

UNIONE FORENSE PER LA TUTELA DEI DIRITTI UMANI



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OBSERVATIONS

ON THE NINETEENTH TO TWENTIETH PERIODIC REPORTS OF ITALY TO THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

(CERD/C/ITA/19-20)

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1. PRESENTATION OF THE WORK

1. The Unione forense per la tutela dei diritti umani (hereinafter “UFTDU”) is a **no-profit association** set up on March 2nd, 1968 by a group of Italian lawyers, judges and scholars. The main purpose of the association, as laid down in its Statute, is “to spread, especially among those belonging to the Bar and among law practitioners, the knowledge of national and international norms concerning the protection of human rights, and to promote their actual and effective observance at the judicial, administrative and legislative level”.

2. Since April 2010 UFTDU has been conferred the status of affiliate member of the Throughout the years, UFTDU has established a close cooperation with the FIDH on a wide range of matters concerning the protection and promotion of human rights and, in particular, actively supporting each other in their judicial and non-judicial advocacy initiatives before European and international courts and human rights treaty bodies.

3. Over the years, UFTDU has pursued its statutory engagements mainly through human rights advocacy activities, both at the political level – actively contributing to the drafting of human rights bills, and to public debate on relevant human rights issues, notably through its internet web-site (www.unionedirittiumani.it) and the publication of a Law review (*I diritti dell'uomo. cronache e battaglie*) – and at the judicial level –taking part as *amicus curiae* in proceedings before national and international courts or quasi-judicial bodies (in particular, the European Court of Human Rights, the European Court of Justice, and the UN Human Rights Treaty Bodies), as well as supporting direct representation of human rights victims by its team of specialized lawyers.

4. Since June 10th 2005, UFTDU is also included in the “Register of associations and bodies carrying out activities in the field of the fight against discrimination”, established by National Office Against Racial Discrimination (UNAR). This inclusion allows UFTDU to undertake legal proceedings on behalf or in support of victims of racial or ethnic discrimination, and to obtain compensation in their favour.

5. Within the framework of its statutory commitments, UFTDU participates on a regular basis to UN Charter-based and treaty-based supervisory procedures to ensure Italy’s full compliance with its international human rights obligations. Notably, since 2005, UFTDU took part to the examination of the Italian periodic reports under the ICCPR, CAT, CERD, CEDAW and CRC, by submitting its alternative reports and by attending the Committees’ private and public sessions.

6. Having regard to the last Concluding Observations of the CERD Committee concerning Italy (CERD/C/ITA/CO/16-18) and to the responses of the Italian Government contained in the sixteenth to eighteenth periodic report (CERD/C/ITA/19-20), the team of experts set up by UFTDU has drafted the present alternative report for consideration by the Committee during its next 91th session (21 November 2016 - 9 December 2016).

7. Notably, the present report focuses on hate speech, a issue of particular concern for our association, and in particular on the uncontrolled and persisting use of racial discourse and of xenophobic arguments in political debates and by the Italian media, specifically regarding ethnic minorities, migrants, asylum seekers and refugees.

8. Each issue dealt with in the report has been identified by reference to the corresponding “recommendation” of the Concluding Observations adopted by the Committee. Where deemed necessary, the team of experts has included in the text and

stressed in **bold** a recommended course of action that should be proposed to the attention of the Italian Delegation.

9. The observations and comments contained in the present report are based on the desk and field research activities undertaken by the members of the team, and take into account the information received from institutional partners and organizations to which UFTDU is particularly grateful. The experts who contributed to the drafting of the report are listed in the Annex together with a short presentation of their professional background. The work of the experts was supervised and coordinated by Anton Giulio Lana, President of the association.

2. RACIAL DISCOURSE IN THE POLITICAL DEBATE AND THROUGH THE MEDIA TOWARDS MIGRANTS

10. UFTDU considers that the Italian Government did not adopt sufficient measures to comply with Committee Recommendations No. 17 (CERD/C/ITA/CO/19-20, 4 April 2012) and is seriously concerned, on one hand, by the increasing racial discriminatory and xenophobic attitude of Italian politicians, publicly expressed and tolerated by local and central authorities; and, on the other hand, by the racial hatred conveyed by the media with regards to migrants. Besides, we consider that last periodic report of the Italian Government (CERD/C/ITA/19-20) does not present an adequate view of the effective measures adopted both to prevent and to concretely enforce the Italian law, as far as regards the main objective of this alternative report: i.e. hate speech and racial discourse on the media and in the political debate towards migrants.

11. First of all, taking into account Article 4 of the International Convention of the Elimination of all forms of Racial Discrimination, which contains a prohibition of hate speech, UFTDU is seriously concerned by the increasing discriminatory and xenophobic attitude of media against non-citizens. Despite the fact that forms of protection against racism and religious intolerance are ensured by legislation, ethnic and religious minorities, in Italy, appear to be victims of discrimination phenomena.

12. In particular, UFTDU is worried about the conduct of journalist and politicians towards migrants, refugees and asylum – seekers. Italy has been denounced many times, for example in our last alternative report, for the instrumental use of migrants, Roma and refugees issues by nationalist and xenophobic movements and by parties so as to gain the favour of public opinion.

13. To this point, it is difficult to establish the boundary between freedom of expression and hate speech. Freedom of expression is undoubtedly one of the most important principles supporting democracy at internal and international level. However “this norm is not absolute in character”¹. There are precise limitations that derive from the need to protect high-standing values. A limitation of freedom of expression can originate, in the case of hate speech, either by the need to protect the reputation of individual and social groups, or by the obligation, incumbent on States, to outlaw public speeches directed to advocate hatred constituting incitement to discrimination, hostility or violence.

14. The Italian law provides specific provisions against racism and xenophobia. The so called “Reale Act” (Law No. 654 of 13 October 1975, as subsequently amended)

¹ T.D. Jones, *Human Rights: Group defamation, Freedom of Expression and the Law of Nations*, Martinus Nijhoff Publisher, 1998, p.34.

establishes in Art. 3 that “*everyone who promotes ideas that are based on racial or ethnic superiority or hatred, or who incites to commit or commits acts based on racial, ethnic, national or religious discrimination, will be punished with imprisonment up to one year and six months or with a fine of maximum € 6000*” (lett. a) and that “*everyone who incites to commit or commits violence or acts that provoke violence, which are based on racial, ethnic, national or religious discrimination, will be punished with imprisonment from six month up to four years*” (lett. b). Moreover, Art. 1-bis of the Law No. 205/1993 (so called “Mancino Act”), that amended the Reale Act, provides that a person convicted for a racially motivated crime can be sentenced to additional penalties or restrictions such as the withdrawal of the driving license or passport and the ban from participating in any manner to activities of propaganda for political or administrative elections.

15. Despite the legislative measures, its application is sparse and of limited effectiveness. One of the main issues when trying to address hate speech and hate-related crimes is the same wording of the so called “Reale Act”: in fact, this piece of legislation does not include “language” or “colour” as ground of discrimination, even though this law was enacted to ratify and apply the International Convention on the Elimination of All Forms of Racial Discrimination, which includes these grounds in its definition of racial discrimination in Article 1.

16. To this point, **the authorities should make sure that colour and language are expressly included in the grounds of racist behaviour and racial discrimination punishable under the Criminal Code.**

17. Moreover, even if a few cases have given rise to judicial proceeding against the responsible (as the Valandro case, cited by the Italian Government in its report), the continuing use of aggressive and offensive language in media and political debate has not ceased.

18. UFTDU claims that the repression of hate speech is necessary in order to develop a social and cultural climate favourable to the realisation of some fundamental principles of international human rights, as the principle of equality, namely the struggle against racism and that against discrimination. Repression of hate speech also represents an essential condition for the promotion of a fruitful intercultural dialogue, respecting difference and promoting the realization of shared values.

19. It results not easy to keep the necessary balance among freedom of speech and the need to repress hate speech. This imposes a duty of caution on the State organs entitled to enact repressive and prohibitive measures against hate speech. However, as the European Commission against racism and intolerance (ECRI) has noted in his 5th report on Italy², the main institution, such as UNAR (National Office against Racial Discrimination), OSCAD (Observatory for Protection against Discriminatory Acts), SDI (police criminal investigation data system), the Ministry of Justice and ISTAT (National Statistical Institute), are unable to distinguish between hate speech and other offence linked to racism and racial discrimination.

20. UFTDU is increasingly concerned about the negative portrayal of non-citizens and immigrants and the impact of this unchanged situation on the public perception. In fact, during the last years, racism and xenophobia have generated a growing violence in Italy. These racially motivated crimes take place in a political climate in which migrants are still identified as criminal perpetrators, since Law No. 94/2009 which criminalised

² The report is available on the following link: <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Italy/ITA-CbC-V-2016-019-ENG.pdf>

undocumented entry and stay in Italy is still in force, and clearly for most migrants there is no other way to entry within the Italian (or European) territory.

21. Data provided in reports on cases of discrimination carried out by UNAR (the National Office Against Racial Discrimination) show an increasing number of cases of offenses, insults and threats against immigrants, especially Muslims, as well as against Roma and Sinti.

22. Moreover, despite Article 3 of the Italian Constitution according to which every citizen's right to equal social dignity and to equality of treatment, the legislator has never adopted a specific law forbidding discrimination and implementing this principle of equality. As ECRI has noted in its report, "*there is a piecemeal proliferation of laws which, particularly at the civil and administrative law levels, can generate a risk of lacunae and inconsistencies*".

23. All this setting contributes to a growing of intolerance and violence against a vulnerable group constituted by non-citizens and migrants. Two recent examples from the news can be useful to better understand the gravity of the problem, both in terms of discrimination and of hate-related crimes.

24. The first case concerns two refugee children who were obliged to use separate toilets at an Italian private school in Cagliari (Sardinia)³. Parents of other pupils reportedly claimed that foreign students posed a health risk for their children at school. Despite the fact that medical records showed that the children were in good health, two families took their children out of the school when the refugees were enrolled, while several others threatened to do so. Consequently, the two refugee minors, from Egypt and Ethiopia, aged 9 and 11, were told by teachers to use separate bathrooms following claims from parents that their children risked to contract diseases. The private school, run by nuns, justified the measure "as a precaution" (sic!).

25. The gravity of this type of discrimination, that involves a particularly vulnerable category (un-accompanied minors), as well as the violation of elementary principles of human dignity, not to talk about the repulsive idea of a return of apartheid practises in the XXI century, strongly highlights the **necessity of an intervention of the Italian authorities in the field of education** so as to avoid this despicable occurrences of discrimination. Moreover, in terms of legislation, the case shows **the urgency of the ratification by the Italian Government of Protocol No. 12 to the European Convention on Human Rights**, which contains a general prohibition of discrimination and could contribute to the fight against racism and intolerance.

26. The second example concerns the recent murder of a Nigerian refugee and stresses the growing concern about intolerance and hate-related crimes⁴. Emmanuel was a 36-year-old Nigerian who came to Italy in 2015 with his wife after both their parents were killed when Boko Haram bombed their church in Nigeria. Emmanuel survived terrorism in his country, violence in Libya, and the dangerous sea crossing to Italy. But few months ago he was beaten to death on the streets in Fermo, a town in eastern Italy, in a fight that began when an Italian man called Emmanuel's wife an "African monkey." The criminal proceeding is still at its preliminary phase. Italy has a gloomy history in failing to respond adequately to hate crimes.

³ An article explaining the fact of the episode: <http://www.express.co.uk/news/world/716986/Migrant-children-separate-toilet-school-disease-fears-Italy>

⁴ An article on this episode: <http://www.telegraph.co.uk/news/2016/07/07/nigerian-refugee-who-fled-boko-haram-beaten-to-death-in-racist-a/>

27. To this point, UFTDU has to emphasise that the Italian Government did not adopt sufficient measures to comply with Committee Recommendations No. 17 paragraph *a-b*, and is seriously concerned by the increasing racial discriminatory and xenophobic attitude of Italian media towards migrants, asylum seekers, refugees and other minorities (such as Roma, Sinti and Caminanti communities). Moreover, as exposed in our previous shadow report as far as regards racial discrimination, newspapers, Internet and webpages, are still utilised as instruments of political propaganda: mass media are one of the most used means to disseminate discriminatory ideas, together with the social networks.

28. The first issue we wish to emphasise is the dissemination of racial discourse through Internet and the social networks. As already pointed out extensively in our last alternative report, the anonymity of the Internet and the potentially massive audience that one can attract has led to a serious and growing problem. This is particularly true and preoccupying in the context of hate speech. It is well known nowadays, that there is an increasing number of Italian Facebook groups who promote and incite hatred, racism, violence against immigrants (e.g. “*Stop to illegal immigrants*”; “*Clandestine out of Italy*”; “*Enough of illegal immigrants*” and so on).

29. One of the major multilateral instrument aimed to define Internet crimes is 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. Italy signed the above-mentioned Protocol on the 9th of November 2011, but has not ratified it yet, notwithstanding the recommendation No. 17 of the Committee. **It is hence crucial to urge Italy to ratify the Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer system.**

30. Another issue of great concern is the situation regarding the media and their approach towards the sensitive issue of migration.

31. Journalists, have the fundamental duty to respect “each and every person and his/her dignity and not to discriminate anyone on account of race, religion, gender, physical and mental conditions and political opinions” (art. 7 Journalist’s Charter of Duties, containing “Duties towards non-citizens”)⁵.

32. Even though the conduct of journalists in Italy is regulated by the Deontological Code regarding the treatment of personal data in the exercise of journalistic duties⁶, the media should be held partially responsible for the current spread of discriminatory attitude and feelings towards immigrants.

33. To this regards, the establishment of a new Observatory of the Rome Charter in order to monitor the implementation of the Rome Charter and the information published on the Italian medias is positive news.

34. However, UFTDU is willing to stress that, despite the recommendation made by this Committee “to invite the media to strictly respect the Rome Charter in order to avoid

⁵<http://www.odg.it/content/testo-unico-dei-doveri-del-giornalista>

⁶ Article 25 Law n. 675/96. Article 9 of this Code states that “*the journalist is obliged to respect the right of every person not to be discriminated on the base of race, religion, political opinions [...]*”. This provision can, in addition, be found in the Charter of duties of journalists, adopted by the national federation of the Italian press and the national council order of journalists dated July 8, 1993. Only journalist who are professionals (thus enrolled in the organization of journalists) are obliged to follow the Deontological Code. Such obligation does not exist for publicists.

racist, discriminatory or biased language”, the situation has remained much similar to what we have reported on our last alternative report in 2012.

35. The dangerous impact of such racial discourse is intensified by some other phenomena, like the economic crisis, the unemployment, the reduction of social guarantees, the environmental degradation and increasing poverty. In fact, these phenomena are liable to weaken social cohesion and raise the hunger of people against others, especially immigrants or vulnerable groups, who are likely to be the first victims during this welfare crisis.

32. UFTDU considers that self-regulation itself is not effective and has several weaknesses.

36. This circumstance is confirmed by the Third report entitled “Notizie di confine”, published the Observatory of the Charter. The bulletin was focused particularly on how Italian media and especially newspapers and news primetime, deal with immigrations issues. It confirms that the implementation of the Rome Charter is still weak and unsatisfactory. Unfortunately, the general media attitude towards immigrants has not substantially changed, as the following examples and statistics will show.

37. During the 2015 the immigration issue has become the most significant social phenomena and has been the dominant subject matter in the Italian media. The observatory of the Rome Charter has noted an increasing percentage of news on migration, both in prime time information and in the journals (80% in journals and 250% in news primetime).

38. Even if the introduction of an Observatory on the implementation of the Rome Charter is good news, the problem of these monitoring mechanisms of the media is that they are designed just to report violations and not to prevent racial discrimination and stereotypes. In addition, often journalists do not report relevant useful facts to understand the news, do not use tool and graphics for more effective communication on complex aspects, do not use appropriate terms to define the different situations. Consequently, people are not helped to understand who are immigrants, asylum-seekers and refugees.

39. To this point, in sharp contrast with CERD recommendations, we have already pointed out that migrants are often represented as a threat to security and public order; they are as well represented as violent, as a cause of insecurity in the cities, a disturb, or even as potential terrorists, as unable to comply with the rules of civil society, and “invaders” of public spaces.

40. That is why **initiatives such as the Rome Charter must be encouraged, their application strictly controlled and the disrespect sanctioned.**

41. To complement this statement, it is worth citing a significant research paper entitled “The Index of Ignorance”, that has showed that Italians readers and listeners are among the most uninformed of the world. The Ipsos-Mori data showed that many Italians are persuaded that migrants have occupied the country, especially Muslims. Italians believe that in the country 30% of the population consists of immigrants, when they are instead just of 7%, and that 20% of residents in Italy are Muslims, while Muslims represent only 4% of the population. Clearly, these numbers can be explained as well as a

⁷ The report is available on the following link: http://www.cartadiroma.org/wp-content/uploads/2015/12/Rapporto-2015_-cartadiroma_EMBARGATO-FINO-AL-15-DICEMBRE-ORE-1030.pdf

consequence of incoherent and inaccurate information by the newspapers. According to Alessandra Ballerini on Repubblica: “The wrong words strengthen prejudice and stereotypes on immigrants in our society⁸”.



<https://www.ipsos-mori.com/researchpublications/researcharchive/3466/Perceptions-are-not-reality-Things-the-world-gets-wrong.aspx>

42. A very recent news talk on itself: a small group of 20 refugee women and minors were forced to leave a town in northern Italy after locals barricaded the road chanting “we don’t want them here”⁹. The town of Gorino in the province of Ferrara was asked to accommodate 12 women, one of whom was pregnant, and 8 minors who were with them. As a coach arrived to take the refugees to a publicly-owned hostel, more than 200 locals turned out to block the road. A local official for Lega Nord hailed the protesters as “heroes of the resistance against the tyranny of acceptance”.

43. The third report has noted as well an increased association between terrorism and immigration. The majority of Italians believes that immigrants represent a threat to safety. Often the media emphasise the negative aspects of immigrations flows, highlighting the inadequate conditions in the reception in the Italian cities, the possible health risk and the fear of terrorist attack.

44. Some newspapers, such as “Il Giornale” and “Libero” (see the pictures below), have wrongly established an connection between those who commit terrorist attacks and those who profess a religion. This can lead to the serious consequence, presenting a distorted image of Muslim.

45. Moreover, titles evoking dangerous associations between migrants, crime and disease, can end up to present a degrading and deviant image of migrants and refugees.¹⁰

⁸ <http://www.cartadiroma.org/wp-content/uploads/2014/11/Le-parole-sbagliate-che-alimentano-i-pregiudi-e-i-dati-oggettivi-sugli-immigrati-nella-nostra-societ%C3%A0.pdf>

⁹ An article on this episode: <http://www.independent.co.uk/news/world/europe/gorino-goro-italy-refugees-migrants-crisis-women-and-children-blocked-ferrara-a7380566.html>

¹⁰ Despite the legal provisions provided by the Mancino Act.



“Il Giornale”, 3 July 2016

<http://www.ilgiornale.it/news/cronache/bestie-islamiche-1278564.html>

Nove italiani sgozzati dagli islamici

Paghiamo chi ci uccide

Gli autori della strage in Bangladesh sovvenzionati anche dai bengalesi che vendono fiori e orologi sulle nostre spiagge e agli angoli delle strade. Ecco le loro moschee segrete e come arruolano jihadisti nei kebab

di ANDREA MORIGI

Inoffensivi, ma insistenti, ti offrono le rose rosse, l'asticcina per scattare i selfie o gli ombrellini pieghevole quando...

Non sapevano il Corano: massacri

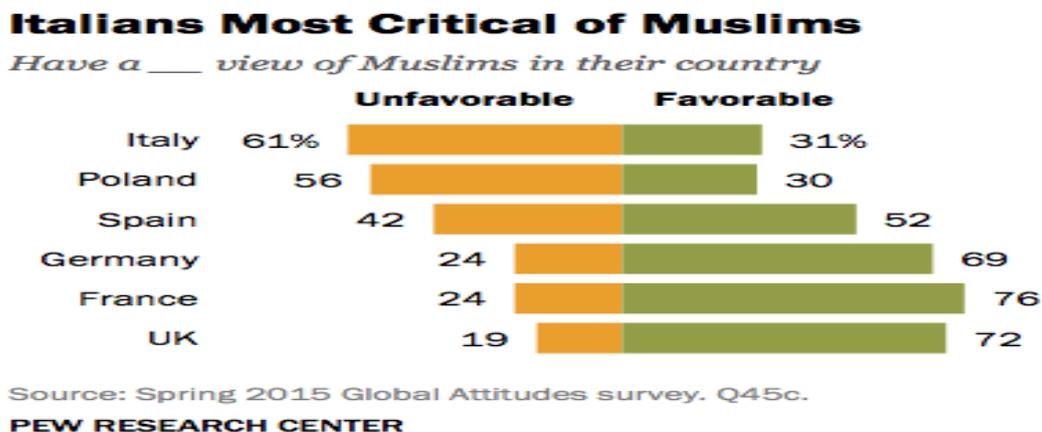
Le storie dei connazionali trucidati. **Una di loro aveva attaccato Libero per il titolo «Bastardi islamici»**



“Libero”, 3 July 2016

47. As seen, some newspapers continuously emphasise the issue of Islam and the supposed links to fanaticism and terrorism.

48. It is then not surprising to discover that the Italian worrying trend of xenophobia and racism affects mainly the Muslim community, as shown in the picture below.



Report Infographic <http://www.pewglobal.org/2015/06/02/faith-in-european-project-reviving/eu-report-06/>

49. The consequence is that many Muslims feel unjustly under suspicion and complain about racial profiling in policing, counter-terrorism operations or border controls. Furthermore, already existing stigmatisation and discrimination of Muslims in

various areas of social life – such as employment, housing and access to goods and services – are exacerbated. Besides verbal attacks, intolerance towards the Muslim community has also been expressed through threats and violence¹². Several mosques have been the target of violent attacks, such as those in Padova, Rimini and Battipaglia (Salerno). In Giugliano, close to Napoli, a pig's head was found impaled on the gate of the local mosque¹³.

50. Taking into account this latter conclusion, UFTDU wishes to stress that what we exposed in the previous paragraph regarding the alarmingly presents of xenophobic and discriminatory statements in the Italian media and in particular, on newspapers and radio belonging to a well defined political area, is specularly reflected in the political debate.

51. Offensive racist language is also commonplace by politicians. The anti-immigration policies have always been a central element of some political party: migrants, black people, Jews and Muslims, women and homosexuals are the central target groups. Even if social norms of tolerance are widely shared, negative emotions towards particular groups often remain extant, with the complicity of politicians.

52. In particular, Italian politicians have often expressed discriminatory views with respect of immigrants and this seems to be an increasing trend.

52. The discriminatory attitude of Italian politicians supported by political parties is both clearly contrary to human dignity and instrumental in promoting the general public's acceptance of policies that do not respect human rights of people concerned. In addition, as already shown above, it has legitimised prejudice and discrimination against immigrants among public opinion and has offset the hard work of social inclusion throughout the country.

53. In this regard, it is worth mentioning an episode occurred during 2015. Giorgia Meloni, the leader of the political party "Fratelli d'Italia" in an interview said: "Stop immigration from Muslim countries"¹⁴. UNAR (the National office against Racial Discrimination) condemned these inappropriate declarations through the words and letter of its director, claiming that generalisations did not favour the integration process. Consequently, Giorgia Meloni strongly attacked UNAR and claimed her rights of freedom of expression: she said as well that UNAR was utilised by the Renzi government

¹² See European Islamophobia report:

http://www.islamophobiaeurope.com/reports/2015/en/EIR_2015.pdf.

¹³"Padova, bomba carta esplode davanti alla moschea all'Arcella", PadovaOggi, 11 December 2015, <http://www.padovaoggi.it/cronaca/bomba-carta-moschea-padova-via-jacopo-da-montagnana-11-dicembre-2015.html>;

"Rimini, fiamme in una macelleria islamica a causa di una molotov", La Repubblica, 24 March 2015, http://bologna.repubblica.it/cronaca/2015/03/24/news/rimini_fiamme_in_una_macelleria_islamica_a_causa_di_una_molotov-110372126/;

"Battipaglia: vandali fano esplodere petardo nella moschea", La città di Salerno, 22 March 2015, http://lacittadisalerno.gelocal.it/salerno/cronaca/2015/03/22/news/battipaglia-vandali-fanno-esplodere-petardo-nella-moschea-1.11094731?refresh_ce;

"Giugliano, una testa di maiale infilzata sul cancello della moschea", La Repubblica, 25 November 2015, http://napoli.repubblica.it/cronaca/2015/11/25/news/una_testa_maiale_davanti_a_un_luogo_culto_muslimano_nel_napoletano-128117104/

¹⁴ For this specific episode, see the following article:

<http://www.ilfattoquotidiano.it/2015/09/02/meloni-stop-immigrati-islam-ufficio-governo-no-stereotipi-lei-censura/2002406/>

to censor the opposition. After this serious and unprecedented attack from the parliamentary Giorgia Meloni, the director of UNAR was removed from its office.

54. This episode has clearly shown that UNAR is not protected in the exercise of its functions. In particular, the need to secure full independence of UNAR, as required by the EU directives, was highlighted once and for all, since its statutory powers remain restricted and, as seen, its function limited.

55. It is, in fact, crystal clear that the full dependence of UNAR from the Italian government exposes it to inappropriate/undue attacks and prevents it from carrying out its activity of authority against discrimination.

56. Hence, according to the Recommendation No. 14 of this Committee, **the Italian Government should urgently take all necessary measures to guarantee the independence of UNAR so that it may implement its activities more efficiently.**

57. Another example is the ongoing Lega Nord's (Northern League) debate on migrations, which is focused on the need of arresting migrants, reducing their social rights, making more difficult for them to enter and to live in Italy¹⁵.



58. Finally, it is worth noting that Matteo Salvini, leader of the Lega Nord, has constantly made strong statements against the Roma, Sinti and Caminanti communities, and has built a central part of his propaganda against these minorities: “Radiamo al suolo i campi Rom” (Let’s shave down Roma camps); “I campi Rom vanno demoliti con le ruspe¹⁶” (Roma camps to be dismantled with bulldozers) are some of his constant and repeated slogans in the daily political discourse, a clearly racial discourse brimful with hatred and xenophobia. These statements, invoking and legitimising destructive behaviours towards an entire community, are very dangerous and should be sanctioned.

59. However, in accordance with Article 68 par. 1 of the Italian Constitution, members of Parliament cannot be prosecuted because of their opinions during their parliamentary activities, as strongly claimed Ms Meloni in the above-mentioned case. The same is to be said for the members of the European Parliament, such as Mr Salvini, who are granted absolute immunity, i.e. non-liability for votes cast and opinions expressed in the performance of their duties.

¹⁵ Lega Nord: “Leggi speciali contro gli immigrati per difenderci dall’immigrazione”. 22 February, 2016 <http://www.stranieriinitalia.it/attualita/attualita/attualita-sp-754/lega-nord-leggi-speciali-contro-gli-immigrati-per-difenderci-dall-invasione.html>

¹⁶Salvini: “Radiamo al suolo i campi Rom, paghino l’Imu” La7 attualità <https://www.youtube.com/watch?v=VaU6qwOffw4>,

60. To this point, UFTDU recommends the Italian Government to adopt appropriate steps for the purpose of denying public funding to discriminatory or racist parties and organizations.

61. Moreover, it is urgent that the Italian Government enforces an effective implementation of the existing criminal provisions against racist offences and racial discrimination targeting specifically exponents of political parties.

3. THE AUTHORS

Anton Giulio Lana

Lawyer, expert in ECHR and human rights litigation. Human Rights Law Professor at the Faculty of Rome “La Sapienza”. President of UFTDU, director of the Law Journal “I diritti dell’uomo: cronache e battaglie”, scientific director of the Course of specialization on Human Rights Protection organized by UFTDU, member of the Human Rights Commissions of the CCBE and of the Italian National Bar, director of the permanent Observatory on the case-law of the European Court of Human Rights funded by the Italian National Bar.

Giorgio Zanchini

Journalist, he works as radio presenter for RadioTre since many years. He has written many articles on the right of expression and human rights. Vice director of the Law Journal “I diritti dell’uomo: cronache e battaglie”

Alessio Sangiorgi

Lawyer with experience in Human rights and migration law. PhD candidate on Human Rights Law at the University of Rome “La Sapienza”. Member of the editorial board of the Law journal “I Diritti dell’uomo: cronache e battaglie”. Former consultant for the United Nations Interregional Crime and Justice Research Institute (UNICRI) and the Italian government, in projects, events and activities concerning gender equality and the fight against discrimination. Staff member of UFTDU responsible for the legal, advocacy and project areas. Consultant in several project activities of the association; trainer at courses on human rights protection.

Elisa Pieragostini

Lawyer in Rome. Master’s degree in Law at University LUISS Guido Carli in Rome, specialized in international law and human rights protection with a thesis on “The fight against international corruption in the EU law”. Erasmus programme at Radboud University of Nijmegen (NL) – Faculty of Law. Staff member of UFTDU in the advocacy and project development areas.

Annie Acquaviva

Master’s degree in Law at the University of Naples “Federico II” and a Master’s degree in International Relations at the University of Birmingham. Staff member of UFTDU, working on advocacy activities and human rights training.

Rome, 31 October 2016

Avv. Prof. Anton Giulio Lana
(President of UFTDU)