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”

- 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

• 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

- 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

- 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?

- “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

- 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

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