

WRITTEN COMMENTS

of the European Roma Rights Centre, concerning Italy

To the Human Rights Council, within its Universal Periodic Review for consideration at the 34th Session (4-15 November 2019)

CHALLENGING DISCRIMINATION PROMOTING EQUALITY

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INTRODUCTION

The European Roma Rights Centre (ERRC)¹ submits this parallel report to highlight key human rights concerns in Italy regarding its Romani population. The submission provides a factual base and includes recommendations relating to the key issues of housing and forced evictions, racist violence, and hate speech.

NO BASIC RIGHTS FOR ROMA IN ITALY: RESIDENTIAL SEGREGATION AND EVICTION

- 1 The Italian authorities have built so-called nomad camps (*campi nomadi*) for Roma since the 1980s. They started as a result of regional policies, implemented when Roma from the former Yugoslavia arrived in Italy, which dictated that segregated settlements had to be approved and constructed by city and/or regional authorities. They are based on the Italian Government's fundamental misconception that all Roma are nomadic, even though just 3% of the Roma in Italy are said to live an itinerant lifestyle.² The so-called camps consequently fail miserably to meet the needs of Roma living in Italy. Camps often have no access to drinking water, power or sewage. The accommodation is usually overcrowded and the camps are generally located on the periphery of cities and towns. According to an EU Fundamental Rights Agency report, these Italian camps have one of the highest rates of Roma living per room in Europe.³
- 2 In May 2008 a "state of emergency decree" (hereinafter State of Emergency) in relation to nomad settlements entered into force. Related decrees gave extraordinary powers to specially appointed prefects to implement the State of Emergency in the regions of Lazio, Campania, Lombardy⁴ and later in Piedmont and Veneto.⁵
- 3 Following the adoption of the State of Emergency, special state authorities were afforded extraordinary powers, including the power to forcibly evict Roma from informal settlements and displace them to formally monitored and segregated camps.⁶ 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

1 The ERRC is an international public interest law organisation engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma, in particular: strategic litigation, international advocacy, media engagement and production, and the training of Romani activists. See: www.errc.org.

2 National Strategy for the Inclusion of Roma, Sinti and Caminanti communities - european commission communication No.173/2011, available at: https://ec.europa.eu/info/sites/info/files/italy_national_strategy_roma_inclusion_en.pdf.

3 European Union Agency of Fundamental Rights, *The situation of Roma in 11 EU member states. Survey results in a glance*, p. 22.

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.regioni.it/news/2008/05/27/decreto-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-26-5-2008-14395/>.

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.protezionecivile.gov.it/resources/cms/documents/dpcm_28_05_09_nomadi.pdf.

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>.

- 4 The Italian National Strategy for the Inclusion of Roma, Sinti and Camminanti communities (NRIS), approved by the Italian government in February 2012, stated that it was time to overcome “emergency policies” towards Roma and clarified that most Roma in Italy are not nomads and that housing solutions such as “nomad camps” are not adequate or suitable solutions.⁹ The strategy proposes several alternative solutions that would meet the real needs of the Roma.
- 5 Nevertheless, a new “mega camp”, called La Barbuta, was opened in June 2012 close to Rome’s out-of-town airport, Ciampino. Approximately 650 Roma, coming from semi-formal settlements, have been moved there. The ERRC has joined Italian NGOs in challenging the legality of this segregated camp relying on anti-discrimination legislation and other principles. As a result of these efforts, the forced relocation of Roma to La Barbuta was halted by the courts once (4 August 2012), but restarted following an appeal by the authorities (on 4 September 2012). In May 2015, the Court of Rome, in respect to the formal camp La Barbuta, ruled 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 215/2003.¹⁰ Far from reducing the “system of camps”, Italian authorities have continued to approve the construction of new segregated Roma-only camps and shelters. On 11 August 2016, the Naples municipality approved plans for a new camp built in via del Riposo to “temporarily” host 168 Roma in 28 containers.¹¹ Since 2012, the city of Milan has opened four reception centres to accommodate the evicted Romani families. These are shelters that initially welcomed only Roma, and are therefore places of housing segregation. Two shelters, Barzaghi and Lombroso, were later. The shelters at via Novara and via Sacile still remain open. The latter’s closing date is 25 March 2019.
- 6 The ERRC has been closely monitoring forced evictions of Roma in Italy for a number of years. From April 2014 the ERRC has recorded at least 318 forced evictions; this should not be considered to be a comprehensive number of all forced evictions of Roma in Italy, but as a sample of cases about which the ERRC has received information.
- 7 ERRC field research has found that families living in informal camps were persistently evicted without respect for the protections prescribed by international standards. Residents were not consulted prior to eviction and they did not receive formal eviction orders, making it difficult to challenge the evictions legally. The situation of schoolchildren, elderly people, pregnant women and people with health issues was not taken into consideration.¹² Most of the time the evictees were not offered alternative accommodation, which forced them into an endless cycle of evictions from one camp to another.
- 8 In Milan in March 2016, the municipality closed the formal camp at via Idro, which opened 26 years ago 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 “hydrogeological risks”, urban security issues, and sanitation problems. The Municipality offered temporary shelters and “second-level” housing,¹³ where independent containers were made available to Romani families in shelters hosting people with mental health problems, and people suffering from multiple chronic diseases.
- 9 On 30 September 2016, Milan municipality closed the Social Emergency Shelter located on Via Lombroso making 38 people, including 15 minors, homeless. The majority of these people were Roma. This decision was taken without providing any form of alternative accommodation, and in direct contravention of commitments made by local and national authorities regarding Roma inclusion.¹⁴
- 9 Ufficio Nazionale Antidiscriminazioni Razziale (UNAR), National Strategy for the Inclusion of Roma, Sinti and Caminanti communities, February 2012, available at: <https://www.cittalia.it/index.php/la-fondazione/pubblicazioni-new/item/6243-national-strategy-for-the-inclusion-of-roma-sinti-and-travellers>.
- 10 Associazione 21 Luglio, ASGI, ERRC, OSF, Municipality of Rome condemned for La Barbuta Camp: for the first time in Europe an official Romaonly settlement ruled discriminatory, 10 June 2015, available at: <https://www.asgi.it/english/municipality-of-rome-condemned-for-la-barbuta-camp-for-the-first-time-in-europe-an-official-roma-only-settlement-ruled-discriminatory/>.
- 11 See: <http://www.napolitoday.it/cronaca/campo-rom-via-del-riposo.html>.
- 12 Italy is legally obliged to respect, protect and fulfil the right to adequate housing, including through a prohibition on forced evictions according to the United Nations (UN), *International Covenant on Economic, Social and Cultural Rights (ICE.SCR)* and the United Nations, *International Covenant on Civil and Political Rights (ICCPR)*.
- 13 Vivere Milano, Chiuso il campo rom di via Idro, 19 March 2016, available at: <https://viveremilano.info/cronaca/chiuso-il-campo-rom-di-via-idro.html>.
- 14 European Roma Rights Centre, Milan Authorities Close Lombroso Shelter Making Roma Homeless, 30 September 2016, available at: <http://www.errc.org/cikk.php?cikk=4520>.

- 10 On July 26, the Municipality of Rome cleared the settlement of Camping River where for 13 years about 300 Roma people lived. The Municipality proposed the inhabitants of the camp the sum of 800 euros per month to find themselves a rented house as part of their 'Roma Plan'. The proposal was poorly implemented; without a regular income, or any sort of mediation on the side of the municipality it was nearly impossible for the Roma to find someone willing to rent to them. Only 9% of the 359 people in the camp found a solution as foreseen by the Roma Plan of the Municipality of Rome. Out of all the Roma who were evicted from Camping River on 26 July in Rome, 52% (152 people) ended up living on the streets, under bridges or in cars. A further 34% (99 people) were transferred to reception centres or temporary facilities.¹⁵

VIOLENCE AND HATE SPEECH AGAINST ROMA

VIOLENCE

- 1 Reports from international and local NGOs and academics of incidents of daily discrimination and violence against Roma, confirm an ever-growing climate of intolerance in Italy.
- 2 The ERRC monitors cases of violence against Roma including: cases of violence by law enforcement officials, attacks against Romani camps and homes, and violence perpetrated by private citizens.
- 3 On 22 February 2019, an 11-year-old Romani boy was attacked by a 29-year-old Italian man in Rome. The man accused the boy of stealing 70 EUR from him and verbally assault the child using offensive racist slurs: “*You (gypsies) are always here to steal, we will kill you, gypsies*” and “*I want to kill the gypsies because they broke my dick*”. Two security guards decided to take the boy and his attacker into custody, in the meantime the man took a blade from his pocket and injured the boy in the neck. The boy started to lose blood and was taken to the hospital. The health authorities applied five stitches to the injury on his neck. No trace of the alleged theft was found in his pockets. At first, the attacker was arrested by the police on charges of aggravated injuries.¹⁶ He was released the next day with the obligation to remain registered with police station while awaiting his trial, postponed for May 2019. He is accused of causing injuries aggravated by the fact that the victim of the crime is a minor. The ethnicity of the victim is not being considered and the attack is not being treated as a hate crime.
- 4 On 18 July 2018, a one-year-old Romani child was shot in the back by a compressed-air projectile in Rome. The child was hit while she was in her mother's arms in via Palmiro Togliatti. She required immediate hospitalisation and urgent surgery due to the severity of her wounds.¹⁷ A 59-year-old man is under investigation after he admitted to committing the crime.¹⁸ The incident is not being treated as a hate crime.
- 5 On 7 May 2018, a camper was set on fire in the suburbs of Turin in an act of arson. The three adults and four children living in the camper were unharmed. They had been evicted, without provision of alternative housing solutions, from Beinasco municipality in March 2018.¹⁹
- 6 On 10 May 2018, a 27-year-old Romani man named Tobbias was attacked and severely beaten on a tram in Rome. He was playing music for money with his child and wife. He stated: “I was on tram 8 when 3 people blocked me, grabbed by the arms and threw me out of the tram, I was beaten and insulted. They called me “gypsy shit” while they continued to hit me with kicks and punches. An inexplicable violence, I had only been singing a song on the tram without, I think, bothering anyone.” The three men who attacked him also broke his accordion.²⁰

15 SIR, Sgombero Camping river: Associazione 21 luglio, “fallimento del piano di superamento dei campi”, 1 August 2018, available at: <https://www.agensir.it/quotidiano/2018/8/1/sgombero-camping-river-associazione-21-luglio-fallimento-del-piano-di-superamento-dei-campi/>.

16 See: <https://www.today.it/citta/roma-bimbo-rom-agredito-termini.html>.

17 Il Gazzettino.it, Grave bimba rom ferita da un piombino, giallo a Roma. Il Pd: «Clima di odio non aiuta», 18 July 2018, available at: https://www.ilgazzettino.it/italia/cronaca_bianca/roma_campi_rom_bambina_ferita_via_salone-3863267.html.

18 See: https://video.ilmattino.it/raggi_visita_bambina_rom_video_24_luglio_2018-3875208.html.

19 TorinOggi, A fuoco un camper di nomadi in via Roveda, 8 May 2019, available at: <http://www.torinoggi.it/2018/05/08/leggi-notizia/argomenti/cronaca-11/articolo/a-fuoco-un-camper-di-nomadi-in-via-roveda.html>.

20 Zon, ROM PESTATO SU UN TRAM A ROMA PER AVER CANTATO “BELLA CIAO”, 14 May 2018, available at: <https://zon.it/rom-pestato-roma-bella-ciao/>.

- 7 On 30 June 2018, a 12-year-old Romani girl was attacked near a McDonald's restaurant in Dragona, Rome. She was with her brother and another friend in the restaurant carpark, near to two cars: a grey VW Golf with a man inside, and a red Alfa Romeo occupied by a woman and a girl between 12 - 15 years old. The man and woman were talking to each other from their respective cars. The Romani girl noted that the woman in the red Alfa Romeo had a pacifier in her mouth. She questioned the woman about her use of a pacifier. As a result, the man and woman began to verbally abuse the teenager with sexist and racist insults, referring specifically to her residence in the nearby Ortolani camp. The man then pulled out a bat from his car and struck the girl with it. She suffered injuries from the blow and from her fall to the concrete. The man attempted to reach the other two children but was unable to, so he returned to the 12-year-old, hitting her again, this time on the leg. Finally, the man and woman fled the scene.²¹
- 8 Many cases of violence against Roma remain unreported because Romani individuals fear retaliation against themselves and their families.²² Victims often describe their belief that no one would believe them, or there would be problems because they lack identity documents.

HATE SPEECH

- 1 According to the ERRC's monitoring activities, anti-Romani statements by public figures²³ are increasingly common, including public insults, defamation and dissemination of ideas based on racial hatred and racial superiority. Political parties often instil anti-Roma sentiments in the population during their electoral campaigns and contribute to inciting hatred.²⁴ This is particularly true for the *Legga* party and its leader, Matteo Salvini, who is also the current interior minister of the Italian republic. Demonstrations by political movements encouraging people to protest against Roma and the production and dissemination of material inciting violence ("games" on Facebook, blogs, and flyers against Roma and camps) are dangerously common in Italy.
- 2 In June 2018 Giorgia Povoletto, a *Legga* party politician, before becoming councillor for social policies in Ivrea posted on social media: "*Gypsies, not Roma but gypsy shitters, ticks and parasites capable of stripping everything...*"²⁵
- 3 On 9 November 2018, Stefania Pucciarelli, six days before her appointment as president of Senate Human Rights Commission, declared her anti-Roma views in supporting the eviction of Romani migrants living in Via Gragnola, in Castelnuovo Magra. Earlier Pucciarelli had expressed her position in support of taking "strong measures" against Roma, leading to court proceedings.²⁶
- 4 Minister of Interior Matteo Salvini made headlines last year for his anti-Roma and anti-migrant sentiment. In September 2018, when two Romani minors stole a car and hit a woman, the Minister posted on social media: "*Someone claims that I should not say it, but I say it: the two juvenile delinquents come from a Roma camp, a place of illegality and degradation that raises criminals and that in Italy I have in mind should not to exist.*"²⁷ As early as June 2018, Matteo Salvini had expressed regret that he cannot expel his fellow citizens of Romani ethnicity from their own country, saying: "*Irregular foreigners will be deported via agreements with other countries, but Italian Roma unfortunately, we have to keep them at home.*"²⁸
- 21 RomaToday, Dragona, bambina rom aggredita in strada: il racconto, 7 July 2017, available at: <http://www.romatoday.it/cronaca/bambina-rom-aggredita-dragona.html>.
- 22 European Roma Rights Centre, Idea Rom Onlus and Opera Nomadi, *Parallel submission to the Committee on the Elimination of all Forms of Discrimination against Women on Italy*, June 2011, See also Human Rights Watch, *Everyday Intolerance Racist and Xenophobic Violence in Italy*, available at: <http://www.hrw.org/sites/default/files/reports/italy0311WebRevised.pdf>.
- 23 "Public figures are persons holding public office and/or using public resources and, more broadly speaking, all those who play a role in public life, whether in politics, the economy, the arts, the social sphere, sport or in any other domain" in Resolution 1165 (1998) of the Parliamentary Assembly of the Council of Europe on the right to privacy, Point 7, and in Paragraph 71: ECHR, CASE OF VON HANNOVER v. GERMANY (no. 2), applications nos. 40660/08 and 60641/08, 7 February 2012.
- 24 Council of Europe, *Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Italy from 26 to 27 May 2011* (7 September 2011) available at: <https://wcd.coe.int/wcd/ViewDoc.jsp?id=1826921>.
- 25 Adkronos, "Zingari zecche", assessora leghista insulta i rom, 13 November 2018, available at: https://www.adnkronos.com/fatti/politica/2018/11/13/zingari-zecche-assessora-leghista-insulta-rom_rfKtFkhzSg7RH1TEL8OyVL.html.
- 26 Next, Il senso di Stefania Pucciarelli per rom, migranti e zecche dei centri sociali, 14 November 201, available at: <https://www.nextquotidiano.it/stefania-pucciarelli/>.
- 27 Il Messaggero, Roma, rom minorenni in fuga sull'auto rubata investono una donna: è grave, 24 September 2018, available at: https://www.ilmessaggero.it/roma/cronaca/rom_auto_rubata_donna_investita_roma-3992937.html.
- 28 Independent, Italy's deputy PM Salvini called for 'mass cleansing, street by street, quarter by quarter', newly resurfaced footage reveals, 21 June 2018, available at: <https://www.independent.co.uk/news/world/europe/italy-matteo-salvini-video-immigration-mass-cleansing-roma-travellers-far-right-league-party-a8409506.html>.

- 5 In August 2018, an anti-Roma announcement was made on a train from Milan to Cremona when the conductor said over the speakers: *“The passengers are asked not to give money to the harassers, nor to the Gypsies: get off at the next stop, because you broke my balls”*.²⁹ Also in this case Matteo Salvini said *“I am ready to do everything in my power to prevent the train conductor who has driven away harassers and gypsies who disturbed passengers is not punished in any way. We should thank her”*. This and a number of other inflammatory anti-Roma remarks were made by Salvini in the run up to his election as Minister of Interior. In April 2018, on the occasion of International Roma Day, he tweeted: *“If many of them worked harder and stole less, if many of them sent their children to school instead of educating them to theft, it would be a celebration.”*³⁰ And some days before: *“These Gypsies ‘work’ also at Easter ... I have a democratic and peaceful scrapper ready”*, referring to acts of aggression by policemen in a camp in Rome.³¹

29 La Provincia di Cremona, Annuncio discriminatorio contro gli zingari: bufera e inchiesta, 8 August 2018, available at: <http://www.laprovinciacr.it/news/cronaca/202137/annuncio-discriminatorio-contro-gli-zingari-bufera-e-inchiesta.html>.

30 Libero, Giornata mondiale dei rom, Matteo Salvini durissimo: “Se molti di loro lavorassero e non rubassero...”, 9 April 2018, available at: <https://www.liberoquotidiano.it/news/italia/13326035/matteo-salvini-rom-giornata-mondiale-se-lavorassero-non-rubassero-verita-zingari-contro-buonisti-ipocrisia.html>.

31 Libero, Matteo Salvini: “Gli zingari lavorano anche a Pasqua. E’ pronta la ruspa”, 3 April 2018, available at: <https://www.liberoquotidiano.it/news/politica/13324442/matteo-salvini-gli-zingari-lavorano-anche-pasqua-pronta-ruspa.html>.

RECOMMENDATIONS

GENERAL

- Implement realistic housing, employment, education and health projects, with measurable indicators, in consultation with civil society, and in line with the needs of Romani families to promote real inclusion of Roma as the NRSI prescribes.

HOUSING AND EVICTION

- Establish, monitor and enforce policies 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 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.

VIOLENCE AND HATE SPEECH

- 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.
- Effectively and proactively implement anti-discrimination law.