



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Concluding observations on the combined sixteenth to
eighteenth periodic reports of Italy, adopted by the
Committee at its eightieth session (13 February-9 March
2012)**

Addendum

**Information received from the Government of Italy regarding the
recommendations in paragraphs 13 and 15 of the concluding
observations ***

[18 June 2013]

I. Introduction

1. Following the request reported under paragraph 35 of the concluding observations, adopted by the Committee on the Elimination of Racial Discrimination (CERD) on 9 March 2012, referring to the recommendations contained in paragraphs 13 and 15 thereof, Italy is in a position to provide the following information, in accordance with article 9, paragraph 1, of the Convention and rule 65 of the Committee's amended rules of procedure.

**II. Government responses to the Committee's concluding
observations (CERD/C/ITA/CO/16-18)**

**A. Reply to the recommendations contained in paragraph 13 of the
concluding observations**

2. On 20 July 2012, Italian Senate adopted Bill No. 2720 concerning the establishment of an independent National Human Rights Institution (NHRI), and thus transmitted it for examination to the Chamber of Deputies that further added several amendments -the

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document has not been edited.

content of which was in line with the Paris Principles and international commitments as assumed by our Country within the framework of the United Nations.

B. Reply to the recommendations contained in paragraph 15 of the concluding observations

3. In view of the ruling of the Council of State, the Committee recommends that the State party take appropriate measures to provide effective remedies to members of Roma and Sinti communities for all the negative effects that followed the implementation of the NED, including by providing appropriate housing for them, and ensuring that segregated camps are not the only housing solution available to them.

4. In accordance with EC Communication, No. 173/2011 (“EU Framework for National Roma Integration Strategies”), Italy transmitted the EU, its National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities (2012-2020), on February 28th, 2012. This Strategy will guide the effective integration/inclusion process of Roma, Sinti and Caminanti communities (acronym in Italian, RSC) in Italy, in the coming years. Accordingly, this was adopted with the aim of “definitively overcoming the emergency phase, which has characterized the past years, especially when intervening in and working on the relevant situation in large urban areas (www.unar.it)”. Furthermore, by this Strategy, it has been acknowledged that over the years, the consecutive rounds of measures aimed, inter alia, at the integration and the inclusion of the Roma, Sinti and Caminanti communities have demonstrated the complexity of their situation. At present, the RSC communities are not concentrated in a specific area but scattered throughout the Country. Plus, the old conception, which associated these communities with the solely connotation of “nomadism”, has been overcome. This term is outdated both linguistically and culturally since it does not portray correctly the current situation, as reiterated in the above Strategy. Specifically, when referring to Roma people living in Italy, we acknowledge the current variety of legal statuses among them: Italian citizens; citizens from other EU countries, Non-EU citizens; foreigners who were granted asylum or subsidiary protection; (de facto) stateless people, and those born in Italy from stateless parents.

5. To this end, the Italian Government established a political control room (*Cabina di regia/tavolo politico inter-ministeriale*), including the following Ministers: Minister for International Cooperation and Integration; Minister of Labor and Social Affairs; Minister of Interior; Minister on Health; Minister on Education, University and Research; and the Minister of Justice.

6. Within this exercise, the then Minister for International Cooperation and Integration involved representatives of regional and local Authorities, including mayors of large urban areas, as well as representatives of the Roma, Sinti and Caminanti communities living in Italy (As of today, 94 NGOs have been included in the list of those associations which will be involved in the so-called regional tables – once established -, while the four main Romani Associations working at the national level have been already involved in the National Working Groups envisaged by the National Strategy).

7. In this context, it is worth-mentioning that the main “Axes” of intervention involve, to a different extent, many Authorities with a variety of roles, tasks and competencies: All of them must participate in this structured exercise, in a coordinated manner, in order to pursue the relevant objectives, as set out by the Government within the relevant “EU Framework”.

8. Therefore the above control room will guide the integration/inclusion process over time, by periodically monitoring and assessing the state of play, including the results so achieved and the consistency of the national choices and projects with the EU

recommendations. To this end, UNAR (the National Office Against Racial Discrimination) was designated in November 2011 as the National Focal Point (NFP).

9. At the substantial level, this Strategy was drafted in accordance with relevant international and regional standards (See pp.3 ff). In its first part, this Strategy recalls all relevant international and regional standards and the recommendations thereto – from the High Commissioner’s addressed to the European Commission, to the various Concluding Observations by relevant Treaty Bodies, to mention a few. Plus, a gender perspective and a human rights-based approach were introduced, besides a specific focus on human rights education-related activities.

10. Needless to say, all the elements emphasized in the first Part were also reflected in the last two pages of this Strategy devoted to the “National Commitments”. Additionally, when designing the above Strategy and the follow-up measures, Italian Authorities took into full consideration the Council of State’s Judgment, No. 6050 of 16 November 2011, by which it was declared void the decree of the Presidency of the Council of Ministers dated May 21, 2008 concerning “the state of emergency in relation to the settlements of nomad communities” in the regions of Campania, Lombardy and Latium respectively. The above decree had also envisaged the appointment of delegates-Commissioners. Consequently the Council of State also declared void those acts made in exercising the so-called civil protection emergency powers. In this regard at the end of April 2013, the Supreme Court, gathered in Joint Sections, just confirmed the above Judgment.

11. At the chronological level, following the approval by the EC of the above Strategy on May 30, 2012 – and in parallel with its own traditional mission -, UNAR promptly launched a stock-taking exercise of its and other relevant past experiences besides concluding a certain number of initiatives relating to “housing”, cultural mediation services, school dropping-out, human rights education.

12. From June 2012, in parallel with its traditional relevant activities, UNAR started and/or supported the launch of most of the initiatives and projects contained in the Strategy under reference.

13. At the implementation level, a quite complex form of governance was introduced by the Strategy, though proving to be successful. This envisages, as follows:

(a) The establishment of four Working Groups on housing (to be promptly established by the newly-established Government), education (started in mid-February 2013), labour (started on 1 February 2013) and health (started in mid-February 2013), respectively;

(b) The establishment of some additional working groups aimed at collecting relevant data, being essential to adequately steer the policy choices (launched in June 2012)¹, and studying the heterogeneous legal status of those undocumented Roma people who arrived in Italy in particular in the aftermath of the Balkan conflict (mainly *de facto* stateless persons), with the purpose of recommending possible legislative paths to be undertaken under the new Legislature (XVII) – launched on January 30, 2013;

(c) The constant monitoring of the EU and National funding, including monitoring the correct use and the consistency of resources, to make sure that the above objectives be achievable.

¹ This statistics-related Task Force will elaborate monitoring-related indicators, in order to facilitate a better detection of data while giving value to statistics sources already existing at the local level, especially in the four main areas of the National Strategy, namely work, education, health, and housing.

14. Additionally, to make sure that the National Strategy could be adequately translated at the local level, UNAR supported the establishment of the so-called National Table (WG) of the Italian Regions (5 December 2012). Within this framework, the State-Region Conference (Coordinator of this WG) requested all Italian Regions to appoint a representative for such a venue - usually the social policies assessor – who will promote in his/her own region the establishment of single regional Tables within which to draft and launch local Social Inclusion Plans, in line with the National Strategy.

15. The Municipality of Milan adopted a Plan in early December 2012 and has currently requested some support from UNAR, to better define its relevant policies. Tuscany and Emilia-Romagna were the first Regions to show their willingness to work towards this end. Additional positive indications have been expressed by the following Regions: Marche, Campania, Sicily and Liguria (besides additional bilateral contacts and initiatives with all the other Regional and relevant Municipalities, especially those initially involved in the so-called Nomad Emergency should be emphasized).

16. With specific regard to relevant additional initiatives, including UNAR's, as a way of example mention has to be made of the following measures:

(a) Relevant UNAR's actions mainly fall within the so-called "Axis D – Action No. 6 (PON-GAS 2007-2013); and are aimed at promoting governance measures, and inclusion policies and means, as well as tools to fight discrimination against Roma, Sinti and Caminanti communities - to which to add additional measures, being promptly launched under "Axis A" and "Axis B";

(b) The objective of activities under Action No.6 is to promote governance models and instruments to support Regions from legal, administrative and management standpoints, in order to overcome local obstacles to the inclusion of RSC Communities;

(c) Among relevant activities, UNAR is: publishing through ad hoc projects relevant documentation, such as the CoE Fact-sheets on Roma History; besides promoting cultural-linguistic mediation, communication models, a register of Roma and Sinti linguistic mediators; increasing cooperation between local Authorities, including regional education offices and prefectures, and RSC communities, especially in the so-called Objective-Convergence Regions; developing networks, and awareness-raising campaigns. To these end, UNAR is involving by public notices, research institutes and other stakeholders;

(d) As for those actions under Axis A and Axis B, they mainly refer to fight against social exclusion and unemployment, by facilitating social entrepreneurship, especially of RSC women, safety at workplace, and placement – especially for the so-called Objective-Convergence Regions;

(e) As for the information and communication sectors, mention has to be made of the Campaign called "Dosta!" ("Enough!"), as initially launched by the Council of Europe in Eastern European countries in order to remove prejudices and stereotypes towards RSC people. UNAR has been promoting it in thirty Italian cities. Events, projects and cultural initiatives and education, training and information campaigns took place in 2010 and 2011, including training courses for journalists, tool-kits for schools, commercials in the subways and on the public buses. UNAR has already formalized its extension throughout 2013. Similarly, from 2013 onwards, the NFP is committed to promoting, on the occasion of the Holocaust Memorial Day (January 27), a specific initiative of national relevance, with regard to the commemoration and the dissemination of information concerning "Porrajmos". Finally, within the regular "Week of Actions Against Racism", being promoted since 2005, in conjunction with the International Day for the Elimination of All Forms of Racial Discrimination scheduled by the United Nations for March 21 of each year, UNAR also plans actions specifically directed to combat "anti-gitanism" phenomena;

(f) Further, mention has to be made of three differing interventions, of which two have been activated by the Ministry of the Interior and the Department for Equal Opportunities, in the 2007-2013 program of NDP (PON) "Security" and "Governance" and the last one will be soon launched by the Ministry of Justice - Department of Juvenile Justice, within the European Fund for the Integration of third country nationals, 2007-2013: The Equal Opportunities Department - entitled to manage Action 6 of Ob. 4.2 of PON ESF "Governance", relying on the previous training experience of Roma and Sinti mediators within the project Romed of the Council of Europe -, has already formalized the start-up of a relevant pilot-project for the biennium 2012-2013, aimed at "The promotion of a network of RSC cultural-linguistic mediators". With regard to the implementation of cultural mediation services, the General Directorate for the implementation of judicial orders at the Department of the Juvenile Justice has presented six projects under the Social Fund for the Integration of Third Countries of the Ministry of the Interior, 2007-2013, providing for the planning of interventions of cultural, social and linguistic mediators within the Juvenile Services in Veneto, Rome, Florence, Palermo, Naples and Catania, respectively, to be effectively launched during the biennium 2012-2013;

(g) Finally, UNAR signed an MoU with the National Forensic Council, to launch periodic training and refresher courses for lawyers, also covering the fight against discrimination, to be eventually extended to officials of the Department of Penitentiary Administration, involving the personnel from 18 detention Centres and juvenile prisons where the presence of Roma detainees is prevailing.

17. With specific regard to housing-related issues and forced eviction cases, further to the above-mentioned Council of State's judgment dated November 2011, the residual resources amounting to 17 million Euros - as initially allocated for the so-called "Nomads Emergency" - were returned to the Ministry of Interior through the Prefects concerned. In turn, the Ministry of Interior sent them back to the Ministry on Economics and Financing that has recently re-allocated those sums to the Ministry of Interior. At present, the Ministry of Interior is proportionately re-distributing relevant resources (originally stemming from the Fund for the Safety of Municipalities - *Fondo Sicurezza Città*) to those municipalities (and the Prefects concerned) previously involved in the so-called "Nomads Emergency".

18. Such resources now fall within the "ordinary resources fund", aimed at the ordinary management of this sector, in order to do away from whatsoever reference to emergency situations. Within this framework, as a way of example, 2,500,000.00 Euros have been already allocated to the municipality of Lamezia Terme for housing-related solutions.

19. On a more general note, homelessness and housing problems are perhaps the most extreme examples of poverty and social exclusion in society. Although access to affordable adequate housing is a need and a fundamental right, the guarantee of this right remains a challenge, especially in time of a severe juncture. The search for appropriate and integrated responses to reduce the chronic shortage of affordable housing is therefore a crucial issue for the most disadvantaged, including Roma people, as stressed in the National Strategy. The past decades have proven that the reference model of housing policies for RSC in Italy, the so-called "nomad camps", do not reflect the needs of people and communities, whose majority have become sedentary. Only 3 per cent of Roma families still wander - though it is clear enough that even in these cases, it is hard to see it as a choice.

20. The re-thinking of the "camps system" in the usual and customary meaning of large, heterogeneous and changing settlement at the margins of urban centers is one of the key issues considered by the National Strategy. In Italy, it is estimated that there are about 40,000 people living in camps, mainly located in the municipalities of Turin, Genoa, Milan, Brescia, Pavia, Padua, Bologna, Reggio Emilia, Rome, Naples, Bari and Foggia. On the other hand, of recent years are worthy of mention those good practices developed by various local governments, proving that the local dimension makes the processes of

integration concrete. Adequate housing solutions/real inclusive residential dwelling are achievable only if dealt with and coupled by the social dimension: It is necessary to include the transition from the camp to the house (or to the community or the so-called micro-areas) within a complex pathway, not to be limited to the solely construction and distribution of buildings.

21. The themes of work, education, health and the relationship with local residents are essential and must be kept in mind when interventions are made to accompany the exit from the camps. It is also essential that the activities on the ground be integrated with each other, since the success of one relies on the proper functioning of the other. The successful access to education related-initiatives, for example, is influenced by interventions designed to support training and involvement of the parents, the realization of which in turn is determined by their administrative regularization - a virtuous cycle of social integration at the local level is needed.

22. Over the years, numerous efforts to overcome the “camps-system” were made in various areas of the Country, following differing experiences and proposals aimed at providing adequate housing solutions, in line with the needs of the beneficiaries, including their cultural needs, opportunities offered by the territories and so forth.

23. The NFP is of the opinion that individual preferences must be always balanced and matched with the principles of fair distribution, the prevention of any spatial segregation, and overall urban social planning.

24. Positive experiences are reported by the National Strategy with regard to the municipalities of Bologna, Padua, Turin, Messina, Genoa, and Florence. From the most positive ones, it emerges a common denominator: the significant contribution by the EU or central Authorities, through national or European funding. The funding of these interventions is a key issue, affecting their enforceability.

25. A broad range of opportunities in the years ahead have to be developed and fully implemented, including within the framework of the National Strategy. Among the proposals under consideration, but not yet formalized in legislation, is the creation of “agencies” at the municipal level for renting lands where to build houses. The agencies could act as “guarantors”, offering special guarantees to owners of properties that rent to the individuals concerned.

26. The implementation of the National Strategy also suggests the review of Act No. 431/1998, the law that has changed the rent control system (Act No.392/78). The parliamentary activities in the field of housing policy has been developed during the XVI Legislature, by introducing measures aimed at further supplying disadvantaged people with social housing (See article 11 of Law-Decree No. 112/2008- Housing Plan). The Italian Government approved the National Housing Plan in 2009, with the aim of ensuring the respect of minimum standards in the housing sector, nation-wide. Along this path, the National Strategy indicates a wide range of possible housing options to be adopted by Municipalities, such as: social housing; support for the purchase of ordinary private dwellings; support for the rent of ordinary private dwellings; renting of publicly owned houses/farms; areas for travelers; regularization of caravans in agricultural areas, owned by RSC people.

27. Consequently, the specific objectives that the National Strategy seeks to promote in this field are the following: “Promoting integrated policies for inter-institutional cooperation in the field of housing supply for RSC people”; “Promoting housing solutions which meet the requirements and specific needs of RSC families”; “Raising awareness about the economic resources, administrative arrangements available under the housing policies, and the real estate opportunities for RSC families”.

28. With specific regard to forced evictions cases, it should be considered that in line with the Basic Law², Central Authorities/Central Power exercise the so-called exclusive legislative power in given sectors, such as – with regard to the situation of Roma people: the refugee status and the legal situation of Non-EU citizens; immigration; public order and security save the local/municipal police; the definition of minimum standards and services to be secured with regard to the enjoyment of civil and social rights. On the other hand, local Authorities can decide over forced evictions of irregular settlements.

29. In accordance with article 54, paragraph 4, of Unified Text on Local Authorities (Legislative Decree No. 267/2000, as amended by article 6 of Law-Decree No. 92/2008, subsequently converted into Law No. 125/2008), “the mayor, in his/her capacity of Government officer, can adopt by motivated decree, measures, including urgent ones, provided that these are in line with the legal system, with the aim of preventing or eliminating serious danger threatening public and urban security”. As a way of example, in this regard, mention has to be made of the judgement by Latium Administrative Tribunal (acronym in Italian, TAR) by which at the end of September 2012, this rejected the complaint submitted by some Roma families to stop the transfer of last people from the camp in Tor dé Cenci. According to TAR, Roma Municipality that had ordered the eviction from this camp due to the health and sanitary conditions therein, was “protecting public health”.

30. Needless to say, by fully respecting the prerogatives and powers of the J.A., UNAR keeps monitoring all relevant cases, also by availing itself of the newly-established ad hoc legal back-office, entrusted to a Bar Association, called “Bar Union for the Protection of Human Rights (Unione Forense per la Tutela dei Diritti Umani)”, by which to provide, inter alia, advisory services and legal support to the victims of discrimination. Furthermore, aware of the urgent need of matching opposite stances while making sure that international standards are properly translated into the local context, UNAR recently published (January 2013) a summary and explanatory note of international standards to comply with prior, during and after the eviction or the displacement of people, such as the United Nations Basic principles and guidelines on development-based evictions and displacement (2007), in order to raise awareness among local Authorities.

31. Even though tensions may erupt between the national policies and the local ones, it should be considered that: the National Strategy is relatively young; and its implementation stage has been concretely launched at the end of Legislature when, as per constitutional safeguard, the ordinary management prevails. By the opening of the new Legislature in mid-March 2013 and the establishment of the Letta-led Government (at the end of April 2013), we can build on this new momentum. On the other hand, it should be considered that the domestic legal framework has been profoundly changed following the reform of Title V of the Italian Constitution devoted to Local Autonomies. Therefore any viable path requires an inclusive approach, constant dialogue and mutual confidence-building activities.

² See Constitutional Law No. 3/2001.