

Public contribution to the Committee on the Elimination of All Forms of Racial Discrimination in relation to the review at the 110 Session of the periodic report of the Italy (CERD/C/ITA/21)

Presented by ODRI - Office against discrimination, racism and intolerance

July 2023

(2457 words)

I. Introduction, methodology and discretion of this contribution

ODRI - Office against discrimination, racism and intolerance appreciates the opportunity to address the Committee on the Elimination of All Forms of Racial Discrimination. We sincerely hope that this report will help the work of the Committee.

II. Racial profiling in facial recognition and other technology (articles 2, 4, 5 and 6)

1. In Italy, persons of African and Arab descent, Roma, Sinti and Camminanti communities, and migrants still remain vulnerable to the use of racial profiling by biometric or facial recognition and other artificial intelligence systems by law enforcement activities and private actors. For instance, since 2017, the Ministry of the Interior uses a software of facial recognition called SARI (*Sistema Automatico Riconoscimento Immagini*) with a capacity of searching images on databases of more than ten million of imagesⁱ. Up to this day, the software SARI, originally used to counter-terrorist operations, lacks transparency and has not been examined on the unconscious bias of their algorithms, while the scientific police officers have not been properly trained on how this technology can reinforce racial discrimination.

2. On March and november 2022, the Italian Data Protection Authority (*Garante per la Protezione dei Dati Personali*) restricted the use of facial recognition and super-infrared glasses by the artificial intelligence company Clearview, and by the municipalities of Arezzo and Lecce, in the absence of a regulation, and issued a moratorium until the end of 2023ⁱⁱ. However, the Italian Data Protection Authority has left open the possibility of the use of facial recognition by police forces and other authorities to combat crimeⁱⁱⁱ, without assessing how this technology can reinforce discriminatory bias based on the ethnicity and other forms of discrimination.

3. Under this context, the Ministry of Interior has order and monitored hundreds of police surveillance operatives during protests against the government, and particularly during soccer match, and clashes with extremist “ultra” fans. During protests and sportive events, the use of facial recognition technology tends to be particularly problematic considering that an audiovisual recording is contrasted with values added in a digital image contained in a database. The users of the biometric system can be influenced by their conscious on unconscious racial bias to identify and to confirm persons of interests during criminal investigations. Furthermore, the Police of Italy has not collected data to monitor the risks of racial profiling generated by facial recognition and other technologies.

4. ODRI suggests CERD to ask during the constructive delegation to the delegation of Italy:

- Inform about the measures to prevent racial discrimination on the use of facial recognition and other technologies by police and to assess the negative impacts these technologies can have to racially profile persons of African and Arab descent, Roma, Sinti and Camminanti communities, and migrants.
- Provide information on the regulations and the trainings provided to operators of facial recognition technologies and other law enforcement officials in charge of surveillance operatives during protests and riots.

5. ODRI respectfully proposes that CERD make the following suggestion to the Italian government:

(a) Evaluate the human rights impact of facial recognition systems to ensure that they do not entrench inequalities or produce discriminatory results.

(b) Establish comprehensive data collection mechanisms of facial recognition systems, with the participation of civil society, to identify and to investigate racial bias and incidents of racial profiling by law enforcement authorities.

III. Hate crimes and use of force (articles 2, 4 and 6)

6. Unfortunately, the periodic report of Italy lacks information on the investigations, convictions, sanctions and reparations to victims of hate crimes despite the persistence of racial and xenophobic crimes against persons of African and Arab descent, Roma, Sinti, and Camminanti communities, as well as migrants and refugees. During 2021, the Observatory for Security against Discriminatory Acts (OSCAD) recorded 1445 hate crimes (where 1160 had racist and xenophobic motivations)^{iv}. However, those statistics do not disaggregate on the ethnicity or the nationalities of the victims, and the number of investigations, sanctions to the perpetrators, or reparations to the victims.

7. ODRI shares with the Committee some cases collected by civil society organizations, and other sources^v, of hate crimes and **use of force by law enforcement** against persons of African and Arab descent, Roma, Sinti, and Camminanti communities, as well as migrants and refugees, that remain in impunity in most cases due to the negligence and the acquiescence of the government:

Dates	Victims	Description of the hate incident
July 2022	1 person of African descent	The victim was suffocated by an assailant in Civitanova after he had begged for money.
July 2022	1 person of African descent	Three police officers arbitrarily detained the victim at gunpoint and subsequently released him after confirming that he was a soccer player.
June 2021	5 people of Arab and African descent	The police of Carabinieri use indiscriminate force against people of Arab descent, and arbitrary detained one male of African descent.
May 2021	Members of a Sinti settlement	An anti-Roma leaflet containing death threats and a swastika was left at the entrance of a Sinti settlement.
January 2021	1 person of Arab descent	After being plundered, insulted, and threatened with death, two of his closest classmates abducted and forced to undress the victim in public.
February 2019	1 person of African descent	The victim was hit because she asked for "permission" to walk on the sidewalk. The attackers shouted "Go back to your country".
January 2019	1 person of Arab descent	The victim was killed during a police intervention in Empoli after being immobilized, handcuffed and held down by three policemen in a prone position during 15 minutes. The prosecutor who requested the dismissal of the case arguing that the victim died of a heart attack caused by cocaine intoxication. The initial judicial investigations were suspended due to the COVID-19 pandemic.

July 2018	1 person of African descent	The victim received ten gunshots for asking 5 euros on the street.
July 2018	1 Roma baby	The attacker shot an airgun in the back of the victim.
June 2018	1 person of Latino descent	One policeman open fire during the intervention of a young man that had a knife. The case was dismissed arguing self-defence.
June 2018	1 person of African descent	The victim was shot for looking for pieces of sheet metal in an abandoned factory.
March 2018	1 person of African descent	The victim is shot on her way to work in Florence.
March 2018	1 Sri Lankan worker 1 Roma worker	Employers and personnel of a company attacked the victims to force one to resign and to punish them for an unfounded theft.
February 2018	1 person of Bangladeshi nationality	The victim was attacked by three persons that pretended to be police officers, after he refused to enter a car for an identity check.
February 18, 2018	6 people of African descent	A far-right militant open fire against migrants with African descent in Macerata injuring the victims.
January 2018	1 asylum seeker with African descent	Four persons physically attacked the victim in Castelnuovo while he was returning to his home.
January 2017	1 person of African descent	The victim was left to drown in the Grand Canal of Venice while people shouted racial slurs at him.
December 2016	1 person of African descent	The victim was stripped and burned alive in a field in Reggio Calabria
June 2016	1 refugee of African descent	The victim was shot by a police of Carabinieri in San Ferdinando for holding a knife and throwing stones.
June 2013	1 person of Arab descent	The person died under police custody after having a cardiac arrest for a probable asphyxiation. All three Carabinieri were acquitted.
December 13, 2011	2 people of African descent	A far-right militant open fire against migrants in a crowded marketplace in Plaza Dalmazia.
May 2011	1 person of Arab descent	His body was found on the river Frassine in Padua. The investigations disregarded the allegations that Paduan police forces in at least seven documented cases punished migrants by throwing them into the river.
Setiembre 25, 2005	1 national from Italy perceived as a foreigner	Two policemen detained the young man and he died under custody by four policemen that tortured him in Ferrara.

8. ODRI suggests CERD to ask during the constructive delegation to the delegation of Italy:

- Provide detailed information about how many incidents of hate crimes had been reported, how many prosecutions had been brought and convictions secured and which groups had been targeted.
- Detail the measures in place to address racial discrimination, such as racial profiling, racially-

motivated police raids and arbitrary use of force by law enforcement agents against persons of African and Arab descent, Roma, Sinti, and Camminanti communities, as well as migrants and refugees, including through the provision of legal aid and safe reporting mechanisms.

9. ODRI respectfully proposes that CERD make the following suggestion to the Italian government:

Promptly ensure that the investigation of hate crimes and use of force by law enforcement is thorough and impartial, to prosecute the alleged perpetrators and, if convicted, to sanction them in a manner commensurate with the gravity of the crimes.

IV. Hate speech and racial stereotypes against persons of African descent, Roma, Sinti and Camminanti and national minorities (articles 2, 5 and 7)

10. ODRI expresses worry about the persistence of racial and xenophobic biases and stereotypes in Italian society, which have roots in the past and are connected to colonialism, the slave trade and the fascist era. These prejudices are often reinforced by the media and political discussions, specially in the digital space, contributing to the perpetuation of racial discrimination and fostering an atmosphere of intolerance towards individuals of African and Arab descent, Roma, Sinti, and Camminanti communities, as well as migrants and refugees.

11. For instance, during his political campaign of 2018, the former Prime Minister of Italy called that irregular migrants represented are a “social bomb ready to go off” after a Nigerian asylum seeker was arrested for killing a woman^{vi}. As has been reported by OHCHR, extremist political parties and public officers have used the migration crisis to reinforce hate speech and xenophobic rallies against individuals of African and Arab descent, Roma, Sinti, and Camminanti communities, as well as migrants and refugees^{vii}. Amnesty International recorded 718 hate speech incidentes in 23 days, and 200 discriminatory writings online during the 2018-2019 election^{viii}. The government has not adopted measures to combat racist and xenophobic rethoric, and has not raised campaigns to raise awareness in the media and among Internet service providers to counter discriminatory attitudes.

12. Due to the pending stablishment of an Independent National Human Rights Institution, and the limited functions of the the National Office Against Racial Discrimination (UNAR) in 2003 and the Observatory for security against acts of discrimination (OSCAD)^{ix} in 2010 , authorities do not actively request the removal of specific content on Twitter, Google, Facebook, Instagram or Telegram, leaving this task to the companies standards, and to the disposition of victims to undergo lengthy judicial proceedings. For instance, in 2018, Twitter online remove one tweet “*after receiving “a report from an Italian NGO ... regarding racial hatred toward Romani people” on its platform*”, while the government only requested Google to remove only 17 cases of hate speech^x.

13. ODRI shares with the Committee a list of cases of racial discrimination in Italy that were normalised and quickly condoned socially:

On February 2023, Roberto Mancini, a manager of a soccer team defended the use of blackface of children to portray top scorer Victor Osimhen during carnival week in Naples^{xi}. the Italian Footballers' Association (AIC) reported in a study "Italian Footballers Under Shooting" were 121 cases of discrimination^{xii}.

The Austrian-Russian soprano Anna Netrebko portrayed Aida, an Ethiopian princess, in 2017 and 2022 using face-darkening makeup doing blackface. Despite that she was questioned for doing blackface the Arena di Verona Festival defended her actions.

On December 2022, rugby player of African descent Cherif Traorè received a rotten banana as part of the club's Secret Santa. After he denounced these racist acts in social media, he received a communal apology by the team for the joke, and the matter was settled, without further investigations of the Benetton Treviso team or the government^{xiii}.

On August 2022, a comedian went to the stadium doing blackface of the soccer player Samuel Utitti^{xiv}.

On July 2022, a study showed that soccer referees displayed bias towards sportsmen with African descent and Arab getting more fouls and yellow and red cards after reviewing 6,000 player-year observations from the Italian Serie A. The study also discovered that fans benefited from the social distance restrictions to discriminate competitors with African descent^{xv}.

On May 2022, after a soccer match, the conductor Sara Pinna interacted with an enthusiastic child from the Calabrian southwest region during a video transmission and expressed, with a racist background uttered, that in the future this child would ask for work to the plain^{xvi}.

From 2017 to 2021, the live talent show "Tale e quale" depicted contestants depicting blackface while singing songs of artists with African descent. On 2021, Rai television apologised and advised the program to avoid similar practices, without a statement of the government on the matter^{xvii}.

During the years of 2021 and 2022, the volleyball player Paola Egonu shared her experiences of racism growing up as an Italian with african descent, and she received negative coverage by the media and online users that argued that she was victimising herself just to be in the spotlight^{xviii}.

On April 2021, the satirist program "Striscia la Notizia" depicted an sketch where hosts Michelle Hunziker and Gerry Scotti made slanted-eye gestures and mimicked a Chinese accent as they introduced a segment^{xix}.

On July 2020, five persons posted an online campaign to burn down and napalm Campo di Castel Romano on the Pontina, a settlement of Roma and Sinti^{xx}. Proceedings against perpetrators still continue.

14. ODRI suggests CERD to ask during the constructive delegation to the delegation of Italy:

- Explain the measures adopted to prevent, to report and to address blackface, hate speech and racist discrimination in the media and in the sport.
- Provide information on many identified incidents of online racist hate speech on social media platforms and whether victims of online hate speech had recourse to any complaint or reporting mechanisms after the periodic report was submitted.

15. ODRI respectfully proposes that CERD make the following suggestion to the Italian government:

- Address racial stereotypes and hate speech adopting necessary measures to prevent and combat such speech, including on the internet and social platforms, as well as by public figures and authorities, in collaboration with service providers and affected populations.
- Ensure thorough investigations of hate crimes and racist hate speech, punishment for the perpetrators, and provision of reparations to victims or their families.

- i Policia di Stato. S.A.R.I. (Sistema automatico di riconoscimento immagini) Available at: https://www.facebook.com/watch/?ref=embed_video&v=1961334040831726 (September 9, 2018), Il riconoscimento facciale spiegato dalla Polizia scientifica <https://www.facebook.com/poliziadistato.it/videos/528100757812456> (January 19, 2020), Italian police has acquired a facial recognition system site: <https://medium.com/@ORARiccardo/italian-police-has-acquired-a-facial-recognition-system-a54016211ff2> (November 7, 2017).
- ii Ordinanza ingiunzione nei confronti di Clearview AI - 10 febbraio 2022 [9751362] www.gdpd.it/web/guest/home/docweb/-/docweb-display/docweb/9751362 (February 10, 2022); Videosorveglianza: stop del Garante privacy a riconoscimento facciale e occhiali smart. L'Autorità apre istruttorie nei confronti di due Comuni, <https://www.garanteprivacy.it/web/guest/home/docweb/-/docweb-display/docweb/9823282> (November 11, 2022).
- iii Worrying loophole in Italy's facial recognition ban points to the EU's future <https://thenextweb.com/news/italy-facial-recognition-ban-loophole-police-reflects-eu-plans> (November 16, 2022).
- iv OSCE Overview of Italy <https://hatecrime.osce.org/italy> (July 12, 2023)
- v L'Italia e i suoi George Floyd. <http://www.razzismobruttastoria.net/2020/06/07/litalia-suoi-george-floyd/>; OSCE Overview of Italy <https://hatecrime.osce.org/italy> (July 12, 2023).
- vi Razzismo, Renzi contro Berlusconi: "I migranti sono bomba sociale? L'ha causata lui con trattati Ue e guerra in Libia" <http://larep.it/2nDIWUK> (February 5, 2018); Silvio Berlusconi says illegal migrants are 'social time bomb', as race dominates Italian election campaign: <https://www.telegraph.co.uk/news/2018/02/05/silvio-berlusconi-says-illegal-migrants-social-time-bomb-race/> (February 5, 2018).
- vii Office of the United Nations High Commissioner for Human Rights Report of mission to Italy on racial discrimination, with a focus on incitement to racial hatred and discrimination 28 January – 1 February 2019.
- viii Hate speech and hate crime in the EU and the evaluation of online content regulation approaches, p.81. [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/655135/IPOL_STU\(2020\)655135_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/655135/IPOL_STU(2020)655135_EN.pdf) (2020); Amnesty International Italy, "Un Osservatorio Sui Discorsi D'Odio in Campagna Elettorale", 2020, available at <https://www.amnesty.it/barometro-odio/>.
- ix <https://www.interno.gov.it/it/ministero/osservatori-commissioni-e-centri-coordinamento/osservatorio-sicurezza-contro-atti-discriminatori-oscad>
- x Freedom House. Freedom of the net 2019. https://freedomhouse.org/country/italy/freedom-net/2019#footnoteref5_3o43u3b
- xi Kids imitating Osimhen not racism – Mancini www.punchng.com/kids-imitating-osimhen-not-racism-mancini/ (February 24, 2023).
- xii Calcio: l'onda lunga del razzismo non rallenta <https://ilmanifesto.it/calcio-londa-lunga-del-razzismo-non-rallenta> (February 17, 2023).
- xiii Rugby: va in touche il razzismo, una banana marcia dai compagni di squadra al nazionale italiano Cherif Traorè <https://www.genteditalia.org/2022/12/22/rugby-va-in-touche-il-razzismo-una-banana-marcia-dai-compagni-di-squadra-al-nazionale-italiano-cherif-traore/> (December 22, 2022); Italy prop Cherif Traorè given rotten banana in club Secret Santa <https://www.theguardian.com/sport/2022/dec/21/italy-rugby-union-prop-cherif-traore-reveals-he-was-given-rotten-banana-in-club-secret-santa> (December 21, 2022)
- xiv Le blackface d'un humoriste italien pour fêter l'arrivée de Samuel Umtiti <https://www.sofoot.com/breves/le-blackface-dun-humoriste-italien-pour-feter-larrivee-de-samuel-umtiti-italie-lecce> (August 29, 2022) ; see also https://www.instagram.com/reel/Ch0OIEoAu_A/?utm_source=ig_embed&ig_rid=d2e60030-9e3f-47ab-b62b-8046031010ac.
- xv Magistro, Beatrice and Wack, Morgan, Racial Bias in Fans and Officials: Evidence from the Italian Serie A (July 3, 2022). Available at SSRN: <https://ssrn.com/abstract=3966535> or <http://dx.doi.org/10.2139/ssrn.3966535>.
- xvi Conduitrice "alla gogna" per frase a sfondo razzista: "Verrai anche tu a cercare lavoro in pianura" <https://www.vicenzatoday.it/attualita/sara-pinna-frase-sfondo-razzista-cosenza-lr-vicenza.html> (May 30, 2022)
- xvii La Rai elimina il blackface da Tale e Quale Show e tutti i suoi programmi <https://play4movie.it/blackface-rai-elimina-tale-e-quale-show-tutti-programmi/> (April 28, 2021)
- xviii Egonu: «L'Italia è un Paese razzista, non vuol dire che tutti sono razzisti» <https://www.ilnapolista.it/2023/02/egonu-litalia-e-un-paese-razzista-non-vuol-dire-che-tutti-sono-razzisti/> (February 9, 2023); Egonu e la metafora sul razzismo. Poi attacca i giornali: "Io decontestualizzata" <https://www.ilgiornale.it/news/tv/egonu-e-metafora-sul-razzismo-poi-sfogo-io-2114657.html> (February 10, 2023)
- xix <https://www.hindustantimes.com/lifestyle/art-culture/striscia-la-notizia-sketch-mocking-chinese-launches-racism-debate-in-italy-101618644115124.html> and <https://www.ilfoglio.it/televisione/2021/04/19/news/la-televisione-italiana-e-razzista-2258622/>.
- xx Antigypsyism in Italy: Virtual hate and real-life consequences www.europeaninterest.eu/article/antigypsyism-in-italy-virtual-hate-and-real-life-consequences/ (May 30, 2023).