

**Resolution CM/ResCMN(2012)10
on the implementation of the Framework Convention for the Protection of National Minorities
by Italy**

*(Adopted by the Committee of Ministers on 4 July 2012
at the 1147th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as “the Framework Convention”),

Having regard to Resolution Res(97)10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution Res(97)10;¹

Having regard to the instrument of ratification submitted by Italy on 31 November 1997;

Recalling that the Government of Italy transmitted its state report in respect of the third monitoring cycle under the Framework Convention on 21 December 2009;

Having examined the Advisory Committee's third opinion adopted on 15 October 2010, as well as the written comments of the Government of Italy, received on 30 May 2011;

Having also taken note of comments by other governments,

1. Adopts the following conclusions in respect of Italy:

a) Positive developments

The Italian authorities adopted a national strategy of integration of Roma, Sinti and Travellers on 24 February 2012.

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

On 9 March 2012, the Italian Government approved the bill of ratification of the European Charter for Regional or Minority Languages. The bill will be discussed by the Italian Parliament in the coming months.

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

¹ In the context of adopting Resolution Res(97)10 on 17 September 1997, the Committee of Ministers also adopted the following rule: “Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting Parties casting a vote, including a majority of the representatives of the Contracting Parties entitled to sit on the Committee of Ministers, vote in favour”.

The process of demarcation of municipalities traditionally inhabited by the Slovene minority, to be covered by Law No. 38/01 on the protection of the Slovene linguistic minority, has continued in the Friuli Venezia Giulia region, and solutions have been found to previously reported problems in this respect. Further positive developments have been noted as regards the Slovene minority, in terms of legislation, institutional framework, education and public use of Slovenian.

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

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

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

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

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

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

On 8 June 2012, in a meeting with representatives of the Slovenian minority, Italian Undersecretary of State for Internal Affairs Saverio Ruperto announced the establishment of a permanent monitoring board for issues related to the Slovene minority in Italy; this permanent board will be open to the direct participation of representatives of the Slovenian minority in Italy.

b) Issues of concern

Despite the fact that the Italian Government supports the Roma and Sinti population through a national strategy of integration and specific measures, the adoption of a specific legislative framework at national level for the protection of the Roma and Sinti living in Italy is still needed.

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

The impact of necessary budgetary austerity measures on the situation of persons belonging to linguistic minorities and the preservation and development of their identity, is a serious source of concern for their representatives. The system of financing and the procedure for allocating budgetary appropriations should be improved and should be more stable. The numerically-smaller minorities appear to be particularly affected

by the scarcity of resources and report serious difficulties in promoting their specific identities and maintaining their associations operational.

Some shortcomings have been reported in regard of non-discrimination despite the fact that, following the signature by UNAR of a number of agreements to strengthen prevention and combating racism, the number of cases of discrimination reported to this institution has increased in recent years and cover sectors such as employment and housing, public services, the media and education. Roma and Sinti and persons belonging to other vulnerable groups, such as migrants, refugees and asylum seekers, largely predominate among the victims of discrimination. In the context of the economic crisis, UNAR is faced with a shortage of appropriate human and financial resources, a relatively limited scope for action and the need to increase the impact of its work. The ongoing creation of a new, independent national body for the defence and protection of human rights, as well as the adoption of a national strategy of integration of Roma, Sinti and Travellers, should contribute to secure the UNAR's work.

Italian society has been marked, as elsewhere in Europe in recent years, by an increase in racist and xenophobic attitudes towards persons belonging to vulnerable groups such as Roma and Sinti, Muslims, migrants, refugees and asylum seekers, for example in the political and public discourses and in the media. This has resulted in an increase in manifestations of intolerance with cases of hostility and violence against Roma and Sinti and migrants, sometimes by law enforcement officers, which is a source of deep concern.

The objectives of the government's policy and of certain measures taken in the last few years with regard to the Roma and Sinti population, adopted to deal with a situation of distress of these communities, and migrants – the legislative and administrative measures of civil protection adopted since 2006 and the decrees issued from May 2008 onwards and the ensuing measures (as for example the collection of data conducted in 2008) – have raised serious concerns from the human rights perspective and are not in line with the Framework Convention. In this context, it is however worth underlining that a recent judgment of the Italian Council of State (No. 6050 of 16 November 2011) declared illegitimate the 2008 Government Decree regarding emergency measures for Roma communities in three Italian regions.

The situation of Roma and Sinti remains a source of deep concern notwithstanding the efforts made, in particular by Italian local authorities. For example, in big cities like Rome and Milan, the living conditions of these persons have continued to deteriorate and their marginalisation and social exclusion have increased even though a number of successful experiences are reported at local level. Although only very few members of these communities share a nomadic lifestyle, some groups continue to live in "camps for nomads", which perpetuates their segregation and marginalisation. Despite efforts from Italian authorities, Roma and Sinti are still faced on a daily basis with poverty, extreme hardship and discrimination in all fields: access to housing, employment, health care, education and other social rights. Cases of hostility and sometimes violence, as well as expulsion without alternative for basic living conditions are also reported.

Delays in the implementation of Law No. 38/01 on protection of the Slovene linguistic minority continue to be reported. In particular, there is scope for further improvement as regards the public use of Slovenian, access to minority-language media for all members of the Slovene community and financial support for this community's cultural activities and for the maintaining of adequate opportunities for minority education.

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

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

Only a few steps have been taken to increase mutual understanding and intercultural dialogue in education. Teaching materials and curricula, especially for the majority population, still contain limited information on the languages, history and culture of linguistic minorities. At the same time, efforts to develop and strengthen teaching of and/or in minority languages have been affected by the shortage of resources and by an insufficient investment by the authorities. Shortcomings are reported with regard to the availability of qualified teachers and quality textbooks for the education of persons belonging to numerically-smaller linguistic

minorities. Moreover, minority representatives are concerned that some measures planned as part of the 2008 education reform might result in fewer opportunities for tuition of/in the minority language.

While welcoming the data indicating an increase of the school enrolment rate of Roma children and young people, the situation of Roma and Sinti in education remains a difficult one with high numbers of children remaining out of the education system, high absenteeism and high school drop-out rate after primary school.

Participation by persons belonging to minorities in decision making at local and national level, including in parliament, remains limited. Minority representatives in the Technical Committee assisting in the implementation of Law No. 482/99 have a limited influence on the adoption of decisions of interest for minorities. The support of the Italian authorities for the effective implementation of existing legislative provisions, including the participation by persons belonging to minorities on all levels, should be enhanced further, and formalised dialogue with minorities on governmental level is needed. It appears that a single point of contact within the executive for minority organisations would help address shortcomings reported in the co-ordination of minority protection policies. In addition, while some mechanisms for Roma and Sinti exist at local and regional levels, no national advisory body has yet been set up to consult these communities on measures adopted with regard to them.

2. Adopts the following recommendations in respect of Italy:

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

Issues for immediate action:²

- a formalised dialogue with the Slovenian minority should start also with the aim of examining the implementation of the legislation governing the protection of the Slovenian minority, particularly Law No. 38/01;
- consider adopting a specific legislative framework on integration and protection of Roma and Sinti, in consultation with their representatives, and taking adequately into account the differences existing within these communities;
- intensify as a matter of priority existing measures to enable Roma and Sinti to enjoy adequate living conditions and pursue the efforts to guarantee the Roma and Sinti equal access to housing, employment, education and health care; consider putting an end to the undue use of the measures of civil protection issued from May 2008 in tackling the situation of the Roma and Sinti, in line with the 2011 judgment of the Italian Council of State;
- increase the awareness raising measures at all society levels to prevent, combat and sanction effectively all forms of discrimination, intolerance, racism and xenophobia; prevent and combat and, while fully respecting the editorial independence of the media, support their fight against the spread of prejudice and racist language through the media, as well as on the Internet and in sports events;
- ensure that the current economic crisis and related budgetary cuts do not have a disproportionate impact on measures to support persons belonging to minorities.

Further recommendations:³

- pursue efforts to gather reliable data on the numbers and situation of persons belonging to the linguistic minorities, as well as on the Roma and Sinti in line with the principles of free self-identification and international recognised data collection and protection standards;
- continue to support the preservation and development of the cultural heritage of minorities, including the numerically-smaller minorities, and ensure a more adequate balance between needs and resources allocated;

² The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

³ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

- ensure adequate human and financial support to the Office for the Promotion of Equal Treatment and the Fight against Racial Discrimination (UNAR) to enable this body to carry out its work effectively and independently; carry on the current efforts aimed at setting up a national institution for the protection of human rights, in accordance with the Paris Principles;
 - increase public awareness, including among the public authorities, the law enforcement agencies, the judiciary and the media, about human rights, legislative safeguards in the area of protection against discrimination and available remedies; promote mutual understanding and respect, particularly towards persons belonging to vulnerable groups, such as Roma and Sinti, migrants, asylum seekers and refugees; continue to ensure that any violation of human rights by law enforcement officers is effectively investigated, prosecuted and appropriately sanctioned;
 - take steps to remedy shortcomings – including for Slovenes in some parts of the Friuli Venezia Giulia region – to ensure sufficient access for persons belonging to linguistic minorities to radio and television broadcasting in their languages; pay particular attention to the needs of persons belonging to the numerically-smaller minorities in the media field, including the print media;
 - take effective measures to address shortcomings in the public use of minority languages – in particular in dealings with the local administrative authorities and for bilingual/multilingual topographical indications – in accordance with domestic legislation and the principles of the Framework Convention;
 - adopt more effective measures to increase availability of teachers and textbooks for minority education, and continue to develop teaching of/or in minority languages, including taking adequate measures and giving support to providing proper maintenance and suitability of school premises, particularly the bilingual Slovene-Italian school in San Pietro al Natisone⁴; increase public awareness of the languages and culture of linguistic minorities, and of Roma and Sinti, through textbooks and other educational tools;
 - intensify measures to ensure equal access to education and improvements of the situation of the Roma and Sinti children in education;
 - consolidate the effective participation of persons belonging to minorities in public affairs, both at the local/regional and central level and promote more effectively the presence of such persons in the civil service, elected bodies, as well as in socio-economic planning bodies; consider setting up a single co-ordinating body for minority protection at central level;
 - intensify the efforts to enable the effective participation by Roma and Sinti in public affairs, including by developing the existing mechanisms for the consultation of the Roma and Sinti on policies and measures concerning them.
3. Invites the Government of Italy, in accordance with Resolution Res(97)10:
- a. to continue the dialogue in progress with the Advisory Committee;
 - b. to keep the Advisory Committee regularly informed of the measures it has taken in response to the conclusions and recommendations set out in sections 1 and 2 above.

⁴ In this context, it is worth noting that the Italian authorities have secured 1.9 million EUR for restructuring – for anti-seismic purposes – the bilingual Slovene-Italian school of San Pietro al Natisone, which is due to open in September 2013.