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

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Second Opinion on Italy  
Adopted on 24 February 2005

EXECUTIVE SUMMARY

Italy has taken steps to improve the implementation of the Framework Convention following the adoption of the first Opinion of the Advisory Committee in September 2001 and the Committee of Ministers' Resolution in July 2002. This process has included 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.

Further steps are still needed to implement the recommendations resulting from the monitoring of the Framework Convention. For example, more determined measures are required to implement legal provisions providing for an increase in the number of minority language broadcasts. Furthermore, support for educational projects needs to be strengthened both in terms of resources and sustainability.

A persisting political, legal and technical dispute over the demarcation of the territorial scope of application continues to hamper the implementation of Law 38/01 on the Slovene minority.

The lack of legal protection at the state level for the Roma, Sinti and Travellers needs to be addressed by the authorities, and a comprehensive strategy of integration at national level remains to be developed in consultation with those concerned.

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

**SECOND OPINION ON ITALY**

1. The Advisory Committee adopted the present Opinion on 24 February 2005 in accordance with Article 26 (1) of the Framework Convention and Rule 23 of Resolution (97) 10 of the Committee of Ministers. The findings are based on information contained in the 2<sup>nd</sup> State Report (hereinafter the State Report), received on 14 May 2004, and other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during its visit to Trieste, Udine and Rome from 10-14 January 2005.
2. Section I below contains the Advisory Committee's main findings on key issues pertaining to the implementation of the Framework Convention in Italy. These findings reflect the more detailed article-by-article findings contained in Section II, which covers those provisions of the Framework Convention on which the Advisory Committee has substantive issues to raise.
3. Both sections make extensive reference to the follow-up given to the findings of the first cycle of monitoring of the Framework Convention, contained in the Advisory Committee's first Opinion on Italy, adopted on 14 September 2001, and in the Committee of Ministers' corresponding Resolution, adopted on 3 July 2002.
4. The concluding remarks, contained in Section III, could serve as the basis for the Committee of Ministers' forthcoming conclusions and recommendations on Italy.
5. The Advisory Committee looks forward to continuing its dialogue with the authorities of Italy as well as with representatives of national minorities and others involved in the implementation of the Framework Convention. In order to promote an inclusive and transparent process, the Advisory Committee strongly encourages the authorities to make the present Opinion public upon its receipt.

## **I. MAIN FINDINGS**

### **Monitoring process**

6. Italy has adopted a constructive approach to the monitoring process under the Framework Convention. For example, Italy hosted a follow-up seminar to discuss, with representatives of the minorities and the Advisory Committee, progress made in the various regions concerned in the implementation of key provisions of national domestic legislation giving effect to the Framework Convention. A number of other seminars devoted to the protection of minorities were also held in Italy and have helped to raise awareness of the Framework Convention.

7. When preparing the State Report, the authorities regrettably did neither seek the views of the associations representing minorities, nor the views of key actors like the Joint Institutional Committee established by Law No 38 of 23 February 2001 on the protection of the Slovene linguistic minority of the Friuli-Venezia Giulia region. Moreover, the State Report contains very little information on the implementation on the Framework Convention in practice and could have been usefully enriched by contributions from the regions and provinces concerned. Similarly, input from the umbrella association of the historical linguistic minorities (CONFEMILI) as well as other minority associations could have been sought by the authorities. In the context of the next monitoring cycle, further efforts should be made to prepare the State Report in a more inclusive manner. It is positive that during the visit of the Advisory Committee to Italy, the Ministry of Interior expressed its readiness to consult minority associations at an early stage, with a view to reflecting their concerns in the next State Report.

### **Legislative framework and asymmetrical schemes of protection**

8. Italy's legal and institutional framework protecting minorities is characterised by the coexistence of asymmetrical schemes of protection reflecting different situations. For example, minorities living in three regions enjoying special autonomy, namely Aosta Valley, Trentino- Alto Adige and Friuli-Venezia Giulia enjoy much stronger protection than those living in regions with ordinary status. This is due to historical and other factors, including the existence of strong ties between some minorities living in these regions and their respective kin-states. Even between the aforementioned autonomous regions, there remain, however, important differences in that for instance bilingualism is to a very large extent guaranteed in Aosta Valley as well as in Trentino-Alto Adige, but not in Friuli-Venezia Giulia.

9. Against this background, it is commendable that Law No. 482 of 15 December 1999 on the protection of the historical linguistic minorities provides for the first time for important rights in the fields of education, media and public use of minority languages and that these rights can be made operational in the entire territory of Italy and available to minorities whose situation and needs are often very different from those of the minorities living in regions enjoying special autonomy. Although covering twelve so-called "historical linguistic minorities" and not the Roma, Sinti and Travellers (see related comments under "Situation of the Roma, Sinti and Travellers, below), this piece of legislation is certainly instrumental to compensate the

very significant differences of treatment between minorities and even between different groups belonging to the same minority. It is, therefore, crucial to accelerate its implementation and remedy its shortcomings, in particular the somewhat rigid procedure in force concerning the allocation of budgetary appropriations, including as regards its recipients.

10. The protection of the Slovene minority should also be significantly improved through Law No 38 of 23 February 2001 on the protection of the Slovene linguistic minority of the Friuli-Venezia Giulia region. To date, the implementation of this piece of legislation has regrettably not really commenced due to the persisting political, legal and technical disputes over the demarcation of its territorial scope of application. There is, however, reason to believe that a number of measures foreseen in this Law could be taken without further delay and implemented in a number of municipalities, whose inclusion in the territorial scope of application does not raise any particular problems. Such a pragmatic approach would reflect the commitments undertaken by the state authorities towards the Slovenian minority and would complement the valuable efforts made at the regional level to reinforce the position of the minorities, notably through the adoption of a new Statute for the region.

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

11. In contrast to the twelve historical linguistic minorities which are covered by Law 482/99, the Roma, Sinti and Travellers, which the Government rightly considers to be protected by the Framework Convention, are left without comprehensive legal protection at the state level since Law 482/99 does not include them in its personal scope of application. This is a particular matter of concern since the existing statutory provisions on the Roma, Sinti and Travellers adopted by several regions are clearly inadequate in that they are disparate, lack coherence and focus too much on social questions and immigration issues at the detriment of the promotion of their identity, including their language and culture.

12. Roma, Sinti and Travellers still face widespread discrimination and continue to be confronted with particular difficulties in the fields of education, health care, employment and housing. Furthermore, a great number of them are still isolated in large camps at the outskirts of major cities, where living conditions are deplorable. This regrettable state of affairs is partly due to the attitude of the authorities themselves, which tend to consider the placement of Roma, Sinti and Travellers in camps as an appropriate way through which these persons can continue to live as “nomads”. Against this background, resolute action should be taken at the state level to ensure legal protection for the Roma, Sinti, and Travellers and efforts should be intensified to remedy sub-standard living conditions in the camps.

13. There is a pressing need to develop a long-term comprehensive strategy of integration with particular emphasis on education, through which the state authorities would ensure proper co-ordination between the various initiatives taken at municipal and regional level in consultation with those concerned. Concerns remain about the lack of participation of Roma, Sinti and Travellers, which should be addressed as a matter of priority.

## **Media**

14. A commendable number of radio and television programmes has been broadcast in French, German, Ladin and Slovenian by the public service broadcasting franchise holder (RAI) for some time. Article 12 of Law 482/99 introduced a legal basis allowing for a significant development of programmes in other languages. Such programmes, which are mostly supported by regional authorities, have so far been extremely limited and there is therefore a need to reach a more equitable pattern of programmes in all minority languages.

15. Despite the aforementioned new legislative guarantees, no real progress has been recorded in the development of programmes nearly five years after the entry into force of Law 482/99. Owing to their limited autonomy and despite their valuable efforts, RAI regional branch offices have not been able to overcome persisting resistance in this field. This lack of implementation perpetuates the existing significant differences of treatment prevailing in this field at the expense, *inter alia*, of sizeable minorities like the Friulans, whose repeated requests for further programmes have been turned down so far. Efforts are, therefore, needed to accelerate the implementation of Article 12 of Law 482/99 since the *ad hoc* Joint Committee established between the RAI and the Ministry of Communication has not led to any concrete result so far. Such efforts are needed to give full effect to article 9 of the Framework Convention, for all minorities.

16. At the same time, the reception of existing programmes is not always possible in the entire traditional area of settlement of the minorities concerned. This is notably the case for the Ladins living in the Belluno province and the Slovenians in the Udine province. As it seems technically possible to extend the transmission of these programmes at least to parts of the provinces concerned, the competent authorities should show greater commitment to remedy this long-lasting shortcoming.

## **Education**

17. There has been a welcome development of educational projects promoting minority languages and cultures following the entry into force of Law 482/99. According to minority representatives, this is an illustration of the central role played by the education process in helping minorities to maintain and develop their languages and cultures. It is, therefore, important that within the overall budgetary appropriations set aside by Law 482/99, increased flexibility be introduced in the financial procedures to allow for greater support in this field.

18. Experience gained in the last four years suggests that some minorities have not been able to take full advantage of the new legal possibilities to develop minority language and culture teaching. Part of the explanation lies in the fact that diverging interpretations of Law 482/99 tend to weaken the obligation assigned to school institutions to introduce minority language and culture teaching in municipalities included in the territorial areas of protection. Furthermore, the annual programming of such projects makes it difficult to develop sustainable programmes based on common pedagogical objectives that all schools concerned would commit themselves to follow.

Consideration should, therefore, be given to addressing these factors which are hampering greater progress in the field of education.

### **Participation**

19. The participation of representatives of recognised historical linguistic minorities has improved in recent years both at the national and regional levels through their inclusion in various bodies, such as the Technical Committee operating under Law 482/99 and the Joint Institutional Committee tasked to assist in the implementation of Law 38/01. There is, however, scope to strengthen their participation by giving them a more systematic say in existing technical bodies, and perhaps also by setting up a specific consultation structure to institutionalise dialogue with them. There is a need to monitor more consistently the representation of persons belonging to minorities in the civil service and, where appropriate, adopt further positive measures in this field.

## II. ARTICLE-BY-ARTICLE FINDINGS

### ARTICLE 3 OF THE FRAMEWORK CONVENTION

#### Demarcation of specific territorial areas of protection

##### *Findings of the first cycle*

20. The Advisory Committee's first Opinion and the corresponding Committee of Ministers' Resolution welcomed the adoption of a coherent legislative framework designed to secure protection, at the national level, for the twelve recognised historical linguistic minorities but stressed that this framework would not become fully operational until the protection perimeters applying to each minority had been defined. Similarly, the Advisory Committee and the Committee of Ministers stressed the need to pay continued attention to the implementation of the Law on the Protection of the Slovene linguistic minority of the Friuli-Venezia Giulia Region.

##### *Present situation*

###### a) Positive developments

21. The geographic scope of application of Law No. 482 of 15 December 1999 "setting a normative framework as regards the protection of the historical linguistic minorities"<sup>1</sup> (hereinafter referred to as: Law 482/99) has been fixed through a number of decisions taken by the provincial councils at the initiative of a third of the municipal councillors concerned or 15% of the citizens of a given municipality. This represents a commendable "bottom-up" procedure. This process has resulted in the drawing up of a rather comprehensive list of municipalities in which persons belonging to the minorities concerned have been able to avail themselves of many of the rights and measures enshrined in Law 482/99. There may, however, be a need in the future to adjust these specific territorial areas of protection: it is important not to consider such a list of municipalities as being rigidly set in time and to bear in mind the need for it to evolve over time.

22. While the process of demarcating the geographic scope of Law No 38 of 23 February 2001 on the protection of the Slovene linguistic minority of the Friuli-Venezia Giulia Region (hereinafter referred to as: Law 38/01) has experienced serious difficulties (see outstanding issues below), it is nevertheless encouraging that the overwhelming majority of the communes concerned have been identified without any particular difficulties in the provinces of Udine and Gorizia.

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<sup>1</sup> The scope of application of Law 482/99 is contained in its article 2, which states that "the Republic protects the language and culture of the Albanian, Catalan, German, Greek, Slovenian and Croatian populations as well as the populations speaking French, Franco-Provencal, Friulian, Ladin, Occitan and Sardinian". The Roma, Sinti and Travellers were excluded from the scope of Law 482/99 at the parliamentary deliberation stage but the Government takes the view that they can rely on the protection offered by the Framework Convention.

## b) Outstanding issues

23. The demarcation of specific territorial areas of protection under Law 38/01 is also based on a “bottom-up” process giving a third of the municipal councillors concerned or 15% of the citizens of a given municipality the possibility to ask for the inclusion of their municipality or part of it in the list. This demarcation process has, however, not been completed despite the fact that nearly four years have elapsed since the entry into force of Law 38/01.

24. This regrettable state of affairs, which has so far hampered the proper implementation of almost all provisions contained in Law 38/01, is due to a number of factors, both of a technical and political nature. For example, it appears that the Joint Institutional Committee set up under article 3 of Law 38/01<sup>2</sup>, whose main task consists of drawing up a list of the communes - or part of the communes - in which the Slovene minority has traditionally been present and forwarding it to the Presidency of the Republic for approval, is not functioning in an adequate manner. The Joint Institutional Committee’s work is indeed hampered by various factors, including the alleged systematic obstruction by some of its members, the difficulty to meet the quorum, the cumbersome process of nomination of its members, including the replacement of outgoing members (see related comments under article 15 below).

25. This lack of progress is all the more regrettable in the light of the fact that the inclusion of the overwhelming majority of the communes concerned in the draft list, particularly in the provinces of Udine and Gorizia, has not raised any particular difficulties: the main point of divergence lies in the municipality of Trieste, where certain central districts may or may not be included in the final list. The Advisory Committee, however, notes that no matter the choice eventually made in this respect, practical consequences will not substantially differ, since article 8, paragraph 4 of Law 38/01 anyway provides for the setting up of a single administrative desk dealing with all Slovenian requests in the central districts of Trieste. The largely symbolic and political dispute over the status of Trieste should, therefore, not serve as a reason to justify the continuous lack of implementation of Law 38/01 in the other already identified parts of the territory of the region Friuli-Venezia Giulia (see also related comments under articles 5 and 14, below). In this context, it is worth recalling that the protection of the Slovenian minority in Friuli-Venezia Giulia is also internationally entrenched in particular through the Special Statute on Trieste annexed to the London Memorandum of 1954. This protection is to be made effective by legislation, especially in the sphere of education and culture, but also by the Osimo Agreement signed by Italy and the Socialist Federal Republic of Yugoslavia on 10 November 1975.

*Recommendations*

26. Italy should take the necessary measures to ensure the prompt implementation of Law 38/01 in the numerous municipalities whose inclusion in the list raises no objection. This should be done without necessarily waiting for the settlement of the dispute over the municipality of Trieste, a matter that needs increased attention by the

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<sup>2</sup> According to article 3, paragraph 1 of Law 38/01, the Joint Institutional Committee is made up of 20 members, out of which 10 must be Slovenian-speaking Italian citizens.

authorities.

27. As regards both Law 482/99 and Law 38/01 whose respective territorial scope of application are to be based on a list of municipalities endorsed by the competent political authorities, Italy should bear in mind the importance not to consider such lists as rigidly set in time, as their extension may in the future be needed to reflect demographic and other changes resulting *inter alia* from increased mobility.

### **Status of Roma, Sinti and Travellers**

#### *Findings of the first cycle*

28. The Advisory Committee's first Opinion welcomed the inclusion of the Roma, Sinti and Travellers in the scope of application of the Framework Convention by the Italian authorities but noted at the same time the absence of a legal instrument at national level granting them comprehensive protection. The Advisory Committee also noted that efforts to support Roma, Sinti and Travellers' culture were only sparingly supported by the authorities. In its corresponding Resolution, the Committee of Ministers emphasised that the existing statutory provisions for safeguarding the identity and culture of the Roma were not yet adequate.

#### *Present situation*

##### a) Positive developments

29. After the exclusion of the Roma, Sinti and Travellers from the scope of Law 482/99 at the parliamentary deliberation stage on the grounds that their situation needed to be addressed by an *ad hoc* piece of legislation, three bills were submitted to the Chamber of Deputies in 2001, with a view to dealing with the status and rights of the Roma, Sinti and Travellers.

30. During its visit to Italy, the Advisory Committee noted with interest plans by the Ministry of Interior to ask the Technical Committee entrusted with the implementation of Law 482/99 to look into the possibility of extending the scope of the said law to address also the situation of the Roma, Sinti and Travellers as well as of enlarging the Committee's composition with a view to including Roma representatives and representatives from the other ministries concerned (see related comments under article 15 below).

##### b) Outstanding issues

31. Despite the aforementioned attempts to tackle the situation of the Roma, Sinti, and Travellers in the legislative sphere at national level, there appears to be no real will amongst main political forces in Italy to carry forward the project of developing a specific piece of legislation to protect the language, culture and identity of these persons, as evidenced by the fact that the aforementioned bills have not been adopted by the Parliament.

32. While the inclusion of the Roma, Sinti and Travellers in the scope of application of the Framework Convention by the Italian authorities is a positive step,

there is reason for concern about the lack of attention paid to the specific needs of those who are not citizens of the European Union, as their treatment by the authorities is tackled under the immigration perspective only. In this context, the Advisory Committee stresses that a general application of the citizenship criterion may cause problems linked to certain guarantees relating to important areas covered by the Framework Convention, such as non-discrimination and education.

33. This is a particular matter of concern since the existing statutory provisions on the Roma, Sinti, and Travellers adopted by several regions are clearly inadequate in that they are disparate, lack coherence and focus too much on social questions and immigration issues at the detriment of the promotion of their culture, which is not perceived as a valuable contribution enriching Italian society. Such regional legislation often reduces Roma, Sinti, and Travellers' culture to the alleged itinerant way of life of these persons, which tends to be treated as a problem. Even when these regional laws contain useful elements for the promotion of the Roma language and culture, they tend to be regarded as a priority in state policies neither at national nor at regional levels. For example, Law 11/88 adopted in March 1988 by the region Friuli-Venezia Giulia has not been coupled with any budgetary appropriation since 2001.

34. The lack of adequate legal protection for the Roma, Sinti, and Travellers is aggravated by the fact that there is still no comprehensive and coherent strategy to which all authorities - be it at the state, regional, provincial or municipal level - would feel committed (see related comments under article 6, below).

#### *Recommendations*

35. The Italian authorities should as a matter of priority take the necessary measures in the legislative field to ensure legal protection for the Roma, Sinti, and Travellers in order for these persons to be able to better preserve and further develop their identity and culture. More generally, a greater commitment from the authorities at all levels is needed to achieve tangible improvements in the situation of the Roma, Sinti and Travellers, including those who are not citizens of the European Union.

36. As far as the living conditions of the Roma, Sinti, and Travellers living in camps are concerned as well as the discrimination these persons continue to face in practice, the Advisory Committee refers to its recommendations under articles 4 and 6, below.

### **Data collection**

#### *Findings of the first cycle*

37. In its first Opinion, the Advisory Committee pointed out the lack of ethno-linguistic statistical data, stemming *inter alia* from the fact that nation-wide censuses conducted had not included any question concerning the affiliation with a national or linguistic minority, except in the Bolzano province. Moreover, the Advisory Committee considered that the system of individual declaration of linguistic affiliation used in the Bolzano province did not adequately safeguard the principle of free affiliation and protection of ethno-linguistic data.

a) Positive developments

38. Following the demarcation of specific territorial areas of protection, the implementation of Law 482/99 has now advanced significantly, particularly in the fields of education and public use of minority languages, in which numerous projects have been supported. There is, therefore, a range of valuable data and figures that can be extracted from this pattern of local experiences and processed in a co-ordinated way at national level. For example, the Ministry of Education has started its own evaluation mechanism of the educational projects supported under Law 482/99 and this could serve as a useful tool to guide further state action in this field in favour of minorities.

39. In January 2005, the Department for Civil Rights and Immigration of the Ministry of Interior produced a monitoring report on the situation of Roma, Sinti and Travellers, based on information provided by the municipalities concerned through the channel of the prefectures. Although not covering each and every province where Roma, Sinti and Travellers reside, this report contains valuable statistical information *inter alia* on the estimated number of Roma, Sinti and Travellers residing in the various municipalities at issue, their settlements, the elements hampering their socio-economic equality and their degree of participation in public life.

40. As regards the modalities of the system of individual declaration of linguistic affiliation used in the Bolzano province, it is positive to see that they are kept under constant review, as explained by the Government in its comments on the first Opinion of the Advisory Committee.

b) Outstanding issues

41. More comprehensive monitoring of the implementation of Law 482/99 that would be co-ordinated at national level is still missing. Such monitoring could provide valuable statistical data not only on the estimated number of persons belonging to minorities in the various municipalities listed in the table, but also on the three main pillars of Law 482/99, namely media, public use of minority languages and education. This could in the future help the authorities to target and develop more focused measures to meet the needs of persons belonging to minorities.

42. Information like the one contained in the aforementioned monitoring report on the situation of the Roma, Sinti and Travellers has so far not been collected systematically at the local level and not processed in a co-ordinated way by the state authorities. It also appears that the Roma, Sinti and Travellers and the various NGOs promoting respect of their rights have neither been sufficiently involved by the authorities in the development of such studies, nor in the process of collecting these data.

43. Amendments made to Presidential Decree 752/1976 governing the general census of the population in the Bolzano province following the adoption of the first Opinion of the Advisory Committee do not seem to have significantly reinforced the guarantees of confidentiality concerning data inserted in the individual declaration forms in question. Further adaptations may have to be worked out in the context of the preparation of the next general census in order to better comply with all the

requirements of article 3 of the Framework Convention. In this context, particular attention will have to be paid to the optional character of the issue of ethno-linguistic affiliation and the requirement that no disadvantage shall result from the choice made by the respondent.

#### *Recommendations*

44. The authorities are encouraged to consider the introduction of a comprehensive monitoring mechanism at national level aimed at gathering practical information and relevant statistical data on the implementation of Law 482/99, with a view to guiding state policies on minorities.

45. Italy should pursue further, in consultation with those concerned, its efforts to gather relevant statistical data on the Roma, Sinti and Travellers with a view to facilitating the preparation of a proper strategy to ensure their effective participation in cultural, social and economic life and in public affairs.

46. Consideration will in the future have to be given to improving the modalities of the system of individual declaration of linguistic affiliation used in the Bolzano province in the context of the preparation of the next general census so as to better comply with the requirements of article 3 of the Framework Convention.

### **ARTICLE 4 OF THE FRAMEWORK CONVENTION**

#### **Institutional and legal changes relating to discrimination**

##### *Findings of the first cycle*

47. In its first Opinion, the Advisory Committee noted that Italian legislation contained provisions against discrimination but pointed at remaining gaps in the protection afforded by civil law and administrative law. It also invited the authorities to ensure that effective remedies were available to all persons who suffer from discrimination and sanctions are applied where necessary.

##### a) Positive developments

48. Based on article 42 of Law 40/1998 on Immigration and the Status of Foreigners, a number of institutes for research into discrimination have been created, such as the Institute of the region of Piedmont for Research into Racism, Antisemitism and Xenophobia in Italy.

49. A decree containing detailed rules about discrimination in respect of race or ethnic origin was passed in July 2003 with a view to transposing the European Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. This decree also provides for 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. This body, which was actually set up in 2004 and whose creation was accompanied by an awareness-raising brochure, is meant to be an institutional point of reference to monitor the effectiveness of the tools to

combat discrimination. The Office for the promotion of equal treatment and the fight against discrimination is to collect individual claims of people potentially discriminated against and will be tasked to assist them in court cases should victims decide to do so.

b) Outstanding issues

50. Law 40/1998 on Immigration and the Status of Foreigners defines direct and indirect discrimination and prohibits discrimination in a range of fields such as employment, housing, education, training and social services. It appears, however, that the relevant provisions of this piece of legislation are not frequently used in practice and that they focus on the situation of foreigners and immigrants. The Advisory Committee, however, notes that discrimination may also affect Italian citizens, including persons belonging to minorities. Existing provisions against discrimination in the legislation on immigration therefore do not necessarily alleviate the need for a more comprehensive body of civil and administrative provisions in all spheres of life, bearing in mind for example that they do not prohibit indirect discrimination consistently and do not allow for the burden of proof to be shifted to the respondent<sup>3</sup>. Institutes for research into discrimination do not yet seem to have been established in all regions concerned and findings of such institutes could in the future be instrumental to guide state policies to fight discrimination.

51. In connection with the decree transposing the EU Race directive 2000/43/EC, 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.

*Recommendations*

52. Regional institutes for research into discrimination appear to be an interesting tool to acquire a better knowledge of discrimination in practice and the Government could consider the establishment of other such bodies where they are missing. Furthermore, the newly established Office for the Promotion of Equal Treatment and the Fight against Discrimination should be provided with the necessary support. Efforts should also be made to make in the future increased use of the findings of these bodies to develop state policies to tackle discrimination.

53. The authorities are encouraged 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.

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<sup>3</sup> See second report on Italy adopted by the European Commission against Racism and Intolerance (ECRI) on 22 June 2001, paragraphs 13-16.

### Situation of the Roma, Sinti and Travellers

54. In its first Opinion, the Advisory Committee expressed concern at the housing situation of the Roma, Sinti and Travellers who live isolated from the rest of the population in camps where living conditions and standards of hygiene are very harsh, a state of affairs that compromises their integration and aggravates their socio-economic difficulties. Furthermore, the Advisory Committee's first Opinion and the corresponding Resolution of the Committee of Ministers called on the Italian authorities to consider a comprehensive and coherent strategy of integration *vis-à-vis* the Roma, Sinti and Travellers.

#### Outstanding issues

55. The concerns expressed about the deplorable situation of the Roma, Sinti and Travellers in the context of the first monitoring cycle remain valid in the second cycle. Indeed, recent monitoring work conducted by other international bodies and NGOs suggest that Roma still face widespread discrimination and continue to be confronted with particular difficulties in the fields of education, health care, employment and housing<sup>4</sup>.

56. During its above-mentioned visit to Italy, the delegation of the Advisory Committee visited the unauthorised Roma camp of Casilino 900 in Rome, where hundreds of persons - including many asylum seekers and refugees from the Balkans - live in shacks lacking the most basic facilities like running water, electricity, regular garbage removal, etc. Credible reports from various NGOs and human rights activists indicate that similar sub-standard housing conditions prevail in most of the camps that now exist in many cities of Italy. In this regard, the fact that a camp is labelled as "authorised" or "unauthorised" by the authorities does not seem to make a real difference as in both cases the local authorities, which are in charge of social and housing issues and are not supported by the state authorities, offer limited intervention to equip the camps with minimal shared facilities like toilets or showers.

57. As is the case in many other countries, the Roma, Sinti and Travellers living in Italy are by no means a homogenous group. Moreover, their legal situation in terms of residence is complex since it covers a range of situations from illegal immigrants to asylum seekers and refugees, persons with regular residence permits and even Italian citizens. A significant number of Roma, Sinti and Travellers, including adults, who were born in Italy still do not have regularised resident status. Few of them have maintained an itinerant or semi-itinerant way of life linked to their seasonal economic activities and the great majority are unemployed and consider themselves as sedentary people.

58. In spite of this very heterogeneous pattern, the Advisory Committee is deeply concerned that the integration model widely called for by the authorities is still based on the life in camps, which is presented as an appropriate way through which Roma,

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<sup>4</sup> See concluding observations on Italy adopted on 18 March 2003 by the UN Committee on the Rights of the Child, paragraphs 20 and 54; see also written observations submitted by the European Roma Rights Center in the collective complaint N° 27/2004 against Italy under the Revised European Social Charter.

Sinti and Travellers can continue to live as “nomads”. In fact, living in such camps isolated from the Italian society renders access to employment, education and health care extremely difficult and the resulting situation cannot be regarded as compatible with the Framework Convention. The absence of serious perspectives of integration especially for Roma who have often lived in such camps for several years render these persons - especially women and children - particularly vulnerable to various kinds of abuses, including human trafficking.

#### *Recommendations*

59. Italy should step up its efforts, as a matter of priority, both at the local and state levels to ensure that Roma, Sinti and Travellers residing in camps enjoy decent living conditions. At the same time, Italy should design, in consultation with those concerned, a comprehensive strategy of integration for Roma, Sinti and Travellers with a view to eliminating the placement in camps and instead ensuring access to housing, employment, education and health care.

60. In the context of the above-mentioned strategy of integration, particular care should be taken to respond to the specific needs of the various groups concerned. Whereas the improvement of the living conditions of Roma having recently settled in Italy as asylum-seekers or refugees could legitimately be seen as extremely important, stronger emphasis could be put on the preservation and development of the identity of Sinti and Travellers who have been traditionally present in Italy.

### **ARTICLE 5 OF THE FRAMEWORK CONVENTION**

#### **Conditions enabling persons belonging to minorities to maintain and develop their culture**

##### *Findings of the first cycle*

61. The Advisory Committee’s first Opinion and the corresponding Resolution of the Committee of Ministers welcomed the adoption of a coherent legislative framework at national level allowing for improvements in the situation of the twelve recognised historical linguistic minorities, including smaller ones for which measures aimed at preserving their identity are of particular relevance. The Opinion and the Resolution called for special efforts to ensure that measures are taken for the minorities traditionally settled in several provinces and/or regions under protection arrangements that can differ markedly.

##### a) Positive developments

62. A number of valuable initiatives to support minority language and culture have been supported *inter alia* in the field of education through the commendable level of budgetary appropriations set aside in accordance with Law 482/99. The representatives of several minorities have expressed satisfaction at these achievements. This is also the case for some smaller minorities like the Albanians, who have managed to organise Albanian teaching in almost all the schools concerned.

63. Bearing in mind that the protection of minorities does not fall under the exclusive responsibility of the central state authorities, the Advisory Committee welcomes that nearly all regions where minorities are traditionally settled have now approved and/or complemented specific legislation in this field. For example, the Calabria region, where many Albanians live as well as Greeks and Occitans, passed Law 15/03 in October 2003 for the “Protection and Enhancement of the Language and Cultural Heritage of the Linguistic Historical Minorities of Calabria”.

64. The region Friuli-Venezia Giulia is in the process of adopting a new Statute replacing the current one from 1963. The Advisory Committee welcomes that the draft Statute for the first time clearly acknowledges the contribution of the Friulan, Slovene and German minorities to the region. This is particularly important for the Slovene minority, which is currently scattered over different provinces of the region. This is an illustration of the positive attitude shown by this region towards its historical linguistic minorities, as evidenced *inter alia* by the significant financial support it distributes for various cultural and educational initiatives. However, concerns have been raised amongst Friulan circles that the draft Statute tends to disregard historical, cultural, linguistic and other specificities which constitute the very essence of the identity of the Friuli. The Advisory Committee therefore expresses the hope that the authorities will in the future bear in mind the need to continue to support the Friulan identity.

65. As provided for by article 3, paragraph 3 of Law 482/99, certain co-operation bodies have been established as an institutional link between several groups of persons belonging to the same minority dispersed for historical and other reasons between regions and/or provinces enjoying a different level of protection. In this context, it is worth mentioning the setting up of the “Committee of the Historical Linguistic German Islands of Italy” in June 2002, which gather representatives from various German-speaking groups from the regions Valley d’Aosta, Piedmont and Friuli-Venezia Giulia as well as from the Trento province. Provided they enjoy wide support from the authorities concerned, such co-ordination bodies may be instrumental in sharing experiences, promoting good practices, launching co-operation projects and thereby contributing to reducing the sometimes significant differences of treatment between regions and/or provinces.

#### b) Outstanding issues

66. Minority representatives regret the fact that Law 482/99 does not make it possible to allocate any of the important budgetary appropriations set aside by this piece of legislation to their private associations. Subsidies allocated on the basis of Law 482/99 are indeed granted to local authorities only, while minority associations rightly stress that they play a crucial role in supporting minority language and culture as well as assisting in the implementation of Law 482/99, as evidenced *inter alia* by the key role explicitly attributed to their umbrella association (CONFEMILI) by the implementing regulations of Law 482/99.

67. As a general point, it is to be stressed that the funding mechanism created by Law 482/99, which provides *inter alia* for the annual distribution of approximately € 10 million for various projects, lacks flexibility. It appears for instance that out of the aforementioned total of € 10 million, Law 482/99 itself provides for the allocation

of approximately € 1 million for educational projects and € 5 million for projects promoting the use of minority languages in official dealings. This means, for example, that without modifying Law 482/99, it is not possible to increase the total amount earmarked for education while at the same time proportionally reducing allocations for other sectors in order to reflect a stronger commitment towards educational projects as clearly called for by the minorities themselves (see related comments under article 14, below). More generally, it appears that nearly six years after the adoption of Law 482/99, time is ripe to consider ways and means to try and improve the functioning of this important legislation, including through amendments where necessary.

68. Despite the possibility mentioned in article 3, paragraph 3 of Law 482/99 to set up co-operation bodies for minorities scattered over different regions and/or provinces, it appears that this mechanism has not yet been used to the greatest possible extent so as to make a real difference for the minority groups residing in regions with an ordinary status. For example, the aforementioned body gathering representatives from various German-speaking groups from the regions Valley d'Aosta, Piedmont and Friuli-Venezia Giulia has been recognised by all the regions/provinces concerned, but the region Trentino-Alto-Adige is the only one to provide funding for its activities. The Ladins would also need a strong co-ordination mechanism in order *inter alia* to compensate for the lack of opportunities to study their mother tongue in the Belluno province (see related comments under article 14, below).

69. Once fully operational, Law 38/01 should make a real difference in the preservation and development of the Slovene identity in Friuli-Venezia Giulia. Bearing in mind the difficulties around the approval of the list of communes with a traditional presence of Slovenians (see related comments under article 3), there remains a regrettable lack of implementation of certain provisions of Law 38/01 which is by no means linked to the adoption of such a list. For example, there is still no Slovene section of the music college of Trieste although article 15 of Law 38/01 explicitly provides for its establishment no later than three months after the entry into force of this law.

70. As regards the Roma, Sinti and Travellers, reference is made to the comments under article 3 above, which stress that insufficient attention is paid to the promotion of the essential elements of their identity.

#### *Recommendations*

71. There is a need to consider ways and means - including possible amendments - to adapt Law 482/99 to new needs and challenges. This is notably the case as regards the somewhat rigid procedure in force concerning the allocation of budgetary appropriations, including as regards its recipients.

72. More determined efforts should be made by the regions/provinces concerned to provide the necessary support for the co-ordination bodies foreseen by Law 482/99.

73. The provisions of Law 38/01 which are not strictly linked to the approval of the list of communes should be implemented as a matter of priority.

## ARTICLE 6 OF THE FRAMEWORK CONVENTION

### Spirit of tolerance and intercultural dialogue

#### *Findings of the first cycle*

74. In its first Opinion, the Advisory Committee took the view that in general, the historical linguistic minorities lived on good terms with the rest of the population and that their relations were marked by considerable tolerance, although more could be done to foster intercultural understanding. The Advisory Committee also noted that recent mass migration flows posed challenges in terms of integration of persons from various religious, cultural and linguistic backgrounds.

#### Present situation

75. The Advisory Committee notes the heated discussions that took place in Bolzano in the end of 2004 in the context of the attempts by the municipality to rename a square and monument erected and baptised during the fascist period and symbolising, for many persons belonging to the German-speaking minority, the oppression of minorities by the Mussolini regime. This episode illustrates the particular sensitivity of historical symbols in Trentino-Alto Adige region and show that the authorities have a particular responsibility to promote continuous inter-ethnic dialogue and mutual understanding, including at the state level through the Ministry of Culture which has a say on the transformation of historical monuments.

76. The need for the authorities to promote continuous inter-ethnic dialogue and mutual understanding has also been evidenced in the Friuli-Venezia Giulia region by the controversy following the adoption on 19 December 2001 of a decree by the Ministry of Interior on the “issuance of identity cards in Italian language at the request of Italian citizens residing in the communes of Duino-Aurisina, Monrupino, San Dorligo della Valle and Sgonico” (see related comments under article 9, below).

77. Various sources report on persisting problems affecting immigrants, asylum seekers and refugees - including Roma - ranging from the exploitation of racism and xenophobia in politics to the persistence of a negative climate concerning these persons<sup>5</sup>. The rise in clandestine immigration in recent years has posed particular challenges, especially as regards the sometimes harsh conditions of detention of immigrants without legal status, pending their expulsion to their country of origin. In this connection, the Advisory Committee recalls that Article 6 of the Framework Convention requires that the State Parties take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory. This also applies to asylum-seekers, refugees and persons belonging to other groups that have not traditionally inhabited the country concerned. The authorities are therefore invited to continue to pay particular attention to these problems.

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<sup>5</sup> See in particular second report on Italy adopted by the European Commission against Racism and Intolerance (ECRI) on 22 June 2001, paragraphs 28-39 and 71-75.

*Recommendations*

78. The authorities are invited to continue to pay particular attention to the problems faced by immigrants, asylum seekers and refugees and tackle the negative climate surrounding these persons. More generally, the authorities at all levels should bear in mind the constant need to promote a spirit of tolerance and an intercultural dialogue, particularly in dealing with sensitive issues such as those regarding historical symbols and monuments.

**Stereotyping in the media**

*Findings of the first cycle*

79. In the field of media, the Advisory Committee noted in its first Opinion the persistence of information presented in such a way as to strengthen stereotypes associated with certain minorities.

Outstanding issues

80. The Advisory Committee notes the worrying persistence in the media of negative stereotypes associated with certain minorities like the Albanians and the Roma, Sinti and Travellers. Reporting on these groups is very often linked to criminal activities, which reinforces the negative perception of the general public towards them.

81. The Advisory Committee is concerned that the authorities themselves also sometimes contribute to such negative perception of the Roma, Sinti and Travellers by the paternalistic approach they follow and the clichés they are spreading when supporting certain publications<sup>6</sup>.

*Recommendations*

82. The Government should strengthen its efforts to encourage the media, with due respect for their independence and the freedom of expression, to develop fair portrayal of minorities and ensure that the authorities themselves no longer contribute to negative perceptions in this field. The Advisory Committee also considers that the media itself has a responsibility – including through self-regulatory bodies - to promote tolerance, safeguard against xenophobia and intolerance in the media and to avoid stereotyping and negative portrayal of persons belonging to different ethnic and religious groups in the media.

**Acts of discrimination, hostility or violence against the Roma, Sinti and Travellers**

*Findings of the first cycle*

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<sup>6</sup> See for example the contribution « Non solo sfruttati o violenti – Bambini e adolescenti del 2000 », published by the Department for Social Affairs of the Presidency of the Council of Ministers.

83. In its first Opinion, the Advisory Committee expressed concern at allegations of excessive use of force by, and possible anti-Roma prejudice, among police officers conducting operations in camps.

a) Positive developments

84. The Advisory Committee recognises that increased attention has been given to the respect of human rights in the context of police operations, especially as regards immigrants. This particular emphasis is reflected, *inter alia*, in the new structure of the Ministry of Interior, which now comprises a Department for Civil Rights and Immigration. This Department is to ensure that a proper link be made between human rights and immigration issues. It is encouraging to note that the said Department, and in particular its Directorate for Civil Rights, Citizenship and Minorities, has shown constructive self-criticism in this field and expressed its willingness to take remedial action in cases of excessive use of force.

b) Outstanding issues

85. Disturbing reports on abusive police raids in camps continue to be issued by NGOs and human rights activists. It seems that such raids, which may be conducted for valid reasons linked to crime prevention, sometimes result in an excessive use of force against Roma, Sinti or Travellers as well as the destruction of personal belongings, shacks or campers. It is in particular problematic that such operations do not seem to target only persons under suspicion, but often equally affect all residents of a camp, including children. Forced evictions are allegedly also carried out in camps without giving the persons concerned prior notice and providing them with alternative accommodation.

*Recommendations*

86. Italy should step up its efforts to ensure that police interventions in camps fully respect the human rights of the residents. This could include further human rights training of police officers as well as the more efficient and transparent investigation procedures in cases of alleged excessive use of force.

**ARTICLE 9 OF THE FRAMEWORK CONVENTION**

**Broadcasting for minorities in the electronic media**

*Findings of the first cycle*

87. In its first Opinion, the Advisory Committee welcomed the existence of radio and television broadcasts in French, German, Ladin and Slovenian by the public service broadcasting franchise holder (RAI) but regretted the fact that reception was not possible everywhere, in particular for the Ladins in Belluno province and the Slovenians in Udine province. The Advisory Committee also encouraged the authorities and the RAI to make full use of the new possibilities offered by article 12 of Law 482/99 for having programmes produced and broadcast in other minority languages and invited the authorities to assess the needs of the Roma, Sinti and Travellers in this field.

### Outstanding issues

88. No progress has been reported on the question of the reception of the Slovenian broadcasts in Udine province. This is all the more surprising since the RAI regional branch of Friuli-Venezia Giulia confirmed that extending the transmission to the Udine province would be technically possible, not be too costly a solution and that it would probably not even necessitate a modification of the convention providing for the obligations of the RAI. As far as the Ladins of Belluno are concerned, they still seem unable to receive existing programmes broadcast in their language and the Advisory Committee is not aware of any plan to overcome this problem.

89. As regards the development of new programmes, there is reason for concern over the absence of progress. Although article 12 of Law 482/99 clearly asks to “secure the conditions” to protect minority languages in the field of media in the convention between the Ministry of Communication and the RAI and notwithstanding that article 11 of implementing decree N° 345 of 2 May 2001 requires that this convention and its subsequent contract of service indicate *inter alia* the minimum level of protection for each minority language on the basis of the choice offered by article 11, paragraph 1a) of the European Charter for Regional or Minority Languages, no such clarification has been made. In fact, the latest contract of service 2003-2005 approved by presidential decree on 14 February 2003 only provided for the setting up of a Joint Committee between the RAI and the Ministry of Communication tasked to approve within 90 days the minimum level of protection for each minority language. This Joint Committee, however, has only met occasionally and has not fulfilled its task nearly two years after the deadline.

90. This regrettable state of affairs has caused a great deal of disappointment not only among the minorities concerned, but also among certain regional authorities like those of the Friuli-Venezia Giulia, whose interventions to encourage prompt implementation of article 12 of Law 482/99 have so far remained unsuccessful. The Friulan minority appears particularly affected by the situation since the current existing television programmes in Friulan, which are mostly funded by the Region Friuli-Venezia Giulia, are extremely limited, and do not comprise news. Owing to its limited autonomy and despite its valuable efforts, the RAI regional office of Friuli-Venezia Giulia has not been able to bring about tangible improvements since the decision-making remains very centralised in this field. In addition to the Friulans, several other minorities are also concerned by this state of affairs and their umbrella association considers the unsatisfactory situation in the field of media to be a common priority.

91. One of the reasons put forward by different actors - including the RAI itself - to explain the lack of implementation of article 12 of Law 482/99 is that to date, Italy has not ratified the European Charter for Regional or Minority Languages and, therefore, not made a final choice as regards the options offered in article 11, paragraph 1a) of this instrument. The Advisory Committee recognises that the needs of the minorities protected by Law 482/99 vary - particularly in the field of media - and that there might be a need to determine their respective level of protection in an appropriate legal basis more precisely than what article 12 of Law 482/99 does. The absence of ratification of the European Charter for Regional or Minority Languages,

however, cannot be regarded as a valid argument to justify the lack of development of sound radio and television programmes in minority languages as such an obligation derives from article 9 of the Framework Convention.

92. The Advisory Committee is not aware of any assessment made by the authorities concerning the needs of the Roma, Sinti and Travellers as regards electronic and print media.

#### *Recommendations*

93. More resolute action needs to be taken to give effect to article 12 of Law 482/99 as a matter of priority as the availability of minority language programmes is currently insufficient for several minorities, notably the Friulans. This may necessitate a review of the work of the Joint Committee established between the RAI and the Ministry of Communication.

94. The Advisory Committee considers that the competent authorities and relevant bodies should step up their efforts to make it technically possible for the Slovenians residing in the Udine province and the Ladins in the Belluno province to receive the programmes already broadcast in their language.

95. The Advisory Committee echoes its conclusions of the first monitoring cycle that the authorities should assess the needs of the Roma, Sinti and Travellers in the field of media and, if appropriate, consider making the necessary arrangements to meet these needs.

### **ARTICLE 10 OF THE FRAMEWORK CONVENTION**

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

##### *Findings of the first cycle*

96. In its first Opinion, the Advisory Committee welcomed the new possibilities opened by Law 482/99 to develop the use of minority languages in official dealings and the creation of a special national fund to cover related expenditure. It also noted with satisfaction that Law 38/01 was likely to markedly improve the use of Slovenian language in the province of Udine.

##### a) Positive developments

97. Law 482/99 has met with a great deal of interest and even enthusiasm in many of the areas traditionally inhabited by persons belonging to historical linguistic minorities. This has in particular been the case for its article 9, which not only provides for a possibility to use minority languages in relations with the administrative authorities, but also entrenches a range of guarantees aimed at making this possibility available in practice: the duty for the authorities concerned to employ officials with the necessary linguistic skills to provide oral and written answers in the minority languages, as well as a state special fund to cover all related expenses such as translation costs and staff training courses. Article 6 of implementing decree N° 345 of 2 May 2001 provides for the compulsory setting up of at least one desk office

(“*sportellino*”) dealing with all requests in minority languages in each municipality included in the territorial area of protection and further encourages the municipalities concerned to introduce bilingual inscriptions on their offices.

98. The Advisory Committee notes with satisfaction that a range of laudable initiatives has been taken at municipal level to encourage the use and reinforce the visibility of minority languages in their respective territorial areas of protection. This has in particular been the case for the Friulan language in Udine province, where 10 municipalities or so have made best use of the new possibilities opened by Law 482/99. It is also positive to see that nearly all municipalities with a traditional presence of Slovenians in the provinces of Udine and Gorizia have been included in the territorial areas of protection of Law 482/99, which has made the use of Slovenian in official dealings possible despite the general lack of implementation of Law 38/01. These and other concrete examples show the extent of the welcoming developments witnessed in this field in recent years.

99. The regional Council of Friuli-Venezia Giulia has modified its rules of procedure with a view to authorising its members to make use of the Friulan, Slovenian and German languages, but this measure does not seem to have prompted a significant use of these languages so far. The denomination of the regional Council now also appears in Friulan, Slovenian and German languages on the main entrance of the building, a measure that has been positively perceived by those concerned.

#### b) Outstanding issues

100. As a dynamic and continuous process, the implementation of article 9 of Law 482/99 requires permanent attention from the competent authorities. For example, some minorities like the Catalans and the Sardinians report that although linguistic desk offices have already been foreseen in nearly all communes concerned, some of these offices are, for some reason, still not operational as of today. However, it is important to pursue further the production of various administrative brochures and forms in minority languages so as to cover a larger number of sectors of the public administration.

101. The use of minority languages in official dealings as provided for in Law 482/99 requires a stronger commitment by elected officials and civil servants in the municipal authorities concerned as they are the key actors in this regard. Given the lack of interest shown in this field by certain municipal authorities, there is a need not only for the provincial/regional authorities but also for the state authorities themselves - and not only through financial incentives - to take more active measures to encourage municipalities to develop the use of minority languages. For example, it appears that in the Udine province, several communes have taken little action so far and could be much more supportive given their inclusion in the list under Law 482/99 and the traditional, strong presence of Friulans there.

102. More generally, there will in the future be a growing need to develop common tools and methods to evaluate the impact of the measures taken to give effect to article 9 of Law 482/99 in the context of a global and coherent monitoring mechanism of Law 482/99 co-ordinated at state level (see related comments and recommendations under article 3 above, on “data collection”).

*Recommendations*

103. The authorities should be encouraged to pursue their efforts to develop further the use of minority languages in official dealings, including through the opening of desk offices (“*sportellini*”) in all municipalities concerned, to introduce additional bilingual inscriptions as well as administrative brochures and forms in minority languages. In this context, Italy should increase its awareness-raising measures for the municipalities that have shown little interest in implementing Law 482/99 so far.

**Bilingual identity cards***Outstanding issues*

104. The adoption on 19 December 2001 of a decree of the Ministry of Interior on the “issuance of identity cards in Italian language at the request of Italian citizens residing in the communes of Duino-Aurisina, Monrupino, San Dorligo della Valle and Sgonico” led to a persisting controversy between representatives of the Slovene minority and the authorities. Whereas in the past decades, bilingual identity cards (Italian-Slovene) had systematically been issued to all residents of these four municipalities of the Trieste province on the basis of the Special Statute annexed to the 1954 London memorandum, this arrangement was modified by the above-mentioned decree, which has prompted considerable dissatisfaction among many Slovenian representatives.

105. In the view of these representatives, the previous system was entrenched in an international agreement and could, therefore, not be changed by a simple ministerial decree. Moreover, the new arrangement was seen as a step not contributing to the harmonious coexistence between the two groups in the municipalities concerned (see related comments under article 6, above). To justify this change, the authorities refer *inter alia* to article 8, paragraph 3 of Law 38/01, which provides in any case for the issuance of acts and decisions intended for the public - including identity cards - in both Italian and Slovenian or in Italian only upon request of the citizens concerned in the municipalities included in the list of municipalities where the Slovenian minority traditionally reside.

*Recommendations*

106. As regards the issuance of bilingual/monolingual identity cards in four municipalities of the Trieste province, the Advisory Committee calls upon the competent authorities to enter into consultation with the Slovenian minority in order to find modalities that preserve in an optimum manner the harmonious coexistence between the populations concerned and in line with international obligations and domestic legislation.

**ARTICLE 12 OF THE FRAMEWORK CONVENTION****Teacher training and access to textbooks***Findings of the first cycle*

107. In its first Opinion, the Advisory Committee welcomed the scope provided by Law 482/99 for fostering study of the languages and cultural traditions of historical linguistic minorities and expressed the hope that the authorities would take full advantage of this law to increase the multi-cultural and multi-ethnic component of school curricula and to facilitate the purchase and/or publication of related schoolbooks.

a) Positive developments

108. A number of school projects have been supported at pre-school, elementary and lower secondary school levels on the basis of articles 4 and 5 of Law 482/99. The number of such projects increased from 47 in 2002 to 120 in 2004. This is a positive trend, bearing in mind that the minorities themselves take the view that strengthening the presence of minority languages and cultures in the school curricula is a precondition for maintaining and developing their identity.

b) Outstanding issues

109. Given the strong interest shown in the educational projects for minorities by those concerned, as evidenced by the rise in the number of projects eligible for funds, there may be a need to reconsider in the future the somewhat rigid funding mechanism created by Law 482/99 so that it would better accommodate the growing importance of the educational sector (see related comments and recommendation under article 5 above).

110. The representatives of some minorities have indicated that there would be a need to intensify teacher training measures and give greater support for the preparation of textbooks and other pedagogical instruments. This is particularly the case for those minorities which do not enjoy the support of a “kin State”, like the Friulans. It is also the case for small groups like the old German-speaking community of Timau, in Friuli-Venezia Giulia, who speak an archaic form of German that significantly differs from standard German.

*Recommendations*

111. Further steps should be taken to ensure an adequate level of teacher training and the publication of textbooks in minority languages. In doing so, Italy should pay particular attention to those minorities that have no access to support by a “kin State”.

**Education of Roma children**

*Findings of the first cycle*

112. In its first Opinion, the Advisory Committee noted the disproportionately high level of school absenteeism among Roma, Sinti and Traveller pupils and pointed to the need to address the various causes of this state of affairs. The Advisory Committee also encouraged the authorities to better take into account the language and culture of the Roma, Sinti and Travellers in public education.

## b) Positive developments

113. Some commendable initiatives, which are often implemented by NGOs and/or social workers, have been taken to ensure better access of Roma, Sinti and Traveller's children to schools. Such initiatives, which include the organisation of public transportation of pupils to schools and the introduction of cultural mediators, are frequently supported from the municipal authorities.

## b) Outstanding issues

114. Roma, Sinti and Traveller children continue to face serious obstacles in their equal access to education. Attendance at compulsory school is often irregular and they are poorly represented at higher levels of education. This is largely due to their precarious living conditions and, more generally, to the fact that the placement of Roma, Sinti and Travellers in isolated camps is still considered the model to follow by many authorities. Initiatives taken so far by the Italian authorities, such as steps to adapt the content of education to a multicultural reality or the introduction of cultural mediators, have produced limited results, mainly due to the absence of a comprehensive strategy of integration at national level aimed at improving their situation in various fields of life (see related comments under article 4 above). In its comments on the first Opinion, the Government indeed recalled the difficulty to find Roma or Sinti language teachers and stressed that equal access to education remained the priority in its action in favour of these persons.

*Recommendations*

115. Italy should step up its efforts to ensure that Roma, Sinti and Traveller pupils attend school on a regular basis and reinforce the visibility of their culture in the school curricula as part of a comprehensive strategy of integration.

**ARTICLE 13 OF THE FRAMEWORK CONVENTION****Private education for national minorities**

116. Reference is made to the comments made on the recent recognition, as a state school, of the private bilingual (Slovenian-Italian) pre-school and elementary school located in San Pietro al Natisone in the Udine province (see related comments under article 14 below).

**ARTICLE 14 OF THE FRAMEWORK CONVENTION****Availability of minority language education***Findings of the first cycle*

117. In its first Opinion, the Advisory Committee welcomed the numerous opportunities for instruction in minority languages available in three regions enjoying special autonomy, namely Aosta Valley, Trentino-Alto Adige and Friuli Venezia Giulia. It expressed the hope that Law 38/01 would improve the situation of the Slovenians residing in the Udine province.

118. As regards other minorities living outside the three regions mentioned, the Advisory Committee welcomed that Law 482/99 provided the legal basis for minority language teaching and allocated specific funding for this purpose.

a) Positive developments

119. The Advisory Committee notes with satisfaction that Italy has continued to improve opportunities for minority language education, which has become increasingly available in areas traditionally inhabited by historical linguistic minorities. Based on article 4, paragraphs 1 and 2 of Law 482/99, many positive initiatives have resulted in increased teaching *of* minority languages and cultures and, albeit to a lesser extent, increased instruction *in* minority languages (see related comments under article 3, concerning in particular the Albanians, and article 12 above). This positive trend, however, does not equally affect all linguistic minorities.

120. The bilingual (Slovenian-Italian) private pre-school and elementary school of San Pietro al Natisone, which has been operating in the Udine province for nearly 10 years, received state recognition in 2004. This recognition has ensured financial stability and strengthened this unique institution in the province of Udine, where there have been no public schools providing instruction in Slovenian in contrast to the provinces of Trieste and Gorizia. This recognition, which is explicitly mentioned in article 12, paragraph 5 of Law 38/01, demonstrates that this piece of legislation can be made operational even pending the approval of the list of communes. Although there exists no possibility to receive instruction in Slovenian at the secondary level in the province of Udine, the secondary school of San Pietro has recently introduced the possibility for students to be taught a few hours of Slovenian on an optional basis.

b) Outstanding issues

121. The attention of the Advisory Committee has been drawn to the fact that diverging interpretations of article 4, paragraphs 1 and 2 of Law 482/99 were sometimes hampering the development of initiatives to introduce teaching of and especially instruction in minority languages, as is the case for the Friulans in the province of Udine. Bearing in mind that the said provision makes clear reference to the organisational and pedagogical autonomy of the schools, some school managing boards consider that they are free to decide whether to introduce minority language teaching. On the other hand, some representatives of linguistic minorities take the view that school managing boards are under an obligation to provide such teaching as soon as a commune is included in the territorial area of protection. Similar interpretation divergences arise as to the weight attached to the parents' request for minority language teaching, a criterion explicitly mentioned in the said provision.

122. Some minorities complain that they have not been able to significantly develop minority language teaching. This is particularly the case for the Ladins of the Belluno province, for whom Law 482/99 has so far not brought about tangible improvements in the field of education and not reduced the difference of treatment between them and the Ladins of the Trentino-Alto Adige region (see related comments under article 5 above).

123. Based on the experience gained after three years of implementation of articles 4 and 5 of Law 482/99, representatives of several minorities consider that the system of individual projects approved on a yearly basis by the Ministry of Education makes it very difficult to ensure continuity both in the learning process and working methods. There are also calls for developing common pedagogical objectives concerning minority languages that all schools concerned should commit themselves to follow in order to facilitate comparative analyses and enable better assessments of the progress achieved. Finally, the rigid budgetary ceiling for educational projects provided by article 5 of Law 481/99 is also deemed to constitute an unfortunate future impediment in the development of minority language teaching given the increasing number of schools taking part in this process (see related comments under article 5 above).

124. As far as the Slovene minority is concerned, article 12 of Law 38/01 provides for various measures intended to strengthen Slovenian teaching mainly in the schools of the Udine province. Regrettably, apart from the recognition of the private bilingual school of San Pietro al Natisone, the implementation of this provision has been extremely limited. Important improvements, such as the creation of further bilingual schools/sections in the province of Udine and the introduction of optional courses of Slovenian in secondary schools of the provinces of Trieste, Gorizia and Udine with a lower minimum number of students, are still being delayed by the dispute over the list of communes (see related comments under article 3 above).

#### *Recommendations*

125. Italy should consider strengthening the obligation for the schools concerned to introduce the teaching of minority languages and cultures as well as the instruction in minority languages at pre-school, elementary and lower secondary levels so as to avoid in the future diverging interpretations of the relevant legal provisions. At the same time, efforts should be made to develop common pedagogical objectives concerning minority languages and to ensure sustainability of the projects launched in this field.

126. Steps should be taken to strengthen Slovenian teaching especially in the province of Udine without undue delay, as provided for by Law 38/01.

### **ARTICLE 15 OF THE FRAMEWORK CONVENTION**

#### **Participation of the historical linguistic minorities at national level**

##### *Findings of the first cycle*

127. In its first Opinion, the Advisory Committee welcomed the inclusion of minority representatives in the Technical Committee established to assist in the implementation of Law 482/99 and expressed the hope that the creation of a proper consultative committee for minorities would be considered in order to institutionalise dialogue between the Government and the representatives of minorities.

a) Positive developments

128. After an initial period of stagnation, the implementation process of Law 482/99 has been accelerated in the last couple of years and the aforementioned Technical Committee, which must be consulted at least twice a year by the Minister for Regional Affairs according to article 12 of implementing decree N° 345 of 2 May 2001, has played a decisive role in setting priorities and preparing decisions.

129. A new technical commission has recently been established with the Ministry of Education, the main task of which is to find an agreement on the technical criteria to be fulfilled by those educational projects eligible for funding under Law 482/99. The Advisory Committee is pleased to note that representatives of the historical linguistic minorities - through the CONFEMILI - actively participate on a regular basis in the work of this commission, whose decisions are mostly taken by consensus in a very constructive way.

b) Outstanding issues

130. The Advisory Committee notes that the presence of representatives of the historical linguistic minorities is rather limited in the Technical Committee, which is not construed as a joint committee. The viewpoint of the minorities can, therefore, easily be overlooked including on crucial matters, even when their representatives stand unanimously behind it. There might, therefore, be a need to revisit the composition of the Technical Committee and/or develop other consultative mechanisms as inclusive as possible in their membership.

*Recommendations*

131. Italy should consider strengthening the participation of minority representatives in the Technical Committee assisting in the implementation of Law 482/99. Consideration should also be given to developing other specific consultative mechanisms to institutionalise minority participation.

**Participation at regional level**

*Findings of the first cycle*

132. In its first Opinion, the Advisory Committee welcomed the recent creation, under article 3 of Law 38/01, of a Joint Institutional Committee to deal with the problems of the Slovene minority and invited the authorities to consult it on all issues of importance to this minority.

a) Positive developments

133. Some positive initiatives intended to reinforce minority participation at regional level have been taken or are being discussed. This is notably the case in Friuli-Venezia Giulia, where a new provision providing for one guaranteed seat at the regional Council in favour of the Slovenian minority is likely to be introduced in the draft constitutional Statute to be considered by the Italian Parliament.

134. A regional agency for the Friulan language was created by a decision taken by the Government of Friuli-Venezia Giulia in August 2004. This new body, which includes a scientific technical committee made up of experts in the Friulan language and culture, has been given extensive operational powers and should be instrumental in promoting and co-ordinating relevant policies and projects, including in the field of education.

b) Outstanding issues

135. The functioning of the Joint Institutional Committee under Law 38/01 has proven to be very difficult in practice (see related comments under article 3 above). The Advisory Committee is aware that part of these difficulties stem from the parity requirement, upon which the Slovenians themselves strongly insisted. The excessive politicisation of the nomination procedure of several members of the Joint Institutional Committee also partly explains the lack of progress made in its decision-making so far. That being said, there seems to be scope for improving the functioning of this body in the future without necessarily altering the principle of parity.

136. Article 21 of Law 38/01 contains another useful mechanism of participation since it requires an adequate representation of the Slovene minority in the bodies drawing up socio-economic and environmental plans so as to safeguard the historic and cultural interests of this minority. Pending formal approval of the list of communes with a traditional presence of Slovenians, this provision has, however, not been implemented to date.

*Recommendations*

137. Consideration should be given to improving the functioning of the Joint Institutional Committee established under Law 38/01. The implementation of the mechanisms for socio-economic participation provided for under article 21 of Law 38/01 should be pursued as a matter of priority.

**Minority representation in the civil service**

*Findings of the first cycle*

138. In its first Opinion, the Advisory Committee noted that in the Bolzano province, the system of allocating posts strictly according to the size of the Italian-speaking, German-speaking and Ladin communities, had helped to make minority participation more effective since each group's representation in the civil service now approximates to its demographic profile. Given that other minorities outside the province of Bolzano do not benefit from special arrangements for access to public sector posts and that shortcomings have been reported in this field, the Advisory Committee encouraged the authorities to carry out a review of the situation and, where appropriate, adopt the necessary measures to promote a fair representation of the minorities in the civil service.

Outstanding issues

139. Although article 9 of Law 482/99 seems to have been widely used to develop language training courses for civil servants dealing with requests in minority languages (see related comments under article 10, above), the Advisory Committee is not aware of any specific action undertaken in this field by the authorities since the first monitoring cycle.

*Recommendations*

140. The Advisory Committee echoes its conclusions of the first monitoring cycle that the authorities could carry out a review of the situation in this field, and take special measures to increase the number of persons belonging to minorities in the civil service, should the result prove to be unsatisfactory.

**Participation of the Roma, Sinti and Travellers**

*Findings of the first cycle*

141. In its first Opinion, the Advisory Committee expressed deep concern at the obstacles hampering the effective participation of Roma, Sinti and Travellers and called for the creation of a suitable structure through which these persons could be regularly consulted in matters affecting them.

Outstanding issues

142. In contrast to the recognised historical linguistic minorities, no tangible progress has been recorded in the situation of the Roma, Sinti and Travellers in terms of participation. This is largely due to their exclusion from the scope of Law 482/99 and the absence of specific legal provisions protecting their identity and their culture at the state level. The lack of a comprehensive national strategy to improve their socio-economic situation further complicates efforts to improve the situation in this field. Indeed, sporadic involvement of Roma, Sinti and Travellers in local projects supported by certain municipalities is not sufficient to guarantee the effective participation of this minority in public affairs for the purposes of article 15 of the Framework Convention.

143. In the light of the scale of the problems faced by the Roma, Sinti and Travellers, there is an increasingly urgent need to set up a consultation structure for these persons. In this context, the idea put forward by the Ministry of Interior to look into the possibility of extending the scope and composition of the Technical Committee under Law 482/99 meets with interest and deserves to be examined further (see related comments under article 3 above).

*Recommendations*

144. The Advisory Committee echoes its conclusions of the first monitoring cycle that the authorities should consider the creation of a suitable structure through which the Roma, Sinti and Travellers can be regularly consulted in matters affecting them.

The creation of such a body, which needs to be considered as a matter of priority, would be particularly valuable to assist in the development of a strategy of integration (see related comments under article 4, above).

### **III. CONCLUDING REMARKS**

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

#### **Positive developments**

146. Italy has taken a number of steps to improve the implementation of the Framework Convention following the adoption of the first Opinion of the Advisory Committee in September 2001 and the Committee of Ministers' Resolution in July 2002. This process has included valuable efforts to implement the coherent legislative framework designed to secure general protection of the historical linguistic minorities (Law 482/99). Moreover, a number of commendable measures aimed at promoting the language and culture of minorities have continued to be taken at the regional level.

147. There has been a welcome development of educational projects promoting minority languages and cultures funded by the state budget. Similarly, a range of laudable initiatives have been taken at the municipal level to encourage the use and reinforce the visibility of minority languages in their respective territorial areas of protection. These achievements have to a large extent benefited minorities living outside regions enjoying special autonomy. The national legislative framework has therefore proven instrumental in reducing the sometimes significant differences in the level of protection available to various minorities.

148. The participation of representatives of historical linguistic minorities covered by Law 482/99 in public affairs has improved in recent years both at the national and regional levels through their inclusion in various bodies, especially those established to assist in the implementation of relevant legislation.

#### **Issues of concern**

149. There remain shortcomings in the implementation of the legal framework protecting minorities. For example, the implementation of the specific legislation protecting the Slovene minority in the region Friuli-Venezia Giulia has not really started four years after its adoption due to the persisting political, legal and technical disputes over the demarcation of the Law's territorial scope of application.

150. Efforts to tackle discrimination and negative stereotypes in the media must be stepped up as these problems continue to affect vulnerable minority groups.

151. Participation of representatives of minorities could be strengthened through the setting up of a specific structure to institutionalise dialogue with the authorities.

152. While there exist a commendable number of radio and television programmes in minority languages spoken in regions enjoying special autonomy, there remains a need to develop programmes in other minority languages like in Friulan. Legal obligations in this field, which derive from the national legislative framework on minorities, have not been implemented to date. The reception of existing programmes

remains impossible in certain provinces with a traditional presence of minorities, such as the Slovenians and the Ladins.

153. The lack of tangible progress in the integration of the Roma, Sinti and Travellers, the widespread discrimination they face and the deplorable living conditions prevailing in the camps, where they continue to be placed, is a source of deep concern. A comprehensive strategy of integration at national level remains to be developed in consultation with those concerned. The lack of legal protection at the state level for the Roma, Sinti and Travellers needs to be addressed by the authorities so as to enable these persons to better preserve and further develop their identity and culture.

### **Recommendations**

154. In addition to the measures to be taken to implement the detailed recommendations contained in Section 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:

- Address the remaining shortcomings in the implementation of Law 482/99 on the protection of historical linguistic minorities, including through increasing the volume of minority language television and radio broadcasts and providing stronger support for educational projects both in terms of resources and sustainability.
- Increase awareness-raising measures to encourage the municipalities and schools concerned to make better and more frequent use of the possibilities offered by Law 482/99 on the protection of historical linguistic minorities in the field of education and public use of minority languages.
- Implement as a matter of priority the provisions of Law 38/01 on the Slovene minority which are not strictly linked to the approval of the territorial areas of protection and facilitate the implementations of the Law in those municipalities whose inclusion in the territorial area of protection raises no objection.
- Consolidate the participation of minority representatives in existing bodies assisting in the implementation of the legal framework on minorities and/or consider the development of a specific structure to institutionalise minority participation.
- Consider the reinforcement of procedural guarantees and legal remedies so as to make existing legal provisions against discrimination more effective and thereby ensure equality before the law and equal protection of the law for persons belonging to minorities.
- Step up efforts at the state level to ensure legal protection of the Roma, Sinti and Travellers and enable them to preserve and develop their identity.
- Intensify existing measures to enable Roma, Sinti and Travellers to enjoy adequate living conditions and design, in consultation with those concerned, a comprehensive strategy of integration at national level focusing on access to housing, employment, education and health care.