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PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT

**Joint written statement* submitted by the European Roma Rights Centre (ERRC),
a non-governmental organization in special consultative status, and Mouvement
contre le racisme et pour l'amitié entre les peuples (MRAP), a non-governmental
organization on the Roster**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[23 May 2008]

* This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

Stop Anti-Romani Pogroms in Italy

Deeply concerned by the anti-Romani pogroms taking place in Naples, the Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP) and the European Roma Rights Centre (ERRC) submit to attention of the Council the following letter. The letter¹ was sent last May 16 to Mr. Giorgio Napolitano (President of the Republic of Italy), Mr Silvio Berlusconi (President of the Council of Ministers), Mr Roberto Maroni (Italian Minister of Interior) and Mr Marco De Giorgi (General Director of the Ufficio Nazionale Antidiscriminazioni Razziali).

We urge the Italian authorities to respond positively to the appeal and we urge the Special Rapporteur on adequate housing, Ms Raquel Rolnik, to follow closely the evolution of the issue.

Honourable Excellencies,

In response to anti-Romani pogroms taking place in Naples on 13 May 2008 and the subsequent developments in Italy, the European Roma Rights Centre (ERRC) is writing to demand urgent intervention by Italian authorities to adequately protect Roma in the country from further acts of violent racist aggression and to diffuse the climate of anti-Romani hostility prevailing in Italy.

On 11 May 2008, Mr Roberto Maroni, Italy's Minister of Interior and member of the right-wing political party Northern League, stated publicly that "All Roma camps will have to be dismantled right away, and the inhabitants will be either expelled or incarcerated," according to the national Italian newspaper La Repubblica. Two days later on 13 May, a mob of approximately 60 people reportedly razed 5 Romani camps in Naples with Molotov cocktails, according to the Italian organisation osservAzione. Similar violent outbursts have reportedly occurred in other Italian cities as well, such as Milan.

Displays of abhorrent anti-Romani hatred and violence by the general Italian public, fuelled by increasingly frequent and visceral expressions of anti-Romani sentiment by Italian public officials, have risen to levels reminiscent of pogroms against Romani communities in Romania in the early 1990s. The failure of Italian police to intervene and protect Roma living in the targeted camps has created an environment in Italy in which Romani individuals are living in fear for their lives and are hiding to avoid further violent clashes.

In addition, the ERRC is extremely alarmed that not only are most Italian authorities silent in response to such extreme violent acts, but rather they appear to institutionally condone such actions through their statements and through their policies targeting Roma; policy developments in Italy dating from late 2006 onwards with the institution of so-called "Pacts for Security" in various Italian cities including Naples, Rome, Milan and others, and the adoption of emergency decrees related to the stay of EU citizens in Italy have disproportionately affected Roma in Italy. Further, according to the French Press Agency, the Italian government is about to adopt yet another security decree to "control or expel immigrants, especially the Roma, if they are illegal, found guilty of offences or have no visible means of support."

Honourable Excellencies,

The European Court of Human Rights (ECHR) has since 2005 issued 3 judgments in cases filed by the ERRC and partners regarding anti-Romani pogroms in the early 1990s in Romania prior to Romania having ratified the European Convention on Human Rights for continuing violations of Convention rights, including the failure of government authorities to provide adequate redress by bringing the perpetrators to justice and providing adequate compensation to the Romani victims and their families.

In the first case², *Moldovan and others (2) v. Romania*, while finding a violation of Article 3 of the Convention, the Court ruled that “the Applicant’s living conditions [following the destruction of their homes during the pogrom] and the racial discrimination to which they have been publicly subjected by the way in which their grievances were dealt with by the various authorities, constitute an interference with the human dignity which, in the special circumstances of this case, amounted to “degrading treatment” within the meaning of Article 3 of the Convention.”

In the second³ and third⁴ judgments, the Romanian government admitted that such actions amounted to violations of the rights enshrined in the European Convention for Human Rights, stating:

“The government sincerely regrets the failure of the criminal investigation to clarify fully the circumstances which lead to the destruction of the applicant’s homes and possessions, which left them living in improper conditions, rendered difficult their possibility of filing a civil action for damages, as well as the exercise of their right to respect for home, private and family life. The government also regrets that remedies for the enforcement of rights in the Convention generally lacked at the time when the applicants were seeking justice in domestic courts, and that certain remarks were made by some authorities as to the applicants Roma origins. It is therefore accepted that such events constitute violations of Article 3 (prohibition of torture), Article 6 (right to a fair trial), Article 8 (right to respect for family and private life), Article 13 (right to an effective remedy), Article 14 (prohibition of discrimination) of the Convention.”

Further, as a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Italian government committed, at Article 2, to “[...] condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end: [...] (c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.”

The events taking place in Italy, particularly in the last year and a half, indicate a complete breakdown in the mechanisms of protection and respect for the human rights with regard to Roma in Italy. The Italian government should follow the example of the Romanian government in the *Kalanyos* and *Gergely* ECHR judgments, and acknowledge its role and

responsibility in the events to date and announce specific measures to end the climate of hostility against Roma in Italy and improve their living situation in the country.

Honourable Excellencies, the ERRC calls on you in your respective capacities to:

1. Provide adequate protection to all Roma in Italy against violence racist attacks and other discriminatory actions;
2. Firmly denounce the pogroms which have taken place to date;
3. Ensure adequate and effective investigation of the events in Naples, Milan and elsewhere, and prosecute to the fullest extent of the law all responsible persons, including public officials making hostile statements about Roma which incite racial hatred; and
4. Fully co-operate with intergovernmental institutions, international organisations and domestic civil society to swiftly and effectively end the human rights emergency of Roma in Italy.

The ERRC respectfully requests to be informed of all actions undertaken by your respective offices in this regard.

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¹ The letter was also sent, for information, to Mr Jose Manuel Barroso (President of the European Commission), Mr Hans-Gert Pöttering (President of the European Parliament), Mr Carl Bildt (Minister of Foreign Affairs of Sweden - Chair of the Council of Europe Committee of Ministers), Ms Polonca Koncar (Chair of the European Committee of Social Rights), Mr Thomas Hammarberg (Council of Europe Human Rights Commissioner), Ms Raquel Rolnik (UN Special Rapporteur on Adequate Housing)

² *Moldovan and Others v. Romania*, Applications nos. 41138/98 and 64320/01, judgment no. 2, 12 July 2005, rendered final on 30 November 2005.

³ *Kalanyos and Others v Romania*, Application no. 57884/00, judgment of 26 July 2007.

⁴ *Gergely v Romania*, Application no. 57885/00, judgment of 26 July 2007.