

Franet National contribution to the Fundamental Rights Report 2022

ITALY

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Policy and legal highlights 2021

Franet country study: policy and legal highlights 2021	
Issues in the fundamental rights institutional landscape	<p>A new Ministry for Equal Opportunities and Family</p> <p>In March 2021, the Ministry for Equal Opportunities and Family was established. The Ministry's mandate includes the promotion of actions aimed at preventing and eliminating discriminations on grounds of sex, race, ethnic origin, religion, personal beliefs, age, sexual orientation, gender identity and disability. In August 2021, the Ministry presented to the Italian Government the first National Strategy for Gender Equality 2021-2026, inspired by the EU Gender Equality Strategy 2020-2025.</p>
EU Charter of Fundamental Rights	<p>Italy appointed its national focal point for the implementation of the Charter</p> <p>The Italian Government appointed the Italian national focal point for the implementation of the EU Charter. A professor of constitutional law at the University of Milan was appointed for this institutional role.</p>
Equality and non-discrimination	<p>Italy fails to pass a Law to protect LGBTQIA+ people from hate crimes</p> <p>In October 2021, the Italian Senate decided not to proceed with the parliamentary discussion of a Draft Law – which had already been approved by the Chamber of Deputies in 2020 – which would introduce stronger protective measures tackling hate crimes on grounds of gender, sexual orientation, gender identity and disability. This issue cannot be dealt with in another Draft Law before the start of the next legislature in 2023.</p>
Racism, xenophobia & Roma integration	<p>Third-country nationals with temporary residence permits must be included among beneficiaries of welfare provisions</p> <p>In September 2021, the EU Court of Justice issued a decision stating that third-country nationals who hold a single work permit obtained pursuant to the Italian legislation transposing an EU directive are entitled to a childbirth allowance and a maternity allowance as provided for by the Italian legislation.</p>
Asylum & migration	No developments in 2021.
Data protection and digital society	<p>Italy approves the Strategic Program on Artificial Intelligence 2022-2024</p> <p>In November 2021, the Italian Government adopted the Strategic Program on Artificial Intelligence 2022-2024, in accordance with the EU Coordinated Plan on Artificial Intelligence 2021. The Programme outlines twenty-four policies to be implemented over the next three years to strengthen the AI system in Italy</p>

Rights of the child	<p>5th Action Plan for the protection of the rights and the development of children and adolescents</p> <p>In May 2021, the Department of Family Policies of the Italian Government approved the 5th Action Plan for the protection of the rights and the development of children and adolescents, structured into three Axis: Education, Equality and Empowerment. The Equality Axis includes actions countering absolute poverty. The Plan also aims at protecting children and adolescents from abuse and mistreatments.</p>
Access to justice, including victims of crime	<p>Delegation to the Government to introduce restorative justice in Italy</p> <p>In September 2021, the Italian Parliament passed the legislative reform of the Italian criminal proceeding. Among other measures and innovations, the reform introduced a legislative delegation to the Italian Government that is requested to adopt – within one year – a Legislative Decree on restorative justice. This Legislative Decree is explicitly meant to introduce in the Italian legal system the discipline governing restorative justice, as enshrined in the Directive 2012/29/EU.</p>
Convention on the Rights of Persons with Disability	<p>Public call for proposals in view of the National Conference on disability policies</p> <p>In October 2021, the Ministry of Disability launched a public consultation aimed at collecting contributions, proposals and best practices for the inclusion of persons with disabilities. The contributions will be assessed and considered during the National Conference on disability policies) which will be held on 13 December 2021.</p>

Chapter 1. Equality and non-discrimination

1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination against EU citizens based on their nationality and against LGBTI people

In Italy, a Draft Law¹ was under discussion of the Parliament measures to prevent and tackle discriminations on grounds of sex, gender, sexual orientation, gender identity and disability. Among other measures, the Draft Law was aimed at extending to these grounds of discrimination the already-existing aggravating measures, enshrined in the Italian Criminal Code (Art. 604-bis and 604-ter) countering discriminations on grounds of race and ethnicity. The Draft Law was approved by the Chamber of Deputies in November 2020², but on 27 October the legislative debate was suspended by the Italian Senate. The approval of the Draft Law is therefore impossible in the current legislature and another Draft Law will have to be submitted in the next one which will start in 2023 after national elections. The Draft Law also envisaged the extension of the judicial qualification of vulnerable person to the victims of the above-mentioned discriminations, thus making compulsory for judicial authorities to adopt the procedural safeguards in place to avoid secondary victimization (such as, avoiding any contact between victims and perpetrators during the trial, the involvement of experts, the adoption of protective measures during the judicial questioning of the victim). The National Day against homophobia, lesbophobia, biphobia and transphobia would have been established on 17 May. The National Antidiscrimination Office of the Italian Government (*Ufficio Nazionale Antidiscriminazioni Razziali A Difesa delle Differenze* – UNAR) would have been entrusted to draft a National Strategy tackling this type of discriminations. Eventually, the Draft Law would have earmarked further EUR 4 million to the already-existing Equal Opportunity Fund to be used to finance policies preventing and tackling this type of discriminations, as well as to establish specific services and shelters for the victims. On 13 July 2021, some civil-society organisations – committed to the protection of civil rights and to tackling discriminations in different fields – released a public plea³ asking the Italian Senate to promptly approve the Draft Law, without further amendments which would require a second approval by the Chamber of Deputies.

On 26 February 2021, the National Statistics Institute (*Istituto Nazionale di Statistica* – ISTAT) launched a public survey⁴ (referring to the period 2020-2021)

¹ Disegno di legge "[Misure di prevenzione e contrasto della discriminazione e della violenza per motivi fondati sul sesso, sul genere, sull'orientamento sessuale, sull'identità di genere e sulla disabilità](#)".

² Information on the parliamentary debate is available at the [website of the Italian Senate](#).

³ [L'uguaglianza o è per tutti e tutte o non è](#), 13 luglio 2021.

⁴ ISTAT, [Discriminazioni lavorative nei confronti delle persone LGBT+ \(in unione civile o già in unione\)](#), 26 febbraio 2021.

on discriminations targeting LGBT+ people in the labour market. The goal of the survey is to provide an updated overview of the perception and incidence of episodes of discrimination, harassment and violence against LGBT+ people in Italy. The first phase of the survey is addressed to LGBT+ people who currently are in a civil union (the Italian official form of recognition of same-sex relationships); the second phase will also involve LGBT+ people who are not in a civil union. All people registered in the civil-union registry will be involved (more than 21,000 people); the participation is voluntary. The deadline for filling in the online questionnaire was established for 31 March 2021. The survey's results will feed in an ISTAT publication which is not available, yet.

On 15 March 2021, the Ministry for Equal Opportunities and Family was established with a Decree of the President of the Italian Government⁵. The Ministry's mandate includes the promotion of actions aimed at preventing and eliminating discriminations on grounds of sex, race, ethnic origin, religion, personal beliefs, age, sexual orientation and gender identity; the promotion and coordination of activities aimed at implementing the principle of equal treatment, equal opportunities and non-discrimination against LGBT people.

On 17 May 2021, on the International Day against Homophobia, Biphobia and Transphobia, the Ministry of Education issued a circular letter⁶, encouraging teachers and schools to organise events on discriminations, human rights and fundamental freedoms to promote an inclusive and diverse school environment.

On 30 June 2021, the UNAR signed a three-year protocol⁷ with the Italian Federation of Professional Real Estate Agents (*Federazione Italiana Agenti Immobiliari Professionali* - Fiaip) aimed at preventing all kinds of discriminations in the access to the housing market. The two institutions committed to the organisation of training, information and awareness-raising activities destined to real estate agents to make them aware of the in-place instruments tackling discriminations, with a specific focus on the housing and renting market.

On 4 February 2021, the civil-society associations which are members of the Board on Immigration and Healthcare (*Tavolo Immigrazione Salute* - TIS) – namely, the Association of Legal Studies on Immigration (*Associazione Studi Giuridici Immigrazione* ASGI), Caritas Italiana, Centro Astalli, Emergency, Intersos, Médecins du Monde, Doctors against Torture (*Medici contro la Tortura*), Doctors for Human Rights (*Medici per I Diritti Umani* - MEDU), Doctors without Borders (*Medici Senza Frontiere* - MSF), Border Healthcare (*Sanità di Frontiera*), Italian Society of Immigration Medicine (*Società Italiana di Medicina delle Migrazioni* –

⁵ [Decreto del Presidente del Consiglio dei Ministri 15 marzo 2021](#), "Delega di funzioni al Ministro senza portafoglio prof.ssa Elena Bonetti".

⁶ [Circolare del Ministero dell'Istruzione 17 maggio 2021](#), OGGETTO: 17 maggio – Giornata internazionale contro l'omofobia, la bifobia e la transfobia.

⁷ [Protocollo d'Intesa UNAR/FIAIP](#) del 30 giugno 2021.

SIMM) – sent a letter⁸ to the Italian Ministry of Healthcare concerning the possible exclusions of vulnerable non-Italian citizens, including EU citizens not regularly registered and in conditions of economic disadvantage and social exclusion. According to the associations, even if the guidelines of the Italian Drug Agency (*Agenzia Italiana del Farmaco* – AIFA)⁹ recognize the right of third-country citizens deprived of regular enrolment in local civil registries and deprived of a valid identity document to have access to the vaccination campaign, the exclusive approach of enrolling via a national/regional platform to book the vaccine at one's general practitioner's office could be a discriminating obstacle for the socially more fragile population. For this reason, the associations asked the introduction of specific booking instruments for this sub-group of the population, as well as the fostering of the role of civil-society associations and of cultural mediators to allow the dissemination of correct information concerning the vaccination campaign. The National Antidiscrimination Office of the Italian Government (*Ufficio Nazionale Antidiscriminazioni Razziali A Difesa delle Differenze* – UNAR) also intervened in this debate, issuing an opinion¹⁰ addressed to the Italian Extraordinary Commissioner for the Covid-19 emergency on 11 August 2021. UNAR decided to release the opinion because its contact centre received several reports of episodes of exclusion of foreign citizens from the vaccination campaign, because they could not show a regular residence permit, tax identification number, enrolment in local civil registries or ENI Code (the Non-registered European Code, which is an instrument with which the Regions can guarantee the application of the right to health care to European Union citizens who are irregularly present in the territory and who are not enrolled in the National Health Service or insured by the relevant foreign fund). According to UNAR, hindering the access of these individuals to the vaccine can represent a institutional discrimination in the access to an essential healthcare provision. Moreover, these individuals would be also deprived of the possibility to obtain the Greenpass thus hindering their access to other work and social activities. On 26 August, the Commissioner sent a formal letter to the Italian regions¹¹ – which are the level of governance that manages Italian healthcare services – asking them to ensure the access to Covid-19 vaccination for irregular migrants and other categories of people not registered in the Italian healthcare services.

The citizenship income (*Reddito di Cittadinanza*) is an emergency welfare provision introduced in 2019¹² to provide financial support to people from

⁸ TIS (2021), [Richiesta di Indicazioni nazionali per una campagna vaccinale anti-SARS-CoV-2/COVID-19 realmente inclusiva dei soggetti socialmente più fragili](#), 4 February 2021.

⁹ AIFA's FAQs on the vaccination campaign are available at the [Agency's website](#).

¹⁰ UNAR (2021), [Accesso alle vaccinazioni anti SARS-CoV-2/COVID-19 da parte di persone senza permesso di soggiorno, in procedura di emersione o senza dimora](#), 11 August 2021.

¹¹ Struttura di supporto commissariale per l'emergenza Covid-19 (2021), [Accesso alle vaccinazioni anti SARS-CoV-2/COVID-19 da parte di persone senza tessera sanitaria, codice fiscale o residenza \(in particolare senza fissa dimora\)](#), August 2021.

¹² [Decreto-legge 28 gennaio 2019, n. 4, "Disposizioni urgenti in materia di reddito di cittadinanza e di pensioni"](#).

disadvantaged social groups and with no regular jobs. In order to be eligible, potential beneficiaries must prove – among other requirements – 10 years of regular residency in Italy, of which the last 2 must be continuous. In November 2021, the Scientific Committee for the Evaluation of the Citizenship Income (*Comitato scientifico per la valutazione del Reddito di cittadinanza*) – a group of expert whose mission is to provide an evidence-based assessment of the effective implementation of the provision – issued its evaluation report¹³, stressing the shortcomings that must be addressed by public authorities. Among these, the experts stressed that the residency requirement should be revised as it produces a discrimination targeting foreign citizens – including EU ones – strongly hindering their access to the provision. According to the experts, introducing a minimum duration of residence requirement is reasonable. However, imposing a whole decade of waiting time as a minimum threshold means leaving families and individuals, including minors, in conditions of severe hardship without help, with the risk that their situation will worsen irreversibly when earlier help could prevent the start of trajectories towards social exclusion, if not deviance.

In December 2021, the Italian Parliament passed the Law No. 238/2021¹⁴ - the European Law 2019/2020 – an annual law aimed at fostering the implementation of EU law in the Italian law system. Among other measures, this Law reformed the Legislative Decree No. 216/2003, implementing Directive 2000/78: the legislative innovation added “nationality” to the prohibited discrimination factors, and extended the scope of the Legislative Decree beyond the employment sphere that constituted the original scope of application of such directive, thus including access to housing and social and fiscal advantages.

1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against EU citizens on the grounds of nationality and against LGBTI people

On 15 May 2021, Gay Helpline – a civil-society service offering a national contact centre to report episodes of homophobia and transphobia, established in 2005 – issued data concerning the episodes reported in the last year: the sample that is considered is the number of contact requests received by the Helpline which amounts to more than 20,000 per year¹⁵. 60% of the users who reported these episodes were aged 13-27. 1 out of 2 young people reported having moderate to

¹³ Comitato scientifico per la valutazione del Reddito di cittadinanza (2021), [Relazione del Comitato scientifico per la valutazione del Reddito di cittadinanza](#), ottobre 2021.

¹⁴ [Legge 23 dicembre 2021, n. 238, "Disposizioni per l'adempimento degli obblighi derivanti dall'appartenenza dell'Italia all'Unione europea - Legge europea 2019-2020"](#).

¹⁵ Gay Help Line, [Giornata Mondiale Omotransfobia: i dati Gay Help Line. Mobbing, minacce e cyberbullismo in aumento](#), 15 maggio 2021.

severe problems with their family when coming out about their sexual orientation. This share rises up to 70% if the coming out concerns gender identity. 36% of the minors reported that their coming out was received with open rejection by their family members and group of peers, entailing isolation, home confinement, attempts of conversion, verbal and physical violence. 17% of the adults who contacted the Gay Help Line reported that their coming out entailed the end of financial support by their families, forcing them to leave the family house. Most of the victims are scarcely inclined to report the episodes to police authorities. Moreover, 30% of LGBT+ students reported episodes of cyber-bullying and online hate speech.

In June 2021, the results of the IPSOS LGBT+ Pride 2021 Global Survey¹⁶ – which was conducted in the 27 EU Member States on Ipsos's Global Advisor online platform among more than 19,000 individuals aged 16 (or 18, depending on the country) to 74 between 23 April and 7 May 2021 – were published. The Italian sample of this survey consists of approximately 1,000 individuals. 13% of the Italian participants took part to demonstrations and public events, such as the Pride parade; 7% took part to a same-sex civil union; 19% attended a LGBT+ pub or club; 26% took a stand against prejudices targeting LGBT+ people. 63% of the Italian participants said that same-sex couples should have the right to a legal marriage; 20% was in favour of civil unions or other forms of legal recognition, but against marriage for same-sex couples; 10% was against all forms of legal recognition. 59% of the Italian participants was strongly in favour of adoption by same-sex couples; 36% was strongly against this possibility. Moreover, 57% of the Italian participants was in favour of openly expressing sexual orientation; 52% was in favour of public demonstrations of affection; 65% was in favour of LGBT athletes; 37% was in favour of LGBT+ characters in TV shows, movies and advertisements. 66% of the participants was in favour of the introduction of anti-discrimination legislative dispositions protecting the LGBT+ community in the access to the labour market, education, housing and social services. Eventually, 34% was in favour of allowing transgender athletes to compete in the category of the gender they identify with.

In November 2021, the Italian Observatory on Rights (*Osservatorio Italiano sui Diritti* – VOX) released its periodic monitoring report which mapped online hate speech and episodes of violence targeting LGBT+ people¹⁷. 52,482 Tweets were mapped during the period January-October 2021 concerning LGBT+ people: 38,976 of them were derogatory and/or labelled as hate speech. As for episodes of violence, 138 episodes of homophobia and transphobia were mapped in Italy during the period May 2019-May 2020; 74 of them occurred in Northern Italy. 32 of these episodes concerned violent aggressions, whereas 31 concerned discriminations in the public space. During the 2020 Covid-19 period, 36% of

¹⁶ IPSOS, [LGBT+ Pride 2021 Global Survey](#), June 2021.

¹⁷ VOX (2021), [Mappa dell'intolleranza 6: Omofobia](#), November 2021.

LGBT+ children reported cases of isolation, harassment and home segregation perpetrated by their family members on ground of their gender identity or sexual orientation. 30% of LGBT+ students who resorted to the Gay Helpline reported suffering episodes of cyber-bullying and online hate speech. 17% of LGBT+ young adults who resorted to the Gay Helpline reported having been deprived of financial support by their families after they came out. 50% of LGB young adults reported having suffered difficulties after coming out with their families; the percentage rises up to 70% in case of coming out as transgender.

Chapter 2. Racism, xenophobia and related intolerance

2.1 Findings and methodology of research, studies, or surveys on experiences of ethnic discrimination, racism and hate crime

On 13 April 2021, Amnesty International Italian mission released its annual report on episodes of online hate speech¹⁸. The research was carried out during the period June-September 2020, analysing more than 36,000 online contents disseminated by 38 pages/personal profiles of politicians, journals, trade unions and welfare institutions. According to the monitoring, the most frequent targets of online hate conveyed by posts are Muslims (46%), women (31.3%), Roma (23.1%), Jews (20.1%); as per the comments of the users, these mostly target Muslims (21%), ethnic minorities (19.6%), Roma (19%), Jews (16.6%), LGBT+ people (14.5%).

On 16 June 2021, the ISTAT released official statistical data concerning poverty in Italy¹⁹. According to the report, in 2020 third-country citizens living in absolute poverty in Italy amount to 500,000 (29.3% compared to 7.5% of Italian citizens). The incidence of absolute poverty among families with at least one foreign citizen amounts to 25.3% (22.0% in 2019); to 26.7% (24.4% in 2019) for families made exclusively of foreign citizens; to 6% (4.9% in 2019) for families made of Italian people. The incidence of absolute poverty among families with at least one foreign citizen rises up to 28.6% if the family also includes children.

In November 2021, the Italian Observatory on Rights (*Osservatorio Italiano sui Diritti – VOX*) released its periodic monitoring report which mapped online hate

¹⁸ Amnesty International Italia, [Barometro dell'odio. Intolleranza pandemica](#), aprile 2021.

¹⁹ ISTAT, [Le statistiche dell'ISTAT sulla povertà. Anno 2020](#), 16 giugno 2021.

speech and episodes of violence targeting foreign people²⁰. 62,864 Tweets were mapped during the period January-October 2021 concerning foreign people: 30,884 of them were derogatory and/or labelled as hate speech. As for episodes of violence – which were mapped combining data from ISTAT, the 2020 ISMU report on migrations, the 2021 report on International Migrations issued by UN DESA, the 2021 Statistical Dossier on Migrations issued by IDOS and the 2021 White Book on Racism issued by the NGO Lunaria – 7,426 episodes of racism were registered in Italy during the period 2018-2020.

2.2 Legal and policy developments or measures relating to the application of the Framework Decision on Racism and Xenophobia and the Racial Equality Directive

The legislative framework implemented in the Italian legal system Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law had already been finalised between 2016 and 2018.²¹ There are no major advancements to report during the reference period of this report.

In September 2021, the EU Court of Justice issued a decision²² stating that third-country nationals who hold a single work permit obtained pursuant to the Italian legislation transposing an EU directive are entitled to a childbirth allowance and a maternity allowance as provided for by the Italian legislation. The refusal of Italian authorities to grant childbirth and maternity allowances to the complainants was based on the fact that, contrary to the requirements laid down by the national legislation, those persons do not have long-term resident status. As regards the childbirth allowance, the Court notes that that allowance is granted automatically to households satisfying certain legally defined, objective criteria, without any individual and discretionary assessment of the applicant's personal needs. As to the maternity allowance, the Court observes that it is granted or refused taking

²⁰ VOX (2021), [Mappa dell'intolleranza 6: Xenofobia](#), November 2021.

²¹ Law No. 115 of 16 June 2016, Amendments to Article 3 of Law No. 654 of 13 October 1975 concerning combatting and repression of crimes of genocide, crimes against humanity, and war crimes, as defined in Articles 6, 7, and 8 of the Statute of the International Criminal Court ([Legge 16 giugno 2016, n. 115, Modifiche all'articolo 3 della legge 13 ottobre 1975, n. 654, in materia di contrasto e repressione dei crimini di genocidio, crimini contro l'umanità e crimini di guerra, come definiti dagli articoli 6, 7 e 8 dello statuto della Corte penale internazionale](#)); Law No. 167 of 20 November 2017, Provisions aimed at ensuring fulfilment of the obligations resulting from Italy's membership of the EU – the European Law 2017 ([Legge 20 novembre 2017, n. 167, Disposizioni per l'adempimento degli obblighi derivanti dall'appartenenza dell'Italia all'Unione europea – Legge europea 2017](#)); and Legislative Decree No. 21/2018 ([Decreto Legislativo 1 marzo 2018, n. 21, Disposizioni di attuazione del principio di delega della riserva di codice nella materia penale a norma dell'articolo 1, comma 85, lettera q\), della legge 23 giugno 2017, n. 103](#)).

²² Court of Justice of the European Union, [Judgment in Case C-350/20](#), O.D. and Others v Istituto nazionale della previdenza sociale (INPS).

into account, in addition to the absence of maternity benefit in connection with employment, self-employment or professional practice, the resources of the household of which the mother is a member on the basis of an objective and legally defined criterion, namely the economic situation indicator, without the competent authority being able to take account of other personal circumstances.

In December 2020, UNAR and the Italian Soccer League (*Lega Serie A*) launched an awareness-raising campaign named "Keep Racism Out" for the soccer season 2020/2021. The campaign is aimed ensuring equal treatment and protection of human rights in football and to keep racism out of stadiums, as well as to monitor racism in sport, providing periodic reports and analysis of this phenomenon. "Keep Racism Out" is meant to be a call to action that aims to involve all the protagonists of sport: from players to coaches, from referees to club managers, from fans to simple enthusiasts.

On 23 March 2021, a Memorandum of Understanding²³ was signed between the Ministry of Education and the United Nations High Commissioner for Refugees (UNHCR), aimed at consolidating the collaboration, already launched in 2016, to promote the themes of reception, inclusion and international solidarity in schools. It provides for the implementation of awareness-raising activities for students on inclusion and international solidarity, including in the context of intercultural dialogue and education for sustainable development, through the implementation of specific projects. The long-term objective of the activities to be carried out is to foster knowledge of the conditions that lead an individual to become a refugee and to promote better integration and coexistence within local communities.

On 24 March 2021, the Italian Court of Cassation²⁴ confirmed the 12-year prison sentence for the 31-year-old man accused of massacre for shooting six migrants, injuring them, on 3 February 2018 in Macerata. The aggravating circumstance of racial hatred was confirmed. The Court also confirmed the right to compensation for the victims and civil parties. Among them, the municipality of Macerata and the territorial branch of the Democratic Party.

In March 2021, the public prosecutor's office of Terni formally charged a senator of the Italian Republic for incitement to racial hatred. The Senator had shared on

²³ [Protocollo d'Intesa tra il Ministero dell'Istruzione e l'Alto Commissariato delle Nazioni Unite per i Rifugiati sull'accoglienza, integrazione e solidarietà internazionale verso i Rifugiati](#), 24 March 2021.

²⁴ [Corte di Cassazione, Penale Sent. Sez. 6 Num. 16470 Anno 2021, udienza del 24 marzo 2021.](#)

one of his social media accounts spreading an article conveying racist information against the Jewish religion and population²⁵.

Chapter 3. Roma equality and inclusion

3.1 Policy developments in regards to the application of the EU Roma strategic Framework for equality, inclusion and participation for 2020-2030

Please put down the name of the national Roma framework/Roma strategy/integrated set of policy measures and the link	
Please add a hyperlink if the strategy is publicly available.	Hyperlink
Did an evaluation of the previous Roma inclusion strategy take place? If yes, please provide reference	Yes/No/Other (please specify)
Does the strategy use the (headline) indicators as suggested in the new portfolio of indicators?	Yes Partially No
Was Roma civil society involved in the development of the strategy? Please provide examples?	Yes/No
Were NHRIs and/or equality bodies involved in the strategy development? Please provide example?	Yes/No
Does the new strategy link to the operational programmes for the new EU funding period 2021-2027?	Yes/No/Other (please specify)

Italy has not released the new national strategic frameworks on Roma equality, inclusion and participation, yet. UNAR was contacted on 6 September 2021 and provided – by email – some information on the process of drafting and approval of the new Strategy. A consultation process with relevant stakeholders was initiated, aimed at collecting contributions for the definition of the Strategy: the

²⁵ Il Fatto Quotidiano (2021), [Il senatore Elio Lannutti a processo per il post sui social sui Protocolli dei Savi di Sion](#), 12 March 2021.

stakeholders are the 79 civil-society organisations represented in the Roma National Platform (*Piattaforma Nazionale Rom, Sinti e Caminanti*), established in 2017 with a Decree of the Department of Equal Opportunities of the Italian Government. The first step of this consultation process concerned civil society and took place in November 2019: 50 civil-society organisations took part to the initiative. The second subsequent step was the discussion between UNAR and 20 associations which provided contributions on the barriers, drivers and good practices to be considered while drafting the new Strategy, with a specific focus on regional and local dimensions. During the first semester of 2020, UNAR started a consulting process, signing a convention with the National Research Council (*Consiglio Nazionale delle Ricerche – CNR*), aimed at carrying out an assessment of the previous Strategy and introducing an Evaluation Plan. In June and July 2020, the UNAR organised a meeting with the Roma Platform and a conference on the legal status of Roma people. During the rest of 2020 and 2021, UNAR continued the consultation with the stakeholders (civil-society organisations, Roma platform and Roma Community Forum) and 6 working groups were established to discuss the cross-cutting issues pointed out by the European Commission. More specifically, the following working groups have started their consultation activities: housing; education, cultural promotion and anti-gypsism; governance, local level and participation; health. The working groups on labour, poverty and legal recognition were set up, but have not started their activities, yet. On 20-21 September, the UNAR took part to the 14th meeting of the European Roma Platform, organised by the European Commission. Further meetings are scheduled with national and local public stakeholders, aimed at designing an effective governance of national and local interventions.

As per the monitoring and assessment of the previous Strategy 2010-2020, an independent report²⁶ was released in 2020 by the Roma Civil Monitor, a network of civil-society organisations operating thanks to EU Commission's funds. According to the experts, the main weaknesses and gaps of the Strategy's implementation concern the lack of a consistent national regulatory and legislative framework, in favour of scattered regional legislations; the lack of reliable and consistent data on the width and level of inclusion of the Roma population living in Italy; the lack of strategic measures and actions aimed at tackling prejudices and stigma conveyed also by the media. No update is available for 2021.

²⁶ Roma Civil Monitor (2020), [Rapporto di monitoraggio della società civile sull'implementazione della strategia nazionale di inclusione Rom, Sinti e Caminanti in Italia](#), febbraio 2020.

3.2 Legal and policy developments or measures directly or indirectly addressing Roma/Travellers inclusion

In February 2021, the Ministry of Labour and Social Policies issued the final assessment report²⁷ of the National Project for the Inclusion and Integration of Roma children (2017-2020). The Project was promoted by the Ministry of Labour and Social Policies, in cooperation with the Ministry of Education, the Ministry of Health and the Institute of Innocents (*Istituto degli Innocenti*), one of the most antique institutions (previously private, now public) protecting childhood. The project is aimed at fostering inclusion and school integration of Roma children, and to provide training opportunities to teachers and services' staff on teaching methods, stereotypes affecting this population's sub-group, as well as on the culture and history of the Roma population. The report recognizes that the Covid-19 emergency severely compromised the opportunities at the disposal of Roma children, due to the interruption of school and extra-curricular activities. Some of the positive project's outcomes stressed in the report include: the relevant increase of the number of Roma children in the schools of the localities involved in the project; the general improvement of school results of Roma children; the increase of school attendance among Roma children. However, the report highlighted that living conditions of Roma people living in formal and informal encampments still are critical, with an insufficient access to basic services. Children living in these environments report a lower school attendance, compared to children living in proper houses.

In March 2021, the ISTAT released a monitoring report²⁸ on the implementation of housing transition projects destined to Roma people in Italy. These projects – scattered throughout the entire national territory – are aimed at fostering the overcoming of informal and formal Roma encampments, as well as the access of the Roma population to proper housing solutions and, consequently, to the services available at local level. The monitoring is based on information provided by Italian municipalities concerning the projects existing at local level, during the period September 2019-January 2020. 745 municipalities took part to the survey: 6.6% of them concluded or is implementing housing transition projects during the period 2012-2020 (when the previous National Roma Integration Strategy was in place). Some critical issues emerged from the monitoring. First, municipal authorities pointed out that it was difficult to identify the housing units to be destined to the projects; it was also difficult for the beneficiaries to financially sustain the costs of independent living (namely, bills and taxes). Other issues concerned the coexistence of the beneficiaries with the neighbourhood population.

²⁷ [Report di valutazione 2019/20 – fine triennalità Progetto nazionale per l'inclusione e l'integrazione dei bambini rom, sinti e caminanti – PON "Inclusione"](#), febbraio 2021.

²⁸ ISTAT, [Abitare in transizione. Indagine sui progetti di transizione abitativa rivolta alle popolazioni Rom, Sinte e Caminanti](#), 2021.

As per the drivers of an effective implementation of housing transition projects, local authorities mentioned the necessity to support this transition with further measures fostering the inclusion of the Roma population in the local social fabric (welfare benefits, prevention and management of social conflicts, the even distribution of the beneficiaries to avoid ghettoization). A second monitoring phase is envisaged, which will map the points of view and experiences of Roma people who have participated to housing transition projects.

In October 2021, the NGO "Associazione 21 Luglio" released its annual report²⁹ 2021. The focus of this report mostly is the impact of the Covid-19 emergency on Roma population living in informal and formal settlements in Italy. The report heavily criticize the adoption of an ethnic approach, in Italy as well as in Europe, to integration policies: according to the NGO, this approach fostered the introduction in Italy of informal and formal (that is designed, set up and managed by local public administrations) settlements destined exclusively to Roma people who cannot have access to ordinary housing solutions. As of October 2021, 109 formal Roma settlements exist in Italy, distributed in 63 municipalities and 13 regions. 17,800 Roma people currently live in Italian formal (11,300) and informal (6,500) settlements. 49% of Roma people living in formal settlements are Italian citizens, 41% a citizenship of one of the Countries formerly part of Yugoslavia, and 10% are Romanian citizens. The number of Roma people living in these settlements has decreased over time by 36.5% since 2016. The reasons for this decrease lie in the will of younger generations of Roma people to undertake life projects outside the encampments; as well as in forced evictions carried out by local administrations (70 during the period January 2020-June 2021), in successful local projects aimed at overcoming the encampment model, and in the voluntary return of EU Roma citizens to their countries of origin. Forced evictions occurred also during the Covid-19 emergency: one operation took place in Rome in August 2020 and another one in Turin during the same month. According to the European Roma rights centre foundation³⁰, during the period January 2017-March 2021, Italian authorities have carried out at least 187 evictions of living places inhabited by Romani people, affecting 3,156 people who were in most cases made homeless, or otherwise put into unstable housing solutions.

In March 2021, the press³¹ reported that the Italian Court of Cassation decided a definite sentence of 2-4 years of detention for racial hatred for the four defendants

²⁹ Associazione 21 Luglio (2021), [L'esclusione nel tempo del Covid. Comunità rom negli insediamenti formali e informali in Italia. Rapporto 2021](#), October 2021.

³⁰ ERCC (2021), [Italy has evicted more than three thousand Roma since 2017](#), 24 May 2021.

³¹ La Repubblica (2021), [Incendio campo rom, definitive le condanne per razzismo](#), 19 March 2021.

accused of having set fire to an informal Roma encampment in the outskirts of Turin in 2011. The fire was set during a demonstration aimed at protesting against the informal encampment; the trigger was the dissemination of a fake news concerning a rape allegedly perpetrated by a Roma man living in the encampment. Shouting 'Let's burn them all', flames were set on shacks and caravans at various points in the camp. Then demonstrators took to the road to prevent the fire brigade from putting out the fire. Only four of the victims decided to start a judicial proceeding with the support of three organisations: Idea Rom, Asgi and European Roma rights centre foundation.

Chapter 4. Asylum, visas, migration, borders and integration

4.1 Number of beneficiaries of international protection whose protection status was revoked in 2021

Country	Cessation of refugee status		Cessation of subsidiary protection	
	Number of refugee status revoked	Main reasons	Number of subsidiary protection status revoked	Main reasons

4.2 National border monitoring mechanisms

Country	Legal source providing for border monitoring	Organisation(s) responsible for monitoring	Is the monitoring body at the at same time the National Preventative Mechanism? (Y/N)	Are reports publicly available? [if yes, please add hyperlink]	Number of monitoring operations in 2021	Is monitoring (at least partially) funded by the EU? If so, under which modalities?

Chapter 5. Information society, privacy and data protection

5.1 Legal and policy developments or measures that have been implemented related to data protection and private life with regards to security issues

In Italy, the Italian Parliament passed the Law No. 60 of 22 April 2021³² which ratifies the 2018 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data³³. The Protocol is aimed at the modernisation of the Convention as to deal with challenges resulting from the use of new information and communication technologies and to strengthen the Convention's effective implementation.

In April 2021, the Italian Data Protection Authority signed a Protocol³⁴ with the National Labour Inspectorate. The Protocol – which has a two-year validity – is aimed at establishing a strategic cooperation between the two institutions which is needed to cope with the new challenges of the technologies impact on the labour market, namely smart working and technological devices to tackle the Covid-19 virus propagation. The two institutions agreed to cooperate to negotiate shared decisions and approaches on these issues, to provide mutual cooperation, to organise period meetings on these issues, and to organise information campaigns and training activities.

On 10 June 2021, the Italian Data Protection Authority issued the Provision No. 231³⁵ on Guidelines governing the use of cookies and other tracing instruments. The aim of the provision is to reinforce the decision power of the users on the use of their personal data while surfing the Internet. Users must always provide their informed consent at the moment of their first access to the website: no cookies or other tracing instruments can be located in the user's device. The information provided

³² [Legge 22 aprile 2021, n. 60](#), "Ratifica ed esecuzione del Protocollo di emendamento alla Convenzione sulla protezione delle persone rispetto al trattamento automatizzato di dati a carattere personale, fatto a Strasburgo il 10 ottobre 2018".

³³ CoE, [Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data](#), 2018.

³⁴ [Protocollo d'intesa tra il Garante per la protezione dei dati personali e INL](#), 22 aprile 2021.

³⁵ Garante per la protezione dei dati personali, [Provvedimento 10 giugno 2021, n. 231](#) recante "Linee guida cookie e altri strumenti di tracciamento".

to the users must also include the third subjects who might be transmitted the user’s personal data, as well as the storage period of the data.

In September and October 2021, the Italian DPA issued its opinion³⁶ on the conversion into Law of the Law-Decree No. 127/2021³⁷ which introduced in Italy the vaccination pass (hereinafter, “Green Pass”). According to the DPA, the Green Pass is an instrument whose use must ensure the balance of two crucial public needs: on the one hand, to preserve public health by containing the spread of Covid-18; on the other, to ensure adequate protection of fundamental rights, such as the protection of personal data and freedom of movement and economic initiative. As for data protection, the DPA stated that the Green Pass is legitimate in so far as the processing of the data is limited exclusively to that which is actually necessary to verify the existence of the subjective requirement in question (that is to say, ownership of the certification by vaccine, tampon or cure) and to the operations necessary for that purpose.

5.2 Artificial intelligence and big data

Actor*	Type**	Description	Are Human Rights issues mentioned? (yes/no)	Reference
DPA	Other	The DPA issued a document on its website to address some relevant issues concerning the introduction	No	Italian DPA (2021), The DPA replies to some questions

³⁶ [Memoria del Presidente del Garante per la protezione dei dati personali, Prof. Pasquale Stanzone - AS 2394 – Conversione in legge del decreto-legge 21 settembre 2021, n. 127](#), 5 October 2021. [Il Garante per la protezione dei dati personali risponde ad alcuni quesiti sul green pass](#), 6 settembre 2021.

³⁷ Law-Decree No. 127 of 12 September 2021, “Urgent measures to ensure the safe performance of public and private work by extending the scope of the COVID-19 green certification and strengthening the screening system” ([Decreto-legge 12 settembre 2021, n. 127](#), “Misure urgenti per assicurare lo svolgimento in sicurezza del lavoro pubblico e privato mediante l’estensione dell’ambito applicativo della certificazione verde COVID-19 e il rafforzamento del sistema di screening”).

		<p>of the Covid-19 Green pass, governed by the Law-Decree No. 105 of 23 July 2021. The DPA specified that the data treatment is lawful since it is governed by the Law and limited to the data that is strictly needed by public administrations. Moreover, the green pass can be checked by authorised subjects using the only allowed app which was developed by the Ministry of Public Health (called "VerificaC 19"). Controlling subjects are not allowed to store personal data of the individuals showing the pass. Stronger safeguards should be introduced, though, to protect the data subjects who hold a paper format of the green pass (those who are exempted from the vaccination): according to the DPA, it is necessary to guarantee that data collection in these cases does not exceed the information on the health conditions of the subject which explain the vaccination exemption.</p>		<p>concerning the vaccination pass, 6 September 2021, https://www.garanteprivacy.it/web/guest/home/docweb/-/docweb-display/docweb/9696958</p>
DPA	Adopted Act	<p>The DPA issued official guidelines governing vaccination data treatment in the workplace. The treatment of personal data concerning vaccination of the employees must be carried out by healthcare professionals. Employers</p>	No	<p>Italian DPA (2021), Guidance Document on "Vaccination at the workplace: general data treatment guidelines", 13 May 2021, www.garanteprivacy.it/web/gu</p>

		<p>are not allowed to collect data on the vaccination status of the employees or on any other information concerning their health conditions, neither from the employees themselves nor from healthcare professionals. Considering the power imbalance between employers and employees, the employee's consent cannot be considered a valid condition for data treatment; moreover, no consequences can result from the employee's decision to undergo (or not) vaccination.</p>		est/home/docweb/-/docweb-display/docweb/9585300
Government	Adopted Act	<p>On 24 November 2021, the Italian Government adopted the Strategic Program on Artificial Intelligence 2022-2024, in accordance with the EU Coordinated Plan on Artificial Intelligence 2021. The Programme outlines twenty-four policies to be implemented over the next three years to strengthen the AI system in Italy, through the creation and enhancement of AI skills, research, development programmes and applications. Each policy will be financed with both EU and national funds. The Programme is structured into 6 objectives; 11 priority sectors and 3 areas of intervention. These latter are the following:</p>	<p>Yes</p> <p>The Programme explicitly states that the Government is committed to governing AI and mitigating its potential risks, especially to safeguard human rights and ensure an ethical</p>	<p>Italian Government (2021), Strategic Program on Artificial Intelligence 2022-2024, 24 November 2021, https://assets.innovazione.gov.it/1637777513-strategic-program-aiweb.pdf</p>

		Strengthening and attracting the talents and competences that will enable the AI-driven economy; Expanding funding of advanced research in AI; Favouring the adoption of AI and its applications both in the public administration (PA) and in the Italian economy at large.	deployment of AI.	
NGO	Other (Declaration)	On 30 November 2021, 113 European NGOs, including the Italian Association for Legal Studies on Immigration (<i>Associazione per gli Studi Giuridici sull'Immigrazione</i> – ASGI) and the European Digital Rights (EDRi) signed a joint declaration addressed to EU institutions aimed at providing recommendations to make the AI strategy compliant with fundamental rights. More specifically, the organisations call on the Council of the European Union, the European Parliament, and all EU member state governments to ensure that the forthcoming Artificial Intelligence Act achieves the following 9 goals: A cohesive, flexible and future-proof approach to 'risk' of AI systems; Prohibitions on all AI systems posing an unacceptable risk to fundamental rights; Obligations on users of high-risk AI	Yes The statement is thoroughly focused on reducing the negative impact of AI on fundamental rights. This risk might be caused, for instance, by AI practices entailing social profiling of specific social groups or not adequately protecting vulnerable groups and protected personal characteristics	An EU Artificial Intelligence Act for Fundamental Rights. A Civil Society Statement, 30 November 2021, https://edri.org/wp-content/uploads/2021/12/Political-statement-on-AI-Act.pdf

		<p>systems to facilitate accountability to those impacted by AI systems; Consistent and meaningful public transparency; Meaningful rights and redress for people impacted by AI systems; Accessibility throughout the AI life-cycle; Sustainability and environmental protections; Improved and future-proof standards for AI systems; A truly comprehensive AIA that works for everyone.</p>	<p>, such as age, gender and gender identity, racial or ethnic origin, health status, sexual orientation, sex characteristics, social or economic status, worker status, migration status, or disability.</p>	
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Chapter 6. Rights of the child

6.1 Measures taken during the COVID 19 to ensure the well-being of children living in poverty and the protection of children from violence

<p>Measures to address the specific vulnerabilities of children living in poverty</p>	<p>During the 2020 emergency, Art. 105 of the Law-Decree No. 34/2020³⁸ earmarked EUR 150 million to tackle education poverty: EUR 135 million had to be destined to summer activities and EUR 15 million to initiatives tackling education poverty. Art. 246 of the same Law-Decree earmarked EUR 100 million in 2020 and WUR 20 million in 2021 of financial contributions to civil-society organisations operating in specific Italian regions aimed at reinforcing projects and initiatives destined to disadvantaged social groups and to counter education poverty which further increased due to the Covid-19 emergency. As stated by the title of the Law-Decree – “Urgent measures on health, support for work and the economy, as well as social policies related to the Covid-19 epidemiological emergency” – these are additional resources which are earmarked to respond to the specific social challenges caused by the Covid-19 emergency.</p> <p>In January 2021, the Department of Family Policies of the Italian Government launched a public call for proposals³⁹, earmarking EUR 10 million to finance projects tackling educational poverty, inequalities and socio-economic gaps affecting children that were exacerbated by the Covid-19 emergency. Projects can be submitted by civil-society organisations, religious groups, schools, public and private youth services, and their beneficiaries must be children aged 0-6, or 5-14, or 11-17. The subjects of the projects should be active citizenship; non-discrimination; intergenerational dialogue; environment and healthy lifestyle. The project cannot last more than 12 months.</p> <p>In January 2021, the NGO “Save the Children” issued a report⁴⁰ on the impact of the Covid-19 emergency on adolescents. The report is based on 1,000 interviews with adolescents aged 14-18. 7 out of 10 participants reported difficulties in focusing during online school classes. The reasons more frequently mentioned for irregular school attendance were insufficient/lack of Internet access (28%) and problems in focusing during online classes (26%). 28% of the participants reported that during the 2020 lockdown, at least one schoolmate dropped out of school. 6 out of 10 adolescents stressed that the Covid-19 domestic isolation had an impact on their ability to socialise with peers and on their mood. They reported experiencing uncertainty, anxiety, apathy, discouragement. 46% of them consider 2020 a wasted year.</p>
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³⁸ [Decreto-legge 19 maggio 2020, n. 34](#), “Misure urgenti in materia di salute, sostegno al lavoro e all'economia, nonché di politiche sociali connesse all'emergenza epidemiologica da COVID-19”.

³⁹ Avviso pubblico [Educare Insieme](#), gennaio 2021.

⁴⁰ Save the Children, [I giovani ai tempi del Coronavirus](#), gennaio 2021.

	<p>In May 2021, the Department of Family Policies of the Italian Government issued a public report⁴¹ on the impact of the Covid-19 on adolescents. The report stressed that the pandemic situation – and the subsequent long period of isolation from their peers and the school context – had a severe impact on the psychological wellbeing of adolescents. Families cannot respond to all their needs; moreover, technologies – despite being a useful instrument in many fields of adolescents’ lives – can expose these subjects to violence and harassment. For these reasons, the Department suggests reinforcing the network of services and activities available at local level, especially during the Summer period in order to prepare adolescents to go back to school. Eventually, the report lists some promising practices existing at local level in this respect.</p> <p>In May 2021, the Department of Family Policies of the Italian Government approved the 5th Action Plan for the protection of the rights and the development of children and adolescents⁴². The Plan is structured into three Axis: Education, Equality and Empowerment. The Equality Axis includes actions countering absolute poverty. The general goals of this Axis include measures to counter absolute poverty among children and adolescents; reinforcing school opportunities to foster social inclusion; implementing a public network of services for the protection and care of children and adolescents; protecting children and adolescents from abuse and mistreatments.</p>
Measures to protect children from violence	<p>The National Authority for the Protection of Childhood and Adolescence issued several opinions and provisions on the issue of violence against children. In February 2021, the Authority issued a press-release stating that children under the age of 14 must not subscribe autonomously to social networks, and urging Italian authorities to implement the Directive (EU) 2018/1808. In June 2021, the Authority issued another press-release stressing the importance of carefully selecting the images and videos broadcasted on TV: journalists and other media professionals should limit the use of strong and violent images to what is necessary to inform the audience; and always warn if the contents are not suitable for children. Eventually, in September 2021 the first meeting of the Technical Board for the protection of children’s rights in the context of social networks and Internet contents (<i>Tavolo tecnico sulla tutela dei diritti dei minori nel contesto dei social networks, dei servizi e dei prodotti digitali in rete</i>) was held. The Board’s members are the Ministry of Justice, the Authority for the Protection of Childhood and Adolescence and the Authority for Communications. The Board’s goal is to draft technical and legislative measures aimed at protecting the rights of children who use social networks and online services.</p> <p>In February 2021, the Defenseless Observatory (<i>Osservatorio Indifesa</i>) of the NGO “Terres des Hommes” released 2020 data</p>

⁴¹ Centro Nazionale di Documentazione e Analisi per l’Infanzia e l’Adolescenza, “[Covid-19 e Adolescenza](#)”, maggio 2021.

⁴² Dipartimento per le Politiche della Famiglia, [5° Piano nazionale di azione e di interventi per la tutela dei diritti e lo sviluppo dei soggetti in età evolutiva](#), maggio 2021.

	<p>on bullying and cyber-bullying⁴³, collected through a survey involving 6,000 adolescents aged 13-23. 68% of the participants reported witnessing episodes of bullying or cyber-bullying, 61% reported being victims of such episodes. 42.23% reported episodes of psychological violence perpetrated by their peers; 44.57% of girls expressed their distress in receiving unwelcome sexual online comments. 6 out of 10 participants reported feeling unsafe online. The risks most frequently mentioned include cyber-bullying, loss of privacy, revenge porn, stalking, online harassment. Almost all girls (95.1%) admitted that the possibility of their hot photos/videos being spread online or via mobile phones without their consent would be as serious as an episode of physical violence. The impact of Covid-19 was also mentioned by the participants: 93% of them reported a feeling of loneliness.</p> <p>In 2021, the Ministry of Education adopted Guidelines preventing and tackling bullying and cyber-bullying⁴⁴. Many stakeholders are involved in the implementation of the Guidelines; however, a crucial role is played by the schools that are called to organise prevention actions in cooperation with the Ministry.</p>
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6.2 Legal and policy developments or measures relating to criminal proceedings

Legislative changes	No legislative changes to report in this field.
Policy developments	No policy developments to report in this field.
Other measures or initiatives	<p>In February 2021, the association "Antigone" released monitoring data⁴⁵ on children involved in criminal proceedings or serving their sentence in juvenile detention facilities in Italy. As of 15 January 2021, 281 children were detained in the 17 juvenile prisons existing in Italy (almost the same compared to 2020). 1,531 children are detained in juvenile criminal detention facilities, which also include community centres. The report stresses that in 2020, during the first six months of the pandemic, the number of children detained in juvenile prisons decreased, due to a decrease of detention measures and to other measures adopted to limit the virus propagation. As per the characteristics of the 281 detained children, 15 of them are aged less than 16, 104 are aged 16-17, 118 are aged 18-20 and 44 are aged 21-24. 158 were Italian children, whereas 123 foreign children. Females among these detainees amounted to 13 (4</p>

⁴³ Terres des Hommes, [Bullismo e cyberbullismo. Parlano i ragazzi, attraverso i dati dell'osservatorio indifesa](#), 4 February 2021.

⁴⁴ Ministero dell'Istruzione, [Linee di orientamento per la prevenzione e il contrasto dei fenomeni di Bullismo e Cyberbullismo](#), 2021.

⁴⁵ Antigone, [Ragazzi dentro. Aggiornamento Covid](#), febbraio 2021.

	Italians and 9 of other nationalities). 57.7% was serving a definitive sentence; 20.6% is pending trial.
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Chapter 7. Access to justice

7.1 Legal and policy developments or measures relevant to the implementation of the Victims' Rights Directive and the EU strategy for Victims' Rights 2020-2025

On 23 September 2021, the Italian Parliament passed the legislative reform of the Italian criminal proceeding. The reform of the criminal (as well as of the civil) judicial proceedings is one of the priority actions of the Italian National Recovery and Resilience Plan⁴⁶. The overall goal of the reform is to reduce the length of judicial proceedings in Italy and to foster the efficiency of the judicial system, promoting, for instance, its gradual digitalisation. Among other measures and innovations, Art. 1.18 of the Law No. 134 of 27 September 2021⁴⁷ introduced a legislative delegation to the Italian Government that is requested to adopt – within one year – a Legislative Decree on restorative justice. This Legislative Decree is explicitly meant to introduce in the Italian legal system the discipline governing restorative justice, as enshrined in the Directive 2012/29/EU.

Moreover, Art. 2.11-13 of the same Law extended to the victims of attempted murder and attempted gender-based and sexual violence some of the dispositions already envisaged by the Criminal Procedure Code. These include: the obligation for public authorities (especially police authorities) to promptly inform the victims about any change in relation to the defendant's state of liberty and thus freedom of movement (including breakouts from home custody or detention); the obligation for judiciary police officers to proceed, without delay, to carry out acts of investigation delegated by the public prosecutor and to transmit, again without delay, to the public prosecutor the documentation of the activities carried out; the application of the suspended sentence remains subject to a special reparation scheme consisting of participation in specific rehabilitation programmes with bodies or associations dealing with prevention, psychological assistance and the rehabilitation of offenders convicted of these offences.

⁴⁶ [Piano Nazionale di Ripresa e Resilienza](#), presented by the Italian Government on 30 April 2021, and approved by the EU on 13 July 2021.

⁴⁷ [Legge 27 settembre 2021, n. 134](#), "Delega al Governo per l'efficienza del processo penale nonché in materia di giustizia riparativa e disposizioni per la celere definizione dei procedimenti giudiziari". Law No. 134 of 27 September 2021, "Delegation of powers to the Government for the efficiency of criminal proceedings as well as on restorative justice and provisions for the fast definition of judicial proceedings".

7.2 Measures addressing violence against women

In June 2021, the National Statistics Institute (*Istituto Nazionale di Statistica* – ISTAT) released official data⁴⁸ on the episodes of domestic and gender-based violence reported to the national helpline 1522, managed by the Department of Equal Opportunities of the Italian Government. During the first three months of 2021, the helpline received 7,974 valid calls and identified 4,310 victims (+38.8% compared to same period of 2020; however, far less than the record number of the second trimester of 2020 when the helpline received 12,942 valid calls). 62.1% of the victims reported cases of multiple forms of violence, being physical violence the most frequent one. 66.5% of the victims were referred to local services.

On 6 September 2021, the Ministry of the Interior – Department of Public Security issued official data on femicides⁴⁹. The data refers to the period 1st January – 5 September 2021. As of 6 September, 186 murders were registered by public authorities. 76 women were killed (-8% compared to the same period of 2020): 66 were murdered in the family context; 47 of them were killed by their (former) partners.

On 27 May 2021, the ECHR issued a decision⁵⁰ condemning Italy for the violation of Art. 8 of the European Convention of Human Rights. The case concerned a criminal proceedings against seven men who had been charged with the gang rape of the applicant and who had been acquitted by the Italian courts. The Court held that the applicant's rights and interests under Article 8 had not been adequately protected, given the wording of the Florence Court of Appeal's judgment. In particular, the national authorities had not protected the applicant from secondary victimisation throughout the entire proceedings. Among other points, the Court considered the comments regarding the applicant's bisexuality, her relationships and casual sexual relations prior to the events in question to have been unjustified. It found that the language and arguments used by the court of appeal conveyed prejudices existing in Italian society regarding the role of women and were likely to be an obstacle to providing effective protection for the rights of victims of gender-based violence, in spite of a satisfactory legislative framework. According to the Court, Italian judicial authorities did not protect the image, privacy and dignity of a woman who had reported an episode of rape. The Italian Court's decision – which discharged the seven defendants – used a blaming and moralising

⁴⁸ ISTAT, [Il numero verde 1522 durante la pandemia \(dati trimestrali al I trimestre 2021\)](#), 24 giugno 2021.

⁴⁹ Ministero dell'Interno, Dipartimento della Pubblica Sicurezza. Direzione Centrale della Polizia Criminale Servizio Analisi Criminale, [Omicidi volontari](#), 6 settembre 2021.

⁵⁰ [Case of J.L. v. Italy, No. 5671/16, 27 May 2021](#).

language which – in the ECHR’s opinion – might discourage the victims to resort to the judicial system and cause secondary victimisation.

In June 2021, the Parliamentary Inquiry Commission on Femicide and any other form of Gender-based Violence (*Commissione parlamentare di inchiesta sul femminicidio e su ogni altra forma di violenza di genere*) released a monitoring report⁵¹ of the organisational measures and training opportunities existing in Italian judicial institutions to counter violence against women. Data was collected from Public Prosecutors’ Offices, Courts, and professional bodies representing judges, lawyers and psychologists. Public Prosecutors’ Offices result to be the judicial institutions that are more trained on this issue, setting up specific pools of prosecutors dealing exclusively with cases of gender-based violence; on the opposite, 95% of the judicial professionals working for civil courts could not report how many cases of domestic violence emerged during civil judicial proceedings. Moreover, experts working for Civil Courts generally do not have any kind of specialisation on domestic and gender-based violence. The report concludes that violence against women is an *invisible* issue in Italian Civil Courts. As per the training of judicial staff, this resulted to be generally inadequate. In November 2021, the report was integrated with a section providing statistics data on femicides occurred in Italy during the period 2017-2018⁵². Data was retrieved by judicial cases’ files. According to the Commission’s report, in 2017-18, 211 feminicides occurred in Italy. The women were on average 49 years old, and in 78% of cases they were Italian citizens. In more than half of the cases, women victims of feminicide (57,4%) were killed by their partners (husband, partner, boyfriend, lover), who in 77,9% of the cases cohabited with the woman. 12.7% were killed by their ex-partner. Only 15% had reported the crime: 58.6 % of them had filed more than one complaint, and even 34.5 % filed 3 or more. The average number of complaints/appeals per feminicide is 2.3, and the median is 2. In addition, when a woman files a complaint, she often does so for more than one crime, with an average of 1.5 crimes per complaint. The most reported crimes, considering all the complaints, are: ill-treatment in the family (29%), threats, including serious threats/with weapons (27%), personal injuries (16%), persecution (11%) and sexual violence (7%). As per the reasons discouraging women to file a complaint, the report highlights three main causes: women’s belief to be able to manage the situation; the fear of retaliation; the fear of not being believed; the feeling of shame; the mistrust towards police authorities.

On 5 August 2021, the Ministry for Equal Opportunities and Family presented to the Italian Government the first National Strategy for Gender Equality 2021-

⁵¹ Commissione parlamentare di inchiesta sul femminicidio e su ogni altra forma di violenza di genere, [Rapporto sulla violenza di genere e domestica nella realtà giudiziaria](#), 23 June 2021.

⁵² The integrated version of the report is available at [website](#) of the Italian Senate.

2026⁵³, inspired by the EU Gender Equality Strategy 2020-2025. Even if this Strategy does not directly deal with gender-based violence, nonetheless one of its cross-cutting measures concerns the introduction of support actions for vulnerable sub-groups of women, such as those surviving to gender-based violence episodes. Gender-based violence will be at the core of a specific National Strategy document which is expected to be approved by the Italian Government by the end of September 2021: in July 2021, the national Strategic board – headed by the Ministry of Equal Opportunities and Family – [held a meeting](#) to discuss a first draft of the Strategy.

In November 2021, the NGO “Actionaid” released a monitoring report⁵⁴ on state of the art of Italian policies tackling gender-based violence, based on the assessment of the funds earmarked at this purpose. According to the report, public administrations register a huge delay in the effective earmarking of financial resources to be destined to local services countering gender-based violence: 7 months were needed in 2021 to transfer the funds destined to local anti-violence centres and shelters from the Department of Equal Opportunities of the Italian Government to Italian regions. As of 15 October 2021, the Regions have disbursed 74% of the national anti-violence funds of the 2015-2016 years, 71% for 2017, 67% for 2018, 56% for 2019 and 2% for the 2020 year.

On 17 November 2021, the Department of Equal Opportunities of the Italian Government presented the new Action Plan countering gender-based violence 2021-2023⁵⁵. The Action Plan envisages the establishment of a multi-disciplinary Task Force whose goal is to ensure the coordination of the implementing actions of the Action Plan with the actions envisaged by the Italian National Recovery and Resilience Plan. The Action Plan is structured in 4 intervention axes: prevention, protection and support to the victims, persecution of the perpetrators, assistance and promotion. One of the innovation of the Plan is the introduction, for the first time, of measures targeting economic violence, establishing specific opportunities of labour market integration for the victims, as to foster their financial independence. The Action Plan will be accompanied by an Operative Plan, establishing the practical measures to undertake to implement the plan in the

⁵³ Dipartimento per le Pari Opportunità, [Strategia Nazionale per la Parità di Genere 2021-2026](#), luglio 2021.

⁵⁴ Actionaid (2021), “[Cronache di un’occasione mancata. Il sistema antiviolenza italiano nell’era della ripartenza](#)”, 8 novembre 2021. Actionaid (2021), “*Chronicles of a missed opportunity. The Italian system tackling gender-based violence in the age of the relaunch*”, 8 November 2021.

⁵⁵ Presidenza del Consiglio dei Ministri – Dipartimento Pari Opportunità (2021), “[Piano Strategico Nazionale sulla Violenza Maschile Contro le Donne. 2021-2023](#)”, 17 November 2021.

period 2021-2023. Eventually, the Action Plan also envisages a more effective data collection on this issue and closer cooperation with Istat.

On 25 November, the feminist activist network “Non Una di Meno” launched an independent observatory⁵⁶ mapping episodes of femicides and murders of LGBTQIA+ people in Italy. According to the network of activists, in 2021, 104 women and 4 transgender people were killed: among them, 3 women and 2 transgender people committed suicide (this data is included because considered a consequence of gender-based and transphobic hatred). Rome (13 episodes), Milan (8), Turin (6) and Modena (5) are the Italian cities with the highest rate of episodes. The youngest victim was 1.5 years old, the oldest 92. The average age of the murdered women and transgender persons is about 53 years.

On 3 December 2021, the Italian Government approved a Draft Law on “Provisions for preventing and combating the phenomenon of violence against women and domestic violence” (*Disposizioni per la prevenzione e il contrasto del fenomeno della violenza nei confronti delle donne e della violenza domestica*). The Ministries explained during a press release⁵⁷ the contents of the Draft Law, which will undergo parliamentary debate and whose text has not been made public, yet. The Draft Law slightly reforms the legislative dispositions of the Italian Criminal Code and Italian Criminal Procedure Code dealing with gender-based and domestic violence, in order to introduce stricter measures to protect the victims since the early stage of police report. For instance, the public prosecutor would be entitled to adopt a detention measure in the case of serious indications of offences which give rise to fears for the victim's safety. Coercive precautionary measures would be strengthened. An obligation to arrest the suspect in *flagrante delicto* in case of violation of the prohibition to approach the victim would be introduced. The arrest would follow not only the violation of the measure ordered by the criminal court, but also the one ordered by the civil judge.

The arrest would be followed by the adoption of coercive precautionary measures to prevent the suspect, once released, from carrying out the very acts that were intended to be prevented.

⁵⁶ The observatory is available at the [website](#) of “Non Una di Meno”.

⁵⁷ The press release is available at the [website](#) of the Italian Government.

Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

8.1 CRPD policy & legal developments

On 30 December 2020, the Italian Parliament passed the Budget Law 2021⁵⁸ which includes some legislative measures on disability. Paragraph 365 introduced a financial contribution to single mothers with low or no income who have a child with an official disability that is not inferior to 60%: the contribution amounts to EUR 500 in 2021, 2022, 2023. The Law also envisaged tax credits for the elimination of architectural barriers and the introduction of technological instruments fostering mobility of people with disabilities. A fund was introduced to foster school inclusion of students with disability, increasing the number of teachers assisting these students: the Fund – which covers the period 2021-2029 – amounts to EUR 62.76 in 2021. EUR 10 million is earmarked for the Fund for the Implementation of the National Training Plan (*Fondo per l'attuazione del Piano nazionale di formazione*) which is meant to support the compulsory training of the teachers dealing with students with disabilities. Additional EUR 85 million is earmarked for the Fund for the purchase of individual digital devices for students with disabilities. Paragraph 334 introduced a specific Fund for Family Caregivers, amounting to EUR 30 million for 2021, 2022, 2023. Eventually, the Budget Law 2021 established the Fund against discriminations and gender-based violence (*Fondo contro le discriminazioni e la violenza di genere*): EUR 6 million for the period 2021-2023 will be destined to the promotion of women freedom and the prevention of violence targeting people with disabilities.

In February 2021, the Observatory for the Security against Discriminations (*Osservatorio per la sicurezza contro gli atti discriminatori - Oscad*) of the Italian Police released a leaflet titled "Hatred against people with disabilities"⁵⁹. The leaflet – which is addressed to law-enforcement officers – provides a thorough overview of national and international legislation tackling discriminations on grounds of disability, as well as a mapping of the most frequent criminal offences targeting people with disabilities.

On 15 March 2021, the Ministry for Equal Opportunities and Family was established with a Decree of the President of the Italian Government⁶⁰. The

⁵⁸ [Legge 30 dicembre 2020, n. 178](#), "Bilancio di previsione dello Stato per l'anno finanziario 2021 e bilancio pluriennale per il triennio 2021-2023".

⁵⁹ OSCAD, [L'odio contro le persone disabili](#), 2021.

⁶⁰ [Decreto del Presidente del Consiglio dei Ministri 15 marzo 2021](#), "Delega di funzioni al Ministro senza portafoglio prof.ssa Elena Bonetti".

Ministry's mandate includes the promotion and coordination – in cooperation with the Ministry of Equal Opportunities and Family – of the activities aimed at implementing the principles of equal treatment, equal opportunities and non-discrimination of people with disabilities, including policies fostering labour-market and school inclusion; the development of a governance coordinating the different levels of government aimed at implementing actions tackling segregation and isolation of people with disabilities.

On 8 May 2021, the Ministry of Public Health signed an Ordinance⁶¹ allowing family members and visitors to have access to healthcare facilities hosting elderly people and people with disabilities. These visits had for a long time been suspended due to the Covid-19 emergency. The access is permitted only to those people holding a Covid-19 green pass.

The Ministry of Education passed the Ministerial Decree No. 188 of 21 June 2021 on training of schoolteachers for the inclusion of students with disabilities⁶². The aim of the Decree is to make compulsory a 25-hour training period for all teachers who work in classes with students with disabilities, and who do not have a specific expertise on how to deal with these students and their needs. This Ministerial Decree was strongly requested by the associations of people with disabilities represented in the Ministerial Observatory for School Inclusion (*Osservatorio Ministeriale dell'inclusione scolastica*).

In October 2021, the Ministry of Disability launched a public consultation⁶³ aimed at collecting contributions, proposals and best practices for the inclusion of persons with disabilities, in compliance with the EU Commission Strategy for the rights of people with disabilities 2021-2030. The contributions – which could be sent until 20 November – will be assessed and considered during the National Conference on disability policies (*Conferenza nazionale sulle politiche per le disabilità*) which will be held on 13 December 2021. The contributions and proposals shall focus on one or more of these thematic areas: accessibility; EU mobility; independent living; inclusive education and training opportunities; high-quality labour inclusion; culture, sport and accessible tourism; best practices. The consultation is addressed to people with disabilities and their families; organisations of people with disabilities and their families; local and national civil-society organisations; local administrations; private businesses; any other individual or organisations willing to participate. As of 14 November, 90 proposals had already been submitted: 74 proposals were submitted by individuals and 16 by associations⁶⁴.

⁶¹ [Ordinanza del Ministero della Salute, 8 maggio 2021.](#)

⁶² [Decreto Ministeriale 21 giugno 2021, n. 188, "Formazione del personale docente ai fini dell'inclusione degli alunni con disabilità".](#)

⁶³ Consultation available at the [website](#) of the Ministry of Disabilities.

⁶⁴ Information available at the [website](#) of the Ministry of Disability.

On 20 December, the Italian Senate definitively approved the Delegation Law on Disability⁶⁵. The Law is aimed at delegating the Italian Government the adoption of a Legislative Decree for the reorganisation of existing legislative provisions on disability. The Law implements one of the reforms included in the Italian National Recovery and Resilience Plan (*Piano nazionale di ripresa e resilienza*). More specifically, the aim of the delegation will be a profound revision of the legislation on disability, which will make it possible to rationalise and unify in a single procedure all the assessments concerning civil invalidity, civil blindness, civil deafness, deaf-blindness, the assessment of disability for the purpose of labour inclusion, and the assessments on the possession of the requirements to access tax, tax and mobility benefits. The delegation must be exerted by the Government within 20 months from the date of entry into force of the law, through the adoption of one or more legislative decrees for the revision and reorganisation of the current legislative provisions on disability.

8.2 CRPD monitoring at national level

The National Observatory on the Condition of People with Disabilities (*Osservatorio Nazionale sulla condizione delle persone con disabilità*) was not subject to major reforms or changes during the considered period.

On the National Day for Women's Health (*Giornata nazionale della salute della donna*) the Working Group No. 9 of the Observatory "Women and Disabilities" drafted a Document⁶⁶ – which was adopted by the Ministry of Disabilities – stressing the specific barriers women with disabilities must face when accessing healthcare services, services for sexual and reproductive health, and when asking adequate support for pregnancies and parenthood. Moreover, the incidence rate of breast cancer among women with disabilities is higher due to the lack of prevention and screening equipment and the inadequacy of awareness-raising campaigns specifically targeting women with disabilities. The document stressed that a reorganisation of local healthcare services is needed to offer adequate support, trained staff and accessible equipment to women with disabilities.

⁶⁵ Atto Senato N. 2475, "[Delega al Governo in materia di disabilità](#)".

⁶⁶ Osservatorio Nazionale sulla condizione delle persone con disabilità, [Giornata nazionale della salute della donna: Nota dell'Osservatorio Disabilità](#), 22 aprile 2021.

Annex 1 – Promising Practices

Thematic area	<p style="text-align: center;">EQUALITY AND NON-DISCRIMINATION</p> <p style="text-align: center;">Please provide one example of a practice to tackle nationality-based discrimination, or discrimination against LGBTI people, such as awareness raising campaigns or training for relevant professionals. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2021 relevant to equality and non-discrimination of EU citizens or LGBTI people, preferably one conducted by a national equality body.</p>
Title (original language)	FEEL FREE T@ BE
Title (EN)	FEEL FREE T@ BE
Organisation (original language)	Ente capofila LazioCrea
Organisation (EN)	Partnership headed by LazioCrea
Government / Civil society	Partnership of both Government institutions and civil-society organisations
Funding body	European Union’s Rights, Equality and Citizenship Programme (2014-2020)
Reference (incl. URL, where available)	https://www.feelfreetobe.eu/il-progetto/

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	January 2021 – December 2022
Type of initiative	Training, awareness-raising, advocacy
Main target group	Direct beneficiaries include psychologists, social assistants, doctors and hospital staff, ER staff. Final beneficiaries are LGBT+ people
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The aim of the project is offer training sessions to healthcare professionals working for public social and medical institutions on the rights and needs of LGBT+ people. The training sessions will both provide these professionals with information concerning LGBT+ issues, and deconstruct biases and discriminations that are – consciously or unconsciously – perpetrated by these professionals that can compromise and hinder LGBT+ people’s access to healthcare services. The training scheme developed in the framework of this project will be disseminated through specific awareness-raising campaigns and events.
Highlight any element of the actions that is transferable (max. 500 chars)	The training scheme developed in the framework of this project is meant to be transferred to other services and fields of professional activity, in order to remove all hurdles to the access of LGBT+ people to the services they may need.
Give reasons why you consider the	The project’s outcome will consist in a training module for healthcare professionals. This module can be used even after the conclusion of the project.

<p>practice as sustainable (as opposed to 'one off activities')</p>	
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The project foresees to organise at least 8 training sessions. The impact of the project can be measured considering the number of sessions that will be organised, the number of participants, and the localities that will be covered by the project.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Access to healthcare services is an issue for the LGBT+ community in each Country: many LGBT+ people report episodes of discrimination, harassment and unconscious biases on behalf of healthcare professionals, which might discourage them to resort to services they may need. Moreover, this project is financed through the EU Commission's REC programme, thus easing this type of initiative to be transferred to other EU Member States.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review</p>	<p>In February-May 2021, the consortium of this project carried out a survey to map the training needs of healthcare professionals, and the needs of LGBT+ people who access public psychological and medical services. The survey's questionnaires are available at: https://www.feelfreetobe.eu/questionari/.</p>

assessment and implementation of the practice.	
Explain, if applicable, how the practice provides for review and assessment.	This project is subject to the review and assessment procedures envisaged for all projects financed under the EU Commission's REC Programme.

Thematic area	<p style="text-align: center;">RACISM, XENOPHOBIA AND RELATED INTOLERANCE</p> <p style="text-align: center;">Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about either: active cooperation with CSOs in addressing racism and hate crime; or combating racism and unequal treatment in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.</p>
Title (original language)	Antira_Zine
Title (EN)	Antira_Zine
Organisation (original language)	Il Razzismo è una brutta storia
Organisation (EN)	Racism is a bad story
Government / Civil society	Civil society
Funding body	Voluntary work

Reference (incl. URL, where available)	http://www.razzismobruttastoria.net/2021/01/30/anti-call-nasce-antira_zine/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	January 2021- ongoing
Type of initiative	Communication; awareness-raising
Main target group	General population
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	Antira_Zine is a project developed by the association "Il Razzismo è una brutta storia", a group of activists and experts committed to tackling racism and discriminations through cultural initiatives, education projects and advocacy. Antira_zine is a self-produced and freely downloadable booklet created through a public call for proposals of different artistic contributions. The call was open only to artists of ethnic minorities, who could be able to share personal experiences and perspectives on racism and discriminations. The first number of the booklet is downloadable at: http://www.razzismobruttastoria.net/2021/03/23/scarica-la-nuova-fanzine-antirazzista-antir%c9%99zin%c9%99/ .

<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The strength of this initiative is the possibility for those people who are generally the target of racism and discrimination to speak out and report their own experiences and points of view, as a means of empowerment and community-building. This practice is transferrable to other grounds of discrimination.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The association promoting this initiative has just released the first edition of the booklet. However, the project aims at releasing period publications.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The booklet is freely downloadable online: the impact could be measured considering the number of users downloading the file. Moreover, the number of artists participating to the project is expected to increase. Finally, the hardcopy version of the booklet is distributed in bookshops and libraries: the number of distribution points might be measures as well.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>N/A</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The artists contributing to the booklet all are people with a migrant background or members of ethnic minorities; moreover, the booklet is primarily destined to these same groups, as a community-building initiative.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>N/A</p>

Thematic area	<p style="text-align: center;">ROMA EQUALITY AND INCLUSION</p> <p>Please provide one example of promising practice related to the two topics addressed in the chapter. Please make the link between the selected practice and the topics explicit.</p>
Title (original language)	Progetto Salute – Promozione di strategie e strumenti per l’equità nell’accesso all’assistenza sanitaria di Rom, Sinti e Caminanti
Title (EN)	Health Project – Promotion of strategies and instruments for the equal access to healthcare of Roma people
Organisation (original language)	Istituto Nazionale per la promozione della salute delle popolazioni Migranti e per il contrasto delle malattie della Povertà (INMP)
Organisation (EN)	National Institute for the Promotion of Health of Migrant Populations and Combating Poverty-Related Diseases
Government / Civil society	Government
Funding body	The project was financed through the European Social Fund. The beneficiary is the UNAR and the implementing institution is INMP.
Reference (incl. URL, where available)	https://www.progettosalutersc.it/il-progetto/

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	July 2019 – 31 December 2021
Type of initiative	Training initiative
Main target group	Professionals working for healthcare services at local level.
Indicate level of implementation: Local/Regional/National	National and local
Brief description (max. 1000 chars)	The project is aimed at providing training opportunities to the professionals working for healthcare services at local level, in order for them to contribute to the local implementation of the National Roma Integration strategy. The project's four goals are: the development of information tools that can orient healthcare services; supporting the availability of Roma mediators in healthcare services; promoting strategies that can help local healthcare services to get in contact with Roma people who generally are a hard-to-reach target; developing local protocols for the promotion of health of Roma people at local level.
Highlight any element of the actions that is transferable (max. 500 chars)	The INMP's mission is to promote access to healthcare for all marginal groups, and to prevent all diseases that are connected to social exclusion and poverty. This kind of project could be extended and made available to other social marginal groups, such as homeless people and irregular migrants.

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>This practice is sustainable since the resources are used in the first place to develop the training and information tools, as well as to carry out an initial mapping of the services existing at local level. However, these instruments will be used even after the conclusion of the project and updated, if needed.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The impact of this practice can be measured assessing the number of local healthcare departments involved in the training activities.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>This project is aimed at promoting social inclusion and access to healthcare of the Roma population at local level, which are goals that the European Union (and its Member States) is committed to. Moreover, it is financed through EU Funds. This project could inspire similar actions in other EU Member States.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>Roma people are involved in the project as cultural mediators to be involved in local healthcare departments on a regular basis. Moreover, line of action No. 5 of the project envisages the analysis and testing of interventions based on the active involvement of Roma communities, supporting a stable and ongoing relationship with social and health services.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>This project is subject to review and assessment according to the procedure in place for all projects financed through EU Funds.</p>

Thematic area	<p style="text-align: center;">INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</p> <p style="text-align: center;">Please provide one example of a promising practice related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.</p>
Title (original language)	Le parole dell'AI
Title (EN)	AI words
Organisation (original language)	Garante per la protezione dei dati personali
Organisation (EN)	Italian DPA
Government / Civil society	Government
Funding body	Italian DPA
Reference (incl. URL, where available)	https://www.garanteprivacy.it/temi/intelligenza-artificiale and https://www.youtube.com/GARAntedatipersonaliGP

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2021-ongoing
Type of initiative	Awareness-raising campaign
Main target group	General population
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The Italian DPA released informative videos – on its website and YouTube channel – providing information on Artificial Intelligence. These videos are aimed at informing the general population on the challenges and potential benefits of AI, using a plain language. The issues covered by the videos include: ethics and AI; deepfake and deepnude; facial recognition and mass surveillance; digital assistants.
Highlight any element of the actions that is transferable (max. 500 chars)	This practice is aimed at informing the general population through a user-friendly and straightforward means of communication, namely short videos. This practice could be transferred to other fields of interests of the DPA and other public institutions.

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>This practice does not entail high costs for the DPA since the persons speaking in the video are members of the DPA's staff. The only costs concern the videos' editing. Moreover, the videos remain online and are easily accessible by the users.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The impact of this practice can be measured monitoring the number of views of the videos.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The videos deal with AI and with the dispositions of the GDPR governing this issue. Data protection issues are often difficult to understand for the individuals since they often require a knowledge of technology and devices. For these reasons, all Member States could implement this practice to make the general population aware of the rights enshrined in the GDPR they can benefit from as data subjects.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>N/A</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>N/A</p>

Thematic area	<p style="text-align: center;">RIGHTS OF THE CHILD</p> <p style="text-align: center;">Please provide a promising practice related to the topics addressed in the chapter.</p>
Title (original language)	Monitoraggio Piattaforma Elisa
Title (EN)	Elisa Platform Monitoring
Organisation (original language)	Ministero dell'Istruzione
Organisation (EN)	Ministry of Education
Government / Civil society	Government
Funding body	Government
Reference (incl. URL, where available)	https://www.piattaformaelisa.it/monitoraggio/

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	May-July 2021
Type of initiative	Research and monitoring
Main target group	Italian high-schools' students and teachers
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The Elisa Platform was created by the Ministry of Education in 2017 to provide online training opportunities to teachers and school directors on bullying and cyber-bullying. In 2021, the Ministry decided to launch the first online monitoring of episodes of bullying and cyber-bullying in Italian high schools using the Elisa Platform. The monitoring is organised into two phases: the first one (May-June 2021) is addressed to students aged 14 or more; the second one is addressed to school directors and teachers (June-July 2021). The questionnaire is anonymous and aimed at mapping the incidence of this kind of episodes in Italian schools. Participation is voluntary, and each school can decide whether to participate to both phases or just to one of them.
Highlight any element of the actions that is transferable (max. 500 chars)	This kind of monitoring is relevant to provide ministerial authorities with evidence-based information on the incidence of these episodes, and therefore assess the impact of the strategies introduced to tackle them. This kind of monitoring in school contexts might be extended to other forms of violence and harassment – such as gender-based violence and revenge porn –, as well as to any form of discrimination.

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The Elisa Platform was already in place and functioning. The monitoring uses the same website, including an additional function.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The impact of the monitoring can be measures assessing the number of schools which will decide to take part to the monitoring.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Tackling bullying and cyber-bullying is a commitment shared by both EU institutions and EU Member States. Schools are a privileged observation point to assess the incidence of this crucial issue on young generations: for this reason, public authorities and school directors must be at the forefront of this challenge. Ministries of Education of all EU Member States might consider introducing this same monitoring system to have a thorough overview of the situation in national schools.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The beneficiaries – that is schools and students – are not directly involved in the design of the monitoring survey; however, their direct involvement and participation is crucial to obtain the data that is needed to introduce effective strategies and actions countering bullying and cyber-bullying.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>N/A</p>

Thematic area	ACCESS TO JUSTICE Please provide one example of a promising practice related to the topics addressed in the chapter.
Title (original language)	Never Again
Title (EN)	Never Again
Organisation (original language)	Università Degli Studi Della Campania Luigi Vanvitelli and D.I.Re - Donne In Rete Contro La Violenza (with other partners)
Organisation (EN)	University of Campania Luigi Vanvitelli with Network of Women Against Violence
Government / Civil society	Civil society
Funding body	REC Programme of the European Social Fund
Reference (incl. URL, where available)	https://www.vittimizzazionesecondaria.it/

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	25 November 2020 - ongoing
Type of initiative	Awareness-raising and training
Main target group	General population (awareness-raising part) and police officers, judicial professionals, lawyers and journalists (training part)
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The project is aimed at tackling secondary victimisation of women who survived gender-based violence. The project includes several activities: i. training – using e-learning platforms, webinars and in-person training sessions – of professionals working for judicial institutions, law-enforcement institutions, as well as lawyers and journalists, aimed at deconstructing prejudices and gender stereotypes that reinforce victim-blaming; awareness-raising campaigns against secondary victimisation; multimedia products, such as video, infographics and e-books; theatre projects on the issues covered by the project.
Highlight any element of the actions that is transferable (max. 500 chars)	Awareness-raising and training to tackle secondary victimisation is a crucial issue to protect the rights and dignity of victims of crimes and discriminations. For this reason, this initiative could be extended to other grounds of violence in order to protect other categories of victims, such as – for instance – victims of homophobia, transphobia and racism.

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>This practice will have as outputs training materials, public campaigns and multimedia products that can be used even after the formal conclusion of the project.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The concrete impact of the initiative can be measured, as far as the training part is concerned, since it is possible to assess how many professionals will take part to the training opportunities.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>This project is aimed at tackling secondary victimisation and protect the rights of women who suffered gender-based violence, which all are goals that the European Union (and its Member States) is committed to. Moreover, it is financed through EU Funds. This project could inspire similar actions in other EU Member States.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>N/A</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>This project is subject to review and assessment according to the procedure in place for all projects financed through EU Funds.</p>

Thematic area	<p align="center">Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</p> <p align="center">Please provide one example of a promising practice related to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities.</p>
Title (original language)	I diritti non chiedono permesso
Title (EN)	Rights do not ask for permission
Organisation (original language)	FISH – Federazione italiana per il Superamento dell’Handicap, ASGI – Associazione per gli studi giuridici sull’immigrazione, Festival dei Diritti Umani, LEDHA – Lega per i diritti delle persone con disabilità
Organisation (EN)	FISH – Italian Federation for Handicap Overcoming, ASGI – Association for legal studies on immigration, Human Rights Festival, LEDHA – League for the rights of people with disabilities
Government / Civil society	Civil Society
Funding body	The initiative is part of the project “Disability: discriminations do not add up, they multiply” (<i>Disabilità: la discriminazione non si somma, si moltiplica</i>) financed by the Ministry of Labour and Social Policies which ended in December 2020.
Reference (incl. URL, where available)	https://www.asgi.it/notizie/seminario-i-diritti-non-chiedono-permesso/

<p>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</p>	<p>17th Week against racism (21-27 March 2021), promoted by UNAR.</p>
<p>Type of initiative</p>	<p>Training and awareness-raising</p>
<p>Main target group</p>	<p>General population and legal professionals</p>
<p>Indicate level of implementation: Local/Regional/National</p>	<p>National</p>
<p>Brief description (max. 1000 chars)</p>	<p>The initiative was organised during the UNAR 17th Week against racism. Three videos were released online by the promoting civil-society organisations addressing discriminations and specific challenges of unaccompanied migrant children with disabilities. The first video concerned the intersectional discriminations suffered by migrants with disabilities. The second video – which was specifically addressed to legal and social professionals – focused on judicial instruments to counter discriminations against migrant people with disabilities. The training session also focused on the most relevant jurisprudence in this field. Eventually, the third video dealt with policies and actions to foster inclusion of migrant people with disabilities.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>This practice could be transferred to any other type of intersectional discrimination: focusing on how different grounds of discriminations not only add up, but multiply is key to address discriminations from an intersectional perspective.</p>

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The only costs of the initiative concern the videos' editing and online dissemination. The videos remain online and are easily accessible by the users even after the conclusion of the initiative.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The impact of this practice can be measured monitoring the number of views of the videos.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Addressing discriminations from an intersectional perspective is a goal that both EU institutions and EU Member States are committed to. Raising awareness on this issue and training professionals who deal with victims of such discriminations is crucial to enforce the protection of victims and change cultural and social stereotypes. All EU Member States could adopt this initiative, adapting it to their national context.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>N/A</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>N/A</p>

Annex 2 – Case Law

<p>Thematic area</p>	<p>EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against EU citizens based on nationality or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.</p>
<p>Decision date</p>	<p>28 January 2021</p>
<p>Reference details</p>	<p>Italian Constitutional Court, Decision No. 32/2021, available at: https://www.cortecostituzionale.it/actionSchedaPronuncia.do?param_ecli=ECLI:IT:COST:2021:32</p>
<p>Key facts of the case (max. 500 chars)</p>	<p>On 9 December 2019, the Ordinary Court of Padua filed a request to the Constitutional Court to assess the constitutional legitimacy of Art. 8 and 9 of the Law No. 40/2004 which governs medically assisted procreation. The case was brought before the Ordinary Court of Padua by the intentional mother of two twin girls who were born abroad with medically assisted procreation. The biological mother of the twins denies the other mother to legally recognise the children in Italy, to adopt them and to have any contact with them. The complainant asked the Court to be authorised to be formally registered as parent of the twins, since she gave her consent to the medically assisted procreation in the first place.</p>

<p style="text-align: center;">Main reasoning/argumentation</p> <p style="text-align: center;">(max. 500 chars)</p>	<p>The Court of Padova recognised that the two women had both agreed to the medically assisted procreation procedure. Since the relationship between them ended, the possibility of adoption in particular cases – governed by Art. 44.1 of the Law No. 184/1983 – is not applicable because it requires the consent of the legal parent of the child to be adopted. According to the Court, the Italian legislative system fails to protect children born from same-sex couple through medically assisted procreation, thus potentially violating fundamental constitutional principles, as well as Art. 8 and 14 of the European Convention of Human Rights, and Artt. 2,3,4,5,7,8 and 9 of the UN Convention on the Rights of the Child.</p>
<p style="text-align: center;">Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The Constitutional Court recognised that the in-force Italian legislation governing medically assisted procreation and adoption leaves a gap in the protection of children born with these techniques from same-sex couples. However, the Constitutional Court in Italy cannot fill these gaps, but rather encourage the legislator to intervene.</p>
<p style="text-align: center;">Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Constitutional Court rejected the constitutional legitimacy request filed by the Ordinary Court of Padua, but encouraged the legislator to promptly intervene to fill the gap that prevent to adequately protect children born from same-sex couples through medically assisted procreation.</p>

<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>“La concomitanza degli eventi prima descritti, svela una preoccupante lacuna dell’ordinamento nel garantire tutela ai minori e ai loro migliori interessi [...] i nati a seguito di PMA eterologa praticata da due donne versano in una condizione peggiore rispetto a quella di tutti gli altri nati, solo in ragione dell’orientamento sessuale delle persone che hanno posto in essere il progetto procreativo. [...] Al riscontro vuoto di tutela dell’interesse del minore, [...] questa Corte ritiene di non poter ora porre rimedio. Serve, ancora una volta, attirare su questa materia eticamente sensibile l’attenzione del legislatore, al fine di individuare un ragionevole punto di equilibrio tra i diversi beni costituzionali coinvolti, nel rispetto della dignità della persona umana”</p> <p>“The combination of the events described above reveals a worrying shortcoming of the legal system in guaranteeing protection for minors and their best interests [...] children born as a result of medically assisted reproduction practised by two women are in a worse situation than all other children born, solely on account of the sexual orientation of the persons who carried out the procreative project. [...] This Court considers that it cannot now remedy the lack of protection of the interests of the child. It is necessary, once again, to draw the attention of the legislator to this ethically sensitive matter in order to find a reasonable balance between the various constitutional values involved, while respecting the dignity of the human person.”</p>
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<p>Thematic area</p>	<p>RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide the most relevant <u>high court</u> decision concerning the application of <u>either</u> the Racial Equality Directive or the Framework Decision on racism and xenophobia, addressing racism, xenophobia, and other forms of intolerance more generally.</p>
<p>Decision date</p>	<p>4 December 2020 (Decision lodged on 17 March 2021)</p>
<p>Reference details</p>	<p>Italian Court of Cassation, Decision No. 10335/2021. https://i2.res.24o.it/pdf2010/Editrice/ILSOLE24ORE/QUOTIDIANI_VERTICALI/Online/Oggetti_Embedded/Documenti/2021/03/18/10335.pdf</p>
<p>Key facts of the case (max. 500 chars)</p>	<p>The mayor of the Municipality of Alesso (Liguria region) was sentenced by both the Ordinary Court of Savona and by the Court of Appeals of Genova for racial discrimination. The defendant had issued a municipal ordinance which prohibited the entry in the municipal territory of homeless people of African or South American nationality if they did not have a health certificate proving that they were free of communicable diseases.</p>

<p style="text-align: center;">Main reasoning/argumentation</p> <p style="text-align: center;">(max. 500 chars)</p>	<p>Even if municipal mayors have the power to issue temporary and urgent provisions in the event of public health or hygiene emergencies of an exclusively local nature, this power was unlawfully applied to the specific case. The above mentioned ordonnance was issued after local media spread news concerning cases of measles in the municipal territory, which were not checked before the provision was adopted. According to the Court, the mayor's decision represented a discrimination since it envisaged, as the only exception to the prohibition, the necessity of a document which is impossible to obtain for a person lacking the means of subsistence and free assistance from the national health service, namely a certificate of immunity from transmissible diseases issued by the local healthcare department.</p>
<p style="text-align: center;">Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The behaviour of the mayor - not being based on a health risk connected to the specific subjects excluded from the territory and not even on a concrete emergency of prevention - was therefore not part of a proper exercise of the power attributed to the mayor by the in-force legislation. The ordonnance was therefore deemed discriminatory.</p>
<p style="text-align: center;">Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Court of Cassation confirmed the application of the rule that penalises conduct of apologia, incitement and association aimed at discrimination, as established by the Ordinary Court and by the Court of Appeals.</p>
<p style="text-align: center;">Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>"La finalità discriminatoria è stata dunque collegata, richiamando un insussistente pericolo sanitario e un rischio specifico, ai soli soggetti provenienti dalle zone geografiche delimitate (Africa e America Latina). [...] Si è pertanto realizzata una forma di discriminazione attraverso un atto amministrativo su pura base razziale, senza spiegare la ragione per la quale i soli soggetti aventi quell'etnia dovessero essere pericolosi per la salute pubblica [...]"</p> <p>"The discriminatory purpose was therefore linked, by referring to an insubstantial health threat and a specific risk, to persons from the defined geographical areas (Africa and Latin America) only. [...] A form of discrimination was therefore carried out by means of an administrative act on a purely racial basis, without explaining why only persons of that ethnic group should be a danger to public health [...]."</p>

Thematic area	ROMA EQUALITY AND INCLUSION Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
Decision date	15 February 2021
Reference details	Italian Court of Cassation, Decision No. 3482 of 15 February 2021, www.asgi.it/wp-content/uploads/2021/02/Corte-di-Cassazione-sentenza-n-3842-del-15-febbraio-2021.-rel.-Fidanzia-Comune-Civitanova-Marche-avv.-DAgostino-c.-xxx-avv.-Valeri-e-Inghilleri.pdf
Key facts of the case (max. 500 chars)	In 2014, the municipal authorities of Civitanova Marche tried to prevent the settlement of a Roma family (two parents and two children, one of whom minor) in the local territory. The family had already spent several years in the municipality: when the younger child started attending school, they asked municipal authorities to be assigned an area where to establish their caravans. The mayor passed several ordonnances to avoid this possibility: the registration in the local civil registry was forbidden; an ordonnance was passed forbidding camping in the entire municipal territory; the family was forcibly removed in the outskirts of the municipality, compromising the child's possibility to attend school since no public transports were available; eventually, the family was removed from that area. One of the parents challenged the municipal ordonnances before the Ordinary Court of Macerata – which rejected the complaint – and before the Court of Appeals of Ancona, which accepted the complaint. The municipality of Civitanova Marche challenged the decision of this latter Court before the Court of Cassation.
Main reasoning/argumentation (max. 500 chars)	The Court of Cassation rejected the municipality's complaint and recognised the discrimination perpetrated by the municipal ordonnances. The Court preliminarily stressed that judicial authorities have the power to enforce the principle of non-discrimination, and to avoid that administrative provisions – as the challenged municipal ordonnances – have negative and discriminatory effect on the individuals. Moreover, the Court stressed that the local public administration, rather than ensuring to the family a decent and safe accommodation, decided to unlawfully act, adopting measures aimed at preventing – by all means – that the family could settle on the territory. This approach was due – according to the Court – to a discriminatory behaviour against the family, because of its Roma origins.

<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The decision is relevant since Roma people are often subject to social exclusion and marginalisation, and this situation is also due to the lack of integration and inclusion policies at local level. Moreover, local authorities often adopt measures that – directly or indirectly – discriminate Roma people, preventing their settling and access to local services. The Court of Cassation’s decision stresses that judicial authorities have the power to nullify local administrative acts if these have a discriminatory impact on sub-groups of the local population.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The complaint filed by the municipality of Civitanova Marche was rejected.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>“Questa Corte, in ordine ai comportamenti discriminatori posti in essere da un ente pubblico nei confronti di privati con l’adozione di atti amministrativi, ha già enunciato il principio di diritto secondo cui, il diritto a non essere discriminati si configura [...] come un diritto soggettivo assoluto da far valere davanti al giudice ordinario, a nulla rilevando che il dedotto comportamento discriminatorio consista nell’emanazione di un atto amministrativo.” “This Court, with regard to discriminatory conducts on the part of a public body towards private individuals by means of administrative acts, has already laid down the principle of law according to which the right not to be discriminated against constitutes [...] an absolute subjective right to be enforced before the ordinary courts, it being irrelevant that the alleged discriminatory conduct consists in the issuing of an administrative act.”</p>

<p>Thematic area</p>	<p>ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION Please provide the most relevant high court decision – or any court ruling – relating to the implementation of the <u>right to an effective remedy</u> in the context of storing data in national large-scale databases and in EU IT systems (Eurodac, VIS, SIS) delivered in 2021.</p>
<p>Decision date</p>	<p><u>No case law has been identified for this thematic area</u></p>

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please provide the most relevant high court decision related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.
Decision date	29 March 2021
Reference details	State Council, Decision No. 2631 of 29 March 2021 https://dirittodiinternet.it/si-puo-fare-commercio-di-dati-personali-consiglio-di-sato-sentenza-29-marzo-2021-n-2631/
Key facts of the case (max. 500 chars)	The Italian Antitrust Authority (<i>Autorità garante della concorrenza e del mercato</i> - AGCM), in 2018, condemned Facebook Inc and Facebook Ireland Ltd (hereinafter, just Facebook) for misleading practice and aggressive practice, imposing two administrative fines of EUR 5 million each. In addition, it ordered Facebook to publish a corrective statement. Facebook appealed against this decision to the Lazio Regional Administrative Court, which partially upheld the company's complaints and annulled one of the two sanctions. In fact, the existence of the aggressive practice was not recognised, while the misleading practice was confirmed. Facebook and AGCM appealed against the sentence and the case was brought before the Council of State. The misleading practice, according to the Authority, consists in the fact that the professional (Facebook) does not immediately inform the user that his data are collected and used for informative and/or commercial purposes. In essence, during the activation of the account, the user is made aware only of the gratuity of the service (i.e. that registering with Facebook is free), thus inducing them to take a commercial decision that they would not have taken otherwise. The aggressive practice, challenged by the AGCM, consists in the fact that the user surrenders their data through a pre-selection system operated by Facebook. In this way, according to the Authority, consumers, in exchange for using the site, would be forced to allow the social platform and third parties to collect and use their data for informative and/or commercial purposes.

<p style="text-align: center;">Main reasoning/argumentation</p> <p style="text-align: center;">(max. 500 chars)</p>	<p>According to the AGCM, the company's slogan - later modified - according to which 'it's free to sign up and it will be free forever' constitutes misleading information, since it suggests that there is no counter-performance required of the consumer. Instead, the user surrenders their data, which are used for remuneration by the professional (i.e. Facebook), who pursues commercial purposes. The user is not aware of the profiling for commercial use. In addition, the argument that the subscriber could deselect their choice has no merit. In so doing, the user would lose the service which was offered free of charge but which, in fact, involves the provision of data in return. Thus, Facebook has conditioned the user's awareness that, in order to obtain the benefits promised as free, they must surrender their personal data, which are used as a profiling tool for commercial purposes, without adequate information to the consumer. The information provided by Facebook, on the login page, is incomplete and this incompleteness has not been mitigated by the inclusion of the 'cookie banner'. On the contrary, if the consumer wishes to deselect certain data, they are warned of all the disadvantages which such a choice would entail. Therefore, such conduct constitutes a misleading commercial practice.</p>
<p style="text-align: center;">Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>Facebook disputes the reconstruction carried out by AGCM and partially confirmed by the Lazio Regional Administrative Court. In fact, it considers that there can be no question of commercial practices, since there is no purchase of any product and the user's personal data cannot be considered as "goods". According to the Council of State, even if personal data are considered to be non-commercial, it is clear that they have been capitalised by Facebook. This capitalisation takes place without the knowledge of the user, who is persuaded to register free of charge with the platform. On the other hand, the user's data are used for commercial profiling.</p>
<p style="text-align: center;">Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>In conclusion, the Council of State rejected both Facebook's and AGCM's appeal and confirmed the Lazio Regional Administrative Court's ruling. Moreover, it affirms the applicability of the consumer discipline in the case of exploitation of personal data for commercial use. Therefore: a misleading commercial practice is found in the alleged free service, which, instead, is followed by the transfer of personal data. The fine of EUR 5 million for misleading practice is confirmed, as well as the obligation of a corrective statement. The fine of EUR 5 million for aggressive practice was cancelled, as it was deemed not to exist.</p>

Key quotation in original language and translated into English with reference details (max. 500 chars)

"8. [...]Orbene, seppure si volesse aderire alla tesi della odierna parte appellante secondo la quale il dato personale costituisce una res extra commercium, la patrimonializzazione del dato personale, che nel caso di specie avviene inconsapevolmente [...] costituisce il frutto dell'intervento delle società attraverso la messa a disposizione del dato - e della profilazione dell'utente - a fini commerciali. [...] ciò che emerge dall'attività messa in campo dalle due società è lo sfruttamento, inconsapevolmente per l'utente, dei dati da costui offerti al momento dell'iscrizione."

"8. [...]However, even if one were to accept the argument of the appellant, according to which personal data constitute res extra commercium, the capitalisation of personal data, which in the present case takes place without the user's knowledge [...] is the result of the intervention of the companies through the provision of the data - and the profiling of the user - for commercial purposes. [...] what emerges from the activity carried out by the two companies is the exploitation, unknowingly for the user, of the data offered by the latter at the time of registration."

Thematic area	RIGHTS OF THE CHILD Please provide the most relevant high court decision related to the topics addressed in the chapter.
Decision date	4 January 2021
Reference details	Italian Court of Cassation, Decision No. 74 of 4 January 2021 https://images.go.wolterskluwer.com/Web/WoltersKluwer/%7B326f6c13-61be-480a-999c-66e1ee4a7a21%7D_cassazione-penale-sentenza-74-2021.pdf?_ga=2.147452919.1775770727.1637928895-15350741.1605611741&_gl=1%2Acomk13%2A_ga%2AMTUzNTA3NDEuMTYwNTYxMTc0MQ..%2A_ga_B95LYZ7CD4%2AMTYzNzkzNjU5NC4zOC4xLjE2Mzc5Mzk5ODYuMA..
Key facts of the case (max. 500 chars)	The case brought to the attention of the Court of Cassation arose from a judgment in which the Court of Appeal of Milan upheld the judgment of the Ordinary Court of Varese in which the defendant was sentenced and condemned to pay a financial compensation to his former cohabitant and her mother for the crimes of stalking and personal injury. In particular, the Court rejected the appeal brought by the civil plaintiff arguing that the couple's children were not the direct victims of the crimes of stalking and injury - although they had witnessed three episodes of violence - and that there was no link between the defendant's conduct and the discomfort caused to them. In this regard, the defence counsel for the civil plaintiff appealed to the Court of Cassation on behalf of the defendant's former cohabitant who - holding the parental responsibility for the two children - complained that the defendant had not been sentenced to pay compensation for the damage suffered by the minor children, as victims of witnessing violence.
Main reasoning/argumentation (max. 500 chars)	The Court stressed that the aggravation of witnessing violence can be applied also to stalking conducts since the offence of stalking can have detrimental effects on children who witness episodes of threatening and/or violent persecution against one of their parents (the mother, in this case). The Court, therefore, established that children of the complainant can be considered victims of stalking and be eligible to compensation.

<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>This decision contributed to the correct interpretation of the crime governed by Art. 572 of the Italian Criminal Code, that is abuse against family members or cohabitants. The Court stated that – in line with previous national jurisprudence – this offence includes not only physical violence but also all acts of contempt and offence to the dignity of the victim that result in real moral suffering. On the basis of these assumptions, jurisprudence has thus come to consider integrated the offence of ill-treatment even towards children even if the violent conduct was carried out only towards the mother, since the state of suffering and humiliation of the victims does not necessarily have to be connected to specific vexatious behaviour towards a specific passive subject but may also derive from the climate generally established within a community, as a direct consequence of acts of oppression, vexation and humiliation. In order for the assisted violence to be recognised, though, two criteria must be assessed by the Court. First of all, it is necessary, in accordance with the habitual nature of the offence, that the violent conduct is repeated over time. Secondly, the child's perception of the climate of oppression suffered by one of the parents must produce negative effects on the child's moral and social development, with objectively verifiable consequences.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Court annulled the contested judgment in the part concerning the civil rulings in favour of the minor children, referring the case back to the civil judge with jurisdiction for value at the appellate level for the purpose of ascertaining whether, for civil purposes only, there is a case of so-called "witnessing violence" with negative consequences on the psychological and physical development of the children, or whether there is the aggravating circumstance of having committed the act "in the presence" of the minors, without causing psychological and physical suffering. In either case, therefore, the conditions are met for the award of compensation also to the children.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>"5. [...]il reato c.d. di stalking può determinare, in concreto, effetti pregiudizievoli anche nei confronti dei minori che assistano agli episodi di persecuzione minacciosa e/o violenta [...] il minore che ha assistito al fatto delittuoso riveste la qualifica di persona offesa e, come tale, è legittimato alla costituzione di parte civile ed all'impugnazione" "5. [...]the so-called crime of stalking can determine, in practice, prejudicial effects also in respect of minors who witness the episodes of threatening and/or violent persecution [...] the minor who witnessed the crime has the status of injured party and, as such, is entitled to civil plaintiff and to appeal"</p>

Thematic area	ACCESS TO JUSTICE Please provide the most relevant high court decision related to the topics addressed in the chapter.
Decision date	11 January 2021
Reference details	Italian Constitutional Court, decision No. 1/2021, available at: www.giurcost.org/decisioni/2021/0001s-21.html .
Key facts of the case (max. 500 chars)	The Italian Constitutional Court received the request of the Judge of the Preliminary Investigations of the Ordinary Court of Tivoli to assess the constitutional legitimacy of Art. 76.4 of the Decree of the President of the Italian Republic No. 115 of 30 May 2002 which governs regulatory and legislative dispositions on judicial costs and fees, including free legal assistance. According to the complaining Court, the challenged disposition – which automatically ensures free legal assistance to victims of specific crimes, including sexual violence and abuse – violates Art. 3 and 24 of the Italian Constitution, introducing a discrimination among victims of crimes and compromising the economic balance of the Ministry of Justice.
Main reasoning/argumentation (max. 500 chars)	According to the Constitutional Court, the challenged disposition does not represent a violation of the principle of equal treatment since the specific vulnerability of the victims of sexual crimes must be considered. Moreover, this disposition is also aimed at reducing underreporting of these conducts.

<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The Court's decision clarifies that providing free legal assistance to the victims of sexual violence has two relevant and legitimate goals. On the one hand, it is aimed at providing effective and practical support to victims of crimes that can severely increase the individuals' vulnerability. On the other hand, this measure of support is needed to encourage the victims to report the violence which is often underreported.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Constitutional Court rejected negatively replied to the request of the complaining Court and stated the constitutional legitimacy of the challenged legislative disposition, which can be therefore considered valid and applicable.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>"5. [...]È evidente, dunque, che la ratio della disciplina in esame è rinvenibile in una precisa scelta di indirizzo politico-criminale che ha l'obiettivo di offrire un concreto sostegno alla persona offesa, la cui vulnerabilità è accentuata dalla particolare natura dei reati di cui è vittima, e a incoraggiarla a denunciare e a partecipare attivamente al percorso di emersione della verità. Valutazione che appare del tutto ragionevole e frutto di un non arbitrario esercizio della propria discrezionalità da parte del legislatore."</p> <p>"5. [...] It is clear, therefore, that the rationale of the rules in question is to be found in a precise choice of criminal policy which aims to offer concrete support to the offended person, whose vulnerability is accentuated by the particular nature of the crimes of which they are victim, and to encourage them to denounce and actively participate in the process of emerging the truth. This assessment seems entirely reasonable and the result of a non-arbitrary exercise of discretion by the legislator."</p>

Thematic area	DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) Please provide the most relevant court judgment, which quoted the CRPD or prominently referred to the CRPD in the reasoning.
Decision date	9 March 2021
Reference details	Court of Cassation, Decision No. 6497 of 9 March 2021 http://www.osservatoriodiscriminazioni.org/index.php/2021/06/16/licenziamento-del-lavoratore-disabile-parita-di-trattamento-e-obbligo-dei-ragionevoli-accomodamenti-cassazione-civile-sez-lav-09-marzo-2021/
Key facts of the case (max. 500 chars)	The case concerned the dismissal of a worker who had become a person with disabilities in her job as cleaning worker employed by a consortium company which carries out cleaning and sanitation in hospitals in the city of Rome. The Court of Appeal of Rome, differently from the Ordinary Court that dealt with the case in the first place, rejected the declaration of the unlawfulness of the dismissal for supervening unfitness for work, in view of the fact that the employer was not obliged to change its business organisation or to demote or transfer other employees. The employee filed a complaint before the Court of Cassation, stating that the employer's decision was in breach of the Directive 2000/78/EC, as implemented in Italy through the Legislative Decree No. 216/2003.
Main reasoning/argumentation (max. 500 chars)	The Court of Cassation rejected the complaint of the employee stating that the Legislative Decree No. 216/2003 must be interpreted as to balance the right of the worker with disability to the introduction of measures allowing them to work, with the right of the employer to organise the company and the right of other workers to keep their jobs and career opportunities.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The "reasonable accommodations" necessary according to the Court of Justice of the EU (cf. CJEU 4 July 2013, Commission vs. Italy) for the preservation of the job of the employee with supervened disabilities are limited by the financial situation of the company, so that the employer cannot be required to make significant changes to its organisation and to employer to make significant changes to its organisation and to adversely affect the working conditions of other employees.

<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The employee's complaint was rejected and she was sentenced to pay the judicial costs of the proceeding.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>"[...] potrà dirsi ragionevole ogni soluzione organizzativa praticabile che miri a salvaguardare il posto di lavoro del disabile in un'attività che sia utile per l'azienda e che imponga all'imprenditore, oltre che al personale eventualmente coinvolto, un sacrificio che non ecceda i limiti di una tollerabilità considerata accettabile secondo "la comune valutazione sociale"."</p> <p><i>"[...] any practicable organisational solution aimed at safeguarding the job of the person with disabilities in an activity that is useful for the company and which imposes a sacrifice on the employer, as well as on any staff involved, that does not exceed the limits of what is considered acceptable according to 'common social assessment' can be considered reasonable."</i></p>