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# The legal status and strategic action of religious minority in Italy: localized human rights.

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## Résumé

The protection of the rights of religious minorities in Italy is mainly related to the national regime of Agreements regulated by article 8 of the Constitution. Religious groups without an Agreement with the state (for instance Muslim communities) are still regulated by a fascist law approved in 1929. This legal frame sets the context for understanding the situation of religious minorities in Italy, which is influenced and partially re-shaped by the norms and activities of international bodies and conventions – among which the European Court of Human Rights is of paramount importance.

This contribution explores whether and the extent to which religious minorities decide to employ legal tactics before national courts or before the Strasbourg Court, grounding on an analysis of the national and international case law, and on interviews addressing the representatives of religious minorities. We argue that the influence of the ECtHR judgments on the repertoires of action of religious minorities is limited by the Italian State-Religion regime.

Moreover, through a specific focus on Islam, we explore how the protection of religious freedom and rights of the religions without an Agreement are in fact highly localized. Despite a broad Constitutional protection of religious freedom, the absence of a legal national framework opens the room for different treatment at the local level – which, in turn, influences the strategic repertoire of religious minorities.

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