

**Mandates of the Working Group of Experts on People of African Descent; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on minority issues; and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**

REFERENCE:  
AL ITA 4/2018

19 October 2018

Excellency,

We have the honour to address you in our capacities as Working Group of Experts on People of African Descent; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the human rights of migrants; Special Rapporteur on minority issues; and Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, pursuant to Human Rights Council resolutions 36/23, 34/35, 34/18, 34/21, 34/6 and 35/15.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the climate of hostility, intolerance, racial hatred and xenophobia in Italy, fuelled by political authorities' rhetoric against migrants and refugees, and minorities, including people of African descent or origin and Roma communities. This situation has led to an increase in racist and hate-motivated attacks and shootings as well as the exacerbation of racially discriminatory practices against individuals of the abovementioned groups, including impacts on their enjoyment of economic and social rights.**

We would like to refer to a previous communication (ITA 1/2015) transmitted to your Excellency's Government on similar issues. We regret that no response was provided. We further regret that Italy former Minister of social integration, subject of that previous communication, who is currently an Italian Member of the European Parliament, is now facing criminal prosecution from the political party Italian League after she said it was racist. She allegedly qualified the League as 'racist' in response to a photograph posted on social media by the former secretary of that party in the Emilia-Romagna region, depicting her as an orangutan. Minister Salvini has issued a legal writ suing the Member of the European Parliament for defamation of his party.

According to the information received:

Over the last two decades, Italy has experienced a significant rise in the number of recorded incidents of hate crime and incitement to hatred and discrimination against individuals based on ethnicity, race, religion, colour, descent, or national origin. This has been taking place against a backdrop of a long-standing economic crisis, and the ongoing arrivals of migrants and refugees in recent years. This has been compounded by a lack of effective integration policies, as well as limitations

on freedom of movement as a result of European Union migration policies, which has limited refugees and migrants ability to move to other parts of Europe. Capitalizing on constituents' fears relating to migration and economic precariousness, nationalist populist parties and xenophobic political movements have promoted a racist anti-immigrant agenda, disseminating false information and inciting hatred and violence against ethnic, national, and religious minorities.

Most recently, hateful populist discourse inciting discrimination and hatred against refugees and migrants, as well as Roma communities played a considerable and influential role during the 2018 general election campaign. Nationalist parties known for their anti-migrant and xenophobic positions, including the League ("Lega"), Brothers of Italy ("Fratelli d'Italia") and Forza Italia gained 37 per cent of votes.

***Hate speech, incitement to hatred and discrimination during and after the general election of March 2018 and under the new Government since June 2018***

During the 2018 electoral campaign, xenophobic and racist rhetoric, especially around migration, was rampant throughout the country. It was reported that between 8 February and 2 March 2018, monitoring of the tweets, images, videos and posts of 1,419 electoral candidates revealed 787 cases of offensive, racist and discriminatory messages. These posts were attributable to 129 candidates, 77 of whom were elected to office. 43.5 per cent of these cases were attributable to political leaders within a party, 50 per cent to Parliamentary candidates, and 6.5 per cent to candidates for the Presidency of the Lazio and Lombardia regions. 51 per cent of cases were attributable to candidates of the League, 27 per cent to candidates of Brothers of Italy, 13 per cent to Forza Italia, 4 per cent to Casa Pound, 3 per cent to Italy for the Italians ("Italia agli Italiani") and 2 per cent to the Five Star Movement ("Movimento 5 Stelle"). 91 per cent of these hate messages reportedly targeted migrants; 11 per cent related to religious groups (particularly Muslim groups); 6 per cent targeted the LGTBI community; 4.8 per cent targeted Roma communities, and 1.8 per cent targeted women. 7 per cent of these messages incited violence towards these groups.

Incitement to hatred and discrimination linked to immigration capitalized on and reinforced socio-economic, political and national security anxieties. Terms such as "invasion", "danger", "social bomb ready to explode", "ethnic cleansing and replacement" were amongst the most-used terms in relation to migrants. In addition, "closing the borders", "blocking departures", "declaring a sea blockade", "deporting migrants en mass", "cleaning up", "rejecting them all/sending them back to where they came from" were all widely used as suggested responses by public officials to migrant arrivals, including refugees fleeing persecution.

The campaign slogan of the nationalist populist political party Five Star Movement was "Italians First", calling for the deportation of "illegal migrants" from Italy. Several politicians also criticized migrant and refugee arrivals by boat

to the shores of Italy, often using derogatory, racist and xenophobic language, and freely espousing racist, offensive and harmful stereotypes regarding migrants and refugees. On 15 January 2018, Attilio Fontana, the current President of the Region of Lombardia stated during a radio podcast that “We have to decide if our ethnicity, if our white race, if our society should continue to exist or should be wiped out.” On the same day, Matteo Salvini, then Federal Secretary of the League (the anti-immigrant league) and now Minister of the Interior, was quoted by ANSA, the state news agency, as saying:

“...E' in corso un'invasione, a gennaio sono ripresi anche gli sbarchi. Il colore della pelle non c'entra e c'è un pericolo molto reale: secoli di storia che rischiano di sparire se prende il sopravvento l'islamizzazione finora sottovalutata”. (*“...An invasion is ongoing, in January the arrivals started again. Skin colour has nothing to do with it however there is a very real danger: centuries of history may be wiped out if Islamisation, carries on unchallenged”*).

On 29 January 2018, he was also quoted as saying:

“Per il primo anno di governo Salvini il numero è zero (riferito agli immigrati, ndr). Dobbiamo smaltire un arretrato di clandestini di mezzo milione. La prima opzione è blindare i confini, dalle Alpi alla Sicilia. Basta, non si passa, stop. Perché immigrazione clandestina vuol dire delinquenza. L'emergenza di questo Paese è pulire, rimettere delle regole, blindare i confini, punire ed espellere.” (*“For the first year of the Salvini government, the number is zero (referring to immigrants, ed.). We have to clear a backlog of half a million of illegal immigrants. The first option is to arm the borders, from the Alps to Sicily. That's enough, you cannot pass, stop. Because illegal immigration means crimes and delinquency. The emergency in this country is to clean up, restore the rules, lock the borders, punish and expel.”*)

These public statements, among other things, portray Italian national identity as a racially exclusive identity to be defended using deadly violence if necessary.

On 3 February 2018, six people, including nationals from Ghana, Mali and Nigeria were injured when an armed member of the far-right party, the anti-immigrant Northern League party opened fire, during a two-hour drive around the city of Macerata, shooting at people of African descent or of African origin based on the colour of their skin. The shooter, an unsuccessful candidate expressly sought to harm black people in retaliation for the murder of an Italian woman, that had occurred several days before in Marcerata and for which a Nigerian asylum seeker had been arrested. The shooter allegedly made a fascist salute as police arrested him and authorities found several Nazi emblems and publications at his home, including a copy of “Mein Kampf”. On 3 October 2018, the shooter was

given a sentence of twelve years' imprisonment taking into account the aggravating circumstance of racial hatred.

The discourse following this high profile hate crime reportedly influenced the outcome of the electoral campaign as it leveraged public opinion against the Government who was blamed for creating the conditions for the killing of the Italian woman by allowing the arrivals of migrants and refugees. This increased support for anti-immigrant political platforms. For instance, following the shooting, then electoral candidate Matteo Salvini, tweeted that the suspect in the killing of the young Italian woman “was not running from war; but brought war to Italy. The left has blood on its hands. Expulsions, expulsions, controls and more expulsions”. It is reported that while there were strong voices stigmatising migrants and refugees following the killing of the Italian victim, the media and political leaders were not as vocal in supporting the black victims of the racist crime, or in denouncing hate crimes.

During the recent electoral campaign, racist and xenophobic political discourse has also targeted the Italian reception system for migrants and refugees, with the ostensible aim of undermining the integrity and legitimacy of seeking asylum in Italy. An increasing number of untrue stories regarding migrants and refugees circulated, especially through social media platforms, with the apparent aim of discrediting and scapegoating migrants and refugees. These stories propagated narratives generally focused on the costs associated with reception centres and other programmes supporting asylum seekers and migrants, as a basis for maligning asylum processes and institutions. Furthermore, harmful false stories have been circulated about migrants in the media, including that Italy hosts migrants in “five-star hotels” and “luxury villas”, provides “food”, “telephone top-ups”, access to “free Wi-Fi and TV”, and daily pay-outs to them. Some social media posts suggested that the Italian state provides better protection and assistance to migrants than it does to Italian citizens, people with disabilities or the elderly. Other posts containing hate speech on social media claimed that migrants were a burden on the local economy and a deterrent to the presence of businesses.

Hate speech, incitement to discrimination and hatred against Roma people was also rampant during the political campaign. Social media posts frequently used negative stereotypes, associating Roma communities with crime, poverty, health epidemics and criminality. Statements were repeatedly made to suggest the closing of Roma camps or “nomad camps”, which were referred to negatively, including for example, as “places of dirt that compromise the safety and liveability of the neighbourhoods in which they are located.”

In its official programme entitled “*Contratto per il governo del cambiamento*”<sup>1</sup> (“Contract for the Government of Change”) released in May 2018, the Government presented its vision and political strategy for the coming years. The programme contains several measures that threaten to violate Italy’s international human rights obligations, especially towards migrants, asylum seekers and racial, ethnic and religious minorities.

The chapter “Immigration: returns and stop to business” includes many proposals to reduce immigration in Italy, with little regard for the human rights of migrants and refugees. It also conflates migration and asylum seekers with radical Islam in a dangerous and disingenuous fashion, by including - in what is an immigration policy chapter - plans for the control and closure of so-called “radical Islamic associations” and mosques.

The chapter of the Government program dedicated to “Nomadic camps” to addresses the situation of the Roma, Sinti and Caminanti minority. The chapter proposes the dismantling of “all irregular nomad camps”, alleging their recent increase, and attributing “serious social problem[s]” to Roma including criminality. As formulated, these proposals strengthen and advance dangerous, false stereotypes of the Roma Sinti and Caminanti, further reinforcing the stigmatization of these minorities. Moreover, they contribute to the long history of institutionalized exclusion and discrimination and anti-gypsyism that Roma Sinti and Caminanti have been subjected to in Italy, across Europe, as well as worldwide.

Since coming into power in June 2018, the new Italian Government has implemented the anti-migrant platform it campaigned upon. The Minister of Interior, reportedly said during his inauguration, on 1 June 2018, that “good times for illegals are over”.

The Government implemented restrictive measures such as the closure of borders as well as the prohibition of disembarkation and reception of migrants and refugees rescued at sea in Italian territory. This has been accompanied by a rhetoric inciting discrimination and hatred against migrants, by high-ranking political leaders and government officials as well as in the media and on social media platforms.

On 11 June 2018, the Minister of Interior announced that the “Aquarius” vessel, jointly operated in the Central Mediterranean Sea by SOS Méditerranée and Médecins Sans Frontières, two non-governmental organizations, which had rescued a large number of migrants at sea, would not be given permission to dock at Italian ports, which in fact were the nearest port of safety. This decision prolonged extreme risk to the lives of the 629 people, including 123

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<sup>1</sup> Movimento 5 Stelle & Lega, “Contratto per il Governo del Cambiamento”, May 2018 ([http://download.repubblica.it/pdf/2018/politica/contratto\\_governo.pdf](http://download.repubblica.it/pdf/2018/politica/contratto_governo.pdf)).

unaccompanied children and 7 pregnant women, on board the ship. Several days later, the Aquarius docked in Spain, after which Minister Salvini tweeted that denying refuge to the ship was a “victory” for his government and a “first goal achieved” in the implementation of his hard-line anti-migrant policy dismissing that this decision was in contravention of the Convention on the Law of the Sea.

On 13 August 2018, the same vessel Aquarius requested again to dock in the nearest port of safety with 141 people it had rescued at sea two days earlier. Once again, Minister Salvini refused to allow the ship to dock in Italy and tweeted “*Può andare dove vuole, non in Italia!*” (“It can go where it wants, not in Italy!”).

Since early June, other ships operated by non-governmental organizations engaged in rescue operations of migrants at sea have been denied access to Italian ports, putting their passengers’ lives at risk. On 20 August 2018, Minister Salvini initially refused permission for 177 people rescued at sea by the Italian Coast Guard to disembark in Catania, Sicily, in the absence of any assurances that other European countries would welcome these asylum seekers. Italian authorities reportedly first allowed 27 children from the group to disembark and evacuated 16 other people for urgent medical reasons. After several days of negotiations, the authorities allowed the remaining 134 people to disembark and enter Italian territory.

In addition to tougher and stricter immigration measures, high-level officials have also begun to mainstream racist hate speech in public discourse. In his official capacity, Minister Salvini has contributed to the spread of false reports and stereotypes about migrants and asylum seekers through his social media accounts. He has repeatedly published unsubstantiated reports, including alleging migrant and refugee criminality. In September 2018, the African Union called on Minister Salvini to withdraw comments he made in which he referred to Africans as slaves. Minister Salvini insisted that his comments had been misinterpreted and that there was no need to apologise.

In addition to migrants and refugees, Roma Sinti and Caminati communities have also been the concerted target of hate speech by the Government authorities. On 8 April 2018, prior to his ministerial appointment, Matteo Salvini made the following discriminatory statement on his Facebook page: “*Oggi è la Giornata internazionale di Rom, Sinti e Caminanti. Se molti di loro lavorassero di più e rubassero di meno, se molti di loro mandassero i figli a scuola invece di educarli al furto, sarebbe davvero una festa*” (“Today is International Roma Day. If many of them worked harder and stole less, if many of them sent their children to school instead of teaching them to steal, it would truly be a party”). On 19 June 2018, he announced on a national television broadcast that he intended to conduct a census of the Roma population in Italy, immediately after which he praised the demolition of a Roma “illegal” house in Turin. Minister Salvini has also said on television since taking office, that “Irregular foreigners will be deported via agreements with other countries, but Italian Roma unfortunately you have to keep

them at home[.]” Mr Salvini has repeatedly threatened to take a bulldozer to Roma Settlements that exist on the outskirts of many Italian cities. These statements negatively single out Roma as an ethnic minority, and convey a message to the general public that racism, intolerance targeting Roma is permissible and endorsed by the Italian government.

It appears that in some regions steps towards such a census have already taken place. On 3 July 2018, in the Lombardy Administrative Region, Regional Council decision No. XI/40 instructed the implementation of a census of Roma settlements and their residents in the region, and the closing of unauthorized Roma camps. A census has reportedly already been implemented in two formal Roma settlements in Rome in August 2018, where the personal data of Roma residents was collected and residents were registered based on their ethnicity. Those surveyed were video recorded, photographed and their fingerprints were taken by local government and police authorities.

Reports also indicate that throughout 2017 and 2018 in many Italian cities there have been a high number of forced evictions of Roma communities from the settlements in which they were living. Furthermore, a recent Circular issued by the Ministry of the Interior dated 1 September 2018, (N. 11001/123/111(1)), appears to further reduce protections for individuals subject to evictions, which may open the door to increased evictions of Roma settlements and diminished protections for any Roma evicted. Directly after the Minister of the Interior presented the “Decreto Sicurezza”, on 24 September 2018, he also stated publically that “although the Roma question was not included in the aforementioned decree, he was working with all the mayors of Italy with the objective of closing the Roma camps”. In Rome, the Roma River Camp was recently closed in June 2018 by the authorities, and steps are allegedly being taken to close a second Roma settlement, the Barbuta camp.

There is apprehension among the concerned groups that the climate of hatred towards Roma, fueled by racist and xenophobic rhetoric by politicians and government officials, including the Minister of Interior, may lead to actions similar to the ones implemented under the ‘Nomad Emergency Decree’ between 2008 and 2011. It is further noted that in relation to the initial Nomad Emergency Decree, Roma whose rights were impacted by those laws and policies have not yet received any effective remedy nor reparation.<sup>2</sup>

***Incitement to violence, hate incidents and hate crimes against migrants and racial and ethnic minorities during and after the general elections of March 2018 and under the new Italian Government (since 1 June 2018)***

The hostile political environment described above has exacerbated resentment towards migrants, refugees, and racial and ethnic minorities, in particular people of

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<sup>2</sup> See CCPR/C/ITA/CO/6, para 14 a

African descent or origin and the Roma community, leading to an increase in racially-motivated incidents and violent attacks.

According to information received, several acts of racially-motivated violence occurred during the political campaigns surrounding the Italian general elections held in March 2018:

- In January 2018, in Castelnuovo, four Italian nationals reportedly attacked a Cameroonian asylum seeker near a bus stop while he was returning to the reception centre where he lived. The Italian nationals reportedly insulted the asylum seeker with racist phrases in addition to spitting at and pushing him. They subsequently fled and the victim decided not to file a complaint against them.
- In February 2018, in Latina, three men in a car wearing carnival masks attacked a Bangladeshi national while he was walking to a bus stop. Pretending to be police officers, the three men ordered him to get into the car for an identity check. When he refused, the three men started to insult the Bangladeshi national with racist slurs, punched and kicked him, and stole his wallet and mobile phone. The victim lost consciousness during the attack and was taken to the hospital.

Similar attacks reportedly took place in Pomigliano (13 January 2018), Tarquinia (21 January 2018), Benevento (27 February 2018), Rome (8 March 2018), Bari (10 March 2018), Perugia (16 March 2018) and Riccione (22 March 2018). These attacks indicated an emerging pattern of racially-motivated violence targeting those perceived as foreigners.

During the same period, several racially-motivated attacks and insults reportedly also took place in the workplace. In the towns of San Pietro in Cariano and of Ragusa, employers violently beat and insulted a Sri Lankan worker and a Romanian worker, in one case to force the worker to resign and in the other, because the worker was accused of having stolen a gas bottle for heating purposes.

According to the information received, between 1 January and 31 March 2018, i.e. during and just after the electoral campaign, non-governmental organizations recorded 169 racially motivated incidents. 126 incidents involved racist hate speech and propaganda, including threats and verbal harassment by private individuals, and public xenophobic demonstrations targeting migrants, asylum seekers and refugees. 80 involved discriminatory political propaganda, through various means, such as social media networks, public statements, flyers and banners. 19 cases were racially motivated violent attacks and ten cases were related to hate-motivated property damage, including four arson attacks. Of the 14 cases formally classified as racial discrimination, ten were committed by public officials, who for example, used race, ethnicity or alienage as a basis for limiting tenders, and denying healthcare. The remaining four were instances of racial



discrimination committed by private individuals in the context of a rental or a job interview.

In some of the above-mentioned cases, private individuals allegedly used unquestionably racist language against people of African descent: ‘Andiamo a picchiare i negri - let’s go beat up the niggers’ - (Pomigliano, 13 January 2018), ‘A negri qua non ce potete sta, se non ve n’annate so’ affari vostra – Niggers you cannot stay here, if you don’t go away, you will have a problem’ (Tarquinia, 21 January 2018), ‘Sporchi negri tornate a casa vostra – Dirty niggers go back to your countries’ (Rome, 8 March 2018) ‘Sporco negro, odio i negri’ - Dirty nigger, I hate niggers’ (Riccione, 22 March 2018). In addition, on 27 January 2018, graffiti was found close to a reception centre with the message: ‘Gas per i negri – Gas for the niggers’ in Isola Del Gran Sasso.

On 31 July 2018, the Office of the High Commissioner for Refugees expressed its concern after recording at least 12 violent attacks in a period of 50 days. These attacks were, all racially-motivated and targeted foreign citizens, migrants, asylum seekers, Roma people and people of African descent. Below are some of the racially motivated attacks that have been reported between 1 June and 31 August 2018:

- On 11 June, in Caserta, three young Italians fired shots from their car aiming at two asylum seekers from Mali with a compressed air pistol and screamed “Salvini, Salvini.” The two asylum seekers resided sheltered at a SPRAR (Protection System for Refugees and Asylum Seekers) centre in Caserta.
- On 20 June, in Naples, two men shot at a 21-year-old man from Mali while he was returning home from work as a cook. The man, who suffered injuries to his stomach reported that the two perpetrators laughed after shooting him.
- On 5 July, in Forlì, an unidentified person shot a 33-year-old man from Côte d’Ivoire in the abdomen with a compressed air gun.
- On 9 July, in Forlì, two people travelling on a scooter shot at a Nigerian woman with a compressed air gun, injuring her foot.
- On 11 July, in Latina, unidentified individuals fired rubber bullets from a car at two men of Nigerian origin near a bus stop.
- On 17 July, in Rome, an Italian man shot a 1-year-old Roma baby girl in the back with an airgun. The girl was in her mother's arms when the incident happened. This baby required and underwent surgery during which doctors extracted a small metal object similar to the bullet of a compressed airgun. This object perforated one of her lungs and caused a vertebral lesion, exposing her to serious risk of permanent paralysis.

- On 25 July, in San Capriano d'Aversa, two men driving a motorcycle approached an asylum seeker from Guinea and shot at him with a compressed air weapon, hitting him in the face.
- On 27 July, in Partinico, three men assaulted and beat a 19-year-old asylum seeker from Senegal while shouting at him: "Tornatene al tuo paese, sporco negro - Go back to your country, dirty nigger". The victim was at his place of work, in a bar. After careful investigation, the police arrested an individual person on charges of grievous bodily harm, aggravated by racial hatred. On the same day in Vicenza, a person shot at a worker of Cape Verdean origin while he was working on scaffolding. Authorities investigated the shooter, who fired from the terrace of his house, for aggravated assault causing serious bodily damage.
- On 28 July, in Milan, unidentified individuals attacked a man of Sri Lankan origin in a park, threatening him with a knife to his throat in front of his frightened daughter.
- On 29 July, in Aprilia, three men in a car chased a man of Moroccan origin. Two of the men reportedly beat him to death and abandoned him in the middle of the road. On the same day, in Moncalieri, unidentified individuals threw eggs out of a running car at an Italian woman of African descent-a professional athlete-while she was walking home, resulting in a corneal injury.
- On 30 July, in Roseto degli Abruzzi, an Italian national born in Senegal attempted to renew his health card at his local health authority. At the entrance to the office, a person blocked his access to the office and insulted him, shouting "What do you want? Get out. This is not the vet's office." The victim eventually reported the event describing the humiliation to which it subjected him.
- On 2 August, in Naples, two men on a scooter shot at a street vendor of Senegalese origin with permanent residency status, injuring him in the leg. He required and underwent surgery to extract the bullet.
- On 14 August, in Partinico, unidentified persons insulted and beat four migrants while the migrants were waiting for the bus. The offenders ran away after the attack, while some people who witnessed the episode called the police. The managers of the community hosting the four migrants formally reported the incident.
- On 19 August, in the area of Terracina, a group of two young men, a boy and a woman hit and wounded an Indian man with an airgun while he was riding his bicycle. The police charged the offenders with grievous bodily harm and dangerous shooting, as well as with carrying weapons or offensive objects.

While no comprehensive information has been provided to us regarding the status of all investigations and prosecutions for the above cited cases, information received indicates that in some cases of violent acts against minorities and migrants, some accused have been charged with less serious offences than possible under the law, and that there has been a tendency to delink the charges from hate-motivated crimes.

While we do not wish to prejudge the accuracy of the information made available to us, we express our grave alarm and concern at the escalation and normalisation of hate speech, incitement to hatred and discrimination in the Italian political and public sphere, especially during and after the recent general elections, including by high-ranking political leaders and officials. It is of particular concern that such rhetoric is expressed by political leaders and representatives of the State, who bear a particular responsibility to respect, protect and promote human rights. Much of this rhetoric has seemingly consistently targeted migrants, refugees and ethnic minorities, including people of African descent and Roma communities. International law unequivocally prohibits incitement to hatred or discrimination mainly through Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination (hereafter ICERD) and Article 20 of the International Covenant on Civil and Political Rights (hereafter ICCPR). Such incitement violates the absolute prohibition of racial and ethnic discrimination contained in human rights law. It demeans the inherent dignity of targeted groups and facilitates the broader exclusion and discrimination of these groups on prohibited grounds including race, colour, descent, or national or ethnic origin and related categories, including by legitimatizing racially motivated violence. International human rights law requires that all persons, including all government officials be held accountable for the dissemination of ideas based on racial or ethnic superiority or hatred, by whatever means. We express concern that the reports we received instead point to widespread impunity, including for high-ranking officials. It is of great concern that little efforts have been made on the part of the Italian Government to honour its legal obligations to take action against racial discrimination and intolerance and incitement to discrimination and hatred. To the contrary, the reported racist and xenophobic speech is increasingly coming from within government institutions.

In addition, we would like to express our grave alarm and concern at the escalation of violent attacks, including shootings, targeting groups and individuals, including children, based on their actual or perceived ethnicity, skin colour, and race or immigration status. We note that this violence seems intimately tied to the racist and xenophobic climate deliberately cultivated by political actors during and after the general election period, and largely targets migrants, refugees, people of African descent or origin and Roma people, and those perceived to fall in these groups. Hate crimes unequivocally violate international human rights law and therefore it remains worrisome that prosecution of hate crimes is reported to remain low.

We are also alarmed that the Minister of Interior, Matteo Salvini, has publically announced the intention to carry out a census of Roma communities with a view to expelling those he deems not to be Italians.

We are also concerned that the events described above, seem to indicate a prima facie violation of the right to non-discrimination, the right of every individual to life, security and not to be arbitrarily deprived of his or her life, the right to access to justice and due process of the law. They also indicate violation of the right to protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution. Finally, some of the facts laid above refer to violations of the right to privacy and freedom of expression.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the measures taken to address incitement to hatred discrimination and violence against migrants, people of African descent, Roma, Sinti, Caminanti and other minorities and marginalized groups within Italian society. Please provide detailed information about measures in place to combat and eliminate all forms of racism, racial discrimination and xenophobia especially against minorities including Roma, Sinti and Caminanti as well as people of African descent, migrants and other perceived as foreigners. Kindly provide details on the adoption and implementation of a national plan of action in this regard. Also provide information on the existing institutional framework to implement Government actions to fight against discrimination, racism, racial discrimination, xenophobia and related intolerance.
3. Please provide information on the legal framework providing protection against discrimination based on race, colour, ethnicity, national origin, citizenship and other intersecting factors such as sex, birth, disability, age, sexual orientation and gender identity and any other status. Also, provide information on legal provisions protecting against hate speech, incitement to discrimination and hatred.
4. Kindly provide information on sanctions taken against government officials and other politicians for inciting discrimination, hatred and violence through their public statements. Please also explain the extent to which government officials can rely on immunity from prosecution to shield their public statements and actions inciting racism, racial discrimination, xenophobia and related intolerance, and detail any efforts to combat such impunity including data on prosecution and condemnation.

Kindly provide information on remedies provided to victims of hate speech.

5. Please provide information related to the Census of Roma people as announced by the Minister of Interior, including information about how it has been implemented in the Region of Lombardi. Kindly explain how this measure is compatible with Italy's international obligations to guarantee the rights to non-discrimination and equality. Please also provide detailed information on measures in place to guarantee that the census is in conformity with human rights principles governing the collection of ethnic data and guarantees the right to privacy of the concerned minority community.
6. Please provide information on hate crime statics in Italy disaggregated by type of offense and motive. Please also provide detailed data on prosecution rate and outcomes of such prosecution. Please indicate the nature of sanctions available and typically imposed on perpetrators of hate-motivated acts against migrants or any persons belonging to national or ethnic minorities, similar to the ones mentioned above.
7. Please provide detailed information on any investigation launched and/or legal proceedings that are taking or have taken place with regard to all the cases mentioned in this letter, as well as their outcomes. Please further provide information on any prosecutions, which may have taken place in connection with the above-mentioned allegations. If no investigation and/or prosecution has taken place, please explain the reasons why.
8. Kindly provide information on measures in place to facilitate hate crime reporting and accompany the victims of such crimes through judicial proceedings. Kindly provide information on the legal assistance afforded to victims of hate crimes.

We would appreciate receiving a response at your earliest convenience. Your Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

While awaiting a reply, we urge that action is taken by your Excellency's Government to put an end to these patterns and halt reoccurrences, as well as remedy these violations, as a matter of priority to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

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Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia  
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Michal Balcerzak  
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David Kaye  
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Agnes Callamard  
Special Rapporteur on extrajudicial, summary or arbitrary executions

Felipe González Morales  
Special Rapporteur on the human rights of migrants

Fernand de Varennes  
Special Rapporteur on minority issues

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above. We would like to bring to the attention of Your Excellency's Government provisions of the International Convention on the Elimination of All Forms of Racial Discrimination (hereafter ICERD), ratified by Italy in 1976. Article 2(1) demands that States Parties prohibit and eliminate any act or practice of racial discrimination against persons and/or groups based on race, colour, descent, or national or ethnic origin. To this end, States must ensure that public authorities and institutions on the national and local level act in compliance with this obligation.

ICERD in Article 4 calls on State Parties to condemn all propaganda and all organizations grounded on ideas or theories of superiority based on race, national origin, colour or ethnicity; or which attempt to justify or promote racial hatred and discrimination in any form. The Committee on the Elimination of all forms of Racial Discrimination in General Recommendation 35, recommends that the States parties declare and effectively sanction as offences punishable by law:

(a) all dissemination of ideas based on racial or ethnic superiority or hatred, by whatever means; (b) incitement to hatred, contempt or discrimination against members of a group on grounds of their race, colour, descent, or national or ethnic origin; (c) threats or incitement to violence against persons or groups on the above listed grounds; (d) expression of insults, ridicule or slander of persons or groups or justification of hatred, contempt or discrimination on the grounds listed above, when it clearly amounts to incitement to hatred or discrimination; (e) participation in organizations and activities which promote and incite racial discrimination.

The Committee also draws attention to the role of politicians and other public opinion-formers and encourages such persons to adopt positive approaches directed to the promotion of intercultural understanding and harmony.

In addition, Article 5 (b) of ICERD guarantees the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution.

Furthermore, while recalling the special importance of freedom of speech in political matters we would like to note that the exercise of freedom of expression and opinion carries with it special duties and responsibilities. In this regard, we would like to refer to the opinion expressed by the CERD Committee in its General Recommendation No. 15 on article 4 of the Convention (1993) that "the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with the right to freedom of opinion and expression. [...] The citizen's exercise of this right carries special duties and

responsibilities, specified in article 29, paragraph 2, of the Universal Declaration of Human Rights, among which the obligation not to disseminate racist ideas is of particular importance”

We also wish to recall the provisions of the International Covenant on Civil and Political Rights (hereafter ICCPR), ratified by Italy in 1978. With respect to the rhetoric used by public officials, we are concerned that the comments may foster racial intolerance and hostility which, may incite to violence against migrants and refugees. While freedom of opinion and expression is protected under article 19 of the International Covenant on Civil and Political Rights (ICCPR), article 20(2) of the ICCPR, requires States to prohibit “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence”. Article 20(2) must be read in conjunction with the conditions for restrictions to the exercise of freedom of expression set out in article 19(3) of the ICCPR.

As pointed out by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, when high-level officials engage in hate speech, they undermine not only the right to non-discrimination of affected groups, but also the faith of such groups in State institutions and, thus, the quality and level of their participation in democracy (A/67/357, para. 67).

The Human Rights Committee and a number of human rights mechanisms interpreted that Article 20 of the Covenant requires a high threshold because, as a matter of fundamental principle, limitation of speech must remain an exception. The three-part test under Article 19(3) (legality, proportionality and necessity) for restrictions also applies to cases involving incitement to hatred, in that such restrictions must be provided by law, be narrowly defined to serve a legitimate interest, and be necessary in a democratic society to protect that interest. CERD also recommends that the criminalization of forms of racist expression should be reserved for serious cases, to be proven beyond reasonable doubt and governed by principles of legality, proportionality and necessity. While States should use other means to address less serious cases taking into account, inter alia, the nature and extent of the impact on targeted persons and groups. CERD stresses that States should not use measures to monitor and combat racist speech as a pretext to curtail expressions of protest at injustice, social discontent or opposition.

CERD recommends taking into consideration the following contextual factors in qualifying dissemination and incitement as offences punishable by law: the content and form of speech, the economic, social and political climate, the position or status of the speaker, the reach of the speech, the objectives of the speech (General Recommendation 35).

In her report to the General Assembly (A/73/305) in 2018, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance analyses the threat posed by nationalist populism to the fundamental human rights principles of non-discrimination and equality. She particularly condemns nationalist populism that advances exclusionary or repressive practices and policies that



harm individuals or groups, inter alia, on the basis of their race, ethnicity, national origin and religion, or migratory status. She particularly expresses concern at the recent increase of hate crimes in Italy (para. 18) as well as the climate of intolerance perpetrated by high level authorities through racist rhetoric (para. 20). She notes that “public officials are reluctant to acknowledge the prevalence of racism, discrimination and related intolerance, and this state of denial itself can prevent action to combat discrimination and intolerance.” She also highlights that “Nationalist populism shapes the climate of national discourse and can convert public political platforms into vehicles for spreading prejudice and intolerance and even inciting discrimination and violence. For this reason, Member States, and even private actors, such as the technology companies that often directly interface with racist and xenophobic content online, must remain vigilant in their identification of racist expression in national climates in which certain groups are openly committed to spreading and enforcing intolerance” (para. 53). She recommends that “condemnation of racist and xenophobic nationalist populism must be swift and unequivocal. Political parties and their leadership also have a role to play here, given their significant influence on the political climate, as do multilateral agencies and regional bodies” (para. 60).

In its review of Italy in 2016 CERD already expressed concern at “the prevalence of racist discourse, stigmatization and negative stereotypes in political debates, which are directed against migrants, Muslims, people of African descent and Roma, Sinti and Camminanti communities and which are also perpetrated by the media”. The Committee further expressed deep concern at the reports of racially motivated violence and crimes and the lack of an effective response to such acts from the State (para.16). The Committee recommended that Italy investigates, prosecutes and punishes all such racist crimes; collect disaggregated data; adopt concrete measures; and strengthen the law to combat such heinous crimes (para.17). CERD recommended that the State party especially “(a) ensure that all individuals, including politicians at all levels, are held accountable and are sanctioned for the dissemination of ideas based on racial superiority or hatred and other violations of article 4 of the Convention, [...] (b) Ensure that victims of racist hate speech are provided with effective remedies; [...] (d) Condemn unequivocally at the highest political level the dissemination of hate speech and hateful ideas and engage in promoting a culture of tolerance and respect; [...]” (para. 14 and 15).

The Committee on Civil and Political rights in its latest review of Italy in 2017 (CCPR/C/ITA/CO/6) also expressed concerns about “reports of persistent stigmatization, stereotyping, and racist discourse against Roma, Sinti and Camminanti communities and non-citizens, exacerbated by the media and public officials at the local level. It is also concerned that the aggravating circumstances in Law No. 205/1993 (Mancino Law) on hate crimes are applied only when a racist motive appears to be the sole motivation but not when there are mixed motives.” (para. 12) CCPR recommended that “the State party: (a) strengthen its efforts to eradicate stigmatization, stereotyping and racist discourse against Roma, Sinti and Camminanti communities and non-citizens, including by conducting awareness-raising campaigns to promote tolerance and respect for diversity; (b) review Law No. 205/1993 with a view to giving effect to aggravating circumstances to all hate crimes; and (c) ensure that all cases of racially motivated violence are

systematically investigated, that perpetrators are prosecuted and punished and that appropriate compensation is awarded to the victims.” (para. 13)

We also recall that the Committee on the Elimination of Racial Discrimination, in its General Recommendation XXVII on discrimination against Roma, urges States to provide effective remedies to members of Roma communities and to ensure that justice is fully and promptly done in cases concerning violations of their rights (para.7). In particular, the Committee calls upon States to prevent racially motivated violence against Roma as well as the illegal use of force by the police against them; to ensure prompt action by the police, prosecutors and the judiciary to investigate such acts; and to ensure that perpetrators are punished (paras. 12-13).

We also call to the attention of your Excellency’s Government the international standards regarding the protection of minorities, in particular article 27 of the ICCPR, as well as the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 1992, which refers to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt measures to that end (article 1), as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination (article 4).

We also wish to highlight the provisions of the Durban Declaration and Programme of Action (hereafter DDPA) which recall that “the stigmatization of people of different origins by acts or omissions of public authorities, institutions, the media, political parties or national or local organizations is not only an act of racial discrimination but can also incite the recurrence of such acts, thereby resulting in the creation of a vicious circle which reinforces racist attitudes and prejudices, and which must be condemned” (para. 94). The DDPA also “underline[s] the key role that political leaders and political parties can and ought to play in combating racism [...]” (para. 83) and “encourage[s] political parties to take concrete steps to promote equality, solidarity and non-discrimination in society [...] so their members refrain from public statements and actions that encourage or incite racism, racial discrimination, xenophobia and related intolerance” (para. 115). The DDPA further “urge[s] States to implement legal sanctions, in accordance with relevant international human rights law, in respect of incitement to racial hatred [...]” (para. 145). It further reiterates that “any form of impunity for crimes motivated by racist and xenophobic attitudes weaken[s] the rule of law and democracy and tends to encourage the recurrence of such acts” (para. 81).

We would also like to refer to the recommendations made by the Working Group of Experts on People of African Descent following its mission to Italy in 2015 (A/HRC/33/61/Add.1). The Working Group “urged Parliament to publicly condemn racist, Afrophobic and xenophobic acts and the Government to ensure accountability and an effective remedy to counter any tendency, especially by politicians, to stigmatize and negatively stereotype people of African descent or use racist propaganda for political purposes”. “Intellectual and media awareness raising on racism, Afrophobia and racial discrimination is also necessary,” it stated. It recommended “a review of immunity laws and the manner in which they are interpreted so that immunity is not upheld in cases of

racially motivated hate speech”. The Working Group “encouraged the Government to ensure that the national action plan against racism and xenophobia includes people of African descent as a specific group facing racism, racial discrimination, Afrophobia, xenophobia and related intolerance, and to appoint a focal point within the National Office against Discrimination”.

Article 3 of the Universal Declaration of Human Rights (UDHR) and article 6(1) of the International Covenant on Civil and Political Rights (ICCPR), ratified by Italy in 1978, guarantee the right of every individual to life and not to be arbitrarily deprived of his or her life. Article 6 should be read in conjunction with article 2(1) of the ICCPR, which provides that “*Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, languages, religion, political or other opinion, national or social origin, property, birth or other status*”.

In interpreting article 6 of the ICCPR, the Human Rights Committee, in its General Comment nos. 6 and 31, has reiterated that the right to life is the supreme right from which no derogation is permitted and that it must not be narrowly interpreted, and stated that there is a positive obligation on State Parties to ensure protection of Covenant Rights of individuals from violations by both State and non-State actors. The latter, according to international human rights standards, includes private individuals where a pattern of violations can be established as seems to be the case in the above described situation. Permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate or bring perpetrators to justice could give rise to a breach of the Covenant (CCPR/C/21/Rev.1/Add.13).

We would in this context like to remind your Excellency’s Government of the duty to conduct thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary or summary executions and the obligation to bring to justice all persons identified by the investigation as having participated in those executions as laid down in the Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by Economic and Social Council resolution 1989.

Moreover, the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016) reiterates that the duty to investigate is an essential part of upholding the right to life and highlights that the right to know the truth extends to family members and society, in particular given the public interest in preventing international law violations. Therefore, absent a compelling need to protect the public interest or legal rights of the victims and their families, the State party must disclose relevant details about the investigation to the victim’s next of kin and make its findings public.

In relation to the prevention aspect mentioned above, we would like to recall that “The State also carries a responsibility to address “attitudes or conditions within society which encourage or facilitate” violence or killings committed by non-State actors (see E/CN.4/2005/7, para. 71).