

# **National Analytical Study on Racist Violence and Crime**

## **RAXEN Focal Point for ITALY**

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## EXECUTIVE SUMMARY

The present report, like the former *Analytical Study on discrimination and racist violence (2000-2002)* is based on the theoretical supposition that “races” do not exist but rather human groups which are “racialised”, that is, socially considered and treated as “races”<sup>1</sup>. In our opinion, racism is part of a process of social classification so that some groups (migrants, refugees, minority groups) are perceived and labelled as different or radically different from the group which the advocates and/or perpetrators of racism belong to. Anyone belonging to a minority group and/or at a disadvantage from an economic, legal, social, religious point of view, can be racialised and become a victim of racism, independently of the phenotypical objective differences, and without great cultural differences. This is why, also in this report, we prefer to speak of *racist* instead of “racial”<sup>2</sup> violence and crimes.

The report is, therefore, based on a well defined theory of racism<sup>3</sup>, without which, as we shall explain later, it is impossible to clearly distinguish the expressions of discrimination and racist violence and counter them efficiently. This is why we have dedicated a lot of space to the definitions of terms and key concepts (see par. 3). The space reserved to the *gap analysis* is equally extensive: what makes the Italian context unusual, is the lack of systematic surveys, constant monitoring and consequently, quantitative and qualitative data concerning discrimination, violence and racist crimes. Later, we shall point out that in our opinion, this deficiency is a sign of the underestimation of the phenomenon (also and especially by the government and more generally by the institutions); and this is, in itself, a cultural and political factor to be added to the analysis.

As far as we know, during the period under examination, no group of data and no report on a national level have been published on the subject of racist violence and crimes except for one research<sup>4</sup>. To compensate for the lack of reports and reliable quantitative data, we have directly carried out a small investigation, both by interviewing professionals who deal regularly with the defence of the rights of migrants and ethnic minorities and by examining a certain number of daily newspapers. From the latter and the aforementioned research, we have taken a number of cases which we considered a

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<sup>1</sup> See Par. 3: “Glossary and definitions of some terms and key concepts”.

<sup>2</sup> Since the specific subject of this report is violence and racist crimes, we have left discrimination in the background. However, we are aware that one cannot make a sharp distinction between the former category and the latter: a cumulative, systematic discrimination against vulnerable groups can be considered a form of violence often motivated by prejudice or contempt towards them.

<sup>3</sup> Among the numerous contributions to the theory of racism, we have mainly referred to: Montagu, M.F.A. (1942) *Man's Most Dangerous Myth: The Fallacy of Race*, New York: Columbia University Press; Guillaumin, C. (1972) *L'idéologie raciste. Genèse et langage actuel*, Paris-La Haye: Mouton; Rex, J., *Race, Colonialism and the City*, London: Routledge and Kegan; Gallissot, R. (1985) *Misère de l'antiracisme*, Paris: Editions de l'Arcantère; Taguieff, P.-A. (1987) *La force du préjugé. Essai sur le racisme et ses doubles*, Paris: La Découverte; Burgio, A. (1998) *L'invenzione delle razze. Studi su razzismo e revisionismo storico*, Rome: manifestolibri; Gallissot R., Kilani M., Rivera A. (2001) *L'imbroglione etnico, in quattordici parole-chiave*, Bari: Dedalo.

<sup>4</sup> Rivera, A. (2003) *Estranei e nemici. Discriminazione e violenza razzista in Italia* (with *Inventario dell'intolleranza* by P. Andrisani, Rome: DeriveApprodi.

sample and which we have analysed extracting some information on the offenders and the victims of racist violence and to the places in which it usually took place.

Much space has been reserved to a general view of the extreme right wing organisations and populist xenophobic parties, as we feel that this can throw light on the characteristics of those we have defined as the “political actors of xenophobia and racism”.

We have also dedicated a great deal of space to the analysis of the Italian legislation on racist crimes, to show that it would be sufficient to prosecute effectively and adequately racist type violence.

Lastly, in the documents enclosed, which form a consistent part of this report, we have included: a description of the number and composition of immigrants and ethnic minorities; a general glimpse of the current legislation and policies on the subject of immigration and integration.

The conclusions we have reached are the following:

- The individuals and groups most exposed to racist violence, a category which also includes verbal and symbolic expressions, are: foreign citizens from third countries (migrants and refugees), especially those practising the Muslim religion; Roma and Sinti gypsies; Jews.
- Among the offenders of racist acts of violence, symbolic/verbal or physical, are included: individuals and groups from different extreme right trends; ordinary citizens or unidentified individuals/groups; militants of the Northern League including members of the government and of local, national, EU institutions; public officials and especially representatives of the different police forces.

The racist acts of aggression can be *indirectly* encouraged by the legislation on immigration and by a social and cultural context which does not facilitate the integration of migrants, refugees and ethnic minorities or guarantee them the enjoyment of fundamental rights.

These acts of aggression are *directly* encouraged by:

- the active xenophobic propaganda carried out firstly by the Northern League and also by political currents of the extreme right wing, propaganda, insufficiently countered and even justified, by members of the central government;
- the intolerance towards migrants, refugees, gypsies, increased or exploited by some media (television and press), political forces, some members of the institutions.

In the Italian context, which continues to be disturbing – if only because the main political actors of xenophobia are members of the central government – one positive element exists consisting of a large variety of subjects (trade unions, anti-racist movements, associations, both lay and religious, for the defence of the rights of foreign citizens and ethnic minorities) who carry out a vital activity of condemnation of and opposition to discrimination and racism.

The work of these subjects deserves to be encouraged and sustained as it represents one of the most important and efficient bulwarks against xenophobia and racism.

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## GLOSSARY AND DEFINITIONS OF SOME TERMS AND KEY CONCEPTS

**Xenophobia:** Feelings, attitudes, utterances, behaviour, inspired and united by the idea that foreigners and ‘strangers’ are a danger or a threat to their community, culture, social system, security, privileges. The xenophobia is accompanied and incited by clichés, stereotypes and prejudices towards individuals and groups defined as *different or outsiders*, whose negative image tends to challenge all forms of contact, evidence and experience<sup>5</sup>. Xenophobia is encouraged by the idea that distinctions between national and non-national, and EU and non-EU, are substantial and almost natural rather than conventional, contingent, historical and artificial, which they happen to be. As the phenomenon commonly defined as xenophobia is not only aimed at the *foreigner*, who is considered such legally, but someone who is seen as a *stranger* to the community to which the xenophobic player belongs, it would be more correct to speak of *heterophobia*<sup>6</sup>.

**Racism:** attitudes, utterances, theories, behaviour, norms, practices, aggressive or violent acts aiming at discriminating, subordinating, patronising, dominating, segregating, excluding and/or annihilating individuals and categories of people, who are labelled as different from the group of the racist player, on the basis of characteristics which are conceived as attributable, intrinsic, immutable or even natural (the “race”, ethnic group, origin, nationality, culture, religion, status...), even when, objectively speaking, they are not. Racism does not originate from the existence of ‘races’. It creates them through a process of social division into categories: anybody can be racialised, independently of their somatic, cultural, religious differences. Neo-racism is mainly expressed in the form of differentialism but also in this form the biological determinism is frequently disguised (“ethnic identity”, “cultural differences” are seen as almost natural factors). Racism becomes an extremely dangerous phenomenon when it is the state, public institutions and mass-media to produce and reproduce it.

**Racist violence:** All forms of verbal, symbolic, physical aggression, the motivation of which is rejection, hostility, contempt or hatred towards the victim, individual or group, the aim of which is to discredit, humiliate, intimidate, blackmail, patronise, isolate or annihilate him/her, because of the distinctive features attributable to him/her.

**Racist crimes:** Any breach of democratic constitutions, national and community laws, international treaties and agreements expressed as norms, procedures, practices, behaviour, acts, aggression, violence against fundamental human rights, the victims of which are individuals or groups socially divided into categories, labelled and/or discriminated as different or outsiders.

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<sup>5</sup> This, like other definitions used in this glossary, briefly refers to a fuller explanation and definitions which can be found in: Gallissot R., Kilani M., Rivera A. (2001) *L'imbroglione etnico, in quattordici parole-chiave*, Bari: Dedalo and Rivera, A. (2003) *Estranei e nemici. Discriminazione e violenza razzista in Italia* (with *Inventario dell'intolleranza* by P. Andrisani), Rome: DeriveApprodi.

<sup>6</sup> This is suggested by Memmi, Albert (1982) *Le racisme*, Paris.

**Political actors of xenophobia and/or racism**<sup>7</sup>: An expression to define those political actors (organisations, parties, government sectors, local administrators) who explain the refusal or hostility against immigrant populations and minority groups (gypsies, for example), as a distinctive feature of their public image, as the main focus of their purpose, as a qualifying element of their action. The presence and role of the political actors of xenophobia (and/or racism) is one of the factors that give rise to a situation of racism: implying the consolidation of a political and social context where refusal, hostility, acts, actions of propaganda to label and discredit certain groups lead to the emergence of systematic practices and discriminatory, repressive, persecutory procedures towards the group victims. In Italy the Northern League can be considered a typical political actor of xenophobia; a place such as the town of Treviso governed by the Mayor, Gentilini, (Northern League) can be considered a situation of racism.

**Anti-Judaism, anti-Hebraism, anti-Hebrew**: According to some authors, among whom Pierre-André Taguieff, these terms are preferable to “anti-Semitism” and “anti-Semitic”, to express the “intellectualised or ideologized”<sup>8</sup> refusal, hostility, hatred of the Jews and Hebraism. In fact, the terms “anti-Semitism” and “anti-Semitic” originate from the old theory of races and the racialist distinction between “Semitic races” and “Arian races” or “indo-European races”. Post Nazi anti-Judaism is no longer based on this biological antithesis established at the end of the 19<sup>th</sup> century<sup>9</sup>. Anti-Judaism and anti-Hebraism are often accompanied by historical revisionism and denial.

**Islamophobia**: moods, attitudes, speech patterns, expressions and verbal aggression attacking individuals and groups of Moslem faith, real or presumed, as well as places, signs, symbols and expressions of Islam. Some scholars make a conventional distinction between Islamophobia and anti-Muslim *prejudice, acts* of discrimination, physical aggression, unjustified repression against Muslims or those presumed as such.

**Ethnic Minority or Minority Group**: A community whose members are united by a common origin (real, presumed or imaginary) and/or common language, customs, religion, and that suffers from a status of inferiority, discrimination, inequality, dependence on the dominating community. The sociological concept of a minority group does not depend on its statistical dimensions. It does not therefore refer to smaller communities but to *dominated* communities; just as the concept of majority does not imply a larger group but rather a *dominant* one<sup>10</sup>.

**Immigrants/migrants**: The term “immigrant” in Italy usually implies foreigners coming from third-world countries, generally of poor social conditions. Used as a noun, this term and the definition of “non-EU” are sometimes used in everyday language in a derogatory way, although they are used neutrally in the legal jargon and in official documents. Besides, they seem to refer to a category of people labelled with an immutable status and living in permanently precarious and marginal conditions. This explains why, in more recent years, the use of the noun “immigrants” or “migrants” has prevailed in democratic

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<sup>7</sup> As far as we know this expression was used for the first time in Italy by Balbo, L., Manconi, L. (1993) *Razzismi. Un vocabolario*, Milan: Feltrinelli.

<sup>8</sup> Taguieff, P.-A. (2002) *La nouvelle judéophobie*, Paris : Mille et une nuit-Fayard, p. 25.

<sup>9</sup> Ibid., pp. 26-27.

<sup>10</sup> See Simon, P.-J. (1995) “Minorité”, in: Pluriel Recherches. Vocabulaire historique et critique des relations inter-ethniques, cahier n.3, pp. 50-61.

and anti-racist circles. These terms imply a transition, a temporary status that should be overcome by a complete social participation and full rights of citizenship.

## 1. INTRODUCTION

The purpose of this analytical study is to analyse *racist* crimes and violence<sup>11</sup> (symbolic, verbal, physical: from insult to murder) which occurred in Italy between September 2002 and September 2003. The aim is to give as objectively as possible an outline examining the phenomenon in the present political, social and cultural Italian context, and making suggestions on how to prevent and deter this phenomenon.

The analysis is based on a solid theoretical approach and an extensive scientific bibliography. We examined numerous sources: besides the scientific literature on the subject or related themes, we examined reports, press articles, sources of information, researches. None of them supply information and *specific* data on the subject for the period concerned, able to give us a complete and general picture.

Consequently, the empirical basis of the study consists of a vast number of cases collected: 1. through information obtained directly, by questioning operators dealing with the defence of the rights of migrants, refugees and gypsies; 2. By our screening and selecting information on cases of racist violence (generally speaking) reported by daily papers<sup>12</sup>, press-agencies and anti-racist mailing lists. We thought it useful to use these case-histories, selected, subdivided into categories and analysed not only because they were the main source of information and data of our study, but also because we felt that they could efficiently reveal the importance, diffusion and complexity of the phenomenon.

We were thus able to observe the wide range of the various forms of aggression – racist type symbolic, verbal, and physical, including murder; even if the method we employed was based only on *evidence*. This led us to confirm what we had already stated before in our former analytical study: namely, that it is not a marginal and passing phenomenon, limited to a few isolated cases, but rather can be considered a structural element in the Italian context objectively, and at times subjectively, encouraged by the present political situation, where the “political actors of racism” play anything but a marginal role.

Lastly, we are convinced that without a *theory of racism*, it is not possible to understand the more subtle and deeper connotations, signs, expressions of discrimination, heterophobia and racism itself; nor is it possible to apply suitable strategies to discourage these trends. To give one example, laws and directives against discrimination and racism, issued by some EU governments and institutions are sometimes intrinsically

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<sup>11</sup> In paragraph 4 relative to the theoretical and methodological approach we explain why we use the adjective *racist* instead of “*racial*”.

<sup>12</sup> The daily papers systematically examined throughout the year were: “Il Manifesto”, “Liberazione”, and “L’unità”, all of which represent a left-wing political trend. The reason why we chose them is because they, more than others, give more complete information on discrimination and racism.

contradictory and/or prove to be inspired by a *racialist ideology*. We shall examine in greater detail the legislative Decree No. 215, further in this study, recently launched by the Italian government, as an application of directive 2000/43/EC “for the equal treatment of people independently of their race and ethnic origin”. Paradoxically, this Decree introduces once again discriminatory principles (similar to other Italian laws on immigration) and approves of the racialist ideology, which takes for granted the deterministic bond between “racial” characteristics and working attitudes. However, the aforementioned decree is, at least partly, the application of a general trend in the European Union: the exceptions to equality of treatment and non-discrimination when dealing with differences based on nationality and the legal status of citizens from third countries.

The Italian context, in many ways disturbing, does not seem to us to be an exception in the European Union, but rather the expression of one of its trends brought to an extreme: the basic distinction between EU and “non-EU” citizens, which in our opinion represents the worst of all discriminations and one of the main supports of xenophobia and racism. As we sustained in our Analytical Study on Discrimination and Racist Violence in Italy: 2000-2002, the formal and substantial equality of treatment between all citizens, including those belonging to minority groups, immigrants and refugees, granting rights and ensuring equal rights of citizenship seem to be fundamental prerequisites to fight xenophobia and racism.

## 2. THE POLITICAL BACKGROUND

### 2.1. BRIEF OVERVIEW OF XENOPHOBIC-POPULIST PARTIES, EXTREME RIGHT RACIST ORGANISATIONS AND THEIR RECENT ACTIVITY

In the last fifteen years in Italy, the right wing which has been in a minority position for decades, has gained importance both in the elections and from the social point of view. At the same time the gap existing between the “moderate” right wing and the far right has been reduced: the stable presence in the present centre-right government of a postfascist, populist and xenophobic group is a clear demonstration of it.

The negative intermingling of the two “moderate” and populist right wing trends allows the co-existence and symbiosis of government and “alternative” currents and at times hides the true face of extremism and violence. This situation leads us to assume the widespread existence of extreme right groups, especially in the North-East of Italy, caused, on the one hand, by a general shift to the right of the political and cultural Italian axis, and on the other, favoured by extreme sectors of the Northern League and, Alleanza Nazionale. The increase of hatred towards *foreigners* and *outsiders* seems to be extremely serious. So is the unusual capacity of detecting youth subcultures expressing them at a political level, transforming protest and movements of general malaise into political organisations. These movements and parties are not only influenced by xenophobic and racist sentiments: the far right aspires to a return of the national predominance over

community organisations; the populist and localist right, such as the Northern League, fears the disappearance of regional distinction and launches again the idea of a “Europe of Peoples”. It prefers a *micronationalism of regional “small native countries”* to a statist and centralist nationalism of the “Great Nation”. It supports the *neoracism of differences* against the hierarchic racism in favour of the superiority of the “Arian race”. Therefore, the new right groups defend the challenge of *identity*: the defence of their own nation and territory threatened by the *contamination* of foreigners can be achieved by the rediscovery of the region which becomes a twofold barrier: internal, against the diffusion of the multicultural society, external, against immigration.

Hence, the attempt to exploit the fears of the new millennium by criminalising globalisation is common. It would destroy individual cultures and lead to the affirmation of the American model of society. As a result one of its common features is anti-Americanism (which in the Northern League co-exists in a contradictory way with its loyalty to decidedly pro-American patterns of the centre-right government); its support for extremist Palestinian movements and fundamentalist terrorists is widespread in its more radical and anti-Hebrew groups.

In spite of its common ties, there are very different groups inside the complex galaxy of the new right<sup>13</sup>: some of them sustain clearly neo-fascist or even neo-nazi positions, such as the three Italian extremist groups (MSI-Fiamma tricolore, Forza Nuova, Fronte Sociale Nazionale); others have with time reduced their neo-fascist connotations into a sort of “right-wing socialism” with anti-globalist and anti-liberalist strains; still others unite their populist inclinations (nationalism, localism, fiscal rebellion, opposition to the Euro and Europe) to anti-immigrant programmes mingled with para-fascist traces<sup>14</sup>.

The following is a brief map of the neo-fascist, racist and xenophobic populist groups in Italy.

The Lombard League<sup>15</sup> was officially established in 1984 and immediately assumed the characteristics of the xenophobic right, very similar to the F.P.O. of Haider<sup>16</sup>. At the

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<sup>13</sup> For more extensive information on right-wing parties, including more extremist ones, you can consult the web site “La destra in Italia”, which is considered the most important search engine of the Italian right and offers a long series of links (<http://www.destrainitalia.com/>; 13/10/03), or you can consult the endless bibliography on the subject. Among the numerous publications we wish to quote: Caldiron, G. (1993) *Gli squadristi del 2000*, Rome: Manifestolibri; Bonomi, A., Poggio, P.P. (eds) (1995) *Ethnos e Demos. Dal leghismo al neopopulismo*, Milan: Mimesis; Caldiron, G. (2001) *La destra plurale: dalla preferenza nazionale alla tolleranza zero*, Rome: Manifestolibri; Germinario F. (2000) *Estranei alla democrazia. Negazionismo e antisemitismo nella destra radicale*, Pisa: Biblioteca Franco Serantini.

<sup>14</sup> <http://www.ecn.org/int/caradonna/destra/index.htm> (13/10/03) or <http://www.zapatapn.org/pg/destra/index.htm> (13/10/03).

<sup>15</sup> Among the various publications on the subject, we should mention: Mannheim, R. (edited by) (1991) *La Lega Lombarda*, Milan: Feltrinelli; Diamanti, I. (1993) *La Lega. Geografia, storia e sociologia di un nuovo soggetto politico*, Rome: Donzelli; Vimercati, D., Bossi, U. (1993) *La rivoluzione. La Lega: storia e idee*, Milan: Sperling & Kupfer; Di Luna, G. (1994) *Figli di un benessere minore. La Lega 1979-1993*, Florence: La Nuova Italia; Diamanti, I. (1996) *Il male del Nord. Lega, localismo, secessione*, Rome: Donzelli; Biorcio, R., (1997) *La Padania promessa. La storia, le idee e la logica d'azione della Lega Nord*, Milan: Il Saggiatore.

beginning it was mainly a party against the South of Italy, and later it decidedly focused its attention on the battle against the immigrants. However, as far back as 1989, the year in which it became the **Northern League**<sup>17</sup>, it accused immigration of being “a crime against mankind” and “the main cause of the increase of criminality, unemployment, social impoverishment, and the spreading of disease”<sup>18</sup>.

Another of its targets – indeed a real obsession - of the Northern League is Islam. Its campaigns against the members, symbols, places of Islam, against the building of mosques and for the closing of the existing ones, is a distinctive sign of this political group. All the experts of racism agree with the fact that in Italy it is the main “political actor” of xenophobia and Islamophobia: something even confirmed by important political exponents of the coalition government<sup>19</sup>.

During one of its congresses (March 2002) the Northern League not only officially announced its opposition to a multi-racial society, as part of its policy in favour of its defence of the “pure race of the Po’ Valley”, but also overtly identified the “invasion of non-EU citizens” as the cause of the progressive increase of “the corruption of customs and traditions”, as well as the main vehicle of the presumed “spreading of disease and criminality”. During this same congress, gadgets were sold with swastikas on the stands set up for the occasion and the “Green Volunteers”<sup>20</sup> advised people to read the writings of the main Italian nazi ideologist, Julius Evola, as well as the publications printed by the Franco Freda publishing house (a catalogue full of anti-Hebrew and negationist books). Moreover, the well-known Euro member of parliament, Mr. Borghezio (formerly a member of Ordine Nuovo, a former fascist group), during an international conference of the extreme right populist and xenophobic groups, held in Austria and promoted by Haider’s movement, with the participation of members of overtly racist parties, came to the fore during a racist speech of political fantasy which predicted the collapse of the West under the pressure of millions of “illegal immigrants”. Instead, the “lecture” given by Alain de Benoist<sup>21</sup> at the conference on the creation of the “Padano youth movement” in Varese, was more culturally oriented.

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<sup>16</sup> <http://www.ecn.org/reds/estremadestra/destra0011nuovadestra.html> (13/10/03)

<sup>17</sup> Also see: Bugio, A. (2001) “Sul razzismo della Lega Nord”, in: *La guerra delle razze*, Rome: manifestolibri; Rivera, A. (2003) “La Lega Nord: un razzismo strutturale”, in: *Estranei e nemici. Discriminazione e violenza razzista in Italia*, Rome: Deriveapprodi, pp. 79-83.

<sup>18</sup> Rivera, A. (2003), *op. cit.*, p. 81.

<sup>19</sup> In the course of the discussion in the centre-right coalition following the proposal of granting voting rights to immigrants, publicly announced by Fini, some members of the coalition explicitly spoke of the Northern League as being a xenophobic party. Gianfranco Fini, vice-president of the Cabinet and national secretary of Alleanza Nazionale, made a sensational declaration on the 6<sup>th</sup> of October in favour of granting voting rights to immigrants with the staying permit (who happen to be a very small minority at the present time in Italy).

<sup>20</sup> The “Green Volunteers”, whose president is the member of the European parliament for the Northern League, Mr. Borghezio, is the most important group of the Northern League. It frequently acts together with far right groups. The official website of the Northern League also includes an inset of the “Green Volunteers” where you can find a collection of xenophobic and highly offensive leaflets against Muslims and Islam; as well as a bibliography with the worst anti-Hebrew, negationist and nazi “classics”.

<sup>21</sup> Alain de Benoist is unanimously considered the most established theoretical reference of the European far right, and the father of “ethnic differentialism”, a new school of racist ideas apparently based on the preservation of cultural and religious identities, but actually aiming at and proposing once again all the old myths and legacy of xenophobic intolerance.

Consequently, between the Northern League and the far right extremist groups, especially Forza Nuova, there exist close affinities, collusion and continuous overlaps, that do not seem to be accidental and occasional.<sup>22</sup> With the national anthems defending the “Padana race”, the photos of Hitler, the protest marches and meetings with the old and new racist ideology, there are increasingly more disturbing and frequent occasions for “unity of action”, as an obvious target of common “cultural” paths.

The new right in Italy<sup>23</sup> does not end with the Northern League, which is rather one of its peculiarities. Today the most rapidly growing, active and determined extremist group is that of **Forza Nuova**, with clearly neo-fascist, anti-Semitic and racist overtones. This organisation, which has far more aggressive characteristics than those of the Northern League, takes as its model “the Iron Guard”, an “ultra-catholic” and anti-Semitic movement established in Romania in the 30s. Forza Nuova was founded in 1997 by Roberto Fiore and Massimo Morsello, already condemned for seditious association, the former for belonging to Terza Posizione and the latter to FUAN-NAR. The new group distinguished by its strong ties to the historical fascism and traditionalist Catholicism, unites the dissenting youth group of Fiamma Tricolore, fringe groups of *skinheads* and far right independent groups. Produced by the Diaspora of the MSI, when it became Alleanza Nazionale, Forza Nuova set as its main aim, from the very beginning, the occupation of a political position on the right of the “Casa delle Libertà” (the present Government coalition), and the representation of all youth groups of the right wing. At a local level, it is on the constant search for a unity of action, especially with the Northern League for campaigns against immigration, Islam and in favour of security. Following Haider’s teaching, Forza Nuova stands for the defence of religious and cultural traditions “threatened by the invasion of immigrants from third countries”. Its opposition to Islam, considered an “ancient enemy” of Western and Christian values is one of the mainstays of Forza Nuova: in January 2003 a group of its militants made a raid on a TV channel during a live broadcast where the controversial leader of the Muslim Union of Italy, Adel Smith, appeared as a leading figure. After the violent attack during the live broadcast against Smith and his secretary, Massimo Zucchi, the authors of the raid – about fifteen young people led by the Veneto secretary of Forza Nuova – were arrested, charged with incitement to racial hatred in accordance with the Mancino law<sup>24</sup>.

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<sup>22</sup> Recently the daily newspapers “Liberazione” and “La Stampa”, with opposing trends, published the photographs taken inside the newsroom of “La Padania”, in the headquarters of the Northern League in Milan: photos of Hitler and stickers with symbols of the Third Reich are clearly visible.

<sup>23</sup> It is possible to find different web sites giving detailed information on the different political groups of the far right. In particular the web site of the democratic observatory on the new right groups shows, among other things, an interesting map of the radical right: Ferrari, S. (2001), “L’arcipelago nero”, in: [http://www.osservatoriodemocratico.org/cat.asp?Class\\_ID=1004](http://www.osservatoriodemocratico.org/cat.asp?Class_ID=1004) (13/10/03) or in: [http://www.rifondazione.it/osservatorio/oth\\_pg.asp?record\\_ID=2126&Class\\_ID=1004](http://www.rifondazione.it/osservatorio/oth_pg.asp?record_ID=2126&Class_ID=1004) (13/10/03). Other interesting sites are SHARP of Novara: [http://members.xoom.virgilio.it/\\_XOOM/sharppnovara/Dossier.htm](http://members.xoom.virgilio.it/_XOOM/sharppnovara/Dossier.htm) (13/10/03); the review of Mysteries of Italy: <http://www.misteriditalia.com/estremadestra/> (13/10/03); the Observatory 28 May: [http://www.osservatorio28maggio.it/spazio\\_destraradic.htm](http://www.osservatorio28maggio.it/spazio_destraradic.htm) (13/10/03).

<sup>24</sup> Concerning this incident and the attitude of the “moderate” and extreme right wing against Islam, see among others: Guolo, R. (2003) *Xenofobi e xenofili. Gli italiani e l’islam*, Roma-Bari: Laterza.

Another party on the far right is **MSI-Fiamma Tricolore**, established in 1995 by those who refused to follow Alleanza Nazionale, derived from MSI. The leader of the party is Pino Rauti, follower of Julius Evola and formerly founder of Ordine Nuovo, the neo-nazi group responsible, according to the magistracy for all the acts of sabotage carried out in Italy from 1969 to 1974<sup>25</sup>. In the European elections of 1999, this party obtained 500,000 votes; in the subsequent regional elections it was decisive for winning the elections in favour of the Polo (the centre-right coalition later known as “Casa delle Libertà”) in Abruzzo and in Calabria. It is clearly inspired by the historical event of the Republic of Salò, and proposes a “national-revolutionary” programme for “the defence of the Social State” especially against immigration.

**Fronte Sociale Nazionale** (National Social Front)<sup>26</sup> of Adriano Tilgher was formed in 1997 by a division of MSI-Fiamma Tricolore. Its programme sustains, together with the Front National of Le Pen, the “fight against immigration” and “the multiracial society” and against “globalisation”, in favour of a “united Europe” and the breakaway of Italy from NATO. After the 11<sup>th</sup> of September, its anti-American and pro-Islam tendencies have been strengthened.

**Rinascita Nazionale** (National Rebirth) is one of the most recent groups (2000). The main points of its programme are: to create “an alternative block to the right and left wings”, “to block immigration”, “to oppose globalisation and the multiracial society”, in favour of “a Europe of nation-states and Fatherlands”.

The **Naziskins** have assimilated most of the leading policies of the intellectual new right appealing to violence and associating its more or less multi-faceted groups: from gangs of skinheads active among the hooligans in football stadiums, a fertile soil for their recruitment, to the more strictly political groups, who have made an ideological belief of the *myth of ethnic purity and homogeneity*<sup>27</sup>.

**Skinheads** are among the most violent members of the right extremist groups: peripheral and marginal, xenophobic and racist, male chauvinist, white nationalist, they express a strong aversion against foreigners and are dedicated to street violence, moving along the lines of Forza Nuova while trying at the same time to re-launch the old project of a “Base Autonoma” (Autonomous Grass-Roots Group) (the creation of a stable coordination between the different nazi-skin associations on a national level). On the initiative of **Base Autonoma**, at the beginning of the 90s were formed several associations (the “Veneto Fronte Skinheads”, “Azione Skinheads” in Milan) and a centre of coordination (“Skinheads of Italy”) in a close relationship with other groups of the far right.

The **Veneto Fronte Skinheads** is an organised group mainly based in the Veneto area. Founded in 1985 as a non-profit making organisation for the promotion of cultural,

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<sup>25</sup> See Ferrari, S. (2001), *op. cit*

<sup>26</sup> Another National Front, that of Franco Freda, accused of incitement to racial hatred and the reconstitution of the fascist party, and then condemned for the breach of the Mancino law, was obliged to be suppressed. In Autumn 1995, Freda launched the overtly racist manifesto of the movement: “Total closing of the frontiers to third country immigration, immediate expulsion of illegal immigrants, gradual abolition leading to the total repeal of the so-called “Martelli law” and repatriation of all non-EU immigrants whose stay in Italy has been granted up to date by the same law.”

<sup>27</sup> <http://www.ecn.org/reds/estremadestra/destra0107naziskin.html> (13/10/03).

musical and sports activities, it is one of the most dangerous racist movements. It has always appealed to youth movements and is popular with football fans as well as music enthusiasts<sup>28</sup>, not to mention its own political groups, having a function of social aggregation with racist overtones. The Fronte is “specialised” in acts of aggression and violence against immigrants: in 1991 it set fire to a shelter for immigrants in Padua; in 1992 it burned a hospice for immigrants in Bassano; in 1996, near Rovereto (Trento), a terrorist squad threw two Molotov cocktails on the home of five immigrants (two couples and a little girl), after having written “*Get out you niggers, the scum of Italy*” on the walls; in 1997 in Verona, the nazi-skins together with Veneto separatists, catholic fundamentalists and some members of the Northern League, founded the “Committee for the victims of injustice” to protest against the investigations that the magistrate, Papalia, had opened against the Veneto Fronte Skinheads and the Guardie Padane; in 2001, followers of the Veneto Fronte Skinheads, members of Forza Nuova and the Northern League, together with “catholic traditionalists”, publicly established, with the official sponsorship of the Veneto legion, the so-called “Observatory for Just Justice”<sup>29</sup>.

Recently, in Verona, a maxi investigation of the magistracy was concluded with 43 adjournments for incitement to racial hatred<sup>30</sup>.

**Azione Skinhead** (Skinhead Action) is a group of Milan, which was formed in 1990 as a result of the merging of the small group of skinheads and groups of ultras. There have been numerous acts of violence in recent years against foreigners in Milan. In 1990 Molotov cocktails were thrown against a building occupied by immigrants and the police banned a concert “in defence of the race”. In 1991 extremists set fire to meeting points of immigrants, which was followed by an anti-immigration protest march. In 1992 a North-African was attacked near San Siro with severe injuries (30 days of prognosis). In 1993 there was a rapid *escalation* of racist violence: in Riccione a young Cameroon woman was attacked by seven nazi-skins; in Sardinia, a Moroccan carpet salesman was violently beaten up by three skinheads; in Rome, a dozen nazi-skins attacked a Moroccan family in their home; in Milan, a gang was free to terrorise immigrants and homeless people for four endless nights in a row; in Ardea, near Rome, thirty of them raided a site inhabited by Polish immigrants; 11 hooligans attacked and stabbed a Tunisian inside a bus going from Ostia to Rome; in April, in Rome, three coloured youths were attacked at Prenestino and one on the Casilina; on the train going from Rome to the sea, a group of hooligans of the Rome football team, bashed up a Congolese student and 4 skinheads from Latina assaulted one of the national leaders of the Muslim community in Italy.

Following these events, still referring to 1993, Skinhead Action was badly hit by the “Runa Operation” with numerous security measures<sup>31</sup>.

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<sup>28</sup> A very hard form of punk-rock, the Oi (including also heavy metal rock), with the essential function of social aggregation and identification: it is typical that music succeeds in maintaining ties with the international network of White Power Rock, political organisations, musical groups, metropolitan youth gangs, record labels, like Tuono Records, the record company of nazi-rock groups, promoted by the Veneto Front Skinheads.

<sup>29</sup> [http://members.xoom.virgilio.it/\\_XOOM/sharpnovara/Dossier.htm](http://members.xoom.virgilio.it/_XOOM/sharpnovara/Dossier.htm) (13/10/03).

<sup>30</sup> [http://members.xoom.virgilio.it/\\_XOOM/sharpnovara/Dossier.htm](http://members.xoom.virgilio.it/_XOOM/sharpnovara/Dossier.htm) (13/10/03).

<sup>31</sup> The Western Political Movement founded in 1984 by Maurizio Boccacci, a former member of *Avanguardia*, after an endless series of racist aggressions was severely hit by the “Runa Operation”, which brought it to an end. The “Runa Operation”, which applied for the first time the Mancino law against racial hatred, was triggered off by dozens of reports by the

In 1998 the Digos in Rome carried out many other arrests in the course of the second phase of the “Thor” operation (a long inquiry lasting one year in compliance with the Mancino law), against an international neo-nazi organisation known as **Hammerskinheads**<sup>32</sup>, a federation which was created in the USA in the 80s, whose best known Italian gangs are SPQR, the ultra Skins and the Tibur Skinheads<sup>33</sup>.

The racist acts of aggression and violence as well as anti-Hebrew intimidation by groups of skinheads are innumerable, especially in the Centre and North of Italy. The main driving factor of the movement is the hatred of immigrants, which succeeds in merging the two trends of the movement: the “spontaneous”, racist and chauvinist one, distinguished by its hooligan behaviour, and the politicised militant one, attracted by nazi-style symbols and stereotypes, and linked to the traditions of the radical right.

## 2.2. DATA ON THE ATTITUDE OF MOST OF THE POPULATION TOWARDS MIGRANTS AND IMMIGRATION.

The attitude of Italian citizens towards immigrants is accompanied by a purely formal tolerance and hostility at the same time. According to the results of surveys, Italians do not declare they are racist, but show strong feelings of intolerance towards foreign Muslim citizens, and are determined to struggle for more rigorous laws on the subject of immigration.

When reading the data shown in the last research of the Fondazione Censis on *The image of immigrants on tv (2001-2002)*, which monitored the programming of the Rai, Mediaset and La7 channels for six weeks in two years, we reach a discouraging conclusion: television has created real symbolic barriers from which immigrants cannot free themselves. From the percentages we can see that most of the television space, which speaks of immigrants, is limited to the news programmes (88.3%), especially in the daily news. In most cases, the immigrant appears in the role of a victim of misfortune (48.4%) or the author of a negative action (29.7%): indeed, the most common topics deal with criminality/illegal acts/clandestinity (75.2%). In this discouraging overview we are not surprised that the majority of Italians, when speaking of immigrants, resort to stereotypes (98.0%). Immigrants are practically never invited on TV as experts (only 2.1% of cases), at the most they are mentioned (64.9%), or interviewed as being personally involved (18.6%). More space is given to immigrants by the Rai channels (60.4%).

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Digos (Italian Intelligence Police) containing names and surnames of “skinheads”. In Rome a large number of young people were investigated for the reconstitution of the Nazi Fascist Party, racist and xenophobic action, affecting not only violent behaviour but also opinions.

<sup>32</sup> The aim of the “Hammerskinheads” according to Judge Matilde Camino was “incitement to discrimination and violence on racial, ethnic, national and religious grounds with reference to non-EU coloured people and those belonging to the Jewish religion or race”. With this view in mind they proceeded to “indoctrinating the younger groups with theories supporting the purity of the Arian race and other principles typical of nazism”. [http://www.rifondazione.it/osservatorio/oth\\_pg.asp?record\\_ID=2086&Class\\_ID=1004](http://www.rifondazione.it/osservatorio/oth_pg.asp?record_ID=2086&Class_ID=1004) (13/10/03).

<sup>33</sup> On this subject, there is an interesting dossier on the extreme right from Rome: [http://italy.indymedia.org/archives/archive\\_by\\_id.php?id=510](http://italy.indymedia.org/archives/archive_by_id.php?id=510) (13/10/03).

According to another report of 2002 by the same Fondazione Censis<sup>34</sup>, the fact of marginalising immigrants to the space dedicated to the daily news leads to consequences on the role given them in the news. Whether male or female, a child, adult or elderly person, the role of the immigrant in 78% of cases relates a negative event in which he is a hero or a victim. Therefore, the image of foreigners channelled by television varies between that of the “poor immigrant”, victim of a range of negative events (criminal acts, discrimination, judicial errors, bureaucratic delays or disfunctions) and that of the violent and/or criminal foreigner. The survey shows an increase in the number of immigrants, victims of negative acts and a consequent decrease of the image of immigrants as actors of negative acts. The positive acts undergo a further decline; the immigrants responsible for positive action are practically non-existent on television screens (3.3%). We witness a marked change, which shifts our attention to other aspects without extending the scenario; there is an enormous presence of “clandestines” (61.9%) who substitute most of the focus on “criminality”, whilst another 13.3% of the news is dedicated to the legislation on the subject of *immigration*. Although we cannot state that television proposes stereotypes and images of immigrants, which are explicitly racist, the fact remains that the kind of information transmitted, the context and the viewpoint, end up by showing a flat and stereotyped image.

A small study on the image of the immigrant by the Observatory on Racism<sup>35</sup> published on the main Umbrian daily papers in the period 1<sup>st</sup> Jan. 2002 to 30<sup>th</sup> June 2002 is also interesting. A large number of articles collected are dedicated to the daily news: as if to underline the image of the “bad one” who came from afar to threaten our peace and quiet. When speaking of immigration, the immigrant is practically never a subject. He appears more frequently as the object: object of initiatives, political debates, laws... The attention of the press dedicated to the problem of security derives from the fact that it is believed that public opinion like seeing the foreigner as “being now and forever a potential danger”. The immigrant who appears on the news pages commits bag-snatching, robbery, drug pushing, drug addiction, prostitution. The title usually and clearly shows that he is a foreigner. Indeed, the newspapers frequently mention the nationality of the offender or, at least, they describe him as an *alien*: reference to his origin and the attribute of being a “foreigner”, “immigrant”, “clandestine” make the news more “attractive”. Actually, in the crime news the equation *different-deviant is functional* as it allows the average citizen to project his own fears on the foreigner and to free himself from his own anxieties.

The main results of the Eurisko survey for “La Repubblica”<sup>36</sup> carried out on a large sample of Italians reveal that less than three years ago, almost one person out of two (46%) saw the immigrants as a danger to the public safety and order; almost one third of the population has the same preoccupation today (35%). The same trend exists for other fears linked to the presence of foreigners: 28% of those interviewed see them as a threat to employment; one person out of four as a danger to our culture and identity. If 33% agrees with the law that establishes the taking of fingerprints of all immigrants “in order to have certainties about all foreigners”, the rest of the population seems to be less convinced. Generally speaking, if the link between immigration and social deviation is

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<sup>34</sup> Fondazione Censis, November 2002, L’immagine degli immigrati e delle minoranze etniche nei media, Rapporto finale.

<sup>35</sup> On the web site: <http://www.osservatorio-razzismo.it/> (13/10/03)

<sup>36</sup> “La Repubblica”, 21 June 2002.

diminishing in public opinion, the fears and causes of general uncertainty are on an increase.

Equally disturbing are the results that emerge from a research carried out by an association of volunteer psychologists Help-Me<sup>37</sup>, led by a psycho-anthropologist, Massimo Cicogna. In this research, they monitored the New Year's wishes of more than 1250 Italian children aged 6 to 12: 56% of those interviewed said "no" to the proposal of eating 'cotechino and zampone' together with foreign children. The research allowed us to make a list of foreigners who according to the children should be "avoided": Moroccans (30%), Tunisians (21%), and "Arabs" in general (15%), followed by "gypsies" (13%) and Albanians (12%). However, in front of a world map or a religious belief, children reveal a lack of knowledge. They "probably acquire their diffidence" to their foreign companions mainly from their own parents (42%), from school (26%) and television (14%). Cicogna had already shown in the former research that 38% of children, as a Christmas present, wanted the foreign companions to disappear from their school. In the classification of the most "undesired" prevail "gypsies" (76%), Albanians (66%) and Moroccans (55%).

According to a research promoted by the Union of the Italian-Jewish Communities<sup>38</sup>, financed with the funds of 8 per thousand out of tax payers' money, directed by Prof. Enzo Campelli and led by the Department of Social Research and sociological methodology "Gianni Statera", at the faculty of Sociology of the University of La Sapienza, on 2200 youths from 14 to 18 years in 110 Italian municipalities, 50.9% declared that immigrants "favour prostitution", make "our life in our cities less secure" (47.8%) and at this rate they will be more than we are" (46.5%). For 64.9% Muslims, "even if they have been in Italy for many years are faithful only to the world of Islam" and support international terrorism (52.2%); 23.8% state that "the first to make racial discrimination are the Jews". As far as immigrants are concerned, in general, 37.3% of those interviewed are convinced that they lead to "the degradation of our neighbourhoods and the places where they live", whereas 32.8% state that they take away homes and jobs from Italians"; for 24.1% "they contaminate our traditions and culture", for 21.2% "they bring diseases". They are "lukewarm" about opinions on multiculturalism and cultural differences. The degree of racism in the research takes on extremely disturbing connotations: one youth out of five is racist (7.8% among the highest values); in territorial areas the "far North" stands out for supporting the lofty values of racism (27.8%), but as an average value it ranges between 53 and 60% all over Italy.

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<sup>37</sup> Ansa, 30 December 2002.

<sup>38</sup> Source: Union of the Jewish-Italian Communities, June 2003, *Il razzismo in Italia*, Rome

### 3. LEGISLATION AND POLICIES CONCERNING RACIST VIOLENCE AND CRIMES

#### 3.1. FOREWORD

In the following pages we shall give an outline, a general picture of Italian sources of legislation on racist discrimination and violence. Before doing so, we shall deal with a few theoretical problems and explain the present Italian political situation to show how the existence of a solid legislative foundation allowing us to condemn racist discrimination and violence is not enough to achieve this aim.

It is not easy to define “racist violence”. In this context we see it in its broader meaning, that is, “any form of aggression, not only physical, but also verbal and symbolical (insults, abuses, intimidation, threats), the main motivation of which is rejection, hostility, contempt, hatred towards a victim, an individual or a community, and the desire to discredit, humiliate or diminish him, on the basis of *characteristics clearly attributed to him*” (see *Glossary*): these characteristics could be biological (the “race”), religious, cultural, ethnic and/or relating to a status. We are of the opinion that acts encouraging a racist attack could also be included in this category.

It would be correct to state that, as far as discrimination and racism are concerned, any definition is the product of a certain theory, hence debatable and perfectible; any definition can only be an *approximation* when describing the racist phenomenon and resulting crimes.

If we then go from theoretical definitions to laws and the possibility to prosecute racial crimes, things become even more complicated. Together with other authoritative experts we feel that a solid and well founded *theory of racism* is the preliminary and necessary condition for having adequate and efficient means to oppose this phenomenon. The continuation in the average political culture – especially Italian but also in Europe in general – of the belief in the “race” and biological determinism (and consequently of a racist lexicon and ideology) sometimes produces, legally speaking, inadequate or even self-defeating tools. It is enough to examine the case analysed later concerning the recent legislative decree No. 215.

#### 3.2. THE PRESENT ITALIAN CONTEXT: THE HOSTILITY OR RESISTANCE OF INSTITUTIONS TOWARDS ANTI-RACIST LEGISLATION

In Italy there is “one school of thought”, supported by representatives of the government majority, especially the Northern League, which substantially believes that it is unacceptable to define expressions of xenophobia and racism a crime, as it goes against the principle of free thinking. For example, the parliamentary discussion of the 18<sup>th</sup> December 2002 – dedicated to the proposal of the frame decision on the fight against racism and xenophobia of the 29<sup>th</sup> November 2001, presented by the Commission of the

European Union – the Italian Minister of Justice, Roberto Castelli (the Northern League), when criticising the European proposal of the frame decision, declared: “We are of the opinion that in a democratic country, freedom of speech must be defended at all costs”, adding that it would be (...) better to abstain from legislating on problems (...) relating to individual freedom”. Referring to the Mayor of Treviso at that time, Mr. Gentilini, known for his daily instigation to racist violence, the Minister added that the risk exists that accusations against racist behaviour could conceal “the desire to oust him, resorting to undemocratic methods”. And with reference to the controversies and attacks against the Italian journalist Oriana Fallaci, for her pamphlet *Anger and Pride*, Mr. Castelli stated on the same occasion: “This reminds me of the bonfires of books of not so long ago in Europe”<sup>39</sup>.

Subsequently on the 28<sup>th</sup> February 2003, in the European Parliament, Minister Castelli put a stop to measures destined to harmonise laws and sanctions on the subject of the battle against racism and xenophobia, later declaring: “There is something rotten astir in Europe: red nazis are trying at all costs to deny freedom of speech and opinions to its citizens. But the League opposes and will always oppose these threats. We no longer want to see books burned in a square”<sup>40</sup>.

Actually, in Italy, **a specific anti-racist legislation is already enforced** (see Scelba and Mancino, law 40/98 and others below) which inflicts imprisonment on those who diffuse “**ideas founded on the superiority of the race or ethnic hatred**”, or those responsible for instigating or who commit acts of discrimination and violence “for racial, ethnic, national or religious motivations”. The preoccupations of the minister on the possible breach of the freedom of speech, therefore, concerns not only European provisions but Italian legislation itself: on other occasions, Castelli and other members of the Northern League expressed the necessity to repeal or drastically amend the so-called Mancino law.

Concerning the risk of infringing on individual freedom, it is important to observe that: 1. The immaterial right of the freedom of speech is a universal right that must be guaranteed to everybody independently of his/her origin, culture, religion, sexual tendencies, social conditions, status. In actual fact, expressions of racist intimidation and violence also attack and/or end up by preventing certain categories of people (especially immigrants and Muslims), from having fundamental rights and religious freedom. The violent campaigns carried out, especially by Minister Castelli’s party, against Islam, the Koran, Muslim immigrants and their places of cult, are actually an impediment to the freedom of thought; 2. Art. 10 of the European Convention of Human Rights states that the exercise of free speech can be subject to restrictions, in order to protect the reputation and rights of others. The public expression of racist opinions, of shameful opinions against certain categories of people, intimidation and verbal expressions of a racist kind can be considered as harmful to the rights of others. It is therefore a question of finding the right balance between the safeguard of the freedom of the speech of *everybody* and opposing expressions, harmful to the rights of others, including the right to the freedom of speech.

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<sup>39</sup> Italian Parliament, Commission XIV (European Union Policies), Hearing, Shorth-hand Report of the session held on Wednesday 18 Dec. 2002.

<sup>40</sup> Sa. M., *Castelli di razza*, “il manifesto”, 2 marzo 2003.

### 3.3. BRIEF OVERVIEW OF THE PRESENT LEGAL PROVISIONS FOR RACIST/ETHNIC/RELIGIOUS/ CULTURAL CRIMES AGAINST PEOPLE AND GROUPS OF PEOPLE

In Italy the principle of non discrimination is established as a general and basic principle of the **Constitution**, and by criminal laws and specific legal provisions. Indeed, **Art. 3** declares that “all citizens have an equal social status and are equal before the law, without any distinction of sex, race, language, religion, political opinions, personal and social conditions. It is the duty of the republic to remove all economic and social obstacles, that limit the freedom and equality of citizens, prevent the full development of the human being and the effective participation of all workers in the political, economic and social organisation of the country”<sup>41</sup>. A substantial interpretation of this and other articles of the Italian Constitution suggests that the term ‘citizens’ also includes the residents without Italian nationality.

On the basis of this Constitution, a first specific anti-fascist, and consequently antiracist measure could be considered **Law 645 of 1952** (the so-called **Scelba Law**)<sup>42</sup> which in applying the 12<sup>th</sup> temporary provision of the Italian Constitution, bans the “reorganisation of any form of dissolved fascist party” (art.1), defines the crimes of the fascist apology (art.4), of instigation and reiteration of the typical practices of the party and regime which have been abolished, including racist discrimination and violence.

In order to enforce the **Convention against genocide of 1948**, another important law was issued in 1967, **Law 962**<sup>43</sup>. It contains a number of provisions that punish the partial or total destruction of a national, “ethnic”, “racial” or religious group (art.1); imposing brands or distinctive signs on people on the grounds of their national, “ethnic”, “racial”, or religious group they belong to (art.6); including the simple agreement to commit genocide (art.7). One of the most important provisions is art. 8 which punishes the public instigation and apology of genocide.

In 1975, important new disciplines were introduced on this subject. First of all, the international Convention of New York on the elimination of all forms of “racial” discrimination (1965) was applied with **Law 654/75 (Reale Law)**<sup>44</sup>. This last law was later amended and completed with the subsequent **Law 205/93 (Mancino Law)**, entitled “Urgent measures on the subject of racial, ethnic and religious discrimination”<sup>45</sup>. According to the Law 654/75 “those who diffuse ideas founded on the superiority of the race or racial or ethnic hatred of any kind, or who incite to commit or commit acts of discrimination for racial, ethnic, national or religious motivations”, will be imprisoned for up to a period of three years; anyone committing or inciting to commit acts of violence or instigation to violence for these reasons will be punished with imprisonment from 6 months to 4 years. Art. 4 confirms that those found guilty will be punished by the law for “any diffusion of ideas based on the superiority of the race, or racial hatred, all forms of

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<sup>41</sup> <http://www.senato.it/funz/cost/art3.htm> (13/10/03)

<sup>42</sup> [http://www.cestim.org/lg\\_razz/lg20.11.52.htm](http://www.cestim.org/lg_razz/lg20.11.52.htm) (13/10/03)

<sup>43</sup> Law for the prevention and repression of genocide, Official Gazette 31 Oct. 1967, no.272

<sup>44</sup> [http://www.cestim.org/lg\\_razz/conv\\_ny.htm](http://www.cestim.org/lg_razz/conv_ny.htm) (13/10/03)

<sup>45</sup> [http://www.cestim.org/lg\\_razz/leggemancino.htm](http://www.cestim.org/lg_razz/leggemancino.htm) (13/10/03)

instigation to racial discrimination, and all acts of violence, or incitement to these acts, as well as support given to racist activities, including sponsorship. Moreover, these laws also “declare illegal and ban organisations and activities of propaganda that instigate to discrimination” and “do not allow public authorities and national or local public institutions to incite to or encourage discrimination or violence.”

The Mancino Law stands out for its marked tendency to broaden the area of punishment for potentially racist behaviour: the law establishes **preventive measures by sanctioning the instigation to racist type acts of violence**, and represses this behaviour: all forms of discrimination in the way of opinion, instigation or act, are first and foremost direct offences against the person and his dignity. The aforementioned law states that those who openly express or **show emblems and symbols belonging to associations, organisations, movements or groups whose aims are to incite to discrimination and racist violence**, in public meetings, will be punished with detention and condemned to the payment of a fine.

Later, **Law 45/95**, entitled “Urgent measures to prevent phenomena of violence during sports contests”, repeats in a more general way the sanctions established in the Mancino law.

**Articles 41 and 42 of Law 286/98**<sup>46</sup> (“Regulations on immigration and laws on the conditions of foreign citizens”) define the direct and indirect behaviour that represents a form of racial, ethnic, or religious discrimination, mentions the beneficiaries of the laws, granting them the possibility of suing and prosecuting (art. 41 “Discrimination on racial, ethnic, national or religious grounds; art. 42: “Bringing civil action against discrimination”).

Lastly, the Council of Ministers has approved on the 9<sup>th</sup> of July 2003, **Legislative Decree No. 215** as the application of **Directive 2000/43/CE** “for the equal treatment of people independently of their race and ethnic origin”. The decree defines the sphere of application of the principle of equality of treatment concerning the public and private sector, with a specific reference to the following: employment and working conditions; professional training and education; all forms of social security; access to goods and services, including accommodation (art.3). Hence, it establishes the norms for the legal protection of rights (art.4) and creates a “Department to fight all forms of discrimination” under the Council of Ministers – Department of Equal Opportunities.

It should be pointed out that this decree has been bitterly criticised by antiracist associations, organisations for the defence of minorities and for the defence of the rights of homosexuals. Actually, it is intrinsically contradictory as **it reintroduces principles of discrimination; it supports and approves of a racialist ideology** (taking for granted the existence of a deterministic bond between racial characteristics and working attitudes). Indeed, the decree establishes that: a) protection from discrimination “does not concern the differences of treatment on grounds of nationality (...) or any treatment deriving from the juridical conditions” of the citizens of third countries and the stateless (art.3, par. 3); “those differences of treatment due to characteristics linked to race or ethnic origin do not constitute acts of discrimination” when these characteristics “form an essential decisive prerequisite for the purposes of carrying out a working activity” (art. 3, par. 3); c) “those

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<sup>46</sup> [http://www.cestim.org/lg\\_razz/lg6.03.98.htm](http://www.cestim.org/lg_razz/lg6.03.98.htm) (13/10/03)

differences of treatment which, though indirectly discriminatory, are justified by (...) legitimate aims...” (art. 3, par. 4) are not considered acts of discrimination.

### 3.4. POLICIES AND INSTITUTIONAL SYSTEMS OF MONITORING

Law 286/98 (“Single act on the provisions concerning immigration and regulations on the conditions of the foreign citizen”, the so-called “Turco-Napolitano Law”), in par. 12 of art. 44, gives the Regions the responsibility of creating “centres of observation, information and legal assistance”, to victims of discrimination and racist violence. **Five years after the passing of the law, this position is still widely unapplied.**

Among the duties assigned to the “Department against discrimination” the recent aforementioned Decree No. 215 includes that of “making enquiries to control the existence of discrimination” (art. 7, par. 2, b). This provision does not seem to have been applied and is not yet being applied.

## 4. DESCRIPTION AND ANALYSIS OF EXISTING DATA AND SOURCES ON VIOLENCE AND RACIST CRIMES; GAP-ANALYSIS

### 4.1. THE EMPIRICAL BASIS OF THE PRESENT STUDY

As in the former analytical study, relative to the two years 2000-2002, we have used here a solid theoretical approach on which we have based this empirical survey. It is mainly founded:

- on information taken directly on the spot, by interviewing numerous authoritative professionals in the field;
- on a survey we made of episodes of racist violence (generally speaking) that were reported by the press (especially daily papers), by press agencies and some websites and mailing lists<sup>47</sup>.

This case history is therefore the main empirical basis from which we can draw data and make considerations on the recurrences, victims and perpetrators of racist violence and crimes. Indeed, more than in the former study, we observed the total lack of reports, information, statistics, and official figures on the specific themes of racist violence and crimes, and also the lack of data and information that can be obtained from inquiries and

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<sup>47</sup> The cases collected through this survey have been compared with those from our previous analytical study (200-2002) and with those reported in the appendix to the volume: Rivera, A. (2002), *Estranei e nemici. Discriminazione e violenza razzista in Italia* (with *Inventario dell'intolleranza* by P. Andrisani), Roma: DeriveApprodi.

researches. This explains the necessary choice we have made this year, by consulting some press sources of information, to obtain a sample of cases of racist violence as examples of a more general situation. As we confirm, these cases have not been surveyed by official and/or institutional monitoring centres or systematically and continuously by other organisations.

As there is no systematically collected information and data through specific structures, our method can be described only as being based on evidence. Indeed, with a few exceptions, taken from a few newspapers and mailing lists, the media has a tendency “to report cases that make news (more commonly violent and tragic events), ignoring all cases of everyday discrimination and ordinary events of racism, and to underestimate the situation considerably, which is of no help towards the adoption of efficient policies of prevention”<sup>48</sup>.

Consequently, this chapter is necessarily more dedicated to the *gap analysis* than to indicating existing sources and data.

## 4.2. THE MONITORING BY ASSOCIATIONS

In the vast galaxy of associations dealing with the defence of the rights of migrants, refugees and ethnic minorities, there are a few, unequally scattered over Italy, that sometimes, even though involuntarily, often with limited finances and for limited periods, carry out the task of surveying and indicating cases of racist discrimination and violence, restricted to their specific area.

As we have pointed out in our former analytical study, these initiatives have been unequally distributed among the Italian regions and are not coordinated in any way between them. The aforementioned study by Marina Pirazzi and Laura Pozzoli<sup>49</sup> insists that these experiences give a picture distinguished by: a) projects of a limited period rather than permanent monitoring services; b) irregular funds often depending on the finances of the European Commission; c) inadequate and partial commitment of local bodies; d) total absence of the police “even when their collaboration was sought and encouraged” (p. 10). As a result, these experiences do not succeed in giving a general and comprehensive picture in time of the Italian situation on the diffusion of racist discrimination and violence. With reference to the period concerned (September 2002-September 2003), we have noticed especially a decline or interruption of this monitoring activity compared to the period examined in the former analytical study. This is probably also due to the lack or suspension of funds mainly linked to the financial projects by the European Commission for specific initiatives.

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<sup>48</sup> Pirazzi, M., Pozzoli, L. (eds) (2002) Osservatori sulla discriminazione sulla base della “razza”, dell’origine etnica e della religione, p. 9.

<sup>49</sup> Ibid, p. 10.

### 4.3. THE MONITORING CENTRES ESTABLISHED BY LAW 286/98

We would like to recall that the repeatedly mentioned law 286/98 assigns to the Regions the competence of creating “Centres of observation, information and legal assistance” for victims of discrimination and racist violence. As we have already mentioned, this provision has been substantially unapplied. Nevertheless, compared to the two-year period under examination in the former analytical study, there has been a little progress as some regions are beginning to create these centres. However, as they are still in a very preliminary stage, for the present time there is not yet any information and data coming from these sources.

### 4.4. GOVERNMENT INITIATIVES AND SOURCES

As far as government initiatives are concerned, we think we can rightly state that there exists no systematic, permanent, adequate and reliable group of information and data; or at least that it has not been made public. Very brief information relative to 2002 has been supplied by the Ministry of the Interior on the specific request of COSPE, on behalf of the EUMC<sup>50</sup>: according to these data, compared with 2001, racist type crimes probably declined by 12%, whereas crimes generally described as “anti-Semitic” increased by 10%.

Due to this lack of information, we paid particular attention to the recent report “on the policy of information and security”, published by the President of the Council of Ministers and relative to the second semester 2002. In spite of this, we had to confirm that of the 23 pages of the paper, only seven lines of the brief paragraph (of 26 lines) on the “extra-parliamentary right” are dedicated to racist propaganda and violence of the extreme right<sup>51</sup>, compared to the four pages dedicated to the “Red Brigades and the extra-parliamentary left” and to most of the documents dedicated to Islamic type terrorism.

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<sup>50</sup> Ministry of the Interior, Central Department of the Prevention Police, data requested in 2002 by the European Monitoring Centre on Racism, Xenophobia and Anti-Semitism (EU), document No. 224/B1/16285.

<sup>51</sup> One of the only two paragraphs on the subject speaks of “long-lasting contacts with skinhead circles which have promoted numerous gatherings, especially in the North-East – with the participation of foreign militants – and have increased initiatives against immigration. Initiatives against the presence of non-EU citizens are undoubtedly a threat, both as a form of violent confrontation with its counterpart and dangerous xenophobic insinuations”. The other paragraph points out the existence of “relations between ‘revisionist’ and ‘negationist’ sectors and foreign neo-nazi exponents which could suggest the existence, at a European level of a semi-clandestine anti-American and anti-Semitic network”. (President of the Council of Ministers (2002), 50<sup>th</sup> Report on the policy of information and security. Second Semester 2002. P. 5).

## 4.5. OTHER SOURCES

We have not had the opportunity, this year, of consulting *specific* research reports on racist violence and crimes relative to the period under examination in this study. The only publication on this subject that appeared in this period is:

- Rivera, A. (2002) *Strangers and Enemies. Racist discrimination and violence in Italy* (with an *Inventory of intolerance* by P. Andrisani), Rome, DeriveApprodi: it is an analysis of the Italian situation based on a theoretical definition of discrimination and racism. It analyses the Italian policies of immigration compared to the European ones, dedicating three chapters respectively to the social and juridical condition of immigrants in Italy, to Islamophobia and “the policy of the camp” (“the Temporary Hosting Centres” and the segregation of the gypsy population). It contains an appendix of cases of racist discrimination and violence, recorded by newspapers and agencies of the national press from January 2000 to March 2003.

Other analytical studies and research reports published during this period, of interest to the present study, have been analysed as subsidiary sources even if they do not specifically deal with this subject, in order to reconstruct the context where the acts of racist violence and crimes are committed. They are:

- Bencini, C., Meli, A. (eds) ENAR, *Alternative report 2002, Italy*, Shadows Reports, March 2003<sup>52</sup> (published with the support of the European Commission- DG Employment): it is based on researches carried out in the academic world on different aspects and fields of racial discrimination; on some local dossiers, produced by associations and NGOs engaged in the immigration sector; on a number of press reviews and reports, also those by the EUMC.
- Pirazzi, M., Pozzoli, L., eds (2002) *Observatories of discrimination on the basis of race, ethnic origin and religion, 2002*<sup>53</sup>: the research gives a general picture of the most important monitoring experience at a European level on cases of discrimination and racism in a permanent context of observation of the phenomenon; it is based on the study of about 70 web sites, on interviews of about 30 people and an examination of various printed documents.
- AA. VV., (2003) *Freedom of the press and racial discrimination. A review of regulations on the subject and analysis of the role of codes of behaviour in Italy*, Florence: Cospè<sup>54</sup>: it is an analytical examination of the laws, documents and rules of Italian journalists and the legislative and legal sources on the subject; it also contains an analysis of “good practice” in the field of “intercultural” information.
- EUMAP and Open Society Institute (2002) *Monitoring of the protection of minorities in the European Union: the situation of Muslims in Italy*<sup>55</sup>: it analyses the status, living and working conditions, the possibility of having

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<sup>52</sup> Available on the web site: <http://www.enar-eu.org/eu/national/i.shtml#shadow> (10.08.2003).

<sup>53</sup> Available on the web site: [http://www.immigra.org/documenti/pirazzi\\_osservatori.pdf](http://www.immigra.org/documenti/pirazzi_osservatori.pdf) (10.08.2003).

<sup>54</sup> Available on the web site: [http://www.cospè.it/down/libertàdistampa\\_def\\_.pdf](http://www.cospè.it/down/libertàdistampa_def_.pdf) (10.08.2003).

<sup>55</sup> Available on the web site: [http://www.eumap.org/reports/2002/content/09/380/2002\\_m\\_italytrans.zip](http://www.eumap.org/reports/2002/content/09/380/2002_m_italytrans.zip) (10.08.2003).

the right to the freedom of religion of the Muslim minority in Italy. It contains a brief study of the legislation, policies and institutions that guarantee and protect the right of the minorities. One brief paragraph is dedicated to the “Protection against violence on the basis of race or religion”, referring to a period prior to 2002.

## 5. INFORMATION OBTAINED BY SCREENING NEWSPAPERS AND OTHER SOURCES (SEPTEMBER 2002-SEPTEMBER 2003): DATA PROCESSING. ANALYSIS OF VICTIMS AND OFFENDERS

### 5.1. FOREWORD

The data shown below were obtained through the *direct screening* of some daily papers in September 2002-September 2003 in order to select information on racist violence, physical, symbolical and verbal, for the present analytical study. We also obtained a certain number of cases by visiting some web sites and on-line editions of some newspapers.

The information thus obtained was selected and subdivided into categories. It was then compared for the period with an extensive case history (January 2000-March 2003) contained in: Andrisani, P. (2003) *Inventory of intolerance*, in: Rivera, A. (2003) *Strangers and enemies. Racist discrimination and violence in Italy*, Rome: DeriveApprodi.

Our main sources were national newspapers “Il Manifesto”, “Liberazione” and “L’Unità”, whose articles through the period concerned were systematically screened. Some of the cases collected were obtained from other sources which were not systematically examined, such as: the national information agency ANSA, the newspapers “La Nazione”, “La Repubblica”, “Il Corriere della Sera”, “La Stampa”, “Il Nuovo”.

## 5.2. QUANTITATIVE OUTLINE OF THE CASES COLLECTED (SEPTEMBER 2002-SEPT. 2003)

TOTAL NUMBER OF CASES OF <b>RACIST VIOLENCE:</b>	<b>88</b>
<b>A. VERBAL VIOLENCE</b> , total number of cases:	<b>40</b>
<b>A1. Racist offences, insults and threats:</b>	<b>26</b> in cases
A1a. by <b>exponents: of the central government,               local institutions, political organizations and parties:</b>	<b>22</b> in cases
A1b. by <b>non institutional actors:</b>	<b>4</b> in cases
<b>A2. Racist graffiti:</b>	<b>14</b> in cases
A2a. <b>Anti –immigrant graffiti:</b>	<b>7</b> in cases
A2b. <b>Anti-Jewish graffiti:</b>	<b>7</b> cases
<b>B. PHYSICAL VIOLENCE</b> total number of cases:	<b>48</b>
<b>B1. Aggression and ill-treatment:</b>	<b>43</b> cases
B1a. by <b>police and other institutional actors:</b>	<b>17</b> in cases
B1b. by <b>non institutional actors:</b>	<b>15</b> in cases
B1c. by <b>extreme right-wing organisations:</b>	<b>8</b> in cases
B1d. by <b>non institutional actors with the help of               institutional actors:</b>	<b>3</b> in cases
<b>B2. Death caused by violence, ill-treatment, abuse, omission:</b>	<b>5</b> in cases
B2a. by <b>police and other institutional actors:</b>	<b>3</b> in cases
B2b. by <b>unidentified actors:</b>	<b>2</b> in cases
<b>C. PERPETRATORS</b>	
Breaking down the categories of the above-mentioned actors and adding up the cases of verbal and physical violence, the most represented perpetrators are:	
<b>C1. Extreme right</b> individuals or groups:	<b>23</b> in cases
<b>C2. Ordinary citizens</b> or unidentified individuals/groups:	<b>21</b> in cases
<b>C2. Police</b> force members:	<b>17</b> in cases
<b>C3: Exponents of the Northern League, also institutional members:</b>	<b>15</b> in cases
<b>D. VICTIMS</b>	
<b>D1. Cases in which the news indicate the sex and/or age of           the victims of violence:</b>	
D1a. Men:	48
D1b. Women:	17
D1c. Minors:	4
<b>D2. The most hit categories are:</b>	
D2a Immigrants and refugees (in general):	in 64 cases
D2b Gypsies:	in 15 cases
D2c Jews:	in 2 cases
<b>D3. In the few cases in which the nationality of the victims,           mainly of physical violence, is indicated they are:</b>	
Moroccan:	7 (two women) and “a family”
Senegalese:	4
Tunisian:	3 (one woman)
Indian:	3 (sikh minority)

Nigerian:	2 (one woman)
Bangladeshi:	“a few”
Albanian:	1
Bulgarian:	1 woman
Guinean:	1
Ivory Coast:	1
Peruvian:	1 woman
Romanian:	1 woman
Somali:	1 woman
Hungarian:	1 minor

Moreover, “a group of Tunisians” is mentioned together with “a group of Chinese”, “a group of Senegalese”, “a group of Maghreb people”. Among the gypsies only in one case (“a Romanian gypsy woman”) is the nationality indicated.

### 5.3. EXPLANATION OF THE DATA

It is useful to state that the data obtained from this monitoring is merely indicative, or better, based on *evidence*. The information from the daily newspapers – therefore, the case history – obtained in the above-mentioned way, should be considered a limited *sample*. It obviously represents only the “tip of the iceberg” of a deeper and vaster phenomenon, which rarely succeeds in making its appearance on the daily news. This is why some categories of racist, verbal and symbolic violence, like graffiti on walls, which in reality are very common, are uncommon as they are considered unimportant by the press. Hence, anti-Judaism (or anti-Semitism), which is often expressed in terms of verbal and symbolic violence, is understated.

It should also be said that:

- a. one of the categories of offenders of verbal and symbolic violence is here classified under the single title of “members of the central government, local institutions, organisations and political parties”. This choice was inevitable owing to the fact that a large number of insults and offences, verbal and symbolic aggression, came from people who are also members of the Northern League and representatives of social institutions, of the national government, or even of the European Parliament. Thus, some of the xenophobic and racist events have been organised by the members of the extreme right together with the Northern League.
- b. Only part of the information from newspapers, that we have assembled, reports the nationality of the victims of racist violence. It is more frequently mentioned when the victim is a woman. On the contrary, it is well known that the Italian media, frequently mentions the nationality (and/or even with words such as “clandestine”, “Slav”, “gypsy”...) of the authors and presumed authors of events in the crime news, however insignificant, whereas usually the nationality is not mentioned when the offenders are Italian citizens.
- c. Gypsies are under-represented owing to the fact that verbal aggression, abuses and physical violence affect them more as collective victims. Among the episodes obtained from the news at least two concern insults, threats and aggression against numerous groups of gypsies (from 200 to 300 people).

- d. The symbolic and physical violence (such as rape) experienced by immigrant women, mostly occurs inside domestic walls (a high percentage of them do domestic work or take care of elderly people). This violence is rarely denounced and even more rarely appears in the news.

## 5.4. ANALYSIS OF THE VICTIMS AND THE OFFENDERS

### 5.4.1. The victims

For the above-mentioned reasons it is not possible, from the example analysed, to obtain adequate information on the victims of racist violence, especially when it deals with symbolic and verbal violence.

1. **First and foremost** is the large group of those generally called “**immigrants**”, among whom should be included both economic migrants and refugees and asylum seekers. Apart from a few variables such as the sex and in some cases the nationality, the information from the daily papers generally omit any other data. However, we know that the variables of status and social condition play a decisive role in making “immigrants” become potential victims of heterophobia and racist violence: irregular migrants from a poorer background, living in temporary or makeshift accommodation, employed in open-air jobs. As they are more “visible” they are generally those who are more stigmatised and therefore more exposed to racist violence. But they are also those who more infrequently denounce acts of violence and crimes of which they are the victims. One sign of discrimination and racism of which migrants and refugees are victims consists of an alarming fact: in Italy, although foreigners are only about 3% of the total population, they are almost 30% of the prison population<sup>56</sup>. Another reason, which increases the stigmatisation, is their real or presumed belonging to the Islamic religion. Even if, in the period under consideration, Islamophobia seems to be on the decline, at least as far as the more aggressive expressions are concerned, it continues to exist as an inherent factor of the propaganda and xenophobic acts above all of the Northern League and some organisations of the extreme right. The anti-Muslim prejudices and Islamophobia seem moreover to be extensively present in Italian public opinion; they are also encouraged by a certain ignorance concerning Islam and more generally speaking concerning the cultures and religions, different from their own, which is typical of most of the Italian population.
2. In the **second place** come the **gypsies**, whose nationality is rarely mentioned. However, we know – from direct experience, after interviewing operators who deal permanently with the defence of their rights and through reports and publications on the subject – that gypsies are really among the main victims of racist verbal and physical violence and of a systematic discrimination, violation of fundamental rights, abuses and ill-treatment, also by the police and generally

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<sup>56</sup> Source: web site of DAP (Penitentiary Administration Department), <http://www.giustizia.it> (10-10-2002).

by institutions<sup>57</sup>. This happens even when they are Italian citizens. The favourite victims and examples of heterophobia and racism are to be found among gypsies. The refusal, hostility, contempt of which they are victims seem to inspire widespread feelings and attitudes among “political actors of racism” (and among these, especially the Northern League), but also more generally in the Italian population. These feelings and attitudes also reflect the behaviour of institutions like the police: the gypsy camps, real ghettos, are the target of frequent police raids during which acts of abuse and violence are frequently committed. In Italy even members of Parliament use outrageous tones and expressions against gypsies<sup>58</sup>. Polls on the attitude of Italians towards immigrants and ethnic minorities agree about placing gypsies at the top of the list under the category of “the most unwelcome”. Besides, we can state that it is not difficult to come across immigrant citizens, in their turn victims of discrimination and xenophobia who have feelings of contempt and hostility against gypsies. The reasons for all this are numerous and complex, and are fundamentally due to a vicious circle, leading to racism: the marginality and segregation imposed on them by Italian institutions, e.g., through the “system of camps”<sup>59</sup> (owing to the prejudice according to which they are nomads by nature and choice), drives them to “marginal” behaviour and lifestyles, which increase their negative image, instigating contempt, hostility and racism towards them.

3. **In the third place**, come the **Jewish community**, victims not so much of physical but rather symbolic and verbal violence. The present day anti-Judaism is mainly expressed, especially in Italy, in the form of threats, insults and symbolic aggression against people and symbols of Hebraism; expressions accompanied by revisionism and negationism and the offence of the identity and memory of all the Jewish people. Nevertheless, also inside the small sample we have gathered and, as already mentioned, and therefore to be used purely as *evidence*, there are cases of insults and threats against individual victims. Anti-Judaism and anti-Hebraism do not only exist among far-right groups. The latter are no doubt the main culprits of threats, insults, outrageous graffiti and the organisers of revisionist and negationist political protest marches. But anti-Semitic feelings and attitudes are also present all across the political parties and in part of the public opinion as an inheritance of the past and a reflection of focalisation caused by international conflicts especially in the Middle East. To conclude, we feel that anti-Judaism and anti-Hebraism are a growing phenomenon, encouraged by international conflicts and also, as far as Italy is concerned, by careless declarations of the most important members of the government: one could recall the interview of Prime Minister Berlusconi to an English magazine, in which he expressed a lenient view of Mussolini’s regime, understating persecutions, repression and implicitly racism and anti-Semitism, is not a good example to counter the historical roots of anti-Judaism and anti-Hebraism.

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<sup>57</sup> Concerning the condition of gypsies in Italy and discrimination, abuse and ill-treatment by the police and institutions, see the National Report No. 9 (October 2000) of the European Roma Rights Centre.

<sup>58</sup> In the session of 27<sup>th</sup> Feb. 2003, concerning the discussion on “Control operations in gypsy camps – No. 2-00648” Mr. Maurizio Balocchi, Undersecretary of the Minister of the Interior, associates the “irregular non-EU citizens” with the “slums” and “urban degraded suburbs”. Mr. Federico Bricolo (Northern League), on his part, stated: “entire countries are attacked by organised crime caused by nomads, specialised in breaking into flats”.

<sup>59</sup> European Roma Rights Center, *op. cit.*

#### 4. The offenders

Referring to those who commit racist crimes and violence, in the sample we analysed, which can actually be observed in the real situation and other sources, we see that the hierarchy of the offenders can be described as follows:

1. Individuals and groups belonging to the various structures of the **far right** (generally anti-Hebrew, negationist, racist and in many cases also anti-Muslim) form the most numerous and aggressive category. What distinguishes this category of offenders (for example, compared with that of the members of the Northern League) is the fact that they commit symbolic and verbal acts of violence (insults, threats, racist and anti-Semitic graffiti, ostentation of Nazi symbols, political marches reminiscent of the pogroms), and direct violent acts: ambushes, physical, individual and collective aggression, punitive expeditions against immigrants and gypsies. The choice of their victims seems to be based mainly on their appearance as they are *outsiders and different*: there are no end of cases of immigrants attacked by far right individuals and groups only for the colour of their skin<sup>60</sup>. Above all, in the cities and regions governed by the centre-right there exists a certain tolerance of racist “undertakings”, even violent, of these organisations (we should remember moreover that Forza Nuova<sup>61</sup> even has a few members who are local administrators). As we mentioned before, in 2001 the members of the most violent groups of the extreme right established an “Observatory for Just Justice” with the official sponsorship of the Veneto Region, administered by the centre-right. It should be observed that the phenomenon of racist violence by far-right individuals and groups is carefully considered by the Magistracy and the DIGOS (the State Police), who carried out several inquiries on the subject; but it is generally underestimated and overlooked by the institutions of the central government (see the 6-monthly report of the Ministry of the Interior quoted in the present study).
2. **Secondly** there is the category of those we have generally called “ordinary citizens or unidentified individual/groups. In reality, the analysis of the cases shows us that it also includes “unusual” citizens: for example, one of these cases reported in the press is one where the victims, in September 2002, were three Indian citizens belonging to the Sikh minority, kidnapped, blackmailed and submitted to ill-treatment and inhuman working conditions by the owners of a famous circus. Other cases were also those of ill-treatment, kidnapping, harassment or even rape by employers against women immigrants employed as “domestic help” or nannies. There are reasons for holding that this phenomenon is fairly widespread, as denounced among others by Caritas. Equally frequent seem to be the cases of immigrant workers forced to accept servile or semi-slave work under the blackmail of being denounced to police authorities, if they do not have a residence permit, or even with threats, ill-treatment and physical violence<sup>62</sup>. One of these cases was the act of aggression to the damage of a Tunisian citizen by the

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<sup>60</sup> An article of the 5<sup>th</sup> Aug. 2003 (reported by TGCom, an online daily news bulletin) reported the case of a 17-year old very tanned Italian youth who was insulted as “dirty nigger” and badly beaten up by a group of skinheads.

<sup>61</sup> See the “Brief overview of xenophobic-populist parties of extreme right wing and racist organisations, their recent activities”.

<sup>62</sup> See Rivera, A. (2003) *op. cit.*, pp. 34-35.

private security member of a supermarket, who accused him of theft without any proof at all on the simple basis of xenophobic prejudices. Other cases of insults and physical aggression on the road against foreigners by “common” citizens arise only for reasons of aversion or hatred caused by xenophobia or racism. Other cases put in this category seem to be more the product of unidentified “gangs” of the extreme right.

3. The episodes of verbal and symbolic violence are strongly represented by the **Northern League**. A disturbing fact is that among the offenders of this kind of violence there are local, national and even EU members of governments and institutions: mayors, municipal and provincial councillors, a member of the European Parliament, two government ministers in office; equally disturbing is the fact that in quite a few cases, militants and leaders of the Northern League act in agreement with extreme right wing groups. As we mentioned before<sup>63</sup>, this party (which is part of the government coalition has several members in office) has from its foundation made heterophobia and racism the *constitutional and structural* bases of its identity and programme. In the course of recent years, these elements have been emphasised. The campaigns of the Northern League against immigrants and gypsies and against Islam are fairly common just as the public declarations of Umberto Bossi, national leader and government minister in office, who frequently instigates his followers against the illegal immigrants and insults the immigrants in general; the official web site of the Northern League contains the inset of “Green Volunteers” whose contents are not very different from those of the neo-nazi groups; the daily newspaper “La Padania”, the official voice of the Northern League, sows the seeds of xenophobia and racism every day. It should be added that with time his sense of the community and local government, which initially began as being notably different, has taken on more and more racist overtones, with increasing references to the *Padana race*.
4. Equally noticeable are the cases in which the authors of ill-treatment, abuses and violence are: members of the **police force** (traffic police, national police, Carabinieri). Of these cases, the majority consists of abuses, ill-treatment and violence, also physical, committed inside the so-called temporary hosting centres, which are becoming more and more places with no rights, where acts of violence and beatings are committed as well as acts of self-injury and attempted suicides. A proof of this are the numerous inquiries of the Magistracy, now in course, especially the one about the Centre “Regina Pacis” in Lecce. Other episodes concern the ill-treatment and violence against homeless gypsies, in the so-called “gypsy camps” or in police offices. The perpetrators of some episodes are the squads of traffic policemen (municipal police), who attack even with physical violence the hawkers, especially Senegalese. Moreover, it has been reported by associations of the sector that during police controls in the open, in homes and meeting places of foreign citizens, illegal acts and violent abuse by the State Police and Carabinieri are known to happen. Lastly, among the cases mentioned by the press, one of the worst (June 2003) had as its victim a 25-year old regular immigrant coming from New Guinea and suffering from psychic disorders, killed in his bed with two revolver shots in the stomach by one of the Carabinieri summoned by health operators.

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<sup>63</sup> Ibidem

If we add item 3 to item 4, the picture looks even more serious, as it shows the fact that xenophobia and racism are not mainly a spontaneous phenomenon carried out by “a few isolated individuals”, but they are deeply rooted in the layers of the public institutions, reaching even the national government.

## 6. STRATEGIES, INITIATIVES AND GOOD PRACTICES

### 6.1. LEGISLATION

As far as legislation against discrimination and racism is concerned, we are of the opinion that the Italian regulations as a whole on this subject are sufficient to fight these phenomena. The only exception is the recent decree No. 215 (as an application of Directive 2000/43/EC “for the equal treatment of people independently of their race and ethnic origin”) which, we and some authoritative jurists sustain, introduces serious discriminatory principles. On the subject of the legislation on immigration, some of the amendments to law No. 286 of 1998 made by the so-called “Bossi-Fini” Law can be considered equally discriminatory: just to give two examples, the introduction of the “contract of stay” to replace the “residence permit” tends to increase the dependency of immigrant workers on their own employers and therefore to expose them to blackmail and abuse; doubling the period of the “detention” of irregular migrants in temporary hosting centres and the introduction of new hosting centres, those for asylum seekers, which are likely to encourage acts of abuse and violence, which take place in these centres.<sup>64</sup>

### 6.2. FOR AN EFFICIENT STRATEGY

In our opinion, an efficient strategy to counter racist violence and crimes should set the target of monitoring discrimination and racism on a national scale, and promote its *systematic* analysis and study. Although this objective may appear to be of minor importance, it is, in our opinion, a preliminary and decisive part of an anti-racist strategy. Moreover, this strategy should aim at informing immigrants and minority groups about the Italian Constitution and the anti-racist legislation so that they become the active subjects of the struggle against discrimination and racism.

For this purpose, the creation and increase of regional centres of “observation, monitoring and information” on discrimination and racism provided for by law 286/98, could be useful and the coordination between them and the association of immigrants on the one hand, and on the other, the association of jurists (such as ASG) who struggle for the defence of the rights of immigrants, refugees and ethnic minorities.

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<sup>64</sup> See Annex No. 2 for a brief overview of the legislation on the subject of immigration.

At the same time, an attempt should be made to amend the articles of the above mentioned laws (Legislative Decree No. 215 and the so-called “Bossi-Fini” law) which oppose the principles of non-discrimination and the refusal of racism; abolishing hosting centres; accelerating the introduction of specific and adequate laws on asylum; struggling so that the principle adopted by a great many Italian municipalities in favour of granting voting rights in local elections to resident foreign citizens, become a national law.

For this purpose, it would be right to point out that in the period under examination, the local councils of important Italian cities (governed by the centre-left) have approved amendments to their statute in favour of extending voting rights to all residents, independently of their nationality or have, at any rate, introduced forms of active participation of immigrants and refugees in the activity of the local councils: in Rome, though with great delay, was finally launched the measure which allowed the participation in the work of the local councils of the so-called “assistant councillors” elected among foreign citizens; the Tuscan Region has recently introduced in its statute the voting rights for foreign citizens in the regional elections; in Genoa, Turin, Venice, other Italian cities and in many municipalities in Tuscany foreign residents will soon be able to exert active and passive voting rights in local elections<sup>65</sup>.

### 6.3. SOME EXAMPLES OF GOOD PRACTICE

The following are some recent examples of good practice applied by associations, citizens, professional groups and municipal councils. The cases reported, taken by screening daily newspapers, seem interesting because they show the presence in the population and local bodies of attitudes and behaviour that actively counter in a positive way widespread xenophobia and discrimination also by institutions.

Reggello (Florence): At the crack of dawn the small village of about 800 inhabitants is awoken by the arrival of police and traffic police squads: they came to arrest a young Macedonian, resident there since 1987. After being detained for a week at the temporary hosting centre of Ponte Galeria (Rome), he was later repatriated to Macedonia because he had already been expelled once before. The inhabitants of the village got together, drew up a petition (signed by many supporters) to allow him to return to Italy and sent a letter to the president of the Republic, Mr. Ciampi (“Il Manifesto”, 19 March 2003).

Rome: In the afternoon, at the “Health and Social Centre for Immigrants”, in the Policlinico Umberto I, doctors and nurses visit the “clandestine” immigrants free of charge, after working hours: an experience of voluntary work introduced six months ago and continued with determination. Several specialist doctors go on a shift for three days a week in the health service, distributing “STP” passes for temporarily resident foreigners,

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<sup>65</sup> The recent public announcement by Gianfranco Fini, in favour of giving voting rights to “immigrants” has a cultural and symbolic value even if it does not have an immediate and effective political one. Fini’s bill foresees that only after 6 years of permanent residence and on certain conditions, among which that of showing a certain income, resident citizens of third countries in Italy who have the residence card, will be able to vote, but not to present their candidacy at the local elections. Although this bill is by no means complete, it does however give an important signal to the leaders, the members and voters of Alleanza Nazionale, which is certainly not alien to heterophobia and racism.

giving them access to medical treatment and to a linguistic-cultural mediator responsible for welcoming them (“L’Unità”, 19 May 2003).

Bologna: the ASL (Local Health Service) has created a surgery of doctors from “Sokos”, an association that has offered free health assistance to immigrants and the homeless since 1993. Introduced as a service on the streets and in gypsy camps, it has later become a stable reference point for the medical treatment of illegal immigrants (“L’Unità”, 19 March 2003).

Castel Volturno (Naples): Volunteers of the Caritas and the “Jerry E. Masslo” association work every night on a road, 26 km long going from Pozzuoli to Garigliano: inside a camper van they move to offer assistance to “the night people”, mostly illegal immigrants (including prostitutes and drug addicts). There is also a night service of the “Estrella” project which provides a mobile unit acting as a listening and anti-violence centre (“L’Unità”, 19 May 2003).

Ravenna: For the first time in Italy non-EU citizens vote to elect their “local Parliament”, which, in its turn will elect a president and a deputy president who will be able to sit in the Municipal Council with advisory functions on the subjects of the budget, urban plan, education, health, social services and immigration. With an electoral certificate, an identity card and the residence permit voting rights have been given to about 4000 immigrants with a turnout of about 23% (“L’Unità”, 19 May 2003).

Rome: The project of a mobile children’s surgery, O.A.S.I., involves about 60 volunteers, among the doctors and nurses of the Umberto I Hospital and teachers. The project includes the general treatment of children in a situation of “clandestinity”: ranging from education to medical services. To implement the project, the municipality of Rome has opened a centre for the association and many people have worked to raise funds (“L’Unità”, 19 May 2003).

Turin: the town council approved voting rights in the referendum for non-EU citizens resident for more than 6 months: for the first time in Italy, immigrants who have recently become resident, are given the right to vote even if only for consultative purposes in the municipality. Other municipalities like Rome, have already allowed immigrants to vote in municipal consultative referendums, but this required a period of residence lasting at least five years (“L’Unità”, 26 July 2003).

Riace (Reggio Calabria): The Association Città Futura “G. Puglisi” was created for the purpose of welcoming refugees and at the same time rehabilitating the historical centre of a village of about 650 inhabitants. The project, initially financed by Banca Etica and then by the diocese, was implemented by restructuring the buildings to welcome asylum seekers and later, with the help of volunteers, by restructuring other buildings intended for tourists. There are already numerous families, especially Eritrean, as well as Kurdish, Kosovar and Afghan, who are rebuilding their future in the village (“Liberazione”, 24 August 2003).

Verona: Six militants from the Northern League, in Verona, were brought to trial, in compliance with the Mancino Law, charged by the Chief Prosecutor, Mr. Papalia, with “instigation to racial hatred” towards Sinti and Roma gypsies. In the Summer of 2001, the six militants, among whom Flavio Tosi, municipal councillor and regional councillor, as

well as regional secretary of the Northern League, had organised a racist campaign against a group of Sinti gypsies from Verona, Italian citizens and residents, with the purpose of forcing them to leave the city. During the hearing, the request from the Sinti from Verona and the Opera Nomadi (a national association which defends the rights of Roma), to appear as a plaintiff was accepted. However, the members of the Northern League succeeded in obtaining an adjournment of 45 days for the trial (“il manifesto”, 23 Oct. 2003 and 24 Oct. 2003)<sup>66</sup>.

## 7. SUMMARY AND CONCLUSIONS

The brief picture we have given shows that the Italian context, excluding the controversial Decree No. 215, has a sufficiently solid legislative basis, to allow the prosecution of expressions and acts of racism. However, these acts are not yet efficiently countered, not even on this level. The legislative provisions and means are not lacking, but are inadequately used and applied. This is due to two reasons: a widespread underestimation and lessening of the phenomenon of racism, or even the unawareness and indifference to it; a political climate, hence, also social, that favours and promotes tolerance towards expressions, also aggressive ones, of xenophobia and racism.

It is important to stress that the lack of sources, information and data on discrimination, the racist violence and crimes, which are specific to the Italian situation, is in itself a *cultural and political factor*. It can be analysed as a sign of the underestimation of racism by the government or more generally by institutions or the so-called civil society, which shows a greater attention and interest in the subject. As authoritative experts<sup>67</sup> have repeatedly shown, in Italy the recording, denunciation and struggle against discrimination, xenophobia and racism are not a subject of public debate that is considered legitimate. This trend has worsened ever since the centre-right wing took over the government. Members of this government, such as the Minister of Justice, have repeatedly expressed in public and in well-known institutions their hostility to legal measures of opposition to xenophobia and racism, especially against the Mancino law.

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<sup>66</sup> Although this case took place after the period this report refers to, we thought it was right to mention it as an example: besides, it is one of the rare trials against racism in which the right to appear as a plaintiff of associations that defend ethnic minorities has been accepted.

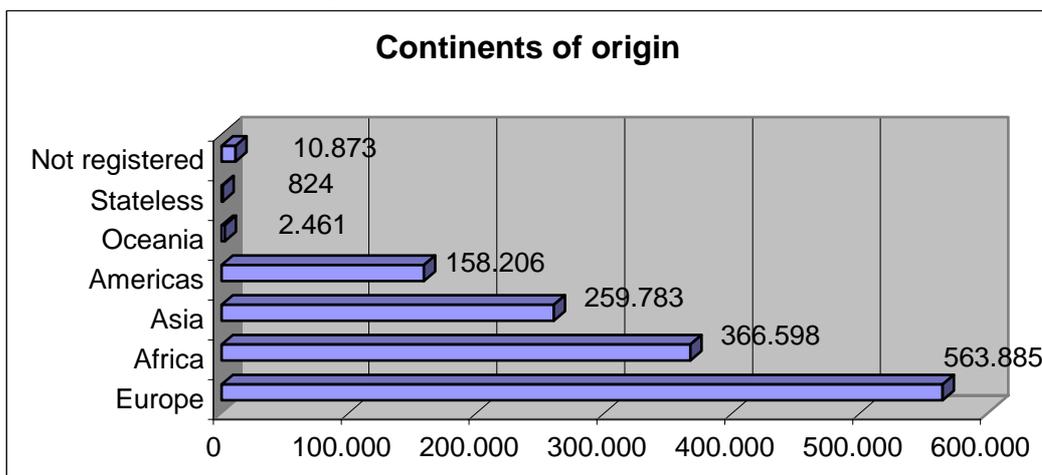
<sup>67</sup> Among these, see Dal Lago, A. (1999) *Non-persone. L'esclusione dei migranti in una società globale*, Milan: Feltrinelli, p. 36.

## 8. ANNEX 1 - DESCRIPTION OF THE QUANTITIES AND COMPOSITION OF THE IMMIGRANT AND MINORITY POPULATION<sup>68</sup>

An immigrant citizen for every 38 residents: permanent foreign residents in Italy on December 31, 2001 totalled 1,362,630 and are divided by continent of origin: 563,885 from Europe, 366,598 from Africa, 259,783 from Asia, 158,206 from the Americas and 2,461 from Oceania, to whom 824 stateless persons and 10,873 persons not registered, must be added.

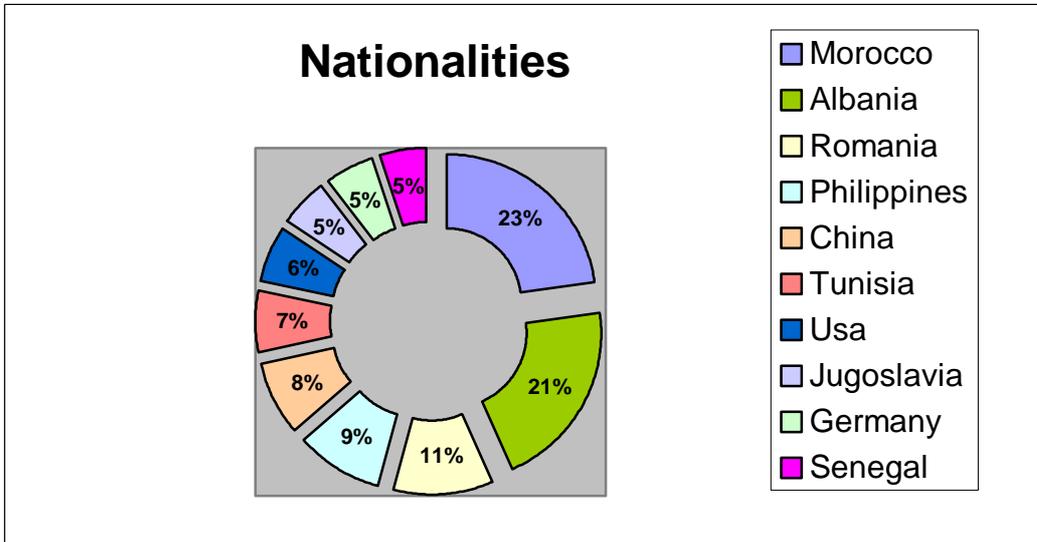
The list of nationalities had similar results to that of preceding years: Morocco 158,000, Albania 144,000, Romania 75,000, Philippines 64,000, China 57,000. A group of 14 countries followed, totaling between 46,000 and 20,000: Tunisia, USA, Yugoslavia, Germany, Senegal, Sri Lanka, Poland, Peru, India, Egypt, France, Macedonia, United Kingdom, Spain, Pakistan, Ghana, Nigeria, Switzerland.

**Table 1: Continents of origin**



<sup>68</sup> Source: Caritas-Migrantes (2002), *Immigrazione Dossier Statistico 2002* (XII Report on immigration), Roma: Nuova Anterem (the Statistical Dossier 2003 is going to be published)

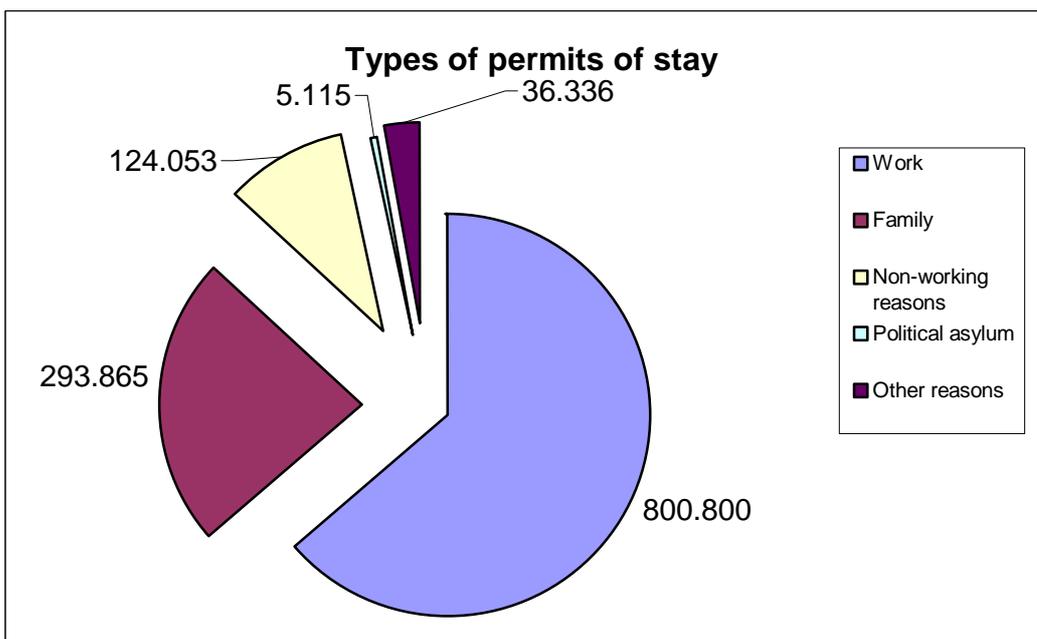
**Table 2: Nationalities**



A comprehensive look in 2001 verifies: the doubling of those granted a permit of stay (permesso di soggiorno); the relevant presence of immigrants for work reasons and their incorporation into the work-force; the consistent increase of reuniting families and minority incidents; the repartition of cities due to the immigrant presence, manifested by the multiplication of national groups.

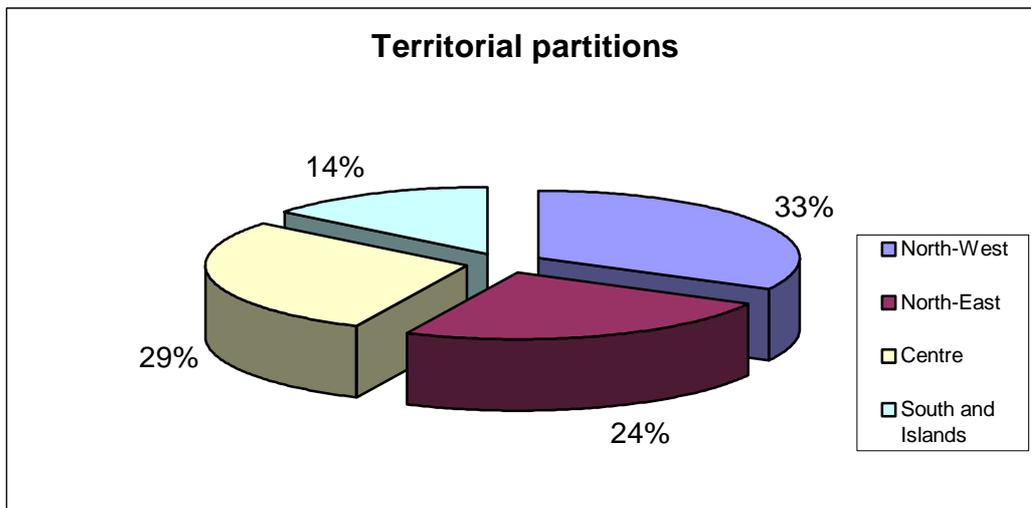
The typology of the permits of stay, according to data provided by the Ministry of the Interior, consistently indicated stable motives for immigrating: 59% for work reasons; 29% for reasons pertaining to family; 7% for other reasons (adoption, religious motives, etc...). Only the remaining 5% did not specify a stable reason.

**Table 3: Types of permits of stay**



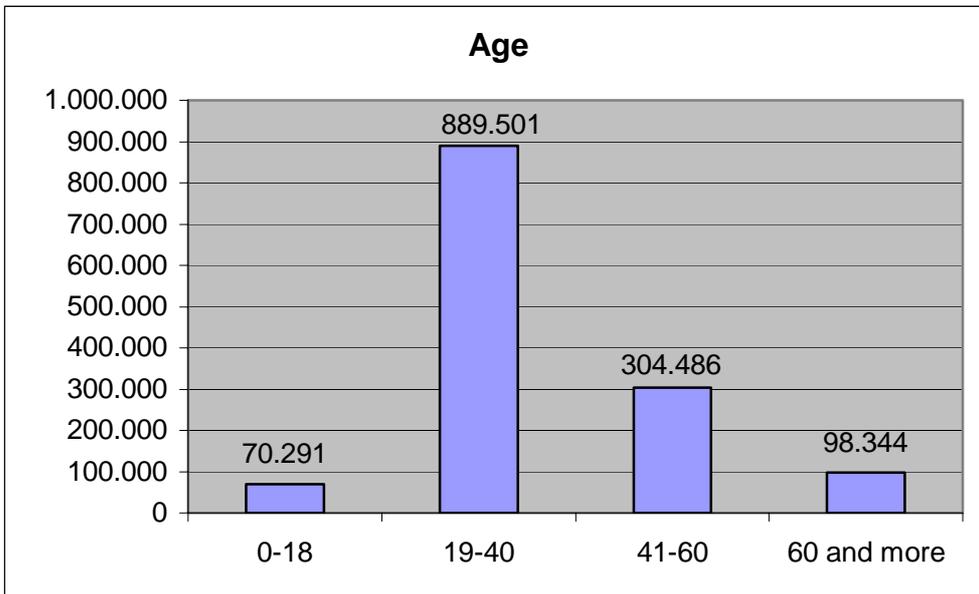
From the information provided by the Ministry of the Interior on permanently residing immigrants issued a valid permit by December, 2001, the following territorial partitions could be deduced: the Northwest (32.7%) and the Northeast (24.1%) together always representing the centre-point of immigration, and in first place is Lombardy, which alone accounts for almost one-fourth of all immigrant presence; Central Italy continues at under 30%, while in prior years it had accounted for nearly one-half of the total permits of stay issued; the South and the Islands make up only 14%, even if the Meridian is established, in part, as an area of stable residence, and in part, as an area of passage and of initial establishment.

**Table 4: Territorial partitions**



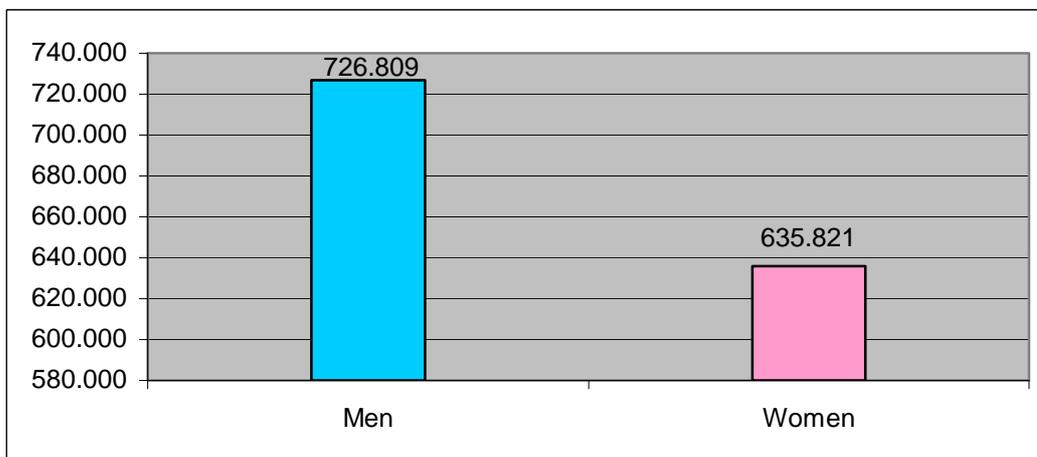
An analysis of the immigrant population divided by age group serves as evidence that, in the three-year term leading up to December 31, 2001, a steady growth in the number of minorities has been verified, to the point of reaching the percentages of the Italian population (20%), proportionally, in terms of age group, this being caused by the number of births and familial reunions; there is a prominence of those in the age group of 20-39 years, primarily young immigrant workers, with 25 percentage points more when compared to the resident population in Italy of that same age group; a reduced amount of immigrants in the age group 41-60 years exists (18% compared to 26%), and lastly, there is an even smaller amount of immigrants in the age group of 60 years and older (6.1% compared to 24%).

**Table 5: Age**



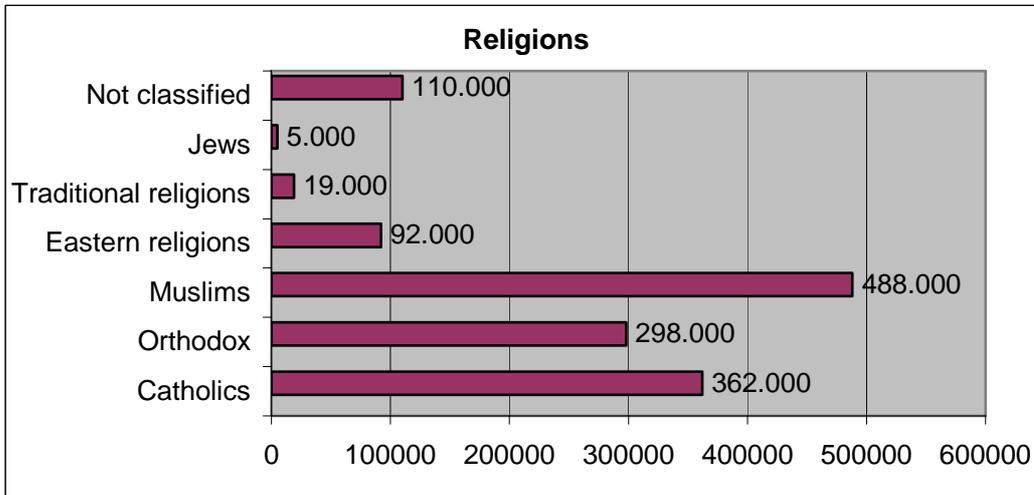
These findings have resulted in a discussion of a new type of immigrant population that is composed of youths, and also contains a strong female presence.

**Table 6: Immigrant population (male/female)**



In the years between 1991 and 2001 the composition of religious groups witnessed an increase in the percentage of Muslims and followers of East-Asian religions, and a decrease in the number of Christians: among the permanently residing immigrants in Italy, there were 362,000 Catholics, 298,000 Orthodox and Protestants, 488,000 Muslims, 92,000 followers of oriental religions, 19,000 followers of traditional religions and 5,000 Jews; around another 110,000 persons are loyal followers of other religions, non-believers, or simply non-classified. These estimates would increase close to another 17% if the immigrants lacking a permit of stay could also be accounted for.

**Table 7: Religions**



Lastly, according to Unhcr, at that date there were close to 23,000 refugees in Italy and of these, 13,000 are recognized according to accords reached at the Geneva Convention, while another 10,000 are considered eligible for humanitarian protection. Italy still has low figures compared to other EU nations. A major portion of those seeking asylum in the last decade (1990-200) consists of persons coming from Albania (21,300), the Federal Republic of Yugoslavia (12,197), Iraq (12,132), Romania (6,114) and Turkey (4,250). Therefore, it principally consists of Albanians, Kosovars, Kurds, and persons from Iraq and Turkey. Of those in question in 2001, first place goes to the Iraqis (1,985) and Kurds from Turkey (1,690), followed by citizens of the Federal Republic of Yugoslavia (1,526), Sri Lanka (555), and Romania (501).

## 9. ANNEX 2 – A GLIMPSE OF THE CURRENT LEGISLATION AND THE IMMIGRATION POLICY<sup>69</sup>

### 9.1. LAW 30 DECEMBER 1986, NO. 943

This law tries to regulate the phenomenon of foreign immigration to Italy, introducing “Laws on the subject of employment and the treatment of non-EU immigrant workers and against illegal immigration”. It contains, at least as far as the principles are concerned, the fundamental elements to guarantee “non-EU” workers: it ensures the rights to the use of social and health services, to the cultural identity, to education and housing; it establishes special commissions in the Ministry of Labour and Social Security and in the Ministry of Foreign Affairs, both for employment opportunities and the migration flow. It is a law full of good intentions for guaranteeing non-EU workers with fully equal treatment as the national workers (except for access to employment) and suitable living conditions to be socially integrated: it provides for the recognition of professional qualifications, language courses, cultural programmes, training courses and employment opportunities. This law does not provide for a specific discipline for expulsion, which is generally left to the laws on public security. With this law, a series of regulations is introduced in the way of an amnesty, which excludes all forms of liability to be punished for preceding illegal acts, with the aim of bringing to the fore all forms of “clandestine” immigration. With the subsequent adjournments (D.L. n.154/87; D.L. n.242/87; D.L. n. 353/87; l. N. 81 del 16-3-1988), and with suitable amendments, the 1986 law has led to the regularisation of about 120,000 people, but has not given a general outline on immigration to Italy.

### 9.2. LAW 28 FEBRUARY 1990, NO. 39

The so-called Martelli Law (Decree 30 December 1989, No. 416, changed with amendments of law No. 39) regulates both the recognition of the refugee status and the entry into Italy of non-EU citizens for any reason, namely not confined to work or to job seeking: indeed, it establishes that they can enter Italy for family reasons, treatment, tourism, study, subordinate employment or self-employment, reasons of religion. In spite of the attempt to outline a programme of migration flow for employment, this law too has ended up by functioning as a provision for a general amnesty: thanks to this, indeed, about 250,000 immigrants have been able to obtain a legal position. Furthermore, it has introduced the specific procedures for the expulsion of “non-EU citizens”, clearly providing the different legal possibilities and solutions.

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<sup>69</sup> The sources consulted for this brief overview are: Department of Social Affairs of the Presidency of the Council of Ministers (ed.) (1998) *Guida alla legge sull'immigrazione*, Roma; AA.VV. (1998) *Immigrati: il testo unico*, “Italia Oggi”, Serie speciale, n. 16, a. VIII; AA.VV., (2002), *Bada alla Bossi-Fini! Contenuti, cultura e demagogia della nuova legge sull'immigrazione*, Altreconomia, ASGI, ICS, Lo straniero, Lunaria, Terre di mezzo, Roma. [http://www.stranieri.it/leggi\\_fondamentali/leggi\\_fondamentali.html](http://www.stranieri.it/leggi_fondamentali/leggi_fondamentali.html) (13/10/03)

### 9.3. DECREE 18 NOVEMBER 1995, NO. 489 (REPEATED IN THREE SUBSEQUENT LAW DECREES)

The so-called Dini Decree was added to the more complete body of the Martelli Law, defining some specific aspects: the entry flow of seasonal workers, some typical cases on the subject of entry and stay; a new regulation for expulsion. It also contains laws concerning regularisation. This decree shows an about-turn as it introduces several possibilities of expulsion depending on the criminal court (expulsion as a security measure, or prevention or on the request of the injured party) and hinges on the possible ensuing dispute in the field of criminal law.

### 9.4. DISCIPLINE ON IMMIGRATION AND LAWS ON THE CONDITION OF FOREIGN CITIZENS: LAW 6 MARCH, 1998, NO. 40

The so-called Turco-Napolitano law, later merged into the legislative decree of 25<sup>th</sup> July 1998, No. 286 (Single Text on immigration), is a wider ranging measure compared with the previous ones. It contains a stricter discipline on the subject of expulsion and rejection at the frontiers, based on the intention to counter “illegal immigration” and “the criminal exploitation of the migration flow”. Moreover, it intends to implement a policy of restricted legal entries, planned and regulated, and to start up processes of integration for the newly arrived legal immigrants and the foreign citizens already regularly living in Italy.

This law regulates access to employment, self-employment and seasonal work; it establishes the “residence card”, as a means to ensure a less unstable condition to the legal immigrant; it protects the right to family reunion and the rights to health, education, housing, and social services. It also contains legislative measures against discrimination and racism.

Paradoxically, however, it contains some discriminatory rules. To give a few examples: 1. By establishing the temporary hosting centres, it introduces, for the first time in the history of the Italian Republic, the administrative and extra-judicial detention for a defined category of people (“clandestine” and “irregular” immigrants), in violation of the universal principle of *habeas corpus*; 2. It enforces the so-called “double penalty” principle, that is the expulsion added to detention, for a non-EU citizen who has been judged as socially dangerous; 3. It establishes that a foreign citizen who has been sentenced to imprisonment, can choose to be expelled rather than serve the sentence; 3. It accepts that access to some professions be limited to Italian or EU citizens, clearly clashing with the general principles of equal treatment, stressed also by some sentences of the Italian Constitutional Court.

## 9.5. LAW 30 JULY 2002 NO. 189

The so-called Bossi-Fini law, although leaving unchanged the structure of the Turco-Napolitano law, introduces significant amendments, determining a clear worsening of the general conditions for foreigners, making entry and legal stay more arduous, in favour of expulsion. It abolishes the institution of sponsorship for job-seeking, introduced by Law 40/98, “the only realistic means of entry for foreign workers to Italy”<sup>70</sup>; it modifies in a very restrictive way the discipline of asylum; it drastically limits the cases of family reunion; it raises from five to six years the period of regular stay required to obtain the residence card; it doubles the duration of “detention” of immigrants in the temporary hosting centres and it introduces other types of centres of identification (in reality of “detention”), for example the one reserved to asylum seekers.

The fundamental mechanism of immigration is still based on the policy of flow, with the yearly introduction of a decree in which the government states how many foreign citizens can enter Italy for employment. For this purpose, this law establishes that in the so-called yearly “flow-decree” a quota is reserved to foreign citizens of Italian descent, even a remote one, thus giving priority to the principle of *jus sanguinis*<sup>71</sup>.

This law states that the granting and duration of the residence permit (renamed “contract of stay”) is subject to the working contract: the citizen of a third country can enter and stay in Italy only if he has obtained a regular working contract of a certain duration and only if his employer guarantees adequate housing conditions for him. If the immigrant who has lost or left his job with that employer does not find another within six months, he is liable to expulsion, a measure against which he has no possibility of appealing. If, after the expulsion has taken place, the non-EU citizen enters Italian territory illegally, he can be condemned to imprisonment.

The most dangerous innovation of this law is no doubt the substitution of the “residence permit” for working reasons with “the contract of stay”, which is destined to increase the foreign worker’s dependence on his employer and his being subject to blackmail. The introduction of fingerprints and photos for all foreigners applying for a renewal or a residence permit is, therefore, debatable.

On a par with the laws that preceded it, this one too refers to a subsequent organic law for the general conditions of the right to asylum: two articles are dedicated to the opposition of the so-called abuse of cases of asylum. Besides, it has a negative influence on the possibility for asylum-seekers to obtain a suitable degree of protection during all the stages of the application procedure, completely depriving them of the right to asylum and defending the total discretionary right of the administration to take decisions.

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<sup>70</sup> Vitale, G. (2002) La legge Bossi-Fini: ingresso, soggiorno espulsioni, in: AA.VV., Bada alla Bossi-Fini, op. cit. (8-21), p. 11.

<sup>71</sup> See Rivera, A. (2003) op. cit., p. 48.

## 9.6. BRIEF VIEW OF INTEGRATION POLICIES

Up to date, the first and only attempt to introduce a series of measures to integrate immigrants dates back to Legislative Decree No. 286/98, where at the beginning of par. IV under Title V, are given “Provisions on social integration, discrimination and the introduction of a fund for migration policies”.

Although this law includes some very debatable, even discriminatory laws, as we have already mentioned, it also contains useful legal provisions for the social policies in favour of immigrant citizens. The above law establishes that for the integration of non-EU citizens, contributions should be made by the State, Regions and Local Bodies, with the collaboration of associations of foreigners and permanent organisations working in favour of the same foreigners, not to mention the aid of authorities and private and public organisations of their countries of origin.

It also gives the opportunity to organise for these foreigners: language courses and special information services aiming at informing them of their rights and duties, as well as of the various opportunities of individual growth. This also facilitates the introduction of special agreements with associations of foreigners and public institutions to carry out the activities of intercultural mediation and special training courses will be provided for this purpose.

So as to guarantee a coordination of the various projects, law No. 286/98 has introduced the creation of an **Consultative Body on the problems of foreign citizens and their families**. Members taking part in this initiative are the trade unions, associations of foreigners, associations that deal permanently with the defence of their rights. Together with the Consultative Body, has been created a body of national coordination, the **Commission for Integration Policies**, established in the Department of Social Affairs of the Presidency of the Council of Ministers and in the National Economic and Labour Council (CNEL).

It is useful to point out that with the election of the present centre-right government, the consultative body, formerly established and functioning for several years, has actually been abolished and has not been replaced by any other body that comprises associations.

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