

# WRITTEN SUBMISSION

BY THE EUROPEAN ROMA RIGHTS CENTRE CONCERNING ITALY

To the Committee on the Elimination of Racial Discrimination, for consideration at its 91st Session (21 November - 9 December 2016)

Articles 2, 3, 4, 5 of the International Convention on the Elimination of all forms of Racial Discrimination: Residential Segregation and Hate Speech and Violence



CHALLENGING DISCRIMINATION PROMOTING EQUALITY

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## INTRODUCTION

The European Roma Rights Centre (ERRC) is a Roma-led international public interest law organisation which monitors the human rights of Roma in Europe and provides legal defence in cases of human rights violations.

The ERRC is deeply concerned at the lack of progress made by Italian authorities since CERD issued its concluding observations on Italy in 2012 with specific reference to the committee's detailed recommendations concerning the situation of Roma and Sinti.

The committee rebuked Italy for its targeted evictions, and its de facto segregation of Roma communities in poorly equipped camps. Italy was requested to provide effective remedies to Roma and Sinti for the negative impact of the emergency decrees, and to consult with these communities in the development of programs directed at them. No progress has been made with regards to this request, and the submission provides evidence that the situation has actually worsened. This submission also finds that CERD's calls for stronger efforts to combat and punish both racist violence and pervasive hate speech directed at Roma, Sinti and non-citizens have yet to be adequately addressed.

## RESIDENTIAL SEGREGATION AND EVICTIONS

1. The approach of the Italian authorities to Roma<sup>1</sup> has been underpinned by the classification of these groups as “nomads”, despite the fact that a mere 3 per cent of Roma in Italy do not reside regularly in a fixed place.<sup>2</sup> In May 2008 a “state of emergency decree” (hereinafter **State of Emergency**) in relation to nomad settlements entered into force and related decrees gave extraordinary powers to specially appointed prefects to overtake the State of Emergency in the regions of Lazio, Campania, Lombardy<sup>3</sup> and later in Piedmont and Veneto.<sup>4</sup>
2. Following the adoption of the State of Emergency, special state authorities were afforded extraordinary powers which included forcible evictions of Roma from informal settlements to displace them to formally monitored and segregated camps.
3. In November 2011, the Italian Council of State ruled that the State of Emergency was unlawful as there was no extraordinary or exceptional disruption of order and public security justifying an emergency intervention from the Government. The judgment had immediate effect and rendered the State of Emergency and its subsequent acts invalid.<sup>5</sup> In May 2013, Italy's highest court confirmed once and for all that the “Nomad State of Emergency” was unfounded and unlawful.<sup>6</sup>
4. The reduction of the “system of camps” established for Roma has been an explicit commitment of the Italian government in the National Roma Integration Strategy (NRIS) approved by the Government in February 2012<sup>7</sup> and adopted in compliance with the EU Framework for National Roma Integration Strategies up to

1 The term Roma will be used thoroughly this report to denominate also the Sinti and Caminanti groups who do not all identify as Roma but are perceived as such and face discrimination from the majority population.

2 National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities, February 2012, available at: [http://ec.europa.eu/justice/discrimination/files/roma\\_italy\\_strategy\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/roma_italy_strategy_en.pdf).

3 Decreto del Presidente del Consiglio dei Ministri 21 maggio 2008. Dichiarazione dello stato di emergenza in relazione agli insediamenti di comunita' nomadi nel territorio delle regioni Campania, Lazio e Lombardia. (GU n. 122 del 26-5-2008), available at: <http://www.stranieriinitalia.it/media/dI08052701.2008.d521.dpcm.emergenza.rom.pdf>.

4 Decreto del Presidente del Consiglio dei Ministri 28 maggio 2009. Proroga dello stato di emergenza per la prosecuzione delle iniziative inerenti agli insediamenti di comunita' nomadi nel territorio delle regioni Campania, Lazio e Lombardia ed estensione della predetta situazione di emergenza anche al territorio delle regioni Piemonte e Veneto. (09A06574) (GU Serie Generale n.129 del 6-6-2009), available at: [http://www.gazzettaufficiale.it/atto/serie\\_generale/caricaDettaglioAtto/originario;jsessionid=aVg+WqTCjRh9AII0e4kjpg\\_\\_ntc-as2-guri2a?atto.dataPubblicazioneGazzetta=2009-06-06&atto.codiceRedazionale=09A06574&elenco30giorni=false](http://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario;jsessionid=aVg+WqTCjRh9AII0e4kjpg__ntc-as2-guri2a?atto.dataPubblicazioneGazzetta=2009-06-06&atto.codiceRedazionale=09A06574&elenco30giorni=false).

5 Consiglio di Stato, sez.IV, 16 novembre 2011, n.6050, available at: <http://www.leggioggi.it/allegati/consiglio-di-stato-sez-iv-16-novembre-2011-n-6050/>.

6 European Roma Rights Centre, *End of the Road for Italy's Illegal State of Emergency*, 2 May 2013, available at: <http://www.errc.org/article/end-of-the-road-for-italys-illegal-state-of-emergency/4137>.

7 National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities, February 2012, available at: [http://ec.europa.eu/justice/discrimination/files/roma\\_italy\\_strategy\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/roma_italy_strategy_en.pdf).

2020 (“the EU Framework”), endorsed by EU Heads of States and Governments. In December 2013 the Council of the European Union adopted a Recommendation on effective Roma integration measures in the Member States.<sup>8</sup> In the priority area of **housing** the Council called on Member States to “*Take effective measures to ensure equal treatment of Roma in access to housing and whenever relevant, ensure that applications from local authorities for urban regeneration projects include integrated housing interventions in favour of marginalised communities.*”<sup>9</sup>

5. Far from reducing the “system of camps”, Italian authorities have continued to approve the construction of new segregated Roma only camps and shelters for Roma.
  - On 11 August 2016, the Naples municipality approved plans for a new camp which will be built in via del Riposo to “temporarily” host 168 Roma in 28 containers.<sup>10</sup>
  - On 1 August 2016, the Catania municipality approved the construction of a new camp to provide temporary housing for Roma who became homeless after the fire which destroyed the camp located in via Madonna del Divino Amore.<sup>11</sup>
  - On 23 July 2016, the municipality in Barletta announced it will spend Euro 100,000 to build a new camp to accommodate six Romani persons.<sup>12</sup>
  - In Savona, on 26 March 2015, it was announced that Euro 100,000 of EU Funds will be used to rebuild a formal camp<sup>13</sup> for Roma.<sup>14</sup>
6. In May 2015, the Court of Rome, in respect of the formal camp La Barbuta, opened in June 2012, established for the first time in Italy that Roma-only housing maintained by municipalities violates the 2000/43/EC Directive (Racial Equality Directive) transposed into the Italian legal system by the Legislative Decree 215/2003.<sup>15</sup>
7. Despite the ruling concerning the unlawfulness of the State of Emergency and the fact that four years have elapsed since the adoption of the NRIS, it is our view that Italy has made no progress in improving respect for the human rights of Roma; the situation of Roma has worsened. Thousands of Romani families still live in ethnically segregated camps set up explicitly for Roma by authorities across the country. Regional and municipal regulations enable Italian authorities to construct and administer Roma-only camps which are often located in remote areas, far away from basic services, sometimes unsuitable for human habitation, adjacent to waste dumps and airport runways. Living conditions in the camps are often inadequate, failing to meet international human rights standards and even national regulations on housing. The authorities only place Roma in these camps, often following forced evictions from informal settlements. No national plans have been drawn up to provide for the promised process of desegregation from camps. In some cases authorities have even planned or already commenced the construction of new camps.
8. Almost a year after the final judgment in the “La Barbuta” case, Roma families are still living in the camp and Italian authorities have taken no action to dismantle the camp and relocate those families into integrated housing settings. On the contrary, in February 2016 the Rome Municipality published a call

8 Council of the European Union, Council recommendation on effective Roma integration measures in the member states. Employment, Social policy, Health and Consumer affairs, Council meeting Brussels, 9 and 10 December 2013, available at: [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/lsa/139979.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lsa/139979.pdf).

9 Council Recommendation of 9 December 2013 on effective Roma integration measures in the Member States 2013/C 378/01, 9 December 2013, available at: [http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32013H1224\(01\)](http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32013H1224(01)).

10 See: <http://www.napolitoday.it/cronaca/campo-rom-via-del-riposo.html>.

11 See: <http://messinaweb.tv/politica/comune-di-catania-assegna-un-terreno-a-200-rom/>.

12 RedazioneBarlettaviva, Il campo romi di Barletta rischia di diventare un “ghetto”, 23 July 2016, available at: <http://www.barlettaviva.it/notizie/il-campo-rom-di-barletta-rischia-di-diventare-un-ghetto/>.

13 “Formal” or “authorised” or “equipped” camps are established by local authorities (municipal councils, prefects or other authorities) and “equipped” with basic facilities. Roma families live in caravans, mobile houses or metal containers and generally have running water and electricity. Some settlements have pre-school facilities, while most offer some form of transportation to and from schools. This kind of camp may be surrounded by fences, walls and cameras.

14 Savona News.it, Savona e il campo nomadidelladiscordia: polemica in consigliocomunale e votofavorevolesulregolamento, available at: <http://www.savonanews.it/2015/03/26/leggi-notizia/argomenti/politica-2/articolo/savona-e-il-campo-nomadi-della-discordia-polemica-in-consiglio-comunale-e-voto-favorevole-sul-regol.html>.

15 Associazione 21 Luglio, ASGI, ERRC, OSF, *Municipality of Rome condemned for La Barbuta Camp: for the first time in Europe an official Roma-only settlement ruled discriminatory*, 10 June 2015, available at: <http://www.errc.org/article/municipality-of-rome-condemned-for-la-barbuta-camp-for-the-first-time-in-europe-an-official-roma-only-settlement-ruled-discriminatory/4369>; see the English translation of the judgment available at: <http://www.errc.org/cms/upload/file/la-barbuta-asgi-v-roma-capitale-court-decision.pdf>.

for partners to manage formal camps in Rome until the end of 2017,<sup>16</sup> including La Barbuta. The municipality has also re-established surveillance by local police in some camps.<sup>17</sup> The cost of this measure amounts to **approximately 5 million EUR**.<sup>18</sup>

9. On 4 February 2016, the Municipality of **Giugliano in Campania**, the Region Campania and the Ministry of Interior agreed to build a new camp for the Roma currently living in the “Masseria del Pozzo” formal camp. This camp was set up by local authorities in 2013 – more than a year after the adoption of the NRIS – to house Romani families who had already been subjected to a number of forced evictions. The camp is located in a remote area presenting serious health and safety concerns, due to the vicinity of landfills stocking toxic waste. Living conditions in the camp are squalid, aggravated by problems with the sewage and water systems. In response, local authorities plan to set up a new camp a few kilometres away. There is no doubt that the families residing in Masseria del Pozzo need to be relocated from the camp as a matter of urgency. However it is deeply concerning that the authorities, which originally placed the families in the camp, not only failed to devise a plan for their social inclusion, but instead intend to transfer them to another ethnically segregated camp. While the project refers to “adequate housing and integration of Romani families”, in practice all that is planned is the construction of yet another camp, comprised of 44 pre-fabricated units to house Romani families costing **1.3 million EUR** provided by the Ministry of Interior and Region Campania.<sup>19</sup>
10. On 21 June 2016, the Giugliani local authorities forcibly evicted 75 Romani families, comprising around 300 people, including dozens of children, some just a few months old, from the Masseria del Pozzo camp. No written notice had been served to the inhabitants prior to the eviction. The families received verbal notification on 14 June and were forcibly evicted seven days later, and were transferred to the site of a former fireworks factory. This site is not fit for human habitation. Amidst the rubble, Amnesty International representatives saw one broken bag containing grey powder of unknown nature and several barrels labelled “powder” and “spontaneously combustible”, as well as what appeared to be asbestos in the only fragile structure still in place although badly burnt. The plot of approximately 1000 square metres is located on the outskirts of Giugliano’s industrial zone, in an enclosed area surrounded on three sides by wild vegetation and one side by a wall with a gate. On 22 June, the inhabitants had no access to electricity and were using open fires, batteries and car lights to illuminate the place after dark. Access to water and sanitation was completely inadequate and amounted to nothing more than four taps and two mobile toilets (one of which was broken, and the other unfit for use).<sup>20</sup>
11. In **Milan**, according to data provided by the municipality 1,284 evictions took place between 2013 and 2015: 2,210 persons have been evicted in 2013; 2,184 in 2014; and 615 in 2015.<sup>21</sup> Considering that about 2,500 Roma live in Milan’s informal camps, it is clear that many Roma are repeatedly evicted. Evictions create circular patterns: Roma living in irregular settlements are evicted, and, if there is sufficient space, are put into emergency camps and/or shelters for a certain period of time, then expelled and forced to squat on irregular sites until being evicted again. The facilities in the emergency shelters are very basic and plainly inadequate. The shelters are generally only occupied by Roma, are very overcrowded, accommodating twice as many people as the capacity allows. They are temporary solutions which do not provide any prospect of decent living conditions and social inclusion.<sup>22</sup> For example, Roma hosted in the Lombroso

16 *Associazione 21 Luglio, Rom, Comitato Accogliamoci scrive a Tronca: “Serve radicale revisione bando”*, 3 March 2016, available at: <http://www.21luglio.org/rom-comitato-accogliamoci-scrive-a-tronca-serve-radical-revisione-bando>.

17 *Associazione 21 Luglio, Posti di blocco nei “campi rom”: i controlli che violano la libera circolazione*, 9 March 2016, available at: <http://www.21luglio.org/posti-di-blocco-nei-campi-rom-i-controlli-che-violano-la-libera-circolazione>.

18 *Comune di Roma capitale, Gara a procedura aperta per l’affidamento del servizio di gestione sociale, formazione lavoro, di interventi di piccola manutenzione e del servizio di vigilanza dei villaggi di Roma Capitale*, 19 February 2016, available at: <https://www.comune.roma.it/pcr/it/newsview.page?contentId=NEW1062222>.

19 *European Roma Rights Centre, Moving Roma away from a toxic waste dump mustn’t result in further segregation – NGOs protest*, <http://www.errc.org/article/moving-roma-away-from-a-toxic-waste-dump-mustnt-result-in-further-segregation-%E2%80%93-93-ngos-protest/4451>.

20 For more information see *European Roma Rights Centre: Italy: Authorities placed Roma from Masseria del Pozzo in inhumane conditions*, 24 June 2016, available at: <http://www.errc.org/article/italy-authorities-placed-roma-from-masseria-del-pozzo-in-inhumane-conditions/4493>.

21 *Municipality of Milan, Rom, Sinti and Caminanti.Strategie, azioni e numeri dell’intervento del Comune di Milano 2013-2014-2015* Aggiornamento dati del 30 Settembre 2015.

22 *NAGA, Nomadi per forza*, 10 March 2015, available at: <http://www.naga.it/index.php/notizie-naga/items/nomadi-per-forza.1473.html>.

shelter<sup>23</sup> interviewed between March 2013 and September 2014 reported a lack of privacy for families, malfunctioning kitchens, toilets and showers.

12. Also in **Milan** in March 2016, the municipality closed the formal camp at Via Idro, which opened 26 years ago and had hosted about 80 Italian Roma. While the closure of a segregated camp is to be welcomed, the actions taken by the Municipality to end one form of segregation have led to a further violation of the rights of those concerned. The eviction of the camp was announced in August 2015 on the grounds of “hydro-geological risks”, urban security issues, and sanitation problems. The Municipality offered temporary shelters, similar to the Lombroso shelter described above, and “second-level” housing where independent containers are available in a shelter hosting people with mental health problems, people suffering from two or more diseases and Roma families. The Roma living at Via Idro together with local and international NGOs advocated and took legal action to prevent the closure of the camp, as it would result in new forms of segregation and a worsening of their living conditions. The municipality carried on regardless and announced it will follow the same course of action with the other formal camps in Milan.
13. In **Rome** the situation is even worse. Between March and September 2015, the number of forced evictions of Roma increased three-fold compared to the previous year (64 evictions in 2015, 21 evictions in 2014). According to estimates by the Department for Social Policies, the number of Roma living in informal settlements is between 2,200 and 2,500 amounting to 0.09% of the overall population. However between 2013 and 2015 168 forced evictions occurred which affected around 4,000 Roma. This means that people have been subject to multiple forced evictions, and have had their shelters repeatedly destroyed.<sup>24</sup>
14. Residential segregation in **Rome** is an issue in shelters as well as formal camps such as La Barbuta. In May 2015, the ERRC visited one shelter called Ex Cartiera, which was opened in November 2009. The shelter was located in via Salaria 971, next to a busy highway, adjoining a municipal solid waste treatment plant, in a heavily industrial suburb which is not easily accessible. On the occasion of the ERRC visit the managing entity reported that the inhabitants are mainly Roma: 378 people, including 162 minors. The building, which was monitored 24 hours per day, was in a serious condition of decay and did not meet the required standards for hygiene and accommodation. It had 136 rooms of about 12 square meters. The rooms, divided by panels, were inadequate to ensure the privacy and were mostly furnished by guests. There were no common spaces available and there were no dedicated spaces for children’s study or recreational activities. Roma were not involved in any inclusion projects aiming to provide access to employment, cultivate self-sufficiency, and ultimately lead to adequate integrated housing solutions. The shelter was in very poor condition and could not be kept clean. For the first half of 2010 alone, the day and night accommodation costs for this shelter amounted to **310,596.00 EUR** plus **402,978.40 EUR** for meals. In March 2016 the municipality served some families with eviction notices without providing them any sort of alternative housing solution.<sup>25</sup> The municipality gave families less than one month’s notice to leave the shelter. The European Court of Human Rights and the Italian administrative courts have intervened on an emergency basis to stop the evictions.<sup>26</sup> In the following months, the Rome municipality offered alternative housing solutions to Roma hosted in Ex Cartiera. In some cases they were segregated formal camps called Salone and River, and shelters located in via Toraldo and via Amarilli. On 1<sup>st</sup> August 2016, the Rome municipality closed the shelter.<sup>27</sup>

23 According to NAGA, *ibid.* Social Emergency Shelter (SEC) located in via Lombroso 99 is situated in an old industrial area, alongside a busy railway track. Families are accommodated in six large containers, each holding between 16 and 27 persons, whose only privacy comes from sheets they hang from the ceilings. The maximum residence period is of 200 days, which can be extended every 40 days. Each family hosted in the shelter should start an inclusion path which includes jobs and houses. Some families exceed 200 days because they have difficulties in finding employment and as a consequence they are not able to pay rent. The maximum capacity of this camp is 167 people. From March 2013 to September 2014 it had accommodated 93 families, 364 people, which included 231 adults and 133 children. Non-residents are not allowed to visit the shelters without the permission of the Municipality. The shelter is guarded 24 hours by security staff, and patrolled daily by the police.

24 Amnesty International, Associazione 21 Luglio and European Roma Rights Centre, *Italy: The National Strategy for Roma Inclusion: a short-lived hope for Roma in Italy*, 26 February 2016, available at: <https://www.amnesty.org/en/documents/eur30/3520/2016/en/>.

25 Associazione 21 Luglio, *Roma, il Comune lascia per strada 123 famiglie*, 14 March 2016, available at: <http://www.21luglio.org/roma-il-comune-lascia-per-strada-123-famiglie>.

26 European Roma Rights Centre, *European Court issues emergency measure to stop Italy from evicting Roma family*, 25 March 2016, available at: <http://www.errc.org/article/european-court-issues-emergency-measure-to-stop-italy-from-evicting-roma-family/4468>.

27 Associazione 21 Luglio, *Chiude l'ex Cartiera di Roma, dal 2009 centro di accoglienza per soli rom*. 01 August 2016, available at: <http://www.21luglio.org/chiude-lex-cartiera-di-roma-il-centro-di-accoglienza-per-soli-rom-dal-2009>.

15. In 2007, the **Naples** Municipality planned to establish a new Roma-only formal camp making use of approximately **7 million EUR** from the European Regional Development Fund (ERDF) 2007 – 2013<sup>28</sup>. The local authorities intended to evict the Romani community from the Cupa Perillo informal settlement (around 800 people and among them some 300 children) and to re-locate approximately half of the evictees to a yet-to-be-built segregated camp. In 2014 a coalition of national and international NGOs denounced this segregation project to the European Commission and as a consequence the project was suspended.<sup>29</sup> The decision to withdraw the initial project was taken only in late 2015, and local authorities missed the deadline to revise the project and had to reimburse these funds, thus squandering the opportunity to provide for an inclusive housing solution for the Cupa Perillo community.
16. In **Cosenza**, in June 2015, 400 Roma residing in the Vaglio Lise informal camp and about 200 other Roma living in a building known as Ferrohotel in the Municipality of Cosenza were evicted in a way that fostered racial segregation: about 450 of these people were placed in a camp comprised solely of tents. The remainder either went back to Romania or made independent arrangements. The tent camp cost the Municipality **approximately 400,000 EUR**.<sup>30</sup> The conditions were appalling and after four months of degrading treatment under canvas in all weathers, including census-taking, security patrols, and a complete lack of privacy, the local authorities once again evicted these persons. In October 2015, the Roma families who had lived in Cosenza for more than 10 years were put out on the street. The Municipality gave each family a 600 EUR cheque, plus 300 EUR for each additional household member to find accommodation in the private housing market or organised an assisted resettlement in their country of origin.<sup>31</sup> The Municipality allocated **136,500 EUR** for this purpose.<sup>32</sup>

## COMMENTS ON ENDING RESIDENTIAL SEGREGATION FOR ROMA IN ITALY

17. Italian domestic law and European Union law provide a specific, fully-operational legal framework for fulfilling Italy's legal obligations under the International Covenant for Civil and Political Rights concerning housing segregation based on race and ethnicity. Those rules were notably upheld in the "La Barbuta" case described above, decided last year. Italy has also committed itself to ending housing segregation of Roma in its NRIS. What we have set out above nonetheless shows a lack of any progress towards meeting these goals. The authorities seem to have ample resources to build and maintain segregated facilities, but never to dismantle them.

## RECOMMENDATIONS FOR THE ITALIAN GOVERNMENT

- Establish, monitor and enforce conditions on the use of all housing-related funds, including prohibiting the use of funding to create or maintain segregated housing such as camps or shelters;
- Allocate funds to projects providing for integrated housing settings and inclusion paths ensuring family unity;
- Devise appropriate, targeted measures, and allocate sufficient funds to implement the commitments made in the NRIS and establish robust monitoring mechanisms to assess progress;
- Empower Roma to take control of their own housing fate; involve members of affected communities in the planning and implementation of all actions to address their housing situation from the very earliest stages;
- Immediately integrate all shelters so that there are no longer any racially segregated shelters, and ensure that living conditions in all integrated shelters meet international and national standards;

28 Naples Municipality Press Release, *Assessore Gaeta: nessun mistero sui fondi per i Rom, approvata delibera in Giunta il 30 dicembre*, 8 January 2015, available at: <http://www.comune.napoli.it/flex/FixedPages/IT/ComunicatiStampaTotali.php/L/IT/frmSearchHaveData/OK/frmSearchText/scampia/frmSearchMonth/12/frmSearchYear/2004/frmIDComunicatoStampa/12664>.

29 Associazione 21 Luglio, Chi rom... e chi no, European Roma Rights Centre and OsservAzione, Letter to European Commission, June 25, 2014.

30 Corriere della Calabria, *A cosa è servita la tendopoli di Cosenza?*, 6 October 2015, available at: <http://www.corrieredellacalabria.it/index.php/politics/item/38626-%C2%ABa-cosa-%C3%A8-servita-la-tendopoli-di-cosenza%C2%BB/38626-%C2%ABa-cosa-%C3%A8-servita-la-tendopoli-di-cosenza%C2%BB>.

31 European Roma Rights Centre, [http://www.errc.org/popup-article-view.php?article\\_id=4367](http://www.errc.org/popup-article-view.php?article_id=4367).

32 Città di Cosenza, Copia di Deliberazione della Giunta Comunale n. 75 del 25/09/2015.

- Immediately cease the practice of forcibly evicting Roma without undertaking any of the measures required by international human rights law to provide socially inclusive alternatives consistent with the commitments on housing for Roma made in the NRIS;
- Review the laws on adverse possession, demolitions, and evictions, to ensure that people factually resident on a particular plot enjoy certain rights and cannot be evicted without respect for the principles enshrined in the Covenant.

## VIOLENCE AND HATE SPEECH AGAINST ROMA

18. The ERRC has been documenting instances of violence against Roma by state and non-state actors in Italy since 1998.<sup>33</sup> Violent incidents perpetrated by law enforcement officials and non-state actors against Roma continue in a climate of impunity. The response of the Italian authorities to these incidents remains inadequate and CERD's calls for stronger efforts to combat and punish both racist violence and pervasive hate speech directed at Roma, Sinti and non-citizens have largely gone unheeded.
19. The submitting organisation monitored five cases of violence against Roma in 2014 and nine in 2015, and requested information from the authorities in ten cases. In only two cases have the Italian authorities (public prosecutors or other law enforcement officials) replied to our requests for information. The first case occurred in February 2015 when a man fired shots at a caravan where a Roma family lived, killing the father.<sup>34</sup> The public prosecutor asked for 30 years imprisonment and acknowledgement of racial bias as an aggravating circumstance. The defendant was found guilty of murder and sentenced to 16 years imprisonment but despite compelling evidence the court did not recognise that the crime was motivated by racial bias. The second case concerned gunshots fired by unknown assailants at an informal camp inhabited by a mother and her nine children on 24 August 2015.<sup>35</sup> The authorities responded that the investigation results were not consistent with the victims' testimony; suspecting that the allegation was merely a ploy to avoid eviction from the land they were occupying with their caravan.
20. On 14 July 2015, the Turin Criminal Court convicted at first instance six people finding them guilty of a violent assault on a Roma camp in Turin known as "La Continassa". The informal camp was destroyed in December 2011 by a violent mob which set fire to shacks, caravans and cars, following a march in reaction to a false and unfounded allegation of rape against two Romani men.<sup>36</sup> The arson attack on the camp completely destroyed the homes and property of 46 Romani individuals. The court recognised that the attack was racially motivated and made reference to several factors such as insults, verbal racist abuse, and threats of violence against the Roma that clearly proved hate bias. The court found that the authorities failed to protect the victims from the attack and underestimated the risks and dangers to which Roma living in "La Continassa" were exposed, and found that the small number of officers present actually emboldened the mob to engage in extreme anti-Roma violence. There does not appear to be any procedure initiated against law enforcement officials responsible for the failure to protect this vulnerable community.
21. In Turin, on 29 September 2015 three local police officers went to LungoStura Lazio informal camp to evict a Roma family who had just returned from Romania and occupied a shack. One family member who tried to resist the eviction was pepper-sprayed, handcuffed, and forced to the ground by police officers. Another police officer drew his gun and pointed it at onlookers. According to available evidence<sup>37</sup> the police reaction was disproportionate. There has been no investigation into police conduct but the Romani man was charged, and on 17 February 2016 was found guilty of assault and causing injury to the three police officers.

33 European Roma Rights Centre, *Campland: Racial Segregation of Roma in Italy (October 2000)*, available at: <http://www.errc.org/cms/upload/media/00/0F/m000000F.pdf>.

34 La Repubblica.it, *Bergamo, l'ex parà arrestato per l'omicidio del rom: "Volevo spaventarlo perché sporcano"*, 26 March 2015, available at: [http://milano.repubblica.it/cronaca/2015/03/26/news/bergamo\\_l\\_ex\\_para\\_arrestato\\_per\\_l\\_omicidio\\_del\\_rom\\_volevo\\_spaventarlo\\_perche\\_sporcano\\_-110551658/](http://milano.repubblica.it/cronaca/2015/03/26/news/bergamo_l_ex_para_arrestato_per_l_omicidio_del_rom_volevo_spaventarlo_perche_sporcano_-110551658/).

35 Il Giorno.it, *Assalto incendiario tentato alla roulotte dei nomadi: aggressori in fuga*, 24 August 2015, available at: <http://www.ilgiorno.it/monza-brianza/assalto-incendiario-tentato-alla-roulotte-dei-nomadi-aggressori-in-fuga-1.1243796>.

36 European Roma Rights Centre, *Historic criminal conviction for a violent assault to a Roma camp in Italy*, 17 July 2015, available at: [http://www.errc.org/popup-article-view.php?article\\_id=4385](http://www.errc.org/popup-article-view.php?article_id=4385).

37 Videos are available here <http://anarresinfo.noblogs.org/2015/10/22/violenza-di-stato-al-campo-rom-il-video-che-inchioda-i-vigili/>.

22. The ERRC uncovered further evidence of institutional racism in its monitoring of a case in June 2013 where police in Liguria distributed pre-printed complaint templates for theft, which included a tick-box labelled “Gypsies” offering theft victims the chance to identify Roma as the culprits. No other ethnicity was included on the form. The Italian NGO Associazione 21 Luglio sent a report to the Senate’s Extraordinary Commission for Human Rights, and the ERRC submitted a complaint to the Observatory for Security against Acts of Discrimination (hereinafter OSCAD) as well as to the Italian equality body (UNAR). It emerged that the same theft complaint forms were being used in every Carabinieri station throughout Italy. After pressure from two members of the Human Rights Commission and NGOs advocacy, the box marked “Gypsies” was removed from the theft complaint forms.<sup>38</sup>
23. In April 2014, in Latina, four Roma minors were beaten up by a group of 15 attackers which included police officers. According to the complaint submitted by one of the victims, the victims stopped off in a bar on their way back to the camp, where they were immediately accused by patrons of intent to rob the slot machines, and the police were called. When the police arrived they invited all those present to beat up the four boys.<sup>39</sup>
24. The ERRC has also been following the aftermath of a violent attack on an informal Roma settlement in Naples on 11 March 2014. Following allegations of sexual harassment by “two nomads”, a crowd of 50 local residents gathered outside the informal settlement at via Santa Maria del Riposo. According to media reports and local witnesses, people began throwing stones and fireworks and raiding the settlement to physically attack Roma inside the camp and destroy property. At least one person was hospitalised with injuries. Local police and Carabinieri arrived at the scene, but did not intervene to stop the violence. Only around midnight did police officers take action to halt the attacks and no arrests were made. The residents of the settlement spent the rest of the night in fear and started to collect their remaining property and to prepare to leave their homes. The next morning, a mob gathered again in front of the settlement and resumed their attacks against the Roma families, despite the presence of the law enforcement officers.<sup>40</sup> In March 2014, a criminal complaint was lodged. More than two years later, there is still no information on progress made in investigations to identify the perpetrators and whether or not the public prosecutor intends to initiate any criminal charges.
25. In the past two years, the ERRC documented a large number of cases of hate speech by public officials that constitute incitement, exacerbate hostility and create a permissive, enabling environment for acts of anti-Roma violence. In the period between 2014 and 2015 alone, the ERRC documented 23 cases of hate speech from public officials on television, radio and social media.
26. Most of the hate speech comes from the Lega Nord (Northern League) political party members. Public figures continue to dehumanise Roma in their rhetoric. Politicians use public debate, broadcast media and social networks. Below are a few examples:
- In August 2015 the Rome Municipality I councillor, Luca Aubert, posted on Facebook: *“It would be necessary to change the penal code: it is not a crime to beat a Roma who steals.”*<sup>41</sup>
  - In March 2015 Gianluca Bonanno, MEP of the Lega Nord when he appeared as a guest on the national TV show “Piazza Pulita” said to the Roma activist Dijana Pavlovic that *“Roma are the scum of the earth.”*<sup>42</sup>
  - In March 2015 Daniela Santanchè of Forza Italia, said on La Zanzara radio broadcast: *“I am afraid of gypsies. When a Romani woman is close to me I think that she will steal something from me. Maybe Roma are not all like that (robbers) but a lot of them steal, and I have seen few Roma working. In camps I have seen what they steal from Italians. Romani children are put on the street to steal. Roma have theft in their blood. Some of them may be respectable persons, but I do not know them.”*<sup>43</sup>

38 Associazione 21 Luglio and European Roma Rights Centre, *Theft Victims in Italy Asked to Tick ‘Gypsy’ box – NGOs Win Change*, 8 August 2013, available at: <http://www.errc.org/article/theft-victims-in-italy-asked-to-tick-gypsy-box-%E2%80%93-ngos-win-change/4181>.

39 Il Fatto quotidiano.it, *Latina, minorenni rom denuncia: “In ginocchio e pestati da polizia e residenti”*, 6 May 2014, available at: <http://www.ilfattoquotidiano.it/2014/05/06/latina-minorenne-rom-denuncia-pestati-in-quattro-da-polizia-e-residenti/975655/>.

40 European Roma Rights Centre, *Chi Rom e ... chi no, Violent raid in Naples’s Roma settlement*, Letter of concern available at: <http://www.errc.org/cms/upload/file/italy-letter-of-concern-naples-14-march-2014.pdf>.

41 La Repubblica, *Rom, frase shock del consigliere del I municipio Aubert: “Non è reato prenderli a bastonate”*, [http://roma.repubblica.it/cronaca/2015/08/13/news/rom\\_frase\\_shock\\_del\\_consigliere\\_del\\_i\\_municipio\\_aubert\\_non\\_e\\_reato\\_prenderli\\_a\\_bastonate\\_-120923922/](http://roma.repubblica.it/cronaca/2015/08/13/news/rom_frase_shock_del_consigliere_del_i_municipio_aubert_non_e_reato_prenderli_a_bastonate_-120923922/).

42 Stranieri in Italia.it, *Il leghista Buonanno in tv: “Rom e zingari? La feccia della società”*, 3 March 2015, available at: [http://www.stranieriinitalia.it/attualita-il\\_leghista\\_buonanno\\_insulta\\_i\\_rom\\_in\\_tv\\_sono\\_la\\_feccia\\_della\\_societa\\_19805.html](http://www.stranieriinitalia.it/attualita-il_leghista_buonanno_insulta_i_rom_in_tv_sono_la_feccia_della_societa_19805.html).

43 NuovoSUD.it, *Santanchè, “I Rom hanno il furto nel sangue: ho paura”*, 11 March 2011, <http://www.nuovosud.it/22796-fattinotizie/santanch%C3%A8-i-rom-hanno-il-furto-nel-sangue-ho-paura>.

- In November 2014, in Motta Visconti (province of Milan) the town councillor Massimilla Conti said “*Why do not we admit that the Roma are more likely to commit some crimes? The cameras are used to punish these bastards! However, no jail, the crematorium would be necessary...*”<sup>44</sup>;
- On 12 April 2013, in Milan, the far right organisations, Gioventù della Fiamma, Circolo Domenico Leccisi and Gioventù di Ferro held an authorised demonstration in front of an informal camp. They chanted “*Roma, go away from the neighbourhood*” during the demonstration, which approximately 80 people attended. Two more unauthorised demonstrations of a similar nature took place on 15 and 16 April 2013, during which the mobs hurled stones into the camp, chanted fascist slogans and made fascist salutes.<sup>45</sup> The protests and the indifference of the authorities eventually made the situation in the camp unbearable for the residents who were then forcibly evicted.

## COMMENTS ON COMBATING HATE SPEECH AND VIOLENCE AGAINST ROMA

27. Despite the existing legal framework under domestic and Italian law, which is more than adequate to enable the Italian authorities to fulfil their obligations under the International Covenant on Civil and Political Rights to combat violent hate crime and hate speech against Roma, these phenomena remain a serious concern. Roma suffer from institutional racism and stereotyping that has a direct impact in shaping the actions and policies of Italian public authorities. Roma continue to be victims of violence and hate speech, and the authorities fail to provide Roma with adequate protection against such abuses. The lack of data about hate crime and hate speech disaggregated by the ethnicity of the victims further compounds the situation and is a serious obstacle to devising effective policy responses.

## RECOMMENDATIONS FOR THE ITALIAN GOVERNMENT

- Publicly condemn and sanction all forms of racist violence and use of racist and xenophobic speech against members of the Roma community by public and/or private actors and guarantee Roma physical security and protection from racist violence;
- Set up a system for recording acts of violence against Roma and collect and publish disaggregated data concerning hate crimes against Roma;
- Provide a guarantee of free access upon request to legal aid for victims of what appear to be hate crimes;
- Give the police, prosecuting authorities and judges special training concerning the legal framework for punishing hate crimes and hate speech and its implementation regarding vulnerable groups such as Roma;
- Ensure that the police and the prosecuting authorities conduct thorough investigations of all acts of violence against Roma, including of the potential for racial motivation;
- Establish an independent police complaints body to investigate all allegations of human rights violations by law enforcement personnel and sanction law enforcement officials that violate rules of procedure and the rights and dignity of Roma;
- Conduct targeted campaigns encouraging Roma to report cases of violence by state and non-state actors.

<sup>44</sup> Articolo Tre, Milano, Consigliere comunale: “*Per i rom ci vorrebbero i forni crematori*”, available at: <http://www.articolotre.com/2014/11/milano-consigliere-comunale-per-i-rom-ci-vorrebbero-i-forni-crematori/>.

<sup>45</sup> European Roma Rights Centre, *Far Right Groups Target Roma with Violent Protests in Italy*, 19 April 2013, available at: <http://www.errc.org/article/far-right-groups-target-roma-with-violent-protests-in-italy/4132>.