

“EU Values: The Roma Migration Challenge”

ITALY REPORT

Written by Daria Storia

May 2009

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INTRODUCTION

The purpose of this report is to generate reflections and debates on a number of current challenges posed to Italy as State member of the European Union (EU) in the field of protection of human rights, anti-discrimination, fight against racism and xenophobia and social exclusion.

Taking into consideration the European legislative system, including the Lisbon Treaty, whose entry into force is expected in a short time, Italy, as a member State of the EU, should adapt its legislation and policies to the main European values, principles and objectives.

Roma and Sinti are a historically vulnerable group which has suffered and continue to suffer from persecution and discrimination throughout Europe. Their situations of marginalization and social exclusion has been repeatedly recognized and highlighted by various European institutions as well as by civic society organizations.

The European Commission, the European Parliament and the European Commissioner for Human Rights have invited several times the Member States to take effective steps in order to improve the situation of the larger minority population in Europe and to promote their social inclusion, while a number of NGOs have denounced episodes of racism and discrimination against Roma and Sinti and a lack of institutional efforts to tackle the issue and improve their living conditions.

Through the analysis of past and present actions that have been carried out in Italy, this study will try to underline the main aspects of Italian policies and legislation concerning the Roma population, their strengths, limits and contradictions.

Moreover, comments, proposals and doubts expressed by representatives of institutions and civil society organizations during a meeting held in Naples in March 2009 will provide a picture of some of the main issues currently debated in Italy.

EU VALUES AND ROMA PEOPLE IN ITALY

The Lisbon Treaty: Italian perception and actions

Italy has ratified the Lisbon Treaty on July 31 2008. The Law 130 of August 2, 2008, titled “Ratification and execution of the Lisbon Treaty”, was approved unanimously by both the Chambers of the Parliament, which welcomed the final ratification with a standing ovation.

In that occasion, the President of the Deputies Chamber, Gianfranco Fini, the President of the Council of Ministers, Silvio Berlusconi, and many other politicians expressed their complete satisfaction.

Both the Ministry of Foreign Affairs, Franco Frattini, and the President of the Republic, Giorgio Napolitano, wished the Treaty would have entered into force before the European Parliament elections of June 2009. However, due to the rejections of some Member States, the Lisbon Treaty has not yet entered into force. There is now hope that it may finally come into force by the end of 2009.

However, unanimous ratification vote suggests willingness to increase the level of human rights protection, to strongly and clearly recognize certain civil, social and economic rights, to effectively combat racism and discrimination, and to foster the idea of European citizenship.

It can reasonably be argued that the Italian Parliament, having unanimously ratified an instrument that expressly refers to principles of anti-discrimination, social inclusion, social justice, is eager to adopt reforms in the relevant fields and to make steps towards an Europe based on fundamental values of peace, equality, solidarity, fundamental freedoms, where racism and xenophobia are eradicated and respect of diversity is exalted.

Main points of the Lisbon Treaty

The EU's Lisbon Treaty amends the current EU and EC treaties, without replacing them and is designed to be approved by Member States via the parliamentary route.

In the field of human rights protection, the Treaty of Rome, considerably changed and amended since it was enacted fifty years ago, already contains provisions against discrimination. Following the failure to adopt a European Constitution, in 2007 the European Council gave mandate to an Intergovernmental Conference to draw up a 'Reform Treaty' serving as legal basis for future legislation and policy making at Community level. The text presented on 5 October 2007 contains articles on the values and objectives of the European Union that were slightly amended and kept as to their substance and their relevance for social issues.

The new Art.1a on the values of the EU now reads:

“The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.”

The Charter of Fundamental Rights of the European Union of 7 December 2000 (the Charter) becomes an integral part of EU law under Art. 6 of the amended Treaty. Rather than being incorporated into the body of the Treaty itself, as was the case under the Constitutional Treaty, the Charter remains a separate instrument, but has the same legal value as the Treaties. The EU recognises the rights, freedoms and principles set out in the Charter, that comprise a set of rights which help safeguarding and promoting traditional human rights, such as the right to life and the prohibition of torture, together with civil rights and social and economic rights and principles, such as the right to fair and just working conditions, the prohibition of child labour and protection of young people at work and the right to a family and professional life. The Charter also sets out rights and guarantees in the related to social security and social assistance, health

care, the access to services of general economic interest and “modern” rights, such as the right of access to information in relation to the EU institutions, and the protection of personal data.

However, the Charter does not create new fundamental rights of general application under national law but only applies to the activities of EU institutions to the benefit of all EU citizens and when EU law is implemented in national law. It is disputed whether the Charter may be used to challenge and ultimately strike down EU legislation which does not comply with its provisions, or it creates a binding legal basis for every European citizen to ask the institutions of the European Union and all Member States to respect these basic human and social rights and the work along the principles enshrined in these articles. If the former interpretation is accepted, the Charter cannot be used to challenge non-compliant national legislation unless the legislation in question is implementing EU law.

The Lisbon Treaty provides also the EU accession to the European Convention on Human Rights (ECHR): it will mean that the European Courts would be able to directly apply the ECHR as part of EU law and EU law will then have to be interpreted in the light of the ECHR, not only as a general principle of EU law but as a Convention directly applicable to the EU and to which the EU adheres. The Strasbourg Court would then be recognised as the final authority in the field of human rights. This would assist to avoid any risk of conflict between the EU law and the ECHR as interpreted in Strasbourg, by placing fundamental rights on a single consistent foundation throughout the EU.

Moreover, the Treaty sets out the citizens’ rights which were agreed under the Maastricht Treaty. Citizenship is a key principle. All EU nationals are citizens of the EU and the Treaty recognises the importance of the rights that flow from that status, which include, among the other

provisions, the right to move and reside freely within the territory of EU countries and the right of access to documents.

The issue of Roma in the light of European values, fundamental rights and European citizenship

In the last few months, a vivid debate has raised in Italy on human rights, discrimination and racism, particularly concerning the treatment of migrants and Roma. Harsh criticisms to policies adopted and implemented by the Italian Government have been made by many groups. Recently, the President of the Republic invited the political actors to give up xenophobic attitudes.

As a minority, and precisely the most numerous European minority, Roma have been targeted in numerous political documents by different European institutions, which have denounced many times the situation of social exclusion, discrimination, lack of access to basic services, poor living conditions suffered throughout the EU member States. European institutions have called for taking effective actions in order to change the current trend.

Notwithstanding the clear support for fostering common European values and principles expressed with the ratification of the Lisbon Treaty, Italy has witnessed a dreadful wave of racist attacks against migrants in general and, more specifically, against members of Roma communities.

Following the adoption of an Emergency Decree in May 2008, a number of statements made by Italian politicians have suggested that Roma are criminals and should be expelled from Italy, while Roma camps should be closed down. National media usually describe the Roma as a population of thugs, thieves, children's abductors, beggars, rapists, requiring special security policies to protect Italian citizens against a dangerous threat. At the same time, there have been

widespread physical attacks by civilian, which the State's institutions have failed to prevent or condemn so far.

The existing examples of integration, the richness of Roma culture and traditions and the opportunities they can represent for the country are seldom considered. On the contrary, past and present Italian policies addressing the Roma have always considered them as a dangerous threat for the security of other persons. It has not been taken into consideration that some of them are Italian citizens while others are European citizens and, therefore, they should be granted specific fundamental rights.

NGOs defending human rights are constantly updating dossiers and reports on the situation of Roma communities in Italy and have submitted memoranda and petitions to national Courts as well as to European institutions, bringing evidences and testimonies of discrimination, episodes of violence, pogroms, and denial of fundamental human rights.

The Roma population in Italy: an overview

Since the 1980s, Italy has moved from being a net exporter of migrants to a net importer. Today, the country continues to grow as an immigration destination and each year an increasing number of immigrants arrives in Italy mainly from Africa and Central and Eastern Europe.

There are not official statistic on the number of Roma in Italy. Nevertheless, the most recent figures provided by NGOs working in the field estimates that the total number of Roma people in Italy amounts to 150.000-160.000. This means that Roma represents 0.3% of the total population in Italy, among the lowest percentages in Europe. About half of them are Italian citizens, while 20-25% are from EU countries, mainly Romania. Life expectancy is about 40-45 years and the percentage of children is very high, with approximately 80% of minors.

Despite they are still officially labelled as “nomads”, Roma in Italy are mostly no longer nomadic and the wider communities are settled in the cities of Rome, Milan, Naples, Bologna, Bari, Catania, Cosenza and Genova. The majority of the 70.000 Roma with Italian citizenship lives in council houses or in their own houses since the 1970s. The majority of the remaining part of the population lives in illegal or semi-illegal camps, with generally very low living conditions, that raise serious concern about the health of their inhabitants.

Roma from Central and Eastern Europe have moved to Italy for decades, and there are Roma from the former Yugoslavia who have been living in Italy for up to 40 years and have become Italian citizens.

During the wars of the 1990s, a new wave of Roma from the former Yugoslavia migrated to Italy, often seeking political asylum. Some, but not all, Roma asylum applicants were successful and there is a large population of Roma refugees living in Italy. Nevertheless, the situation is changing, since the Balkans are becoming to be considered “safe countries of origin” and nowadays the applications to renew of protection status recognized in the past are often rejected. Moreover, Roma from Romania have been migrating in increasing numbers to Italy over approximately the past 10 years. The lifting of the visa regime in 2002 and the January 2007 accession of Romania and Bulgaria to the EU have further increased the number of Roma going to live abroad, exercising their right to freedom of movement, including in Italy.

In summary, the Roma population living in Italy is composed of Italian citizens, European citizens and a smaller percentage of non-EU citizens. Nevertheless, as underlined above, no differentiation is made by the Italian institutions in adopting policies dealing with Roma.

For a long time Italy has registering episodes of racism, discrimination and xenophobia against Roma, that, in some occasions, degenerated in act of violence. In the last months the number of these incidents has dramatically raised.

Some recent episodes

Anti-Romani behaviours are not new phenomena in Italy. However, many argues that the current government has taken advantage of Italians' concerns about security and has fuelled already negative sentiments against immigrants and Roma with messages widely published in the media. There have been numerous verbal and physical attacks by civilians against migrants and Roma communities, probably encouraged by political attitude that has failed to emphasise the opposite principles of social inclusion and anti-discrimination.

The EU Commissioner for Human Rights has also noted that credible reports show an intolerant climate and certain actions of public authorities that do not reflect efforts aimed at promoting and reinforcing the protection and enjoyment of human rights by Roma and Sinti. On the contrary, Roma and human rights NGOs representatives have repeatedly expressed their concern towards a movement of "anti-gypsism" in the country.

To provide a few examples of a widespread climate in Italy, some recent episodes are mentioned below.

On May 2008, a Roma girl was alleged to have attempted to kidnap a baby in the district of Ponticelli in Naples. As immediate consequence, violent attacks against the Roma settled in the district were carried out: Roma were directly attacked by local inhabitants and places where they were living were assaulted and set on fire. A few days after the supposed attempted kidnapping, all Roma residents had been forced to leave the Ponticelli camps and to settle in other districts of the city in precarious conditions. On the same day, images of the burning camps and frightened

faces of Roma children on pickups watching their former homes in flames made the headlines on television and in newspapers¹. Currently, a criminal proceeding against unknown persons is carried out by the Prosecutor of Naples for the events in Ponticelli, while the Roma girl has been condemned for crime of attempted kidnapping. Her lawyer denounced that during the trial she was not granted the fundamental rights of defence, like free legal aid and translator service².

On 20 August 2008, a Romanian Roma child was reportedly beaten up while begging in Pesaro and, on 6 October 2008, the police reportedly carried out the eviction of 45 Roma families from a camp in Rome.

In numerous occasions, representatives of the Italian institutions have made declarations that do not reflect the principles stated in the EU legislative body but, conversely, are in striking contrast to fundamental values and principles.

Mr. Roberto Fiore, Euro-parliamentarian and National Secretary of the right wing party Forza Nuova, stated that Roma camps cause anarchy, moral and civil degradation and, as a consequence, a sharp increase in number of crimes committed. He made such declaration during a public speech before a crowd of Italian citizens living in the outskirts of Rome, where a Roma community previously living in the city centre had been resettled in 2008 implementing a governmental decision.

Mr. Matteo Salvini, former Euro-parlamentarian and currently member of the Italian Parliament, in an interview expressed his reluctance in supporting policies aimed at improving Roma's housing conditions, asserting that the sole action should be providing "nomads" with camping-style "transit areas".

¹ For more information, see: FRA, *Incident Report. Violent attacks against Roma in the Ponticelli district of Naples, Italy*.

² Miguel Mora, *Condenada a ser condenada*, El País, 01/02/09.

Mr. Giancarlo Gentilini, member of the Northern League, one of the parties of the coalition that won the last elections, and currently Deputy Mayor of the city of Treviso, during a public speech in Venice on 14 September 2008, declared his wish for “a revolution against nomads and gypsies” and for the “elimination of all gypsy children”. The Minister of Interior Roberto Maroni was present on the same stage and a crowd of people was listening and expressing its approval by clapping their hands.

On 11 May 2008, Mr. Maroni was quoted in the Italian newspaper *La Repubblica* as having stated that all abusive Roma camps would have to be dismantled right away, and that the inhabitants would be either expelled or incarcerated.

The above-mentioned episodes are a clear warning of an atmosphere of intolerance against Roma. Moreover, the Italian Government continues to officially use the term “nomads”, regardless of their settled status. Notwithstanding such an approach, the Italian government has declared its intention to overcome the current challenging situation and to improve the general conditions of Roma. A deep analysis of recent legislative developments will show the direction taken by the Italian government to address the issue of Roma.

NORMATIVE AND POLICY FRAMEWORK CONCERNING THE ROMA AND SINTI POPULATION

Italy has neither a specific normative framework nor a comprehensive policy addressing the issue of Roma social inclusion. However, there are general instruments addressing anti-discrimination that are applicable to the Roma. Moreover, since May 2008, the new formed Government has adopted a number of legislative measures and policies aimed at dealing with the situation of Roma settlements.

Anti-discrimination and protection of minorities

Concerning the issue of inclusion and anti-discrimination, UNAR (*Ufficio Nazionale Antidiscriminazioni Razziali* – National Office Against Racial Discrimination), founded in 2004 for the promotion of the equal treatment and the fight against discriminations based on racial or ethnic origins, with a view to promoting a higher participation of Roma, Sinti and Travellers in the economic and social fields, has funded specific projects aimed at providing legal, administrative and managerial support to Regions for the identification, planning and monitoring of regional policies for the elimination of local obstacles to the social inclusion of the concerned communities. UNAR participate, on behalf of Italy, in EUROMA (European Network for Social Inclusion of the ROMA), a Network funded by the European Commission, aimed at preparing social inclusion projects for Roma people.

So far, Italy has not recognised Roma and Sinti national linguistic minorities. Therefore, they do not enjoy the rights that this status provides and are not mentioned in the Law of 15 Dec. 1999 n. 482 for the protection of minorities. Nonetheless, in the First European Conference on Roma people – organized in Rome in January 2008 - the former Minister of Interior Giuliano Amato illustrate a project to recognize them the status of ethnic and linguistic minority and to plan an integrated policy towards them. Unfortunately, at the end of January 2008, the previous government tendered its resignation following the defeat of a confidence vote and the project to enhance the legal status of Roma has been abandoned.

At regional level, in the late 1980s and early 1990s, few regions passed laws aimed at protecting Roma and Sinti people and their culture. However, these laws, titled “protection of nomadic culture”, provided the construction and legalisation of segregated camps for Roma and Sinti and failed to promote their social inclusion.

The Emergency Decree and the Implementing Ordinances

Beginning in late 2006 and intensifying in the second half of 2007, Italian officials have adopted a series of laws, decrees and policies which directly target the Roma or have an impact on them. It has been often argued that such actions are aimed at pressuring Roma communities to leave Italy.

Criticisms and doubts have increased following the elections in April 2008 and the formation in May of the new right wing national Government including *Forza Italia* headed by Silvio Berlusconi, the anti-immigrant Northern League and the National Alliance party, recently united under the *People of Freedom* party. Mr. Roberto Maroni of the Northern League was appointed Ministry of Interior and the right wing recorded successes also in local elections, including the Municipality of Rome.

A few days after its formation, on 21 May 2008, the new Government passed a Decree, known as “Nomad Emergency Decree”, declaring the state of emergency for a period of one year, until 31 May 2009, in relation to “nomad settlements in the Regions of Campania (Naples), Lazio (Rome) and Lombardia (Milan)”³.

The governmental Decree is based on Law No 225 of 24 February 1992 on the establishment of a national civil protection service, which empowers the government to declare a state of emergency in the event of “*natural disasters, catastrophes or other events that, on account of their intensity and extent, have to be tackled using extraordinary powers and means*”. Though the Law 225/92 contains no reference to situations arising from existence of ethnic groups, the issue of the Roma has been considered like a natural calamity or catastrophe that must be tackled with extraordinary means and powers, allowing public authorities to practically derogate from every provision of law and other regulations that apply under normal conditions.

³ Published in the Official Gazette No 122 of 26 May 2009.

The Preamble of the Decree reads:

“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 [...]”.

The governmental decree was followed by three “Civil Protection Orders” or “Implementing Ordinances” adopted by the Prime Minister on 30 May 2008, that referred to a “widespread public alarm” caused by the “numerous illegal non-Community nomads” settlements of an “extremely precarious nature”⁴. The government stated that the Ordinances were adopted in order to speed up the administrative procedures, including agreements to build new camps as well as to identify the due additional economic resources from within the State’s Budget, in order to grant ad hoc reception measures, build new structures and improve those already existing. The Ordinances also entail specific support measures to promote the integration of people in the settlements through comprehensive projects having an integrated nature aimed at facilitating the school enrolment and the search for employment.

⁴ 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.

The Prefects of Rome, Milan and Naples have been designated Special Commissioners for the Roma emergency, hierarchically under the control of the Minister of Interior, and granted extraordinary powers to carry out the necessary interventions in their respective regions. Their specific powers include the monitoring of formal and informal camps, identification and census of the people, including minors, who are present there, 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.”

The special Commissioners are allowed to derogate from a number of laws concerning a wide spectrum of issues affecting constitutional prerogatives, for instance the right to be informed when subjected to administrative procedures such as photographing, fingerprinting or the gathering of anthropometric data.

The census of Roma and Sinti

Following an exchange of correspondence with the European Commission, on 17 July 2008 the Italian Government issued “Implementing Guidelines” providing 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.

In June 2008, the census of Roma population living in regular and irregular settlements in the regions of Campania, Lazio and Lombardia started. The Interior Minister firmly stated that the plan for fingerprinting all Roma residents in camps is a solution to inadequate housing problems and rising crime rates.

The Italian Data Protection Authority, although at the beginning had not received information on the census, by decision of 17 July 2008, approved the draft Guidelines of the Interior Ministry concerning the implementation of the census in the above-mentioned regions.

However, the decision to carry out the census raised numerous criticisms at international as well as national level. The European Parliament adopted a resolution on 10 July 2008, expressing its serious concerns. In its resolution, the Parliament recalled numerous documents, among those the Treaty on the EU, the Charter of Fundamental Rights of the EU, human rights and fundamental freedoms, the principles of equality and non-discrimination, the right to dignity.

International and local civil society organizations have conducted researches and denounced the Italian situation to different institutions, claiming that “*expressions of racism and xenophobia against Roma have reached new and astounding proportions in recent months, and can also be seen to extend to other vulnerable groups, particularly foreign immigrants*”⁵.

In May 2009, the ERRC (European Roma Rights Centre), the Open Society Institute and the Italian NGO OsservAzione jointly submitted a memorandum to the European Commission, DG Employment and Social Affairs (DG EMPL) and DG Freedom, Security and Justice (DG JLS), denouncing a violation of both the EC Racial Equality Directive² and the EC Data Protection Directive³, together with violations of fundamental rights protected in the ECHR arising from the adoption and implementation of the Emergency Measures⁶.

Notwithstanding the mentioned concerns, since the adoption of the Emergency Decree the census has been conducted by government, police and Italian Red Cross representatives.

The first round of operations was conducted from June to October 2008, when the Prefects of Rome, Naples and Milan delivered the final data: 167 camps, of those 124 illegal, where 12.346 persons live, of those 5.436 are minors. The Italian Ministry of Interior Roberto Maroni, during a

⁵ ERRC, Open Society Institute, Romani Criss, Roma Civic Alliance in Romania and Centre on Housing Rights and Evictions, *Security a la Italiana: Fingerprinting, Extreme Violence and Harassment of Roma in Italy*, 8 July 2008.

⁶ ECD-0902-5-EC Joint Submission-RS-5.4.09, *Memorandum to the European Commission - Violations of EC law and the fundamental rights of Roma and Sinti by the Italian government in the implementation of the census in “nomad camps”*, 4 May 2009.

press conference, declared that around 12.000 “nomads” left the camp from the beginning of June, arguing that this represents the “most important effect of the action carried out by the government”. Many Roma people have probably moved to other countries, like Spain, France and Switzerland.

A second round of operations has been ongoing since February 2009 and police officials took censuses of Italian Roma Sinti camps in the Provinces of Verona, Venice, Treviso, Padova and Vicenza.

As to the identification procedure, once again the Government takes this opportunity to reiterate that information was collected without the creation of a data-base and in accordance with national and international laws and regulations concerning the protection of privacy, through records that are used for all citizens, under the responsibility of authorized entities.

Against this background, it was considered necessary to get detailed information about the number of the people living in the settlements, in order to guarantee them a greater level of security and to improve their living conditions. As a consequence, a census was made to identify all the people, not only Roma and Sinti.

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. The census of Italian Roma, non-Italian Roma and stateless Roma was conducted in the same or similar manner, regardless their different legal status and although some of them possessed valid identification documents issued by Italian authorities⁷.

Italian best practices: the model of Voghera...

⁷ ECD-0902-5-EC Joint Submission-RS-5.4.09, *supra*.

The Italian Government has declared to be aimed at eliminating the illegal camps and at replacing them with adequate facilities, called “equipped villages” or “villages of solidarity”. These facilities will be provided with basic services, will be transparently managed in cooperation with the communities’ representatives, in order to guarantee the security both inside and outside the settlements themselves, on the basis of “best practices” already experimented by some local Administrations.

Moreover, in its response to the European Human Rights Commissioner’s last Report on the situation in Italy, the Government mentioned that in the Planning document for the years 2009-2011, currently under drafting, a specific section will be devoted to a Program of intervention for Roma and Sinti communities.

The ministerial programme envisages four main objectives for the follow-up of the census:

- eviction of illegal camps and maintenance of existing authorized camps that can fulfil basic health and sanitary conditions;
- location of areas available for new legal settlements;
- implementation of initial intervention to build the “villages of solidarity”;
- adoption and implementation of plan addressing the issue of minor’s education.

The purpose of the Italian Ministry of Interior is to create a “new model of best practice” that may be applied in all European countries. The “villages of solidarity” have been thought as transit place for the people that are travelling and want to stay temporarily in one place.

In July 2008, the Ministry of Interior Maroni, during a public audience before the Italian Parliament, condemned the social and sanitary conditions of Roma camps, declaring that, in order to overcome such problems, the government will create new camps, with all “fundamental

services, managed with transparency, like apartments building, in order to guarantee security to the people living both inside and outside the camps”.

Mr. Maroni explained that the model to be followed is the one adopted by the Municipality of Voghera, a town in the Province of Pavia, not far from Milan, where “nomads and Sinti live perfectly integrated and accepted by the local community”⁸.

In 2006, the Municipality of Voghera decided to evict the Roma community that was settled in the centre of the town and to resettle them in a peripheral area, far from social services like schools and hospitals and from areas inhabited by Italian citizens.

The model of Voghera consists of a fenced camp segregated from the rest of the town. Every day, a bus service, managed by the Catholic organization Caritas, picks up the children and brings them to school. This approach does not seem combating social exclusion and discrimination and promoting social justice.

The programme of the government seems failing to take into due consideration some relevant aspects characterizing the presence of the Roma in Italy: above all, that about half of all Roma and Sinti in Italy are Italian citizens, and that 20-25% are from other EU Member States. Furthermore, as already emphasised, the majority of Roma present on the Italian territory are not “nomads” but are rather settled and can be considered “residents”. The UN Human Rights Committee in its 2006 *Concluding Observations* expressed its concerns for the country’s policy to consider Roma as “nomads” as well as for its camp-based policy.

Different policies aimed at improving their conditions, for example addressing the housing problem, are therefore required. After one year from initial implementation of the emergency policy, it is not possible to affirm that the general situation has improved. On the contrary, it may be argued that the fears so far expressed have turned to be concrete.

⁸ www.interno.it

...and the follow-up activities

Following the conclusion of the first round of census operations, a new Office within the Interior Minister's Cabinet has been established, namely a Technical Working Group, tasked with overseeing the implementation of the Emergency Decree and the Implementation Ordinances. The Working Group includes the Prefects/Commissioners and Administrations engaged in the initiatives concerning the Roma communities, namely the Ministry of Interior, the Ministry of Labour, Health and Social Policies, the Ministry of Education and UNICEF. The participation of Roma representatives has not been envisaged. The mandate of the above Working Group is to draft an Action Plan on a number of social, welfare and integration measures.

In January 2009 the Municipality of Rome issued its "Plan for Nomads" providing for a relocation of many camps – characterized by a high level of social criticality, including the well-known "Casilino 900" – that will be realized by settling the people concerned into "authorized villages". The declared purpose of the Plan is to uphold the process of integration with nomads' communities.

Between February and March 2009, the Prefects of Rome and Milan have adopted special Regulations for the managing of equipped villages for nomad communities located respectively in the Regions of Lazio and Lombardia, subscribed by the Region, the Province and the Municipality. The government declared that such Regulations have resulted into both a useful handbook of operative nature and a pattern for "best practices".

The Regulations are almost identical and some of their most relevant provision are the following:

- a temporary and renewable authorization of settlement for entitled people, namely Italian and European citizens holding valid identification document, non-EU citizens holding permit of stay, people who can demonstrate a minimum 10-year period of permanence on the national territory and, finally, further categories authorized by the concerned Municipality;

- the outline of general rules of behaviour, according to which every Municipality has to shape its code of conduct;
- control activities permanently carried out by police forces inside and outside the camps also through surveillance cameras;
- identification and control of entrance flows, with prohibition of external visitors after 10.00 pm;
- institution of an Advisory Committee, composed of all stakeholders involved in the managing of the village, including Representatives of the Roma community;
- definition of the causes entailing the revocation of the temporary authorization, among those the sentence to more than 2-year imprisonment, the repeated refusal of a job, the violation of the parental duty to ensure compulsory school attendance, the abandonment of the place assigned for more than one month whether in absence of a special authorization, the failure to pay the bill for the services received.

The Italian Government claims that the purpose of its policy is to fight crime and illegal immigration and to provide support, relief, social and educational assistance to underprivileged and marginalized groups.

The Mayor of Rome Gianni Alemanno has declared to be aimed at realizing the first three new villages by the end of the summer and at completing the programme by the end of the year. Private corps of security guards will be engaged and will start working from the beginning of June, during the preparation phase, to ensure the provisions of the Regulations are respected.

The operational stage of the “Nomad Plan” consists of re-organizing and, where possible, enlarging the existing camps in line with relevant legal provisions. Then, on the basis of the real needs, the administration will decide if and where building new camps.

The approach of the Italian government should be innovative and aimed at developing a comprehensive policy to address the social exclusion of Roma and Sinti in the country. If so, it would reflect the willingness to raise the level protection of human rights and to promote fundamental European values, as it was expressed by the Parliament with the unanimous vote that ratified the Lisbon Treaty. However, a quick research of instruments adopted in the past to tackle the same problem astonishingly shows that identical actions have already been conducted and similar legislative provisions enforced.

More than ten years ago, the town of Poderaccio and Olmatello, in Tuscany Region, adopted a Regulation for the Roma camps present within the concerned area⁹. The majority of the provisions are essentially identical to the newly adopted Regulations and it seem that neither improvements nor innovative actions have been created.

In 1989, the Region of Veneto passed a law providing interventions to protect the Roma and Sinti¹⁰. This legislative instrument also contains regulations concerning temporary settlement areas, conceived as a kind of trailer courts, where health assistance and other basic services are provided.

The Special Commissioner for the Nomad Emergency in the Region of Campania has not yet adopted a regulation for the Roma camps. However, the projects that are currently discussed by the local administrations are in accordance with the guidelines of the government and do not differ from the logic so far pursued. The Municipality of Naples has recently been granted with 7 million Euros to construct equipped areas for Roma and to transform some existing camps in “village of solidarity”.

⁹ Decision of the Municipality Committee of Ponderaccio and Olmatello no. 843/97 of 05/05/1997.

¹⁰ Regional Law 22 December 1989, no. 54 (BUR n. 70/1989).

THE ROMA BETWEEN STATE OF LAW AND STATE OF EXCEPTIONS

The conference in Naples

The conference held in Naples on 16 March 2009 was aimed at creating a dialogue among representatives of governmental institutions, civil society groups working in the field and experts on technical issues. Past experiences were analyzed and confronted with present actions currently implemented by the Italian government.

The need to fight against social exclusion and discrimination, to promote social justice and protection and to respect the diversity was constantly emphasised. Different and innovative solutions to the situations of Roma camps have been elaborated, trying to learn from previous experiences and to effectively promote fundamental values such as human rights, tolerance, fight against racism and xenophobia.

Confronting past and present experiences

During the first part of the conference, the participants addressed the issue of Roma people in Italy from historical, legal, institutional and sociological points of view.

It has been argued that in Italy the Roma do not pose a problem of public order but rather a social challenge that requires social responses. The difficulties faced by the Italian Government in implementing a thoughtful integration policy have fuelled sentiments of racism and xenophobia, as demonstrated by some recent episodes, like the pogrom in the district of Ponticelli in Naples.

A common opinion has emerged during the consultations: the need for a housing policy that involves not only the Roma communities but also Italian citizens and, generally, people settled in the territories concerned. This idea was shared by both some representatives of the institutions and by representatives of NGOs.

The President of the Roma and Sinti Federation described the experience of the Region of Abruzzo that, together with the Region of Molise have never construct camp-based settlements

for Roma. In Abruzzo, the public resources have been used on behalf of the entire community. The result has been a sustainable situation characterized by a pacific cohabitation of Roma and Italians.

On the contrary, the construction of camps creates social exclusion, while policies aimed at improving the housing conditions of the sole Roma communities produce negative reactions from other inhabitants that feel unfairly excluded from the enjoyment of social benefits. Both the assumptions have been shown in a number of cases. In particular, the President of the NGO OsservAzione reported his personal experience in the Region of Tuscany. The ideology that initially prompted the creation of Roma camps was based on the assumption that all Roma are “nomads”, therefore naturally inclined to live in open areas and to wander around.

Between the middle 1980s and 1990s, numerous regional laws were approved, aimed at protecting “nomad and semi-nomad ethnic groups” through the construction of camps. Furthermore, numerous Roma arrived in Italy from the former Yugoslavia, particularly as a consequence of the war in the 1990s. Most of them lived in caravans or trailers that were forcibly transported to spotted areas.

During the 1990s, in Florence and in other cities the local Administrations attempted to overcome the camp settlements. The Municipality of Venice granted mortgages to a number of Roma families that had consequently the opportunity to buy houses. This solution showed itself to be sustainable and to have positive impact also on social inclusion, general living conditions and preservation of traditional culture and traditions.

Unfortunately, the “best practices” of Abruzzo and other few Municipalities have never been considered as such. Already forty years ago, representatives of Roma communities claimed that the camps did not constitute a solution to the issue of Roma: camp-based solutions on one hand

recognize the condition of social exclusion Roma people suffer from but, on the other hand, set up a model of cultural and social assistance without creating real opportunities. Nonetheless, it has been argued that the current policies do not take into consideration the lessons learnt from past experiences.

The Deputy Prefect of Naples explained that the state of emergency declared by the Government specifically concerns the housing conditions of Roma. The census has been used as a tool to provide the institutions involved with a complete and detailed view of the situation, in order to be able to develop a plan of action and improve the living conditions. However, the Deputy Prefect recognized that a one year-period state of emergency cannot solve a situation that has been lasting for more than twenty years. The extent of powers granted to the Prefects/Commissioners for the Nomad Emergency let them implement only short-term actions and the construction of camps or “villages of solidarity” has been recognized as the most suitable solution.

The Deputy Prefect also mentioned further projects that have been implemented during the year of emergency. In particular, during the waste crisis in Naples, the Administrations concerned signed an agreement to carry out common actions to tackle the “Nomad Emergency” and the “Waste Emergency”: Roma people participated in training courses to carry out differentiated waste collection.

Participative approaches and proposals for innovative actions

The second part of the conference focused on the situation of Scampia – a neighbourhood in the periphery of Naples – where Roma people have been living for more than 20 years. The census was carried out in the camps of Scampia in June 2008 and nowadays the Roma population is still waiting for the actions the government promised to undertake. The projects for the area provide the construction “villages of solidarity” and meet with the approval of the local Administrations.

Representatives of the NGO “Chi rom e... chi no”, a civil society group active in the territory of Scampia since 2002, presented an alternative project, which involves different actions and actors. Starting from the assumption that there is not a unique model to cope with the issue of housing and that it is necessary to avoid decisions based on the idea of a “nomad culture”, the NGO proposes to make use of different instruments, such as popular housing policies, facilitations and mortgages to purchase apartments, supports to reconstruct and renovate existing buildings.

Activities in the legal, cultural, educational, working and housing fields should be adopted. This proposal is based on multilateral and multi-thematic approach and is aimed at considering the needs of the whole community present on the territory concerned, both Roma and non-Roma, in order to improve the living conditions of all, to create social services, job opportunities, spaces of interaction and to reduce criminality.

The approach adopted by the NGO is resulting from previous activities and projects carried out in Scampia, based on the idea of creating interrelations across groups, participatory pedagogical and cultural processes with Roma and Italian children, teenagers and adults.

The need for policies aimed at normalize the situation, treating the Roma like other inhabitants and addressing problems and difficulties of the entire population have been stressed also by other participants that work in different fields and have a knowledge of the local situation from different points of view: school and university professors, priests, representatives of Roma communities directly affected by governmental policies.

During the conference, citizens, professionals, NGOs, public and private institutions, laic and religious representatives supported a common attitude, which is based on the belief that policies and actions should be elaborated and implemented together with the Roma and not for the sake

of the Roma, and should directly include and address the entire population. Elimination of social exclusion and discrimination of Roma does not need special and emergency policies, which create further injustices and segregation, but conversely thoughtful policies aimed at normalizing the legal, economic, social and cultural conditions of the Roma.

Camp-based solutions hamper active participation of Roma and interaction with the rest of the population and create ghettos, as demonstrated by previous experiences that have produced negative impacts, increasing xenophobia, racism, urban decay and social exclusion, dropping out of school, unemployment and lack of security.

CONCLUSIONS

The issue of Roma population represents just a specific aspect of national policies. It is a test of behaviour and approach of Member States towards the respect of fundamental values and principles established in the EU legislation. The treatment of the Roma reflects the way a country will protect human rights in other occasions and treat other groups of people, included its citizens.

The Italian Government has adopted an emergency strategy to achieve objectives of social inclusion, anti-discrimination and improvement of living conditions of the Roma. On one hand, the purposes of the present activities, as officially declared, are to provide support, relief, social and educational assistance to Roma, expressly recognized as underprivileged and marginalized groups. These objectives appear consistent with EU values and principles. However, the choice of an emergency policy raises legitimate doubts: term “emergency” indicates a sudden serious and dangerous event or situation which needs immediate action to deal with it. This is not the case of the Roma.

The “villages of solidarity”, notwithstanding the terminological reference to an idea of support, shared feelings, opinions and aims, are not different from previous experiences of camp-

settlements. These experiences have shown themselves to be unable to achieve social goals, since after more than twenty years the conditions of the Roma have not improved. On the contrary, they have fostered exclusion, discrimination and social tensions. Lesson learnt in the past should avoid to commit the same errors and to implement ineffective and inefficient policies.

The Italian Government claims that the added value of its policy consists of ensuring decent health and sanitary conditions, school attendance and control of criminal activities.

The preliminary evaluation of many practitioners and experts in different field is absolutely negative. However, since the Government seems convinced of the genuine efficiency of its policy, the final evaluation will disclose the impact of the current actions. The measure of changes produced on the entire society will tell us about the success or failure of present approaches in achieving the goals of enhancing social inclusion, eliminating discrimination and promoting social justice.

The last events, however, have not shown positive impact or results: the Government has recently extended the “state of emergency” to 31 December 2010, also including two additional Region, Veneto (Venice) and Piemonte (Turin). How long can an emergency last?

REFERENCES AND LINKS

Camilla Bencini, Sara Cerretelli, *ENAR Shadow Report 2007*.

CERD, Considerazioni sul rapporto presentato dallo Stato membro in base all'articolo 9 della Convenzione, March 2008.

Maurizio de Stefano, *Le impronte digitali ai bambini rom e l'Europa dei diritti umani*, 2008.

ERRC, the Open Society Justice Initiative and OsservAzione, *Memorandum to the European Commission: Violations of EC law and the fundamental rights of Roma and Sinti by the Italian government in the implementation of the census in "nomad camps"*, 4 may 2009.

European Union Agency for Fundamental Rights (FRA), *Incident Report – Violent Attacks Against Roma in the Ponticelli district of Naples, Italy*, 2008.

Thomas Hammarberg, *Italy Report*, 16 April 2009.

U.N.I.R.S.I., *Report: Roma communities in Rome, Naples and Milan*, 2008.

<http://www.europeanrights.eu> (European Observer on fundamental right's respect)

http://www.interno.it/mininterno/export/sites/default/it/sezioni/sala_stamp/speciali/censimento_nomadi (Information about the census on the official site of the Italian Ministry of Interior)

<http://www.repubblica.it> (La Repubblica, Italian newspaper)

<http://www.unirsi.net/home.html> (National & International Union of Roma and Sinti in Italy)

<http://chiomechino.blogspot.com> ("chi Rom e...chi no" Italian NGO)

<http://www.osservazione.org> (Centre for Action Research Against Roma and Sinti Discrimination)