

# **Franet National contribution to the Fundamental Rights Report 2021**

**Italy**

**Contractor's name:** Fondazione "Giacomo Brodolini"

**Authors' name:** **Marta Capesciotti**

**Disclaimer:** This document was commissioned under contract by the European Union Agency for Fundamental Rights (FRA) as background material for the project 'FRA Fundamental Rights Report 2021". The information and views contained in the document do not necessarily reflect the views or the official position of the FRA. The document is made publicly available for transparency and information purposes only and does not constitute legal advice or legal opinion.

## Contents

Franet country study: policy and legal highlights 2020 .....	4
Chapter 1. Equality and non-discrimination.....	5
Chapter 2. Racism, Xenophobia and Related Intolerance.....	11
Chapter 3. Roma Equality and Inclusion .....	15
Chapter 4. Asylum, Visas, Migration, Borders and Integration.....	22
Chapter 5. Information Society, Privacy and Data Protection .....	27
Chapter 6. Rights of the Child.....	38
Chapter 7. Access to Justice Including Crime Victims.....	43
Chapter 8. Developments in the Implementation of the Convention on the Rights of Persons with Disabilities.....	47

## Policy and legal highlights 2020

Franet country study: policy and legal highlights 2020	
<b>Issues in the fundamental rights institutional landscape</b>	No development in 2020
<b>EU Charter of Fundamental Rights</b>	<b>EU Charter in national judicial proceedings:</b> The Milan Bar Association held a <a href="#">training session</a> destined to lawyers on the application of the EU Charter of Fundamental Rights in judicial proceedings. The training session focused on family reunification and the legislation countering terrorism.
<b>Equality and non-discrimination</b>	<b>Draft Law on discriminations on grounds of sexual orientation and gender identity:</b> On 3 August 2020, the Italian Chamber of Deputies approved Draft Law No. <a href="#">569</a> , whose aim is to reform the Italian Criminal Code to extend to the discriminations on grounds of sexual orientation and gender identity, the same criminal discipline governing discriminations on grounds of race, nationality and religion.
<b>Racism, xenophobia &amp; Roma integration</b>	<b>National Observatory against Discriminations in Sports:</b> On 31 July 2020, the National Anti-discrimination Office (UNAR) signed a <a href="#">protocol</a> with the Italian Union Sports for All ( <i>Unione Italiana Sport per Tutti</i> – UISP) and the association Lunaria, for the establishment of an Observatory that will monitor and collect data on discriminations in sports.
<b>Asylum &amp; migration</b>	<b>Extension of residence permits during the Covid-19 emergency:</b> In March, the Italian Government <a href="#">suspended</a> for 30 days the deadline for the request or the renewal of residence permits. In April, this deadline was further extended until <a href="#">31 August</a> . Eventually, the validity of all documents – expiring between 31 January 2020 and 15 April 2020 – was extended until 15 June 2020. In November, the validity of residence permits was extended further until 31 January 2020.
<b>Data protection and digital society</b>	<b>Covid-19 emergency and contact-tracing phone apps:</b> On <a href="#">30 April 2020</a> , the Italian Government adopted the Law-Decree No. 28, governing the functioning of the contact-tracing “Immuni” app. The app was authorised by the Italian Data Protection Authority that stressed some critical features, such as that the information on the algorithm are not sufficiently clear; the possibility to turn-off the app must be ensured; the information notice to the users must be transparent.
<b>Rights of the child</b>	<b>Rights of children in detention facilities:</b> The Authority for the Protection of Childhood and Adolescence issued a <a href="#">document</a> on the rights of children in detention facilities. The document also provides recommendations, including: the necessity to listen to children and to

	make them understand the functioning of judicial proceedings; the need for more resources allocated to staff and to prevention policies.
<b>Access to justice, including victims of crime</b>	<b>Services to tackle gender-based violence:</b> The Italian Parliamentary Commission on Femicide and Gender-based violence approved the <a href="#">Report</a> on the Governance and financing of services countering gender-based violence. The Report recommends an increase in the available resources, long-term funds, less bureaucracy, stricter criteria to select the service providers, and a more effective monitoring system.
<b>Convention on the Rights of Persons with Disability</b>	<b>Increase of the budget available for Funds supporting people with disabilities:</b> During the Covid-19 emergency, the Italian Government approved the <a href="#">Law-Decree No. 34/2020</a> . Among other measures, the Law-Decree increased the resources available to two existing Funds, the Fund for the non-self-sufficiencies (FNA) and the Fund for the so-called "After Us", intended for people with severe disabilities deprived of family support. A new fund was also introduced, named the "Fund for the Support of semi-residential institutions for people with disabilities".

## Chapter 1. Equality and non-discrimination

### 1. Legal and policy developments or measures relevant to fostering equality and combating discrimination against older people and against LGBTI people.

On 17 May 2020, the Ministry of Equal Opportunities and Family signed the Decree<sup>1</sup> for the establishment of the Board of Permanent Consultation for the Promotion of the Rights and the Protection of LGBT people (*Tavolo di consultazione permanente per la promozione dei diritti e la tutela delle persone LGBT*). The Board is meant to be an instrument of dialogue and cooperation between institutions and associations dealing with the promotion of LGBT rights and active in countering discrimination on the grounds of sexual orientation and gender identity. It is a participatory body, whose goal is to foster information and knowledge-exchange, as well collecting data and best practices. The Board can also elaborate actions and measures aimed at promoting respect, inclusion, and diversity. Up to now, 65 associations applied to participate with the Board. The first meeting of the Board took place on 26 May 2020.

---

<sup>1</sup> Available at: [www.unar.it/costituzione-del-tavolo-di-consultazione-permanente-per-la-promozione-dei-diritti-e-la-tutela-delle-persone-lgbt-2/](http://www.unar.it/costituzione-del-tavolo-di-consultazione-permanente-per-la-promozione-dei-diritti-e-la-tutela-delle-persone-lgbt-2/).

On 22 May 2020, the National Anti-Discrimination Office of the Italian Government (*Ufficio Nazionale Antidiscriminazioni razziali a difesa delle differenze* – UNAR) launched<sup>2</sup> the website Infotrans<sup>3</sup>, the first website for transgender, developed thanks to the cooperation between the National Institute of Health (*Istituto Superiore di Sanità* - ISS) and UNAR. The aim of the website is to provide independent, updated and evidence-based information to users and foster the social inclusion of transgender people. The website provides information on the services available at local level, as well as NGOs and the clinical services active in this field. Other sections of the website deal with prevention, health, gender-reassignment procedures, procedures in place to change a name and gender at the civil registries, and some definitions that are crucial to tackle fake news and stereotypes. The website also highlights good practices in this field destined to staff of healthcare services, employers, trade unions, journalists, and other professionals.

On 14 July 2020, UNAR launched a public call<sup>4</sup> to finance projects of self-entrepreneurship of transgender people, as well as for the creation of new businesses set up by transgender people. The resources come from the European Social Fund<sup>5</sup>. The deadline for the submission of financing requests was scheduled for 10 September 2020.

On 3 August 2020, the Italian Chamber of Deputies started the discussion of Draft Law No. 569<sup>6</sup> on "Reform of Articles 604-bis and 604-ter of the Italian Criminal Code, concerning violence and discrimination on grounds of sexual orientation or gender identity". The Draft Law had been lodged in 2018 and the Chamber of Deputies' permanent Justice Commission has already approved it. The Draft Law seeks to give legal parity to discrimination on the grounds of sexual orientation and gender identity with discrimination on the grounds of race, nationality and religion. The Draft Law is currently undergoing parliamentary debate. In November 2020, the Italian Chamber of Deputies approved the Draft Law: it is now undergoing debate in the Italian Senate<sup>7</sup>.

---

<sup>2</sup> The information is available at the UNAR website, at: [www.unar.it/nasce-infotrans-it-il-primo-portale-istituzionale-in-europa-per-le-persone-transgender/](http://www.unar.it/nasce-infotrans-it-il-primo-portale-istituzionale-in-europa-per-le-persone-transgender/).

<sup>3</sup> Infotrans is available at: [www.infotrans.it/](http://www.infotrans.it/).

<sup>4</sup> Available at: [www.unar.it/avviso-pubblico-per-la-selezione-ed-il-finanziamento-di-progetti-di-accompagnamento-allautoimprenditorialita-o-alla-creazione-di-nuove-imprese-per-persone-transgender/](http://www.unar.it/avviso-pubblico-per-la-selezione-ed-il-finanziamento-di-progetti-di-accompagnamento-allautoimprenditorialita-o-alla-creazione-di-nuove-imprese-per-persone-transgender/).

<sup>5</sup> More specifically from the PON Inclusion FSE 2014 – 2020 – Asse 3 "Sistemi e modelli di intervento sociale" Obiettivo Specifico 9.2 – azione 9.2.3.

<sup>6</sup> Available at:

<http://documenti.camera.it/leg18/pdl/pdf/leg.18.pdl.camera.569.18PDL0012340.pdf>.

<sup>7</sup> UNAR (2020), "Legge contro l'omotransfobia, la Camera approva", 4 November 2020, available at: [www.unar.it/legge-contro-l-omotransfobia-la-camera-approva/](http://www.unar.it/legge-contro-l-omotransfobia-la-camera-approva/).

On 2 October, UNAR released guidelines aimed at tackling discrimination against LGBT+ people in the workplace<sup>8</sup>, using the practical instruments made available by the United Nations High Commissioner for Human Rights. The guidelines represent a toolkit at the disposal of companies and employers to create an inclusive working environment and to promote a culture that valorises LGBT+ employees and ensures the respect of their fundamental rights. The guidelines report five basic standards employers must respect, namely: respect human rights; eradicate discrimination; provide support to LGBT+ employees; avoid further discrimination when dealing with stakeholders and commercial partners; be publicly active in promoting inclusion and diversity. The guidelines also report some good practices of well-known companies that contributed in promoting the rights of LGBT+ employees.

## **2. Findings and methodology of research, studies or surveys on experiences of discrimination against older people and LGBTI people.**

On 7 January 2020, the UNAR presented to the Italian Parliament its activity report, concerning data and actions dating back to 2018<sup>9</sup>. The report is aimed at providing to the Parliament information concerning the activities of UNAR, the cases of discrimination mapped by the Office, the measures implemented to protect victims, as well as the best practices collected and implemented during the considered period. As per discrimination cases, the data provided in the report comes from the UNAR contact centre and refer to 2018. In 2018, 4,068 cases of discrimination were reported to UNAR, compared to 3,909 of 2017. Victims reported only 14.1% of episodes: in most cases, witnesses filed the report, or UNAR directly mapped the episode. In 2018, 2,864 cases concerned discrimination on grounds of nationality/race. Religion/personal beliefs is the second most common ground of discrimination (411 cases, 10.1%), followed by sexual orientation/gender identity (284 cases in 2018, compared to 324 cases in 2017). Finally, 221 cases of discrimination on grounds of disability were reported in 2018, and 168 cases of discrimination on grounds of age (compared to 84 cases in 2017).

---

<sup>8</sup> UNAR (2020), "Contrasto alle discriminazioni nei confronti di persone lesbiche, gay, bisessuali, trans e intersessuali. Standard di condotta per le aziende", October 2020, available at: [www.unar.it/wp-content/uploads/2020/10/UNAR\\_Standards-Of-Conduct.pdf](http://www.unar.it/wp-content/uploads/2020/10/UNAR_Standards-Of-Conduct.pdf).

<sup>9</sup> The report is available at: [www.senato.it/service/PDF/PDFServer/DF/350028.pdf](http://www.senato.it/service/PDF/PDFServer/DF/350028.pdf).

More specifically, if the 281 cases of discrimination on grounds of gender identity/sexual orientation are considered, 141 targeted gay victims, 28 gender-variant victims and 22 lesbian victims.

On 17 May 2020 – on occasion of the International Day against Homophobia, Transphobia and Biphobia – the NGO “Arcigay” presented its annual report that is the result of the association’s mapping activity of discrimination cases reported by the media and newspapers in Italy<sup>10</sup>. During the period 17 May 2019 – 17 May 2020, Arcigay mapped 138 cases. 74 occurred in the North of Italy, 30 in the central regions of the country, 21 in the South and 13 on the islands of Sicily and Sardinia. 32 cases concerned violent physical attacks; 13 were cases of theft, blackmailing or extortion; 31 concerned cases of discrimination or use of derogatory language in public places (such as cafeterias and restaurants; 17 concerned insulting graffiti painted on walls, cars or dwellings; 25 cases concerned episodes of hate speech and incitement to hatred – occurred both online and offline – caused by politicians, groups or movements. The report also stressed that – during the lockdown period – the rate of domestic violence targeting LGBT people significantly increased.

In October 2020, the association “50&more” – promoting the role of people aged 50+ in society and offering them a wide range of services and activities – released the results of a survey on ageism in the Italian society that started in August 2020<sup>11</sup>. Thanks to an online questionnaire, the association collected opinions and experiences of 301 people – 130 women and 171 men – aged 50+ on their daily experiences of discrimination on grounds of age. 32% of the participants living in the North of Italy – where the Covid-19 had its strongest impact – reported that health professionals more than once mentioned their age with their health problems. 13.1% of the participants reported being told they are too old for something they were longing to do; 29.2% reported being told so more than once; and 3.3% were often told so. 14.6% of the participants reported being denied a job on the grounds of age; those who replied “often” were mostly women, thus presenting a connection with the gender-gap issue.

---

<sup>10</sup> The report’s presentation is available at: <https://www.arcigay.it/comunicati/omotrasfobia-138-storie-nel-report-arcigay-maglia-nera-al-nord-li-la-maggioranza-delle-aggressioni/#.X1ZWcovOPIU>. Using this link, it is possible to download the tables of the mapped incidents and the media sources used for the research.

<sup>11</sup> Associazione “50&Più” (2020), “Contro le barriere dell’ageismo”, 1<sup>st</sup> October 2020, available at: [www.spazio50.org/ageismo/](http://www.spazio50.org/ageismo/).



On 11 November, UNAR and the National Institute for Statistics (*Istituto Nazionale di Statistica* – ISTAT) issued a report concerning Diversity Management actions in Italian companies and the actions that undertaken to promote the inclusion of LGBT+ employees. The report is titled “Diversity Management for LGBT+ diversity. Actions to make the work environment more inclusive”<sup>12</sup> and it refers to 2019 data. The report maps actions adopted by companies with 50 or more employees in the sector of manufacture and services. Interviews were conducted with relevant stakeholders, such as professional associations, trade unions, LGBT+ associations, public administrations and equal-opportunities public bodies. Participants were asked to point out which measures and actions would be needed to make the workplace a more inclusive environment and to eradicate discrimination on grounds of sexual orientation and gender identity.

On 15 December 2020, FISH Onlus – a civil-society organisation representing people with disabilities – organised an on-line event<sup>13</sup> to disseminate the results of a project started in 2019 on “Disability: discrimination does not accumulate, it multiplies. Innovative actions and instruments to identify and tackle multiple discrimination” (*Disabilità: la discriminazione non si somma, si moltiplica. Azioni e strumenti innovativi per riconoscere e contrastare le discriminazioni multiple*). In this context, two reports were disclosed on the organisation’s website: the first – dated September 2020 – concerns the situation of elderly people ageing with a disability<sup>14</sup>; the second – dated December 2020 – concerns the situation of LGBT+ people with disabilities<sup>15</sup>. As per the first report, the researchers conducted 23 semi-structured individual interviews, involving 15 young people with disabilities aged 20-28 (8 women and 7 men); and 8 elders with disabilities aged 62-95. The goal was to investigate the participants’ perception of ageing with disabilities, focusing on the impact of intersectional discrimination on the grounds of age and disability. As per the results of the research, none of the older participants perceived a relevant deterioration of their life-quality when they turned 65. “Ageing” is generally connected to a negative perception due to a physical and psychological decay and the reduction of social interactions; discrimination is often considered as perpetrated by individuals against specific people or people with disabilities as a group, rather than something occurring in everyday life. Moreover,

---

<sup>12</sup> ISTAT (2020), “Il diversity management per le diversità LGBT+ e le azioni per rendere gli ambienti di lavoro più inclusivi”, 11 November 2020, available at: [www.unar.it/wp-content/uploads/2020/11/report-Diversity-UNAR-ISTAT.pdf](http://www.unar.it/wp-content/uploads/2020/11/report-Diversity-UNAR-ISTAT.pdf).

<sup>13</sup> The programme of the event is available at: [www.fishonlus.it/progetti/multidiscriminazione/azioni/digital-talk.html](http://www.fishonlus.it/progetti/multidiscriminazione/azioni/digital-talk.html).

<sup>14</sup> FISH Onlus (2020), “Invecchiare con una disabilità. Opinioni di giovani e anziani sulla discriminazione multipla”, September 2020, available at: [www.fishonlus.it/progetti/multidiscriminazione/azioni/files/Report\\_interviste.pdf](http://www.fishonlus.it/progetti/multidiscriminazione/azioni/files/Report_interviste.pdf).

<sup>15</sup> FISH Onlus (2020), “La minoranza delle minoranze. Uno studio pilota sulla condizione delle persone con disabilità LGBT+”, December 2020, available at: [www.fishonlus.it/progetti/multidiscriminazione/azioni/files/Report\\_LGBT+.pdf](http://www.fishonlus.it/progetti/multidiscriminazione/azioni/files/Report_LGBT+.pdf).

participants often reported being discriminated as a personal failure, namely as not being strong enough to ignore discriminatory conducts perpetrated by other people. Researchers stressed that the concept of intersectional discrimination is not used and acknowledged by the participants. As per the second report, it is based on the results emerging from a questionnaire administered to 77 LGBT+ people with disabilities: most of them were Italian citizens (97.4%), living in the North of Italy (63.4%), aged under 40 (58.4%). The questionnaire included four sections. The first aimed at describing the sample, in terms of sexual orientation and gender identity; the second at collecting the participants' perspectives and experiences on disability; the third section focused on experiences of discrimination suffered by the participants as LGBT+ people with disabilities; the last section focused on the participants' awareness of their rights and on their socialization habits, both online and offline. As per the results of the research, three elements must be stressed: i. accessibility is considered a crucial element, compromising the quality of life of people with disabilities. ii. All participants reported experiences of discrimination, violence and harassment: future research and investigation must adopt an intersectional approach to the issue in order to assess the root and impact of such discrimination, which is multifaceted in nature. iii. Internet and social networks are an important resource for LGBT+ people with disabilities, which can be useful to overcome several social barriers to their inclusion.

## Chapter 2. Racism, Xenophobia and Related Intolerance

### 1. Legal and policy developments relating to the application of the Racial Equality Directive

Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin has been implemented in Italy through Legislative Decree No. 215 of 9 July 2003.<sup>16</sup> As per discrimination on grounds of nationality, the Legislative Decree No. 215/2003 does not encompass this kind of discrimination, consistently with the above-mentioned EU Directive. However, Art. 43 of the Italian Immigration Act (Legislative Decree No. 286 of 25 July 1998<sup>17</sup>) prohibits discrimination on grounds of race, ethnic origin, nationality and religion: this legislative disposition made it possible for Italian judicial authorities to condemn discrimination on grounds of nationality, combining the above-mentioned Legislative Decree with Art. 43 of the Italian Immigration Act. This is the case, for instance, of the Decisions No. 11165 and 11166 of 08 May 2017 of the Italian Court of Cassation<sup>18</sup>, concerning the exclusion of third-country citizens holding a long-term residence permits from welfare provisions such as birth allowances. There are no major legal advancements to report in this area for 2020.

The Italian Civil Protection with the Ordonnance No. 658 of 29 March 2020<sup>19</sup> earmarked EUR 400 million to Italian municipalities to implement actions of food solidarity destined to all people suffering from economic distress due to the Covid-

---

<sup>16</sup> Implementation of Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (*Decreto legislativo 9 luglio 2003, n. 215, Attuazione della direttiva 2000/43/CE per la parità di trattamento tra le persone indipendentemente dalla razza e dall'origine etnica*), available at: [www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2003:215](http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2003:215).

<sup>17</sup> Decreto Legislativo 25 luglio 1998, n. 286, "Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero", available at: [www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:1998-07-25:286!vig=](http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:1998-07-25:286!vig=).

<sup>18</sup> Militello, M. (2018), "Discriminazione collettiva per nazionalità e legittimazione ad agire delle associazioni nel caso di diniego dell'assegno per il nucleo familiare ai cittadini di paesi terzi", in *Diritto, Immigrazione e Cittadinanza*, No. 1/2018, available at: [www.dirittoimmigrazionecittadinanza.it/archivio-saggi-commenti/note-e-commenti/fascicolo-note-2018-1/181-discriminazione-collettiva-per-nazionalita-e-legittimazione-ad-agire-delle-associazioni-nel-caso-di-diniego-dell-assegno-per-il-nucleo-familiare-ai-cittadini-di-paesi-terzi/file](http://www.dirittoimmigrazionecittadinanza.it/archivio-saggi-commenti/note-e-commenti/fascicolo-note-2018-1/181-discriminazione-collettiva-per-nazionalita-e-legittimazione-ad-agire-delle-associazioni-nel-caso-di-diniego-dell-assegno-per-il-nucleo-familiare-ai-cittadini-di-paesi-terzi/file).

<sup>19</sup> The Ordonnance is available at: [www.protezionecivile.gov.it/amministrazione-trasparente/provvedimenti/-/content-view/view/1239706](http://www.protezionecivile.gov.it/amministrazione-trasparente/provvedimenti/-/content-view/view/1239706).

19 emergency. On 3 April 2020, the Association for Legal Studies on Immigration (*Associazione per gli Studi Giuridici sull'Immigrazione* – ASGI) launched a public plea<sup>20</sup>, criticising that some Italian municipalities had adopted specific regulations to distribute these resources, limiting the provision to Italian citizens or including only those third-country citizens holding a long-term EU residence permit. According to ASGI, these kinds of local regulations were discriminatory since they excluded from an emergency welfare provision – namely financial vouchers to be used to buy food – potential beneficiaries only on grounds of nationality or formal residency in the municipal territory. ASGI also initiated legal claims<sup>21</sup> against those municipalities that adopted such discriminatory local regulations. On 16 April 2020, the UNAR sent a formal letter to the National Association of Italian Municipalities, providing indications and guidelines on how to use the resources provided by the Italian Civil Protection<sup>22</sup>. According to the anti-discrimination Office, municipal regulations governing this welfare provision cannot discriminate on grounds of nationality or type of residence permit. Moreover, the requirement of residence in the municipal territory must be interpreted in an effective rather than formal way, to include among the beneficiaries social groups that might be in strong need of food solidarity, such as irregular migrants, but also homeless people. Finally, some ordinary Courts have issued decisions on the ASGI's legal claims, confirming the discriminatory nature of the municipal regulations (the first of this kind of judicial decisions is reported in Annex 2 to this report).

## **2. Legal and policy developments relating to the application of the Framework Decision on Racism and Xenophobia relevant to combating hate speech and hate crime**

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

---

<sup>20</sup> The ASGI plea is available at: [www.asgi.it/discriminazioni/appello-comuni-discriminazione-aiuti-coronavirus/](http://www.asgi.it/discriminazioni/appello-comuni-discriminazione-aiuti-coronavirus/).

<sup>21</sup> The list of the claims lodged by ASGI is available at: [www.asgi.it/notizie/covid-19-buoni-spesa-ai-cittadini-in-difficolta-tra-discriminazioni-e-prassi-virtuose/](http://www.asgi.it/notizie/covid-19-buoni-spesa-ai-cittadini-in-difficolta-tra-discriminazioni-e-prassi-virtuose/).

<sup>22</sup> The UNAR letter is available at: [www.unar.it/wp-content/uploads/2020/04/lettera-Anci.pdf](http://www.unar.it/wp-content/uploads/2020/04/lettera-Anci.pdf). UNAR guidelines on the use of the resources are available at: [www.asgi.it/wp-content/uploads/2020/04/linee-guida-UNAR.pdf](http://www.asgi.it/wp-content/uploads/2020/04/linee-guida-UNAR.pdf).

already been finalised between 2016 and 2018.<sup>23</sup> There are no major advancements to report during the reference period of this report.

In April 2020, the Observatory for the Security against Discrimination of the Italian Police (*Osservatorio per la Sicurezza Contro gli Atti Discriminatori* – OSCAD) issued a press release, focusing on the upsurge of racist episodes that present a connection with the Covid-19 emergency: since the end of January 2020, 30 incidents of this kind were registered by Italian police authorities. Half of them concern physical assaults accompanied by the use of derogatory language; the rest of the episodes concerns a wide range of conducts, including verbal assaults and hate speech on social media. The press release also stressed that some business owners refused to serve foreign clients of Chinese origin. Most of the victims were Chinese victims, but also citizens from Philippines and Japan<sup>24</sup>.

On 8 July 2020, UNAR signed a protocol with the Italian Journalists' Professional Association (*Consiglio Nazionale dell'Ordine dei Giornalisti*) and the association "Carta di Roma"<sup>25</sup> aimed at developing professional training activities destined to press and media professionals on racism, xenophobia and discrimination. The aim of the initiative is to raise-awareness among journalists and media professionals on how to convey information without reinforcing racial discrimination and stereotypes.

On 28 July 2020, the National Network countering hate crimes (*Rete nazionale per il contrasto ai discorsi e ai fenomeni d'odio*) publicly launched a plea<sup>26</sup>, criticising

---

<sup>23</sup> 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*), available at: <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2016;115>; 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*), available at: <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2017-11-20;167>; and Legislative Decree No. 21/2018.

<sup>24</sup> FRA (2020), "Coronavirus pandemic in the EU –Fundamental Rights Implications. Italy", 2<sup>nd</sup> July 2020, available at: [https://fra.europa.eu/sites/default/files/fra\\_uploads/it\\_report\\_on\\_coronavirus\\_pandemic\\_july\\_2020.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/it_report_on_coronavirus_pandemic_july_2020.pdf).

<sup>25</sup> The Protocol is available at: [www.unar.it/wp-content/uploads/2020/07/Protocollo-Unar-Cnog-CdR.pdf](http://www.unar.it/wp-content/uploads/2020/07/Protocollo-Unar-Cnog-CdR.pdf).

<sup>26</sup> Available at the website of the NGO "Amnesty International": [www.amnesty.it/migranti-e-covid-19-lappello-della-rete-nazionale-per-il-contrasto-ai-discorsi-e-ai-fenomeni-dodio-si-evitino-stigma-e-discriminazione/](http://www.amnesty.it/migranti-e-covid-19-lappello-della-rete-nazionale-per-il-contrasto-ai-discorsi-e-ai-fenomeni-dodio-si-evitino-stigma-e-discriminazione/).

the media for reporting data on the propagation of the Covid-19, disaggregating them by the origin of the infected patients. The plea mentioned the case of the region Calabria that – in its daily Covid-19 bulletin – reports the number of infected migrants and the number of people with Covid-19 disembarked on the regional shores. According to the Network, this kind of approach to information fuels social stigma, suggesting a negative connection between a disease and a specific group of people: information and news about Covid-19 should not be explicitly associated with migrants or other social groups because it would entail a violation of human dignity and foster social exclusion and stigma.

On 31 July 2020, UNAR signed a protocol with the Italian Union Sports for All (*Unione Italiana Sport per Tutti* – UISP) and the association Lunaria, for the establishment of a National Observatory against Discrimination in Sports (*Osservatorio nazionale contro le discriminazioni nello sport*)<sup>27</sup>. The Observatory's mission includes monitoring and collecting data concerning discrimination in sports; developing statistical analysis and indicators on this type of discrimination; promoting and coordinating training sessions at local level destined to sport staff and trainers; establishing partnerships with the media to promote the values of inclusion and diversity.

On 24 November 2020, UNAR signed a protocol with many of the most representative trade-union organisations and some employers organisations aimed at preventing and tackling discrimination on grounds of ethnic origins, race and all other grounds in the workplace<sup>28</sup>. With this protocol, both the UNAR and the organisations commit to work in synergy to foster the culture of integration, inclusion and social promotion in the labour market, including through shared training initiatives and awareness-raising campaigns. A national body (*Cabina di regia nazionale*), coordinated by UNAR, and formed by representatives of the organisations that signed the Protocol, will monitor the implementation of the protocol.

---

<sup>27</sup> The Protocol is available at: [www.unar.it/wp-content/uploads/2020/07/PROTOCOLLO-osservatorio-sport-firmato.pdf](http://www.unar.it/wp-content/uploads/2020/07/PROTOCOLLO-osservatorio-sport-firmato.pdf).

<sup>28</sup> The Protocol is available at: [www.unar.it/wp-content/uploads/2020/11/Prt.pdf](http://www.unar.it/wp-content/uploads/2020/11/Prt.pdf).

## **Chapter 3. Roma Equality and Inclusion**

### **1. Measures and developments addressing Roma/Travellers**

In February 2020, the “Civil society monitoring report on implementation of the national Roma integration strategy in Italy. Identifying blind spots in Roma inclusion policy”<sup>29</sup> – prepared for the EU Commission by Casa della Carità, Consorzio Nova, Associazione Sinti Italiani Prato, Associazione 21 Luglio, Fondazione Romani – was published. The report is the outcome of the third cycle of monitoring of National Roma Integration Strategies (NRIS), carried out by civil

---

<sup>29</sup> Available at: <https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/basicpage/3034/rcm-civil-society-monitoring-report-3-italy-2019-eprint-fin.pdf>.

society organisations<sup>30</sup>. According to the report, besides isolated cases, no real improvements can be seen on the ground of Roma inclusion. Despite isolated progress in some regions, many problems still persist and hinder the implementation of the Italian NRIS.

One of the most common issues from the report concerns housing. To provide answers to the housing needs of Roma groups, regional authorities have promoted legislative texts that, on the one hand constituted the only form of recognition of the Roma groups present on the territory, and on the other, mainly aimed at regulating the institution of camps and “parking areas”, built in order to house them. Moreover, everything is left to the discretion of local and regional authorities that still have the power to decide whether and what to put into action, often producing contradictory results that perpetuate the development of discriminatory policies and practices.

Another crucial issue is the lack of consistent statistical data concerning Roma people. In Italy, there are no reliable data either on the real number of Roma and Sinti present on the national territory, nor on their level of education, employment, housing condition, life expectancy and infant mortality, as well as the percentage of foreigners and stateless Roma and on their accessibility to social, health and welfare services. This affects the possibility of developing effective public policies, and of making good use of the resources available. Furthermore, the lack of data and reliable information available on the Italian territory has a direct effect on the social representation of Roma Communities in Italy.

Although this minority consists of groups that are heterogeneous in terms of origin, living conditions, and social status, few studies and research have been conducted on their variety and complexity. The lack of knowledge about the Roma minority is almost exclusively linked to the news, which is generally crime related. Consequently, public opinion is manipulated into associating this minority with crime, violence and degradation against all else. The report also suggests recommendations to public authorities, including the adoption of a consistent body of national and regional/local legislation acknowledging Roma as a national minority and overcoming the “nomadism” approach; the establishment of local consultative meetings for the direct participation of Roma people in decision-making processes; the adoption of integration strategies in all Regions that are consistent with the NRIS; the collection of ethnic data during the census respecting

---

<sup>30</sup> Information about the monitoring activity is available at: <https://cps.ceu.edu/roma-civil-monitor-reports>.



the right to privacy and to self-definition; *ad hoc* surveys on the social conditions of the Roma and Sinti population who live in camps; the implementation of structured programmes of counter-narratives, counter speech and alternative speech on RSC, providing a relevant contribution in the fight against antigypsyism.

To counter the effects of the first wave of the Covid-19 pandemic<sup>31</sup>, the Decree of the Italian Civil Protection No. 658 of 29 March 2020<sup>32</sup> was adopted, earmarking EUR 400,000,000.00 to Italian municipalities to finance urgent measures of food solidarity. Thanks to this Fund, Italian municipalities could provide emergency store credits (*buono spesa*) in the form of food vouchers to spend in supermarkets and other food stores. However, the Decree established that these resources were to be destined to the population legally residing in the municipality's territory, meaning that only people enrolled in municipal civil registries were eligible: the Decree did not go into details in the procedures' governance, leaving room to the regulatory power of municipal authorities. The Roma community was not explicitly excluded from this welfare emergency provision. However, it is likely the case that, by imposing legal residency as the primary criterion to benefit from store credits, it would entail some of the most vulnerable social groups, such as homeless people (who do not have legal residency in the municipal territory), third-country citizens with an irregular administrative status, and Roma people living in informal encampments, to lose out on the voucher scheme.

In fact, the antidiscrimination service of the Association for Legal Studies on Migration (*Associazione per gli Studi Giuridici sull'Immigrazione - ASGI*), immediately started a monitoring of the municipal regulations governing the provision of store credits. Individual municipalities were following different approaches. Some municipalities decided to exclude from this emergency provision third-country citizens (with the exception of those holding a long-term EU residence permit) or any subject who is not registered regularly in the municipal civil registry. This latter criterion might have affected the Roma population: its members living in informal encampments – which is a quite

---

<sup>31</sup> This paragraph is taken from FRA (2020), "Implications of COVID-19 pandemic on Roma and Travellers communities. Country: Italy", 10 June 2020, available at: [https://fra.europa.eu/sites/default/files/fra\\_uploads/it\\_report\\_-\\_covid-19\\_impact\\_on\\_roma\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/it_report_-_covid-19_impact_on_roma_en.pdf).

<sup>32</sup> Ocdpc n.658 del 29 marzo 2020. Ulteriori interventi urgenti di protezione civile in relazione all'emergenza relativa al rischio sanitario connesso all'insorgenza di patologie derivanti da agenti virali trasmissibili, available at: [www.protezionecivile.gov.it/amministrazionetrasparente/provvedimenti/dettaglio/-/asset\\_publisher/default/content/ocdpc-n-658-del29-marzo-2020-ulteriori-interventi-urgenti-di-protezione-civile-in-relazione-all-emergenzarelativa-al-rischio-sanitario-connesso-all-](http://www.protezionecivile.gov.it/amministrazionetrasparente/provvedimenti/dettaglio/-/asset_publisher/default/content/ocdpc-n-658-del29-marzo-2020-ulteriori-interventi-urgenti-di-protezione-civile-in-relazione-all-emergenzarelativa-al-rischio-sanitario-connesso-all-).

common situation in Italy, despite the political commitment to overcome the encampment system – are not registered generally in the civil registries.

ASGI sent a public plea to Italian municipalities<sup>33</sup>, recommending them to eliminate any discriminatory criteria preventing the socially vulnerable from accessing urgent food-solidarity schemes since this diverse group is most in need of support. On 6 April, UNAR addressed a letter<sup>34</sup> to the President of the Association of Italian Municipalities, asking to eliminate all restrictions to the access of store credits for Roma people (as well as to other vulnerable social groups, such as homeless people), because of their irregular administrative status. The UNAR president stated as follows: “in this Covid-19 emergency phase, Roma people represent a particularly fragile group that, in some overcrowded contexts with inadequate hygienic and health conditions, are facing specific difficulties in having access to the distribution of essential goods, organised by volunteers and local authorities. It is worth mentioning the situation of extreme distress of families and children who are stateless”<sup>35</sup>.

The UNAR letter did not result in a reform of the municipal regulations governing this provision. However, two court decisions that deemed the regulation of the Municipality of Rome and L’Aquila discriminatory mentioned the letter, since the criteria to have access to this provision excluded potential beneficiaries who could not prove a regular residency in the municipal territory<sup>36</sup>. The Ordinary Court of Rome adopted a decision on 22 April 2020<sup>37</sup>, establishing that the provision of store credits must also be ensured to irregular third-country citizens since the right to food is a fundamental right of any subject, regardless of his/her administrative status.

---

<sup>33</sup> Available at: [www.asgi.it/discriminazioni/appello-comuni-discriminazione-aiuticoronavirus/](http://www.asgi.it/discriminazioni/appello-comuni-discriminazione-aiuticoronavirus/).

<sup>34</sup> The UNAR letter is available at: [www.unar.it/emergenza-covid-19-lunar-scrive-allanci-noa-ordinanze-comunali-discriminatorie-sugli-aiuti-alimentari/](http://www.unar.it/emergenza-covid-19-lunar-scrive-allanci-noa-ordinanze-comunali-discriminatorie-sugli-aiuti-alimentari/).

<sup>35</sup> The original version of this statement is as follows: “In questa fase di emergenza COVID19, le persone appartenenti all’etnia rom sinti e caminanti rappresentano un gruppo particolarmente fragile che, in alcuni contesti caratterizzati da sovraffollamento e precarietà di condizioni igienico-sanitarie, ha riscontrato particolari difficoltà di accesso a distribuzioni di beni di prima necessità, garantite da realtà di volontariato ed enti locali. Si evidenzia in particolare la situazione di estremo disagio delle famiglie e di numerosi minori contraddistinti da criticità rispetto al proprio status giuridico (i cosiddetti apolidi)”.

<sup>36</sup> This information is available in a UNAR press release of 23 April 2020: [www.unar.it/nelprovvedimento-citato-il-parere-dellunar-buoni-spesa-escludere-gli-immigrati-ediscriminatorio-due-sentenze/](http://www.unar.it/nelprovvedimento-citato-il-parere-dellunar-buoni-spesa-escludere-gli-immigrati-ediscriminatorio-due-sentenze/).

<sup>37</sup> Available at: [www.asgi.it/wp-content/uploads/2020/05/Tribunale-di-Roma-decretoinaudita-altera-parte-22-aprile-2020-est.-Albano-xxx-avv.-Fachile-c.-Comune-di-Roma.pdf](http://www.asgi.it/wp-content/uploads/2020/05/Tribunale-di-Roma-decretoinaudita-altera-parte-22-aprile-2020-est.-Albano-xxx-avv.-Fachile-c.-Comune-di-Roma.pdf).

On 6 August 2020, the Ministry of Labour and Public Policies adopted the Directorial Decree No. 284 of 2020<sup>38</sup>, earmarking EUR 1,800,000 in favour of a select number of Italian cities – namely Bari, Bologna, Cagliari, Florence, Genoa, Messina, Milan, Naples, Palermo, Reggio Calabria, Rome, Turin and Venice – aimed at fostering actions and programmes for the inclusion of Roma children in the school system during the period 2021-2023. The aim of this measure is to foster school inclusion and tackle early school-leaving, promoting actions at local level that have an impact on both housing integration and the school inclusion of Roma children and their families. The stakeholders to be included in the local projects are teachers, school directors, non-Roma families, civil-society organisations. The beneficiaries must be Roma children and their families. The Ministry provides the resources, with the support of the European Social Fund.

## **2. Policy and legal measures and developments directly or indirectly addressing Roma/Travellers inclusion**

During 2020, the issue of housing distress affecting Roma people living in formal and informal encampments continued to hinder the integration and social inclusion of Roma people in Italy. In June 2020, the association “21 Luglio” released a report on formal and informal encampments of Roma people in Italy<sup>39</sup>, based on 2019 data. The report provides a general overview of the encampment policies existing in Italy, as well as of the recurring forced evictions; the second part focuses on the specific situation of encampments in the city of Rome. Another report<sup>40</sup> – released by the same association in January 2020 – focuses on the situation of informal encampments in the city of Rome, criticising municipal authorities for the lack of transparency and monitoring and for the decision to avoid any kind of dialogue and cooperation with Roma civil society organisations.

Despite the onset of the Covid-19 emergency, forced evictions in the city of Rome did not stop. On 17 March 2020, the Italian Government approved the Law-Decree

---

<sup>38</sup> Available at: <http://poniinclusione.lavoro.gov.it/Documents/DD-284-del-06082020.pdf>.

<sup>39</sup> Associazione 21 Luglio (2020), “Comunità rom negli insediamenti formali e informali in Italia. Rapporto 2019”, June 2020, available at: [www.21luglio.org/2018/wp-content/uploads/2020/06/rapporto-annuale-web.pdf](http://www.21luglio.org/2018/wp-content/uploads/2020/06/rapporto-annuale-web.pdf).

<sup>40</sup> Associazione 21 Luglio (2020), “Dove restano le briciole. I propositi del Piano Rom e ciò che rimane negli insediamenti della Capitale”, January 2020, available at: [www.21luglio.org/2018/wp-content/uploads/2020/01/drlb-integrale.pdf](http://www.21luglio.org/2018/wp-content/uploads/2020/01/drlb-integrale.pdf).

No. 18<sup>41</sup> then converted, with amendments, into Law No. 27 of 24 April 2020, suspending forced evictions until 30 June 2020. This deadline was later postponed to 1<sup>st</sup> September 2020 and then to 31 December 2020. Despite this legislative provision, the Municipality of Rome adopted two eviction orders concerning two Roma encampments located in Rome, namely in Castel Romano (9 July 2020)<sup>42</sup> and Foro Italico (23<sup>rd</sup> July 2020)<sup>43</sup>. In September, the association “21 Luglio” issued a public plea<sup>44</sup> to the Municipality of Rome asking to stop the evictions and to respect the suspension envisaged by the national emergency legislation. The plea also stressed that – if the evictions are necessary for safety or public health reasons – the people living in the encampments must be ensured alternative accommodation solutions, including the possibility to apply for local social-housing projects.

During the Covid-19 emergency, no specific measures were adopted at national level to support Roma people. In this respect, the role of civil society organisations was crucial to provide assistance, especially to those living in informal encampments located in big cities, such as the city of Rome. For instance, in May 2020, the association “21 Luglio” released a document<sup>45</sup>, describing the strategy and initiatives implemented by the NGO during the lockdown period in the city of Rome. The association’s strategy focused on four marginal city areas and immediately started a monitoring activity aimed at pointing out the specific needs of Roma people living in these areas. Most of the fields of intervention of the strategy focused on the needs of Roma children. The first goal was the reduction of food deprivation among children aged 0-3 years old. Individual interviews with the children’s parents were held and 250 children in need were spotted; with the support of trained health professionals, different “baby boxes” were designed taking into account the needs of the children; the boxes were delivered to the children’s mothers every week starting from 1<sup>st</sup> April. From 15 April, this intervention was extended to children of the same families older than 3 years old.

The second goal was the education support to Roma children. The association created WhatsApp groups to provide support and practical tips to the mothers, including practical activities to do with their children during the lockdown period;

---

<sup>41</sup> Decreto-legge 17 marzo 2020, n. 18, “Misure di potenziamento del Servizio sanitario nazionale e di sostegno economico per famiglie, lavoratori e imprese connesse all'emergenza epidemiologica da COVID-19”, available at: [www.gazzettaufficiale.it/eli/id/2020/03/17/20G00034/sq](http://www.gazzettaufficiale.it/eli/id/2020/03/17/20G00034/sq).

<sup>42</sup> Information available at: [www.21luglio.org/associazione-21-luglio-al-comune-di-roma-con-la-recente-normativa-legata-al-covid-19-non-piu-possibile-a-settembre-lo-sgombero-di-castel-romano/](http://www.21luglio.org/associazione-21-luglio-al-comune-di-roma-con-la-recente-normativa-legata-al-covid-19-non-piu-possibile-a-settembre-lo-sgombero-di-castel-romano/).

<sup>43</sup> Information available at: [www.21luglio.org/foro-italico-sgombero-agosto/](http://www.21luglio.org/foro-italico-sgombero-agosto/).

<sup>44</sup> Available at: [www.21luglio.org/uno-sgombero-non-puo-essere-discriminatorio-io-sto-con-i-rom-di-castel-romano/?fbclid=IwAR1ffGYnbOGfd\\_sADoaws0hjHqVWLRszP7OSYToKpPzkHf\\_VsU229cqd5YU](http://www.21luglio.org/uno-sgombero-non-puo-essere-discriminatorio-io-sto-con-i-rom-di-castel-romano/?fbclid=IwAR1ffGYnbOGfd_sADoaws0hjHqVWLRszP7OSYToKpPzkHf_VsU229cqd5YU).

<sup>45</sup> Associazione 21 Luglio (2020), “Il lockdown: spazio di attesa o momento di opportunità?”, May 2020, available at: [www.21luglio.org/2018/wp-content/uploads/2020/05/il-lockdown.pdf](http://www.21luglio.org/2018/wp-content/uploads/2020/05/il-lockdown.pdf).

a phone story-telling service<sup>46</sup> was activated, available in Italian and Romani; some internet points were set up in the encampments in order to allow the children to connect with school remote-teaching platforms; educators were deployed to support the children in the use of remote-teaching platforms, operating in close cooperation with the school teaching staff; a specific social assistance service was activated to support the families in their access to local welfare provisions.

---

<sup>46</sup> Specific information on this activity is available at: [www.21luglio.org/noi-non-ci-fermiamo-fiabel-telefono-in-lingua-romanes-e-in-lingua-italiana/](http://www.21luglio.org/noi-non-ci-fermiamo-fiabel-telefono-in-lingua-romanes-e-in-lingua-italiana/).

## Chapter 4. Asylum, Visas, Migration, Borders and Integration

Extension of residence permits and other authorisations to stay that expired during COVID-19 pandemic measures.

EUMS/ Republic of North Macedonia, Republic of Serbia	Category of TCN	Brief description of the measure	Legal source (legislation or case law as relevant) with hyperlink	Comments
<b>Italy</b>	Complete this row if measures concern all/most of the TCN listed below whose (national or EU law based) permission to stay expired during COVID-19 related travel restrictions. In this case indicate in the next rows the categories to which the measure applies	Art. 9 of the Law-Decree No. 9 of 2 March 2020 (available at: <a href="https://www.gazzettaufficiale.it/eli/id/2020/03/02/20G00026/sg">https://www.gazzettaufficiale.it/eli/id/2020/03/02/20G00026/sg</a> ), suspended for 30 days the deadline for the request of the first residence permit or the renewal of the expiring residence permit, which respectively are of 8 days since the entry in the territory and of 60 days before or after the expiring date. This was the first	Art. 103 of the Law-Decree No. 18 of 17 March 2020, converted with amendments into Law No. 27 of 24 April 2020, on "Measures to reinforce the national Healthcare System and to financially support families, workers and business during the Covid-19 emergency" ( <i>Decreto-Legge 17 marzo 2020, n. 18, convertito con</i>	No comments to add.

		<p>emergency provision adopted by the Italian Government.</p> <p>The discipline was later specified through the Art. 103 of the Law-Decree No. 18 of 17 March 2020, which suspended all administrative procedures – including the issuing and renewing of residence permits – until 15 April 2020. This deadline was further extended until 31 August with the Law No. 27 of 24 April 2020, converting the Law-Decree (available at: <a href="https://www.gazzettaufficiale.it/eli/id/2020/04/29/20G00045/sg">https://www.gazzettaufficiale.it/eli/id/2020/04/29/20G00045/sg</a>). Moreover, the validity of all certificates, documents, authorisations – expiring between 31 January 2020 and 15 April 2020 – was extended until 15 June 2020. A Circular Letter of the Ministry of the Interior of 24 March 2020 (available at: <a href="http://www.interno.gov.it/sites/default">www.interno.gov.it/sites/default</a></p>	<p><i>modificazioni dalla L. 24 aprile 2020, n. 27, Misure di potenziamento del Servizio sanitario nazionale e di sostegno economico per famiglie, lavoratori e imprese connesse all'emergenza epidemiologica da COVID-19</i>), available at: <a href="http://www.gazzettaufficiale.it/eli/id/2020/03/17/20G00034/sg">www.gazzettaufficiale.it/eli/id/2020/03/17/20G00034/sg</a>.</p> <p>Law-Decree No. 125 of 7 October 2020, converted with amendments into Law No. 159 of 27 November 2020, “Urgent measures relating the declaration of the state of Covid-19 epidemic emergency and on the</p>	
--	--	---	---	--

		<p><a href="https://www.gazzettaufficiale.it/files/allegati/circolare_sospensione termini procedimenti amministrativi prot.3511.pdf">t/files/allegati/circolare_sospensione termini procedimenti amministrativi prot.3511.pdf</a>) specified the types of documents and residence permits benefitting from this deadline postponement. These include the authorisation for seasonal work; the authorisation for specific types of work (Blue Card, research); conversion of residence permits for study reasons into residence permits for work and seasonal work; authorisation to family reunification; EU long-term residence permits; citizenship and marriage; certificate of statelessness. Residence permits expiring between 31 January and 15 April are prolonged until 15 June 2020. The Law-Decree No. 125 of 7 October 2020, converted with amendments into Law No. 159 of 27 November 2020, extended until 31 January 2021</p>	<p>operative continuity of the Covid alert-system, as well as on the implementation of the Directive 2020/739/EU of 3 June 2020" (<i>Decreto-legge 7 ottobre 2020, n. 125, convertito con modificazioni dalla L. 27 novembre 2020, n. 159, "Misure urgenti connesse con la proroga della dichiarazione dello stato di emergenza epidemiologica da COVID-19 e per la continuita' operativa del sistema di allerta COVID, nonche' per l'attuazione della direttiva (UE) 2020/739 del 3 giugno 2020"</i>), available at: <a href="https://www.gazzettaufficiale.it/eli/id/2020/10/07/20G00144/sg">https://www.gazzettaufficiale.it/eli/id/2020/10/07/20G00144/sg</a>.</p>	
--	--	---	--	--



		of all residence permits expired between 1 <sup>st</sup> August 2020 and 4 December 2020, as well as of those expiring between 31 August and 31 December 2020.		
	<p>Holders of visas issued based on the <a href="#">Visa Code</a> No. 810/2009 (as last amended by <a href="#">Regulation (EU) No. 2019/1155</a>) (Schengen visas)</p>	Yes		
	<p>Visa-free TCN who reached the maximum of 90 days in any 180-day period under Article 4 of the <a href="#">Visa List Regulation</a> (Regulation (EU) 2018/1806)</p>	Yes		
	<p>Holders of long-term visas issued by the EUMS (under <a href="#">Regulation (EU) No.</a></p>	Yes		

	<a href="#">265/2010</a> and beyond, under national law)			
	Holders of residence permits issued under <a href="#">Regulation (EC) No. 1030/2002</a> (as last amended by <a href="#">Regulation (EU) 2017/1954</a> )	Yes		
	Holders of local border traffic permit under <a href="#">Regulation (EC) No. 1931/2006</a>	Not applicable		
	Any other category of TCN not listed above.	Yes (see the list reported in the first row)		

Notes:

TCN = third-country nationals

EUMS = EU Member State

## Chapter 5. Information Society, Privacy and Data Protection

### 1. Legal and political initiatives that have been implemented to support access to, and use of, personal data.

Several legal and policy initiatives adopted in Italy to cope with the Covid-19 emergency had an impact on the right to privacy and data protection<sup>47</sup>.

On 2<sup>nd</sup> February, the Italian Authority for the Protection of Personal Data (hereinafter DPA) issued an Opinion on the Decision of the Italian Government of 31 January 2020<sup>48</sup>. The Decision –which officially declared the 6-month state of emergency –gave mandate to the Italian Civil Protection to manage and coordinate the necessary interventions to limit the propagation. Art. 5 of the Decision also concerned the collection and treatment of personal data by the Civil Protection. The DPA commented on the Decision, stressing that –in its opinion – it allowed the respect of the rights and guarantees envisaged by the in-force legislation. The DPA also stressed that –after the end of the emergency –all public administrations involved in civil protection activities are compelled to adopt measures ensuring that the data collected during the emergency is treated according to the

---

<sup>47</sup> For a complete mapping of these measures, see FRA Bulletins on “Coronavirus pandemic in the EU - Fundamental Rights Implications”. More specifically, FRA (2020), “Coronavirus COVID-19 outbreak in the EU. Fundamental Rights Implications: Italy”, 23 March 2020, available at: [https://fra.europa.eu/sites/default/files/fra\\_uploads/italy-report-covid-19-april-2020\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/italy-report-covid-19-april-2020_en.pdf). FRA (2020), “Coronavirus COVID-19 outbreak in the EU. Fundamental Rights Implications: Italy”, 4 May 2020, available at: [https://fra.europa.eu/sites/default/files/fra\\_uploads/it\\_report\\_on\\_coronavirus\\_pandemic\\_may\\_2020.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/it_report_on_coronavirus_pandemic_may_2020.pdf). FRA (2020), “Coronavirus COVID-19 outbreak in the EU. Fundamental Rights Implications: Italy”, 2 July 2020, available at: [https://fra.europa.eu/sites/default/files/fra\\_uploads/it\\_report\\_on\\_coronavirus\\_pandemic\\_july\\_2020.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/it_report_on_coronavirus_pandemic_july_2020.pdf).

<sup>48</sup> The DPA’s opinion is available at: [www.garanteprivacy.it/web/guest/home/docweb/-/docweb-display/docweb/9265883](http://www.garanteprivacy.it/web/guest/home/docweb/-/docweb-display/docweb/9265883).

ordinary procedures. On 2<sup>nd</sup> March, the DPA issued a Communication on its website stating that “in response to the invitation of the competent institutions for nation-wide coordination of the Coronavirus-related measures, the *Garante* calls on all controllers to strictly comply with the instructions provided by the Ministry of Health and the competent institutions to prevent the spread of the Coronavirus without undertaking autonomous initiatives aimed at the collection of data also on the health of users and workers where such initiatives are not regulated by the law or ordered by the competent bodies”<sup>49</sup>.

On 31 March, the DPA issued a press release<sup>50</sup> stressing that many cases were reported to the Authority of Illegitimate Dissemination of Personal Data (including name, surname, home address, clinical details) of Covid-19 patients through the press and social networks. The DPA stressed that the emergency does not allow for a violation of the right to privacy and the fundamental right to human dignity: journalists and media are compelled to report only essential information about the cases, protecting the privacy and the data protection of the patients. Similarly, at the end of March the DPA issued specific guidelines<sup>51</sup> on how to balance the necessity to ensure the right to education through remote teaching and the importance to guarantee the data protection of students participating to on-line classes.

One of the most crucial issues in this field during the Covid-19 emergency concerned the introduction of a contact-tracing phone app, aimed at countering the propagation of the virus. On 8 April, the Committee IX of the Italian Chamber of Deputies (Transportation, Post, Telecommunications) auditioned the President of the DPA<sup>52</sup>. The hearing also dealt with contact-tracing technologies and how these should be used to counter the virus propagation. The President stressed “the advisability of relying

---

<sup>49</sup> The DPA’s communication is available in Italian and English at: [www.garanteprivacy.it/web/guest/home/docweb/-/docweb-display/docweb/9282117#1](http://www.garanteprivacy.it/web/guest/home/docweb/-/docweb-display/docweb/9282117#1).

<sup>50</sup> The DPA’s press release is available at: [www.garanteprivacy.it/web/guest/home/docweb/-/docweb-display/docweb/9303613](http://www.garanteprivacy.it/web/guest/home/docweb/-/docweb-display/docweb/9303613).

<sup>51</sup> The DPA’s press release and guidelines are available at: [www.garanteprivacy.it/web/guest/home/docweb/-/docweb-display/docweb/9302778](http://www.garanteprivacy.it/web/guest/home/docweb/-/docweb-display/docweb/9302778).

<sup>52</sup> The English transcription of the hearing is available at: [www.gdpd.it/web/guest/home/docweb/-/docweb-display/docweb/9308774#english\\_version](http://www.gdpd.it/web/guest/home/docweb/-/docweb-display/docweb/9308774#english_version).

on approaches that are based on the voluntary acceptance of the individuals allowing their locations to be traced. Still, this consent should be in no way conditional, to ensure that it is truly free and therefore valid with a view to data processing [...] In any case, the effectiveness of this solution for diagnostic purposes is related to the support received from citizens since the data could only be collected, by definition, from that part of the population that would give their consent to 'tracing'. It is estimated that at least 60% of the population should give their consent in order to achieve effectiveness". As per the impact on data protection, the President reported, "one should certainly prefer a solution whereby a 'contact journal' would be created on the very device owned by the individual at issue. This would avoid storage of the personal data in the telecom operators' databases, which might raise the criticalities already flagged by the EU Court of Justice regarding data retention. The necessity, proportionality and minimization criteria highlighted by the EU Court point to the need for limiting these privacy restrictions to what is strictly necessary in order to achieve relevant, important purposes by undermining data subjects' rights to the minimum possible extent.

If it goes in this direction, one should firstly prefer the most selective measure, that is to say, the measure enabling the least possible use of identifying information for both collection and storage of the data. Thus, Bluetooth technology—used by the upcoming "Immuni" app—would appear to be preferable in order to select possibly infected individuals out of a more reliable sample, limited to significant contacts, as it yields data on spatially closer interactions compared to those that are identifiable within the much larger area covered by a phone's location". Eventually, the Authority suggested to "introduce specific statutory offences to punish any entity that, being authorised to access the data on whatever ground, including for operational activities, uses such data for whatever different purpose". On 30 April 2020, the Italian Government adopted the Law-Decree No. 28 (later on converted into Law No. 70 of 25 June 2020)<sup>53</sup>, governing – among other issues - the functioning of the "Immuni" app. In particular, Section 6(1) provides that 'data relating to close contacts shall be stored in the users' mobile devices, for as long

---

<sup>53</sup> Decreto-legge 30 aprile 2020, n. 28, "Misure urgenti per la funzionalità dei sistemi di intercettazioni di conversazioni e comunicazioni, ulteriori misure urgenti in materia di ordinamento penitenziario, nonché disposizioni integrative e di coordinamento in materia di giustizia civile, amministrativa e contabile e misure urgenti per l'introduzione del sistema di allerta Covid-19", available at: [www.gazzettaufficiale.it/eli/id/2020/04/30/20G00046/sq](http://www.gazzettaufficiale.it/eli/id/2020/04/30/20G00046/sq).

as is strictly necessary for the purposes of the processing, whose duration shall be set out by the Ministry of Health and specified as part of the measures laid down in this paragraph; the data shall be erased automatically upon expiry of the said period'. Paragraph 3 provides that 'Data collected via the app mentioned in paragraph 1 may not be processed for purposes other than those referred to in paragraph 1, subject to the possibility of using them in aggregate or anonymous format exclusively for purposes of public health, preventive treatment, statistics or scientific research pursuant to Article 5(1)a and Article 9(2), letters i) and j) of Regulation (EU) 2016/679'. Paragraph 6 provides additionally that 'Use of the app and the platform and any processing of personal data that is carried out under the terms of this Section shall terminate on the date the state of emergency is lifted as declared by way of a resolution of the Council of Ministers on 31 January 2020; in any case such processing shall terminate no later than by the 31st of December 2020, and any personal data processed in that connection shall be erased or anonymised by the said date.'

On 1<sup>st</sup> June, the national Data Protection Authority issued a Decision authorising the use of the contact-tracing app "Immuni"<sup>54</sup>. The DPA Decision addressed some critical features of the contact-tracing system. These include the information on the algorithm elaboration criteria are not sufficiently clear and must be made available to the scientific community to assess their reliability (for instance, the use of Bluetooth could give rise to false-positive results); the possibility to temporarily turn-off the app must be ensured to respect the voluntarily use of this system in every stage; the collection of Analytics Operational Information cannot be considered anonymised data in territories with low demographic intensity or low infection rate and this risk must be adequately communicated to the users; the information notice to the users must be transparent, also using icons and a user-friendly language, explaining –before the app activation, the purpose and modalities of data processing; users must also be informed that –in order to ensure anonymization –some of the rights envisaged by the GDPR –such as the right to correction, portability and access –cannot be exerted, except for the right to object. Eventually, the DPA stressed that the role of the private companies that developed the app, as well as the role of Apple and Google, must

---

<sup>54</sup> The decision is available at: [http://images.go.wolterskluwer.com/Web/WoltersKluwer/%7Bbcbf65c6-ffe2-4b95-8931-d4e42ac03ee7%7D\\_garante-privacy-provvedimento-1-giugno-2020.pdf](http://images.go.wolterskluwer.com/Web/WoltersKluwer/%7Bbcbf65c6-ffe2-4b95-8931-d4e42ac03ee7%7D_garante-privacy-provvedimento-1-giugno-2020.pdf).

be clarified further. On 10 August 2020, the DPA issued a press release<sup>55</sup> criticising the proliferation of contact-tracing apps at the hands of public institutions and private subjects: the Authority stressed that the only legitimate processing of personal data are those provided with a solid legislative basis. Any other processing of data aimed at tracing contacts is therefore to be deemed unlawful and violating the EU and national data protection legislation.

As per the data protection issues in the field of education<sup>56</sup>, one of the FAQs (No. 18) made available by the Ministry of Education during the Covid-19 emergency<sup>57</sup>, concerns the protection of students' personal data and it was prepared in cooperation with the Italian Data Protection Authority. More specifically, the Ministry explained that schools do not need to obtain parents' consent for online teaching activities. This is because such activities –even if carried out in a virtual manner – are an integral part of the ordinary activities of the school system. The treatment of personal data is necessary to implement such activities that are connected to an essential and crucial service. School institutions are compelled to inform data subjects about the treatment of their personal data in compliance with Articles 13 and 14 of the Regulation 2016/679/EU if they are using platforms that were not already in use before the emergency started. In this case, schools are requested to update the information notice provided to the data subjects (students and their parents) at the moment of the enrolment: the updated information notice must therefore include the additional subjects that –managing these platforms –have access to the students' data and treat such data on behalf of school institutions. Moreover, the Italian Data Protection Authority redacted specific FAQs concerning data processing and protection during the emergency period<sup>58</sup>. These FAQs cover diverse fields of intervention and data collection carried out by public and private controllers; they cover the health care sector, employer-employee relations, processing of students' and pupils' data by schools, research and activities by local authorities. As per data processing in schools, the DPA clarified – among other issues – that it is the responsibility of the competent health authorities to inform the

---

<sup>55</sup> The press release is available at: [www.garanteprivacy.it/web/guest/home/docweb/-/docweb-display/docweb/9447462](http://www.garanteprivacy.it/web/guest/home/docweb/-/docweb-display/docweb/9447462).

<sup>56</sup> The information provided in this paragraph comes from FRA (2020), "Coronavirus COVID-19 outbreak in the EU. Fundamental Rights Implications: Italy", 4 May 2020, available at: [https://fra.europa.eu/sites/default/files/fra\\_uploads/it\\_report\\_on\\_coronavirus\\_pandemic\\_may\\_2020.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/it_report_on_coronavirus_pandemic_may_2020.pdf).

<sup>57</sup> The Ministry of Education's FAQs are available at: [www.istruzione.it/coronavirus/faq.html](http://www.istruzione.it/coronavirus/faq.html).

<sup>58</sup> The English version of the Authority's FAQs is available at: [www.garanteprivacy.it/temi/coronavirus/faq#health-emergency](http://www.garanteprivacy.it/temi/coronavirus/faq#health-emergency).

close contacts of the infected individuals in order to implement the required preventive measures. A school is required to provide the competent institutions with the necessary information, so that they can trace back the chain of contacts for the infected individuals; in other respects, schools are expected to implement the sanitation measures that were recently provided for. Thirdly, on 30 March the Data Protection Authority issued preliminary indications on e-learning<sup>59</sup> in the context of the emergency due to COVID-19. Schools and universities should adopt e-learning techniques based on “privacy by design and by default” principles. If the selected platforms envisage the collection and storage of users’ personal data, the relationship with the services’ providers must be ruled strictly through a specific contract, in compliance with Art. 28 of the EU Regulation. Moreover, this data processing must be connected strictly to the provision of the e-learning services, no other purposes can be allowed. School and university institutions must ensure transparency and accuracy of data-processing operations.

Besides the Covid-19 emergency, the Parliament converted into Law No. 7 of 28 February 2020, the Law-Decree No. 161 of 30 December 2019 on “Urgent reform of the discipline governing wiretapping of conversations and communications”<sup>60</sup>. The reform rules for the use of Trojan malwares in judicial investigations. The in-force legislation already allowed these malwares for the purposes of investigations on severe criminal offences, such as terrorism, to wiretap conversations between subjects involved in the case. The new legislative provision extends the use of such devices to other types of offences, namely crimes perpetrated by civil servants against the public administration, which are sentenced with 5 or more years of detention. The Trojan malwares can be used also in private dwellings, regardless of the actuality of the criminal activity, if the reason for this use is reported in the judicial authorisation to wiretapping. The reform was heavily criticised by experts. On 8 September, the President Emeritus of the Italian Constitutional Court released an interview<sup>61</sup> stressing that the massive use of these wiretapping devices can compromise crucial constitutional rights – such as the freedom of communication and expression – and is disproportionate if

---

<sup>59</sup> Data Protection Authority provision No. 64 of 26 March 2020, available at: [www.garanteprivacy.it/web/quest/home/docweb/-/docweb-display/docweb/9300784#allegato](http://www.garanteprivacy.it/web/quest/home/docweb/-/docweb-display/docweb/9300784#allegato).

<sup>60</sup> Decreto-legge 30 dicembre 2019, n. 161, “Modifiche urgenti alla disciplina delle intercettazioni di conversazioni o comunicazioni”, available at: [www.gazzettaufficiale.it/eli/id/2019/12/31/19G00169/sq](http://www.gazzettaufficiale.it/eli/id/2019/12/31/19G00169/sq).

<sup>61</sup> Il Dubbio (2020), “Trojan, Costituzione a rischio”, 8 September 2020, available at: [http://ildubbiopush.ita.newsmemory.com/?publink=0174ae215\\_13437f0](http://ildubbiopush.ita.newsmemory.com/?publink=0174ae215_13437f0).



applied to criminal offences – such as those against the public administration – that are far less severe than those originally requiring the use of these intrusive instruments (such as terrorist offences).

As per the regulation of illegal online content, the Law-Decree No. 130 of 21 October 2020 was passed<sup>62</sup>. The Law-Decree introduced several different aspects governing issues such as international protection, reception facilities for asylum applicants, reform of specific aspects of the Italian Criminal Code etc. Art. 12 of the Law-Decree is aimed at tackling online drug trafficking. The Ministry of the Interior’s agency for online and communications’ security was given the mandate of establishing and updating a list of websites that – according to an evidence-based analysis – are used to perpetrate the above-mentioned criminal offence. Connection providers are compelled to block within 7 days the access to such websites: the sanction for the violation of this obligation amounts to EUR 50,000 to 250,000.

## 2. Artificial intelligence and big data

Please fill in the table below with any initiatives you may identify in your country:

<b>MS</b>	<b>Actor*</b>	<b>Type*</b> *	<b>Description</b>	<b>Are Ethical concerns</b>	<b>Are Human Rights issues</b>	<b>Reference</b>

<sup>62</sup> Decreto-legge 21 ottobre 2020, n. 130, “Disposizioni urgenti in materia di immigrazione, protezione internazionale e complementare, modifiche agli articoli 131-bis, 391-bis, 391-ter e 588 del codice penale, nonché misure in materia di divieto di accesso agli esercizi pubblici ed ai locali di pubblico trattenimento, di contrasto all'utilizzo distorto del web e di disciplina del Garante nazionale dei diritti delle persone private della libertà personale”, available at: [www.gazzettaufficiale.it/eli/id/2020/10/21/20G00154/sq](http://www.gazzettaufficiale.it/eli/id/2020/10/21/20G00154/sq).

				mentioned? (yes/no)	mentioned? (yes/no)	
<b>IT</b>	DPA and other Independent State Institutions	Report/ Study	This is the final report of an investigation carried out – since 2017 – by the three Authorities on the use of Big Data and its impact on the fields of competence of the Authorities. Chapter 1 provides a definition of Big Data. Chapter 2 reports the issues emerged during the investigation and stressed by the stakeholders interviewed by the Authorities. Chapter 3 reports the conclusions of the Communications Authority concerning the impact of Big Data in the field of communications and media. Chapter 4 reports the conclusions of the DPA on the potential impact of Big Data on the protection of personal data and on the safeguards needed	Yes (tackling the use of big data that could lead to discriminatory profiling or could compromise the users' trust towards data controllers)	Yes (data protection, privacy, freedom of expression, freedom of information).	<i>Autorità Garante della Concorrenza e del Mercato, Autorità per le Garanzie nelle Comunicazioni, Garante per la Protezione dei Dati Personali (2020), Indagine conoscitiva sui Big Data, February 2020, available at: <a href="https://www.garanteprivacy.it/documents/10160/0/Indagine+conoscitiva+sui+Big+Data.pdf/58490808-c024-bf04-7e4e-e953b3d38a9a?version=1.0">https://www.garanteprivacy.it/documents/10160/0/Indagine+conoscitiva+sui+Big+Data.pdf/58490808-c024-bf04-7e4e-e953b3d38a9a?version=1.0</a> (Guidelines and Recommendations in English are available at: <a href="https://www.garanteprivacy.it/documents/10160/0/Linee+guida+e+raccomandazioni+di+privacy+-+English+version.pdf/d986446">https://www.garanteprivacy.it/documents/10160/0/Linee+guida+e+raccomandazioni+di+privacy+-+English+version.pdf/d986446</a></i>

			in this field. Chapter 5 reports the conclusions of the Antitrust Authority concerning the impact of Big Data on Antitrust legislation and on the rights of the consumers. Chapter 6 provides guidelines and policy recommendations addressed to the legislator on the use of Big Data.			<a href="https://www.garanteprivacy.it/web/guest/home/-/asset_publisher/6-1c35-b28f-d839-a1efb77bfb88?version=1.1">6-1c35-b28f-d839-a1efb77bfb88?version=1.1)</a>
<b>IT</b>	Government/Parliamentary	Report/study	This document is the result of the research conducted by a group of experts selected by the Ministry of Economic Development ( <i>Ministero dello Sviluppo Economico</i> – MISE) on the implementation and development of AI in Italy. The document is divided into three parts: the first focuses on the analysis of the global, European and Italian AI market; the second describes the crucial elements of a possible Italian strategy; the third focuses on	Yes (autonomy of the individuals; democratic process; prevention of damages to the users; equal	Yes (rights of consumers; rights of workers; discriminations)	<i>Gruppo di esperti MISE sull'Intelligenza Artificiale (2020), Proposte per una Strategia italiana per l'intelligenza artificiale</i> , July 2020, available at: <a href="http://www.mise.gov.it/images/stories/documenti/Proposte_per_una_Strategia_italiana_AI.pdf">www.mise.gov.it/images/stories/documenti/Proposte_per_una_Strategia_italiana_AI.pdf</a> .

			the governance that is needed and provides recommendations for the implementation, the monitoring and the dissemination of the strategy.	distribution of AI advantages; transparency of the functioning of AI)		
--	--	--	--	---	--	--

\*For the actors, please pick from the following suggestions:

Government/ Parliamentary

DPA

NGO/Other Non Profit

Academia

Domestic Courts

Business

Independent State Institution

Other

\*\* for the type, please pick from the following suggestions:

National Draft Acts / Adopted Acts

report/study

other projects

## Chapter 6. Rights of the Child

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

<b>Measures to address the specific vulnerabilities of children living in poverty</b>	<p>The Department of Family Policies of the Italian Government summarised in a document<sup>63</sup> all the measures and initiatives adopted to support children during the Covid-19 emergency. These include:</p> <ul style="list-style-type: none"><li>- The introduction of an extraordinary parental leave to take care of children who were home from school during the emergency. The leave can be used by one or both parents, but not in the same period, and for a maximum of 15 days per family (not per child)<sup>64</sup>;</li><li>- As an alternative to the parental leave, a babysitting voucher was introduced. The voucher amounts to EUR 600 for employees of private businesses and self-employed workers; to EUR 1,000 for the staff working for the healthcare sector and defence involved in the emergency management<sup>65</sup>;</li><li>- The Ministry for Equal Opportunities and Family proposed to extend the birth allowance to families with children aged up to 14 years old until December 2020. Moreover, for 2020 the income threshold of EUR 25,000 to have access to the allowance was removed<sup>66</sup>;</li></ul>
---	---

<sup>63</sup> Dipartimento per le Politiche della Famiglia (2020), "Gli interventi per la famiglia, l'infanzia e l'adolescenza durante l'emergenza COVID-19", 2020, available at: [www.inaf.it/it/sedi/sede-centrale-nuova/comitato-unico-di-garanzia/risorse2020/schedaministrobonettiinterventifamiglia2304202013h45stcompresso1.pdf](http://www.inaf.it/it/sedi/sede-centrale-nuova/comitato-unico-di-garanzia/risorse2020/schedaministrobonettiinterventifamiglia2304202013h45stcompresso1.pdf).

<sup>64</sup> Art. 23, Decreto-legge 17 marzo 2020, n. 18, "Misure di potenziamento del Servizio sanitario nazionale e di sostegno economico per famiglie, lavoratori e imprese connesse all'emergenza epidemiologica da COVID-19", convertito con modificazioni dalla L. 24 aprile 2020, n. 27, available at: [www.gazzettaufficiale.it/eli/id/2020/03/17/20G00034/sg](http://www.gazzettaufficiale.it/eli/id/2020/03/17/20G00034/sg).

<sup>65</sup> Art. 23, Decreto-legge 17 marzo 2020, n. 18, "Misure di potenziamento del Servizio sanitario nazionale e di sostegno economico per famiglie, lavoratori e imprese connesse all'emergenza epidemiologica da COVID-19", convertito con modificazioni dalla L. 24 aprile 2020, n. 27, available at: [www.gazzettaufficiale.it/eli/id/2020/03/17/20G00034/sg](http://www.gazzettaufficiale.it/eli/id/2020/03/17/20G00034/sg).

<sup>66</sup> This measure was proposed by the Ministry but later excluded from the Law-Decree No. 34 of 19 May 2020, available at: <https://www.gazzettaufficiale.it/eli/id/2020/05/19/20G00052/sg>. Nonetheless, the proposal was included in the Draft Law No. 687 of the Chamber of Deputies, on "Delegation to the Government to reorganize and reinforce the provisions supporting childcare", available at: [https://documenti.camera.it/leg18/pdl/pdf/leg.18.pdl.camera.687\\_A.18PDL0105280.pdf](https://documenti.camera.it/leg18/pdl/pdf/leg.18.pdl.camera.687_A.18PDL0105280.pdf). The Draft Law was approved by the Chamber of Deputies in July 2020 and is pending approval by the Italian Senate.

	<ul style="list-style-type: none"> <li>- <i>The Fund for Family Policies was established in 2006: from 2019, the Fund amounts to EUR 100 million per year. The 2020 Budget Law increased the Fund with additional EUR 150 million: a share of the resources will be destined to municipalities to reinforce – in partnership with private stakeholders as well – summer childcare centres and leisure centres for children aged 0-16 and to finance initiatives tackling education poverty<sup>67</sup>;</i></li> <li>- <i>At the end of 2019, the Department issued a public tender<sup>68</sup> (#conciliamo) to earmark EUR 74 million to finance company welfare measures, including smart working, welfare provisions with employees with children, additional leave opportunities etc.</i></li> </ul> <p><i>In July 2020, the Italian Episcopal Conference and UNICEF Italian mission signed a three-year protocol<sup>69</sup> aimed at fostering cooperation to support children living in Italy both during and after the Covid-19 emergency. More specifically, the protocol's goals are: i. designing and implementing initiatives addressing the health emergency and its consequences, including the increase of poverty, social inequalities, school drop-out, violence against children; ii. Developing common strategies to protect children and improve their living conditions even after the Covid-19 emergency; iii. Developing joint initiatives at local level aimed at preventing, promoting and protecting children and their families at risk of social, economic and educational distress.</i></p>
<p><b>Measures to protect children from violence</b></p>	<p><i>The above-mentioned document also reported some measures adopted during the Covid-19 emergency to counter violence against children:</i></p> <ul style="list-style-type: none"> <li>- <i>The Department of Family Policies is responsible for the emergency helpline on children abuse. A specific analysis was carried out to monitor help calls received by this service during the period 21</i></li> </ul>

<sup>67</sup> Art. 105, 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", convertito con modificazioni dalla L. 17 luglio 2020, n. 77, available at: [www.gazzettaufficiale.it/eli/id/2020/05/19/20G00052/sq](http://www.gazzettaufficiale.it/eli/id/2020/05/19/20G00052/sq).

<sup>68</sup> The tender is available at the website of the Department: <http://famiglia.governo.it/it/avvisi-e-bandi/nuovo-avviso-conciliamo/>.

<sup>69</sup> The information is available at the UNICEF website: [www.unicef.it/doc/9972/accordo-triennale-unicef-cei-contrasto-poverta-minori-in-italia.htm](http://www.unicef.it/doc/9972/accordo-triennale-unicef-cei-contrasto-poverta-minori-in-italia.htm).

	<p><i>February – 29 March 2020: according to this monitoring, the requests of support decreased compared to the same period of 2019 and this might be due to the fact that – during the lockdown period with all the family members forced to stay at home – it was more difficult to have access to the helpline;</i></p> <ul style="list-style-type: none"> <li>- <i>In December 2019, EUR 5 million was earmarked to promote projects supporting children who are victims of abuse<sup>70</sup>. These projects must be aimed at reinforcing the intervention potential of public services and authorities. 147 projects were presented and on 4 March 2020 an evaluation commission was established;</i></li> <li>- <i>On 15 April 2020, the Ministry of Equal Opportunities and Family approved a Decree for the re-organisation of the Observatory against Paedophilia and Pornography and of its database<sup>71</sup>.</i></li> </ul>
--	---

## **2. Legal and policy measures or initiatives developed about criminal proceedings**

<b>Legislative changes</b>	<p>No legislative changes during the report period. On 15 January 2020, the Ministry of Justice issued specific Guidelines<sup>72</sup> governing the enforcement of judicial sentences of children condemned for criminal offences. These Guidelines implement the Legislative Decree No.</p>
----------------------------	--

<sup>70</sup> Information available at the website of the Department: <http://famiglia.governo.it/it/avvisi-e-bandi/avviso-pubblico-per-il-finanziamento-di-progetti-per-la-protezione-e-il-sostegno-di-minori-vittime-di-abuso-e-sfruttamento-sessuale/>.

<sup>71</sup> Presidenza del Consiglio dei Ministri - Dipartimento per le Politiche della Famiglia, Decreto 15 aprile 2020, n. 62, "Regolamento recante modifiche al decreto 30 ottobre 2007, n. 240, in materia di coordinamento delle azioni di tutela dei minori dallo sfruttamento sessuale e dall'abuso e istituzione dell'Osservatorio per il contrasto della pedofilia e della pornografia minorile", available at: [www.gazzettaufficiale.it/eli/id/2020/06/23/20G00086/sg](http://www.gazzettaufficiale.it/eli/id/2020/06/23/20G00086/sg).

<sup>72</sup> Ministero della Giustizia. Dipartimento per la giustizia minorile e di comunità (2020), "Linee di indirizzo. Decreto Legislativo 2 ottobre 2018, n. 121 recante "Disciplina dell'esecuzione delle pene nei confronti dei condannati minorenni, in attuazione della delega di cui all'articolo 1, commi 81, 83 e 85, lett. p), della legge 23 giugno 2017, n. 103", 15 January 2020, available at: [www.giustizia.it/resources/cms/documents/linee\\_indirizzo\\_esecuzione\\_pene\\_minori\\_15gen\\_2020.pdf](http://www.giustizia.it/resources/cms/documents/linee_indirizzo_esecuzione_pene_minori_15gen_2020.pdf).



	121 of 2 October 2018, on “The enforcement of sentences involving condemned children” <sup>73</sup> .
<b>Policy developments</b>	On 10 January 2020, the Authority for the Protection of Childhood and Adolescence ( <i>Autorità garante per l’infanzia e l’adolescenza</i> – AGIA) issued a document on the rights of children in detention facilities <sup>74</sup> . The document is the result of several interviews conducted by the Authority in 8 Italian cities (Turin, Milan, Venice, Rome, Perugia, Naples, Reggio Calabria and Palermo) with children who perpetrated crimes and with professionals working in juvenile detention facilities. More specifically, the fieldwork involves children involved in judicial proceedings or undergoing a pre-trial custody measure outside detention facilities. The interviews concerned the experience of the proceeding and the interaction with police officers and judicial authorities; the educational project involving the child; the relationship with the family and the territory. Based on the elements emerging from the interviews, AGIA provides the recommendations that are reported in the document. These include the necessity to listen carefully to children and to make them understand the functioning of the criminal system and the judicial proceeding; the need for more resources destined to the staff and to prevention policies, including the support to the families; the possibility to activate cooperation mechanisms between relevant stakeholders countering early school dropout and preventing bullying.
<b>Other measures or initiatives</b>	On 20 March, the social enterprise “Con I Bambini” launched a public campaign – named “Cambio rotta” <sup>75</sup> – to finance projects destined to children aged 10-17 involved in criminal judicial proceedings, especially for group offences. The call makes available to civil-society organisations EUR 15 million to develop projects tackling juvenile delinquency, through the implementation of an innovative approach combining an individually tailored

<sup>73</sup> Decreto Legislativo 2 ottobre 2018, n. 121, “Disciplina dell’esecuzione delle pene nei confronti dei condannati minorenni, in attuazione della delega di cui all’articolo 1, commi 81, 83 e 85, lettera p), della legge 23 giugno 2017, n. 103”, available at: [www.giurisprudenzapenale.com/wp-content/uploads/2018/10/d-lgs-121-2018.pdf](http://www.giurisprudenzapenale.com/wp-content/uploads/2018/10/d-lgs-121-2018.pdf).

<sup>74</sup> AGIA (2020), “AgiAscolta. I diritti dei ragazzi di area penale esterna. Documento di ascolto e proposta”, January 2020, available at: [www.garanteinfanzia.org/sites/default/files/agiascolta.pdf](http://www.garanteinfanzia.org/sites/default/files/agiascolta.pdf).

<sup>75</sup> Information about the call is available at: [www.minori.gov.it/it/node/7208](http://www.minori.gov.it/it/node/7208).

	integration project and a focus on the importance of the relationship between peers. Civil society organisations had to present their projects before 29 May 2020.
--	--

# Chapter 7. Access to Justice Including Crime Victims

## 1. Victims' Rights Directive

The Decree of the Ministries of the Interior and Justice of 22 November 2019<sup>76</sup> updated the amount of the financial compensation to which the victims of violent crime are entitled. The Decree officially entered into force on 24 January 2020. More specifically, EUR 50,000 is provided in case of murder; EUR 60,000 is provided to the children of the victims of murder perpetrated by the (ex) spouse or partner; EUR 25,000 is provided in case of sexual violence; EUR 25,000 in case of severe personal injuries; EUR 25,000 in case of permanent facial lesions. For all other violent crimes, the compensation amounts to EUR 15,000 and it is a reimbursement for certified medical and assistance costs.

On 16 July 2020, the Grand Chamber of the EU Court of Justice (case C-129/19<sup>77</sup>) replied to a Request for a preliminary ruling filed by the Italian Court of Cassation, concerning the correct implementation of the Directive 2004/80/EC. The case was brought before the CJEU during a controversy between the Italian Government and an Italian woman concerning the non-contractual liability that – in her opinion – was to be borne by the Italian Republic for the failed implementation of the Directive and the damage caused by this omission. The woman had survived sexual violence but could not obtain the EUR 50,000 compensation – envisaged by the Italian victim compensation scheme – because the perpetrators were fugitives. The CJEU established that each EU Member State is compelled to put in place a compensation scheme for all the victims of violent intentional crimes perpetrated in the national territory. The compensation for the victims of sexual violence within the national compensation scheme cannot be considered fair and adequate if it is fixed without considering and assessing the damage of the violence on the victims and if it does not represent an adequate compensation for the material and moral damage the victim suffers. The CJEU applied the principle of non-

---

<sup>76</sup> Decreto 22 novembre 2019, "Determinazione degli importi dell'indennizzo alle vittime dei reati intenzionali violenti", available at: [www.gazzettaufficiale.it/eli/id/2020/01/23/20A00459/sg](http://www.gazzettaufficiale.it/eli/id/2020/01/23/20A00459/sg).

<sup>77</sup> Available at the website of the CJEU: <http://curia.europa.eu/juris/liste.jsf?lgrec=fr&td=%3BALL&language=en&num=C-129/19&jur=C>.

discrimination stressing that no differences can be introduced between the victims of intentional violent crimes perpetrated in cross-border situations and those of intentional violent crimes perpetrated in their countries of residence.

## 2. Violence against women<sup>78</sup>

On 2 April 2020 – in reaction to the Covid-19 emergency - the Italian Equal Opportunity Department signed an urgent Decree<sup>79</sup> earmarking EUR 30 million from the Fund for Policies concerning Rights and Equal Opportunities that had not yet been distributed (since the Regions and autonomous provinces had not adopted the programmes of interventions that are requested by the in-force legislation to obtain the resources of the Fund). This urgent provision also envisaged that EUR 10 million, according to the Decree of 4 December 2019 destined to any other measure implementing the National Strategic Plan, must now be destined to the activities and actions that support local services countering gender-based violence (generally referred in Italian as *Centri Anti Violenza – CAV*).

According to ISTAT<sup>80</sup>, in 2017 there were 296 CAVs in Italy and 258 shelters: these cover the entire Italian territory, with unequal distribution across the regions. Some regions have just one CAV (as is the case in Molise and Valle d’Aosta) or just one shelter (as is the case in the autonomous province of Trento). On the same day, the national network countering gender-based violence (Associazione Nazionale D.i.Re “Donne in Rete contro la violenza-D.i-Re”) – a network of more than 80 local CAVs and shelters – issued a press release stressing that additional resources were needed to cope with the upsurge of gender-based violence episodes occurring during the epidemic emergency. According to these organisations, the EUR 30 million was barely

---

<sup>78</sup> The first two paragraphs of this section are taken from FRA (2020), “Coronavirus pandemic in the EU – Fundamental Rights Implications. Bulletin No. 4. Italy”, July 2020, available at: [https://fra.europa.eu/sites/default/files/fra\\_uploads/it\\_report\\_on\\_coronavirus\\_pandemic\\_july\\_2020.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/it_report_on_coronavirus_pandemic_july_2020.pdf).

<sup>79</sup> Information available at the Department’s website: [www.pariopportunita.gov.it/news/violenza-sulle-donne-ministra-bonetti-sblocca-30-milioni/](http://www.pariopportunita.gov.it/news/violenza-sulle-donne-ministra-bonetti-sblocca-30-milioni/).

<sup>80</sup> Data available at the ISTAT website: <https://www4.istat.it/it/violenza-sulle-donne/la-fuoriuscita/centri-antiviolenza>.

sufficient to finance the services' ordinary activities; whereas, the Covid-19 emergency entailed a more intense intervention request<sup>81</sup>.

The application procedures were simplified as much as possible in order to speed up the disbursement of resources. The applicants would have access to a maximum contribution that varies according to the type of structure, set at EUR 15,000 for the shelters and EUR 2,500 for CAV, to be used for interventions for the best management during the COVID-19 emergency. Eligible expenses include, for example, those relating to the identification of housing solutions aimed at the isolation and quarantine of women who are victims of violence, the purchase of personal protective equipment and the sanitation of environments. Applications could be submitted until 31 July 2020 and sufficient resources have been allocated to accommodate all potential applications.

In May 2020, the National Institute for Statistics (*Istituto Nazionale di Statistica* –ISTAT) issued a report<sup>82</sup> providing data on the upsurge of domestic and gender-based violence during the Covid-19 emergency. The report is based on the analysis of the help requests received by the 1522 – the national phone helpline – during the period 1 March –16 April 2020. According to the report, 5,031 calls were registered by the helpline during this period, recording a 73% increase compared to the same period of 2019. Victims asking for help were 2,013 (+59%). The cases of domestic abuse reported to the police decreased by 43.6%; as per the cases of women murdered by their partners, these decreased by 83.3%: however, ISTAT stressed that making sense of this data would request a longer observation period.

According to the report, most of the victims who resorted to the helpline decided not to report the violence to the police because a member of the family perpetrated it. Comparing the period 1<sup>st</sup> March - 16 April of 2019 and 2020, victims reporting to the police decreased from 74.8% (947 cases in 2019) to 72.8% (1,466 cases in 2020). The reasons for not reporting are connected to the negative consequences that can affect the domestic environment (21.6%), generic fear (13.4%), fear of the reactions of the perpetrator (10.9%),

---

<sup>81</sup> The press release is available at the network's website: [www.direcontrolaviolenza.it/eravamo-state-chiare-per-lemergenza-covid-19-occorre-un-fondo-straordinario/](http://www.direcontrolaviolenza.it/eravamo-state-chiare-per-lemergenza-covid-19-occorre-un-fondo-straordinario/).

<sup>82</sup> ISTAT (2020), "Violenza di genere al tempo del Covid-19: le chiamate al numero verde 1522", 13 May 2020, available at: [www.istat.it/it/files//2020/05/Stat-today\\_Chiamate-numero-antiviolenza.pdf](http://www.istat.it/it/files//2020/05/Stat-today_Chiamate-numero-antiviolenza.pdf).

uncertainty of the long-term impact of reporting (6%), scarce trust in police authorities or because police officers discouraged the victim to report the violence (3.3%). 2.8% of the victims withdrew the report and 40.4% went back to living with the abusers. 60.6% of the calls were received between 9 a.m. and 5 p.m.; 17.5% were received during the night and early in the morning (this data is generally much lower). 45.3% of the victims reported being afraid for their safety and life; 72.8% decided not to report the violence to the police. 93.4% of the incidents occurred at home; 64.1% also concerned children witnessing the violence.

In January 2020, the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) of the Council of Europe released the 2020 report on the implementation of the Istanbul Convention in Italy<sup>83</sup>. According to the experts, progress was made in Italy in recent years to promote gender equality and tackle gender-based violence. However, a tendency is emerging to reinterpret and refocus gender-equality policies in terms of family and motherhood policies. In this respect, it is essential that Italian authorities clearly acknowledge the structural nature of violence against women as a manifestation of historically unequal power relations between women and men. Moreover, a co-ordinated multiagency response to violence - based on the strong involvement of local authorities and the participation of all the stakeholders concerned, including in particular women's NGOs - is needed. Italian authorities are also urged to expand the coverage and capacity of specialist services and to harmonise the provision of such services with the human rights-based approach and the standards of the convention.

On 14 July 2020, the Italian Parliamentary Commission on Femicide, as well as on any other form of gender-based violence (*Commissione parlamentare di inchiesta sul femminicidio, nonché su ogni forma di violenza di genere*), approved the Report on the Governance of Public Services countering gender-based violence and on the financing of centres and shelters<sup>84</sup>. The Report recommends an increase of the available resources, long-term funds (the earmarking of funds is currently decided on an annual basis), less bureaucracy in the allocation of resources, stricter criteria to select the service providers

---

<sup>83</sup> GREVIO (2020), "GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). ITALY", January 2020, available at: <https://rm.coe.int/grevio-report-italy-first-baseline-evaluation/168099724e>.

<sup>84</sup> Relazione sulla governance dei servizi antiviolenza e sul finanziamento dei centri antiviolenza e delle case rifugio, available at: [http://www.senato.it/japp/bgt/showdoc/18/SommComm/0/1157638/index.html?part=doc\\_dc-allegato\\_a:1](http://www.senato.it/japp/bgt/showdoc/18/SommComm/0/1157638/index.html?part=doc_dc-allegato_a:1).

and a more effective monitoring system of how the resources are actually used. Moreover, the Report suggests the establishment of a national permanent observatory for an independent assessment of all the services tackling gender-based violence and of the quality of the assistance provided to women<sup>85</sup>.

On 26 July 2020, the Ministry of the Interior released statistical data on the incidence of gender-based violence in the first semester of 2020. The report<sup>86</sup> analysis the trend of crimes associated with gender-based violence in the period January-June 2020, comparing it with the same period of 2019. The percentage of women who are victims of abuse perpetrated by partners or family members ranged from 82% in January to 78% in May, rising to 82% in June. Sexual violence increased in May and even more in June but did not surpass the record of February 2020. Threats and personal injuries in the domestic context were less frequent than 2019: the incidence rate of these crimes decreased during the lockdown but went up again in May (10,128 cases) and June (10,662 cases). As per intentional murders, these decreased by 19% compared to 2019: however, female victims increased (from 56 to 59), representing 45% of the victims in 2020 (35% in 2019). The number of murders perpetrated by (ex) partners increased from 32 in 2019 to 36 in 2020.

## **Chapter 8. Developments in the Implementation of the Convention on the Rights of Persons with Disabilities**

### **1. CRPD policy & legal developments**

During the Covid-19 emergency, the Italian Government approved the Law-Decree No. 34 of 19 May 2020 – converted with amendments into Law No. 77 of 17 July 2020 – “Urgent measures on health, support to the labour market and the economy, as well as on social policies relating to the Covid-19

---

<sup>85</sup> Source: [https://alleyoop.ilsole24ore.com/2020/07/15/violenza-contrasto/?uuid=106\\_0xyCVDUg](https://alleyoop.ilsole24ore.com/2020/07/15/violenza-contrasto/?uuid=106_0xyCVDUg)

<sup>86</sup> The report is available at: [www.interno.gov.it/sites/default/files/2020-07/violenza\\_genere\\_omicidi\\_gennaio\\_giugno\\_17072020.pdf](http://www.interno.gov.it/sites/default/files/2020-07/violenza_genere_omicidi_gennaio_giugno_17072020.pdf).

emergency"<sup>87</sup>. Among other measures, the Law-Decree increased the resources available to two existing Funds, namely the Fund for the non-self-sufficiencies (*Fondo per le non-autosufficienze* - FNA) and the Fund for the so-called "After Us" (*Fondo per il cosiddetto dopo di noi*). The FNA was increased by EUR 90 million in 2020, with the aim of reinforcing the assistance, services, and projects of independent living for people with severe disabilities and those taking care of them. EUR 20 million of the additional resources are specifically destined to independent living projects. The "After Us" fund – for people with severe disabilities deprived of family support – was increased by EUR 20 million in 2020. Moreover, the Law-Decree introduced a new source of resources, the "Fund for the Support of semi-residential institutions for people with disabilities" (*Fondo di sostegno per le strutture semiresidenziali per persone con disabilità*), earmarking EUR 40 million in 2020. The aim of the fund is to support financially all semi-residential institutions destined to people with disabilities and to help them cope with the additional expenses connected to the Covid-19 emergency (the introduction of safety devices for the staff and the patients).

The Draft Law No. 1461 of the Italian Senate – on "Dispositions for the Recognition of and Support to Family Caregivers"<sup>88</sup> – was presented in 2019 but started its scrutiny in the 11<sup>th</sup> Permanent Parliamentary Commission (Public and Private Labour and Social Security) in July 2020. The Draft Law formally recognises the role and activity of family caregivers – that is the family member who provides care and assistance to the spouse, partner, or any other family member without receiving a financial remuneration. Family caregivers would be entitled to three years of pension contributions paid by the State; they would also be entitled to specific tax reductions. The Draft Law also envisages specific work-life balance measures allowing the caregivers to combine their care activities with their professional activities. FISH Onlus – one of the most well-known associations representing people with disabilities – welcomed the start of the parliamentary debate concerning the Draft Law, stressing that in order for these measures to be effectively implemented, more financial resources were needed<sup>89</sup>.

---

<sup>87</sup> 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", available at: [www.gazzettaufficiale.it/eli/id/2020/05/19/20G00052/sg](http://www.gazzettaufficiale.it/eli/id/2020/05/19/20G00052/sg).

<sup>88</sup> Atto Senato n. 1461, "Disposizioni per il riconoscimento ed il sostegno del caregiver familiare", available at: [www.senato.it/service/PDF/PDFServer/BGT/01123433.pdf](http://www.senato.it/service/PDF/PDFServer/BGT/01123433.pdf).

<sup>89</sup> FISH's comment on the Draft Law is available at: [www.fishonlus.it/2020/07/08/legge-sui-caregiver-avanti-con-piu-coraggio-e-risorse/](http://www.fishonlus.it/2020/07/08/legge-sui-caregiver-avanti-con-piu-coraggio-e-risorse/).



On 28 July, the new Commission for the update of the Essential Levels of Assistance (*Livelli Essenziali di Assistenza* – LEA) of the Ministry of Public Health was established<sup>90</sup>. LEAs are the provisions that the National Healthcare system offers to the general population. The LEAs were last updated in January 2017: the goal of the Commission is to ensure that the National Healthcare system keeps pace with technological and scientific innovation and with the healthcare needs of the population. FISH Onlus criticised the Commission<sup>91</sup> since it does not include the representatives of the organisations of people with disabilities, even if it had been pointed out to the Ministry that there is a necessity for it to be included to consider adequately the needs expressed by this sub-group of the population.

On 1<sup>st</sup> September, the National Institute of Health (*Istituto Superiore di Sanità*) launched an online survey<sup>92</sup> aimed at identifying the level of accessibility to the available technologies for people with disabilities, their families, and caregivers during the Covid-19 emergency. The survey aims at assessing how these technologies are used by people with disabilities, as well as what are the needs that must still be addressed. The survey is made of two sections: the first is destined to people with disabilities, asking them about their personal experiences; the second section focuses on the opinions of the family members/caregivers/associations supporting the person with disabilities in filling up the survey. The survey will be accessible from 1<sup>st</sup> September until 15 October 2020.

On 14 October 2020, FISH Onlus and the Federation of National Associations of People with Disabilities (*Federazione tra le associazioni nazionali delle persone con disabilità*, FAND) released a report<sup>93</sup> aimed at providing recommendations to the national authorities on how to use the financial resources that will be provided by the EU to tackle the impact of the Covid-19 emergency in order to foster inclusion and empowerment of people with disabilities.

---

<sup>90</sup> Information available at the website of the Ministry of Health:

[www.salute.gov.it/portale/lea/dettaglioContenutiLea.jsp?lingua=italiano&id=4772&area=Lea&menu=aggLea](http://www.salute.gov.it/portale/lea/dettaglioContenutiLea.jsp?lingua=italiano&id=4772&area=Lea&menu=aggLea).

<sup>91</sup> The association's comment is available at: [www.fishonlus.it/2020/07/30/commissione-lea-esclusa-la-disabilita/](http://www.fishonlus.it/2020/07/30/commissione-lea-esclusa-la-disabilita/).

<sup>92</sup> The survey and the ISS presentation of the initiative are available at: [www.iss.it/primo-piano/-/asset\\_publisher/o4oGR9qmvUz9/content/tecnologie-a-sostegno-della-disabilita%25C3%25A0-al-via-un-questionario-online-sull-esperienza-delle-persone-fragili-nell-era-covid](http://www.iss.it/primo-piano/-/asset_publisher/o4oGR9qmvUz9/content/tecnologie-a-sostegno-della-disabilita%25C3%25A0-al-via-un-questionario-online-sull-esperienza-delle-persone-fragili-nell-era-covid).

<sup>93</sup> FISH, FAND (2020), "Piano Nazionale di Recupero e Resilienza (PNRR) Italia: Disabilità Modifiche congiunte della FAND e della FISH", 14 October 2020, available at: [www.fishonlus.it/files/2020/10/FAND\\_FISH\\_Piano-Nazionale-di-Recupero-e-Resilienza.pdf](http://www.fishonlus.it/files/2020/10/FAND_FISH_Piano-Nazionale-di-Recupero-e-Resilienza.pdf).

On 3 November, the President of the Italian Government passed a Decree on “Urgent measures to tackle the Covid-19 emergency”<sup>94</sup>. The Decree included specific aspects on disability. First, people with specific disabilities that are not compatible with the use of facial masks are exempted from the obligation to wear them in public (Art. 1). The same applies to students of primary schools. In primary schools, the use of facial masks is compulsory, with the exception of children aged less than six and children with disabilities that are not compatible with these devices (art. 1). Second, despite the obligation to distance learning in high schools, students with disabilities can continue attending classes at school if their individual education plan cannot be reconciled with the use of on-line techniques (Art. 1). Third, local services destined to people with disabilities are ensured, with the adoption of specific protocols aimed at limiting the virus propagation. Moreover, people with disabilities are allowed to reduce the inter-personal distance with their caregivers and assistance-providers (Art. 12).

On 7 December, FISH and FAND sent a letter to the Ministry of Public Health<sup>95</sup>, concerning the guidelines on the vaccine campaign that the Ministry presented to the Italian Parliament at the beginning of December. The two organisations stressed the need to envisage specific medical protocols to protect the most vulnerable groups – including people with disabilities – that are more exposed to the risks and impact of the Covid-19 pandemic. Moreover, the organisations asked to include people with disabilities among the groups with a priority access to the vaccine.

## 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

---

<sup>94</sup> Decreto del Presidente del Consiglio dei Ministri 3 novembre 2020, “Ulteriori disposizioni attuative del decreto-legge 25 marzo 2020, n. 19, convertito, con modificazioni, dalla legge 25 maggio 2020, n. 35, recante «Misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19», e del decreto-legge 16 maggio 2020, n. 33, convertito, con modificazioni, dalla legge 14 luglio 2020, n. 74, recante «Ulteriori misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19»”, available at: [www.gazzettaufficiale.it/eli/id/2020/11/04/20A06109/sg](http://www.gazzettaufficiale.it/eli/id/2020/11/04/20A06109/sg).

<sup>95</sup> The letter is available at: [www.fishonlus.it/files/2020/12/FAND-FISH\\_lettera\\_ministro\\_speranza.pdf](http://www.fishonlus.it/files/2020/12/FAND-FISH_lettera_ministro_speranza.pdf).

22 September 2020<sup>96</sup>, the Observatory held a meeting that the President of the Italian Government directed. The Observatory had to discuss the guidelines of the activities of the Observatory; establish new working groups; organise the national disability conference. The representatives of some important civil-society organisations participated in the meeting<sup>97</sup>.

---

<sup>96</sup> Information available at the website of the Observatory: [www.osservatoriodisabilita.gov.it/it/notizie/convocato-losservatorio-nazionale-sulla-condizione-delle-persone-con-disabilita-2/](http://www.osservatoriodisabilita.gov.it/it/notizie/convocato-losservatorio-nazionale-sulla-condizione-delle-persone-con-disabilita-2/).

<sup>97</sup> Information available at the website of the Observatory: [www.osservatoriodisabilita.gov.it/it/notizie/disabilita-prima-riunione-dellosservatorio-nazionale-presieduta-dal-presidente-conte/](http://www.osservatoriodisabilita.gov.it/it/notizie/disabilita-prima-riunione-dellosservatorio-nazionale-presieduta-dal-presidente-conte/).

# Annex 1 – Promising Practices

<b>Thematic area</b>	<b>EQUALITY AND NON-DISCRIMINATION</b> Please provide one example of a promising practice to tackle discrimination against older people or LGBTI people such as awareness raising campaigns or ethical codes for healthcare staff held in your country in 2020. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2020 relevant to equality and non-discrimination of older people or LGBTI people, preferably one conducted by a national equality body.
Title (original language)	Vademecum dei diritti 2020
Title (EN)	2020 Vademecum of Rights
Organisation (original language)	Polis Aperta
Organisation (EN)	Open Polis
Government / Civil society	Civil society
Funding body	The NGO „Polis Aperta“
Reference (incl. url, where available)	<a href="https://www.polisaperta.eu/storage/app/media/uploaded-files/Vademecum%202020.pdf">https://www.polisaperta.eu/storage/app/media/uploaded-files/Vademecum%202020.pdf</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2020
Type of initiative	Information-provision activity
Main target group	LGBT+ people

Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The Vademecum was developed by the NGO „Polis Aperta“, an association of LGBT police officers. The Vademecum – launched on 17 May 2020, on the International Day Against Homophobia, Transphobia and Biphobia – is aimed at providing LGBT+ people with updated legal information concerning the national and international legislative dispositions protecting their rights and tackling discriminations, as well as some basic information on how to report a discrimination episode to the Italian competent authorities (police and judicial authorities). The aim of the initiative is to support and incite the victims to report discrimination episodes to public authorities.
Highlight any element of the actions that is transferable (max. 500 chars)	Victims of all kinds of discriminations often decide not to report discrimination episodes because they do not know whom to resort to and the consequences of reporting. Moreover, police officers are not always trusted by the victims who are afraid of further victimisation. This practice is important to support and inform the victims, explaining the importance of reporting and, consequently, reducing the underreporting often compromising discriminations statistics. This practice could be transferred to all domains of discriminations, in order to counter underreporting and support the victims who are willing to report.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	This practice could be renewed on an annual basis, updating the legislation in force tackling discriminations on grounds of sexual orientation and gender identity.
Give reasons why you consider the practice as having concrete measurable impact	The impact of this practice could be measures, assessing the number of users visiting the webpage but also monitoring the underreporting rate of discrimination episodes.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	The Vademecum already reports legislative dispositions that are enshrined in international and EU law and which are therefore applicable to all EU Member States: this practice could be transferred to all other national contexts, just replacing Italian law with national legislation.

Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The members of the association developing this practice are LGBT+ people who work as police officers.
Explain, if applicable, how the practice provides for review and assessment.	This information is not available.

<b>Thematic area</b>	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b> Please provide one example of a promising practice to address racism and xenophobia in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related to combating racism, xenophobia and related intolerances.
Title (original language)	Words are Stones
Title (EN)	Words are Stones
Organisation (original language)	Lunaria
Organisation (EN)	Lunaria
Government / Civil society	Civil Society
Funding body	The involved civil-society organisations. The initiative was co-funded by the Europe for Citizens Programme of the European Union

Reference (incl. url, where available)	<a href="http://www.cronachediordinariorazzismo.org/wordsarestones-la-campagna/">http://www.cronachediordinariorazzismo.org/wordsarestones-la-campagna/</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	January-February 2020
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 "Words are Stones" campaign was organised by 6 civil-society organisations based in Austria, Cyprus, Greece, Italy and Spain. The Italian partner is "Lunaria". The aim of the project is to raise awareness on racist hate speech, focusing on the most common themes conveyed by this kind of racist behaviour. These are the invasion, the competition for scarce resources (welfare, jobs etc.), the cultural incompatibility, and the loss of national identities. The initiative is based on the online dissemination of 5 YouTube videos aimed at raising awareness on such issues, targeting the general population of the involved countries.
Highlight any element of the actions that is transferable (max. 500 chars)	The practice is aimed at deconstructing prejudices and stereotypes that are the milestones of racism and xenophobia. Using everyday-life scenes, the viewers are encouraged to recognise the irrationality of these common places and question their points of view and behaviours. This initiative could be replicated and extended to other grounds of discrimination.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The initiative promotes the dissemination of videos that can be easily translated in other languages and used in schools and training sessions. With a low budget, the impact of the videos can be wide.

Give reasons why you consider the practice as having concrete measurable impact	These are YouTube videos: the impact of the initiative can be measured monitoring the number of views.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	This initiative already is an international one since it was developed thanks to the cooperation between civil-society organisations based in 6 different Member States.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	This information is not available.
Explain, if applicable, how the practice provides for review and assessment.	This information is not available.



<b>Thematic area</b>	<p><b>ROMA EQUALITY AND INCLUSION</b></p> <p>Please provide one example of promising practice in relation to the legal and policy developments in regard to Roma/Travellers (or any group covered by this term as per the Council of Europe definition) in 2020 that relate to the (1) application of the EU Framework on national Roma integration strategies and (2) the preparations for the new post-2020 initiative on Roma equality, inclusion and participation or in relation to any measures in your country in 2020 to address Roma inclusion and prevent discrimination, hate crime and hate speech with a particular focus on COVID-19.</p>
Title (original language)	Un viaggio virtuale nella storia e nell'anti-ziganismo
Title (EN)	<i>A virtual journey through history and anti-gypsism</i>
Organisation (original language)	Ufficio Nazionale Antidiscriminazioni razziali a difesa delle differenze – UNAR
Organisation (EN)	National Anti-Discrimination Office of the Italian Government
Government / Civil society	Government
Funding body	UNAR
Reference (incl. url, where available)	<a href="http://www.unar.it/2-agosto-2020-viaggio-virtuale-nella-storia-dellantiziganismo/">http://www.unar.it/2-agosto-2020-viaggio-virtuale-nella-storia-dellantiziganismo/</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2 August 2020
Type of initiative	Awareness-raising event
Main target group	General population
Indicate level of implementation: Local/Regional/National	National

<p>Brief description (max. 1000 chars)</p>	<p>UNAR – in cooperation with the civil-society organisation Formez PA – organised a sensibilisation and awareness-raising event to retrace and revisit the history of the Roma victims of the Holocaust. During the event, a virtual tour of Auschwitz-Birkenau was organised aimed at commemorating the Roma victims. The Roma community was directly involved in the organisations, some survivors were asked to report their experiences and representatives of the Roma community in Italy were invited to give a speech during the event. The event was accessible on the UNAR website and on social networks.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>In order to counter hatred and discriminations, it is crucial to raise awareness in the general population on the history of discrimination minorities have suffered. This practice is an example of this cultural process and it could be transferred to any other type of discrimination.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>This practice can be replicated in different social environments (for instance, in schools) and it does not require high funding to be financed.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The impact of the practice can be measured assessing the number of users connected to the event and the number of visualizations of the video released online.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The Roma community has historically been victim of discriminations and hate crimes in all EU Member States, even before the EU was created. Each State can organise initiatives of this kind to commemorate the victims of these crimes.</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>As reported above, the Roma community and its representatives were actively and directly involved in the event and they participated as speakers.</p>

Explain, if applicable, how the practice provides for review and assessment.	This information is not available.
--	------------------------------------

<b>Thematic area</b>	<b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b> Please, provide one example of a promising practice related to any of the topics addressed in the chapter – i.e. in relation to data protection, and/or artificial intelligence systems - in 2020.
Title (original language)	Covid-19 e protezione dei dati personali. FAQ
Title (EN)	Covid-19 and protection of personal data. FAQ
Organisation (original language)	Garante per la Protezione dei Dati Personali
Organisation (EN)	Italian Data Protection Authority (DPA)
Government / Civil society	Government
Funding body	DPA
Reference (incl. url, where available)	<a href="https://www.garanteprivacy.it/temi/coronavirus/faq#English">https://www.garanteprivacy.it/temi/coronavirus/faq#English</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2020
Type of initiative	Information-provision campaign

Main target group	General population
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The Italian DPA released FAQs – both in English and in Italian – on the potential impact of the Covid-19 emergency legislation and policies on data protection. The FAQs concern several domains, including: Data processing in health care in the context of the health emergency; Data processing by public and private employers in the context of the health emergency; Data processing by schools in the context of the health emergency; Data processing in clinical trials and medical research in the context of the COVID-19 health emergency. The aim of this initiative is to raise awareness on the rights to data protection and privacy and the importance to protect such rights even in a context of emergency.
Highlight any element of the actions that is transferable (max. 500 chars)	FAQs are a user-friendly instrument that provides clear and concise information on relevant issues: this practice could be transferred to any other domain of public policies when it is important for the general population to be aware of the public interventions and their rights in this respect. In fact, during the Covid-19 emergency many Ministries and public authorities have issued their own FAQs to explain the measures adopted to cope with the pandemic.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	This practice was adopted during the specific period of the Covid-19 emergency and it is closely related to the issues emerged during this critical moment. However, most of the information provided in the FAQs concern the right to privacy and data protection and could be replicated in other more general FAQs, independently of the pandemic.
Give reasons why you consider the practice as having concrete measurable impact	The practice has not measurable impact, except for the number of users visiting the DPA's website.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	All EU Member States had to deal with the impact of Covid-19 and face similar issues at the moment of tackling the epidemic without compromising the fundamental rights of the population. Since DPAs exist in all national contexts and they often work in coordination, it would be interesting to adapt these FAQs to the legislation in force in each country.

Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	Information not available.
Explain, if applicable, how the practice provides for review and assessment.	Information not available.

<b>Thematic area</b>	<b>RIGHTS OF THE CHILD</b> Please provide one example of a promising practice relating to the topics addressed in this chapter.
Title (original language)	Apprendere in ambienti inclusivi e sicuri. Kit per proteggere bambine, bambini e adolescenti dalla violenza
Title (EN)	Learning in inclusive and safe environments. Kit to protect children and adolescents from violence
Organisation (original language)	UNICEF
Organisation (EN)	UNICEF
Government / Civil society	Civil Society
Funding body	UNICEF
Reference (incl. url, where available)	<a href="http://www.unicef.it//Allegati/KITapprendere_in_sicurezza.pdf">www.unicef.it//Allegati/KITapprendere_in_sicurezza.pdf</a>

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2020
Type of initiative	Informative campaign
Main target group	Teachers and students
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	UNICEF – in the framework of the campaign #ENDviolence Against Children – developed this activity kit destined to teachers and students aimed at raising awareness and providing tools tackling violence against children inside and outside school contexts. It includes two sections: the first is destined to teachers and provides guidelines on how to deal with this issue in the schoolroom; how to identify violence early and provide correct information on the existing available services. The second section is destined to students, providing inputs on activities that directly contribute to create safe and inclusive educational contexts. The Kit also includes an introductory section providing basic concepts and definitions concerning violence against children.
Highlight any element of the actions that is transferable (max. 500 chars)	The kit proposed by UNICEF is extremely user-friendly and understandable by both children and adults. It could be adapted to other fields of activity of the organisation, not just violence or educational contexts.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The initiative is aimed at coping with an issue – namely violence against children inside and outside school contexts – that is an enduring emergency: for this reason the kit can be used on the long-term and no periodic updates are needed.
Give reasons why you consider the practice as having concrete measurable impact	The practice does not have a direct measurable impact; however, the implementing organisation could monitor how many Italian schools decide to introduce this kit and organise the activities it presents.

Give reasons why you consider the practice as transferable to other settings and/or Member States?	UNICEF is an international organisation, and the same kit could be translated and adapted to all national contexts.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	This information is not available
Explain, if applicable, how the practice provides for review and assessment.	This information is not available

<b>Thematic area</b>	<b>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS</b> Please provide one example of a promising practice relating to the topics addressed in this chapter.
Title (original language)	Seconda relazione sull'attuazione della l. n. 69/2019 (cd. Codice rosso) nel circondario di Tivoli. Un anno di applicazione (9 agosto 2019 - 8 agosto 2020). La violenza di genere nel circondario di Tivoli.
Title (EN)	Second report on the implementation of the Law No. 69/2019 (so-called Red-Code Law) in the Tivoli district. One year of implementation (9 August 2019 – 8 August 2020). Gender-based violence in the Tivoli district.
Organisation (original language)	Procura della Repubblica presso il Tribunale di Tivoli

Organisation (EN)	Public Prosecutor's office at the Tivoli Court.
Government / Civil society	Government
Funding body	N/A
Reference (incl. url, where available)	<a href="http://www.giurisprudenzapenale.com/wp-content/uploads/2020/08/Un-anno-di-attuazione-della-legge-69-del-2019-cd-Codice-rosso-pdf.pdf">www.giurisprudenzapenale.com/wp-content/uploads/2020/08/Un-anno-di-attuazione-della-legge-69-del-2019-cd-Codice-rosso-pdf.pdf</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2019-ongoing
Type of initiative	Monitoring activity
Main target group	Judicial authorities and legal professionals
Indicate level of implementation: Local/Regional/National	Local
Brief description (max. 1000 chars)	The Public Prosecutor of Tivoli carries out a monitoring activity of the implementation of the Law No. 69/2019 on the protection of victims of gender-based and domestic violence, whose aim is – among others – to accelerate judicial proceeding concerning this kind of criminal conducts. The monitoring activity's outcome is an annual report, providing information on the incidence of domestic and gender-based violence in the district but also on the judicial activity and proceedings stemming from this kind of cases. The aim of the initiative is to assess whether the purpose of the Law is implemented in the judicial practice and if its implementation offers an adequate protection to the victims. Suggestions are also included on how to overcome the limits of the legislative reform.
Highlight any element of the actions that is transferable (max. 500 chars)	This practice could be applied to the monitoring of any legislative disposition that has an impact on the judicial practice: a legislative disposition in order to be effective must be enforceable and this might represent a useful tool to check the enforceability in practice of the in-force legislation.



Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	This practice is based on the collection of information concerning judicial investigations and proceedings that are carried out in the Tivoli district. In this respect, the practice is sustainable because it requires reduced financial efforts and has a long-term impact, providing a solid database of the judicial activity concerning gender-based and domestic violence.
Give reasons why you consider the practice as having concrete measurable impact	N/A
Give reasons why you consider the practice as transferable to other settings and/or Member States?	The Law No. 69/2019 contributes to the correct implementation in Italy of the EU Directive concerning the protection of the victims of intentional violent crimes, as well as of other EU and international laws and documents tackling gender-based and domestic violence. In this respect, all EU Member States are requested to implement an adequate support system for victims of crimes: this kind of initiative could be replicated in all Countries to assess the level of implementation of this system.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The victims are not involved in the practice; however, all judicial authorities are involved in that they are requested to provide information on their judicial activities concerning the implementation of the Law.
Explain, if applicable, how the practice provides for review and assessment.	Each annual report can be compared to the previous one in order to assess whether the shortcomings are addressed and if the judicial implementation of the Law is increasingly effective in providing judicial compensation and support to the victims.

<b>Thematic area</b>	<b>DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)</b>
----------------------	---

	Please provide one promising practice example of projects or programmes implementing the CRPD or furthering the rights of persons with disabilities.
Title (original language)	Prontuario per il corretto avvio dell'anno scolastico 2020/2021 per bambini/e, alunni/e, studenti/sse con disabilità, loro famiglie, insegnanti e operatori
Title (EN)	Handbook for the correct start of the school year 2020/2021 for children, students with disabilities, their families, teachers, and assistants
Organisation (original language)	<i>Associazione Nazionale Famiglie di Persone con Disabilità Intellettiva e/o Relazionale – ANFASS</i>
Organisation (EN)	National Association of the Families of People with Intellectual and/or Relational Disabilities
Government / Civil society	Civil Society
Funding body	ANFASS
Reference (incl. url, where available)	<a href="http://www.anffas.net/it/news/14422/prontuario-per-il-corretto-avvio-dellanno-scolastico-20202021-per-bambinie-alunnie-studentisse-con-disabilita-loro-famiglie-insegnanti-e-operatori/">www.anffas.net/it/news/14422/prontuario-per-il-corretto-avvio-dellanno-scolastico-20202021-per-bambinie-alunnie-studentisse-con-disabilita-loro-famiglie-insegnanti-e-operatori/</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	September 2020
Type of initiative	Awareness raising and information provision
Main target group	Families and assistants of young people with intellectual and/or relational disabilities attending Italian schools.
Indicate level of implementation: Local/Regional/National	National

<p>Brief description (max. 1000 chars)</p>	<p>ANFASS prepared this handbook to support and guide families and assistants on the procedures in force to start the school year 2020/2021 safely, considering the Covid-19 emergency. According to the Handbook, the 259,757 students with disabilities attending Italian schools, found it extremely difficult to participate to remote teaching during the pandemic emergency. Specific measures are needed to ensure the right to education of these students in this very challenging epidemic period. The Handbook focuses on the following sections: new enrolments; types of support available in the school-system; individual educational plans; daily attendance at school; school plans for remote-teaching; information for people with intellectual disabilities.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The Covid-19 emergency resulted in the adoption of many legislative dispositions, measures, policies, and strategies which are often difficult to disentangle and that change very rapidly. Explanatory documents – summarising all the measures and dispositions adopted in specific fields – are therefore needed to make the concerned subjects aware of their rights and possibilities. For this reason, this kind of Handbook – which is specifically destined to the families of students with disabilities – should be replicated for all the different social and policy fields.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>This practice only applies to this specific period where tailored measures are needed to ensure that children with disabilities are not left behind to cope with the Covid-19 emergency.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>This practice does not have a concrete measurable impact since the Handbook is freely downloadable from ANFASS website.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>All Member States strived to ensure the continuity of the education system during the Covid-19 emergency and students with disabilities everywhere have been a particularly vulnerable group. For this reason, any measure supporting their families in being aware of their rights and possibilities – such is the case of this Handbook – should be fostered.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the</p>	<p>The practice was developed by ANFASS which is a civil-society organisation formed by families of people with intellectual and/or relational disabilities.</p>

design, planning, evaluation, review assessment and implementation of the practice.	
Explain, if applicable, how the practice provides for review and assessment.	This information is not available.

## Annex 2 – Case Law

<b>Thematic area</b>	<b>EQUALITY AND NON-DISCRIMINATION</b> Please provide one high court decision addressing discrimination against older people or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
<b>Decision date</b>	11 November 2020
<b>Reference details</b>	Italian Court of Cassation, Decision No. 8646/2020, available at: <a href="https://i2.res.24o.it/pdf2010/Editrice/ILSOLE24ORE/QUOTIDIANI_VERTICALI/Online/Oggetti_Embedded/Documenti/2020/12/16/28646.pdf">https://i2.res.24o.it/pdf2010/Editrice/ILSOLE24ORE/QUOTIDIANI_VERTICALI/Online/Oggetti_Embedded/Documenti/2020/12/16/28646.pdf</a>
<b>Key facts of the case</b> (max. 500 chars)	An association promoting the rights of LGBT+ people and countering discrimination on grounds of sexual orientation and gender identity, sued a well-known Italian lawyer who declared – in a radio broadcast – that he would never hire a homosexual lawyer in his law-firm. The case was decided by both the ordinary Court and the Court of Appeals, sentencing the defendant for discrimination on grounds of sexual orientation and condemning him to a EUR 10,000 sanction. The defendant challenged these decisions before the Court of Cassation that asked for the intervention of the CJEU ( <a href="http://curia.europa.eu/juris/liste.jsf?lgrec=fr&amp;td=%3BALL&amp;language=en&amp;num=C-507/18&amp;jur=C">http://curia.europa.eu/juris/liste.jsf?lgrec=fr&amp;td=%3BALL&amp;language=en&amp;num=C-507/18&amp;jur=C</a> ), asking whether – according to Art. 9 of the Directive 2000/78/EC - the association was entitled to intervene in the proceeding, supporting the victim, since it is mostly made of professional lawyers. Moreover, the CJEU was also asked whether articles 2 and 3 of the same Directive also cover statements and other thought’s expressions that are against homosexuals as a category of people.
<b>Main reasoning/argumentation</b> (max. 500 chars)	The CJEU replied to the two above-mentioned questions as follows: 1. The concept of ‘conditions for access to employment ... or to occupation’ in Article 3(1)(a) of Council Directive 2000/78/EC of 27 November 2000 must be interpreted as covering statements made by a person during an audiovisual programme according to which that person would never recruit persons of a certain sexual orientation to his or her undertaking or wish to use the services of such persons, even though no recruitment procedure had been opened, nor was planned,

	<p>provided that the link between those statements and the conditions for access to employment or occupation within that undertaking is not hypothetical. 2. Directive 2000/78 must be interpreted as not precluding national legislation under which an association of lawyers whose objective, according to its statutes, is the judicial protection of persons having in particular a certain sexual orientation and the promotion of the culture and respect for the rights of that category of persons, automatically, on account of that objective and irrespective of whether it is a for-profit association, has standing to bring legal proceedings for the enforcement of obligations under that directive and, where appropriate, to obtain damages, in circumstances that are capable of constituting discrimination, within the meaning of that directive, against that category of persons and it is not possible to identify an injured party. The Court of Cassation – on grounds of the reply of the CJEU – argued that the Association’s charter explicitly includes among its goals the promotion of a diversity culture and the respect of individuals’ fundamental rights, also through the use of judicial proceedings to have them respected. Moreover, the Court of Cassation recalled that Art. 5.2 of the Legislative Decree No. 216/2003 – implementing the Directive – recognizes the possibility for associations that represent the rights of minority groups to start a proceeding and obtain a compensation in case of discriminations that do not target a specific individual but rather a category of people that are protected by the non-discrimination legislation.</p>
<p><b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)</p>	<p>This case is of high relevance because it contributes to the correct implementation of the Directive in the national legislative system. More specifically, the associations representing the rights of LGBT+ people are entitled to start judicial proceedings even if they do not act on behalf of a specific victim of discriminations. Moreover, even if the freedom of speech is protected by the Italian constitution; however, it must be always combined with other constitutional principles, such as the principle of equality and the right to work and the protection of workers.</p>
<p><b>Results (sanctions) and key consequences or implications of the case</b> (max. 500 chars)</p>	<p>The Court of Cassation confirmed the decisions adopted by the Ordinary Court and the Court of Appeals.</p>
<p><b>Key quotation in original language and translated</b></p>	<p>“I principi elaborati dalla Corte di Giustizia e sopra esposti appaiono perfettamente compatibili con quelli dell’ordinamento costituzionale italiano, nel quale la riconosciuta libertà di</p>

<p><b>into English with reference details</b> (max. 500 chars)</p>	<p>espressione del proprio pensiero con qualsiasi mezzo deve pur sempre essere contemperata con gli altri principi e diritti garantiti e tutelati dalla Costituzione e cioè i diritti inviolabili dell'uomo [...] ex Art. 2 Cost., il principio di uguaglianza [...] ex Art. 3 Cost., il diritto effettivo al lavoro e la tutela del lavoro in tutte le sue forme ed applicazioni, ex Art. 4 e 35 Cost.”</p> <p><i>"The principles developed by the Court of Justice and described above are perfectly compliant with the principles of the Italian constitutional system, where the freedom of expression through any mean must be combined with other principles and rights protected by the Constitution, such as human rights [...] ex Art. 2 of the Constitution, the principle of equality ex Art. 3 of the Constitution, the right to work and the protection of work in all its forms and applications, ex Art. 4 and 35 of the Constitution"</i></p>
--	---

<p><b>Thematic area</b></p>	<p><b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE.</b> Please provide the most relevant high court decision concerning the application of <u>either</u> the Racial Equality Directive <u>or</u> the Framework Decision on racism and xenophobia, addressing racism, xenophobia and other forms of intolerance more generally.</p>
<p><b>Decision date</b></p>	<p>Decision adopted on 13 December 2019 and made public on 16 January 2020</p>
<p><b>Reference details</b></p>	<p>Italian Court of Cassation, 1<sup>st</sup> Criminal Section, Decision No. 1602/2020, available at: <a href="http://www.italgiure.giustizia.it/xway/application/nif/clean/hc.dll?verbo=attach&amp;db=snpn&amp;id=./20200116/snpn@s10@a2020@n01602@tS.clean.pdf">www.italgiure.giustizia.it/xway/application/nif/clean/hc.dll?verbo=attach&amp;db=snpn&amp;id=./20200116/snpn@s10@a2020@n01602@tS.clean.pdf</a>.</p>
<p><b>Key facts of the case</b> (max. 500 chars)</p>	<p>The two defendants had displayed on an advertising truck promoting their business in a public place, an advertising poster with the following message: "illegal migrant (<i>clandestino</i>) murders three Italians with a pick-axe – death penalty now!". The poster also displayed a guillotine with a blood-soaking blade and the head of a beheaded man. The defendants had been sentenced by the Court of Appeals to a 6-month detention period and charged of promoting ideas based on racial hatred (Articles 604-bis and 604-ter of the Italian Criminal Code). The defendants challenged this decision before the Italian Court of Cassation: according to them, the advertising poster was only mean at requesting the death penalty</p>

	(which is not envisaged by the Italian Criminal system) for this kind of severe criminal offences; moreover, the perpetrator had already been described as " <i>clandestino</i> " by the media and the press because of his irregular administrative status in Italy. In conclusion, the request for death penalty was not connected to the racial/ethnic origin of the perpetrator but to the type of criminal offence.
<b>Main reasoning/argumentation</b> (max. 500 chars)	The Court of Cassation agreed with the defendants' complaint and did not consider the conduct as an example of racist propaganda. Judicial authorities of the Ordinary Court and of the Court of Appeals had failed in demonstrating that the content of the poster was connected to the racial/ethnic origins of the perpetrator. Moreover, in order to label a conduct as racial and ethnic hatred, it is necessary to demonstrate that the conduct is able to cause an effective danger of discriminatory behaviours. It is not sufficient that the conduct expresses a generic feeling of dislike, aversion or reject on grounds of race, nationality or religion: the conduct must be strictly connected to the personal qualities of the individual and not to his/her behaviours.
<b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)	This decision is relevant because it clarified the requirements that are needed to qualify a conduct as discrimination on grounds of ethnic origin, nationality, race or religion. More specifically, the conduct must entail an effective danger of discriminatory behaviours; it must be directly connected to the individual characteristics of the victim and not to his/her behaviours.
<b>Results (sanctions) and key consequences or implications of the case</b> (max. 500 chars)	The Court of Cassation annulled the decision of the Court of Appeals. The case must therefore be decided again by the Court of Appeals on grounds of the reasoning provided by the Court of Cassation in this decision.
<b>Key quotation in original language and translated into English with reference details</b> (max. 500 chars)	"La giurisprudenza di legittimità è costantemente orientata ad affermare che [...] la "propaganda di idee" consiste nella divulgazione di opinioni finalizzata ad influenzare il comportamento o la psicologia di un vasto pubblico e a raccogliere adesioni; l'"odio razziale o etnico" è integrato da un sentimento idoneo a determinare il concreto pericolo di comportamenti discriminatori, e non da qualsiasi sentimento di generica antipatia,



	<p>insofferenza o rifiuto riconducibile a motivazioni attinenti alla razza, alla nazionalità o alla religione; la "discriminazione per motivi razziali" è quella fondata sulla qualità personale del soggetto, e non - invece - sui suoi comportamenti"</p> <p><i>"The jurisprudence has traditionally asserted that [...] the propaganda of [racist] ideas is based on the dissemination of opinions aimed at influencing the behaviour and psychology of a wide public and at obtaining consent; racial and ethnic hatred must be accompanied by the possibility to determine the effective danger of discriminatory conducts, and not only by a generic feeling of dislike, intolerance or reject on grounds of race, nationality or religion; racial discriminations must be based on the personal qualities of the subject and not, instead, on his/her behaviours"</i></p>
--	--

<b>Thematic area</b>	<b>ROMA EQUALITY AND INCLUSION</b> Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
	No case law has been identified for this thematic area.

<b>Thematic area</b>	<b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b> Please provide the most relevant high court decision related to the topics addressed in the chapter, i.e. in relation to data protection, and/or artificial intelligence systems.
<b>Decision date</b>	12 February 2020
<b>Reference details</b>	Court of Cassation, 3 <sup>rd</sup> Criminal Section, Decision No. 5522, available at: <a href="http://www.lentepubblica.it/wp-content/uploads/2020/05/CORTE-DI-CASSAZIONE-SEZ.-III-PENALE-SENTENZA-12-febbraio-2020-n.5522.pdf">www.lentepubblica.it/wp-content/uploads/2020/05/CORTE-DI-CASSAZIONE-SEZ.-III-PENALE-SENTENZA-12-febbraio-2020-n.5522.pdf</a>

<p><b>Key facts of the case</b> (max. 500 chars)</p>	<p>A young girl aged less than 18 gave her self-phone to a friend – aged more than 18 – to film her. While using the phone, the friend found some erotic selfies. Before returning the phone to the girl, the man took pictures of the selfies with his self-phone and shared them with a common friend who forwarded them to a WhatsApp group made of 20 people. The girl’s father reported the case to police authorities: a criminal proceeding started against the man who shared the selfies.</p>
<p><b>Main reasoning/argumentation</b> (max. 500 chars)</p>	<p>During the first-degree proceeding, the judge discharged the man because the explicit contents had been produced directly by the victim and because these were shared only with a person (the man’s common friend). During the second-degree proceeding, the defendant was sentenced for releasing child pornography contents (Art. 600-ter. 4 of the Italian Criminal Code). The defendant challenged this judicial decision before the Court of Cassation. The Court of Cassation confirmed the second-degree decision, stressing that – even if the child voluntarily produced the pornography contents – she was not willing to share them: her dignity and privacy were thus violated.</p>
<p><b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)</p>	<p>The Court of Cassation’s decision clarified that Art. 600-ter of the Criminal Code does not punish only the production of child pornography but also the dissemination of this kind of contents. Even if the pictures were voluntarily taken by the child, her privacy and dignity were violated when the defendant decided to share them without her consent. The purpose of the above-mentioned disposition is to protect the sexual development of the children that was violated through the non-consensual dissemination of erotic pictures.</p>
<p><b>Results (sanctions) and key consequences or implications of the case</b> (max. 500 chars)</p>	<p>The second-degree decision was confirmed, and the defendant was sentenced to 1 month and 16 days of detention and to a financial sanction of EUR 1,333. Moreover, the defendant was condemned to pay all the victim’s judicial costs for a total amount of EUR 2,550.</p>

<p><b>Key quotation in original language and translated into English with reference details</b> (max. 500 chars)</p>	<p>"10. In definitiva la disciplina della pornografia minorile è affidata esclusivamente al sistema chiuso degli art. 600-ter e seguenti e colpisce le condotte indicate, talvolta a prescindere dall'autore del materiale pornografico e comunque sempre a prescindere dal pericolo della sua diffusione.[...]10.2. Tale interpretazione [...] aderisce alla lettera della norma, giacché il riferimento al 'comma 1' risponde all'esigenza di chiarire la nozione di materiale pornografico [...] mentre il requisito dell'eteroproduzione non è determinante in talune delle condotte delittuose; è rispettosa del sistema, poiché gli stessi lavori preparatori della legge sono indicativi della volontà di evitare vuoti di tutela; è in linea con la ratio della norma, siccome la tutela della dignità personale del minore è da intendersi nel senso più ampio possibile sia a livello della normativa nazionale che sovranazionale"</p> <p><i>"10. To sum up, child pornography is specifically governed by Art. 600-ter of the Italian Criminal Code and tackles these conducts, regardless of the author of the content and of the dissemination risk [...] 10.2 This interpretation [...] is consistent with the disposition, since the reference to paragraph 1 is only meant to provide a definition of pornography [...] the requirement concerning the author is not relevant in some of the criminal conducts; it is compliant with the legal system, since the legislation is aimed at avoiding gaps in the protection system; it is compliant with the rational of the disposition, since the necessity to protect the human dignity of the children is to be interpreted in its widest meaning, as requested by both the national and international legislation"</i></p>
--	---

<p><b>Thematic area</b></p>	<p><b>RIGHTS OF THE CHILD</b> Please provide the most relevant high court decision relating to the topics addressed in this chapter.</p>
<p><b>Decision date</b></p>	<p>6 July 2020</p>
<p><b>Reference details</b></p>	<p>Italian Constitutional Court, Decision No. 139/2020, available at: <a href="http://www.cortecostituzionale.it/actionSchedaPronuncia.do?anno=2020&amp;numero=139">www.cortecostituzionale.it/actionSchedaPronuncia.do?anno=2020&amp;numero=139</a>.</p>
<p><b>Key facts of the case</b> (max. 500 chars)</p>	<p>The Juvenile Court of Florence challenged before the Italian Constitutional Court the constitutional legality of Art. 28 of the Decree of the President of the Italian Republic No. 448</p>

	of 22 September 1988, on "Approval of the Dispositions concerning Juvenile Criminal proceedings". According to the complaining Court, this disposition – excluding the possibility for children involved in criminal proceedings to apply for external execution and community services during the preliminary investigations – might violate Articles 3 (principle of equality), 27.3 (prohibition of inhuman punishment and re-educational purpose of the punishments) and 31.2 (protection of motherhood and childhood) of the Italian Constitution.
<b>Main reasoning/argumentation</b> (max. 500 chars)	First, the Constitutional Court stressed that the regime governing external sentence serving has different purposes when applied to adult or minor defendants: in the first case, it has a punitive purpose; in the second, a re-educational purpose. This is the reason why the external-execution in juvenile criminal proceedings must not respect the requirements envisaged for ordinary proceedings, for instance, it must not be requested by the defendant, the consent of the public prosecutor is not requested. Based on this reasoning, the Court rejected the complaint, stressing that it is legal to make available the possibility of external execution only to those children who are sentenced for a criminal offence: only those children need to be re-educated since their criminal conduct is assessed and the decision must be adopted by the competent judicial authority – namely the Juvenile Court – and not by the Preliminary-investigation Judge.
<b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)	With this decision, the Constitutional Court reaffirmed the structural difference of Criminal proceedings between adults and children as defendants. This difference applies to all legislative dispositions and instruments relating to criminal proceedings, including the external execution of the sentence and the possibility of community services.
<b>Results (sanctions) and key consequences or implications of the case</b> (max. 500 chars)	The complaint was rejected and the challenged constitutional disposition deemed compliant with the above-mentioned constitutional dispositions.
<b>Key quotation in original language and translated into English with reference details</b> (max. 500 chars)	"4.3 Questa Corte ha già illustrato la profonda differenza funzionale esistente tra la messa alla prova del minore e quella dell'adulto, l'una avente finalità essenzialmente rieducativa, l'altra viceversa connotata da innegabili tratti sanzionatori [...] L'eterogeneità di funzione si manifesta con particolare evidenza nella circostanza [...] che la messa alla prova del minore, al contrario di quella dell'adulto, è in larga parte svincolata da un rapporto di proporzionalità

rispetto al reato per cui si procede, tanto da essere consentita per tutti i reati, compresi quelli puniti in astratto con la pena dell'ergastolo [...]"

*"4.3 This Court already stressed the profound difference between the external execution regime of minor and adult defendants: the first having a re-educational purpose; the second, a punitive one [...] this functional difference is glaring considering that the external execution applied to children, differently from adults, does not depend on the proportionality with the criminal offence and it is allowed for all types of offences, including those potentially punished with a life-sentence.*

<b>Thematic area</b>	<b>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS</b> Please provide the most relevant high court decision relating to the topics addressed in this chapter.
<b>Decision date</b>	Decision of 16 October 2019, lodged on 12 February 2020
<b>Reference details</b>	Criminal Court of Cassation, Section No. III, available at: <a href="https://www.sistemapenale.it/pdf_contenuti/1588023649_cassazione-5512-2020-attendibilita-vittima-consenso-violenza-sessuale.pdf">https://www.sistemapenale.it/pdf_contenuti/1588023649_cassazione-5512-2020-attendibilita-vittima-consenso-violenza-sessuale.pdf</a>
<b>Key facts of the case</b> (max. 500 chars)	On 14 November 2013, the Ordinary Court of Lode discharged the defendant from the accusation of sexual violence (Art. 609-bis of the Italian Criminal Code), considering the victim's witness not completely reliable, since after the alleged violence she was brought home by the defendant with his car. According to the Court, this behaviour was not logically consistent with non-consensual intercourse. On 22 January, the Court of Appeals of Milan re-considered the case: according to this Court, the victim's witness was reliable, and the defendant was sentenced as guilty. The defendant challenged this decision before the Court of Cassation.
<b>Main reasoning/argumentation</b> (max. 500 chars)	The Court of Cassation sustained the reliability of the victim: the fact that she immediately reported the violence to the neighbours and to her partner is considered a sign of authenticity. Moreover, no elements had emerged to prove the defamatory intensions of the victim. In addition, the fact that the victim was brought home by the defendant with his car cannot by any means represent an evidence compromising the reliability of the victim, nor an element proving the victim's consent to the sexual intercourse. It was considered by the Court as a reaction to the trauma.
<b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)	This decision is relevant in clarifying the concept of consent as related to the criminal offence of sexual violence. In order to recognise a sexually violent offence, it is not necessary for the victim to explicitly express her opposition during the whole intercourse. Furthermore, it is irrelevant that the victim did not react in any way to the violent act: she might have even consented to avoid retaliations. The consent cannot be deduced by the lack of physical resistance.
<b>Results (sanctions) and key consequences or implications of the case</b> (max. 500 chars)	The Court rejected the defendant's complaint against the decision of the Court of Appeals of Milan.

<p><b>Key quotation in original language and translated into English with reference details</b> (max. 500 chars)</p>	<p>“la sentenza impugnata [è] fondata su una corretta e approfondita analisi delle dichiarazioni della persona offesa [...] non essendo ravvisabili nella motivazione della sentenza impugnata proposizioni tra loro contrastanti o illogicità manifeste, essendo invece state correttamente applicate le regole razionali e le massime di comune esperienza (tra cui quelle relative alle possibili reazioni delle vittime di violenze sessuali dopo la loro commissione e alle loro condizioni fragilità psichica, in considerazione delle quali è stato ritenuto compatibile con la violenza appena subito il fatto che la vittima si fece riaccompagnare a casa in automobile dall'imputato)”</p> <p><i>"The challenged decision [is] based on a correct and thorough analysis of the victim's declarations [...] there are no elements in this decision that are conflicting or glaringly illogic; on the opposite, the rational rules and the jurisprudence have been correctly applied (including those concerning the possible reaction of the victims of sexual violence and their psychological fragility, considering which it was considered consistent that – immediately after the violence – the victim decided to accept a lift from the defendant)"</i></p>

<p><b>Thematic area</b></p>	<p><b>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</b> Please provide the most relevant high court decision making reference to the CRPD or employing the CRPD in their reasoning.</p>
<p><b>Decision date</b></p>	<p>23 June 2020</p>
<p><b>Reference details</b></p>	<p>Italian Constitutional Court, Decision No. 152, available at: <a href="http://www.handylex.org/stato/s230620.shtml">www.handylex.org/stato/s230620.shtml</a></p>
<p><b>Key facts of the case</b> (max. 500 chars)</p>	<p>The Court of Appeals of Turin challenged the constitutional legitimacy of Art. 38.4 of the Law No. 448 of 28 December 2001 (2002 Budget Law) which increased the amount of the social pension for people with an absolute disability – and who cannot therefore work – only to</p>

	beneficiaries aged 60 or more. According to the Court of Appeals of Turin, this disposition represents a violation of Art. 3 – principle of non-discrimination – and of Art. 38.1 – establishing the right of people who cannot work to be provided with the sufficient resources and assistance – of the Italian Constitution.
<b>Main reasoning/argumentation</b> (max. 500 chars)	The Court accepted the argumentation of the complaining Court, recognising that the challenged disposition introduced an illegitimate discrimination between beneficiaries of the above-mentioned welfare provision on grounds of the age, despite the same condition of disability.
<b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)	The Court clarified not only that discriminations are not allowed among people with equivalent personal conditions and needs. It also stressed that the overall amount of the social pension is not adequate to ensure people with severe disabilities an adequate life quality. However, the Court could not intervene to change the amount of the pension since this issue belongs to the discretionary power of the legislator. However, a reform of the social pension was strongly recommended by the Court.
<b>Results (sanctions) and key consequences or implications of the case</b> (max. 500 chars)	Art. 38.4 of the Law No. 448 of 28 December 2001 (2002 Budget Law) was deemed not compliant with the Italian Constitution: the above-mentioned welfare provision must be accessible to all beneficiaries aged 18 or more.
<b>Key quotation in original language and translated into English with reference details</b> (max. 500 chars)	<p>“Il censurato requisito anagrafico di sessanta anni è effettivamente irragionevole, in quanto il soggetto totalmente invalido di età inferiore si trova in una situazione di inabilità lavorativa che non è certo meritevole di minor tutela rispetto a quella in cui si troverebbe al compimento del sessantesimo anno di età”</p> <p><i>“The challenged age requirement is actually unreasonable since the person with a complete disability aged less than 60 would be in a situation of impossibility to work that does not deserve a weaker protection compared to the situation they would have to face if aged 60 or more”</i></p>