



Unione forense per la tutela dei diritti umani

OBSERVATIONS

submitted to the

Committee on the Elimination of Racial Discrimination

for the Thematic Discussion on “RACIST HATE SPEECH”

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Joint submission by the network of Italian associations on racial discrimination:



**Associazione
Carta di Roma**



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1 PRESENTATION OF THE WORK

The network of Italian associations on racial discrimination (hereinafter “the network”) was created in 2012 within a specific project of the *Unione forense per la tutela dei diritti umani*, titled “Enhancing Italy’s civil society participation to international bodies’ decision making” and supported by Open Society Foundations.

The project aims at enhancing Italian NGOs active and effective participation to international and regional human rights promotion and protection mechanisms, with a special focus on racial discrimination and freedom of expression. Through national and international advocacy, dissemination of information and raising awareness activities, the network should encourage public debate on State and international policies on racial discrimination.

The network is composed by Italian associations, eight of which have contributed to draft the present document: Archivio delle Memorie Migranti, Articolo 3 – Osservatorio sulle discriminazioni, Associazione 21 Luglio, Associazione Carta di Roma, Associazione Studi Giuridici sull’Immigrazione (ASGI), Borderline Sicily, Lunaria and Unione forense per la tutela dei diritti umani. These associations work on the fields of migrations, minorities and racial discrimination, dealing in monitoring activities on racist hate speeches and racist expressions in the media, protecting specific vulnerable groups and communities like Roma and Sinti and acting against any form of racial discrimination, encouraging public debate and raising civil society’s awareness on these topics.

In view of the thematic discussion on racist hate speech which will take place on 28th of August 2012 during the 81st session of the Committee on the Elimination on Racial Discrimination, the network drafted the present document, which reports experiences, remarks, best practices, observations and conclusions linked to the daily activities of the above mentioned associations. It is structured in two different parts:

- A first part where associations provide contributions separately based on their specific expertise and their field of work. This section focuses on three topics: racist hate speech in political life; racist hate speech in the media; racist hate speech toward Roma and Sinti;
- A second part composed by conclusions and recommendations and signed by the network as a whole.

Due to the specific composition of the network, this document collects heterogeneous contributions reflecting the different fields of work of the above mentioned associations. Anyway every contribution was drafted with the same aim: to provide a significant and concrete input to the work of the Committee on racist hate speech in order to raise awareness and to stimulate a public debate on hate speech phenomena, which nowadays drive dangerously our societies toward discrimination, intolerance and violence.

2 RACIST HATE SPEECH AND FREEDOM OF OPINION AND EXPRESSION

2.1 Racist hate speech in political life

Article 4 of the ICERD: Prohibition of Hate Speech

“The Committee recommends that the State party increase its efforts to prevent racially motivated offences and hate speech, and ensure that relevant criminal law provisions are effectively implemented. The Committee recalls that the exercise of the right to freedom of expression carries special duties and responsibilities, in particular the obligation not to disseminate racist ideas. It also recommends that the State party take resolute action to counter any tendency, especially from politicians, to target, stigmatize, stereotype or profile people on the basis of race, colour, descent and national or ethnic origin or to use racist propaganda for political purposes”.

Hate speech in the European political life (Lunaria)

The increasing use of racist, anti-Semitic, anti-Roma and xenophobic forms of expressions in political discourse in Europe has been denounced by many institutional and civil society organizations’ reports.¹

During the last few years election campaigns some nationalist, xenophobic and anti-immigrant parties have obtained good results: e.g. the *Front National* in France (2012), the *PVV* in Netherland (2009), the *British National Party* in the United Kingdom (2009), *Lega Nord* in Italy which governed Italy among 2008 and 2011, *Golden Dawn* in Greece (2012). But under the pressure of the international context, racist and xenophobic discourse has been crossing also the political agenda of traditional and democratic political parties.

The current economic and social crisis risks to increase this tendency in the absence of a most effective engagement of international and national institutions in preventing and combating the diffusion of hate speech in political life.

The priority given to structural policies (cuts in public spending and decisions to foster economic growth) tends to: a) decrease attention of national institutions to social inclusion and to the safeguarding of migrants and minorities’ rights; b) further harden migration policies; c) socially increase conflicts between natives and migrants, both on the labour market and in the access to welfare, conflicts which can too much easy degenerate in racist offenses and attacks.

In order to support/justify *de facto* discriminatory decisions with particular reference to welfare, political parties more inclined to populism, but also some democratic local administrators, have been already arguing that migrations and the presence of Roma are “unsustainable”. The risk of an increasing diffusion of hate speech in the European and Italian life is then a very topical question in Europe.

Historical background on hate speech in Italy (Lunaria)

Italy can be considered as an exemplary case study of the instrumental use of immigrants, Roma and refugees by nationalist and xenophobic movements and parties to gain the favour of the public opinion.

¹ ECRI, The use of racist, anti-Semitic and xenophobic elements in political discourse. High-level panel meeting on the occasion of the International Day for the Elimination of Racial Discrimination Paris, 21 March 2005, November 2005; Council of Europe, Anne Weber (edited by), Manual on hate speech, Paris 2009; OSCE-ODHIR, Hate Crimes in the Osce Region – Incidents and Response Annual Report For 2009, Warsaw, 2010; Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Italy from 26 to 27 May 2011; Lunaria (edited by), Rapporto sul razzismo in Italia, Manifestolibri, 2009; Lunaria (edited by), Cronache di ordinario razzismo, secondo libro bianco sul razzismo in Italia, Edizioni dell’Asino, 2011 (English version available on www.cronachediordinariorazzismo.org); Council of Europe, Parliamentary Assembly, Committee on Migration, Refugees and Displaced Persons, Report, The portrayal of migrants and refugees during election campaigns, 8 June 2012.

In the mid-1990s Lega Nord – an autonomist and xenophobic political movement born in the North of Italy at the beginning of the Nineties – leveraged the social and economic hardship experienced by some north Italian areas due to globalisation and competition with emerging markets for political gain. The rise in migratory flows gave the party an opportunity to frame an ‘outside’ enemy as a way of achieving an easy consensus; the aim was the conversion of the new ‘enemy’ into a scapegoat for every kind of social and economic fragility. Lega Nord obtained a significant electoral consensus until 2008 and has played a key role in steering the national public debate on migrations in last two decades. It has also succeeded in influencing the political agenda of democratic parties on this issue, mainly during the election campaigns. The Italian debate on migrations has been focused on the need of arresting migrations, reducing the social rights of immigrants, fighting against the peril of a cultural pressure of foreigners who “could menace the national identity”.

The criminalization of immigrants has been the main anti-immigrants argument at the end of 1990s and among 2007-2009: some crimes committed by immigrants (i.g. Reggiani and Russo murders in 2007, Caffarella rape in 2009) have been used by right parties to propose the identification of illegal immigrants as criminals and to justify their immigration laws reforms aimed to make more difficult for migrants to enter and to live in Italy.

In 2011 the events in some North-African countries and the arrival of immigrants from Egypt, Tunisia and Lybia gave the opportunity to Ministers and Parliamentarians to throw alarmist messages to the public opinion about an “expected biblical tsunami” coming from these countries. The former Minister of Home Office, Roberto Maroni (Lega Nord), publicly declared on March 2012 that Lega Nord had used in the past racism as a way to gain public consensus.

The political debate played a vital role in disseminating a cultural and social climate of hostility to Roma and immigrants which had some very serious consequences as the massacre of two Senegalese people in Florence on December 13th 2011 and the public demonstrations against Roma in Turin (December 9th 2011) and in Pescara (May 6th 2012) shown.

The Government change on December 2011 seems to start on a new phase: present Ministers are more proud and more respectful of human rights of Roma, immigrants and refugees. But the imminent beginning of the national election campaign could exacerbate again the debate on immigrants and Roma with the recurrence of xenophobic, anti-Roma and anti-immigrant rhetoric.

Italian situation: an introduction (Associazione Studi Giuridici sull’Immigrazione – ASGI and Articolo 3 – Osservatorio sulle discriminazioni)

In its Concluding Observations of 2008, the Committee expresses grave concern over the reported incidents of incitement to racial hatred in Italy². Totally in contrast with such recommendations, in the political debate and in the media³, foreigners are increasingly held responsible for increases in delinquent behaviour such as rape⁴, robbery and assault⁵ and members of ethnic and religious minorities are represented as fundamentalists, extremists and terrorists⁶, and, above all, as individuals who, in times of unemployment and financial crisis,

² See: CERD/C/ITA/CO/15, para 15.

³ On the issue of racism in the media see the 2008 report produced by Cospe for the European Network Against Racism, *Racism in Italy* (p.2 6), available at <http://www.cospe.it/cospe/old/documenti.php>; and the video produced by Cospe "Out with racism of the media," available at http://www.youtube.com/watch?v=8_pPFoVtlxE.

⁴ See Gianni Alemanno, Mayor of Rome in the 03/09/2009 episode of the show "Door to Door", available at <http://www.youtube.com/watch?v=9wDFDLX3FDQ>. Mario Borghesio organized a campaign against the rapes, following several cases of sexual violence committed by Romanian citizens, in which he said, "Enough outsiders," "We must send them away," "We should zic-zac [emasculate and castrate, ed.] the outsiders," <http://www.youtube.com/watch?v=EP-W7tjxdM>.

⁵ See numerous speeches on Padania Free Radio, which suggested that Roma children should be vaccinated against theft, <http://espresso.repubblica.it/dettaglio/la-lega-a-pezzi-attacca-i-negri/2164513>.

⁶ Magdi Cristiano Allam writes in reference to the massacre in Norway by Anders Breivik Behringer in July 2011: "Let's face it: initially when the Islamic track seemed confirmed, we all felt heartened, probably because we share the knowledge that these kinds of hateful crimes against humanity belong almost naturally to the fanatics dedicated to imposing by force anywhere in the

deprive Italian citizens of resources and rights⁷. Data provided in reports on cases of discrimination carried out by UNAR (National Office Against Racial Discrimination)⁸ and other independent research centres⁹ likewise show an increasing number of reports and cases of offenses, insults and threats against immigrants, particularly of Roma and Sinti and Romanian citizens. The need to counter this trend has been noted on two occasions by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, who called on Italy to take stronger measures to counter this trend¹⁰.

During his visit to Italy in 2011 some posters for the municipal elections campaign of the *Popolo della Libertà* and *Lega Nord*¹¹ in Milan shocked him as well as other associations for the protection of human rights. Among the latter, NAGA (Voluntary Association for Social and Health Care assistance and the Rights of Foreign Citizens, Roma and Sinti, in Milan) had taken legal steps and the Court of Milan, in May 2012, recognized the discriminatory nature of the posters¹². In the meantime, however, defamatory slogans were affixed to the walls of the city, without raising a unanimous scandal.

Concerns about the spread of xenophobic and racist rhetoric are also highlighted in a report by Amnesty International in 2010¹³ and in the 2009 ILO Report, in which the organization expresses its grave concern over the growing racist rhetoric in the political discourse against migrant workers, particularly serious with regard to immigrant women¹⁴.

Moreover, a new spread of anti-Semitism has been noted, leading the Chamber of Deputies to undertake a survey which detected a rise in anti-Semitic propaganda websites (+40%), hostility of 44% of Italians towards Jews and how this hostility can be configured in 12% of cases as anti-Semitism¹⁵. Despite episodes of Holocaust denial¹⁶ it is reported that Italian legislation does not foresee any law prohibiting the propagation of such claims.

world devotion to to Allah and submission to Mohammed," available at http://www.ilgiornale.it/esteri/la_strage_norvegia_il_razzismo_e_laltra_faccia_del_multiculturalismo/24-07-2011/articolo-id=536636-page=0-comments=1; Mario Borghezio, regarding the management of the national tax authorities, declared them too forgiving and favourable, in his opinion towards the "large" families of immigrants. Borghezio proposes a "tax measure to discourage births by Muslim parents." In fact, he says, "The birth rate of Muslim immigrants is twice that of Christians and this is a real danger. The great Islamic advance into Europe, seemingly unstoppable, could make up the future army of Bin Laden in our urban ghettos." <http://www.giornalettismo.com/archives/124338/borghezio-questi-islamici-fanno-troppi-figli-tassiamoli/>.

⁷ Analysis of this phenomenon is explained in detail in Basso, P (ed.): *State Racism. United States, Europe, Italy*. Franco Angeli, 2010 and in Lunaria (ed.): *Chronicles of Ordinary Racism. Second White Paper on Racism in Italy*, 2011, available at www.lunaria.org.

⁸ See Report to Parliament on the current application of the principle of equal treatment and the effectiveness of protection mechanisms, 2010, available at http://93.63.216.212/unar/_image.aspx?id=07547f93-e702-48b2-9c72bfd711d702ed&sNome=RELAZIONE_AL_PARLAMENTO_ANNO_2010.pdf.

⁹ See Di Pasquale L., Racism and Discrimination in Italy, ENAR Shadow Report 2009–2010, available at <http://cms.horus.be/files/99935/MediaArchive/Italy.pdf>, and Everyday Racism. The Voices of Foreigners and the Media on Racism and Discrimination, report prepared by the NAGA and Cospe groups to carry out an investigation on two fronts: Cospe monitoring the media on one hand, and on the other a critical collection of testimony from foreign nationals who receive services from NAGA, with the idea of comparing media communication to the actual daily life of citizens and foreigners with the aim of going beyond the news and into reality, available at <http://www.naga.it/pdf/nagacospe/RazzisimiQuotidianiNaga.pdf>

¹⁰ Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Italy on 13–15 January 2009, available at <https://wcd.coe.int/ViewDoc.jsp?id=1428427>

¹¹ See appendix – fig. 3.

¹² From the Order of the Court: "It clearly emerges the severely offensive and shaming significance of such expression, that produces the effect not only of violating the dignity of Sinti and Roma ethnic groups, but also of fostering an intimidating and hostile climate toward them". <http://www.naga.it/index.php/notizie-naga/items/zingaropoli-condannati-lega-e-pdl.html>

¹³ Amnesty International, *Annual Report 2011. La State of Human Rights in the World*, available at 50.amnesty.it/rapportoannuale2011.

¹⁴ ILO, Report of the Committee of Experts on the Application of Conventions and Recommendations, 2009,p.644, available at http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_103484.pdf; See on the gender related dimensions of racial discrimination, General Comment n 25;

¹⁵ The survey results are presented in the report submitted by the Constitutional Affairs Committee of the Chamber, available at http://www.camera.it/544?stenog=%2F_dati%2Fleg16%2Fflavori%2Fdocumentiparlamentari%2Findiceetesti%2F017%2F015&pagina=d000.

¹⁶ In particular, the case of Claudio Moffa, a professor at the University of Teramo, should be noted, <http://video.repubblica.it/copertina/le-lezioni-di-claudio-moffa-il-prof-negazionista/54213?video=&ref=HREER1-1>.

***Criminal law: minimal penalties, interpretive doubts and poor implementation
(Associazione Studi Giuridici sull'Immigrazione - ASGI)***

Despite the recommendations of the Committee to Italy to firmly counter the dissemination of hate speech with effective measures, Law 85 of 2006 amended the criminal regulations (stated under Law No. 654 dated October 13, 1975, as previously amended by Law No. 205 dated June 25, 1993, known as Mancino's Law), halving the penalty for the crime of propagating (formerly "spreading") ideas based on racial superiority or hatred and instigation (formerly "incitement") to commit acts of discrimination for racial, ethnic, national or religious motives, and thus reducing the scope of this circumstance¹⁷. Furthermore, the decree recognizes a complicated stabilization in the interpretation of those rules by the legal system and the difficulty of balancing the prohibition of hate speech and freedom of expression. The case law of the ECtHR¹⁸ and the Human Rights Committee¹⁹, as well as the Committee's²⁰ interpretation, all stress how the right to freedom of expression does not extend to the dissemination of racist, xenophobic ideas or incitement to religious and racial hatred²¹. The diminishing criminalization expected in these circumstances is inconsistent with the adoption by the European Council of a framework decision, which provides more severe punishment than that adopted by Italian legislation²² in order to combat the spread of racism and xenophobia.

Application of the above law is sparse and of limited effectiveness²³. The Tosi and Gentilini cases, also mentioned in the Italian Report, are the only two legal proceedings that resulted in a conviction, but this was negligible and therefore unlikely to produce a deterrent effect. Anyway there are several examples of speech against which no criminal action has been initiated²⁴.

17 See Tanzarella, P. "Racial hate speech. The legislative and jurisprudential stages of a questionably constitutionally protected offense" in Law, Immigration and Citizenship, XII, 4, 2010.

18 See, inter alia, Glimmerveen and Hagenbeek v. The Netherlands, Jersild v. Denmark and Feret v Belgium, in which the Court has underscored how the impact of xenophobic and racist speech is enhanced in the context of an election campaign, where the arguments take on greater force.

19 See Faurisson v. France, Malcolm Ross v. Canada.

20 CERD A/48/18, para 4.

21 See, inter alia, Panizza, M. "When politics becomes racist propaganda," in the Criminal Supreme Court 2010.6, 2353 and Tanzarella, op. cit. note 7.

22 EU Council Framework Decision 2008/913/JHA, available at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:328:0055:0058:IT:PDF>

23 See, inter alia, Chronicles of Ordinary Racism. Second White Paper on Racism in Italy, op. cit. note 6 and Tanzarella, op. cit. note 7.

24 "The boats of immigrants should be sunk by bazookas," Giancarlo Gentilini, the Lega Nord - <http://www.repubblica.it/2007/08/sezioni/cronaca/gentilini-omosessuali/gentilini-omosessuali/gentilini-omosessuali.html>

"I'll make myself as well as my pig immediately available to the Committee Against the Mosque (of Bologna) for a walk on the ground where they want to build the mosque," in order to "infect" it and prevent the construction of the mosque. Roberto Calderoli, Lega Nord - <http://www.repubblica.it/2007/09/sezioni/politica/calderoli-moschee/calderoli-moschee/calderoli-moschee.html>

"Mice are easier to eradicate than gypsies. Because they are smaller ... The mice are easier ... easier to fight than the gypsies....," Matteo Salvini, the Lega Nord - <http://www.gadlerner.it/2008/04/17/matteo-salvini-al-mercato-della-bovisasca.html>

The regional councilor for migration, Lega Nord member Daniel Stival, speaking on a live broadcast on Veneta Network, on the question of how to limit the arrival of refugees from Libya, said: "They do well in Greece, Spain and Croatia, we would also succeed if we used a gun".

The Lega Nord member, Mario Borghezio, regarding the Norwegian terrorist Anders Breivik Behring, who last July 22 killed over 80 people in Norway, invoking Nazi ideals, said: "Many of their ideas are good, some excellent. And because of the invasion of immigrants they have to turn to violence".

The “Forza Nuova” political movement (*Associazione Studi Giuridici sull’Immigrazione – ASGI*)

In contrast with the prohibition of racist political propaganda secured under art.4 ICERD²⁵, the Italian government has not taken any action to counter the activity of political parties used to such propaganda. Among the "eight points" of the manifesto of the political movement *Forza Nuova* are the following statements²⁶:

“Point 3: Forza Nuova sees in the current immigration problem a painful wound in the harmonious coexistence of people. In fact, besides being an element of disturbance of the public order and a loss of cultural heritage, immigration is a drain of human energies for the same immigrant people. Therefore, given the seriousness and urgency of the problem, Forza Nuova is fighting to block immigration and to begin a humane repatriation of immigrants [...]. Forza Nuova embraces the fundamental role of the European people in the reconstruction of the dying black continent [...].”

The Criminal Supreme Court has ruled that the assimilation of fascist training into the movement, bearing ideals such as xenophobia, anti-Semitism and racism, is legitimate²⁷. Websites of the various local branches of the movement carry posters depicting a woman raped and the words *"If it were your mother, your wife, your daughter. Close the camps, expel the Roma"* and slogans such as *"Let's get rid of immigration", "Italy with no outsiders can be done", "Their integration, our destruction"* *"Stop the minarets"*²⁸.

Civil action against verbal and written racist statements (*Associazione Studi Giuridici sull’Immigrazione – ASGI*)

As mentioned, the use of xenophobic and racial rhetoric in political language is more prevalent than in criminal proceedings. Despite the repeated warnings of the Committee in its concluding remarks to the Italian Report in 2008 and in 2012 and in its General Comments²⁹ not to use these expressions in political propaganda, several Italian politicians have used the fear of foreigners or of those belonging to other religions as a tool to achieve political consensus. The cases reported in the above notes illustrate the invitations to representatives of the local administration not to facilitate the integration of legally resident non-immigrants who were not renting their homes for fear of an invasion and an associated security risk³⁰ or not to vote for an opposing candidate who on the contrary "favours" integration³¹ and finally against representatives

²⁵ See in particular General Recommendations n. 7 and n. 15, but also General Comment n. 22 of the Human Rights Committee

²⁶ <http://www.forzanuova.org/page/punti-fermi>.

²⁷ Criminal Appeals Court, Sess V., no. 4938/2011.

²⁸ These posters are available on the Brescia section of the movement, <http://fnbrescia.blogspot.com/>.

²⁹ For a clear overview of the prohibition of hate speech under CERD Art. 4 see, Thornberry, P. *Forms of Hate Speech and the Convention on the Elimination of All Forms of Racial Discrimination (ICERD)*, available at <http://www2.ohchr.org>

³⁰ In a quarterly newsletter published by the City of Gerenzano in May of 2009, Cristiano Borghi, a Northern League councilor in the municipality, wrote in an article entitled *"We have closed the doors [...] but many Gerenzanesi have opened them"* that the City Council *"has never built public housing with the money of the people of Gerenzano, as there was a danger that at the top of the list [...] there are always the usual suspects [...] the land was never intended for construction of mosques and buildings for places of worship of non-EU members of Islamic origin [...] we never set aside land within the town [...] for just a temporary stop for the gypsies; nomads who come and stay in the municipality should leave the country within 48 hours"* and called on *"those who love Gerenzano should not sell or rent to non-EU citizens [...] otherwise we will be invaded by foreigners and we will be more and more afraid to leave the house."* Following a case brought by the Lawyers For Nothing (APN) non-profit and the non-profit organisation Make Yourself Next, the First Section of the Civil Court of Milan, 21 April 2011, pointed out the discriminatory nature of these claims and found that they were liable to cause *"injury, even potential, to a category of persons who may suffer merely in terms of disadvantage or a greater difficulty in obtaining goods and services [...]"* The judge's ruling, however, only resulted in the removal of the article published on the website of the City, not providing any kind of compensation for the damage. It is noted that, in light of the notion of harassment as discrimination under Article 2 Legislative Decree 215/2003 (adopted on the basis of the EC Directive 2000/43), these claims are not limited to causing damage by reference, as in the case examined, to housing rights, but we must recognize that such harassment constitutes an injury to human dignity and thus must itself be considered discriminatory.

³¹ Before the ballot for the Milan local elections in May 2011, the minister Umberto Bossi, declared: *"I will work against Pisapia [the candidate of the opposite political spectrum – ed.] because he threatens to turn Milan into a gypsy hub. He wants to increase Roma camps and build Europe's largest centre for the Muslim religion. The League cannot afford to let Milan go to the dogs"* [http://milano.repubblica.it/cronaca/2011/05/21/news/bossi_mi_impegnare_contro_giuliano_pisapia-16563791/]. The result

of civil society who demonstrate and lobby against the discriminatory policies of the local authorities³². In all these cases foreigners are represented as profiteers, and as dirty, rough and dangerous people. An extremely important tool in the Italian system is the civil action against discrimination provided by the Immigration Consolidation Act of 1998 and Legislative Decree 215/2003. Thanks to the efforts of some NGOs, this tool is increasingly assuming importance in litigation concerning the use of racist and xenophobic rhetoric. Such rhetoric amounts to harassment, recognized by national and European legislation as a form of discrimination detrimental to human dignity and to the fundamental right to non-discrimination, affirmed in Article 26 of the ICCPR³³.

Best practices: Borderline Sicilia Onlus

Borderline Sicilia association works in Sicily, which in the last years became a border land between Africa and Europe. Sicily is not only a place of arrivals for migrants, but also an island where there are many kinds of different centres: reception centres for asylum seekers, irregulars' detention and for unaccompanied minors. Yet, or just because of this fact, migrants meet severe opposition by local inhabitants. Therefore, the entry process for outsider is much more difficult than in the north, because on the island like other places in the south of Italy there is a lack of services even for nationals.

One of the projects of *Borderline Sicilia* is the mobile unit for humanitarian emergency in the Mediterranean. The aim of the mobile unit is to inform on the contradictions created by immigration laws and to denounce inefficiency, lack and critical aspects of the migrants' reception and detention system. Closely connected to the monitoring are advocacy and lobbying activities, whose main issue is to set up judicial inquiries about, for example, Tunisian migrants' illegal detention on ferryboats last year ("*Floating Cie*"). Another good practice is the consolidation of a regional network including different local actors involved in defending migrants' rights, promoting actions and best practices.

was, in a video posted in the main news bulletins, that the then-Prime Minister and leader of the PDL, Silvio Berlusconi, declared: "*Milan cannot, on the eve Expo 2015, become a Muslim city, a Gypsyopolis full of Roma camps and besieged by foreigners*" [<http://www.youtube.com/watch?v=dUdeV57GNe8>]. The same statements were written on posters put up all around in Milan. The NAGA Association appealed to the Court of Milan for harassment and xenophobic conduct, since the statements represented a case in point, in the sense of Article 2 Legislative Decree 215/2003, being, as required by the Article, in themselves injurious to human dignity. On the 24th of May 2012, the Tribunal of Milan has ruled in favour of the applicants, stating the discriminatory nature of such statements. With reference to the same statements, no criminal prosecution has been ordered against Mr. Berlusconi and Mr. Bossi.

³² In the window of the Northern League headquarters in Adro (Brescia), a sign appeared in September 2011 bearing the following statement: "*My dear Romana, you are all good at playing the faggot in the arse of others (typical of the Communists: what's yours is yours, what's mine is yours) bringing home your evicted Bedouin (who does not pay rent for two years); we put old people and needy people of Adro in the city houses. Our own first then the others! Long live the Northern League, long live Bossi.*" The town of Adro, ruled by a Northern League-majority coalition, has distinguished itself over the past two years for adopting discriminatory policies towards immigrants, even after being sanctioned by the court for their discriminatory character. Romana Gandossi, the CGIL trade union leader, has proposed several initiatives to counter these initiatives, bringing such policies to the attention of public opinion and organizing information sessions for foreign residents in the municipality in order to enable them to refer the matter to court [http://brescia.corriere.it/brescia/notizie/cronaca/11_novembre_23/bossi-processo1902284133956.shtml?fr=box_primopiano]. The phrases directed towards Ms Gandossi constitute harassment or unwanted conduct, put into place for reasons of race or ethnic origin, with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating and offensive climate thus constituting discriminatory behaviour. It is irrelevant that Ms Gandossi is not foreign, because she is discriminated against/harassed on account of her activities to support immigrant residents. In common parlance, the term *Bedouin* is used in a derogatory tone to identify a violent, uncouth, uncultivated man [http://dizionari.corriere.it/dizionario_italiano/B/beduino.html]. In addition, the sign refers to an unidentified foreign individual subject to a civil judicial proceeding, spreading the charge that the figure of the foreigner is in default and unreliable. The immigrant is then depicted as a thief in a wider sense, perpetuating the stereotype of the immigrant as one who does not respect rules, who commits crimes, and deprives Italian citizens of resources. Ms Gandossi, together with the Association for Legal Studies on Immigration and the non-profit organisation Guido Piccini Foundation for Human Rights, filed an appeal claiming that the phrases posted on the sign were a form of harassment. The Court has ruled (case no.3298/2011, 31/01/2012) that such statements amount to discrimination by association on ground of race.

³³ On the autonomous nature of the right to non-discrimination see the General Comment No 18 of the Human Rights Committee, 10/11/1989, par. 12.

Since March 2011 Borderline Sicilia manages a blog <http://www.siciliamigranti.blogspot.it> (Italian, English, German) where data are collected and published. The blog is a window on the situation of migrants in Sicily. It monitors the situation and offers intervention in response to emergency migration policies of the Italian government concerning the flux of refugees from the Maghreb region and Lybia and its daily impact.

The direct support merges with monitoring activities, thanks to professional competence of association's members and a legal network in Sicily and in Italy, accompanying migrants who need jurisdictional protection. The reports are translated into English and German, one by one, in order to share experiences and solutions on an international level. A monthly newsletter translated in English and German improves the communication skills of the association and informs on a worldwide level about the migrant's situation in Sicily.

The creation of a network of local, national and international organizations involved in the defense of the migrants' rights in Sicily represents another best practice in the field of human rights work.

The *fil rouge* of all the activities is represented by an "active memory" of migrations in order not to lose what has happened and to understand the right way to implement political and cultural challenges.

The first event organized by the newly-founded association was the commemoration of seventeen migrants who died during the sinking of their boat near Vendicari (SR) in October 2007. At the first anniversary a ceremony was held on the beach where some of the victims' bodies had been found, held by the imam of Catania, in the presence of some of the victims' relatives. The ceremony was followed by a public debate on immigration in the city of Noto (SR). On the occasion of the second anniversary there was a scenic reading, "*L'Europa fa morire*" (Europe lets die) in Modica (RG) which contains excerpts from processes on rescues at sea, testimonies of survivors of shipwrecks and journalistic reportages about victims on the borders. For the third anniversary a statue was placed on the beach of Vendicari with a plaque bearing the names of the victims, in order to leave a tangible sign of what has happened there and to make sure that people who pass may stop, read and understand.

Some arts, like theater and sculpture, can therefore become essential tools in the work of active memory, influencing everyday life which tends to develop indifference against what seems to be ordinary crime news. The effort to explain the migratory phenomenon in its real and effective impact, free of stereotypes and prejudice, is a very important activity which must always be accompanied by reporting violations of fundamental rights.

In March 2012, thanks to the cooperation between *Borderline Sicilia Onlus*, Lay Combonian Missionaries of Palermo, *Borderline-Europe* and *ASGI* was created in Palermo the observatory on racial discriminations named "*Noureddine Admane*" (a young citizen of Morocco, street seller in Palermo, who in February 2011 burned himself after being the victim of acts of persecution of some operators of the Local Police). The observatory has the purpose of receiving complaints relating to discriminatory events, acts and actions by private and public, with particular attention to the language used by the media.

2.2 Racist hate speech in the media

The journalistic representation of Roma and Sinti minorities in the Italian context (Articolo 3 - Osservatorio sulle discriminazioni di Mantova)

An excellent example of monitoring on racism phenomena in the media is the work of *Articolo 3*. The daily monitoring carried out by *Articolo 3*³⁴ refers to the observation of how

³⁴ Articolo 3, Observatory on discrimination in Mantua: www.articolo3.org - <http://www.inotherwords-project.eu/?q=content/articolo-3>

newspapers represent the image of the “*other*” and deal with cultural and religious minorities issues, with their rights, problems, demands, and the responsibility that journalists show using their undeniable power to form and guide the public opinion.

Articolo 3 classifies as incorrect or incomplete news items which do not contain voices and points of view of minorities (causing a partial view of the facts) and those who do not respect the journalist professional ethics, the criteria of impartiality, essentiality of the information, non-discrimination and protection of the dignity of the people they write about. Moreover, it classifies as conveying stereotyped information all the articles based on a repertoire of platitudes and prejudices.

Roma and Sinti seem to be one of the most preferred target of this attitude. In Lombardy region, the data about Sinti and Roma minority are clear. From June to December 2011 43% of 358 articles about Sinti or Roma people were incorrect or incomplete, 8% stereotyped and for the 5% of cases they conveyed hate speech. Only in the 12% of the cases appeared the voice of minorities. From January to May 2012, 48% of 221 articles were incorrect or incomplete, 8% stereotyped, 1% transmitted hate speech and only in the 11% of these the voice to Roma or Sinti people has been given³⁵.

One of the trends is to specify in an insistent way the origins of the persons who committed crimes. This practice is called “*ethnicization of crime*”, which creates in the reader the conviction that a given type of crime is systematically imputable to a certain minority: the alleged crime is ascribed to all citizens who are recognized as belonging to that minority, by virtue of a sort of “collective criminal responsibility”³⁶.

The following cases are illustrative. In 2011, in Rome, four children died because of a fire. One national masthead published an article by the journalist Paolo Granzotto titled “*The slaughter of the little brothers. Not everyone can weep for Roma children*” (Il Giornale, February 18, 2011)³⁷, full of highly prejudicial statements that contributed to spread a distorted image: “*But those who reject the integration are the Gypsies, who, of the contempt for the law, have made a form of culture [...]. Excavators. This what is needed to face the emergency*”.

Some journalists dare to push further, as in the case of Matteo Legnani, for «Liberò» newspaper, that *Articolo 3* reported to the Order of Journalists of Lombardy region and, in February 2011, obtained the censure penalty³⁸: “*People don’t realize that Gypsies are thieves. They are freeloaders that live off our back by stealing, snatching, cheating [...] People are fed up with the Roma and the only thing they want from its politicians is that the city becomes free in every way: by fair means (the incentives for integration) or foul (batons)*”³⁹.

The circulation of urban legends contributes to the stereotyped representation, as the one which claims the existence of a code of Roma people, used for thefts from houses: “*The code of Roma to mark the apartments to be burgled*”⁴⁰ (Sandro De Ricardis, La Repubblica, 1st April 2011) – the same newspaper in 2005: “*This is the alphabet of one who burgles houses*”⁴¹ and in 2012 “*Here’s the secret code of thieves to plunder the apartments*”⁴².

³⁵ For the same period in 2011, room to minorities point of view was given in the 23% of cases for people with disabilities and to Muslims, to Jews in the 29%, in the 38% to LGBT people.

³⁶ See *A regola d’Art3, Menzogna e pregiudizio* di Eva Rizzin, newsletter n°9/2011, in *Articolo 3, Rapporto 2011*, pag.164 http://www.articolo3.org/wp-content/uploads/2012/01/Articolo3_Rapporto_2011.pdf

³⁷ http://www.ilgiornale.it/interni/non_tutti_possono_piangere_bimbi_rom/08-02-2011/articolo-id=504454-page=0-comments=1

³⁸ From the text of the disciplinary action issued by the Council of Journalists of the Lombardy region: “*By his conduct, in addition, Matteo Legnani damaged the decorum and dignity of the profession using its role as a columnist and commentator to make, actually, a campaign of ethnic and racial discrimination*”. The editor of “Liberò” Maurizio Belpietro has been advised for control omission. <http://www.odg.mi.it/procedimenti-disciplinari/matteo-legnani-professionista-censura-violazione-gli-artt-2-e-48-della-leg>

³⁹ See appendix, fig. 1.

⁴⁰ http://ricerca.repubblica.it/repubblica/archivio/repubblica/2011/04/01/il-codice-dei-rom-per-segnare-gli-mi_025il.html

⁴¹ <http://ricerca.repubblica.it/repubblica/archivio/repubblica/2005/11/23/ecco-alfabeto-di-chi-ruba-nelle.html>

⁴² http://palermo.repubblica.it/cronaca/2012/03/15/news/un_codice_inciso_sui_citofoni_per_depredate_gli_appartamenti-31615903/

In 2011, a newspaper, «*CronacaQuin*», published in Milan and Turin, – which costs only 30 euro cents – made a smear campaign, with dozens of articles and cartoons: a systematic ethnic based process of generalization of criminal behaviour – or believed to be so – was created, by blaming a full group people for practices and customs related to crime, degradation and parasitical way of life⁴³. *Articolo 3* reported this campaign to the Order of Journalists of Lombardy region, for both cases. This is the newspaper that, in the period between April and December 2011, more reported of Roma and Sinti, with 83 news items: 12 are classified as hate speech, and 56 as incorrect or stereotyped. The newspaper «*Liberio*», Milan local edition, published 80 articles, 2 classified as hate speech and 64 as incorrect or stereotyped. «*La Repubblica*», a newspaper with older tradition and history that is placed in a center-left political spectrum, for the local edition of Milan again, Roma and Sinti hosted 51 articles, about a half were written incorrectly.

In June 2012 eight people were arrested by Police in Brescia and Trento for fraud and theft, but the newspapers singled out the “Sinti ethnicity” of those arrested: “*Fraud and robberies, on handcuffs the gang of Sinti*” («*Giornale di Brescia*», June 18, 2012)⁴⁴, “*The experts scammers Sinti gang broken up*” («*Voce di Mantova*», June 6, 2012)⁴⁵. The media gave room to the dangerous statements contained in press release dated June 5, 2012 of the deputy mayor of Brescia, Fabio Rolfi (Lega Nord party), without commenting upon the dangers of his opinions: “*It is a further confirmation of how jarring the lifestyle of many nomads is [...] and also of how lawlessness is deep and widespread within this community*”⁴⁶.

Such modalities of representation concur to the trigger and the consolidation of forms of racism against Roma and Sinti people. The atmosphere of hate against these minorities is such widespread that occurred some cases of alleged racism involving Catholic priests.

In December 2010, Don Virgilio Annetti, pastor of the church of Rigutino (RA), within the parish Christmas newsletter sent to the faithful, wrote: “[...] *then, mercilessly, it comes to mind the man who, at that time, unsuccessfully, tried a real ethnic cleansing. His name was Himmler. He ordered: “Add to each convoy a trainload of Roma”. We know where the train was directed to. One might say: but, blessed Himmler, why only one instead of two?*”⁴⁷.

In July of 2012 Don Albert Sacco, the parish of San Silvestro’s church in Milan, displayed a sign prohibiting access to the Roma and Sinti people⁴⁸, blaming the entire minority for stealing. Some newspapers reported the new without relieving the seriousness of the act; on the contrary, they tended to justify the priest⁴⁹, without offering any possibility for a debate or reply.

One of the objectives of the work of *Articolo 3* on the media is to be able to invert the trend of the dissemination of incorrect representations of minorities, so as to help in fighting racism and xenophobia, which in Italy are still widely committed and, as showed, often tolerated.

Best practices: “Carta di Roma”

In June 2008 the *Consiglio Nazionale dell’Ordine dei Giornalisti* (National Council of the Order of Journalists), the *Federazione nazionale della stampa italiana* (Italian National Press Federation) and the High Commissioner for Refugees of the United Nations (UNHCR) approved and subscribed the “*Carta di Roma*” (Charter of Rome), an ethical and deontological code on immigration, aiming at providing guidelines for journalists dealing with asylum seekers, refugees, victims of human trafficking and migrants. The code would be a specific tool for journalists in order to provide exhaustive and unbiased information.

⁴³ See appendix – fig. 2.

⁴⁴ http://brescia.corriere.it/brescia/notizie/cronaca/12_giugno_5/rolfi-sinti-polizia-201478985228.shtml

⁴⁵ <http://80.241.231.25/ucei/MView.aspx?ID=2012060621860083>

⁴⁶ http://brescia.corriere.it/brescia/notizie/cronaca/12_giugno_5/rolfi-sinti-polizia-201478985228.shtml

⁴⁷ http://www.lastampa.it/web/cmstp/tmplrubriche/giornalisti/grubrica.asp?ID_blog=242&ID_articolo=3489

⁴⁸ See appendix – fig. 4.

⁴⁹ http://www.ilgiorno.it/milano/cronaca/2012/06/30/736999-niente_oratorio.shtml

Since the official signature of the Charter of Rome in June 2008, many initiatives on media and cultural diversity have been realised in Italy at institutional and university level so as for the civil society. The Charter of Rome has represented a stimulus and a boost for the debate on media and diversity in Italy.

The Charter of Rome in cooperation with universities and research institutes established an Observatory in order to monitor periodically information published on Italian media regarding migrants, asylum seekers, refugees, trafficking victims and minorities in order to detect discriminatory records. In July 2010 the Observatory of the Charter of Rome published his bulletin “News from Babel”⁵⁰, focusing particularly on the grave episode occurred in Rosarno⁵¹. The bulletin confirms that Italian media are common not to verify statements of interviewed people, especially when institutions are involved.

A further achievement of the Observatory was the publication, in July 2010, of a report on a national research on immigration and asylum in Italian media pursued by University of Rome “*La Sapienza*”⁵². The research is based on a large monitoring focused on how Italian media dealt with and presented immigration and related issues during the first six months of 2008. According to this report, “the research confirms the results of the statistical data of last twenty years. The representation of immigration provided by Italian media seems frozen. It seems to propose always the same ways, the same news, the same narrative styles and, in some cases, the same stereotypes. News crime are still the most frequent in newspapers and broadcast news, reaching 60% in some broadcast edition, never reached in the past. [...] In 76,2% of the study cases, foreign people appeared in news media as author or victims of crimes”⁵³.

All the initiatives and actions realised since yet needed a coordination in order to give them a comprehensive approach and assuring a larger impact. In December 2011 the Charter of Rome Association was created in support of the different activities mentioned in the code.

The Association is an interesting and unique experience at EU level because it is formed by representatives of journalism sector (the National Council of the Journalists’ Professional Association - CNOG and the National Federation of the Italian Press - FNSI), 14 civil society organisations and 2 institutions as permanent invitees (UNAR and UNHCR). It is an interesting laboratory to test if this alliance of different subjects could give a significant impact on the media production and coverage on migration issues.

The Association aims at becoming a steady reference point for all media operators, journalists, professional bodies, public institutions, associations and activists committed with the protection of migrants’ and minorities’ rights in the media.

As foreseen by the Charter of Rome, the Association pursues its goals promoting training activities addressed to media operators, through monitoring and research activities and creating special prizes aiming to encourage correct and responsible information. Furthermore, the Association is engaged in communication initiatives and public events geared to promote a responsible information and in developing a strong cooperation between media operators, universities, civil society organizations and publishers with the aim to endorse the rights of migrants, refugees, asylum seekers and minority groups.

⁵⁰ <http://www.cartadiroma.com/blog/2010/07/notizie-da-babele/>

⁵¹ In January 2010 two immigrants were injured by some inhabitants of Rosarno, Calabria. In response, the immigrant community organized a revolt in the city center, destroying cars and garbage bins. For further information, see:

http://www.corriere.it/cronache/10_gennaio_07/rosarno-rivolta-immigrati_4649d878-fbd4-11de-a955-00144f02aabe.shtml

⁵² “*Ricerca nazionale su immigrazione e asilo nei media italiani*”, Facoltà di Scienze della Comunicazione, Università di Roma Sapienza, Roma, 3 July 2010.

⁵³ “*La signora in nero: non c’è immigrazione senza cronaca*”: Ricerca nazionale sull’immigrazione e asilo nei media italiani, cit. p.3.

The Charter of Rome Association organized a first set of training for two newspapers and eight public seminars. Moreover, the Association prepared the Guidelines for the application of the Charter of Rome, distributed in the different editorial rooms.

The guidelines, which have been presented to and discussed with editors, managing editors and the many individual journalists, include a specific part dedicated to “hate speech” media coverage.

Best practices: “Archivio delle memorie migranti”

Archivio delle Memorie Migranti, association part of the network, focuses its experience on an alternative way to represent and communicate the phenomena of migration.

Through a participatory method of stimulating migrants’ stories and self-narrations, *Archivio delle Memorie Migranti* (AMM) pays particular attention to contexts and methods of listening and recording migrants’ accounts as well as to the relationship between the narrator and the listener in order to reach “circular” forms of narration strengthening the empathy of these two roles. This practice of listening to migrant voices and stories counts on sharing the aim and the use of migrants’ accounts and their possible opening to wider audiences such as schools, universities, migrant and diaspora communities. This means working not only *among* but *together with* migrants through a linguistic, cultural and affective mediation of specific care, attention and respect of migrant accounts as a ‘common good’.

A recent example of AMM participatory practices is the project “*Benvenuti in Italia/Welcome to Italy*”. This is a collective film in five episodes written, shot and directed by migrant young people coming from Ethiopia, Somalia, Kurdistan, Afghanistan and Burkina Faso. It is formed by micro-stories developed with an inner approach to the migrant conditions and provides a different point of view of Italian reception system. *Benvenuti in Italia/Welcome to Italy* is a documentary film shot by ten migrant hands, produced by the *Archivio delle memorie migranti* with the support of the *Open Society Foundations* and the *Fondazione lettera 27*, and the crafted editing of Aline Hervé and Lizi Gelber.

The migrant authors of the film – coming from very different worlds and experiences – were not chosen for their experience in the audiovisual field. Many of them had never held a camera before. After a training period in Rome, it was decided to set the stories in the various contexts of the migrants’ arrival.

Aluk Amiri, an Afghan refugee who arrived in Italy when he was fifteen, tells the story of the eighteenth birthday of his alter-ego, Nasir, in an unaccompanied minors’ home in Venice finding that his coming of age means leaving the protected home for an uncertain future.

Zakaria Mohamed Ali, who was forced to leave Mogadishu after the assassination of his teacher of journalism, gives his voice to the dreams of glory of Dadir, a well-known football champion in his country who now has to travel from Milan to Rome without a railway ticket to play with the ‘Somali national team of Rome’.

Hevi Dilara, a Kurdish refugee woman activist, provides the moving portrait of a young refugee couple, both active political militants at home, who are living for one month in a refugee receiving center in Herculaneum, near Naples, wondering whether a sheltered refugee center in Italy is the freedom they have been fighting for.

Hamed Dera, from Burkina Faso, films the activity and guests of the family-pension “chez Margherita”, a reference point for The Burkina Faso community in Naples before its imminent closing due to the town institutional disregard and her compatriots’ greed.

The Ethiopian film-maker Dagmawi Yimer, who landed on Lampedusa five years ago, follows the Senegalese cultural mediator and actor Mohamed Ba while he re-evokes the day when someone decided to knife him at a bus stop in Milan in the total indifference of people around him.

Throughout the film, the racially-ambiguous receiving context for immigrants arriving or residing in Italy is the common background to the five episodes. The peculiar care for the

listening context of participatory video has allowed these street-stories to emerge. The building of equal relations with immigrant authors is the basic element of AMM-driven practices of self-narration. *Archivio delle memorie migranti* believes that only the full subjectivity and self-representation of migrant conditions by the migrants themselves can freely give way to race-free accounts of life experiences in the country of transit or residence, and constitute good practices to stimulate more complex ways of representing migrants in their day-to-day living and the adoption of a common language which is freed as much as possible from racial stereotypes.

2.3 Racist hate speech on the internet and social networks (Unione forense per la tutela dei diritti umani)

“If the pen is mightier than the sword, today's computer keyboards may be mightier than tanks and machine guns and just as destructive. The Internet offers a cloak of anonymity which often leads people to type things they would never say to someone's face. Even in its infancy, the Internet became a powerful vehicle for hate”⁵⁴.

While the Internet has brought people together by enabling individuals from all over the world to communicate as though they lived next-door, it has also created rifts of distance as it enables people to harm each other in ways that were never before possible. In the context of hate speech, the anonymity of the Internet and the potentially massive audience that one can attract has led to a serious and growing problem.

Policing hate speech is a complex issue with important consequences that implicates serious human rights issues on either side of the debate. It is no surprise that the Secretary General of the United Nations has said that the use of the Internet to spread hate speech is one of the most important challenges to human rights to have arisen from modern technological development⁵⁵.

"Prejudicial speech initiates, perpetuates, and aggravates socially accepted misrepresentation about out groups [...]. The greater the barrage of mis-ethnic and subordinating stereotypes, the more likely it is that persons with intense hatreds will release their pent-up frustration and angers on vulnerable minorities"⁵⁶.

Dignity at stake. From one perspective, human dignity demands autonomy. A government that does not respect people's choices and beliefs may violate their dignity. It is crucially important that people are allowed to shape their own identities. In many situations, the conceptions of dignity are arguably at odds with each other. Dignity as liberty demands freedom of expression, but dignity as constraint suggests that unfettered hateful or racist speech should not be permitted because it demeans the victims as well as the community's social rule.

While achieving a balance between these two important human rights values remains quite difficult on a local setting, it becomes nearly impossible considering the global, anonymous context of the Internet.

Each nation has taken a different approach in balancing dignity and free speech. For instance, in the United States, hate speech is only prohibited when it creates a threat of immediate violence. With the expansion of the Internet, new regulatory challenges arise more frequently because of the global reach of hate propaganda transmitted from the United States, where it is legal, then streamed into countries, like France, where such contents are considered criminal offenses.

Since Internet is not bound by national borders, national laws are not easily applied in the online context.

54 LaShel Shaw, *Hate Speech in Cyberspace: bitterness without boundaries*, Notre Dame Law Journal, Vol.25, 2011

55 The Secretary-General, Preliminary Rep. of the Secretary-General on Globalization and Its Impact on the Full Enjoyment of All Human Rights, 11 26-28, U.N. Doc. A/55/342 (Aug. 31, 2000).

56 Alexander Tsesis, Associate Professor of Loyola university of Chicago, School of Law Faculty, *Destructive Messages: How hate speech paves the way for harmful social*, (2002).

In fear of censorship and of a restriction of freedom of expression, there is a commonly shared proposition that nations could not regulate the Internet. Beyond this proposition it seems to be hard for nations to enforce such regulations, although they are willing to. This was illustrated in a series of cases concerning Yahoo! and the sale of Nazi memorabilia. The Yahoo! website featured auctions, where individual users could offer items for other users to bid on. Some people listed Nazi memorabilia, and French groups sued Yahoo! for violating French criminal law, which prohibit the exhibition of Nazi items for sale. Although the French Yahoo! website, at www.yahoo.fr, did not contain such material, it linked to the American website, at www.geocities.com, where the memorabilia could be purchased. The French government asserted jurisdiction because the damage was suffered in France, and ordered Yahoo! to prevent any access to the auction service.

Yahoo! partially complied with the order, posting warnings and amending the auction policy, but it did not block French citizens from accessing the auction site and viewing the prohibited items. In response, the French government threatened to impose a penalty of 100,000 Francs per day. United States federal court refused to enforce the order, despite principles of comity and a desire to avoid "disrespect", because it held that enforcing the French decision would violate the First Amendment of the United States Constitution.

As the Yahoo! case indicate, enforcing sovereignty online is not as simple as a nation deciding that it has jurisdiction.

In order for a jurisdiction to have any meaning, a nation also needs to convince others of the propriety of its jurisdiction, which can be difficult given to the basic divergences among nations over the proper balance between free speech and human dignity. Yet given the borderless nature of the Internet, it can be extremely difficult for nations to effectively prosecute online behavior, even if it has had severe repercussions within its sovereign boundaries.

While mere international pronouncements about whether behavior is acceptable might have limited utility, most countries would presumably prefer such pronouncements in order improve a generally shared framework about the rights and the acceptable behavior.

In the context of racist hate speech many democracies, as well as important international conventions, prohibit the dissemination of ideas hostile to racial groups. For instance, article 266(b) of the Danish Penal code outlaws statements "threatening, insulting or degrading a group of persons on account of their race, color, national or ethnic origin belief". In the Netherland, article 137 of the Criminal Code dictates that it is a criminal offence to "deliberately give public expression to views insulting a group of persons on account of their race, religion or conviction or sexual preference". In Sweden, the Freedom of the Press Act prohibits the expression of contempt for a population group "with allusion to its race, skin color, national or ethnic origin, or religion faith".⁵⁷ In Australia, section 3 of racial hatred Act, prohibits public behavior that is likely "to offend, insult, humiliate or intimidate another person or group of people" if the act is done because of the race, color, national or ethnic origin of the other person or a group. In Germany, article 130 of the Penal Code prohibits the production, storage or use of documents inciting hatred against part of the population or against groups determined by nationality, race, religion or ethnic origin. In Israel, Amendment No. 20 (1986) to the Penal code makes "incitement to racism" a criminal offence. And the Race Relations Act (1976) made "incitement to racial hatred" an offence in the United Kingdom in circumstances where the accused intended to incite racial hatred against any section of the public distinguished by color, race, nationality or ethnic or national origins.

In turn, the following international conventions expressly prohibit hate speech. Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination requires State parties to declare as criminal offences "all dissemination of ideas based on racial superiority

⁵⁷ *Freedom of the Press Act* (Sweden), c.7 art. 4 online: The Swedish Parliament Homepage www.riksdagen.se/English/society/fundamental/press/index.htm

or hatred, incitement to racial discrimination”. Art. 20 of the International Covenant on Civil and Political Rights declares that “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law”.

Finally, the first major multilateral compact aimed to define Internet crimes was the Council of Europe’s Convention on Cybercrime and its addendum, the Additional Protocol concerning the criminalization of acts of a racist and xenophobic nature committed through computer system. The legal frameworks necessary to combat racism exist in Europe, as already mentioned above. However, the anonymity and multi jurisdiction of the Internet have proved to be challenging for enforcement of these legal frameworks. Although all European countries regulate hate speech, they each have different laws and different levels of enforcement, frustrating countries with stronger hate speech regulations. As a result, in order to combat hate speech most effectively, European nations desired to uniform the law. The Council of Europe was assigned the task to draft such law. The Council of Europe’s Additional Protocol would make significant changes to the legislation already in place. The most visible change is a greater restriction on posting revisionist literature challenging the existence of genocides. Indeed, the additional Protocol defines a broader interpretation of the crime of denying or minimizing genocide. . Even if the Additional Protocol will pursue an undeniable improvement it does allow countries the option not to apply that Article, as well as other measures provided by the Protocol, entailing the possibility for them to retain the enforcement of that right The other major effect of the Protocol will be further intergovernmental cooperation in prosecution of the offenders by removing obstacles to prosecutions when the source is located in another European country. “The Explanatory Report states that one of the primary reasons for the adoption of the protocol is to facilitate international cooperation, especially extradition and mutual legal assistance”⁵⁸. A complaint present in the reports of the European Commission on Racism and Intolerance was the disparity in the enforcement and the language of the laws. The Protocol should provide an increased cooperation and uniformity, needed to close that gap.

Italy signed the above mentioned Protocol on the 9th of November 2011, but has not ratified it yet. There is an increasing number of Facebook (Italy) groups who promote and incite hatred, racism, violence against immigrants (e.g. “*Let’s send back the illegal immigrants*”, “*3 reasons why E.T. is better than an immigrant*”, “*If they [immigrants] protest with sticks, we will reply with cannon shots*”)⁵⁹. The description of the group “Against the immigrants”⁶⁰, available to the public and written by the user A.B., is the following: “*May all the boats sink in the Ionio sea, may all the Romanian prostitutes die from aids and all that dirty people die in workplace accidents*”.

The existing control mechanisms on the inappropriate contents of social networks’ pages consists in self-regulation, based on the so-called “netiquette”, simply aiming to uncover the existence of illegal material in order to restrict its circulation: on Facebook, for instance, users can report any content that they find questionable or offensive, which will be allegedly removed by the social network’s administrators⁶¹. In its last report⁶², the Italian government states that the National Office Against Racial Discrimination (UNAR) has set up a mechanism to monitor discrimination phenomena on the web in cooperation with the Postal and telecommunication Police, and that, in several cases, these findings led to a report of criminal offense being sent to the authorities⁶³. However, there is still no case-law concerning anyone charged for having published racist and xenophobic contents on social networks.

⁵⁸ Christopher D. Van Blarcum, *Internet Hate Speech: The European Framework and the Emerging American Haven*, Wash and Lee Review, 2005

⁵⁹ See *Addendum* “Facebook groups inciting hatred, racist ideas and violence against immigrants”.

⁶⁰ <http://www.facebook.com/groups/204751719542468/>

⁶¹ See <http://www.facebook.com/principles.php> and <http://en-gb.facebook.com/legal/terms>

⁶² CERD/C/ITA/16-18.

⁶³ CERD/C/ITA/16-18, par. 182.

The UFTDU submitted an alternative report on the sixteenth to eighteenth periodic reports of Italy to the Committee on the Elimination of Racial Discrimination. In the section "Social Network and Racial Discrimination" was specified that there is an urgent need for defining effective tools at a national level not only to uncover and ban racist contents from the web, but also to adopt legislative measures aiming to criminalize the promotion as well as the distribution of racist and xenophobic material through the means of social networks. According to the Protocol, UFTDU recommends the Italian Government to "adopt legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the dissemination of racist and xenophobic material through computer systems, racist and xenophobic motivated insult and denial, gross minimization approval or justification of genocide or crimes against humanity".⁶⁴

"Social networking forums, where users give full vent to their gripes about everyone from gas providers and airline companies to the local bus operator, have caught the eye of media lawyers, who warn that such postings may be leaving sites such as Facebook and MySpace open to libel actions. Advertisers raised concerns over the kind of user-generated content they could be associated with on such sites, and there are now growing fears over so-called "hate pages", such as Facebook's "I hate BT".⁶⁵ Under current legislation, if website owners remove defamatory material as soon as they are aware of it, then they are not liable. But lawyer Nick Armstrong sees serious legal risks in allowing users to establish groups and pages whose sole purpose is to invite aggressive criticism toward organizations and individuals. He also believes that website owners need a better grasp of their responsibilities.

"Social networking sites are perhaps being too complacent about some of the risks in this area," says lawyer Armstrong, "There is a widespread but inaccurate belief that posters of defamatory material are liable rather than websites themselves, but this should not be taken as a green light for social networking sites to allow users to say whatever they please."

Hate speech poses vexing and complex problems for contemporary constitutional rights to freedom of expression. The constitutional treatment of these problems, moreover, has far from been uniformed as the boundaries between impermissible propagation of hatred and protected speech vary from one setting to the next.

Hate speech raises difficult questions that test the limits of freedom of expression. Freedom of speech is a fundamental right, an important anchor of democracy, but it should not be used in an uncontrolled manner. Unlimited liberty and unqualified tolerance might deteriorate into lawlessness. There are vast differences between the minimal regulation practiced in the United States and the much more extensive regulation typical of other countries and of international covenants. Both approaches are imperfect, especially in a world that has witnessed the Holocaust, various other genocides and the ethnic cleaning, all of which were surrounded by abundant hate speech. As hate speech can now almost instantaneously spread throughout the world, and as nations become increasingly socially, ethnically, religiously and culturally diverse, the need for regulation becomes ever more urgent. In view of this important changes the State can no longer justify commitment to neutrality, but most embrace pluralism, guarantee autonomy and dignity, and strive for maintenance of a minimum of mutual respect. Commitment to these values requires states to conduct an active struggle against hate speech, while at the same time avoiding the pitfalls bound to be encountered in the pursuit of that struggle. It would of course be preferable if hate could be defeated by reason. But since unfortunately that has failed all too often, there seems no alternative but to combat hate speech through regulation in order to secure a minimum of civility in the public arena.

⁶⁴ UFTDU, *Alternative Report on the sixteenth to eighteenth periodic reports of Italy to the Committee on the Elimination of Racial Discrimination*, 31 January 2012

⁶⁵ The Guardian, *Hate groups could land social networking sites in court*, January 2008

An example of hate speech through social networks (Articolo 3)

Some Italian politicians spread their racist thinking through social networks. In 2011 Vittorio Aliprandi, former deputy of the Lega Nord party and town councillor in Padua, published on *Facebook* the following post: “*They [Roma and Sinti people, author’s note] make me want to throw up*”. The Court of Padua condemned him to a fine of EUR 4,000 for violation of the ‘Mancino law’ against the propaganda of racial hatred based ideas and incitement to commit racist acts⁶⁶.

In 2012 Luca Ferrario, the Lega Nord Chairman of the local Police committee in Parabiago (MI), after reporting the forced evacuation of two Roma families from an area, received and kept public comments on his page such as “*Whipping to all Roma and then to stake*”, “*Ceausescu, even with all his faults, he has blown many away, unfortunately they killed him before he completed the work*”; and even: “*Napalm. A lot of napalm*”, “*Re-open the lager*”; “*I would kill them, but making sure that they were really dead*” (see *Frase razziste nella sua pagina Facebook: su Ferrario è bufera*, *Giorno Legnano*, 01/28/2012)⁶⁷.

3 RACIST HATE SPEECH TOWARD ROMA AND SINTI (Associazione 21 Luglio)

Since centuries Roma and Sinti are perceived in Italy as a "problem" both from the public opinion and the local governments. Such perception is due to the depth rooting of stereotypes and prejudices, as part of the common imaginary of the majority of the population.

While an ancient prejudice that sees the Roma and Sinti as thieves of children, robbers, vagabonds and nomads is consolidated, few Italian really know their communities, their millenary history, their culture, their traditions, their arts.

The Institute of the Studies on the Public Opinion (ISPO) in 2007 conducted a research focused on this perception and introduced the relative documentation to the European Lecture on the Roma population, held in Rome on January 22th and 23th 2008⁶⁸. The results of the research showed the tendency of the population to associate the image of the Roma with the "nomadic" (84%), the "thievish" (92%), who lives in a closed group (83%), who resides in "camps", to the borders of the cities (83%) and who lives exploiting children (92%). In the questionnaire administered by the researchers of the ISPO, only 0,1% of the Italian citizens not Roma has correctly responded to all the questions related to quantity, nationality, way of life and characteristics of the Roma people.

At the European level Italian citizens express particularly negative judgments towards the Roma and Sinti communities. From a survey of the *Euro-barometer* on racial discrimination in the European Union, emerged that the 47% of the Italian interviewed declare a "discomfort" with the idea to have a Roma as neighbor, against an UE average of the 24%⁶⁹. Also another research, in 2010, contemplated on the young people (18-29 years), in a staircase of liking that goes from 1

⁶⁶ <http://mattinopadova.gelocal.it/cronaca/2011/02/18/news/istigazione-al-razzismo-su-facebook-processo-per-vittorio-aliprandi-1.1262761>

⁶⁷ <http://80.241.231.25/ucei/PDF/2012/2012-01-28/2012012820777477.pdf>

⁶⁸ ISPO (Istituto per gli Studi sulla Pubblica Opinione), “*Italiani, Rom e Sinti a confronto. Una ricerca quali-quantitativa*” (Italians , Roma and Sinti, a comparison. A qualitative/quantitative research), European Conference on the Roma population, January 22th - 23th 2008. This survey was realized through interviews computer recorded during the period 22-25 June 2007, on a sample of 2171 cases, with a margin of error of +/- 1,5%. During the survey also positive opinion were noticed as for example the acknowledgement that the Roma population is one of the most discriminated (65%).

(http://www.interno.it/mininterno/export/sites/default/it/sezioni/sala_stampa/documenti/minoranze/0999_2008_01_22_conferenza_rom.html_1375993314.html).

⁶⁹ Italian Senate. Extraordinary Commission for the protection and promotion of human rights, “Concluding report of the survey on the condition of Roma and Sinti and Walking (Camminanti) in Italy”, 9th of February 2011, page 31. <http://www.senato.it/documenti/repository/commissioni/dirittumani16/RAPPORTO%20ROM%20.pdf>

to 10, assigns the least score to the Roma and Sinti (4,1), followed by the Romanians (5,0) and Albanian (5,2)⁷⁰. In front of a public opinion that expresses hostile attitudes towards Roma and Sinti, perceived as factors of risk for the comfort of the community, especially in the context of the actual economic crisis, the local and national administrators appear strongly conditioned and not prone to promote inclusive policies.

Among the most diffused stereotypes, as gage of the adopted policy of segregation and marginalization, a typical one is that the Roma are "nomadic." According to 84% of the not Roma Italian citizens, the Roma and the Sinti⁷¹ are nomadic although in our country the families that still travel in caravan represents the 2-3% of the Roma, Sinti and "walking" (camminanti)⁷². Since the 80's, in Italy, the use of the term "nomadic" constituted an important element in the strategies of intervention that the public administrations have undertaken towards the communities of Roma and Sinti⁷³.

Define "nomadic" such human groups has meant from one side to be cause and consequence of a run of denial of the Roma cultural complexity, from the other one has promoted and justified the exclusive, transitory and ghettoizing policy that have showed Italy as the "country of the camps."⁷⁴ The media commonly use the "nomadic-camp" term and a lot of administrations have introduced it in their own documents.

During the spring of 2008, in full electoral campaign, near the theater Brancaccio, the mayor of Rome, Gianni Alemanno, has declared in front of his supporters: "I would want to confirm a concept: these are nomadic or not? And if they are nomadic they have to take their staff and go!"⁷⁵. One year later, during an interview, the deputy mayor of Rome, Sveva Belviso explained to a journalist: " [The "nomadic"] they don't want to go to a house even if we offered them, because their style of life is leading an outdoor life, in the camps"⁷⁶.

Another prejudice is that the Roma are kidnappers of children. Such conviction is rooted in Italy from 1500⁷⁷ and is strengthened, in the following epochs, conditioning and justifying interventions and local and national policies.

The "emergency, in relationship to the installations of nomadic community", emanated on May 21th 2008 by the government presided by Silvio Berlusconi⁷⁸, has deeply marked the Roma and Sinti communities life in Italy and their relationship with the population and with the

⁷⁰ Giovanna Zincone, "L'emergenza integrazione di rom e sinti" (The integration emergency of Roma and Sinti), 13th April 2010.

⁷¹ ISPO (Istituto per gli Studi sulla Pubblica Opinione), "Italiani, Rom e Sinti a confronto. Una ricerca quali-quantitativa", (Italians, Roma and Sinti, a comparison. A qualitative/quantitative research), European Conference on the Roma population, January 22th - 23th 2008, *op. cit.*

⁷² Italian Senate. Extraordinary Commission for the protection and promotion of human rights, "Concluding report of the survey on the condition of Roma and Sinti and Walking (Camminanti) in Italy", 9th of February 2011, page 46; <http://www.senato.it/documenti/repository/commissioni/dirittiumani16/RAPPORTO%20ROM%20.pdf>

⁷³ "The heteronymous [nomade/nomad] constitutes an important element in the intervention strategies adopted by public administration bodies towards the "gipsy" population, in particular, considering the wide semantic nature of the term that allows to avoid any clear definition, it gives the possibility to manipulate the terms in order to make them functional for political uses" Claudio Marta, "Relazioni Interretniche prospettive antropologiche", Guida, 2005.

⁷⁴ European Roma Rights Centre, "Campland: Racial Segregation of Roma in Italy", Country Report Series n°9, October 2000; <http://www.errc.org/cms/upload/media/00/0F/m0000000F.pdf>

⁷⁵ Gianni Alemanno al Brancaccio - I campi nomadi a Roma (The gipsy camps in Rome), May 13th 2007; http://www.youtube.com/watch?v=v_dcdZUd3O4

⁷⁶ Current TV, Roma: viaggio nell'Est Europa (Rome: a tour in Eastern Europe), April 3th 2011; <http://www.youtube.com/watch?v=HzjxY34c8nM>

⁷⁷ figure of a gipsy children thief appeared for the first time in the play "La Zingana" written by Gigio Artemio Giancarli in 1545. See Gigio Artemio Giancarli, "Commedie. La Capraria, La Zingana", Editrice Antenore, Padova.

⁷⁸ 21 May 2008 Presidential Decree, "Establishment of a state of emergency for nomadic communities settlements in Campania, Lazio e Lombardia".

institutions. It was declared following attacks against some Roma installations in Naples⁷⁹, after a presumed abduction of a Neapolitan child from a Roma girl⁸⁰.

Taking sprout from popular beliefs, urban legends and stereotypes, in the last years some institutional representatives and executives of Italian political parties have formulated racist slogan. The Committee of the United Nations for the elimination of the racial discrimination (CERD), in its general Observations of March 2012, has expressed its worry for the racist intentions, the stigmatization and the stereotypes against the Roma and the Sinti⁸¹.

Already in its General Observations (2008), the CERD had expressed serious worries for the numerous inciting racial hate speech turned against the Roma from the politicians and for the role of the mass media in the diffusion of such messages⁸².

Similarly both the European Commissioner for the human rights, during his visit in Italy on September 26-27th 2011⁸³, and the European Committee against the Racism and the intolerance (ECRI) in its report on Italy (2012)⁸⁴, have shared and expressed the same worries and observations.

The “word” can be, in fact, a tool of offense, of defamation, of incitement to get demonstrations and to cause therefore a social damage, creating a hostile environment. Just for this reason the State must activate with the purpose to promote policies and to punish any form of hate speech⁸⁵.

Main point is to take account of the necessary balancing among freedom of expression (art.21 of the Italian Constitution) and the human inviolable rights, among which the right of equality, no- discrimination and equal social dignity.

The European Court of Human Rights, even if it states that the freedom of expression is precious for every individual and so much more for a citizen elected by the people, has also recalled how it is important that politicians, in their public speech, avoid to spread susceptible ideas to feed the feeling of intolerance⁸⁶.

In Italy, the local government law n. 654/1975 discipline the crime of propaganda and instigation to the racial hate, aimed at punish whoever spreads ideas based on the superiority and on the racial or ethnic hate, or whoever instigates to commit or commits actions of

⁷⁹ European Union Agency of Fundamental Rights, “*Incident Report. Violent attacks against Roma in the Ponticelli district of Naples, Italy*”, 2008; http://fra.europa.eu/fraWebsite/attachments/Incid-Report-Italy-08_en.pdf

⁸⁰ Relating to this topic see the book written by Sabrina Tosi Cambini, “*La zingara rapitrice. Racconti, denunce, sentenze (1986-2007)*”, Cisu, 2008. This research supported by Fondazione Migrantes investigates cases of minor kidnappings by Roma women in Italy from 1986 to 2007. During this period the researcher found 40 accusations at Roma for kidnappings, but for only 7 cases followed a criminal proceedings. However, all forty of the accusations revealed groundless. Up to now just one single case occurred and a Roma girl was convicted of minor kidnapping in Naples. Moreover, the Minor Court of Naples rejected the release because of the flight danger affirming that: “*The appellant is fully prone to adopt typical Roma ways of life*”. Therefore, “*the placement in a community as well as her stay in a house are inadequate measures considering cited adhesion to Roma ways of life, which do not respect laws*”. The Supreme Court of Cassation was against this decision, affirming that “*the reference to Roma ways of life is not legitimate because it is linked to a stereotype point of view and racial prejudices*” and recalling case law of the European court of human rights, specifically the case *Paraskeva Todorova c. Bulgaria* (CEDU, judgment 25 March 2010).

⁸¹ Committee on Elimination of Racial Discrimination, “*Concluding observation of the Committee on Elimination of Racial Discrimination*”, Eightieth session, 13 february – 9 march 2012:

<http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.ITA.CO.16-18.pdf>

⁸² Committee on Elimination of Racial Discrimination, “*Concluding observation of the Committee on Elimination of Racial Discrimination*”, Seventy-second session, 18 february – 7 march 2008:

⁸³ Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Italy from 26 to 27 May 2011, CommDH(2011)26, 7 September 2011;

<https://wcd.coe.int/ViewDoc.jsp?id=1826921>

⁸⁴ ECRI report on Italy (Fourth monitoring cycle) published on 21 February 2012, page 21:

<http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Italy/ITA-CbC-IV-2012-002-ENG.pdf>

⁸⁵ Giorgio Pino, *Discorso razzista e libertà di manifestazione del pensiero*, in Pol. dir. n.2/2008, pp 287-305.

⁸⁶ European Court of Human Rights, *Affaire Feret c. Belgique*, Arrêt du 16 juillet 2009 (définitif 10 décembre 2009): <http://hudoc.echr.coe.int/sites/fra/pages/search.aspx?i=001-93626>

discrimination for racial, ethnic, national or religious reasons. In the daily practice some politicians judged guilty of this crime, have not really been punished for their crimes⁸⁷. Tosi and Gentilini's case.

In 2001 Flavio Tosi, with other members of the Lega Nord party in Verona, has organized a campaign against the Sinti local community, using racist posters and promoting a petition. The title of the campaign was: "Sign to send away the gypsies from our city."

The Italian Supreme Court (sentence n. 41819/2009) has definitely condemned Tosi⁸⁸ for the crime of propaganda of racial ideas⁸⁹ and sentenced him to two months of imprisonment, to the fine of 4.000 Euro and to the ban for three years from the public meetings. Thanks to the "suspended punishment", in fact Tosi has been recently re-elected mayor of Verona⁹⁰.

Similar is the story of Gentilini, deputy mayor of Treviso. The Court of Justice of Venice⁹¹, in 2008, condemned him to the fine of 4.000 Euro and to the ban from the public meetings for three years for declarations of incitement to the racial hate, released during the Party of the People of Venice on September the 14th 2008⁹².

Gentilini, currently deputy mayor of Treviso, regularly participates in meetings and releases xenophobe and racist declarations.

Close to this kind of guardianship, that unfortunately shows lack of incisiveness, recently is placed the choice to propose civil actions against the discrimination. During the electoral campaign for the election of the mayor of Milan, in 2011, the electoral posters of the Lega Nord party and the political program of the PDL party reported xenophobe and racist declarations towards the Roma and Islamic communities, released by the secretary of the Lega Nord, Umberto Bossi⁹³, and by the Prime Minister, Silvio Berlusconi⁹⁴.

The neologism "zingaropoli", used during the electoral campaign by the aforementioned political parties, has assumed a clear depreciative value. The "gypsies" ethnic groups (Roma and Sinti) have been used as emblem of negativity and danger, communicating the idea that the Roma communities constitute a threat, and instigating in the population feelings of distrust, intolerance and hate.

⁸⁷ During the years there has been a progressive weakening of this law because of the enter into force of law no. 205/1993 (Mancino law). This law reduced the penalty for racial crimes to a maximum extent of a three-years imprisonment.

Then, law no. 85/2006 has even more reduced the imprisonment eighteen months plus a fine up to 6.000 euros, decided by the judge. Besides, the stay of execution and other similar decisions undermined the strength and the efficacy of a judgment recognizing a racial crime: this led to a common feeling of impunity when prosecuting politicians.

⁸⁸ See: Tribunal of Verona, judgment no. 2.12.2004/24.2.2005 no. 2203:

<http://2.114.23.93/VirtualCommunity/image.aspx?id=79338530-0eb2-4a8c-9cf8-32442e77bbcb>

Appeal Court of Venice, criminal law section IV, judgment nn. 186 dd. 30.01-02.04.2007:

http://www.asgi.it/public/parser_download/.../16.cda.venezia.186.2007.doc

Supreme Court of Cassation, Criminal law section III, Judgment 28.03.2008 (hearings on 13 December 2007), n. 13234:

http://www.asgi.it/home_asgi.php?n=documenti&id=2062&l=it

⁸⁹ Supreme Court of Cassation, Criminal law section III, Judgment 10.07.2009, n. 41819:

http://www.asgi.it/public/parser_download/save/cassazione_41819_301109.pdf

⁹⁰ <http://www.politica24.it/articolo/amministrative-verona-2012-flavio-tosi-si-riconferma-sindaco/23041/>

⁹¹ La tribuna di Treviso, "Gentilini pericoloso, meglio in cella" ("Gentilini is dangerous, let's go in prison"), 5 November 2009:

<http://tribunatreviso.gelocal.it/regione/2009/11/05/news/gentilini-pericoloso-meglio-in-cella-1.1457976>

⁹² Statement of Gentilini during Festa dei Popoli in Venice on 14 September 2008: "I would like the revolution against nomads and gypsies. I destroyed two nomadic and gypsy camps in Treviso. I would like to delete every child who steals from our old persons": <http://www.youtube.com/watch?v=WZCZNOjKv3E>

⁹³ See affirmations by the secretary general of Lega Nord, Umberto Bossi: "I express my commitment against Pisapia because he wants to transform Milan in a gypstowntown. He wants to increase Roma camps". See:

<http://www.youtube.com/watch?v=jbZW2tjdpPg>

⁹⁴ See affirmations by former Prime Minister Berlusconi, promoting the cd "Appeal for Milan": "On the eve of Expo 2015, Milan can not become an Islamic city, a gypstowntown full of Roma camps". See also:

<http://www.youtube.com/watch?v=dUdeV57GNe8>

The Court of Milan, with the ordinance of May 24th 2012, has recognized the discriminatory character of the posters of the Lega Nord, as well as of the expression used in the "Appeal for Milan"; according to the judge, in fact, "it clearly emerges the offensive and humiliating value of such expression which the effect is not only to violate the dignity of the Sinti and Roma ethnic groups, but also to favor a threatening and hostile climate"⁹⁵.

In Pescara, May 1th 2012, Domenico Rigante, a fan of the football local team, was killed. Suspected of murder was an Italian citizen ethnic Roma. Groups of fans and friends of the victim have manifested against the presence of the Roma communities in Pescara. During the protests molotov bombs has been launched against the suspected family and raised on discriminatory choirs against the Roma⁹⁶.

Besides press releases and declarations inciting to the hate, posters of the PDL party pass along Pescara reporting this message: "The PDL keeps its word. Out of the popular houses the Roma and the criminals."

The impact of a racist and xenophobe speech is amplified in the electoral context. Introduce drastic solutions tied up to the presence of Roma and Sinti communities, means to strengthen the racial discrimination and to engrave on the social climate arousing feelings of contempt, rejection and also racial hate and reaching to mine the trust in the democratic institutions. In these cases is necessary to protect the rights of the foreigners and minority communities privileging actions of observation.

Beginning from September 2012 the Association 21 Luglio will activate a "national Observatory on the incitement to the discrimination and the racial hate towards Roma and Sinti". The Observatory will have the assignment of observe and report eventual inciting to the racial hate and discrimination interviews, meetings and statements of the greatest representatives of the Italian political parties. The observatory will monitor local and national newspapers, websites and blog to find possible discriminatory practices and to undertake legal actions in favor of the Roma and Sinti communities.

4 CONCLUSIONS AND RECOMMENDATIONS

General recommendations on hate speech in political life

The network of Italian associations on racial discrimination strongly recommends:

- To provide an international and universally accepted definition of the expression "hate speech" in order to encourage the effective implementation of criminal law provisions against all forms of racist expression in public life;
- To adopt awareness programs and training at school level in order to spread anti-racism and a culture that encourages integration, multiculturalism, multi-ethnics and multi-religions to new generations;

⁹⁵ Tribunale di Milano, Sezione I Civile (Court of Milan, 1st Civil Section), Ordinance of 28 May 2012: http://www.naga.it/tl_files/naga/documenti/NAGA_PdL+LN.pdf

⁹⁶ See press release of Lega Nord Abruzzo titled "*To push away gypsies from Pescara*", which asks inactive local authorities to adopt every useful measures in order to push away gypsies from Pescara". Moreover, the Lega Nord Abruzzo invited "*Pescara inhabitants to have a civic pride against this ill which cruelly affects the city of Pescara*". <http://www.notizieinabruzzo.it/comunicato-stampa-omicidio-rigante-lega-nord-abruzzo-per-allontanamento-zingari-d-a-pescara/>

Marco Forconi, candidate for mayor with "Forza Nuova" in Montesilvano: "*I will never condemn politically as well as morally any single or collective act against the Roma community in Pescara*". <http://www.ilpescaira.it/cronaca/omicidio-pescara-domenico-rigante-reazioni-commenti.html>

- To act in order to make criminal law provisions against racist and xenophobic manifestations able to provide for effective, proportionate and dissuasive sanctions;
- To promote at global level the knowledge of the ECRI Declaration on the use of racist, anti-Semitic and xenophobic elements in political discourse⁹⁷;
- To enforce international and regional anti-discrimination obligations in order to prevent and combat hate speech in political life targeting notably Roma and Sinti, Muslims, migrants and refugees;
- To promote at European level the knowledge of the Charter of European Political Parties for a Non-Racist Society and prodding European and National political parties to subscribe and implement it⁹⁸;
- To adopt a code of conduct with sanctions for political parties, in order to eliminate forms of racist and Islam-phobic political propaganda;
- To call Governments to enforce systematic data collection, recording and reporting of hate speech cases in political life and making it public;
- To call national authorities to support civil society organizations in preventing and combating hate speech in political life including the right to appear as a plaintiff;
- To call regional, national and local authorities to promote the social inclusion and the civil and political participation of Roma and third country nationals to the public life at local, national and international level;
- To give room to the voice of minorities, guaranteeing the right of reply and participation;
- To call national Parliaments to legislate in order to facilitate the acquisition of the national citizenship by long term resident third country nationals and by children of immigrant origin who born and/or grown in an European country (*ius soli* principle);
- To call national Parliaments to legislate in order to introduce the right to vote of long term third country nationals residents in local and European elections;

General recommendations on hate speech in the media

- To raise awareness among journalists on racist and xenophobic phenomena, training them on all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred base on intolerance, including intolerance expressed by aggressive nationalism or of ethnocentrism, discrimination and hostility against minorities, migrants and persons of migrant origin⁹⁹;
- To promote opportunities for training and meeting for journalists on the topic, in order to share best practices and to ensure correct information;
- To raise awareness through the media on migrants as positive resource for destination countries.

General recommendations on hate speech in internet and social networks

- To the CERD Committee, which has decided to focus its attention on defining and fighting racial discrimination on the Internet and on Social Networks, as demonstrated

⁹⁷ ECRI Declaration on the use of racist, anti-Semitic and xenophobic elements in political discourse, adopted on 17 March 2005, available on http://www.coe.int/t/dghl/monitoring/ecri/activities/14-Public_Presentation_Paris_2005/Presentation2005_Paris_Declaration_en.asp#TopOfPage

⁹⁸ Ecri, *Charter of European Political Parties for a Non-Racist Society*, Utrecht, 28 February 1998 http://www.coe.int/t/dghl/monitoring/ecri/activities/38-seminar_ankara_2011/Charter.asp

⁹⁹ Recommendation no. 20, 'On hate speech' (1997) of the Committee of Ministers of the Council of Europe.

with the organization of the Thematic Discussion on this specific topic, to play a major role in this challenging path, both by facilitating inter-State dialogue on this topic and by drafting Observations and General Recommendations;

- The signatory States to ratify as soon as possible the 2003 Protocol to the Convention on Cybercrime, concerning the Criminalization of acts of a racist and xenophobic nature committed through Computer Systems;
- States party to the Additional Protocol to the *Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems* to adopt legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the dissemination of racist and xenophobic material through computer systems, racist and xenophobic motivated insult and denial, gross minimization, approval or justification of genocide or crimes against humanity;
- To establish a new model of tighter cooperation between social networks and Institutions in order to effectively draft general and abstract rules for preventing and discouraging the spread of discriminatory contents through the web.

Recommendations for Italy

The network of association on racial discrimination urges the Italian government:

- To adopt a criminal law on hate speech which conforms to the standards set by the European Union, in order to counter with effective and dissuasive measures the use of such statements and make the same more easily applicable, by the prosecution office for criminal figures as specified therein;
- To arrange a comprehensive training program for law enforcement agencies' officials (police officers and public prosecutors) about hate speech and hate crimes legal framework in order to encourage effective ex-officio prosecutions of these criminal acts;
- To implement and promote increasingly effective civil legislation against racist and xenophobic discrimination;
- To adopt appropriate legislative measures against the spread of ideas denying the Holocaust, as in many other European countries;
- To ensure that the anti-discrimination legislation and the Charter of Rome are respected, avoiding the “*ethnicization*” of information and news;
- To develop a public debate on the limits of freedom of speech and thought, respecting to the protection of dignity and rights;
- To ensure the respect of the Charter of Treviso, in order to protect children.

5 ANNEX

5.1 The authors

ARCHIVIO DELLE MEMORIE MIGRANTI

Archivio delle memorie migranti (AMM) is a no-profit cultural association, whose aim is leaving traces of the on-going immigration process in Italy and promoting the inclusion of marginalized memories in the collective patrimony of national and transnational memory of the country. The AMM is composed of a group of volunteers, researchers, archivists, film directors and operators in the field, both migrant and not, who are active in two closely-related areas: the archival research group, which deals with collecting and archiving written and oral testimonies; and the audiovisual group, engaged in the shared production of participated video-documentaries.

www.archiviomemoriemigranti.net

ARTICOLO 3 – OSSERVATORIO SULLE DISCRIMINAZIONI DI MANTOVA

Articolo 3 set up in Mantova by representatives of different minorities in order to fight against discrimination and racism. The association monitors local newspapers releasing a week newsletter on incorrect and incomplete information and discriminating language. Moreover, *Articolo 3* provides legal advice to victims of discriminations through a Antidiscrimination Desk and it is constantly engaged in raising awareness activities. Since 2011 *Articolo 3* is a local spot of UNAR (National Office Against Racial Discriminations).

www.articolo3.org

ASSOCIAZIONE CARTA DI ROMA

The Association “*Carta di Roma*” was born in December 2011 in order to support the deontological code for journalists Charter of Rome, to coordinate and enhance the local initiatives and promote new national ones. It is formed by representatives of journalism sector, civil society organisations and institutions. The Association aims at becoming a reference point for all media operators, journalists as well as professional bodies, public institutions, associations and activists committed with the protection of migrants’ and minorities’ rights in the media.

www.cartadiroma.com

ASSOCIAZIONE STUDI GIURIDICI SULL’IMMIGRAZIONE (ASGI)

Associazione Studi Giuridici sull’Immigrazione (The Association for Juridical Studies on Immigration) set up in 1990 and unites lawyers, university professors, legal personnel and jurists having a specific professional interest in juridical issues linked to immigration. ASGI aims at promoting information, documentation and research on national and European immigration, asylum and anti-discrimination law; at contributing to the training of civil servants, lawyers, NGOs members and volunteers operating in the field of immigration, by way of special courses, seminars, conferences; at promoting the creation of informational and legal consultancy in immigration law, in co-operation with municipalities, local community agencies and NGOs operating in the field.

www.asgi.it

ASSOCIAZIONE 21 LUGLIO

Associazione 21 luglio is an organization established to promote and defend the rights of children in general, and those of Roma children living in Italy in particular. The mission of the organization is: safeguarding Roma children, fighting every form of discrimination, building critical awareness regarding the rights of Roma children, promoting campaigns and launching appeals to halt possible violations of Roma children's rights.

www.21luglio.com

BORDERLINE SICILIA ONLUS

Borderline Sicilia association was born in 2008, and it became an Onlus in 2009. The objective was to sensitize institutions, schools, associations and citizen about the migration connected with the denial of the fundamental rights. The main activity is the monitoring of migrants life's conditions in Sicily, with a particular attention to the legal and bureaucratic problems. In this contest a systematic activity of data's collection and research is involved, and was created an observatory against the racial discriminations. The others activities are legal and social assistance, awareness campaign about migrations and discriminations through commemorations, conferences, advocacy, lobbying, improving the network with others actors.

<http://www.siciliamigranti.blogspot.it/>

LUNARIA

Lunaria is an independent and non-profit association, born in 1992, which promotes the "principles of justice, social and economic solidarity, democratic participation to the life of the community, promotion of the civil, social and human rights both at national and international level". In order to contribute to the achievements of such principles, the organisation develops research, training, communication and consultancy actions in the fields: international economy, third sector and ethical finance; immigration, fight to racism and social exclusion; international voluntary service and youth exchanges.

www.lunaria.org

UNIONE FORENSE PER LA TUTELA DEI DIRITTI UMANI

Unione forense per la tutela dei diritti umani (UFTDU) is a no-profit association set up in 1968 in order to spread the knowledge of national and international norms concerning the protection of human rights, and to promote their actual and effective observance. Over the years, the UFTDU has pursued its statutory engagements through different activities, including human rights advocacy, at political level – actively contributing to the drafting of human rights bills, and to public debate on relevant human rights issues – as well as at judicial level – taking part as *amicus curiae* in proceedings before national and international courts or quasi-judicial bodies.

www.unionedirittiumani.it

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6 APPENDIX

Figure 1 – Some articles written by Matteo Legnani on “Libero”

Libero Milano
Direttore: Maurizio Belpietro

15-MAG-2010
da pag. 49

PIANO ANTI-ZINGARI
L'UNICO ERRORE
È LA MARCIA INDIETRO

di **MATTEO LEGNANI**

*Anti-Gypsies plan.
The only mistake is to step off.*

Libero Milano
Direttore: Maurizio Belpietro

06-MAR-2010
da pag. 49

I VERI “POVERI”
NON SONO I NOMADI
MA LE LORO VITTIME

di **MATTEO LEGNANI**

*The real poor are not the Nomads, but
their victims*

Libero Milano
Direttore: Maurizio Belpietro

20-GIU-2010
da pag. 49

LA SFRONTATEZZA
DEGLI ZINGARI
NON HA CONFINI

di **MATTEO LEGNANI**

The boldness of the Gypsies has no limits

Figure 2 – The campaign of “CronacaQui”



ESERCITO DI ZINGARI IN ARRIVO A MILANO CE LI MANDA SARKOZY

*Gipsy army's coming to Milan.
Sent by Sarkozy*

PROVINCIA, PREFETTURA, COMUNE :
PIOGGIA DI DENARO SUI ROM..



"Mom...I don't want to study anymore"

"Do you want to find a job?"

"...I want to be a Roma!!"



The Roma of the Triboniano settlement go back to their Country with their pockets full of money..."

"...without stealing, for a change"



"We have assigned you a house..."
"...yes, but where can we park it?"

Figure 3 – The defamatory political campaign in Milan



Milan
Gypsytown with Pisapia
+ Gipsy settlement
The biggest mosque of Europe

Fig. 4 The prohibited access to the courtyard of a Church near Milan



Because of several thefts
the Gypsies
are not admitted

Some exemplary cases monitored by *Lunaria* from 2009 to 2012

23 July 2009 Florence (FI), Tuscany

Bianca Maria Giocoli, town councillor for the PdL (People of Freedom) party, in reporting supposed instances of “barbarity” on the 29, 30 and 35 bus services, claims that “Chinese people are constantly spitting on the floor. Once, a Roma woman who was at the back of the bus urinated: the liquid trickled across the floor. Albanian, Slavic, Chinese and Roma, street vendors all stink. They simply should not be allowed to take the bus. In the morning, I wash myself, dress properly and smell nice. These immigrant street vendors are always getting in our way with their bulky bags full of stuff”. And she carries on: “gangs of gypsies take up all the seats, emit a nauseating smell, are filthy and scratch themselves all the time, spreading lice all over the place”. Source: unaviaxoriana.it

14 October 2009 Trento (TN), Trentino Alto Adige

In June 2007, the former town councillor Emilio Giuliana (of far right party Fiamma Tricolore) during a town council meeting, on the subject of Roma, states that “gypsies are scum whose children should be taken away in order to stop the spread of questionable traditions handed down from generation to generation (...) they are lazy, criminals, often murderers who come close to torturing their children”. At first, he is accused of racism, but is later let off by the judge. The verdict states: “Undiplomatic and deplorable though the tone chosen by the defendant might have been, it cannot be reasonably considered that, beyond a definite intemperance of speech, the general content lapsed into open or implicit acclamation of ideas based on racial superiority or into incitement to perform acts of discrimination. His words did not convey an idea of superiority but only expressed a feeling of aversion”.

Source: Corriere delle Alpi

18 November 2009 Coccaglio (BS), Lombardy

The mayor of a small town in the Brescia area, with three Northern League councillors, sets up the “White Christmas” operation, in order to “cleanse” the place of immigrants. The name was chosen because the deadline for the operation is Christmas day. The Northern League Councillor, Claudio Abiendi, who came up with the initiative, explains: “for me Christmas is not the feast of welcoming, but a celebration of the Christian tradition and thus of our identity”. Local policemen have until 25 December to pay a visit to the houses of about 400 foreign nationals, those with a residence permit that expired more than six months ago and who are supposed to have begun the procedures for its renewal. “If they cannot provide evidence that they have done so,” Mayor Franco Claretti says, “their permit is automatically revoked”. Source: La Repubblica

8 January 2010 Salerno (SA), Campania

Mayor Vincenzo De Luca is already, regrettably, famous for signing forced eviction orders, introducing vigilante patrols as part of the “Clean seafront” operation and setting up another campaign known as “Zero Tolerance for all immigrants”. This time, he goes even further and initiates a veritable manhunt, sending municipal police patrols to immigrants’ houses in the middle of the night in order to check their documents. Source: Corriere del Mezzogiorno

28 January 2010 Trento (TN), Trentino Alto Adige

The Trentino section of the Northern League, in a query submitted to the chairman of the provincial council Lorenzo Dellai, proposes that “all immigrants be systematically subjected to psychiatric and sanitary tests”. This idea stems from the arrest of a 17-year-old Algerian boy, charged with the attempted rape of a local girl: the boy went on to damage his cell and display self-destructive impulses. “What has occurred,” the query reads, “shows without a shadow of a doubt that on many, too many, occasions, immigrants, both regular and illegal, who arrive in our country suffer from serious ongoing health or psychiatric problems: this entails a serious risk of infection for all the unfortunate individuals who happen come into contact with them. For this reason,” the request continues, “the Northern League asks that all immigrants be submitted *to systematic medical checkups in order to ascertain their exact clinical background* so that they *cannot harm* by means of passive infection or violence, all those defenceless citizens who might happen to come into contact with them. Source: Il Gazzettino

3 March 2010 Sansepolcro (AR), Tuscany

In some of the smaller towns in the province, Northern League activists give away sachets of liquid soap “in order to wash ones hands after touching an immigrant”. Source: La Repubblica

10 May 2010 Milan (MI), Lombardy

In the course of a speech at the “Making integration possible” conference, Mayor Letizia Moratti states: “illegal immigrants who are not regularly employed tend to commit crimes. Illegal immigration is a crime. An illegal immigrants caught in the act cannot be deported if he/she is already on trial for a previous crime. In order to effectively implement the crime of illegal immigration, it must be included in other categories of crime”, so the deportation can be successfully completed. Interior Minister Roberto Maroni, who is also present at the conference, declares that at no point during the mayor’s speech are illegal immigrants equated with criminals. Source: La Repubblica

14 October 2010 Bologna (BS), Emilia-Romagna

MP Fabio Garagnani of the PdL (People of Liberty) party presents a parliamentary query in which he protests against an initiative by the Sant’Orsola Malpighi Policlinico hospital: ‘hospital signs in Arabic are utterly offensive, not only to our Italian cultural identity but also to people of other ethnic groups who may feel excluded. This is a dangerous precedent.’ Source: Redattore Sociale

20 October 2010 Pescara (PE), Abruzzo

Marco Forconi, provincial leader of the far-right Forza Nuova movement, is under investigation by the prosecutor’s office in Pescara for having published ‘leaflets and articles’ against Sinti and Roma people. Three documents are being examined. The first is a flyer entitled ‘Sinti, Roma, the disgrace of Pescara and Montesilvano’ in which Forconi demands the confiscation of all Roma and Sinti assets to create ‘nursery schools, barracks, youth clubs and shelters for the homeless.’ The second is an article in which he accuses Roma and Sinti of ‘stealing, dealing and assaulting’, and proposes that all the property confiscated from them should be ‘marked with an upturned triangle painted in brown or black.’ The third text was published after an attack by a Roma man on a 22-year-old plumber: according to the prosecutor, this document explicitly foments racial hatred. Source: Il Centro

2 December 2010 Padua (PD), Veneto

Vittorio Aliprandi, a town councillor associated with the PdL (People of Liberty) party and well known for his racist conduct, publishes extremely offensive statements about Roma people on his Facebook page. He posts several messages: ‘I’ve never met a Roma who wants to be integrated: if they do, it’s only so they can steal your children. If you want to change them, you’d have to take them away from their families at birth, and even then...’ Others include ‘these Roma really make me want to throw up. When I see one of them pretending to be a cripple, then find them walking through the station quite upright, I want to give them a good kicking.’ After several protests on the social network, the councillor explains his stance: ‘nothing but criticism, what a bore!’ he writes. ‘Isn’t one allowed to be annoyed by Roma? Do we have to be integrated, build houses for them, keep them? They don’t want to be part of society. Their main occupation is stealing and they mass-produce children. If they want to be nomads then they should go and live in a campsite like we would, and they should play by our rules.’ In a discussion on the Facebook wall of another town councillor, Gregorio Cavalla, Aliprandi goes as far as to say that what’s need is ‘concentration camps’. He later explains that he was only joking. Source: Il Mattino di Padova

10 February 2011 Rome (RM), Lazio

The southern Rome cell of the right-wing Forza Nuova movement comes up with a game called ‘squash the gypsy’ which appears on Facebook. It’s a kind of challenge to drivers who earn points by running down Roma people. The post advertising it explains ‘anyone can take part: all you need is a vehicle of any kind which moves.’ The bigger and more powerful this vehicle is, the easier it will be for the player to gain points. ‘But you can even play with a bicycle: you’ll just have to run them over several times.’ The game is immediately taken down. Source: Corriere della Sera

10 February 2011 Rome (RM), Lazio

In an interview with Radio24, Tiziana Maiolo sums up her five years as social policy chief at the city council saying: ‘all ethnic groups can be integrated except the Roma.’ When the interviewer asks her to

explain, she says: ‘they have absolutely no desire to work; they hate us; all they want to do is exploit us; they call us gaggi, gagé, something like that; they have no sense of hygiene; they have babies in order to send them out to steal and often they use their children as child prostitutes. It’s easier to teach a dog than a Roma child,’ she concludes. The outrage caused by this interview forces Maiolo to resign as Milanese spokesperson for the Future and Liberty party. Source: Corriere della Sera.

23 February 2011 Treviso (TV), Veneto

The regional councillor responsible for immigrant quotas, Daniele Stival of the Northern League, is asked during a live show on the Rete Veneta television station how to restrict the numbers of refugees from Libya. He replies ‘The Greeks, Spanish and Croatians manage it, and so should we, using machine guns.’ This is immediately condemned by regional governor Luca Zaia who says ‘no machine guns. But no criminals either.’ Source: Corriere del Veneto

5 March 2011 Trieste (TS), Friuli Venezia Giulia

Danilo Narduzzi, Northern League chief whip on the Friuli Venezia Giulia regional council, opens an ‘anti-immigrant service’. It’s a telephone helpline (belonging to the Northern League group in the regional council offices) which is already up and running, where anyone who feels they have been ill-used by an immigrant can complain: about, for example, houses assigned to foreigners, or a baby bonus which never arrived. According to the Northern League all benefits of regional welfare services should be assigned first and foremost to Italians, and only afterwards to immigrants. Source: fattoquotidiano.it

29 March 2011 Rome (RM), Lazio

Questioned by journalists, Northern League leader Umberto Bossi whistles, makes a clear ‘they’ve got to go’ hand gesture and says, in Lombard dialect, ‘immigrati fora da i ball’ (immigrants, get the hell out). Asked about the possibility of finding places to house immigrants in northern regions, Bossi says ‘it’s best to keep them closer to home [ie in Sicily and the south, Ed.]. You’d have to cover a thousands of kilometres to take them to the Alps. No region is happy accepting immigrants. The first thing to be done is to take them home; leave from the island and take them home. But (Interior Minister Roberto) Maroni knows these things off by heart.’ Source: La Repubblica

29 March 2011 San Benedetto (AP), Marche

Democratic Party local councillor Gianluca Pasqualini complains of a Northern League advertising campaign involving huge posters around town. The posters carry the same message which has often formed part of the Northern League’s electoral propaganda in northern regions: a photo shows a long line of foreigners, at the end of which is an Italian. ‘Guess who’s always last,’ the caption says. The people in the queue are seeking council houses, social services, and places in nurseries and schools. ‘These posters,’ says Pasqualini, ‘are discriminatory, and incite racial, ethnic, nationalist and religious hatred and violence. As such this advertising campaign should be banned and punished by the law. As soon as I have approval from the town council, I shall present a case to the public prosecutor’s office.’ Source: ilsegnale.it

30 March 2011 Rome (RM), Lazio

MP Giancarlo Lehner, a member of the parliamentary group known as the ‘Responsabili’, states: ‘to restrict the influx of Africans – who are mostly young, bold and male – we need a psychological deterrent. All we need to do is spread the following communique: to prevent demographic imbalances and sex crimes, the Italian authorities have set up clinics at all points of entry to administer chemical castration to immigrants. Of course, we won’t do it, but it wouldn’t be a bad idea to scare them off by giving the impression that this country is the region of Emasculated Arabs.’ Source: Asca

12 April 2011 Treviso (TV), Veneto

The Democratic Party whip on the regional council Laura Puppato reports Razza Piave, a citizen’s group ticket running for local council elections, to the public prosecutor’s office in Treviso. Puppato cites the New York convention of 1966 and an anti-discrimination law of 1975, alleging that ‘creating and advertising a ticket called Razza Piave (Piave Race) can be considered propaganda based on the idea of racial superiority, or on racial or ethnic hatred. Among the material proof presented with the report is a photo of a fascist inscription in Godega di Sant’Urbano which describes the ‘Piave race’ as ‘the purest of Italian races, fascist also and above all.’ Source: oggitreviso.it

13 April 2011 Milan (MI), Lombardy

Following in the footsteps of deputy minister for infrastructure Roberto Castelli, Northern League EuroMP Francesco Speroni, talking about immigration on Radio24, states: 'if someone invades the territorial waters of a sovereign state, then you can react, legitimately, with arms. International law allows this. Even Zapatero did it. They certainly don't have "refugee" written across their foreheads, and the situation in Tunisia really isn't one that can justify an influx of refugees. If they came from Malta or Canada would you call them refugees? We're being invaded. Italy is full of people without papers, breaking every rule. We have to resort to tougher means to keep them away. Often when our fishing boats approach the Tunisian coast they get shot at with machine guns. Let's use the same methods.' He then gives a horrifying example: 'Hitler got everything wrong: if he lived nowadays he would have sent the Germans off in leaking old boats to invade the world and no one could have stopped them for... well, humanitarian reasons.' Source: La Repubblica

7 May 2011 Pordenone (PN), Friuli Venezia Giulia

Northern League anti-immigrant posters appear around town. The image shows locals 'oppressed by foreigners, and by Muslims in particular' forced to flee in an inflatable along the river Noncello. In the background, 'partying Middle-Easterners' are jeering around the town hall which has been transformed into a mosque with a large dome and a minaret. 'We've gone for a strong image,' explains Danilo Narduzzi, Northern League whip at the regional council, 'and used a strong slogan: "before it's too late". The residents of Pordenone really have to be made aware that what's at stake here is not just the mayor's office: it's their future and the identity of the city.' Source: Il Gazzettino

12 May 2011 Gallarate (MI), Lombardy

A web surfer reports the election manifesto of Mauro Lettieri, a candidate for the PdL (People of Freedom) party, who is seeking votes by promising a 'Gallarate with fewer foreigners'. The youngest candidate on the PdL ticket at 28, Lettieri justifies his slogan in the following terms: 'as well as rhyming with my surname ['foreigners' in Italian is 'stranieri', Ed.], this slogan is something I believe in. When I'm elected I shall dedicate myself every single day to issues of public safety and to introducing a sounder and less haphazard immigration policy. The leaflet I published on Facebook was absolutely not intended to be racist; just as it did not mean to present multiculturalism as anything less than a positive resource in some ways. It's obvious, in fact, that I was referring to foreigners who are in this country illegally, who commit crimes, or who don't give a damn about our rules and do just about anything they want.' Source: varesenews.it

13 May 2011 Milan (MI), Lombardy

City council candidate Maria Carmela Rozza of the Democratic Party is criticised, by her own party among others, for a racist poster bearing the words: 'Roma camp in via Idro, mosque, north African bus stop, eastern European market, neglect and decay in Lambro park, Latino gangs at the Trotter, ghetto dwellings at Cavezzali. Our area is not Milan's social rubbish dump.' The candidate refutes accusations of racism.' Source: affaritaliani.libero.it

23 May 2011 Milan (MI), Lombardy

On the eve of second-round voting in the Milan mayoral elections, Prime Minister Silvio Berlusconi rounds on the centre-left candidate Giuliano Pisapia in a video-message: 'with Expo 2015 approaching, Milan cannot become an Islamic city, a gypsy town full of Roma camps, under attack from foreigners whom the left wants to give voting rights to. A city like ours doesn't want to hand itself over to the extreme left and risk becoming a city of disorder, chaos and danger. I don't believe that we Milanese see building a nice mosque in our city as an important priority, just as we don't think creating new unauthorised youth clubs which sell themselves as artistic, creative centres is a priority.' Source: La Repubblica

2 June 2011 Gallio (VI), Veneto

Following a decision from the prefect's office, Mayor Pino Rossi lays down rules for the reception of a refugee who is to be sent to the tiny village of Foza. 'I'm not racist,' he says, 'but Muslims could never be integrated here. I'm going to choose my own refugee and I'd rather have a Christian because we could

maybe find him work in the parish. I'm doing this for him,' he goes on. 'How would he feel if everyone was looking at him? If, on the other hand, a Christian joined our community it would all be much simpler and he could help out at the parish church too.' Source: Il Giornale di Vicenza

9 June 2011 Ravenna (RA), Emilia-Romagna

The local branch of the PdL (People of Freedom) party issues a press release about 25-year-old Ouidad Bakkali, an Italian of Moroccan origin who is the councillor responsible for culture and education on the centre-left-led local council. The document signed by five council members states 'as we are unaware of any particular experience or specific expertise on the part of councillor Bakkali, we find the concept she represents to be worrying: there's a risk that we will find ourselves with a cultural policy which looks exclusively to multi-culturalism and fails to take into account the traditional culture of our city. At the root of our opinion lies our own very different idea of the individual, society and life itself. By forcing us into multi-culturalism we risk eradicating our values, our identity and our roots in order to become part of a new civilisation which is the sum total of those people who arrive on our shores and dictate their conditions.' Source: Il Fatto Quotidiano

21 August 2011 Rome (RM), Lazio

The neo-fascist movement formed by Gaetano Saya, a leader of the far-right MSI-DN party and already under police scrutiny after setting up a private police force, resumes its online recruitment campaign. The movement's manifesto includes: expulsion of immigrants and homosexuals; the reintroduction of the death penalty; Italy's exit from the European Union; pre-emptive press censorship. Its stated aims include: protecting Italy from invasion by 'new barbarians' ie immigrants; and forcing all foreigners who have arrived in Italy since 1977 to leave. Source: La Repubblica

10/05/2012, Giussano (MB) - Lombardy

Umberto Ballabio, city councillor for Social Affairs and first aid manager, during a meeting of the city council, proposes "to burn with napalm third country nationals who do not pay rent". Source: La Repubblica

26/05/2012, Pavia (PV) – Lombardia

The Director of Sanitary Agency, Giuseppe Imbalzano, during a city council meeting, declares: "the difference among wrings and Jewish is that wrings do not shout in the oven". Source: La Repubblica