

# ERRC

## Exclusion as State Policy

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RECENTLY, I was asked by a reporter from the BBC to provide him with background information on the status of Roma in Italy. Because he was not that familiar with the situation of Roma generally, he was particularly interested in knowing whether the plight of Roma in Italy and the actions of the Italian government were that different from other countries in Western Europe. This got me thinking: Was Italy any different? Does Italy deserve all the bad press?

The answer, sadly, is that the plight of Roma in Italy is not all that different from that in France, Romania and other places. Throughout Europe, Roma continue to face physical violence, segregation and other forms of discrimination. Where Italy departs from many countries in Europe is that while other governments in the region at least pay lip service to protecting human rights and promoting the inclusion of Roma, the Italian Government at the highest levels has encouraged racial animosity and exclusion. Italian officials promote the vilest stereotypes and caricatures of Roma behavior, treating Roma at best as a public nuisance and at worst as a threat to national security to be confronted by all the weapons in the law enforcement arsenal. Roberto Maroni, Italy's Interior Minister, has led the verbal and policy assault, accusing Roma of stealing babies, and justifying his fingerprinting plan as a way to prevent begging.

Under international scrutiny and pressure, the Government appears for now to have stepped away from some of its more egregious pronouncements and threatened actions. The plan to fingerprint all Roma living in settlements

was abandoned, but the census of settlements combined with the photographing of residents of all ages accomplished the same purpose, namely the creation of a database of Roma inhabitants that will make it easier for future "control". The decree on forced expulsion was watered down, at least as to EU nationals, after the Commission warned that it contravened EU law and threatened a lawsuit at the European Court of Justice.

Recently, the Italian government has begun more "census" activity in camps where a count had already taken place, using police and the army, who, in the words of the Prefect of Rome, will "separate the good people from the bad."<sup>2</sup> A host of new punitive laws directed against migrants has been passed, and several more are in the pipeline, including a measure to encourage medical professionals to report to the authorities illegal migrants seeking medical services. The government has also announced its intention to close down all "illegal" settlements and relocate Roma even further from the city centres, creating security perimeters around the camps and ensuring a constant police presence that make them seem more like prisons than living areas. Ostensibly, the new camps will have better facilities and some kind of legal status, but the Government's actions to date give cause for considerable skepticism. One outstanding question is what will happen to those Roma living in the camps without legal status in Italy, which includes some stateless people? Will the relocation of these camps be an opportunity for arrests, expulsion or, for stateless people, endless detention?

Erika Szyszczak, formerly the Board Chair of the ERRC, writes about one of the most contentious

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<sup>2</sup> Brera, Paolo G. and Vincenzi, Maria Elena. "Sicurezza, Rom Cacciati e Divise sui Bus". *La Repubblica*. 27 January, 2009. <http://ricerca.repubblica.it/repubblica/archivio/repubblica/2009/01/27/sicurezza-rom-cacciati-divise-sui-bus.html>.

issues at the core of the Roma problem in Italy and elsewhere: That of citizenship and the meaning of citizenship in the European Union. She notes some of the potential benefits that could accrue to Roma who are citizens of an EU Member State, regardless of where in the EU they reside.

This issue of Roma Rights is accordingly devoted in large part to the situation in Italy. Henry Scicluna begins with a useful survey of the Italian Government's anti-Romani policy and practice dating back to 2001. He notes that the hostility to Roma is of even longer standing, pointing to the fact that Roma and Sinti in Italy are the only significant ethnic minority not to be accorded official status as a protected minority.

Lorenzo Trucco next provides an overview of legal provisions in Italy affecting migrants generally, Romani migrants in particular and Italian citizens of Romani origin. The article notes that, for the most part, the Italian approach to controlling migration and to addressing Roma issues has been punitive. He gives particular attention to the package of anti-immigrant and specifically anti-Romani "security" measures implemented by the Italian Government in the past year. In 2008, the Italian government enacted a series of provisions that declared a "state of emergency" in several parts of the country due to the presence of "nomadic communities" (i.e., Roma). This state of emergency remains in effect to this day, and Trucco describes the real and potential effect of these discriminatory laws.

Piero Colacicchi recounts the origins of Italian government policy to encourage the creation of special camps for Roma, and the disastrous consequences that ensued. The creation of camps was motivated by some good and some bad intentions: Some saw the camps as a way to provide better living conditions and basic services to Roma, and some saw them as a way to control an undesirable population. The effect of the camps

was separation and increasing marginalisation from the rest of Italian society. As Colacicchi writes, "the result was one of the worst tragedies that could have happened in Italy."

As these articles demonstrate, Italy remains a very inhospitable place for Roma as well as for migrants generally. And the harmful impact of Italy's anti-immigrant policies goes well beyond violations of human rights. Italy's birthrate is among the lowest in Europe and far below the replacement rate. Italy's response to this looming demographic crisis thus far has been sporadic and unsuccessful attempts at encouraging births, rather than embracing immigration. By marginalising Roma and rejecting immigrants, Italy seems intent on accelerating its demographic demise. As one expert put it, "You can't have a country where everybody lives in a nursing home."<sup>3</sup>

At the ERRC, our concern is human rights, not demographics. In response to developments in Italy, the ERRC is monitoring the situation closely. In July 2008, in coalition with Romani Criss, the Roma Civic Alliance, the Center on Housing Rights and Evictions and the Open Society Institute, we published *Security a la Italiana: Fingerprinting, Extreme Violence and Harassment of Roma in Italy*, an overview and call to action concerning the emergency laws profiled in Mr Trucco's article. The ERRC is party to litigation in Italy challenging the legality of these security measures. In October 2008, we sent monitors to observe the census of Romani camps and have requested additional information from the Italian Government on the subject. In 2009, we have deployed a monitor in Italy to keep a close watch on developments. Our monitor will track incidents of hate speech in the Italian media, provide timely reporting on human rights violations affecting persons of Romani origin and assist in advocacy and identifying cases for litigation. We stand ready to challenge violations of Roma rights in Italy and to keep the international spotlight on the Italian Government.

<sup>3</sup> Haub, Carl. "Population Reference Bureau", cited in "No Babies?", *New York Times Magazine*. 28 June, 2008. <http://www.nytimes.com/2008/06/29/magazine/29Birth-t.html?pagewanted=10>.