

**Italy** (ratification: 1981)

*Non-discrimination and protection of basic human rights of all migrant workers.* The Committee notes the Government's report in which it reaffirms its commitment to fully protect and respect the rights and dignity of migrants on Italian soil. It notes in particular Legislative Decree No. 215, 2003, concerning equal treatment regardless of race and ethnicity intended to transpose European Community Directive No. 2000/43, in accordance with the 2001 European Community Act (Act. No. 39 of 1 March 2002), and the creation of the Office for the Promotion of Equality of Treatment and the Elimination of Discrimination based on Race and Ethnic Origin (UNAR) in November 2004. The UNAR is charged with promoting equality of treatment to eliminate all forms of discrimination on the basis of race or ethnic origin, to provide legal assistance to persons considering themselves to be victims of such discrimination, and to raise public awareness in relation to racial integration. In addition, the Government has established the Department of Rights and Equal Opportunities within the Office of the President of the Council of Ministers which has far-reaching competence in the area of the promotion of human rights and the prevention and removal of any form of discrimination.

Despite the existence of human rights and anti-discrimination legislation and the creation of administrative and advisory bodies, the Committee notes the apparent high incidence of discrimination and violations of basic human rights of the immigrant population in the country. It notes from the findings of the Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC) that racism and xenophobia affecting immigrants, asylum seekers and refugees – including Roma – persists in the country creating a negative climate concerning these persons. The ACFC also refers to the sometimes harsh conditions of detention of irregular immigrants, pending their expulsion to their country of origin (ACFC/INF/OP/II2005003, 25 October 2005). The Committee further notes the concluding observations of the UN Committee on the Elimination of Racial Discrimination (CERD/C/ITA/CO/15, March 2008) expressing concern at reports of serious violations of the human rights of undocumented migrant workers, in particular those from Africa, Eastern Europe and Asia, including ill treatment, low wages received with considerable delay, long working hours and situations of bonded labour in which part of the wages are being withheld by employers as payment for accommodation in overcrowded lodgings without electricity or running water. The CERD also refers to the ongoing racist and xenophobic discourse targeting essentially non-EU immigrants, instances of hate speech targeting foreign nationals and Roma, as well as reports of ill-treatment of the Roma, especially those of Romanian origin, by the policy force in the course of raids in Roma camps, notably following the enactment of the presidential decree in November 2007, Law Decree No. 181/07 regarding the expulsion of foreigners.

In the same context, the Committee notes that the UN Special Rapporteur on racism, the UN Independent Expert on minority issues, and the UN Special Rapporteur on the human rights of migrants, issued a statement on 15 July 2008 in

which they expressed their serious concern about recent actions, declarations and proposed measures targeting the Roma community and migrants in Italy, in particular the proposal to fingerprint all Roma individuals in order to identify those undocumented persons living in Italy. They also condemned the aggressive and discriminatory rhetoric used by political leaders explicitly associating the Roma to criminality, thus creating an overall environment of hostility, antagonism and stigmatization among the general public.

The Committee is deeply concerned by these reports on violations of basic human rights, especially of undocumented migrants coming from Africa, Asia and Eastern Europe, and of an apparently increasing climate of intolerance, violence and discrimination against the immigrant population, especially the Roma of Romanian origin. As these matters have an impact on the basic level of protection of the human and labour rights and the living and working conditions of the immigrant population in Italy, the Committee considers that they raise serious issues of non-application of the Convention. The Committee recalls the Government's obligation under *Article 1 of the Convention* to respect the basic human rights of all migrant workers, irrespective of their migrant status. Moreover, under *Article 9(1)*, the Government has the obligation to ensure that migrant workers, even those illegally employed, are not deprived of their rights in respect of the work actually performed as regards remuneration, social security and other benefits. The Committee also recalls the Government's obligation under *Articles 10 and 12* of the Convention to take measures that guarantee equality of treatment, with regard to working conditions, for all migrant workers lawfully in the country, as well as measures to inform and educate the general public aimed at improving awareness of discrimination in order to change attitudes and behaviour. These should not only cover non-discrimination policies in general but should ensure that the national population accepts migrant workers and their families as fully fledged members of society (General Survey of 1999 on migrant workers, paragraph 426).

*The Committee hopes that the Government will be able to act effectively to address the apparent climate of intolerance, violence and discrimination of the immigrant population in Italy, including the Roma, and to ensure the effective protection in law and in practice of the basic human rights of all migrant workers, independent of their status. It hopes that the necessary measures will be taken to help the victims to assert their rights and to ensure that the provisions of the legislation concerning discrimination are better understood and observed, and breach of them more effectively penalized. The Committee hopes that the next report will contain full information on activities undertaken in this area, including activities by the Office for the Promotion of Equality of Treatment and the Elimination of Discrimination based on Race and Ethnic Origin and the Department of Rights and Equal Opportunities. The Committee also refers the Government to its comments under the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).*

The Committee is raising other points in a request addressed directly to the Government.

*[The Government is asked to reply in detail to the present comments in 2009.]*