



SUBMISSION OF THE EUROPEAN ROMA RIGHTS CENTRE, OSSERVAZIONE AND AMALIPÉ ROMANÒ CONCERNING ITALY FOR CONSIDERATION UNDER THE UNIVERSAL PERIODIC REVIEW BY THE UNITED NATIONS HUMAN RIGHTS COUNCIL AT ITS 7TH SESSION, FEBRUARY 2010

1. INTRODUCTION

The European Roma Rights Centre (ERRC),¹ osservAzione² and Amalipé Romanò³ respectfully submit written comments concerning Italy for consideration by the Human Rights Council (HRC) within its Universal Periodic Review at its 7th session, February 2010. The submitting organisations provide information on and express grave concern about the adoption of a presidential decree proclaiming a state of emergency, from which flows a series of measures targeting Roma and Sinti individuals, directly or indirectly. In addition, the partners highlight gross human rights violations in the context of continued discrimination against the Romani community. This submission is largely based on the primary documentation of the human rights situation of Roma and Sinti undertaken by the submitting organisations over the last four years.

According to information made public by the Italian Government, there are approximately 150,000 Roma and Sinti living in Italy.⁴ About half of all Roma and Sinti in Italy are Italian citizens. It is estimated that 20-25% are from other EU Member States (chiefly Romania) and the rest are either from non-EU states or they are stateless (mostly from the territory of the former Yugoslavia).⁵

Italy is a state party to a number of treaties which require the government to respect, protect and fulfil the rights of minorities, such as the Roma and Sinti, including their rights to housing, to education, to

¹ The ERRC is an international public interest law organisation engaging in 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. The ERRC has Special Consultative Status with the Economic and Social Council of the United Nations. ERRC publications about Italy and additional information about the organization are available at: www.errc.org.

² osservAzione, Centre for Action Research against Roma and Sinti Discrimination, is a nongovernmental organization engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma and Sinti in Italy. Further information about osservAzione is available at: www.osservazione.org.

³ Amalipé Romanò is a Florence-based Romani non-governmental organisation, established in January 2000 to unite Florence Roma under one organisation, stand up for their rights and find ways to overcome the difficult situation Roma face in Italy. Amalipé Romanò dedicates its time and forces to fight discrimination, find ways to eliminate camps and obtain houses for all Roma families and in general to achieve the emancipation of Roma in Italy.

⁴ See: <http://daccessdds.un.org/doc/UNDOC/GEN/G06/411/25/PDF/G0641125.pdf?OpenElement>.

⁵ European Roma Rights Centre/OSI/COHRE/Romani Criss/RCR, 'Security a la Italiana': Fingerprinting, Extreme Violence and Harassment of Roma in Italy, OSI and ERRC, Budapest, 8 July 2008, p. 7. <http://www.errc.org/db/03/4D/m0000034D.pdf>.

security, to privacy, to be free from torture and other forms of violence, and to the enjoyment of their human rights without discrimination.⁶ More specifically, the Committee on the Elimination of Racial Discrimination (CERD), in its General Comment No. 27 on Discrimination against Roma, recommended a series of specific measures for states to adopt in order to combat discrimination.⁷ The failure of the Italian authorities to meet these requirements and recommendations has been highlighted in successive reviews by the treaty monitoring bodies.⁸

2. ROMA AND SINTI WITHIN THE NORMATIVE AND INSTITUTIONAL FRAMEWORK

The laws and policies discussed below are not the only ones to impact Italy's Roma and Sinti population, but are the focus of this submission, as they have the most direct and adverse effect.

2.1 Laws and policies regulating the segregation of Roma and Sinti in housing

As a matter of policy, Italian authorities have in the past and continue today to racially segregate Roma. Underpinning the Italian government's approach to Roma and housing is the conviction that Roma are "nomads". In the late 1980s and early 1990s, ten out of the twenty regions in Italy adopted laws aimed at the "protection of nomadic cultures" through the official construction of segregated camps.⁹

At the same time as Italian officials authorise segregated living spaces for Roma, they most often fail to ensure adequate living conditions in the authorised camps, meaning many Roma in Italy live in officially sanctioned ghetto communities with extremely substandard conditions and inadequate public infrastructure or services.

The effect of these laws has been to render official the perception that all Roma and Sinti are "nomads" who can only survive in camps, isolated from Italian society. Indeed, this official stance is reflected in the Italian authorities' communication with intergovernmental bodies and human rights treaty monitoring bodies. Italian authorities have consistently referred to Roma and Sinti as "nomads" despite the fact that most or all Roma in Italy do not practice an itinerant lifestyle. During the 1999 review of Italy's compliance with the International Convention on the Elimination of All Forms of Racial Discrimination, the head of the Italian delegation, Mr Luigi Citarella, told members of the CERD that as "natural nomads," Gypsies "preferred to stay in their camps."¹⁰ This official stance persists and in its 2008 State Report for the CERD's most recent review of Italy, the Italian Government explicitly stated that Romani populations are "characterized in all cases by nomadism."¹¹

⁶ The International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Rights of the Child (CRC), the Convention on Economic, Social and Cultural Rights (CESCR), the Convention against Torture (CAT), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention Relating to the Status of Refugees, the Convention Relating to the Status of Stateless Persons, the European Convention on Human Rights (ECHR), the European Social Charter (ESC) and the Framework Convention for the Protection of National Minorities (FCNM).

⁷ See: [http://www.ohchr.ch/tbs/doc.nsf/\(Symbol\)/11f3d6d130ab8e09c125694a0054932b?Opendocument](http://www.ohchr.ch/tbs/doc.nsf/(Symbol)/11f3d6d130ab8e09c125694a0054932b?Opendocument)

⁸ See: <http://www2.ohchr.org/english/bodies/cerd/cerds72.htm>

⁹ Regional Law 299/89 of Lombardy, for instance, was entitled "Regional Action for the Protection of Populations with Nomadic or Semi-Nomadic Traditions". In 1994, the Marche region passed a law entitled "Interventions in Favour of Migrants, Immigrants, Refugees, Stateless Persons, Nomads and Their Families". Other regions included Veneto, Lazio, Autonomous Province of Trento, Sardinia, Friuli-Venezia Giulia, Emilia-Romagna, Tuscany, Liguria and Piedmont.

¹⁰ European Roma Rights Centre, "Campland: Racial Segregation of Roma in Italy," Budapest, October 2000. <http://www.errc.org/db/00/0F/m0000000F.pdf>.

¹¹ 2008 State Report to the CERD Committee, at paragraph 172.

On 21 December 2005, the European Committee of Social Rights (ECSR), the body overseeing implementation of the Revised European Social Charter, unanimously concluded that Italy had violated Article 31 (right to housing) of the Charter taken together with Article E (ban on discrimination), with respect to the insufficiency and inadequacy of camping sites for Roma in Italy; the recurrent forced eviction of Roma by Italian authorities; and the lack of permanent dwellings made available for Roma. The Council of Europe Committee of Ministers adopted this decision on 3 May 2006 in Resolution ResChS(2006)4.

The submitting organisations are concerned that discriminatory policies initiated in the 1980s are being perpetuated. Despite repeated criticism from the CERD and the ECSR findings, the Italian authorities have undertaken no effective actions at the national level to combat the furtherance of the segregation of Roma in Italy and public officials in Italy continue to racially segregate with impunity. This official culture of racial segregation of Roma appears to be becoming further entrenched as a direct result of the actions and inactions of government and is of particular concern in light of recent developments, detailed below.

2.2 Discriminatory measures specifically targeting Roma and Sinti

Commencing at the end of 2006 and intensifying in 2007, 2008 and 2009, Italian officials have adopted a series of laws, decrees and policies which clearly target or have a disparate impact on Roma and Sinti living in Italy, and appear aimed at pressuring or otherwise forcing a segment of the immigrant Romani community to leave Italy. The first amongst these measures are the so-called “Pacts for Security”, adopted in various cities around the country. Beginning in December 2006 various towns, cities, provinces and regions throughout Italy began to develop and adopt “Pacts for Security” which planned the forced eviction of more than 10,000 Roma from their homes in Rome alone. The “Pacts” were signed by various authorities, depending on the particular “Pact”, in the midst of racist media statements by the same authorities, apparently intended to fuel anti-Romani attitudes in Italy and secure broad support for the impending actions. To date, 34 have been signed.¹²

The most public and controversial of these Pacts was signed on 19 May 2007 in Rome and Milan. According to the Pact for a Secure Rome, commencing the week of 23 May 2007 a joint commission of the regional government was instructed to identify locations for four “villages of solidarity” on the periphery of Rome for habitation by 4,000 Roma (whilst 15,000 Roma are reported to be affected in Rome). At the same time, a task force of 150 police officers (75 from the military and 75 from the state police) was set up to limit the security risk to those living in the area of the new camps (meaning non-Roma) and “rehabilitate the areas.” Meanwhile, the remaining approximately 11,000 Roma faced constant forced eviction from their homes and the necessity to rebuild unauthorised camps in new areas. The Pacts of Rome and Milan are quite similar and mainly concern the „presence of third-country citizens and nomads” and are committed to the ‘containment of people without territory.’¹³ Both provide for increased

¹² At the time of preparing this submission, 34 Pacts for Security had been signed in the Province of Pordenone, Trapani, Padova, Area Lago di Garda, Region of Veneto, Spezia, Varese, Busto Arsizio, Gallarate, Area Bassa Comasca, Foggia, Ancona, Fara Sabina, Mariano Comense, Roma, Brescia, Siena, Como, Perugia, Asti, Vicenza, Prato, Firenze, Modena, Venezia, Bologna, Bari, Genova, Catania, Cagliari, Torino, Milano, Region of Calabria and Napoli. A current list is available online: Ministero dell'Interno *Patti per la sicurezza*, http://www.interno.it/mininterno/export/sites/default/it/temi/sicurezza/0999_patti_per_la_sicurezza.html.

¹³ Italy/Prefettura di Roma, Comune di Roma, Provincia di Roma, Regione Lazio, 'Pact for a Secure Rome' (Patto per Roma Sicura) http://www.interno.it/mininterno/export/sites/default/it/assets/files/13/2007_05_18_Patto_per_Roma_sicura.pdf and Italy/Prefettura di Milano, Comune di Milano, 'Pact for a Secure Milan' (Patto per Milano Sicura), http://www.interno.it/mininterno/export/sites/default/it/assets/files/13/2007_05_18_Patto_per_Roma_sicura.pdf.

police control in authorised camps and the forced eviction and removal from camps of persons considered to be „abusive” by authorities. Many of the inhabitants of the camps targeted were Roma from Romania.

Following the adoption of the Pacts, Italian authorities in the 34 locations around the country have undertaken a systematic and targeted campaign of recurrent raids on Romani camps, checks of personal documents, arbitrary destruction of homes and property owned by Roma and forced eviction of Roma. Some Roma have complained of being targeted for these acts repeatedly, making their living situation completely unbearable.

Since May 2008 when the current Italian government was formed, it has adopted a new series of legal and policy measures which are explicitly discriminatory against Roma and Sinti in Italy. Namely, in a meeting in Naples on 21 May 2008, the Italian Government adopted its “Declaration of the state of emergency with regard to settlements of nomad communities in the territories of Campania, Lazio and Lombardia regions”¹⁴ (“Nomad Emergency Decree”), defining the presence of “nomads” in the aforementioned regions as the cause of great social alarm with potentially grave consequences for public order and security, and declaring a state of emergency until 31 May 2009. The Decree singles out and is directed primarily against “nomadic communities.”¹⁵

On 30 May 2008, the President of the Council of Ministers adopted three separate Presidential Ordinances (“Implementing Orders”) implementing the above decree for the Regions of Lombardia, Lazio and Campania.¹⁶ By virtue of these Implementing Orders, the prefects of Rome, Milan and Naples, under the auspices of the Minister of Interior, were appointed as Commissioners responsible for carrying out the necessary interventions and work that the “emergency” requires in their respective regions. Crucially, the Implementing Orders state that they receive these powers “derogating from the rules of law in force.”¹⁷ While the Implementing Order purports to permit actions outside the ordinary legal process, no derogation from the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) has been communicated to the Secretary General of the Council of Europe informing him of the introduction of derogating measures and the reasons for them.¹⁸

Following an exchange of correspondence with the European Commission, on 17 July 2008 the Italian Government issued “Guidelines to implement the President’s Orders nos. 3676, 3677 and 3678 of 30 May

¹⁴ Published in the Official Gazette No 122 of 26 May 2008.

¹⁵ The Preamble of the Decree states: “Considering the extremely critical situation that has developed in the territory of the Lombardia 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; ... 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 [...]”

¹⁶ On 28 May 2009 the President of the Council of Ministers issued another decree extending the state of emergency until 31 December 2010, and extending it also to the regions of Piemonte and Veneto. On 1 June 2009 two additional ordinances implementing the decree were issued in which the Prefects of Turin and Venice were appointed delegated Commissioners for the emergency in relation to settlements of nomad communities.

¹⁷ The specific powers include the monitoring of formal and 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 the opening of new “camps for nomads.”

¹⁸ Article 15(1) of the ECHR provides: “In time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.”

2008 concerning the encampments of nomadic communities in the regions of Campania, Lazio and Lombardia” (“Implementing Guidelines”). The Guidelines provide that the operations of the Prefects shall not target specific groups or individuals, but rather all people living in illegal and legal encampments, regardless of their nationality, ethnicity and religion. These putatively “neutral” actions have in fact targeted Roma and Sinti.

On 15 July 2009, the Italian Parliament approved Law No. 94 “Provisions on public security”, which entered into force on 8 August. Local Roma and Sinti groups have raised concerns that several of the measures provided in the law will negatively affect Roma and Sinti, such as the legalisation of vigilante groups and measures that will prevent those living in caravans from obtaining identification documents.¹⁹

3. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

3.1 Racial profiling, processing of sensitive ethnic data

Since the adoption of the Nomad Emergency Decree, government, police and NGO (Italian Red Cross) representatives have proceeded to conduct a census in two rounds which explicitly targets all Roma and Sinti. The first census was conducted in the period of June – October 2008 and was implemented in Milan, Rome and Naples. A second census was undertaken in Rome in February 2009, and in March police officials conducted censuses of Italian Roma and Sinti camps in the provinces of Verona, Venice, Treviso, Padua and Vicenza. The feared result is the creation of databases comprising almost exclusively personal data of Italian and non-Italian Roma and Sinti.

ERRC observation and documentation of census activity in camps for Roma and Sinti between October 2008 and April 2009 confirm that the census undertaken is ethnically motivated and solely directly at Roma and Sinti. During an interview with the ERRC in October 2008, Ms Deidda Rosa, Vice-President of the IRC in Rome, stated from the beginning of the census in July 2008 until that time in the camps in Rome, around 4,000 people were counted and that with very few exceptions all of them were Romani.²⁰ In addition, on 14 October 2008 the Italian newspaper Corriere Della Sera published an article on the results of the census, indicating that 4,268 Roma live in Rome’s “nomad camps.”²¹ The reason that ethnicity was not an explicit subject of these censuses is very simple: there was no need to establish the ethnicity of the residents as it is well known to the authorities. The camps targeted for census activity were either camps established by the government for the express purpose of holding Roma and Sinti, or informal camps that are almost exclusively inhabited by Roma.

According to interviews conducted by the ERRC with Italian Roma and Sinti and non-Italian Roma, the census procedure was in all cases the same or similar, even though Italian Roma and Sinti and some non-Italian Roma possessed valid identification documents issued by the Italian authorities. The most common data collected during the census was name, age, country of origin, ID number, presence or absence of a residence permit and its issuance and expiry date, as well as information on health status and educational background. In the camps visited by the ERRC housing non-Italian Roma, all the camp residents were photographed during the census, including young children and babies. Italian Sinti and Roma were also photographed. In the camps in Naples the residents were also fingerprinted. During interviews conducted in March 2009 with the Roma fingerprinted in Naples, none of the interviewees had any information about whether the fingerprints taken still existed or had been destroyed.

¹⁹ See Sucar Drom website post dated 17 February 2009. <http://sucardrom.blogspot.com/2009/02/milanogrande-manifestazione.html>.

²⁰ ERRC interview with Ms Deidda Rosa in Camp Via Tenuta Piccirilli, Rome, 10 October 2008.

²¹ Brogi, Paolo. “Roma: 4,268, half in extreme conditions” (“Rom: 4.268, metà in condizioni estreme”). Corriere della Sera. 14 October 2008.

<http://www.legambiente.eu/associazione/rassegnaStampa/articolo.php?id=4579>.

3.2 Violations of data protection procedures

In all cases observed or documented by the ERRC, there were clear violations of data protection procedures that should be afforded to subjects in the collection of their personal data. In most cases, ERRC documentation indicates that where “consent” was given in rudimentary form, it cannot be considered voluntary. In extreme cases, the ERRC documented police, local government and NGO representatives responsible for implementing the census in nomad camps coercing camp residents to participate.

The ERRC observed cases in which both Italian and non-Italian Roma and Sinti were subjected to the census under explicitly forceful and intimidating circumstances. According to information gathered during interviews with Roma from countries of the former Yugoslavia living in the semi-formal Camp Tori di Quinto-Baiardo (180 residents) and the formal Camp Tor de Cenci (350 residents) in Rome, the second census in the camps on 29 January and 3-4 February 2009 was conducted with the police and the army working with dogs. These officials were reportedly frequently aggressive and violent towards the residents. According to the Roma interviewed by the ERRC the following week, the army surrounded the camps during the census, preventing anyone from entering or leaving the camps while the census was in progress. During the census, police officers searched the residents’ homes with dogs, without showing any court order. Eighteen individuals were taken directly to immigration control offices by police officers during the census. One Romani youth whose family lives in Italy was deported directly to Croatia after having spent one week in the Ponte Galeria Identification and Expulsion Centre.²²

Interviews by the ERRC with residents of the camps in which the census was conducted in both the first and the second round clearly indicate that implementing authorities did not provide sufficient information about the purpose of the census, where and how the data collected will be used and stored, who is authorised to access the data or how long the data will be kept. These types of information are required under EU data protection legislation to enable camp residents to give full and informed consent to any data collection effort, including a “census.” An additional problem that the ERRC observed during the census was related to the Romani and Sinti children. Namely, out of 16 camps from which the ERRC collected primary documentation of the census, in only one case, the second census in Rome’s Lombroso, did census-takers explicitly ask the parents to sign consent forms to collect and process information pertaining to their children. In all other cases observed, such information was collected without any effort to obtain consent.

3.3 Substandard living conditions

Many Roma and Sinti in Italy live in highly substandard conditions, without basic infrastructure. Many Roma and Sinti live in “camps” or squalid ghettos that are “authorised”, meaning state-approved and provided. Others are forced to “squat” in abandoned buildings or set up camps along roads, rivers or in open spaces. Their settlements are often called “illegal” or “unauthorized.” Where Italian authorities have expended energy and resources on Roma, these efforts have in most cases not been aimed at integrating Roma into Italian society. Instead, authorities establish “temporary housing containers”, in a number of cases surrounded by high walls, isolating them from non-Romani Italians.

Material conditions in authorised and unauthorised camps are frequently inhuman. For example, the camp of Scampia Naples, as of March 2009, was a settlement of approximately 700 Roma from former Yugoslavia. According to camp inhabitants, they had been there for 20 years. They had reportedly been

²² ERRC interview with the girl’s mother, a 50-year-old Romani woman, in Camp Tor di Quinto-Baiardo. Rome, 12 February 2009.

given permission to settle there by the authorities, who had also been promising to bring in utilities, but none had ever been delivered. Water was carried by camp inhabitants from an open pipe near the camp, there was no electricity not generated locally; they bought gas for heating from those shops which would sell it to them (not all shops were reportedly willing to do so); there were no toilet facilities and residents had designated an area for burying fecal and other waste. They burned ethyl alcohol for heat. No one in the camp had an individuated address.

In addition, the substandard conditions prevailing in Romani camps in Italy have contributed to the deaths of at least 9 Romani youth in since December 2006 alone.²³

3.4 Forced Evictions

By pattern and practice, Italian authorities regularly conduct forced evictions of Roma from their homes throughout the country. Information gathered by the submitting organisations indicates that, in many instances, affected individuals are neither provided with due process, nor with alternate accommodation. In a number of instances, Romani victims of forced evictions have been expelled from Italy. In addition, the expulsion of Roma from Italy renders access to justice by victims in cases of abusive forced evictions effectively impossible. The submitting organisations have sent a number of letters of concern to the Italian government about such actions, but these appear to have had little impact to date on practices by Italian officials.

In the period following the signing of the Pacts for Security, instances of forced eviction of Roma in Italy rose to new levels, and many of the often unauthorised “evictions” have been accompanied by the total destruction of property by executing officials. Many of the forced evictions and destruction of property took place in Rome, where as Mayor Walter Veltroni reported 6,000 people were forcibly evicted between January and November 2007, according to the Italian national press agency ANSA of 6 December.²⁴ By comparison, ANSA reported that in the previous 7 years, 15,000 evictions had been conducted in Rome in total – just over twice as many evictions as had been conducted in 2007 alone.²⁵

Following the completion of the census of Roma and Sinti, in the first half of 2009 reports of forced evictions have continued, starting in March 2009 with the eviction of the informal camp Bacula inhabited by around 150 Roma from Romania.²⁶ Roma inhabitants were misled because authorities told them that alternative accommodation would be provided, when in fact they were not. Inhabitants were evicted and beaten by police and now they are scattered across the territory. Most of the Roma people living in the Bacula camp have previously experienced at least one forced eviction. Approximately 110 of them are believed to have been forcibly evicted, in April 2008, from another unauthorized camp in the city, on via Bovisasca. Of these 110, at least 100 had apparently also been forcibly evicted, in October 2007, from the same Bacula camp where they are living now. Several of the previous forced evictions involved the destruction of property.

²³ According to osservAzione research: On 19 November 2007, Florin Draghici, a 4-year-old Romani boy from Romania, died in a fire in a Romani camp in Bologna; On 2 January 2007, 15-year-old Cristina Mihalache and 15-year-old Nicolae Ihnunt from Romania died in a fire in Caserta’s Camp d’Orta di Atella; On 2 December 2006, 16-year-old Ljuba Mikic and 17-year-old Sasha Traikovic from Serbia died in a fire that broke out in Rome’s Camp Casilino; and On 11 August 2007, four Romanian Romani children (Lenuca, Danchiu, Dengi and Eva) between the ages of 4 and 10 died in a fire that burned down the hut in which they were temporarily living with their parents in the Italian town of Livorno, following their forced eviction from Pisa in May 2007.

²⁴ <http://www.ansa.it/>

²⁵ Mr Veltroni was further cited as having stated that 80% of the evictions took place in unauthorised settlements occupied by immigrants – in light of the recent situation in Italy, Mr Veltroni can reasonably be presumed to be referring to Romani camps.

²⁶ Amnesty International (31.03.2009), *Roma Forcibly Evicted from Milan Settlement*, available at: <http://www.amnesty.org/en/news-and-updates/news/roma-forcibly-evicted-milan-settlement-20090331>

On 6 August 2009 in the Municipality of Pioltello, near Milan, a settlement inhabited by around 200 Romanian Roma was cleared by police forces.²⁷ The Roma lived in an abandoned farmhouse which was demolished after the clearing. Over 200 people, of whom half were under 18 years old, were forced to sleep in the land surrounding the building cleared and destroyed. The authorities have not proposed any alternative housing after the eviction. Only a few families have been helped by the Municipality. No social actions were provided for other people, including three children of one, four, and eight months, and two pregnant women. The situation of the people in question has been made more dramatic by yet another eviction on 14 August 2009 by police who forced the Roma to leave their temporary shelters. At the time of this submission, the authorities had failed to provide housing for the people evicted.

All these evictions are believed to have been carried out without the procedural safeguards required under regional and international human rights standards, including adequate and reasonable prior notice, an opportunity for genuine consultation, provision of legal remedies including legal aid if needed, adequate alternative housing and compensation for all losses.

3.5 The right to security of person and protection by the state

The submitting organisations are concerned that Roma and Sinti in Italy are frequently victim of violent attacks against their persons and property by both state and non-state actors. Following the commencement of action within the “Pacts for Security” in various Italian cities, noted above, anti-Romani hysteria has reached new and alarming levels in the media, which has resulted in various instances of anti-Romani violence, including that with fatal results.

On May 2008 camps inhabited by former Yugoslav and Romanian Roma in Naples (Ponticelli) were attacked by large groups of non-Roma and razed on two occasions.²⁸ According to information gathered by the submitting organisations 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. No one was injured during the attack, but the homes of the Romani inhabitants were burned to the ground with all of their personal possessions. 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. Two weeks later, on 28 May, the same camp was set on fire for the second time. There is no information publicly available on the identification and prosecution of the perpetrators in these attacks.

In addition to physical acts of violence, during November 2007, 2008 and 2009 ERRC missions to Italy, Romani individuals interviewed by the ERRC stated repeatedly that they lived in a constant state of fear as a result of being systematically targeted for invasive, race-based checks and controls, frequently in the places where they live. Minimal privacy protections are repeatedly and regularly disregarded by Italian police where Roma are concerned. House searches are carried out without judicial or other authorisation, and with no respect for the inviolability of the home, as set out under numerous provisions of international law. According to discussions with Romani individuals in camps in various parts of Rome, Torino, Milan and elsewhere, Roma stated that they were living with constant police raids on their homes and camps, threats of violence and deportation, illegal destruction of property by police.

3.6 Incitement to racial hatred

The submitting organisations are seriously concerned about 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

²⁷ See the Federazione Rom e Sinti press release of 14 August 2009. On file with ERRC.

²⁸ FRA (2008) *Incident Report: Violent Attacks against Roma in the Ponticelli district of Naples, Italy*, available at: http://fra.europa.eu/fraWebsite/attachments/Incid-Report-Italy-08_en.pdf (19.06.2009).

of editorial comment. Prejudices and stereotypes concerning Roma and Sinti are found across the entire political spectrum. The strong prejudice of the Italian public toward the Roma and Sinti has a very negative feedback effect on the media and on government institutions. The Italian public religiously reads and watches news about the criminal exploits of “nomads” and “Gypsies.” Some politicians and political parties exploit the fear of Italian people to such issues. Roma and Sinti are seen as guilty *a priori* of alleged crimes.

The current government has capitalised on Italians’ fears about “Gypsies,” immigrants and security, and specifically fuels already harshly negative sentiment with constant anti-Romani messages widely published in the media. For instance, on 11 May 2008, Minister of Interior Roberto Maroni was quoted in *La Repubblica* as having stated that all abusive Romani camps would have to be dismantled right away, and that the inhabitants would be either expelled or incarcerated.²⁹

In another instance, on 4 November 2007, the Italian national newspaper *Corriere della Sera* published anti-Romani statements by Mr Gianfranco Fini, leader of the right wing political party National Alliance, in which Mr Fini said Gypsies [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.” He was quoted as having he claimed that Roma “have no scruples about kidnapping children or having children [of their own] for the purposes of begging.” Mr Fini reportedly added that, “To talk of integration with people with a ‘culture’ of that sort is pointless.”³⁰

4. Recommendations for action by the State under review

In light of the concerns noted in this submission, the submitting organisations recommend that the Italian government, without delay:

1. Repeal all legislation and policy which negatively targets Roma and Sinti, including:
 - a. Pacts for Security adopted by 34 Italian cities, regions and areas;
 - b. Emergency Decree No 92/2008, 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 safety;
 - c. Ordinances of the President of the Council of Ministers nos. 3676, 3677 and 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 Lazio, Lombardia and Campania regions;
 - d. Guidelines to implement the President’s Orders nos. 3676, 3677 and 3678 of 30 May 2008 concerning the encampments of nomadic communities in the regions of Campania, Lazio and Lombardia;
 - e. Decree of the President of the Council of Ministers of 28 May 2008, Prorogation of the state of emergency for the prosecution of the initiatives related to the settlements of nomad communities in the territory of the regions of Campania, Lazio and Lombardia and extension of the emergency situation to the territory of the regions of Piemonte and Veneto; and
 - f. Law No 94 "Provisions on the public security".

²⁹ Milella, Liana. “Maroni confirms the hard line against the landings and the Roma” (‘Maroni conferma la linea dura contro gli sbarchi e i rom’), *La Repubblica*, 11 May 2008. <http://www.repubblica.it/2007/12/sezioni/cronaca/sicurezza-politica-2/maroni-andremo-avanti/maroniandremo-avanti.html>. Two days later on 13 May, a mob of approximately 60 people razed a Romani camp in Naples with Molotov cocktails. For more information, see: <http://www.errc.org/cikk.php?cikk=2953=#ERRC>.

³⁰ Hooper, John. „Italian right calls for repatriation of Roma”, *The Guardian*, 5 November 2007. <http://www.guardian.co.uk/world/2007/nov/05/italy.international>

2. Cease all activities related to the collection and processing of personal data of Roma and Sinti and destroy all personal data collected including fingerprints and photographs;
3. Ensure respect for the inviolability of the homes of Roma and Sinti by ceasing immediately the regular targeting of Romani camps for police raids and checks;
4. End immediately the racial segregation of Roma and Sinti in Italy, and develop in consultation with Romani representatives a comprehensive strategy for integration and improving the situation of Roma and Sinti in Italy, with appropriate action plans and adequate resources;
5. End forced evictions of Roma and destruction of their personal property which result in homelessness, and respect legal safeguards available to individuals facing eviction;
6. Publicly condemn all anti-Romani pogroms and act to bring the perpetrators of all such actions which have already taken place to justice through thorough and effective investigation and prosecution of identified perpetrators to the fullest extent of the law;
7. Immediately cease from making anti-Romani remarks and fueling public hatred of Roma and Sinti in Italy; and
8. Effectively enforce Italy's comprehensive anti-discrimination law, ensuring equal treatment of Roma and Sinti in all areas outlined in the scope of the law.