

PARALLEL REPORT

by the European Roma Rights Centre Concerning Italy

For Consideration by the Human Rights Committee at its 119th session
(6 – 29 March 2017)

Articles 12, 20 and 26 of the International Covenant on Civil and Political
Rights: Residential segregation and hate speech and violence

CHALLENGING DISCRIMINATION PROMOTING EQUALITY

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INTRODUCTION

The European Roma Rights Centre (ERRC)¹ submits this parallel report to the Human Rights Committee reporting country-specific information on issues affecting Roma in Italy that raise questions under the International Covenant on Civil and Political Rights (ICCPR). The present report describes the current situation regarding two of the most serious human rights abuses of Roma in Italy – the residential segregation of Roma and hate speech and violence against Roma.

RESIDENTIAL SEGREGATION AND EVICTIONS

1. The approach of the Italian authorities to Roma² has been underpinned by the classification of these groups as “nomads”, despite the fact that a mere 3 per cent of Roma in Italy do not reside regularly in a fixed place.³ In May 2008 a “state of emergency decree” (hereinafter **State of Emergency**) in relation to nomad settlements entered into force and related decrees gave extraordinary powers to specially appointed prefects to overtake the State of Emergency in the regions of Lazio, Campania, Lombardy⁴ and later in Piedmont and Veneto.⁵
2. Following the adoption of the State of Emergency, special state authorities were afforded extraordinary powers including to forcibly evicting Roma from informal settlements to displace them to formally monitored and segregated camps.⁶
3. In November 2011, the Italian Council of State ruled that the State of Emergency was unlawful as there was no extraordinary or exceptional disruption of order and public security justifying an emergency intervention from the Government. The judgment had immediate effect and rendered the State of Emergency and its subsequent acts invalid.⁷ In May 2013, Italy’s highest court confirmed once and for all that the “Nomad State of Emergency” was unfounded and unlawful.⁸
4. The reduction of the “system of camps” established for Roma has been an explicit commitment of the Italian government in the National Roma Integration Strategy (NRIS) approved by the Government in February 2012⁹ and adopted in compliance with the EU Framework for National Roma Integration Strategies up to

1 The ERRC is an international public interest law organisation working to combat anti-Romani racism and human rights abuse of Roma through strategic litigation, research and policy development, advocacy and human rights education. Since its establishment in 1996, the ERRC has endeavored to provide Roma with the tools necessary to combat discrimination and achieve equal access to justice, education, housing, health care and public services. The ERRC has consultative status with the Council of Europe, as well as with the Economic and Social Council of the United Nations. The ERRC has been regularly reporting to the United Nations Committees on the situation of Roma in various countries of Europe and submitted several Parallel reports to the Human Rights Committee. More info available at: www.errc.org.

2 The term Roma will be used thoroughly this report to denominate also the Sinti and Caminanti groups who do not all identify as Roma but are perceived as such and face discrimination from the majority population.

3 National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities, February 2012, available at: http://ec.europa.eu/justice/discrimination/files/roma_italy_strategy_en.pdf.

4 Decreto del Presidente del Consiglio dei Ministri 21 maggio 2008. Dichiarazione dello stato di emergenza in relazione agli insediamenti di comunita' nomadi nel territorio delle regioni Campania, Lazio e Lombardia. (GU n. 122 del 26-5-2008), available at: <http://www.stranieriinitalia.it/media/dl08052701.2008.d521.dpcm.emergenza.rom.pdf>.

5 Decreto del Presidente del Consiglio dei Ministri 28 maggio 2009. Proroga dello stato di emergenza per la prosecuzione delle iniziative inerenti agli insediamenti di comunita' nomadi nel territorio delle regioni Campania, Lazio e Lombardia ed estensione della predetta situazione di emergenza anche al territorio delle regioni Piemonte e Veneto. (09A06574) (GU Serie Generale n.129 del 6-6-2009), available at: http://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?sessionId=aVg+WqTCjRh9AHOe4kjpg__ntc-as2-guri2a?atto.dataPubblicazioneGazzetta=2009-06-06&atto.codiceRedazionale=09A06574&elenco30giorni=false.

6 European Roma Rights Centre, Italy’s Nomad State of Emergency: Your Quick Guide, 26 March 2013, available at: <http://www.errc.org/article/italys-highest-court-to-rule-on-state-of-emergency-for-roma/4119>.

7 Consiglio di Stato, sez.IV, 16 novembre 2011, n.6050, available at: <http://www.leggioggi.it/allegati/consiglio-di-stato-sez-iv-16-novembre-2011-n-6050/>.

8 European Roma Rights Centre, *End of the Road for Italy’s Illegal State of Emergency*, 2 May 2013, available at: <http://www.errc.org/article/end-of-the-road-for-italys-illegal-state-of-emergency/4137>.

9 National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities, February 2012, available at: http://ec.europa.eu/justice/discrimination/files/roma_italy_strategy_en.pdf.

2020 (“the EU Framework”), endorsed by EU Heads of States and Governments. In December 2013 the Council of the European Union adopted a Recommendation on effective Roma integration measures in the Member States.¹⁰ In the priority area of **housing** the Council called on Member States to “*Take effective measures to ensure equal treatment of Roma in access to housing and whenever relevant, ensure that applications from local authorities for urban regeneration projects include integrated housing interventions in favour of marginalised communities.*”¹¹

Far from reducing the “system of camps”, Italian authorities have continued to approve the construction of new segregated Roma only camps and shelters for Roma:

- On 11 August 2016, the Naples municipality approved plans for a new camp which will be built in via del Riposo to “temporarily” host 168 Roma in 28 containers.¹²
 - On 1 August 2016, the Catania municipality approved the construction of a new camp to provide temporary housing for Roma who became homeless after the fire which destroyed the camp located in via Madonna del Divino Amore.¹³
 - On 23 July 2016, the municipality in Barletta announced it will spend Euro 100,000 to build a new camp to accommodate six Romani persons.¹⁴
 - In Savona, on 26 March 2015, it was announced that Euro 100,000 of EU Funds will be used to rebuild a formal camp¹⁵ for Roma.¹⁶
5. In May 2015, the Court of Rome, in respect of the formal camp La Barbuta, opened in June 2012, established for the first time in Italy that Roma-only housing maintained by municipalities violates the 2000/43/EC Directive (Racial Equality Directive) transposed into the Italian legal system by the Legislative Decree 215/2003.¹⁷
 6. Despite the ruling concerning the unlawfulness of the State of Emergency and the fact that four years have elapsed since the adoption of the NRIS, it is our view that Italy has made no progress in improving respect for the human rights of Roma; the situation of Roma has worsened. Thousands of Romani families still live in ethnically segregated camps set up explicitly for Roma by authorities across the country. Regional and municipal regulations enable Italian authorities to construct and administer Roma-only camps which are often located in remote areas, far away from basic services, sometimes unsuitable for human habitation, such as near waste dumps and airport runways. Living conditions in the camps are often inadequate, failing to meet international human rights standards and even national regulations on housing. The authorities only place Roma in these camps, often following forced evictions from informal settlements. No national desegregation plans have been drawn up. In some cases authorities have even planned or already commenced the construction of new camps.
 7. Almost a year after the final judgment in the “La Barbuta” case, Roma families are still living in the camp and Italian authorities have taken no action to dismantle the camp and relocate those families into integrated housing settings. On the contrary, in February 2016 the Rome Municipality published a call for partners to

10 Council of the European Union, Council recommendation on effective Roma integration measures in the member states. Employment, Social policy, Health and Consumer affairs, Council meeting Brussels, 9 and 10 December 2013, available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lsa/139979.pdf.

11 Council Recommendation of 9 December 2013 on effective Roma integration measures in the Member States 2013/C 378/01, 9 December 2013, available at: [http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32013H1224\(01\)](http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32013H1224(01)).

12 See: <http://www.napolitoday.it/cronaca/campo-rom-via-del-riposo.html>.

13 See: <http://messinaweb.tv/politica/comune-di-catania-assegna-un-terreno-a-200-rom/>.

14 RedazioneBarlettaviva, Il campo rom di Barletta rischia di diventare un “ghetto”, 23 July 2016, available at: <http://www.barlettaviva.it/notizie/il-camporom-di-barletta-rischia-di-diventare-un-ghetto/>.

15 “Formal” or “authorised” or “equipped” camps are established by local authorities (municipal councils, prefects or other authorities) and “equipped” with basic facilities. Roma families live in caravans, mobile houses or metal containers and generally have running water and electricity. Some settlements have pre-school facilities, while most offer some form of transportation to and from schools. This kind of camp may be surrounded by fences, walls and cameras.

16 Savona News.it, Savona e il campo nomadidelladiscordia: polemica in consigliocomunale e votofavorevolesulregolamento, available at: <http://www.savonane.it/2015/03/26/leggi-notizia/argomenti/politica-2/articolo/savona-e-il-campo-nomadi-della-discordia-polemica-in-consiglio-comunale-e-votofavorevole-sul-regol.html>.

17 Associazione 21 Luglio, ASGI, ERRC, OSF, *Municipality of Rome condemned for La Barbuta Camp: for the first time in Europe an official Roma-only settlement ruled discriminatory*, 10 June 2015, available at: <http://www.errc.org/article/municipality-of-rome-condemned-for-la-barbuta-camp-for-the-first-time-in-europe-an-official-roma-only-settlement-ruled-discriminatory/4369>; see the English translation of the judgment available at: <http://www.errc.org/cms/upload/file/la-barbuta-asgi-v-roma-capitale-court-decision.pdf>.

manage formal camps in Rome until the end of 2017,¹⁸ including La Barbuta. The municipality has also re-established surveillance by local police in some camps.¹⁹ The cost of this measure amounts to **approximately 5 million EUR**.²⁰ In addition to this, the new administration, elected in June 2016, planned to build a new “temporary” camp for 120 Roma coming from another formal camp called Camping River. The camp would cost 1,270,069 EUR. The National Anti-corruption Authority has opened a file concerning the case.²¹ As a consequence, in December 2016 Rome municipality has suspended the new camp project for six months.²² In November 2016 Rome municipality has also issued a memorandum for “overcoming formal camps and the inclusion and integration of Roma, Sinti and Caminanti.” The document which is only a few pages long, lists a series of actions which will be undertaken between January and July of 2017 without specifying what kind of alternative housing will be offered to Roma or providing any timeline for proposed actions.²³

8. On 4 February 2016, the Municipality of **Giugliano in Campania, the Region Campania** and the Ministry of Interior agreed to build a new camp for the Roma currently living in the “Masseria del Pozzo” formal camp. This camp was set up by local authorities in 2013 – more than a year after the adoption of the NRIS – to house Romani families who had already been subjected to a number of forced evictions. The camp is located in a remote area presenting serious health and safety concerns, due to the vicinity of landfills stocking toxic waste. Living conditions in the camp are squalid, aggravated by problems with the sewage and water systems. In response, local authorities plan to set up a new camp a few kilometres away. There is no doubt that the families residing in Masseria del Pozzo need to be relocated from the camp as a matter of urgency. However, it is deeply worrying that the authorities who placed the families in the camp not only failed to develop a plan for their social inclusion, but now intend to transfer them to another ethnically segregated camp. While the project refers to “adequate housing and integration of Romani families”, in practice all that is planned is the construction of yet another camp, comprised of 44 pre-fabricated units to house Romani families costing **1.3 million EUR** provided by the Ministry of Interior and Region Campania.²⁴

On 21 June 2016, the Giugliano local authorities forcibly evicted 75 Romani families, comprising around 300 people, including dozens of children, some just a few months old, from the Masseria del Pozzo camp. No written notice was given to the inhabitants prior to the eviction. The families received verbal notification on 14 June and were forcibly evicted seven days later, and were transferred to the site of a former fireworks factory. This site is not fit for human habitation. Amidst the rubble, Amnesty International representatives saw one broken bag containing grey powder of unknown nature and several barrels labelled “powder” and “spontaneously combustible”, as well as what appeared to be asbestos in the only fragile structure still in place although badly burnt. The plot of approximately 1000 square metres is located on the outskirts of Giugliano’s industrial zone, in an enclosed area surrounded on three sides by wild vegetation and one side by a wall with a gate. Nine days later the inhabitants had still no access to electricity and were using open fires, batteries and car lights to illuminate the place after dark. Access to water and sanitation was completely inadequate and amounted to nothing more than four taps and two mobile toilets (one of which was broken, and the other unfit for use).²⁵

18 Associazione 21 Luglio, Rom, *Comitato Accogliamoci scrive a Tronca: “Serve radicale revisione bando”*, 3 March 2016, available at: <http://www.21luglio.org/rom-comitato-accogliamoci-scrive-a-tronca-serve-radicale-revisione-bando>.

19 Associazione 21 Luglio, *Posti di blocco nei “campi rom”: i controlli che violano la libera circolazione*, 9 March 2016, available at: <http://www.21luglio.org/posti-di-blocco-nei-campi-rom-i-controlli-che-violano-la-libera-circolazione>.

20 Comune di Roma capitale, *Gara a procedura aperta per l’affidamento del servizio di gestione sociale, formazione lavoro, di interventi di piccola manutenzione e del servizio di vigilanza dei villaggi di Roma Capitale*, 19 February 2016, available at: <https://www.comune.roma.it/pcr/it/newsview.page?contentId=NEW1062222>.

21 Romait.it, *Nuovo campo a Roma. Nazione rom denuncia Campidoglio ad Anac*, 12 August 2016, available at: <http://www.romait.it/articoli/21930/nuovo-campo-a-roma-nazione-rom-denuncia-campidoglio-ad-anac>.

22 Vignaclarablog, *Stop al nuovo campo rom a Roma Nord*, 24 December 2016, available at: <http://www.vignaclarablog.it/2016122466961/stop-nuovo-campo-rom-roma-nord/>.

23 Memoria “Indirizzo per l’avvio del processo per il superamento dei campi “villaggi della solidarietà” e per l’inclusione ed integrazione delle popolazioni Rom, Sinti e Caminanti. 21 November 2016, available at: http://www.21luglio.org/wp-content/uploads/2017/01/Memoria_pdf.pdf.

24 European Roma Rights Centre, *Moving Roma away from a toxic waste dump mustn’t result in further segregation – NGOs protest*, <http://www.errc.org/article/moving-roma-away-from-a-toxic-waste-dump-mustnt-result-in-further-segregation-%E2%80%93-ngos-protest/4451>.

25 For more information see European Roma Rights Centre: Italy: Authorities placed Roma from Masseria del Pozzo in inhumane conditions, 24 June 2016, available at: <http://www.errc.org/article/italy-authorities-placed-roma-from-masseria-del-pozzo-in-inhumane-conditions/4493>.

In March 2016 the Court of Naples ordered a preventive seizure for illegal occupation for the informal camps located in via Breccia a Sant'Eramo in Naples where for more than seven years about 340 Romanian Roma families have lived. Roma were given 30 days notice to leave their homes. On 9th January 2017 the extension of eviction expired. Roma are currently under constant threat of immediate eviction. These Roma families, like most Roma present in Naples, have been living in the city for many years. Despite this, the Naples municipality has not provided them with any alternative housing solution yet.

In Torre Annunziata, province of Naples, in January 2017 about 40 Roma, including around 20 minors have been evicted from an informal camp. The municipality just offered the former school's courtyard as alternative housing solution. According to a local NGO, the space offered by the municipality is not provided with water, electricity and chemical baths. Roma have been living in inhumane living conditions.²⁶

The evictions in Campania region are part of a wider regular pattern of mass evictions across Italy. The large number of repeated evictions and the destruction and demolition of larger informal settlements have led to a proliferation of much smaller, precarious shelters hidden from view. In addition to health and safety hazards, what happens in the course of evictions in such small camps is difficult to monitor.

9. In **Milan**, according to data provided by the municipality 1,284 evictions took place between 2013 and 2015: 2,210 persons have been evicted in 2013; 2,184 in 2014; and 615 in 2015.²⁷ Considering that about 2,500 Roma live in Milan's informal camps, it appears clear that many Roma are repeatedly evicted. Evictions create circular patterns: Roma living in irregular settlements are evicted, and, if there is sufficient space, are put into emergency camps and/or shelters for a certain period of time, then expelled and forced to squat on irregular sites until being evicted again. The facilities in the emergency shelters are very basic and plainly inadequate. The shelters are generally only occupied by Roma, are very overcrowded, accommodating twice as many people as the capacity allows. They are temporary solutions which do not provide any prospect of decent living conditions and social inclusion.²⁸ For example, Roma hosted in the Lombroso shelter²⁹ interviewed between March 2013 and September 2014 reported a lack of privacy for families, malfunctioning kitchens, toilets and showers. This shelter was closed by Milan municipality on 30 September 2016. Thirty-eight people, including 15 minors, the majority of which are Romani were made homeless. This decision was made without providing any form of alternative accommodation, flying in the face of local, national and international commitments to Roma welfare and integration.

The inhabitants were informally told about the closure of the shelter 15 days before, but were not provided written notice. To date of the eviction, the municipality had not provided any alternative housing solution.³⁰

10. Also in **Milan** in March 2016, the municipality closed the formal camp at Via Idro, which opened 26 years ago³¹ and was hosting about 80 Italian Roma. While the closure of a segregated camp is to be welcomed, the actions taken by the Municipality to end one form of segregation have led to a further violation of the rights of those concerned. The eviction of the camp was announced in August 2015 on the grounds of "hydro-geological risks", urban security issues, and sanitation problems. The Municipality offered temporary shelters, similar to the Lombroso shelter described above, and "second-level" housing where independent containers

26 Il Gazzettino.com, Torre Annunziata, si cerca un nome per la bretella, mentre i rom restano abbandonati, 10 January 2017, available at: <http://www.ilgazzettinovesuviano.com/2017/01/10/torre-annunziata-si-cerca-un-nome-la-bretella-rom-restano-abbandonati/>.

27 Municipality of Milan, *Rom, Sinti and Caminanti. Strategie, azioni e numeri dell'intervento del Comune di Milano 2013-2014-2015* Aggiornamento dati del 30 Settembre 2015.

28 NAGA, *Nomadi per forza*, 10 March 2015, available at: <http://www.naga.it/index.php/notizie-naga/items/nomadi-per-forza.1473.html>.

29 According to NAGA, *ibid.* Social Emergency Shelter (SEC) located in via Lombroso 99 is situated in an old industrial area, alongside a busy railway track. Families are accommodated in six large containers, each holding between 16 and 27 persons, whose only privacy comes from sheets they hang from the ceilings. The maximum residence period is of 200 days, which can be extended every 40 days. Each family hosted in the shelter should start an inclusion path which includes jobs and houses. Some families exceed 200 days because they have difficulties in finding employment and as a consequence they are not able to pay rent. The maximum capacity of this camp is 167 people. From March 2013 to September 2014 it had accommodated 93 families, 364 people, which included 231 adults and 133 children. Non-residents are not allowed to visit the shelters without the permission of the Municipality. The shelter is guarded 24 hours by security staff, and patrolled daily by the police.

30 European Roma Rights Centre, *Milan Authorities Close Lombroso Shelter Making Roma Homeless*, 30 September 2016, available at: <http://www.errc.org/article/milan-authorities-close-lombroso-shelter-making-roma-homeless/4520>.

31 Il Fatto Quotidiano, *Milano, sgomberato campo rom di via Idro*. "Ricollocarli costa 400mila euro", 15 March 2016, available at: <http://www.ilfattoquotidiano.it/2016/03/15/milano-rom-sfrattati-dal-campo-di-via-idro-la-ricollocazione-costa-al-comune-400mila-euro/2549029/>.

are available in a shelter hosting people with mental health problems, subjects suffering from two or more diseases and Roma families. The Roma living at Via Idro together with local and international NGOs advocated and took legal action to prevent the closure of the camp resulting in new forms of segregation and a worsening of their living conditions. The municipality carried on regardless and announced it will follow the same course of action with the other formal camps in Milan.

11. In **Rome** the situation is even worse. Between March and September 2015, the number of forced evictions of Roma increased three-fold compared to the previous year (64 evictions in 2015, 21 evictions in 2014). According to estimates by the Department for Social Policies, the number of Roma living in informal settlements is between 2,200 and 2,500 amounting to 0.09% of the overall population.³² However, between 2013 and 2015, 168 forced evictions occurred which affected around 4,000 Roma. This means that people have been subject to multiple forced evictions, and have had their shelters repeatedly destroyed.³³
12. Residential segregation in Rome is an issue in shelters as well as formal camps such as La Barbuta. In May 2015, the ERRC visited one shelter called Ex Cartiera, which was opened in November 2009. The shelter was located in via Salaria 971, next to a busy highway, adjoining a municipal solid waste treatment plant, in a heavily industrial suburb which is not easily accessible. On the occasion of the ERRC visit, the managing entity reported that the inhabitants are mainly Roma: 378 people, including 162 minors. The building, which was monitored 24 hours per day, was in a serious condition of decay and did not meet the required standards for hygiene and accommodation. It had 136 rooms of about 12 square meters. The rooms, divided by panels, were inadequate to ensure privacy and were mostly furnished by guests. There were no common spaces available and there were no dedicated spaces for children's study or recreational activities. Roma were not involved in any inclusion projects aiming to provide access to employment, cultivate self-sufficiency, and ultimately lead to adequate integrated housing solutions. The shelter was in very poor condition and could not be kept clean. For the first half of 2010 alone, the day and night accommodation costs for this shelter amounted to 310,596.00 EUR plus 402,978.40 EUR for meals. In March 2016 the municipality served some families with eviction notices without providing them any sort of alternative housing solution.³⁴ The municipality gave families less than one month's notice to leave the shelter. The European Court of Human Rights and the Italian administrative courts have intervened on an emergency basis to stop the evictions.³⁵ In the following months, the Rome municipality offered alternative housing solutions to Roma hosted in Ex Cartiera. In some cases they were segregated formal camps called Salone and River, and shelters located in via Toraldo and via Amarilli. On 1st August 2016, the Rome municipality closed the shelter.³⁶
13. In 2007, the **Naples** Municipality planned to found a new Roma-only formal camp making use of approximately **7 million EUR** from the European Regional Development Fund (ERDF) 2007 – 2013³⁷. The local authorities intended to evict the Romani community from the Cupa Perillo informal settlement (around 800 people and among them some 300 children) and to re-locate approximately half of the evictees to a yet-to-be-built segregated camp. In 2014, a coalition of national and international NGOs denounced this segregation project to the European Commission and as a consequence the project was suspended.³⁸ The decision to withdraw the initial project was taken only in late 2015, and local authorities missed the deadline to revise the project and had to reimburse these funds, thus squandering the opportunity to provide for an inclusive housing solution for the Cupa Perillo community.
14. In **Cosenza**, in June 2015, 400 Roma residing in the Vaglio Lise informal camp and about 200 other Roma living in a building known as Ferrohotel in the Municipality of Cosenza were evicted in a way that fostered

32 Amnesty International, Associazione 21 Luglio and European Roma Rights Centre, Italy: The National Strategy for Roma Inclusion: a short-lived hope for Roma in Italy, 26 February 2016, available at: <https://www.amnesty.org/en/documents/eur30/3520/2016/en/>.

33 *Ibid.*

34 Associazione 21 Luglio, Roma, il Comune lascia per strada 123 famiglie, 14 March 2016, available at: <http://www.21luglio.org/roma-il-comune-lasciaper-strada-123-famiglie>.

35 European Roma Rights Centre, European Court issues emergency measure to stop Italy from evicting Roma family, 25 March 2016, available at: <http://www.errc.org/article/european-court-issues-emergency-measure-to-stop-italy-from-evicting-roma-family/4468>.

36 Associazione 21 Luglio, Chiude l'ex Cartiera di Roma, dal 2009 centro di accoglienza per soli rom. 01 August 2016, available at: <http://www.21luglio.org/chiude-lex-cartiera-di-roma-il-centro-di-accoglienza-per-soli-rom-dal-2009>.

37 Naples Municipality Press Release, *Assessore Gaeta: nessun mistero sui fondi per i Rom, approvata delibera in Giunta il 30 dicembre*, 8 January 2015, available at: <http://www.comune.napoli.it/flex/FixedPages/IT/ComunicatiStampaTotali.php/L/IT/frmSearchHaveData/OK/frmSearchText/scampia/frmSearchMonth/12/frmSearchYear/2004/frmIDComunicatoStampa/12664>.

38 Associazione 21 Luglio, Chi rom... e chi no, European Roma Rights Centre and OsservAzione, Letter to European Commission, June 25, 2014.

racial segregation: about 450 of these people were placed in a camp comprised solely of tents. The remainder either went back to Romania or made independent arrangements. The tent camp cost the Municipality **approximately 400,000 EUR**.³⁹ The conditions were appalling and after four months of degrading treatment under canvas in all weathers, including census-taking, security patrols, and a complete lack of privacy, the local authorities once again evicted these persons. In October 2015, the Roma families who had lived in Cosenza for more than 10 years were put out on the street. The Municipality gave each family a 600 EUR cheque, plus 300 EUR for each additional household member to find accommodation in the private housing market or organised an assisted resettlement in their country of origin.⁴⁰ The Municipality allocated **136,500 EUR** for this purpose.⁴¹

COMMENTS ON ENDING RESIDENTIAL SEGREGATION FOR ROMA IN ITALY

15. Italian domestic law and European Union law provide a specific, fully-operational legal framework for fulfilling Italy's legal obligations under the International Covenant for Civil and Political Rights concerning housing segregation based on race and ethnicity. Those rules were notably upheld in the "La Barbuta" case described above, decided last year. Italy has also committed itself to ending housing segregation of Roma in its NRIS. What we have set out above nonetheless shows a lack of any progress towards meeting these goals. The authorities seem to have ample resources to build and maintain segregated facilities, but never to dismantle them.

RECOMMENDATIONS FOR THE ITALIAN GOVERNMENT

- Establish, monitor and enforce conditions on the use of all housing-related funds, including prohibiting the use of funding to create or maintain segregated housing such as camps or shelters;
- Allocate funds to projects providing for integrated housing settings and inclusion paths ensuring family unity;
- Implement with appropriate, targeted measures, the NRIS to address the inclusion of Roma and allocate sufficient funds for their implementation and to effectively monitor their results;
- Empower Roma to take control of their own housing fate; involve members of affected communities in the planning and implementation of all actions to address their housing situation from the earliest stages;
- Immediately integrate all shelters so that there are no longer any racially segregated shelters;
- Immediately cease the practice of forcibly evicting Roma without undertaking any of the measures required by international human rights law to provide socially inclusive alternatives consistent with the commitments on housing for Roma made in the NRIS;
- Review the laws on adverse possession, demolitions, and evictions, to ensure that people factually resident on a particular plot enjoy certain rights and cannot be evicted without respect for the principles enshrined in the Covenant.

VIOLENCE AND HATE SPEECH AGAINST ROMA

20. The ERRC has been documenting instances of violence against Roma by state and non-state actors in Italy since 1998.⁴² Violent incidents perpetrated by law enforcement officials and non-state actors against Roma continue in a climate of impunity. The response of the Italian authorities to these incidents is inadequate and in direct conflict with ICCPR.

39 Corriere della Calabria, *A cosa è servita la tendopoli di Cosenza?*, 6 October 2015, available at: <http://www.corrieredellacalabria.it/index.php/politics/item/38626-%C2%ABa-cosa-%C3%A8-servita-la-tendopoli-di-cosenza%C2%BB/38626-%C2%ABa-cosa-%C3%A8-servita-la-tendopoli-di-cosenza%C2%BB>.

40 European Roma Rights Centre, http://www.errc.org/popup-article-view.php?article_id=4367.

41 Città di Cosenza, *Copia di Deliberazione della Giunta Comunale n. 75 del 25/09/2015*.

42 European Roma Rights Centre, *Campland: Racial Segregation of Roma in Italy (October 2000)*, available at: <http://www.errc.org/cms/upload/media/00/0F/m0000000F.pdf>.

21. The submitting organisation monitored five cases of violence against Roma in 2014 and nine in 2015, and requested information from the authorities in ten cases. In only two cases have the Italian authorities (public prosecutors or other law enforcement officials) replied to our requests for information. The first case occurred in February 2015 when a man fired shots at a caravan where a Roma family lived, killing the father.⁴³ The public prosecutor asked for 30 years imprisonment and that racial bias be acknowledged as an aggravating circumstance. The defendant was found guilty of murder and sentenced to 16 years of imprisonment, but despite compelling evidence, the court did not recognise that the crime was motivated by racial bias. The second case concerned gunshots fired by unknown assailants at an informal camp inhabited by a mother and her nine children on 24 August.⁴⁴ The authorities responded that the investigation results were not consistent with the victims' testimony; they suspect it was only an attempt to avoid eviction from the land they were occupying with their caravan.
 22. On 14 July 2015, the Turin Criminal Court convicted at first instance six people finding them guilty of a violent assault on a Roma camp in Turin known as "La Continassa". The informal camp was destroyed in December 2011 by a violent mob which set fire to shacks, caravans, and cars, following a march in reaction to a false and unfounded allegation of rape against two Romani men.⁴⁵ The arson attack on the camp completely destroyed the homes and property of 46 Romani individuals. The court recognised that the attack was racially motivated and made reference to several factors such as insults, verbal racist abuse, and threats of violence against the Roma that clearly proved hate bias. The court found that the authorities failed to protect the victims from the attack and underestimated the risks and dangers to which Roma living in "La Continassa" were exposed, and found that the small number of officers present actually emboldened the mob to engage in extreme anti-Roma violence. No procedures have been initiated against law enforcement officials responsible for the failure to protect this vulnerable community.
 23. In Turin, on 29 September 2015 three local police officers went to Lungo Stura Lazio informal camp to evict a Roma family who had just returned from Romania and occupied a shack. One family member who tried to resist the eviction was pepper-sprayed, handcuffed, and forced to the ground by police officers. Another police officer drew his gun and pointed it at onlookers. According to available evidence⁴⁶ the police reaction was disproportionate. There has been no investigation into police conduct but the Romani man was charged and found guilty on 17 February 2016 with assault and causing injury to the three police officers.
- On 15 December 2013, in Turin, a police officer shot a Roma who was running away after a theft. The Roma was hit the back and disabled. Three years later the court sentenced the police officer to nine months imprisonment and fined him 60,000 Euros.⁴⁷
24. The ERRC uncovered further evidence of institutional racism in its monitoring of a case in June 2013 where police in Liguria distributed pre-printed complaint templates for theft, which included a tick-box labelled "Gypsies" offering theft victims the chance to identify Roma as the culprits. No other ethnicity was included in the form. The Italian NGO Associazione 21 Luglio sent a report to the Senate's Extraordinary Commission for Human Rights, and the ERRC submitted a complaint to the Observatory for Security against Acts of Discrimination (hereinafter OSCAD) as well as to the Italian equality body (UNAR). It emerged that the same theft complaint forms were being used in every Carabinieri station throughout Italy. After pressure from two members of the Human Rights Commission and NGOs advocacy, the box marked "Gypsies" was removed from the theft complaint forms.⁴⁸
 25. In April 2014, in Latina, four Roma minors were beaten up by a group of 15 attackers which included police officers. According to the complaint submitted by one of the victims, the victims stopped off in a bar on their

43 La Repubblica.it, *Bergamo, l'ex parà arrestato per l'omicidio del rom: "Volevo spaventarlo perché sporcano"*, 26 March 2015, available at: http://milano.repubblica.it/cronaca/2015/03/26/news/bergamo_l'ex_para_arrestato_per_l_omicidio_del_rom_volevo_spaventarlo_perche_sporcano_-110551658/.

44 Il Giorno.it, *Assalto incendiario tentato alla roulotte dei nomadi: aggressori in fuga*, 24 August 2015, available at: <http://www.ilgiorno.it/monza-brianza/assalto-incendiario-tentato-alla-roulotte-dei-nomadi-aggressori-in-fuga-1.1243796>.

45 European Roma Rights Centre, *Historic criminal conviction for a violent assault to a Roma camp in Italy*, 17 July 2015, available at: http://www.errc.org/popup-article-view.php?article_id=4385.

46 Videos are available here: <http://anarresinfo.noblogs.org/2015/10/22/violenza-di-stato-al-campo-rom-il-video-che-inchioda-i-vigili/>.

47 Torino Today.it, *Sparò contro i ladri d'auto e ne ferì uno alla schiena, poliziotto condannato*, 15 December 2016, available at: <http://www.torinotoday.it/cronaca/spari-nomade-condannato-poliziotto.html>.

48 Associazione 21 Luglio and European Roma Rights Centre, *Theft Victims in Italy Asked to Tick 'Gypsy' box – NGOs Win Change*, 8 August 2013, available at: <http://www.errc.org/article/theft-victims-in-italy-asked-to-tick-gypsy-box-%E2%80%93-ngos-win-change/4181>.

way back to the camp, where they were immediately accused by patrons of wanting to rob the slot machines, and the police were called. When the police arrived they invited all those present to beat up the four boys.⁴⁹

26. The ERRC has also been following the aftermath of a violent attack on an informal Roma settlement in Naples on 11 March 2014. Following allegations of sexual harassment by “two nomads”, a crowd of 50 local residents gathered outside the informal settlement at via Santa Maria del Riposo. According to media reports and witnesses, people began throwing stones and fireworks and raiding the settlement to physically attack Roma inside the camp and destroy property. At least one person was hospitalised with injuries. Local police and Carabinieri arrived at the scene, but did not intervene to stop the violence. Only around midnight did police officers take action to halt the attacks and no arrests were made. The residents of the settlement spent the rest of the night in fear and started to collect their remaining property and to prepare to leave their homes. The next morning, a mob gathered again in front of the settlement and resumed their attacks against the Roma families, despite the presence of the law enforcement officers.⁵⁰ In March 2014, a criminal complaint was lodged. More than two years later, there is still no information on progress made in investigations to identify the perpetrators and whether or not the public prosecutor intends to initiate any criminal charges.
27. In the past two years, the ERRC documented a large number of cases of hate speech by public officials that constitute incitement, exacerbate hostility and create a permissive, enabling environment for acts of anti-Roma violence. In the period between 2014 and 2015 alone, the ERRC documented 23 cases of hate speech from public officials on television, radio and social media.
28. Most of the hate speech comes from the Lega Nord (Northern League) political party members. Public figures continue to dehumanise Roma in their rhetoric. Politicians use public debate, broadcast media and social networks. Below are a few examples:
 - On 28 October 2016 Joe Formaggio, mayor of Albettono (Vincenza), as a guest in the radio program La zanzara stated “Here (in Albettono) we do not want non-EU citizens and Roma. They have a lower IQ, as history demonstrates.”⁵¹
 - As reported on 28 October 2016, the Northern League of Asti presented its program for the 2017 local elections, with the slogan “No mosques, no Roma and no illegal migrants”.⁵²
 - On the 18 March 2016, Matteo Salvini, president of Northern League (Lega Nord) said on TV: “the bulldozer is the only solution for Roma camps. [...] Two kicks in the backside and if you (Roma) want to stay here, you have to stay like the others.”⁵³
 - In August 2015 the Rome Municipality I councillor, Luca Aubert, posted on Facebook: “*It would be necessary to change the penal code: it is not a crime to beat a Roma who steals.*”⁵⁴
 - In March 2015 Gianluca Bonanno, MEP of the Lega Nord when he appeared as a guest on the national TV show “Piazza Pulita” said to the Roma activist Dijana Pavlovic that “*Roma are the scum of the earth.*”⁵⁵
 - In March 2015 Daniela Santanchè of Forza Italia, said on La Zanzara radio broadcast: “*I am afraid of gypsies. When a Romani woman is close to me I think that she will steal something from me. Maybe Roma are not all like that (robbers) but a lot of them steal, and I have seen few Roma working. In camps I have seen what they steal from Italians. Romani children are put on the street to steal. Roma have theft in their blood. Some of them may be respectable persons, but I do not know them.*”⁵⁶

49 Il Fatto quotidiano.it, *Latina, minorenni rom denuncia: “In ginocchio e pestati da polizia e residenti”*, 6 May 2014, available at: <http://www.elfattoquotidiano.it/2014/05/06/latina-minorenni-rom-denuncia-pestati-in-quattro-da-polizia-e-residenti/975655/>.

50 European Roma Rights Centre, *Chi Rom e ... chi no, Violent raid in in Naples's Roma settlement*, Letter of concern available at: <http://www.errc.org/cms/upload/file/italy-letter-of-concern-naples-14-march-2014.pdf>.

51 Il Gazzettino, *Nazione Rom denuncia Formaggio per razzismo: violata legge Mancino*, 3 November 2016, available at: http://www.ilgazzettino.it/vicenza_bassano/provincia/unar_nazione_rom_denuncia_joe_formaggio_sindaco_albettono_razzismo_legge_mancino-2060173.html.

52 La Nuova Provincia, *La Lega di Asti: “No moschee, Rom e clandestini”* 28 October 2016. Available at: <http://www.lanuovaprovincia.it/index.php/pages/la-lega-di-asti-no-moschee-rom-e-clandestini-36657.html>.

53 News Italiane, *“Salvini: Aiutare i Rom: Due pedate nel culo ...”* 18 March 2016. Available at: http://newsitaliane.it/2016/salvini-aiutare-rom-due-pedate-nel-culo-la-ruspa-unica-soluzione-47531?refresh_ce.

54 La Repubblica, *Rom, frase shock del consigliere del I municipio Aubert: “Non è reato prenderli a bastonate”*, http://roma.repubblica.it/cronaca/2015/08/13/news/rom_frase_shock_del_consigliere_del_i_municipio_aubert_non_e_reato_prenderli_a_bastonate_-120923922/ .

55 Stranieri in Italia.it, *Il leghista Buonanno in tv: “Rom e zingari? La feccia della società”*, 3 March 2015, available at: http://www.stranieriinitalia.it/attualita-il_leghista_buonanno_insulta_i_rom_in_tv_sono_la_feccia_della_societa_19805.html.

56 NuovoSUD.it, *Santanchè, “I Rom hanno il furto nel sangue: ho paura”*, 11 March 2011, <http://www.nuovosud.it/22796-fattinotizie/santanch%C3%A8-i-rom-hanno-il-furto-nel-sangue-ho-paura>.

- In November 2014, in Motta Visconti (province of Milan) the town councillor Massimilla Conti said “*Why do not we admit that the Roma are more likely to commit some crimes? The cameras are used to punish these bastards! However, no jail, the crematorium would be necessary...*”⁵⁷;
- On 12 April 2013, in Milan, the far right organisations, Gioventù della Fiamma, Circolo Domenico Leccisi and Gioventù di Ferro held an authorised demonstration in front of an informal camp. They chanted “*Roma, go away from the neighbourhood*” during the demonstration, which approximately 80 people attended. Two more unauthorised demonstrations of a similar nature took place on 15 and 16 April 2013, during which the mobs hurled stones into the camp, chanted fascist slogans and made fascist salutes.⁵⁸ The protests and the indifference of the authorities eventually made the situation in the camp unbearable for the residents who were then forcibly evicted.

COMMENTS ON COMBATING HATE SPEECH AND VIOLENCE AGAINST ROMA

32. Despite the existing legal framework under domestic and Italian law, which is more than adequate to enable the Italian authorities to fulfil their obligations under the ICCPR to combat violent hate crime and hate speech against Roma, these phenomena remain a serious concern. Roma suffer from institutional racism and stereotyping that affect Italian public authorities actions and policies. Roma are victims of violence and hate speech against which they are not satisfactorily protected. The lack of data about hate crime and hate speech disaggregated by the ethnicity of the victims is a compounding factor.

RECOMMENDATIONS FOR THE ITALIAN GOVERNMENT

- Publicly condemn and sanction all forms and instances of racist violence and use of racist and xenophobic speech against members of the Roma community by public and/or private actors and guarantee Roma physical security and protection from racist violence;
- Set up a system for recording acts of violence against Roma and collect and publish disaggregated data concerning hate crimes against Roma;
- Guarantee free access upon request to legal aid for victims of what appear to be hate crimes;
- Give the police, prosecuting authorities and judges special training concerning the legal framework for punishing hate crimes and hate speech and its implementation regarding vulnerable groups such as Roma;
- Ensure that the police and the prosecuting authorities conduct thorough investigations of all acts of violence against Roma, including of the potential for racial motivation;
- Establish an independent police complaints body to investigate all allegations of human rights violations by law enforcement personnel and sanction law enforcement officials that violate rules of procedure and the rights and dignity of Roma;
- Conduct targeted campaigns encouraging Roma to report cases of violence by state and non-state actors.

57 Articolo Tre, Milano, Consigliere comunale: “*Per i rom ci vorrebbero i forni crematori*”, available at: <http://www.articolotre.com/2014/11/milano-consigliere-comunale-per-i-rom-ci-vorrebbero-i-forni-crematori/>.

58 European Roma Rights Centre, *Far Right Groups Target Roma with Violent Protests in Italy*, 19 April 2013, available at: <http://www.errc.org/article/far-right-groups-target-roma-with-violent-protests-in-italy/4132>.