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## **Mapping of policies affecting female migrants and policy analysis: the Italian case**

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**Working Paper No. 6 – WP1  
December 2006**

**Integration of Female Immigrants in Labour Market and Society.  
Policy Assessment and Policy Recommendations**

A Specific Targeted Research Project of the 6th  
Framework Programme of the European Commission

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## Introduction

The migratory phenomenon in Italy is in full evolution: the number of immigrants has doubled within a few years. The increasing female characterization of these migrants has just recently been recognized as a structural feature. For many years, female migration was only considered to be a stabilizing factor of migration flows<sup>1</sup>. Actually, in Italy female migrants comprise 48.9%<sup>2</sup> of all immigrants and, amongst certain nationalities, they outnumber their male counterparts. In front of this structural phenomenon, after twenty years of Italian migratory policies, it is still difficult to perceive the features of a continuous, systematic and coherent intervention policy.

Italy is the *ideal-type* of what sociologists like Enrico Pugliese (1992) and geographers like Russel King (1999) have called the “Mediterranean model” of immigration, to summarize the specific nature of migratory phenomena in countries like Italy, Spain and Greece. In this model, the beginning of migration is spontaneous in nature. It is not directed or managed by the national or local authorities<sup>3</sup>. On the contrary, legislation is absent or vague. Migratory policies are introduced slowly and are non-systematic, tending to face emergencies and urgent problems. The absence of migratory policies is a factor which contributes to the production of illegal migration, a sort of “factory of illegalism”. The state intervenes with *ad hoc* measures, amnesties<sup>4</sup> and laws only when the presence of immigrants cannot be ignored any longer, because of its demographic, economic and social weight. Therefore in the absence of adequate policies to manage the new flows, regularisations or amnesties have all taken place in Southern European countries as a mechanism to legalize illegal immigration. Thus the majority of the present day regular immigrants gained such status by resorting to regularisations, at some point of their immigration project in Italy.

The *ideal-typical* Mediterranean model is, however, slowly changing. Immigration has become a structural factor in the Southern European countries and particularly in Italy, which has the largest number of immigrants. A new phase has begun, in which immigration has become a structural factor in the Italian economy and, more generally, in Italian society, where the demographic turnover is only guaranteed by the immigrants’ presence.

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<sup>1</sup> We refer to Bohning’s scheme on the migratory cycle, op.cit. in Colombo A. – Sciortino G. (2004), *Gli immigrati in Italia. Assimilati o esclusi: gli immigrati, gli italiani, le politiche*, Il Mulino, Bologna.

<sup>2</sup> ISTAT, *Resident population at January 1<sup>st</sup> 2005*.

<sup>3</sup> At the origin of these spontaneous, unplanned flows, two factors must be considered: “push factors” and immigration containment policies in Northern Europe. The importance of the push factors in the sending countries of Africa, the Middle East, Latin America and Eastern Europe should be taken into account including conflicts, extension of poverty, worsening of economic and social differences, and “anticipatory socialization” through global media. Pushed by their living conditions, migrants try to reach Europe, but, since the mid-seventies, Northern European countries have closed their borders to labour migrants, limiting entries to family reunification and those with refugee status. The consequence of this imbalance between “push factors” and restrictive European migratory policies has been the growing importance of clandestine migrants, trying to enter into Europe through the Southern gate of Italy, Spain, and Greece. However, these countries are not only a gate: in the large informal sector, immigrants can find jobs that natives no longer want to do.

<sup>4</sup> Italy has organized an amnesty or regularisation (*sanatoria*) for illegal immigrants nearly every five years (i.e. on 1986, 1990, 1996, 1998 and 2003). The last was run by the right-wing government of Berlusconi’s administration. This amnesty was reserved for just two categories of workers: those involved in “domestic support” and “home care” (“*badanti*”), and unreported employed workers. 690.000 workers were regularised, out of a total of 704.000 applications.

Another specific element of the Italian model has been the delegation of many responsibilities and actions to local authorities<sup>5</sup> and NGOs. Until now, the integration process has mainly taken place at the local level. Facing the urgency phase of reception and the following phase of settlement, local agencies apply their own models of integration. This produces a wide variety of intervention policies and different levels of acknowledgement of immigrants' rights. This variety is not due to the different quality and quantity of migration flows in the local areas, but rather to the differential efficiency of public administrations and to the presence/degree of activism of the private social bodies, whose action is stronger in some areas of the country than in others (Zincone 1994).

When foreign immigrants began to arrive, in the late seventies, the absence of legal norms for migration produced a sort of "limbo", where it was not possible to consider them 'irregular', nor was it possible to regularize or expel them. Legislation concerning migration was introduced slowly from the mid-eighties onwards. The first measures to deal with non-EEC immigration were implemented by the Italian government in the mid-eighties. In 1986 the first immigration law<sup>6</sup> was enacted, allowing clandestine workers to register legally and establishing some general principles for the regulation of the conditions of non-EEC-workers<sup>7</sup>. It focused mainly on employment issues. Four years later another immigration law came into force<sup>8</sup>, introducing indications for asylum request procedures, family reunification and residence matters. In 1998 yet a new immigration law came into force<sup>9</sup>, explicitly addressing, for the first time, the need to integrate immigrants and establishing a three-pillar based migration policy focused on fight against illegal migration, planning of regulated entries and integration of regular immigrants. Finally, in 2002 the present immigration law came into force<sup>10</sup>, maintaining the core of the 1998 law but focusing on control and introducing restrictive measures in what concerns the entry, the residence and the life of migrants in Italy.

These long-overdue laws have not brought about implementation of a coherent migration policy, neither at the level of flow control nor in the domain of integration. Laws and decrees have responded to "urgency factors" and have been strongly influenced by the internal political agenda. It is necessary to bear in mind that Italy has just recently undergone governmental elections (in April, 2006). The government in charge for the past five years had a centre-right orientation and developed rather tough positions on immigration. The newly-elected government, established on the 17<sup>th</sup> of May, is of centre-leftist orientation and has declared its intentions to reform the current immigration law. On the 4<sup>th</sup> of August 2006, the newly elected government has approved a new law proposal concerning migrations policies. If this law framework is passed into concrete law, some issues regarding the citizenship right will change: the request for citizenship will be possible after 5 years of regular residence in Italy; children born in Italy from foreign parents will be directly considered to be Italian citizens if at least one of the parents has been regularly residing in Italy for 5 years; and children born outside of Italian soil from parents who are Italian citizens, will be able to request the

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<sup>5</sup> Constitutional law no. 3 of 2001, **Modifications to the Item V of the second part of the Constitution** ("*Modificazioni al Titolo V della seconda parte della Costituzione*") has introduced a partial federal system, which gives more competences of governance to local authorities.

<sup>6</sup> Law no. 943 of 1986 **Norms regarding the placement and the treatment of extra-communitarian immigrants and against clandestine immigration** ("*Norme in materia di collocamento e di trattamento dei lavoratori extracomunitari immigrati e contro le immigrazioni clandestine*").

<sup>7</sup> In fact, in 1982 there had already been an amnesty, which made regularisation possible for the first immigrant women who had come to work as domestic maids, through their attainment of a residence permit for work. 2.500 regularisations were made.

<sup>8</sup> Law no. 39 of 1990 **Urgent norms and regularization on the political asylum, entry and residence of foreigners** ("*Disposizioni in materia di stranieri richiedenti lo status di rifugiato*").

<sup>9</sup> Law no. 40 of 1998 **Consolidation Act on Migration**, later transformed into law Decree no. 286 of 1998 "**Unified Text of dispositions concerning the control of immigration and norms on the situation of foreigners** (

<sup>10</sup> Law no. 189 of 2002 **Modifications to the regulation on asylum and immigration** ("*Modifica alla normativa in materia di immigrazione e di asilo*").

citizenship without having to wait for the completion of the 18 years of age. The law framework also foresees some restrictions, for example in the marriage with an Italian citizen: the waiting time to be observed before requesting the Italian citizenship is further stretched, in order to adequate Italian legislation to that of other European countries. Besides the bureaucratic process, citizenship applicants will have to pass a test on the knowledge of Italian language (though up to the moment no parameters of examination have been specified), which is considered to be an indicator of the foreigners' will to integrate. After this has been successfully completed, the requester will have to participate in an oath ceremony based on the principles of the Italian Constitution, which will complete the 'birth' of the new Italian citizen. As it has already been observed by many experts, this law framework would introduce, together with the *jus sanguinis* and the *jus solis* principles, the so-called *jus domicilii* principle, i.e. the right for those who have been regularly residing in Italy for a consistent number of years to obtain complete civil rights, regardless of their place of birth. Furthermore, the new government has asked for the support of other EU countries in order to face the situation of permanent emergency in Southern Italy, regarding the continuous arrival of immigrants through the sea, particularly after the tragic events that have marked the summer (many so-called *carrette del mare* sunk causing a high number of human deaths): support both in terms of military/police coastal patrolling and the establishment of agreements with other non-EU, Mediterranean countries who act as transit zones for the entry in Europe (especially Libya, with whom agreements were previously made). Italy's position as a gate to Europe for migrants who cross the Mediterranean has been strongly underlined, thus pointing to the fact that the problem of irregular immigration must be approached not at a local level, but instead at an European level, with EU bodies and funds.

## **1. General policies and their effects on female migrants.**

### **1.1 Policies combating irregular work**

In the past years the Italian labour market has undergone a thorough transformation. Businesses have downsized (from a national average of 20 employees during the 1980s, to an average of 8 employees at the turn of the 20th century); the permanency of workers within a business has been reduced, the 'professional careers' are often non-uniform and people's hopes for an ongoing, full-time job are decreasing, especially for women. Labour flexibility and 'time-limited'/'project' contracts are consolidated realities. This has produced a wide variety of 'atypical' contracts, and since 1999 these contracts have accounted for more than 57% of contracts for newly-hired people, in particular for the vulnerable social groups of women and youth. There is a strong differentiation between Northern and Southern regions in terms of occupational sectors, as has been highlighted by the last ISTAT report<sup>11</sup>.

In what regards labour offer, there are two main phenomena that must be taken into consideration. On one hand instruction levels have increased, while on the other hand women have been increasingly and significantly demanding access to extra-domestic work. Therefore, the Italian labour market is generally characterized by a growing segmentation, both territorial and professional. The low birth-rates of the Centre-North regions create the necessity for immigrated labour. Theoretically, labour market demands could be answered by the youth from the Southern regions, where unemployment rates are rather high; but in practice this does not happen. Job applications for workmen in the factories of the North do not seem to be

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<sup>11</sup> I° Indagine sulla partecipazione al mercato del lavoro della popolazione straniera, Istat, IV quarter 2005. For an updated frame of the relation between immigration and the labour market, see the "Rapporto sul mercato del lavoro 2004" – Part IV, December 2005 and the "Rapporto sul mercato del lavoro 2005", July 2006, CNEL.

appealing enough to attract the unemployed Southerners or the unemployed from depressed areas of the Northern regions: “the idea of good employment also includes proximity to one’s residence; [...] one’s willingness to accept a job offer is reduced when the work is manual and not highly valued by society, and furthermore it involves the inconvenience of being far away from home, with the costs and difficulties this imply” (Ambrosini 2001:52). Wages are not powerful enough to attract unemployed Italian youngsters, especially when housing in the area of transfer is pricy. Since the youth have mid-high instruction levels, they prefer to remain with the family for longer while they wait for a job offer that comes closer to their expectations.

Even the increased demand for female workers in the labour market has not managed to fulfil the demand for domestic cleaners and domestic assistants. One of the causes for this situation is the symbolic value attached to this type of labour insertion. These types of domestic work are seen as means of integration and identity construction for workers with low-level qualifications, who are inserted into the lowest rings of society and the labour market, being poorly paid as well (Ambrosini 1999). Therefore, in general, work that is associated with low social status, no matter how regular and stable it may be, does not attract Italian job-seekers. Therefore it is in these sectors that immigrated labour forces have managed to insert themselves. In fact, a “gap was open between labour demand and labour offer, creating a space in which immigrated labour is inserted” (Ambrosini 2001:58, Mingione 1997, Zanfrini 1996 and 2004).

Other than jobs in factories or in niches of arduous, informal, low-paid, unpleasant and often seasonal work (for example tomato picking in Southern Italy), a considerable source of employment comes from metropolitan economies, where the demand for ‘low-qualified services’ is connected to the growth of qualified professions. In the cities, the demand for cleaning staff, office maintenance staff, domestic workers and care workers (including baby-sitters and carers for the elderly) is constantly growing. It substitutes the roles and functions previously carried out by women and simultaneously filling in the gap in the public welfare system, which is so typical of Italian society’s organization, as well as filling in the gap for workers in areas concerning high fluxes of temporary residents and/or tourists (fast food and beverages, public transportation, etc.). Among these workers, hidden, black labour has a considerable impact. It places immigrants in a highly precarious situation and increases the risk of worsening conditions for workers, including the Italian ones (Venturini 2000).

To better understand the problems of migrant’s labour insertion, it is useful to refer to statistics concerning immigration and the Italian labour market. Nowadays, there are circa three million regular immigrants in Italy. They come from 191 countries (since the 2002 amnesty, they come mostly from Morocco and Romania), and they account for little more than 5% of total residents. About half of them are women and around 30% have been stably residing in Italy for more than five years. A vast group of hidden, irregular immigrants must be added to these three million regular immigrants, whose presence is estimated to constitute between 540,000 and 800,000 people.

According to the most recent ISTAT data, since October 2005<sup>12</sup> 1.224 thousand units employ foreign workers and non-EU citizens account for 90% of this figure<sup>13</sup>. Around two thirds of foreign workers are concentrated in the Northern regions, while a quarter is present in the

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<sup>12</sup> ISTAT data refers to the resident population possessing foreign citizenship in general, comprised mostly – but not exclusively – by immigrants, though there is an increase of individuals born in Italy from foreign parents and regularly residing in the country. Irregular migrants are excluded: foreign individuals who, though in possession of a valid residence permit, are not registered in the Municipal records, foreign individuals who, like those of the Italian population, live in religious institutions, health institutions, etc.

<sup>13</sup> According to ISTAT data, during the last quarter of 2005 circa 11.5% of foreign citizens searched for a job, and unemployment rates reached 8.2% among foreign men and 11.6% among foreign women. The difference between the unemployment rate of male foreigners and Italian men remains unchanged, while the foreign female unemployment rate steadily continues to be higher than that of Italian women.

Central regions and only 11% in the Southern regions. In general, the latter only represent the first step of a migratory project towards the Centre-North. The distribution of foreign workers along Italian soil is considerably different from that of Italian workers: around 50% of Italian workers reside in the North and 30% in the South.

In 2005, the employment rate for foreigners aged between 15 and 64 has stabilized at around 65.5%. The proportion of employed foreign citizens of working age was 8% higher than that of the Italian population. The 25-44-year-old age group accounted for 70% of foreign workers and for 57% of Italian workers. Among foreign citizens, the rate of male employment was around 80%, and the female employment rate around 51.2%. It is thus evident that the gap between total employment rates of foreign citizens and total employment rates of Italian citizens is stronger in the male category. On the other hand, the employment rate of foreign women is only a little higher than that of Italian women. Regional differences can be seen here as well. In the Northern regions the employment rate of Italian women is substantially higher than that of foreign women, while in the Southern Regions the portion of employed foreign women aged between 15 and 64 years is superior to that of Italian women.

About 82% of foreign workers work full-time and the rest hold part-time jobs. Comparatively, the quota of full-time employment among the Italian citizens is higher (88% in 2005). At least 72% of foreign workers have a job of undetermined duration where they work for someone else, while 15% of them have an autonomous business. The services sector absorbs more than half the foreign labour force. Around 38% of foreign workers are concentrated in three services sectors - trade, hotels/restaurants, domestic work -, and approximately a quarter of the total foreign workers have their own business as domestic workers within families. 40% of the foreign labour force is employed in the industrial sector, and this figure 10% higher than that of the Italian labour force employed in this sector. The presence of foreigners is particularly high in the construction industry, where they account for about 17% of total foreign workers, the double of Italian workers in the sector.

Immigrants work basically in non-qualified professions (e.g. as builders, agricultural workers, cleaners for private businesses, domestic collaborators, family assistants, door-keepers in private toilets etc). Jobs that require physical strength and resistance, and tend to be widely filled by the foreign component of the labour market. The presence of immigrants is growing in jobs that mainly require manual work (e.g. electricians, carpenters, factory workers, truck-drivers) but that also allow for greater self-autonomy. Last but not least, the small presence of foreign citizens in highly qualified professions is composed mainly by nurses and owners/managers of businesses, restaurants and bars.

Notwithstanding, despite the occupation in low-qualified sectors of the labour market, it is necessary to bear in mind that about half of the foreign workers possess a university degree or diploma (9.9% and 39.4% respectively), 36.4% hold a high school certificate and 14.3% hold a primary school certificate or no certificate at all. About 40% of those in possession of a minor, three years university degree and 60% of those in possession of a major, five years university diploma work in low-qualified or manual jobs. Summing up the latest ISTAT data, in Italy there are 1,224, 000 foreign workers (comprising 5.4% of the total workforce), 40% of whom are employed in the industrial sector and 38% of whom are employed in the third sector. Regarding autonomous work, there are 372,000 immigrant entrepreneurs, accounting for 4.7% of total entrepreneurs active in Italy. Immigrants dominate the family collaboration sector. After the 2002 amnesty, more than half a million foreign citizens presented themselves as working in this sector. In fact, in 2005 nearly two-thirds of employment in the Italian labour market was the result of the 2002 regularization of immigrants. The number of workers has increased in the construction industry, where the regularization has had a relevant impact, and has also increased - but to a lesser extent - in the third sector. At the same time numbers have been decreasing in industry and agriculture. The growth trend regards mainly the Northern and Central regions, while the Southern regions have faced a decrease in the total number of workers.

At the beginning of the immigration flows, the industrial sector was not the main sector absorbing the immigrant labour force. Specific niches in the labour market represented “pull factors”. Immigrants mainly find employment in the informal economy, in specific jobs, where

they either occupy vacancies abandoned by natives or create their own jobs (as is the case for street-vendors). The main occupational areas which attract foreign immigrants are in the tertiary sector (peddling, domestic work, small cleaning enterprises, catering) and in the primary sector (fisheries and some agricultural activities). These jobs are predominantly part of the informal economy, which represents a particularly large sector in Italy (around 30% of the national product, according to some estimations)<sup>14</sup> (Reyneri, 1991, Venturini, 1989). *“Italy has a labour market which stimulates illegal immigration”* (Onorato, 1992).

The importance of the informal labour market creates a vicious situation where immigrants are needed by the labour market and over-exploited by employers. This represents another aspect of the Mediterranean model. *“In an economic system characterized by a large quota of informal economy – such as the Italian one – the link between employment and the renewal of the residence permit represents a continuous risk of relapse into illegality. According to the data of the Work Inspectorate, 26.1% of migrants employed in the black economy could have previously had a regular position in what regards their residence permit”* (Zinconone, 2001:28). Due to the demographic changes that have been taking place since the nineties (ageing population, low birth rate), not only the informal economy needs the immigrant labour force. According to expert opinion, the trade-unionists and employers, the entire Italian economy would be paralyzed nowadays if it weren't for immigrants. The construction and agricultural industries, as well as other industries in the North-West and rich North-East of the peninsula, and assistance and care services (for children and, increasingly, the elderly), strongly need immigrant labour force. It is estimated that 3,741,500 of foreigners have a regular permit and that 750,000 are irregular or clandestine<sup>15</sup> (CISL, 2006). This last trends also emphasizes the fact that gender specificity is an important factor in the distribution of immigrants within the labour market and the division of all-male/all-female ethnic groups. In national groups mainly employed in domestic services, the percentage of women is around 70%, while males comprise circa 90% of groups of street-vendors or construction workers. The high employment of women in domestic services has a potential of rendeting their presence ‘invisible’. First because they work 24/7 and second because being ‘visible’ is dangerous for clandestine workers. An evaluation of CENSIS<sup>16</sup> data indicates that 77% of female workers do not possess a regular permit.

## 1.2 Policies controlling prostitution.

The main reference in Italian policies on prostitution is law no. 75 of 1958 **“Abolition of the regulation of prostitution and the fight against exploitation of the prostitution of others”** (the so-called *Legge Merlin*). It decriminalizes prostitution if practiced in private, forbids prostitution in brothels, and criminalizes those who exploit prostitutes or lead women into prostitution, including foreign women. Such crimes are punishable even if committed in a foreign country. In regards to street prostitution, Nigerians comprise the largest group of migrant women, followed by Albanians, Russians and Ukrainians. The remaining groups are the Latin Americans and transsexuals. Street prostitution is controlled by two types of pimps: those who share the same nationality of the women they exploit and the Mafia organizations. Madams (former prostitutes) are common among the Nigerian women. According to the law, deportation of foreign prostitutes is illegal. However, very often, when arrested by the police these women are deported since they do not hold a valid residence permit. In 2003, the centre-right-wing government proposed the discussion of a new regulation, which would legalize

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<sup>14</sup> Italy has the second most important informal economy of all the European Union countries, after Greece.

<sup>15</sup> CISL evaluation data –Migration Policies Department, April 2006.

<sup>16</sup> CENSIS, *Anziani, lavoro di cura e politiche dei servizi, prospettive sociali e sanitarie*, XXXIV n. 17-18, October 2004.

prostitution if not exploited in public places (in reference to the German law on prostitution). The declared intentions of the law's promotor were to reduce the overwhelming degradation of public areas, especially in peripheral zones or downtowns that are controlled by organized crime. The centre-left-wing did not support this proposal.

Nowadays, the laws in force concerning prostitution are:

- Law no. 75 of 1958: “**Abolition of the regulation of prostitution and fight against the exploitation of the prostitution of others**”. With special reference to immigrants, paragraphs 6 and 7 of article 3 punish those who force other persons to move from one place to another – within the same country or to a foreign one – in order to engage them in prostitution.
- Law no. 269 of 1998: “**Law against the exploitation of prostitution, pornography and sexual tourism involving minors, as a modern form of slavery**”. The law states that any person who directly or indirectly forces a minor – regardless of his/her nationality – to prostitute him/herself will be punished with 6 to 12 years imprisonment. It also states on article 18 that foreign citizens who, in Italy, face a *situation of violence and serious exploitation* from which they cannot escape, they are eligible to receive a short term residence permit for social protection reasons.
- Immigration law no. 189 of 2002 **Modifications to the regulation on asylum and immigration**: article 12.1, states that any action that makes irregular entry easier for a foreigner into Italy constitutes a crime, which will be punished according to the scope of the action. Those who simply assist the entry of a foreigner who is not a regular resident in Italy will be punished with imprisonment (one to five years) and a fine (up to 15,000 euros per person); those who assist such entry with the aim of exploiting the foreigner/s are punished with imprisonment (four to fifteen years) and a penalty (15,000 euros per person). Article 12.3**bis** states that if the offence mentioned in point 1 is committed with the aim of **recruiting persons either for prostitution or for the exploitation of prostitution**, then the imprisonment will be from four to fifteen years (with an increase of 30% - 50%) and the penalty could reach €25,000 for each irregularly entered person.

### 1.3 Policies regulating domestic work.

Over the last 30 years, Italy has gradually went from being an emigration source to an immigration destination. Since the beginning of this process, immigration flows have had a female component of single women who have mainly come to work in the domestic sector, leaving their families in their country of origin. During the seventies and the early eighties Catholic church agencies were very active in organizing the entry of female migrants to work within Italian households. Therefore domestic work, a female-dominated domain by excellence<sup>17</sup>, is one of the oldest professional occupations for immigrant women in Italy, and a sector which has promoted continuous, work-driven female immigration over the past three decades.

The *context* in which domestic work exists has evolved over the last 30 years, and so has the *position* of female migrant workers and the *need* for their labour, which has been steadily increasing<sup>18</sup>. When the first foreign female workers began to arrive in Italy during the

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<sup>17</sup> At the end of the 20th century, male foreign workers composed one fifth of total domestic workers (a higher presence than that of their male Italian counterparts, nonetheless).

<sup>18</sup> From 1972 to 1994 the INPS has had 1,562,604 domestic workers paying contributions, out of which only 12% were foreign citizens (188,970). In 1994 alone there were 50,000 registered foreign domestic workers, while in 2004 there were 491,000, out of a total of 600,000 domestic workers. This growth, which is much faster than the growth rate of the foreign population in Italy, can be explained by the regularization of foreign domestic workers with the 1998 and 2002 amnesties (INPS/Caritas, 2004). The

seventies, there was still a consistent workforce of native women in the domestic sector, mostly women from the southern, poorer areas of the country. After World War II, the use of a 'domestic maid' was considered a 'luxury' afforded only by the wealthy few. However, the transformations in the structure of the Italian family (in particular the 'embrace' of a professional career outside of the domestic context by female members), combined with the progressive ageing of the population<sup>19</sup> and the Welfare system's increasing lack of capacity to provide care for two important sectors of the population – young children and elders – pushed Italian families to seek for alternative sources of services that were not State-provided, i.e. private services for domestic work, especially care assistance. When the native labour force could no longer meet the need<sup>20</sup>, Italian families started to seek immigrant workers. During the 70s the response to this emerging need came from Catholic church agencies, who organized the entry of female migrants to work in Italian households, initially coming from the former Italian colonies (Eritrea, Somalia, Ethiopia) and later on from poorer, Catholic-background countries such as Cape Verde, Portugal, the Philippines and Latin American countries<sup>21</sup>.

With the eighties passing by, Catholic church agencies gradually lost their mediating role. Independent, self-initiative-based migratory fluxes of single migrant Polish women involved in the domestic sector began to emerge. They profited from a special degree of (relative) liberty of movement and established a model of continuous, cyclic, chain-migration based on short stays in Italy.

Until the early 90s, domestic work had a great impact on the number of total foreign workers - absorbing 1/6 of this number - and it was the prevailing domain of labour insertion for female migrant workers (INPS/Caritas, 2004). Since 1998 the entry of female migrants for domestic work (like for other work categories) has been regulated by a quotas system. Annual quotas dedicate a portion to domestic workers, to be distributed among the regions. Before the institution of the quotas system, a cyclic regularization process of irregular migrant workers has been in use since 1986. The number of migrant workers presenting regularization requests as domestic workers is particularly high. One of the explanations for this is that, since it is a 'needed' working category, it is 'easier' to obtain regularization. Therefore individuals who work in sectors other than the domestic one (e.g. carpenters) present their regularization request as domestic workers (e.g. as 'gardeners'), in order to go through a smoother regularization process<sup>22</sup>.

While the first law on domestic work is from 1958 "**For the protection of the relationship of domestic work**" ("*Per la tutela del rapporto di lavoro domestico*") (defining it as a 'profession' and regulating the basic standards), the first national contract for domestic work only appeared four decades later, in 1996. Coordinated by the trade union CISL and the

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increase of foreign domestic work has been followed by the decrease of Italian domestic workers. At the beginning of the 90s one out of six domestic workers was a foreign citizen, a decade later one out of two domestic workers was a foreign national (Zincone, 2000).

<sup>19</sup> According to INPS/Caritas (2004) in 1977 there were 2,300,000 elderly people with a disability, out of which 1/6 had a 'grave disability'. At the beginning of the 21st century, 25% of the population over 65 lives alone, 43% of whom have no family network of support whatsoever, while the Public Health System can only guarantee home assistance to a 'minimum quota' of the over 65-year-old population.

<sup>20</sup> Not just by being insufficient in numbers, but also by starting to refuse work in lower status, lower-skilled and lower paid sectors such as the domestic one. This attitude is connected to the post-II World War improvement of socioeconomic living conditions).

<sup>21</sup> The 'Catholic' background was privileged with the aim of limiting the difficulties of adaptation and interaction among workers and employers. In a 'Catholic Italian household' the foreign citizen would be 'safe', the Italian morality would be similar to the moral, religious and cultural conditions of her country of origin. The Catholic church also organized many church-based social integration initiatives for these women, in the local parishes.

<sup>22</sup> This started to become evident during the 1996 amnesty, where national groups who are not 'traditionally employed in domestic labour' – e.g. Senegalese men – started presenting their regularization requests as domestic workers. In the 2002 amnesty 360,000 of the 700,000 regularization demands presented were for assistance/care workers (INPS/Caritas, 2004).

‘Beyond the border’ National Association (ANOLF), it integrated the main standards of the 1958 law and introduced new ones, becoming one of the most important legal instruments for the protection of domestic workers.

Given the welfare system crisis, at the present time the need for a domestic worker – particularly care assistants – is no longer a ‘luxury’ but an overwhelming necessity that crosses social classes and forces lower-income families to make ends meet in order to employ a private care giver<sup>23</sup>. However, the procedures for employing a foreign domestic worker functions on a first-come, first-served basis, thus making no differentiation between those in real need and those who simply want the luxury. The category of ‘domestic worker’ comprises subcategories of maids, care assistants for children (*colf*), care-assistants for the elderly (*badante*), baby-sitters, cooks and gardeners.

Italian admission policy is mostly employer-driven (i.e. there is a direct call for individual foreign workers) and sector-driven (i.e. selection of certain skills as determined by the government). Within this framework, domestic workers – *foreign family collaborators* - can be considered to be among the ‘privileged’ working categories (article no. 27 of immigration law no. 286 of 1998, carried on untouched by article no. 22 following law no.189 of 2002) that Chaloff (2005a) calls an “unlimited special category”.

The main legal instruments regulating domestic work at the present moment are:

- Immigration law no. 189 of 2002 (articles 6, 8, 18, 19, 22 and 33 on the residence contract, employer’s obligations, entry for working purposes and regularisation of irregular workers);
- Decree of the President of the Republic no. 334 of 2000 (on actuation norms for the hiring of domestic workers);
- Decree of the President of the Republic no. 349 of 1999 (on the definition of care assistants);
- Immigration law no. 286 of 1998 (on minimum weekly working hours);
- National collective contract of work for domestic workers (July 1996, coordinated by CISL-ANOLF).

According to article 30 *bis* of law no. 189 of 2002, in order to hire a foreign domestic worker the employer begins by presenting the request for a foreign domestic worker at the Provincial Labour Direction<sup>24</sup>. The employer must guarantee accommodation for the worker (respecting the minimum standards set by the law on public housing), commit him/herself to pay travelling expenses for the return of the worker to the country of origin, and self-certify his/her ‘fiscal health’, occupational capacity and income of the specified type of entity in which the worker is to be inserted. Self-certification by the employer on residential and family status might be asked. In comparison with the hiring of workers from other categories, the hiring of domestic workers is given special treatment, reason for which it is considered to be ‘privileged’. An employer affected by pathology(ies) or handicap(s) that limit(s) self-autonomy does not need to prove his/her financial capacity for the hire of a personal care-assistant, provided that a certified medical document is presented, evidencing the pathological/handicapped condition. An employer who cannot prove that he/she has limited self-autonomy must self-certify the possession of a minimum yearly income of €15,000. He/she can, however, certify this income in association with the incomes of other relatives (e.g. the income of the employer, his sister and son).

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<sup>23</sup> INPS/Caritas (2004) quotes a study by IREF-ACLI according to which, 950,000 Italian families in 2002 were interested in having greater care/assistance services for the elderly and children because public services were insufficient and/or conceived as inadequate/inflexible regarding people’s real needs.

<sup>24</sup> Employment priority is given to native workers enrolled in the Direction. Only when no native worker is available does the Direction call for a foreign worker enrolled on its employment list or coming to Italy within that years’ quotas. In practice, no/very few native workers are available.

Similarly, the salary of the domestic worker, which regardless of the worker's category must not be inferior to €434 (excluding accommodation costs), might be paid via a 'plurality of working relationships' or the individual declaration of a working relationship with a shared worker by plural entities (e.g. employer, his sister and son).

The domestic worker is automatically given a two-year, renewable residence permit (and not the usual one-year permit). Working hours range from a minimum 24hr/week (20hr/week for non-EU citizens) to a maximum 55hr/week (44hr the worker does not live with the employer), and involved parties can agree on an amount of hours in between this range. If the domestic worker loses his/her job and has a regular work contract, he/she can apply for an unemployment subsidy after having paid social contributions for at least two years.

The National Collective Contract of Domestic Workers regulates the responsibilities for both workers and employers, such as living and working environment conditions, social contributions, the pension, social security coverage, days off (36hr/week), holidays (26 days per working year), absences (for specific circumstances), minimum working hours and the minimum salary corresponding to the varied work sub-categories. After the contract is signed, no ulterior cuts to the worker's salary are allowed. It is thus surprising that the domestic sector is considered to be an unregulated professional environment, where many workers – mostly women - are undocumented and statistically absent from labour force calculations (Chaloff 2005a, Chaloff 2005b, Andall 1999, FGB 2006). This might be explained by several factors. Firstly, foreign domestic workers are useful, cheap and more easily exploited (especially if their stay is somehow irregular<sup>25</sup>). Secondly, domestic work is conceived as 'private' employment and (thus) 'unregulated' by both employer/employee. Thirdly, many people ignore the existence of a national contract with rights and duties for both entities. Fourth, the domestic sector is an informal, hidden, underground economy. It is difficult to define or estimate how much this sector is needed because employers are individuals, not businesses, and therefore external control and supervision of this sector is limited.

Also, the increase in the number of workers available to do such work (mostly women from Eastern Europe and South America) has driven down wages<sup>26</sup> (FBG 2006). The main consequences of the unregulated nature of many domestic work relationships are exploitation (lower wages, no overtime payment, no holidays), a less clear division among 'care' and 'other' domestic tasks (e.g. cleaning, cooking) and therefore an increased workload, and greater vulnerability and less power/voice to workers themselves. Other problems that female migrant domestic workers experience are health problems (psychological drain, back pain) and the limitation of personal freedom/autonomy (especially in the case of care assistance for the elderly, which is very time-consuming work and often implies physically living with the employer).

Overall, the migrant labour force is overqualified and mismatched to the low-skilled jobs performed, and this seems particularly relevant among domestic workers, where it is estimated that approximately 25% of workers hold a university degree (Chaloff 2005b; Caritas 2005).

The instrumental nature of immigration policies, which do not meet the demand for foreign domestic workers, maintains a vulnerable and cheap niche of a 'useful' labour force (both for Italian women and Italian society). Thus, it is given 'special' hiring conditions. As a consequence, any debate about relevant social issues (unequal gender divisions of labour within the family, difficulties in conciliating living and working times, discrimination of native women and sexism) is indefinitely postponed. Foreign women not only allow Italian women to enter the labour market and fulfil high positions in it, but they also permit the maintenance of patriarchal and sexist societal values (Andall 1999, FGB 2006), which is so often criticized but never truly faced.

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<sup>25</sup> Which is paradoxical, because according to immigration law the employers who use irregular foreign labour force also commit a crime .

<sup>26</sup> This however is a trend affecting all sectors of the economy.

Although there is no national association representing all domestic workers (migrant or native), they are represented by trade unions and related bodies such as CISL, CGIL, ANOLF and FISASCAT-CISL, and by local associations of domestic workers. These bodies offer information on labour law, the national collective contract, rights and duties of the employee/employer and they mediate labour conflicts. Understandably, enjoying a 'safer' visibility, regular migrant domestic workers tend to establish closer relationships with trade unions than their irregular colleagues, who nonetheless do make use of services offered either personally or through a friend/NGO.

#### **1.4 Social policies for the unemployed and social policies for re-entering the labour market.**

In 2002, the Legislative Decree no. 297 reformed the Italian system of "*Centri per l'impiego*"<sup>27</sup> (Employment Centres) and introduced a new **National Action Plan for Employment**. The decree states that a person is unemployed if "he/she does not have a work contract and if he/she can immediately research job opportunities and accept work". "Unemployment status" is thus obtained through a declaration at the local Employment Centre, stating that the person does not have a job and is willing to find and immediately accept work. This status is interrupted if the person comes across a job contract lasting longer than 8 months (4 months for young people) and if the job grants the minimum income set out in each employment sector. Migrants can put their names down on the lists prepared by the local Employment Centre. The aim is to raise the awareness of all parties involved on the labour market demand/offer, and to introduce an easier communication system between the INPS (*Istituto Nazionale Previdenza Sociale* - The National Institute for Social Security) and INAIL (*Istituto Nazionale per l'Assicurazione contro gli Infortuni sul Lavoro* - the Italian Workers' Compensation Authority<sup>28</sup>) Offices.

Even though the entry of migrants in Italy is defined by a quota system for foreign labour<sup>29</sup>, the National Action Plan for Employment does not assign a specific role to immigration. "*The 2002 National Action Plan for Employment only makes reference to immigration twice: first, in terms of possible benefits of the labour market reform and immigration law reform in reducing the 'undeclared work of undocumented immigrants' (...) and as a priority category for 'reinsertion' into the labour market (along with adult women, the disadvantaged, people with disabilities and those who have been laid-off) by regional and local policy development in the various Regional Action Plans*" (Chaloff. 2005b: p. 5). Each Employment Centre has a special Immigrant Advice Bureau (*Sportello per l'immigrazione*) which offers guidance and legal advice on the Italian employment system to non-EU citizens. Due to the setting of these bureaus in each municipality, it is impossible to give a single evaluation of their services because their service depends on many factors including work conditions, work offers, and the immigrants' presence at the bureaus. In short, the system of employment centres has not been

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<sup>27</sup> The employment centres work at the municipal level according to the guidelines stated by each Region

<sup>28</sup> INAIL's main objectives are: the reduction of workplace accidents, the insurance of workers involved in risky jobs and the reintegration of work accident victims in the labour market and social life. This type of insurance, which is compulsory for all employers hiring people for work which the law defines as risky, protects workers from any kind of damage resulting from work-related accidents and occupational diseases, thereby freeing employers from any civil liability.

<sup>29</sup> There are three parameters defining the division of the national quota: type of labour (sub-divisions among seasonal work, contract dependent and independent work), job category (occasional subquotas are given to certain categories eg. nurses) and nationality (quotas reserved for specific nationalities). The last parameter is exclusively related to foreign policy objectives (i.e. bilateral agreements signed with single states) and not to labour market needs. See also law no. 40 of 1998 and law decree no. 286 of 1998.

able to answer the demands of immigrant job-seekers. The main job-seeking strategy of migrants is the use of informal networks of contacts, which usually comprises migrants from the same area of origin. On the other hand, actions for the labour insertion/re-insertion of migrants seem to be efficient, when developed using the EQUAL and INTEGRA programs framework financed by the European Union (see § 2.3).

In order to enter and remain in Italy, the foreign worker's situation is strictly related to the possession of a "*contratto di soggiorno*" (residence contract), which can only be obtained by those who already hold a regular job contract. For this reason, all the agreements which have taken place<sup>30</sup> are not aimed at facilitating the entry of *all unemployed migrants* into the Italian labour market, but only of those who are still in their country of origin and wish to come to Italy. Thus, a migrant job-seeker in Italy is in a rather difficult position: he/she has to find a job before the permit expires, otherwise the possibility of renewing the residence permit is lost. Despite the migrant's high need for a job, Public Services do not foresee any special aid regarding this particular issue, with the exception of the Immigrants' Advice Bureau. This condition has been exacerbated by immigration law no. 189 of 2002, which has drastically reduced the period of validity of the residence permit. A non-EU worker holding a contract of "undetermined duration" is entitled to a two-year residence permit, while an unemployed migrant is only given six months to find another job contract.

## 2. Policies targeting migrants.

### 2.1 Migration and naturalization policies, policies regulating residence and work.

In Italy, the phenomenon of immigration has been present in legislation since 1986. This was the year in which the first legal attempt to recognise the entry of labour migrants was made. It was driven by the Italian government's obligation to comply with the ILO Convention no. 143 of 1975 on the Rights of Foreign Workers. Law no. 943 of 1986 "**Norms related to the employment and treatment of foreign working immigrants and against illegal immigration**" focused mostly on work matters and introduced, for the first time, procedures for the legal registry of workers (from then on divided into 'regular' and 'irregular' categories). Furthermore it introduced general principles on the conditions for non-EEC workers and promoted the first regularisation process. Nevertheless, it made no reference to integration matters (migration was strongly conceived as a 'transitory' phenomenon), and some important aspects such as self-employment remained unregulated, while the introduced regulations were not accompanied by any specific guidelines to follow.

Four years later another law came into force, immigration law no. 39 of 1990 "**Urgent norms and regularization on the political asylum, entry and residence of foreigners**" (also known as the *Martelli Law*). This law focused less on work matters and more on stay/residence issues, introducing the first norms regarding asylum-seeking procedures, and establishing the rules referring to migrant residence in Italy and migrant rights to family reunion. This law mentions the need to promote the sociocultural integration of immigrants, but it does not go beyond doing this. This law proved to be particularly inadequate regarding asylum seeking, because it considered the matter to be 'exceptional', while simultaneously promoting a legal system in which inefficiency became structural and common.

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<sup>30</sup> We can mention the agreements for Moldovan, Albanian and Tunisian seasonal workers and the so called *Registries*, aimed to provide a list of foreign workers available for emigration to Italy under the anonymous request system, by means of a Digital Registry of Foreign Workers system (AILE) which includes basic information on training, skills and objectives of foreign workers. A similar principle underlies the limited but effective database for seasonal workers (SILES).

The following immigration law no. 40 of 1998 (also known as *Turco-Napolitano* Law) **Consolidation Act on Migration**<sup>31</sup>, tried to propose an “Italian model” of integration. The introductory report of the bill defines three goals: “*the fight against illegal migration and criminal exploitation of migration flows; the implementation of a policy of legal, planned and regulated entries and the application of efficient integration processes for new migrants and foreigners already residing in Italy*”<sup>32</sup>. The Consolidation Act on Migration gives a central role to the Prime Minister who has the power to prepare a three-year document for migration policies (art. 3)<sup>33</sup>, but it also reinforces the importance of the local level, creating local Migration Councils (art. 3.6). It also has created a National Fund for Migration Policies Resources (art. 45), which together with the National Commission for Integration Policies, (art. 45), the Committee for the Problems of Migrants and their Families (art. 42), the Committee for Minors (art. 33) and the Registry Body of agencies working for the integration of migrants (art. 42). Unfortunately, the administration of all these migration-related offices by a single unified body is not foreseen. Consequently, different Ministries carry out many functions, without any connection or coordination. The first attempt to program migration policies was made with Consolidation Act on Migration, through the three-year programming document, in which the priorities and interventions of the Italian state in what regards immigration are presented and explained. This includes cooperation with EU member states, countries of origin, NGOs and civil society bodies; and, most important, the establishment of quotas for the entry of foreign workers in Italy - an amount above which no entry can be ‘regular’.

Regarding integration, a National Fund specifically allocating financial resources to migration policies was established, and a National Commission (also represented at the local level) was created to supervise the general effects of migration policies over immigrant’s integration. Enjoying a relatively high degree of independence, the Commission called for a ‘reasonable’ model of integration and pressed for the recognition of full political rights to resident migrants. The powers and responsibilities of local governments were also increased, in what regards integration. Regional Governments were appointed as advisors for the production of the programming document, and they were also recognized as major agents in the planning and implementation of measures for the reception and integration of migrants. They received about 80% of the National Fund.

An innovation of this law was the ‘sponsor system’. This system allowed the entry of a limited number of foreign citizens (a percentage foreseen in the quotas) for a six month period for job-search purposes, provided that another individual (an Italian citizen or a foreign citizen regularly residing in Italy) - the ‘sponsor’ figure – guaranteed accommodation and payment of living/health costs throughout the foreign citizen’s stay. Another new feature introduced was the ‘Centre for Temporary Stay and Assistance’ (CPT), a structure for the detainment of irregular migrants (i.e. undocumented/improperly documented migrants), in which they could be imprisoned for a maximum of 30 days before being expelled from Italy.

While it is true that the **Consolidation Act on Migration** is the only immigration law that specifically recognizes and addresses the integration needs of migrants, it is also true that bound the success of ‘integration’ exclusively to the existence of an effective policy for the control of irregular immigration. According to his/her legal status – ‘regular’ or ‘irregular’ - the

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<sup>31</sup> Law decree no. 286 of 1998, “**Unified Text of dispositions concerning the control of immigration and norms on the situation of foreigners**”. See also Presidential Decree no. 394 of 1999 “**Regulations for the enforcement of the law**”.

<sup>32</sup> Initially instituted as law decree no. 286 of 1998, a few months later it was redefined as law no. 40 of 1998.

<sup>33</sup> Two documents have been issued so far: Presidential Decree of 06.08.1998 published in the *Gazzetta Ufficiale* no. 184 of 08/08/1998 and Presidential Decree of 30.03.2001 published in the *Gazzetta Ufficiale* no. 112, *Supplemento Ordinario* no. 119 of 16/05/2001.

migrant would have access to a set of rights, which in itself defines the extent to which the migrant can integrate. Furthermore, only basic principles of integration were defined, no specific orientation was given on 'how to do it' - this 'knowledge' was left to the activism and *savoir faire* of the local agents. The actual immigration law (also known as *Bossi-Fini*), voted in 2002 by the previous centre-right wing government, does not acknowledge the structural and cultural change operated in the Italian society by the phenomenon of immigration. It reflects an ideology which links immigration exclusively to labour market needs, refuses to consider Italy as an immigration country, rejects a multicultural model and considers authoritarian and repressive measures the best way to deal with the phenomenon.

Objectively speaking, law no.189 of 2002 "**Modifications to the regulation on asylum and immigration**"<sup>34</sup> is characterized by maintaining the core policies upon which the previous Consolidation Act on Migration was based, but it gives the regulation a more restrictive character. Since coming into force, this law has ruined the already precarious integration/repression equilibrium achieved by the Consolidation Act of Migration, energies and funds are heavily directed toward repressive policies<sup>35</sup> rather than towards integration policies. The modifications introduced in 2002 have focused mostly in the tightening/toughening of the measures already introduced by the previous law, rather than toward proposing innovations.

Law no. 189 of 2002 links the possibility of legally residing in Italy to the possession of a work contract, based on which a "residence contract" (*contratto di soggiorno-lavoro*) is signed. The residence "contract" is a work contract which must be completed at the 'One-Stop-Shop for Migration' at the Police Station Offices (*Sportello Unico per l'Immigrazione*). It includes the employer's guarantee that the migrant has accommodation and that his/her travel expenses for returning to his/her home country at the end of the work contract are already paid. The residence contract is not in itself a valid residence permit, but a prerequisite for obtaining the permit. The whole procedure is discriminatory, demanding from migrants a professional stability that, in reality, the Italian labour market rarely offers. In practice there are three kinds of stay permits: a) the short term residence permit (*permesso di soggiorno*) whose length depends on the duration of the job contract held by the migrant; b) the long-term residence permit (*carta di soggiorno*), which can be obtained after six years of regular residence in Italy; c) the family reunion permit for spouses and children. All three are renewable. Prior to 2002, immigrants could obtain the *carta di soggiorno* after five years of regular residence in Italy, instead of the six years that are now required.

Concerning family reunion, different legal status apply according to the spouses' nationality and to where the ceremony of marriage takes place (in Italy or abroad). In all cases the migrant woman obtains a residence permit following marriage, but nonetheless the type of residence permit and the procedures to obtain it depend on the husband's legal status (either an Italian national, EU citizen or regular migrant from a third country). A foreign woman, coming to Italy from a third country and planning to marry an Italian national in Italy, does not need a special visa to legally enter (a tourist visa is enough). She may even marry while she is in a 'clandestine' position and regularize her situation after the wedding. Both spouses present required certificates and identity documents at the relevant municipal office in order to have the marriage certificates issued, and after the wedding the foreign spouse requests a long-term residence permit at the local police office. Prior to the request of Italian citizenship, the foreign spouse must have been living in Italy with the Italian spouse for (at least) six months. She/he can change the residence permit "for marriage reasons" into a work residence permit there is divorced after (at least) six months of marriage - provided that requirements for a work permit are fulfilled.

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<sup>34</sup> Because law no. 189 of 2002 surpasses law no. 40 of 1998, modifying articles but at the same time absorbing part of its (unmodified) content, it leads us, in some cases, to distinguish between modifications introduced (referring to law no. 189 of 2002 exclusively) and legal matters left untouched (referring to both law no. 189 of 2002 and law decree no. 286 of 1998).

<sup>35</sup> The CPTs were particularly reinforced and became one of the main funds-receiver structures.

A woman in the process of family reunion with an Italian or EEC citizen spouse whom she married outside of Italy, is granted a long-term residence permit, which allows her to work without restrictions, study and access public health services. After six months of marriage and cohabitation with an Italian/EEC citizen, the foreign wife is entitled to Italian citizenship. Procedures are significantly different for a foreign woman married abroad to a non-EEC citizen (legally residing in Italy) who plans to join her husband in Italy. The right to family completion as foreseen by immigration law allows regular immigrants residing in Italy to bring over husband or wife and children (under 18) immediately. Parents are exceptionally allowed to come if they prove that no other child can provide for them in their native country. Disabled and third degree relatives are no longer entitled to family reunification (however children who are not self-autonomous or who are seriously disabled are entitled to family reunification even if they are older than 18 years). Reunited family members are given short-term residence permits for “family reunion reasons”, instead of the long-term residence permits given to foreign citizens who marry an Italian /EEC citizen residing in Italy.

In the case of a wife coming to rejoin her foreign husband who is regularly residing in Italy, it is the husband who must activate the process at the local Italian police office, provided that he meets three conditions: the possession of a valid and renewable (minimum) one-year-long residence permit, the guarantee of proper accommodation (as defined by the regional law for public residential housing<sup>36</sup>) and an annual income (from a legal and regular occupation) not below the annual amount granted by social welfare (circa €4,000). The residence permits granted for the family reunion reasons given in this case cannot last for more than two years nor exceed the length of the residence permit of the family member upon which the migrant’s status depends – if this member loses his/her job, he/she has 6 months to find a new job otherwise the right to remain in Italy is lost and he/she must in theory return to the home country, as must all the other reunited family members. Similarly, these permits can only be renewed together with the husband’s/father’s permit. There is no standard length of time for the procedures to obtain a family reunion residence permit. Procedures can take from one month (family reunion with an Italian or EU citizen) to several months (family reunion with a non-EEC citizen).

The degree of independency of married women from their spouses (be they Italian/EEC citizens/non-EEC citizens) varies. While residence permits for ‘marriage reasons’ or for ‘family reunion’ can be changed into work permits, these women’s attainment of an independent right of residence depends on 1) their time spent in Italy, 2) their type of marriage (to an Italian/EEC citizen or a non-EEC citizen) and its duration, 3) their own possibilities of economic self-subsistence. It is worth noting that a foreign woman marrying an Italian or EU citizen will more easily obtain an independent right of residence (the long-term residence card or Italian citizenship) than a foreign woman married to a non-EEC citizen. In the latter case her residence permit strictly depends on the duration of her husband’s; unless she is able to change her permit into a work permit, which is possible in theory but rather difficult to do in practice.

One of the problems most affecting foreign workers is the risk that the social and retirement fund contributions they pay for may bring them no return in benefits. Under immigration law no. 189 of 2002, foreigners who return to their own country without having reached the minimum necessary number of years to receive benefits (20 years of contributions and a minimum age of 65 years), lose all their contributions if they have been a member of the retributive or mixed system. They can only get back what they have paid if they are members of the contributive system. Under the previous system, in contrast, there was a special fund at the INPS for the return of these contributions, plus 5% (Zincone 2005).

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<sup>36</sup> Housing guarantees are one of the obstacles to family reunion, as the parameters established by law are not easily met by housing conditions of most urban areas.

At present moment, entry into Italy for work purposes is only allowed through a quota system, that defines the maximum number of entries of foreign workers in Italy on an annual basis<sup>37</sup>. At a first stage, labour shortages are identified by the Excelsior system<sup>38</sup> and additional input is given by employers' associations. The Excelsior estimates labour market shortages through a survey of businesses conducted by 1) interviews via-telephone 2) face-to-face compilation of questionnaires. Based on these estimates, the Ministry of Labour annually sets the maximum number of workers that may enter the country in the following year, and the Presidency of the Council of Ministers issues one or more official decrees instituting the quotas and distributing them among working categories and geographic areas<sup>39</sup>. The system gives preference to specific nationalities as a 'reward' (through bilateral readmission agreements and cooperation projects) to such 'partner' countries that assist Italy in the fight against irregular immigration, and gives priority to foreigners with Italian origins and foreigners who have participated in Italian-sponsored training courses in their home countries. The Excelsior defends the idea that immigrants do not compete (with Italians) for jobs. Overall the Excelsior is considered to be better than the quota system, because it is more detailed and looks at the number of planned hires in the following year according to the sectorial and geographical location of the businesses, the experience level sought in workers, the nationality of worker (foreign or Italian) and the (employer's) intention of training workers. Despite its recognized excellence, the Excelsior is only cited in planning documents and has no formal role in the establishment of quotas.

The government insists on keeping quota numbers below the demands of the Excelsior and employers' associations, in order to select and control immigration. For example, quotas for 2006 allow the entry of 170,000 non-EU workers (of which 45,000 alone are for domestic work), but employers associations requested 485,000 foreign workers - 315,000 more than what was granted. Quotas for 2005 allowed the entry of 159,000 foreign workers (79,500 for non-EU workers and 79,500 for new-EU member workers), but employers requested more than 400,000 foreign workers. In the end, the difference between quotas and the number demanded is solved by irregular migrants working in the black market. Bilateral agreements of both labour-readmission with 'partner' countries (e.g. Albania and Morocco) and border control are at the core of control policies, followed by penalization of both illegally entry and direct or indirect facilitation of the entry of undocumented persons in Italy.

An 'extra measure' worth considering is the resort to "regularisation"/amnesty processes (*sanatoria*), which have until now been regularly executed every 4-5 years<sup>40</sup>. In the public discourse, the contradiction between a strict entry system and the periodic use of regularisations has been explained by both centre-left and centre-right coalition through blaming the widespread, undocumented presence of migrants to the mistakes of previous governments. *"Regularisation has always been a provision of Italian immigration policy reform. Each change in legislation since 1986 – at roughly four-year intervals – has been accompanied by a mass regularisation, although in each case the government thunders that "this is the last regularisation". In fact, in the intervening years it is traditional to deny that*

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<sup>37</sup> Law no. 189 of 2002 eliminated the 'sponsor system', therefore entry into Italy for work purposes can only happen after the employer/worker contact has already occurred.

<sup>38</sup> The Excelsior system, created for the *Unioncamere* (Italian Union of Commerce, Industry, Crafts and Agriculture Chambers) in agreement with the Ministry of Labour, is run by the *Unioncamere* itself.

<sup>39</sup> Agriculture sectors are allowed 'extra' quotas for seasonal workers and specific professions such as nurses, highly-qualified managers, athletes and performers are exempt from quota restrictions.

<sup>40</sup> The two last regularisations (1998 and 2003) raised concerns over the extent to which the regularized individuals managed to remain 'regular' and not fall back into a state of irregularity. Under the requirements of law no. 189 of 2002 for the renewal of the stay permit, falling back into irregularity is not hard to happen if, for example, at the moment of the permit's renewal the migrant has a lesser-paying job that does not give him the required minimum income, or if the migrant has changed residence and still has not finished the bureaucracy process, and cannot prove his/her rented or owned accommodation.

*any further regularisation is contemplated and to deny any rumours of another amnesty. It should be noted that regularisations are common in Italy in areas other than immigration. There have been numerous tax amnesties, employment 'emersion' regularisations for undeclared workers, and even amnesties for illegally constructed buildings."* [Chaloff 2005b, p. 4]

Naturalization policies are regulated by laws on citizenship and on immigration. **Law no. 91 of 1992 "New norms on citizenship"** is distinct from immigration **law no. 189 of 2002** and it is highly restrictive, as demonstrated by the 90% of rejected naturalisation applications. The Ministry of the Interior takes decisions after a three-year delay with a wide margin for discretion. On the other hand, naturalization is a 'concession', so it can be given or refused. According to this law, an EU citizen has to be entitled to four years of legal residence in Italy and a non-EU citizen requires 10 years of legal residence, before Italian citizenship can be requested. Foreigners whose mother/father are direct, second degree descendants of Italian citizens, can obtain Italian citizenship either after residing in Italy for two years, by doing military service for the Italian Army, or by gaining employment within the Italian Public System. Foreign-born citizens can also obtain Italian citizenship through marriage with an Italian citizen, after 6 months of cohabitation on Italian soil.

Children born in Italy from a foreign couple have the right to obtain Italian nationality, but not automatically. The ***jus soli* criterion**, i.e. non-discretionary access to citizenship for individuals born to a foreign couple in Italy when they turn 18 has been modified. Individuals must be legal residents<sup>41</sup> since their birth, prove their continuous presence in the country and present an official declaration of their wish for Italian citizenship by the time they are 18 years-old<sup>42</sup>. They must do so during the 12 months period between when they turn 18 years of age to 19 years. If they fulfil all requirements, they acquire Italian citizenship automatically. Otherwise, they can only apply as 'immigrants'. That is, they need to fulfil the same conditions as foreign citizens do when they apply for Italian citizenship (and the request can be denied). The citizenship attribution should be automatic, but, in practice we find many delays or questionable rejections. All these conditions depict a strict conception of nationality. In short, the policies are not designed to ensure that those who have a right to citizenship can access it. Instead, the policies push people away from a right, which they want to have, but which remains a theoretical right. Considering these obstacles, the easiest way to acquire Italian citizenship is to marry an Italian citizen. In 2004, naturalization through marriage accounted for 84.2% of the naturalization requests in Italy (Zincone 2005). It's a quicker, and smoother process for obtaining Italian citizenship. Naturalization through marriage requires that the person who requires citizenship regularly resides in Italy for six months and can demonstrate three continuous years of marriage. Law no. 124 of 8 March, 2006 introduced yet another category of migrants who stay in Italy to acquire citizenship. This category pertains to ex-Italians and their descendants who are from the former Yugoslavia territories which belonged to Italy before World War II.

A strong distinction of legal status is made between regular and irregular immigrants. The latter are given 'basic' rights, i.e. essential public healthcare, state education and legal aid, based on which they are entitled to a special anonymous public health card (they are asked either to pay the normal contributions for it or to declare that they are unable to pay it). Public education is not only free, but also compulsory for undocumented minors (Zincone 2005).

### **2.1.1 Asylum and refugee protection**

Italy still does not have a law on asylum. The procedures for the request of asylum are still mainly regulated by art. 1 of **immigration law no. 39 of 1990** and by a few modifications

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<sup>41</sup> Also the parents have to prove their legal residence at the moment of the birth of their daughter/son and for the entire period in which he/she is not entitled to his/her own residence permit.

<sup>42</sup> Art. 4.2, Law n. 91/1992.

introduced in it by **immigration law no. 189 of 2002**. Law no. 39 of 1990 repealed the Italian ratification clause to the Geneva Convention, which geographically limited the status of refugee in Italy to people from authoritarian European regimes. The **Dublin Convention of 1990**, which was ratified by Italy in 1992 but which only came into force in 1997, introduced the principle of refusing applications from people who have already been granted refugee status by other nations that are considered to be “safe countries”. Before the modifications introduced by law no. 189 of 2002 there was only one standard procedure for examining asylum requests. This was the “ordinary” procedure whereby asylum seekers were not detained throughout the procedure’s duration.

The most significant modification to law no. 39 of 1990 is the introduction of a “simplified procedure” for requesting asylum, which allows the detention of the asylum seekers in a Centre for Identification (CI) or even in a Centre for Temporary Stay (CPT)<sup>43</sup>. This procedure quickly proved to be a measure to fight clandestine immigration rather than to provide asylum. The “simplified” procedure is applied to all asylum requests that are not “ordinary”: that is persons considered to have willingly avoided/tried to avoid border controls when entering Italy, or who had previously received an order expelling them from Italian soil<sup>44</sup>.

After the simplified procedure is initiated, the asylum seeker is sent to a CI to be ‘identified’, and the detention – which should only occur for ‘identification’ purposes - is maintained until the final disclosure of the application. A Territorial Commission is supposed to examine the application within 15 days of its reception by the Police, and then make a decision within 3 days. If the request is rejected, the asylum seeker can demand a re-examination of the request. For the re-examination procedure, one member of the National Commission joins the Territorial Commission and the decision should be made within 10 days. In the event of a negative response by the re-examination commission, it is possible to appeal to a Magistrate, but the appeal does not have the effect of suspending expulsion from the national territory. The applicant, however, can be allowed by the *Prefetto* to stay until the final decision is made. In the meantime, asylum seekers are forbidden to work (Zincone 2005). If the request obtains a positive response, the asylum seeker is given a temporary residence permit (like in the “ordinary” procedure). Rejected applications are given an order expelling them from Italian soil, but in practice the asylum seekers are freed from the CI and left to their own devices to wander Italy, becoming one with irregular migrants in the black labour market.

Three things must be considered when approaching the “simplified” procedure. The first is the procedure’s instrumentalized character, which creates a focus on the ‘way’ and conditions in which the asylum seeker has entered Italy, rather than the seeker’s personal history of suffering (little distinction is made between an ‘asylum seeker’ and an ‘economic migrant’). The second is consideration of the asylum seeker as an ‘irregular’ person: immigration law states that whether with or without documents, the asylum seeker is not considered to be ‘irregularly staying’ in Italy (his/her arrival in the host country is a fortunate act, not a punishable one). Finally, this renders the detention of asylum seekers in CI and CPT technically unlawful: the asylum seeker is not an ‘irregular’ person, therefore cannot be detained while his/her asylum application is under examination.

The “simplified procedure” is only fairly applied in two cases: 1) people who have presented an asylum request as a ‘last resort’ to stay in Italy (that is instead of presenting their request at the beginning of their stay, they instead only made it afterwards when they faced the possibility of being expelled from Italy); 2) when there is an explicit will, on the part of the

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<sup>43</sup> The CPT is an instrument of the executive phase of expelling a foreign citizen found to be irregularly staying in Italy. In theory, only irregular immigrants who have already received an expellment order can be detained there - not asylum seekers. In practice asylum seekers who had previously received an order expelling them from Italy are detained there too.

<sup>44</sup> Simplified procedure is also applied to requests in which ‘contradictory versions’ or false data come out of the seeker’s testimony, or the seeker comes from a so-called “safe country”. But the fact of ‘avoiding/attempting to avoid border controls’ and a ‘previous expelling order’ are the only legitimate legal reasons for the activation of the simplified, and not ordinary, procedure.

asylum seeker's, to evade border controls. Apart from these cases, the "simplified" procedure should not be applied and asylum seekers should not be detained. Unfortunately, the modifications introduced by law no. 189 of 2002 leave too much room for discretion and misinterpretation.

## 2.2 Integration policies addressing migrants: language, education, and culture.

In Italy, integration policies and interventions shall be developed and implemented not at the national level but by Regions, Provinces and Municipalities, according to the principle fixed in **Art. 3, comma 5 of the immigration law no. 40 of 1998** and left untouched by the following **immigration law no. 189 of 2002**. Interventions and programmes aimed to facilitate immigrants' integration are developed at the local level, in particular by Municipalities that can promote reception centres and could cooperate with NGOs in organising front office services, counselling and legal support, literacy programmes, among others.

There is no general national linguistic policy concerning immigrants, i.e. there is no organized language teaching planned by the Italian State or through bilateral agreements. The official indications of the Italian State for immigrant minority language policies can be found in **Law Decree no. 286 of 1998, (art.36, 38.2, 38.5, 38.6, 42.1, 45)**, and also in general school norms and in numerous Directives (*Direttive*), Ordinances (*Ordinanze*) and Circulars (*Circolari*) of the Ministry of Education, concerning foreign children's integration into schools, intercultural education and the teaching of Italian as a second language (Italian as L2).

Even in what regards adult instruction, the local level has an essential role. **Ordinance no. 455 of 1997** of the Ministry of Education, on the development of adult education and permanent education, introduced the entity of the **Territorial Permanent Centre (CTP - Centri Territoriali Permanenti)**, in charge of organizing adult education programs and Italian language courses for migrants.

**Immigration law no. 40 of 1998** pays special attention to the schooling of foreign children as a mean to promote their integration. In particular:

- **article 36, comma 3** is concerned with the foreign children's right to education and the preservation of cultures and languages of origin:

*"The school community receives linguistic and cultural differences as a value to establish a basis for reciprocal respect, cultural exchange and tolerance. In order to reach this goal, it promotes and encourages initiatives aimed at reception, protection of culture and language of origin and implementation of common intercultural activities".*

- **Art. 38** points out the role of cultural mediators in the communication between school and the immigrant families.

- **Art. 42** refers to language and culture of origin courses organized by migrant associations, which should be supported by local authorities; and introduces the figure of 'cultural mediator' with the aim of simplifying the relations between public officers and migrants of diverse ethnic, national, linguistic and religious groups.

- **Art. 45** establishes that foreign minors in age of compulsory education must attend the classroom that is appropriate for their peer age. This article intends to fight against the practice, which is unfortunately quite common in Italian schools, of placing foreign children, who do not speak Italian, in the first class of the primary school, regardless of their age.

Although the policy set out by immigration law no. 40 of 1998 is based in a philosophy of respect and recognition of cultural and linguistic diversity, school programs defined by the centre-right government that came into power afterwards promote a strongly monocultural vision of history: migrants children must be assimilated into the Italian culture, while the preservation of languages and cultures of origin in schools must not be encouraged.

Thus, despite the political reference to intercultural education, the provisions set by immigration law no. 40 of 1998 remained quite general and have not been translated into

concrete education programs for the promotion of cultural pluralism, bilingualism and multiculturalism. School programs have largely remained the same.

According to article 36, paragraph 1 of immigration law no. 40 of 1998 all foreign minors who live in the Italian territory, regardless of whether or not they are regular residents, are subject to compulsory education. They have the right to register in primary and secondary schools, if they have not yet completed the minimum requirements for compulsory education in Italy. The same legislation concerning education rights for Italian students applies to them. The law also states that the State, the Regions and the local education agencies should contribute to the implementation of this right, through the activation of Italian language courses and teacher training programs which focus on intercultural aspects of education (art. 36, paragraph 2).

The same principles have been reaffirmed by **article 45 of the D.P.R. no. 349 of 1999** on “**School enrolment**” (“*Iscrizione scolastica*”), which establishes that foreign children 1) must be registered in the class that corresponds to their individual peer age and that 2) they can enrol at any time of the school year. The same legislation, however, gives autonomy to the Teaching Body (*Collegio Docenti*) in the evaluation of individual cases. This includes the option of enrolling students in a class which does not correspond to their age, when a previous evaluation of their case so concludes. The evaluation looks at the student’s academic curricula and studies program of his/her country of origin, the level of certificate obtained in the country of origin, or the student’s individual skills. As a result, teachers are allowed to derogate the rule and continue to enrol foreign children in classes that do not correspond to their peer age.

Foreign minors in an irregular situation or without personal documents are enrolled “with reserve”. However, D.P.R. no. 349 of 1999 clearly states that a foreign children’s educational path to obtain a school certificate should not be limited because of ‘lack of documents’.

It is also worth noting that the application rules of immigration law no. 40 of 1998 support networking among educational institutions. Since late 1998, the most important legal documents produced on the issue are **Directive no. 210 of 1999** on **Teacher’s Training** and **Directive no. 249 of 1999** on **Schools located in areas with a high presence of migrants**.

**Directive no. 210** introduces the “teacher’s training program”, which pays special attention to the teaching of Italian as a second language (Italian L2). The teaching of Italian to foreign children has become the main concern for the Ministry of Education. In order to improve the situation, the Directive establishes special funding for teacher training. Specific courses on reception practices and the teaching of Italian as L2 are foreseen for teachers who work in schools with a strong presence of non-Italian-speakers.

The “Italian as L2” courses for teachers were developed by the Ministry of Education. The former selects the teachers who participate in them. Courses are conducted by several Italian Universities, who propose programs to be approved by the Ministry (at the present moment universities are the only bodies recognized by the Ministry as ‘appropriate’ for the development of “Italian as L2”).

**Directive no. 249** establishes the allotment of specific financial resources to single schools and increases school funding for the development of activities aiming at improving the integration of foreign students and Roma students into the school context (similar Ministerial Circulars have been adopted since 1999). Schools with 10% or more of foreign students in their total student population are eligible to receive this funding by presenting a project to the Ministry of Education.

During the mandate of the previous centre-right government, the Ministry of Education did not guarantee the necessary funding for the implementation of reception measures nor for the teaching of Italian language. Although it has, in word, encouraged the teaching of Italian as L2, there was virtually no practical effort to organize a systematic program for the teaching of Italian as L2 in Italian schools. The few courses implemented in a systematic manner are found in some local realities, where Regions, Provinces or Municipalities pay particular attention to the educational field.

In such a context, in which the teaching of Italian language is not guaranteed to foreign children, the languages and cultures of origin are, of course, furthermore neglected. Even though immigration law no. 40 of 1998 speaks of “promoting and encouraging initiatives aimed at the protection of cultures and languages of origin”, the teaching of languages and

cultures of origin has not yet been planned by any Directive or Circular. Unfortunately, many teachers still perceive cultural and linguistic diversity as a 'problem' rather than as 'richness'. In short, although legal principles concerning foreign children's education set by immigration laws no. 40 of 1998 and no. 189 of 2002, in the past few years education in Italy has been strongly pushed towards a monolithic predominance of the 'national' culture. This monocultural vision of history (migrant children must assimilate to Italian culture, the preservation of languages and cultures of origin in schools must not be encouraged) not only clashes with the philosophy of respect and recognition of cultural/linguistic diversity set forward by immigration law no.40 of 1998, but it also ignores the political reference to intercultural education.

As a result, provisions set by law no. 40 of 1998 remain quite general and have not been translated into concrete education programs. School programs have largely remained the same and those few activities for intercultural education which have taken place, have mainly done so outside the official programs. Furthermore, teachers have not always demonstrated the capacity to lead these projects. The intercultural approach of the Ministry of Education's policies between 1989 and 1999 has been left aside since the introduction of a reform on the education system, through a law on education proposed by the previous government and approved in March 2003. In this law the terms "interculture" and "intercultural education" are absent, foreign citizens (children or adults) and migration are never mentioned. Thus one can say that, although the above mentioned law is not yet completely enacted, the indications from the present reform have a negative impact on the integration of foreign children into Italian schools. The main limitation of the present national policy is the lack of a systematic reception system and of a systematic program for teaching Italian language as L2, even though the autonomy of schools and local training agencies has allowed them to play a positive role. As mentioned before, school autonomy is recognized by **Presidential Law Decree no. 275 of 1999**, in which schools are legitimized as institutions who must enact flexible forms of organization of the curricula and establish networks with other social and institutional entities. Furthermore, through **Law Decree no. 112 of 1998**, the Italian state has given Regions, Provinces and Municipalities important tasks and functions in the field of education.

Although the general framework is unsatisfactory, some interesting experiences have taken place in various schools and areas of the country, both in the domains of school integration and the teaching of the Italian language as L2. A significant contribution to the development of these experiences has been given by municipal, provincial and regional agencies, NGOs and migrants associations operating the territory. Even if the previous Minister of Education, Letizia Moratti, (who introduced the above mentioned reform) did not approve these experiences, they did take place and will continue to do so, as the local entities in direct contact with increasingly multicultural contexts are aware of the need for interculturality in schools and understand the positive impact of such experiences. Some local authorities have openly declared themselves in opposition to the reform on education and showed the will to continue supporting intercultural projects (for example the Region of Tuscany).

The Italian experience is quite paradoxical. Until 2001, the initiatives and directives of the Ministry of Education promoted integration and intercultural education, while children from immigrant and minority populations faced barriers and difficulties in daily school life. Since 2001, the Ministry of Education has stopped promoting integration and intercultural education; however the good practices that have been introduced at the local level certainly cannot be stopped and will continue to follow an intercultural philosophy.

At the same time, in the last fifteen years teachers, administrators and pedagogical researchers have elaborated theories, models and instruments for intercultural education and the reception of foreign children. Research, activities, analyses, and suggestions have been recorded by many reports and have been discussed in national and international meetings, often within the COMENIUS or SOCRATES European programs. Beyond the activities of individual schools and persons, networks have been created and have promoted some interesting initiatives, of which the Intercultural Centres (*Centri Interculturali*) are the most significant. These are inter-institutional networks promoted by local authorities, associations, and occasionally by Educational Academies (*Provveditorati*) of the Ministry of Education. There are three

'historical' models of Intercultural Centres: that of the Cidiss in Turin (*Centro Interculturale Città di Torino*), supported by the Municipality; of the CDLEI in Bologna (*Centro Documentazione e Laboratorio per una Educazione Interculturale*), a cooperation body between the University, the Municipal and the Provincial Governments; and of the Centre COME in Milan. These first centres 'paved the way' for other intercultural centres, working to gather documentation, provide orientation, train teachers and promote networking in the territory. Other entities have followed their example, mostly in Northern and Central Italy, such as the Intercultural Centre *Millevoci* ('Thousand Voices') in Trento and the Porto-Franco Centre in Tuscany. **Intercultural centres** have thus become a locus for documentation, training, intercultural mediation, networking and, at the same time, the production of didactic materials providing fundamental support for educators who deal with immigrant children on a daily basis. Local authorities (Municipalities, Provinces and Regions) contribute to most of the funding that guarantees the survival of these centres and to allow them to operate. Occasionally centres manage to obtain funding from the European Union by participating in its programmes.

The intercultural centres also work together with schools, an activity which allows them to continuously focus on intercultural themes and makes the translation of theoretical principles (stressed by ministerial directives) into practice a lot easier. The centres are an important point of reference for teachers interested in intercultural education, on topics such as the teaching of Italian language as L2 and the maintenance/development of Italian as a first language. Nonetheless, energies and interests are concentrated in the teaching of Italian as a second language. Many new didactic tools have been created, even if most of them are still experimental. The materials produced take into consideration the results of researches developed by university centres specialised in the teaching of Italian as a foreign language, with a focus on migrant target-groups.

The COME Centre of Milan, for an instance, has created very useful didactic grants. The same has been done by COSPE/Florence in the Municipalities of Prato, Florence and Arezzo. The reference centre for the latter is the Arezzo Documentation Centre (*Centro di Documentazione Città di Arezzo*) and the Empoli Intercultural Centre (*Centro Interculturale dell'Empolese Valdelsa*).

Besides Intercultural Centres, the **Regional Educational Research Institutes** (IRRE - *Istituti Regionali Ricerca Educativa*) have also played an important role in the development of projects on intercultural education. The IRRE was one of the first institutions that attempted to translate the principles brought forward by the policies of the Ministry of Education into concrete educational practices. For example, in 1991 the IRRSAE-Puglia started an European project on intercultural education directed by Professor Franca Pinto Minerva (University of Bari), titled "Strategies for the integration of Albanian pupils into compulsory schooling." The project worked over the curricula in the domains of language teaching, history, music, religion, geography, multimedia and mathematics. In 1994, it became part of the SOCRATES program network (Comenius 2).

The Tuscan IRRSAE has also been very active. It has produced various models on intercultural education for teacher training, and has trained many teachers since 1992. The documents published by them have pioneered developments in theoretical research and didactic proposals. Among other things, their work resulted in the introduction of innovative concepts and the development of anthropological studies on the cultures of origin of migrant population. Universities such as the University of Siena for Foreigners are also developing research programs on interculture, cultural mediation, teaching of Italian as L2 and language testing.

The teaching of Italian as a foreign language also concerns immigrant adults, who can study at one of the 389 CTP's<sup>45</sup> throughout Italy. Like the IRRE, these centres are inserted in a national policy of the Ministry of Education, but the quality of their work strongly varies at the local

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<sup>45</sup> Minors aged between 15 and 18 years can also enrol in CPT's.

level, as it depends on the 'vitality' of the local context and the relationships established with local authorities. They are very flexible in their programs and can establish conventions and agreements with local agencies.

Immigrants are important users of the CTP's services, though their presence varies regionally: in Northern Italy they represent up to 35% of users, while in Southern Italy the majority of users are local unemployed Italian citizens. The main requests of immigrants users concern the development of Italian language skills, compulsory education diploma and vocational training. Last but not least, when addressing integration policies for migrants in Italy, it is important to mention the difficulty in recognizing academic degrees and/or professional experiences obtained outside of Italy. Recognition is only fully guaranteed to a few countries with whom Italy has signed agreements of mutual academic recognition; for all the other ones recognition is submitted to discretionary powers which usually result in individuals not seeing their degrees recognized and having to present themselves as unskilled, untrained workers who can simply write and read (residence permits state so). According to CERFE Association<sup>46</sup> about 77% of migrant women and 66% of migrant men in Italy are in a process of progressive de-qualification, as they are unable to use their skills and knowledge. Alternatively, migrants also hide their qualifications in order to make job-seeking easier, applying for low-skilled, low-paid jobs in which the necessity for cheap labour is always present.

If one considers that labour insertion is one of the main vehicles of a migrant's integration in the host society, and that labour insertion hugely depends on the preparation one has had, the negative impact of this absence of recognition policy becomes clear. Frustrating it is, indeed, for a skilled person holding a university degree, to be officially classified as a 'general workman with no experience' and see his/hers possibilities of professional insertion narrowed. Some authors link this critical situation with the lack of demand of qualified foreign labour force and the promotion of atypical work by the Italian labour market<sup>47</sup>, and the political unwillingness in creating a truly multicultural society.

The main obstacles to the recognition are 1) lack of adequate information on the process (by foreign citizens and by Italian officers) 2) bureaucracy and 3) prejudices (from officers of the Ministry of Education who are in charge of academic curricula's evaluation and from officers of the Employment Centres in charge of evaluating professional experience). Therefore, individuals who must have their titles/experiences recognized in Italy must go through complicated processes which have no fixed time limits (they can last up to 3 years) and are very discretionary; they are put into an extremely vulnerable position, having no voice in the process and facing officers' ignorance and prejudices.

Another option for the foreign citizen is to sustain exams and a thesis in a degree of an Italian University whose curricula is similar to that of the degree undertook in his/her country of origin – however very few foreign citizens can afford to follow this path.

Foreign citizens who obtain their degrees in Italy also face barriers. As they do not have Italian citizenship they are not allowed to become University researchers; their study permit is not easily converted into a work permit; and they face a lot of prejudice when looking for a job that is suitable to their studies.

### **2.3. Implementation of EU employment policies in the national context, such as INTEGRA and EQUAL programs, aiming at the integration of migrants into the labour market.**

According to ISFOL (2005), the Italian labour market shows consistent regional differences, highly flexible working contracts, fragmented local labour markets, influent informal channels of labour recruitment and expanded hidden economies (especially in the southern regions).

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<sup>46</sup> [www.edscuola.com/archivio/handicap/immigrazioneinchiesta.htm](http://www.edscuola.com/archivio/handicap/immigrazioneinchiesta.htm).

<sup>47</sup> The promotion of atypical work affects both Italian and foreign workers.

Altogether, these factors contribute to the integration of the migrant into precarious, hidden, exploitative, low-paid and low-skilled jobs. As a consequence, there is a gap between a migrant worker's economic relevance and social inclusion.

Initiatives for the integration of migrants in the host labour market have traditionally been based on the activism of NGO's and trade unions. With the decentralization of the Italian State in the mid-'90s and with the creation of the European Employment Strategy (EES) in the late '90s, local governments and INTEGRA, EQUAL programs became increasingly important in the field. The EU defined guidelines of action for the development of entrepreneurship, adaptability, employability and equal opportunities within the labour market. The Italian government defined National Action Plans (NAP - *Piano Nazionale d'Azione*) for employment and for social inclusion and were willing to introduce a more integrated approach on both issues to strengthen social dialogue among concerned actors and to recognize the migrant worker's rights. However NAPs limited themselves to the implementation of a few, vague measures and did not apply the NAP-relevant recommendations on migrant labour integration. In other words, the recommendations did not produce significant political change.

Most of the projects developed in Italy have appeared within thematic areas 1.1. and 1.2 of the EQUAL and INTEGRA projects, including actions aimed at employability, labour (re)integration, and combating irregular work. Moreover, these projects have included linguistic, professional and vocational training for migrants, awareness raising/campaigning, research, and training for social/health workers. Networking has been the most used strategy.

The 'migrant' was conceived as a subcategory of the wider target-group of the 'socially marginalised' (along with the elderly, youth, unemployed women, the disabled, etc.). Few projects were directly dedicated to the labour (re)integration of migrants, and even fewer developed a gender-specific approach, usually combining training, provision of services (which indirectly promoted labour insertion) and networking. Similarly, few projects specifically targeted refugees and other persons with subsidiary protection.

The impact of these programs has varied both geographically and thematically, as a result of the strong intranational disparities among local authorities. The availability of resources<sup>48</sup>, the willingness to invest them in migrants and the degree of presence/activism of local networks (among employers, NGO's, social research centres, migrants-based and mixed associations, academics, politicians, trade unions, local government bodies and police/social workers) strongly marked these disparities. Northern, richer areas of the country have tended to promote the majority of the INTEGRA and EQUAL projects.

Some programs focusing on immigrants are worth mentioning<sup>49</sup>:

- EQUAL Project "*Gli immigrati a Mazara del Vallo: un valore umano da formare per non discriminare*" (Sicily Region). Immigrant sea-operators in the Municipality of Mazara del Vallo constituted the sole target-group, and the main goal of personal requalification and labour organization was achieved through the provision of information services, Italian language courses (focused on sea labour technical language) and the creation of a labour-integration system and a re-qualification structure;
- Centuria, EQUAL Project "*Accoglienza di manodopera immigrata nel comparto agroindustriale*" (Emilia-Romagna Region). Immigrants constituted the sole target-group, and the main goal of removing obstacles preventing labour integration of immigrants into a labour force in a much needed area was achieved through the networking of local institutions and initiatives, the promotion of services bridging employer-employee relations, and the introduction of an 'intercultural mediator' within work contexts;

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<sup>48</sup> Some programs integrated the participation of local governs and/or state structures (such as the Ministry of Labour and the Ministry of Internal Affairs). Moreover, programs who managed to work at a medium-long time basis were those that succeeded at getting (local) government funding as well.

<sup>49</sup> Source: SNS EQUAL (2003).

- Federazione Trentina delle Cooperative, EQUAL Project “*Promo Care*” (Trentino-Alto Adige Region). This is one of the very few projects with a gender-specific approach. It focuses directly on migrant women working within the homecare field. Its main goal of promoting their cooperative entrepreneurship, self-employment and integration into regular work was achieved through the distribution of local labour integration initiatives throughout the network of relevant parties.
- Udine Province – IRES FVG, EQUAL Project “*Il Friuli alla prova dell’accoglienza*” (Friuli-Venezia-Giulia Region). This project was also directed at migrant women and was essentially the same project as the previous “*Promo Care*” one, except that it combined a direct focus on labour integration with the provision of support services (housing, kindergarten, mediation agencies) and the training of public and private operators.
- SMILE, EQUAL Project “*Rete per l’adozione professionale degli immigrati*” (Umbria Region). Immigrants constituted the sole target-group, and the main goal of employment as highly-qualified workers in the labour force was achieved through a combination of research, local networking, training and requalification, post-employment tutoring, mentoring and intercultural mediation;
- EQUAL Project “*Etnica experiencing together*” (Marche Region). Immigrants constituted the sole target-group and the main goal of coordinating employment and integration policies was achieved through the development of new pathways for occupations, housing, post-employment tutoring, workshops and focus groups;
- Province of Pisa, EQUAL Project “*Street: Social and work recovery for trafficked women*”. This was one of the first EQUAL projects addressing victims of human trafficking (THB), and one of the first signs of a long-term approach to THB (it followed a previous, similar 2-year-long project). The project’s main goal was to identify individual pathways towards autonomy for trafficked women who want to escape exploitation, in particular through work integration. It offered counselling, on-the-job training, training in cooperation with training institutions and businesses, monitoring, a *drop-in centre* and follow-up through legal and psychological support. It promoted the creation of territorial networks (of local governments, police forces, the private social sector and industry) by setting up provincial or regional discussion tables on THB.
- IOM, the Italian Ministry of Labour, INTEGRA project: “*Orientation, vocational training and counselling for migrants and refugees from the Balkan regions*”. This was implemented from May 2000 to November 2001. The project’s main aim was to create a computerised database of profiles of potential non-EU workers living outside of Italy, to fill the needs of the Italian labour market. It gathered information on 5,000 Albanians and 5,000 Tunisians. Six-hundred and thirty of these non-EU workers were selected and followed (linguistic and cultural) orientation courses, vocational training and information campaigns. More than half of them (53%) found employment in Italy while the other 15% found internships/apprenticeships.

INTEGRA and EQUAL programs in Italy have demonstrated the importance of identifying and evaluating pilot-experiences. Furthermore, they point out that networking and training courses constitute good practice (Ambrosini 2000), but that the potential of a project is still considerably dependent upon local initiative and personal, informal relations, whereas the presence of institutional actors is still not significant and must be stimulated.

#### **2.4 Policies giving access to political rights and participation and enabling migrants to establish associations.**

Generally speaking, ‘integration’ in Italy is connected to the legal status of the migrant: ‘irregular’ immigrants are given basic rights (essential public healthcare and education) while

‘regular’ immigrants enjoy the full rights that are enjoyed by Italian citizens (although access to some rights is more limited, e.g. access to public housing, social aid, maternity allowances and retirement fund contributions).

With the decentralization policy, responsibilities are divided as follows: the State defines the basic standards of civil and social rights to be guaranteed on and leaves the task of removing obstacles that prevent full access to them up to the local authorities.

Taken together, Italian migration policies have historically conceived (and still do) the migrant exclusively in terms of economic-labour value, and migration as a ‘transitory’ and ‘emergent’ phenomenon. However, the link between the labour force, immigration and the concession of rights has deteriorated in the last decade (Carpo *et al* 2003). Integration policies allow the migrant access to social rights but link such access to the possession of an employment contract of ‘undetermined duration’. Furthermore, non-EU migrants are still deprived of the right to vote, while EU migrants are not.

Participation in political life is rather restricted by models of social inclusion offered by society and immigration law no. 189 of 2002, and by the internal logistics of Italian politics. When discussing political opportunities for migrants, one needs to distinguish between political participation through the right to vote and through the right to association. The migrant’s right to vote is a particularly controversial issue which has been transformed into a battle front ‘for’ and ‘against’ it. The 1948 Italian Constitution grants full political rights to Italian nationals (namely the right to vote, freedom of association, expression and assembly), but exclusively limits the right to vote (art.48) and be elected (art.51) to Italian nationals. Since 1948, the concept of ‘nationality’ has remained theoretically touched, and up to the present day no differentiation has been made between ‘citizenship’ and ‘nationality’. Access to Italian citizenship - and thus to the right to vote - by foreigners is a rather discretionary process, due to a triple combination of factors: 1) the right to vote depends on one being an Italian national, 2) the overall lack of political interest in investing on integration and 3) the prevailing *jus sanguinis* principle of law no. 91 of 1992 ‘**New norms on citizenship**’.

This creates paradoxical situations. While for example an Italo-American with who is both an Italian and American national can vote in general Italian elections, while a non-Italian EU citizen can vote, and be voted for, in Municipal Italian elections and the European Parliament elections, native-born persons of foreign origins and non-EU foreign citizens who have spent a consistent period of their lives in Italy cannot vote until they acquire Italian citizenship (and for that ‘concession’ they must wait six years longer than EU citizens)<sup>50</sup>.

Theoretically, the extension of the right to vote to foreign citizens is not unconstitutional, provided that the constitutional limits and the sovereignty of fundamental bodies are respected. That is, provided that the right to vote is limited to local referendums and local administrative elections. However, the issue of the extension of the right to vote to foreign citizens has been taken out of the juridical domain, transformed into a political battle, and manipulated according to the political aims of political parties. Thus, it has been very difficult to promote a consistent legal debate around it. Different interpretations and uses can be drawn from the ‘theoretical legality in extending the right to vote’ provision contained in art. 9 of immigration law no. 286 of 1998 (not modified by law no. 189 of 2002), which states that foreign citizens in possession of a *carta di soggiorno* (i.e. regular residents in Italy for at least 6 years) may also participate in public life through the right to vote, provided that the provisions of the 1992 Strasbourg Convention are respected. The main parties in the debate are those who do not recognize the provision’s validity, those who call for a reform of the Constitution, and those who find it sufficient to introduce a primary or subprimary statutory norm for the concession of the right to vote in administrative elections.

The few entities that have had the courage of, on their own, passing laws institutionalising the right to vote for migrants at local elections, are ‘enlightened’ local authorities who based their decision on the ‘theoretically legal’ provision and on the powers granted to local authorities by

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<sup>50</sup> For more information on naturalization policies see section 2.1.

the decentralization policy. However, their move has been prosecuted by the Presidency of the Council of Ministers, with the accusation of disrespecting the legal limitations of their territorial powers<sup>51</sup>. One of the best known cases is that of the prosecution of the Municipality of Genova, which is still underway. As a pilot case, it is being closely followed by the other local governments (such as the Region of Tuscany, the Municipalities of Ancona and Forlì) that have proposed similar laws which they are yet to approve. Like Genova, the Municipality of Pisa has just recently passed a law extending the right to vote to local cardholder migrants and has been prosecuted (the legal process is yet to begin)<sup>52</sup>.

A further sign of the 'taboo' nature of the issue and the political unwillingness to solve it, is the rejection of a draft text proposing the modification of art. 48 of the Constitution and the extension of the right to vote at local administrative elections to permanent cardholder migrants which was included in the previous immigration law no. 40 of 1998 (law decree no. 286 of 1998 passed this law and did not even mention the issue). The Commission for the Political Integration of Immigrants, also established by law no. 40 of 1998, also pressed for the extension of the right to vote to migrants - the Commission was also removed later on, by the centre-right government elected in 2001. So far, no relevant reform has been passed and, with the exception of some local debate, very little political debate has occurred.

A positive political experience has been that of the 'representative bodies' of migrants. These bodies - the *Consulte degli Immigrati* (Immigrants' Consulting Bodies, also called the Immigrants Council), the *Consigliere-Aggiunto Straniero* (Foreign Joint Councillor) and the *Consiglio Territoriale per l'Immigrazione* (Territorial Council for Immigration)) have allowed for a certain degree of inclusion of foreign citizens into local administrations. These entities began as an initiative of Municipal, Provincial and/or Regional governments which, in search of alternative ways of political participation, promoted the creation of consulting bodies in parallel with the local government bodies, through which foreign citizens could have a say on decisions regarding the public life of which they were part.

The Consulting Body exists at the Regional, Provincial and Municipal level, and is composed of migrant associations, associations for the protection of migrants, local authorities, trade unions, and individual electoral candidates (foreign citizens). The president (elected by the Body's members) participates in the Municipal Council's meetings (though has no verbal power), and the Body as a whole proposes immigration-related requests to the local government/Council, expresses opinions on immigration-related issues based on its analyses and inform the Municipality about the opinions of the resident immigrants. It has no decision making powers. The Foreign Joint Councillor, who is the President of the Immigrants' Consulting Bodies at the Municipal level, is a foreign citizen elected by the foreign citizens residing in that Municipality. He/she represents the immigrant communities within the Municipal Council, informs the President of the Municipality on immigration-related matters and participates in Municipal discussions on immigration-related issues - though with no decision making powers.

The Territorial Council for Immigration was introduced by immigration law no.286 of 1998 and instituted by presidential decree no. 394 of 1999 ("Regulations on the actuation of the Unified text"). It is presided by the Prefetto and composed of the President of the Province, a representative of the Region, the President of the Province's capital Municipality, and

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<sup>51</sup> The issue of the extension of the right to vote to foreign citizens is not the only one upon which State and Regions (and consequently Provinces and Municipalities) disagree, as the limitations on the extent of their powers are unclear.

<sup>52</sup> Those in support of the prosecution point out that even after the reform of the Constitution in 2001, matters of electoral legislation were maintained exclusively under state competency (Title V). The contestants, on the other hand, point out that this provision occurred prior to the Constitutional Reform (2001) and is therefore no longer in action. They furthermore point that the reform of Title V of the Constitution grants Municipalities the power to promote and regulate forms of both people's participation and decentralisation.

representatives of migrant associations, NGO's active in the support of migrants, trade unions and the President of the Chamber for Commerce, Industry, Art, Crafts and Agriculture. It analyses local immigration-related issues and promotes initiatives aimed at the social insertion of the migrant in the local context. Like the two aforementioned bodies, it is merely a consulting body. These entities may coexist or exist on their own. Not every Municipality has a Consulting Body (nor a Foreign Joint Councillor). The existence of these bodies depends heavily on the degree of local coordination and activism, resulting from bottom-up activism with and within local governments, from the conscious acknowledgement by local governments of the problems affecting migrant populations residing in their territory, and the shared activism of NGOs and local governments to solve such problems.

A 'positive political experience' is not enough though. Carpo *et al* (2003) stresses how these entities are very unstable and un-representative, as they do not succeed in guaranteeing to the elected immigrants a wider political representation nor progress in terms of political rights. As political figures they are still powerless and do not manage to produce any significant change. On one hand, this is mostly due to the incapacity of the Italian system to manage and apply this type of entities, and on the other to the overall fragmented, fragile nature of immigrant associations in Italy.

The promotion of a consistent debate on the migrant political rights faces many obstacles, particularly the 'taboo' nature of immigration-related matters and the great extent to which they are subject to political manipulation as they became an important tool for the maintenance of a vulnerable, cheap and easily exploitable niche of the labour force. However, some authors support the idea of extending the local debate to the national level, arguing that this would require time and the maintenance of joint activism by bottom-up actors.

Compared to the right to vote, the right to political participation and association enjoys a relatively greater level of action. Migrants are allowed to create their own organizations, which are publicly recognized and active. Migrants-based or mixed associations can apply for financial support if they meet certain criteria (e.g. the association must be apolitical, members of a non-Italian citizenship must be regularly residing in Italy). The Italian State has the power to forbid both Italian and foreign citizens from the act of associating with a 'subversive aim'.

A study conducted throughout Italy in 2001 by ONC/CNEL reported that there are 893 official migrant-based associations<sup>53</sup>. These are concentrated mostly in the 'big' cities of the northwest and the centre-north (Milan, Rome, Turin, Florence and Palermo) but are also visibly present in small cities with less than 15,000 inhabitants. Africans comprise most of the nationalities present in these associations (40%) while Latin Americans are the least present (5.6%). Over a third of these associations are either born within Italian organizations (often trade unions) or are of a 'mixed' character (i.e. they include members of diverse nationalities)<sup>54</sup>.

Despite their potential to support migrant groups and the migrant representative bodies, these associations find it difficult to go from addressing cultural/ethnic belonging needs to full political struggle. This is due, on one hand, to the increase in precarious living conditions and the repression of immigration (leaving little time/energy to be spent contributing to associations) and, on the other hand, to the lack of valorisation of their presence.

Migrants are also present in political parties and trade unions. Both right and left-wing political parties, however, still resist the inclusion of immigrants in positions of high responsibility and perceive the immigrant solely as a representative of migrant communities,

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<sup>53</sup> The research refers that the actual numbers, including those of non-institutionalized associations, are probably higher. This is due to the fact that migrants-based associations face continuous changes. They appear and disappear relatively easily, their points of reference change quickly, their headquarters are often the president's home or a space offered by a local school, trade union or the Municipality (ONC/CNEL 2001).

<sup>54</sup> The research classifies migrant-based organizations as follows: ethnic, interethnic, multiethnic (according to the composition); communitarian, religious, social/cultural and social-trade unionist (according to the scope). 'Ethnic', 'communitarian' and 'socio-cultural' associations are the most prevalent ones; collaboration with the Italian state is stronger at the level of 'interethnic' bodies.

not as a legitimate – and capable – representative of the interests of the whole Italian society. More than offering political positions and power to migrants, the political system offers a form of paternalistic “ideological assimilation” and often seeks to profit from the instrumentalisation of individual migrants (whose presence is demonstrated as a sign of the party’s anti-racist and/or multiculturalist character) (Carpo *et al* 2003:12).

Trade unions on the other hand have developed a more open and conscious position, and have showed little corporate closure for the defence of national workers. In reality, the level of trade union membership/activism is higher among regular foreign workers than Italians (Carpo *et al* 2003). Though trade unions are more supportive of a policy of equal treatment for *all* workers rather than to a policy of equal opportunities for immigrants through affirmative actions, they still constitute the main body for immigrants’ access to decision making processes.

Regarding the political life of migrants, Italy still lags far behind the EU developments. Overall, the ‘foreigner’ is discriminated against regardless of gender. Nonetheless, migrant women, who change countries for family reunification or employment opportunities, are in a more vulnerable position than migrant men since their insertion into the host society and labour market is strongly linked to precarious, exploitative, hidden environments which make it difficult for them to surpass the status of irregularity. Without the attainment of regular status, very little (or no) access to, and desire to participate in, political life occurs. Even so, migrant women are not absent from political life. They are modestly present amongst local representatives of trade unions, political parties, and ethnic/interethnic associations of a cultural nature<sup>55</sup>.

## 2.5 Policies addressing ethnic minorities.

Only linguistic and historical minorities are recognized by the Italian Constitution<sup>56</sup>. None of the immigrated social groups present in Italy have been given a ‘minority’ status. The immigrant is generally conceived as a ‘foreigner’. The legal framework that deals with antidiscrimination and equal treatment is based upon statute law and forms of acts of parliament or acts of the same force resulting from a national parliament decision, while case law is considered ‘marginal’ (Simoni 2004:1). Until now adequate legal protection has only been reached through positive statutory rules, with particular regard to the principles contained in the 1948 Constitution<sup>57</sup>. However, while civil action against direct or indirect discrimination is allowed for reasons of race, ethnicity, political opinion and religious belief, no civil action based on the violation of the Constitution’s provision of general equality has been clearly accepted by a court. The main authorities in the field of antidiscrimination are the Ministry of Labour and Social Policies and the Ministry for Equal Opportunities. Another important body in the field (though not directly involved in policy development) is the Department for Equal Opportunities (presided by the Minister for Equal Opportunities) and the newly created National Office Against Racial Discrimination (UNAR). The main instruments enforcing principles of antidiscrimination and equal opportunities are:

- law decree no. 215 of 2003 **Implementation of the 2000/43/EC Directive on equal treatment of individuals regardless of race and ethnic origin;**

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<sup>55</sup> For some examples, see annex 1 at the end of the report.

<sup>56</sup> Namely Albanian, Catalan, Croatian, French, Franco-Provenzale, Friulano/Furlano, German, Greek, Ladino, Romanian, Sardo and Slovenian minorities.

<sup>57</sup> Art.3 guarantees general anti-discrimination protection and recognizes the principles of substantive equality and of equality under the law regardless of sex, race, language, religion, political opinion and personal or social conditions. Art.13 of law decree no. 215 of 2003 adds the grounds of age, sexual orientation and disability. Though law decree no. 216 of 2003 applies to both public and private sectors, the Supreme Court still considers Constitution’s art.3 binding to public powers (but not to private ones).

- law decree no. 216 of 2003 ‘**Implementation of 2000/78/EC Directive on equal treatment within occupational matters and working conditions**’<sup>58</sup>;
- immigration law decree no. 286 of 1998 ‘**Unified Text of dispositions concerning the control of immigration and norms on the situation of foreigners**’;
- law no. 300 of 1970 ‘**Norms on the protection of worker’s freedom and dignity, trade union freedom and trade union activity within workplaces and norms on employment**’.

Altogether, these cover all grounds of discrimination defined by the EC Directives. However not all grounds of discrimination are equally ‘prohibited’, as some are more clearly defined than others.

Before law decrees no. 215 and 216 of 2003, a statutory principle of equal treatment had already been enforced by immigration law decree no. 286 of 1998 (article 43 for antidiscrimination provisions on the grounds of race, colour, ethnic origin, nationality and religious beliefs/practices); and the dismissal or discrimination of a worker in the assignment of qualifications, duties, transfers, disciplinary proceedings, or the infliction of harm for political, religious, racial, gender or linguistic reasons had been rendered illegal by labour law no. 300 of 1970. The principle of *substantive equality* in the Italian Constitution theoretically foresaw the principle of positive action (applied, for example, with regard to gender and disability). Thus, there is a good level of general legal protection in the legal text.

Furthermore, the implementation of the 2000/43/EC and 2000/78/EC Directives introduced some innovations in Italian legislation. These included the opportunity for civil action against discrimination on the grounds of age, sexual orientation and disability; the creation of the National Office Against Racial Discrimination (UNAR, *Ufficio Nazionale Antidiscriminazioni Razziali*) for the promotion of equal treatment and elimination of discrimination on the grounds of race and ethnicity<sup>59</sup> (under the authority of the Department for Equal Opportunities); the definition of harassment and of direct/indirect discrimination on the grounds of race; and the inclusion of discrimination based on ‘assumed characteristics’ and ‘association with persons with particular characteristics’.

Despite the implementation of the aforementioned EC Directives, antidiscrimination measures have still not been very highly developed within Italian legislation. On one hand, when the provisions of labour law were integrated into law decree no. 216 of 2003, ‘ethnic origin’ was excluded as a ground for unlawful discrimination, and no change was made for the provision of the burden of proof (the complainant – e.g. employee - must still report the discriminating act *and* prove it has actually taken place, while the defendant – e.g. employer – does not have to prove it did not happen)<sup>60</sup>. On the other hand the provision on the stand to litigate is still quite limited<sup>61</sup> and there are concerns with UNAR’s independency of action from the Presidency of the Council of Ministers, since it is completely immersed in the state administrative structure. Moreover, differential treatment is allowed for ‘work suitability tests’

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<sup>58</sup> The law decrees were introduced without consistent preparatory work and only added a further legal regime, neither abolishing nor unifying the pre-existing antidiscrimination rules. Consequently specific situations of differential treatment exist, not as ‘restrictions’ contained in the law decrees but as older ‘legal situations’ that were not abolished with the implementation of the Directives (Simoni, 2003).

<sup>59</sup> The creation of this body (art. 7 of law decree no. 215 of 2003) is compulsory in order to comply with the 2000/43/EC Directive (art. 13). Thus it is not an initiative of the Italian Government. The UNAR was officially presented on November 16<sup>th</sup> 2004. It is still too new to be properly analysed.

<sup>60</sup> Nonetheless, judges have wide discretionary powers that allow them to investigate the facts and thus invert the burden of proof.

<sup>61</sup> Depending on the grounds concerned. For ‘race’ and ‘ethnicity’ the stand to litigate is allowed for associations and bodies active in the fight against discrimination who are included on a list that must be approved by a decree by the Ministry of Labour and Social Policies; for the other grounds only trade unions are allowed the stand to litigate.

and professional requirements within armed forces, the police, prisons and/or emergency services, showing that discretion is too broad to admit exceptions to equal treatment.

Although the legal text empowers organizations with a special religious/belief-based ethos and also allows them to exercise differential treatment, the legal text is too imprecise to also give discretionary powers to organizations that do not have such an ethos. The fact that law decree no. 215 of 2003 concerning discrimination on the grounds of race and ethnicity states that, in order to be legally considered, the discriminative act must have the effect of creating an 'intimidating, hostile, degrading, humiliating *and* offensive environment' (while the original EC Directive text says '*or*') is also important. This is an additional problem related to the absence of specific guidelines for action (Simoni 2004). The decrees theoretically apply regardless of citizenship or nationality, 'natural' or 'legal' status. However, regarding matters of access to employment and self-employment (including promotion and selection criteria/conditions), the decree's provisions are not applicable to third-country nationals and the antidiscrimination protection foreseen by immigration law decree no. 286 of 1998 is excluded from the decrees' scope of application, creating opportunities for indirect discrimination on the grounds of nationality ('non-EU citizens'). Indirect discrimination on the grounds of nationality also exists in regard to access to public housing. In relation to matters of social protection (including social security and healthcare), law decree no. 215 of 2003 covers this field for 'race' and 'ethnicity', while immigration law decree no. 286 of 1998 covers it for 'nationality' and 'religion or belief'.

Concerning religion, Catholicism is indirectly favoured although the Italian Constitution states that State and Church are separate entities. Among non-Catholic religions/beliefs, only those that have signed legal agreements with the Italian State are fully recognized and protected by the latter. Religious discrimination is rather difficult to counteract since it coexists with other provisions strongly marked by the Catholic Church. Thus some religions/beliefs enjoy more favourable treatment than others<sup>62</sup>.

In conclusion, the nonexistence of provisions that directly discriminate on the grounds set by the Directives does not eliminate the problem of the compatibility between Italian law and the Directives – instead, it breeds indirect discrimination. This is especially true for discrimination on the grounds of race, ethnic origin and in part of religion (Simoni 2003, 2004). With the exception of 'race' and 'ethnicity', most of the grounds foreseen in the 2000/78/EC Directive have no body supervising the rules on equal treatment.

It is worth mentioning that, unlike other migration-related fields, antidiscrimination is one field in which local governments are still marginal actors, since little definition has been made regarding local competencies and powers. Although the 1948 Constitution defends the principle of *substantive equality* - which theoretically allows the introduction of measures that implement such principles- , it does not allow the use of positive actions, based on the argument that they favour differential treatment (a principle opposite to that of *substantive equality*). It was necessary to change article 51 of the Constitution, on the responsibilities of the State regarding access to work positions in the public system and to electoral positions, in order to implement the principle of positive actions. The change was brought about by law no. 223 of 1990, of which article 11, comma 2 establishes that the State must now ensure equal opportunities to both genders regarding access to work positions in the public system and to electoral positions<sup>63</sup>, in order to promote equality between men and women in all aspects of social life.

However, despite this step forward, no concrete measure of positive action has yet been introduced. One of the strongest battle fronts concerns the implementation of quotas for access

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<sup>62</sup> For instance, the agreement between representative bodies of Islamic faith and Italian State is still ongoing and Muslims do not enjoy any recognition or legal right to special measures.

<sup>63</sup> Pro-positive action campaigns point out that political representation, conciliation of working/living times and instruction are the main areas in which gender inequalities most strongly occur and require the implementation of positive action.

to decisional/policy making positions, which has seen some conquests at the regional level but very few moves in the sense of implementing it at the national level.

## 2.6. Policies combating illegal immigration.

One of the foundations of immigration law no. 40 of 1998, maintained by the current immigration law no. 189 of 2002, is the fight against illegal immigration, through the establishment of bilateral agreements with selected immigration-source countries and the criminalization of related acts (imprisonment and a fine). Quotas also give preference to ‘partner’ countries that aid Italy in the fight against irregular immigration, as a ‘reward’; and give priority to foreigners participating in Italian-sponsored training courses in their home countries, in an attempt to filter immigrants and restrict undesired immigration<sup>64</sup>.

Article 12 comma 1 and article 11 comma 1 of immigration laws no. 286 of 1998 and no. 189 of 2002 respectively address the issue of *clandestine immigration* and define it as the illegal entry of a ‘non-Italian citizen’ in Italy, without proper entry documentation (valid passport and entry visa issued by an Italian diplomatic representative abroad). Both the act of illegally entering and of aiding the illegal entry are considered to be a crime. In the case of the former, the migrant is expelled from Italian soil. In the case of the latter, those involved face a penalty of up to three years imprisonment and a fine of €15,000 for each illegally entered person.

If the act of aiding the illegal entry is conducted with the intention of profiting from that entry (even indirectly), imprisonment goes from 4 to 12 years and the fine is €15,000 for each illegally entered person. When that ‘intention of profiting’ means sexually exploiting the person who has illegally entered the country or exploiting minors who have illegally entered Italy, imprisonment rises (from 5 to 15 years) and so does the fine (€25,000 for each illegally-entered person). Therefore, the efforts to combat illegal immigration focus not only on the migrants themselves, but also on the individuals/organizations who aid the illegal entry of migrants. This therefore distributes the ‘weight’ of penalization among crimes of illegal ‘entry’ (*clandestine* migrants) and crimes of illegal ‘stay’ (*irregular* migrants). Penalties considerably rise when the aim is ‘illegal stay’ on Italian soil, particularly if the illegally entered person’s integrity has been endangered in the process.

In comparison to law no. 40 of 1998, law no. 189 of 2002 further put ‘combat against illegal immigration’ at the core of immigration policies, drastically imbalancing the funds allocated to integration ‘programs’ and repression ‘needs’, and concentrating resources and energies on combating illegal immigration and the repression of migration flows. According to Caritas (2005), the Italian Government spends circa 70-75% of funds allocated to immigration policies on repressive measures (increase of centres for temporary stay, police and administrative staff, intensification of border control) and only 25-30% on support/integration measures.

The case of the ‘Centres for Temporary Stay’ (CPT) and ‘Centres for Identification’ (CI)<sup>65</sup> reveals much about this repressive focus. Both structures were created by law no. 40 of 1998 and further developed by law no. 189 of 2002, in which undocumented migrants are, in practice, imprisoned while they wait to be expelled from Italian soil<sup>66</sup>. Their stay can go from 20 days (CI) to 60 days (CPT). From 2001 to 2004 60,000 migrants were detained in the active Centres<sup>67</sup> throughout the country. Half of them were repatriated at the end of their detention period, and the other half were released when the maximum detention time limit was reached

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<sup>64</sup> However these courses involve small numbers of trainees and do not influence immigration numbers.

<sup>65</sup> Another repressive measure introduced by immigration law no.189 of 2002 is the “immediate coercive accompaniment” of undocumented migrants to the border.

<sup>66</sup> In the case of the CIs where asylum seekers are sent, detention *may* be ordered but is not mandatory.

<sup>67</sup> In 2005 there were 15 confirmed CPTs and 2 unconfirmed ones in action, plus 3 CPTs in the final stage of preparation, while there were plans to build another 2. In 2004 there were also 11 official CIs, one CI planned to be built, and 5 CIs were to be transformed into ‘multifunctional centres’ in the near future (Amnesty International, 2005).

and later managed to profit from some sort of regularization process. Within the same period of time, approximately 370,000 clandestine or irregular migrants were identified, and it is estimated that 250-300,000 migrants enter Italy every year – the majority of whom manage to legalize their situation by some sort of regularization, after a more or less prolonged ‘initial’ period of irregular stay.

The existence of CPTs and CIs constitutes another battle front regarding immigration policies. On one hand, those defending the existence of the centres argue that they are a crucial instrument in combating clandestine and irregular immigration (and that only through combating irregular migrants can Italy properly receive regular migrants). On the other hand, those demanding the closure of the centres argue that they are not realistically effective in combating immigration and are a waste of funds (that should instead be allocated to alternative methods of combating illegal immigration). In fact, the maintenance of the 18 active centres cost €130 million in 2003 and another €100 million in 2004, while the main result was been the detention of 60,000 people from 2000 to 2004 - half of which have remained on Italian soil and have later regularized their status through an amnesty (COSPE *et al* 2005). Thus the efficiency of the CTP/CI as the main instrument for combating clandestine/irregular immigration is questionable.

An ‘extra’ measure, though not recognised as such by the government, is the cyclic resort to amnesties or regularisations, with each one being said to be ‘the last one’. While the 1998 amnesty regularized the status of around 200,000 foreign workers, the last amnesty (of 2002) regularised approximately 700,000 foreign workers and benefited the pension system with more than €300 million in a one-off gain. In general, these processes do not penalise employers or employees, as most policy makers prefer to blame the rule rather than the rule-maker, especially if benefits from one-off amnesty fees are guaranteed (and they always are). In the end, amnesties - and not CPTs/CIs - seem to be the main instruments that are effective in combating irregular immigration, through the regularization of the status of irregular labour relations already in course in Italy. The same government that insists on keeping quota numbers below the Excelsior’s demands (in order to select and control immigration) has promoted five official amnesties/regularization processes from 1986 to 2002, which have legalized the status of 1.8 million foreign citizens present in Italy. This means that a major proportion of the 2,200,000 foreign citizens estimated to be regularly residing in Italy in 2003 (official ISTAT statistics, 2004) have been clandestine or irregular migrants, at least once in their lives.

No concrete policy has yet been set to plan and program immigration flows. The will to do it is lacking, contrary to public declarations; and a mass of undocumented labour force fills hidden economies at a continuous, rapid, non-stop rate.

## **2.7 Policies combating trafficking of human beings.**

In Italy, the phenomenon of Trafficking of Human Beings (THB), especially of women for sexual exploitation, has been increasing over the past decade<sup>68</sup>. This led the Italian authorities to develop “adequate strategies to suppress this phenomenon and encourage the adoption of effective instruments to combat it both internationally and at the European level” (Baglioni – Department for Equal Opportunity, 2002).

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68 According to the estimates of the University of Trento-Transcrime (2002) – based on the residence permits for social protection issued – the numbers of THB victims from March 1998 to December 2000 ranged from 7.260 (minimum) and 14.520 (maximum), ranging the yearly numbers from 2.640 (minimum) to 5.280 (maximum). Also, in the above mentioned period, the ratio between victims who have received residence permits and those who have not is ‘very low’: 1/10-1/20 (Transcrime (2002), Mon-EU-Traf. A Pilot Study on Three European Union Key Immigration Points for Monitoring the Trafficking of Human Beings for the Purpose of Sexual Exploitation Across the European Union, Final Report, Transcrime – University of Trento).

With regard to women trafficked for sexual exploitation, they come from two main geographic areas: Western Africa (in particular Nigeria) and Eastern Europe (in particular Rumania). THB aimed at economic exploitation of the trafficked persons introduces them to specific illicit markets other than prostitution in the destination countries. These illicit markets include underground labour in the “black economy”, begging (mainly involving minors from large and extremely disadvantaged families of Slavic and Romanian origin) and sweat shop labour. Up to the present date, there is no proven evidence of the trafficking of human organs in Italy. In some cases, trafficked persons may also enter Italy legally, with regular temporary visas or passports as well as with *ad hoc* forged entry documents linked to tourism or particular jobs.

On 11 August 2003 law no. 228 of 2003 "**Measures against trafficking in human beings**", introduced the offence of trafficking in human beings to the Italian penal code (art. 601), with a punishment ranging from 8 to 20 years of imprisonment for the traffickers. This law is considered to be the most advanced in the EU on this topic, and the Italian system of granting a temporary residence permit for reasons of social protection to trafficked persons is unique and can be considered vanguard within the European Union.

Although other countries do grant a temporary permit to victims who report traffickers and/or those involved in exploitation to the police, only Italy offers it regardless of the victim's testimony, through an NGO or social service intervention. Moreover, article no. 12 of the law constitutes a special – *ad hoc* - monetary fund for actions against trafficking, whose economical resources come from goods seized from the criminal organizations. This article combines the idea of the trafficked person as a victim of a crime (who needs assistance and support) and as the ultimate link in the traffic chain (who can help the police and legal authorities in prosecuting traffickers and/or those involved in exploitation). In fact, it is both a **repressive measure** because it prosecutes traffickers and/or those involved in exploitation when the victim cooperates with police and judicial authorities, a **preventive instrument** through which victims can provide relevant information on the criminal group and its activities and also **a means** for those who wish to escape from the exploitation they were forced into by criminal organisations, through inclusion in social integration programmes. Special powers of intervention are given to local administrations and the welfare system, for example ASL, which has developed a special project of intervention<sup>69</sup>.

Law no. 228 of 2003 assumes the core of article 18 “Stay permit for social protection reasons” of immigration law no. 40 of 1998, which states that “*when, in the course of police operations, investigations or proceedings related to prostitution legislation violations and in cases of arrest in the act, or during assistance interventions done by social services or NGOs, a situation of violence and serious exploitation towards a foreign person is discovered and concrete dangers for his/her safety emerge, as a consequence of attempts to escape the constrictions exercised by a criminal organisation or of testimonies given during preliminary investigations or the trial, the head of police administration, also on a judge's proposal or with his/her favourable opinion, will provide the foreigner with a special residence permit to allow him/her to escape the violence and constrictions exercised by the organised criminal group and to participate in a social integration and assistance programme*”.

Since 2005, victims of trafficking both for sexual and labour exploitation can obtain a temporary residence permit for social protection *even if they have entered the country illegally*. In addition to this temporary permit, victims are integrated into a social protection programme, *even if they do not testify* against traffickers. The temporary permit lasts six months and can be renewed for an additional year, or alternatively could be converted into a work or study permit. In some cases it could last longer, especially if a judicial procedure is initiated against the traffickers or if, in the mean time, the person has found a job or a study programme. Another key point is the activation of social, medical and psychological assistance and integration programmes for the victims of trafficking. Obviously, the temporary permit can be revoked if

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<sup>69</sup> See Farina (2005) for some relevant pilot projects on this topic,.

the person does not participate in the assistance and social integration programmes or “acts in a manner that is incompatible with the aims of these programmes”.

It is worth considering the fact that, besides this law, judges and public prosecutors generally continue to refer to other criminal offences in investigations of THB cases. These offences – which until the approval of the new law were the only juridical tools against THB - are often related to the general issues of prostitution, organised crime and “illegal/irregular” migrations:

- Article 600, 601, and 602 of the Criminal Code on Slavery: the reduction of human beings to slavery, slave trade, and the purchase of slaves. Punishment: 3 to 20 years of imprisonment.
- Article 416 and 416-*bis* of the Criminal Code on Criminal association. The former concerns participation in, or organisation of, a criminal association (three or more persons associating together in order to commit more than one crime), whereas the latter addresses Mafia-type associations *per se*. Punishment: 1 to 9 years of imprisonment.
- Law no. 75 of 1958. Article 3, subsections 6-7, punish those who induce another person to move from one place to another – within the same country or to another country – in order to engage in prostitution.
- Law no. 269 of 1998. Any person who directly or indirectly forces a minor – regardless of his/her nationality – to prostitute him/herself shall be punished with 6 to 12 years imprisonment.
- Immigration law no. 189 of 2002. Article 12, subsection 1, states that any action aimed at facilitating the irregular entry of a foreigner into Italy shall constitute a crime, punished according to the scope of the action. He/she who simply assists the entry of a foreigner who is not a regular resident in Italy shall be punished with imprisonment (one to five years) and a fine (of up to €15,000 per person whose illegal entry he/she assisted). He/she who favours such entry with the scope of exploiting the foreigner shall be punished with imprisonment (four to fifteen years) and a fine (€15,000 per illegally-entered person). Article 12, subsection 3-*bis*, states that if the offence mentioned in point 1 is committed with the aim of **recruiting persons either for prostitution or for the exploitation of prostitution**, imprisonment shall go from four to fifteen years (with an increase of 30% - 50%) and the fine shall go up to €25,000 for each irregularly-entered person.

### **3. Specific institutions designing migration and migrant integration policies**

#### **a. Migration policies in general**

##### **The Ministry of Internal Affairs (*Ministero dell’Interno*)**

This ministry is responsible for various initiatives on immigration matters of a normative and administrative nature, and is looked after by the Department for Public Security and the Central Direction for Traffic, Border, Postal and Railway Police.

Working alone or in conjunction with other administrative structures, the Ministry of Internal Affairs, among other things, defines the means for subsistence that foreign citizens must be in possession of in order to enter Italy, elaborates the *decreti flussi* (documents establishing the annual quotas for the entry of foreign citizens), adopts measures concerning entry/residence in Italy for specific categories of foreign citizens (e.g. Somalian refugees), signs bilateral and readmission agreements, organizes means for the repatriation of expelled migrants and orders increases in security staff (in airports, CPTs/CIs, etc.). It also takes part in joint projects on migrant integration and the formation of state officials dealing with immigration matters.

##### **Ministry of Labour and Social Policies**

This ministry is responsible for the management of a database on non-EU workers present in Italy (Aile - *Anagrafe informatizzata dei lavoratori extracomunitari*), with which the Ministry can establish agreements with countries that give Italy migration-pressure (e.g. Albania and

Tunisia). The Ministry also regulates the presence of EU foreign workers as workers by signing agreements with the Regions, Provinces, Autonomous Provinces and Municipalities on matters regarding minimum standards for the functioning of Employment Centres. The Ministry also defines the conditions, limits and bureaucratic means through which foreign citizens access social services.

## **b. Specifics of integration policies**

### **ONC/CNEL**

The National Organization for the Coordination of Social Integration Policies for Foreign Citizens at the local level (ONC) is a body created by immigration law no. 286 of 1998 (art. 42 comma 3), which has been active since November 1998 within the National Council for Economy and Labour (CNEL). Its goals are to support the local process of reception and integration of foreign citizens (from housing to cultural mediation), their representation and participation in public life; and to promote the interaction of institutional and social bodies at the local level (as well as with local bodies from other European countries), in order to individualise and evaluate positive models of intervention. It develops research and advises the CNEL on many integration-policy related issues, but its powers are merely consultative.

It is presided by the CNEL's President and is composed of 125 members who represent Regions, Provinces, Municipalities, the Social Assistance System, associations and volunteer bodies, and organizations that represent foreign citizens.

### **Commission for Policies Concerning Migrant Integration.**

The Commission, created by immigration law no. 286 of 1998 (art. 46) and put in place in July 1998 within the Presidency of the Council of Ministers, was headed by the sociologist Zincone. Its main aim was to produce an annual report on the 'state of the art' of integration policies for migrants, but it also evaluated policies and developed proposals, commissioned research projects to experts in various fields, and advised the government on policies of integration, interculturality and the fight against racism. Two annual reports were produced which were headed by Professor Zincone (2000 and 2001). Among other things, the Commission stressed the importance of working on the issue of the political participation of migrants, and the need for a 'reasonable' integration process based not only on the promulgation of laws but also – and mostly – on the activism of civil society and social organizations.

However, after only three years of its existence the Commission was closed down by the centre-right government that was elected in 2001 and the immigration law that followed – law no. 189 of 2002 – did not (re)introduce any similar body.

## **c. Antiracism and antidiscrimination institutions**

### **Commission for Equal Opportunities Between Man and Woman**

The Commission works to support the Ministry for Equal Opportunities's enforcement of the principle of equal opportunities within all sectors of social life. It provides counselling and technical-scientific support, expresses opinions, makes proposals for normative changes; verifies the application 'status' of the policies for equal opportunities (for which an annual report is to be presented to the Senate and the Chamber of Deputies), and conducts research. It is physically located within the Department for Equal Opportunities but is presided by the Minister of Equal Opportunities, and composed of another 25 persons (representing civil society, culture and labour domains, and local authorities) chosen by the same Minister. It is represented at Regional, Provincial and Municipal levels.

A previous "National Commission for Equality and for Equal Opportunities between Man and Woman" has existed since 1988. Following the wish of the Minister for Equal Opportunities, this Commission was reformed in 2003 by law decree no.226 of 2003 and transformed into the contemporary "Commission for Equal Opportunities between Man and Woman". The move

was not just meant to change the name – while the previous Commission was an autonomous, independent body outside the Ministry for Equal Opportunities, the actual Commission was placed within the Department for Equal Opportunities and is presided by the Minister for Equal Opportunities. The official reason for the change was the need to make the Commission into a ‘more functional’ tool (of the enforcement of equal opportunities) for the Ministry, thus it was reformed and put under its presidency. However, there are concerns as to the degree to which the reform was ‘useful’, that is the degree of independency of action now retained by the Commission, and the degree to which its composition is not just an extension of the Ministry’s interests. No independent body from the Ministry exists.

### **National Office Against Racial Discrimination**

The creation of UNAR was established by law decree no. 215 of 2003, for the implementation of EU Directive no. 2000/43/CE. It has been operative since November 2004, inserted within the Department for Equal Opportunities, which is itself part of the Presidency of the Council of Ministers. Its main task consists of promoting equal treatment for all human beings and removing discrimination based on racial, ethnic, cultural or religious elements. It focuses on prevention of discrimination, removal of discriminative/discrimination-leading situations, promotion of good practices in doing so and monitoring the effective application of the principle of equal treatment.

## **4. Bottom up policies: NGOs, female migrant Associations, Human rights Movements, Women’s movements, Public Discourses.**

In Italy there are several NGO’s active in the general field of immigration, through a series of activities both for regular and irregular migrants, ranging from research, access to services, training/language courses, and legal counselling/assistance. Besides NGOs, other relevant actors are social and cultural associations – in particular those of migrant women – and social cooperatives, strongly engaged in offering support to migrant populations.

For a detailed list of these actors, see annex 1.

## **Summary**

- Immigration towards Italy began in the late ‘70s, being characterized at this early period by a spontaneous nature, as it was not directed or managed by the national or local authorities. From the ‘70s onwards, in general, migration policies were introduced slowly and non-systematically, in order to face emergencies and urgent problems. Still up to the present moment, migration policies maintain the “urgency-emergency” approach and still do not manage to respond in a structured manner to immigration issues, as immigration is still viewed as being “temporary” and the migrant still conceived as “good if profitable”.
- During the late ‘90s attempts were made by the centre-left government of Prodi in the sense of drawing a coherent migration policy sensible to integration, cultural pluralism and diversity. This can be seen by law no. 40 of 1998 “Consolidation Act on Migration”. However, these attempts were short-lived, as the centre-right government that followed that of Prodi’s erased most of the positive initiatives, laws and policies previously promoted.
- In 2002, the centre-right government of Berlusconi has introduced law no. 189 “Modifications to the regulation on asylum and immigration” which focus resources and energies on control/restrictive measures, and on the establishment of a monocultural approach of Italian society. Migration policies have grown restrictive in matters such as residence permit, family reunion and naturalization, under the argument that

without combating 'irregular' immigration, it is not possible to integrate 'regulars' migrants already in the country. In this sense, circa  $\frac{3}{4}$  of the funds for migration go to control activities, while only  $\frac{1}{4}$  of funds go to integration programs. Therefore integration and migration policies do not always walk together. Control actions have shown to have little impact over the growth of migrant population in Italy, and that many migrants regularized by amnesties find it hard not to slip back into irregularity.

- The absence of a coherent migration policy, together with the presence of a wide spread black economy and black labour market stimulates irregular immigration, a result which fully contradicts the stated interest of the present migration law (control in order to integrate). At the present moment, entry in Italy for labour purposes is only possible through a quotas system, which is kept below the needed numbers. This leads migrants (even the regular ones) to fall into black labour, from which both employers and the Italian economy profit, as a great amount of cheap services and labour force is kept always available close-by. The state's main intervention for the regularization of irregular immigration are ad hoc amnesties and regularization processes. The majority of 'illegal' migrants manage to regularize their status at one moment or another of their migration project, through these amnesties. Five official amnesties/regularization processes were done from 1986 to 2002, legalizing the status of 1.8 million foreign citizens present in Italy.
- The European trend of feminisation of migrations can also be observed in Italy. In fact, female migrants have been present since the first migration flows in the seventies, and their quantitative/qualitative relevance has been steadily increasing over the past 15 years.

Nonetheless, even if according to Caritas (2005) migrant women comprise 48.4% of the total immigrant population in 2005, their presence is still not recognised nor visible in general opinions or in political discourse.

Gender perspectives in legislation are almost non-existent, with the exception of the Department for Equal Opportunities which nevertheless is directed at women in general, rather than specifically at migrant women. Migration policies are based in the male bread-winner models of integration and still do not recognize the migrant woman as a worker. The only truly innovative legislation affecting migrant women is law no. 228 of 2003 which assumes the core of the previous article 18 "*Stay permit for social protection reasons*" of immigration law no. 40 of 1998.

This political scenario only increases the effect of the triple discrimination that migrant women are victims of - as women, immigrants and as visible cultural/religious symbols.

- The employment opportunities that are available to migrant women are more restricted than those available to migrant men and are centred around care/assistance tasks, even though migrant women often possess higher educational qualifications than their male counterparts. . Research points out that, although having limited possibilities of labour insertion, migrant women give a relevant input to the Italian economy and welfare system (i.e. domestic workers, care assistants and nurses). Furthermore, it is the presence of migrant women which has allowed Italian women to pursue professional careers and postpone the discussion of gender roles within the Italian family.
- In absence of national integration policies, integration processes take place mainly at the local level, thanks to the collaboration between local authorities and the so-call "third sector", the non-profit private sector of NGOs. It must be stressed that civil society institutions, both religious (mainly Catholic as CARITAS) and secular (trade unions and human rights NGOs) have been active in the field of migration earlier than the State, developing a role that has compensated the gaps/absence of the State in the reception, the support and the integration. The civil society's institutions have been also a key agent in the negotiation of migration policies and the development of bottom-up policies, either by itself or by integrating State bodies.
- The "activism" of local realities is connected, on the one hand, to the policy of decentralization that is being developed by the Italian state since the nineties, in which

a wide number of responsibilities are being delegated to local authorities and NGOs. On the other hand, the “activism” of local realities has also been strengthened with the introduction of the European Employment Strategy (EES) in the late ‘90s, and the INTEGRA, EQUAL programs for the development of EU labour markets. Most of the EQUAL and INTEGRA projects developed in Italy are aimed to combating irregular work and also to implement programs for employability and labour (re)integration, offering linguistic, professional and vocational training for migrants, awareness raising/campaigning, research, and training for social/health workers. Networking was the most used strategy. They have demonstrated the importance of identifying and evaluating pilot-experiences.

- Integration, in all its vectors, takes place mainly at the local level. On the one hand the state benefits from not having to provide and manage, itself, a considerable number of services and structures; and on the other hand the private sector grew as an alternative voice on migration issues. However, this decentralized, non-systematic delegation of responsibilities has resulted in the promotion of a wide variety of (local) models of integration, interventions and levels of acknowledgement of immigrants’ needs/rights.
- A considerable portion of laws directly or indirectly addressing immigration has been implemented as to follow EU Directives, not as statement/awareness positions on part of the Italian government. One of the most pressing needs in the whole of the Italian migration policy is that of asylum. There is still no law on asylum, only a series of indications on asylum procedures introduced by immigration law no. 39 of 1990, to which modifications of restrictive character were added by the present immigration law (no. 189 of 2002).
- Migrants participation in political life is rather restricted by models of social inclusion offered by society and immigration law no. 189 of 2002. A positive political experience has been that of *Consulte degli Immigrati* -Immigrants’ Consulting Bodies, also called the Immigrants Council, the *Consigliere-Aggiunto Straniero* (Foreign Joint Councillor) and the *Consiglio Territoriale per l’Immigrazione* (Territorial Council for Immigration)) that have allowed for a certain degree of inclusion of foreign citizens into local administrations. These entities began as an initiative of Municipal, Provincial and/or Regional governments which, in search of alternative ways of political participation, promoted the creation of consulting bodies in parallel with the local government bodies, through which foreign citizens could have a say on decisions regarding the public life of which they were part.
- Regarding integration in education, although the policy set out by immigration law no. 40 of 1998 is based in a philosophy of respect and recognition of cultural and linguistic diversity, school programs defined by the centre-right government that came into power afterwards promote a strongly monocultural vision of history: migrants children must be assimilated into the Italian culture, while the preservation of languages and cultures of origin in schools must not be encouraged. Notwithstanding, some interesting experiences have taken place in various schools and areas of the country, both in the domains of school integration and the teaching of the Italian language as L2. A significant contribution to the development of these experiences has been given by municipal, provincial and regional agencies, NGOs and migrants associations operating the territory.
- On 11 August 2003 law no. 228 of 2003 "Measures against trafficking in human beings" has introduced the offence of trafficking in human beings into the Italian penal code and has established the system of granting a temporary residence permit “for reasons of social protection” to trafficked persons who are sexually exploited – even if they entered the country in an irregular manner or they do not testify in court against their exploiters.
- Since April 2006, a new centre-left government administration led by Romano Prodi has come to power. It has already put forward a proposal of immigration law which introduces new elements that would, on the short-medium term, change some of the most pressing and problematic elements of the migration policies. Thus, the policy

frame presented in the lines that follow must be read bearing in mind, at the same time, the current status of ‘expectancy’ that characterizes immigration issues in Italy at the present moment.

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- <http://helios.unive.it/~aliasve/>
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<http://www.inps.it>

<http://www.cnel.it>

## **Annex 1**

### **Italian NGOs, associations and cooperatives involved in supporting migrant women**

#### **Adas – Associazione donne dell’Africa subsahariana**

Via Giambellino 64, Milano

Tel-Fax. 02/471443

#### **Adia - Associazione donne immigrate africana**

Via in Arcione, 114 - Roma

Tel. 06 6794125

Fax. 06 5571162

#### **Alma Mater**

Via Noberto Rosa 13/A - 10154 Torino

Tel. 011 201727 - 011 2464330

Fax 011 2056133

Tel. 011 8981457 (Saida Ahmed)

Email: [alma@aspnet.it](mailto:alma@aspnet.it)

#### **ARCIDONNA**

Via Alessio di Giovanni 14 - 90144 Palermo

Tel. +39.091.345799 - Fax +39.091.301650

and

Casa Internazionale delle Donne - via della Lungara 19 - 00165 Roma

Tel e fax +39.06.68136010

E-mail: [arcidonna@arcidonna.org](mailto:arcidonna@arcidonna.org)

#### **Associazione Almaterra**

AlmaTerra c/o Centro Interculturale delle Donne "Alma Mater"

Via Norberto Rosa, 13/a Torino

Tel. 011/2467002 - Fax 011/2056133

E-mail: [alma@arpnet.it](mailto:alma@arpnet.it) - Web: <http://www.arpnet.it/~alma>

#### **Associazione ARACNE onlus**

Via Tirreno, 12

70026 Modugno (Ba)

Tel. 080 5327574

Fax. 080 5327574

E-mail: [aracne@mlx.pantora.it](mailto:aracne@mlx.pantora.it)

#### **Associazione Artemisia - Centro "Catia Franci"**

Via del Mezzetta, 1 (interno) 50135 Firenze

Tel 055/601375 – 055/602311 - Fax 055/603234

E-mail: [artemisia@fol.it](mailto:artemisia@fol.it) - Web: <http://soalinux.comune.firenze.it/artemis/index.htm>

#### **Associazione delle Donne Brasiliane**

Via Domenico Silveri 11 - 00165 Roma

Tel. 06 6380263, mobile 338 3159713

#### **Associazione delle Donne Capoverdiane in Italia**

Via Portuense 795 - 00148 Roma

Tel. 06 6550697; 339 1737455

#### **Associazione delle Donne del Nicaragua**

Via Durazzo 22 - 00195 Roma  
Tel. 06 5840643 - mobile 347 0655466

**Associazione Differenza Maternità**

Via del Gambero 77, Modena  
Tel. 059.271087  
Fax 059.374710  
E-mail: [info@informanascita.it](mailto:info@informanascita.it)

**Associazione Donne Albanesi DONALBA**

Roma  
Tel. 06 2574663 - mobile 0339 4657055

**Associazione Donne del Tigray**

Via San Saba 9 - 00153 Roma  
Tel. 347 642001  
E-mail: [tzhainesc@hotmail.com](mailto:tzhainesc@hotmail.com)

**Associazione Donne Insieme**

Via Montegrappa, 33  
52100 Arezzo  
Tel. 0575/904923 - Fax. 0575/352914  
Web:<http://www.women.it/impresadonna/associazioni/associazioni.htm>

**Associazione Donne Somale**

Via Porro Lambertenghi 28 - 20150 Milano  
Tel. 02 93904575  
Mobile 338 4847871

**Associazione Interculturale di donne – NOSOTRAS**

Via Sant'Agostino, 19  
50125 Firenze  
Tel. 055/2776326  
E-mail: [nosotras@supereva.it](mailto:nosotras@supereva.it)  
Web:<http://www.women.it/impresadonna/associazioni/associazioni.htm>

**Associazione On the Road**

Via delle Lancette, 27 -27a  
Tel. 0861/796666 - Fax 0861/796666  
E-mail: [ontheroad@advcom.it](mailto:ontheroad@advcom.it)  
Web: <http://www.victims-of-trafficking.org/IT/partenaires.html#ontheroad>

**Associazione Produrre e Riprodurre**

c/o ALMATERRA  
Via Norberto Rosa, 13/A  
10154 Torino  
Tel. 011/2464.330  
E-mail: [almaterra@arpnet.it](mailto:almaterra@arpnet.it) - Sito web: <http://www.arpnet.it/alma>

**Associazione Progetto Arcobaleno**

Via Del Leone, 9  
50124 Firenze  
Tel. 055/280052 - 288150 - Fax 055/289205  
E-mail: [arcobaleno@progettoarcobaleno.it](mailto:arcobaleno@progettoarcobaleno.it) - Web: <http://www.progettoarcobaleno.it>

**Associazione Volontaria di Assistenza Socio-Sanitaria e per i Diritti di Stranieri e Nomadi – NAGA**

Viale Bligny, 22  
Milano  
Tel: 02/58301420 - Fax: 02/58300089  
E-mail: [info@naga.it](mailto:info@naga.it) - Web: <http://www.naga.it>

**C.A.T. - Centro di Animazione Triccheballacche**

Viale Guidoni, 26/a  
50127 - Firenze  
Tel. 055/4222390 - Fax 055/4369384  
E-mail: cat@ats.it - Web: <http://www.coopcat.it>

**C.N.C.A. - Coordinamento Nazionale Comunità di Accoglienza**

Via Vallescura, 47  
63010 Capodarco di Fermo (AP)  
Tel. 0734/672504 - Fax 0734/675539  
E-mail: cnca.segreteria@sapienza.it - Web: <http://www.cnca.it>

**Candelaria**

Via Francesco Datini 7 - 00151 Roma  
Tel. 06 58232571

**Casa della Donna**

Via Galli Tassi, 8 - 56126 - Pisa  
Tel. 050 550627  
Fax. 050 550627  
E-mail: [casadonna@comune.pisa.it](mailto:casadonna@comune.pisa.it)

**Casa delle donne per non subire violenza**

Via de' Poeti, 4  
40122 Bologna  
Tel. 051/261675 - Fax 051/261765  
E-mail: [casadonnebo@orlando.women.it](mailto:casadonnebo@orlando.women.it)  
Web: <http://www.women.it/impresadonna/associazioni/associazioni.htm>

**CCF - Centro di cooperazione familiare**

Via Monte Zebio, 32  
00195 Roma  
Tel. 06/3232505 - Fax 06/3221218  
E-mail: [cerfe@tiscalinet.it](mailto:cerfe@tiscalinet.it) - Web: <http://www.gruppo-cerfe.org/gruppo/ccf.htm>

**Centro Aiuto Donne Maltrattate C.A.DO.M. Brianza**

Via Mentana, 43 - 20052 - Monza  
Tel. 039 2840006  
Fax. 0039 2841351  
E-mail: [Cadom\\_monza@tin.it](mailto:Cadom_monza@tin.it)  
[Cadom-monza@tin.it](mailto:Cadom-monza@tin.it)

**Centro Antiviolenza**

Via Dei Farnese, 23 - 43100 - Parma  
Tel. 0521 238885  
Fax. 0521 238940  
E-mail: [acavpr@libero.it](mailto:acavpr@libero.it)

**Centro Contro la Violenza alle Donne Roberta Lanzino**

Via Caloprese 56 - 87100 - Cosenza  
Tel. 0984 36311  
Fax. 0984 36311  
E-mail: [myia@libero.it](mailto:myia@libero.it)

**Centro Donna c/o Comune di Livorno**

Via delle Stalle, 19  
57100 Livorno  
Tel. 0586/890053 - Fax 0586/820530  
E-mail: [centrodonna@comune.livorno.it](mailto:centrodonna@comune.livorno.it)  
Web:

[http://www.comune.livorno.it/servizi/sanita\\_sicurezza\\_sociale/centro\\_donna/centro\\_donna.htm](http://www.comune.livorno.it/servizi/sanita_sicurezza_sociale/centro_donna/centro_donna.htm)

**Centro Donna Lilith**

Via M. D'Azeglio, 9 – 04100 - Latina  
Tel. 00773 664165  
E-mail: [c.donnalilith@tin.it](mailto:c.donnalilith@tin.it)

**CeSDA –Cendro studi ricerca documentazione**

Via San Salvi, 12 – 50100 – Firenze  
Tel. 055 6263315/6  
Fax. 055 6263306  
E-mail: [cesda@asf.toscana.it](mailto:cesda@asf.toscana.it)

**CeSDI - Centro Servizi Donne Immigrate di Livorno**

Via degli Asili, 35  
57126 Livorno  
Tel. 0586/834350 - Fax 0586/219632  
E-mail: [cesdi.donne@tiscalinet.it](mailto:cesdi.donne@tiscalinet.it)  
Web:<http://www.women.it/impresadonna/associazioni/associazioni.htm>

**Colori di Donna**

Piazza Napoli 74 - 35100 Padova  
Tel. 0349 8770554 - 049 681345 - mobile 0339 2073847  
E-mail: [assadi@cbmail.it](mailto:assadi@cbmail.it)

**Comitato dei Diritti degli Stranieri – Umbria**

Via Imbriani 1 - 06100 Perugia  
Tel. 0348 4739250 - Fax 075 5727274  
Contact person: Lucia Demosthenous  
Vai G. Vailati 1 - 06100 Perugia

**Commissione per le pari opportunità**

Via Barberini, 38 – 00187 – Roma  
Tel. 06 42153388  
Fax. 06 42153379  
E-mail: [Commissione.parita@palazzochigi.it](mailto:Commissione.parita@palazzochigi.it)

**Comunità Polacca - Coordinamento delle donne Polacche**

Via dell'Acquario 18 - 00040 Anzio (Roma)  
Tel. 06 9862279 - mobile 338 6424615

**Coop. Il tropico**

via Monte Nevoso 9 - 20131 Milano  
Tel. 02 70635471 - Fax 02 70634728

**Cooperativa Proficua**

Milano  
Tel. 02 780811 - 02 6697723 – mobile 328 6744916  
Email: [lucyrojas@rc.int](mailto:lucyrojas@rc.int); [lucy-rojas@rcm.inet.it](mailto:lucy-rojas@rcm.inet.it)

**COSPE - Cooperazione per lo Sviluppo dei Paesi Emergenti**

Via Slataper, 10  
50134 FIRENZE  
Tel. 0039 055 473556 - Fax 0039 055 472806  
E-mail: [cospe@cospe.it](mailto:cospe@cospe.it) - Web: <http://www.cospe.it>

**Crinali - Associazione di ricerca, cooperazione e formazione interculturale tra donne**

Crinali c/o Libera Università delle Donne di Milano  
Corso di Porta Nuova, 32  
Milano  
Tel e Fax. 02/6597727

E-mail: [crinali@iol.it](mailto:crinali@iol.it) - Web: <http://www.linda.it>

**DIM - Associazione Donne in Movimento – Bologna**

Ass. Donne in Movimento c/o COSPE  
viale Vicini, 16  
40100 Bologna  
Tel. 051/6491636 - Fax 051 / 6491122  
Web:<http://www.women.it/impresadonna/associazioni/associazioni.htm>

**DIM - Associazione Donne in Movimento – Pisa**

Via Betti  
Complesso Marchesi - Pisa  
Tel 050/540668; 050/503852  
Web:<http://www.women.it/impresadonna/associazioni/associazioni.htm>

**Donne eritree**

Via Drapperie 6, Bologna  
Tel. 051/65 64 611  
Fax. 051/260066

**Donne immigrate africane**

Via in Arcione 114, Roma  
Tel. 06/6794125

**Donne ivoriane**

Via Cimabue 16, Brescia  
Tel. 030/2312083; 030/2309273  
E-mail: [casass@comune.brescia.it](mailto:casass@comune.brescia.it); [donneivoriane@comune.brescia.it](mailto:donneivoriane@comune.brescia.it)

**Donne nel Mondo**

Via Nicoli 159 - 41100 Modena  
Tel. 059 210587

**Donne senza confini**

c/o Caritas  
Via Zermanese 6 - 31100 Treviso  
Tel. 0422 405513

**Donne Straniere Insieme**

Via Camillo Mariani 5 - 00135 Roma  
Tel. 06 9107470, mobile 0338 1706086  
Email: [nancyg@eudoramail.com](mailto:nancyg@eudoramail.com)

**Filippino Women Council**

Milano  
Tel. 06 2423512  
Fax 06 2423512 -  
E-mail: [mindoro@tiscalinet.it](mailto:mindoro@tiscalinet.it)

**Forum Comunità Straniere – Firenze**

Via del Saletto, 1/3  
50142 Firenze  
Web: <http://www.inafrica.it/tamtam/associazioni.html#toscana>

**Gruppo di Lavoro e Ricerca sulla Violenza alle Donne**

Via dell'Oro, 3 – 40124 – Bologna  
Tel. 051 333173  
Fax. 051 3399498  
E-mail: [casadonne@women.it](mailto:casadonne@women.it)

**I.R.I.D.E. - Associazione Interculturale di Donne**

Via Tommaso Pendola, 37  
Siena  
Tel. 0577/42084 - Mobile347/2822459  
E-mail: [i.r.i.d.e.@virgilio.it](mailto:i.r.i.d.e.@virgilio.it)  
Web: <http://www.atuttomondonetwork.com/framec/iride.html>

**La Cooperativa delle donne di Firenze**

Libreria delle donne E-mail: [librieadonne@iol.it](mailto:librieadonne@iol.it)  
Centro di documentazione Fili E-mail: [fili@donne.toscana](mailto:fili@donne.toscana)  
[filifir@tin.it](mailto:filifir@tin.it)  
Associazione Italia donne per lo sviluppo E-mail: [aidos@aidos.it](mailto:aidos@aidos.it)

**Le A.P.I. - Associazione Per l'Intercultura**

via Cosimo Trinci 2  
51100 Pistoia  
Web:<http://www.women.it/impresadonna/associazioni/associazioni.htm>

**Libera Università delle Donne di Milano**

Corso di Porta Nuova, 32  
Milano  
Tel e Fax. 02/6597727  
E-mail: [universitadelledonne@tin.it](mailto:universitadelledonne@tin.it) - Web: <http://www.linda.it>

**Libere insieme – Associazione di donne italiane e immigrate**

Via S. Angelo in Pescheria 35, Roma  
Tel. 06/44290436  
Fax 06/5897501

**Libreria delle donne di Bologna**

Via San Felice, 16A - 40122 - Bologna  
Tel-fax 051/271754  
E-mail: [libriadedelledonne@women.it](mailto:libriadedelledonne@women.it)

**Linea Rosa**

Via Mazzini 57/A – 48100 – Ravenna  
Tel. 0544 216316  
E-mail: [linearosa@racine.ra.it](mailto:linearosa@racine.ra.it)

**Madri somale a Milano**

C/o Lega per i diritti dei popoli, Via Bagutta 12, Milano  
Tel-Fax. 02/780811

**No. Di. - Nostr Diritti**

Via delle Zoccollette 17 - 00186 Roma  
Tel. 06/7717260 – mobile 335/6984493  
E-mail: [miryamfuentes@yahoo.es](mailto:miryamfuentes@yahoo.es); [inostridiritti@yahoo.es](mailto:inostridiritti@yahoo.es); [maupil@tiscalinet.it](mailto:maupil@tiscalinet.it)

**Progetto Donna (Comune di Firenze)**

Via le Ugo Bassi, 29 -50100 – Firenze  
Tel. 055 262-5770-5733  
Fax. 055 2625785  
E-mail: [progetto.donna@comune.fi.it](mailto:progetto.donna@comune.fi.it)

**Rete donne immigrate**

Via G. Meli 12, Palermo  
Tel. 091.6110015  
Fax. 091/322868

**Rete Lilith**

Via Lanusei 15 – 09125 Cagliari

Tel. 070 666882  
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