

Press Release

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Italy: "Immigration policy must be based on human rights principles and not only on perceived security concerns", says Commissioner Hammarberg presenting a special report

Strasbourg, 29.07.2008 – "Concern about security cannot be the only basis for immigration policy. Measures now being taken in Italy lack human rights and humanitarian principles and may spur further xenophobia,". With these words, the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, published a report based on his special visit to Rome 19 and 20 June. The visit took place following a series of anti-Roma and anti-Sinti protests, which were occasionally very violent, and the rapid adoption or preparation of legislation, which notably aimed to introduce further controls of the freedom of movement of Roma and Sinti, the criminalisation of irregular immigration and additional restrictions on immigration.

The Commissioner voiced strong concern at the "security package" that appears to target Roma immigrants, and at the declaration of states of emergency in three Italian regions. "Roma and Sinti are in urgent need of effective protection of their human rights, including their social rights, such as the right to adequate housing and to education" he said. "Adopting the state of emergency and providing greater powers to the "Special Commissioners" and the police is not the right approach to deal with the needs of Roma and Sinti populations." In forwarding his Memorandum today, the Commissioner expressed his serious concern at the expected extension of the state of emergency to the whole territory.

Mr Hammarberg also criticised the decision to criminalise migrants' entry and irregular stay. He sees this as a worrying departure from established international law principles. "These measures may make it more difficult for refugees to ask for asylum and is likely to result in a further social stigmatisation and marginalisation of all migrants - including Roma," he said.

Commissioner Hammarberg also noted with grave concern that Italy had forcibly returned migrants to certain countries with proven records of torture. Referring in particular to the case of a Tunisian citizen expelled by order of the Minister of Interior, under the law on emergency measures to combat terrorism, Mr Hammarberg again opposed such decisions taken on the basis of diplomatic assurances. He also recalled that when individuals facing deportation have applied to the European Court of Human Rights, states must comply with any request by the Court to suspend deportation pending its examination of the case "The right of individual application is a cornerstone of the European system of human rights protection." he said.

Finally, the Commissioner urged the Italian authorities to proceed promptly to the establishment of an effective national human rights institution, in order to reinforce the system of protection in the country.

The report has been submitted in draft form to the Italian government which in turn responded with comments. The full reply from the government is appended to the final version of the Commissioner's report. It is available on the [Commissioner's website](#)

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A political organisation set up in 1949, the Council of Europe works to promote democracy and human rights continent-wide. It also develops common responses to social, cultural and legal challenges in its 47 member states.

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The Commissioner for Human Rights is an independent, non-judicial institution within the Council of Europe, mandated to promote awareness of, and respect for, human rights in the 47 member States of the Organisation. Elected by the Parliamentary Assembly of the Council of Europe, the present Commissioner, Mr Thomas Hammarberg, took up his function on 1 April 2006.