

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

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October 5, 2009

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