

2005 Data Collection

RAXEN National Report

**European Racism and Xenophobia Information
Network**

National Focal Point for ITALY

Cooperation for the Development of Emerging Countries (COSPE)

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Executive Summary

The reports in the five main sectors covered in this study – employment, education, legislation, racist violence and housing –, all document the persistence of discrimination as a major problem for many migrants, asylum seekers, refugees and Roma populations. It also highlights the observed effects of migration control policies and legislation adopted in recent years.

One of the areas where such consequences have clearly emerged as negative, from the perspective of migrants' rights, is the employment sector. Two themes, the ethnic (or racial) stratification of the labour market and less favourable differential treatment linked to outsourcing of segments of the production processes are to have aggravated a situation that was already bad.

Ethnic or racial stratification as outlined in the study, has different dimensions: institutionalization of precarious employment and social living conditions connected with the transformations in the organization of work; forms of selection, specialization and concentration of immigrant labour force in certain sectors of the labour market, partly market driven and partly policy induced; migration policies characterized by the apparently contradictory “assimilation-exclusion” dichotomy; the labour market's constant demand for and systematic use of new immigrant populations - less integrated with the native workforce and less likely to complain about unfair or discriminatory working conditions - to replace better established groups.

In the field of education, the study shows that the population of non-Italian pupils has continued to grow while their overall performance has not improved. The low performance is attributed partly to the stereotyping and discrimination experienced by these pupils both at school and in society at large, coupled with the disadvantage faced by their parents in other areas of life.

The integration of Muslim students into public schools, respect for religious rights of students and parents and what space private extra-scholastic centres that support Muslim students and in some cases contribute *de facto* in keeping them out of public schools, were main topics that dominated public debate. The study describes the particular case of one such centre in Milan and the Islamophobic manifestations that accompanied it.

Some relevant case-laws on discrimination and the violation of the principle of equality and rulings by the Constitutional Court were recorded during the reference period. Areas touched included access to employment in the public sector and conditions of service, access to housing, right to family reunion, right to vote in local elections or referendum. No new legislation that is relevant to the fight against discrimination on grounds of ethnic or racial origin was passed during the period. The Italian Office against Racial Discrimination (UNAR) was set up by the legislative Decree n. 215 dated July 9th 2003 and DPCM 11th December 2003, in order to enforce the EU directive n. 2000/43.

The national equality body operational since the end of 2004 continued to organise and define the scope and methodology of its future work. UNAR has provided free legal assistance to victims of discrimination and set up a toll-free number in order to collect complaints and provide information. Since UNAR first year activity ends in December 2005, at the time of submitting this report it was yet to process the data collected by the toll-free number it runs on cases of discrimination and so could not make such data available.

As has been pointed out in previous studies on the theme of racist violence, lack of systematically collected data and specific reports, analysis, statistics and *official* figures on the subject constitutes serious limitations on any attempts to present a realistic picture of racist violence and crimes. Again in 2005, no evidence emerged that the Police and other law enforcement agencies in general are collecting data on the subject nor is there evidence that these organisations have developed a working definition of the concepts treated.

Comparing the situation to that in 2004, when same methodological approach was used, the study concludes that there were increases in the number of attacks against minors; in racist and xenophobic statements, offences, insults, threats by members of the central government, local institutions and political parties and racist assaults.

In general, no new policies were introduced at national level with regard to the characteristics of the housing sector during the reference period. The housing market remained very dynamic: prices of homes on sale continued to rise and so did rentals as well. An increasing number of families encountered difficulties in meeting their housing needs at affordable prices and the stock of publicly owned houses continued to decrease as the central government continued to sell its share of this segment of the market. Migrants, asylum seekers, refugees and Roma populations remained among the categories mostly affected by housing exclusion.

Though UNAR has become operative and a number of local anti-discrimination bodies have been set up, explicitly discriminatory announcements about houses on rent continued to appear in both print and web-based media.

Civil society organisations, foundations and financial institutions undertook various initiatives to alleviate the difficulties encountered by migrants and similar categories in access to appropriate housing at affordable prices. While most such initiatives are directed at mobilising supply of houses on rent by offering supplementary guarantees to landlords, the reference period saw also further attempts to support some migrants buy their own homes.

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1 Trends and developments in 2005

The study 2005 report documents growing signs of better awareness of the negative consequences of discrimination, on the part of segments of the resident population not directly affected by the phenomenon. This growing awareness is partly reflected in some of the good practices highlighted in each section but also in the wide and increasing public support for the proposal to remove barriers to the participation of foreigners in public life, including voting rights in local elections.

The negative impact of the *Bossi – Fini* law on immigration became more evident to many actors and / or observers of the labour market, following the entry into force of the implementation regulation in early 2005. Available evidence so far has confirmed earlier criticisms expressed in recent years that current immigration policies effectively exclude immigrants from the “ordinary” labour market. This has come about through policies that have made hiring migrants difficult and recourse to some types of contracts almost completely unserviceable, and these in practice have been translated into effective limitations on access to legal employment and jobs.

New provisions introduced in the 2002 immigration legislation to regulate migrants’ access to employment were shown in 2005 to have produced negative consequences for migrants in both housing and employment areas. Following the entry into force of the implementation regulation early in the year, the obligation on employers to meet two requirements – produce an official evidence of availability of an accommodation for the migrant employee that meets the regional standards and make a deposit for his/her repatriation -, have been reported to have lead to migrant workers being refused new jobs or renewal of old contracts because employers consider such requirements as improper and too difficult to meet. This has particularly affected temporary and short terms employments by specialised agencies that employ workers and then lend them to companies where they are effectively engaged in the production process.

The high concentration of migrants in dirty, dangerous and demanding jobs has continued over the years, indicating little or no vertical mobility in terms of the types of jobs available. Some national groups are confined not only to unskilled and poorly paid jobs but also to specific occupational areas, with limited chances of horizontal mobility. Examples of such cases include immigrants from India, especially the Sikhs¹ in cattle rearing activities, those from Perù and the Philippines in domestic work, Romanians in the construction sector, North Africans in agriculture etc. Migrant women have been shown to face similar patterns of confinement to care (domestic or individualised) work, irrespective of qualifications, competences and experiences acquired in the countries of origin.

Lack of systematically collected data on various aspects of racism and xenophobia has remained a major limitation. Though a national equality body charged with fighting discrimination based on racial and ethnic origin was set up in 2004 following the transposition of Council Directive 2000/43/EC, this body is yet to develop the capacity to collect data on the subject. The only

¹ Denti, D. et al. (2005), *I sikh. Storia e immigrazione*, Milan: Franco Angeli.

official source of publicly available information is the judicial statistics² published by the National Institute of Statistics (ISTAT) which, under the heading racial discrimination, refers to cases for which a legal action had been initiated. The data contained in this yearly publication is usually two years old and as such, is not very helpful in drawing up the national annual report of the current year.

In this setting, information on racism and xenophobia in general and racist violence and crime in particular, has been drawn from a wide range of sources including local surveys of migrants populations, opinion polls, project reports as well as specific reports by national and international organisation on the conditions of migrant workers and / or refugees and asylum seekers and various media sources.

The picture that emerges from these sources, shows apparently contradictory trends: on the one hand, there is an increasing support for the extension of voting rights to long-term resident immigrants and against the legal prohibition of the use of scarves or veils by Muslim women. On the other hand, the study highlights clear signs of visible hostility in the public space towards Muslims and little attention to the rights of unauthorised migrants held in administrative detention centres where more public evidence of racist abuse is emerging lately.

² Istat (2004) *Statistiche giudiziarie penali*, Annuari n. 11, (Criminal justice statistics, annali nr. 11) Roma: Istat

Analysis of the five main areas

3. The labour dimension of racial discrimination in Italy³

3.1. Migration policies and institutional discrimination

Examination of the legislation in force in Italy in the first months of 2005 reveals an accentuation of the trends expressed in recent years by Italian immigration policy, which in fact excludes immigrants from the “ordinary” labour market. This has come about through policies that have made hiring difficult and some types of contract almost completely unusable, and that in practice have been translated into effective restrictions on access to jobs.

On 25 February 2005 the “stay for work contract” came into force. This contract, which differs from a normal job contract by the provision obliging the employer to provide for the worker's accommodation (which has to meet the standards defined in the regional laws on low rent public housing, in terms of available space, number of rooms and sanitary conditions) and to vouch for possible repatriation expenses, has to be signed both in the case of first entry into Italy and, for stay permit holders, on the occasion of each renewal of the permit or if the immigrant changes job or employer.

The provision outlined in this section *5-bis* of the “Testo Unico Immigrazione” has, in practice, proved to be an instrument that heavily penalizes immigrants and seriously discourages their being hired. The additional obligations imposed on entrepreneurs, who show little willingness to bear the additional costs of providing housing for immigrant workers (or are unable to certify that the accommodations immigrant workers have found for themselves meet the standards set by regional laws), have led to the dismissal of numerous long standing workers, or the failure to hire new ones. This legislative provision, which rigidly subordinates a prospective migrant's access to a legal title to stay in the country to the availability of a job, has ended up making immigrant workers even weaker and more subject to blackmail than they were in past. The stay for work contract is proving to be an element of discrimination, especially against immigrants from outside the E.U. as compared to Italian workers or those from EU member states, in violation of the principle of equal treatment and full equality of rights for all workers prescribed by section 2 of the “Testo Unico” and by the I.L.O. Convention 143/1975.

3.1.1. Immigrant workers from the new E.U. member states

The introduction of the “stay for work contract” has not been the sole instance of discriminatory legislation. Another instance of differentiation of the status of workers through legislation and on the basis of nationality is the moratorium decreed by the Italian government in April of 2004 for citizens of the states newly admitted into the European Union who, for at least two years, cannot freely enter and reside in the country for purposes of employment⁴. The Italian

³Chapter written by A. Dario (par. 3.1), L. Di Noia (par. 3.2; 3.2.2; 3.3) and F. Perazza (par. 3.2.1; 3.2.3; 3.2.4;) of the Immigration Laboratory - University of Venice. Coordination of data collection and research by F. Perocco (Immigration Laboratory - University of Venice).

⁴ On the theme of the EU enlargement see Chiaretto, E. Ferrero, M. (2005), “Cittadinanze e libera circolazione delle persone nell'Unione Europea: prospettive alla

government, following the road taken by all the other countries of the Union with the exception of Great Britain and Ireland, availed itself of the possibility provided for by the Athens Treaty of Accession to establish a transitional period during which citizens from the new member states (with the exception of Malta and Cyprus) cannot fully enjoy the freedom of circulation and residence that the other E.U. citizens do. It must be said, moreover, that this limitation only affects those who wish to be employed by others: self-employed workers (professional in private practice) are to enjoy the same rights as all other E.U. citizens.

The Prime Minister's Decree of 20 April 2004 set a quota for the year 2004 of 20,000 neo-E.U. workers to be admitted for work done for hire. For two years pending extension, entry and residence of these workers will be on the basis of a yearly quota⁵, as is the case for non-EU citizens, even though the former are to enjoy a "specific quota" reserved for them. On the basis of the Annual Entry Quota Decree, other measures were enacted, such as the Memorandum, and attached Vademecum, of the Ministry of Labour, issued on 28 April 2004⁶, which contains more detailed regulations for the moratorium in place until 2006. The Vademecum lists the cases in which neo-E.U. workers can gain subordinate employment without submitting to the quota system and prescribes a simplified procedure for the issuing of work permits.

Worthy of mention is Memorandum nr. 9 of 8th March 2005, with the first indications on the application of Implementation Regulations of Law nr.189/2002, which offers another possibility of by-passing the restrictions for citizens of new EU member states who wish to take-up employment: new EU citizens who wish to carry out a period of professional internship in Italy are allowed to enter the country without having to first obtain an authorization to work. This, in fact, represents a new form of recruitment, which is selective and exposes the trainees to blackmail: it circumvents the controls on the congruity of the vocational programme normally performed by the Provincial Offices of the Ministry of Labour and, under the disguise of vocational training, makes it possible to recruit workers who are then bound to the entrepreneurs who obtained their entry.

3.1.2. Legal residence and "atypical" labour

The year 2004 witnessed the first operative phase of the reform of the labour market that had gotten underway with Legislative Decree no. 276/2003, implementing the Decree nr. 30/2003. The new legislation showed itself to be immediately and particularly inadequate for the regulation of immigrant labour as prescribed by the *Unified Text on Immigration*, Legislative Decree no. 286/1998, and by the relative Regulations of Implementation⁷. The point most worthy of criticism concerns in particular the relationship between the use of

luce dell'allargamento a 25 membri", in: *Studi Zancan*, n. 1; Pugliese, E. (2005), "Extracomunitari e Neocomunitari", in: *Dossier Europa/2*.

⁵ For reasons of space we have had to omit our discussion of the discriminations connected with entry quotas.

⁶ Italy /Labour Ministry Memorandum, no. 14, prot. N. erv./267/04 (28.04.2004).

⁷ On the relation between reform of the labour market and the conditions of immigrants see Basso, P. (2004), "Politiche migratorie e precarizzazione del lavoro", in: Coin, F. (ed), *Gli immigrati, il lavoro, la casa*, Milan: Franco Angeli, pp. 71-100; Briguglio, S. (2005), *La riforma del mercato del lavoro e la normativa sull'immigrazione*, <http://www.stranieriinitalia.it/briguglio> (15.06.2005).

the new types of job contract and the procedures for entering the labour market for the first time. These procedures not only prove to be rigidly embedded in the traditional “employed/self-employed” dichotomy, but also make a number of demands (such as a minimum number of contractual hours) requisite for the issuing of a work permit.

The interaction between the regulations became even more problematic in the first months of 2005 when Presidential Decree 334/2004 came into force, modifying the Regulations of Implementation of the “Testo Unico” that activate the residence contract. Beyond the theoretical expectations, which impose no prohibitions on foreign immigrants for the use of any form of job contract⁸, in practice it has proved unlikely that an entrepreneur may be willing to vouch for a worker's housing and repatriation expenses, in the light of job contracts prescribing such employment relationships as “intermittent” and temporary jobs. It is clear that for most immigrant workers job contracts that impose very short periods of employment, frequent periods of unemployment, or precarious retribution, represent a great hardship. This forces them, in fact, to apply for an infinite series of renewals or - worse still - gravely endangers the renewal of the all-important residence permit itself. What is more, all this renders their juridical condition precarious and limits their enjoyment of certain rights (family unification, social security, housing).

3.1.3. Labour discrimination against asylum seekers

Migrants seeking asylum in Italy continue to meet with great difficulty in the access to jobs, connected with the condition of uncertainty of their rights and with the regulation of their juridical status. Though a legislative decree has transposed European Community Directive on minimum standards for those requiring asylum in member States⁹, the decree will only enter into force on 20th October 2005. At the time of writing, Italy still has no law that organically regulates the right of asylum and the juridical condition of those who apply for it, both during the procedure for the recognition of this right and after a residence permit has been obtained. The only law of reference, Law no. 39/90, does not make explicit mention of the rights possessed by asylum seekers, and no specific mention of their possibility of holding a job. The legislation limits itself to providing for the possibility of their inclusion in the system of protection delineated by Law 189/2002, which authorizes local administrations to activate accommodation services for asylum seekers who are without means of support.

This legislative deficiency represents the first reason for the rise, in recent years, of a practice that effectively prohibits asylum seekers from working¹⁰. The practice, often bluntly expressed by a “working prohibited” stamp on the residence permit issued until a decision on the asylum application has been made, is justified with the assertion that asylum seekers are present in Italy for reasons of protection and not for work; and since their juridical status has not yet been determined, their right to legal residence is provisional. From a strictly juridical standpoint this prohibition is consistent with the fact that the type of

⁸ On the basis of the I.L.O. Convention no. 143 of 1975.

⁹ Italy / Legislative Decree nr. 140 "Attuazione della direttiva 2003/9/CE che stabilisce norme minime relative all'accoglienza dei richiedenti asilo negli Stati membri", (30.05.2005), in: Official gazette nr. 168 (21.07.2005).

¹⁰ CIR (2005) “Accesso all'occupazione del richiedente asilo alla luce del D.L. del 10 settembre 2003 n. 276”, <http://www.stranieriinitalia.it/briguglio> (05.07.2005).

stay permit granted to asylum seekers is not mentioned neither in Title III of the Unified Text on immigration, which regulates access to work, nor in section 14 of the Implementation Regulation, which lists the types of stay permits that entitle one to take-up a job.

This limitation in itself would not pose a serious problem for the asylum seeker if the procedures for the recognition of his/her status were concluded within the terms prescribed by law. But the impossibility of holding a job becomes a major problem indeed if one considers that the National Commission for Refugees¹¹ may take as long as two years for a judgment of recognition. This situation forces many asylum seekers to seek employment in the circuits of undocumented labour¹².

Vocational training programs for asylum seekers organised by a number of local administrations have yielded positive results¹³. These programs have made it possible for many asylum seekers, after their apprenticeship in a firm, to find employment. Examples of good practices are the projects implemented in the Municipalities of Ravenna, Forlì, Ancona, Turin and Catania, and in the Provinces of Florence and Prato.

3.1.4. Safeguarding religious freedom in the workplace

Concerning the protection of religious freedom in the workplace, the issue assumes particular importance today with regard to the right to worship of Islamic workers. We note that, at present, Italy has no legislation of a general character regulating Islamic worship, because neither an agreement with the Italian State nor a law on religious freedom exists. The only such provisions that do exist have been established at the level of collective or individual negotiation between Muslim workers and entrepreneurs.

3.2. Racial discrimination in the workplace: the metalworking and shipbuilding sectors

Some recent studies have shown that the immigrant workers employed in the metalworking and shipbuilding sectors are destined to types of jobs and professional qualifications that in most cases are inferior to those of native workers, or are hired in great numbers in subcontracting firms, where working conditions are generally worse¹⁴.

¹¹ Regarding the examination of applications, Local Commissions have now taken the place of the National Commission for the Right of Asylum.

¹² Medici Senza Frontiere (2005), *I frutti dell'ipocrisia. Storie di chi l'agricoltura la fa. Di nascosto*, research report. The report, fruit of a study on the living and health conditions of immigrant workers seasonally employed in agriculture, in particular in southern Italy, reveals that 23.4% of the interviewees (not one of whom possessed a job contract for seasonal work) were asylum seekers.

¹³ Progetto INTEG.RA (2005) "Formare, inserire, integrare: strumenti e indicazioni per i richiedenti asilo e rifugiati", <http://www.cestim.it> (04.07.2005).

¹⁴ Università Ca' Foscari Venezia – Laboratorio Immigrazione (2004), *Trade Unions and Racial Discrimination in the Italian Metalworking Sector*, research report, RITU Project; Università Ca' Foscari Venezia – Laboratorio Immigrazione (2005), *Trade Unions and Racial Discrimination in the Italian Shipbuilding Sector*, research report, RITU Project.

For the metalworking sector the case of the Electrolux-Zanussi plant in Susegana, where jobs within the factory are assigned on the basis of nationality, is emblematic. Foaming, packaging, thermoforming, the heaviest and most noxious jobs, are done almost exclusively by immigrant workers. But there is more: some departments are composed almost entirely of workers from the same geographical area or from the same country - a clear differentiation of work loads and of risk. In the same firm we discovered another phenomenon: on the basis of the idea of “belonging to a common race”, workers who are descendants of Italians who emigrated to Argentina are given permanent job contracts (together with other facilitations that ensure them housing and other benefits), while most of the other immigrants are given temporary contracts.

Regarding the shipbuilding sector, the Fincantieri group, world leader in cruise ship production, has developed a system comparable to the modular factory, keeping the construction of the hull, design, and the direction of the overall construction process for its own employees, while contracting everything else out to other firms. These subcontracting firms, which are confronted with the lowering of labour costs imposed by Fincantieri, contract their commissions out in turn, creating a chain of sub- and sub-subcontractors composed of as many as five different levels. At present, only a third of the workers employed in the shipyards are directly employed by Fincantieri, with the rest working for the hundreds of subcontractors¹⁵. These for the most part consist of small and very small firms, which are very difficult to monitor and generally are not unionised, and which employ a great many immigrant workers (from southern Italy and from abroad) in the heaviest and most noxious jobs (insulation, grinding, welding, and painting)¹⁶.

The keystone of the Fincantieri system is precisely the differential relationship existing between its directly employed workers and the workers at the subcontracting firms. While, as a rule, the former are unionised, which means that working hours, union rights and safety regulations are respected, there is very little unionization at the subcontracting firms - indeed, the workers are subject to a ferocious anti-union policy, which makes use of the blackmailing mechanism of the “*lettera liberatoria*”¹⁷. Working hours generally exceed the legal limit while safety criteria are largely evaded, and this leads to a high incidence of serious accidents or deaths. Furthermore, for most of these workers their wages take the illegal form of “all-inclusive salary”¹⁸.

¹⁵ At the Monfalcone shipyard there are as many as 700 subcontracting firms.

¹⁶ See also Sospiro, G. (2004), *Prossima fermata Monte Conero. L'integrazione socioeconomica segmentata degli immigrati nelle Marche*, Turin: L'Harmattan Italia.

¹⁷ The *lettera liberatoria* is a written letter of consent issued by the former employer, without which no worker can go back to work at Fincantieri for other firms.

¹⁸ This is a legal expedient utilized by subcontractors to avoid paying the contributions due and that renders the workforce more precarious. The job contract provides for a minimum of 160 hours per month - a figure that has nothing to do with the number of hours actually worked. Actual payment, in fact, is determined on the basis of individual bargaining in which workers are obliged to monetize all their social rights: the payment of social security and insurance contributions for the hours of work not covered by the contract, severance pay, the thirteenth month's salary, overtime, leaves, vacation time, and automatic raises.

3.2.1. Rise in the incidence of occupational injuries and disease

The number of immigrants who are victims of industrial accidents is continually on the rise, both in absolute terms (Table 1) and in relation to the national average (Table 2), in confirmation of the greater risk to which immigrant workers are exposed.

Tab. 1 – Number of immigrant workers injured

(Data updated to 15 March 2005, including countries that entered the E.U. in May 2004).

2002	2003	2004
92,746	108,509	115,773

Source: INAIL (2004), *Dati Inail sull'andamento degli infortuni sul lavoro*, no. 4.

Tab. 2 - Injuries reported, by type of worker (2003).

	Industry	Services	Agriculture
ALL WORKERS	344,566 (47.7%)	322,832 (44.8%)	53,999 (7.5%)
NON-EU WORKERS	46,321 (58.4%)	28,031 (35.3%)	4,949 (6.2%)

Source: F. Pittau and A. Spagnolo (2003), *Immigrati e rischio infortunistico in Italia*, Rome: IMS.

But there is another element as well, which has not yet been empirically surveyed due to the absence of specific data and studies and to the length of the course of the disease, but which will be a matter of grave concern in the future: the incidence of occupational disease. If one takes into account the occupational diseases documented in the 1990s for workers of the various industrial sectors¹⁹, and if one considers that the vast majority of immigrant workers are employed in the most noxious sectors (rubber, plastics, metals, wood, furniture, construction), then it must be said that, for these workers, the risk of a significant rise in occupational disease is quite high.

3.2.2. Little vertical mobility, lack of recognition of diplomas and degrees, low wages

Given the great number of immigrant workers employed in Italian firms, it must be said that they continue to have very little vertical mobility. Despite the fact that they very often do the jobs of highly-skilled workers, in most cases that are assigned the lowest professional qualifications. One important factor here is the non recognition of their diplomas and degrees. Over the long term, the complex procedures and the denial of recognition compels them to accept levels of qualification that do not reflect the functions they actually perform. We find significant examples of this in the numerous cases of immigrant women working as care-givers in hospitals, in rest homes, in families, who, despite their diplomas in specialised nursing or, even, medical degrees, and with long and certified professional experience, find themselves qualified - in the best of cases - as non-specialized nurses or simple assistants.

Regarding the nursing sector, we also wish to note that - following bilateral agreements - nurses from Colombia and Peru have been granted preferential

¹⁹ ISPSP (1999), *Rapporto sui casi di malattia professionale. Industria*, Rome: ISPSP.

treatment in the recognition of their diplomas. This, clearly, has created a differentiation of qualifications on the basis of nationality, with no regard for professional skill and qualification - which also entails a difference in remuneration.

Where wages are concerned, analysis of wage discrimination is complex because “covered” by multiple variables. Nevertheless, one recent study reveals that “the variables that capture the greater part of the wage differential between the two groups (immigrant and native workers) are human resources (general or specific to a given firm), qualification (foreigners have lower qualification than natives), and size of the firm (foreigners work prevalently in small firms)”²⁰. In light of the analytic difficulties, the ISTAT data on the average wages of native and immigrant workers is particularly useful (Table 3). The data reveals a yawning gap, in terms both of nominal wages and of the percentage wage variations on a yearly basis.

Tab. 3 – Per capita gross monthly wages for foreign and native workers, expressed in Euro, in the period 1999-2001.

Sector	Foreigners			Natives			Difference (%)	
	1999	2001	Var. %	1999	2001	Var. %	1999	2001
Manufacturing	1216	1228	1.0	1538	1620	5.3	-21.0	-24.2
Construction	1074	1085	1.1	1269	1320	4.0	-15.4	-17.8
Commerce	1229	1239	0.8	1421	1484	4.5	-13.5	-16.5
Hotels/Catering	966	971	0.5	1044	1062	1.7	-7.4	-8.5
Other	845	855	1.2	1295	1359	4.9	-34.8	-37.1

Source: ISTAT (2002), *Rapporto annuale. La situazione del paese nel 2001*, Rome: Istat.

Data contained in the “*Secondo Dossier FILLEA-CGIL su lavoro ed immigrati in edilizia*” regarding the construction industry, a circumscribed but highly representative sector, also confirms that unequal wage treatment is common practice. In particular, we learn from this report that “very low salaries” and deferred salaries that are not transferred are the most frequent grievances that lead to the opening of labour disputes. [...] Last year fully 99.34 per cent of the immigrants, practically every person who had recourse to the grievance office of FILLEA-CGIL in Rome, were asking for a remuneration that was their due”²¹.

3.2.3. Self-employed workers

In recognizing that immigrant workers do the heaviest and most dangerous jobs and have little vertical mobility, some observers affirm that this situation has been - or could be - overcome through access to self-employment. But the question is more complex.

There has been a full-fledged boom in immigrant self-employment in recent years. From 2000 to 2005 some figures show an increase of 170 per cent. The

²⁰ F.I.E.R.I. (2003), *La discriminazione dei lavoratori immigrati nel mercato del lavoro in Italia*, Geneva, research report, p. 35.

²¹ FILLEA - CGIL (2004), *Il colore dei diritti. I lavoratori stranieri e la sfida della qualità nel settore delle costruzioni. II° Dossier FILLEA - CGIL su lavoro ed immigrati in edilizia*, research report, Rome, p. 7.

great rise in the number of businesses owned by immigrants from abroad consists for the most part in one-person enterprises.

Tab. 4 – One-person businesses owned by immigrants of foreign origin as of 31 March of each year.

	2000	2001	2002	2003	2004	2005
COMMERCE	23,585	37,633	47,485	55,852	65,569	78,867
CONSTRUCTION	11,822	16,190	21,795	28,141	38,244	48,681
MANUFACTURING	11,965	13,844	16,335	18,042	19,765	21,227
TRANSPORT – CALL CENTERS	2,598	3,379	4,286	5,393	6,700	9,689
REAL ESTATE	4,349	5,057	5,832	6,771	7,748	7,572
AGRICULTURE – HUNTING	4,694	4,940	5,243	5,592	5,906	6,152
HOTELS – CATERING	3,774	3,982	4,185	4,374	4,585	4,721
OTHER SERVICES	3,073	3,261	3,454	3,696	4,066	4,225
FINANCIAL BROKERAGE	810	932	1,016	1,040	1,079	1,151
OTHER	776	912	1,118	1,196	1,472	1,488
Total	67,466	90,130	110,749	130,097	155,134	181,733

Source: Unioncamere-Infocamere, <http://www.unioncamere.it> (20 April 2005).

But this rise has not meant a substantial improvement of working conditions, for the following reasons: 1) self-employed immigrants meet with many problems (bureaucracy, access to credit, etc.)²² in starting up and running their businesses; 2) given the existence of very rigid legislation regarding legal residence, for many immigrants self-employment represented and represents one of the few possibilities of obtaining a residence permit; 3) these workers *de facto* do subordinate jobs for other firms: in fact they are nothing other than subordinate employees (but without the social guarantees), self-employed in name only, upon whom firms have discharged costs and risks through the processes of outsourcing. Their work, under the form of work orders and subcontracts, offers them no guarantees, and their employment strictly depends on the firm for which they work.

3.2.4. Servile and forced labour: the case of the Chinese workshops

In a great many textile workshops owned and operated by Chinese, forms and conditions of servile and forced labour have been found. In these workshops, in narrow and often unhealthy spaces, workers - mostly women - live and work, employed in continuous-cycle production, for as many as twelve hours a day. In many cases their labour serves to pay back, at least initially, traveling expenses (their own or of a relative) from China; hence they receive no wages, but only food and a place to sleep.

Their direct exploiters of Chinese origin, owners of the workshops, are usually held to be wholly and exclusively responsible for these conditions. But such working conditions have also to be seen in the context of a production system organised by the large firms, in which waves of outsourcing of entire phases of

²² ENAR (2004), *Shadow Report 2004. Italy*, research report, p. 15.

production allows them to obtain a sharp reduction of costs and shorter delivery times. By obliging their subcontracting firms to compete with one another to obtain work orders the large firms bring about a progressive reduction of costs, which are met by the subcontractors through the brutal exploitation of their employees, recourse to undocumented labour, the violation of trade union regulations and safeguards, and the employment of immigrants without residence permits.

3.3. Trade unions and immigrants

Regarding the relations between immigrants and trade unions it has been noted that “in the course of time, and over the last ten years in particular, a network of contacts and relations of increasing breadth, complexity and weight has been taking shape between immigrant workers and trade unions. This has made the unions, especially the CGIL and the CISL, the 'institutional' structures of Italian society to which the immigrant populations voluntarily turn most frequently”²³. The evolution of the relations between immigrants and trade unions over the past twenty years may be synthesised as the succession of two phases: "In the first phase the function performed by trade unions - often as surrogates for other public institutions - was prevalently (albeit not exclusively) that of providing assistance and support services (in a broad sense, and with no negative connotation intended) to immigrants *as immigrants*. In the second phase, in addition to the earlier activities, which by no means have been abandoned, we witness a beginning (no more than a beginning...) of union activity in the proper sense, concerned with protecting the rights of immigrants *as workers*”²⁴. This second phase, triggered in the 1990s by the inclusion of immigrants in sectors with greater unionization, leading to the "(relatively) increasing permanency" of their jobs, was characterised by a reciprocal and dialectical closing of the gap between unions and immigrants. This led the trade unions to a self-critical rethinking of their policies²⁵. But immigrants continue to meet with difficulties in the unions themselves, as evidenced, for example, by the insufficient representation they enjoy within these organizations. Contrary to what many say, the election of only 2000 immigrant workers as union delegates (of which only 300 are fulltime union workers²⁶), can be considered an adequate level of representation of immigrants within the union, given that there are 333,833 immigrant workers

²³ Basso, P. (2004), “Sul rapporto tra immigrati e sindacati”, in: Mauri, L., Visconti, L.M. (eds.), *Diversity management e società multiculturale*, Milan: Franco Angeli, p. 113.

²⁴ Basso, P. (2004), “Sul rapporto tra immigrati e sindacati”, p. 115.

²⁵ Especially in the case of the CGIL which, beginning in 1993, decided to bring its experience in services and offices for immigrants (which risked ghettoizing them) to an end and start a new one, reassigning “a series of tasks to the *general* service structures of the CGIL itself that had improperly been assigned to Coordination of Immigrants and to the Centers for Foreign Workers, while the latter were called upon to *assume all the tasks proper to a trade-union structure*”. See Basso, P. (2004), “Sul rapporto tra immigrati e sindacati”, p. 118.

²⁶ As reported by the head of the national Immigration Office of the CGIL. See <http://www.stranieriinitalia.it> (29.01.2005).

who are members of the CGIL, CISL and UIL²⁷. The situation appears even more problematic if one considers the almost complete absence of immigrant workers at higher management levels within the unions - especially in light of the boom in immigrant membership. The low level of immigrant representation is particularly highlighted by their rate of unionization, which in 2002 reached approximately 45 per cent²⁸. This fact, which has clearly emerged within the trade unions themselves, has induced CGIL to make the issue of “representation” a central objective in the coming years²⁹. This reality is freighted with an attitude - today only partially corrected - that has long considered immigrant workers separately from the Italians.

In conclusion, we cite the Third IRES-CGIL Report on Immigration³⁰. According to this study, while the majority of the interviewees emphasised how “the labour world is replete of discrimination”, only one delegate in four recognises that immigrant workers are generally assigned to the most demanding jobs. It is extremely interesting to note that among union representatives, about 40 percent of those of foreign origin recognise that immigrants are more frequently assigned to demanding jobs while only 15 percent of the Italian ones agree with the statement. This different perception of discrimination in the workplace is indicative of the delay with which the unions as a whole have dealt with immigration up to now. The authors emphasise, in this regard, how “the awakening and training of the entire world of Italian trade unions with regard to this issue are today absolute priorities”. And one vital aspect of the issue is the insufficient union representation of female immigrant workers. A significant rise in the number of foreign women workers has not been matched by an adequate rise in their unionization³¹.

²⁷ Caritas/Migrantes (2004), *Dossier Statistico Immigrazione. Rapporto 2004*, Rome: Nuova Anterem.

²⁸ Mottura, G. (2002), “Elementi di scenario: dati e tendenze”, p. 37.

²⁹ See CGIL (2005), *Immigrazione e Sindacato: i nuovi termini della questione*, photocopied document.

³⁰ Bernardotti, M.A., Mottura, G. (eds) (2004), *Immigrazione e sindacato. Lavoro, discriminazione, rappresentanza. III rapporto IRES*, Rome: Ediesse. In this study, which regarded only CGIL delegates, 7,000 workers and union delegates from nine Italian Regions were interviewed.

³¹ See Bernardotti, M.A., Mottura, G. (eds.) (2004), *Immigrazione e sindacato*, p. 94.

4. Education³²

4.1. Data sources and analysis

During the reference period, the Ministry of Education, University and Research (MIUR) published the annual analysis of the characteristics of non-Italian pupils in State and non-state schools and for the first time, a study of the performance of non-Italian pupils, based on data referring to the school year 2003/2004. Official statistics for the 2004/2005³³ school year show that there were 361,576 students without Italian citizenship³⁴ from pre-primary to high school level and they represented 4.2 percent of total school population. Compared to the previous year, this segment of the school population increased by 0.7 percent. At the university level, available official statistics published recently refers to the 2002/2003 academic year and the non-Italian university student population was 31,343 amounting to 1.8 percent of overall registered students and a 20.7 percent increase over the previous academic year³⁵. Non-Italian pupils belong to 187 different nationalities and the first five nationalities with the largest student populations are: Albanians 16.69 percent, Moroccans 14.43 percent, Rumanians 11.53 percent [a record 51 percent increase over the previous year], Chinese 5.20 percent and former-Yugoslavia (Serbia-Montenegro) 3.50 percent. In general, there has been sizeable increase in the number of pupils from non-EU European countries (Rumania, Albania, Serbia and Montenegro, Ukraine and Macedonia (Table 5). The high number of countries of origin is considered by the Ministry of Education to pose a big challenge to the organisation of a pedagogical offer and definition of an educational context that should take into due account the diverse backgrounds from which its pupils come. In terms of distribution across schools, 39.25 percent of State and non-State schools do not have any non-Italian pupils while 60.75 percent have such pupils.

Table 5 – Number of non-Italian pupils by geographical area of origin

Europe		Africa	America	Asia	Oceania and stateless
EU	Non-EU				
16,983	155,717	91,936	42,985	53,479	476

Source: Ministero dell'Istruzione (2005) *Alunni con cittadinanza non italiana. Scuole statali e non statali. Anno scolastico 2004/2005*, Roma: MIUR.

As regards geographical distribution within Italy, Northern and Central regions of the country record, in terms of presence of non-Italian pupils and incidence

³² Drafted by Daniela Kappler and revised by S. Cerretelli, UC Enwereuzor.

³³ Ministero dell'Istruzione (2005) *Alunni con cittadinanza non italiana. Scuole statali e non statali. Anno scolastico 2004/2005*, Roma: MIUR (*Pupils who do not have Italian citizenship. State and non-State schools. School year 2004/2005*).

³⁴ The official statistics of the Ministry of Education, University and Scientific Research distinguishes between "Italian students" and "students who do not have Italian citizenship". Students or pupils who do not have Italian citizenship is defined as "all pupils registered in schools of all types and levels, whose parents are not Italian citizens, irrespective of whether these pupils are born in Italy or not" and this includes both EU and non-EU pupils. In this report, we will at times use a shorter expression - "non-Italian pupils or students" - to indicate exactly the same category of pupils

³⁵ Ministero dell'Istruzione, Università e Ricerca (2005) *L'università in cifre 2005*, Rome: MIUR, pp. 57-59 (*University in figures 2005*).

on total school population in each region, higher percentages compared to the national averages, while in the South and Islands, the number and incidence of non-Italian pupils both well below the national averages. The percentage incidence of non-Italian pupils in the Northern and Central regions ranges from 4.53 to 8.40; the national average is 4.2 percent and all regions in the South and Islands fall below this average, ranging from 0.64 to 3.05 percent (Graph 1). Table 6 below shows that in absolute figures, more than 90 percent of non-Italian students are in the North and Central regions while only 9.65 percent of them attend schools in the other two macro-regions.

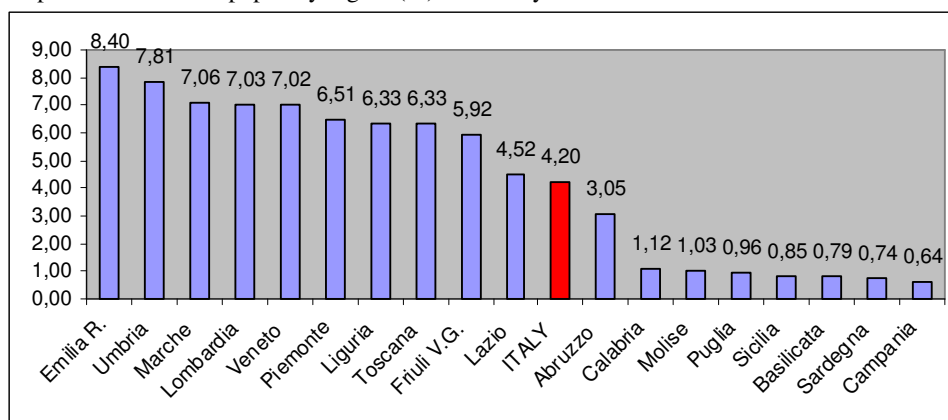
Table 6 - Territorial distribution of non-Italian pupils - school year 2004/2005

Territory	Absolute values	Percentage values
North	136,457	37.74
West		
North East	102,888	28.46
Centre	87,327	24.15
South	25,350	7.01
Islands	9,554	2.64

Source: MIUR (2005) *Alunni con cittadinanza non italiana. Anno scolastico 2004/2005*, Roma: MIUR.

Nonetheless, territorial distribution is not homogenous in the Central and Northern regions: three central regions record the highest incidence of non-Italian students (*Emilia Romagna* 8.4 percent, *Umbria* 7.81 and *Marche* 7.06 percent). At the provincial level, the highest concentrations of non-Italian pupils are in *Mantova*, *Reggio Emilia* and *Piacenza* provinces (10.87, 10.39 and 9.89 percent respectively). The municipality of *Prato* has the highest incidence of non-Italian pupils (15.83 percent) followed by *Mantova* and *Piacenza* with 12.28 and 12.10 respectively³⁶.

Graph 1 – Non-Italian pupils by region (%) – school year 2004/2005



Source: MIUR (2005) *Alunni con cittadinanza non italiana. Anno scolastico 2004/2005*, Roma: MIUR.

The majority of non-Italian pupils attend primary school (37.97 percent as against 31.21 percent for all pupils). At both the pre-primary and lower

³⁶ Ministero dell'Istruzione (2005) *Alunni con cittadinanza non italiana. Scuole statali e nono statali. Anno scolastico 2004/2005*, Roma: MIUR.

secondary levels, the percentages of non-Italian pupils remain higher than those for all pupils but are less pronounced than at the primary level. Only at the upper secondary level is the percentage of non-Italian pupils lower by 13.47 percent than that of all pupils (Table 7).

Table 7 – Distribution of school total population and non-Italian pupils by level of school

Percentage distribution of pupils by level of school		
<i>School level</i>	<i>Total All pupils</i>	<i>Non-Italian pupils</i>
Pre-primary school	18.53	20.22
Primary school	31.21	39.97
Lower secondary school	20.31	23.34
Upper secondary school	29.95	16.48
Total	100,00	100,00

Source: MIUR (2005) *Op. Cit.*

In spite of the lower percentage of non-Italian pupils in at the upper secondary level, the 2004/2005 school year recorded an increase of 35 percent over the previous year and given the high percentages of non-Italian pupils at the primary and lower secondary levels, the upper secondary school of the category of students will continue to grow in the coming years, bringing the percentage incidence of this group closer to that of all students. However the increasing number of non-Italian students at the upper secondary level is accompanied by an increase in the number of students who drop out of school at same level: in the municipality of Milan the percentage of dropouts from high schools reached close to 17 per cent in the 2004/2005 school year.³⁷

The number of female students in the total school population remained lower than that of male students and did not change significantly in the 2004/2005 school year when compared to the previous one. Among non-Italian students, the percentage of female students is lower at all levels except at the upper secondary level where female pupils account for 51.20 percent and this is three percentage points above the incidence of all female pupils on total school population at same level (Table 8).

Table 8 - Incidence of female students on the total of pupils and non-Italian pupils by school level

<i>School level</i>	<i>Non-Italian pupils</i>	<i>All pupils</i>
Pre-primary school	46.79	47.94
Elementary school	46.45	48.29
Lower secondary or middle school	45.07	47.71
Upper secondary or high school	51.20	47.91
Total	46.98	48.00

Source: MIUR (2005) *Alunni con cittadinanza non italiana. Scuole statali e non statali. Anno scolastico 2004/2005*, Roma: MIUR.

³⁷ MIUR (2005) *Alunni con cittadinanza non italiana. Scuole statali e non statali. Anno scolastico 2004/2005*, Roma: MIUR.

4.1.1. Foreign students in Italian universities

The Ministry of education, university and research (MIUR) has started publishing statistical data on foreign students in Italian universities similar to that published yearly on non-Italian pupils in schools. In its latest publication, *University in figures*, which refers to the 2002/2003 academic year, foreign students were 31,343 amounting to 1.8 percent of total population of registered university students, with an increase of 36 percent compared to the 1998/1999 academic year. Referring to admissions into the first year, this increased from an incidence of foreign students of 1.5 percent in the 1998/1999 academic year to an incidence of 2.2 percent in the 2002/2003 academic year (Table 9).

Further analysis of the available data shows that 21.1 percent of foreign students were registered in the faculty of medicine and medical sciences, 12.7 percent in the faculty of Economics and 10.9 percent were registered in the faculty of Philosophy. With regard to countries of origin, 32 percent of foreign students come from EU member states, 42 percent from rest of Europe outside the EU, 10 percent from Asia, 9 and 7 respectively from Africa and America.

The above distribution by countries of origin suggests that the presence of foreign students in Italian universities is still not closely linked to the presence of legally resident economic migrants and refugees. Rather, most university students seem to be people who have entered Italy specifically for studies and not people who either came with their parents as children or were born in the country. This is particularly true for the high percentage of EU students in Italian universities.

Table 9- Admitted, registered and graduated foreign students (absolute values and percentages) – Academic years 1998/1999-2002/2003.

Years	Admissions		Registered		Graduates	
	Total	% of foreign students	Total	% of foreign students	Total	% of foreign students
1998/99	4.738	1.5 %	23.088	1.4 %	1.571	1.1 %
1999/00	4.564	1.6 %	23.666	1.4 %	1.697	1.1 %
2000/01	5.509	1.9 %	25.769	1.5 %	1.673	1.0 %
2001/02	5.554	1.7 %	25.977	1.5 %	1.785	1.0 %
2002/03	7.168	2.2 %	31.343	1.8 %	2.388	1.2 %

It is difficult on the basis of the available data, to draw any conclusions on the incidence of immigrants and refugees who did not enter specifically for study purposes, on the foreign students population of Italian universities. In a similar manner, there is no information on the number of students of immigrant origin who went through all or part of the primary and secondary education in Italy before entering university.

A problem that is gradually emerging is the effect of changes introduced in the immigration law in 2002, on students of immigrant origin who turn 18 years of

age while still at school or university. Until this age, they are considered as minors and entitled to stay permits for “family” reasons, which is issued solely on the conditions that their parents themselves have legal title to live in the country. The changes mentioned above require that after completing 18 years of age, a non-EU dependant should apply for legal title to stay on personal grounds and no longer for family reasons. This means in practice that such persons should apply for a stay permit for studies, which carries economic conditions (bank evidence of income sufficient to maintain oneself) that may not be easily met by his / her immigrant parents. The alternative is to apply to change status to that of a worker which implies first finding a job and signing a “stay for work” contract, a pre-condition for the issuance of a stay permit valid for the duration of the employment contract. A number of cases of non-EU students who have turned 18 or above and as such, have ceased to be considered as dependants of their parents for purposes of acquiring a legal title to stay in the country and who are not able to meet the conditions for alternative legal status were publicised by the press during 2005.

An interesting and recent development is that MIUR has posted on its website³⁸, specific information for foreign students not yet in Italy on what to do and how to go about admission into Italian universities and research institutes. Recently, this information has been made available also in Chinese, a clear indication of the growing signs of attention towards China. In 2005, a joint Italian – Chinese university was opened in Shanghai³⁹ and undergraduate and graduate students from China are encouraged to come to Italy for studies. This attention, unfortunately, is not reflected on the great majority of Chinese pupils residing and attending schools here and who are among the most affected national groups by early drop-out from school.

4.2. The loss of school years: discrimination on ethnical basis

The glossary accompanying the ministerial annual statistics on non-Italian pupils for the school year 2004/2005 specifies, for the first time, that “Italian legislation on education distinguishes between minors whose parents are EU citizens and non-EU citizens”, adding that “EU minors are normally registered in a class at the compulsory school level following that successfully completed, taking into account age and years of schooling, in the country of origin”. The specification on the placement of EU minors is attributed to a 1994 legislation⁴⁰ and no mention is made of non-EU minors. During the 2004/2005 school year school, EU pupils represented 4.7 percent of all non-Italian pupils.

It has been highlighted in previous RAXEN reports that the problem of placement in classes of many non-EU minors at the compulsory school level, without taking into due consideration their ages and years of schooling in the country of origin, has not received adequate attention from national education authorities. This practice is based on a law which urges school authorities to place non-Italian pupils in classes according to their ages and previous schooling experiences but at the same time, allows “the board of teachers to

³⁸ <http://www.miur.it> (05.10.2005).

³⁹ <http://www.istruzione.it/prehome/comunicati/2005/0407> (04.07.2005).

⁴⁰ Italy / Legislative Decree nr. 297 (16.04.94), articles 115 and 116.

decide differently” in the face of objectively verifiable personal characteristics of pupils⁴¹. In practice, this has meant that many non-Italian pupils, especially the non-EU ones, entering Italian schools with little or no knowledge of Italian language are considered as having objectively verifiable difficulties which justify placement in a class that does not match age and past schooling experience.

One consequence of this practice is that a higher proportion of non-Italian pupils than their Italian counterparts are in classes lower than their ages will suggest, due to placement on first entry into Italian schools. No systematic national research has been conducted so far on the effect of this practice on performance of pupils involved, including the learning of Italian language. There is however broad anecdotal and local research evidences of a negative impact of placement leading to a mismatch between the ages of non-Italian pupils and their Italian mates. This is particularly true for teenagers aged between eleven and thirteen years placed in primary classes where their mates are younger by up to three / four years. As can be seen in Table 10, the highest percentages of mismatch between age of non-Italian pupils and placement in classes, are record in the 4th and 5th grades at the primary level, for which normal age should be nine and ten-year olds respectively. A local survey⁴² carried out in the Florence metropolitan area on 335 non-Italian pupils whose first entry into Italian schools took place between 2001 and 2004, showed that about 85 percent of the sample had, on first entry into schools in the area, been placed in classes that were lower than their age and previous schooling record would have required; 12 percent had been placed in classes that corresponded with their age and one person out of the 335 surveyed had experienced placement in a class that was one year ahead of what his/her would have required. Many of the surveyed cited the mismatch between their ages and those of their Italian classmates as a de-motivating factor and as having negatively affected their ability to build meaningful relationships outside school with the latter.

Tab. 10 Percentage of Italian and non-Italian pupils at different primary level classes – school year 2004/2005

Class	Italian pupils (%)	Non-Italian pupils (%)
1°	1.3	11.7
2°	1.4	16.7
3°	1.7	23.8
4°	1.9	29.4
5°	2.4	34.7
TOTAL	1.7	23.0

Source: MIUR (2005) *La scuola in cifre*, Firenze: Le Monnier.

Using promotion to the next class at the end of the school year as a measure of success at school of pupils, the MIUR analysed the performance of non-Italian

⁴¹ Italy / Law nr. 394 (31.08.99).

⁴² Omodeo M. et al. (2005) Gli adolescenti d’origine straniera nella piana fiorentina e a Prato: una realtà da conoscere per prevenire rischi di disagio (*Teenagers of foreign origin in the territories of Florence and Prato: a reality that requires better understanding to prevent risks of disaffection*), in: Commissione regionale pari opportunità donna-uomo - ASL 10 (2005) *Maternità and scuola nella popolazione immigrata (Maternity and education among immigrants)*, Florence: ASL 10, pp. 87-94.

pupils at the various school levels during the 2003/2004 school year⁴³. Non-Italian students were found to record a lower success rate than their Italian mates at all school levels as outlined in Table 11.

Table 11 Italian and non-Italian pupils promotion rate (school year 2003/2004)

School levels	Italian pupils (IP)	Non-Italian pupils (N-IP)	Difference between IP and N-IP
Primary school	99.55	96.19	3.36
Lower secondary school	96.06	89.00	7.06
Upper secondary school	85.22	72.66	12.56

Source: MIUR (2005) *Indagine sugli esiti degli alunni con cittadinanza non italiana. A.s. 2003/2004*, Rome.

As an explanation of this lower success rate, MIUR asserts that “the school career of non-Italian pupils is more complicated than that of Italian students, because the former often arrive after the age of six years and due to language difficulties, they cannot be admitted into a class of pupils of the same age. This difficulty is said to persist year after year. A consequence of this is that 34.7 per cent of non-Italian pupils in the fifth year in primary school were, in their school career, years behind where they should have been.”

4.3 Religious symbols in schools

During the reference period, public debate on religion, religious symbols in schools and the presence of non-Christian pupils in State schools. While display of religious symbols continued in schools and other public places and no new ruling on the subject was handed down in the period, public focus was more on the role of self-organised community-based education centres run by Muslims in different cities. These centres started activity with the explicit aim of teaching mother language, Arabic in particular, to pupils from Muslim families and in some cases, prepare them to sit for examinations at various school levels in the country of origin. A number of centres of this type in such major cities as Milan, Turin, Rome and Naples have come under Islamophobic attacks in recent years and some local administration, in particular those headed by centre-right coalitions, have on various occasions tried to close them down, officially on grounds of the inadequacy from a public security point of view, of the buildings where they are located.

One such centre in Milan – the Islamic Cultural Centre in Via Quaranta, has come under scrutiny in the last two years because it put forward a proposal at the beginning of the previous school year, to set up a separate class for a group of 20 Muslim pupils who were to enter the Italian public education system for the first, after going through primary and middle school at the Cultural Centre.

⁴³ Ministero dell’Istruzione, Università e Ricerca (2005) *Indagine sugli esiti degli alunni con cittadinanza non italiana. A.s. 2003/2004*, Rome (*Analysis of the performance of pupils who do not have Italian citizenship. School year 2003/2004*).

An agreement reached with a local public high school was annulled by the Ministry of Education and the project abandoned, amidst claims that the Centre was operating against integration of Muslim users into Italian society and as such, a breeding ground for future Muslim fundamentalists. Teachers in Centre, who are all Muslims, were alleged to be religious authorities rather than subject-based teachers. In September 2005, this same Cultural Centre was forcefully closed by the municipal authorities on grounds of inadequacy of the building hosting the Centre. The closure of the Centre left about 500 pupils who had, until then, attended classes there, out of school and without alternatives. Public attention has since gone down on the issue while negotiations with the families of pupils who formerly attended school at the Centre has continued to find ways of transferring the entire population to various public schools in the area. According to the Ministry of Education, the policy chosen aimed at guaranteeing inter-cultural education in normal classes. This option was supported by the Committee Against Discrimination and Antisemitism within the Home Office which disagreed with the possibility of setting up a class only for Muslim students in a High School (Liceo Agnesi) in Milan.

At the beginning of the 2005/2006 school year, two members of Parliament from the Northern League proposed a new legislation that will allow the establishment of separate classes for non-EU pupils before they are admitted into public school⁴⁴. The proposal was said to have been motivated by the lowering standards among Italian pupils due to the presence of non-EU pupils who take up most of the teacher's time as a result of their language difficulties. The proposal was strongly criticised by other political groupings and educators.

4.4 Good practices

A number of awareness raising initiatives or projects aimed at fostering a positive climate that favours learning in a multicultural context, were carried out nationwide. The Ministry of Education and the national equality body – UNAR⁴⁵ - launched in mid-May 2005, a competition for pupils to produce intercultural paintings, videos or journals. Winners of this competition will be awarded prizes for the best intercultural production in December 2005.

Among the projects worthy of highlight in this section is the intercultural language centre project run by the municipality of Florence and which involves three language support centres in three districts of the city with sizeable immigrant populations. These three centres offer Italian language support courses for recently arrived pupils, mother tongue courses (Arabic, Chinese and Albanian), refresher courses for teachers including minority language courses and cultural mediation services to parents of pupils attending these centres. These activities take place all round the year. The project published in 2005 three books documenting the experience, methodology and activities implemented at the three centres since they started operating. One of the achievements highlighted in these publications is the case of a group of Chinese pupils who have successfully completed a three-year mother tongue

⁴⁴ "Scuola, stranieri in classi separate!" ("School: foreigners should be put in separate classes!"), in: *La Repubblica*, (29.09.2005).

⁴⁵ UNAR stands for "Ufficio Nazionale Anti-Discriminazione Razziale", National Office against Racial Discrimination and it was established in November 2004.

course, covering the language programme run in six years of primary school in China⁴⁶. This China language course was achieved within the framework of a twinning programme between Florence and a Chinese city and the language course is recognised by the Chinese Ministry of Education.

Another interesting project is that implemented in the city of Milan, targeting non-Italian teenagers. The project was prompted by the high number of such pupils who drop out of school and the drastic cut in the allocation of resources by the ministry for intercultural and Italian as a second language support activities. The project titled *Not One Less* (paraphrasing the title of a popular Chinese movie), aims to reduce drop-out by pupils through improved teaching methodologies that are capable of helping pupils integrate. Under the project, teachers receive training⁴⁷ on pedagogical approaches that are considered better suited to take into account the needs of all pupils.

A project run by the municipality of Mantova aims to engage non-Italian pupils outside and after school hours. This city was cited in a previous paragraph as being among the top five cities with the highest incidence of non-Italian pupils on the entire school population. Activities of the project revolve around the city's intercultural centres, which have been gradually linked to other youth centres, including those run by Catholic clergy.

Within its function of preventing discrimination, the national equality body UNAR organized the first "action week against racism" in March 2005, which launched a number of initiatives aimed at increasing public awareness towards multi-racial integration in schools, universities, and sport. In this context, UNAR has promoted a competition in primary and secondary schools around the topic of comparison between cultures. Additionally, UNAR organised a number of workshops in Universities. Faculties were involved in a set of conferences during March 2005 that were held in the cities of Palermo, Trento, Trieste, Roma, Perugia and Milan.

⁴⁶ Viaggio negli alfabeti: quando la scuola incontra le culture (A Journey through Alphabets: when School meets Cultures), in: *L'Unità (Florence edition)*, (21.05.2005), p. 1 and Tre libri per eliminare le barriere ("Three books to eliminate barriers"), in: *La Nazione*, (21.05.2005), p. 9.

⁴⁷ Refreshment courses are organised in collaboration with Centro Come/Caritas Foundation, Milan (<http://www.centrocome.it>).

5. Legislation⁴⁸

5.1. Legislation and decisions on immigration and asylum

The anti-trafficking law of 2003 has been completed by a measure, approved by the Council of Ministers, to create an assistance program for victims of trafficking⁴⁹. The cost of such program will be shared by the national government (80 per cent) and regional authorities (20 per cent).

In September 2005, The European Court of Justice condemned Italy for failing to introduce into national law the European directive on mutual recognition of expulsion decrees against non EU citizens. Italy should have transposed the directive, adopted in 2001, in by 2002⁵⁰.

In the aftermath of the London bombings of July 2005, the Government adopted a decree, converted into law by the Parliament at the end of July 2005, to enhance the fight against international terrorism⁵¹. Non-EU citizens suspected of terrorism can be expelled by virtue of suspicion to be part of an international terrorist network. The expulsion decree can be appealed against before the competent Administrative Regional Tribunal (TAR), but the appeal does not block the immediate execution of such order. The law sanctions heavily wearing in public the hijab or other means to conceal the face. Sanctions include fees of 2000 euros and up to two years imprisonment.

A new forward planning law, stating the government's guidelines⁵² for the period on 2004-2006 (quotas, fight against illegal immigration, situation of foreign prisoners in Italian prisons) was published in 2005. In particular it states the need for an organic asylum and refugee law which conforms with common European principles.

The Ufficio Nazionale Antidiscriminazioni Razziali (UNAR) was set up in November 2004 as part of the Department for Equal Opportunities of the Presidency of the Council of Ministers. Its main task is to lay the foundation to "launch strong integration policies which can guarantee a peaceful cohabitation based on the protection of fundamental human rights and the respect of Italian culture". Amongst its initial initiatives is the creation of a telephone helpline for individuals, Italian and foreigners alike, who claim to have been victims of discrimination in a number of fields. UNAR can first initiate a conciliation procedure, and failing that, can support a criminal or civil action in court.

³⁴ Chapter written by Antonella Attardo.

⁴⁹ http://www.pariopportunita.gov.it/I-SERVIZI/STAMPA-E-C/cstratta-090905.doc_cvt.htm (09.09.2005).

⁵⁰ EUGH / C-462/04 (08.09.2005).

⁵¹ Italy / Decree Law nr. 144 "Misure urgenti per il contrasto del terrorismo internazionale" (27.07.2005), in: Official Gazette nr. 173 (27.07.2005).

⁵² Italy / Documento programmatico relativo alla politica dell'immigrazione e degli stranieri nel territorio dello Stato per il 2004-2006 (22.07.2005), in: Official Gazette nr. 169 (22.07.2005) – Ordinary supplement nr. 128.

In a landmark decision, the Constitutional Court ruled in 2005⁵³ that certain provisions⁵⁴ included in the Unified Text on immigration and asylum of 2002 (“Bossi-Fini” law) are unconstitutional, as they are incompatible with a number of Constitutional provisions including article 3 of the Italian Constitution, the general provision outlawing discrimination. The ruling relates to a number of cases raised by both ordinary and administrative tribunals, about the possibility that stay permits are denied to non-EU citizens on the sole basis that a report to the police has been made against the applicant by anybody for one of the crimes for which articles 380 and 381 of the criminal code require compulsory arrest or optional arrest in flagrancy. The provisions do not require that a judicial ruling on the merit of the report is given before a decision on the stay permit is made by the competent administrative authorities. Such provisions were ruled unconstitutional on a number of grounds, including incompatibility with art. 27 of the Constitution which states the presumption of innocence in criminal matters and most importantly on the basis of violation of art. 3 Constitution on discrimination. While recognizing the legitimacy of the power of the government to introduce criteria for awarding stay and work permits, the Court states that it is imperative that such criteria are constitutional and follow the principle of reasonability. In particular, it states that as a report to police authorities does not constitute a proof of culpability, but simply is an impulse to judicial activity, it can not automatically lead to refusal of the stay permit.

The Appeal Court of Venice raised an “exception of constitutional illegitimacy” before the Constitutional Court against provisions included in the amended version of the Bossi-Fini law in relation to sanctions in such provisions which are defined in the exception as “incongruous, disproportionate, and irrational”. The provisions under scrutiny those which have increased sanctions against those who abscond after an expulsion decree against them. Sanctions were increased twofold in the minimum and fourfold in the maximum sanction. In the “exception” reference is made to art. 3 of the Constitution (principle of equality), as the sanctions are deemed disproportionately higher than those in comparable situations; moreover, they are not administrative but criminal sanctions.

In the public limelight has been for a long time the issue of the conditions of detention” of asylum seekers and irregular migrants in the “Centri di Permanenza Temporanea” (CPTs), created as temporary detention facilities for people who arrive without regular papers in the Italian territory. For many months a number of issues have been raised by non governmental organisations, the press and others about conditions of detention in such centres, overcrowded and often allegedly sheltered from judicial control and from which a number of non governmental humanitarian organisations have been recently excluded.

Following reports about ill-treatment by security personnel of detainees and about corruption, the Public Prosecutor of Agrigento has opened an investigation at the end of September 2005 on the alleged crimes of corruption and personal injury by people working in the Temporary Detention Centres (CPT).

⁵³ Italy / Constitutional Court / Decision 78/2005 (10.02.2005).

⁵⁴ Italy / Law nr.189/2002 (30.07.2002) (“Bossi-Fini law”), art 33.7 point c; Italy / Decree nr 195/2002 (09.09.2002), converted into Law 222/2002, art.1.8 point c.

5.2. Legislation and decisions on family reunion

The Constitutional Court decided on the issue whether provisions included in the “Bossi-Fini law”, Unified text on immigration and asylum introduced in 2002, violate art. 3 of the Constitution (right to equality) and art. 2 and 29 (right to family unity and family life)⁵⁵. The provisions referred to limited the right to family reunion by legal immigrants (from non-EU countries) in Italy with their dependent parents.

The Court was queried by the ordinary Tribunal from Prato (near Florence), which raised an issue of constitutional legitimacy about such provisions in the case of a Moroccan citizen, regularly resident in Italy, who had applied for family reunion with his dependent parents living in Morocco. His request had been turned down, on the grounds that a brother and two sisters of the applicant were still living in Morocco. The “Bossi-Fini law” permits reunion with parents over 65 years of age, on condition that they are totally dependent on the immigrant living in Italy, and that there are no other children in their home country, who could support them. On the issue of protection of family life, according to art 29 of the Constitution, the Court, while acknowledging the importance of preserving the family unit, stresses that such constitutional protection does not extend to all relations between adult children and their parents, as it is mostly conceived to protect the nuclear family and the relations between spouses and them and their children below the age of 18. Once the children have become adult, the prominence of the constitutionally guaranteed protection of the right to family life disappears, thus creating space for the legislator to balance the interest to family reunion with other interests of public importance. Therefore, the Court states that beyond the cases of ascertained need, where needy parents have no other means of support than their children residing in Italy, the legislator has not violated constitutionally guaranteed rights by denying family reunion. As for the issue of conflict of such provisions with art. 3 of the Constitution, stating the right to equality, as such provisions would create an unjust discrimination between those who have siblings and those who have not, the Court states that the limitation in the “Bossi-Fini law” do not go beyond the limits of reasonability, and that the presence of other siblings in the country of origin can preserve in different ways the family unity.

On the issue above, the Ministry of Foreign Affairs enacted a Circular⁵⁶ which clarifies procedures and requirements for obtaining family reunion with dependent parents over 65 years of age, by clarifying that, those requiring reunion in Italy of their parents, when no other siblings live in the country of origin, do not have to demonstrate that they enjoy a minimum income. This is instead required if reunion is asked with children above 18 years of age who are financially dependent or with parents above 65 years of age, when other siblings live in the country of origin but the latter can not support their parents due to serious health issues.

In another decision, by the Cassation Court, an important principle of law has been stated⁵⁷. The Court was called to give the definitive decision on the

⁵⁵ Italy / Constitutional Court / Decision 224/2005 (06.06.2005).

⁵⁶ Italy / Ministry of Interior / Prot. nr. 2354 / 2.4: "Sportello Unico per l'immigrazione. Ricongiungimenti familiari. Disposizioni del Ministero degli affari Esteri", (09.09.2005).

⁵⁷ Italy / Court of Cassation / Sentence nr. 12169 (09.06.2005).

request by a Moroccan woman to be reunited in Italy with her children, minor of age, from Morocco. The children were born from the marriage of the applicant with a Moroccan citizen, which was ended in 1992 by repudiation of the woman by her husband. According to Moroccan law, this act excluded the woman from the care and any decision making power over the children. Basing their decision on Moroccan law, the Italian consulate in Rabat denied family reunion to the woman who wanted to have her children live with her in Italy, even if the husband was not living with the children and had given consent to the departure of the children. The woman acted against the decision before the Perugia Court. The Italian Ministry of Interior Affairs and the Ministry of Foreign Affairs, in opposing the woman's request, stated that the diversity of cultural and legal traditions between the two countries did not violate either Italian Constitutional provisions, in particular the principle of equality, nor principles of international public order. The exclusion of the woman, on the basis of Moroccan law, from the parental care of the children did not violate the principle of equality between spouses. The issue has also known a decision, favourable to the woman, by the Court of Appeal and finally by the Cassation Court.

The latter ruled that, in order to obtain family reunion with a child below the age of 18, it is simply necessary that the parent gives guarantees that the child will live with him/her, that there is sufficient income and appropriate housing. Moreover, it ruled that the fact that the law in the country of origin deprives the applicant of parental rights, while the parent who has parental rights does not live with the child, and does not support him/her, is irrelevant.

5.3. Legislation and decisions on expulsions of irregular migrants and related issues

The Cassation Court gave the go ahead to mass expulsion of irregular migrants in certain cases⁵⁸. The decision reverses a previous decision of the Milan Tribunal which had annulled expulsion decrees of 15 Roma individuals with Romanian passport. The Milan tribunal interpreted art. 4 of the IV Protocol of the European Convention on Human Rights, which outlaws mass expulsions, by stating that amongst the prohibited expulsion decrees must be included those adopted against a number of individuals together and with the same motivation, even when the decisions are embodied in and communicated with individual orders.

The Supreme Court instead interpreted art. 4 of the IV Protocol as outlawing decrees of expulsion against a group of foreigners, when there had been no individual investigation by the competent Authority of each situation and no hearing of each individual's defence.

The Court states that the rationale for art. 4 is that reasons in favour of the expulsion of a group should not absorb reasons for the consideration of individual situations. Therefore, if a verification of the reasons for the expulsion of each individual are properly carried out, it is irrelevant that individual expulsion decrees are promulgated at the same time and for the same reasons against a number of individuals of the same ethnic origin and belonging to a pre-existing group. In the case heard by the Milan Tribunal, the Cassation Court ruled there had been no ethnic or racial prejudice against the 15 Roma individuals by the authorities who decided on the expulsion decrees.

⁵⁸ Italy / Constitutional Court / Decision 16571/2005 (19.05.2005).

5.4. Legislation and decisions on citizenship

A long awaited reform of criteria for acquiring citizenship is still blocked in Parliament as no agreement on a common position was reached amongst political parties. According to the law now in force⁵⁹, non-EU children who are born in Italy can, within one year from date of becoming 18 years old, can apply for Italian citizenship, only if from birth they have resided continually and without interruptions in Italy. The reform aims at facilitating citizenship for children of non Italian citizens. Currently the law reform proposal being discussed in the lower Chamber aims to give the possibility to apply for citizenship for those who, born in Italy, reside and live continuously in Italy for at least 8 years or have a residency card for at least 2 years; for spouses, after two years of residency or after 3 years from marriage as long as the marriage still exists at the time of application.

5.5. Legislation and decisions on asylum

A legislative decree has transposed European Community Directive on minimum standards for those requiring asylum in member States⁶⁰. The decree will enter into force on 20th October 2005. It touches upon issues, such as education, minimum standards of assistance for those asking for asylum, health care and other issues. Amongst the most important innovations is the automatic granting of the permit to work to individuals, who have applied for refugee status, after six months from the date of the application, until the time when the decision in the refugee status is communicated to the applicant. Previous laws in force stated instead that asylum seekers could not work until a positive decision on their application was taken, leaving many asylum seekers without any means of support for months or even years, thus pushing many of them to work illegally and often in dangerous and exploitative situations.

On 21 march 2005 a Justice of the Peace in Rome ruled against an expulsion decree enacted against an irregular migrant from Romania and suspended the expulsion until a new decision on the merits of the case is taken by a superior court. The applicant stated that his homosexuality put him at risk of discrimination and persecution in his home country.

5.6. Legislation and decisions on integration and migrants' rights and participation

The Constitutional Court ruled⁶¹ on an issue of constitutional illegitimacy raised by the national government against a Regional law by the Emilia Romagna regional government⁶² including provisions on limited voting rights for immigrant non-EU citizens in certain cases and in choosing representatives of the regional council on immigration. The national government sustained the

⁵⁹ Italy / Law nr. 91 "Nuove norme sulla cittadinanza" (05.02.1992).

⁶⁰ Italy / Legislative Decree nr. 140 "Attuazione della direttiva 2003/9/CE che stabilisce norme minime relative all'accoglienza dei richiedenti asilo negli Stati membri", (30.05.2005), in: Official gazette nr. 168 (21.07.2005).

⁶¹ Italy / Constitutional Court / Decision nr. 300/2005 (07.07.2005).

⁶² Emilia Romagna / Regional Law nr. 5 "Norme per l'integrazione sociale dei cittadini stranieri immigrati. Modifiche alle leggi regionali 21 febbraio 1990, n.14 e 12 marzo 2003, n.2", (24.03.2004).

view that the law covered matters reserved by art. 117 of the Constitution to national law, such as right to asylum, immigration, the status of foreign citizens in the Italian territory.

The Constitutional Court affirmed the legitimacy of Emilia Romagna regional law, stating that norms giving foreign citizens the right to vote for the Immigration Council are not illegitimate but are compatible with a previous decision of the Court⁶³

In the same period of time, a number of cases arose of Municipal governments amending their statutes in order to grant voting rights to non-UE citizens in municipal elections.

The most debated case was the case of Genoa. The national government enacted a decree⁶⁴ in August 2005 to invalidate an amendment to the Statute by the Municipal Council of the Municipality of Genoa which granted voting rights in administrative elections to non-EU citizens in certain conditions. The decree invalidated such amendment on the basis of “illegitimacy” and in order to protect the unity of the national institutions. The decree is based on an advisory opinion (non-binding) by the State Council, which stated that only the national parliament can decide on issues relating to immigrants’ voting rights.

In July 2005 the Municipality of Turin adopted a similar deliberation granting voting rights to immigrants. The national government announced that it will try and stop the Municipality of Turin as in the case of Genoa.

In August 2005 the Municipal government of the city of Ancona deliberated to grant voting rights to immigrants in the municipality. The Ancona authorities stated publicly that the Genoa example could not be automatically be transferred to other municipalities and stressed that the advisory opinion of the State Council is non-binding.

5.7. Legislation and decisions on equal right to housing.

The previously mentioned decisions of the Constitutional Court nr 300/2005 also affirmed the legitimacy of the regional law of the Emilia Romagna Region, which gave foreign citizens right of access to public housing on an equal footing, on the basis of previously recognised right to equal access to housing.

5.8. Legislation and decisions on access to public and private services

A court in Padua ordered the owner of a café in Padua stop charging different and discriminatory prices for the same services to Italian and non Italian citizens⁶⁵. The facts involved date back to 2002. In a number of cases

⁶³ Italy / Constitutional Court / Sentence nr 379/2004 (29.11.2004). In this sentence, the Constitutional Court affirmed the legitimacy of a law which gave the right to foreign citizens to vote in regional referenda, according to general constitutional principles which favour participation in public life.

⁶⁴ Italy / Decree of the President of the Republic of 17th August 2005 "Annullamento straordinario a tutela dell'unita' dell'ordinamento, a norma dell'articolo 2, comma 3, lettera p), della legge 23 agosto 1988, n. 400, della deliberazione del consiglio comunale di Genova n. 105 del 27 luglio 2004, in materia di elettorato attivo e passivo per gli immigrati" (17.08.2005), in: Official Gazette nr. 205 (03.09.2005).

⁶⁵ Italy / Court of Justice of Padova / Ordinance nr. 1982-05 cron. nr. 20556-05 reg. (19.05.2005).

(including in a situation filmed and broadcast on national TV) the owner was shown to charge different prices for exactly the same services. The Court also awarded damages (as well as payment of legal expenses incurred) to a number of non Italian residents from Nigeria, Morocco, Sri Lanka etc. who officially complained to have been victims of discrimination.

5.9. Good practices

The President of the Republic Carlo Azeglio Ciampi awarded the honorary title of “Cavaliere del Lavoro” which is awarded to individuals who excelled for their work in the areas of employment, university excellence, research, solidarity etc, to two women migrants. Amongst them is a woman who is the Vice President of the association of the Sri Lanka citizens in Italy.

Given the importance of the non-profit sector in the human rights domain, UNAR has given a strong emphasis to the role of associations and ngos in their daily activity. Consequently, within the Department for Equal Opportunities a new “Register of associations and bodies acting in the field of discrimination” has been created, in order to better plan and manage the activities of prevention, promotion and eradication of the phenomenon. At present, the Register counts 100 associations. In December 2005, a new decree has been published, presenting the list of 320 associations which, as provided by article 5 of the decree 215/2003, have judicial legitimacy to support victims of discrimination. The list includes the associations already enrolled in the Department for Equal Opportunities Register.

Additionally, in the year 2005, € 500.000 was granted to fund projects on racial discrimination, particularly in the labour market, health and social assistance, housing, judicial support and among the Roma population.

6. Housing⁶⁶

6.1 The situation of immigrants and minorities in housing

In general, no new policies were introduced at national level with regard to the characteristics of the housing sector during the reference period. The housing market remained very dynamic: prices of homes on sale continued to rise and so did rentals as well. An increasing number of families encountered difficulties in meeting their housing needs at affordable prices and the stock of publicly owned houses continued to decrease as the central government continued to sell its share of this segment of the market. A recent estimate⁶⁷ based on the 2001 census data, puts the stock of housing units at 28.3 million (27.3 million in 2001) and the number of resident family households at 22.8 million and about 5.8 to 6 million housing units are said to be empty, used only for holidays or partly for work. This means that slightly more than 20 per cent of the estimated stock is not used as primary homes and that there are more resident family households than housing units. Based on this estimate, there is need for between 300,000 and 500,000 housing units in order to meet current demand.

Throughout the reference period, publicly available evidence of racism and discrimination are drawn mainly from research reports, case-law and project reports by NGOs and associations, as there is still no nation-wide systematic monitoring of the phenomenon. No specific nation-wide statistical information on racism and xenophobia in the housing sector is available yet for same reasons. This notwithstanding, there is ample evidence from the above sources that migrants, refugees and asylum seekers are among the hardest hit segments of the resident population with regard to access to housing.

We reported in the 2004 national report on the ruling by the Lombardy Administrative Tribunal (TAR) that the rating system approved then by the regional government as part of a regulation used to assign points to applicants for public low-rent housing was unlawfully discriminatory⁶⁸ and which lead to the annulment of lists of beneficiaries of such houses already compiled in a number of municipalities on the basis of the said criteria. In February 2005, the same regional government approved a new regulation that re-proposes, though differently formulated, the same criteria already declared unlawful by the Administrative Tribunal⁶⁹. The new provisions makes the number of years of residence in a given municipality in the region, a determining factor by requiring at least five years residence to qualify to apply. The new requirement has worsened the previous one declared unlawful by TAR and municipalities

⁶⁶ Chapter written by Udo C. Enwereuzor.

⁶⁷ CRESME Ricerche SpA (2005) *La questione abitativa e il mercato della casa in Italia. Elementi di sintesi della ricerca (The housing issue and the housing market in Italy. Summary of the research)*, Rome, October 2005.

⁶⁸ This rating system assigned specified points to certain conditions of the applicants, one of which was the number of years of residence in the region.

⁶⁹ Italy / Regione Lombardia / Regional Law nr. 7 – Amendment to the Regional Law nr. 1 (05.01.2000) "Riordino del sistema delle autonomie in Lombardia. Attuazione del D.lgs. 31 marzo 1998, n.112", (08.02.2005).

are not allowed to make exceptions even in the face serious cases of housing exclusion.

The same administrative tribunal handed down another ruling of unlawful discrimination on grounds of nationality in access to public residential low-rent housing and in relation to a decision by the Municipal Council of Chiari⁷⁰, a municipality in the Province of Brescia. The decision by the council recalled provisions of the regional law on public residential low-rent housing and the conditions of access to such housing by non-EU immigrants and it stated that the latter should satisfy two requirements (existence of a bilateral agreement between country of origin and Italy and possession of a legal title to stay in Italy) which the regional law considers as alternatives⁷¹. The Tribunal ruled that the possession of legal title to stay is a necessary and sufficient condition to be entitled to a public residential low-rent house, because existing legislation “grants legally resident foreigners the same civil and economic rights as Italian citizens, irrespective of the existence of the bilateral agreements with their countries of origin”.

Attempts to introduce restrictive measures aimed at limiting access to public residential housing by non-EU foreigners were recorded in other municipalities as well. In the Municipality of *Civitanova, Marche* region, right-wing councillors put forward proposals to assign more points to years of residence in the municipality than to the number of children in family, in determining the rating of applicants for public low-rent housing. The proposal is based on the idea that the system that assigns more points to the number of members in a family is biased against Italians and in favour of migrant families who are said to have more children⁷². The Municipality of Parma made public early in the years plans to restrict access by non-EU immigrants to subsidized rent or when buying a homes. Planned changes will restrictive subsidies in access to housing to Italian and EU citizens and non-EU citizens who have been resident in the country (not the municipality) for at least five years and have a stable job⁷³. At a time of prevailing temporary and precarious jobs for migrant workers, the latter condition will lead to the exclusion of the a large number of prospective migrant applicants.

In previous RAXEN reports, it has been highlighted that one of the changes introduced in the immigration law⁷⁴ in 2002 was the so-called “*stay for work contract*” which a prospective immigrant will have to sign with his or her employer and in order to sign this contract, evidence will have to be produced of an accommodation for the immigrant, that meets certain standards in terms of available space, number of rooms and sanitary conditions, defined in regional laws. The existence of these conditions is to be certified either by the municipal authority or by the local health office. Regional standards for low-

⁷⁰ Italy / Tribunale Amministrativo Regionale Lombardia, sezione di Brescia / Sentence nr. 264 (25.02.2005).

⁷¹ Italy / Regione Lombardia / Regional Regulations nr. 1 (10.02.2004).

⁷² Cellini, L. (2005) “Civitanova (Marche) - An: «Cambiare il piano casa per escludere gli stranieri»” (“National Alliance: «modify the housing scheme to exclude foreigners»”, in: <http://ilmessaggero.caltanet.it/> (15.09.2005).

⁷³ Bonati, F. (2005) “Case pubbliche: praticamente impossibili per gli immigrati” (“Public housing: practically impossibile for foreigners”), in: *Polis Quotidiano* (04.03.2005).

⁷⁴ Italy / Law nr.189 (30.07.2002).

rent public residential housing were conceived to protect low-income users of this category of public residential housing from being assigned uncomfortable accommodation by local authorities and it has never been used to determine whether houses can be assigned or not to applicants. Rather, these standards have been applied to newly constructed public residential housing. The implementation regulation⁷⁵ was issued early this year and it states that the stay for work contract is to be signed not only on first entry and application for a legal title to stay but also on occasion of every renewal and change of job during the period when the stay permit is still valid. In both instances, a new certification showing that the above standards in housing are met, will have to be produced. The Ministry of Labour has issued a circular⁷⁶ which states that the above requirement with related procedure should be applied retro-actively to immigrants who got employed before the above mentioned law of 2002 came into force.

These developments have further complicated the positions of immigrants in the housing market. In many urban areas, immigrants find houses for rent in parts of the old city centres and many of these houses may not meet the spacing conditions that are easily found in more recent constructions in the outer parts of these cities. The application of the new conditions set by the implementation regulation means that houses like the above, whether rented or owned directly by immigrants will in many cases not be considered as sufficient to allow them to be employed and be issued a stay.

Research carried out in the context of an anti-discrimination project in Naples tried to verify if non-EU foreigners in some cities in the southern regions of the country encounter more difficulties than Italians in securing accommodation on rent⁷⁷. The research was based on the analysis of announcements in the print-media of offers of houses to let. Using such announcements, the authors of the research organised a *discrimination testing* exercise, based on a sample of 365 announcements selected taking into account the structural characteristics of the apartment, location and the range of rent requested. Following these criteria, two sets of apartments were identified: one for low-income tenants and another for medium to high income tenants.

Two actors – one Italian and the other a non-EU immigrant - contacted by phone the landlords or estate agents that placed the chosen announcements and the results obtained in the two sets of telephone contacts were later analysed and compared. In the city of Naples, 31 per cent of respondents discriminated against (refused to let the apartment) the non-EU caller either explicitly (“we do not rent to foreigners”) or subtly giving “sorry it’s gone” type of responses. In smaller cities in same province, the percentage of negative (and discriminatory) responses fell down to 24 per cent. In the city of Palermo (Sicily), discriminatory responses accounted for 40 per cent of responses while in Bari and Catania, negative responses stood at 60 per cent and 62.5 per cent respectively. With regard to the location and category of the apartments, more negative responses came from the low-income group and for accommodations

⁷⁵ Italy / D.P.R. nr. 334 (18.10.2004) “*Regolamento recante modifiche ed integrazioni al decreto del Presidente della Repubblica 31 agosto 1999, n. 394, in materia di immigrazione*”, in: Official Gazette nr. 33 – Ordinary supplement nr. 17/L (10.02.2005).

⁷⁶ Italy / Ministero del Lavoro e delle Politiche Sociali / Circular nr. 9 (08.03.2005).

⁷⁷ Polo Contro la Discriminazione (2004) *Una casa per gli immigrati: il problema degli affitti - Napoli, Bari e Campania*, research report, April 2004 and Polo Contro la Discriminazione (2004), *Una casa per gli immigrati: il problema degli affitti - Palermo e Catania*, research report, November 2004.

in peripheral areas in the cities of Catania, Palermo and Naples while in the city of Bari, negative responses were distributed almost evenly across areas and income categories.

Throughout the reference period, many newspapers, specialist magazines, websites etc. continued to carry offers of apartments to let with the specification “no foreigners” or “Italians only”⁷⁸. In this type of discrimination in access to housing, both the publisher and the estate agent or landlord who commissioned the advertisement are punishable by law. The national equality body UNAR says that it has had to intervene in a number of cases of this type to inform publishers that such announcements are illegal and can lead to prosecution⁷⁹. In the city of Naples, some announcements carry the specification “for non-EU foreigners only” and the accommodations associated with such specifications fail to meet minimum standards in order to be inhabitable and this notwithstanding, rents for such places remain exorbitant and without a regular contract⁸⁰.

The UN Advisory Group on Forced Evictions (AGFE) carried out an official visit to Italy early in 2005, during which the group met with trade union representatives and tenants’ support organizations⁸¹. During the visit, the AGFE noted a situation of serious housing exclusion and signed a protocol of understanding with the Municipality of Rome in which the latter undertook to improve social housing programmes to enable it avoid carrying out forced eviction orders without alternative and adequate housing arrangements for the evicted. Part of the resources to be used for the above purpose will come from specific EU funding for assisting migrants in the area of housing.

6.2 Statistical data and reports regarding racism and discrimination in housing

A report⁸² by *Doctors Without Frontiers* on the conditions in which foreigner seasonal workers live, work and their health shows that these workers live in very poor and unhealthy places. The report was based on an interviews of 770 seasonal workers out of an estimated total of 12.000 such workers in the agricultural sector. The research found that 40 per cent of the sample lived in abandoned houses, 35 per cent had rented houses and 5 per cent had no places at all. Types of places rented included warehouses, garages and shacks, all in very poor conditions: 50 per cent had no water supply, 30 per cent had no electricity and 43.2 per cent had no bathroom. Over-crowding was found to be a major problem: 70 per cent of the sample shared the room where they lived with at least 4 other people (researchers found also few cases with 10 people in a single room and 100 in a small building with only two bathrooms) and 30 per cent shared a bed with another person.

According to the current immigration law, it is the duty of the employer to providers seasonal workers with accommodation. The research found that only

⁷⁸ <http://www.porta-portese.it> (28.04.2005).

⁷⁹ “Non si affitta agli immigrati”, in: <http://www.stranieriinitalia.it/news/affitti21apr2005.htm> (12.05.2005).

⁸⁰ “Affitto solo ad immigrati”, in: <http://www.vita.it> (06.09.2005).

⁸¹ http://www.unhabitat.org/campaigns/tenure/agfe_undertakes.asp (10.10.2005).

⁸² MSF (2005), *I frutti dell'ipocrisia. Storie di chi l'agricoltura la fa. Di nascosto*, Research Report, March 2005, available: <http://www.msf.it> (07.09.2005).

3.4 per cent of the interviewed had received accommodation from the employer.

A study carried out by the research institute Ares2000⁸³, showed that in 2004 rents increased by an average of 10.8 per cent in 13 major cities in the country. It further states that from 2000 to 2004 the increase amounted to 45 per cent. The analysis of rents in three big cities (Venice, Milan and Rome) showed that the average annual rent for an apartment of 80 – 90 squared metres located on the immediate outskirts of the old city centre is above 18,000 Euros. Taking into account that 60 per cent of families on rent have an average annual income which is less than 18,000 Euros, such families clearly not in apposition to afford such apartments without significant external support. In all the cities considered in the above analysis⁸⁴, the average yearly rent is above 40 – 50 per cent of the income group. This partly explains the sever housing exclusion affecting particularly young people, the elderly and immigrants, even when they are employed and have a regular and steady income. This, according to the report, has lead to a social emergency in which the insufficient institutional responses to the problem have forced many families to illegally occupy empty houses and other structures. According to Ares2000, there are about 600,000 people currently involved in illegal occupation of houses, of which a third is said to be immigrants.

Meanwhile, the central government has continued to sell public houses it owned as part of the measures to improve public finance. At the same time local authorities have encouraged the application of what is defined as “social rent” and which is a welfare assistance measure. Under this arrangement municipal authorities acquired either unused⁸⁵ houses or newly constructed ones and rent them to families in need, applying a monthly rent that does not exceed 10 to 15 per cent of the family’s monthly income.

According to another source, Nomisma⁸⁶, in the first six months of the year, both rents and estate prices recorded new increases though less than in the previous years (4.1 per cent). It also confirmed that the incidence of family expenditure on housing remained very high: for families on rent, the average incidence during 2004 was 31,3 per cent.

According to a survey of 300 estate agencies carried out by the research institute *Scenari Immobiliari* (Real Estate Scenarios⁸⁷), about 110,000 non-EU immigrants decided to buy their own homes in 2004 and this amounted to a share of 12.6 per cent of the business for that year. At the national level, about 8 per cent of estate transactions are carried out by immigrants, though in varying degrees between cities (see Table 12).

⁸³ Ares2000 Onlus (2005) *Indagine sugli affitti. Canoni liberi, concordati o ... sociali?*, Roma: Ares2000, available at: <http://www.ares2000.net/ricerche/dossieraffitti.htm> (03.10.2005).

⁸⁴ Padova, Torino, Genova, Bologna, Firenze, Napoli, Bari, Palermo and Cagliari.

⁸⁵ Estimates for the city of Rome put the number of apartments that are empty and not offered for rent at about 110,000 units.

⁸⁶ Nomisma – Osservatorio sul mercato immobiliare (2005) *Il rapporto sul mercato immobiliare*, Press Release, (15.07.2005).

⁸⁷ “Scenari immobiliari: l’immigrato cerca un trilocale con mutuo, da ristrutturare”, (“Real estate scenarios: the immigrants wants a three-room apartment that need renovation and mortgage to buy it”), in: <http://www.stranieriinitalia.it/> (27.04.2005).

Tab. 12 – Real estate transactions carried out by non-EU citizens as a percentage of total transactions

Cities	%
Rome	19.6
Milan	12.0
Verona	9.3
Turin	9.2
Bologna	8.2
Bari	8.2
Florence	6.5

Source: Scenari Immobiliari

In terms of the nationality of these new buyers, 26.3 per cent come from Eastern European countries (Albania and Rumania), 23.1 per cent from North African countries (especially Morocco, Tunisia and Egypt) and 16 per cent from India and other countries of the Indian subcontinent and 15.4 percent from China.

Regarding the types of homes, about 78 percent of demand by non-EU citizens fall into the medium to low level segment of the market, with 62 per cent of homes that need renovation to make them inhabitable and about 70 per cent are covered by a mortgage. According to the survey results, the choice of the area where the house is located was based on easy availability of different means of transport, for 22 per cent the price of the home was the most important determinant, 13.9 per cent chose on the basis of nearness to the place of work and 5.2 per cent on the basis of nearness to schools.

In general terms, the information available on the estate market and the problems of housing sector as a whole at the national level, as well as the specific conditions of immigrants in the housing sector, is confirm by the results of regional surveys and studies. The annual report by ISMU on the general conditions of immigrants in Lombardy⁸⁸ region confirms for 2004, an increase in the polarization of the housing conditions faced by immigrants: on the one hand stabilized immigrants continue to improve their hosing situations while on the other hand, those with precarious jobs continue to encounter growing difficulties. According to this source, data on 2004 show that there was a sizable increase in the direct ownership of homes by immigrants (+3.2 per cent) compared to the previous year but also an increase in the number of houses on rent without a contract. Rented houses by single or more related tenants decreased by -4.6 per cent while houses rented by a group immigrants who are not related increased by +4.2 per cent.

With reference to their distribution in different categories of housing, 4 per cent of immigrants in Lombardy region live with relatives and friends, 7.1 per cent with their employers, 2.4 per cent in reception structures and 1.5 per cent are in extreme situations of hosing exclusion, living in shacks, illegally occupied abandoned structures and homeless. Further analysis of the interviews confirmed the tendency recorded in previous years showing that more stable conditions of stay in the country (acquisition of Italian citizenship or permanent stay permit) positively influence integration in the housing market.

⁸⁸ ISMU – Osservatorio Regionale per l'integrazione e la multiethnicità (2005) *Rapporto 2004. Gli immigrati in Lombardia*, Milano: Ismu, pp. 94-97.

6.3 The situation of asylum seekers

In May 2005, Parliament approved the legislative decree that transposed Council Directive 2003/9/EC on minimum standards for the reception of asylum seekers in member States⁸⁹. The above decree defines the conditions of access to reception structures for asylum seekers. Access to these centres is allowed for all asylum seekers on condition that they filed an application for refugee status within 8 days from that of entry into the country. This means that an asylum seeker will have to declare when s/he entered the country and go on to prove that an application for refugee status was submitted within the 8 days deadline. There are various reasons why an asylum seeker may not be able to apply for asylum within the set period. The circumstances under which many asylum seekers enter the country may not allow to apply. This is the case of people who come in without valid documents from the country of origin or with forged documents in order to be able to escape from persecution and in any case, without an authorization to enter the country legally. Those in one of these situations will certainly not be able to provide the required evidence of having entered on the date they declare, as well as having submitted an application for asylum within time allowed. Linking access to accommodation in the reception centres to a series of conditions that are extremely difficult to meet, means excluding many prospective asylum seekers from much needed assistance.

The transposition instrument brought about a positive development in the country's asylum legislation. It provides that the asylum seeker is allowed to work while waiting for a reply to his/her application. This possibility is restricted though to those cases where the applicant does not receive a reply six months after submission of the application and same is not responsible for the delay⁹⁰. An applicant who starts to work during the period from application and to when a formal reply is issued, is required to either leave the reception centre or pay a pre-determined amount to continue to live there.

Limited as it is, this provision is considered by many in the sector as a positive one because until now, the great majority of asylum seekers who are unable to enter the assistance programmes for this category of persons, were forced to work without authorization and contracts or move to other EU countries and fail to follow up the applications submitted here.

6.3.1 Main reports on reception centres for asylum seekers

ICS (2005) *Rifugiati in Italia: la protezione negata. Primo rapporto sul diritto di asilo in Italia (Refugees in Italy: denied protection. First report on the right to asylum in Italy)*, Roma: ICS. Chapter 5 – The reception system in Italy, from p. 66 upwards.

European Migration Network – Italy (2004) *Il Sistema di Accoglienza in Italia per i Richiedenti Asilo e Rifugiati (The Reception System for Asylum Seekers and Refugees in Italy)*, December 2004.

⁸⁹ Italy / Legislative Decree nr. 140 (30.05.2005) “Attuazione della direttiva 2003/9/CE che stabilisce norme minime relative all'accoglienza dei richiedenti asilo negli Stati membri” (Transposition of Directive 2003/9/EC laying down minimum standards for the reception of asylum seekers), (21.07.2005).

⁹⁰ Italy / Legislative Decree nr. 140 (30.05.2005), art. 11.

International Federation for Human rights (2005) *Right to Asylum in Italy : Access to procedures and treatment of asylum seekers*, FIDH.

6.4 Good practices

As in the previous year, the cases briefly described below are among the better documented experiences, designed and implemented by a range of organisations that include voluntary associations, local authorities and social partners, religious organisations, financial institutions etc., with the aim of overcoming some of the problems facing migrants in housing. They have been chosen because we considered them somewhat innovative even though in general, there is no external evaluation of how effective they have been in providing answers to housing needs of disadvantaged categories of migrants. Besides, the main strategies and initiatives aim at increasing supply of houses on rent by the private sector and facilitating access to such additional supply by immigrants.

Progetto Casa⁹¹ (***Housing Project***)

In May 2005, a multi-agency partnership of private and voluntary actors (two foundations and a bank) announced the setting up of a housing project aimed at helping categories of people, in particular immigrants and young couples, facing housing exclusion in varying degrees, buy homes for their primary use. The partners in the project are: the Foundation *La Casa Onlus* and the bank *Cassa di Risparmio of Padua and Rovigo* and the corresponding Foundation *Cariparo*.

Under the agreement between the partners, *Cariparo* Foundation has set aside one million Euros as guarantee fund managed by the bank, the Foundation *La Casa Onlus* will identify and support over the years beneficiaries and the bank will give the latter mortgages to buy homes for their personal uses. Another fund of about three hundred thousand euros was also created in favour of the Foundation *La Casa Onlus*, which it is expected to use to support applications for mortgage. On the whole, it is expected that up to 12 million euros will be disbursed as mortgage to help offset difficulties faced in housing by the groups mentioned earlier.

A.I.S.A. Agenzia di Intermediazione Sociale all’Abitare⁹² (***Agency for Social Mediation in the Housing sector***)

This is a non-profit agency made up of individual estate operators in Veneto region, with the aim of facilitating migrants’ access to housing by offering financial guarantees to landlords and social support to migrant tenants. This group targets, in particular, nationals and immigrants who are temporarily out of work and face hardships in securing accommodation and it offers the following services: grants small loans to help pay for rents, without requesting for collaterals; additional small mortgages to make up the part not covered by banks; pays the bank monthly instalments which the beneficiaries are unable to pay; helps beneficiary groups with identifying houses that match their needs

⁹¹ “Progetto casa: 100 case per giovani coppie, immigrati e persone in disagio abitativo”, Press Release, (07.05.2005).

⁹² <http://www.agenziaisa.org> (07.10.2005).

and resources and offers temporary reception in cases of serious housing exclusion.

Centro di integrazione di quartiere (*Neighbourhood Integration Centre*)

Created by the association “Stop Racism” of Padua, the Centre started activity in 2003 with the aim of offering temporary but decent accommodation to immigrants in search of their own homes and supporting them to integrate into the social and cultural contexts of the area. The Centre is based in an abandoned building illegally occupied and entirely renovated by the promoters of the initiative and the first 12 residents who, though legally resident and employed at the time, could not find their own houses on rent. This first have since moved out of the Centre after getting their own apartments in the same neighbourhood and places left vacant have been assigned to others for the time necessary to find affordable solutions⁹³.

⁹³ “Padova – Primo centro di integrazione”, in:
<http://www.meltingpot.org/articolo5889.html> (16.09.2005).

7 Racist violence and crimes⁹⁴

7.1. The situation in Italy

As we have already mentioned in former Reports, in Italy, it is difficult to obtain or have access to reports, information, statistics and *official* figures on violence and racist crimes. In the data of the Interior Ministry, accessible to the public, the above-mentioned data is lacking and that concerning criminal justice can be obtained from information given by the press and websites.

At the time of reporting the official website of UNAR (Office for the promotion of equality of treatment and the elimination of discrimination based on race or ethnic origin)⁹⁵, established two years ago by the Council of Ministers, has still to publish information on episodes of discrimination reported to its Contact Centre.

Instead, there are on-line magazines on the subject of immigration and racism which are very useful and full of information, such as: Meltingpot⁹⁶ and Stranieriintalia.

A certain amount of data and information can be obtained not only from the aforementioned sources, but also from national and international reports and surveys, none of which deal *specifically* with this issue.

For this reason, besides examining these reports and surveys, we have also screened some sources of information (press-agencies, printed and on-line newspapers, websites and on-line magazines) aiming at obtaining an adequate number of episodes of racist violence (physical, verbal, symbolic). The reliability of the cases reported by the sources of information has been controlled by comparing several sources. Only the main source has been mentioned for each case. This survey consisting of **115 cases**, classified according to what we considered to be the most indicative criteria formed the principal empirical bases to establish a sample of cases from which we took the data reported in the list contained in paragraph **7.3.b**. The list reported in this paragraph refers to *all* the cases taken from our sources of information including those attributed to categories of Islamophobia and anti-Semitism.

In the enclosed document we have made a separate list of specific episodes of anti-Semitism and Islamophobia. This list was drawn from our general collection of cases that we then processed into quantitative data, represented in two distinct lists. For reasons of consistency and methodological clarity, we divided the cases of anti-Semitism and Islamophobia in line with our general criteria and on the basis of the guidelines of EUMC.

7.2. Sources examined

As in the former Annual Reports (2003 and 2004), we employed two kinds of sources also in this case:

⁹⁴ Chapter written by Annamaria Rivera (with the collaboration of Grazia Naletto).

⁹⁵ UNAR has been established with Italy / Legislative decree no.215 (09.07.2003), by the Department for Equal Opportunities of the Council of Ministers, to enforce the European Union Directive no. 2000/43 EC.

⁹⁶ <http://www.meltingpot.org>;
<http://www.stranierintalia.it>;<http://www.ilpassaporto.it>

a. National and international reports and surveys

1. International Helsinki Federation for Human Rights (2005) *Intolerance and Discriminations against Muslims in the EU*⁹⁷.

The report denounces the gradual diffusion in Europe, following the 11th September 2001, of intolerance and hostility towards Muslim citizens, recommending a greater commitment on the part of European governments in the prevention and struggle against Islamophobia. The chapter devoted to Italy analyses the following aspects: the lack of a protocol of agreement between the Italian state and the Muslim minority that is necessary for its recognition; the escalation of hostility and intolerance in the public opinion towards Muslim citizens; the mainly negative representation of Muslims proposed by the media and the contribution given by some political leaders of the Northern League, as well as by eminent members of the State; discrimination against Muslim citizens especially in the labour market and housing sector; the lack of active policies for a social and cultural inclusion; the campaign against the “Islamic veil” launched by the Northern League; the absence of Muslim schools officially recognised and no teaching of Muslim religion in public schools.

2. ECRI (European Commission against Racism and Intolerance) (2005) *The use of racist, antisemitic and xenophobic arguments in political discourse*⁹⁸.

This report shows a repertoire and an analysis of racist, antisemitic and xenophobic arguments used in the last European election campaign. The privileged victims of these speeches were immigrants and refugees, in particular those coming from mainly Muslim countries. As for Italy, the report points out, with many examples, how racist and xenophobic speeches were used during the election campaign of *Libertà di Azione*, Northern League and *Alleanza Nazionale*.

3. Anti Defamation League (2005) *Attitudes Towards Jews in Twelve European Countries*⁹⁹.

This survey involved 6000 people in 12 European countries, who were invited to express their opinion on the following statements: 1. Jews are more loyal to Israel than to Italy; 2. Jews have too much power in international trade; 3. Jews have too much power in international financial exchanges; 4. Jews always speak too extensively about the Holocaust; 5. Jews are to be blamed for the death of Christ.

The results of the survey confirmed the persistence of anti-Semitic stereotypes in all the countries examined. In Italy, the people who consider the first four statements as true are respectively 55 per cent, 33 per cent, 32 per cent and 49 per cent, with a higher percentage than the European average figure.

⁹⁷ International Helsinki Federation for Human Rights (2005) *Intolerance and Discriminations against Muslims in the EU*, March 2005, Wien: IHF, <http://www.ihf-hr.org> (03.10.2005).

⁹⁸ ECRI (European Commission against Racism and Intolerance), Camus J. Y. (2005) *The use of racist, antisemitic and xenophobic arguments in political discourse*, Strasbourg: Council of Europe, March 2005.

⁹⁹ Anti Defamation League (2005) *Attitudes Towards Jews in Twelve European Countries*, New York: ADL, May 2005, <http://www.adl.org> (03.10.2005).

4. Amnesty International (2005) *Italia. Presenza temporanea, diritti permanenti. Il trattamento dei cittadini stranieri detenuti nei Centri di permanenza temporanea e assistenza (CPTA)*¹⁰⁰.

This report denounces the violation of human rights suffered by foreign citizens detained in the ‘Temporary hosting and assistance centres’ (CPTA). It includes detailed reports bearing witness to: physical aggression by policemen and guards; an excessive use of sedatives and tranquillizers; unhealthy living conditions; insufficient healthcare; lack of communication with the outside world; difficult access to legal advice, essential to protest against the lawfulness of detention and of the decree of expulsion; difficult access to the procedure for the recognition of the refugee status, with the consequent repatriation of people to countries where they risk to have their rights seriously violated. Moreover, access of visitors to CPTA is increasingly limited to the extent that some UNHCR representatives, Italian members of parliament, lawyers, religious militants, journalists and NGOs have not been allowed in the centres or have had access only after repeated requests.

5. Medici senza frontiere (2005) *I frutti dell’ipocrisia, Storie di chi l’agricoltura la fa. Di nascosto*¹⁰¹.

From May to December 2004, an MSF team travelled with a mobile clinic through the regions of Southern Italy, where there is a large number of foreigners seeking a job in agriculture. Each person visited was given a questionnaire, meant to find out about working and human conditions. 770 people were visited and interviewed: 23.4 per cent of them were asylum seekers; 6.3 per cent refugees; 18.9 per cent had a resident permit for reasons other than “seasonal work”; 51.4 per cent had no valid resident permit. *None* of the foreigners visited had a job contract complying with the law on seasonal workers employed in agriculture. Only 5.6 per cent of them were in good health and the most serious diseases were found among foreigners living in Italy for a longer time (18-24 months). 30 per cent of the interviewees declared to have suffered some form of violence, abuse or ill-treatment in the last 6 months. In 82.5 per cent of cases the aggressor was Italian.

6. IRES-CGIL (2005) *Lavoratori immigrati nel settore edile*¹⁰².

This report shows a detailed picture of the working conditions of foreign workers in the building industry, highlighting important inequalities in their conditions and treatment between native workers and foreign ones¹⁰³.

¹⁰⁰ Amnesty International (2005) *Italia. Presenza temporanea, diritti permanenti. Il trattamento dei cittadini stranieri detenuti nei Centri di permanenza temporanea e assistenza (CPTA)*, Rome: Amnesty International, <http://www.amnesty.it> (03.10.2005).

¹⁰¹ Medici senza frontiere (2005) *I frutti dell’ipocrisia, Storie di chi l’agricoltura la fa. Di nascosto*. Research on living and health conditions of foreign workers employed in Italian agriculture, Rome: MSF, March 2005, <http://www.msf.it> (03.10.2005).

¹⁰² IRES-CGIL (2005) *Lavoratori immigrati nel settore edile*, Preliminary research report, July 2005, <http://www.filleacgil.it/stranieri/> (03.10.2005).

¹⁰³ See chapter 3 - The labour dimension of racial discrimination in Italy.

7. Save the Children (2005) *I diritti dell'infanzia e dell'adolescenza in Italia*¹⁰⁴.

This report draws the balance of the enforcement in Italy of the Convention on the rights of children and adolescents. A chapter is devoted to the conditions of Roma children, made more difficult by the “lack of appropriate integration policies” and characterised by economic, social and cultural exclusion. In particular, the report stresses the dropping out of Roma children from schooling.

8. Demos Survey – Monitoring Centre of the North East on voting rights¹⁰⁵.

The survey concerned a sample of 1000 people aged over 15 years, resident in the Veneto and Friuli Venezia Giulia regions. 62 per cent of the interviewees wish that foreigners, if legal and tax-payers, might vote in the municipal elections. 48 per cent of them are also in favour of their participation in the national political elections.

9. IPSOS-FLASH APCom Survey: *“Islam: ci fa paura?”*¹⁰⁶.

The survey shows that Islam “is a religion in which there is more fanaticism than in other religions” according to 66 per cent of interviewees. The distinction between Muslims and fundamentalists is obvious for 49 per cent of people, but not for 20 per cent of the interviewees; 31 per cent give no reply. The episodes of international terrorism represent a conflict between Islam and the Western world according to 48 per cent of interviewees; a conflict between the rich and the poor for 25 per cent; conflicts that are not related between them for 55 per cent of them. To the question “Are you personally afraid of Islam?” 48 per cent of the interviewees replied yes, 46 per cent replied in the negative, 6 per cent did not reply.

10. IPSOS– Vanity Fair Survey: *Velo islamico: favorevoli o contrari?*¹⁰⁷.

The interviewees were invited to say whether they were in favour or against the approval of a ‘law on the use of the veil’ similar to the French law: 45 per cent of them said to be in favour, 51 per cent against, 4 per cent did not express their opinion.

11. IPSOS – Vanity Fair Survey: *La lotta all’immigrazione*¹⁰⁸.

The interviewees (800 people) were invited to say whether they were in favour or against forced repatriation of “illegal” immigrants. 65 per cent of them said: *yes*; 30 per cent said: *no*; 5 per cent: *I don’t know*.

¹⁰⁴ Save the Children (2005) *I diritti dell'infanzia e dell'adolescenza in Italia*, Rome: Save the Children, May 2005, <http://www.savethechildren.it> (03.10.2005).

¹⁰⁵ Demos, Osservatorio del Nord-Est (2004) *Sondaggio sul diritto di voto (Survey on voting rights)*.

¹⁰⁶ IPSOS-FLASH APCom (2004) *“Islam: ci fa paura?” (“Islam: does it scare us?”)*, available at: <http://www.ipsos.it> (03.10.2005).

¹⁰⁷ IPSOS – Vanity Fair (2004) *Velo islamico: favorevoli o contrari? (Islamic headscarf: in favour or against?)*, available at: <http://www.ipsos.it> (03.10.2005).

¹⁰⁸ IPSOS – Vanity Fair (2004) *La lotta all’immigrazione (Struggle against immigration)*, available at: <http://www.ipsos.it> (03.10.2005).

12. IPSOS – Tutte le mattine Survey: *Discriminazione*¹⁰⁹.

25 per cent of the 1000 people interviewed believe that discrimination is very widespread; 48 per cent of them believe that it is quite widespread; 18 per cent believe it is scarcely spread; 4 per cent believe it isn't spread at all; the rest of the interviewees does not know. The people more at risk of discrimination are foreigners/immigrants according to 46 per cent of the interviewees; disabled people according to 19 per cent; homosexuals according to 16 per cent; people with physical defects according to 6 per cent; women according to 3 per cent. 10 per cent of them said "they did not know".

Of the aforementioned surveys, the first four proved to be useful in reconstructing the Italian scene of (physical and verbal) violence and racist crimes; surveys 5 and 6 are necessary to describe the social context in which the phenomenon of discrimination against immigrant workers takes place and where racist violence develops. Survey 7 is decisive in terms of the *trend* that we obtained through the analysis of the sample cases of racist violence, which we studied and compared with that of 2004: **the increase of the number of attacks against minors**. Sources 8, 9, 10, 11, 12, supply information on opinions and attitudes of the Italian population towards foreign citizens, especially Muslims.

The results of the first three reports have been discussed in the enclosed document on anti-Semitism and Islamophobia (Annex 3).

The fourth report denounces a large number of offences against human rights on foreign citizens detained in the "Temporary hosting and assistance centres" and contains detailed proof of **physical aggression against detained immigrants by police forces and guards**. The fifth report, which does not deal with racist violence, contains alarming information: **out of 770 foreign workers interviewed 30 per cent of them declared that they had undergone some form of violence, abuse or ill treatment in the previous 6 months**. According to 82.5 per cent of witnesses, the culprits were Italian citizens. The sixth report denounces the disturbing **condition of Roma children**, caused by a "lack of appropriate integration policies" and consisting of an **extreme economic, social and cultural exclusion**.

As far as the surveys we consulted are concerned, the comparison between results shows apparently contradictory trends: the opinion that can be drawn seems to be in favour of extending voting rights to immigrant citizens and against the legal prohibition of the use of the veil for Muslim women, besides being rather hostile towards the Muslim religion

b. Sources of information:

b 1. Daily papers: *Il Corriere della Sera; il Manifesto; Il Messaggero; La Repubblica; L'Unità; La Gazzetta di Parma; L'Arena di Verona; La Padania; Il Corriere di Romagna*.

b2. On-line magazines: <http://www.stranieritalia.it>; <http://www.meltingpot.org>; <http://www.ilpassaporto.it>

¹⁰⁹ IPSOS – Tutte le mattine (2004) *Discriminazione (Discrimination)*, available at: <http://www.ipsos.it> (03.10.2005).

b3. Press agencies: ANSA.

7.3. Results of the survey carried out through the screening of information sources. Description of five cases.

a. Methodology

The data reported in the following list were obtained through a *direct screening* of the aforementioned sources of information carried out from **31 August 2004 to 29 September 2005**. After having selected the general news concerning racist violence, physical, verbal and symbolic, we placed the cases into what seemed more relevant categories to be able to understand the complexity and the distribution of the phenomenon. However, it is necessary to define some aspects:

-we also considered it useful to include in a separate category some episodes of discrimination and violation of human rights, or cases which were so serious as to present a potential threat to the physical safety of the victims, or cases accompanied by insults and threats;

-under the category “Public initiatives, racist political events” we have included *clearly* racist cases expressed through slogans and banners;

-the phenomenon of racist writings on walls – which is widespread – is rarely mentioned because it is considered unworthy of attention by information sources;

-the numbers of offenders and victims (hence the worst hit categories according to sex and age) refer to the cases (i.e.: to the number of episodes), and not to the real number of offenders and victims as a whole. For example, the total number of minors, victims of racist violence, would increase considerably if we added the numbers of the victims of all considered episodes.

- the number of episodes doesn't include those denounced by the journalist of *L'Espresso* in his reportage published on 13th October 2005. Chapter 7.3.1 contains a description of the experience of the journalist.

b. List of figures relative to the cases

Total number of cases of racist violence: 115

A. Acts of verbal violence: 60

Of which:

A1. Statements, offences, insults, racist threats:	39
A1a. by members of the central Government, local institutions, political organisations and parties	21
A1b. by sports fans	11
A1c. by non institutional members	7
<i>A2. Racist wall writings:</i>	6
<i>A3. Public initiatives; racist political events:</i>	15

A3a. by the Northern League	8
A3b. by right-wing extremists	6
A3c. by common citizens	1
B. Acts of physical violence : 40	
Of which:	
<i>B1. Aggressions, ill treatment, injuries:</i>	26
B1a. by well-known or unknown non-institutional members	16 (19 victims)
B1b. by members of the police and other institutions	10 (30 victims)
B1c by political parties and organisations	1
<i>B2. Deaths resulting from aggressions by common or unknown individuals</i>	4
<i>B3. Assaults with damage or destruction of things and places:</i>	9
C. Acts of discrimination and violation of fundamental human rights: 15	
D. The offenders (out of 115)	
D1. Individuals or groups (ordinary or unknown)	42
D2. Members of the central or local government, institutions or public bodies	20 ¹¹⁰
D3. Members of Parliament, leaders, activists of the Northern League	15
D4. Police; forces of repression or intelligence	12
D5. Sports fans	10
D6. Far right individuals or groups	10
D7. Private companies	4
D8. Members of <i>Alleanza Nazionale</i>	2
E. Victims	
The worst hit categories:	
E1. Foreigners, immigrants, refugees, children of mixed marriages	78 (77) ¹¹¹
E2. Muslims	20 (21) ¹¹²
E3. Roma	9
E4. Jews	8
Sex/age of victims observed in 62 cases:	
Ea. Men	39
Eb. Women	11
Ec. Minors	12

¹¹⁰ At least 6 of the cases in this category, were caused by ministers, mayors, local administrators of the Northern League. This implies that if we wanted to **separate** category D2. (not making a distinction between members of parliament and government members –central or local), category D3 would have occupied the second place.

¹¹¹ The numbers would have changed depending on our choosing to include or not under the category “Muslim” the young victim of the latest episode of violence (29.09.2005): see description further on.

¹¹² Idem

Nationality of the victims defined in 49 cases

Albanian	7
Algerian	1
Bengali	1
Burkina Faso	1
Chinese	4
Congolese	2
Egyptian	1
Eritrean	1
Ethiopian	1
French	1
Ghanian	1
Indian	1
Italian	3
Ivorian	1
Moroccan	7
Nigerian	1
Pakistani	2
Polish	1
Romanian	1
Senegalese	8
Tunisian	1
Ukrainian	1
Yemenite	1

Compared with the cases reported with this methodology, in Report 2004, an **increase** is shown in 2005 as follows:

- statements, offences, insults, threats *by members of the central government, local institutions and political parties*;
- racist political initiatives and events;
- racist assaults;
- episodes against minors.

7.3.1. Five cases.

Rome, 9.01.2005. A Senegalese citizen, vendor of the monthly magazine "Terre di Mezzo", while selling outside a bookshop in the city centre, was attacked with racist insults by a couple of Italian citizens, who then stabbed him with a knife and escaped on a motorbike¹¹³.

Padua, 29.04.05. Two Roma girls are stopped by a *Carabinieri* patrol, who accuse them to hide cocaine ovules in their abdomen. They are then beaten, kicked, undressed; one of the two is then publicly submitted to a gynaecological inspection. A group of students who happen to pass by, witness the episode and one of them takes a picture of the scene. In the summary trial,

¹¹³ Sources: <http://www.stranieriintalia.it>, *il Manifesto*, *L'Unità*.

the eyewitnesses were not believed to and the girls were sentenced to 6 months imprisonment for use of force against a public official¹¹⁴.

Savignano sul Rubicone (Cesena), 11.07.2005. According to the newspapers and on-line news¹¹⁵, a 24 year-old Moroccan without a regular resident permit was arrested by two *Carabinieri* and accompanied to the police station. Here he was said to have been kicked and punched by a *Carabiniere* and insulted: “You filthy Moroccan, don’t ever come here again!”. To obtain justice, the young immigrant denounced the act to the Magistracy, by allowing them to arrest him as an illegal immigrant. After the questioning in Parliament of senators and members, a legal inquiry was opened.

Tollegno (Biella). According to the news reported on 29.09.05 by TV and the press¹¹⁶, a few days before, a 13-year-old schoolgirl of Italian nationality, with an Italian mother of Moroccan origin and Italian father, was attacked by a group of teen-agers on her way to school. After having insulted her with “Dirty nigger”, they kicked and punched her, pushing her down and cutting a swastika onto her arm with a sharp stone. According to the above sources, none of the passers-by tried to defend the child, who was then assisted by her mother and brought to hospital. Her mother reported the case to the police. The offenders – three Italian teenagers – were identified by the police and denounced to the Juvenile Court of Turin and the Magistracy of Biella¹¹⁷.

23-30 September 2005. In order to provide proof of the treatment undergone by “illegal” refugees and migrants in the Temporary Hosting Centre (Cpt) of Lampedusa, Fabrizio Gatti, a reporter of the weekly magazine *L’Espresso*, resorts to the trick of pretending to be a “clandestine”. He is rescued from the sea and locked up in the Cpt, where he declares to be a refugee from Iraqi Kurdistan. He spends a week there, during which he eyewitnesses -or is himself a victim of- ill-treatment, abuse, violation of human rights, acts of anti-Muslim racism, that he collects in a news report published in the weekly magazine¹¹⁸. According to the journalist: 1. in the Cpt, health conditions are very poor and the most elementary comforts are denied such as beds, sheets, blankets, adequate sanitation and food; 2. the most elementary rights are not respected: communicating with the outside, having an interpreter for one’s own language; applying for asylum, and so on; 3. members of the *Carabinieri* force the “detainees”, by threatening them, to squat for hours on a floor covered in sewage water coming from the toilets.

In the news report, moreover, he tells about the following episodes:

- members of the *Carabinieri* show a group of “detainees” some pornographic pictures; when a Muslim migrant covers his eyes up, they force him to look at the pictures;

¹¹⁴ <http://www.meltingpot.org>, (28.06.2005).

¹¹⁵ *Il Corriere di Romagna*, (13.07.2005); *il Manifesto*, (14.07.2005).

¹¹⁶ See: ANSA, *La Stampa*, *il Manifesto*.

¹¹⁷ The last piece of information was taken from: Sherif El Sebaie (2005) *Svastica sul braccio. Parla la madre di Oriana*, (What Oriana’s mother said), in: *il Manifesto*, (30.09.2005), p. 8.

¹¹⁸ Gatti, F. (2005) *Io, clandestino a Lampedusa*, in: *L’Espresso*, nr. 40, (13.10.2005), pp. 36-50.

- after one of the “detainees” called Muslims for the prayer, an employee of “Misericordia”, the organisation that manages the Cpt, imitates the barking of dogs each time he hears the call “Allah akbar”;
- a patrol of *Carabinieri* on duty performs a sort of “Fascist parade”¹¹⁹;
- the “detainees” are customarily addressed to with insults and smacked by members of the *Carabinieri* ; and flogged by one of them with leather gloves. The Magistracy has started an inquiry on the incident.

7.4. Good practices

A Mayor against Islamophobia

Bari, September 2004. An Italian Muslim citizen, who usually wears the hijab, makes a public complaint in the press against the humiliation, ridicule and insults of which she was victim of ordinary people and the parents of the schoolmates of her son. Having learnt about this, the Mayor of the city of Bari took a few important decisions: he officially received the woman, her husband, who is an imam, and her children; he accompanied the woman and her children to school officially several times, making official statements in favour of mutual understanding and tolerance, encouraging measures aiming at introducing a knowledge of the Muslim religion in the school syllabus.

Good practices against anti-Semitism

Rome 16 October 2004. During the 61st anniversary of the deportation of the Roman Jews, the synagogue was opened to 48 secondary school students as part of a project to commemorate the Jewish persecution. A few days later, Walter Veltroni, the Mayor of Rome, accompanied 200 students to Auschwitz.

Football against racism

On 9 February 2005 a football match was held between the Italian national team and Russia. The players wore a T-shirt with the words: “No to racism”.

In the same vein, in March 2005, the National Equality Body (UNAR) launched the campaign “Score a goal against racism”. This initiative was carried out in cooperation with the Football League. On 19 and 20 March 2005, all the League A football teams went to the field showing the slogan “score a goal against racism” (Fai goal al razzismo), to underline that both in football and in life, there must be no discrimination on the basis of skin-colour or ethnic origin. A brochure with the photograph and the signature of the players which took part in the event was distributed together with information on the anti-discrimination Campaign.

“We outsiders”

The daily paper *La Repubblica*, in March 2005, introduced the weekly column “We outsiders”, edited by the journalist Gian Maria Bellu, who, through an account of personal experiences and the analysis of current events rarely considered by the media, denounced episodes of racism, the most unfair aspects of the national legislation on immigration, the abuse committed by the

¹¹⁹ Thus Gatti defines it.

police against foreign citizens, the cultural subsoil which encourages the growth of hostile behaviour against foreign citizens.

Children erase racist and anti-Semitic writings

In Rome, on 2 May 2005, children and teachers of the primary school “Martin Luther King” took part, together with the councillor responsible for the budget of the VII Municipality, in the removal of racist wall writings in the avenue in front of the school.

Mailing-list of legal experts

The Association of legal experts on immigration (ASGI) promotes through its mailing list, the exchange of information and opinions among legal experts who offer legal guidance, assistance and advice to foreign citizens also in cases of racism. The mailing-list supplies updated information on the main measures issued on the subject of immigration and asylum and encourages the circulation of legal opinions on individual cases.

An institutional forum against Temporary Hosting Centres

On 10-11 July 2005, the leaders of 13 Italian regions met at a national Forum in Bari and signed a document demanding the abolition of the system of “Temporary Hosting Centres” approved by law 40/98, where illegal foreign citizens and/or those condemned to expulsion are detained. A great deal of attention has been given to this event by the civil society, the media, and political leaders, contributing towards diffusing information on the real “detentive” nature of these structures, often incorrectly termed “reception centres”.

Democratic Checkpoint at Lampedusa

From July to September 2005, ARCI, the most important and widespread Italian association, second to trade unions, established a daily monitoring of the landing of foreign citizens on the island of Lampedusa. This monitoring has made it possible for 70 individuals detained in the ‘Temporary Hosting Centre’ to make an application for asylum, which had been previously denied. The diffusion of daily reports by ARCI made it possible for many social workers, lawyers, legal experts and common citizens to have direct information of serious violations of human rights against foreign citizens on the island.

Appeal against racism

Following the murder of a barman in Besano (Varese) by an Albanian citizen, a proper “hunt for the Albanian” began, fomented by far-right and Northern League extremists. Several Albanian celebrities in the sports world, cinema and culture, publicly launched an appeal against racism condemning “all the declarations and acts that aim at identifying the author of a crime with an entire nation, labelling all Albanians as criminals”.

Grassroots Inquiry against institutional racism

The young members of the “Laboratorio occupato P.A.Z” (A meeting point for squatters), together with those responsible for the “Islamic Centre” in Rimini, drew up an enquiry in the form of a document, by recording the

reports of six witnesses¹²⁰. The document was diffused on the website <http://www.meltingpot.org> and sent to Amnesty International. It denounced acts of racist physical and psychological violence which were allegedly committed in the barracks of the *Carabinieri* in Savignano sul Rubicone, by a *Carabiniere*, the same denounced to the Magistracy by the 24 year-old Moroccan immigrant (see above).

The colours of the mind

The Region of Campania has financed the project “The colours of the mind”: ANOLF operates in three primary and two secondary schools taking classroom initiatives aimed at encouraging the learning of the Italian language by foreign children, without having to organise separate and segregating courses. The initiatives, carried out by cultural mediators of several nationalities with the help of psychologists, have focused on play and fairy tales as the best means of stimulating knowledge and mutual relations between Italian and foreign children, also encouraging the learning of the Italian language by the latter.

¹²⁰ *Corriere di Romagna*, (22.07.2005).

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Press agency: ANSA (<http://www.ansa.it>).

Annex 1 - Anti-Semitism: quantitative data

TOTAL NUMBER OF CASES OF ANTI-SEMITIC VIOLENCE: 7

Classification of cases according to the guidelines:

A	Extreme violence and assault	0
B	Damage and desecration of property	0
C	Threats and abusive behaviour	7
E	Changes in the attitudes of the population	0
		7

Classification of cases according to the general methodology adopted by the author

A. Verbal violence: 7

Of which:

A1. Racist statements, offences, insults, threats: 2

A1b by sports fans 2

A2. Racist inscriptions: 4

A3 Racist public and political events: 1

A3b. by right wing groups 1

Annex 2 - Islamophobia: quantitative data

TOTAL NUMBER OF ISLAMOPHOBIC VIOLENCE: 23

Classification of cases according to the guidelines:

A	Extreme violence and assault	3
B	Damage and desecration of property	1
C	Threats and abusive behaviour	14
E	Changes in the attitudes of the population	5
		23

Classification of cases according to the general methodology adopted by the author:

A. Verbal violence: 18

Of which:

A1. Racist statement, offence, insult, threat: 11
 A1a. by members of the national Government, of local institutions, of organisations and political parties: 9
 A1c. by non-institutional actors 2

A2. Racist inscription: 1

A3 Racist public and political event: 6
 A3a. by Northern League party 6

B. Physical violence: 2
 Of which:

B1. Assault, ill-treatment, wounding: 1
B1a. by non-institutional actors 1

B2. Assaults by individuals or unknown persons followed by death: 0

B3. Attacks with damage or destruction of things or places: 1

C. Acts of discrimination and violation of fundamental human rights: 3

Annex 3 - Changes of attitudes towards Jews and Muslims in the population

As we have already stated in the Reports we consulted as sources, that of the International Helsinki Federation for Human Rights¹²¹, regarding the Italian situation, denounces the escalation of hostile feelings and intolerance against Muslims and the repeated campaigns (especially by the Northern League) against the use of ‘veils’ for women, against mosques and other Muslim religious symbols.

The Report of the Anti Defamation League¹²², while observing the persistence in all the countries examined of stereotypes against Jews, stresses that in Italy this persistence is well beyond the European average.

The ECRI Report¹²³ reflects on the revival of racist and xenophobic opinions on the political agenda of 3 parties (Northern League, *Alleanza Nazionale* and *Libertà di Azione*), during the last European elections.

As for the opinion polls, the results clearly show one opinion: -widely in favour of extending voting rights to immigrant citizens (especially among centre-left voters); -mostly against the legal prohibition of the so-called Islamic veil. However, according to the poll entitled *Are we afraid of Islam?*, the majority of Italian citizens interviewed assigns a “more fanatical” vocation for Islam than for other religions.

¹²¹ International Helsinki Federation for Human Rights (2005) *Intolerance and Discriminations against Muslims in the EU*, March 2005, Wien: IHF.

¹²² Anti Defamation League (2005) *Attitudes Towards Jews in Twelve European Countries*, New York: ADL, May 2005.

¹²³ ECRI (European Commission against Racism and Intolerance), Camus J. Y. (2005) *The use of racist, antisemitic and xenophobic arguments in political discourse*, Strasbourg: Council of Europe, March 2005.

Update of the Report
October – December 2005

1. Employment

During the reference period, the national institute of statistics – ISTAT – released two important publications which contain relevant information on foreigners in Italy¹²⁴. The first¹²⁵ of these two publications describes the stock of resident foreign population as at the 1st of January 2005. According to this report, resident foreigners were 2,402,157, recording an increase of 411,998 foreigners (+20.7 per cent) over the previous year and accounting for 4.1 per cent of the total resident population (3.4 per cent as at 1st January 2004). The increase is said to be partly due to new entries in 2004, children born to resident foreign parents in 2004 (48,925) and partly due to the legalization exercise that allowed about 650,000 foreigners to acquire a legal title to stay during 2003 and 2004. Children born in Italy by foreign parents are included in the category of resident foreigners but not in that of immigrants. In terms of geographical distribution, the great majority of foreigners reside in the industrial North (63.5 per cent), followed by the Central regions with 24 per cent while only 12.5 per cent live in the Southern regions and the islands.

The increase in the population of resident foreigners is not evenly distributed across the various regions of origin. Central and Eastern European groups increased considerably more than others and for some nationalities, the increase has been simply extraordinary. This has been the case of people from the Ukraine whose population rose from 9,000 at the time of the general census in 2001 to 93,000 in three years; Rumanians, from 75,000 to 249,000 and Albanians from 173,000 to 317,000 at the end of 2004. The population from EU25 increased from 173,000 to 207,000. The increase in the resident foreign population from Asia was remarkable as well, particularly for the Chinese whose population moved from 47,000 to 112,000 in three years. In the same period, the population of foreigners of African origin increased significantly, though less than the other regions, with Moroccans moving from 180,000 to 295,000.

The second¹²⁶ publication by ISTAT is the first comprehensive analysis of data on foreigners from the 14th general census carried out at the end of 2001. Chapter 6 of this report analyses data on resident foreigners and the labour market, highlighting differences and similarities between them and Italians, using data from the same source. With regard to the structure of the resident foreign population in relation to the labour market, substantial differences emerged between resident foreigners and Italians. While the Italian population is almost evenly split between the labour force and non-labour force¹²⁷ (48.1 and 51.9 per cent respectively), two-thirds of foreigners (66.6 per cent) belong to the labour force. Equally interesting is the difference between Italians and foreigners with regard to the respective proportions of the employed and those

¹²⁴ See tables in Appendix 3.

¹²⁵ ISTAT / Italy (2005): *La popolazione straniera residente in Italia al 1° gennaio 2005, ottobre 2005. (The resident foreign population in Italy as at 1st January 2005)*. Available at: www.istat.it

¹²⁶ ISTAT / Italy (2005): *Gli stranieri in Italia: analisi dei dati censuari. 14° Censimento generale della popolazione e delle abitazioni. Edizione provvisoria. Dicembre 2005. (Foreigners in Italy: analysis of census data. 14th General Census of the population and houses. Provisional edition. December 2005)*. Available at: www.istat.it.

¹²⁷ For definitions of these categories used by ISTAT, see glossary included in the appendix.

in search of employment: 58.5 per cent of resident foreign labour force was employed against 42.5 per cent of the Italian workforce while 8.1 per cent of foreigners against 5.6 per cent of Italians were in search of employment and 3.8 per cent of foreigners against 2.5 per cent of Italians were unemployed. These differences are accounted for by the fact that employment is the prevailing motive for foreigners' being in Italy and by the different age structures of the two groups. The resident foreign population is characterised by a prevalence of young people aged between 20 and 45 years and a low incidence in percentage terms on the age classes from 46 years upwards. Considering the resident foreign population by gender, the male component is prevalently in the labour force (83.8 per cent) while the female component is almost evenly split between the labour force (50.2 per cent) and the non-labour force (49.8 per cent). Considering only the labour force for both groups, 77 per cent of men and 40.9 per cent of women are employed. For the Italian population, the relative proportions of men and women in the labour force were 60 and 37.3 percent respectively.

Referring to the geographical area of origin, the resident foreign labour force had the following composition: 42.4 per cent European, 29.6 per cent African, 16.8 Asian and 10.9 per cent American.

The census data confirms information from quarterly surveys and other research indicating that employment and unemployment rates for foreigners and Italians were significantly different. The employment rate for Italians was 42.5 per cent against 58.5 per cent for the resident foreign population while the unemployment rates were respectively 11.6 per cent and 12.1 per cent. With regard to gender, the unemployment rates tend to be higher for women in the entire reference population. While the difference between male and female unemployment rates for Italians is about 5 percentage points (9.5 and 14.7 per cent respectively), the difference between same rates for the resident foreign population is twice as much (8.1 and 18.5 per cent), confirming the particular condition of disadvantage faced by foreign women in the labour market. Considering the sector of employment and occupation, 55.2 per cent of employed resident foreigners work as labourers (28.4 per cent as unskilled workers and 18.7 per cent as skilled workers). The percentage of employed Italians working as labourers is 36 per cent of which only 14.1 per cent as unskilled workers. Regarding the sector, 44.8 per cent of employed resident foreigners work in the industrial sector, split between the manufacturing industry (31.9 per cent) and the construction industry (12.2 per cent). For Italian workers, 33.1 per cent are engaged in the industrial sector (24 per cent in the manufacturing sector and 8 per cent in the construction sector). The services sector is the first area of employment for Italians with 42.4 per cent employed while for resident foreigners, it comes second with 32 per cent of the employed, including 11.2 per cent employed as domestic and care worker. Only one per cent of Italians employed in the services sector do domestic and care work. The commercial sector employs 17.3 per cent of foreigners and 19 per cent of Italians while the agricultural sector employs 5.9 and 5.5 per cent of foreigners and Italians respectively.

With regard to the duration of the employment contract, 78.4 per cent of employed resident foreigners have contracts not limited in time while 21.6 per cent have temporary employment and this is about 6 percentage points more than the share of Italian workers in same condition.

The national institute for social welfare – INPS – published also a report on immigrants in the welfare system¹²⁸. This report is based on the analysis of the stock of immigrants insured and registered in the various archives managed by the institute. In 2002, reference year for this analysis, there were 1,426,391 non-EU workers insured with INPS, of which 3.3 per cent was employed in the agricultural sector, 24.4 per cent in domestic and care, 69.5 per cent in all other sectors and 2.8 per cent was self-employed. A total of 46,178 workers were employed in the agricultural sector and 98.9 per cent of these had a temporary contract.

As part of its function, INPS carries out inspections of enterprises to check the employment and insurance status of employees. From inspections carried out in 2003, the institute found that about 15 per cent of workers who are not insured by employers were foreigners (11.9 per cent non-EU and 2.9 percent EU workers). The institute concludes that the incidence of irregular employment on foreign workers which exceeds the incidence of same group in the labour force indicates that they are more subject to precarious jobs and do not have adequate protection as regards their social providence rights.

¹²⁸ INPS / Italy (2005): *Immigrazione: una risorsa da tutelare. (Immigration a resource that needs protection)*, available at: www.inps.it

2. Education

Istat (2005) “L’istruzione degli stranieri residenti in Italia” (*Education of foreigners resident in Italy*), in: Istat (2005) *Gli stranieri in Italia: analisi dei dati censuari (Foreigners in Italy: analysis of census data)*, Roma: Istat.

Statistical data collected during the last national census (2001) on the educational level of foreign citizens resident in Italy and on their attendance in the Italian educational system¹²⁹. This report points out that 85.4 per cent of foreign citizens resident in Italy aged more than 6 have an educational qualification (89 per cent of Italians); 12.6 per cent of them has a primary school-leaving certificate, 32.9 per cent a lower secondary school-leaving certificate and 27.8 per cent an upper secondary school-leaving certificate. 9 per cent of foreign citizens has a university degree, against 6.4 per cent of Italians, and 3.1 per cent has a university diploma or higher education diploma (1 per cent of Italians). According to Istat¹³⁰, the difference between this two percentages can be attributed to the fact that the foreign population is younger than the Italian population on average. Literates without an educational qualification are 12.1 per cent of the foreign population, while in the Italian population are 9.6 per cent. As regards the gender analysis, percentages referring to women are higher than those referring to men for the highest educational levels: 30.2 per cent has an upper secondary school-leaving certificate (25.3 per cent for men) and 13.3 has obtained a university degree or diploma (10.9 per cent for men). The educational level varies considerably in relation to the geographical area of origin. North American citizens have the highest percentage of people with a university degree (39.2 per cent), followed by people coming from Western Asia (31.9 per cent). The highest percentage of people with a middle level of education refers to citizens coming from new accession countries (47.8 per cent, mainly upper secondary school-leaving certificate), followed by citizens from countries of Central-Southern Africa (41.7 per cent). Most people from Central-Southern Asia, in particular Chinese and Philippino citizens, and from Western Africa have low levels of education (primary and lower secondary school-leaving certificate).

Most foreign citizens (71.8 per cent) arrive in Italy with a degree obtained abroad, while the remaining 28.2 per cent gets a degree in Italy. High educational qualifications are usually obtained abroad (85,365 out of 109,197 graduated), but this trend is reversed for the primary school-leaving certificate (this datum is referred to children of foreign citizens who are born in Italy or come to Italy for family reunion). 15.6 per cent of foreign citizens is enrolled in a regular course of studies (16.5 per cent for Italians), of which 80.2 per cent is born abroad and 51.4 per cent is a male. The average age is quite low (15.6 years old) and it is similar to the average age of Italian citizens (15.3 years old). 61 per cent of foreign people enrolled in a regular course of studies is between 6 and 14 years old, and, when the age grows, the percentage of foreigners decreases more than the percentage referred to Italians, reaching 6.9 per cent for people aged between 20 and 24 (12 per cent for Italian citizens). On the contrary, the percentages of enrolment of foreign citizens aged 30 or more are higher than the those referred to Italian citizens.

The census provides relevant information also on people enrolled in training or refresher courses organised by enterprises and private and public bodies. Foreign citizens aged 14 or more enrolled in a training

¹²⁹ See detailed tables in Appendix 3.

¹³⁰ National Institute of Statistics.

courses are 78,847, amounting to 7.2 per cent of the reference population (3.6 per cent for Italian citizens). 79.6 per cent of foreigners attends a course in a private institute (in particular courses of Italian language), 13.6 per cent in a local body and 7.9 per cent attends a course organised by an enterprise/body (22.7 per cent for Italians).

Ministero dell'Istruzione, Università e Ricerca - Ufficio per l'integrazione degli alunni stranieri (2005) *Rapporto sull'integrazione degli alunni stranieri* (Report on the integration of foreign pupils), Rome: Miur.

First report of the new *Ufficio per l'integrazione degli alunni stranieri* (Office for the integration of foreign pupils), created by the Ministry of Education, University and Research, to systematize the projects for the integration of non-Italian pupils and co-ordinate the activities of the Ministry and the Regional Offices of Education. This report describes the results of two studies carried out by the Ministry of Education on the presence of foreign pupils in Italian schools and on their school performance¹³¹ and a research commissioned by the Observatory on Juvenile Disaffection on the condition of childhood and adolescence in Italy¹³². It is a summary of about one hundred studies carried out in Italy, analysing life and social conditions and educational issues concerning foreign children and adolescents. All research agree on the importance of good practices in the educational sector, and that these good practices should be supported by specific actions aimed at promoting equal opportunities. The mapping of good practices shows a great number of projects and experiences, carried out by various public and private bodies, but also a lack of monitoring and evaluation of the project results.

The report also illustrates the work programme of the Service Conference of Regional Contact persons for Interculture, a permanent conference linking central and regional offices, and the activities of the General Department for training of school personnel, which has started a programme of courses for trainers of teachers who teach Italian as second language.

OECD (2005) *Education at a glance – 2005*, Paris: OECD.

Annual publication that provides an up-to-date collection of indicators on the performance of education systems in the 30 OECD countries. As regards the Italian educational system, the results are not positive. In the PISA tests of mathematical proficiency, nearly one-quarter of 15-year old students attending Italian schools could not solve Level 1 problems, and obtained the same result in the problem-solving tests. In IEA-TIMSS (International Association for the Evaluation of Educational Achievement's - Trends in International Mathematics and Science Study) tests, students in Italy scored below the average for all participating OECD countries.

The investments of the country in the educational sector are 4.9 per cent of GDP, about 1 per cent below the average expenditure in the OECD countries. Spending per student in non-tertiary education (7,474 dollars) is higher than

¹³¹ Ministero dell'Istruzione, Università e Ricerca (2004) *Alunni con cittadinanza non italiana – anno scolastico 2003-2004*, Rome: Miur, and Ministero dell'Istruzione, Università e Ricerca (2005) *Indagine sugli esiti degli alunni con cittadinanza non italiana, anno scolastico 2003/2004*, Rome: Miur. This studies have been analysed by the NFP in the previous reports.

¹³² Osservatorio sul Disagio Giovanile (2004) *La condizione dell'infanzia e dell'adolescenza in Italia*.

the average in the OECD countries (6,081 dollars), while for students in tertiary education Italy spends undoubtedly less: 8,363 dollars per student in comparison with 10,655 dollars on the average, in the OECD countries. The ratio between number of pupils and number of teachers is good (in lower secondary school there are about 10 pupils per teacher, while the average number in OECD countries is 14.6), but the average age of teachers is definitely higher than the average of OECD member states (90 per cent of teachers is more than 40 years old, in comparison with 64 per cent in the other countries).

3. Legislation

The Court of Cassation confirmed in December an earlier ruling by the Court of Appeal of Venice in June 2003 and an ordinary court in 2002, in a case of unlawful discrimination involving the proprietor of a bar in Verona who refused to serve non-EU citizens coffee and other beverages, in a move to keep them away from his bar. The earlier ruling of 4 months imprisonment was confirmed but suspended on probation¹³³.

In December 2005, the Court of Cassation issued a sentence stating that the expression “dirty nigger” is not a racist abuse but a “generic manifestation of aversion, intolerance or refusal”¹³⁴. The Constitutional court ruled in December 2005¹³⁵ that certain provisions¹³⁶ included in the Unified Text on immigration and asylum of 2002 (“Bossi-Fini” law) are unconstitutional, because they are incompatible with articles 2, 3 and 27 of the Italian Constitution. The ruling was in relation to an “exception of constitutional illegitimacy” raised by a judge in relation to a case of non-EU citizen who was expelled but re-entered without authorization from the Ministry of the Interior. The provisions considered unconstitutional require that having been reported to the Police previously, was a sufficient condition to be expelled without prior authorization of a judicial authority and re-entry by such a person was an aggravating circumstance punishable by doubling the jail term prescribed for violation of an expulsion order. The Constitutional Court, recalling an earlier ruling in July 2005 on a similar case, declared the article unconstitutional because it violates article 27 of the Constitution which upholds the principle of presumption of innocence in criminal proceedings until after all three levels of judgement have ascertained that the accused is guilty.

The Ministry of the Interior issued a decree¹³⁷ setting-up a Consultative body on Italian Islam, located within the same ministry and headed by the Minister of the Interior. The functions of this new body include analysis and research on topics identified by the minister, formulation of views and proposals aimed at promoting institutional dialogue with Muslim communities in Italy, improve knowledge of integration problems in order to identify adequate solutions for a harmonious integration of Muslim communities in the national society, while respecting the Constitution and laws of the Republic. The decree provides that the Minister can appoint as members of the body, “people of Islamic culture and religion who, on the basis of their experience, can make qualified contributions on the issues treated by the body and who adhere in a convinced manner to values and principles of the republican system; experts and scholars”.

Another decree by the same ministry issued in November 2005, provides guidelines, application forms and criteria for the evaluation of the correct management of funds made available by the national asylum and refugees fund.

¹³³ Italy / Court of Cassation / Sentence nr. 46883 (05.12.2005). See also: “Non dava caffè ai clienti stranieri, condannato a 4 mesi di reclusione” (*Refused to serve non-EU clients coffee, sentenced to four months in jail*), available at: www.stranierinitalia.it (22.12.2005).

¹³⁴ “«Sporca negro»: non è razzismo”, in: *Il Manifesto* (06.12.2005).

¹³⁵ Italy / Constitutional Court / Decision nr. 466/2005 (14.12.2005)

¹³⁶ Italy / Law 189/2002 (“Bossi-Fini law”), art 13.13-bis.

¹³⁷ Italy / Ministerial Decree of 10th September 2005 (10.09.2005): Istituzione presso il Ministero dell’Interno della Consulta per l’Islam italiano (*Decree of 10th September 2005: setting-up within the Ministry of the Interior, of a Consultative body on Italian Islam*).

Funds provided under this scheme are managed by local authorities whose national umbrella organisation – ANCI – is represented in the evaluation commission. A representative of UNHCR is allowed as member of the same commission on request.

Advisory Committee on the Framework Convention for the Protection of National Minorities (2005) *Second Opinion on Italy*, adopted on 24th February 2005.

Council of Europe's Advisory Committee on the framework convention for the protection of national minorities, in its Second Opinion on Italy released in October 2005, highlights that Italy has made "valuable efforts to implement a coherent legislative framework to secure general protection to the recognised historical linguistic minorities. There has been a welcoming development of educational projects promoting minority languages and cultures and a range of initiatives have been taken at the municipal level to encourage the use of minority languages in their territorial areas of protection".

The report notes, among other things, the lack of legal protection at the state level for the Roma, Sinti and Travellers as linguistic minorities resulting from their exclusion from both constitutional provisions as well as ordinary legislation under which legal protection is accorded to twelve historical linguistic minorities, so defined by these laws. The Committee describes Italy's legal and institutional framework for the protection of minorities as being "characterised by the coexistence of asymmetrical schemes of protection" under which some minorities living in regions that enjoy special and broad autonomy have much stronger protection than those living in regions with ordinary status. All the same, the Committee while expressing concern on the failure to recognise the Roma, Sinti and Travellers as linguistic minorities protected under the law, commends and urges the Government to quicken the implementation as well as remedy the shortcomings of existing legislation¹³⁸.

Commenting on institutional and legal changes relating to discrimination, the Committee notes as positive developments, the transposition of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and the setting up of an Office for the promotion of equal treatment and the fight against discrimination within the Department for Equal Opportunities of the Presidency of the Council of Ministers. On the transposition, the Committee notes though that "concerns have been raised that the Office for the Promotion of Equal Treatment and the Fight against Discrimination is not guaranteed real independence and that no provision is made for a genuinely shared burden of proof between the alleged victim of discrimination and the respondent. Moreover, it seems that only those associations that are included in a list drawn up by the Ministry of Equal Opportunities will have standing to litigate on behalf of victims of discrimination, which is likely to entail undue restrictions of this possibility".

The Committee recommends that regional equality bodies provided for in a 1998 legislation should be established as they are useful in acquiring better

¹³⁸ Italy / Law No. 482 of 15 December 1999 on the protection of the historical linguistic minorities and Law No 38 of 23 February 2001 on the protection of the Slovene linguistic minority of the Friuli-Venezia Giulia region.

knowledge of discrimination and the newly created national equality body – UNAR – should be provided with the necessary support. It also encourages the Government to consider the reinforcement of procedural guarantees and legal remedies so as to make existing legal provisions against discrimination more effective and widely used in practice and, where appropriate, complete the legislative framework to fight against discrimination in all fields of life.

4. Housing

Istat (2005) “La situazione abitativa degli stranieri residenti in Italia” (Housing conditions of foreigners resident in Italy) and “La popolazione straniera che vive in convivenza” (Foreign population living in cohabitation), in: Istat (2005) *Gli stranieri in Italia: analisi dei dati censuari* (*Foreigners in Italy: analysis of census data*), Rome: Istat.

In December 2005, ISTAT (National Institute of Statistics) published the analysis of data of the 2001 census concerning foreign citizens present in Italy. The statistical survey at national level was carried out through a questionnaire that was distributed to both resident foreign citizens and those temporarily present in the country. In order to identify interviewees, ISTAT analysed data of the General Registry Offices and of Police Headquarters and carried out a reconnaissance in the areas where most people without fixed abode live.

The study shows that the housing condition of non-EU citizens is considerably worse than the condition of Italian and EU citizens. These results confirm the data provided by various NGOs working on issues relating to housing rights, but in this case these data are provided by an official source and they refer to a particularly large sample¹³⁹. 96.6 per cent of foreign citizens present in Italy during the census (1,334,889 people) lived in houses, 2.1 per cent in cohabitation, 1.0 per cent in other types of accommodations and 0.3 per cent had no accommodation at all. The percentage of foreigners living in cohabitation is three times the percentage of Italians living in the same situation and the percentage of foreign citizens living in precarious and uncomfortable accommodation (caravans, cellars, garages, shacks, containers etc.) is 10 times that of Italians in same condition. As regards the countries of origin, the higher percentage of people living in "other types of accommodation" are Rumanians or Yugoslavians, and many people coming from Western Asia and Central and Southern Africa do not have any accommodation.

As far as the type of ownership is concerned, the percentage of property is 72.6 per cent for houses exclusively inhabited by Italians, while for houses exclusively inhabited by foreigners such percentage decreases to 16.3 per cent. On average, 75.8 per cent of foreign citizens live in rented houses, but percentages concerning Senegalese, Albanian and Tunisian citizens are higher than those referring to other nationalities (respectively 84.9 per cent, 82.9 per cent and 82.7 per cent).

As regards time of construction and state of maintenance of the buildings, ISTAT states that the foreign population generally lives in buildings which are older and in worse conditions than the Italians' houses. 52.8 per cent of foreign citizens (against 35.3 per cent of Italian citizens) lives in buildings that were built before 1962; 27.6 per cent of them lives in badly preserved apartments (16.5 per cent for the Italian population).

¹³⁹ For detailed tables see appendix 3.

On average, foreign citizens' houses have a lower number of rooms, a lower surface and are more crowded than the Italian citizens' houses. The average surface of a house inhabited only by Italian citizens is 96.4 square meters but it decreases to 73.4 square meters for houses inhabited only by foreigners. Data concerning the average number of rooms highlight worse conditions for foreign citizens, who have 3.3 rooms at their disposal, while Italians have 4.2 rooms. Also the crowding rate points out the difficult conditions in which foreign citizens live: 0.8 people per room for foreigners and 0.6 people per room for Italians. People coming from Africa are in very difficult housing conditions: they live in small houses (65.8 square meters on average), with a low *pro capite* surface (24.5 square meters), a low number of rooms (3 rooms on average) and a high crowding rate (0.9 per room). Albanian citizens live in a similar situation.

Extreme overcrowding¹⁴⁰ concerns 6.5 per cent of foreigners and 0.9 per cent of Italians.

As regards the availability of utilities and equipments, 0.5 per cent of foreign citizens doesn't have any bathroom (0.2 per cent of Italian citizens), 3.3 per cent doesn't have warm water (1.2 per cent for Italians), 6.1 per cent doesn't have any heating system (5.6 per cent for Italians).

During the 2001 census, data on foreign citizens living in cohabitation¹⁴¹ were also collected: 8.7 per cent of them live in reception centres for immigrants (22 per cent are Moroccans, 19 per cent Tunisians, 13.5 per cent Senegalese and 9.7 per cent Albanians).

Fillea CGIL Roma e Lazio (2005) *Dove abitano a Roma e provincia i lavoratori edili immigrati (Where construction workers live in Rome and its province)*, Roma: Fillea Cgil.

In this research, the union of builders (CGIL) analyses some statistical data on the residence areas of immigrants members of sector organisation in Rome and Lazio Region. The authors highlight the problem of these workers in finding houses that are suitable to their needs and compatible with their earnings. In fact, a non-EU construction worker earns less than 900 euro a month on average, and spends most of his wage on rent or loan. Moreover, these workers are subject to precarious jobs (or outright unemployment) and frequent displacements for work, and these conditions make them the weakest actors in the housing market in Rome. In order to face this difficult housing situation, they are forced to live in shacks, garages, caravans and warehouses and this has created some "hidden areas" in Rome Province, mostly inhabited by migrants without a work contract.

Censis (2005) *Le politiche abitative per gli immigrati in Italia (Housing policies for immigrants in Italy)*, Rome: Censis.

Starting from a study on immigrants' housing needs, this research analyses the innovative projects successfully carried out at local level to help immigrants

¹⁴⁰ Heavy overcrowding is the condition of a person living in a house with a rate between number of residents and number of rooms which is higher than 2.

¹⁴¹ Cohabitation: military and ecclesiastical cohabitation; hotels; ships; educational, charitable and penitentiary institutes etc.

rent or buy houses. The survey mapped 99 initiatives, of which 57 in the northern regions of Italy, 29 in the central regions and 14 in the southern regions and in the islands. The regions with the greater number of projects are Tuscany and Emilia Romagna (15 each). About half of these initiatives (49) are carried out by cooperatives or associations, 31 projects are implemented by public bodies and 19 are promoted by partnerships of public and private bodies. The main activities of these projects are: intermediation in securing houses on rent and for access to loans by banks; buying or taking on rent apartments to be for subletting; renovate abandoned buildings; build new apartments; self-building or renovation of apartments, in collaboration with public bodies; creation and management of guarantee funds for the payment of rent or in case of damages; contributions for rent or buying of the first homes; research and advice on housing issues; other social support activities.

The Centre for foreign workers of the trade union CGIL in Bologna, together with the union of tenants SUNIA, issued a press release in order to draw the attention of Municipality and Police headquarters to the problem of renewal of the residence permits for foreign citizens living in low rent public houses. The rules for the assignment of low rent public houses in terms of ratio between number of people living in a house and available square meters are very strict, therefore it is possible that, after the birth of a new child, a house is no longer suitable for that family. In order to obtain or renew a “stay for work contract”, non-EU citizens must live in a house of a size that complies with the parameters of low rent public housing, and non compliance with these parameters can lead to the loss of the residence permit and of the low rent public house. The Town council of the Municipality of Bologna approved a resolution fixing new parameters for the issuance of a certificate that declares the criteria met, both for obtaining a legal title to stay and for family reunions.

5. Racist violence and crime

Diamanti, I., Bordignon, F. (2005) *Immigrazione e cittadinanza in Europa. Orientamenti e atteggiamenti dei cittadini europei (Immigration and citizenship in Europe. Trends and attitudes of European citizens)*, Quaderni FNE no. 21, November 2005.

Fifth survey of the attitudes of European citizens towards immigrants and integration issues, carried out between June and September 2005 on a sample of 5,927 people in 6 European countries (Italy, France, Germany, Poland, Hungary and Czech Republic). In Italy, 33.6 per cent of the population is worried about the migratory phenomenon but such concern seems to be due to fears about security and public order (39.2 per cent), rather than a threat to employment (35.1 per cent) or risks for the national identity, culture and religion (26.6 per cent). Security related fears are more widespread in the northern areas of the country, where concerns about employment are also increasing, probably due to the lasting economic difficulties at national level. An element characterizing Italy is a close link between attitude towards immigrants and political tendencies: people who have right or centre-right political views are more wary of immigrants than people of left or centre-left political tendencies. The percentage of those who have a positive view of immigration remains high anyway: 97.1 per cent of Italian citizens considers it right that immigrants and their families should enjoy health services, 73.9 per cent thinks that it is right to grant them voting rights in administrative elections and 65.3 per cent also in political elections.

Istat (2005) *Statistiche giudiziarie penali. Anno 2003*, Yearbook no. 12, Rome: Istat, available at: <http://www.istat.it>.

The report provides in-depth statistical data on criminal proceedings in Italy, concerning year 2003. In particular, it contains tables indicating the number of people sentenced for racial discrimination by age, gender and number of crimes. ISTAT points out that 5 people have been sentenced for racial discrimination (4 men and a woman), and all have been sentenced only for the main crime. Four of them are between 18 and 34 years old, one is between 55 and 64 years old.

Direzione Centrale della Polizia di Prevenzione (2005) *Rapporto sulle osservazioni delle «Sezioni tifoserie» durante i campionati 2003-2004*.

This report by the Central Police Office for Prevention is the first wide and complete mapping of the political orientation of football supporters in Italy, providing interesting information on the factors that characterize the various attitudes of supporters, with particular reference to the strategies they adopt during football matches.

Among the 128 football teams playing in the first, second, third and fourth division championships, 27 have been identified as politically oriented towards the right, 15 towards the left and 7 have mixed political connotations. According to the report, based on the activity of the State Police "Supporters Squad" (*Squadra tifoserie*), right-wing oriented groups have racist and xenophobic attitudes, while left-wing oriented groups often take initiatives in order to combat "fascistization" of supporters and racist behaviours. Left-oriented supporters have also created a "*Ultras Resistance Front*", in which members have to take up a definite position against racism and fascism in football. As regards right wing groups, the study pays particular attention to *Lazio* and *Roma* supporters, tightly linked to the extreme right movement in Rome. The analysis of documentation and websites shows a tendency to

political propaganda and to recruit supporters inside the stadiums. Moreover, the report quotes some episodes of racist violence carried out by extreme right supporters inside and outside the stadiums (Lazio, Verona, Padova, Treviso).

Eurispes, Telefono Azzurro (2005) *Rapporto nazionale sull'infanzia e l'adolescenza (National Report on Childhood and Adolescence)*, Rome: Eurispes.

The survey presents a complete overview on childhood and adolescence in Italy. As regards immigration, different attitudes between children and adolescents have been identified. 52.8 per cent of Italian children would like better integration and more rights for foreign citizens, while 10 per cent believes that immigrants should be expelled and 13.8 per cent thinks that they would be accepted "if they were useful for the country". Among teen-agers, only 31.6 per cent shows a positive attitude towards foreign citizens, 25 per cent believes that immigrants should be expelled, 28.2 per cent would accept migrants if they were useful for the country and 8.6 per cent thinks that foreign citizens can't have the same rights as Italian citizens.

Sondaggio SWG-Donna Moderna (2005) *Immigrazione e povertà*, available at: <http://www.swg.it/>

The survey aims at analysing feelings and attitudes of Italian citizens towards Roma, foreign street hawkers and people without fixed abode. Roma population stirs up the most negative feelings: 40 per cent of the sample considers them "dangerous people of whom to be afraid": 44 per cent has been threatened by them at least once and 47 per cent thinks that they must be sent back to their countries of origin or placed as far as possible from cities. 52 per cent finds car screen cleaners "irritating", 54 per cent considers street hawkers as "harmless" and 74 per cent of the sample feels "pity" for people without fixed abode.

In the period not covered by the National Report, various episodes of racism occurred in sports, arousing a strong debate. During a football match of first division, a player of Ivorian origin was abused with racist chants by the supporters of the opposing team and he interrupted the match in protest¹⁴². The other players convinced him to resume the match. The Italian Federation of Football set up an inquiry into the case and decided to delay the beginning of all football matches of the following week for 5 minutes. All players were requested to display a banner with the slogan "No to racism". The judge for preliminary investigations (GIP) in Messina interdicted 4 of the supporters responsible for the action from access to stadiums for 5 years¹⁴³.

A player of the first division team *Lazio* club was disqualified for a day and sentenced to pay a penalty of 10.000 Euros for having exhibiting the "fascist salute" during some matches¹⁴⁴ and his club side has been fined for the same amount of money.

An exemplary punishment was inflicted on hockey on ice player, who repeatedly insulted with racist abuses a Black Italian player during a match. The Italian Federation of Ice Sports banned him for life from the national team,

¹⁴² "Cori razzisti contro Zoro", in: <http://www.repubblica.it> (27.11.2005).

¹⁴³ "Caso Zoro: 5 anni fuori dagli stadi per 4 tifosi", in: <http://www.corriere.it> (31.12.2005).

¹⁴⁴ "Di Canio, è autentica bufera", in: <http://www.gazzetta.it> (12.12.2005).

considering his behaviour “inconsistent with the Italian team shirt, symbol of loyalty and sportsmanship”¹⁴⁵.

¹⁴⁵ “Insulta avversario con cori razzisti, per la Federazione è fuori dalla nazionale”, in: <http://www.stranieriinitalia.it> (28.12.2005).

APPENDIX

Tab. 1 – Foreign population resident in Italy by geographical area, main countries of origin and sex. Census (21st October 2001) and 1st January 2005.

Geographical area and country of origin	21 st October 2001			1 st January 2005			% variation MF in the period 21.10.01-01.01.05
	Male	Female	MF	Male	Female	MF	
EUROPE	266,787	319,592	586,379	518,722	603,554	1,122,276	91.4
Europe-15 countries	45,472	86,595	132,067	53,313	84,716	138,029	4.5
New accession countries	10,395	30,553	40,948	17,976	50,644	68,620	67.6
Europe-25 countries	55,867	117,148	173,015	71,289	135,360	206,649	19.4
Of which: Poland	7,409	19,811	27,220	13,307	37,487	50,794	86.6
Central-western Europe	204,275	192,231	396,506	441,786	461,346	903,132	127.8
Of which: Albania	97,398	75,666	173,064	182,145	134,514	316,659	83.0
Romania	34,806	40,079	74,885	123,452	125,397	248,849	232.3
Moldova	1,329	2,870	4,199	11,759	26,212	37,971	804.3
Ukraine	1,840	6,807	8,647	15,516	77,925	93,441	980.6
Other European countries	6,645	10,213	16,858	5,647	6,848	12,495	-25.9
AFRICA	233,869	152,625	386,494	403,343	238,412	641,755	66.0
Northern Africa	166,220	101,480	267,700	289,223	158,087	447,310	67.1
Of which: Egypt	18,180	9,151	27,331	38,659	14,206	52,865	94.4
Morocco	108,508	71,595	180,103	182,630	112,315	294,945	63.8

Tunisia	30,941	16,715	47,656	52,250	25,980	78,230	64.2
Other African countries	67,649	51,145	118,794	114,120	80,325	194,445	63.7
Of which: Nigeria	6,907	9,983	16,890	12,994	18,653	31,647	87.4
Senegal	26,348	4,826	31,174	45,350	8,591	53,941	73.0
ASIA	110,290	104,438	214,728	22,895	182,132	405,027	88.6
Eastern Asia	49,151	64,320	113,471	98,840	112,200	211,040	86.0
Of which: China	24,140	22,747	46,887	59,750	51,962	111,712	138.3
Philippines	21,005	32,989	53,994	33,334	49,291	82,625	53.0
Other Asian countries	61,139	40,118	101,257	124,055	69,932	193,987	91.6
Of which: India	15,577	11,611	27,188	34,154	20,134	54,288	99.7
AMERICA	48,054	94,964	143,018	80,433	149,610	230,043	60.8
Northern America	8,835	11,997	20,832	7,469	9,052	16,521	-20.7
Central-southern America	39,219	82,967	122,186	72,964	140,558	213,522	74.8
Of which: Ecuador	5,045	8,671	13,716	19,592	33,628	53,220	288.0
Peru	10,973	18,479	29,452	19,908	33,470	53,378	81.2
OCEANIA	1,370	2,298	3,668	1,005	1,455	2,460	-32.9
Stateless	324	278	602	314	282	596	-1.0
TOTAL	660,694	674,195	1,334,889	1,226,712	1,175,445	2,402,157	80.0
Of which: main countries of origin of migration flows	595,858	559,499	1,155,357	1,137,764	1,018,046	2,155,810	86.6

Source: Istat, 2005.

Tab. 2 – Resident population aged 15 or more by professional condition and citizenship (percentage, Census 2001)

<i>Professional condition</i>	<i>Foreign citizens</i>	<i>Italian citizens</i>	<i>Total</i>
Labour force	66.6	48.1	48.6
EMPLOYED	58.5	42.5	42.9
IN SEARCH OF WORK	8.1	5.6	5.7
In search of the first job	1.9	2.0	2.0
Unemployed	3.8	2.5	2.5
Other people in search of work	2.4	1.1	1.2
Non-labour force	33.4	51.9	51.4
Students	5.0	7.4	7.3
Housewives	16.8	15.3	15.3
Retired from work	3.6	21.0	20.6
In other condition	8.0	8.2	8.2
Total	100.0	100.0	100.0

Source: Istat, 2005.

Tab. 3 – Italian and foreign resident population by housing condition and geographical area (percentage, Census 2001)

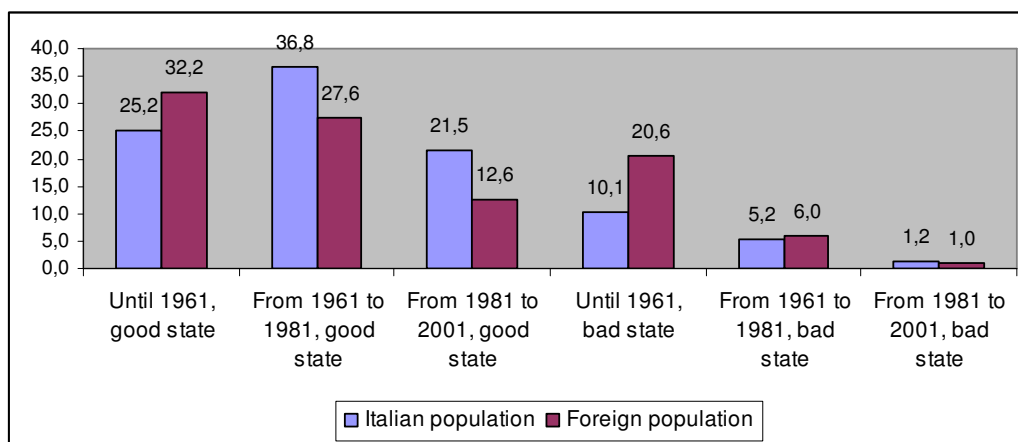
Geographical area	Housing condition¹⁴⁶				Total
	<i>House</i>	<i>Cohabitation</i>	<i>Other accommodation</i>	<i>No lodging</i>	
I. Europe	96.2	1.6	1.8	0.4	100.0
European Union (15)	97.1	2.6	0.2	0.1	100.0
New accession countries	95.7	3.9	0.2	0.2	100.0
Central-Eastern Europe	96.0	1.0	2.5	0.5	100.0
Other European countries	98.5	1.4	0.1	0.0	100.0
II. Africa	97.5	1.8	0.4	0.3	100.0
Northern Africa	98.2	1.2	0.4	0.2	100.0
Western Africa	97.2	2.2	0.5	0.1	100.0
Eastern Africa	93.0	5.5	0.4	1.1	100.0
Central-Southern Africa	88.3	9.4	0.3	2.0	100.0
III. Asia	96.3	3.0	0.3	0.4	100.0
Western Asia	95.1	2.0	0.2	2.7	100.0
Central-Southern Asia	95.5	3.8	0.3	0.4	100.0
Eastern Asia	97.0	2.6	0.3	0.1	100.0
IV. America	96.4	3.4	0.1	0.1	100.0
Northern America	96.2	3.6	0.1	0.1	100.0
Central-Southern America	96.3	3.4	0.2	0.1	100.0

¹⁴⁶ House: lodging consisting in one or more rooms; cohabitation: military and ecclesiastical cohabitation; hotels; ships; educational, charitable and penitentiary institutes etc.; other accommodation: caravans, tents, campers, containers, shacks, huts, caves, garages, cellars, garrets etc.

V. Oceania	96.3	3.6	0.1	0.0	100.0
VI. Stateless	89.5	3.8	6.5	0.2	100.0
VII. Total foreign population	96.6	2.1	1.0	0.3	100.0
VIII. Italian population	99.2	0.7	0.1	0.0	100.0
IX. Total resident population	99.2	0.7	0.1	0.0	100.0

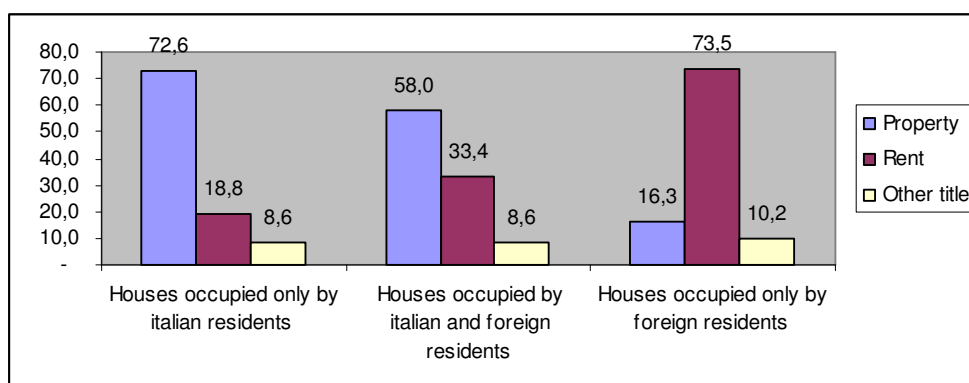
Source: Istat, 2005.

Graph.. 1 – Italian and foreign residents in houses by year of construction and state of the building (percentage, Census 2001)

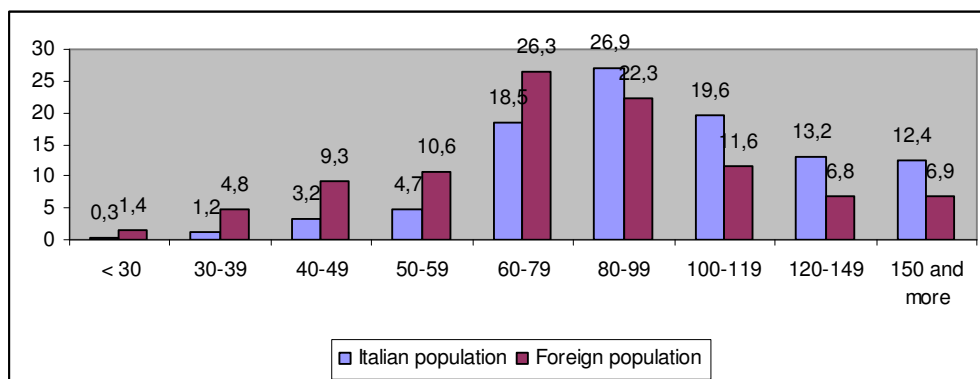


Source: Istat, 2005.

Graph.. 2 – Houses occupied by resident population by type of ownership and presence of foreign residents (percentage, Census 2001).



Graph. 3 – Resident population in house by surface (square meters) of the house (percentage, Census 2001).



Tab. 4 – Indicators of size and crowding of houses occupied by Italian and foreign residents by geographical area (percentage, Census 2001)

<i>Italy - Geographical areas</i>	<i>Average surface (square meters)</i>	<i>Average number of rooms</i>	<i>Average surface per resident person (sq. m.)</i>	<i>Average number of residents per room</i>
<i>Houses occupied only by Italian residents</i>				
North-west	92.4	4.0	38.9	0.6
North-east	104.6	4.5	42.0	0.6
Centre	95.4	4.3	37.2	0.6
South	94.7	4.2	32.3	0.7
Islands	97.2	4.3	35.0	0.6
Italy	96.4	4.2	37.0	0.6
<i>Houses occupied by Italian and foreign residents</i>				
North-west	96.9	4.0	31.4	0.8
North-east	105.2	4.4	32.8	0.7
Centre	102.7	4.4	31.2	0.7
South	99.2	4.2	28.5	0.8
Islands	100.7	4.4	29.7	0.8
Italy	100.9	4.3	31.2	0.8
<i>Houses occupied only by foreign residents</i>				
North-west	69.3	3.0	27.0	0.8
North-east	78.1	3.4	28.4	0.8
Centre	77.9	3.5	30.2	0.7
South	68.1	3.1	29.8	0.7
Islands	68.3	3.2	30.5	0.7
Italy	73.4	3.3	28.5	0.8

Source: Nfp calculations on Istat data, 2005.

Tab. 5 – Italian and foreign population in extreme overcrowding conditions (percentage, Census 2001)

Geographical area	% of population in extreme overcrowding conditions
X. Europe	XI. 4.3
European Union (15)	0.6
New accession countries	1.7
Central-Eastern Europe	5.9
Other European countries	0.4
XII. Africa	XIII. 9.9
Northern Africa	10.6
Western Africa	9.0
Eastern Africa	5.9
Central-Southern Africa	6.2
XIV. Asia	XV. 8.0
Western Asia	2.9
Central-Southern Asia	7.8
Eastern Asia	8.8
XVI. America	XVII. 3.9
Northern America	0.7
Central-Southern America	4.5
XVIII. Oceania	XIX. 0.5
XX. Stateless	XXI. 3.5
XXII. Total foreign population	XXIII. 6.5
XXIV. Italian population	XXV. 0.9

Source: Nfp calculations on Istat data, 2005.

Tab. 6 – Resident population aged 6 or more by level of education, sex and citizenship (percentage, Census 2001)

Level of education	Foreigners			Italians		
	<i>Male</i>	<i>Female</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
<i>University degree</i>	8.6	9.4	9.0	6.8	6.1	6.4
<i>University diploma or higher education diploma</i>	2.3	3.9	3.1	0.7	1.2	1.0
<i>Upper secondary school certificate</i>	25.3	30.2	27.8	26.6	25.1	25.8
<i>Lower secondary school or vocational training certificate</i>	34.5	31.4	32.9	33.6	26.8	30.1
<i>Primary school certificate</i>	13.5	11.8	12.6	23.0	28.2	25.7
<i>Literates without educational qualification</i>	13.4	10.7	12.1	8.3	10.8	9.6
<i>Illiterates</i>	2.4	2.6	2.5	1.0	1.8	1.4
Total	100.0	100.0	100.0	100.0	100.0	100.0

Source: Istat, 2005.

Tab. 7 - Resident population aged 6 or more by level of education and geographical area (percentage, Census 2001)

Geographical area	Level of Education ¹⁴⁷				
	<i>High</i>	<i>Middle</i>	<i>Basic</i>	<i>No educational qualification</i>	Total
XXVI. Europe	14.3	33.7	41.6	10.4	100.0
European Union (15)	30.1	35.6	30.6	3.7	100.0
New accession countries	15.2	48.7	31.3	4.8	100.0
Central-Eastern Europe	8.3	31.2	46.7	13.8	100.0
Other European countries	16.3	38.8	40.9	4.0	100.0
XXVII. Africa	6.4	19.7	49.8	24.1	100.0
Northern Africa	6.1	18.4	49.9	25.6	100.0
Western Africa	5.7	20.2	51.3	22.8	100.0
Eastern Africa	7.4	26.0	49.6	17.0	100.0
Central-Southern Africa	21.6	41.7	27.5	9.2	100.0
XXVIII. Asia	12.2	22.0	51.5	14.3	100.0
Western Asia	31.9	38.3	21.7	8.1	100.0
Central-Southern Asia	7.6	20.7	54.9	16.8	100.0
Eastern Asia	12.8	20.8	53.1	13.3	100.0
XXIX. America	17.2	31.6	43.0	8.2	100.0
Northern America	39.2	30.2	25.6	5.0	100.0
Central-Southern America	13.4	31.9	46.0	8.7	100.0
XXX. Oceania	22.9	36.0	38.0	3.1	100.0
XXXI. Stateless	13.7	33.5	35.1	17.7	100.0
XXXII. Total	12.1	27.8	45.6	14.5	100.0

Source: Istat, 2005.

Tab. 8 - Resident population aged 6 or more enrolled in a regular course of study¹⁴⁸ by citizenship and age (percentage, Census 2001)

<i>Age</i>	<i>Foreign citizens</i>	<i>Italian citizens</i>
6-10	36.8	29.7
11-14	24.2	24.0
15-19	15.9	24.0
20-24	6.9	12.0
25-29	5.5	5.9
30-34	4.3	1.9
35-39	3.0	1.0
40-44	1.7	0.6
45-49	0.9	0.4
50 and more	0.8	0.5
Total	100.0	100.0

¹⁴⁷ High: university degree, university diploma or higher education diploma; Middle: upper secondary school certificate; Basic: lower secondary school, vocational training certificate and primary school certificate; No educational qualification: literates without educational qualification and illiterates.

¹⁴⁸ Primary school, lower secondary school, upper secondary school and university.

Source: Istat, 2005.

Tab. 9 – Resident foreign population aged 14 or more attending a training/refresher course by geographical area (percentage, Census 2001)

Geographical area	%
XXXIII. Europe	XXXIV. 3 7.7
European Union (15)	9.0
New accession countries	3.3
Central-Eastern Europe	24.5
Other European countries	0.9
XXXV. Africa	XXXVI. 3 0.1
Northern Africa	17.4
Western Africa	9.2
Eastern Africa	2.4
Central-Southern Africa	1.1
XXXVII. Asia	XXXVIII. 1 8.7
Western Asia	1.4
Central-Southern Asia	7.8
Eastern Asia	2.9
XXXIX. America	XL. 13.2
Northern America	1.5
Central-Southern America	11.7
XLI. Oceania	XLII. 0.3
XLIII. Stateless	XLIV. 0 .0
XLV. Total	XLVI. 1 00.0

Tab. 10 – Resident population aged 15 or more attending a training/refresher course by citizenship and professional condition (percentage, Census 2001)

Professional condition	Foreign citizens	Italian citizens
Labour force	76.6	77.5
EMPLOYED	73.6	73.5
IN SEARCH OF WORK	3.0	4.0
In search of the first job	0.6	1.5
Unemployed	0.9	0.5
Other people in search of work	1.5	2.0
Non-labour force	23.4	22.5
Students	12.2	17.4
Housewives	1.1	0.6
Retired from work	0.3	0.4
In other condition	9.8	4.1
Total	100.0	100.0

Glossary for reading data from ISTAT – the National Institute of Statistics

Resident foreign population: this includes people of foreign citizenship, living habitually in the national territory, even if temporarily away. People living in such collective homes as hospitals and barracks are excluded. The source of data for calculating the resident population and its dynamics is the registry of residents of each municipal council and this data is transmitted to Istat on a monthly basis.

Labour force or work force: includes people who are employed and those in search of employment.

Employed: includes people of 15 years and above who replied in one of the following ways when asked about their professional condition:

- to be employed even if they did not work in the week of the survey (declared employment);
- to be in a different condition from that of being employed but to have worked some hours in the week of the survey (others with employment activity).

People in search of work: includes people of 15 years and above who declare:

- a professional condition different from being employed;
- not to have worked some hours in the week of the survey (others with employment activity);
- to be in search of work;
- to have made at least one attempt to find a job in the thirty days preceding the survey;
- to be immediate ready (within two weeks) to accept a job offer in case there's one.

Non-labour force: includes people who declare to be in a condition different from being employed and not to have worked nor searched for work in the week of the survey; or, to have searched for work but not through one of the modalities defined for people in search of work. The category also includes people who are not fit for work, those doing a compulsory military service or civil service in alternative to the former and the population aged 14 downwards.

Activity rate: people belonging to the labour force as a percentage of the population aged 15 and above.

Activity rate of young people: people in the class of age 15 – 24 years belonging to the labour force as a percentage of the entire population in the same class of age.

Employment rate: people who are employed as a percentage of the population aged 15 and above.

Employment rate of young people: people in the class of age 15 – 24 years who are employed as a percentage of the corresponding population in the same class of age.

Unemployment rate: people in search of work as a percentage of the labour force.

Unemployment rate of young people: people in the class of age 15 – 24 years who are in search of work as a percentage of labour force in the same class of age.