




# FIFTH OPINION ON ITALY

Advisory Committee  
on the Framework  
Convention for  
the Protection of  
National Minorities  
(ACFC)



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## SUMMARY OF THE FINDINGS

### Scope of application, legal and institutional framework

1. Italy continues to apply the provisions of the Framework Convention for the Protection of National Minorities to twelve officially recognised “historical linguistic minorities”. Within the decentralised structure of the Italian Republic minority rights are protected and implemented in a very asymmetric way within the national territory and not all minorities have benefited on an equal basis from the rights laid down in the Framework Convention. The protection of rights guaranteed under the State Law No. 482/1999 on Protection of Historic Linguistic Minorities is further strengthened in a number of regions such as Aosta Valley, Friuli-Venezia Giulia and Trentino-South Tyrol, by the statutes of autonomy and other national and regional legislation.

2. The authorities pursue their pragmatic, open and inclusive approach to the scope of application of the Framework Convention by applying it on an article-by-article basis to Roma, Sinti and Caminanti. Despite several parliamentary initiatives, no specific national legislative framework for the protection of Roma, Sinti and Caminanti has been adopted. The authorities’ efforts and national and EU investments under the National Roma, Sinti and Caminanti Inclusion Strategy 2012-2020 did not always concretise in major improvements in the living conditions, social inclusion and access to rights and services of these communities. Consultation with Roma and Sinti representatives and associations has, however, improved; they contributed to the assessment of the 2012-2020 Strategy and in the design of a new one. No improvements were made as regards the competences and the lack of independence of the National Office Against Racism (UNAR).

### Promotion of minority cultures and languages

3. Financial support has been further provided at various levels for the preservation and development of minority cultures and languages. However, the secondary legislation implementing Law No. 482/1999 does not meet all expectations and its full potential due to its administrative burdens. Annual grants are disbursed sometimes with delay which makes it impossible in practice for minority organisations to plan and implement agreed activities. Gaps in funding for linguistic helpdesks have been observed. Inconsistent practices regarding the use of budget earmarked for linguistic minorities has also been noted. The ratification process of the European Charter for Regional or Minority Languages has still not been completed.

### Intercultural dialogue, fight against hate crime and hate speech

4. A general climate of openness and mutual respect prevails in Italian society towards persons belonging to recognised, long-established linguistic minorities. Nevertheless, more could be achieved to increase knowledge among the broader population and pupils about the respective culture, language, history and other features of linguistic minorities, Roma and Sinti communities and religious groups.

5. Racist manifestations and anti-minority or anti-migrant rhetoric, particularly numerous in the political sphere and in the media in 2018-2019, are still of major concern on social media and require more systematic public condemnation, investigation and prosecution. Over recent years, an increased focus on combating antisemitism and anti-Muslim hatred in society has been noted, including at parliamentary level. There is, however, a need to increase awareness about and trust in institutions addressing racially motivated offences so as to address under-reporting of hate crimes and hate speech among those groups. Furthermore, the level of antigypsyism in society persists at all levels and is insufficiently addressed. The negative portrayal of Roma and Sinti remains widespread in the general perception in Italy, including on social media.

### Broadcast and printed minority media

6. Radiotelevisione Italiana (RAI) continues to apply a differentiated approach when providing broadcasting in minority languages. Some minorities, mainly in autonomous regions, benefit from ensured broadcasting hours in their languages, while numerous smaller minorities, *de facto* have no broadcasting provided for them. Increased broadcasting hours are needed for most minorities and envisaged digital solutions need to be carefully designed and monitored in close consultation with minorities concerned. Ensuring minority language programmes which are tailored to minorities respective needs and accurately reflect the diversity of Italian society is of crucial importance. Printed press regulations underwent two reforms during this monitoring cycle, enshrining a targeted support for linguistic minorities’ newspapers. Despite this positive development, the situation of minorities’ newspapers remains worrisome since governmental funding cuts are foreseen.

### Intercultural education and access to education, also during the Covid-19 pandemic

7. Italy’s education system relies on a high degree of autonomy in the choice of curricula and textbooks, although National Indications are provided by the Ministry of Education. Great emphasis is put on the teacher’s goodwill and knowledge about minorities’ cultures, history and traditions to ensure pupils and students’ access to adequate information on the diverse composition of society. In this context, further efforts should be made to raise awareness of the cultural, linguistic and historical diversity of the Italian society, in consultation with representatives of linguistic minorities and Roma and Sinti communities.

8. Measures have been taken and funding allocated by the authorities to counter the negative impact of the Covid-19 pandemic on schooling. A thorough analysis concerning the possible disproportionate impact of school closures or online education on children from linguistic minorities, including numerically smaller ones, and Roma and Sinti communities, is crucial. Initiatives have been taken by some municipalities to tackle the impact of early marriages on schooling. More research, involving members of Roma and Sinti communities, is needed about the root causes of absenteeism and school dropouts of children between primary and secondary education and the possible role early marriages play in this, which could lead to guidelines for

local and regional authorities on how to address the sensitive problems in the most effective way.

### **Teaching in and of minority languages, educational materials and teacher certification**

9. Teaching in and of minority languages remains asymmetric throughout Italy with, on the one hand, strong regulations and specific provisions in autonomous provinces and regions and, on the other hand, support for minority language education provided via project based. Due to the territoriality of applicable legislation, and thus funding, numerically smaller minorities face great difficulties in having access to education in their own language, notably in case of school closure in their traditional area of settlement. Efforts should be made to ensure continuous access, in rural or mountainous areas, to teaching in minority languages. Additionally, the lack of trained and certified teachers in and of minority languages has a negative impact on the availability of minority language education. Further support for universities or language centres providing teacher training courses and minority language certification is needed and incentives for the recruitment of minority language teachers should be provided. The newly established “Network of Schools with Minority language”, is a welcomed development to allow exchange of good practices, teacher training and minority language educational material, worth further supporting.

### **Participation in public affairs and socio-economic life**

10. Consultative mechanisms with linguistic minorities are well established at national level, but only to some extent at regional and provincial levels. The setting up of National Roma, Sinti and Caminanti Platform and Forum has considerably improved communication inside the communities and with institutional partners. Representatives of linguistic minorities regret their limited influence in decision-making or legislation review.

11. The rate of unemployment in regions and areas traditionally inhabited by numerically smaller linguistic minorities remains high. Despite the existence of a National Strategy for Inland Areas, economic rehabilitation programmes and regional development initiatives, notably on the transition to a sustainable green economy, targeting economically depressed regions inhabited by minorities, needs to be more strongly promoted. Minority representatives are not sufficiently consulted on legislation and strategies concerning the economic development of islands, mountainous or rural areas.

12. Despite some improvements in the field of housing, in particular in the north of Italy, notably the fact that the number of Roma and Sinti living in so-called “camps” has halved since 2015 due to increasing offer in rehousing solutions, their living conditions remain an issue of concern and has negative consequences on their right to education, access to healthcare, labour and other services. Forced evictions of Roma and Sinti families remains a practice, and even occurred on some occasions during the Covid-19 pandemic. Further research is needed on the disproportionate impact the pandemic had on Roma and Sinti communities, especially those living in “unauthorised” settlements, as well as on their access to employment.



## RECOMMENDATIONS

13. The Advisory Committee considers that the present concluding remarks and recommendations could serve as the basis for the resolution to be adopted by the Committee of Ministers with respect to the implementation of the Framework Convention by Italy.

14. The authorities are invited to take account of the detailed observations and recommendations contained in the present opinion of the Advisory Committee. In particular, they should take the following measures to improve the implementation of the Framework Convention further:

### Recommendations for immediate action

15. The Advisory Committee urges the authorities to take all necessary steps to elaborate and adopt at national level a specific legislative framework for the protection of Roma, Sinti and Caminanti and the advancement of their socio-economic status, in consultation with representatives of these communities at all stages of the process. In this respect, the authorities should ensure that the right to free self-identification of Roma, Sinti and Caminanti is respected.

16. The Advisory Committee urges the authorities to improve the efficiency of the mechanism for the support to minority languages and cultures by *inter alia* adapting the secondary legislation implementing the Law No. 482/1999 to linguistic minorities' priorities, including those of numerically smaller ones, and simplifying grant procedures to access funding and making funding more sustainable. Furthermore, the authorities should make sure that failures of municipal and regional authorities to process grant allocation demands in a timely manner do not result in the disadvantage of the applicants.

17. The Advisory Committee urges the authorities to increase access for persons belonging to linguistic minorities, in particular numerically smaller ones, to radio and television programmes in their respective minority language, including news programmes; and to ensure that digital solutions, as well as future RAI Service Contracts, are developed in close consultation with minority representatives. The authorities should also ensure the effective representation of persons belonging to linguistic minorities in any media monitoring mechanisms, including on the "Steering and Monitoring Committee".

18. The Advisory Committee urges the authorities to ensure appropriate provision of qualified teachers of minority languages and/or teachers capable of teaching other subjects in minority languages, and to increase support for the training and recruitment of minority language teachers, whilst paying special attention to the needs of numerically smaller minorities.

### Further recommendations

19. The Advisory Committee calls on the authorities to take all the necessary steps to address the *de facto* statelessness situation or risk of statelessness of persons belonging to the Roma community.

20. The Advisory Committee reiterates its call on the authorities to review the mandate of the National Office against Racism (UNAR), with a view to strengthening its competences and independence.

21. The Advisory Committee calls on the authorities to condemn promptly and publicly instances of hate crimes, as well as hate speech relating to minorities, migrants or refugees in the political discourse, media and on social media.

22. The Advisory Committee calls on the authorities to adopt legislative and more targeted measures, including awareness-raising campaigns, to prevent, counteract and effectively sanction the persisting antigypsyism in society, with a particular focus on social media. Furthermore, the authorities should carefully monitor terminology used to refer to Roma and Sinti or their place of residence and ensure that derogatory, stigmatising and inappropriate language is no longer used in practice.

23. The Advisory Committee calls on the authorities to take adequate steps to ensure that linguistic helpdesks are opened in all relevant municipalities and that they are equipped with adequate and sustainable human and financial resources. The authorities should also raise awareness among persons belonging to national minorities about services provided by linguistic helpdesks.

24. The Advisory Committee reiterates its call on the authorities to ensure, when implementing the digitalisation strategy, that persons belonging to the Slovene minority are able to obtain identity and administrative documents spelling their surnames and first names correctly.

25. The Advisory Committee calls on the authorities to continue to raise awareness within the education system about linguistic minorities', Roma and Sinti's and religious groups' respective cultures and traditions, historical presence and contribution to the Italian society, using any relevant means and in close consultation with all relevant stakeholders.

26. The Advisory Committee reiterates its call on the authorities to provide adequate funding for minority language education to ensure continuity in teaching in and of minority languages when pupils or students of linguistic minorities, including numerically smaller ones, study in schools outside of the areas of traditional settlement and to review the framework for teaching in and of minority languages in close consultation with minority representatives to better answer their respective educational needs. Furthermore, the authorities should provide earmarked funding for cultural and language centres or associations, and universities to support the production of textbooks and educational materials in minority languages.

27. The Advisory Committee calls on the authorities to carefully analyse the socio-economic participation of persons belonging to linguistic minorities living on islands, in rural or mountainous areas, and to tackle any problems identified through investing in infrastructure and employment opportunities and targeted support for women and youth. Efforts should be made to remove barriers in accessing sexual and reproductive healthcare services for women belonging to national minorities.

28. The Advisory Committee calls on the authorities to increase their efforts in promoting sustainable employment opportunities and employability of persons belonging to Roma and Sinti communities, with a focus on women and youth, including in the public sector, to support social co-operatives and to review the Law No. 337/1968 on equestrian circuses and traveling entertainment so as to take into consideration the specific needs and cultural and economic interests of persons belonging to these communities. Furthermore, the authorities should further invest in improving the living conditions for persons belonging to the Roma and Sinti communities living in 'authorised' and 'unauthorised' settlements, and to ensure that sustainable alternative solutions to forced evictions are proposed, in consultation with those concerned.

### **Follow-up to these recommendations**

29. The Advisory Committee encourages the authorities to organise a follow-up event after the publication of this fifth cycle Opinion. It considers that follow-up dialogue to review the observations and recommendations made in this Opinion would be beneficial. Furthermore, the Advisory Committee stands ready to support the authorities in identifying the most efficient ways of implementing the recommendations contained in the present Opinion.

## MONITORING PROCEDURE

### Follow-up activities related to the recommendations of the Fourth Opinion of the Advisory Committee

30. The Advisory Committee was informed that the Fourth Opinion of the Advisory Committee,<sup>1</sup> and the Fourth Resolution of the Committee of Ministers on the implementation of the Framework Convention by Italy<sup>2</sup> were discussed at meetings of the Technical Advisory Committee for the Protection of Historical Linguistic Minorities composed of states institutions and members of CONFEMILI, the umbrella organisation representing the interest of officially recognised minorities. The Fourth Opinion and its relevant findings and recommendations were also discussed with Roma and Sinti representatives at a meeting of the National Roma, Sinti and Caminanti Platform during meetings organised by the National Office Against Racism (UNAR).

31. The Advisory Committee was also informed by the authorities that its opinions and the resolutions adopted by the Committee of Ministers on the implementation of the Framework Convention by Italy are made available on the website of the Ministry of the Interior, in the section dedicated to the Central Directorate for civil rights, citizenship and minorities, Area IV – Historical and New Minorities.<sup>3</sup> However, the Advisory Committee has not been in a position to find this information on the indicated website. To its knowledge, no previous Advisory Committee's opinions and relevant Committee of Ministers' resolutions have been made public in Italian or in minority languages on national and regional institutional websites.

### Preparation of the state report for the fifth cycle

32. The fifth state report, received on 8 April 2019, includes data provided by relevant ministries, public services and entities. In its letter to States Parties dated 5 July 2018 announcing the fifth monitoring cycle, the Advisory Committee asked member states to pay particular attention to gender equality in their reporting. The Advisory Committee regrets that the authorities made limited reference to gender-related aspects in the state report and did not provide any details regarding activities targeted at women and girls belonging to national minorities or to Roma and Sinti communities.

### Country visit and adoption of the Fifth Opinion

33. This fifth-cycle Opinion on the implementation of the Framework Convention by Italy was adopted in accordance with Article 26(1) of the Framework Convention and Rule 25 of Resolution (2019)49 of the Committee of Ministers.<sup>4</sup> The findings are based on information contained in the fifth state report, other written sources, including alternative reports, as well as information directly obtained by the Advisory Committee from governmental and non-governmental sources during its visit to Turin (Piedmont), Naples (Campania), Montemitro (Molise), and Rome (Lazio) from 15 to 19 November 2021. Furthermore, the Advisory Committee organised several videoconferences, including with interlocutors from Sardinia. The Advisory Committee expresses its gratitude to the authorities for their co-operation before, during and after the visit and to the other persons it met during the visit for their valuable contributions. The draft opinion as approved by the Advisory Committee on 19 May 2022 was transmitted to the Italian authorities on 23 May 2022 for observations, according to Rule 37 of Resolution (2019)49. The Advisory Committee welcomes the observations received from the authorities on 25 July 2022 and further clarifications on these observations provided on 14 September 2022.

\* \* \*

34. A number of the articles in the Framework Convention are not covered in the present Opinion. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of these articles does not give rise to any specific observations. This statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be reduced or even halted. Rather, the Advisory Committee considers that the obligations of the Framework Convention require a sustained effort by the authorities. Furthermore, a state of affairs which may be considered acceptable at this stage may not necessarily be so in further monitoring cycles. Finally, it may be that issues which appear at this stage to be of relatively minor concern prove over time to have been underestimated.

<sup>1</sup> See the Advisory Committee's [Fourth Opinion](#) on Italy, adopted on 19 November 2015 and published on 12 July 2016.

<sup>2</sup> See [Resolution CM/ResCMN\(2017\)4](#) on the implementation of the Framework Convention for the Protection of National Minorities by Italy, adopted on 5 July 2017 at the 1291<sup>st</sup> meeting of the Committee of Ministers' Deputies.

<sup>3</sup> See the indicated website [Minoranze | Ministero dell'Interno](#) in the [fifth state report](#), page 8.

<sup>4</sup> The submission of the state report, which was due on 1 March 2019, was regulated by Resolution (97)10. However, the adoption of this opinion was regulated by [CM/Res\(2019\)49](#) on the revised monitoring arrangements under Articles 24 to 26 of the Framework Convention for the Protection of National Minorities, as adopted by the Committee of Ministers on 11 December 2019.



## ARTICLE-BY-ARTICLE FINDINGS

**Personal scope of application (Article 3)**

35. Italy continues to apply the provisions of the Framework Convention to the twelve officially recognised national minorities who are referred to as “linguistic minorities” in the Constitution and as “historical linguistic minorities” in Law No. 482/1999<sup>5</sup> which sets criteria for delimiting the territorial scope of its application.<sup>6</sup> Additionally, Law No. 38/2001 of 23 February 2001 protects the Slovene linguistic minority in the autonomous region of Friuli-Venezia Giulia, in the three provinces of Trieste, Udine and Gorizia and special statutes concern the German-, French- and Slovene- speakers in three autonomous regions, respectively Trentino-South Tyrol, Aosta Valley and Friuli-Venezia Giulia.

36. During this monitoring cycle, the number of municipalities where provisions of Law No. 482/1999 apply has been further extended.<sup>7</sup> According to the latest information provided by the authorities, this list now contains 1,033 municipalities (13% of the total number of Italian municipalities).<sup>8</sup> Three new municipalities should be soon added to the list for the Piedmont region which concerns Brossasco for the Occitan linguistic minority and Giaglione and Novalesa for the French linguistic minority.

37. Few legal developments have taken place over the last monitoring cycle. One exception is Legislative Decree No. 16 of 13 January 2016,<sup>9</sup> the Regional Council of Sardinia adopted Regional Law No. °22 of 3 July 2018 which defines the competences of the Region in matters of language policy, in particular the promotion and enhancement of the Sardinian language, of the Catalan of Alghero and of Sassarian, Gallurian and Tabarquin.<sup>10</sup> In addition, Regional Law No. 26 of 21 December 2021 on the Protection and Enhancement of the Regional Linguistic Heritage of Abruzzo was adopted. This law further protects the dialects of Abruzzo in their oral, literacy, folk and educated forms, as well as applies to localities with Albanian (Arbëreshe) and Romani (Romanes)-speaking communities.

38. The Advisory Committee reiterates that the Framework Convention was conceived as a flexible instrument to be applicable in diverse social, cultural and economic contexts, and in evolving situations; it is therefore

adapted to the complex linguistic situation in Italy which calls for an open and flexible approach to the scope of application of the Framework Convention. Similarly, as regards persons belonging to linguistic minorities living outside regions of traditional settlement, arrangements may be needed to allow for effective enjoyment of some rights, based on an article-by-article approach.

39. The Advisory Committee welcomes the fact that the process of identification and delimitation of the territorial scope of application of Laws Nos. °482/1999 and 38/2001 has, for the most part, been completed by the state and regional authorities concerned. It also welcomes the adoption of Sardinian Regional Law No. 22/2018.

40. The Advisory Committee welcomes the progress made in identifying the municipalities where Law No. 482/1999 for the protection of linguistic minorities applies and invites the authorities to maintain their flexible approach taking into account the principle of free self-identification enshrined in Article 3 of the Framework Convention.

**Status of Roma, Sinti and Caminanti (Article 3)**

41. The authorities continue to apply the Framework Convention to Roma, Sinti and Caminanti<sup>11</sup> on an-article-by-article basis. However, there have been no developments concerning the Advisory Committee’s longstanding recommendation for immediate action<sup>12</sup> to adopt a specific legislative framework at national level for the protection of Roma, Sinti and Caminanti. During the visit, representatives of Roma and Sinti expressed deep regrets about the continuous lack of political will to officially grant their communities the status of a minority. They highlighted that such a recognition would not just be a symbolic nature, but a recognition of their identity and historical presence in Italy. Roma and Sinti representatives also consider that a specific legislative framework should be elaborated for them since Law No. 482/1999 designed for linguistic minorities is not adapted to cover socio-economic and discrimination aspects which are of concern to their communities.

42. Approximately 60% of Roma, Sinti and Caminanti have Italian citizenship, whilst the rest are for most part Roma who came to Italy in the 1990s as war refugees from

<sup>5</sup> Italy protects the language and culture of the Albanian, Catalan, Germanic, Greek, Slovene and Croat populations and of those speaking French, Franco-Provençal, Friulian, Ladin, Occitan and Sardinian”. In the present Opinion, the term ‘linguistic minorities’ has been used to refer to these recognised minorities. It should be, however, understood as ‘national minorities’ in the meaning of the Framework Convention.

<sup>6</sup> See [Articles 2 and 3 of the Law No. 482/1999](#) (in Italian) for more details.

<sup>7</sup> To Tavenna for Croat (Molise region), to Lusernetta and Salbertrand for French and to Caprie for Franco-Provençal (Piedmont region), and to Bardonecchia, Chiomonte, Exilles and Pinerolo for French (Metropolitan City of Turin).

<sup>8</sup> See page 3 of the [Comments](#) of the Italian Government on the [Fourth Opinion](#) of the Advisory Committee on Italy. During the same period, the number of municipalities delimited for the German language has decreased by one following a merge of the municipalities of Roma San Giuseppe and Rimasco, and by two for the Sardinian language following a correction to this list made by ISTAT.

<sup>9</sup> [Decree No. 16 of 13 January 2016](#) “Implementing rules of the Special Statute of the Region of Sardinia for the transfer of functions concerning the safeguarding of the language and culture of historical linguistic minorities in the Region” (in Italian), voted by the Parliament.

<sup>10</sup> See Article 2 of [Regional Law No. °22 of 3 July 2018](#) (in Italian). Sassarian, Gallurian and Tabarquin are dialects of Sardinian spoken in northern and southern Sardinia. See this [map](#) for their territorial distribution.

<sup>11</sup> Estimates vary, but most sources concur that there are between 110,000 and 170,000 Roma, Sinti and Caminanti present in Italy. This Opinion follows the authorities’ practice to write ‘Caminanti’ – Italian Travellers – with one “m” (as the case in Sicilian) and not ‘Camminanti’ as in Italian.

<sup>12</sup> See the Advisory Committee’s [Fourth Opinion](#) on Italy, para. 26. See also its [Third Opinion](#), para. 48.

the former Yugoslavia, or EU citizens, in particular from Romania and Bulgaria. Some progress was made as regards the situation of *de facto* stateless Roma persons.<sup>13</sup> However, interlocutors of the Advisory Committee pointed that this is not due to political will to solve this issue, but rather the result of legal proceedings. Furthermore, despite the fact that Article 1, para. 1 of the Law on Nationality No. 91 of 5 February 1992 establishes that whoever is born within Italy's territory shall acquire Italian citizenship by birth if both parents are stateless, the Ministry of the Interior published circulars to limit this interpretation to *de jure* stateless persons which in practice excludes most of the *de facto* stateless Roma. In 2019, the Court of Cassation ruled that Article 31 of the 1954 United Nations Convention relating to the Status of Stateless Persons should also apply to people at risk of statelessness and/or pending the statelessness determination procedure, when the statelessness situation of the person emerges clearly from the information or documentation of the competent Italian public authorities, of the state of origin or of the state with which it is established the person has a significant link.<sup>14</sup>

43. The Advisory Committee reiterates its view that the application of the provisions of the Framework Convention to a group of persons does not necessarily require their formal recognition as a national minority or the existence of a specific legal status as a group.<sup>15</sup> The Advisory Committee has also repeatedly underlined that the length of residency in the country should not be considered a determining factor for the applicability of the Framework Convention as a whole.<sup>16</sup>

44. While welcoming the authorities' pragmatic, open and inclusive approach to the scope of application of the Framework Convention and its application on an article-by-article basis to Roma, Sinti and Caminanti, the Advisory Committee also considers that, given the deep-rooted prejudice and discrimination against Roma, Sinti and Caminanti in all areas of life (see Articles 4 and 15 below), the adoption of specific and comprehensive legislation to protect persons belonging to these communities should be a matter of priority and would be in fact beneficial to all concerned, including the authorities, to whom it would provide a coherent legal basis for dedicated policy measures and a clear division of responsibilities.<sup>17</sup> Whilst noting some positive developments at regional level (see Article 4 below), the Advisory Committee notes with deep regret that all legislative initiatives in the Parliament to adopt a specific national legislative framework for the protection of Roma, Sinti and Caminanti have so far not borne results.<sup>18</sup>

45. The Advisory Committee is of the view that political decisions aimed at preventing *de facto* statelessness should

be adopted by the authorities to guarantee the effective application of the legal provisions regulating the acquisition of Italian citizenship at birth to otherwise stateless children, including to a child born from *de facto* stateless parents. In this context, the Advisory Committee finds encouraging several planned initiatives to solve recurring cases of statelessness.<sup>19</sup>

46. The Advisory Committee urges the authorities to take all necessary steps to elaborate and adopt at national level a specific legislative framework for the protection of Roma, Sinti and Caminanti and the advancement of their socio-economic status, in consultation with representatives of these communities at all stages of the process. In this respect, the authorities should ensure that the right to free self-identification of Roma, Sinti and Caminanti is respected.

47. The Advisory Committee calls on the authorities to take all the necessary steps to address the *de facto* statelessness situation or risk of statelessness of persons belonging to the Roma community.

### Data collection and population census (Article 3)

48. Since 2018, Italy conducts an annual Population and Housing Census involving every year a representative sample of households. The Census does not provide for the collection of data on ethnic, linguistic or religious self-affiliation of the respondent. This is due to the fact that any collection of sensitive data, such as ethnicity or "race" requires the written consent of the person concerned and an authorisation of the independent authority for data protection, the Privacy Authority. Some information is, however, collected in two autonomous provinces: in the autonomous province of Bolzano, respondents are obliged every ten years to provide an anonymous declaration for statistical purposes relating to their affiliation or aggregation to the Italian, German or Ladin linguistic groups;<sup>20</sup> the personalised declaration on linguistic affiliation or aggregation, which is not linked with the decennial statistical data collection, is *de jure* not compulsory but is needed when applying for public positions or financial resources. Both declarations exclude multiple affiliations or the mentioning of languages other than Italian, German or Ladin; in the autonomous province of Trento, an optional question is asked on linguistic affiliation to Mòcheno, Cimbrian or Ladin.<sup>21</sup>

49. In 2018-2019, the Ministry of the Interior together with prefectures and other territorial authorities carried out a nationwide survey focused on linguistic minorities, with a special attention paid to numerically smaller ones. This

<sup>13</sup> According to the UNHCR, since 2016, the number decreased from 15 000 to 3 000, including 2 500 Roma from former Yugoslavia.

<sup>14</sup> European Network on 'Statelessness Index Survey 2019 – Italy' and [Court of Cassation Judgment No. 16489 of 19 June 2019](#) (in Italian).

<sup>15</sup> See [ACFC Thematic Commentary No. 4](#) on the scope of application of the Framework Convention, May 2016, para. 27.

<sup>16</sup> It follows by implication from Articles 10(2), 11(3), and 14(2) of the Framework Convention that the length of residency is of relevance only to those provisions but not to the application of the Framework Convention as a whole ([ACFC Thematic Commentary No. 4](#), para. 31).

<sup>17</sup> As already pointed out by the Advisory Committee in its [Fourth Opinion](#) on Italy, para. 25.

<sup>18</sup> See unsuccessful efforts referred to in the [fifth state report](#), page 8.

<sup>19</sup> According to information sent by UNAR, prior to issuing announcements for access to housing transition projects, the regularisation of the legal situation of individuals concerned by accompanying measures should be carried out. A fact-finding territorial survey to update authorities on recurring situations and procedures will be conducted and the Working Group on 'Definition of Legal Status' will be re-established.

<sup>20</sup> Article 18.1 of Presidential Decree No. 752 of 26 July 1976 was amended according to Legislative Decree No. 150 of 4 October 2021.

<sup>21</sup> Legislative Decree No. 592 of 16 December 1993, article 4.

survey focused specifically on linguistic rights of minorities;<sup>22</sup> however, it did not provide any figures concerning the total number of persons belonging to linguistic minorities in Italy.<sup>23</sup> In addition, the Permanent Institutional Panel on Issues concerning the Slovene Speaking Minority in Italy<sup>24</sup> carries out regular studies to monitor the implementation of Law No. 38/2001.

50. Following an agreement between the Italian National Statistics Agency (ISTAT) and the National Association of Italian Municipalities (ANCI) with the support of the National Office Against Racism (UNAR), a survey on Roma, Sinti and Caminanti communities was carried out experimentally in four municipalities (Naples, Bari, Lamezia Terme and Catania) and published in February 2017.<sup>25</sup> This survey, aimed to better understand Roma, Sinti and Caminanti's access to services, including housing, education, healthcare, and employment. Results identified a lack of uniformity, organisation and systematisation of available data sources and the need to improve data collection on Roma, Sinti and Caminanti in order to produce relevant monitoring indicators for reaching the objectives of the relevant governmental strategies.<sup>26</sup> Two other surveys were carried out in municipalities with over 15 000 inhabitants: a survey entitled 'Roma, Sinti and Caminanti camps in Italy', published in 2017, provided a better picture of various housing situations and conditions on authorised and non-authorised camps, whilst a survey entitled 'Housing in Transition', published in 2021, gathered information on housing transition projects for Roma, Sinti and Caminanti (see also Article 15). Additional sectoral and geographically focused surveys have been requested by UNAR.<sup>27</sup> Despite the above, the actual total number of Roma, Sinti and Caminanti living in Italy is still unknown and their personal legal status lacks research, an issue proposed by some interlocutors for new surveys.

51. The Advisory Committee reiterates that reliable information and knowledge about the ethnic, linguistic and religious composition of the population is an essential condition for implementing effective policies and measures to protect persons belonging to national minorities and for helping to preserve and assert their identity. It notes some commendable developments in recent years as regards the introduction by UNAR and ISTAT of alternative data collection methods, such as the use of proxy data, and can but only encourage the authorities to conduct new surveys with the involvement of municipalities and regions concerned so as to update and complement existing data and assess the effectiveness of past policy measures. Indeed, the Advisory Committee had great difficulties in obtaining data from state authorities on how many Roma have managed to move out from 'authorised' and

'unauthorised' settlements for a durable improvement of their living conditions, or regarding the employment and unemployment situation of Roma and Sinti. Data on Roma pupils have not been collected since the 2016/2017 school year due to the provision of the Privacy Authority.<sup>28</sup> Under these circumstances, it is difficult not only for the Advisory Committee, but also for the authorities and the communities concerned, to assess the real impact of past projects.

52. The Advisory Committee regrets that the population census will not provide any data on ethnic, linguistic or religious self-identification of the respondent and draws attention in this respect to international standards and its own principles.<sup>29</sup> It points out again that past amendments to Presidential Decree No. 52/1976 did not solve the issue of the mandatory anonymous affiliation to one of the three recognised linguistic groups in the autonomous province of Bolzano, and in particular the negative practical consequences (e.g. for job applications, resources allocations) for those who do not provide for a personal declaration of affiliation or who wish to express multiple affiliations. More generally, it considers that questions related to language should not be mandatory. In this respect, it would be advisable for future data collection in the autonomous provinces of Bolzano and Trento to ask optional questions about first language, second language and foreign language. In light of its jurisprudence,<sup>30</sup> it points out again that the closed list and the lack of possibility of declaring multiple affiliations in the context of the anonymous and personalised declarations of affiliation or aggregation to a linguistic group in the autonomous province of Bolzano is problematic. It is also concerned of the negative practical consequences for those who do not [want to] declare such affiliation. In this respect, it would be advisable for future data collection in the autonomous province of Bolzano to find ways to accommodate these concerns.

53. The Advisory Committee encourages the authorities to further collect, in close co-operation with the National Office against Racism (UNAR) and persons belonging to national minorities, reliable disaggregated data about the ethnic composition of the population and to consider introducing optional questions about first language, second language and foreign language in future data collection exercises.

#### **Legal and institutional framework for combating discrimination (Article 4)**

54. There have been no changes in the legal and institutional framework for combating discrimination since the previous monitoring cycle. The majority of judgments in the field of discrimination are still based on the ground of

<sup>22</sup> See a synthesis of the results of this survey by regions in the [fifth state report](#), pages 22-29.

<sup>23</sup> It is estimated that recognised linguistic minorities amount to approximately four million inhabitants (6.7% of the total population of Italy).

<sup>24</sup> Established by the Minister of Interior's Decree of 4 July 2012. Representatives of the Joint Institutional Committee for the Slovene Minority, of the Slovene Cultural Economic Union and of the Confederation of Slovene Minorities take part in Panel meetings as permanent members.

<sup>25</sup> See data published in 2017 on [ISTAT website](#) (in Italian).

<sup>26</sup> This issue was already raised by the Advisory Committee in its [Fourth Opinion](#) on Italy, paras. 27-30.

<sup>27</sup> Such as on Roma, Sinti and Caminanti accommodation modalities, irrespective of their status, in Calabria, Campania, Sicily and Puglia.

<sup>28</sup> See [fifth state report](#), page 46.

<sup>29</sup> See in particular [ACFC Thematic Commentary No. 4](#), para. 9, and [UNECE recommendations of the Conference of European Statisticians Recommendation for the 2020 Censuses of Population and Housing](#), para. 707.

<sup>30</sup> See [ACFC Thematic Commentary No. 4](#), para. 16.



nationality, although the application of anti-discrimination law on other grounds is increasing. Discrimination is still not perceived as a priority and is under-used even in databases that are commonly used by judges and lawyers.<sup>31</sup> There appears to be still limited awareness in society about the anti-discrimination legislative framework, particularly among those groups most exposed to discrimination.

55. UNAR, the Italian Equality Body, continues to deal with grounds of discrimination expressly provided for by law: ethnic origin and “race”.<sup>32</sup> The law provides that UNAR’s remit also covers combating manifestations of “racism of a cultural and religious nature”. UNAR looks into individual complaints alleging discrimination, conducts investigations and determines whether or not discrimination has occurred. In such cases, UNAR contacts the party responsible in writing and asks it to remedy the situation by ceasing the offending action or finding a solution to the discriminatory act. UNAR declared during the visit that its funding and staffing is sufficient to carry out its set tasks, although more independence in the nomination procedure of its own staff would be welcome. Also, its mandate does not enable UNAR to bring legal proceedings in discrimination cases and its intervention is limited to *amicus curiae* briefs. In order to increase the accessibility and impact of measures to combat discrimination at local level, UNAR signed a number of co-operation agreements with local and regional authorities through which municipalities or regions commit to open and finance anti-discrimination territorial centres. These centres were tasked with providing legal advice to potential victims of discrimination, collecting data on discriminatory practices, and organising awareness raising campaigns.<sup>33</sup> UNAR also carried out a project with the National Bar Council, according to which UNAR directly provided €1 000 to the lawyer for each instance of the jurisdiction.

56. Linguistic minorities are not the main subject of discrimination in Italy. Nevertheless, according to some interlocutors, there have been cases where children belonging to the Cimbrian-speaking group have been prevented from speaking their language during non-teaching hours. This type of discrimination remains often unreported despite the fact that ‘language’ is recognised as a ground for discrimination. On their side, Roma and Sinti representatives pointed out that the general non-discrimination legal provisions do not offer them sufficient legal protection since these provisions are not designed to respond to the specific challenges faced by these communities. Although there have been improvements in terms of increasing knowledge about non-discrimination legislation and available legal remedies among persons belonging to Roma and Sinti communities, not all alleged cases of discrimination are reported, and further awareness-raising efforts are needed. Roma and Sinti representatives also reported disproportionate measures during the Covid

19 pandemic such as compulsory quarantine in closed settlements (see Article 15). Roma who have immigrated more recently, particularly from Romania and Bulgaria, are sometimes victims of labour law violations, undeclared work and forced labour, especially in construction and agricultural work.

57. According to interlocutors of the Advisory Committee, legal costs, such as fees and the payment of the lawyers, still function as a barrier for victims of discrimination. The same goes for the length of proceedings,<sup>34</sup> even though a civil action against discrimination is faster than a general civil action. The amount provided by UNAR for anticipating the legal costs of actions brought before the courts is not sufficient to cover the overall legal expenses and fails to attract lawyers engaging in discrimination cases.<sup>35</sup> Furthermore, there is a general lack of monitoring of the implementation of this financial support.

58. Some Roma and Sinti representatives perceive that UNAR lacks independence due to the fact that it operates within the Department for Equal Opportunities of the Presidency of the Council of Ministers and that it would in any circumstances have to implement the governmental decided approach, even if this might contradict the interests of their communities. They consider that Italy lacks an independent institution similar to an ombudsperson that, among other functions, could bring legal proceedings in discrimination cases.

59. Legal clinics set up in Naples and Rome under the JUSTROM programme<sup>36</sup> involving pro-bono lawyers and students of law faculties, offer legal advice to members of the Roma and Sinti communities.<sup>37</sup> The Advisory Committee was made aware of the strong interest in expanding this programme from the Network of Law Professionals (ADMIN) and from the European Law Students Association (ELSA) which could put at disposal 32 units for legal clinics in Italy. It was also informed of UNAR’s intentions to take over this European-funded programme and transform it into a more sustainable state action, and to review its grant project to lawyers so as to address critical remarks made towards that programme.

60. The Advisory Committee underlines the particular importance of awareness-raising among persons belonging to minorities in general, and those groups most exposed to discrimination such as the Roma and Sinti, on the legal remedies available to them in case of alleged discrimination, and of ensuring that they are not discouraged from accessing justice due to a lack of financial means or too lengthy procedures. More generally, the Advisory Committee reiterates that the findings of national and international courts and bodies in relevant discrimination cases should be widely disseminated to ensure that the population at large, particularly the groups most known to be

<sup>31</sup> [2021 Italy Country Report on Non-Discrimination](#), European network of legal experts in gender equality and non-discrimination, page 11.

<sup>32</sup> See [UNAR’s website](#) for further details concerning its mandate and structures.

<sup>33</sup> See [fifth state report](#), para. 36, on the Regional “Antenna” set up by a protocol between UNAR and the Regional Government of Veneto.

<sup>34</sup> In this regard, see the [ECHR and Italy facts and figures](#) about Italy’s excessive length of civil proceedings violating a right to a fair trial.

<sup>35</sup> For information related to barriers faced by litigants seeking redress, see the [2021 Italy Country Report on Non-Discrimination](#), page 49.

<sup>36</sup> Positive feedback was received at the Alpi-Carlo Levi School in Scampia hosting a JUSTROM legal clinic. For more information about this Council of Europe/European Union programme, see [JUSTROM website dedicated page for Italy](#).

<sup>37</sup> One of the most common requests being the solving of their legal status.

regular victims of discrimination, are made aware of their rights.<sup>38</sup>

61. The Advisory Committee observes that, despite its previous recommendation for immediate action to the authorities to review UNAR's competences and increase its independence,<sup>39</sup> UNAR's mandate still does not comply with the Paris Principles<sup>40</sup> and ECRI General Policy Recommendations No. 2 on equality bodies and No. 7 on national legislation to combat racism and racial discrimination.<sup>41</sup> In addition, the Advisory Committee believes that due consideration could also be given by the authorities to the setting-up of an independent human rights institution in conformity with international standards. Such an institution would be in a better position to provide more effective protection in discrimination cases, especially if it could also bring legal proceedings in such cases.

62. In terms of awareness raising on anti-discrimination legislation and legal remedies, the Advisory Committee took note of the positive role played by the JUSTROM legal clinics. The Advisory Committee also welcomes existing legal aid provided by UNAR; it considers, however, that financing should be increased and provided in a timely manner in order to improve the efficiency of the legal aid system.

63. Furthermore, the Advisory Committee observes a lack of a clear policy against discrimination which is reflected in the overall lack of positive action in favour of the groups most exposed to discrimination. Unlike for linguistic minorities, no positive measures exist at national level in relation to the Roma and Sinti communities. Some of UNAR's 'positive measures' appear to be more raising awareness actions<sup>42</sup> and those aimed at enhancing the inclusion of Roma and Sinti are promoted generally through the funding of projects of limited duration. Despite some positive results, they still appear to be very marginal in the context of the overall picture of spatial segregation and discrimination faced by the Roma and Sinti communities.

64. The Advisory Committee reiterates its call on the authorities to review the mandate of the National Office against Racism (UNAR), with a view to strengthening its competences and independence.

65. The Advisory Committee encourages the authorities to pursue efforts to raise awareness about the anti-discrimination legislation and existing legal remedies, in

particular among those groups most exposed to discrimination, and further invest in the legal aid system and improve its efficiency. Furthermore, the authorities should consider setting up an independent institution that could provide efficient legal protection in discrimination cases.

#### **National Roma and Sinti Inclusion Strategy (Article 4)**

66. Italy's 'National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities 2012-2020' went through various national monitoring analyses from both civil society and international organisations.<sup>43</sup> The main positive outcomes that were identified include: an important break with the past in terms of abandoning the concept of 'nomadism' in favour of a broader approach to promoting Roma and Sinti inclusion; a positive shift in the authorities' approach from "emergency measures" towards more medium- and long-term inclusion measures; the programming methodology with an explicit allocation of European funds through dedicated thematic objectives (e.g. increase school enrolment, improve health conditions and social and work participation); an attempt to depoliticise the "Roma issue", although not yet totally achieved (see Article 6); and the direct involvement of community representatives in institutional meetings and monitoring committees through the setting up of the National Roma, Sinti and Caminanti Platform and the Forum of Roma and Sinti Communities (see Article 15).

67. At regional level, some positive legal developments have been underlined. The Emilia-Romagna Region issued Regional Law No. 11/2015 "Standards for the social inclusion of Roma and Sinti", which reiterated the need to remove all obstacles to integration by providing access to rights, services and opportunities in housing, education, work and health, and by promoting autonomy and emancipation. The Calabria Region adopted on 25 November 2019 Regional Law No. 41 on the "Integration and promotion of the Romani minority" amending previous Regional Law No. 19 from 1995. This new law promotes the establishment of a participatory territorial 'Observatory of Roma and Sinti communities', as well as public initiatives to disseminate knowledge about them and recognise the *Porrajmos*<sup>44</sup> Commemoration Day and the International Roma Day.

68. During its visit, the Advisory Committee heard concrete examples of implementation of local inclusion

<sup>38</sup> See for instance [Italy and the European Social Charter factsheet](#) and the [ECHR and Italy facts and figures](#).

<sup>39</sup> See the Advisory Committee's [Fourth Opinion](#) on Italy, para. 35.

<sup>40</sup> See 'The Paris Principles' relating to the Status of National Institutions adopted by [UN General Assembly Resolution 48/134 of 20 December 1993](#).

<sup>41</sup> See [ECRI conclusions on the implementation of the recommendations in respect of Italy subject to interim follow-up](#), adopted on 3 April 2019 and published on 6 June 2019, pages 5-6.

<sup>42</sup> Such as special events promoted during Anti-Racism Week, which is held yearly.

<sup>43</sup> These include reports from the [Roma Civil Monitor](#), [Rom e Sinti](#), CERD, ECRI, and the third European Commission's evaluation report on the National Strategies of the Member Countries published on 7 October 2020. During the first semester of 2020, UNAR signed an agreement with the National Research Council (CNR) with the aim of analysing and evaluating the 2012-2020 Strategy via thematic working groups.

<sup>44</sup> The authorities use '*Porrajmos*', literally meaning "devourment", which is one of the terms commonly used to refer to the extermination of Roma and Sinti during the Second World War, although it ignited a debate among the communities as, in some of the variants of Romani, it takes on the meaning of "rape" and is considered to be excessively vulgar. Several Sinti and Roma in Italy now question the fact that a word with a derogatory connotation is also used in institutional documents. Other terms used in the Roma and Sinti communities in reference to their genocide include '*Samudaripen*' (general massacre) '*Baro Merape*' (great extermination), '*Sintegre Laidi*' (suffering of the Sinti), or '*KaliTras*' (black terror). For an approach to the subject, see Eva Rizzin (editor), [Attraversare Auschwitz. Storie di Rom e Sinti: identità, memorie, antiziganismo](#), Gangemi 2020, as well as [www.romsintimemory.it](#) and [www.porrajmos.it](#).

plans of this strategy developed by Turin and Naples municipalities, the Metropolitan City of Turin and the Piedmont Region in the fields of school enrolment of Roma and Sinti children in inclusive education, alternative housing solutions and access to healthcare. However, over the last two years, Roma and Sinti interlocutors pointed out an overall worsening of conditions in terms of access to labour and education due to the effects of the Covid-19 pandemic. According to them, the gap between the positive approach of the 2012-2020 Strategy and its lack of implementation is due to the inexistence of rules that would make it effective, leaving too much space for the regions to engage or not in its implementation. They also referred to UNAR's lack of capacity to put pressure on the line ministries and regional authorities to allocate funding for the envisaged actions. They have the impression that without the political impetus and financial support of the EU, very little would have been done by the state.

69. The Advisory Committee welcomes past efforts made by the authorities, including UNAR, to implement a variety of programmes and projects under the Strategy 2012-2020 related to the improvement of the living conditions, social inclusion and access to rights, as well as regular consultation with Roma and Sinti representatives and associations and notes with great satisfaction that a number of activities of this Strategy targeted women and youth and promoted their participation.<sup>45</sup> It regrets, however, that such efforts have not always concretised in major improvements, and that the baseline narrative of the 2012-2020 Strategy was that "Roma have problems" (or are themselves a problem due to their culture or behaviours) and "are in need of integration". Roma exclusion was not seen as a product of a lack of socio-economic opportunities, discriminatory patterns or institutionally incapacity to address systematic problems. The Advisory Committee notes that this narrative is still present in some housing-related local plans addressing the so-called "overcoming of camps"<sup>46</sup> (See Article 15 Access to housing). It further observes that many projects relied extensively on EU funding and have not all been implemented as planned and did not necessarily lead to major legal developments at regional level, with a few major exceptions such as Emilia-Romagna and Calabria. In this respect, it views as a missed opportunity the fact that Sardinian Regional Law No. 22/2018 (see Article 3) did not include also the protection and promotion of history, language and culture of Roma and Sinti living in Sardinia.

70. The Advisory Committee took note that the new 'National Roma and Sinti Equality, Inclusion and Participation Strategy (2021-2030)' (hereinafter "the new Strategy")<sup>47</sup> refers in its title only to Roma and Sinti communities without, however, precluding the possibility of extending the activities envisaged to the Caminanti community.<sup>48</sup> It welcomes this choice. Whilst understanding

the authorities' good intention to have been so far inclusive, the Advisory Committee, pointing out the principle of free self-identification enshrined in Article 3 of the Framework Convention, considers that it might have been premature to include in the governmental strategy a community without having entered into prior dialogue with its representatives. It was indeed informed that the authorities had not managed to approach Caminanti associations during the design phase and that they had been no Caminanti representatives participating in the previously set up consultative mechanisms.

71. The Advisory Committee notes that the new Strategy is built on six main thematic axes (Antigypsyism, Education, Employment, Housing, Health, Cultural Promotion) and contains also transversal "intervention processes", such as a legal recognition of minority status for Roma and Sinti and their empowerment and participation by further promoting consultative mechanisms put in place under the previous strategy. It welcomes in particular the introduction of two new thematic axes, namely the fight against antigypsyism and the promotion of Roma and Sinti cultures, language and history, including their persecution during *Porrajmos*. All of these respond to requests made by Roma and Sinti representatives met by the Advisory Committee during its visit. Furthermore, the Advisory Committee considers that the authorities should pay attention to the definition of criteria for assessing outcomes so as to be in position to effectively assess the implementation of the new Strategy. The setting-up of task forces at regional level with the involvement of members of the Roma and Sinti communities could be considered as this would give the possibility for the communities concerned to provide advice and support to local and regional authorities in building, planning and implementing their actions. The Advisory Committee further expects that policy measures and projects under the new Strategy will be assessed in due course from an intersectional perspective, with a focus on gender and youth and will include guidelines, with the involvement of Roma and Sinti communities, on how to address the sensitive issue of early marriages (see Article 12), instead of addressing it *à la marge* and only from a criminal law perspective.<sup>49</sup>

72. The Advisory Committee asks the authorities to ensure sufficient allocation of resources and better coordination with relevant regions and municipalities for the implementation and monitoring of the National Roma and Sinti Equality, Inclusion and Participation Strategy (2021-2030). The authorities should also enter into dialogue with members of the Caminanti community to identify their specific needs and, where relevant, design and implement targeted policy measures.

### Promotion of minority cultures and languages (Article 5)

<sup>45</sup> See [fifth state report](#), page 45.

<sup>46</sup> See "Piano de Superamento" in Turin and Naples.

<sup>47</sup> The [new Strategy](#) was designed in line with the Recommendation of the Council of the European Union of 12 March (2021/C 93/01). It includes sections devoted to monitoring and evaluation. The process and result indicators, described in its annexes, are planned to be constantly updated by the National Contact Point through the web platform dedicated to the new Strategy.

<sup>48</sup> A project to liaise directly with Caminanti associations and with local institutions concerned by their presence will be carried out.

<sup>49</sup> See reference in the new Strategy to "sexual exploitation, labour exploitation, forced begging and the use of criminal activities aimed at forced marriages and sexual exploitation".



73. Law No.°482/1999, contains provisions on the protection of rights of linguistic minorities in the fields of education, culture, media, use of minority languages with administrative authorities, display of topographical signs and spelling of names and surnames.<sup>50</sup> Local authorities submit the projects – through the Region – to the Presidency of the Council of Ministers (with the exception of the public administrations submitting directly to the Department of Regional Affairs) on the following issues: linguistic helpdesks, training, topographical indications and cultural activities.

74. Whilst the state authorities draw the conclusion that, after 20 years, Law No.°482/1999 needs to be updated, representatives of linguistic minorities, in particular numerically smaller ones, fear the negative consequences of reopening a parliamentary debate. They consider that this legislation has had positive, tangible effect as it prompted a significant increase in demand for the use of minority languages.<sup>51</sup> They rather pointed out the lack of flexibility in the grant applications process highlighting heavy and unnecessary administrative procedures and too many intermediate layers for grant approbation. They consider that secondary legislation implementing the Law No. 482/1999 needs to be reviewed to simplify the grant procedure, to ensure stable funding for their recurrent activities (e.g. printed media), and to tailor allocations to their real needs. As an example, help desks do not always meet the needs of linguistic minorities because most of the persons belonging to these groups speak Italian and do not need translation of administrative documents into minority languages; instead, helpdesks should be used for promoting minority cultures and languages among both the local minority community and the local majority population, including new residents who are not always familiar with the existence of these minorities. Furthermore, some representatives of linguistic minorities pointed out recurrent delays in the disbursement of funding which do not allow them to absorb the funds within the given year. Others felt unnecessarily penalised due to the fact that competent authorities at municipal, and more frequently, at regional level, had not approved or further submitted the applications by the given deadline. Others, like Walsers, regretted a sharp decrease in the overall funding for their community. The perceived lack of political interest at regional level is also seen as an additional obstacle to the promotion of minority cultures and languages.<sup>52</sup>

75. The Advisory Committee reiterates that persons belonging to national minorities must have access to all publicly available funding opportunities, in addition to the special support for the preservation and development of their identities, languages and cultures. Funding should be

made available to minority organisations in a sustainable manner, ensuring the continuation of their activities on a foreseeable basis, and be allocated in accordance with their needs, with fair and transparent allocation procedures. With regard to numerically smaller minorities in particular, authorities should ensure the active promotion and encouragement of the use of minority languages, and the creation of an overall environment that is conducive to the use of these languages, in order to prevent their disappearance from public life.<sup>53</sup>

76. The Advisory Committee generally welcomes support provided at various levels for the preservation and development of minority cultures and languages. However, due to its administrative burdens and other structural problems, the system does not meet all expectations and its full potential. The Advisory Committee highlights the negative impact of excessive administrative barriers, or the fact that annual grants are disbursed sometimes with delay. It makes it impossible in practice for minority organisations to plan and implement agreed activities in such conditions. The Advisory Committee considers that the rules governing funds allocation should be reviewed to reconsider the need for so many intermediate layers for grant processing, as well as to allow pluri-annual financial support to some recurrent activities. Indeed, the Advisory Committee considers that authorities could consider moving to more systemic and systematic need-based mode of funding to support minority languages. It is also concerned about inconsistent practices at the level of regions regarding the use of budget earmarked for linguistic minorities when it has not been disbursed or entirely used for the year it was allocated.<sup>54</sup>

77. Furthermore, the Advisory Committee notes that, despite numerous debates, the ratification process of the European Charter for Regional or Minority Languages (hereinafter “the Language Charter”) - which Italy signed in 2000 - has still not been completed. It was informed by the authorities that following repeated attempts in the past years, the Joint Committees on Constitutional Affairs and on Foreign Affairs of the Senate started, on 21 October 2020, the joint examination of several bills submitted by the Parliament for the ratification of the Language Charter.<sup>55</sup> The Advisory Committee takes note that rapporteurs were asked to draft a unified text to provide a basis for further parliamentary debate. It firmly believes that ratification of this instrument, given its *à la carte* approach, should help to establish a road map for the protection of languages suited to Italy’s local and regional situations and specific needs.

78. The Advisory Committee urges the authorities to improve the efficiency of the mechanism for the support to minority languages and cultures by *inter alia* adapting the

<sup>50</sup> These provisions can only be exercised on a defined territory at the request of at least 15% of the citizens registered in the electoral rolls and residing in the municipalities themselves, or of one third of the municipal councillors of the same municipalities.

<sup>51</sup> See page 1 of CONFEMILI complementary written comments to its alternative report submitted in 2019.

<sup>52</sup> As an example, both representatives of the Albanian community and academics of Naples University regretted the absence of the Campania regional authorities at the opening of the Albanian (Arbëreshe) museum in Greci (Avellino province), although this event was regarded by the minority as a major achievement.

<sup>53</sup> See [ACFC Thematic Commentary No. 3](#), The Language Rights of Persons Belonging to National Minorities under the Framework Convention, paras. 23-24.

<sup>54</sup> In some regions (e.g. Sardinia), the earmarked funding is allocated for the following year, whilst the Permanent Council for Safeguarding the Walser Language and Culture see such funds withheld if not used during the given year without knowing what happens with that funding.

<sup>55</sup> See bills No. 10, No. 711, No. 842 and No. 979.

secondary legislation implementing the Law No. 482/1999 to linguistic minorities' priorities, including those of numerically smaller ones, and simplifying grant procedures to access funding and making funding more sustainable. Furthermore, the authorities should make sure that failures of municipal and regional authorities to process grant allocation demands in a timely manner do not result in the disadvantage of the applicants.

79. The Advisory Committee encourages the authorities to finalise the ratification process of the European Charter for Regional or Minority Languages.

### **Intercultural dialogue and mutual respect (Article 6)**

80. In their fifth report, the authorities provided no concrete information on how they promote mutual respect and understanding between the linguistic minorities and the population at large. They referred to a few initiatives with regards to Roma and Sinti communities.<sup>56</sup>

81. Roma and Sinti representatives reported an overall lack of knowledge among the general population about the Roma and Sinti victims during the Second World War. They expressed the wish to see more systematically Roma and Sinti victims mentioned in annual commemoration events of victims of the Holocaust. Some positive initiatives, however, exist, such as the exhibition on Roma and Sinti history hosted by the civic museum in Bari in 2021, which presents aspects of the history of Roma, Sinti and Caminanti and provides testimonials of members of these communities also in relation with today's manifestations of antigypsyism, or the presence of the President of the Republic at an official commemoration ceremony at the Quirinale in January 2018. Furthermore, those Roma and Sinti who are living in "authorised" or "unauthorised" settlements on the margin of big cities have little contact with the rest of the population.

82. Representatives of linguistic minorities also reported a lack of knowledge about their communities among the majority population reflected in the limited teaching offered in minority languages or about their historical presence, cultures and traditions (See Articles 12 and 14). In addition, persons belonging to numerically smaller minorities living in mountainous areas or islands indicated their geographical isolation as another factor limiting possibilities for intercultural dialogue (see Article 15).

83. Representatives from the Jewish and Muslim religious groups reported a continuous dialogue with the authorities, notably with UNAR which consults them for the elaboration of campaigns, events and materials. Whilst underlining that they could safely practice their freedom of religion, they emphasised the need to increase, amongst the majority population and in schools, knowledge on their cultures, past and present traditions, and history in order to better counter negative stereotypes and foster mutual respect in society. Some interlocutors also pointed out that

project-based initiatives in Trentino-South Tyrol to increase pluralism in religion teaching at school remained unfunded.

84. The Advisory Committee points out that Article 6(1) of the Framework Convention obliges states to take effective measures to promote mutual respect, understanding, and co-operation among all persons living on their territory. It emphasises the need for the authorities to develop and implement programmes promoting respect and intercultural understanding, based on the recognition of national minorities and religious groups as an equal and integrated part of society.

85. The Advisory Committee notes that a general climate of openness and mutual respect prevails in Italy towards persons belonging to recognised, long-established linguistic minorities and welcomes the continuous dialogue between religious groups and the authorities. It took also positive note during its visit in Piedmont Region of a number of multicultural and intercultural initiatives promoting dialogue and mutual support between minorities themselves. In this respect, it was pleased to hear that in Italy, overall, minority associations tend to support each other and look into possible interactions to achieve common objectives. The CONFEMILI website also promotes events from different linguistic minorities.<sup>57</sup>

86. The Advisory Committee highlights the importance of strengthening intercultural dialogue and a spirit of mutual respect and is of the view that more could be achieved in this field to increase knowledge and sensitise the broader population and pupils about the respective culture, language, history or religious features of linguistic minorities, Roma, Sinti and Caminanti communities and religious groups (see Article 12). Furthermore, the Advisory Committee regrets that no periodical national studies are conducted by independent research institutes to assess the degree of acceptance of these minorities or groups.

87. The Advisory Committee encourages the authorities to pursue, and increase, their efforts to promote mutual respect and intercultural dialogue and understanding in society and to increase knowledge among the majority population and in schools about the different linguistic minorities, religious groups and Roma, Sinti and Caminanti communities.

### **Hate crime and hate speech, including in the media (Article 6)**

88. Article 604-bis of the Criminal Code criminalises propaganda and incitement to commit crime on racial, ethnic and religious discrimination grounds. Article 604-ter of the Criminal Code lays down that aggravating circumstances include the commitment of crimes (other than those punishable with a long-life sentence) for the purposes of discrimination or ethnic, national, racial or religious hatred.<sup>58</sup> A new Section I-bis "Crimes against Equality" was included in the Criminal Code.<sup>59</sup> On the basis of Article 18-bis of the

<sup>56</sup> In April and May 2018, journeys of memory of the victims of *Porrajmos* were organised to Auschwitz *Zigeunerlager* and to Agnone (Isernia).

<sup>57</sup> See [CONFEMILI website](#).

<sup>58</sup> See [Article 604-bis](#) and [Article 604-ter](#) of the Criminal Code (in Italian).

<sup>59</sup> Article 3 of Law No. 654/1975 and Article 3 of Law Decree No. 122/1993 have been repealed by Article 7, paragraph 1 indents c. and d. of Legislative Decree No. 21/2018. The repealed provisions have been replaced by corresponding provisions of the Criminal Code as provided for by Articles 604-bis and 604-ter, introduced by Article 2, paragraph 1, indent i. of the Legislative Decree No. 21/2018, which included Section I-bis "Crimes against Equality" after Article 604.

Law No. 482/1999,<sup>60</sup> the Ministry of Justice considers that the provisions of Article 604-bis of the Criminal Code can be applicable also with a view to preventing and combatting intolerance and violence against persons belonging to linguistic minorities.

89. At the political level, in 2019, the Senate established an extraordinary Commission to combat intolerance, racism, antisemitism, incitement to hatred and violence, tasked to study these issues and also the possibility to elaborate legislative proposals. In turn, in January 2020, the Commission on Constitutional Affairs and Culture of the Chamber of Deputies adopted a resolution to counter antisemitism and to commemorate the persecutions against the Jewish community in Italy.

90. At the institutional level, the Observatory for Security Against Acts of Discrimination (OSCAD)<sup>61</sup> contributed to the drafting of the first national strategy to combat antisemitism, using the definition by the International Holocaust Remembrance Alliance (IHRA). Authorities highlighted in their fifth state report strategic priorities of the Ministry of the Interior which include awareness raising of police officers through training about the crucial importance to prevent and fight hate crimes and hate speech, as well as to ensure respect for human rights and highlighted the key role of OSCAD in providing training programmes.<sup>62</sup> The latter cover discriminatory ethnic profiling, discrimination, prejudices and stereotypes, human rights and respect for diversity, as well as best practices in communicating with victims, and are often organised in partnership with institutions, such as UNAR, and associations active in the field of anti-discrimination.<sup>63</sup> In 2018, OSCAD developed, in consultation with Jewish representatives “a guide to Judaism for Police Officers” to increase knowledge on this religion and community.<sup>64</sup> At national level, since 2020, OSCAD has been working in co-operation with the Italian Islamic Religious Community (COREIS) on the drafting of a short guide on Islam.

91. Since 2014, OSCAD has worked on the data provided by the Public Security Department to be included in the OSCE-ODIHR annual report on hate crimes.<sup>65</sup> Data communicated are those registered in the official “SDI system”<sup>66</sup> of the Inter-Force Data Processing Centre (CED) relating to crimes with discriminatory purposes that are “covered by regulations”, i.e. based on ethnic, racial,

national or religious motives or committed against persons belonging to linguistic minorities. At present, some regulatory and structural limitations make it impossible to distinguish between specific discriminatory grounds. Data on crimes based on ethnic, racial, national or religious motives, or committed against persons belonging to linguistic minorities, are therefore not disaggregated. In 2020, for the first time, OSCAD provided the EU Fundamental Rights Agency (FRA) with the data relating to the National Police and Carabinieri informal monitoring on antisemitic hate crimes registered in Italy since 2019. These data were disaggregated according to OSCE criminal categories.<sup>67</sup>

92. Religious groups not linked to immigration (Waldensians and others) did not report any serious cases of discrimination, hatred or hostility.<sup>68</sup> However racial and ethnic discrimination often overlaps with discrimination on the ground of religion and belief, for example ‘Arab’ and ‘Muslim’ migrant communities. Representatives of both the Jewish and Muslim religious groups underlined an increase in hate speech. Of the 224 antisemitic incidents reported in 2020, 117 involved hate speech on social media or the internet; other incidents involved derogatory graffiti and posters in several cities.<sup>69</sup> Hate speech and hate crimes targeting the Muslim communities were reported, with cases of a far-right affiliated movement protesting against temporary facilities to host Muslim worshippers, or politicians making statements critical of Islam.<sup>70</sup> Representatives of religious groups also pointed out the continued under-reporting of hate crimes, notably against Muslim worshippers. A number of verbal and violent physical attacks against centres for asylum-seekers have also been recorded fuelled by anti-migrant and anti-refugee political statements, in particular in 2018-2019.<sup>71</sup> Although hate speech in the political discourse and in the media has been less prevalent in recent years, it remains an area of concern, especially on social media.<sup>72</sup>

93. The Advisory Committee reiterates that hate speech and hate crimes affects and threaten society as a whole and must thus be resolutely opposed and prevented.<sup>73</sup> It emphasises the importance of awareness-raising and adequate training for the members of law enforcement and investigatory bodies. Law enforcement agents should be appropriately trained to ensure that racially or ethnically motivated attacks and discrimination are identified,

<sup>60</sup> See [Article 18-bis of the Law No. 482/1999](#) (in Italian) for more details.

<sup>61</sup> See page 31 of the [fifth state report](#) for a description of OSCAD’s mandate.

<sup>62</sup> From 2012 onwards OSCAD has directly trained more than 11,000 police officers (source: [fifth state report](#), page 33).

<sup>63</sup> For instance, Amnesty International, Ready Network 1, Polis Aperta 2, Lenford Network 3, and Cospe 4.

<sup>64</sup> See [fifth state report](#), page 36, and additional information submitted by the Italian authorities on 19 November 2021.

<sup>65</sup> See further disaggregated data on [Italy page of OSCE-ODIHR website on hate crime](#).

<sup>66</sup> *Sistema di indagine* (System of Investigation) was not built for statistical purposes, but with the aim to support police officers during the investigations and is based on the criminal law violated by the perpetrator.

<sup>67</sup> See [Antisemitism: Overview of antisemitic incidents recorded in the European Union 2010-2020](#), page 54.

<sup>68</sup> [2021 Italy Country Report on Non-Discrimination](#), European network of legal experts in gender equality and non-discrimination, page 5.

<sup>69</sup> The Observatory of the Jewish Contemporary Documentation Centre Foundation (CEDEC) recorded 224 antisemitic incidents in 2020, compared with 251 in 2019 and 181 in 2018. The United States Department of State [2020 Report on International Religious Freedom: Italy](#) also contains data on hate speech against Muslim and Jewish communities. In recent years, both a Jewish Member of Parliament and the President of the anti-hate crime commission and investigation on hate speech with aggravated factors on religious belief were intimidated.

<sup>70</sup> See politician derogatory comments to religious minorities and immigration in [Amnesty International Barometer of Hate speech during 2019 Election](#), in [Vox Diritti Italia](#) and in [SHR monitoring of racism and xenophobia](#).

<sup>71</sup> See for instance [‘New research reveals deep-rooted intolerance for migrants across Italy’](#) published in La Stampa, 9 January 2018.

<sup>72</sup> See an example of hate speech on social media with the case of [insults and threats to the life of senator Liliana Segre](#).

<sup>73</sup> See [ACFC Thematic Commentary No. 4](#), para. 56.



recorded, duly investigated and punished through targeted, specialised and prompt actions.

94. The Advisory Committee welcomes the increased focus on combating antisemitism and anti-Muslim hatred in society. While welcoming OSCAD's efforts to collect data on hate crimes, the Advisory Committee notes with regret that too many hate crimes go unreported and observes that, whilst Italian legislation identifies "intolerance and violence towards linguistic minorities" as an aggravating factor for hate crime provisions, OSCAD did not report any cases on this ground. It therefore considers that more awareness is needed among persons belonging to linguistic minorities regarding this aspect of the legislation to address potential under-reporting. Authorities, and more specifically OSCAD and UNAR, should continue to consult with representatives of religious groups on relevant measures, initiatives and strategies, to increase awareness about and trust in institutions so as to address under-reporting of hate crimes, but also of hate speech, and take necessary measures to prevent, investigate and prosecute all racially motivated offences. It is also of the view that authorities should combat more systematically racist manifestations in the media in the spirit of ECRI General Policy Recommendation No. 15 on Combating Hate Speech. Targeted measures, such as awareness-raising campaigns involving the media, should be developed to counteract mounting antisemitism and anti-Muslim hatred on social media.

95. The Advisory Committee calls on the authorities to condemn promptly and publicly instances of hate crimes, as well as hate speech relating to minorities, migrants or refugees in the political discourse, media and on social media.

96. The Advisory Committee encourages the authorities to further collect and improve the disaggregation of data on hate crimes, in particular on the ground of belonging to linguistic minorities.

### Antigypsyism and negative portrayal of the Roma and Sinti (Article 6)

97. The image and portrayal of Roma and Sinti remains highly negative in the general perception in Italy as confirmed by various studies and surveys. Ten years after the ISPO survey,<sup>74</sup> that perception has not changed much. In 2019, according to the European Commission and Eurobarometer, one in two Italians still believed that society would not benefit from a reduction in discrimination against Roma and Sinti; and six out of ten said they felt uncomfortable having a Roma colleague.<sup>75</sup> The data collected by UNAR Contact Centre between 2017 and 2021<sup>76</sup> confirms this negative perception: cases of hate speech recorded against Roma and Sinti communities on

social media and social networks are of major significance, making these groups among the most exposed to online hate speech. The most frequently used terms in the posts to address Roma and Sinti are 'zingaro'/'zingari' ('gypsy'/'gypsies') with a negative and derogatory meaning, and there is a persisting negative stereotyped image linking them to all forms of crime, especially theft. This data analysis reveals that antigypsyism does not only concern the most extremist and intolerant fringes of the Italian society, but is present across society, both in urban and rural areas, in groups characterised by different age, gender, economic and social conditions. The negative portrayal of Roma and Sinti in Italy is not only widespread but constantly reproduced in the media and in political speeches, which has the serious effect of excluding Roma and Sinti from the public sphere.<sup>77</sup> Roma and Sinti are all victims of the same stigma and the same forms of discrimination which has for negative result that many prefer to hide their ethnic identity.

98. Despite a change in language promoted at national level, Roma and Sinti representatives reported that the outdated and stereotyping terms "nomads" ("*nomadi*") or "nomad camps" ("*campi nomadi*") are still often used in public discourse and in the media, including social media, despite the fact it is considered by members of these communities as stigmatising.<sup>78</sup> Although they claimed this was totally unintentional, some municipalities replaced in their new regulations "nomad camps" by "stopping areas for Roma and Sinti", which again places wrongly the focus on a pretended itinerant lifestyle.<sup>79</sup> Projects are still too often addressed to 'nomads' or people living in the so-called 'nomad camps', without taking into account the specific characteristics of Roma and Sinti who are sedentary or do not live in a camp. Roma, Sinti and Caminanti also called for a limited use of the acronym "RSC" in official documents to designate their communities, which they see as disrespectful.

99. During the visit, the Advisory Committee heard about a controversy over the existence of 'special units' of the municipal police which have been put in place some years ago "for public and emergency safety". These units are often made of police officers who are specialised - and also trained - to manage socially difficult situations and who have among other missions to carry out evictions. Their mission clearly targets "nomads", which is being perceived by some interlocutors as discriminatory with the understanding that 'nomads' is a non-ethnic term used in practice to refer to Roma and Sinti. For instance in Rome, the 'Organisational Unit - Public and Emergency Safety Group' carries out the functions of operational co-ordination of actions to protect urban, social and emergency security, manages the interventions aimed at the application of ordinances on safety and legality, which includes evictions

<sup>74</sup> For comparison, see results of the 2008 survey by the *Istituto per gli Studi sulla Pubblica Opinione* (ISPO) and the Ministry of the Interior.

<sup>75</sup> European Commission (2019), [Perception of minorities in the EU: Roma people, Special Eurobarometer 493 - "Discrimination in the European Union"](#).

<sup>76</sup> See data on pages 29-31 of the new governmental 'National Roma and Sinti Equality, Inclusion and Participation Strategy (2021-2030)'.

<sup>77</sup> In 2019, during just one month of hate speech content analysis and monitoring carried out by UNAR, within the "hate topic" on Roma and Sinti communities, 779 conversations/posts with potentially discriminatory content were detected on the main social media (Twitter, Facebook, YouTube, Instagram).

<sup>78</sup> During the visit, some public authorities used the term "nomads" out of habit and acknowledged, when challenged, that this was inaccurate.

<sup>79</sup> It is estimated that between 60% and 80% of Roma and Sinti live in fixed abodes; around 40 000 of them (30%) live in so-called "nomad camps", while only 3% lead an itinerant lifestyle, mainly Sinti.

of public areas and buildings and illegal micro-settlements, and carries out continuous monitoring of “authorised nomad villages”.<sup>80</sup> In Turin, a similar structure is explicitly called “*Nomads Unit*”<sup>81</sup> and was in fact referred to orally during the visit by various interlocutors as a ‘special Roma unit’.

100. Roma and Sinti representatives reported a persisting level of antigypsyism in society and expressed concerns about statements made by public officials strengthening negative stereotypes affecting their communities in society which have a harmful effect on public opinion.<sup>82</sup> The first years of this monitoring cycle brought numerous examples of this kind.<sup>83</sup> They acknowledged an increasing number of hatred incidents resulting in legal proceedings and a lesser use of hate speech in political discourse and in the media over the last two years. They considered that this was mainly due to a stronger focus on the Covid-19 pandemic rather than to an overall understanding that such hate speech is unacceptable, an analysis shared by several regional and local authorities met during the visit. Nevertheless, statements claiming that Roma were not respecting containment measures and were spreading the virus were heard from politicians during the Covid-19 pandemic.<sup>84</sup> Roma and Sinti representatives also regretted the absence of institutional developments and would have expected the Chamber of Deputies to adopt a resolution to counter antigypsyism and set up a specific parliamentary commission on antigypsyism.

101. The Advisory Committee underlines the especially damaging nature of attacks against persons that are based on their inalienable characteristics or profoundly held beliefs and emphasises that leading politicians, as well as the authorities more generally, have a particular responsibility to condemn all hate-motivated offences and systematically and effectively promote a society based on mutual respect. The media has a similar responsibility – including through self-regulatory bodies – to promote mutual understanding, safeguard against xenophobia and intolerance and to avoid stereotyping and negative portrayal of persons belonging to different ethnic and religious groups.

102. The Advisory Committee notes with regret the legal and practical implications of the - voluntarily or involuntarily - misuse of stigmatising terminology since the supposed “nomadism” of the Roma and Sinti communities has often been used at political level to justify the policy of settling these communities in “camps” where successive generations have lived in deplorable conditions for decades, away from the majority population, shifting the blame for poverty, hostility and systematic discrimination on the shoulders of Roma and Sinti and ultimately maintaining the inertia of the *status quo*. The Advisory Committee also

observes that the general approach of the authorities to social challenges encountered by Roma and Sinti is to overlook the ethnic dimension of the problems and their solution and, instead, focus on general poverty issues. It finds this problematic as it bypasses many of the core issues influencing the lives of these communities. The Advisory Committee points out that marginalisation might be the result of self-isolation, but more often the result of accumulation of disadvantages due to longstanding discrimination and structural inequalities. In this respect, it underlines that it is of the state responsibility to guarantee effective equality of all citizens and to ensure that actions taken on the ground by regional and local authorities are fully in line with national non-discrimination and equal treatment legislation and policies. The Advisory Committee considers that this also includes the use of appropriate terminology when referring to Roma and Sinti or to their place of residence in policy documents, legislation, websites, media and public discourse.

103. Whilst acknowledging that human rights and non-discrimination training is provided in great numbers,<sup>85</sup> the Advisory Committee regrets the lack of positive interaction with law enforcement bodies reported by several Roma and Sinti interlocutors which shows that these training programmes have produced limited results. According to the Advisory Committee’s experience, it is important that persons belonging to these communities take part in such training programmes. The Advisory Committee considers that in due course a proper evaluation of this training will be needed to assess its long-term effectiveness. Another conclusion drawn by the Advisory Committee from its visit was that human rights education is needed in priority for politicians, members of parliament, and public officials to address deeply rooted anti-Roma prejudices and antigypsyism at all political levels and counter the negative effect of the politicisation of Roma issues and the lack of political investment into solving longstanding problems faced by these communities. Increasing the recruitment of Roma and Sinti community members in the Police and the Carabinieri Corps could also reinforce mutual trust and decrease under-reporting.

104. The Advisory Committee considers it important that the municipal police be adequately trained in dealing with cases of extreme marginalisation and welcomes initiatives taken by some municipalities in this respect. At the same time, it considers it essential that this does not lead to the establishment of units dealing only with certain ethnic groups, such as Roma and Sinti, as this might indirectly constitute a form of ethnic profiling and discrimination. In any case, it is advisable that the municipal police adopt a code

<sup>80</sup> See [Rome Municipal Police official website](#) (in Italian).

<sup>81</sup> See the [webpage of the “Nomads Unit of Turin Municipal Police”](#) (*Polizia municipale Torino - Nucleo Nomadi* in Italian).

<sup>82</sup> The European Committee of Social Rights had considered in its 2<sup>nd</sup> Assessment of the follow-up to *Centre on Housing Rights and Evictions (COHRE) v. Italy*, Collective Complaint No. 58/2009 published in December 2018, that the situation with regard to racist misleading propaganda against Roma and Sinti indirectly allowed or directly emanating from the authorities has not been brought into conformity with the Charter (Article E, read in conjunction with Article 19§2 for Complaint No. 58/2009).

<sup>83</sup> As an illustration, see this [news article](#) (in Italian) about the plan for an ethnic counting of Roma and Sinti proposed in 2018.

<sup>84</sup> A Roma camp in Castel San Giovanni was under lockdown because of one Covid-19 death and five positive cases, leaving 50 Roma inside the camp without access to basic necessities. Due to outstanding debts, the poorest Roma neighbourhoods in southern Italy faced electricity shortages and lacked water supplies in their households (Open Society Foundations, [Roma in the Covid-19 crisis](#), pp. 4 and 7).

<sup>85</sup> In addition to UNAR and OSCAD training, human rights and non-discrimination training with a focus on Roma and gender aspects was provided to legal professionals, law students, prison staff, law enforcement and school professionals under the JUSTROM programme.

of conduct for interaction with Roma as already the case in Bologna.

105. As regards the wish of Roma and Sinti to have a sub-committee on antigypsyism set up in the parliament, the Advisory Committee draws the attention of the authorities that such a request is in line with the Council of Europe Committee of Ministers Recommendation CM/Rec(2017)10 to member states on improving access to justice for Roma and Travellers in Europe which recommends, on the one hand, establishing equivalent institutions for antigypsyism when such structures already exist for other groups targeted by specific forms of racism.<sup>86</sup>

106. The Advisory Committee calls on the authorities to adopt legislative and more targeted measures, including awareness-raising campaigns, to prevent, counteract and effectively sanction the persisting antigypsyism in society, with a particular focus on social media. Furthermore, the authorities should carefully monitor terminology used to refer to Roma and Sinti or their place of residence and ensure that derogatory, stigmatising and inappropriate language is no longer used in practice.

107. The Advisory Committee encourages the authorities to pursue training for law enforcement bodies, involving members of Roma and Sinti communities in such training, and to recruit Roma and Sinti among law enforcement to increase mutual trust and combat under-reporting.

### Public service broadcasting in minority languages (Article 9)

108. Radiotelevisione Italiana (RAI) provides public radio, television and multimedia services in Italy. It also offers content online, via its website, RaiPlay. RAI's Service Contract for 2018-2022, concluded with the Ministry of Economic Development, stipulates its obligation regarding 'linguistic minorities', "to ensure the production and distribution of radio and television broadcasts and audiovisual content", a right enshrined in Law No. 103/1975 and Law No. 482/1999. Currently, the Service Contract provisions, enforced by local branches of RAI, applies to German (in the autonomous province of Bolzano), Ladin (in the autonomous provinces of Bolzano and Trento), Sardinian (in the autonomous region of Sardinia), French (in the autonomous region of Aosta Valley), and Friulian and Slovene (in the autonomous region of Friuli-Venezia Giulia).<sup>87</sup> RAI adopted a differentiated approach to comply to its obligation, identifying three categories: languages protected by former Law No. 103/1975,<sup>88</sup> the Friulian and Sardinian languages, and a last one for the other linguistic minorities. Three criteria are taken into account by RAI when

drawing this list, among which, "the need to pursue objectives of effectiveness and efficiency".<sup>89</sup>

109. Such agreements for the production and broadcasting of radio and television programmes for the protection of minority languages are concluded between RAICOM, RAI subsidiary company and the Department for Publishing and Information of the Presidency of the Council of Ministers (hereafter "the Publishing and Information Department"), as well as with the autonomous province of Bolzano as regard German and Ladin. Furthermore, through its Regional Law No. 22/2018, Sardinia has developed targeted measures and allocated funds to support "Sardinian language, the Catalan language of Alghero, Sassarese, Gallurese and Tabarchino in favour of the press and online newspapers, as well as television, radio and editorial productions".<sup>90</sup> For programmes in languages of numerically smaller minorities, measures currently being discussed by RAI include, amongst other solutions, distinct online television and video content on RaiPlay.

110. As part of the Service Contract 2018-2022, agreements between RAICOM and the Publishing and Information Department concerning minority languages (Sardinian in Sardinia, French in Aosta Valley and Friulian and Slovene in Friuli-Venezia Giulia) have entered into force on 30 October 2021 and each comprises the establishment of a special 'Steering and Monitoring Committee'.<sup>91</sup> Composed of representatives of the Publishing and Information Department, RAI and regional authorities, this Committee's objective is to increase the involvement of the regions with the aim to better respond to the needs on broadcasting and radio services in minority languages. RAI considers that "the Steering and Monitoring Committee enables the linguistic minorities to express their needs".

111. According to representatives of linguistic minorities, RAI's current Service Contract does not comply with Article 12 of Law No. 482/1999, despite regional agreements. Some linguistic minorities, especially German, French, Ladin and Friulian, still report that the number of broadcasting hours granted to their minorities is insufficient,<sup>92</sup> meaning that access to information in these languages on a daily basis is not possible - with the exceptions of German and Ladin in Trentino-South Tyrol. Friulian representatives welcomed the distinct mention of their language in RAI's Service Contract but underline that only radio hours are provided for, whereas television broadcasting hours should also be provided for. The Sardinian minority also benefit from this new Service Contract; however, its representatives argue that the one hour a week of television in Sardinian is insufficient and only project based. Representatives of numerically smaller

<sup>86</sup> See [Recommendation CM/Rec\(2017\)10 of the Committee of Ministers to member states on improving access to justice for Roma and Travellers in Europe](#), in particular recommendations 4.d. and 5.i.

<sup>87</sup> See [fifth state report](#), page 39, last para.

<sup>88</sup> Former Law No. 103/1975 regulated the agreements for the protection of minority languages in Region Friuli-Venezia Giulia, in Aosta Valley and in Trento and Bolzano autonomous provinces. Source: [fifth state report](#), page 40, and additional information received from the authorities on 19 November 2021.

<sup>89</sup> See [fifth state report](#), page 40.

<sup>90</sup> [Comunicazione nelle lingue minoritarie della Sardegna](#), Ufficio stampa Regione Autonoma della Sardegna, 9 September 2021 (free translation in Italian). Sassarese, Gallurese and Tabarchino are local variants of the Sardinian language.

<sup>91</sup> Additional information received from the authorities on 19 November 2021.

<sup>92</sup> The current Service Contract provides for 4 517 hours radio and 208 hours TV in Slovene in Friuli-Venezia Giulia autonomous region; for 110 hours of radio and 78 hours of TV in French in Aosta Valley autonomous region; for 352 hours of radio and 100 hours of TV in Ladin and 15 hours of radio and 2 hours of TV daily in German in Trento and Bolzano autonomous provinces.



minorities expressed their concerns as regards the quality of the online content to be produced in their minority languages and their dissatisfaction at the current lack of planning for programmes in their languages, three years after the approval of the Service Contract.

112. Representatives of linguistic minorities consider that the “Steering and Monitoring Committee” is not a proper consultative mechanism since their representation in this media monitoring body is not ensured. Some representatives of linguistic minorities, including numerically smaller ones both in the north and south of Italy, indicated that they had not been consulted as regards to their needs on the design of RAI’s Service Contract and local agreements. They pointed out that, most often, when content was created on regional broadcasts, it was done at the demand of municipalities and in a folkloristic way, rather than tailored to the needs of these minorities. They indicated their wish to have subtitles in their languages introduced for at least news programmes broadcast by RAI, a possibility currently unavailable to them since the grant mechanism does not allow for covering translation and subtitling costs of public TV broadcasting.

113. The Advisory Committee reiterates that “the availability of [...] broadcast [...] in minority languages has very specific emblematic value for national minorities, in particular for the numerically smaller ones. Through them persons belonging to national minorities not only gain access to information, but minority language media also raise the visibility and prestige of the minority language as an active tool of communication.”<sup>93</sup> It further reiterates that media may play a central role in a long-term process of revitalisation of these languages and that an active and diverse media scene, including in minority languages, may considerably influence the sense of belonging and participation of persons belonging to national minorities.<sup>94</sup>

114. The Advisory Committee welcomes the allocation of specific broadcasting hours in Friulian and Sardinian, in addition to the languages protected under former Law No. 103/1975, and encourages RAI and regional authorities, to increase the number of hours of broadcasting and programmes in minority languages. Additionally, the Advisory Committee expresses its deep concern about the situation of numerically smaller minorities with regards to the *de facto* absence of programmes in their languages. It is of the view that, whilst the solution to provide a dedicated online space on RaiPlay for programmes in minority languages may allow increased opportunities to access media in these languages, the feasibility and impact of such undertaking must be carefully designed and monitored, in close consultation with national minority representatives. Indeed, it presupposes access to high-speed internet throughout the country, which is proven to be more difficult in remote areas which are often inhabited by persons belonging to linguistic minorities (see Article 15). Furthermore, the authorities should, in close consultation

with minorities, review the possibility to offer subtitling, notably of news programmes, in minority languages.

115. The Advisory Committee reiterates that the principles of the Framework Convention also imply adequate representation of persons belonging to national minorities in the media and on their boards and supervisory bodies<sup>95</sup>. As such, it welcomes the establishment of Steering and Monitoring Committees and notes that such Committees now formally involve the regions in the steering and monitoring process of local agreements. The Advisory Committee emphasises, however, the importance of ensuring adequate representation of linguistic minorities on its board, as further consultation between RAI and linguistic minorities could prove useful, especially in determining the level of demand for programming in each minority language. Additionally, it considers that more can be done to increase awareness of linguistic minorities in the general population while, at the same time, offering linguistic minorities the possibility to be provided with content tailored to their informational, cultural and linguistic needs.

116. The Advisory Committee urges the authorities to increase access for persons belonging to linguistic minorities, in particular numerically smaller ones, to radio and television programmes in their respective minority language, including news programmes; and to ensure that digital solutions, as well as future RAI Service Contracts, are developed in close consultation with minority representatives. The authorities should also ensure the effective representation of persons belonging to linguistic minorities in any media monitoring mechanisms, including on the “Steering and Monitoring Committee”.

### Printed media (Article 9)

117. The printed press legislation underwent two reforms in this monitoring cycle. In 2016, Law No. 198 entered into force, with provisions, among others, setting up a Fund for information pluralism. This Fund allocates a portion of the resources to the settlement of contributions in favour of newspapers of linguistic minorities.<sup>96</sup> This law also defines online newspapers and legal requirements they have to follow.<sup>97</sup> Additionally, Decree No. 70 of 15 May 2017, which defines the rules on direct funding of newspapers and periodical publisher, was adopted with a dedicated chapter “Contribution to support newspaper of linguistic minorities”. Provisions on the progressive reduction of direct contributions for publishing companies of newspapers and periodicals have been postponed several times, in view of an “organic revision to protect pluralism of information, which also take into account the new ways of using information by citizens”.<sup>98</sup> In 2019, only 50% of the funding was disbursed by the authorities, to finance newspapers or periodicals in German (Trentino-South Tyrol), Ladin and Slovene (Friuli-Venezia Giulia).

118. Friulian representatives informed the Advisory Committee of the continuation of monthly (*La Patrie Dal*

<sup>93</sup> ACFC Thematic Commentary No. 4, para 69.

<sup>94</sup> ACFC Thematic Commentary No. 3, para. 41-42.

<sup>95</sup> ACFC Thematic Commentary No. 2, para. 141.

<sup>96</sup> Additional information received from the authorities on 19 November 2021.

<sup>97</sup> Valentina Mayer in [The Media and Entertainment Law review: Italy](#), The Law Reviews, accessed online on 16 December 2021.

<sup>98</sup> Additional information provided by the authorities on 19 November 2021.

*Friuli*) or other weekly publications in their language, offering intergenerational content. Occitan representatives reported that their monthly Journal “*Occitano Vivo*”, operating in the valleys since 1974, may cease due to the lack of funding. Although present in a digital format,<sup>99</sup> it no longer offers a diverse content, focusing solely on cultural life rather than on political or societal issues. Minority representatives expressed their worry over the decrease or suppression of the funding foreseen in the coming years.

119. The Advisory Committee reiterates the important role of independent and small-size media outlets to contribute to a pluralist and open media environment that promotes outreach towards a diverse society. It therefore welcomes the separate funding line earmarked for the support of printed minority language media but expresses its worry about the funding cuts foreseen in the coming years. Indeed, the Advisory Committee reiterates the need for the authorities to uphold support for minority language print media which, due to their small size, are often not commercially viable<sup>100</sup>. As such, it would be important that the authorities refrain from suppressing funds earmarked for printed minority media, and rather consult with minority representatives to design and develop a plan to evaluate their needs with a view to adequately fund their printed media outlets. Additionally, the authorities should consult with minority representatives, including numerically smaller ones, to ensure that changes in the funding for the transition from printed to digital press can still strike a balance between catering for persons who prefer or depend on printed newspapers and reaching out to the younger generation through the internet and to carefully monitor the effect of such a transition (See Article 15).

120. The Advisory Committee strongly encourages the authorities to provide stable funding for the publication of print media in languages of minorities, in particular for the numerically smaller minorities.

### **Use of minority languages with local and administrative authorities (Article 10)**

121. Pursuant to Law No. 482/1999, the Department for Regional Affairs continues to provide annual grants for public administrations to set up “linguistic helpdesks” (*sportelli linguistici*). In the absence of administration staff able to communicate in minority languages, linguistic helpdesks employ – on temporary contracts of maximum one year – personnel with certified proficiency in minority language for public relations services.<sup>101</sup> Grants also fund interpretation services and translation in minority languages of administrative acts or public services and training courses in minority language for public administration staff. Sardinia and Friuli-Venezia Giulia autonomously distribute the grants to respective local government bodies.

122. Over the last monitoring period, linguistic helpdesks received grants in a stable manner for activities allowing the use of Albanian (Arbëreshe) (in Calabria, Molise, Puglia), French in Piedmont, Franco-Provençal in Piedmont and Aosta Valley, Friulian (Veneto), German (Piedmont and Aosta Valley), Greek in Puglia and Occitan in Calabria and Piedmont. However, no helpdesks were funded for the Albanian communities living in Basilicata since 2019, or in Molise, Campania and Sicilia since 2020. Similarly, helpdesks were not funded in 2021 for Franco-Provençal in Puglia, Greek in Calabria, and German in Veneto. Authorities explained that these gaps in funding were due to delays in submission of project applications at the regional level. A helpdesk in a newly recognised Croat-speaking municipality of Molise was funded in 2021.<sup>102</sup>

123. In Sardinia, since Regional Law No. 16/2016, allowing the region to autonomously spend funds allocated by Law No. 482/1999, 28 (in 2016) reduced to 25 (in 2021) linguistic helpdesks have been funded, in diverse public administrations of the health sector, the chamber of commerce or city councils. In 2021, Sardinian language helpdesks received €738 504 and €39 000 were allocated to Catalan language helpdesks,<sup>103</sup> further €267 774 went to “alloglot”<sup>104</sup> helpdesks. At the national level, the Department of Regional Affairs exceptionally financed, since 2019, Sardinian linguistic helpdesk for the translation of judicial proceedings at the Surveillance Tribunal in Sassari and the Public Prosecutors Office in Oristano.

124. The autonomous region of Friuli-Venezia Giulia, following a proposal of the Joint Institutional Committee for problems affecting the Slovene minority, has created a “Network for the use of the Slovene language” (hereafter “the Network”). The Central Office for the Slovene Language (hereafter “the Office”), which manages and co-ordinates activities relative to the use of Slovene in public administration, supervises the Network.

125. Interlocutors of the Advisory Committee reported that staff of the Office are still employed under temporary contract schemes. They drew attention on the critical need to have stable employment conditions for their staff in order to be able to carry out their activities in a sustainable manner and meet the high demand for their services in various areas. Activities cover translation and interpretation services, standardisation of Slovene legal and administrative terminology, language training for public administrative staff, linguistic and technological support to the members of the Network. Additionally, representatives of the Slovene minority indicated that they continue encountering difficulties in using their language when communicating, especially electronically, with administrative bodies.

126. Despite welcoming the linguistic helpdesks services, notably for the translation of official documents,

<sup>99</sup> Chamba D'òc, In Coni province (Piedmont) prefers using mailing lists to circulate information about Occitan cultural events.

<sup>100</sup> [ACFC Thematic Commentary No. 3](#), para. 41-42.

<sup>101</sup> Determination of the criteria for the distribution of the funds referred to in Articles 9 and 15 of Law No. 482 of 15 December 1999 on the protection of historical linguistic minorities, for the three-year period 2020-2022., [Gazzetta Ufficiale, 3 January 2020, no. 2](#).

<sup>102</sup> Additional information received from the authorities on 19 November 2021.

<sup>103</sup> Deliberazione n. 13/11 del 9.04.2021, Oggetto: Norme in materia di tutela delle minoranze linguistiche storiche. [Legge n. 482/1999](#), artt. 9 e 15 e L.R. n. 22/2018, art. 10, commi 4 e 5. Linee guida annualità 2021.

<sup>104</sup> “Alloglot” helpdesk refers here to Gallurese, Sassarese and Tabarchino also protected under Regional Law No. 22/2018.

Sardinian interlocutors pointed out that knowledge amongst the island population on their right to use their language with local or regional authorities remained low. More incentives need to be provided to encourage municipalities to set up these helpdesks and access the funds. They indicated that regarding the use of the Sardinian in judicial proceedings, even if technically possible, was scarcely used and undermined by the lack of publication in and on legal terminology in Sardinian. Representatives of linguistic minorities highlighted difficulties encountered in the application process and delays in receiving funding (see Article 5). Numerically smaller minority representatives perceived those delays as an expression of the lack of interest for their rights.

127. The Advisory Committee reiterates that protective arrangements must be in place to maintain services in the minority languages, even if it is not widely used, as it may otherwise disappear from the public sphere.<sup>105</sup> In order to create respect for lesser-used languages, language policies should encourage the use of different languages in public places, such as local administrative centres.<sup>106</sup> The Advisory Committee notes that linguistic helpdesk continues to be one of the main policy tools to ensure the use of minority languages in Italy, which minorities themselves value and takes positive note of the latest development in Sardinia and Friuli-Venezia Giulia. However, it is concerned by the discrepancy in funding to support linguistic helpdesks in some regions, notably inhabited by numerically smaller minorities. Consequently, it is of the view that efforts should be made to ensure that administrative obstacles do not undermine effective access to minority language rights. Furthermore, authorities should also ensure that qualified staff employed by linguistic helpdesks, including the Central Office for the Slovene Language, can be offered long-term employment opportunities, with a view of stabilising and mainstreaming the use of minority language and encouraging diversity and multilingualism in public administrations. The Advisory Committee also regrets that, despite its previous recommendation,<sup>107</sup> persons belonging to the Slovene minority continue encountering difficulties to communicate electronically with administrative bodies in their minority language.

128. The Advisory Committee calls on the authorities to take adequate steps to ensure that linguistic helpdesks are opened in all relevant municipalities and that they are equipped with adequate and sustainable human and financial resources. The authorities should also raise awareness among persons belonging to national minorities about services provided by linguistic helpdesks.

129. The Advisory Committee asks the authorities to ensure that persons belonging to the Slovene minority are able to use their minority language when communicating,

including electronically, with administrative bodies concerned.

### **Personal names in minority languages (Article 11)**

130. Regarding the right to use surnames and first names in minority languages in official documents, Italy continues to apply a territory-based implementation.<sup>108</sup> In the autonomous region of Friuli-Venezia Giulia, identity documents are issued in bilingual format Italian-Slovene upon request.<sup>109</sup> Authorities reported that the Cimbrian minority living in Asiago-Altopiano in Veneto enjoy their right to use surnames and first names in their language.

131. Representatives of the Slovene minority informed the Advisory Committee that in the transition to digitalisation of the public administration, the numerous IT systems and computer keyboards in use, not always recognising diacritic signs, created discrepancies between the spelling of surnames and first names on identity documents issued by local authorities and documentation relating to services (schooling, healthcare, driving licences, passports, etc.) provided by public administration at national or other levels. Furthermore, interlocutors indicated that the lack of a uniformed electronic system, notably with regards to recognising diacritic signs in personal names, could also result in delays when communicating or accessing services with different public administrations.

132. The Advisory Committee considers that authorities should resolve comprehensively any problems related to diacritic signs in minority languages on computer keyboards in the administration with the view to ensuring that all persons belonging to minorities obtain identity and administrative documents that correctly spell their names and surnames according to the rules of their respective minority languages.

133. The Advisory Committee reiterates its call on the authorities to ensure, when implementing the digitalisation strategy, that persons belonging to the Slovene minority are able to obtain identity and administrative documents spelling their surnames and first names correctly.

### **Display of minority language signs and topographical indications (Article 11)**

134. Topographical indication in minority languages is a right well implemented in the autonomous region of Aosta Valley and in the autonomous provinces of Bolzano and Trento, where bi- or trilingual signage is widespread. Funds available for topographical indication in minority languages are autonomously allocated by their respective regions for the Friulian, German-speaking and Slovene minorities in Friuli-Venezia Giulia and for Catalan and Sardinian languages in Sardinia. Numerically smaller minorities, notably Walsers (Aosta Valley and Piedmont), Occitans

<sup>105</sup> See [ACFC Thematic Commentary No. 3](#), para. 56.

<sup>106</sup> See [ACFC Thematic Commentary No. 3](#), para. 33.

<sup>107</sup> See the Advisory Committee's [Fourth Opinion](#) on Italy, para. 80.

<sup>108</sup> In the autonomous region of Aosta Valley and in the autonomous province of Bolzano, this right is effectively implemented, and documents are, by default, issued in bilingual format (respectively, in Italian-French and Italian-German).

<sup>109</sup> As of 2009, a decree of the Ministry of the Interior established that in four municipalities of Trieste – previously included in the London Memorandum of 1954 - documents were issued in bilingual Italian-Slovene format, unless a request was made to have them only in Italian. In all other municipalities covered by Law No. 38/2001, the contrary applies: identity documents are issued only in Italian, unless a request is made for a bilingual one.



(Piedmont), Cimbrians (Veneto), Croats (Molise), Ladins (Veneto and Trento), Albanians (Apulia, Campania and Calabria) and Greeks (Puglia) generally have access to bilingual topographical indications in their respective languages, although some municipalities identified under Law No. 482/1999 are still in the process to complete implementation of this right. Furthermore, some provisions of Law No. 26/2007 of Friuli-Venezia Giulia allow the use of topographical signs in Resiano-speaking municipalities.

135. The Advisory Committee's interlocutors generally expressed their satisfaction with having access to bilingual topographical indication but underlined that the distribution of funds is not tailored to their needs. They reported that the number of applications for these funds were limited per minority, municipality and in time. In practical terms, it means that a demand for topographical signs in a minority language cannot be renewed until a certain time-period has elapsed. As such, the need for new signs cannot be accommodated in newly recognised municipalities or in those municipalities affected by natural disasters causing damage which would require the replacement of signs.

136. Friulian representatives expressed concerns regarding the implementation of the right to topographical indication in minority language. This responsibility is sometimes devolved to partly state-owned corporations running infrastructure, general transport and road maintenance services. Taking the example of the transfer of competences on construction sites from the province of Udine to Friuli-Venezia Giulia Strade S.p.A., they underlined a lack of clear guidelines for the co-owned companies to ensure the right to bilingual or multi-lingual signage.<sup>110</sup>

137. The Advisory Committee recalls the important symbolic value of bilingual topographical indications as an affirmation that the presence of linguistic diversity is appreciated, and that a given territory is shared in harmony by various linguistic groups<sup>111</sup>. It welcomes the continuous progress made, through the growing list of municipalities recognised under Law No. 482/1999 (see Article 3), to disseminate bilingual or multilingual topographical indications in areas traditionally inhabited by persons belonging to national minorities.

138. However, the Advisory Committee considers that authorities should ensure the effective implementation of minorities' right to topographical indication in their languages by remedying obstacles and delays in the application to dedicated funds. Additionally, it is of the opinion that, in companies co-owned by private and public entities, authorities should ensure that clear guidelines and measures are put in place to effectively implement, in a continuous manner, the right to topographical indications in minority languages.

139. The Advisory Committee asks the authorities to ensure the effective implementation of national minorities' right to topographical indication in their languages by remedying obstacles in the application to dedicated funds and by providing clear guidelines to partly state-owned

companies having devolved competences on the implementation of this right.

### Intercultural education (Article 12)

140. The framework regulating education about national minorities and their languages leaves a high degree of autonomy to regional and local authorities as well as educational institutions themselves. Law No. 107 of 13 July 2015 on the "Reform of the national education and training system and delegation for the reorganisation of the existing legislative provisions",<sup>112</sup> reinforced educational institutions' autonomy. For example, educational institutions decide 20% of the curriculum autonomously, and consequently, the extent of teaching about minorities and their languages in schools varies significantly. However, the 2015 reform is associated with, amongst other objectives: "the valorisation and enhancement of language competences" (although with a focus on the Italian, English and other European Union's languages) and the submission by each educational institution of a triennial educational delivery plan detailing initiatives reflecting the needs of the local cultural, social and economic context. Additionally, the Decree No. 60/2017 provides that funds are available for initiatives "dedicated to the enhancement of the humanist culture, valorisation of the cultural heritage and production and the support to creativity". Specific funding for teaching about minorities and in minority languages is available through the decree's "Plan of Arts" within the strategic priority dedicated to "ensuring linguistic pluralism and attention to minorities and local population traditions".<sup>113</sup>

141. There is no national curriculum: schools and teachers can freely choose the textbooks and teaching materials they wish to use. Instead, since 2012, National Indications for preschools and primary schools are provided by the Ministry of Education, establishing educational objectives and didactic goals. National Indications from 2018 acknowledge the importance of minority languages as language of education and that "multilingual and intercultural education represents functional resource for the enhancement of diversity and (...) a prerequisite for social inclusion and democratic participation". According to the authorities, in the National Indications, teachers in the discipline of 'History' and 'Education for Cultural Heritage' are encouraged to emphasise the history of the territory. The Intercultural Guidelines from March 2022 developed for the integration of pupils with a migration background also stresses intercultural educational aspects and mentions the twelve minority languages recognised on the national territory.

142. Representatives of linguistic minorities drew the attention of the Advisory Committee to the continued lack of knowledge among the general population, and thus educational institution staff, about their culture and history, particularly in regions inhabited by numerically smaller minorities (see Article 6). Consequently, the 20% autonomous part of the curriculum is seldom dedicated to teaching about linguistic minorities or in and of their

<sup>110</sup> See Annex 2 to the [fifth state report](#), submitted by ARLEF in 2019.

<sup>111</sup> See [ACFC Thematic Commentary No. 3](#), para. 67.

<sup>112</sup> See [fifth state report](#), page 42.

<sup>113</sup> *Ibid.* Authorities further indicated that a project led by the Istituto Comprensivo G. Reina of Chiusa Sclafani (Sicily) received funding to enhance the artistic and cultural heritage of Albanians, through the study of costumes and songs the history and tradition of this minority.

languages. This tendency affects particularly minority children who follow school outside of the traditional area of settlement, due to the closure of their village school, leading them to attend exclusively Italian speaking schools (see Article 14). Interlocutors reported that in such instances, teaching about national minorities' culture and history, was dependent on the teacher's interest on this topic and the goodwill of educational institutions.

143. Some of the Advisory Committee's interlocutors reported on the ongoing discussions taking place in the autonomous province of Bolzano regarding the organisation of the education system. As it currently stands, there are two distinct school systems which coexist based on the principle of separation and monolingual instruction (in German- and Italian-language schools, with the compulsory teaching of the respective other language). The plurilingual Ladin school system in this province uses "the principle of 'teaching language parity', where classes are given in German and Italian in an equal amount and Ladin itself is also taught (and used as a back-up language while teaching)".<sup>114</sup> Some minority representatives are favourable to measures introducing plurilingual education for German and Italian speaking students on top of the existing monolingual model.

144. Roma and Sinti representatives regretted the general absence in teaching about their culture and history in educational materials (see Articles 4 and 6). They consider that introducing such elements to history teaching is of crucial importance in combatting antigypsyism, prejudices and stereotypes within Italian society.

145. The Advisory Committee reiterates that adequate information on the composition of society, including linguistic and other minorities, must form part of the public curriculum and of textbooks and education materials used in all schools, not only to promote intercultural understanding and respect among all students, but also to raise the prestige and self-awareness of persons belonging to numerically smaller or disadvantaged groups.<sup>115</sup> As such, the authorities should review curricula and textbooks in subjects such as history, religion and literature to ensure that the diversity of cultures and identities is reflected and that mutual respect and intercultural dialogue are promoted.<sup>116</sup> The Advisory Committee acknowledges the high degree of school autonomy in the choice of curriculum and textbooks and the guidance provided in the National Indications. It takes note of the Ministry of Education's reiterated position that the freedom of textbooks and school autonomy contribute to the freedom of teaching, precisely with a view to promoting multiple perspectives in history teaching and the development of critical thinking in any subjects. Notwithstanding this, the Advisory Committee considers that

the wide discretion of the educational institutions, relying on teachers' goodwill and knowledge, combined with the loose framework character of the curriculum and the free choice of textbooks, may pose in practice a risk of overlooking certain aspects of minority cultures and history and that, overall, representatives of linguistic minorities and Roma and Sinti communities find it insufficient.

146. The Advisory Committee calls on the authorities to continue to raise awareness within the education system about linguistic minorities', Roma and Sinti's and religious groups' respective cultures and traditions, historical presence and contribution to the Italian society, using any relevant means and in close consultation with all relevant stakeholders.

### Access to education, including during the Covid-19 pandemic (Article 12)

147. The Italian authorities identified difficulties in access to education and digital learning due to the Covid-19 pandemic national-wide lockdown measures. According to the authorities, an estimated 30% drop in school attendance for Roma, Sinti and Caminanti children was observed during the Covid-19 pandemic. Digital distance education was not introduced in most Roma and Sinti settlements during the Covid-19 lockdown. Roma and Sinti children faced additional challenges due to living conditions in settlements with scarce access to essential infrastructures such as water, sanitation or healthcare (see Article 15).

148. To promote the inclusion and integration of Roma, Sinti and Caminanti children, a national project<sup>117</sup> has been in place since 2017 in 13 Italian cities<sup>118</sup> as part of the actions of the 'PON Inclusion 2014-2020' programme<sup>119</sup>. The integrated approach of this project addressing the school and housing contexts, as well as the local schools' network, has achieved some success in the school performance of Roma and Sinti pupils, especially for those who have been enrolled for several years. UNAR and the Ministry of Education also held several bilateral meetings in recent years to discuss tools and financial opportunities for promoting inclusive school inclusion of Roma, Sinti and Caminanti children. As a result, the Ministry of Education published notices for schools where a risk of school dropout exists.<sup>120</sup>

149. The Advisory Committee has been made aware that early school dropouts, especially between primary and secondary education, are also reportedly linked to early marriages within Roma and Sinti communities. To address it, initiatives have been taken by some municipalities, such as the Municipality of Udine, through the recruitment of cultural mediators, after-school activities, and vocational

<sup>114</sup> Alber, Elisabeth. « South Tyrol's Education System: Plurilingual Answers for Monolingual Spheres? », *L'Europe en Formation*, vol. 363, no. 1, 2012, pp. 399-415.

<sup>115</sup> See [ACFC Thematic Commentary No. 4](#), para. 59.

<sup>116</sup> See [ACFC Thematic Commentary No. 3](#), para. 82. See also OSCE High Commissioner for National Minorities (2012), [The Ljubljana Guidelines on Integration of Diverse Societies](#), page 56. See also Council of Europe's [Recommendation CM/Rec\(2020\)2](#) to member states on the inclusion of the history of Roma in school curricula and teaching materials, adopted by the Committee of Ministers on 1 July 2020.

<sup>117</sup> In 2021 the project reached 112 school complexes, 336 classes, and over 630 Roma and Sinti pupils (7 000 pupils in total since the start).

<sup>118</sup> Bari, Bologna, Cagliari, Florence, Genoa, Messina, Milan, Naples, Palermo, Reggio Calabria, Rome, Turin and Venice.

<sup>119</sup> Project promoted by the Ministry of Labour and Social Policies in collaboration with the Ministry of Education, the Ministry of Health and with the technical support of the Istituto degli Innocenti.

<sup>120</sup> See more information in the [fifth state report](#), page 16.

training for youth under 21.<sup>121</sup> This sensitive problem which affects their education and health related actions was raised in particular by the authorities of Piedmont Region and the Prefecture of Turin. They indicated that national guidelines to address this problem without further reinforcing stereotypes would be welcomed (see Article 4).

150. ISTAT estimated that in the year 2018-2019, 12.3% of children between the ages of 6 and 17 did not have a computer or tablet at home, the share reaches almost a fifth in the southern part of Italy. Although the majority of school-age children (6-17 years old) live in households with internet access (96%), it does not always guarantee the possibility of carrying out activities such as distance learning if it is not combined with a sufficient number of PCs and tablets in relation to the number of family members.<sup>122</sup> UNICEF study "Learning at a Distance" estimates that school closures, which lasted until September 2020, meant that Italian students missed "65 days of regular school, (...) compared to an average of 27 missed days among high-income countries worldwide".<sup>123</sup> The study highlights the important inequalities among internet using families, pointing out the need "for good-quality digital services and stable internet connection as preconditions for remote learning".

151. Interlocutors of the Advisory Committee reported some problems faced during the Covid-19 pandemic by children from linguistic minorities in mountainous areas and in the south of Italy that were linked to a lack of hardware or stable and sufficient internet connection, making it strenuous to follow online lessons or download teaching materials during school closures.

152. To mitigate the impact of school closing during the pandemic and the loss of learning for children, the Ministry of Education allocated €85 million to schools for the enhancement of distance learning. Funds helped schools to acquire digital learning platforms, to train teachers and make digital devices available for children from lower socio-economic background. Workbooks and other educational materials were printed for the pupils of the first cycle of primary education; they were distributed in some Roma and Sinti settlements on the personal initiative of several teachers and by associations. No information was made available concerning preparation of teachers for distance. To further counter the school dropout tendency, the Ministry of Education created a Summer School Plan<sup>124</sup> and allocated €40 million for interventions to counter poverty and respond to educational emergency during the pandemic and €320 million for skills enhancement and socialisation.

153. The Advisory Committee is pleased to note that some measures have been taken and funding allocated by the authorities to counter the negative impact of the Covid-19 pandemic, including for Roma and Sinti children. It remains, however, concerned by the possible disproportionate negative impact on children from linguistic minorities, including numerically smaller ones, owing to their geographical isolation (See Article 15), lack of access to

stable internet connection and the limited offer of classes in minority languages (See Article 14). It considers that accurate data and analysis concerning the impact of school closures or online education on all minorities is vital in coming to terms with the long-term effects of Covid-19. On that basis, it would be important to undertake a thorough analysis of the impact of the Covid-19 pandemic on children belonging to all minorities, using data from minority schools, with a view to assessing the measures taken in response to the pandemic, identifying the negative trends and taking resolute measures to ensure that all children catch up on any learning they missed.

154. The Advisory Committee welcomes initiatives taken by some municipalities to tackle the impact of early marriages on schooling. The Advisory Committee considers, however, that there is a general lack of adequate research and consultation with the Roma and Sinti communities about the root causes of absenteeism and school dropouts and the possible role those early marriages play in the school dropouts rate which makes it difficult to address the problems in the most effective way. In order to further reduce school absenteeism of Roma and Sinti children and their early dropout between primary and secondary education, the Advisory Committee considers that an in-depth study on both internal and external causes for these dropouts should be conducted, closely involving children, parents, school professionals and cultural mediators, as well as all competent authorities at state and municipal levels with a view to providing guidance and adjusting educational policies and measures.

155. The Advisory Committee strongly encourages the authorities to analyse the impact of school closures and online education during the Covid-19 pandemic on pupils and students belonging to both linguistic minorities and Roma and Sinti communities, and to take resolute measures to address any negative trends identified, in close consultation with students, parents, teachers and cultural mediators.

### Teaching in and of minority languages (Article 14)

156. Italy has an asymmetric system for the teaching in and of minority languages.<sup>125</sup> On the one hand, specific regional regimes exist in the autonomous provinces of Trento and Bolzano (German and Ladin), as well as the autonomous regions of Aosta Valley (French) and Friuli-Venezia Giulia (Slovene and Friulian). In Sardinia, Regional Law No. 22/2018, states the competences of the regional authorities on subjects relating to Sardinian History, Literature, music and arts, etc. On the other hand, support for all minority languages is provided by the National Indications (see also Article 12) and project-based funds provided by Law 482/1999.

157. Autonomous regions and provinces have specific provisions allowing them to adapt the educational offer to

<sup>121</sup> See [fifth state report](#), page 45. Other initiatives includes the production of young-adult fiction or the use of technological instruments presenting the minority language which stimulate the younger generations to take back their linguistic heritage in a playful way.

<sup>122</sup> See [Rapporto annuale 2020. La situazione del paese](#) (2020), ISTAT.

<sup>123</sup> See [Learning at a Distance](#) (2021), UNICEF.

<sup>124</sup> Note No. 643 of 27 April 2021.

<sup>125</sup> In Italy, there are no schools with Romani or Sinti language teaching and the Ministry of Education has so far received no requests from parents to have a school with Romani or Sinti as a language of instruction.



the specificities of their status, guided by the National Indications. In Aosta Valley, French is taught and is a language of instruction on an equal footing to Italian. In the autonomous province of Trento, provincial guidelines and the “*Trentino trilingue*” plan provide dedicated hours of teaching in Italian, German and English from preschool to upper secondary school. The Ladin School of Fassa has a specific organisation to promote teaching in Ladin and about the community’s history and culture in the valley, from preschool, where bilingual education is carried out, to upper secondary school. In the autonomous province of Bolzano, there are two monolingual school systems (in German and Italian-language schools, with the compulsory teaching of the respective other language) and a plurilingual Ladin school system (see also Article 12 – Intercultural education).

158. In the autonomous region of Friuli-Venezia Giulia, state schools with Slovene as a language of instruction are well established, and authorities increased teaching hours by 4 to 6 hours in lower and upper secondary school, varying according to the school curriculum, compared to Italian language schools.<sup>126</sup> The Slovene-Italian Institute of San Pietro al Natisone in Udine province has adopted a Slovene-Italian bilingual didactic model, with equal hours in both languages from preschool to lower secondary school and Slovene is a language of instruction in upper secondary school (except from Italian language and literature, science and image education which are taught in Italian). As regards the local Resiano linguistic variant of Slovene,<sup>127</sup> it is taught to pupils; however, only on the basis of projects, otherwise the teaching is in Italian. In Val Canale, there is an experiment running with using German, Slovene, Friulan and Italian as languages of instruction. In two schools (*scuole medie*, classes 6-8) in Trieste and Muggia, Slovene can now be chosen as first foreign language (similar to French or English and not as a minority language). As for Friulian, teaching in the language is available from preschool to lower secondary education, following a demand from the parents and thanks to stable and sustainable funding provided by the region.

159. Pursuant to Law No. 482/1999, the recognition of a municipality by the provincial council as benefiting from measures for the protection of a minority language creates automatically the right to use this language at preschool (“*scuole materne*”), (See Article 3 - Scope of application”). Teaching of minority language at primary (6 to 11 years old), lower secondary (11 to 14 years old) and upper secondary (age 14 to 19, either general or vocational training) education level is organised upon request of the parents (“opt-in” model), in compliance with the National Indications defined by the Ministry of Education<sup>128</sup> (See Article 12). Additional support is provided by Ministry of Education

pursuant to Law No. 482/1999, through the annual grants addressed to educational institutions, from all levels, for projects supporting teaching in and about languages and cultural traditions of minorities. Authorities report that for the 2018-2020 biennium ten projects, distributed in five regions and focusing on eight linguistic minorities, received a total funding of €131 681.<sup>129</sup>

160. As part of the ‘National Strategy for Inland Areas’ (SNAI), Framework Programme Agreements have been concluded between the regions, the regional school offices and the municipalities concerned to enhance the linguistic and cultural heritage of linguistic minorities living in those areas (see Article 15 - Effective participation in socio-economic life). As an example, the ‘Strategy for the Grecanica Inland Area’ aims at protecting and promoting the language and culture of the Greeks of Calabria, including through the creation of a Laboratory for research and Teaching of the Calabrian Greek language.

161. Minority representatives, specifically from numerically smaller ones, reported on several difficulties they were facing concerning the teaching of their minority languages. Despite provisions to lower the threshold in mountainous areas from 15 to 8 pupils to keep schools open,<sup>130</sup> linguistic minorities concerned are confronted with the closure of the educational institutions present in their municipalities. Consequently, national minority children have to attend schools in other areas with Italian as a language of instruction and little to no provisions for the teaching of their language.

162. Representatives from linguistic minorities, notably numerically smaller ones, who are relying on project-based funds provisioned by Law No. 482/1999, highlighted the precarious nature of this format for the teaching of minority languages. They also reported that teaching in and of minority languages is generally an extra-curricular subject, taught one hour a week and that such teaching depends on the benevolence and knowledge of educational institutions staff to programme it (see Article 12). For example, Franco-Provençal representatives reported that in the village of Faeto (Puglia) a programme in minority language has been discontinued. Classes of Franco-Provençal are now taught as an extra-curricular, after-school activity and on a voluntary basis, the return of such classes in the curriculum is seen as a necessity to ensure the passing down and survival of the language in the village. Walser community members regretted that, despite past language codification efforts, only a few hours are reserved within school hours for the teaching of Titsch and Töitschu which is insufficient to learn the language. In Sardinia, Sardinian and Catalan representatives called for greater educational autonomy

<sup>126</sup> The number of children from mixed marriages or purely Italian-speaking families in Slovene schools is increasing, which as such is good, but this is also becoming a challenge as long as pedagogical-didactical approaches are not changing.

<sup>127</sup> As regards the request by some of the inhabitants of the Resia, Torre, Natisone and Val Canale valleys in the province of Udine to have a separate regional law to protect their language that they consider as being distinct from Slovene, see the [Fourth Opinion](#) of the Advisory Committee on Italy, para. 19. Friuli-Venezia Giulia Autonomous Region’s Law No. 26/2007 contains provisions on the promotion and protection of Resiano and linguistic variants. Dialogue is maintained with those concerned and the issue was addressed at a regional Conference organised by the Friuli-Venezia Giulia Autonomous Region from 12 to 19 November 2021.

<sup>128</sup> Additional information received from the authorities on 19 November 2021.

<sup>129</sup> See [fifth state report](#), page 44.

<sup>130</sup> According to Presidential Decree No. 81/2009, single classes in those areas can be set up with a number of pupils lower than the minimum and maximum established for primary schools (e.g. between 8 and 18 pupils, instead of 15 and 26).

which according to them, Sardinia has not yet achieved contrary to other autonomous regions,<sup>131</sup> to allow for an increased teaching of Sardinian and Catalan and better answer their specific needs.

163. Friulian representatives, joined by Slovene interlocutors, indicated that, despite high rates of parents asking for teaching in their language, this principle of “opt-in” was detrimental to the continuity in access to teaching and learning of and in minority languages notably, at upper secondary education level. Additionally, they point out the difficulties caused by this system in terms of organisations and scheduling of classes, which, they worry, might in the long-term result in “a split in the social cohesion of the community, with first-class and second-class languages”.<sup>132</sup> Furthermore, Slovene representatives are awaiting several decisions regarding the establishment of a Slovene section for musical education at the Giuseppe Tartini Music Conservatory in Trieste and the trilingual teaching (Italian, Slovene and German) at the I. Bachmann comprehensive school in Tarvisio, in line with Article 15 of Law 38/2001.

164. Regarding the difficulties faced notably by numerically smaller minorities residing in islands or mountainous areas, the Advisory Committee reiterates that persons belonging to national minorities, where feasible and where living in substantial numbers, be given opportunities to be taught their language or in their language. It reiterates that in case of school mergers, efforts can be made, for instance, to maintain different language classes in one school or develop bi- or multilingual teaching methodologies to reduce negative impacts on minority communities.<sup>133</sup> Consequently, close consultations with minority representatives should be undertaken to ensure the continuity of teaching in and of minority language. For instance, measures to support opening of classes of minority language, the recruitment of minority language teachers and the development of adequate bilingual and intercultural teaching methodologies in schools outside the areas of traditional settlement could be foreseen. In addition, request for minority language teaching must be accommodated in an equitable manner and refusals made subject to the possibility of legal challenge.<sup>134</sup>

165. Concerning the teaching of minority language as organised by provisions of Law No. 482/1999, the Advisory Committee reiterates that the teaching of minority languages as an “opt-in” subject on parents’ demand does not sufficiently encourage minority pupils to learn their minority language while pursuing their studies and that it is likely to affect negatively their ability and motivation to preserve this language. The Advisory Committee considers that one hour of teaching in and of minority language is insufficient not only for the development of mature literacy, but also for the survival of lesser spoken minority languages. It reiterates that in order to develop minority language skills as an added value for their speakers as well as society, there must be

continuity in access to teaching and learning of and in minority languages at all levels of the education system, from pre-school to higher and adult education.<sup>135</sup> As such, it is important to continue having an open dialogue with linguistic minorities in order to review the framework for teaching in and of minority languages, to encourage schools to increase their educational offer in the latter and provide continuous learning of their languages to minorities.

166. The Advisory Committee reiterates its call on the authorities to provide adequate funding for minority language education to ensure continuity in teaching in and of minority languages when pupils or students of linguistic minorities, including numerically smaller ones, study in schools outside of the areas of traditional settlement and to review the framework for teaching in and of minority languages in close consultation with minority representatives to better answer their respective educational needs.

### **Educational materials for minority language teaching (Article 14)**

167. Educational institutions can freely choose, after proposals of teachers in their subjects and in coherence with National Indications, textbooks and didactic tools. The Ministry of Education has a specific fund to support drafting, translation and printing of textbooks for upper secondary schools with Slovene as language of instruction, i.e. as part of the compulsory education. In the north of Italy, depending on the support of regional, provincial or local administrations, materials in minority languages are designed and produced with the help of Language institutes such as ARLEF<sup>136</sup>, for the Friulian language, or OLFED<sup>137</sup> for the Ladin language. They also produce didactic materials as an alternative to textbooks.

168. As part of the 20th anniversary of Law No. 482/1999 and its review, authorities organised a National Seminar on “Minority Languages at School” in San Giovanni di Fassa in October 2019. One of the concrete results of this event was the establishment of a National Network for Schools with Minority Languages. Education institutions expressed the need for such a network in order to have a permanent platform for meetings and exchange of best practices on didactic, methodological, evaluation and organisational issues in minority language teaching. The aim is to bring together schools with minority languages that are spread over the Italian territory, breaking their isolation, to promote and share training initiatives, produce materials for teaching minority languages in co-operation with local associations, Universities, state institutions, etc. Authorities announced that €20 000 in funding for the implementation of promotional, co-ordination and support activities by the Network for Schools with Minority Languages will be provided by the end of the 2020-2021 school year.<sup>138</sup>

<sup>131</sup> Other autonomous regions have inserted the protection of their respective minority language in their special statute for autonomy.

<sup>132</sup> See Annex 2 to the [fifth state report](#), submitted by ARLEF in 2019.

<sup>133</sup> See [ACFC Thematic Commentary No. 3](#), para. 70-75.

<sup>134</sup> See [ACFC Thematic Commentary No. 3](#), para. 69.

<sup>135</sup> See [ACFC Thematic Commentary No. 3](#), para. 70-75.

<sup>136</sup> ARLEF - Agenzie Regional pe Lenghe Furlane.

<sup>137</sup> OLFED - Ofize Ladin Formazion e Ennescida Didatica.

<sup>138</sup> See [fifth state report](#), page 42 and information available on this [webpage](#)

169. Catalan representatives indicated that the production of didactic materials and textbooks is mainly supported by the Institute for Catalan Studies (Catalonia, Spain). Several national minority representatives indicated the need for stronger support in developing and printing textbooks in their languages, for instance, in Greek, Occitan and Albanian of Campania and other regions, as it is currently organised on a voluntary basis by the cultural associations of these regions. Additionally, Germanic populations and numerically smaller minorities, indicated that the establishment of cultural or language institutes for their respective minorities, such as OLFED or ARLeF, would be welcome to develop educational materials. Sardinian representatives indicated that they were lacking such support to develop educational materials more adapted to their language.

170. National Minority representatives welcomed the establishment of the National Network for Schools with Minority Languages, notably as platform for discussion for good practices. They indicated that these new funds, if coupled with an increase of the funds for projects under Law No. 482/1999 could make a positive difference in teaching in and of minority language in their communities.

171. The Advisory Committee praises the authorities for the creation of the National Network for Schools with Minority Languages, which is the result of a successful consultation process to better respond to the needs of linguistic minorities. It considers that continuous and stable support, notably funding, is necessary to enable the National Network for Schools with Minority Languages to carry out its mandate.

172. The Advisory Committee reiterates that the training of teachers and access to textbooks of good quality are essential preconditions for ensuring good quality education for all pupils and students.<sup>139</sup> Thus, the Advisory Committee is concerned by the difficulties encountered by minorities to have access to educational materials for teacher of minority languages, though good practices have been observed. It stresses that a passive approach on the part of the authorities regarding the development of educational materials in minority languages is not an adequate means of protecting the rights of persons belonging to national minorities. Rather, the authorities should consider taking active steps to support the development of minority language textbooks and materials, notably for minorities who are unable to rely on resources from “kin-state” or by cultural and language centres.<sup>140</sup> It is important that educational materials content and language used are tailored to the specific needs of the minorities concerned. To do so, they could for instance consider having ear-marked funding for the production of textbooks and didactic materials in minority languages available to cultural and language centres, as well as universities.

173. The Advisory Committee calls on the authorities to provide adequate funding for cultural and language centres

or associations, and universities to support the production of textbooks and educational materials in minority languages.

174. The Advisory Committee asks the authorities to provide sustainable and stable funding to the National Network for Schools with Minority Languages, in order to ensure the development of its activities.

### **Quality of education in minority language and teacher certification (Article 14)**

175. Special provisions concerning the recruitment of minority language teachers only exist for the Slovene, Friulian, German and Ladin minorities.<sup>141</sup> Teachers in schools located in municipalities listed under Law No. 482/1999 are professionally qualified to teach at the preschool and primary level or in specific disciplines taught at secondary school. They also have further competences in the specific minority language acquired through university or other training courses. Universities providing masters or advanced courses in minority languages or are involved in teacher training for this subject are the Universities of Bolzano, Udine, Cagliari, Calabria and Ca’Foscari University of Venice. Since 2017, the University of Udine has established a training programme for teaching in the Friulian language and teaching Friulian culture. Authorities indicated that they have carried out a survey to evaluate the needs in terms of teacher training for minority languages instructions, concluding in the very heterogenous nature of these needs.<sup>142</sup> Similarly, in Sardinia, the Cagliari University has a programme in the Sardinian language (*Laboratorio Lingua Sarda 1&2*) and exams in Sardinian Philology and Linguistic are offered (though Italian is the medium of instruction for these courses).

176. Representatives of linguistic minorities expressed concerns regarding the lack of teachers in and of minority languages (see Article 14) in relation to the absence of certification proving their qualifications. They indicated that, as it is already the case for teachers in Friulan and Slovene, other minority languages protected by Law No. 482/1999 should also have a list of certified minority language teachers. According to these representatives, having institutions, such as universities and language or cultural centres which are able to produce teaching materials and conduct teacher training, is a prerequisite for teacher certification. Some representatives of numerically smaller minorities, notably of German language-speakers residing in Alpine enclaves, indicated that they still lacked such cultural or language institutes able to accompany universities in developing these teacher training programmes. Representatives of linguistic minorities also agreed that more incentives need to be provided for teachers of and in minority languages. As it currently stands, it is an unattractive career path, due to the difficulty to organise the classes, to find educational materials and textbooks in minority languages and owing to the remoteness of some of the minorities’ traditional areas of settlement (see Article 15).

<sup>139</sup> See [ACFC Thematic Commentary No. 1](#), para 57.

<sup>140</sup> See [ACFC Thematic Commentary No. 3](#), para. 60-63.

<sup>141</sup> See [Implementing legislation for the recruitment of teachers in German and Ladin language](#) and its [2018 amendment](#), as well as [Provincial Legislation](#) (all in German).

<sup>142</sup> See [fifth state report](#), pages 45-46.



177. Friulan representatives indicated that in their case, the creation in 2017 of a teacher training was a welcomed and promising prospect; however, they pointed out the need for a flexible approach and transitory measures to allow teachers with skills in Friulan language to be able to teach even if they are not yet certified. This flexibility would remedy the current teacher shortage and ensure the continuity of the education for students of those languages until long-term solutions are put in place.

178. German language-speakers residing in Alpine enclaves and Croat minority interlocutors reported a continuous decrease in the number of schools teaching in Croat and in German local variants over the last monitoring period. The fact that there is a lower interest in joining such schools is, according to them, partly the responsibility of the state which does not make such schools attractive or provide them with necessary support in terms of equipment, minority language textbooks, etc. In areas with shortages of teachers able to teach these local variants (depopulated villages, mountainous areas), teachers of the modern form of language are recruited from “kin-states”. According to these minorities, these secondments allow at least pupils to gain knowledge on modern forms of their minority language and develop bonds with communities of similar languages and is a way to ensure the survival of their language and culture through a continuous teaching of this subject.

179. Occitan representatives reported about online training activities addressed to teachers led during the Covid-19 pandemic which had a positive outcome in disseminating knowledge on the presence of their community in Italy. They also indicated that a programme in their language and about their culture at the Piedmont University would be welcome and help achieving the goal of having certified teachers in and of this language. On their side, Catalan representatives indicated that Sardinia Region organised courses for the certification of Catalan proficiency. However, only 25% of attendant were teachers, among which, two of them obtained certification for the upper secondary level of education.

180. The Advisory Committee reiterates the high importance of quality teaching in national minority languages, including those of numerically smaller minorities, in order to ensure that persons belonging to national minorities can effectively preserve their languages and minority identity. It is concerned by the lack of certified teachers in minority languages and the negative impact it has on the availability of teaching in and of minority languages in Italy. In this respect, the Advisory Committee regrets the lack of measures to remedy the shortcomings already identified in its last Opinion.<sup>143</sup> Thus, it is of its view that authorities could increase support to existing cultural and language centres for national minorities and create new ones, according to the needs and demand of linguistic minorities and in close consultation with them. Such centres could be the basis on which university programmes in and of minority languages can develop and offer teacher

training, language certifications and educational materials in minority languages. Additional measures to remedy the lack of minority language teachers in the long-term could consist in stimulating students to follow such courses and in creating incentives for the recruitment of minority language teachers in areas where minorities live. Authorities could also consider consulting further with minority representatives and the National Network for Schools of Minority Languages on how to better support their needs with a view to remedy the shortage of qualified teachers of and in minority languages, including through the adoption of flexible measures for a limited-time period. The Advisory Committee took positive note that, teacher training - with specific training courses for each minority language - was identified by the Network for Schools with Minority Languages as a priority measure for the period 2022-2024.

181. The Advisory Committee is aware that to remedy the lack of certified teachers in minority languages, co-operation with “kin-states” is welcomed by minorities, notably numerically smaller ones. It commends the possibility for teachers seconded from “kin-states” to teach modern language forms in the absence of any other solution provided by the Italian authorities which demonstrates good bilateral co-operation. The Advisory Committee is nevertheless concerned about the long-term impact this practice may have on the specificities of minority languages spoken in Italy, namely the risk of disappearance of local variants of these languages. It reiterates that the aid received from “kin-states” in no way decreases the Italian State’s responsibility to implement effectively the rights of persons belonging to national minorities.<sup>144</sup>

182. The Advisory Committee urges the authorities to ensure appropriate provision of qualified teachers of minority languages and/or teachers capable of teaching other subjects in minority languages, and to increase support for the training and recruitment of minority language teachers, whilst paying special attention to the needs of numerically smaller minorities.

### **Effective participation in public affairs: representation and consultative mechanisms (Article 15)**

183. The national framework for the participation of persons belonging to linguistic minorities in decisions affecting them has remained the same since the last monitoring cycle.<sup>145</sup> The Federative Committee of Linguistic Minorities in Italy (CONFEMILI) remains the umbrella organisation representing the interests of the twelve recognised linguistic minorities in Italy. It is regularly involved in consultations, notably in the Technical Advisory Committee for the Protection of Historical Linguistic Minorities (hereinafter “the Technical Committee”)<sup>146</sup> which mainly focuses on the allocation of the funds provided by Law No. 482/1999.

184. A significant change has nevertheless occurred in September 2020, with a constitutional referendum

<sup>143</sup> See the Advisory Committee’s [Fourth Opinion](#) on Italy, para. 107.

<sup>144</sup> See the [ACFC Thematic Commentary No. 3](#), para. 60-63.

<sup>145</sup> Since 23 May 2012 no further Prime Ministerial Decree related to the composition of the Advisory Technical Committee was adopted.

<sup>146</sup> The Technical Committee must be convened by the Ministry of Regional Affairs at least twice a year. It also includes representatives of relevant governmental departments, ANCI, the Union of Italian Provinces (UPI), the Conference of Regions and Autonomous Provinces, and five experts appointed by the Minister for Regional Affairs who acts as co-ordinator of the Committee.

approving the reduction the number of members of parliament from 630 to 400 in the Chamber of Deputies (lower chamber) and from 315 to 200 in the Senate (upper chamber) as of May 2023. In the absence of reserved seats for minorities in the parliament, the Slovene minority expressed concerns about losing the possibility to defend their and other linguistic minorities' interests as a result of the reduction of seats in the Parliament.

185. At the regional level, the degree of involvement of linguistic minorities in the decision-making processes varies greatly, depending on the region, its status and legislative arrangements. Since 2016, in Sardinia, before the adoption of Regional Law No.16/2018, a process of public consultations started; Article 6 of the Law enshrined the organisation, on an annual basis, of an Open conference (*Cunferentzia aberta*) on Sardinian languages which, participates in both the definition of objectives and the evaluation of the regional language policy. Following the conclusions of a meeting held on 28 February 2019, the functioning of the Joint Institutional Committee for the Slovene Minority Committee has been reviewed.<sup>147</sup>

186. The National Roma, Sinti and Caminanti Platform (hereinafter "the Platform"), established in 2017, is an operational instrument of dialogue between UNAR, 79 Roma and Sinti associations from all over Italy, and central and local public administrations involved in the Strategy. The Platform also provides training support on topics of recognised interest with a view to developing project proposals to attract national and European funds. The Forum of Roma and Sinti Communities (hereinafter "the Forum") made up of 25 Roma and Sinti associations, acts as the central nucleus of the Platform. Its role is to express a common position on some relevant issues to be presented to the competent institutions or for a political agenda. In this respect, it is worth noting that in December 2020, three Roma and Sinti women founded a national political party.<sup>148</sup>

187. Numerous interlocutors from linguistic minorities expressed overall satisfaction that the Technical Committee exists as it provides them with the possibility to be represented and consulted. However, they shared criticism about its lack of effectiveness and little impact on legislation that is directly relevant for linguistic minorities. Representatives of linguistic minorities also indicated their wish to see the re-establishment of the Permanent Conference of State-Regions-Local Authorities-Minorities (hereinafter "the Permanent Conference"), which had been previously set up by the Ministry for Regional Affairs. They indeed appreciated the series of meetings with multiple actors held throughout the country as part of the 20<sup>th</sup> anniversary of Law No. 482/1999 with allowed for increased dialogue with central and regional authorities. In the context of a possible review of this law, the Technical Committee could be given a co-ordinating role to re-establish the

Permanent Conference and defines its objectives and working procedures.

188. More generally, representatives of linguistic minorities expressed regrets that Italy does not support the parliamentary representation of recognised minorities. As a consequence of this lack of representation of their interests in the Parliament, minority representatives highlighted that the potential impact on minorities in general or on specific linguistic minorities of the bills discussed, is rarely addressed under the current parliament composition (see participation in socio-economic life below).

189. Roma and Sinti representatives expressed overall satisfaction of UNAR's increased efforts to provide consultation mechanisms for the design and evaluation of governmental strategies and find the existing Platform and Forum useful tools to transmit their views. These bodies also contributed to major progress in finding common positions between Roma associations on the one hand and Sinti associations on the other hand. However, Roma and Sinti representatives participating in the Platform and the Forum have no influence in the decision-making process at national, regional and local levels.<sup>149</sup>

190. The Advisory Committee reiterates that consultations of persons belonging to national minorities in decision-making is particularly important, even though consultation does not alone constitute a sufficient mechanism for ensuring effective participation of persons belonging to national minorities and points out that their effective participation requires a substantial influence for national minorities on decisions and as far as possible a shared ownership of decisions taken. As a rule, measures facilitating the representation of persons belonging to national minorities in elected bodies should be supported. Exemptions from threshold requirements, reserved seats or veto rights have often proved useful to enhance their participation in elected bodies. Particular attention should be paid to the balanced representation of women and men.<sup>150</sup>

191. The Advisory Committee notes with satisfaction that consultative mechanisms with linguistic minorities and with Roma and Sinti communities are well established at national level. This consultation is not, however, sufficient at regional and provincial levels. It is also unclear how many persons belonging to linguistic minorities participate in all these bodies. The Advisory Committee notes that the composition of the Technical Committee is dominated by representatives of government departments and other public provincial, regional and municipal bodies and that CONFEMILI has only two members while representing the interests of twelve linguistic minorities. Although the Technical Committee is consulted on issues of interest to minorities, its role in the decision-making process is of a consultative nature only.

192. Furthermore, the Advisory Committee observes that the role of the Technical Committee, and its work could be

<sup>147</sup> In accordance with Article 3 of Law No. 38/2001, the activity of this Joint Committee is ruled by the Regulation No. 65 issued by the Decree of the President of the Italian Republic dated 27 February 2002. Changes concerned the members' term of office and absences, the role of the Secretary, the presentation of documents in both Slovene and Italian, and the organisation of working groups.

<sup>148</sup> See [news article](#) (in Italian) about the creation of *Mistipé* Roma and Sinti national political party.

<sup>149</sup> For more details about the Platform and the Forum, see [fifth state report](#), pages 18-19.

<sup>150</sup> See [ACFC Thematic Commentary No. 2](#) on effective participation, pages 6-7. See also [The Lund Recommendations on the Effective Participation of National Minorities in Public Life & Explanatory Note](#), OSCE-HCNM, September 1999, point 12.

further supported by the Permanent Conference. A regular, high-level forum for consultation on matters other than allocation of funds such as socio-economic issues, health problems or education and culture would allow persons belonging to minorities to make their voices heard on all issues affecting them. Additionally, the Permanent Conference could allow for an equal participation of women and men belonging to linguistic minorities, as well as youth representation, bringing to the table a diversity of views, which the Technical Committee or the CONFEMILI alone cannot ensure currently. Indeed, during its visit, the Advisory Committee observed no major developments regarding the predominantly male composition of the Technical Committee already noted by the Advisory Committee in its previous Opinion.<sup>151</sup> It emphasises once again the importance of achieving gender and intergenerational balance in such consultative bodies.

193. With regard to the reduction in the number of seats in the Italian Parliament, the Advisory Committee underlines that when examining amendments to legislation or proposing new legislation, systematic consideration should be given by the authorities and members of parliament to the potential impact of these pieces of legislation on persons belonging to minorities, including numerically smaller ones, and, where relevant, timely consult their representatives during the drafting process.

194. The Advisory Committee again asks the authorities to review the procedures for appointment of representatives of linguistic minorities in the work of the Technical Committee to ensure that the legitimate interests of all recognised linguistic minorities are represented, and to ensure gender and intergenerational balance in its composition.

195. The Advisory Committee encourages the authorities to consider re-establishing the Permanent Conference of State-Regions-Local Authorities-Minorities, in co-ordination with the Technical Advisory Committee for the Protection of Historical Linguistic Minorities. More generally, the authorities should ensure an effective, coherent, and sustainable interinstitutional co-ordination and approach on all issues pertaining to the rights of linguistic minorities, in close consultation with minority representatives.

### **Effective participation of minorities in socio-economic life (Article 15)**

196. A large proportion of persons belonging to linguistic minorities in Italy live in rural, isolated (islands or mountainous areas) or economically depressed areas. In this respect, the authorities drew attention of the Advisory Committee on the 'National Strategy for Inland Areas' (SNAI), a national development and territorial cohesion policy aimed at countering the marginalisation and the phenomena of demographic decline which is typical of these "inland areas".

197. In 2021, the study "Unequal Italy"<sup>152</sup> identified regions in the south of Italy, including Sicily and Sardinia, as well as the region of Imperia (Liguria, French-speaking minority), as "disadvantaged regions with significant structural challenges". These regions which have been faced with an important phenomenon of "out-migration" for many decades resulting in a shrinking labour force and follow-on problems of substandard educational opportunities and a lack of investment in economic development. Consequently, unemployment, notably for women and young people,<sup>153</sup> is "comparatively high" and educational attainment (25–39-year-old with tertiary education) is lower. Additionally, the local mobilisation to promote the reconversion of the region in the Sardinian-speaking Sulcis-Iglesiente has been documented, in response to the closure of the mining industry and transition to a more sustainable industry, such as electric car battery production, agriculture or sustainable tourism. In a region heavily impacted by low economic development opportunities, "out-migration" of Sardinian speakers "undermines the efforts to safeguard and revitalise" the language".<sup>154</sup>

198. In rural areas where persons belonging to linguistic minorities live in substantial numbers, notably Molise, Campania and the autonomous province of Bolzano, women have limited availability and accessibility to sexual and reproductive healthcare owing to the high levels of health personnel registered as "conscientious objectors"<sup>155</sup> and the lack of facilities providing these services. International organisations have raised concerns over this situation.<sup>156</sup> The European Committee of Social Rights (ECSR) has found (in 2014 and 2016)<sup>157</sup> that the authorities' failure to ensure an effective and equal access to reproductive health services across the country constitutes territorial discrimination. ECSR's Findings from 2021,<sup>158</sup> highlighted that these decisions had not been implemented and raised concerns over delays due to Covid-19, notably for women who live in disadvantaged areas, are of lower

<sup>151</sup> See the Advisory Committee's [Fourth Opinion](#) on Italy, para. 112.

<sup>152</sup> Mörschel, Fink and Rinaldi, [Unequal Italy](#), Friedrich Ebert Stiftung, 2021.

<sup>153</sup> Italy is among the EU countries with the lowest employment rate of young women in the 15-24 age group, according to a [2020 dossier on gender-gap](#) published by the authorities.

<sup>154</sup> Italy: Mining, migration and munitions in Sardinia – a linguistic minority struggles with economic decline, in [Minority and Indigenous Trends 2020](#), Minority Rights Group, Europe, 2020, accessed 15 January 2022.

<sup>155</sup> Molise is the Italian region with the highest rate of conscientious objectors. Specifically, 92.3% of gynaecologists, 75% of anaesthetists and 90.9% of medical staff (source: [Da gennaio in Molise ci sarà solo una dottoressa non obiettrice di coscienza](#)).

<sup>156</sup> UN Human Rights Committee, "[Concluding observations on the sixth periodic report of Italy](#)" CCPR/C/ITA/CO/6, 1 May 2017 (accessed 21/04/2022); UN Committee on the Elimination of Discrimination against Women, "[Concluding observations on the seventh periodic report of Italy](#)" CEDAW/C/ITA/CO/7, 24 July 2017 (accessed 21/04/2022), paras. 41-42.

<sup>157</sup> International Planned Parenthood Federation – *European Network (IPPF EN) v. Italy*, Complaint No. 87/2012, decision on the merits of 10 September 2013, Resolution ResChS(2014)6 and *Confederazione Generale Italiana del Lavoro (CGIL) v. Italy*, Complaint No. 91/2013, decision on admissibility and the merits of 12 October 2015, Resolution CMI/ResCHS(2016)3.

<sup>158</sup> [ECSR Follow-up](#) to decisions on the merits of collective complaints: finding 2021; International Planned Parenthood Federation – *European Network (IPPF EN) v. Italy*, Complaint No. 87/2012, decision on the merits of 10 September 2013, Resolution ResChS(2014)6.



income groups or less able to travel to other regions or abroad, to access these services.

199. Interlocutors of the Advisory Committee confirmed these trends, underlining the growing difficulties in participating in socio-economic life on islands, and in mountainous or rural areas. To them, structural disadvantages, such as the lack of services (access to shops, bank ATM, post offices, roads, transport, schools, healthcare, social and sport infrastructure) and employment opportunities accentuates the depopulation of villages and areas traditionally inhabited by minorities. In the absence of any formal consultation on these matters, they hoped to see the upcoming legislation on mountainous areas containing specific measures to provide for investments in transport (to combat geographical isolation), cultural (to create opportunities to have thriving communities) infrastructure, and to create economic opportunities (support for business development, basic services).

200. The Advisory Committee reiterates that effective participation in line with Article 15 of the Framework Convention requires that State Parties promote participation of persons belonging to national minorities in economic and social life and in benefits and outcomes in the social and economic spheres. It also reiterates that persons belonging to national minorities face particular difficulties in their access to healthcare, impacting negatively their participation in socio-economic life.<sup>159</sup> Comprehensive and long-term strategies should be designed and implemented to promote effective integration of persons belonging to disadvantaged minority groups in socio-economic life. Furthermore, the implementation of such policies should be carefully monitored and their impact evaluated, in close co-operation with representatives of the minorities concerned, with a view to adapting and strengthening them over time.<sup>160</sup>

201. The Advisory Committee is concerned that women belonging to national minorities who live in rural areas with high level of “conscientious objectors” and fewer facilities providing sexual and reproductive healthcare may be disproportionately impacted by additional barriers in accessing these services. It also expresses its deep concern over the high rate of unemployment in regions and areas traditionally inhabited by linguistic minorities. Authorities should promote economic rehabilitation programmes and regional development initiatives, notably on the transition to a sustainable green economy, targeting economically depressed regions. It is important that these programmes and initiatives are designed and implemented in a manner that also provides benefits to those in need among persons belonging to minorities living in such regions. The authorities could conduct studies, considering an intersectional approach, on unemployment among women and youth and on ways to ensure an effective access of economically disadvantaged minorities to the labour market. The Advisory Committee thus regrets the lack of consultation with minority representatives on legislation and strategies to develop islands, mountainous or rural areas. It emphasises that

studies and consultations should be conducted, with a view to carefully designing future policies affecting linguistic minorities’ traditional areas of settlement, including the forthcoming legislation on mountainous areas, and investments to develop infrastructures should be provided to ensure linguistic minorities’ access to basic services (schools, employment, transport), allowing their communities to thrive.

202. The Advisory Committee calls on the authorities to carefully analyse the socio-economic participation of persons belonging to linguistic minorities living on islands, in rural or mountainous areas, and to tackle any problems identified through investing in infrastructure and employment opportunities and targeted support for women and youth. Efforts should be made to remove barriers in accessing sexual and reproductive healthcare services for women belonging to national minorities.

### **Effective participation in socio-economic life: Roma and Sinti access to employment (Article 15)**

203. Data regarding access to employment by Roma and Sinti individuals is very fragmented and the main source of information dates back from 2012.<sup>161</sup> The surveys of the ‘P.A.L. Project’ conducted in eight cities revealed that unemployment remain very high, especially among women and young people. Roma and Sinti mostly occupy informal and occasional activities incapable of guaranteeing a continuous and sufficient income to meet family needs.

204. Access to employment for many Roma and Sinti of employable age is still severely limited by a generalised collective stigmatisation, low levels of education or vocational training, poor access to services, socio-legal and housing insecurity and high levels of social vulnerability. The pandemic has exacerbated the economic crisis already present within these communities and in traditional subsistence economies such as travelling shows, trade and collecting and reselling.<sup>162</sup> Consequently, the employment rate of Roma and Sinti, which was already lower than the employment rate of the general population, fell even further with the closures of businesses caused by the spread of the pandemic. “Traditional occupations” such as craftspeople, fairground workers, circus performers, have largely decreased to even just ten years ago. Work related to travelling shows, circuses and the management of fairgrounds is still of cultural and economic importance, especially among the Sinti who feel that the Law No. 337/1968 on equestrian circuses and traveling entertainment does not sufficiently take into consideration their traditions and specific situation. Due to additional education requirements to work in certain occupations, many Roma and Sinti find it hard to keep or find work. Roma and Sinti representatives indicated that social co-operatives have facilitated their introduction into the workforce and have in many cases made it possible to regularise situations of illegal and undeclared work, giving them a professional status and enabling them to achieve a decent standard of

<sup>159</sup> See [ACFC Thematic Commentary No. 2](#) on participation, 2008, para. 61.

<sup>160</sup> See [ACFC Thematic Commentary No. 2](#) on participation, 2008, para. 49.

<sup>161</sup> See [research](#) carried out by *Fondazione Casa della carità “Angelo Abriani”* entitled ‘EU Inclusive - National Report on Social and Labour Inclusion of the Roma in Italy’, the employment rate of Roma and Sinti individuals in Italy (2012).

<sup>162</sup> For instance, the closure of amusement parks during the Covid-19 pandemic affected about 15 000 Roma and Sinti families (source: Open Society Foundations, [Roma in the Covid-19 crisis](#), page 7).

living. However, these experiences have also been jeopardised by the pandemic.

205. In view of the low levels of employment among Roma and Sinti, the Advisory Committee considers that it is necessary to supplement the section on employment in forthcoming action plans of the new Strategy 2021-2030. Considering the longstanding social exclusion of persons residing in “authorised” and “unauthorised” settlements, the Advisory Committee is of the view that concrete actions should be taken to promote the employability of these persons through measures that are able to combine job counselling, training courses, social and work integration projects of collective utility, etc. At the same time, mid-term inclusion in mainstream and self-employment economic opportunities, including for women and youth, and keeping businesses need to be supported with affirmative action and micro-credits. Social co-operatives should be safeguarded and supported. The Advisory Committee also considers that legislation governing travelling shows, circuses and fairgrounds should be reviewed and adapted to Roma and Sinti specific needs, and, where relevant, to their itinerant or semi-itinerant way of life.

206. The Advisory Committee calls on the authorities to increase their efforts in promoting sustainable employment opportunities and employability of persons belonging to Roma and Sinti communities, with a focus on women and youth, including in the public sector, to support social co-operatives and to review the Law No. 337/1968 on equestrian circuses and traveling entertainment so as to take into consideration the specific needs and cultural and economic interests of persons belonging to these communities.

### **Effective participation in socio-economic life: Roma and Sinti access to healthcare (Article 15)**

207. The law guarantees the possibility of access to treatment even to foreign or EU citizens who are not registered with the National Health Service. Nevertheless, Roma and Sinti communities face difficulties in accessing health care services, especially when it comes to prevention and mental health programmes. To tackle this problem, in 2015, Italy adopted a "Health Action Plan for and with Roma, Sinti and Caminanti communities".<sup>163</sup> However this Health Action Plan turned out to be largely inapplicable in most territorial contexts and a survey carried out in 2018 showed that it was formally implemented only in a few regions.<sup>164</sup> On this basis, the 'Health Project - Promotion of strategies and tools for equal access to healthcare for Roma, Sinti and Caminanti' was developed with the aim of fostering the acquisition by local health authorities of knowledge and skills to support the implementation of this Health Action Plan. The objectives of the project, which involved local health authorities from Naples, Rome, Milan, Cagliari and Salerno, were to develop health education materials and information tools about social and healthcare services; to support the use of Roma and Sinti mediators/facilitators in healthcare; to "spread the public health culture" within "marginalised and remote localities" (SPP).

208. Despite various measures undertaken by the state authorities,<sup>165</sup> civil society and municipalities to assist Roma and Sinti communities, including during the Covid-19 pandemic,<sup>166</sup> many Roma and Sinti are still living in conditions of serious social marginalisation, material deprivation and poor integration. 'Unauthorised' settlements often have no access to drinking water, power, or sewage and people may live in an overcrowded family environment (7-8 persons per caravan, shack, or shipping container) often on the periphery of a city. This, combined with lifestyles and at-risk behaviours, negatively affects their health. Mutual mistrust between Roma and Sinti and healthcare staff remains widespread.

209. During the pandemic, the Directorate General for Health Prevention (DGPREV) of the Ministry of Health initiated a survey at the level of health departments of the

regions and autonomous provinces about any problems encountered locally in accessing Covid-19 test booking or vaccination by "persons with socio-health fragility and marginalisation", such as migrants, Roma and Sinti communities and people in reception and detention centres. DGPREV also presented a Health Focus on vaccination and awareness-raising for hard-to-reach recipients of these actions. In October 2020, at the request of the Ministry of Health, the National Institute for Health, Migration and Poverty (INMP) updated its document entitled "Interim Operating Procedures for the Management of Facilities with Persons who are highly vulnerable and at risk of Health and Social Care Exclusion during the Covid-19 Epidemic". These procedures aimed at guiding the prevention measures were meant for vulnerable persons, including for Roma, Sinti and Caminanti communities living in authorised and unauthorised settlements, by making them uniformed throughout the national territory. In addition, the Ministry of Health contributed to the Report of the Higher Health Institute "Vaccination against Covid-19 in residential communities in Italy: priorities and interim implementation methods".<sup>167</sup>

210. Despite the above preventive guidance from the central health authorities, the responses of local authorities were characterised by their disparate approaches. Whilst the 'Local Health Agency Roma 2' - covering the main formal and informal settlements of the City of Rome - implemented the above-mentioned operating procedures, in other cases, Roma and Sinti communities were simply left to themselves.<sup>168</sup> Covid-19 related information was not systematically translated into Romani or explained to illiterate persons. It was also reported by several interlocutors that, during the Covid-19 pandemic, no masks, hand-sanitisers, or hygiene supplies were distributed to certain settlements, even to those without access to water. This made recommended hygiene guidelines difficult to apply, if not impossible, for the Roma and Sinti living there. Access to healthcare facilities outside settlements was also limited during the pandemic due to strict quarantine (see Article 4).

211. In view of the disparity of approaches in response to the Covid-19 pandemic in places inhabited by Roma and Sinti communities, the Advisory Committee is of view that comprehensive and independent research should be conducted to reflect on any possible disproportionate impact the Covid-19 pandemic might have had on persons belonging to Roma and Sinti communities. It also notes that further training is needed for socio-healthcare professionals, with the participation of Roma and Sinti mediators/facilitators, to ensure mutual understanding and promote a better access to healthcare services. The positive

<sup>163</sup> Document available in Italian on the website of the Ministry of Health.

<sup>164</sup> Piedmont, Lombardy, Emilia Romagna, Lazio and Sicily.

<sup>165</sup> See also [fifth state report](#), page 16.

<sup>166</sup> See [Overview of the Impact of Coronavirus Measures on the Marginalised Roma Communities in the EU](#), pages 16-17, for initiatives taken by the municipalities of Rome and Naples, as well as by the JUSTROM programme team and associations such as *Upre Roma*.

<sup>167</sup> See ISS COVID-19 Report No. 16/2021, July 2021.

<sup>168</sup> For example, during the entirety of the lockdown period, the municipality of Vicenza provided no support of any kind to a group of approximately 70 Roma, including children and pregnant women, living within their municipality. For more details, see '[Roma Rights in the time of Covid](#)', European Roma Rights Centre (ERRC), September 2020, pages 19-20.

role of community mediators/facilitators should be further promoted under the new Strategy.

212. The Advisory Committee encourages the authorities to support Roma and Sinti mediators/facilitators and conduct independent research and reflect on any possible disproportionate impact of the Covid-19 pandemic on persons belonging to Roma and Sinti communities and effectively address the challenges identified.

### Effective participation in socio-economic life: Roma and Sinti access to housing (Article 15)

213. A survey carried out by ISTAT in the framework of an agreement signed with UNAR was published in 2017 with the aim of improving statistical knowledge on Roma and Sinti population in Italy and developing a system of indicators to monitor inclusion policies, with a special focus on housing. The survey 'Housing in Transition', published in 2021, concludes that the number of persons living in so-called "camps"<sup>169</sup> has halved compared to the ANCI-Cittalia survey published in 2017 (from almost 30 000 down to 15 000).<sup>170</sup> It shows that 42 municipalities claim to have activated housing transition projects between 2012 and 2019, with a total of 96 projects.<sup>171</sup> In more than half of the cases (52.8%), social housing is the destination of people participating in the projects, while in 42 % of the cases houses were found in the real estate market. Mobile homes on agricultural land, self-recovery (households rebuild or repair damaged or destroyed homes using their own assets) or, in few cases, micro-areas were also foreseen as housing solutions. The criteria used to select beneficiaries for access to the housing transition projects included, in order of importance, residence in the municipality, residence permit and documented permanence in the municipality, including living in a camp or parking area, as well as school enrolment of minors. 40 projects included support for the regularisation of their legal status. Neighbourhood conflict prevention and mediation actions were explicitly implemented in 44 projects.

214. Existing assessments of local action plans<sup>172</sup> indicate that over the years, the modality of interventions inside the camps has always been of a strongly emergency and welfare type, and this has produced important critical issues that have been repeated and amplified for more than thirty years, giving rise to a strong intergenerational

transmission of poverty. With the new local inclusion plans, a new paradigm of intervention has been introduced. However, some localities keep providing special housing support measures which are not sustainable solutions,<sup>173</sup> whilst others continue to offer services inside the "camps" rather than switching to mainstreaming services.

215. Despite some improvements,<sup>174</sup> the authorities acknowledge that the housing condition of Roma and Sinti inhabitants of "camps" and "outlying areas"<sup>175</sup> is a factor that exacerbates discrimination, with negative consequences on the right to education, access to healthcare, work and other services. They consider the improvement of housing as a key element to combat extreme poverty and intend to pursue their approach of proposing a "wide range of housing solutions". On their side, Roma and Sinti representatives reported that forced evictions of Roma and Sinti families remains a practice, and even occurred on some occasions during the Covid-19 pandemic, despite the Government Decree No. 34/Law No. 77/2020 issued on 19 May 2020 suspending evictions throughout Italy.<sup>176</sup>

216. The Advisory Committee welcomes efforts engaged by the authorities, in particular at municipal level, to find alternative housing solutions for Roma and Sinti living in 'authorised' and 'unauthorised' settlements and notes with satisfaction that the number of persons concerned has considerably decreased over the reporting period. Even though the Roma and Sinti population living in "authorised" or "unauthorised" settlements in conditions of housing poverty is a minority compared to their overall presence in Italy, the Advisory Committee is concerned by the residential segregation this represents, and by the persisting practice of forced evictions already documented by international organisations and bodies,<sup>177</sup> even more at the time of the pandemic, and the lack of alternative solutions when Roma families are evicted. It further notes that the overall housing situation is geographically unbalanced. Whilst – generally speaking – improvements in terms of more decent housing conditions have been achieved in the north of Italy, too many Roma families are still living in practice, in poor living conditions in the south of Italy, as observed during the visit. The Advisory Committee also emphasises the importance of mainstreaming Roma inclusion and housing policies in contrast to the exclusive approach that characterized

<sup>169</sup> In Italy there are different types of "camps": "authorised" can mean a space managed by the local administration, which regulates access and presence; "tolerated" ones are areas that do not enjoy real institutional management. Despite being partly equipped, they are not managed by any particular body or association but are monitored by the local authorities on whose territory they are located. A third type, "unauthorised", consists of "spontaneous" camps in extremely unstable environmental conditions (and often subject to repeated demolition).

<sup>170</sup> See this 2021 survey '[Abitare in transizione](#)' (in Italian). An e-book was published in 2021 analysing the replies to a questionnaire addressed to Italian municipalities with over 15 000 inhabitants.

<sup>171</sup> The municipalities with the highest number of activated projects were Sesto Fiorentino (Florence), Trento, Moncalieri (Turin) and Rome, indicating that 3 120 individuals transited into stable housing through specific projects. The largest numbers were found in Piedmont (870 individuals moved), Sardinia (843), Tuscany (436), Emilia-Romagna (250), and Trentino-South Tyrol (205).

<sup>172</sup> See Rossi, Monica (coord.) [Il piano di Inclusione RSC 2017-2021 di Roma Capitale](#).

<sup>173</sup> See for example "[Centri di accoglienza](#)" in Naples, or the distribution of €1 000 to Roma and Sinti families for accessing housing in Turin.

<sup>174</sup> According to the authorities, the number of families targeted by the 'PON Inclusion 2014-2020' programme residing in apartments has increased considerably and those in 'authorised' and 'unauthorised' settlements have decreased.

<sup>175</sup> "Outlying areas" refers to neighbourhoods, suburbs and areas with a strong Roma and Sinti presence (including long-standing camps), characterised by unstable access to services and problems in key areas such as access to employment and school dropout rates.

<sup>176</sup> The ERRC documented at least seven forced evictions of Roma and Sinti families between February and June 2020 (see '[Roma Rights in the time of Covid](#)', European Roma Rights Centre (ERRC), September 2020, page 21).

<sup>177</sup> See [findings of violations by Italy of the European Social Charter](#) by the European Committee of Social Rights and more recent cases brought by Amnesty International ([No. 178/2019 Amnesty International v. Italy](#)).



previous policies; of completing the process of closing "camps" with the tools already tested as good practices;<sup>178</sup> of enhancing the offer of alternative housing solutions and guaranteeing access to decent and healthy homes on the public or private market; and of constantly monitoring the transition process from "camps" to affordable houses<sup>179</sup> and in close articulation with employment and educational policies.

217. The Advisory Committee calls on the authorities to further invest in improving the living conditions for persons belonging to the Roma and Sinti communities living in 'authorised' and 'unauthorised' settlements, and to ensure that sustainable alternative solutions to forced evictions are proposed, in consultation with those concerned.

### **Bilateral agreements and bilateral and multilateral co-operation (Articles 17 and 18)**

218. Bilateral co-operation, sometimes on a short-term basis, has been pursued in the field of education, with the secondment of teachers in and of Croatian, German, Greek and Slovene. The authorities did not report any additional information on this topic and referred back to their fourth state report<sup>180</sup> (see also Article 14 - Quality of education in minority language and teacher certification).

219. The Advisory Committee noted that representatives of the Slovene minority highlighted the limited cross-border co-operation during the Covid-19 pandemic which particularly affected this community. They mentioned the negative impact of border closures for education, family relations, and socio-economic life. They would have wished earlier communication on measures taken by the state authorities and more flexible measures for cross-border workers.<sup>181</sup>

220. Representatives of Roma from former Yugoslavia reported to the Advisory Committee about persisting obstacles to regularise their status (see Article 3 - Status of Roma, Sinti and Caminanti). They indicated the need for stronger bilateral co-operation between Italy and countries of former Yugoslavia to help them recover personal documents such as birth or marriage certificates and property documents.

221. The Advisory Committee stresses the particular negative impact of cross-border restrictions on persons belonging to national minorities living in border areas. With reference to the *de facto* statelessness of Roma from former Yugoslavia living in Italy, the Advisory Committee considers that bilateral and multilateral co-operation with Western Balkan countries could be further developed with a view to finding concrete ways to regularise the situation of those concerned.

222. The Advisory Committee invites the authorities to pursue their efforts to maintain good neighbourly relations and cross-border co-operation and facilitate bilateral agreements with other states for the teaching in and of minority languages and access to rights, including of economic-social nature, of persons belonging to minorities.

223. The Advisory Committee invites the authorities to further develop bilateral and multilateral co-operation with other states on Roma policy implementation so as to increase exchanges of good practices, in particular with Western Balkan countries with a view to solving *de facto* statelessness of Roma from former Yugoslavia living in Italy.

<sup>178</sup> See the [booklet "Mutual learning on Roma housing and participation"](#) published by Caritas which presents relevant and remarkable practices and successful Roma housing projects.

<sup>179</sup> See [new website](#) designed by [Associazione 21 luglio](#) to share in real-time the main information on the 121 formal 'Roma camps' in Italy mapping 121 areas, open-air or indoor, recognised by local authorities and, in many cases, instituted and organised by public institutions on an ethnic basis. The map includes, in special sections, the 21 settlements that are closing not through eviction but by offering alternative housing opportunities and some social work and social support and the 26 camps closed since 2018. Excluded from the map are informal shantytowns inhabited by approximately 5,500 Roma; public micro-areas in the Emilia-Romagna region where about a thousand Sinti are residents; mixed and mono-ethnic squats.

<sup>180</sup> See [fourth state report](#), page 39, referring to the Memorandum of Understanding between the Republic of Italy and the Republic of Slovenia signed in Ljubljana on 25 May 1995. This co-operation focuses on training, refresher courses, textbooks and educational travels, as well as on the secondment of teachers teaching in Italian schools with Slovene as a teaching language.

<sup>181</sup> See Mission Opérationnelle Transfrontalière (MOT), [The effects of Covid-19 induced border closures on cross-border regions – 20 case studies from March to June 2020](#) (January 2021); Marija Jurić Pahor, [Border as Method: Impact of the Covid-19 Pandemic on the Border Area between Italy and Slovenia and on the Slovene Minority in Italy](#); Sara Brezigar, [The Slovene Community in Italy and the Covid-19 Pandemic](#).



The Advisory Committee on the Framework Convention for the Protection of National Minorities is an independent body that assists the Committee of Ministers of the Council of Europe in evaluating the adequacy of the measures taken by the Parties to the Framework Convention to give effect to the principles set out therein.

The Framework Convention for the Protection of National Minorities, adopted by the Committee of Ministers of the Council of Europe on 10 November 1994 and entered into force on 1 February 1998, sets out principles to be respected, as well as goals to be achieved by the states, in order to ensure the protection of national minorities. The text of the Framework Convention is available in English and French, as well as in Italian, Albanian, Catalan, Croatian, German, Greek, Romani, and Slovene among many other languages.

This opinion contains the evaluation of the Advisory Committee following its fifth country-visit to Italy.

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