

# The situation of the Roma in Italy\*

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**Abstract.** The paper briefly illustrates the legal situation of the Roma and Sinti minority in Italy, focusing in particular on the reasons that so far have prevented their official recognition as national minority. From the non-recognition a number of negative consequences arise, leading to a severe marginalization. At the same time, a number of commendable activities are carried out, especially at local level, although with a piecemeal approach. At national level, a mechanism for dialogue between the government and the Roma and Sinti communities has recently been institutionalized, which is a first step in the right direction, although by far insufficient.

**Keywords:** Roma and Sinti, National Minorities, Recognition, Effective Participation.

The lack of knowledge of and attention to the situation of the Roma in Italy is manifest and it is one of the major structural reasons of marginalization. At the same time, this unawareness is a breeding ground for emotion-driven debates and populist slogans. Hence, it is very positive and commendable that the issue of the Roma was brought under the spotlight during the 2018 plenary session of the IHRA in Rome.

## The social and legal framework

To better assess the extraordinary complexity of the challenges, it is worth starting with some data. Reliable estimates made by national authorities and the Council of Europe situate the number of Roma, Sinti and Camminanti (RSC)<sup>1</sup> in Italy between 120.000 and 180.000. About half of them are Italian citizens, the others were born abroad or in Italy from families recently migrated almost exclusively from former Yugoslavia and Romania. In several cases, persons from former Yugoslavia have become stateless as the successor countries of Yugoslavia have not recognized their Yugoslav papers. A progress in this regard was achieved when Italy eventually ratified the 1961 UN Convention on the Reduction of Statelessness in 2015<sup>2</sup>.

Roma and Sinti virtually live throughout the country but the degree of inclusion varies considerably. Generally, complications are more acute in bigger cities due to a higher numerical concentration and the presence of camps, thus causing spatial segregation and severe problems with regard to housing.

Following the EU Commission's communication for the establishment of an EU Framework for National Roma Integration Strategies up to 2020<sup>3</sup>, Italy has adopted its National Strategy for the

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<sup>1</sup> This is the official terminology used in the national strategy. Despite the fact that the situation of Sinti and Roma communities in Italy is considerably different, and that Camminanti are just a small group of persons (about 2000) located only in Sicily, the strategy decided to focus on all three main categories of persons facing similar problems.

<sup>2</sup> Law no. 162/ 2015.

<sup>3</sup> Communication no. 173/2011.

Inclusion of Roma, Sinti and Camminanti 2012-20. The National Anti-Discrimination Agency (UNAR) has been tasked to *coordinate* and *monitor* the implementation of the strategy. The main goals of the strategy are the following:

- Put an end to the “emergency approach” to Roma issues (see below) and adopt a medium-long-term approach, which includes an indispensable process of social maturity;
- To do so, anti-gypsyism must be eradicated by raising social awareness, especially in schools;
- Promote inter-institutional coordination of the initiatives.

The strategy identified four areas of priority intervention:

- Education
- Access to the labour market
- Housing
- Health care

A legal shortcoming is the persistent lack of recognition of RSC as national minorities. The framework law adopted in 1999<sup>4</sup> was approved only after having reached a compromise that excluded the RSC communities from the list of recognized minorities. The main formal reason for this amendment was the territorial approach taken by the law. While this makes it generally more difficult to set up special measures explicitly aimed at protecting this particular group, it does not mean that this is not happening. On the contrary: the last State Report under the Framework Convention for the Protection of National Minorities, submitted in 2014 (the next is due in March 2019) is devoted to its half to the situation of RSC<sup>5</sup>.

The design of policies of inclusion is done in close cooperation with the representatives of Roma civil society organizations (following art. 15 FCNM on effective participation), although this is at times difficult due to some persistent divisions in the RSC civil society and pro-Roma organizations.

### **Emergency, strategy and governance**

The strategy’s main aim has been to overcome the so-called “nomad emergency”: in 2008, the government issued a highly contested decree declaring the state of emergency first in three, then in five regions<sup>6</sup>. The decree was renewed in the following years until 2011. It established a series of measures that were based on ethnic grounds, including fingerprinting of people living in camps, and it vested the prefects with extraordinary powers in terms of public order, i.e. to close the camps. In 2011, the Council of State found the declaration of the state of emergency unlawful<sup>7</sup> and the decree was discontinued.

Right after, the strategy was adopted, also following the pressure and critics by all international monitoring bodies, including the European Parliament<sup>8</sup>, the UN Human Rights Committee, the Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC), the European Commission against Racism and Intolerance (ECRI), the Social Rights

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<sup>4</sup> Law no. 482/1999.

<sup>5</sup> <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680090310>

<sup>6</sup> Decree of the President of the Council of Ministers 21 May 2008 – see the full-text in [http://www.gazzettaufficiale.it/atto/serie\\_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2008-05-26&atto.codiceRedazionale=08A03712&elenco30giorni=false](http://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2008-05-26&atto.codiceRedazionale=08A03712&elenco30giorni=false)

<sup>7</sup> Ruling no. 6050/2011.

<sup>8</sup> Resolution of July 10, 2008.

Committee under the European Social Charter, and by NGOs and advocacy groups such as the European Roma Rights Center<sup>9</sup>.

The strategy has put in place a rather complex governance due to the need to link responsible institutions at different levels and the numerous NGOs dealing with RSC rights. A political “cockpit” brings together the ministries responsible for the main areas of the strategy (Education, Labour, Infrastructure, Health Care and Justice), and involves representatives of the regions and the local authorities. In addition, two bodies exist:

- a) Platform (established by governmental regulation in 2017<sup>10</sup>): This advisory body for dialogue and promotion of initiatives is aimed at removing discrimination against RSC communities. It is composed of 79 associations and modelled after a widespread European practice.
- b) Forum (established by the strategy<sup>11</sup>): It supports the national focal point in monitoring the implementation of the strategy. It also helps identify good practices at local level and can present proposals to the national focal point. The Forum is part of the platform and is composed of a smaller number of associations, namely 25, and notably only of those that comprise (exclusively or in prevalence) persons belonging to the RSC communities.

Specific inter-ministerial and regional working groups exist on the areas covered by the strategy (health care, education, access to the labor market, housing), as well as on areas dealing with legal aspects and statistical data.

Despite the governance being rather complex, this is the only way to link decision-makers (relevant ministries, representatives of local and regional authorities) and the quite plural RSC civil society. After all, effective participation has proven to be the backbone of minority rights, as stated by the Advisor Committee on the Council of Europe’s Framework Convention for the Protection of National Minorities<sup>12</sup>.

### **Regional and local level**

Most of the practical initiatives in the areas identified by the strategy fall in the scope of regional and local authorities. Some regions also have their own legislation on Roma and Sinti, which is however for the most part outdated, as it was drafted in the 1980ies, and takes a “nomadic” approach, i.e. assuming that RSC are nomads<sup>13</sup>. Luckily, a handful of regions have started to adopt new legislation, including the autonomous province of Trento<sup>14</sup> and the region Emilia-Romagna<sup>15</sup>.

UNAR is promoting coordination both nationally with representatives of regions and municipalities, and locally by establishing specific “dialogue roundtables”, which also include civil society, in more than half of the regions. The role of regions turned out to be significant especially in key areas such as labour market and education.

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<sup>9</sup> See also C. Tavani, *Collective Rights and the Cultural Identity of the Roma. A Case Study of Italy*, Leiden-Boston: Brill-Nijhoff, 2012.

<sup>10</sup> *Decreto Capo Dipartimento Pari Opportunità*, Sept. 11, 2017, REP/D/44/2017.

<sup>11</sup> Strategy, para 2.3.2., p. 34.

<sup>12</sup> Advisory Committee on the Framework Convention for the protection of National Minorities, Commentary on the Effective Participation of Persons Belonging to National Minorities in Cultural, Social and Economic Life and in Public Affairs (2008), ACFC/31DOC(2008)001.

<sup>13</sup> For further details, see P. Bonetti, A. Simoni & T. Vitale (editors), *La condizione giuridica di Rom e Sinti in Italia*, Milano: Giuffrè, 2011.

<sup>14</sup> Provincial Law no. 12/2009.

<sup>15</sup> Regional Law no. 11/2015 on closing the settlements.

Even more important are the municipalities, as they provide the basic services, such as sewage, water, electricity, housing, transport, etc. The strategy provided for three actions, to be carried out in cooperation between UNAR and the association of municipalities:

- It *mapped* the situation and the claims at local level. This action has already been more or less completed.
- It *monitors* adherence of the local actions with the strategy.
- It *supports* municipalities in elaborating “integrated local action plans” and local benchmarks.

It is to be noted in this context that the EU Commission acknowledges that since 2015, there has been an increasingly positive and targeted use of EU structural funds earmarked for RSC communities. There are several positive examples of actions at local level, especially in smaller municipalities<sup>16</sup>.

### **Remembering the *Porrajmos* today**

Despite the unsuccessful attempts to include the *Porrajmos* in the law establishing the day commemorating the Holocaust victims<sup>17</sup>, State President Mattarella officially mentioned *Porrajmos* during the celebration of January 27<sup>th</sup> 2018 for the first time ever. On 15 and 16 May 2018, a big commemoration was organized to mark the anniversary of the Roma rebellion in the *Zigeunerlager* in Auschwitz in 1944 and to remember the extermination of Roma and Sinti during World War II. Later this year, a *Porrajmos* memorial will be inaugurated in Lanciano in the Abruzzo region.

Several actions to remember the Roma genocide are taken, at national as well as at regional and local level. These have increased in recent years, which indicates a generally positive trend, especially as compared to the past. However, it remains to be seen to which extent the persistent hostile attitude and harsh rhetoric by several political figures in the country, impacts on this development of commemoration.

Apart from all efforts and initiatives to remember, legislative shortcomings remain, especially with regard to the recognition of RSC as a national minority and the non-inclusion of *Porrajmos* in the law commemorating the victims of the Holocaust.

Nevertheless, especially in these burdensome times, the challenge remains to make such progresses sustainable and lasting, which implies a more widespread mainstreaming of awareness raising and of targeted policies.

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<sup>16</sup> For further details, see the 5<sup>th</sup> report on Italy (2016) issued by the European Commission against Racism and Intolerance (ECRI) at the web page <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Italy/ITA-CbC-V-2016-019-ENG.pdf>

<sup>17</sup> Law no. 211/2000 (see Senate bill, XVII legislature no. 1748).