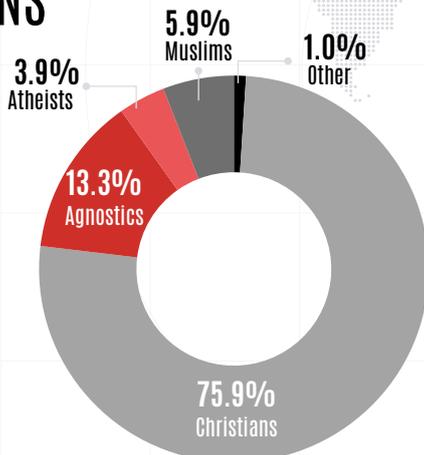




ITALY

RELIGIONS



LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

Italian legislation on religious freedom guarantees freedom of religion or belief and recognises it as a fundamental right. Article 3 of the constitution 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.”¹ Article 19 guarantees individuals their right to profess “their religious belief in any form, individually or with others, and to promote them”. It also allows them “to celebrate rites in public or in private, provided they are not offensive to public morality.” Article 8 stipulates that “all religious denominations are equally free before the law”.

Italy has no state religion, but Catholicism is the religion of most Italian citizens. Article 7 of the constitution asserts that the Italian state and the Catholic Church are independent and sovereign, and the 1929 Lateran Pacts² (amended in 1984)³ govern their relations.

The Italian government allows the Catholic Church to select teachers to provide religious education in state schools.

Relations between the state and other religions are regulated by law, based on agreements with their respective religious organisations. Before applying for an agreement, the religious organisation needs to be recognised as having legal personality by the Ministry of the Interior, in accordance with Law No. 1159/29.⁴ The request is then submitted to the Office of the Prime Minister. An agreement grants religious ministers automatic access to state hospitals, prisons, and military barracks; it allows for the civil registration of religious marriages; it facilitates special religious practices regarding funerals; and it also exempts students from school attendance on religious holidays. Any religious group without an agreement may also request these benefits from the Ministry of the Interior on a case-by-case basis. An agreement also allows a religious group to receive funds collected by the state through the so-called “Eight per thousand”, a compulsory deduction (of 0.8 percent) from taxpayers’ annual income tax.

13 non-Catholic denominations have an agreement with

the Italian state, while an agreement with Jehovah's Witnesses has been under negotiation since 1997. The Italian government and the Church of England (Anglican) signed an agreement on 1st August 2019.⁵

An agreement has not yet been reached with the Islamic community, despite the fact that it represents the largest non-Christian group in Italy and about a third of Italy's immigrant population are Muslims.⁶ The National Association of Italian Muslims (ANMI) presented a proposal on 19th June 2018, following statements by the then Minister of the Interior Matteo Salvini, who said he hoped to enter into an agreement with the Islamic community before the end of the incumbent legislature.⁷

In the text, ANMI asks for the same financial arrangement provided by the aforementioned "Eight per thousand" tax contribution. It says that Muslims should be able to "profess and practise the Muslim religion freely, to teach and observe it in any form," that they be allowed to "propagate" it in public and worship and perform their rituals as they see fit. At the same time, ANMI agrees that only clerics admitted to the "Register of Imams" should be allowed to minister if they "know the Italian language", have resided "in Italy for at least 5 years", know the "main points of the Italian Constitution" and have "no direct or indirect connections" with "known terrorists or terrorist organisations."⁸

So far, no progress has been reported in this regard at the time of writing this report. Part of the problem is the lack of consensus among Muslims and the absence of a recognised official Islamic leadership with the authority to negotiate an agreement with the government.

ANMI itself does not represent the entire Islamic community in Italy. Consequently, the Italian Ministry of the Interior has tried to manage Islam-related issues by creating a Council for Italian Islam in 2005, and drafting a "Charter of Values of Citizenship and Integration" in 2007 and a "Declaration of Intent for a Federation of Italian Islam" in 2008.

In 2016, the "Council for Relationship with Italian Islam" was established within the Interior Ministry to raise awareness about Islam and enhance dialogue with the Islamic community. Following this, the Ministry of the Interior and representatives of Italy's main Muslim as-

sociations signed a "National Pact for an Italian Islam" on 1 February 2017. In it, among other things, all parties agree to "encourage the development and growth of dialogue", "ensure that places of worship maintain decent standards in compliance with existing legislation," and "guarantee that Friday sermons are delivered or translated into Italian."⁹

INCIDENTS AND DEVELOPMENTS

As in the previous 2016-2018 reporting period, Catholics have expressed concern in the past two years about growing anti-clerical sentiments and the introduction of some legislative measures deemed contrary to Christian values. A decision by the Constitutional Court (242/2019) on a section of Article 580 of the Criminal Code has aroused particular concern. The ruling recognised that, if certain conditions are met, assisted suicide would no longer be criminally punishable.¹⁰

Concerns were also raised by the "application guidelines for article 17" of the Code of Medical Ethics, following the Constitutional Court's decision on assisted suicide. The guidelines, adopted on 6 February 2020 by the National Council of the Federation of Medical Association of Surgeons and Dentists (FNOMCEO), stipulate that no disciplinary action will be taken against doctors if conditions correspond to the Constitutional Court's criteria for non-punishment of doctors who take part in assisted suicide.¹¹

Another measure of concern to Catholics is a bill against "homotransphobia" presented in November 2019 by Alessandro Zan, a Member of Parliament. It would apply "hate crime" legislation, which already punishes acts of violence and incitement to violence on grounds of ethnicity, nationality and religion, to homosexual or transgender people. The unease in the Catholic community is that if the draft legislation becomes law, statements about homosexuality in line with Catholic biblical and moral teaching could be punished.¹²

During the reporting period there were also several incidents in which Catholic churches, statues and sacred objects were stolen, damaged and desecrated.

Overnight on 20-21 July 2018, a crucifix and several sacred statues were damaged in the town of Andria.¹³ Two months later, in September, the Church of the Holy Martyrs in Montesilvano was set on fire twice over an

eight-day period. The local parish priest, Fr Rinaldo Lavezzo, also received threatening letters.¹⁴

Similar incidents occurred especially over the Christmas holidays, between December 2019 and January 2020. Numerous Nativity scenes were burnt and damaged in several parts of the country; in Mogliano Veneto, a statue of the Child Jesus was hanged with an electric cable.¹⁵

The Muslim community continues to complain that its members are victims of social discrimination. This perception is confirmed by the European Islamophobia Report 2018,¹⁶ according to which physical and verbal attacks against Muslim migrants, asylum seekers, refugees and citizens have increased in both northern and southern Italy.

According to the study, anti-Islamic sentiment takes two forms: “political Islamophobia”, inspired by leaders of right-wing and far-right parties or movements, and “cultural Islamophobia”, shaped by mass media, which tends to refer to Muslim people only in the context of immigration while depicting Islamic culture as impossible to integrate and deeply sexist.¹⁷

It is hard to assess whether bias and prejudice are motivated by religion or, more likely, related to an anti-immigration sentiment among the population, which tends to see migrants as predominantly Islamic. Frequently, Muslims are associated with Islamic terrorists and are considered potentially dangerous, as noted by the “Jo Cox Commission on hatred, intolerance, xenophobia and racism” established by the Italian Chamber of Deputies.¹⁸

Undoubtedly, the rising threat of jihadist attacks does not help. In January 2020, the U.S. Department of State identified Italy as a country at high risk of attack (level 2), urging US citizens who planned to visit or stay in Italy to show great caution.¹⁹ In the past two years, several individuals were arrested for terrorist offences, many of them for alleged links with jihadist networks. As indicated in the 2019 European Union Terrorism Situation and Trend Report, drafted by Europol experts, 40 individuals were arrested in Italy in 2018 in connection with Islamic terrorism.²⁰ The report lists 129 successful, failed and foiled terrorist attacks in Europe in 2018. Of these, 13 took place in Italy.²¹

Growing radicalisation of Muslim inmates in Italian prisons is another major issue. A case in point: Anis Amri. The Tunisian man, who carried out a serious terrorist attack at a Berlin market on 19 December 2016, had started on a path of jihadist radicalisation when he was in jail in Sicily, after his conviction for crimes unrelated to extremism.²² Another case is that of Giuseppe D'Ignoti, an Italian man convicted on terrorism charges in January 2019 for inciting jihad on the Internet. He had converted to Islam in 2011 when he was in the Caltagirone prison, serving a 5-year sentence for sexual violence, injury and mistreatment against his ex-wife. Aziz Sarrah, a 31-year-old Moroccan man, who was expelled in 2017 for possession of an Islamic State flag, had encouraged him to convert.²³

Research by the Institute for International Political Studies (ISPI) found that prisons are important venues for jihadist radicalisation in the West. It is estimated that Muslims constitute one fifth of Italy's prison population.²⁴

The Report on Anti-Semitism by the European Union Agency for Fundamental Rights (FRA), produced together with the Institute for Jewish Policy Research, noted an increase in anti-Semitic acts in Europe during the period under review. Italy is no exception.²⁵

According to the Observatory on Anti-Semitism, about 370 anti-Semitic incidents occurred in Italy from June 2018 to March 2020,²⁶ mostly online. One particular case involved highly offensive tweets against Liliana Segre, an Italian senator and Holocaust survivor.²⁷ On 29 October 2019 she presented a motion calling for the establishment of a Special Commission to combat intolerance, racism, anti-Semitism and incitement to hatred and violence. The motion was approved on 30 October 2019,²⁸ but it did not stop the verbal attacks. Eventually, Segre was given police protection.²⁹

Other anti-Semitic acts include the verbal and physical assault against an 11-year-old Jewish boy in a school in the city of Ferrara in April 2019³⁰ and the theft and vandalising of Jewish memorials, such as the so-called “stumbling stones” (stolperstein).³¹ In one incident, 20 of them were stolen in Rome in December 2018.³²

PROSPECTS FOR RELIGIOUS FREEDOM

Although religious freedom is guaranteed and respected by the state and would appear to remain stable in the future, Italy will have to deal with a number of issues related to the increase in its Muslim population.

According to the first Report on the Islamization of Europe by the Farefuturo Foundation, foreign Muslims in Italy numbered 1.58 million on 1 January 2019, or 30.1% of foreigners residing in Italy, with an increase of 28.2% compared to 2018.³³

From this perspective, measures aimed at integration will be necessary, as will an agreement with the Islamic community, or with organisations representing at least part of it. The radicalisation trend among prisoners is an issue that also needs to be addressed, as will the need to regulate Islamic clerics and places of worship.

In addition, problems such as growing anti-Semitism and the right of Catholics to express their own opinions in the public sphere will also have to be addressed.

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