

***A GAME OF WORDS***  
***Roma, government policies***  
***and antidiscrimination law***  
***in Italy***

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# **DISCRIMINATION AGAINST THE ROMA IN ITALY: THE “CLASSICAL SCENARIO”**

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- Fragmentation into very different local policies
- Low political visibility at national level
- Selective enforcement of ordinary legal rules when the pressure became “intolerable” (criminal sanctions against begging, immigration law, and so on)
- Regional legislation aimed at the promotion of the culture of the “Rom” and/or “nomadic” populations

# **The “new scenario”: the government policy and its legal expressions**

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- The increased national visibility of the Roma issue following the accession of Romania to the EU
- The statements on the “Nomadic settlements” in the electoral programme of the present government
- The may 2008 declaration of the “state of emergency” in the regions of Campania, Lombardia and Lazio

# The “emergency decree”: formal structure

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- Declaration of the state of emergency because of a “situation of *grave allarme sociale*, with possible serious consequences with regard to public order and security for the local populations”
- Specific ordinances, with appointment of commissioners, for each of the regions involved
- Later guidelines of the ministry of the interior for the implementation of the ordinances

# The “emergency ordinances”: substantive content

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- Medium term actions for the improvement of the situation of the subjects concerned
- Immediate action aimed at:
  - Monitoring of authorized sites and localization of illegal sites
  - Identification and census-taking of persons, including minors [the “fingerprinting” issue]
  - “Necessary police measures” against persons illegally staying, and eviction of illegally occupied areas
  - Actions against illegal commerce, begging and prostitution, particularly by minors

## Who is concerned ?

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- *“Insediamenti di comunità nomadi”*
- The mixed use of “Rom” and “nomad” in official government statements
- The use of the terms “Rom” and “nomad” in previous regional legislation
- The bills pending in parliament dealing with “nomads”: the cultural profile of the “nomad”
- The links with the new *“decreto sicurezza”*

# The ordinances in court

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- Uncertain questions, uncertain answers
- Legal formalism
- What kind of discrimination ? What prejudice ?  
What court ?
- Political v. legal significance
- Policies for the control of Romani presence in  
the shadow of the ordinances
- What potential for antidiscrimination litigation  
on behalf of the Roma in Italy ?

# Italian dilemmas

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- Open anti-Romani policies and the potential of legal action
- Hidden anti-Romani policies and the limits of legal action