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Guide lines for the implementation of the ordinances of the President of the Council of Ministers 30/05/2008,N.3676, 3677 and 3678, regarding settlements of nomad communities in the Regions Campania, Lazio and Lombardy.

Setting and aim of the activities:

The adoption of the ordinances of civil defence, in enforcement of the declaration of the emergency status for the criticality related to the settlements of the nomad communities in Region Campania, Lazio and Lombardy, it is determined, as it is known, by the serious situation of hygienic, sanitary and socio-environmental degradation, registered in the illegal settlements as well as in the authorized.

The situation of serious degradation is old in time. In different occasions the international organisms in charge of protecting human rights invited Italy to solve these above mentioned problems. In particular, the resolution EU 31 January 2008, regarding a new European strategy on the Roma, solicited the Member States to solve the phenomenon of the shanty-towns and the illegal camps, which lack hygienic rules and security and where a great number of children die in domestic accidents, especially fires, caused by the lack of adequate safety laws.

In this perspective, the ordinances should be considered, primarily, aimed to establish measures directed to remove the situation of degradation and to promote liveable conditions according to legality, for the above considered communities, consenting them access to social, assistance, medical and educational services, moreover for minors, mainly exposed to risks of abuse or exploitation.

This also aimed protect public security and the persons living in these settlements, recently hit by episodes of intolerance and xenophobia that invested the territory of the capital as well as the other three regions.

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Fundamental principles.

The implementation of the ordinances must be carried out if full respect of fundamental rights and human dignity, in conformity to the general principles of the legal order and European Union directives, as clearly recalled in the ART.' of the provisions.

In this sense, the operations entrusted by the Commissaries should not concern specific groups, subjects, or ethnicities but to all of them located in the settlements, authorized or unauthorized, whichever is the nationality or the faith. It will be responsibility of the Commissaries proceeding in order to avoid effects that might be considered directly or indirectly discriminative.

Monitoring of the settlements and census of persons and family groups.

The activity of census foreseen by the article 1, comma 2, sub.c), of the ordinances must be considered as an instrument to reach social, welfare and integration aims, but also to design the capacity and typology of the necessary interventions to propose subsequent initiatives, when possible, with rapidity. This activity will start with monitoring and determining the exact location of the settlements, authorized and illegal. Next to the complex monitoring of the composition, especially numeric, of the settlements it is necessary then to concretize the survey on the presences, eventually through a specific *news-sheet* that, while taking into account diverse specificity at local level, will contain only necessary information in conjunction with goals described, in respect of fundamental rights and human dignity, with the exclusion of any not pertinent data, in particular these related to ethnicity and religion. About the data on health, although the answers are optional, these considered necessary in a future perspective of intervention aimed to prevention and medical assistance can be collected.

About the treatment of data collected this way, it is reaffirmed that no *data base* will be created, in the respect of the national and international laws on the *privacy*. The information collected must be destined to be saved or archived foreseen for the

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citizens' generalities, in the responsibility of these Subjects authorized to collect those (Registry Offices, Police Offices, Social Offices, ASLs-Local Health Trusts etc).

Identification.

To guarantee the necessary identification- to protect the right to the identity of a person- the ordinances envisage that it is possible to proceed also towards minors and in relation to the needs sub mentioned, also with identity screening

(involving photographing, fingerprinting or the gathering of anthropometric data).

Even remaining in the discretion of the Commissaries to determine what form or recognition should be adopted, in relation to the aim to make the identification possible, it should be added that fingerprinting data must be carried out, according to the regular procedures in accordance with the legislation in force, in case the identification, that must be ascertained, won't be possible on the base of documents at disposal and plausible circumstances, based on what is described by the Consolidated Law on Public Security and related to the regulation of execution.

Once again, it is reminded that all the procedures must be carried out in the respect of the person and in conditions of discretion.

Specific attention, according to the sensitiveness of the operation, must go with the identification of minors, which will be carried out, through these surveys, whether necessary to protect them, also in relation to parental's abuses or self-defined parents. In particular, the acquisition of finger's prints could be related to subjects older than 14 years of age, except if it won't be possible identifying in a different way. For the minors of that age, but older than 6, the finger's prints could be taken only in order to issue a residence permit, where requested by the ones who exercise its rights, in accordance with what established by the EU.n.380/2008, or to be more precise, in the necessary cases, though the connection with the competent Public prosecutor's office at the Juvenile Court and through the Criminal Investigation Department, for these minors abandoned or suspected victims of offence.

All the data composed should not be object of an independent collection, but saved in the archives foreseen by the ordinance as, for example, the archive of foreigners of the Police Headquarter and of the Prefecture, for these ones who start the procedure to obtain the residence permit, or the citizenship for the ones who request its recognition.

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Data already collected.

It is to be considered, about the data collected until now, that where treated in discordance with the above mentioned indications, they wouldn't be ulterior used e/or saved.

Activities of prevention, removals and expulsions.

Data available in matter of settlements of nomad communities, in specific areas of the Country, show that these are not homogeneous in the composition and result to be a result of an aggregation that happened during the time, of subjects belonging to different ethnicities and nationalities, including the Italian. Mostly involves people with no fixed abode that move on the territory creating unauthorized temporary settlements.

The interventions of reconnaissance, identification and census could lead also to the recognition of subjects appointed with measures restrictive of personal freedom, non EU citizens not regularly settled on the territory of the State and /or EU citizens for which subsists imperative reasons related to public security or other circumstances described by the law that justify the ousting, for those it would be possible to adopt immediately the related measures, described by the law in force.

The activity is necessary to locate persons that could be legitimate and leave in the authorized settlements and it is aimed to eliminate, as well, all the unauthorized settlements.

Specifically about the data treatment, aimed to the protection of security according to the instruments of prevention and repression of crimes, it is operated so that the information will be collected as normality, addressed to judiciary and police canals as described by the regulations in force.

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Italian Red Cross.

The ordinances of the President of the Council of Ministers say that, for the best effectiveness of the actions in their competency, The Commissaries delegated can activate the necessary forms of collaboration, also with the Italian Red Cross.

In consideration with the aims or the ordinances, oriented first of to the resolution of problems related to humanitarian and assistance matters, this form of collaboration it can be proposed, taking in account the contribution that this Organism can guarantee in terms of health conditions, of fragile categories, as minors, pregnant women and old people, and also to start where necessary forms of prophylaxis.

The Commissaries invest the Italian Red Cross as responsible of the treatment of data collected during their collaboration, treatment that must assure, in the respect of the dispositions in force, the discretion of sensitive data and the exclusive use according with was anticipated.

Re-establishment of social and health services, insertion and social integration, integrated projects for minors, school and professional start up.

The interventions sustaining the reestablishment of social and health services and, in general, the inclusion and the integration though educational and vocational projects, have a great importance also in order to establish a permanent solution to the problems emerged. The role played by the Commissaries, in this sense, is very furthermore important because of the function connected to the mission to establish more profitable relations with the Municipalities and with other territorial bodies, but also with educational institutions and other actors, associative and volunteeristic components in order to reach these goals.

In this sense, the Commissaries will be in charge, in addition, of informing the government Authority on the necessity of ulterior interventions to be promoted, eventually with the participation of the state Administration's central structures.

Rome, July 17th. 2008

