



*Ministry for Equal Opportunities*

*One year of activities against racial discrimination*

**Report to the President of the Council of Ministers on the activity of the  
National Office for the Fight against Racial Discrimination (UNAR)**



**UNAR**

**Ufficio Nazionale  
Antidiscriminazioni Razziali**

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## **EXECUTIVE SUMMARY**

In Italy, since the end of 2004, a public body has been established with the aim to foster the process of racial integration, within the social and demographic evolution of the country, which shows a growing number of immigrants.

The National Office for the Fight against Racial Discrimination – UNAR – established by legislative decree n. 215/2003 within the Department for Equal Opportunities of the Presidency of the Council of Ministries, is meant to combat racial or ethnic discrimination, as requested by the Directive n. 2000/43/EC.

During 2005, the UNAR has taken the first steps towards its ambitious mission by promoting actions in four different directions: assistance to the victims of discrimination, prevention-focused campaigns to raise awareness of public opinion, promotion of positive actions and monitoring.

To begin with the actions to tackle discrimination, the UNAR has been particularly involved in bringing to light cases of discrimination by setting up a multi-language free Call-Centre. During its first year of activity, the call centre received about 3500 calls 870 of which matched the UNAR competencies. The Office has therefore given way to the preliminary investigation on these cases aimed at providing legal support to the victims of discrimination.

Looking at the data collected by the Call-Centre, it has been possible to sketch a profile of discrimination against foreigners in Italy, a geographical map of this phenomenon as well as social and working environments where discrimination is highly evidenced. From this analysis, access to housing and the labour market have proved to be the most critical sectors.

The goal of prevention has been mainly pursued by raising the awareness of public opinion and specific target groups through communication and media campaigns. More in detail, a number of seminars have been organized with non-profit associations, special

racism-themed competitions have been launched in schools as well as an Action Week Against Racism. The latter has been co-financed by the European Commission and it has included many events aimed at raising awareness of public opinion on racial and ethnic discrimination issues. Not only were the media directly involved in these events but also sports and show-business stars. The Action Week started on Sunday 13<sup>th</sup> March with the Rome Marathon where a booth was set up promoting the slogan “I run against racism”, in partnership with the European campaign “For diversity, against discrimination”. In addition to this, the services provided by the UNAR have been nationally advertised especially in highly-attended places by foreigners.

With regards to positive actions, the UNAR has established good cooperation channels with many associations which have long worked in fighting discrimination and promoting human rights. To strengthen this partnership, an *ad hoc* National Register has been created by the UNAR which, so far, includes 120 non-profit associations. Moreover, an inter-departmental decree issued on December 16<sup>th</sup> 2005 lists 320 associations which can represent and/or support the victims of discrimination before a court. To give further support to non-profit associations the UNAR has issued a call to finance with € 500.000 the projects presented by these associations related to discrimination, and particularly: the fight against discrimination in public and private workplaces, the access to housing and health assistance, the defence of the fundamental rights of Roma people, the effectiveness of judicial instruments to protect the victims of discrimination. On this last point the UNAR has signed an Agreement ( on October 18<sup>th</sup> 2005) with the social partners to set up anti-discrimination programs in the workplace. The first initiative in this field has been a pilot project carried out by three Italian regions – Veneto, Trentino Alto-Adige, Friuli Venezia-Giulia - which have offered training courses to company managers and trade unions representatives.

At last, with reference to the monitoring activity, UNAR participation into the international anti-discrimination networks should be emphasised, aiming at a permanent exchange of policies and practices between different countries. Bi-lateral relations have

been set up with United Kingdom and Sweden. This Report should then be considered as an evaluation and monitoring effort, with the goal to enforce equal opportunities in Italy. We therefore wish it would be useful to understand the phenomenon of racial and ethnic discrimination in Italy and to start the development of an open and multi-cultural society.

## PRESENTATION OF THE REPORT

The Annual Report to the President of the Council of Ministers on the activity of the National Office for the Fight against Racial Discrimination (the UNAR) offers a detailed description of the strategies and the operational interventions of the Office since its opening till present, and shows how Legislative Decree no. 215 of July 9 2003 is applied in the promotion of equality treatment and the elimination of discrimination on the grounds of racial or ethnic origin, and presents the first overview for 2005 of the phenomenon of racial discrimination in Italy.

The Report has an emblematic value since it presents the first systematic and structured approach to prevention, monitoring and combat of discrimination on the grounds of racial or ethnic origin, made in Italy and is a helpful tool for orientation for politicians, the Administration, scientists and bodies working against any expression of racism in our Country.

Back to the contents of the Report, in the first chapter the guidelines for policies and the directions are explained, which with the implementation of the Council Directive 2000/43/EC have been established by the Italian legislator through the creation of the UNAR in the domain of prevention of any discrimination on the grounds of racial or ethnic origin, the promotion of positive actions for the removal of obstacles to equal treatment and of any discriminatory behavior and the monitoring of the discrimination phenomenon in Italy.

A systematic review of the initiatives of information-spreading and awareness-raising of the public opinion and special target groups is presented in the second chapter of the Report, with description of the media communication campaigns, the training initiatives in the Universities and the non-governmental sector, the thematic competitions for intercultural dialogue in the schools and the universities, the communication strategies, the activities of the working groups in the area of sports and football and the meetings and initiatives for the public. We have to mention in this respect the innovative introduction by the UNAR of the *Week of action against racism*, an awareness-raising campaign, which

coincides world-wide with the celebration of the International Day for the Elimination of Racial Discrimination on March 21. In the first edition, the event consisted of different initiatives, such as the Rome Marathon against racism, the active involvement of the world of sports and show-business, the schools, journalists and the Italian universities. The institutional information on the new legislation for combat and defense against racial discrimination offered by the UNAR during the year also had an important role to play in informing the general public, the foreign nationals, the Roma, the Sinti and the ethnic minorities on the existence of guarantee tools for their rights to equal treatment. The popularization of the UNAR toll-free number with the use of traditional and new media, including visibility in public places and high traffic points, such as railway stations, metro and bus stations, or during popular public events gave the UNAR visibility and recognition, thus helping the phenomenon of racial discrimination in Italy to hit the surface for the first time.

In the third chapter you will find a general overview of the strategy and the tools adopted by the UNAR in support of the victims of discrimination starting with the internal organization of the Office and its structure over the national territory. In this chapter, the activity of collecting cases of racial discrimination is described as performed by the UNAR *Contact center* - the multilingual toll-free number: 800.90.10.10. From 10 December 2004 till 10 December 2005 with more than 10.000 calls, there have been 3.438 cases, which fit the UNAR competencies of which 282 of discrimination or harassment based on ethnic or racial origin have been investigated. The *database* as a whole, beyond those cases, which fit the UNAR competencies, offers interesting information on the needs and the requests for social integration of the foreigners and the ethnic minorities in Italy. This data is also relevant for the understanding of the levels of perceived discrimination, although they can not be related objectively to an inequality treatment of ethnic or racial origin.

Those aware of their own rights and courageous to report discrimination or harassment, very often live permanently in Italy and have attained a certain residential, employment and social stability and are capable to face the required procedure for the complaint. From the analysis of the complaints a significant difference emerges between

the North-East, North-West and Central Italy, from where the biggest number of complaints comes, and the region of Southern Italy where the complaints are very scarce. This strong territorial difference is due to the gap between the areas of the Center and the North characterized with a stable and more advanced industry and the South of the Country characterized by a strong transit of the immigrants and a significant irregularity of the employment status of the foreigners. A similar territorial differentiation emerges also from the analysis of the areas with most frequent cases of discrimination in the employment and the housing where the competition for the social and economic resources is bigger and conflicts between local population and immigrants are more frequent.

It is exactly in the housing area apart from the public life that the highest number of complaints of harassment, personal dignity violation, threatening and hostility, humiliation and offensive acts are being suffered: in the interpersonal relations in the neighborhood and the urban areas. Predominantly in Central Italy and the North-West the highest number of inter-ethnic conflicts is developed and strong condemnation of entire immigrant communities is reported, of the Roma and the Sinti. Harassment cases represent a total of 43, 3% of the relevant complaints, which have reached the *Contact center* and show how the emotional reactions caused by the violation of the personal dignity have a strong influence on the willingness to complain. Another important area of discrimination cases those that take place inside the public institutions, at the registry and social assistance offices has to be underlined as well; discriminations and inequality attributed to the contingent of police forces and at the end the inability to access financial services such as mortgages and loans, which presuppose a certain risk-factor, and even in the less risky occasions such as the opening of a saving account.

The adopted strategy by the UNAR for the removal of the discriminatory behaviors reported to the *Contact center* foresees the consideration of the reported cases and the launch of an inquiry targeting legal assistance, including the support to the victims in legal and administrative procedures. Judging by the cases presented in the Report, it has not been necessary until now legal proceedings of protection to be undertaken, because the informal conciliatory activity, the facilitation between the interests of the involved and the practices

of *moral suasion* have permitted the removal of the discriminatory behavior without the need to apply legal measures.

One of the UNAR tasks is the promotion of positive actions targeting to avoid or compensate situations of disadvantage based on ethnic or racial origin. Some of these strategies adopted by the Office are described in the fourth chapter, beginning with the entitlement of 96 associations listed in the National Register at the Department for Equal Opportunities to go to court. The non-governmental sector working in the domain of fight against discrimination can launch, even through a financial mechanism promoted by the UNAR, direct synergies with the Office and launch territorially rooted projects for the strengthening of the safeguarding tools for more effective support to the victims of discrimination and for the monitoring of the discriminatory phenomenon in the workplace, in the access to housing, to healthcare and to the goods and services.

Among the positive actions undertaken by the UNAR to address the high number of complaints of discrimination in the workplace, systematic actions have been undertaken aiming to prevent the discriminatory events in the employment sector targeting to remove completely the structural obstacles, which produce unequal treatment. Thus the UNAR has signed a Protocol of Agreement with the Trade unions and employers' organizations at national level including a program of measures against discrimination in the workplace. The "Triveneto" pilot project has been launched, with training courses designated for representatives of the trade unions from Veneto, Trentino Alto Adige and Friuli Venezia Giulia on the legislation problems connected with the discrimination of ethical or racial origin and a systematic action of monitoring, prevention and protection inside the workplace.

Furthermore, considering several legal cases applicable to the new legislation, the UNAR has launched training courses for the legal professionals encompassing both study and practicing of the substantial and procedural aspects of the new legislation for the combat of racial discrimination introduced in cooperation with the National Council of the Bar and the Superior Judiciary Council.

Lastly, in the fifth chapter presents the importance of the UNAR international commitment since the first year of its activity, with the active participation of the Office in the European network of the specialized bodies *Equinet*, in the European campaign “*For diversity against discrimination*”, in the activities of EUMC (the European Monitoring Centre on Racism and Xenophobia) in Vienna and with the Interministerial Committee for Human Rights (CIDU).

In summary, one year after the creation of the UNAR, the activities of the Office during 2005 can be considered as very positive. The high number of contacts received and of the follow-up cases during this one year of activity is emblematic for the confidence that the Office has acquired in a very short period among the Italian citizens, the immigrants, the Roma, the Sinti and the ethnic minorities. The strategy to combine the action of combat of the discriminatory behaviors with a strong activity of awareness-raising and intercultural communication, moreover with the positive actions for the elimination of the main causes of the discriminatory events, present a unique Italian case in comparison to the activities of the corresponding European offices, dedicated mainly to the protection of the victims in parallel to the legal provisions. In this way, the UNAR has outlined for the first time a map of the racial and ethnic discrimination in Italy, offering a guarantee for all those who feel to have suffered some form of discrimination and promoting, at the same time the activities of prevention and elimination of those obstacles, which are in the roots of the ethnic and racial discrimination.

## I. UNAR: THE NATIONAL OFFICE FOR THE FIGHT AGAINST RACIAL DISCRIMINATION

### 1. Functions and objectives of the UNAR

The UNAR has been created within the Department for Equal Opportunities of the Presidency of the Council of Ministers with Legislative Decree no.215 of July 9 2003, in implementation of the Council Directive 2000/43/EC. The Office operates since November 2004 with the task to promote equal treatment and the removal of any discrimination on the grounds of racial or ethnic origin, considering as well the different impact of the same discriminations on men and women and their relation to the other forms of racism of cultural or religious nature. The set up of the Office within the Department for Equal Opportunities is due to the important commitment of this Department in the recent constitutional and legal reforms in the domain of combating domestic and sexual violence and the protection of victims of human traffic, evaluating very carefully such connotations that can accompany any form of discrimination.

The UNAR is an operational tool for prevention and combat of racial discrimination protects the rights of the immigrants and the ethnic minorities and is capable to guarantee the equality between individuals regardless of their skin color, gender and ethnic or cultural origin.

During the first year of activity the UNAR has transformed the legal response into positive actions introducing the principle of equality in the every-day reality to guarantee everyone a full economic, social and cultural participation in every domain of the social life.

“*From Law to Practice*”, passing from the legal to the practical, has been the *mission* of the UNAR since the first year of its activity.

The UNAR choice was to respond to such a complex phenomenon as the discrimination on the grounds of ethnic or racial origin with multidimensional strategies, which have encompassed the contrasting of every form of discrimination with interventions of information, training and awareness-raising campaigns, as well as with research and constant monitoring of racism in the most risky sectors such as the

workplace, the housing, the cohabitation, the school, the sports, the response given to the foreign citizens by the institutions, to the access to goods and services.

Regarding the emergence of the discriminatory data, the protection of the victims, the prevention of the racial intolerance phenomena and the removal of the structural obstacles that determine them, the UNAR during the first year of its activity, has undertaken an important action of involving society through a direct dialogue with the voluntary organizations, the associations and the bodies from the non-governmental sector working in this field.

The activities of the UNAR represent for Italy the first structured response to racism, a phenomenon with “*variable geometry*”, changing according to the historical circumstances, changing in the choice of the victims, which is capable to develop simultaneously through the behavior of the individual, the cultural models of reference, the economic conditions, the propaganda, the responses of the institutions and the media.

With the awareness that the legislation represents by itself a decisive, but not a sufficient part for the elimination of any form of discrimination and ethnic or racial intolerance, the UNAR had chosen to operate through a multidisciplinary *team* at different levels of intervention and involvement of numerous institutional actors and society, including the delivery of the first plan of action against these behaviors, which voluntarily or without intention, really or symbolically produce or justify the rejection, the undervaluation, the creation of hierarchy or unequal treatment because of ethnic or racial differences.

As to the definition of discrimination of ethnic or racial origin against which the UNAR operates - it is worth underlining that the term “*race*” as supported in the *Recital no.6* in the Council Directive 2000/43/EC does not imply the recognition of the existence of separate human races nor the acceptance of such theories. The use of a similar concept, a result of historically predefined social and cultural processes, allows the UNAR together with the concept of *ethnos* to have a wide range of intervention against any discriminatory phenomenon, which has as a base or justification in the exterior, cultural, linguistic, religious differences, in differences in lifestyle, territorial

origin or community belonging even if only understood as such by the actor of the discriminatory behavior.

## **2. Italian adoption of the European Council Directive 2000/43/EC on racial equality**

The European Council in fixing the principles of the Directive 2000/43/EC affirms that discrimination on the grounds of ethnic or racial origin apart from harming the fulfillment of the objectives fixed in the EU Treaty can become a particular obstacle to the development of a good level of occupation and social protection inside the territory of the EU. In this respect the existence of one or more bodies in each member state with the task to analyze the problems in the matter, examine the possible solutions and provide assistance to the victims is of fundamental importance.

In order to implement the Council Directive 2000/43/EC with Article 7 of Legislative Decree no.215 of July 9, 2003, the Italian State has provided the establishment of the Office for the promotion of equal treatment and the removal of discrimination on the grounds of racial or ethnic origin. Later on, with Interministerial Decree of the President of the Council of Ministers of December 11, 2003, the relative regulation of the organization and its way of functioning has been approved.

The Office nominated shortly with the acronym UNAR (National Office for the Fight against Racial Discrimination) is established within the Department for Equal Opportunities of the Presidency of the Council of Ministers and aims to create a secure garrison and control of the equal treatment including the monitoring of the effectiveness of the safeguarding tools.

In conditions of full autonomy and impartiality the Office has the task to promote the effective treatment of parity and remove any form of discrimination on the grounds of racial or ethnic origin considering the different impact that these discriminations may have over men and women and their relation to the other forms of racism of cultural or religious nature.

The new legislation provides in this respect a clear distinction between direct and indirect discrimination defining that the first occurs when on the grounds of racial or ethnic origin a person is treated less favorably than another is, has been, or would be

treated in a comparable situation; the second occurs when an apparently neutral provision, criterion or practice would put a person at a particular disadvantage compared with other persons.

Another domain where the UNAR intervenes are the harassment cases, which Legislative Decree considers an additional form of discrimination: a harassment is defined as any unwanted conduct related to racial or ethnic origin, which takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, offensive or degrading environment. As it can be discovered in the analysis of the complaints collected by the UNAR and its activity of legal assistance, the enlargement of the protection area with the concept of “harassment” opened for the Office the possibility to support the victims of racial discrimination even in areas, which do not implicate unequal treatment but harm deeply the personal dignity, obstructing any hope for social integration.

With the purpose to activate better its functions and the set objectives, the Office uses personnel from the Presidency of the Council and other Public Administration bodies and works in co-operation with judges, lawyers and procurators, as well as experts or consultants outside Public Administration, professionals in legal or social anthropological areas<sup>1</sup>.

The legislation for the adoption of the Directive contains also an important chapter dedicated to the legal protection for the victims who can take legal actions with promptness and simplicity, and rely on the procedural validation from the associations. The characteristics of such protection will be presented in chapter III, part 5.

### **3. The UNAR activities in the domain of prevention, removal, promotion and monitoring of discrimination**

The Italian legislator, by giving full realization of the Community Directive with the creation of the UNAR, fixes in an exemplary and detailed way the tasks that it has to

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<sup>1</sup> The personnel of the UNAR consists of Director General, 4 judges, 2 experts, 6 offices (Area C) and 6 employees (Area B). The annual budget of the Office is fixed by Article 29, clause 2 from the Community Law no.39/2002 at euros two million a year.

complete in order to reach the set objectives that can be gathered in 4 big areas defined by their aims:

- the first area includes all those activities that **prevent** through awareness-raising of the public opinion and that of the operators in the sectors, any type of behavior or action (to be understood in the broad sense) that has a discriminatory effect;

- the second area of activities has the objective of **removal** of any situation of discrimination, with the full respect for the functions and prerogatives of the Judicial Authority through assistance to the victims in the legal or administrative proceedings, or the carrying out of inquiries for monitoring of the existence of discriminatory phenomena;

- in conformity with the community programs, as the third area of competencies, the Office has the task of **promotion** of positive actions including studies, researches, training courses and exchange of experiences in cooperation with the specialized statistics institutes as well as with the non-governmental organizations, to the end of developing guidelines for the fight against discrimination;

- the Office, lastly, performs systematic actions of **monitoring and verification** of the effective application of the principle for equal treatment and of the efficiency of the protection mechanisms through a statistic and qualitative control of the cases of discrimination on the grounds of ethnic or racial origin, elaborating the performed activities in an annual report to the Parliament and a second report to the President of the Council of Ministers.

### 3.1. The prevention

The tasks in the area of prevention are listed by the legislator in the provisions of letters d) and e) of Article 7, paragraph 2, of Legislative Decree no. 215/2003:

*“Disseminate the maximum possible knowledge of the safeguarding tools in force through actions of awareness-raising of the public opinion on the principle of equal treatment and the realization of information and communication campaigns”*,

*“Formulate recommendations and opinions on the issues connected with the discrimination based on racial or ethnic origin as well as proposals for amending the regulations currently in force”*

The UNAR informs the public opinion through awareness-raising and communication campaigns, education in the schools and training in the workplace. It should be underlined that in the area of prevention among the objectives of the UNAR is the realization of big awareness-raising campaigns at national level.

It is important that the idea of the equal treatment becomes an integral part of the educational and cultural heritage of every individual, forbidding in this manner the appearance of discriminatory events and their formation and dissemination in the public opinion.

The training campaigns intend to give maximum knowledge of the existing safeguarding tools and of the possibilities offered by the new legislation and take the shape of publicity campaigns, organized conferences and events, dissemination of good practices and on-the-road awareness-raising campaigns.

### **3.2. The removal**

Article 7 of Legislative Decree no. 215/2003, letters a) and b), describes the tasks that could be formulated as the UNAR own activity where the Office is assigned the following:

*“Provide assistance, in judicial or administrative proceedings undertaken, to the persons considering themselves wronged by discriminatory conduct also according to the forms pursuant to Article 425 of the code of civil procedure”*

as well as:

*“Carry out, respecting the prerogatives and the functions of the judicial authority, inquiries targeted at ascertaining the existence of discriminatory phenomena”*

One of the principle objectives of the EU Council and the national legislation is to assure assistance to the victims of the discriminations. When there is a report of discriminatory acts the objective of the Office is to help improve the situation with the guarantee to stop the discriminatory behavior, to remove the prejudicial effects, which have already occurred and to claim for the damages.

Considering the ambitious position of garrison and guarantee, the UNAR and its team of experts and collaborating judges, in full respect to the functions and exclusive prerogatives of the judicial authority, provide to:

- a) offer aid and support in the jurisdictional or administrative proceedings by assisting the discriminated person - or organizations that acts on his behalf – during the judicial procedure;
- b) provide, optionally, through its representative oral and written information, news and observations, in court;
- c) conduct independently and optionally inquiries in respect to the prerogatives and the functions of the judicial authorities aimed at verifying the existence of discriminatory phenomena.

As mentioned above related to these objectives is the establishment of a special Register of associations active in the sector, which through Interministerial Decree signed on December 16, 2005 by the Ministry of Labor and Social Policies and by the Ministry for Equal Opportunities obtained the entitlement to go to court in the name and on behalf or in support of the person subject to discrimination.

Besides the Office, plans to emphasize on the informal conciliatory activity offering solutions for the removal of the discriminatory situations and avoiding the use of jurisdictional tool. The office provides through its *Contact center* support and assistance, which are very important for the activity of removal. The *Contact center* of the UNAR is operational from December 10, 2004, reachable on the toll-free number 800.90.10.10 and via the *web*. This center:

- a) collects reports, complaints, evidences, procedures and actions that prejudice on the grounds of racial or ethnic origin the equal treatment between persons;
- b) offers immediate assistance to the victims of discrimination by providing information, guidance and psychological support;
- c) assists the victims in the judicial proceedings when they decide to go to court for verification and repression of the violations.

The *Contact center's* toll-free number is open 7 days a week including holidays, from 10:00 am to 8:00 pm and the service is available in Italian, English, French, Spanish, Arabic, Russian, Romanian and Chinese.

The service is split in two tiers.

The first tier is in charge of collecting and researching the complaints, including the research of information useful for the resolution of the reported cases. In case of a

complaint received on the phone for which there is possible or available solution, the first tier of the *Contact center* resolves in real time the reported case.

When the problem cannot be resolved in real time by the personnel of the *Contact center* and the complainant comes by telephone, the first tier passes the report to the second tier, inside the UNAR, which registers the complaint and through the coordination and under the supervision of the experts of the Office proceeds to finding a solution of the case.

A detailed report about the activity of the *Contact center* during its first year of activity is presented in the third chapter.

### **3.3. The promotion**

Within the promotion activities set by the UNAR and in order to disseminate the widest possible information on the tools offered by the national legislative system in the area of protection for victims of discrimination, as established by the national legislation in Article 7, letters c) and g) the Office's tasks are:

*“Promote the adoption, by public and private entities, in particular by the associations referred to in Article 6, of specific measures, including projects of positive actions, aimed at avoiding or compensating for situations of disadvantage due to racial or ethnic origin”,*

as well as:

*“Promote studies, research, training courses and exchange of experience in cooperation with the associations and the entities referred to in Article 6, with other non-governmental organizations operating in the sector and with the specialized institutes for statistical surveying among other things to the end of developing guidelines as regards the fight against discrimination”*

In order to enforce the dissemination of the equal opportunity principle, the Office promotes the adoption of projects and positive actions, as measures to eliminate the situations of disadvantage on the grounds of racial or ethnic origin, which prove to be an obstacle to reach the essential equality in society.

In the area of promotion of positive actions, starting with the verified cases of discriminations in the most critical areas, as well as based on the territorial differences as reported to the *Contact center*, positive actions have been initiated capable to promote systematic strategies for the removal of the structural obstacles causing the

discriminatory behaviors. For example in the cases of racial discrimination in the workplace, protocols of agreement and strategies for intervention coordinated with the social partners have been signed. In other areas of discrimination, this happens through inter-institutional contracts and systematic interventions, capable to weigh upon factors that have caused the discrimination. Considering that many of the reported cases of discrimination (for example the difficulties in access to financing), demand commitment and awareness-raising activities inside the discriminatory institution or body (such as the problem of refused mortgages to non EU citizens on the grounds of internal policies of banks and financial institutions) and signal instances that go beyond the individual case, the Office not only resolves the individual complaint, but also evaluates the opportunity for a general action on the policies for inclusion, promoting the important activity of implementation of the equal treatment with all the *stakeholders*. From the single case the Office passes to the so-called “system actions”.

Moreover, the Office supports studies, training courses and experience exchanges with other EU member-states, promoting the realization of international projects that target to face together the common problem of the combat of racial discrimination. For this reason, the relationship with the associations, bodies and non-governmental organizations working in the field is very important and periodic contacts and *capacity building* strategies are activated with them not only for the indication of eventual discrimination events, but also as periodic controls on the achievement of the set objectives.

The Register of associations, at the Department for Equal Opportunities (Chapter IV, paragraph 1) answers not only the need to recognize the active legitimacy of the associations active in the sector, but also the request to make an operative connection between them and the UNAR in order to initiate important synergies and to elaborate shared strategies and projects on which to converge the common commitment. There is no doubt that the strong presence on the territory and the daily activity of the non-profit sector, in the field of the fight against discriminations, represents for the UNAR an incredible resource and reference point. NGOs are an important partner to the UNAR and function almost as its operating arm for the realization of actions combating discriminations and of awareness-raising of the public opinion.

### 3.4 The monitoring

The letter f) of Article 7 confides to the Office the following task:

*“Prepare an annual report for the Parliament on the effective application of the principle of equal treatment and the effectiveness of the mechanisms of protection, as well as an annual report to the President of the Council of Ministers on the activity carried out”.*

Thanks to the results and the statistics coming from the *Contact center* database, including other information and indications acquired with the tools and means given to it by the legislation, the UNAR prepares every year a report to the Parliament on the effective application of the principle for equal treatment and on the efficiency of the protection mechanisms including an annual report to the President of the Council of Ministers on the performed activities.

These annual reports, apart from creating an occasion to analyze the performed activities, provide the political bodies and the public opinion with information on the obtained progress, as well as on the problems encountered in the fight against discrimination.

In this perspective, the reports on one side mark the wrap-up of the annual activity, and on the other constitute an initial point, since the systematic monitoring of the discrimination phenomenon allows to define once again the strategic objectives and to program for the up-coming year the initiatives of information and awareness-raising, aiming to increase the attention and the information of the public opinion on the issues of racial integration, including finding possible gaps in the arrangement for which it is necessary to elaborate proposals for amendments of the regulations currently in force.

## II. PREVENTION OF RACIAL DISCRIMINATION: THE INFORMATION AND AWARENESS-RAISING CAMPAIGNS

The activity of information and awareness-raising of the public opinion and especially of those working closely in the field of the fight against discrimination constitutes one of the priorities of the UNAR.

Racial behavior is mainly due to lack of knowledge and sometimes to due the fear of the *different* in people arriving from other countries with their own habits and traditions.

Awareness-raising, information and mass media communication campaigns, education in the schools and training in the workplace have as objective to dismantle the prejudices, which support or legitimate racism, by contributing to disseminate at each level and in all social areas the principle of equal treatment of individuals and a positive intercultural cohabitation.

In this regard we have to recognize the crucial role of the main educational stakeholders - the family and the school; it is there that such problems have to be treated in a balanced manner without building in children and teenagers those fears and worries toward the diversity that can foster prejudice and racial discrimination.

The *mass media* also play an important role - particularly television, which continues to be a very impactful means of communication and can help to understand, even with small films and fiction series, which bring to the Italian homes many popular characters, what are the consequences of discrimination and what could be the advantages of the mutual respect of the personal identities.

### 1. Presentation of the UNAR activity planning: the international meeting *All different, all equal* and the Italian stage of the European *truck tour*

Since its creation the UNAR has planned to launch a wide information campaign on the possibilities offered by the legislation and the possibilities of cooperation with the NGOs operating in the field of the fight against discrimination.

To present the program a decision was taken to organize on November 16 2004 an international meeting titled “*All different, All equal: the launch of the new National Office for the Fight against Racial Discrimination*”, in which many politicians, international expert, representatives of the EU institutions and other international bodies and representatives of NGOs participated.

In order to give stronger emphasis to the initiative, it coincided with the Italian stage in Rome of the *Truck Tour*, an on-the-road campaign organized within the initiative of the European Commission called “*For diversity, against discrimination*”. Moreover, a very symbolic place for Rome was chosen - Piazza della Repubblica, which every day is a meeting-place for the main foreign communities due to its closeness to the Termini Railway Station.

High level speakers with the strong involvement of the associations from the sector took part in the event. In the different sessions of the event the international and the European legislation for the promotion of equal treatment and the combating of racial discrimination were closely examined, the new regulation introduced by the Italian legislation, especially in regards to the opportunities offered to the NGOs entitling them to go to court on behalf or in support of the victims of racial discrimination.

Particular importance was given to the experiences of directors from the UNAR counterparts already existing and working since many years in Ireland and Belgium, which permitted to compare the different contexts existing in the different EU member states.

The presentation of the Office had a wide coverage in the mass media and activated a large national awareness-raising campaign for the dissemination of the concept of the fight against discrimination, thank also to the experience of journalists, sportsmen and showmen, who at this occasion were nominated “*Ambassadors of Diversity*”. Many characters were invited to participate in the project, such as the journalists Fidel Mbanga Bauna e Rula Jebreal, the Albanian dancer Kledi Kadiu and the athlete Magdeline Martinez, who although with no Italian origins, have perfectly integrated in the social fabric of our Country, by acquiring success and popularity, and due to their life and professional experience could transmit a positive message about the multiethnic and multicultural integration.

In the afternoon in the Piazza della Repubblica young people gathered to assist and participate in the event. In this atmosphere the *Ambassadors of Diversity* joint by football players from the Rome league and immigrants from far-away Countries presented their professional and life experience, shared their impression of Italy and the route of social integration that they had to face.

## **2. The first *Week of action against racism***

From March 13 to 21, 2005 the UNAR announced the first *Week of action against racism*, an awareness-raising campaign that involved sportsmen and artists, as well as the schools, journalists and the universities. The most positive and satisfying result, due to the involvement of the media, was the participation of families and citizens that many times have taken part in different events organized nationwide, to testify and share the principle of the equal treatment and the rights connected to it.

The event coincided with the celebration of the *International day for the elimination of racial discrimination* on March 21. On this date, back in 1960, in the town of Sharpeville, South Africa the police shot 70 people protesting peacefully against the racist legislation of the Apartheid Regime. On December 13, 1967 the General Assembly of the United Nations declared March 21 as *International Day against any form of racism and discrimination*.

The unifying link of all the initiatives of the UNAR during the Week was the production and distribution of free t-shirts with the UNAR logo and the logo the European Campaign “*For diversity, against discrimination*” with *slogans* against racism. T-shirts have always had big success and appeal, not so much for their aesthetic quality, but because of the importance of the message demonstrating that the theme touches the sensitivity and the consciences of thousands of people.

Next to the message “I run against racism” written on the t-shirts of the participants in the Rome Marathon and next to those saying “I play against racism”, written on the t-shirts given in stadiums and in the schools, each person could add a different verb, writing “I ..... against racism” in order to show that anyone can do something in their everyday life against racism.

We have to emphasize the significant support given by the *mass media* to the first *Week of action against racism*, which contributed to the multiplication and maximum dissemination of the message. For this event, many artists and journalists made available their image of successful immigrants as an invitation to the public to think about the fact that there are no differences on the grounds of racial or ethnic origin and that all are equal in their respective differences.

RAI and MEDIASET programs invited the UNAR representatives to share their *testimonials* and through TV reports and interviews treated the issue of racism. Programs as “Amici” and “Quelli che il calcio” due to their popularity among the young audience and due to the presence of famous personalities succeeded in discussing with simplicity the delicate issue of the fight against racism and obtained maximum coverage. News programs also dedicated airtime to the initiatives, including “Uno mattina” on RAI and “Un mondo a colori” on RAI Educational. The radio has played an important role providing the UNAR with information slots in radio programs such as “Caterpillar” of Rai Radio 2 and interviews in programs on Radio 24 of Radio Vatican.

### **3. The Rome Marathon: running against racism along the streets of the Capital**

The first *Week of action against racism* opened on Sunday, March 13 with the Rome Marathon inside which there was a section of people wearing the *slogan* “I run against racism”, which was done in *partnership* of the European Campaign “*For diversity, against discrimination*”.

The initiative had a significant success with the public, in the three days preceding the event, during which the UNAR had a *stand* in the Marathon Village. Hundreds of visitors came to the stand of the Office and received gadgets with information about the UNAR activities and the new legislation in the domain of the fight against discrimination. Gadgets of the European campaign against all forms of discrimination and yellow t-shirts, symbolizing the event with the *slogan* “I run against racism” were also distributed at the stand.

The “*yellow spot*” inside the Marathon with participants who wore the t-shirts against racism visibly stood out of the multitude of all other participants. Around 5000 people coming from different parts of the Country participated in the marathon and due to the

cooperation with the Regional direction of Education of Lazio many students from Rome and Lazio also participated in a competition at the end of which the first three winners in each category received as award the plate “I run against racism”.

Along the route of Stracittadina and on the finishing line the participant found banners and a hot-air balloon with the campaign logo to which a lot of airtime was given by the TV cameras of Rai Educational and the program “Un mondo a colori”.

In order to keep up the memory of the events, which in the recent past deeply moved the conscience and lives of millions of people, all the students who participated in the Marathon were granted a visit to the Rome ghetto and the museum of the Synagogue of Rome, places where the violence and the rage typical of the racial hate had been expressed with strong cruelty.

The success of the initiative and its positive influence on the participants and the public opinion was also testified by the high request of other Marathons (as those of Florence and Aversa) for the participation of the UNAR and especially of the campaign against racism.

#### **4. Initiatives in the educational sector: the competition *Meeting different cultures at school***

The school together with the family is a place where the conscience and the knowledge of the new generations are formed; it assumes a role of primary importance in order to guarantee that the intercultural respect and the principle of equal treatment become a common heritage of the civilization for the affirmation of a multiethnic and anti-racism society.

Because of this the UNAR and the Ministry of Education organized series of initiatives of awareness-raising that involved predominantly schools and have put students at the core of projects and proposals for the dissemination of the anti-discriminatory principles.

To this end a competition was announced open for all schools – elementary, medium and high - with the objective to involve students on the topic of “*Meeting different cultures at school*”, targeting to support the valorization of teaching experiences, projects

and products created by teachers and students in the area of the intercultural education, specifically focused on the combat of any form of discrimination on the grounds of ethnic or racial origin (Annex - Notice of Open Competition in schools).

The competition's objective was to appraise the sensitivity, the originality, the ability of intercultural dialogue through the language of painting, the cinema and video, the theatre and writing, and of project elaboration, by giving to the students an extensive freedom of expression through paintings, audiovisual and theatrical exhibitions and short films.

Following the intermediate selection done by the CSA and Regional directions, the evaluation Commission examined 80 proposals that arrived at the final stage.

The proposals were presented in four different sections:

- Projects of intercultural education: experimental programs, tested for at least a whole school year by teachers, with a grid of internal evaluation of the capacity of impact and the involvement of the students;
- Art and image: proposals by students on the intercultural dialogue and the fight against intolerance, through different forms of art (drawing, sculpture, design);
- Writing: the best texts, written by students in different forms of literary expression: poems, short stories, essays etc.;
- Audiovisual: a documentary, a short film or video of a theatrical performance (up to 15 minutes), produced by students with the eventual supervision of technical staff and teachers.

At the end of the competition 10 money prizes were awarded to the schools nominated first and to all participants in the final stage *multicultural book-shelves* containing books for the different school levels were given, as well as, the UNAR information *kit* on the strategies for the combat of racial discrimination containing a DVD, a poster and a presentation booklet.

The financial awards given to the schools are to be used for initiatives and activities in the respect of the school autonomy, for the admission and integration of foreign

students as well as carrying out awareness-raising campaigns among students on the subjects of multiethnic integration.

Beside the competition, during the *Week of action against racism*, the UNAR distributed in all schools a DVD with information and news on the new anti-discrimination legislation, on the protection tools available to the victims of racism and on the activities of the Office.

The final events of the *Week of action against racism* were also dedicated to the school: Mrs. Stefania Prestigiacomio, Minister for Equal Opportunities, led an UNAR delegation to visit the “Daniele Manin” school in Rome, near Piazza Vittorio Emanuele, a multiethnic part of the city, which is attended by many children from different parts of the world. In a joyful atmosphere, the Minister visited the classes, distributed yellow t-shirts from the anti-racism campaign to the students, who in exchange performed music from their own countries and offered sweets and presentations of different ethnic origin. At the end of the meeting the Minister discussed the problems of integration with the teachers who with great passion and commitment help these children everyday to face problems connected to their integration in the new country.

## **5. Campaigns in the football sector: *Strike a goal against racism***

Sports, and in particular football have been always characterized by a strong social, ethnic and religious mixture and play a very active role in the promotion of the multiethnic and intercultural aspects in all societies.

Starting with the first communication campaign the UNAR created its *slogan* “Strike a goal against racism” and inserted it in a “Progress Advertising” campaign transmitted by different national TV stations, looking for assistance and cooperation with sports and football institutions for the organization of awareness-raising campaigns.

The cooperation in the football sector began with the amateur football, where the passion is more genuine and the contacts between the football players and fans are calmer and less spoilt by disturbing and violent behaviors often encountered with the fans of the professional football.

In March and April 2005 in the province of Florence in cooperation with the intercultural association “Anelli Mancanti”, the UISP Solidarity organized a multiethnic

football tournament named “*Open world – the football for solidarity*” in which 13 teams of different foreign communities living in the province took part.

Teams, representing the Province Foreigners’ Council and communities were also involved, including the team of the Chinese community, deeply rooted in the territory, which have difficulties in establishing relations with the Italian community.

The Tournament was supported by the Ministry for Equal Opportunities and the UNAR, because of the high social meaning of the event, oriented to ease the integration of the foreign citizens in the social life of the city where they live and work.

The UNAR offered two trophies to the teams, most outstanding for their “Fair play” and “Multicolor” - the team, which succeeded to bring in the most players from different foreign countries on the field.

At national level between the 19<sup>th</sup> and 20<sup>th</sup> of March professional football players joint in the field as well and expressed their solidarity in the fight against racism, and agreeing to the proposal of the UNAR, they organized together with the Football League a day of the A series championship, under the *slogan* “Strike a goal against racism”, in order to remind that in football as in life nobody can be discriminated for their skin color or ethnic origin.

The campaign was joint by the teams of Juventus, Milan, Inter, Roma, Messina, Udinese and Napoli and players such as Thuram, Cannavaro, Gattuso, Zanetti, Zoro, Montervino and Scarlato who by lending for free their team and individual photos sent a strong message of solidarity and social integration.

The event had a continuation outside stadiums, among the fans, where in Rome, Milan, Turin, Udine, Messina and Naples, before the beginning of the match informational materials, the yellow t-shirts with the *slogan* “*I play against racism*” and 120,000 post-cards of the teams and the players who signed and endorsed the campaign “*Strike a goal against racism*” with information and news on the back about the activity of the UNAR, the new anti-discrimination legislation and the toll-free number 800.90.10.10, were sampled.

The sampling of the post-cards had enormous success among the teenagers and has been repeated in other local sports events.

## 6. The Working Group *Football and racism*

The UNAR actively participated in the 61st session of the Commission on Human Rights in Geneva in the period March-April 2005. In this occasion the UN *Special Rapporteur*, Mr. Doudou Diène, presenting the “*Report of the modern forms of racism and xenophobia*”, made a specific reference on the relation between racism and the sports.

The international documents related to the fight against discrimination had handled several times the problem of racism in the area of sports and put it on a first place in the Action program adopted for the World Conference in Durban. The specific commitments taken by the UN Member states include to “*intensify the fight against racism in the area of sports*” also “*in cooperation with the CIO and the international and national sports federations*”.

The above-mentioned Report presents news about numerous cases of racial discrimination in football, by blaming directly some managers of prestigious teams. The Special Rapporteur met with the President of the IOC Rogge and the President of FIFA Blatter and agreed with them on the necessity to launch initiatives of awareness-raising in football, on the occasion of the World Cup in Germany in 2006, to organize an event to spread the strong message against racism.

The Report presented in Geneva concluded with the invitation to the Member States, in cooperation with the National federations to launch more resolute strategies for fight against racism in sports through the adoption of the preventive measures of education and awareness-raising and in particular “*to take strict measures against people responsible for acts of racial discrimination*”, recommending that when these behaviors originate from sports managers or sportsmen the measures should be extremely severe.

There are proofs of racist behavior in stadiums presented in the sports news in Italy as well. Unfortunately the howling is already a background noise of the matches in which football players of different ethnic origin participate and very often the personnel justifies this as simple gesture of public disapproval, hiding the gravity of such racist behavior.

On November 27, 2005 for example in the stadium San Filippo of Messina during the match against Inter the howling and the racist offences addressed to Marc André Zoro caused the just reaction of the player and the football institutions.

Recently the European Parliament invited UEFA to adopt strong measures against the racist behavior in stadiums with a proposal to discontinue the matches in the most drastic cases.

For this reason the UNAR considered of fundamental importance the cooperation with the National Football Federation (FIGC) and its subsidiaries in order to launch an awareness-raising campaign among its members and the affiliated leagues to intervene with suitable measures for combat against the racist behavior between the players but above all among the spectators.

This cooperation contributed to the creation of a working group consisting from representatives of all institutions involved with the objective to identify the already existing regulation tools or to elaborate new ones, useful to face the emergency of racism in the football sector and appeal to all the members to intervene according to their competencies with effective measures of combat of the racial discrimination.

The UNAR presented to the representatives of the football associations proposals aiming on one side to inform the public of the existing regulations and the relative sanctions foreseen for racist behaviors (for example, the obligation for the hosting football team to advise the spectators before the beginning of the match about the sanctions foreseen for choirs, shouting and demonstration of racist banners, as well as the introduction of a special text on the entrance tickets), and on other side to realize awareness-raising campaigns and to finance projects aiming to prevent the entry of racism in stadiums<sup>2</sup>.

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<sup>2</sup> A protocol of understanding with the FIGC is under examination, which discusses the introduction of an UNAR-FIGC fund for the financing of awareness-raising campaigns for the fans, similar to the organization of the “A day of mobilization for the football against racism”, “Play of the heart against racism” and organization of meetings between fans and football players.

In order to be able to perform in the best possible way its own tasks of monitoring the intolerance phenomena in stadiums, the UNAR has obtained as well the right to include one its representatives inside the National Observatory for the sports events <sup>3</sup>.

## **7. Initiatives in the Universities: the UNAR-CRUI competition**

Another sector that the UNAR has taken in consideration for the realization of its mission is the recognition and the guarantee of equal treatment in the Italian Universities. The cooperation with the academic sector is a primary objective due to the fundamental role that the Italian Universities play in the cultural development of the Country; the future governing party of our Country is educated and trained in the universities, ideologies are formed and the cultural conscience of the young people is developed here.

Culture in its role for the acquisition and sedimentation of knowledge leads naturally to the development of a sensitivity based on the respect and acceptance of diversity and the University is a leader in this respect capable of transmitting and multiplying such principles through the support of the cohabitation of different ethnic groups, cultures and ideologies.

Besides the ever growing number of tri-annual diploma courses, specializations and PhD studies dedicated to the in-depth study of these issues, the high enrolment for such courses on behalf of the students testifies the increasing interest in them. For some time now, the Italian universities have been the aim for students coming from all over the world and constitute a place where the issues of the multiethnic reality and intercultural development are presented and are subject of different master courses or PhD studies. This interest has been shown by the wide response of the students to the workshops and special seminars organized by the UNAR on the theme “*Equality in the diversity: new tools for the combat of racial discrimination*”.

Many university faculties have joined the invitation of the Office, with excellent professors, specialists in these topics, and due to their cooperation several seminars were organized from March 14, in the university of Palermo, in the Faculty of Law in the

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<sup>3</sup> The Legislative Decree no.162 of August 17 2005 has provided recently to vest with legislative power the Monitoring center, working already in the Ministry of Interior, by assigning it the tasks of monitoring of violence and intolerance phenomena during sports events and the promotion of appropriate activities for the prevention of such phenomena.

university of Trento, in the Faculty of Law - the University of Trieste, in the Faculty of Education Sciences - the University of Rome Three, in the faculty of Political Sciences - the University of Perugia, and finally in the Faculty of Law in the State University of Milan.

With the objective to disseminate in the Italian universities the values of equal treatment and to promote the multiethnic culture in the different legal, historical and social aspects, the UNAR in cooperation with the Conference of the Rectors of the Italian Universities – the associations of the Rectors of Italian state and private Universities – announced an open competition to give prizes for three years to the three best doctoral research aiming to spread the knowledge and making in-depth studies on the subject of the promotion of equal treatment regardless of race or ethnic origin and the fight against any form of racial discrimination in the current context of globalization from the second half of the 20th century.

Beside the awards the UNAR plans to create an editorial collection where the winning theses and eventually other theses from the received proposals, which have been considered valuable will be published, in order to spread and increase the awareness of the studies in this matter (Annex: Notice of the UNAR-CRUI open competition for PhD theses).

## **8. Institutional information on the new tools for protection**

Within the vast administrative reforms, an ever growing role to the communication activity of Public Administration for the better pursuit of its institutional objectives is being recognized.

Both with Law no. 150 of June 2000 and in the following directive of the Ministry of Public Service of February 7, 2002, the communication activities of Public Administration, both internal and external, cease to be an additional segment of the administrative activities and become an integral part of it.

In this perspective, the UNAR communication activity as well represents an tool of fundamental importance for the realization of the principles of transparency, publicity, simplicity, efficiency, participation and autonomy, characteristic for the activities of the Administration.

During the first year, the communication has been defined as an activity of real public interest, aiming to guarantee the effective achievement of the Office's objectives both within the discrimination removal (targeting the final beneficiaries) and the information and awareness-raising campaigns (targeting the *media* and the public opinion).

In order for the communication activities to be effective it was necessary to guarantee two elements: the first one, the understanding that the communication does not work alone, and is an inseparable and substantial part of the work of the Office; the second - the narrow integration between the activities planned by the Office and the communication activities both internal and external. Since each the UNAR initiative has a communication value, it was necessary to make the communication fit with the objectives.

In view of all this, in the period November 2004 – December 2005, the UNAR performed the following activities divided by type of communication vehicles:

#### ❖ ***Online Communication***

##### - ***The Internet Site***

As provided in the directive of the “Public Services Department” of the Presidency of the Council in its activity of communication and information, the UNAR considers the *on-line* communication tool as “*fundamental and decisive*”: the institutional site active since November 2004 represents one of the privileged tools for internal and external communication.

In order to maximize its accessibility and availability without neglecting the easy navigation, the UNAR *Internet* site offers a *home page* organized with a *menu* through which the *web* pages of main interest are easily accessible, providing users with information on the institutional activities, the services offered by the *Contact center*, the European Community and the national legislation and case-law.

The *home page* is continuously updated with information and news through a constant elaboration of the textual contents and fast updating of the graphic elements via the introduction of *banners*, which are even easier to access.

## ❖ *Mass media*

### - *TV Spots*

Starting on December 10 2004, the Human Rights Day, which coincided with the activation of the toll-free number 800.90.10.10 a communication and awareness- raising campaign was launched aiming to increase the knowledge of the citizens on the problems of discrimination by providing them with direct information on the new service.

### - *Press*

Coinciding with the *Week of action against racism*, a press campaign aiming at bigger visibility in order to stimulate the attention and discussion in the public, has been launched in the *free press* dailies.

On the occasion of the opening of the Football Championship series A on 19 and 20 of March 2005, the UNAR published an ad in the following daily newspapers *Gazzetta dello Sport*, *Tuttosport* and *Corriere dello Sport* with the slogan “*Strike a goal against racism*” to raise the awareness on the problem of the emerging racism in stadiums.

With the objective to bring closer the activity of the Office to the interested persons and groups, an informational and publicity campaign was carried out utilizing a *network* of foreign press, which encompasses 22 ethnic editions and plays an important role inside the main ethnic communities in Italy by delivering information on problems connected to the growing migratory flows and topics related to the integration of foreigners in society. As part of the press advertising campaign and with the objective to strengthen the communication in the areas with high percentage of immigrant population, in the period November-December 2005 different ads were published in a weekly Philippine magazine, which is printed in Milan and distributed in the city and its province.

### - *Information Radio Campaign*

Radio *spots* that use the power of repetition and the *targeting capability* of the different broadcasting stations – are easily memorized, achieve big coverage of the audience and have a good media impact.

With this in mind in the period January 3 - 14 2005, in the radio program *Domani è tardi*” hosted by Salvatore Marino, on the *Radio Città Futura network*, aired from Monday to Friday from 23.00 to 01.00, a programming slot of thirty minutes was dedicated to the UNAR and its activities, including an entire transmission on January 14, which was titled “*The fight against racism*”. Moreover *Radio Donna* and *Radio Base Palma*, from the region of Marche, broadcast for free the UNAR radio spot in the period January 11 - 20, 2005.

On the occasion of the *Week of action against racism* a 30” radio spot was recorded and broadcast between March 5 – 12, 2005 in a network of more than 40 radio- stations covering the national territory with a frequency of 8 times per day, aiming to promote the participation in the initiatives organized for the above-mentioned event.

On March 21, 2005, the International day against racism in the transmission on Radio Rai “Caterpillar”, on air from Monday to Friday from 18.00 to 19.30 and from 19.00 to 19.30, airtime was dedicated to the UNAR for testimonials by creating a listeners’ hotline on the subject.

With the objective to re-enforce the communication oriented to the more vulnerable social and cultural areas, a radio campaign was launched during the period September 2005 - January 2006. With the same objective a 20” radio-spot was created and broadcast in the period of December 12 – 30 2005, in a network of 80 radio-stations on the national territory, with a frequency of 7 times per day for a total of 105 airings.

#### ❖ **Traditional advertising**

##### - *Brochure and information booklets*

In November 2004 a *brochure* presenting the Office and an information booklet with representative data of the European directive legislation, the fundamental priorities of the administrative plan, and the activities of the UNAR have been published. Such publications enabled the newly established Office through the use of a communication and awareness-raising campaign to obtain bigger external visibility and raise the awareness of the public on the problems of discrimination.

Among the initiatives carried out to combat the phenomenon of discrimination in the workplaces, during November 2005 the Office published a *brochure* designed to disseminate the culture of integration in the workplace, where a strong presence of

foreigners is registered and where the integration processes could be supported on the basis of interpersonal relations.

These traditional tools, which offer in-depth information are used not only as communication tools, but have also been used in several public events such as meetings and seminars.

- ***National Billboard campaign***

The “friendliest” and most popular information tool that the UNAR has utilized in its own communication activity is the use of posters: considering the *target* of the information provided, this tool comes out as one of the most effective and widespread when used through a targeted distribution chain.

In the information campaign related to the *Contact center*, the UNAR used this medium in different cities, chosen for their high presence of immigrants in the period of March 13 – 21, 2005, in conjunction with the start of the *Week of action against racism* and has done a second *wave* of activity in the period of May 5-20, 2005.

A further *recall* of the poster campaign was organized in the period October-November 2005, with the objective to increase the level of penetration of the *Contact center* information campaign.

- ***The public transport: A key component in the communication to foreigners***

Utilizing a range of activities and ways to increase the speed, the power and the continuity of the message transmission the UNAR implemented two waves of information dissemination in the area of urban public transport through the so-called “dressing up” of the transport vehicles: the first with a poster campaign in the subway trains of the two lines in Rome and of the three lines in Milan for a period of 28 days during March 2005, and the second in the public transport in Turin, Milan, Trieste, Venice, Bologna, Florence, Ancona, Perugia and Rome for the duration of 30 days in May 2005.

Next, an information-educational campaign in the railways transport was carried out in the period June – July 2005: the communication was transmitted via posters over the benches, at the entrance and at the ticket offices of the main Italian train stations, from June 13 till 27, 2005.

In July 2005 on the regional trains, which reach the main cities, major centers of workplaces – which are the widest used means of transport by the active population, that studies and works, two-faced plastic hanging signs were placed inside the compartments.

In December a communication activity of big impact was carried out: that of *station domination*, that is the installation of communication equipment of high visual impact, situated in the areas with big traffic of foreigners in the railway stations of Turin -Porto Susa, Milan - Garibaldi, Rome - Tiburtina, Naples - Campo Flegrei and Notarbartolo of Palermo.

### ❖ Publications

Beside the publication of a volume containing the documents of the conference from November 2004 for the presentation of the UNAR activities, the Office has assigned to its own Research Department to do a more detailed study of some themes related to the integration of foreigners in society and to the combat of the discrimination phenomena.

In order to deepen the legislative and operational means with which the new strategy for combat of discrimination on the grounds of ethnic or racial origin have been activated, in May 2005 a book titled *Integration and non-discrimination: A legislative survey and the role of the UNAR* was published. This publication not only contains several thematic issues, but is also a work tool for all who are committed to the pursuit of the fundamental rights and the equal treatment between Italian citizens, the immigrants and the ethnic minorities.

The publication, after presenting in detail the international and national legislation and the underlining role of the Legal Authority in the removal of racial discrimination, emphasizes on the *mission*, activities and the function of the UNAR.

### ❖ Other communication activities

Beside the above-mentioned initiatives other activities of information and communication aiming to guarantee a wide efficiency of the actions and an impactful opening of the Office towards the end users and the other Administration offices were carried out:

- ***P.A. Forum 2005***

The P.A. Forum, organized in Rome from May 9 to 13, 2005, is one of the most important events in the area and is a “*big window of Public Administration*”.

The *P.A. Forum* represented for the UNAR another occasion to promote its own activity and services. In order to popularize the event an information notice was published in the “*Il Messaggero*” newspaper to indicate the innovative aspects of the recent anti-discrimination legislation and to illustrate the guidelines of the UNAR activity as a presidium of guarantee for the equality of treatment.

- ***“More voices for a new society” event – May 15, 2005***

To promote a new culture of solidarity, inter-culture and visibility of the ethnic and cultural pluralism, on May 15 2005 in Syracuse under the patronage of the Ministry for Equal Opportunities the event “*More voices for a new society*” was organized.

This event aiming to present the contribution that a society open to multi-culture could bring to the local and national reality, utilized the occasion to promote via the Office for Equal Opportunities in the Province of Syracuse, the opening of the Service Office for Immigrants designated to offer to the foreign citizens different tools and resources for integration in the local community.

- ***Summer Forum 2005***

From June 2 to August 21 in Rome the UNAR participated with a *stand* at the XIII edition of the *Summer Forum*. This event, which has the extraordinary capacity to attract in the same area mixed *targets*, combining entertainment with work, was an additional occasion to promote the UNAR activities and services.

The event, similar to its the previous editions, was organized in Foro Italico, took place in June, July and August, every day from 19.30 to 02.00 and was oriented towards the young audience.

- ***Forum Euro P.A. - Rimini, June 22 - 25, 2005***

This event promotes the direct and efficient relations between the local and central Public Administrations, between the companies and citizens.

The Forum, under the High patronage of the Presidency of the Republic, the Council of Ministers and all Italian Ministries, is an occasion to focus once a year on the

problems connected to the institutional reforms and on all big topics connected to innovation, and is a meeting-place for the main Associations of the Local Autonomies who are the traditional *partners* promoting this event and the Government.

The initiative was an occasion for a meeting of the UNAR *staff* with different *non profit* organizations.

**- Umbria Jazz - Perugia, July 8 - 31, 2005**

Perugia was the city chosen by the UNAR for the continuation of the communication campaign against racism in the summer period.

From 8 to 31 of July in Piazza IV Novembre on the façade of Palazzo Arcivescovile posters against racism were placed - utilizing as *testimonials* two football players from the team of Perugia Fabrizio Ravanelli and Ferdinand Coly, who became a “symbol” after the cruel manifestation of racism by the fans Verona (during the match between Perugia and Verona on May 13 2005).

This event offered the opportunity to introduce in the world of culture the theme of the multi-ethnic integration with the help of performances and music.

**- Aza Mataotra - Modena, December 16 - 18, 2005**

An event as Aza Mataotra allowed the UNAR to acquaint the general public with its activity and services. Aza Mataotra is an event dedicated to the immigration, the inter-culture, the integration policies, and a cultural window of national and international importance, which supports the process of “*immigrant policy*” through key messages such as “mutual respect”, “opportunities exchange” and “inter-action”. In brief, it is a “fair of the immigration”, a technical and political encounter for the establishment of a dialogue between the institutions, an occasion for a meeting between citizens of different nationalities and associations working in this field, the trade unions, the voluntary association and the NGOs.

### III. ASSISTANCE TO THE VICTIMS OF DISCRIMINATION

#### 1. Organization and functions of the *Contact center*

The office provides through its *Contact center* support and assistance, which are very important for the activity of removal. The *Contact center* of the UNAR is operational from December 10, 2004, reachable on the toll-free number 800.90.10.10 and via the *web*. This center:

- a) collects reports, complaints, evidences, procedures and actions that prejudice on the grounds of racial or ethnic origin the equal treatment between persons;
- b) offers immediate assistance to the victims of discrimination by providing information, guidance and psychological support;
- c) assists the victims in the judicial proceedings when they decide to go to court for verification and repression of the violations.

The *Contact center's* toll-free number is open 7 days a week including holidays, from 10:00 am to 8:00 pm and the service is available in Italian, English, French, Spanish, Arabic, Russian, Romanian and Chinese.

The *Contact center* phone operators have been trained in cultural mediation to deal with callers with multi-ethnic backgrounds. The operators are also able to provide help and information in Hindi, Urdu, German, Kurdish, Kurmanji, Farsi, Turkmen, Azeri, Dari, Turkish, Lingala, Kikongo, Singol and Punjabi.

The *Contact center* provides immediate assistance to the alleged victims of discrimination, and represents a first tier of response, which collects and studies the problem, provides initial native language orientation and supplies legal and social sciences experts with the information necessary for the initial stage of research for the resolution of the case. The *Contact center* and the first-tier experts solve cases in real time when a solution is possible and available and the complaint has been made by phone.

When the problem cannot be resolved in real time by the personnel of the *Contact center* and the complainant did not come by telephone, the *first tier* passes the report to the second tier, inside the UNAR, which registers the complaint and through the coordination and under the supervision of the experts of the Office proceeds to finding a solution of the case.

All complaints, both of the first- or the second-tier, are finalized with a final communication to the caller.

First-tier cases, both relevant and non-relevant, are dealt with according to the following steps: analysis and classification of the cases, which reached the *Contact center* (both relevant and non-relevant to the issue of racial discrimination); review of the non-relevant events, analysis and re-direction of the caller, through *call back*, to the territorial branches on the basis of the reported discrimination (*handicap*, age, sexual orientation) or the requirements; review of the relevant events, analysis, gathering of the documents for the initial case investigation; research and placement in the respective areas (school, workplace, etc.) and an in-dept study of the documents and regulations; contact with the alleged victims for gathering of more information on the discriminatory behavior; contact with the alleged author of the discriminatory behavior; closing of the case or its redirection to the second tier of *expertise*; case examination and solution; final communication. All cases considered relevant to the competencies of the UNAR are be dealt with by an internal *team* of employees, magistrates and legal and social sciences experts who review them, carry out initial investigations and identify the most appropriate strategies for their solution.

The operators of the UNAR toll-free number often receive calls not containing elements indicative of a case of ethnic or racial discrimination. Even in these cases, the cultural mediators of the UNAR *Contact center* review the complaint and become a reference point for all, responding to all calls, ranging from general inquiries and requests for information to complaints of discriminations not connected to the ethnic or racial origin of the caller.

The UNAR operates a complex IT data management system for sharing of the received complaints between the first and second tier and carrying out a statistical analysis of the racial discrimination data.

The collected complaints are inserted in an application, which allows case management, integration and real-time sharing of documents, statistical analysis of the received complaints and their correlation to different social indicators.

## **2. The National *Focal points***

Through the structure of ACLI, the UNAR guarantees a direct and immediate support to the victims of discrimination via the territorial branches represented by the national *Focal points*. Thus it ensures a constant activity of cooperation and information exchange between the National Office and the NGOs that work in specific regional context for the promotion of equal treatment and discrimination removal, in order to try new models of intervention on a local level and to promote the active participation of the non-profit sector.

The six national *Focal points* are located in Turin, Milan, Padova, Rome, Naples and Catania (table 1). Their activity guarantees an efficient decentralized approach to intervention for the immediate handling of those cases that require a direct local intervention. During 2005 the *Focal points* contributed to the realization of an information and awareness-raising campaign for the establishment of a network of people who work for combating racial discrimination. Moreover they have activated profitable synergies with local entities and institutions with a more systematic cooperation in the critical cases on a local level, and where it was possible they have tried to offered support by directing the person to the competent authorities and in that manner offer an important service to the immigrant community.

**Table 1 List the *Focal points* of the UNAR on the National territory**

<b>PROV</b>	<b>ADDRESS</b>	<b>TELEPHONE – FAX MAIL</b>	<b>WORKING DAYS</b>	<b>WORKING HOURS</b>	<b>TECHNICAL OFFICER</b>	<b>RESPONSIBLE FOR THE SERVICE</b>
<b>TO</b>	Via Perrone, no.3/bis 10122 TO	Tel. 011/5712737 Fax 011/5712750 Mail: <a href="mailto:torino@patronato.acli.it">torino@patronato.acli.it</a>	Monday Wednesday Friday	9,00 – 12,00 9,00 – 12,00 9,00 – 12,00	<i>Latifa Tichetti</i> <a href="mailto:latifa.tichetti@acli.it">latifa.tichetti@acli.it</a>	<i>Raffaele De Leo</i> <a href="mailto:raffaele.deleo@acli.it">raffaele.deleo@acli.it</a>
<b>MI</b>	Via della Signora, no. 3 20122 MI	Tel. 02/7728210 Fax 02/76006841 Mail: <a href="mailto:milano@patronato.acli.it">milano@patronato.acli.it</a>	Monday Wednesday Friday	15,00 – 18,30 15,00 – 18,30 15,00 – 18,30	<i>Ernesto Rodriguez</i> <a href="mailto:ernesto.rodriguez@acli.it">ernesto.rodriguez@acli.it</a>	<i>Carla Dell’Orto</i> <a href="mailto:carla.dellorto@aclimilano.com">carla.dellorto@aclimilano.com</a>
<b>PD</b>	Via Vescovado no. 29 35100 PD	Tel. 049/8771715 - 14 Fax 049/8771714 Mail: <a href="mailto:padova@acli.it">padova@acli.it</a>	Monday Wednesday Friday	15,00 – 18,00 15,00 – 18,00 9,00 – 13,00	<i>Carlotta Girotto</i> <a href="mailto:carlotta.girotto@acli.it">carlotta.girotto@acli.it</a>	<b>Marco Ferrero</b> <a href="mailto:marcoferrero@usa.net">marcoferrero@usa.net</a>
<b>RM</b>	Piazza Sallustio, no. 3 00186 RM	Tel. 06/4817040 - 4814573 Fax: 06/4818242 Mail: <a href="mailto:roma@acli.it">roma@acli.it</a>	Monday Wednesday Friday	9,30 – 12,30 13,00 – 16,30 9,30 – 12,30	<i>Valentina Bascherini</i> <a href="mailto:valentina.bascherini@acli.it">valentina.bascherini@acli.it</a>	<i>Bruno Chiavari</i> <a href="mailto:bruno.chiavari@acli.it">bruno.chiavari@acli.it</a>
<b>NA</b>	Piazza Principe Umberto, no. 14 80142 NA	Tel. 081/5634967 Fax: 081/289612 Mail: <a href="mailto:napoli@patronato.acli.it">napoli@patronato.acli.it</a>	Monday Wednesday Friday	15,00 – 18,00 15,00 – 18,00 15,00 – 18,00	<i>Iolanda Cirello</i> <a href="mailto:iole.iole@libero.it">iole.iole@libero.it</a>	<i>Pasquale Orlando</i> <a href="mailto:aclinapoli@tin.it">aclinapoli@tin.it</a>
<b>CT</b>	Corso Sicilia, no.111 95131 CT	Tel. and fax: 095 -2503240 Mail: <a href="mailto:catania@acli.it">catania@acli.it</a>	Monday Wednesday Friday	16,00 – 19,00 16,00 – 19,00 9,00 – 13,00	<i>Gaetano Ciaccio</i> <a href="mailto:gaetanociaccio@yahoo.it">gaetanociaccio@yahoo.it</a>	<i>Pietro Paolo Buscetta</i> <a href="mailto:pierpaolobuscetta@yahoo.it">pierpaolobuscetta@yahoo.it</a>

### 3. The areas of discrimination

In the first stage of collecting complaints the UNAR adopted a systematic division in the areas and topics where different problems occur, by assembling the complaints in “macro areas” of intervention:

A. - Access to housing. This area covers all complaints connected to the rental or purchase of housing (including interaction with intermediaries such as real estate agencies); the participation in public tenders for the assignment of council houses, as well as problems arising from the relations to private law in matters of condominium and daily interethnic cohabitation.

B. - Workplace. This area covers presumed discriminatory acts, which took place in the workplace regarding the right to employment. In most cases these are problems that have already been researched through an appeal to the Judicial Authority (Court – Employment department) such as violation of contract, *mobbing* with aggravating circumstances of discriminatory behavior, dismissal on the grounds of racial origin and non-equal remuneration.

C. - School and education. Cases that show presumed discriminatory acts against citizens of foreign origin, the Roma or the Sinti, on behalf of the school personnel or other users are included in this category; including cases of unequal treatment in respect to the right to education.

D. - Healthcare. This area collects cases that signalize presumed acts of discrimination in the use of public healthcare services in the domain of hospitals, ASL and private facilities.

E. - Public Transport. These complaints cover presumed discriminatory acts, which include failed service delivery, or rights violation of foreign citizens by the personnel of the public transport.

F. - Police. Here are the complaints of presumed discrimination acts by the State police, Municipal Police and the Military corps.

G. – Public Utilities. This category encompasses complaints of discriminatory acts by the staff of the Public entities (municipalities, regional authorities) in fulfillment of the services they provide (social services etc.)

H. – Supply of services by the commercial sector. This area contains all cases of failure of service supply in the commercial sector (bars, restaurants and other) or by other business sectors.

I. – Supply of financial services. The category collects complaints on presumed discriminatory acts in granting credits, mortgages and insurance policies.

L. - Associations. Complaints that cover discriminatory acts by associations and non-profit organizations are classified in this section.

M. - Media. Here are the cases of presumed harassment and direct or indirect discrimination, arising explicitly or implicitly from information offered by the new and the traditional media.

N. – Public spaces. This category consists of complaints of presumed acts of discrimination or harassments on the streets, in the open or in any area of public access, predominantly by individuals; these are complaints that can be reduced to interpersonal conflicts arising due to ethnic or racial reasons.

Complaints coming to the *Contact center* show two categories of data that could offer important background for studies and research in the area of ethnic and racial discrimination and integration policies of the foreign communities. From one side the *Contact center* can monitor for the first time at national level the situation of racial and ethnic discrimination, and from the other, the high number of non-relevant complaints provides the database with a possibility for a complete monitoring of the needs of the foreign citizens in Italy and of knowledge of their own rights related to every specific immigrant experience.

There have been several calls categorized as “non-relevant” to the areas of competences specific to the UNAR: requests of information related to the legislation on immigration, concerning problems of entry and stay of people from the third world countries; cases of discrimination on the grounds different than racial or ethnic origin;

general requests for assistance from Italian and foreign citizens. Moreover, there have been complaints considered as non-relevant coming predominantly from Italian citizens who have reported to have been discriminated regarding benefits and facilities such as scholarships or announcements for residential buildings, which have been offered with preference to foreigners and only then to Italian or EU citizens. Similar cases have a wrong interpretation of the discrimination concept, because the affirmation of the principle of substantial equality according to the provisions of Article 3 of the Constitution imposes that series of intervention have to be adopted in order to support “the integration” of some particularly underprivileged foreigners, working on the national territory. The so-called positive actions promoted primarily by the local entities fall into this area.

#### **4. The complaints gathered by the UNAR: the *Contact center* activities report**

##### **4.1. The UNAR database: preliminary definitions and analysis method**

One year after the establishment of the UNAR the results of the performed activities can be considered as positive.

This success is mainly due to the activity of the *Contact center* – the gathering and investigation of possible cases of racial discrimination and harassment<sup>4</sup> reported by persons, offices or private entities. The exact analysis of the results obtained is necessary for the development of the further potential of the service and is a fundamental stage in its evolving in the direction of ever greater efficiency in the combat of racial and ethnic discrimination.

The number of calls received during the first year of activity is significant: of more than 10.000 phone contacts, the calls directed to the toll-free number have been 3.438<sup>5</sup>; 867 of them have been entered in the electronic archive of the UNAR as complaints of

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<sup>4</sup> The Legislative Decree no.215/July 9, 2003, issued in fulfillment of the European Directive for equal treatment between persons irrespectively of their race or ethnic origin, in Article 2, paragraph 3 defines as discrimination also the harassment or “those unwanted behaviors on the grounds of racial or ethnic origin, aiming to violate the personal dignity and to create hostile, degrading, humiliating and offensive atmosphere”.

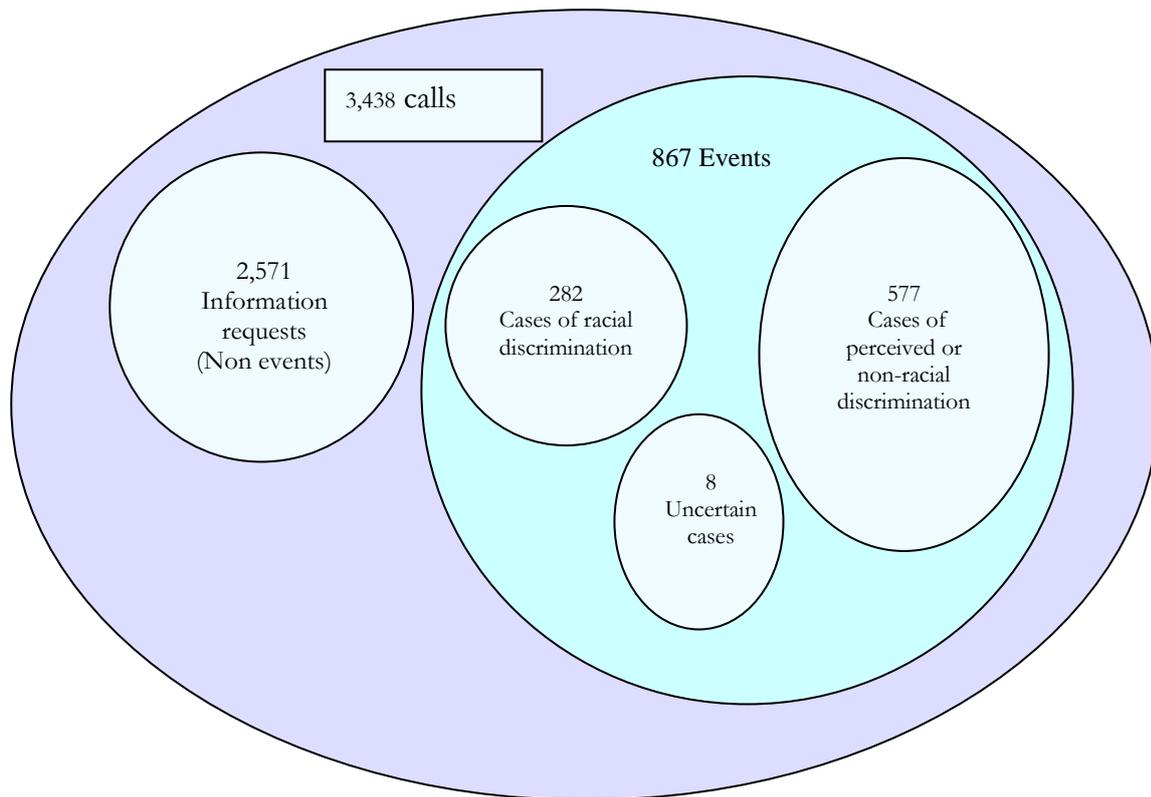
<sup>5</sup> This data is inconsistent with the theme of ethnic integration. It is mostly about complaints concerning cases connected neither to the problem of racial discrimination (relevant events) nor to the ethnic cohabitation in general (non-relevant events). Altogether, including this type of calls, the UNAR received more than ten thousands calls.

presumed or actual racial discrimination; and the rest (2.571 calls) have been marked as general information requests. Despite the fact that this second group, defined as *Non Events*, could seem of minor importance in respect to the service's objectives, but it provides indirect information on the resonance of the information campaign carried out by the Office and is an useful indicator of the level of interest and the existing awareness in regards to the racial and ethnic discrimination. The amount of complaints of real or supposed discrimination, defined as *Events*, constitutes the empiric base of our analysis and is divided in 3 groups:

- The first is the group of the *Relevant* events (282), are contacts reporting effective cases of direct or indirect discrimination or harassment on the grounds of ethnic or racial origin in the different areas of social life;
- The second is the group of the *Non-relevant* events (577), in other words complaints that do not report discriminatory conduct or behavior on the grounds of ethnic or racial origin, but constitute an important insight on other discriminations, including the so-called perceived discrimination and the needs and uneasiness of people of foreign origin, immigrants, the Roma, the Sinti and the ethnic minorities that erode the interethnic cohabitation;
- The third group, those of the *Uncertain* events regards series of contacts where the *Contact center* operator could not define if the complaints was of the competencies of the Office. Generally this question is solved by an operator of the UNAR of the first tier who handles the case; it is his task through eventual research of additional information from the presumed victims to decide whether to put it in the archive or continue the procedure (considering it as Relevant or Non-Relevant) by delivering assistance through qualified opinion or by forwarding the case to the second tier to the competence of the judges or the consultants of the Office. This concerns cases of transit *status* when the operator of the first tier could not contact the person who reported the event and does not have sufficient information to decide if it is within the competencies of the Office.

In short, the total of 3,438 calls received by the *Contact center* are divided in two sub-groups, 2,571 information requests (Non Events) and 867 cases (Events); which are subdivided into 282 cases of racial discrimination (Relevant Events), 577 cases of perceived or non-racial discrimination (Non-Relevant Events) and 8 uncertain cases (Figure 1).

Figure 1- Total calls received by the Contact center



The interpretation of the data is based on two specific areas of analysis.

The first area examines the socio-demographic characteristics of the users of the *Contact center*. These characteristics allow establishing an identity kit of the UNAR users.

In the second area - we enter in the specifics utilizing computer analysis of the received reports, by distinguishing between relevant and non-relevant events: or even better between harassment and discrimination on the grounds of ethnic or racial origin and other forms of discrimination and cases of perceived discrimination. This first division inside the discriminatory events uncovers the dynamics and forms of unequal treatment and harassment, clarifies the limits and specifies the means and areas where they take place.

The two most “sensitive” areas in regards to discrimination are the reported discriminatory behaviors in the context of the workplace and housing will be examined more carefully.

Lastly, the last distinction will focus on the difference between discrimination and harassment, a different interpretation of “types” of behaviors of racial intolerance. In this second part qualitative and quantitative analysis of the data will be presented with frequency distribution of the variables taken into account, including thematic “boxes”<sup>6</sup> that reinforce and give more detail to the data interpretation.

#### 4.2. Socio-demographic analysis of the UNAR users

Since the objective of the UNAR is to create the basis for the realization of integration policies based on the respect of ethnical differences, it is useful to draw the profile of the users that during the first year contacted the *Contact center* as an institutional point of reference and guarantee of the protection of their rights. Understanding who contacts the UNAR is essential for drawing of the full picture of the racial and ethnic discrimination and defining the so-called “weak segments”.

The demographic *database* counts 840 individuals<sup>7</sup>, 63.8% of which are men and 36.2% women. Although the number of men is higher by almost 30% than the number of women, it will be hasty to attribute this difference to the way of usage of the *Contact center* (Table 2).

Table 2- Distribution of the users of the *Contact center* per gender (values in percent)

Gender	%
Men	63.8
Women	36.2
<b>Total</b>	<b>100.0</b>

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<sup>6</sup> The boxes cover some “emblematic” cases of discrimination where the UNAR has given guidelines of information, support and intervention. The names used in these boxes are fictional due to the privacy protection request.

<sup>7</sup> The difference between the number of the users of the service (840) and the number of events (867) is due to the fact, that 27 users have contacted the service more than once reporting different discriminatory events. These are only few cases but it is interesting to notice how the service of the UNAR has become an important point of reference for these people.

It does not make sense to build the case that men have perceived better than women the social value of the service and have used it more, because it is very probable that this data is affected by the dynamics of the immigrant flows in our Country, in relation to gender and geographic origin. It is known, that there is a correlation between the gender and the area of origin of the immigrants, present in our territory: very often male immigrants come from areas such as Africa and Maghreb; at the same time the female immigration is predominantly from Eastern Europe and Latin America.

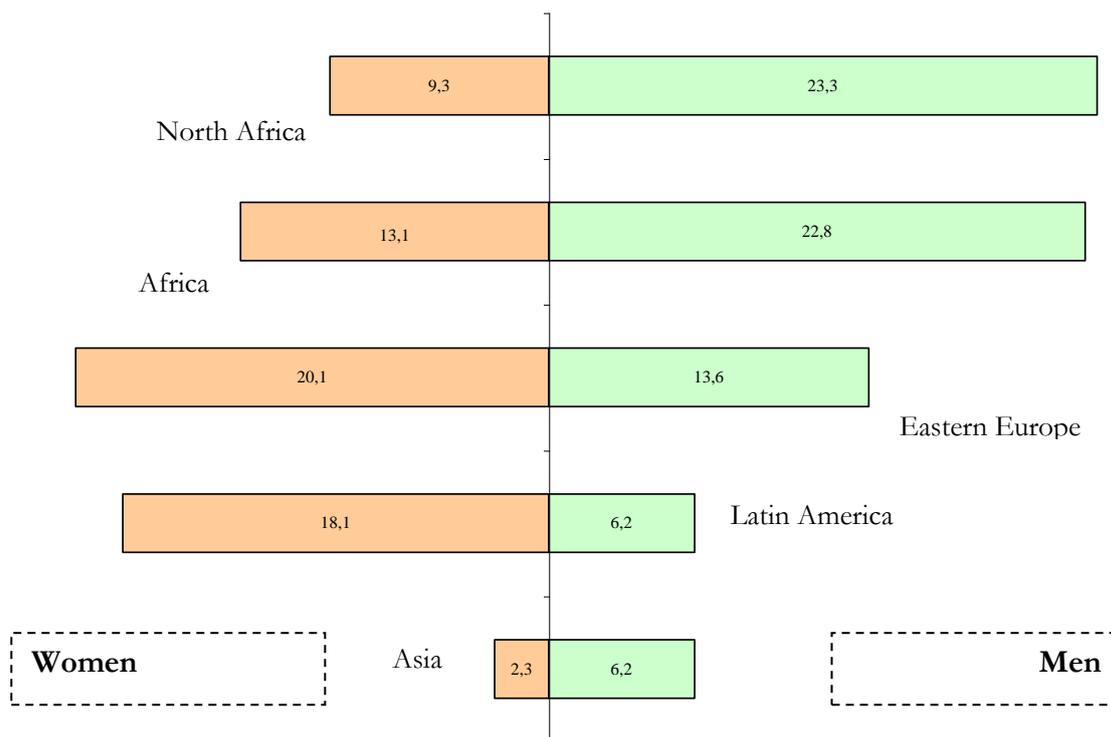
This is confirmed by the analysis of Graph 1, which shows the difference of gender in respect to some geographic areas of birth. The users of the service born in Africa (22.8%), Northern Africa (23.3%) and Asia (6.2%) are predominantly male.

The percentage of calls received from men from the area of Maghreb is almost triple in respect to the percentage of women from the same area (23.3% vs. 9.3%). The African immigration, predominantly Muslim is characterized by a strong gender skew and to represent the prototype of the “classic” migration, a journey that foresees the immigration of men as a first step of the migrant chain, followed by the reunion of the family (wife and children). This is different for the immigrants from Latin America and Eastern Europe as seen in Graph 1, who are predominantly women - a type of immigration with a central role for the women, influenced by the household works market<sup>8</sup>.

*Graph 1- Composition per gender and geographic areas of birth (values in percent)*

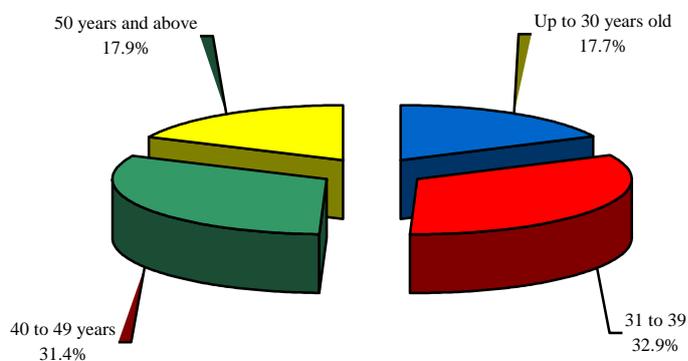
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<sup>8</sup> The percentage values are calculated on the basis of 693 cases because information relevant to the birth status is not available for the total universe.



In average the people who contacted the service are around 40 years old. But once again to avoid misleading interpretations, insights into the dynamics of the immigrant flows in Italy are necessary. Graph 2 shows how the two extreme age clusters (up to 30 years of age and 50 years and above) are the least represented with percentage of 17.7% and 17.9% respectively, while the two central clusters (31 and 39 years and 40 and 49 years) register percentages higher than 30%.

*Graph 2 - Distribution per age (values in percent)*

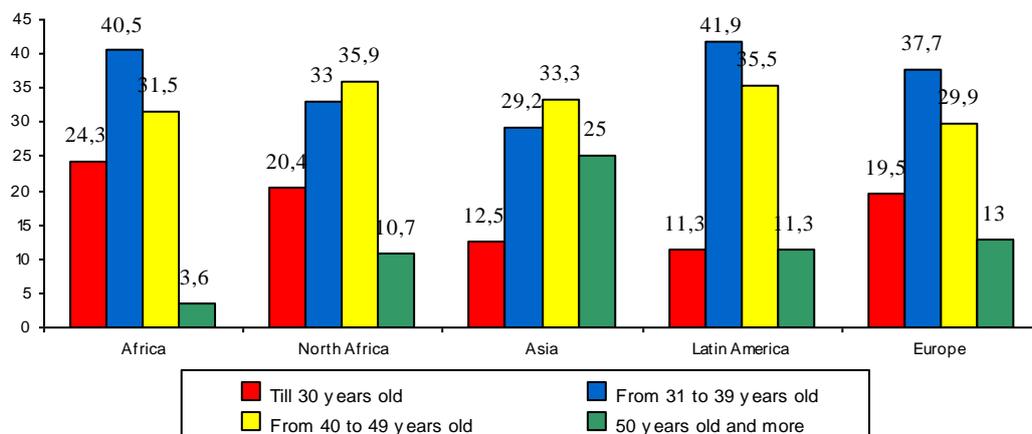


The age-split as well depends on the geographic macro areas of origin. The youngest users are of African origin: the percentage of those who are more than 50 years old is the lowest among them (3.6%). Asians instead are the “oldest”: the percentage of the people over 40 among those users is the highest in respect to that of the other groups (58,3% vs. 35,1%, 46,6% and 46,8% and 42,9% from Africa, Northern Africa, Latin America and East Europe respectively)<sup>9</sup>. These examples once again show that the immigrant dynamics of the represented groups are influenced by the demographic composition of the foreigners in our Country and have an impact on the characteristics of the actual and the potential users of the UNAR (Graph 3).

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<sup>9</sup> The percentage is referred to the amount of relative quota of the last two age groups (40 to 49 years and 50 and above).

Graph 3 – Distribution of the age groups per geographic macro-area of origin (values in percent)

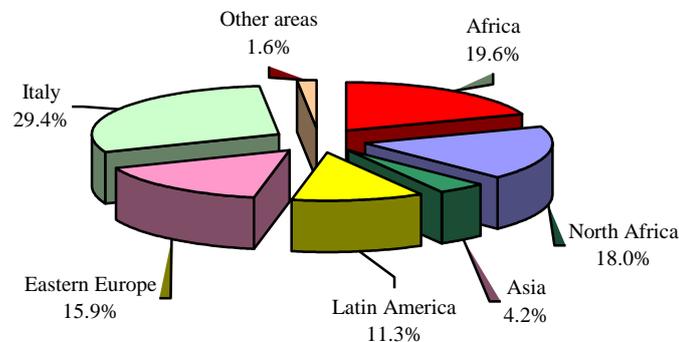


To complete the picture of the socio-demographic indicators of the users it might be useful to take a closer look at the characteristics of usage of the UNAR service in respect of the different nationalities of the users. The group that has contacted the *Contact center* with the higher regularity is that of the Italians (29.4%). These are predominantly people who have called the toll-free number as witnesses to discriminatory events. This data shows the good level of civil consciousness of the Italian citizens for the prevention and report of acts of racism and discrimination.

Among the foreigners, those born in Africa represent one third (37.6%) of all, who have used the toll-free number. This high percentage is due to the central role of the African immigration in Italy in the last years, whose wide diffusion over the territory despite the differences of the individual communities explains their significant presence among the users of the UNAR. Moreover the relevance of the data on Africa could be attributed to the skin color; an ethnic marker that decisively provokes discriminatory behavior. The percentage of those born in Eastern Europe is also high, reaching almost 16% and shows the influence of the immigration from Eastern Europe that almost doubled in the recent years. The percentages of the users from Central America and Asia correspond to 11.3% and 4.2% respectively. Interestingly enough the macro-ethnic composition of the UNAR *Contact center* users reflects exactly that of the immigration in

Italy. This data indirectly confirms that the information campaign carried out by the UNAR received satisfying media coverage of the national territory<sup>10</sup>.

*Graph 4 - Distribution per area of birth (values in percent)*

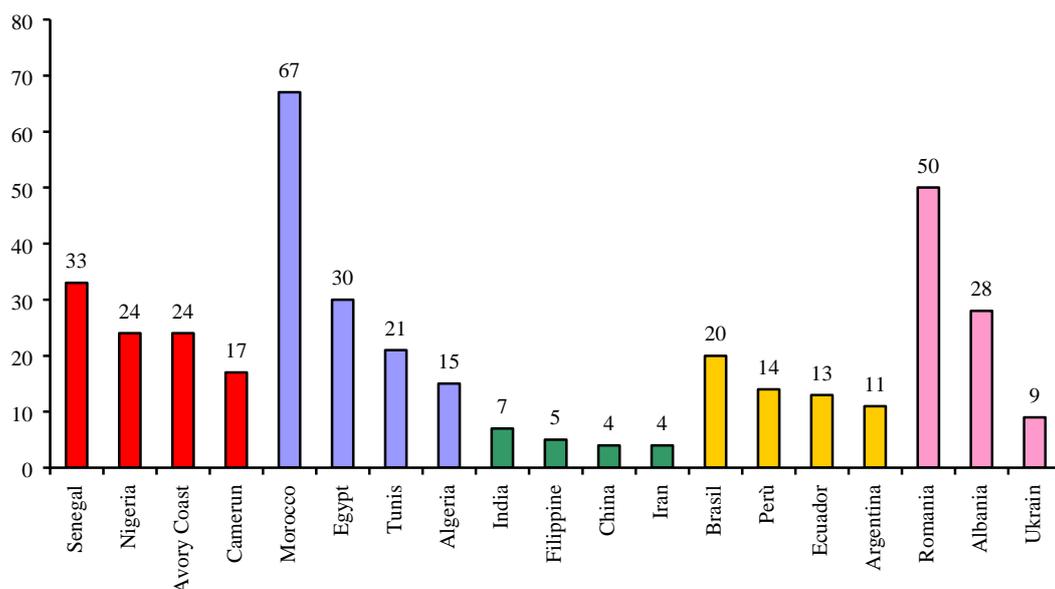


The biggest national groups of the Sub-Sahara region are those from Senegal, Nigeria and Cote d'Ivoire (with up to 30 reports from each national group). In regards to Northern Africa, 66.6% of the calls come from citizens from Morocco and Egypt (20% and 46.6%). Asia is represented predominantly by India, Philippines, China and Iran. The number of reports coming from immigrants from Latin America are predominantly from immigrants from Brazil, Peru, Argentina and Ecuador. And finally from Eastern Europe it is predominantly the Romanians and the Albanians who contact the UNAR.

*Graph 5 – Number of calls to the UNAR per nationality of the user (in absolute values)*

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<sup>10</sup> It is known that the foreign citizens in our Country have followed a broken settlement model, by concentrating in certain areas of our territory. The fact that there is a correspondence between the ethnic groups, users of the UNAR and the distribution of the immigrants in our Country, endorses the activity of popularization of this widespread service.



The length of stay in Italy is an additional variable that can help us trace the profile of the users of the UNAR *Contact center*; this information, however, is subject to the distortion, which occurred at the *start-up*, of the service<sup>11</sup> and is of fundamental importance in building the identity kit of the “model-user”.

In average, those who have used the service of the UNAR live in Italy for at least 13 years: these are people who during their stay in our Country have acquired knowledge about their own rights and have reached a certain level of regularity and stability in life, their workplace and relations, which are capable to support them in undertaking the difficult route that leads to the complaint of a suffered discriminations or harassment.

The users from Eastern Europe are the most recent arrivals in our Country: 41.4% have been living in Italy less than five years, which confirms the change of the immigrant flows that have crossed our Country in the last ten years. The “eastern front” has been opened recently, following the fall of the Berlin Wall, which favored the increase in the presence of foreigners’ originating from the countries of the so-called Iron Curtain<sup>12</sup>. On

<sup>11</sup> Initially in the registration form of the calls only some socio-demographic variables were inserted (such as Gender, Age, Nationality etc.) and a description of the discriminatory act. The length of stay in this first stage was not included. Only later, this field was inserted: which resulted in a high percentage of missing data. The valid data entries as registered in the matrix are of 202 cases.

<sup>12</sup> For example the presence of foreigners of Romanian and Albanian origin during the last ten years has increased in an exponential manner and are now listed in the classification of the biggest national groups in Italy, on first and third place (in absolute values 240 000 Romanians and 224 000 Albanians). See “*Immigration, Statistic Dossier*”, Caritas, 2003 and “*Foreign population regimending in Italy*”, Istat, 2005.

the other hand those who have stayed in Italy the longest period are predominantly from Asia (21.4%) and Africans from the Maghreb region (19.6%).

*Table 3 - Period of stay per geographic area of origin (values in percent)*

Time of permanence	Geographic area					
	<i>Africa (sub-Saharan)</i>	<i>Africa (Maghreb)</i>	<i>Latin America</i>	<i>Asia</i>	<i>Eastern Europe</i>	<i>Total</i>
5 years or less	24.1	23.9	28.6	35.7	41.4	27.3
From 6 to 10 years	37.0	19.6	7.1	32.1	27.6	25.1
From 11 to 15 years	24.1	37.0	42.9	21.4	17.2	26.2
More than 15 years	14.8	19.6	21.4	10.7	13.8	21.4
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Considering the analysis till now, it is possible to draw the initial portrait of the user of the *Contact center*:

- The existing imbalance between the sexes, where men exceed with 28% the female quota is due to the historical and cultural characteristics of migrant flows of the different ethnic groups<sup>13</sup> represented in Italy: particularly the incidence of men is higher of the average among those from Africa or Asia, which constitute the biggest category of the UNAR users, while the female presence is significant in the groups originating from Latin America and Eastern Europe.
- Their average age is around 40 years.
- It is predominantly those with long stay in Italy who utilize the UNAR service.

In conclusion, this preliminary identity kit allows interpreting some characteristics of the discrimination phenomenon. Those who use the service are people with long stay in our Country. The long life experience in Italy probably represents a decisive factor for the users to report cases of intolerance or events perceived as such. In more detail, being regular and having initiated the process of integration in our Country, contributing

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<sup>13</sup> An ethnic group is a group of people that has in common one or more characteristics as history or language, common denomination, same lines of descent, common territory of origin, analogue cultural traditions. See A. D. Smith “*The ethnic origin of the Nations*”, Il Mulino, Bologna, 1998.

to the social and economic development of the “Italian system”, put those people in the position to request at least “equal treatment”. This first observation will be reinforced in the following paragraph; the analysis of the forms of discrimination will allow us to draw a more precise map of the phenomenon, which we started sketching in the first part of the report.

### 4.3. Forms of discrimination

Following the illustration of the socio-demographic characteristics of the UNAR users we now enter in more detail in the analysis of the complaints reported to the *Contact center*: we shall analyze all *Events* in the UNAR database (867), which represent all the received reports of racial discrimination.

As underlined previously, from the total universe of the events, 32.5% are the reports of racial discrimination, while the non-relevant events are 66.6%<sup>14</sup> (Table 4).

*Table 4 – Event type*

Category	Frequency	%
Relevant	282	32.5
Non-relevant	577	66.6
Uncertain	8	0.9
<b>Total</b>	<b>867</b>	<b>100.0</b>

The non-relevant events do not refer to acts of racial discrimination and are considered as indicators of other forms of presumed discrimination, discomfort or social uneasiness that goes beyond the discriminatory act. In other words the analysis of this information clarifies the obscure area of disinformation, isolation and social uneasiness that often is the foundation on which different forms of exclusion are based. In this perspective, to live at the margins of a society as “disarmed” spectators of the most basic citizens’ rights makes this people perceive as discriminatory events, which are not such. As a consequence of this is the impossibility of these people to obtain information essential for them. In many circumstances the calls registered as non-relevant events

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<sup>14</sup> The uncertain cases are less than 1%: and cover practices put in the archive since their relevance could not be evaluated because the person who called is untraceable.

concern requests of information aimed to resolve doubts in obtaining residence permits or on the immigration legislation. Immigrants therefore seem to have a low level of knowledge about the services and questions that concern them directly. This leads to the conclusion that before the realization of the service, it is necessary to define communication strategies capable to support and guide the integration process of foreigners.

From the 867 events in the database 76.7% have been reported by victims of discrimination or of acts perceived as such (Graph 6). Such a high percentage proves the efficiency of the service, which main objective is the assistance to the victims of discrimination. It means that this tool has succeeded in winning in a short period of time the confidence of the immigrants and has become a point of reference for the protection of the equal opportunities for them and for the ethnic minorities present in our Country<sup>15</sup>. It is interesting to mention the contact from an Italian citizen belonging to the ethnic group of the Sinti<sup>16</sup> who has contacted the *Contact center* to express the desire for integration of his community in the Italian society, which usually shows attitudes and behaviors of identity closure. This is a significant testimony because it contradicts the stereotype according to which “the gypsies do not want to integrate”. The pre-conceived concepts about these communities can be reduced to a unique interpretative element, “the paradigm of ethnicity”<sup>17</sup> that blames to the specificity of this ethnic group the reasons for all problems and conflicts that it encounters and thus relieves the Italians from the responsibility of the failed integration of the Roma and the Sinti. Although the number of these contacts is still limited, the message is significant, because it raises the discussion of the cultural incompatibility between some ethnic groups.

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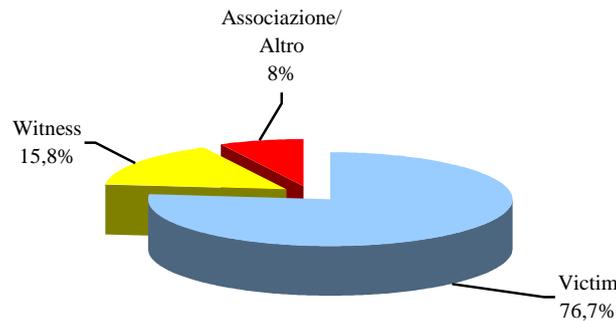
<sup>15</sup> Considering the variety of the social situations where the concept of “minority” is used, it is difficult to give a uniform definition. For the ethnologist Malinowski a minority group is an aggregate limited by a feature that the majority considers as significant; in some cases the minority is spontaneously closed in a group of its own, and in other cases the identical closure is a choice that helps escape from situation of discrimination or persecution. See B. Malinowski, “*Scientific theory of the culture and other essays*”, Milano, Feltrinelli, 1974. In general this is a marginal group, not necessarily minority as quantity of members, defined ethnically or racially and territorially place able.

<sup>16</sup> The Sinti and the Roma who live in Italy are around 120,000 and around 70,000 of them are Italians. These are mostly heterogeneous communities. As for the origin it depends on the period, context of integration and socio-cultural characteristics. (see “*Second report on the integration of the immigrants in Italy*” Bologna, Il Mulino, 2001).

<sup>17</sup> See M. Delle Donne, *Convivenza Civile e Xenofobia*, Milano, Feltrinelli, 2000.

15.8% of the reports received by the UNAR have been made by witnesses for a discriminatory act or behavior; and the remaining 7.5% are reported by associations. The new legislation<sup>18</sup> allows that legal action for verification and removal of the discriminatory event can be exercised with power of representation by associations working in the field of the fight against discrimination (Chapter IV, part 1).

*Graph 6 – Position of the complainer to the discriminatory event (values in percent)*



Another element that helps building the scenario in which the complaints of direct and indirect racial discrimination<sup>19</sup> come to life is the geographic area from which the calls to the *Contact center* originate. By grouping the Italian regions in four areas<sup>20</sup> a strong discrepancy can be seen between Southern Italy from where only 11.9% of the complaints come, and the remaining regions of the Peninsula, where the accumulated data is three times higher (32.3% from the North-West, 27.3% from the North East and 28.5% from Central Italy).

*Table 5 – Geographic distribution of the reports*

Geographic areas	Frequency	%
North West	280	32.3

<sup>18</sup> Legislative Decree no. 215 /2003, Article 4, Point 2.

<sup>19</sup> Article 2, Paragraph 1 of the Legislative Decree no. 215 of July 9, 2003, defines “direct discrimination, when on the grounds of racial or ethnic origin one person is treated less favorably than another is, has been or would be treated in a comparable situation” and “indirect discrimination, when an apparently neutral provision, criterion, practice, deed, agreement or behavior may put persons of a racial or ethnic origin at a particular disadvantage compared with other persons”.

<sup>20</sup> The North-West geographic area includes Valle d’Aosta, Piemonte, Lombardia, Liguria; the North-East includes: Veneto, Trentino Alto Adige, Friuli-Venezia Giulia, Emilia-Romagna; the Central includes: Tuscany, Marche, Umbria and Lazio; the South and the Islands include Sardegna, Abruzzo, Molise, Campania, Basilicata, Puglia, Calabria and Sicily.

North East	237	27.3
Central	247	28.5
South & Islands	103	11.9
<b>Total</b>	<b>867</b>	<b>100.0</b>

This difference can be explained in the territorial distinction (between the areas of “stabilization” and the areas of “transit”), which defines the process of settlement of the immigrants in our Country. The Southern regions, due to their closeness to the countries of the Mediterranean basin, represent for many foreigners an area of temporary residence, the first stop on the immigrant’s journey which final objective is reaching the countries of the North-Western Europe or stay in the regions of Central and Northern Italy, which offer bigger employment opportunities<sup>21</sup>.

Considerably different is the situation of the reports coming from the traditional areas of “stabilization” (Northern and Central Italy). The production capacity of these industrialized and advanced regions, allows more stable settlement of the immigrants, where their job applications are better accepted. Such stability, however, involves a bigger exposure to potentially discriminatory acts encountered in daily life during the process of settlement and multiplies the possible occasions to encounter acts of intolerance: from house-hunting to the application for public services, from job-hunting to access to credit etc.

The existing gap between the Northern and Southern Italy in regards to the number of received reports to the *Contact center* leads to a different interpretation, related to the one explained above: the regularity of the presence of the immigrant. The state of illegal immigration is a condition that prevents eventual complaint of a suffered discrimination or harassment, because it prohibits the immigrant to live freely, to obtain the respect of his own rights; the illegality erases the presence of the immigrant as an individual. It is normal therefore that in the regions of Italy where the number of illegal

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<sup>21</sup> The recent Census has evidenced an inversion of this trend, because during the last years the number of immigrants, who have chosen the regions of Southern Italy is increasing; the data analysis shows an increase in the number of the temporary immigrants (after the last regularization), the number of the foreigners with permit to stay ( has increased by 40% in the last five years), the number of the minorities (increased by 60 % in last five years) and the number of the obtained citizenships (14.3% from the national total) have grown in these regions; these are the indicators that reveal an increase in the settlement of the immigration in the South, still at lower levels than in other parts of Italy, ( see “*An intercultural society, social and institutional aspects of the immigration*”, Census, no. 4/2004, pp. 5-65).

immigrants is higher - the number of the received complaints is lower. It is useful to have a look at analysis elaborated according to the data of the Ministry of Labor, part of a research which clarifies some of the aspects of integration of the immigrants in the grey economy<sup>22</sup>. Although there is no correlation between the un-declared employment and the illegal presence of the immigrants, we can not deny that these elements are connected and it is worth taking a closer look at their dynamics. The regional differences show that the regions of Italy with the least undeclared employment are in the North-East and the Center with their small manufacturing enterprises, while the percentage of illegal immigrant workers in the South, in Lombardy and Lazio (the regions with the biggest Italian cities) is higher. In Southern Italy, especially the percentage of illegal employment and illegal immigrants is the highest. In a predominantly transit area where the immigrants' journey is still in its initial stage it is possible that the immigrants accept temporary employment to improve their position and consequently to legalize their stay.

#### **4.3.1. Analysis of the relevant events: first monitoring of racial discrimination in Italy**

The discrepancy between Northern and Southern Italy that characterises the immigration phenomena in our Country finds an additional confirmation in the analysis of 282 relevant events (cases of real direct and indirect discrimination) registered in the *database*. The complaints received from Southern Italy, are only 4.6%, while from the rest of the Peninsula the values go between 27% for the regions of Central Italy to 35.4% and 33% in the North-West and the North-East respectively.

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<sup>22</sup> The research to which we will refer in the next pages was done for the International Labor Organization (ILO) by the FIER (International and European Forum on Migration Research). See E. Reyneri, A. Venturini, G. Zincone and others "Discrimination of the immigrants in the labor market in Italy", Working Paper, September 2003.

Figure 2 – Geographic distribution of the relevant events



The initial analysis offers a general picture of the distribution of racial or ethnic discrimination in Italy. Nevertheless, in order to trace more precisely the outlines of racial discrimination it is necessary to focus our attention on the nuances that this phenomenon assumes in the different areas of social life. The largest number of reports (Table 6) covers the workplace (28.4%), followed by those of housing (20.2%). It is in these two “sensitive” sectors where the daily interethnic encounters can be transformed in fierce conflicts between Italians and immigrants. These conflicts can be provoked by disputes over the social and economic resources: the first ones (the Italians) tend to perceive the immigrants as a threat to their own group identity and system of access to

resources and through stereotypes<sup>23</sup> and prejudices<sup>24</sup> they activate tools for defence that in some cases are transformed in real discriminatory behaviour. In brief the coexistence at the workplace and in the neighbourhood, which requires sharing living-space and relationships, can prove a fertile soil for incomprehension, abuses or segregation.

*Table 6 –Distribution of relevant events in respect to the discrimination areas*

	Frequency	%
Workplace	80	28.4
Access to accommodation	57	20.2
Public utilities	28	9.9
Commercial Services	19	6.7
Financial services	19	6.7
Police	18	6.4
Public spaces	15	5.3
Healthcare	14	5.0
Public transport	12	4.3
School and education	10	3.5
Media	7	2.5
Sports/Free time	3	1.1
<b>Total</b>	<b>282</b>	<b>100.0</b>

**The workplace and housing** are not the only types of reported discrimination: the streets, public transport and the Public utilities are only few examples of the areas where the interethnic encounters can provoke situations of cultural closure, enhancing the superiority of the majority and alienating further the immigrants into a position of exclusion and weakness. The complaints related to the areas of Public transport (4.3%), Public spaces (5.3%) and the Public Utilities (6.7%) received by the *Contact centre*, if considered in total reach a significant proportion in regards to the total number of reports (more than 16%).

<sup>23</sup> The concept of “stereotype”, which translated from Greek means “rigid stamp”, has been introduced by Lippmann to indicate the rigid schemes that on the basis of ideas attribute features to specific groups of individuals. See W. Lippmann, “*Public Opinion*”, New York, Harcourt, 1922.

<sup>24</sup> The prejudice is “a negative ethnic behavior, a predisposition to perceive, judge and act in a disadvantageous manner towards members of ethnic groups different from the own one”. See B.Mazzara, “*Belonging and prejudices, Social Psychology of the Ethnic Relations*”, Rome, Carocci, 1998, p.116

These indicators should not be under-evaluated because they show the existence of uneasiness, capable to erode society still unable to offer adequate reception of the immigrants.

In these areas the intervention of the UNAR has reached satisfying results as in the area of **public transport**, where there have been several reports of problems between immigrants and the staff.

#### DISCRIMINATION IN THE PUBLIC TRANSPORT

*The bus does not stop for black people*

Clients of a large national transportation company have contacted several times the UNAR to report on the discriminatory behaviour of employees. The UNAR contacted the management of the company to request the opening of an inquiry for the monitoring of the reported cases and invited them to take the needed disciplinary measures, as well as to introduce organizational and regulation initiatives designated to prevent the repetition of these racist acts.

The company, on the basis of the UNAR report established a Commission and following a preliminary investigation announced disciplinary sanctions for the responsible employees. It also demonstrated its commitment to the matter by organising training courses for awareness-raising of the employees, with the contribution of the UNAR, about racial discrimination and intercultural cohabitation.

Similar commitments to control the behaviour of unequal treatment, upon the suggestions of the Office, have been undertaken by different local transportation companies.

Another important intervention of the UNAR was in the area of the supply of commercial services in a specific case when the victim was a Senegalese citizen.

#### DISCRIMINATION IN THE SUPPLY OF COMMERCIAL SERVICES

*A supplement to a disco entry*

An Italian citizen reported discriminatory behavior of the management of a disco club towards her Senegalese companion and their friends from Senegal. The management of

the club would request to foreign visitors to pay an entry fee, which was not requested from Italian clients. Even after the intervention of the police, called by the witness and the victims, the behavior of the owners did not change. Having not succeeded, the police suggested an explicit complaint of the event to be filed. Legislative Decree no. 215/2003 defines such situations as direct discrimination because some of the customers due to their race or ethnic origin are treated less favorably than other persons in a comparable situation. For this reason the UNAR suggested to the witness to turn for judicial protection, by offering its own assistance in the eventual proceeding and to present if requested by the victim, information and observations during the process. The civil suit is an easy and fast tool with which the victims can ask the judge to order the cessation of the discriminatory behavior for the removal of the effects (if existent) including to claim for the suffered moral damages.

Another area with a high number of reports is the Public Utilities (9.9%).

It includes discrimination events inside Public Utilities supplying registry services and social assistance. The following case is an event, which involved a Moroccan citizen who, in order to obtain residence in a municipality, had to fulfill requirements not foreseen by the legislation but requested by the Registry Office.

#### DISCRIMINATION IN THE PUBLIC UTILITIES

*It is necessary for the immigrants to present a declaration of feasibility of the housing to obtain residence*

A Moroccan citizen reported to the *Contact center* the difficulties experienced in obtaining residence in a municipality in Northern Italy for herself and her husband.

According to the report made fifteen days after the application, the officers of the municipal police visited the accommodation and having found no head of the family they had to leave and affirmed they would make additional verifications. And they never came back. The couple presented three more applications and the Registry Office told them that the application was not accepted because the type of their rental contract was not valid for obtaining residence. Despite the complaints according to which the previous tenants with the same type of contract had no difficulty in obtaining the residence, the municipal police remained inflexible. This placed on the Moroccan couple

the burden to amend the contract as requested by the Registry Office and to present a fourth application. Once again, despite the reminders, the municipality police officers did not visit the place. The procedure prolongation of the practice (the first application was in November 2004) created problems with the renewal of the residence permit, which expired in April 2005.

At this point, the UNAR intervened at this point by contacting the municipal Registry Office to understand which, according to the primary and statutory rule are the legislation terms and modalities foreseen for the allowance of the residence. The Registry Office answered that in that municipality “the standard procedure” was to send in conjunction with the on-the spot visit of the police officers a technician, charged to evaluate the suitability of the house (not foreseen in the case of residence verification for an Italian citizen) and that in most foreign citizens’ cases a declaration of non suitability was issued. Following several reminders to the Commander of the Municipal police, the UNAR succeeded in obtaining an on-the-spot visit of the officers together with a municipal technician, after which the need for some modifications of the apartment was presented, which in case of non-performance would block the concession of residence. Only after an additional intervention of the UNAR that verified that according to the legislation these motives can not be considered as impedimental for the concession of residence, with a significant delay, in the beginning of May, the application of the Moroccan couple was approved.

There are also reports of unequal treatment by the police, responsible for the Administration of the immigration both in terms of territory control and the issuing of administrative documents (a total of 6.4%). On the other hand the percentage in the areas of the *media*, the **sports** and the **school** do not reach more than 4% of the total.

Despite the limited number of reports, the UNAR performs a big part of the awareness-raising and information campaigns in the school, which is very important for the education of young people and the second generations. An interesting case in the area of school involved a bilateral initiative between Italy and Morocco which provoked negative reactions in some Italians. In a province of Northern Italy enforcing Article 18

of the 2004-2006 Executive Program of the Agreement for cultural, scientific and technological cooperation between the Government of Morocco and the Government of the Republic of Italy, a decision was taken to organize Arabic language and Moroccan culture courses with the cooperation of native teachers. Most of the parents reacted positively to the initiative; nevertheless, flyers were distributed signed by a self-proclaimed “Committee for the salvation of the Italian language and culture”, expressing their disapproval of the project. The members of the committee began collecting signatures to veto the Arabic language and culture courses.

Another area under the observation of the UNAR is the **access to bank loans**, since the complaints on the supply of financial services (6.7%) put in evidence highly criticized area for the integration of foreigners, which puts in action strategies of “subordinated inclusion”<sup>25</sup>.

The refusal of small credits and loans to immigrants signals unequal treatment which places in deep uncertainty every immigrant project. This is a more ambiguous strategy in comparison to the “defective” one, aiming to exclude completely the immigrant from the host society through explicit xenophobic behavior, which is dangerous and humiliating. According to a research carried out in Italy and other EU countries<sup>26</sup>, the access to financial services is regulated by severe requirements when an immigrant sends his/her application. Although on a legislations level <sup>27</sup> differences between Italian and foreigners do not exist, indeed in the relations between the bank and the client<sup>28</sup>, there are cases of unequal treatment of the immigrants, in the access not

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<sup>25</sup> See V. Cotesta, “*Sociology of the conflicts. Racism, immigration and multicultural society*”, Bari, Laterza, 1999.

<sup>26</sup> The research covered Italy, Belgium, Finland, England and Spain and had as an objective to explore the interactions between the immigrant populations and the bank systems of each country, in terms of quantity and quality of services; in Italy the research covered some banks in Bologna, Milan, Naples, Padua, Perugia, Prato and Rome (see “*Second report on the integration of immigrants in Italy*”, Bologna, Il Mulino, 2001).

<sup>27</sup> The relations between the banks and immigrants, are regulated by the rules for bank transparency according to the Text of the bank and credit of 1993

<sup>28</sup> A research of ABI- CeSPI, made in the areas by the national Italian committee 2005, International Year of the micro credit, explored the phenomenon of the economic citizenship of the immigrants, considering their usage level of the banks in Italy equal to 57.3%; the research clarified that this result depends predominantly on the bank mechanism of salary payment (that would oblige the immigrant to open a bank account) and that despite the high level of bank services usage there are cases when immigrants cannot use all services, as for example the refusal of the service of remittance and the weak interaction of the banks and the financial institutes from the countries of origin of the immigrants.

only to the services of high risk level (loans and credits), but also in the more secure ones as the saving accounts <sup>29</sup>.

### *DISCRIMINATION IN SUPPLYING FINANCIAL SERVICES*

#### *1) No mortgages to non EU citizens*

A foreign citizen contacted the UNAR, because, although being for many years an account holder in an important Italian credit institution, he could not obtain a loan for the purchase of a house, because the internal rules of the bank say that irrespective of the normal requirements, loans to immigrants cannot be granted.

Following the verification that the mentioned institution does not really grant loans to non EU citizens, the UNAR performed an activity of awareness-raising to activate strategies which properly consider the requests of the foreign citizens as a market segment, guaranteeing the equality in the access to goods and services set by the legislation.

#### *2) No bank services if you are a foreigner*

A citizen from Cameroon arrived in Italy in 1996 and having regular residence permit, worked for a cooperative till 2004 and after that changed jobs. Not having a bank account he has been remunerated from the beginning with checks cashed on the counter in the bank of the employer.

But, once the employment contract expired, the employee went to cash the last two checks and a problem arose: the bank refused to pay, because the only possession of the receipt, issued by the police, proving the request of renewal of the residence permit was not considered adequate for paying the checks. The bank requested then to issue a certificate for the service, but the employer refused, sustaining that this document is not foreseen by the legislation. An attorney assigned by the UNAR contacted the bank on behalf of the citizen, but again did not succeed in resolving the problem. The Office immediately contacted the bank requesting information and learnt about an internal regulation, requiring the presentation of different identity documents differing according

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<sup>29</sup> To open a savings account Italians are only requested to present a passport, while immigrants in some banks are requested to present guarantees such as residence permit, fiscal code, pay-roll etc.

to the amount and the person requesting the operation. Only with the intervention of the UNAR with the employees of the bank and the director of the branch the situation was unblocked and the checks were paid.

This diversity of treatment is surely due to cultural factors which create around the image of the foreigner a shadow of ambiguity and danger. Thus it is obvious that the route to the integration of the immigrant population has to pass through the rearrangement of the financial institutions regulating the access to credit, with a thoughtful balance between their autonomy to negotiate and that of equal treatment.

Very similar to the above-mentioned scenario is the one in the area of the healthcare services (5%), characterized by differences of treatment in the daily supply of service<sup>30</sup>. These complaints have a common denominator: the difficulty in the relations between the immigrants and the doctors. This is a very important theme, even when the relations concern doctors and Italian patients; really, the doctor adapts a communication level understandable to the patient, and if it is also true that in some cases the difficulty of comprehension can depend on the patient, whose state of anxiety results in difficulties in the reception of the message; it is evident then, that in the case of a relation between a doctor and an immigrant the communication becomes even more complicated due to the poor knowledge of the language by the latter. Besides, the concept that foreigners have about illnesses and pain does not necessarily coincide with the western one; this results in a high probability of strong conflicts in this matter. However, in the healthcare area it is rare to witness explicit discrimination, but the behavior itself, the roles, the culture of organization are those that create implicitly or involuntarily discrimination and exclusion.

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<sup>30</sup> This is confirmed by the research that evidenced the existence of real discrimination in the access to healthcare services in regards to foreigners, provided with inferior quality of service in comparison to the local population. This research, made by the Alisei NGO, aims to explore the dynamics of the foreigners' access to healthcare services and has set inside several objectives defined in the project *Partners for Health* in Bologna, Perugia, Caserta and Rome. 6 meetings took place (*learning communities*) to which 59 employees of the health services, medical personnel and foreigners of different nationalities were invited to participate. See P. Vulpiani, E. Van Dongen, J. Comelles "Health for all, all in health. European Experiences on Health Care for Migrants", European Commission – Cidis 2000; "Health Care Services A tool kit to fight discrimination against immigrants", Alisei, 2004.

As it comes out, in order to create conditions for equal treatment in the area of healthcare, it is necessary to provide a less ethnic organization with services that put in the center the interest of the patient as such, and not his/her origin. In this regard a case in a hospital in the North-East where the department of gynecology has been completely reorganized on ethnic base, by creating rooms for the patients according to their ethnic origin, provoked a lot of resentment. The news was also covered in the national and international media. As a consequence of the polemics, event testimonies were collected in merit of such a choice, which has been evaluated either as functional to the organizational requirements of the department or as discriminative.

The UNAR believes that such actions carry a big risk of segregation for the foreign communities provoking the refusal of any positive intercultural relation and any real social integration.

#### 4.3.2. Two critical sectors: the workplace and the housing

In order to outline further this phenomenon which has the quality to probe precisely the discriminatory dynamics that emerge from the *Contact center*, it is necessary to focus on those areas that have gathered the biggest number of reports: **the housing and the workplace.**

In the area of the workplace the discrimination and unequal treatment of the immigrants, are predominantly manifested in two ways: in the difficulty of access to employment (26.3%) and, inside the workplace, in becoming a target of mobbing (20%); both with unclear limits, where it is easy to camouflage the discrimination practices.

*Table 7- Contexts of discrimination in the area of the "Workplace"*

	Frequency	Percentage
Not specified	8	10.0
Access to employment	21	26.3
Working conditions	13	16.3
Dismissal conditions	1	1.3
Remuneration	5	6.3
Mobbing with aggravating	16	20.0
Access to training	2	2.5

Other	6	7.5
Relations with colleagues	8	10.0
<b>Total</b>	<b>80</b>	<b>100.0</b>

The fear to lose a job often makes the immigrants suffer aggressions or harassment in a passive manner. Nevertheless, there are some workers that fight such conditions of extreme social and existential vulnerability, by reporting situations of daily abuses and oppressions. In this respect the *Contact center* had the merit to become a point of reference and support able to listen and to propose solutions to those, who nowadays live in conditions of social injustice.

### DISCRIMINATION IN THE WORKPLACE

#### *A job on the limits of decency*

Mr. Ahmed came in Italy 10 years ago. During the years he succeeded in finding a job and bringing in Italy his wife and daughter aged 4. Until few months ago, Ahmed had a fixed term contract in a company, whose manager was also the owner of the house where he lives. Although Mr. Ahmed has suffered for many years unfair treatment with delays of payment and omission of the pay-roll (always given to the Italian workers), he has never complained due to the fear of losing his housing. After many years of humiliation he dared to protest about a missed salary payment, he was dismissed and asked to leave the house. Actually, due to the UNAR intervention, Ahmed now lives, together with his family in a hostel. Moreover after a short inquiry during which the substance of the case was evaluated, the Office sent Ahmed to the immigrant officer of a labor union to complain about the event and to undertake legal actions.

Under “Access to employment” fall all those situations in which evidently or not the immigrants are refused the possibility to obtain a regular job: advertisements, which contains “no foreigners”<sup>31</sup>, are not rare, as well as the refusal of the *curriculum vitae* from immigrants even in work agencies.

<sup>31</sup> An employee of the Patronage Acli has reported that the office of Informagiovani in his village sends every week to his workplace a bulletin with job advertisements from different employers. In the bulletin of May some advertisements were present that request Italian citizenship as necessary prerequisite to present a job application for general works in the engineering sector.

## DISCRIMINATION IN ACCESS TO EMPLOYMENT

*You cannot work in a bar if you are not an Italian citizen*

Anita is a regular immigrant from South America looking for a job.

Every day she checks the job advertisements in the newspapers and goes to the Informagiovani or in the Territorial employment center. Anita has no particular specialization and that is why she is looking for a simple job. But every day looking for a job becomes more difficult, because very often in the advertisements Anita finds the special requirement "ITALIAN CITIZENSHIP". Certainly, for the job of a waitress, barmaid or dishwasher the citizenship is not a fundamental requirement; nevertheless, Anita, who has been living in Italy for many years, without citizenship, is excluded from these offers.

Anita contacted the UNAR because she wants these notices not to be published anymore.

The UNAR intervened contacting the publication where these advertisements were found, presenting the existing laws on the matter and especially the provisions of Article 3 of Legislative Decree no. 215/2003, according to which the only condition under which an employer can have special requirements connected to the racial origin, without performing a discriminatory act, is when those requirements are essential and decisive for the performance of the activity: an example could be the religious beliefs for a teacher in a religion institution or the skin color of an actor who has a particular role in a movie.

No doubt, considering the type of the advertised jobs (worker, pizza maker, barman, mason), that this is not the case, and therefore the explicit request of Italian citizenship has as indirect effect to prohibit or at least to make very difficult the access to employment for a foreigner and as a consequence has a discriminatory effect. With big attention the director of the national newspaper whom the UNAR contacted, accepted the invitation of the Office not to publish further job advertisements that contain violation of the equality principle and published on the pages for job advertisements a

notice to the advertisers on the impossibility to have requirement such as race, religion or citizenship. The same director committed himself to control all texts of the advertisements and inform constantly the advertisers about the legal provisions in regards to anti-discrimination.

The job refusal can happen, however, in a less direct manner, when the real motive to reject the “inconvenient” candidate is not explicitly stated. So, the immigrant is forced to accept unqualified jobs with low remuneration, located peripherally, that put him in a position of employment fragility.

A confirmation of this comes from the above-mentioned research carried out by the International Labor Organization (ILO) by FIERI (International and European Forum on Migration Research) on the discrimination of immigrant workers in our Country, according to which the latter are victims of a particular form of unequal treatment: discrimination “at first glance” based on few perceptual elements (like skin color, accent etc.)<sup>32</sup>. It seems that this is particularly strong in small companies where the selection is made by the person who would probably work with the immigrant and that the latter would base the selection on his/her own preferences (also xenophobia). On the contrary, in big companies the standard application procedures can limit the possibility of rejecting the foreign citizen at first glance. Moreover, what emerges from this research is that the job opportunities in the area of restaurants, especially these jobs that require a direct contact with the clients, are the least accessible to foreigners.

Another aspect of the discrimination in the employment area concerns the *mobbing*, a form of psychological violence practiced through repeated attacks from colleagues or employers, which assume different connotations: isolation, personal disqualification, assignment of humiliating tasks. It is possible to assume that the oppressive practices for workers, find an additional motivating element in the different ethnicity: the immigrant

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<sup>32</sup> In the research, Italians and Moroccans of first generation and with similar characteristics have participated in the same selection of personnel; from the 533 valid cases, the results revealed that the largest number of discrimination acts happen in the initial application process (26.6 %), while during the interviews the percentage is low (11.6%) from the quoted text, 2003.

worker becomes an easy target to storm on all the fears and worries of the threat (even if only perceived) of the competition for resources.

The barriers that divide the Italian workers and the immigrants are not only present in the psycho-sociological obstacles mentioned above; a lot of difficulties depend on a mutual non-sharing of legislation and cultural codes that have an impact on the relations in the workplace. In this regard it is useful to refer to the results of a research carried out in the region of Lombardy by IREER designed to explore the quality of life of immigrants in the employment area<sup>33</sup>.

According to this research the critiques of the Italian workers toward their foreign colleagues are traced back in three essential groups: negligence of the company regulations (working hours, returning from holidays), lack of confidence in the company (changing of jobs) and poor personal initiative for the solution of work problems. It is evident that the conflict between local and foreign workers can spark off due to two reasons: incapacity of the Italians to understand completely the motivations, the needs and the difficulties of the immigrant workers ( that leads to a wrong interpretation of their attitude towards employment) and the poor knowledge of the Italian language, the contract requirements and labor legislation, which turns the immigrants into weak individuals incapable to protect their own rights and obligation in the workplace.

Young workers are predominantly the subject of discrimination (66.7% vs. the national medium of 40.9% – Table 8). It is likely that young people suffer more discriminations because of the difficulty of access to employment and the temporary working and remuneration conditions, combined with their recent integration in the Italian society, which turns them into more fragile workers, and as such, more exposed to oppressive behavior at the workplace.

*Table 8 - Distribution of the events (relevant and non-relevant) in the employment area per age (values in percent)*

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<sup>33</sup> The research was carried out through qualitative interviews to employers and important players (form local entities, labor consultants etc.) on the existing corporate practices in Milan, Bergamo and Brescia (IREER – “Opinions and attitudes towards the immigrant: A research of the citizens and the important players in the economy of the region of Lombardy” Milan, 1998, Lombardy).

The Workplace	Non-relevant events	Relevant events	Total
Up to 30 years old	33.3	66.7	100.0
31 to 39 years	62.7	37/3	100.0
40 to 49 years	63.6	36.4	100.0
50 years and above	63.0	37.0	100.0
Total	59.1	40.9	100.0

The explicit reference to the ethnic origin as an obstacle is a frequent practice in the announcements for housing rentals<sup>34</sup>.

Similar discriminatory behavior sanctioned by Legislative Decree no. 286 of July 25 1998, Consolidated Act of the dispositions concerning the matter of immigration and by the norms on the conditions of the foreigners qualifying as discriminatory, in Article 49, point 1, *“any behavior that directly or indirectly, entails a distinction, exclusion, restriction or preference based on race, color, ancestry, national or ethnic origin, religious practice and personal beliefs and has as objective or effect to destroy or compromise the recognition, enjoyment or practice in conditions of equality, the human rights and fundamental liberties in the political, economic, social and cultural area and in any other sector of the public life”*. While the next point letter c, provides: *“ In any case an act of discrimination incurs ....anybody who illegally imposes more advantageous conditions or refuses to deliver access to employment, housing, training and social services to a foreigner regularly residing in Italy only because of his situation of foreigner and belonging to a particular race, religion, ethnicity or nationality”*

When the area of housing is analyzed the reported cases can be reduced to problems with neighbors and condominium (54.4%).

Table 9 - Discrimination context in the area of Housing

	Frequency	%
Condominium and neighbors	31	54.4
Loan	10	17.5
Not specified	6	10.5
Other	5	8.8
Real estate agencies	2	3.5
Popular cases	2	3.5

<sup>34</sup> The UNAR monitored the rental announcements, from April 3 to May 3, 2005, published in an Italian magazine, and found 69 announcements saying “no foreigners”.

Acquisition	1	1.8
<b>Total</b>	<b>57</b>	<b>100.0</b>

Indeed neighborhood relations in the urban quarters often generate tension. Often, the conflict arises due to lack of observance of the customs and social norms that regulate the use of the common spaces (yards, streets, etc.). Stereotypes and prejudices, which have an impact on the perception of reality, play a fundamental role: the different domestic habits become a ground for conflicts and problems between neighbors. It must be added the difficulty that immigrants face in finding adequate housing: 17.5 % of the complaints are related to this. There are series of discriminatory strategies that are reported: such as overcrowding, lack of services of primary importance (water, heating, etc), high renting costs, the absence of a contract, etc<sup>35</sup>.

#### DISCRIMINATIONS IN THE AREA OF HOUSING

##### *Condominium: common spaces or almost*

A young family from South America rented an apartment in a condominium. It was the only family in the building to have small children, 1 and 2 years old, whom the mother took to the yard for fresh air.

From the beginning the relationship with some neighbors was tense; the family was accused of spoiling the common spaces and making noise. They often found notices with offensive messages and some times were subject to abuse.

The situation collapsed when the condominium took a decision prohibiting children to play in the yard, targeting exclusively the immigrant family.

The UNAR contacted the administration of the condominium to understand the situation, some of which is surely due to the typical condominium quarrels, stimulated by the differences of habits and lifestyles of people coming from different parts of the world. The Office emphasized on the legislation on the matter as well as the indirect discriminatory character of the decision. Even considering that the control on the

<sup>35</sup> For example in the UNAR *database* there is a report of a woman, mother of 5 children, who insists to have been cheated by the owner who has guaranteed that the house had heating installation, but nevertheless, it did not. And then, a case of a man, who together with his family was forced to live two years in a kitchen, because the owner refused to repair the house, which was not safe to live in.

private behavior of the inhabitants is not a responsibility of the administrator, an intervention was suggested because the condominium decision is attributed directly and therefore is responsibility of the administrator. The administrator was invited to guide the condominium, reminding them the legislation in force and advising them about the possible consequences of a particular common decision and thus led the condominium assembly to reconsider and provide equal measures to all, with attention and comprehension.

This long and complicated activity was monitored closely by the UNAR, through the local *Focal point*; the case was partially resolved with the withdrawal of the decision of the assembly and with an attempt to build in the condominium a friendly atmosphere with respect to the personal dignity.

#### **4.3.3. Discrimination and harassment: a thin borderline**

In order to deepen the analysis of the reports received by the *Contact center* and to explore the dimensions of the complex phenomenon of racial and ethnic discrimination it is necessary at this point of the report to introduce a key word: the notion of harassment. Explicit in the legal text, the definition of this concept forwards to a complex group of behaviors performed “*with the objective to violate the personal dignity, to create an intimidating, hostile, degrading, offensive and humiliating climate*”<sup>36</sup>.

So it is, a particular type of racial discrimination, not performed on a level of unequal treatment (for example in the tools that regulate a certain type of access to employment or to allocation of housing) but is performed in all those explicitly xenophobic behaviors that violate the personal dignity. This group of events constitutes 43,3% of the relevant reports received by the *Contact center*. This high percentage leads to the conclusion that verbal aggressions such as “Hitler was right to put you in the gas chambers” or “*Nigger*”, or “*Foreign killers*”<sup>37</sup> provoke in the immigrants deep emotional

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<sup>36</sup> See Article 2, point 3, del Legislative Decree no. 215/2003

<sup>37</sup> The quoted sentences are few examples from the electronic archive of the UNAR and have been registered by the *Contact center* operators reported by the callers.

reactions, capable to have an impact on their decision to report the abuse of which they are victim, to the same extent as they report the actual cases of unequal treatment.

#### HARASSMENT AS RACIAL DISCRIMINATION

*Every day a welcome.....from the heart...*

Jamal is a worker from Northern Africa, already a citizen and married to an Italian. He has worked for many years in a company where he has always been treated well.

Recently, a new team leader joined the company and everyday began welcoming Jamal with phrases such as *"Here's the African..."*, *"Hello, Niger, you finally arrived"*, *"These Africans never work ..."*. The situation became intolerable, because all other colleagues in order to please the team leader began to address him with racial insults.

Jamal contacted the UNAR in order to resolve the situation.

The Office contacted the management of the company and informed them about the situation. The management, not aware of this, performed an investigation and after verifying the truth, imposed a disciplinary sanction to the team leader, and at the same time, transferred Jamal to another team in accordance with his request, to give him the possibility to live peacefully.

Discriminations and harassments can both be consequences of prejudices and coexist in the content of the same complaint. The refusal to accept differences of cultures and the tendency to see in them a threat for society and the individuals creates situations and behaviors harmful to the dignity of the victim and which at the same time can justify unequal treatment in order to humiliate and oppress the foreigner. Verbal offences, inequalities in the social relations, discrimination in different areas of life, physical and psychological violence can be combined between them to damage the victim, aggravate the situation and feed the need for protection. The seemingly inoffensive nature of the stereotypes is connected to all this, which classifying the reality through simplistic and generalized concepts, allows to recognize the foreigner in the group of which he makes part. It is not strange that stereotypes as social categorizations cause the wrong presentation of the group members, who are different from us, and

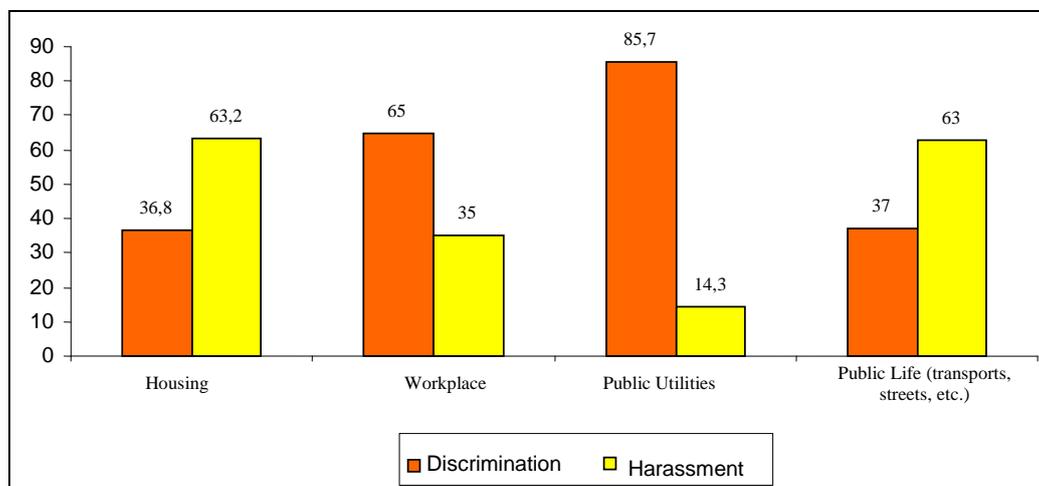
represent the base for the prejudice, that in its turn is the basis for discriminatory behavior.

Table 10 – Relevant Events divided per discriminations and harassments

	Frequency	Percentage
Discrimination	160	56.7
Harassment	122	43.3
<b>Total</b>	<b>282</b>	<b>100.0</b>

Obviously harassments are not manifested equally in all areas of social life (Graph 7). In the Public Utilities, more than 85 % of the total reports are not harassments, because in such a context the eventual unequal treatment is manifested on an administrative level (as the example of the regulation of access to social and insurance services). In the workplace the complaints of harassment are around one third of the total (35%).

Graph 7 – Two types of discrimination in the most representative areas (values in percent)



It is predominantly in the area of Housing and the Public Spaces<sup>38</sup> that the quota of harassment is higher, and in both cases goes over 60 % of the relevant events. Inside the neighborhood more conflicts arise between local people and immigrants and it is their diversity that suggests to the local people that a conflict resolution is impossible.

<sup>38</sup> Under “Public spaces” are the complaints on discriminations or harassments in the public transport or in open spaces and those are generally interpersonal conflicts.

Here stereotypes and prejudices play a fundamental role: the differences of the immigrants are punished, giving them the notion of inferiority and a negative vision of the neighborhood co-habitation and relations. In the urban areas spontaneous protests and manifestations are organized against the deviant phenomena (drug peddling, prostitution) which magnetize the attention of the public to the negative effects of immigration and stamp on foreigners the image of criminality and danger, which is difficult to erase<sup>39</sup>.

Given the social and economic characteristics of our Peninsula, which have a strong influence on the immigrant phenomenon, it is easy to imagine that the distribution of the different forms of discrimination on the territory is unequal. The areas with the most consistent quota of harassments (Table 11) are Central Italy (51.3%) and the North-West (46%) that exceed respectively with 15 % and 10 % the quota from the North-East. This data confirms that in the urban areas the interethnic conflicts are stronger<sup>40</sup>.

*Table 11 – Italian geography of the two types of discrimination (values in percent)*

	Area				Total
	North-West	North-East	Center	South and the Islands	
Discrimination	54.0	63.4	48.7	76.9	56.7
Harassment	46.0	36.6	51.3	23.1	43.3
<b>Total</b>	<b>100.0</b> <b>(100)</b>	<b>100.0</b> <b>(93)</b>	<b>100.0</b> <b>(76)</b>	<b>100.0</b> <b>(13)</b>	<b>100.0</b> <b>(282)</b>

The macro ethnic group that reports the biggest number of harassments on the grounds of racial origin (Table 12) is the Asian one (60%), residing in our Country for many years. This makes more precise the data described above (Table 2, part2): the stimuli to report acts of harassment are stronger when the migrant settlement has begun

<sup>39</sup> See Cotesta, 1999.

<sup>40</sup> The Analysis does not consider the South and the Islands, because the 13 relevant events reported in the South do not constitute a sufficient number to have representative analysis.

many years ago, because the dissonance is stronger between their own process of social integration and the xenophobic refusal of which they are victims<sup>41</sup>.

Table 12 – The macro-areas of origin in respect to the two types of discrimination (values in percent)

	GEOGRAPHIC AREA					Total
	Africa	Northern Africa	Asia	Latin America	Eastern Europe	
Discrimination	55.0	47.3	40.0	52.8	55.9	51.5
Harassment	45.0	52.7	60.0	47.2	44.1	48.5
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

The immigrants that report the least cases of harassments are from Eastern Europe, with a percentage lower to the average of four points: these are the ethnic groups which have come to Italy only recently and have not yet begun their integration. Another interpretative element can be related to this: the hostility of the local people that becomes crueler when the distance with a particular group of immigrants is perceived as bigger. In this sense the Asians and Northern Africans can be victims of hostile behaviors more than immigrants from Eastern Europe, because they are perceived very distant in terms of culture, religion and color.

#### 4.3.4. Analysis of the non-relevant events: a look at the requirements of the immigrant population

In order to complete the analysis of the reports received by the *Contact center* it is necessary at this point, to look at the 577 events registered in the *database*, not relevant to the Office's competences. It has been already mentioned that these reports are not events of real discrimination, but constitute an indicator of the uneasiness of the immigrants capable to suggest a new system of services, more adequate to their emerging needs; at the same time it constitutes an is a useful indicator, because by designing a map of the "perceived discrimination", we get a picture of the requests of the immigrant population.

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<sup>41</sup> Very high values in respect to the number of reported harassment are present between Northern Africans (53% almost): this is a very similar result to those of the Asian ones that can be interpreted on the base of slightly explicit considerations (the profile of the users from these two groups is very similar).

We should not exclude that the perception of the discrimination depends on the processes of negative labeling of the foreigners by the Italians: the feeling of being refused can produce even unreasoned defense tools. By the examination of Table 13 the strong request for help with respect to different areas of social life is evident (65.3%) and contradicts the public opinion that the immigrants do not want to integrate and do not want contacts with Italians; only 12.7% of calls can be labeled as requests for general information.

*Table 13 – Types of requests of non-relevant events*

	Frequency	%
Support/Assistance	377	65.3
Entrance/Residence/Rejoining	85	14.7
General information	73	12.7
Other areas of discrimination	22	3.8
Not specified	20	3.5
<b>Total</b>	<b>577</b>	<b>100.0</b>

Finally, a lot of people call for information on the required documents for legalization (15%); others contact the Office to report delays on the side of the Police office in the renewal of residence permits, others complain on delays of documents issuing by the Public entities and some ask for information about the procedures necessary how to legalize their stay.

The UNAR represents not only a useful point of reference to report directly suffered discrimination or discriminations of which they were witnesses, but also offers the possibility to be heard for those who nowadays do not know whom to contact in order to assert own rights of citizenship and to disentangle themselves in the complicated legislation.

In this sense the information from the *database* of the UNAR not only offers a wide-angle photo of the situations through which the unequal treatment is materialized, but represents also a range of experiences as regards to which it is necessary to set adequate policies of integration, calibrated to the needs of the migrant communities in our Country.

In order to conclude, we have to mention a last piece of statistics - the main source that made possible the popularization of the UNAR service - the TV spot, followed by the advertising campaign, together responsible for more than 79.8% of the calls. This data shows how strong is the structured information channel compared to the channels of informal communication (word-of-mouth advertising to friends and relatives), which are responsible for only 3% of the calls. Although the *information channel* inside ethnic network might play an important role in re-enforcing the message through the activity of the non-profit entities and the voluntary associations, it is important to plan more specific and widespread information campaigns to be able to reach more potential victims of discrimination and favor the emergence of the phenomenon.

## **5. Legal assistance to the victims of discrimination: the role of the UNAR**

The activity of legal assistance to the victims of discrimination offered by the UNAR is done through the commitment orientated towards the elimination of the discriminatory behavior and the removal of the prejudicial effects. With this objective in mind the Office offers assistance and support in jurisdictional or administrative proceedings by assisting the discriminated person - or association that acts for him – during the judicial proceeding.

The UNAR supports the presumed victims of discrimination, thanks to a *pool* of highly professional and independent experts and judges, by delivering written or oral consultations, opinions and observation to be used in court and with total respect for the functions and exclusive prerogatives of the judiciary, conducting independent and optional inquiries in order to verify the existence of discriminatory phenomena.

The activity of assistance of the *first tier* is undertaken by the operators and the experts of the *Contact center*. An examination of the complaints through classification and consideration of the requests and a first preliminary investigation for the monitoring of the “relevance” of the reported case is performed as per areas of competence of the UNAR.

The analysis of the cases received by the *Contact center* is made firstly by junior and then senior experts who compare documented examinations and contacts with the presumed victims, to verify the substance of the report.

The preliminary investigation takes into account all the psychological and socio-economic data that accompanies the presumed discrimination.

The complaint made using the toll-free number is often done in a state of strong emotional stress, and is then clarified better in conversations with the presumed victim and eventually with the author of the discriminatory behavior. This first stage is performed through one or more “interviews” with the presumed victim about the event, in a relatively wide margin of time, during which the victim communicates all the details of the event. At this stage it is necessary to understand what the perceptions of the victim are about the event, and if he/she maintains that the situation was provoked by his/her ethnic or racial origin.

These subjective considerations allow for an estimation of the levels of *perceived discrimination* by the victim, in the absence of an objective discrimination on ethnic or racial base, which do not necessarily present a case of unequal treatment or harassment in legal terms.

The stage of the first investigation involves the gathering of all the information designated to identify the author of the discrimination, eventual witnesses or evidence, circumstantial proof of the facts and authorization to quote openly, in the potential and additional contacting of others involved on behalf of the complaining party. In cases of indirect discrimination or rather those attitudes, criteria, acts or behavior that although being apparently neutral, can put a person of a particular race or ethnicity in a position of particular disadvantage compared with other people, a commitment and an act towards the institution of the discriminatory entity are requested exceeding the case of the single victim. In this case the Office is assigned not only the resolution of a single case, but also the opportunity of an action designated to the policies of social integration in the area of the whole system of reference.

The case, when considered well-grounded and relevant, verified and proving to be of a complex nature, is transmitted to the secretary of the UNAR for the evaluation by the Director and the eventual referral to an employee for the next investigation stage, the *second tier*.

At that moment the legal proceedings for the protection of the presumed victims of discrimination have not been necessary. In many cases closer examinations or requests for clarification sent by the Office, together with an action of *moral suasion* toward the authors of the discriminatory behavior, results in the cessation of the behavior itself.

This experience shows to the Office the efficiency of the informal facilitation action.

It is during the facilitation activity, involving the participants that the solutions for the elimination of the discriminatory situation appear or ways are found to mediate between the opposite interests. Sometimes all of them are in need for protection, in order to avoid the necessity of legal proceedings. For this reason in the future the UNAR is planning to focus even more on the activity of formal facilitation.

## THE AGREEMENT AS SOLUTION FOR DISCRIMINATION

### *Condominium problems*

Ali, an immigrant living in Italy for many years has purchased a house, the entrance being on the side of an internal yard, where the neighbors park their cars, and block the way. Ali has asked them many times to avoid such a behavior, but without success; moreover there are neighbors that in order to justify what they do, maintain that the door was done without the proper permission, and because of this they have the right to continue to park their cars in front of it. The complaining person sustains to have documents that show the cadastral regulation of his estate and that his neighbors adopt this behavior only because he is a foreigner. Therefore, he contacted the municipal police officers, who replied that they could not intervene, since this was a private area.

As this happened in a small municipality, the UNAR acquainted the mayor with the situation and asked him to become a promoter of an action of agreement in the condominium. The Civil Defender was also involved and contacted the two sides and

persuaded them to nominate a Condominium administrator as soon as possible - an impartial person who would respect the rules. The solution of facilitation that the UNAR proposed was appreciated by Ali as well, confirming that this was the only possible way for a positive solution to the case.

Nevertheless, in the formulation of opinion and consultation about the offered possibilities of legal protection, the Office, in relation to the previous legislation that provided a *special* proceeding, considers the important innovations introduced by Legislative Decree no. 215/2003, designated to reinforce the activity of combating racial and ethnic discrimination.

As it concerns the previous legislation, the consolidated text about the immigration per (Legislative Decree no. 286/1998) provides, in Article 44 “a civil action against discrimination” consisting in an easy, fast and efficient proceeding to combat any type of discrimination and on the model of the emergency provision (without the need to demonstrate imminent and irreparable prejudice and without obligation to verify links of instrumentality after the precautionary stage).

Especially, according to the provisions of Article 44, when a behavior both from the side of an individual and of Public Administration, causing discrimination on the grounds of racial, ethnic, national or religious origins is reported, the judge, upon the demand of the interested party, can order the cessation of the prejudicial behavior and adopt any other identical measure according to the circumstances of the case in order to remove the effects of the discrimination itself.

The proceeding is characterized by the absence of any formality and on one side, the request can be proposed personally by the party without the technical presence of a lawyer; and on other side, the judge can proceed “in the most appropriate way” to the acts of judgment necessary in relation to the prerequisites and of the measure invoked, also making use of factual elements of statistics - indexes disclosing predominantly indirect discrimination - for evaluation in the area of evidence for presumption.

The speed of the above-mentioned proceeding is confirmed by the fact that it concludes with an immediately executable ordinance, while the efficiency of the intervention of the judge is adequately guaranteed in Article 388 of Criminal Code providing a penal sanction in case of non-observance of the decision of the judge.

As already mentioned important legislation innovations have been introduced by Legislative Decree no. 215/2003, especially in terms of the entitlement to go to court. Relatively to the point of impact with our legal system, the jurisdictional action gives recognition to the associations listed in a Register, entitled to go to court on behalf or in support of the discriminated individual<sup>42</sup>. The mention in the list provides not only the task of support in the process to these bodies, but predominantly complete process substitution (in force of the issued delegacy, under penalty of nullity through a public deed or an authenticated private agreement). Moreover, these associations recognize a new standing to take action in presumed cases of collective discrimination or when the victim cannot be individualised in a direct and immediate manner. This allows the emersion and evaluation of the presence and relevance of the group interest on non discrimination, including the penetrating preliminary power and decisions connected to the assumption of the evidence or the burden of proof and the emanation of more adequate anti discrimination proceedings.

On contact with the presumed victim of discrimination the UNAR proposes in case of an eventual access to the legal or administrative protection, support by the national *Focal point* of the UNAR and by the associations from the National Register in order to compensate the conditions of inferiority of the person, suffering the harassment or abusive treatment.

The proceeding begins with an appeal to the competent judge. That is why the relationship between the citizen and the judge is direct, avoiding the complication of the summons and process; moreover the judge can convoke the person directly, while the

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<sup>42</sup> Judicial cases in this sense have not been registered so far because the Interministerial Decree of December 16, 2005 that recognize this legitimating have been published recently (Gazzetta Ufficiale no. 9 of January 12, 2006). Therefore, it is hoped that in short time the new system will be in force and will allow the associations to use this new draft offered by the regulation to assist the victims of racial and ethnic discriminations.

probation activity is designated predominantly to the judge. In the meantime the associations can support the victim during the process (with intervention, defined as *ad adiuvandum*) representing a form of protection advantageous to the victim, a protection that aims to consent the eventual absence of a forensic professional in the proceedings.

For additional help and enforcement of the position of the victim of racial discrimination, the UNAR provides assistance according to Article 7, in judicial or administrative proceedings undertaken in the forms pursuant to Article 425 of the code of civil procedure by insuring where requested by the victim, written and oral information and observations, obtaining information on the matter from persons and companies that possess them, through the Register of associations that act in the field of the fight against discrimination and promotion of equal treatment, and above all can provide opinion and legal consultation in the judicial or administrative proceedings undertaken, for all persons complaining to have suffered discrimination.

#### THE UNAR INTERVENTION IN A JUDICIAL PROCEEDING

##### *No career for a Manager from the Middle East*

A manager from the Middle East, with an excellent CV was hired by a famous multinational company working in the field of computer science. Finally he reached a prestigious position, responsible for the commercial sector with relevant tasks of external representation of the group that had justified his request to consider him for a managing position in the company, a request that the director of the Company offered to evaluate “as soon as there were suitable conditions”. Getting closer to the top positions in the company the job requirements of the manager changed drastically, with the assignment of non-relevant tasks for that position, all well documented, all leading to acts of real *mobbing*, aiming to exclude him not only from his previous job, but from the company.

In the description of the behavior designating a professional dismissal and real exclusion, acts of racial harassment and discrimination were mentioned, aiming to create a hostile atmosphere towards the manager inside the company, with hostile and offensive remarks as to his origin, at business meetings and during business trips.

The manager, therefore contacted an attorney to activate a legal procedure, provided in Article 700 of the code of civil procedure in order to obtain the cessation of the acts of personal disqualification including *mobbing* and at the same time he contacted the UNAR to report specific cases of racial discrimination of which he was a victim since the new management of the company assumed its leadership role. Along with the judgment provided by Article 700 of the code of civil procedure rejected by a single judge at the first level and rejected after by the Court, to take legal steps at the court of second instance in consideration of the character of the dispute and especially the tendency for a civil proceeding respecting the services of the Judicial Authority, the UNAR initiated a series of meetings with the attorney of the victim to evaluate the case, by demonstrating the different forms of protection offered to the victim of racial discrimination by Legislative Decree no. 215, according to the tasks that Article 7 assigns to the Office, between them and also provided by the letter a) that allows for *“providing assistance, in judicial or administrative proceedings undertaken, to the people considering themselves wronged by discriminatory conduct also according to the forms pursuant to Article 425 of the code of civil procedure”*. In view of the establishment of the proceeding the opportunity for a facilitation solution was foreseen in order to conclude a dispute that appeared as unsolvable.

The two parties have been standing by their very rigid positions since the beginning. Following the continuous negotiations reached, along with the decisive contribution of the UNAR, a settlement of good-will of this case, thus avoiding a long-standing dispute with an uncertain resolution. The agreement was converged into a report of conciliation in front of a judge with the intervention of the UNAR that intervened formally in the case, in accordance with the abovementioned prerogatives. Thanks to that agreement the discriminated individual agreed to leave the company in exchange of a financial remuneration of a relevant quantity, which more than being an adequate recognition of his professional experience, also offered a good beginning in the search for a new employment opportunity.

It is not often observed that lack of financial resources could make access to professional assistance impossible.

Anyway, the law entitles the associations to represent the victim in court, in order to assure better protection to those that cannot appeal for a free advocacy and who cannot afford the expenses of professional assistance.

It is necessary to notice that even if the proceeding is characterized by a certain conciseness, the legislation has not eliminated *tout court* the need, or better the opportunity for a technical defense; the possibility to take legal action personally is connected with the need to guarantee low cost access to justice for the protection of fundamental rights.

There is evidence, however, of the risk of discrepancy in the area of legal proceedings, where the respondent, an active participant of the discriminatory behavior, turns to an attorney. Although the powers of the judge are unlimited, if not unclear, the burden of proof made by the appellant and the fact that one side of the proceeding could be assisted by an attorney, and the other could not, could surely determine a significant influence on the outcome of the proceedings, and consequently on the final decision of the judge. We should not forget that the event elements deducted from the judgment on the base of statistical data can be evaluated by the judge according to the provisions of Article 2729, point 1, and even simple presumptions in order to be accepted have to be heavy, precise and concordant.

Therefore the importance of a forensic professional as a guide in support of the judicial conduct (and also in the stage proceeding the judgment) for the person considered victim of discrimination – is undeniable.

With this objective the UNAR has activated the system action of consulting and support by the NGO sector and entities included in the National Registry for which financial tools for support, training and awareness-raising are provided. In 2005 educational routes on the new legislation asset of anti-discrimination have been activated and have witnessed participation of associations, entities and trade unions. All this in order to create through the associations, real centers of “legal assistance” by proposing

to the forensic professionals to offer assistance for free, or with a minimum remuneration in that area where the association operates.

In this matter the UNAR has also organized conferences, initiatives in training and experience exchanges with the national *Focal points*, bodies and institutions to implement this function of technical-legal support and to promote an effective informal facilitation with the objective to enforce a network of legal knowledge and competence about the tools to combat racial discrimination.

### **5.1. Other operational modes of intervention by the UNAR: from moral suasion to system actions**

The operational modes of activity of legal assistance to the victims of discrimination performed by the UNAR are several, and differ according to the type of reported behavior, the context and area where discrimination is verified, or even on a base of who materially performed the action. It is not always possible to proceed by providing legal assistance designated to the presentation of an appeal to a judge, Article 4, of Legislative Decree no. 215/2003.

The action of the UNAR can also be concentrated on the activity of counseling designated to other Public Administrations that face problems concerning the application of the equal treatment policy.

#### CONSULTING TO PUBLIC ADMINISTRATIONS

##### *Foreigners and the public employment*

Parity adviser requested the UNAR for an opinion about the refusal to hire a non EU citizen on a temporary basis by a AUSL (Local health care authority), because they were not subsisted: *“necessary conditions to give rise subordinated labor relations in a Public Administration”*

The UNAR prepared an in-depth dossier on the problem of access by the non EU citizens to employment in Public Administration, a problem for which many judicial pronouncements are registered, even contrasting sometimes. This is evident especially the effective legislation on competitions, requesting the possession of Italian citizenship

or of an EU member country. But many Administrations considered a different interpretation based on opinion according to the provisions of Article 2 of the consolidated text on immigration. By equalizing a foreign citizen, resident in Italy to an Italian citizen, the necessity for citizenship a requisite for access to employment in the public sector would have to be addressed, on penalty of violation of the equality principle. The problem is how to interpret the special and general norms and relationships between the legislation system of the EU member countries and the Community system.

According to the UNAR a correct interpretation of the laws regulating this subject to the state would seem to be that the non EU citizens cannot access vacant jobs in Public Administration.

The Public Service Department confirmed the necessity for the requisite of citizenship for the access to the public employment in the judgment no.196 of September 28, 2004. Indeed it emerges from the will of the legislation of constitutional law that Italian citizens have exclusive access to the public services, considering the necessity for a particular bond between the State and those working in the public sector, a bond recognizable only in the qualified relationship between the individual and the regulation synthetically designated as *status civitatis*.

The limited extension of access to public employment for the EU citizens, provided by the Article 39 of Legislative Decree no. 165/2001, could be put as an increased application of the provision of the Constitution of Article 51, justified and consequently limited by the prospective of European integration. This legislation would find an application only with regards to the citizens from the Union and as such would not be posted to and extensive interpretation of different consignees, assuming that the EU citizen is not completely considered as a foreign citizen.

Also the General Advocacy of the State has pronounced such a statement in an accordant manner, by pointing out that this conclusion is confirmed by Article 98 of the Constitution that contains the reference of “exclusive service of the Nation”.

The State Council has confirmed the necessity to persist in the requisite for citizenship for access into public employment. Judgments by the TAR (Regional Administrative Tribunal) (TAR Veneto no. 782/2004 and TAR Tuscany no. 28/2003) in which first grade judges affirmed that the provisions of the Consolidated text of the immigration do not have to be considered as annul and thence does not raise any doubt about the constitutionality of the provisions that request the possession of the citizenship for public employment.

Sometimes other reports received by the *Contact center* cannot give rise to a direct intervention both because the behavior is not properly illegal, and because it is compliant to the existing legislation, or because it concerns an area where the intervention of a public authority like the UNAR, does not seem adequate or could even be counter-productive or exceeds the area of its knowledge.

Hence, in these cases the UNAR unable to activate forms of legal assistance operates by using the force of suasion using its institutional role of prestige, authoritativeness and its recognized *expertise* in equal treatment.

In these cases the UNAR performs the activity of so-called *moral suasion*. In other words intervenes in the direction of the author of the presumed discriminatory behavior, a modality of persuasion designated to influence or “press” in order to obtain an effective socially responsible behavior without use of force, binding laws and regulations.

This situation, for example is verified in the cases concerning bad relations between neighbors in condominiums, which, when not transforming themselves into real harassment on the grounds of racial origin, are only partially due to ethnic origin but anyway enter in the freedom of thought and of behaviour of each individual. In that case the situation is complicated by the lack of real powers of interference for the condominium administrator that is why the UNAR intervention is limited to drawing the attention to the importance of the respect of differences and to the civil cohabitation between people of different habits and traditions. In this order, the Office promotes meetings and conversations with the involved parties to obtain an informal conciliation of the case.

## ACTION OF MORAL SUASION

*The “rule of two” in the sports federations*

The UNAR performed an activity of *moral suasion* toward a sports federation in order to urge some amendments in the relative regulations. This Federation has adopted criteria of membership in the athletic associations of *juniors* and amateurs, that foresee a maximum limit of two foreign athletes to participate in each team participating in a regional championship for *seniors* and/or a juvenile championship (with an amendment of the previous deliberation that did not foresee such a limit)

This rule creates significant problems because it does not allow foreign players to practice and in this manner separates them from the competitive sports activity and creates an important social disvalue.

In this case the UNAR could not do anything else except to hope for an amendment of the rule since sports Federations have regulation autonomy in adoption of general criteria for the membership of foreign athletes. Regarding this the UNAR attracted the high educational function of sports also important for social integration especially on Juvenial level, as a fundamental tool for the development of an open social conscience of hospitality and reception of children from other parts of the world with different cultures in Italy. This is even more valid in communities with a high presence of foreign children who consider sports as entertainment, but also as an occasion for integration and meetings with other children of the same age, a useful contact to create a multiethnic society without racial connotations.

*Sometimes nothing is enough...*

An association reported discrimination made by a Municipality through its own ordinances toward some non EU citizens and the absolute closure of the Administration in the will to face and solve the problem, through a conciliatory solution avoiding an administrative judge appeal for the abolition of the ordinance in matter.

The UNAR contacted the secretary of the municipality requesting information and clarification with regard to the reported situation, by acquainting them with the existing

legislation in the area of racial discrimination and by declaring itself available to intervene with conciliatory services between the parties.

After few days the association called the UNAR again asking not to proceed further with the report, because the Mayor organized a meeting between the interested parties to face the event and to find a satisfactory solution for all players.

As it was underlined, the UNAR gives significant importance to the so-called system actions.

When reports of single cases relative to particular areas or involving determined services of companies or Administrations become frequent or involve situations that can easily spread to a majority of possible consignees, there is the need to perform system actions that go beyond facing the single case for which the intervention of the UNAR is requested. It is necessary to face the general theme by trying to prevent the repetition of the discriminatory practice in this particular sector.

In this sense the UNAR concludes agreements and protocols of understanding with the representative organizations of a certain area, trying to initiate awareness-raising action with all the involved *stakeholders*, directed to eliminate the motives for the discrimination definitively so that they cannot repeat themselves in the future in similar situations.

#### SYSTEM ACTION IN THE INSURANCE AREA

*If you are foreigner, you are not able to drive*

G.F. is an insurance broker offering policies R.C.A to different companies.

When a foreign client of African origin contacted him, he found out that some companies with equal conditions apply an increase of the insurance premium for all the drivers of foreign origin even if holding an Italian driving license.

Identical reports have been received many times by the UNAR toll-free number, so that it became necessary to intervene not only towards a single company but towards the very Guarantor authority in the area.

Because of this the UNAR contacted ISVAP, the Authority for vigilance of insurance, asking why, a driver of a particular ethnic origin and originates from a foreign country, constitutes a parameter used for the determination of the insurance premium RCA and if there is statistical data confirming higher incidental occurrences for foreign citizens.

The president of ISVAP reassured the Office by explaining that following the tariffs liberalization in July 1994, the premium levels are determined independently by the insurance companies on the basis of technical elements that outline a profile at risk for each insured person, giving rise to a “personalization of the tariff” for the fixing of which, has not been considered neither the origin, nor nationality.

Moreover, ISVAP guaranteed that when specific reports connected to cases of extremely high tariffs imposed, did not match to statistics or actual evidence of a greater accident rate for the non EU citizens the Institute will proceed to verify the case and of the consequent events through its own inspection services.

Moreover, it is important to note the reference to a circular letter of the Institute from 2000 in which the insurance companies are recalled to the obligation of non discriminatory behavior towards injured non EU citizens, in matter of *an* and *quantum debeatur*.

The above mentioned circular letter recognizes the right of claim for damages, including the claim for biological damage without limit or discrimination, by providing particularly that “it is not legal none unequal treatment depending on the fact that the non EU citizen has legal or illegal residence in Italy, having eventual irregularity of the residence from the point of view of the police that does not submit any negative influence on the right for claim”. After that arrangement the UNAR decided to involve a periodical inspection service of the Institute in the received reports.

## SYSTEM ACTION IN THE AREA OF FOOTBALL

*Howling is harassment!*

On November 27 the football world entered in the newspapers not to glorify sports events or big results but because of the umpteenth episode of racism that had the

football player Messina Zoro as its main character, refusing to continue the match because of the racist howling by the fans of Inter.

The UNAR asked the Italian Federation of Football and its members for a meeting during the working table “Football and racism” in order to outline some regulations and information tools for intervention together, designated to combat the phenomena of racism in stadiums. During the reunion of December 19, a signing of protocol of agreement containing the program guidelines of the commitments to take was proposed.

On some occasions the activity of the UNAR cannot continue because of fears for the victim. In such cases, even though the first preliminary investigation of the report highlights proof of discrimination, the victim decides not to report the event, in some cases because he fears a possible retaliation, in other cases because the threat of contacting the UNAR was enough for the person responsible for the discriminatory act to end such behavior.

In such cases the UNAR cannot proceed further, nevertheless, reports are registered and taken into consideration, both for statistic data, and as important indications of uneasiness connected to certain areas/contexts, or because it shows an extreme weakness of the person who decides evidently with a lot of effort, to contact the UNAR in order to end situations that can threaten his daily life.

#### REPORTS TAKEN FROM THE VICTIMS

*If I complain, my witness will lose his job....*

Jamira is an African girl, regular resident in Italy for the last few years. During a job interview with the manager of the personnel department in a supermarket chain, Jamira understood that the manager had not considered her job application, because her skin color would not make her suitable for the job with clients.

Jamira had a witness, an employee of the supermarket, who specified that the director did not directly and explicitly affirmed that the motive of the failed hiring of Jamira could be deduced to her skin color, although the sensation he got was clear

discriminatory treatment, also considering that recently the supermarket had hired other Italian women and was looking for personnel.

Although it was possible to continue the investigation of the case, Jamira explicitly requested not to proceed because of fear of retaliation towards the witness.

## IV. PROMOTION OF POSITIVE ACTIONS AND TRAINING INITIATIVES

### 1. The National Register of associations: an essential *partnership*

Starting from the first half of the 1980s the formation of non-governmental organizations has registered an exponential growth both in terms of quantity and quality highlighting the fact that the need to form associations remains an extremely important social phenomenon for the protection of collective and widespread interests. For many years now the influence and the commitment of the associations and the foundations could be considered an important heritage of inestimable value and an inexhaustible source of resources for the progress of society. They have always been fighting for the recognition of human rights and dignity and for the protection of the cultural and social heritage of the communities. By promoting a spirit of solidarity towards the less well-off, the sick, the disabled, the elderly and the young unemployed people, they provide a considerable contribution to the fight against social exclusion, sexual exploitation of women and children, racism and xenophobia. The contribution of the associations to the good functioning of the representative democracy also should not be undervalued. They play an essential role of intermediaries in the exchange of information and ideas between governments and citizens giving the latter a way to critically analyse the actions and the proposals of Public Administration and providing to Public entities counselling and fundamental *feedback* for the preparation and the assessment of their policies.

Because of the strong activism of the entire non-profit sector in the field of the protection of human rights and in the area of competence of the UNAR, the legislator put particular emphasis on the cooperation of the Office with the world of non-governmental organizations, which could constitute its operating arm in the day-to-day fight against the phenomenon of racial discrimination in Italy.

To this end provisions were made for the establishment with the Presidency of the Council of Ministers – Department for Equal Opportunities – of “Register of the Associations Active in the sector of the Fight against Discrimination” regulated by Article 6 of Legislative Decree no. 215 of July 9, 2003. This Register allows the

realisation of a continuous operating link with the associations included in the list in order to always have a clear picture of those operating on the ground with the purpose of better carrying out the activities of prevention, promotion and removal characterising the functions of the UNAR, which, by virtue of delegation put in place by the Department for Equal Opportunities, the above mentioned Register was established.

The mention in the Register is subject to the possession by each entity of a mandatory series of requirements listed in the second paragraph of the cited Article 6.

The assessment regarding the existence of the specific requirements is carried out by a special Examination Committee appointed to this end by a Decree of the UNAR Director of March 10, 2005.

If the committee, following a preliminary stage of examining of the produced documentation, gives a favourable opinion, provisions are made for the mention of the entity in the Register through a special provision by the Director of the Office, of which an official announcement is given.

During its first year of activity the UNAR has organised multiple meetings with the entities of the non-governmental sector which best represent the fight against racism and currently 96 associations compose the Register referred to in Article 6 of Legislative Decree no. 215/2003, which is updated annually by the UNAR.

One of the main goals of the establishment of the Register is linked to the need to recognise the entitlement of the associations mentioned in it to go to court for the protection of the person subject to discrimination. Indeed Article 5 of Legislative Decree no. 215/2003, in the respect of what is provided by the Directive and the Delegated Law, provides that *"the associations included in a special list approved by a Decree of the Minister of Labour and Social Policies and the Minister for Equal Opportunities and identified on the basis of program goals and continuity of activities shall be entitled to take action under Article 4, by power of attorney, issued, under penalty of nullity, through a public deed or an authenticated private agreement, in the name and on behalf or in support of the person subject to discrimination"*.

The condition for the inclusion in the above mentioned List is the active mention of the association in the Register at the Department for Equal Opportunities referred to

in Article 6 of Legislative Decree no. 215/2003 or in the Register established within the Ministry of Labour and Social Policies regulated by Article 52, paragraph 1, letter a) of the Decree by the President of the Republic no. 394 of August 31, 1999 (Register of the Associations Favouring Social Integration of Foreign Immigrants).

In the second half of 2005 the UNAR initiated the first contacts with the Ministry of Labour and Social Policies with the purpose to achieve by the end of the year the establishment of the above mentioned List and on December 16 the Minister of Labour and Social Policies, the Honourable Roberto Maroni, and the Minister for Equal Opportunities, the Honourable Stefania Prestigiacomo, signed the Interministerial Decree mentioned in Article 5, paragraph 1, published in the “Gazzetta Ufficiale” no. 9 of January 12, 2006.

The List, made up of 320 associations, represents one of the tools to ensure an effective protection for the victims of discrimination due to the possibility of the entities to make use of this new tool of entitlement to go to court, which is offered by the legal system.

Regarding the Register in more details, it is important to recall the fact that the mention in it is subject to the possession of the requirements listed in paragraph 2 of Article 6 of Legislative Decree no. 215/2003, or:

- a) the incorporation of the association or the entity, through a public deed or an authenticated private agreement, at least one year earlier;
- b) the possession of a statute sanctioning an organization on a democratic base and providing as a leading and exclusive goal the fight against discrimination and the promotion of equal treatment, not for profit;
- c) the maintaining of a list of the members, which is updated annually indicating the shares paid directly to the association for statutory purposes;
- d) the preparation of an annual balance of the revenues and expenses and the keeping of accounting books in compliance with the legislation in force as regards the accounting for non-recognised associations;

- e) continuous activity in the year prior to the entering;
- f) the representatives of the association or the entity shall not be sentenced by final decision in relation to the activity of the association in question and the said representatives shall not have the status of entrepreneurs or directors of production or service enterprises incorporated in whatever form, for the same sectors in which the association operates.

During the first months of its activity the UNAR carried out about 40 meetings with associations of the sector in order to present the initiative and to explain the motivation and the objectives, on which the establishment of the Register is based; the Office sent also to more than 300 associations across the national territory a letter of presentation of the project with the application forms, available also online on the UNAR website.

The establishment of the Register at the Department for Equal Opportunities represented a moment of fundamental importance in the implementation of the EU regulations because it does not only recognize the legitimacy of the associations active in the sector, but also the necessity of establishing a continuous link between them and the UNAR for the launch of synergies and for the preparation of shared strategies and projects, at which the joint commitment should be directed.

Indeed there is no doubt that the strong presence on the territory, the daily and tireless activity of the non-governmental and non-profit sector operating in the field of the fight against discrimination, represent an extraordinary resource for the UNAR.

In this first year of activity the UNAR already experienced how important the operating link with the non-governmental sector is, in the moment when the cooperation with various associations became necessary for the preliminary investigation of signals received by the *Contact Centre*. Indeed many times the resolution of the cases was achieved due to the effective and indispensable intervention of the associations present on the territory, where the discrimination was reported.

In order to strengthen the cooperation with the non-governmental sector on important strategic activities the UNAR published a Call for proposals for the financing

of projects for prevention and combat of racial discrimination. The priorities and the areas of intervention are described in the following paragraph.

It should be mentioned, however, that in its Priority IV the Call provides the promotion of actions for the assessment of the effectiveness of the tools for protection of the victims of discrimination in their access to the judicial system through a deeper knowledge among the associations of the legislative tools and a stronger link between the UNAR and the non-governmental sector. Therefore the proposals for cooperation between associations and government bodies target to strengthen the legislation and the legal competences of the operators for a more effective support to the victims of racial discrimination in the jurisdictional and administrative proceedings, as well as at establishment of informal networks of cooperation between associations, legal offices, local institutions and law enforcement agencies in order to guarantee the effective protection granted by the legal system.

## **2. Call for proposals for projects for positive actions**

Legislative Decree no. 215/2003 gives the UNAR, as one of the strategies for combating discrimination, the task to *“promote the adoption by public and private subjects, in particular by the associations referred to in Article 6, of specific measures including projects for positive actions aimed at avoiding or compensating for situations of disadvantage due to racial or ethnic origin.”* (Article 7, paragraph 2, letter c).

In order to implement effectively the provisions of the legal text the UNAR launched a special initiative targeted at the non-governmental organizations for the realisation of series of projects with different characteristics and goals.

The UNAR intention was to acquire cognitive thorough and if possible territory-specific elements, which could be useful for the definition of effective measures of combating racial and ethnic discrimination as well as for the development of possible guidelines and protocols of agreement in the different sectors covered by the projects.

Along with the acquisition of the necessary information for reaching the objectives indicated above the UNAR promoted the presentation of projects for the realisation of positive actions aiming at avoiding or compensating for particular situations of disadvantage due to racial or ethnic origin. The aim was through such actions, able to consolidate during and to extend nationally, to contribute to a strengthened awareness in the potential victims of discrimination, of the abilities inherent to the exercise of their fundamental rights.

Last but not least, a considerable importance was given to those projects, targeted at contributing, along with those institutionally assumed by the UNAR, to awareness-raising of the tools for protection of the fundamental rights of equal treatment.

Through a special Call for proposals of the Department for Equal Opportunities of the Presidency of the Council of Ministers, the UNAR provided for the associations and foundations, which have gathered significant experience in the field of the fight against discrimination, to present project proposals, which, if carried out, would be capable of contributing to reaching the above indicated objectives.

Non-governmental organizations, research centres, universities and public or private entities could participate as partners of the applicants (associations or foundations). This was done in order to favour the creation of partnerships, where still not implemented, and in order to stimulate such partnerships, where they are already in place, to strengthen their actions on the different expressions of racial discrimination: from the formation and reproduction of prejudices and stereotypes to the psychological and structural factors favouring or legitimising segregation, marginalisation and racial discrimination. These issues, sometimes assume particular characteristics due to their closeness to more complex problems as those of social integration, not only with regards to the immigrants, of the perception of discriminatory phenomena by the community and of the establishment of a culture of equal opportunities understood in their broadest meaning.

The Call published in the “Gazzetta Ufficiale” (text in Appendix) provides the admission to funding of projects which pursue the identified objectives and have a national or inter-regional scope of implementation.

The selection of the best proposals was made by an Assessment Commission consisting of professionals from the UNAR, on the basis of the assessment criteria set in the Call.

For 2005 the available finding is euro 500,000 and was part of the resources given to the Department for Equal Opportunities to be allocated for financing of project proposals, presented by February 7, 2006. The projects should have one-year duration.

The Call provides for the contribution of the Department not to exceed 80 % of the total costs of a single project for the maximum amount of euro 50,000. In this way provisions have been made for leaving the burden of covering the remaining 20 % of the total costs of the project to the applicants or their public or private partners, with the purpose of stimulating the development of proposals, which, along with the optimisation of the efficiency between the total costs and the expected benefits, to contribute to strengthening the synergies and the establishment of partnerships in the field of the fight against discrimination.

The effort of involving the non-governmental sector was also highlighted by the recognition, in terms of priority, of those projects presented by the associations or foundations entered in the newly established National Register at the Department for Equal Opportunities (Chapter IV, paragraph 1) or in which at least two or more associations or entities mentioned in the Register take part.

The ability of the projects to produce positive results over the national territory and the innovative nature of the proposals, in terms of their ability to provide the Administration with the cognitive elements necessary for the development of guidelines or protocols of agreement in the field of the fight against discrimination, represent further priority criteria in the assessment, to which are added the direct involvement and the active participation to the initiatives by end users, as well as the placing of the projects in the framework of larger proposals supported by local entities or European and international institutions. Along with that, the analysis of the different impact of the discriminatory conduct on women and men represents another theme of inquiry, which the UNAR, in consistence with its institutional position within the Department for Equal Opportunities, believes that it has to privilege in the assessment of the different project proposals.

In order to reinforce the importance of the projects to be in line with the defined objectives, four different priorities have been identified, which are correlated to significant areas of social life, within which, based on the statistics held by the UNAR, the practices of racial and ethnic discrimination appear to be spread the most.

The priorities identified are: the areas of public and private works; the access to healthcare and housing; the protection of fundamental rights and the fight against the discrimination of the Roma and the Sinti; the effectiveness of the tools for protection of the victims of discrimination in the access to the judicial system (the specific description of the priorities can be found in paragraph 3 of the Call in the Appendix).

After the publication of the Call the UNAR identified a special working group, to assist the Commission in the assessment of the proposals and the selection of the projects and to supervise the consequent stages of the admission to financing, of the

control during the implementation and the final reporting of the implementation of the projects.

### **3. Prevention and fight against discrimination at the workplace: cooperation with the social partners**

The Council Directive 2000/43/EC regarding the principle of equal treatment between people irrespective of racial or ethnic origin implemented in Italy by the cited Legislative Decree no. 215 of July 9, 2003, in Article 3 identifies employment and training as the areas of application of the EU provisions, within which positive actions of information and training can be effectively implemented.

In this context the training courses at the workplace represent one of the most significant channels for the awareness-raising and good practices in the field of the fight against discrimination. The UNAR intention is through training targeted at reaching and raising the awareness in the groups of people most exposed to discriminatory acts in the labour market.

The European Commission, Directorate-General Employment, Social Affairs and Equal Opportunities, in its recent Green Book “Equality and Non-Discrimination in an Enlarged European Union” reiterated that the principles of equal treatment and of non-discrimination are at the focus of the European social model and represent one of the strongholds of the fundamental rights and values of the individuals, on which the European Union is based. It also emphasised that the mere legislative measures adopted by the Member States for the implementation of the Directives on racial equality and equality in the workplace represent only one of the elements of action against discrimination but not the only one. In the Green Book it is highlighted that, in order to deal with the discriminatory conduct and promote a gradual change of attitude, it is also necessary to support and adopt series of positive measures, which could improve the understanding of the problems regarding discrimination through a better knowledge of this phenomenon and to develop the ability to prevent and to effectively deal with

discrimination, especially by strengthening the intervention tools and by establishing European networks for the exchange of information and good practices.

From this point of view, the European Commission has inserted the issue of the Corporate Social Responsibility (CSR) among the initiatives, which the EU wishes to develop within its competences and called on the Member States to become promoters of the popularisation and the development of the CSR in their own territories.

In this area the increasingly globalising companies have poorly regulated strategies; there are rules, which are morally, but not legally binding and which are sometimes supported by incentive systems. So there are well-founded worries that, while adequate legislative provisions are not in place, it is not possible to sanction or correct the irregular conduct of companies. Regarding the multicultural work environments, such as those that are becoming increasingly numerous in Italy, the national system, unlike other European systems, does not entail specific legal obligations forcing companies to fight against discrimination within the workplace. Other systems, however, in England, Ireland, the Netherlands, Belgium and Sweden, bind companies legally to implement, through a rigorous planning, effective initiatives in order to favour the interethnic cohabitation at the workplace and to provide the anti-discrimination bodies with periodic reports on the measures adopted in order to prevent and fight against discrimination. Inobservance implies peculiar sanctions for the companies.

Because of this gap in regulations, the UNAR considered it indispensable to stimulate a spontaneous and effective cooperation with companies operating on two levels: on one hand, tackling the effective need for employers in managing ethnically heterogeneous human resources and on the other, informing them on the economically advantageous developments from the implementation of policies concerning social responsibility. Starting from the principles of the so called Cause Related Marketing the specific recognition as a “company committed to intercultural integration” could be assigned to companies joining ethically oriented commercial strategies with evident positive consequences in terms of image, productivity and sales.

In this area the UNAR has planned series of projects regarding training at the workplace and development of guidelines and codes of conduct promoting the direct involvement of companies in the policies of social integration. Such initiatives are closely correlated with similar initiatives of training and awareness-raising in the social partners (the following paragraphs 3.2 and 3.3). Sector studies and statistical surveys show indeed an ever-growing share of discriminatory phenomena to the detriment of immigrant workers or workers of foreign origin inside companies, as it results from figures contained in the publication by the International Labour Organisation (ILO) *“Discrimination of Immigrant Workers in the Labour Market in Italy”* (2004).

### **3.1. Pilot experience with training courses in the tourism sector: the Hilton case**

As part of the institutional commitment to preventing and eliminating any form of discrimination on ethnic and racial grounds the UNAR discovered a worrying incidence of discriminatory acts at the workplace to the detriment of workers and users, who, due to their ethnic or racial origin, suffer from disadvantages or harassment preventing any possibility for social integration and peaceful coexistence. For this reason the UNAR decided to start training programs targeted at the valorisation of cultural diversity as a resource for the productive development of the enterprise. Cultural diversity is one of the great values upon which the company may base its activity. And one of the indicators showing how much the company is aware of this and what is its ability to stimulate the employees to respect human dignity orienting them Regarding the principles of social responsibility and favouring the fight against any form of racial discrimination in the work environment.

The organization of special training courses<sup>43</sup>, besides being part of one of the institutional tasks assigned to the UNAR, allows the companies joining the initiative to share opportunities deriving from the correct and conscious valorisation of “cultural diversity” in the corporate environment. It is known that the establishment of

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<sup>43</sup> The training activity, “Cultural Diversity as Resource”, the synthesis of the UNAR strategic approach to the problem, was held on June 8, 9 and 10 at the Rome Cavalieri Hilton hotel. Heads of different organisational departments and trade union chiefs were invited to take part in the training course, who later reported to the UNAR a positive *feedback*.

discriminatory behaviour in a work environment generates tension, affects negatively the cohesion between subjects making part of the same context and produces frustration and social conflicts reducing its productivity. These questions were at the focus of the first training experience organised by the UNAR for the employees of the Rome Cavalieri Hilton, a hotel chain managed by a multinational company (Hilton International). This experience allowed developing the theme of the valorisation of diversity as a resource for productive growth in a corporate environment characterised by an ethnically heterogeneous workforce<sup>44</sup>.

The training of managerial personnel in public and private companies on the issues of anti-discrimination had the purpose of making these professional roles aware of the different expressions assumed by racism, of making the management sensitive to the possible inconveniences experienced by the employees of foreign origin or those belonging to ethnic minorities, of preventing the management from assuming, even unconsciously, potentially discriminatory attitudes. Therefore the goal was to promote the positive value of the “cultural diversity” in the work environment and to train the management to have conscious and fair relations with the workers regardless of the ethnic origin avoiding forms of exclusion and mobbing and promoting a culture of integration inside the workplace.

The training program was preceded by the Administration of some questionnaires targeted at favouring the interaction between the personnel and the lecturers and ended with a workshop and with the preparation of a corporate action plan.

The training course was divided into three modules covering different themes: the situation of immigration in our Country, the policies of management of migration flows and their impact on the labour market, the 2004 ILO report on discrimination of migrant workers as well as the multiple expressions of racism and the provisions in the area of racial discrimination in force.

The UNAR believes that the activity of training managerial personnel working in close contact with people of ethnic and racial minorities should, fundamentally, make the

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<sup>44</sup> The Hilton hotel chain is composed of about 400 hotels. It employs 71,000 people in 80 different countries.

course's participants aware of the real damages that may be produced by work environments, where discriminatory behaviour occurs. To this end during the training course the maximum interaction between the participants was privileged so that the diversity of opinions, the points of major cultural friction and the answers of the single participants to the various problems could emerge<sup>45</sup>.

The training activity, represented one of the first examples of social responsibility in the tourism sector, where multiculturalism has always been very prominent, by promoting a favourable climate both inside and outside the company (or among the *stakeholders*).

### **3.2. Protocol of agreement with the social partners on the strategy of information and workplace training**

The problem of racial discrimination at the workplace is becoming more and more important, due to the ever-increasing flow of foreign manpower in our Country. Factories, artisan workshops and offices have turned into a multiethnic environment, where people coming from all around the world coexist and work one next to the other. It is often difficult to create relations not only because of language barriers but also because of different cultural attitude and behaviour making the work difficult and less productive. The relations with *the diversity*, the incomprehension or worse, the contrasts deriving from them affect the lives of millions of people and their working life.

On October 18, 2005, the UNAR signed a Protocol of Agreement concerning a program of measures for combating racial discrimination in the workplace with the national trade unions, CGIL, CISL, UIL and UGL, and with the employers' organizations, Confindustria, Confartigianato and Confapi (the text of the Protocol in Appendix). The UNAR, the social partners and the employers agreed on the need to tackle the problem of coexistence of people of different ethnic origin at the workplace

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<sup>45</sup> Many business studies show that the values of cooperation, of integration, of the respect of human dignity and of the "diversity" understood as a surplus value for the company are indicators revealing the "ethicality of the company" and that they favour the establishment of a favourable climate to the extent that they affect positively the sales. In the opposite case, if discriminatory conduct is favoured, costs are suffered because of the possible proceedings against harassment and discrimination started by the victims against the company itself.

through initiatives of training and awareness-raising both in the workers and the trade union representatives, both in the management and the employers.

The parties that signed the Protocol of Agreement, on the base of “principle of no obligation” for the implementation of positive actions, shared the interest of promoting the value of “cultural diversity” in the working context and of training managers capable of creating relations with a multiethnic workforce and who could get closer to a culture of social integration. This is not about imposing or controlling the behaviour of trade union representations (RSU) and the activities of the companies but rather promoting a responsible attitude in the matter of combating racial and ethnic discrimination.

All parties that signed the Protocol of Agreement committed to collaborating with the UNAR for the preparation of codes of conduct in the matter of the promotion of equal treatment and combating racial discrimination. The planned events brought to the realisation of a pilot training project for the fight against discrimination at the workplace across the national territory starting from a trial in the area of Triveneto. This initiative will be followed by the preparation of information and communication campaigns on the concept of “diversity” from an ethical and marketing point of view. Such campaigns with the cooperation of the employers will help spot the corporate groups, whose organization are more structured and have a significant number of foreign workers. In general the Protocol binds the parties to promote the value of “cultural diversity”, to monitor and to fight against discrimination at the workplace. To this end trade union chiefs, RSU delegates and company management will be informed and adequately trained for the promotion of responsible attitude in order to support multiethnic coexistence and social integration.

### **3.3. The “Triveneto” experimental project: context, target and training actions**

Implementing the program commitments set in the Protocol of Agreement the UNAR launched an experimental pilot project providing the start of training programs targeted at promoting a peaceful interethnic coexistence between workers and between employers and workers as part of multicultural work environments. This project

represents the first building block in a global strategy of national scale. The project was targeted at corporate groups or companies in the area of Triveneto addressing predominantly a twofold target composed of the company trade union representations and the management. In the first stages of the project the involvement and the training of the trade union representatives on the regulations and on the problems connected with the ethnic and racial discrimination with the purpose of bringing about a multiplying effect among workers for the maximum knowledge of the tools for protection inside the workplace turned out to be of fundamental importance.

In the stage of initial application the project was limited to the area of Triveneto with four days of training targeted at the company trade union representatives.

The choice to initially limit the project to the geographic area of Triveneto derives:

- a) from the high number of discriminatory cases in the work environment discovered by the gathering of reports received by the *Contact Centre*;
- b) from the high rate of non EU workers in those territorial areas;
- c) from the presence of a significant number of small and medium-sized and large enterprises;
- d) from the presence of a high number of trade union organizations and employers' organizations very sensitive to the problem of discrimination.

The days of training held in the cities of Treviso, Verona, Trieste and Trento on December 1, 2, 5 and 6 respectively were focused on the illustration of the new regulation in the area of racial discrimination and of the tools for protection in place, on the analysis of the demographic and socio-anthropological dynamics of immigration, on the presentation of the latest ILO report on the labour market discrimination against migrant workers in Italy, on the analysis of discrimination at the workplace in Veneto, in Friuli Venezia Giulia and in Trentino Alto Adige, on the tool of civil action against ethnic and racial discrimination and on the possibility to create new positions of "trade union supervisors for the interethnic integration" within the companies.

During the Training Seminars a problematic approach was moved forward on the phenomenon of racism and racial discrimination, of its causes and its expressions. At the

same time it was fundamental to show to the participants some studies, which could have a discriminatory effect in the work environment, the purpose was to make people aware of the individual human dramas, of the social risks and the potential damages, which could arise for the company and hence of the most adequate means for the elimination of such discriminatory practices. The lectures involved the participants and some critical points emerged in the most problematic areas of discrimination in the world of labour, such as: the selection of personnel, the conditions of work at risk, the professional mobility, the career advancement, the pay policies and the harassment on racial grounds in the company. The trend was pointing out the problems and identifying solutions that could be shared by workers and the management. All this was useful not only for the participants but also for the lecturers themselves, who were to analyze cases of racial discrimination deeply, which emerged locally and to prepare appropriate policies for prevention.

Based on this first experience the UNAR outlined, with the involvement of the social partners, possible targeted strategies for monitoring and the elimination of any discrimination on ethnic and racial grounds and the promotion of social integration both in the corporate and territorial environment. Trade union, as intermediary parties, which defend democracy inside the companies and among workers, could give their qualified contribution in order to popularise, together with the institutional entities in charge, a culture of integration and non-discrimination.

Following the implementation of the first stage of the „Triveneto” project, the second one will put in place a training activity targeted mainly at managers involved in the area in question. The objective is to create a common front against discrimination starting from sharing the culture of non-discrimination among workers and employers.

#### **4. The limited use of the legal tool: a look at the legislation**

From the analysis of the few legal judgements on the subject the UNAR has noticed that despite the current regulations there is still great difficulty for those who have been discriminated against to put in motion the civil action against discrimination as they have to deal with numerous obstacles caused by financial and communication difficulties that prevent them from fully exercising their fundamental rights. These findings arise in view of an extremely advanced legislation provided with ample guarantees for the presumed victims of discrimination. Indeed Article 44 of Legislative Decree no. 286/1998 had introduced in our system a special procedure to stop any conduct prejudicial to the civil rights recognised to foreigners and/or the elimination of the effects of the discrimination performed by private individuals and Public Administration. So the civil action against discrimination is regulated as a streamlined, fast and effective procedure structured on the model of the interlocutory injunction ex Article 700 code of civil procedure, which has anyway had scarce application in practice.

The Italian legislator with Legislative Decree no. 215/2003 implementing the Council Directive 2000/43/EC, from the point of view of creating a homogeneous system of protection against discrimination and hoping to revive the procedure regulated by Article 44 of the Consolidated Text on immigration, formally recalled such type of action specifically for the fight against acts of racial discrimination.

Article 3 of Legislative Decree no. 215/2003 is not a copy of the regulation previously in force but tries to fill the existing gaps resolving the interpretation doubts and introducing innovations capable of providing suitable means of protection in the field of the fight against discrimination.

In order to give the system greater force and to deal with the difficulties of use by those subject to discrimination, as it was already said, a new standing to take action in single cases and in presumed cases of collective discrimination was introduced on behalf of the associations mentioned in the Register maintained by the UNAR (Chapter IV, paragraph 1).

In order to solve the problems connected with the proof of the discriminatory act the principle of the burden of proof was introduced in favour of the claimant as a weak party in the proceedings both by legitimising the use as evidence of statistical data capable of showing the merits of the complaint and by considering this burden discharged on the basis of the easier presumption regime.

By Legislative Decree no. 215/2003 the role of a type of proceedings was assigned to the action of ex Article 44 T.U. for the civil protection of the rights of personality with the purpose of favouring a greater popularisation and knowledge of it.

It should also be emphasised that the scarce use of the tools for protection ex Article 44 T.U. is due also to the lack of thorough information on the issue affecting the legal operators themselves, who in the majority of cases are unaware of the existence of the effective means of action.

The legislator's attempt to give new force and greater knowledge of the civil action of ex Article 44 T.U. has not produced any results so far. Two years have passed since Legislative Decree no. 215/2003 was issued and currently not many lawsuits could be found, which have been taken to court using this important tool.

The civil action against discrimination, despite its introduction in the distant 1998, has not been sufficiently implemented yet. The cases of using this tool are really scarce. There are few court decisions in this matter and above all they are little known. Indeed, rather than the number of court decisions, the publicity given to them and probably their exemplariness could represent the real tools for favouring and developing greater awareness of the prohibited conduct and the actions of protection.

From the jurisprudential survey conducted, it has emerged that the first sentences in the matter dealt with the problems of access to housing of foreigners with regular residence permits.

In particular the order by the Court of Milan of March 30, 2000 sanctioned as a discriminatory act the refusal to sign rental contracts with non EU citizens expressed by a real estate company after having learned the nationality of the interested person.

It was indicated that no limits, obstacles or conditions may be put to foreigners with a regular residence permit in the access to certain goods and services representing the expression of fundamental rights and freedom (employment, education, training and social-assistance services and housing needs) on the grounds of differences in racial or ethnic origin (Court of Monza, order of March 27, 2003).

It was also emphasised that the regulation of cooperatives may never contain rules contradicting those of the regulation of the state under penalty of being declared illegitimate or void and subsequently being suppressed or automatically replaced with the violated perceptive provision.

Indeed a provision of the statute of a cooperative limiting the possibility to assume the quality of members only to EU citizens excluding this possibility for the non EU citizens as such is contradicting the regulations and represents discriminatory conduct against the foreigner.

The restriction of the access to housing only to citizens belonging to a community of States represents an expression of a willingness of differentiation based on ethnic reasons or reasons of national origin, which causes, *in re ipsa*, its illegitimacy.

Some law experts claimed that despite the presence of one single illegitimate discriminatory situation concluded, the judge may order the elimination of the discriminatory conduct “where this, under a global assessment of the factual circumstances, is susceptible to repetition in the future.” (Court of Trento, September 23, 2002).

There were significant cases of considered violation of the principle of non-discrimination by sports associations (regulated, like cooperatives, by the principle of internal self-regulation) due to the ban on enrolling non EU citizens in the teams participating in national championships in various sports activities (Court of Teramo, March 30, 2001, Court of Reggio Emilia, November 2, 2000, Court of Pescara, October 18, 2001).

There has been only one court decision in the opposite direction in this matter, which has remained unique representing a harsh change of course in the conception of

the relations between the ban on discrimination based on nationality and the exercise of sports activities. In this case the recourse to the protection under Article 43 and Article 44 of Legislative Decree no. 286/1998 is ruled out because the interest to practice in sports activities does not make part of the fundamental freedom guaranteed by our legal system (Court of Pescara, December 14, 2001).

The jurisprudence, however, is very discordant in the matter of the access to public employment by non EU citizens. There are a good number of court decisions, which do not follow a similar pattern interpreting the legislation in the matter in a totally opposing manner. One trend in case law, as rare as it might be, considers illegitimate and discriminatory the requirement of the requisite of Italian citizenship in the selection for public employment taking in consideration the principles of non-discrimination of non EU workers established by the text implementing the ILO convention (Appeal Court of Florence, order of July 2, 2002 - Regional Administrative Court of Liguria, court decision no. 129 of April 13, 2001 – Court of Genoa, order of April 21, 2004, Court of Genoa, order of January 26, 2004, Council of State, order no. 4545 of July 31, 2001). In the opposite sense, this practice is considered compliant with the current legislative organization having regard to the provisions of the text of Legislative Decree no. 165/2001, which guaranteed free access to public employment, except for particular cases, under conditions of equality with Italian citizens only and expressly to citizens of the Member States of the European Union (Court of Venice no. 181, February 19, 2005 - Regional Administrative Court of Veneto, court decision no.782/2004 - Regional Administrative Court of Tuscany, court decision no. 38/2003, Council of State, consultative opinion no. 2592/2003). In particular a recent court decision by the Court of Venice (court decision no. 181 of February 19, 2005) emphasised that from Article 38 of the above mentioned Decree it derives that the legislator, although in an implicit manner, has ruled out the possibility of citizens of countries outside the European Union to access public employment<sup>46</sup>.

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<sup>46</sup> On this please refer also to the box under Chapter III, paragraph 5.1.

Therefore it is evident that there is scarce use of the action ex Article 44 T.U. due among other things to the strong disparity between the party subject to discrimination and the discriminating party, which causes the first to succumb and above all not to report the abuses suffered. From the statistical data received by the UNAR it was shown that the acts of discrimination are reported in particular when they reach the threshold of harassment (Chapter III, paragraph 4.3.3). This is a serious symptom of the situation of resignation, in which the immigrants in our Country live. They are absolutely unequal on the specific tools for protection introduced in the national legal system.

This disparity emerges tremendously in the work environment, a sector from which cases of discrimination have emerged in court rooms. The situation of strong weakness and impotence, in which the parties subject to discrimination operate, should be combated at the highest level both through actions for raising awareness in the public and of training of law professionals. This is one of the goals of the different meetings organised by the UNAR with the purpose of training legal professionals on the new legislation in the field of the fight against discrimination and with the purpose of guaranteeing a correct and adequate use of the tools for protection.

#### **4.1. Awareness-raising among legal professionals: seminars for lawyers and magistrates**

In its activity targeted at preventing any behaviour or act causing discriminatory effects the UNAR has dedicated particular attention to the initiatives of awareness-raising both among society and the legal professions.

Regarding the training of the latter, this requirement emerged due to the finding that command of the advanced and detailed regulations in the field of the fight and repression of discriminatory conduct still has not taken root to a sufficient extent in the social consciousness and the shared heritage of the legal professionals themselves as it could be deduced from the existence of extremely few jurisprudential cases applying the new regulations.

The regulations are probably far more advanced by the social consciousness itself and this has represented the main obstacle to its spreading and to an appropriate awareness-raising of the legal tools for protection.

The main area for re-launching the existing legislative tools is represented by the training activities for legal professionals, the ones who are in the most direct contact with the problems of an effective protection and who are the real moving force of the legal means provided by the regulations.

The tools for combating the phenomenon of discrimination set by the Italian legislator are so adequate that it is hoped that the right direction has been taken in Italy in order to stem, if not to wipe out, in a definitive manner the hateful phenomenon of racial discrimination.

Nevertheless the mere fact that adequate laws have been issued, as important as it might be, is of little significance if these laws are not applied and if they do not become part of the cultural heritage.

Hence the problem emerges of giving an effective implementation to the legislative heritage, which has been created on paper, in the treaties, in the directives and in the national legislation of implementation.

A limit to the full knowledge of the legislation in the matter lies in the foundation of our traditional juridical training, which is reserved only to the so called “experts”.

These problems have always remained a bit *a latere* of the system. Even today there are extremely few graduate courses providing specific exams regarding the matter of immigration despite the fact that it represents a structural element for our society and legal professionals should be acquainted with its tools for protection and guarantee. From this point of view the UNAR, since its establishment, has tried to monitor all university courses, master's programs and specialisation courses in the matter with the purpose of providing cooperation and fostering awareness-raising activities also in the academic world.

Hence moving from Law to Practice is the slogan of the European Union and it has also become the slogan of the UNAR.

To this end an intense awareness-raising campaign has been undertaken for law professionals, who should foster and guarantee the full effectiveness of the juridical protection and should regain their role of promoters of legality in an increasingly multiethnic society.

Therefore the training activity becomes a fundamental tool for creating a widespread legal awareness seeing discrimination for what it is, a real and unacceptable violation of human rights.

#### **4.2. Collaboration with the National Forensic Council and the Supreme Council of the Judiciary**

From the point of view of training initiatives the UNAR started an intense cooperation on one hand with the National Forensic Council and on the other hand with the Supreme Council of the Judiciary.

The goal was that of increasing the involvement of legal professionals, lawyers and magistrates through the support and the help of their own bodies of representation and self-governance with the purpose of not acting from the outside in a sterile manner but to establish dialogue, discussion and cooperation for a shared cultural growth in the issues of integration.

In the medium term days of study and in-depth analysis of the new substantive and procedural regulations for the fight against discrimination were organised with the purpose of ensuring the maximum possible knowledge of the tools for protection.

The first steps in the implementation of these goals took place in Rome on November 8, 2005, during the forensic class training day organised at the Supreme Court of Cassation and on November 14, 2005 during the day of study with magistrates organised at the Supreme Council of the Judiciary.

In both cases all tools introduced by the Italian legislator for an effective fight against discrimination were illustrated with scientific rigorousness, dedicating particular attention also to the analysis of comparative law.

The texts of the European Convention of Human Rights regarding the ban on discrimination and the related regulations set in the other European States were examined using an in-depth research analysis. This was made in order to highlight the advantages and the defects of our system of protection and the possibilities of its use in comparison with the legislation of the other States.

An in-depth study was carried out also as regards the penal area dedicating significant attention to the tools provided to legal professionals and to the victims of racial discrimination by the Mancino Law. These problems were analysed in particular

during the day of study targeted at magistrates, through the direct involvement of authoritative scholars in the matter in order to make the magistrates aware of both the goals of the regulations and their scope of application.

In order to guarantee a particular protection in the work environment a session was dedicated also to the problem of discrimination in the world of labour with the purpose to make, in this case lawyers, aware of the scope of protection provided to workers by our legal system.

Through the participation of juridical collaborators of the UNAR the goals and the functions of the office were illustrated as well as the *ratio* and the goals of Legislative Decree no. 215/2003. A significant emphasis was laid on the great novelty introduced, as it was already previously said, by Legislative Decree no. 215/2003, or the full procedural standing recognised to the associations mentioned in the Register at the Office also in substitution of the victims of discrimination.

Last, the UNAR committed to strengthening this activity of cooperation in the long term both with the Council of the Order of Lawyers and the Supreme Council of the Judiciary, with the purpose of carrying out an effective action of awareness-raising regarding the issues of interethnic integration related to entire professional categories. Indeed it is just legal professionals, who are capable of carrying out a real role of guidance and guarantee of the victims of abuse as well as of stimulus towards an increasingly wider evolution of the regulations of protection currently in place.

## V. THE UNAR INTERNATIONAL AND EUROPEAN COMMUNITY COMMITMENTS

The public debate and the development of a trend of *policy* on the full integration of foreigners in our Country have been established only in recent years. Thus Italy could only benefit from the contact with the more mature experience that has been accumulated in other European countries, which present a picture of the immigration deeply rooted in time. The participation in consultations and exchanges promoted by international bodies, which for many decades have been engaged in the defense of human rights including the fight against discrimination, has been equally fundamental for the launch of the UNAR activities. At international level a constant and privileged reference for the UNAR is the EU environment, due in the first place to the origin of the Office itself, which derives from the Council Directive 2000/43/EC and then from the stimulus coming from the activities of the European Commission through the numerous initiatives and lines of intervention described hereafter.

### 1. The participation of the UNAR in the Community Action Program against Discrimination

The establishment of the *Community Action Program to combat discrimination (2001-2006)* is part of a number of actions adopted by the Community policy, in synergy with the legislative tools, for the pursuit of equal opportunities and the fight against discrimination.

In this way in November of 2000 following a Draft Proposal by the Commission the Council of the European Union decided to initiate an action for the promotion of the measures for the fight against direct or indirect discrimination based on race or ethnic origin, religion or personal beliefs, disability, age or sexual orientation.

The implementation of the Program, which covers the period 2000-2006, and its good functioning are guaranteed by the Commission's actions and in particular by the

Anti-Discrimination Unit of the Directorate-General Employment, Social Affairs and Equal Opportunities.

In the different stages of the work the Commission has been assisted by a Consultative Committee formed by government representatives of the different Member States, which also includes the UNAR. The Committee and the Commission comment the ongoing and future activities of the Program, assess their importance compared to the *policy* environment of which it is part, work out observations and express opinions on the lines of activity, which should be carried out each year, at mid-year meetings.

Having a total funding of euro 98.4 million for the period 2001-2006 the Commission supports the initiatives put forward by the different subjects, institutions and Public Authorities of the Member States through the publications of calls for proposals and invitations to tenders as well as through subsidies granted following requests for aid.

The goal of the Program is mainly preventive given that it acts in the improvement of the comprehension of the phenomenon, in the assessment of the effectiveness of the policies and existing procedures, in the strengthening of the ability for action of the entities involved and in the spreading and the popularization of the principles implicit in the fight against discrimination.

In a more detailed manner the first tier of activities provided by the Program covers the analysis and the assessment of the policies and interventions, through the monitoring, the study of the implementation of the Anti-discrimination Directives (2000/43/EC and 2000/78/EC) by groups of independent experts who are also in charge of the preparation of reports on specific aspects linked to discrimination. These elements of analysis support the Commission in uncovering the phenomenon in the European Union and the impact of the Community policies.

The second tier of activities aims at promoting and strengthening the dialogue and partnership between the entities operating in this field in the different Member States. This objective is pursued through the support of the creation of trans-national networks

with particular attention to non-governmental organizations and the exchange of experience and good practices.

In the 2004-2006 period of planning 25 trans-national projects aimed at creating sector operators, supporting the informal partnership between equality bodies and research centers and the development of greater cooperation between Public Authorities and society have been financed.

The third and last of the Action Program is focused on the awareness-raising of the anti-discrimination legislation and of the impact of the latter in the social sphere and in the work environment; to this end workshops, seminars, conferences and information campaigns have been funded.

Taking into consideration the 2006 wrap-up of the Community Program the European Commission presented to the European Parliament and the Council in August 2004 a proposal was launched for the establishment PROGRESS, a new Community Program for employment and social solidarity for the period 2007-2013, which incorporates various Programs previously regulated by separate decisions including as well the Community Action Program to combat discrimination (2001-2006) described hitherto.

The Office has been following the decision-making process maintaining contact with the Italian Representation at the European Commission through the continuous exchange of written and oral observations on the different versions of the document. Particular attention is given to Article 7 of the proposal, which promotes the principle of non-discrimination and its integration into all policies of the European Union.

## **2. The Community funding for the “*United in Diversity*” project**

As part of this general framework of opportunities offered by the Community policy for the fight against discrimination the UNAR presented to the European Commission in June 2005 a proposal for awareness-raising campaigns. The request was assessed on the basis of eligibility and quality criteria and was accepted as eligible for funding (total financing of euro 125,000).

With the signing of the contract agreement awarding the funding, which took place in early November, the UNAR initiated the project called *United in Diversity*, with a total duration of eight months. The focus of the project proposal is the development of the initiatives for the second week of action against racism scheduled to take place in March 2006 based on the satisfying results obtained during the first edition in March 2005.

The specific focus of this second edition consists in the involvement of a very precise target, that is young people. To this end a competition for schools has been launched targeting to reward the creativity of students in creating symbols, *slogans* and other forms of expression with the subject of the fight against discrimination. This first wide-ranging contact with students will be followed by proposals for participation in other initiatives such as the second edition of the Rome marathon against racism and the organization of conferences and seminars. The latter will be organised in universities in different Italian cities with the participation of associations operating in the sector of the promotion of the integration of foreigners.

### **3. The European *network* of specialized bodies: *Equinet* project**

One of the most ambitious projects set up at the urgent request of the European Union has been the establishment of an European network of bodies specialised in the fight against discrimination and operating in the different environments of the Member States.

The European network named *Equinet* (*European network of equality bodies*) brings together the national bodies of 19 Member States along with Norway and Romania and organizations with observer status (coming from the Czech Republic and Germany), whose objective is the fight against discrimination and which are set up in compliance with the anti-discrimination directives. Right from the beginning the UNAR became part of the network, which is funded by the Anti-Discrimination Action Program.

Assuming a criticising and consultative role, this network has the objective of strengthening the synergic action of the bodies operating in the different Member States through the exchange of information and good practices in order to reach a unique implementation of the anti-discrimination legislation and a unique protection of the

victims of discrimination. The Network also has a facilitation function for the interpretative approach to the new legal concepts through the internal *expertise* of the national bodies and the circulation of the different experiences and assumes the strategic role of a bridge with the EU institutions, with which it has an ongoing dialogue during the periodic meetings, in the participation in the *reporting* procedures and in the preparation of informed opinions.

The participants in the coordination network meet annually in a plenary session presenting initiatives of mutual learning in the implementation of the tools for safeguarding and in the interpretation of the concepts of equal treatment through the activities of the work groups. In 2005 the General Meeting was held in Brussels on March 23 and 24.

#### **4. The European campaign *For diversity against discrimination***

As part of the Community Action Program as regards the awareness-raising and fostering the knowledge of the discrimination phenomenon, starting from 2003, the European Union launched a large five-year information campaign involving all Member States with the purpose of spreading a positive message on integration and valorisation of the diversities through different communication channels such as TV, the press, media-covered and public events.

During the first year of activity the Campaign "*For diversity against discrimination*" put particular emphasis on the issue of promoting diversity in the workplace, while in 2004 it promoted events aimed at involving a larger part of society (*Run for Diversity*).

In the year 2005 the UNAR developed further the initiatives already launched the previous year by the European Campaign, including the first *Week of action against racism*, with the introduction of new events and involving an even larger portion of society (Chapter II, part 2).

## 5. The Vienna Monitoring Centre against racism

Among the bodies dealing with discrimination set up by the EU a very important cognitive role is carried out by the European Monitoring Centre on Racism and Xenophobia (EUMC).

Established in 1997 on the basis of a European Council Regulation, the EUMC has the function of gathering and providing reliable and comparable information on the phenomena of racism, xenophobia, and anti-Semitism and proposing strategies for combating these phenomena.

The Monitoring Centre operates to a large extent through the RAXEN *network*, formed by 25 National *Focal Points*, which provide data regarding the different participant countries.

The Monitoring Centre presents annually a Report updating the state of the art knowledge of the phenomenon, its manifestations, causes, effects and specific aspects such as the relation between discrimination and the workplace, housing and education.

Since its establishment the UNAR has shown interest in taking part in the Monitoring Centre's activities through periodic meetings between the representatives of the European Governments (*Government Liaison Contacts*). The latest meeting took place in Vienna on September 22 and 23, 2005.

Moving towards an ever stronger protection of the fundamental rights by the European Union, in particular with the proclamation of the Charter of Fundamental Rights of the European Union in 2000, it became clear that adequate organizations with sufficient resources have to be developed.

To this end in December 2003 the European Council agreed to transform and enlarge the mandate of the European Monitoring Centre on Racism and Xenophobia transforming it into European Agency for Fundamental Rights.

Currently the decision process on the Commission proposal for a Council Regulation for the establishment of the European Union Agency for Fundamental Rights is under way.

The UNAR is constantly following the stages of this process maintaining contacts and exchanging information with the Ministry of Foreign Affairs.

## **6. The liaison with the ECRI of the Council of Europe: the UNAR as a *contact point of the 2005 review***

*The ECRI and its functions* - The Council of Europe, the oldest international intra-European organization, which today includes as many as 46 countries, has been established and has been consolidating itself over time as a tool for guarantee and protection of human rights. Established in 1949, right after the Second World War, in a time when Europe was torn into pieces by a conflict that has destroyed entire states and, above all, the civil consciousness of the Europeans, the Council has played a prominent role in the raising of awareness among the Heads of State and Government in the direction of reconstruction marked by the respect of human dignity.

In this activity of promoting common fundamental values, its action has been strengthened by the creation of bodies operating with specific tasks as regards the thorough respect of human rights.

In this respect a central role is being carried out by the *European Commission against Racism and Intolerance* (the ECRI) created following the Summit of the Heads of State and Government of the Council of Europe held in Vienna in October 1993. The ECRI was set up with the task of combating racism, xenophobia, anti-Semitism and intolerance in the "greater" Europe.

The ECRI field of action as regards to the protection of human rights, in the light of what has been established by the European Convention of Human Rights, is quite wide covering all measures aimed at fighting violence, discrimination and prejudice in terms of race, colour, language, religion, nationality and ethnic origin. The Commission, which was strengthened by the adoption of a new Statute in 2002, is an independent body monitoring the state of the protection of human rights under the specific aspects of fight against any form of racial discrimination.

The ECRI Program of activity is based on three different aspects: *the country by country* approach, the work on issues of general character and the relations with society.

The first aspect of activities has a fundamental importance as part of the Commission's work as it is the tool through which it assesses and studies in a precise and detailed manner the internal situation in each Member State both from the legislative point of view as well as of the administrative practice in relation to the internal measures adopted for an effective fight against racism and racial discrimination.

This assessment is carried out in cooperation with the national government authorities themselves in order to obtain a picture of the internal regulations as complete and exhaustive as possible.

The comparison and the analysis conducted in cooperation with the government of the State being studied results in the preparation of a *report*, which is subject to the assessment of the government of the State undergoing the assessment before being officially published. The government is given the power to present comments on the possible points of criticism indicated by the ECRI. Each year the Commission, through its delegates, establishes contacts and monitors the activity of about 10-12 countries and each *round report* lasts from 4 to 5 years.

The ECRI also adopts *General Policy Recommendations* on particularly delicate issues in terms of racism in order to develop the guidelines, which the Member States have to follow when adopting new legislation or amending the existing one.

The ECRI has assigned particular value to the *special bodies* created at national level tools to combat racism and racial discrimination. To this end the Commission identifies the essential requirements, which these national-level bodies must have in order to carry out an effective fight against discrimination.

As regards to the relations with the general public an intense awareness-raising campaign is conducted in order to involve to the maximum extent also the public opinion in the Member States. To this end training meetings and round tables with the Member States are organised at the moment of the presentation of the country reports

so that these do not remain sterile critical remarks but turn into starting points for reflection towards a beneficial change in the national regulations.

The ECRI delegation in Italy - As part of its country by country action the ECRI launched a Program for reviewing the Italian system for the fight against discrimination in order to prepare the 2005 Report. The ECRI sent two delegates to our Country, Prof. Gun Kut, a Turkish national, and Prof. Baldur Kristjansson, an Icelandic national; in this relation it should be pointed out that the Commission is made up of individuals and not of States. Each Member State of the Council of Europe has a member in the ECRI and each member is chosen for the high moral authority and recognised expertise in the matter of racism and racial discrimination without any direct connection with the respective national governments.

The goal of the "*contact visit*", held between September 26 and 30, 2005, was meeting the representatives of the authorities competent in the matter as well as those of the non-governmental organizations operating in the sector in order to proceed to the drafting of the third Report regarding the state of the implementation of the anti-discrimination policies in Italy.

The meetings were aimed at monitoring the implementation or the development as regards the points of criticism highlighted in the Second Report adopted on June 22, 2001, and at updating the information contained in it regarding the recent updates in the regulations.

Particular attention was dedicated as well to the process of adopting the EU directives in Italy, as more innovative elements.

In order to assess the observations formulated with regards to Italy in the previous report and to identify the possible corrective provisions, in the framework of the Interministerial Committee for Human Rights, a special work group was set up within which two *Contact Points* were identified based on the respective sector competences: the UNAR and the Ministry of the Interior. Along with the Ministry of Foreign Affairs they took the role of the ECRI main interface people in the realisation of the *review*.

Regarding the meeting held at the Department for Equal Opportunities on September 27, 2005, the Italian delegation, composed of representatives of the UNAR, the Education Ministry, the Regional Affairs Department and the other Departments of the Presidency of the Council of Ministers competent in the matter of the fight against racism, illustrated the state of implementation of the anti-discrimination policies in Italy and the initiatives launched in order to ensure an efficient fight against discrimination on the national territory.

Compared to the previous review of 2001 the establishment of the UNAR as a national body specialised in the activity of promotion of equal treatment and the elimination of discrimination based on race or ethnic origin acquired particular significance.

The central place assigned to the associations included in the UNAR Register was particularly highlighted because they, as already mentioned, they have been entitled to go to court easing the access to justice of the victims of racist behaviour due to the particular knowledge, competence and experience in the matter possessed by these organizations.

The Commission also dedicated particular attention to the activities and the functions of the Monitoring Centres, which monitor the presence of foreigners and problems and irregularities of the system in terms of immigration, in their respective territorial areas of competence.

The UNAR has established long ago contacts with the Regional and Provincial Monitoring Centres, which have been set up so far with the purpose of creating a cooperation network between the latter and also with the purpose of implementing their spreading over the national territory, given the poor number of those existing now.

The problem of the gathering of data on ethnic groups has also been highlighted and the UNAR has pointed out that a first attempt at monitoring is being carried out with the database of the *Contact Centre* collecting all signals and complaints on presumed discriminatory acts. An obstacle to the above-mentioned classification is represented by the stringent legislation on privacy and the protection of personal data. To this end the

UNAR has already established contacts with the Privacy Guarantor Authority on the possibility of handling personal data in order to be able to have precise knowledge of the presence of foreigners in Italy.

As far as the phenomena of racism in the area of sports is concerned, the readiness of the Office to offer its support in order to reaffirm the values of sports as the highest expression of sharing and solidarity between people of different ethnic groups through the cooperation with football federations and the realisation of awareness-raising campaigns - has been underlined.

The ECRI has turned its attention also to the problem of a legislative protection in favour of the Roma and the Sinti, the lack of which was already indicated in the previous reports as a serious point of criticism.

On this point the UNAR referred to the intensely active cooperation with members of the most representative associations of Roma and the Sinti (three of which are already included in the Register at the Office) with the purpose of assessing and acquiring in-depth knowledge of the conditions and the needs of this community and at the same time of stimulating the adoption of adequate tools for protection.

Upon the completion of its visit the ECRI prepared an interim report, which will have to be analysed by the Italian government before the final version is published. The Commission highlights the positive legislative developments, which have been registered under various and important aspects as regards to racial discrimination in Italy.

A particular prominence was given to the establishment of the UNAR as an authority specialised in the fight against racism and racial intolerance putting a significant emphasis on its activity in assisting the victims of racism and on the important actions of raising the public awareness.

The ECRI also assessed in a positive way the legislative amendments, which have been made in last years as regards to the access to employment and housing of the non EU citizens.

One of the remaining points of criticism is the lack of legislative protection for the nomadic population above all in consideration of their living conditions in regards to

which the ECRI recommended the elimination of the logic of halting sites, which are seen as a place of segregation and isolation in the medium and long-term objectives.

## **7. The relations of the UNAR with the Human Rights Committee of the UN**

In the context of the UNAR activities of international significance the Office takes part in the work of the Interministerial Committee for Human Rights (CIDU), established within the Ministry of Foreign Affairs with the purpose of fulfilling the obligations assumed by Italy in the field of human rights by signing and ratifying two important international agreements, the Covenant on Economic, Social and Cultural Rights and the Covenant on Civil and Political Rights.

The growing importance, of international protection of human rights in last years, both in the area of institutional activities of the international organisations, of which Italy is a member, as well as in the national foreign policy, recently led to the enlarging of the functions of the Committee.

A particular significance among them is assumed in the constant following of the implementation of the International Conventions and their observations on the national territory along with the preparation of reports (periodic and non-periodic), which the Italian State presents to the competent International Organisations.

Carrying out this important function the CIDU promotes the adoption of possible provisions, which become necessary or timely for the fulfilment of the international obligations assumed by our Country.

One of the obligations marking the activity of the CIDU during 2005, which deserves particular attention, is the presentation to the UN Human Rights Committee, headquartered in Geneva, of the fifth periodic Report regarding the International Covenant on Civil and Political Rights of 1966, ratified by Italy with Law no. 881 of October 25, 1977.

Specific work group established within the CIDU, in which managers and officials of the UNAR and other Administrations, also took part, prepared different dossiers regarding the Report - holding periodic meetings and also consulting representatives of the non-governmental organizations.

The Italian delegation discussed the Report during the session held in Geneva between October 17 and November 3 illustrating its contents and answering questions

regarding the functioning of the Rule of Law in Italy such as the conditions of foreign citizens, the protection of minorities, the rights of women, domestic violence, the use of force by the law enforcement bodies, the functioning of the judiciary system and the freedom of press.

A considerable part of the report was obviously dedicated to the respect of the principle of non-discrimination, sanctioned by Article 26 of the Covenant, which recognises to all individuals the equal and effective protection against any discrimination regardless of whether it is based on race, colour, gender, language, religion, political or other opinion, national or social origin, property, birth or other status.

In this way the UNAR representation, which was part of the Italian delegation, was able to illustrate to the Geneva Committee the significant progress in our Country in the field of the fight against discrimination with the adoption of the Council Directive 2000/43/EC on racial equality and the establishment of the UNAR.

The members of the Committee acknowledged Italy's commitment to the prevention and fight against any form of racial discrimination registering with satisfaction the updates in our legal system preparing the ground for a particularly effective protection of the victims given that provisions have been made for an adequate system of protection both as regards to the civil law, providing compensations for damages and penal suppression, with the creation of specific criminal assumptions.

Still within the UN, in March-April 2005, the UNAR took part in the work of the 61st session of the Commission on Human Rights, where the Report of Doudou Diene, the *Special Rapporteur* on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, was presented highlighting with a strong concern the growing importance of the factor of identity in recent manifestations of racism, racial discrimination and xenophobia and the exacerbation of the phenomenon of racism in sports.

## 8. Bilateral exchanges (Sweden and United Kingdom)

One of the UNAR tasks is fostering the realisation of studies, training courses and exchange of experience with other countries of the European Union promoting the realisation of international and trans-national projects, allowing to carry out an exchange of best-practices between different bodies operating in the different national contexts, some of which have been consolidated in time and others like the UNAR, which have been established recently.

Under this perspective a bilateral meeting with the Swedish *Ombudsman* against ethnic discrimination (*Diskriminerings Ombudsmannen*) was organised on October 20, 2005. The *Ombudsman* is an independent body established in 1986 with the special task of preventing and combating all forms of ethnic and religious discrimination in society. So the UNAR received a delegation of twenty representatives of Sweden's specialised body at the Department for Equal Opportunities. During the meeting along with the presentation of the respective offices and the different national legislation regulating their activity, a discussion was held on specific cases of discrimination, which in the future could lead to an easier identification of the strategies for combating those racial discriminations most difficult to suppress.

The meeting with the Swedish Office presented a mutual experience of training and reciprocal exchange of high importance for the entire the UNAR staff both because of the great experience and prestige at international level that the *Ombudsman* enjoys in the matter of the promotion of equal treatment and the elimination of ethnic and religious discrimination and due to the usefulness of the comparison on the tackling of entirely analogical problems.

An experience of bilateral exchange was also established with the *Commission for Racial Equality* (CRE) of the United Kingdom. A meeting with the Commission's Chairman, Mr. Trevor Phillips, was held at the Department for Equal Opportunities as early as May 2004. During the meeting various issues regarding the policies for fighting racial discrimination in the two countries were tackled. The Italian delegation illustrated in detail the organization and the goals of the new Anti-Discrimination Office as well as

the Program of activities for 2005. In this way many points of agreement emerged on the centrality of the anti-discrimination policies for both countries in the framework of the promotion of the equality of treatment and the defence of the fundamental human rights.

During 2005 the contacts with representatives of the British body continued also through bilateral exchange in Brussels. So the realisation of two days of *training* at the CRE London headquarters for the UNAR delegation is planned with the purpose of enlarging the case records for the different sectors (workplace, housing, etc.). Collaboration with the Department for Positive Actions is already under way in order to identify joint strategies and to promote the exchange of materials and observations.

## APPENDIX

### Legislative Appendix

#### **Council Directive 2000/43/EC, of 29 June 2000, implementing the principle of equal treatment between persons irrespective of racial or ethnic origin**

*Official Journal* L 180 of 19/07/2000

#### **THE COUNCIL OF THE EUROPEAN UNION,**

Having regard to the Treaty establishing the European Community and in particular Article 13 thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Having regard to the opinion of the Committee of the Regions (4),

Whereas:

(1) The Treaty on European Union marks a new stage in the process of creating an ever closer union among the peoples of Europe.

(2) In accordance with Article 6 of the Treaty on European Union, the European Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles, which are common to the Member States, and should respect fundamental rights as guaranteed by the European Convention for the protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States, as general principles of Community Law.

(3) The right to equality before the law and protection against discrimination for all persons constitutes a universal right recognised by the Universal Declaration of Human Rights, the United Nations Convention on the Elimination of all forms of Discrimination against Women, the International Convention on the Elimination of all forms of Racial Discrimination and the United Nations Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights and by the European Convention for the Protection of Human Rights and Fundamental Freedoms, to which all Member States are signatories.

(4) It is important to respect such fundamental rights and freedoms, including the right to freedom of association. It is also important, in the context of the access to and provision of goods and services, to respect the protection of private and family life and transactions carried out in this context.

(5) The European Parliament has adopted a number of Resolutions on the fight against racism in the European Union.

(6) The European Union rejects theories, which attempt to determine the existence of separate human races. The use of the term "racial origin" in this Directive does not imply an acceptance of such theories.

(7) The European Council in Tampere, on 15 and 16 October 1999, invited the Commission to come forward as soon as possible with proposals implementing Article 13 of the EC Treaty as regards the fight against racism and xenophobia.

(8) The Employment Guidelines 2000 agreed by the European Council in Helsinki, on 10 and 11 December 1999, stress the need to foster conditions for a socially inclusive labour market by formulating a coherent set of policies aimed at combating discrimination against groups such as ethnic minorities.

(9) Discrimination based on racial or ethnic origin may undermine the achievement of the objectives of the EC Treaty, in particular the attainment of a high level of employment and of social protection, the raising of the standard of living and quality of life, economic and social cohesion and solidarity. It may also undermine the objective of developing the European Union as an area of freedom, security and justice.

(10) The Commission presented a communication on racism, xenophobia and anti-Semitism in December 1995.

(11) The Council adopted on 15 July 1996 a Joint Action (96/443/JHA) concerning action to combat racism and xenophobia<sup>(5)</sup> under which the Member States undertake to ensure effective judicial cooperation in respect of offences based on racist or xenophobic behaviour.

(12) To ensure the development of democratic and tolerant societies, which allow the participation of all persons irrespective of racial or ethnic origin, specific action in the field of discrimination based on racial or ethnic origin should go beyond access to employed and self-employed activities and cover areas such as education, social protection including social security and healthcare, social advantages and access to and supply of goods and services.

(13) To this end, any direct or indirect discrimination based on racial or ethnic origin as regards the areas covered by this Directive should be prohibited throughout the Community. This prohibition of discrimination should also apply to nationals of third countries, but does not cover differences of treatment based on nationality and is without prejudice to provisions governing the entry and residence of third-country nationals and their access to employment and to occupation.

(14) In implementing the principle of equal treatment irrespective of racial or ethnic origin, the Community should, in accordance with Article 3(2) of the EC Treaty, aim to eliminate inequalities, and to promote equality between men and women, especially since women are often the victims of multiple discrimination.

(15) The appreciation of the facts from which it may be inferred that there has been direct or indirect discrimination is a matter for national judicial or other competent bodies, in accordance with rules of national law or practice. Such rules may provide in particular for indirect discrimination to be established by any means including on the basis of statistical evidence.

(16) It is important to protect all natural persons against discrimination on the grounds of racial or ethnic origin. Member States should also provide, where appropriate and in accordance with their national traditions and practice, protection for legal persons where they suffer discrimination on the grounds of the racial or ethnic origin of their members.

(17) The prohibition of discrimination should be without prejudice to the maintenance or adoption of measures intended to prevent or compensate for disadvantages suffered by a group of persons of a particular racial or ethnic origin, and such measures may permit organizations of persons of a particular racial or ethnic origin where their main object is the promotion of the special needs of those persons.

(18) In very limited circumstances, a difference of treatment may be justified where a characteristic related to racial or ethnic origin constitutes a genuine and determining occupational requirement, when the objective is legitimate and the requirement is proportionate. Such circumstances should be included in the information provided by the Member States to the Commission.

(19) Persons who have been subject to discrimination based on racial or ethnic origin should have adequate means of legal protection. To provide a more effective level of protection, associations or

legal entities should also be empowered to engage, as the Member States so determine, either on behalf or in support of any victim, in proceedings, without prejudice to national rules of proceeding concerning representation and defence before the courts.

(20) The effective implementation of the principle of equality requires adequate judicial protection against victimisation.

(21) The rules on the burden of proof must be adapted when there is a prima facie case of discrimination and, for the principle of equal treatment to be applied effectively; the burden of proof must shift back to the respondent when evidence of such discrimination is brought.

(22) Member States need not apply the rules on the burden of proof to proceedings in which it is for the court or other competent body to investigate the facts of the case. The procedures thus referred to are those in which the plaintiff is not required to prove the facts, which it is for the court or competent body to investigate.

(23) Member States should promote dialogue between the social partners and with non-governmental organizations to address different forms of discrimination and to combat them.

(24) Protection against discrimination based on racial or ethnic origin would itself be strengthened by the existence of a body or bodies in each Member State, with competence to analyse the problems involved, to study possible solutions and to provide assistance for the victims.

(25) This Directive lays down minimum requirements, thus giving the Member States the option of introducing or maintaining more favourable provisions. The implementation of this Directive should not serve to justify any regression in relation to the situation, which already prevails in each Member State.

(26) Member States should provide for effective, proportionate and dissuasive sanctions in case of breaches of the obligations under this Directive.

(27) The Member States may entrust management and labour, at their joint request, with the implementation of this Directive as regards provisions falling within the scope of collective agreements, provided that the Member States take all the necessary steps to ensure that they can at all times guarantee the results imposed by this Directive.

(28) In accordance with the principles of subsidiarity and proportionality as set out in Article 5 of the EC Treaty, the objective of this Directive, namely ensuring a common high level of protection against discrimination in all the Member States, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and impact of the proposed action, be better achieved by the Community.

This Directive does not go beyond what is necessary in order to achieve those objectives,

HAS ADOPTED THIS DIRECTIVE:

## **CHAPTER I - GENERAL PROVISIONS**

### **Article 1 - Purpose**

The purpose of this Directive is to lay down a framework for combating discrimination on the grounds of racial or ethnic origin, with a view to putting into effect in the Member States the principle of equal treatment.

### **Article 2 - Concept of discrimination**

1. For the purposes of this Directive, the principle of equal treatment shall mean that there shall be no direct or indirect discrimination based on racial or ethnic origin.

2. For the purposes of paragraph 1:

(a) direct discrimination shall be taken to occur where one person is treated less favourably than another is, has been or would be treated in a comparable situation on the grounds of racial or ethnic origin;

(b) indirect discrimination shall be taken to occur where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

3. Harassment shall be deemed to be discrimination within the meaning of paragraph 1, when an unwanted conduct related to racial or ethnic origin takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment. In this context, the concept of harassment may be defined in accordance with the national laws and practice of the Member States.

4. An instruction to discriminate against persons on the grounds of racial or ethnic origin shall be deemed to be discrimination within the meaning of paragraph 1.

### **Article 3 - Scope**

1. Within the limits of the powers conferred upon the Community, this Directive shall apply to all persons, as regards both the public and private sectors, including public bodies, in relation to:

(a) conditions for access to employment, to self-employment and to occupation, including selection criteria and recruitment conditions, whatever the branch of activity and at all levels of the professional hierarchy, including promotion;

(b) access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience;

(c) employment and working conditions, including dismissals and pay;

(d) membership of and involvement in an organization of workers or employers, or any organization whose members carry on a particular profession, including the benefits provided for by such organizations;

(e) social protection, including social security and healthcare;

(f) social advantages;

(g) education;

(h) access to and supply of goods and services, which are available to the public, including housing.

2. This Directive does not cover difference of treatment based on nationality and is without prejudice to provisions and conditions relating to the entry into and residence of third-country nationals and stateless persons on the territory of Member States, and to any treatment, which arises from the legal status of the third-country nationals and stateless persons concerned.

### **Article 4 - Genuine and determining occupational requirements**

Notwithstanding Article 2(1) and (2), Member States may provide that a difference of treatment, which is based on a characteristic related to racial or ethnic origin shall not constitute discrimination where, by reason of the nature of the particular occupational activities concerned or of the context in which they are carried out, such a characteristic constitutes a genuine and determining occupational requirement, provided that the objective is legitimate and the requirement is proportionate.

### **Article 5 - Positive action**

With a view to ensuring full equality in practice, the principle of equal treatment shall not prevent any Member State from maintaining or adopting specific measures to prevent or compensate for disadvantages linked to racial or ethnic origin.

### **Article 6 - Minimum requirements**

1. Member States may introduce or maintain provisions, which are more favourable to the protection of the principle of equal treatment than those laid down in this Directive.
2. The implementation of this Directive shall under no circumstances constitute grounds for a reduction in the level of protection against discrimination already afforded by Member States in the fields covered by this Directive.

## **CHAPTER II - REMEDIES AND ENFORCEMENT**

### **Article 7 - Defense of rights**

1. Member States shall ensure that judicial and/or administrative procedures, including where they deem it appropriate conciliation procedures, for the enforcement of obligations under this Directive are available to all people who consider themselves wronged by failure to apply the principle of equal treatment to them, even after the relationship in which the discrimination is alleged to have occurred has ended.
2. Member States shall ensure that associations, organizations or other legal entities, which have, in accordance with the criteria laid down by their national law, a legitimate interest in ensuring that the provisions of this Directive are complied with, may engage, either on behalf or in support of the complainant, with his or her approval, in any judicial and/or administrative procedure provided for the enforcement of obligations under this Directive.
3. Paragraphs 1 and 2 are without prejudice to national rules relating to time limits for bringing actions as regards the principle of equality of treatment.

### **Article 8 - Burden of proof**

1. Member States shall take such measures as are necessary, in accordance with their national judicial systems, to ensure that, when people who consider themselves wronged because the principle of equal treatment has not been applied to them establish, before a court or other competent authority, facts from which it may be presumed that there has been direct or indirect discrimination, it shall be for the respondent to prove that there has been no breach of the principle of equal treatment.
2. Paragraph 1 shall not prevent Member States from introducing rules of evidence, which are more favourable to plaintiffs.
3. Paragraph 1 shall not apply to criminal procedures.
4. Paragraphs 1, 2 and 3 shall also apply to any proceedings brought in accordance with Article 7(2).
5. Member States need not apply paragraph 1 to proceedings in which it is for the court or competent body to investigate the facts of the case.

### **Article 9 - Victimization**

Member States shall introduce into their national legal systems such measures as are necessary to protect individuals from any adverse treatment or adverse consequence as a reaction to a complaint or to proceedings aimed at enforcing compliance with the principle of equal treatment.

### **Article 10 - Dissemination of information**

Member States shall take care that the provisions adopted pursuant to this Directive, together with the relevant provisions already in force, are brought to the attention of the people concerned by all appropriate means throughout their territory.

### **Article 11 - Social dialogue**

1. Member States shall, in accordance with national traditions and practice, take adequate measures to promote the social dialogue between the two sides of industry with a view to fostering equal treatment, including through the monitoring of workplace existing procedures, collective agreements, codes of conduct, research or exchange of experiences and good practices.

2. Where consistent with national traditions and practice, Member States shall encourage the two sides of the industry without prejudice to their autonomy to conclude, at the appropriate level, agreements laying down anti-discrimination rules in the fields referred to in Article 3, which fall within the scope of collective bargaining. These agreements shall respect the minimum requirements laid down by this Directive and the relevant national implementing measures.

#### **Article 12 - Dialogue with non-governmental organizations**

Member States shall encourage dialogue with appropriate non-governmental organizations, which have, in accordance with their national law and practice, a legitimate interest in contributing to the fight against discrimination on the grounds of racial or ethnic origin with a view to promoting the principle of equal treatment.

### **CHAPTER III - BODIES FOR THE PROMOTION OF EQUAL TREATMENT**

#### **Article 13**

1. Member States shall designate a body or bodies for the promotion of equal treatment of all persons without discrimination on the grounds of racial or ethnic origin. These bodies may form part of agencies charged at national level with the defence of human rights or the safeguard of individuals' rights.

2. Member States shall ensure that the competences of these bodies include:

- without prejudice to the right of victims and of associations, organizations or other legal entities referred to in Article 7(2), providing independent assistance to victims of discrimination in pursuing their complaints about discrimination,
- conducting independent surveys concerning discrimination,
- publishing independent reports and making recommendations on any issue related to such discrimination.

### **CHAPTER IV - FINAL PROVISIONS**

#### **Article 14 - Compliance**

Member States shall take the necessary measures to ensure that:

- (a) any laws, regulations and administrative provisions contrary to the principle of equal treatment are abolished;
- (b) any provisions contrary to the principle of equal treatment, which are included in individual or collective contracts or agreements, internal rules of undertakings, rules governing profit-making or non-profit-making associations, and rules governing the independent professions and workers' and employers' organizations, are or may be declared, null and void or are amended.

#### **Article 15 - Sanctions**

Member States shall lay down the rules on sanctions applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are applied. The sanctions, which may comprise the payment of compensation to the victim, must be effective, proportionate and dissuasive. The Member States shall notify those provisions to the Commission by 19 July 2003 at the latest and shall notify it without delay of any subsequent amendment affecting them.

#### **Article 16 - Implementation**

Member States shall adopt the laws, regulations and administrative provisions necessary to comply with this Directive by 19 July 2003 or may entrust management and labour, at their joint request, with the implementation of this Directive as regards provisions falling within the scope of collective agreements. In such cases, Member States shall ensure that by 19 July 2003, management and labour introduce the

necessary measures by agreement, Member States being required to take any necessary measures to enable them at any time to be in a position to guarantee the results imposed by this Directive. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

#### **Article 17 - Report**

1. Member States shall communicate to the Commission by 19 July 2005, and every five years thereafter, all the information necessary for the Commission to draw up a report to the European Parliament and the Council on the application of this Directive.

2. The Commission's report shall take into account, as appropriate, the views of the European Monitoring Centre on Racism and Xenophobia, as well as the viewpoints of the social partners and relevant non-governmental organizations. In accordance with the principle of gender mainstreaming, this report shall, inter alia, provide an assessment of the impact of the measures taken on women and men. In the light of the information received, this report shall include, if necessary, proposals to revise and update this Directive.

#### **Article 18 - Entry into force**

This Directive shall enter into force on the day of its publication in the Official Journal of the European Communities.

#### **Article 19 - Addressees**

This Directive is addressed to the Member States.

Done at Luxembourg, 29 June 2000.

For the Council  
The President  
M. Arcanjo

**Legislative Decree no 215 of July 9, 2003,**

**"Implementation of the Council Directive 2000/43/EC for the equal treatment  
between persons irrespective of racial or ethnic origin"**

*Gazzetta Ufficiale* no. 186 of August 12 2003

THE PRESIDENT OF THE REPUBLIC

Having regard to Articles 76 and 87 of the Constitution;

Having regard to the Council Directive 2000/43/EC of the Council, of June 29, 2000, implementing the principle of equal treatment between persons irrespective of racial or ethnic origin;

Having regard to Article 29 of the law of March 1, 2002, no. 39, and in particular annex B;

Having regard to the consolidated text of provisions concerning the regulations on immigration and the legislation on the status of foreigners, approved by Legislative Decree no. 286 of July 25, 1998, and subsequent amendments;

Having regard to the preliminary deliberation of the Council of Minister, adopted at the meeting of March 28, 2003;

Taking account of the opinions of the competent Committees of the Chamber of Deputies and the Senate;

Having regard to the deliberation of the Council of Minister, adopted at the meeting of July 3, 2003;

By proposal of the Minister for Community Policies, of the Minister of Labour and Social Policies and the Minister for Equal Opportunities, in concert with the Minister of Foreign Affairs, with the Minister of Justice and with the Minister of Economy and Finance;

Issues the following Legislative Decree:

**Article 1 - Purpose**

The purpose of this Decree is to lay down the provisions related to the implementation of the equal treatment between persons irrespective of racial or ethnic origin providing for the necessary measures so that the differences of racial or ethnic origin shall not be cause for discrimination, also taking in consideration the different impact that the said forms of discrimination may have on men and women and their relation to the other forms of racism of cultural and religious nature.

**Article 2 - Concept of discrimination**

1. For the purposes of this Decree, the principle of equal treatment shall mean that there shall be no direct or indirect discrimination based on racial or ethnic origin. This principle implies that no direct or indirect discrimination is practised, as defined further on:

(a) direct discrimination, when on the grounds of racial or ethnic origin one person is treated less favourably than another is, has been or would be treated in a comparable situation;

(b) indirect discrimination, when an apparently neutral provision, criterion, practice, deed, agreement or behaviour may put persons of a racial or ethnic origin at a particular disadvantage compared with other persons.

2. This is without prejudice to the provisions of Article 43, paragraphs 1 and 2, the consolidated text of provisions concerning the regulations on immigration and the legislation on the status of foreigners, approved by Legislative Decree no. 286 of July 25, 1998, further referred to as "consolidated text".

3. Within the meaning of paragraph 1 harassment, i.e. the unwanted conduct related to racial or ethnic origin takes place with the purpose or effect of violating the dignity of a person and of creating an

intimidating, hostile, degrading, humiliating or offensive environment, is also deemed to be discrimination.

4. An instruction to discriminate against persons on the grounds of racial or ethnic origin shall be deemed to be discrimination within the meaning of paragraph 1.

### **Article 3 - Scope**

1. The principle of equal treatment between persons irrespective of racial or ethnic origin shall apply to all persons, as regards both the public and private sectors, and may fall under legal protection, according to the forms provided by Article 4, with specific relation to the following areas:

- (a) access to employment, to self-employment and to occupation, including selection criteria and recruitment conditions;
- (b) employment and working conditions, including promotion, pay and dismissal conditions;
- (c) access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience;
- (d) membership of and involvement in an organization of workers or employers, or other professional organizations and benefits provided for by such organizations;
- (e) social protection, including social security;
- (f) healthcare;
- (g) social advantages;
- (h) education;
- (i) access to goods and services including housing.

2. This Legislative Decree does not cover difference of treatment based on nationality and is without prejudice to national provisions and conditions relating to the entry into, the residence and the access to employment, assistance and welfare services of third-country nationals and stateless persons on the territory of the State, and to any treatment, adopted on the basis of law, which arises from the legal status of the said persons.

3. Provided that the principles of proportionality and reasonableness are respected, within the employment relationship or the execution of business activities, a difference of treatment due to a characteristic related to the racial or ethnic origin of a person shall not constitute discrimination for the purposes of Article 2 where, by reason of the nature of the particular occupational activity or of the context in which it is carried out, such a characteristic constitutes a genuine and determining requirement for the execution of the said activity.

4. Nevertheless those differences of treatment which, although appearing as indirectly discriminatory, are objectively justified by legitimate goals pursued through appropriate and necessary means shall not constitute acts of discrimination for the purposes of Article 2.

### **Article 4 - Legal protection of the rights**

1. The legal protection against the acts and conduct referred to in Article 2 is carried out in the forms provided by Article 44, paragraphs 1 to 6, 8 and 11 of the consolidated text.

2. Those intending to take legal action for the recognition of the subsistence of one of the discriminations referred to in Article 2, who do not mean to make use of the conciliation procedures provided by the collective agreements may make a conciliation attempt under Article 410 of the code of civil procedure or, if there is an employment relationship with Public Administration, under Article 66 of Legislative Decree no. 165 of March 30, 2001 also via the associations referred to in Article 5, paragraph 1.

3. The plaintiff, to the end of proving the subsistence of a discriminatory conduct to his or her detriment, may present in court, also on the basis of statistical data, serious, exact and consistent elements of fact, which the judge shall evaluate according to Article 2729, paragraph 1, of the civil code.

4. By the provision granting the application the judge, along with providing, if requested, for the compensation of the damage including moral prejudice, orders the cessation of the conduct, the behaviour or the discriminatory act, where it still exists, as well as the elimination of the effects. To the

end of preventing the repetition, the judge may order, within the time limits set in the provision, a plan for eliminating the discrimination identified.

5. The judge takes in consideration, for the purposes of liquidating the damages referred to in paragraph 4, that the discriminatory act or conduct constitute retaliation against a previous legal action or a previous activity of the injured party aimed at obtaining the respect of the principle of equal treatment.

6. The judge may order the publication of the provision referred to in paragraphs 4 and 5, on the expenses of the defendant, for one time only in a national daily.

7. This is without prejudice to the jurisdiction of the administrative judge to the personnel referred to in Article 3, paragraph 1, of Legislative Decree no. 165 of March 30, 2001.

#### **Article 5 - Standing to sue**

1. The associations and the entities included in a special list approved with a Decree by the Minister of Labour and Social Policies and the Minister for Equal Opportunities and identified on the basis of Program goals and continuity of activities shall be entitled to take action under Article 4, by power of attorney, issued, under penalty of nullity, through a public deed or an authenticated private agreement, in the name and on behalf or in support of the person subject to discrimination.

2. The associations and the entities mentioned in the Register referred to in Article 52, paragraph 1 (a) of the Decree by the President of the Republic no. 394 of August 31, 1999, and the associations and the entities mentioned in the Register referred to in Article 6 may be included in the list under paragraph 1.

3. The associations and the entities included in the list under paragraph 1 are also empowered to take action pursuant to Article 4 in the cases of collective discrimination, where the persons injured by the discrimination cannot be identified in a direct and immediate way.

#### **Article 6 - Register of the associations operating in the field of the fight against discrimination**

1. The Register of the associations operating in the field of the fight against discrimination and the promotion of equal treatment shall be established with the Presidency of the Council of Ministers – Department for Equal Opportunities.

2. The mention in the Register is subject to possessing the following requirements:

a) shall have been incorporated, through a public deed or an authenticated private agreement, at least one year earlier and shall possess a statute sanctioning an organization on a democratic base and providing as a leading and exclusive goal the fight against discrimination and the promotion of equal treatment, not for profit;

b) shall be in possession of a statute sanctioning an organization on a democratic base and providing as a leading and exclusive goal the fight against discrimination and the promotion of equal treatment, not for profit;

c) shall maintain a list of the members, which is updated annually indicating the shares paid directly to the association for statutory purposes;

d) shall prepare an annual balance of the revenues and expenses indicating the shares paid by the members and shall keep accounting books in compliance with the legislation in force as regards the accounting for non-recognised associations;

e) shall have conducted continuous activity in the previous year;

f) its legal representatives shall not have been sentenced by final decision in relation to the activity of the association in question and the said representatives shall not have the status of entrepreneurs or directors of production or service enterprises incorporated in whatever form, for the same sectors in which the association operates.

3. The Presidency of the Council of Ministers – Department for Equal Opportunities provides annually for the updating of the Register.

### **Article 7 - Office for the fight against discrimination**

1. An office for the promotion of equal treatment and the elimination of discrimination on the grounds of racial or ethnic origin shall be established with the Presidency of the Council of Ministers – Department for Equal Opportunities, with the functions of exerting control and guaranteeing the equality of treatment and the effectiveness of the tools for protection, having the task of carrying out, in an independent and impartial manner, activities of promotion of the equality and the elimination of any form of discrimination on the grounds of racial or ethnic origin, also from a point of view taking in consideration the different impact that the said forms of discrimination may have on men and women and their relation to the other forms of racism of cultural and religious nature.

2. In particular, the tasks of the office referred to in paragraph 1 are the following:

- a) provide assistance, in judicial or administrative proceedings undertaken, to the persons considering themselves wronged by discriminatory conduct also according to the forms pursuant to Article 425 of the code of civil procedure;
- b) carry out, respecting the prerogatives and the functions of the judicial authority, inquiries targeted at ascertaining the existence of discriminatory phenomena;
- c) promote the adoption, by public and private entities, in particular by the associations referred to in Article 6, of specific measures, including projects of positive actions, aimed at avoiding or compensating for situations of disadvantage due to racial or ethnic origin;
- d) disseminate the maximum possible knowledge of the safeguarding tools in force through actions of awareness-raising of the public opinion on the principle of equal treatment and the realization of information and communication campaigns;
- e) formulate recommendations and opinions on the issues connected with the discrimination based on racial or ethnic origin as well as proposals for amending the regulations currently in force;
- f) prepare an annual report for the Parliament on the effective application of the principle of equal treatment and the effectiveness of the mechanisms of protection, as well as an annual report to the President of the Council of Ministers on the activity carried out;
- g) promote studies, research, training courses and exchange of experience in cooperation also with the associations and the entities referred to in Article 6, with other non-governmental organizations operating in the sector and with the specialised institutes for statistical surveying among other things to the end of developing guidelines as regards the fight against discrimination.

3. The office has the power of requesting entities, persons and enterprises to provide information and show documents, of which they are in possession, necessary for the purposes of the carrying out the tasks referred to in paragraph 2.

4. The office, managed by a director appointed by the President of the Council of Ministers or by a Minister empowered by him, is organised in the manner set by a subsequent Decree by the President of the Council of Ministers, by which provisions are made for making the necessary amendments to the Decree by the President of the Council of Ministers of July 23, 2002, for the organization of the general structure of the Presidency of the Council of Ministers, published in the Official Journal no. 207 of September 4, 2002.

5. The office may also make use of staff from other Public Administrations, including judges, lawyers and State prosecutors, on secondment, on leave or as temporary staff, as well as of external experts and consultants. Article 17, paragraphs 14 and 17 of law no. 127 of May 15, 1997 applies.

6. The number of persons under paragraph 5 is set by the Decree referred to in paragraph 4, as provided by Article 29 of law no. 400 of August 23, 1988 and Legislative Decree no. 303 of July 23, 1999.

7. The experts referred to in paragraph 5 are chosen among persons, also from outside Public Administration, having high professionalism in legal matters as well as in the sectors of the fight against discrimination, the material and psychological assistance to persons in poor conditions, of social recovery, of services of public benefit, of social communication and of the analysis of public policies.

8. This is without prejudice to the competences of the regions and the autonomous provinces of Trento and Bolzano.

### **Article 8 - Funding**

1. The financial burden deriving from the establishment and the operation of the office referred to in Article 7, within the maximum limit of expenditure of euro 2,035,357 per year starting from 2003, is provided for pursuant to Article 29, paragraph 2 of law no. 39 of March 1, 2002.
2. Except as established by paragraph 1 no additional burden for the State budget derives from the implementation of the current Decree.

**Decree by the President of the Council of Ministers December 11, 2003**

**Constitution and internal organization of the Office for the promotion of equal treatment and the elimination of discrimination,  
pursuant to Article 29 of Community law no. 39 of March 1, 2002.**

*Official Journal no. 66 of March 19, 2004*

THE PRESIDENT OF THE COUNCIL OF MINISTER

Having regard to law no. 400 of August 23, 1988, on the "Regulation of the Activity of Government and Organisation of the Presidency of the Council of Ministers";

Having regard to Legislative Decree no. 303 of July 30, 1999, on the "Organisation of the Presidency of the Council of Ministers according to Article 11 of law no. 59 of March 15, 1997" and, in particular, Article 7, paragraph 2, according to which the President of the Council of Ministers identifies, through his or her own decrees, the structures of whose activities the Minister empowered by him make use, setting the maximum number of services, which each office is divided into;

Having regard to the Decree by the President of the Council of Ministers of July 23, 2002, on the "Organisation of the General Structures of the Presidency of the Council of Ministers" and, in particular, Article 19, which defines the functions regarding the Department for Equal Opportunities;

Having regard to the Decree by the President of the Republic no. 520 of July 3, 1997, regarding the organization of the departments and of the offices of the Presidency of the Council of Ministers;

Having regard to the Decree by the President of the Council of Ministers of July 11, 2003, concerning the determining of the staffing with non-managerial personnel of the Presidency of the Council of Ministers and the determining of the number of temporary personnel with the structures of the Presidency;

Having regard to law no. 39 of March 1, 2002 regarding the "Provisions for the fulfilment of the obligations deriving from the belonging of Italy to the European Communities. Community law 2001", with particular reference to Article 29;

Having regard to Legislative Decree no. 215 of July 9, 2003, regarding the "Implementation of the Council Directive 2000/43/EC of June 29, 2000, which implements the principle of equal treatment between persons irrespective of racial or ethnic origin";

Having regard to the Decree by the President of the Council of Ministers of June 11, 2001, which appointed the honourable Stefania Prestigiacomo Minister for Equal Opportunities as well as to the Decree by the President of the Council of Ministers of February 14, 2002, regarding the relative delegation of powers;

Taking in consideration the necessity to provide for the establishment and the organization of the Office for the promotion of equal treatment and the elimination of discrimination based on racial or ethnic origin referred to in Article 29 of the law no. 39 of March 1, 2002;

After hearing the trade union organizations;

Decrees:

**Article 1**

1. The Office for the promotion of equal treatment and the elimination of discrimination based on racial or ethnic origin referred to in Article 29 of the law no. 39 of March 1, 2002, hereafter referred to as the "Office", is established as a general managerial level structure pursuant to Article 1, paragraph 1

(g) of the Decree by the President of the Council of Minister of July 23, 2002 within the Department for Equal Opportunities of the Presidency of the Council of Ministers and is organised according to what provided by the following articles.

### **Article 2**

1. The Office has the function of guaranteeing, in full autonomy of judgement and under conditions of impartiality, the effectiveness of the principle of equal treatment between persons, of supervising over the effectiveness of the tools for protection against discrimination currently in force as well as to contribute to eliminating the discrimination on the grounds of racial or ethnic origin analysing the different impact that the latter have on sexes and their relation to the other forms of racism of cultural and religious nature.

2. With the purpose of carrying out the tasks referred to in Article 7, paragraph 2 of Legislative Decree no. 215 of July 9, 2003, the Office is divided into the following services, representing managerial level basic operating units with the assignments for each of them indicated as follows:

a) service for the protection of equal treatment: maintenance of an Internet website or a toll-free telephone line for the gathering of signals regarding cases of discrimination; examination and analysis of the signals received; preliminary investigation activity regarding the assistance in legal or administrative proceedings to persons considering themselves injured by discriminatory behaviour; preparation of opinions, consultations and observations to be used also in court; promotion of informal conciliatory meetings and proposals for solutions for the elimination of discriminatory situations; conducting of investigations and inquiries targeted at ascertaining the existence of discriminatory behaviour in the full respect of the prerogatives of the judicial authority including via requesting relevant information and documentation from the persons proving to be in possession of it; signalling to the competent authorities of the situations of abuse, maltreatment or disadvantage discovered during the activities of the office; conducting of periodic hearings of the associations and of the entities referred to in Article 6 of Legislative Decree no. 215 of July 9, 2003; preliminary investigation activity regarding the signing of agreements or protocols of agreement with the non-governmental organizations and the local entities with the purpose of promoting the adoption of positive actions in the framework of the private-social sector and of the different territorial Government levels; management of a database for the monitoring of the complaints and signals received;

b) service for studies, research and institutional relations: promotion of studies, research, training courses and exchange of experience including with similar foreign bodies, in cooperation with universities, the associations and the entities referred to in Article 6 of Legislative Decree no. 215 of July 9, 2003, the other non-governmental organizations and the national institutes for statistical research; development of guidelines targeted at rooting the awareness of the rights connected with the implementation of the principle of equality above all in the sectors of public and private employment and social benefits; preparation of annual reports to the Parliament and the President of the Council; promotion of awareness, information and public communication campaigns; preparation of proposals for strategies of intervention targeted at guaranteeing an effective social integration and the promotion of the civil and political rights of foreigners; preparation of proposals for amending the regulations currently in force.

### **Article 3**

1. The Office makes use of a staff composed by personnel belonging to the list of employees of the Presidency of the Council and of other Public Administrations employed on secondment, on leave or as temporary staff with the Presidency under the forms provided by the respective arrangements, in the following number:

- a) one general coordinator manager of the Office;
- b) two managers heading the services referred to in Article 2, paragraph 2;
- c) eight members in area C;
- d) ten members in area B.

2. Apart from the staff as described in paragraph (1), the Office can rely on additional personnel of 5 not belonging to the lists of employees of the Presidency of the Council including magistrates, lawyers and State prosecutors, on secondment, on leave or as temporary staff, as well as of external experts and consultants from outside the Administration limited to a maximum of five members.
3. As part of the Office's competences the managers referred to in paragraph 1 (b) may be charged, also additionally, under the supervision of the Office chief, with the management of special operating projects targeted at establishing functional links with other offices and structures of Public Administrations operating in the field of the fight against discrimination.
4. The Department for Equal Opportunities, in the framework of its competencies provides for the administrative and accounting obligations regarding the management of expenses and the acquisition of goods and services for the operation of the Office.

#### **Article 4**

1. The Minister for Equal Opportunities sets the directions of institutional activity of competence of the Office.
2. In the execution of its functions the Office coordinates with the Council for the problems of foreigners and their families referred to in Article 42, paragraph 4 of Legislative Decree no. 286 of July 25, 1998.
3. The Office provides for the treatment of sensitive data in the respect of the provisions under law no. 675 of December 31, 1996 and subsequent amendments.

#### **Article 5**

1. The following paragraph is added to Article 19 of the Decree by the President of the Council of Ministers of July 23, 2002: "2-bis. The Office for the promotion of equal treatment and the elimination of discrimination based on racial or ethnic origin referred to in Article 29 of the law no. 39 of March 1, 2002, divided into two further services, operates within the Department as well".

This Decree is submitted to the Court of Auditors for compliance with the legal requirements and is published in the Official Journal of the Republic of Italy.

Rome, December 11, 2003

For the President: Letta

Registered with the Court of Auditors on January 29, 2004 Institutional Ministries - Presidency of the Council of Ministers, Register no. 1, sheet no. 189

## Interministerial Decree December 16, 2005

### **Establishment of a list of associations and bodies empowered to take legal action on behalf or in support of persons subject to ethnic or racial discrimination under Article 5 of Legislative Decree July 9, 2003, no. 215.**

*Official Journal issue 9 of January 12, 2006*

THE MINISTER OF LABOUR AND SOCIAL POLICIES

and

THE MINISTER FOR EQUAL OPPORTUNITIES

Considering the Council Directive 2000/43/EC of June 29, 2000, implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, and in particular Article 7, paragraph 2 under which Member States shall ensure that associations, organizations or other legal entities, which have a legitimate interest in ensuring that the provisions of the Directive are complied with, may engage either on behalf or in support of the complainant with his or her approval in any juridical or administrative procedure provided for the enforcement of obligations under this Directive;

Considering law March 1, 2002, no. 39 containing «Dispositions for the implementation of obligations deriving from Italy's membership into the European Communities - community law 2001, and in particular Article 29;

Considering Legislative Decree July 9, 2003, no. 215, for implementing Council Directive 2000/43/EC and in particular art 5, paragraph 1, granting legal standing to act in legal safeguard against discriminatory acts and behavior based on racial or ethnic factors to associations entered in a list approved with a Decree by the Minister of Labor and Social Policies and the Minister for Equal Opportunities;

Considering that Article 5, paragraph 2 of the cited Legislative Decree provides the insertion in the above-mentioned list of associations mentioned in the Register under Article 52, paragraph 1, letter a) of Presidential Decree August 31, 1999, no. 394, as well as of associations mentioned in the Register under Article 6 of Legislative Decree of July 9, 2003, no. 215;

Considered that, under Article 52, paragraph 1, letter a) of Presidential Decree August 31, 1999, no. 394, a Register of associations engaged in initiatives promoting social integration of foreigners has been operational to the Ministry of Labor and Social Policies and that these bodies have been placed on the list upon their own initiative;

Considering that to the Presidency of the Council of Ministers, Department for Equal Opportunities, a Register under Article 6 of Legislative Decree of July 9, 2003, no. 215, has been established to enlist associations engaged in fighting discrimination and promoting equal treatment and that all bodies entered have been placed on the list upon their own initiative;

Bearing in mind the necessity to set up a list under art 5, paragraph 1 of Legislative Decree of July 9, 2003, no. 215 to contain associations appearing on both the above-mentioned Registers, which have expressed a clear will to that effect, with the aim to empower them to go to court while keeping the autonomy of objectives of the separate Registers;

Decree:

## Article 1

The enclosed list of associations entitled to go to court in the name or on behalf of persons subject to ethnic or racial discrimination under Article 5, paragraph 1, of Legislative Decree of July 9, 2003, no. 215. shall be approved.

## Article 2

The Presidency of the Council of Ministers - Department for Equal Opportunities and the Ministry of Labor and Social Policies shall update the list on an annual basis.

The present Decree shall be published in the Official Journal of the Italian Republic.

Rome, December 16, 2005

Minister of Labor and Social Policies Maroni  
Minister for Equal Opportunities Prestigiacomo

*LIST OF THE ASSOCIATIONS  
ACCORDING TO ARTICLE 5  
OF LEGISLATIVE DECREE NO. 215 OF 9 JULY 2003*

NAME	PLACE
29 giugno	Rome
A.C.R.A.- Associazione di Cooperazione Rurale in Africa e in America Latina	Milan
A.S.I. Alleanza Sportiva Italiana	Rome
ABAFI - ACIG Internassistance	Ostuni
Accademia Vesuviana di Tradizioni Etnostoriche	Somma Vesuviana
Acli- Associazioni Cristiane Lavoratori Italiani	Rome
ACTL	Terni
Acuarinto	Agrigento
Adra	Rome
Ain Karim	Rome
Aizo- Associazione Italiana Zingari Oggi-	Turin
Ale G. dalla parte dei bambini	Lomagna
Alma Terra	Turin
ALT 76	Casale Monferrato
Altri soc. coop.arl Cooperativa Editoriale	Rome
AmericaLatina	Turin
Amici dei Bambini AIBI	Mezzano di S.Giuliano Milanese
Amici dei Popoli Bologna	Treviglio
Amici dei Popoli di Padova	Padova
Amici della Casa Marta Larcher	Milan
Amnesty International - Sezione Italiana	Rome
Antares 2000	Castel Madama
Anver	Rome

Apoliè	Turin
Apriti Cuore Onlus	Palermo
Archivio dell'Immigrazione	Rome
ARCI - Circolo Samarcanda	Canicatti
ARCI Nuova Associazione	Rome
ARCI Salerno	Salerno
Arciconfraternita del S.S. Sacramento e di S. Trifone	Rome
Arcidiocesi di Turin - Ufficio Pastorale Migranti	Turin
Armadilla (già Associazione studi America Latina - ASAL)	Rome
ASI Associazione Solidarietà Internazionale	Rome
AssForSeo	Rome
Associazione Albanese dell'Abruzzo - ALBA	Pescara
Associazione Centro Astalli	Rome
Associazione Cooperazione Internazionale Studi e Lavoro - ACISEL	Rome
Associazione Culturale Multietnica Sulmona Integra	Sulmona
Associazione Culturale per gli scambi e la Cooperazione con l'Italia - Italia Russia	La Spezia
Associazione delle Donne Capoverdiane in Italia - OMCVI	Rome
Associazione di Collaborazione per i Paesi in via di sviluppo - ACOPS	Valmontone
Associazione di volontariato medico- sociale Jerry Essan Masso - Onlus	Casal di Principe
Associazione Donne Brasiliane	Rome
Associazione Donne Immigrate - ADI	Pescara
Associazione Donne in movimento	Pisa
Associazione Famiglie per la Lotta contro l'Emarginazione Giovanile e per la Solidarietà ai Tossicodipendenti - AFET	Genova
Associazione Italiana Maestri Cattolici - AIMC - sezione provinciale di Viterbo	Viterbo
Associazione Italiana Tutela Assistenza Emigrati - AITAE sede regionale Siciliana	Catania
Associazione Monserrate Onlus	Milan
Associazione Movimondo Onlus	Rome
Associazione Nazionale Famiglie Emigrati - ANFE	Caltanissetta
Associazione Nazionale Famiglie Emigrati - ANFE Nazionale	Rome
Associazione Nazionale Oltre le Frontiere - ANOLF	Rome
Associazione Progetto Continenti	Collevechio
Associazione Rieti Immigrant - Provincia - ARI	Rieti
Associazione Servizi Assistenza Domiciliare - ASAD	Perugia
Associazione Socio Culturale Italo Mauriziana - ASCIM	Catania
AWR- Associazione per lo studio del problema mondiale dei rifugiati	Rome
Azzurra 84	Rome
Baobab	Rome
Barnà	Rome
C. R. S. Consorzio Roma Solidarietà	Rome
Camminare Insieme	Turin
Candelaria- Donne Immigrate	Rome
Caracol	Marghera - Venezia
Caritas - Albenga Centro di ascolto	Albenga
Caritas Diocesana della Diocesi di Cerreto Sannita-Telese-S.Agata De' Goti	Cerreto Sannita
Caritas Diocesana di Piana degli Albanesi	Piana degli Albanesi

Caritas Diocesana di Prato	Prato
Caritas Intemelja	Ventimiglia
Caritas Spoleto	Spoleto
Casa Amica	Bergamo
Casa Betania (già La Tenda Casa Betania)	Salerno
Casa Comune 2000	Ladispoli
Casa del Giovane	Pavia
Casa di Carità Arti e Mestieri	Turin
Casa Orientamento Femminile - COF	Milan
CCM- Comitato Collaborazione Medica	Turin
CDEC – Centro di Documentazione Ebraica Contemporanea	Milan
Cefa Comitato europeo per la formazione e l'agricoltura	Bologna
Celim- Centro Laici Italiani per le Missioni	Milan
Centesimus Annus	Milan
Centro Ambrosiano di Documentazione per le Religioni - CADR	Milan
Centro Animazione Triccheballacche - CAT	Sesto Fiorentino
Centro Astalli Sud	Grumo Nevano
Centro Caritas Arcidiocesi di Udine	Udine
Centro Culturale Città Nuova	Spoleto
Centro Internazionale di Accoglienza Giovanni XXIII	Rome
Centro Italiano di Solidarietà - CeIS	Rome
Centro Italiano Femminile - CIF	Viterbo
Centro Italiano Femminile - CIF Provinciale Avellino	Avellino
Centro Laila	Castel Volturno
Centro Migranti - CEMI	Palermo
Centro Montano di Assistenza - CMA	Carunchio
Centro Oscar Romero	San Cesario
Centro servizi di formazione	Pavia
Centro Solidarietà Immigrati - CESI	Zugliano
Centro Studi Emigrazione - Roma – CSER	Rome
Cestas - Centro Educazione Sanitaria e tecnologie appropriate sanitarie	Bologna
CESTIM - Centro Studi Immigrazione	Verona
CEU – Centro studi per l'evoluzione umana	Rome
Chiara Project	Ariano Irpino
Ciai - Centro Italiano Aiuti all' Infanzia	Milan
Cidis Onlus	Perugia
CIES - Centro Informazione e Educazione allo Sviluppo	Rome
CIPSI	Rome
CISP - Comitato Internazionale per lo Sviluppo dei Popoli	Rome
CISV- Comunità Impegno Servizio Volontariato	Turin
Città Meticcica	Ravenna
Città Solidale	Catanzaro Lido
CNCA – Coordinamento Nazionale Comunità Accoglienza	Rome
Comin	Milan
Comitato Solidarietà Immigrati - La Spezia	La Spezia
Commission for Filipino Migrant Workers - CFMW - Italia	Rome

Comunità dei Giovani	Verona
Comunità Nuova	Milan
Comunità Oasi 2 San Francesco (già Compagni di Strada)	Trani
Comunità Socio Culturale Araba in Campania	Naples
Comunità sulla Strada di Emmaus	Foggia
Congregazione Suore Vincenzine di Maria Immacolata	Lanzo Torinese
Consiglio Italiano per i Rifugiati - CIR	Rome
Coop Soc.Le radici e le ali a.r.l.	Turin
Cooperazione Internazionale Sud Sud - CISS	Palermo
Coopi- Coop.ne Internazionale	Milan
Coordit- Coordinamento Italiano per il diritto degli stranieri a vivere in famiglia	Genova
COS Nuovi Servizi	Roseto degli Abruzzi
Cospe Ong	Florence
Crinali	Milan
Ctm Onlus	Lecce
Dadaa Ghezo	Casandrino
Dedalus	Naples
Dimora d'Abramo	Reggio Emilia
Dokita	Rome
El-Medina	Mantova
Ente Cittadino Assistenza - ECA	Rome
Ente Regionale per la Ricerca l'Istruzione Professionale e l'Assistenza - Centro Studi Achille Grandi - ERRIPA	Palermo
Eparchia di Lungro degli italo-albanesi dell'Italia continentale	Lungro
Erythros	Rome
Esoxena	Venezia - Mestre
Evoluzione	Monteodorisio
Ewivere	Turin
Famiglie Insieme	Bologna
Farsi Prossimo	Milan
FCEI- Federazione Chiese Evangeliche Italiane	Rome
Federazione Italiana per l'Educazione Continua - FIPEC	Rome
Fenice	Pozzallo
Focus	Turin
Fondazione Alexander Langer Stiftung	Bolzano
Fondazione Franco Verga-COI	Milan
Fondazione IARD	Milan
Fondazione Silvano Andolfi	Rome
Fondazione SIPEC	Brescia
Formazione 80	Turin
Forum delle Comunità Straniere in Italia	Rome
Fratelli di san Francesco d'Assisi	Milan
Futura	Atessa
Gea	Nepi
Gruppi di Volontariato Vincenziano	Turin
Gruppo Abele	Turin

Gruppo Umana Solidarietà	Macerata
Gruppo Vita Serena	Ceccano
Handicap Educazione Lavoro Partecipazione - HELP	Rome
Horizon Service	Sulmona
Icaro	Lecce
Icaro 2000	Sesto San Giovanni
ICU- Istituto Cooperazione Universitaria	Rome
IISMAS Onlus – Istituto Intern. di Scienze Mediche Antropologiche e Sociali S. Gallicano Onlus	Rome
Il Gattopardo	Palma di Montechiaro
Il Mappamondo	Ravenna
Il Melograno	Rome
Il Mosaico	Albano Laziale
Il Nutrimento	Rende
Il Ponte - Centro di solidarietà	Cremona
Impegno 95	Bari
Impegno per la Promozione	Rome
Integra Onlus	Lecce
Intersos - Organizzazione Umanitaria per l'Emergenza	Rome
Intervita Onlus	Milan
Iotunoiovi Donneinsieme	Udine
Iroko	Turin
Istituto Addestramento Lavoratori - Cisl Nazionale - IAL	Rome
Istituto di Scienze Amministrative e Sociali - ISAS	Palermo
Istituto Psicoanalitico per le Ricerche Sociali - IPRS	Rome
Istituto Regionale Siciliano Fernando Santi	Palermo
Ius Primi Viri	Rome
IWF Guinea per le Pari Dignità con gli Italiani	Naples
Juppiter	Capranica
Kantara	Milan
Kel 'lam	Rome
L'angelo custode	Scerne di Pineto
L'arcobaleno	Lecco
L'incontro	Cosenza
L'Oleandro	San Benedetto del Tronto
La Grande Casa	Sesto San Giovanni
La Grangia di Monluè	Milan
La Locomotiva	Foligno
La Lucerna - Laboratorio Interculturale	Rome
La Rondine	Palermo
La Salle	Genova
La Sorgente	Scicli
La Tenda, Servizi per l'Integrazione Interculturale	Turin
Lai-momo	Sasso Marconi
L'Arca di Noè	Monza
Lega Italiana per la Lotta contro l'AIDS - LILA di Como	Como

Leonardo Sciascia	Rome
Les Cultures	Lecco
Lo Scarabocchio	Viterbo
Lodi per Mostar	Lodi
Lucianum – Fondazione di Religione per Opere Caritative Educative	Reggio Calabria
L'Umana Avventura	Cremona
Lunaria	Rome
Malgrado Tutto	Lamezia Terme
Mamre	Turin
Mary Poppins	Ivrea
MedFilm Festival	Rome
Mediazione Integrazione	Varese
Metanova	Somma Vesuviana
Montetauro	Coriano
Monza 2000	Monza
Mosaico Interculturale	Vedano al Lambro
Movimento Sviluppo e Pace	Turin
Movimondo GSI - gruppi di solidarietà internazionale	Spoletto
Naga - Associazione Volontaria Assistenza Socio-Sanitaria Stranieri e Nomadi	Milan
Namastè Coordinamento multiculturale	Terni
Naples: Europa - Africa	Naples
Nero e Non Solo	Caserta
Nessun Luogo è Lontano	Rome
No.Di.- I Nostri Diritti	Rome
Nosstras- Associazione di promozione sociale	Florence
Nuova Somalia per la Solidarietà	Naples
Nuovi Orizzonti	Gravina di Puglia
Nuovo Cammino	Borgetto
Nuovo Villaggio	Padova
O.P. Istituto Artigianelli Crispolti	Todi
Oasi Baby	Alcamo
OIRD- Organizzazione Internazionale per lo sviluppo delle Relazioni Diplomatiche	Rome
Opera Nazionale per le Città dei Ragazzi	Rome
Opera Nomadi	Rome
Opera Nomadi sezione Lazio	Rome
OVCI- La Nostra Famiglia	Ponte Lambro
Panafrica	Rome
Pantonoikia	Settala
Parrocchia e Centro di Accoglienza Spirito Santo	Vittoria
Penelope	Mazzeo - Taormina
Perusia	Perugia
Philoxenia	Genzano
Pollicino	Ivrea
Porta aperta	Carpi
Prociv Arci	Isola di Capo Rizzuto
Progetto Arcobaleno	Florence

Progetto Casa Verde	Morena
Progetto Diritti Onlus	Rome
Progetto Integrazione	Milan
Progetto Vita	Lanciano
Prometeo	L'Aquila
Promidea	Catanzaro
Provincia della Congregazione delle Figlie della Carità di san Vincenzo de Paoli	Siena
Razzismo Stop	Padova
Regina Pacis	Ortona
Ricerca e Cooperazione	Rome
Rifornimento in Volo	Rome
Rinascita Sociale - Salam House	Naples
Rindertimi	Avezzano
Risorse Umane Europa - RUE	Udine
Risvolti	Rome
Rtm- Reggio Terzo Mondo	Reggio Emilia
Ruah	Bergamo
S. Martino	Milan
S.O.S. Razzismo Italia	Rome
Salus	Atri
San Carlo	Milan
San Donato	Turin
San Giovanni Battista	Rosarno
San Vito	Mazara del Vallo
Saro Wiwa- Società Multietnica di Intercultura e Servizi per Immigrate e Immigrati	Bari
SCAIP - Servizio Collaborazione Assistenza Internazionale Piamartino	Brescia
Semi di Pace	Tarquinia
Senza Frontiere	Turin
Servizi per l'Accoglienza	Cremona
Simposio Immigrati	Benevento
Società Dante Alighieri	Rome
Società Dante Alighieri - Comitato di Crotona	Crotona
Sol.Co. Rome	Rome
Sol.Co Cremona	Cremona
Solidarietà - Cooperativa sociale di servizio psico socio sanitario educativo	Ladispoli
Solidarietà (SolDoFa)	Sassuolo
Spazi Mediani	Forlì
Spes	Terme Vigliatore
Studio e Progetto 2	Abbasanta
Tamat – Centro Studi Formazione e Ricerca	Perugia
Tele Radio City	Padova
Telefono Rosa	Rome
Terrenuove	Milan
Torre del Cupo	Corigliano Calabro
U.N.I.R.S.I.- Unione Nazionale e Internazionale Rom e Sinti in Italia	Rome
Ucodep	Arezzo

Un Progetto al Femminile	Turin
Un Sorriso	Rome
Una Casa per l'Uomo	Montebelluna
Unione forense per la tutela dei diritti dell'uomo	Rome
Unione Italiana Solidarietà - UIS Lazio	Rome
Unione Siciliana Emigrati e Famiglie - USEF	Palermo
Università per Stranieri Dante Alighieri	Reggio Calabria
Utopia 2000	Sezze
Vedogiovane	Borgomanero
Vides Agape	Monferrato
Vides Bologna	Bologna
Vides laurita	Turin
Vides Main	Rome
Vides Nazionale	Rome
Vides Orizzonti	Alessandria
Vides Toscana	Livorno
Vides Veneto	Padova
VIS- Volontariato Internazionale per lo Sviluppo	Rome
Volontariato Penitenziario	Florence
Volontarius	Bolzano
Worklink	Rome
World Promus	Catania
Xenia	Bologna
Zero in condotta	Rome

## Documents Appendix

### Notice of Open Competition in schools

#### *Meeting different cultures at school*

The National Office for the Fight against Racial Discrimination (the UNAR) of the Ministry for Equal Opportunities and the General Directorate for the Student within the Ministry of Education announce a competition for proposals and practices on the subject of different cultures in the schools life for the school-year 2004/2005.

This competition is aimed at involving elementary, middle and high schools in Italy in order to favor the development of education experience, projects and products realized by students and teachers within the field of intercultural education, focusing on the fight against any form of ethnic or racial discrimination and any form of racism. The competition's scope is to improve the sensitivity, originality, confrontation and intercultural dialogue, through the language of drawing, cinema and video, theatre and writing, and the projects' presentation. A special commission will assess the projects of intercultural education realized by teachers, and literature and theatre works as well as documentary and short films created by students. The commission will award the most significant works present in any of the following categories:

*A* Projects of intercultural education

*B* Art and Image (design, sculpture, painting)

*C* Writing (poems, short stories, compositions, short essays)

*D* Audiovisual (format VHS or Video-CD)

Teachers can apply only in category "Projects of intercultural education" with one project per each school. Students from elementary, middle and high schools can apply in one of the B, C or D categories. Each school has to select one work, either individual or collective, to represent the school.

#### *Competition categories:*

*A. Projects of intercultural education.* The projects, tested for at least a whole school year by teachers, with a grid of internal evaluation of the capacity of impact and the involvement of the students.

*B. Art and Image.* Each school can participate selecting the best artistic product of a student on the intercultural dialogue and the fight against intolerance, through different forms of art (drawing, sculpture, design).

*C. Writing.* Each school can participate selecting the best text written by students in different forms of literary expression: poems, short stories, essays etc.

*D. Audiovisual.* Each school can participate presenting a documentary, a short film or video of a theatrical performance (up to 15 minutes), produced by students with the eventual supervision of technical staff and teachers.

#### *Evaluation of the proposals*

Each proposal should be accompanied by a presentation underlining the main aspects of the project. The collected and selected proposals will be sent to the respective Centers for Administrative Services by May 30, 2005. The Centers for Administrative Services will select 5 works per each category and per each school level and then it will send the 20 proposals to the respective Regional School Office by June 30, 2005. The Regional School Offices will select one work per each education level (elementary, middle and high school) and one work per Category A, which is reserved to teachers. The 4 selected works will be sent to the Office for Integration of Foreign Students at the General Directorate for the Student by July 30, 2005. A commission consisting of members of The National Office for the Fight against Racial Discrimination (the UNAR) and the General Directorate for the Students will evaluate

the works and will grant two awards for category A and two awards per elementary schools, middle schools and high schools respectively.

#### *Awards*

The competition will end with the granting of 8 awards. The school qualified first in Category A and the elementary, middle and high schools qualified first in the other three Categories will receive each a euro 3,000 award. The school qualified second in Category A and the elementary, middle and high schools qualified second in the other three Categories will receive a euro 2,000 award. On the occasion of the International Human Rights Day, on December 10, 2005, the competition will end and the eight winners will receive their awards. The amount of the award will be used for initiatives and activities planned by the school and aimed at admission and integration of the foreign students as well as carrying out an awareness-raising campaign among students on subjects of multiethnic integration. The schools, which have taken part in the final selection, will receive a multicultural book-shelf containing books for the different school levels and the UNAR information kit on the strategies for the combat of racial discrimination containing a DVD, a poster and a presentation booklet.

## **Notice of the UNAR – CRUI open competition**

### **Competition for PhD theses in the field of promotion of equality of treatment and elimination of discrimination**

The National Office for the Fight against Racial Discrimination (the UNAR) within the Ministry for Equal Opportunities and The Conference of the Rectors of Italian Universities (the CRUI) create an annual award for PhD theses aimed at spreading the culture of equality of treatment and equal opportunities in Italian universities.

#### *GENERAL FRAMEWORK OF REFERENCE*

##### *The UNAR*

The National Office for the Fight against Racial Discrimination (the UNAR) was created as part of the Ministry for Equal Opportunities after the implementation of the Council Directive 2000/43/EC providing the creation of organizations to promote, guarantee and protect the principle of equality of treatment and elimination of any form of racial or ethnic discrimination in every EU member state.

According to Legislative Decree no. 215 of July 9, 2003, the UNAR provides help to victims of discrimination in judicial or administrative proceedings; carries out autonomous investigations within the powers of the judicial authorities in attempt to confirm the existence of discriminatory acts; promotes the adoption of positive actions aimed at avoiding or compensating situations of disadvantage of racial or ethnic character among public and private entities, and promotes studies, researches and training courses on the subject of fight against racial or ethnic discrimination.

All this is aimed at creating the necessary conditions for the implementation of efficient policies of integration guaranteeing a peaceful interethnic cohabitation characterized by both protection of fundamental rights and respect for the Italian culture.

##### *The CRUI*

The Conference of the Rectors of Italian Universities is an association of the rectors of both the state-owned and private Italian universities. It was created in 1963 and with the time it has acquired an important educational and representative role and a capacity of influencing the development of the university system due to an intense activity of study and experimentation.

Thanks to the operational support of its Foundation, the CRUI offers and develops ideas for the promotion and leading of the process of innovation of the Italian universities. The CRUI main objective is to make the university system an irreplaceable strategic resource for the country, and to make it even more modern and competitive at international level.

In its actions the CRUI pays particular attention to social and ethic topics, because it is aware of the fundamental role of the Italian universities in the cultural leadership of the country. The culture, in its capacity of acquiring and accumulation of knowledge, leads the country to the development of a sensitivity based on the respect and tolerance for diversity. Therefore, the university has to transmit and spread these principles favoring the cohabitation of different ethic groups, cultures and ideologies. The numerous projects for peace and development cooperation, promoted by the CRUI and the recent cooperation with the Union of Italian Jewish Communities (UCEI) are yet another proof of the CRUI commitment in this field.

#### *FIELD OF RESEARCH*

The award will be given to the three best PhD theses, already defended since 2003-2004 school year, aiming to spread the knowledge of and making in-depth studies on the subjects of the promotion of equal treatment regardless of race or ethnic origin and the fight against any form of racial discrimination in the current context of globalization from the second half of the 20th century.

## *AWARDS*

The amount of the awards for the three winning theses are as follows:

- 1st place euro 5,000
- 2nd place euro 3,000
- 3rd place euro 1,500

The three winning theses will be published in a collection published by the UNAR. The office reserves the right to publish also other theses, which have not been awarded, but are still considered of interest.

## *CONDITIONS FOR PARTICIPATION AND SELECTION PROCEDURE*

The participation in the competition is reserved to those, who have already defended their PhD theses on the above mentioned subjects and have obtained their PhDs in any university, starting from the 2003-2004 school year to the deadline of the applications.

The applications for participation, hand-written, typed or printed, must be sent via registered letter with return receipt at the following address: Ministry for Equal Opportunities - National Office for the Fight against Racial Discrimination (the UNAR), Largo Chigi, 19 - 00187 Rome, by December 15, 2005, writing on the envelope "Notice of the UNAR-CRUI open competition for PhD theses". The date of sending is proved by the postmark and the date from the post office, which accepted the envelope. Applications received later than 15 days after the deadline of the current announcement will not be taken in consideration.

In the application, the applicant must specify under his or hers own responsibility:

- a) surname and name;
- b) date and place of birth;
- c) residence, address and telephone number;
- d) taxpayer identification number;
- e) degree, University, faculty and year of graduation and grades;
- f) title of the PhD, title of the thesis, University, date and outcome of the defending.

The applicant must attach to the application the following documents:

- a paper copy of the PhD thesis and a multimedia copy in electronic PDF format, certified with self-certification or substitutive statement, according to the current legislation;
- a paper copy of a resume of the thesis no shorter than 15,000 characters and no longer than 18,000 characters and a multimedia copy in electronic PDF format, showing the theoretical themes of reference and the originality and innovations introduced by the author;
- a concise curriculum on the education and research experience and the interests of the applicant;
- a copy of the PhD certificate, certified with self-certification or substitutive statement, according to the current legislation or a letter from the respective office confirming the positive outcome of the thesis defending;
- photocopy of an identification document.

A five-member Commission, created for this purpose, including three the UNAR representatives and two CRUI representatives, one of whom will preside the Commission, will determine the criteria of evaluation of the works. After examining the document of each candidature, the commission will award those considered most significant in terms of content and methods of research.

The Commission reserves the right not to award or award partially the presented theses if they are considered unsatisfactory according to the predetermined criteria.

The awarded documents will not be returned, but theses, which are not awarded can be withdrawn at the request and expense of the applicants after the end of the awarding procedure and not later than three months after the completion of the Commission's works.

Winners will be notified via registered mail with an adequate period of time before the award ceremony.

The presence at the ceremony is a prerequisite for the receipt of the award.

#### *FURTHER INFORMATION*

For further information applicants can contact the UNAR secretariat at a telephone number 06.67792299 or the Management and Quality Office of the CRUI at telephone numbers 06.68441906 and 06.68441902 or at the e-mail addresses [antidiscriminazioni@pariopportunita.gov.it](mailto:antidiscriminazioni@pariopportunita.gov.it) and [progetti@fondazionecruui.it](mailto:progetti@fondazionecruui.it).

#### *PERSONAL DATA PROCESSING*

According to Legislative Decree no. 196/2003 and following amendments and supplements, the processing of the personal data contained in the applications will be made only with purposes concerning activities of the competition and this will take place through computer procedures and recording of the respective acts on paper. Applicants must provide the required data otherwise their application will be excluded from the competition.

Applicants have right to access their data as well as some complementary rights such as the right to ratify, update, complete or cancel wrong, incomplete or collected through unlawful means data according to the Article 7 of the above mentioned Decree. They also have the right to oppose the data processing due to good reasons.

## Call for proposals for projects for positive actions

*Notice for the presentation of projects for analysis of the factors, processes and good practices of prevention of ethnic and racial discrimination, aimed at non-profit organizations and foundations.*

*Notice no. 1 – Year of reference: 2005.*

### 1. Introduction

The Department for Equal Opportunities issues the following notice for analysis of the factors, processes and good practices of prevention of ethnic or racial discrimination to be carried out through studies, researches, education practices and experiences as well as development of qualitative and quantitative indicators accompanied by an eventual direct awareness-raising campaign among victims of discrimination and spreading of good practices at national level.

The aspects linked with racial discrimination are an integral part of the immigration legislation and represent a decisive factor of cultural development for the positive integration of foreigners in the Italian society.

Therefore, the requirements for social and cultural integration depend necessarily on the drawing of an efficient strategy to fight racial and ethnic discrimination.

### 2. Objectives

The actions proposed in this notice are aimed at promoting the principle of equality of treatment over the entire territory of the country for the spreading of a culture of peaceful cohabitation between people of different ethnic or racial origin.

More specifically, the Department for Equal Opportunities intends to implement Article 7 of Legislative Decree no. 9 of July 2003, n 215, through these actions assuring:

- acquiring cognitive elements necessary for the definition of efficient measures of combating racial and ethnic discrimination to the end of developing guidelines protocols of agreement in the different sectors covered by the projects;
- realization of projects for positive actions aiming at avoiding or compensating for particular situations of disadvantage due to racial or ethnic origin through awareness-raising in the potential victims of discrimination of the abilities inherent to the exercise of their fundamental rights;
- raising the maximum awareness of the tools for protection of the fundamental rights of equal of treatment.

### 3. Project Priorities

Implementing the provisions of the Article 7 of Legislative Decree no. 215/03, the Department for Equal Opportunities plans to promote the presentation of projects, which enter within the framework of the following priorities:

**Priority I** Tools and practices to fight discrimination in the areas of public and private works.

Here projects aimed at monitoring the phenomenon of racial discrimination in the access to employment and on the workplace and proposing intervention models favoring the elimination or the reduction of discriminatory acts should apply. In this respect, pilot projects for information, training and awareness-raising, aimed at the utilization of the cultural specificities of the workplace, as well as initiatives for the creation of national, regional or local networks to handle cases of discrimination reported by the victims during contacts in already existing branches and reception offices can apply. Good practices combating racial discrimination in the workplace, already successfully tested on local level, can be introduced at national level within this priority.

**Priority II** Tools and practices to fight discrimination in the access to healthcare and housing

Here projects for monitoring of discriminatory barriers of ethnic or racial origin as regards the access to healthcare and housing and relative models of intervention should apply. In the housing area, projects for assessment of the range and impact of discrimination and abuse connected to the

interethnic cohabitation can be developed. Moreover, positive actions for the promotion of access to healthcare from intercultural point of view, removing the obstacles to access to housing and reduction of the number of interethnic conflicts through the adaptation of strategies already tested at local level, can also apply within the framework of Priority II. Proposals capable to transform the actions of monitoring into tools for attracting attention of the local authorities, the public and potential victims of discrimination will also be assessed.

Priority III Protection of the fundamental rights and fight against the discrimination of the Roma and the Sinti

Projects favoring the Roma and the Sinti and dealing with the problems of discrimination suffered by these two communities especially in the access to work, healthcare, education and housing, should be presented under this priority. Projects could include pilot studies of cases of discrimination accompanied by actions, proposals and tools for the removal of barriers for social integration of these communities and for their positive acceptance amid in society. Moreover, initiatives realized directly or in close cooperation with the Roma and the Sinti communities and together with their associations with the purpose of spreading as much knowledge as possible about the tools for the protection of fundamental rights such as education and healthcare are also part of this priority.

Priority IV. Actions for the assessment of the effectiveness of the tools for protection of the victims of discrimination in the access to the judicial system

Here projects that contribute to the implementation of legislative tools in the protection of victims of racial or ethnic discrimination, on local level, with the purpose of creating better connection with the non-governmental sector should apply. Priority will be given to projects of cooperation between non-governmental organizations to boost the legislation and legal competences among their operators and provide more efficient support to victims of racial discrimination during judicial and administrative proceedings. Exchange of information, experience and best practices in the gathering of complaints and protection of the rights of victims of discrimination through creation or strengthening of informal networks of cooperation between associations, legal offices, local institutions and law enforcement agencies with respect to the prerogatives and the functions of the judicial authorities are also part of this priority.

#### *4. Budget available and financial allocations*

The overall funding for projects to be launched in 2005 is euro 500,000 and is part of the resources given to the Department for Equal Opportunities under the Article 29, paragraph 2, of the law no. 39 from March 1, 2002.

The contribution of the Department for Equal Opportunities cannot exceed 80% of the total eligible costs of a single project as specified in Annex B of this document. The maximum grant amount per project cannot exceed euro 50,000.

At least 20% of all eligible costs should be provided either by the applicant or by their public or private partners.

The funding will be allocated under the following conditions:

- 30% upon receiving notification of the launch of the project from Department for Equal Opportunities – National Office for the Fight against Racial Discrimination (the UNAR);
- 40% six months after the start of the project following the presentation of an interim report, as described in paragraph 9 below, accompanied by an interim financial report for the expenses and the costs during the six month period;
- the remaining 30% upon completion of the project activities and after the presentation of the final implementation report, as described in paragraph 9 below.

The projects with the highest score according to the assessment criteria, described in paragraph 8, will be financed until the depletion of the program.

#### *5. Applicants and partnerships*

An applicant is an individual, association or foundation, directly responsible for and involved in the preparation and management of the most of the programmed activities.

The applicant has the sole financial responsibility for the project.

Non-governmental organizations, research centers, universities and public or private entities can participate in their capacity of partners.

Every association or foundation can participate under the current Call as Applicant with only one project and further participation in their capacity of partners will not be allowed.

#### *6. Project duration and territorial coverage*

Only projects with a maximum duration of one year, implemented on a national or inter-regional level, will be admitted for assessment under this Call.

#### *7. Application form and supporting documents*

Applications must be submitted using the application form in annex A (available also on website of the Department for Equal Opportunities) filled in completely and accompanied by the following documents:

- a) An explanatory report on the typology and the nature of the project showing: specific and general objectives; a clear time-table of the activities divided in operational stages; a precise methodology; the timeline with intermediate and final forms of monitoring.
- b) A cost/benefit analysis regarding targets to be achieved specifying the types of costs, consistent with the appropriate items specified in annex B (available also on website of the Department for Equal Opportunities).
- c) A fact-sheet containing all the information related to the nature, characteristics and experience of the applicant and eventual partners.
- d) The form included in annex B in its entirety and signed by a legal representative of the applicant.
- e) A declaration signed by a legal representative of the applicant showing in an explicit and unequivocal manner the origin of the project's co-funding distributed in: - funding from the this call; - contribution of the applicant; - eventual co-participation of the partners, including certificates issued by the relative representatives.
- f) A declaration signed by the applicant's legal representative showing in an explicit and unequivocal manner that the project has not been already funded by public or private entities except in the case of projects on national or inter-regional level already developed on a local level.
- g) If the applicant is mentioned in the National Register at the Department for Equal Opportunities according to Article 6 of Legislative Decree no. 215/2003, a declaration, in form of self-certification under the law no. 127 of May 15, 1997, proving the entry in the above mentioned Register.
- h) Copy of the Deed of Foundation and copy of the Status of the applicant.

#### *8. Selection Procedure*

##### *8.1 Eligibility of projects and priority criteria.*

The eligibility of the applications is verified prior to the assessment. Applications that will not be admitted are:

- applications sent or handed over to the UNAR after the deadline provided in the current Call;
- missing application form as included in annex A signed by a legal representative of the applicant;
- missing the form included in annex B;
- missing the declaration mentioned in paragraph 7, subsection e;
- missing the declaration mentioned in paragraph 7, subsection f.

Priority in the access to funding will be given to applications which:

- are presented by associations or foundations mentioned in the National Register at the Department for Equal Opportunities according to Article 6 of Legislative Decree no. 215/2003;
- are suitable for achieving positive results on the entire territory of the Country;
- are innovative, in terms of suitability for providing the Administration with the cognitive elements necessary for the development of guidelines or protocols of agreement in the field of the fight against discrimination;
- envision the participation of at least two associations included in the above mentioned Register;
- envision direct involvement and active participation by the end users of the initiatives;
- are placed in the framework of larger proposals supported by local entities or European and international institutions;
- provide analysis of discrimination from a general point of view with the purpose of examining the different impact of discriminatory conduct on women and men.

### 8.2 *Award criteria*

The assessment of the projects is carried out by an “*Assessment commission*” created with a Decree by the Head of the Department for Equal Opportunities and consisting of five members from the UNAR.

The commission, which will be able to assign up to 120 points to a single project, assesses the applications through preset grids based on the following criteria:

- mention of the applicants, organizations or foundations in the National Register at the Department for Equal Opportunities according to Article 6 of Legislative Decree no. 215/2003 (maximum 25 points);
- suitability for achieving positive results on the entire territory of the Country (maximum 15 points);
- innovation, in terms of suitability for providing the Administration with the cognitive elements necessary for the development of guidelines or protocols of agreement as regards the fight against discrimination (maximum 15 points);
- participation of at least two associations or entities included in the National Register at the Department for Equal Opportunities according to Article 6 of Legislative Decree no. 215/2003 (maximum 10 points);
- direct involvement and active participation of the end users of the initiatives (maximum 10 points);
- entry of the project in the framework of larger proposals supported by local entities or European and international institutions (maximum 10 points);
- study and analysis of discrimination from a general point of view with the purpose of examining the different impact of discriminatory conduct on women and men (maximum 10 points);
- optimal costs/benefits ratio (maximum 25 points).

### 9. *Obligations of the subject of funding and interim monitoring.*

The obligations of the subject of funding and the eligible expenses will be specified in the Call's specifications included in grant agreement adopted by the Department for Equal Opportunities.

Regarding the allocation of the funding according to paragraph 4, the subjects of funding must present an interim report on the progress of the project, whose content and procedures of presentation will be specified in the Call's specifications below.

The same procedures will apply for the content and the terms for the presentation of the final implementation report.

### 10. *Submission of proposals*

Applicants interested in the presentation of projects must also compile an application form as in annex A, signed by the applicant's legal representative and completed with the documents requested in paragraph 7 according to the below mentioned procedures.

The envelopes with the applications (one original and 2 copies as well as an eventual CD-ROM in format compatible to MS Word), with an indication: "*Call for proposals for the presentation of projects for analysis of factors, processes and good practices connected with ethnic and racial discrimination*", with the inscription "Do Not Open", must arrive at the National Office for the Fight against Racial Discrimination (the UNAR), the Department for Equal Opportunities, Presidency of the Council of Ministers, Largo Chigi no. 19, 00187 Rome, by the 60th day from the publication of the current Call in the Republic of Italy's Gazzetta Ufficiale.

The proposals can be sent via registered mail in which case the date as on postmark will be valid.

Envelopes can be hand delivered from Monday to Friday from 9.30 to 13.00 at the UNAR Secretariat, the Department for Equal Opportunities, Presidency of the Council of Ministers, Largo Chigi no. 19, 00187 Rome.

For further information on the current Call and on the project presentation procedures please contact the UNAR at tel. 06 67792267, e-mail: [progettibandoUNAR@palazzochigi.it](mailto:progettibandoUNAR@palazzochigi.it) or visit our website at: [www.pariopportunita.gov.it](http://www.pariopportunita.gov.it), where digital copies of the Call and the annexes A and B are available for download by clicking on the link of the National Office for the Fight against Racial Discrimination (the UNAR). The initiative is part of the general framework of activities of the Office, presented and also available in the above mentioned website.

## **Protocol of agreement with the social partners on workplace training**

### PROTOCOL OF AGREEMENT

*between*

*The Department for Equal Opportunities*

*The National Office for the Fight against Racial Discrimination*

*and*

*Trade Unions CGIL, CISL, UIL and UGL*

*and*

*Employers' Organisations Confindustria, Confartigianato and Confapi*

### CONSIDERING

THAT the European Commission, Directorate-General Employment, Social Affairs and Equal Opportunities, in its recent Green Book "*Equality and non-discrimination in an enlarged European union*" published in May 2004, said the principles of equal treatment and non-discrimination are at the centre of the European social model and represent one of the foundations of the rights and fundamental values of the individual in the European Union;

THAT the above-mentioned Green Book points out that to fight discriminatory behavior and promote a gradual change in attitude, it is necessary to adopt and implement a set of positive measures able to: improve the understanding of discrimination issues through better knowledge of the effectiveness of policies and existing procedures; develop a capacity to prevent and deal with discrimination in particular by strengthening intervention tools for organizations and supporting the exchange of information and best practices; create European-level networks bearing in mind the specific characteristics of the different forms of discrimination; and promote and spread the values and practices underpinning the fight against discrimination, also by awareness-raising campaigns;

THAT Council Directive 2000/43/EC on the principle of equal treatment between persons irrespective of racial or ethnic origin, implemented in Italy by Legislative Decree of July 9, 2003, no. 215, identifies employment and education among the areas of application of community dispositions within which the previously-mentioned positive actions can effectively be implemented (Article 3);

THAT the establishment in Italy of a National Office for the Fight against Racial Discrimination, subsequently referred to as the UNAR, is in line with the direction indicated by the Commission also for the determination of the scope of the above-mentioned positive actions, as results also from the specific competences the UNAR founding regulation (Article 7 of Legislative Decree no. 215/2003) grants the office, requiring it, among other things, to "promote the adoption, by public and private entities, in particular by the associations and the entities mentioned in the UNAR special Register, of specific measures, including projects of positive actions, aimed at avoiding or compensating for the situations of disadvantage due to racial or ethnic origin" (Article 7, paragraph 2, letter *c*); "disseminate the maximum possible knowledge of the safeguarding tools in force through actions of awareness-raising of the public opinion on the principle of equal treatment and the realization of information and communication campaigns" (Article 7, paragraph 2, letter *d*); "promote studies, research, training courses and exchange of experience in cooperation also with the associations and the entities enrolled in the apposite Register, together with other non-governmental organizations operating in the sector and with the specialized institutes for statistical surveying among other things to the end of developing guidelines as regards the fight against discrimination. " (Article 7, paragraph 2, letter *g*);

THAT in July 2000 there has been officially presented at the United Nations headquarters, the Global Compact, a global pact intended to draw companies closer to the United Nations organizations, international labor organizations, non-governmental organizations (NGOs) and other subjects, with the

objective to encourage the establishment of partnerships in a global market having high regard for the values of social integration as well as promote sustainable growth through a committed and creative company leadership;

THAT two of the basic principles, which the companies joining the above-mentioned Global Compact pledge to respect concern the issues of the fundamental rights and non-discrimination at work, precisely: support and respect of human rights within the sphere of influence of the company joining the Compact (1); elimination of any form of discrimination in policies of recruitment and dismissal (6);

THAT the European Commission, through the Directorate-General Employment, Social Affairs and Equal Opportunities, has inserted the issue of the Corporate Social Responsibility (CSR) among the initiatives, which it aims to develop within its competences stimulating, through the Green Book, the promotion of a European framework for CSR from July 2001 and the subsequent Communication of the Commission on CSR of the companies: a contribution of the companies to sustainable development from July 2002, the member states to raise awareness and development of the CSR in their territories;

THAT many company studies show that the values of cooperation, multicultural integration, respect of human dignity and "diversity" as a surplus for the company are indices revealing the "ethical nature of the company" and favor the establishment of a favorable environment both within the company and outside it (that is stakeholders), to the point of influencing in a positive way the productivity and the image of the company itself;

THAT sector studies and statistical surveys show in companies an ever growing share of foreign workforce composed of men and women employees belonging to various ethnic origins, bearers of different cultures and traditions as shows data in the publication of the International Labor Organization (ILO November 2004) *"Discrimination of Immigrant Workers in the Labor Market in Italy"*, according to which non EU workers only in northern Italy were 121,910 in 1999.

THAT the work environment is one of the main places where one can see, thanks also to the involvement of the employers' organizations and social partners, the dynamics of multi-ethnic and multi-racial interrelations based on direct relations, which are aimed at recognizing equal opportunities and which contribute to an effective integration of the foreign workers in Italy;

THAT the trade unions, as intermediate social organizations, in the role of a democratic and guarantee champion within the companies and between the workers themselves, can give their qualified contribution to spread, together with the institutional subjects in charge, a culture of integration and non-discrimination;

#### *CONSIDERING THAT THE CONTRACTING PARTIES*

- share the interest to promote the value of the "cultural diversity" in the work environment and to train a management, which is capable of relating in a conscious and fair way to the worker avoiding forms of exclusion or discrimination, joining, therefore, a culture of integration and inclusion;

- implement the principle of voluntarism, which informs about the positive initiatives and actions, which will be taken in this sector;

- do not intend either to impose or to control the behavior of the representatives of the trade unions (RSU) and the activities of the companies, but rather to promote socially responsible behavior to combat racial and ethnic discrimination.

#### *CONSIDERING ALL THE ABOVE*

The UNAR pledges to:

- Spread maximum knowledge on the provisions of the law and the Administration to safeguard equal treatment and to combat discrimination on ethnic and racial grounds in the labor market and to prepare, in relation to its institutional competences and available resources, series of initiatives in that field;
- support, in cooperation with the social partners and bodies and associations included in the Register at the Department for Equal Opportunities, every worker who considers themselves to be victim of racial discrimination and set up a network of territorial branches at national level;
- promote initiatives for training and information in the production sector on the possibilities for safeguarding against any form of racial discrimination also through preparing training for better use of the national and European resources as well as improving to that end the tools put at disposal by the collective contracts;
- grant public recognition to the persons from the business and production sectors and to the representatives of the trade unions (RSU) who are particularly committed to the creation of a culture of inter-cultural co-existence and of equal opportunities

Trade unions C.G.I.L, C.I.S.L, U.I.L and U.G.L. pledge to:

- favor a broader knowledge among its own representatives, as well as among the workers themselves, of the provisions of the law and the Administration to safeguard against any form of racial and ethnic discrimination;
- allow the UNAR, through its representatives, to register every case of discrimination on ethnic and racial grounds noticed at the working places, sending it to the competent authorities;
- favor the establishment in the production sector of a profitable company environment, which keeps a timely consideration of the needs connected with the workers' cultural specificities;
- cooperate with the UNAR and the employers' organizations in drafting and implementation of information campaigns and in drafting training courses for the workers and management of the companies.

The employers' organizations: Confindustria, Confartigianato and Confapi pledge to:

- favor the establishment in the production sector of a profitable company environment, which keeps a timely consideration of the needs connected with the workers' cultural specificities;
- contribute in the production sector to the development of a culture of equal treatment, beyond any difference on ethnic and racial grounds, in human resources management and, in particular, in remuneration policy and in strategies for hiring personnel;
- promote socially responsible actions at company level to better keep account of the cultural diversities of the workforce;
- signal and improve, in cooperation with the UNAR, every experience of positive company reorganization to answer the needs of a multiethnic workforce, with the purpose to promote and award the best practices in racial integration.

This Protocol is open for other trade unions and employers' organizations adequately represented at national level to join, subject to agreement of the signatories hereto.

Written, approved and signed in Rome, October 18, 2005