**

***Ministry of Foreign Affairs and International Cooperation***

***Inter-ministerial Committee for Human Rights***

***Italy Contribution on the initial draft general recommendation No. 36 of the UN CERD Committee on preventing and combating racial profiling***

***June 2019***

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Following to your query, Italian Authorities are in a position to provide the following information, as yet contained in the Twenty-first periodic report submitted by Italy in 2019 under article 9 of the UN Convention on the Elimination of All Forms of Racial Discrimination.

**Paras. 26-27**

The basic rule guiding modern democracies in the protection of human rights is the effective implementation of the principles of equality and non-discrimination. It is, indeed, one of the main pillars of our constitutional code, upon which the domestic legislative system is based: “All citizens have equal social status and are equal before the law, regardless of sex, race, language, religion, political opinion, and personal or social conditions. It is the duty of the republic to remove all economic and social obstacles that, by limiting the freedom and equality of citizens, prevent full individual development and the participation of all workers in the political, economic, and social organization of the country” (Article 3).

Article 3 of Law No. 654/1975 (the so-called Reale Law), by which Italy ratified the International Convention for the Elimination of Racial Discrimination, introduces in the domestic legal system various relevant offences, including incitement to hatred. This Act has been later integrated and amended by Law No. 205/1993 (the so-called Mancino Law), as subsequently amended by Article 13 of Law No. 85/2006).

In 2018 another legislative modification (i.e. the Decree No. 21/2018 that contains “Provisions implementing the principle of delegation of the rule of the organic law in criminal matters pursuant to article 1, section. 85, letter q) of Act No. 103 of 23 June 2017”), which came into force on 6 April 2018, introduced Article 604-bis “Propaganda and incitement to commit crime for discrimination on racial, ethnic and religious grounds” and Article 604-ter (Aggravating circumstance) in the Criminal Code. The former repealed Article 3 of Law No. 654/1975, the latter repealed Article 3 of Law No. 205/1993 (Mancino aggravating circumstance).

The legislative framework in force criminalizes: a) incitement to racial discrimination; b) racial discrimination; c) incitement to racial violence; d) racial violence; e) the promotion of ideas based on racial superiority or ethnic or racist hatred; and f) the setting up or running of, participation in or support to any organization, association, movement or group whose purpose is the instigation of racial discrimination or violence (currently para. 604bis of the Criminal Code). The Mancino Law also prohibits the public display of symbols and emblems of such organizations and makes racist bias an aggravating circumstance in connection with any offence. Specifically, the racial ground is of relevance as an aggravating circumstance of any other offence in accordance with Article 3 of the Mancino Law (currently para. 604ter of the Criminal Code).

Within the Italian legislative framework a set of ad hoc measures have been adopted to counter specific forms of racial discrimination, intolerance and xenophobic attitudes. In compliance with Legislative Decree No. 7 of 1 January 2016, the public insult has been repealed. Offences such as defamation and menace – to be considered as conducts intentionally based on discriminatory grounds or ethnic, national, racial or religious hate – could amount to an aggravating circumstance so far avoiding a half increased basic sanction, the nullification of applicable mitigating circumstances, and ensuring in all cases ex officio prosecution.

**Paras. 28-29**

On a general note our Country pays great attention to training in the protection of human rights and preventing and combating acts of discrimination, providing specific training modules in basic training for recruited agents (deputy inspectors and sectional professional development of all staff of the State Police) to let attendees getting the knowledge required for optimal performance of the functions, powers and duties of the State Police. The teaching methodology of the courses provides for the synergic and interdisciplinary development of cross-cutting subjects which are permeated by a ‘values path’, systematically referring to the Italian Constitution, the European Code of Ethics for the Police, the recommendations and the relevant international instruments, the professional ethics and the importance of proper institutional communication.

Regarding the training of the second level and, in particular, of those reserved to the border police officers, in the programme on “ethical profiles in the Border Police Service” ethical values and fundamental rights are planned as well as the main international instruments for the protection of fundamental rights, the common European standards on asylum and international protection, humanitarian and subsidiary protection, specialized services for the support and protection of victims of human trafficking, **the non-discriminatory ethnic profiling**, cases of discriminatory profiling.

Professional staff update aims to take effective action to raise awareness of Police operators also on human rights, helping to raise the level of professionalism in different operating environments. In this regard, within the updates on topics of general interest addressed to all staff of the State Police in year 2018 a training day on Ethics and Values of the State Police was planned, with publication of appropriate modules on platforms dedicated to lifelong learning. On the same platforms modules on offences, discriminatory matrix, international protection and human trafficking, ethics and professional ethics in law and order, prevention and suppression of acts of discrimination and hate crimes, racial and ethnic profiling, intervention in crimes with vulnerable victims, victimology, are available. Finally, in prevention and suppression of discrimination acts training courses for trainers in service at Police Schools were organised, completed by workshops involving teachers of the basic training courses.

In particular the Observatory for security against acts of discrimination (OSCAD), established at the Ministry of Interior – Department of Public Security – Central Directorate of Criminal Police in late 2010, has the purpose of improving the action of the Italian Police agencies (in particular National Police and Carabinieri Corps) in preventing and combating hate crimes.

Jointly with UNAR and CSOs such as Amnesty International – Italy, “Rete Lenford” (‘Lenford network’, a lawyers’ association highly specialized on LGBTI people rights), COSPE (‘Cooperation for Development of Emerging Countries’, a no profit association actively involved in promoting fair and sustainable development, intercultural dialogue and human rights) OSCAD has provided for several training activities.

Since 2012, more than 11.000 officers /cadets have been trained. From 2018 onwards, after two OSCAD training of trainers seminars, almost 2.500 officers/cadets have been trained in a cascading process. From 2015 onwards, almost 11.000 officers have been trained with online modules realized by OSCAD.

The basic half-a-day seminar is formed by six modules (6 “periods” of training – 45 minutes each). Nowadays, concerning these topics, the National Police provide 10 “periods” of training (45 minutes each) to the constables and 27 periods to the inspectors (pre-service training), instead of 6 as it used to be for both..

• OSCAD organization and tasks/Hate Crimes and Hate Speeches/Legislation (taught by OSCAD experts);

• **Discriminatory Ethnic Profiling** (OSCAD experts);

• Prejudices/Stereotypes/Discrimination/Diversity (UNAR);

• Human Rights (Amnesty International – Italy);

• LGBTI persons and Police activities (“Rete Lenford”);

• Best practices in dealing with vulnerable victims (National Police investigators).