ITALY

Everyday Intolerance

Racist and Xenophobic Violence in Italy

HUMAN RIGHTS WATCH

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I. Summary

In recent years in Italy, racism and xenophobia have boiled over into violence. Mob violence against Roma in Naples in May 2008 and attacks on seasonal migrant workers in Rosarno, a small town in the southern region of Calabria, in January 2010 made international headlines. A café owner bludgeoned to death Abdoul Guiebre, an Italian of Burkina Faso origin, on the street in Milan in September 2008 after a petty theft. Two men in a square in Naples assaulted Marco Beyene, an Italian of Eritrean origin, in March 2009, to shouts of "shitty nigger" ("*negro di merda*"). A group of 15 to 20 people attacked Bengalis in a bar in Rome in March 2010, injuring four people and damaging the property.

Hate crimes do not take place in a vacuum. In a country that has seen a dramatic increase in immigration, particularly over the past 10 years, a political discourse that links immigrants and Roma and Sinti (many of whom are Italian citizens) to crime has helped to create and perpetuate an environment of intolerance. Since 2008, the government of Silvio Berlusconi, in coalition with the openly anti-immigrant Northern League party, has adopted "emergency" decrees to facilitate strong-handed measures against undocumented migrants and Roma and Sinti; passed legislation to make undocumented entry and stay in Italy crimes; and attempted to impose harsher penalties for crimes committed by undocumented migrants than by citizens and legal residents. Berlusconi argued in January 2010 that "a reduction in [the number of] foreigners in Italy means fewer people to swell the ranks of criminals." Elected officials across the political spectrum have engaged in anti-immigrant and anti-Roma rhetoric.

Media observers and representatives of anti-racism NGOs have become increasingly concerned about the negative portrayal of immigrants and minorities, including Roma and Sinti, in media reporting, and the impact of that reporting on public perceptions of those communities. A study conducted by Sapienza University of Rome during the first half of 2008 found that only 26 out of 5,684 television news stories about immigrants did not relate to crime or security issues – a statistic Navi Pillay, the United Nations High Commissioner for Human Rights, called "stunning" following a March 2010 visit to Italy. Television is the main source of news for 80 percent of the Italian population.

A growing and pervasive racism affects every aspect of life, noted Chiara (pseudonym), an Italian woman in the Tor Bella Monaca district of Rome who has observed hatred and the potential for violence creep into her everyday routines. She told Human Rights Watch that other mothers complain to her, "I only see black, everyone's African now. They get a place for their kids in the local daycare center and I don't." A young man said to her, "Romanians have stealing in their DNA. I work with a Romanian, but at night, we're enemies. If I see him, I beat him up." Chiara was talking to a Moroccan friend on the bus

when another passenger yelled at her, “If you talk to them, they’ll never leave!” A Romanian friend of hers bought himself a bicycle so he could avoid the regular insults that came with riding the bus. She said the guard at the supermarket told her daughter to stay close “because there were gypsies about who steal kids.”

International human rights law imposes clear obligations on states to undertake effective measures to prevent racist and xenophobic violence (the duty to protect), and to vigorously investigate and prosecute perpetrators (the duty to provide an effective remedy). Authorities should, in addition, publicly and unequivocally condemn such violence, in order to reiterate that the violence is unacceptable, and express support for those at risk. The duty to protect and the duty to provide an effective remedy apply whether the perpetrators of the violence are agents of the state or private actors.

Italian authorities are failing to live up to these obligations. In part, this reflects a failure to identify racist and xenophobic violence as a serious issue. Public authorities tend to minimize the extent of racist violence in Italy, calling such crimes episodic and rare, and the racist or xenophobic dimension of events—such as the targeted attacks on sub-Saharan African seasonal migrants, gangs that target immigrants for extortion and beatings, and attacks on Roma settlements—is often minimized or excluded. The Italian interior minister has repeatedly stated that Italy is not a racist country and referred to racist violence as “episodes … that … remain completely marginal and are rejected by society.” A representative of the local government of Tor Bella Monaca, the scene of numerous attacks on migrants over the past several years, told Human Rights Watch that these incidents “are not about racism, but rather a problem of cohabitation, of numbers.” The National Office against Racial Discrimination, a government body, only began tracking incidents of racist violence in September 2010.

The most important instrument in Italian criminal law to combat racist and xenophobic violence—a penalty enhancement scheme providing for an increase in prison sentences of up to one-half for perpetrators of crimes aggravated by racist motivation—has yet to live up to its promise. The restrictive wording of the statute, which speaks of racist or hate “purpose,” rather than “motivation,” and its failure to acknowledge explicitly the possibility of mixed motives, has given rise to narrow interpretations by the courts and limited applicability in practice. Crimes that may have had a bias motivation are frequently not registered, investigated, or prosecuted as such. While the approach of the courts appears to be evolving, Human Rights Watch research indicates that the aggravating circumstance provision is used effectively when racist animus appears to be the sole motivation for an assault, but the racist dimension of a crime is downplayed or ignored altogether when the alleged perpetrator(s) appear to have other, additional, motives.

Because racist and xenophobic violence is not considered a pressing issue, there is a lack of systematic specialized training for law enforcement personnel and prosecutors in racist and xenophobic violence. The director of the National Police Training Institute as well as the head of a major police officer union stressed that Italians were not "by nature" racist and that racist and xenophobic violence is not a statistically significant problem. Police officers do not receive specialized training in identifying and investigating racist and xenophobic violence. Similarly, there is no obligatory training for prosecutors with a specific, in-depth focus on bias crimes.

Systematic collection of data on racist and xenophobic violence, and hate crimes generally, is critical to analyzing trends and ensuring an appropriate response. Yet Italy has only recently begun to collect any kind of data on hate crimes, and what exists is partial. The government does not publish statistics on hate crimes, though it can make data available upon request. Authorities point to the low numbers of official complaints and prosecutions for racially aggravated violence to argue that such violence is rare, without factoring in underreporting and failure by law enforcement and the judiciary to correctly identify such violence.

Undocumented migrants, including Roma from other European countries, are at a particular disadvantage when it comes to reporting racist and xenophobic violence. While a provision exists for granting victims of crimes special leave to stay in Italy, it is a discretionary power, and little known among migrants. Reporting a crime can also expose undocumented migrants to the risk of conviction for unlawful stay in Italy under the 2009 law making such stay a crime, with no guarantees that once any legal proceedings are concluded they will not be ordered to leave the country. As one South Asian man put it, "We're foreigners here, it's too dangerous to file a complaint."

Italian Prime Minister Berlusconi famously said in 2009 that Italy should not become a multiethnic country. The reality is that Italy is already a mosaic of ethnicities, nationalities, and national origins, and is likely to become even more diverse in the years to come. Worrying signs already exist that increasing diversity has led to increasing intolerance, with some resorting to or choosing violence to express racist or xenophobic sentiments. The government must act now to arrest this trend.

Key Recommendations to the Italian Government

- Consistently and forcefully condemn, at the highest level, racist and xenophobic violence.
- Reform the Criminal Code to incorporate the aggravating circumstance of hate motivation into article 61, and ensure that such reform reformulates the scope of the aggravating circumstance to:

  - Allow for mixed motives and the application of the aggravating circumstances in cases where violence has been committed "in whole or in part" due to bias; and
  - Expand the list of protected characteristics in the provision to include, at a minimum, sexual orientation and gender identity.
- Ensure obligatory training for law enforcement personnel on detecting, responding to, and investigating crimes motivated wholly or in part by racial, ethnic, or xenophobic bias.
- Ensure obligatory training for public prosecutors on relevant national legislation, in particular the aggravating circumstance of racial motivation.
- Strengthen the National Office against Racial Discrimination (UNAR) to ensure it has the capacity to extend its national visibility and work, in particular on racist and xenophobic violence.

Methodology

This report is based on research carried out between December 2009 and December 2010. Field interviews were conducted in Milan, Rome, Rosarno, Palermo, Catania, and Florence between December 2009 and July 2010. An Italian-speaking Human Rights Watch researcher conducted 29 interviews with people who had experienced or witnessed a physical attack attributable wholly or in part to racist or xenophobic sentiment, including undocumented migrants, seasonal agricultural workers, Italian citizens, long-term residents of foreign origins, and foreign and Italian Roma and Sinti.

Some of the interviews were conducted in a mix of French or English and Italian for the ease of the interviewee. Four interviews were facilitated by interpreters provided by the interviewees themselves. The majority of the interviews were conducted individually, although sometimes others (for example, the interviewee's lawyer or friend or an NGO activist) were present and at times participated. The identities of some of those we interviewed have been withheld to protect their privacy and minimize the risk of negative consequences. We have not used testimony obtained from three victims and one witness due to concerns about identifying them.

Human Rights Watch spoke with 36 academics, lawyers, and representatives of NGOs and associations. We interviewed 19 government officials, including public prosecutors, law enforcement personnel, the director and a staff member of the National Office against Racial Discrimination, the director and a staff member of the National Police Training Institute, the deputy director and a staff member of the Legislative Office at the Ministry of Justice, as well as local government representatives in Milan, Rome, and Rosarno. We had an off-the-record meeting with the Interior Ministry. Our repeated requests for statistics from the Interior Ministry received no response. Our request to meet with the commander of the Rome municipal police was denied, and our request to meet with the Milan municipal police received no response.

II. Background

Help … I'm becoming racist
—Letter published in *La Repubblica* newspaper, May 2007[1]

Italians and outside observers have become increasingly concerned about racism and xenophobia in Italy in recent years. Italian anti-racism groups and international human rights authorities detect a momentum towards intolerance, reflected by politicians' use of hateful speech as well as by violence against vulnerable groups. Political discourse that links immigrants and Roma and Sinti to crime has also helped create a climate in which intolerance can flourish.

A country with a long history of emigration—an estimated 24 million Italians emigrated abroad between 1876 and 1976—Italy has become over the past 30 years a country of immigration, and the last 10 years have seen a particular increase. According to the 2010 Caritas Statistical Dossier on Immigration—an authoritative yearly report by the Catholic Church—nearly 5 million immigrants live legally in Italy (around 8 percent of the overall population).[2] Caritas estimates that 1 million irregular immigrants live and work in Italy. In 1998, Caritas reported that 1.2 million foreigners had residence permits in Italy, or 2.2 percent of the overall population.[3]

Among registered immigrants, one quarter are from countries within the European Union (EU), while half are characterized by Caritas as "European." Romanians account for the single largest national group (887,800), while Albanians (466,700), Moroccans (431,500), Chinese (188,000), and Ukrainians (174,000) form the next largest national groups.[4] Immigration is changing the face of Italy: one out of eight newborns in Italy is the child of immigrants, and one out of fourteen students in Italian schools is of immigrant origin.[5] Nearly 40,000 foreigners acquired Italian citizenship in 2008, and

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[1] Letter published in *La Repubblica*, May 7, 2007, http://www.repubblica.it/2007/05/sezioni/cronaca/sfogo-lettore/sfogo-lettore/sfogo-lettore.hmtl (accessed February 4, 2011).

[2] Caritas/Migrantes. Immigrazione Dossier Statistico 2010. XX Rapporto sull'Immigrazione. Synthesis. Available at http://www.caritasitaliana.it/materiali/Pubblicazioni/Libri_2010/dossier_immigrazione2010/scheda_sintesi.pdf (accessed November 2, 2010). This figure includes Italian-born children of immigrants. Those born in Italy do not automatically acquire citizenship but may apply for naturalization upon reaching eighteen years of age.

[3] "Clandestini in Italia? Solo un immigrato su cinque," *La Repubblica*, 24 February 1998, http://www.repubblica.it/online/fatti/legge/numeri/numeri.html (accessed July 28, 2010).

[4] Caritas dossier, Immigrazione Dossier Statistico 2010, p.8.

[5] Ibid., p. 5.

there were over 220,000 registered marriages between Italians and foreigners between 1995 and 2007.[6]

Immigration issues have become a dominant feature of Italian politics and election campaigns. Successive governments have implemented diverse immigration policies, including periodic amnesties for undocumented migrants, but the prevailing approach over the past several years has been to frame immigration as a public order concern. The Northern League political party (*Lega Nord*), which emerged in the early 1990s, has made anti-immigration policies a central plank of its political platform.

Jean-Léonard Touadi, the first black deputy in the lower house of the Italian parliament, describes three phases to what he calls the country's "slow approach to racism." The first, he argues, begins in 1991 with an influx of Albanian immigrants:

> The immigration phenomenon began that summer, and Italy began to feel invaded. The numbers were low, but an invasion syndrome was cultivated. And then came the economic crisis, and the advent of the Northern League. Berlusconi comes on to the scene in 1994, and transforms immigration issues into campaign material ... And crimes committed by immigrants are emphasized.[7]

The September 11, 2001, attacks in the United States constitute the beginning of the second phase, in which according to Touadi, "Muslims are associated with violence and considered the enemy of Italy's Christian identity. The Lega [Nord] is a protagonist [in this phase], but important social exponents participate, including Cardinals, journalists, and politicians."

The third and current phase is what Touadi describes as the security syndrome, in which a "clear link is drawn between immigration and crime, and social problems are confused with problems of public order."[8]

According to a 2008 survey conducted by an academic research center, 60 percent of Italians believe that immigrants pose a security threat.[9] Yet national studies by the

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[6] Caritas/Migrantes. Immigrazione Dossier Statistico 2009. XIX Rapporto sull'Immigrazione. Synthesis. Available at http://www.dossierimmigrazione.it/schede/pres2009-scheda.pdf (accessed August 2, 2010), p. 1, p. 4.

[7] Human Rights Watch interview, Jean-Léonard Touadi, parliamentarian with the Democratic Party, Rome, May 28, 2010. Touadi fled to Italy in 1979 from the Republic of Congo Brazzaville. Prior to being elected to the House of Deputies, Touadi was advisor on security issues for the center-left administration of Mayor Walter Veltroni in Rome.

[8] Ibid.

[9] "Studio: per 61,2% degli italiani gli stranieri aumentano la criminalità," *Stranieriinitalia.it*, February 11, 2009, http://www.stranieriinitalia.it/statistiche-studio_per_61_2_degli_italiani_gli_stranieri_aumentano_la_criminalita_2827.html (accessed December 14, 2010).

Central Bank of Italy in 2008 and the National Economic and Labor Council in 2010 indicate that immigration has not had a significant impact on levels of crime in Italy.[10] A February 2010 Caritas study focused on Rome reached similar conclusions.[11] Noureddine Chemmaoui, a member of the governing council of the Union of Islamic Communities of Italy (UCOII), expressed concern over anti-Muslim sentiment in Italy and racism more generally, saying, "We are worried that racism is becoming more rooted, that the people embrace these ideas. We are worried for our children, who are Italian, but who could become second-class citizens."[12]

Immigration dynamics—and the politics of immigration and security—have also accentuated discrimination against Roma and Sinti, long a marginalized and unrecognized minority in Italy. An estimated 50 percent of Roma living in Italy are Italian citizens. Significant numbers of Roma came to Italy from the former Yugoslavia in the 1980s and 1990s, and the emigration of Roma from Romania has increased in recent years, particularly following Romania's entrance into the EU in 2007. Though the distinction is often lost in public discourse, many Romanians living in Italy are not Roma.

In the campaign leading up to the April 2008 national elections, which brought Prime Minister Berlusconi back to power for the fourth time, Berlusconi's party *Popolo della Libertà*, with its lynchpin coalition party the Northern League, focused largely on issues of security and immigration. Since 2008, national and local officials within or aligned with the governing coalition have consistently linked immigrants and Roma and Sinti with crime, and addressed immigration issues through the prism of security. Italy's political left, which suffered significant losses in the 2008 elections, has been unable or unwilling to effectively counter this trend; in some cases, exponents on the political left have embraced the security paradigm in an effort to recapture support.

The Berlusconi government quickly adopted several emergency decrees with immediate application (some of which were subsequently submitted to parliamentary review and modification) targeting Roma and Sinti as well as migrants.

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[10] Milo Bianchi, Paolo Buonanno, and Paolo Pinotti, "Immigration and Crime: An Empirical Analysis," http://www.bancaditalia.it/pubblicazioni/econo/temidi/td08/TD698_08/TD_698_08/en_698.pdf (accessed July 27, 2010), p. 4; Consiglio nazionale dell'Economia e del Lavoro, Indice di Integrazione degli Immigrati in Italia, VII Rapporto, July 2010, http://www.portalecnel.it/PORTALE/documenti.nsf/0/C12575C30044C0B5C1257760002DBE7A/$FILE/Testo?20VII?20Rapporto%20CNEL%20Immigazione.pdf (accessed September 28, 2010), p.181.

[11] Caritas di Roma, in collaboration with Camera di Commercio e Provincia di Roma, Osservatorio romano sulle migrazioni, Sesto rapporto, February 2010, http://www.chiesacattolica.it/cci_new_v3/allegati/10304/scheda%20rapp.pdf (accessed July 20, 2010), p. 7. The report found that while the number of foreign residents in Rome and surrounding areas increased by 60.5 percent between 2005 and 2008, reported crimes increased by only 5.2 percent.

[12] Human Rights Watch interview with Noureddine Chemmaoui, member of the governing council, Union of Islamic Communities of Italy, May 27, 2010.

In May 2008, a week after the alleged kidnapping attempt of a child by a Romanian Roma teenager and retaliatory violent attacks on Roma camps in southern Italy, the government declared a state of emergency for "nomad communities" (code for Roma and Sinti) in the Campania, Lazio, and Lombardy regions, linking the presence of "nomads" to a "situation of serious social alarm with potentially serious consequences for public order and security for the local populations."[13] Implementing orders adopted soon after gave local authorities special powers, including the rights to conduct censuses and to raid and dismantle informal Roma settlements.[14] Police raids followed.

The government also launched a crackdown on undocumented migrants. Following a heated political debate and opposition by national human rights groups and the Catholic Church, parliament adopted Law 94/2009, known as the "security package," in July 2009.[15] Whereas migrants had been consistently depicted as authors of crimes, the criminal code was reformed to make it a crime to *be* an undocumented migrant, with undocumented entry into and stay in Italy now criminal offenses punishable by a fine of up to € 10,000 (U.S.$13,712). Under the law, migrants on employment-based residence permits now lose their right to stay legally in Italy if they have not found new employment within six months.[16]

The government had in 2008 already made an undocumented stay in Italy an aggravating circumstance for the purposes of sentencing following a criminal conviction. Undocumented migrants could be subject to prison sentences of up to one-third longer than citizens and legal residents convicted for the same crime. The Constitutional Court ruled in July 2010 that this provision violated the constitutional principle of equality before the law, leading to its immediate annulment.[17]

The government's willingness to set aside human rights to advance populist anti-migrant policies is also manifest by its migration cooperation with Libya. In May 2009, the

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[13] Dichiarazione dello stato di emergenza in relazione agli insediamenti di comunità nomadi nel territorio delle regioni Campania, Lazio e Lombardia, 21 May 2008, published in the Official Gazette No. 122 of 26 May 2008, http://www.governo.it/Governo/Provvedimenti/testi_in.asp?d=39105.

[14] Ordinances no. 3676, 3677, 3678 of the President of the Council of Ministers, all adopted May 30, 2008, on "Urgent civil protection provisions to tackle the state of emergency in relation to nomad community settlements" in the Lazio, Lombardy and Campania regions, respectively.

[15] Legge 94 del 15 luglio 2009, Diposizioni in materia di sicurezza pubblica, published in the Official Gazette No. 170 of 24 July 2009. Human Rights Watch called on the Italian senate to reject provisions in the bill in advance of the debate; http://www.hrw.org/en/news/2009/06/21/italy-reject-anti-migrant-bill.

[16] The law also increased from two to six months the amount of time migrants and asylum-seekers may be held in detention for administrative purposes; increased requirements and associated costs for acquiring residency, citizenship and for family reunification; created the obligation to exhibit a valid residency permit for all civil acts, including birth registration; and imposed a duty on money transfer agencies to report clients without a valid residency permit.

[17] Corte Costituzionale, Sentenza No. 249/2010, July 5, 2010, http://www.cortecostituzionale.it/giurisprudenza/pronunce/schedaDec.asp?Comando=RIC&bVar=true&TrmD=&TrmDF=&TrmDD=&TrmM=&iPagEl=1&iPag=1 (accessed July 27, 2010). The Constitutional Court also found that the provision violated article 25 of the Constitution, which establishes, in the view of the Court, the principle that an individual may only be punished for his or her behavior and not for personal characteristics.

government began unilaterally interdicting boat migrants on the high seas and returning them summarily to Libya, with no screening to identify refugees, the sick or injured, pregnant women, unaccompanied children, victims of trafficking, or others in need to assistance, in breach of human rights and refugee law.[18] All those forced back to Libya were detained upon arrival. A week later, Libya and Italy announced the beginning of joint naval patrols in Libyan territorial waters. Despite widespread international criticism, the Italian government has steadfastly defended its policy, saying the push-backs are in conformity with international law and cooperation with Libya is based on an "optimal agreement that has solved a serious emergency."[19]

The Scale of the Problem

The true extent of racist and xenophobic violence in Italy is unknown. Italy has only recently begun to collect any kind of data on hate crimes, and the existing data appears to be partial. A crime is categorized in the database as racially aggravated only if the police officer receiving the complaint classifies it as such, and to date, Interior Ministry and Justice Ministry data have not been integrated to allow for tracking the outcome of individual complaints.[20] A representative of the statistical analysis division of the Central Directorate of of Criminal Police, explained that a new integrated system, across ministries and law enforcement agencies, should be up and running in early 2011.[21]

Law enforcement crime reports do not record the victim's ethnicity, race, or religion; statistics drawn from the Interior Ministry's centralized database can therefore not be disaggregated by particular vulnerable groups (for example, Roma or Muslims).[22]

The Interior Ministry does not publish hate crime data, though it has a policy of providing statistics upon request. Italy reported 147 hate crimes to the Organization for Security and Cooperation in Europe in 2007, 112 hate crimes in 2008 and 142 hate crimes in 2009.[23] The 2008 incidents included 14 assaults and 15 instances of graffiti.[24] It is unclear what the other crimes were.

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[18] See Human Rights Watch, *Pushed Back, Pushed Around: Italy's Forced Return of Boat Migrants and Asylum Seekers, Libya's Mistreatment of Migrants and Asylum Seekers*, 1-56432-537-7, September 2009, http://www.hrw.org/en/reports/2009/09/21/pushed-back-pushed-around.

[19] "Immigrati: Maroni, Accordo con Libia ha risolto problemi sbarchi," AGI, August 25, 2010, http://www.agi.it/dossier-speciali/meeting-rimini/elenco-notizie/201008251536-spe-rt10180-art.html (accessed November 2, 2010).

[20] Human Rights Watch interview with a representative of the Central Directorate of Criminal Police , Rome, October 28, 2010.

[21] Ibid.

[22] Ibid.; ODIHR, Hate Crimes in the OSCE Region. Incidences and Responses, Annual Report for 2007" October 2008, p. 36, 41; ODIHR, "Hate Crimes in the OSCE Region. Incidences and Responses, Annual Report for 2008," November 2009, p. 79; "Hate Crimes in the OSCE Region. Incidences and Responses, Annual Report for 2009, November, 2010, p. 19–20.

[23] ODIHR, Hate Crimes Annual Report 2007, p. 36, 41; Hate Crimes Annual Report 2008, p. 79; Hate Crimes Annual Report 2009, p. 25.

[24] ODIHR, "Hate Crimes in the OSCE Region. Incidences and Responses, Annual Report for 2008," November 2009, p. 79.

The Ministry of Interior did not respond to repeated requests from Human Rights Watch for detailed statistics on official complaints, arrests, and prosecutions of racist and xenophobic crimes for the period 2007 to 2009.[25] At the time of writing, a further request for data from the Central Directorate of Criminal Police (Criminal Analysis Service) was pending.[26]

Media stories about racist crime help to provide a fuller picture. Lunaria, an anti-racism NGO, compiled statistics on reports of racist and xenophobic crimes in the media between January 1, 2007 and July 14, 2009. During this period, 398 crimes were reported in the press, of which 186 involved physical violence against people, including 18 incidents that led to the death of the victim, 173 involved verbal violence, and 39 involved attacks against property. Immigrants and refugees were the most frequent victims, followed by Roma. The vast majority of incidents were committed by ordinary citizens or unknown persons, while a minority were attributed to representatives of public authority, including law enforcement personnel.[27]

The Impact of the Media

Despite the positive role of the media in drawing attention to racist crimes in the absence of systematic official reporting, there is growing concern among media observers and anti-racism NGOs over the negative portrayal of immigrants and minorities, including Roma, in media reporting, and the impact of that reporting on public perceptions of those communities.

This concern is linked to the monopolization of editorial influence in the broadcast media. Italian Prime Minister Berlusconi owns the largest private television company, Mediaset, and as prime minister, wields considerable editorial influence over the three channels of public television, known collectively by the acronym RAI. Italy was the only country in "Western Europe" besides Turkey to receive a Freedom House rating of "partly free" in its 2010 Freedom of the Press Index[28] and Italy ranked among the worst in the European Union in the 2010 Reporters Without Borders Press Freedom Index, in large part due to concerns about concentration of media ownership and interference with the media by political figures.[29] Media observers and political scientists argue that this

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[25] Human Rights Watch sent letters on April 14, 2010 and July 6, 2010 requesting this data.

[26] Human Rights Watch submitted the request on November 4, 2010.

[27] Lunaria, "I casi di razzismo riportati sui media. 1 gennaio 2007-14 luglio 2009. On file with Human Rights Watch.

[28] Freedom House, Freedom of the Press Index, http://www.freedomhouse.org/template.cfm?page=251&year=2010 (accessed July 27, 2010).

[29] Reporters Without Borders, Press Freedom Index 2010, http://en.rsf.org/press-freedom-index-2010,1034.html (accessed November 2, 2010). Italy ranked 49th out of 178 countries. Thirteen EU countries ranked in the top 20; only Romania, Bulgaria and Greece received a worse ranking than Italy.

monopoly influences the nature and amount of media coverage devoted to linking criminality and immigration, particularly during election campaigns.[30]

A study conducted by Sapienza University of Rome during the first half of 2008 found that only 26 out of 5,684 television news stories about immigrants did not relate to crime or security issues. Television is the main source of news for 80 percent of the Italian population. The study, which analyzed seven evening television news programs and seven newspapers, concluded that the media presents a virtually one-dimensional image of immigrants in Italy: a male (almost 80 percent of the time) criminal whose personality "is reduced to a detail about nationality or 'ethnic' origin, often mentioned in the headline of the news item."[31] It continues:

> What dominates above all is the label of illegal, which, above all other terms, defines immigration as such. Roma and Romanians are the ethnic group and nationality most often mentioned in television news headlines. In newspaper headlines, immigration issues appear even more linked to the legal status of the immigrant and to episodes of violent crime. Thus, words contribute to the characterization of the presence of immigrants in Italy by a strong reference to the threat foreigners pose to the safety of Italians.[32]

The effect was described to Human Rights Watch by a Senegalese immigrant in Catania, Sicily:

> The situation has gotten much, much, much worse these last few years. Before, it was easier to find work, then TV and newspapers scared the Italian people. When they [Italians] see you're a foreigner, they look at you, you can see they're scared; maybe they cross to the other side of the street.[33]

Sensationalist and precipitous reporting on violent crimes attributed to immigrants or Roma may have played a role in provoking retaliatory mob violence against members of these groups. The rape and murder of Giovanna Reggiani, a 47-year-old woman, by a young Romanian man in October 2007 on the outskirts of Rome, the alleged kidnapping

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[30] See for example Ilvo Diamanti, professor of political science at the University of Urbino, "Il Marketing del Cavaliere e il bipolarismo della xenophobia," *La Repubblica*, January 31, 2010, http://www.repubblica.it/politica/2010/01/31/news/marketing_cavaliere-2138563/ (accessed October 20, 2010).

[31] "Immigrati: nei media congelati negli stereotipi di 'criminale, maschio, e clandestino," *Unimondo.org*, December 21, 2009, http://www.unimondo.org/Notizie/Immigrati-nei-media-congelati-negli-stereotipi-di-criminale-maschio-e-clandestino (accessed July 27, 2010).

[32] Ibid.

[33] Human Rights Watch interview with Dodo (psyeudonym), Catania, April 17, 2010).

attempt of a baby by a teenaged Roma girl from Romania on the outskirts of Naples in May 2008, and the rape of a 14-year-old girl in a park in Rome on February 14, 2009 by two Romanian immigrants were widely reported in the media. All three were followed by mob violence directed at Romanians and Roma.

An example of the often problematic approach to reporting is provided by the case of a Roma couple arrested in May 2008 in Catania on suspicion of attempting to kidnap a 3-year-old girl. At the time, major newspapers carried stories entitled, "Two Nomads Arrested, "They Wanted to Kidnap A Girl" (*IlCorriere della Sera*), "Roma Try to Kidnap Girl Grabbing Her Away From Her Mother" (*Il Giornale*), and "There's No Doubt It Was Attempted Kidnapping" (*La Stampa*). After four months in pre-trial detention, the couple was acquitted. Only one major newspaper, *Il Giornale*, carried the story.[34]

The National Order of Journalists and the Italian Press Federation agreed in June 2008 on a code of ethics for the coverage of immigrants, asylum-seekers, refugees and victims of trafficking—the *Carta di Roma*.[35] A study published by the Observatory on the Carta di Roma—a network of academics at universities around the country—in July 2010 found some positive developments in print media, including less indiscriminate use of the term "illegal" in reference to immigrants, and less recourse to "alarmist" rhetoric around immigration and security issues.[36]

Response of Civil Society in Italy

Throughout Italy, a wide variety of NGOs and associations, as well as labor unions, work to counter racist and xenophobic attitudes and behavior. Notable initiatives include the SOS Diritti (SOS Rights) telephone hotline run by the Italian Recreational Cultural Association (*Associazione Ricreativa Culturale Italiana*, ARCI), legal assistance to migrants and asylum seekers provided by the Association for Juridical Studies on Immigration (*Associazione per gli Studi Giuridici sull'Immgrazione*, ASGI), and the social support offered by Catholic Church's agency Caritas.

In March 2009, a coalition of 27 organizations, including ARCI, ASGI, Amnesty International's Italy section, Caritas, Community of Sant'Egidio, Federazione Rom e Sinti, Rete G2 Seconde Generazioni, UNHCR, and several labor federations launched a campaign called "Don't be Afraid" (*Non Aver Paura*). The campaign collected over 80,000

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[34] Corrado Giustiniano, "Se lo zingaro è innocente, allora non c'è notizia," Il Messagero Blog "New Italians," October 16, 2008, http://www.ilmessagero.it/home_blog.php?blg=P&idb=436%idaut=1 (accessed July 30, 2010).

[35] The Carta di Roma is available (in Italian) at http://www.cartadiroma/cosa-e-la-carta-di-roma/ (accessed July 27, 2010).

[36] A summary of the results and a power point presentation are available on the Italian UNHCR website at http://www.unhcr.it/news/dir/22/view/813/presentati-i-risultati-della-ricerca-dellosservatorio-carta-di-roma-81300.html (accessed October 11, 2010).

signatures for a petition against racism and intolerance, and was presented to Italian President Giorgio Napolitano in October 2009.[37]

ARCI launched a campaign against all forms of discrimination in June 2009: "Racism is a boomerang—sooner or later it comes back to you." The campaign featured a poster of MPs Jean-Léonard Touadi and Anna Paola Concia, both bare-chested, with the words: "You call us dirty nigger and disgusting lesbian. But you feel offended if someone calls you Italian Mafioso." It is difficult to assess the impact of these laudable awareness-raising campaigns on popular opinion. They have not led to specific policy or legal reforms.

International Concern

Racism and discrimination in Italy have attracted international consternation. Doudou Diène, the UN special rapporteur on contemporary forms of racism, observed in 2007 that Italy was "facing a disturbing trend of xenophobia and the development of manifestations of racism, primarily affecting the Sinti and Roma community, immigrants and asylum-seekers primarily of African origin but also from Eastern Europe, and the Muslim community."[38]

The UN Committee on the Elimination of Racial Discrimination (CERD) expressed concern in 2008 about hate speech, including by politicians, directed at foreigners and Roma; negative attitudes and stereotypes about Roma; and ill-treatment of Roma by law enforcement officers in the course of camp raids. The committee urged Italy to "take resolute action to counter any tendency, especially from politicians, to target, stigmatize, stereotype or profile people on the basis of race, colour, descent and national or ethnic origin or to use racist propaganda for political purposes."[39]

Council of Europe Commissioner for Human Rights Thomas Hammarberg said in 2009 following a visit to Italy that he was "particularly worried by consistent reports that continue to evidence a trend of racism and xenophobia in Italy, occasionally supported by activities of local authorities, which has led also to violent acts against migrants, Roma and Sinti or Italian citizens of migrant descent."[40]

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[37] http://www.nonaverpaura.org (accessed March 3, 2010).

[38] Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène, Mission to Italy, U.N. Doc. A/HRC/4/19/Add.4, February 15, 2007, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/108/59/PDF/G0710859.pdf?OpenElement (accessed May 13, 2010), p. 2

[39] Concluding observations of the Committee on the Elimination of Racial Discrimination: Italy, U.N. Doc CERD/C/ITA/CO/15, May 16, 2008, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/419/12/PDF/G0841912.pdf?OpenElement (accessed May 13, 2010), Para. 15.

[40] Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Italy on 13-15 January 2009, CommDH(2009)16, April 16, 2009, https://www.wcd.coe.int/ViewDoc.jsp?id=142827&Site=CommDHBackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679 (accessed December 15 ,2010), p. 2.

After a March 2010 visit to Italy, Navi Pillay, the UN high commissioner for human rights, expressed her "considerable concern at the authorities' policy of treating migrants and the Roma as, above all, a security problem rather than one of social inclusion," and her "alarm at the often extraordinarily negative portrayal of both migrants and Roma in some parts of the media, and by some politicians and other authorities."[41]

During Italy's review under the Universal Periodic Review mechanism of the UN Human Rights Council in February 2010, 28 countries expressed concerns relating to the treatment of migrants and Roma and Sinti.[42]

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[41] Statement of the UN High Commissioner for Human Rights on Her Mission to Italy 10 to 11 March 2010, March 11, 2010, http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=9901&LangID=E (accessed May 13, 2010)

[42] Human Rights Council, Report of the Working Group on the Universal Periodic Review of Italy, UN Doc A/HRC/14/4, March 18, 2010, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/121/86/PDF/G1012186.pdf?OpenElement (accessed December 9, 2010).

III. Legal and Institutional Framework

Italy's Human Rights Obligations

Italy has clear obligations under human rights law to undertake effective measures to prevent racist and xenophobic violence (the duty to protect), to vigorously investigate and prosecute perpetrators (the duty to provide an effective remedy), and to publicly and unequivocally condemn such violence. The duty to protect and the duty to provide an effective remedy apply whether the perpetrators of the violence were agents of the state or private actors.

The International Covenant on Civil and Political Rights (ICCPR) requires all state parties to ensure to all persons their fundamental rights without distinction of any kind, including race, language, religion, national origin, or other status.[43] The Human Rights Committee, which monitors compliance with the ICCPR, has made clear that states have a positive obligation to prevent and punish human rights abuse by private actors.[44]

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), obligates states to guarantee everyone, "without distinction as to race, color, or national or ethnic origin … security of person and protection by the State against violence or bodily harm, whether inflicted by government officials *or by any individual, group* or institution."[45]

The European Convention on Human Rights (ECHR) provides for the equal enjoyment of all Convention rights without distinctions based on race, color, religion, or national or social origin, among other grounds.[46] The convention also imposes positive obligations on states to protect individuals from attack, assault or injury by private individuals, in particular when combined with protection of the rights to life and bodily integrity.[47]

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[43] International Covenant on Civil and Political Rights (ICCPR), G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, article 2(1); see also ibid., article 26 (equal protection under the law). Italy ratified the ICCPR on September 15, 1978.

[44] Human Rights Committee, General Comment 31, Nature of the General Legal Obligation on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004): "However the positive obligations on States Parties to ensure Covenant rights will only be fully discharged if individuals are protected by the State, not just against violations of Covenant rights by its agents, but also against acts committed by private persons or entities…. There may be circumstances in which a failure to ensure Covenant rights … would give rise to violations by States Parties of those rights, as a result of States Parties' permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities." para. 8.

[45] International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965, entered into force January 4, 1969, article 5(b). Emphasis added. Italy ratified ICERD on January 5, 1976.

[46] ECHR Article 14. Italy ratified the ECHR on October 26, 1955.

[47] ECHR Articles 1, 2, 3. See e.g. *A. v United Kingdom*, judgment September 23, 1998, para 22: "The Court considers that the obligation on the High Contracting Parties under Article 1 of the Convention to secure to everyone within their jurisdiction the rights and freedoms defined in the Convention, taken together with Article 3, requires States to take measures designed to

The European Court of Human Rights has established in its case law the duty of states to investigate whether a criminal offense was motivated by racist motivation. In its 2005 ruling in the case of *Nachova and Others v. Bulgaria*, the court argued:

> When investigating violent incidents … State authorities have the additional duty to take all reasonable steps to unmask any racist motive and to establish whether or not ethnic hatred or prejudice may have helped play a role in the events. Failing to do so and treating racially induced violence and brutality on an equal footing with cases that do not have racist overtones would be to turn a blind eye to the specific nature of acts that are particularly destructive of fundamental rights.[48]

The court has reiterated the positive obligation to investigate possible racist motivations in many successive cases.[49] In relation to lethal attacks the court has emphasized that,

> [W]here that attack is racially motivated, it is particularly important that the investigation is pursued with vigour and impartiality, having regard to the need to reassert continuously society's condemnation of racism and to maintain the confidence of minorities in the ability of the authorities to protect them from the threat of racist violence.[50]

The European Union Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law, adopted in November 2008, underlines the obligation of EU states to ensure that racism and xenophobia are punishable by "effective, proportionate and dissuasive" criminal penalties.[51] A binding legal instrument, the framework decision establishes an obligation to ensure that racist

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ensure that individuals within their jurisdiction are not subjected to torture or inhuman or degrading treatment or punishment, including such ill-treatment administered by private individuals"; and *Osman v. the United Kingdom*, judgment of October 28, 1998, *Reports of Judgments and Decisions* 1998-VIII, p. 3159, para. 115: "The first sentence of Article 2 § 1 enjoins the State not only to refrain from the intentional and unlawful taking of life, but also to take appropriate steps to safeguard the lives of those within its jurisdiction …..The State's obligation extends beyond its primary duty to secure the right to life by putting in place effective criminal-law provisions to deter the commission of offense against the person backed up by law-enforcement machinery for the prevention, suppression and punishment of breaches of such provisions."

[48] European Court of Human Rights [Grand Chamber], *Nachova and Others v. Bulgaria*, nos. 43577/98 and 43579/98, Judgment of July 6, 2005, para. 156-159.

[49] See, for example, *Bekos and Koutropoulos v Greece*, December 13, 2005 paras. 63 – 65; *Zelilof v Greece* judgment May 24, 2007, paras. 72 – 74; *Secic v. Croatia*, no. 40116/02, judgment of May 31, 2007, para. 66; *Cobzaru v Romania,* judgment July 26, 2007, paras. 88 – 91; *Cakir v. Belgium* judgment March 10, 2009 paras. 77 – 78; *Beganovic v. Croatia* judgment of June 25, 2009, para.93 .

[50] See *Angelova and Iliev v Bulgaria,* Judgment, July 26, 2007 and *Menson and Others v. the United Kingdom* (dec.), no. 47916/99, ECHR 2003-V.

[51] Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, Official Journal of the European Union L328, 6 December 2008, http://www.legal-project.org/documents/219.pdf (accessed March 12, 2010), preamble, para (5).

and xenophobic motivation is established under national law as an aggravating circumstance in the commission of other crimes or subject to penalty enhancement.[52]

In December 2009, the Organization for Security and Co-operation in Europe (OSCE) Ministerial Council adopted its first decision exclusively devoted to addressing the problem of hate crime. The decision on "Combating Hate Crimes" calls on OSCE States, including Italy, to take measures to address the problem, including collecting reliable data, tailoring appropriate legislation, assisting victims, and raising awareness.[53]

National Laws on Discrimination and Racism

The Italian Constitution, in its article 3, guarantees the "equal dignity" of all citizens and the principle of equality before the law "without distinction based on sex, race, language, religion, political opinion, or personal and social conditions."[54] Italy's Constitutional Court has repeatedly interpreted article 3 as applicable to all persons within Italian territory. Most recently, the court declared inadmissible the central government's challenge to a regional immigration law in Tuscany that guarantees a range of health services to undocumented migrants. The court, in the July 2010 ruling on the Tuscany law, reaffirmed that foreigners are "entitled to all of the fundamental individual rights recognized in the Constitution."[55]

Italy has robust anti-discrimination legislation. While specific norms existed before, comprehensive legislation was adopted in 2003 when Italy transposed EU Directives 43 (on equal treatment between persons irrespective of racial or ethnic origin) and 78 (on equal treatment in employment and occupation).[56]

The most important instrument in Italian law for prosecuting racist and other hate violence is the penalty enhancement provision contained in Law no. 205 of 1993, commonly referred to as the "Mancino Law," after then interior minister Nicola Mancino. Article 3 of the Mancino Law allows judges to increase the sentence to be imposed for a crime, by up to half, if it was committed "with the purpose of discrimination or hatred based on ethnicity, nationality, race, or religion, or in order to facilitate the activity of organizations, associations, movements, or groups that have this purpose among their

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[52] Council Framework Decision 2008/913/JHA, Article 4.

[53] OSCE Ministerial Council, Decision No. 9/09, "Combating Hate Crimes", Athens, December 2, 2009, MC Dec 9/09, available at http://www.osce.org/item/41853.html.

[54] Constitution of the Italian Republic, article 3. The Constitution is available in English at http://www.senato.it/documenti/repository/istituzioni/costituzioni_inglese.pdf (accessed July 28, 2010).

[55] Constitutional Court ruling no. 269/2010, deposited July 22, 2010, section 4.1. The ruling can be found at http://www.cortecostituzionale.it/actionPronuncia.do.

[56] Legislative Decrees 215 and 216 of July 9, 2003.

objectives."[57] Other grounds for hate crimes, such as sexual orientation and disability, are not included in the law. Lesbian, gay, bisexual and transgendered rights groups have been advocating for several years for a broadening of Italy's hate crime provisions.[58]

The aggravating circumstance of racist or other hate purpose can be applied to any crime, except those punishable by life in prison (the harshest penalty under Italian criminal law). The Mancino Law provides for ex officio investigations—even when the victim has not filed a formal complaint —of crimes committed within the meaning of article 3 of the statute. Under standard Italian criminal procedure, the seriousness of the personal injury determines the extent of the state's obligation to investigate and prosecute.[59]

The Mancino Law also makes it a crime to "instigate in any way or commit violence or acts of provocation to violence for racist, ethnic, national or religious motives," punishable by six months to four years in prison, and to "propagate ideas based on racial superiority or racial or ethnic hatred, or to instigate to commit or commit acts of discrimination for racial, ethnic, national or religious motives," punishable by up to one year and six months in prison or a €6,000 fine.[60]

Prosecutions under these provisions have led to several convictions in recent years. Giancarlo Gentilini, the Northern League deputy mayor of Treviso, a town in northern Italy, was convicted in October 2009 of instigating racism under the terms of the Mancino Law for his comments during a speech in September 2008. He was fined €4,000 (U.S.$5,500) and banned from making public speeches for three years. His appeal against the verdict is pending; he is still in office.[61]

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[57] Judges in Italy have discretion with respect to sentencing within the parameters established by law. A sentence for a racially-motivated offense can be increased by any amount of time up to one half again the minimum sentence for the offense in question.

[58] Numerous LGBT organizations, including the national umbrella group Arcigay, signed on to an LGBT Platform calling for, among other things, an extension of the Mancino Law to include discrimination on the basis of sexual orientation. Parliamentarians from two political parties—the Democratic Party and the Italy of Values party—have tabled different legislative proposals, which at this writing had yet to be fully examined by parliament.

[59] Victims of personal injuries causing incapacity of less than 20 days and no permanent damage must file a complaint (*querela*) (article 582, Criminal Code); personal injuries causing permanent damage, even if incapacity is less than 20 days, and injuries causing incapacity over 40 days give rise to an ex officio obligation to investigate and prosecute (article 583, Criminal Code). Incapacity is determined by medical professionals.

[60] Mancino Law, article 1 (B) and article 1(A), as modified by Law 85 of 24 February 2006, article 13. The 2006 law substituted the word "instigate" for the original "incite." Article 1(B) appears to create a stand-alone offense of commiting violence for racist, ethnic, national or religious motives; however none of the lawyers or prosecutors interviewed in the course of this research were aware of any cases in which an individual was charged with this stand-alone offense. Human Rights Watch interview with Mirko Mazzali, criminal lawyer, Milan; Human Rights Watch interview with Mario Angelelli, Rome, March 25, 2010; Human Rights Watch interview with Roberto Staffa, public prosecutor, Rome, July 30, 2010; Human Rights Watch telephone interview with Francesco Polino, public prosecutor, Rome, August 4, 2010.

[61] "Treviso, Gentilini 'Istiga al razzismo' Comizi vietati per lo 'sceriffo' della Lega," *Il Corriere della Sera*, October 26, 2009, http://www.corriere.it/politica/09_ottobre_26/gentilini-condannato-istigazione-al-razzismo_852c8f60-c23e-11de-b592-00144f02aabc.shtml (accessed July 26, 2010).

He had said:

> I want to eliminate the children who go and rob the elderly … I want a revolution against those who want to open up mosques and Islamic centers … Let them go pray in the desert … I want a revolution against phone centers whose clients eat in the middle of the night and then piss on the walls: let them piss in their mosques.[62]

He said in the same speech that he was against "black, brown or gray people teaching our children."[63]

In another case, an advisor named Flavio Tosi, also of the Northern League, and five other local officials were convicted in a final sentence in July 2009 of propagating racist ideas in relation to a 2001 campaign against unauthorized Roma settlements.[64] Tosi and his codefendants had circulated a petition entitled, "No to the Nomads. Sign up to Send Away the Gypsies." They received two months' suspended sentences. Flavio Tosi was elected mayor of Verona in 2007; he is still in office.

Human Rights Watch's policy on hate speech is based on a strong commitment to freedom of expression and concerns that restrictions on hate speech, no matter how offensive, are open to abuse and may prove counterproductive. We strongly support criminal prosecution where speech constitutes direct and immediate incitement to acts of violence, discrimination, or hostility against an individual or clearly defined group of persons in circumstances in which such violence, discrimination, or hostility is imminent. We believe prosecution is not the most appropriate or effective means to combat reprehensible and hurtful speech where there is no direct incitement.[65]

The Structure of Law Enforcement and the Courts

The two national law enforcement agencies engaged in responding to and investigating violent crime are the National Police (*Polizia di Stato*), a civilian force under the Ministry of

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[62] "La Procura di Venezia indaga su Genitilini," *La Tribuna di Treviso*, October 2, 2008, http://tribunatreviso.gelocal.it/dettaglio/articolo/1521850 (accessed November 27, 2009).

[63] "Dal palco instigazione al razzismo, indagato il leghista Gentilini" *La Repubblica*, October 2, 2008, www.repubblica.it/2007/11/sezioni/cronaca/sindaci-cittadella/gentilini-indagato/gentilini-indagato.html (accessed November 27, 2009).

[64] Laura Tedesco, "Fecero propaganda razziale," *Il Corriere del Veneto*, July 11, 2009, available at http://fattideuropa.splinder.com/post/20948121/sentenza-ideologica-della-corte-di-cassazione-flavio-tosi-condannati-per-%25C2%25ABpropaganda-razziale%25C2%25BB (accessed July 26, 2010).

[65] Under the terms of Human Rights Watch's policy "violence" refers to physical attacks; "discrimination" refers to the actual deprivation of a benefit to which similarly situated people are entitled or the imposition of a penalty or sanction not imposed on other similarly situated people; and "hostility" refers to criminal harassment and criminal intimidation.

the Interior and the *Arma dei Carabinieri*, a military force under the Ministry of Defense.[66] Both the police and the Carabinieri can respond to emergency calls (they each have a three-digit emergency number), and both can receive and process victim reports of crimes. Areas and towns with low populations will typically only have one of the forces operating in the territory, while both forces tend to be present in areas with sizeable populations. Police officers and Carabinieri can function as judicial police under the instructions of a public prosecutor for the investigation of a crime. Normally whichever force responds to an emergency call or receives a complaint will conduct the investigation.

The General Investigations and Special Operations Division (*Divisione Investigazioni Generali e Operazioni Speciali*, DIGOS) of the National Police, with branches across Italy, is responsible for investigating subversive activities, including extreme right-wing activities and crimes committed by organized groups.

Investigations into racially motivated assaults will often be passed to DIGOS where there are indications that the assault was committed by individuals who belong to or are associated with extreme right-wing groups.

Despite repeated recommendations from the European Commission against Racism and Intolerance, no independent commission exists to investigate allegations of human rights abuse by law enforcement personnel.[67] Under the current rules, the prosecutor's office with jurisdiction in the territory of the alleged abuse has the responsibility to investigate allegations.

Italy has an independent judiciary. There are 165 ordinary tribunals and 29 juvenile courts; each has a public prosecutor's office, of varying sizes. There are twenty-nine courts of appeal. The Court of Assizes has jurisdiction over the most serious crimes punishable by the longest prison sentences or life in prison (the harshest sentence under Italian criminal law); appeals are heard by the Assize Court of Appeal. Only the Court of Assize and the Assize Court of Appeal hold trials by jury, or "popular judges," as they are referred to in Italian law, in which six citizens sit on the bench with two professional judges. The Court of Cassation is the third and final level of proceedings for all criminal cases.

Prosecutors conduct the pre-trial investigation with the help of police and Carabinieri assigned to judicial police functions. Once the initial investigation is concluded, the prosecutor asks the Judge for Preliminary Investigations (*giudice delle indagini*

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[66] Other police corps in Italy include the Financial Guard (Guardia di Finanza), the Penitentiary Police, and the Forestry Corps.

[67] ECRI, Second Report on Italy. Adopted on 21 June 2001. CRI(2002)4, April 23, 2002, para. 52; ECRI, Third Report on Italy. CRI(2006)19, May 16, 2006, para. 81.

preliminari, GIP) to either dismiss the case for lack of probable cause or charges the defendant and asks the GIP to commit to trial. The GIP can approve or reject the prosecutor's conclusions, and may order the prosecutor to continue the investigation. Criminal procedure allows for so-called direct trials (*giudizio direttissimo*), often within 48 hours, where the perpetrator is arrested while committing a crime. Verdicts are not final until all appeals have been examined, and the law provides for the possibility of bail pending a final verdict.

Undocumented migrants who are the victims of a crime can petition for temporary leave to stay in the country for the duration of legal proceedings. The permit is granted for three-month renewable periods, and is revoked upon termination of the proceedings, or the investigation if the case is archived. It does not allow the holder to work, and it cannot be converted into a longer-term residency permit. The availability of the permit does not appear to be widely known among undocumented migrants. Several undocumented migrants with whom Human Rights Watch spoke during the course of this research cited their lack of legal status as one of the reasons they did not wish to report abuse.

Because racist and other hate violence has not been identified as a priority concern, no systematic specialized training exists either for police or Carabinieri officers or prosecutors.[68] The National Police and the Arma dei Carabinieri have never launched any outreach initiatives to encourage reporting racist or other hate violence.[69] There are no specialized units within the police or Carabinieri station to tackle such violence.

Some prosecutor's offices have special units for racist acts committed in connection with sports, particularly football, and the prosecutors in these units may also be assigned other types of cases considered to have a racial motivation. The Rome prosecutor's office, for example, created a specialized task force in May 2009.[70] The decision to create specialized task forces rests with the head prosecutor in any given office; the Justice Ministry has no authority to instruct or even recommend such a move.[71]

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[68] Human Rights Watch interview with Fabrizio Gallotti, director, and Eduardo Marcelli, vice-questore, Office for Studies and Programs, Central Directorate for Training Institutes, Rome, July 27, 2010; Email communication with Major Gianluca Trombetti, Office for Training and Regulations, Comando generale dell'Arma dei Carabinieri, December 14, 2010. Both the National Police and the Arma dei Carabinieri include courses on human rights instruments in basic training and advanced coursework for officers. The Consiglio Superiore della Magistratura (CSM) organizes continuing professional education courses for prosecutors and judges every year. According to a list provided by the CSM, eight courses were organized over the past few years addressing human rights concerns, including the jurisprudence of the European Court of Human Rights, the protection of vulnerable groups, and human trafficking. Only one course, conducted in 2008, held a 75-minute session called "The criminal judge in a multicultural society" that covered racially-motivated violence, among other topics. Abbreviated list of CSM courses with a focus on human rights in 2010, 2009 and 2008, provided by email by Francesco Mannino, then-president of the Ninth Commission of the CSM on Internships and Professional Training, email received July 26, 2010. Subsequent email with clarifications received on July 30, 2010.

[69] Ibid.

[70] Human Rights Watch telephone interview with Francesco Polino, public prosecutor, Rome, August 1, 2010.

[71] Human Rights Watch interview with Gabriele Iuzzolino, deputy director, Legislative Office, Justice Ministry, Rome, October 28, 2010.

The National Office against Racial Discrimination

The National Office against Racial Discrimination (*Ufficio Nazionale Antidiscriminazioni Razziali*, UNAR) became operational in 2005 with a mandate to monitor discrimination in both the public and private sectors, provide assistance to victims, and promote campaigns to raise awareness and counter discrimination. UNAR, formally a part of the Ministry of Equal Opportunities, can refer victims to the associations on a formal ministerial list of entities with legal standing to bring suits, but cannot initiate court action.

Under new leadership since July 2009, the Office has undergone restructuring, more vigorously pursued agreements with regional governments, and increased avenues for victims to report discrimination.[72] At the national level, individuals can report complaints to UNAR by phone or email, or on the website, or in person at the Rome offices. The UNAR director Massimiliano Monnani told Human Rights Watch that his goal is to have in place by 2012 a robust national network, in conjunction with regional governments and civil society organizations, for monitoring and registering discrimination.[73]

Up until September 2010, UNAR did not have a specific way to register acts of racist violence in its database.[74] The addition of a dedicated field to its database in September should allow UNAR to generate statistics on reports of racist violence for the first time. Since March 2010, the office has monitored the press for incidents of racist violence with a view to consistently alerting the police or the judiciary to prompt appropriate investigations.

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[72] UNAR has signed agreements with the regions of Emilia-Romagna, Liguria, Piedmont, Sicily, and Puglia, and is in the process of negotiating agreements with other regions to expand access to UNAR nationwide. To date the regional observatory on discrimination and network of information/assistance offices is operational only in Emilia-Romagna.

[73] Human Rights Watch interview with Massimiliano Monnani, director, UNAR, Rome, July 29, 2010.

[74] Ibid.

IV. Violence against Migrants and Italians of Migrant Origin

Instances of horrific racist violence in Italy have been widely reported on in the past several years. Some of the more notorious incidents include the October 2008 brutal beating of a Chinese man by a group of youngsters as he waited for a bus in Tor Bella Monaca, a district of Rome that has seen numerous attacks on immigrants. In this case, the attackers shouted racist insults, such as "shitty Chinaman."[75] Seven teenagers were arrested hours after the incident.[76]

In February 2009, two adults and a 16-year-old attacked an Indian man in Nettuno, near Rome, beating him and then dousing him with gasoline and setting him on fire.[77] All three were convicted without the aggravating circumstance of racial motivation.[78] In May 2009, a Senegalese actor named Mohamed Ba was knifed in the stomach as he waited for the tram in MIlan.[79] Ba's aggressor has never been identified or apprehended, according to Ba and a close personal friend.[80]

The focus on of immigration issues for political ends in an increasingly diverse society has created an environment for open expression of racist and xenophobic sentiment. "A particular kind of language has been dusted off … making it so that openly racist expressions in everyday conversation don't provoke any kind of concern," according to Deputy Jean-Léonard Touadi.[81] Francesca Sorge, a lawyer in a firm that represents victims of discrimination and racist violence, agreed, saying that "phrases like, 'You foreigners go away,' are taken as part of the common lexicon of normal urban rudeness."[82]

A concerned Italian mother in Tor Bella Monaca listed comments she has overheard and experiences she has had that together paint a picture of widespread intolerance and

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[75] "Roma, cinese malmenato da un gruppo di ragazzi italiani," *La Repubblica*, October 2, 2008, http://www.repubblica.it/2008/10/sezioni/cronaca/roma-aggressione/roma-aggressione/roma-aggressione.html (accessed February 15, 2010); Human Rights Watch interview with Daniela Pompei, Community of St. Egidio, Rome, December 17, 2009.

[76] Human Rights Watch was unable to determine the outcome of the criminal investigation in this case.

[77] Carlo Bonini, "Immigrato picchiato e bruciato; Confessono 3 ragazzi, uno ha 16 anni," *La Repubblica*, February 1, 2009, http://www.repubblica.it/2009/02/sezioni/cronaca/indiano-bruciato/indiano-bruciato/indiano-bruciato.html (accessed February 15, 2010); Human Rights Watch interview with Daniela Pompei, Community of St. Egidio, Rome,December 17, 2009.

[78] "Nettuno, bruciarono un indiano," *La Repubblica*, February 23, 2010, http://www.repubblica.it/cronaca/2010/02/23/news/condanna_aguzzini_indiano-2407451/ (accessed December 13, 2010); ODIHR, Hate Crimes in the OSCE Region – Incidents and Responses, Annual Report for 2009, http://www.osce.org/publications/odihr/2010/11/47692_1563_en.pdf (accessed December 13, 2010), p. 51

[79] "Milano, accoltellato attore senegalese," *La Repubblica*, June 2, 2009, http://milano.repubblica.it/dettaglio/milano-accoltellato-attore-senegalese-gli-amici-temiamo-unazione-razzista/1643969 (accessed May 10, 2010).

[80] Human Rights Watch telephone interview with Marco Rovelli, author and close friend of Mohamed Ba, Italy, May 24, 2010. Mr. Ba declined to discuss any aspect of what happened to him with Human Rights Watch.

[81] Human Rights Watch interview with Jean-Léonard Touadi, Rome, May 28, 2010.

[82] Human Rights Watch interview with Francesca Sorge, lawyer, Rome, March 25, 2010.

prejudice against immigrants as well as against Roma (attacks on whom are discussed in Chapter V, below):

> Many mothers complain, they say, 'I only see black, everyone's African now. They get a place for their kids in the local daycare center and I don't,' … A young man who said to me, 'Romanians have stealing in their DNA. I work with a Romanian, but at night we're enemies. If I see him, I beat him up,' … I was talking to a Moroccan friend on the bus and someone yelled at me, 'If you talk to them, they'll never leave,' … I have a Romanian friend who bought himself a bicycle so he wouldn't have to ride the bus and hear all the insults … The guard at the supermarket told my daughter to stay close to me because there were gypsies about who steal kids."[83]

The cases discussed below suggest that prejudice and intolerance can help inspire violent mob and individual attacks on those perceived to be foreigners.

Mob Violence in Rosarno, January 2010

The small town of Rosarno, in the southern region of Calabria, earned international infamy in January 2010 after two separate attacks on seasonal migrant workers on one day led to a violent protest by large numbers of these workers and further retaliatory attacks by local residents. Authorities have responded with long-overdue attention to the exploitation and abuse of seasonal agricultural workers, but the racist dimension of the attacks has been consistently minimized.

Every winter, thousands of seasonal migrant workers come to Rosarno to harvest citrus fruits. Most are hired without legal employment contracts, and working conditions are often exploitative, including low pay, work without payment, and abusive treatment.[84] As documented by Doctors Without Borders and a local association providing direct assistance to seasonal workers, many live in abandoned buildings on the outskirts of Rosarno and in the neighboring countryside, with no electricity, no running water, and little protection from the weather.[85]

Events in Rosarno began with two separate drive-by shootings of African workers on January 7. A group of African workers organized protests against the shootings that

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[83] Human Rights Watch interview with Chiara (pseudonym used upon request), Tor Bella Monaca, May 28, 2010.

[84] Doctors Without Borders, I Frutti dell'Ipocrisia, March 2005, http://www.medicisenzafrontieri.it/Immagini/file/pubblicazioni/RAPPORTO_frutti_ipocrisia.pdf (accessed December 12, 2009) and Une Stagione all'Inferno, January 2008, http://www. medicisenzafrontieri.it/Immagini/file/pubblicazioni/una_stagione_all_inferno.pdf (accessed December 12, 2010); Human Rights Watch interview with Giuseppe Pugliese, Osservatorio migranti di Rosarno, January 22, 2010.

[85] Ibid.

evening and the following day, which turned violent as some protestors smashed storefront windows, damaged cars, and burned tires. In the most serious episode attributed to migrants, a woman and her children were forced out of their car, the woman was hit in the face with a rock, and the car was set on fire.[86]

Over the next two days, violence against African seasonal migrant workers escalated. During research in Rosarno in late January 2010, Human Rights Watch documented at least nine more targeted attacks on African migrants on January 8 and 9. On January 8, mobs of men wielding sticks and iron bars attacked six African migrants in separate incidents, both in Rosarno and the surrounding countryside, while two men were wounded in a drive-by shooting. Another African migrant was the victim of a drive-by shooting on January 9. A total of 11 African workers were seriously injured and required hospitalization.[87]

According to Interior Minister Roberto Maroni, a total of 21 migrants were injured.[88] Many others escaped harm in attacks, including two attempts to run migrants over with vehicles, and an arson attack on a house occupied by migrant workers. Eighteen law enforcement officers and 14 residents of Rosarno required first-aid treatment.[89]

Law enforcement personnel began removing African migrants from Rosarno by bus on the evening of January 8. According to official numbers cited in media reports, 428 migrants were sent to immigration detention centers in Crotone, 320 to centers in Bari, and 330 left the area on their own.[90] The majority of those transferred to detention centers had a legal right to stay in Italy and were released. Many others applied for asylum—and were granted permission to stay while their claims were being considered—while an unspecified number of others were given orders to leave the country. Justices of the peace in Bari annulled at least two expulsion orders on a variety of grounds, including in one case the prohibition of collective expulsions.[91]

In late January 2010, shortly after the attacks, Human Rights Watch interviewed nine of the eleven African workers who had been seriously injured. As far as we were able to

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[86] "A Rosarno la rivolta degli immigrati," *Il Corriere della Sera*, January 8, 2010, http://www.corriere.it/cronache/10_gennaio_07/rosarno-rivolta-immigrati_4649d878-fbd4-11de-a955-00144f02aabe.shtml (accessed December 10, 2010); "I sindacati a Rosarno in difesa del lavoro," *L'Unità*, May 1, 2010 (http://www.unita.it/italia/i-sindacati-a-rosarno-in-difesa-del-lavoro-1.36919 (accessed December 10, 2010).

[87] Human Rights Watch interviews with Doctors Without Borders team, Rosarno, January 21 and 22, 2010, and Giuseppe Pugliese, Osservatorio migrant di Rosarno, Rosarno, January 22, 2010.

[88] Interior Minister Maroni speech in Italian Senate, January 12, 2010, Resoconto stenografico, 309a Seduta, 12 gennaio 2010, Senato della Repubblica, http://www.senato.it/service/PDF/PDFServer/BGT/00449414.pdf (accessed December 9, 2010), p. 5

[89] Ibid.

[90] "Su Rosarno Egitto protesta, Maroni replica 'lo Stato c'è'", *Il Sole 24 Ore*, January 12, 2010, http://www.ilsole24ore.com/art/SoleOnLine4/Italia/2010/01/rosarno-maroni-informativa-senato-immigrati-trasferimenti.shtml?uuid-76c843e4ff9a-11de-b8ab-74ae532c4409&DocRulesView=Libero (accessed January 20, 2010).

[91] Ordinance 945/10 of June 11, 2010, Justice of the Peace Rita Calvi. On file with Human Rights Watch; Ordinance 812/10 of May 22, 2010, Justice of the Peace Maria Tuozzo. On file with Human Rights Watch.

ascertain, none had been involved in acts of violence committed by migrants. They were all granted one-year renewable permits to stay in Italy on humanitarian grounds.

Saibou Sabitiou is a 37-year-old asylum-seeker from Togo. He was the victim of the first shooting on January 7.

> I was in Rosarno with a friend to buy our things to make African food. Then we walked back. We were near where we sleep, the abandoned factory, when I see a vehicle come out of a parking lot and come toward me. I received a call on my phone and then the shot, pah! I see two men in the car. I didn't see their faces because I didn't have the mind for it. It was the man in the passenger seat who shot me. It hit me, I see the blood. Some friends came to help and called the ambulance. We all saw the car, but we didn't take the number. It was a big blue jeep, a Volkswagen. There was just one shot; it got me here [in the lower abdomen]. It feels like there's still something there.
>
> The police asked me if I was pissing in the street when it happened. I told them I am a Muslim; I use water to clean myself. This is not a question to ask me. Is it Italian law that if you see someone pissing in the street you take a gun and shoot them? I was just walking, talking on the street … The police are doing their work, but I don't know if they will find the men. I used to cry, not because of the police, but because my mind had to remember what happened.[92]

A high-ranking police officer close to the investigations told Human Rights Watch in late January that the police intended to find Sabitiou's attackers because they considered them "morally responsible" for everything that followed.[93] At the time of writing, however, no arrests had been made in this or any of the other drive-by shootings or mob attacks, although three people were convicted in relation to violence against migrants, and five African migrants convicted for the violence during the protests (discussed further below).[94]

Jacouba Camara, a 25-year-old from Guinea, was the victim of a drive-by shooting about 2 pm on January 7 as he was walking down the road after visiting with friends. He was hit once, on his left side, with a pellet shot. A man who was with Camara at the time of the attack was not hurt.

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[92] Human Rights Watch interview with Saibou Sabitiou, Rosarno, January 21, 2010.

[93] Human Rights Watch interview with high-ranking police officer who requested anonymity because he did not have authorization to make public statements, Calabria, January 22, 2010.

[94] Human Rights Watch telephone interview with Giuseppe Creazzo, public prosecutor, Palmi, October 18, 2010.

> It was a big, black car, with two people in it. They came up from behind me and shot at me. I got back to the house and my friends called the Carabinieri. I didn't understand what they [the Carabinieri] said. Then my friends called an ambulance.[95]

Godwin Onyebuchi, a 34-year-old Nigerian, was attacked and beaten with sticks in the early evening of January 8. He suffered cuts to his head requiring stitches and deep abrasions on his right arm. His left arm was broken in several places. The arm was improperly placed in a cast, and when Human Rights Watch spoke to him, he was awaiting an operation to reset the bone.

> [T]wo cars came from behind and parked up ahead. Seven boys got out. They were smoking, and I greeted them when I walked past. I looked back and saw they had sticks. Then all seven came and started hitting me. I fell; they hit me on the head. I don't know how long they beat me. They dragged me a ways, to the main road, near a house. I cried 'help, help,' and a woman opened the door, looked at me, and then shut the door. I fainted.
>
> When I woke up, I crept to the orange farm and stayed there, with blood everywhere, until around 3 a.m. I walked toward the "fabbrica" [factory, an abandoned building where he and other migrants lived], and there was a police checkpoint on the way. The police made me sit and they called an ambulance. At first I couldn't talk very much; blood was coming out of my mouth. But I told them where the attack happened, but they didn't go there. [96]

Moussa Boussim, a 35-year-old from Burkina Faso, was attacked near the train station in Rosarno around 1 p.m. on January 8. He suffered internal injuries and has been operated on twice since the attack. Human Rights Watch spoke with him in Polistena hospital when he was awaiting the second operation.

> There were 10 men or so, and maybe five others watching. They didn't say anything; they didn't ask me anything; they just starting hitting me. I saw their faces. They hit my head, my stomach, my back. A woman opened her door, but she saw and she panicked; she shut the door... There were big apartment buildings nearby with lots of windows, but nobody helped me. I don't know how I got to the hospital.[97]

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[95] Human Rights Watch interview with Jacouba Camara, Riace, January 22, 2010.

[96] Human Rights Watch interview with Godwin Onybuchi, Polistena, January 21, 2010.

[97] Human Rights Watch interview with Moussa Boussim, Rosarno, January 21, 2010.

James Amankona, a 39-year-old from Ghana, was attacked by a mob on January 8 as he was coming home from work, around 3 p.m.

> I saw 50 or so Italians. They called to me, but I ran and they chased me. I will never forget when I saw the crowd coming. I jumped on a fence to try to escape, but they grabbed me and pulled me down. They started beating me with the sticks and iron bars. I fainted. When I woke up, blood was streaming down my nose. I went to an orange farm. I could hear people shouting and talking, but I couldn't understand what they were saying. I was too scared and I stayed there until for a long time, until it was dark. Then I stopped some Carabinieri in the road and they called an ambulance. They already knew what had happened; they didn't ask any questions. They [the mob] broke my arm, it had to be operated on. They beat me so much on my head. They checked it in the hospital with a machine and it's ok, but sometimes it hurts a lot.[98]

Ben Gyan, a 31-year-old asylum-seeker from Ghana, was attacked in the middle of Rosarno on the morning of January 8.

> I left the house to buy something at the store. I met a group of about 15 Italians. One boy grabbed me, saying, "Where you come from?" Then they started beating with sticks. Five or six of them picked me up and threw me down. They broke my teeth and did this to my face [bruises on his face]. Then they ran away. It's not a busy street, there was nobody around, but there are apartment buildings on either side of the street. A woman came out and called an ambulance.
>
> The police came to the hospital and I told them I couldn't recognize the boys who did this to me. Anyway, I can't go back to Rosarno, so I won't see them. I don't know if the police are investigating. I'm not sure the police can find the boys, but if they do, I'm happy.[99]

Agry Kwame, a 26-year-old from Ghana, was attacked on the streets of Rosarno on the afternoon of January 8 by a group of men. He spent a week in hospital recovering from his injuries.

> Four boys on motorcycle came and attacked me on the street, and more and more people came. I saw eight people. They said, "Where are you

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[98] Human Rights Watch interview with James Amankona, Polistena, January 22, 2010.

[99] Human Rights Watch interview with Ben Gyan, Polistena, January 22, 2010.

> going?" at the beginning, but then didn't say anything. All of them beat me. They beat me with sticks on my side, on my head, everywhere. There were other people around, watching but not helping me, not calling an ambulance. I saw faces in the windows of apartments, watching. I ran, but not in town for other boys to beat me. I ran for the bush and stayed there until it was dark. Then I went back to my house slowly, slowly, slowly.[100]

Three residents of the Rosarno area were arrested quickly in connection with violent acts and participation in the unrest. Giuseppe Ceravolo was convicted in June 2010 of attempted homicide for driving into an immigrant (who managed to escape serious injury) and sentenced to six years in prison. Both the public prosecutor and the trial judge excluded the aggravating circumstance of racist motivation. The judge concluded that Ceravolo's act, which consisted of intentionally driving at an accelerated speed at a migrant worker walking alone down a street, "cannot be traced to feelings of racial hatred but rather to a punitive intent against those who at that time were reacting, through protests spilling over into violence and vandalism, to a regime of tyranny and exploitation that had lasted for years."[101]

Giuseppe Bono was sentenced in March 2010 to two years in prison for resisting a public official, but acquitted of attempted homicide for charging a bulldozer at a group of immigrants. The public prosecutor did not request the aggravating circumstance of racist motivation.[102]

Antonio Bellocco was sentenced in June 2010 to three years in prison for resisting a public official and assaulting an officer.[103] According to the verdict, on January 8, Bellocco drove quickly and closely past a migrant worker named Ibraime Tapily, who then threw a plank of wood at the car. Carabinieri officers already at the scene immobilized Tapily, who was bleeding from the head due to an injury sustained before these events. Bellocco got out of his car and attacked Tapily, at that point unarmed, and caused injuries to the Carabinieri officers attempting to shield Tapily from the blows. Bellocco was not charged with assault in relation to the attack on Tapily.[104]

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[100] Human Rights Watch interview with Agry Kwame, Rosarno, January 21, 2010.

[101] Sentenza No. 316/10 R.G., of 28 June 2010, registered 3 August 2010, Tribunale di Palma, Ufficio dei Giudici per le Indagini Preliminari, p.13. On file with Human Rights Watch.

[102] Sentenza No. 195/10 R.G., of 31 March 2010, registered 4 May 2010, Tribunale di Palma, Ufficio dei Giudici per le Indagini Preliminari. On file with Human Rights Watch.

[103] Sentenza No. 2010/60 R.G.N.R., of 15 June 2010, registered 23 July 2010, Tribunale di Palma. On file with Human Rights Watch.

[104] Ibid.

Five African migrants were convicted and sentenced in late January for incidents during the riot that followed the first two drive-by shootings on January 7.[105]

Rosarno had been administered by an "extraordinary commission" of three prefects since December 2008, when the town council was dissolved by the central government due to concerns about infiltration by organized crime. Municipal elections were held in mid-December 2010, and the Democratic Party candidate was voted in as new mayor.[106] It is unclear whether 'ndrangheta, the organized crime syndicate that operates in Reggio Calabria, was involved in the violence in Rosarno in January 2010.[107] Regardless of the level of involvement, if any, of organized crime, a culture of silence and fear of collaboration with justice appears to have worked against law enforcement identifying perpetrators of the attacks. Giuseppe Creazzo, a public prosecutor in Palmi, Calabria, told Human Rights Watch, "The police have not been able to give a face to the violence, unfortunately, here nobody will talk."[108]

At the height of the violence, Interior Minister Roberto Maroni blamed the situation on excessive tolerance of "illegal immigration." The criminal investigations by the prosecutor's office in Palmi, Calabria, into the events of January 2010 have focused primarily on the exploitative working conditions, illegal hiring practices, and employment of irregular workers. In April 2010, police arrested 30 people on charges related to the exploitation of migrant workers in and around Rosarno. According to the police, 20 businesses and 200 agricultural areas were seized in the operation.[109] The police chief of Reggio Calabria, the regional capital of Calabria, said what happened in Rosarno "wasn't an explosion of racism, but a rebellion by the foreigners against exploitation."[110]

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[105] Human Rights Watch telephone interview with Giuseppe Creazzo, February 1, 2010.

[106] "Elezioni comunali di Rosarno: Elisabetta Tripodi è il nuovo sindaco," *Newz.it*, December 13, 2010, http://www.newz.it/2010/12/13/elezioni-comunali-di-rosarno-elisabetta-tripodi-e-il-nuovo-sindaco/78205 (accessed December 14, 2010).

[107] In comments after a massive anti-mafia operation in July 2010, Interior Minister Maroni said 'ndrangheta "has its base still in Calabria…[and is] today the most powerful, aggressive and…most modern" organized crime syndicate in Italy. "'Ndrangheta/Maroni: Lotta prosegue, non guardiamo in faccia nessuno," *Apcom*, July 14, 2010, http://forum.politicainrete.net/forum-del-carroccio/70495-con-maroni-comincia-il-ripulimento-della-lombardia.html (accessed December 13, 2010). Forty-nine town councils in Reggio Calabria, including Rosarno and four neighboring towns, have been disbanded since 1991, when the law allowing the central government to take this measure went into effect. "Comuni sciolti per infiltrazioni mafiose: i dati e le riflessinoi di Vittorio Mete," November 24, 2010, http;//www.strill.it/index.php?option=com_content&task=view&id=83789&Itemid=119 (accessed December 13, 2010).

[108] Human Rights Watch telephone interview with Giuseppe Creazzo, October 18, 2010.

[109] "Rosarno, 31 arresti per sfruttamento di manodopera clandestina," *Reuters*, April 26, 2010, http://it.reuters.com/article/TopNews/idITMIE63P01020100426 (accessed April 30, 2010).

[110] "Rosarno: 30 arresti per caporalato," *Il Sole 24 Ore*, April 27, 2010, http://www.ilsole24ore.com/art/SoleOnLine4/Editrice/IlSole24Ore/2010/04/27/Italia/15_C.shtml?uuid=03bc2d15-51c0-11df-92be-7a8b1f1c5244&DocRulesView=Libero (accessed April 30, 2010).

Mob Violence in Rome, 2007-2009

In the last two years, Rome has been the scene of a number of disturbing acts of mob violence in the wake of brutal crimes attributed to foreigners.

Following the rape and murder of a 47-year-old Italian woman in late October 2007 by a Romanian man arrested immediately after the crime, two separate attacks targeted Romanians. A group of 10 to 12 people, reportedly including one woman, attacked a group of Romanians in a shopping mall parking lot in Tor Bella Monaca on November 2, 2007.[111] The individuals were wearing motorcycle helmets and were armed with bats and chains. Most of the would-be victims managed to escape, but four Romanian men were injured; three of them required hospitalization. At the time of writing, the Rome Prosecutor's Office had not replied to our repeated requests for information about the investigation into the attack.[112]

The then-mayor of Rome, Walter Veltroni, condemned the attack in Tor Bella Monaca, calling "hatred and instrumentalization of any kind … alien to the values of our community."[113] At the same time, however, Veltroni made other statements blaming Romanians for an increase in crime in Rome. He complained that "people have been coming to this city in the past months from EU member states. These are not immigrants who come here to "get by," but it's another type of immigration that is characterized by criminality."[114]

In a separate incident in Monterotondo, a town north of Rome, the store of a Romanian woman with the same last name of the man accused (and subsequently convicted) of the rape and murder of Giovanna Reggiani, was damaged in by a homemade bomb on November 5, 2007.[115] The graffiti, "We'll break your head" was scrawled on the wall, along with the Celtic cross, a symbol used by the extreme right.

On the night of February 15, 2009, a mob of some 20 men with their faces covered and armed with bats entered a kebab restaurant in the Porta Furba area of Rome and attacked those inside. Four Romanians were injured in the attacks, two of them requiring hospitalization. Later that night, not far away, a Romanian man was attacked by a similar

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[111] "Spedizione punitiva contro quattro rumeni, *Il Corriere della Sera*, November 2, 2007, http://www.corriere.it/cronache/07_novembre_02/spedizione_punitiva_contro_rumeni.shtml (accessed August 2, 2010).

[112] Human Rights Watch requested information on this and other cases from the Rome prosecutor's office by fax on October 20, 2010. We renewed this request via fax on October 28, 2010, in emails on November 3, November 23, and December 9, 2010, as well as in phone calls on October 29, December 10 and December 15, 2010.

[113] "Spedizione punitiva contro quattro rumeni," *Il Corriere della Sera*, November 2, 2007.

[114] Sicurezza, Veltroni contro la Romania," *La Repubblica*, October 31, 2007, http://www.repubblica.it/2007/10/sezioni/cronaca/tor-di-quinto/reazioni-uccisa/reazioni-uccisa.html (accessed July 31, 2010).

[115] "Monterotondo, bomba carta contro negozio romeno," *Il Giornale*, November 5, 2007, http://www.ilgiornale.it/interni/monterotondo_bomba_carta_contro_negozio_romeno/05-11-2007/articolo-id=218466-page=0-comments=1 (accessed August 2, 2010).

group.[116] The attacks followed the rape of a 14-year-old girl in a nearby park on February 14; the press reported that the police were looking for two men with Eastern European accents. Current Rome Mayor Gianni Alemanno was reported in the press as saying, "I've spoken with the police chief: It's two persons with Eastern European accents, dark skin, probably Roma."[117] Two Romanian men were ultimately arrested, tried, and convicted in October 2009 for the rape.[118] The extreme-right group *Forza Nuova* had held a demonstration in the area on February 15 to protest the rape, with a banner that read, "No mercy for you beasts."[119] On the morning of the mob attack, graffiti was seen near the park where the rape occurred, signed by Forza Nuova, stating "Roma murderers, shame," and "Eye for an eye."[120] No direct relationship has been established between Forza Nuova and the two attacks in Porta Furba.

Mayor Alemanno condemned the attacks, calling them, "a negative and dangerous signal," and stating that, "it is not even remotely thinkable to take justice into one's own hands."[121] At the time of writing, the Rome Prosecutor's Office had not yet replied to repeated requests from Human Rights Watch for information about the investigation into these attacks.[122]

Individual Attacks at Various Locations in Italy

Abdoul Salam Guiebre, September 2008, Milan

In the early morning hours of September 14, 2008, Abdoul Salam Guiebre, a 19-year-old Italian citizen of Burkina Faso origin, went with two friends into a coffee shop (commonly called a bar in Italy) that looked open. One of the men, John Kilahu, would tell police

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[116] "Roma, raid nella zona dello stupro: quattro romeni picchiati in un locale," *Il Corriere della Sera*, February 15, 2009, http://www.corriere.it/cronache/09_febbraio_15/roma_romeni_picchiati_raid_locale_stupro_parco_caffarella_218f28a0-fba6-11dd-aeff-00144f02aabc.shtml (accessed August 2, 2010).

[117] Ernesto Menucucci, "Alemanno: forse sono rom, subito gli sgomberi a sorpresa," *Il Corriere della Sera*, February 15, 2009, http://www.corriere.it/cronache/09_febbraio_15/alemanno_3c8ba208-fb3a-11dd-aeff-00144f02aabc.shtml (accessed December 9, 2010).

[118] "Stupro della Caffarella, condannati due romeni," *Il Sole 24 Ore*, October 5, 2009, http://www.ilsole24ore.com/art/SoleOnLine4/Italia/2009/10/caffarella-stupro-condannati-de-romeni.shtml?uuid=e718491a-b1b0-11de-be2e-4095accc28c9&DocRulesView=Libero (accessed December 9, 2010); "Stupro Caffarella, confermata in appello la condanna a 11 anni e 4 mesi per Gavrila," *Adnkronos*, May 31, 2010, http://www.adnkronos.com/IGN/News/Cronaca/Stupro-Caffarella-confermata-in-appello-la-condanna-a-11-anni-e-4-mesi-per-Gavrila_473314892.html (accessed December 9, 2010).

[119] "Roma, raid razzista contro locale," *Il Gazzettino*, February 15, 2009, http://www.romeninitalia.com/2009/02/patru-romani-au-fost-batuti-aseara-intr.html (accessed December 10, 2010). Forza Nuova, founded in 1997, has an eight-point platform including stopping all immigration and activating humanitarian returns of immigrants in Italy, as well as the repeal of the Mancino law.

[120] Ibid.

[121] "Assalto razzista a Porta Furba," *Il Corriere Romano*, February 16, 2009, http://www.corriereromano.it/news/5039/notizia/Assalot-razzista-a-Porta-Furba.html (accessed February 2, 2010).

[122] Human Rights Watch requested information on this and other cases from the Rome prosecutor's office by fax on October 20, 2010. We renewed this request via fax on October 28, 2010, in emails on November 3, November 23, and December 9, 2010, as well as in phone calls on October 29, December 10 and December 15, 2010.

later, "We came upon a bar where my friends John and Abdoul and I went in, and seeing as no one was there … Abdoul took two small packets of Ringo cookies, I took a small chocolate bar and Samir something small, I don't know what … leaving we laughed and joked holding the cookies and chocolate in our hands."[123] Minutes later, the 31-year-old son of the owner beat Guiebre to death with a metal bar.

At their trial, the owner and his son said they believed the men had stolen money from the coffee bar. According to judgment, the father, who was near his van on the street outside the coffee bar, saw the men leaving. He called to his son, who was at the time in the back of the coffee bar and had seen nothing, and they got in their van to follow Guiebre and his friends. According to the judgment, the bar owner and his son then attacked the men, shouting phrases like, "Dirty niggers!", "You come to my home and steal from me?" and "Thieves, go back to your own countries."[124]

Following their confession, the two defendants were convicted in July 2009 of intentional homicide and sentenced to fifteen years and four months in prison.[125] The public prosecutor did not argue that the crime had been racially aggravated. The trial judge approved this decision, arguing in his reasoned judgment that everything indicated that the father's "disproportionate reaction" was due in part to because he felt "particularly acute affliction by being robbed … by a foreigner. An attitude with its roots in a conservative vision of one's cultural and territorial integrity, more than in a discriminatory theory of racial superiority."[126] This reflects the narrow interpretation of the Mancino Law, by which it is only applicable where there is a clear motivation based solely on demonstrated racial hatred.

Guiebre's father expressed the family's extreme disappointment with the sentence to Human Rights Watch:

> It's not enough … too little for the life of a 19-year-old. It's racism, because if you compare it with other things, something doesn't add up. If my son had had a different color of skin, they wouldn't have acted like that. They killed him because he was black. My son is dead, but his mother, his brother, and his sisters and I die every day.[127]

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[123] Sentenza, Tribunale ordinario di Milano, July 16, 2009, proc. n. 33568/R.G.N.R and proc.n. 7337/08 R.G. G.I.P., p. 4.

[124] Ibid., p. 14. In Italian, the men called them "*sporchi negri*."

[125] Ibid., p. 18

[126] Ibid., p.14.

[127] Human Rights Watch telephone interview with Assane Guiebre, Milan, July 16, 2010.

Emmanuel Bonsu, September 2008, Parma

Eight municipal police officers in Parma are on trial at the time of writing for abuses committed against a 22-year-old Ghanaian man named Emmanuel Bonsu in September 2008. Two other officers were tried separately; one was convicted in May 2010 on charges aggravated by racial motivation and sentenced to three years and four months in prison while the other was sentenced in January 2011 to two years and ten months in prison for the assault without the aggravating circumstance of racial motivation.[128] According to the prosecution's case, Bonsu was mistakenly arrested by the Parma municipal police on suspicion of drug trafficking on September 29, 2008. He was subsequently beaten during the arrest, showered with racist insults (including being called "monkey" when urged to confess), and forced to sit on a municipal police officer's lap for a photograph.[129] Hours later, he was released from the municipal police station with an eye injury that required surgery and his documents in an envelope with the words "Emanuel nigger" written on it.[130] The municipal police claimed at the time that Bonsu had violently resisted arrest, and had written the offensive tag on the envelope himself. The public prosecutor has requested the aggravating circumstance of racial discrimination against two of the eight officers currently standing trial.[131]

Ibrahima Mboup, February 2009, Rome

Mboup is a 40-year-old Senegalese who has been living in Italy since 2003. Before leaving Senegal, he was a percussionist with the Senegalese National Dance Company for six years. He is married to an Italian woman and has applied for Italian citizenship. On the morning of February 27, 2009, Mboup went to a street market in Rome to buy a pair of jeans.

> I got to the stand—before you buy, you have to look, right? One of the vendors said, "What do you want?" I said I wanted jeans. And he said, "Drop the jeans, shitty Senegalese." Then he said, "you're agitated." I said, no, I wasn't agitated, but I understood that I couldn't talk with him, so I turned to leave. Then I felt a punch on the right side of my forehead, and then in my mouth. They broke my right front tooth. I fell down.... The

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[128] Maria Chiari Perri, "Caso Bonsu, tutti a giudizio, Frattini condannato a 3 anni e 4 mesi, *La Repubblica*, May 20, 2010, http://parma.repubblica.it/cronaca/2010/05/20/news/processo_bonsu_attese_le_sentenze_i_giudici_in_camera_di_consiglio-4216684/ (accessed July 12, 2010). " Parma/Condannato uno dei vigili responsabile del pestaggio a Emmanuel Bonsu," January 25, 2011, http://www.zic.it/parma-condannato-uno-dei-vigili-responsabile-del-pestaggio-a-emmanuel-bonsu/ (accessed February 2, 2011).

[129] Giacomo Talignani, "Parma, dieci vigili indagati per il pestaggio di Emmanuel," *La Repubblica*, November 12, 2008, http://www.repubblica.it/2008/11/sezioni/cronaca/caso-emmanuel-parma/caso-emmanuel-parma/caso-emmanuel-parma.html (accessed July 12, 2010); Human Rights Watch telephone interview with Lorenzo Trucco, counsel to Emmanuel Bonsu, October 7, 2010.

[130] "Parma, dieci vigili indagati per il pestaggio di Emmanuel," *La Repubblica*, November 12, 2008. In Italian, the envelope was marked "*Emanuel negro*."

[131] Human Rights Watch telephone interview with Lorenzo Trucco, counsel to Emmanuel Bonsu, October 7, 2010.

> vendors stayed there until they heard the ambulance. The vendor of the stall in front told the ambulance workers it was his stand, to cover those guys.... At the market, just one woman gave me a handkerchief. That's what hurt the most, that no one helped me. The place was full of people.[132]
>
> I'm educated, I'm a musician, but that's not written on my forehead.... I've asked to become an Italian citizen. I'm married to an Italian woman. But for them, I'm an animal.... I'd like to know why they did this. What did I do? What, it was a stand where Africans can't go? Only Italians, only Americans? Why? Because we're black. But they're wrong, I'm not a shitty Senegalese. I know what I'm worth. If they're not stopped, they'll go even further one day.[133]

Mboup reported the crime two days later to the Carabinieri station near where he lives. According to his lawyer, Mauro Notargiovanni, affiliated with ARCI, the Carabinieri quickly identified the two vendors; in September 2010, 19 months after the attack, the public prosecutor brought charges against one man for injuries and insults, with reference to the phrase, "shitty Senegalese," and against a second man for insults. The prosecutor has not requested the aggravating circumstance of racial motivation.[134] Despite repeated requests, Human Rights Watch was unable to speak with the prosecutor.[135]

Mohamed Ali, March 2009, Tor Bella Monaca, Rome

Mohamed Ali, a 36-year-old Kashmiri, was attacked by a group of Italians in Tor Bella Monaca as he waited in his car at a traffic light. He told Human Rights Watch:

> It was March 23, 2009, around 4:30 in the afternoon, I had gone shopping. I had stopped at the light, and five Italian boys said something to me. The second time they said something, I rolled down the window, like a normal person would, I thought they wanted to ask me something, I didn't imagine this.... They came to open the door. "Do you have money?" they asked me, I said no, and they told me to get out. They opened the door and pulled me out. I don't remember how they hit me.... I had blood all over my face, all beaten up.... Someone called an ambulance, but I didn't want to go in the ambulance, I didn't feel so bad just then. Some friends

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[132] Human Rights Watch interview with Ibrahima Mboup, Rome, March 26, 2010. It is unclear how the vendor knew Mboup was Senegalese; Mboup says he did not know the vendor. In Italian, the vendor said "*lascia i jeans, senegalese di merda*."

[133] Human Rights Watch interview with Ibrahima Mboup, Rome, March 26, 2010.

[134] Human Rights Watch interview with Mauro Notargiovanni, lawyer, Rome, March 24, 2010; Human Rights Watch telephone interview with Notargiovanni, December 14, 2010.

[135] The prosecutor did not respond to emails requesting an interview sent on July 20, July 23 and October 8, 2010. Reached by telephone on October 15, 2010, the prosecutor declined to speak with Human Rights Watch over the telephone.

> took me home, and my wife got a real shock when she saw me, she fell down. She was nearly three months pregnant, and she lost the baby.[136]

Ali went to the hospital that evening after he started feeling worse. Two days later he underwent brain surgery because of internal bleeding, and doctors kept him in an induced coma for almost two weeks. He required two-and-a-half months' hospitalization, returning home only in mid-June. He says he suffers to this day from dizziness, forgetfulness, difficulty walking for long periods of time, and carrying weight with his right hand.[137] He told Human Rights Watch he was forced to close the shop he had opened in August 2008 because he could not keep it going while he was in the hospital.[138]

Ali did not tell the police who responded to the scene that he had been attacked; he said he had felt poorly, stopped the car, and injured himself falling out onto the street. He only acknowledged the attack when he went to the hospital. According to Ali, there were at least two witnesses to the attack. A friend of his was in the passenger seat of Ali's car and watched the entire attack. Ali told Human Rights Watch a passer-by had come forward and had given the police a rough description of a group of young men who had attacked, but claims that the police did not take the name or contact information of the passer-by. It was unclear whether the police spoke with Ali's friend at the time of the attack, and Ali said he was no longer in touch with him.[139]

From his hospital bed, Ali identified 10 young men in police photographs as his aggressors, including three between the ages of 16 and 17 who were at the time under investigation for a brutal attack on a Chinese merchant in Tor Bella Monaca in October 2008. By this time, investigators had determined that Ali had been the victim of extortion, forced to pay a certain amount of money by a gang of young men. On the most recent occasion before the attack, he had refused to do so. He identified one of his aggressors and two other men as those behind the extortion. One of the men identified by Ali, who was aged 22, was also identified through photographs by a Moldovan woman who witnessed the attack on her boyfriend of the same nationality by a large group of young men armed with rocks, bottles, and iron tubes in Tor Bella Monaca in May 2009.[140]

Proceeding at this point on the assumption that a group of extortionists was responsible for the assaults, the Rome public prosecutor in charge of the case ordered the arrest of the 22-year-old, who had been identified, and obtained warrants to conduct numerous house

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[136] Human Rights Watch interview with Mohamed Ali (last name omitted upon request), Rome, March 25, 2010.

[137] Ibid.

[138] Ibid.

[139] Ibid.

[140] Human Rights Watch interview with Andrea Mosca, public prosecutor, Rome, July 27, 2010.

searches. However, in a police station identification lineup, neither Ali, the Moldovan man, nor his girlfriend was able to positively identify the man behind a one-way mirror.[141]

The prosecutor explained to Human Rights Watch that he dismissed the case at that point without ordering any further investigations.[142] The prosecutor, who specializes in financial crimes and was assigned this case because he was on call that day, took the view that there were no grounds for believing the attack was racially motivated. He explained, "In this case, the racist element didn't come to the surface. We conducted a heavy-handed intervention, with house searches, to send a message. And it had a deterrent effect, given that we haven't seen other episodes."[143] The prosecutor was unable to say whether immigrants were particularly targeted by the gang for extortion because of their ethnic origin, or subject to particularly violent consequences for failure to comply.[144]

Ali and his wife moved to another part of Rome after the attack. "I would never live again in Tor Bella Monaca," he explained. "The people there take it out on foreigners, every week something happens, somebody gets beaten up. There are these kids running around in gangs who do these things, I don't understand why their parents don't stop them. I don't understand this violence, we came here to work, live quietly, and then go home."[145]

Samba Sow, April 2009, Rome

Samba Sow, a 31-old Senegalese man, was attacked on the night of April 12, 2009, after going to a bar near where he lived to buy a phone card. When his car would not start as he tried to go home, a group of five or six men began to insult him and make fun of his car, saying things like, "Shitty nigger, look what a crap car you have...."[146] Sow got out of his car when he saw someone he knew, and one of the men struck him in the face with a beer bottle. Sow permanently lost the use of his left eye in the attack. The prosecutor successfully argued that the attack was racially motivated within the meaning of the Mancino Law; the perpetrator was convicted and sentenced to four years in prison.[147]

Sow expressed his concern about racism in Italy: "All of my friends are Italian. If you're lost, you call an Italian and he'll come get you wherever you are to take you home. But here in Italy, there are politicians who use foreigners and incite people to hurt others. You know it,

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[141] Ibid.

[142] Ibid.

[143] Ibid.

[144] Ibid.

[145] Human Rights Watch interview with Mohamed Ali, March 25, 2010, Rome.

[146] Human Rights Watch interview with Samba Sow, Rome, May 25, 2010. In Italian, the men said, *"Negro di merda, guarda che macchina di merda che hai..."*

[147] Human Rights Watch interview with Roberto Staffa, prosecutor, Rome, July 29, 2010.

you read the newspapers, always about foreigners, foreigners. But how many Italians live outside Italy? So many. It's the politicians who give ignorant people these ideas."[148]

Willy Lulua, July 2009, Rome

A Rome public prosecutor has charged one man with assault aggravated by racial motivation for the vicious attack on Willy Lulua, a refugee from the Democratic Republic of Congo, on July 2, 2009, as he was distributing flyers in a central neighborhood of Rome.[149] Three men armed with a bat, a sack of empty bottles, and a knife cornered Lulua in a building and beat him. According to Lulua, they repeatedly called him a "dirty nigger," threatened to kill him, and said, "We're doing the will of the government, we're helping to chase out the Africans."[150] A preliminary hearing was scheduled for mid-March 2011.

Lulua told Human Rights Watch he hopes to see justice done. "I'll never distribute flyers again, I'd be too afraid, who can I trust? Justice must follow its course. It hasn't just happened to me, there are many. But they don't say anything because they're afraid, they don't have papers [legal residence]. If there's justice, those that hurt people should pay."[151]

Abdul Latif, August 2009, Tor Bella Monaca, Rome

Abdul Latif was attacked in Tor Bella Monaca in August 2009. Thirty-four-year-old Latif has been living in Italy since 2003. In the days preceding the assault, a woman had twice come into the food store where he worked in Tor Bella Monaca, and attempted to steal merchandise, asked for large sums of money, and threatened him if he did not comply. Latif refused to give her money, and stopped her on the first occasion from taking 11 bottles of olive oil without paying. According to Latif, the next time the woman came to the store, accompanied by a younger woman, she stole a bag of potatoes and two melons.

According to Latif, two days after the theft of the food, on August 5, four or five people, including only the younger woman from before, approached him as he smoked a cigarette outside the store.

> They didn't say anything, they just hit me on the head with a big bat. I ran away, I fell down in the street, and then I don't remember anything.... When I got up, I walked a bit but I fell down again, and a boy came on a motor scooter and tried to run me over. Then he went off and I got to a bar

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[148] Human Rights Watch interview with Samba Sow, Rome, May 25, 2010.

[149] Human Rights Watch telephone interview with Francesco Polino, prosecutor, Rome, August 4, 2010.

[150] Human Rights Watch interview with Willy Lulua, Rome, March 26, 2010. In Italian, the men called Lulua "*sporco negro*."

[151] Ibid.

> and they called the Carabinieri.... I don't know why they did this to me, but Tor Bella Monaca is dangerous for me and people like me.[152]

Latif had been stabbed three times in the side. The Carabinieri began investigating immediately, and arrested three men the next day. One of the men claims the attack was retaliation because Abdul had offended his daughter, the younger of the two women who had visited the store. The Carabinieri report seen by Human Rights Watch from that day says explicitly that the motive "could be related to ... harassment against the foreigner for the purposes of extortion or for racial motivations."

Yet the commander of the Carabinieri station, Major Giorgio Palazzotto, gave a statement to the press excluding racism "decidedly."[153] The older of the two women was arrested later. Two of the three men were convicted in June 2010 of attempted homicide, among other charges, and sentenced to 14 years in prison, while the older of the two women was sentenced to six years for extortion and threats. The third man is being tried separately.[154] The public prosecutor did not request the aggravating circumstance of racial motivation.

Attack on a Bengali-owned bar, March 2010, Rome

On March 14, 2010, a group of 15 to 20 people attacked a bar owned by two Bengali brothers in the Magliana neighborhood of Rome. Four people were injured in the attack, including Mahbub Miah, one of the owners, who was beaten with wooden bats in the head and the face and suffered a puncture injury in his arm.[155] He had to have stitches in his mouth, head, and arm. One customer's nose was broken and another suffered a head injury.

Within a few days, the Carabinieri had arrested at least six people in connection with the attack, many of them under the age of 18. Rome prefect Giuseppe Pecoraro said on March 16 that "it has been ascertained [that the episode] was not racially aggravated, but [rather] a phenomenon of bullying."[156] The Rome juvenile court prosecutor has charged three teenagers with crimes, including assault, with a racial aggravation.[157] At the time of

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[152] Human Rights Watch interview with Abdul Latif, Rome, May 27, 2010.

[153] Fabrizio Caccia, "Banda aggredisce un cittadino Bengalese," *Il Corriere della Sera*, August 7, 2009, http://roma.corriere.it/roma/notizie/cronaca/09_agosto_7/aggressione_caccia-1601643613575.shtml (accessed August 3, 2010).

[154] Human Rights Watch telephone interview with Federica Sorge, lawyer for Abdul Latif, Rome, October 12, 2010.

[155] Human Rights Watch interview with Mahbub Miah, Rome, March 25, 2010.

[156] Claudio P ompei, "'Razzismo? Sono bulletti di periferia,'" *Il Giornale*, March 17, 2010, http://www.ilgiornale.it/roma/razzismo_sono_bulletti_periferia/17-03-2010/articoli-id=430264-page=0-comments=1 (accessed April 2, 2010). Each province of Italy has a prefect, a representative of the central state with public order and safety responsibilities.

[157] Human Rights Watch interview with Claudio De Angelis, head prosecutor, Rome Juvenile Court, October 28, 2010.

this writing, the central Rome prosecutor's office had not replied to our repeated requests for information about the investigation into alleged adult perpetrators of the attack.[158]

The Miah brothers are not strangers to racism. In 2004, Mahbub Miah was attacked late one night as he returned home from work. Three men called to him, "Hey ugly nigger, wait," and then beat him and stamped on his shoulder as he lay on the ground. They stole his wallet and watch. "I yelled for help and they fled. Someone called an ambulance. I stayed at home for 26 days. I still feel pain if I sleep on that shoulder. I filed a complaint with the Carabinieri the next day, but I don't know what happened, I never heard anything."[159] In the summer of 2009, someone slashed the tires and broke the windows of Mohamed Massoum Miah's car (Mahbub's brother and co-owner of the bar). According to Mohamed Miah, the perpetrator also scratched into the car door the Italian words "*negri merda infame*" ("niggers shit foul" The words was still visible at the time Human Rights Watch visited in March 2010.[160]

Mohamed Massoum Miah experienced the March 2010 attack as an act of racism. "Some say it wasn't racist. But this bar all smashed up, what is that? My brother and clients bleeding, what is that? The writing on my car, what is that?"[161]

Marco Beyene, March 2009, Naples

Marco Beyene, a 23-year-old Italian of Ethiopian descent, was attacked by two men in the early morning hours of March 6, 2009, in Naples. He explained what happened to Human Rights Watch:

> A friend and I had come out of a club, we were just walking around, talking and laughing, when these two guys came up. First they tried to provoke me, then they started pushing me. One took off his belt and struck me repeatedly in the face, calling me a "shitty nigger." My friend tried to intervene but he was also pushed. Then we managed to get into a rotisserie restaurant, and when we came out, the two guys were gone. It was in an area with lots of people around, no one intervened. At first that surprised me, but thinking about it objectively, it all happened so fast."[162]

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[158] Human Rights Watch requested information on this and other cases from the Rome prosecutor's office by fax on October 20, 2010. We renewed this request via fax on October 28, 2010, in emails on November 3, November 23, and December 9, 2010, as well as in phone calls on October 29, December 10 and December 15, 2010.

[159] Human Rights Watch interview with Mahbub Miah, Rome, March 25, 2010. In Italian, the three men said, "*brutto negro aspetta*."

[160] Human Rights Watch interview with Mohamed Massoum Miah, Rome, March 25, 2010.

[161] Ibid.

[162] Human Rights Watch telephone interview with Marco Beyene, Italy, July 29, 2010. In Italian, the man called Beyene "*negro di merda*."

Beyene told Human Rights Watch that he then went to the police station near his home to report the crime, but found it closed. According to Beyene, he had to take himself to the hospital for treatment–he had cuts below the eye and on his lip, and his face was swollen–and returned to the police station the following day.[163]

Beyene said the police showed him pictures that same day, but he did not recognize anyone. The case was subsequently transferred to DIGOS, and an officer called Beyene back in to look at pictures a few days later, and then again a few weeks after that to take part in a station identification lineup. Yet neither he nor his friend could positively identify the man.

Beyene is unaware of any developments in the case since then. He emphasized that in his view, "the police were worried, because this was the first time something like this had happened in Naples, and committed to finding those responsible. I saw that they were working at it."[164] An assistant to the chief prosecutor in Naples informed Human Rights Watch that prosecutors were unable to provide us with information about the status of the case because "investigations were ongoing."[165]

Beyene expressed his fears about growing racism in Italy:

> I'm black and I'm Italian, but there is racism in Italy, due in part to government policies: he law criminalizing immigrants, the push-backs of refugees, declarations that Italy isn't a multicultural country, all of this can legitimize certain actions. The government is preying on people's fears at a time of economic crisis. The climate in Italy is changing, and I think it's really worrisome. [166]

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[163] Ibid.

[164] Ibid.

[165] Human Rights Watch telephone interview with Mrs. Palma, office of the Naples Prosecutor Giandomenico Lepore, Naples, December 15, 2010. Human Rights Watch requested information about this case in emails dated November 4, November 23 and December 9, 2010.

[166] Human Rights Watch telephone interview with Marco Beyene, Italy, July 29, 2010.

V. Violence against Roma and Sinti

An estimated 150,000 Roma and Sinti live in Italy, roughly half of whom are Italian citizens, and a quarter of whom are from EU countries, in particular Romania. Although many Romanians living in Italy are not Roma, the two categories are often conflated in the media and public perception. Many Roma immigrated to Italy from the former Yugoslavia, with a significant influx during the 1990s. The term Sinti refers to a particular ethnic group considered to be part of the diverse European Roma population. Throughout this section we refer to the general category of Roma; this should be read as including all Sinti as well.

Roma are unquestionably the most marginalized and vilified minority group in Italy. The majority live in extreme poverty, many in deplorable conditions in authorized and unauthorized settlements.[167] Extreme prejudice against the Roma is widespread among the rest of the population, and anti-Roma and anti-Sinti sentiments are common currency in political discourse, the media, in everyday conversations, and even court judgments (see discussion below of the case of Angelica V. in Ponticelli, Naples). Casual use of the term "zingaro" (gypsy) in a pejorative manner, is common, and not infrequently accompanied by expletives.[168] Discrimination against Roma is not a new phenomenon. However, public policies and political platforms have over the past several years increasingly targeted Roma as a threat to public order and security.

Many observers note that discrimination against Roma has significantly worsened since the October 2007 murder of Giovanna Reggiani by a Romanian man in Rome and the alleged kidnapping attempt of a baby by a teenaged Roma girl from Romania in May 2008 in Ponticelli, outside Naples (discussed in detail below). According to Graziano Halilovic, the founder of a new association called Roma Onlus,

> There has been a grand campaign against the monsters, and in this case the monsters are us, Roma and Sinti. This means everyone feels like they

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[167] See Fundamental Rights Agency, Incident Report: Violent attacks against Roma in the Ponticelli District of Naples, Italy, 2008, http://www.fra.europa.edu/fraWebsite/attachments/Incid-Report-Italy-08_en.pdf (accessed March 2, 2010); Office for Democratic Institutions and Human Rights, OSCE, Assessment of the Human Rights Situation of Roma and Sinti in Italy, Report of a fact-finding mission to Milan, Naples, and Rome on 20-26 July 2008, March 2009, http://www.osce.org/documents/odihr/2009/03/36620_en.pdf (accessed March 2, 2010); European Commission against Racism and Intolerance, Second Report on Italy, April 2002, and Third Report on Italy, May 2006, http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Italy/Italy_CBC_en.asp (accessed March 5, 2010); Council of Europe, Report by Thomas Hammarberg the Commissioner for Human Rights of the Council of Europe following his visit to Italy on 13-15 January 2009, April 2009, https://wcd.coe.int/ViewDoc.jsp?id=1428427&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679 (accessed March 5, 2010).

[168] The term *zingaro* has been reclaimed by some Roma and Sinti, but its use by non-Roma and non-Sinti people can be perceived as offensive.

> have a duty to mistreat us, they feel justified. This creates tremendous psychological terror for Roma. Beyond what actually happens, there's always the fear of what might happen.... There are slaps, mistreatment of women who ask for money in the streets. People say, "I wake up, I have to go about and I ask myself, what is going to happen to me today?" And then maybe they turn to someone for help and find the doors closed. There's no Roma pride here. Dirty, bad, ugly, incapable—many Roma think that of themselves, because that's the message they've received for years.[169]

All of the Roma interviewed in the course of our research said they routinely suffered verbal abuse, harassment, and humiliation at the hands of private citizens as well as law enforcement personnel, during forced evictions, camp raids, on the street, and at the time of an arrest. Venetù Halilovic, a Roma living in the Ciampino camp outside Rome, explained,

> If a policeman stops you and sees that you're Roma, he insults you. Mean stuff, calling you a thief. The police stop Roma kids on the street, and pretty soon the slaps are flying. Not all Roma are saints but there are many peaceable Roma, you know. The police should be the first to protect the most vulnerable, instead they do everything to humiliate us, and they have all the power. There's a lot of mistreatment when they do identification operations in the camps. They tear everything down, but that's home for a Roma, even if it is a shack.[170]

Our interviews, including with individuals who reported physical abuse, confirmed the view of NGOs representing or working with Roma that Roma are extremely reluctant to report discrimination or abuse of any type. There are various reasons for this, but the primary one is lack of trust in public institutions, accentuated in the case of Roma without a legal right to remain in Italy. "These are very fragile individuals, vulnerable to blackmail, they don't denounce. Many don't have papers and they're scared. And none of us wants to make them report [abuse or discrimination] because we're not able to protect them," said Dijana Pavlovic, vice-president of Federazione Rom e Sinti Insieme, a federation of Roma and Sinti associations. "The sense of terror is so instilled that they don't trust anyone."[171] Carlo Berini, the director of Sucar Drom, a Roma and Sinti rights organization, agreed, saying there is "a lot of mistrust in the community ... and people are afraid of suffering retaliation."[172]

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[169] Human Rights Watch interview with Graziano Halilovic, director, Roma Onlus, Rome, March 12, 2010.

[170] Human Rights Watch interview with Venetù Halilovic, Rome, March 26, 2010.

[171] Human Rights Watch interview with Dijana Pavlovic, vice-president, FederAzione Rom e Sinti Insieme, Milan, March 16, 2010.

[172] Human Rights Watch telephone interview with Carlo Berini, director, Sucardrom, July 30, 2010.

Much of the violence against Roma occurs in or around the camps in which they live. In May 2010, police and Carabinieri in riot gear prevented residents of a temporarily authorized camp in via Triboniano, in Milan, from marching on City Hall to protest the lack of progress in negotiations for alternative housing once the camp is dismantled. The residents believed, mistakenly, that the march had been authorized. Rioting ensued, with law enforcement officers firing tear gas into the camp and closing all exits for several hours.[173] Florea Vataflu, a 58-year-old Romanian Roma, told Human Rights Watch he was surrounded and beaten by Carabinieri agents for no reason.

> I had stayed here, I didn't want to go. The Carabinieri came into the camp with an armored car and started shooting tear gas, low.... I went outside to the electrical box to fix it and the Carabinieri got me, they hit me on the head, they surrounded me, I don't know how many, they lifted up my arms and hit me on the arms, the back. They broke my hand.[174]

Vataflu was taken first to a Carabinieri station for six hours, he said, and only then taken to the hospital. He was diagnosed with a head concussion and a broken right hand, and certified as someone with a 35-day disability (the estimated time for proper healing). The Carabinieri have accused Vataflu of violently resisting the blockade and attacking an agent with a piece of a broken chair.[175] He denies all of these claims: "What strength did I have to hit someone with a broken hand?"[176] The Judge for Preliminary Investigations confirmed the charges, dismissing the argument that Vataflu was too old and frail to attack law enforcement personnel, with the reasoning that Vataflu acted out of a "lack of awareness of his less than optimal physical strength."[177]

Angela, also a Romanian Roma, is the mother of a six-year-old girl lightly injured that day. She and other women and children were at the head of the crowd outside the camp, she said,

> I was up front with her, but not to use her as a shield, like they said. What, am I crazy? Do I want my child to get beaten? … We had bottles of water, but for drinking, not to hit the police, like they said. We wanted to break [the line of police] and go, and they started hitting with their

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[173] Human Rights Watch interviews conducted at Triboniano camp, July 23, 2010; "Triboniano, sassaiola e auto in fiamme," *Il Corriere della Sera*, May 20, 2010, http://milano.corriere.it/milano/notizie/cronaca/10_maggio_20/triboniano-scontro-rom-polizia-1703055322037.shtml (accessed October 11, 2010).

[174] Human Rights Watch interview with Florea Vataflu, Milan, July 23, 2010.

[175] Ordinance of Judge for Preliminary Investigations, Roberta Nunnari, May 23, 2010. Human Rights Watch read this document, in the possession of Florea Vataflu.

[176] Human Rights Watch interview with Florea Vataflu, Milan, July 23, 2010.

[177] Ordinance of Judge for Preliminary Investigations, Roberta Nunnari, May 23, 2010. Human Rights Watch read this document, in the possession of Florea Vataflu.

> batons, they didn't care that we were women and children. They hit my daughter on the left shoulder…I don't know exactly who hit her. Am I supposed to go file a complaint against the Carabinieri? I'm not interested. A lot of people were hit, and no one has filed a complaint. I'm a foreigner here, and I don't have any money.[178]

According to official figures, 25 law enforcement agents were injured. Milan deputy mayor Riccardo De Corato said that the "riot, organized by some one hundred Roma … who threw rocks at law enforcement personnel … demonstrates that the residents are still far from [having] a real will to integrate."[179] The Triboniano camp, home to approximately 600 people, is scheduled for demolition by March 2011 to make way for a road that figures in the city's plans in preparation for the 2015 World's Fair. In September 2010, authorities backtracked on a well-advanced plan to accommodate 25 particularly needy families in public housing after vociferous protests from Northern League and People of Liberty (Prime Minister Berlusconi's party) members of the Milan City Council.[180] Ten of these families won their civil lawsuit against the city government in December 2010 and should be resettled in public housing. In his ruling, the civil judge suggested that the city government's failure to abide by the commitments it had undertaken was "correlated to the mere fact of the beneficiaries' membership in the Roma ethnic group."[181] At the time of writing, it is unclear what will happen to the rest of the camp's residents.

Roma are also vulnerable to violence on the streets, particularly when they are asking for money or perceived to be asking for money.[182]

On June 11, 2010, a young man allegedly used a bat to attack Jorgovanka Nobilini, who was eight months pregnant, and her sister and her cousin in a street market in Turin.[183]

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[178] Human Rights Watch interview with Angela (pseudonym), Milan, July 23, 2010.

[179] "Triboniano sassaiola e auto in fiamme," *Il Corriere della Sera*, May 20, 2010, http://milano.corriere.it/milano/notizie/cronaca/10_maggio_20/triboniano-scontro-rom-polizia-1703055322037.shtml (accessed October 11, 2010).

[180] The provision in Milan's "Nomad Plan" to assign public housing to 25 families from the Triboniano camp, most recently debated and approved in a City Council session in August 2010, became a political issue in September, in advance of local elections in spring 2011. Interior Minister Roberto Maroni, called in to pronounce on the issue, said on September 27 that no public housing would be allocated to Roma because "you don't solve problems by creating others." "Maroni niente case popolari ai Rom," *Il Corriere della Sera*, September 27, 2010, http://milano.corriere.it/milano/notizie/cronaca/10_settembre_27/maroni-niente-case-aler-rom-romeni-triboniano-1703840306886.shmtl?fr=correlati (accessed October 11, 2010).

[181] "Case ai rom, il giudice alla Moratti e a Maroni: 'Rispettate gli accordi,'" *Il Corriere della Sera*, December 20, 2010, http://milano.corriere.it/milano/notizie/cronaca/10_dicembre_20/case-ai-rom-giudice-181112460583.shmtl (accessed February 9, 2011).

[182] Human Rights Watch interview with Dijana Pavlovic, vice-president, Federazione Rom e Sinti Insieme, Milan, March 16, 2010; Human Rights Watch interview with Graziano Halilovic, director, Roma Onlus, Rome, March 12, 2010.

[183] Through an intermediary, Nobilini declined to speak with Human Rights Watch, but gave no indication that she objected to her case's inclusion in the report.

They had been asking for money, including by ringing apartment building buzzers.[184] The police quickly arrested a 22-year-old man who was already known to them as a football hooligan.[185] He acknowledged the assault, saying the three women were trying to enter his building to steal, but denied using a baseball bat, though one was found in his apartment.[186] He was detained for several days and then placed under house arrest for approximately one month during the initial investigation, before being released pending conclusion of the prosecutor's investigations.

Nobilini went to the hospital later that day with stomach pain and concern that she could not feel the baby moving.[187] The fetus was pronounced dead and removed by Caesarian section. The autopsy determined that the fetus had died some time prior to the attack.[188] The prosecutor in charge of the case told Human Rights Watch this fact not only changed the nature of the charges against the aggressor, but also "weakened the credibility" of the victim, as she had originally linked the loss of her baby to her injury in the attack. "There are doubts about whether she was hit in the belly. She says she was, but it was impossible to verify after she had the Caesarian. It's less dramatic than it seemed in the beginning. What is clear is that there was an assault on three gypsies who were buzzing up, maybe trying to open doors," the prosecutor said.[189] It was unclear why Nobilini's belief that the assault had endangered the fetus, surely reasonable under the circumstances, would undermine her credibility.

In mid-October, the prosecutor had not decided whether to charge the man with the aggravating circumstance of racial motivation. "It's one thing if I attack someone because they belong to a different ethnicity, it's another if I hit someone trying to rob my house," he argued.[190] This approach would seem to ignore the possibility that anti-Roma prejudice fed into the aggressor's assumptions about the women's intentions and fueled his violent response.

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[184] Marco Bardesono, "Rom incinta presa a calci da ultra," *Il Corriere della Sera*, June 14, 2010, http://www.corriere.it/cronache/10_giugno_14/rom-incinta-ultra_261fcb6a-7777-11df-9d1c-00144f02aabe.shtml (accessed July 15, 2010).

[185] Ibid.

[186] Ibid.; "Nomade picchiata da un ultrà con una mazza, perde il bambino," *La Repubblica*, June 13, 2010, http://www.repubblica.it/cronaca/2010/06/13/news/nomade_picchiata_da_un_ultr_con_una_mazza_perde_bambino-4812641/ (accessed July 15, 2010).

[187] Ibid.; Niccolò Zancan, "Arrestato l'aggressore della rom," *La Stampa*, June 13, 2010, http://www3.lastampa.it/torino/sezioni/cronaca/articolo/lstp/243372/ (accessed July 15, 2010).

[188] Human Rights Watch telephone interview with Giancarlo Avenati Bassi, public prosecutor, Turin, October 15, 2010.

[189] Ibid.

[190] Ibid.

Violence against Roma Settlements

Efforts to remove, relocate, or prevent the establishment of Roma settlements have on occasion involved serious violence. In the north, the Northern League has been at the forefront of political and civic action against Roma camps, and in several cases, Northern League members have been charged with instigating racism and violence in connection with these campaigns. In the most notorious incident in southern Italy, the violent attacks on Roma camps in Ponticelli, Naples, following a Roma teenager's alleged kidnapping attempt of a baby, there are allegations that organized crime played a role because of economic interests in the land occupied by the largest camp attacked. In many instances, the racist dimension of the attacks has been overlooked or downplayed. Several serious incidents that occurred prior to the Ponticelli violence are also detailed below.

Ponticelli, Naples, May 2008

On May 10, 2008, an Italian woman accused a teenaged Roma girl from Romania of attempting to kidnap her six-month-old baby in Ponticelli, a district of Naples. The woman said she found the girl, Angelica V., standing on the landing outside her apartment with her baby. Angelica V. was forcibly detained by the woman's father outside the building in which the alleged kidnapping attempt took place and a threatening group of neighbors had gathered before police arrived.[191] The incident was followed by a series of violent attacks on Roma settlements in the area.

Just hours after Angelica V.'s arrest, a mob attacked and stabbed a Romanian man on the street as he returned home.[192] In the days that followed, there were numerous attacks on Roma settlements in the area, some of which had been abandoned as Roma families began to fear for their safety in the climate of rage. In the most serious incident, a group of 300 to 400 people assaulted a settlement, home to nearly 50 Roma families, with wooden and metal clubs.[193] The mob threw stones at homes, overturned cars and made aggressive threats. In other incidents, a gang of Italian boys attacked two Roma boys, and a pickup truck owned by a Roma was set on fire. The police began evacuating all Roma from the area, and by May 15 there were no Roma left in the Ponticelli area.

Two men were arrested in December 2008 on charges of plunder, arson and devastation.[194] There were also reports that five children and one adult had been arrested

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[191] "Napoli, rom tenta di rapire neonata salvata a stento dal linciaggio," *La Repubblica*, May 11, 2008, http;//www.repubblica.it/2008/05/sezioni/cronaca/rom-napoli/rom-napoli/rom-napoli.html (accessed July 30, 2010).

[192] EU Fundamental Rights Agency, Incident Report: Violent attacks against Roma in the Ponticelli district of Naples, Italy, 2008, p. 4.

[193] Ibid.

[194] "Napoli: due arresti per l'assalto al campo rom di Ponticelli dello scorso maggio," *Il Corriere della Sera*, December 1, 2008, http://www.corriere.it/cronache/08_dicembre_01/napoli_arresti_campo_rom_c37c1a7e-bf92-11dd-a787-00144f02aabc.shtml (accessed July 30, 2010).

in May and charged with arson and theft from a camp.[195] Human Rights Watch was unable to verify the status of the case against these individuals, or ascertain whether there were any other arrests and prosecutions in relation to the events in Ponticelli in May 2008, despite repeated requests for information from the Naples Prosecutor's Office.[196] The office of head prosecutor Giandomenico Lepore informed us by telephone that no information could be provided because "investigations are ongoing."[197]

In January 2009, the Naples Juvenile Court convicted Angelica V., who was 16 at the time, of attempted kidnapping on the basis of the baby's mother's statements, without any corroborating evidence, and sentenced her to three years and eight months' imprisonment.[198] Angelica V., who denies any intention to kidnap the baby, has been in prison since May 2008. Her petitions for conditional liberty while awaiting trial, as well as for measures alternative to prison to carry out her sentence, have been denied despite her age and lack of prior convictions.

In September 2009, the Juvenile Court justified extending Angelica V.'s detention in prison pending the outcome of the appeal before the Court of Cassation on the grounds that she is "fully inserted into the traditions typical of Roma culture … which renders concrete the danger of recidivism, in the absence of concrete processes of analysis of her life experiences." The court concluded that no adequate alternative measures to prison existed, given "the above-mentioned adherence to Roma traditions which by common experience determine in their adherents a lack of respect for rules."[199]

In a February 2010 decision that was only communicated to the parties in June 2010, the Court of Cassation found that the juvenile court had discriminated against Angelica V. on the basis of ethnicity, and annulled its decision. At the time of writing, she is in custody serving her sentence.[200]

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[195] See EU Fundamental Rights Agency, Incident Report: Violent Attacks against Roma in the Ponticelli District of Naples, 2008, p. 17.

[196] Human Rights Watch sent an official request for information on October 15, 2010, and sent follow-up emails on November 4, November 23, and December 9, 2010. We made follow-up phone calls on October 20, October 26, November 4, and December 14, 2010.

[197] Human Rights Watch telephone interview with Mrs. Palma, office of Naples prosecutor Giandomenico Lepore, Naples, December 15, 2010.

[198] Human Rights Watch telephone interview with Christian Valle, defense lawyer for Angelica V., October 8, 2010; Giuseppe Porzio, "Giallo di Ponticelli 'Una condanna ingiusta,'" *La Repubblica*, March 12, 2009, http://napoli.repubblica.it/dettaglio/giallo-di-ponticelli-una-condanna-ingiusta/1602906 (accessed July 12, 2010). She lost her appeal to the juvenile appeals court in May 2009, and the Court of Cassation rejected as inadmissible the final appeal, Dario del Porto, "Confermata la condanna per Angelica," *La Repubblica*, May 8, 2009, http://napoli.repubblica.it/dettaglio/Sequestr%C3%B2-bimba-condanna-confermata/1630262 (accessed July 12, 2010); Human Rights Watch interview with Christian Valle, October 8, 2010.

[199] Decision of the Juvenile Court, September 29, 2009. On file with Human Rights Watch.

[200] Human Rights Watch interview with Christian Valle, October 8, 2010.

Ponte Mammolo, Rome, September 2007

For two nights in a row, on September 19 and 20, 2007, a mob of some 40 men wearing ski masks attacked an improvised Roma settlement in the Ponte Mammolo area of Tiburtina, a district of Rome. According to media reports, the men were armed with Molotov cocktails, iron bars, bats, and chains.[201] On the second night, a Carabinieri unit managed to arrest one of the men, Fabrizio L., while the rest escaped. He was tried and convicted under an expedited procedure (*per direttissima*) on September 21, 2007, for unlawful possession of a knife, resisting arrest, and violence against a police officer, and sentenced to eight months' house arrest. [202] He was not accused of instigating or committing racial violence, and the prosecutor did not request the penalty enhancement provided for in Italian law for racially motivated crimes.[203]

The president of the Ponte Mammolo municipal district blamed the attacks on "people's lack of security" and a representative of the Carabinieri told a journalist that racism had nothing to do with it: "They would have done the same thing to a settlement of Swedes."[204] To date, only Fabrizio L. has been arrested and prosecuted for the attacks.[205] The Rome Prosecutor's Office did not respond to our repeated requests for information about this case.[206]

Opera, December 2006

On the evening of December 21, 2006, a group of residents in Opera, a town on the outskirts of Milan, carried out a violent protest against a Roma camp. The attack came after weeks of protests, led by then-town council member (and current Mayor) Ettore Fusco (Northern League) against the camp.[207] The mob set fire to a number of tents and overturned others. No one was hurt in the attack. Nine people, including Fusco, were eventually prosecuted for instigating the commission of a crime. Fusco had urged the crowd to occupy the tent camp at a town hall meeting just before the attack. Only one person was eventually convicted, in July 2009, for public incitement. All others were acquitted, including Fusco. The public prosecutor in charge of the preliminary phase did

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[201] Federica Angeli, "Roma, cittadini-giustizieri assaltano il campo rom," *La Repubblica*, September 21, 2007, http://roma.repubblica.it/dettaglio/Roma-cittadini-giustizieri-assaltono-il-campo-rom/1370805 (accessed June 29, 2010).

[202] Under this procedure, used when individuals are arrested in flagrante or confess, preliminary stages of the trial phase are omitted and the trial and sentencing takes place very quickly.

[203] Ibid.; Massimo Lugli, "La guerra di Ponte Mammolo," *La Repubblica*, September 22, 2007, http://roma.repubblica.it/dettaglio/articolo/1371348 (accessed June 29, 2010).

[204] Cinzia Gubbino, "Roma, assalto al campo Rom," September 21, 2007, *Il Manifesto*. On file with Human Rights Watch.

[205] Federica Angeli, "Roma, cittadini-giustizieri assaltano il campo rom;" Massimo Lugli, "La guerra di Ponte Mammolo."

[206] Human Rights Watch requested information on this and other cases from the Rome prosecutor's office by fax on October 20, 2010. We renewed this request via fax on October 28, 2010, in emails on November 3, November 23, and December 9, 2010, as well as in phone calls on October 29, December 10 and December 15, 2010.

[207] Fusco was elected mayor of Opera in April 2008.

not argue that the attack was racially motivated. When asked by Human Rights Watch whether she had considered doing so, she said that the aggravating circumstance didn't exist at the time (in fact it was established by law in 1993).[208]

Law Enforcement Abuse

Agents of the state often harass and abuse Roma, including physically, in the context of forced evictions of unauthorized or improvised settlements, or raids. In other cases, abuse occurs when Roma find themselves in the company or custody of law enforcement officials for whatever reason, including administrative procedures.

Tor Bella Monaca, Rome, April 2010

Camelia is a Romanian Roma woman with five children, the youngest of whom is six months old. Camelia described what happened when the municipal police came to evict the family in mid-April 2010 from an improvised settlement in Tor Bella Monaca, a district of Rome:

> They used such bad words, saying we come here just to break their balls, telling us to go away. We asked, "Where should we go?" But they said, "We don't give a shit, go back to your country." They came in the morning, and they didn't leave us alone until evening, following us around all day. When we tried to feed the children in a nearby field … the police said, "Fuck you, get out of here." You can't treat people like that, we're not animals. They respect dogs and cats more than us. My daughter Rebecca was three months old then, but they didn't care about her, they didn't wonder where I would go with my children. Two of the officers were more worried about some newborn kittens we had than about my children. They took pictures of the kittens.[209]

A request by Human Rights Watch for a meeting with the chief of the Rome Municipal Police Force was denied, and requests for a meeting with the chief of the Municipal Police in the VIII (or "Eighth") district of Rome, encompassing Tor Bella Monaca, were unsuccessful.[210]

The Rome city government had arranged for Camelia and her family members (a total of five adults and nine children) to be relocated to a temporary shelter, coincidentally, on the day that Human Rights Watch interviewed the family. A delegate from the Rome

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[208] Human Rights Watch interview with Milan public prosecutor, Milan, July 23, 2010.

[209] Human Rights Watch interview, Camelia (last name omitted upon request), Tor Bella Monaca, May 26, 2010.

[210] Human Rights watch sent a fax to the office of the Commander of the Rome municipal police on July 13, 2010 and made three follow-up phone calls. We were told a meeting would not be possible. Human Rights Watch attempted two times to reach the chief of the municipal police in the VIII district of Rome by phone in July 2010 and was unable to speak with him and did not receive a response to our verbal request for a meeting.

Mayor's office was on site to oversee the operation. Shortly before a Human Rights Watch researcher arrived at the settlement, a bus from the Bronzetti company, hired by the Rome city government, had appeared to pick the family up. According to witnesses, the driver took one look at the settlement, made a phone call, turned his bus around, opened the door, and said, "No one told me who I'd have to transport. I'm leaving." [211] And he drove away.

Another bus from a different company arrived while Human Rights Watch was present and the family members boarded the bus with their belongings. In the meantime, a representative of the municipal government of Tor Bella Monaca had arrived to convince the delegate from the central Rome city authority to also remove another group of Roma from the same area. Increasingly frustrated by the refusal of the delegate to do so, the Tor Bella Monaca representative said: "Basta with this fucking do-goodyness. The Nomad Plan has to be respected. Legality for everyone. If I steal something, I have to pay."[212]

Bussolengo, September 2008

On September 5, 2008, three Italian Roma families parked their mobile homes in a municipal parking lot in Bussolengo, in the province of Verona (Veneto). Shortly thereafter, a Carabinieri patrol appeared on the scene. Just then, another Roma family arrived and became involved in the ensuing altercation. The abuse that followed, according to the victims, was shocking. Giorgio Campos, Michele Campos, Paolo Campos, Cristian Hudorovich, and Anna Gerogeowistch filed official complaints on September 6, 2008.

According to their police complaints, published online by Sucar Drom, a Roma and Sinti advocacy organization that followed the case closely, the two Carabinieri quickly became aggressive after the families asked to remain until they had finished eating.[213] Family members describe being beaten, punched, kicked, and insulted. Cristian Hudorovich, who is 37 years old, said one of the officers grabbed his phone while he was trying to call the police to report the violence, smashed it on the ground, and punched him in the face. Fifteen-year-old Michele Campos said in his police complaint that Carabinieri officers at the Bussolengo barracks beat him with a baton. Both he and his 17-year-old brother Giorgio Campos said in their complaints that they were held in an underground cell, where their heads were repeatedly dunked in freezing water. The third brother, 20-year-old Paolo Campos, gave a detailed description in his complaint of a beating from two officers he

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[211] Human Rights Watch interviews, Tor Bella Monaca, May 26, 2010.

[212] Human Rights Watch witnessed this exchange.

[213] Sucar Drom has the complaints on file in their offices in Mantova.

claims kicked and punched him at the barracks. One of them, according to the complaint, threatened Paolo against talking about what had happened upon his release.[214]

The report from the Carabinieri, also published online and on file at Sucar Drom, claimed the Campos attacked them, saying Angelo Campos became aggressive immediately and refused to show them his identity papers. The report stated that Carabinieri officers invited Angelo Campos to get in the patrol car because:

> the patrol unit could not submit to the man's villainy any more.... The man was taken to the care and made to get in. While this operation was taking place, Angelo Campos's wife and his underage children, with the assistance of Rossetto Denis, taking advantage of the fact that the soldiers had their backs turned ... began to strike them with kicks, punches, and pushes. Because they were taken by surprise at first, the soldiers let the man go and tried to stop the vile aggressors. While Campos Sonia, Campos Giorgio (minor), Campos Michele (minor), and Rossetto Denis hit the soldiers, ripping their uniforms, Campos Angelo got out of the car and joined the aggressors.[215]

The Carabinieri report also accused Sonia Campos of trying to steal Maresciallo's gun.

Angelo Campos, his wife Sonia Campos, and Dennis Rossetto were accused of "resisting public authority." The two men spent a little over a month in prison awaiting trial, under an expedited procedure (*per direttissima*) that would normally allow the case to go to trial very quickly, while Sonia Campos was tried and convicted on September 23, 2010. She was sentenced to six months in prison and released immediately on parole. All three were represented by lawyers. According to Carlo Berini, the director of Sucar Drom, the two men were held in detention in order to pressure the family to withdraw their official complaints against the Carabinieri officers. Upon recommendation from the public prosecutor, the family's lawyer convinced them to withdraw the complaints and agree to a plea bargain; on October 10, 2008, Angelo Campos and Denis Rossetto were convicted and released on parole. [216] The head of the

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[214] Taken from the official police complaints of Christian Hudurovich, available at http://sucardrom.blogspot.com/2008/09/bussolengo-vr-la-versione-di-hudurovich.html; Michele Campos, available at http://sucardrom.blogspot.com/2008/09/bussolengo-vr-la-versione-di-michele.html; Giorgio Campos, available at http://sucardrom.blogspot.com/2008/09/ bussolengo-vr-la-versione-di-giorgio.html; and Paolo Campos, available at http://sucardrom.blogspot.com/2008/09/ bussolengo-vr-la-versione-di-paolo.html (all accessed July 10, 2010).

[215] Extracts from Carabinieri report as published by Sucar Drom, http://sucardrom.blogspot.com/2008/09/bussolengo-vr-la-versione-dei.html (accessed July 10, 2010).

[216] Human Rights Watch telephone interview with Carlo Berini, Sucar Drom, July 30, 2010.

Verona Prosecutor's Office told Human Rights Watch that the office did not investigate the incident because the complaints were withdrawn.[217]

Notwithstanding the withdrawal of the complaints, the failure of the competent authorities to fully investigate the allegations against the Carabinieri is alarming, given their seriousness. Sucar Drom issued a press release the day Campos and Rossetto were convicted stating, "Roma families have confirmation that it isn't worth reporting the abuses suffered because their rights won't be respected. We can already imagine what they'll tell us tomorrow: 'See, where do you live? On the moon? In the name of defending "your" rights we ended up in prison….'"[218]

Gheorghe, summer 2008, Milan

Gheorghe, a 26-year-old Roma man from Romania, described abuse at the hands of police officers in summer 2008 when they arrested him and another Roma man, 20-year-old Alin, whose case is discussed below.[219] He describes what happened after the police arrived at the Roma settlement in via Rubattino, Milan, where Gheorghe was living.

> I was sleeping and friends came to tell me the police were there. I got up. They told me to go with them in the car... I didn't want to go, I never hurt anyone. They hit me in the head and put me in the car. As soon as we got to the station, they hit on the back of the head with a pistol, and then one of them kicked me in the leg with his big boot. He kicked me in the rear end and then he grabbed my earring with that thing you use to remove nails, I can't remember what it's called….That day they grabbed another boy, and they hit him too. Both of us were crying.[220]

Gheorghe was charged with stealing strips of copper and sentenced to six months in prison. Alin, under 18 years of age at the time, was tried separately in juvenile court. Gheorghe said he told the judge at his trial about the abuse; the police said he had resisted arrest and attacked them with a knife. According to Gheorghe, the judge did not investigate the matter further, and Gheorghe never filed an official complaint.[221]

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[217] Fax from Mario Giulio Schinaia, head prosecutor, Verona, received November 4, 2010. On file with Human Rights Watch.

[218] "Bussolengo (VR), una battaglia persa, Sucar Drom statement, October 10, 2008, http://sucardrom.blogspot.com/2008/10/bussolengo-vr-una-battaglia-persa.html (accessed July 10, 2010).

[219] Human Rights Watch interview with Gheorghe (last name omitted upon request), Milan, March 16, 2010.

[220] Ibid.

[221] Ibid.

Alin, summer 2008, Milan

Alin, now 20 years old, is the other boy who was arrested that day.[222] We spoke with him separately from Gheorghe, weeks later. Alin now lives on his own in Turin, after a year in youth detention and a period of time in a supervised group home. He has a regular job and is pursuing his secondary school education.

Alin told Human Rights Watch that he thinks the police arrested him because he, like others, tried to run away, but he was not successful. He ran, he said, because he had been arrested the year before on charges of aggravated theft—he admitted to having committed the crime with two of his friends—but had escaped the supervised group home where he had been placed because he was under 18 years of age at the time.

> I saw everyone run, and I was afraid, so I ran too. But they caught me and began to hit me, one of them hit me with his pistol. They put me in the car and Gheorghe was there. They took us to the station and put us in a room. After 10 or 15 minutes, they came back and started to be mean. They didn't ask any questions, they just insulted us. I don't remember exactly what they said, but it was insults. I didn't say anything. Then one of them tried to rip out Gheorghe's earring with a tool. Gheorghe began to cry. He was my friend, so I said I would take it out for him. One of the police officers pushed me back on the bench and kicked me in the legs with those big boots they wear, it really hurt, *mamma mia*. I don't know why they wanted to take out the earring. Gheorghe couldn't manage, in the end I helped him do it.
>
> After a few hours, they came back and took Gheorghe away....They told me I had to sign something. I didn't speak Italian very well then, but I could read it a little bit and I didn't want to sign. So they hit me in the head with a bunch of keys, those big ones for gates, and then more kicks in the ankles. Until I signed.[223]

On December 18, Alin was tried in a Milan youth court for theft of copper. He never met his court-appointed lawyer before the hearing. He told Human Rights Watch that he was unsuccessful in his efforts during the trial to broach the topic of the abuse he had suffered at the hands of the arresting police officers. Alin was convicted and sentenced to six months and 14 days in prison.

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[222] Last name omitted.

[223] Human Rights Watch interview with Alin, Milan, July 31, 2010.

Alin was eager to tell Human Rights Watch about what had happened.

> I knew I would take this up again one day because they shouldn't do that, look only at the outside of a person. You have to look inside. Those who make mistakes should pay, but then learn…When I think about them [the policemen], I don't want anyone else to go through what I did. I'd just like to go back in a setting with the same policemen, the prosecutor, and the judge, to show them that you have to go all the way to find the truth in things…It is a matter of racism. We all have rights. Prejudice against Roma, Romanians, that's what brings this about. That's the way things are in Italy.[224]

[224] Ibid.

VI. State Response

> *Everyone minimizes the extent of racism.... Often the defendant gets attenuating circumstances instead of the aggravating circumstance of racism. We need to work to ensure judges perceive racial aggravation as a threat to our democracy and our society.*[225]
> — Jean-Léonard Touadi, Italian parliamentarian

Immediately after the Italian government's review at the UN Human Rights Council, in May 2010, the government accepted a series of recommendations for combating hate violence. Among other things, the government committed itself to strengthen the mandate of the National Office against Racial Discrimination, establish a national human rights institute, and "initiate further concrete measures to stimulate tolerance and prevent discrimination and xenophobia."[226]

Yet the Italian authorities continue to minimize the problem and portray migrants and minorities as perpetrators of crime rather than victims of it. This situation has been made worse by the detailed data. As cases above illustrate, the state has failed in many cases to bring to justice those responsible for attacks, and to prosecute crimes against minorities as hate crimes, and to effectively investigate allegations of police abuse.

Downplaying the Problem

There is a striking dissonance between the perception of government representatives of the extent of racism and racist violence in Italy, and that of members of vulnerable groups, along with nongovernmental organizations and international observers. Public authorities tend to minimize the extent of racist violence, calling it episodic and rare. Interior Minister Roberto Maroni said in 2008 "Italy is not today a racist country … some episodes of violence that have occurred recently remain completely marginal and are rejected by society."[227] In the wake of the violence in Rosarno, Maroni repeated that "Italy is not a racist country," explaining that "there are episodes, but the concept of racism is

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[225] Human Rights Watch interview, Jean-Léonard Touadi, May 28, 2010.

[226] Report of the Working Group on the Universal Periodic Review of Italy, A/HRC/14/4, March 18, 2010, and its Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies by the State under review, A/HRC/14/4/Add.1, May 31, 2010, both available at http://www.upr-info.org/-Italy-.html (accessed July 27, 2010). Italy is one of the few European countries without a national human rights institute. The government submitted draft legislation to create such an institute to the current legislature but it has yet to be examined by parliament.

[227] Interior Minister Roberto Maroni speech in the House of Deputies, October 9, 2008, video available at http://www1.interno.it/mininterno/export/sites/default/it/sezioni/ministero/ministro/gallery_ministro/2008/0885_2008_10_09_maroni_informativa_alla_camera/index.html_610500247.hmtl (accessed February 2, 2011).

often used for political ends, to attach labels."[228] In the course of research for this report, several interlocutors, including the director of the National Police Training Institute and the head of a major police officer union, stressed that Italians were not "by nature" racist, and that racist and xenophobic violence is not a statistically significant problem.

The hate-motivated dimension of events such as the targeted attacks on sub-Saharan African seasonal migrants in Rosarno, the targeting of immigrants for extortion and beatings, and the attacks on Roma settlements, is often minimized or excluded. A representative of the local government of Tor Bella Monaca, the scene of numerous attacks on migrants over the past several years, told Human Rights Watch that these incidents "are not about racism, but rather a problem of cohabitation, of numbers."[229] He argued that the root of the problem is the neighborhood's population density and its high proportion of foreigners, saying that one-third of all foreigners in the municipality of Rome live in Tor Bella Monaca. "Today it's not about racism; if anything, it's about fear. And it makes sense. Romanians who drink huge quantities from morning to night, or gather in large groups—that's scary for the elderly woman who finds herself face to face with them."[230]

Anti-Migrant and Roma Rhetoric

Government officials and politicians from parties in the ruling coalition have engaged in xenophobic and anti-Roma discourse that dehumanizes members of these groups or suggests that being a migrant or a Roma is synonymous with being a criminal.

Boasting of his government's efforts to fight irregular immigration, Prime Minister Berlusconi said in January 2010 that "a reduction in [the number of] foreigners in Italy means fewer people to swell the ranks of criminals."[231] At a conference on integration in May 2010, Milan mayor Letizia Moratti, from the People of Liberty party, stated that "illegal immigrants who don't have regular work usually commit crimes."[232]

In an official English-language response to the Council of Europe European Commission against Racism and Intolerance in 2006, the Berlusconi government argued that the "condition of illegality" of irregular immigrants in Italy "is often accompanied by an economic precarious situation, affective deprivation, social exclusion which, together

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[228] "Status di protezione internazionale per alcuni immigrati di Rosarno," Stranieriinitalia.it, January 18, 2010, http://www.stranieriinitalia.it/attualita-maroni_l_italia_non_e_un_paese_razzista_10046.html (accessed February 2, 2011).

[229] Human Rights Watch interview with Federico Ceccarelli, spokesperson to the Municipal President and Advisor on General Affairs, Tor Bella Monaca, May 28, 2010.

[230] Ibid.

[231] "Berlusconi accende lo scontro sugli immigrati," *RaiNews24*, January 28, 2010, http://www.rainews24.it/it/news.php?newsid=137351 (accessed July 27, 2010).

[232] "La Moratti in Cattolica: 'Un clandestino di norma delinque.' È polemica," *Il Corriere della Sera*, May 10, 2010, http://milano.corriere.it/milano/notizie/cronaca/10_maggio_10/moratti-clandestini-delinquenza-reato-1602991010966.shtml (accessed May 12, 2010).

with a widespread condition of inexistent schooling, leads to deviant behaviours; *the illegal immigrant* is therefore easily involved in criminal activities organized in low-cost unskilled labour."[233]

Elected officials from the Northern League party in Italy's coalition government can lay claim to some of the most egregious comments. Party founder and leader Umberto Bossi (who is also minister for reforms in the Berlusconi government) appeared to condone violence against Roma settlements in Ponticelli in May 2008 when he said, "If the state doesn't do its duty, the people will. After a while people get sick and tired."[234] Northern League Senator Roberto Calderoli said in a television interview in 2008 that "it is clear that there are some ethnic groups that have a propensity to work and others to commit crimes. This is not due to DNA, rather it is a predisposition."[235]

In a hearing at the Italian Senate in September 2008, less than a week after six Africans were gunned down in a gangland shooting in Castelvolturno, a town near Naples, Interior Minister Roberto Maroni characterized the killings as the reaffirmation of territorial control by the local Italian organized crime syndicate against foreign criminals.[236]

In the same breath, he described the town as having a large presence of primarily African immigrants, linking this to "a situation of marked degradation of the environment, with the diffusion of … drug trafficking, prostitution, and the occupation of entire buildings by illegal immigrants."[237] The criminal investigation into the episode later demonstrated that the six Africans killed that day were not involved in any criminal activities (see below for more details).

Inadequate Data Collection and Analysis

As noted in Chapter II above, the Italian government does not gather comprehensive national data on racist and xenophobic violence. Systematic collection of data on racist and xenophobic violence, and hate crimes generally, is critical to analyzing trends and ensuring an appropriate response.

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[233] Italian Remarks on the Draft Third Report of the European Commission against Racism and Intolerance (adopted on 16 December 2005), Rome March 2006, in ECRI's Third Report on Italy, Adopted on 16 December 2005, p. 48, http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_03/03_CbC-eng/ITA-CbC-III-2006-19-ENG.pdf (accessed December 29, 2010). Emphasis in original.

[234] "Sicurezza, il governo apre alle Badanti. Bossi attaca la Spagna: "voi sparate," *La Stampa*, May 18, 2008, http://www.lastampa.it/redazione/cmsSezioni/politica/200805articoli/32877girata.asp (accessed march 19, 2010).

[235] Vari D., "Quattro anni di carcere per il reato di clandestinità, Calderoli etnie criminali," *Liberazione*, June 5, 2008.

[236] Maroni testimony to the Senate, September 24, 2008, http://www.ecodicaserta.it/index.php?option=com_content&view=article&id=1329:il-ministro-maroni-in-senato-la-mappa-della-camorra-nel-casertano-da-castelvolturno-a-maddaloni&Itemid=34 (accessed October 13, 2010).

[237] Ibid.

The Interior Ministry's system for classifying hate crimes for statistical purposes uses three broad categories—racism, xenophobia and anti-Semitism—which does not allow for discerning and analyzing trends with respect to particular groups such as Roma, Africans, Muslims, migrants, or asylum-seekers.[238]

Hate crimes against LGBT people or those with disabilities are not recorded because the Mancino Law does not encompass these categories. Statistics from the Directorate General of Criminal Police for 2004-2009 show there were 27 reports of crimes in violation of Law 205 of 1993 in 2007 and 2008, and 37 such crime reports in 2009.[239] This data is not disaggregated by type of crime, and may include crimes aggravated by racial motivation as well as instigation to racist violence, propaganda of ideas based on racial superiority, and leadership or membership in associations whose objectives include incitement to racism or discrimination.[240]

Data provided by the Italian government to OSCE's Office of Democratic Institutions and Human Rights indicated that 142 hate crimes (including "incitement to hatred and insult crimes") were reported to the police in the first nine months of 2009; of these, 64 were categorized as racist crimes, 31 as xenophobic crimes, and 47 as anti-Semitic crimes.[241] At the time of writing, a Human Rights Watch request to the Directorate General of Criminal Police for disaggregated data was pending.

All police and Carabinieri crime reports are entered into a centralized computer database. The standardized form does not include a specific field for categorizing complaints according to possible racial or other hate motivation; it is at the discretion of the recording officer, who must classify the complaint according to the type of crime, to insert whether the crime may have been racially aggravated.[242]

Data provided by the Ministry of Justice on "racial discrimination" cases initiated and concluded in 2008 does not allow for detailed analysis. It is not disaggregated by specific crime. Because it is unclear from the data whether the number of pending cases includes cases that were pending from before the beginning of 2008, it is impossible to draw any

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[238] ODIHR, Hate Crimes Report of 2007, p. 31; Human Rights Watch interview with a representative of the Central Directorate of Criminal Police, Rome, October 28, 2010.

[239] Delitti commessi, vittime e persone denunciate/arrestate in Italia, Anni 2004-2009, Criminal Analysis Division, Directorate General of Criminal Police. On file with Human Rights Watch.

[240] Articles 1(A) and (B) and 2 of Law no. 205 of 1993 (Legge Mancino).

[241] ODIHR, Hate Crimes in the OSCE Region—Incidents and Responses, Annual Report for 2009, November 2010, http://www.osce.org/publications/odihr/2010/11/47692_1563_en.pdf (accessed December 9, 2010), see table on p. 25. And text on p. 46 and p. 60.

[242] Human Rights Watch interview with a representative of the Central Directorate of Criminal Police, Rome, October 28, 2010; Human Rights Watch interview with Felice Romano, secretary general of the Unified Italian Union of Police Employees (SIULP), Rome, July 28, 2010.

conclusions about the rate of attrition, i.e. the number of cases that are dismissed. The statistics also do not capture cases in which the prosecutor did not request the application of the aggravating circumstance of racial sentiment. The document does not clarify whether information was obtained from all prosecutor's offices and trial courts around the country. A representative of the Justice Ministry acknowledged that the collection and systematization of data are partial and problematic.[243]

Data from Public Prosecutor's Offices 2008[244]

Cases	Suspect(s) Identified	Suspect(s) Not Identified
New	111	43
Concluded	84	38
Transferred to GIP	1	---
Alternative procedures requested	4	---
Sent to trial	9	---
Pending	109	46

Data from Trial Courts 2008[245]

-	Acquittals	Convictions	Other Rulings[246]
First instance	1	3	---
Appeal	---	2	1
Juvenile Court	---	2	---

In July 2010 Antonio Manganelli, the national chief of police and head of the public security division of the Interior Ministry, ordered the creation of an Observatory for the Protection of Minority Victims of Discrimination (OSCAD). The office, located within the Central Directorate of Criminal Police, became operational in September 2010 with a mandate to receive directly and to compile and monitor progress on reports of bias crimes.[247] The creation of the observatory came after significant lobbying by lesbian, gay, bisexual and transgendered (LGBT) organizations following an increase in reported

[243] Human Rights Watch interview with Gabriele Iuzzolino, Deputy Director, Legislative Office, Justice Ministry, Rome, October 28, 2010.

[244] Ministry of Justice, General Directorate for Statistics, "Dati relative al fenomeno della discriminazione razziale. Anno 2008, Procedimenti penali con autore noto e Procedimenti penali con autore ignoto. Updated statistics as of May 20, 2010. On file with Human Rights Watch. The statistics in the "Suspect(s) Identified" column include both adults and children. Alternative procedures can include plea bargaining, abbreviated trial, immediate trial, and expedited trial for in flagrante charges.

[245] Ibid.

[246] The "other ruling" on appeal may indicate the case was sent back to the lower court for review or retrial.

[247] Human Rights Watch interview with a representive of the Central Directorate of Criminal Police, Rome, October 28, 2010.

assaults based on the victim's sexual orientation. According to a representative of the Central Directorate of Criminal Police, OSCAD will address all instances of bias crimes, with a particular focus on and "deeper analysis" for those based on sexual orientation.[248]

Failure to Bring to Justice those Responsible for Attacks

Several cases documented in this report have not led to arrests or prosecutions. In some instances, as in the case of Marco Beyene, assaulted in Naples in March 2009, authorities appear to have investigated diligently. In others, however, it is unclear whether law enforcement and justice officials pursued the cases vigorously. The allegations against Carabinieri for abuse of various members of a Roma family in Bussolengo in September 2008 were never investigated. To our knowledge, no significant progress has been made in identifying those responsible for the mob attack in Tor Bella Monaca on Romanians in November 2007, the mob attack on Romanians in Porta Furba in February 2009, or the attacks on the Roma camp in Ponte Mammolo in September 2007. The fact that the extreme level of violence in Rosarno in January 2010 and in Ponticelli in May 2008 has not been followed up with investigations capable of leading to prosecutions is cause for concern that serious crimes will remain unpunished.

International human rights law establishes a clear duty to provide an effective remedy to victims of violence, whether at the hands of public officials or private individuals. This duty includes the obligation to "exercise due diligence to prevent, punish, investigate, or redress the harm caused by such acts." [249] The European Court of Human Rights has on multiple occasions reiterated to governments that their obligation with respect to protecting people from harm is not only to refrain from an active infringement by state representatives of the rights in question, but also to take appropriate steps to provide protection against an interference with those rights either by state agents or private individuals.

In light of the seriousness of the incidents cited above, Human Rights Watch is concerned that Italian authorities have not demonstrated sufficient due diligence to investigate and provide appropriate redress.

Failure to Prosecute Attacks as Hate Crimes

The Mancino Law represented a significant innovation in Italian criminal law when it was first adopted in 1993, with the promise of concerted action by the criminal justice system to repress racist and other hate violence. Insufficient implementation of the law and the jurisprudence of national courts have revealed important limitations of the provision

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[248] Ibid.

[249] Human Rights Committee, General Comment 31, Nature of the General Legal Obligation on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004), para. 8.

creating the aggravating circumstance of hate motivation. Never imported into article 61 of the Criminal Code detailing all aggravating circumstances, the provision is not necessarily widely known or considered.

Lawyers and prosecutors interviewed in the course of this research confirmed that the aggravating circumstance of hate motivation is not particularly well-known by the public or broadly used by the police or prosecutors.[250] There were contrasting views on whether the fact that it is established by special law and not included in the list of general aggravating circumstances in the Italian criminal code played a role. Everyone agreed, however, that a reform to modify article 61 of the criminal code in order to import the aggravating circumstance of hate motivation would be a positive step.[251]

In addition to not being widely known, the Mancino law is also narrowly drawn. As mentioned above, article 3 of the law makes it an aggravating circumstance to commit a crime "with the *purpose* of discrimination or hatred based on ethnicity, nationality, race, or religion" [emphasis added]. This appears to rule out offenses where the perpetrator has mixed motives.

The widespread view among many legal professionals in Italy interviewed by Human Rights Watch is that violence is racially aggravated within the meaning of the Mancino Law when racial animus is the *only* determining factor in the commission of the violence, in a situation typically where the perpetrator and the victim do not know each other and have no prior interaction that might give rise to other motivations for the violence.[252]

To make matters even more confusing, the Court of Cassation has conflicting jurisprudence with respect to the interpretation of the aggravating circumstance.

In a June 2008, a section of the Court of Cassation took the view that the aggravating circumstance was applicable in the case under examination because the crime had been "*exclusively* motivated by consideration of the victim as belonging to a different race."[253]

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[250] Human Rights Watch interview with Andrea Saccucci, lawyer, president of Unione forense per la tutela dei diritti umani, Rome, March 24, 2010; Human Rights Watch interview with Mario Angelelli and Federica Sorge, lawyers, Rome, March 25, 2010; Human Rights Watch interview with Mario Notargiovanni, lawyer, Rome, March 24, 2010; Human Rights Watch interview with Andrea Mosca, public prosecutor, Rome, July 27, 2010; Human Rights Watch telephone interview with Lorenzo Trucco, lawyer and president of ASGI, Turin, October 7, 2010.

[251] In 2007, a commission set up by the Ministry of Justice to propose reforms to the criminal code recommended including hate motivations—on the grounds of race, religion, nationality, language, political opinion, gender and sexual orientation—in the list of general aggravating circumstances. Commissione Pisapia, Schema di disegno di legge recante delega legislativa al Governo della Repubblica per l'emanazione della parte generale di un nuovo codice penale, June 2007.

[252] Human Rights Watch interview with Mirko Mazzali, lawyer, Milan; Human Rights Watch telephone interview with Rosella Benedetti, lawyer, July 19, 2010. Human Rights Watch interview with Andrea Mosca, public prosecutor, Rome, July 27, 2010; Human Rights Watch telephone interview with Roberta Brera, public prosecutor, July 28, 2010.

[253] Court of Cassation, Section 5, Sentence 38217 of June 12, 2008. Emphasis added.

The case concerned a man who deliberately aimed his car at a person of color at the side of the road yelling to his friends in the car, "I'm going to crush the nigger!"[254]

This jurisprudence was cited in the conviction of two men for the murder of Abdoul Guiebre in Milan in September 2008 to support the prosecutor's decision to not request the aggravated circumstance. The prosecutor in that case explained to Human Rights Watch that she decided not to request the aggravating circumstance because,

> the reaction, certainly disproportionate, of the accused was not determined by racial hatred, but by the theft [they suffered], after the same [the accused] had worked all night.... By law, the aggravating circumstance is applicable to crimes ... [committed] "with the purpose of discrimination or ethnic, national, racial, or religious hatred..." In this case, according to what emerged from the investigation, the purpose of the attack was of a different nature."[255]

The trial judge approved this decision, arguing that the use of racial epithets during the attack "should be read in those circumstances as not different from any other insult."[256] (The judge noted the perpetrators' manifest xenophobia, calling this aversion "certainly a motive that inspired the vengeance that was not secondary" to the theft [they] had experienced.)[257]

In July 2010, however, a different section of the Court of Cassation upheld the application of the aggravating circumstance in the case of a violent robbery accompanied by racial epithets. An Italian man was sentenced to four years in prison for a hold-up of an immigrant during which he yelled, "Give me the money, dirty nigger." In this case, the Court considered that the aggravating circumstance is applicable "when linked, in common understanding, to a manifest prejudice, of the inferiority of a single race."[258]

The cases examined by Human Rights Watch suggest that the narrow approach the Court of Cassation in 2008 is the approach commonly taken by the courts in Italy.
The cases of Willy Lulua and Samba Sow demonstrate the effective application of the criminal provision when racist animus appears to be the sole motivation for an assault.

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[254] Ibid. In Italian, the man yelled "*Sciaccio il negro!*"

[255] E-mail correspondence with Roberta Brera, public prosecutor, July 28, 2010.

[256] Tribunale ordinario di Milano, Ufficio per le indagini preliminary, Dott. Nicola Clivio, Sentenza di 16 luglio 2009, proc. n. 33568/08 R.G.N.R., proc n. 7337/08 R.G. G.I.P. On file with Human Rights Watch.

[257] Ibid.

[258] Court of Cassation, Section Two, Sentence 28682 of July 21, 2010. Patrizia Maciocchi, "Condanna più dura se la rapina è a sfondo razzista," *Il Sole 24 Ore*, http://www.ilsole24ore.com/art/norme-e-tributi/2010-07-21/condanna-dura-rapina-sfondo-171253.shtml?uuid=AYZS1x9B (accessed July 29, 2010). In Italian, the man yelled *"Dammi i soldi, sporco negro!"*

But where the alleged perpetrator(s) appear to have other motives, such as in the cases of Abba, Abdul Latif, and the Rosarno violence, the racist dimension of a physical assault may be downplayed by prosecutors and judges or ignored altogether.

The ongoing trial of four alleged members of the Camorra organized crime syndicate for the killing of six African immigrants in Castelvolturno in September 2008 proves a positive exception. The Naples prosecutor's office has charged four suspects with racially aggravated homicide for the September 18, 2008 killing spree in which the six men were gunned down in a shower of automatic gunfire. A fifth man collaborated with the justice system and was sentenced separately to 12 years in prison.

Prosecutors argue that an alleged clan boss, one of the defendants in the case, ordered the killings to send a message to African competitors in the illegal drug market. Cesare Sirignano, one of the prosecutors in the case, explained the logic: "Let's go kill those blacks, even if innocent, because that way the other blacks, the bad ones, will understand. For them [the defendants] all blacks were the same.... They were supposed to kill blindly even if ... the target they were looking for wasn't there. And that's what they did."[259]

In the assessment of Human Rights Watch, the wider interpretation of the law adopted by the Court of Cassation in 2010 is the correct one. As criminologist Tore Bjorgo has argued, offenders *usually* have mixed motives:

> Although the violent acts may have elements of xenophobia or political considerations, such as opposition to current immigration policy, there are typically also distinct nonpolitical motives involved. Frequently, offenders explain that they carried out the violent act in order to show off to their friends, to prove their courage, toughness or loyalty to the group, to avenge prior provocative acts committed by their victims, or just for the thrill of it.[260]

Belgium,[261] the United Kingdom,[262] and the US state of California[263] all provide for mixed motives in their criminal laws outlawing hate offenses that provide positive examples of such an approach.

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[259] Conchita Sannino, "Setola uccise degli innocenti," *La Repubblica*, September 19, 2010, http://napoli.repubblica.it/cronaca/2010/09/19/news/setola_uccise_degli_innocenti_che_errore_non_commemorarli-7217971 (accessed October 12, 2010).

[260] Tore Bjørgo, "Violence against ethnic and religious minorities," in *International Handbook of Violence Research*, vol. 2, p. 791. Eds. Wilhelm Heitmeyer and John Kagan (Kluwer Academic Publishers: 2003).

[261] Belgian Criminal Code, article 377bis.

[262] Crime and Disorder Act of 1998, section 28; Criminal Justice Act of 2003, section 147.

[263] California Criminal Code, section 422.55.

Failure to Adequately Investigate Allegations of Police Abuse

Four cases discussed in this report involve allegations of police or Carabinieri abuse against Roma. In two of these cases, the victims either filed an official complaint or told justice officials about the abuse. To our knowledge, none of these allegations has been investigated by the competent authorities. In the case involving allegations of abuse by Carabinieri officers in Bussolengo, the competent prosecutor's office told Human Rights Watch simply that it had conducted no investigation since the complaint had been withdrawn, despite the seriousness of the alleged abuse. In the case involving alleged police abuse of an adult and a minor arrested in a Roma camp, Human Rights Watch was unable to identify the prosecutor and judge who participated in the hearing at which the minor recounted what had occurred.

Human Rights Watch also spoke with three people who recounted abuse at the hands of the police or Carabinieri, and one witness to violence at the hands of Guardia di Finanza agents. The victims did not file official complaints, and did not want Human Rights Watch to pursue the matter with the relevant authorities. In all of these cases, the precarious situation of the victims—either undocumented migrants or Roma living in makeshift camps—mitigated against reporting the alleged abuse. A South Asian man who claimed a Carabinieri agent grabbed him by the throat and hit his head against a toilet in a Carabinieri station in a southern town explained that, "We're foreigners here, it's too dangerous to file a complaint."[264]

Furthermore, Human Rights Watch spoke with two individuals who did file complaints after suffering serious injury during operations by municipal police against unlawful peddling of merchandise. In both cases, the prosecutors in charge of the investigations requested the cases be archived; in one case, that request is pending, while in the other, the judge for preliminary investigations rejected the motion and ordered further investigative steps.[265] These two cases, as well as the case concerning the Guardia di Finanza, involved law enforcement officials tripping or kicking visibly foreign street vendors attempting to run away from spot checks.

Failure to diligently investigate, and, where appropriate, prosecute ill-treatment by law enforcement officials not only denies the victims of abuse their right to an effective remedy. It also leads to a lack of accountability and undermines trust in both law enforcement institutions and the justice system. European Court of Human Rights jurisprudence has established the following guiding principles for investigating law enforcement abuse: independence, adequacy, promptness, transparency, and victim

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[264] Human Rights Watch interview with South Asian man, Italy, April 7, 2010.

[265] Human Rights Watch telephone interview with Mario Angelelli, lawyer, Rome, October 15, 2010.

involvement.[266] The duty to investigate allegations of ill-treatment is heightened when the victim is in custody at the time. The court has repeatedly asserted that "persons in custody are in a vulnerable position and … the authorities are under a duty to protect them. It is incumbent on the state to account for any injuries suffered in custody…. "[267]

The absence of an independent body to receive and investigate complaints against law enforcement personnel for misconduct or abuse is an obstacle to accountability and redress for victims. The European Commission against Racism and Intolerance (ECRI), as well as the Council of Europe Commissioner for Human Rights, have stressed the importance of independent mechanisms for filing complaints against law enforcement personnel for racial discrimination or racially motivated misconduct. ECRI argues that such mechanisms should be independent of both the law enforcement agency and the prosecutor's office because experience has demonstrated that "victims of police abuses do not generally have confidence in the complaints mechanisms internal to the police … [and] are often … reluctant to bring cases before institutions which cooperate closely and on a daily basis with the police, such as prosecution authorities."[268]

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[266] European Court of Human Rights, Taïs v. France, no. 39922/03, judgment of September 1, 2006; Finucane v. United Kingdom, no. 29178/95, judgment of October 1, 2003; Assenov and others v. Bulgaria, no. 90/1997/874/1086, judgment of October 28, 1998; Selmouni v. France, no. 25803/94, judgment of July 28, 1999.

[267] European Court of Human Rights, Keenan v. UK, no. 27229/95, judgment of April 30, 2001, para. 91.

[268] ECRI General Policy Recommendation No. 11 on on Combating Racism and Racial Discrimination in Policing, Explanatory Memorandum, http://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation_N11/e-RPG%2011%20-%20A4.pdf (accessed January 6, 2011), para. 58; Commissioner for Human Rights Thomas Hammarberg, "There must be no impunity for police violence," December 3, 2007, http://www.coe.int/t/commissioner/Viewpoints/071203_en.asp (accessed January 6, 2011).

VII. Detailed Recommendations

To the Government of Italy

- Affirm the government's repudiation of racism and xenophobia.
- Publicly and unequivocally condemn instances of racist and xenophobic violence.
- Develop and finance a national strategy on combating racism and xenophobia that sets out concrete measures and a timetable for implementation, and designates the government institution responsible for monitoring implementation.

To the Parliament

- Reform the Criminal Code to incorporate the aggravating circumstance of hate motivation into article 61, and ensure that such reform reformulates the scope of the aggravating circumstance to:
  - Allow for mixed motives and the application of the aggravating circumstances in cases where violence has been committed "in whole or in part" due to bias; and
  - Expand the list of protected characteristics in the provision to include, at a minimum, sexual orientation and gender identity.
- Ensure appropriate budgetary allocation for and implementation of a national strategy on combating racism, xenophobia, and hate crimes.
- Act to create an independent police complaints body to investigate all allegations of human rights abuse by law enforcement personnel, including racism and discrimination.

To the Ministry of Justice

- Promote reform of existing legislation on hate crimes:
  - Incorporate the aggravating circumstance of hate motivation into the Criminal Code;
  - Reform the wording of the provision to ensure that it allows for application of the aggravating circumstances in cases where violence has been committed "in whole or in part" due to racial or other hate bias; and
  - Expand the list of protected grounds, to include, at a minimum, sexual orientation and gender identity.
- Collect and publish on a regular basis statistics on preliminary investigations, pending trials, verdicts, and sentences for crimes aggravated by racial bias. These statistics should be disaggregated by type of crime, region, and victim group.
- Launch an outreach campaign to encourage reporting of racially-aggravated and other hate crimes, including raising awareness about the special justice residency permit available to irregular immigrants who are the victims of such crimes.

- Promote reform to ensure that individuals who have benefitted from special justice residency permits are not prevented from seeking longer-term residency options.

To the Ministry of the Interior

- Institute obligatory training in the basic police academies for new recruits, specialized courses, and in-service training on detecting, responding to, and investigating hate crimes, including racist and xenophobic violence.
- Develop, in conjunction with the Ministry of Defense, specific guidelines for law enforcement personnel for the investigation of hate crimes, including racist and xenophobic violence.
- Ensure that each police station has at least one officer, or a group of officers, commensurate with the population needs, with advanced specialized training in hate crimes, including racist and xenophobic violence.
- Launch a public campaign, in collaboration with the Ministry of Justice, to encourage confidence in law enforcement among minority communities and reporting of hate crimes, including racist and xenophobic crimes.
- Ensure that campaigns to encourage reporting of racist crimes include information about the special permit for undocumented migrants who are victims of a crime.
- Ensure, in cooperation with the Ministries of Justice and Defense, that the data collection system is organized to record all suspected hate crimes, including racist and xenophobic violence, disaggregated by type of crime and victim group.
- Publish on a regular, periodic basis statistics on racist and xenophobic violence, as well as other bias crimes.
- Extend a request to the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Co-operation in Europe (OSCE) for technical assistance in training law enforcement officers in detecting and investigating hate crimes.
- Conduct crime surveys, or provide financial support to outside institutions to conduct crime surveys, with a view to conducting them each year to better identify trends.

To the Ministry of Defense

- Ensure that all Carabinieri receive obligatory training on detecting, responding to, and investigating bias crimes, including racist and xenophobic violence.
- Develop, in conjunction with the Ministry of Interior, specific guidelines for law enforcement personnel for the investigation of bias crimes, including racist and xenophobic violence.
- Ensure that each Carabinieri station has at least one officer, or a group of officers, commensurate with the needs of the population, with advanced specialized training in bias crimes, including racist and xenophobic violence.

- Ensure that the data collection system is organized to record all suspected bias crimes, including racist and xenophobic violence, disaggregated by type of crime and victim group.

To National Office against Racial Discrimination (UNAR)

- Ensure that the 2011 publicity campaign includes a specific focus on racist and xenophobic violence.
- Ensure that the new system for recording complaints of racist and xenophobic violence is fully implemented, including through appropriate training for all those tasked with receiving and processing complaints.
- Promote and participate in the efforts of the Ministry of Interior, Ministry of Justice and Ministry of Defense to institute and/or improve specialized training on detecting, investigating and prosecuting bias crimes, including racist and xenophobic violence, and to improve and make more transparent data collection on such crimes.

To the Higher Judicial Authority (Consiglio Superiore della Magistratura, CSM)

- Ensure that the yearly cycle of continuing education courses includes in-depth sessions devoted to legislation and jurisprudence on racially motivated violence.
- Encourage the creation of designated task forces of prosecutors specialized in racist crimes in sizeable public prosecutor's offices, and the designation of at least one prosecutor in smaller public prosecutor's offices.

To the European Union

- The European Commission's Directorate General for Fundamental Rights should assess Italy's compliance with its obligations under regional human rights and European Union law, including the Charter of Fundamental Rights, with respect to preventing and prosecuting racist and other hate violence, and report its findings in its annual report on human rights in the European Union.
- The European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) should be seized by the situation in Italy and consider appropriate action, including an own-initiative report assessing Italy's compliance with EU law and principles in the field of anti-racism and discrimination.
- The EU Fundamental Rights Agency should conduct an in-depth country investigation into racist and xenophobic violence in Italy, as a follow-up on the incident report it published on the May 2008 violence against Roma in Ponticelli, with a view to providing decision-making institutions such as the European Commission with information and analysis relevant to assessing Italy's compliance with obligations to counter racist violence.

To the Council of Europe

- The European Commission against Racism and Intolerance should use the opportunity of its ongoing focus on Italy to highlight the findings of this report and to reiterate its past recommendations to the Italian government on measures to counter racist and xenophobic discourse in politics; adequate implementation of criminal law provisions against racism and discrimination; and adequate training for all those involved in the criminal justice system.
- The commissioner for human rights should continue to monitor closely the situation in Italy and consider a follow-up communication to the Italian authorities on action taken to implement the recommendations made in his April 2009 report on Italy.

To the United Nations

- The High Commissioner for human rights should follow up on her March 2010 visit to Italy and inquire with the authorities about the steps taken to address her concerns and recommendations pertaining to the treatment of Roma and migrants and racist discourse and stereotyping in the media.
- The Special Rapporteur on contemporary forms of racism should continue to monitor closely and draw attention to the situation in Italy, including through urgent action and communications to the government on individual cases and on the steps authorities have taken to implement his recommendations pursuant to his visit in 2006. He should also consider conducting a follow-up visit to the country.

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Everyday Intolerance

Racist and Xenophobic Violence in Italy

Immigrants and Roma in Naples, Rome, and the southern Italian town of Rosarno are attacked by mobs. An Italian of Burkina Faso origin is bludgeoned to death on the street in Milan after a petty theft from a café. An Indian man outside Rome is beaten, doused with gasoline, and set on fire. A Chinese man in Rome is beaten as he waits for the bus. A Senegalese actor is stabbed in the stomach as he waits for a tram in Milan. These recent hate crimes in Italy did not occur in a vacuum. In a country that has seen a dramatic increase in immigration, a political discourse that links immigrants and Roma to crime has helped create an environment of intolerance.

Italian Prime Minister Silvio Berlusconi said in 2009 that Italy should not become a multiethnic country. The reality is that Italy is already a mosaic of ethnicities, nationalities, and national origins. Without a more responsible approach from the Italian authorities, there is a real danger that Italy's growing diversity will be accompanied by rising intolerance and violence.

Everyday Intolerance, based on dozens of interviews with victims of violence, government officials, and others, in cities across Italy, shows that the response of the Italian authorities to racist violence has been at best inadequate. Amendments to the criminal law should ensure that crimes motivated wholly or in part by hatred on grounds of race, or other protected grounds such as sexual orientation and gender identity, should be prosecuted and punished as such. Authorities should collect appropriate data, in order to analyze trends in racist and xenophobic violence and ensure an appropriate response. Officials at the highest levels should stop downplaying the problem, and instead consistently and forcefully condemn racist and xenophobic violence, including harassment and abuse by law enforcement officers against Roma and immigrants.

Outside the Interior Ministry in Rome on January 9, 2010, protesters hold a banner reading "Too Much (In)tolerance" in solidarity with the immigrant workers of Rosarno. Interior Minister Roberto Maroni had blamed violence in Rosarno on excessive tolerance of "illegal immigration."

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