



*The Permanent Representative of Italy  
to the International Organizations  
Geneva*

1199

Geneva, 28 JUN 2019

Dear Ms. Balbin,

Following UN Letter, dated May 3, 2019, I have the honour to submit Italy's reply to the Joint Communication AL ITA 3/2019.

Should additional information be made available, allow me to ensure you that we will promptly share it with you.

Please accept, Ms. Balbin, the assurances of my highest consideration.

Sincerely yours,

Gian Lorenzo Cornado  
Permanent Representative

To Ms. Beatriz Balbin  
Chief  
Special Procedures Branch  
Palais des Nations  
1211 Geneva



***MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION***

***INTER-MINISTERIAL COMMITTEE FOR HUMAN RIGHTS***

**ITALY'S REMARKS,  
IN RESPONSE TO THE JOINT COMMUNICATION (AL ITA 3/2019)  
FROM FOUR UN SPECIAL PROCEDURES,  
DATED MAY 3, 2019**

*June 27, 2019*

## ITALY'S REMARKS

Further to letter, dated May 3, 2019 (AL ITA 3/2019), sent by four UN Special Procedures (Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on minority issues; Special Rapporteur on the human rights of the migrants; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance), Italian Authorities are in a position to provide the following information,

### Introduction

At the outset, we would like to recall the *Common Core Document of Italy forming part of the reports of States parties* (UN Doc. HRI/CORE/ITA/2016, dated July 25, 2016), as mentioned directly or indirectly in relevant reporting to both UN Treaty Bodies and UN Special Procedures.

The Italian (rigid) Constitution (January 1948), coeval with UDHR (December 1948), determines the political framework for action and organization of the State. The Italian legal system aims at ensuring an effective framework of guarantees, to fully and extensively protect the fundamental rights of the individual. Indeed, we rely on a solid framework of rules, primarily of a constitutional nature, by which the respect for human rights and the principle of equality are among the main pillars.

### Turning to specific issues

1. Following a public European call for tender, the "service for the detection and management of reception facilities for Roma, Sinti and Caminanti people in situation of social vulnerability", was entrusted to Medihospes, a not-for-profit social cooperative, with effect from 1.04.2019, by executive resolution (*determinazione dirigenziale*) rep. QE/2019/570, dated 02.27.2019. This service should have been carried out at via Codirossoni n.8 facility. The latter had been used until 18.12.2018 as a CAS (standing for, extraordinary reception centre) of the Prefecture of Rome.

2. The persons concerned by the transfer procedure consisted of 77 Roma people, coming from the nearby reception center in Via Giuseppe Toraldo 120, in the territory of the Municipality of Rome VI, a few km away.

- The Via Toraldo building was no longer available due to a decision by the owner. It consisted of 17 families that had previously been evicted from various settlements in the area of *Roma Capitale* (Via Visso; Via Salaria; Camping River; former Rome Fair, and others), for a total of 77 people, being all in a situation of serious social, economic and health vulnerability, of whom 32 children and 22 women, including 3 pregnant women.
- The children were all attending schools in the municipal area concerned.

3. The transfer of the persons concerned took place on 2 and 3 April 2019 gradually and with the assistance by Casilino Police Station, under the strict, constant and careful monitoring by the social operators of the above Cooperative, together with the RSC Mobile Unit as well as the staff of the RSC Office of *Roma Capitale*.

- A total of 60 people managed to reach the center in Via Codirossoni, while 17 were

inhibited by the protesters.

4. In order to protect guests, the municipal administration ordered the relocation of all beneficiaries, by formulating an alternative offer for each of them. The relocation operations were concluded on April 5, 2019 at 2 pm, with the assistance of the Police. The group concerned was mostly relocated to the places available of the municipal reception circuit affiliated with the Department of Social Policies (so-called low-threshold structures) - at various areas of the city. Some families who refused to accept reception at facilities for mothers with children only were authorized for temporary hospitality at relatives' who live in some Roma settlements (Candoni, La Barbuta). On the other hand, a minority group of the above guests decided to leave the service definitively, by signing their discharge.

5. As at April 5, 2019 (at 13,45 PM), the facility concerned had been totally evacuated and its guests relocated, as follows:

- a. Total of people present on April 3, 2019 was equal to 59;
- b. Total of persons discharged on April 5, 2019 was equal to 60 (59 + 1 spouse added).

#### Destination

- 20 people at Gardenia Centre
- 8 people at Barzilai Centre
- 2 people at Casalotti Centre
- 4 people at Giaccone Centre
- 7 people at Candoni Roma settlement
- 4 people at La Barbuta Roma settlement
- 14 people who voluntarily left the facility concerned.

6. A judicial proceeding is ongoing. 41 people are under investigations for the following conducts: Articles 336, 340, 423, 424, 612, 654, 628, 674 of the penal code; Article 23 of Act No. 132/2018; Article 3 of Act No. 205 /1993; Article 18 of the Unified Text No. 773/1931.

7. On a more general note, at the Presidency of the Council of Ministers, within the Department for Equal Opportunities (DEO), UNAR is entrusted with the promotion of equality and the removal of all forms of discrimination, including multiple and intersecting forms of discriminations (Article 7 of Legislative Decree No. 215/2003), in accordance with EU Directives 2000/43 and 2000/78 (for further information, please kindly refer to information below and under the above-mentioned Italy's Common Core Document).

8. The school attendance of Roma, Sinti and Caminanti children is characterized, in most cases, by irregularity, school failure and a high risk of school dropping out between the age of 6 and 16 (age of compulsory education in Italy).

- In the Italian school system, those who hold parental responsibility must give or give instructions with regard to the education of children aged between 6 and 16. This applies also to those parents who do not exercise parental responsibility pursuant to Decree No.154/2013. They are bound to supervise the education and living conditions of the child. That said, the school sets up all the conditions so that students do not leave school prematurely and can take advantage of the right to education even in the face of an inconstant frequency due to important causes that are difficult to manage.

9. The Ministry of Education (MIUR) works on a double-track: governance; and individual support for students with meaningful individualised schooling pathways.

10. With regard to the governance, the main actions mainly consist of: specific training for school staff; the allocation of specific funds for the strengthening of activities in areas at risk; the promotion of an inter-institutional reception network; the program to fight discrimination and racism; and the establishment of the National Observatory for the integration of foreign students at MIUR.

11. Against this background, it is worthy of mention the strengthening in 2019 of those strategies launched in 2018, also in the face of the events under reference:

1) Integration and social inclusion Programme of Roma and Sinti students, 2017 -2020.

This project is carried out in collaboration with the Ministry of Labor and Social Policies and Innocenti Institute. It uses resources from the Inclusion National Operation Programme (*PON nazionale inclusione*). This three-year project envisages three work-streams: school; living contexts; and the local service network. The PON pursues and continues along the pathway launched with the Pilot Project for the inclusion and integration of Roma, Sinti and Caminanti Children (acronym, RSC) initiated in 2013, with and at 13 Municipalities (the so-called Reserved Cities), in accordance with Act No. 285/97. For the new planning within the framework of National Operational Programme-PON "Inclusione", are expected to be involved 81 schools, 266 classes, and 600 RSC students, respectively.

2) Multi-year training plan for teachers and school principals on the "Organization and management of educational institutions in multicultural contexts". This Plan makes use of European resources, within the FAMI Program (standing for Fund on Asylum, Migration, and Integration) of which the Ministry of Interior is the responsible authority. This program is aimed at school principals, teachers and ATA staff of those schools with high rates of foreign students. The program has been operational since spring 2017, in collaboration with the University's Department of Educational Sciences and the regional school offices.

3) Project "The school at the core". Starting from 2016, by PON funding Program to combat early school drop out and social inclusion, it has been envisaged the opening of schools during summertime in metropolitan areas with specific attention to be paid to the suburbs. Initially, Milan, Rome, Naples and Palermo were selected as the four metropolitan cities with the highest rate of school drop-out. Resources so allocated amounted to 10 million Euros. Afterwards, this measure has been extended to all cities, with an allocation of about 250 million Euros. This action is aimed at opening schools outside school hours. Specific attention has been paid to the involvement of local NGOs and Institutions.

4) Project "The suburbs at the core". This action focussing on the schools of the large urban suburbs responds to the need to prevent phenomena of radicalization, discomfort and frustration on the part of the children of migration and second and third generation youngsters. It also values the experiences of those schools in areas of great complexity. The last national seminar was held in Naples on 5, 6 December 2019; and one of the thematic sessions took place in Scampia district, in schools that are marked by a significant presence of Roma pupils.

12. With regard to the individual pupil, monitoring and documentation systems have been set up, in order to acknowledge and support the educational pathway even if characterized by transfers

between schools, erratic attendance and consequent learning difficulties, if any. In particular, the following strategies are to be reported:

a) **Staff increase.** Act No. 107/2015 has put in place stable additional teaching staff, for each grade and type of school, to be used also local schools networks, with the aim of improving the education offer and of reducing school drop-out. b) **Establishment of the students' Registry (Legislative Decree No.76/2005) and the so-called Curriculum for students, both girls and boys (Act No.107/2015, still under systematization).** These two tools fall within the MIUR IT system. In particular the above registry allows the monitoring of the enrolments and of the transfers both at the system level (Ministry and school) and per single student (enrolment, transfers, and so forth). The national students curriculum, still under fine-tuning, favours the acknowledgement of formal and informal learning of both girls and boys students, thus valuing also the cultural background.

c) **Recognition of Students' Special Educational Needs.** Educational institutions can use strategies to personalize and individualize paths thanks to a series of provisions that make it possible to make education for children with a high risk of school drop out with relevant recovery and strengthening strategies (Act No. 107/2015 for the reorganization of education and training system; Legislative Decree No. 62/2017 on evaluation, "Guidelines for the reception and integration of foreign students" (2014), the so-called BES Directive (special education needs) dated 2011 et ff.).

d) **Funds for the right to education.** By Legislative Decree No. 63/2017, integrated actions were put in place to support students in distress by providing attendance-related services, scholarships, and tax exemptions.

13. The Observatory for security against acts of discrimination (OSCAD) was established, within the Ministry of Interior – Department of Public Security – Central Directorate of Criminal Police, in late 2010, with the aim of improving the action of the Italian Police agencies (in particular National Police –“Polizia di Stato” and Carabinieri Corps – “Arma dei Carabinieri”) in preventing and combating hate crimes.

14. In order to address under-reporting, an email address ([oscad@dcpc.interno.it](mailto:oscad@dcpc.interno.it)) was established with the aim to receive ‘informal’ reports from victims, witnesses and NGOs. OSCAD’s experts analyze those reports and, where appropriate, initiate targeted interventions at a local level to be carried out by the Police or Carabinieri. In particular, when a victim/NGO contacts OSCAD highlighting their willingness to officially report a hate crime to law enforcement, OSCAD, in order to facilitate their approach to Police agencies, contacts the Chief of the competent station/unit underlining the specificities of the case, so that the case will be dealt with by the most competent officer.

15. OSCAD has always paid the utmost attention to training in order to enhance awareness and the competence of the Police officers about Hate crime, Hate Speech and Human Rights. Considering the inter-relatedness of these issues, since 2012 public Institutions and CSOs have been involved in relevant training activities.

16. UNAR (“National Office Against Racial Discrimination” – the Italian Equality Body) and CSOs such as Amnesty International – Italy, “Rete Lenford” (‘Lenford network’, a lawyers’ association highly specialized on LGBTI people rights), COSPE (‘Cooperation for Development of Emerging Countries’, a not-for-profit Association actively involved in promoting fair and sustainable development, intercultural dialogue and human rights) are some of the most relevant partners.

17. Among various activities, it is to be highlighted co-operation with OSCE-ODIHR in the implementation of the TAHCLE ('Training Against Hate Crime for Law Enforcement') Programme:

- In 2014, 160 officers were trained in half-a-day seminars, whilst 30 senior officers were tutored in a ToT 3-day seminar.
- In 2017, 25 inspectors serving in Lombardy were trained within a regional project aimed at increasing the operational response to HC.
- In November 2018, another TAHCLE ToT session for 26 senior officers was realized. Participants in all the above-mentioned activities were from National Police and Carabinieri Corps.

18. About e-learning, OSCAD realized several online modules on preventing/combating HC/HS:

- o for National Police (in-service training);
  - o within the "SISFOR", a comprehensive e-learning project for all the Italian Police agencies (pre-service/in-service);
  - o within the "Facing all the facts!" project (that will be explained below).
- From 2012 onwards, OSCAD has directly trained more than 11.000 Police officers.
  - From 2018 onwards, after two OSCAD training of trainers seminars, almost 2.500 officers/cadets have been trained in a cascading process.
  - From 2015 onwards, 7.563 officers have been trained with online modules realized by OSCAD, further 3.286 officers will be trained in 2019.

19. Among the main OSCAD activities, mention has to be made of the following:

- In April 2014, within the "National LGBT Strategy" (adopted by Italy for the implementation of CoE Recommendation CM/Rec(2010)5 of the Committee of Ministers to Member States on measures to combat discrimination on grounds of sexual orientation or gender identity) in collaboration with UNAR and the LGBT service of the Turin municipality, OSCAD organized two seminars (training of trainers) on preventing/fighting discriminations against LGBT people and hate crimes for about 60 National Police and Carabinieri senior officers. Within this framework, OSCAD organized 8 more half a day courses, at a regional level (2 in Milan, 4 in Naples and 2 in Palermo, respectively). Overall 300 officers were trained.
- In November 2014, OSCAD cooperated with UNAR in the development of the European NET-KARD Project: Cooperation and Networking between Key Actors against Roma Discrimination. The overall objective of the project was to prevent discrimination of the Roma community and to improve the assistance to victims. The project developed some practical guidance to prevent discrimination against Roma, for: Roma associations and other social entities, media professionals, lawyers and jurists, police services.
- In December 2014, OSCAD, in collaboration with the "Inter-governmental Cooperation, Anti-Gypsyism and Roma Equality Unit" of the Council of Europe, UNAR<sup>1</sup> and Amnesty International, provided a training course (training of trainers) for National Police senior officers specifically focused on Roma, Sinti and Caminanti issues. In September 2015, OSCAD, in cooperation with the Council of Europe, organized an international brainstorming meeting on antidiscrimination with a specific focus on Roma and Sinti

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<sup>1</sup> National Office against Racial Discrimination (UNAR) – Department for Equal Opportunities at the Presidency of the Council of Ministers of Italy.

issues that gathered experts from 17 different countries, including ones from the Italian National Police agencies and Carabinieri.

- In October 2015, OSCAD, in cooperation with UNICRI (United Nation Interregional Crime and Justice Research), took part as partner in the European project “PRISM” (Preventing Redressing and Inhibiting Hate Speech in new media). Within this project, a three-day training workshop aimed to enhance Police awareness, on preventing and combating discrimination, in particular hate crimes and hate speeches, was organized for 17 senior officers, from both National Police and Carabinieri. Moreover, this seminar was attended by legal professionals and NGO’s representatives as well.
- In February and March 2016, OSCAD, in cooperation with COSPE (Cooperation for Development of Emerging Countries), took part as partner in the European project “EXPERIENCE CRIME: Increasing the capacity of law enforcement authorities to tackle racist crime, hate crime and homophobic crime through experiential learning”. Within the project two seminars were organized, which aimed to train 40 officers, from both National Police and Carabinieri.
- Since 2016, OSCAD is one of the co-beneficiary partners of the European project “Facing all the facts!”, led by the NGO “CEJI – a Jewish contribution to an inclusive Europe” (<http://www.ceji.org/?q=content/press-release-united-against-hate-crime-italy>). In particular, the Observatory developed an on line hate crime course for law enforcement, formed by three modules “What is a Hate Crime?”, “Bias Indicators” and “Vulnerable Victims”.
- From November 2014 to 2016, OSCAD was member of FRA “Working Party On Improving Reporting And Recording Of Hate Crime” established in response of the Council “Conclusions on Combating Hate Crime in the European Union” which invited Member States to take appropriate measures to encourage reporting of Hate Crimes by victims and witnesses. In particular, OSCAD was co-leader of the sub-group concerning training. The final result of the working party is a compendium of best practices (where OSCAD is presented as the Italian best practice on combating hate crimes), currently available on the FRA website.
- Since 2016, OSCAD is the representative of the Italian Department of Public Security in the HLG, which gathers 46 representatives from all member States, Council of Europe, ECRI, OSCE/ODIHR, UNHCR and 28 NGOS.
- In 2018, OSCAD took part in the European project “*COME FORWARD*” coordinated by the Law Department of the University of Brescia, aimed at preventing and countering homophobia and transphobia crimes. This 24-month project, focused on combating and preventing hate crime against lesbian, gay, bisexual and transgender (LGBT) people, provides a high qualified training for law enforcement, led by OSCAD experts (<https://www.unibs.it/node/12929>).

20. Available data collected by both OSCAD and the National Office of Statistics (ISTAT) concerning hate crimes is herewith attached.

21. In light of the Italian (rigid) Constitution, in particular Article 2 devoted to the inviolability of human rights and Article 3 devoted to formal and substantial equality, with regard to hate crimes related legislation, mention has to be made of the following:

**Act No. 654/1975** (referred to as “Reale Law”), by which Italy ratified the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD), as subsequently amended by Act No. 205/1993 (referred to as “Mancino Law”) and Act No. 85/2006. In 1993, Decree-Law No. 122/1993 (later converted into **Act No. 205/1993**) was approved. Its most relevant provisions, amongst others, are:



- **Art. 2 “Prevention provisions”, section 1.** “Anyone who, in public meetings, exhibits external manifestations or wears signs or symbols which are proper to or typical of... [racist] organizations... imprisonment for a term of up to three years and a fine from € 103 to € 258”;
- **Art. 2 “Prevention provisions”, section 2.** “Access to places where sports competitions are held shall be prohibited to persons going there while wearing signs or symbols referred to in section 1... arrest for a period from three months to one year”;
- **Art. 3 “Aggravating circumstance”, section 1.** “Anyone who commits offences punishable with a penalty other than life imprisonment, for discrimination or ethnic, national, racial or religious hatred purposes, or with a view to encouraging the activities of organizations, associations, movements or groups pursuing the same purposes, shall be liable to a penalty increased up to one half”;
- **Art. 3 “Aggravating circumstance”, section 2.** “Any mitigating circumstance, other than the one provided for by Article 98 of the Criminal Code, concurrent with the aggravating circumstance referred to under paragraph 1, may not be deemed equivalent or prevailing to the latter and any penalty reduction shall refer to the increased penalty resulting from the application of the above mentioned aggravating circumstance”;
- **Art. 6. “Procedural provisions”, section 1.** “The offences aggravated by the circumstance referred to under Article 3, paragraph 1, shall be in any event prosecuted *ex officio*.”

22. Act No. 38/2001 extended protection to persons belonging to linguistic minorities.

23. More recently, the Italian Parliament translated **EU Framework Decision 2008/913/JHA**, through:

- **Act No. 116/2016**, which **modifies Article 3 of Act No. 654/1975**, having added the **section 3bis** “the penalty of imprisonment shall be from two to six years if the propaganda or instigation and incitement - committed in such a way that a real danger of dissemination arises - are fully or partially based on the denial of the Holocaust or the crimes of genocide, crimes against humanity and war crimes, set out in Articles 6, 7 and 8 of the Statute of the International Criminal Court, as ratified by Act No. 232 dated 12 July 1999”;
- The so-called European Act-2017 (**Act No. 167/2017**, on “Provisions to comply with the obligations arising from Italy’s membership of the EU”) came into force on 12 December 2017. This **amended section 3bis of Article 3 of Act No. 654/1975** by adding the following wording: « on grossly trivializing or condoning» after the words: «are based, in whole or in part, on denying».
  - Therefore, section 3-bis has to be read as follows: “The term of imprisonment shall be from two to six years if the propaganda or instigation and incitement committed in such a way that a real danger of dissemination arises, are based, fully or partially, on grossly trivializing or condoning the Holocaust, genocide crimes, crimes against humanity and war crimes, set out in Articles 6, 7 and 8 of the Statute of the International Criminal Court, as ratified by Act No. 232, dated 12 July 1999”.
- Act No. 167/2017 introduced a new article to **Legislative Decree No. 231/2001**, i.e. **Article 25-terdecies** (“Racism and xenophobia”), which includes the above-mentioned conducts (“actions of propaganda, with the concrete risk of dissemination, based on denial, gross trivialization or condoning of the Shoah, crimes of genocide, crimes against

humanity and war crimes ...”) among the cases of liability of legal persons for offences committed by their own representatives.

- Finally, in 2018 another legislative amendment (i.e. Decree No. 21/2018 on “Provisions implementing the principle of delegation of the rule of the organic law in criminal matters pursuant to article 1, section. 85, letter q) of Act No. 103 dated 23 June 2017”), which came into force on 6.4.2018, **introduces in the penal code, Article 604-bis** “Propaganda and incitement to commit crime for discrimination on racial, ethnic and religious grounds” **and Article 604-ter** (Aggravating circumstance). The former repeals Article 3 of Act No. 654/1975; the latter repeals Article 3 of Act No.205/1993 (Mancino aggravating circumstance).
- In addition to common aggravating circumstances envisaged by the penal code, Act No. 66/1996 and Act No. 94/2009 amend **Art. 36** of Act No. **104/92** which contains a specific aggravating circumstance (the penalty is increased from a third up to one half) when a crime against the person or against property, or the crime relates to prostitution or ‘lewd acts’ is committed against a person with disabilities.

24. With regard to victims-related legislation, mention has to be made of the following: Legislative Decree No. 212/2015 implemented EU Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crime, besides replacing Council Framework Decision 2001/220/JHA.

25. In accordance with Article 90-quater (on “particularly vulnerable status”) of the Code of Criminal Procedure envisages, as follows: “the particularly vulnerable status of the victim is deduced from his/her age and serious illness or mental disability, from the *modus operandi* and type of crime committed. As to the assessment of the vulnerable status of the victim, it is necessary to consider whether the crime was committed with violence or with racial hatred against the victim, if it can be linked to organized crime, terrorism, international terrorism, trafficking in human beings, if it is characterized by **discrimination purposes** and if the victim depends on the offender from an economic, psychological or emotional standpoint”.

26. On a more specific note, mention has to be made of the many relevant Roma Capitale initiatives, including the establishment of the Roma Capitale Working Group on Roma and the adoption of a dedicated Action Plan. By recalling the local RSC inclusion plan-2017 (Roma capital deliberation No. 105/2017) and Roma Capitale deliberation No.117/2016 establishing the above WG, mention has to be made of *inter alia* the following meetings taking place within the framework of the local Roma Inclusion Plan of *Roma Capitale*:

*Department on Person, School and Supportive Community (Assessorato alle Persona, Scuola e Comunità Solidale)*

Roma Capitale WG RSC – Works to overcome and securing (March 20, 2017)

Roma Capitale WG RSC – Projects on RSC self-entrepreneurship (March 21, 2017)

WG MUN: IV – V (March 21, 2017)

WG MUN: VII (March 22, 2017)

WG MUN: XI (March 22, 2017)

WG on recycling of iron made objects (March 22, 2017)

Roma Capitale WG RSC with UNAR (March 22, 2017)

Roma Capitale WG RSC with 21 Luglio NGO (March 22, 2017)

Roma Capitale WG RSC with UNIRSI NGO (May 24, 2017)

## Special Office on Roma, Sinti and Caminanti

### WGs at a Municipal level:

WG of Municipio VII (July 2, 2017)  
WG of Municipio XV (July 10, 2017)  
WG of Municipio XIV (July 11, 2017)  
WG of Municipio VII (July 12, 2017)  
WG of Municipio XI (July 13, 2017)  
WG of Municipio IV (July 17, 2017)  
WG of Municipio VI (July 18, 2017)  
WG of Municipio IX (July 19, 2017)  
WG of Municipio XIII (July 19, 2017)  
WG of Municipio XIII (November 7, 2018)  
WG of Municipio XV (December 13, 2017)  
WG of Municipio XIII (December 21, 2018)

### WGs on RSC Orientation and Labour

Meeting with Italian Red Cross (August 1, 2018)  
Meeting with Italian Red Cross (January 7, 2019)  
Meeting with Italian Red Cross (February 8, 2019)  
Meeting for La Barbuta settlement (March 20, 2019)  
Meeting for La Monachina settlement (March 20, 2019)

### WGs on Health-Care

RSC Inclusion WG – meetings with local Health-Care Districts (in Italian, ASL) on February 1, 2, 3, and 16, 2018  
RSC Inclusion WG – Health-care and School Inclusion – meetings on March 6, 2018; July 30, 2018; September 28, 2018.

27. With regard to the allocation of social housing, relevant regional legislation includes, as follows: 1. Lazio Regional Law No.12/1999; 2. Implementation Regulation No. 2, dated 30 September 2000, for the allocation of ERP (*Edilizia Residenziale Pubblica*) social housing owned or otherwise available to the Municipality 3. Lazio Regional Law No.12/2012.

28. The general notice of the relevant municipal competition dating back to 2012 is still in force. Therefore, can apply for the categories of individuals holding requirements indicated under item 1 below:

- o Italian citizenship, citizenship of an EU country or foreigners with Non-EU citizenship, provided that in the latter case the foreign citizen holds a residence permit or at least a two-year residence permit as set out in Article 27 of Law No. 189/2002 et ff. and is registered in the employment lists or exercises a regular employment or self-employed activity.
- o Registered residence in the territory of Roma Capitale, or for non-residents, exclusive or principal employment in the territory of Roma Capitale.
- o Lack on the part of all the members of the family concerned of a dwelling or of an accommodation suitable for the needs of the family (...).
- o Absence of previous assignment in lease or in original ownership or immediate or future housing realized with public contributions besides not having benefited from subsidized loans in any forms, as granted by the State or public bodies (...).
- o Overall annual income of the household not exceeding the limit for access to

subsidized buildings at the time of publication of the specific competition announcement (2012), pursuant to Article 21 of Law No. 457/1978 and subsequent amendments (...).

- o Not having sold all or part of the accommodation previously assigned in a simple lease.
- o Not having illegally occupied an ERP accommodation.

29. It should be noted that those who live in the settlements may fall within: Category A) 1 (which reads: *dwelt with their family in centers, public dormitories or in other suitable structures temporarily provided by organs, bodies and charitable associations recognized and authorized, in charge of public assistance, with continued presence in the aforementioned facilities for at least one year, at the date of the application* (18 points); and Category H) (which reads: *live with their family for at least one year at the date of the application in an accommodation the state of conservation and maintenance of which, as certified by the competent body of the Local Health-Care, is 1) poor or without sanitary facilities (8 points); 2 mediocre (5 points).*

30. Systematic social and field work in accordance with the local Roma Inclusion Plan approved in 2017 by Roma Capitale Deliberation No. 105 has allowed a significant change in the mindset: for the first time, families have perceived the will to overcome the settlements and by meeting the requirements, submit applications for ERP (*Edilizia Residenziale Pubblica*)-social housing.

- Following the many applications so submitted, the evaluation of requirements and the public list, the following allocations have taken place:

Institutional Reference	Families involved	Year of allocation	Phase
Prot. 35414/2019	5	2017/2018	Allocated
Prot. 10254/2019	28	2019	Allocated
Prot. 15292/2019	15	2019	Pending meeting for allocation

#### Settlements concerned by ERP-related allocation

- o Via dei Gordiani
- o Via Salviati 1 and 2, Via di Salone
- o La Barbuta
- o Castel Romano
- o Via Candoni

31. On a more general note, as known, UNAR has been identified as the National Contact Point for the integration strategies of Roma, Sinti and Caminanti (RSC), up to 2020, with the task of coordinating the intervention strategies, by working in synergy with the central, regional and local administrations managing relevant interventions, as well as with civil society expressing the stances of the target group.

32. The issue of housing appears to be the most sensitive which requires appropriate synergies for the realization and implementation of policies aimed at safeguarding, first and foremost, the health-care of RSC people living in run down areas besides paying specific attention to conflict mediation in the areas at risk.

33. To provide concrete support to the local administrations most affected by the presence of RSC settlements, within the 2014-2020 programming of European funds and with reference to the specific *Pon Città Metropolitane* Program (so-called PON Metro), the opportunity to insert a dedicated line of action (objective 9.5) has emerged in order to undertake some key initiatives to overcome the so-called "Roma settlements".

34. Since 2017, UNAR, by virtue of the accountability activity vis-à-vis the European Commission, has promoted a continuous coordination activity with the Agency for Territorial Cohesion and the Metropolitan Cities (Managing Authority and Intermediate Bodies of the PON Metro, respectively), to guarantee:

1. The correct use of resources for the interventions developed for all types of financial measures (PON Inclusion; PON Metro; Regional Operational Programmes);
2. The principle of complementarity which must regulate the interventions;
3. The monitoring of the proposed activities and the verification of their adherence to the principles of the National Roma Inclusion Strategy.

35. This coordination activity on housing took shape through a series of inter-ministerial meetings of the relevant WG, as envisaged by the National RSC Inclusion Strategy (Rome, 8 April 2016; Naples, 14 February 2017; Rome, 27 November 2018), in which the authorities managing the main EU programs (*PON Metro* and *PON Inclusion*) participated in as well as the municipalities and regions mostly concerned, with the specific objective of sharing with the local authorities, the main problems and needs, also in relation to the project-related activities to be considered within *PON Inclusion*.

36. To facilitate the complex governance system of the National Roma Inclusion Strategy, with a focus on the local level, UNAR launched in 2018 - again in the context of the PON Inclusion of which UNAR is the beneficiary -, the public project called "PAL" (Local Action Plans) for the realization of "Pilot interventions for the creation of local WGs and networks of citizens and representatives from local administrations". The objective of this project (which involves the cities of Rome, Cagliari, Milan, Genoa, Naples, Bari, Messina, and Catania) is to establish and foster local dialogue and coordination WGs at the municipal administrations concerned, with the aim of increasing the synergy between policies and interventions for the RSC communities, while promoting RSC participation in social, political, economic and civic life.

37. With specific aim of monitoring the framework of interventions activated locally and intended for overcoming settlements, UNAR started in 2018, a 2-year planning, currently in progress and entrusted through an agreement to ISTAT (National Office of Statistics), for a qualitative-quantitative survey for the definition of the number and methods through which – starting from the launch of the National Strategy – RSC people have left the settlements to move to other dwellings. This project, financed from within the resources of PON Inclusion, avails itself of the support from the Statistical WG and from a representative of the National RSC Platform.

38. By taking into account the governance model of the above P.A.L. project, UNAR has undertaken the procedures to provide a similar support and coordination tool, to the regional bodies. The latter is called P.A.R. (Regional Action Plans), financed from within the PON Inclusion Fund and will start in the course of the next three-year term (2019 – 2022). It will involve the Regions that

will require this tool to set up and foster regional WGs for dialogue and views exchange, as foreseen, most notably, by the National RSC Inclusion Strategy, 2012 – 2020.

### **Conclusion**

Italian Authorities take this opportunity to express the hope that the information provided by the present letter respond in the widest possible way to the issues under reference. We also take this opportunity to reserve to provide you with further information once available.

## ANNEX 1

### BACKGROUND ABOUT HATE CRIME DATA RECORDING/COLLECTION

(Source: OSCAD)

Initial crime reports, including victim information, information about police action and legal qualification, are entered into and stored in the *Sistema di Indagine* (SDI) investigation crime database. The SDI is organized according to different criminal law provisions, which are marked on every report entered into the system. For this reason, the SDI system only serves to register strands of hate crime mentioned in the law, including ethnicity, nationality, race, religion or crime against national linguistic minorities. There is no specific marker for each bias motivation in the SDI so crimes cannot be distinguished from one another in the database according to motive. Crimes committed on other discriminatory grounds than those explicitly outlined in the law (e.g. gender identity or sexual orientation) are entered in the SDI as ordinary offences.

A separate system exists for monitoring these additional strands of hate crimes. The Observatory for Security against Discriminatory Acts (OSCAD) collects reports of these crimes. Not all the reports collected by OSCAD are included in the SDI database. In 2011, a Memorandum of Understanding was signed between OSCAD and the National Office against Racial Discrimination (UNAR) of the Presidency of the Council of Ministers. UNAR and OSCAD exchange information about incidents on this basis. Through this mechanism, UNAR reports to OSCAD criminal discrimination cases reported to its contact centre.

The unit in the central government responsible for managing the national SDI database, including hate crimes: The Service of the Multi-Agency Information System is part of Ministry of the Interior in the Central Directorate of Criminal Police of the Department of Public Security.

As the SDI does not allow distinction among hate crime strands, only aggregated data on all monitored strands of hate crimes are available. This one aggregated number includes hate crimes committed on the grounds of race, ethnicity, origin, minority status, citizenship, language, anti-Roma and Sinti, and religion (including anti-Semitism, anti-Muslim, anti-Christian and other religions).

<b>Type of crime 2017</b>	<b>Ethnicity (crimes against Roma, Sinti and Caminanti are included), nationality, race, religion or crime against national linguistic minorities (SDI DATA)</b>	<b>Sexual orientation and gender identity (OSCAD DATA)</b>	<b>Disability (SDI+OSCAD DATA)</b>
Homicide			
Physical assault	119	28	54
Incitement to violence	337		
Robbery		14	13
Theft	2		20
Burglary			
Damage to property	15		26
Arson	4		
Desecration of graves	130		
Attack against places of worship	44		
Disturbance of peace	68		3
Vandalism	6	2	
Threats/Threatenin g behaviour	94	19	23
Other	9		18
<b>Total (by strands)</b>	<b>828</b>	<b>63</b>	<b>157</b>
<b>Combined total</b>	<b>1.048</b>		