

## ECRI 5TH REPORT ON ITALY. INFORMATION PROVIDED BY THE EUROPEAN ROMA RIGHTS CENTRE (ERRC)

The information provided here is based on ERRC research and monitoring activity in Italy from January 2013 to March 2015.

### *Legislative issues*

- a) Italy has not yet ratified Protocol No. 12 to the European Convention on Human Rights. According to information at our disposal, nothing is being done with a view to signing or ratifying it.
- b) ECRI General Policy Recommendation (GPR) No. 7, adopted on 13 December 2002, recommends to Member States to enact legislation against racism and racial discrimination, if such legislation does not already exist or is incomplete and to ensure that identified key components are provided in such legislation.

GRP No. 7 Point III 6 establishes that “*the law should provide that the following acts, inter alia, are considered as forms of discrimination: segregation; discrimination by association; announced intention to discriminate; instructing another to discriminate; inciting another to discriminate; aiding another to discriminate*”.

Italian law defines and prohibits direct and indirect discrimination. Instigation to commit or the commission of racial and/or ethnic discrimination is a criminal offence under Italian criminal law (see law No. 205, 25 June 1993 art. 1.1 a).

Discrimination by association and a declared intention to discriminate, although not specifically mentioned in Italian anti-discrimination law, are prohibited.<sup>1</sup>

Point III 10 establishes that “*the law should ensure that easily accessible judicial and/or administrative proceedings, including conciliation procedures, are available to all victims of discrimination. In urgent cases, fast-track procedures, leading to interim decisions, should be available to victims of discrimination*”.

A reform took place in 2011 with the adoption of the Legislative Decree No. 150 of September 1st 2011 (G.U. 21.09.2011, N. 220). Since then, legal proceedings challenging discrimination follow an accelerated procedure in front of a single judge in compliance with articles 702 *bis*, *ter*

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<sup>1</sup> See case law reported by *Associazione Studi Giuridici sull’Immigrazione* in paper “*La tutela civile contro le discriminazioni etnico-razziali e religiose. Guida alla normativa e alla giurisprudenza*”. Last version updated to August 31, 2013 version. For “discrimination by association” see for instance Tribunale di Pavia, ord. 18 settembre 2009; Tribunale di Brescia, ord. 31 gennaio 2012. For “announced intention to discriminate” see Tribunale di Milano, ord. 2 maggio 2011 and Tribunale di Milano, ord. 20 luglio 2009.

and *quarter* of the Italian Civil Procedure Code (“*procedimento sommario di cognizione*” i.e. summary proceedings)<sup>2</sup>.

If discrimination is established, the following remedies are available<sup>3</sup>:

- damages to be paid to the claimant;
- an order to terminate the ongoing discrimination;
- an order to rectify the consequences of the discrimination;
- an order to adopt a plan to rectify the discrimination within a fixed time determined by the Court;
- publication of the decision in a daily newspaper (local or national) in the territory in which the discrimination occurred.

According to Associazione Studi Giuridici sull’Immigrazione (ASGI), there are no significant differences compared to the previous system (of atypical preliminary injunctions). However, they point out that with this reform, a large number of cases (especially concerning immigration and asylum) will be handled following this accelerated procedure and this may have negative impact on the effectiveness and speediness of procedures<sup>4</sup>.

Unfortunately we do not have updated data concerning this issue and we recommend a regular review of the effectiveness of this new procedure.

In conclusion, although a specific procedure to fight against discrimination exists<sup>5</sup>, its effectiveness still needs to be proved.

- a) ECRI has recommended to the Italian authorities to take steps to enhance the role of the Ufficio Nazionale Antidiscriminazioni Razziali (National Office Against Racial Discrimination, hereinafter “UNAR”).

According to available information, no changes have been made in this regard since the last ECRI assessment. Moreover, UNAR has limited resources<sup>6</sup> to carry out the activities it is in charge of and this has generally had a negative impact on the effectiveness of its operation.

The ERRC has one case which demonstrates the problem. We reported to UNAR in October 2013 a case in Turin where local authorities decided to cut the water supply to a public well providing water for approximately 300 Roma. The public well was the closest source of safe drinking water for the Roma living in the nearby settlement. Today (one and a half years later) the fountain is still closed and the ERRC has received no response from UNAR.

According to information at our disposal, there have not been any particular steps taken by Italian authorities to act on the interim follow-up recommendation No. 1 of the ECRI’s 4<sup>th</sup> report on Italy.

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<sup>2</sup> The Italian legal system provides for a general fast-track procedure in urgent cases (*procedimento cautelare*) that may lead to interlocutory injunctions. Interlocutory injunctions can be obtained when there are reasonable grounds for believing that during the course of the ordinary procedure there is a risk of an imminent and irreparable harm to the interests of the plaintiff. In these cases, the judge can order the most appropriate measure to be taken to ensure provisionally the effects of the decision on the merits.

<sup>3</sup> See Article 28 of the Legislative Decree 1st July 2011, No. 150

<sup>4</sup> Newsletter del Servizio di Supporto Giuridico contro le Discriminazioni Etnico-Razziali e Religiose, available at: [http://www.asgi.it/wp-content/uploads/public/newsletter\\_12\\_2011\\_pdf.pdf](http://www.asgi.it/wp-content/uploads/public/newsletter_12_2011_pdf.pdf).

<sup>5</sup> Italy already addressed some of the main problems regarding anti-discriminatory actions such as the reversal of the burden of proof that is now specifically provided for in civil and administrative law if the complainant shows factual elements that can establish the presumption of the existence of discriminatory acts, agreements or behaviours (See Law 101 of 6 June 2008).

<sup>6</sup> We do not have precise information about human and financial resources UNAR has at its disposal, as these are not published on UNAR’s website. The only accessible financial information seems to be Article 8 of the Legislative Decree 9 July 2003 No. 2003 related to the financial coverage and granting funds annually. In 2003, the budget for UNAR’s institution and functioning was of €2,035,357 per year.

## The Italian Legal framework for Hate Speech and Violence

In the Italian legal system, specific laws criminalise any manifestation of thoughts aimed at disseminating racial or ethnic superiority or hatred or at inciting others to commit acts of discrimination or violence for racial, ethnic or religious reasons. Therefore public speech which includes racist or xenophobic arguments and which is considered to have a criminal intent can constitute a crime and is by law subject to examination by a criminal court. Article 3 of Law no. 654/1975, which ratifies and implements the International Convention on the Elimination of All Forms of Racial Discrimination,<sup>7</sup> as amended by Decree 122/1993, provides for penalties for anyone who supports organisations or groups that aim to solicit discrimination for the above-mentioned reasons.

The Additional Protocol to the Convention on Cybercrime, which Italy signed on 9 November 2011,<sup>8</sup> also penalises the dissemination of any written material, any image or any other representation of ideas or theories, which advocate, promote or incite hatred, discrimination or violence committed through computer systems.

Law no. 205/1993, the so called “*Mancino Law*,” can be used against those who incite violence or racial, ethnic and religious discrimination. The *Mancino Law* also makes it an offence to “instigate in any way or commit violence or acts of provocation to violence for racist, ethnic, national or religious motives” and to “propagate ideas based on racial superiority or racial or ethnic hatred, or to instigate to commit or commit acts of discrimination for racial, ethnic, national or religious motives”. Moreover, article 3 of this law allows judges to increase the sentence of a crime, by up to half, if it was committed “with the purpose of discrimination or hatred based on ethnicity, nationality, race, or religion, or in order to facilitate the activity of organisations, associations, movements, or groups that have this purpose among their objectives”.

The National Strategy for the Inclusion of Roma, Sinti and Caminanti communities,<sup>9</sup> approved in February 2012, does not pay particular attention to anti-discrimination measures in relation to its four main areas: education, employment, health and housing. Discrimination is mentioned in the Strategy, but there is no dedicated section on it and notably no recognition of the significance of the impact long-term discrimination made on the general situation of Roma. Violence against Roma is only mentioned, and the phenomenon of anti-Gypsyism is only mentioned on a descriptive basis. The Strategy does not mention the concepts of direct, indirect and multiple discrimination suffered by Roma and does not provide for specific budget lines to enforce anti-discrimination measures.<sup>10</sup>

The ERRC has been documenting instances of discrimination and hate crimes, including racist violence and hate speech, against Roma by State and non-State actors in Italy since 1998.<sup>11</sup> Reports from international and local civil society and academics about incidents of discrimination and violence against Roma on a daily basis suggest an ever-growing climate of racism in Italy.<sup>12</sup>

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<sup>7</sup> International Convention on the Elimination of All Forms of Racial Discrimination (New York, 7 March 1966) available at: <http://www.un.org/millennium/law/iv-2.htm>.

<sup>8</sup> Additional Protocol to the Convention on Cybercrime, available at: <http://conventions.coe.int/Treaty/en/Treaties/Html/189.htm>; Italy signed in 2011, but it has not yet been ratified or entered into force.

<sup>9</sup> Presidenza del Consiglio dei Ministri, UNAR, National Strategy for the Inclusion of Roma, Sinti and Caminanti communities, European Commission communication no.173/2011, 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).

<sup>10</sup> European Roma Rights Centre, Written Comments concerning Italy for consideration by the European Commission on the Transposition and Application of the Race Directive and on the legal Issues Relevant to Roma Integration, report available at: <http://www.errc.org/cms/upload/file/italy-red-written-comments-5-april-2013.pdf>.

<sup>11</sup> European Roma Rights Centre, Il Paese dei Campi, 5 October 2000, available at: <http://www.errc.org/article/il-paese-dei-campi/3881>.

<sup>12</sup> Council of Europe, Commissioner for Human Rights, Rapporto di Nils Muižnieks Commissario per i Diritti Umani del Consiglio d'Europa a seguito della visita in Italia dal 3 al 6 luglio 2012, 18 September 2012.

## Hate Speech<sup>13</sup>

From January 2013 to March 2015 the ERRC has documented the following in relation to hate speech:

- 35 cases of hate speech by public figures, including two demonstrations. Most of the hate speech (15 cases) came from the Lega Nord (Northern League), a political party.

Public figures continue to stigmatise Roma in their rhetoric in public debates, the media and on social networks.

On 3 March 2015 Gianluca Bonanno, a Lega Nord MEP, said "Roma are the scum of the earth" on a national television show.<sup>14</sup>

In November 2014, in Motta Visconti (a province of Milan) 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, it's not jail, but rather the crematorium that would be needed..."<sup>15</sup>

On 22 April 2013, in Bologna, Lega Nord announced a new "anti-racist committee" to defend Italians from Roma.<sup>16</sup> On the same day, Lega Nord representatives in Piacenza said, with regard to Roma: "There will be no dialogue with those who do not want to be integrated."<sup>17</sup> Italian political parties also protested against the allocation of social housing to Roma. For example in Bolzano, in September 2013, Unitalia political party protested against the allocation of social housing to "gypsies and non-EU citizens."<sup>18</sup>

- Nine cases of hate speech, including demonstrations by far-right movements, such as Casa Pound and Forza Nuova.

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 Roma camp. They chanted "Roma, leave 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 stones were thrown into the camp and racist and fascist slogans and fascist salutes were used.<sup>19</sup> The protests and the lack of reaction by the authorities eventually made the situation in the camp unbearable and led to the forced eviction of the inhabitants by local authorities.

- Discrimination by Italian law enforcement.

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<sup>13</sup> "Hate speech" here should be understood as covering all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin See Council of Europe Committee of Ministers' Recommendation No. R (97)20 [http://www.coe.int/t/dghl/standardsetting/hrpolicy/other\\_committees/dh-lgbt\\_docs/CM\\_Rec\(97\)20\\_en.pdf](http://www.coe.int/t/dghl/standardsetting/hrpolicy/other_committees/dh-lgbt_docs/CM_Rec(97)20_en.pdf). The ERRC does not collect hate speech by media.

<sup>14</sup> 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>.

<sup>15</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>16</sup> La Repubblica.it, Lega Nord, Ecco il "comitato anti-razzista": "Difendiamo gli italiani da rom e sinti", 22 April 2013, available at: [http://bologna.repubblica.it/cronaca/2013/04/22/news/lega\\_nord\\_ecco\\_il\\_comitato\\_anti-razzista\\_difendiamo\\_gli\\_italiani\\_da\\_rom\\_e\\_sinti-57220790/](http://bologna.repubblica.it/cronaca/2013/04/22/news/lega_nord_ecco_il_comitato_anti-razzista_difendiamo_gli_italiani_da_rom_e_sinti-57220790/).

<sup>17</sup> Il Piacenza, Nomadi, Lega Nord: «Nessun dialogo con chi non vuole integrarsi», 22 April 2013, available at: <http://www.ilpiacenza.it/politica/nomadi-lega-nord-nessun-dialogo-con-chi-non-vuole-integrarsi.html>

<sup>18</sup> Geolocal Alto adige, Esposto in procura contro i manifesti di Seppi sui nomadi, 10 September 2013, available at: <http://video.geolocal.it/altoadige/locale/esposto-in-procura-contro-i-manifesti-di-seppi-sui-nomadi/17795/17804>. Geolocal Alto adige, Esposto in procura contro i manifesti di Seppi sui nomadi, 10 September 2013, available at: <http://video.geolocal.it/altoadige/locale/esposto-in-procura-contro-i-manifesti-di-sep>

In June 2013, the ERRC discovered [through media reports](#) that police in Liguria had distributed pre-printed complaint templates for theft, which included a tick box labelled “Gypsies,” offering theft victims the chance to report Roma as the culprits. No other ethnicity was included on the form. This automatically linked theft with Roma, further encouraging negative, stigmatising stereotypes that Roma are thieves. The Italian NGO Associazione 21 Luglio sent a report to a senator and the Senate’s Extraordinary Commission for Human Rights, while the ERRC sent a complaint to OSCAD, the law enforcement unit that investigates discriminatory crimes, as well as to UNAR.

It emerged that the same complaint forms were being used in every Carabinieri (police) station throughout Italy. After pressure from two members of the Human Rights Commission and thanks to the advocacy of NGOs, the box marked “Gypsies” was removed from the complaint templates to report thefts.<sup>20</sup>

- 20 cases of hate speech by citizens, including demonstrations, flyers, protests and ban for Roma.

In February 2015, a poster appeared on the wall of a building in Vicenza saying “We have seen Gypsies in the streets and looking through the windows to steal from people’s homes. Shoot on sight and then we will come!!”<sup>21</sup>

In November 2014 in Turin, some parents protested because the school attended by their children hired two Roma as janitors. According to the parents it was scandalous to hire Roma people when so many Italians are unemployed. The headmaster and the teachers, supported by other parents, called this protest “unjustified intolerance.”<sup>22</sup>

In June 2014, four Romani minors (13 and 14 years-old) were expelled from a shop in Rome because of their ethnicity. One of them said “We were in the shop, when suddenly the security guard called me and asked me what ethnicity we were. When I told him that we were Roma, he told us three times to go away. He and his colleagues surrounded us.”<sup>23</sup>

As described above in the section on legislative issues, in July 2013, in reaction to protests by citizens, the municipal authorities in Turin cut the water supply of a public well providing water for approximately 300 Roma, including women and children. The well was the closest source of safe drinking water for the Roma living in a nearby camp, Corso Tazzoli. The Municipality cut off the water after several requests and complaints they received from non-Romani residents in the area, who, according to local media reports, claimed that they were uncomfortable seeing a regular queue of Roma using the fountain to get drinking water or to wash themselves. According to reports, after these complaints, the municipal police cut the water supply for “public order” reasons.<sup>24</sup>

## **Violence**

The ERRC, in cooperation with other human rights and Roma organisations, has undertaken several advocacy and legal activities to raise awareness of frequent instances of violence

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[pi-sui-nomadi/17795/17804](#).

the 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>

<sup>21</sup> L’Huffington Post.it, “Sparate a vista agli zingari”. Il cartello in un condominio di Vicenza. Tensione o scherzo di cattivo gusto?, 18 February 2015, available at: [http://www.huffingtonpost.it/2015/02/18/sparate-a-vista-agli-zingari\\_n\\_6703408.html](http://www.huffingtonpost.it/2015/02/18/sparate-a-vista-agli-zingari_n_6703408.html).

<sup>22</sup> La Stampa, I genitori protestano: “Cacciate i bidelli Rom”, 20 November 2014, available at: <http://www.lastampa.it/2014/11/20/cronaca/i-genitori-protestano-cacciate-i-bidelli-rom-pwovVPbsEYkZQ3vicNy0EL/pagina.html>.

<sup>23</sup> La Stampa, “Qui non siete graditi” Ragazzini Rom cacciati dal centro commerciale, 11 June 2014, available at: <http://www.lastampa.it/2014/06/11/italia/cronache/qui-non-siete-graditi-ragazzini-rom-cacciati-dal-centro-commerciale-WzsKvdxSxQ6SHITBNVORML/pagina.html>.

<sup>24</sup> European Roma Rights Centre, Italy: Torino Municipality Shuts off Water Supply near Roma Camp, 12 August 2013, available at: <http://www.errc.org/article/italy-torino-municipality-shuts-off-water-supply-near-roma-camp/4183>.

against Roma in Italy and called upon authorities to investigate incidents of violence against Roma adequately.

From January 2013 to March 2015 the ERRC documented the following attacks and violence against Roma:

- In February 2015, in **Padua**, some Molotov cocktails were thrown into two Roma camps. Some days before someone yelled "We set you on fire!" near one of the two camps.<sup>25</sup>
- On 8 December 2014, in **Modena**, a Molotov cocktail was thrown at an informal camp where a Roma family was living. It hit the house's external toilet.<sup>26</sup>
- On 20 May 2014, in **Trento**, Two Molotov cocktails were thrown on an informal Romani camp where about 30 Roma live. It was the fifth such event (?).<sup>27</sup>
- In April 2014, in **Latina**, four Roma were beaten up by 15 persons, including policemen.<sup>28</sup>
- On 11 March 2014, in **Naples**, about 50 local residents threw stones and fireworks into the Romani settlement at via Santa Maria del Riposo because a non-Roma teenage girl accused "two nomads" of sexually harassing her. During the raid Roma were physically attacked and their property destroyed. At least one person was hospitalised with injuries. Finally, the Roma left the settlement because they felt unsafe.<sup>29</sup> The ERRC filed a criminal complaint (still pending) in order to investigate these facts and obtain justice for the victims of these attacks.
- On 10 March 2014, in **Milan**, some cars and vans belonging to Roma were set on fire. The attacks were allegedly triggered by the fact that a Roma person almost ran over a child.<sup>30</sup>
- On 21 November 2013, in **Naples**, a group of kids beat up a 10 year-old Romani child while he was begging. They told him "You are a shitty gypsy."<sup>31</sup>
- On 15 October 2013, in **Naples**, in the Fuorigrotta district, a two year-old Romani child and his mother, well-known in the neighbourhood, had acid thrown at them from a window. Both of them were burned, the child on the shoulder, the neck, the head and near the eye and the mother on her right arm.<sup>32</sup>
- In October 2013, in **Naples**, a 22 year-old Roma man was beaten up by non-Roma because the latter suspected that he was going to kidnap a child.<sup>33</sup>
- On the night of 18 July 2013, in **Genoa**, a television set was thrown at a Romani caravan. A sixteen year old boy was injured by shrapnel from the television.<sup>34</sup>

<sup>25</sup> More information are available at: <http://www.padovaoggi.it/cronaca/attentato-incendiario-nomadi-padova-via-bassette-via-madonnina-17-febbraio-2015.html>  
<http://mattinopadova.gelocal.it/padova/cronaca/2015/02/19/news/nuove-minacce-in-via-bassette-urlo-ai-rom-vi-diamo-fuoco-1.10896199>

<sup>26</sup> ModenaToday, Modena, bottiglia incendiaria contro il campo nomadi abusivo, 8 December 2014, available at: <http://www.modenatoday.it/cronaca/bottiglia-molotov-campo-nomadi-paganine.html>.

<sup>27</sup> Tiscali.it, Molotov contro campo nomadi, l'appello dei sinti: "Riflettere sulla follia dell'odio razziale", 20 May 2014, available at: <http://notizie.tiscali.it/articoli/cronaca/14/05/20/molotov-contro-campo-nomadi.html>.

<sup>28</sup> Media information are available at the following links: <http://www.ilfattoquotidiano.it/2014/05/06/latina-minorenne-rom-denuncia-pestati-in-quattro-da-polizia-e-residenti/975655/>  
<http://www.latina24ore.it/latina/89651/la-denuncia-ragazzi-rom-di-al-karama-picchiati-dalla-polizia>  
[http://www.ilmessaggero.it/latina/latina\\_al\\_karama\\_minore\\_denuncia\\_pestaggio\\_polizia/notizie/671547.shtml](http://www.ilmessaggero.it/latina/latina_al_karama_minore_denuncia_pestaggio_polizia/notizie/671547.shtml)  
[http://www.ilsecoloxix.it/p/italia/2014/05/07/ARcii1-picchiati\\_ragazzino\\_poliziotti.shtml](http://www.ilsecoloxix.it/p/italia/2014/05/07/ARcii1-picchiati_ragazzino_poliziotti.shtml)  
[http://www.unionesarda.it/news/news\\_24\\_italia/2014/05/07/latina\\_ragazzini\\_nomadi\\_denunciano\\_picchiati\\_da\\_agenti-21-366505.html](http://www.unionesarda.it/news/news_24_italia/2014/05/07/latina_ragazzini_nomadi_denunciano_picchiati_da_agenti-21-366505.html).

<sup>29</sup> Corriere del Mezzogiorno.it, «Hanno molestato una 16enne». In cinquanta assaltano il campo rom. 12 March 2014, available at: <http://comieredelmezzogiorno.corriere.it/napoli/notizie/cronaca/2014/12-marzo-2014/hanno-molestato-16ennepoggioreale-assalto-campo-rom-2224200781392.shtml>.

<sup>30</sup> MilanoToday, Incendio di auto e furgoni in via Quarti a Milano tra rom e italiani, 10 March 2014, available at: <http://www.milanotoday.it/cronaca/incendio-auto-via-quarti-rom.html>.

<sup>31</sup> Napoly Today, Rom di 10 anni picchiato Via Carlo Poerio. „A dieci anni picchiato selvaggiamente: "Sei uno zingaro di m...", 21 November 2013, available at: <http://chiaia.napolitoday.it/chiaia/bambino-rom-picchiato-chiaia.html>.

<sup>32</sup> Il Mattino. It, Napoli, acido da un balcone su bimbo rom. «Bersagliato tutti i giorni», 15 October 2013, available at: <http://www.ilmattino.it/NAPOLI/CRONACA/acido-dal-balcone-su-una-piccola-rom/notizie/339876.shtml>.

<sup>33</sup> Il Mattino.it, Napoli, rom si avvicina a una bambina. La gente crede al tentato rapimento e lo aggredisce, 3 October 2013, available at: [http://www.ilmattino.it/napoli/rom\\_linciaggio\\_per\\_equivoco/notizie/334536.shtml](http://www.ilmattino.it/napoli/rom_linciaggio_per_equivoco/notizie/334536.shtml).

<sup>34</sup> Ansa.it, Lanciata televisione contro roulotte Rom, 19 July 2013, available at: [http://www.ansa.it/web/notizie/regioni/liguria/2013/07/19/Lanciata-televisione-contro-roulotte-Rom\\_9044768.html](http://www.ansa.it/web/notizie/regioni/liguria/2013/07/19/Lanciata-televisione-contro-roulotte-Rom_9044768.html).

- In July 2013, in **Santarcangelo** (RI), a 52 year-old man, apparently annoyed by the caravans stopping in the parking lot of his laundry shop, threatened a Romani family with a rifle.<sup>35</sup>
- On 16 April 2013, in **Pescara**, a young Romani man was attacked by five young non-Roma on the morning of murder trial against a Romani person who had allegedly killed a non-Roma (May 2012).<sup>36</sup>

According to the ERRC's experience on the field, many cases of violence against Roma remain unreported because Romani individuals fear retaliation against themselves and their families, they think that no one would believe them, or that they would be threatened with criminal charges; or due to the lack of identity documents.

### *Integration policies*

The Italian Government approved the National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities (NSIR) on 24 February 2012,<sup>37</sup> following consultation between UNAR, Italian Roma NGOs, international human rights NGOs and other organisations.

The general aim of the Italian National Strategy is to promote equal treatment and social and economic inclusion of the Roma, Sinti and Caminanti communities by identifying critical areas of intervention (employment, housing, health conditions and access to education) and by elaborating specific regional strategies, in line with the national one, as a way to coordinate the actions by multiple territorial entities, to which it is delegated the operational tasks.

According to the National Strategy, special regional technical roundtables can be established. These regional roundtables allow various relevant bodies to meet, share their different skills and experiences, and combine their work in a complementary and synergic manner the regional and local planning with the national one.

In June 2012, the then Minister for Integration and International Cooperation, Andrea Riccardi, initiated a series of national, regional and local thematic roundtables in order to communicate the content of the Strategy. Authorities at all levels and civil society representatives, as well as representatives of the Roma, Sinti and Caminanti communities were invited. The roundtables were also part of the preparation of local action plans, primarily for municipalities within the regions (Lazio, Campania, Lombardy, Piedmont and Veneto) covered by former the State of Emergency (SoE).<sup>38</sup>

According to the report of Associazione 21 Luglio,<sup>39</sup> as of April 24, 2014 roundtables have been established in only 8 out of 20 Regions.<sup>40</sup> The National Strategy still remains largely unimplemented and in practice nothing has changed for Romani people living in Italy.

Concerning housing, for example, the policy of segregated "camps" instituted by Italian authorities during the past years and exacerbated under the State of Emergency (SoE) seems not to have ended after the adoption of the NSIR in February 2012, or, indeed, litigation establishing that the SoE was illegal. For instance, in June 2012 "La Barbuta", a new

<sup>35</sup> Ansa.it, Minaccia rom con fucile, denunciato, 2 July 2013, available at:

[http://www.ansa.it/web/notizie/regioni/emiliaromagna/2013/07/02/Minaccia-rom-fucile-denunciato\\_8964439.html](http://www.ansa.it/web/notizie/regioni/emiliaromagna/2013/07/02/Minaccia-rom-fucile-denunciato_8964439.html).

<sup>36</sup> European Roma Rights Centre, Italian Authorities Must Protect Roma Facing Violence in Pescara, 18 May 2013, available at: <http://www.errc.org/article/italian-authorities-must-protect-roma-facing-violence-in-pescara/3989>.

<sup>37</sup> The National Strategy of Italy is available at: <http://www.unar.it/>.

<sup>38</sup> Decreto del Presidente del Consiglio dei Ministri 21 Maggio 2008, available at:

[http://www1.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/0979\\_2008\\_05\\_27\\_decreto\\_21\\_maggio\\_2008.html](http://www1.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/0979_2008_05_27_decreto_21_maggio_2008.html).

<sup>39</sup> Civil Society Monitoring on the Implementation of the National Roma Integration Strategy in ITALY in 2012 and 2013, by Prepared by a civil society coalition comprising the following organizations Associazione 21 luglio (lead organisation) Fondazione Giovanni Michelucci – Research and Projects in social spaces, Associazione Amalipé Romanò.

<sup>40</sup> The Regions that have put the Regional Tables into effect are the following: Umbria (01/2013) Tuscany (02/2013); Emilia Romagna (07/2013); Molise (07/2013); Liguria (10/2013); Marche (10/2013); Lazio (02/2014); Piedmont (02/2014). The resolutions ratifying the creation of the roundtables within the aforementioned Regions have not always entailed the organization of meetings or the initiation of work and activities, as has been the case in Liguria and Piedmont.

segregated camp for Roma, was opened in **Rome**. La Barbuta camp started to be built in September 2011 during the SoE period and it has been a source of concern from the very beginning, especially because of its location, preventing social inclusion of its inhabitants and exposing them to serious health risks.<sup>41</sup> La Barbuta camp is currently the object of housing-discrimination litigation where the ERRC is involved along with Associazione 21 Luglio and ASGI. So far, the municipality of Rome has not developed a local action plan for Roma inclusion.

Another example is represented by the “Giugliano camp” located close to **Naples**. Giugliano is a small municipality that is infamous for being one of the most polluted areas in Europe. A “formal camp” for Roma was established here by authorities in March 2013 and was meant to be temporary. Some 380 people were originally living there, but now most of them have left because of the very difficult living conditions. The camp was supposed to be closed in February 2014 but the authorities announced that they would spend some €900,000 to renovate the camp. In July 2014 we received news of a plan devised by the Ministry of Interior to evict the community and relocate them in a new camp to be built. This new camp should be ready around the end of 2015 and would cost around €2M of public funds. The whole plan is secret because the Giugliano area is under a state of emergency (for environmental reasons) and is controlled by a Special Commissioner. Finally, an eviction order was issued in August 2014 and was supposed to be executed in November 2014, but to date it has not been carried out. The ERRC, together with local partners, is also following with concern the case of the informal settlement at Cupa Perillo (Scampia, Naples), where around 800 Roma (among them some 300 children), mostly originally from the former Yugoslavia, have been living for about twenty years. In 2013<sup>42</sup>, the Municipality of Naples started to plan the construction of a segregated Roma-only temporary settlement (referred to by the Municipality as “socio-assistance facilities”) near the current location of the Cupa Perillo informal settlement. The project is meant to be funded with approximately €7,000,000 from the European Regional Development Fund (ERDF) 2007 – 2013. The Municipality plans to evict the inhabitants of Cupa Perillo, and subsequently relocate approximately 400 out of the 800 Roma to the new segregated facility, but it failed to clarify what will happen to the remaining 400 or so people after the current settlement is dismantled.

Apart from its segregating nature, the new settlement will not meet the minimum standards for social housing, it is of a temporary nature, and it will be located next to a motorway. Indeed, the Municipality adopted new housing standards exclusively for this project. These standards openly contravene the minimum requirements established by the national regulations on housing and building. They will also prevent future residents from obtaining housing suitability certifications, which are required when applying for a number of documents (including family reunification visas and several kinds of residence permits), thereby seriously undermining their chances for integration. The Municipality does not provide any further information on the adequacy of the planned housing modules or on what the “temporary nature” of the facility actually entails. The Municipality has also not indicated if any additional concrete integration measures are planned, or what those measures might be.

The ERRC together with OsservAzione and Associazione 21 Luglio wrote a letter of concern to the European Commission, calling on them to ask the local authorities to provide further information on whether the project is in line with the objectives of the ERDF, the European Commission’s “Guidance Note on the Implementation of Integrated Housing Interventions in Favour of Marginalised Communities Under the ERDF”, and international standards and national policies aimed at Roma inclusion (National Roma Integration Strategy).

In **Milan**, the municipality presented in July 2012 a draft “Roma, Sinti and Caminanti Plan” to experts and civil society organisations, including Romani organisations. The plan was drafted without involving organisations or Romani communities. After its presentation, the municipality invited civil society and Roma to develop the draft plan into Guidelines on Roma, Sinti and Caminanti. This was approved by the Municipality in November 2012. The Guidelines are, however, not fully in line with the National Strategy. For example Roma and civil society were not involved from the beginning in drafting the plan, and one of the purposes of the Guidelines

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<sup>41</sup> The camp is located some 25 kilometres from Rome and four kilometres from the nearest bus stop, very close to Ciampino airport, and it is surrounded by barbed-wire fences.

<sup>42</sup> Naples Municipality, Delibera della giunta comunale N 174, 21 Marzo 2013



is to “combat and overcome spontaneous and irregular settlements already present and oppose new settlements”<sup>43</sup> confirming emergency and security policies opposed by the National Strategy. Large parts of the resources available, about 37%, are foreseen to be spent on security measures or on emergency, temporary or unsustainable measures such as temporary shelters.<sup>44</sup> With particular regard to housing solutions, the plan provoked criticism, since it includes the same types of measures targeting residents of informal Romani camps that until now have failed to improve the situation of Roma: forced evictions with short-term emergency shelter where available.

Moreover, according to ERRC field research evictions are still ongoing in Milan. Two cases seem particularly emblematic:

Via Novara Camp – Via Novara camp is a long-standing “formal camp” in Via Novara, in Milan's outskirts. Its inhabitants are mixed by nationality, the two most common nationalities being Macedonian and Kosovar. Most of the third-country nationals have regular residence status in Italy. The camp has been threatened with eviction since 2008/2009 when, under the State of Emergency, authorities intended to dismantle it and relocate its inhabitants who would not accept financial aid to move back to their countries of origin or into shelters. In 2011, the Council of State blocked the SoE measure. Shortly afterward, in 2012, the municipality decided that a parking lot adjacent to the formal camp had to be renewed in view of the upcoming 2015 Milan Expo and, therefore, that the camp had to be evicted.

Some community members asked for a “self-construction” project and to be assigned a different area to build their homes on. Several meetings were held with the municipality but no real steps were ever taken. The community refused to leave voluntarily and was finally evicted in July 2014 with some families looking for a different area to settle down and only a few of them accepting to be temporarily hosted in the shelters. For almost all families, the municipality promised to help financially to rent a flat, but this is yet to happen.

Viale Forlanini – On March 2014 the Viale Forlanini settlements (Milan) were evicted by the local authorities. The eviction followed what seems to be a well-established practice in Milan: absence of any formal eviction order, no prior consultation with the families concerned, and inadequate and only temporary shelter offered. In light of these events, a complaint before the Administrative Court has been filed to attack this eviction. The procedure is still pending.

In Turin, we are monitoring with concern the implementation of a local plan approved by Turin's municipality in 2013 supposed to overcome critical issues concerning Roma living there. The proposal foresees inclusion paths to be introduced for around 1,300 Roma living in formal and informal camps.<sup>45</sup> These inclusion paths are supposed, among others, to involve providing Roma with integrated housing and employment opportunities. According to information provided by local organisations, despite allegedly having spent most of the funds available for this plan, the city provided access to adequate housing only to 15 families, while other 52 people are hosted in non-adequate segregated, “temporary” flats. Others “voluntarily” returned to Romania. On 26 February about 100 Roma were forcibly evicted by the municipality.<sup>46</sup> Roma were orally informed of the eviction and no adequate alternative housing was provided to them. According to information provided by local NGOs,<sup>47</sup> the implementation of the city's plan is particularly problematic and insufficient for the following reasons:

- the plan does not include all Roma living in Turin;

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<sup>43</sup> Milan Municipality, Linee guida Rom, Sinti e Caminanti del Comune di Milano (Guidelines of the Milan Self-Government in connection with the Roma, Sinti and Caminanti), November 2012, page 4.

<sup>44</sup> Naga, Nomadi per Forza. Indagine sull'applicazione delle Linee Guida Rom, Sinti e Caminanti del Comune di Milano, 10 March 2015, available at: [http://www.naga.it/tl\\_files/naga/comunicati/INVITI/Report\\_Nomadi%20per%20forza.pdf](http://www.naga.it/tl_files/naga/comunicati/INVITI/Report_Nomadi%20per%20forza.pdf).

<sup>45</sup> See Città di Torino, Deliberazione della giunta Comunale, 23 aprile 2013 and “La Città Possibile”, available at: <http://www.diocesi.torino.it/diocesitorino/allegati/48904/La%20Citt%C3%A0%20possibile.pdf>.

<sup>46</sup> ASGI, Sgombero a Torino in violazione dei principi di diritto internazionale, 28 February 2015, available at: <http://www.asgi.it/media/comunicati-stampa/sgombero-a-torino-in-violazione-dei-principi-di-diritto-internazionale/>.

<sup>47</sup> See Associazione 21 Luglio Press Release: <http://www.21luglio.org/torino-in-corso-maxi-sgombero-forzato-200-rom/>; and Idea Rom Onlus website: <http://idearom.jimdo.com/>.

- criteria for selecting beneficiaries are opaque and vague and leave out a large number of people;
- those not included, are evicted without due process and left homeless;
- Roma selected to participate in this plan are moved by the city authorities into physically segregated, Roma-only housing provided by the municipality, contrary to the prohibition on race discrimination in access to housing set out in EU and Italian non-discrimination law;
- the plan provides that 200 of the 1,300 Roma are to be placed into so-called “formal camps”, that is, racially segregated housing facilities only for Roma.

We submitted a Freedom of Information request to obtain more detailed information about this plan and its implementation.

As the facts above show, the Italian authorities have not taken many measures to comply with interim follow-up recommendation No. 2 of ECRI’s 4<sup>th</sup> report on Italy.