

# The Situation of Muslims in Italy

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## 1. EXECUTIVE SUMMARY

The Italian Government in recent years has acknowledged the importance of immigration to satisfy the country's need for labour, and has undertaken a number of positive measures to facilitate the integration of immigrants. Muslims are presently the second largest and fastest growing religious community among immigrants,<sup>1</sup> and in popular perception have become a symbol of and synonym for immigration. At the same time, the integration of Muslims – as a group that is culturally and religiously distinct from the majority population – poses a challenge to a society that has long been largely religiously and culturally homogeneous.

Many of the issues faced by Muslims in various areas of economic, political and social life are shared by immigrants in general. However, there are a number of problems that pertain to Muslims as a group, regardless of the extraordinary internal diversity of the Muslim community. In particular, public attitudes, media coverage and public discourse concerning Muslims indicate that members of this minority are among the least accepted in society. Moreover, the fact that a State agreement has not yet been concluded by Muslim organisations means that there are unresolved issues specifically affecting Muslims in the area of religious rights.

### *Discrimination*

There is a strong legal framework to ensure protection against discrimination, and considerable efforts have been undertaken to ensure full compliance with the EU Race Directive. However, public awareness about the legislative anti-discrimination framework is low, and existing provisions are rarely used by the most vulnerable groups, resulting in a lack of relevant case-law. There have been very few State initiatives to raise public awareness of existing alternatives for fighting discrimination.

Lack of data presents a significant challenge both to identifying the levels of religious and racial discrimination against members of vulnerable groups, and to challenging such discrimination in courts, which are legally empowered to take statistical evidence into consideration in employment cases related to hiring and firing.

There are no legal or political barriers to equal access to public schools for foreign children. As immigration is a relatively new phenomenon, there are still few immigrant children in the educational system, and very little data has been gathered. However, research conducted to date has revealed emerging patterns of lower than average attendance and achievement in school, and high drop-out rates among immigrant

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<sup>1</sup> However, increasing immigration from Central-Eastern Europe seems likely to reverse this trend. See Caritas, *Anticipazioni dossier statistico immigrazione*, 2002, at: <<http://www.caritasroma.it>>, (accessed 25 September 2002).

children, which indicates that full and equal access to public education for all children has yet to be achieved in practice.

In the area of employment, there is a sharp divide between citizens, who have access to qualified jobs and enjoy extensive social protection, and immigrants, who most frequently lack qualifications and work in subordinate, unskilled and poorly paid positions, or engage in illegal employment without social protection.

Although the legislative framework guarantees equal access for citizens and legal residents (i.e. immigrants with a residence permit) to adequate housing and other public goods and services, in practice equal access is a serious problem for many immigrants. Housing conditions for many immigrants are extremely poor, as a result of both low economic status tied to employment and discrimination in access to housing.

There is little data on health-related problems among immigrants, either generally or related specifically to Muslims. Illegal immigrants are entitled to basic healthcare protection. However, many immigrants do not benefit from access to healthcare in practice as a result of their failure to register with healthcare services.

Violence against immigrants, including Muslims, by both private actors and law enforcement officials is not uncommon. However, generally no evidence is available to establish racial or religious motivation for such acts, and in practice many such crimes go unpunished. Many more cases are simply not reported, and no data are gathered. Meanwhile, international monitoring bodies have noted that the number of foreigners in prisons is almost ten times higher than their percentage in relation to the population.

### *Minority rights*

The Italian legal system recognises and grants extensive rights to linguistic or traditional minorities, and religious minorities whose rights are regulated by special law and bilateral agreements with the State. As a State agreement has not yet been concluded with Muslims, their group rights are not fully guaranteed or protected. Muslims have experienced difficulties establishing mosques and places of worship, observing religious holidays, and exercising other religious rituals.

Lack of citizenship effectively prevents political participation for the overwhelming majority of immigrants, who do not have the right to vote in local elections. There are some indications that increased participation of Muslims in particular is opposed on the ground that this raises the risk of an “Islamic party” being formed. Such attitudes have also affected the process of negotiating a State agreement with Muslims.

There are a variety of State-supported integration programmes for immigrants, many of which are developed and implemented in cooperation with civil society or religious charitable organisations. However, there is still little dialogue between the State and

Muslim communities to develop a comprehensive policy to overcome the disadvantages faced by this group, or to evaluate the existing integration initiatives.

## 2. BACKGROUND

In the past ten to 20 years, Italy has been transformed from an emigrant country into an immigrant country. Foreign labour has proven indispensable for accelerating and sustaining the rate of economic development – resulting in the appearance of new minority groups, including a substantial number of Muslims.

Muslims constitute the second largest religious community in Italy.<sup>2</sup> They come from different ethnic groups and different parts of the world, speak different languages, and have different social backgrounds and legal status. In fact, religion often is the only link among these diverse communities. This diversity has led to an extensive academic debate as to whether Muslims in Italy should be considered a “community” at all.<sup>3</sup>

While from the legal or sociological point view the existence of a cohesive Muslim community may be open to challenge, there are some indications of a sense of shared identity among Muslims themselves, even though intolerant public attitudes tend to discourage them from openly manifesting that identity.<sup>4</sup> As a result of insufficient awareness of the extraordinary diversity of Muslim communities in Italy, the majority population generally does not distinguish between different Muslim groups in their attitudes towards Islam.<sup>5</sup> Growing Islamophobia may have the unintended and unfortunate result of strengthening Muslim identity around a shared sense of vulnerability, exclusion, and incomprehension from the majority society.

<sup>2</sup> The Muslim population, concentrated mainly in the regions of Lazio, Lombardia, Campania, Sicilia, Veneto, Emilia-Romagna, represents just above one percent of the total population and about 36 percent of the immigrant community. Caritas, *Immigrazione, dossier statistico 2001: Rapporto sull'immigrazione*, Rome: Nuova Anterem, 2002, p. 251.

<sup>3</sup> OSI Roundtable Meeting, Milan, 20 June 2002. Explanatory note: *A roundtable meeting was held in Milan to invite critique of an early draft of this report. Experts present included representatives of the Government, Muslim organisations, journalists, lawyers, academics and civil society organisations. References to this meeting should not be understood as endorsement of any particular point of view by any one participant.*

<sup>4</sup> OSI Roundtable Meeting, Milan, 20 June 2002.

<sup>5</sup> See European Monitoring Centre on Racism and Xenophobia (hereafter, “EUMC”), *Summary Report on Islamophobia in the EU after 11 September 2001*, Vienna, 2002, pp. 23–24.

Presently, the total Muslim population numbers approximately 700,000. About 40,000-50,000 (among them about 10,000 Christians who converted to Islam<sup>6</sup>) are Italian citizens whose rights and obligations are protected and regulated by the same legal provisions that apply to other Italian citizens. However, the majority of Muslims are immigrants who arrived within the past ten to 20 years, and have not obtained Italian citizenship.<sup>7</sup> Of these, approximately 610,000-615,000 persons have obtained “regular status,” and have the legal right to reside and work in Italy. In addition, 80,000-85,000 persons are “illegal migrants” without residency or work permits.<sup>8</sup> According to current estimates, persons coming from traditionally Muslim countries are the fastest growing immigrant group.<sup>9</sup>

### *Public opinion*

Growing intolerance towards non-EU citizens<sup>10</sup> in Italian society has been noted with concern by international monitoring bodies. The European Commission against Racism and Intolerance (hereafter, “ECRI”) has expressed a concern at “the rather negative climate in Italy concerning non-EU citizens,” which it connects to “the

<sup>6</sup> “Roma, un partito alla conquista dei musulmani” (Rome, a Political Party Wants to Win Muslim Support), in *Corriere della Sera*, 6 November 2001, p. 12. These estimates have to be considered with caution. For more information on Italian converts to Islam, see S. Allievi, *I nuovi musulmani (The New Muslims)*, Rome: Edizioni Lavoro, 1999.

<sup>7</sup> Of the total immigrant population living in Italy, 160,000 originate from Morocco, 142,000 from Albania, 50,000 from Tunisia, 40,000 from Senegal, 35,000 from Egypt and 13,000 from Algeria. It is important to note that not all immigrants coming from these countries are Muslims.

<sup>8</sup> Caritas, *Immigrazione, dossier statistico 2001: Rapporto sull'immigrazione*, Rome: Nuova Anterem, 2002, p. 251.

<sup>9</sup> In the period from 1995 to 2000, the Muslim population increased from 30.4 to 36.8 percent of the total immigrant population. In the same period, the percentage of Christians among immigrants decreased from 56.4 percent to 48.2 percent. F. Pittau and A. Colaiacomo, “Appartenenza religiosa degli immigrati” (Religious Affiliation Among Immigrants), available at: <<http://www.caritas.it>>, (accessed 15 August 2002). However, this trend is likely to be reversed by increasing immigration from Central and Eastern Europe. See: Caritas, *Anticipazioni dossier statistico immigrazione, 2002*, at: <<http://www.caritasroma.it>>, (accessed 25 September 2002).

<sup>10</sup> Accurate data regarding intolerant attitudes towards Muslims specifically are not available, but some research shows that Albanian and Moroccan immigrants are viewed less favourably than other immigrants. Consiglio Regionale della Lombardia, Istituto Regionale di Ricerca della Lombardia, *Immigrazione e Integrazione, I*, Milan: Guerini, 1999, p. 107. In a recent poll, in answer to the question “How much confidence do you feel in persons coming from Arab countries?” only 32.7 percent of interviewees answered that they had “a lot” or “sufficient” – a lower percentage than for immigrants from other countries (see *Avvenire*, 20 March 2002).

widespread presence in public debate of stereotypes, misrepresentations and, in some cases, inflammatory speech targeting non-EU citizens.”<sup>11</sup> A recent report of the European Monitoring Centre on Racism and Xenophobia (hereafter, “EUMC”) noted “a marked change in attitude towards immigrants and asylum seekers, as well as those of Arab descent” after September 11, 2001, though a certain level of anti-Muslim prejudice had been present prior to the attacks.<sup>12</sup>

Perhaps due to the fact that Muslims are highly “visible,” Italians tend to overwhelmingly associate immigration with Islam, even though Muslims do not in fact constitute the majority of immigrants.<sup>13</sup> Thus, public discourse about Muslims is often tied to discourse about foreigners and immigration in general.

### *Media*

Negative portrayals of Islam in the media pre-date the events of September 11, and have contributed to growing societal intolerance towards Muslims.<sup>14</sup>

The EUMC concluded that during the 1990s “the mainstream press, with notable exceptions, has reproduced forms of ethnic prejudice in its routine and issue-based reporting, whereas the right-wing press was at times blatantly racist in its selection and

<sup>11</sup> In response to the ECRI findings, the Government pointed out that the negative climate pertains to illegal immigrants rather than immigrants in general. See European Commission against Racism and Intolerance, Second report on Italy, adopted on 22 June 200 and made public on 23 April 2002, para. 39 (hereafter, “ECRI Report 2001”). On the other hand, there are polls that indicate a decrease of intolerant attitudes. To the question: “Are immigrants a danger for our culture and identity 27 percent responded affirmatively in 1999–2000, decreasing to 24 percent in 2002; see: “Gli immigrati fanno meno paura” (Immigrants Cause Less Fear), *La Repubblica*, 20 March 2002, and “Più controlli, meno libertà, il baratto dell'Italia impaurita.” (More Control, Less Liberty, the Barter of Threatened Italy), *La Repubblica*, 21 June 2002. If we compare the results of this poll and the one quoted in the previous footnote, it seems that fear of immigrants in general has decreased, but that Muslim immigrants in particular continue to inspire low levels of confidence.

<sup>12</sup> See EUMC, *Summary Report on Islamophobia*, p. 23.

<sup>13</sup> Christians are the largest group, numbering about 800,000 (48 percent of the immigrant community). See Caritas, *Immigrazione*, p. 251.

<sup>14</sup> See C. Marletti, ed., *Televisione e Islam. Immagini e stereotipi dell'Islam nella comunicazione italiana* (Images and Stereotypes of Islam in Italian Communication), Turin: RAI – Nuova ERI, 1995; I. Siggillino, ed., *I media e l'islam* (The Media and Islam), Bologna: Editrice missionaria italiana, 2001; K. Momanji Kebati, “Il ruolo dei media nella rappresentazione collettiva dell'islam” (The Role of the Media in the Collective Representation of Islam) in R. Gritti and M. Allam, eds., *Islam, Italia. “Chi sono e cosa pensano i musulmani che vivono tra noi?”* (Islam, Italia. “Who Are the Muslims Living Among Us, and What Do They Think?”), Milan: Guerini, 2001 pp. 161–171.

presentation of news and commentaries.” More specifically, the report stated that representations of Islam were frequently “based on stereotypical simplifications:”

...Arabs and Muslims were mentioned without distinction, Islam was depicted as an Arabic tribal religion, and its global dimension was denied. Generalisations were used which did not acknowledge the variety and complexities of situations within and between different Islamic countries...

Islam was portrayed as a religion and ideology “completely extraneous and alternative to the enlightened secularity of the West.”<sup>15</sup>

Since September 11, media coverage has become less favourable still, and some Italian journalists have plainly overstepped the boundaries of balanced and impartial reporting.<sup>16</sup> In an article that had an extraordinary impact on public opinion, journalist Oriana Fallaci wrote that the Italian “cultural identity cannot bear a wave of immigration made up of persons who want to change our lifestyles,” concluding that in Italy “there is no place for muezzins, minarets, fake teetotallers, their fucking middle ages, and their fucking chadors.”<sup>17</sup>

Coverage of Islamic extremist groups has been disproportionate,<sup>18</sup> and on occasion the religious affiliation of Muslims (as well as other minority groups such as Jews and Chinese) has been reported without justification, although recently law enforcement officials have made efforts to communicate information about arrests in a more

<sup>15</sup> EUMC, *Racism and Cultural Diversity in the Mass Media. An Overview for Research and Examples of Good Practice in the EU Member States, 1995–2000*, Vienna, February 2002, pp. 252, 262.

<sup>16</sup> See S. Allievi, *La tentazione della guerra. Dopo l'attacco al World Trade Center. A proposito di Occidente, islam e altri frammenti di conflitto tra culture* (The Temptation of War. After the Attack on the World Trade Centre. About the West, Islam, and Other Fragments of Conflict Among Cultures), Milan: Zelig, 2001. The impact of the events of September 11 on public opinion and on the perception of Muslim immigration is still debated in the press. See e.g. “Italiani malati di razzismo latente” (Italians Suffer from Latent Racism), *Il nuovo*, 29 January 2002, at: <<http://www.ilnuovo.it>>, (accessed 15 August 2002); M. Fini, “Islam e occidente: l'eterno conflitto” (Islam and the West: the Eternal Conflict), *Il giorno*, 14 April 2002, at: <[http://www.ilgiorno.quotidiano.net/chan/editoriali\\_commenti:3230685:/2002/04/14](http://www.ilgiorno.quotidiano.net/chan/editoriali_commenti:3230685:/2002/04/14)>, (accessed 15 August 2002).

<sup>17</sup> O. Fallaci, “La rabbia e l'orgoglio” (Anger and Pride), *Il Corriere della Sera*, 29 September 2001. The article was later developed into a book, which has been translated into French, English, Spanish and a number of other languages.

<sup>18</sup> EUMC, *Summary Report on Islamophobia*, p. 23.



responsible manner.<sup>19</sup> The regular publication of negative information has had a cumulative effect, breeding widespread suspicion and distrust towards Muslims among the public.

The increase in attention has undoubtedly broadened coverage of Islamic and Arab issues. Numerous books and articles on Islam have been published, and some newspapers have printed balanced articles,<sup>20</sup> which have contributed to growing public awareness of internal differences within the Islamic community. However, the EUMC notes that the increase in attention has been “at best, ambivalent,” and at worst has “merely reaffirm[ed] Islamophobic stereotypes.”<sup>21</sup>

### *Public discourse*

Certain mainstream political elements have sought to build political capital by manifesting anti-immigrant and anti-Muslim attitudes. Since June 2001, the Government coalition has included the Lega Nord, some representatives of which have not refrained from utilising racist and xenophobic propaganda.<sup>22</sup> Leading Lega representatives have publicly supported the idea that immigrants (and specifically Muslims) represent a threat to the preservation of national identity and are collectively responsible for a deterioration in public security.<sup>23</sup> While the need for stricter regulations to curb illegal immigration (and more effective enforcement of these regulations) is widely acknowledged in Italian political circles,<sup>24</sup> the Lega has also called

<sup>19</sup> For example, the police spoke publicly about the arrest of four Muslims and an Italian on suspicion of preparing an attack against a Catholic Church; the day after, the five detainees were set free because the indictment was found to be without grounds and the Ministry of the Interior criticised the “haste” of the police officials in releasing the news about the arrest to the press. See *Corriere della Sera*, “Preparavano un attentato nella basilica” (They Were Preparing an Attack in the Basilica), 21 August 2001; and “S. Petronio, cade l'accusa in liberta' I cinque fermati (S. Petronio, the Indictment Falls. The Five Detainees Are Set Free), 22 August 2002.

<sup>20</sup> OSI Roundtable Meeting, Milan, 20 June 2002. See, e.g. articles by Tiziano Terzani in *Corriere della Sera*.

<sup>21</sup> EUMC, *Summary Report on Islamophobia*, p. 23.

<sup>22</sup> ECRI explicitly identified the Lega Nord as a political party willing to resort to racist and xenophobic propaganda. See ECRI Report 2001, para. 73.

<sup>23</sup> See “Immigrati nel mirino, Europa e centristi i nemici” (Immigrants in Sight – Europe and Centrists [Identified] as Enemies), *Corriere della Sera*, 24 June 2002.

<sup>24</sup> The new law on immigration, adopted on 11 July 2002, makes it easier and quicker to expel illegal immigrants.

specifically for preventing further Muslim immigration,<sup>25</sup> and for an amendment to the Criminal Code to criminalise illegal immigration.

The other parties of the governing coalition have maintained a more cautious attitude, and some have openly disassociated themselves from Lega's anti-immigration stance.<sup>26</sup> This internal dissent has conferred an occasionally ambivalent character to the political line of the Government. For example, the President of the Italian Senate sought to set a positive tone following September 11 by visiting the principal mosque (as well as the synagogue) in Rome and by stressing the great value of Muslim culture and religion. On the other hand, Prime Minister Berlusconi – a member of the same political party (Forza Italia) – provoked great national and international controversy when he declared that Western civilisation was “superior” to Islamic civilisation.<sup>27</sup>

Since the Vatican II Council, the Catholic Church has maintained a very open attitude towards immigrants, including Muslims.<sup>28</sup> One expression of this openness was the December 2001 invitation by John Paul II to share a day of fasting and prayer with Muslims at the end of Ramadan.<sup>29</sup>

At the same time, a number of important representatives of the Church hierarchy have publicly and strongly affirmed the need to establish a relationship based on the concept of “reciprocity” with majority Muslim countries. This concept has been interpreted differently within Catholic circles. On some occasions, the limitations that prevent Christians from enjoying full religious liberty in some Muslim countries have been recalled in order to invoke the application of similar limitations to Muslims living in

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<sup>25</sup> EUMC, *Anti-Islamic Reactions in the EU after the Terrorist Acts against the USA. A Collection of Country Reports from RAXEN National Focal Points (NFPs), 12 September to 31 December 2001*, ITALY, Vienna 2002, p. 6.

<sup>26</sup> EUMC, *Anti-Islamic Reactions*, pp. 11–12.

<sup>27</sup> Mr. Berlusconi's statement was widely reported in the newspapers. See *Il Giornale*, 27 September 2001. Later Mr. Berlusconi claimed that his words had been taken “out of context” and also paid a visit to the principal mosque in Rome. On other occasions, Mr. Berlusconi has expressed a great appreciation for Islamic civilisation. See, e.g. *Il Giornale*, “Berlusconi: profondo rispetto per l'Islam” (Berlusconi: Profound Respect for Islam), citing statements made by Berlusconi in a meeting with ambassadors of several Islamic countries in Italy, 3 October 2001.

<sup>28</sup> Catholic non-profit institutions, particularly Caritas, have played a leading role in providing shelter and support to immigrants, including Muslims.

<sup>29</sup> Pope John Paul's invitation is particularly significant because it was extended in December 2001, that is, after the events of September 11. See EUMC, *Anti-Islamic Reactions*, p. 15.

Italy.<sup>30</sup> In other instances, though no limitation to Muslim religious rights have been advocated, a pressing demand for more religious liberty for Christians in Muslim countries has been put forward.<sup>31</sup> However, many Catholic leaders have suggested that preference should be given to immigrants from Catholic countries, allegedly due to the “difficulty” of integrating Muslims.<sup>32</sup> A provision in the recently amended Immigration Law favouring domestic workers has been interpreted by some as an attempt to put these ideas into practice: domestic workers are mainly Christian women from Latin America, the Philippines and Eastern Europe; Muslim immigrants are more often males who are unlikely to engage in domestic work.<sup>33</sup>

It is clear that cultural and religious differences between Muslims and the majority population present integration challenges. However, a small but influential group of political and intellectual leaders have frequently chosen to emphasise Muslim “distinctness” as a way of suggesting that Muslims “cannot” be integrated into the Italian society.<sup>34</sup>

A number of public figures have spoken out against the “demonisation” of immigrants,<sup>35</sup> and emphasised immigration as a potential source of cultural and social enrichment. Financial and economic experts in particular have highlighted the need for immigration in light of Italy’s demographic situation and labour-hungry economy,

<sup>30</sup> For example, explaining his opposition to the allocation of public funding for the construction of a mosque, one parish priest from Naples recently explained: “It’s not a question of intolerance... [P]eople here wonder why, if Italy can host mosques, why can’t Saudi Arabia host churches. It’s a question of reciprocity.” See D. Williams, “Public Funding for New Mosque Splits Naples,” *International Herald Tribune*, 13 May 2002, p. 7.

<sup>31</sup> For example, see recent statements by Cardinal Martini, “Martini: libertà per i cristiani in terra islamica” (Martini: Freedom for Christians on Islamic Turf), *Corriere della Sera*, 19 June 2002.

<sup>32</sup> These ideas have been advanced repeatedly by the Archbishop of Bologna and the Bishop of Como, among others. See *La Repubblica*, 14 September 2000 and *Il Resto del Carlino*, 30 September 2000.

<sup>33</sup> Women make up less than 20 percent of the North African immigrant population and 30 percent among those from Albania. However, more recently the number of residence permits granted for the purpose of family reunification has increased, particularly with regard to immigrants from North Africa.

<sup>34</sup> See G. Sartori, *Pluralismo, multiculturalismo e estranei: saggio sulla società multi-etnica* (Pluralism, Multi-Culturalism and Foreigners: Essay on Multiethnic Society), Milan: Rizzoli, 2000.

<sup>35</sup> See, e.g. statements by Nobel prize winner Dario Fo and novelist Dacia Maraini, deploring the vilification of Islamic culture and the violent tone of Fallaci’s article, in “Il ritorno della Fallaci entusiasma e divide” (The Return of Fallaci Generates Enthusiasm and Divides), *Corriere della Sera*, 30 September 2001, p. 11. Among Catholic Church representatives, see statement by Cardinal Achille Silvestrini in “Sbagliato criminalizzare i musulmani” (It Is Wrong to Criminalise Muslims), *La Stampa*, 21 September 2001.

pointing out that immigrants often perform jobs that Italians are not willing to do themselves.<sup>36</sup>

Although this report focuses on the situation of Muslims, many of the problems faced by members of Muslim communities are indicative of problems faced by immigrants in general, and therefore the following issues are placed within the broader context of the relevant laws and institutions to protect citizens as well as immigrants from discrimination and to promote tolerance and diversity in society as a whole.

### 3. MINORITY PROTECTION: LAW AND PRACTICE

Italy has ratified the principal international legal instruments for combating discrimination and protecting minority rights.<sup>37</sup> It has signed but not yet ratified Protocol No. 12 to the European Convention on Human Rights and the European Charter for Regional or Minority Languages. International treaties become part of Italian domestic law upon ratification, and in case of conflict provisions of international law take precedence over domestic law.<sup>38</sup>

The rights of Muslims who are Italian citizens are regulated by the legislation that applies to all citizens. The legal status of immigrants who do not have Italian citizenship is regulated by the Law on Immigration and the Legal Status of Foreigners

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<sup>36</sup> Consiglio dei Ministri, Documento programmatico relativo alla politica dell'immigrazione e degli stranieri nel territorio dello Stato, a norma dell'art. 3 della legge 6 marzo 1998, n. 10, 2001–2003 (approved on 15 March, 2001), pp. 4–5. See also “En Italie, la nouvelle loi sur l'immigration inquiète le PME” (In Italy, the New Law on Immigration Disquiets the PM), *Le Monde*, 22 June 2002; “Duri contro i clandestini ma chi lavora va tutelato” (Hard on Illegals, But Workers Will Be Protected), *Corriere della Sera*, 16 May 2002.

<sup>37</sup> For full overview, see ECRI Report 2001, para. 1.

<sup>38</sup> Costituzione della Repubblica Italiana, approved by the Constitutional Assembly 22 December 1947 and published in the *Official Gazette* of 27 December 1947, N. 298, Art. 80. (Hereafter, “Constitution.”) In some cases, more favourable treatment of immigrants has been justified on the basis of international treaty. For example, recently the Supreme Court ruled that Syrian dentists are permitted to set up practice on the basis of an old international agreement between Italy and the former United Arab Republic; the agreement, which provides for reciprocity of treatment for citizens from both countries in the medical professions, is still considered binding. See Cass., 22 November 2000, n. 15078, in *Riv. dir. int. priv. proc.*, 2002, p. 716.

(hereafter “Law 286/98”).<sup>39</sup> On 11 July 2002, Law 286/98 was amended, introducing a number of significant and controversial changes.<sup>40</sup>

### 3.1 Protection from Discrimination

The Constitution stipulates equality under the law and equal social status without distinction as to sex, race, language, religion, political opinions, and personal or social conditions for all citizens.<sup>41</sup> Moreover, the Constitutional Court has confirmed that “equality under the law” applies to non-citizens (including illegal immigrants) as well.<sup>42</sup> Italian courts have proven willing to apply anti-discrimination provisions in practice.

Constitutional anti-discrimination provisions are complemented by Law 286/98, which contains a detailed definition of direct and indirect discrimination,<sup>43</sup> and provides for a simplified procedure for filing complaints.<sup>44</sup> In cases involving allegations of discrimination against employers by employees, the complainant may use statistical data attesting a difference in the hiring or firing of workers to prove discrimination. Courts have imposed sanctions on public authorities and private individuals found guilty of discrimination. The anti-discrimination provisions of Law

<sup>39</sup> *Decreto legislativo 25 luglio 1998, n. 286 Testo unico delle disposizioni concernenti la disciplina dell’immigrazione e norme sulla condizione dello straniero*, Chapter IV (hereafter, “Law 286/1998”). The Law is a consolidated text that is the main source of statutory law on immigration.

<sup>40</sup> Some of the new provisions have been criticised by opposition parties and a number of non-governmental organisations as restrictive and discriminatory. Particular criticism was provoked by a provision requiring all immigrants who apply for a residence permit to be finger-printed. In response, the Government proposed to extend this requirement to include citizens as well. Other controversial provisions include: reduction of the period of validity for residency permits from three to two years; the exclusion of those over 18 from the family reunification program; and withdrawal of the residency permit in case of loss of ones job. The debates concerning the amendments have been widely reported by the press. See e.g. *Corriere della Sera*, 12 July 2002, pp. 1–3.

<sup>41</sup> Constitution, Art. 3.

<sup>42</sup> See ECRI Report 2001, para. 5.

<sup>43</sup> The 2001 “Concluding observations” of the UN Committee on the Elimination of Racial Discrimination (hereafter, CERD) expressed satisfaction with the comprehensive definition of racial discrimination contained in Italian legislation. UN document A/56/18, (30 July – 17 August 2001), paras. 312 and 313.

<sup>44</sup> Law 286/98, Art. 42.

286/98 (which otherwise applies primarily to immigrants) are explicitly extended to Italian citizens as well.<sup>45</sup>

However, the effectiveness of the legal framework is apparently limited by low public awareness of its existence, particularly among immigrant communities.<sup>46</sup> Although no scientific research has been carried out among Muslims in particular, ECRI has noted “reports that the cases brought before the courts do not reflect the actual numbers of racist acts occurring in Italy.”<sup>47</sup>

In February 2002, Parliament approved the EU Directives 2000/43/CE on Equal Treatment of Persons Irrespective of their Racial and Ethnic Origin (hereafter, “the EU Race Directive”) and 2000/78/CE, regarding equal treatment in the workplace, and delegated the Government to implement them within a year.<sup>48</sup>

### *Lack of data*

Italy is on track to achieve full compliance with the EU Race Directive in the near future. However, the lack of reliable and comprehensive data presents a significant obstacle to identifying levels of discrimination and exclusion faced by the members of the most vulnerable groups, including ethnic minorities such as the Roma as well as immigrant groups, including Muslims. In the absence of such data, existing anti-discrimination provisions – which *inter alia* allow the use of statistical evidence in employment cases related to hiring and firing to prove discrimination in courts – are difficult to implement.

While there is a growing amount of sociological research on various aspects of the situation of Muslims, little data exists on their situation at the national level. Moreover,

<sup>45</sup> The extension of the application of the anti-discriminatory provisions to Italian and EU-nationals is explicitly stated in Art. 41, para. 3.

<sup>46</sup> See I. Schincaglia, *Lo straniero quale vittima del reato* (The Foreigner as a Victim of Crime), research report funded by CPII, DAS, Office of the President of the Council of Ministers, 1999.

<sup>47</sup> ECRI Report 2001, para. 12. A number of organisations have identified discrimination against Roma as a serious problem. See ECRI Report 2001, paras. 60-70. See also *ERRC Country Report on Italy: Campland. Racial Segregation of Roma in Italy*, at: <<http://www.errc.org>>, (accessed 17 September 2002). *Concluding Observations of the Committee on the Elimination of Racial Discrimination: Italy*, A/56/18, 8 August 2001, paras. 309–311.

<sup>48</sup> Art. 29 l. n. 39/02 in *Suppl. ord. N. 54/L alla Gazz. Uff. 26/3/2002 n. 72*. Details and comments are available in *Guida al diritto*, n. 14, 13 April 2002.

the 1996 Data Protection Law specifically imposes restrictions on the collection of ethnic or other such personal data.<sup>49</sup>

Accordingly, most available statistics, legal provisions and policy directives regarding immigration and the situation of the immigrant community are framed in general terms, making it difficult to extrapolate data or information pertaining to specific groups, such as Muslims. Data referring to Muslim immigrants on the basis of geographical area or country of origin are far from being satisfactory.<sup>50</sup>

Many of the issues and challenges faced by most Muslims are similar to those faced by immigrants generally.<sup>51</sup> However, there are also a number of issues specifically faced by members of the Muslim community in various areas of social, economic and political life.

### 3.1.1 Education

There are neither legal nor political obstacles to full and equal access to education for all children, regardless of their citizenship, national or religious status.<sup>52</sup> The Constitution sets forth a general policy of full integration through the educational system, stating that “schools shall be open to everyone.”<sup>53</sup> Foreign children, regardless of their legal status, have the same right to education (and the same compulsory education requirement) as Italian children.<sup>54</sup> Foreign children as well as Italian nationals may apply for enrolment at any time during the school year.

<sup>49</sup> Law 675 (31 December 1996), *Tutela delle persone e di altri soggetti rispetto al trattamento dei dati personali*, Art. 22. The Article requires the written consent of the interested person and the authorisation of the special State data protection authority for the collection of data on the basis of, *inter alia*, “religious belief.”

<sup>50</sup> For example, Eastern European countries (that is, countries which are popularly considered to be Christian) such as Bulgaria, Bosnia and particularly Albania have significant – but not exclusively – Muslim populations. Similarly, a significant number of immigrants originating from what are commonly considered Muslim countries, such as Egypt, are Christians.

<sup>51</sup> This statement does not apply to some components of the Muslim community (Italians who converted to Islam, individuals working in diplomatic missions, etc.).

<sup>52</sup> See G. Zincone, ed., *Secondo rapporto sull'integrazione degli immigrati in Italia* (Second Report on the Integration of Immigrants in Italy), Commissione per le Politiche di Integrazione degli Immigrati, Bologna: Il Mulino, 2001. For information on access to religious instruction for Muslims in the public school system, see Section 3.3.

<sup>53</sup> Constitution, Art. 34.1.

<sup>54</sup> Legislative Decree 286/98, Art. 38; Executive Code of the Decree, Art. 45.

However, emerging patterns of lower than average attendance and achievement, and higher drop-out rates among immigrant children, indicate that full and equal access to public education for all children in practice has yet to be achieved.<sup>55</sup>

### *Attendance*

As immigration is a relatively new phenomenon, there are still relatively few immigrant (including Muslim) children in the educational system.<sup>56</sup> Furthermore, there are no comprehensive data concerning school attendance specifically for Muslim pupils.

The number of immigrant children attending school has dramatically increased over the past ten years, from 25,756 enrolled at the beginning of the 1990s to 162,774 in 2001 (with an annual growth of more than 28,000 students). Among these, 20 percent attend kindergarten, 44 percent elementary school, 24 percent middle school, and 12 percent high school. African and Asian children represent 45 percent of immigrant schoolchildren.<sup>57</sup>

In some regions the levels of integration of immigrants, including Muslim children, in schools have been very high. For example, in the province of Turin almost 95 percent of immigrant children who are enrolled in elementary, middle and high schools (irrespective of religious affiliation) regularly attend, although attendance decreases slightly at the higher level of school (from 96.6 percent attendance in elementary schools to about 93 percent in middle schools and in high schools).<sup>58</sup> However, official reports show that only a slight majority of foreign minors in the country as a whole attend school.<sup>59</sup>

<sup>55</sup> See ECRI Report 2001, para. 63. See also *ERRC Country Report on Italy: Campland. Racial Segregation of Roma in Italy*, at: <<http://www.errc.org>>, (accessed 22 July 2002).

<sup>56</sup> Available figures for the province of Turin indicate that the majority (60.6 percent) of immigrant kindergarten children in the years 1997-1999 were born in Italy, with the remaining 39.4 percent born in their countries of origin. Among elementary school pupils, only slightly above 30 percent were born in Italy, compared to eight percent of middle school pupils, and just under four percent of secondary school pupils. These data were collected on the basis of the country of birth. See CIDISS, p. 9.

<sup>57</sup> Data are collected concerning pupils who are non-citizens. Ministero dell'Istruzione dell'Università e della Ricerca, *Il chi è della scuola italiana: gli studenti*, MIUR, Rome, 2001, see: <<http://www.istruzione.it>>, (accessed 17 September 2002).

<sup>58</sup> The majority (95-98 percent) attend public schools. See CIDISS, p. 9.

<sup>59</sup> See *Documento programmatico relativo alla politica dell'immigrazione e degli stranieri nel territorio dello Stato*, on the basis of Article 3 of Law 40, 6 March 1998: 2001-2003, p. 50.



### *Achievement*

According to official reports, in comparison with that of their Italian schoolmates, the level of scholastic achievement among immigrant students is quite low, and the drop-out rate is quite high.<sup>60</sup> There is little data regarding levels of achievement specifically among Muslim children; most available data refer to the immigrant community in general, or to the geographical area or country of origin.

A recent three-year study in the province of Turin revealed that the percentage of immigrant students who fail to be promoted from one grade to the next is higher than that for Italian students, and increases from elementary to high school. During the period from 1997 to 1999, an average of 8.6 percent of all immigrant students were not promoted to the next grade, with 2.1 percent failing in primary school grades, 15.6 percent in middle school and 22.1 percent in high school. Separate figures are available demonstrating failure rates among Moroccans (0.7 percent, 19.6 percent and 24.7 percent), and Albanians (1.1 percent, 9.8 percent and 22.9 percent).<sup>61</sup>

Language problems, poverty, and an insufficiently inter-cultural environment in schools may negatively affect levels scholastic achievement among Muslim students and other immigrant children. For example, studies in Genoa, as well as in Turin, have shown that cultural and linguistic barriers deeply influence levels of scholastic achievement among immigrant children. 43.8 percent of North African and Middle Eastern students registered low and middle-to-low levels of achievement.<sup>62</sup> The authorities have identified a number of other factors that may also contribute to relatively low levels of scholastic achievement among immigrant students, including difficulties associated with assigning these children to the grade that matches both their age and education level and the mobility of immigrant families.<sup>63</sup>

Another study carried out in Turin revealed a considerable achievement gap between foreign pupils belonging to less socially integrated, lower-income families (mainly from North Africa and Asia), and Italians of the same social class.<sup>64</sup> At the same time, according to this study, immigrant students from socially integrated families with

<sup>60</sup> See *Documento programmatico*, p. 53.

<sup>61</sup> See CIDISS Study, p. 76.

<sup>62</sup> G. Giovannini, L. Q. Palmas, eds., "Una scuola in comune: esperienze scolastiche in contesti multi-etnici Italian" (A School in Common: Scholastic Experiences in Italian Multiethnic Contexts), *Contributi di Ricerca*, Turin: Fondazione Giovanni Agnelli, 2002.

<sup>63</sup> See CIDISS Study, pp. 4–5.

<sup>64</sup> L. Fischer, M. G. Fischer, "Scuola e società multi-etnica: modelli teorici di integrazione e studenti immigrati a Torino e Genova," in *Contributi di Ricerca*, Turin: Fondazione Giovanni Agnelli, 2002.

higher incomes (principally from Western and Eastern Europe) achieve similar results as their Italian peers from similar social background and income brackets.

There are no known studies or statistics about Italian language proficiency among Muslims, or among immigrants more generally.

### *Integration*

There is little research on the problems experienced by individual Muslim students in schools, although there is some evidence that they experience certain discomfort *vis-à-vis* State educational establishments, with a negative impact on attendance and academic progress.

For example, according to studies conducted in Modena, Turin, Brescia, Bologna, Genoa, Bari, Padova, Arezzo, and Ravenna, about one third of immigrant pupils expressed a wish to have separate education for members of the same group. Among pupils of North African origin, 71.4 percent of girls prefer an open school, but 46.5 percent of boys are said to feel uncomfortable in the “free climate” of Italian schools.<sup>65</sup>

School curricula do not provide for specific courses on the culture of the countries of origin or elective classes in the native languages of immigrant children.<sup>66</sup> Some Muslim representatives asserted during interviews that State schools do not manifest a sufficiently inter-cultural approach: while Catholic religious education is a mandatory part of the curriculum, little information is provided about other religions; moreover, images of Islam in text books are reportedly distorted and sometimes inaccurate<sup>67</sup> (see Section 3.3.3). The specific needs of Muslim students are not always taken into consideration.<sup>68</sup>

<sup>65</sup> About 1000 students took part in the survey. See G. Giovannini, L. Queirolo Palmas, eds., *Una scuola in comune. Esperienze scolastiche in contesti multietnici italiani*.

<sup>66</sup> See P. Falteri, *L'immagine del mondo non occidentale nei libri di testo della scuola dell'obbligo* (The Image of the non-Western World in Required School Textbooks), Florence: Quaderni Euridyce, Bdp, 1993.

<sup>67</sup> Interview with Professor Salem El Sheikh, University of Florence, 26 April 2002. Also, interviews with Muslim representatives in Rome, 28 April – 1 May 2002.

<sup>68</sup> *Inter alia*, school cafeterias often do not take into consideration the dietary requirements of Muslim pupils.

Further, there have been reports that occasionally parents and even teachers display intolerant attitudes towards Muslim pupils; such attitudes became more noticeable following the events of September 11.<sup>69</sup>

### *Government response*

Italian institutions are highly concerned with the soaring rate of foreigners not accomplishing schooling requirements (*evasione dell'obbligo scolastico*),<sup>70</sup> and have taken a number of steps to facilitate equal access to education in practice.

State, regional and local governments are required to facilitate equal access to education by setting up language classes and other activities for foreign students to learn Italian, so that they may fully participate in classroom work.<sup>71</sup>

The Government has sponsored the employment of “cultural and linguistic mediators” to assist and support teachers working with large numbers of foreign children.<sup>72</sup> The “linguistic mediator” is usually an adult of the same nationality as foreign students, who has the task of helping them adjust to school and easing relations between the school and the family. Cultural mediators assist teachers of publicly funded literacy and integration classes for foreign adults.<sup>73</sup> Usually, mediators are called upon by schools to assist in the process of enrolment, when there are linguistic barriers to

<sup>69</sup> Muslim representatives reported that after September 11 some parents and even teachers verbally harassed Muslim students, calling them “terrorists” and “friends of Bin Laden.” Interview with Muslim representatives in Rome, 28 April – 1 May 2002. This trend has been noted throughout Europe. See Report “Anti-Islamic reaction within the European Union after the recent attacks on the USA”, 3 October 2001, at: <<http://www.eumc.eu.int>>, (accessed 28 April 2002).

<sup>70</sup> See *Documento programmatico relativo alla politica dell'immigrazione e degli stranieri nel territorio dello Stato*, on the basis of Article 3 of Law 40, 6 March 1998: 2001–2003, p. 50.

<sup>71</sup> See C. Traficante, ed., *La presenza degli alunni stranieri nelle scuole materne, elementari, medie e superiori di Milano* (The Presence of Foreign Students in Kindergartens, Elementary, Middle, and High Schools in Milan), Quaderno 1, Milan: Fondazione Cariplo-ISMU, 1995; CIDISS, *Allievi stranieri a scuola con noi: Rapporto sulle presenze e sulle caratteristiche degli allievi stranieri nelle scuole materne, elementari, medie e superiori di Torino e Provincia nel triennio 1997–1998–1999* (Foreign Students at School with Us: Report on the Presence and Characteristics of Foreign Students in Kindergartens, Elementary, Middle, and High Schools in Milan), Secondo Rapporto 1999, pp. 3–5.

<sup>72</sup> *Programmatic Document regarding state policy towards immigration and foreigners in the territory of the state*, on the basis of Art. 3 of Law 1998/40: 2001–2003, p. 50.

<sup>73</sup> These classes are offered at specially established *Centri Territoriali Permanenti* (Permanent Territorial Centres) for the education and training of adult immigrants. The Centres are established and receive State funding on the basis of O.M. 455/97.

communication.<sup>74</sup> A special register of qualified assistants is maintained by the Provincial Education Offices, which also organise regular classes and training sessions for the assistants.<sup>75</sup>

Government efforts are complemented by the work of private institutions (mainly Catholic charitable organisations) and NGOs, which offer a wide range of literacy and language classes<sup>76</sup> to facilitate the access of foreign minors to the educational system.<sup>77</sup> There are no data concerning the involvement of minority NGOs in such projects.

### 3.1.2 Employment

The Constitution stipulates equal treatment for citizens and foreigners in the field of employment.<sup>78</sup> Law 286/98 prohibits various forms of discrimination against citizens or immigrant workers,<sup>79</sup> and provides for a partial reversal of the burden of proof in cases involving discrimination against workers by employers.

<sup>74</sup> M. Tarozzi, *La mediazione educativa. Mediatori culturali tra uguaglianze e differenze* (Educational Mediation: Cultural Mediators Between Equalities and Differences), Bologna: Clueb, 1998.

<sup>75</sup> F. Cicardi, *Atteggiamenti verso alunni extracomunitari* (Attitudes Towards non-EU Students), Milan: Irsae Lombardia, 1994.

<sup>76</sup> G. Favaro, ed., *Imparare l'italiano. Alunni stranieri e apprendimento della seconda lingua* (Learning Italian: Foreign Students and Acquiring the Second Language), Milan: Guerini Associati, 1999; A. Tosi, *Dalla madrelingua all'italiano* (From the Mother Tongue to Italian), Florence: La Nuova Italia, 1995.

<sup>77</sup> G. Favaro, "Per una politica della formazione dei migranti. L'alfabetizzazione e l'istruzione degli adulti e l'inserimento scolastico dei minori" (Towards an Educational Policy for Migrants: Literacy and Education of Adults and Scholastic Integration of Minors), in E. Granaglia, M. Magnaghi, eds., *Immigrazione: quali politiche pubbliche* (Immigration: Which Public Policies?), Milan: Franco Angeli, 1993.

<sup>78</sup> The Constitution, Art. 1, lists labour among the country's founding values, and Italy has also ratified the most significant international agreements guaranteeing protection to immigrant workers, with the exception of the UN Convention of 1990 on the Protection of all Immigrant Workers and their Families. Italy has ratified ILO Conventions 92, 133 and 143, the ILO Convention on Discrimination in Employment and Professions, and the European Convention on Immigrant Workers.

<sup>79</sup> As noted above, Law 286/98, Art. 43.3, extends protection from discrimination to Italian and EU citizens as well as immigrants. Further, Law 300/1970, Art. 15, punishes any discrimination in the workplace based on religion and race, *inter alia*.

There is still insufficient case-law to demonstrate whether the provision is effective in practice.<sup>80</sup> Experts further note that:

...partial easing of the burden of proof is probably insufficient to comply with the requirements on the reversal or easing of the burden of proof of the [EU] Directives, since these requirements go beyond the simple possibility to produce special evidentiary materials, and the partial easing ... applies only in the field of discrimination by employers.<sup>81</sup>

Although the situation of Muslim immigrants varies substantially, with some private entrepreneurs in particular attaining considerable economic success, Muslims, as well as other immigrants, do appear to face certain disadvantages with respect to promotion and in gaining access to higher-level professional positions. The many immigrant workers who take up seasonal employment (*lavoro stagionale*) are entitled only to some employment benefits, and the significant numbers who either engage in irregular or “black market” employment or are unemployed are excluded entirely.

On the other hand, the existence of a sharp divide between citizens – who generally obtain qualified and management positions – and immigrants, who most frequently work in subordinate positions, for lesser pay, is not always the result of discrimination. The connection between education and employment must be taken into consideration; non-EU immigrants often lack the level of education required for more qualified jobs. Therefore, the quality of education provided to immigrant families will be key to improving their access to qualified jobs in the future.

### *Recruitment*

The Government has declared immigrant workers a fundamental resource for the national economy,<sup>82</sup> and has sought to regulate immigration according to the needs of the market.<sup>83</sup> Immigrants have been recruited successfully, although mainly for low-

<sup>80</sup> Law 268/98, Art. 42.9. The complainant can rely on statistical data regarding recruitment, dismissal, etc., to prove the discrimination suffered.

<sup>81</sup> EUMC, *Anti-discrimination Legislation in EU Member States – Italy*, Vienna, 2002, p. 19. For full report, see: <<http://www.eumc.eu.int>>, (accessed 1 October 2002).

<sup>82</sup> For general immigration policy, see: <[http://www.governo.it/sez\\_newsletter/indice\\_tematico/immigrazione.html](http://www.governo.it/sez_newsletter/indice_tematico/immigrazione.html)>, (accessed 17 September 2002).

<sup>83</sup> Law 286/98, Art. 21. Provisions for Year 2001, in D.P.C.M. 9 April 2001, in *G.U.* n. 113, 17 May 2001; provisions for 2002 available at: <[http://www.minlavoro.it/norme/dm\\_04022002.htm](http://www.minlavoro.it/norme/dm_04022002.htm)>, (accessed 15 August 2002) and <[http://www.minlavoro.it/norme/DM\\_12032002.htm](http://www.minlavoro.it/norme/DM_12032002.htm)>, (accessed 15 August 2002).

skilled positions,<sup>84</sup> for jobs which Italian workers (especially the younger generations) are often unwilling to accept.<sup>85</sup> In 2000, Government quotas created positions for 6,000 Albanians, 3,000 Tunisians and 3,000 Moroccans.<sup>86</sup>

There are no data to establish whether or not religious affiliation constitutes a disadvantage in recruitment for the low-skilled positions for which immigrants are typically hired. However, although there is also a need and market for qualified foreign professionals (from skilled workers to engineers), the very complex and bureaucratic procedures employed by job agencies often discourage otherwise qualified foreign applicants.<sup>87</sup>

In addition, educational and professional qualifications obtained in foreign countries are rarely recognised, and that makes it difficult even for highly qualified immigrant workers to find a skilled job.

### *Access to public employment*

There is some evidence of discrimination against legal immigrants in access to public employment; in many instances, regulations defining eligibility for public service positions stipulate the possession of Italian or EU citizenship as a requirement.<sup>88</sup>

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<sup>84</sup> National Economic and Employment Council (CNEL), *Le iniziative per contrastare il razzismo, l'intolleranza, la xenofobia, la discriminazione nel mondo del lavoro. Le attività delle forze sociali in Italia. Rapporto preliminare dell'indagine* (Initiatives to Counter Racism, Intolerance, Xenophobia and Discrimination in Labour. Preliminary Report on the Inquiry), Rome, 21 June 2001.

<sup>85</sup> Younger generations of Italians are generally reluctant to take up jobs involving manual labour or to which a lower social status is attached, such as cleaning houses and washing dishes in restaurants. See Ministry of Welfare, Department of Social Affairs, Commission for Policies for the Integration of Immigrants, *Second Report on the Integration of Immigrants in Italy*, p. 40. See also *EUMC Newsletter*, Issue 11, March 2002, p. 2.

<sup>86</sup> These data pertain to the year 2000. See Documento programmatico in materia di immigrazione per il triennio 2001–2003, approved with D.P.R., 30 March 2001, p. 13.

<sup>87</sup> Rete d'urgenza contro il razzismo, rapporto annuale 2000, p. 43. These procedures are often the outcome of Government regulations that apply both to immigrants and non-immigrant workers.

<sup>88</sup> See University of Bari, *Concorso Pubblico per esami, ad un posto di categoria C, categoria economica C1, area tecnica, tecnico scientifica, ed elaborazione dati presso il dipartimento di farmacologia e e fisiologia umana*, see: <<http://www.gazzettaufficiale.it/index.jsp>>, (accessed 17 September 2002).

The administrative court in the district of Genoa recently invalidated one such regulation, affirming legal immigrants' right to equal access to public employment<sup>89</sup> on the basis of the provisions of Law 268/98.<sup>90</sup> Nevertheless, Law 286/98 expressly admits the possibility that access to certain professions might be reserved to Italian or EU citizens,<sup>91</sup> which seems to contradict the general principle of equal treatment for resident aliens.

### *Self-employment*

Reciprocity requirements long posed problems for immigrants wishing to establish a private business; immigrants were required to prove that their countries of origin provided equivalent opportunity for Italian citizens to establish private businesses.<sup>92</sup> Inability to prove reciprocity often provided grounds for rejection of applications for business permits from non-EU citizens – including those with regular legal status and valid work permits.

The adoption of Law 286/98 removed this obstacle, and there has been a sharp increase in the number of private businesses since 1998.<sup>93</sup> Egyptians, Moroccans, Tunisians and Senegalese immigrants in particular have been extremely active in establishing private enterprises.

There have been some reports of attacks on businesses owned by Muslims since 11 September 2001.<sup>94</sup>

<sup>89</sup> T.A.R. Liguria, sez. II, 13 April 2001, in the case *Rebhal Oudghough v. Ente Opere Riunite Devoto Marini Sivori*, published in *D&L- Rivista critica di diritto del lavoro*, 2001, p. 643, with comment by A. Guariso, *Un passo (forse) decisivo verso la parità tra europei ed extracomunitari nell'accesso al pubblico impiego* (A (Possibly) Decisive Step Towards Equal Treatment Between Europeans and Foreigners in Access to Public Employment).

<sup>90</sup> D.P.R. n. 487/ 1994, Art. 2. The Constitutional Court recently declared that equal treatment for immigrants is obligatory also with regard to other specially-protected categories of citizens, such as the disabled. Constitutional Court Decision n. 454, 30 December 1998, in *D&L, Rivista critica di diritto del lavoro*, with comment by A. Guariso, *Sul principio di parità di trattamento tra lavoratori italiani ed extracomunitari* (About the Principle of Equal Treatment between Italian and non-European Workers), 1999, p. 277.

<sup>91</sup> Law 286/98, Art. 26.1.

<sup>92</sup> Preliminary dispositions to the Civil Code, Art. 16.

<sup>93</sup> In Milan, for example, as of 2000, 1153 Egyptians were running a private business, up from 631 in 1993 and 966 in 1999 – a percentage increase of more than 80 percent. Among Moroccan immigrants the increase in privately-run businesses was even more dramatic; from 1993 to 2000 there was a percentage increase of 364.3 percent. Data provided by ISMU and the Chamber of Commerce (*Camera di Commercio*).

<sup>94</sup> EUMC, *Summary Report on Islamophobia*, p. 23.

*Illegal employment*

Large numbers of immigrants are unemployed or engage in illegal employment, raising concerns that these workers lack social protection normally guaranteed by State employment insurance and trade unions.<sup>95</sup> Statistics from the year 2000 showed that 48.3 percent of Albanians, 27.3 percent of immigrants from Morocco and 31 percent from Tunisia were unemployed.<sup>96</sup>

Employers often hire illegal immigrants to avoid the high economic costs of labour;<sup>97</sup> immigrants accept illegal employment out of need and ignorance of their rights. In a vicious circle, lack of a regular job makes it impossible to apply for a residence permit (*permesso di soggiorno*), and the lack of a residence permit means that illegal employment is the only option for many immigrants.

The recent amendments to Law 286/98 provide for the immediate expulsion of illegal immigrants and punish with imprisonment those who facilitate the entry of persons without valid immigration documents.<sup>98</sup> The amendments will also limit legal immigration to persons who can prove that they have a job waiting. Employers will be required to provide recruits with housing and a return ticket to the worker's country of origin, to ensure that the workers go back once their work has been completed.<sup>99</sup>

<sup>95</sup> Fondazione Lelio Basso, "Il lavoro servile e le forme di sfruttamento paraschiavistico" (Servile Employment and Forms of Exploiting Quasi-Slavery), see: <<http://www.minwelfare.it/main/Areaimmigrazione/puzzle/working19.doc>>, (accessed 15 April 2002).

<sup>96</sup> For more detailed analysis see M. Ambrosini, *La fatica di integrarsi, Immigrati e lavoro in Italia* (The Effort to Integrate, Immigrants and Work in Italy), Bologna: Il Mulino, 2001; L. Zanfini "La discriminazione nel mercato del lavoro" (Discrimination in the Field of Employment), in Fondazione Cariplo Ismu, *Fifth Report on Immigration, 1999*, Angeli, 2000; M. Vitiello, "Gli immigrati tra lavoro e devianza" (Immigrants Between Work and Deviance) in E. Pugliese, *Rapporto immigrazione. Lavoro, sindacato, società*, Rome: Ediesse, 2000.

<sup>97</sup> Large numbers of Italian citizens are engaged in irregular employment as well. According to one recent report, of a total of 3.5 million cases of irregular employment, 350-400,000 cases involve immigrants. Thus, the percentage of immigrants engaged in irregular employment is much higher than the corresponding percentage of the Italian population. Caritas Italiana, *Dossier statistico sull'immigrazione, 2001, XI rapporto Caritas sull'immigrazione*, on file with EUMAP.

<sup>98</sup> Art. 12 and 13 of Law 286/98, as modified by Art. 11 and 12 of the Law approved on July 11, 2002.

<sup>99</sup> Law 286/98, Art. 5bis. This Article has been added to the Law 286/98 by the Law approved on 11 July 2002. See *EUMC Newsletter*, Issue 11, March 2002, p. 2, at: <<http://www.senato.it/parlam/leggi/elelenum.htm>>, (accessed 17 September 2002).



The Supreme Court recently affirmed the legal obligation of employers to hire only immigrants with regular legal status, and to guarantee them equal working conditions, as important aspects of the right to full equality of treatment in employment.<sup>100</sup>

### *Islam in the workplace*

The religious needs of Muslim workers can be accommodated in different ways, for example through an agreement between the State and a representative organisation of the Muslim community, or through collective negotiation at the regional or local level. In several regions Muslim workers have succeeded in negotiating special agreements with employers to permit observance of religious holidays and rituals (e.g. prayers and serving *halal* food).

For example, the “Collective contract for agricultural workers in the province of Ragusa,” Sicily, allows Muslim workers to request special agreements with employers to facilitate observance of holidays, particularly Ramadan.<sup>101</sup>

In the north-eastern industrial region, a number of agreements have been concluded between factory owners and Muslim employees; the management provides spaces for praying and other religious activities, and Muslim workers are permitted to furnish prayer rooms as they wish.<sup>102</sup> In many cases, workers are also allowed to take prayer breaks during the workday.

Trade unions have been active in assisting in such negotiations and in addressing other problems faced by immigrants at the work place. Unions have taken concrete steps to inform immigrants about their rights, to prevent discriminatory treatment, and to promote integration.<sup>103</sup> Moreover, collective agreements have been concluded with trade unions in a number of countries from which many immigrants come, notably Morocco, Tunisia and Senegal.

Employers and Italian co-workers in general have been tolerant of differences in dress, such the *chador* or *hijab*. Muslim women wishing to wear these items at work have not

<sup>100</sup> See Cass. Civ., Sez. Un., 30 March 2000, n. 62, in *D&G*, 2000, 13, (Bellocchi).

<sup>101</sup> See. L. Musselli, “Rilevanza civile delle festività islamiche” (Civil Relevance of Muslim Festivities) in Ferrari, p. 193.

<sup>102</sup> See report, “Il Veneto assume” (Veneto Hires), *Dialogo*, 2001, p. 18ff.. Also see, in general, CESPI Report, *Immigrazione e processi di internazionalizzazione dei processi produttivi locali italiani*, at: <<http://www.minwelfare.it>>, (accessed 25 September 2002).

<sup>103</sup> For example, CISL created and supports ANOLF (*Associazione nazionale oltre le frontiere*), which registers an extremely large immigrant membership, see: <<http://www.anolf.it>>, (accessed 17 September 2002).

been prevented from doing so, and the potential for conflict on this point seems remote.<sup>104</sup>

### 3.1.3 Housing and other public goods and services

Law 286/98 guarantees equal treatment of citizens and legal non-citizen residents in access to housing and other public services (particular reference is made to access to hospitals and schools). Implementation rests with regional and local authorities;<sup>105</sup> however, not all of them have incorporated these principles into local legislation.<sup>106</sup>

There has been at least one court ruling against municipal governments that have failed to amend local legislation to comply with the provisions of Law 286/98; however, that ruling was almost immediately appealed.<sup>107</sup> Moreover, in one known case municipal regulations have been passed limiting the access of non-Christian immigrants (specifically Muslims) to churches and surrounding areas, in clear violation of the Constitution; the regulation has been repealed.<sup>108</sup>

In several recent cases, courts have applied the equal treatment principle to protect legal immigrants against discriminatory procedures and practices at the local level.

<sup>104</sup> See S. Carmignani Caridi, “Libertà di abbigliamento e velo islamico” (Freedom of Dress and Muslim Veil), in *Musulmani in Italia*, p. 233.

<sup>105</sup> Law 286/1998, Art. 40 (as amended by Law of July 11, 2002) and Art. 41.

<sup>106</sup> Different local regulations adopted before 1998 required reciprocity for access to public housing (i.e. a guarantee that Italian citizens living in the immigrant’s country of origin have access to public housing). In some cases, these local regulations have not yet been rescinded. See L.R. Veneto n. 10, 2 April 1996, L. R. Abruzzo n. 96, 25 October 1996 and L.R. Umbria n. 33, 23 December 1996.

<sup>107</sup> The Government has acknowledged delays in the implementation of Law 296/98 at the local level. See *Documento programmatico, per il triennio 2001–2003, relativo alla politica in materia di immigrazione e degli stranieri nel territorio dello Stato, a norma dell’art. 3 l. 6 marzo 1998, in materia di immigrazione*, approved by a Decree of the President of the Republic, 30 March 2001.

<sup>108</sup> EUMC, *Anti-discrimination Legislation in EU Member States – Italy*, Vienna, 2002, p. 9.

However, in practice access to adequate housing and other public goods and services remains a serious problem.<sup>109</sup>

### *Living conditions*

The living conditions of Muslims vary and cannot be easily generalised. Though there are also affluent and well-integrated Muslim professionals from Middle Eastern or African countries, an estimated majority of immigrants, including Muslims, belong to the lower economic strata, and many live in conditions of actual or potential poverty.

The degrading living conditions of many immigrants living and working in the large urban and industrial centres of the North have been exposed more often by the media; however, these problems exist across Italy.<sup>110</sup>

There are no data concerning segregation of Muslim residents, but in fact, segregation does not appear to be a common problem; barring a few exceptions, the trend is towards cohabitation with non-citizen immigrants, including both Muslims and citizens.<sup>111</sup> As a consequence, the standard of public services available to Muslims is generally equal to that available to citizens, with particular reference to access to hospitals and schools.

Within neighbourhoods, however, foreigners often inhabit lower-quality housing and are often regarded with suspicion and mistrust by their Italian neighbours.<sup>112</sup> In Milan, for instance, while housing prices have been rising continuously across the city, including in poorer areas, they have decreased in the area in which the Institute of Islamic culture is located and where a large number of Muslims live. This seems to

<sup>109</sup> Caritas Italiana, *Dossier statistico immigrazione, 2001, XI rapporto Caritas sull'immigrazione*, see: <<http://www.caritasroma.it>>, (accessed 17 September 2002); Ministry of Welfare, Department of Social Affairs, Commissione per le politiche di integrazione degli immigrati, *Primo rapporto sull'integrazione degli immigrati in Italia, 2000*, see: <<http://www.provincia.bologna.it/portici/ottobre01/immigrazione4.html>>, (accessed 17 September 2002); see also: <<http://www.provincia.torino.it/xatlante/legis/lecas01.htm#L9>>, (accessed 17 September 2002) and ECRI Report 2001.

<sup>110</sup> M.T. Marino, "Per gli immigrati trovare casa resta un miraggio. I dati nel rapporto Ares" (To Find Housing is Still a Dream for Immigrants, Data from the Ares Report), *La gazzetta del mezzogiorno*, 16 March 2001. See also A. Sciotto, "Dopo il lavoro una casa" (After Employment – a House), *Il Manifesto*, 19 July 2001.

<sup>111</sup> A significant exception is the Roma/Sinti community. Approximately one third of the total Roma/Sinti population of approximately 120,000 (2/3 of which are Italian citizens) live in segregated camps, under extremely poor and precarious conditions. See ECRI 2001, paras. 60-61. See also European Roma Rights Centre, *Campland*.

<sup>112</sup> On the perception of urban reality by immigrants, see M. Pendenza, *Noi visti da loro* (Us as Seen by Them), 1999, at <<http://www.minwelfare.it>>, (accessed 25 September 2002).

signal diffidence, if not fear, of investing in an area which is largely populated by immigrants and which has recently been described as a possible shelter for individuals connected to fundamentalist organisations.<sup>113</sup> At the same time, in Mazara del Vallo (Sicily), the peaceful cohabitation of large number of Tunisian workers in the fishing industry with local inhabitants provides a positive example of successful integration.<sup>114</sup>

Housing issues are closely connected to employment. In many cases, immigrants are involved in “black market” work, which yields low wages, clearly insufficient to pay high rental rates.<sup>115</sup> In many cases, owners require that immigrants provide a deposit as a guarantee for the payment of rental fees, and charge much higher prices than those asked of citizens for the same level of housing.<sup>116</sup> High rents often force immigrants to accept unsuitable living conditions, such as living in groups in single-room flats or even in cars.

### *Equal access*

Statistics from recent research demonstrate that although the quota of public housing made available to immigrants from 1995-2000 increased steadily, it is still very low compared to the amount of public housing made available to Italian and EU citizens.<sup>117</sup> Moreover, throughout the country, the private housing available to non-citizens and non-EU immigrants is often of inferior quality to that available to

<sup>113</sup> G. Meroni, “Milano, crollano i prezzi vicino alla moschea” (In Milan Prices Fall in the Vicinity of the Mosque), 18 January 2001, see: <<http://web.vita.it/home>>, (accessed 17 September 2002), also on file with EUMAP. Some observers have suggested that decreases in housing prices can not be attributed to fear of fundamentalism, as prices have decreased in other areas inhabited by Chinese and non-Muslim immigrants as well. OSI Roundtable Meeting, Milan, 20 June 2002.

<sup>114</sup> See for details, A. Cusumano, “Cittadini senza cittadinanza” (Citizens without Citizenship), 2000, see: <<http://www.cresm.it/it/pubblicazioni/libri/rappimm/cittpag22.html>>, (accessed 18 September 2002). Some observers have contested references to Mazara as a positive example of integration, suggesting that the large Tunisian community in that city actually lives largely separately from the Italian population.

<sup>115</sup> High rents are legally permitted, and citizens and immigrants alike encounter housing problems, especially in the northern regions. In fact, high rents in northern Italy have significantly limited internal migration from the less prosperous regions of the south. See *Primo rapporto sull'integrazione degli immigrati in Italia*, note 50, at: <<http://www.minwelfare.it>>, (accessed 25 September 2002).

<sup>116</sup> Ares Report 2000, “Il colore delle case” (The Colour of Houses), September 2000, see: <<http://www.casaconsumi.it/files/home1.html>>, (accessed 25 September 2002).

<sup>117</sup> See Rete d'urgenza contro il razzismo, *Annual Report 2000*, pp. 16–21, at: <<http://www.unimondo.org/reteurg/ra00it.zip>>, (accessed 18 September 2002).

citizens.<sup>118</sup> Little data has been collected to record, substantiate and challenge those allegations, or to show the extent to which they affect Muslims specifically.

There is nevertheless some evidence of discrimination in access to public housing for immigrants. In one such case, a municipal law regulating the assignation of public housing in Milan provided for citizens to be granted a more positive evaluation than immigrants of the same age, family status, employment, etc., and allocated public housing on this basis.<sup>119</sup> The practice was challenged in court, on the basis of the provision of Law 286/98 expressly forbidding discriminatory treatment based on racial, ethnic, national or religious differences,<sup>120</sup> and the regulation was declared illegal. The municipality of Milan was ordered to discontinue the practice, and to pay pecuniary and non-pecuniary damages as well as court expenses.

In addition, there have been possible instances of indirect discrimination by authorities in providing access to public housing. For example, the local government of Pordenone (Friuli Venezia Giulia) was recently reported as requiring immigrants to provide certain documents that are in fact impossible for them to obtain within the prescribed time (such as certificates of family status and other administrative documents obtainable only from local administration in the immigrants' country of origin) as a condition for being assigned public housing.<sup>121</sup>

There is also evidence of discrimination in access to private housing. In the worst cases, the refusal of housing to immigrants is clearly determined by racism: in a recent case in Parma, a man placed a notice on his door stating that his apartment would not be rented to black immigrants.<sup>122</sup> There are widespread allegations that landlords and real estate agents refuse to rent to non-EU immigrants, including Muslims. According to the EUMC, seasonal Muslim workers have stated that property owners have been increasingly reluctant to rent them accommodation.<sup>123</sup>

Courts have proven willing to rule against discrimination in the private housing market as well. In a recent case in Milan, a real estate agent was found guilty of discrimination because he had refused to conclude an agreement with immigrants from Africa.

<sup>118</sup> See Rete d'urgenza contro il razzismo, *Annual Report 2000*, pp. 8–36, at: <<http://www.unimondo.org/reteurg/ra00it.zip>>, (accessed 18 September 2002).

<sup>119</sup> Trib. Milano, 20 marzo 2002, Dr.ssa Paola Gandolfi, in the case *El Houssein, El Mouden, Zerai v. the Comune di Milano*, unpublished. On file with EUMAP.

<sup>120</sup> Law 286/98, Art. 43 and 44.

<sup>121</sup> See F. Longo, "Case agli italiani" (Houses to Italians), *Il Manifesto*, 5 April 2000.

<sup>122</sup> He was charged with racial discrimination in court. See "Non affitto agli immigrati" (I Don't Rent to Immigrants), *La Repubblica*, 30 May 2000.

<sup>123</sup> EUMC, *Summary Report on Islamophobia*, p. 23.

Witnesses testified that the agent had stated that the owners would not allow immigrants into the house. The guilty party was ordered to discontinue discriminatory behaviour and ordered to pay pecuniary and non-pecuniary damages.<sup>124</sup>

A similar ruling was handed down by a court in Bologna against the creators of a website that offered houses to non-EU nationals on worse conditions than to Italian citizens.<sup>125</sup>

### *Government response*

The recent amendments to Law 268/98 require employers to provide recruited immigrant workers with housing and to communicate details of their accommodation to immigration offices (*sportello unico per l'immigrazione*).<sup>126</sup> This measure is intended to reduce the risk of assigning immigrants to inadequate private accommodation.

Employers who provide immigrants with housing are entitled to retain one-third of the immigrant worker's salary as reimbursement of the expenses for providing accommodations.<sup>127</sup>

Private organisations, too, have sought to address housing issues faced by immigrants. For example, one private institution in Alisei, Umbria, has sponsored a project to reduce housing prices for immigrants. The project arranges agreements with local governments by which immigrants may construct their own houses, with assistance and guidance from technicians and experts.<sup>128</sup>

<sup>124</sup> Trib. Milano, 30 March 2000, in *Quaderni di diritto e politica ecclesiastica*, 2001, n. 3, p. 875.

<sup>125</sup> Trib. Bologna, 22 February 200, in *Diritto, immigrazione e cittadinanza*, 2001, n. 1 pp. 101–103.

<sup>126</sup> Law 286/98, Art. 22, para. 8 (as amended by Law of 11 July 2002, Art. 18).

<sup>127</sup> See “Una casa ai dipendenti stranieri, verra trattenuto un terzo dello stipendio” (A House for Foreign Employees, One-third of the Salary Will Be Retained), *Corriere della Sera*, 9 September 2002. The provision is included in the decree approved by the Council of Ministers on 6 September 2002.

<sup>128</sup> For details, see: <<http://www.alisei.org/focus2001/autocostruzione.htm>>, (accessed 18 September 2002).

### 3.1.4 Healthcare and other forms of social protection

The Constitution guarantees public healthcare to Italian citizens.<sup>129</sup> Law 286/98 devotes several articles to healthcare,<sup>130</sup> and additional healthcare legislation has been adopted in individual regions.<sup>131</sup> These provisions guarantee legal immigrants equal access to the national healthcare system, provided they register with the *Servizio Sanitario Nazionale* (“National healthcare service,” hereafter “SSN”).<sup>132</sup> Full medical assistance is granted to immigrant minors regardless of their parents’ legal position.<sup>133</sup>

Illegal immigrants are entitled to basic healthcare protection (including preventive care) for all illnesses or accidents that may affect individual or public health, including pre-natal and maternity care, healthcare protection for minors, vaccination and prevention, diagnosis and treatment of contagious illnesses. A circular of the Ministry of Health provides an expanded definition of the forms of medical treatment considered “basic.”<sup>134</sup>

#### *Health conditions*

Data on hospitalisation of immigrants shows evidence of the so-called “healthy migrant effect” (i.e. those who emigrate are usually the healthiest members of the community).<sup>135</sup> However, the same data also reveals the “social fragility” of immigrants, who are

<sup>129</sup> Constitution, Art. 32.

<sup>130</sup> See A. Passaleva, “Politiche sanitarie e socio-sanitarie,” *Stati generali sull’immigrazione: politiche locali e percorsi di immigrazione*, Vicenza, 12 January 2001.

<sup>131</sup> Constitution, Section 5.

<sup>132</sup> Law 286/98, Art. 34. Those who are not in the country for work (employed, self-employed, or registered in the public employment agency lists), for family matters, asylum, or citizenship, must be insured. However, they may satisfy this requirement by registering with the SSN. See also G. Baglio, M. Loiudice, S. Geraci, “Immigrazione e salute: aspetti normative,” *Annali di Igiene, Medicina preventiva e di Comunità*, n. 7, pp. 165–177; S. Geraci, ed., *Immigrazione e salute: un diritto di carta? Viaggio nella normativa internazionale, italiana e regionale*, Rome: Caritas ROMA, Anterem, 1996. See also G. Zincone, ed., *Secondo rapporto sull’integrazione degli immigrati in Italia*, p. 273.

<sup>133</sup> Law 286/98, Art. 35.

<sup>134</sup> Circular of Ministry of Health No. DPS/40/98/1010, 22 April 1998, which specifies the contents of Legislative Decree 286/98.

<sup>135</sup> Hospitalisation of immigrants represents two percent of all hospitalisations, which is consistent with the proportion of immigrants in the population as a whole. See S. Geraci, *Argomenti di medicina delle migrazioni*, Scuola superiore di scienze biomediche, Rome: Peri Tecnes, 1995.

frequently hospitalised for voluntary abortions and work-related accidents.<sup>136</sup> Moreover, the likelihood that immigrants will be injured during work-related accidents is higher, as they often take up potentially dangerous and insufficiently regulated work.

There are no differentiated data to demonstrate health conditions among Muslims specifically or levels of access to healthcare among Muslims as compared to other groups, and there are no recorded complaints of discrimination. However, many immigrants (an estimated 30 percent) do not register with the SSN, and thus do not enjoy in practice the healthcare to which they are legally entitled.

The Government has begun to take measures to address healthcare issues for immigrant communities.<sup>137</sup> The National Healthcare Plan for 1998-2000 focused on the need to strengthen the protection of vulnerable groups, including immigrants,<sup>138</sup> and the Government has made efforts to raise awareness of healthcare issues among immigrants as well as public health service workers.<sup>139</sup>

### 3.1.5 Access to justice

Citizens and non-citizen residents of Italy are guaranteed equal access to the court system.<sup>140</sup>

Access to justice for immigrants has been facilitated by the simplified procedure set in place by Law 268/98, according to which cases of alleged discrimination may be filed in person (thus avoiding the costs of hiring a lawyer), and the requirement for legal representation may be waived. In addition, such cases may be filed at the plaintiff's

<sup>136</sup> See Caritas, *Immigrazione, dossier statistico 2001: Rapporto sull'immigrazione*, Rome: Nuova Anterem, 2002, pp. 241–250; P. Lemma, G. Costa, L. Bandera, P. Borgia, “Stranieri in Italia: lo stato di salute e il sistema sanitario” (Foreigners in Italy: the State of Health and the Health System), in M. Geddes, ed., *La salute degli italiani* (Health of Italians), Rome: La Nuova Italia Scientifica, 1999.

<sup>137</sup> See *Documento programmatico relativo alla politica dell'immigrazione e degli stranieri nel territorio dello Stato*, a norma dell'articolo 3 della legge 6 marzo 1998, n.40: 2001–2003, p. 50.

<sup>138</sup> *Objective 4*; a special ministerial Commission for the drafting of “Immigrants’ Healthcare” was established with D.M. 2 November 1998. See also, C.M. 24 March 2000, published in *Gazzetta Ufficiale*, n. 126, 1 June 2000.

<sup>139</sup> ECRI Report 2001, para. 42.

<sup>140</sup> “Everybody can apply to courts for the protection of his/her rights and lawful interests” (*interessi legittimi*). Constitution, Art. 24. See also G. Zincone, p. 401.



place of residence and simplified procedures are prescribed during the course of the hearing as well.<sup>141</sup>

There is no data regarding discriminatory treatment against Muslims within the justice system.<sup>142</sup> At the same time, there is a popular belief that magistrates are not severe enough with delinquent immigrants of all backgrounds, and “let them off” too easily. In the absence of statistical data, complaints and reports of discrimination against immigrants or Muslims specifically in the justice system cannot be substantiated (or disproved). ECRI has “encourage[d] the Italian authorities to carry out research on these issues.”<sup>143</sup>

### *Immigrants in the penitentiary system*

Data compiled by the Department of Penitentiary Administration (hereafter “DAP”), shows that immigrants are clearly over-represented in the prison system. Among the 55,383 prisoners in the penitentiary system as of 31 May 2001, 16,330 were foreigners; thus, foreigners, who make up approximately three percent of the total population, constitute 29.5 percent of the prison population.<sup>144</sup> Although there are no data on the religious affiliation of inmates,<sup>145</sup> six of the ten groups most represented in prisons are from majority Muslim countries.<sup>146</sup>

Among the prison population, 9,751 persons (48.8 percent) are being held in custody without a conviction. Allegedly, immigrants are more often held in custody on the grounds that there is a risk that they would not appear in court to answer the charges against them,<sup>147</sup> and because of difficulties associated with their frequent lack of

<sup>141</sup> EUMC, *Anti-discrimination Legislation in EU Member States – Italy*, Vienna, 2002, p. 17.

<sup>142</sup> No statistical data are available, and no complaints of discrimination against immigrants in this area have been recorded. ECRI makes reference to “complaints of imbalances between the sentences handed down to [...] foreigners and those handed down to Italian defendants convicted of comparable crimes.” See ECRI Report 2001, para. 18.

<sup>143</sup> ECRI Report 2001, para. 18.

<sup>144</sup> Data compiled by the Department of Penitentiary Administration, see: <<http://www.giustizia.it>>, (accessed 18 September 2002).

<sup>145</sup> See M. Barbagli, *Immigrazione e criminalità in Italia* (Immigration and Criminality in Italy), Bologna: Il Mulino, 1998; M. Pastore, “Lo straniero e la legge penale” (The Foreigner and the Penal Code), in *Produzione normativa e costruzione sociale della devianza e criminalità tra gli immigrati* (Normative Production and Social Construction of Deviance and Criminality among Immigrants), Quaderni ISMU, n. 9, 1995.

<sup>146</sup> Morocco ranked 1<sup>st</sup>, Tunisia 2<sup>nd</sup>, Albania 3<sup>rd</sup>, Algeria 5<sup>th</sup>, Egypt 9<sup>th</sup> and Senegal 10<sup>th</sup>, with a total of almost 10,000 individuals jailed. DAP data, see: <<http://www.giustizia.it>>, (accessed 18 September 2002).

<sup>147</sup> Permissible according to the Code of Criminal Procedure, Art. 274(a).

permanent registered residence or identification. In fact, the overwhelming majority of immigrants who are not imprisoned while awaiting trial never appear in court, and are judged by default.<sup>148</sup> Similarly, alternative sentencing regimes are very rarely applied to immigrants.

Recent data show that the percentage of immigrants convicted is higher than the percentage of convictions among Italians of the same age and sex.<sup>149</sup> This represents a dramatic change since the late 1980s, when Italians were convicted more often than immigrants.

Italian authorities contend that the high proportion of immigrants (especially illegal immigrants) in prisons is “due to the fact that many illegal immigrants are more easily involved in criminal activities” and insist that “there could not be any difference in a sentence concerning an Italian or a non-Italian citizen for the same offence.”<sup>150</sup>

To improve awareness of their rights among immigrants in prison, DAP has funded the translation into a number of languages commonly spoken by immigrants of some excerpts from prison rules and regulations and a booklet regarding the principal rights of the prisoner. DAP has also initiated cooperation with CIES (an NGO providing linguistic-cultural mediation and services in support of integration) aimed at facilitating the process of integration for foreigners, particularly those from outside the EU.<sup>151</sup>

### *Dietary restrictions*

In addition to recent attempts to accommodate the religious needs of workers (see Section 3.1.2), a new regulation on religious observance in prisons was adopted in 2000. The regulation states that religious precepts should be taken into account as much as possible when preparing food for inmates, that suitable rooms should be made available for worship and religious instruction, and that visits of religious representatives are to be permitted upon an inmate’s request.<sup>152</sup>

<sup>148</sup> DAP data, see: <<http://www.giustizia.it>>, (accessed 18 September 2002).

<sup>149</sup> Local data also show that immigrants resident in central and northern Italy have higher rates of conviction than those in the south. See M. Barbagli, *Immigrazione e criminalità in Italia* (Immigration and Criminality in Italy), p. 117.

<sup>150</sup> According to the Government, this follows from the provisions of the Criminal Code, Art. 133, which specifies that “the punishment has to be proportionate to the seriousness of the act and has to take into account the offender’s capability to commit a crime.” Appendix to the ECRI Report 2001, para. 18.

<sup>151</sup> Observations provided by the Italian authorities concerning ECRI Report 2001, para. 56.

<sup>152</sup> D.P.R. 230, 30 June 2000, Art. 11, 58 and 116.

### *Legal aid*

Legal aid for indigents at the expense of the State (the so-called '*Gratuito Patrocinio per i non abbienti*') is available on the basis of a simple affidavit/sworn statement endorsed by the Consular Authority, without discrimination on the basis of religious or ethnic affiliation, sex or language.<sup>153</sup> However, the EUMC notes that "the protection afforded by the 1998 Act is relatively unknown even among lawyers."<sup>154</sup>

There are no legal aid programmes especially for Muslim citizens or members of religious minority groups; this is not considered necessary, as the Italian civil, criminal and administrative law system is secular.

However, in light of the constitutional right to legal defense at every stage of judicial proceedings,<sup>155</sup> defendants who do not speak Italian have the right to an interpreter free of charge.<sup>156</sup> All persons have the right to be informed of their rights in a language they know, and the Court of Cassation has declared that any judicial act that has *not* been translated into the mother tongue of the suspect (*indagato*) or the accused (*imputato*) shall be null and void.<sup>157</sup> In civil proceedings, individuals who do not speak Italian may be assisted by an interpreter, and the judge determines which party will undertake the expenses.<sup>158</sup> However, the Italian Helsinki Federation recently noted that immigrants still receive insufficient legal assistance, "also for linguistic reasons."<sup>159</sup>

Moreover, as noted by ECRI, the authorities have initiated a number of programmes to improve the situation of foreigners in prisons, including the employment of cultural mediators, training of prison staff in the languages, culture and general situation of foreign detainees; initiatives to guarantee the free exercise of religion, and the maintenance of registers with judicial authorities to prevent ill-treatment of detainees.<sup>160</sup>

A recent study has shown that over the past ten years there has been a shift in the attitude of Italian lawyers towards immigrant clients.<sup>161</sup> In the early 1990s, the defence

<sup>153</sup> In the case of non-citizens who cannot show a tax statement, an affidavit is required. Law 217/90 (as integrated by Law 134/01), cited in ECRI 2001, para. 19.

<sup>154</sup> EUMC, *Anti-discrimination Legislation in EU Member States – Italy*, Vienna, 2002, p. 20.

<sup>155</sup> Constitution, Art. 24, para. 2.

<sup>156</sup> Code of Criminal Procedure, Art. 143.

<sup>157</sup> Reference to the Constitution, Art. 111, and a recent ruling of the Court of Cassation. See ECRI Report 2001, Appendix to the ECRI Report 2001, para. 17.

<sup>158</sup> Code of Civil Procedure 319/80, Art. 11 and 122.

<sup>159</sup> International Helsinki Federation, *Annual Report 2002*.

<sup>160</sup> ECRI Report 2001, para. 56.

<sup>161</sup> M. Cossa, T. Ferrari, I. Osmani, C. Boccazzi Varotto, eds., *Giustizia: lingua, ruoli e attori* (Justice: Language, Roles and Actors), Turin: IRES, 2000.

of immigrants was regarded as low-status work, but has since become an integral part of many lawyers' practices, and many young lawyers work principally with the immigrant community.

### 3.2 Protection from Racially and Religiously Motivated Violence

The legal system prohibits violence and incitement to violence on racial, ethnic, national or religious grounds, as well as the dissemination of ideas based on racial superiority and racial or ethnic hatred.<sup>162</sup> Enhanced sentencing is stipulated in cases in which incitement to commit (or commission of) violent acts and other crimes is proven to have a racial, ethnic, national or religious motivation.<sup>163</sup>

Public association with organisations inciting to discrimination or violence for racial, ethnic, national or religious reasons may be punished, particularly at sporting events or in other public spaces. For example, persons carrying racist symbols or emblems may be banned from stadiums.<sup>164</sup>

Public officials investigating crimes allegedly committed with racial, ethnic or religious motivation are granted special powers of inspection and acquisition, and such charges are prosecuted *ex officio*.<sup>165</sup>

However, generally no evidence is available to establish whether religion has been the motivation for violent acts.<sup>166</sup> Although reversal of the burden of proof is possible in civil trials, it would be unacceptable in criminal cases, leading some commentators to

<sup>162</sup> Law 205 of 25 June 1993, *Misure urgenti in materia di discriminazione razziale, etnica e religiosa* (Urgent measures regarding racial, ethnic and religious discrimination) integrating Law 654 of 13 October 1975, ratifying the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), *Official Gazette* n. 148, 26 June 1993.

<sup>163</sup> See Law 205/93, Art. 3. Racially, ethnically, or religiously motivated crimes are sanctioned with imprisonment. Courts may also award supplementary sanctions, such as compulsory public service, a curfew for up to a year, suspension of a driving licence or passport or travel documents for up to a year, prohibition to own weapons or participation in political activities for up to three years.

<sup>164</sup> Law 205/93, Art. 2.2. See also ECRI Report 2001, para 11.

<sup>165</sup> D.L., Art. 5 of 26 April 1993 n. 122 as amended by Law 205/93.

<sup>166</sup> See recent ECRI recommendation against attacks against Muslims in Europe after September 11<sup>th</sup>, at: [http://www.coe.int/T/E/Communication\\_and\\_Research/Press/Themes\\_files/Combating\\_racism/e\\_ECRI\\_Rec5.asp#TopOfPage](http://www.coe.int/T/E/Communication_and_Research/Press/Themes_files/Combating_racism/e_ECRI_Rec5.asp#TopOfPage), (accessed 18 September 2002).

the conclusion that adequate protection cannot be provided through criminal law.<sup>167</sup> In practice, in many cases such crimes go unpunished, even if they are reported.

### 3.2.1 Violence by private actors

Statistics on violent crime are not disaggregated according to type of crime, and there are no figures concerning the number of racially or religiously motivated violent acts. There are no data concerning crimes against Muslims specifically.

There have been numerous reports of racially motivated harassment and violence, especially at sporting events. The UN Committee on the Elimination of Racial Discrimination (hereafter, "CERD") has expressed concern about incidents of racist violence occurring during football matches in particular.<sup>168</sup>

There are also widespread concerns that racism by individuals and organisations is not properly punished;<sup>169</sup> ECRI "feels that the implementation of the provisions establishing the racist motivation as an aggravating circumstance and of those concerning incitement to discrimination and violence for racial, ethnic, national or religious reasons should be improved."<sup>170</sup>

However, there is usually no evidence to establish racial or religious motivation for a violent act. For example, in a case brought before the Supreme Court in 1998, the prosecutor's request for enhanced sentencing for racially motivated violence was denied. Two native Italians were convicted for having beaten a North African person; however, the court was not able to establish a racial or ethnic motivation for the beating.<sup>171</sup>

Furthermore, minority representatives and some experts assert that many cases of racially, ethnically or religiously motivated violence are simply never reported. Illegal

<sup>167</sup> See L. Fiorino, "Brevi considerazioni sul reato di incitazione a commettere violenza razziale" (Brief Observations on the Crime of Incitement to Racial Violence), *Cassazione penale*, 1999, p. 983.

<sup>168</sup> CERD A/56/18, paras. 312 and 313.

<sup>169</sup> The International Helsinki Federation noted in its 2002 report that "Roma in Italy were commonly the victims of racially motivated police violence. Police abuse of Roma took various forms, ranging from beatings during arrest or in custody, to shootings and the unlawful confiscation of personal belongings under the threat of physical abuse. A common thread, however, was the fact that incidences of abuse took place with full impunity." International Helsinki Federation, *Annual Report 2002*.

<sup>170</sup> ECRI Report 2001, para.12.

<sup>171</sup> Cass. Pen., Section III, 24 November 1998, n. 434, in *Rivista penale*, 1999, n. 266.

residents, who are the likeliest targets of racially motivated violence, also fear that approaching the police could result in their own deportation.<sup>172</sup>

### 3.2.2 Violence by public actors

There have been reports of discriminatory checks, abusive speech, ill-treatment and even violence against immigrants by law enforcement officials.<sup>173</sup> The Amnesty International Report 2001 notes “allegations of law enforcement officers physically assaulting detainees,” with several fatal cases “in disputed circumstances,” adding that “although the allegations related to both Italian and foreign nationals, many of the victims were of African origin or Roma.”<sup>174</sup>

In April 2001, three *carabinieri* officers in Ladispoli allegedly murdered Tunisian national E. I. B. The local residents reported seeing him getting into a police vehicle, and his corpse was discovered on the road half an hour later; the autopsy identified as the cause of death multiple heavy blows on the head, fracturing the skull. The officers were under criminal investigation as of August 2002.<sup>175</sup>

In May 2001, Tunisian national T. A. committed suicide in a prison in Potenza; previously, in 2000, he had protested physical mistreatment by prison staff, and a medical examination showed that his injuries were consistent with his allegations. In February 2002, a total of ten prison and medical staff persons were placed under criminal investigation for inflicting serious bodily harm and falsification of medical certificates.<sup>176</sup>

Many victims of police brutality mistrust law enforcement officers and are hesitant to report cases of discrimination and crimes committed against them, both doubting the successful outcome of charges and out of fear of counter-charges.

CERD recommended “the State party to ensure that the local authorities take more resolute action to prevent and punish racially motivated acts of violence against Roma

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<sup>172</sup> M. Merelli, M. G. Ruggerini, *Le paure degli altri, sicurezza e insicurezza urbana nell'esperienza migratoria* (Immigrants' Fears: Safety and Insecurity in Cities within the Immigration Experience), in the Working Papers published by Commissione per le politiche di integrazione degli immigrati, Dipartimento affari sociali, Presidenza del Consiglio dei Ministri. See: <<http://www.minwelfare.it>>, (accessed 25 September 2002).

<sup>173</sup> ECRI Report 2001, para. 51.

<sup>174</sup> Amnesty International, Annual Report 2001: Italy.

<sup>175</sup> Amnesty International, Annual Report 2001: Italy.

<sup>176</sup> Amnesty International, Annual Report 2001: Italy.

and other persons foreign origin.”<sup>177</sup> ECRI has recommended that the Government should implement stronger measures to prevent racially motivated violence. Specifically, it highlighted the need to raise awareness of “the need to actively counter racially motivated crime and incitement to racial discrimination and violence” among criminal justice officials (particularly the police, judges and prosecutors), and to find ways to encourage victims to file law suits against such crimes.<sup>178</sup>

### 3.3 Minority Rights

Italy has a well-developed system for guaranteeing minority rights to certain recognised national minority groups.<sup>179</sup> These groups enjoy extensive linguistic and educational rights,<sup>180</sup> including the right to use their mother tongue in schools<sup>181</sup> and in communication with public authorities, and to develop minority-language media.<sup>182</sup> There are also special structures to guarantee political representation for these minorities in select regions.<sup>183</sup>

Relations between the State (which is secular) and the majority religion (Roman-Catholic) are regulated by the Concordat of 1984.<sup>184</sup> The recognition and rights of

<sup>177</sup> CERD A/56/18, para. 308.

<sup>178</sup> See <[http://www.coe.int/T/E/Human\\_Rights/Ecri/1-ECRI/2-Country-by-country\\_approach/Italy/CBC2-Italy.asp](http://www.coe.int/T/E/Human_Rights/Ecri/1-ECRI/2-Country-by-country_approach/Italy/CBC2-Italy.asp)>, (accessed 18 September 2002).

<sup>179</sup> As required by Article 6 of the Constitution, Law 482/1999 provides for the adoption of special legislation for the protection and promotion of the language and culture of the Albanian, Catalan, German, Greek, Slovenian and Croat populations, as well as for speakers of French, Franco-Provencal, Friulian, Ladin, Occitan and Sardinian. See ECRI Report 2001, para 6.

<sup>180</sup> Italy has ratified most of the international instruments regarding minority protection in education, and in particular Protocol I to the ECHR (Law 848/1955), the UN Convention on the Rights of the Child (Law 176/1991) and the FCNM (Law 302, 1997, Art. 13).

<sup>181</sup> For example, in the region of Valle d’Aosta, minority schoolchildren are provided with bilingual education in French and Italian. See Vd’A Regional Statute, Art. 39. In the region of Trentino-Alto Adige, minority schoolchildren may choose to be taught in either German or Italian. See Trentino-Alto Adige Statute, Art. 19. See E. Palici di Suni Prat, *Intorno alle minoranze* (About Minorities), Turin: Giappichelli, 1999, pp. 29–50.

<sup>182</sup> See Law 482/1999 and E. Palici di Suni Prat, *Intono alle minoranze* (About Minorities).

<sup>183</sup> See Law 482/1999 and E. Palici di Suni Prat, *Intono alle minoranze* (About Minorities).

<sup>184</sup> The Concordat was ratified by Law 121/ 25 of March 1985, Ratification and execution of the Accord, with additional protocol, signed in Rome, 18 February 1984, with modifications to the Lateran Concordat of 11 February 1929 between the Republic of Italy and the Holy See.

religious minorities are regulated by special law<sup>185</sup> and bilateral agreements (*intesa*) between the State and representative bodies of religious groups. Such agreements have been concluded between the State and several religious minorities.

Muslims have not as yet succeeded in concluding an agreement with the State, although they constitute the second-largest religious group in Italy. In the absence of a special agreement, Muslims' exercise of religious rights is limited in practice. They often have difficulty establishing mosques and educational institutions and observing religious holidays and other rites, in part also due to public opposition. In addition, the great majority of Muslims living in Italy do not have citizenship and do not effectively participate in the political life of the country.

### 3.3.1 Religion

The Constitution grants the right to religious liberty to all and prohibits discrimination on the basis of religion.<sup>186</sup> These constitutional clauses are generally respected; individuals can profess their religion (or no religion at all) without suffering any disadvantage in the enjoyment of their civil and political rights. Freedom of religious expression is limited only when a certain practice is deemed a threat to public order or decency.<sup>187</sup> However, the exercise of collective religious rights is more problematic.

All religious denominations are granted "equal liberty" under the Constitution.<sup>188</sup> However, not all denominations are regulated by the same law. Apart from certain fundamental collective rights (such as the freedom of assembly for religious purposes, the right to constitute religious associations, etc.), legal regulation of religious denominations is largely based on bilateral agreements with the State. For example, a Concordat (1984) regulates the relationship between the Catholic Church and the State,<sup>189</sup> and there are agreements (*intese*) between the State and a number of minority religious groups.<sup>190</sup> There has been no State agreement with the Muslim community to date.

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<sup>185</sup> Law 1159/1929.

<sup>186</sup> Constitution, Art. 19, Art. 3.

<sup>187</sup> Constitution, Art. 19.

<sup>188</sup> Constitution, Art. 8.

<sup>189</sup> The concordat was ratified with Law 121/ 25 March 1985, Ratification and execution of the Accord, with additional protocol, signed in Rome 18 February 1984, with modifications to the Lateran Concordat of 11 February 1929 between the Republic of Italy and the Holy See.

<sup>190</sup> Agreements have been concluded with Valdensians, Adventist, Baptists, Pentecostals, Jews, and Lutherans. Agreements concluded with Buddhists and Jehovah's Witnesses have yet to be approved by the Parliament. The text of these agreements can be found in P. Moneta, *Il codice di diritto ecclesiastico*, Piacenza, La Tribuna, 1999.



Religious groups that have not concluded any agreement are regulated by a 1929 law on minority religions<sup>191</sup> or by the common law of associations.<sup>192</sup> A draft law to replace the 1929 law is under discussion in the Parliament.<sup>193</sup>

There has been no agreement between the Muslim community and the State, and therefore Muslims do not enjoy the benefits such agreements bring. For example, unlike religious groups that have signed an agreement, Muslims cannot allocate a quota of the IRPEF (personal income tax) to the Muslim community, deduct donations to the community from taxes, delegate teachers to public schools to provide religious instruction, legitimately abstain from work on religious holidays,<sup>194</sup> or observe other religious rites.

Different observers suggest different reasons to account for the fact that no agreement has been concluded with Muslims. The most commonly cited factors include the relatively recent appearance of a large Muslim community in Italy,<sup>195</sup> the relatively small number of Muslims who are citizens (non-citizens not being eligible to conclude an agreement with the State), and the multitude of competing Muslim organisations that claim to represent the entire Muslim community (see Section 4.2).

A number of Muslim representatives have asserted that the real problem is not the absence of a State agreement, but the system itself, which tends to stamp a homogeneity on the Muslim community that does not adequately reflect reality. Requiring a single representative reflects State interests rather than the needs of the diverse Muslim communities, and also reinforces the stereotypical notion of a monolithic Islam.<sup>196</sup>

The need for an agreement could become less urgent if already existing legislation and regulations were implemented thoroughly to allow Muslims to satisfy their

<sup>191</sup> Law 1159, 24 June 1929, *Disposizioni sull'esercizio dei culti ammessi nello Stato e sul matrimonio celebrato davanti ai ministri dei culti medesimi* (Provisions regarding the denominations admitted in the State and the marriage performed in front of their ministers).

<sup>192</sup> In particular by Art.14-42 of the Italian Civil Code.

<sup>193</sup> The text of the draft law can be found in the *Quaderni di diritto e politica ecclesiastica* (Journal of Ecclesiastical Law and Policy), 2001/2, pp. 567–75

<sup>194</sup> See R. Aluffi Beck-Peccoz, *Tempo*, "Lavoro e culto nei paesi musulmani", Turin: Fondazione Giovanni Agnelli, 2000.

<sup>195</sup> However, much smaller and equally "new" communities (e.g. the Buddhists) have already signed such agreements with the State.

<sup>196</sup> Under this point of view, the constitutional provision of privileged status to the Catholic religion is incompatible with the notion of a secular State. Interviews with Muslim representatives in Milan, Florence and Rome, 20 April – 1 May 2002. OSI Roundtable Meeting, Milan, 20 June 2002.

fundamental religious needs. This would both meet the most immediate demands of Muslim communities and give the authorities time to consider, discuss and reflect alternative approaches together with Muslim representatives, and thus to negotiate a suitable and mutually acceptable agreement.

There is little political support for the negotiation of a State agreement with the Muslim community, so there is little likelihood that one will be developed or adopted in the near future.<sup>197</sup> Moreover, certain political, religious and intellectual circles strongly oppose an agreement with Muslims on the grounds that it might strengthen the status of the Islamic community or include provisions that are not in line with the fundamental principles of the Italian legal system.<sup>198</sup>

### *Mosques*

There are very few Islamic places of worship in Italy: an estimated 100 for a community of about 700,000 individuals.<sup>199</sup> Most Muslims gather and pray in *ad hoc* locations ranging from basements to garages to private flats, which often lack facilities for accommodating gatherings of large numbers of persons. These gatherings frequently have provoked protests from persons living in the neighbourhood.<sup>200</sup>

There has been considerable opposition to the allocation of public funding for the construction of new mosques (e.g. in Varese and other northern towns). In Lodi, a small town close to Milan, the local administration decided to support the building of a mosque, provoking strong opposition from Lega Nord, which encouraged public demonstrations against the decision. In Naples, plans for the construction of a new publicly-funded mosque have sparked controversy and opposition from members of Parliament, church leaders and local inhabitants.<sup>201</sup> In the meantime, in some places, such as Milan, Muslims pray on sidewalks due to the lack of suitable facilities.

<sup>197</sup> See R. Guolo, "La rappresentanza dell'Islam italiano e la questione delle intese" (Islam's Representation and the Agreement Problem) in S. Ferrari, ed., *Musulmani in Italia, La condizione giuridica delle comunità islamiche*, Bologna, 2000, p. 67.

<sup>198</sup> See R. Guolo, G. Casuscelli in Ferrari, *Musulmani in Italia*, 2000.

<sup>199</sup> Estimate provided by Professor El Sheikh, University of Florence, Stefano Allievi, University of Padova, Ambassador Scialoja of the Islamic Centre of Rome, and by Mostafa El Ayubi of the newspaper *Confronti* in Rome.

<sup>200</sup> See M. El Ayoubi, "Questa moschea non s'ha da fare" (This Mosque Is Not To Be), *Confronti*, February 2002, pp. 36–37. Also R. Botta, "Diritto alla moschea: tra 'intesa islamica' e legislazione regionale sull'edilizia di culto" in Ferrari, pp. 109–130.

<sup>201</sup> D. Williams, "Public Funding for New Mosque Splits Naples," *International Herald Tribune*, 13 May 2002, p. 7.

### 3.3.2 Language

Muslims living in Italy do not share a single language, and there are no specific provisions for the use of any of the languages commonly spoken by Muslims with public authorities.

Public authorities communicate in Italian,<sup>202</sup> but also distribute information in foreign languages and languages common to immigrants (mainly English, French, Arabic, Albanian, Spanish, Romanian and Chinese). Public officials working in offices dealing with immigrants (such as city police) are required to attend lectures and training classes on immigrants' cultural backgrounds and may attend language classes to facilitate communication.

There are no restrictions on the private use of the various languages spoken by Muslims, or on the use of Islamic names and surnames, although names written in Arabic and other non-Latin languages must be transliterated, as registry offices work only with the Latin alphabet.

There are no public signs in the languages spoken by immigrants.<sup>203</sup> However, in neighbourhoods with a higher concentration of immigrants, signs in different languages are common, especially for the advertisement of specialised products such as *halal* meat.

### 3.3.3 Education

Muslim immigrants speak the different languages of their different countries of origin – usually a “neo-Arabic” language – which are quite distinct from classical and literary Arabic. There is no publicly funded education in Arabic for Muslim students coming from Arabic-speaking countries (or in other language for other immigrant groups).<sup>204</sup> No data has been collected concerning the demand for public education (including provision of foreign language classes) in Arabic or other languages spoken by Muslims, and no efforts have been made to develop initiatives in this area.

<sup>202</sup> The right to use the minority language in communication with public authorities of certain recognised historic minorities is regulated by Law 481/1999.

<sup>203</sup> The right to post signs in minority languages is guaranteed to recognised historical minority groups according to Law 481/1999.

<sup>204</sup> However, Arabic is taught as a foreign language in the faculties of many Italian universities, together with other languages spoken by Muslims.

*Religious education*

In accordance with the Constitution, the educational system does not provide separate public funding for religious education.<sup>205</sup> However, schools and “educational institutes” may be established at private expense, provided they guarantee equal access and equal educational treatment for all and observe standard curriculum requirements.<sup>206</sup> Moreover, private schools, including those with a religious orientation, may receive direct or indirect State funding, mainly through regional governments.<sup>207</sup> Numerous private Catholic schools operate on this basis.

However, no legally-accredited Islamic schools have been established.<sup>208</sup> Muslim representatives have asserted that, as a group that is not recognised as a minority, they are at a disadvantage in obtaining State funding to establish and support their own educational establishments.<sup>209</sup>

The curricula of public schools include Catholic religious education, although any pupil has the right to attend or not to attend such classes.<sup>210</sup> In practice, however, no such courses have been organised for Muslims in public schools, despite requests from Muslim representatives and parents.<sup>211</sup>

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<sup>205</sup> Constitution, Arts. 7, 8, 33 and 34.

<sup>206</sup> Constitution, Art. 33, paras. 3-4.

<sup>207</sup> For a description of such initiatives, see A. Ferrari, *Libertà scolastiche e laicità dello Stato in Italia e Francia* (Educational Freedom and State Secularism in Italy and France), Turin: Giappichelli, 2002, Section III, Chapter 1.

<sup>208</sup> Through several *interpellanze parlamentari* during the so-called “question time,” the issue of an “illegal” Muslim school in Cremona was raised by MPs, who alleged poor conditions at the school. Alfredo Mantovano, undersecretary of State for Home Affairs, replied that there were 30 children of school and pre-school age who attended this school in order to obtain a certificate recognised by consular authorities but not by the Italian Ministry of Education. See Resoconto stenografico dell’Assemblea, Seduta n. 98, 14 February 2002, p. 58, at: <[http://www.camera.it/\\_dati/leg14/lavori/stenografici/sed098/s230.htm](http://www.camera.it/_dati/leg14/lavori/stenografici/sed098/s230.htm)>, (accessed 18 September 2002). Some Muslim countries have established schools in Italy: there is an Egyptian-funded school in Milan, a Tunisian-funded school in Mazara del Vallo and two Libyan-funded schools in Rome.

<sup>209</sup> Interview with Professor Salem El Sheikh, Florence, 26 April 2002; interviews with Muslim representatives in Rome, 28 April – 1 May 2002.

<sup>210</sup> Many Catholic as well as non-Catholic students choose to be exempted. Still, some Muslim representatives have expressed dissatisfaction with this solution, as children who choose exemption are left to “loiter” during those class periods. Interviews with Muslim representatives in Milan, Florence and Rome, April-May 2002.

<sup>211</sup> Interviews with Muslim representatives in Milan, Turin, Florence and Rome, 16 April – 1 May 2002. Without an agreement, teaching of the Muslim religion (as well as of other religions) can be provided in the context of the provision on “cultural activities” in Law 517/1977.

The issue of Islamic education in public schools is likely to increase in importance as the number of Muslim students continues to grow. It is almost inevitable that in a short time public school authorities will be confronted with a strong demand for classes in Islam and Arabic as a foreign language, according to the pattern already established for other religious groups and by older Muslim communities in other EU countries. However, there have been no State initiatives in this area as of yet.

### *Minorities in school curricula*

The State educational system does not aim to develop differentiated minority education for non-historical minority groups.<sup>212</sup> Instead, for groups not currently recognised as minorities, the Government has focused attention on promoting the integration of minorities as well as greater awareness of and appreciation for minority culture and identity in mainstream schools.<sup>213</sup>

The first Government circular on this issue, C.M.P.I. 301/89 (“On the adjustment of foreigners to compulsory schooling”) mainly aimed to promote the right to education (*diritto allo studio*), while the second, C.M.P.I. 205/90 (“Compulsory schooling and foreign pupils. Intercultural Education”), introduced the concepts of “intercultural education” and mediation for the promotion of a multicultural society.<sup>214</sup> A few years later, C.M.P.I. 122/92 reiterated the importance of education to the integration of immigrants. In 1994, C.M.P.I. 73/94 (“Intercultural dialogue and democratic cohabitation. The projected engagement of school”) introduced concepts such as *clima relazionale* (“relational climate”) and *attivazione del dialogo* (“dialogue activation”). Decree of the President of the Republic 275/99, affirming school autonomy, has

<sup>212</sup> For a specific approach to Muslim and Arabic cultures, see L. Operti, ed., *Cultura araba e società multiethnica. Per un'educazione multiculturale* (Arab Culture and Multiethnic Society: in Favour of Multicultural Education), Turin: Irrsae Piemonte, Bollati Boringhieri, 1998; I. Sigillino, *L'Islam nella scuola* (Islam in School), Milan: Franco Angeli, 1999.

<sup>213</sup> See also E. Besozzi, “Insegnare in una società multiethnica: tra accoglienza, indifferenza e rifiuto” (Teaching in a Multiethnic Society: Between Acceptance, Indifference and Rejection), in G. Giovannini, ed., *Allievi in classe stranieri in città. Una ricerca sugli insegnanti di scuola elementare di fronte all'immigrazione* (Pupils in Classes for Foreigners in the City. Research on School Enrolment Before Immigration), ISMU, Milan: Franco Angeli, 1998; E. Camilletti, A. Castelnovo, *L'identità multicolore. I codici di comunicazione interculturale nella scuola dell'infanzia*, Milan: Franco Angeli, 1994; F. Poletti, *L'educazione interculturale*, Florence: La Nuova Italia, 1992; G. Tassinari et al., eds., *Scuole e società multiculturale*, Florence: La Nuova Italia, 1992; G. Zincone, ed., *Secondo rapporto sull'integrazione degli immigrati in Italia*.

<sup>214</sup> See Ministry of Education, *Migrazioni e società multiculturale: il ruolo della scuola* (Migration and Multicultural Society: The Role of School), Seminar of Punta Ala, 5–7 December 1991.

allowed some freedom to schools in the organisation of curricular and extracurricular activities offered to pupils.<sup>215</sup>

Many official bodies<sup>216</sup> and organisations<sup>217</sup> receive Government support to support for projects related to integration. Government efforts are complemented by the work of private institutions (mainly Catholic charitable organisations) and NGOs, which offer a wide range of literacy and language classes<sup>218</sup> to facilitate access to the Italian educational system for foreign minors.<sup>219</sup> However, few Muslim NGOs are represented among these organisations, and Muslim representatives have asserted that there is still a lack of a truly inter-cultural approach in State schools, and that it would be important to ensure a more accurate and textured portrayal of Islam in textbooks.<sup>220</sup>

The Government has also provided support for the employment of “cultural and linguistic mediators” to promote the integration of foreign children (See Section 3.1.1).

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<sup>215</sup> See D. Demetrio and G. Favaro, *Immigrazione e pedagogia interculturale* (Immigration and Intercultural Education), Florence: La Nuova Italia, 1992.

<sup>216</sup> For example, the Committee for Foreign Children; the Commission for Integration Policies for Immigrants; and the Council for the Problems of Foreign Immigrants and their Families.

<sup>217</sup> For example, the Fondazione per le Iniziative e lo Studio sulla Multiethnicità (ISMU) of Milan, the Centro Informazione Documentazione inserimento scolastico stranieri (CIDISS) of Turin, *inter alia*.

<sup>218</sup> G. Favaro, ed., *Imparare l'italiano. Alunni stranieri e apprendimento della seconda lingua* (Learning Italian: Foreign Students and Acquisition of a Second Language), Milan: Guerini Associati, 1999; A. Tosi, *Dalla madrelingua all'italiano* (From the Mother Tongue to Italian), Florence: La Nuova Italia, 1995.

<sup>219</sup> G. Favaro, “Per una politica della formazione dei migranti. L’alfabetizzazione e l’istruzione degli adulti e l’inserimento scolastico dei minori” (Towards a Policy for the Education of Migrants: Literacy and Education of Adults and Scholastic Integration of Minors), in E. Granaglia, M. Magnaghi, eds., *Immigrazione: quali politiche pubbliche?* (Immigration: Which Public Policies?), Milan: Franco Angeli, 1993.

<sup>220</sup> Interview with Professor Salem El Sheikh, Florence, 26 April 2002. Also, interviews with Muslim representatives in Rome, 28 April – 1 May 2002.

### 3.3.4 Media

Freedom of expression is guaranteed by international treaties<sup>221</sup> and domestic legislation,<sup>222</sup> and court rulings have affirmed that freedom of expression is to be enjoyed by everyone.<sup>223</sup>

A large number of Muslim publications have been launched within the past decade.<sup>224</sup> Some are limited to particular groups and institutions and are published on an *ad hoc* basis. Other publications are issued more regularly and distributed throughout Italy.<sup>225</sup> As a rule, these publications do not receive State funding.

Many Muslim publications are in Italian. However, there are some periodicals in Arabic and other national languages of the predominantly Muslim countries. Several publishers that produce specialised Muslim publications operate in Italy.<sup>226</sup>

<sup>221</sup> CEDU, Art. 10, *Official Gazette*, n. 221, 24 September 1955.

<sup>222</sup> A general overview of legislation in force on media regulation is available at the website of the Comune di Bologna. A. Lallini, E. Fronza, "Libertà di stampa e discriminazione razziale" (Free Press and Racial Discrimination), see: <<http://www2.comune.bologna.it/bologna/immigra/ar/liberta.htm>>, (accessed 18 September 2002).

<sup>223</sup> Constitution, Art. 21. In an important decision, the Tribunale di Milano stated that freedom of expression as guaranteed by Art. 21 of the Constitution must be granted to everyone, according to other general principles and legal provisions in force, with particular reference to Article 3 of the Constitution, providing for equal treatment regardless of race. *Diritto, informazione e informatica*, 1992, 856, 30 March 1992.

<sup>224</sup> See D. Filesi, "La comunicazione musulmana in Italia", in R. Gritti, M. Allam, eds., *Islam, Italia*, pp. 11–51.

<sup>225</sup> For the most notable media sources, see *Il Messaggero dell'Islam*, published by the Centro Islamico di Milano e Lombardia; *Islamica*, edited by Lega Musulmana. Two issues available for review at: <[http://www.lega-musulmana.it/Rivista\\_Islamica/Islamica1/Islamica.html](http://www.lega-musulmana.it/Rivista_Islamica/Islamica1/Islamica.html)>, (accessed 18 September 2002) and <[http://www.lega-musulmana.it/Rivista\\_Islamica/Islamica2/Islamica.html](http://www.lega-musulmana.it/Rivista_Islamica/Islamica2/Islamica.html)>, (accessed 18 September 2002). See also, *Assadakah* which is owned by the Arab League and published monthly by the Centro Italiano-Arabo e mediterraneo in Rome at: <<http://www.assadakah.it>>, (accessed 18 September 2002). The journal *Il puro islam* (Pure Islam), which is edited by the Naples-based Shi'ia organisation *Ahl al Bait*, is an example of a publication which has developed quite rapidly. See: <<http://digilander.iol.it/ahlalibait/ilpuroislam-menu1.htm>>, (accessed 18 September 2002)

<sup>226</sup> Istituto culturale islamico romano (I.C.I.R.) in Rome specialises in Islamic law and religious publications in which other religions (particularly Christian religion) are critiqued and discussed. Centro editoriale studi islamici in Italia (C.E.S.I.), Rome, publishes books on language and religious prophecy; Società Italiana Testi Islamici (S.I.T.I.) in Trieste, specialises in classical Muslim literature. Further indications in D. Filesi, *La comunicazione*, pp. 150–151.

Due to the relatively low costs of publishing and the growing number of users, the Internet has become an increasingly important means of communication and dissemination of ideas. Muslim culture and religion is well represented on the web, both by sites initiated and based in Italy as well as by sites based abroad. A recent study identified 15 Muslim web-sites.<sup>227</sup> Site promoters are generally cultural and religious centres,<sup>228</sup> but often religious assistance and information is provided directly from sites belonging to the embassies of Muslim States, such as Saudi Arabia.<sup>229</sup>

The public radio and television system does not include regular programming prepared by representatives of Muslim communities.<sup>230</sup> The same is true for national private television, though some Muslim communities and organisations have access to local radio and television stations, on which they occasionally broadcast their own programmes.<sup>231</sup>

### 3.3.5 Participation in public life

The overwhelming majority of Muslim residents of Italy do not have citizenship, and thus do not enjoy full participation in the political life of the country.

Critics claim that the process of acquiring Italian citizenship, based on the principle of *jus sanguinis*,<sup>232</sup> is anachronistic – still suited to a country that is a net exporter rather than a net recipient of immigrants.<sup>233</sup> While Law 286/98 is oriented towards opening Italy to legal immigration, the current citizenship law restricts access to citizenship, effectively penalising permanent residents.<sup>234</sup> Thus, although obtaining citizenship is

<sup>227</sup> See C. Sebastiani, “Lo spazio di internet” (Internet Space), in I. Sigillino, *I media*, pp. 14–50.

<sup>228</sup> See, for example, Unione delle Comunità e Organizzazioni Islamiche in Italia (UCOII), <<http://www.islam-ucioi.it>>, (accessed 18 September 2002); Associazione islamica Ahl al Bait <<http://www.shia-islam.org>>, (accessed 18 September 2002) and Lega Musulmana Mondiale-Italia, <<http://www.lega-musulmana.it>>, (accessed 18 September 2002). Also, Centro Islamico di Milano e della Lombardia, see <<http://www.islam.it>>, (accessed 18 September 2002).

<sup>229</sup> See: <<http://www.arabia-saudita.it/Ambasciata/index.html>>, (accessed 18 September 2002).

<sup>230</sup> However, the Catholic Church and other religious denominations have regular access to the mass media.

<sup>231</sup> D. Filesi, *La comunicazione*, pp. 157–159. These broadcasting programmes do not receive State financial support.

<sup>232</sup> Law 91/1992, *Official Gazette* n. 38, 15 February 1992.

<sup>233</sup> “Riformare la legge sulla cittadinanza” (Reforming the Law on Citizenship), Rome, 22 February 1999, see: <<http://www.minwelfare.it>>, (accessed 25 September 2002).

<sup>234</sup> See also ECRI Report 2001.



logically a final step in the integration process, many studies reveal the existence of a different trend: the number of new citizens is not increasing in proportion to the rising number of immigrants.<sup>235</sup>

According to current regulations, naturalisation requires ten years of continuous residence. No language test is required. Children born in Italy to non-citizen immigrant parents may obtain citizenship when they reach the age of eighteen, on the basis of a declaration, provided that they have maintained continuous residence.<sup>236</sup>

The provisions of Law 286/98 regarding participation in local elections allow non-citizens with a residence permit to vote in administrative elections. However, this right has not yet been exercised, as there are still no procedural guidelines to regulate foreigners' participation in elections. Thus, even permanent residents do not take part in local elections.<sup>237</sup>

In several towns, immigrants have been allowed to vote in the election of additional local councillors (or members of local consultative bodies) who have the task to deal with immigration matters.<sup>238</sup> However, limited awareness of the right to vote among immigrants appears to have contributed to a disappointingly low turnout.

Muslims representation in public office is minimal.

<sup>235</sup> Caritas, *Dossier statistico immigrazione, 2001, XI rapporto Caritas sull'immigrazione*, see: <<http://www.caritasroma.it>>, (accessed 25 September 2002). According to additional research conducted by Caritas, in 1999 immigrants from Algeria, Morocco and Tunisia amounted to 18.7 percent of all immigrants while immigrants from these countries who had acquired Italian citizenship amounted only to 12.5 percent of the total number of immigrants who had become citizens. These data seem to indicate that North African immigrants are underrepresented among immigrants who obtain citizenship. See Caritas, *Maghreb: Demografia, sviluppo e migrazioni*, October 2000, p. 25.

<sup>236</sup> Children with at least one parent who is an Italian citizen, or children who do not automatically obtain the citizenship of their parents at birth, obtain Italian citizenship before the age 18. See ECRI Report 2001, para 7.

<sup>237</sup> Law 286/98 refers to the Strasbourg Agreement on the Participation of Immigrants in Public Life, 5 February 1992, Chapter 3, regulating the right to vote for non-citizens. However, when signing it, Italy made a reservation concerning this provision specifically.

<sup>238</sup> G. Zincone, "Representation and Right to Vote," in *Political Participation and Political Representation of Immigrants in Europe*, Atti del convegno, Rome, 22 June 1999, see: <<http://www.minwelfare.it>>, (accessed 25 September 2002).

## 4. INSTITUTIONS FOR MINORITY PROTECTION

### 4.1 Official Bodies

In line with the Race Directive, the Government has been requested by the Parliament to establish, by February 2003, an Office within the Department for Equal Opportunities of the President of the Council of Ministers to ensure that the principle of equal treatment is observed in practice.<sup>239</sup>

As required by the Race Directive, this Office will be empowered to give independent assistance to victims of discrimination in judicial or administrative proceedings and to conduct independent inquiries into cases of alleged discrimination. Another of its key tasks will be to promote the adoption of special measures against discrimination by other State institutions in order to eliminate or compensate for discriminatory treatment on racial or ethnic grounds. It will also have the responsibility to advise the Government and other public bodies on ways of improving implementation of existing legislation and regulations, and to disseminate information about existing provisions on equal treatment. To facilitate the implementation of these tasks, the Office may cooperate with external experts from other branches of public administration, consultants or professionals, as required.

Some experts have questioned the independence of this body because of its appointment procedures.<sup>240</sup>

#### *Integration of immigrants*

Official State policy is to promote the integration of immigrants into the society. Accordingly, Law 286/98 explicitly encourages the development of programmes and policies to encourage cultural exchange.<sup>241</sup> Law 286/98 also provided for the establishment of a number of official bodies to facilitate the integration of immigrants.

For example, the Commission for the Integration of Immigrants was a consultative body, which advised the Government on the development and implementation of policies on integration, inter-cultural communication and anti-racism.<sup>242</sup> The Commission was composed of academics, experts in immigration issues and of representatives of the State administration involved developing and implementing

<sup>239</sup> Art. 29 l. n. 39/02 in *Suppl. ord. N. 54/L alla Gazz. Uff.* n. 72, 26 March 2002. Details and comments are available in *Guida al diritto*, n. 14, 13 April 2002.

<sup>240</sup> Interview with Chiara Favilli, lawyer, Arezzo, 24 April 2002. Also, at OSI Roundtable Meeting, Milan, 20 June 2002.

<sup>241</sup> Law 286/98, Art. 38.

<sup>242</sup> Law 286/98, Art. 46.

policies for the integration of immigrants. A number of Muslim representatives and experts on Islam were members of this Commission.

The Commission presented annual reports to the Parliament on the current state of implementation of integration policies, elaborating proposals for the improvement of these policies and answering to the Government's questions on matters within its competence. The working papers of the Commission, some of which concerned Muslims directly,<sup>243</sup> are available on the Commission's web-site.<sup>244</sup> The Commission published a "Decalogo contro il razzismo" – ten fundamental rules and principles against racism.<sup>245</sup>

ECRI welcomed the institution of the Commission and encouraged the Government to continue to support its activities and to work for the implementation of the recommendations formulated in its annual reports.<sup>246</sup> However, the Commission was dissolved on 6 July 2001 and has not been reconstituted.

The National Coordination Unit for local policies for the social integration of foreign citizens is housed within the National Council of Economy and Labour (CNEL).<sup>247</sup> Its primary tasks are: research on local initiatives and experiences related to the social integration of foreigners, and identifying and promoting good practices in this area. The Unit is composed of representatives of the local (municipal, provincial as well as regional) administrations, trade unions and employers' associations, as well as associations working with immigration-related issues and associations of immigrants.

### *The Department of Civil Liberties and Immigration*

The recent reorganisation of the Ministry of Interior led to the establishment of a Department of Civil Liberties and Immigration, with a mandate to encourage and support the activities of the territorial councils for immigration which have been established in all of the local *prefetture*; territorial councils work together with local institutions and civil society organisations to tackle various issues related to immigration.<sup>248</sup>

<sup>243</sup> On the perception of Islam in the media, see G. Soravia, "L'immagine dell'Islam nei media italiani" (Images of Islam in the Italian Media), at: <<http://www.minwelfare.it>>, (accessed 25 September 2002).

<sup>244</sup> See: <<http://www.minwelfare.it>>, (accessed 25 September 2002).

<sup>245</sup> See: <<http://www.minwelfare.it>>, (accessed 25 September 2002).

<sup>246</sup> ECRI Report 2001, para. 21.

<sup>247</sup> Art. 42.3.

<sup>248</sup> See: <[http://www.interno.it/sezioni/organizzazione/dipartimenti/s\\_000000218.htm](http://www.interno.it/sezioni/organizzazione/dipartimenti/s_000000218.htm)>, (accessed 18 September 2002).

*Governmental bodies on religious minorities*

The Government is in charge of concluding agreements with religious communities. It is assisted in this task by two technical commissions, one composed of experts on Church-State affairs, and the second by representatives of the ministries with an interest in the conclusion of an agreement. Negotiations are conducted between this second commission and the representatives of each religious group seeking an agreement.

*Local authorities*

In addition to the Government's activities at the national level, local public authorities at all levels are active in facilitating the integration of immigrants living in their communities.

Many local administrations provide immigrants with free advising, consulting and other services. Turin and Bologna provide some of the best examples of municipal administrations which are deeply concerned with immigration, and which provide a wide range of services to immigrants,<sup>249</sup> including employment advice, assistance in accessing public goods and services such as housing and health care, and Italian language lessons.

Most of the public information made available to immigrants is distributed through the Agencies for Foreigners (*Uffici Stranieri*) that are located in all local, regional and State administrations. These agencies serve as the point of exchange between the immigrant community and public authorities; they regularly organise events and campaigns to promote awareness of civil rights among immigrants.

## 4.2 Civil Society

The efforts of national and local public authorities to facilitate the integration of Muslim and non-Muslim immigrants are complemented by the activities of a wide range of civil society organisations. In fact, in many cases it is civil society organisations that are best positioned to provide immediate and concrete solutions to the practical problems commonly experienced by immigrants.<sup>250</sup>

<sup>249</sup> See: <<http://www2.comune.bologna.it/bologna/immigra/servimm.htm>>, (accessed 18 September 2002); <<http://www.comune.torino.it/stranieri-nomadi/stranieri.htm>>, (accessed 18 September 2002).

<sup>250</sup> For example, Cooperativa la Casa in Verona that works on housing issues. See: <<http://www.cestim.net/cooplacasa.htm>>, (accessed 18 September 2002).

There is frequent and effective cooperation between governmental institutions and civil society organisations concerning integration initiatives. Particularly at the local level, it is common for public administration offices and civil society organisations to collaborate closely in facilitating various aspects of the integration process. This collaboration is encouraged by the fact that NGOs that meet certain specified criteria may apply to the State for public financing. For example, the Province of Turin coordinates and provides funding for the *Progetto Atlante* – a network of public and private entities that collaborate to provide necessary social services to immigrants. The public administration in Florence also offers a coordination service and funding for civil society organisations providing services to immigrants.<sup>251</sup>

Government offices frequently call upon experts from civil society to produce research, studies and recommendations regarding the development of integration policies.

A number of associations, charities and foundations are operated by the Catholic Church,<sup>252</sup> trade union organisations or the cultural centres of fraternities; others are independently-operated. These organisations provide a wide range of services aimed at promoting integration and improving living conditions for immigrants and other vulnerable groups.

However experts note that, despite the wealth of NGO initiatives, the civil sector as yet does not present a united front in combating discrimination against Muslims, *inter alia*.<sup>253</sup>

### *Muslim organisations*

There are also a number of Muslim organisations that are becoming increasingly active in articulating the concerns and demands of their communities. Muslims who identify themselves primarily as a religious community have articulated claims regarding the right to free practice of their religion. On the local level, they have requested permission to open mosques; on the national level, they have sought a State agreement

<sup>251</sup> For information on the situation in Turin, see: <<http://www.provincia.torino.it/xatlante/index.htm>> and on the situation in Florence see: <[http://www.comune.firenze.it/servizi\\_publici/stranieri/meetingpoint.htm](http://www.comune.firenze.it/servizi_publici/stranieri/meetingpoint.htm)>, (accessed 18 September 2002).

<sup>252</sup> Caritas is one of the most important Catholic organisations which is involved in providing assistance to immigrants. See: <<http://www.caritas.it/>>.

<sup>253</sup> Interview with Chiara Favilli, lawyer, Arezzo, 24 April 2002. Also, OSI Roundtable Meeting, Milan, 20 June 2002.

(*intesa*) with the Muslim community, which many other smaller religious minorities have already achieved.<sup>254</sup>

The largest Muslim organisation is UCOII (Union of Islamic Communities in Italy), a federation of about 50 mosques across the country. The UCOII has a network all over Europe and supports an “international Muslim brotherhood.” It has sought recognition from the European Parliament as a confessional minority in Europe that supports “not individual but collective integration.”<sup>255</sup>

The *Centro Culturale Islamico* (Islamic Cultural Centre) is based in Rome. The Centre has played a leading role in the construction of the most important mosque in Italy. Its Board is largely composed of the ambassadors of Islamic States. Besides serving as a spiritual and social focal point, organising celebrations of religious holidays and observance of other religious rites, the Centre plays an important educational role. It provides Arabic language classes and religious instruction and has an extensive library on Islamic history, culture and contemporary affairs.

The Association of Italian Muslims (AMI) and Coreis are smaller organisations, composed predominantly of Italian citizens who have converted to Islam; both have pledged to guarantee non-fundamentalism if a State agreement were to be concluded with them. Both organisations are self-financed, and actively promote inter-culturalism and tolerance.

These organisations have competed with each other and with other organisations for the right to represent the Muslim community.

There are also a number of independent groups centred around local mosques which have neither claimed representativeness, nor allied with other larger organisations.

The problem of proper representation is cited as the chief cause for the lack of recognition of Muslims as a religious community in a State agreement. The dilemma for the State is that once it recognises one of the groups as representing the entire Islamic community, with powers to appoint Imams, administer money contributed to religious denominations, etc., other groups may refuse to recognise that group’s representativeness. At the same time, unlike in some other countries such as Spain, where concordats can be

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<sup>254</sup> Between 1990 and 1996, there were four requests for a State agreement from four different Muslim organisations. There have been no new developments. For more information, see *Quaderni di diritto e politica ecclesiastica*, 1996/1, pp. 287–303. For the text of the draft agreements prepared by Muslim organisations, see A. Cilardo, *Il diritto Islamico e il sistema giuridico Italiano* (Islamic Rights and the Italian Justice System), Naples, ESI, 2002, pp. 305–347.

<sup>255</sup> See UCOII, Istituto culturale Islamico in Milan, and Unione islamica in Occidente. Further information in V. Palanca, *Guida*, p. 105.

amended and even abolished, in Italy concordats, once concluded, are irreversible. The State's position is that it is "too early to conclude such an agreement with Muslims," until the Muslim community is rooted and proper representation emerges.

Experts note that there are "rudiments" of dialogue between the State and Muslims, but that further efforts are necessary.<sup>256</sup>

It has become increasingly clear that the transformation of Italy into a culturally and religiously pluralistic country will not occur automatically, as many previously assumed, but will require long-term effort and political commitment to work together with minority groups to identify ways of reducing societal tensions. It has also become increasingly evident that this process is inevitable.

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<sup>256</sup> OSI Roundtable Meeting, Milan, 20 June 2002.

## 5. RECOMMENDATIONS

- Monitor implementation of existing laws and programmes, including through the creation of new institutions for minority protection and the strengthening of existing institutions.
- Re-constitute an independent monitoring body that could advise the Government about the development and implementation of policies on integration, inter-cultural communication and anti-racism.
- Generate data to facilitate differentiated assessment of levels of discrimination and exclusion against different ethnic and religious groups.
- Raise awareness among minority groups about the existing legal and institutional framework for protection against discrimination.
- Train and sensitise law enforcement personnel to prevent the occurrence of violence and to ensure that adequate sanctions are applied when it does occur.
- Involve minority groups as partners in policy development, implementation and evaluation.
- Along with already-existing programmes to provide immigrant children with the knowledge and skills required to integrate into Italian society, develop curricula for optional or alternative programmes to facilitate greater awareness of immigrant cultures and languages.
- Develop means to encourage and facilitate the process of obtaining citizenship, and to increase access to political participation for long-term residents, including by according them the right to vote in local elections.
- Create the conditions for Muslims to enjoy fully their religious and cultural rights by facilitating the conclusion of a State agreement or series of agreements with Muslim communities.