

Franset National contribution to the Fundamental Rights Report 2023

Italy

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Policy and legal highlights 2022

Franet country study: policy and legal highlights 2022	
Issues in the fundamental rights institutional landscape	No development in 2022.
EU Charter of Fundamental Rights	The CJEU intervenes in discriminations in the access to welfare provisions. The Italian Constitutional Court – with the Decision No. 54/2022 – deferred a case to the CJEU on discriminations, concerning the barriers to the access to welfare provisions affecting third-country nationals. The EU Court of confirmed that the concerned benefits fall within the scope of the right to equal treatment. Based on this interpretation, the Constitutional Court held that the applicable Italian legislation discriminates between nationals and third-country citizens: Art. 34 of the EU Charter was therefore used as primary parameter to assess the constitutional legitimacy of a national legislative disposition.
Equality and non-discrimination	LGBT+ National Strategy 2022-2025. The Strategy was approved in October 2022 and is aimed at preventing and countering discriminations on grounds of sexual orientation and gender identity. The Strategy is structured into six axes: labour market and welfare; safety; health; education/training/sport; culture/media; database/monitoring/assessment.
Racism, xenophobia & Roma Equality and Inclusion	National Roma and Sinti equality, inclusion, and participation strategy (2021-2030). In May 2022, the Italian Government approved the National Roma and Sinti equality, inclusion and participation strategy (2021-2030) . The Strategy was developed involving the National Roma and Sinti Platform which gathers than 70 CSOs representing Roma and Sinti communities.
Asylum & migration	Information was provided directly to FRA by ministerial authorities.
Data protection and digital society	Operative rules of the Fund for the development of technologies and application of AI. In June 2022, the Ministry of Economic Development issued a Decree providing indications on how to apply for the Fund for the development of technologies and application of AI, blockchain and Internet of Things established in 2019. The Fund can count on a EUR 45 million budget. The beneficiaries of the financing are SMEs and the resources can be used to implement research and organisation innovation activities on possible applications of AI.
Rights of the child	National Action Plan for the EU Child Guarantee. In September 2022 the National Action Plan for the EU Child Guarantee was approved. The Plan's goal is to implement the rights of children and adolescents

	with a view to reducing inequalities. The plan aims to intervene in four strategic areas: early childhood education and care; school activities; health and healthcare; poverty and housing; governance.
Access to justice, including victims of crime	Periodic and high-quality data collection and statistics on gender-based violence. The Law No. 53 of 5 May 2022 was approved, aimed at fostering the regular and precise data collection and analysis of data and statistics concerning gender-based violence as a pivotal instrument to design effective policies to tackle gender-based violence. The ISTAT and the National Statistics System – in cooperation with the Department of Equal Opportunities– are the public bodies in charge of the periodic collection.
Convention on the Rights of Persons with Disability	People with disabilities’ right to access public digital services. In May 2022, the Revenue Agency announced the possibility for people with disabilities to choose an entrusted person to be delegated for the access to digital services of the Agency. People with disabilities who cannot autonomously access digital services of the Agency will be nonetheless able to benefit from the digitalisation process thanks to the support of a person of trust.

1 Equality and non-discrimination

1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination focussing on LGBTIQ people and combating discrimination on the grounds of socio-economic status, health status and physical appearance

In Italy, at the end of 2021 some LGBTQI associations – namely Arco, Gaynet, Agedo Nazionale and Associazione LGBTI italiana – Arcigay – publicly asked¹ the Ministry of Equal Opportunities to adopt a new National LGBT Strategy, being the previous one adopted in 2013 and concluded in 2015². In December 2021, the Ministry released an interview³ stating the Strategy was to be adopted at the beginning of 2022. The LGBT+ National Strategy 2022-2025 for preventing and combating discriminations on grounds of sexual orientation and gender identity⁴ was made public at the beginning of October 2022. The strategy was the result of an intense consultation process involving institutional authorities, local authorities, civil-society organisation, unions and employers' organisation, paving the way to a multi-level governance approach. The six action axes described below are the result of the six thematic boards gathering LGBT+ organisations involved in the consultation⁵. The Strategy was presented by the previous Ministry of Equal Opportunities and Family – the Ministry changed after the political elections – to the Government and was the result of a participatory process – which is described in the Strategy itself – involving LGBT+ associations and the National Office Against Racial Discriminations and for the Protection of Differences (*Ufficio Nazionale Antidiscriminazioni Razziali A Difesa delle Differenze* – UNAR) of the Italian Government. The Strategy is structured into six axes, governing each goal and actions to be achieved: labour market and welfare; safety; health; education/training/sport; culture/communication/media; database/monitoring/assessment.

¹ The call – publicly open to signatures – was published on the [website](#) All Out.

² Italy, UNAR e Dipartimento per le Pari Opportunità (2013), "[Strategia Nazionale Per La Prevenzione e il Contrasto delle Discriminazioni Basate sull'orientamento Sessuale e sull'Identità di Genere 2013 – 2015](#)", June 2013.

³ Linkiesta (2021), "[All'inizio del 2022 l'Italia avrà una nuova strategia nazionale Lgbti, dice Elena Bonetti](#)", 21 December 2021.

⁴ UNAR (2022), "[Strategia Nazionale LGBT+ 2022 – 2025 per la prevenzione e il contrasto delle discriminazioni per orientamento sessuale e identità di genere](#)", 5 October 2022.

⁵ Information provided by UNAR, interviewed on 19 December 2022.

In 2021, UNAR launched a public call to finance shelter and services countering violence and discriminations targeting LGBT+ people⁶. These services are meant to provide shelter and support to victims of discriminations on grounds of gender identity and sexual orientation, as well as to LGBT+ people who are vulnerable because of their social and family context. The call was financed with an EUR 4 million Fund. 47 projects were financed, overall. These services must be provided for free, regardless of the place of residence of the beneficiary. In 2022, the conventions with the selected applicants were signed and the projects are underway of implementation⁷.

In Italy, on 17 May 2022 – on occasion of the International Day Against Homophobia, Biphobia, Lesbophobia and Transphobia – the Government's Department of Equal Opportunities and UNAR launched a communication campaign named #amatterofrights (*#questionediritti*), broadcasted on TV and social medias⁸. The campaign's goal was to raise awareness on diversity and respect and to tackle any form of discriminations on grounds of sexual orientation and gender identity. The public was invited to reflect on stereotypes and unconscious biases which are at the core of discriminations. Moreover, the campaign also provided information on the services available on the Italian territory countering discriminations against LGBT+ people.

In Italy, in the first half of 2022 the UNAR launched a public call⁹ destined to civil-society organisations to finance awareness raising campaigns and activities on LGBTIQ rights and the existing anti-discrimination services and networks. The budget for this call was EUR 900.000. The proposals had to be submitted by 20 June 2022.

In Italy, in September 2022 took place. A public campaign of collection of signatures – named "I am, I vote" (*Io Sono, io voto*)¹⁰ was launched by activists and LGBTQI associations to ask the reform of voting procedures as to make them more inclusive of transgender, gender non-conforming and non-binary people. The campaign – addressing the Ministry of the Interior and the Presidency of the Italian Government – asked to eliminate the voting queues divided by genders (males and females) as to allow transgender, gender non-conforming and non-binary people – whose identity documents often do not match their gender identity – to vote without being forced to come out in front of queuing voters. According to the promoters, the current system might represent a violation of these people's

⁶ UNAR (2021), "[Avviso per la selezione di progetti per la costituzione di centri contro le discriminazioni motivate da orientamento sessuale e identità di genere](#)".

⁷ Information provided by UNAR, interviewed on 19 December 2022.

⁸ UNAR (2022), "[#Questionidiritti - Campagna contro l'omolesbobitransfobia \(2022\)](#)", press release, 17 May 2022.

⁹ The call is available at the UNAR's [website](#).

¹⁰ Information on the campaign is available at the official [website](#) of "I am, I vote" campaign.

privacy, as well as a disincentive to their political participation to the elections. The campaign raised 4.500 signatures.

In Italy, in June 2022 the legal network against discriminations targeting LGBTQI people "Rete Lenford" drafted a law proposal¹¹ to protect the rights of non-heterosexual couples and families. The proposal is based on four main axes: equal marriage for same-sex couples (currently in Italy same-sex couples can only enter into a civil union); possibility of adoption for singles, regardless of sexual orientation, and for same-sex couples; formal recognition of parenthood for same-sex couples (currently only biological parents are registered in civil registries); possibility of medically assisted procreation for single women or couples of women.

In Italy, in August 2022 the Ministry of Health released provisional indications¹² on the monkeypox vaccination strategy. The document points out categories of people who are more at risk of infection; these include gay, transgender, bisexual people and men who have sexual intercourses with other men. The document then does not just stress risky behaviours (such as unprotected sex, chemsex, etc.), but also categories of people who are more at risk for their sexual orientation or gender identity. The association Federprivacy – gathering experts and professionals in privacy and data protection – stressed the risks of such an approach for the right to privacy of LGBTQI people who – in order to have access to the vaccines – will be forced to come out to health professionals, explaining the reasons why they are asking to be vaccinated¹³.

1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against LGBTIQ people and on the grounds of socio-economic status, health status and physical appearance

In Italy, in February 2022 the UNAR released data on discrimination incidents collected through its contact center¹⁴. UNAR's contact center covers all types of discriminations: as far as discriminations targeting LGBTQI people are concerned, 238 incidents were reported in 2021. Moreover, 141 incidents targeting people with disabilities were reported, as well. It is not survey but rather a quantitative statistical analysis of the discrimination incidents reported by victims or witnesses

¹¹ The law proposal is available at the Rete Lenford's [website](#).

¹² The document providing these indications is available at the [website](#) of the Ministry of Health.

¹³ Federprivacy (2021), "[Il vaiolo delle scimmie e il 'vaccino dei gay': lo stigma è dietro l'angolo, e il rischio di violazione dei dati personali pure](#)", 12 August 2022.

¹⁴ UNAR (2022), "[L'epidemia dell'odio: nell'ultimo anno 1.379 aggressioni razziste, omotransfobiche, antisemite e abiliste](#)", 16 February 2022.

to the UNAR's contact centre. The contact centre can be reached by either toll-free phone calls or an online form.

In Italy, on 24 March 2022 the National Statistics Institute (*Istituto Nazionale di Statistica* – ISTAT) released the results of a survey conducted by ISTAT and UNAR on discriminations in the labour market targeting LGB people¹⁵. The survey was individual (it was filled in individually) and total (it involved the entire sample of reference) in that it included all individuals resident in Italy who, from the local civil registries, on 1 January 2020 were in a civil union (the Italian form of non-heterosexual marriages) or already civilly united (for interruption of the civil union or death of the partner), thus amounting to 20,189 persons. This survey is therefore representative of the Italian population who ever entered into a civil union with a same-sex partner. The survey was carried out using the CAWI-Computer Assisted Web Interviewing technique and involved the self-compilation of an online questionnaire on an Istat exposed server which was accessed through username and password provided by Istat. The respondents to the questionnaire were about 42 per cent of the total number of persons in civil union or already in union on 1 January 2020, with approximately 9,000 questionnaires sent and validated. As regards the characteristics of the sample, it is almost entirely composed of people with Italian citizenship, mostly men (66.9%), middle-aged (43.6% are 50 years old or older) and living in the North of the country (61.2%). Women are on average younger and cohabit not only with their partners but also with children (18.9% among lesbians, 23.7% among bisexual women). Another important element is the educational qualification of those who took part in the survey (38.8% have at least a university degree) and the fact that most of the sample described their economic situation as good. A sample, therefore, of medium-high social extraction and, given their age, with an almost stable insertion in the labour market: the vast majority of those who took part are employed (77%) or have been employed in the past (22.5%) and only a negligible proportion have never worked (0.5%). Employment is the predominant mode of employment and the tertiary sector the most represented. The general level of openness of the sample with regard to their sexual orientation in the workplace is high: the majority - especially among gays and lesbians - state that their sexual orientation is known to some of the people in their working environment (92.5%), especially to people of a similar rank. However, episodes of outing - i.e. non-consensual disclosure with third parties of one's sexual orientation (or gender identity) - are reported by 32.2% of respondents. One in five respondents believe that sexual orientation has been an element of disadvantage in working life, especially in terms of career, recognition and appreciation of one's abilities, less so in terms of pay. This disadvantage seems to increase in organisations with many people and in the private sector, while it decreases with increasing years of employment. Furthermore, the presence of diversity inclusion policies seems to be a positive

¹⁵ ISTAT (2022), "[L'indagine ISTAT-UNAR sulle discriminazioni lavorative nei confronti delle persone LGBT+ \(in unione civile o già in unione\). Anni 2020-2021](#)", 24 March 2022.

element in reducing disadvantage. The expectation of stigma and discrimination on the part of LGBT people discourages openness about one's sexual orientation in the workplace: 40.3% of the sample - especially women and those in salaried employment - reported that they avoided talking about their private life and one in five said they avoid spending their free time with people from their work environment. Part of the sample also reported incidents of microaggression by colleagues or clients in the workplace related to sexual orientation: use of derogatory epithets, invasive questions about sexual life, taunting and unwelcome sexual advances were the most frequently reported incidents. Following such episodes, 6.9% thought of leaving the job and 2.5% decided to do so. With regard to incidents of discrimination in accessing the labour market, one in three participants stated that they had experienced this but not necessarily in relation to their sexual orientation. Other factors were mentioned by respondents, such as gender, foreign origin, external appearance, any health problems, religious beliefs or political ideas, etc. The most frequently mentioned discrimination in access to employment are job offers without a regular contract and failure to hire candidates with similar characteristics. In this area, women mention their gender as the main reason for unfavourable treatment. Expectation of being discriminated against is also a major factor in this area, with 6.3% of the sample not attending a job interview for fear that their sexual orientation would not be accepted and 12.6% for fear of finding themselves in a homo-lesbian-biphobic work environment. Eventually, it should be emphasised that sexual orientation is discriminated against not only in the workplace but in many other areas of life. The survey data seem to confirm this: 16.8% of people left their place of residence in order to be able to live their sexual orientation more peacefully (12% in another municipality, 3.4% abroad). In addition, incidents of hostility from neighbours, in public offices, on means of transport and in shops are mentioned; 10.4% also reported problems in accessing health and medical services.

In Italy, in May 2022 the online platform "Chronicles of Ordinary Homophobia" (*Cronache di Ordinaria Omofobia*) released its report on homophobic incidents occurred during the period May 2021-May 2022¹⁶. The project started up in 2013 on the initiative of the LGBT association "Arcigay". Subsequently, other volunteers belonging to various associations, a network of reporters and collectors of information was formed to systematise knowledge on cases and victims of homophobic discrimination and publish it regularly together with analyses and reflections. Various associations, research centres and individual intellectuals have drawn on Chronicles of Ordinary Homophobia or adopted it as their primary research source. The data provided in this report was retrieved from incidents reported to Italian police officers. 106 incidents involving 148 victims were reported during the period considered, scattered in 42 localities, including both big cities and small towns. As for the type of incidents, the number of victims of physical violence represents the majority of cases: 38 people were victims of

¹⁶ Cronache di Ordinaria Omofobia (2022), "[Report da maggio 2021 a maggio 2022](#)", May 2022.

individual violence, 43 of group violence. 62% of the incidents occurred in the public space: streets, squares and train stations. The number of incidents occurring in the household is decreasing: 18 incidents compared to 35 during the Covid-19 period (2020-2021). 1% of the incidents occurred at school; 2% in the workplace; 17% on the Internet. As for the gender of the victims, 72% of the victims were either males or transgender women.

In Italy, in June 2022 IPSOS – a multinational market research and consulting company – released the results¹⁷ of an international survey – conducted in April-May 2021 in 27 countries and involving more than 19,000 participants – on the social life of LGBTQI people, including aspects such as the involvement in the LGBTQI community, their opinion on the right to equal marriage and adoption, as well as on equality and visibility of LGBTQI people. As far as Italy is concerned, 13% of the respondents have participated in Pride parades, 7% in same-sex civil unions; 19% attended an LGBTQI club or bar and 26% took an explicit stand against prejudices targeting LGBTQI people. 63% of Italian participants believes that equal marriages should be introduced; 20% reported being in favour of civil unions but against equal marriage; 10% was against any type of partnership for same-sex couples. As for adoptions, 59% of Italian participants is strongly in favour whereas 36% strongly disagrees. 66% of Italian participants is in favour of the approval of anti-discrimination laws specifically protecting LGBTQI people from discriminations in the labour market, education system, housing and social services. Eventually, 34% of the respondents is in favour of allowing transgender athletes compete in the categories matching their gender identity.

¹⁷ IPSOS (2022), "[Pride 2022: l'opinione delle persone sulla comunità LGBT+ e sulle discriminazioni di genere](#)", 24 June 2022.

2 Racism, xenophobia and related intolerance

2.1 Data, research findings, studies, or surveys on experiences of ethnic discrimination, racism and hate crime

In Italy, in February 2022 the UNAR released data on discrimination incidents collected through its contact center¹⁸. UNAR's contact center covers all types of discriminations: as far as racial discriminations are concerned; these represent the majority of incidents reported to UNAR in 2021 (709 cases out of the 1,379 reported to the contact centre). 499 of the victims of these incidents were foreign citizens; 137 of them were attacked because of the colour of their skin. The use of derogatory racist language was reported in all incidents. Moreover, 241 incidents were reported concerning discriminations on grounds of religion or personal beliefs (compared to 183 of 2020): 170 of these incidents concerned antisemitic incidents.

In Italy, in April 2022 the association Lunaria released its report on "Xenophobia, racism and Russophobia. Side effects of the war in Ukraine"¹⁹. The report provides a mapping of how Italian media coped with the arrival of Ukrainian people fleeing the conflict. The result of this mapping activities – based on public statements, Tweets and social media's posts of Italian politicians, and press articles – shows that a different treatment was reserved to Ukrainian people compared to other third-country citizens, including those fleeing the same conflict. Many politicians – especially right-wing ones – explicitly stated that Ukrainian refugees should be treated differently from refugees proceeding from other Countries, and ensured immediate protection.

In Italy, in May 2022 the NGO "Amnesty International" released its 2022 edition of the report "Hate Barometer" (*Barometro dell'odio*)²⁰, an annual analysis of hate speech incidents carried out monitoring social media's posts. The monitoring was carried out during the period September-October 2021 and covered 27,000 online contents pertaining to 24 pages/personal profiles of politicians, newspapers, activists, public figures. The focus of the 2022 edition was the barriers to the access to the Italian citizenship. 8 out of 10 contents deal with this issue in a negative way; more than 1 out of 10 can be considered offensive, discriminatory

¹⁸ UNAR (2022), "[L'epidemia dell'odio: nell'ultimo anno 1.379 aggressioni razziste, omotransfobiche, antisemite e abiliste](#)", 16 February 2022.

¹⁹ Lunaria (2022), "[Xenofobia, razzismo e russofobia. Gli effetti collaterali della guerra in Ucraina](#)", April 2022.

²⁰ Amnesty International (2022), "[Barometro dell'odio. Senza cittadinanza](#)", May 2022.

or hate speech. One out of 3 contents directly connect this issue with immigration, using a racist and xenophobic language.

In Italy, in October 2022 the first pilot report on discriminations in sport activities was released²¹: the report is the result of the activities of the “National Observatory against Discriminations in Sports”, established in 2020 by UNAR, the Italian Union Sports for All (*Unione italiana sport per tutti* – UISP) and the association Lunaria. The report is the result of the monitoring activity carried out by Lunaria and UISP at local level, during the period 1st June 2021-30 June 2022. Incidents of racial and ethnic discriminations in sport were collected by the 10 local branches of UISP. The main sources of data used for this report: episodes reported to the UNAR contact centre; episodes directly reported by victims or witnesses to Lunaria; incidents collected by UISP in the 10 cities where the association is based; media and press; episodes reported on social media; sport federations; referees’ reports. All incidents’ reports were verified, selected and classified in a dedicated database. Incidents were classified according to the following indicators: type of discrimination (verbal violence, physical violence, propaganda, public expression of hatred, etc.); geographical area; discrimination ground (ethnic or national group, physical characteristics, etc.); type of sport; gender of the victim; age of the victim; target group; discriminations’ perpetrators (players, supporters, political groups/parties, referees, etc.); reaction of the victims; type of sanction adopted. During the reporting period, 211 episodes were mapped by the Observatory (132 during the period January-June 2022 since most sporting activities were suspended during the Covid-19 period). As for the type of discrimination, 182 episodes concerned verbal violence; 2 were cases of physical violence; and 27 were cases of discriminations. As far as verbal violence is concerned (86.3% of the cases), the use of derogatory language and threats are by far the most common case (52.7%); public expression of racism (35.2% of the cases) concerned racist chants in stadiums; 12.1% of the cases concerned racist propaganda spread on social media and written leaflets. As for the ground of discrimination, 40.3% of the cases concerned the national or ethnic origins of the victims and 37.9% their somatic features. However, other grounds were reported during the monitoring, such as: gender (10%), disability (3.8%), religion and sexual orientation (1.4%), other grounds such as body weight (5.2%). Eventually, as for the age and gender of the victims, 48.8% of the cases concerned persons aged 18-29; 63% of the cases concerned male victims. 36.5% of the episodes of discrimination were perpetrated by supporters, 31.8% by players. 78.7% of the episodes occurred in soccer, the most practiced sport at national level even at a non-professional and non-competitive level and often the focus of media attention. 66% of the victims decided to report the incident to competent authorities or at least to denounce it publicly (14%). Competent authorities included sport justice bodies (52.9%), police (9.4%) and other authorities, such as UNAR, trainers,

²¹ Osservatorio Nazionale contro le Discriminazioni nello Sport (2022), “[Le discriminazioni nel mondo dello sport. Rapporto pilota](#)”, October 2022.

referees (33.3%). Worryingly, 62% of the monitored episodes were not addressed with a sanction. Sanctions against the sporting company or against individuals were adopted in 17% of the cases. In 3% of the cases the perpetrator of the discrimination was imposed a temporary removal order from the stadium.

In Italy, on 29 July 2022 a 39-year-old Nigerian street vendor with disabilities was murdered by a 32-year-old man in Civitanova Marche. The assassination occurred in the city centre in front of many witnesses who did not intervene: first, the murderer hit the victim with his own crutch and then murdered him with bare hands. The murderer left but was then identified and arrested: he was charged with voluntary manslaughter and robbery (he took the victim's mobile phone before leaving)²². On 6 August, a demonstration took place in Civitanova Marche with 300,000 people marching asking for justice and stating that the murder had to be considered a racist hate crime²³. The municipality issued a press release²⁴ stating that any attempt to label a gesture that is beyond human comprehension, risks being misplaced and goes against the respect of the grief of the murdered Nigerian's family, as well as that claiming that the murder was triggered by racial hatred or anything else only serves to instrumentalise the case. At the beginning of August, the Judge for preliminary investigation of Macerata confirmed the pre-trial custody in prison for the murdered pending trial, due to the social threat he might represents²⁵.

In Italy, in October 2022 the captain of the Italian women volley team – after a match of the world championship – burst into tears after receiving racist derogatory comments and insults on social media that even contested her being Italian because of the colour of her skin. The volley player declared the intention to temporarily stepping down the national team²⁶. The former Italian Prime Minister personally contacted her to express his solidarity and encourage her not to abandon the national team; solidarity was also expressed by the president of the Italian Olympics Federation²⁷.

²² RollingStone (2022), "[Cercare capri espiatori è inutile: la morte di Alika Ogorchukwu coinvolge tutti noi](#)", 31 July 2022.

²³ AdnKronos (2022), "[Civitanova Marche, in 300 al corteo per Alika Ogochukwu](#)", 6 August 2022.

²⁴ The press release is available at the [website](#) of the Municipality.

²⁵ FarodiRoma (2022), "[Omicidio Alika Ogochukwu. Ferlazzo resta in carcere per elevata pericolosità sociale](#)", 2 August 2022.

²⁶ Open (2022), "[Paola Egonu, lo sfogo in lacrime: «Mi hanno chiesto se sono italiana. È la mia ultima partita in Nazionale»](#)", 15 October 2022.

²⁷ Sky Tg 24, "[Caso Egonu, Draghi chiama la pallavolista: "Orgoglio dello sport italiano"](#)", 16 October 2022.

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

In Italy, the Law No. 238 of 23 December 2021²⁸ was approved and entered into force in February 2022. Art. 1 of the Law transposed in the Italian legal system the Directive 2014/54/EU on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers. The 2021 Law reformed the Legislative Decree No. 216/2003²⁹ – which transposed the Directives 2000/78/EC and 2014/54/EU – including nationality among the personal characteristics protected from discriminations. Moreover, the UNAR's mandate was extended as to deal also with discrimination incidents targeting EU workers. Thanks to this legislative reform, discriminations on grounds of nationality can now be addressed and tackled via judicial complaints.

In Italy, in 2022 UNAR continued working on the drafting of the new “National Action Plan against Racism, Xenophobia and Intolerance” (*Piano Nazionale contro il razzismo, la xenofobia e l'intolleranza*)³⁰. The new Plan is meant to be a dynamic and coordinated response preventing and combating racism with the involvement of national and local institutions, as well as civil-society organisations. In 2021, UNAR had launched a public call³¹ for the involvement of civil-society organisations in the consultation activities needed for the drafting of the Plan: 120 organisations replied to the call, providing expertise, knowledge and good practices. As of the end of 2022, UNAR is working on the Plan's draft to be submitted to associations, local and national institutions, as well as other strategic stakeholders.

In Italy, in January 2022 the National strategy for combating antisemitism (*Strategia Nazionale di Lotta all'Antisemitismo*)³² was adopted by the Technical working Group for the recognition of the definition of antisemitism approved by the International Holocaust Remembrance Alliance (IHRA). The Technical Group is composed by representatives of Italian institutions, of the UNAR, judges, academics and of civil-society associations representing the Jew community: its

²⁸ Italy, [Legge 23 dicembre 2021, n. 238](#), “Disposizioni per l'adempimento degli obblighi derivanti dall'appartenenza dell'Italia all'Unione europea - Legge europea 2019-2020”.

²⁹ Italy, [Decreto legislativo 9 luglio 2003, n. 216](#), “Attuazione della direttiva 2000/78/CE per la parità di trattamento in materia di occupazione e di condizioni di lavoro e della direttiva n. 2014/54/UE relativa alle misure intese ad agevolare l'esercizio dei diritti conferiti ai lavoratori nel quadro della libera circolazione dei lavoratori”.

³⁰ Information provided by UNAR, interviewed on 19 December 2022.

³¹ UNAR (2021), [“Avviso di manifestazione di interesse per definizione del Piano nazionale contro il razzismo, la xenofobia e l'intolleranza 2021-2025”](#), 26 March 2021.

³² Gruppo tecnico di lavoro per la ricognizione sulla definizione di antisemitismo approvata dall'IHRA (2022), [“Rapporto finale. Strategia Nazionale di Lotta all'antisemitismo”](#), January 2022. The [English version](#) is also available.

mission is to suggest policy measures to be adopted by Italian institutions to tackle and counter antisemitism in Italy. The implementation of the strategy is based on different steps, described as follows: knowledge/understanding of the historical roots and characterisation of the phenomenon; assessment and measurement of the phenomenon (antisemitic prejudice and hate crimes); background/understanding of the problem within the Italian context; application of policies to combat it, and their periodic updating. The Strategy also provides recommendations to policymakers on key priorities in this field, such as reforming the existing legislation on antisemitism, introducing specific measures to counter online hate speech, the Ratification of the Additional Protocol to the Council of Europe's Convention on Cybercrime, improving data collection and monitoring mechanisms on antisemitism in Italy.

In Italy, in April 2022 the National Social Security Institute (*Istituto nazionale della previdenza sociale* – INPS) released the formal communication No. 1562³³ establishing that potential beneficiaries of baby and maternity vouchers include third-country citizens holding a regular residence permit, including EU long-term residence permits, their family members, labour residence permits, academic research residence permits. This communication was necessary after the decision No. 54/2022 of the Italian Constitutional Court³⁴ which established that the previous regulation of these benefits – which allowed only EU long-term residence permits holders to apply – had to be considered a discrimination on grounds of nationality and race.

In Italy, in August 2022 the Association for Legal Studies on Immigration (*Associazione per gli Studi Giuridici sull'Immigrazione* – ASGI) released a public document³⁵ expressing its concerns on the appointment of the new General Director of UNAR. According to ASGI, the new Director – who was the personal secretary of the Ministry of Equal Opportunities – has no direct and solid experience on discriminations and fundamental rights. The document also stressed the long-term debate on the necessity to establish an anti-discrimination office which is independent from the Italian Government and which can count on effective sanctionary power towards public and private subjects perpetrating discriminations. According to ASGI, UNAR does not comply with the principle of independence that should characterise anti-discrimination bodies.

In Italy, on 27-28 October three Italian cities – Bologna³⁶, Turin³⁷ and Reggio Emilia³⁸ – publicly presented the steps so far undertaken for the adoption of their

³³ INPS (2022), "[Messaggio n. 1562, Assegno di natalità \(c.d. bonus bebè\). Requisiti per i cittadini di Paesi terzi non comunitari](#)", 7 April 2022.

³⁴ Italy, Corte costituzionale (2022), [sentenza n. 54/2022](#), 11 January 2022.

³⁵ ASGI (2022), "[Lotta alle discriminazioni in Italia: UNAR, la necessità di un cambio di passo](#)", 29 August 2022.

³⁶ Information is available at the [website](#) of the Municipality of Bologna.

³⁷ Information is available at the [website](#) of the Municipality of Turin.

³⁸ Information is available at the [website](#) of the Municipality of Reggio Emilia.

Local Action Plan against Racism, Discriminations and Hate Crimes, which is expected to happen at the beginning of 2023. These local Plans will contribute to the drafting of the National Action Plan described above. These Plans are drafted in the framework of the project "SUPER - SUPporting Everyday fight against Racism" (March 2020-February 2023), co-funded by the European Commission, a three-phase project, involving training activities for law enforcement officers, civil servants, local police and community leaders, the construction of Local Action Plans for the three participating cities and facilitating the process of defining the National Action Plan against racism, xenophobia and hate crimes. The Plans' drafts have not been made public, yet.

3 Roma equality and inclusion

3.1 Policy developments in regards to the implementation of national action plans

Development regarding the implementation of the action plans	
Has the Member State adopted one or several action plan(s) for the implementation of the strategy (separately from the strategic framework? If yes, please provide a hyperlink	Yes. In May 2022, the Italian Government approved the National Roma and Sinti equality, inclusion and participation strategy (2021-2030). Implementation of the Recommendation of the Council of the European Union of 12 March (2021/C 93/01). The Strategy is available both in Italian and in English .
How were Roma and Traveller civil society organizations consulted for the development of the action plan (please check with the competent national authorities and the most significant Roma organizations)?	UNAR launched a consultation with stakeholders interested in contributing to the definition of the new post-2020 National Strategy. The first phase of this consultative process was aimed at civil society organisations and presented during the plenary meeting of the National Roma and Sinti Platform – created in 2017 and gathering more than 70 civil-society organisations representing Roma and Sinti communities ³⁹ – held on 14 November 2019, attended by around 50 organisations which actively contributed to the discussion. Subsequently, over 30 associations sent written contributions containing critical issues, good practices and proposals for the new Strategy, focusing specifically on local and regional contexts. During 2020, the UNAR continued the stakeholder consultation process, implementing a series of initiatives aimed at analysing the documents related to the “Post 2020 EU Framework on Roma Equality and Inclusion Strategies”, after asking the Platform's NGOs to join the various working groups related to the horizontal and sectoral axes

³⁹ The composition of the Platform is described at the [Decree](#) of the Equal Opportunities Department of the Italian Government which set it up in 2017.

	<p>indicated by the EU. Institutional representatives at central and local level (including, the National Statistics Institute, National Association of Italian Municipalities - ANCI, Conference of Regions and Autonomous Provinces, Ministry of Education, Ministry of the Interior, Ministry of Labour and Social Policies, Ministry of Health - National Institute for Promoting the Health of Migrant Populations and Combating Poverty-related Diseases - INMP, in conjunction with the representatives of the Regions and Municipalities affected by the presence of Action Plans on the 2012-2020 RSC Strategy) were involved in the consultative process. Overall, 12 thematic meetings were held. Moreover – as reported by the NGO “Associazione 21 Luglio”⁴⁰ – at the beginning of 2022, several associations, including Associazione Community Organizing Onlus, Cooperativa Roma Solidarietà, Consorzio Nova, Fondazione Casa della Carità and Associazione 21 luglio were chosen to coordinate the implementation of the Strategy, in the framework of the pilot project Roma Civil Monitor (RCM) 2017-2020.</p> <p>Associazione 21 luglio – as coordinator of the Roma Civil Monitor and together with the other civil-society organisations participating in this coalition – released in 2022 its Civil society monitoring report on the quality of the national strategic framework for Roma equality, inclusion, and participation in Italy⁴¹. The report highlights some structural weaknesses of the Strategy, namely the lack of binding nature of the document and of a specific and dedicated budget. The implementation is therefore left depending on the commitment of local authorities and local levels of government. Moreover, even if the consultation process represents a relevant improvement compared to</p>
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⁴⁰ Associazione 21 Luglio (2022), “[Associazione 21 Luglio chiamata a coordinare il monitoraggio della Strategia Nazionale](#)”, 11 March 2022.

⁴¹ Roma Civil Monitor (2022), “[Civil society monitoring report on the quality of the national strategic framework for Roma equality, inclusion, and participation in Italy](#)”, European Commission, Directorate-General for Justice and Consumers, 2022.

	<p>the previous strategy, the most marginalised groups of the Roma community – namely those living in informal encampments – were excluded from any consultation opportunity. Antigypsism was finally recognised as a ground of discrimination in all fields of social life: however, no efforts are envisaged in the Strategy concerning the development of a solid data collection mechanism. The report also stresses which gaps still remain and which improvements are needed in each Action Axes of the Strategy. These include the lack of coordination of labour market integration actions which are mostly delegated to the local level of governance; the lack of binding measures for local administrators aimed at overcoming the encampment approach to housing and accommodation of Roma people; the practice of forced marriages and the problems connected to the lack of legal status recognition that affects hundreds of children from the former Yugoslavia in Italy are not addressed by the Strategy, thus impeding a thorough protection of the rights of Roma children. Eventually, the report provides specific recommendations addressing Italian public authorities which include: guaranteeing the total independence of the UNAR in the future, the overcoming of monoethnic settlements, the adoption of active participation approaches in Roma communities, the adoption of clear objectives for each of the actions envisaged in the Strategy, the discussion of the issue of early marriages; the creation of a legal task force to remedy the conditions of statelessness; school support measures that respect the 'Convention on the Rights of the Child and Adolescent'.</p>
<p>Was the Equality Body and the NHRI and the Ombuds institution in your country consulted in the development of the action plan (please check with the competent national authority, the Equality body, NHRI and Ombuds institution)?</p>	<p>Italy does not have an independent NHRI o Ombuds institution. UNAR is the anti-discrimination office of the Italian Government and it was in charge of drafting and implementing the strategy.</p>

<p>Does the national strategic framework and the action plan foresee a regular monitoring and review? If yes, who will conduct this.</p>	<p>Yes. The periodic monitoring will be carried out by the National Contact Point that is UNAR itself. More specifically, the monitoring and evaluation (M&E) system of the Strategy will be developed both in relation to the Strategy as a whole and to monitor the efficiency and effectiveness of the individual programs promoted within it. Monitoring will compare the implementation status of the actions with the predefined aims, objectives and actions. Monitoring will envisage use of standardized structure, process and result indicators, and tools to collect and measure activities and results. Data collection systems will be set up and each program/project implementing the Strategy Axes will be required to collect and transmit to the PCN periodic surveys of the predefined indicators. Public Administrations and private social bodies involved in implementing the Strategy measures shall provide statistical surveys of the outputs and outcomes of the promoted projects and/or the official statistical sources available to measure the thematic areas of the Strategy on a quarterly basis, to the Monitoring and Evaluation Unit (M&E) of the National Contact Point. A mid-term assessment will be made and the new strategic plan will be revised accordingly with the monitoring data and changes in the crucial elements of the context.</p>
<p>Implications of the war in Ukraine on the situation of Roma</p>	
<p>Have Roma from Ukraine entered your country?</p>	<p>The Italian Civil Protection is the authority in charge of managing the Ukraine emergency and regularly collecting data on the arrivals at the Italian borders. However, this information is either not collected or not publicly disclosed.</p>
<p>If Roma from Ukraine entered your country how was this communicated in the media?</p>	<p>We could not find any information on this in the Italian media.</p>
<p>Is there any evidence (articles, reports, analyses) of the impact of the economic implications of the war</p>	<p>No</p>

(inflation, food or energy prices etc.) on Roma? If yes, provide reference	
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3.2 Legal and policy developments or measures directly or indirectly addressing Roma/Travellers equality and inclusion

In Italy, in July 2022 a 36-year-old Roma man with disabilities fell off the window of his apartment in the outskirts of Rome while four policemen were searching his house. According to the victim's sister – who witnessed the incident – the policemen would show up without uniform and without a warrant. The man was found by the ambulance laying on the street with severe injuries: he fell into a coma from which he partially awoke some time later. The public prosecutors of Roma have started an investigation against 4 police officers: they are accused of attempted murder, abuse of their power and perjury since they lied to their superiors, stating in the service report that the victim had allegedly thrown himself into the void from the bedroom window⁴². On 15 October, a demonstration was organised in front of the city of hall by several associations, including those representing the Roma community, asking for justice⁴³. At the same time, a public plea⁴⁴ has been launched with the same aim. At the end of December, one of the police officers who took part in the search was placed in home-custody, charged of torture, forgery and misrepresentation. The charge of torture was integrated in the case file due to photos and videos made by the police officers during the searching: these pieces of evidence show that the victim's wrists were tied using a fan cable⁴⁵.

In Italy, in September 2022 a city councillor of the city of Florence – member of the right-wing political party "League" – posted a video on his social media encouraging people to vote for his party: in the video, that went viral, he framed a Roma woman saying: 'Vote Lega on 25 September to never see her again'. The councillor was sued by a civil-society organisation representing the Roma community, the *Unione delle Comunità Romanés in Italia* (UCRI)⁴⁶.

⁴² Il Fatto Quotidiano (2022), "["Hasib Omerovic preso per i piedi e gettato di sotto": ecco l'accusa dei pm ai poliziotti](#)", 11 November 2022.

⁴³ The information is available at the [website](#) of the association "A Buon Diritto".

⁴⁴ The public plea is available and open for signatures at the [website](#) of the "Associazione 21 Luglio".

⁴⁵ Open (2022), "[Hasib Omerovic, le foto della tortura: i segni dei cavi elettrici sui polsi negli scatti dell'agente sotto accusa](#)", 23 December 2022.

⁴⁶ Open (2022), "[«Votate Lega e i rom spariranno», arriva la querela per il consigliere leghista di Firenze](#)", 12 September 2022.

In Italy, in 2022 UNAR implemented some projects – financed through the 2014-2020 Inclusion National Operational Programme (*PON Inclusione*) with the support of the European Social Fund – aimed at countering discriminations targeting Roma people and fostering their inclusion⁴⁷. A qualitative and quantitative survey is underway of implementation, in cooperation with ISTAT, aimed at analysing housing conditions of Roma people and the overcoming of the informal encampment system: the survey is expected to be concluded at the end of 2023. Local Action Plans (*Piani di Azione Locale* – PAL) were introduced in 2018 to foster the implementation of the National Integration Strategy at local level: the aim of the initial PALs was to set up coordination and dialogue boards at local level, involving Roma communities, public administrators and strategic stakeholders in some Italian cities. New PAL projects were launched in 2022, as well. A similar project also concerned the regional level of governance with the creation of “Regional Action Plans” (*Piani di Azione Regionale* – PAR), involving five Italian regions willing to set up similar coordination and dialogue boards in their territory of competence. In October 2022, the project “ACCEDER-E” officially started⁴⁸: the project, implemented by UNAR in cooperation with the Governmental National Agency for Investment Attraction and Enterprise Development (Invitalia), is aimed at fostering labour market integration of Roma people. On 17 October, UNAR launched a public call for funds to finance the following activities: selection of vocational training projects and orientation to work and business start-up; creation of on-the-job internships destined to Roma people.

⁴⁷ The information reported in this paragraph was provided by UNAR, interviewed on 19 December 2022.

⁴⁸ Information on the project is available at UNAR’s [website](#).

4 Asylum, borders, visas, migration and integration

4.1 National legal framework on criminalisation of 'humanitarian assistance' and domestic transposition of sanctions

EUMS	Implementation of Article 3 of Directive 2002/90/EC	
	<p>How has your EUMS implemented Article 3 of Directive 2002/90/EU</p>	<p>Hyperlinked legal provision in EN and national language</p> <p>Art. 12, Decreto Legislativo 25 luglio 1998, n. 286 "Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero"</p> <p>Art. 12, Legislative Decree No. 286 of 25 July 1998 on "Consolidated Act of Legislative Dispositions Governing Immigration" (Italian Immigration Act), as lastly reformed in 2009</p>
	<p>Cases [incident numbers] of criminalisation of humanitarian assistance: This information is not publicly available</p>	
	<p>Number of cases recorded by the police in 2022</p>	<p>Number and details of cases (if available): This information is not publicly available</p>

	Number of investigations initiated in 2022	Number and details of cases (if available): This information is not publicly available
	Number of court decisions taken in 2022	<ul style="list-style-type: none"> • Number and type of court decisions, information if decision is final: This information is not publicly available • Type of penalties imposed according to Article 1 2002/946/JHA: Council framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence: This information is not publicly available • Describe in max three-four sentences the key court decisions in 2022 and add hyperlink to decision (if available): This information is not publicly available

4.2 Use of the large-scale IT Systems in the area of asylum, migration and border control

In Italy, at the end of 2021 a study was published by the Hermes Center for Transparency and Digital Human Rights titled “Borders control technologies in Italy. Identification, facial recognition and EU funding”⁴⁹. The research stressed the risks of using facial recognition technologies to identify vulnerable individuals, such as migrants and asylum applicants: these technologies – that are severely criticised for their lack of accuracy and transparency – can be even more critical when used by governmental bodies for security reasons, as it is the case of border police agencies. The researchers stressed that, during

⁴⁹ Hermes (2021), “[Tecnologie per il controllo delle frontiere in Italia. Identificazione, riconoscimento facciale e finanziamenti europei](#)”, December 2021.

identification procedures at the borders (especially in Italian hotspots), police officers register both fingerprints and facial images: however, data subjects are not informed about the use and processing of their personal data. They also stressed that there is not an independent control on the use of databases and data-processing procedures by police and governmental authorities. The authors pointed out four main results emerging from their research: i. the technologies used by the Italian border police are meant to criminalize migrants and asylum applicants: biometric data are collected and registered in a database (named AFIS) of people concerned by an alert for criminal charges; ii. Migrants and asylum applicants are in practice forced to exchange personal and biometric data in exchange for reception and information on their legal rights: they are not informed about data-processing procedures, nor asked for their informed consent; iii. Information on how EU funds are used to implement this surveillance system is scarce and unavailable on an EU-scale; iv. Facial recognition technologies can be inaccurate and cause severe damage to vulnerable subjects, such as migrants and asylum applicants. For these reasons, the report addresses some requests to Italian ministerial authorities, including more transparency on data processing, on the period of storage of personal and biometric data, as well as a more direct monitoring power of the Data Protection Authority. Eventually, data subjects – that is migrants and asylum applicants undergoing identification procedures in Italian hotspots – must be thoroughly informed about the use of their personal data and about their rights in this respect.

5 Information society, privacy and data protection

5.1 Initiatives in the use of artificial intelligence in both private and public sectors

Actor	Type	Description	Are Human Rights issues mentioned? (yes/no)	Reference
DPA	Opinion	On 9 March 2022, during a parliamentary hearing on AI, the Italian DPA was auditioned by the Chamber of Deputies on the Proposal for a Regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (artificial intelligence act) and amending certain union legislative acts (COM/2021/206). The DPA stressed the importance to always consider AI in close	Yes. The DPA firmly stressed that the use of AI technologies is closely connected to data protection and to fundamental rights. For this reason, it is key to ensure an independent monitoring of the use of such devices, reducing the role and power of governmental bodies.	Italian DPA (<i>Garante per la protezione dei dati personali</i>) (2022), DPA's Opinion on COM/2021/206 Proposal for a Regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (artificial intelligence act) (<i>Memoria del Garante per la protezione dei dati personali - COM 2021(206) Proposta di regolamento (UE) sull'intelligenza artificiale</i>), March 2022

		connection with data protection, since the two issues are strictly intertwined. The DPA also fostered an increased independent control on the use of AI at both EU and national level, reducing the role of governmental agencies and of the EU Commission.		
Government	Adopted Act	On 24 June 2022, the Ministry of Economic Development issued a Decree providing indications on how to apply for the financing of the Fund for the development of technologies and application of AI, blockchain and Internet of Things (<i>Fondo per lo sviluppo delle tecnologie e delle applicazioni di intelligenza artificiale,</i>	No.	Ministry of Economic Development (<i>Ministero dello Sviluppo Economico</i>), Directorate Decree of 24 June 2022 (<u>Decreto Direttoriale 24 giugno 2022</u>).

		<p><i>blockchain e internet of things</i>) established in 2019. The Fund can count on a EUR 45 million budget. The beneficiaries of the financing are SMEs regardless of the economic sector, as well as research centres and foundations. Fund's resources can be used to implement research, experimental development, organisation innovation activities, aimed at supporting and implementing technologies and applications of AI, blockchain and Internet of Things. Requests must concern the following strategic sectors: manufacturing, education system, health, environment and</p>	
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		<p>infrastructure, culture and tourism, mobility and logistics, agribusiness, security and information technologies, aerospace. The budget to be earmarked for each proposal ranges from EUR 500,000 to EUR 2 million. The deadline for the proposals' submission was 22 September 2022.</p>		
Academia	Report/study	The Director of the Artificial Intelligence Observatory, during a conference held at the beginning of March 2022, provided data on	No	Artificial Intelligence Observatory (<i>Osservatorio Artificial Intelligence</i>), "Artificial Intelligence in Italy: market, projects, technologies and uses"

		<p>the use and development of AI in Italy, mapping the situation as of the end of 2021. The Artificial Intelligence market in Italy grew by +27% in 2021, reaching EUR 380 million, a value doubled in just two years, 76% of which was commissioned by Italian companies (290 million) and the remainder as export projects (90 million). The AI projects attracting the most investment are: algorithms for analysing and extracting information from data (Intelligent Data Processing), which account for 35% of spending (+32%); followed by solutions for interpreting natural language (Natural</p>		<p><u>(Artificial Intelligence in Italia: mercato, progetti, tecnologie e impieghi)</u>, 2 March 2022</p>
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		<p>Language Processing) with 16% of the market (+20%); algorithms for suggesting content to customers in line with individual preferences (Recommendation System) with 16% (+20%); solutions with which AI automates certain activities of a project and governs its various stages (Intelligent Robotic Process Automation), worth 11% of expenditure (+15%); Chatbots and Virtual Assistants (10.5%), which are among the projects with the most significant growth (+34%); Computer Vision initiatives (11%, +41%), which analyse the content of an image in contexts such as surveillance in public</p>		
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		<p>places or monitoring a production line; finally, 10% of the market goes to solutions whereby AI automates certain activities of a project and governs its various phases (Intelligent Robotic Process Automation). The most active sectors as investments in AI solutions are finance, energy/utilities, manufacturing, telco/media and insurance. With regard to consumers, only 5% of them have never heard of artificial intelligence. Although widespread, knowledge of AI is at a rather superficial level: only 60% of consumers have the ability to recognise the presence of AI functionality in the</p>		
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		<p>products/services they use. The verdict on AI is good overall: 80% of respondents have a fairly or very positive opinion of AI. However, there are still some concerns regarding aspects such as privacy, impacts on work and ethical implications in general. There are also differing opinions on specific AI application scenarios, such as health care and finance.</p>		
Other (Bank of Italy)	Report/study	<p>The paper analyses the issue of the use of artificial intelligence and machine learning (AI-ML) to support credit risk assessment by Italian intermediaries. The study's objective is to verify the ways in which Italian intermediaries make use of these</p>	<p>Yes, the report stresses the risk that introducing AI-ML in credit risk assessment procedures might cause discriminations among clients in the access to credit, as well as reinforce unconscious biases.</p>	<p>Bank of Italy (Banca d'Italia), Artificial Intelligence in credit scoring. Analysis of experiences from the Italian financial system (<i>Intelligenza artificiale nel credit scoring. Analisi di alcune esperienze nel sistema finanziario italiano</i>), October 2022</p>

		<p>techniques in the selection and management of customers in credit processes and their level of awareness of the peculiar risks involved in their use. Starting from the theoretical analysis of the conceptual and technical determinants and the regulatory/institutional context of AI-ML applied to credit scoring, the study reports the results of a field verification of the experience gained by Italian intermediaries in the adoption of models of this kind.</p>		
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5.2 Legal and policy initiatives on data protection and private life

In Italy, the National Recovery and Resilience Plan was presented by the Italian Government on 30 April 2021, and approved by the EU on 13 July 2021⁵⁰. Investment 1.3 of the Plan – “Data and Interoperability” – of the Mission on “Digitalization of the Public Administration” earmarks EUR 646 million to the creation of a National Digital Data Platform (*Piattaforma Digitale Nazionale Dati*) to be completed by the end of 2022. The Department of Digital Transformation (*Dipartimento per la Trasformazione Digitale*) of the Ministry of Technical Innovation and Digital Transition is currently working on cooperation mechanisms between public institutions managing the existing databases of national interest. The aim of the Platform is to ensure a prompt and efficient sharing of information and data between central and local administrations, implementing the once-only principle, according to which public institutions shall avoid as much as possible to resort to the citizens to collect information already included in public databases.

In Italy, in July 2021 the National DPA issued an official request⁵¹ to the company distributing the software Pegasus asking specific information to be transmitted within 20 days concerning: i. the role played by the company in relation to the processing of data collected through the software; ii. Whether Italian clients have purchased the software. The company’s reply was not made public; however, according to specialized commentators⁵², the company has already publicly stated in official press releases that the software is sold only to police forces and intelligence agencies, also stressing that the tool is not directly managed by the company that has no direct access to the collected data. As for the second request, the DPA might not be receiving any list of Italian clients since the company already clarified that the obligation of disclosing such data exists only in case of ongoing judicial investigation.

In Italy, in February 2022 the Data Protection Authority (DPA) issued the opinion No. 76⁵³ on the Government’s Guidelines on the design of the Public Administration’s websites and digital services. According to the DPA, the Guidelines need to be integrated as to ensure a stronger protection of users’ right to data protection. The DPA’s indications include the following issues: the Guidelines’ generic reference to safety measures to protect personal data is not sufficient: a specific risk assessment

⁵⁰ Italy, Governo italiano (2022), [Piano Nazionale di Ripresa e Resilienza](#), April 2021.

⁵¹ The request was made public on the DPA’s [website](#).

⁵² Federprivacy (2021), “[Caso Pegasus, scende in campo il Garante per la Privacy](#)”, 26 July 2021.

⁵³ Garante per la Protezione dei Dati Personali (2022), “[Parere sullo schema di Linee guida di design per i siti internet e i servizi digitali della PA, predisposto dall’AgID](#)”, Registro dei provvedimenti n. 76 del 24 febbraio 2022, February 2022.

must be conducted by data controllers and data processors as to ensure the highest level of protection of personal sensitive data. Moreover, an increased transparency must be guaranteed concerning data processing procedures: information provided to the users concerning data processing must be concise, accessible and comprehensible, as well as drafted in a plain and non-technical language, especially when it comes to children. If the website or the digital service is specifically destined to people with disabilities, information must be accessible taking into account any specific need of the users. If the digital services are provided via mobile phone, information on data processing must be available in the app store before the download.

In Italy, in March 2022 the Italian DPA fined the US-based company Clearview AI EUR 20 million after finding it applied what amounted to biometric monitoring techniques also to individuals in the Italian territory. The Italian DPA's inquiries were initiated following received complaints and alerts, and found that Clearview AI – contrary to what was alleged – allows tracking Italian citizens and persons located in Italy. The findings showed that the personal data held by the company, including biometric and geolocation information, were processed unlawfully without an appropriate legal basis – since the legitimate interest of the US-based company does not qualify as such. Additionally, the company infringed several fundamental principles of the GDPR including transparency – as it failed to adequately inform users -, purpose limitation – as it processed users' data for purposes other than those for which they had been made available online -, and storage limitation – as it did not set out any data storage period. Thus, Clearview AI is violating data subjects' freedoms including the protection of privacy and non-discrimination⁵⁴.

⁵⁴ The DPA's press release on this case – available in both Italian and English – is available at the Authority's [website](#).

6 Rights of the child

6.1 Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the EU Child Guarantee

Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the [EU Child Guarantee](#).

Legislative changes	In Italy, the National Recovery and Resilience Plan was presented by the Italian Government on 30 April 2021, and approved by the EU on 13 July 2021 ⁵⁵ . Working Group No. 4 on “Enhancing the supply of education services: from childcare to university” envisage the Investment 1.4 on “Extraordinary Intervention for the Reduction of Territorial Gaps in primary and secondary schools”, earmarking EUR 1.5 billion. This investment is aimed at fostering school attendance and tackling school drop-out of children and adolescents living in marginalised areas of the country. The investment – being included in the National Recovery and Resilience Plan – is binding for the Government in the context of the implementation of the Plan.
Policy changes	In Italy, in August 2022 UNICEF, the Ministry of Labour and Social Policies and the Department of Family Policies publicly presented “Deep Dive” ⁵⁶ , an analysis document prepared for the EU Commission, monitoring and assessing the policies in place to prevent and tackle poverty and social exclusion of children in Italy. The analysis was a preliminary step for the adoption of the National Action Plan needed for the EU Child Guarantee. The study was conducted in the context

⁵⁵ Italy, Governo italiano (2022), [Piano Nazionale di Ripresa e Resilienza](#), April 2021.

⁵⁶ UNICEF (2022), [“Deep Dive Child Guarantee. Analysis of politics, programmes, budgets addressing child poverty and social exclusion in Italy”](#), August 2022.

of the activities of the Interministerial Working Group per the pilot implementation of the Child Guarantee experience in Italy. The Analysis stressed the importance of taking carefully into account in national policies the situation of vulnerable children who still are one of the social categories most exposed to the risk of poverty: 1 out of 7 children and adolescents live in absolute poverty; 1 out of 3 is highly at risk of poverty and social exclusion. This risk is even higher if single-parent family units or families with many children are considered. Eventually, children with mental impairments, a migration background and disabilities need targeted interventions and actions since these groups are often further marginalised by the lack of specific services and barriers to the access to the existing services.

In Italy, in September 2022 the National Action Plan for the EU Child Guarantee (*Piano di Azione Nazionale della Garanzia Infanzia - PANGI*) was approved⁵⁷. The Plan's goal is to implement the rights of children and adolescents with a view to reducing inequalities. The Plan aims at fostering the access and participation of marginalised children and adolescents to the existing services, introducing specific measures to support children with different impairments. The analysis of the measures and initiatives to be implemented on the territory, together with the implementation of an integrated multi-level governance model, starts from a careful identification of children in difficulty. The analysis considers children from the Ukraine; the homeless or those in a situation of serious housing hardship; those with disabilities; those with a migration background, unaccompanied migrant children and minorities (in particular, Sinti, Roma and Caminanti); those with mental health impairments and, finally, children in foster care. The plan aims to intervene in four strategic areas: i. Early childhood education and care, education and school activities, and canteens. This area includes actions aimed at preventing social exclusion through the strengthening of educational services for children in the first six years of life, the school cafeteria service, the provision of full-time schooling, and actions against school drop-out. Access, free and universal, to these services includes the organisation of services that guarantee equal opportunities

⁵⁷ Italy, Ministero del Lavoro e delle Politiche Sociali (2022), "[Piano di Azione Nazionale della Garanzia Infanzia \(PANGI\). Giuste radici per chi cresce](#)", 28 March 2022.

	<p>for all minors in disadvantaged conditions; ii. Health and healthcare. In this case, the main critical issues of the area can be declined in the light of the binomial appropriateness-accessibility and equity. Actions are addressed to identify preventive interventions aimed at a wide range of children and to reflect on the criticalities in the access of some specific targets; iii. Fighting poverty and the right to housing. This section includes measures to combat poverty: on the one hand, the Single and Universal Allowance for Dependent Children and, on the other, the Citizenship Income. The plan calls for reinforcing and integrating, more effectively, the two measures to protect the family unit in vulnerable conditions and, consequently, also the children. With regard to housing policies, a specific action is envisaged to increase the supply of adequate housing at affordable prices; iv. Governance and system infrastructure. Finally, governance infrastructure aims to ensure policy coherence in the areas of social, education, health and housing at national, regional and local levels. In addition, it aims to develop administrative and social, health and educational infrastructures to intervene in the supply of the territory, also looking at the funds allocated by the National Recovery Plan. The Plan's implementation period will last until 2030 with the involvement of all levels of government. The national coordinator of the PANGI was appointed by the former Ministry of Labour and Social Policies and the Ministry of Equal Opportunities and Family: she is a member of the Italian Senate⁵⁸.</p>
<p>Other measures or initiatives</p>	<p>In Italy, the Law-Decree No. 105 of 23 July 2021⁵⁹ was approved earmarking financial resources for the Fund Tackling Children Education Poverty (<i>Fondo per il contrasto della povertà educativa minorile</i>) for the period 2022-2023: the Fund's budget amounts on the whole to EUR 600 million. The Fund is aimed at financing innovative interventions to overcome economic, social and cultural</p>

⁵⁸ Italy, Ministero del Lavoro e delle Politiche Sociali (2022), "[Anna Maria Serafini designata coordinatrice nazionale del Piano per la Child Guarantee](#)", 28 March 2022.

⁵⁹ Italy, [Decreto-legge 23 luglio 2021, n. 105](#), "Misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19 e per l'esercizio in sicurezza di attività sociali ed economiche".

	<p>barriers hindering children the access to the education system. The Fund is managed by a Committee representing the Government, civil-society organisations and banking foundations that financially contributed to the Fund. Several calls for project proposals were financed in 2022 thanks to this Fund, such as a EUR 20 million call for the creation of local community spaces for young people aged 10-17⁶⁰ and a EUR 15 million call for the social and school inclusion of children with disabilities⁶¹.</p>
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6.2 Legal and policy developments or measures in relation to child-friendly procedures for children as victims, witness or suspects/accused in criminal proceedings.

<p>Legislative changes</p>	<p>In Italy, in May 2022 the Authority for the Protection of Childhood and Adolescence (<i>Autorità garante per l'infanzia e l'adolescenza</i> – AGIA) was auditioned by the Working Group of the Ministry of Justice in charge of drafting the legislative framework on restorative justice⁶². According to the AGIA's opinion, children who are involved in criminal proceedings shall be given the opportunity to decide whether to undertake a restorative justice path, even if the parents do not agree. Moreover, AGIA suggested an increased involvement of families in restorative justice, the promotion of different instruments of restorative justice, such as the family group conference. This type of possibilities shall be offered also to perpetrators younger than 14 (age of imputability in Italy). Eventually, restorative justice services must be available throughout the national territory, in cooperation with local juvenile services. Mediators must be</p>
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⁶⁰ The call is available at the [website](#) of "Con i bambini", one of the organisations managing the Fund.

⁶¹ The call is available at the [website](#) of "Con i bambini", one of the organisations managing the Fund.

⁶² The information is available at the AGIA's [website](#).

	adequately trained. In the first half of 2022, AGIA carried out an investigation on restorative justice – in cooperation with the Ministry of Justice – conducting focus groups and interviews with children and adults involved in mediation paths of the juvenile criminal system in Italy: 10 children involved as accused persons, 12 victims – both children and adults – 10 parents and 50 professionals were involved as participants in the fieldwork. The investigation also envisages a second phase of mapping of the services providing restorative justice opportunities in Italy. Eventually, the research will focus on the programmes that are currently used by these services, such as the family group conference and the circles ⁶³ .
Policy developments	<i>e.g., guidance or training for law enforcement officers on the treatment of child suspects or victims; amendment of police academy curriculum; training of judges; developing indicators to monitor the situation of child suspects and improve data collection.</i>
Other measures or initiatives	<i>e.g., relevant activities to promote alternatives to detention; set-up of Barnahus houses or other specific programmes for children in the criminal system.</i>

⁶³ The information is available at the AGIA's [website](#).

7 Access to justice – Victims’ Rights and Judicial Independence

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

In Italy, in July 2021 Italian regions and autonomous provinces were invited by the Ministry of Justice to participate in a call for proposals⁶⁴ for the development of services destined to victims of crimes⁶⁵. 15 regions replied to the call and 11 projects were selected according to the following principles⁶⁶: i. providing assistance and support to victims of any type of crime, regardless of gender, age, nationality, ethnic group, religion, social and economic conditions; ii. Offering to the victims specific services that are confidential, free and that support the victim before, during and after the conclusion of the judicial proceeding. Projects are financed by the 2020 Budget Law⁶⁷ with a total amount of EUR 2,000,000 in 2022 and have – among their key goals – the protection of the victims especially vulnerable ones; protection from secondary victimisation; protection of personal data of the victims; training of professionals dealing with the victims; the correct implementation of the Directive 2012/29/EU.

In Italy, in October 2022 the Legislative Decree No. 150/2022⁶⁸ – reforming the Italian criminal justice system – was approved as to introduce the legislative discipline of restorative justice (Articles 42-67 of the Legislative Decree). Restorative justice is defined by the legislator as “any programme that enables the victim of the offence, the person named as the offender and other members of the community to participate freely, consensually, actively and voluntarily in the resolution of issues arising from the offence, with the help of an impartial, adequately trained third party called a mediator”. The outcome of the mediation process is expected to be any agreement aimed at repairing the offence and capable of representing mutual recognition and the possibility of rebuilding the

⁶⁴ Call for proposals available at the [website](#) of the Ministry of Justice.

⁶⁵ Information available at the [website](#) of the Ministry of Justice.

⁶⁶ Selected projects are available at the [website](#) of the Ministry of Justice.

⁶⁷ Italy, Art. 1, co. 426, [Legge n. 160 del 27 dicembre 2019](#), “Bilancio di previsione dello Stato per l'anno finanziario 2020 e bilancio pluriennale per il triennio 2020-2022”.

⁶⁸ Italy, [Decreto Legislativo 10 ottobre 2022, n. 150](#), “Attuazione della legge 27 settembre 2021, n. 134, recante delega al Governo per l'efficienza del processo penale, nonché in materia di giustizia riparativa e disposizioni per la celere definizione dei procedimenti giudiziari”.

relationship between the participants. The Legislative Decree also rules principles and goals of restorative justice programmes: participation must be active and voluntary; fair consideration of the interest of the victim and the person named as the offender; involvement of the community (e.g., family members, persons of support, associations); protection of the privacy of the parties; the reasonableness and proportionality of the restorative outcome; the independence of the mediator; the guarantee of the time necessary for the process. Restorative justice programmes are aimed at recognizing the crime's victim, at making the offender accountable and at re-establishing their bond with the community. Access to restorative justice programmes must be free of costs and available regardless of the type of criminal offence and at any stage of the criminal proceeding, including during the execution of the sentence. Both the victim and the offender have the right to be informed about this possibility, the available programmes and possible outcomes. Their consent to the restorative justice process must be personal, free and informed, expressed in written form and withdrawable at any moment. As for the obligations, the mediator, the interpreter and the participants are bound by the confidentiality of activities, acts, statements, information. The restorative justice programme's outcome must be assessed by judicial authorities through a report drafted by the mediator; the outcome can be either symbolic (e.g., public statement, formal apologies, behavioural commitments also public or community-oriented, agreements concerning the attendance of persons or places) or material (e.g., financial compensation, damage compensation).

7.2 Measures addressing violence against women

In Italy, on 15 August 2022 the annual report on the activities of the Ministry of the Interior was released⁶⁹. As far as gender-based violence is concerned, 129 cases of feminicides were registered by Italian police authorities during the period 1st August 2021- 31 July 2022 (compared to 108 of 2020-2021), that is 39.2% of voluntary murders. 108 victims were murdered in the family context, 68 by their partner or ex-partner. During the same period, 15,817 cases of stalking were reported to the police (compared to 18,653 of the period 2020-2021).

In Italy, on 24 August 2022 the National Statistics Institute (ISTAT) released periodical data on the cases of gender-based violence reported to the national 1522 helpline during the period January-March 2022⁷⁰. 7,974 calls were received by the helpline (compared to 7,974 of the same period of 2021): 2,384 calls were information requests on the service, whereas 2,966 were calls from the victims

⁶⁹ Italy, Ministero dell'Interno (2022), "[Dossier Viminale. Un anno di attività del Ministero dell'Interno](#)", 15 August 2022.

⁷⁰ ISTAT (2022), "[Il Numero di Pubblica Utilità 1522 durante la pandemia \(Dati Trimestrali al I trimestre 2022\)](#)", 24 August 2022.

(compared to 4,310 of 2021, -30% due to the end of the Covid-19 lockdown period). 69.9% of the victims reported suffering different types of violence; 61.4% of them have been suffering violence for years.

In Italy, in September 2022 the Observatory on gender-based and domestic violence (*Osservatorio sul fenomeno della violenza nei confronti delle donne e sulla violenza domestica*) was set up at the Department of Equal Opportunities of the Italian Government⁷¹. The Observatory is financed by the 2022 Budget Law mentioned above and its mission includes the analysis and monitoring of gender-based violence, as well as proposals to tackle it.

In Italy, in May 2022 the Data Protection Authority issued five provisions – No. 9775414, 9775327, 9775401, 9775948, 9775932 – to provide protection and support to victims of revenge porn. With these provisions, the DPA urgently ordered social media platforms to adopt all necessary measures to impede the dissemination of photos and videos that potential victims of revenge porn had reported to the DPA⁷².

In Italy, the Law No. 53 of 5 May 2022 on “Legislative dispositions on statistics on gender-based violence”⁷³ was approved. The Law is aimed at fostering the regular and precise data collection and analysis of data and statistics concerning gender-based violence as a pivotal instrument to design effective policies to tackle gender-based violence. The ISTAT and the National Statistics System (*Sistema Statistico Nazionale* – SISTAN) – in cooperation with the Department of Equal Opportunities of the Italian Government – are the public bodies in charge of the periodic collection. More specifically, ISTAT and SISTAN are requested to carry out, every three years, a sample survey entirely dedicated to violence against women covering all different types of violence, i.e. physical, sexual, psychological, economic violence, the presence of the perpetrators' or victims' children at the scene. ISTAT and SISTAN are expected to publish the results of this survey and transmit them forward them to the Department of Equal Opportunities. All institutional stakeholders are requested to cooperate in the data collection activity, including healthcare services and hospitals' emergency rooms, as well as the branches of the Ministry of Justice and the local shelters supporting gender-based violence victims.

In Italy, on 22 November 2022 the Central Criminal Police Directorate of the Department of Public Security of the Ministry of the Interior publicly presented and released the report “Prejudice and violence against Women”⁷⁴, providing data on gender-based violence as of the end of September 2022. According to the

⁷¹ Information available at the [website](#) of the Department of Equal Opportunities.

⁷² Information on the provisions is available at the DPA's [website](#).

⁷³ Italy, [Legge 5 maggio 2022, n. 53](#), “Disposizioni in materia di statistiche in tema di violenza di genere”.

⁷⁴ Italy, Ministero dell'Interno, Dipartimento di Pubblica Sicurezza (2022), “[Il pregiudizio e la violenza contro le donne](#)”, November 2022.

report, out of the 221 murders committed in the first nine months of this year (the same number as in 2021), 82 victims were women, compared to 90 last year (-9%). In the family context, 97 murders were recorded, of which 71 involved female victims; of these, 42 died at the hands of their partners or ex-partners. In the same period, 4,416 cases of sexual assaults were recorded by police authorities (+9% compared to 2021); 92% of the victims were women. With regards to criminal offences, the highest number of violations in the last three years is recorded on orders of removal from the family home and prohibition to approach places frequented by the offended person (emergency barring order in the meaning of Art. 52 of the Istanbul Convention): from August 2019 to 30 September this year, 6,499 such crimes were committed (the victims are women in 82% of cases). This crime is followed by the dissemination of sexually explicit images or videos, so-called revenge porn, (3,496 crimes, 72% against women). Another offence concerns the coercion or inducement to marriage. Since August 2019, 48 incidents have been recorded. There has been a sharp drop this year, with 9 cases compared to 10 in 2021. 87% of the victims are women, 65% foreigners. Unexpected data then for the crime of deformation of the person's appearance by permanent facial injuries. In the first nine months of 2022, 74 incidents (+17% compared to 2021).

In Italy, in September 2022 the National Social Security Institute (*Istituto Nazionale della Previdenza Sociale* – INPS) issued the message No. 3363⁷⁵, providing clarifications on the “Freedom Income”, a measure introduced in 2020 to financially and temporarily support women surviving gender-based violence. INPS clarified that further EUR 9 million are earmarked for this welfare provision aimed at promoting economic independence of the women. The Freedom Income amounts to EUR 400 per month for up to one year. It can be used to pay for rental costs, as well as to pay for education and training for the children.

⁷⁵ INPS (2022), “[Messaggio n° 3363 del 13-09-2022](#)”, September 2022.

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

8.1 CRPD policy and legal developments & implementation of the European Accessibility Act

In Italy, the National Recovery and Resilience Plan (PNRR) was presented by the Italian Government on 30 April 2021, and approved by the EU on 13 July 2021⁷⁶. In May 2022, the Ministry of Disability publicly announced that PNRR's EUR 500 million has been earmarked to finance projects aimed at fostering autonomy of people with disabilities. These projects will promote labour inclusion of people with disabilities, as well as finance initiatives to support them after their primary caregivers – generally parents – will no longer be able to provide for them⁷⁷.

In Italy, in May 2022 the Revenue Agency (*Agenzia delle Entrate*) announced the possibility for people with disabilities to choose an entrusted person – being them a family member or not – to be delegated for the access to digital services of the Agency. This decision was made to ensure that people with disabilities who cannot autonomously access digital services of the Agency, can nonetheless benefit from the digitalisation process thanks to the support of a person of trust⁷⁸. The entrusted person may request access to the online services on behalf of the person by submitting the appropriate form available on the Agency website and attaching the documentation attesting their status. Access to the reserved area will always be through the personal credentials of the representative who, after authentication, will be able to choose whether to operate on their own behalf or on behalf of the represented person. In the latter case, the representative will be able to operate for various online

⁷⁶ Italy, Governo italiano (2022), [Piano Nazionale di Ripresa e Resilienza](#), April 2021.

⁷⁷ Information available at the [website](#) of the Ministry of Disability.

⁷⁸ Information available at the [website](#) of the Revenue Agency.

services, such as viewing, modifying and sending the pre-filled declaration or requesting a duplicate health card, but also accessing much of the information available in the reserved area of the Agency website.

In Italy, in July 2022 the Ministry of Disability publicly announced that EUR 410 million will be earmarked to Regions and municipalities to finance projects and services destined to people with disabilities. These funds will finance projects focusing on accessible tourism, sports, communication assistances for people with sensorial disabilities, caregivers⁷⁹.

In Italy, the European Accessibility Act was transposed with the Legislative Decree No. 82 of 27 May 2022⁸⁰. The Legislative Decree covers both products and services placed on the market after 28 June 2025, listed under Section 1 of the same. Products include computer hardware systems and operating systems for those hardware systems; self-service terminals for payment and for the provision of the other services regulated by Legislative Decree No. 82/2022; consumer terminal equipment with interactive computing capability used for electronic communications services and same equipment used for accessing audio-visual media services; and e-readers. Services falling under the scope of the Legislative Decree No. 82/2022 are electronic communications services, with the exception of transmission services used for the provision of machine-to-machine services; services providing access to audio-visual media services; certain elements of air, bus, rail, and waterborne passenger transport services, including for urban, suburban, and regional transport services; consumer banking services; e-books and dedicated software; and e-commerce services. The Legislative Decree No. 82/2022 also applies to answering emergency communications to the single European emergency number 112. The Legislative Decree also introduces several obligations for economic operators dealing with products, meaning manufacturers, importers, and distributors, as well as for service providers. These include: manufacturers shall, among others, ensure that products have been designed and manufactured in accordance with the applicable accessibility requirements; importers shall place only compliant products on the market and, among others, shall ensure that the manufacturer has complied with the abovementioned requirements; distributors shall, among others, verify that the product bears CE marking, that it is accompanied by the required documents and by instructions and safety information in Italian or English, and that the manufacturer and the importer have complied with the respective accessibility requirements; service providers shall prepare the necessary information in accordance with Annex IV regulating the information on services meeting accessibility requirements. Such information shall be made available to the public in written and oral

⁷⁹ Information available at the [website](#) of the Ministry of Disability.

⁸⁰ Italy, Decreto Legislativo 27 maggio 2022, n. 82, "[Attuazione della direttiva \(UE\) 2019/882 del Parlamento europeo e del Consiglio, del 17 aprile 2019, sui requisiti di accessibilità dei prodotti e dei servizi](#)".

format, including in a manner accessible to persons with disabilities. The Ministry of Economic Development (*Ministero dello Sviluppo Economico*, "MISE") is responsible for market surveillance of products, while the Agency for Digital Italy (*Agenzia per l'Italia Digitale*, "AgID") is the supervisory authority for market surveillance of services.

8.2 CRPD monitoring at national level

Nothing to report for the considered period. The CRPD monitoring body – that is the National Observatory on the Condition of People with Disabilities (*Osservatorio Nazionale sulla Condizione delle Persone con Disabilità*) – held a meeting on 13 July 2022 to discuss the Observatory's contribution to the parliamentary discussion on Draft Laws concerning disability and to the implementation of the above-mentioned PNRR⁸¹.

⁸¹ Information available at the Observatory's [website](#).

Annex 1 – Promising Practices

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one example of a promising practice to tackle discrimination against LGBTIQ people or discrimination on the grounds of socio-economic status, health status and physical appearance, such as awareness raising campaigns or training for relevant professionals. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2022 relevant to equality and non-discrimination of LGBTIQ people or on the other above-mentioned grounds, preferably one conducted by a national equality body.
Title (original language)	#questionediritti
Title (EN)	#amatterofrights
Organisation (original language)	Ufficio Nazionale Antidiscriminazioni Razziali A Difesa delle Differenze – UNAR
Organisation (EN)	National Office Against Racial Discriminations and for the Protection of Differences - UNAR
Government / Civil society	Government
Funding body	UNAR
Reference (incl. URL, where available)	https://www.unar.it/portale/web/guest/-/l-unar-lancia-questionediritti-in-occasione-della-giornata-internazionale-contro-l-omofobia-la-bifobia-e-la-transfobia-bonetti-in-prima-linea-contro-ogni-forma-di-odio-e-di-violenza
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	May 2022 – ongoing
Type of initiative	Awareness raising campaign
Main target group	General public

Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	On the occasion of the International day against homophobia, biphobia and transphobia (17 May), UNAR and the Department of Equal Opportunities (DPO) of the Italian Government, decided to launch a communication campaign named #questionediritti. The initiative envisages the broadcasting of a TV and radio spot disseminated by UNAR and DPO on their online channels and social medias (https://www.youtube.com/watch?v=7mendMLq7RM&ab_channel=UnarUff.NazionaleAntidiscriminazioniRazziale). The aim of the initiative is to promote a culture of respect and valorisation of differences, tackling stereotypes and discriminations on grounds of sexual orientation and gender identity. Moreover, the campaign is also aimed at informing about the existence of anti-discrimination services and shelters.
Highlight any element of the actions that is transferable (max. 500 chars)	The action could be transferred to any other ground of discrimination, especially because the mandate of UNAR – which originally dealt only with racial discriminations – was extended as to include any form of discrimination.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The spot, once released, will remain online and be accessible to any user of Internet and social media.
Give reasons why you consider the practice as having concrete measurable impact	The number of users viewing the spot can be measured both on the Internet and on social medias, and monitored by the institutions launching the campaign.
Give reasons why you consider the practice as transferable to other settings	This is an example of inclusive communication aimed at raising awareness on a crucial social issue. This specific spot could be used in any setting, including schools and public/private workplaces. Alternatively, teachers and employers could be inspired by the initiative and develop other spots and communication materials.

and/or 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.

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about participation and engagement of Equality bodies and CSOs in addressing racism and hate crime. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.
Title (original language)	Progetto REASON – REAct in the Struggle against ONline hate speech
Title (EN)	REASON – REAct in the Struggle against ONline hate speech
Organisation (original language)	Ufficio Nazionale Antidiscriminazioni Razziali A Difesa delle Differenze – UNAR Centro di Ricerca sulle Relazioni Interculturali dell’Università Cattolica del Sacro Cuore

	IRS - Istituto per la ricerca sociale Associazione Carta di Roma.
Organisation (EN)	National Office Against Racial Discriminations and for the Protection of Differences – UNAR Research Centre on Intercultural Relations of the “Università Cattolica del Sacro Cuore” Institute for Social Research – IRS Association “Carta di Roma”
Government / Civil society	Government and civil society
Funding body	EU Commission (REC- Rights, Equality and Citizenship Programme, 2014-2020)
Reference (incl. URL, where available)	https://reasonproject.eu/ This website gathers all information about the project including on the Observatory described below.
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2021- ongoing
Type of initiative	Awareness raising and training
Main target group	General public and categories of professionals (legal professionals, teachers, professional communicators)
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The REASON project intends to promote specific actions to counter hate speech, in particular online hate speech, by involving some crucial categories in the identification and removal of hate speech: legal professionals, teachers, professional communicators and specific target groups of hate speech. With this aim in mind, the project envisages the creation of a National Observatory for the identification and analysis of online hate speech, a reference point for civil society and institutional actors in the prevention of hate speech referring to gender, sexual orientation, ethnic-racial, religious discrimination. The Observatory is not meant as a reporting mechanism, but rather as a platform mapping all relevant data collections on hate speech

	incidents. The police and the justice system are not among the initiators of the project: however, Ministry of Justice, Ministry of the Interior (including the police observatory on racial discriminations - OSCAD), Ministry of Education, the Authority for Communications, the National Association of Italian Municipalities have expressed their intention of joining the project as supporting institutions. On 9 February 2022, the project launched its website.
Highlight any element of the actions that is transferable (max. 500 chars)	No information to report on this issue.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The project is based on the activation of a specific website where professionals can find training materials, training opportunities and events organised by the project's partners. This website was financed by the EU Commission; the partnership also includes institutional bodies – such as UNAR – which will be able to extend the financing even after the formal conclusion of the project.
Give reasons why you consider the practice as having concrete measurable impact	The number of users visiting the website can be measured, as well as the number of events and participants to them organised in the framework of the project.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	This project is financed by the REC Programme of the EU Commission: the initiative and its purposes are in line with EU goals and objectives and, for this reason, it could be replicated in other EU Member States, involving similar institutions and organisations in the partnership.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the	This information is not available.

design, planning, evaluation, review assessment and implementation of the practice.	
Explain, if applicable, how the practice provides for review and assessment.	The project is reviewed and assessed in line with all projects financed by the EU Commission.

Thematic area	ROMA EQUALITY AND INCLUSION Please provide one example of promising practice in relation to the two topics addressed in the chapter: regarding the implementation of national action plans and regarding the legal or policy developments addressing Roma/Travellers equality and inclusion.
Title (original language)	Progetto di inclusione sociale per le persone rom, sinti e camminanti e superamento del villaggio Lombroso
Title (EN)	Social inclusion project for Roma people living in the informal encampment of Villaggio Lombroso
Organisation (original language)	Programma Integra
Organisation (EN)	Integra Programme
Government / Civil society	Civil Society
Funding body	Department of Social Policies and Health of the Municipality of Rome

Reference (incl. URL, where available)	Information on the project is available at the website of the Integra Programme.
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	1 st August 2022 – 19 March 2023
Type of initiative	Social inclusion
Main target group	Roma people living in formal and informal encampment
Indicate level of implementation: Local/Regional/National	Local
Brief description (max. 1000 chars)	The initiative is aimed at fostering social inclusion of Roma people and families living in the encampment of Villaggio Lombroso, in Rome. The initiative is based on 4 main action axis – health, schooling, work and housing – through the implementation of the following actions: legal and administrative regularisation; counselling and information provision on local services; training and support to the integration in the labour market; professional internships and training; promotion of schooling and tackling school drop-out of children; workshops for children and education professionals; support to housing independency.
Highlight any element of the actions that is transferable (max. 500 chars)	This initiative – which is aimed at the promotion of adequate housing solutions and social inclusion of Roma people – could be transferred to any other social groups living in marginal and inadequate living conditions, as well as to other encampments and localities.
Give reasons why you consider the practice as sustainable (as	This initiative is aimed at socially including Roma people, providing them with instruments, opportunities and services that are pivotal to their long-term wellbeing. For these reasons, this practice cannot be considered a one-off activity.

opposed to 'one off activities')	
Give reasons why you consider the practice as having concrete measurable impact	The impact of the practice can be measured monitoring living conditions and indicators of Roma people living in the specific encampment interested by the project.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	Housing and social integration of Roma people is a key goal of the EU Roma Strategy, as well as of any national Strategy of the same kind. For this reason, this practice – which involves local authorities and communities – providing long-term instruments and opportunities of social inclusion could be replicated in other EU 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 practice is subject to the monitoring system envisaged for any project financed by public funds of the Municipality of Rome.

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please, provide one example of a promising practice related to the topics addressed in the chapter, i.e., in relation to data protection, and/or artificial intelligence systems.
Title (original language)	Protocollo d'intesa
Title (EN)	Memorandum of Understanding
Organisation (original language)	Garante per la Protezione dei Dati Personali; Università di Firenze
Organisation (EN)	Italian DPA; University of Florence
Government / Civil society	Government and University
Funding body	Both partners
Reference (incl. URL, where available)	Information on the initiative is available at the DPA's website .
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2022-2025
Type of initiative	Training and awareness raising
Main target group	Researchers, students and general public
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The protocol is aimed at fostering a partnership between the two institutions to develop strategic actions and training initiatives. More specifically, thanks to the protocol – that will need an operational agreement to be

	fully in force – training and information activities will be organised to disseminate a culture of privacy and digital education. Moreover, a cooperation is established to develop guidelines, best practices, academic articles and publications, research projects at both national and international level. The two institutions are committed to finance and promote research on innovative themes such as digital economics, AI and data society.
Highlight any element of the actions that is transferable (max. 500 chars)	The protocol could be transferred to other institutional settings and to other universities and research/education centres: the aim is to promote a culture of data protection and privacy which is needed in each public and private context, and requires an adequate investment to foster research and innovation, involving all relevant stakeholders.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The initiative is expected to last 3 years during which several training and information activities will be organised and addressed to students and academics: with a reduced financing – since University is already equipped and staffed to provide training activities and venues – a high number of participants to the events can be reached and research project and lines can be activated.
Give reasons why you consider the practice as having concrete measurable impact	The number of events, training opportunities and research activities activated thanks to this protocol can be monitored and measured, as well as the participants to the events.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	Similar initiatives could be fostered by national DPAs, by the EU DPA and by EU funds financing academic research and professional training as to relevantly contribute to the dissemination of a culture of privacy and data protection.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning,	This information is not available.

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

Thematic area	RIGHTS OF THE CHILD Please provide a promising practice for the related topics addressed in the chapter (i.e., the impact of poverty and exclusion on children and children and justice).
Title (original language)	Youthlab; a creative and youth participation-based training for strengthening child-friendly communicative competences of justice professionals in Italy, Belgium and the Netherlands
Title (EN)	
Organisation (original language)	<ul style="list-style-type: none"> - Young in Prison (coordinator) – the Netherlands - Leiden University - the Netherlands - Défense des Enfants - Belgium - Defence for Children International – Italy
Organisation (EN)	
Government / Civil society	Civil Society
Funding body	Rights, Equality and Citizenship Programme-REC Programme 2014-2020
Reference (incl. URL, where available)	Information available at the Italian partner’s website .
Indicate the start date of the	1 st February 2020 – 31 st January 2022

promising practice and the finishing date if it has ceased to exist	
Type of initiative	Training
Main target group	Professionals working in the juvenile criminal justice system
Indicate level of implementation: Local/Regional/National	National in 3 EU Member States
Brief description (max. 1000 chars)	Justice professionals are trained in child-friendly communication skills through a child participation-based model called Youthlab. Youthlab is an evidence-based practice developed in the Netherlands that involves (ex) detained youth and uses creative methods to increase the communicative skills of justice professionals. Consequently, children feel taken more seriously and feel more in control over their own case and life. The Overall Objective is to contribute to the capacity building of judges, prosecutors and lawyers, in Italy, Belgium and the Netherlands, using a child participation-based training model assuring increased child-participation during judicial proceedings and to roll out evidence-based supports for children involved in criminal judicial proceedings. The main outcome of the project is to increase the child-friendly communication competences of justice professionals in the Netherlands, Belgium and Italy to guarantee upholding the rights of children in criminal justice proceedings, specifically the right to participation.
Highlight any element of the actions that is transferable (max. 500 chars)	The involvement of children who had direct experience of the juvenile criminal justice system in training opportunities could be transferred to any other aspect of the system itself, such as probation services, detention, etc. Professionals working in this system must be adequately trained to deal with children, using proper language and communication skills with a view to the social reintegration of children which is the primary aim of juvenile justice.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	Training of professionals has a long-term impact on the juvenile justice system as they are provided with instruments and skills to better communicate and deal with children that they can use and disseminate in their professional activity.

<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The number of professionals participating in the training sessions can be measured in each of the involved Countries.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The initiative already involves different EU Member States and is structured as to take into account the differences of each national context. Other Member States could adopt the same initiative in their juvenile justice systems.</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>Children who were involved in criminal proceedings are directly involved in the training activities destined to professionals working in the juvenile criminal justice system.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>The project is subject to review and assessment as all projects financed by EU funds.</p>

Thematic area	ACCESS TO JUSTICE – Victim’s Rights and Judicial Independence Please provide one example of a promising practice in relation to the topic address in the chapter: i.e. Victim’s Rights Directive, the EU Strategy for Victim’s Rights and violence against women.
Title (original language)	Victims. Analisi e promozione della tutela dei diritti delle vittime di reato
Title (EN)	Victims. Analysis and promotion of the rights of crimes victims
Organisation (original language)	Centro Nazionale delle Ricerche (CNR) - Istituto di Informatica Giuridica e Sistemi Giudiziari; Ministero della Giustizia
Organisation (EN)	National Research Centre - Institute of Legal Informatics and Judicial Systems; Ministry of Justice
Government / Civil society	Government
Funding body	Ministry of Justice
Reference (incl. URL, where available)	Information is available at the CNR’s website .
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	30 July 2021 – 29 July 2024
Type of initiative	Research and data analysis
Main target group	Policymakers and institutional stakeholders
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The two institutions signed a 3-year convention for the analysis and promotion of the protection of the rights of crime victims. During these three years, the Institute will carry out studies, research and technical-

	<p>scientific assistance for the development of specific tools to enhance the protection of crime victims. More specifically, the Convention is aimed at: the analysis of the state of implementation of international and supranational legal instruments on the protection of crime victims; the empirical and comparative analysis of the phenomena observed at local, national and international level concerning compensation to crime victims; analysing the organisational conditions of access to justice for victims of crime and more generally of the whole chain of relevant services; supporting the concrete application of crime victims' rights. One of the first projects developed in the framework of the Convention is the IT Portal Re-Agire - available in Italian and English and later on also in French, Spanish and Arabic – which aims to provide Italian and foreign crime victims with a quick reference for emergency situations, clear and punctual routes on the current assistance system operating in the country and clear and facilitated information on the topic.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>Data collection and analysis, as well as solid and evidence-based research are key tools to develop public policies that are effective and respond the social needs. For this reason, conventions and cooperation strategies between public authorities – at all level of governance – and research institutions should be foster in all sectors of public policy.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The project is aimed at consistently collecting information on the state of implementation of policies, legislation and measures supporting victims of crimes, as well as at providing them with a website where all relevant information concerning the existing systems is available. This initiative can have a long-term impact on the efficacy of public policies protecting victims of crimes.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The numbers of projects and initiatives developed during the three years of convention can be monitored and measured.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The Convention involves public institutions that exist in all EU Member States, namely the Ministry of Justice and the National Research Centre. The aim is to foster the efficacy of public policies supporting victims of crimes, which is a goal established by EU legislation. For this reason, this same practice could be replicated in all other Member States.</p>

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.

Thematic area	Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) Please provide one example of a promising practice of national monitoring bodies (e.g., a well-run outreach campaign, an inclusive survey, a successful effort or initiative to improve legislation, etc.) in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities. Where no such practice exists, please provide one example of a promising practice in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities, focussing on projects and programmes implemented with EU funding.
Title (original language)	Guida alle elezioni politiche del prossimo 25 settembre in versione "facile da leggere e da capire"
Title (EN)	Easy to read and understand Guide to the political elections of 25 September 2022
Organisation (original language)	Associazione Nazionale di Famiglie e Persone con Disabilità Intellettive e Disturbi del Neurosviluppo - ANFFAS
Organisation (EN)	National Association of Families of People with Intellectual Disabilities

Government / Civil society	Civil Society
Funding body	ANFFAS with the financial contribution of the Ministry of Labour and Social Policies
Reference (incl. URL, where available)	Information available at the ANFFAS website .
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	September 2022
Type of initiative	Information and awareness raising
Main target group	People with intellectual disabilities
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	In September 2022, ANFFAS released online a booklet providing information on how to vote at the political election of 25 September, using a language and format that is possible and easy to read and understand by people with intellectual disabilities. The reason for this initiative is the necessity to ensure that people with this type of disability are not in practice deprived of the fundamental right to vote because of the lack of accessible information on the voting procedures.
Highlight any element of the actions that is transferable (max. 500 chars)	This kind of initiative could be replicate in any other field of public life: participation of people with intellectual impairments is often hindered by the lack of specific measures and attention aimed at providing them with the information and tools they need to participate; this kind of practice could be transferred to access to services, digital services, administrative procedures, etc.

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The participation of people with disabilities to the election is a core part of their participation to social and political life, in that they vote for politicians who could represent their interests and implement the actions that are needed to respond to their needs. For this reason, this initiative might have a long-term impact.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The impact of the initiative is not entirely measurable, even if the number of accesses to the website could be measured. The real indicator indirectly measuring the impact of the initiative would be the number of people with intellectual disabilities who could vote at the latest political elections thanks to the information provided in the booklet.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Political participation of people with disabilities to political elections is a core fundamental right in every democratic society. For this reason, this practice should be replicated in every EU Member State, being it implemented by a civil-society organisation – as it is the case of this good practice – or directly by State authorities.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The initiative was entirely designed and implemented by the association representing the families of people with intellectual impairments.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>Information not available.</p>

Annex 2 – Case Law

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against LGBTIQ people or on the grounds of socio-economic status, health status and physical appearance (not related to health or disability or to other grounds like ethnic origin, religion). Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
Decision date	23 February 2022
Reference details	Italian Constitutional Court, Decision No. 79 of 23 February 2022
Key facts of the case (max. 500 chars)	<p>A gay couple marry abroad, obtain transcription in Italy as a civil partnership, and initiate a parenting project by resorting, abroad, to an assisted reproduction agreement (which is forbidden in Italy). Two children were born, each of whom biologically related to one of the two members of the couple. One of the partners resorted to the Juvenile Ordinary Court of Bologna asking for the possibility of adopting the child of his partner, as ruled by Art. 44.1 of the Law No. 184/1983 governing adoptions in special cases (for instance, orphaned children, including those with disabilities, children already living with the spouse of the biological parent, children not otherwise adoptable). The Court accepted the request; however, denied the child the possibility to have officially recognised the full family relationship with the ascendants and relatives of the adopting parent. The decision was challenged and remitted to the Constitutional Court, asking to decide the case in compliance with the Italian constitutional system and principles.</p>
Main reasoning/argumentation (max. 500 chars)	<p>The Court stated that the failure to recognise civil and family relationships with the adoptee's relatives discriminates, in violation of Article 3 of the Constitution (principle of equality), the child adopted 'in special cases' compared to other children and deprives them of legal relations that contribute to forming their identity and consolidate their personal dimension, thus violating Articles 31.2 and 117.1 of the Constitution in relation to Article 8 of the European Convention on Human Rights.</p>

<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>This decision is relevant since it contributes to the Italian jurisprudence – of both ordinary and supreme Court – which, in recent years, expanded the rights and protection to be ensured to children who are born in non-heterosexual families. This jurisprudence is pivotal in Italy since the in-force legislation does not recognise explicitly the possibility for same-sex couples’ partners to adopt the biological children of the other member of the couple, and prohibits the possibility of assisted medical procreation.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The challenged legislative dispositions were declared unconstitutional by the Italian Constitutional Court in so far as they provide that the adoption in special cases does not induce any civil and family relationship between the adoptee and the relatives of the adopter.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>“8.2 [...] La norma censurata priva il minore della rete di tutele personali e patrimoniali scaturenti dal riconoscimento giuridico dei legami parentali, che il legislatore ha voluto garantire a tutti i figli a parità di condizioni, perché tutti i minori possano crescere in un ambiente solido e protetto da vincoli familiari, a partire da quelli più vicini, con i fratelli e con i nonni. [...] 8.3.– La connotazione discriminatoria della norma censurata non può, d’altro canto, reputarsi superata adducendo, quale ragione giustificativa della diversità di trattamento del minore adottato in casi particolari, la circostanza che tale adozione non recide i legami con la famiglia d’origine.”</p> <p><i>“8.2 [...] The censured provision deprives the child of the network of personal and patrimonial protections deriving from the legal recognition of parental ties, which the legislator wished to guarantee to all children on equal terms, so that all children can grow up in a solid environment protected by family ties, starting with the closest ones, with siblings and grandparents. [...] 8.3 The discriminatory connotation of the censured provision cannot, on the other hand, be considered to have been overcome by claiming, as a justification for the different treatment of children adopted in particular cases, the fact that such adoption does not sever the ties with the family of origin.”</i></p>

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide the most relevant <u>high court</u> decision concerning the application of <u>either</u> the Racial Equality Directive or the Framework Decision on racism and xenophobia, addressing racism, xenophobia, and other forms of intolerance more generally.
Decision date	11 January 2022
Reference details	Italian Constitutional Court, Decision No. 54/2022
Key facts of the case (max. 500 chars)	The Court of Milan and the Court of Appeals of Milan accepted the complaint filed by a third-country citizen legally residing in Italy against the Social Security Institute's decision to deny the possibility to apply for some social benefits – specifically the baby and maternity vouchers – to third-country citizens who do not hold an EU long-term residence permit. INPS challenged these judicial decisions before the Court of Cassation which decided to defer the case to the Constitutional Court to check the constitutional legitimacy of the legislation governing these provisions.
Main reasoning/argumentation (max. 500 chars)	The Constitutional Court established that the challenged legislation represents a violation of the principle of equal treatment, causing a discrimination between possible beneficiaries of a welfare provision, namely third-country citizens holding an EU long-term residence permits and those holding other types of permits.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The principle of equal treatment in the access to welfare provisions and services does not allow for a different treatment of the beneficiaries, merely on grounds of the type of residence permit they hold, as established by both EU and Italian legislative dispositions.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Italian Constitutional Court declared the constitutional illegitimacy of the challenged legislation, which was therefore abolished thus allowing possible applicants who were until then excluded to apply for the baby and maternity vouchers.

Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>“La parità di trattamento non è, dunque, circoscritta ai titolari di un permesso unico di lavoro, ma è riconosciuta anche in favore dei titolari di un permesso di soggiorno per fini diversi dall’attività lavorativa che siano autorizzati a lavorare nello Stato membro ospitante.”</p> <p>“Equal treatment is thus not limited to holders of a single work permit, but is also recognised in favour of holders of a residence permit for purposes other than work who are authorised to work in the host Member State”</p>
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Thematic area	ROMA EQUALITY AND INCLUSION Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
Decision date	No caselaw has been identified for this thematic area

Thematic area	ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION Please provide the most relevant high court decision – or any court ruling – relating to the processing of personal data by new technologies in asylum, migration and border management delivered in 2022 (on Eurodac, SIS and VIS).
Decision date	No caselaw has been identified for this thematic area

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please provide the most relevant high court decision related to the topics addressed in the chapter (i.e. data protection, and/or artificial intelligence systems).
Decision date	24 November 2021, lodged on 2 February 2022

Reference details	Italian Court of Cassation, Decision No. 3702/2022
Key facts of the case (max. 500 chars)	On 22 January 2020, the Court of Appeal of Genoa had rejected the appeal of a defendant against a ruling of 7 March 2018 of the Court of Massa, by which he had been sentenced to one year and one month of imprisonment and to pay damages in favour of the civil plaintiff. Specifically, the defendant had been found guilty of having carried out, for the purpose of gaining profit and causing damage, a processing of judicial data in the absence of authorisation by law or by the supervisory authority, through the repeated communication and dissemination among the dwellers of the homes close to that of the civil plaintiff of a 2013 judgment of the Court of Massa in criminal proceedings in which the civil plaintiff was a defendant; the defendant had also disseminated, in the same manner, two executive determinations issued against the civil plaintiff by the municipality of Massa for the demolition of unauthorised works and for the rejection of an application for condonation submitted in respect of the aforementioned building works. According to the defendant, the documents he disseminated were public and freely consultable, and that therefore their dissemination did not constitute a breach of the rules on the processing of protected data. Moreover, according to the defendant, the victim could have protected himself by making a request to the judicial authority to preclude the disclosure of his personal details and other identifying data in the event of reproduction of the judgment in any form, as governed by Art. 52 of the Italian Data Protection Act. The decision of the Court of Appeal of Genoa was therefore challenged before the Court of Cassation.
Main reasoning/argumentation (max. 500 chars)	According to the Court, Art. 52 does indeed offer a means of protecting the privacy of the person involved in the legal case, but it cannot be exploited to circumvent the limits on the processing of judicial data, since it is only referable to a specific type of activity. The defendant used and disclosed judicial data concerning the civil plaintiff for reasons that are not listed in and protected by Art. 52: his conduct must therefore be considered a breach to the right to privacy and data protection of the civil plaintiff.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The Court contributed to the correct interpretation of Art. 52 of the Italian Data Protection Act which governs judicial information activities, to be interpreted as the reproduction and dissemination of judgments or other judicial decisions in any form, for the purposes of legal information, documentation, study and research in the legal field, in legal journals, electronic media or by means of electronic communication networks, including the information systems and institutional websites of the Judicial Authority. Resorting to this legislative disposition with regard

	to any other purpose – as it is the case of the defendant’s conduct – must therefore be deemed as inappropriate.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The defendant’s complaint was rejected. However, the Court of Appeal’s challenged decision must nonetheless be set aside without referral for criminal prosecution since the offences were extinguished by prescription.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>“La divulgazione di dati personali relativi a sentenze penali, quali l'ordine di demolizione delle opere di cui è stata accertata in sede penale la abusività e il rigetto della relativa istanza di condono, rientra, però, nell'ambito di illiceità penale del comma 2 dell'art. 167 del codice della privacy, in quanto compiuta in violazione dell'art. 10 del regolamento comunitario, trattandosi di dati relativi a reati.”</p> <p><i>“The disclosure of personal data relating to criminal judgments, such as the order of demolition of the works whose unlawfulness was ascertained in the criminal proceedings and the rejection of the relevant application for amnesty, falls within the scope of criminal unlawfulness of paragraph 2 of Article 167 of the Italian Data Protection Act, since it is in breach of Art. 10 of the EU GDPR, since it concerns data relating to criminal offences.”</i></p>

Thematic area	RIGHTS OF THE CHILD Please provide the most relevant high court decision for the related topics addressed in the chapter.
Decision date	6 July 2022
Reference details	Supreme Court of Cassation, Decision No. 26025 of 6 July 2022
Key facts of the case (max. 500 chars)	The Supreme Court of Cassation was asked to assess the validity of the decision of the Court of Appeals of Caltanissetta - juvenile section, which had confirmed the decision of the Juvenile Court in relation to the exclusion from the possibility of judicial pardon (<i>perdono</i> giudiziale) for a child charged of extortion committed.

Main reasoning/argumentation (max. 500 chars)	<p>Judicial pardon is a legal instrument governed by Art. 169 of the Criminal Code, and it is specifically destined to minor defendants. Judicial pardon is aimed at avoiding whenever possible detention in juvenile criminal proceedings: if the child's responsibility is ascertained, the child can be judicially pardoned if the crime they are charged for is liable to a penalty involving deprivation of liberty not exceeding two years, or a fine not exceeding EUR 1,549, even if combined with imprisonment, and provided that the offender has not already been sentenced to imprisonment for a crime. The Court's decision to allow judicial pardon must be adequately motivated. The Supreme Court of Cassation decided to annul the Court of Appeals' decision because the possibility of judicial pardon was denied without an adequate motivation.</p>
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	<p>The principle in law affirmed, in line with the <i>favor minoris</i> that permeates the juvenile process, where the conditions for judicial pardon exist, is that the judge must give an account of the reasons for not granting the benefit. Moreover, this assessment must move within the finalistic framework of the child social reintegration which is the very core of the juvenile justice system. The absence of reasons for granting or not granting pardon risks frustrating the clear and inalienable prerogatives of the juvenile process informed by the constitutional principle of <i>favor minoris</i>, and recognisable in the need to reintegrate the young offender by avoiding whenever possible the stigmatising experience of detention.</p>
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	<p>The decision of the Court of Appeals of Caltanissetta was annulled: the Court of Appeals – in a different composition of the Court – is therefore requested to revise the case in compliance with the opinion and interpretation of the in-force legislation provided by the Supreme Court of Cassation.</p>
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>Quotation is not available since the Decision's text is not publicly available.</p>

Thematic area	ACCESS TO JUSTICE – Victim's Rights and Judicial Independence Please provide the most relevant high court decision related topics addressed in the chapter (i.e the Victim's Rights Directive, the EU Strategy for Victim's Rights and violence against women).
Decision date	5 April 2022

Reference details	Supreme Court of Cassation, Decision No. 1672 of 5 April 2022
Key facts of the case (max. 500 chars)	The case concerns a woman victim of gender-based violence who, in the criminal proceeding concerning her case, applied to the Court of Appeals of Catanzaro for legal aid: according to the in-force legislation, with reference to certain types of offences against the person, including persecutory acts, the offended person may be admitted to legal aid also in derogation of the income limits provided for by the law, therefore, irrespective of the submission of income documentation. Therefore, the offended person submitted the application through her defence counsel, accompanied by her identity documents and indicating her personal details and those of her cohabiting family members, while she did not attach the certificates of assets. Her legal aid request was rejected by the Court of Appeals due to the omission to provide the income certificate. The Court's decision was challenged by the victim before the Supreme Court of Cassation.
Main reasoning/argumentation (max. 500 chars)	The Supreme Court of Cassation retraces the legislation and the jurisprudence governing and interpreting the right to legal aid of victims of specific crimes, including gender-based violence. The Court of Cassation, in fact, has for some time affirmed the right of the victim of gender-based violence to benefit from legal aid for the sole fact of being so qualified and regardless of their income conditions which do not even have to be the subject of a declaration or certificate.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Victims of gender-based violence can benefit from legal aid regardless of their income situation because the legislator wanted to ensure to the victims of those particular crimes an access to justice favoured by free legal aid: the criterion that must guide the application of the rule is not, therefore, the income, but the condition of vulnerability of the victims. This general principle is aimed at ensuring that the victims can overcome their situation of isolation and vulnerability and have access to justice, without any obstacle – including economic ones – impeding it.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The decision of the Court of Appeals was annulled: the victim is therefore ensured the right to legal aid, without the necessity of proving her income.
Key quotation in original language and translated into English with reference details (max. 500 chars)	"Nel nostro ordinamento giuridico, specialmente negli ultimi anni, è stato dato grande spazio a provvedimenti e misure tese a garantire una risposta più efficace verso i reati contro la libertà e l'autodeterminazione sessuale, considerati di crescente allarme sociale, anche alla luce della maggiore sensibilità culturale e giuridica in materia di violenza contro le donne e i minori. Di qui la

	<p>volontà di approntare un sistema più efficace per sostenere le vittime, agevolandone il coinvolgimento nell'emersione e nell'accertamento delle condotte penalmente rilevanti.”</p> <p><i>“In our legal system, especially in recent years, much space has been given to measures and measures aimed at ensuring a more effective response towards crimes against sexual freedom and self-determination sexual self-determination, considered to be of growing social alarm, also in light of the increased cultural and legal awareness of violence against women and minors. Hence the desire to set up a more effective system to support victims, facilitating their involvement in the detection and investigation of criminal conduct.”</i></p>
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Thematic area	DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) Please provide the most relevant High Court decision, which quoted the CRPD or prominently referred to the CRPD in the reasoning.
Decision date	29 August 2022
Reference details	Administrative Regional Court of Lombardy Decision No. 01947/2022 of 29 August 2022.
Key facts of the case (max. 500 chars)	The Administrative Regional Court (<i>Tribunale Amministrativo Regionale – TAR</i>) of Lombardy was requested to decide a double case of pupils with profound bilateral sensorineural deafness attending, at the time of the appeal (year 2021), respectively the first year of secondary school and the second year of primary school. The dispute brought before the Court by the parents was based on the request to ascertain the right of their children to benefit from the services of a communication assistant expert in Italian Sign Language for the entire duration of school lessons, i.e., 36 hours and 38 hours per week respectively, and not for only eleven hours as ordered by the Lombardy Region.
Main reasoning/argumentation (max. 500 chars)	The Court recalled that the educational necessities of students with disabilities must be carefully assessed by specialised healthcare professionals and indicated in the individual educational plan, at the disposal of the school for each student. The services that must be provided to students with disabilities must be consistent with the necessities identified in the individual plan. If the Lombardy Region foresaw that the communication assistant was available to the students for an overall

	number of hours that is inferior to those indicated in the students' individual plan, then the right to education of the students was violated.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The Court's decision contributed to the reinforce the crucial role of the individual educational plan, as a crucial document identifying the necessities of students with disabilities, thus contributing to effectively guarantee their right to education.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The parents' complaint was accepted, and the schools compelled to provide the students with a communication assistant for the overall number of school hours indicated in their individual educational plans.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>"Risulta evidente che la mancata o incompleta esecuzione delle previsioni contenute in tale documento [Piano Educativo Individualizzato], soprattutto per quanto riguarda gli strumenti di tutela, determina di fatto l'impossibilità per l'alunno disabile di frequentare proficuamente la scuola, con conseguente lesione dei diritti sanciti in suo favore dalle norme sopra illustrate. A questo punto, si deve osservare che la violazione di tali diritti comporta altresì la violazione delle norme e dei principi di cui agli artt. 3, 32, 34 e 38 della Costituzione."</p> <p><i>"It is clear that the non-implementation or incomplete implementation of the provisions contained in that document [the individual education plan], especially with regard to the means of protection, in fact makes it impossible for the student with disabilities to attend school profitably, with the consequent impairment of the rights sanctioned in their favour by the above-mentioned legislation. At this point, it should be noted that the violation of these rights also entails the violation of the rules and principles set out in Articles 3, 32, 34 and 38 of the Constitution."</i></p>