

CENTRE ON
HOUSING RIGHTS
AND EVICTIONS



osservazione **Azione**
ONLUS
centro di ricerca azione
contro la discriminazione
di rom e sinti

**WRITTEN COMMENTS
OF THE EUROPEAN ROMA RIGHTS CENTRE (ERRC), THE
CENTRE ON HOUSING RIGHTS AND EVICTIONS (COHRE),
OSSERVAZIONE AND SUCAR DROM**

CONCERNING ITALY

**FOR CONSIDERATION BY THE
UNITED NATIONS COMMITTEE ON THE ELIMINATION OF
RACIAL DISCRIMINATION
AT ITS 72nd SESSION**

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I. INTRODUCTION

The European Roma Rights Centre (ERRC), the Centre on Housing Rights and Evictions (COHRE), OsservAzione and Sucar Drom respectfully submit written comments concerning Italy for consideration by the Committee on the Elimination of Racial Discrimination (“the Committee”) at its 72nd session in 2008.

The ERRC is an international public interest law organisation engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma, in particular strategic litigation, international advocacy, research and policy development, and training of Romani activists. Since its establishment in 1996, the ERRC has established a reputation as the leading international non-governmental organisation engaged in human rights defence of Roma in Europe. The ERRC has undertaken extensive research, policy, law and training work in Italy due to the very serious issues Roma face there. ERRC publications about Italy and additional information about the organisation are available on the Internet at: <http://www.errc.org>.

The Centre on Housing Rights and Evictions (COHRE) is an independent, non-governmental, non-profit human rights organisation campaigning for the protection of housing rights and the prevention of forced evictions around the world. COHRE's objective is to see secured the housing rights of everyone everywhere. COHRE work involves housing rights training and education; research and publications; monitoring, documenting and preventing forced evictions; undertaking fact-finding missions; participation and advocacy within the United Nations and regional human rights bodies; and providing legal advocacy and advice to communities and organisations involved in housing rights campaigns. In Europe, COHRE works particularly on adequate housing rights as they relate to Roma, in light of the severe discrimination Roma face in Europe in the realisation of the right to adequate housing and related rights. Further information about COHRE is available at: <http://cohre.org>.

OsservAzione, Centre for Action Research against Roma and Sinti Discrimination, is a non-governmental organisation engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma and Sinti in Italy. OsservAzione has recently published two reports on the situation of Roma and Sinti in Italy: “Imperfect Citizenship” (2006) on the multiple forms of discrimination and exclusion that Roma and Sinti face in Italy, and “Political participation and media representation of Roma and Sinti”, a report on the role of the 'Gypsy issue' and Romani participation to local elections. Further information about osservAzione is available at: www.osservazione.org.

Sucar Drom (“Beautiful Road” in the Sinti language) is an organisation formed by Sinti, Roma and by people belonging to the majority society. Sucar Drom’s mission is the acknowledgment of full rights of citizenship for national and European Sinti and Roma Communities. It combats all forms of discrimination, direct or indirect, that now oppress Sinti and Roma populations. Sucar Drom’s goal is to facilitate relationships between individuals, societies, and cultures in order to bring about a culture of knowledge, dialogue, and understanding, based on reciprocal rights. Sucar Drom founded the Institute of Sinti Culture. Further information on Sucar Drom is available at: www.sucardrom.eu - <http://sucardrom.blogspot.com>.

The submitting organisations are aware of the contents of the Italian government's 14th and 15th periodic reports (State Report) to the CERD,¹ as well as other recent Italian government policy documents of relevance to Roma and Sinti. Regular monitoring of the human rights situation of Roma and Sinti in Italy is undertaken by all of the organisations joining this submission. On the basis of this, it is evident that the measures adopted and undertaken by the Italian government to date have been insufficient to ensure the effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and indeed, often have effects specifically counter to the spirit and letter of the ICERD.

¹ CERD/C/ITA/15

The present document does not aim to address all issues of relevance to the implementation of the Convention or its provisions in Italy. Nor is this document a comprehensive summary of all human rights issues facing Roma and Sinti in Italy.² With this submission, the submitting organisations aim to present the results of their research in several areas of relevance to the Convention in order to complement the information provided in the State Report.

II. EXECUTIVE SUMMARY

As to Convention Article 2, the government has not complied with its obligations to “prohibit and bring to an end, by all appropriate means, including legislation [...] racial discrimination.” The Italian government has also (i) in a high-profile debate rejected the possibility of the recognition of Roma and Sinti as a national linguistic and cultural minority in Italy, while providing legal recognition as national linguistic and cultural minorities to a number of other ethnic and linguistic groups; as well as (ii) adopted a number of regulatory acts aimed at facilitating racially-targeted acts against certain segments of the Romani community, including forced eviction from housing and expulsion from Italy.

As to Article 3 of the Convention, the submitting organisations are concerned that the Italian government has failed to prevent, prohibit, and eradicate the racial segregation of Roma and Sinti. This is especially evident in the field of housing: a growing number of Roma live in socially excluded locations characterised by substandard conditions on the edges of towns, segregated from the rest of the population. Recent acts by officials in a number of areas in Italy have worsened this situation and, indeed, many segregated Romani and Sinti communities have been specifically developed and authorised by governmental authorities.

As to Article 4, anti-Romani hate speech is a regular part of public discourse in Italy and in recent months there has been an extreme escalation of anti-Romani speech. Italian politicians are regularly quoted in the Italian press as having made anti-Romani statements. Individuals are only very rarely held accountable in cases in which anti-Romani statements are at issue.

As to Article 5, key sectoral fields covered by the ICERD ban on discrimination are burdened by systemic discrimination against Roma and Sinti. Included in this report are very worrying developments with regard to protection by the State, coupled with increasing abusive actions by State and non-State actors. Concerns related to discrimination against Roma in areas including education and housing, are noted in this report. Racial discrimination against Roma in the realization of civil, economic, political and social rights affects all Roma in Italy, regardless of their citizenship, as a result of the powerful stigma in Italy attached to being seen to be a “Gypsy”.

Of particular concern with respect to ICERD Article 5 guarantees are non-citizen Roma in Italy. Many Roma and non-Roma in Italy are stateless. Such persons were in the main born to immigrant Roma or non-Roma, frequently from the former Yugoslavia, and had resident permits in their parents’ passports, but only until the age of 18. At that point, they were required to leave the country or to seek Italian citizenship. However, such persons are frequently denied formal recognition by their parents’ country of origin – often due to the fact that they were born in Italy. They are also prevented from acquiring Italian citizenship, as a result of the fact that the camps in which they live or have lived do not provide them a right to an official domicile, making it impossible for such persons to comply with the Italian law on

² There are no accurate figures on the current number of Roma and Sinti in Italy. At paragraph 172 of its report to the Committee, the Italian government states that there are approximately 150,000 Roma in Italy.² Local non-governmental organisations estimate that there are 60,000-90,000 Italian Roma and Sinti and 45,000-70,000 Roma born outside Italy or born in Italy to immigrant parents, mainly from Eastern Europe, especially the former Yugoslavia and, recently, Romania. See: Colacicchi, Piero. 1998. “Down by Law: Police Abuse of Roma in Italy”. In *Roma Rights*, Winter 1998, pp.25-30. Available online at: http://errc.org/rr_wint1998/noteb1.shtml.

citizenship which requires, among other things, a documented domicile from birth to age 18. Anyone without a resident permit or Italian citizenship has a right to urgent health care in hospital, but cannot join the state health insurance on an equal footing with other persons. Their only possibility of obtaining non-emergency health care is by going to private doctors, but such persons may not be able to afford such an option, as a result of poverty and extreme poverty among Romani immigrant groups. Such persons cannot be legally employed. They would also be ineligible for standard state-provided social assistance.

As to Article 6, when Convention articles are violated, these violations are, as a rule, rarely remedied. Since monitoring began in the mid-1990s, the number of cases of racially motivated human rights violations in which justice is known to have been provided to victims can be counted on the fingers of one hand. In the standard case, justice may only be forthcoming in instances in which large segments of Italian civil society mobilise to challenge the abuse, or if international institutions such as the European Court of Human Rights become involved. Even in such cases, Roma rights actions frequently fail, leaving the victim without remedy. The normative situation is system-wide impunity.

The situation in Italy has been of concern for a number of years. However, in the last year there has been a massive degradation in race relations in Italy, as a result of government- and media-led anti-Romani efforts. Anti-Romani sentiment has been a feature of the Italian media since at least the late 1990s and has never been checked adequately by any public authority. An extensive campaign -- apparently with the purpose of mobilising racist assumptions about "Gypsies" in the Italian public to active hatred, in order to push the government to clamp down on immigration -- has been carried out by the Italian media since the Spring months of 2007, particularly surrounding the adoption of so-called "Pacts for Security" in 14 cities around Italy, becoming particularly intense following the deaths of four Romani children from Romania in a settlement in Livorno in August 2007. Features of this campaign have included highly sensationalised accounts of crimes in Italy, as well as imputing blame to "Romanians", Roma or "nomads" (elided as one group) for all unclarified violent or petty crime in Italy.

In the midst of this sustained campaign, in early November 2007, the Italian government passed an emergency decree amending laws on the expulsion of EU citizens.³ The measure followed a car accident in which a drunken Romani young man from Bosnia killed four Italian teenagers near Pescara and a brutal killing in Rome, in which the prime suspect is a Romani man from Romania. Hysteria at this point reached such fever pitch in Italy that it provoked comment by the Pope. Statements by government officials indicate that this decree is aimed primarily at "delinquent Romanians".

Monitoring of Italian media and first-hand research in Romani camps indicates that the impacts of the "Pacts for Security" and the emergency decrees have been borne primarily on immigrant Romani communities in Italy. The "Pacts for Security" and the emergency decrees have led to whole Romani settlements being dismantled; and Romani-looking persons throughout Italy have been subjected to rigorous document checks, presumably for the purposes of determining whether they should be expelled from Italy. Racial profiling of this kind violates a number of norms of Italian domestic and international law, in particular the Convention's Article 2(1), 4 and 6 provisions. There has however been no apparent effort by Italian authorities to apply relevant anti-discrimination law provisions against Italian police actively searching for "Gypsies to expel". As of the end of December 2007, more than one hundred persons had reportedly been expelled from Italy, and at least 1,000 Romani homes in Rome alone had been summarily destroyed by Italian authorities, forcibly evicting the inhabitants. Although the ethnicity of

³ D.L. 181/07, "Disposizioni urgenti in materia di allontanamento dal territorio nazionale per esigenze di pubblica sicurezza (Urgent rules in matters of removal from the national territory for reasons of public safety)", modifying Decreto Legislativo No 30 of 6 February 2007 on "Attuazione della direttiva 2004/38/CE relativa al diritto dei cittadini dell'Unione e dei loro familiari di circolare e di soggiornare liberamente nel territorio degli Stati membri" published in the *Gazzetta Ufficiale* n. 72 del 27 marzo 2007, was enacted on 2 November 2007, due to expire on 2 January 2008. The parliament did not vote on this Decree (i.e. it expired), and instead on 29 December 2007, the Italian government enacted a new Decree, Decreto Legge No 249, published on 2 January 2008 on "Misure urgenti in materia di espulsioni e di allontanamenti per terrorismo e per motivi imperativi di pubblica sicurezza" (Urgent measures in matters of expulsions and removal for terrorism and for imperative reasons of public safety).

the persons forcibly expelled by Italian authorities has not been made public officially, the general feeling in Italy is that such persons have been primarily Romani.

As a result of the foregoing, there is now a human rights emergency prevailing in Italy, fostered and promoted by the organs of government. The highly-charged climate of racial-hatred mobilised by the Italian government and the Italian media has given rise to a series of vigilante crimes against Romanians, and in particular Roma from Romania. In some instances, for example in Torino in early November, where these events have threatened to become full-scale anti-Romani pogroms, authorities have intervened. In other instances, actions by the public authority have been insufficient to prevent violent attacks on Roma, including attacks resulting in death.

Finally, the climate of hatred of “Romanians” – in particular Roma – prevailing in Italy in recent months has led directly to a degradation of the situation in Romania, as ethnic Romanians have mobilised to blame Roma for having damaged the nation’s reputation as well as hindered opportunities arising from events in Italy. Thus, for example, during the weekend of 1-2 December 2007, authorities in the western Romanian city of Timisoara forcibly evicted a number of Roma living in informal settlements around the city, following demonstrations by extremist right-wing organisations.

As a result of the entirety of the foregoing, the Italian government can be seen to have failed spectacularly to uphold its Article 7 Convention obligations to “to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.”

III. RECOMMENDATIONS

- 1) Strike down all laws and other public acts giving rise to racially discriminatory actions by the public authority, including all “Pacts for Security” applied demonstrably against Romani individuals and communities, as well as the Decreto Legge No 249 of 29 December 2007.
- 2) Bring Italian anti-discrimination law into conformity with international law standards in the field of anti-discrimination, such that all areas of the ICERD ban on racial discrimination are incorporated into domestic law.
- 3) Ensure that, without delay, Italian legislators amend Italy’s anti-discrimination laws such that it is ensured that, in a case of *prima facie* racial discrimination, the burden of proof shifts to the respondent.
- 4) Provide the national anti-discrimination body UNAR (Ufficio Nazionale Antidiscriminazioni Razziali) independence from other parts of the administration, in accordance with the Paris Principles,⁴ as well as with sanctioning powers.
- 5) Recognise Sinti and Roma as national minorities, on an equal footing with other national minorities in Italy.

⁴ See: Principles relating to the status and functioning of national institutions for protection and promotion of human rights. Available online at: <http://www.unhcr.ch/html/menu6/2/fs19.htm#annex>.

- 6) End immediately the racial segregation of Roma and Sinti in Italy, and develop and implement effective programmes which aim to integrate Roma and Sinti into Italian society, in partnership with Romani and Sinti civil society and communities.
- 7) Prosecute, to the fullest extent of the law, all Italian politicians and other public figures responsible for acts of hate speech against Roma and incitement to racial hatred.
- 8) Examine the role of and hold accountable Italian media sources for the propagation of hate speech and inciting racist hatred of Roma and Sinti in Italy.
- 9) Provide Roma and Sinti in Italy with adequate protection against physical and other acts of abuse by both state and non-state actors. Italian authorities must undertake full and effective investigation of racist attacks on Romani communities, and ensure that any and all persons found responsible for abusive action targeting Romani communities be brought to justice.
- 10) Undertake intense nation-wide non-discrimination and tolerance campaigns, in order to ease the current climate of anti-Romani hysteria. Italian politicians and other public figures should lead by example, and immediately refrain from making public statements which incite racial hatred.
- 11) Ensure that no Romani or Sinti child be separated from their parents due to the material living conditions of the family. Especially in the context of forced eviction and destruction of property by Italian authorities, no Romani or Sinti child should be removed from their parents care and placed in state care.
- 12) Strike down any and all official acts which limit the ability of Roma and Sinti to move freely throughout the territory of Italy.
- 13) Provide adequate recognition of – and security of tenure for – Romani housing in Italy.
- 14) Cease arbitrary forced evictions of Roma and destruction of their personal property in Italy. Institute urgent measures to upgrade housing and other accommodation of Roma, or move Roma without delay into mainstream, integrated accommodation. Ensure close consultation with affected communities and persons.
- 15) Ensure that no Roma or Sinti are made homeless as a result of forced evictions conducted by Italian authorities.
- 16) Provide adequate compensation to Romani individuals whose homes were destroyed by Italian authorities in the context of forced evictions.
- 17) Ensure adequate living conditions in all Romani and Sinti living areas in Italy, including the provision of adequate public services and infrastructure, such as running water, sanitation, garbage collection, street lights, heating, electricity and public transportation.
- 18) Without delay, move the Roma currently living in the Castel Firmiano settlement, located on a toxic waste site in Bolzano, into integrated housing.
- 19) Without delay, close all segregated schools operating in Romani and Sinti camps and ensure the smooth transition of affected pupils into local mainstream Italian schools.
- 20) Ensure that, without discrimination, foreign Roma living in Italy have access to all the rights and benefits afforded foreign nationals living in Italy; especially that those Roma from other EU Member States enjoy the rights and entitlements of non-Romani EU nationals in accordance with European and Italian law.

IV. ARTICLE-BY-ARTICLE DISCUSSION

1. Article 2: Ban on Discrimination

1.A. Racial Discrimination in the Recognition of National Minority Languages Status

During discussions as to minorities protected in Italy under Italy's minority languages and cultures protection legislation (Law 482 of 1999), Roma were pointedly excluded from the protection of that legislation, a matter of significant concern to the Council of Europe during discussions of Italy's measures to implement the Framework Convention on the Protection of National Minorities. Indeed, despite extensive public debate on the matter of recognising Roma as a national minority in the context of Italy's joining the Framework Convention, the Government refused to provide Roma with full standing for the purposes of minority protection in Italy, a particularly targeted exclusion implicating Convention Article 2(1)(a), in light of the evidently racially discriminatory considerations which appear to have informed national debate on the matter.

While the ICERD is silent on the matter of recognition of minority status, two issues are noteworthy here: (i) Italian officials have created a particular status and pointedly refused to provide it to persons of one ethnic group; these acts have been undertaken for purely discriminatory reasons, motivated by contempt for Roma as an ethnic group, and concealed within the harmful pretext that "Roma lack historical links to Italy"; (ii) the very fact that the status has, during Parliamentary debate, first been discussed and then pointedly withdrawn from offer, has had a damaging and degrading effect on public regard for Roma in Italy.

These issues were subsequently reflected in serious concerns raised by the Council of Europe's Advisory Committee to the Framework Convention:

"In its initial State Report and its two further reports, the Italian Government supplied information on all minorities protected by Law No. 482 of 15 December 1999, deeming them covered by the Framework Convention. Furthermore it has indicated that the Ladins and the Walsers are a minority-in-minority. However, there was no detailed information on the Roma minority although the initial State Report mentions its presence as a 'minority with no connection with any territory' and gives an estimate of its numbers. [...] The Advisory Committee agrees with the Italian Government that the Framework Convention must be applied to the historical linguistic minorities protected by Law No. 482 of 15 December 1999, and notes the Government's opinion that the Framework Convention could be invoked by the Italian courts when delivering rulings. Next, the Committee observes that although the initial draft of Law No. 482 on protection of historical linguistic minorities included the Roma minority, it was later excluded at the parliamentary deliberation stage chiefly on the ground of this group's having no association with a given territory. The Advisory Committee is of the opinion that, especially in view of their attested historical presence in Italy, the Roma should also be entitled to the protection afforded by the Framework Convention. The Committee therefore welcomes the clarification given when it visited Rome by the representatives of the Italian Government to the effect that the Roma, while not coming under Law No. 482 of 15 December 1999, are nonetheless protected by the Framework Convention. The Advisory Committee notes, however, that at present there is no legal instrument at national level granting the Roma comprehensive protection. The many legislative provisions concerning the Roma which have been adopted at

regional level may in fact not suffice; often confined to promoting certain cultural aspects or to the pursuit of social aims, they are very disparate and significantly lack coherence. [...] ⁵

Above and beyond issues related to the failure by the Italian government to provide Roma with equal and adequate minority rights protection, the Advisory Committee raised a number of concerns of direct relevance to these proceedings, namely:

The Roma are in a situation contrasting sharply with that of all the other minorities, whereas they form a large minority in numerical terms. The Advisory Committee notes with anxiety that the full and effective equality of many members of the Roma community with members of the majority and of the other minorities is not achieved in Italy, particularly from the socio-economic standpoint. The Roma are disadvantaged in education ... and contend with severe difficulties in gaining access to medical care, employment and housing [...]. ⁶

During the 3 May 2006 discussion by the Council of Europe Committee of Ministers, the Italian government delegate, representing a then-newly-elected government, made a number of specific commitments, including finally rectifying the non-recognition of Roma and Sinti in Italy as a minority under domestic law. The relevant passages of *Appendix to Resolution ResChS(2006)4 "Information provided by the Permanent Representative of Italy during consideration by the Committee of Ministers of the report transmitted by the European Committee of Social Rights concerning Collective Complaint No. 27/2004"* ⁷ follows here:

"[...] a draft law for a comprehensive strategy at national level on all issues concerning Roma, Sinti and Travellers is being prepared by the competent Ministries and will hopefully be approved within a reasonable delay, consistent with the time needed for the new parliament, which as you know will be elected in 5 days, to become operational.

"Subsequently, the Roma, Sinti and Traveller Community will also be included, taking due account of necessary distinctions, among the historical minorities, whose status is ruled by Law 482/99."

It is noteworthy that, in the intervening circa 18 months since these commitments were made, none of them have been implemented.

1.B. Non-Compliance with International and Regional Anti-Discrimination Law Norms and Directives

At the time of submitting this report, Italian law did not conform with European Union legal standards in the area of discrimination based on ethnicity or perceived race. On 9 July 2003, the Italian government adopted Legislative Decree No 215, transposing key components of the European Council Directive 2000/43 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, the primary component of European Union law in this area. Key provisions with regard to the "reversal of the burden of proof" were inadequately transposed, with only a reference to burden of proof provision contained in the Italian Civil Code (Article 2729). Burden of proof provisions under civil law are much stricter than those envisaged in the Race Equality Directive, meaning that persons wishing to bring claims of discrimination can not benefit from the full range of protections which should be available to them in Italy.

⁵ Executive Summary, Advisory Committee On The Framework Convention For The Protection Of National Minorities, Opinion On Italy, Adopted On 14 September 2001 (hereinafter "FCNM 2001 Report"), paras 12 and 16.

⁶ FCNM 2001 Report, para 24.

⁷ ERRC Collective Complaint against Italy, under the Revised European Social Charter on housing rights concerns of Roma in Italy.

In addition, recent statements by Italian government officials indicate an erroneous and misleading interpretation that impairs the effective implementation of the ban on racial discrimination, alleging that its protection extends only to Italian citizens. For example, in May 2006, the Italian government told the Council of Europe Committee of Ministers the following:

As regards violation of the principle of non-discrimination, Italian legislation does not provide for any distinction among citizens on the grounds of their own ethnic, linguistic or religious origin. For this reason, Roma people who have Italian nationality, around 70 000, are considered like all other Italian citizens, whereas the remaining 80 000 fall under the laws on immigration.⁹

Although Article 3(2) of the Race Directive and its corresponding provision in the Italian law excludes discrimination on the grounds of nationality, third country nationals are nevertheless protected against discrimination on the grounds of racial and ethnic origin. Particularly worrying is the fact that this view appears to be generalised among a number of instances at the Italian government.

1.C. Recent Regulatory Acts and Their Impact, Calling into Question Italy's Compliance with the International Anti-Discrimination Law *Acquis*

Commencing at the end of 2006 and intensifying in the second half of 2007, Italian officials have adopted a series of laws, decrees and policies which clearly target or have a disparate impact on Roma living in Italy, and appear aimed at pressuring or otherwise forcing a segment of the immigrant Romani community to leave Italy. The first amongst these measures are the so-called "Pacts for Security", adopted in various cities around the country. The second has been the 2 November 2007 amendment to Italy's Legislative Decree 30 of 6 February 2007, which transposed European Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.¹⁰

A series of "Pacts for Security" have been signed in Italy, first in November 2006 in Naples and later in 2007 in Rome, Milan, Firenze, Torino, Genova, Bologna, Catania, Bari, Cagliari, Venezia, Modena, Prato and Trieste by state and local authorities, which reportedly foresee the forced eviction of more than 10,000 Roma from their homes in Rome alone.¹¹ The "Pacts" have been signed by various authorities, depending on the particular "Pact", in the midst of racist media statements by the same authorities, apparently intended to fuel anti-Romani attitudes in Italy and secure broad support for the impending actions.

According to *osservAzione* research, the Pact in Naples was signed by the Ministry of Interior following the deaths of several people, when the Italian government decided to send additional police and military officers to the area. Later, on 20 March 2007, the Italian government signed a national security pact with ANCI (the Italian municipality association) about co-operation on security matters. Following this, beginning from 19 May 2007 in Rome and Milan, similar agreements were signed in major centres around the country, as listed above.

⁹ See *Appendix to Resolution ResCbS(2006)4 "Information provided by the Permanent Representative of Italy during consideration by the Committee of Ministers of the report transmitted by the European Committee of Social Rights concerning Collective Complaint No. 27/2004"*.

¹⁰ Succeeded by Legislative Decree No 249 of 29 December 2007.

¹¹ See "Pact for Security in Rome" and "Pact for Security in Milan", appended to this submission. In their wording, both Pacts made clear that the actions sanctioned therein target individuals considered inherently alien to each city.

The most public and controversial of these Pacts were signed in 19 May 2007 in Rome and Milan. On 23 May 2007, the ERRC and OsservAzione sent a letter of concern to the Italian President, the President of the Italian Council of Ministers, the Italian Minister of Interior and the head of the National Office Against Racial Discrimination, requesting their urgent intervention to stop the actions outlined in the Rome and Milan Pacts. As of mid-January 2008, there had been no official response to the letters, indicating the seriousness afforded the concerns of Roma by Italian authorities.

The Rome Pact was signed by the Prefect of Rome, the Mayor of Rome, the President of the Province of Rome and the President of the Region of Lazio, in the presence of the Minister of Interior (also a signatory). According to the Rome Pact, commencing week of 23 May 2007 a joint commission of the regional government was instructed to identify locations for 4 “villages of solidarity” on the periphery of Rome for inhabitation by 4,000 Roma (whilst 15,000 Roma are reported to be affected in Rome). At the same time, a task force of 150 police officers (75 from the military and 75 from the state police) was set up to limit the security risk to those living in the area of the new camps (meaning non-Roma) and “rehabilitate the areas”. Meanwhile, the remaining approximately 11,000 Roma have faced constant forced eviction from their homes and the necessity to rebuild unauthorised camps in new areas.

The Milan Pact was signed by the Prefect of Milan and the Mayor of Milan, in the presence of Vice-Minister of Interior (also a signatory). The Milan Pact agrees to reduce criminality and to address the problem of unauthorised camps for nomads. Within 3 months of signing the Pact, the responsible authorities were to “define a strategy in which extraordinary power will be given to the Prefect to implement the strategic plan for solving the Roma emergency in Milan.” The Pact also foresaw the “intensification of controls” on the periphery (where many Roma live) to guarantee the security of Milan residents. On 21 August, the Italian national news agency ANSA reported that the Milan Prefect announced in a communiqué that “a proposal would soon be passed to give him power to control the presence of Roma in the city.”

Media coverage surrounding the Pacts was explicitly racist, the result of direct quotes from Italian authorities published by mainstream Italian newspapers, without any kind of editorial remark. The most alarming article was published on 19 May 2007 by the Italian national newspaper La Repubblica, entitled: “Prefect Serra: Those who live in the squatter settlements must go. Police to control order in the camps. And in the capital, order increases: “Away with 10,000 unregistered Roma”.

The article was based on statements made by Mr Achille Serra, the Prefect of Rome, who announced the “Pact for Security in Rome”. According to Mr Serra, “ten thousand [Roma] who live in squatter settlements on the banks of the Tiber and the Aniene must go”, while only 4,000 places will be made available in the “villages of solidarity”. Many of the Roma concerned were reportedly from Romania. Mr Serra was reportedly granted “unlimited power” within all institutions and organisations relevant. Mr Serra made explicitly racist remarks about Roma, referring to them as Nomads and recalling a personal visit to existing camps. Mr Serra was quoted as having stated: “[...] at ten o’clock in the morning I saw children, dirty, playing with a ball. [...] The women were not around because they are at the metro stealing purses and the men were sleeping because perhaps they worked all night robbing apartments.”

Regarding the real purpose of the task force established in Rome, Mr Serra was quoted as having stated that the task force would systematically patrol the existing 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.” According to La Repubblica, Mr Serra planned that by the time the “villages of solidarity” were completed, 10,000 Roma would have been removed from the centre of the city and the task force would shift their responsibilities to “preventing the villages from becoming a centre of car theft, weapons, drugs, and prostitution.”

Following the adoption of the Pacts, Italian authorities in the 14 cities around the country have undertaken a systematic and targeted campaign of recurrent raids on Romani camps, checks of personal documents, arbitrary destruction of homes and property owned by Roma and forced eviction of Roma. Some Roma have complained to the partners of having been targeted for these acts repeatedly, making their living situation completely unbearable. (See Section 4 for a detailed discussion of these matters)

Following the signature of the pacts and several high profile deaths in which Romani individuals have been implicated in Italy, on 2 November 2007, the Italian government enacted Legislative Decree 181/07 on “Disposizioni urgenti in materia di allontanamento dal territorio nazionale per esigenze di pubblica sicurezza (Urgent rules in matters of removal from the national territory for reasons of public safety)”, related to the stay of EU citizens in Italy. Media frenzy surrounding the deaths and the enactment of the emergency decree again heightened police action targetting Romani camps around Italy, creating an even worse situation of terror in the camps (see Section 4 of this report for details). This decree, set to expire on 2 January, was succeeded by a new Decree, No 249 of 29 December 2007. The new Decree, on “Urgent measures in matters of expulsions and removal for terrorism and for imperative reasons of public safety” (“Misure urgenti in materia di espulsioni e di allontanamenti per terrorismo e per motivi imperativi di pubblica sicurezza”) further distorts public perceptions of the matters at issue by eliding immigration with international terrorism and other extreme threats to public safety. Indeed, observations by the partners indicate that police targetting of Roma in Italy for regular checks, raids, forced evictions and destruction of property has continued since the enactment of the decrees. (See Section 4 of this report for details).

Figures regarding the number of persons expelled from Italy following the enactment of the emergency decrees vary significantly, and public officials in Italy have given no indication of the ethnicity of the persons expelled. For instance, on 28 November 2007, the online news source Euro2day.com reported that, according to the Italian Ministry of Interior “283 people had been expelled, 264 for public-security reasons and 19 for lacking right of residence. Most were Romanian gypsies,” according to a senior police source. United Press International reported on 28 December that 500 persons had already been forced to leave Italy while another 1,200 were reportedly facing expulsion. A recent article by “Il sole 24 ore” stated that 510 persons had been banned from Italy, of which 181 were expelled for imperative security reasons.¹²

According to osservAzione research, many of the persons expelled from Italy are believed to be of Romani origin, however there is a dearth of official information on this. COHRE monitoring of Romanian media during the period June 2007-January 2008 indicates that the vast majority of persons expelled to Romania are Romani. In addition, COHRE field research in November 2007 revealed that non-Romani Romanians had little fear of being detained or expelled by police, because, in the words of T.L. an ethnic Romanian interviewed by COHRE in Torino, “everyone knows that it is only Gypsies who are being expelled.” According to a statement by the Minister of Interior at the end of November 2007, most of the persons expelled had been living in Bologna, Naples, Rome and Genova, where “Pacts for Security” have been implemented by public authorities.¹³

These measures are part of a cycle of specifically anti-Romani security measures adopted by various Italian authorities in recent years, as part of responses to a perceived “deluge of Gypsies” from Central and Southeastern Europe.

2. Article 3: Ban on Segregation

As a matter of policy, Italian authorities have in the past and continue today to racially segregate Roma. Underpinning the Italian government’s approach to Roma and housing is the conviction that Roma are “nomads”. In the late 1980s and early 1990s, ten out of the twenty regions in Italy adopted laws aimed at the “protection of nomadic cultures” through the construction of segregated camps authorised by Italian authorities. The regions in question included Veneto, Lazio, Autonomous Province of Trento, Sardinia,

¹² *Il Sole 24 Ore*, 29 December 2007, p.12.

¹³ See: http://www.divers.ro/documentar_en?wid=37648&func=viewSubmission&sid=8030.

Friuli-Venezia Giulia, Emilia-Romagna, Tuscany, Lombardy, Liguria and Piedmont, as listed in paragraph 176 of the State Report. In addition, the Marche Region included similar provisions in a wider law.¹⁴

At the same time as Italian officials authorise segregated living spaces for Roma, they most often fail to ensure adequate living conditions in the authorised camps, meaning many Roma in Italy live in officially sanctioned ghetto communities with highly substandard conditions and inadequate public infrastructure or services. Many of these authorised, segregated camps continue to exist today.

The effect of these laws was to render official the perception that all Roma and Sinti are “nomads” which can only survive in camps, isolated from Italian society. Indeed, this official stance is reflected in the State Report at paragraph 172, where the Italian government states:

“As regards the remaining Roma populations [referring to about 75,000 Roma] -- characterized in all cases by nomadism, they already enjoy the right to freedom of movement and circulation while, if composed from citizens of the European Union, they are under the rules regulating the stay of foreigners, if composed from non EU citizens.”

In 2004, the ERRC filed a collective complaint against Italy under the Revised European Social Charter, claiming that the Italian government violated the housing provisions of the Social Charter through the widespread and official racial segregation of Roma in Italy, the failure to provide adequate living standards in Romani housing settlements throughout Italy, conducting widespread forced evictions of Roma in Italy, conducting abusive police raids in Romani communities and the destruction of private property, and the failure to prevent homelessness amongst Roma in Italy.

On 21 December 2005, the European Committee of Social Rights, the body overseeing implementation of the Social Charter, unanimously concluded that Italy had violated Article 31 (right to housing) of the Revised European Social Charter taken together with Article E (ban on discrimination), with respect to the insufficiency and inadequacy of camping sites for Roma in Italy; the recurrent forced eviction of Roma by Italian authorities; and the lack of permanent dwellings made available for Roma. The Council of Europe Committee of Ministers adopted this decision on 3 May 2006 in Resolution ResChS(2006)4.

The submitting organisations are concerned that since the 1980s and even following the decision against Italy by the European Committee of Social Rights, Italian authorities have undertaken no effective actions at the national level to combat the furtherance of the segregation of Roma in Italy. As a result, public officials in Italy continue to racially segregate with impunity.

Thus, for example, in the northern Italian town of Bolzano, those Sinti and Roma who do not live in the Castel Firmiano or Spaghetтата camps – both isolated ghettos plagued by extreme environmental concerns (see below) -- live in flats managed by the Provincial Institute for Social Housing (IPES). These are all concentrated in a single area of Bolzano. In two streets of the Don Bosco area, 31 families live within two streets: 15 in Via Cagliari and 16 in via Mozart. In an apartment building with 10 apartments only 2 were not given to Sinti or Roma, thus producing small ghettos. The president of the IPES has stated that “the tendency is to concentrate them (Roma and Sinti) in a same building because this way it is easier to control them.”¹⁵

Another example comes from Florence, where, between 2003 and 2005, the Florence administration built two “villages” for the Roma who until then had lived in the two shantytowns called Campo Masini and Poderaccio. Kosovo Roma and Ashkali had lived there for years in substandard conditions, without health services, electricity and water. The two new villages, now called Poderaccio one and Poderaccio two, about half a mile distant from each other, were built on small artificial hills, exactly where the old

¹⁴ Regional Law 299/89 of Lombardy, for instance, was entitled “Regional Action for the Protection of Populations with Nomadic or Semi-Nomadic Traditions”. In 1994, the Marche region passed a law entitled “Interventions in Favour of Migrants, Immigrants, Refugees, Stateless Persons, Nomads and Their Families”.

¹⁵ Quoted in *Quotidiano Alto Adige*, 31 June 2007.

settlements had been, in a flood risk area; the Arno river once already overflowed its banks in the area, filling the land around where the villages stood in the past, and now stand again, with over three feet of water. The site is almost one mile away from the outskirts of the city and therefore far from shops and from bus stops. In the two villages, hosting about 35 families each, all the one-storey, single family wood homes are attached to each other in six rows, forming one ghetto in two parts, without shops, offices or any public facilities. No playground or parking lot was built, so that children have to amuse themselves playing in a muddy stretch below the villages amongst parked cars.

These facts notwithstanding, the Italian government continues to deny that any racial segregation exists in Italy. Thus, for example, in its State Report to the CERD Committee, at paragraph 171, the Italian government states:

“The Roma populations cannot be considered as a group which is practically segregated from the rest of the population, since the Italian legislation provides for specific measures in their favour, including enrolment in the registry office, freedom of movement, work licenses and education.”

Such views are of particular concern in light of recent developments in Italy, detailed above and below, in which racial segregation of Roma appears to be becoming further entrenched as a direct result of the actions and inactions of government.

3. Article 4: Ban on Incitement to Racial Hatred

The submitting organisations are seriously concerned about the level of anti-Romani hate speech by politicians and other public figures in Italy, which is widely disseminated by Italian media in the absence of editorial comment. In recent months, anti-Romani speech in the public arena has risen to hysterical levels and has had very serious negative consequences for the security of Roma in Italy. Few Italian officials have spoken out against such public statements or taken any actions to hold the responsible persons accountable, to the knowledge of the submitting organisations.

Prejudices and stereotypes concerning Roma and Sinti are found across the entire political spectrum. In practice, the “nomad theory” is often used to provide a form of cultural legitimisation for marginalising Roma and Sinti. The strong prejudice of the Italian public opinion towards the Roma and Sinti has a very negative back feeding effect on the media, on government institutions and the Italian people. In the experience of osservAzione, the Italian public religiously reads and watches news about the criminal exploits of “nomads” and “Gypsies”. Some politicians and political parties exploit the fear of Italian people to such issues. Roma and Sinti are seen as guilty *a priori* of alleged crimes. The space and emphasis given by the media to supposed crimes and behaviours of “nomads” is grossly disproportionate.

Far-right Italian politicians who enjoy widespread support have occasionally proposed laws which explicitly negatively target Roma and Sinti in Italy and incite racial hatred. For example, on 22 February 2007 in Venice, Northern League and National Alliance representatives Zanon, Bond, Foggiato, Conte, Ciambetti, Stival and Cancian proposed a new regional law entitled “Ruling and discipline of interventions related to the presence of nomadic populations in the territory of Veneto.” In its introduction, the proposed law stated,

“Roma, Sinti, generally indicated with the term “zingari” are nomadic populations present in the whole of Italy and therefore also in Veneto.” [...] Estimating their numbers is particularly difficult both because of the nomadism that characterises them and because of their wish to keep away from all bureaucratic control, so much so that they often do not declare the birth of their children.”

Article 7 of the proposed law foresaw a numerical cap on the number of Roma and Sinti which would be allowed to live in a given area of the region. It stated that, “the presence of nomads in all rest areas

situated in the territory of the Commune will not be allowed to go above one per thousand of the resident population.” Following negative responses to the proposed law by representatives of the Rom Sinti Together Committee, the proposal was not enacted in law.

One recent, abhorrent statement by Italian politicians is attributed to Mr Giorgio Bettio, a town councillor in Treviso near Venice and member of the far-right political party Northern League. According to a report by The Independent of 6 December 2007, Mr Bettio stated publicly on 3 December that “If an immigrant commits a crime against an Italian, ten immigrants should be punished for it, following the method used in Nazi concentration camps” in order to achieve “racial harmony”. In response, Treviso’s Jewish community reportedly proposed joint legal action with the local Romani community, the main target of Italy’s currently vehemently racist climate, against Mr Bettio. In a welcome public denouncement, Mr Giancarlo Galan, governor of the Veneto region, was reported as having stated that Bettio's remark was “repugnant”. Mr Bettio however, stated that “many people stop me in the street to thank me for saying it.”

Mr Bettio’s statement follows a series of explicitly anti-Romani statements by Italian public figures in recent months. The following is a non-exhaustive list of explicitly anti-Romani speech by public figures in Italy in recent months and years, either stated directly or reported by credible media:

- Without any editorial comment, on 4 November 2007, the Italian national newspaper Corriere della Sera published anti-Romani statements by Mr Gianfranco Fini, leader of the right wing political party National Alliance, made 3 days after the arrest of a Romanian Romani man in the suspected murder of an Italian woman in Rome. According to Corriere della Sera, Mr Fini said Gypsies [Roma] considered “theft to be virtually legitimate and not immoral” and felt the same way about “not working because it has to be the women who do so, often by prostituting themselves.” He was quoted as having he claimed that Roma “have no scruples about kidnapping children or having children [of their own] for the purposes of begging.” Mr Fini reportedly added that, “To talk of integration with people with a ‘culture’ of that sort is pointless.” On 12 November 2007, the ERRC sent a request to the head of UNAR, the Italian Prosecutor and the National Association of Journalists in Italy, requesting that each institution open an investigation into Mr Fini’s statements as well as the responsibility of Corriere della Sera for publishing the statements without editorial comment, in accordance with Italian anti-discrimination law, laws prohibiting incitement to racial hatred and non-discrimination provision of Italian immigration law. As of the end of December, UNAR responded to the ERRC, stating as the matter of the letter was not within its competence, it had forwarded the letter to the General Prosecutor with a request to investigate.
- On 2 November 2007, Mr Franco Frattini, Vice President of the European Commission and Responsible for Justice, Freedom and Security, was quoted by the Italian newspaper Messaggero as having stated: “What one must do is simple. One goes into a nomad’s camp in Rome [...] and one asks those who live there: what do you live by? If his answer is ‘I don’t know,’ one sends him back to Romania. This is the way the European Directive works. Simple and effective. And Romania cannot say: I will not take them back since it is obliged by the fact itself of being an EU member State. Then one must go on and destroy immediately all nomad’s camps, just like France did: expulsion and destruction of all shantytowns.”
- May 2007 media coverage of the signing of the “Pacts for Security” in Rome and Milan (see Article 3: Ban on Segregation above) has been explicitly racist, the result of direct quotes from Italian authorities published by mainstream Italian newspapers, without any kind of editorial remark. The most alarming article was published on 19 May 2007 by the Italian national newspaper La Repubblica, entitled: “Prefect Serra: Those who live in the squatter settlements must go. Police to control order in the camps. And in the capital, order increases: ‘Away with 10,000 unregistered Roma’.” The article was based on statements made by Mr Achille Serra, the Prefect of Rome during the announcement of the “Pact for Security in Rome”. Mr Serra made explicitly racist remarks about Roma, referring to them as “nomads” and recalling a personal visit to existing camps. Mr Serra was quoted as having stated: “[...] at ten’ o’clock in the morning I

saw children, dirty, playing with a ball. [...] The women were not around because they are at the metro stealing purses and the men were sleeping because perhaps they worked all night robbing apartments.”

- After an Italian woman was killed in a Rome subway by a young woman initially believed to be Romani and later found to be a non-Romani Romanian, on 27 April 2007, the Italian national news agency ANSA, published a communiqué by far right political party Forza Nuova which stated, “[...] the centre left government, criminal and irresponsible, opens our gates to this anti-social people [...]. For this reason, during the next few days we will collect signatures to ask for the expulsion of all nomads, the imprisonment of antisocial elements, the elimination of all nomads camps and the granting of all minors, exploited for sex or theft or begging, social services [...]”
- According to osservAzione research, in June 2005, violent speeches by the far right political party Lega Nord member and Minister of the Italian government Roberto Calderoli, following a rape by still unknown criminals in Bologna, indicated “members of the nomadic population” to be the obvious culprits, asking for their chemical castration. During coverage of the rape on Italian television, close up views of “nomads camps” made the background.
- According to osservAzione research, just before administrative elections in Bolzano in March 2005, two right wing political parties, the Lega Nord and Unitalia - Movimento Iniziativa Sociale, launched an information campaign against “Gypsies”. On leaflets and posters, the local party Unitalia wrote: “Stop Giving Houses to Gypsies and Extracomunitarians – We Are First!” The Lega Nord – Alto Adige – Südtirol published a four-page leaflet which stated: “Stop welfare! We cannot afford to assist gypsies and extra communitarians [...] As far as the gypsies are concerned, some time ago the local 37 left wing parties and the Catholic-communists decided it was a good idea to maintain them so that they would lose their thieving habits and to persuade them to work and to adopt a more civilized way of life [...] Many years ago a somewhat naïve Caritas [...] wanted to make us believe that with love and appropriate social manoeuvres it would have been possible to introduce the gypsies to a respectable life in society, made up of work and honesty. These social manoeuvres consisted mainly in giving them lots of money to prevent them from stealing and especially from sending their children to steal or beg (and from beating them till they drew blood, if in the evening, they had not returned home full of money).”
- Earlier, in December 2004, six members of the Lega Nord party of Verona were found guilty by a first instance court of incitement to racial hatred against a part of the Sinti community following its September 2001 public information campaign “For The Security Of The Citizens – No Gypsies In Our Town – Immediate Eviction”, "Saturday 15th September – Sign To Send The Gypsies Away". This campaign was introduced at a press conference, and then thousands of posters were put up around Verona. Members of the Lega Nord party were interviewed by the press and stated that “[...] the Sinti nomads have to be driven away from the Municipal territory: the only solution is a permanent eviction order” (*L’Arena*, 2 August 2001) and that “We know perfectly well what happens when gypsies are in town: in the best hypothesis they are on the streets begging, and in the neighbouring areas robberies and crimes increase [...] Our towns have to be unwelcoming towards people bringing criminality and parents who force their under aged children to beg at traffic lights, because they don’t want to work” (*L’Arena*, 24 August 2001). When the six members of the Lega Nord were declared guilty following trial, the Minister of Justice, Roberto Castelli, a member of the condemned party, publicly declared that he felt solidarity towards the six people, as they were only carrying out a campaign against illegality. On 13 February 2005, the Lega Nord organised a national demonstration in Verona against Guido Papalia, the Public Prosecutor in the trial. At the end of the demonstration, a tombstone inscribed with Mr Papalia’s name was placed in the central square of Verona. On 30 January 2007 an appeals court in Verona amended the guilty verdict, reducing the guilty charge to the lesser crime of “racist speech”. This decision is now again on appeal.

4. Article 5: Ban on Discrimination in Access to Civil, Political, Economic and Social Rights

4.A. The Right to Security of Person and Protection by the State

The submitting organisations are concerned that Roma and Sinti in Italy are frequently victim of violent attacks against their persons and property by both state and non-state actors. The submitting organisations note with serious concern that in recent months, following the commencement of action within the “Pacts for Security” in various Italian cities, noted above, anti-Romani hysteria has reached new and alarming levels in the media, which has resulted in various instances of anti-Romani violence, including that with fatal results.

In addition to physical acts of violence, during November 2007 ERRC and COHRE missions to Italy, Romani individuals interviewed by the ERRC and COHRE stated repeatedly that they lived in a constant state of fear as a result of being systematically targeted for invasive, race-based checks and controls, frequently in the places where they live. Minimal privacy protections are repeatedly and regularly disregarded by Italian police where Roma are concerned. House searches are carried out without authorisation, and with no respect for the inviolability of the home, as set out under numerous provisions of international law. According to discussions with Romani individuals in camps in various parts of Rome, Torino, Milan and elsewhere, Roma stated that they were living with constant police raids on their homes and camps, threats of violence and deportation, illegal destruction of property by police. Roma who had not yet secured Italian citizenship were, during COHRE and ERRC missions in November 2007, evidently in a state of existential fear, understanding clearly from the acts undertaken by public authorities throughout the country that, as a group, they are not welcome in Italy and are targeted for a range of repressive measures aimed at harassing them into leaving Italy.

As a result of this atmosphere, the Abruzzo-based organisation Rom Sinti @ Politica informed osservazione that several Roma whose families have had Italian citizenship for generations, living in and around the city of Pescara, recently filed requests to have their traditional Romani family names changed to non-Romani Italian names.

4.B. Abusive Actions by State Officials

On 22 November 2007, Ms S.C., an Italian photographer from Rome, informed the ERRC that the day before she had been at Rome’s Camp Via Casilino 900. Romani inhabitants of the camps informed Ms S.C. that a busload of police officers and several other police cruisers drove up to the camp and parked at the entrance for several hours in the morning. The police did not enter, but stood at the entrance, checking the personal documents and vehicle papers of each vehicle entering the camp. Ms S.C. stated that no one was arrested or taken away although many of the residents reportedly feared this.

According to Mr D., a Romanian Romani man, on 13 November 2007, police harassment of Romani families living in Rome’s Sotto il ponte della Magliana Romani camp had dramatically increased in the past months. Mr D. told the ERRC that about 80 Romani families used to live in the camp, but at the time of the ERRC visit, only around 20 families remained. According to Mr D., several families leave every day and head back to Romania; indeed, the ERRC witnessed two families pack up and leave during its visit to the camp. Mr D. stated that two days prior to the ERRC visit, several police officers had raided the camp, searching all of the homes without any authorisation and throwing the residents’ property around. This is reportedly an almost daily occurrence, with state police were reportedly responsible for the destruction of shelters in the camp, whilst carabinieri “only” search homes and vehicles. Mr D. also informed the ERRC that several days earlier a group of racist non-Roma entered the camp and destroyed the van of one Romani family that was packing up to leave Italy, so the family was unable to leave.

During a 13 November visit to Camp Via Casilino 900, Mr A., an approximately 30-year-old Romani man from Montenegro, informed the ERRC that in recent months, state police had been controlling the camp every other week, routinely destroying property. According to Mr A., in the past, police had tended to control the camp, inhabited by around 650 Roma mostly from the former Yugoslavia, every 2 to 3 months and incidents of destruction or violence had been infrequent. Mr A. also informed the ERRC that during some police raids on the camp, up to 100 Roma are taken to the police station while the police proceed to search their homes.

On 12 November 2007, COHRE researchers visited the remnants of the Stupinigi settlement referred to as "Unia Sovietica", on the outskirts of the northern city of Torino. At the time of the visit, no one was left in the camp except for three people picking through the rubble of destroyed shanty housing, smashed caravans, and strewn possessions. The encampment reportedly came into existence circa the beginning of September 2007, when a group of Romanian Roma were ordered to leave an area near a cemetery, some ten kilometres from "Unia Sovietica". They shifted to this spot, in a wood next to a highway. In the early morning hours of November 5, a group of circa 20-30 police officers in approximately 10 police vehicles stormed the community, ordered everyone to leave and, without allowing anyone time to gather their belongings, knocked all dwellings to the ground with bulldozers and other heavy machinery, expelling the circa 100 inhabitants of the camp in the process. No orders for the eviction were shown to camp inhabitants and there appears to have been no procedure whatsoever, apart from, according to one previous camp inhabitant, an oral warning issued 3 or 4 days previously. COHRE researchers witnessed a graveyard of shattered children's toys, electrical goods, beds and other furniture, lying amid the carcasses of caravans and shanties. It was not possible to identify whether any of the persons concerned, apart from having been forcibly evicted from their housing, have been summarily expelled from Italy; most of the persons with whom COHRE spoke thought that all evictees were still in the Torino area, but no one could say for certain. No one has been held accountable for the forced eviction.

Abusive actions by state officials against Roma have, at times, forayed into the area of child protection and security of the family. According to information gathered by osservAzione, on 5 October 2007, several police officers threatened to forcibly remove a 5-year-old Romanian Romani child from her parent's care, after having found the family sleeping on the sidewalk outside Florence railway station. The police warned the girl's father, Mr D.S., that they would take her to a closed children's institution called "Safe Centre" for abandoned or mistreated children. Mr S. and his wife Ms D.S. informed osservAzione that they objected, telling the police that they had nowhere to go and asked the officers for help. According to Ms S., the police issued them a written warning later that day, which stated, "S.D. as father of Caldararu L.S., born in Romania on 31 October 2002, is warned not to force his daughter to live in a condition of discomfort by having her sleep outside and upbringing her in unhealthy and dangerous places," otherwise Italian authorities "would take the said minor to a safe place, that is to the Safe Centre on Viale Corsica 34/b". The following day, the police returned and found the girl still sleeping on the sidewalk and took her away.

In spite of testimony from a social worker that "when brought to the Safe Centre the girl looked serene, not afraid", on October 16, the Juvenile Court of Florence ordered as a temporary measure that L. be placed in a children's home and forbade Mr and Ms S. from seeing her outside the home or without the presence of a social worker. As of 28 November, Mr and Ms S. had not been able to see L.

Earlier, according to research conducted by Sucar Drom, at dawn on 7 June 2007, about 150 military police (carabinieri), accompanied by a helicopter and several police dogs searched the homes of around 30 Sinti families in Mantua, mostly without legal permission. Approximately 20 families living in Camp Viale Learco Guerra; 4 living on private land on Via Ascanio de Mori; and 5 families living on private land on Via Trincerone, were searched. According to Sucar Drom, Carabinieri Lieutenant Colonel Esposito and Public Prosecutor Giulio Tamburini directed the operation. The carabinieri reportedly visited the Sinti areas in order to serve notices of preliminary investigation to 8 individuals. However, the entire community, whether suspected of a crime or not, was searched at each location. According to Sucar Drom research, the carabinieri also searched the home of Mr Yuri Del Bar, official representative of the Mantua township administration and the only Romani or Sinti administrator ever elected in Italy, situated on his own private property.

According to information provided to the ERRC by Italian human rights activists, on 29 April 2005, three Romanian Roma (two women and one man) were stopped and publicly physically and sexually assaulted by police officers in Padua. The Romani individuals were stopped by two state police agents in plainclothes and two carabinieri in uniform outside the central railway station in Padua under suspicion that the Romani individuals were dealing drugs and were carrying cocaine vials. Eyewitness S.F., who took pictures of the incident reported that the agents beat the three Roma and strip searched the two women for possession of drugs. Another eyewitness confirmed S.F.'s report and stated that one Romani woman was held by the arms and legs, her skirt pulled up and an internal search for the cocaine ovules was performed by the police. All officers present were male. According to S.F., the second Romani woman Mrs E.N., was held by the neck by one of the officers in plainclothes who attempted to look inside her shirt. Ms E.N. struggled to break free and fell to the ground half naked as the agent removed her shirt. She reportedly suffered bruises to her neck, arms and legs. The Romani man was ordered to remain by a wall, and was watched by a police officer in uniform. All of these events occurred during the day and were observed by several witnesses at the Padua central railway station. The three individuals were taken to Padua Police Headquarters, where all but Ms E.N. were released. Ms E.N. was taken to the Stanga Police Station and released after 24 hours. Ms E.N. was charged with resisting public authority and found guilty on 12 May 2005 despite several witness testimonies and the fact that police admitted to finding no drugs on any of the three individuals.

According to information provided to the ERRC by Mr Fulvio Vassallo Paleologo of the Cosorzio Italiano di Solidarietà (ICS), at approximately 5:00 AM on 10 February 2005, Italian police officers entered the Favorita Romani camp in Palermo, stating they were undertaking a "child census" and proceeded to detain several Romani families from Kosovo and/or Serbia and Montenegro. Detained persons included young children, the elderly and the infirm; many of them were held for approximately 24 hours. During their detention, they were reportedly not provided with food. After their release, a number of the detained Roma told Mr Vassallo Paleologo that when they complained to the officers about the treatment they were receiving, they were threatened and pushed. According to statements by eyewitnesses, during the raid on the camp police officers also notified 20 persons that the Italian government had ordered their expulsion unless they left Italy voluntarily within five days. A number of the persons at issue reportedly do not have personal documents, including passports.

Since that time, according to Mr Vassallo Paleologo, the conditions of Roma living in Sicily have become more precarious. During 2005 and 2006, police forcibly closed 3 informal camps on the island: the Contrada Petrusa camp in Palermo; the Paternò camp in Cantina; and the Lungomare camp in Messina. The Favorita Romani camp in Palermo, is in a condition of total degradation, without basic infrastructure such as running water and sewerage. Many camp inhabitants of the camp have died for unknown reasons. The most recent case was that of Vera Selimovic who died after 3 days in hospital in October 2007 for suspected poisoning, however the results of the autopsy are still unknown. Many smaller informal camps which exist around Sicily are reportedly under constant threat of dismantling and forced evictions.

According to research by osservAzione, on 11 December 2004, carabinieri approached Ms G. S. and her son at a railway station in the town of Aosta and took the child away from her. Ms G. S. informed osservAzione that when she reacted to the carabinieri taking her child, she was violently pushed by the officer, who then took the child away. Ms G. S. reportedly went to the hospital in Aosta to look for her son, where she was admitted and sedated. According to documents from the Juvenile Court of Torino, the Court issued a temporary order granting the custody of the child to the Social Services, because the child had pneumonia and respiratory difficulties. The child was returned to Ms G. S. after one week.

In April 2004 in Brescia, a municipal police officer reportedly threatened Ms C.V., a 32-year-old Romanian Romani woman, with death. According to Ms C. V.'s testimony to osservAzione, while begging at a traffic light around noon, she was stopped by a municipal police officer and taken to the police station. There, the officer ordered Ms C. V. to sit down and then removed his gun from its holster, pointed it at Ms C. V.'s head. Ms C. V. stated that she then started to cry and the officer threatened to kill her. Some time afterwards, the officer issued Ms C. V. a fine and released her.

4.C. Violence by Non-State Actors

According to information published by the Italian organisation EveryOne Group, at approximately 10:00 PM on 3 January 2008, fires ignited simultaneously in two Romani camps housing some 250 Roma in two separate sheds at the former Mira Lanza warehouse in Rome's Marconi area. EveryOne Group reported that the fires broke out suddenly and spread very quickly through both sheds. Several inhabitants noticed the flames and were able to evacuate all residents, including approximately 100 children, without harm. Camp residents reportedly informed Italian authorities that they believed the fires had been set intentionally, and EveryOne Group stated that the speed at which the fire spread and the height of the flames were typical of fires caused by Molotov cocktails. In addition, gas cylinders were reportedly found outside the sheds. Following the fire, the families were moved temporarily to the pavilions of the former Fiera di Roma. An investigation into the incident was ongoing at the time of submitting this report.

According to field research by COHRE, on the evening of 8 November 2007, a mob of around 70 ethnic Italians descended on the Via Germagnano camp of Romanian Roma in Torino, supposedly intending possibly either to burn it to the ground, or to expel its inhabitants, or both. Police reportedly intervened to stop the mob. One person from the camp was reportedly seriously beaten during the attack. Since then, camp inhabitants keep watch every night; children who were previously in school have been pulled out of school, at least temporarily; and camp inhabitants do not walk home after dark – they have organised transport to pick up all persons employed who have to get home after sunset. Camp residents say that now any journey into the city and out of the camp is an unsettling one, as non-Romani Italians routinely now called them “bastards”, “Gypsies” and tell them to get out of Italy.

According to research by osservAzione, at around 3:00 AM on 14 October 2007, unidentified perpetrators threw a Molotov cocktail into the Stura Romani camp in Torino. Luckily, none of the approximately 60 Romani inhabitants were injured because one woman was reportedly awake and able to warn all families. The trailers and shacks making up the camp, however, burned to the ground. Most of the camp inhabitants reportedly lost all of their personal documents in the fire.

Earlier, on 19 September 2007, four Molotov cocktails were dropped by unknown perpetrators from a bridge into the Ponte Mammolo Romani camp in Rome, according to osservAzione research. Two of the bombs reportedly caught fire, burning some of the Romani homes, but no one was injured. On the following day, about 40 masked individuals armed with stones, metal bars and flaming bottles attempted to attack the same camp again. Only one man, armed with a kitchen knife, was reportedly arrested.

On 11 August 2007, four Romanian Romani children (Lenuca, Danchiu, Dengi and Eva) between the ages of 4 and 10 died in a fire that burned down the hut in which they were temporarily living with their parents in the Italian town of Livorno, following their forced eviction from Pisa in May 2007. In the wake of the deaths, the parents of the children were taken into detention, charged with abandonment of minors and parental negligence. In the immediate aftermath of this event, the Italian media was full of calls for authorities to “do something” about the “problem” of Roma from Romania. However, in the days following the deaths, a previously unknown group of Italian extremists, the Armed Group for Ethnic Cleansing (GAPE), claimed in a letter to the Italian newspaper *Il Tirreno* that they were behind the deaths of the Romani children. The group stated that it aimed at the cleansing of all Romani people in Italy, whom they warned to leave the country within 20 days of 25 August before more serious attacks take place against them. According to Italian media, the letter has been delivered to prosecutors in Livorno but Italian officials reportedly stated that they were following the line of parental responsibility because there was little evidence to support the GAPE claims.

Monitoring of Italian media revealed that on 30 January 2005, a group of 10 youths aged between 17 and 28 attempted to burn down the Via Aveta de la Ercolano Romani camp just outside of Naples, as reported by the Italian News Agency ANSA. Thirty Romanian Roma, 10 of them children, lived in the camp. On that night, the camp was attacked with flame-throwers and a makeshift bomb which partially destroyed one of the shacks; no one was seriously injured. Six of the attackers were arrested by the police at the site of the attack while the other 4 were detained while the investigations were carried out. The detainees justified their action as Saturday night “weekend mayhem.”

At around 11:30 PM on 14 June 2004, 5 ethnic Italian men threw a firebomb at the camper of a Romani family in the Italian town of Lugagnano di Sona, injuring a 7-year-old girl, according to the Verona-based daily newspaper L'Arena di Verona of June 16. At the time the firebomb was thrown, the family of 8 were sitting outside their camper. A vehicle reportedly approached slowly and, once in front of the camper, 2 flaming bottles full of gasoline were thrown from within, hitting the young girl. The girl, who sustained burns to her face, was taken to the hospital in Bussolengo, where she was held overnight for observation and then taken to another clinic for 21 days treatment. According to the daily, the police had recovered one of the bottles from the scene and were conducting an investigation. In reporting on the incident, Italian media sources laid heavy emphasis on the “good families” the perpetrators came from and referred to the incident as a “prank”, excluding a possible racial motive. On 17 June, L'Arena di Verona reported that five men between the ages of 19 and 22 had been charged with the making and possession of weapons, causing personal injury with aggravating conditions.

There is no indication that any individual has been held legally responsible for any of the attacks listed above.

4.D. Right to Freedom of Movement

The submitting organisations are also concerned about restrictions on the freedom of movement of Roma and Sinti in Italy, some of whom live in caravans, motivated by racial prejudice. For example, according to Sucar Drom, in 2006 local authorities in the Commune of Castel Goffredo in the Province of Mantua passed an Ordinance (No 31/06) prohibiting all nomads from stopping with their trailers on the territory of the Castel Goffredo. After the Ordinance was passed, road signs indicating the prohibition were placed on all four roads that enter the town. On 26 November 2006, the Mayor of Castel Goffredo, Ms Anna Maria Cremonesi, was quoted in the Italian newspaper Gazzetta di Mantova as having stated, “[...] we placed road signs that forbid nomads from stopping in our towns because we want to defend honest, passive and unarmed citizens from people who live on thefts, begging and kidnapping of little children [...].”

Earlier, in 2005, Sucar Drom reported that in the town of Piovene Rocchette in the Province of Vicenza, Mayor Maurizio Colman passed a similar ordinance (No 128 of 12 August 2005), forbidding “nomads” from stopping with their caravans within the territory of the town. At the time of passing the Ordinance, members of the Northern League party publicly supported the action of the Mayor.

4.E. Discrimination in Access to Housing

a. Substandard Conditions

Many Roma and Sinti in Italy live in highly substandard conditions, without basic infrastructure. Many Roma and Sinti live in “camps” or squalid ghettos that are “authorised”, meaning state-approved and provided. Others are forced to “squat” in abandoned buildings or set up camps along roads, rivers or in open spaces. These individuals can be evicted at any moment, and frequently are. Their settlements are often called “illegal” or “unauthorised”. Where Italian authorities have expended energy and resources on Roma, these efforts have in most cases not been aimed at integrating Roma into Italian society. Instead, authorities establish “temporary housing containers”, in a number of cases surrounded by high walls, isolating them from the view of non-Romani Italians.

Material conditions in authorised and unauthorised camps are frequently inhuman. For example, the Via Germagnano camp for Romanian Roma in Torino, as of November 2007, was a settlement of approximately 150 Romanian Roma. According to camp inhabitants, they have been there for circa 4-5 months. They had reportedly been given permission to settle there by the authorities, who had also been

promising to bring in utilities, but as yet, none had been delivered. Water was carried by camp inhabitants from an open pipe near the camp, there was no electricity not generated locally; they bought gas for heating from those shops which would sell it to them (not all shops were reportedly willing to do so); there were no toilet facilities, so residents had designated an area for burying faecal and other waste. They burned ethyl alcohol for heat. No one in the camp had an individuated address.

In addition, the substandard conditions prevailing in Romani camps in Italy have contributed to the deaths of at least 5 Romani youth in since December 2006 alone, not including the children that died in the fire in Livorno (Section 4.C above). According to osservAzione research:

- On 19 November 2007, Florin Draghici, a 4-year-old Romani boy from Romania, died in a fire in a Romani camp in Bologna;
- On 2 January 2007, 15-year-old Cristina Mihalache and 15-year-old Nicolae Ihnunt from Romania died in a fire in Caserta's Camp d'Orta di Atella; and
- On 2 December 2006, 16-year-old Ljuba Mikic and 17-year-old Sasha Traikovic from Serbia died in a fire that broke out in Rome's Camp Casilino.

b. Extreme Environmental Health Threats

The submitting organisations are also concerned that the location chosen by Italian authorities for some Romani "camps" pose serious health hazards for the residents due to pollution and other environmental concerns. For example, according to research conducted by the ERRC, COHRE and osservAzione in 2006 and 2007, around 100 Macedonian Roma persons have been living at a camp known as "Castel Firmiano", on the outskirts of Bolzano, Italy, for more than a decade. The site on which the Castel Firmiano settlement is located covers 250,000-300,000 square metres of urban and industrial waste, which has given rise to concerns related to negative health impacts for the residents of the site. COHRE, ERRC and osservAzione research indicates that at least two women living on the site have had miscarriages in recent years and several infants have been born either prematurely or with serious health problems.

As a result, the municipality of Bolzano commissioned two environmental studies of the area. The first report, released in January 2005, by Dr Ing Martin Weiss, indicated that the dump has never been properly secured and that the inhabitants of the Roma camp have never been adequately protected from the environmental dangers poses. In his report, Dr Weiss suggested that "[F]uture interventions should effectively deal with the current threat to the environment and to persons who reside in the immediate vicinity of Castel Firmiano, by removing its causes." The report also documents the presence of fungicides, which have developed as result of the pesticides' presence in the dump. A second report, prepared by the offices of H&T Dr Ing Martin Weiss – Dott Lorenzo Cadrobbi, dated March 2007, indicates dangerously high or illegal levels of I.P.A. (aromatic poly-cyclic hydrocarbons), heavy metals and substances including the following: Benzo (b) fluourathen, Antimonium, Arsenic, Berilium, Chrome, Vanadium and Fluoride. Concerning lead levels, the maximum level permitted levels are 100 mg. per kilogram of dry soil, while the level found at the Castel Firmiano site is 26000 mg. per kilogram of dry soil.

A third recent study by Prof Barbone, a toxicologist of the University of Udine, reported that the level of pollution of the earth in direct contact to people dangerously high. According to Prof. Barbone, the Romani community must be moved as soon as possible.

Local authorities have been aware of the environmental dangers posed by the camp's location long before these three studies. In 2003, the Provincial Council, in its deliberation of 15 September, explicitly noted the "imminent danger of Castel Firmiano dump" and acknowledged that "it is documented that during the period from 1950 until 1964, materials such as debris and industrial waste and later on, during 1966, of pesticides and other similar chemical products arriving from Lana, were added to the dump". Additionally, Dott Sascor's site inspection records from 14 December 2005 reveal that "in the last years, [they] noted incremented level of waters coming from old dump of Castel Firmiano". The inspection was carried out to assess the state of the original waterproofing lawyer of the dump and the possibility to effectuate perimeters' excavations in order to verify water infiltration. The technical staff of Azienda Servizi Sociali

di Bolzano (ASSB) and Dott Faifer submitted a document as to the impossibility, at the time, to resettle Roma and start the work. Dott Sascor and Dott Faifer prepared a joint document, bringing to the attention of city counsellors and the Mayor, on the need to close the camp for environmental and health reasons.

The European Court of Human Rights has held that health risks of this kind can implicate a range of provisions of the European Convention on Human Rights, including Convention Article 2, guaranteeing the right to life.¹⁶ As such, these issues – involving extreme and imminent threats to human health -- are of the highest order of emergency. COHRE, the ERRC and osservAzione have repeatedly – jointly and independently -- urged Bolzano authorities to move the camp residents into integrated housing since 2006. In October 2007, following the interventions of a number of parties, including COHRE, osservAzione and a Member of the European Parliament, Bolzano authorities committed themselves to moving all of the camp’s remaining circa 100 inhabitants to integrated, social housing by the end of 2008. This date is evidently too far in the future to constitute a serious response to the problem, given the gravity of matters at issue in the case.

In addition, a second official site in Bolzano – the Sinti camp known as “Spaghettata” -- is also located in an environmentally problematic area, due to the fact that it is on a small patch of ground on a site in which a number of major highways converge.

c. Forced Evictions, Including Evictions Accompanied by Illegal Destruction of Property

By pattern and practice, Italian authorities regularly conducted forced evictions of Roma from their homes throughout the country. Information gathered by the submitting organizations indicates that, in many instances, affected individuals are neither provided with due process, nor with alternate accommodation and, in a number of instances, Romani victims of forced evictions have been expelled from Italy. In addition, the expulsion of Roma from Italy renders access to justice by victims in cases of abusive forced evictions effectively impossible. The submitting organisations have sent a number of letters of concern to the Italian government to express concern at such actions, but these appear to have had little impact to date on practices by Italian officials.

Since May 2007, instances of forced eviction of Roma in Italy have risen to new levels, and many of the often unauthorised “evictions” have been accompanied by the total destruction of property by executing officials. Many of the forced evictions and destruction of property have taken place in Rome, where as Mayor Walter Veltroni reported 6,000 people were forcibly evicted between January and November 2007, according to the Italian national newspaper ANSA of 6 December. By comparison, ANSA reported that in the previous 7 years, 15,000 evictions had been conducted in Rome in total – just over twice as many evictions as had been conducted in 2007 alone. Mr Veltroni was further sited as having stated that 80% of the evictions took place in unauthorised settlements occupied by immigrants – in light of the recent situation in Italy, Mr Veltroni can reasonably be presumed to be referring to Romani camps.

According to activists working on these matters in Rome, most of the affected Romani families remain in Rome in new and even more substandard conditions. A large number of the adults concerned have reportedly lost their jobs in the process and the children who were residing in the affected areas have been forced to stop attending school.

In addition to cases listed above, a non-comprehensive list of cases of forced evictions documented by the submitting organisations follows in reverse chronological order:

¹⁶ European Court of Human Rights, Grand Chamber Judgment, *Oneryildiz v. Turkey*, 30 November 2004.

- Civil society organisations in Naples reported on 1 December 2007 that circa 50-70 Romanian Romani women, men and children had been evicted from an unused former psychiatric hospital called “Frullone”. The Roma concerned were rendered roofless by the eviction.
- The mainstream Romanian television station ProTV broadcast the wholesale destruction by public officials with bulldozers and other heavy machinery on 25 November 2007 of two Romani settlements in the Rome area. A number of the camps inhabitants were reportedly forcibly expelled from Italy; the rest were issued with expulsion orders and instructed to expel themselves; a further group of the Roma concerned were left homeless by the forced eviction.
- During a 13 November 2007 interview with the ERRC, Mr S., a 19-year-old Romani man born in Italy to Montenegrin parents, stated that at 7:00 AM on 30 October Italian police destroyed 7 containers in Rome’s Gordiani authorised camp belonging to Roma from the former Yugoslavia. Police had notified the inhabitants 2 days prior to the eviction. According to Mr S., the police stated that the containers, 2 of which were lived in at the time, had been used for drug trafficking purposes. Ms S.’s family, who had in the past been involved with drugs but had for some time reportedly been out of the business, lived in one of the destroyed containers. Ms S.’s parents were living on the street in Rome at the time of the ERRC interview.
- Mr S.’s testimony illustrates several points of concern which are common to many Romani individuals in Italy: “suspected” criminals and their entire families are targeted during eviction operations by police; in addition, as Ms S. stated, police do not attempt to gather evidence of crimes during their raids on camps but rather seek to punish “suspects” before they are found guilty.
- At the end of October 2007, Italian police destroyed an informal camp on the banks of the Tiber river in Rome, which had been inhabited by Roma from the former Yugoslavia and Romania, according to the testimony of Mr S. a middle-aged Romani man from Montenegro, to the ERRC on 13 November 2007. According to Mr S., he had lived at the camp for 3 years prior to the forced eviction with his wife and 11 children. At the time of the interview, Mr S. and his family were living in a van in Camp Sotto il ponte della Magliana, underneath a highway overpass.
- According to the national Italian news agency ANSA, between 28 and 30 August 2007, 110 Romanian Roma were forcibly evicted from a camp in Pavia. Immediately following the eviction, the displaced Roma were provided alternative accommodation in homes and abandoned houses in a nearby village. However, following violent outbursts by inhabitants of the village, the Roma were returned to Pavia and placed in various houses.
- According to the national Italian news agency ANSA, on 23 August 2007, 10 Romanian Roma were forcibly evicted from their mobile homes in Civitanova Marche. According to ANSA, no alternative accommodation was provided for the forcibly evicted persons.
- According to the national Italian news agency ANSA, also on 23 August, 20 Romanian Roma were evicted from a camp in Perugia. Italian authorities did not provide alternative accommodation to the affected Roma.
- On 19 July 2007, Italian police and other officials, working in active cooperation with Romanian police, forcibly evicted around 1,000 Romanian Roma from their housing, destroying their belongings and leaving them without shelter, from a settlement on Via dell’Imbarco in the Magliana area of Rome. Following the eviction, the local police trade unions [OSPOL] issued a critical statement against the participation of Romanian policemen in the operation as, according to the statement, this contravenes Italian criminal law. Earlier in July 2007, Italian police and other officials forcibly evicted approximately 100 Romanian Roma from a settlement in Bagno di Tivoli, near Rome. In this operation, the personal property and residences of the inhabitants were destroyed. COHRE, osservAzione and the NGO European Roma Grassroots Organizations sent a letter of concern to Italian officials in connection with the July events, urging among other

things that the persons concerned be re-housed, but no Italian officials have ever responded to that communication.

- According to information provided to osservAzione by Ms Dijana Pavlovic, a local Romani activist, on 5 September 2007, 200 Romanian Roma were evicted from Milan's informal San Dionigi camp. Ms Pavlovic reported that no alternative accommodation was provided to the evicted Romani group, which included a number of minors.
- According to information provided to osservAzione by Ms Dijana Pavlovic, on 20 June 2007, 22 Romanian Romani families were forcibly evicted from their homes in Milan's Camp Via Triboniano. Ms Pavlovic reported that no adequate alternative accommodation was offered to the evicted Roma by Milan authorities.
- On 24-25 June 2007, police entered Camp Via del Foro Italico (no. 531) and destroyed the homes of about 200 Romanian Romani inhabitants, according to information provided to the ERRC by Mr F.C. from Rome's Tre University architecture faculty. Reportedly, the homes of non-Romanian Roma were left standing.
- According to osservAzione research, on 24 May 2007, police forcibly evicted around 600 Roma from Rome's Camp Tor Cervara. Rome authorities reportedly offered temporary shelter to the affected women and children, which would effectively separate families. However, information gathered by osservAzione indicates that very few Romani women, if any, have accepted to be separated from their husbands, meaning that the entire family is rendered homeless.
- During an interview with the ERRC on 12 November 2007, Mr Z. testified that in May 2007 Italian police forcibly evicted 30 Romanian Romani families from the informal Camp Via Aldobrandeschi, destroying their caravan homes and personal possessions and leaving the families homeless. Mr Z. stated that following the eviction, concrete barriers were placed at the entrance to the camp to prevent the families from returning to the area. For several days the families reportedly lived on the streets after which a local farmer granted the families permission to camp on his property. However, after several days, following a visit by Italian police, the farmer informed the families that they had to leave at the insistence of the police. At that time, the families reportedly returned to the Via Aldobrandeschi camp, where they were living in tents at the time of the ERRC. Since their return, Mr Z. stated, groups of police officers had visited the camp every few days, terrorizing the inhabitants and destroying their property. Most recently, 2 days before the ERRC visit, two police officers went to the camp and, in the view of Mr Z., broke the windows of his car and threw away the keys. The officers also pointed their guns at Mr Z. and threatened him, saying they would make it look like a suicide. Mr Z. informed the ERRC that the camp residents are afraid to leave the camp and that since the May eviction the children have not been able to attend school. According to ERRC research, on 29 November 2007, police forcibly evicted Camp Via Aldobrandeschi and destroyed all homes including the personal possessions of the people living in the camp. The affected women and children were offered accommodation in a temporary receiving house, which they accepted, while the men were forced to move into the nearby informal camp Sotto il ponte. Information gathered by the ERRC indicates that the families, who are completely desperate, had decided to return to Romania for fear of living with constant eviction and destruction of their possessions. Prior to May 2007, the same families had been living in an authorised Camp Bellosguardo on Via di Villa Troili. This spring, the camp was completely demolished by police without clear explanation to the inhabitants. There were 48 families; 28 of them have been moved to two other authorised camps, the rest (about 100 persons) were left on their own.
- On 20 April 2007, Italian police forcibly evicted 300 Romanian Roma from Rome's Camp Oleificio Magliana without providing any adequate alternative accommodation, osservAzione research revealed.

- On 9 March 2007, police forcibly evicted 300 Romanian Roma from Rome's Camp Villa Troili, according to osservAzione research. During the forced eviction, more than 100 homes were completely destroyed by Rome police. One hundred and twenty persons were transferred to the Rivere Camping ground, and 30 women and children were moved to temporary shelter. The remaining 150 persons were provided with no alternative accommodation.
- osservAzione research documented that on 23 February 2007, Italian police forcibly evicted ten Romanian Romani families from Rome's Camp Saxa Rubra. None of the families were provided with alternative accommodation.
- According to information collected by osservAzione, on February 20 2007, police forcibly evicted 150 Romanian Roma from Rome's Camp Tor Pagnotta. Rome authorities reportedly offered temporary shelter to the affected women and children only.
- On 14 February 2007, Italian police forcibly evicted 300 Romanian Roma from Rome's Camp Tiburtina, according to osservAzione research. Local authorities did not provide alternative accommodation to any of the affected Roma.
- According to osservAzione, on 14 September 2005, 1000 Roma were forcibly evicted from Rome's Camp Vicolo Savini and moved to Camp Castel Romano.
- According to the Verona-based association Cesar K, at 5:45 AM on 8 July 2004, Italian police evicted a community of 12 Bosnian and Romanian Romani families living in Verona. The eviction followed a fire on June 30, which destroyed the Romani homes, after which the Verona Civil Protection Office provided tents for those families left without shelter; the mayor of Verona signed an urgent order to evict the 12 families from their temporary shelter. Cesar K informed the ERRC that the Roma had lived at the site since April 2003 when Mr Tito Brunelli, the person responsible for political and social affairs in the district, provided municipal land on which the nine Romanian and three Bosnian Romani families could reside. The eviction order was issued without any consideration for the past decisions of municipal authorities to host the families.
- According to the Bergamo-based newspaper L'eco di Bergamo, on 22 April 2004, approximately 30 carabinieri evicted 152 Roma living in 23 camper vans from a parking lot on Via Rampino in the northern Italian town of Covo. The newspaper reported that following complaints by local residents, on April 21, the Mayor notified the Romani group that they had to leave. The carabinieri arrived at the parking lot at around noon on April 22 and just after 1:00 PM, the Roma left the parking lot in a convoy headed in the direction of Bergamo, escorted by carabinieri.
- Earlier, on 15 April 2004, a group of about 90 Romanian Roma, 70 of whom had applied for asylum and about 20 of whom had not, were evicted from the shacks they had been living in by the river in the northern Italian city of Turin, according to Ms Carlotta Saletti Salza, an activist working with Roma in Turin. According to Ms Saletti Salza, police destroyed the shacks in which the Roma had been living, along with all of their personal possessions. Twenty Roma without any legal papers to be in Italy were expelled following the eviction. One Romani woman was reportedly "invited" to go back to Romania because she had not legalised her stay in Italy. She did not go, but, according to Ms Saletti Salza, the authorities took away her child. The 70 Roma who had applied for asylum occupied Turin's Immigration Office for 2 days following the eviction. At this time, a number of vans arrived to move them to an empty school, where they were to live temporarily. Twenty-four of the Roma concerned, afraid to get in the vans, left the office and the remaining 36 people were moved to the school. After they arrived at the school, local residents protested so the group was moved to a temporary camp with only 3 large tents in a field. Ms Saletti Salza stated that the Roma who fled the Immigration Office have since requested to be housed at the camp, but the Immigration Office refused. On 27 April 2004, the ERRC visited the camp, which had only 3 portable toilets and 1 small water container that was reportedly filled only once per week. There was no electricity or other source of water available.

- In another case, at 9:30 AM on 1 April 2004, approximately 700 police officers, carabinieri, traffic police, fire fighters and military officers evicted more than 200 Romanian Roma from the building they had occupied at Via Adda 14 in Milan for 2 years, according to the Italian national newspaper La Repubblica. Around 350 Romanian Roma “caught” in the area had reportedly been expelled to Romania in the weeks leading up to the eviction. Mr Ernesto Rossi, an activist working on Romani issues in Milan, informed the ERRC that 185 Roma from Via Adda without legal permits to be in Italy were expelled to Romania following the eviction on a charter flight. Municipal authorities moved between 60 and 70 Roma with permits of stay to a newly constructed camp on Via Barzaghi. On 26 April 2004, Mr Adriano Tanasie, one of the Roma evicted from Via Adda, testified to the ERRC that the group was not given formal notice of the eviction prior to its execution; they had learned of it on television in the days leading up to the eviction. To Mr Tanasie’s knowledge, the authorities did not present a warrant at the time of the eviction. The authorities reportedly told the Romani inhabitants of Via Adda that if they were quiet and did not protest, nothing would happen to them. The evicted Roma were not permitted to take their possessions. At the time of the ERRC visit, the Roma were living in 12 containers and 3 tents in Camp Via Barzaghi, surrounded by a cement wall approximately 10 feet tall topped with barbed wire, under the 24-hour surveillance of 2 armed police officers in civilian clothing. There was no electricity, the showers in the containers were not connected to the water supply and there was no heating.

In November 2007, osservAzione documented the recent history of forced evictions and the Romani community in Bologna. The documentation gathered strongly indicates that the practices present in bigger centres such as Roma and Milan are present in smaller centres throughout the country. According to the testimony of Mr Valerio Monteventi, independent representative of the Rifondazione political party to osservAzione on 12 November 2007, in 2005 Mayor Sergio Cofferati launched a project called “A battle for legality” in Bologna, according to which, “actions of solidarity towards the weaker strata of population must be associated, when necessary, with repressive actions; uniting solidarity and a respect for the law is the only way to guarantee an urban life suitable to human well being and so to protect those belonging to the weaker levels of [Italian] population, first victims of criminality.” Thus Mayor Cofferati ordered a series of destructions of illegal camps, while in only a few cases providing the inhabitants with alternative accommodation: In most cases, people whose home was destroyed were left homeless. According to Mr Monteventi, beginning in March 2005, the following constitutes the series of forced evictions and destruction of property to which Roma in Bologna have been subjected:

- On 21 March 2005, 10 shacks inhabited by about 30 Roma were destroyed in Bologna’s Lungo Reno area. The affected Roma were left homeless by the destruction.
- On 19 October 2005, state policemen, carabinieri, town policemen and city cleaners with bulldozers destroyed all shacks in the unofficial Romani camp between Via Triunvirato and Via Agucchi and the Romanian Roma living there were arrested. Some of the arrested Roma were sent to a Centro di Permanenza Temporanea (Temporary Stay Centre – CPT), while others were deported to Romania. Exact numbers for this case were not available because it was a strictly police action with no social workers or other civilians present.
- On 17 November 2005, Bologna authorities conducted another forced eviction in the Lungo Reno area. All shacks were destroyed after most of the inhabitants had been transferred to container housing in an authorised camp on Via Santa Caterina di Quarto, in the San Donato zone. Thirteen of the affected Roma were sent to the CPT and no information is available about what became of them.
- Following a request for land by the local university, on 20 June 2006, 10 shacks from Camp Via Gobetti, in the Navile area, were destroyed. Most of inhabitants were able to escape before the police arrived.
- On 4 August 2006, local authorities evacuated an abandoned building called Ex Centro di Formazione Professionale Casteldebole in which various groups of Romanian Roma had lived as squatters. All entrances to the building were blocked to prevent anyone from returning.
- On 14 October 2006, local authorities destroyed with bulldozers the shacks of around 20 Romanians – mostly Roma – at Camp Via Piò.

- On 23 October 2006, Bologna authorities destroyed with bulldozers a Romani camp on the bank of the river Reno, near Bologna's Borgo Panicalo area. None of the inhabitants were provided accommodation and within several days had relocated to a new camp under a nearby bridge.
- On 18 November 2006, local authorities destroyed with bulldozers a large camp housing more than 170 Roma located on Via Bignardi. One hundred and twenty-three Romanian citizens, mostly Roma, 60 of whom were children, were found by the police and taken in custody. That same evening 40 Roma were deported to Romania, 14 Roma were placed in a CPT, and 13 were placed in prison for failing to comply with an order to leave the country. Approximately 50 individuals managed to escape before police surrounded the camp and resettled in other unauthorised areas.
- On 18 November 2006, 41 Romanian Roma were forcibly evicted by local authorities from their homes in an unauthorised camp in the Via Bignardi/Via Gobetti area, without being provided any alternative accommodation. For several days, the families lived on the main square in Bologna, before they were able to negotiate with the local administration for housing in a civil protection building on Via dell'Industria. After several weeks, the families were transferred to an unused school.
- On 14 December 2006, police took 50 Romanian Roma, mostly women and children, living in a farmhouse on Via Malvezza into custody. Thirty of the affected individuals were deported to Romania, 6 were arrested for failing to comply with orders to leave the country and the remainder were held in custody by the carabinieri before being released with written orders to leave the country.
- On 12 July 2007, Bologna authorities forcibly evicted around 100 Roma, including about 30 children, living in a farmhouse on Via Malvezza, without providing any alternative accommodation. After moving from place to place, the affected Roma eventually settled in a public park on Viale Marx. According to local police, the eviction was part of the "Bologna Safety Pact", signed in June 2006 by the Mayor, the State Representative and the Ministry of Interior.
- On 16 July 2007, local police surrounded the Viale Marx camp and forced Roma living there to leave.
- On 25 July 2007, police forcibly evicted 20 Romanian Roma from the Lungo Reno camp.
- On 26 July 2007, Bologna police destroyed a camp inhabited by 20 Romanian Roma with bulldozers on Via Marco Polo.
- On 29 August 2007, local police confiscated the camper of a 12-member Romani family that had in July 2007 been evicted from their home on Via Malvezza. The family, including 10 children were left without a home for the second time in the period of one month.

d. Non-Recognition of Housing

The majority of the "camps for nomads" are not legally recognized as "housing" -- not even as a temporary housing solution. This gives rise, in addition to the status issues noted above, to problems in accessing social housing, where point-systems or other criteria require specification of current housing status.

Some municipalities additionally fail to take into account conditions of Roma living in "camps for nomads" when opening public tenders for social housing, apparently in an effort to limit the number of Roma gaining access to social housing, or in fact to preclude Roma from any access to social housing.

In addition, because of the nature of the camps -- even some of the camps which are "authorized" and official -- Romani immigrants as well as Italian citizens living in so-called "nomads camps" are often denied local residence permits, and as a result are excluded from the right to enrol in the national health service, and so the possibility to have access to a family doctor, family paediatrician, and free-of-charge or inexpensive health tests and examinations. They cannot register car purchases or access the many rights

dependent on local resident permits. Italian citizens and others who would otherwise have the right to vote in public elections are in practice precluded from doing so.

4.F. Discrimination in Access to Education

In its 2003 Concluding Observations on Italy, the United Nations Committee on the Rights of the Child expressed “deep concern about the difficult social situation [of Roma children] and their insufficient access to education and health services”. Although some efforts have been made in order to improve the access of Romani children to education, the submitting organisations note that the situation of Romani and Sinti children in relation to education continues to be problematical, with significant regional and local differences in policy, practice and outcome. Key concerns in this area relate to segregated schooling and the conditions of schools attended by Romani and Sinti children.

During osservAzione research in a Sinti camp in Bolzano in April 2005, researchers visited a segregated special school for camp residents operating inside the camp. This special school had reportedly been officially introduced in 2001 as a temporary measure to improve school attendance and achievements by children in the camp. However, the classroom was empty during the visit despite the fact that it was a regular school day. The teacher noted that the pupils were taking a longer Easter break but that this was an exception and that “normally students attend our school, though they tend to come and go during the school hours.” However, the camp manager and camp educator stated that the attendance rate had been declining significantly and that there were often no students at all attending the lessons. According to some interviewees, no action has been taken to increase students’ attendance. The former camp manager, also interviewed by osservAzione, stated “Due to their culture, the Sinti are not interested in school”. At the time of this report, the school had been closed.

The conditions of schools located near Romani camps have also been found to be substandard. For example, during osservAzione documentation in a primary school in Scampia, Naples, bordering an unauthorised Romani camp, the director of the school complained about the health conditions of the school, caused by the burning of wood stoves at the nearby camp for heating and cooking purposes and the lack of waste removal by public authorities. The director had reportedly complained about the conditions on several occasions with the Local Health Authorities (ASL), the Provincial Education Office and the Attorney General Office. According to the school’s director, following various inspections of the school, the local administration decided (though suspended the decision during the electoral period) to build a 10-metre high wall between the school and the camp.

The Italian government’s current report to the CERD Committee includes some disaggregated data, stating: “From data collected by the same Ministry, in the school years 2003-2004, a high number of Roma students attended school nation-wide, as follows: 1456 in the kindergartens; 5175 in the primary school; 2591 in the middle school; 84 in the secondary school.” Given that the total number of Roma and Sinti in Italy may be as high as 150,000, it is difficult to understand why the government regards the figures provided as “high”.

The government provides no figures in the current State Party Report on the number of Roma and Sinti in university and/or other forms of tertiary education. Nor does it provide comment on what measures are in place now to ensure that these students provide the support necessary to complete their education.

The State Report states, at paragraph 177: “In order to promote a relevant attendance at school, the Ministry of Education has allocated specific financial resources for the schools affected by high percentage of immigrants, including Roma students, in order to implement educational activities aiming at favouring their effective integration.” However, the majority of Romani children in Italy are Italian citizens. Here, as elsewhere, government credibility is undermined by the simple fact that it appears that Italian authorities believe that Roma have no authentic place in Italian society.

4.G Status Issues Implicating Article 5, as well as other Convention Provisions, and Other Racial Discrimination Harms Arising from the Arbitrary Denial of Status in Italy

Many thousands of Roma in Italy have not been recognised as legitimately residing in Italy, despite the fact that they may be refugees or because although they may be eligible for some form of status, authorities have refused to provide them with a residence permit or other form of durable status. In the first place, Italy is host to several thousands of Roma from Kosovo¹⁷ and an additional number of Roma from various countries of Central and Eastern Europe whose total number may be in the several tens of thousands may be refugees as defined in the 1951 Convention Relating to the Status of Refugees and its protocols. In addition, several thousands of Roma may be stateless as defined in the Convention on the Status of Stateless Persons.¹⁸ Moreover, research by a number of civil society organisations indicates that many Roma from other Parties working regularly in Italy have been arbitrarily refused residence permits and/or other permits. For example, COHRE research in November 2007 revealed that only circa one quarter of the residents of the Via Germagnano camp for Romanian Roma in Torino had, as of November 2007, managed to secure any form of formal status in Italy, although most had been in Italy for at least one year, and in many cases for periods of longer than five years, and all come from another European Union Member State, and should therefore be in a relatively privileged position compared with other foreigners.

As a direct result of the denial of basic status in Italy, non-citizen Roma are precluded from a vast range of actions available to persons who have either secured Italian citizenship or have managed to secure some form of durable status in Italy. For example, in November 2007, COHRE researchers documented the case in Torino of Ms. S.C., a Romani woman from Romania. She had informally taken over the care of her niece, Ms. S.V. However, despite efforts, she had been, as of 12 November 2007, unable to initiate formal adoption proceedings because of their precarious status; neither she nor Ms. S.V. had any formal status in Italy. As a result, there is significant threat that one or the other can be forcibly expelled from Italy without the other.

¹⁷ Roma and other persons regarded as "Gypsies" were ethnically cleansed from Kosovo following the end of NATO action against the former Yugoslavia in June 1999 (On Roma in the Kosovo crisis, see <http://errc.org/publications/indices/kosovo.shtml>). Italian practice concerning the recognition of Roma from Kosovo in particular has been extremely restrictive.

¹⁸ To name only one type of such persons, a number of Romani men in Italy originally from Serbia and Montenegro refused to return to Serbia and Montenegro to perform military service during the Milosevic government, a regime implicated in genocide. Following the expiry of their passports, such persons were frequently unable to avail themselves of new passports. Without valid documents from their country of origin, they would in most cases have been unable to secure residence permits in Italy and consequently have become increasingly forced into extremes of social exclusion in Italy. Such persons are effectively stateless, in the sense of the International Convention on the Status of Stateless Persons.

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