

Ms Michèle Alliot-Marie
Minister of Internal Affairs

Ms Rachida Dati
Minister of Justice

Presidency of the JHA Council

Brussels, 18 July 2008

Ref: B805 / SF 08 E 080 EUR

Initiatives targeting the Roma community in Italy

Dear Ms Alliot-Marie and Ms Dati,

On the eve of the first formal Justice and Home Affairs Council under the French EU Presidency on 24 and 25 July, Amnesty International is concerned that the initiatives targeting the Roma community in Italy are not on the Council agenda.

The latest measure implemented is the census of the Roma including the fingerprinting and collection of data of ethnic origin and religion on the grounds of public security. Amnesty International considers that this measure is discriminatory, disproportionate and unjustified. It violates international and regional human rights standards, including the European Convention on Human Rights (ECHR) Article 8 regarding the right to respect for private life and Article 14 regarding the right to freedom from discrimination. The European Commission and the recent resolution of the European Parliament have publicly rejected this census that includes identification of ethnic origin and religion.

The census of the Roma community, including children, on the basis of their ethnicity is a discriminatory practice *per se*. It should be immediately stopped even if the fingerprinting might be extended in the future to all persons living in Italy. In the current context where there is an escalation of legislation and policies, public anti-Roma speech and actions targeting the Roma community the census becomes a sign of alarm.

One example of this escalation is declaring a state of emergency on the grounds of civil protection that should always be an extraordinary measure. It implies derogation from ordinary law and it has to be proportionate and appropriate. By adopting such an emergency on the grounds of public security due to the presence of Roma camps, the Italian government is explicitly associating Roma with criminality. In addition to this stigmatisation, the Roma, already a vulnerable community, are suffering from a spiral of verbal and physical abuse against them.

The Italian Government has recently approved various decree laws to tackle the perceived security crisis in Italy and the free movement of EU citizens. Amnesty International is concerned about the compatibility of certain provisions of this national legislation with international human rights standards and European law, including the Directive 2004/38/C on the right of citizens of the EU to move and reside freely within the territory of the member states. New provisions in the Italian legislation might affect disproportionately the free movement of Roma EU citizens.

Amnesty International is concerned about reports of unlawful forced evictions of Roma communities in Italy over the past years. There has been an intensification in forced evictions following the so-called "Security Pacts" which were signed by the mayors of Rome and Milan on May 2007 and are currently in force in at least 18 cities and regions. Italy is obliged under a range of international human rights treaties to refrain from and prevent forced evictions. Evictions may be carried out only as a last resort, once all other feasible alternatives to eviction have been explored and can only be carried out when appropriate procedural protections are in place.

Italy has over the past years come under heavy criticism for its unlawful forced evictions of Roma communities. One of the latest dates from March 2008 when the UN Committee on the Elimination of Racial Discrimination (CERD) published its Concluding Observations on the fourteenth and fifteenth periodic reports by Italy. The CERD recommended, inter alia, Italy to "develop and implement policies and projects aimed at avoiding segregation of Roma communities in housing, to involve Roma communities and associations as partners together with other persons in housing project construction, rehabilitation and maintenance. The Committee further recommends that it act firmly against local measures denying residence to Roma and the unlawful expulsion of Roma, and to refrain from placing Roma in camps outside populated areas that are isolated and without access to health care and other basic facilities."

Anti-Roma language used by Italian officials and politicians is becoming widespread with little accountability for those making these statements. Italy has an obligation under international law to prevent hate speech, including its obligation under Article 20 of the International Covenant on Civil and Political Rights (ICCPR) to ensure that "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law". Public anti-Roma speech has contributed to create an atmosphere of impunity as well as legitimising attacks by non-state actors. On 13 May 2008, a group of up to 100 persons reportedly armed with bats and burning bottles attacked a Roma settlement in Ponticelli in Naples by setting parts of it on fire. One Molotov cocktail was thrown at a trailer in which a number of children lived. In total, around 800 Romani persons were forced to flee the settlement.

This systematic abuse is building up with the silence of those who can act to stop it and who have a duty to protect human rights. While member states claim they are avoiding hasty public condemnation, human rights violations are taking place. A concerted voice of denunciation against discriminatory acts is required to stand by one of the pillars of the European Union as a community of values: respect for human rights.

Considering the obligations that the European Union and its member states are bounded by International and European human rights law, Amnesty International calls on the Council of Justice and Home Affairs to:

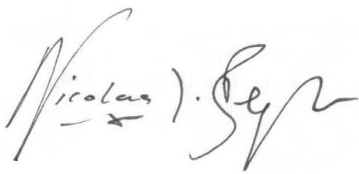
- Condemn the climate of stigmatisation and fear created by the Italian authorities and media.
- Acknowledge the shared responsibility by the EU in fighting against discriminatory policies and practices and condemn the stigmatisation of Roma in Europe.
- Ask the European Commission to effectively assess the compatibility of Italian decree laws with international human rights standards and European laws including the Directive 2004/38/C.

Amnesty International also calls on the Council to engage with the Italian Government so they obtain assurances that:

- Immediate steps are adopted to stop discriminatory practices such as ethnic fingerprinting and unlawful forced evictions.
- Adequate disciplinary or criminal measures are adopted to address derogatory or racist language by officials and politicians.

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- Follow-up on the attacks on Roma camps so they are thoroughly investigated and perpetrators brought to justice.
 - While adopting measures aiming at the well being of Roma children, these measures are assessed as non-discriminatory before implementing or reporting on them.
 - Careful re-evaluation on the state of emergency and the legislation and measures derived from it will be considered in order to ensure their compatibility with International and European law.

Yours sincerely,



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Geneviève Garrigos
Chair
Amnesty International France

Cc: Mr Brice Hortefeux, Minister of Immigration
JHA Council of Ministers