

24 November 2011

Prime Minister Mario Monti
Minister of Interior Anna Maria Cancellieri

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Dear Excellencies:

The European Roma Rights Centre (ERRC), a public interest law organisation working to combat anti-Romani racism and human rights abuse of Roma, is writing to welcome the recent decision of the Italian Council of State which condemned the State of Emergency as unlawful and to call on your offices to immediately suspend all activities undertaken within its scope.

The State of Emergency, which was instituted by Decree in May 2008 in the regions of Lombardy, Campania and Lazio, and subsequently expanded to include Piedmont and Veneto, was extended several times, continuing to December 2011. According to this Decree, special state authorities were afforded extraordinary powers, including: monitoring camps, conducting a census of persons resident in camps (including minors), taking photos and requesting documents to identify and record residents, expelling persons with irregular status from camps, displacing persons to formally monitored camps and carrying out forced evictions of informal settlements.

In the last three and half years since this regulation came into force, authorities in these regions have undertaken an extensive census operation, including fingerprinting and photographing the Roma living in camps, which raised serious data protection concerns.¹ Authorities, particularly in Rome and Milan, continue to target Romani communities with almost daily evictions affecting thousands of persons, resulting in segregation, homelessness, destruction of property, separation of families and which prevent Roma from accessing education and healthcare services.²

The Council of State ruled that there was no evidence of a causal link between the existence of nomadic settlements and the extraordinary and exceptional disruption of order and public security in the affected areas. There was not an extraordinary situation justifying an emergency intervention from the Government.³ The judgment has an immediate effect and the State of Emergency is invalid. As a consequence, all regulations and State actions whose legal authority were based on the State of Emergency are illegal. This includes the presidential decrees affording extraordinary powers to prefects and appointing them as special commissioners for the emergency situations and all the subsequent acts of the prefects that were based on emergency powers.

The ERRC urges Italian authorities to immediately cease all measures undertaken in accordance with the extraordinary powers granted by the State of Emergency, which target the Romani and Sinti communities in Italy. No further forced evictions, which violate international and domestic law, should be undertaken. The identity checks and the control of access in formal camps should cease immediately. The requirement that residents of formal camps to sign a declaration of commitment with the internal disciplinary rules, as well as the penalty of eviction for non-compliance with these rules are now illegal. The use of public funds and resources for the construction of new formal camps, which deepen segregation, and for evictions and expulsions should be cease immediately. Authorities must work to decrease the segregation of Roma in Italy, ensuring them access to adequate, integrated housing. Records of personal data, including fingerprints and photographs collected through the ethnically-motivated census actions in June – October 2008 and February and March 2009 should be destroyed according to EU data protection guidelines and no further census activity targeted at an ethnic group should be carried out.

¹ ERRC observation and documentation of census activity in camps for Roma and Sinti between October 2008 and April 2009 confirmed that the census undertaken was ethnically motivated and solely directly at Roma and Sinti. ERRC submission to UN UPR on Italy, February 2010, available at: <http://www.errc.org/cikk.php?cikk=3752>.

² ERRC and Association 21 Luglio, Evictions of Informal Camps in Rome, 08 August 2011, available at: <http://www.errc.org/cms/upload/file/italy-evictions-of-informal-romani-camps-in-rome-11-august-2011.pdf>.

³ Sentenza n. 6050 del 16 novembre 2011 Consiglio di Stato, available at: <http://www.immigrazione.biz/sentenza.php?id=1182>

We respectfully request to be informed of any and all actions undertaken by your respective offices in a timely manner.

Sincerely,

Dezideriu Gergely
Executive Director

To: Prime Minister Mario Monti
Minister of Interior Anna Maria Cancellieri

CC: Prefect of Rome, Giuseppe Pecoraro
Mayor of Rome, Gianni Alemanno
Deputy Mayor and City Councillor for Social Policies, Sveva Belviso

Mayor of Milan, Giuliano Pisapia
Town Councillor For Security and Social Cohesion, Marco Granelli
Town Councillor for Social Policies, Pierfrancesco Majorino

Prefect of Naples, Andrea De Martino
Mayor of Naples, Luigi De Magistris

Prefect of Venice, Luciana Lamorgese
Mayor of Venice, Giorgio Orsoni

Prefect of Turin, Alberto Di Pace
Mayor of Turin Piero Fassino

President of Veneto Luca Zaia
President of Lombardia, Roberto Formigoni
President of Piemonte, Roberto Cota
President of Lazio, Renata Polverini
President of Campania, Stefano Caldoro