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8 September 2009

Mr Jacques Barrot
Vice-President of the European Commission
Responsible for Justice, Freedom and Security
European Commission
B-1049 Brussels
Fax: +32 (0)2 298 15 99

Re: EC position on fingerprinting of Roma in Italy

Honourable Commissioner Barrot,

The European Roma Rights Centre (ERRC), a public interest law organisation working to promote the rights of Roma in Europe, and the Open Society Institute Justice Initiative (OSJI) are writing today to request clarification of the European Commission (EC)'s position on the fingerprinting of Roma in Italy, as reported by international media following a press conference hosted by the EC during the week of 1 September 2008.

The ERRC and the OSJI are deeply concerned about media reports quoting Commission spokesperson Michele Cercone as having stated that the EC was "satisfied that in conducting a census of Roma gypsies in camps as part of its crackdown on street crime since coming to power in May, the Berlusconi Government was not seeking 'data based on ethnic origin or religion'. The controversial fingerprinting programme had the sole aim of 'identifying persons who cannot be identified in any other way'. [...]"¹ We are concerned that the Commission's endorsement of the actions by the Italian government against Roma could set a dangerous precedent, stigmatising Roma in Italy and exposing them to gross human rights violations.

Noting that neither the Italian government's report explaining the measures to the European Commission nor the legal analysis of whether the Italian government actions are compatible with EU law have been made publicly available, the ERRC and the OSJI underline the following points:

The campaign for fingerprinting Roma in Italy is a direct outcome of the security measures enforced by the Italian government in 2008 and in earlier years. A number of legal acts adopted in this period are prima facie discriminatory against Roma, including explicitly identifying Roma—

¹ <http://www.timesonline.co.uk/tol/news/uk/article4674724.ece>.

referred to as “nomadic communities” by the Italian authorities—as a security threat. The adoption of these measures took place in the midst of an aggressive anti-Romani campaign featuring statements by high ranking politicians and media stigmatising Roma as criminals. Absent further information, under these circumstances, the fingerprinting measures appear to be discriminatory in both their intent and effect. The intensified screening of Roma by Italian authorities is clearly based on the generalised notion of this ethnic group’s criminal behaviour and as such, it is a serious violation of international human rights law.

The most notorious security measures which directly discriminate against Roma include:

- The emergency decree “Declaration of the state of emergency in relation to settlements of the nomad communities in Campania, Lazio and Lombardia” of 21 May 2008. The decree declared a state of emergency in the three regions until 31 May 2009, singling out Roma whose presence is defined as resulting in situations of an “extreme critical nature” and of “serious social alarm”. Based on this decree, the Prefects of the respective regions are given the functions of Special Commissioners, with power to carry out censuses of the persons living therein.
- The Pacts of Security adopted by a number of Italian cities in 2006 and 2007 aimed at cracking down on crime and illegal immigration. A number of these Pacts foresee measures specifically targeted at Roma communities throughout the country. The most controversial Pacts, for Rome and Milan, envisage massive eviction of Roma, their segregation in “solidarity villages”, and heavy police presence in the areas inhabited by Roma.

In the period following the adoption of these measures, according to fact-finding carried out by the ERRC as well as Italian non-governmental organisations, police launched large scale, abusive raids on Romani camps, demolished camps and forcibly evicted their inhabitants, destroying personal belongings in the process. Although the Italian Government is reported to have told the European Commission that “fingerprinting was carried out in strictly necessary cases and as the ultimate possibility of identification,” (according to The Times Online² and the Italian national information agency, ANSA),³ in the days following the decision of the Minister of Interior, police forces reportedly fingerprinted indiscriminately all Roma in camps in Milan, Rome and elsewhere, including Romani adults and children in possession of identity documents.

Numerous civil society organisations across Europe, as well as a number of United Nations and European human rights monitoring institutions, have expressed concern about the escalation of discriminatory acts against Roma in Italy. Most recently, the fingerprinting of Roma in Italy has been criticised by the Council of Europe’s Commissioner for Human Rights who “spoke out against the discriminatory nature of this measure, especially as regards children”.

At this point, the ERRC also notes that a lawsuit against the Italian Government, Ministry of Interior and authorities of Lombardia, Lazio and Campania Regions was filed as of 31 July 2008 before Italian Courts. The lawsuit, filed on behalf of the ERRC and a Romani family composed of 14 members, requests a declaration on the illegality of the impugned acts, hence their annulment, as well as the immediate suspension of the Emergency Decree and consecutive measures and actions taken by the Italian authorities. No doubt, statements like Michele Cercone’s not only embolden the Italian Government to continue its actions unabated and with impunity, but might also negatively influence the course of proceedings before domestic courts.

² <http://www.timesonline.co.uk/tol/news/uk/article4674724.ece>.

³ ANSA report of 4 September 2008.

Honourable Commissioner Barrot,

The ERRC and the OSJI call on the European Commission to make public both the Italian authorities' report explaining the measures, as well as the Commission's analysis of the information, which apparently led it to endorse the Italian Government's actions. We also urge the European Commission to proceed with a thorough scrutiny of the situation of Roma in Italy and take the necessary legal steps to enforce compliance of the Italian state with non-discrimination standards contained in EU law.

We look forward to a response from your office and public disclosure of the relevant documents by 12 September 2008, ahead of the EU Roma Summit.

Respectfully,

Savelina Danova
Acting Executive Director
European Roma Rights Centre

Jim Goldston
Executive Director
Justice Initiative

The European Roma Rights Centre (ERRC) is an international public interest law organisation engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma. The approach of the ERRC involves, in particular, strategic litigation, international advocacy, research and policy development, and training of Romani activists. The ERRC is a cooperating member of the International Helsinki Federation for Human Rights and has consultative status with the Council of Europe, as well as with the Economic and Social Council of the United Nations.

www.errc.org

The Open Society Justice Initiative, an operational program of the Open Society Institute (OSI), pursues law reform activities grounded in the protection of human rights, and contributes to the development of legal capacity for open societies worldwide. The Justice Initiative combines litigation, legal advocacy, technical assistance, and the dissemination of knowledge to secure advances in five priority areas: national criminal justice, international justice, freedom of information and expression, equality and citizenship, and anticorruption. Its offices are in Abuja, Budapest, and New York.

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