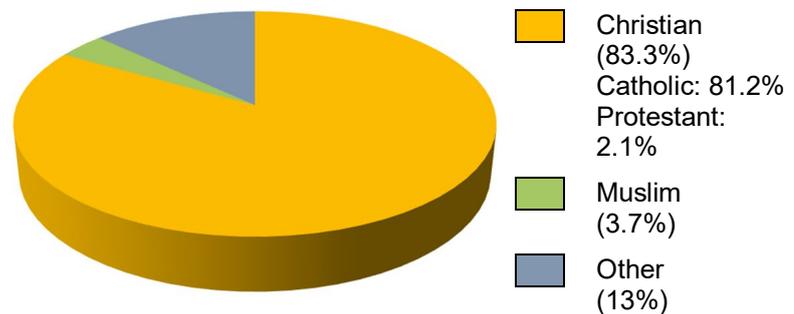


ITALY



Area: 302,073 km ²	Population: 60.8 million	Political system: Democracy	Major Language(s): Italian
---	------------------------------------	---------------------------------------	--------------------------------------

Legal framework on Freedom of Religion and actual application

Italian legislation on religious freedom is almost entirely contained in the constitution, which guarantees religious freedom and contains several articles related to the matter. Article 3 expresses the principle of non-discrimination on religious grounds, stating that “all citizens have equal social dignity and are equal before the law, without distinction of sex, race, language, religion, political opinion, personal and social conditions.” Article 19 guarantees the right to profess “their religious belief in any form, individually or with others, and to promote them and celebrate rites in public or in private”, provided only that this right does not conflict with public morality.

Regarding relationships between the State and religious groups, we should consider Italy as an example of “positive secularity”, as the State, although being a secular state, protects religious freedom and religious pluralism. Nonetheless the Italian State has no specific laws covering religious freedom.

Italy has no state religion, although Catholicism, being the religion of most Italian citizens, has a prominent position among the other creeds. The Constitution guarantees (article 8) that all confessions are equally free before the law and gives denominations other than Catholicism the right to self-organisation according to their own statutes, provided these do not conflict with Italian law. And article 20 forbids the imposition of all forms of special limitation or tax burden on the establishment, legal capacity or activities of any organisation on the ground of its religious nature or its religious or confessional aims. Their relations with the State are regulated by law, based on agreements with their respective representatives.

Before applying to an agreement request, the non-Catholic confession should be recognised as having legal personality by the Interior Ministry, in accordance with Law No. 1159, passed in 1929, that confirms the religious nature of a recognised group. Then, representatives of a non-Catholic faith can submit their request to the Office of the Prime Minister. The government and the group’s representatives then negotiate a draft agreement, which has to have been previously evaluated by

the Consultative Committee for Religious Freedom, including experts and scholars. Once the Council of Ministers approves the agreements, the Prime Minister signs it and submits it to parliament for final approval. Then the parliament approves the implementing legislation and the accord governs the relationship between the government and the religious group, including state support. Relationships between State and religious groups without an agreement are also governed by Law No. 1159. An accord grants ministers automatic access to state hospitals, prisons, and military barracks; allows for civil registry of religious marriages; facilitates special religious practices regarding funerals; and exempts students from school attendance on religious holidays. Any religious group without an accord may request these benefits from the Ministry of Interior on a case-by-case basis. An accord also allows a religious group to receive funds collected by the state through the so-called "Eight per thousand". According to an Italian law, Italian taxpayers can choose who receives a compulsory "eight per thousand" (0.8 percent) deduction from their annual income tax return. It can either go to an organised religion recognised by Italy or, alternatively, to a social assistance scheme run by the Italian State.

Non-Catholic groups that have an accord with the Italian State include the Confederation of Methodist and Waldensian Churches, Seventh-day Adventists, Assemblies of God, Judaism, Baptists, Lutherans, the Church of Jesus Christ of Latter-day Saints, Greek Orthodox Church (Constantinopolitan Patriarchate), the Italian Apostolic Church, the Buddhist Union and Hindus. The government continues to negotiate an agreement with the Jehovah's Witnesses – the group first applied in 1997. While there is no agreement with any Islamic community, despite the fact that Islam represents the largest non-Catholic group in Italy making up about 32.2 percent of the immigrant population in Italy,¹ no negotiations have commenced between the Italian State and the Muslim community. This results from the lack of leader figures able to represent the Islamic community in Italy and negotiate agreements at the level of local government. Nonetheless, the Italian Minister of Home Affairs tried to deal with Islam-related issues – such as the fragmentation of the Muslim community in Italy, the possibility of having Islamic education in state schools, the creation of Islamic private schools, as well as the security problem caused by the possible infiltration of terrorism and illegal practices – by creating a Council for Italian Islam in 2005. Its main task was to provide feedback and make suggestions on the issues concerned with the welfare of Muslims in Italy and their integration into society in full respect of the laws and the Italian Constitution. Following the council's creation, in 2006 the Italian Minister of Home Affairs decided to set out a "Charter of Values of Citizenship and Integration", with the main purpose of summarising and making explicit the fundamental principles that regulate the collective life in Italy, with particular attention to the immigrants. It was also designed to highlight the problems connected with their integration into the Italian society. In 2008 the Charter was followed by the "Declaration of Intent for a Federation of Italian Islam" and then in 2010 the Italian Islam Committee was established, whose members are also part of the Conference for Religions, Culture and Integration, created under the Ministry for International Cooperation and Integration in 2012.

Relations between the Italian State and the Catholic Church are regulated by the constitution, article 7 of which asserts that the State and the Catholic Church are independent and sovereign, each within its own sphere, and that their relations are governed by the Lateran Pacts, agreements made in 1929 between the Kingdom of Italy and the Holy See, and then amended in 1984. The government allows the Catholic Church to select teachers, who are paid by the state, to provide instruction in "hour of religion" courses taught in state schools. The courses are optional, and students who do not wish to attend can study other subjects or, in certain cases, leave school early

with parental consent. Church-selected instructors are either lay or religious, and the instruction includes material relevant to non-Catholic religious groups.

Incidents

In recent years increasing numbers of Christians have denounced growing anti-ecclesiastical feeling and discrimination against their religion. In particular Catholics feel discriminated because they are often, and even strongly, criticised when they express in public their opinions on public issues as abortion, gay marriage, and euthanasia.

There have even been a few incidents occurring during demonstrations by Catholic organisations. For instance, the so-called Sentinelle in Piedi (Standing Watchmen) movement denounced several incidents of harassment during demonstrations they held in October 2014 and May 2015. The movement was formed to protest against the Scalfarotto Bill, anti-homophobia draft legislation which is still awaiting Senate approval at time of writing. As the bill aims to extend the crime of hate speech to include statements regarding homosexual people, members of Sentinelle in Piedi movement fear that it would curtail freedom of speech for Christians. In response they organised simultaneous gatherings in about a hundred squares throughout Italy, during which they protested silently for one hour. But in many cases they were insulted or harassed by LGBT activists, i.e. in October 2014 in numerous public squares,² demonstrators were insulted, spat upon and hit by various objects thrown by opponents who also yelled offensive slogans and made provocative gestures, including simulated homosexual acts, as well as mocking those protesting. In one city, Rovereto, counter-protesters demanded that the Sentinelle leave. They destroyed the Sentinelle's publicity materials, screamed threats and threw eggs at the demonstration's participants, even attacking them by kicking and pushing. Two participants, a priest, Father Matteo Graziola and a young woman, were attacked so seriously that they needed to be hospitalised.³ Similar episodes happened in May 2015, when the Sentinelle organised other gatherings.⁴

Another case denounced as intolerance regarded Carlo Deodato, a judge of Italian Council of State. Deodato was among the five judges who rejected the request to register in Italy same-sex marriages which had been contracted by Italians whilst abroad. Once the ruling was made, some activists found out on Deodato's twitter account that he was Catholic and that he retweeted pro-family posts. He then started receiving offensive comments stating that, as a pro-family Catholic, he should not be allowed to judge whether it is right or not for Italy to recognise same-sex marriages celebrated abroad.⁵

Another law that raised concern among Christians is the so-called Cirinnà law, named after the senator Monica Cirinna, who officially introduced the bill in October 2015. The bill governs same-sex unions giving them a number of rights currently enjoyed only by married people. What concerns Catholic the most is that the bill doesn't include any conscientious objection clauses, for instance for judges or officials who do not want to recognise same-sex unions because of their religious values, opening the possibility of discrimination charges being brought.⁶ The bill passed in the Italian Senate on 26th February 2016 and at the Italian Parliament on 11th May. The approval of the Bill triggered a strong reaction within the Church and among Catholics. The day after the headline of the Italian Episcopal Conference' newspaper, *Avvenire* was "A wrong bill".⁷

Years after the *Lautsi v. Italy* case,⁸ the presence of Catholic symbols such as crucifixes in courtrooms, schools, and other public buildings continues to draw a certain amount of criticism. Furthermore, during the period considered by this report, a few incidents occurred regarding Christmas cribs being removed from schools where not all the students were Christians. For instance in Salerno, Southern Italy, in December 2014 the dean of the School decided not to display the usual Christmas crib because one of the students was agnostic and a few other pupils were Muslims.⁹ A similar episode occurred in December 2015 in a small town near Milan, Rozzano, where the dean of a secondary school decided to cancel the annual Christmas musical event so as not to offend non-Catholic students.¹⁰

In the last two years there have also been several acts of vandalism or desecration of statues, icons and Christian churches. A statue of baby Jesus was beheaded in a Nativity scene in Fivbiana, a small town near Bergamo in the Northern Italy, in January 2016.¹¹ Another case regards the vandalisation of the Church of Saint John the Baptist in Lecce. In February 2015 offensive graffiti was left inside the church and a statue of the Virgin Mary outside the church was spray-painted.¹²

Migrants and discriminations

In April 2015 Muslim migrants allegedly threw 12 Christian migrants overboard from a boat heading to Italy because of their faith. The Christians died.¹³ This case highlighted the still unknown but serious phenomenon of faith-based discrimination among migrants and refugees.

Growing numbers of migrants of different faiths coming to Italy have exacerbated the problem of religion-based discrimination inside refugee camps. It is not easy to find witnesses of this kind of discrimination as the victims do not usually report violence or harassment. Only a few of them have done so, but they preferred to remain anonymous. In one refugee camp a Christian refugee from Ukraine described being harassed by Muslim refugees from Pakistan who tried to convert him.¹⁴ Other cases were reported by Pakistani Christians who had been harassed in several centres for asylum seekers.¹⁵

Related to Islam – Discrimination toward the Muslim community

According to the Ministry of the Interior, the Islamic community in Italy numbers about 1,613,000, around the 32.2 percent of the foreign-born community in the country.¹⁶ The growing Muslim community has also suffered discrimination because of its faith. Muslim people, mostly immigrants, have often been discriminated against because they are identified with terrorists. After the Brussels attacks, Muslim pupils were reportedly offended in several schools in northern Italy after some parents told their children not to talk or play with their Muslim class mates.¹⁷

In April 2015, the Pew Forum examined public opinion in six European Union countries: France, Germany, Italy, Poland, Spain and the United Kingdom. The survey found that Italians were the most critical of Muslims, with 61 percent of the population being unfavourable to the presence of Muslims in their country.¹⁸

According to Foad Aodi, the president of the Association of the Arab World community in Italy (Co-Mai), discrimination against Muslims is growing throughout the country.¹⁹

One issue that raised particular concern within the Islamic community in Italy was the building of new mosques. According to the Ministry of Interior in Italy, there are 1,205 Islamic places of worship, even though only four among them are actual mosques, while the others are apartments or other buildings used as worship places.²⁰

In February 2015, Lombardy Region approved a new regional law that made it very difficult to build new places of worship. Even though the law did not single out mosques, most of the new places of worship built in the region were mosques, as the area had seen an increase in the Muslim community. The local Islamic community saw the law as a tool to prevent the building of new mosques. Subsequently the Italian government asked for the law to be overturned. It appealed to the Constitutional Court, which in February 2016 defined the law unconstitutional and decided to annul it.²¹

Related to Judaism - Anti-Semitic episodes

The Jewish community also denounced episodes of intolerance. Those episodes were often related to Israeli foreign policy and the Israeli-Palestinian conflict. For example in August 2014, during a new wave of conflict in Gaza, a Palestinian supporter plastered several areas of Rome with posters inviting people to boycott a list of 50 Jewish-owned stores.²²

According to the Coordination Forum for Countering Anti-Semitism, around 50 anti-Semitic episodes occurred in Italy in the period analysed by this report. Most of them concerned anti-Semitic graffiti or swastikas painted outside of schools, shops or other places owned or frequented by Jewish people. The worst episode occurred in Milan where on 12th November 2015 Nathan Graff, a 40-year-old Jewish man, was stabbed near a kosher restaurant. A man with a covered face came up from behind him and stabbed him nine times including on his face and his back. The victim had no doubt about the anti-Semitic nature of the attack.²³

According to the Observatory on Anti-Semitism, which was founded by the Milan-based registered charity CDEC Foundation (Jewish Contemporary Documentation Centre), the number of anti-Semitic episodes has risen. From June 2014 to May 2016, the observatory reported more than 151 acts of intolerance against Jewish people, including offensive messages posted on Facebook and other social media. Several cases involve BDS Italia, a movement that – as stated on its website – supports boycott and sanctions against Israel, endorsing a 2005 call from Palestinian civil society. Affiliated associations and groups throughout Italy promote BDS campaigns and initiatives both locally and nationally.²⁴

On 16th March 2016, the BDS group called for a boycott of a press conference hosted by La Stampa newspaper editor, Maurizio Molinari. According to BDS supporters, Molinari, who is Jewish, belongs to the “permanent war party” of Israel.²⁵

Another incident in February 2015 concerned a verbal attack on the Jewish owner of a shoe shop in Rome, near the Spanish Steps. The man was insulted by three youngsters, allegedly of Arabian origin, who also spat in front of the shop and threatened the owner, saying they would come back.²⁶

Many reported cases concern swastikas and anti-Semitic graffiti, such as the swastika painted outside Anne Frank secondary school in Montecchio Maggiore, near Verona on 15th March 2016. Or the offensive graffiti painted on a wall in Genoa city centre, saying “Jewish people out of Italy”²⁷. Another offensive graffiti found in Rome in May 2015 said: “Jews into the ovens”.²⁸

There are also several cases regarding offensive posts on the internet and social networks. For example, the Facebook profile created on 29th May 2015 called “Rabbis Suck” reached 2,762 likes in the first two weeks.²⁹ Or the website which collects jokes and divides them in categories, which in the “Jewish and concentration camps” category has 53 disrespectful jokes about the Holocaust.³⁰

Prospects for Freedom of Religion

As a result of substantial immigration in recent years, Italy increasingly has to grapple with religious integration issues. As highlighted above, much still remains to be done, both in helping some religious communities to integrate, and at the same time, respecting the right of the Catholic community to assert its own opinions and not suffer discrimination for doing so.

The building of the first temple of the Church of Jesus Christ of Latter-day Saints in Italy in Rome should be considered a positive sign. The Mormon community in Italy numbers about 24,000 people.³¹

Another important point worth considering with regard to the integration of the Muslim community is the law approved by Veneto region in April 2016. The legislation obliged Muslims to speak Italian inside Islamic religious centres in all areas not strictly related to worship.³²

¹ Caritas e Migrantes, *Immigrazione, Dossier Statistico 2015*, IDOS, Roma 2015.

² Tempi, *Contestate le Sentinelle in piedi in diverse piazze italiane. Insulti, sputi e bestemmie*. Ora dite voi chi sono i violenti, October 4, 2014.

³ La Voce di Rovereto, *Anarchici contro le "Sentinelle in piedi" a Rovereto, in due all'ospedale*, 5th October 2014, <http://lavocedirovereto.it/index.php/cronaca/1051-attacco-anarchico-a-rovereto-in-due-all-ospedale>

⁴ Avvenire, *Sentinelle in piedi, 100 piazze per il sì alla famiglia*, Avvenire, 25th May 2015, <http://www.avvenire.it/Cronaca/Pagine/sentinelle-in-piedi-cento-piazze.aspx>

⁵ A. Mantovano, M. Introvigne, *La vera condizione della libertà*, Avvenire, 3rd November 2015, <http://www.avvenire.it/Commenti/Pagine/LA-VERA-CONDIZIONE-DELLA-LIBERT-.aspx>

⁶ A. Mantovano, M. Introvigne, *Unioni gay, l'obiezione dimenticata*, Avvenire, 27th February 2016, <http://www.avvenire.it/Politica/Pagine/Lobiezione-dimenticata-.aspx>

⁷ Avvenire, *una Legge sbagliata*, 12th May 2016, year XLIX, n.112

⁸ European Court of Human Rights, *CASE OF LAUTSI v. ITALY*, (Application no. 30814/06), 3rd November 2009, [http://hudoc.echr.coe.int/eng#{"dmtdocnumber":\["857725"\],"itemid":\["001-95589"\]}](http://hudoc.echr.coe.int/eng#{)

⁹ La Città di Salerno, *C'è un ateo, tolto il presepe dalla scuola*, December 2, 2014

<http://lacittadisalerno.gelocal.it/salerno/cronaca/2014/12/02/news/c-e-un-ateo-tolto-il-presepe-dalla-scuola-1.10419187>

¹⁰ La Stampa, *Concerto di Natale rinviato e crocifisso rimosso: polemica sulla svolta laica alla scuola di Rozzano*, <http://www.lastampa.it/2015/11/27/italia/cronache/concerto-di-natale-rinviato-e-crocifisso-rimosso-polemiche-sulla-svolta-laica-della-scuola-milanease-AY1zAMZcgDi1NYUatpDSol/pagina.html>

¹¹ [corrispondenzaromana.it](http://www.corrispondenzaromana.it), *Presepi profanati ovunque, gesti cristianofobici*, 2nd January 2016,

<http://www.corrispondenzaromana.it/notizie-dalla-rete/presepi-profanati-ovunque-gesti-cristianofobici/>

¹² Lecce Prima, *Vandali imbrattano statua della Madonna*, February 7, 2015 <http://www.lecceprima.it/cronaca/scritte-madonna-imbrattata-chiesa-lecce-16-febbraio-2015.html>

¹³ Ansa, *Musulmani contro cristiani, 12 migranti buttati in mare dal gommoni*, 17th April 2015,

http://www.ansa.it/sicilia/notizie/2015/04/16/gettati-migranti-in-marefermi-a-palermo_5a8191f3-d945-4316-a051-5632ad0b7fca.html

¹⁴ F. Biloslavo, *Io, trattato da cane perché cristiano*, Il Giornale, January 9, 2016, <http://www.riscossacristiana.it/io-trattato-da-cane-perche-cristiano-di-fausto-biloslavo/>

¹⁵ S. De Mari, *Anche nei centri di accoglienza in Italia i cristiani sono perseguitati dai musulmani*, Bastabugie.it, September 2, <http://www.bastabugie.it/it/articoli.php?id=3861>

¹⁶ V. Polchi, *Sermoni in Italiano contro i predicatori della violenza*, La Repubblica, 7th February 2016, p. 14

-
- ¹⁷ A. Comiso, *Bimbi discriminati e offesi a scuola perché musulmani*, Il Gazzettino, 28th March 2016
- ¹⁸ Pew Forum Center, *Faith in European Project Reviving*, 2nd June 2015, p. 21,
- ¹⁹ Stranieriinitalia.it, *"Musulmani sempre più discriminati in Italia, colpa anche di Salvini"*, 22nd January 2015, <http://www.stranieriinitalia.it/attualita/attualita/attualita-sp-754/musulmani-sempre-piu-discriminati-in-italia-colpa-anche-di-salvini.html>
- ²⁰ interno.gov.it, *Islam, Alfano: imam Suwaidan non potrà entrare in Italia, April 6, 2016*, <http://www.interno.gov.it/it/notizie/islam-alfano-imam-suwaidan-non-potra-entrare-italia>
- ²¹ L. Milella, *La Consulta boccia Maroni, stop alla legge anti-moschee*, La Repubblica, 24th February 2016.
- ²² Il Messaggero, *Manifesti antisemiti comparsi di nuovo. Marino: gesto compiuto da teste vuote*, 8th August 2014, http://www.ilmessaggero.it/roma/manifesti_scritte_ebrei_israele_roma_libia/notizie/839942.shtml
- ²³ P. Berizzi, *Graff, l'accoltellato: "Non era una rapina mi voleva uccidere solo perché sono ebreo"*, La Repubblica, 14th November 2015, http://milano.repubblica.it/cronaca/2015/11/14/news/_non_era_una_rapina_mi_voleva_uccidere_solo_perche_sono_ebreo_-127323990/
- ²⁴ <http://www.bdsitalia.org/index.php/english>
- ²⁵ Observatory on Anti-Semitism, *Torino 11 marzo: Molinari è lì! Boicottiamo il partito della guerra*, 11th March 2016, <http://www.osservatorioantisemitismo.it/episodi-di-antisemitismo-in-italia/bds-contro-il-sionista-direttore-della-stampa-maurizio-molinari/>
- ²⁶ Observatory on Anti-Semitism, *Roma, sputi e minacce contro negoziante ebreo*, 25th February 2015, <http://www.osservatorioantisemitismo.it/episodi-di-antisemitismo-in-italia/roma-sputi-e-minacce-contro-negoziante-ebreo/>
- ²⁷ Genova24.it, *"Via ebrei da Italia", scritta antisemita con svastica in via Balbi: la denuncia*, 17th August 2015, <http://www.genova24.it/2015/08/via-ebrei-da-italia-scritta-antisemita-con-svastica-in-via-balbi-la-denuncia-93501/>
- ²⁸ Observatory on Anti-Semitism, *Ebrei nei forni*, 26th May 2015, <http://www.osservatorioantisemitismo.it/episodi-di-antisemitismo-in-italia/scritta-antisemita-2/>
- ²⁹ Id., *"Che schifo i rabbini", profilo Facebook antisemita*, 5th June 2015, <http://www.osservatorioantisemitismo.it/episodi-di-antisemitismo-in-italia/che-schifo-i-rabbini-profilo-facebook-antisemita/>
- ³⁰ Id., *53 barzellette antisemite sul sito web de "il mondo umoristico del Dr Zap"*, 26th February 2016, <http://www.osservatorioantisemitismo.it/episodi-di-antisemitismo-in-italia/barzellette-antisemite-su-sito-umoristico/>
- ³¹ mormontemples.org, *È stato presentato il Tempio di Roma*, 8th July 2015, <http://www.mormontemples.org/ita/articles/è-stato-presentato-il-tempio-di-roma>
- ³² La Repubblica, *Veneto, nelle moschee si dovrà parlare italiano*, 6th April 2016, http://www.repubblica.it/cronaca/2016/04/06/news/veneto_nelle_moschee_si_dovra_parlare_italiano-137022381/