

The Life and Death of Roma and Sinti in Italy: A Modern Tragedy

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Roma have been present in Italy since the 15th century, partly as a result of migrations from Southeast Europe caused by the expansion of the Ottoman Empire. Romani groups from the Ionic and Adriatic coast settled in the south of Italy, followed in the 16th century by the settlement of Sinti groups from Northern Europe in the north of Italy. Vlax Roma arrived from Moldavia and Valacchia in the 19th century. At the end of the First World War all Roma in the annexed territories became Italian citizens.

Another migration, this time from Croatia and Slovenia, occurred during the Second World War. Starting in the 1960s, there were other waves of migration from Poland, Hungary and ex-Yugoslavia, particularly after the disintegration of the latter and the Balkan wars. The first Romanian Roma arrived in Italy in the 1970s. Their numbers increased over the years, particularly after the lifting of the visa regime in 2002 and the accession of Romania to the European Union in 2007. Many of these migrants do not have Italian citizenship, in

spite of the fact that they have been living uninterrupted in Italy for several decades.²

It is estimated today that the Romani population in Italy numbers around 140,000. Eighty thousand of them have Italian nationality. The recent census shows there are 12,346 Roma living around Rome, Naples and Milan. The Government estimates that 12,000, mostly from Romania, left Italy between the beginning of June 2008 and October 2008, when the government undertook a census.³

The Italian perception of Roma and Sinti

Roma and Sinti in Italy are referred to as “nomads” (Nomadi) by both the authorities and the general population, who believe that these communities prefer to live in camps separated from mainstream Italian society. They are considered “foreigners” even if only a part of the Romani population living in the camps is non-Italian, and perceived of as nomads despite the fact that 70% of the Romani population has been sedentary for several decades.⁴

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² Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities Second Opinion on Italy. ACFC/INF/OP/(2005)003. 24 February 2005. http://www.coe.int/t/e/human_rights/minorities/2_framework_convention_%28monitoring%29/2_monitoring_mechanism/4_opinions_of_the_advisory_committee/1_country_specific_opinions/2_second_cycle/PDF_2nd_OP_Italy_en.pdf.

³ UN Committee on the Elimination of Racial Discrimination: State Party Report, Italy. CERD/C/406/Add.1. 17 October, 2000. <http://www.unhcr.org/refworld/country,,CERD,,ITA,4562d8b62,3ae6aedc10,0.html>. Wanted in Rome. “Immigrants: Roma Census Results”. 24 October 2008. http://www.wantedinrome.com/news/news.php?id_n=5024.

⁴ European Commission Against Racism and Intolerance Second Report on Italy. CRI (2002) 4. 23 April 2002. http://www.coe.int/t/e/human_rights/ecri/5-Archives/1-ECRI%27s_work/5-CBC_Ssecond_reports/Italy_CBC2_en.pdf.

This false perception is at the root of numerous prejudices and of the resulting discrimination in all walks of life.

Unlike all other minorities, they are not linked to a particular region in Italy nor are they related to a kin state. As a result Roma and Sinti are the only minority group, amongst 13 minorities in Italy, not legally recognised as such.

The genesis of the current racism

Although much of the racism and xenophobia in Italy is attributed to the current Berlusconi administration and its extreme right elements, verbal and physical aggression against Roma pre-date the present administration.⁵

The Sinti population, which has been living in Italy for several centuries, has always been socially marginalised but has never given rise to any major safety concerns. With the influx of Roma from the Balkans and particularly from Romania during the last ten years, campsites have mushroomed in the suburbs of most Italian towns. The Italian government's liberal policies towards the entry of Romanians into Italy were not accompanied by measures to provide them with shelter and work.

As its size increased, relations between the Romani population and the local citizens became increasingly tense. The local inhabitants, rightly or wrongly, felt insecure in the presence of a destitute, often illiterate population, deprived of employment and forced to resort to begging, and sometimes to dubious activities to ensure their survival and that of their families.

This situation should also be seen against the backdrop of the wider phenomenon of unaccompanied foreign minors, some of whom are Roma, and of the prostitution of young girls and boys from several countries.

Though there is no evidence that criminality has increased in Italian towns as a result of the presence of Roma, this feeling of insecurity was too good an occasion for the extreme right wing parties to miss. Security became the battle cry of the "law and order" parties and Roma and immigrants became the scapegoat.

In September 2001, the Northern League party of Verona launched a public information campaign against Roma and in favour of their expulsion. When interviewed, members of the party said "We know perfectly well what happens when gypsies are in town: In the best hypothesis they are in the street begging, and in the neighbouring areas robberies and crimes increase[...]."⁶

The escalation

Police harassment was recorded in several Italian cities in 2004: In Brescia and Verona, Roma individuals – including a pregnant woman – were picked up by the police, taken outside the city and left to walk back to their camp barefoot.⁷ On 14 June 2004, five Italian men threw a firebomb at a Roma camper in Lugagnano di Sona, seriously injuring a 7 year old girl. The newspaper L'Arena di Verona brushed off the incident as a youthful prank.⁸

Matters went beyond a joke when in December in Aosta carabinieri forcibly took away a child from its Roma mother and returned it after a week.⁹

⁵ *European Roma Rights Centre, Open Society Institute, Romani Criss, Centre on Housing Rights and Evictions (COHRE), Roma Civic Alliance (RCR). Security a la Italiana: Fingerprinting, Extreme Violence and Harassment of Roma in Italy*". Budapest: European Roma Rights Centre. 15 July 2008. <http://www.errc.org/db/03/4C/m0000034C.pdf>.

⁶ *Written Comments of the European Roma Rights Centre, the Centre on Housing Rights and Evictions (COHRE), osservazione and Sugar Drom Concerning Italy to the UN Committee on the Elimination of Racial Discrimination at its 72nd session.* Budapest: European Roma Rights Centre. January 2008. <http://www.errc.org/db/02/C8/m000002C8.pdf>.

⁷ *Ibid.*, Chapter 3 p.16.

⁸ *ERRC/OSI/COHRE/Romani Criss/RCR n. 5. Chapter 4. p.21.*

⁹ *Ibid.*, Chapter 4 p.19.

Evictions accompanied this harassment: On 15 April in Turin, on 22 April in Covo near Bergamo and on 8 July in Verona.¹⁰

The first on the breach – the European Roma Rights Centre

The first international body to jump into action was the ERRC, which entered a complaint against Italy on 28 June 2004 before the European Committee of Social Rights of the Council of Europe alleging that the housing situation of Roma in Italy amounted to a violation of Article 31 of the Revised European Social Charter. In its decision of 7 December 2005, the European Committee of Social Rights unanimously concluded that Italy had violated Article 31 of the Social Charter due to the “insufficiency and inadequacy of camping sites,” “forced eviction” and “lack of permanent dwellings.”¹¹ The Committee of Ministers of the Council of Europe adopted this decision on 3 May 2006.

Meanwhile, and in spite of the complaint procedure in progress, harassment and evictions continued unabated, with impunity and the approval of the public.

A good example is provided by what happened on 29 April 2005 when two Romani women and one Romani man were stopped by male police officers at the central station in Padua, beaten up and strip-searched for drugs in public. No drugs were found and nobody protested against this outrageous behaviour. To add insult to injury, one of the Romani women was charged with resisting public authority and found guilty.¹²

¹⁰ *Ibid.*, Chapter 4 p.26.

¹¹ *European Committee of Social Rights. European Roma Rights Centre v. Italy. No. 27/2004. http://www.coe.int/t/dg3/romaTravellers/jurisprudence/charter_en.asp.*

¹² *ERRC/OSI/COHRE/Romani Criss/RCR n. 5. Chapter 4. p.19.*

¹³ *Ibid.*, Chapter 4. p.20

¹⁴ “Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities Second Opinion on Italy.” ACFC/INF/OP/ (2005)003. February 24, 2005. http://www.coe.int/t/e/human_rights/minorities/2._framework_convention_%28monitoring%29/2._monitoring_mechanism/4._opinions_of_the_advisory_committee/1._country_specific_opinions/2._second_cycle/PDF_2nd_OP_Italy_en.pdf.

¹⁵ *ERRC/COHRE/osservazione/Sucar Drom n. 6. Chapter 4. p.27. See also: Caruso, Ugo. “Romani population in Italy”. Mantova: Sucar Drom, July 2006.*

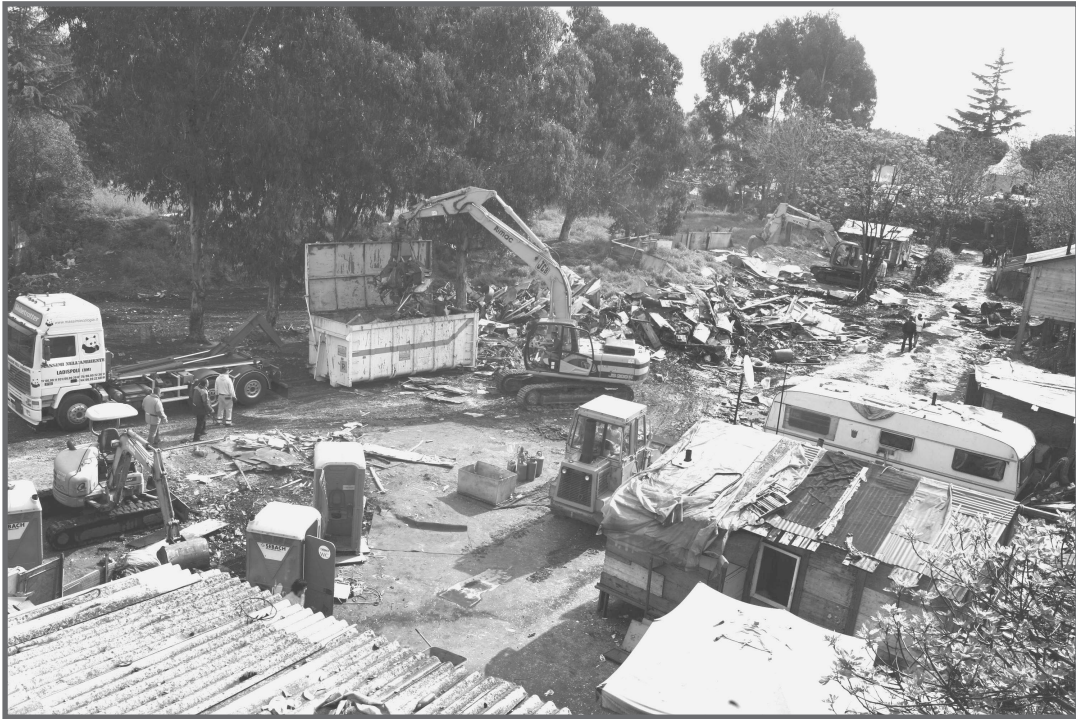
Only six months after the arson in Lugagnano di Sona, on 30 January 2005, a group of youngsters attempted to burn down a Romani camp outside Naples. They claimed this was just “weekend mayhem.”¹³

The Council of Europe complains – the onslaught on Roma continues

The Advisory Committee on the Framework Convention for the Protection of National Minorities sounded the alarm in its 2nd Opinion on Italy adopted on 24 February 2005. It deplored the miserable living conditions of Roma, stereotyping in the media, the connivance of the authorities in creating a negative perception, not to mention abusive police raids in camps, destruction of property and evictions without offering alternative accommodation. The Advisory Committee also criticised the lack of will on the part of the authorities to protect Romani language, culture and identity.¹⁴

The alarm fell on deaf ears: Evictions and destruction of the camps continued throughout 2005, and throughout Italy in most cases without any alternative accommodation being provided, often with police brutality and in some cases against Roma having Italian citizenship. Evictions took place in Bologna, Rome, Naples and Milan.¹⁵

The eviction of several hundred Roma from the camp in Via Caporizzuto in Milan, on 30 June 2005, following a rape allegedly committed by one of the inhabitants of the camp, drew particular attention, including that of the Council of Europe.



The operation in Casilino 900 settlement near Rome on 9 April 2008 was not a full scale demolition but paved the way to allow larger work machines to enter the camp and conduct a broader demolition.

PHOTO: SIMONA CALEO

The eviction was carried out by 150 policemen at dawn and all the barracks were destroyed. Many of the inhabitants who found themselves homeless had regular residence permits and their children attended school. There is no evidence that whenever an alleged rapist is arrested in Italy, the whole neighbourhood is razed to the ground. This special treatment is reserved for Roma.

The Committee of Experts on Roma and Travellers of the Council of Europe (MG-S-ROM) had been following for some time the pattern of evictions in several Member States and was particularly preoccupied by the escalation of evictions throughout Italy. The eviction in Via Caporizzuto was a landmark in that it constituted a collective punishment and banishment for the alleged crime of one of the inhabitants: A method used by the Nazis in time of war.

The Vice-Chairman of the MG-S-ROM, Mr Claudio Marta, wrote to the Mayor of Milan on 19 July 2005, expressing concern at the way the eviction took place and regretting the racist speech of some politicians which was echoed in the media. He drew attention to the fact that 79 regular residents were still temporarily lodged by the Catholic organisation Caritas and asked for a durable solution to the problem of housing.¹⁶ He got no reply.

Campaigning against Roma

Racist speech by politicians and the media were particularly disturbing. Before the eviction, on 27 June, Mr Albertini, mayor of Milan and member of the Northern League declared to the Italian newspaper *Corriere della Sera* that “the potential criminality of immigration is well known” and added that “a monitoring of Roma camps is a must.”¹⁷

¹⁶ Marta, Claudio. “Letter of Committee of Experts on Roma and Travellers Addressed to the Mayor of Milan”. 19 July 2005. On file with the author.

¹⁷ Berticelli, Alberto. “Albertini Contro il Ministro Pisanu: Dai Clandestini la Maggiore Parte dei Reati”. *Corriere della Sera*. 25 June 2005. p. 51.

On 10 August, 2005, the newspaper “Il Giornale” spoke of a Roma invasion, with Milan under attack. The newspaper regularly carries features about the “dirty” Roma and on the organisation of vigilantes to defend the houses against Roma.¹⁸

In early 2006, Forza Nuova, an extreme right wing party, started a fullscale campaign against Roma and published several leaflets calling for security measures against Roma. One of the leaflets said “Stop the nomadic camps in our cities. They exploit children with begging, live off thefts[...]. For the safety of our families, our lands, our people – Let’s stop them!”

The campaign found favour with the public and with the local authorities. It was followed by a spate of evictions throughout Italy from Milan and Bologna, to Naples and Sicily. The phenomenon, previously restricted to Northern Italy, where the extreme right wing parties hold sway, now spread down to the south with a vengeance. Within a few months, no less than five evictions took place in the Naples area; in Pescarola, Granturco, Poggioreale and two in Caivano.

The animosity whipped up by the campaigning did not hit only non-Italian Roma. When the mayor of Reggio decided to move Italian Sinti from a miserable camp and spread them around the city, there was a general outcry, in spite of the fact that the Sinti had been settled there for centuries and had done military service.¹⁹

Roma become a national issue

The year 2007 marked a turning point in the campaign against Roma. What was previously “cleaning” operations at the initiative of individual mayors became a national mission to save civilization. Italy failed to listen to the message of Mr Amato, Minister for Internal Affairs, who on 15 August 2006, following a visit to a Roma camp, had this to say: “I know

that many Italians are scared by Roma and by this camp in particular, because they consider this settlement as the house of crime, but we have to consider that here there are 4,000 children and that children are not predestined to criminality and are not criminal by nature. It is now time for the Italians to recognise their part of the responsibility in this and start considering the Roma ‘problem’ as an Italian affair.”

On 18 May 2007, Pacts for Security were signed in Rome and Milan – in Rome by the Prefect of Rome, the Mayor of Rome, the President of the Province of Rome, the President of the Region of Lazio and the Minister of the Interior himself; and in Milan, by the Prefect of Milan, the Mayor of Milan and the Vice Minister of the Interior. The Pacts left no room for doubt that the purpose was not to integrate but to isolate and repress.

In a letter of protest addressed to the President of the Republic, the President of the Council of Ministers, the Italian Minister of the Interior and the Director of UNAR, the ERRC and osservAzione, an Italian NGO, explained that the Rome Pact foresaw the creation of four “solidarity villages” on the periphery of Rome and pre-fabricated container houses for about 4,000 Roma, as well as a task force of 150 police officers “to rehabilitate the areas.”

The letter further points out that that the Milan Pact gives extraordinary power to the Prefect “for solving the Roma emergency in Milan” and “foresees the intensification of controls.”

The letter complained against the racist statements by Mr Achille Serra, which confirmed the real purpose of the task force. In fact, *La Repubblica* of 19 May 2007, quoted Prefect Serra as saying that the task force would patrol the camps “encouraging the nomads to leave. If they return the police officers will remove them again and this will continue until they understand that they must go somewhere else.”

¹⁸ Zagato, Gianandrea. “Ronde di Notte, per Difendere le Case dai Rom”. *Il Giornale*. 10 August 2005. <http://www.ilgiornale.it/a.pic1?ID=21083&START=0&2col=>

¹⁹ Scacchioli, Michela. “I nomadi di via Gramsci: “Siamo con Delrio””. *Gazzetta di Reggio*. 12 February 2007. http://ricerca.gelocal.it/gazzettadireggio/archivio/gazzettadireggio/2007/02/12/EC3PO_EC301.html.

The letter of protest recalled the decision of the European Committee on Social Rights against Italy on housing rights and asked that these racist pacts be rescinded.²⁰

Internationalising the issue

Romanian support

Not satisfied with nationalising the issue, the Italian government decided to go a step further and turn national dissatisfaction into an international crisis. In June 2007, Mr Walter Veltroni, the then mayor of Rome, paid a visit to Romania to discuss cooperation between the two countries on the issue of Romanian Roma.

Shortly after, the Prime Minister of Romania stated that “the Ministry of the Interior and Administrative Reform in Bucharest shall send a team of five police officers to help catch and repatriate Roma who commit felonies in Rome and added “these Roma commit all possible crimes from violent theft, prostitution to robbery and drug trafficking.” He said that “the role of Romanian policemen is to teach their colleagues from Italy to deal with the psychology and modus operandi of Roma who commit crimes.”²¹ Given the pitiful record of Romania in the treatment of Roma, neither the remarks nor the support of the Romanian Prime Minister came as a surprise.

In a meeting between the Italian and Romanian authorities in October 2007 intended to create a close collaboration to integrate Roma and fight crime, Ms Marcella Lucidi, second deputy chief

of the Italian Ministry of the Interior, explained what she meant by integration: “The control of Roma citizens coming to Italy from Romania and organising voluntary repatriation for those who lack financial means are a fundamental aspect for the integration and security policies.”²² Security and repatriation seemed to be the keywords.

The visit of the mayor of Rome to Romania in June 2007 was followed by a series of evictions with the active support of the Romanian police.

In August, 2007, in raging heat, over 1,000 Roma, including hundreds of children and newborn babies, were evicted from the Magliana zone in Rome, without any alternative accommodation being offered. Two international NGOs, the European Roma Grassroots Organisation and the Centre on Housing Rights and Evictions, together with *osservAzione*, an Italian NGO, issued a strong statement against this and other evictions taking place throughout Italy.²³

The Council of Europe speaks out

Worse treatment was yet to come: An arson attack on a camp in Livorno led to the death of four children. The arson was allegedly the work of an unknown group “GAPE: Gruppo Armato Pulizia Etnica” (armed group for ethnic cleansing).

Though there was ample evidence that a petrol bomb had been thrown at the camp, the parents of the four children killed were arrested for neglect and abandonment of children. The perpetrators of the arson were never caught. At the children’s

²⁰ “Letter of European Roma Rights Centre and *osservAzione* to the President of the Republic of Italy Concerning Forced eviction of more than 10,000 Roma Announced in Italy”. Budapest: European Roma Rights Centre. 23 May 2007. <http://www.errc.org/db/02/48/m00000248.doc>.

²¹ *Romani CRISS*. “Submission for Universal Periodic Review of the Human Rights Council (Romania, 2005-2007)”. United Nations Office of the High Commissioner for Human Rights. February 2008. p. 6. http://lib.ohchr.org/HRBodies/UPR/Documents/Session2/RO/CRISS_ROM_UPR_S2_2008_RomaCentreforSocialInterventionandStudies_uprsubmission_INDIVIDUAL.pdf.

²² “Italy Demands Romania Support to Control Roma Immigration.” *Ultima Ora*. http://news.phg.ro/italy_demands_romania_support_to_control_roma_immigration-s2145.html?action=pdf.

²³ “Letter of the Centre on Housing Rights and Evictions (COHRE), the European Roma Grassroots Organisation (ERGO) and *osservAzione* to Prime Minister concerning the forced evictions of the Roma in Italy”. Florence: *osservAzione*. 14 August 2007. http://www.osservazione.org/documenti/EU_IE_Italy_Roma_14Aug07.pdf.

funeral, people were heard allegedly saying “Just as well, that’s four Gypsies less.”²⁴

The Council of Europe reacted immediately. In a statement of 15 August 2007, Ms Maud de Boer Buquicchio, Deputy Secretary General of the Council of Europe, said that “when a Roma child dies due to deplorable living conditions, the whole society bears the responsibility and not only the parents.” She invited the Italian authorities “to take the necessary steps towards Roma integration by adopting comprehensive action plans, including public information campaigns to combat discrimination and deep-rooted prejudices against Roma.”²⁵

Encouraged by the impunity of the Livorno attackers, a group of about forty Italians assaulted a camp near Ponte Mammolo in Rome in September 2007 and threw incendiary bottles. The local carabinieri arrested one man – for illegal possession of weapons.²⁶

Doing away with the rule of law

What happened next is difficult to believe in a democracy: The abandonment of the rule of law, allegedly in defence of law and order.

Following the rape and murder of a woman, allegedly by a Romani individual in the Parioli

area in Rome on 31 October 2007, informal patrols were set up in Rome (Portuense), Turin and Piacenza; television showed men menacingly patrolling the camps in cars. Three Roma were assaulted outside a supermarket and two Romani camps, including the one the presumed murderer came from, were destroyed by the police; similar police raids on Romani camps took place in Bologna, Florence and Genoa and a number of Roma were deported.²⁷ No mention was made in the media that the presumed murderer had been denounced by a Romani woman who was an eye witness to the crime. Nor did anybody wonder why a murder by a Romani person should merit the destruction of the whole camp he came from.

The *coup de grace* was given by the Italian Council of Ministers, which called an urgent meeting on 31 October and adopted an emergency decree for the expulsion of citizens of other European Union countries on the basis of Directive 2004/38/EC on the right of Union citizens and their families to travel and reside freely in the territory of the member states.²⁸ The decree allowed for expulsions “for imperative reasons of public safety” defined as “behaviour that compromises the protection of human dignity or fundamental human rights or of public safety.” According to the decree, the expulsions could be enforced immediately and those expelled could not return before three years had passed.²⁹

²⁴ “The Fire of Livorno”. Everyone Group. 28 September 2007. http://www.everyonegroup.com/EveryOne/MainPage/Entries/2007/9/28_The_fire_of_Livorno.html.

²⁵ “Council of Europe Deputy Secretary General: Italy Should Take Action to Integrate Roma”. Prague: Romea, 15 August 2007. http://www.romea.cz/english/index.php?id=detail&detail=2007_466.

²⁶ ERRC/COHRE/osservazione/Sucar Drom n. 6 above.

²⁷ Human Rights Watch. “Italy: Expulsion Decree Targets Romanians”. New York: Human Rights Watch. 7 November 2007. <http://www.hrw.org/en/news/2007/11/07/italy-expulsion-decree-targets-romanians>.

²⁸ The Directive allows expulsion of EU citizens: 1. if condemned for a criminal act, but not in prison in spite of the condemnation; 2. if they have committed a criminal act in the host country; and 3. if they do not have resources for themselves and their families. European Union Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC. 29 April 2004. http://ec.europa.eu/justice_home/doc_centre/citizenship/movement/doc/table_correspondence_en.pdf.

²⁹ ERRC/COHRE/osservazione/Sucar Drom n. 6 above.

Unanimous condemnation

The decree raised a hue and cry within the international community. The President of the Parliamentary Assembly of the Council of Europe, René van der Linden, issued a press release expressing his concern over the mounting xenophobia in Italy and said that expulsions for public security reasons should be subject to judicial scrutiny. He recalled that Article 4 of Protocol No 4 of the European Convention on Human Rights forbids collective expulsions.³⁰

The ERRC, together with the European Roma Information Office (ERIO), the European Network against Racism and the Open Society Institute issued a press release on 12 November 2007 condemning the emergency decree as a violation of European and international human right standards.³¹

In a separate statement, on 19 November 2007, ERIO gave a detailed explanation of how the decree violated the EU Charter of Fundamental Rights, the spirit of the Maastricht, Amsterdam and Nice Treaties, and most of all Directive 2004/38/EC.³²

Human Rights Watch, in a press release dated 7 November 2007, condemned the emergency decree which, it claimed, focused “exclusively on Romanians and in particular Roma from that country.” The release pointed out that “collective expulsion is prohibited under the European Convention on Human Rights and the EU Charter of Fundamental Rights.” It also recalled that in May 2007, the UN Committee against Torture expressed concern about “the immediate enforcement of [...] expulsion orders without any judicial review.”³³

In November Rudko Kawczynski, President of the European Roma and Travellers Forum and members of the Executive Committee, visited Italy to examine the situation of Roma and had talks with the Minister of Social Affairs and Solidarity and with the Mayor of Rome. They expressed their concerns regarding the situation of Roma living in Italy.

The Economist of 8 November 2007 rightly remarked that “it is at best debatable whether the expulsions reflect faithfully a directive that was intended for a serious present threat which affects the fundamental interests of the state.”³⁴

A European Commissioner’s gaffe

The European Commission, which had remained silent in the face of mounting xenophobia in recent years now reacted through its Commissioner for Justice and Civil Liberties, Mr Franco Frattini. His declaration was a disgraceful show of ignorance and cynicism.

Mr Frattini said “What has to be done is simple; go into a nomad camp in Rome, for example, and ask them ‘Can you tell me on what you live?’ If they say they do not know take them and send them home to Romania. That is how the European Directive works. It is simple and safe. Romania cannot say they cannot take them back because it is an obligation that is part of being a member state of the European Union.”³⁵ This misinterpretation of the European directive is not surprising. In a discussion with a delegation of the European Roma and Travellers Forum, Mr Frattini later admitted that the Commission had insufficient information about the situation of Roma in Europe.

³⁰ “PACE President stresses there must be ‘no witch-hunt of Romanians in Italy’”. Council of Europe. Press release - 747(2007). 7 November 2007. https://wcd.coe.int/ViewDoc.jsp?id=1207003&Site=secDC&ShowBanner=no&Target=_self&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864.

³¹ ERIO “Press release on Anti-Gypsyism in Italy”. Prague: Romea. 12 November 2007. http://www.romea.cz/english/index.php?id=detail&detail=2007_623.

³² ERIO “Statement on the Roma expulsions in Italy”. Brussels. November 2007. http://www.erionet.org/site/upload/advocacy/ERIO_position_on_Italy_NOV_2007.pdf.

³³ Human Rights Watch n. 27 above.

³⁴ “Italy and immigration: Italy’s cack-handed crackdown”. The Economist. 8 November 2007. http://www.economist.com/world/europe/displaystory.cfm?story_id=10105059.

³⁵ “Quelle Accuse a Frattini che Ignorano la Realta”. Il Messagero. 15 November 2007. http://ec.europa.eu/commission_barroso/frattini/archive/pc_15_11_07_it.pdf.

European Parliament saves the day

The European Parliament took a very different view. In a resolution of 15 November 2007, the European Parliament reaffirmed “the value of the free movement of persons as a fundamental principle of the Union, a constituent part of European citizenship and a key element of the internal market,” defined the limits of expulsion and insisted that national legislation conform with those limits. The European Parliament “believes that the recent statements to the Italian press by Franco Frattini, Commission Vice-President, in connection with the serious incidents in Rome were contrary to the spirit and letter of Directive 2004/38/EC, a Directive with which he is called to comply in full.” Most importantly, the resolution called on the Commission to pursue “an overall strategy for social inclusion of the Roma,”³⁶ echoing the proposal for social integration made by the Deputy Secretary General of the Council of Europe in her statement following the Livorno arson.

This did not stop Mr Frattini from persisting in his error. In February, 2008, in replying to a parliamentary question, Mr Frattini said that according to EU law “it is possible to expel EU citizens who have immigrated to Italy if they are unable to show they possess sufficient means to support themselves.”³⁷

And more protests

Complaints against the emergency decree were not limited to international organisations

and the international press. Politicians and well-known personalities both in Italy and in Romania expressed doubts on the legality of the measures proposed. Mgr Giuseppe Casale, Emeritus Archbishop of Foggia, condemned mass expulsions and insisted on the responsibility of the state to create interactive communities. Repression alone was not effective.³⁸ Ivano Peduzzi, head of the Lazio region section of the Reformed Communist Party, declared that measures to bring communities together were essential to avoid moving towards a society based on fear.

Alfio Nicotra, Secretary of the Reformed Communist Party in Lombardy, expressed fears of a witch hunt. He claimed that focusing on the murder of Giovanna Reggiani by a Romani person would conveniently divert attention from the violence on women by relatives and friends within the family circle.³⁹

In Romania, both the President and the Prime Minister expressed doubts over the legality of the emergency decree. President Basescu said he did not defend those Romanians who commit crimes in Italy but that it was necessary that the civil rights of all citizens, immigrants or not, be respected. He had therefore summoned the Romanian Foreign Affairs Ministry to urge the European Commission to assess whether the new Italian public safety law respected the civil rights of all citizens.⁴⁰ The Prime Minister, Calin Popescu Tariceanu, said that Romanians residing in Italy must be protected or judged according to law.⁴¹

³⁶ *European Parliament Resolution of 15 November 2007 on the application of Directive 2004/38/EC on the right of EU citizens and their family members to move and reside freely within the territory of the Member States. European Parliament. 15 November 2007. <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2007-0534+0+DOC+XML+V0//EN>.*

³⁷ *“The Answer of Frattini is Contrary to the Spirit of Europe”*. Everyone Group. 23 February 2008. http://www.everyonegroup.com/Everyone/MainPage/Entries/2008/2/23_The_situation_of_the_Rroms_in_Italy_is_deteriorating_all_the_time.html.

³⁸ *“Immigrati: Vescovi, No a Espulsioni di Massa”*. Vita.it. 2 November 2007. <http://web.vita.it/news/viewprint/72190>.

³⁹ *“Sicurezza e Omicidio Reggiani: Attenti alla Costruzione Sociale della Paura, Rischio Pogrom Contro Rom e Romeni”*. Partito della Refondazione Comunista. 2 November 2007. <http://www.prclombardia.it/html/modules.php?name=News&file=article&sid=275>.

⁴⁰ *“President Basescu Summons Brussels Authorities to Take Stand on Crisis Affecting Romanians in Italy”*. Prague: Romea. 5 November 2007. http://www.romea.cz/english/index.php?id=detail&detail=2007_598.

⁴¹ *Ibid.*

For the first time, the Catholic Church took an official position when Pope Benedict XVI declared in an interview with the Romanian Prime Minister that an entire people cannot be labeled because of the action of one man. The Pope expressed his hope for a courteous relationship between immigrants and locals.⁴²

The Council of Europe position

Only a few days after the dramatic events following the murder of Ms Reggiani, Ms Maud de Boer Buquicchio, Deputy Secretary General of the Council of Europe, paid an official visit to Italy. One of the issues she discussed with Italian officials was the aftermath of the crisis provoked by the murder.

The Council's message was consistent and reflected the only solution possible:

- ensure respect for human rights: no collective expulsion, no stigmatisation of a whole community, expulsion subject to judicial review;
- ensure social cohesion: implement the decisions of the Committee on Social Rights;
- launch the Dosta! campaign against prejudices and stereotypes towards Roma in Italy and strengthen the dialogue with the Romani community;
- address with long-lasting and comprehensive solutions the situation of Roma in Italy; and
- speed up the finalisation of a draft law to include Roma, Sinti and Camminanti in the 1999 law on minority languages (a proposal made as a direct follow-up to her meeting with Minister Ferrero in September 2007).⁴³

Government representatives reassured the Council of Europe that the Italian government would conform to European norms and that expulsions would not be collective and would only concern persons who had committed crimes.⁴⁴

Ms de Boer Buquicchio also addressed the Bicameral Commission on Children of the Italian Parliament and spoke on policies adapted to the specific needs of Roma, including the use of mediators and school assistants. She added that a proper education was essential for the effective social integration of Roma. One month later, Ms Letizia Moratti, Mayor of Milan, issued a decree stopping children whose parents had no residence permit from attending kindergartens and pre-school (*scuola materna*).⁴⁵

No change in 2008

On 4 January 2008, 250 Roma who had taken shelter from the winter weather in two sheds in an abandoned warehouse in Rome had to flee for their lives when both sheds caught fire. According to the Italian organisation Everyone Group, there is every indication that this was another case of arson but the media has carefully avoided drawing such a conclusion.⁴⁶

There was no respite either for hate speech, stereotyping and incitement by the authorities and the media. The Deputy National Secretary of the Police Trade Union (*Unione Sindacale di Polizia*), Roberto Boni, issued a public declaration denouncing the "luxurious" lifestyle of Roma, driving around in Mercedes, BMWs and Ferraris, hiding their riches behind rundown shacks and receiving government assistance. He complained of the masses of young Roma thieving, burgling

⁴² "Italy: Immigration Row Heats up Following Woman's Murder". Adnkronos. 5 November 2007. <http://www.adnkronos.com/AKI/English/Politics/?id=1.0.1515079629>.

⁴³ Council of Europe. *Mission report of the Secretariat*. 7 November 2007. On file with the author.

⁴⁴ "Il Vicesegretario del Consiglio d'Europa ha Incontrato il Sottosegretario all'Interno Lucidi sulla Questione Rom e Sinti". *Immigrazione Oggi*. 7 November 2007. http://www.immigrazioneoggi.it/daily_news/2007/novembre/07_5.html.

⁴⁵ Leone, Barbara. "Scuola Materna Vietata agli Immigrati". *Giovani*. 10 January 2008. http://www.giovani.it/news/societa/fioroni_milano_scuola_materna.php.

⁴⁶ "Racist Attack against 250 Roms in Rome". *Everyone Group*. 6 January 2008.

and resorting to prostitution and declared that “the problem of nomads is one of public order and security, and therefore of the Police.”⁴⁷

In the concluding observations of the UN Committee on the Elimination of Racial Discrimination on Italy in March 2008, the Committee expressed concern on the miserable living conditions of Roma, the hate speech attributed to politicians, the negative attitudes and stereotyping concerning Roma among the municipalities, ill-treatment by the police and the negative image of Roma and Sinti in the mass media.⁴⁸

Antonio Scavi, President of UNICEF in Italy, protested that constant evictions were disturbing the children mentally and depriving them of proper schooling. He appealed to stop racism and discrimination.

All appeals went unheeded and worse was to come.

The sound of fascist boots

The “law and order” brigades had a heyday in the month of May 2008. Mr Silvio Berlusconi of Forza Italia constituted his new government with Roberto Maroni, member of the xenophobic extreme right wing party as Minister of the Interior and Gianfranco Fini, a leader of the fascist National Alliance as Speaker of the Lower Chamber of Parliament.

Berlusconi announced in his campaign that, during the first 100 days of the new government, there would be zero tolerance toward Roma and criminals. Mr Berlusconi’s election was followed by an explosion of xenophobia throughout Italy, with a rapid acceleration of evictions and harassment by the authorities, the police and the public.

Mr Maroni, the Minister of the Interior, set the tune and the tempo in early May, stating “All Roma camps will have to be dismantled right away and the inhabitants will be either expelled or incarcerated.”⁴⁹

In Trieste the local administration cut the water and electricity supply to an Italian Sinti camp. In Vicenza, Romani women were stopped from entering a supermarket. On 11 May, four molotov cocktails were thrown at a Roma camp in Novara.⁵⁰ Evictions carried out by authorities took place in Bovisa, Bacula and Piazza Tirana. In each case, the habitation was destroyed together with all the personal belongings.⁵¹

Tension reached a breaking point in mid-May when a six-month old baby was allegedly kidnapped in Naples by a 16 year old Romani girl. A Romani camp in Ponticelli was completely destroyed by molotov cocktails. Nobody was hurt as its inhabitants had, earlier on, left the camp under threat.⁵² Strangely enough, only a week later a Romani couple allegedly tried to kidnap a three year old girl outside a supermarket in Catania.⁵³

⁴⁷ “Perché la Polizia Italiana Perseguita i Rom?”. *Everyone Group*. 29 February 2008.

⁴⁸ *United Nations Committee on the Elimination of Racial Discrimination*. “Seventy-second session: Summary Record of the 1852nd Meeting”. 28 February 2008. <http://www2.ohchr.org/english/bodies/cerd/cerds72.htm>.

⁴⁹ *osservAzione*. “Memorandum Concerning the Necessity to Apply Treaty Measures in the Matter of the Italy Emergency”. Florence: *osservAzione*. 18 September 2008. <http://www.osservazione.org/documenti/Memorandum%20Treaty%20Article%207%20Italy%20September%202008%20LIBE.pdf>.

⁵⁰ *Amnesty International*. “Italy Must Stop the Discrimination Against Roma”. London. 10 September 2008. <http://www.amnesty.org/en/appeals-for-action/italy-must-stop-the-discrimination-against-roma>.

⁵¹ *ERRC/OSI/COHRE/Romani Criss/CRC n. 5 above*.

⁵² *Organization for Cooperation and Security in Europe (OSCE)*. “Sustainable Policies for Roma and Sinti Integration: Final Report”. Vienna. October 2008. http://www.osce.org/documents/odihr/2008/10/33484_en.pdf.

⁵³ *Giovanni Maria Bellu*, a journalist with *La Repubblica*, claims there is nothing in police records to support the idea that Roma have ever stolen babies in Italy. “Plight of the Roma: Echoes of Mussolini”. *Independent*. 27 June 2008. <http://www.independent.co.uk/news/world/europe/plight-of-the-roma-echoes-of-mussolini-855436.html>. *The myth of child kidnapping by Gypsies*

Bad news travels fast. When it reached Marcaria, near Mantua, some inhabitants thought it fit to vent their outraged feelings on a group of peaceful Kalderash who were camping for a few days in an area authorised by the mayor. Incendiary bombs were thrown at their caravans and although nobody was hurt, the children were traumatised by the attack.⁵⁴

In Naples, Rome and Milan, Roma would not leave their camps for fear of attacks by gangs of men patrolling the town.⁵⁵

On 16 May, 2008 the European Roma Rights Centre protested vigorously against the anti-Roma pogroms. In a letter addressed to the highest authorities in the country, the ERRC highlighted the responsibility of high-ranking politicians for contributing to the current climate of hostility against Roma.⁵⁶

On that same day the Organization for Cooperation and Security in Europe issued a press-release expressing concerns over the violent attacks on the informal settlements in Italy. Andrzej Mirga, the head of the OSCEs Contact Point for Roma and Sinti Issues, said, “There has been a worrying rise of anti-Roma and anti-immigrant rhetoric in recent months across Italy. There must be no place for racial stereotyping and inciting hatred and violence in a tolerant democratic society.”⁵⁷

In July 2008, a delegation of OSCE experts visited Italy to identify together with Italian authorities “issues of concern and develop recommendations on how to address them in line with Italy’s, OSCE and other international commitments.” Representatives from the office of the Council of Europe’s Commissioner of Human Rights accompanied the delegation.⁵⁸

One month later, the European Committee against Racism and Intolerance of the Council of Europe issued a statement emphasising “the urgent need for the Italian authorities to take a firm stand against all forms of racism and xenophobia” and regretting “the persistent racist and xenophobic discourse by some Italian politicians and the media.”⁵⁹

A negative response

The government responded by adding fuel to the fire. On 21 May 2008, the Council of Ministers of the Government passed a decree entitled “Declaration of the state of emergency with regard to nomad community settlements in the territories of Campania, Lazio and Lombardy regions,” which would have serious consequences for public order and security. The decree was based on a 1992 Law on national disasters and builds on the Pacts of Security existing in 14 cities since November 2006.

is reminiscent of a similar myth concerning the ritual sacrifice of young boys by Jews. In 1945, immediately after the war, a pogrom occurred in the Jewish quarter of Cracow in Poland, following a rumour that a Christian child had been killed in a ritual murder. (In Poland after the Liberation, by Jonas Turkov).

⁵⁴ “Brescia e Mantova, Atti di Violenza Contro Rom e Sinti”. Mantova: Sucar Drom. 21 May 2008. <http://sucardrom.blogspot.com/2008/05/brescia-e-mantova-atti-di-violenza.html>.

⁵⁵ Fasano, Giusi. “Napoli, Vendetta Anti Rom: ‘Via Chi Rapisce Bambini’”. *Corriera della Sera*. 13 May 2008. http://www.corriere.it/cronache/08_maggio_13/fasano_a7dea648-20bd-11dd-b34d-00144f486ba6.shtml.

⁵⁶ “ERRC Calls on Italian Government to Stop Anti-Romani Pogroms”, Budapest. 20 May 2008. <http://www.errc.org/cikk.php?cikk=2953>.

⁵⁷ “OSCE Human Rights Body Concerned about Anti-Roma Violence in Italy”. Vienna: Organization for Cooperation and Security in Europe. 16 May 2008. <http://www.osce.org/item/31147.html>.

⁵⁸ OSCE. “OSCE Experts in Italy to Assess Situation of Roma and Sinti”. Vienna: Organization for Security and Cooperation in Europe. 21 July 2008 <http://www.osce.org/item/32261.html>.

⁵⁹ Roma and Immigrants in Italy.” 20 June 2008. http://www.coe.int/t/e/human_rights/ecri/1-ECRI/5-Current_events/53-eng_20_06_2008.asp.

The implementing ordinances adopted on 30 May 2008 appointed the Prefects of Rome, Milan and Naples as Commissioners responsible for carrying out monitoring of camps, identification and census of the people, expulsion of irregulars and eviction. It also empowers them to derogate from state laws in the exercise of their duties.

On 23 May 2008, Italy adopted a decree allowing for the expulsion of an EU citizen who has spent more than two years in jail. If the person concerned does not conform with the judicial order, he is liable to 1 to 4 years in prison.⁶⁰

Mr Thomas Hammerberg, Council of Europe's Commissioner for Human Rights, reacted promptly and stated that the appointment of commissioners for Roma affairs was based on prejudice and turned all Roma into criminals. He insisted that entering a country illegally cannot be considered a crime.⁶¹

He was not alone to complain. Amnesty International and the Anti-Defamation League both expressed their concern over large-scale evictions, discriminatory language by leading politicians and widespread racism. Daniela Carboni of Amnesty International (Italian division) claimed that "the erosion of everyone's rights threatens to turn Italy into a dangerous country, currently for Roma and Romanians and in the future potentially for all of us."⁶²

At long last, the European Commission, goaded by the European Parliament, woke up to the sad reality. For the first time, after

years of harassment and eviction of Roma, the European Commission, through its Social Affairs Commissioner Vladimir Spidla, declared at a European Parliament debate in May that an Italian plan to expel EU citizens was "an extreme measure." Commissioner Spidla said that "Roma people need to have the same liberties, the same rights as the others. They are[...] citizens of the EU and should not be discriminated against."⁶³

The most dramatic but little publicised protest came from the President of the Italian Republic himself. In a message addressed to Italians ahead of celebrations of the 62nd anniversary as a Republic, Mr Giorgio Napolitano said, "I can no longer keep my concerns silent on the recent phenomena that constitute the denial of principles and constitutional values. Phenomena of intolerance and violence of any kind; violence of the security of citizens, their life and their assets; intolerance and violence against the foreigner; intolerance and political violence and rebellion against the legitimate decisions of the democratic state."⁶⁴

Hatred at all levels

The appeal was timely. A recent poll shows that 70% of Italians want Roma and other "undesirable" immigrants expelled. Berlusconi's popularity rating topped 50% after his anti-immigration security package was revealed. Mr Maroni, who drafted the legislation, topped 60% and Rome's new mayor, Gianni Alemanno, member of the post-fascist National Alliance, won much praise for sweeping up the Gypsies in Rome.⁶⁵

⁶⁰ "XVI legislatura Disegno di Legge A.S. n. 692-B: Conversione in Legge, con Modificazioni, del Decreto-Legge 23 maggio 2008, N. 92, Recante Misure Urgenti in Materia di Sicurezza Pubblica." *Italian Senate*. 24 June 2008. p. 13. http://www.senato.it/documenti/repository/dossier/studi/2008/Dossier_033.pdf.

⁶¹ "Memorandum by Thomas Hammarberg Commissioner for Human Rights of the Council of Europe". *Council of Europe*. CommDH(2008)18. 28 July 2008. <https://wcd.coe.int/ViewDoc.jsp?id=1309811&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>.

⁶² Nadeau, Barbie. "Italy's Unwanted". *Newsweek*. 28 May 2008. <http://www.newsweek.com/id/139019>.

⁶³ "Commission Warns Italy not to Expel Roma." *Euractiv*. 21 May 2008. <http://www.euractiv.com/en/socialeurope/commission-warns-italy-expel-roma/article-172550>.

⁶⁴ Spampinato, Alberto. "2 Giugno, L'Allerme di Napolitano: "Fermiamo Violenza e Intolleranza". *La Gente d'Italia*. 2 June 2008. <http://www.lagenteditalia.com/Giornali/02062008.pdf>.

⁶⁵ Memorandum by Thomas Hammarberg n. 61 above.

The measure of the level of hate and xenophobia generated by security paranoia was provided by the chilling drawings by primary schoolchildren in Italy.

In a school near the Ponticelli camp teachers had set the children the task of explaining how they felt about the persecution of the “Gypsies.” Many of the responses – in drawings and essays – supported the arson attacks.

The headmaster blamed the parents for the attitudes of their children, as some of them had involved their children in violent raids on the camps.⁶⁶ Mr Crescenzo Sepe, the Cardinal of Naples, expressed his shock by the drawings of 9-year olds. He said “It shows that these young minds have been affected by an extremist ideology.”⁶⁷

Yet another demonstration of the public’s attitude toward Roma took place in Venice when the Northern League organised demonstrations against the mayor’s decision to build a village for the Sinti (who are Italian citizens) and had people chained to the surrounding barriers to stop work from starting.⁶⁸

The rebuke of the Commissioner for Human Rights

In the light of this disturbing situation, Mr Thomas Hammarberg, Council of Europe Commissioner for Human Rights, decided to pay a visit to Italy on 19-20 June, during which he had discussions with Mr Maroni.

The Memorandum, which the Commissioner drew up after his visit, leaves no doubt that the Italian authorities had gone down a dangerous path. The Commissioner pointed out that it was not necessary to adopt emergency legislation on matters which can be regulated by ordinary legislation and stressed the urgent need to avoid security driven policies. He insisted that evictions should never take place if no adequate, alternative accommodation was available and expressed concern over the violent anti-Roma and anti-Sinti manifestations which have sometimes led to setting Romani camps on fire. He recalled the duty of the authorities to protect Roma and Sinti populations from violent acts by private individuals and to avoid ill-treatment by the police force. The Commissioner criticised the panoply of anti-migrant legislation,⁶⁹ which he feared would stigmatise further Roma and Sinti and could lead to an increase in illegal entries.

The Commissioner, in line with the constant Council of Europe approach on these issues, urged the authorities to “adopt and implement promptly a coherent, comprehensive and adequately resourced national and regional strategy with short- and long-term action plans, targets and implementing policies.”

The comments of the Italian government attached to the Commissioner’s memorandum demonstrate an obsession with security, provide partial replies and no reply at all to the proposal in paragraph 48 of the Memorandum to develop a strategy to improve the situation of Roma. Most comments refer to what should be stopped (begging, thieving, school absenteeism) by repression but no real alternative measures for integration are provided.⁷⁰

⁶⁶ Moore, Malcolm. “Italian Children Back Burning of Gypsy Camps”. *The Telegraph*. 29 May 2008. <http://www.telegraph.co.uk/news/worldnews/europe/2043851/Italy-Italian-children-back-burning-of-gypsy-camps.html>.

⁶⁷ Pisa, Nick. “The Italian Schoolchildren’s Drawings which Illustrate a Chilling Hatred for Roma Gypsies”. *Daily Mail*, 30 May 2008. <http://www.dailymail.co.uk/news/worldnews/article-1022811/The-Italian-schoolchildrens-drawings-illustrate-chilling-hatred-Roma-gyps>.

⁶⁸ *Ibid.*

⁶⁹ See the description of the measures in Lorenzo Trucco, *Legal and policy developments in the condition of migrants and Roma in Italy* on page 31 of this issue of *Roma Rights*.

⁷⁰ Memorandum by Thomas Hammarberg n. 61 above.

Ethnicity based census and fingerprinting

Having achieved widespread public support and instilled a sufficient dose of fear, the Government, in no way intimidated by protests and condemnations, felt it was time to step-up the anti-Roma campaign and proceed with measures no civilised democracy would dream of: An ethnicity based census.

On 6 June 2008, about 50 police officers and carabinieri arrived at 5:00 in the morning at the Via Impastato camp in Milan and proceeded to photograph the identity cards of about 35 Italian citizens resident in Milan for several decades. As the details on the identity cards are already available to the authorities, the whole operation was clearly intended to create an ethnic data base. Amongst the persons subjected to the census were children of deportees who died in Nazi concentration camps and who still had memories of filing by Mussolini and Hitler.

Excited by the success of this operation, the Interior Minister decided to go a step further and fingerprint all Roma, including children. He even proposed that Romani children whose parents keep them out of school and send them begging should be taken into state care.

The guidelines issued by the Ministry of the Interior on 17 July 2008, established that fingerprints would be required for persons over 14 residing in "nomadic camps," unless they could be otherwise identified. For those between 6 and 14, fingerprints may be taken only for residence permits at the request of whoever has paternal authority. Under the age of 6, fingerprints are possible in the case of abandoned and victimised children and only with the authorisation of the Procurator in the Juvenile Court.⁷¹

Ethnic profiling condemned

This time all the international organisations that had been wondering what the Italian authorities were up to, sprang into action.

On 26 June 2008 the president of UNICEF-Italia, Vincenzo Spadafora, issued a declaration expressing surprise and concern at the recent orders to fingerprint Romani children and maintained that the purpose was "to evict those unfit to stay in Italy." He noted that in 1926 the German government had also issued orders to fingerprint all Roma, including children over the age of six months, and to photograph them.⁷²

The strongest protest came from Terry Davis, Secretary General of the Council of Europe. In a brief, terse statement Mr Davis said: "The Italian Minister of the Interior is reported to have proposed that all Roma, including children, living in camps in Italy should be fingerprinted. This proposal invites historical analogies which are so obvious that they do not even have to be spelled out. While I believe that Italian democracy and its institutions are strong enough to prevent any such ideas becoming laws, I am nevertheless concerned that a senior member of the government of one of the Council of Europe member states is reported to have made such a proposal."⁷³

On the same day, Archbishop Agostino Marchetto, secretary of the Pontifical Council for Migrants and Travellers, said "We cannot make poverty a crime. Removing children from their parents is a serious issue. We should be giving financial aid to Gypsy parents instead to encourage them to get educated and to become cultural mediators."⁷⁴

⁷¹ *European Parliament, "Annex I and Annex II: the Draft Report of the LIBE Delegation to Italy on September 18th and 19th ('nomad camps' emergency)." London: Statewatch. November 2008. <http://www.statewatch.org/news/2008/nov/ep-libe-visit-to-italy-annexes.pdf>.*

⁷² "Council of Europe Blasts Italy over Roma Fingerprinting". *Euractiv*. 30 June 2008. <http://www.euractiv.com/en/mobility/council-europe-blasts-italy-roma-fingerprinting/article-173775?Ref=RSS>.

⁷³ "Council of Europe Secretary General Terry Davis on the proposal to fingerprint Roma in Italy." *Council of Europe*. 484(2008). 27 June 2008. <https://wcd.coe.int/ViewDoc.jsp?id=1315385&Site=C M&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>.

⁷⁴ *Galaezzi, Giacomo. "Linea Dura del Ministro dell'interno sull'immigrazione Maroni: Prendere le Impronte ai Bambini Rom Toglieremo l'Affidamento a Chi li Manda a Chiedere l'Elemosina e Non*

A Catholic order of nuns, the Comboni Missionary Sisters, described Mr Maroni's plans as racist, saying it recalled the persecution of Jews in WWII. In a statement, they said: "Many of these children attend schools. It is incomprehensible why at such a tender age they should be made to feel different – the bearers of a modern-day yellow Star of David that brands them as probable future criminals."⁷⁵

The European Roma and Travellers' Forum joined the chorus of protests by a letter of 10 July 2008 to Prime Minister Berlusconi and an open letter of 11 July 2008 addressed to all Heads of State in the EU.

Last, and definitely not least, the European Parliament passed a resolution on 10 July 2008, by 316 votes in favour and 220 against, condemning fingerprinting as a direct act of racial discrimination. The resolution asked the Italian government to refrain from collecting fingerprints from Roma, including minors, as this would clearly constitute an act of discrimination based on race and ethnic origin. It urged the European Commission to see if the Italian measures were violating European law.⁷⁶

Undaunted, the government proceeded with fingerprinting. Work started in Naples, where on 7 July about 615 persons, including children, had their fingerprints taken by the police. The census forms showed that the authorities were

taking fingerprints from people with valid passports and were also collecting information on religion and ethnicity.⁷⁷

The announcement that the Italian Red Cross would help with the census brought condemnation from the European Centre for Antiziganism Research⁷⁸ and from the UK Association of Gypsy Women.⁷⁹ It did not otherwise receive criticism.

In fact the Red Cross was involved only in and around Rome, where, in any case, fingerprints were not taken. The intervention of the Red Cross had some positive results. The health condition of those being registered was verified and health cards given to them.

Playing it down

Faced with international opposition, it was left to the local authorities to decide whether fingerprints should be taken.

Italy also agreed with the European Union to make sure the scheme complied with human rights norms and to not ask the individuals their ethnicity or their religion. It also announced that it would require all citizens to have their fingerprints put on ID cards starting in 2010.⁸⁰

a Scuola. "La Stampa, 26 June 2008. http://archivio.lastampa.it/LaStampaArchivio/main/History/tmpl_viewObj.jsp?objid=8583129.

⁷⁵ "Italy: Move to Fingerprint Gypsies Sparks Controversy." *Adnkronos*. 26 June 2008. <http://www.adnkronos.com/AKI/English/Politics?id=1.0.2289111304>.

⁷⁶ "ENAR Welcomes the European Parliament Resolution of 10 July 2008 on the Census of the Roma on the Basis of Ethnicity in Italy." *European Network Against Racism*, 15 July 2008. <http://cms.horus.be/files/99935/MediaArchive/pdfpress/2008-07-15%20EP%20resolution%20on%20Italian%20Roma%20census.pdf>.

⁷⁷ "Italy: Fingerprinting Already Started, Angry Reactions at the Italian Government's Move." *Brussels: European Roma Information Office*. 8 July 2008. <http://erionet.org/site/upload/publications/enews/e-news,%2008%20July%202008.pdf>.

⁷⁸ "Red Cross Collaborates in Ethnic Filing of Roma in Italy." *Hamburg: The European Center for Antiziganism Research*. 14 July 2008. <http://www.openpr.com/news/48590/Red-Cross-Collaborates-in-Ethnic-Filing-of-Roma-in-Italy.html>.

⁷⁹ "Letter of the UK Association of Gypsy Women to the President of the International Red Cross." *London: UK Association of Gypsy Women*. 24 July 2008.

⁸⁰ "Italy: Interior Minister Backs Fingerprinting for All." *Adnkronos*. 17 July 2008. <http://www.adnkronos.com/AKI/English/Security?id=1.0.2344956657>.

On 31 July 2008, in a meeting with Mr Berlusconi, the President of Romania said his country would not abandon its citizens abroad. He and the Italian Prime Minister announced that Italy's measure to fingerprint immigrants was not designed against Romani people from Romania but mainly to combat illegal immigration.⁸¹

Mr Maroni went so far as to claim that all children born in Italy's Romani camps would be given "humanitarian" citizenship.⁸²

The authorities also received the unexpected support of no less a personality than Livia Jaroka, a Hungarian Romani MEP, who claimed that the decision to fingerprint Roma was based on goodwill. She said that Roma had to be provided with identification documents to make sure they would not be victims of trafficking. She played down the seriousness of fingerprinting, claiming that fingerprint databases existed in other European countries.⁸³

And ramping it up again

The authorities might have tried to play it down but events in subsequent months did not show any change of heart either amongst the authorities or the public.

In early July, two young Romani girls drowned on a beach in Naples. They were fully clothed and the cause of their drowning remains a mystery. They were brought up on the beach and covered with a towel amidst the indifference of the public. Shocking photos showing people sunbathing or strolling calmly next to the two corpses appeared in newspapers throughout Europe – the ultimate evidence of hatred and contempt.⁸⁴

The public did not fail to maintain a constant supply of evidence of their feelings vis-à-vis Roma.

On 20 June 2008 a Romani missionary for the Pentecostal church was brutally assaulted by four policemen for having made public on television an assault on his 12 year old daughter two days before;⁸⁵ on 29 June, a young Romani man was beaten up and chased away from the city of Pesaro and another youth threatened with death in Fano; a molotov cocktail was thrown at a Romani camp at Magliana, near Rome on 23 July;⁸⁶ a small Romani camp in Pisa was completely burnt down on 26 July, and the inhabitants lost all their belongings;⁸⁷ on 28 July, a molotov cocktail was thrown at a Romani camp of 20 vehicles inhabited by Italian Sinti in Tuscany;⁸⁸ on 16 August, a small camp in Mestre was set on fire⁸⁹ and on 2 September a camp near Padova inhabited

⁸¹ "Roma MEP: Italy's Fingerprinting should be seen in Wider Context". Euractiv. 31 July 2008. <http://www.euractiv.com/en/mobility/roma-mep-italy-fingerprinting-seen-wider-context/article-174700>.

⁸² "Italy: Roma Children to Get Citizenship". ERIO. 22 July 2008. <http://erionet.org/site/upload/publications/enews/e-news,%2022%20July%202008.pdf>. Otherwise Italian law only allows the children of foreigners born on Italian soil the possibility to apply for Italian citizenship upon reaching 18 years of age if the individual can prove continuous residence in Italy from the time of birth.

⁸³ "Italy: Interior Minister Backs Fingerprinting for All" n. 82 above.

⁸⁴ "Council of Europe Lambasts Italy for 'Xenophobic' Environment". Der Spiegel. 30 July 2008. <http://www.spiegel.de/international/europe/0,1518,569080,00.html>.

⁸⁵ "Italian Charity Attacks Plan to Fingerprint Roma". The Peninsula. 4 July 2008 http://www.thepeninsulaqatar.com/Display_news.asp?section=World_News&subsection=United+Kingdom+%26+Europe&month=July2008&file=World_News20080704204.xml.

⁸⁶ *Ibid.*

⁸⁷ Steward, Phil. "Racism in Italy? Roma Crackdown Draws Critics." International Herald Tribune. 30 July 2008. <http://www.ihf.com/articles/reuters/2008/07/30/europe/OUKWD-UK-EUROPE-ROMA-ITALY.php>.

⁸⁸ "Council of Europe Lambasts Italy for 'Xenophobic' Environment", 30 July 2008, <http://www.spiegel.de/international/europe/0,1518,569080,00.html>.

⁸⁹ "Information on Evictions Collected by the Council of Coordinator for Activities Concerning the Roma from Roma Information Networks". Council of Europe. 20 November 2008. <http://www.coe.int/t/dg3/romaTravellers/Coordinator/Coordinator%20Information%20on%20Evictions%20November%202008.pdf>.

by Italian Sinti was burnt down and two young persons were burnt alive. On 6 September, three Italian Roma families stopped on a parking site near Bussolengo for lunch. They were arrested by the police, and taken to the police station where many of them, including the children, were brutalised, tortured and sexually abused. They were finally released but three of them were charged with resistance to the police!⁹⁰

Nobody – except the victims – was arrested and nobody was charged.

The authorities, not to be outdone by their voters, flexed their muscles and proceeded with evictions: on 3 July, at night in Osmannoro at Sesto Fiorentino, where all the personal belongings were destroyed and 120 persons thrown into the street, on 9 August in Milan, in via Console Marcello at Sesto San Giovanni on 7 September and 29 October, in Pesaro, in the early morning of 3 October⁹¹

In Rome, the victims were Italian Kalderash in the Tor Vergata area on 6 October.⁹² And finally, in Florence, on 27 October, a Roma camp inhabited by 200 Roma was pulled down and all personal belongings destroyed. Local citizens had, a week earlier, set the camp on fire but the inhabitants had managed to put it out.⁹³

The President of the Italian Red Cross declared that Roma families were evicted daily, leaving them without water, food or medicines. He claimed that the condition of Roma in Italy was worse than in Uganda.⁹⁴

In such a dramatic situation the Italian government, on 4 August, 2008, declared an emergency situation and deploy 3000 soldiers on the streets of Rome, Milan, Naples, Bologna, Verona and Palermo, supposedly to combat crime.⁹⁵

Widespread corruption is a much more serious issue in Italy than the begging and petty thefts of Roma. Mr Berlusconi, however, gave himself immunity from prosecution and dissolved the office of the high commissioner against corruption.⁹⁶

The climb-down

In September, the European Commission administered to the Berlusconi government a cold shower which tempered the enthusiasm of its most extremist elements. On 23 September 2008, Mr Jacques Barrot, Vice-President of the Commission responsible for Justice, Liberty and Security, issued a statement on the legal compatibility of the Italian Security Package with Community Law. The Italian government was told in no uncertain terms that the draft decree on the implementation of the Free Movement Directive 2004/38/EC posed problems of compatibility, as did the existing Decree 92/2008, particularly with regard to the rules on the automatic expulsion of EU citizens. The statement added ominously that if a solution was not reached in conformity with Community law within a very short time frame, “the Commission would launch infringement

⁹⁰ “Written Question by Giusto Catania (GUE/NGL) , Roberto Musacchio (GUE/NGL) , Vittorio Agnoletto (GUE/NGL) , Luisa Morgantini (GUE/NGL) and Vincenzo Aita (GUE/NGL) to the Commission”. *The European Parliament*, 24 September 2008. <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2008-5136+0+DOC+XML+V0//EN>.

⁹¹ *Supra* 90.

⁹² *Ibid.*

⁹³ *Ibid.*

⁹⁴ “Italy: The Red Cross Describes the Conditions the Roma People Are Living in as “Worse than Those in Uganda”. *Roma Rights Network*. 24 August 2008. <http://www.romarights.net/content/italy-red-cross-describes-conditions-roma-people-are-living-%E2%80%9Cworse-those-uganda%E2%80%9D>.

⁹⁵ Kubasova, Lucia. “Italian Troops Hit the Streets to Combat Crime”, *EU Observer*. 5 August 2008. <http://euobserver.com/9/26580>.

⁹⁶ Dinmore, Guy. “Italy Gets Tough on Crime While Neglecting Corruption”. *Guy Dinmore’s Blog*. 4 August 2008. <http://guydinmore.wordpress.com/2008/08/04/italy-gets-tough-on-crime-while-neglecting-corruption/>.

proceedings as provided for by the Treaty.”⁹⁷ As for expulsions for individuals without resources or with a criminal record, Brussels contended that EU rules allow neither the setting of income requirements nor the expulsion of undesirables from one Member State to another.

The provision contested by the EC was removed, as was the pledge to imprison clandestine migrants: They would now be fined. As for the requirement for the Courts to treat illegal immigration status as an aggravating circumstance adding to the penalty in criminal cases, the Interior Minister Maroni pledged this would not be applied to Community citizens.

The Italian government got a consolation prize – the Commission took the view that the census complies with Community legislation insofar as the census was addressed to all persons living in the nomadic camps. The Commission considered that the measures foreseen “do not authorise the collection of data on ethnic origin or on the religion of people covered by the census.” This was a semantic argument as in reality the overwhelming population in the camps are Roma and Sinti. The fingerprinting was also limited and for minors it was foreseen only when identification cannot be made otherwise.

Persisting in error

In spite of the international reprobation, which made headlines in European newspapers, and notwithstanding the Commission’s rebuke which removed the most blatantly discriminatory elements from the Security Package, the extremists in the government showed no change of heart. In early October, the Northern League, suggested that a 10-point system be introduced for would-be

migrants, with expulsion once they lose all their points.⁹⁸ The proposal was adopted in the Justice and Constitutional Affairs Committee of the Senate, then went to the Senate for voting.

That same month, Pope Benedict XVI, in his message for the World Day of Migrants and Refugees, said that an influx of immigrants “should not be seen by the host country as a sort of invasion, with negative repercussions on social stability and public security issues.” He called for “special attention” to be given to immigrants, refugees and exiles. In presenting the message, Cardinal Renato Martino, head of the Pontifical Council for the Pastoral Care of Migrants and Itinerant People, said “The problem of immigration is not resolved by closing borders” but by balanced and solid rules designed to make integration easier.⁹⁹

The Vatican message did not help. One month later, in November, the Northern League proposed that illegal immigrants should pay for health services, that doctors should report patients they know to be illegal and that social housing should be available only to those immigrants who have been resident in Italy for ten years.¹⁰⁰

This proposal elicited a strong response from the Italian Federation of Pediatricians, insisting that medical care was a constitutional right and that neglecting the health of immigrants could have serious consequences on the health of the general population.¹⁰¹

A shameful epilogue to a sad story

There is no doubt that the Italian authorities want to get rid of the unauthorised camps and I

⁹⁷ Goldirova, Renata. “Italy Risks Legal Battle over Expulsion of EU Citizens.” *EU Observer*. 24 September 2008. <http://euobserver.com/9/26797>.

⁹⁸ Pisa, Nick. “Italian Party Calls for Licensing System for Immigrants - with Expulsions Once They Hit Zero.” *Daily Mail*. 8 October 2008. <http://www.dailymail.co.uk/news/worldnews/article-1073949/Italian-party-calls-licensing-immigrants--expulsions-hit-zero.html>.

⁹⁹ Owen, Richard. “Immigrants to be Treated with Love says Vatican.” *The Times*. 8 October 2008.

¹⁰⁰ Poggioli, Sylvia. “Immigrants Forced To Margins Of Italian Society.” *National Public Radio*. 13 January 2009. <http://www.npr.org/templates/story/story.php?storyId=99255579>.

¹⁰¹ “Petition of the Federazione Italiana Medici Pediatri.” *Federazione Italiana Medici Pediatri*. 2 December 2008.

do not believe that anybody would blame them for destroying miserable shantytowns that have no place in a civilised democracy. Getting rid of the residents together with the camps is more problematic, given the Community rules in force on the right to free movement and residence of EU citizens. Many of the affected individuals have a legal right to stay in Italy as EU citizens. The destruction of the camps therefore raises the issues of the obligation of the government to provide adequate alternative accommodation in line with international human rights law, including both the International Covenant on Economic, Social and Cultural Rights and the Council of Europe's European Social Charter, to which Italy is a party.

During a meeting on 3 December 2008 under the chairmanship of the Interior Minister, the Prefects of Rome, Naples and Milan, together with the special commissioner for the so-called "Gypsy emergency," representatives of the Welfare and Education Ministries and the president of UNICEF-Italy, agreed to close all unauthorised Romani camps within a month. They also agreed to establish a working group on the schooling of Roma children and on developing job programmes for the unemployed.¹⁰²

As far as Rome is concerned, what could have been a laudable initiative risks becoming a contemptible measure. The presidents of Rome 19 municipalities have been asked by the Mayor and Prefect of Rome to find available areas for Roma coming from the unauthorised camps. According to the Mayor and the Prefect, the new "nomadic camps" should be far away from inhabited centres, with police guarding entrances. The installation of closed circuit television to control movements inside the camps is being considered. A charter of rights and duties is under preparation. Those that fail to respect the charter will be expelled.

Authorisation to reside in the allotted areas will be granted annually, up to a maximum period of three years, after which the individuals concerned could find themselves homeless.¹⁰³

The courts as the ultimate refuge

In a hostile and xenophobic environment, recourse to justice often remains the only solution. In a workable democracy the courts not only redress an injustice but also establish the limits of governmental power. Unfortunately, little use is made of this means of redressing wrongs in Italy and yet it works as the following examples prove.

In 2001, Fabio Tosi, later the Northern League mayor of Verona, distributed a petition and flyers against illegal Travellers' camps. During the campaign he said that "the Gypsies have to be sent away because wherever they go thieving takes place."¹⁰⁴ Mr Tosi and several of his colleagues were condemned for incitement to racial discrimination by the Court of first instance in December 2004; Mr Tosi's sentence was reduced on appeal in January 2007.

On 13 December 2007, the Court of Cassation, in a judgment which left most jurists amused and others bemused, absolved Mr Tosi on the basis that "discriminating against someone because they are different is different from discriminating against someone because they are criminal. Someone can legitimately be discriminated against for the way they behave but not for their being different." Conclusion: you cannot discriminate against Gypsies just because they are Gypsies but you can discriminate against them in so far as they are thieves. The case was sent back to the Court of Appeal, which condemned Mr Tosi to a two-month suspended sentence. Justice won the day.¹⁰⁵

¹⁰² "Italy: Interior Ministry to Close Unauthorised Roma Camps Within a Month". Brussels: ERIO. 4 December 2008. <http://erionet.org/site/upload/publications/enews/e-news,%2004%20December%202008.pdf>.

¹⁰³ "Roma, prima segregati e poi cacciati." Mantova: Sucar Drom. 23 December 2008. <http://sucardrom.blogspot.com/2008/12/roma-prima-segregati-e-poi-cacciati.html>.

¹⁰⁴ Spinelli, Alexian Santino. "The Romany People Situation in Italy." Girodivite. 25 October 2008. <http://www.girodivite.it/Alexian-Santino-Spinelli,8900.html>.

¹⁰⁵ "We Have the Issue of Inclusion of the Roma from Italy, but the Situation is not Desperate." Divers. 20 October 2008. http://www.divers.ro/eveniment_en?wid=37646&func=viewSubmission&sid=9291.

In a very recent case the Court of Cassation absolved a Romani woman from the crime of enslaving her child whom she carried with her while begging. Hundreds of women have finished in prison and had their child taken away by the Social Services for a similar act but had never reacted to the judgment.¹⁰⁶

There was also a noteworthy recent judgment concerning “illegal” occupation of land. The Court held that the occupation was not illegal as the Commune of Trieste had failed to provide an alternative area for the families who have been living there for several years.

Conclusion

As in many other European countries, the fate of Roma in Italy seems to be a sad un-ending story. At the beginning of 2009, here are some of the titles and links of some of the many racist Italian groups within the Facebook social network:

1. Death to Roma;
2. Anti Gypsy Group;
3. Let's chase away Roma;
4. Let's use the gypsies as pellets; and
5. Come on Tiber carry away all the gypsies in Rome.

In spite of numerous denunciations, these groups have not been removed. These titles and their content need no explanation. They are one more manifestation of the hatred and contempt which large groups of the population in Italy – as elsewhere – have for Roma and Sinti communities.

I do not believe that these feelings will change until the image of Roma and Sinti in the social consciousness and the resulting perceptions change. An important first step in this direction is to provide adequate, integrated housing opportunities.

If the Italian government genuinely wants to improve the lot of Roma and Sinti it should first and foremost stop treating these communities as a security issue. A responsible administration should allay public fears rather than foment them. It should avoid taking sporadic and uncoordinated measures which, even if well intentioned, have only short term results.

If Italy, and this is valid for all countries, wants to avoid a bad situation getting worse it should follow the line constantly proposed by the Council of Europe: Develop national and regional strategies for a lasting integration of Roma and Sinti in Italian society. It should undertake much needed concrete changes in infrastructure in the area of housing, education, employment, accompanied by intelligent campaigns to improve the image of Roma and Sinti amongst the public and eliminate stereotypes and irrational fears.

The Council of Europe Dosta! Campaign has been very successful in this respect in several Balkan countries and the Italian authorities have recently agreed to have a similar campaign in Italy. This is a ray of light in a very dark picture. Needless to say, this ray will not shine for long if mayors and prefects continue to treat Roma and Sinti as a menace and a security problem.

¹⁰⁶ “The Italian Institutions are Taking Hundreds of Roma Children Away from Their Parents”. *Everyone Group*. 23 June 2008. http://www.everyonegroup.com/Everyone/MainPage/Entries/2008/6/23_The_Italian_institutions_are_taking_hundreds_of_Roma_children_away_from_their_parents.html.