


SECURITY A LA ITALIANA:

Fingerprinting, Extreme Violence and Harassment of Roma in Italy



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*Il Commissario delegato
per l'emergenza insediamenti comunità nomadi nella regione Campania*
O P C M 3678 del 30 maggio 2008
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The European Roma Rights Centre (ERRC) is an international public interest law organization engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma, in particular strategic litigation, international advocacy, research and policy development, and training of Romani activists. ERRC publications about Italy and additional information about the organization are available on the Internet at: <http://www.errc.org>. The report is available at: <http://www.errc.org/cikk.php?cikk=2958>

The Roma Center for Social Intervention and Studies (Romani CRISS) is a non-governmental organization, which defends and promotes the rights of Roma in Romania by providing legal assistance in cases of abuse and works to combat and prevent racial discrimination against Roma in all areas of public life, including the fields of education, employment, housing, and health. Further information on Romani Criss at: www.romanicriss.org

Roma Civic Alliance (RCR) is an ‘umbrella’ organisation, established in April 2006, by initiative of 20 Roma associations and foundations of Romania, with a mission to promote the democratic values, respect of human rights and fundamental freedoms, and of economic, social, political and cultural rights of the Roma minority in a national and European context. For further information, please visit our webpage at: www.acrr.ro

The Centre on Housing Rights and Evictions (COHRE) is an international non-governmental organization which has consultative status with the Economic and Social Council (ECOSOC). COHRE is the leading international human rights organization campaigning for the protection of housing rights and the prevention of forced evictions. Further information on COHRE is available at: www.cohre.org

The Open Society Institute (OSI), a private operating and grantmaking foundation, aims to shape public policy to promote democratic governance, human rights, and economic, legal, and social reform. On a local level, OSI implements a range of initiatives to support the rule of law, education, public health, and independent media. At the same time, OSI works to build alliances across borders and continents on issues such as combating corruption and rights abuses. For more information about OSI, please visit our website at: www.soros.org. The report is available at: http://www.soros.org/initiatives/brussels/articles_publications/publications/fingerprinting_20080715

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INTRODUCTION

In response to recent political and legal developments and the most recent wave of racism and xenophobia against Roma in Italy, between 23 and 30 May 2008 a coalition of organisations including the Open Society Institute, the Center on Housing Rights and Evictions, the European Roma Rights Centre (ERRC), Romani Criss and the Roma Civic Alliance in Romania undertook first-hand human rights documentation in Italy. The Coalition conducted interviews with approximately 100 Romani individuals living in formal and informal Romani camps in Rome, Naples, Florence, Brescia, Milan and Torino.

The formal and semi-formal camps visited by the Coalition include: In Naples, Secondiliano and Centro Lima; In Rome, Salviati, River, Casilino 900 and Martora; In Milan, Via Tribugnano; and In Brescia, Nomad Camp of Brescia for Sinti Italians. The Coalition also visited the following informal camps: In Naples, Scampia, Ponticelli, Santa Maria and Torre Annunziata Nord; in Rome, Cave di Piatralata, and an un-named camp close to Cave di Piatralata; in Milan, Corsico and Bacula; and in Torino, Via Germagnano.

According to the most recent figures, there are approximately 150,000 Roma living in Italy, and about half of them are Italian citizens, while 20-25% are from European Union countries, chiefly Romania. Most Roma live in the Northern parts of the country.

In Italy, expressions of racism and xenophobia against Roma have reached new and astounding proportions in recent months, and can also be seen to extend to other vulnerable groups, particularly foreign immigrants. Of particular concern is the very central role played in this by mainstream politicians in Italy, as part of both election campaign rhetoric and official acts of local and central government. As a result of specific statements from high-ranking Italian politicians fuelling anti-Romani sentiment in Italy and raising concerns about security, instances of physical and verbal abuse of Roma have increased disproportionately in terms of frequency and seriousness since approximately April 2008 when the new government was elected. Violence and racist attacks against Roma are no longer isolated in nature, but have rather become a structural component of the Italian reality.

The Italian authorities have thus far failed to condemn acts of violent aggression against Roma and not one person has yet to be held legally accountable for at least 8 incidents of anti-Romani pogroms leading to the razing of Romani camps with Molotov cocktails in Italy. The active involvement of a substantial number of children and young people in the racist and violent attacks bears a significant danger and must be addressed with priority.

This report includes information and analysis about the implications of Romani migration within the EU, changes in Italy's political climate since the April 2008 elections, legal and policy developments targeting Roma under the new government, increased levels of police abuse and ill-treatment of Roma and the failure of the Italian government to condemn and prosecute extreme acts of violence and discrimination against Roma by non-state actors. It concludes with a series of recommended actions for the Italian government and inter-governmental bodies to end extreme violations of the rights of Roma living in Italy.

8 July 2008

ACKNOWLEDGEMENTS

The full draft of this report was prepared by the European Roma Rights Centre, on the basis of a larger field report compiled by the Open Society Institute's Roma Participation Program (RPP). RPP compiled the larger report on the basis of mission reports drafted by the following organisations:

- European Roma Rights Centre
- Open Society Institute
- Romani Criss
- Roma Civic Alliance in Romania
- Centre on Housing Rights and Evictions

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- OsservAzione;
- Community of Sant'Egidio;
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- Marco Brazzoduro.

The Open Society Institute provided financial support for the mission.

This report provides a concise update on racism and discrimination against Roma in Italy following the February 2008 publication of a comprehensive report addressing the same issues by the European Roma Rights Centre (ERRC), the Centre on Housing Rights and Evictions, osservAzione and Sucar Drom.¹ According to the documentation conducted around Italy in late May 2008 by the Open Society Institute, the ERRC, the Centre on Housing Rights and Evictions (COHRE), Romani Criss and the Roma Civic Alliance in Romania, the human rights situation of Roma in Italy again deteriorated in the ensuing period and expressions of racism and xenophobia have translated into policy and legal acts targeting Roma only.

1. IMPLICATIONS OF AN INFLUX OF ROMANI MIGRANTS FROM EU MEMBER STATES, NAMELY ROMANIA

Since the 1980s, Italy has moved from being a net exporter of migrants to a net importer. Italy continues to grow as an immigration destination and each year an increasing number of immigrants arrive in Italy from Africa and Central and Eastern Europe. Italian law and policy in the area of immigration is struggling to catch up to this phenomenon.

Roma from Central and Eastern Europe have moved to Italy for decades, and there are Roma from the former Yugoslavia who have been living in Italy for up to 40 years and have become Italian citizens. During the wars of the 1990s, a new wave of Roma from the former Yugoslavia migrated to Italy, often seeking political asylum. Some, but not all, Romani asylum applicants were successful and there is a large population of Romani refugees living in Italy.

Roma from Romania have been migrating in increasing numbers to Italy over approximately the past 10 years. The lifting of the visa regime in 2002 and the January 2007 accession of Romania and Bulgaria to the EU marked another twist in the plot of Italy's immigration story. Since January 2007, it is estimated that an increasing number of Roma from Romania are exercising their right to freedom of movement within the EU, and going to live abroad, including in countries like Italy.

New Romanian Romani migrants in Italy tend to be quite visible, often living in informal substandard settlements and engaging in informal work, such as washing car windshields or begging in major cities. Their presence in Italy has contributed in part to growing fears of security amongst ordinary Italians, which has been fuelled by right wing politicians in their campaigning and daily political rhetoric.

Since the end of 2006, Romanian Roma have been publicly accused of 2 fatal crimes against Italians, most recently the November 2007 killing of an Italian woman, and Italian media widely reported on such incidents, effectively sentencing the accused and all members of their minority group before any Italian court issued a judgment. Italian politicians picked up these very high profile crimes, turning them into political platforms on increasing security measures in the country, mainly through expelling illegal immigrants and at times specifically targeting Roma.

Many Roma interviewed in May 2008 by members of the Coalition stated that their situation in Italy had deteriorated since the murder of an Italian woman in November 2007; this incident was noted to be a turning point regarding their treatment by Italian police and ordinary citizens. One young Romani man living in a formal camp stated: "Now I feel more insecure. I am afraid. My

¹ Available on the ERRC website at:
<http://www.errc.org/cikk.php?cikk=2932=#ERRC/COHRE/osservAzione/Sucar>.

fear started after the murder of the woman in November. In the first days after the murder people, started to stare at us [Roma] in a very hostile way. Since then, I try to carry a stick on me when I go out of the camp. Just in case I am attacked [...].”² Another Romani man testified, “The attitude of the police changed after the murder. The murder was a turning point.”

Many Roma of non-Romanian origin believe that the latest influx of Roma from Romania has jeopardised their situation. Several people affirmed that, since the arrival of Romanian Roma in recent years, the Italian people’s perception of Roma, which was already quite negative, has increasingly changed. Furthermore, the attitude of police and other public authorities have also transformed in a negative way.

Not only non-Italian Roma noted a difference. One Italian Romani woman from Brescia declared, “The neighbours are closing their houses for fear and they pick on our kids. The Italian state wants to keep everything for itself, does not help the Roma, and does not help children. It helps other states, but not its own people.”

2. POLITICAL CLIMATE/RACIST SPEECH BY POLITICIANS

In Article 1, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), to which the Italian government is a Party, defines racial discrimination as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”

Within its obligations stemming from Article 2 of the ICERD, the Italian government should:

“condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:

(a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation; [...].”

The April 2008 general elections were won by the right-wing conservative party Forza Italia, headed by Silvio Berlusconi, whose coalition partners include the anti-immigrant Northern League and the right-wing National Alliance party. The new government was constituted in May 2008. The head of the xenophobic political party Northern League, Umberto Bossi, and three other members of the party hold top seats in the new Cabinet, including control of the Ministry of Interior, headed by Mr Roberto Maroni, a long time political ally of Mr Berlusconi. The National Alliance, a party formed as a successor to Mussolini's Fascists, is lead by Gianfranco Fini, who is also speaker of the lower chamber of parliament. Mr Fini has a record of public anti-Romani speech, stemming back to November 2007 when anti-Romani actions last flared up in Italy.³

² Coalition interview with a Romani man living in Camp Salviati. Rome, 28 May 2008.

³ At that time, the ERRC sent a letter to the Prosecutor of Rome, Italy’s National Office Against Discrimination, General Prosecutor and Journalists Order, requesting that each office open an investigation into hate speech by Mr Fini who had publicly remarked that Roma considered “theft to be virtually legitimate and not immoral” and felt the same way about “not working because it has to be the women who do so, often by prostituting themselves.” Mr Fini was also quoted as having claimed that Roma “have no

The new government has capitalised on Italians' fears about Gypsies, immigrants and security, and despite its obligations under international human rights law, specifically fuels already harsh sentiment with constant anti-Romani messages widely published in the media. On 11 May 2008, Minister of Interior Roberto Maroni stated publicly that "All Romani camps will have to be dismantled right away, and the inhabitants will be either expelled or incarcerated," according to the national Italian newspaper La Repubblica. Two days later on 13 May, a mob of approximately 60 people razed a Romani camp in Naples with Molotov cocktails (See Section 5 below for further detail).⁴

In late May, following the arson attack on the Romani camp in Naples, the LA Times reported that Mr Davide Boni, a Northern League representative of the Lombardy Regional Government stated, "All Gypsies must go." At the same time, senior government officials made public statements apparently condoning acts of violent aggression against Roma. Mr Umberto Bossi was quoted as having stated that "People do what the state can't manage"⁵ and Minister of Interior Roberto Maroni has also been quoted as having stated, "that is what happens when gypsies steal babies, or when Romanians commit sexual violence."⁶

It is hardly surprising in this political climate that a majority of Italians want Romani camps dismantled. According to the results of a poll by the national Italian newspaper La Repubblica conducted in May 2008, 68% of Italians want to deal with the "Roma Gypsy problem" by expelling all of them.

In the short period since May 2008, Prime Minister Berlusconi's government has undertaken a range of acts fundamentally adverse to improving relations between Roma and non-Roma at local level, as a result of frequent anti-Romani speech by high ranking government officials and a number of discriminatory national and regional legislative undertakings which have harmed the possibility of genuine inter-ethnic dialogue.

3. LEGAL AND POLICY UPDATE

Since May 2008 when the new Italian government was formed, it has adopted a series of legal and policy measures which are explicitly discriminatory against Roma in Italy. Such actions are clearly in violation of Italy's commitments to not engage in acts of discrimination under international and domestic law, including Article 2(c) of the ICERD which obliges States Parties to "take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists; [...]."

Discriminatory Measures Specifically Targeting Roma

In its first highly publicised anti-Romani move, during a meeting in Naples on 21 May 2008, the Council of Ministers of the Italian government passed a Decree, unprecedented in post World

scruples about kidnapping children or having children [of their own] for purposes of begging." There has been no response to the ERRC letter since that time. For more information, see: <http://www.errc.org/db/02/84/m00000284.pdf>.

⁴ For more information, see: <http://www.errc.org/cikk.php?cikk=2953=#ERRC>.

⁵ See: <http://www.latimes.com/news/printedition/asection/la-fg-right24-2008may24,0,4552045.story>.

⁶ See: <http://www.timesonline.co.uk/tol/news/world/article4021089.ece>.

War II Europe, whose title reads “Declaration of the state of emergency with regard to nomad⁷ community settlements in the territories of Campania, Lazio and Lombardia regions. Defining the presence of Roma in the areas of Campania, Lazio, and Lombardia as a cause of great social alarm with possible grave repercussions in terms of public order and security, the Italian Government, proclaimed the state of emergency until 31 May 2009. Extraordinary powers usually permissible only in times of severe natural disasters were given to state and local officials to deal with this “problem”.⁸

As is obvious from its title and preamble,⁹ the decree singles out and is directed primarily against the ‘nomadic communities’, thus against all persons belonging to Roma ethnicity. The presence of Roma in the three Regions, without any further indication, is defined as being the cause resulting in situations of an “extreme critical nature” and of “serious social alarm” with possible serious repercussions in terms of public order and security for local populations.

The Italian Government used as a front and relied on another law (Law 225/92), which deals with an emergency situation resulting from or caused by natural disasters, allowing public authorities to practically derogate from every provision of law and other regulations that apply under normal conditions. There is no reference in any of the normative provisions of Law 225/92 to situations arising from coexistence between ethnic groups.

A state of emergency is effectively declared, *de facto* going so far as to equate the presence of Roma with natural calamities, catastrophes or other events that, due to their intensity and extension, must be tackled with extraordinary means and powers, as is envisaged by legislation in the field of emergency civil protection.¹⁰

The new decree, in claiming that resorting to the use of extraordinary powers of intervention is necessary, even in derogation from any provisions that are in force, erroneously refers to the pre-conditions specified in Article 2 of Law 225/92, as it identifies the mere *presence* of Roma and Sinti populations as a situation of emergency, a state of affairs that lacks any dangerous implications for the territory understood as a natural environment, and which does not even appear to be accompanied by the requirements of exceptionality mandated by legislation in the field of emergency civil protection.

Subsequently, on 30 May 2008, the President of the Council of Ministers adopted three separate Ordinances implementing the above decree for the Regions of Lombardy, Lazio and Campania.¹¹

⁷ The Italian Government refuses to acknowledge that Romani communities in Italy do not conduct a nomadic lifestyle.

⁸ Dichiarazione dello stato di emergenza in relazione agli insediamenti di comunita' nomadi nel territorio delle regioni Campania, Lazio e Lombardia (“Declaration of the state of emergency in relation to the settlements of the nomads communities in the territory of the Campania, Lazio and Lombardia”), 21 May 2008.

⁹ Considering the extremely critical situation that has developed in the territory of the Lombardy region, due to the presence of numerous irregular third-country citizens and nomads who have settled in a stable manner in urban areas; considering that the aforementioned settlements, due to their extreme precariousness, have caused a situation of serious social alarm, with the possibility of serious repercussions in terms of public order and security for the local populations; also considering that the situation described above has caused an increase in social alarm, with serious incidents that seriously endanger public order and security; considering that the aforementioned situation, that concerns various levels of territorial government due to its intensity and extension, cannot be tackled using the instruments envisaged in ordinary legislation;” Declaration, 21 May 2008, *Op. cit.*

¹⁰ Law of 24 February 1992, no. 225 “Istituzione del servizio nazionale della protezione civile. Ecologia”.

¹¹ Ordinance of the President of the Council of Ministers no. 3678, of 30 May 2008: Urgent civil protection

By virtue of these Ordinances, the prefects of Rome, Milan and Naples, hierarchically under the control of the Minister of Interior, are appointed as Commissioners responsible for carrying out the necessary interventions and work that so called ‘emergency’ requires in their respective regions. Such powers apparently concern the monitoring of informal camps, identification and census of the people (including minors) who are present there, and taking photos (mug shots); the expulsion and removal of persons with irregular status; measures aimed at clearing “camps for nomads” and evicting their inhabitants; as well as opening new “camps for nomads”. The matter of finding other and more suitable housing solutions remains secondary.¹²

To allow the aforementioned powers to be fully exercised, the ordinances provide for wide derogations from the state laws in the following areas: the powers of the state authority to compel a person to identify themselves to the public authority, as well as to allow the compilation and storage of photometric and other personal information in databases; the powers of mayors in matters that are within the state’s competence; the rights of citizens to respond to a measure taken by the public administration; expropriation for public utility; specific procedures that must be followed in public building work interventions (including demolitions); the entire Consolidated Act concerning health laws; norms on the exercising of traffic police services; and, as a final norm with general value, all the other “laws and other regional provisions closely related to the interventions envisaged by this ordinance.”¹³

In particular, it is the derogations from norms in the field of participation in the administrative procedure that appear to raise the greatest concern. The measures which may be derogated from include: the duty to inform a subject who is a recipient of a measure taken by the public administration with a degree of advance notification; the right to receive a regular communication indicating the scope of the procedure; what the interested administrative body is; who the officials to whom he/she should refer are; to which office he/she should turn in order to be able to view the acts; finally, the chance for the interested party to be able to submit written statements and other documents relevant to the scope of the measure itself. Within a democratic order and state based on a legal system, such norms constitute a natural expression of the guarantees put in place by the legislative order to protect citizens in relation to the public administration, on any occasion in which measures are taken that may cause them prejudice. The derogation from these protections calls into question the quality of the rule of law, and in particular the legal protections available to individuals to challenge arbitrary or otherwise illegal administrative acts. *No information has yet been made public as to what will happen to files and fingerprints once the present operation is completed.*

These new moves follow the adoption of so-called “Pacts of Security,” in place in 14 cities across Italy since November 2006, in lending support for the widespread view that security arrangements aimed entirely or primarily at Roma, in particular at foreign Roma, are currently a central policy priority of the government. There is evidence from the text of these Pacts, statements made by government officials regarding their purpose, and the manner of their implementation that demonstrates that they are a result of intense anti-Roma sentiment. Two of

provisions to tackle the state of emergency in relation to nomad community settlements in the territory of the
the
Campania region; Ordinance of the President of the Council of Ministers no. 3677, of 30 May 2008: Urgent civil
civil
protection provisions to tackle the state of emergency in relation to nomad community settlements in the
territory of the Lombardy region; Ordinance of the President of the Council of Ministers no. 3676, of 30
May 2008: Urgent civil protection provisions to tackle the state of emergency in relation to nomad
community settlements in the territory of the Lazio region.

¹² *Ibid.*, art. 2

¹³ *Ibid.*, art. 3.

the most highly publicised and influential Pacts from Milan and Rome state that they primarily address security “threats” by non- citizens. The Milan Pact refers specifically to nomad camps.

As early as 6 June 2008, Italian authorities announced plans to conduct censuses in Romani camps, including fingerprinting the inhabitants. In a report published on the same day by Adnkronos International, Rome’s new Commissioner for Roma, Mr Carlo Mosca, was quoted as having stated that “Gypsies would be 'monitored', and a 'census' would be carried out” and that “Gypsies would also be fingerprinted and photographed and this would allow the authorities to identify them.”¹⁴

According to the same article, one of the first such “census” and fingerprinting actions was carried out on the same day amongst the Romani inhabitants of Milan’s Camp Via Impastato. All inhabitants were reportedly identified and were told they would receive a card allowing access to the camp.¹⁵

On 28 June, Minister of Interior Roberto Maroni spoke publicly about the plan to fingerprint all inhabitants of Romani camps, including children, insisting that this plan is a solution for inadequate housing and rising crime rates in Italy.¹⁶ Most recently, Roma in Milan reported on 1 July 2008 that around 50 police officers had come to one settlement that day to tell them to prepare their documents, purportedly for the purposes of blood tests, which would be carried out subsequently.¹⁷

In the ensuing period, censuses and fingerprinting of Roma living in camps were conducted in Milan, Naples and Rome, according to activists in Italy.¹⁸ All camp residents, including children, were reportedly fingerprinted. Such actions by Italian authorities, often in the absence of the informed consent of the parent, have been widely criticized internationally, and raise serious legal concerns regarding data protection provisions and racial discrimination.

According to Article 8(1) of Council Directive 95/46/EC on the protection of personal data, “Members States shall prohibit the processing of person data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, and the processing of data concerning health and sex life,” in the absence of specific laws permitting such, which outline specific aims, processes and guarantees to avoid abuse of such data.¹⁹ The actions

¹⁴ See 6 June 2008 report by Adnkronos International. Available at: <http://www.adnkronos.com/AKI/English/CultureAndMedia/?id=1.0.2230802468>.

¹⁵ See 6 June 2008 report by Adnkronos International. Available at: <http://www.adnkronos.com/AKI/English/CultureAndMedia/?id=1.0.2230802468>.

¹⁶ See: <http://euobserver.com/9/26408/?rk=1>.

¹⁷ Telephone communication with a member of the Coalition, 1 July 2008.

¹⁸ Email communication from Mr Piero Colacicchi dated 2 July 2008. On file with the ERRC.

¹⁹ Article 8(2, 3, 4 and 5) elaborate exemptions to the ban on collecting protected forms of data, including: 2 Paragraph 1 shall not apply where: (a) the data subject has given his explicit consent to the processing of those data, except where the laws of the Member State provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject's giving his consent; or (b) processing is necessary for the purposes of carrying out the obligations and specific rights of the controller in the field of employment law in so far as it is authorized by national law providing for adequate safeguards; or (c) processing is necessary to protect the vital interests of the data subject or of another person where the data subject is physically or legally incapable of giving his consent; or (d) processing is carried out in the course of its legitimate activities with appropriate guarantees by a foundation, association or any other non-profit-seeking body with a political, philosophical, religious or trade-union aim and on condition that the processing relates solely to the members of the body or to persons who have regular contact with it in connection with its purposes and that' the data are not disclosed to a third party without the consent of the data subjects; or (e) the processing relates to data which are manifestly made public by the data subject or is necessary for the establishment, exercise or defence of legal claims.

undertaken by the Italian government are extremely alarming in the absence of *any* information on the legal basis for such or on any measures put in place to prevent abuse of the protected data collected. In addition, in the absence of a comprehensive national strategy for improving the situation of Romani communities, it is unclear what the specific aim of collecting this data actually is.

The Community of Sant'Egidio²⁰ warns that the government's plan to fingerprint Roma living in camps in Italy, including children, sets a dangerous precedent in Italy. A document made available by them confirms that censuses are going on in Romani camps, identifying both race and religion in addition to fingerprinting and photographing individuals.²¹

In addition, on 1 July it was reported that Italy's highest appeal court ruled that it is acceptable to discriminate against Roma on the grounds that they are thieves. The ruling by the court of cassation, which appears to provide judicial backing for the government's policies, was handed down in March but reported only on 30 June.²² The court reversed the conviction of six defendants – all members of the northern League – who signed a leaflet demanding the expulsion of Gypsies from Verona in 2001. Among those convicted of racially discriminatory propaganda in the case in lower courts was Mr Flavio Tosi who has since become Verona's mayor. He was quoted by a witness at his trial as having said afterwards: “The Gypsies must be ordered out because, wherever they arrive, there are robberies.” The court of cassation decided this did not show Mr Tosi to be racist, but that he had “a deep aversion [to Roma] that was not determined by the Gypsy nature of the people discriminated against, but by the fact that all the Gypsies were thieves.” His dislike of them was “not therefore based on a notion of superiority or racial hatred, but on racial prejudice.” The court overturned a lower court ruling and returned the case to the lower court.

Harshening Immigration Procedures Which May Disproportionately Affect Roma in Italy

On 23 May 2008, the Italian state adopted Decree no.92 regarding urgent measures in the field of public safety. According to the preamble, the decree was adopted as result of the emergency and the necessity to adopt legal measures with the purpose of more efficiently combatting illegal acts related to illegal immigration and organised crime, as well as ensuring safety of circulation in the street. The decree flagrantly contravenes obligations of the Italian state at the international level

3. Paragraph 1 shall not apply where processing of the data is required for the purposes of preventive medicine, medical diagnosis, the provision of care or treatment or the management of health-care services, and where those data are processed by a health professional subject under national law or rules established by national competent bodies to the obligation of professional secrecy or by another person also subject to an equivalent obligation of secrecy.

4. Subject to the provision of suitable safeguards, Member States may, for reasons of substantial public interest, lay down exemptions in addition to those laid down in paragraph 2 either by national law or by decision of the supervisory authority.

5. Processing of data relating to offences, criminal convictions or security measures may be carried out only under the control of official authority, or if suitable specific safeguards are provided under national law, subject to derogations which may be granted by the Member State under national provisions providing suitable specific safeguards. However, a complete register of criminal convictions may be kept only under the control of official authority. Member States may provide that data relating to administrative sanctions or judgements in civil cases shall also be processed under the control of official authority.

²⁰ The Community of Sant'Egidio is a Catholic Human Rights Group, based in Rome, Italy and actively working with Roma.

²¹ The photo cover of this report is a real record from one of the first “censuses” conducted in Romani camps in Italy. The copy was provided by Community of Sant'Egidio.

²² Decision on file with the ERRC.

and, in particular, with European Community legislation in the field of freedom of movement of persons.

The Italian normative act shows that a citizen of an EU Member State can be expelled from the Italian territory,²³ while an extraordinary regulation exists, if that person has served more than two years in jail. Such stipulation is illegal and violates EU Directive 38/2004/EC in three aspects:

1. The directive stipulates explicitly that previous criminal convictions shall not in themselves constitute grounds for expulsion²⁴. Or, in case of the law-decree, the actions are contrary to the directive's stipulations because people with a criminal conviction and prison sentence greater than two years are liable to expulsion in general;
2. The decree subjects to expulsion an extremely large group of people, those who served minimum 2 years in prison, and thus it includes less severe offences too. For this reason, the principle of proportionality imposed by the Directive is not respected, as there is a severe disparity between expulsion and conviction of a person to a two-year prison sentence; and
3. A fundamental requirement established by the directive is the existence of a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society. Moreover, the directive forbids general, discretionary and abusive measures. And the expulsion of a whole category of people with convictions over 2 years of prison time is general, discretionary and abusive. This regulation doesn't take into account at all the concrete circumstances of the deed or if the deed constitutes a serious threat to the Italian state or society (although the Directive requests this specifically). Moreover, this regulation is based exclusively on general grounds and includes, as shown above, a large category of people and it is insufficiently circumscribed in proportion to the true danger to society. To this end, it is incorrect to state, as the law-decree does, that every individual who served two years of prison time, creates a state of genuine, present and sufficiently serious threat affecting one of the fundamental interests of Italian society

Finally, the Decree amends the Article 61 of the Italian Penal Code with a new aggravating circumstance, i.e. illegal immigration.²⁵ This regulation is discriminatory in taking this into account, as the degree of social threat is in no way connected with the citizenship of the doer. The role of aggravating circumstances is to establish as accurately as possible the degree of social

²³ Art. 1, point. 1, let a) of law-decree 92/2008 stipulates "the judge orders the expelling of the foreign citizen, namely the moving off of a citizen of a European Union member state, in situations other than the ones stipulated expressly in the law, when the citizen in question has served more than 2 years time of jail. The person who doesn't conform to the expelling order issued by the judge is liable of imprisonment from one to four years (Unofficial translation of Romani CRISS, without juridical effects).

²⁴ Art. 27, para. 2 of Directive 38/2004 refer to restrictions on the right of entry and the right of residence on grounds of public policies, public safety or public health. Concretely, the article stipulates: "Measures taken on grounds of public policy or public security shall comply with the principle of proportionality and shall be based exclusively on the personal conduct of the individual concerned. Previous criminal convictions shall not in themselves constitute grounds for taking such measures. The personal conduct of the individual concerned must represent a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society. Justifications that are isolated from the particulars of the case or that rely on considerations of general prevention shall not be accepted.

²⁵ See art. 1, point 1, let f) of law-decree 92/2008.

threat of every deed, in order to ensure more efficient sanctioning and not to arbitrarily “criminalise” unwanted social categories of people.²⁶

Many of these developments have been criticised by European Parliamentarians, the European Commission, EU Member States such as Romania and Spain, and high ranking Council of Europe officials, in addition to dozens of civil society and other actors in Europe and elsewhere.

4. ABUSE AND ILL-TREATMENT BY STATE ACTORS

Human rights documentation conducted by the Coalition in Romani camps in Italy between 23 and 30 May 2008 confirmed the continuation of constant abuse and ill-treatment of Roma by state actors in Italy since the last major report on this situation published in February 2008.²⁷ The Coalition conducted interviews with approximately 100 Romani individuals living in formal and informal Romani camps in Naples (Secondiliano, Centro Lima, Scampia, Ponticelli, Santa Maria and Torre Annunziata Nord), Rome (Salviati, River, Casilino 900, Martora, Cave di Piatralata, and an un-named camp close to Cave di Piatralata), Milan (Via Tribugnano, Corsico settlement and the Bacula settlement) and Brescia (Nomad Camp of Brescia for Sinti Italians) and Torino (Via Germagnano and Lungo Stura Lazio). The forms of abuse reported to the Coalition included physical violence and beatings by police agents, verbal harassment, arbitrary data-basing, fingerprinting and surveillance.

Physical Violence by Police Officers

The actions perpetrated against Roma at the hands of Italian authorities violate a number of Italy’s obligations under international human rights law. Specifically, as a Party to the European Convention for Human Rights (ECHR), the Italian government is required, per Article 3, to ensure that “No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

Many of the Romani individual interviewed during the course of documentation reported an increased level of police violence and abuse, particularly following the November 2007 death of Ms Giovana Grenga, an Italian woman, for which Italy media initially and without evidence accused a Romani man. Romani individuals who engaged in informal economic activities, such as washing car windshields at traffic lights or begging, reported being targeted by police for violence and abuse in recent months.

One Romanian Romani man who had been living in Italy for 3 years with whom the Coalition spoke reported that police officers had severely beaten him the night before. The interviewee stated,

“Last night I was begging in a district in the outskirts of Rome. Police came and took me to the police station. I showed them my Romanian passport, but they claimed that my passport is a fake and that I should be from Morocco. They took my money and told me

²⁶ For a detailed analysis of the recent normative acts on security, see L'Associazione per gli Studi Giuridici sull'Immigrazione. <http://www.asgi.it/content/documents/dl08061200.asgi.pacchetto.sicurezza.2008.pdf>

²⁷ See ERRC/COHRE/osservAzione/Sucar Drom. February 2008. Written Comments of the European Roma Rights Centre, the Centre on Housing Rights and Evictions, osservAzione and Sucar Drom Concerning Italy for Consideration by the United Nations Committee on the Elimination of Racial Discrimination at its 72nd Session. Available online at: <http://www.errc.org/db/02/9B/m0000029B.pdf>.

not to go back there again to beg. Then they started beating me, they kicked me and slapped me. The beating went on for 15-20 minutes.”²⁸

The gentleman and his neighbours were living in an informal camp close to Cave di Piatralata. He and several other camp residents informed the Coalition that in early May 2008, a 20-year-old man from the same camp was cleaning car windshields at a traffic light when several police officers grabbed him and took him to a police station. There, police officers reportedly severely beat the young man. After the incident, the young man was very scared and left Italy with his family and returned to Romania.²⁹

Another Romani man from the former Yugoslavia living in Rome’s Camp Salviati told members of the Coalition, “Police brutality has increased in the last months. Climate has changed. Police feel more at ease to be more violent [...]”³⁰

Forced Evictions and Abusive Police Raids of Romani Camps and Homes

Article 8(1) of the European Convention on Human Rights sets out that “Everyone has the right to respect for his private and family life, his home and his correspondence.” The treatment of Roma living in Italy by Italian police officers and other public authorities, as highlighted in this section of this report, can be seen to clearly breach these provisions.

Further, as a Party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), purposeful actions by Italian authorities may be in violation of protections as regards the right to adequate housing as included in Article 11(1) of the Covenant. In its General Comment 7 on the Covenant, the Committee on Economic, Social and Cultural Rights (CESCR), which monitors implementation of the Covenant, set out that “forced evictions are prima facie incompatible with the requirements of the Covenant.”³¹ General Comment 7 defines, at Paragraph 3, forced evictions as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.” The use of the term “occupy” implies that all persons, regardless of the legality of their tenure, can be subject to forcible evictions, and as such, should be afforded adequate protection of law. Finally, at Paragraph 16 of General Comment 7, the Committee stated: “Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. [...]” Against these standards, the Italian government is apparently failing spectacularly to meet its commitments.

During the Coalition’s May 2008 field mission, almost all Romani individuals with whom representatives spoke indicated that the frequency and intensity of illegal police raids of their homes and living areas had been continually increasing in recent months. In addition, several instances of high profile mass forced evictions/demolitions of Romani camps have taken place in recent months. Many of the Romani individuals with whom the Coalition spoke noted the level of violence with which police act to be extremely intense.

²⁸ Coalition interview with a Romanian Romani man. Informal Romani camp in Rome, 29 May 2008.

²⁹ Coalition interview with Romani residents of an informal camp near Cave de Piatralata. Rome, 29 May 2008.

³⁰ Coalition interview with a Romani man from the former Yugoslavia. Rome’s Camp Salviati, 28 May 2008.

³¹ “General Comment No. 7 (1997), The Right to Adequate Housing (Art 11(1) of the Covenant): Forced Evictions,” adopted by the UN Committee on Economic, Social and Cultural Rights on 20 May 1997, contained in U.N. document E/1998/22, annex IV.

In Milan, the Coalition documented forced evictions from housing in a number of areas in recent months. The Bacula Camp was originally settled by about 600 Roma living in barracks and tents under the railway bridges. The camp was forcibly evicted and the dwellings destroyed by the police reportedly at the beginning of 2008. During the police intervention, all personal belongings of the inhabitants were destroyed as well. The inhabitants moved to Bovisa – a site of a former industrial zone closed 20 years ago. Meanwhile the site was used by the inhabitants of Milan as a waste disposal area. The land is polluted with arsenic, thallium and asbestos.

In another case from Milan, in March 2008, the police evicted the inhabitants of the newly established camp in Bovisa and about 80 persons (ten families) fled to the Bacula settlement; the rest either returned to Romania or dispersed to other settlements. According to witnesses, the openly declared motivation of the evictions was to force the Roma to return to the Romania.

The Coalition also documented forced evictions of Romanian Roma from a settlement in the Piazza Tirana in Milan. Until mid-April 2008, about 400 Romanian Roma lived in abandoned buildings and in barracks built by the Roma in the vicinity of a railway station. In April 2008, the police presented an administrative order of the Prefect of Milan, stipulating that the Roma concerned would have to leave the building and surrounding informal dwellings immediately. During this intervention, police officers reportedly assaulted several Roma, including members of the Valentine K.'s family. Valentine K. and his wife Argentina K. subsequently had to be treated in a local hospital for injuries sustained during the assault. After this demonstrative use of force, the police ordered the Roma to leave their dwellings immediately; they were not given any time to pick up their personal properties or food. The police subsequently destroyed the furnishings and personal belongings in the area. The eviction was performed in presence of children, who were witnesses of brutal attacks against their parents (both men and women) and the destruction of their homes. No alternative housing was provided to the evicted persons as the openly articulated motive for the forced eviction was to force them to return to Romania. The evicted people were rendered homeless for two weeks without any social assistance from the municipality or other organisation. At the time of the Coalition visit, they lived in a new informal settlement outside Milan city limits.

Later, on 6 June 2008, Italian authorities destroyed the Testaccio Romani camp in Rome, which housed some 120 Romani individuals, including 40 children. According to media reports, many of the inhabitants of the camp had reportedly been transferred from a previously destroyed camp in Rome's Saxa Rubra area. The persons concerned are reportedly Italian citizens; no adequate alternative housing has been provided.³²

During field research conducted in May 2008, Romani interviewees noted that police officers often conduct arbitrary raids on their camps and homes. During such raids, police officers often enter their homes, without legal authorisation/search warrants, in the middle of the night, and the demolition of homes and other buildings often takes place without any court order. During such destructions of property, police officers often refuse to allow the Roma concerned to remove their personal belongings.

While police and other state actors were noted to target informal camps more frequently, residents of some formally-established, government-sanctioned camps also reported abusive police raids having taken place in recent months. In addition, police raids of their homes and camps were noted to take place regularly, so the same persons must endure the same abusive treatment by police officers on a constant basis. For example, Italian Roma living in Rome's Via Salvati camp reported to members of the Coalition that police officers conducted regular checks

³² See 6 June 2008 report by Adnkronos International. Available at: <http://www.adnkronos.com/AKI/English/CultureAndMedia/?id=1.0.2230802468>.

of the camp, at least every week or two.³³ During such checks, Italian and non-Italian Roma are forced to ensure relentless checks of their personal documents, a degrading form of treatment to which non-Roma Italians and invisible immigrants are not subjected.

One Romani woman living in a Rome's semi-formal Camp Casilino 900 testified to the Coalition recalled that in early April 2008, police officers entered the camp and destroyed 36 shacks. The woman testified,

“I had a depot where I store things that I sell at the market. Approximately 6 weeks ago the police came and destroyed the depot together with 36 shacks. I was not allowed to remove my belongings though I begged them to allow me. In response they screamed at me, ‘Go away!’

I have several health issues, including heart problems. When the police were destroying my depot, my heart condition worsened. Only after half an hour did the police allowed me to take my medicine from my house. After taking the medicine, I felt very weak and wanted to lie down but police did not allow me. I was only allowed to sit on a chair.

When they destroyed the depot, the police threatened that they will destroy my house and all the camp soon, as well. Actually, they would have wiped out my house the same day together with the depot but my health condition stopped them.”³⁴

One Romani individual living in Rome's semi-formal Camp Casilino 900 camp with whom the Coalition spoke stated, “The police sometimes arrive at 2:00 -3:00 AM. They even break the doors of the shacks. They order people to go out in a very hostile and violent way. The police are full of prejudices against Roma.”³⁵

Another person living in Rome's semi-formal Camp Martora reported that, “They [the police] enter the houses very violently. They destroy things! During one of the night raids, my son peed in his pants because of fear. When they come at night, they do not respect privacy. Women may be naked!”³⁶

Overall, the Coalition noted a feeling amongst many interviewees that in recent months the attitude of police officers has worsened and that many police behave in a way which indicates their belief that they can treat Roma as they please with no fear of repercussion.

One Romani man with whom the Coalition spoke in Rome stated, “The police feel that they can behave as they wish when they come to the camp. Almost three months ago, immediately after we moved to our camp, the police came and they put everybody in line in front of a wall to count us. They were very uncouth. They were pushing people around.”³⁷

Threats, Intimidation and Other Forms of Abuse and Ill-Treatment

During documentation by the Coalition, many Romani individuals noted that the manner in which police officers treat them is inhuman and degrading. In Rome, the Romani leader of the semi

³³ Coalition interview with an Italian Romani man. Rome, 28 May 2008.

³⁴ Coalition interview with a Montenegrin Romani woman. Rome's Camp Casilino 900, 28 May 2008.

³⁵ Coalition interview with a Montenegrin Romani man. Rome's Camp Casilino 900, 27 May 2008.

³⁶ Coalition interview with a Romani man from the former Yugoslavia. Rome's Camp Martora, 28 May 2008.

³⁷ Coalition interview with a Romanian Romani man. Rome's Camp Cave di Pietralata, 29 May 2008.

formal Camp Casilino 900 told members of the Coalition that the police “treat us [Roma] as if we are animals.”³⁸

During police raids of the Romani camps visited by the Coalition, almost all Roma interviewed by the Coalition stated that the police constantly threaten them with eviction and demolition of their homes. The statement, “Police always threatens us that the camp will be demolished and we will be expelled very soon” reflected the common experience of all Roma interviewed as concerns police raids.

Researchers participating in the Coalition’s mission were struck by the seemingly endless list of derogatory statements recalled by Romani interviewees during discussions about their interactions with Italian police officers. Amongst the most common phrases cited as used by the police during interactions with Roma were: “Dirty Gypsies!”, “Zingari del Cazzo! “Zingari di Merda! (Gypsies of Shit)”, “Sei un pezzo di merda! (You are a piece of shit)”, “You stink!”, “You live like rats!” Most non-Italian Roma who testified to the Coalition stated that police persistently tell them to “Go back to your own country!”

5. EXTREME VIOLENCE BY NON-STATE ACTORS AND FAILURE OF THE STATE TO PROSECUTE

In recent judgments, the European Court of Human Rights has outlined the positive obligations of States Parties to the European Convention on Human Rights when their authorities are confronted with what appears to constitute a hate crime; for example in the case of *Šečić v. Croatia*³⁹ concerning the brutal beating of a Romani man by a group of unidentified skinheads in 1999. The official investigation into the incident, formally opened by the police in the wake of the attacks, was characterized by a large number of serious shortcomings and ultimately failed to identify the perpetrators. The ECtHR held that the investigation was in breach of the procedural limb of Article 3 (freedom from ill-treatment) of the ECHR. With regard to the Article 14 (prohibition against discrimination) claim, the Court reiterated that States have an obligation to investigate possible racist overtones to a violent act, including ill treatment committed by private individuals.

In the period since February 2008, non-Romani Italians have perpetrated several highly publicised extremely violent attacks on Romani camps around Italy. In recent times, including in the instances referenced in this report, extremist attacks against Romani camps have taken on exceptionally violent tones, often including the use of Molotov cocktails which the perpetrators throw at Romani homes, and are conducted against a backdrop of hate speech against Roma. Police response to such events is abysmal, with little to no investigation taking place and not a single perpetrator detained or arrested in connection with the violent attacks, which is in violation of Italy’s obligations under Article 3 (freedom from ill-treatment) and Article 14 (prohibition of discrimination) of the European Convention on Human Rights.

During the period covered by this report, on 11 May 2008, Milan’s Via Navora Romani camp was burned to the ground by an unknown number of assailants who threw Molotov cocktails into

³⁸ Coalition interview with the Romani leader of Camp Casilino 900. Rome, 28 May 2008.

³⁹ Appl. No. 40116/2002, judgment of 31 May 2007. Represented by the ERRC and Croatian attorney Lovorka Kusan. For a more detailed analysis of the judgment and its importance, see article by former ERRC Staff Attorney Constantin Cojocariu entitled, “Positive Duties to Combat Violent Hate Crime After *Šečić v. Croatia*”, available online at: <http://www.errc.org/cikk.php?cikk=2802&archiv=1>.

the camp. As a result, the Romani inhabitants, including women and children, were left homeless, with their personal possessions destroyed.

Just 2 days later on 13 May, the most publicised of these attacks took place against a Romani camp in Ponticelli, near Naples. According to information gathered by the Coalition in Italy and numerous media reports, on 13 May, about 60 unidentified Italian citizens, armed with bats, attacked the Ponticelli Romani camp, throwing Molotov cocktails at the homes. Luckily no one was injured during the attack, but the homes of the Romani inhabitants were burned to the grounds, with all of their personal possessions.

According to documentation gathered by the Coalition, that evening, hundred of Italians persons armed with bats and rocks attacked another Romani camp in the area, throwing rocks at the inhabitants and their homes. Amongst the attackers were youth and children.

Approximately 800 Roma of Romanian origin, including women and children, were attacked by locals as they left the Ponticelli Camp by night, without any of their personal belongings. Many of them returned to Romania or sought refuge in other Romani camps around Italy. Reportedly, only a few Romani individuals stayed in Naples, but they refused interviews because of fear. All personal effects or property were abandoned in the camps they were forced to leave by night.⁴⁰

Police representatives from Naples, who were at the site of the former camp in Ponticelli during the Coalition's mission, stated "there is no way the Roma could return" because the municipality planned to build a commercial centre on the former site of the Romani camp and because local Italian residents would ensure the Roma would not return to Ponticelli under any circumstance.⁴¹

Two weeks later, on 28 May, the same camp was set on fire for the second time by unknown perpetrators.⁴² On 7 July, it was reported that the Ponticelli camp was set on fire in yet a third arson attack by unidentified perpetrators, after several Romani families had moved back to the area.

In addition, on 9 June, independent activists reported that a settlement of approximately 100 Romanian Roma in Catania, Sicily, was attacked and burned to the ground by unknown perpetrators.⁴³

These attacks have not been isolated incidents; since late 2006, there have been at least 6 similar attacks targeted against Romani population in Livorno, Milan, Naples and Rome. The Coalition members are not aware of a single instance in which the perpetrators have been arrested or found guilty for these acts of extreme hatred and violence against Roma.

According to the research conducted by the Coalition, there are indications that such violent acts of aggression against Roma will continue to occur in the future in Italy unless the Italian state responds to such criminal acts in a clear and strong manner, effectively investigating all such incidents and prosecuting the persons found to be responsible to the fullest extent of the law. For example, members of the Coalition spoke with several Roma from the Ponticelli camp who, after their homes were burned to the ground, had tried to move to the informal Torre Annunziata Nord

⁴⁰ Coalition interview with a representative of a local NGO in Ponticelli working in the Romani camps, 27 May 2008.

⁴¹ Coalition interview with an unnamed police officer. Ponticelli, May 2008..

⁴² See the 28 May 2008 report by Adnkronos International at:
<http://www.adnkronos.com/AKI/English/Security/?id=1.0.2203930746>.

⁴³ Email communication from Mr Fulvio Vassallo Paleologo dated 9 June 2008. On file with the ERRC.

Romani camp in Naples. According to the individuals interviewed, “extremist groups” threaten to burn the camp to the ground if those who lived in Ponticelli did not leave.⁴⁴

Most of the Roma with whom Coalition representatives spoke stated that they are afraid that they themselves will become victims of the violent attacks, including arson attacks and the burning of their homes. Roma from the Torre Annunziata Nord camp in Naples also stated that they felt very unsafe on the street due to the aggressive and violent reactions of Italians. Italian citizens had reportedly threatened and brutalised persons from the camp on the street. Many Roma still living in Naples testified that they are feeling a high level of insecurity while in the city and that even children and teenagers are involved in the street naming and shaming verbal abuses.⁴⁵

One Romani woman living in a semi-formal camp in Rome told members of the Coalition, “We never go to the city centre. [...] We are always very cautious when we leave the camp. I have never been downtown.”⁴⁶

The feeling of insecurity was all the more powerful in light of the failure of state authorities to take any action to protect members of the community or punish the perpetrators of crimes against Roma. As the ERRC recalled in a letter to top Italian government officials and key international stakeholders on 16 May 2008,

“Displays of abhorrent anti-Romani hatred and violence by the general Italian public, fuelled by increasingly frequent and visceral expressions of anti-Romani sentiment by Italian public officials, have risen to levels reminiscent of pogroms against Romani communities in Romania in the early 1990s. The failure of Italian police to intervene and protect Roma living in the targeted camps has created an environment in Italy in which Romani individuals are living in fear for their lives and are hiding to avoid further violent clashes.”⁴⁷

6. OTHER ACTS OF DISCRIMINATION AGAINST ROMA

Coalition members involved in the May 2008 mission to Italy noted a general increase in acts of discrimination against Roma in all facets of life. While discrimination against Roma in Italy has been internationally recognised since at least 1996 when the European Roma Rights Centre opened, the current climate in Italy can be seen to have resulted in more frequent discriminatory treatment of Roma.

Discrimination against Roma in Access to Public Services

Access to public places and services is one area in which there is noted to be a distinct increase in discriminatory treatment of Roma. One young Romani man living in Rome testified to a member of the Coalition that, “Two days ago my mother went to supermarket. They insulted her and asked her to leave.”⁴⁸ Another young Romani man from Rome stated, “I was in a coffee shop a

⁴⁴ Coalition interview with a Romanian Romani man. Naples’ Camp Torre Annunziata Nord, 27 May 2008.

⁴⁵ Coalition interviews with Romani residents of Naples’ Camp Torre Annunziata Nord, 27 May 2008.

⁴⁶ Coalition interview with a Montenegrin Romani woman. Rome’s Camp Casilino 900, 28 May 2008.

⁴⁷ Full text of the letter is available on the ERRC website at:

<http://www.errc.org/cikk.php?cikk=2953=#ERRC>.

⁴⁸ Coalition interview with a Romani man from the former Yugoslavia. Rome’s Camp Martora, 28 May 2008.

few days ago and I was asked to leave.”⁴⁹ Numerous Roma told representatives of the Coalition that in some areas in Northern Italy, Roma are not allowed to enter supermarkets.

Discrimination against Roma in Child Protection Matters

One way in which discrimination against Roma is manifest in Italy is in the unjustified removal of Romani children from their families. During field research conducted in May 2008, Coalition members spoke with numerous Romani individuals who reported that their children had been institutionalised in precarious circumstances in recent months.

For example, in the informal Torre Annunziata Nord Romani camp in Naples, Roma reported that various children from the camps had been institutionalised in recent times and that the parents were only granted limited access to their children. The conditions of removal were unclear.⁵⁰

In the same camp, one young mother recalled that after she gave birth to her child, she left the baby in the hospital for 2 days and when she returned, she was not allowed to take her child until she could prove that she had an income and proper living conditions for the child.⁵¹ Non-Roma in Italy are not requested to prove such things in order to take their children home from the hospital.

Roma living in Milan’s formal Camp Via Tribugnano also reportedly experience ill-treatment by child protection authorities. One Romani woman named Hasima told a member of the Coalition that recently when she took her sick children to the hospital, the authorities took away her baby, reportedly because the father was not present and because the police alleged that she had stolen something. Neither being a single parent (if Hasima had been) nor an alleged criminal are grounds for child removal in Italy. Hasima, whose husband is legally employed in Italy, had to file a complaint to Italian courts before they were permitted to take their child home. During this time, their child spent 4 days in an orphanage. Hasima informed the Coalition that her case was not isolated, but that she was aware of numerous Roma in Milan who had experienced similar interferences in their private lives. This is not an isolated case.⁵²

Discriminatory Interferences by the State with the Right to Privacy and Home

Aside from the abusive and discriminatory police raids of Romani homes highlighted previously in Section 4 of this report, members of the Coalition noted several other ways in which Italian officials discriminate against Roma in their daily lives.

The most obvious and intrusive form of discrimination regarding the right to privacy and home was manifest in the placement of surveillance cameras throughout many of the formal Romani camps visited by the Coalition. For example, the Municipality of Roma finances the formal Camp Via Salone, a camp run on private property by an Italian association. The Romani inhabitants of the camp are originally from Romania. This camp is controlled by 28 surveillance cameras which monitor every move made by the inhabitants. In Brescia, in Northern Italy, surveillance cameras were present in the formal Camp of Roma Italian Sinti. In Naples, surveillance cameras were also present in the camps visited by the Coalition. The Coalition questions the intention of the placement of surveillance cameras in Romani camps as well as whether such security systems are in place in regular areas of state-financed social housing for non-Roma in Italy.

⁴⁹ Coalition interview with a Romani man from the former Yugoslavia. Rome’s Camp Martora, 28 May 2008.

⁵⁰ Coalition interview with a two Romanian Roma (a man and a woman). Naples, 27 May 2008.

⁵¹ Coalition interview with a Romanian Romani woman. Naples, 27 May 2008.

⁵² Coalition interview with Ms Hasima, a Romani woman from Serbia. Milan, 25 May 2008.

During discussions about the situation of Roma living in Naples' formal Centro Lima Camp, Coalition members noted that the 120 Romanian Romani inhabitants were treated as though they were living in a prison rather than in a state-provided living area. The camp's Superintendent refused Coalition members entrance to the camp because they did not have formal permission from the "Civil Protection". Aside from requiring formal permission to host visitors in their homes, Roma living in the camp are required to surrender their passports to the Camp's Superintendent while they live there. In addition, the camp closes at 9:00 PM, after which time no one, including the residents, is allowed to either enter or leave the camp.

7. RECOMMENDATIONS FOR ENSURING RESPECT FOR THE RIGHTS OF ROMA IN ITALY

Italian Authorities must:

1. Immediately cease from making anti-Romani remarks and fuelling public hatred of Roma in Italy;
2. The National Office Against Racial Discrimination (UNAR), Italy's national equality body, must immediately publicly condemn the developments in Italy highlighted in this report and undertake all actions within its power to address these acts of discrimination against Roma;
3. Adopt and implement a national anti-racism campaign in order to improve public perceptions of Roma in Italy;
4. Without delay, repeal all legislation and policy which negatively targets Roma, including:
 - a. Pacts for Security adopted in Naples, Rome, Milan, Firenze, Torino, Genova, Bologna, Catania, Bari, Cagliari, Venezia, Modena, Prato and Trieste;
 - b. Emergency Decree No 92/2008, defining the presence of the Roma in the areas of Campania, Lazio, and Lombardia as a cause of great social alarm with possible grave repercussions in terms of public order and safety.
 - c. Ordinance of the President of the Council of Ministers no. 3678 of 30 May 2008: Urgent civil protection provisions to tackle the state of emergency in relation to nomad community settlements in the territory of the Campania region;
 - d. Ordinance of the President of the Council of Ministers no. 3677 of 30 May 2008: Urgent civil protection provisions to tackle the state of emergency in relation to nomad community settlements in the territory of the Lombardia region;
 - e. Ordinance of the President of the Council of Ministers no. 3676 of 30 May 2008: Urgent civil protection provisions to tackle the state of emergency in relation to nomad community settlements in the territory of the Lazio region.
 - f. The initiative of Minister of Interior Roberto Maroni to perform a census of Roma living in Italy, including through fingerprinting, which additionally violates data protection laws;
5. Investigate all alleged cases of police abuse and ill-treatment of Roma and ensure that the officers concerned are held responsible;
6. Ensure respect for the inviolability of the homes of Roma by ceasing immediately the regular targeting of Romani camps for police raids and checks;
7. End forced evictions of Roma which result in homelessness, and respect legal safeguards available to individuals facing eviction;
8. Treat Roma equally with all residents of Italy and stop subjecting them to discriminatory document checks;
9. Publicly condemn all anti-Romani pogroms and act to bring the perpetrators of all such actions which have already taken place to justice through:
 - a. Thorough and effective investigation;

- b. Prosecution of identified perpetrators to the fullest extent of the law;
10. Effectively enforce Italy's comprehensive anti-discrimination law, ensuring equal treatment of Roma in all areas outlined in the scope of the law; and
11. Adopt, in consultation with Romani representatives, a comprehensive strategy for improving the situation of Roma in Italy, with appropriate action plans and adequate resources.

Romanian Authorities must:

1. Promptly react and defend the rights of all Romanian citizens in Italy, including through legal means against Italian authorities which violate European Union or international human rights legal standards;
2. In a timely manner, respond publicly and strongly to instances of racism and discrimination against Romanian citizens abroad. In this respect, we recall that the protection of all Romanian citizens living abroad is a key duty of the Romanian State;
3. Provide support to Italian authorities to enable Romanian Romani individuals to legalise their stay in Italy and integrate into Italian society; and
4. Increase efforts to provide concrete and effective opportunities for Roma who choose to return Romania from abroad and integrate into Romanian society.

Whilst acknowledging the contribution of the European Union towards fighting discrimination and racism against Roma and while we welcome the 7 July tabling in the European Parliament of a Motion for a Resolution on census of the Roma on the basis of ethnicity in Italy and a Motion for a Resolution on the creation of a Roma fingerprint database in Italy, **we urge the European Union to:**

1. Use all available legal and political instruments and mechanisms, and closely monitor Italy's observance of and respect for The Charter of Fundamental Rights of the European Union;
2. Acting within its authority, the European Commission should critically analyse Italy's implementation and compliance with relevant European Directives:
 - a. Most urgently, the European Commission should investigate the targeting of a specific ethnic group for finger printing in the context of Directive 95/46/EC on the Protection of Individuals with Regard to the Processing of Personal Data protection and take the necessary legal steps against the Italian government for breach of EU law;
 - b. The European Commission should investigate Italy's failure to comply with the Directive (2000/43/EC) on implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, and take the necessary legal actions against the Italian government for breach of EU law;
 - c. The European Commission should investigate Italy's failure to comply with Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, and take the necessary legal steps against the Italian state for violation of legal rights guaranteed under EU law;
3. Ensure that the Italian government includes Roma-specific integration measures in its strategy for social protection and social inclusion within the Open Method of Coordination and reports on the implementation of these measures;
4. In a timely manner, publicly and firmly condemn all campaigns and actions based on racist grounds;
5. Treat as an urgent matter the critical human rights situation of Roma in Italy, in all upcoming events of importance, including:

- a. The European Council's meeting to examine the European Commission's report concerning EU policies with respect to the social inclusion of Roma in the Member States;
 - b. The High Level meeting concerning Roma in Europe in September 2008; and
 - c. The EU Summit in December 2008;
6. Provide support to Italian authorities to enable Romani individuals to legalise their stay in Italy and integrate into Italian society;
7. Adopt as a matter of urgency an EU Framework Strategy on Roma Inclusion, to promote and strengthen EU and national action to achieve the social inclusion of Roma in Europe. The Framework Strategy should be built on three pillars:
 - a. Equal access to education, health services, housing and employment;
 - b. Accountability of government authorities to protect the rights of Roma; and
 - c. Empowerment of Roma ensuring full participation in the process of development and responsibility for the effective implementation of measures taken by the European Union and the Member States.

The European Union's Fundamental Rights Agency should:

1. Without delay, conduct urgent research on the "security measures" adopted and implemented by the Italian government affecting Roma in Italy, including the fingerprinting of Roma.
2. Urgently elaborate a written opinion to the European Commission, the European Parliament and the Council of the European Union in relation to possible infringements of EU law by Italy, in particular Articles 6, 7 and 13 of the Treaty, and the Directives 43/2000/EC, 38/2004/EC and 95/46/EC (on data protection), and follow up on the recommendations provided;
3. Without delay, initiate systematic monitoring of the human rights situation in Italy with particular regard to Roma; and
4. Adapt the eligibility criteria for FRA tenders in order to empower and capacitate Romani NGOs to participate on equal footing as implementing organizations or members of coalitions.

The Council of Europe should:

1. Follow-up on Resolution ResChS(2006)4 Collective complaint No. 27/2004 by the European Roma Rights Centre against Italy, in which Italy was found in violation of the Revised European Social Charter with regard to the housing rights of Roma;
2. The Parliamentary Assembly and its Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) should initiate a monitoring procedure on Italy under Resolution 1115 (1997) of the Parliamentary Assembly;
3. The Human Rights Commissioner should work with Italian authorities to reinforce respect for human rights in recent law and policy developments in Italy, with a specific focus on Italy's compliance with its obligations regarding non-discrimination and combating racism; and
4. Engage in consultation with the Italian national authorities towards the development of national and local Roma integration strategies with a focus on prevention of discrimination.

The Organization for Security and Co-operation in Europe should:

1. The High Commissioner for National Minorities should engage in urgent diplomacy with Italian authorities to reduce ethnically-motivated violence targeting Roma in Italy;

2. The Contact Point for Roma and Sinti should organise a high-level fact finding mission to document the situation of Romani communities in Italy, to be submitted to the Permanent Council and other relevant structures of OSCE, as well as the Council of Europe's Committee of Ministers; and
3. The Office for Democratic Institutions and Human Rights should design a plan for targeted assistance to Italian authorities in implementing their commitments on tolerance and non-discrimination and promote action at national level to combat racism.

The United Nations Committee on the Elimination of All Forms of Racial Discrimination should:

1. Initiate its early warning or urgent measure procedure to prevent the situation in Italy from escalating and to prevent or limit the scale or number of serious violations.

For further information on the Coalition's work on Italy, please contact:

European Roma Rights Center

Tara Bedard

E-mail: tara.bedard@errc.org

Open Society Institute

Mark David

E-mail: David.mark@osi-eu.org

Isabela Mihalache

E-mail: imihalache@osieurope.org

Centre on Housing Rights and Evictions

Claude Cahn

E-mail: claudecahn@cohre.org

Romani Criss

Magda Matache

E-mail: magda@romanicriss.org

Roma Civic Alliance of Romania

Iulian Stoian

E-mail: iulian.stoian@acrr.ro