



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country: Italy
Title: ECRI – Interim Follow-up regarding Italy
Date: 17 July 2015
Expert: Chiara Favilli
Context:
Issue at stake: Conclusions on the implementation of the Recommendations in Respect of Italy subject to Interim Follow-up
Ground of discrimination: Race/ethnic origin, Other (Roma, citizenship)
Source: ECRI Conclusions of 9 December 2014, published on 24 February 2015

Content

Policy Development: As part of the fourth round of ECRI's monitoring work, ECRI drew up its conclusions on the way a few of its recommendations issued in 2012 have been followed up. These conclusions concern: UNAR's mandate and independence; Housing for Roma; and the Return policy.

As far as UNAR is concerned, ECRI finds that its recommendation to enhance the equality body's activity by formally extending its power so that the relevant legislation clearly covers discrimination based not only on ethnic origin but also on colour, language, religion, nationality and national origin; by granting it the right to bring legal proceedings; by ensuring that its full independence is secured both in law and in fact has not been implemented. In particular ECRI finds that the Office is not *de jure* independent in breach of ECRI's General Policy Recommendations No. 2 and No. 7.

As far as ROMA are concerned, ECRI finds that its recommendation on full application of the UN Basic principles and Guidelines on Development-based Evictions and Displacement have been partly implemented because little steps have been made but the process appears very slow and does not ensure that all the Roma who may be evicted enjoy the necessary guarantees.

As far as returns are concerned, ECRI finds that its recommendation has been partly implemented at least from a legal point of view, with the approval of amendments to the law that have been enacted. Concerns are expressed about the information provided by several NGOs about lack of sufficient information to migrants and of legal counselling for those in need of international protection.

Key points of analysis: These conclusions take into account legal and policy developments occurred in Italian law in the chosen fields and express a positive evaluation on them. However they are not deemed to be sufficient to match ECRI's recommendations. In particular regarding UNAR the lack of independence is stressed, with the body placed "under the Department for Equal Opportunities of the Presidency of the Council of Ministers, its Director who is a civil servant appointed by the government

and part of its staff seconded to UNAR from various ministries". Moreover despite the enlargement of the grounds of discrimination covered by UNAR, ECRI underlines that "no legislation has yet been enacted to extend formally UNAR's competence."

Regarding Roma, ECRI appreciates the adoption of the National Roma Integration Strategy but at the same time regrets the lack of concrete implementation and the prosecution of evictions of Roma and Sinti up to July 2014.

Internet link source:

<https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Italy/ITA-IFU-IV-2015-004-ENG.pdf>.