

CENTRE ON  
HOUSING RIGHTS  
AND EVICTIONS

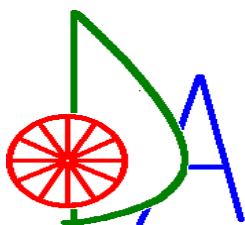


osservazione  
ONLUS **Azione**  
centro di ricerca azione  
contro la discriminazione  
di rom e sinti



**ASGI**

Associazione Studi Giuridici sull'Immigrazione



MEMORANDUM:

REQUEST FOR EXPEDITED ENGAGEMENT OF FOLLOW-UP PROCEDURE AND/OR URGENT ACTION/EARLY WARNING PROCEDURE CONCERNING ITALY ICERD COMPLIANCE

PETITIONING ORGANISATIONS

The Centre on Housing Rights and Evictions (hereinafter “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](http://www.cohre.org)

Associazione Studi Giuridici sull'Immigrazione (hereinafter “ASGI”) was founded in 1990 and is made up of lawyers, university professors and legal operators with a specific interest in legal issues connected to immigration. ASGI is a member of the National Register of Associations devoted to Immigration Issues and of the UNAR register (Anti-Discrimination National Office) in the group of associations which work on discrimination problems.

The European Roma Grassroots Organization (hereinafter “ERGO”) is a European Network of Roma NGOs focused on Roma empowerment and participation. ERGO is a regular consultation partner for the European Commission.

The European Roma Rights Centre (ERRC) is an international public interest law organisation 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 organisation are available on the Internet at: <http://www.errc.org>.

OsservAzione, Centre for Action Research against Roma and Sinti Discrimination, is a non-governmental organisation engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma and Sinti in Italy.

The National Roma Centrum (NRC) is a non-governmental organisation which collaborates with relevant subjects and works for active participation of the Roma in multilayer, basing it on the principles of the modern multiethnic European community. The NRC works as a voice of the Roma and it will strive for protection of the rights of every citizen and to the development of the communication network.

The Cultural Center "O Del Amenca" is a Roma non-governmental organization established to mobilize Roma and non-Roma for civic action, including cultural activities.

The Policy Center for Roma and Minorities (hereinafter "PCRM") is a foundation which invests in building up and strengthening regional, national and international capacity of human resources from Roma communities and other minorities, assists governmental and non-governmental bodies, institutions and organizations in their Roma and minorities-related activities, encourages and steers public debate and social dialogue related to Roma and minorities, and facilitates the cooperation and exchange of information among main stakeholders.

The Roma Center for Social Intervention and Studies (hereinafter "Romani CRISS") is a non-governmental organisation, 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.

The Roma Women Association in Romania (RWAR) is a Roma non-governmental organization starting at September 1996 mainly focused for Roma Women, with the mission to preserve and develop Roma women individuals and communities by full enjoyment of civic, economic, social, cultural and political rights. More details on [www.romawomen.ro](http://www.romawomen.ro)

The following nongovernmental organisations have also reviewed the contents of this submission and urge action as described herein:

Dzeno Association, Czech Republic  
NGO ROMA SOS, Prilep, Macedonia  
Center "AMARE RROMENTZA", Romania  
Roma ACCESS, Romania ([www.roma-access.ro](http://www.roma-access.ro))  
Forum of Roma IDPs (Serbia)

## I. INTRODUCTION

The CERD Committee reviewed Italy's compliance with the ICERD Convention in February 2008, and duly issued Concluding Observations.<sup>1</sup>

Threats to non-citizen Roma have been severely heightened following the election in April 2008 and the formation on 8 May 2008 of a new right-wing national government including extremist xenophobic and racist elements, as well as success in local elections by the extreme right in a number of municipalities, including the capital Rome. This, combined with years of anti-Roma propaganda by the Italian media, which has unceasingly portrayed Roma primarily as vagrants and criminals, has resulted in exceptional levels of discrimination throughout Italy, as well as other issues implicating emergency aspects of the Convention. Romani camps have been destroyed and their inhabitants ejected by the state police and/or other representatives of the public authority, often without notice and without the option of alternative shelter. Other camps in various regions throughout Italy have been the target of arson or vandalism based on racial hatred. The perpetrators of these crimes are rarely prosecuted or even investigated by local authorities.

Widespread and unchecked hostility has reached new heights in Italy, stoked by the blatantly inciting statements by many political leaders following the election. These practices are in violation of a number of Italy's international law obligations including the International Convention on the Elimination of Racial Discrimination (ICERD), which bans racial discrimination and requires *inter alia* that each State Party to eliminate racially discriminatory acts and practices.<sup>2</sup>

In February, the Committee was comprehensively briefed on the human rights situation of Roma in Italy (see "Written Comments of the European Roma Rights Centre, the Centre on Housing Rights and Evictions, OsserAzione, and Sucar Drom Concerning Italy For Consideration by the United Nations Committee on the Elimination of Racial Discrimination at its 72nd Session", appended herewith).<sup>3</sup> The Committee has appropriately recognized the gravity of these long-term concerns. However, since February, and particularly since the general election of April 2008, these issues have taken on particularly extreme, emergency aspects which require immediate attention.

Circumstances have changed dramatically following the election of the new staunchly right-wing, anti-immigrant government. Below are the relevant recommendations established in the Concluding Observations at the most recent CERD session in February 2008, followed by the corresponding update on the condition in Italy for each relevant recommendation.<sup>4</sup> We note that none of the relevant recommendations have yet been implemented; indeed, in many aspects, the situation has disintegrated further. In light of these alarming developments, we respectfully

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<sup>1</sup> CERD/C/ITA/15, February 2008, <http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-ITA-CO-15.pdf>

<sup>2</sup> International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) art. 2(1), 4 Jan. 1969, 660 U.N.T.S. 195.

<sup>3</sup> Hereinafter "CERD February 2008 NGO Submission".

<sup>4</sup> CERD/C/ITA/15, February 2008, <http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-ITA-CO-15.pdf>

request that either the early warning/urgent action or that the follow-up procedure<sup>5</sup> be engaged on an expedited basis to address this emergency situation. We urge the Committee to undertake an immediate examination of its current condition and closely monitor the human rights situation in Italy.

## II. THE RECOMMENDATIONS

### A. Recommendation 14:<sup>6</sup>

The Committee, recalling its general recommendation N°27, recommends that the State party develop and implement policies and projects aimed at avoiding segregation of Roma communities in housing, to involve Roma communities and associations as partners together with other persons in housing project construction, rehabilitation and maintenance. The Committee further recommends that it act firmly against local measures denying residence to Roma and the unlawful expulsion of Roma, and to refrain from placing Roma in camps outside populated areas that are isolated and without access to health care and other basic facilities.

Worsening conditions are the norm for many Roma communities in Italy. On 17 and 18 May, Viktoria Mohacsi, a member of the European Parliament, toured Roma camps in Rome and Naples and declared that conditions were the worst that she'd seen in Europe<sup>7</sup> and there is “a need for an urgent intervention program, especially for the people arriving from the new EU Member States.”<sup>8</sup> During May and June 2008, independent field missions have also been undertaken by the non-governmental organizations the Open Society Institute, the Centre on Housing Rights and Evictions (COHRE), the European Roma Rights Centre, Romani Criss and the Roma Civic Alliance in Romania, documenting systematic and serial abuses of the fundamental rights of Roma in Italy. Material gathered during those missions is included herein.

As previously, many Roma live in “unauthorized” locations, meaning those not state-approved or provided. Such persons are forced to squat in abandoned buildings or set up camps along roads, rivers, or in open spaces. These individuals, many non-citizens, are increasingly

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<sup>5</sup> The Committee's Guidelines to follow-up on concluding observations and recommendations state that “the Committee may, in accordance with article 9, paragraph 1 of the Convention, request information from the State party at any time ...” ((CERD/C/68/Misc.5/Rev.1), para. 2). The Committee's Rules of procedure set out that: “If the Committee decides to request an additional report or further information from a State party under the provisions of article 9, paragraph 1, of the Convention, it may indicate the manner as well as the time within which such additional report or further information shall be supplied and shall transmit its decision to the Secretary-General for communication, within two weeks, to the State party concerned”, Rules of procedure of the Committee on the Elimination of Racial Discrimination (HRI/GEN/3/Rev.2), Rule 65.

<sup>6</sup> *Id.*

<sup>7</sup> *Rome v. Roma*, THE ECONOMIST, 22 May 2008, [http://www.economist.com/world/europe/displaystory.cfm?story\\_id=11412932](http://www.economist.com/world/europe/displaystory.cfm?story_id=11412932).

<sup>8</sup> EveryOne Group, *Racism and the Roma: EU Inspection Entrusted to the Euro MP Viktoria Mohacsi*, 20 May 2008, [http://www.everyonegroup.com/EveryOne/MainPage/Entries/2008/5/20\\_Racism\\_and\\_the\\_Roma.\\_EU\\_inspection\\_entrusted\\_to\\_the\\_Euro\\_MP\\_Viktoria\\_Mohacsi.html](http://www.everyonegroup.com/EveryOne/MainPage/Entries/2008/5/20_Racism_and_the_Roma._EU_inspection_entrusted_to_the_Euro_MP_Viktoria_Mohacsi.html).

moving away or being evicted and their homes are often destroyed with little or no notice as the government undertakes draconian acts to discourage migrants from arriving or staying. Since the February 2008 review by the Committee, however, there are indications that the State Party may intend to cancel some ameliorative projects in the field of housing. Thus, for example, protests by members and affiliates of the Northern League in early June apparently forced suspension of a planned housing project for Italian Sinte in Venice.<sup>9</sup>

Other projects approved by the former administration to improve Roma housing may also be under threat. One representative incident occurred in Torino, where authorities have so far “tolerated” the settlement on the Lungo Stura Lazio, a settlement of a number of hundreds of Roma, primarily from Romania. Conditions in this camp, as of 26 May 2008, included no plumbing, electricity, or running water. The previous government under Prime Minister Romano Prodi reportedly made available to the Torino municipality 750,000 EUR for the purposes of seeing persons in the settlements named above adequately housed. However, there are new concerns that the new government may endeavor to block usage of this funding for housing non-citizen Roma. In addition, local civil society in Torino reported that massive discrimination on the housing rental market in Torino has meant that no housing providers have as yet agreed to rent to any of the Roma concerned. The municipality has apparently undertaken no effective measures to overcome this discrimination. As a separate matter in Torino, the violent forced eviction in October 2007 by Italian police of Roma living in the Stupinigi settlement remains entirely without legal remedy as of the date of this submission.

In March 2008, Italian police evicted the inhabitants of the Bovisa camp in Milan with the openly declared motivation of forcing the Roma to return to Romania.<sup>10</sup>

Following the burning of a Romani camp in Naples on 13 May 2008, several high profile instances of mass eviction/destruction of Romani camps have taken place around Italy. For example, 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.<sup>11</sup>

In Florence on 17 May, 200 Romanian Roma, including several children, were forcibly expelled from a former military barracks where they were squatting without providing any other shelter.

On 25 May, a Sinti girl in Brescia was stopped from going to school by some non-Romani children yelling “dirty Gypsy, dirty kidnapper”.

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<sup>9</sup> European Roma Rights Centre, “ERRC Urges Italian Authorities to Go Ahead with Housing Project for Roma”, at <http://www.errc.org/cikk.php?cikk=2957>

<sup>10</sup> Finding by COHRE in Milan, Italy (May 2008)

<sup>11</sup> See 6 June 2008 report by Adnkronos International. Available at: <http://www.adnkronos.com/AKI/English/CultureAndMedia/?id=1.0.2230802468>.

Further, although under repeated and extensive appeal to finally move Roma from a toxic waste site in Bolzano (see CERD February 2008 NGO Submission, pp.22-23), officials in Bolzano continue to fail to move tens of Roma living on the site, and it is unclear when – if ever – they intend to do so. Circa 90 persons continue to live in these extremely unsafe surroundings.

### C. Recommendation 15:<sup>12</sup>

The Committee recommends that the State party should increase its efforts to prevent racially motivated offences and hate speech, and ensure that relevant criminal law provisions are effectively implemented. The Committee recalls that the exercise of the right to freedom of expression carries special duties and responsibilities, in particular the obligation not to disseminate racist ideas. It also recommends that the State party take resolute action to counter any tendency especially from politicians to target, stigmatize, stereotype or profile people on the basis of race, color, descent, and national or ethnic origin or to use racist propaganda for political purposes.

The level of anti-Romani hate speech by politicians and other public figures in Italy, which is widely disseminated by Italian media in the absence of editorial comment, has been dramatically heightened in recent weeks and is of extreme concern now. These matters, although a long-term feature of Italian public life, have dramatically worsened in the recent period. Particularly since the beginning of campaigning for the April 2008 general election, anti-Roma speech in the public arena has risen to hysterical levels and has had very serious negative consequences for the security of Roma in Italy. Few if any high-ranking Italian officials have spoken out against such public statements or taken any actions to hold the responsible persons accountable.

A non-exhaustive list of anti-Romani statements undertaken by public officials in recent weeks follows here:

- According to La Repubblica of May 19, Minister of Interior Roberto Maroni stated, “All Roma camps will have to be dismantled right away, and the inhabitants will be either expelled or incarcerated.”
- It has been reported that Milan Deputy Mayor Riccardo de Corato has stated he will seek a *numerus clausus* to limit the number of Roma in Milan.
- It has further been reported that Milan Mayor Letizia Moratti wants to establish a government post entitled “Exceptional Commissioner for the Roma Emergency”.
- Mr. Davide Boni, an official in the Lombardy regional government, reportedly said “All Gypsies must go”.

In Rome, Mr. Carlo Mosca, one of the three new “Roma commissioners” reportedly announced in an interview on 6 June 2008 that all Roma would be “monitored” by being fingerprinted and photographed and must participate in a census so that authorities would be better able to identify them.<sup>13</sup> Commissioner Carlo Mosca as well as Commissioner Gian Valerio

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<sup>12</sup> CERD/C/ITA/15, February 2008, <http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-ITA-CO-15.pdf>

<sup>13</sup> Adnkronos International (AKI), 6 June 2008

Lombardi of Milan and Commissioner Alessandro Pansa of Naples have been given extraordinary legal authority to move Roma camps and keep any Roma under surveillance, whether a citizen or not, without needing any cause for suspicion. According to the newspaper *La Repubblica* of 30 June 2008, all three commissioners reported to Minister Maroni that identification measures are under way.

#### D. Recommendation 16:<sup>14</sup>

The Committee...requests the State party to ensure that municipalities remove discriminatory ordinances and comply with the State party's obligations under the Convention. The Committee further requests the State party to endeavor, by encouraging a genuine dialogue, consultations or other appropriate means, to improve relations between Roma and non-Roma communities, in particular at the local level, aimed at ending discrimination against the Roma.

The government constituted in May 2008 has, in its brief life, undertaken a range of acts fundamentally adverse to or destructive of the possibility of engaging in genuine dialogue to improve relations between Roma and non-Roma at local level, in particular as a result of the speech acts detailed above, as well as because of a number of national and regional legislative undertakings which have harmed the possibility of genuine inter-ethnic dialogue.

In particular, on 21 May 2008, the Council of Ministers of the Italian government, meeting in Naples, passed a new emergency decree 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. Extraordinary powers usually allowable only in times of severe natural disasters were given to state and local officials to deal with this "problem".<sup>15</sup> In the decree, the presence of Roma in the three Regions, without any further indications, 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.<sup>16</sup> A state of emergency is effectively declared, de facto going so far as to equate the presence of the Roma population 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.<sup>17</sup>

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<sup>14</sup> CERD/C/ITA/15, February 2008, <http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-ITA-CO-15.pdf>

<sup>15</sup> 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"), 26 May 2008.

<sup>16</sup> "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, 26 May 2008, *Op. cit.*

<sup>17</sup> Law of 24 February 1992, no. 225 "Istituzione del servizio nazionale della protezione civile. Ecologia".

In Italy, Law 225/92, which established the national civil protection service, in its Article 2 sets out a “typology of events and contexts of competencies”, which details the scenarios within which emergency civil protection measures may be adopted, primarily understood to mean natural disasters. There is no mention in any of the normative provisions of Law 225/92 to situations arising from coexistence between ethnic groups. The new decree, by considering that resorting to the use of extraordinary powers of intervention is necessary, even in derogation from any provisions that are in force, mistakenly 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 factor that lacks any dangerous characteristic for the territory understood as a natural environment, and which does not even appear to be accompanied by those requirements of exceptionality and extraordinarity required by legislation in the field of emergency civil protection.

The three Ordinances of the President of the Council of Ministers of 30 May 2008,<sup>18</sup> adopted following the decree and specifically concerning the Regions of Lombardy, Lazio and Campania, grant the extraordinary commissioners, in turn identified as the prefects (that is, the local institutional figures under the competence of the Ministry of Interior), powers to tackle “the state of emergency in relation to the settlements of nomad communities”. Such powers apparently concern the monitoring of camps, taking a census of the people (including minors) who are present there and taking photo-documentary details; 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.<sup>19</sup>

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 data-basing of photometric and other personal information; 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.”<sup>20</sup>

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 derogated include: the duty to inform a subject who is a recipient of a measure taken by the public

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<sup>18</sup> 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; 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 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.

<sup>19</sup> *Ibid*, art. 2

<sup>20</sup> *Ibid.*, art. 3.



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 for 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 of these protections call 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 so-called “Pacts of Security”, currently in place in 14 cities across Italy, in lending support for the widespread view that security arrangements aimed entirely or primarily at Roma, in particular 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 to demonstrate that they are a result of intense anti-Roma sentiment. Two of the most influential Pacts from Milan and Rome state that they primarily address security “threats” by non-citizens. The Milan Pact refers specifically to nomad camps.

On 28 June, Minister of Interior Roberto Maroni revealed a plan for fingerprinting all Roma residents in camps, including children, insisting that this plan is a solution to inadequate housing problems and rising crime rates in Italy.<sup>21</sup> The policy, part of a broader initiative to take a detailed census of Roma, has drawn sharp criticisms from the European Commission and UNICEF, as well as the Catholic weekly magazine *Famiglia Cristiana* in its coming issue of 3 July 3 (according to *La Repubblica* of 1 July). The latter institutions have stated that these measures would violate the fundamental rights of the child.<sup>22</sup> Roma in Milan reported on 1 July 2008 that circa 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.

In addition, on 1 July, it was reported that Italy's highest appeal court had 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. The court reversed the conviction of six defendants who signed a leaflet demanding the expulsion of Verona's Gypsies in 2001. Among those previously convicted of racially discriminatory propaganda was Flavio Tosi, an official of the anti-immigrant Northern League, 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 Tosi was a 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

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<sup>21</sup> <http://euobserver.com/9/26408/?rk=1>

<sup>22</sup> *Ibid.*

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 earlier verdict for revision.

Finally, a draft law currently under review by the Italian Senate would criminalize illegal immigration. This should not apply to European Union citizens but, depending on the provisions of the new law, once adopted, could in principle apply to tens of thousands of Roma from a number of countries of southeastern Europe, in particular from countries of the former Yugoslavia.

#### E. Recommendation 17:<sup>23</sup>

The Committee...urges the State party to take measures to eliminate discrimination against non-citizens in relation to working conditions and work requirements, including employment rules and practices with discriminatory purposes or effects. Furthermore, it recommends that the State party take effective measures to prevent and redress the serious problems commonly faced by non-citizen workers, including debt bondage, passport retention, illegal confinement and physical assault.

As noted during the February 2008 CERD Committee review, approximately 160,000 Roma are estimated to live in Italy, around 70,000 of whom are Italian nationals. Many thousands of Roma in Italy have not been recognized as legitimately residing in Italy, despite the fact that they may be refugees or because although they may be eligible for some form of status, authorities are refusing to provide them with a residence permit or other form of durable status. As a direct result of the denial of basic status in Italy, non-citizen Roma are precluded from a vast range of actions available to persons who have either secured Italian citizenship or have managed to secure some form of durable status in Italy.

Contrary to CERD recommendation 17, the new government has undertaken a range of acts aimed at or resulting in significantly heightening the precarious situation of non-citizens in Italy, including Romani non-citizens. In June 2008 the government considered a bill that would enable authorities to incarcerate illegal immigrants for up to four years in prison. Italian authorities also recently increased the maximum allowable detention period for irregular migrants to 18 months.<sup>24</sup> The government is also currently considering a bill which would make it significantly more difficult for EU citizens sent back once from Italy to return to Italy, a measure apparently explicitly aimed at Roma from Romania.

In practice, Roma continue to endure blatant acts of discrimination with impunity. Thus, in the immediate wake of the formation of the new government, in Vicenza, near Venice, it was reported that Romani women were denied entry to public market places.

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<sup>23</sup> CERD/C/ITA/15, February 2008, <http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-ITA-CO-15.pdf>

<sup>24</sup> Decree 92 of 23 May 2008 "Emergency measures concerning public security".

## F. Recommendation 19:<sup>25</sup>

The Committee recommends that the State party take measures to prevent the use of illegal force by the police against Roma, and that the local authorities take more resolute action to prevent and punish racially motivated acts of violence against Roma and other persons of foreign origin. In this regard, the Committee draws the attention of the State party to its general recommendation No. 27 and urges it to ensure protection of the security and integrity of Roma, without any discrimination, by adopting measures to prevent racially motivated acts of violence against them.

Repeated speech acts in the recent period by prominent Italian politicians, combined with incitement to racial hatred by the media and a failure by Italy's new leadership to condemn anti-Romani racism has led to a climate fostering anti-Romani violent acts.

On 13 May 2008, assailants burned a Romani camp in Naples to the ground, causing the approximately 800 residents to flee while Italians stood by and cheered.<sup>26</sup> The incident occurred after an Italian woman claimed that a Roma girl had broken into her apartment to steal her baby. This alleged act and the unbridled media frenzy it unleashed, playing on deeply imbedded anti-Romani stereotypes, sparked public hysteria, and in the days following the alleged attempted kidnapping (an act which was not been proven in any court of law, and about which there are plausible allegations of fabrication), there were signs actively inciting hatred against Roma which the police failed to dismantle.<sup>27</sup> On the day of the torching a program on RAI television showing Italians in the area screaming "Roma out" was broadcast before the police were even alerted to the riot.<sup>28</sup> Only two weeks later, on 28 May, the same camps was set on fire for the second time by unknown perpetrators.<sup>29</sup>

Despite this recent history, along with the consideration that four Molotov cocktails were thrown into a Roma camp in Milan and Novara two days prior,<sup>30</sup> the Italian authorities did little to secure the safety of the Roma and their homes from a mob attack. This inaction, a refusal to investigate and prevent potential human rights violations, is a breach of international law and also amounts to an illegal forced eviction.<sup>31</sup> There is no indication that any individual has been legally held responsible for any of the attacks in recent years, leading to an atmosphere of impunity amongst perpetrators.<sup>32</sup>

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<sup>25</sup> CERD/C/ITA/15, February 2008, <http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-ITA-CO-15.pdf>

<sup>26</sup> Peter Popham, *Italian Tolerance Goes Up in Smoke as Gypsy Camp is Burnt to Ground*, THE INDEPENDENT, 16 May 2008, <http://www.independent.co.uk/news/europe/italian-tolerance-goes-up-in-smoke-as-gypsy-camp-is-burnt-to-ground-829318.html>

<sup>27</sup> Correspondence from osservaZione to COHRE (16 May 2008) (on file with author).

<sup>28</sup> *Id.*

<sup>29</sup> See the 28 May 2008 report by Adnkronos International at: <http://www.adnkronos.com/AKI/English/Security/?id=1.0.2203930746>.

<sup>30</sup> ANSA, 11 May 2008.

<sup>31</sup> See, e.g., *Velásquez-Rodríguez v. Honduras*, Judgment of July 29, 1998, Inter-Am C.H.R. (Ser. C) No. 4 (1998) (holding that an illegal act which violates human rights and which is initially not directly imputable to a State can lead to international responsibility of the State, not because of the act itself, but because of the lack of due diligence to prevent the violation or to respond to it as required by the Convention).

<sup>32</sup> *Id.*

In addition, on 9 June, independent activists reported that a settlement of circa 100 Romanian Roma in Catania, Sicily had been attacked and burned to the ground.<sup>33</sup>

#### G. Recommendation 21:<sup>34</sup>

The Committee, recalling its general recommendation No. 31 on the prevention of racial discrimination in the administration and functioning of the criminal justice system, reminds the State party that the small number of complaints, prosecutions and convictions relating to acts of racial discrimination should not be viewed as being necessarily positive. The State party should inquire whether this situation is the result of inadequate information provided to victims concerning their rights, the insufficient level of awareness by the authorities of offences involving racism. The State party should take, in particular on the basis of such a review, all necessary measures to ensure that victims of racial discrimination have access to effective remedies.

Interior Minister Roberto Maroni has reportedly stated recently, “As for vigilante attacks on immigrants, that is what happens when gypsies steal babies, or when Romanians commit sexual violence.”<sup>35</sup> The Committee is urged to engage the government on an urgent basis, to determine with what measures and in what time-frame it will act on Recommendation 21, in light in particular of the expressed views of key officeholders.

#### H. Recommendation 21:<sup>36</sup>

The Committee recommends that the State party encourage the media to play an active role in combating prejudices and negative stereotypes which lead to racial discrimination and that it adopt all necessary measures to combat racism in the media. It further requests the State party to promptly adopt the code of conduct of journalists drafted in collaboration with UNAR, UNHCR and the Italian National Press Federation.

The media has played a key role in degrading the public space in the run-up to the April 2008 elections, as well as following them. Actions by the media include both unreflective amplification of the racist incitement expressed by a segment of Italy’s political elite, as well as independent acts of racist incitement through sensationalist reporting of, in particular, “Gypsy crime”. In some cases, incidents taking place in the past have been recycled and presented as new incidents for the purposes of galvanizing the public to anti-Romani action.

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<sup>33</sup> Email communication from Mr Fulvio Vassallo Paleologo, dated 9 June 2008. On file with the authors.

<sup>34</sup> CERD/C/ITA/15, February 2008, <http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-ITA-CO-15.pdf>

<sup>35</sup> Richard Owen, *The Politics of Fear Return to Italy*, THE TIMES, 29 May 2008, <http://www.timesonline.co.uk/tol/news/world/article4021089.ece>

<sup>36</sup> CERD/C/ITA/15, February 2008, <http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-ITA-CO-15.pdf>

### III. CONCLUSION

The parties to this memorandum contend that, as set out above, there are ample grounds for engaging the Committee's follow up procedure on an expedited basis, when the Committee next meets during the period 28 July-15 August.

Alternately, the criteria for initiating early warning and/or urgent action procedures have been met. Early warning measures are designed to address existing structural problems, which are clearly present in Italy as it is the government that has implemented numerous discriminatory measures and the media that systemically disseminated racist views to whip the public into fervor. Conditions in Italy meet the requirements for early warning or urgent action measures. There are inadequate implementation and enforcement mechanisms for Roma victims of discrimination in terms of both abuse and housing. Elected officials and organizations continuously use racist language and propaganda to denounce the Roma under the guise of decreasing crime and illegal immigration. Due in part to this discrimination, the Roma are socially and economically disadvantaged, faced with severe hardship and often forced to live in shanty camps under appalling circumstances which affect their health, ability to work, and access to education. These camps are at high risk of being randomly evacuated and all possessions destroyed by the Italian police. As a result, of nine indicators for urgent action and/or early warning developed by the Committee,<sup>37</sup> at least six are now operative in Italy, namely:

- Presence of a significant and persistent pattern of racial discrimination, as evidenced in social and economic indicators;
- Presence of a pattern of escalating racial hatred and violence, or racist propaganda or appeals to racial intolerance by persons, groups or organizations, notably by elected or other State officials;
- Adoption of new discriminatory legislation;
- Segregation policies or de facto exclusion of members of a group from political, economic, social and cultural life;
- Policies or practice of impunity regarding: (a) Violence targeting members of a group identified on the basis of race, colour, descent or national or ethnic origin by State officials or private actors; (b) Grave statements by political leaders/prominent people that condone or justify violence against a group identified on the ground of race, colour, descent, national or ethnic origin; (c) Development and organization of militia groups and/or extreme political groups based on a racist platform;
- Polluting or hazardous activities that reflect a pattern of racial discrimination with substantial harm to specific groups.

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<sup>37</sup> Committee on the Elimination of Racial Discrimination, "Guidelines for Early Warning and Urgent Action Procedure", p. 3.