



## **OSCE/ODIHR Submission of Information for the Universal Periodic Review Process**

**Italy, 20<sup>th</sup> Session, (Oct-Nov 2014)**

### **Background**

Italy a participating State in the Organization for Security and Co-operation in Europe (OSCE) and has thus undertaken and reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE documents.<sup>1</sup> The OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) has been mandated by OSCE participating States, including Italy to assist them in implementing their human dimension commitments. OSCE/ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti in the OSCE area. The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation Italy and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms.

### **Overview of this Submission**

This submission contains references to the findings and recommendations issued from: the Needs Assessment Mission to the early parliamentary elections of 25 February 2013; the Annual Hate Crime Report compiled by ODIHR; and the Second Status Report on the implementation of the Action Plan for Improving the Situation of Roma and Sinti within the OSCE Area. Links to the full reports/reviews/opinions are provided in footnotes

### **Election-related activities**

Following an invitation from the Permanent Mission of Italy to the OSCE to observe the 24 and 25 February 2013 early parliamentary elections, ODIHR undertook a Needs Assessment Mission (NAM), carried out from 7 to 10 January.

The NAM report concluded that “*the majority of OSCE/ODIHR NAM interlocutors expressed confidence in the integrity of the electoral process and the ability of the election administration to organize elections professionally. Nevertheless, most interlocutors stated that they would welcome a potential OSCE/ODIHR observation activity for these elections, recognizing that further improvements could be made to the electoral process and that an independent, external assessment may contribute to this. In particular, a number of aspects*

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<sup>1</sup> Compendium of OSCE Human Dimension Commitments, vol 1 and 2

*could merit further attention, including the legal framework and elements of the electoral system, campaign finance provisions, media coverage, and complaints and appeals mechanisms.”* The full NAM report is annexed.<sup>2</sup>

Although the OSCE/ODIHR NAM recommended the deployment of a Limited Election Observation Mission (LEOM) to observe the early parliamentary elections, the mission was cancelled due to insufficient secondment of long-term observers.

### **Legislation reviewed by ODIHR**

N/A

### **Tolerance and non-discrimination issues, including incidents of and responses to hate crime**

OSCE participating States have made a number of commitments to promote tolerance and non-discrimination and specifically to combat hate crime, and the OSCE/ODIHR supports states in their implementation of those commitments. In this context, the OSCE/ODIHR produces an annual report on hate crime – *Incidents and Responses* – to highlight the prevalence of hate crimes and good practices that participating States, inter-governmental organizations and civil society have adopted to tackle them. It also helps participating States to design and draft legislation that effectively addresses hate crimes; provides training that builds the capacity of participating States’ criminal justice systems and the law-enforcement officials, prosecutors and judges that staff them; raises awareness of hate crimes among governmental officials, civil society and international organizations; and supports the efforts of civil society to monitor and report hate crimes.

The report relies mainly on information and statistics provided by governments, since such data collection is primarily the responsibility of states, as is the responsibility to respond to hate crimes. As of 2012, 55 of the 57 OSCE participating States had appointed National Points of Contact on Combating Hate Crimes, to support ODIHR in its task of serving “as a collection point for information and statistics collected by participating States”. The bulk of information for the report was gathered through the completion of an online questionnaire by National Points of Contact. The questionnaire for 2012 contained questions about the following areas: data-collection methods; legislation; reported hate crime data; and policies and initiatives.

For the 2012 report<sup>3</sup>, the National Point of Contact from Italy submitted a completed questionnaire, and provided figures (76 hate crimes recorded by the police). Additionally, ODIHR sent requests for information on hate crime incidents in Italy to inter-governmental organizations and to international and local non-governmental organizations. For the 2012 report, one organization reported on the murder of a transgender person, 13 physical assaults, one sexual assault and two incidents of threats, one of them in connection to robbery, against LGBT people, and two incidents of damage to property of LGBT people, including a series of attacks against the headquarters of an LGBT non-governmental organization involving attempted arson. One organization reported an arson attack against a refugee centre, 34 physical assaults and one incident of repeated vandalism against people of foreign nationality

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<sup>2</sup> <http://www.osce.org/odihr/elections/98855>

<sup>3</sup> <http://tandis.odihr.pl/hcr2012/>

or different ethnicity, the majority of them men from Bangladesh and of African origin, and attacks against Roma houses during an anti-Roma rally. The same organization reported one incident of vandalism against a Holocaust memorial, one incident of graffiti on a municipal library where Holocaust Remembrance Day events were scheduled, two incidents targeting Islamic symbols or sites, and two physical assaults against Muslims, including one against two women involving an attempt to pull of their headscarves and one against two Bangladeshi men. One organization reported four incidents targeting sites of Holocaust Remembrance or Jewish symbols or sites. One organization reported one physical assault against Jewish people. Another participating State, the Holy See, reported for Italy 23 incidents targeting Christian symbols or sites.

In May 2013, OSCE/ODIHR and the Italian authorities signed an agreement for training of Italian law enforcement officers in recognizing, understanding and investigating hate crimes. The agreement envisions the implementation of ODIHR's "Training Against Hate Crimes for Law Enforcement" (TAHCLE) programme in 2014 in close co-operation with the Italian Observatory for Security against Discriminatory Acts.

### **Roma and Sinti issues**

The OSCE/ODIHR has a specific mandate to assist participating States in implementing the OSCE Action Plan for Improving the Situation of Roma and Sinti within the OSCE Area<sup>4</sup>. A Status Report on implementation of the Action Plan was issued by ODIHR in 2013<sup>5</sup> which indicated that the Roma population of Italy was estimated to be about 320.000 persons. The Report included the following information about the situation of Roma and Sinti.

Human Rights challenges faced by Roma and Sinti in Italy are most commonly related to migration of Roma from Romania. However the Roma and Sinti of Italian citizenship also face discrimination in particular in relation to local authorities. Italy is one of the most common destinations for Roma immigrants and asylum seekers; as a result the OSCE ODIHR Status Report on the Implementation of the OSCE Action Plan on Roma and Sinti from 2013 gives ample attention to the situation of Roma and Sinti in Italy.

The OSCE ODIHR Status Report findings highlighted calls of local authorities on the central governments to introduce measures to restrict the influx of foreign-born Roma. Furthermore politicians belonging to mainstream parties in Italy have also resorted to rhetoric against Roma immigrants, increasingly categorizing them as "public security", "public order" or "public health" risks, or linking Roma immigration to human trafficking and exploitation, especially of women and children.

The housing situation of Roma in Italy emerges as precarious in the findings of the Status Report 2013. The report mentions violations of the housing rights of Roma and Sinti in Italy. In some cases, violations of housing rights were found on the grounds of the poor living conditions of Roma and Sinti in regular and irregular camps or halting sites, the failure to create a sufficient number of halting sites for traveling Roma, evictions performed without respect for the dignity of the persons concerned and without providing alternative accommodation, the failure to provide legal remedies and/or legal aid to those who need it to

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<sup>4</sup> <http://www.osce.org/odihr/17554>

<sup>5</sup> <http://www.osce.org/odihr/107406>

seek redress from the courts following eviction, and the failure to adequately supply affordable housing for persons with limited resources.

As in other participating States in Italy forced evictions are a constant threat to Roma living in precarious circumstances, most often in illegal or unregulated settlements. Evictions typically lead to even worse living conditions, as moving to other locations may place Roma even further away from utilities and services or in housing of even lower quality. This process perpetuates the vulnerability and marginalization of these communities, and can create tensions with the residents of areas to which Roma communities are being resettled.

### **Country-specific ODIHR monitoring, assessment, co-operation and assistance activities (other than elections)**

In line with ODIHR's mandate to support participating States in the implementation of their commitments on freedom of peaceful assembly ODIHR has monitored a number of assemblies in OSCE participating States. The main goal of the monitoring is to identify gaps and challenges, as well as examples of good practices, in how participating States meet their commitments on freedom of peaceful assembly. The first monitoring cycle - between May 2011 and June 2012 – included also Italy, where ODIHR observed the 2011 Europride event, a large assembly organized by LGBTI groups on 11 June 2011, gathering approximately 500,000 participants from across Europe.<sup>6</sup> The main findings and recommendations of the monitoring cycle were published in November 2012 in a comprehensive report identifying areas for improvement, as well as examples of good practice in facilitating and policing public assemblies<sup>7</sup>. Although the report is not country-specific it and the recommendations aim to advance the implementation of the commitments in all OSCE participating States, the following are some of the country-specific excerpts followed by the applicable recommendations:

Based on the findings of this observation complemented by interviews with key stakeholders and desk research, it can be concluded that Italian law enforcement authorities do not adequately facilitate simultaneous assemblies, i. e. when demonstrations and counter-demonstrations are organized in the close proximity of each other. Regarding the Europride, in particular, a conservative Catholic group, Militia Christi, notified at the end of May 2011 of their intention to hold a counter-demonstration on 11 June in a location close to the route of the Pride event. Reportedly, they were verbally informed by Italian police authorities that, for reasons of public order, they could not have their event so close to the route of the Pride parade. The police authorities informally asked the organizers of the counter-demonstration to move their event to a different location. They took insufficient steps to protect the right of everyone to convey their message within sight and sound of one another. While it is clear that moving a small counter-demonstration to a separate location made the policing of both the Europride event and the counter-demonstration easier, in this case there appeared to be no compelling security or other considerations requiring the imposition of a change in location for the counter-demonstration.

**Recommendations:** It is generally good practice to facilitate, as much as possible, the holding of simultaneous assemblies. Where laws or regulations deal explicitly with the issue of simultaneous assemblies, they should not include an automatic prohibition of holding events

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<sup>6</sup> Besides Italy, assemblies were monitored in the following participating States: Croatia, Hungary, Moldova, Poland, Serbia, Slovakia, Switzerland, Ukraine, the United Kingdom, and the United States of America.

<sup>7</sup> <http://www.osce.org/odihr/97055>

at the same place and time when they can be reasonably accommodated. In accommodating simultaneous assemblies, emphasis should be placed on practical solutions that can be found through dialogue and negotiation with all parties. Although counter-demonstrations may give rise to public safety and security considerations, the authorities should generally seek to facilitate the holding of an assembly and related counter-demonstrations within sight and sound of one another. Any restrictions imposed on assemblies should only be based on legitimate grounds and objective evidence under international human rights law. When two public events cannot be accommodated in the same location, the organizers are encouraged to engage in a dialogue to find a mutually satisfactory solution.

**Other assessments and recommendations contained in ODIHR reports on thematic human rights issues**

N/A