law 38/01 on the protection of the Slovene linguistic minority has continued in the Friuli Venezia Giulia region, and, as mentioned in the State Report, the number of the concerned municipalities increased by seventy-five between June 2004 and the end of December 2008. In addition, solutions have also been found, with the help of the Joint Committee on the Slovene Minority, to the previously reported problems concerning the demarcation of municipalities traditionally inhabited by the Slovene minority. In particular, a presidential decree of 12 September 2007 confirmed the presence of Slovene-speaking communities in the central areas of the municipalities of Trieste and Gorizia and in the town of Cividale, and these areas now form part of the territories protected by Law 38/01. The Advisory Committee welcomes these developments and especially the fact that the authorities see identification of the relevant areas and populations as a continuous and dynamic process.

38. In this connection, the Advisory Committee’s attention has been drawn to the controversy surrounding the inclusion of populations living in the Resia, Natisone and Torre valleys (province of Udine) in the measures adopted to protect the Slovene minority. Differing views exist among the authorities, and also, it seems, among the populations concerned, as to whether they actually belong to the Slovene-speaking minority. Representatives of the Slovene minority believe that the language spoken by the persons concerned is an older dialect of Slovene which has been preserved in this form because there has been no instruction in Slovene in these municipalities. They are deeply concerned about the positions taken on this matter (in some media in the province of Udine) by a number of officials involved in local and regional politics. According to the representatives of the Slovene minority, these positions tend to deny that the persons concerned are part of the Slovene-speaking minority and entitled to the relevant

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<sup>1</sup> The scope of Law 482/99 is laid down in its section 2: ‘The Republic shall protect the languages and cultures of the Albanian, Catalan, Croatian, German, Greek and Slovene populations as well as the populations speaking French, Franco-Provençal, Friulian, Ladin, Occitan and Sardinian’. Although the Roma and Sinti fell outside the scope of Law 482/99 when it was passed by Parliament, following the Advisory Committee’s recommendations, the Government considers that persons belonging to these communities can also be covered by measures of protection under the Framework Convention.

protection, thus conveying a diminished and fragmented image of the Slovene minority. At the same time, the Advisory Committee notes that certain inhabitants of Resia consider themselves to constitute a group with an identity distinct from that of Slovenes and would be interested, as such, in the protection of the Framework Convention.

39. The Advisory Committee wishes to recall that, pursuant to the principle of free self-identification enshrined in Article 3 of the Framework Convention, ‘every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice’. It believes that, in order to gear their policies more effectively to the choices of the persons concerned, local, regional and/or central authorities should open a dialogue with these persons and ensure that, both in this dialogue and in their protection policies, the self-identification principle is fully respected.

40. The Advisory Committee takes note of the position adopted by Italy’s Constitutional Court in relation to regional legislation on the protection of linguistic minorities. It acknowledges that, in its decision on a regional law promoting the Friulian language,<sup>2</sup> the Court has also expressed a position, albeit indirectly, on the personal scope of application of the Framework Convention in Italy and the limits on regional authorities in this respect. In particular, the Constitutional Court has clearly stated that the regions do not have the power to add other languages or linguistic minorities to the list of languages or linguistic minorities officially recognised and protected by the Italian State under Law 482/99.<sup>3</sup>

41. The Advisory Committee acknowledges that the division of powers between different levels of authority is entirely a matter for the State Parties and that the latter have a margin of discretion in deciding which groups or persons are entitled to protection under the Framework Convention. At the same time, it wishes to emphasise that only an open and flexible approach to the scope of application of the FCNM can suitably reflect the complex demographic, linguistic and cultural realities that exist across the country and properly meet existing needs, in accordance with the principles of the Framework Convention.

#### *Recommendations*

42. The Advisory Committee invites 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.

43. More generally, the authorities are encouraged to maintain a flexible approach to the Framework Convention, so that other persons having shown an interest in the protection provided by this Convention, may, where appropriate, be included within its scope.

### **Status of Roma and Sinti**

#### *Recommendations from the two previous cycles of monitoring*

44. Whilst welcoming the fact that the authorities consider that Roma and Sinti can be covered by measures of protection under the Framework Convention, the Advisory Committee encouraged the authorities to take the necessary legislative measures without delay in order to ensure statutory protection for these persons throughout the country. It further encouraged the

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<sup>2</sup> Friuli Venezia Giulia Regional Law No. 29 of 18 December 2007 on the protection, development and promotion of the Friulian language.

<sup>3</sup> Constitutional Court Decision 159/2009 on the Friuli Venezia Giulia Regional Law No. 29 of 18 December 2007.

authorities to step up their efforts to bring about tangible improvements in the situation of these persons, including those who were not citizens of the European Union.

*Present situation*

45. The Advisory Committee notes with concern that, although the authorities have pledged in the past to protect Roma and Sinti through specific legislation, Italy still has no legislative framework at national level for protecting these communities. Several draft laws have been submitted to the Parliament, but no practical progress has been made. The Advisory Committee wishes to recall that, inasmuch as the protection afforded by Law 482/99 is territory-based, Roma and Sinti, who are considered to be a nomadic population by the Italian authorities, are not covered by its provisions.

46. The Advisory Committee would like to point out that considerable differences exist within the different communities of Roma and Sinti and that many groups prefer a sedentary lifestyle and travel only if they are unable to find permanent accommodation. The Advisory Committee believes it important that the authorities avoid, in the absence of appropriate consultation, considering all persons belonging to the Roma and Sinti communities as nomadic. It considers that the various ways of life and specific situations existing within these communities require a more nuanced approach on the part of the authorities.

47. The Advisory Committee believes that adoption of specific legislation to protect Roma and Sinti, without necessarily including these groups in the list of officially recognised linguistic minorities, would be of benefit to all concerned. For the communities affected, it would afford clear and specific legal guarantees for the implementation of their fundamental rights and of the principle of full and effective equality. For the authorities in charge of adopting policies to protect these persons, it would provide a coherent framework based on a comprehensive approach and a clear division of responsibilities.

*Recommendation*

48. The Advisory Committee urges the authorities at all levels to take all the necessary steps to elaborate and adopt without delay specific legislative framework, at national level, for the protection of Roma and Sinti. Representatives of these communities should be duly consulted as part of this process.

**Ethnic data collection**

*Recommendations from the two previous cycles of monitoring*

49. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to consider introducing a mechanism to gather practical information and statistical data on implementation of Law 482/99 as guidance for their policies on minorities.

50. The authorities were also invited to pursue their efforts to gather relevant statistical data on Roma and Sinti with a view to facilitating the preparation of a strategy and appropriate protection measures for these persons.

*Present situation*

51. The Advisory Committee regrets that a proper overview of the composition of the population and current demographic changes is not entirely available. It also notes the absence, in the context of population censuses, of a question on ethno-linguistic affiliation, as well as the fact that both the authorities and minorities are divided on the desirability of including such a question in future. This information is nevertheless essential for planning, implementing and evaluating measures for the application of legislation on the protection of minorities.

52. In the absence of specific legislation authorising and governing the collection of such data, various means are used at different levels to remedy this lack of information: sociological surveys and research, studies by individual ministries or NGOs, etc. Under special legislation, statistical information on the number of persons belonging to linguistic minorities is gathered in two provinces: the Autonomous Province of Bolzano – South Tyrol (a mandatory question on individuals’ linguistic affiliation) and Trento (an optional question).

53. With regard to the declaration of linguistic affiliation in the Autonomous Province of Bolzano - South Tyrol, the Advisory Committee is pleased to note that in 2005, immediately after the adoption of its previous Opinion on Italy, the system changed. Decree no. 99/2005 makes now the declaration anonymous as a rule and limits the cases when it must be disclosed. It also makes it possible to change the declaration, at any time, although in this case the effects of the new declaration only come into force after 18 months. Nevertheless, the new system continues to make the affiliation to one of the three recognized linguistic groups (German, Italian or Ladin) an obligation, with serious consequences arising for not complying, especially in areas such as access to the labour market or political rights; this is a source of concern. However, the Advisory Committee is pleased to note that the new system represents an improvement compared to the previous situation.

54. The Advisory Committee notes with deep concern the serious criticism prompted by the *de facto* ‘census’ organised by the Italian authorities in 2008 to obtain information on the population living in ‘camps for nomads’. The fact that, even though the authorities refuse to admit it, this ‘census’ targeted Roma and Sinti, the manner of its organisation, and especially the climate in which it was carried out, drew extremely critical responses from Roma associations, national and international NGOs working in the human rights field and many international organisations. In addition, the fact that it comprised photographing and fingerprinting of children raised many questions concerning respect for the human rights of the individuals concerned and for international standards on the protection of personal data.<sup>4</sup>

55. While informed of the “exceptional” nature of these methods, which the authorities claim to have used as a last resort, the Advisory Committee finds it difficult to accept that practices such as the photographing and fingerprinting of children can help improving the living conditions of the persons concerned or ensuring full and effective equality in their respect. It considers, moreover, that such practices are not compatible with the right to free expression of ethnic affiliation and the principle of non-discrimination enshrined in the Framework Convention and must be avoided.

56. The Advisory Committee acknowledges that in order to combat effectively the discrimination which they might suffer, it is important to have reliable data on the situation of persons belonging to the different population groups in areas such as education or socio-economic life. Similarly, it is aware that in the absence of such data it is difficult for the authorities to guarantee full and effective equality *vis-à-vis* such persons.

57. The Advisory Committee considers, however, that, whatever the methods used to gather such data, the Italian authorities must ensure that existing safeguards and standards in the field are fully respected. In this context, the Advisory Committee refers to the principles laid down in Recommendation R(97) 18 of the Committee of Ministers to member States concerning the

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<sup>4</sup> In his Report, the Council of Europe Commissioner for Human Rights stressed *inter alia* that “the collection and processing of such sensitive data, in combination with the extremely polarized political context that had been created by the ‘state of emergency’ and certain authorities’ public statements had a serious negative effect upon the Roma and Sinti populations that were targeted and on their image to the public at large”, and that ‘the collection and storage of sensitive personal data of Roma that took place should have been absolutely necessary for the accomplishment of the authorities’ aim of ensuring ‘the adoption of social, welfare and integration measures, aimed at improving the living conditions of Roma people’. Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Italy on 13-15 January 2009

protection of personal data collected and processed for statistical purposes, as well as in the recommendations of the United Nations Economic Commission for Europe prepared in cooperation with the Statistical Office of the European Communities.<sup>5</sup> In every case, special consideration must be given to whether the question about ethno-linguistic affiliation is optional and to the basic principle enshrined in Article 3 of the Framework Convention whereby no disadvantage must result from the choice expressed by the person answering such questions.

#### *Recommendations*

58. The Advisory Committee reiterates its recommendation to the authorities to consider introducing, as guidance for their minority protection policies, a mechanism in order to gather reliable statistical data on the numbers and situation of persons belonging to linguistic minorities, as well as to the Roma and Sinti communities.

59. The Advisory Committee further urges the authorities to ensure that adequate ways and means are used to obtain such data, in consultation with representatives of the persons concerned. In this context, the authorities must ensure that existing international safeguards and standards concerning personal data protection are fully respected, most importantly as laid down in Article 3 of the Framework Convention.

### **Articles 4 and 6 of the Framework Convention**

#### **Anti-discrimination legal and institutional framework**

#### *Recommendations from the two previous cycles of monitoring*

60. In the previous monitoring cycles, the Advisory Committee invited the authorities to provide all necessary support for the proper functioning of the newly established Office for the Promotion of Equal Treatment and the Fight against Racial Discrimination (UNAR).

61. It encouraged them to complete the anti-discrimination legislative framework in order to tackle discrimination in all areas of life and to develop anti-discrimination policies, in the light of findings from the UNAR and regional institutes for research into discrimination.

62. The authorities were also encouraged to consider improving procedural safeguards and legal remedies to make existing statutory provisions against discrimination more effective and ensure that they were more widely used in practice.

#### *Present situation*

63. The Advisory Committee welcomes the fact that Italy has continued to take steps to improve its legislative and institutional framework for preventing and combating discrimination. It notes that, following criticism from the European Commission in 2007, Italian legislation was amended by Law No 101 of 6 June 2008 and the burden of proof now lies with the defendant, if the plaintiff is able to provide sufficient factual evidence to justify a presumption of direct or indirect discrimination.

64. The Advisory Committee recalls that the setting up of UNAR<sup>6</sup> within the Department for Equal Opportunities of the Presidency of the Council of Ministers raised a series of questions about this institution's independence. The Advisory Committee noted with interest the

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<sup>5</sup> See Conference of European Statisticians Recommendations for the 2010 Censuses of Population and Housing: [http://www.unece.org/stats/publications/CES\\_2010\\_Census\\_Recommendations\\_English.pdf](http://www.unece.org/stats/publications/CES_2010_Census_Recommendations_English.pdf)

<sup>6</sup> UNAR's main responsibilities are: preventing discrimination, promoting equal treatment, eliminating the effects of discriminatory acts, monitoring compliance with the principle of equal treatment and drawing up reports on these matters. UNAR is empowered to undertake conciliation or mediation activities in order to end discriminatory manifestations and to help and support the victims of discrimination in judicial or administrative proceedings.

clarifications provided by the representatives of UNAR, during its visit to Italy, with regard to this institution's functional and financial independence. In their view, the fact that UNAR comes under a governmental body has not affected its independence in its work of promoting equal treatment or its impartiality in assessing compliance with the principle of non-discrimination. The involvement of judges in its work, the fact that its funding is guaranteed by law and the fact that its current Director is an independent figure with extensive human rights experience are cited in support of these statements.

65. The Advisory Committee notes that, although more regional anti-discrimination observatories have been set up, they are still relatively few in number and more tangible progress is expected in this regard. The Advisory Committee however notes that some commendable initiatives have been taken in this area in the last few years, such as agreements signed with several regions and municipalities and with NGOs and trade unions in order to form a constructive partnership in the fight against discrimination. It was also informed that UNAR takes active steps to monitor the media, and expressions of discrimination, hostility, racism and xenophobia observed in media broadcasts or the press are systematically reported to the Journalists' Association.

66. The Advisory Committee notes that, in its first reports to Parliament, UNAR proposed *inter alia* the introduction of arrangements enabling it to bring legal proceedings to ensure more effective support for victims of discrimination. It notes, more generally, that UNAR is still faced with a shortage of appropriate human and financial resources, a relatively limited scope for action and the need to increase the impact of its work, particularly in cases of alleged discrimination by the central and/or local authorities. However, it notes with satisfaction that, in several cases, UNAR has succeeded through its work in putting an end to discriminatory measures or decisions taken by certain local authorities or having them set aside by the courts.

67. According to UNAR statistics, in the five years since it has been set up, the majority of the complaints submitted to it report discrimination in employment and housing, in public services, in the media, in education and in law enforcement. In general, the number of cases of discrimination reported to it has increased and more and more complaints have been lodged against discriminatory measures taken by the local authorities. The Advisory Committee notes with regret that persons belonging to the Roma and Sinti and persons belonging to other vulnerable groups, such as migrants, refugees and asylum-seekers, largely predominate among the victims of discrimination.

68. The Advisory Committee also notes that the number of cases of ethnic or racial discrimination brought before the courts is still fairly small. The authorities attribute this to the lack of information about anti-discrimination legislation and the available remedies among both the population groups most exposed to discrimination and NGOs, notwithstanding the efforts made to disseminate this information more effectively. The Advisory Committee welcomes the support given by UNAR, including through training sessions, to organisations active in combating discrimination, particularly those empowered to litigate on behalf of victims of discrimination. The co-operation agreements signed by UNAR with lawyers' professional organisations, with a view to fostering more widespread use of the remedies available in this field, is also a positive development.

69. The Advisory Committee regrets that, despite its international commitments in the UN framework and under the Paris Principles<sup>7</sup> and despite repeated calls from international institutions, Italy has still not set up an independent national body for the defence and protection of human rights. In this context, it wishes to voice its deep concern over recent reports of

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<sup>7</sup> UN General Assembly Resolution 48/134, annex, dated 20 December 1993.

problems encountered by members of NGOs in carrying out their work on human rights protection, and in particular by human rights advocates involved in efforts to assist Roma in defending their rights.

*Recommendations*

70. The Advisory Committee urges the authorities to give their full support to UNAR and to ensure that all the necessary conditions, including adequate human and financial resources, are met to enable this institution to continue its work effectively and independently, including in the different regions of Italy. Adequate consideration should be given to increasing its scope for action, including legal action.

71. The authorities are also urged to set up without further delay a national institution for the protection of human rights and to make available all the resources needed for it to operate efficiently and independently, in accordance with the Paris Principles.

72. The Advisory Committee strongly encourages the authorities to continue and increase the provision of information to the public about existing legislative safeguards in the area of protection against discrimination and the available remedies. Steps should also be taken to increase awareness of these issues among the public authorities, including law enforcement agencies, the members of the judiciary and the media.

**Tolerance and intercultural dialogue. Fight against racism and xenophobia**

*Recommendations from the two previous cycles of monitoring*

73. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to continue paying particular attention to the problems faced by migrants, asylum-seekers and refugees and to tackle the negative climate surrounding these persons.

74. The Advisory Committee invited the authorities to make an increased effort to encourage the media, with due respect for their independence and freedom of expression, to present a fairer image of minorities. The authorities were also called to ensure that they themselves stopped contributing to negative perceptions in this field.

75. In addition, the Advisory Committee emphasised that the media had a responsibility – including through self-regulatory bodies – to promote tolerance, combat xenophobia and intolerance and avoid stereotyping and the negative portrayal of persons belonging to certain ethnic or religious groups.

76. The Advisory Committee encouraged the authorities to improve human rights training for police officers and ensure transparent and effective investigation in alleged cases of excessive use of force.

*Present situation*

77. The Advisory Committee notes with satisfaction that relations between persons belonging to the recognized linguistic minorities and the majority are characterised, in general, by tolerance, understanding and mutual respect. It welcomes the efforts made by the regions to promote integration and intercultural dialogue. It notes, for example, the peaceful co-existence in Trieste of different religious communities, with their places of worship (the Catholic Church, the Serbian Orthodox Church, the German-speaking Catholic Church and, more recently, the Romanian Church), opened in some cases with the support of the authorities. It notes with interest the setting up, in Trieste, of a migrants' committee to enable migrants to discuss their problems and needs and participate in public debate.

78. The Advisory Committee also notes efforts made at the regional level to support projects and programmes that highlight the diversity characterising the regions concerned. For example, the Friuli Venezia Giulia region, like many other regions and/or provinces, has supported the production of documentaries on the different languages spoken in the region and the communities in question. Further commendable projects, such as “Year 2008 - The Occitan, Franco-Provençal and French mother tongues as added value of the mountain in the Province of Torino”, have been implemented in areas inhabited by persons belonging to linguistic minorities, in order to strengthen mutual understanding, respect and intercultural dialogue.

79. However, the image of some minorities conveyed by the media is sometimes marked by negative prejudices. Isolated cases of expression of hostility towards persons belonging to the Slovenian minority have reportedly been noted in the media in the province of Udine. It appears also that negative stereotypes persist about the Friulian-speaking community and its efforts to preserve and promote its language. Although these are very rare cases, it is important that the authorities take a firm position against such expressions of hostility.

80. The Advisory Committee was also informed that the majority population has little knowledge of, and a fairly limited interest in, minority culture and languages, particularly outside the areas where the groups concerned traditionally live.

81. The Advisory Committee acknowledges that a whole series of measures and programmes have been implemented in the last few years by Italy to increase tolerance, intercultural dialogue and respect for human rights and cultural diversity. These measures should have a positive impact on interethnic relations and mutual understanding throughout Italian society and thus contribute to effective implementation of the principles guaranteed in Article 6 of the Framework Convention. The Advisory Committee wishes to point out that the scope of Article 6 is broad and that the Parties to the Framework Convention undertake, by virtue of this provision, to promote mutual respect and understanding among all persons living on their territory, irrespective of their ethnic, cultural, linguistic or religious identity, or their nationality.

82. The Advisory Committee notes that, in the face of a massive influx of migrants and the persistent problems affecting them, an awareness-raising campaign was conducted in 2008-2009 and a national Plan for integration and security – “Identity and Encounter” was adopted by the Government in June 2010. In the field of education, it notes the incorporation of human rights education into school curricula and the drawing up of specific educational programmes with a strong intercultural component, as well as the inclusion of human rights and international humanitarian law in training for law enforcement personnel and judges.

83. The Advisory Committee notes that Italian legislation includes a series of provisions against racism and incitement to racial hatred. It welcomes the fact that, as stipulated by Law No 85/2006, racial discrimination is an aggravating circumstance which increases by half the sanctions applicable in case of crimes committed on the basis of the race, ethnic origin, nationality or religion. Under the same Law, the setting up of organisations or groups with the aim of inciting racial discrimination, and participation in such groups, are prohibited.

84. While welcoming these developments, the Advisory Committee notes with deep concern that Italian society is marked by a serious deterioration in intercultural dialogue and an increase in racist or xenophobic attitudes towards persons belonging to vulnerable groups such as Roma and Sinti, Muslims, migrants, especially undocumented workers, refugees and asylum-seekers.

85. Various sources concur that such hostile attitudes are also to be found on an institutional level. The Advisory Committee notes in this connection that the Government’s policy and certain measures taken by the authorities in the last few years with regard to the Roma

population and migrants<sup>8</sup> have prompted severe criticism in terms of respect for human rights both at the national level and within international organisations and institutions.<sup>9</sup>

86. Like these organisations, the Advisory Committee notes with deep concern that these policies and measures are underlined by an approach marked by rejection and hostility particularly towards the Roma and Sinti. It refers in particular to the legislative and administrative texts adopted since 2006 under the “security package”, the “nomad” emergency decrees issued from May 2008 onwards and the ensuing measures, including the census, that have been used in the ‘camps for nomads’. Cases of forced return of migrants, despite the recommendations of international organisations, are also problematic in terms of respect for human rights and compliance with existing standards and safeguards in this field.<sup>10</sup> The Advisory Committee is particularly concerned that such cases also include opponents of the ruling regime in the country of origin and concern countries where such persons are exposed to serious risks of ill-treatment.

87. The Advisory Committee is also deeply concerned by the increase in the frequency and scale of racial hate speech and intolerance in public discourse in Italy over the last few years. Prejudice, intolerance and racist and xenophobic statements against Roma and Sinti, Muslims and migrants are increasingly common in the discourse of certain prominent political figures, and are systematically relayed by certain media outlets. It considers that this situation is not compatible with Article 6 of the Framework Convention and that a firm and effective response from the authorities is essential to combat such statements and the impact they have on Italian society.

88. In this context, the Advisory Committee regrets to note that Law No 85/2006, while strengthening some anti-discrimination provisions, has at the same time mitigated the sanctions applicable in case of propaganda advocating racial or ethnic superiority or hatred and instigation to commit, or the commission of, discriminatory or violent acts on racial, ethnic, national or religious grounds (the initial maximum term of three years’ imprisonment was reduced to either a fine of 6000 Euros or 18 months’ imprisonment). The Advisory Committee considers this legislative amendment problematic and is of the opinion that a more balanced interpretation of freedom of expression would have been beneficial, in the light of the climate of growing intolerance and the increase of hate speech in public discourse.

89. The Advisory Committee further notes that aggressive xenophobic discourse and incitement to racial hatred have led to a significant increase in manifestations of intolerance in Italian society and to the stigmatisation and marginalisation of specific population groups. The repeated acts of hostility and sometimes extreme violence against such persons, particularly Roma and migrants, remain a matter of serious concern. Furthermore, various sources mention

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<sup>8</sup> These policies and measures and their impact on the climate of interethnic respect, tolerance and understanding, and, more broadly, the situation prevailing in Italy as regards the fight against discrimination and racism, will be discussed in greater detail by ECRI in its forthcoming 4<sup>th</sup> report on Italy.

<sup>9</sup> See, for example, Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Italy on 13-15 January 2009; Concluding Observations of the CERD – Italy, 16 May 2008 (CERD/C/ITA/CO/15); Statement of the European Commission against Racism and Intolerance on recent events affecting Roma and immigrants in Italy, 20 June 2008.

<sup>10</sup> See Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Italy on 13-15 January 2009; Report to the Italian Government on the visit to Italy carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 14 to 26 September 2008; Concluding observations of the Committee on the Elimination of Racial Discrimination, Italy, CERD/C/ITA/CO/15, 16 May 2008 ; Office for Democratic Institutions and Human Rights, High Commissioner on National Minorities - Assessment of the Human Rights Situation of Roma and Sinti in Italy, Report of a fact-finding mission to Milan, Naples and Rome on 20-26 July 2008, Warsaw, The Hague, March 2009. See also, in this respect, ECHR related case-law (for example Chamber judgment *Ben Khemais v. Italy* 24.02.09 and Chamber judgment *Trabelsi v. Italy* 13.04.2010) as well as interim measures indicated to Italy according to Rule 39 of the Rules of the Court.

frequent cases of abuse and violence, committed against these persons by law enforcement officers, despite the measures taken by the authorities to prevent and combat this phenomenon.

90. The Advisory Committee notes with regret that the negative stereotypes associated with certain groups such as Roma and Sinti, Muslims, migrant workers and asylum-seekers are still very common in newspapers and media broadcasts, which has clearly contributed to reinforce the stereotypes associated with these groups. In particular, news reports often link these groups to the perpetration of certain crimes. The Advisory Committee welcomes the drawing up of a media code of ethics. It also expresses the hope that the media supervisory authorities will devote the requisite attention in their work to combating discourse that is racist, discriminatory and/or prejudicial to persons belonging to vulnerable groups.

91. Expressions of racial hostility and hatred and xenophobia have also become increasingly common on the Internet. The Advisory Committee realises what a difficult task it may be for the authorities to take action to limit the growth of this phenomenon while respecting freedom of expression. It considers it essential, however, to take resolute measures to limit the dissemination of racism and racial hatred through the Internet. Such measures should be guided in particular by the principles set forth in the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist or xenophobic nature committed through computer systems.<sup>11</sup> Lastly, information received by the Advisory Committee points to the persistence of racist attitudes at sports events despite the efforts made by the authorities to tackle this problem.

#### *Recommendations*

92. 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, migrants, asylum-seekers and refugees.

93. Appropriate measures must be taken to combat and sanction effectively the expression of racist and xenophobic views within the context of political discourse.

94. The authorities should pay all the attention needed to the dissemination of racism and prejudice through the media, while fully respecting the editorial independence of media outlets. The efforts made in this field by the media and their own supervisory bodies should be encouraged and supported, and increased efforts should be made to raise awareness among journalists of human rights, respect for cultural diversity and tolerance.

95. The authorities should also step up measures to increase awareness not only of the population at large, but also of civil servants, members of the police force and of the judiciary, of human rights, tolerance and mutual respect. They must ensure that any violation of human rights by law enforcement officers is effectively investigated and, where needed, prosecuted and appropriately sanctioned.

96. Additional measures must be taken to combat vigorously the growth of racism on the Internet and in sports events.<sup>12</sup>

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<sup>11</sup> CETS No 189, entered into force at international level in 2006. This instrument is not in force for Italy.

<sup>12</sup> See also ECRI's General Policy Recommendation No 12: Combating racism and racial discrimination in the field of sport, adopted on 19 March 2009.

## **Situation of the Roma and Sinti**

### *Recommendations from the two previous cycles of monitoring*

97. In the previous monitoring cycles, the Advisory Committee invited the authorities to step up as a matter of priority local and national efforts to ensure that Roma and Sinti living in camps had decent living conditions.

98. The authorities were also urged to draw up a comprehensive strategy of integration for Roma and Sinti, in consultation with those concerned, to end their placing in ‘camps for nomads’ and to guarantee access to housing, employment, education and health care.

99. The Advisory Committee invited the authorities to pay special attention to the specific needs of the various groups concerned – on the one hand preserving and developing the identity of Roma and Sinti traditionally present in Italy and, on the other, improving the living conditions of Roma having recently settled in the country.

### *Present situation*

100. The Advisory Committee is deeply concerned about the fact that the living conditions of Roma and Sinti have continued to deteriorate and that their marginalisation and social exclusion have increased. It notes that, although only very few members of these communities share a nomadic lifestyle, these persons continue to live in camps for nomads and, in many cases, to move around in search of suitable accommodation and to experience forced evictions. Unfortunately, the policy pursued by the authorities favours the placement of these persons in ‘camps for nomads’, which perpetuates their segregation and marginalisation and opens the way to discrimination and hostility towards them.

101. The Advisory Committee is aware that the significant increase in the size of these communities following major influxes of Roma from the countries of Eastern Europe, particularly Romania and ex-Yugoslavia, including Kosovo,<sup>13</sup> has made things more complicated for the authorities. They are currently faced with the difficulty of dealing with problems specific to heterogeneous groups, with a distinct legal status, within these communities: Roma and Sinti from Italy, non-nationals who are EU citizens and Roma from non-EU countries, persons with undetermined national status. It notes that some efforts have been made, in particular at the local level, to help these communities to overcome the many difficulties facing them and improve their living conditions.

102. The Advisory Committee remains deeply concerned that, despite efforts made by certain authorities and commendable support projects implemented by the NGOs, the conditions in which these persons live continue to deteriorate and they are faced with poverty, extreme hardship and discrimination in all fields: access to housing, employment, health care and the enjoyment of other social rights, such as education.

103. As regards housing, the Advisory Committee learnt that while the “authorised” camps enjoy more favourable living conditions and measures have been taken to improve the available amenities and access for children to education, the situation in the “unauthorised” camps remains deplorable: they lack the essential conditions required for a decent standard of living - water, electricity, transport, refuse collection. The persons living there receive no assistance whatsoever from the authorities. They are also confronted with hostility and even, in some cases, violence on the part of members of the majority population living in the neighbouring municipalities.

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<sup>13</sup> All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

104. Serious difficulties and systematic discrimination are reported regarding access to employment for Roma and Sinti. While some improvements are reported in this field and, in some “authorised” camps, many Roma hold a work permit and are gainfully employed, the situation regarding the vast majority of members of these communities continues to give cause for concern.

105. The Advisory Committee also notes that the fact of living without any income in camps away from the rest of the population and the many prejudices towards them in society seriously affect the Roma and Sinti enjoyment of other rights such as access to health care, welfare benefits and education. (Regarding the situation of Roma in the field of education, see also the observations under Articles 12-14 below).

106. This situation of hardship continues to make these communities particularly vulnerable to abuse, exploitation and violence and contributes to their rejection and stigmatisation by certain sectors of Italian society. The situation is only exacerbated when measures are taken by the authorities to expel these persons from the camps, depriving them, in many cases without prior information or consultation and without any viable rehousing options, of even the most basic living conditions. The Advisory Committee notes with deep concern that forced evictions and the dismantling of “unauthorised” camps are continuing and that, in many cases, these evictions involve violent police intervention. Recent reports indicating that several thousand Roma and Sinti, currently occupying several hundred camps on the outskirts of Rome, are to be grouped together in only 13 camps, are a source of great concern to the communities concerned.

107. The Advisory Committee regrets to note that, overall, very little progress has been recorded in all these fields and that, on the contrary, the inequalities and manifestations of discrimination towards Roma and Sinti have intensified. Above and beyond the social climate of increased intolerance and hostility towards these communities, the Advisory Committee is particularly concerned about the approach favoured by the authorities in addressing these difficulties. While recognising that sectoral measures have been taken to improve the situation, the Advisory Committee notes with deep concern that, under an emergency decree issued in 2008, more and more decisions are taken in this framework by means of emergency measures. It also finds it disturbing that the actions taken under these orders are more akin to punitive measures than to forms of support for the communities in question. Like the Commissioner for Human Rights,<sup>14</sup> the Advisory Committee considers that adopting a state of emergency and providing greater powers to the “Special Commissioners” and the police is not an appropriate way to deal with the needs of the Roma and Sinti populations. This is clearly not in line with the commitments undertaken by Italy under the Framework Convention.

108. The Advisory Committee is also concerned about the emphasis laid by certain representatives of the authorities, sometimes even in public statements, on the alleged danger posed to Italian society by “nomads” and about the fact that Roma and Sinti are lumped together and treated systematically as a nomadic population. It furthermore notes the harmful impact of such an approach on these persons and the intensification of discriminatory and hostile attitudes towards them in society (see also comments under Article 3 above).

109. The Advisory Committee is also concerned about the fact that the authorities have not taken appropriate measures to deal with the question of the lack of identity papers affecting many Roma, including those born in Italy, and affecting in particular their enjoyment of various social and economic rights.

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<sup>14</sup> Council of Europe Commissioner for Human Rights, 2008 report (*see above*)

110. As it has already done in previous monitoring cycles, the Advisory Committee considers that the situation described above is not compatible with Article 4 and Article 6 of the Framework Convention and calls for immediate and effective action on the part of the Italian authorities, at all levels. The Advisory Committee has noted with interest, in this context, the collective complaint against Italy under the European Social Charter (Collective Complaint No 58/2009) submitted to the European Committee of Social Rights by the Centre on Housing Rights and Evictions (COHRE). It notes that the European Committee on Social Rights has already forwarded to the Committee of Ministers of the Council of Europe its report and conclusions on this complaint and its merits.

#### *Recommendations*

111. The Advisory Committee urges the authorities to adopt more resolute and effective measures to combat discrimination against Roma and Sinti.

112. A comprehensive strategy for the integration and protection of these persons must be developed and implemented without further delay. Appropriate positive measures should be taken in the different sectors in order to reduce the disparities between these communities and the rest of the population. The authorities are strongly encouraged to put an end to using emergency decrees and measures in tackling such systemic issues.

113. Effective measures should be taken as a matter of urgency to find solutions, in consultation with Roma and Sinti representatives, to the serious housing problems facing Roma and Sinti and to enable them to enjoy decent living conditions.

114. Representatives of the different groups should be involved systematically in the search for solutions, the implementation and monitoring of appropriate measures, so that the specific needs of the relevant groups are duly taken into account.

115. The Advisory Committee also calls on the authorities to take appropriate measures to allow Roma and Sinti to have access to identity papers.

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

#### **Support for the preservation and development of minority languages and culture**

##### *Recommendations from the two previous cycles of monitoring*

116. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to consider ways, including through its amendment, of adapting Law 482/99 to new needs and challenges. It made particular reference to shortcomings noted in the procedure for allocating budget appropriations.

117. The authorities were also invited to ensure that all the necessary support was being provided by the relevant regions and provinces to the co-ordination bodies set up by Law 482/99.

118. The Advisory Committee invited the authorities to take firm steps towards the full and effective implementation of Law 38/01, in particular those provisions not strictly linked to approval of the list of municipalities covered by this law.

##### *Present situation*

119. The Advisory Committee notes that the authorities at different levels have continued to grant support, under section 2 of Law 482/99, for maintaining and developing minority languages and the historical and cultural heritage of these minorities (see the information supplied in the State Report for details). It welcomes in this context the high level of protection

enjoyed by persons belonging to linguistic minorities in areas such as the Autonomous Province of Bolzano - South Tyrol and the Autonomous Region of the Autonomous Region of Aosta Valley. It has been informed that, from 2010, the funds for linguistic minorities provided for by Law 482/99 will be administered by the Prime Minister's Office instead of the Ministry of the Economy. The Advisory Committee expects this transfer of responsibilities to bring about improved management and distribution of these funds, with clear and transparent criteria, allowing fair access to available resources for all concerned, including the numerically-smaller minorities.

120. The Advisory Committee has also been informed that the Ministry of Regional Affairs has established rules for allocating financial support to projects submitted by local authorities in the field of minority protection. It welcomes the fact that several consultation meetings have been held on this subject with minority representatives. It has learnt with interest about examples, provided by the State Report, of projects that have been implemented, at the local, provincial and regional level, in order to strengthen the promotion and development of the linguistic and cultural identity of persons belonging to the various linguistic minorities: the Albanian minority, the Catalan minority, the Croatian minority, the Greek minority, the German minorities, the Slovenian minority and those speaking French, Franco-provençal, Friulian, Ladin, Occitan and Sardinian.

121. The Advisory Committee notes with satisfaction that the legislative framework for protecting minority populations has been broadened, several regions or provinces, such as the autonomous province of Trento,<sup>15</sup> the Piedmont region<sup>16</sup> and the Friuli Venezia Giulia region, having adopted laws relating specifically to the protection of a number of linguistic minorities living in their territories.

122. As regards the Friuli Venezia Giulia region, the Advisory Committee notes that a new statute to replace the current one from 1963 has still not been adopted; this statute, amongst other things, should have acknowledged the Friulian, Slovene and German minorities' contribution to the region for the first time. The province of Trieste, on the other hand, has recently adopted a new statute<sup>17</sup> which makes explicit reference to protecting minorities and improving their status.

123. At the same time, the Advisory Committee notes that three laws have been passed by the Friuli Venezia Giulia region pursuant to Article 6 of the Constitution and the principles and guidelines set out in Law 482/99 (the framework legislation), namely: Law No. 26/07 on the Slovene-speaking minority, Law No. 29/07 on protection of the Friulian language, and Law No. 20/09 on the German-speaking minority. These laws govern various fields of interest for minorities within the region's sphere of competence, such as: public use of minority languages (personal names, local topographical indications, communication with administrative authorities), education, media in minority languages, consultation and participation of minorities in decision-taking.

124. The Advisory Committee notes with interest that the adoption of these regional laws has given rise to a lively and genuine legal and political debate on the responsibility of authorities, at different levels, to legislate and the limits within which this responsibility can be exercised. The debate has also resulted in several decisions by Italy's Constitutional Court, such as the Constitutional Court's Decision 170 of 13 May 2010 on the Piedmont Regional Law of

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<sup>15</sup> Law No. 6 of 19 June 2008 of the Autonomous Province of Trento.

<sup>16</sup> Piedmont Regional Law of 7 April 2009 on the Protection, Development and Promotion of the Piedmont Linguistic Heritage. See also the Constitutional Court's Decision 170 of 13 May 2010 regarding this law.

<sup>17</sup> New Statute of the Province of Trieste, approved by the Provincial Council on 25 March 2010 and entering into force on 17 April 2010.

7 April 2009 as well as its Decision 159/2009 regarding Law No. 29/07 on the Protection of the Friulian Language.

125. The Advisory Committee believes that legal clarification as regards the limits within which the regions can legislate on minority protection is of particular importance for establishing a sound statutory basis for policy and measures in this field. It nevertheless considers that a more flexible interpretation, by the Constitutional Court, of the legislative and constitutional provisions at issue, in the light of existing realities and needs, would have been beneficial to the aim of effectively protecting the rights of persons belonging to minorities and ensuring equality in respect of all. It has, at the same time, been informed of problems and delays in the implementation of Law No. 29/07 on the protection of the Friulian language, which would be due, in addition to the current financial difficulties, to the absence of implementing provisions, linked to the Constitutional Court's Decision 159/2009. It trusts that the authorities will find adequate ways to address the difficulties reported and make efforts to implement without further delay the Law at issue.

126. In their dialogue with the Advisory Committee, the authorities have emphasized the positive impact of decentralisation on the protection of persons belonging to minorities. The implementation of fiscal federalism, which especially affects funding of special-status regions (section 27 of Law 42/2009), and the current debate on federalisation are also of particular importance for these persons.

127. Nevertheless, the Advisory Committee recognises that decentralisation and in particular the various systems of autonomy being established in Italy are in general beneficial to persons belonging to minorities. It would like to point out 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, human, etc. - are in place for the competent authorities, at different levels, to fulfil their responsibilities efficiently and implement effectively the rights of persons belonging to minorities. According to the regional authority representatives who the Advisory Committee met, increased clarity is needed regarding the division of powers between the central government and lower-tier authorities and the resources required to exercise them in matters concerning minority protection (see also comments under Article 15 below).

128. More generally, the representatives of linguistic minorities met by the Advisory Committee in the Friuli Venezia Giulia region, as well as those of numerically-smaller communities met during the Committee's meeting with CONFEMILI («*Comitato nazionale federativo minoranze linguistiche d'Italia*» - an umbrella organisation including representatives of the twelve recognized linguistic minorities), reported shortcomings and problems regarding implementation of the existing legislative framework. They particularly stressed the increasing gap between their communities' cultural development needs and the resources made available by the central government. In recent years these problems have been compounded by substantial cuts in statutory funding for the recognised linguistic minorities.<sup>18</sup> Although the Government subsequently made corrections to offset reductions and in spite of the fact that there are differing opinions among the various parties concerned as to the actual extent of this decline in funding over the years, the discrepancy between minority needs and the central-government funding is not in dispute. Moreover, given the cuts already announced by the authorities, the outlook for the next few years is equally worrying.

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<sup>18</sup> According to CONFEMILI, while Law 482/99 earmarks an annual sum of 10,000,000 Euros for cultural projects relating to the twelve recognised linguistic minorities, the full sum has never actually been allocated, and a significant drop has been recorded over the past few years: from 8,305,298 Euros in 2006 to 5,932,256 Euros in 2005, 4,881,621 Euros in 2008 and 2,274,425 Euros in 2009.

129. Cuts are also planned at the regional level and are likely to have particularly serious consequences for minorities, affecting the staff and running costs of various institutions involved in the development of minority culture. The Advisory Committee shares the concern among minority representatives that, without adequate financial support, their associations may be unable to maintain their activities and effectively promote the rights of members of their communities.

130. Although aware of the recession's impact on public expenditure management, the Advisory Committee is deeply concerned about this situation. It believes that the authorities at all levels should try to ensure that persons belonging to minorities and their associations are not affected disproportionately, compared to the majority population, by budgetary austerity measures.

131. As regards the implementation of Law 38/01, in addition to the finalisation of the list of municipalities in which Slovene minorities are traditionally resident, positive developments have been reported in terms of legislation, institutional framework (support for the Joint Committee on the Slovene Minority and establishment of other statutory bodies), education and public use of the Slovene language. The representatives of the Slovene minority met by the Advisory Committee also emphasised that the dialogue on and climate surrounding the protection of linguistic minorities and the preservation of their identities had undergone a positive change at the regional level (see also the comments on Articles 4-6 above).

132. However, regrettable shortcomings and delays in implementation of Law 38/01 continue to be reported. Thus there is still no Slovene department at the Trieste music conservatory despite the fact that Law 38/01 laid down a three-month time-limit for setting one up. Problems are still being recorded concerning public use of Slovene (including people's names), participation at the regional level, and especially financial support for maintaining the Slovene community's cultural and linguistic heritage and cultural activities (see comments on Articles 10, 11 and 15 below).

133. As regards the numerically-smaller linguistic minorities, such as the Catalan minority or the Greek minority, the Advisory Committee notes with concern the unease expressed by their representatives as to their very limited options for promoting and preserving their linguistic and cultural identities. According to these representatives, despite numerous initiatives by the communities in question, the most serious problems are related to education (maintaining the teaching of their languages), research, their media presence and the use of their languages in the media, and continued publishing in these languages. Moreover, given the size and limited resources of these communities, maintaining the funds needed to run their associations is essential if they are to continue their work.

134. With regard to Roma and Sinti, the Advisory Committee refers to its comments on Article 3 above, which stress the very limited consideration generally given to promoting the essential elements of the identity of these persons. It notes with regret that, despite a real need and repeated recommendations from international bodies, a comprehensive and coherent strategy for the adequate integration of these persons, while promoting equality in their respect and appropriate conditions for the preservation of their specific culture and identity, has still not been adopted (see also the comments on Articles 4-6 above, 12 and 15 below).

135. At the same time, the Advisory Committee is pleased to find that a number of projects have been developed and implemented over the past few years, mostly with the support of international institutions, in order to promote a better knowledge of these communities' cultural identity and recognise their contribution to the diversity of Italian society. Thus, when the

Advisory Committee visited Italy, many cultural projects were taking place in various parts of Italy as part of the Council of Europe 'DOSTA' campaign.

136. The Advisory Committee notes with satisfaction the work of the Roma associations and their clear awareness of the importance of dialogue and of a constant effort to inform and make the Italian society more aware of the Roma identity. It believes that the authorities should do more to support these efforts and maintain a constant dialogue with the various associations representing the Roma, taking due account of the differences existing within these groups. It is particularly important to put in place transparent mechanisms and procedures granting access of all Roma associations to public funding without unnecessary bureaucratic requirements.

#### *Recommendations*

137. The Advisory Committee encourages the authorities to pursue their policy of support for maintaining and developing the cultural heritage of linguistic minorities in close consultation with representatives of the latter. It invites them to pay special attention to the actual needs of persons belonging to minorities, including the numerically-smaller minorities, and do their utmost to achieve a better balance between their needs and the resources allocated.

138. The Advisory Committee urges the authorities to make a more determined effort, through a comprehensive and coherent strategy, to help promote the essential elements of the Roma and Sinti identities. Adequate financial and human resources should be provided, and due attention should be paid to dialogue with the various associations representing these communities in order to make access to public funding available to a broader range of these organisations. Transparent mechanisms and procedures granting access, without unnecessary bureaucratic requirements, of all Roma associations to public funding should be put in place.

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

#### **Access to media for persons belonging to minorities**

##### *Recommendations from the two previous cycles of monitoring*

139. In the previous monitoring cycles, having noted the shortage of minority language programmes for several minorities, particularly the Friulians, the Advisory Committee encouraged the authorities to take firmer action to remedy the situation, including a review of the work done by the RAI/Ministry of Communication Joint Committee in this field.

140. The competent bodies and authorities were invited to step up their efforts to make it technically possible for Slovenes residing in the province of Udine and Ladins in the province of Belluno to receive the programmes broadcast in their languages.

141. The authorities were encouraged to assess the media needs of Roma and Sinti and, where appropriate, take the necessary steps to meet these needs.

##### *Present situation*

142. Very little progress in the media field has been reported since the previous monitoring cycle for persons belonging to minorities. Despite numerous demands by minority representatives and the undertakings made by the national broadcasting corporation (RAI) under its agreement with the central government and the associated service contract, the implementation of the legal guarantees available in this field<sup>19</sup> is still hampered by substantial delays and numerous shortcomings. In view of the public broadcasting service's limited

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<sup>19</sup> According to Law 482/99, in particular its Article 12, the central government should ensure adequate conditions for the protection of minority languages in the media.

commitment, minorities have been obliged to turn to private sources to finance broadcasts in their own languages (such as the Arberia TV Occitana project, in co-operation with the University of Calabria).

143. The Advisory Committee is deeply concerned by the lack of progress concerning reception of RAI's Slovene broadcasts. At the time of the Advisory Committee's visit to Italy, the province of Udine still failed to receive these broadcasts. According to representatives of the Slovene minority, RAI has nevertheless undertaken, in its new 2010-2012 service contract, to do its best to remedy this situation. RAI's digital switchover in the Friuli Venezia Giulia region, scheduled for the end of 2010, holds out hope that a solution will finally be found for existing reception problems. The Slovene minority representatives have also expressed their wish that local variants of Slovene be used in these broadcasts as well.

144. With regard to Friulian, it has been reported that, despite the agreement concluded between the region and RAI in this connection, the resources needed to implement it have still not been made available by the central government. This has resulted in considerable delays in implementing the guarantees laid down in the legislation on radio and television broadcasting in this language. The Advisory Committee welcomes the fact that the region has used special subsidies to support radio and television broadcasts in Friulian by RAI/private broadcasters. It nevertheless notes that, for television in particular, these are irregular broadcasts at off-peak times. Greater central-government support for the Friulian print media is also expected.

145. In the light of these problems, the Advisory Committee notes with interest the developments recorded in this field by the State Report, including recent legislation<sup>20</sup> on subsidies to publishers and broadcasters for the publication of newspapers and broadcasting of programmes in minority languages. It further notes that, in its new service contracts (for 2010-2012), RAI has undertaken to increase the number of broadcasts in minority languages.<sup>21</sup> The Advisory Committee hopes that these measures, and especially the transfer of funds within the agreed time-limits, will allow more substantial progress in the use of minority languages in public broadcasting. The digital switchover should also offer better prospects in this respect.

146. The Advisory Committee is pleased to note that the access to media in their own language for persons belonging to, particularly, the German and the French speaking minority remains broad,<sup>22</sup> both with respect to locally-produced media (public and/or private) and to access to media from abroad. In this context, the Advisory Committee recalls that, under special agreements, persons belonging to linguistic minorities are provided with full access to programmes from the 'kin-State', as is the case, for example, for the German speaking minority in South Tyrol, where, since 1975, most programmes broadcast from Austria, Switzerland and Germany can be received.

147. As regards print media, official sources show that, under Law 296/2006, the Government has continued to provide specific subsidies to daily newspapers published in French, German, Ladin and Slovene. According to minority representatives, government contributions, especially those received in 2010, are not sufficient to guarantee the survival of these daily newspapers or the periodicals of the various minorities. In this connection, the Advisory Committee has taken note of the particularly difficult situation of *Primorski dnevnik*, the Slovene daily newspaper published in Trieste, and the Slovene community's concerns in this regard.

<sup>20</sup> See in this respect Law 250/1990, Law 296/2006 and Law 222/2007.

<sup>21</sup> According to the State Report, RAI, the public licensed radio television company, provides radio and television weekly broadcasts in French, German, Slovenian and Ladin amounting to about 177 hours and 27 hours respectively.

<sup>22</sup> See State Report for more detailed information on local press and radio-television broadcast in minority languages in the various areas inhabited by persons belonging to linguistic minorities.

148. The Advisory Committee is concerned about the problems encountered by numerically-smaller minorities in their efforts to acquire a media presence, have programmes devoted to their languages and culture, and maintain their publications.

149. Furthermore, as in the previous monitoring cycle, it notes with concern the authorities' failure to assess the needs of Roma and Sinti with regard to the electronic and print media.

#### *Recommendations*

150. The Advisory Committee calls on the authorities to ensure that persons belonging to linguistic minorities have sufficient access to broadcasts in their own languages, in accordance with existing legislation and over the whole of the areas concerned.

151. The authorities should ensure that the service contracts concluded with the national broadcasting corporation are effectively implemented and that the time-limits for transferring public funds for these broadcasts are respected.

152. The Advisory Committee encourages the authorities to provide more support for minorities' publications, as the communities concerned are finding it particularly difficult to maintain these publications during a recession.

153. The authorities are strongly encouraged to review the needs and the situation of persons belonging to the numerically-smaller minorities, as well as those of the Roma and Sinti, in terms of access to and presence in the media. Appropriate measures, accompanied by adequate funding, should be adopted to meet these needs as required by domestic legislation and the provisions of the Framework Convention.

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

#### **Use of minority languages in relations with local administrative authorities**

##### *Recommendations from the two previous cycles of monitoring*

154. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to further develop the use of minority languages in dealings with the authorities, including through the opening of help desks (*sportelli linguistici*) in all the municipalities concerned and through the production and distribution of administrative forms in minority languages.

155. The authorities were also invited to take more steps to raise awareness among municipalities that had hitherto shown little interest in implementing Law 482/99.

##### *Present situation*

156. The Advisory Committee notes with satisfaction that, pursuant to Law 482/99, a special fund has been set up by the Regional Affairs Department of the Prime Minister's Office as a source of finance for projects promoting public use of the languages of recognised linguistic minorities in the municipalities where they live. According to official sources, 5,817,465 Euros were awarded to the local authority projects of this type in 2008. These funds were allocated, for example, to language training for staff in the authorities concerned, to temporary recruitment of staff able to communicate in minority languages, to information and promotion campaigns concerning the use of these languages by local and regional institutions.

157. The Advisory Committee welcomes the efforts made over the past few years by the competent authorities in many regions and provinces inhabited by persons belonging to linguistic minorities, including the Friuli Venezia Giulia region and the provinces of Trieste, Udine and Gorizia, to promote and increase public use of the region's minority languages. It takes note with interest, for example, that the provincial law n° 6 of 19<sup>th</sup> June 2008 (*Provisions*

to *Protect and promote local linguistic minorities*’) adopted by the Autonomous Province of Trento, underlines the importance of using the minority languages, alongside the Italian language, in official communication.

158. With regard to the Slovene language, a decree implementing Law No. 26/07 was adopted by the Regional President in June 2009 (Decree No. 160 of 19 June 2009) on procedures for financing projects concerning the use of Slovene in the civil service. The Advisory Committee notes with satisfaction that, in December 2007, the Prefecture of Trieste opened a help desk for language support and facilitation (*sportello linguistici*). Through this help desk, various local and regional authorities should be able to provide their various services in Slovene, depending on demand. It welcomes the fact that, more recently, a similar help desk was set up in Gorizia.

159. While welcoming these measures, the Advisory Committee wishes to stress that if they are to result in a wider use of Slovene in local public life, it is particularly important for these help desks to receive all the human and financial resources that they need to operate effectively. It notes with regret that, despite the agreement concluded between the local authorities and the Ministry of Regional Affairs to establish such a help desk in Cividale del Friuli, this help desk had still not opened by the time the Advisory Committee visited Italy.

160. Positive developments have been recorded concerning public use of Slovene in the province of Udine, whose new statute provides, *inter alia*, for development of the Slovene language and culture. Specific projects are planned in this field, and efforts are under way to allow the use of Slovene – with simultaneous interpretation into Italian – during provincial council meetings. Problems have nevertheless been reported with regard to the funding of document translation. The Advisory Committee has noted in this connection that representatives of the Slovene minority have applied to the relevant municipalities for approval to use local variants of Slovene in dealings with the local authorities. It believes that this deserves the authorities’ full attention, and it encourages them to take an open approach in this matter.

161. Commendable efforts have been made in the province of Udine to promote the use of Friulian. The Advisory Committee has been informed that staff of the provincial authority have organised Friulian language courses (with some 350 people receiving language training) and that dictionaries have been published to speed up standardisation of Friulian and facilitate its use in particular sectors, such as transport, law, new technologies and the environment.

162. Whilst welcoming these initiatives, the Advisory Committee regrets to note that progress has been slow regarding the actual use of the Friulian language in dealings with the administrative authorities and that the public use of this language is still limited. This is due, amongst other things, to the financial difficulties that prevent some local authorities from delivering services in Friulian to the communities concerned. Of the 170 municipalities in the Friuli Venezia Giulia region that have declared themselves to be Friulian-speaking, only fifty or so have help desks for language support, and the operation of these help desks is affected by inadequate funding.

163. The Advisory Committee notes that the regional law No. 29/07 on the protection of Friulian has increased the role and duties of ARLeF (Regional Agency for the Friulian Language) in the field of language policy. It seems, however, that because of a lack of qualified staff and proper resources, and in the absence of a statute and a suitable internal structure, the agency’s record is rather unsatisfactory. The Advisory Committee expresses the hope that the agency will be given all the necessary human and financial resources and that it will have sufficient influence to help bring about a tangible improvement in the situation regarding public use of Friulian.

164. The Advisory Committee notes in this context that several other regions, including Piedmont and its provinces and the Autonomous Province of Trento, have recently opened ‘*sportelli linguistici*’ in their territories. These desks play a key role in facilitating the use of minority languages in dealings with the administration and attract most of the funds for projects related to the implementation of Law No. 482/99 (85% of the project funds in 2009, Eur. 1.873.753,60 according to ministerial directive DAR 0002073 P-13.3.5.17 of 9 April 2009). ‘*Sportelli linguistici*’ have also been or are in the process of being opened for the Albanian, Croatian, Catalan, Greek, Sardinian and other linguistic minorities and efforts are being made to inform the population concerned, including the majority population, of the services that they provide. Despite these efforts, the desks are reported to be in some cases understaffed and are not able to guarantee sufficient opening times.

165. In general, while acknowledging the progress of recent years, the representatives of linguistic minorities whom the Advisory Committee met found that, in practice, the use of minority languages in the public sphere was insufficiently developed and not yet adequate to meet the existing needs. They also believed that further steps were needed to foster a positive climate in society with regard to such use (see also comments on Article 6 above).

#### *Recommendations*

166. The Advisory Committee encourages the authorities to pursue their efforts to develop further the use of minority languages by persons belonging to minorities in dealings with the local administrative 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.

167. The authorities should also do their utmost to promote a more favourable climate for the use of minority languages in the public sphere and to combat any expressions of hostility towards this use.

### **Bilingual identity cards**

#### *Recommendations from the two previous cycles of monitoring*

168. In the previous monitoring cycles, the Advisory Committee encouraged the relevant authorities in the four municipalities of the province of Trieste to remedy the shortcomings noted concerning the issuance of bilingual identity cards.

169. In dealing with the question of identity cards, the authorities were encouraged to find solutions for preserving, as effectively as possible, the harmonious co-existence between the province’s communities, in accordance with international obligations and domestic legislation.

#### *Present situation*

170. The Advisory Committee welcomes the fact that it has been possible to move on from the controversy over the issuance of bilingual identity cards in four municipalities in the province of Trieste. It notes that, under a presidential decree of 12 September 2009 on the demarcation of protected areas, bilingual (Italian-Slovene) identity cards are now issued, on request, to all the citizens concerned - Italians or persons belonging to the Slovene minority - throughout the area traditionally inhabited by the Slovene minority.

171. The Advisory Committee agrees with the authorities that uniform treatment of all residents of this area under domestic legislation and the country's international obligations<sup>23</sup> should contribute to the harmonious co-existence of the various groups in the municipalities concerned. Although isolated cases of refusal by some municipalities to issue bilingual identity cards are still being reported, the fact that the past controversy had ceased was also confirmed by the Advisory Committee's talks with representatives of the Slovene minority.

172. The Advisory Committee also welcomes the fact that, in accordance with the autonomy statute, trilingual identity cards – in Italian, German and Ladin - are being issued to about 20,000 Ladins from the Autonomous Province of Bolzano - South Tyrol, in eight municipalities of the Gardena Valley and Badia Valley. Similarly, the process for issuing trilingual identity cards in the municipalities of the Fassa valley in the Autonomous Province of Trento is being concluded.

#### *Recommendation*

173. The Advisory Committee encourages the authorities to take all the necessary steps to ensure that all interested persons can obtain bilingual identity cards in accordance with domestic legislation and the country's international obligations. No disadvantages or harmful consequences should arise from the choice of having or not having such an identity card.

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

#### **Use of minority languages for personal names**

##### *Present situation*

174. The Advisory Committee regrets to note that there are persistent problems with the correct transcription of surnames and forenames of persons belonging to the Slovene minority in official documents. Thus in most documents (passports, driving licences, etc.) the letters of the Slovene alphabet, which do not exist in Italian, do not appear in the names of their holders.

175. It should be pointed out that, under section 7 of Law 38/2001, these persons are entitled to have their names entered in official documents in their original form in Slovene and to have names previously written in Italian restored to their original Slovene form. More generally, under Law 482/99, citizens belonging to a recognised linguistic minority can use a free and simple administrative procedure to have their surnames and/or forenames restored to their original form in the minority language if their names have been modified in the past.

176. According to the authorities, this situation is the result of technical problems arising out of computer use of the various diacritical signs in the Slovene language. It should be resolved with the new rules for using these marks adopted in February 2009 by the Ministry for Public Administration and Innovation. In practical terms, a project is being funded by the region and the municipality of Gorizia in order to develop a computer programme that will allow use of these Slovene letters and signs.

##### *Recommendation*

177. The Advisory Committee encourages the authorities to take all the necessary steps to ensure the effective implementation of the principles laid down in Article 11 of the Framework Convention regarding the right of these persons to use their surnames and first names in their own language and the right to have them officially recognised. Adequate steps should be taken to address any remaining technical obstacles in this respect.

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<sup>23</sup> Special Statute, 1954 London Memorandum, Annex II.

### **Bilingual signs and topographical indications**

#### *Recommendations from the two previous cycles of monitoring*

178. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to introduce additional bilingual inscriptions in municipalities traditionally inhabited by recognised linguistic minorities in order to respond fully to existing needs.

#### *Present situation*

179. The Advisory Committee is pleased to note that widespread bilingualism has been in place for long time in Italy in areas inhabited by persons belonging to linguistic minorities, such as the Autonomous Province of Bolzano - South Tyrol and the Autonomous Region of Aosta Valley.

180. The Advisory Committee welcomes the fact that, while there is still scope for improvement, steps have also been taken to strengthen the use of minority languages for local topographical indications in many areas 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.

181. The Advisory Committee welcomes the positive developments reported regarding the use of the Slovene language for local topographical indications and other bilingual indications. It notes that a 2008 regional government decree establishes, pursuant to Law 38/2001, a list of the municipalities, districts and other territorial units in which Slovene may be used, in addition to Italian, for local names and topographical indications. According to the authorities, this decree<sup>24</sup> completes the implementation of Law 38/2001. However, for the representatives of the Slovene minority, additional efforts are needed to implement the above legislation effectively. In their opinion, further regulatory and practical measures should be taken to allow use of Slovene for public signs and directions in the region's public services (post, transport etc.). The use of local variants of Slovene in these different contexts is also an issue of concern to this minority (see also the comments on Article 10 above).

182. Although there are still municipalities with no bilingual topographical indications, considerable progress has been reported concerning local signs in Friulian. The Advisory Committee welcomes the efforts made in this field by the provinces of Udine and Gorizia. It commends the measures taken by the authorities in the province of Gorizia to preserve and promote the province's cultural and linguistic diversity, including public use of the Friulian and Slovene languages. The Advisory Committee notes that, in addition to putting up bilingual topographical indications on the roads that are under its responsibility, the province has given priority to promoting trilingualism in various areas of public life: in provincial council meetings, for the province's documentation and official website, for the promotion of tourism, in teaching and cultural/arts activities, etc. Moreover, it notes with regret that the commitment of regional and central authorities in this respect has been much more limited.

183. In this connection, the Advisory Committee also notes the concern of representatives of the Friulian minority regarding the situation of this language in the Friulian-speaking municipalities in the province of Venice (Veneto region), where, apart from some support for the community's cultural activities, reportedly very little has been done to encourage public use of Friulian.

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<sup>24</sup> As supplemented on 31 December 2008 by the inclusion in the above-mentioned list of the province of Trieste and the municipality of Ronchi dei Legionari.

184. Shortcomings have also been reported by the German-speaking minority in the province of Udine with regard to the use of German on local signs in addition to Italian and Slovene.

185. The Advisory Committee has also been informed, after its visit to Italy, about controversies surrounding the language of mountain signposts in the Autonomous Province of Bolzano - South Tyrol. While welcoming the memorandum of understanding signed by the provincial and the national government in September 2010, the Advisory Committee wishes to emphasize the importance of bilingualism and of respect for the linguistic identity of all groups residing on a territory for peaceful and prosperous coexistence.

*Recommendation*

186. The Advisory Committee invites the authorities to continue introducing bilingual topographical indications and other bilingual inscriptions as quickly as possible in order to respond more appropriately to the needs existing in areas traditionally inhabited by persons belonging to recognised linguistic minorities, in accordance with domestic legislation and the principles enshrined in Article 11, paragraph 3, of the Framework Convention.

**Article 12 to 14 of the Framework Convention**

**Teacher training and curricula**

*Recommendations from the two previous cycles of monitoring*

187. In the previous monitoring cycles, the Advisory Committee invited the authorities to take further steps to ensure an adequate standard of teacher training and the publication of textbooks in minority languages. The authorities were encouraged to pay particular attention to minorities without a 'kin state'.

*Present situation*

188. The Advisory Committee notes with satisfaction the positive developments reported with regard to the teaching of and in minority languages. It notes that Italy now has a solid network of schools offering teaching of or in minority languages.

189. In the Friuli Venezia Giulia region, a large number of projects have been implemented over the past few years, with the support of regional authorities, to strengthen the teaching of the Slovene, Friulian and German languages. According to official sources, financial support has been provided for teacher training and development of specific courses and modules, as well as production of teaching material. For example, a language course and other pedagogical materials have been published for Ladins in the area of Belluno, and grammar and vocabulary handbooks for the German minority. In the Autonomous Region of Aosta Valley, methodology for the teaching of Franco-provençal and an electronic Franco-provençal dictionary are under preparation. Also, commendable examples of educational projects - bilingual publications and books for children, acquisition of materials and development of specialised libraries devoted to the minority's linguistic and cultural identity - have been reported in respect of other linguistic minorities, such as the Albanian minority, the Croatian minority and the Occitan minority.

190. The Advisory Committee welcomes the fact that the Italian authorities are continuing to make use of bilateral co-operation (with France, Austria and Slovenia) to strengthen measures to protect minorities in the field of education, whether through teacher training or the preparation or provision of teaching material. It notes with interest a recent co-operative history teaching project with Slovenia, to prepare a history textbook to be approved by a joint committee of historians from both countries.

191. The Advisory Committee also welcomes the decision to develop, locally, a common history textbook in the Autonomous Province of Bolzano – South Tyrol. It also notes of that recent bilateral agreements in the field of education have enabled, in the Autonomous Region of Aosta Valley region, increased exchanges, joint teacher training and pedagogical projects with the Academy of Grenoble and the Academy of Aix-Marseille. This has also opened the way to a future joint French-Italian diploma of secondary studies.

192. According to information given to the Advisory Committee, a recent review of the situation regarding education for linguistic minorities<sup>25</sup> showed the following priorities for the next few years: systematic teacher training to address the present shortage of qualified teachers; preparation of a professional list of available language teachers to be provided to interested schools; improvement of textbook quality. The central authorities have informed the Advisory Committee that a number of measures are to be adopted at the national level to remedy the shortcomings noted. These measures include teacher training for the twelve recognized linguistic minorities and the production and supply of suitable textbooks, including through a digital database.

193. Whilst welcoming the measures announced by the Government, the Advisory Committee notes that the economic crisis, along with other factors, is having a substantial impact on the effective implementation of government policies and measures in this field. It expects the announced measures to remain government priorities and the resources provided for their implementation to be allocated in due course to the various stakeholders.

194. The Advisory Committee regrets to note that few steps have been taken to increase mutual understanding and intercultural dialogue in education. Teaching materials and curricula, especially for the majority population, still contain very limited information on the languages, history and culture of linguistic minorities. According to minority representatives, this information is not always presented in an appropriate manner.

195. The Advisory Committee takes note of the concern of minority representatives regarding the impact of the education reform that has been under way since 2008 on persons belonging to minorities. According to these representatives, the introduction of higher thresholds for keeping schools open might lead to the closure of some minority schools attended by a small number of pupils and/or their merging with schools where Italian is the language of instruction, resulting in fewer opportunities for tuition in the mother tongue. The central authorities nevertheless were more positive in this respect, pointing out that exceptions would be made for minority education, enabling classes to be maintained even attended by a small number of pupils (a threshold of ten pupils has been established as the minimum).

196. Minority representatives are also concerned by the reform's introduction of the 'single teacher' system, which, according to them, will make it particularly difficult, if not impossible, to maintain the type of education provided by bilingual schools, such as the one in San Pietro al Natisone (bilingual tuition in Italian and Slovene).

197. The Advisory Committee believes that any measures to reform the education system should take into account the specific needs of persons belonging to minorities, and that the best possible response to these needs should be determined in consultation with the minorities' representatives. In any case, it expects the level of protection currently enjoyed by such persons to remain undiminished. Additional efforts are needed as regards communication between the authorities and the minorities on planned measures, and minority representatives should

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<sup>25</sup> According to the CONFEMILI umbrella group, this review took place at a conference held to mark the tenth anniversary of the adoption of the Law on the Protection of Linguistic Minorities (Law 482/99).

adequately be involved in the elaboration and adoption of decisions concerning them (see also the comments on Article 15 below).

198. The Advisory Committee notes with concern that, in a situation characterised by an increasing lack of resources, the teaching of the languages of some of the numerically-smaller linguistic minorities is suffering from a shortage of suitable textbooks and qualified teachers, and also, in some cases, from problems due to the absence of a codified written language and appropriate teaching material.

#### *Recommendations*

199. The Advisory Committee invites the authorities to take further steps to enable pupils, teachers and the public in general to learn more about the languages, culture and history of linguistic minorities through textbooks and other educational tools.

200. The Advisory Committee calls on the authorities to continue and expand measures aimed at increasing the availability of teachers and textbooks in minority languages and to ensure that the present financial crisis does not have a disproportionate impact on these measures. In this context, special attention should be paid to the needs of persons belonging to the numerically-smaller minorities.

201. The authorities are strongly encouraged to pay all necessary attention, in the context of the education reform, to the concerns voiced by representatives of the linguistic minorities and to endeavour, in consultation with these representatives, to identify solutions that take due account of specific needs of persons belonging to national minorities.

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

#### *Recommendations from the two previous cycles of monitoring*

202. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to ensure that all the schools concerned introduced teaching of minority languages and culture, as required by the legislation, as well as instruction in minority languages at pre-school, primary and lower-secondary levels.

203. The Advisory Committee encouraged the authorities to improve the Slovene language teaching without delay, as provided for by Law 38/01, especially in the province of Udine.

#### *Present situation*

204. The Advisory Committee welcomes the increasing number of initiatives to facilitate the introduction of teaching of the Friulian language in schools in the Friuli Venezia Giulia region and a more favourable attitude to this on the part of the authorities. It also notes a strong demand to learn this language.<sup>26</sup> According to official sources, in school year 2008-2009 there were about 48,000 requests for instruction in Friulian, twice as many as in the previous year, affecting about one third of the schools in the whole region.

205. The Advisory Committee also notes that legislation recently passed by the region has foreseen the setting up of a standing committee for the teaching of Friulian at school and that a project launched in 2009 in co-operation with the University of Udine aims to introduce integrated teaching of Friulian and English at secondary level.

206. The Advisory Committee regrets, however, that efforts in expanding the teaching of the Friulian language are subject to delay and difficulties. The absence of specific curricula and the

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<sup>26</sup> Under Law 482/99, teaching of minority languages is optional, and provision of such teaching must be requested by the parents of the pupils concerned. The provisions of regional Law No. 29/07 for mandatory teaching of Friulian for all pupils were invalidated by the Constitutional Court in its Decision 159/2009.

fact that teachers trained to teach Friulian in the region are not recognised by the State, also represent serious obstacles to the development of sustainable high-quality education. In addition to these difficulties and inadequate resources, progress in this field has also been affected by the fact that the Constitutional Court has invalidated some provisions of the regional law No. 29/07 on protection of the Friulian language, including the ones relating to teaching of the Friulian language (see comments under Article 5 above).

207. The Advisory Committee finds commendable that the Slovene minority has a well-developed network for teaching of and in the Slovene language, including a hundred or so primary schools (in the provinces of Trieste and Gorizia) with Slovene as the language of tuition and with textbooks and teaching material in Slovene. In public schools in the province of Udine, Slovene is taught only as a subject.

208. However, the Advisory Committee is concerned by the worrying information it has received about the private bilingual (Slovene-Italian) pre-school and primary school in San Pietro al Natisone, whose building has been declared unfit for use on safety grounds. At the time of the Advisory Committee's visit to Italy, the school was continuing to operate on an 'emergency' basis.

209. The Advisory Committee understands that, inasmuch as this is the only school in the province of Udine offering tuition in Slovene (recognised by the State in 2004), it is particularly important for the Slovene community that it should be kept open and given suitable premises. The school could eventually become a secondary school for this community, providing continuity in Slovene tuition and filling existing gaps in this field. The Advisory Committee notes in particular the concerns prompted by the authorities' proposals to distribute the pupils concerned between schools in other municipalities. It believes that steps should be taken immediately to ensure that the pupils and teachers in question can attend the school programme safely. In addition, given the special importance of this school for the Slovene community, the Advisory Committee is of the opinion that a durable solution should be found enabling the school to remain open.

210. The Advisory Committee also notes with concern that the running of the Office for Slovenian Teaching has been affected by a serious shortage of qualified staff and the very limited support that it receives from the authorities. Consequently, its contribution to maintaining and developing Slovene language teaching is apparently severely restricted.

211. The representatives of the German-speaking minority of the province of Udine, for their part, expressed their concern about the impact of changes resulting from the education reform on the opportunities to learn German in State schools, and in particular the introduction of English as the main foreign language in Italian schools.

212. More generally, the Advisory Committee is concerned that efforts to develop and strengthen teaching of and/or in minority languages have been affected by the shortage of financial resources arising out of the current economic crisis and by a lack of investment by the authorities. It has also been informed that significant delays are recorded in the transfer of central-government funds to the regions. Education, which is one of the responsibilities delegated by the central government to the regions, seems to be particularly affected by these problems.

### *Recommendations*

213. The Advisory Committee strongly encourages the authorities to continue and step up measures to develop sustainable quality education in the Friulian language as well as, in the regions concerned, in the languages of numerically-smaller minorities, and, more generally, to show a stronger commitment in this field, including as regards financial support.

214. The authorities are also encouraged to do their utmost to provide more support for teaching of and in the Slovene language and find an appropriate solution to the problems facing the school in San Pietro al Natisone as a matter of urgency, taking due account of the expectations of the pupils and parents concerned.

### **Education of Roma and Sinti children**

#### *Recommendations from the two previous cycles of monitoring*

215. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to step up their efforts to ensure that Roma and Sinti pupils attended school on a regular basis and to reflect more of their culture in school curricula as part of a comprehensive strategy of integration.

#### *Present situation*

216. The Advisory Committee welcomes the efforts made by the authorities in the last few years to promote and ensure access to education for all Roma and Sinti children regardless of their legal status and that of their parents. It commends the projects implemented by the local authorities and by NGOs in municipalities such as Rome, Milan, Naples, Bologna and Florence to assist children in this field, reduce their rate of absenteeism and integrate them better into the school system. Efforts have also been made to involve the families in these activities, raise awareness in schools and among teachers and prevent discriminatory attitudes.

217. Under Italian legislation, all children, regardless of their legal status, have the right to education, which is compulsory up to the age of 16. Despite this guarantee, access to school is often difficult for children living in camps, given the isolated location of these camps and the lack of transport between them (particularly the “unauthorised” ones) and schools. According to the Italian authorities, however, public transport between the authorised camps and schools is free for Roma pupils and every Roma child holding a valid residence permit receives around 130 Euros each year to help purchase school supplies.

218. While welcoming these efforts, the Advisory Committee remains concerned about the situation of children belonging to these communities. It warns that school attendance rates vary considerably and observes that the problems reported in terms of housing and employment and parents’ lack of resources have a negative impact on their children’s access to education and educational achievement. By way of an example, out of the 5,000 to 7,000 Roma children living in the Rome area in April 2008, only 1,500 were attending school according to figures provided by the Prefecture, which means that approximately 75% of Roma children in the Rome area did not receive an education.

219. The Advisory Committee was informed that, following help from the local authorities towards transport, school supplies and meals, the children concerned have a good attendance rate (as much as 70% in some cases) in some authorised camps. On the other hand, the situation is particularly serious in some “unauthorised” camps. The deplorable living conditions and extreme poverty, the lack of identity papers and of any assistance from the authorities, and repeated forced evictions make it particularly difficult, if not impossible, for children to have access to education and exposes them sometimes to economic and sexual exploitation.

220. The situation in terms of educational achievement remains problematical. The Advisory Committee notes with concern the particularly high school drop-out rate among children from the Roma and Sinti communities after primary school. It also observes that, for various reasons, including marriage at an early age, which still occurs frequently in these communities, young Roma girls are more affected by this phenomenon. The Advisory Committee also believes, more generally, that the climate of hostility towards the Roma population, as well as the “security

package” and the “nomad” emergency-related measures have also contributed to de-motivating Roma children and their parents with regard to education and to increased absenteeism and school drop-out within the Roma and Sinti communities.

221. As regards efforts to raise awareness of the Roma and Sinti culture among pupils belonging to the majority and other population groups, the Advisory Committee notes with interest that, in the 2009-2010 academic year, the Ministry of Education produced fact-sheets on Roma history for distribution in schools.

#### *Recommendations*

222. The Advisory Committee calls on the authorities to continue and step up their efforts to support the effective integration of all children from the Roma and Sinti communities into the education system, regardless of their origins and legal status.

223. Specific measures should be taken without delay to support the families concerned in this field and to reduce as far as possible the drop-out rate among these children. Representatives of the Roma and Sinti should be consulted and involved in seeking the most appropriate solutions to the difficulties observed. In this context, particular attention should be paid to Recommendation CM/Rec(2009)4 of the Committee of Ministers to member States on the education of Roma and Travellers in Europe.

224. The Advisory Committee strongly encourages the authorities to take more effective measures to raise awareness among teachers and all school staff, and among the parents of children belonging to the majority, of the difficulties encountered by Roma children, their culture and their specific needs. In this context, more attention should be paid to the training and recruitment of teachers and auxiliary staff of Roma and Sinti origin.

### **Article 15 of the Framework Convention**

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

##### *Recommendations from the two previous cycles of monitoring*

225. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to strengthen participation of minority representatives in the Technical Committee assisting in the implementation of Law 482/99. The authorities were also invited to consider developing other specific consultative mechanisms to institutionalise minority participation.

226. The authorities were further encouraged to carry out a review of the situation with regard to the presence in the civil service of persons belonging to minorities and to take specific measures to increase their numbers should the findings prove unsatisfactory.

##### *Present situation*

227. As underlined by the minority representatives met by the Advisory Committee, at national level, including in Parliament, the participation by persons belonging to minorities in decisions affecting them remains limited. As regards the Technical Committee assisting in the implementation of Law 482/99, the Advisory Committee has understood that the shortcomings noted in previous monitoring cycles remain. It appears in particular that, although the Technical Committee is consulted and can make its position clear on the main issues to be decided, its minority representatives' members have only a limited influence on its decision-making.

228. The Advisory Committee is not aware of any future or existing new forms or mechanisms of consultation for the purpose of improving participation at national level by persons belonging to minorities. It notes with interest CONFEMILI's proposal to reactivate the

standing conference of the central government, regions, local authorities and linguistic minorities, a body set up a few years ago with support from the Ministry of Regional Affairs. According to the information received by the Advisory Committee, this conference was responsible for monitoring the implementation of existing legislation, proposing, on behalf of linguistic minorities, legislative, administrative and other changes relating to the protection of minorities, as well as co-ordinating initiatives in this field.

229. The Advisory Committee also wishes to echo and support the proposal made by the minority representatives with whom it met, to set up a special body within the central government responsible for co-ordinating government policy on the protection of minorities and acting as a single point of contact, within the executive, for minority organisations. The Advisory Committee acknowledges that, under the various systems and degrees of decentralisation and autonomy enjoyed by the areas in which linguistic minorities live, powers and responsibilities – and the relevant resources – are shared between different levels of authority. Nevertheless, it wishes to recall that the central government remains fully responsible for the implementation of domestic legislation on minority protection and Italy's international obligations in this field. The Advisory Committee believes that giving careful consideration to the above proposal may be one of the ways towards solving the problems arising from the lack of co-ordination among different levels of authorities.

230. The Advisory Committee notes that, pursuant to Article 26 of Law 38/01, electoral legislation should favour access by representatives of the Slovene minority to the Senate and the Chamber of Deputies. However these provisions seem to have received little attention from the authorities. In practice, even though there is currently a Slovene representative in the Senate, this is due to his election by the normal procedure rather than to a specific mechanism introduced for minority representation.

231. More generally, the Advisory Committee regrets to note that the concerns of persons belonging to minorities, their needs and their initiatives are not always given due attention by the authorities. It notes, for example, that the referendum held in 2007 by the Ladins of Sella in the province of Belluno on their inclusion in measures to protect linguistic minorities failed to prompt any response by the authorities. While fully aware of the legislation in force and of the Constitutional Court case-law regarding the inclusion of new groups or languages within the protection of linguistic minorities, the Advisory Committee believes that the authorities should open a dialogue with the persons concerned and allow them to make their position clear (see also the comments on Article 3 above).

232. As regards the presence of persons belonging to minorities in the civil service, besides the measures in place in the Autonomous Province of Bolzano – South Tyrol and, to some extent, in the Autonomous Region of Aosta Valley, the Advisory Committee is not aware of any specific measures taken by the authorities, since the previous monitoring cycle, to review the situation in this field and help increase, where needed, the numbers of such persons employed in the civil service.

#### *Recommendations*

233. The Advisory Committee urges the authorities to take more effective steps to improve the participation of persons belonging to minorities in public affairs, especially those affecting them. In particular, they should review institutional mechanisms for participation in the central government and identify ways of making this participation more effective.

234. The authorities should take effective steps to set up a single contact point acting as a co-ordinating body within the central government for the protection of minorities. They should also ensure the effective implementation of laws to facilitate access of minority representatives to the national parliament.

235. The authorities are strongly encouraged to make a greater effort to create a favourable climate for the participation of persons belonging to minorities in public affairs at the local, regional and national level, including by condemning racist and xenophobic attitudes in society. Greater attention should be paid to promoting the employment of such persons belonging to minorities in the civil service.

### **Participation at the regional level**

#### *Recommendations from the previous two monitoring cycles*

236. In the previous monitoring cycle, the Advisory Committee encouraged the authorities to take the necessary steps to improve the functioning of the Joint Committee established under Law 38/01. It also urged them to ensure that the mechanisms for social and economic participation provided for under section 21 of Law 38/01 were implemented immediately.

#### *Present situation*

237. The Advisory Committee is pleased to note that, generally-speaking, a spirit of frank and constructive dialogue, marked by open-mindedness and transparency, prevails in relations between minorities and local and regional authorities.

238. Positive developments have been noted regarding participation by Slovenes in public life at the regional level. In addition to the fact that the region's electoral legislation now provides for the election of a regional councillor to represent the Slovene minority, significant progress has been recorded with regard to the functioning of the Joint Committee set up under Law 38/01. The Advisory Committee welcomes the fact that over the past few years this committee has received support from regional authorities and its views have been taken into account when important practical and legislative measures have been adopted, such as the decrees on demarcation of the traditional areas of settlement of the Slovene minority and on public use of the Slovene language. It also welcomes the fact that the Joint Committee's comments have been included in the State Report.

239. On the other hand, very little progress has been reported on the representation of the Slovene minority in bodies responsible for the region's environmental and socio-economic planning. The Advisory Committee regrets that this minority still has no adequate representation in these bodies, although, following the formal approval of the list of municipalities in which Slovenes have traditionally been present, all the statutory preconditions have been met. The Advisory Committee was informed that, at the time of its visit to Italy, only one municipality had approached the Joint Committee with a view to including Slovene representatives in one of its consultative committees. The Advisory Committee stresses that it is essential for persons belonging to minorities to be consulted and involved in decision-making on matters of importance for the future of their communities and the areas in which they live, such as socio-economic planning, in order that, for example, their traditional economic activities can be preserved and perpetuated.<sup>27</sup>

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<sup>27</sup> See the Advisory Committee's thematic commentary on the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, adopted on 27 February 2008.

240. The Advisory Committee noted with interest the current debate on proposals to reduce the number of municipalities and elected bodies at the local level as well as the concern which these proposals have prompted among minority representatives. According to the latter, such changes might have an adverse impact on the protection of minorities and especially on their participation in decisions affecting them. The Advisory Committee considers it essential that, if new territorial units are introduced, suitable procedures should be identified, in consultation with minority representatives, to ensure that minorities can highlight the needs and expectations of their communities in any decision-making process affecting them.

*Recommendations*

241. The authorities should take all necessary steps to ensure the comprehensive and effective implementation of existing legislative provisions regarding the participation by persons belonging to minorities in public affairs at the local and regional level, including in socio-economic planning bodies.

242. The authorities should ensure that, in the event of an administrative reform which might result in the creation of a smaller number of municipalities, all the conditions are in place for persons belonging to minorities to participate fully in social, economic and cultural life and local public affairs. Consultation of minority representatives during decision-making on such a reform is essential and their opinion should be duly taken into account when taking decisions.

**Consultation and participation of Roma and Sinti**

*Recommendations from the previous two monitoring cycles*

243. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to consider creating a suitable body through which Roma and Sinti could be regularly consulted on matters affecting them and which would be able to provide informed assistance in the development of an integration strategy.

*Present situation*

244. The Advisory Committee deeply regrets that no advisory body has yet been set up through which Roma and Sinti can be consulted on policies and measures adopted with regard to them. Consultation mechanisms for these communities are also largely lacking at local and regional levels.

245. The Advisory Committee believes that the heterogeneity and differing views of Roma and Sinti organisations are no excuse for the absence of a proper consultation mechanism. It has noted with interest, in this respect, the UNAR's suggestion for the setting up of an institutional structure as a framework for dialogue between the representatives of the Roma and Sinti communities and the authorities.

246. The Advisory Committee further considers that the authorities should ensure fair and transparent distribution between the various Roma and Sinti organisations of the financial support provided by the central government for projects to improve the situation of these communities (see also the comments on Article 5 above).

247. As regards the participation by Roma and Sinti in social, economic and cultural life, the Advisory Committee refers to its comments on Articles 4-6, 5 and 9 above.

*Recommendations*

248. The authorities must take, without further delay, effective steps to ensure a substantial improvement in participation by Roma and Sinti in public affairs at national, regional and local levels, with due regard for the differences existing within these groups.

249. Priority should be given to establishing an advisory body enabling these persons to be consulted on policies and measures concerning them.

250. At the same time, the authorities should adopt and continue to grant support to the projects and initiatives of the various organisations representing these communities on the basis of clear, transparent and fair criteria.

## **Article 18 of the Framework Convention**

### **Co-operation with neighbouring countries**

#### *Present situation*

251. The Advisory Committee notes with satisfaction the positive developments reported on co-operation with neighbouring countries - Austria, France and Slovenia - in matters relating to the protection of persons belonging to minorities.

252. The Advisory Committee notes with interest the ongoing forms of cross-border co-operation involving regions where persons belonging to national minorities live in substantial numbers, such as Piedmont, Trentino-South Tyrol and Friuli Venezia Giulia.

253. As regards co-operation with Slovenia, it notes with satisfaction that in November 2009, at the second annual meeting under their bilateral co-operation agreement, both governments again confirmed their strong commitment to protecting the minorities living on their respective territories and their determination to strengthen bilateral co-operation in this respect. The Advisory Committee furthermore welcomes the fact that the new legislation adopted by the Friuli Venezia Giulia region on the protection of minorities also contains provisions encouraging bilateral co-operation in this field.

#### *Recommendation*

254. The Advisory Committee encourages the authorities (central, regional and local) to pursue further and strengthen bilateral co-operation in the field of minority protection, as required by Article 18, paragraph 2, of the Framework Convention, particularly in border regions where persons belonging to national minorities reside in substantial numbers.

### III. CONCLUSIONS

255. The Advisory Committee considers that these concluding remarks might serve as the basis for the conclusions and recommendations to be adopted by the Committee of Ministers in respect of Italy.

#### **Positive developments after two cycles of monitoring**

256. The Italian authorities at different levels have continued to provide support for maintaining and developing minority languages and the historical and cultural heritage of linguistic minorities. Commendable initiatives have been taken in this respect, particularly at regional and local levels.

257. The legislative framework for minority protection has been broadened through the adoption, by several regions or provinces, of regional laws governing the protection of the linguistic minorities living in their territories. Decentralisation and the various systems of autonomy established in Italy have, despite difficulties noted in some areas, proved to be beneficial to persons belonging to minorities. As a result, an advanced and complex level of protection of minorities is today in place in a number of provinces and regions of Italy, such as the Autonomous Province of Bolzano - South Tyrol, the Autonomous Regions of Aosta Valley and Friuli Venezia Giulia, the Autonomous Province of Trento and the Region of Piedmont. A spirit of frank and constructive dialogue prevails in general in relations between the recognized linguistic minorities and the authorities, in particular at local and regional levels, and a positive evolution has been reported with regard to the climate surrounding protection of linguistic minorities.

258. The process of demarcation of municipalities traditionally inhabited by the Slovene minority, to be covered by Law 38/01 on the protection of the Slovene linguistic minority, has continued in the Friuli Venezia Giulia region, and solutions have been found to previously reported problems in this respect. Further positive developments have been noted as regards the Slovene minority, in terms of legislation, institutional framework, education and public use of Slovene.

259. New steps have been taken to improve the anti-discrimination legislative and institutional framework and to strengthen prevention and combating racism. For example, agreements have been signed by UNAR with several regions and municipalities, NGOs, employers and trade unions, as well as with lawyers' associations, to strengthen protection against discrimination and to enable increased use of the remedies available. In addition, a wide range of measures and programmes aimed at promoting cultural diversity, respect for human rights, tolerance and intercultural dialogue, have been implemented by the authorities and the NGOs.

260. Access to media in their own language for persons belonging to linguistic minorities, particularly the German and the French speaking minorities, remains broad, both with respect to locally-produced media and to access to the media from abroad.

261. Efforts have been made, in the Friuli Venezia Giulia region and the provinces of Trieste, Udine and Gorizia, as well as by several other regions, including Piedmont and the Autonomous Province of Trento, to promote and increase the public use of the minority languages. Although difficulties are still reported, positive developments have been noted regarding the use of minority languages, such as the Slovene language and Friulian, for local topographical indications and other bilingual indications.

262. A solid network of schools offers children belonging to linguistic minorities teaching of or in minority languages and a number of positive steps have been reported in this field in different regions and provinces. It is commendable that the Italian authorities have continued to make use of bilateral co-operation in order to improve the protection of persons belonging to minorities in the field of education.

263. Efforts have also been made in the last few years to promote access to education for Roma and Sinti children. Specific projects have been implemented by local authorities and NGOs in municipalities such as Rome, Milan, Naples, Bologna and Florence to assist Roma and Sinti children, reduce their absenteeism and integrate them better into the school system.

264. A wide range of mechanisms is available, to enable participation of persons belonging to minorities in decision-making, under the various systems of decentralisation and autonomy that exist in Italy. Progress has been noted regarding participation by persons belonging to minorities, such as the Slovenes in the Friuli Venezia Giulia region, in public life at the regional and local level.

### **Issues of concern after two cycles of monitoring**

265. It is highly regrettable that, despite several legislative proposals, a specific legislative framework, at national level, for the protection of the Roma and Sinti living in Italy has still not been adopted.

266. Shortcomings remain as regards the actual implementation of the existing legislative framework for minority protection. In particular, there is an increasing gap between the existing needs within the linguistic minorities and the resources made available by the central government. In recent years, substantial financial cuts and delayed transfers of funds have resulted in problems and delays in the implementation of legal guarantees relating to the public use of minority languages, teaching of and/or in these languages, minority language broadcasts and cultural development of the minority communities.

267. The impact of budgetary austerity measures on the situation of persons belonging to linguistic minorities and the preservation and development of their identity, is a serious source of concern for their representatives. The numerically-smaller minorities appear to be particularly affected by the scarcity of resources and report serious difficulties in promoting their specific identities and maintaining their associations operational.

268. Serious shortcomings have been noted with respect to the implementation of the principles of equality and non-discrimination. The number of cases of discrimination reported to UNAR has increased in recent years and cover sectors such as employment and housing, public services, the media and education. Roma and Sinti and persons belonging to other vulnerable groups, such as migrants, refugees and asylum-seekers, largely predominate among the victims of discrimination. UNAR is still faced with a shortage of appropriate human and financial resources, a relatively limited scope for action and the need to increase the impact of its work. Moreover, Italy has regrettably still not set up an independent national body for the defence and protection of human rights.

269. Italian society has been marked, in recent years, by a serious increase in racist and xenophobic attitudes towards persons belonging to vulnerable groups such as Roma and Sinti, Muslims, migrants, refugees and asylum-seekers. It is particularly worrying that such hostile attitudes are sometimes found at institutional level and they are increasingly present in the political discourse and in the media. This has resulted in a significant increase in manifestations of intolerance in Italian society, with repeated acts of hostility and sometimes extreme violence

against Roma and Sinti and migrants. Frequent cases of abuse and violence committed against such persons by law enforcement officers are a source of deep concern.

270. The Government's policy and certain measures taken in the last few years with regard to the Roma and Sinti population and migrants - the legislative and administrative texts adopted since 2006 under the "security package", the "nomad" emergency decrees issued from May 2008 onwards and the ensuing measures, including the collection of data conducted in 2008 in the 'camps for nomads' - have raised serious concerns from the human rights perspective. The authorities' approach to the problems faced by these groups, where decisions are taken by means of emergency orders and punitive rather than constructive measures, is clearly not in line with commitments taken by Italy under the Framework Convention.

271. The situation of Roma and Sinti and the lack of a comprehensive strategy for their protection remain a source of deep concern. The living conditions of these persons have continued to deteriorate and their marginalisation and social exclusion have increased. Although only very few members of these communities share a nomadic lifestyle, they continue to be placed in 'camps for nomads', which perpetuates their segregation and marginalisation. Roma and Sinti are faced on a daily basis with poverty, extreme hardship and discrimination in all fields: access to housing, employment, health care, education and other social rights. They are confronted with hostility and even, in some cases, violence by members of the majority population. Frequent expulsions from the camps, in many cases without prior information or consultation and without adequate rehousing options, have left many Roma and Sinti without the most basic living conditions.

272. Delays in the implementation of Law 38/01 on protection of the Slovene linguistic minority continue to be reported. In particular, there is scope for improvement as regards the public use of Slovene, access to minority language media for all members of the Slovene community and, especially, financial support for this community's cultural activities and for the maintaining of adequate opportunities for minority education.

273. The implementation of the legal guarantees available in the field of the media for persons belonging to minorities is still hampered, in the Friuli Venezia Giulia region, by substantial delays and numerous shortcomings. The numerically-smaller minorities also face problems in their efforts to acquire adequate media presence and maintain their publications.

274. While progress has been noted in this field, representatives of these linguistic minorities consider that the use of minority languages in the public sphere remains insufficiently developed and not yet adequate to meet existing needs. Linguistic help desks are still to be opened in some municipalities and those in place need increased resources. Shortcomings have also been reported in some areas with regard to bilingual inscriptions.

275. Only few steps have been taken to increase mutual understanding and intercultural dialogue in education. Teaching materials and curricula, especially for the majority population, still contain very limited information on the languages, history and culture of linguistic minorities. At the same time, efforts to develop and strengthen teaching of and/or in minority languages have been affected by the shortage of resources and by an insufficient investment by the authorities. Shortcomings are reported with regard to the availability of qualified teachers and quality textbooks for the education of persons belonging to numerically-smaller linguistic minorities. Moreover, minority representatives are concerned that some measures planned as part of the 2008 education reform might result in fewer opportunities for tuition of/in the minority language.

276. The situation of Roma and Sinti in education remains a source of serious concern, with high numbers of children remaining out of the education system, increased absenteeism and a particularly high school drop-out rate after primary school.

277. Participation by persons belonging to minorities in decision-making at national level, including in Parliament, remains limited. Minority representatives in the Technical Committee assisting in the implementation of Law 482/99 continue to have only a limited influence on the adoption of decisions of interest for minorities. It appears that a single point of contact, within the executive, for minority organisations would help address shortcomings reported in the coordination of minority protection policies. In addition, no advisory body has yet been set up to consult Roma and Sinti on measures adopted with regard to them. Consultation mechanisms for these communities are also largely lacking at local and regional levels.

### **Recommendations**

278. In addition to the measures to be taken to implement the detailed recommendations contained in sections I and II of the Opinion of the Advisory Committee, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

#### **Issues requiring immediate action<sup>28</sup>**

- **Adopt and implement effectively a specific legislative framework and a comprehensive strategy of integration and protection of Roma and Sinti, in consultation with their representatives, and taking adequately into account the differences existing within these communities;**
- **Ensure by means of urgent measures adequate living conditions for the Roma and Sinti living in camps and guarantee the Roma and Sinti equal access to housing, employment, education and health care; put an end to the undue use of emergency and security measures in tackling the situation of the Roma and Sinti;**
- **Prevent, combat and sanction effectively all forms of discrimination, intolerance, racism and xenophobia, including at institutional level and in political discourse; prevent and combat, while fully respecting the editorial independence of the media, the spread of prejudice and racist language through the media, as well as on the Internet and in sports events;**
- **Ensure that the current economic crisis and related budgetary cuts do not have a disproportionate impact on measures to support persons belonging to minorities;**

#### **Other recommendations<sup>29</sup>**

- Pursue efforts to gather reliable data on the numbers and situation of persons belonging to the linguistic minorities, as well as on the Roma and Sinti; ensure that adequate ways and means are used to obtain such data and that existing international safeguards and standards concerning personal data protection, including the right to free self-identification as guaranteed in Article 3 of the Framework Convention, are fully respected;

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<sup>28</sup> The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

<sup>29</sup> The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

- Continue to support the preservation and development of the cultural heritage of minorities, including the numerically-smaller minorities, and ensure a more adequate balance between needs and resources allocated;
- Give full support to the Office for the Promotion of Equal Treatment and the Fight against Racial Discrimination (UNAR), including adequate human and financial resources, to enable this body to carry out its work effectively and independently; set up without further delay a national institution for the protection of human rights, in accordance with the Paris Principles;
- Increase public awareness, including among the public authorities, the law enforcement agencies, the judiciary and the media, about human rights, legislative safeguards in the area of protection against discrimination and available remedies; promote mutual understanding and respect, particularly towards persons belonging to vulnerable groups, such as Roma and Sinti, migrants, asylum-seekers and refugees; ensure that any violation of human rights by law enforcement officers is effectively investigated, prosecuted and appropriately sanctioned;
- Take steps to remedy shortcomings - including for Slovenes in some parts of the Friuli Venezia Giulia region - to ensure sufficient access, for persons belonging to linguistic minorities, to radio and television broadcasting in their languages; pay particular attention to the needs of persons belonging to the numerically-smaller minorities in the media field, including the print media;
- Take effective measures to address shortcomings in the public use of minority languages - in particular in dealings with the local administrative authorities and for bilingual/multilingual topographical indications -, in accordance with domestic legislation and the principles of the Framework Convention;
- Adopt more effective measures to increase availability of teachers and textbooks for minority education, and continue to develop teaching of/or in minority languages; increase public awareness of the languages and culture of linguistic minorities, and of Roma and Sinti, through textbooks and other educational tools;
- Take urgent measures to ensure equal access to education and significantly improve the situation of the Roma and Sinti children in education;
- Take steps to make more effective the participation of persons belonging to minorities in public affairs, both at the local/regional and central level; promote more effectively the presence of such persons in the civil service, elected bodies, as well as in socio-economic planning bodies; set up a single coordinating body for minority protection within the central government;
- Take appropriate steps to enable the effective participation by Roma and Sinti in public affairs, including by establishing an advisory body for the consultation of the Roma and Sinti on policies and measures concerning them.